NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA

Wednesday, December 3, 2025, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless such consideration is approved. Any items on this agenda not considered this evening will be continued to a future meeting.

Copies of the agenda packet are available for review at the Pacific Grove Library, in the Finance Department, and electronically at www.cityofpacificgrove.org/agendas. The most effective method of communication with the City Council is by sending an email to citycouncil@cityofpacificgrove.org. In order to allow the City Council adequate time to review communication related to an agenda item, it is recommended that the communication be sent no later than 9:00 AM on the day prior to the City Council meeting. Public comments received through this email address by noon on the day of the meeting will be posted with the corresponding agenda item.

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. This is a warning that if a member of the public attending this meeting remotely or in-person violates the Brown Act by failing to comply with these requirements of the Brown Act, then the Mayor or Chair may request that speaker be muted. If a member of the public attending this meeting in-person engages in disruptive behavior that disturbs the orderly conduct of the meeting, they may be removed from the meeting after a warning, pursuant to Council Policy 000-17.

PACIFIC GROVE COUNCIL MEETINGS ARE CONDUCTED IN PERSON AT CITY HALL COUNCIL CHAMBER AND VIRTUALLY.

PLEASE NOTE THE MEETING WILL PROCEED AS NORMAL EVEN IF THERE ARE TECHNICAL DIFFICULTIES ACCESSING ZOOM.
THE CITY WILL DO ITS BEST TO RESOLVE ANY TECHNICAL ISSUES AS QUICKLY AS POSSIBLE.

THE PUBLIC MAY ALSO VIEW THE MEETING ON PENINSULA CHANNEL 25.

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_CC

Please click here for directions to dial into the meeting audio.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Amelio

1. **APPROVAL OF AGENDA**

2. **PRESENTATIONS**

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

   A. Other

4. **GENERAL PUBLIC COMMENT**

General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda, only if you do not wish to have the item pulled for individual consideration by the Council. Comments from the public will be limited to three minutes and will not receive Council action. Comments regarding items on the Regular Agenda shall be heard prior to Council's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.

   A. Written General Public Comment

CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions, ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of Council, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of their respective section within the Regular Agenda. One motion shall be made to adopt all non-removed items on the Consent Agenda.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business

   A. Minutes of City Council November 5, November 12, and November 19, Special and Regular Meetings

   Reference: Sandra Kandell, City Clerk **PG 6**

   Recommended Action: Approve minutes.

   CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

7. **ORDINANCES**
Items pulled from this section will be placed under 11. Public Hearings

A. Second reading of an Ordinance to Amend the Salary Schedule (Minimum Wage) **PG 22**
Reference: Staphany Arriola, Management Analyst, Leticia Livian, Human Resources Director
Recommended Action: Hold second reading and adopt an ordinance to amend the salary classification schedule modifying salary ranges for Cashier, Intern, Lighthouse Docent Coordinator, and Recreation Assistant I.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

8. **REPORTS – INFORMATION ONLY**
Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

9. **REPORTS – REQUIRING ACTION**
Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. Legal Services Agreement with Fenton & Keller, LLP **PG 26**
Reference: Matthew Mogensen, City Manager
Recommended Action:

1. Approve legal services agreement with Fenton & Keller, LLP for City Attorney and Assistant City Attorney positions.
2. Direct staff to take an alternative action.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Proposed Agreement for Legal Services with Burke, Williams & Sorensen, LLP **PG 54**
Reference: Matthew Mogensen, City Manager
Recommended Action: Motion to authorize the Mayor to execute the Proposed Agreement for Legal Services with Burke, Williams & Sorensen, LLP.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Amendment to Agreement with HdL for Cannabis Services **PG 57**
Reference: Joyce Halabi, Deputy City Manager
Recommended Action: Authorize an amendment to the agreement with HdL Companies for Cannabis Services increasing to increase the total contract amount by $26,000.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

D. Agreement Amendment with Robert Half for Temporary IT Staffing **PG 59**

Reference: Mohammed Khasimi, Chief Information Officer

Recommended Action: Staff recommends that the Council approve the amendment to increase the agreement with Robert Half Inc. by $60,000, extending temporary IT staffing services until March 31, 2026. If approved, the contract will be amended accordingly.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES** *Items pulled from this section will be placed under 13. New Business*

A. Recreation Board Meeting Minutes: June 26, 2025 and July 24, 2025 **PG 61**

Reference: Katie Clark, Recreation Manager

Recommended Action: Receive the minutes.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

For public hearings involving a quasi-judicial determination by the Council, the proponent of an item may be given 10 minutes to speak and others in support of the proponent's position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council. In public hearings not involving a quasi-judicial determination by the Council, all persons may be given three minutes to speak on the matter.

A. Pacific Grove 2023-2031 Housing Element Update **PG 66**

Reference: Community Development Director

Recommended Action:

1. Adopt the resolution of the City Council certifying the Final EIR,
2. Adopt the resolution of the City Council approving the "Project', which includes amending the text, policies, figures, and maps of the Pacific Grove General Plan to adopt the 2023-2031 Housing Element; amending the Land Use and Health and Safety Elements and the Land Use Map; adopting the CEQA Findings of Fact, including a Statement of Overriding Considerations; and adopting the Mitigation Monitoring and Reporting Program (MMRP), and
3. Request the City Attorney read the title of the ordinance;
4. Motion to waive further reading of the ordinance;
5. Introduce and hold first reading of an ordinance of the City Council adopting amendments to Title 23, Zoning, of the Pacific Grove Municipal Code and the Zoning Map.
6. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

CEQA: Environmental Impact Report

12. **UNFINISHED AND ONGOING BUSINESS**

13. **NEW BUSINESS**

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

ADJOURNMENT

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Sandra Kandell, City Clerk/DEI Coordinator

MEETING DATE: December 03, 2025

SUBJECT: Minutes of City Council November 5, November 12, and November 19, Special and Regular Meetings

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve the minutes.

Attachments

Draft Minutes 11-5-25

Draft Minutes 11-12-25

Draft Minutes 11-19-25

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE
SPECIAL STUDY SESSION

Wednesday, November 5, 2025, 4:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

YOU MAY VIEW THE MEETING LIVE VIA ZOOM AT:
https://www.cityofpacificgrove.org/Zoom_CC

CALL TO ORDER
Mayor Smith called the meeting to order at 4:01pm. Present in Chamber: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri, Rau, and Walkingstick.

REGULAR AGENDA
Upon Motion by Mayor Pro Tem Amelio and second by Councilmember Rau, Council voted 7-0, to approve the Special Study Session Agenda.

1. **UNFINISHED AND ONGOING BUSINESS**

A. 5 Year CIP & Identified Infrastructure Needs
Public comment received from Andy Kubica, Vincent Turminello, and Inge Lorentzen Daumer.

Action: Received report
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

DRAFT

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL CLOSED SESSION MEETING

Wednesday, November 5, 2025, 5:30 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

Join the Zoom Meeting to participate live at:
https://www.cityofpacificgrove.org/Zoom_Closed

CALL TO ORDER
Mayor Smith called the meeting to order at 5:31 p.m. Present in Chamber: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri, Rau, and Walkingstick.

APPROVAL OF THE AGENDA
Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Rau, Council voted 7-0 to approve the Special Meeting Agenda.

SPECIAL CLOSED SESSION MEETING

PUBLIC COMMENT ON SPECIAL CLOSED SESSION MEETING MATTERS
Public comment received from Jane Haines.

A. Public Employee Appointment (Government Code § 54957)
Title: City Attorney

DRAFT

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING

Wednesday, November 5, 2025, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_CC

DRAFT

CALL TO ORDER
Mayor Smith called the meeting to order at 6:15 p.m. Present in Chamber: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri, Rau, and Walkingstick.

PLEDGE OF ALLEGIANCE
Councilmember Walkingstick led the pledge of allegiance.

1. **APPROVAL OF AGENDA**
   Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Poduri, Council voted 7-0, to approve the Regular Meeting Agenda.

2. **PRESENTATIONS**
   A. Safe Streets Together Monterey County Campaign
   Action: Received a presentation.
   CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
   A. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**
   General public comment received from Susan Goldbeck, Moe Ammar, Julia Chaland, Sally Moore, Sam, Jameson, Nina Bates, Colleen Ingram, Lisa Ciani, and Jane Haines.

   A. Written General Public Comment

CONSENT AGENDA
Action: Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Poduri, Council voted 7-0 to approve the Consent Agenda.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**
   A. Minutes of City Council October 15, 2025 Special and Regular Meetings
   Action: Approved the minutes.
   CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Minutes of the October 28, 2025 City Council Special Meeting
Action: Approved the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

A. Proposed approval of a resolution establishing Council Policy 200-6M and 200-6N, and repealing Council Policies 200-6B, 200-6K, 200-6
Action: Approved Resolution 25-024 establishing Council Policy 200-6M and 200-6N, and repealing Council Policies 200-6B, 200-6D, 200-6K.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. League of California Cities Voting Delegate and Alternate(s) Policy 000-029
Action:
1. Adopted Resolution 25-025 amending City Council Policy 000-29 regarding League of California Cities Voting Delegate and Alternate(s); and
2. Approved Policy 000-29 amending the selection of the League of California Cities Voting Delegate and Alternate(s).

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Allocation of available potable water from the Pacific Grove Local Water Project and the Pure Water Monterey Ground Water Replenishment Project.
Action: Adopted Resolution 25-026 allocating available potable water and noted that if changes to the allocation are desired or necessary in the future, staff will return to the City Council with a new resolution that assigns different amounts of water among the five categories.
CEQA: Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

7. **ORDINANCES**

A. Second Reading of Ordinance to Amend the Fiscal Year 25/26 Operating and Capital Improvement Budget
Action: Held second reading and adopted Ordinance 25-020 amending the operating and capital budget for the Fiscal Year 2025-26.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

8. **REPORTS – INFORMATION ONLY**

A. Monterey-Salinas Transit Minutes for September 8, 2025
Action: Received minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Summary of Cal Cities Conference Attendance
Action: Received the report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

DRAFT

C. 2025 CalCities Annual Conference Report
Action: Received the report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**

A. Approve an update to the Monterey Regional Storm Water Management Program (MRSWMP) Memorandum of Agreement (MOA) with Monterey One Water
Action: Approved the City of Pacific Grove to execute the 2025 Monterey Regional Stormwater Management Program (MRSWMP) Memorandum of Agreement (MOA) with Monterey One Water.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Police Department Building Roof Repairs
Action: Authorized an agreement with Premo Roofing for the removal of the existing roof and the re-roofing of the Pacific Grove Police Department building, for an amount of $58,940.00 plus a 15% contingency.
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

C. Fire Station Alerting System
Action: Authorized an agreement with US Digital Designs by Honeywell International, Inc. for the purchase and installation of a new station alerting system in Fire Station 14, for an amount of $142,724.25.
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

D. Contract Amendment No. 2 for Professional Services with Municipal Resource Group, LLC (MRG)
Action: Approved Amendment No. 2 to a Professional Services Agreement with Municipal Resource Group, LLC (MRG), increasing the current contract by $17,990.00 for a total not to exceed amount of $68,163.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

A. Architectural Review Board Meeting Minutes: September 9, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Beautification and Natural Resources Commission Meeting Minutes: March 18, April 15, May 20, July 15, August 19, September 16, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

DRAFT

C. Diversity, Equity and Inclusion Minutes: August 11, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

D. Historic Resources Committee Meeting Minutes: May 28, June 25, July 23, and August 27, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

A. Adoption of a Resolution Establishing Fees and Charges for Hearing Examiner Services, and Extending the Term of Water Entitlement Discounts through June 30, 2026
Public comment received from Inge Lorentzen Daumer.

Action: Upon motion by Councilmember Poduri and seconded by Mayor Pro Tem Amelio, Council voted to adopt Resolution No. 25-027 Establishing Fees and Charges for Hearing Examiner Services and Extending the Term of Water Entitlement Discounts through June 30, 2026.

Motion carried 7-0 by the following vote:

Ayes: Mayor Smith, Mayor Pro Tem, Councilmembers Garfield, McDonnell, Poduri, and Walkingstick.
Noes: None.
Absent: None.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

12. **UNFINISHED AND ONGOING BUSINESS**

A. Historic Resources Inventory and Issue of Property Owner Consent
Public comment received from Lisa Ciani, and Inge Lorentzen Daumer.

Action: Upon motion by Councilmember Walkingstick and seconded by Mayor Pro Tem Amelio, Council voted 6-1 to receive and file the agenda report regarding Historic Resources Inventory and Issue of Property Owner Consent.

Motion carried 6-1 with the following roll-call vote:

Ayes: Mayor Smith, Mayor Pro Tem Amelio, Councilmember, McDonnell, Poduri, Rau, and Walkingstick.
Noes: Councilmember Garfield.
Absent: None.

DRAFT

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Combining the Architectural Review Board and Historic Resources Committee.
Public comment received from Lisa Ciani, Kim, Inge Lorentzen Daumer, and Arnaud Teil.

Action: Upon motion by Mayor Pro Tempore Amelio and seconded by Councilmember Rau, Council voted to concur with staff's recommendation on the membership criteria for the combined Architectural Review Board (ARB) and Historic Resources Commission (HRC), subject to the following modifications and direction:

1. One member each from the construction and design trades categories (two total) are not required to be residents of Pacific Grove.
2. Include language in the introduction to the member criteria that underscores the importance of having members with experience or interest in historic preservation.
3. Designate the newly formed commission as the "Historic and Architectural Resources Commission" (HARC).
4. In conjunction with drafting the ordinances that establish the HARC, evaluate the process leading to the addition of a property on the Historic Resources Inventory (HRI) and identify how the process can be made consistent and streamlined.

Motion carried 5-2 with the following roll-call vote:

Ayes:	Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, Poduri, and Rau.
Noes:	Councilmembers McDonnell and Walkingstick.
Absent:	None.

CEQA: Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

13. **NEW BUSINESS**

14. **FULL PRESENTATIONS**

A. Flock Camera Presentation by Brian Anderson, Commander
Public comment received from Debby Beck, and Colleen Ingram.
Action: Received report.

15. **CLOSED SESSION**

A. Conference with Legal Counsel – Anticipated Litigation ***This item was removed from the Agenda.***
Significant exposure to litigation (Government Code §54956.9(d)(2))
Number of Cases: One Case

DRAFT

ADJOURNMENT
Council adjourned the regular meeting at 8:31p.m.

Respectfully Submitted,

Staphany Arriola, Management Analyst (Confidential) for
Sandra Kandell, City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

DRAFT

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL CLOSED SESSION MEETING

Wednesday, November 12, 2025, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

Join the Zoom Meeting to participate live at:

https://www.cityofpacificgrove.org/Zoom_Closed

CALL TO ORDER

Mayor Smith called the meeting to order at 6:00 p.m. Present in Chamber: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri and Walkingstick. Absent: Councilmember Rau.

APPROVAL OF THE AGENDA

Upon motion by Mayor Pro Tem Amelio and second by Councilmember Poduri, Council voted 6-0-1, Councilmember Rau absent, to approve the Special Closed Meeting Agenda.

SPECIAL CLOSED SESSION MEETING

PUBLIC COMMENT ON SPECIAL MEETING MATTERS

No public comment received.

A. Conference With Legal Counsel--Anticipated Litigation Initiation of litigation pursuant to Government Code Section 54956.9 (d)(4) (One potential case)

ADJOURNMENT

Respectfully submitted,

Staphany Arriola, Management Analyst (Confidential) for
Sandra Kandell, City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

DRAFT

DRAFT MEETING MINUTES

CITY COUNCIL

SPECIAL MEETING

Wednesday, November 19, 2025, 5:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

Join the Zoom Meeting to participate live at:
https://www.cityofpacificgrove.org/Zoom_Closed

CALL TO ORDER
Mayor Smith called the meeting to order at 5:00 p.m. Present in Chamber: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri, Rau and Walkingstick.

APPROVAL OF THE AGENDA
Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Rau, Council voted 7-0 to approve the Special Meeting Agenda.

SPECIAL MEETING

PUBLIC COMMENT ON SPECIAL MEETING MATTERS
No public comment received.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:
Property: City Parking Lot #4 located at168 Forest Avenue, Pacific Grove, California Agency negotiator: City Manager Matt Mogensen
Negotiating parties: Lisa Weiman
Under negotiation: Price and Terms of Payment for Lease of portion of the Property for outdoor dining area.

DRAFT

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING

Wednesday, November 19, 2025, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_CC

CALL TO ORDER
Mayor Smith called the meeting to order at 6:00 p.m. Present in Chamber: Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri, Rau, and Walkingstick.

PLEDGE OF ALLEGIANCE
Councilmember McDonnell led the pledge of allegiance.

1. **APPROVAL OF AGENDA**
Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Poduri, Council voted 7-0 to approve the Regular Meeting Agenda.

2. **PRESENTATIONS**
A. Certificate of Recognition in Honor of Richard Stillwell
Action: Presented certificate.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
A. Report on Closed Session by City Attorney

Conference With Legal Counsel--Anticipated Litigation Initiation of litigation pursuant to Government Code Section 54956.9 (d)(4) (One potential case)

City Attorney Brian Pierik reported on the above November 12, 2025 special meeting agenda item stating no reportable action was taken.

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8
Property: City Parking Lot #4 located at168 Forest Avenue, Pacific Grove,
California Agency negotiator: City Manager Matt Mogensen
Negotiating parties: Lisa Weiman
Under negotiation: Price and Terms of Payment for Lease of portion of the Property for outdoor dining area.

City Attorney Brian Pierik reported no action was taken on this item.

DRAFT

B. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**
General public comment received from Jean Anton, Mike Gibbs, Andrew Kubica, and Lisa Ciani.

A. Written General Public Comment

CONSENT AGENDA

Action: Consent Agenda item 9B was pulled and considered immediately following the Consent Agenda.

Action: Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Walkingstick, Council voted 7-0 to approve the Consent Agenda as modified.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**

6. **RESOLUTIONS**

7. **ORDINANCES**

8. **REPORTS – INFORMATION ONLY**

A. Check Register and Interim Financial Report - October 2025
Action: Received the Check Register and Interim Financial Report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. FY26 Q1 Quarterly Treasurer's Report
Action: Received the report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Community Human Services Highlights for October 16, 2025
Action: Received the highlights.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

D. Monterey Salinas Transit Meeting Minutes for October 13, 2025
Action: Received minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**

A. Extension of Agreement with The Pun Group LLP for Independent Financial Audit Services
Action: Approved an Extension of Agreement with The Pun Group LLP for Independent Financial Audit Services for two additional Fiscal Years through March 31, 2028
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines

DRAFT

Section 15378

B. Cedar, Sunset & Congress Intersection Improvements Project Contract Amendments ***This item was pulled and considered immediately following the Consent Agenda.***
Reference: Daniel Gho, Public Works Director/Deputy City Manager
Recommended Action:
1. Authorized the execution of Amendment #1 with the Transportation Agency for Monterey County (TAMC) to increase the funding agreement by $137,961 for the Cedar, Sunset, and Congress Intersection Project.
2. Authorized the execution of Amendment #2 with GHD for an amount of $340,387 for the Cedar, Sunset and Congress Intersection Project, to continue with the Design Engineering Evaluation Report, for a roundabout at the intersection.
3. Alternatively, discuss and take other action related to this item
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

A. Architectural Review Board Meeting Minutes: October 14, 2025.
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Library Board Regular Meeting Minutes: September 2, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Recreation Board Minutes: February 27, March 27, and April 34, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

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9.B. Cedar, Sunset & Congress Intersection Improvements Project Contract Amendments ***This item was pulled and considered immediately following the Consent Agenda.***
Public comment received from Beth Shammas, Susan Goldbeck, Mike Gibbs, Colleen Ingram, and Inge Lorentzen Daumer.

Action: A motion by Councilmember Walkingstick to disapprove authorizing the execution of Amendment #1 with the Transportation Agency for Monterey County (TAMC) to increase the funding agreement by $137,961 for the Cedar, Sunset, and Congress Intersection Project; disapprove authorizing the execution of Amendment #2 , and to discontinue with the Design Engineering Evaluation Report for a roundabout for the Cedar, Sunset and Congress Intersection Project died for lack of a second.

DRAFT

Action: Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Rau, the Council voted to
1. Authorize the execution of Amendment #1 with the Transportation Agency for Monterey County (TAMC) to increase the funding agreement by $137,961 for the Cedar, Sunset, and Congress Intersection Project; and
2. Authorize the execution of Amendment #2 with GHD for an amount of $340,387 for the Cedar, Sunset and Congress Intersection Project, to continue with the Design Engineering Evaluation Report, for a roundabout at the intersection.

Motion carried 6-1 by the following roll call vote.

Ayes:	Mayor Smith, Mayor Pro Tem Amelio, Councilmembers Garfield, McDonnell, Poduri, and Rau.
Noes:	Councilmember Walkingstick.
Absent:	None.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

A. Ordinance to Amend the Salary Schedule (Minimum Wage)
No public comment received.

Action: Mayor Smith requested the City Attorney read the title of the ordinance.

Action: Upon motion by Councilmember Rau and seconded by Councilmember Rau, Council voted 7-0 to

2. Waived further reading of the ordinance;
3. Introduce and hold first reading of an ordinance to amend the salary classification schedule modifying salary ranges for Cashier, Intern, Lighthouse Docent Coordinator and Recreation Assistant I; and
4. Direct a summary of a proposed ordinance be published as approved by the City Attorney.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

12. **UNFINISHED AND ONGOING BUSINESS**

13. **NEW BUSINESS**

A. Review of Five-Year Operating and Capital Forecast, Infrastructure Needs and Public Engagement Agreement
Public comment received from Beth Shammas, Mike Gibbs, Andrew Kubica, Inge Lorentzen Daumer, and Karl Lindstrom.

Action: Upon motion by Mayor Pro Tem Amelio and seconded by Councilmember Rau,

DRAFT

Council voted 7-0 to approve a Professional Services Agreement with Props & Measures for ballot measure feasibility, preparation and outreach services in a not-to-exceed amount of $141,530.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Approval Of the California Employers' Pension Prefunding Trust (CEPPT) Participation Agreement with CalPERS
Public comment received from Karl Lindstrom.

Action: Upon motion by Mayor Smith and seconded by Council Walkingstick, Council voted 7-0 to
1) Approve and adopt Resolution No. 25-025, authorizing establishment of the California Employer Pension Pre-funding Trust (CEPPT) Section 115 Trust;
2) Adopt and execute the CalPERS CEPPT Participation Agreement;
3) Adopt and Execute the CalPERS CEPPT Delegation of Authority document listing the City Manager and Administrative Services Director as authorized to request disbursements from the Trust; and
4) Adopt the Certification of Pre-Funding Policy designating the CEPPT Trust Fund be established with the Asset Allocation Strategy of Strategy 1.

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

ADJOURNMENT
Council adjourned the regular meeting at 8:18 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

DRAFT

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Staphany Arriola, Management Analyst, Leticia Livian, Human Resources Director
MEETING DATE:	December 03, 2025
SUBJECT:	Second reading of an Ordinance to Amend the Salary Schedule (Minimum Wage)
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Hold second reading and adopt an ordinance to amend the salary classification schedule modifying salary ranges for Cashier, Intern, Lighthouse Docent Coordinator, and Recreation Assistant I.

DISCUSSION
There were no substantive changes between the first and second readings of this ordinance. The City Clerk caused a summary of the ordinance to be published on November 27, 2025.

The City salary classification schedule identifies the job classifications approved by Council (e.g., Office Assistant) and the hourly rates of pay for each classification at each step authorized by the Personnel Rules. Pursuant to Charter Article 25 and Pacific Grove Municipal Code (PGMC) Section 4.20.280, approval and amendment to the classification schedule must be adopted by the Council.

Increase to State Minimum Wage
Staff is proposing changes to the salary schedule to comply with an increase to California State Minimum Wage. California's minimum wage will increase from $16.50 to $16.90 per hour for all employers on January 1, 2026.

The salary ranges in the following classifications need to be adjusted to meet the State's minimum wage requirements:

- Cashier
- Intern
- Lighthouse Docent Coordinator
- Recreation Assistant I

The recommended approach is to increase the range of the entire classification, which preserves the City’s ability to hire personnel in the future at the lowest step, while complying with the new minimum wage law.

Proposed New Salary Ranges:

Classifications	Step 1A	Step 2B	Step 3C	Step 4D	Step 5E
Cashier	16.90	17.75	18.63	19.56	20.54
Intern	16.90	17.75	18.63	19.56	20.54
Lighthouse Docent Coordinator	16.90	17.75	18.63	19.56	20.54
Recreation Assistant I	16.90	17.75	18.63	19.56	20.54

The requested change to the salary classification schedule will only impact the classifications listed in this agenda report. All other classification hourly salary ranges will remain the same. To view the entire salary schedule, please refer to the City's website, http://www.cityofpacificgrove.org/about-city/human-resources/salaries-benefits-and-mous.

OPTIONS

Provide alternative direction to staff.

FINANCIAL IMPACT:

There is no financial impact since the minimum wage was taken into consideration for the following fiscal year.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Proposed Ordinance

ORDINANCE NO. 25-0XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVEAMENDING THE SALARY CLASSIFICATION SCHEDULE TO COMPLY WITH CALIFORNIA MINIMUM WAGE

Findings

1. The State of California has increased minimum wage to $16.90 per hour effectiveJanuary 1, 2026; and

2. Cashier, Intern, Lighthouse Docent Coordinator, and Recreation Assistant I, falls below the $16.90 per hour minimum requirement at the first step; and

3. Amending the salary schedule will meet the State requirements; and

4. Amending the salary schedule by adjusting the range preserves the City's full flexibility for future hiring decisions and observes the intent of the state requirements; and

5. Amending the salary schedule avoids salary compaction issues; and

6. Amending the salary schedule will allow for the new salary rates to take effect; and

7. Amendment to the salary schedule classification plan must be adopted by the City Council pursuant to Pacific Grove Municipal Code (PGMC) Section 4.20.280; and

8. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizationalor administrative activity that will not result in direct or indirect physical changes in the environment pursuant Section 15378.

Ordinance

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing findings of the City Council are incorporated into thisOrdinance as if set forth in full.

SECTION 2. The position classification plan approved and adopted by the City Council pursuant to PGMC § 4.20.280 is amended for Cashier, Intern, Lighthouse Docent Coordinator, and Recreation Assistant I, classifications with the following salary schedule:

Classifications	Step 1A	Step 2B	Step 3C	Step 4C	Step 5E
Cashier	16.90	17.75	18.63	19.56	20.54
Intern	16.90	17.75	18.63	19.56	20.54
Lighthouse Docent Coordinator	16.90	17.75	18.63	19.56	20.54
Recreation Assistant I	16.90	17.75	18.63	19.56	20.54

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. Upon approval at second reading, this ordinance shall be given an effective date of 12/21/2025.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 3rd day of December 2025, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
NICK SMITH, Mayor

ATTEST:
DATED: _____

_____
SANDRA KANDELL, City

ClerkAPPROVED AS TO

FORM:

_____
BRIAN PIERIK, City Attorney

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM:

MEETING DATE: December 03, 2025

SUBJECT: Legal Services Agreement with Fenton & Keller, LLP

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Approve legal services agreement with Fenton & Keller, LLP for City Attorney and Assistant City Attorney positions.
2. Direct staff to take an alternative action.

DISCUSSION

The City has received City Attorney services from Brian Pierik with the firm of Burke, Williams & Sorensen (BWS) since July 2022. Recently, Mr. Pierik announced at a City Council Meeting that will be stepping back from the City Attorney role for the City of Pacific Grove.

On September 3, 2025, the City issued a Request for Qualifications (RFQ) for City Attorney Services (see Attachment No. 1). Qualifications submissions were due on October 6, 2025.

City Attorney firm submissions were evaluated initially based on the following criteria:

1. Qualification of the City Attorney firm and the team proposed. Depth and breadth of prior experience and expertise of the proposed City Attorney and the supporting team in the practice of law, more specifically in those areas listed in this RFQ as well as those most often encountered in municipal government.
2. Demonstrated understanding of municipal law and City needs.
3. Availability, experience, and knowledge of all subconsultants engaged by the City Attorney to complete the Scope of Services.
4. Knowledge of the unique issues facing local governments on the Monterey Peninsula and the City in particular.
5. Availability and ability to be responsive to Council and staff inquiries.
6. Proactive approach to risk management and billing with transparency into invoices and reporting.
7. References of past or current municipal law clients or municipal practice.
8. Quality and completeness of submittal.

The City received a total of eight submittals in response to the RFQ. Based on this evaluation criteria and the experience demonstrated in the submittals, the top four qualified City Attorney firms were

invited to an interview with the City Council on Saturday, October 25, 2025. Following the careful review of qualifications, in-person interview and careful deliberation, the City Council chose Alex J. Lorca and Emmanuel P. Jimenez with the Firm of Fenton & Keller as the next City Attorney and Assistant City Attorney, respectively, for the City of Pacific Grove.

Responsibilities of the City Attorney are specified in Charter Article 24 of and Municipal Code Chapter 2.07. The City Attorney is employed by the City Council and works alongside the City Manager.

OPTIONS

Do not approve the legal services agreement.

FINANCIAL IMPACT:

General City Attorney Services, as described in Section 2 of the Legal Services Agreement(included as Attachment No. 2), will be billed at the rate of $325 per hour for shareholder attorneys, $300 per hour for Associate Attorneys and paralegals at $100 per hour. Additional charges for travel and expense reimbursement can be found in the agreement. The monthly cost of legal services is highly dependent on the volume of work. Sufficient funds to support this contract have been included in the Fiscal Year 25/26 Adopted Budget.

GOAL ALIGNMENT: Not Applicable.

Attachments

Attachment No. 1 Request for Qualifications

Attachment No. 2 Legal Services Agreement Fenton & Keller

City of Pacific Grove

Request for Qualifications

City Attorney Services

RFQ Issuance: **September 3, 2025**
Questions Due: **September 17, 2025**
Qualifications Submission Due**: October 6, 2025**

Contact:
Leticia Livian
Human Resources Director
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950
llivian@cityofpacificgrove.org

I. INTRODUCTION

The City of Pacific Grove invites qualified law firms to submit statements of qualifications to provide comprehensive City Attorney and General Counsel legal services. This RFQ seeks to identify experienced legal professionals with a demonstrated history of delivering responsive, effective, and ethical legal guidance in a municipal government context.

The selected firm will provide legal services to the City Council, City Manager, departments, commissions, and boards. Legal services must encompass both general counsel functions and specialized municipal legal expertise.

Award of contract will be to the firm whose qualifications best complies with the requirements of this RFQ and any attachments, is the best fit for the City Council, and provides the best solution for the City's needs. The successful City Attorney will be required to enter into a Professional Services Agreement ("Agreement") with the City.

II. CITY BACKGROUND

The City of Pacific Grove (the "City") is located on California's Central Coast, on the tip of the Monterey Peninsula, between the City of Monterey and Pebble Beach. The City is approximately 120 miles south of San Francisco and 334 miles north of Los Angeles. The City has a land area of 2.86 square miles and an active, diverse population of approximately 15,000.

The City was founded in 1875, incorporated in 1889, and became a Charter City on April 22, 1927. The City operates under the Council-Manager form of government, with seven total City Councilmembers including a directly elected Mayor. City Councilmembers are elected to four-year overlapping terms by districts (6 total) and the Mayor is elected at-large to a two-year term. The City Council is the legislative body responsible for overall policy development and direction of the City. In addition, the City has a variety of citizen committees, boards, and commissions that provide input and help conduct City business. The Council appoints the City Manager, who serves as the executive officer and is responsible for the day-to-day operations of the City. The Council appoints the City Attorney.

The City provides an extensive array of services including police, fire, public works, parks, recreation, a library, planning, housing programs, economic development, wastewater collection, a golf course, a cemetery, as well as all of the traditional internal management support functions. Several of these operations function as enterprises within the City organization. The City has a current annual operating and capital budget of approximately $35 million, and a regular staff of approximately 110 full-time equivalent employees.

III. SCOPE OF SERVICES

The primary duties, functions, and services (the "Scope of Services" or "Services") of the City Attorney may include, but are not limited to, the following:

- Providing prompt, responsive, clear and concise legal advice and consultation on a wide variety of municipal law matters as requested to the Council, City Manager, department heads and other City staff as needed.

- Attending and providing legal support at all regular and special City Council and upon request, City Boards and Commissions and other public meetings in addition to advising on agenda items and procedural matters.

- Ensuring compliance with the City's Municipal Code, federal and state laws, the Brown Act, the Public Records Act, the Political Reform Act, and all applicable codes.

- Providing training with regard to the Brown Act, AB 1234, CEQA, Political Reform Act, Public Records Act, Redevelopment Law, Prop 218 noticing, Voter Initiatives and City Ballot Measures, and other legal requirements imposed by statute and common law.

- Reviewing City documents, policies, procedures, forms and templates to ensure compliance with current laws.

- Drafting, reviewing or revising memos, contracts, ordinances, resolutions, policies and other legal documents.

- Recommend, assign, manage and administrative proceedings or managing outside counsel retained for these purposes.

- Representing the City in civil litigation or manage litigation as appropriate.

- Representing the City in civil litigation and administrative proceedings or managing outside counsel retained for those purposes.

- Advising on land use, CEQA, planning, zoning, labor/employment, public contracting, utilities (electric and water), and code enforcement.

- Advising the City regarding election laws and assisting in review of election forms, filings, and coordinating with county, state, and federal election officials.

- Alerting the City in a timely manner on new State or Federal legislation or judicial decisions that may impact the City and proposing appropriate actions to assure compliance.

- Labor/employment, training and personnel investigations

- Providing legal advice and assistance to Council and staff with regard to interaction with federal and agencies, special districts, public utilities, and other entities as requested by the City Council or City Manager.

- Providing designated office hours or times of availability, as agreed to with the City Manager and/or the City Council.

IV. MINIMUM QUALIFICATIONS AND SPECIFIC LEGAL EXPERTISE

Respondents must meet the following minimum qualifications:

1. Be licensed to practice law in the State of California and be in good standing with the California State Bar.

2. Have a minimum of ten (10) years of progressively responsible experience in the practice of municipal law.

3. Demonstrated experience serving as City Attorney, Assistant/Deputy City Attorney, or General Counsel for a California municipality or public agency.

In addition to general counsel expertise, respondents are encouraged to summarize qualifications in the following specialized areas of legal services which you would like to be considered (and other application areas of applicable expertise):

1. Elections, Records and other Municipal Matters
   - Election law and procedures
   - Federal and California Voting Rights Act
   - Public Records Act
   - Record Retention
   - Litigation Requiring Specialized Counsel
   - Public entity tort claims
   - Writ litigation and appellate procedures

2. Public Finance and Revenue Law
   - Bond and public financing counsel
   - Proposition 218 compliance (e.g., utility rate increases)
   - Mitigation Fee Act and development impact fee issues
   - Complex tax, fee, or revenue-related legal matters

3. Community Development, Coastal Act, Housing Law
   - Land Use and California Law affecting local control
   - California Coastal Act, Local Coastal Plans and Coastal Commission review
   - Affordable housing compliance and development agreements

- Housing Element program implementation matters
- Housing Element legal review and financing tools (e.g., HOME, CDBG)
- Surplus Lands Act
- Code enforcement
- Historic Preservation Laws

4. Complex Environmental Compliance and Litigation
   - Hazardous materials, remediation, or stormwater regulatory enforcement
   - Complex CEQA litigation (beyond normal project review support)
   - Regional water quality control and air quality compliance
   - Coastal issues including urban run off and NPDES requirements
   - Solid waste/recycling requirements
   - Water use restrictions, regulations and local litigation issues

5. Franchise and Specialized Contract Negotiations
   - Non-routine contract drafting or negotiation (e.g., cable, telecom, solid waste, franchise agreements)
   - Review of non-standard or high-risk contracts outside normal templates
   - LAFCO proceedings and Interjurisdictional Legal Issues
   - Joint Powers Agreement formations and negotiations

6. Public Utilities Law
   - Telecommunications (advisory and administrative proceedings)
   - Electric and water utility matters

7. Real Property and Land Transactions
   - Property management and tenant disputes
   - Lease negotiations
   - Unlawful detainer/eviction (commercial)
   - Complex real estate issues (e.g., CC&Rs, easements, title work)
   - Land acquisition, disposition, and pre-condemnation legal strategy
   - Public-private development negotiations

8. Advanced Labor and Employment Matters
   - Labor and employment matters
   - Public safety defense
   - Labor/employment, training and personnel investigations
   - Police-specific litigation (e.g., Pitchess motions)
   - Complex administrative hearings or arbitration proceedings
   - Labor negotiations or fact-finding proceedings
   - Workers compensation (public entity employer)
   - Disability issues/FEHA/ADA

9. Construction and Public Works Disputes

- Bidding and Procurement
- Legal support for public construction contract disputes
- Prevailing wage, change orders, and stop notice litigation

10. Bankruptcy and Creditor Representation
    - Legal services related to bankruptcy proceedings affecting the City
    - Representation in insolvency matters (e.g., vendor bankruptcies, claims)

V. SUBMISSION REQUIREMENTS

All responses must be submitted to the Human Resource Director by the deadline listed on the cover page. Submittals must include the following:

1. **Cover Letter** – A signed letter expressing interest in serving as City Attorney. Describe why the City Attorney has an interest in this RFQ and why it would be the City's best choice.

2. **Firm/Individual Background** – State the full legal name of the City Attorney's business, including the state of incorporation, as applicable. State the number of years the City Attorney has been practicing law. List the names of principals or officers authorized to legally bind the City Attorney, including position titles, resumes, and hourly rates.

3. **Statements of Qualifications** – Provide information concerning the City Attorney's experience and qualifications directly related to the Services set forth in this RFQ. The Statement of Qualifications should describe the services the firm proposes to provide, the firm's overall experience with municipal law, any areas of specialty listed above, and any special qualifications that are believed to distinguish it from other law firms.

   The Statement of Qualifications should include an indication of the commitment to provide the services by the attorney or attorneys with principal responsibility for providing services to the City. In this context, the words availability and commitment should be taken in their broadest meanings, incorporating time, flexibility in scheduling, office location of the attorney or attorneys, and firm or personal policies and practices with regard to returning calls and meeting deadlines. Any significant time period required before beginning services should be noted.

   A critical component is timely and effective communication. The Statement of Qualifications should clearly describe service levels including minimum response times for all inquiries / requests received from City Staff and City Council.

The Statement of Qualifications should describe familiarity with unique issues facing local governments on the Monterey Peninsula and the City in particular. Living experience on the Monterey Peninsula and in the City should be listed.

Define the experience of the primary lead counsel, other key personnel and subconsultants. Include resumes for all counsel and other key personnel, including subconsultants, who will comprise the City Attorney's team. Demonstrate the relevant expertise and experience of each team member. The designated lead counsel shall be the primary contact with the City for the duration of the engagement. The City Attorney shall disclose in its submission all proposed subconsultants, including details regarding which tasks they would perform. The Qualifications should include information about the types of support staff, such as other attorneys, paralegals, interns and others in the firm who would be assigned to perform work for the City and whose time would be billed for such work. The response should include information about how the firm plans to utilize support staff within the City's budget constraints.

Statements submitted in response to the Request for Qualifications may, but are not required to, provide additional information to assist a proper evaluation of the proposal.

4. **Workplan** – Describe how the firm would structure the working relationship between the City Attorney, City Council, City Manager, department directors, and other members of City staff, including a proposed process for transmitting requests and other material to the City Attorney. Provide a detailed description regarding the expected response time for inquiries made by the City Council/City Manager, and the established systems/mechanisms utilized by the City Attorney to ensure timely responses to the City Council, City Manager, and City staff. Any discussions relating to suggested strategies to reduce costs for outside legal services are appropriate in this section.

5. **References** – Provide a list of current and former public agency clients (especially cities). Provide a minimum of three (3) references for work similar to this Scope of Services that the firm has provided within the last Ten (10) years. Include a detailed description of the services, the agency or firm names, contact names, phone numbers, email addresses, and dates of services performed.

6. **Conflict of Interest Disclosure** – Identify all previous and current contracts with the City of Pacific Grove. Include contact name(s), description of services, and dates of services performed. List any political contributions of money, in-kind services, or loans made to any member of a City Council within the last (3) years by the City Attorney and the City Attorney's attorneys, including the attorney being proposed to represent the City. List all public agency clients for which the City

Attorney currently provides services similar to the Services. List all public agencies for which contracts with 6 the City Attorney were terminated by the public agency in the last (5) years. Provide information on the potential conflicts of interests between other clients and the City of Pacific Grove and the proposed remedy. Specify the City Attorney's current or known future professional commitments, so that the City may evaluate the City Attorney's continuing availability for providing Services to the City.

Reasonable diligence to identify and disclose potential conflicts is expected of all firms submitting a response to this Request for Qualifications. The proposal should also provide a statement or description of firm policy to address how conflicts of interest between two or more clients are avoided.

7. **Professional Liability Insurance** – Provide a copy of a certificate of insurance or summary of current coverage.

8. **Malpractice Claims & Disciplinary Action Legal Disclosure** – Provide detail on any criminal indictments or convictions brought against the firm or its attorneys or civil judgements against the same within the past ten years. Please describe in detail each such indictment, conviction, or judgement. Provide detail on any pending legal action, including disciplinary actions, alleging malpractice or violations of law against the firm or its attorneys. Please describe in detail each pending action and the potential liability of the firm or its attorneys. Also, provide information regarding any settlements or judgments involving malpractice or violations of law entered into by the firm or its attorneys within the past five years.

9. **Cost Proposa**l – This section should include the following:

   Pricing should include:
   - Hourly bill rates for general City Attorney services.
   - Hourly rates for specialized services, with descriptions of what may be considered specialized service.
   - Hourly rate for individuals from the firm, including staff attorneys, paralegal services and clerical staff.
   - Include any services and/or items that are routinely performed at no cost, if any.
   - Include any other items related to the rates, fees and/or costs that may be pertinent to the City in consideration of the qualifications
   - An estimated range of anticipated monthly charges the City may expect to be billed is highly desirable.

VI. EVALUATION CRITERIA

Qualifications submissions shall provide point-by-point response to all sections of the RFQ in a clear and concise manner. Submissions will be evaluated based on the responses to all provisions of this RFQ. The City may use some or all the following criteria in its evaluation and comparison of Qualifications submitted.

The City will evaluate each response based on the following criteria:

1. Qualification of the City Attorney firm and the team proposed. Depth and breadth of prior experience and expertise of the proposed City Attorney and the supporting team in the practice of law, more specifically in those areas listed in this RFQ as well as those most often encountered in municipal government.

2. Demonstrated understanding of municipal law and City needs.

3. Availability, experience, and knowledge of all subconsultants engaged by the City Attorney to complete the Scope of Services.

4. Knowledge of the unique issues facing local governments on the Monterey Peninsula and the City in particular.

5. Availability and ability to be responsive to Council and staff inquiries.

6. Proactive approach to risk management and billing with transparency into invoices and reporting.

7. References of past or current municipal law clients or municipal practice.

8. Quality and completeness of submittal.

The City Council will determine a procedure to review each submittal to this RFQ. Calls to submitting firms or attorneys and their references may be made to clarify material in the submittals. Based upon this review, the best qualified firms may be invited to a personal interview. Following the interviews, thorough background and reference interviews may be conducted.

VII. SUBMITTAL INFORMATION & INSTRUCTIONS

A. Tentative RFQ Schedule & Services Timeline

The following is a tentative schedule of the RFQ key dates. While the City will attempt to apply the necessary resources to maintain this schedule, the following dates are merely projections, and the City reserves the right to modify this schedule as needed to accommodate the completion of this RFQ process.

RFQ Published	Wednesday September 3, 2025
Deadline to Submit Questions	Wednesday September 17, 2025 @ 5 pm

Answers to Questions Published	Wednesday September 24, 2025
Deadline to Submit Qualifications	Monday October 6, 2025 @ 5 pm
Evaluation of Qualifications	October 2025
Interviews	November 2025
Council Approval & Contract Award	December 2025

B. Questions, Answers & Addendum to RFQ

All questions pertaining to this RFQ should be submitted directly to Human Resources Director Leticia Livian at llivian@cityofpacificgrove.org. until Wednesday September 17, 2025, at 5:00 PM PST. Responses to all questions submitted will be posted on City's Bids and RFPs webpage at the address below on Wednesday September 24, 2025. Changes to the RFQ itself shall only be made by the City via a formal written addendum and shall become a part of the RFQ document.

https://www.cityofpacificgrove.gov/our_city/departments/administrative_services/bids___rfps/index.php

C. Submittal Process

Qualifications are due to the Human Resources Director on Monday October 6, 2025, by 5:00 PM PST. Qualifications will only be accepted in Portable Document Format (PDF). No exceptions to this requirement will be considered. Qualifications submitted by any other method such as hard copy or by mail will be disqualified. Failure to submit the required documents by the deadline shall result in disqualification for consideration. Qualifications may be submitted at any time prior to the RFQ submittal deadline.

VIII. TERMS & CONDITIONS

- The City of Pacific Grove reserves the right to accept or reject any or all submittals, waive any informalities or irregularities, and modify or cancel this RFQ in part or in its entirety at any time.

- The City reserves the right to request clarification, additional information, or supplemental materials from any respondent during the evaluation or selection process.

- All responses become the property of the City of Pacific Grove and are subject to disclosure under the California Public Records Act.

- Any costs incurred by respondents in preparing or submitting a response to this RFQ, including interviews, presentations, or contract negotiations, shall be borne solely by the respondent.

- Submittal of qualifications does not obligate the City to award a contract, nor will any respondent be entitled to claim any compensation for participation.

- The City makes no guarantees regarding the amount of work or value of services to be awarded as a result of this RFQ. Award of a contract does not guarantee any minimum volume of services or exclusivity.

- In accordance with the City's Municipal Code and applicable law, selection will be based on demonstrated competence and professional qualifications. Cost may be considered during contract negotiations, but it shall not be the sole or primary factor in the selection process.

- The City reserves the right to disqualify any respondent that is debarred, in litigation with the City, or has previously failed to perform under a contract with the City.

- The contract will be awarded for an initial period of three (3) years with two additional one-year periods unless terminated by either party. Annual reviews by the City Council will be performed and feedback on performance provided. The City Attorney shall work at the pleasure of the City Council and nothing herein shall limit their ability to terminate the contract at will with no notice or penalty.

- Submission of a response to this RFQ shall not create any legal or contractual rights for the respondent. Only execution of a formal agreement approved by the City Council shall bind the City.

- By submitting a response, the respondent certifies that its proposal is made without prior understanding, agreement, or connection with any other entity submitting a proposal for the same services, and that it is in all respects fair and without collusion or fraud

LEGAL SERVICES AGREEMENT
FENTON & KELLER, LLP

This Legal Services Agreement ("Agreement") is entered into effective January 1, 2026 by and between the City of Pacific Grove, a municipal corporation, (hereinafter "City"), and Fenton & Keller, Attorneys at Law (hereinafter "Fenton & Keller"), collectively referred to herein as the "parties."

WHEREAS, the City wishes to engage Fenton & Keller to perform the services required by this Agreement; **and,**

WHEREAS, Fenton & Keller is willing to render such professional services, as hereinafter defined, on the following terms and conditions; and

WHEREAS, Fenton & Keller represents that it is trained, experienced and competent and holds all necessary licenses and certifications to perform the services required by this Agreement.

WHEREAS, this Agreement is a written legal services agreement containing the terms under which Fenton & Keller has been retained by City to serve as its City Attorney.

WHEREAS, California Business and Professions Code section 6148 requires a written fee agreement between attorneys and their clients setting forth the scope of services and fees to be charged. When executed by City and Fenton & Keller, this Agreement will satisfy the requirements of Section 6148.

WHEREAS, by this Agreement, City appoints Fenton & Keller as City Attorney, and Fenton & Keller undertakes the responsibility of that appointment. Fenton & Keller will serve at the pleasure of the City Council and may be replaced at any time, with or without cause, without amending this Agreement. The designated City Attorney or an approved successor will be responsible for providing or causing to be provided the legal services contemplated by this Agreement.

WHEREAS, Alex J. Lorca (“Lorca”) will principally be perform the functions of Fenton & Keller as the City Attorney. No changes regarding this principal assignment to Lorca may be made without the consent of City. Fenton & Keller retains authority to assign from time to time such of its attorneys, paralegals, or law clerks as may be necessary to perform other legal services called for by this Agreement.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties hereby covenant and agree as follows and further agree that the foregoing Recitals are hereby incorporated by this reference:

1. SERVICES

A. General City Attorney Services

Fenton & Keller will perform the following General City Attorney Services to serve City: Attendance at Council meetings and closed sessions, Council subcommittee meetings, and Planning Commission meetings, as directed by the City; routine legal advice and

consultation; office hours at City Hall as requested by the City Council or City Manager, advice on the Brown Act, analysis of Public Records Act responses and conflicts of interest questions; assistance in the preparation of agenda items, staff reports, ordinances, and resolutions; review and preparation of orders, agreements, forms, notices, declarations, certificates, leases, and other documents as required by the City; routine personnel matters not considered Special Legal Services, and consultation with Council Members, the City Manager, and department heads regarding routine legal issues.

B. Special Legal Services

Services not defined as General City Attorney Services in Section 1 A will be considered "Special Legal Services" and will be undertaken as such upon agreement of Fenton & Keller and the City, through the majority of the City Council or City Manager. Special Legal Services generally are complex in nature (as opposed to routine), and require significant amounts of work. Special Legal Services include, but are not limited to, all litigation, arbitration, and mediation activities (including all appellate work); complex construction; eminent domain; legal advice regarding and drafting of financing documents; legal analysis and advice regarding complex environmental matters, including Endangered Species Act issues, environmental permitting and regulatory issues, Clean Water Act compliance issues, NPDES compliance, and the application of and compliance with the California Environmental Quality Act and National Environmental Policy Act; wage and hour determinations by the DIR; non-routine personnel matters including labor negotiations and personnel grievance issues, contested conflict of interest matters, including the preparation of FPPC or Attorney General advisory letters, and defense of public officials in response to FPPC investigations and charges. Special Legal Services also include legal advice or representation regarding any project or issue that is particularly complex and other duties as assigned by the City Council or City Manager as Special Legal Services.

2. COMPENSATION

A. City Attorney Services. For City Attorney Services, as described in Section 1 subsections A & B, the hourly rate of:

- $325.00 for Shareholder Attorneys;
- $300.00 for Associate Attorneys; and
- $100.00 for Paralegals.

Fenton & Keller may review and revise the hourly rates charged for attorneys, clerks, and paralegals, from time to time over the course of their representation. Any rate changes will be reflected in the billings submitted subsequent to the implementation of the change. Fenton & Keller will provide the City with advanced written notice of any such changes.

Fenton & Keller shall record and charge their time in increments of one-tenth (1/10) of one hour, rounded off for each particular activity to the next highest one-tenth (1/10) of one hour. The minimum time charged for any particular activity will be .2 of an hour even if the actual time is less.

Fenton & Keller will charge for all activities undertaken in providing legal services including, but not limited to, preparation for and participation at conferences, meetings, administrative hearings, and court sessions (if required); review and preparation of

correspondence and legal documents; legal research; factual investigation; telephone conversations; and travel and waiting time. Activities that require the presence of more than one attorney from their firm, including conferences among attorneys, will be charged for each such attorney's time.

B. Travel Time. Fenton & Keller shall not charge City for travel by the City Attorney or the Assistant City Attorney for travel to the City for regularly scheduled City Council Meetings, special City Council meetings upon request of the City Manager and regularly scheduled office hours. There will be no travel charges for mileage, per diem or hotel expenses for regularly or specially scheduled City Council meetings.

C. Costs and Expense Reimbursement. In addition to payment of attorneys' fees as set forth above, the City will reimburse Fenton & Keller for costs and expenses reasonably incurred by Fenton & Keller in performance of the services provided under this Agreement. City preauthorizes routine costs including but not limited to postage, courier services, copying charges, long distance telephone charges, cost of producing and reproducing photographs, and court, county, recording and other filing fees as contained in Fenton and Keller's schedule of costs and charges.

D. Retainer. Fenton & Keller reserve the right at any time during their representation of the City to request a retainer. If requested, the City shall deposit within thirty (30) days of the request. Any retainer shall be held in a trust account and may be applied to any statement sent to the City, even if the statement relates to a different matter for the City.

If the retainer is applied and insufficient to settle the statement, the City will pay any additional balance due upon receipt of the revised statement and will also replenish the retainer if requested. At the conclusion of the matter, the retainer will be applied to the final statement, in which event the City will be responsible for any amount due over and above the retainer or be entitled to a refund of any amount remaining after the final statement is satisfied in full.

Depending on the future circumstances of City matters and/or if the matters turns to litigation, an additional retainer may be required and requested at a later date.

E. Reimbursable Extraordinary Expenses. In addition to payment of attorneys fees as set forth above, and with prior approval from the City Council or City Manager, City will reimburse other non-routine costs and expenses incurred by Fenton & Keller for or on behalf of, including but not limited to outside counsel, consultants, expert witnesses, travel outside Monterey County, and outside investigative services. Prior to retaining outside counsel, Fenton & Keller shall receive prior approval from the City Manager regarding the scope, duration, and estimated cost of retaining outside counsel.

F. Invoicing. Fenton & Keller shall submit to the City monthly written invoices to the City's Administrative Services Director. Upon receipt, invoices shall be reviewed and approved for payment by the City Manager. Invoices shall be prepared in a form satisfactory to the City, describing in detail the services rendered and associated costs for the period covered by the invoice. Upon the request of City Council, billing shall be provided to the City Council. The City shall provide invoicing format upon request. Fenton & Keller shall not bill the City for duplicate services performed by more than one

person. Fenton & Keller's invoices shall include, but are not limited to, the following information:

i. Invoice number and date;

ii. A description of services performed; and

iii. The total amount due for the period covered by this invoice, including hourly rate, hours spent per type of service performed; and any reimbursable invoices.

The City shall make payment on each such invoice within thirty (30) days of receipt; provided, however, that if Fenton & Keller submits an invoice which is incorrect, incomplete, or not in accord with the provisions of this Agreement, the City shall not be obligated to process any payment to Fenton & Keller until thirty (30) days after a correct and complying invoice has been submitted by Fenton & Keller. Fenton & Keller agrees to remit and shall be responsible for all withholding taxes, income taxes, unemployment insurance deductions, and any other deductions required by applicable federal, state or local laws and regulations for Fenton & Keller, its employees, consultants and vendors of services or goods.

G. Audit and Examination of Accounts: Fenton & Keller shall keep and will cause any assignee or consultant under this Agreement to keep accurate books of records and accounts, in accordance with sound accounting principles, which pertain to services to be performed under this Agreement**.**

i. Any audit conducted of books of records and accounts shall be in accordance with generally accepted professional standards and guidelines for auditing.

ii. Fenton & Keller hereby agrees to disclose and make available any and all information, reports, books of records or accounts pertaining to this Agreement to the City and any city of the County of Monterey, or other federal, state, regional or governmental agency which provides funding for these Services.

iii. Fenton & Keller shall include the requirements of Section 2G, "Audit and Examination of Accounts", in all contracts with assignees or sub-consultants under this Agreement.

iv. All records provided for in this Section are to be maintained and made available throughout the performance of this Agreement and for a period of not less than four (4) years after full completion of services hereunder. All records, which pertain to actual disputes, litigation, appeals or claims, shall be maintained and made available for a period of not less than four (4) years after final resolution of such disputes, litigation, appeals or claims.

3. AGREEMENT TERM

The work under this Agreement shall commence by January 1, 2026 and shall remain in force until January 1, 2029. This Agreement, in its entirety, will be automatically

extended for an additional two-year period, unless City Council specifically takes action by at least four Councilmembers not to renew this Agreement.

This Agreement may be terminated at any time pursuant to mutual agreement of the parties or terminated as provided by Section 13 of this Agreement.

4. FENTON & KELLER'S EMPLOYEES AND CONSULTANTS

A. **Not an Agent of the City.** Nothing in this Agreement shall be interpreted so as to render the City the agent, employer, or partner of Fenton & Keller, or the employer of anyone working for or subcontracted by Fenton & Keller, and Fenton & Keller must not do anything that would result in anyone working for or subcontracted by Fenton & Keller being considered an employee of the City. Fenton & Keller is not, and must not claim to be, an agent of the City.

B. **Independent Contractor:**

i. Fenton & Keller is an independent contractor. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. The City shall not control or direct the details, means, methods or processes by which Fenton & Keller performs the Services. Fenton & Keller is responsible for performance of the Services and may not delegate or assign any Services to any other person except as provided for herein. Fenton & Keller shall be solely liable for the work quality and conditions of any partners, employees and consultants.

ii. No offer or obligation of permanent employment with the City or particular City department or agency is intended in any manner, and Fenton & Keller shall not become entitled by virtue of this Agreement to receive from the City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. Fenton & Keller shall be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of Fenton & Keller's performance of Services under this Agreement. In connection therewith, Fenton & Keller shall defend, indemnify and hold the City harmless from any and all liability, which the City may incur because of Fenton & Keller's failure to pay such taxes.

5. REPRESENTATIVES AND COMMUNICATIONS

A. City's Representative. The City appoints the City Manager as the City's Representative for the purposes of this Agreement ("City's Representative"). The City may unilaterally change its representative upon notice to Fenton & Keller.

B. Fenton & Keller's Representative. Fenton & Keller appoints Lorca as Fenton & Keller's representative for the purposes of this Agreement ("Fenton & Keller's Representative")

C. Meet and Confer. Fenton & Keller agrees to meet and confer with the City's Representative, its agents or employees with regard to Services as set forth

herein as may be required by the City to insure timely and adequate performance of this Agreement.

D. Communications and Notices. All communications between the City and Fenton & Keller regarding this Agreement, including performance of Services, shall be between the City's Representative and Fenton & Keller's Representative. Any notice, report, or other document that either party may be required or may wish to give to the other must be in writing and shall be deemed to be validly given to and received by the addressee, if delivered personally, on the date of such personal delivery, if delivered by email, on the date of transmission, or if by mail, seven (7) calendar days after posting.

6. INDEMNIFICATION

Fenton & Keller hereby agrees to the following indemnification clause:

> To the fullest extent permitted by law Fenton & Keller shall defend (with legal counsel reasonably acceptable to the City), indemnify and hold harmless the City and its officers, designated agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against claims, loss, cost, damage, injury expense and liability (including incidental and consequential damages, Court costs, reasonable attorneys' fees as may be determined by the Court, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) to the extent they arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of Fenton & Keller, any consultant or contractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are caused in part by the active negligence or willful misconduct of such Indemnitee.

7. INSURANCE

Fenton & Keller shall submit and maintain in full force all insurance as described herein. Without altering or limiting Fenton & Keller's duty to indemnify, Fenton & Keller shall maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

A. Commercial General Liability Insurance including but not limited to premises, personal injuries, bodily injuries, property damage, products, and completed operations, with a combined single limit of not less than $1,000,000 per occurrence and $2,000,000 in the aggregate.

B. Professional Liability Insurance, including errors and omission coverage, with limits of not less than $1,000,000 per occurrence or claim and $2,000,000 in the aggregate. Fenton & Keller will either maintain or cause to be maintained professional liability coverage in full force or obtain extended reporting (tail) coverage (with the same liability limits) for at least three years following the City's acceptance of the work.

C. **Automobile Liability Insurance** covering all automobiles, including owned, leased, non-owned, and hired automobiles, used in providing Services under this Agreement, with a combined single limit of not less than $1,000,000 per occurrence.

D. **Workers' Compensation Insurance.** If Fenton & Keller employs others in the performance of this Agreement, Fenton & Keller shall maintain Workers' Compensation insurance in accordance with California Labor Code section 3700 and with a minimum of $1,000,000 per occurrence.

E. **Other Insurance Requirements:**

i. All insurance required under this Agreement must be written by an **insurance** company either:
   a. admitted to do business in California with a current A.M. Best rating of no less than A:VI; or
   b. an insurance company with a current A.M. Best rating of no less than A:VII. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

ii. Each insurance policy required by this Agreement shall not be canceled, except with prior written notice to the City.

iii. The general liability and auto policies shall:
   a. Provide an endorsement naming the City of Pacific Grove, its officers, officials, employees, and volunteers as additional insureds. General liability coverage can be provided in the form of an endorsement to the Fenton & Keller's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used) or CG 20 26 04 13 or HG 00 01 0916.
   b. Provide that such Fenton & Keller's insurance is primary as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Pacific Grove shall be excess to the Fenton & Keller's insurance and shall not contribute with it.
   c. Contain a "Separation of Insureds" provision substantially equivalent to that used in the ISO form CG 00 01 10 01 or HG 00 01 09 16 or their equivalent.
   d. Provide for a waiver of any subrogation rights against the City via an ISO CG 24 01 10 93 or HG 00 01 09 **16 or** its **equivalent, for all** coverages required in this agreement.

iv. Prior to the start of work under this Agreement, Fenton & Keller shall file certificates of insurance and endorsements evidencing the coverage required by this Agreement with the City. Fenton & Keller shall file a new or amended certificate of insurance promptly after any change is insurance policy which would alter the information on the certificate then on file.

v. Neither the insurance requirements hereunder, nor acceptance or approval of Fenton & Keller's insurance, nor whether any claims are

covered under any insurance, shall in any way modify or change Fenton & Keller's obligations under the indemnification clause in this Agreement, which shall continue in full force and effect. All coverage available to the Fenton & Keller as named insured shall also be available and applicable to the additional insured. Notwithstanding the insurance requirements contained herein, Fenton & Keller is financially liable for its indemnity obligations under this Agreement.

vi. All policies shall be written on a first dollar coverage basis or contain a deductible provision. Any deductibles or self-insured retentions ("SIR") must be declared to and approved by the City. At the option of the City, either: the insured shall reduce or eliminate such deductibles or SIR as respects the City, its officers, officials, employees and volunteers; or Fenton & Keller shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. In no event shall any SIR or insurance policy contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured, or by any means including other insurance, or which is intended to defeat the intent or protection of an additional insured.

vii. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

viii. Fenton & Keller shall require and verify that all sub-consultants and subcontractors maintain insurance meeting all the requirements stated herein.

8. PERFORMANCE STANDARDS

A. Fenton & Keller warrants that Fenton & Keller and Fenton & Keller's agents, employees, and consultants performing Services under this Agreement are specially trained, experienced, and competent and have the degree of specialized expertise contemplated within California Government Code Section 37103, and further, are appropriately licensed to perform the work and deliver the Services required under this Agreement.

B. Fenton & Keller, its agents, employees, and consultants shall perform all Services in a safe and skillful manner consistent with the highest standards of care, diligence and skill ordinarily exercised by attorneys in similar fields in accordance with sound professional practices. All work product of Fenton & Keller shall comply with all applicable laws, rules, regulations, ordinances and codes. Fenton & Keller also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Fenton & Keller's performance of this Agreement. All Services performed under this Agreement that are required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.

C. Fenton & Keller shall furnish, at its own expense, all materials, equipment and personnel necessary to carry out the terms of this Agreement. Fenton & Keller shall not use the City premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.

D. Fenton & Keller agrees to perform all work under this Agreement to the satisfaction of the City Council and as specified herein. The City Council shall perform an evaluation of the work. If the quality of work and/or the invoicing is not satisfactory to the City, the City, through the Mayor, or his/her designee, may meet with Fenton & Keller to review the quality of work and/or the amount of work being invoiced and resolve the matters of concern. The City Council may schedule annual review of the City Attorney work as performed by Fenton & Keller.

E. Fenton & Keller shall receive their direction regarding specific City Attorney work from the majority of the City Council members.

9. CITY INFORMATION AND RESOURCES

A. **Available Information.** The City shall make available to Fenton & Keller all relevant information, plans, maps, reports, specifications, standards and pertinent data which is in the hands of the City and is required by Fenton & Keller to perform the Services. Fenton & Keller shall be entitled to rely upon the accuracy and completeness of such information and data furnished by the City, except where it is stated otherwise or unreasonable.

B. **City Resources.** The City acknowledges that Fenton & Keller's ability to provide the Services in accordance with this Agreement may be dependent on the City providing available information and resources in a prompt and timely manner as reasonably required by Fenton & Keller. To the extent that the City fails to provide City resources, Fenton & Keller shall not be liable for any resulting delay in the Services, but in no event shall such delay or failure to provide City resources constitute a breach of this Agreement by the City, nor shall Fenton & Keller be entitled to extra compensation for same.

C. **Obligations of Fenton & Keller.** No reviews, approvals, or inspections carried out or supplied by the City shall derogate from the duties and obligations of Fenton & Keller, and all responsibility related to performance of the Services shall be and remain with Fenton & Keller.

10. CONFIDENTIALITY

A. **No Disclosure.** Fenton & Keller shall keep confidential and shall not disclose, publish or release any information, data, or confidential information of the City to any person other than representatives of the City duly designated for that purpose in writing by the City. Fenton & Keller shall not use for Fenton & Keller's s own purposes, or for any purpose other than those of the City, any information, data, or confidential information Fenton & Keller may acquire as a result of the performance of the Services under this Agreement. Fenton & Keller shall promptly transmit to the City any and all requests for

disclosure of any such confidential information or records. The obligations under this Section shall survive the expiration or earlier termination of this Agreement.

B. **California Public Records Act.** Fenton & Keller acknowledges that the City is subject to the California Public Records Act (Government Code Section 6250 et seq.), known as the "PRA", and agrees to any disclosure of information by the City as required by law. Fenton & Keller further acknowledges that it may have access to personal information as defined under the PRA, and Fenton & Keller shall not use any such personal information for any purposes other than for the performance of Services under this Agreement without the advance written approval of the City.

11. CONFLICT OF INTEREST

Fenton & Keller is required to file a Form 700 in compliance with the City's Conflict of Interest Code unless a written determination by the City Manager is made modifying or eliminating said requirement, or unless otherwise exempted by law.

In addition, Fenton & Keller, Fenton & Keller's employees, and consultants agree as follows:

A. That they shall conduct their duties related to this Agreement with impartiality, and shall, if they exercise discretionary authority over others in the course of those duties, disqualify themselves from dealing with anyone with whom a relationship between them could bring the impartiality of Fenton & Keller or its employees into question;

B. Shall not influence, seek to influence, or otherwise take part in a decision of the City knowing that the decision may further their private interests;

C. Shall not accept any commission, discount, allowance, payment, gift, or other benefit connected, directly or indirectly, with the performance of Services related to this Agreement, that causes, or would appear to cause, a conflict of interest;

D. Shall have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of the Services related to this Agreement, and if such financial interest is acquired during the term of this Agreement, Fenton & Keller shall promptly declare it to the City, and;

E. Shall not, during the term of this Agreement, perform a service for, or provide advice to, any person, firm, or corporation, which gives rise to a conflict of interest between the obligations of Fenton & Keller under this Agreement and the obligations of Fenton & Keller to such other person, firm or corporation.

12. DISPUTE RESOLUTION

A. **Dispute Resolution Procedures.** The parties shall make reasonable efforts to promptly resolve any dispute, claim, or controversy arising out of or related to this Agreement ("Dispute") using the Dispute Resolution Procedures set forth in this Section.

B. **Negotiations.** First, the City's Representative and Fenton & Keller's Representative shall make reasonable efforts to resolve any Dispute by amicable negotiations and shall provide frank, candid, and timely disclosure of all relevant facts, information, and documents to facilitate negotiations. Should these negotiations be unsuccessful in resolving the Dispute, the matter shall be promptly referred to the Mayor, or his/her designee, and Fenton & Keller's Representative, who shall meet and confer, in good faith, to resolve the Dispute to mutual satisfaction of the parties.

C. **Mediation.** If all or any portion of a Dispute cannot be resolved by good faith negotiations as set forth above within thirty (30) days of the date that the matter was referred to the Mayor pursuant to subsection B above, either party may, by notice to the other party, submit the Dispute for formal mediation to a mediator selected mutually by the parties from the Monterey Superior Court's Court-Directed Mediator Panel list. The duration of any such mediation shall not exceed 2 hours unless otherwise agreed to by the parties. The cost of the mediation (including fees of mediators) shall be borne equally by the parties, and each party shall bear its own costs of participating in mediation. The mediation shall take place within or in close proximity to the City of Pacific Grove.

In any mediation conducted pursuant to this section, the provisions of California Evidence Code section 1152 shall be applicable to limit the admissibility of evidence disclosed by the parties in the course of the mediation. In the event the parties are unsuccessful in resolving the dispute through the mediation process, then the parties agree that the dispute shall be submitted to Binding Arbitration to a single Arbitrator in accordance with the existing Rules of Practice and Procedure of the Judicial Arbitration and Mediation Services, Inc. (JAMS) within thirty (30) days of the close of mediation as declared by the mediator.

D. **Arbitration.** The submission to Mediation and Arbitration in accordance with the requirements of this section of any and all agreements, differences, or controversies that may arise hereunder is made a condition precedent to the institution of any action or appeal at law or in equity with respect to the controversy involved. The award by the arbitrator shall have the same force and effect and may be filed and entered, as a judgment of the Superior Court of the State of California and shall be subject to appellate review upon the same terms and conditions as the law permits for judgments of Superior Courts. A "Prevailing Party" shall be determined in the Arbitration, and the prevailing party shall be entitled to reasonable attorney's fees and costs incurred, and accrued interest on any unpaid balance that may be due. Costs shall include the cost of any expert employed in the preparation or presentation of any evidence. All costs incurred and reasonable attorney fees shall be considered costs recoverable in that proceeding, and be included in any award.

13. TERMINATION OF AGREEMENT

A. **Termination for Cause or Default.** The City reserves the right to immediately terminate this Agreement, in whole or in part, if Fenton & Keller or any Fenton & Keller consultant defaults or fails to deliver the Services in accordance with the terms and conditions of this Agreement. Such termination shall be in writing, shall set forth the effective date of termination, shall not result in any penalty or other charges to the City, and may be issued without any prior notice. Without limitation, Fenton & Keller is in default of its obligations contained in this Agreement if Fenton & Keller or any consultant:

i. Fails to perform the required Services within the term and/or in the manner provided under this Agreement;

ii. Fails to supply sufficient, properly skilled workers or proper Workmanship, products, material, tools and equipment to perform the Services;
iii. Fails to observe or comply with all laws, ordinances, including all requirements of governmental or quasi-governmental authorities, including federal, state, and local government enactments, bylaws, and other regulations now or, following the date of this Agreement, in force that pertain to;
iv. Fails to observe or comply with the City's reasonable instructions;
v. Breaches the Conflict of Interest provisions of this Agreement; or
vi. Otherwise violates any provision of this Agreement.

B. **Termination for Without Cause.** This Agreement may be terminated by either party, without cause, or for convenience, by giving thirty (30) days written notice to the other to terminate.

C. **Steps after Termination:**

i. Upon termination of this Agreement, the City shall pay Fenton & Keller for satisfactorily performed Services incurred by Fenton & Keller to the date of termination pursuant to this Agreement.

ii. Upon receipt of written notice of termination of this Agreement by the City for any reason, Fenton & Keller shall:
   a. Promptly cease all Services, including Services provided by any sub-consultant, unless otherwise directed by the City; and
   b. Deliver to the City any Materials, such as draft resolutions, ordinances, contracts, et al, prepared by Fenton & Keller for the City in connection with this Agreement.

14. LEGAL ACTION / VENUE

A. Should either party to this Agreement bring legal action against the other, the validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules.

B. Venue for any such action relating to this Agreement shall be in Monterey County.

C. If any legal action or proceeding, including action for declaratory relief, is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees as may be determined by the Arbitrator, experts' fees, and other costs, in addition to any other relief to which the party may be entitled.

15. MISCELLANEOUS PROVISIONS

A. **Non-discrimination.** During the performance of this Agreement, Fenton & Keller, and its consultants, shall not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, or sexual orientation, either in Fenton & Keller's employment practices or in the furnishing of services to recipients. Fenton & Keller further acknowledges that harassment in the workplace is not permitted in any form, and will take all necessary actions to prevent such conduct.

B. **Acceptance of Services Not a Release.** Acceptance by the City of the Services to be performed under this Agreement does not operate as a release of Fenton & Keller from professional responsibility for the Services performed.

C. **Headings.** The headings appearing herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Agreement. The headings are for convenience only.

D. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with respect to the terms, conditions, and Services and supersedes any and all prior proposals, understandings, communications, representations and agreements, whether oral or written. Any Amendment to this Agreement will be effective only if it is in writing and signed by both parties hereto and shall prevail over any other provision of this Agreement in the event of inconsistency between them.

E. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and may be signed in counterparts, but all of which together shall constitute one and the same Agreement.

F. **Multiple Copies of Agreement.** Multiple copies of this Agreement may be executed, but the parties agree that the Agreement on file in the office of the City's City Clerk is the version of the Agreement that shall take precedence should any difference exist among counterparts of this Agreement.

G. **Authority.** Any individual executing this Agreement on behalf of the City or Fenton & Keller represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.

H. **Severability.** If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of the Agreement for any cause. If a part of the Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

I. **Non-exclusive Agreement.** This Agreement is non-exclusive and both the City and Fenton & Keller expressly reserve the right to enter into agreements with others for the same or similar services, or may have its own employees perform the same or similar services.

J. **Assignment of Interest.** The duties under this Agreement shall not be assignable, delegable, or transferable without the prior written consent of the City. Any such purported assignment, delegation, or transfer shall constitute a material breach of this Agreement upon which the City may terminate this Agreement and be entitled to damages.

K. **Laws.** Fenton & Keller agrees that in the performance of this Agreement it will reasonably comply with all applicable federal, state and local laws and regulations. This Agreement shall be governed by and construed in accordance with the laws of the State of California and the City of Pacific Grove.

L. **Conflict of Interest.** There are no known conflicts of interest that involve Fenton & Keller providing City Attorney services to the City of Pacific Grove.

M. **Notices.** Notices required under this Agreement must be given by personal service or by first class mail, postage prepaid, and addressed as follows:

To Fenton & Keller:

Fenton & Keller,
2801 Monterey-Salinas Highway
Post Office Box 791
Monterey California 93942-0791
Attn: Alex J. Lorca

To City:
City of Pacific Grove
300 Forest Ave
Pacific Grove, CA 93950
Attn: Matthew Mogensen, City Manager

Service of notice by personal service is deemed to be given as of the date of service. Notices by mail are deemed to have been given two consecutive business days after deposit into the U.S. Postal Service. Either party may, from time to time, by written notice to the other, designate a different address or person to be substituted for that specified above.

IN WITNESS WHEREOF, the parties enter into this Agreement effective January 1, 2026 in Pacific Grove, California.

CITY OF PACIFIC GROVE

_____ _____
Nick Smith – Mayor Date

ATTEST:

_____ _____
City Clerk Date

FENTON AND KELLER
A Professional Corporation

_____ _____
Alex J. Lorca Date

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Matthew Mogensen, City Manager
MEETING DATE:	December 03, 2025
SUBJECT:	Proposed Agreement for Legal Services with Burke, Williams & Sorensen, LLP
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Motion to authorize the Mayor to execute the Proposed Agreement for Legal Services with Burke, Williams & Sorensen, LLP

DISCUSSION

There is an item on the City Council Agenda for December 3, 2025 proposing a contract with the law firm of Fenton & Keller ("Fenton") to serve as the City Attorney commencing January 1, 2026.

Burke, Williams & Sorensen ("Burke") has served as the City Attorney for the City since July 1, 2022 and Burke will continue to serve as the City Attorney through December 31, 2025.

Since there are a number of matters in which Burke has been assisting the City that are in progress, the recommendation is to authorize the Mayor to execute the proposed Agreement for Legal Services with Burke to serve as special counsel for the City commencing January 1, 2026; to assist with the transition to Fenton and Keller firm to the position of City Attorney and to provide other legal services as requested by the City.

OPTIONS

1. Take alternative action related to this subject.
2. Take no action.

FINANCIAL IMPACT:

Covered by the Budget for Fiscal Year 2025/2026

FOCUSED PRIORITY AREA: Community Development

Attachments

Proposed Agreement for Legal Services with BWS, LLP

AGREEMENT FOR LEGAL SERVICES

This Agreement for Legal Services ("Agreement") is entered into by the City of Pacific Grove ("City"), a municipal corporation and Charter City, and the law firm of Burke, Williams & Sorensen LLP ("Burke") and shall be effective as of January 1, 2026.

1. CONDITIONS. This Agreement will not take effect, and Burke will have no obligation to provide legal services, until City returns to Burke a signed copy of this Agreement. The effective date of this Agreement will be January 1, 2026. The City and Burke agree that the current Legal Services Agreement for City Attorney services by Burke for the City will no longer be in effect as of December 31, 2025.

2. SCOPE OF SERVICES. Burke will provide legal services to the City on municipal law matters as assigned by the City Manager including assisting with transition to the law firm of Fenton & Keller as City Attorney, completion of legal work in progress and other municipal law matters as assigned.

3. LEGAL FEES AND COSTS. Legal fees for services rendered to the City by Burke shall be charged at the hourly rate of $325 for partner, $300 for associates and $155 for paralegals. City agrees to pay by the hour at these hourly rates for all time spent on City's matters by Burke's legal personnel. City also agrees to reimburse Burke for out-of-pocket costs incurred in the course of Burke's representation of the City. There will be no legal fees or costs charged for travel time, mileage, meals or lodging.

4. BILLING STATEMENTS. Burke will send City monthly statements for fees and costs incurred. Each statement will be payable within 30 days of its mailing date. The statements shall include the time in 1/10 of an hour increments, amount, rate and a description of services.

5. DISCHARGE AND WITHDRAWAL. Either party may terminate this Agreement without cause at any time upon written notice the other party. The decision to terminate this Agreement by the City may be made by the City Manager and will be effective immediately upon sending of the notice. Termination of the Agreement by Burke will be effective thirty (30) calendar days after sending of the notice. When Burke's services conclude, all unpaid charges will become due and payable.

6. DISCLAIMER OF GUARANTEE AND ESTIMATES. Nothing in this Agreement and nothing in Burke's statements to City will be construed as a promise or guarantee about the outcome of the matter.

7. MEDIATION/ARBITRATION; WAIVER OF JURY TRIAL. If a dispute arises out of or relating to any aspect of this Agreement between City and Burke, or the breach thereof, and if the dispute cannot be settled through negotiation, Burke and City agree to discuss in good faith the use of mediation before resorting to arbitration, litigation, or any other dispute resolution procedure. Nothing herein shall limit or otherwise affect the City's right under Sections 6200-6206 of the California Business and Professions Code to request arbitration of any fee dispute by an independent, impartial arbitrator or panel of arbitrators through a bar association program

created solely to resolve fee disputes between lawyers and clients. However, should discussions, mediation or the non-binding arbitration provided through a local bar association program not resolve the dispute, the dispute shall be determined by binding arbitration before the American Arbitration Association under its then prevailing commercial arbitration rules, except that discovery may be taken in that arbitration pursuant to the California Code of Civil Procedure. The claims or controversies subject to this provision shall include, without limitation, any claim of professional negligence or malpractice. The arbitration shall be held in the County of Monterey, California, unless we mutually select another venue, and judgment may be entered upon the arbitrator's award by any court having jurisdiction. Should you refuse or neglect to appear or participate in the arbitration proceedings, the arbitrator is empowered to decide the claim or controversy in accordance with the evidence presented. You should realize that by accepting the arbitration provision, YOU WILL WAIVE YOUR RIGHT TO A JURY TRIAL AND THE RIGHT, EXCEPT UNDER LIMITED CIRCUMSTANCES, TO APPEAL THE ARBITRATOR'S DECISION.
_____(City Initial Here) _____(Burke Initial Here)

8 INDEPENDENT CONTRACTOR. Burke and the City agree that Burke is an independent contractor in carrying out and complying with the terms of this Agreement.

9. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties.

10. SEVERABILITY IN EVENT OF PARTIAL INVALIDITY. If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

11. MODIFICATION BY SUBSEQUENT AGREEMENT. This Agreement may be modified by subsequent agreement of the parties only by an instrument in writing signed by both of them**,** or an oral agreement only to the extent that the parties carry it out.

THE PARTIES HAVE READ AND AGREE TO THE FOREGOING TERMS.

DATED: _____ CITY OF PACIFIC GROVE

By _____
Nick Smith, Mayor

DATED: _____ BURKE, WILLIAMS & SORENSEN

By _____
John Welsh, Managing Partner

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Joyce Halabi, Deputy City Manager
MEETING DATE:	December 03, 2025
SUBJECT:	Amendment to Agreement with HdL for Cannabis Services
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Authorize an amendment to the agreement with HdL Companies for Cannabis Services increasing to increase the total contract amount by $26,000.

DISCUSSION

At the December 18, 2024 meeting, the City Council authorized an agreement with HdL Companies for cannabis business permitting and inspection services not to exceed $24,000.

The scope of work for the executed agreement is outlined below. Some tasks, such as establishing user fees and developing application procedures, have already been completed. However, a major component of the scope, review of the submitted applications, is still in progress and is the primary reason for the proposed amendment.

The original agreement assumed no more than five applications would be submitted. However, 10 applications were received during the application window which ran from September 15 – October 15, 2025, requiring an adjustment to cover the additional review beyond the originally anticipated five applications.

This proposed amendment, authorizing an additional $26,000 to the total contract amount, will increase the contract amount from $24,000 to not to exceed $50,000.

Please note that the application fees, set by City Council on July 16, 2025, were designed to fully cover review costs by the applicant. Therefore, although the contract amount is proposed to increase, there is no fiscal impact to the City because user fees were set to fund all application processing and related expenses.

This contract amendment will allow the City to continue with Cannabis Business License process and complete the application reviews at a flat rate of $3,500 per application ($35,000 total). It also provides additional funding for technical assistance, if needed, which would be billed at the consultant's hourly rate as the permitting process continues. The City will only be billed for services provided.

Agreement Scope of Work:

- Review and revise the application process and develop the procedures for a quality assurance pass/fail evaluation for the City to be sure only well qualified applicants are included in the lottery drawing to select the sole cannabis business operator.
- Develop cost-recovery fees for the initial application process.
- Conduct quality assurance application reviews to ensure all applicants meet state and federal regulations.
- Background checks.
- Site plan evaluations.
- Pre-license site visits.
- 40-hours of general subject matter expertise, which would be used in part to provide for reviewing and revising the application process as described in the first bullet above.

NEXT STEPS

Application review is currently underway. It is anticipated that the review process will continue through December and into early January. Updated information on the cannabis lottery process will be available in the new year following completion of the review process.

Interested parties are encouraged to subscribe for notifications to the City's Cannabis Webpage at cityofpacificgrove.gov/cannabis to be notified of updates as they become available.

OPTIONS

1. Authorize the amendment
2. Do not authorize the amendment. Failure to authorize the amendment would halt the application review process.

FINANCIAL IMPACT:

As noted above, application fees, set by City Council on July 16, 2025, were designed to fully cover review costs by the applicant. Therefore, although the contract amount is proposed to increase, there is no fiscal impact to the City because user fees were set to fund all application processing and related expenses. A total of $92,724.80 of revenue was generated from the intake of the 10 retail cannabis business license applications.

As of this writing, $5,700 has been expended under the agreement. As noted above, a bulk on the remaining costs will occur during the application review phase, which alone is estimated at $35,000. Any additional work will be billed at the consultants' hourly rate on an as-needed basis and only for services actually provided.

FOCUSED PRIORITY AREA: Financial Sustainability

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Mohammed Khasimi, Chief Information Officer
MEETING DATE:	December 03, 2025
SUBJECT:	Agreement Amendment with Robert Half for Temporary IT Staffing
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Staff recommends that the Council approve the amendment to increase the agreement with Robert Half Inc. by $60,000, extending temporary IT staffing services until March 31, 2026. If approved, the contract will be amended accordingly.

DISCUSSION

The City's Information Technology Division within Administrative Services consists of three full-time staff who collectively manage an extensive range of functions. These include support for city departments, technology equipment, software systems, IT infrastructure, network administration, telecommunications, service desk operations, public meetings, technology support, cybersecurity, data management, compliance, enterprise applications, geographic information systems (GIS), data management, data recovery, and technology procurement. Losing even one staff member represents a one-third reduction in staffing capacity, which severely impacts operations across all of these areas.

To mitigate the impact of this vacancy and maintain continuity of services, the City executed an initial agreement with Robert Half Inc. for $39,900 beginning in October 2026. Temporary staff from Robert Half was brought in to support critical service desk operations, while the City's IT Support Specialist has been working Out-of-Class to assume some of the IT Management Analyst responsibilities.

The initial agreement for $39,900 was executed with the expectation that the normal recruitment process would fill the vacancy by mid-December. However, recruitment efforts to fill the vacant IT Management Analyst position are currently on hold while the City undergoes a comprehensive IT Assessment through a third party firm. The assessment will provide staffing level recommendations before recruitment resumes. Staff is requesting an amendment to increase the agreement by an additional $60,000, which will extend services until approximately the end of March 2026.

Having temporary support dedicated to service desk operations is critical for the daily functioning of the division. Without this support, existing staff would be required to absorb analyst and service

desk responsibilities in addition to their current duties, which is not sustainable. The temporary staff member will continue to provide frontline IT support, while the IT Support Specialist working Out of Class ensures coverage of higher?level analyst responsibilities during the IT Assessment.

This contract position is funded through salary savings resulting from the vacated and unfilled IT Management Analyst position. The Administrative Services Department has verified that salary savings will cover the cost of the contract, and the use of these funds will have no long-term impact on the permanent position.

OPTIONS

Approve the Amendment as Recommended

- Increase the agreement with Robert Half Inc. by $60,000.
- Extend temporary IT support services through March 31, 2026.
- Maintain continuity of service desk operations while the IT Assessment is completed and staffing recommendations are provided.

Approve a Modified Amendment

- Authorize a smaller or larger increase than $60,000.
- Adjust the service period to end earlier or later than March 31, 2026.
- Provide flexibility to align with Council's budgetary priorities or anticipated recruitment timelines.

Do Not Approve the Amendment

- Allow the current $39,900 agreement to run out of funds by mid-December.
- IT Support Specialist would continue Out-of-Class duties, but IT support services would be severely impacted.
- Risk of reduced IT support for city departments, public meetings, cybersecurity, and infrastructure until recruitment resumes after the IT Assessment.

Direct Staff to Explore Alternatives

- Seek other temporary staffing vendors or consultants.
- Reallocate internal resources to cover service desk operations.
- Consider interim measures until the IT Assessment is complete and recruitment resumes.

FINANCIAL IMPACT:

The estimated expense for the temporary staff member for 40 hours per week is approximately $4,000 per week. With the current agreement of $39,900, services are covered until mid-December. The proposed amendment of $60,000 will extend services through the end of March 2026. If approved, the total contract amount will be $99,900.

If the vacancy remains unfilled after March, staff will either resume recruitment efforts following the IT Assessment or return to the Council to renew this agreement with Robert Half Inc. or another qualified consultant.

FOCUSED PRIORITY AREA: Not Applicable.

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Katie Clark, Recreation Program Manager

MEETING DATE: December 03, 2025

SUBJECT: Recreation Board Meeting Minutes: June 26, 2025 and July 24, 2025

CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive the minutes.

Attachments

Recreation Board Minutes June 26, 2025

Recreation Board Minutes July 24, 2025

City of Pacific Grove

RECREATION BOARD

REGULAR MEETING AGENDA

Thursday, June 26, 2025, 4:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_RB
Please click here for directions to dial into the meeting audio.

AGENDA

1. **CALL TO ORDER**

The meeting was called to order at 4:02 pm by Jay Tulley, Recreation Board Chair. A roll call was conducted with the following members present in person: Gamble, Lehman, Tulley, and O'Sullivan. Member White was absent.

2. **APPROVAL OF AGENDA**

Action: Action: Upon motion by Chair Tulley with a second by Member Lehman, the Recreation Board voted 4-0-1 to approve the agenda. Member white absent.

3. **BOARD AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

Board Members - announcements received from Chair Tulley.

City Staff - announcements received from Recreation Manger, Katie Clark.

4. **COUNCIL LIAISON ANNOUNCEMENTS**

Council member - announcements were received from Council Member Amelio.

5. **GENERAL PUBLIC COMMENT**

No public comments were received.

A. Written General Public Comment - No public comments were received.

6. **APPROVAL OF THE MINUTES**

A. Recreation Board Draft Minutes April 24, 2025

Action: Upon motion by Chair Tulley, and seconded by with a second by Member Lehman, approve the Recreation Board Draft Minutes for April 24, 2025. Member White absent.

7. **REGULAR AGENDA**

A. Parks and Recreation Day 2025

Action: Received report for discussion.

B. Needs Assessment Survey

Action: Received report for discussion.

8. **NEXT MEETING – July 24, 2025**

9. **ADJOURNMENT**

Meeting adjourned by Chair Tulley at 4:42 pm**.**

Meeting Minutes

City of Pacific Grove

RECREATION BOARD

REGULAR MEETING AGENDA

Thursday, July 24, 2025, 4:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_RB

Please click here for directions to dial into the meeting audio.

AGENDA

1. **CALL TO ORDER**
The meeting was called to order at 4:00 pm by Jay Tulley, Recreation Board Chair. A roll call was conducted with the following members present in person: White, Tulley, and Lehman. Members Gamble and O'Sullivan absent.

2. **APPROVAL OF AGENDA**

Action: Upon motion by Member Lehman, with a second by Member White, the Recreation Board voted 3-0-2 to approve the agenda. Members Gamble and O'Sullivan absent.

3. **BOARD AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

Board Members - announcements received from Chair Tulley.

City Staff - announcements received from Recreation Manger, Katie Clark and Public Works Director, Dan Gho.

4. **COUNCIL LIAISON ANNOUNCEMENTS -** No announcements received.

5. **GENERAL PUBLIC COMMENT**
No public comments were received.

A. Written General Public Comment
No public comments were received.

6. **APPROVAL OF THE MINUTES**
No minutes received.

7. **REGULAR AGENDA**

A. Parks Day & Needs Assessment

Action: Report received for discussion.

B.

Recreation Department Metrics

Action: Upon motion by Chair Tulley, with a second by Member White, the Recreation Board voted 3-0-2 to make a recommendation to City Council to have a set of 10 metrics tracked by the Recreation Staff and reported to the Recreation Board on a quarterly basis. Members Gamble and O'Sullivan absent.

8. **NEXT MEETING - August 28, 2025**

9. **ADJOURNMENT**

Meeting adjourned by Chair Tulley at 5:20 pm**.**

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jon Biggs
MEETING DATE:	December 03, 2025
SUBJECT:	Pacific Grove 2023-2031 Housing Element Update
CEQA:	Environmental Impact Report

RECOMMENDATION

1. Adopt the resolution of the City Council certifying the Final EIR,
2. Adopt the resolution of the City Council approving the "Project', which includes amending the text, policies, figures, and maps of the Pacific Grove General Plan to adopt the 2023-2031 Housing Element; amending the Land Use and Health and Safety Elements and the Land Use Map; adopting the CEQA Findings of Fact, including a Statement of Overriding Considerations; and adopting the Mitigation Monitoring and Reporting Program (MMRP), and
3. Request the City Attorney read the title of the ordinance;
4. Motion to waive further reading of the ordinance;
5. Introduce and hold first reading of an ordinance of the City Council adopting amendments to Title 23, Zoning, of the Pacific Grove Municipal Code and the Zoning Map.
6. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

DISCUSSION

BACKGROUND

The Pacific Grove Housing Element is a State mandated component of Pacific Grove's General Plan that outlines how the community will meet its current and future housing needs. It includes an assessment of housing needs for all income levels, identification of suitable sites for new housing, and a program of actions to achieve housing goals like development, preservation, and rehabilitation. Each local government must have a Housing Element and they are required to be updated every eight years.

There has been a multi-year effort to update the Pacific Grove General Plan 6th Cycle, 2023-2031 Housing Element (HE) Update (HE Update). The City Council is now holding a public hearing on the HE Update and the Final Environmental Impact Report (Final EIR) that has been prepared to assess the potential environmental impacts of the HE Update and associated policy and code amendments necessary to implement the HE.

In addition to the update to the HE, the policy and regulatory documents that are proposed to be amended to implement the goals, policies, and programs reflected in the HE include:

- Land Use Element, Chapter 2 of the Pacific Grove General Plan
- Health and Safety Element, Chapter 10 of the Pacific Grove General Plan.
- Title 23, Zoning, of the Pacific Grove Municipal Code.
- Land Use Map of the Pacific Grove General Plan; and
- Zoning Map of Pacific Grove.

These documents, along with the update to the HE itself, are collectively referred to as "the Project." The Project itself does not develop housing. Rather, it is a plan to provide for the possibility of housing, supported by appropriate land use policies and zoning standards.

The Planning Commission held a public hearing on this at its regular meeting of November 13, 2025 and adopted a resolution recommending the Project to the City Council. In summary, the Resolution of the Planning Commission recommends City Council approval of:

- A resolution of the City Council certifying the Final EIR,
- A resolution of the City Council approving the "Project', which includes amending the text, policies, figures, and maps of the Pacific Grove General Plan to adopt the 2023-2031 Housing Element; amending the Land Use and Health and Safety Elements and the Land Use Map; adopting the CEQA Findings of Fact, including a Statement of Overriding Considerations; and adopting the Mitigation Monitoring and Reporting Program (MMRP), and
- § An ordinance of the City Council adopting amendments to Title 23, Zoning, of the Pacific Grove Municipal Code and the Zoning Map.

This agenda report includes the following documents, some, due to their size, are accessed on-line by a link provided in the body of this report and are identified by an * in the list below; others are included as attachments to this report:

1. Draft City Council Certifying Final EIR
2. Draft Environmental Impact Report (EIR)*
3. Draft EIR Appendices*
4. Final EIR, Response to Comments
5. Draft City Council Resolution Approving Project
6. CEQA Findings of Fact and Statement of Overriding Consideration
7. Draft Housing Element*
8. Draft Pacific Grove Land Use Element (tracked version)
9. Draft Pacific Grove Land Use Element (clean version)
10. Draft Land Use Map (City Wide)
11. Draft Land Use Map Low Density Residential
12. Draft Land Use Map Medium Density Residential
13. Draft Land Use Map High Density Residential
14. Draft Land Use Map Commercial
15. Draft Health and Safety Element (tracked version)
16. Draft Health and Safety Element (clean version)
17. Draft Mitigation Monitoring and Reporting Program
18. Draft City Council Ordinance Amending Title 23, Zoning
19. Draft Amendments to Zoning Code Sections (tracked version)
20. Draft Amendments to Zoning Code Sections (clean version)
21. Draft Zoning Map
22. Planning Commission Resolution of Recommendation to the City Council

Copies of Draft Environmental Impact Report (EIR), Draft EIR Appendices, and Draft Housing

Element, along with all the documents referenced above, can also be viewed at the following link: **Housing Element Documents for December 3, 2025 City Council Meeting.**

DISCUSSION

Environmental Review

An analysis of the Project's potential to cause adverse environmental impacts was conducted through the preparation of a Draft EIR. The Draft EIR sufficiently analyzed the Project's potential for significant environmental impacts, and it evaluated a reasonable range of Project alternatives.

A "significant effect" as defined by the CEQA Guidelines Section 15382:

> "…means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

In the Draft EIR, the assessment of the Project's potential to result in a significant adverse environmental impact begins with a discussion of the environmental setting related to a variety of environmental resources, which is followed by analyses of potential impacts to those resources. In each of the impact analysis sections, the first subsection identifies all assumptions made, methodologies used and "significance thresholds" applied, which are thresholds and other criteria adopted by the City and other agencies, universally recognized, or developed specifically for the analysis. The next subsection contains the actual impact analysis and describes each potential impact of the proposed Project, identifies mitigation measures needed to help avoid or reduce potentially significant impacts, and makes determinations regarding the level of significance of all potentially significant impacts after mitigation. Ultimately, the Draft EIR makes one of the following four conclusions, reflected in bold, for all the Project's potential impacts:

- **No Impact.** This conclusion states that the proposed Project would have no adverse effect on environmental conditions, which could include beneficial environmental impacts. Table ES-2 (found in the executive summary section of the Draft EIR and as modified in Section 3.1 of the Response to Comments document) provides a summary of the environmental impacts and related mitigation measures, where feasible.
- **Less than Significant.** This conclusion refers to an impact that may be adverse but does not exceed the applicable threshold of significance and thus does not require mitigation measures. However, measures that could further lessen the adverse but less than significant environmental effect may be suggested if readily available and easily achievable.
- **Less than Significant with Mitigation Incorporated.** This conclusion refers to an impact that may be potentially significant that can be reduced to below the threshold of significance through implementation of the feasible mitigation measures identified. Such an impact requires findings if the Project is approved under CEQA Guidelines Section 15091.
- **Significant and Unavoidable.** This conclusion refers to a potentially significant adverse impact that cannot be reduced to below the applicable threshold of significance even with implementation of all feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the Project is approved pursuant to CEQA Guidelines Section 15093.

The Draft EIR determined that mitigation measures were required and that the measures identified would mitigate potentially significant impacts to a less than significant level for the following resource areas:

- Air Quality

- Biological Resources
- Cultural Resources (archaeological resources)
- Geology and Soils
- Noise (vibration)
- Utilities
- Service Systems

The Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to:

- Cultural Resources (historical resources)
- Greenhouse Gas Emissions
- Noise (construction and operational traffic noise)

CEQA Findings and a Mitigation Monitoring and Reporting Program have been prepared for all the impacts analyzed in the EIR and must be adopted as part of any project approval. Further, as noted earlier; to approve a project with significant and unavoidable impacts, a Statement of Overriding Considerations must be adopted and so the City Council is being asked to adopt CEQA Findings that include such a Statement of Overriding Considerations because of the three significant and unavoidable impacts referenced above. A Statement of Overriding Considerations is a statement by the lead agency's decision making body identifying the Project's benefits that, in the decision makers opinion, override and outweigh the Project's significant and unavoidable impacts, making them acceptable in light of those benefits. CEQA permits a broad range of economic, legal, social, technological or other Project benefits as permissible reasons for a Statement of Overriding Considerations. Some of the benefits to the City listed in the Statement of Overriding Consideration that are part of the CEQA Findings for this Project include:

- The adoption of the Project would bring the City's Housing Element into compliance with current State law for the 6th Housing Element Cycle and would facilitate sufficient development at all income levels to meet the City's Regional Housing Needs Allocation, supporting new housing for low- and moderate-income households.
- The adoption of the Project would ensure consistency between the City's Housing Element and Land Use Element by amending General Plan land use designations to meet future housing needs.
- The adoption of the Project is necessary to bring the City into good-faith compliance with State housing laws and to remedy its current noncompliance under Housing Element law. Without adoption of the Project, the City risks significant legal and financial consequences, including exposure to enforcement actions, loss of eligibility for critical State funding programs, and potential referral to the Attorney General's Office with possible court-imposed penalties of up to $100,000 per month.
- The adoption of the Project would enable the City to maintain local control over land use and development by achieving Housing Element compliance, thereby avoiding the imposition of "Builder's Remedy" projects that could bypass local zoning standards and community planning objectives.

The City provided Notice of Availability of the Draft EIR to the public on June 30, 2025, and the Draft EIR was circulated for a 46-day public review comment period from June 30, 2025, to August 15, 2025. During the public review and comment period, the City received 11 written comment letters on the Draft EIR and received an acknowledgment from the State Clearinghouse that the City has complied with CEQA environmental review requirements.

On November 3, 2025, the City released its Responses to Comments document, which consists of all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, minor revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program (MMRP). The MMRP is a document that will be adopted as part of any Project approval and used thereafter as a tool to track and monitor to ensure that all the mitigation measures imposed on the Project are being implemented and complied with.

The combination of the Draft EIR, its appendices, and the Responses to Comments document constitute the Final EIR. For a useful overview of the Draft EIR and its analysis plus conclusions, staff recommends reviewing at the Executive Summary Section, which begins at page ES-1 of the Draft EIR.

Housing Element Update

Pacific Grove's Draft 2023–2031 Housing Element provides capacity to meet the City's Regional Housing Needs Allocation (RHNA) of 1,125 units across all income levels. This includes planning for 362 very-low, 237 low, 142 moderate, and 384 above-moderate income units for the 2023-2031 planning period. The Housing Element outlines a comprehensive strategy to accommodate this growth through updated policies, programs, and detailed sites inventory.

The updated housing element introduces multiple programs to facilitate housing development and preservation. For example, Program 1 (Housing Preservation and Rehabilitation) continues the City's loan program to assist low-income residents with home repairs. Other programs encourage accessory dwelling unit (ADU) development, incentivize affordable housing, and streamline permitting. In addition, programs commit to pursuing funding and partnerships for affordable housing, updating development standards, and removing governmental constraints to meet state housing law requirements.

The updated housing element also provides an inventory of vacant and underutilized sites that can accommodate the RHNA plus a buffer. These housing opportunity sites are distributed throughout the City, focusing on infill locations near transit, services, and along commercial corridors. Notably, the plan relies on underused commercial parcels (Downtown and Forest Hill areas) being rezoned for mixed-use housing, as well as some City-owned or underdeveloped parcels. The draft element demonstrates that Pacific Grove can accommodate its RHNA of 1,125 units through the sites inventory and planned zoning changes.

The sites inventory provides data on each site's potential unit yield, factoring in realistic development probabilities. In total, the identified sites (plus expected ADUs and pipeline projects) furnish a capacity above the RHNA – roughly on the order of 1,350+ units, which includes a buffer beyond 1,125 to account for contingencies. The State Department of Housing and Community Development (HCD) recommends a buffer of 15-30% in order to comply with State law including the "no net loss" requirements. The element also analyzes population and employment trends for 2031, forecasting that if the housing goals are met, Pacific Grove 's housing stock and population will modestly increase to support local workforce and family needs. Importantly, the City has verified that infrastructure (water supply, sewer, etc.) can support the additional housing growth within this cycle, and it has included programs to monitor infrastructure capacity and pursue improvements if needed.

Consistent with state law, the Housing Element incorporates an analysis for Affirmatively Furthering Fair Housing (AFFH), which examines fair housing issues and access to housing opportunities in Pacific Grove. It evaluates factors such as segregation patterns, income disparities, and displacement risk. The sites selected for new housing are dispersed in a manner to promote fair housing choice – for instance, higher-density sites are not concentrated in one neighborhood but in various parts of the City, including high resource areas. The Housing Element includes programs to advance fair housing, such as outreach and education for tenants and landlords, continued support for the regional fair housing service provider, and annual monitoring of potential housing discrimination or displacement. These actions are

intended to ensure the City ’s housing growth is equitable and inclusive, aligning with state and federal fair housing requirements.

Overall, the Housing Element’s revisions are geared toward creating opportunities for housing at all income levels through proactive rezoning, development incentives, and removal of barriers, while ensuring consistency with State housing laws and affirmatively furthering fair housing in the community.

On July 10, 2025, the City received a letter of conditional approval indicating the revised 2023-2031 Housing Element is in substantial compliance with state Housing Element Law following adoption of the changes and submittal of the final document to HCD.

Land Use Element Amendments

To maintain internal consistency with the updated Housing Element, Pacific Grove’s Land Use Element of the General Plan is being amended with targeted changes to land use designations, density standards, and maps. The draft revisions focus on enabling higher density residential development in appropriate areas and reflect the new housing sites in the City’s long-range land use policy framework. Key amendments include:

Land Use Designation Changes: Certain General Plan land use categories are being updated or added to accommodate housing. For example, areas that were previously designated purely for commercial use (such as the Downtown and Forest Hill commercial districts) will be amended to allow mixed-use that allows residential uses by right. These changes ensure the General Plan land use map mirrors the Housing Element’s strategy of siting new housing in commercial corridors and other underutilized sites. The City is also proposing to remove or modify outdated designations that conflict with housing goals – for instance, if a prior designation prohibited residential use in an area now targeted for housing, it will be amended or replaced. All told, the Land Use Element amendments will ensure zoning and land use designations are consistent with the Housing Element’s policies and the rezonings it calls for. In conclusion, the narrative text of the Land Use Element is being updated to describe these new categories and their purpose in meeting housing needs.

Density and Intensity Standards: The draft revisions adjust certain development intensity standards to support higher density housing development. For residential land use classifications, the allowable densities (dwelling units per acre) are being increased in line with Housing Element programs. As an example, the maximum density in the High-Density Residential category may be raised (e.g. from around 20–30 units/acre up to a higher figure that qualifies as suitable for affordable housing development under state law). Similarly, new Mixed-Use designations will stipulate residential density ranges to accommodate multi-story mixed-use projects. These changes are aimed at achieving “default” densities that the state deems appropriate for lower-income housing (often 20 or 30 units/acre in smaller cities). The Land Use Element change also incorporates needed policy language to support these density increases – for instance, emphasizing infill development, transit-oriented development in mixed-use areas, and the allowance of multi-family housing in zones that were formerly commercial-only. By updating density standards, Pacific Grove’s General Plan will be consistent with the rezoning/ upzoning efforts driven by the Housing Element, thereby legitimizing higher-density projects envisioned for the 2023–2031 period.

General Plan Map Updates: An updated General Plan Land Use Map will reflect changes to the allowed land use in two areas to accommodate higher density residential development that is also facilitated by changes to the zoning designation for these sites. These map changes make the General Plan a true blueprint of the City’s intended land uses, clearly identifying where higher-density housing is expected. The revised maps will be an important reference that will assist in understanding where new housing

potential exists.

Zoning Code Updates

A critical component is a rezoning program to create capacity for new housing. The draft Housing Element calls for amending the zoning code for the Commercial Downtown and Commercial Forest Hill districts, to allow higher-density residential or mixed-use development. These zoning amendments will establish "by-right" housing opportunities at target densities sufficient for lower-income housing (in line with state default density standards). Development standards such as height limits, floor-area ratios, and parking requirements (see Municipal Code Section 23.31.040 for amendments to site development standards in the commercial and industrial zoning districts) are proposed to be updated to facilitate multi-family and mixed-use projects. These modifications to the Zoning Code achieve required minimum densities and comply with recent State housing mandates (e.g. laws on accessory dwelling units, low-barrier navigation centers, and objective design standards).

HCD has provided a preliminary review of the proposed zoning code amendments. They recommended that language be added to Section 23.31.040, Commercial and Industrial Zoning District Development Standards, that clarifies 50% of the floor area of mixed-use development projects on sites within C-1, C-2, C-D and C-FH districts identified in the 6th Cycle Housing Element Site Inventory for lower-income households be dedicated to residential use. This language has been included as End Note Number 7 to Section 23.31.040. Although the comments from HCD followed the Planning Commission meeting of November 13, 2025, the added language carries forward the applicable state law requirements and clarifies standards in and does not amend the zoning ordinance recommended by the Planning Commission.

Health and Safety Element Updates

Pacific Grove's Health and Safety Element is being comprehensively updated to address contemporary hazards and meet new state requirements. The draft Health and Safety Element revisions add updated data, maps, and policies on emergency preparedness, natural disasters, and climate resilience. In particular, the City is aligning the Health and Safety Element with State regulations that mandate new considerations for evacuation routes and climate adaptation. Major areas of revision include: Evacuation Planning and Emergency Access: The Health and Safety Element now includes detailed information on the City's evacuation routes and procedures for emergency evacuation. In compliance with State regulations, the City has identified residential areas in hazard zones that have only a single evacuation route and evaluated how to improve emergency access in those neighborhoods.

The element maps out primary evacuation corridors (such as major roads out of Pacific Grove) and discusses their capacity and potential choke points. Pursuant to State regulations, an evacuation route analysis was conducted – assessing the safety, capacity, and viability of evacuation routes under scenarios like wildfires or tsunamis. The Health and Safety Element outlines evacuation plans for various disasters, designates evacuation centers, and includes policies to ensure routes remain passable (e.g. vegetation management along roadways and inter-agency coordination to handle traffic during an evacuation). The update places new emphasis on maintaining at least two emergency egress routes for all large residential developments, or, where that is not feasible due to geography, enhancing the existing route 's resiliency and communication systems. Overall, residents will find clearer guidance on evacuation zones and the City's commitment to improve emergency access, consistent with state law mandates.

Wildfire Hazard Updates: The revised Health and Safety Element addresses wildfire risks using the latest data and mapping from state and regional authorities. It recognizes that while Pacific Grove is largely urbanized, there are interfaces with the forested areas (such as the Del Monte Forest area near the City's boundary) that pose wildfire danger. Updated text describes the Fire Hazard Severity Zones affecting parts of Pacific Grove and the frequency of wildland fires in the region. New policies call for

enforcing defensible space around structures, supporting vegetation management in high-risk open space (in coordination with CalFire and neighboring jurisdictions), and ensuring adequate water pressure for firefighting. The element also highlights evacuation considerations for wildfire specifically – identifying neighborhoods adjacent to wildland areas that might need special evacuation plans. For example, wooded upland areas on the outskirts are noted as having elevated wildfire risk, and plans are included to conduct community outreach on wildfire preparedness in those areas. By integrating the Monterey Peninsula Regional Hazard Mitigation Plan findings, the Health and Safety Element ensures consistency with broader wildfire mitigation efforts.

Tsunami and Coastal Hazards: Given Pacific Grove's coastal location, the Health and Safety Element now contains an updated section on tsunami hazard and coastal storm flooding. According to mapping by the California Geological Survey, most of Pacific Grove's shoreline lies within a designated Tsunami Hazard Area. The new draft includes the official tsunami inundation map for the City, showing areas that could be flooded in a worst-case scenario. It discusses warning systems (sirens, emergency alerts) and evacuation routes for low-lying neighborhoods (for instance, routing evacuees to higher ground inland or to specified safe zones). Policies are introduced to continue public education on tsunami response and to coordinate with the National Weather Service's Tsunami Warning Center for early alerts. Additionally, the Health and Safety Element covers coastal erosion and sea-level rise threats (which can exacerbate storm surge and high tide flooding). While Pacific Grove's cliffs provide some protection, certain beach areas and infrastructure are identified as vulnerable to future sea-level rise. The updated element recommends monitoring erosion rates and planning for shoreline protection or managed retreat where applicable. By addressing tsunami and coastal storm hazards with current data and clear policies, the Health and Safety Element ensures the City's emergency planning is robust for these low-probability but high-impact events.

Climate Change Vulnerability: In line with State requirements, the Health and Safety Element now integrates a Climate Change Vulnerability Assessment and corresponding adaptation strategies. The City evaluated how climate change may intensify local hazards – including increased wildfire risk from hotter, drier conditions; greater coastal flooding from sea-level rise; and potential stress on water and power systems from extreme heat or drought. The element summarizes key findings (for example, identifying which neighborhoods or critical facilities are most vulnerable to these climate-related hazards). It then lays out climate adaptation policies to build resilience. These include actions such as incorporating sea-level rise projections into future land use decisions along the coast, expanding green infrastructure to manage stormwater from intense rain events, improving the grid's resilience to heatwaves (through backup generators or microgrids for emergency facilities), and partnering with regional agencies on climate mitigation and adaptation efforts. The updated policies also cross-reference the City 's Climate Action Plan and the regional hazard mitigation plan to ensure consistency. By doing this, Pacific Grove 's General Plan will meet State requirements and formally address climate adaptation. In summary, the Health and Safety Element commits the City to continuous monitoring of climate vulnerabilities and implementing strategies to protect the community's safety in the face of long-term climatic changes.

New and Revised Safety Policies: Throughout the Health and Safety Element, many policies and implementation measures have been added or strengthened to reflect current best practices and legal mandates. For example, new policies require regular updates to the City's Emergency Operations Plan and conducting periodic multi-agency evacuation drills for scenarios like wildfire and tsunami. There are policies ensuring that new development in high hazard areas (fire zones, flood zones) include adequate emergency access and construction standards for resilience. The element also includes commitments to coordinate with neighboring jurisdictions (Monterey, Pebble Beach/County) for emergency response, recognizing that disasters don 't stop at City limits. Another set of policies is aimed at community education and warning systems – supporting programs like Community Emergency

Response Team (CERT) training for residents, maintaining sirens and alert systems, and ensuring residents (especially vulnerable populations) are aware of evacuation procedures. By aligning these policies with state laws, the Health and Safety Element revisions bring Pacific Grove's General Plan into compliance with the latest safety requirements. The result is a more robust, proactive plan that enhances public safety and emergency preparedness for the City.

General Plan Land Use and Zoning Map Amendments
This Project includes amendments to the General Plan Land Use and Zoning Maps for two areas. The first is an area identified as the Dennett, Sinex, and Grove Acre Neighborhood and the second is the church site on Sunset Drive. The land use designation changes from 8.7 to 29.0 dwelling units per acre (dua) and 17.4 to 29.0 dua respectively. The zoning changes from R-2-B-3 to R-3 and from R-2 to R-3 respectively for the sites. A third site in the Del Monte Park Neighborhood is having its General Plan Land Use Map designation changed from NC (neighborhood commercial) to MDR 9.7 (medium density residential) and reflects the actual use of the property and not a change that would allow an increase in the residential density of the site.

AIRPORT LAND USE COMMISSION REVIEW
The Housing Element Update, along with the updates to the Land Use Element, Safety Element, Health and Safety Element, Zoning Code, plus the Land Use and Zoning Maps, has been reviewed by the County of Monterey Airport Land Use Commission. At its meeting on November 17, 2025, the Commission found that the updates to these documents are consistent with the 2019 Airport Land Use Compatibility Plan for the Monterey Regional Airport.

PLANNING COMMISSION RECOMMENDATION
At its regularly scheduled meeting of November 13, 2025, the Planning Commission held a public hearing on the proposed project. Following presentations by staff and the consultant team, in person and on-line public comment, and debate, the Commission voted 5-0 to adopt a resolution recommending approval of the project along with certification of the EIR to the City Council. A copy of the Planning Commission's resolution is included with this agenda report as Attachment No. 22 to this agenda report.

The Planning Commission's discussion on the Housing Element Update focused primarily on the proposed amendments to the Pacific Grove Municipal Code (PGMC) related to "by right" housing development. The amendments to the PGMC to implement the Housing Element include a new Section 23.70.020(b)(10) which provides:

> "Projects which meet the following requirements are entitled to review as a use by-right:
> (1) Project is located on a site suitable for residential development as defined in California Government Code Section 65583.2 and identified for lower-income households in the adopted 6th Cycle Housing Element Site Inventory that are shown to be the following:
> (i) Vacant and listed in the Site Inventory of two or more consecutive Housing Elements; or
>
> (ii) Non-vacant and listed in the Site Inventory of a previous Housing Element.
> (2) The project is proposed to include 20 percent of the total number of housing units available to lower-income households."

In addition, this language was added to PGMC Section 23.70.020(e):

> "Appeals of Determinations. For appeals of these determinations, see PGMC 23.74.020(a).
> (1) Projects pursuant to California Government Code Section 65583.2 may be appealed to the Planning Commission only by the applicant or the owner of the subject property."

These sections implement Government Code Section 65583.2(c), which requires that for sites included in the Housing Element identified to accommodate lower income RHNA residential use by right has to be allowed for projects that include 20% of the units as affordable to lower income households for:

- Vacant sites that have been included in two or more consecutive prior housing element cycles, and
- Non-vacant sites that were included in one prior housing element cycle.

"Use by right" is defined in Government Code Section 65583.2(i) to mean that the City's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of CEQA. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of CEQA. However, "any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. Use by right for "all rental multifamily residential housing" must be provided in accordance with subdivision (f) of Government Code Section 65589.5 (the Housing Accountability Act), which imposes substantial additional limitations on local government review processes.

The Commission raised concerns regarding potential procedural due process implications related to ministerial or by-right approvals that don't require notice and an opportunity for members of the public, particularly, neighbors of the proposed project, to provide input. As part of this discussion, one member of the Commission raised the California Supreme Court's decision in *Horn v. County of Ventura*, 24 Cal. 3d 605 (1979). The Court in the *Horn case* described that procedural due process principles apply to governmental decisions which are adjudicative in nature and not legislative. Id. at 612. The Court noted that subdivisions are subject to environmental evaluation under CEQA and went on to determine that procedural due process applies to subdivision approvals because they involve the "… exercise of judgement, and the careful balancing of conflicting interests, the hallmark of the adjudicative process." Id. at 615. This is in contrast to "ministerial" acts that require no notice or opportunity for hearing. Id.

Here, the California legislature had determined that certain housing projects must be processed ministerially or "by-right." By definition, this means that the projects can not be submitted for discretionary review and in making a determination on such projects only objective standards can be applied. The legislature has also clearly stated that certain housing projects, including projects described above under Government Code Section 65583.2(c), CEQA does not apply."

STAFF RECOMMENDATION

Prior to taking actions that on a project, it is a best practice to adopt/certify the environmental review conducted for that project. For this reason, staff recommends, in concert with the recommendation of the Planning Commission, that the City Council take the following actions, with a decision on the certification of the EIR being determined first, in the order that they appear below:

1. Adopt the resolution of the City Council certifying the Final EIR,
2. Adopt the resolution of the City Council approving the "Project', which includes amending the text, policies, figures, and maps of the Pacific Grove General Plan to adopt the 2023-2031 Housing Element; amending the Land Use and Health and Safety Elements and the Land Use Map; adopting the CEQA Findings of Fact, including a Statement of Overriding Considerations; and adopting the Mitigation Monitoring and Reporting Program (MMRP), and
3. Introduce an ordinance of the City Council adopting amendments to Title 23, Zoning, of the Pacific Grove Municipal Code and the Zoning Map.

OPTIONS

1. Agree with the recommendation of the Planning Commission and staff and adopt/introduce the resolutions and ordinance associated with the update to the Pacific Grove Housing Element.
2. Decline adoption of the resolutions and ordinance associated with the update to the Pacific Grove Housing Element.
3. Refer back to staff for evaluation of subjects identified by the City Council and continue consideration of this item to a specific date.

FINANCIAL IMPACT:

Approximately $1,314,835.20 has been budgeted for the Consulant work on the Update to the Housing Element. This does not include time staff and the City Attorney's Office has devoted to this update.

FOCUSED PRIORITY AREA: Community Development

Attachments

1. Draft CC Resolution Certifying EIR
4. Final EIR Responses to Comments
5. Draft CC Resolution Approving Project
6. Draft CEQA Findings of Fact and Statement of Overriding Considerations
8. Draft Pacific Grove Land Use Element - Tracked
9. Draft Pacific Grove Land Use Element - Clean
10. Draft Land Use Map
11. General Plan Land Use Map Low Density Residential
12. General Plan Land Use Map Medium Density Residential
13. General Plan Use Map High Density Residential
14. General Plan Land Use Map Commercial
15. Draft Health and Safety Element - Tracked
16. Draft Health and Safety Element - Clean
17. Draft Mitigation Monitoring and Reporting Program
18. Draft City Council Ordinance Amending Title 23, Zoning
19. Draft Zoning Code Amendments - Tracked
20. Draft Zoning Code Amendments - Clean
21. Draft Zoning Map
22. Final PC Resolution

RESOLUTION NO. 25 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2024010897) FOR THE HOUSING ELEMENT UPDATE, ZONING ORDINANCE AMENDMENTS, AND GENERAL PLAN AMENDMENTS

Whereas, the proposed Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments Project ("project") includes the following components: 1) 2023-2031 Housing Element which includes, among other things, a program to upzone sites in the Downtown Commercial and Forest Hill Commercial Districts and rezone sites in the Dennett, Sinex, and Grove Acre District; 2) Zoning Amendments to implement Housing Element Programs, including updates to the zoning map; and 3) associated General Plan Amendments to the Health and Safety Element, the Land Use Element, and the Land Use Map; and

Whereas, the proposed Housing Element Update was made available for public review and comment in accordance with Government Code Section 65585 and submitted to the California Housing and Community Development (HCD) for review on November 2, 2023; December 20, 2024; and May 21, 2025; and

Whereas, the zoning amendments to Title 23 (Zoning) of the Pacific Grove Municipal Code and the Zoning Map would include, among other things, modifications to meet target densities as well as compliance with State housing laws as identified in the proposed Housing Element; and

Whereas, the Land Use Element of the General Plan and Land Use Map would be updated for consistency with the Housing Element Update and Zoning Amendments; and

Whereas, the Health and Safety Element of the General Plan involve updated information, policies, and implementation measures consistent with the current requirements of state law, including additional details related to evacuation routes and emergency access; and

Whereas, the project area includes the entirety of Pacific Grove and includes identified housing sites, upzoning and rezoning areas, and additional parcels primarily located in the Downtown Commercial and Forest Hill Commercial Districts and in the Dennett, Sinex, and Grove Acre District; and

Whereas, the project involves certification of the Final Environmental Impact Report (EIR); adoption of the 2023-2031 Housing Element and amendments to the Land Use Element, Land Use Map, and Health and Safety Element of the General Plan; and approval of amendments to zoning regulations, including rezoned sites and amendments to the City's zoning map; and

Whereas, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., Title 14, § 15000, *et seq*.), the City of Pacific Grove is the lead agency for the proposed project; and

Whereas, the City evaluated the project and determined that an EIR should be prepared because the project may have a significant effect on the environment; and

Whereas, in accordance with CEQA Guidelines Section 15082, on January 29, 2024, the City sent to the California Office of Land Use and Climate Innovation (formerly the Office of Planning and Research) and each responsible and trustee agency a Notice of Preparation ("NOP")

stating that an Environmental Impact Report (State Clearinghouse Number # 2024010897) would be prepared; and

Whereas, pursuant to Public Resources Code Section 21083.9 and CEQA Guidelines Sections 15082(c) and 15083, the City held a duly-noticed Scoping Meeting on February 15, 2024, to solicit comments on the scope of the environmental review of the proposed project; and

Whereas, comments were received from 16 individuals, organizations, and/or agencies in response to the NOP; and

Whereas, pursuant to Assembly Bill 52 and Senate Bill 18, the City sent notification of the project via certified mail to nine Native American tribes affiliated with the project area and received no requests for consultation; and

Whereas, a Draft Environmental Impact Report ("Draft EIR") was prepared, incorporating comments received in response to the NOP; and

Whereas, the Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: Air Quality, Biological Resources, Cultural Resources (archaeological resources), Geology and Soils, Noise (vibration), and Utilities and Service Systems; and

Whereas, the Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed project would nonetheless result in significant and unavoidable impacts relating to Cultural Resources (historical resources), Greenhouse Gas Emissions, and Noise (construction and operational traffic noise); and

Whereas, in accordance with CEQA Guidelines Section 15085, a Notice of Completion was prepared and filed with the Office of Land Use and Climate Innovation on June 30, 2025; and

Whereas, as required by CEQA Guidelines Section 15087(a), the City provided Notice of Availability of the Draft EIR to the public in accordance with all legal requirements at the same time that the City sent a Notice of Completion to the Office of Land Use and Climate Innovation, on June 30, 2025; and

Whereas, pursuant to CEQA Guidelines Section 15087(e), the Draft EIR was circulated for a 46-day public review comment period from June 30, 2025, to August 15, 2025; and

Whereas, during the public review and comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and other interested parties pursuant to CEQA Guidelines Section 15086; and

Whereas, the City received 11 written comment letters on the Draft EIR and also received an acknowledgement from the State Clearinghouse that the City has complied with CEQA environmental review requirements; and

Whereas, on November 3, 2025, the City released its Responses to Comments document, which consists of all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program; and

Whereas, pursuant to Public Resources Code Section 21092.5, the City provided copies of its responses to commenting public agencies on November 3, 2025, at least ten (10) days prior to the City's consideration of the Final EIR on December 3, 2025; and

Whereas, the "Final EIR" consists of the Draft EIR and its appendices, and the Responses to Comments document. The Final EIR is on file with the City and is hereby incorporated by reference; and

Whereas, all potentially significant adverse environmental impacts were sufficiently analyzed in the Final EIR; and

Whereas, all of the requirements of the Public Resources Code and the CEQA Guidelines have been satisfied by the City in connection with the preparation of the Final EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the project have been adequately evaluated; and

Whereas, the Final EIR prepared in connection with the project sufficiently analyzes the project's potentially significant environmental impacts, and the Final EIR analyzes a range of feasible alternatives capable of reducing these effects to a lesser level of significance; and

Whereas, prior to taking action, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the Final EIR, and all oral and written evidence presented to it during all meetings and hearings; and

Whereas, the Final EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the project; and

Whereas, no comments made in the public hearings conducted by the City, no additional information submitted to the City, and nothing in the Response to Comments document have produced substantial new information requiring recirculation of the Final EIR or additional environmental review of the project under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5; and

Whereas, on November 13, 2025, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 25-001 recommending that the City Council certify the Final EIR, adopt amendments to the City's General Plan, Land Use Map, Zoning Ordinance and Zoning Map, and make CEQA Findings of Fact and adopt a Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program; and

Whereas, on December 3, 2025, the City conducted a duly-noticed public hearing on the certification of the Final EIR and approval of the project, at which time all persons wishing to testify were heard and the project was fully considered; and

Whereas, all other legal prerequisites to the adoption of this Resolution have occurred.

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

1. The City Council determines that each of the Recitals set forth above are true and correct, and by this reference incorporates those Recitals as an integral part and findings of this Resolution.
2. The City Council hereby finds that it has been presented with the Final EIR, which it has reviewed and considered, and further finds that the Final EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the CEQA Guidelines. The City Council finds that the Final EIR reflects the independent judgment and analysis of the City. The City Council declares that no evidence of new significant

impacts or any new information of "substantial importance" as defined by CEQA Guidelines Section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the City Council hereby certifies the Final EIR based on the entirety of the record of proceedings.

3. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at, and under the custodianship of the Community Development Department, City Hall, 300 Forest Avenue, Pacific Grove, CA 93950. This information is provided pursuant to Public Resources Code Section 21081.6.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE this 3rd day of December, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
NICK SMITH, Mayor

ATTEST:
DATED: _____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney



Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments

Responses to Comments
SCH #2024010897

prepared by

City of Pacific Grove
Department of Community Development
300 Forest Avenue, 2nd Floor
Pacific Grove, California 903950
Contact: Joe Sidor, Contract Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.
80 Garden Court, Suite 240
Monterey, California 93940

November 2025

RINCON CONSULTANTS

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1 Introduction

1.1 Contents

This Responses to Comments document has been prepared by the City of Pacific Grove (City) to address comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments (hereinafter referred to as the "project" or "proposed project").

As prescribed by the California Environmental Quality Act (CEQA) *Guidelines* Sections 15088 and 15132, the lead agency, the City, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document and the Draft EIR (incorporated by reference) comprise the Final EIR for this project. This document includes individual responses to each letter received during the public review period for the Draft EIR. In accordance with *CEQA Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The City has provided a good faith effort to respond to all significant environmental issues raised by the comments. This document also includes amendments to the Draft EIR consisting of changes suggested by certain comments, as well as minor clarifications, corrections, or revisions to the Draft EIR. The Responses to Comments document includes the following contents:

- Chapter 1: Introduction
- Chapter 2: Responses to Comments on the Draft EIR, which also includes a list of all commenters and public comment letters
- Chapter 3: Revisions to the Draft EIR
- Chapter 4: Mitigation Monitoring and Reporting Program

1.2 Draft EIR Public Review Process

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines,* the Draft EIR was circulated for public review and comment to responsible agencies and interested parties as well as members of the public, for a period of 46 days (June 30, 2025, through August 15, 2025). Comment letters received on the Draft EIR and responses to each of the comments are provided in their entirety in Chapter 2, *Responses to Comments*.

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR (*CEQA Guidelines* Sections 15086 and 15087).

Sections 15088(a) and (c) of the *CEQA Guidelines* also require a lead agency to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and to prepare written responses to comments raising significant environmental issues. This Responses to Comments document is the mechanism for responding to these comments. Responses are not required for comments regarding the merits of the proposed project or regarding issues not related to the project's environmental impacts. Several of the comments on the Draft EIR state the commenter's preferences regarding the content or approval of the proposed project, potential economic impacts,

or provide general statements concerning the content of the Draft EIR. Detailed responses are not warranted or required by CEQA for comments that do not address environmental issues related to the proposed project. Such instances are noted in the responses. The City will review all comments received, including those that do not warrant a response under CEQA, before considering certification of the Final EIR or approval of the proposed project.

Each comment letter has been reproduced in full, with individual comments within those comment letters bracketed generally by topic area covered and/or environmental issue raised and numbered according to the type of commenter (agency, organization, and individual) with responses following each comment.

1.3 Revisions to the Draft EIR

Portions of a few of the sections of the Draft EIR have been revised since the Draft EIR was circulated for public review and as these responses to the comments on the Draft EIR were prepared (see Chapter 3, *Revisions to the Draft EIR*). None of the changes constitute "significant new information," which would require recirculation of the Draft EIR. "Significant new information" is defined in Section 15088.5(a) of the *CEQA Guidelines* as follows:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft EIR; therefore, recirculation is not required. Instead, the changes to the Draft EIR were made merely to clarify or amplify information in the Draft EIR.

1.4 Final EIR

The Draft EIR, Responses to Comments, and associated appendices and documents are available for review online at: https://www.cityofpacificgrove.gov/our_city/departments/community_development/programs___proj ects/ceqa.php and at the following physical locations:

Pacific Grove City Hall
300 Forest Avenue, 2nd Floor
Pacific Grove, California 93950

Pacific Grove Public Library
550 Central Avenue
Pacific Grove, California 93950

As required by *CEQA Guidelines* Section 15088(b), at least 10 days before consideration of the Final EIR for certification, the City will provide written response to each public agency that submitted written comments on the Draft EIR.

1.5 Project Decision Process

This Response to Comments document and the Draft EIR, as revised through the changes described in Chapter 1.3, *Revisions to the Draft EIR,* res, together constitute the Final EIR, which will be considered by the City prior to a decision on whether to approve the project. If the City decides to approve the project, the City, as required by *CEQA Guidelines* Section 15090, must first certify that the Final EIR was completed in compliance with the requirements of CEQA, was reviewed and considered by the City, and reflects its independent judgment and analysis. The City would then be required to adopt findings of fact on the disposition of each significant environmental impact, as required by *CEQA Guidelines* Section 15091, and a statement of overriding considerations, as required by *CEQA Guidelines* Section 15093 for any significant and unavoidable impacts. A Mitigation Monitoring and Reporting Program, which is required by *CEQA Guidelines* Section 15091(d), has been included as part of Chapter 4, *Mitigation Monitoring and Reporting Program*, of this document and will be adopted by the City of Pacific Grove City Council in conjunction with any project approval.

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2 Responses to Comments on the Draft EIR

This section includes comments received during public circulation of the Draft Environmental Impact Report (EIR) prepared for the City of Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments.

The Draft EIR was circulated for a 46-day public review period that began on June 30, 2025 and ended on August 15, 2025. The City of Pacific Grove received 11 comment letters on the Draft EIR.

2.1 Commenters on the Draft EIR

Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter. Comment letters have been ordered according to the type of commenter (i.e., Governments, Agencies and Individuals) and then numbered in the chronological order (by date) they were received by the City of Pacific Grove, and then alphabetically.

Table 2-1 Comment Letters Received

Letter/Comment No.	Commenter	Date
Agencies		
A1	Monterey-Salinas Transit	August 7, 2025
A2	California Department of Fish & Wildlife	August 18, 2025
Individuals		
I1	Jane Haines	July 15, 2025
I2	Steven Lilley	August 6, 2025
I3	Arnoud Tiel	August 7, 2025
I4	Bill Frederickson	August 12, 2025
I5	Emily Miller	August 12, 2025
I6	Fred Ballerini	August 15, 2025
I7	Jane Haines	August 15, 2025
I8	Andrew Kubica	August 15. 2025
I9	Lori McDonnell	August 15. 2025

2.2 Responses to Public Comments

The comment letters and responses follow. The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response I1.1, for example, indicates that the response is for the first issue raised in Comment Letter I1).

Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeout font (~~strikeout font~~) where text was removed and by underlined font (<u>underlined font</u>) where text was added. These changes in text are also included in Chapter 3, *Revisions to the Draft EIR*.

August 7, 2025

Community Development Department
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

RE: Draft Environmental Impact Report (DEIR) for the Housing Element Update, Zoning Amendments, and General Plan Amendments Project

Dear Mr. Sidor:

A1.1 Monterey-Salinas Transit District (MST) supports the City's efforts to expand access to housing while aligning with state mandates through the Housing Element Update, Zoning Code amendments and General Plan revisions. MST also commends the City's efforts to address significant and unavoidable impacts brought on by greenhouse gas (GHG) emissions and views Mitigation Measures GHG-1(a) and GHG-1(b) as important measures towards addressing the project's climate impacts.

A1.2 After reviewing Draft Environmental Impact Report (DEIR), MST offers the following comments in response to the DEIR's finding that Impact GHG-1 would remain significant and unavoidable.

Existing Transit Service

A1.3 MST operates two (2) routes within the City of Pacific Grove. Lines 1 and 2 travel between the Monterey Transit Plaza and Pacific Grove via Asilomar and David Avenue. Daily service for these routes is available every 30 minutes starting at 6:45 AM and ending at 7:41 PM. MST also operates the RIDES ADA Paratransit Program, offering curb-to-curb service for eligible riders. More information is available at mst.org and mstmobility.org.

Transit Coordination and VMT Reduction

A1.4 Transit use is a proven GHG reduction strategy that directly reduces **vehicle miles traveled (VMT).** While the DEIR identifies two mitigation measures to address GHG impacts, neither includes public transit. MST recommends adding a third mitigation measure:

A1.4 Cont.

c) Coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible, to help reduce GHG impacts. Some features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.

A1.5

The following MST services are available to support VMT reduction:

- **Travel Training**: MST offers free fixed-route travel training to teach interested individuals, groups, and organizations how to ride the MST bus network safely and independently. Training involves a brief classroom session and/or a bus ride accompanied by a travel trainer.
- **Group Discount Program**: Provides 31-Day MST GoPasses at a substantially reduced price, if bus passes are purchased in bulk. **Discounts are available for residential developments that serve the elderly, people with disabilities and low-income populations**.
- **Commute with Enterprise & MST**: MST has partnered with Enterprise to provide vanpooling options for commuters who travel to the same area in Monterey County. MST's Vanpool Program provides commuters with an innovative and sustainable shared mobility option through subsidized vanpooling. Employers can support their employees by contributing to the cost and making vanpooling an even more attractive option for their workforce.

A1.6

First-Mile-Last-Mile Gaps

The DEIR's transportation analysis finds that all proposed housing sites are within 0.5 mile of transit, bicycle, and pedestrian facilities, "encouraging alternative transportation and providing access to multiple transportation options." While proximity to transit is an important consideration, safe and reliable **first-mile/last-mile access** is essential for making transit a viable alternative to driving.

Substantial first-mile/last-mile improvements are needed throughout the city so residents and workers can safely access transit facilities, such as bus stops. Several proposed housing sites lack adequate pedestrian infrastructure connecting them to nearby transit stops. For example:

- Site #23 (1107, 1117, and 1123 Forest Ave.) lacks continuous sidewalks to the closest bus stops.
- Site #40 (710 and 720 Grove Acre Avenue) is ideally located only 0.1 miles (or a 3-minute walk) to an MST bus stop, but Grove Acre Avenue does not have an ADA-compliant sidewalk for individuals to safely access the bus stop.
- Sunset Drive, between 17 Mile Drive and Congress Avenue, lacks a sidewalk on the north side of the street, which precludes installation of bus stops to the area; this is a missed opportunity for housing sites #49, 50, and 55.

A1.7 As future projects are built through this Housing Element, MST respectfully encourages the City of Pacific Grove to invest in **ADA-compliant sidewalks** and other safe access features. These investments support increased transit use, reduce GHG emissions, and lower parking demand.

Closing

A1.8 Coordination with MST is a feasible, cost-effective strategy that aligns with goals already identified in the City's Housing Element, including reducing GHG emissions, increasing access to opportunity, and affirmatively furthering fair housing. If you have any questions about the above comments, please do not hesitate to contact me at epatel@mst.org or 831-264-9288.

Sincerely,

EPatel

Emma Patel
Planning Manager

Letter A1

COMMENTER: Emma Patel, Planning Manager, Monterey Salinas Transit

DATE: August 7, 2025

Response A1.1

The commenter supports the City's efforts to expand access to housing and commends the City's efforts to address significant and unavoidable impacts related to greenhouse gas (GHG) emissions.

This comment is introductory and does not raise any environmental issues or contain a substantive comment on the Draft EIR. No further response is required.

Response A1.2

The commenter states their following comments are in response to the Draft EIR's finding that GHG-1 would remain significant and unavoidable.

This comment is introductory and does not in and of itself raise any environmental issues or contain a substantive comment on the Draft EIR. No further response is required. Refer to Responses A1.3 through A1.8.

Response A1.3

The commenter provides information on existing transit service within Pacific Grove.

This comment does not raise any environmental issues or contain a substantive comment on the Draft EIR. No further response is required.

Response A1.4

The commenter states that transit is a proven method for reducing GHG emissions, and suggests adding a mitigation measure that incorporates public transit strategies to reduce vehicle miles traveled (VMT) and GHG emissions.

The following revisions have been made to the Draft EIR.

Page ES-31 in the *Executive Summary:*

> **GHG-1 Greenhouse Gas Emissions Reductions.** Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project:
>
> a) Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits.
>
> b) Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval.

c) Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.

Page 4.7-21 in Section 4.7, *Greenhouse Gas Emissions:*

GHG-1 Greenhouse Gas Emissions Reductions

Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project:

a. Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits.

b. Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval.

c. Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.

Response A1.5

The commenter provides a list of services provided by MST to reduce VMT including travel training, group discounts, and vanpooling.

This comment does not raise any environmental issues or contain a substantive comment on the Draft EIR. No further response is required.

Response A1.6

The commenter expresses the importance of safe and reliable first-mile and last-mile access and suggests various improvements, including completing continuous sidewalks to connect housing sites to nearby transit stops. The commenter provides a list of suggested improvements for sidewalks near some of the housing sites.

This comment is noted and will be provided to decision-makers for consideration prior to approval and certification of the EIR. Future development projects will require project- and site-specific planning and environmental review, at which point consideration of details noted by the commenter would be appropriate. This comment does not raise any environmental issues or contain a substantive comment on the Draft EIR and no further response is required.

Response A1.7

The commenter encourages the City to invest in ADA-compliant sidewalks and other safe access features.

This comment is noted and will be provided to decision-makers for consideration prior to approval and certification of the EIR. Future development projects will require project- and site-specific planning and environmental review, at which point consideration of details noted by the commenter would be appropriate. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Response A1.8

The commenter summarizes their comments and encourages collaboration with MST.

This comment is conclusory and does not in and of itself raise any environmental issues or contain a substantive comment on the Draft EIR. No further response is required.

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Letter A2

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 15, 2025

Joe Sidor, Contract attSenior Planner
City of Pacific Grove
300 Forest Avenue, 2nd Floor
Pacific Grove, California 93950
jsidor@cityofpacificgrove.org
(831) 648-3192

Subject: Pacific Grove Housing Element Update, Zoning Amendments, and General Plan Amendments (Plan)
Draft Environmental Impact Report (DEIR)
SCH No.: 2024010897

Dear Joe Sidor:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Pacific Grove for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

A2.1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & Game Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the

A2.2

conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., Section 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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A2.3

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, Section 21069; CEQA Guidelines, Section 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, future projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & Game Code, Section 1600 et seq.). Likewise, to the extent implementation of future projects tiered from this Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, Section 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

A2.4

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an incidental take permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for a project.

A2.5

PLAN DESCRIPTION SUMMARY

Proponent: City of Pacific Grove

Objective: The proposed Plan consists of the following components: 1) Housing Element update, which includes a program to upzone sites in the Downtown Commercial and Forest Hill Commercial Districts and rezone sites in the Dennett, Sinex, and Grove Acre District; 2) Zoning Amendments to implement Housing Element Programs, including updates to the zoning map; and 3) associated General Plan Amendments. The zoning amendments would include modifications to the Zoning Code to meet target densities as well as compliance with State housing laws as identified in the Housing Element. The Land Use Element would be updated for consistency with the Housing Element Update and Zoning Amendments. The Health and Safety Element would involve updated information, policies, and implementation measures consistent

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A2.5 Cont.

with the current requirements of state law. This includes additional details related to evacuation routes and emergency access.

Location: The City of Pacific Grove

COMMENTS AND RECOMMENDATIONS

A2.6

CDFW offers the following comments and recommendations to assist the City of Pacific Grove in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Plan.

Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDB) (CDFW 2025), the proposed Plan area is known to and/or has the potential to support special-status species, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities.

A2.7

Currently, the DEIR acknowledges that the Plan area is within the geographic range of several special-status animal species and provides specific recommendations and measures for future projects tiered from this Plan to incorporate within their CEQA analyses. CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take of several special-status species, including the State candidate Crotch's Bumble Bee (*Bombus crotchii*), State fully protected white-tailed kite (*Elanus leucurus*), and the State special animal and federally proposed threated, monarch butterfly, California overwintering population (*Danaus Plexippus Plexippus pop. 1*). CDFW also has

A2.8

concerns about the ability of some of the proposed mitigation measures to reduce impacts to less significant and avoid unauthorized take of special-status plant species. Additionally, CDFW is concerned about maintaining sufficient buffers between cleanup and staging areas and adjacent streams to protect these resources.

Crotch's Bumble Bee (CBB)

A2.9

The DEIR's Biological Resources section does not include Crotch's bumble bee (CBB). The City of Pacific Grove is within the known range of CBB, and potentially suitable CBB habitat is present within the Plan area. As such, CDFW recommends the DEIR analyze potential impacts to CBB from Plan implementation and including CBB within the "Special-Status Wildlife Species in the Regional Vicinity of the Project Site" chart to ensure that future projects associated with this Plan consider its potential occurrence.

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White-tailed kite (WTKI)

BIO-1(h) Nesting Bird Surveys

The DEIR's BIO-1(h), requires nesting bird surveys to cover the disturbance area plus a 200-foot buffer around the site, where feasible, and a 500-foot buffer for raptors. CDFW would like to note that the City of Pacific Grove lies within the range of the WTKI and these survey and buffer distances may not be sufficient to avoid potentially significant impacts to WTKI and their nests. Therefore, the CDFW recommends that BIO-1(h) be revised to specify that a qualified avian biologist will conduct surveys for fully protected nesting raptors, including nesting white-tailed kites, prior to beginning project-related activities, and that these surveys will incorporate a ½-mile buffer around project activities. CDFW also recommends that a minimum no-disturbance buffer of ½ mile shall be established around active fully protected raptor nests (including white-tailed kite nests) until the breeding season ends or a qualified biologist confirms that fledging has occurred, and the birds no longer depend on the nest or parental care for survival. CDFW advises against reducing this buffer for any fully protected bird species without compelling biological or ecological justification. Further consultation with CDFW is recommended to ensure appropriate project implementation and take avoidance.

A2.10

Monarch Butterfly (MOBU)

BIO-1(g) Monarch Butterfly Avoidance and Minimization

The DEIR's BIO-1 (g) states that, if construction occurs during the monarch butterfly (MOBU) overwintering season and butterflies are present, a City of Pacific Grove approved biologist would establish a protective buffer of 100 to 300 feet around roosting sites, based on their proximity and disturbance risk. This buffer would be clearly marked on-site, and no construction or equipment staging would be allowed within it. If work within the buffer is necessary, the biologist would monitor to ensure MOBU are not disturbed and has the authority to halt and resume activities as needed. The biologist may also adjust the buffer size within the 100- to 300-foot range depending on butterfly location and disturbance levels.

A2.11

CDFW concurs with having an appropriate buffer if MOBU overwintering sites are found during surveys or activities associated with projects tiered from this Plan. However, CDFW recommends increasing that buffer to 500 feet from the outer edge of the overwintering habitat, consistent with the U.S. Fish and Wildlife Service (USFWS) Western Monarch Butterfly Conservation Recommendations (USFWS 2023). CDFW recommends that any proposed modifications to this buffer be coordinated with both the U.S. Fish and Wildlife Service and CDFW to evaluate

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A2.11 Cont. whether a reduction is feasible without causing disturbance to the overwintering population.

Special-Status Plant Species

BIO-1(a) Special-Status Plant Species Surveys

A2.12 The DIER's BIO-1(a) states, "If project construction does not occur within three years of the initial special-status plant survey, additional floristic surveys shall be repeated. If special-status plants are not found during special-status plant surveys, no further action is required." While CDFW concurs that special-status plant surveys should be updated following a significant lapse in time, CDFW recommends that the timing of surveys be adjusted based on the type of habitat present within the project site and whether the target special-status plant species are identifiable every year. Certain plant species may not be detected in a given year and several consecutive years of surveys may be required. CDFW recommends referencing the "Protocols for surveying and evaluating impacts to special-status native plant populations and sensitive natural communities" (California Department of Fish and Wildlife 2018) when determining when to update floristic survey efforts.

BIO-3(b) Waters and Wetlands Impact Avoidance and Minimization

A2.13 The DEIR's BIO-3(b) states that "all refueling, cleaning, and maintenance of equipment shall occur at least 100 feet from jurisdictional areas." CDFW recommends increasing this buffer to 150 feet to provide greater protection to streams and their associated hydrologic features and minimize potential impacts.

EDITORIAL COMMENTS AND/OR SUGGESTIONS

Lake and Stream Alteration (LSA)

A2.14 Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

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A2.14 Cont. CDFW therefore recommends that the DEIR for this Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to streams may require the need to obtain a 1600 Lake or Streambed Alteration Agreement (LSAA).

Federally Listed Species

A2.15 CDFW recommends consulting with the USFWS on potential impacts to federally listed species. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS to comply with the ESA is advised well in advance of any ground disturbing activities.

California Natural Diversity Database

A2.16 Please note that the CNDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there are suitable habitats and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential project-related impacts to biological resources, surveys conducted by a qualified biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project area.

ENVIRONMENTAL DATA

A2.17 CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, Section 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during surveys to the CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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FILING FEES

A2.18 The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Plan approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Pacific Grove in identifying, analyzing, and mitigating the implementation of the Plan's impacts on biological resources.

A2.19 More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
state.clearinghouse@lci.ca.gov

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REFERENCES

California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed July 2025.

U.S. Fish and Wildlife Service. 2023. Western Monarch butterfly conservation recommendations. Sacramento, California, USA.

Letter A2

COMMENTER: Julie A. Vance, Regional Manager, California Department of Fish and Wildlife

DATE: August 18, 2025

Response A2.1

The commenter expresses appreciation for the opportunity to provide feedback.

This comment is introductory and does not contain a substantive comment on the Draft EIR. No further response is required.

Response A2.2

The commenter describes CDFW's role as a Trustee Agency for fish and wildlife resources in accordance with California state law and CEQA.

This comment does not contain a substantive comment on the Draft EIR. No further response is required.

Response A2.3

The commenter describes the CDFW's role as a Responsible Agency under CEQA and notes that CDFW may need to exercise regulatory authority for impacts to resources within their jurisdiction.

Consultation with CDFW would be conducted for future development facilitated by the proposed project, if it is determined that a project could impact resources subject to CDFW's jurisdiction or result in take of threatened or endangered species. .

Response A2.4

The commenter summarizes the regulatory process governing take of protected species and encourages early consultation with CDFW in the project planning process for projects that may require incidental take permits for state-listed species.

Consultation with CDFW would be conducted for future development facilitated by the proposed project to determine the required permits, if it is determined that project could impact state-listed threatened or endangered species.

Response A2.5

The commenter summarizes the proposed project.

The commenter's summary of the proposed project is accurate. This comment does not contain a substantive comment on the Draft EIR. No further response is required.

Response A2.6

The commenter states that the project area has the potential to support special-status species that must be evaluated before any ground-disturbing activities begin.

As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, there is a potential for special-status plant and wildlife species to occur in undeveloped areas of the City and on parcels where

natural vegetation occurs. Mitigation Measures BIO-1(a) through BIO-1(i) require special-status plant surveys and pre-construction wildlife surveys for individual development projects facilitated by the proposed project to confirm the presence of special-status species. These measures also require implementation of avoidance measures and compensatory mitigation, should it be determined that a development project has the potential to impact a special-status species.

Response A2.7

The commenter expresses concern about the ability of the proposed mitigation measures to reduce impacts to special status species to less than significant levels, and their ability to avoid unauthorized take of special-status species including Crotch's bumble bee, white-tailed kite, and monarch butterfly.

Responses to the commenter's specific comments raised in their letter are addressed in Responses A2.9 through A2.11, below.

Response A2.8

The commenter introduces and summarizes their comments and expresses concern about the ability of the proposed mitigation measures to avoid unauthorized take, avoid significant impacts to special-status plant species, and to maintain buffers between construction areas and adjacent streams.

Responses to the commenter's specific comments raised in their letter are addressed in Responses A2.12 and A2.13, below.

Response A2.9

The commenter recommends that impacts to Crotch's bumblebee be analyzed in the Draft EIR, because the City of Pacific Grove lies within the known range of Crotch's bumble bee and potentially suitable habitat exists within the City.

As discussed in Section 4.3.1, *Setting,* in Section 4.3, *Biological Resources,* of the Draft EIR, the biological resources analysis included a query of several data sources, including CDFW's California Natural Diversity Database (CNDDB) and the Xerces Society Bumble Bee Watch database. The query of these data sources was conducted for the USGS *Monterey* 7.5-minute series quadrangle and four surrounding quadrangles (the industry standard nine quadrangle search was reduced due to the lack of quadrangles over the Pacific Ocean). Queries of these databases indicated that there are no known occurrences of Crotch's bumble bee within the City or surrounding quadrangles, nor any occurrences on Bumble Bee Watch within five miles of the City. Accordingly, the likelihood for Crotch's bumble bee to be present within the City and housing sites is low and mitigation is not necessary.

The following revision has been made to the Draft EIR on pages 4.3-4 and 4.3-5 in Section 4.3, *Biological Resources.*

Special-status Wildlife Species

Based on the results of the database queries, 30~~29~~ special-status wildlife species were evaluated for their potential to occur in the project area (Appendix G)…

Table 4.3-1 Special-status Animals with Potential to Occur in the Project Area

Common Name	Scientific Name	Status[1]
Low Potential to Occur		
Crotch's bumble bee	*Bombus crotchii*	State candidate Endangered
Smith's blue butterfly	*Antrozous pallidus*	Federally endangered
Tricolored blackbird	Agelaius tricolor	State threatened
Moderate Potential to Occur		
Townsend's big-eared bat	*Corynorhinus townsendii*	CDFW species of special Concern
Presumed Present		
Monarch - California overwintering population	*Danaus plexippus plexippus* Pop. 1	Federal candidate
Northern California legless lizard	*Anniella pulchra*	CDFW species of special Concern
Western pond turtle	*Emys marmorata*	Federally proposed threatened
Burrowing owl (wintering)	*Athene cunicularia*	State candidate

[1] CDFW 2025a

Habitat for special-status wildlife occurs in undeveloped areas of Sites 49, 47, 50, and 55, and additional parcels A1, A3, and A4. Species with the potential to occur in the housing sites, upzoning areas, and additional parcels include Townsend's big-eared bat and Northern California legless lizard.

Additionally, Sites 42 and 43 are approximately 100 to 200 feet from George Washington Park, a known overwintering site for monarch butterfly. Habitat for native nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) occurs throughout the housing sites, upzoning areas, and additional parcels.

No habitat for Smith's blue butterfly, tricolored blackbird, western pond turtle, or burrowing owl occurs within the housing sites, upzoning areas, and additional parcels; and identified sites are isolated from these species habitats by existing urban development. Suitable habitat for Crotch's bumble bee occurs within Sites 49, 47, 50, and 55, and additional parcels A1, A3, and A4; however, this species has not been observed in the Monterey Bay region south of Santa Cruz and therefore has a low potential to occur.

It should also be noted that the Draft EIR evaluates development facilitated by the project at a programmatic level. Future development facilitated by the project would require additional project-level review, including a consideration of potential impacts to biological resources such as bumble bees if present in any of the housing sites, upzoning areas, or additional parcels.

Response A2.10

The commenter recommends that Mitigation Measure BIO-1(h) be revised to increase the survey and buffer distances for nesting birds (200 feet for general nesting birds and 500 feet for raptors) to 0.5 mile for nesting raptors, including white-tailed kite. The commenter also recommends a non-disturbance buffer of 0.5 mile around active white-tailed kite nests.

White-tailed kite and other raptors which may nest within the City and housing sites would be generally habituated to the existing levels of disturbance due to urban development, and are not likely to be disturbed by development facilitated by the proposed project. Additionally, the limitations around surveying private property in residential areas, combined with the City's varied topography that restricts clear lines of sight to work areas, make implementing a 0.5 mile buffer for nesting bird surveys impractical. Accordingly, a minimum buffer of 50 feet for non-raptor bird species and 200 feet for raptor species is sufficient to avoid disturbance. Pursuant to Mitigation Measure BIO-1(h) on page 4.3-20 of Section 4.3, *Biological Resources,* of the Draft EIR, larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The avoidance buffer would be established by the City-approved biologist on a case-by-case basis based on the species and site conditions.

Response A2.11

The commenter recommends that Mitigation Measure BIO-1(g) be revised to increase the protective buffers around Monarch butterfly overwintering sites from a range of 100 to 300 feet to 500 feet.

Given the urban nature of the project sites, and their proximity to public roads and private property, a buffer of 100 to 300 feet is adequate to mitigate impacts to Monarch butterfly. Sites 42 and 43 are separated from the overwintering site at George Washinton Park by approximately 200 feet of residential development and paved roads. The sites consist of a vacant lot with a grass lawn and two coast live oak trees, and do not provide significant nectar, hydration, or microclimate protection for the overwintering site. Pursuant to Mitigation Measure BIO-1(g), as shown on page 4.3-20 of Section 4.3, *Biological Resources,* of the Draft EIR, the qualified biologist may increase these buffers, if necessary, on a case-by-case basis to protect overwintering Monarch butterflies.

Response A2.12

The commenter recommends that Mitigation Measure BIO-1(a) be revised to adjust the timing of the special-status plant species survey based on habitat type and whether the species is identifiable each year.

Mitigation Measure BIO-1(a), as shown on page 4.3-16 of Section 4.3, *Biological Resources,* of the Draft EIR, already includes this requirement. Specifically, Mitigation Measure BIO-1(a) states that the special-status plant surveys "shall be floristic in nature and shall be seasonally timed to coincide with the target species." Accordingly, special-status plant species surveys shall be timed to coincide with when the target species would be present.

Response A2.13

The commenter recommends that Mitigation Measure BIO-3(b) be revised to increase the buffer for equipment refueling, cleaning, and maintenance near jurisdictional areas from 100 feet to 150 feet to better protect streams and associated hydrologic features.

Given the urban nature of the project sites, and their proximity to public roads and private property, a buffer of 100 feet is adequate to avoid impacts associated with pollutant runoff.

Response A2.14

The commenter notes that individual projects facilitated by the proposed project are required to notify CDFW if they would alter rivers, streams, or lakes, and provides a link for the notification requirements.

CDFW would be notified on a project-by-project basis if future development facilitated by the proposed project would require a Lake and Stream Alteration Agreement.

Response A2.15

The commenter recommends consulting with the U.S. Fish and Wildlife Service regarding potential impacts to federally listed species.

Consultation with U.S. Fish and Wildlife Service would be conducted for future development facilitated by the proposed project, if it is determined that the project may impact federally-listed threatened or endangered species.

Response A2.16

The commenter notes that the CNDDB may not reflect all areas where special-status species are present and that surveys are warranted to accurately determine the presence of special-status species.

Mitigation Measures BIO-1(a), BIO-1(e), BIO-1(f), BIO-1(g), and BIO-1(h) in Section 4.3, *Biological Resources*, of the Draft EIR require special-status plant surveys and pre-construction wildlife surveys for individual development projects facilitated by the proposed project to confirm the presence of special-status species.

Response A2.17

The commenter requests that special status species and natural communities detected during surveys be submitted to the CNDDB.

Due to the programmatic nature of the Draft EIR, biological surveys were not conducted and therefore no submittals to the CNDDB are warranted at this time. However, Mitigation Measures BIO-1(a), BIO-1(e), BIO-1(f), BIO-1(g), and BIO-1(h) in Section 4.3, *Biological Resources*, of the Draft EIR require special-status plant surveys and pre-construction wildlife surveys for individual development projects facilitated by the proposed project to confirm the presence of special-status species. If special-status species are detected during the surveys, the results would be submitted to CNDDB by the project proponent for that development project.

Response A2.18

The commenter states that payment of CDFW fees is required.

If the project is approved, the City will pay the required CDFW fees at the time the Notice of Determination for the Final EIR is filed with the Monterey County Clerk.

Response A2.19

The commenter thanks the City for the opportunity to comment on the Draft EIR and provides links to additional information and contact information.

This comment concludes the letter and does not contain a substantive comment on the Draft EIR. No further response is required.

Kayleigh Limbach

From: Aaron Campbell <ACampbell@cityofpacificgrove.org>
Sent: Tuesday, July 15, 2025 4:52 PM
To: Megan Jones; Kayleigh Limbach
Cc: Joe Sidor; Jon Biggs; Velyvis, Stephen E.; Wagner, Mary A.
Subject: [EXT] FW: Comments on the Draft Environmental Impact Report for Pacific Grove's Housing Element
Attachments: PastedGraphic-1.pdf; Sen. Weiner.pdf

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Hello Kayleigh and Megan,
See below (with attachments) - Jane Haines' comment on the Draft EIR.

Have a great week!

Aaron Campbell
Principal Planner
City of Pacific Grove
www.cityofpacificgrove.org
p: 831-648-3112
a: 300 Forest Ave
Pacific Grove, CA 93950

Planning permits are no longer accepted through this email account. All Planning permit applications must be submitted to either planning@cityofpacificgrove.org or in person at the Community Development Department located on the second floor of City Hall.

From: Jane Haines <janehaines80@gmail.com>
Sent: Tuesday, July 15, 2025 4:06 PM
To: Housing <housing@cityofpacificgrove.org>
Cc: Planning Commission <planningcommission@cityofpacificgrove.org>; Pierik, Brian A. <bpierik@bwslaw.com>
Subject: Comments on the Draft Environmental Impact Report for Pacific Grove's Housing Element

[**NOTICE:** This message originated outside of the City of Pacific Grove email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Housing Element Team,

I1.1 The most significant environmental consequences of the proposed Housing Element stem from unexamined secondary effects of converting four existing public parking lots in downtown Pacific

Grove into housing sites. The Draft Environmental Impact Report (DEIR) repeatedly and improperly characterizes the resulting loss of parking as a mere social inconvenience, thereby failing to meet CEQA's obligation to analyze foreseeable secondary physical impacts on the environment.

1. LEGAL BASIS FOR CEQA REVIEW OF PARKING IMPACTS

As established by the California Court of Appeal in *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656 and reaffirmed in *Save Our Access – San Gabriel Mountains v. Watershed Conservation Authority,* CEQA requires analysis of environmental impacts that are secondary to social effects—specifically including traffic congestion and air quality degradation from insufficient parking. The *San Franciscans* decision makes this clear:

I1.1 cont. *"The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is."*

Quantified Parking Loss and Secondary Environmental Impacts

Appendix A of the Housing Element proposes housing development at four downtown parking lots:

Site 1 (161 Fountain Ave / 148 15th St): 24 spaces lost, 16 units added
Site 5 (168 Forest Ave): 29 spaces lost, 14 units added
Site 8 (601 Lighthouse Ave): 80 spaces lost, 39 units added
Site 9 (Movie theater site): 109 spaces lost, 48 units added

Together, these projects would eliminate 242 existing public parking spaces and add 117 units, likely requiring at least 117 additional parking spaces. This results in a net parking deficit of 359 spaces, or approximately 25% of the City's 1,461 public downtown parking spaces (based on the City's 2019 parking map - attached below as "PastedGraphic-1.pdf").

This substantial reduction in public parking will have significant environmental consequences:

I1.2
- **Increased Vehicle Idling and Emissions:** A typical vehicle searching for parking emits approximately 4 pounds of CO_2 per hour. If 359 drivers spend 15 minutes daily seeking parking, this equates to over 1,430 pounds of CO_2 emissions per day, directly conflicting with CEQA's air quality objectives.

I1.3
- **Spillover into Sensitive Areas:** Overflow parking will intrude into residential streets, shoreline areas, and public open space near environmentally sensitive habitats—impacting monarch butterfly and harbor seal zones, which require limited human intrusion.

I1.4
- **Loss of Economic Base Supporting Environmental Programs:** With over $415 million in annual retail sales—much of it generated by car-borne tourism—Pacific Grove's economy funds essential environmental programs. A reduction in tourist access caused by inadequate parking could decrease business revenue, undermining programs like the Monarch Butterfly Sanctuary and harbor seal protections.

CEQA Requires Contextual Review

I1.5 *Save Our Access* emphasized that the environmental context of parking loss matters. Unlike urban areas with transit alternatives, Pacific Grove is a coastal town heavily reliant on automobile access. The DEIR must be revised to assess the cumulative parking deficit in this local context, consistent with the holding in *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, which required CEQA review of parking-related traffic spillover and safety hazards.

2. INADEQUATE ALTERNATIVES ANALYSES: OVERLOOKING SECOND HOME CONVERSIONS AND PGUSD COLLABORATION FOR EMPLOYEE HOUSING

Chapter 6 of the DEIR fails to consider a potentially environmentally superior and feasible alternative: reducing the need for new housing construction by converting second homes into full-time residences. Table 1-15 of the Housing Element shows that 885 housing units—more than 10% of the City's total housing stock—are recreational-use second homes.

I1.6 As outlined in my attached May 14, 2025 letter to Senator Scott Wiener (copying the mayors of Pacific Grove and Carmel), five actionable state and local policy solutions could facilitate the conversion of second homes into affordable housing:

- A local second home tax (via the City's charter status),
- State-authorized vacancy or second home taxes,
- Voluntary conversion incentives for second home owners,
- Strengthening of short-term rental (STR) regulations, and
- RHNA credit for permanent conversions to full-time residential use.

A second home tax could fund a Community Land Trust, which could acquire second homes and convert them to deed-restricted affordable housing. This alternative would reduce physical environmental impacts while helping meet the City's RHNA goal.

Omitted Alternative: Hinton Field PGUSD Housing Partnership

I1.7 The DEIR also fails to analyze a potentially feasible partnership with the Pacific Grove Unified School District (PGUSD) to build employee housing on its property known as "Hinton Field," adjacent to Robert Down Elementary School. Unlike other PGUSD parcels removed from the Housing Element due to deed restrictions or community opposition, Hinton Field has no such barriers, as confirmed in PGUSD's June 23, 2025 letter responding to my Public Records Act request for deed restrictions or other hindrances to use of the Robert Down School setting.

A housing development at Hinton Field would be walkable for most school staff, serve local housing needs, and avoid downtown infrastructure trade-offs such as parking loss. Excluding this site from CEQA alternatives analysis due to its "unclassified" zoning contradicts the flexible planning intent of CEQA, especially since its exclusion was politically—not environmentally—motivated.

3. MITIGATIONS TO LESSEN NOISE IMPACTS FROM PENDING NOISE ORDINANCE AMENDMENT

I1.8

Pending Noise Ordinance Amendment

The DEIR must also address the environmental implications of the City Council's March 19, 2025 directive to increase maximum allowable noise levels in commercial zones from 70 dB to 80 dB (PGMC § 23.64.290). Twenty-eight of the DEIR's housing sites are located in commercial districts. If the ordinance is adopted, residents of those units may be subject to harmful noise exposure. Minutes of the March 19 meeting state: "*Upon motion by Councilmember Rau and seconded by Mayor Pro Tem Amelio,*
I1.8 Cont *Council voted to direct the City Attorney to return to Council with an ordinance to modify Pacific Grove Municipal Code Section 23.64.290 and other sections of the Pacific Grove Municipal Code as it pertains to sound amplification; increasing 70 decibels to 80 decibels and leave the hour limitations; and limiting to the commercial districts. Motion carried 4-2-1…*"

The DEIR must:
Analyze the effect of the proposed noise level increase on housing in upzoned commercial districts. Propose mitigation measures to protect future residents from those noise impacts.

RECOMMENDATIONS

The DEIR must be revised to:

I1.9
- Analyze secondary environmental impacts of eliminating 359 downtown parking spaces, including emissions, traffic congestion, economic decline, and encroachment into sensitive areas;
- Evaluate the feasibility of a second home conversion alternative, including the use of a second home tax to fund a community land trust;
- Incorporate analysis of the Hinton Field PGUSD employee housing alternative, and
- Address the environmental impact of the proposed noise ordinance amendment, and identify appropriate mitigation measures.

Sincerely, Jane Haines

I1.10 Appended: Letter from Jane Haines to Senator Scott Wiener, dated May 14, 2025, proposing policy mechanisms to convert second homes into affordable primary residences:

Jane Haines
601 OCEAN VIEW BOULEVARD, APT.1
PACIFIC GROVE, CA 93950
janehaines80@gmail.com

May 14, 2025

Senator Scott Weiner
California State Capital
1021 O Street, Suite 8620
Sacramento, CA 95814

Dear Senator Wiener,

Thank you for your leadership and effective efforts to address California's housing crisis. I am writing to offer suggestions on how the state can help coastal towns with high numbers of second homes, such as Pacific Grove and Carmel, convert those properties into much-needed primary residences for local residents.

In Pacific Grove, for example, the city's Sixth Cycle RHNA allocation is 1,125 housing units by 2031. According to its Draft Housing Element (Table 1-15), there are approximately 885 second homes in the city. If even a portion of those were converted into long-term rentals or sold to local residents as primary residences, the city could satisfy up to 79% of its RHNA obligation without extensive new development.

Similarly, Carmel-by-the-Sea has a RHNA target of 349 units, while its Housing Element (Figure 5) identifies 763 second homes—more than twice what is needed to meet its RHNA obligation.

To facilitate such conversions, I urge you to consider the following policy approaches:

- **Statewide Vacancy or Second Home Tax**
  A modest tax on vacant or non-primary residences could discourage speculative ownership while generating revenue to support affordable housing programs or incentives for long-term rentals.

- **Voluntary Incentive Programs**
  Offer tax reductions, permit streamlining, or one-time grants to second-home owners who commit to leasing their properties long-term to local residents, especially low- and moderate-income tenants.

- **Strengthening and Reforming STR Regulations**
  Encourage local jurisdictions to tighten short-term rental (STR) policies while providing assistance to STR owners willing to transition their properties into long-term housing.

- **Support for Community Land Trusts and Nonprofits**
  Empower and fund community land trusts and housing nonprofits to acquire second homes and convert them into deed-restricted affordable or workforce housing.

- **RHNA Credit for Permanent Conversions**
  Amend state law to allow partial RHNA credit for second homes that are permanently converted into primary residences, especially when used as long-term rentals or sold to local buyers.

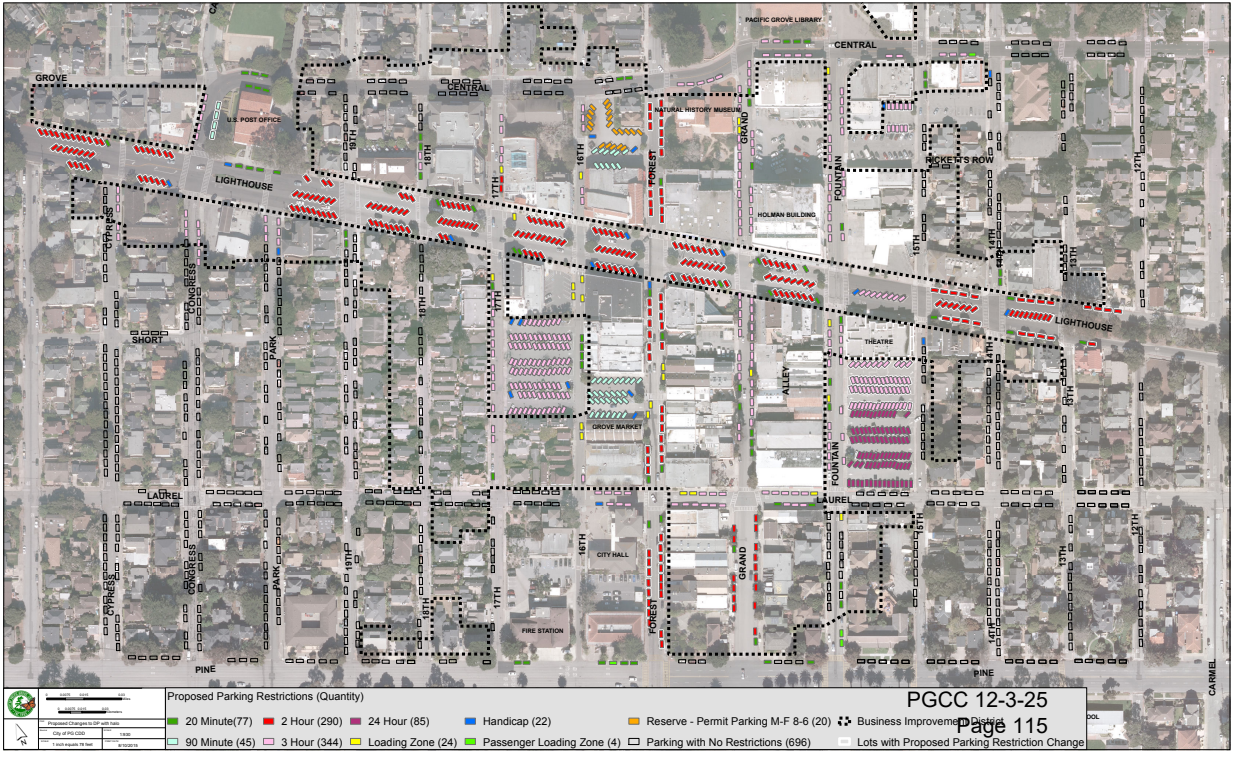
While second-home ownership is a personal choice, public policy can help ensure that these homes contribute to solving, rather than exacerbating, the housing shortage. With the right tools and incentives, we can make better use of existing housing stock and reduce displacement, overcrowding, and homelessness.

Thank you for considering these recommendations. I would welcome the opportunity to provide further input or data.

Sincerely,

Jane Haines

Copies: Pacific Grove Mayor Nick Smith
Carmel Mayor Dale Byrne


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CARMEL
CYPRESS
CONGRESS
PARK
FOREST
GRAND
FOUNTAIN
16TH
17TH
18TH
19TH
12TH
13TH
14TH
15TH
Proposed Parking Restrictions (Quantity)
20 Minute(77)
2 Hour (290)
24 Hour (85)
Handicap (22)
Reserve - Permit Parking M-F 8-6 (20)
Business Improvement District
90 Minute (45)
3 Hour (344)
Loading Zone (24)
Passenger Loading Zone (4)
Parking with No Restrictions (696)
Lots with Proposed Parking Restriction Change
Proposed Changes to DP with Tabs
City of PG CDD
1 inch equals 78 feet
1/8/30
8/10/2015

Letter I1

COMMENTER: Jane Haines

DATE: July 15, 2025[1]

Response I1.1

The commenter expresses concern regarding the secondary effects of the loss of parking. The commenter refers to a 2002 California Court of Appeals decision that determined the social inconvenience of looking for parking is not an environmental impact, but the secondary effect on traffic and air quality is. The commenter identifies housing sites that may result in the elimination of existing parking and states that the loss of parking would have significant environmental consequences discussed in the following comments.

As stated in *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656 at 697, "The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. An EIR need only address the secondary physical impacts that could be triggered by a social impact." Parking scarcity alone does not constitute a significant impact on the environment. Instead, projects must be analyzed on a case-by-case basis to determine whether there are secondary impacts related to scarcity of parking *(*see *Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8).

Secondary impacts to air quality associated with vehicle travel were evaluated in Section 4.2, *Air Quality*, of the Draft EIR. As discussed under Methodology on pages 4.2-14 and 4.2-15, operational sources of pollutant emissions, including mobile sources like vehicles, were estimated using CalEEMod. Estimated vehicle trips were derived from the Transportation Memorandum prepared by Kimley-Horn (Appendix E of the Draft EIR) and used to estimate mobile source emissions. As discussed under Impact AQ-2 on pages 4.2-20 and 4.2-21 in Section 4.2 of the Draft EIR, the daily air pollutant emissions associated with total buildout of the project (Table 4.2-10) and emissions associated with a sample individual project (Table 4.2-11) would not exceed the Monterey Bay Air Resources District's regional thresholds for criteria air pollutants. Further, as discussed on page 4.2-19 in Section 4.2, development facilitated by the project would consist of some mixed-use developments. Mixed-use developments promote mobility between different land uses, such as homes and retail shopping, through active transportation modes like walking and bicycling. This reduces the need for personal vehicle trips, resulting in less VMT and less associated demand for parking. Individual projects facilitated by the project, as they are proposed, would also be required to comply with parking requirements for different zoning designations as specified in Title 23, Zoning, of Pacific Grove Municipal Code. Accordingly, the secondary impacts to air quality associated with vehicle travel generated by the project were considered in the Draft EIR and were determined to be less than significant.

[1] This commenter submitted an additional comment letter on September 5, 2025, outside the public comment period for the Draft EIR. The September 5 letter reiterated the issues raised in this letter and in Letter I7.

Response I1.2

The commenter states that the loss of parking would result in increased CO_2 emissions, and provides a calculation estimating CO_2 emissions associated with idling vehicles searching for parking.

As described in Section 2.6.1 in Chapter 2, *Project Description,* of the Draft EIR, the project in and of itself does not develop housing – it is a plan to provide for the possibility of housing, supported by consistent zoning standards. It is assumed that not all housing would realistically be built, based on previous development history in Pacific Grove. However, for the purposes of this CEQA analysis, the Draft EIR analyzes all the possible potential growth facilitated by the project. For the purposes of responding to this comment and to verify its veracity, it is conservatively assumed that Sites 1, 5, 8, and 9 (the sites with existing parking identified by the commenter in Comment I1.1) are all developed with housing. An air quality emissions estimation was performed using the California Air Resources Board's Emissions Factor (EMFAC) modeling software.

EMFAC data for Monterey County provides an estimate of emissions associated with idling vehicles (in terms of grams of CO_2 per day) and daily trip counts associated with each class of vehicle (e.g., light duty automobiles, heavy duty trucks). Dividing the amount of idling vehicle emissions by the number of daily trips results in an average idling emissions rate per vehicle trip, which captures the average amount of time each vehicle would be idling as the driver searches for parking per trip. EMFAC also provides annual VMT and trip data for Monterey County, which were used to calculate the average length of each vehicle trip. This average was applied to the projected daily VMT in Pacific Grove (300,662; see Table 4.2-9 in Section 4.2, *Air Quality)* to estimate daily trips. Multiplying the estimated trips by the idling vehicle emissions rates results in total daily idling emissions for all idling vehicles in Pacific Grove. The estimation is summarized in the table below.

Idling Vehicles Emissions Estimation

Parameter	Value	Units	Source/Calculation
Total idling emissions (Monterey County)	45,938	Grams CO_2/day/vehicle	EMFAC[1]
Total daily trips (Monterey County)	1,645,006	Trips/day	EMFAC[1]
Average idling emissions per trip	0.027	Grams CO_2/trip	Total idling emissions divided by total daily trips
Total Daily VMT (Monterey County)	9,244,112	Vehicle miles/day	EMFAC[1]
Average trip length	6	Miles/trip	EMFAC[1]
Projected daily VMT (Pacific Grove)	300,622	Vehicle miles/day	Transportation Memorandum (Appendix E)
Estimated daily trips	50,069	Trips/day	Average trip length divided by projected daily VMT
Total idling emissions (Pacific Grove)	1,398	Grams CO_2/day	Estimated daily trips multiplied by average idling emissions per trip
Total idling emissions (Pacific Grove)	3.08	Pounds CO_2/day	Conversion of grams CO_2/day to pounds CO_2/day
Annual idling emissions	0.51	Metric tons CO_2/year	Conversion of pounds CO_2/day to metric tons CO_2/year

[1] California Air Resources Board. 2025. EMFAC. https://www.arb.ca.gov/emfac/ (accessed October 2025).

As shown in the table above, the anticipated amount of idling emissions in Pacific Grove associated with project buildout would be approximately three pounds of CO_2 per day, and not 1,430 pounds of CO_2 per day as the commenter speculates. The commenter does not provide a source for their emissions estimate, so it is not possible to verify the basis of their calculation or its accuracy compared to the methodology and calculation presented above.

As shown in the table above, the estimated daily idling emissions within the project area would amount to approximately 0.51 metric tons of CO_2 per year. As shown in Table 4.7-5 in Section 4.7, *Greenhouse Gas Emissions,* of the Draft EIR, the total net mobile emissions associated with the project are 5,971 metric tons of CO_2 annually. In comparison, idling emissions account for less than 0.01 percent of total project-related mobile emissions, making their contribution negligible. As such, emissions from vehicles idling while searching for parking are not a significant source of CO_2 emissions, and the overall impact from vehicle travel remains less than significant.

Response I1.3

The commenter opines, without providing any substantial evidence or supporting documentation, that overflow parking in residential, shoreline, and open space areas could impact monarch butterfly and harbor seals.

Impacts to biological resources are discussed in Section 4.3, *Biological Resources,* of the Draft EIR. As discussed throughout this section, operational impacts of development facilitated by the project would be less than significant. Specifically, as discussed on page 4.3-16, no operational impacts to monarch butterfly are anticipated due to existing protections in the City's Municipal Code for overwintering groves at the Pacific Grove Monarch Butterfly Sanctuary and George Washington Park. Further, as discussed on page 4.3-27, marine areas are sufficiently distanced from individual development sites such that no impacts to Pacific harbor foraging and pupping sites would occur. Impacts to monarch butterfly, harbor seal, and other wildlife in Pacific Grove would primarily result from habitat modification, which the Draft EIR evaluates at a programmatic level for development facilitated by the project. It is speculative to assume that vehicles would park in areas outside of existing city streets and established parking areas, such as shoreline and open space areas. As such the commenter's alleged impact are too speculative for evaluation, further discussion is not provided, consistent with *CEQA Guidelines* Section 15145.

Response I1.4

The commenter expresses concern that parking constraints and decreased parking availability could result in a decrease in tourism and business revenue. The commenter states a reduction in tourism could affect programs such as the Monarch Butterfly Sanctuary and harbor seal protections.

Pursuant to *CEQA Guidelines* Section 15131, economic or social effects of a project shall not be treated as a significant effect on the environment. In addition, the commenter does not provide evidence to support the claim that the project's potential effects on parking would affect tourism and business revenue or explain how any such potential economic effects could lead to adverse environmental impacts. As such an impact is too speculative for evaluation, further discussion is not provided, consistent with *CEQA Guidelines* Section 15145. For these reasons, analysis of economic or social impacts is not appropriate.

Response I1.5

The commenter provides an opinion regarding the automobile-dependent nature of Pacific Grove and requests that the Draft EIR be revised to evaluate the indirect cumulative environmental impacts associated with parking-related traffic circulation and public safety hazards. The commenter references the decision in *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, which they suggest requires CEQA review of parking-related traffic spillover and safety hazards here.

Regarding the commenter's reference to *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, the circumstances of that case are materially different and do not establish a precedent requiring CEQA analysis of parking-related traffic spillover or safety hazards in the context of the Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments. In *Taxpayers*, the court considered whether the installation of stadium lighting and other improvements at a high school could result in significant environmental impacts, including increased nighttime events that might lead to overflow parking on narrow residential streets. The court took into consideration the fact that the specific events and estimated attendees for those events, as well as the potential spill-over effects from those events, were known. The court found that substantial evidence supported a fair argument that such impacts could be significant, particularly due to the localized nature of the project and its potential to directly affect nearby residents through increased traffic, lighting, and noise.

In contrast, the project does not propose stadium lighting or authorize any other individual developments that would generate site-specific parking or circulation impacts. As discussed in Chapter 1, *Introduction,* as a programmatic document, the Draft EIR presents and discloses a region-wide assessment of environmental impacts associated with the proposed project and potential buildout as a whole. Future development projects would be subject to CEQA analysis and required to consider the known potential impacts specific to those projects. Moreover, the Draft EIR appropriately evaluates transportation impacts using VMT, consistent with *CEQA Guidelines* Section 15064.3, which explicitly states that automobile delay and congestion, including parking-related congestion, are not considered significant environmental impacts under CEQA. Therefore, the localized concerns addressed in *Taxpayers,* which involved a specific, operational school facility project with foreseeable and concentrated impacts, do not apply to the broader, policy-level nature of the Housing Element Update.

Response I1.6

The commenter requests consideration of an alternative that involves increasing housing stock by converting second homes into full-time residences. The commenter suggests policies for this alternative such as a second home tax, voluntary conversion incentives, strengthening short-term rental regulations, and awarding a Regional Housing Needs Allocation (RHNA) credit to units that convert to full-time residential use.

The commenter's suggested alternative will be provided to City decision-makers for consideration. As discussed in Chapter 6, *Alternatives,* of the Draft EIR, an EIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" pursuant to *CEQA Guidelines* Section 15126.6. Chapter 6, *Alternatives,* examines three alternatives to the proposed project that would attain most of the basic project objectives but would avoid or substantially lessen significant

adverse impacts associated with the proposed project, including the No Project, Reduced Density, and Fewer Sites Alternatives. Pursuant to *CEQA Guidelines* Section 15126.6(a), "an EIR need not consider every conceivable alternative to a project." Alternatives that do not clearly provide any environmental advantages compared to the proposed project, do not meet basic proposed project objectives, or are not feasible to implement were not considered further.

Accordingly, the Draft EIR will not be revised to consider an alternative that involves increasing housing stock by converting second homes into full-time residences because of the alternative's infeasibility. As discussed in Chapter 2, *Project Description* of the Draft EIR and shown in Table 2-2 in Chapter 2, the Association of Monterey Bay Area Governments adopted a RHNA plan that allocated 1,125 housing units to Pacific Grove. As shown in Table 2-3 in Chapter 2, when accounting for pending and approved projects and estimated accessory dwelling unit development in Pacific Grove, the City has a remaining RHNA of 891 units. In addition to the RHNA, Program 10 (Enhanced Housing Mobility Options) and Program 21 (Affirmatively Furthering Fair Housing) of the proposed Housing Element Update have the objective to facilitate the development of 75 and 25 additional residential units, respectively, not included in units needed to meet the RHNA. These programs are required by the California Department of Housing and Community Development. Therefore, for any alternative to be feasible, the alternative must facilitate development of 891 units required by the RHNA plus 100 units required by Programs 10 and 21, for a total of 991 housing units.

The commenter's suggested methods to facilitate conversion of second homes into affordable housing include local and state second home taxes, voluntary conversion incentives, strengthening short-term rental regulations, and issuing RHNA credits for permanent second home conversions. Because some of these methods are incentive-based or voluntary, the effectiveness of this alternative depends in part on participation by property owners. The City cannot compel such conversions at a scale that would reliably facilitate conversion of second homes to result in the development of at least 991 housing units, which would be required to meet the RHNA. It is possible that the City could implement a local second home tax, which would be mandatory, but this would require a vote of Pacific Grove voters to approve. As discussed in Response I1.7 below, and in Section 6.1.2, *Alternatives Considered and Rejected,* on page 6-2 of Chapter 6, *Alternatives,* of the Draft EIR, an alternative requiring voter approval would be infeasible. Further, the issuance of RHNA credits for existing housing stock is not a mechanism recognized by the California Department of Housing and Community Development. The issuance of credits towards a jurisdiction's RHNA is limited to new or permitted housing units that were approved, permitted, and/or built since the start date of the RHNA projection period, or in this case 2023 to 2031.[2] Because second homes are existing housing units, conversions would not increase the City's overall housing supply and therefore would not qualify toward the RHNA allocation.

Therefore, consideration of this alternative or similar alternatives in the EIR is not required because they would not be feasible.

[2] California Department of Housing and Community Development. 2025. Building Blocks. https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks (accessed October 2025).

Response I1.7

The commenter requests consideration of an alternative that involves a partnership with the Pacific Grove Unified School District. This alternative would involve developing employee housing on a site adjacent to Robert Down Elementary School. The commenter opines that this alternative was excluded because the site is zoned as "Unclassified," but that this alternative would reduce potential impacts associated with infrastructure and the loss of parking in other areas of the city.

As discussed in Section 6.1.2, *Alternatives Considered and Rejected,* under the heading "Housing Sites Located in Unclassified Or Open Space Districts" on page 6-2 of Chapter 6, *Alternatives,* of the Draft EIR, this alternative was considered but ultimately rejected from consideration. *CEQA Guidelines* Section 15126.6(c) allows alternatives to be excluded from detailed analysis if they: (1) fail to meet most of the basic project objectives, (2) are infeasible, or (3) do not avoid significant environmental impacts.

The Housing Sites Located in Unclassified or Open Space Districts Alternative was rejected for all three reasons. First, for reasons discussed in greater detail below, this alternative would not provide capacity to meet the state-required RHNA. It also would not ensure growth is achievable; enable the development of additional housing units; encourage the development of by-right housing; or be located in a site with the appropriate zoning required to accommodate housing development. Accordingly, this alternative would fail to meet five of the ten project objectives.

Second, as discussed in Response I1.6, any feasible alternative must facilitate development of 991 housing units to meet the City's RHNA for the 2023–2031 planning period. Due to the need for voter approval and the lack of guaranteed rezoning, this alternative cannot ensure that the required number of units would be developed, rendering it infeasible.

Lastly, this alternative would not substantially reduce the significant impacts that would result from the project, including those related to biological and cultural resources, greenhouse gas emissions, noise, and transportation. Unclassified and Open Space district sites are generally not fully developed and consist of open space, meaning development would require new site disturbance such as grading and infrastructure installation. These activities could result in greater impacts to biological and cultural resources, hydrology and water quality, and localized air quality than infill development on already urbanized parcels. Additionally, residential use on these sites would still generate vehicle trips, contributing to VMT, and would not reduce operational noise or greenhouse gas emissions. As such, this alternative would not avoid significant environmental impacts.

For these reasons, this alternative was considered but ultimately rejected from further consideration, consistent with CEQA Guidelines Section 15126.6(c).

Response I1.8

The commenter requests that the Draft EIR address the environmental impact of raising allowable noise levels in commercial zones, and that there should be mitigation measures proposed to protect future residents from noise impacts.

The project does not include amending the City's noise ordinance or altering acceptable noise levels in commercial zones. As these noise ordinance revisions are not part of the project, they are not considered in the Draft EIR. In addition, as an amended noise ordinance has not been adopted by the City, the Draft EIR evaluates noise levels using existing noise levels and noise thresholds that exist that the time of release of the Notice of Preparation, or January 2024.

Response I1.9

The commenter provides a summary of their comments and suggested revisions to the Draft EIR.

Refer to Responses I1.1 through I1.8.

Response I1.10

The commenter appends a letter addressed to Senator Scott Wiener.

The appended letter does not address the sufficiency of the Draft EIR analysis or CEQA process for the proposed project. No further response is required.

Letter I2

August 6, 2025

City of Pacific Grove
Community Development Department
300 Forest Avenue, 2nd Floor
Pacific Grove, CA 93950

Attention: Joe Sidor, Contract Senior Planner

These comments address the Housing Element Draft Environmental Impact Report (DEIR) prepared by Rincon Consultants, Inc., in June 2025.

This DEIR is a very extensive, well-prepared document, and Rincon and our staff should be recognized. Further, the long length and detailed analysis in this document also point out the need for recently enacted estate legislation reforming the California Environmental Quality Act and exempting "infill" housing projects. Since Pacific Grove is a "built out" community, it would appear that legal counsel should determine the need for this DEIR before we proceed.

I2.1

In reviewing the Housing Element and DEIR, one is struck by the length and breadth of both documents. Because so much is covered, it is understandable that changes also would be in order. Further, because Housing Element and DEIR are linked, what generally applies to one also applies to the other. Consequently, while this letter mainly addresses the DEIR, the listed proposed changes apply to both documents. Reference, comment, and proposals are listed below.

- DEIR Executive Summary, BIO-1, BIO-2, BIO-3, BIO-5, CUL-2, GEO-9, GHG-1, NOI-1, NOI-2, and UTIL-2 list mitigation measures for several impacts (pages ES-14 thru ES-40).

  It should be apparent that the proposed mitigation measures may go beyond current City policy in those respective categories. For example, CUL-2 would potentially implement provisions of the draft Cultural Resources and Tribal Monitoring Compliance Protocol. NOI-1(b) describes established noise standards in the General Plan Health and Safety Element. Therefore:
  - The Planning Commission and City Council should carefully review the language in the listed mitigation measures to ensure that they are consistent with either current or proposed City policy. In some situations, it may well be appropriate to substitute the following language, "The City will comply with federal and state statutes and regulations in mitigating this issue."

I2.2

- A net increase of 2,335 new housing units is analyzed in the DEIR (pages ES-9 and ES-10). These numbers would be accomplished in several neighborhood districts, including the Downtown, Central-Earley Commercial, Forest Hill, Dennett Street, Sinex Avenue, Grove Acre Avenue, and other areas.

I2.3

I2.3 cont.

Documentation on three important issues is either missing or not immediately apparent. First, what communications have occurred from staff/Rincon with the owners of properties that are proposed for zoning changes? This question, of course, raises the question about whether or not the Housing Element is even achievable. Second, there is continual reference to density and density bonuses, as well as the need to rezone or upzone properties throughout the DEIR. How do these changes impact parking, viewshed, etc? Lastly, City downtown parking lots are proposed for housing. Does this mean the elimination of downtown parking on those sites – which is essential to our business community? Therefore:

I2.4

- Copies of letters to property owners, as well as their responses, if any, should be made available.

I2.5

- A table should be prepared showing the proposed properties with the current and proposed zoning, density, and height limits, so that the public understands what is proposed in the Housing Element. For example, potential development in the coastal zone Central-Eardley Commercial District can negatively impact public view areas along upper Lighthouse Avenue.

I2.6

- As for the downtown parking lots, the City should adopt language that guarantees that housing is placed above municipal parking in lots proposed for housing. In other words, the City should ensure that housing proposals preserve existing downtown parking, as well as make additional parking available for new residents on the affected sites.

I2.7

- Pacific Grove, in adopting the Housing Element and DEIR, needs additional housing. Therefore, to facilitate the development of housing, ordinances addressing the following issues should be written and enacted:
  - There should be no development or planning fees charged by the City for housing constructed or made available in the proposed Housing Element.

I2.8

  - There should be time clocks on all projects subject to discretionary review. For example, a project would be deemed approved if a public hearing at the appropriate committee is not held within 90 days of designation of a complete application.

I2.9

Overall, this Housing Element, as currently proposed, would change the character of our community. It would make permissible zoning changes that will increase building heights, density, and traffic. Our community simply was not designed for the "one-size fits all" changes this plan would bring.

I appreciate the opportunity to comment. Thank you for your consideration.

Sincerely,

Steven Lilley

Steven Lilley
Planning Commission Chair, 2021-2024

Letter I2

COMMENTER: Steven Lilley

DATE: August 6, 2025

Response I2.1

The commenter refers to recent CEQA legislation and suggests that the City's legal counsel should consider the need for the EIR.

It is assumed that the commenter is referring to Assembly Bill (AB) 130 and Senate Bill (SB) 131. Effective June 30, 2025, both AB 130 and SB 131 provide new opportunities to exempt or streamline CEQA review for housing projects. Among other changes, AB 130 establishes a statutory CEQA exemption for qualifying infill housing projects located in urban areas up to 20 acres, provided they meet specific criteria, such as adjacency to urban uses and avoidance of historic or environmentally sensitive sites to name just a few. SB 131 complements AB 130 by creating or expanding CEQA exemptions for a range of project types, including advanced manufacturing facilities on industrial-zoned land, broadband infrastructure in public rights-of-way, updates to climate adaptation plans, High-Speed Rail maintenance facilities, and – most relevant to the proposed project – local rezoning actions that implement Housing Element commitments. It also introduces a new review pathway for projects that narrowly fail to qualify for a CEQA exemption due to a single disqualifying condition.

While portions of the proposed project could qualify for an exemption, such as the rezoning for the Housing Element, once it has been adopted and the California Department of Housing and Community Development has determined that it substantially complies with Housing Element Law, other portions of the project such as the general plan amendments still require full CEQA review. In addition, with respect to the Zoning Ordinance Amendments that are required to provide capacity to meet the City's RHNA, those rezonings must be completed before the California Department of Housing and Community Development will find the City's adopted Housing Element in substantial compliance with Housing Element Law. Further, while some housing projects facilitated by the proposed project could possibly be exempt from CEQA or qualify for streamlining provisions under this new legislation, other projects would likely still require environmental review. For example, some of the sites are located on environmentally sensitive sites (e.g., fire hazard severity zones, hazardous waste sites, or sensitive areas in the coastal zone) that require environmental review. As such, preparation of an EIR is the appropriate CEQA pathway for the proposed project.

To acknowledge this new legislation, following text was added to Section 4.10.2, Regulatory Setting, Subsection a, State Regulations, on page 4.10-3 of Section 4.10, *Land Use*, in the Draft EIR:

Assembly Bill 130

Effective June 30, 2025, AB 130 introduces substantial reforms to streamline housing development under CEQA. The bill establishes a statutory CEQA exemption for qualifying infill housing projects located in urban areas up to 20 acres, provided they meet specific criteria such as adjacency to urban uses and avoidance of historic or environmentally sensitive sites. This exemption is designed to reduce environmental review burdens for projects that align with local zoning and planning standards. AB 130 also makes permanent several provisions of the Permit Streamlining Act, including timelines for application completeness and project approval, and limits the number of public hearings for qualifying housing projects. Additionally, the bill codifies

elements of the Housing Accountability Act and SB 330, including protections for vested rights and restrictions on growth control measures. A notable provision is the statewide freeze on residential building code updates from October 1, 2025, through June 1, 2031, which aims to reduce regulatory uncertainty and development costs. AB 130 also enhances the role of the California Department of Housing and Community Development in overseeing RHNA methodologies, further aligning local planning efforts with state housing goals.

Senate Bill 131

SB 131, effective June 30, 2025, complements AB 130 by focusing on CEQA streamlining for infrastructure and public-serving projects. It introduces a new review pathway for "near miss" projects—those that narrowly fail to qualify for a CEQA exemption due to a single disqualifying condition. Under this provision, CEQA review is limited to the environmental effects of that specific condition, and such projects are exempt from analyzing alternatives or growth-inducing impacts. SB 131 also creates or expands CEQA exemptions for a range of project types, including advanced manufacturing facilities on industrial-zoned land, broadband infrastructure in public rights-of-way, updates to climate adaptation plans, High-Speed Rail maintenance facilities, and local rezoning actions that implement Housing Element commitments. Additionally, the bill mandates biennial updates to CEQA Guidelines to improve clarity and address ambiguities. These changes reflect a broader policy shift toward facilitating development while maintaining targeted environmental protections, and they are expected to significantly impact the planning and approval processes for both housing and infrastructure projects across California.

Response I2.2

The commenter refers to several mitigation measures identified in the Draft EIR and recommends that the City review the measures to determine their consistency with City policy. The commenter suggests it may be sufficient to eliminate the mitigation measure and state instead that the City would comply with federal and state statutes and regulations related to the issue.

As discussed throughout Chapter 4, *Environmental Impact Analysis,* of the Draft EIR, the project would result in potential environmental impacts even with compliance with existing federal, state, and local statutes and regulations. Thus, mitigation measures are required to reduce potential impacts to less than significant levels. To address the specific examples the commenter provides, Mitigation Measure CUL-2 would indeed implement provisions of the City's draft Cultural Resources and Tribal Monitoring Compliance Protocol. However, because this protocol is still in draft form and has not been formally adopted by the City, Mitigation Measure CUL-2 is required to reduce potential impacts to cultural resources to a less than significant level. In addition, the commenter is correct that Mitigation Measure NOI-1(b) uses established noise standards from the City's General Plan. However, this mitigation measure goes beyond what is required by the General Plan and requires the implementation of on-site noise reduction measures for development facilitated by the project that exceeds these noise standards. The mitigation measures intend to reduce potentially significant impacts in terms of CEQA thresholds, which are separate and distinct from standards established in federal, state, and local statutes and regulations.

Response I2.3

The commenter states that the housing sites analyzed in the Draft EIR would be located across several properties in different neighborhood districts. The commenter inquires about communications that have occurred between the City and owners of these properties, and requests an analysis of how increased population density could impact parking and the aesthetic character of Pacific Grove, and considerations regarding the replacement of public parking structures with housing.

This comment is introductory, with detailed comments to follow. Refer to Response I2.4 for a discussion about correspondence between property owners of rezoned parcels and the City. Refer to Responses I1.1 through I1.4 for responses to comments regarding parking, the secondary effects of parking, and economic or social impacts related to parking. Impacts related to the aesthetic character of Pacific Grove are evaluated in Section 4.1, *Aesthetics,* of the Draft EIR.

Response I2.4

The commenter requests that correspondence between property owners and the City be made available.

Although not required, the City notified property owners of housing sites proposed for rezoning in 2024. Community engagement and outreach efforts undertaken by the City for the Housing Element Update are discussed on page B-4 of the Draft Housing Element Update. Additional information is provided in Appendix D, Public Engagement Input Summary, of the Draft Housing Element Update. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Response I2.5

The commenter requests the addition of a table to the Draft EIR that shows the current and proposed zoning, density, and height limits of housing sites to demonstrate what changes are proposed.

Tables 2-4 through 2-9 in Chapter 2, *Project Description,* of the Draft EIR detail the current and proposed zoning for each of the proposed housing sites. Table 2-10 provides a summary of proposed zoning changes. Potential impacts to public views are evaluated in Section 4.1, *Aesthetics,* of the Draft EIR.

Response I2.6

The commenter requests that the City requires future housing development to preserve existing downtown parking and make additional parking available.

This comment is noted and will be provided to decision-makers for consideration. Refer to Response I1.1 for a discussion about parking-related impacts in the context of CEQA. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Response I2.7

The commenter requests that there be no development or planning fees charged by the City of Pacific Grove for future housing development.

This comment is noted and shall be provided to decision-makers for consideration prior to approval and certification of the EIR. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Response I2.8

The commenter suggests that there should be a time limit for the City to approve projects subject to discretionary review.

This comment is noted and shall be provided to the City and decision-makers for consideration prior to approval and certification of the EIR. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Response I2.9

The commenter opines that the project would change the character of Pacific Grove by including zoning changes that would increase building heights and density and increase traffic.

Potential impacts to the visual character of Pacific Grove from implementation of the proposed project, including potential impacts due to height and density increases, are evaluated in Section 4.1, *Aesthetics,* of the Draft EIR. In terms of traffic, CEQA requires analysis of impacts related to VMT and does not require analysis of traffic congestion. Specifically, *CEQA Guidelines* Section 15064.3 identifies VMT as the most appropriate metric for transportation impact analysis. VMT is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. This represents a shift away from the delay and congestion-based level of service metric that historically has been used for evaluating traffic impacts. As specified in *CEQA Guidelines* Section 15064.3 (a) "a project's effect on automobile delay shall not constitute a significant environmental impact." As such, a congestion-based analysis is not required under CEQA and therefore was not included in the Draft EIR.

It should be clarified that future development facilitated by the project would undergo the City's planning, design review, and environmental review processes. Design standards, including the objective design standards discussed in Section 4.1 of the Draft EIR, would apply to future development. While the project would facilitate the development of housing in Pacific Grove, such development would still be subject to additional review beyond the programmatic analysis provided in the Draft EIR.

Kayleigh Limbach

From: Joe Sidor <jsidor@cityofpacificgrove.org>
Sent: Monday, August 11, 2025 8:40 AM
To: Kayleigh Limbach
Cc: Jon Biggs; Aaron Campbell; Kassandra Gale; Leeza Segal
Subject: [EXT] Fw: Query re Revisions to the 3rd Draft Housing Element

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Kayleigh,

Please address the email below as a DEIR public comment.

Thanks,
Joe

Joseph Sidor, Contract Senior Planner
for the City of Pacific Grove

From: Arnaud Teil <arnaud.teil.perso@gmail.com>
Sent: Thursday, August 7, 2025 4:38 PM
To: Joe Sidor <jsidor@cityofpacificgrove.org>
Cc: Jon Biggs <JBiggs@cityofpacificgrove.org>; Aaron Campbell <ACampbell@cityofpacificgrove.org>
Subject: Re: Query re Revisions to the 3rd Draft Housing Element
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Thank you very much Joe.

On page D-29 of Appendix D

Programs Revised 4th Draft
Comment:
I3.1 Comment expressing concern regarding drainage and water quality issues associated with upzoning of R-1 zoned parcels within the City's Area of Special Biological Significance watershed area.

I3.1 Cont.

Response:
The Housing Element does not include the rezoning of any parcels zoned R-1 within the Area of Special Biological Significance watershed area. No edits were made to the Housing Element.

There are actual proposed/potential R1 areas to consider upzoning in PG's ASBS watershed. If you look at page 374 (actual PDF page) of the draft document, there are several areas considered for potential R3 upzoning (example 2, 3, 4, 5) that are clearly located in the ASBS watershed.

Thank you,
Arnaud.

Letter I3

COMMENTER: Arnaud Teil

DATE: August 7, 2025

Response I3.1

The commenter states that several areas proposed for upzoning are located in the watershed of Pacific Grove's Area of Special Biological Significance, and expresses concern that upzoning may lead to drainage and water quality impacts.

The commenter is correct that some of the parcels proposed to be upzoned are located in the watershed of the Pacific Grove Area of Special Biological Significance. Parcels proposed for upzoning in the Central-Eardley Commercial District and the Downtown District are located in the watershed. Impacts related to drainage and water quality are discussed in Section 4.9, *Hydrology and Water Quality,* of the Draft EIR, and the Pacific Grove Area of Special Biological Significance is specifically discussed on pages 4.9-1, 4.9-7, and 4.9-13. As discussed under Impact HYD-1 on page 4.9-13, the project would not violate water quality standards. Compliance with permit requirements, including incorporation of operational best management practices into project design to target pollutants of concern, would minimize pollutant discharge during operation, thus reducing the potential for increased conveyance of pollutants into receiving water bodies, including the Area of Special Biological Significance. Further, as discussed under Impacts HYD-3 through HYD-6 starting on page 4.9-17, the project would not substantially alter existing drainage patterns and would not result in significant impacts related to drainage.

Kayleigh Limbach

From: Jon Biggs <JBiggs@cityofpacificgrove.org>
Sent: Tuesday, August 12, 2025 4:58 PM
To: Kassandra Gale; Megan Jones; Kayleigh Limbach; Joe Sidor; Aaron Campbell
Subject: [EXT] FW: DEIR
Attachments: Parking provisions in the DEIR.zip

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Here is the email the comments from Mr. Fredrickson came in on.

Jon

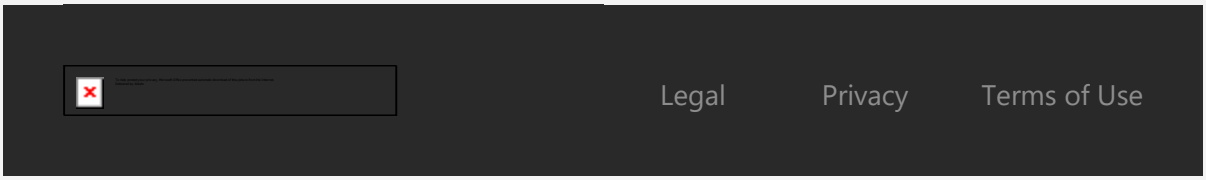
From: wmfredrickson@comcast.net <wmfredrickson@comcast.net>
Sent: Tuesday, August 12, 2025 12:12 PM
To: Jon Biggs <JBiggs@cityofpacificgrove.org>
Cc: andrewkubica <andrewkubica@outlook.com>
Subject: DEIR

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wmfredrickson@comcast.net
shared
Parking provisions in the DEIR.zip %Cloud_Name%

Don't have WinZip? Try it free!



Jon,
Attached is a position paper regarding parking in the subject document.

It should make for an interesting discussion among commissioners. Please forward them a copy.
Thanks,

Bill Fredrickson

Parking provisions in the DEIR

Goal 5 of Pacific Grove's General Plan states that we "require off-street parking for new developments and for additions that increase the parking demand". Further, we should "consider constructing an additional public parking facility downtown".

These parking lots will potentially be needed in the Central Avenue, Lighthouse Avenue and Forest Hill business development areas.

I4.1 **Based on AMBAG growth projections, the growth in employment in Pacific Grove by 2031 will be 400 positions. While it is clear that not all of these new positions would plan to drive an automobile to work, a prudent plan would provide for a significant percentage that would drive to work. If we use 50%, we would then need to plan for an additional 240 more automobiles to be driving to work in Pacific Grove by 2035. If half of these positions are in Pacific Grove business districts, we need to plan for parking for these automobiles.**

Another factor to consider is the number of automobiles that would be owned by new residents to Pacific Grove occupying housing in the city. Pacific Grove's housing growth by 2031 is projected to be 1,125 units. Assuming that our household size remains about the same as it us now, we would have a population increase of 1,260 people. Since some of these people would be children, we can

I4.2 **estimate that our population would grow by about 800 adults. We then can estimate that about 700 of these adults would own an automobile. Where will these new residents park?**

Unfortunately, I don't have the number of automobiles currently registered to Pacific Grove residents so I cannot estimate how an additional 700 automobiles registered to new residents will impact traffic.

I4.3 **Given Carmel's problems with a lack of adequate parking spaces in their city, we would be negligent if we failed to address the impact of inadequate parking in this EIR.**

I4.4 **Consequently, mixed use development in our three business areas must include parking for residents of the buildings and employees of the businesses planned for the development. To accommodate for parking in these buildings, the city will investigate raising the height limits in these areas to 50 feet.**

Letter I4

COMMENTER: Bill Fredrickson

DATE: August 12, 2025

Response I4.1

The commenter refers to a goal of Pacific Grove's current General Plan that requires off-street parking for new development, and states that parking will potentially be needed in commercial areas of the city. The commenter states that the 400 new jobs anticipated as part of the project would increase demand for parking in these areas.

Refer to Response I1.1. As discussed therein, parking impacts, such as whether a project provides adequate parking, are outside the scope of CEQA review and instead projects must be evaluated for secondary impacts related to scarcity of parking. The Draft EIR analyzes the secondary impacts associated with increased vehicle travel in Section 4.2, *Air Quality,* and Section 4.7, *Greenhouse Gas Emissions.* Further, individual projects facilitated by the project would be required to comply with parking requirements for different zoning designations as specified in Title 23, Zoning, of Pacific Grove Municipal Code.

Response I4.2

The commenter refers to the anticipated population growth resulting from new residential development and discusses the need for a plan to address the associated increase in parking demand and traffic.

Refer to Response I1.1. Regarding analysis of parking-related traffic, CEQA requires analysis of impacts related to VMT and does not require analysis of traffic congestion. Specifically, *CEQA Guidelines* Section 15064.3 (adopted December 2018) identifies VMT as the most appropriate metric for transportation impact analysis. VMT is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. This represents a shift away from the delay and congestion-based level of service metric that historically has been used for evaluating traffic impacts. As specified in *CEQA Guidelines* Section 15064.3 (a) "a project's effect on automobile delay shall not constitute a significant environmental impact." As such, a congestion-based analysis is not required under CEQA and therefore was not included in the Draft EIR.

Response I4.3

The commenter references parking issues in Carmel and suggests addressing parking in the Draft EIR.

Refer to Response I1.1.

Response I4.4

The commenter recommends that new development should include adequate parking for both residents and employees and suggests that the City should consider increasing building height limits to accommodate on-site parking.

This comment is noted and shall be provided to the City and decision-makers for consideration prior to approval and certification of the EIR. Individual projects facilitated by the project would be required to comply with parking requirements for different zoning designations as specified in Title 23, Zoning, of Pacific Grove Municipal Code. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Letter I5

Kayleigh Limbach

From: Joe Sidor <jsidor@cityofpacificgrove.org>
Sent: Wednesday, August 13, 2025 7:24 AM
To: Kayleigh Limbach
Cc: Kassandra Gale; Leeza Segal; Jon Biggs; Aaron Campbell
Subject: [EXT] Fw: Public Comment: opposition to Housing Element rezoning

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Kayleigh,

Although it appears to address only the Housing Element, I'm forwarding the email below as a DEIR public comment due to the timing.

Joe

Joseph Sidor, Contract Senior Planner
for the City of Pacific Grove

From: Emily Miller <emilyamiller@gmail.com>
Sent: Tuesday, August 12, 2025 10:50 PM
To: Planning Commission <planningcommission@cityofpacificgrove.org>; Pc@cityofpacificgrove.org <Pc@cityofpacificgrove.org>; Housing <housing@cityofpacificgrove.org>
Subject: Public Comment: opposition to Housing Element rezoning
[**NOTICE:** This message originated outside of the City of Pacific Grove email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I oppose the proposed rezoning of the

I5.1 Dennett, Sinex, Grove Acre District (sites 38-41) to allow higher density residential development in Pacific Grove's General Plan Housing Element.

This entire neighborhood has little street parking, narrow streets, and few sidewalks. It does not support higher density traffic safely.

Site 39 within this district is especially of concern due to its entrance and exit location on Dennett St.

I5.2 Dennett St is very narrow, without sidewalks, has no street parking from Evergreen to Grove Acre, and has a sharp curve with poor visibility. It is already somewhat dangerous to walk there.

I5.2 Cont. If the entire proposed district were up for sale at one time (unlikely with multiple owners) or a company purchased each parcel over a long time before development (unlikely due to cost), the entrance and exit could be restricted to Sinex - the street most able to accommodate traffic.
More likely is the parcels would come up for sale separately over time. If only site 39 was developed into high density housing, it could only have its entrance and exit on Dennett.

I5.3 I strongly support the rezoning of the Forest Hill Commercial District to b for mixed residential-commercial use. That site can accommodate higher density traffic much better than the Dennett, Sinex, Grove Acre District is able to.

Thank you,
Emily Miller

Letter I5

COMMENTER: Emily Miller

DATE: August 12, 2025

Response I5.1

The commenter expresses their opposition to the rezoning of housing sites 38 – 41 to allow higher density residential development, and states that the neighborhood could not safely accommodate increased traffic.

The commenter's opposition is noted and shared with City decision-makers for their consideration.

Potential transportation hazards are discussed under Impact TRA-3 on page 4.14-14 in Section 4.14, *Transportation,* of the Draft EIR. As discussed therein, the City maintains standards for public improvements and private facilities within the Pacific Grove Municipal Code (e.g., internal circulation, ingress/egress) that guide the construction of transportation facilities to minimize design hazards for all users of the transportation system. Such standards include roadway width standards established by Pacific Grove Municipal Code Section 24.32.110. As development facilitated by the project is proposed, applicants would be required to design developments to comply with City design guidelines in implementing roadway improvements that are necessary to alleviate transportation hazards. The design of project-specific developments would be reviewed and approved by the City, which would ensure project-specific developments would be designed to minimize the potential to result in hazards between vehicles and pedestrians and vehicles and cyclists. Accordingly, the project would have a less than significant impact related to substantially increasing hazards due to a geometric design feature or incompatible use.

Response I5.2

The commenter expresses concern for Site 39 as it would be accessed by Dennett Street, which the commenter states is narrow and has a sharp curve with poor driver visibility. The commenter suggests that access to Site 39 should be provided via Sinex Avenue.

This comment is noted and will be provided to City decision-makers for their consideration. The proposed project does not include specific development, and as discussed in Response I5.1, future development facilitated by the project would be required to design developments to comply with City design guidelines in implementing roadway improvements that are necessary to alleviate transportation hazards.

Response I5.3

The commenter expresses their support for rezoning the Forest Hill Commercial District to accommodate mixed residential-commercial use.

The commenter's support is noted. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Kayleigh Limbach

From: Joe Sidor <jsidor@cityofpacificgrove.org>
Sent: Monday, August 18, 2025 7:10 AM
To: Kayleigh Limbach
Cc: Kassandra Gale; Leeza Segal; Jon Biggs; Aaron Campbell; Megan Jones
Subject: [EXT] Fw: Comment On The Housing Element DEIR

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

DEIR comment email below.

Joseph Sidor, Contract Senior Planner
for the City of Pacific Grove

From: fred fredballerini.com <fred@fredballerini.com>
Sent: Friday, August 15, 2025 3:30 PM
To: Housing <housing@cityofpacificgrove.org>
Subject: Comment On The Housing Element DEIR
[**NOTICE:** This message originated outside of the City of Pacific Grove email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Attention Joe Sidor, Senior Planner

Dear Mr. Sidor,

I6.1 In regards to the proposed Housing Element Update, Zoning Amendments and General Plan Amendments Project, please reconsider the proposed reclassifying (rezoning) of Sites #38, #39, and #41 (Dennett Street and Sinex Avenue) to High Density Residential Development. These three sites have not been adequately assessed for scenic or biological impacts and the proposed change from R-2 to R-3 would have significant impacts to scenic and biological resources:

I6.2 **1.** Though the 3 sites are not located within the boundaries of the recognized designated scenic resources of the Coastal Zone, they do lie adjacent to Area V (Union Pacific Right of Way) and Area VI (Asilomar) and the forest resources of the 3 sites are extensions of the broader Asilomar Monterey Pine Forest. Sites #38, #39 and #41 are also identified in Urban Tree Canopy Assessment (Ref. City of Pacfic Grove Urban Canopy Tree Assessment, Davey Resource Group, 2015) as having a 48% tree canopy cover, exceeding the City's target goal of 33% canopy by 15%. General Plan and LCP goals and policies, and Pacific Grove Municipal Code requirements stipulate development shall maintain high visual quality and is visually coherent with the existing character of the city and surrounding development. Loss of the forest resources associated with the three sites would be a considered a significant degradation of the existing visual character of the broader forest associated with Asilomar Conference Grounds and the quality of public views of the project area.

I6.3 Impacts AES-1 and AES-3 in the DEIR states that the project would not degrade the existing visual character or quality of public views of the project area and its surroundings, and that impacts to scenic resources would be less than significant, with no mitigation measures required. The urban forest of the three sites harbors remnant landmark endemic Monterey pine (*Pinus radiata*) amongst other native introduced trees that sprawl across the collective parcels including introduced coast redwood (*Sequoia sempervirens*), Monterey cypress (*Hersperocyparis macrocarpa*), and naturalized coast live oak (*Quercus agrifolia*). Several large towering stands of *Eucalyptus sp.*) are also

I6.3 Cont found on several parcels. Any removal of a landmark endemic Monterey pine (a list CRPR 1.B1 species) would be considered a significant impact and would further fragment the pine forest extension from Asilomar.

I6.4 **2.** Impact BIO-1 through BIO-5 does not adequately consider potential impacts to special status and resident wildlife biological resources associated with Sites #38, #39, and #41. The subject sites contain a large degree of natural open space between housing structures. Native understory habitat conditions are marginal but should still be assessed and surveyed due to the numerous spring flowering special status plant species associated with Monterey pine and the sandy dune substrates. Dune sedge and rush seeps are common elements along the

I6.5 Grove Acre Road, Evergreen Road, Crocker Avenue vicinity and may meet the definition of coastal review wetlands (ESHA) due to the presence of seasonal surface water and/or wetland indicator plant species (e.g., bog rush and bulrush). Additionally, there is no

I6.6 consideration for the presence of CDFW Species of Special Concern, Northern California Legless Lizard (*Anniella pulchra*) on the aforementioned parcels. This species occurs in the back older sand dune soils and has been found along Evergreen Road in several residential parcels (300+ yards from the project area). Numerous resident raptors, owls and great blue heron utilize the Union Pacific open

I6.7 space meadow (between Dennett St and Crocker Ave at the corner of Sinex Ave) across from Sites #39 and #41 for hunting grounds. The forest constituents (48% canopy cover) on sites #38, #39, and #41, provide significant cover, foraging habitat and nesting habitat not only for numerous raptor (including resident owl) species that nest in the vicinity, but resident and migratory avian species including listed species within the USGS Monterey Quadrangle that were not identified on the DEIR (Ref. Table 4.3-2 Special-status Animals with Potential to Occur in the Project Area). Olive-sided flycatcher (*Contopus cooperi*), a CDFW Species of Special Concern is documented occurring within the

I6.8 project vicinity. Impact BIO-5 states that Pacific Grove Municipal Code Section 12.20.060, Wildlife Protection, requires that tree pruning and removal activities take place outside of the nesting season of listed threatened, endangered, or special status species, though there is no nexus on the City's Tree Removal Permit form to enforce this directive and trees are routinely approved for removal throughout the nesting season without requiring qualified surveying.

I6.9 Numerous bumble bee species occur within the project vicinity utilizing native and ornamental landscape flowering species, the potential exists for the State Candidate Endangered Western Bumble Bee (*Bombus occidentalis*) to utilize the subject parcels for foraging, nesting and overwintering. Potential Monarch overwintering habitat exists within the towering Monterey cypress, Monterey pine and Eucalyptus that occur on sites #38, #39, and #41. Monarchs have a strong presence in the neighborhood and overwintering Monarch surveys should be recommended for the parcels as they lie in close proximity to the known local overwintering sites. The small seasonal pond at Asilomar is a

I6.10 potential breeding habitat for the listed Federally Threatened California Red Legged Frog, the Federally Proposed Threatened Western Pond Turtle and the CDFW listed Species of Special Concern Coast Range Newt. This pond occurs approximately 700 feet from Sites #41 and #39. Though breeding habitat does not appear to occur at the three subject sites, potential seasonal movements irrespective of riparian corridors or topography could occur within the parcels and should be analyzed for the three sites. The listed special status Coast Range Newt is also associated with cool darkness of damp, well-canopied forests such as those found on Sites #38, #39, and #41.

I6.11 **3**. Lastly, the locations of Sites #38, #39, and #41 lie within an area where wildlife from natural woodland areas of Asilomar transition and mobilize into the more urban settings of Pacific Grove. The relationship of these transitional habitat linkage areas is complex from the presence, distribution, movement, and habitat associations of the representative species using them. The DEIR states the project area does not provide a significant corridor for terrestrial wildlife movement. However localized wildlife corridors within the Union Pacific trail and Asilomar State Park utilize the local forest areas near the project site (specifically #38, #39 and #41) to transition to more urban areas, especially after sundown. These habitat linkage areas can be quite diverse as evidenced by the numerous wildlife species that have a strong presence in this remote part of Pacific Grove with resident coyotes, skunks, raccoons, broad-handed moles, Botta's pocket gopher, black tail deer, and others. Black tail deer birthing and nursery areas are common within the 3 sites as deer have access to the majority of the

I6.12 open grounds found on the parcels. A potentially significant impact not readily analyzed in the DEIR is the affect of adding up to 67 units (Sites #38, #39, #40 and #41) adjacent to the biologically rich Asilomar State Park whose mission is to protect the valued natural resources and foster the remoteness and solitude unique to the area. The addition of the these units in this location will likely have an adverse and significant impact (pollution runoff, noise, glare/lighting) to the State Park natural resources.

Thank you for the opportunity to comment.

Best regards,

Fred Ballerini

Fred Ballerini
PO Box 1023
Pacific Grove, CA 93950

Letter I6

COMMENTER: Fred Ballerini

DATE: August 15, 2025

Response I6.1

The commenter requests that the City reconsider the proposed rezoning of Sites 38, 39, and 41 from R-2 to R-3 (High Density Residential). The commenter suggests that these sites have not been adequately assessed and would have significant impacts to scenic resources or biological resources.

This comment is introductory and summarizes the commenter's concerns. Responses to the commenter's specific concerns are addressed in Responses I6.2 through I6.12, below.

Response I6.2

The commenter expresses concern about the proposed rezoning of Sites 38, 39, and 41 as they are adjacent to Area V (Union Pacific Right of Way) and Area VI (Asilomar) as identified in the City's Local Coastal Program Land Use Plan. The commenter also asserts that these sites have higher tree coverages than the City's targets for tree cover, and that the loss of trees in these sites would degrade the area's visual character, which would conflict with the City's General Plan, Local Coastal Program, and Municipal Code requirements.

Potential impacts associated with tree removal are discussed in Section 4.1, *Aesthetics,* of the Draft EIR. As discussed under Impact AES-3 on page 4.1-23, trees protected by the City's Municipal Code (Chapter 12.20, Protected Trees) occur throughout the project area and may occur at many of the sites. The Municipal Code includes tree removal and protection requirements, including permitting and root zone protection. Removal of protected trees must not result in less than a total canopy cover of 33 percent on the property; if the canopy cover would be reduced below the City's canopy cover target, the protected tree would require tree replacement. Future development facilitated by the project would be reviewed for compliance with these regulations, which would minimize visual impacts related to degradation of public views or visual character resulting from the removal of trees.

Response I6.3

The commenter disagrees with the Draft EIR's conclusion under Impacts AES-1 and AES-3, which state that the project would not significantly degrade visual character or scenic resources. The commenter claims that Sites 38, 39, and 41 contain remnant landmark endemic Monterey pine and other native and introduced tree species, forming part of the broader Asilomar pine forest. The commenter opines that removal of these trees would result in a significant impact to visual character and further fragmentation of the forest extension from Asilomar.

The commenter is correct that development facilitated by the project could result in impacts to visual character or scenic resources if it results in less than 33 percent canopy cover on a given property. As discussed in Section 4.1, *Aesthetics,* of the Draft EIR, trees protected by the City's Municipal Code occur throughout the project area and may occur at many of the sites. If tree removal would reduce the canopy cover to below the City's canopy cover target, tree replacement would be required. Future development facilitated by the project would be reviewed for compliance

with these regulations, which would minimize visual impacts related to degradation of public views or visual character resulting from the removal of trees.

Impacts to Monterey pine and other native trees are discussed under Impact BIO-2 and Impact BIO-5 on pages 4.3-22 and 4.3-27, respectively, in Section 4.3, *Biological Resources,* of the Draft EIR. As discussed therein, impacts to degraded as well as high-quality Monterey pine communities may occur as a result of the project, but impacts would be reduced to a less than significant level with implementation of Mitigation Measures BIO-1(a) through BIO-1(c), and implementation of Pacific Grove Municipal Code Section 12.20.

Response I6.4

The commenter alleges that Impacts BIO-1 through BIO-5 in the Draft EIR do not adequately consider potential impacts to special-status plant species associated with the Monterey pine and sandy dune substrates on Sites 38, 39, and 41. The commenter recommends conducting surveys during appropriate seasons to identify spring-flowering species and to evaluate potential impacts.

Sites 38, 39, and 41 are developed, and the understory of these sites include residential yards, landscaped areas, and driveways. Because no native natural vegetation communities are expected within the understory, no significant impacts related to Monterey pine and sandy dune substrates are expected to occur. Mitigation Measure BIO-1(a), as shown on page 4.3-16 of Section 4.3, *Biological Resources,* of the Draft EIR, includes a requirement for seasonally timed special status plant surveys. Specifically, Mitigation Measure BIO-1(a) states the special-status plant surveys "shall be floristic in nature and shall be seasonally timed to coincide with the target species." Accordingly, special-status plant species shall be timed to coincide with when the target species would be present. In addition, the Draft EIR evaluates development facilitated by the project at a programmatic level. Future development facilitated by the project would require additional project-specific review, including a review of potential impacts to biological resources such as special-status plants if present in any of the housing sites, upzoning areas, or additional parcels.

Response I6.5

The commenter states that dune sedge and rush seeps in the vicinity of Grove Acre Road, Evergreen Road, and Crocker Avenue may qualify as coastal review wetlands or as environmentally sensitive habitat areas due to the presence of seasonal surface water and wetland indicator species.

Sites 38, 39, and 41 are located outside of the Coastal Zone; refer to Table 2-7 and Figure 2-9 in Chapter 2, *Project Description,* of the Draft EIR. In addition, as discussed in Section 4.3, *Biological Resources,* a review of the United States Fish and Wildlife Service National Wetlands Inventory and aerial imagery indicate that there is an intermittent stream within Site 49, and drainage features on additional parcels A3 and A4, which are the most proximate housing sites to the area the commenter describes. The Draft EIR includes Mitigation Measure BIO-3(a), which would require a City-approved biologist to complete a jurisdictional delineation of wetland features at Site 49 and additional parcels A3 and A4 prior to issuance of grading permits. The Draft EIR also includes Mitigation Measure BIO-3(b), which would require implementation of several best management practices during construction within 100 feet of jurisdictional areas in these sites to avoid and/or minimize potential indirect impacts. Accordingly, wetland features within these sites would be identified and avoided to the extent feasible, or impacts to such features would be adequately mitigated, on a project-by-project basis.

Response I6.6

The commenter opines that the Draft EIR fails to consider the potential presence of the northern California legless lizard, a CDFW Species of Special Concern, in Sites 38, 39, and 41.

Sites 38, 39, and 41 are generally separated from natural dune habitats, where northern California legless lizard would be likely to occur, by urban development. Accordingly, the potential for this species to occur in these sites is low. As discussed on page 4.3-14 of Section 4.3, *Biological Resources,* of the Draft EIR, legless lizards are most likely to occur in Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4, where suitable habitats may be present. Potential impacts to this species would be reduced with implementation of Mitigation Measure BIO-1(e), Northern California Legless Lizard Avoidance and Minimization, which requires a pre-construction clearance survey and relocation of legless lizards within 48 hours of the start of construction.

Response I6.7

The commenter states that raptors, owls, herons, and other avian species use the open space meadow between Dennett Street and Crocker Avenue, near Sites 39 and 41, for nesting and foraging. The commenter states the Draft EIR does not adequately consider all avian species that could nest and forage in this area, including Olive-sided flycatcher.

Potential impacts to birds are discussed in Section 4.3, *Biological Resources.* As discussed therein under Impact BIO-1 beginning on page 4.3-15, if any nesting bird species are present at individual development sites, or in the immediate vicinity of individual sites, development facilitated by the project could result in direct mortality through removal of active nests or disturbance levels that cause nest abandonment. Impacts to nesting birds would be potentially significant and Mitigation Measure BIO-1(h) would be required. Mitigation Measure BIO-1(h) requires ground disturbance and vegetation removal activities for development facilitated by the project to be restricted to the non-breeding season for birds (September 16 to January 31), when feasible, or to conduct pre-construction nesting bird surveys prior to construction activities during breeding season. Nests shall be identified and avoided during construction, and impacts related to nesting birds would be less than significant.

Response I6.8

The commenter expresses concern that, although Impact BIO-5 references seasonal restrictions on tree removal to protect nesting birds, the City's Tree Removal Permit process lacks enforcement mechanisms to ensure compliance.

The commenter refers to the City's tree removal permit process, which is an existing process and not the subject of the Draft EIR. However, Chapter 12.20 of the City's Municipal Code regulates removal and pruning of protected trees, which is defined in Section 12.20.02 as native trees, private trees greater than 12 inches in trunk diameter, monarch butterfly habitat trees, public trees, and designated trees. The City Municipal Code does not regulate removal or trimming on non-regulated trees. Regardless, Mitigation Measure BIO-1(h) in Section 4.3, *Biological Resources*, of the Draft EIR requires pre-construction nesting bird surveys for development facilitated by the proposed project if vegetation removal would occur during the nesting season. This measure would be enforced by the City through the Mitigation Monitoring Reporting Program that will be adopted at the time the Final EIR is certified.

Response I6.9

The commenter states that numerous bumble bee species, including the state candidate endangered western bumble bee, may use Sites 38, 39, and 41 for foraging, nesting, and overwintering. The commenter also states that monarch butterfly may utilize the Monterey cypress, Monterey pine, and Eucalyptus trees on these sites for overwintering, and recommends conducting overwintering surveys.

As discussed in Section 4.3.1, *Setting,* in Section 4.3, *Biological Resources,* of the Draft EIR, the biological resources analysis included a query of several data sources, including CDFW's CNDDB and the Xerces Society Bumble Bee Watch database. The query of these data sources was conducted for the USGS *Monterey* 7.5-minute series quadrangle and four surrounding quadrangles (the industry standard nine quadrangle search was reduced due to the lack of quadrangles over the Pacific Ocean). Queries of these databases indicated that there are no known occurrences of western bumble bee within the City or surrounding quadrangles, nor any occurrences on Bumble Bee Watch within five miles of the City. Accordingly, the likelihood for western bumble bee to be present within the City and housing sites is low and mitigation is not required. In addition, no monarch butterfly overwintering sites have been reported within Sites 38, 39, and 41, and monarch butterfly would be unlikely to overwinter in these sites due to surrounding urban development and the lack of wind-sheltered groves of trees. Potential impacts to monarch butterfly in proximity to other housing sites, upzoning areas, and additional parcels is discussed under Impact BIO-1 on page 4.3-12 in Section 4.3, *Biological Resources,* of the Draft EIR.

Response I6.10

The commenter states that a seasonal pond proximate to Sites 39 and 41 may serve as breeding habitat for the California red-legged frog, western pond turtle, and coast range newt. The commenter also states that habitat for coast range newts may exist in Sites 38, 39, and 41.

As discussed in Section 4.3, *Biological Resources,* of the Draft EIR, the biological resources analysis included a query of several data sources, including CDFW's CNDDB and the United States Fish and Wildlife Service Information for Planning and Conservation database, Critical Habitat Mapper, and National Wetlands Inventory. Based on these queries, western pond turtle is presumed present in the project area as they have been previously documented in the area. However, as discussed on page 4.3-5 of Section 4.3, no habitat for western pond turtle occurs within the housing sites, upzoning areas, and additional parcels, and identified sites are isolated from western pond turtle habitats by existing urban development. Marginal habitat for California red-legged frog and coast range newt is present in Pacific Grove; however, the housing sites, upzoning areas, and additional parcels are isolated from these areas by exiting urban development. Further, the annual grass understory present in Sites 38, 39, and 41 does not provide suitable pine forest habitat for coast range newt.

Response I6.11

The commenter disagrees with the Draft EIR's conclusion that the project area does not support wildlife movement corridors. The commenter states that Sites 38, 39, and 41 lie within a transitional habitat linkage zone between Asilomar's natural woodlands and the urban areas of Pacific Grove and are used by a variety of wildlife species as a localized wildlife corridor.

As discussed under Impact BIO-4 in Section 4.3, *Biological Resources,* of the Draft EIR, the project area does not contain significant corridors for wildlife movement. Regional corridors occur within the Monterey Peninsula; however, these corridors largely occur within the Del Monte Forest, Rip Van Winke Open Space, and lands that are already preserved (e.g., City and County parks and state beaches). Sites 38, 39, and 41 do not contain significant corridors for wildlife movement. Wildlife within these sites and other housing sites, upzoning areas, and additional parcels would continue to be able to move through existing corridors such as trails or roads. Given the large areas of open space within the Del Monte Forest and Rip Van Winkle Open Space, development facilitated by the project is not expected to result in substantial changes to the genetic connectivity among local populations of wildlife, or within a broader regional context.

Response I6.12

The commenter opines that the Draft EIR does not adequately evaluate the cumulative impact of adding up to 67 housing units on Sites 38, 39, 40, and 41 near Asilomar State Park, and states that development of these sites could have adverse impacts related to runoff, noise, glare, and lighting.

Impacts related to runoff are discussed in Section 4.9, *Hydrology and Water Quality,* of the Draft EIR. As discussed therein, impacts related to stormwater runoff, drainage patterns, and discharge of pollutants would be less than significant.

Impacts related to noise are discussed in Section 4.11, *Noise.* As discussed therein, impacts related to construction noise and operational stationary noise would be significant and unavoidable, even with implementation of mitigation measures NOI-1(a), Measures to Reduce Construction Noise, and NOI-1(b), Evaluate and Reduce Stationary Operational Noise.

Impacts related to glare and lighting are discussed in Section 4.1, *Aesthetics.* As discussed therein, impacts related to new sources of glare and lighting would be less than significant. In addition, the Draft EIR evaluates development facilitated by the project at a programmatic level. Future development facilitated by the project would require additional review, including a review of potential impacts related to light and glare.

Letter I7

Kayleigh Limbach

From:	Jane Haines <janehaines80@gmail.com>
Sent:	Friday, August 15, 2025 3:28 PM
To:	Housing
Cc:	Planning Commission; Pierik, Brian A.; Joe Sidor; Matthew Mogensen; Chamber of Commerce
Subject:	Additional comments on the Housing Element DEIR

[**NOTICE:** This message originated outside of the City of Pacific Grove email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Attention: Joe Sidor, Contract Senior Planner

Dear Housing Element Team,

I7.1 I attended last night's Planning Commission meeting to urge additional public participation before the Commission provides direction on proposed General Plan amendments, zoning amendments and DEIR amendments. Public engagement has been minimal—only two members of the public attended last night, and attendance at the August 6 Q&A was about twenty people—yet staff told the Commission that the public was "well informed" and participation "high" based on website traffic. The Commission accepted this characterization and concluded that no further public input was needed.

I7.2 Staff and one Commissioner also repeated the DEIR's assertion that "the provision of parking is not considered to be an environmental impact under CEQA." While CEQA does not treat the *social inconvenience* of limited parking as an environmental impact, California courts have made clear that the lack of adequate parking spaces' *secondary effects*—such as increased traffic and air pollution—are environmental impacts requiring analysis and mitigation. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 697.) My July 15 comments identified three such secondary effects for Pacific Grove:

1. Increased vehicle idling and emissions,
2. Parking spillover into environmentally sensitive areas, and
3. Loss of economic funding needed for maintenance of environmental programs like the Monarch Sanctuary and harbor seal protection.

I7.3 The DEIR repeats its misleading statement about parking impacts at least four times (pp. 1-3, 1-4 twice, and 1-7) without acknowledging CEQA's requirement to address secondary effects. This omission violates CEQA Guidelines §15088(c), which requires a *good faith, reasoned analysis* in response to comments raising environmental issues. The DEIR's response to my response to the Notice of Preparation, requesting quantification of parking availability and specific mitigation strategies (e.g., walkability improvements, alternative transportation, and updated Transportation Element policies) merely refers to Section 4.14—17 pages of program descriptions that contain no quantitative analysis or mitigation strategies. This is conclusory, not analytical, and therefore fails CEQA Guideline §15088(c).

I7.4 Additionally, the DEIR must realistically assess the City's ability to require parking accommodations on downtown public parking lots (Sites 1, 5, 8, and 9). The Planning Director's assertion that City ownership

I7.4 Cont. ensures control ignores the limits imposed by recent laws such as SB 35 and SB 684, which require ministerial approval for qualifying housing projects. Under these laws, developments meeting objective standards cannot be subjected to discretionary conditions—meaning costly features like underground parking will be unenforceable, and are not legally or economically feasible for affordable housing projects. Without verifiable evidence that the City can impose such requirements, the Planning Director's assurances are unfounded.

I7.5 I strongly support Commissioner Frederickson's recommendation that the Housing Element clearly define, for the record and for future readers, what is and is not required for approval of housing projects on downtown parking needs. This clarity is critical to avoid future loss of parking and the environmental harms that would follow.

I7.6 **Request:** The FEIR must be revised to (1) address the secondary environmental effects of parking shortages with quantitative analysis and feasible mitigation strategies, and (2) provide substantial evidence of the City's ability to control development on public parking lots under current and foreseeable state housing laws. Until these deficiencies are corrected, neither the DEIR nor the amended Housing or Health and Safety Elements should be approved.

Respectfully,
Jane Haines

Letter I7

COMMENTER: Jane Haines

DATE: August 18, 2025[3]

Response I7.1

The commenter expresses concern about the lack of public participation in the review of proposed project components. The commenter describes low public participation, even though City staff characterized public engagement as "high" based on website traffic and the Planning Commission accepted this assessment.

The Draft EIR was circulated for public review beginning on June 30, 2025, and was circulated via the City's website (https://www.cityofpacificgrove.gov/news_detail_T3_R900.php), the Office of Land Use and Climate Innovation CEQAnet website (https://ceqanet.lci.ca.gov/2024010897), and in the Monterey County Weekly in accordance with Section 15087 of the CEQA Guidelines. Accordingly, public noticing requirements pursuant to the *CEQA Guidelines* have been met.

Response I7.2

The commenter disagrees with the assertion that the provision of parking is not considered an environmental impact under CEQA and refers to their comments submitted on July 15.

Refer to Responses I1.1 through I1.5.

Response I7.3

The commenter opines that their comment on the Notice of Preparation for the Draft EIR, requesting a quantitative parking analysis and mitigation strategies, was inadequately addressed and therefore the EIR fails *CEQA Guidelines* 15088.

Refer to Responses I1.1 through I1.5. As discussed previously, a quantitative analysis of the availability of parking is not required under CEQA. The commenter refers to *CEQA Guidelines* Section 15088, which relates to comments on a Draft EIR, not a Notice of Preparation.

Response I7.4

The commenter argues that the Draft EIR fails to realistically evaluate the City's ability to enforce parking requirements on certain downtown public lots. They challenge the Planning Director's claim that City ownership guarantees control, pointing out that recent laws such as Senate Bill 35 and Senate Bill 684 limit the City's authority by mandating ministerial approval for qualifying housing projects. These laws prevent the City from imposing discretionary conditions, which are costly and not feasible for affordable housing.

Statements made by the Planning Director are outside of the scope of the Draft EIR. Future development facilitated by the project would undergo the City's planning, design review, and environmental review processes. Design standards, including the objective design standards discussed in Section 4.1 of the Draft EIR, would apply to future development. While the project

[3] This commenter submitted an additional comment letter on September 5, 2025, outside the public comment period for the Draft EIR. The September 5 letter reiterated the issues raised in this letter and in Letter I1.

would facilitate the development of housing in Pacific Grove, such development would still be subject to additional review beyond the programmatic analysis provided in the Draft EIR.

Response I7.5

The commenter expresses their support for Commissioner Frederickson's recommendation that the Housing Element defines parking requirements for housing projects.

The commenter's support is noted. Individual future development projects would be required to comply with parking requirements for the applicable underlying zoning designation, as specified in Title 23, Zoning, of Pacific Grove Municipal Code. In addition, the Draft EIR evaluates development facilitated by the project at a programmatic level. Future development facilitated by the project would require additional review, including a review of secondary impacts related to parking. This comment does not contain a substantive comment on the Draft EIR and no further response is required.

Response I7.6

The commenter summarizes their statements and suggests the Draft EIR should not be certified until they have been addressed.

All public comments received on the Draft EIR will be considered by City decision-makers prior to certification of the EIR and project approval. Refer to Responses I1.1 through I1.4 and Responses I7.1 through I7.5.

Kayleigh Limbach

From: Aaron Campbell <ACampbell@cityofpacificgrove.org>
Sent: Friday, August 15, 2025 11:51 AM
To: Megan Jones; Kayleigh Limbach
Cc: Jon Biggs; Joe Sidor
Subject: [EXT] FW: Comments to Draft EIR

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Not sure if you got this one yet...

Aaron Campbell
Senior Planner
City of Pacific Grove
www.cityofpacificgrove.org
p: 831-648-3112
a: 300 Forest Ave
Pacific Grove, CA 93950

Planning permits are no longer accepted through this email account. All Planning permit applications must be submitted to either planning@cityofpacificgrove.org or in person at the Community Development Department located on the second floor of City Hall.

From: Andrew Kubica <andrewkubica@outlook.com>
Sent: Friday, August 15, 2025 10:56 AM
To: Jon Biggs <JBiggs@cityofpacificgrove.org>; Housing <housing@cityofpacificgrove.org>
Subject: Comments to Draft EIR

[**NOTICE:** This message originated outside of the City of Pacific Grove email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Jon,
Below is my comment on the water issue for the draft EIR.
Andrew Kubica

Section 4.16 Utilities and Service Systems
4.16.1.1 Water supply

This section provides a history and description of sources of the water supply for the Monterey peninsula. There are many pages describing water resources and a few tables on water usage.

I8.1 The main point of these 34 pages seems to be shown in chart 4.16-7 which compares supply and demand. There is a potential, based on wet or dry years, that there will not be adequate water for full build out of housing until after the Cal-Am desalination is available in 2030.

Conclusion on Page 4.16.34 is that mitigation measure UTIL-2, Water Supply Verification is required.

Letter I8

COMMENTER: Andrew Kubica, Pacific Grove City Council Member

DATE: August 15, 2025

Response I8.1

The commenter highlights a potential shortfall in water availability, especially in dry years, until the Cal-Am desalination project becomes operational in 2030. The commenter states that Mitigation Measure UTIL-2, Water Supply Verification, is required.

The commenter's summary reflects the discussion in Section 4.16, *Utilities and Service Systems.* As discussed under Impact UTIL-2 on page 4.16-19 of Section 4.16, there is a potential shortfall in water availability if the Monterey Peninsula Water Supply Project Ocean Desalination Plant is not operational by 2030. Mitigation Measure UTIL-2 would require verification of water supply availability prior to issuance of any building permits facilitated by the project.

From: Lori McDonnell <lmcdonnell@cityofpacificgrove.org>
Sent: Friday, August 15, 2025 1:51:34 AM
To: Matthew Mogensen <mmogensen@cityofpacificgrove.org>
Cc: Lori McDonnell <lmcdonnell@cityofpacificgrove.org>
Subject: DEIR questions

Hi Matt,

Here are my questions from the first third of the DEIR. Once they are clarified I can provide separate comments if needed.

DEIR comments

I9.1 p ES-34 (43): NOI-1(a) delete extra word "the"
Measures to Reduce Construction Noise. To minimize noise during construction facilitated by the project, the City of Pacific Grove shall require construction contractors to implement the as many of the following measures for construction activities conducted within the City as feasible

I9.2 p 2-5 (64): confusing sentence
Identify appropriate housing sites and provide housing development opportunities in specified
areas with the potential to accommodate additional housing or are proximate to jobs, transportation, shopping and schools, and the accompanying zoning required to accommodate
housing development.

I9.3 P 2-8 (67): 2.4.1 Should Cannery Row be described as the northeastern boundary? While David forms the border to the south and east of the city, Cannery Row is generally described as northeast of PG.
Surrounding Land Uses
To the north and west, Pacific Grove is bordered by Monterey Bay and the Pacific Ocean, and much of the city's northern and western boundaries consist of coastlines and beaches. To the southeast, Pacific Grove is bordered by residential and commercial uses within the City of Monterey, including the Cannery Row area on the city's southeastern boundary.

I9.4 P 4.3-5 (166):

I9.4 Cont.

Statement that “The Pacific harbor seal ... population appears to be growing (NMFS 2014)” may misrepresent the current state of the harbor seal population, as the citation is 10 years old. I’m checking on the more recent statistics and trends. May be more accurate with this sentence removed.

I9.5

Is Shoreline Park Berwick Park or Andy Jacobsen Park, or a separate park?

Thanks,
Lori

--
Lori McDonnell
Pacific Grove City Council Member

Kayleigh Limbach

From: Jon Biggs <JBiggs@cityofpacificgrove.org>
Sent: Friday, August 15, 2025 4:15 PM
To: Megan Jones; Kassandra Gale; Leeza Segal; Kayleigh Limbach; Joe Sidor; Aaron Campbell
Subject: [EXT] Fw: DEIR comment
Attachments: Brief synopis - Harbor Seal Colony .docx

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Hello Everyone -

These replace the earlier comments I sent over from Councilmember McDonnell on the Draft EIR for the HE.

Thank you for your attention to this.

Take care.

Jon

From: Lori McDonnell <lmcdonnell@cityofpacificgrove.org>
Sent: Friday, August 15, 2025 3:59 PM
To: Matthew Mogensen <mmogensen@cityofpacificgrove.org>; Jon Biggs <JBiggs@cityofpacificgrove.org>
Subject: DEIR comment

Hello Matt and Jon, Please see my DEIR comment below.

P 4.3-5 (166):
The statement that "The Pacific harbor seal ... population appears to be growing (NMFS 2014)" misrepresent the current state of the harbor seal population, as the citation is 10 years old, and the colony has declined since the 2012 flyover that was reported in 2014.

I9.6

Please remove the sentence that the population appears to be growing or update this section with the brief synopsis of the harbor seal colony below and attached to ensure it accurately reflects the current status of the local harbor seal colony.

In 2012, NOAA did a flyover count along the California Coast of the harbor seal (Phoca vitulina) colony. The count from Breakwater Cove in Monterey to Stillwater Cove in Pebble Beach was a total of 652 seals at that time.

I9.7

In 2014, the harbor seal colony reached a peak of 750 but at the end of that year NOAA recorded a severe warm water event.

Beginning in 2015 and over the next couple of years, the warming trend depleted the food sources and the harbor seal population dropped by more than half.

In 2017, the population started to stabilize but in the next few years it dropped again because of an insufficient food supply.

Finally, in 2021 food sources improved and the harbor seal count stabilized.

In 2022 and 2024 disturbances became the factor for drops in the local seal population.

I9.7 Cont

The latest flyover count was done in 2024 due to concern about the decline in the harbor seal colony across the state, and the official results are pending.

This is data utilized by NOAA for their ongoing harbor seal population count.



Thank you,
Lori McDonnell

Letter I9

COMMENTER: Lori McDonnell, Pacific Grove City Council Member

DATE: August 15, 2025

Response I9.1

The commenter suggests a grammatical improvement.

The following revision has been made to the Draft EIR on page ES-34 in the *Executive Summary*:

> **NOI-1(a) Measures to Reduce Construction Noise**. To minimize noise during construction facilitated by the project, the City of Pacific Grove shall require construction contractors to implement ~~the~~ as many of the following measures for construction activities conducted within the City as feasible….

Response I9.2

The commenter alleges that a sentence in the Project Description chapter is confusing.

The following revisions have been made to the sentence in question, which is repeated three times in the Draft EIR.

Page ES-11 in the *Executive Summary:*

- Identify appropriate housing sites and provide housing development opportunities in specified areas ~~with~~ that have the potential to accommodate additional housing; ~~or~~ are proximate to jobs, transportation, shopping and schools~~,~~; and have the accompanying zoning required to accommodate housing development.

Page 2-5 in Chapter 2, *Project Description:*

- Identify appropriate housing sites and provide housing development opportunities in specified areas ~~with~~ that have the potential to accommodate additional housing; ~~or~~ are proximate to jobs, transportation, shopping and schools~~,~~; and have the accompanying zoning required to accommodate housing development.

Page 6-2 in Chapter 6, *Alternatives:*

- Identify appropriate housing sites and provide housing development opportunities in specified areas ~~with~~ that have the potential to accommodate additional housing; ~~or~~ are proximate to jobs, transportation, shopping and schools~~,~~; and have the accompanying zoning required to accommodate housing development.

Response I9.3

The commenter questions whether Cannery Row should be considered the southeast boundary of the project site.

The following revisions have been made in the Draft EIR.

Page 2-1 in Chapter 2, *Project Description:*

2.1 Project Location

The City of Pacific Grove encompasses approximately 2.9 square miles (or approximately 1,830 acres) on the Monterey Peninsula in northern Monterey County (Figure 2-1). Pacific Grove is bordered by the Pacific Ocean and Monterey Bay to the north and west; the City of Monterey to the east, including the Cannery Row area along the City's northeastern boundary; and the Del Monte Forest (a census-designated place) to the south (Figure 2-2)…

Page 2-8 in Chapter 2, *Project Description:*

2.4.1 Surrounding Land Uses

To the north and west, Pacific Grove is bordered by Monterey Bay and the Pacific Ocean, and much of the city's northern and western boundaries consist of coastlines and beaches. To the southeast, Pacific Grove is bordered by residential and commercial uses within the City of Monterey, including the Cannery Row area on the city's ~~south~~northeastern boundary. To the south and southwest, Pacific Grove is bordered by the Presidio of Monterey and single-family residential uses, open space, and golf courses within the Del Monte Forest.

Page 3-1 in Chapter 3, *Environmental Setting:*

3.1 Regional Setting

The project area consists of the City of Pacific Grove, located on the Monterey Peninsula in northern Monterey County. Pacific Grove is located approximately 15 miles to the southwest of Salinas and 50 miles to the south of San José. Pacific Grove is bordered by the Monterey Bay and Pacific Ocean to the north and west; the City of Monterey to the east, including the Cannery Row area along the City's northeastern boundary; and the Del Monte Forest (a census-designated place) to the south. Figure 2-1 in Chapter 2, *Project Description*, shows the location of the project area in the region.

Response I9.4

The commenter suggests using a more up-to-date source when referencing the current Pacific harbor seal population.

Refer to Response G1.6.

Response I9.5

The commenter requests clarity on the labelling of parks.

Parks, recreation, and open spaces in Pacific Grove are shown in Figure 4.13-3 on page 4.13-7 of Section 4.13, *Parks and Recreation.* As shown therein, Shoreline Park West, Shoreline Park East, Berwick Park, and Andy Jacobsen Park are distinct parks located along Pacific Grove's northern and eastern shorelines.

Response I9.6

The commenter requests that information regarding the local Pacific harbor seal population be updated with recent data.

The following revisions have been made in the Draft EIR.

Page 4.3-5 in Section 4.3, *Biological Resources*:

Marine Mammals and Species of Regional Significance

Pacific harbor seals (*Phoca vitulina richardsi*) are protected under the Marine Mammal Protection Act (MMPA) and are known to occur along the rocky shores of the project area. A year-round colony of harbor seals occur at a sheltered beach on the southwest side of Cabrillo Point, near the Hopkins Marine Station. Harbor seals have their pups on this beach between February through May, and the City has updated its Municipal Code to provide protections during the pupping season (City of Pacific Grove 2020: 13-14). Pacific harbor seal populations are monitored by the National Marine Fisheries Service (NMFS), which prepares annual marine mammal stock assessments. The Pacific harbor seal is not federally listed under the ESA, and the population in California is not considered "depleted" or a "strategic" stock under the MMPA. ~~Furthermore, this population appears to be growing (NMFS 2014).~~ The harbor seal colony in Pacific Grove reached a peak population of 750 individuals in 2014; however, the population has decreased to approximately 270 as of 2023 due to disturbance events and depletion of food sources (Monterey Bay National Marine Sanctuary Foundation 2023).

Page 7-5 in Chapter 7, References:

Monterey, County of. 2008 Draft Environmental Impact Report Monterey County 2007 General Plan Monterey County, California.

_____. 2012. Del Monte Forest Area Land Use Plan Local Coastal Program Monterey County, California. June 22, 2012.

Monterey Bay National Marine Sanctuary Foundation. 2023. Finding Sanctuary – Harbor Seal Population. https://montereybayfoundation.org/blog/blog-finding-sanctuary-volunteers-looking-out-for-harbor-seals-by-lisa-wooninck-2/ (accessed September 2025).

~~National Marine Fisheries Service. 2014. Harbor Seal (Phoca vitulina richardii): California Stock Report. Revised 7/31/2015.~~

Response I9.7

The commenter provides Pacific harbor seal colony counts from flyovers occurring from 2012 to 2025.

Refer to Response I9.6.

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3 Revisions to the Draft EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Changes in text are signified by strikeout font (~~strikeout font~~) where text was removed and by underlined font (underlined font) where text was added.

The information contained within this chapter merely clarifies and expands on information in the Draft EIR, and reflects a reduction in an impact determination from significant and unavoidable to less than significant with mitigation. Accordingly, these changes do not constitute "significant new information" requiring recirculation. "Significant new information" is defined in Section 15088.5(a) of the *CEQA Guidelines* as follows:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft EIR and none of the revisions to the Draft EIR included in this chapter amount to significant new information; therefore, recirculation is not required.

3.1 Revisions to the Draft EIR

Executive Summary

Page ES-11:

- Identify appropriate housing sites and provide housing development opportunities in specified areas ~~with~~ that have the potential to accommodate additional housing; ~~or~~ are proximate to jobs, transportation, shopping and schools~~,~~; and have the accompanying zoning required to accommodate housing development.

Table ES-2 (revised rows only):

Impact	Mitigation Measure(s)	Residual Impact
Greenhouse Gas Emissions		
Impact GHG-1. Construction and operation of the proposed project would generate GHG emissions, and the project would incorporate features that align with the goals of the applicable plans, policies, and regulations related to the reduction of GHG emissions. However, even with the implementation of Mitigation Measure GHG-1, individual projects could face challenges that hinder their ability to implement Mitigation Measure GHG-1 and thus not be consistent with the 2022 Scoping Plan. Therefore, impacts would be significant and unavoidable.	**GHG-1 Greenhouse Gas Emissions Reductions.** Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project: a) Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits. b) Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval. c) <u>Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.</u>	Significant and unavoidable.
Noise		
Impact NOI-1. Construction of individual development facilitated by the project would temporarily produce high noise levels, potentially affecting nearby noise-sensitive land uses. Operation of development facilitated by the project would also increase transportation noise. Impacts would be significant and unavoidable.	**NOI-1(a) Measures to Reduce Construction Noise**. To minimize noise during construction facilitated by the project, the City of Pacific Grove shall require construction contractors to implement ~~the~~ as many of the following measures for construction activities conducted within the City as feasible. Construction plans submitted to the City shall include construction noise analysis and identify these measures on demolition, grading, and construction plans submitted to the City. The City of Pacific Grove Building Division shall verify that grading, demolition, and/or construction plans submitted to the City include these notations prior to issuance of demolition, grading and/or building permits….	Significant and unavoidable.

Chapter 2, Project Description

Page 2-1:

2.1 Project Location

The City of Pacific Grove encompasses approximately 2.9 square miles (or approximately 1,830 acres) on the Monterey Peninsula in northern Monterey County (Figure 2-1). Pacific Grove is bordered by the Pacific Ocean and Monterey Bay to the north and west; the City of Monterey to the east, including the Cannery Row area along the City's northeastern boundary; and the Del Monte Forest (a census-designated place) to the south (Figure 2-2). Pacific Grove is located approximately 15 miles to the southwest of Salinas and 50 miles to the south of San José. State Route 1 and Highway 68 provide regional access to the city, with local roadways (including Lighthouse Avenue and David Avenue) providing local access within the city.

Page 2-5:

- Identify appropriate housing sites and provide housing development opportunities in specified areas ~~with~~ that have the potential to accommodate additional housing; ~~or~~ are proximate to jobs, transportation, shopping and schools~~,~~; and have the accompanying zoning required to accommodate housing development.

Page 2-8:

2.4.1 Surrounding Land Uses

To the north and west, Pacific Grove is bordered by Monterey Bay and the Pacific Ocean, and much of the city's northern and western boundaries consist of coastlines and beaches. To the southeast, Pacific Grove is bordered by residential and commercial uses within the City of Monterey, including the Cannery Row area on the city's ~~south~~northeastern boundary. To the south and southwest, Pacific Grove is bordered by the Presidio of Monterey and single-family residential uses, open space, and golf courses within the Del Monte Forest.

Chapter 3, Environmental Setting

Page 3-1:

3.1 Regional Setting

The project area consists of the City of Pacific Grove, located on the Monterey Peninsula in northern Monterey County. Pacific Grove is located approximately 15 miles to the southwest of Salinas and 50 miles to the south of San José. Pacific Grove is bordered by the Monterey Bay and Pacific Ocean to the north and west; the City of Monterey to the east, including the Cannery Row area along the City's northeastern boundary; and the Del Monte Forest (a census-designated place) to the south. Figure 2-1 in Chapter 2, *Project Description*, shows the location of the project area in the region.

Section 4.3, Biological Resources

Page 4.3-4 and 4.3-5:

Special-status Wildlife Species

Based on the results of the database queries, 30~~29~~ special-status wildlife species were evaluated for their potential to occur in the project area (Appendix G)…

Table 4.3-1 Special-status Animals with Potential to Occur in the Project Area

Common Name	Scientific Name	Status[1]
Low Potential to Occur		
Crotch's bumble bee	*Bombus crotchii*	State candidate Endangered
Smith's blue butterfly	*Antrozous pallidus*	Federally endangered
Tricolored blackbird	Agelaius tricolor	State threatened
Moderate Potential to Occur		
Townsend's big-eared bat	*Corynorhinus townsendii*	CDFW species of special Concern
Presumed Present		
Monarch - California overwintering population	*Danaus plexippus plexippus* Pop. 1	Federal candidate
Northern California legless lizard	*Anniella pulchra*	CDFW species of special Concern
Western pond turtle	*Emys marmorata*	Federally proposed threatened
Burrowing owl (wintering)	*Athene cunicularia*	State candidate

[1] CDFW 2025a

Habitat for special-status wildlife occurs in undeveloped areas of Sites 49, 47, 50, and 55, and additional parcels A1, A3, and A4. Species with the potential to occur in the housing sites, upzoning areas, and additional parcels include Townsend's big-eared bat and Northern California legless lizard.

Additionally, Sites 42 and 43 are approximately 100 to 200 feet from George Washington Park, a known overwintering site for monarch butterfly. Habitat for native nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) occurs throughout the housing sites, upzoning areas, and additional parcels.

No habitat for Smith's blue butterfly, tricolored blackbird, western pond turtle, or burrowing owl occurs within the housing sites, upzoning areas, and additional parcels; and identified sites are isolated from these species habitats by existing urban development. Suitable habitat for crotch's bumble bee occurs within Sites 49, 47, 50, and 55, and additional parcels A1, A3, and A4, however this species has not been observed in the Monterey Bay region south of Santa Cruz, therefore has a low potential to occur.

Page 4.3-5:

Marine Mammals and Species of Regional Significance

Pacific harbor seals (*Phoca vitulina richardsi*) are protected under the Marine Mammal Protection Act (MMPA) and are known to occur along the rocky shores of the project area. A

year-round colony of harbor seals occur at a sheltered beach on the southwest side of Cabrillo Point, near the Hopkins Marine Station. Harbor seals have their pups on this beach between February through May, and the City has updated its Municipal Code to provide protections during the pupping season (City of Pacific Grove 2020: 13-14). Pacific harbor seal populations are monitored by the National Marine Fisheries Service (NMFS), which prepares annual marine mammal stock assessments. The Pacific harbor seal is not federally listed under the ESA, and the population in California is not considered "depleted" or a "strategic" stock under the MMPA. ~~Furthermore, this population appears to be growing (NMFS 2014).~~ The harbor seal colony in Pacific Grove reached a peak population of 750 individuals in 2014; however, the population has decreased to approximately 270 as of 2023 due to disturbance events and depletion of food sources (Monterey Bay National Marine Sanctuary Foundation 2023).

Page 4.3-15:

Special-status Wildlife

Impacts to Northern California legless lizard would be potentially significant and Mitigation Measures BIO-1(d) and BIO-1(e) would be required. No habitat for Smith's blue butterfly, tricolored blackbird, western pond turtle, or burrowing owl occurs within the housing sites, upzoning areas, or immediate vicinity, and Crotch's bumble bee has only a low potential to occur; therefore, no impacts to these species are anticipated as a result of project implementation.

Section 4.7, Greenhouse Gas Emissions

Page 4.7-21:

GHG-1 Greenhouse Gas Emissions Reductions

Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project:

a. Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits.

b. Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval.

c. Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.

Section 4.10, Land Use and Planning

Page 4.10-3:

Assembly Bill 130

Effective June 30, 2025, AB 130 introduces substantial reforms to streamline housing development under CEQA. The bill establishes a statutory CEQA exemption for qualifying infill housing projects located in urban areas up to 20 acres, provided they meet specific criteria such as adjacency to urban uses and avoidance of historic or environmentally sensitive sites. This exemption is designed to reduce environmental review burdens for projects that align with local zoning and planning standards. AB 130 also makes permanent several provisions of the Permit Streamlining Act, including timelines for application completeness and project approval, and limits the number of public hearings for qualifying housing projects. Additionally, the bill codifies elements of the Housing Accountability Act and SB 330, including protections for vested rights and restrictions on growth control measures. A notable provision is the statewide freeze on residential building code updates from October 1, 2025, through June 1, 2031, which aims to reduce regulatory uncertainty and development costs. AB 130 also enhances the role of the California Department of Housing and Community Development in overseeing RHNA methodologies, further aligning local planning efforts with state housing goals.

Senate Bill 131

SB 131, effective June 30, 2025, complements AB 130 by focusing on CEQA streamlining for infrastructure and public-serving projects. It introduces a new review pathway for "near miss" projects—those that narrowly fail to qualify for a CEQA exemption due to a single disqualifying condition. Under this provision, CEQA review is limited to the environmental effects of that specific condition, and such projects are exempt from analyzing alternatives or growth-inducing impacts. SB 131 also creates or expands CEQA exemptions for a range of project types, including advanced manufacturing facilities on industrial-zoned land, broadband infrastructure in public rights-of-way, updates to climate adaptation plans, High-Speed Rail maintenance facilities, and local rezoning actions that implement Housing Element commitments. Additionally, the bill mandates biennial updates to CEQA Guidelines to improve clarity and address ambiguities. These changes reflect a broader policy shift toward facilitating development while maintaining targeted environmental protections, and they are expected to significantly impact the planning and approval processes for both housing and infrastructure projects across California.

Chapter 6, Alternatives

Page 6-2:

- Identify appropriate housing sites and provide housing development opportunities in specified areas ~~with~~ that have the potential to accommodate additional housing; ~~or~~ are proximate to jobs, transportation, shopping and schools~~,~~; and have the accompanying zoning required to accommodate housing development.

Chapter 7, References

Page 7-5:

Monterey, County of. 2008 Draft Environmental Impact Report Monterey County 2007 General Plan Monterey County, California.

_____. 2012. Del Monte Forest Area Land Use Plan Local Coastal Program Monterey County, California. June 22, 2012.

Monterey Bay National Marine Sanctuary Foundation. 2023. Finding Sanctuary – Harbor Seal Population. https://montereybayfoundation.org/blog/blog-finding-sanctuary-volunteers-looking-out-for-harbor-seals-by-lisa-wooninck-2/ (accessed September 2025).

~~National Marine Fisheries Service. 2014. Harbor Seal (Phoca vitulina richardii): California Stock Report. Revised 7/31/2015.~~

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4 Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Draft Environmental Impact Report (Draft EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Air Quality							
AQ-3(a) Construction Emissions Reductions							
Prior to construction activity and issuance of grading permits for development facilitated by the project, the City Building Official shall confirm that the grading plan, building plans, and specifications stipulate the following measures shall be implemented: ▪ All mobile off-road equipment (wheeled or tracked) used during construction activities shall meet USEPA Tier 4 Final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards. ▪ Alternative fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available or necessary to reduce TAC emissions. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site. ▪ Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.	Verify that the grading plan, building plans, and specifications stipulate all mobile off-road equipment (wheeled or tracked) used during construction activities shall meet USEPA Tier 4 Final standards; alternative fuel for construction equipment shall be incorporated where available; and electricity shall be supplied to the site to support electric construction equipment.	Prior to construction activity and issuance of grading permits.	Routinely throughout construction.	City of Pacific Grove; project proponent			
	Provide a copy of the equipment's certification or model year specifications on-site.	Prior to construction activity and issuance of grading permits.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
AQ-3(b) MBARD Fugitive Dust Reduction Measures							
The City shall require the implementation of the following MBARD fugitive dust reduction measures, where applicable, to reduce PM_{10} emissions generated by dust during the construction phase of development facilitated by the project: ▪ Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. ▪ Prohibit all grading activities during periods of high wind (over 15 mph). ▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). ▪ Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area. ▪ Haul trucks shall maintain at least 2'0" of freeboard. ▪ Cover all trucks hauling dirt, sand, or loose materials. ▪ Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land. ▪ Plant vegetative ground cover in disturbed areas as soon as possible. ▪ Cover inactive storage piles. ▪ Install wheel washers at the entrance to construction sites for all exiting trucks. ▪ Pave all roads on construction sites.	Verify implementation of dust reduction measures.	During construction.	Routinely throughout construction.	City of Pacific Grove; project proponent			
	Implement fugitive dust reduction measures as specified in the measure.	During construction.	Routinely throughout construction.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
▪ Sweep streets if visible soil material is carried out from the construction site. ▪ Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). ▪ Limit the area under construction at any one time.							
Biological Resources							
BIO-1(a) Special-Status Plant Species Surveys							
A City-approved biologist shall complete surveys for special-status plants in undeveloped areas at Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4 prior to any vegetation removal, grubbing, or other construction activity (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species. All plant surveys shall be conducted by a City-approved biologist during the blooming season, and during development application processing yet prior to development permit approval. All special-status plant species identified on each site shall be mapped onto a site-specific aerial photograph or topographic map with the use of Global Positioning System unit. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the	Conduct seasonally appropriate special-status plant species survey as specified in the measure.	During the blooming season appropriate to the target special-status plant species and prior to development permit approval.	Seasonally and prior to development permit approval.	City of Pacific Grove; project proponent; City-approved biologist			
	Repeat survey if construction does not begin within three years. If special-status plants are not identified, no further action is required. If special-status plants are identified, implement Mitigation Measures BIO-1(b) and BIO-1(c).	During the blooming season appropriate to the target special-status plant species and prior to development permit approval.	Seasonally and prior to development permit approval.				
	Review survey results report.	Once per survey cycle.	Once per survey cycle.				

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local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the City, and the CDFW and/or USFWS for state or federally listed plants, as appropriate, for review and/or approval. If project construction does not occur within three years of the initial special-status plant survey, additional floristic surveys shall be repeated. If special-status plants are not found during special-status plant surveys, no further action is required. If federally- and/or state-listed individuals and/or CRPR 1B or 2 plant populations are found during special-status plant surveys, the Mitigation Measures BIO-1(b) and BIO-1(c) shall be implemented.							
BIO-1(b) Special-Status Plant Species Avoidance, Minimization, and Mitigation							
If federally-listed and/or state-listed individuals, and/or CRPR 1B or 2 plant populations are found during special-status plant surveys [pursuant to Mitigation Measure BIO-1(a)], and would be directly impacted by development, then the project shall be re-designed to avoid impacting listed plant species or CRPR 1B or 2 populations, where feasible and compatible with project design. Rare and listed plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a City-approved biologist based	Review locations of identified special-status plants and redesign project to avoid impacts to listed plants or special-status plant populations, where feasible and compatible with project objectives.	During project design and prior to development permit approval.	During project design and prior to development permit approval.	City of Pacific Grove; project proponent; City-approved biologist			
	Install bright orange fencing at least 30 feet beyond the edge of any special-status plant occurrences located within 50 feet of the disturbance area. Adjust buffer distance if approved by a City-approved biologist based on site-specific conditions.	Prior to and during project construction.	Prior to and during project construction.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
on species location in relation to the construction area and level of disturbance from construction activities, to protect them from harm. Prior to initiation of construction activities the project proponent shall submit a site plan depicting the location(s) of special-status plants and avoidance buffers to the City for review and verification. The City-approved biologist(s) shall possess a degree in biology, ecology, botany, or a related field, and have demonstrated knowledge and experience with native plant and wildlife species of the region, their habitats, and applicable environmental regulations. The biologist shall have prior experience conducting pre-construction surveys, construction monitoring, and implementing mitigation measures and permit conditions similar to those required for this project. If special-status plants can be avoided, no further action is required. If federally- and/or state-listed individuals and/or CRPR 1B or 2 plant populations cannot be avoided, then Mitigation Measure BIO-1(c) shall be implemented.	If special-status plants can be avoided, no further action is required. If avoidance or listed plants or special-status plant populations is not feasible, implement Mitigation Measure BIO-1(c).	Prior to and during project construction.	Prior to and during project construction.				
BIO-1(c) Habitat Mitigation and Monitoring Plan							
If federally- and/or state-listed plants, non-listed special-status plant populations, sensitive natural communities, or waters of the US and/or State cannot be avoided and will be impacted by development, all impacts shall be mitigated by the implementing entity at a minimum ratio of 1:1 for occupied habitat area as a component of habitat	Retain a City-approved biologist to prepare an HMMP, to be submitted to the City, that includes the components specified and provides mitigation for impacts at a minimum 1:1 ratio through habitat restoration or compensatory mitigation.	Prior to issuance of building permits and as required by permitting agencies (if appropriate).	Once.	City of Pacific Grove; project proponent; City-approved biologist			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
restoration or through compensatory mitigation. A habitat mitigation and monitoring plan (HMMP) shall be prepared by a City-approved biologist and submitted by the project proponent to the City for review and verification prior to the issuance of building permits. The project proponent shall also obtain all necessary permits from USFWS and/or CDFW and provide proof of take authorization, if required, to the City for verification prior to issuance of any permits for ground disturbing activities. The HMMP shall include, at a minimum, the following components: 1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type). 2. Goal(s) of the compensatory mitigation project (type[s] and area[s]) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type[s] to be established, restored, enhanced, and/or preserved). 3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions, and values). 4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan). 5. Maintenance activities during the monitoring period, including weed	Obtain all necessary permits for impacts to biological resources and provide proof of take authorization to the City, if required.	Prior to ground disturbing activities.	Once.				
	Implement restoration or compensatory mitigation in accordance with the approved HMMP, including maintenance, monitoring, reporting, and corrective actions as needed to achieve success criteria.	During restoration/mitigation implementation and continuing until HMMP success criteria are met, or for the duration specified by permitting agencies.	Conduct monitoring quarterly during the first year, and annually thereafter for the duration of the HMMP; perform additional monitoring and corrective actions as needed if success criteria are not met.				
	Submit a final monitoring report to the City documenting compliance with the HMMP, monitoring results, and confirmation of whether success criteria have been met.	Within 30 days of completing the monitoring period (or as otherwise specified in the approved HMMP).	Once, at the conclusion of the monitoring program.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
removal as appropriate (activities, responsible parties, schedule). 6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports). 7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type or other industry standards as determined by a qualified restoration specialist. 8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria. 9. Notification of completion of compensatory mitigation and agency confirmation. 10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). 11. All nursery plants used in restoration shall be inspected for sudden oak death. Within 30 days of completion of monitoring, a final monitoring report shall be submitted to the City for review and verification, documenting compliance with the HMMP and achievement of success criteria.							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-1(d) Worker Environmental Awareness Program							
Prior to initiation of construction activities at Site 49, 42, 43, 47, 50, 55, and additional parcels A1, A3, and A4 (including staging and mobilization), the project proponent for development shall arrange for all personnel associated with project construction for the applicable phase to attend Worker Environmental Awareness Program (WEAP) training, conducted by a City-approved biologist, to aid workers in recognizing special-status biological resources that may occur in the construction area. The specifics of this WEAP shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The form shall be submitted to the City to document compliance prior to the initiation of ground disturbing activities, and as new personnel are added to the construction site.	Ensure that all construction personnel for the applicable phase attend a WEAP training conducted by a City-approved biologist.	Prior to the initiation of construction activities at Sites 49, 42, 43, 47, 50, 55, and Parcels A1, A3, and A4.	Verify attendance at training sessions, including as new personnel are added; confirm with signed forms.	City of Pacific Grove; project proponent; City-approved biologist			
	Distribute a WEAP fact sheet to all contractors, subcontractors, and construction personnel. Each participant must sign a form confirming attendance and understanding of the training content.	At each training session, prior to initiation of construction and as new personnel are added.	Once and as personnel are added to the site.				
	Submit signed forms to the City documenting WEAP compliance.	Prior to any ground disturbing activities and updated as new personnel are added.	City to review and confirm receipt of forms; maintain forms on file.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-1(e) Northern California Legless Lizard Avoidance and Minimization							
A pre-construction clearance survey shall be conducted in undeveloped areas of Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4 for Northern California legless lizard by a City-approved biologist within 48 hours prior to the start of construction (including staging and mobilization). The survey shall cover the entire disturbance footprint within suitable habitats with moist loose soil, plus a minimum 100-foot buffer, where permissible, and should identify all special-status wildlife species observed on the project site. During the pre-construction survey the biologist shall inspect under logs, leaf litter, or other suitable refuge. If Northern California legless lizards are identified, individuals shall be relocated by a biologist to suitable cover with loose soils a minimum of 500 feet from the project site, as accessible. A written report demonstrating compliance with the pre-construction clearance survey requirement, including a description of all individuals identified and relocated during the survey, shall be submitted to the City for review and verification prior to the start of construction.	A City-approved biologist conducts a pre-construction clearance survey.	Within 48 hours prior to the start of construction (including staging and mobilization) at Sites 47, 49, 50, 55, and Parcels A1, A3, and A4.	Confirm survey completion. If construction start is delayed beyond the 48-hour window, repeat the survey.	City of Pacific Grove; project proponent; City-approved biologist			
	If any Northern California legless lizards are found, the biologist shall relocate individuals to suitable habitat at least 500 feet away from the project site, if accessible.	During pre-construction clearance survey.	Document each relocation as needed during survey.				
	Submit a written report to the City documenting the survey results and any relocations for review and verification.	Before the initiation of construction activities.	City reviews and verifies report prior to construction activities.				
BIO-1(f) Pre-Construction Bat Surveys and Maternity Roost Avoidance							
Prior to project activities at Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4, a qualified, City-approved bat specialist shall conduct a habitat assessment to determine if bat roosting habitat occurs in or near the project area. Bat specialists shall be knowledgeable in bat ecology and	▪ City-approved bat specialist conducts a habitat assessment to determine if bat roosting habitat exists within or near the project area.	Before any project activities at Sites 47, 49, 50, 55, and Parcels A1, A3, and A4.	City to review habitat assessment summary.	City of Pacific Grove; project proponent; City-approved biologist			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
identification, and shall have demonstrated experience conducting pre-construction surveys, monitoring construction activities, and implementing mitigation measures for bats on projects similar in scope and setting. If it is determined that the project area may contain or occur within 100 feet of potential day roosting habitat or 300 feet of potential maternity roosting habitat, a qualified bat specialist shall conduct a focused bat emergence survey within these areas at least 30 days prior to construction or vegetation removal (plus a 100-foot buffer as access allows). The survey shall be conducted at least 1 hour before sunset and up to 3 hours after sunset, at a minimum. Acoustic recognition technology (such as SonoBat software or similar technology) shall be used during the survey to maximize detection of bats. The qualified bat specialist shall identify and demarcate habitat (i.e., trees or structures) containing daytime and/or nighttime roosts, and any maternity roosts. Survey results, including negative findings, shall be provided to the City within 30 days of completion of the survey. Depending on the survey results, a qualified bat specialist shall identify potentially significant effects of the project on bats and determine which measures below are necessary to reduce impacts to a less-than-significant level. A report of the survey results and proposed minimization measures shall be submitted to the City for review and	If potential roosting habitat is found within 100 feet (day roosts) or 300 feet (maternity roosts), conduct a focused bat emergence survey using acoustic technology, at least 1 hour before to 3 hours after sunset. Document survey results and include recommendations.	At least 30 days before construction or vegetation removal.	City to review survey results and recommendations				
	If maternity roosts are identified, schedule work outside of the maternity season (Oct 1–Feb 28); if work must occur during the maternity season, have a bat specialist conduct inspections of trees within 300 feet of project area for roosts.	At least 7 days prior to tree removal within 300 feet of an identified maternity roost, and prior to construction in those areas.	City to review inspection results within 7 days of survey.				
	If trees with potential roosting habitat must be removed, implement phased/tree-nudging or two-day removal protocols under direction of the bat specialist.	During tree removal activities.	Bat specialist to monitor compliance and document procedures.				
	▪ If structures with potential roosting habitat must be altered/removed, conduct surveys at least 14 days prior to demolition and implement humane exclusion, if needed.	Prior to demolition of structures; monitoring during demolition.	Bat specialist to confirm eviction success.				
	If large roosts are found, consult with CDFW and install bat boxes as determined through consultation.	Upon detection of large roosts.	City to verify consultation occurred and mitigation implemented.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
verification. Measures to avoid and minimize impacts to bats may include the following: ▪ If maternity roosts are observed, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal is required during the maternity roosting season, trees potentially supporting an active maternity roost shall be closely inspected by a qualified bat specialist to determine the presence or absence of roosting bats. Inspection of each tree shall occur no more than 7 days prior to tree disturbance, and inspection results, including negative findings, shall be provided to the City within 7 days of completion of the inspection. Trees determined to be supporting maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 300 feet of or directly under or adjacent to an active maternity roost, and the non-disturbance buffer shall only be reduced at the discretion of a qualified bat specialist based on species location in relation to the construction area and level of disturbance from construction activities. The minimum buffer shall not be less than 50 feet. Work shall not occur between 30 minutes before sunset and 30 minutes after sunrise. ▪ If the removal of a tree containing potential roosting habitat for leaf dwelling bat species is required, the tree shall be pushed down using heavy machinery	Submit survey results report (including negative findings) to the City.	Within 30 days of survey completion.	City reviews report for adequacy.				
	Submit a monitoring report for any activity involving roost removal or avoidance/minimization measures.	Within 7 days of activity affecting roost habitat.	City reviews report for compliance confirmation.				

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rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may be present, the tree shall be gently nudged two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a qualified bat specialist. If it is determined that the removed tree contains a bat roost, the tree shall not be immediately bucked or mulched. A period of at least 24 to 48 hours shall elapse prior to such operations to allow bats to escape. ▪ If the removal of a tree containing potential roosting habitat for trunk or crevice dwelling bat species is required, the tree shall be removed under the direction of a City-approved bat specialist using a two-step tree removal process conducted over two consecutive days. On the first day, the tree's non-habitat branches shall be trimmed using handheld equipment only (no heavy machinery), such as chainsaws. The noise and vibration disturbance, together with the visible alteration of the tree, is effective in causing bats that emerge nightly to feed to not return to the roost. The remainder of the tree shall be removed on the second day. ▪ If the alteration or removal of structures (i.e., buildings) containing potential roosting habitat for bats is required, a qualified bat specialist shall conduct a survey of all structures no more than 14							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
days prior to demolition. If no signs of bat roosting activity are observed, no further actions shall be required. If bats or signs of bat roosting activity are observed, a City-approved bat specialist shall prepare specific recommendations for and the project proponent shall implement the recommended methods of humane eviction such as partial dismantling to allow bats to abandon the roost, or installation of one-way doors. Removal of structures containing potential roosting habitat shall be monitored for compliance with the recommended methods and success of eviction by a City-approved bat specialist. If bats are not successfully evicted, the bat specialist shall stop work, reassess exclusion methods, and demolition may not continue until bats have been successfully evicted. ▪ If a roost is observed being used by many bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed shall depend on the size of the hibernaculum and shall be determined through consultation with CDFW. A monitoring report shall be submitted to the City within seven days of activities requiring potential roost removal. The report shall include a summary of dates of monitoring, methods used, findings (including species observed, if known, and roost activity), and confirmation of compliance with applicable avoidance and minimization measures.							

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BIO-1(g) Monarch Butterfly Avoidance and Minimization							
Project construction activities at Sites 42 and 43, including equipment staging, grading, and construction, shall be avoided during the monarch butterfly overwintering season between October 15 through March 15, if practicable. In the event project construction activities cannot be avoided during the overwintering season, the project proponent shall retain a City-approved biologist to conduct a survey for roosting monarch butterflies within seven days prior to initiation of construction activities to determine their presence/absence. If no monarch butterflies are observed during pre-construction surveys, no further actions are necessary. In the event construction pauses for a period of 7 days or more, if construction is planned to restart during the monarch butterfly overwintering season (October 15 through March 15), the project proponent shall retain a City-approved biologist to conduct a new survey in accordance with the requirements of this mitigation measure. If construction activities occur during the overwintering season and monarch butterflies are present, the City-approved biologist shall establish a protective buffer, ranging from 100 to 300 feet from the roosting site in which monarch butterflies are aggregating based on species location in relation to the construction area and level of disturbance from construction activities. The buffer shall be delineated on site by the biologist with flagging or staking visible by	Schedule construction activities at Sites 42 and 43 outside of the monarch butterfly overwintering season (October 15-March 15), if practicable.	▪ During project scheduling; prior to October 15..	▪ Project proponent to verify construction schedule avoids overwintering season, where practicable.	City of Pacific Grove; project proponent; City-approved biologist			
	If construction during the overwintering season cannot be avoided, retain a City-approved biologist to conduct a pre-construction survey for roosting monarch butterflies. If construction pauses for 7 days or more and resumes during the overwintering season, retain a City-approved to conduct a new survey.	Within 7 days prior to the start of construction. Prior to resuming construction after a pause of 7 days or more during October 15 to March 15.	Biologist to document survey results.				
	If monarch butterflies are present, establish a protective buffer of 100 to 300 feet from the roosting site under the direction of the biologist. Ensure no work occurs within the protective buffer.	Prior to initiation of construction. activities near roosts.	Biologist to delineate buffer.				
	If work within the buffer is necessary, have the biologist present on site to monitor activities and stop work if disturbance to aggregated monarch butterflies occurs. Allow biologist discretion to adjust	Monitor during any work within established buffers. Buffer adjustments can occur anytime during construction.	Biologist to monitor and document buffer adjustments.				

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construction personnel. The construction contractor shall ensure no construction occurs within the protective buffer, including staging of equipment or stopping or idling in the buffer, during the overwintering season. In the event construction activities, or other use of equipment, is needed to work within the buffer, the City-approved biologist shall be present on site to monitor construction activities and determine if the work is disturbing the aggregated butterflies (e.g., aggregations begin to disperse in response to noise or vibration from construction). If the biologist determines the work is disturbing the butterflies at any time, the biologist shall stop work within the protective buffer. The biologist shall have the authority to direct construction activities and can reinitiate construction activities when the butterflies no longer show signs of being disturbed. In addition, due to the regular movement of the butterflies and locations of the aggregations, the biologist shall have the discretion to adjust the protective buffers within the 100- to 300-foot required buffer range, as necessary, based on species location in relation to the construction area and level of disturbance from construction activities.	buffer size based on butterfly location and disturbance level. Verify implementation of butterfly avoidance and minimization measures.	During construction activities at Sites 42 and 43.	Routinely throughout construction.				
BIO-1(h) Nesting Bird Avoidance							
Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season for birds (September 16 to January 31), when feasible. For ground disturbance and vegetation-removal activities occurring during the bird nesting season	Schedule ground disturbance and vegetation removal activities during the non-breeding season (September 16 to January 31), when feasible.	Prior to initiation of construction and during project scheduling.	Once, as feasible by project proponent.	City of Pacific Grove; project proponent; City-approved biologist			

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(February 1 to September 15), general pre-construction nesting bird surveys shall be conducted by a City-approved biologist not more than seven days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site, where feasible, and a 500-foot buffer for raptors. If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the City-approved biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species, or 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. A City-approved biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required prior to the start of work. A report of the survey results and any proposed avoidance buffers shall be submitted to the City for review and verification prior to the initiation of construction activities.	If ground disturbance, vegetation removal, or building demolition occurs during the breeding season (February 1 to September 15), the project proponent shall retain a City-approved biologist to conduct a general pre-construction nesting bird survey. Biologist establishes buffers around active nests and no work within buffers can occur until breeding/nesting is complete and young have fledged.	Survey no more than 7 days prior to construction activities; buffer establishment and nest monitoring as needed during construction.	Biologist conducts survey(s), and establishes buffers and monitors nests, as needed.				
	If construction is delayed for more than 14 days during the breeding season, conduct a new nesting bird survey prior to resuming work.	Prior to resuming work after a delay of more than 14 days.	Biologist re-surveys as-needed.				
	Submit a report to the City documenting survey results and any proposed avoidance buffers.	Prior to initiating construction activities.	City to review survey report(s).				

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BIO-1(i) Invasive Weed Prevention							
For individual development projects where activity would occur in undeveloped areas at Sites 47, 49, 50, and 55, and additional parcels A3 and A4, landscape plans approved by the City Community Development Department as part of a development permit applications shall not include noxious, invasive, and/or non-native plant species that are recognized on the federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Moderate and High Risk Lists. During construction the project proponent shall: ▪ Limit site access and parking, equipment storage and stationary construction activities to the designated staging areas to the maximum extent feasible. ▪ Prior to staging equipment on-site, clean all equipment caked with mud, soils, or debris from off-site sources or previous project sites to avoid introducing or spreading invasive exotic plant species. When feasible, remove invasive exotic plants from the individual project site. All equipment used on the premises should be cleaned prior to leaving the site for other projects. ▪ All disturbed areas requiring hydroseeded stabilization shall utilize a mix of locally native species, as feasible, upon completion of work in those areas. ▪ In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six weeks since ground disturbing activities ceased.	Implement invasive weed prevention measures as specified in the measure.	Measures must be adhered to throughout construction.	City to verify compliance during construction.	Project proponent			
	Submit a compliance report documenting implementation of invasive weed prevention measures.	Within 30 days of project completion.	City to review and verify compliance report.				
	Review compliance report.	After project completion.	Once.	City of Pacific Grove			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
▪ If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a City-approved biologist and the City. Within 30 days of project completion, a report shall be submitted to the City for review and verification documenting compliance with the invasive weed prevention measures above.							
BIO-3(a) Jurisdictional Delineation							
Prior to issuance of grading permits, a City-approved biologist shall complete a jurisdictional delineation of wetland features at Site 49 and additional parcels A3 and A4. The jurisdictional delineation shall determine the extent of the jurisdiction for CDFW, USACE, and/or RWQCB, and shall be conducted in accordance with the requirements set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the city. The delineation shall be used to inform design development in a manner that avoids impacts to jurisdictional waters to the maximum extent practicable. If jurisdictional waters are identified within 100 feet of proposed limits of work, Mitigation Measure BIO-3(b) shall be required. If jurisdictional waters are identified within proposed limits of work and cannot be avoided, Mitigation Measure BIO-1(c) shall be required. The project proponent shall also be required to apply for and obtain applicable federal and State permits for impacting jurisdictional waters, and shall implement all conditions of such permit(s).	▪ Retain a City-approved biologist to complete a jurisdictional delineation to identify any wetlands or waters regulated by CDFW, USACE, or RWQCB at Site 49 and Parcels A3 and A4.	Before issuance of grading permits for Site 49 and Parcels A3 and A4.	City to verify delineation completed by a qualified biologist.	City of Pacific Grove; project proponent; City-approved biologist			
	Prepare delineation in accordance with agency guidelines and submit report to the City to inform project design and avoidance of impacts.	Prior to issuance of grading permits.	City to review delineation report.				
	If impacts are unavoidable, obtain all required permits from relevant agencies and follow all permit conditions during construction.	Prior to and during construction, as required by permitting agencies.	As required by permitting agencies.				

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BIO-3(b) Waters and Wetlands Impact Avoidance and Minimization							
To avoid and/or minimize potential indirect impacts to jurisdictional waters and water quality, the City shall require following BMPs to be implemented by the project proponent during construction within 100 feet of jurisdictional areas at Site 49 and additional parcels A3 and A4: ▪ Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls (non- monofilament), covers, sand/gravel bags, and straw bale barriers, as appropriate. ▪ All vehicles and equipment shall be in good working condition and free of leaks. The contractor shall prevent oil, petroleum products, or any other pollutants from contaminating the soil or entering a watercourse (dry or otherwise). When vehicles or equipment are stationary, mats or drip pans shall be placed below vehicles to contain fluid leaks. ▪ All re-fueling, cleaning, and maintenance of equipment shall occur at least 100 feet from jurisdictional areas. ▪ Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank. ▪ Prevent the discharge of silt or pollutants off the site when working adjacent to	Implement waters and wetlands impact avoidance and minimization measures as specified in the measure.	Throughout construction.	City or designated environmental representative to conduct routine inspections during construction.	City of Pacific Grove; Project proponent			
	Submit a compliance report to the City documenting implementation of BMPs and adherence to the NPDES Permit.	Within 30 days of project completion.	City to review compliance report for verification.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
jurisdictional areas. Install BMPs (i.e., silt barriers, sand bags, straw bales) as appropriate. ▪ Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified. ▪ Work during times of precipitation shall be avoided to the maximum extent possible. Within 30 days of completion, a report shall be submitted to the City for review and verification, documenting compliance with the above measures and the National Pollutant Discharge Elimination System Permit.							
Cultural Resources							
CUL-2(a) Archaeological Resources Assessment and Protection							
For specific development projects involving ground disturbance on identified housing sites, in upzoning areas, or on additional parcels, the project proponent shall retain a City-approved consultant to conduct a preliminary review to determine the need for a formal archaeological assessment. The preliminary review shall include a review of available information regarding previous disturbance, the presence of fill, and previous cultural resources studies on file with the City. If it can be determined that all proposed ground disturbance will occur in documented non-native fill or that the project site has	Retain a City-approved consultant to conduct a preliminary archaeological review. If the site is fully disturbed or in non-native fill with no prior findings, no further action is required.	Prior to construction.	Once.	City of Pacific Grove; project proponent; City-approved archaeologist			
	If native soils may be impacted and no prior study exists, complete archaeological assessment, including a records search, site survey, and a technical report with findings and recommendations.	Prior to construction.	Once, as needed.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
been previously disturbed and subject to cultural resources review with negative findings, no further review will be required. If preliminary review suggests the project may impact native soils that have not been previously subject to cultural resources study, the project proponent shall retain a City-approved archaeologist to prepare an archaeological resources assessment. The archaeological assessment shall be conducted by a qualified archaeologist who meets the Secretary of the Interior's PQS in prehistoric or historic archaeology (NPS 2025). Archaeological assessments shall include a records search at the Northwest Information Center, pedestrian survey of the individual development site, and preparation of a technical report to be submitted to the City for review and approval. The archaeological assessment shall include recommendations for additional study or mitigation, if necessary, which may include, but would not be limited to: subsurface testing, designing and implementing a worker environmental awareness program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place. Recommended mitigation measures shall be consistent with *CEQA Guidelines* Section 15126.4(b)(3).	Submitted archaeological assessment to the City for review and approval.	Prior to construction.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
CUL-2(b) Inadvertent Discovery of Archaeological Resources							
If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramics, trash scatters, lithic scatters), all ground-disturbing activity within a minimum of 50 feet shall be halted until a qualified archaeologist can assess the significance of the find. The work exclusion area may be reduced or expanded as directed by the qualified archaeologist. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the City to avoid disturbance to the resources. If complete avoidance is not feasible in light of project design, economics, logistics, and/or other factors, the archaeologist shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard Department of Parks and Recreation Primary Record forms and location information to the Northwest Information Center. If the find is a prehistoric archaeological site, the culturally	Stop work within 50 feet of any archaeological materials discovered during construction.	Throughout construction, as needed.	Ongoing.	City of Pacific Grove; project proponent; qualified archaeologist			
	Retain a qualified archaeologist to implement discovery and recovery measures as specified in the measure.	Upon discovery and prior to resuming construction.	Ongoing.				
	Review data recovery plan.	Once.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work may continue in other parts of the project area that are distant enough from the find not to impact it, as determined appropriate by the qualified archaeologist.							
Geology and Soils							
GEO-9 Paleontological Resources Analysis							
The City of Pacific Grove shall require the following specific requirements for projects that could disturb geologic units with high paleontological sensitivity (i.e., Quaternary alluvial fan deposits or Quaternary marine terrace deposits), including Sites 3, 6, 7, 10-19, 20-22, 24-28, 30-37, 42-46, 51, 52, 57, A2, A7, A9, and A11: 1. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), to conduct a paleontological resources assessment (PRA), which may be part of a future project-specific environmental review document or a stand-alone report. The PRA shall determine the potential for the project to impact paleontologically sensitive sediments and the paleontological resources that may be contained therein. The PRA shall be reviewed by the City to ensure the project's compliance with this mitigation measure, SVP Guidelines, and MGMC Chapter 23.76.	Review PRA.	Prior to construction.	Once.	City of Pacific Grove; project proponent; qualified paleontologist			
	For projects on sites with high paleontological sensitivity, the project proponent must conduct a paleontological resources analysis as specified in the measure.	Prior to construction.	Once.				
	Monitor for paleontological resources, as needed.	Monitoring to occur as needed throughout construction.	Ongoing, as needed.				
	Submit PRA to City of Pacific Grove.	Prior to construction.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
2. If the PRA identifies no potential impacts to paleontological resources, then no further paleontological mitigation would be required. If the project could have a significant impact on paleontological resources, the PRA shall outline mitigation measures to reduce impacts by ensuring that all scientifically significant paleontological resources potentially encountered during construction are collected and preserved in a paleontological repository meeting SVP (2010) standards. These measures would be overseen by a Qualified Professional Paleontologist and may include, but would not be limited to: training of construction personnel, paleontological monitoring, and procedures for an unanticipated paleontological resource discovery. If construction personnel training is required, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction personnel. Paleontological monitoring would be required for excavations, grading, trenching, or boring/drilling greater than 2 feet in diameter that occurs within previously undisturbed sediments with high paleontological sensitivity. Paleontological monitoring shall be conducted by an individual meeting the							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
SVP (2010) definition of a Paleontological Resources Monitor. The Qualified Professional Paleontologist may recommend that monitoring be reduced in frequency or ceased entirely based on geologic observations. Such decisions shall be subject to review and approval by the City. Upon completion of ground-disturbing activities (or laboratory preparation and curation of fossils, if necessary), the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts. The report shall include a summary of the field and laboratory methods employed; an overview of project geology; and, if fossils were discovered, an analysis of the fossils, including physical description, taxonomic identification, and scientific significance. The report shall be submitted to the City and, if fossil curation occurred, the designated scientific institution. In the event of a fossil discovery by the paleontological monitor or construction personnel, all construction activity within 50 feet of the find shall cease, and the Qualified Professional Paleontologist shall evaluate the find. If the fossil(s) is (are) not scientifically significant, then construction activity may resume. If it is determined that the fossil(s) is (are) scientifically significant, then they shall be salvaged, prepared to a curation-ready condition, and curated in a paleontological repository per SVP (2010) standards.							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
Greenhouse Gas Emissions							
GHG-1 Greenhouse Gas Emissions Reductions							
Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project: a) Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits. b) Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval. c) Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.	Verify that the project includes the GHG reduction measures as specified in the measure.	Prior to issuance of building permits for residential or mixed-use projects.	Once.	City of Pacific Grove; project proponent			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Noise							
NOI-1(a) Measures to Reduce Construction Noise							
To minimize noise during construction facilitated by the project, the City of Pacific Grove shall require construction contractors to implement as many of the following measures for construction activities conducted within the City as feasible. Construction plans submitted to the City shall include construction noise analysis and identify these measures on demolition, grading, and construction plans submitted to the City. The City of Pacific Grove Building Division shall verify that grading, demolition, and/or construction plans submitted to the City include these notations prior to issuance of demolition, grading and/or building permits. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receivers.	Verify measures in construction plans and verify compliance.	Before and during construction.	Routinely throughout construction.	City of Pacific Grove; project proponent			
	Include feasible noise-reduction measures in demolition, grading, and construction plans submitted to the City.	Prior to submittal of plans to City.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction in compliance with applicable safety laws and regulations. Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities. Noise Disturbance Coordinator. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator and the City shall be posted at the construction site. Temporary Noise Barriers. Erect temporary noise barriers when construction noise is predicted to exceed the acceptable standards (e.g., 80 dBA Leq at residential receivers, schools or other sensitive receptors during the daytime) or when the anticipated construction duration is greater than is typical (e.g., two years or greater) and there are sensitive receptors within 500 feet of the construction site. Temporary noise barriers							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class 32 or higher.							
NOI-1(b) Evaluate and Reduce Stationary Operational Noise							
The City shall require applicants of development projects facilitated by the project and located within 50 feet of noise-sensitive uses (including but not limited to residences, schools, and medical care facilities) to evaluate potential on-site operational noise impacts on nearby noise-sensitive uses. The project applicant shall be required to implement stationary operational noise reduction measures if noise generated by operation of the project is anticipated to exceed the following noise levels established by the City's General Plan Health and Safety Element: ▪ An hourly Leq of 50 dB or greater between 7:00 a.m. and 10:00 p.m. ▪ An hourly Leq of 45 dB or greater between 10:00 p.m. and 7:00 a.m. ▪ A maximum sound level of 70 dB or greater between 7:00 a.m. and 10:00 p.m. ▪ A maximum sound level of 65 dB or greater between 10:00 p.m. and 7:00 a.m. ▪ Examples of measures to reduce on-site noise include, but are not limited to,	Verify noise reduction measures in project plans.	Prior to issuance of building permits.	Once.	City of Pacific Grove; project proponent			
	For development projects within 50 feet of noise-sensitive uses, evaluate potential operational noise impacts.	Prior to the issuance of building permits.	Once.				
	If noise is expected to exceed the City's thresholds, implement noise reduction measures as specified in the measure.	Routinely throughout construction as needed, pursuant to the City's daytime and nighttime noise thresholds.	Throughout construction.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
operational restrictions, selection of quiet equipment, equipment setbacks, enclosures, silencers, and/or acoustical louvers. Measures to reduce stationary operational noise shall be submitted to the City prior to issuance of building permits. Projects that are not anticipated to exceed the above noise levels shall not be required to implement stationary operational noise reduction measures.							
NOI-2 Measures to Reduce Construction Vibration							
Prior to issuance of a building permit for development facilitated by the project requiring any of the following activities, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these construction activities. ▪ Pile driving during construction within 135 feet of fragile structures such as historical resources ▪ Pile driving during construction within 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings) ▪ Pile driving during construction within 75 feet of engineered concrete and masonry (no plaster) ▪ Use of a vibratory roller within 40 feet of fragile historical resources or 25 feet of any other structure ▪ Use of a dozer or other large earthmoving equipment within 20 feet for a fragile historical structure or 15 feet of any other structure	Prepare groundborne noise and vibration analysis.	Prior to the issuance of building permits.	Once.	City of Pacific Grove; project proponent			
	Verify implementation of vibration reduction measures as specified in the measure.	Routinely throughout construction.	Routinely as needed.				
	Conduct construction vibration monitoring as necessary.	During construction.	Ongoing during construction.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The groundborne noise and vibration analysis shall include measures to ensure that vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower earthmoving equipment shall be used. If necessary, construction vibration monitoring shall be conducted to verify FTA vibration thresholds are not exceeded.							
Utilities and Service Systems							
UTIL-2 Water Supply Verification							
Sufficient water supply availability must be verified for all projects under the City of Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments. The City shall not issue any building permits for development projects requiring potable water until a Water Verification Report has been issued by the Monterey Peninsula Water Management District (MPWMD) confirming sufficient water supply is available for the project. Project applicants shall submit a detailed accounting of all project water demands to MPWMD, for consideration in issuing a Water Verification Report. Projects meeting the definition of a	Confirm that sufficient water supply is available for each development project.	Prior to the issuance of building permits.	Once.	City of Pacific Grove; project proponent			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
"Project" under California Water Code (CWC) Section 10912 must be evaluated in a Water Supply Assessment (WSA) in accordance with CWC Section 10910(f), subject to review and approval by MPWMD. Projects that are not subject to CWC Section 10912 must be evaluated in a Residential Water Release Form & Water Permit Application, subject to review and approval by MPWMD. Water Verification Reports issued by MPWMD shall be informed by project-specific demand information provided in the respective WSA or Residential Water Release Form & Water Permit Application. The Water Verification Report shall identify whether the proposed project requires additional water credits to meet project demands, in addition to any existing water credits that may be associated with the project site(s).							

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RESOLUTION NO. 25-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE HOUSING ELEMENT UPDATE, ZONING ORDINANCE AMENDMENTS, AND GENERAL PLAN AMENDMENTS, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND AMENDING THE GENERAL PLAN TO ADOPT THE 2023-2031 HOUSING ELEMENT, AMEND THE LAND USE ELEMENT AND LAND USE MAP, AND AMEND THE HEALTH AND SAFETY ELEMENT

RECITALS

Whereas, Government Code Section 65300, *et seq*., requires each city to adopt a comprehensive, long-term General Plan for the physical development of each city; and

Whereas, on October 5, 1994, the City Council of the City of Pacific Grove ("City") adopted a city-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law; and

Whereas, there is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

Whereas, California Government Code Section 65588(b) requires the City to periodically prepare an update to the Housing Element of its General Plan; and

Whereas, pursuant to Government Code Section 65302(g), the City must update its Safety Element concurrently with the update to the Housing Element to address risk of flood and fire, an assessment of climate change vulnerability, strategies for climate change adaptation and resilience, and emergency evacuation routes; and

Whereas, on August 17, 2022, the City Council by motion and unanimous vote (7 - 0), authorized and directed City staff to initiate a focused general plan update to meet the minimum requirements in connection with the 2023-2031 6th Cycle Housing Element Update; and

Whereas, the Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments Project ("project") includes the following components: 1) 2023-2031 Housing Element, which includes, among other things, a program to upzone sites in the Downtown Commercial and Forest Hill Commercial Districts and rezone sites in the Dennett, Sinex, and Grove Acre District; 2) Zoning Amendments to implement Housing Element Programs, including updates to the zoning map; and 3) associated General Plan Amendments to the Health and Safety Element, the Land Use Element, and the Land Use Map; and

Whereas, beginning in April, 2022, the City conducted more than 19 public meetings before either the Planning Commission or the City Council to provide information, obtain public comment, seek direction from elected and appointed officials, and consider the Housing Element Update project; and

Whereas, the draft Housing Element was made available for public review and comment in accordance with Government Code Section 65585 and submitted to the California Housing and Community Development (HCD) for review on November 2, 2023; December 20, 2024; and May 21, 2025; and

Whereas, the zoning amendments to Title 23 (Zoning) of the Pacific Grove Municipal Code and the Zoning Map would include, among other things, modifications to meet target densities as well as compliance with State housing laws as identified in the Housing Element; and

Whereas, certain property zoning classifications will be reclassified as follows:

a. From R-2-B-3 to R-3: 611 Dennett Street (Assessor's Parcel Number [APN] 006-572-012); 637 Dennett Street (APN 006-572-011); 659 Dennett Street (APN 006-572-009); 679 Dennett Street (APN 006-572-008); 1110 Sinex Avenue (APN 006-572-015); 1114 Sinex Avenue (APN 006-572-016); 1120 Sinex Avenue (APN 006-572-006); 1126 Sinex Avenue (APN 006-572-007); 702 Grove Acre Avenue (APN 006-572-001); 706 Grove Acre Avenue (APN 006-572-002); 708 Grove Acre Avenue (APN 006-572-003); 710 Grove Acre Avenue (APN 006-572-004); 720 Grove Acre Avenue (APN 006-572-013); and 726 Grove Acre Avenue (APN (006-572-014); and

b. From R-2 to R-3: 915 Sunset Drive (APN 007-101-007); and

Whereas, the Land Use Element of the General Plan and the Land Use Map would be updated for consistency with the Housing Element Update and Zoning Amendments; and

Whereas, certain property land use designations will be redesignated as follows:

a. From Medium Density Residential (MDR) 8.7 to High Density Residential (HDR) 29.0: 611 Dennett Street (Assessor's Parcel Number [APN] 006-572-012); 637 Dennett Street (APN 006-572-011); 659 Dennett Street (APN 006-572-009); 679 Dennett Street (APN 006-572-008); 1110 Sinex Avenue (APN 006-572-015); 1114 Sinex Avenue (APN 006-572-016); 1120 Sinex Avenue (APN 006-572-006); 1126 Sinex Avenue (APN 006-572-007); 702 Grove Acre Avenue (APN 006-572-001); 706 Grove Acre Avenue (APN 006-572-002); 708 Grove Acre Avenue (APN 006-572-003); 710 Grove Acre Avenue (APN 006-572-004); 720 Grove Acre Avenue (APN 006-572-013); and 726 Grove Acre Avenue (APN (006-572-014); and

b. From MDR 17.4 to HDR 29.0: 915 Sunset Drive (APN 007-101-007); and

c. From Neighborhood Commercial (NC) to MDR 9.7: 1142 Buena Vista Avenue (APN 007-562-015) and 1204 Shafter Avenue (APN 007-562-016); and

Whereas, the Health and Safety Element of the General Plan would involve updated information, policies, and implementation measures consistent with the current requirements of state law, including additional details related to evacuation routes and emergency access; and

Whereas, the project area includes the entirety of Pacific Grove and includes identified housing sites, upzoning and rezoning areas, and additional parcels primarily located in the Downtown Commercial and Forest Hill Commercial Districts and in the Dennett, Sinex, and Grove Acre District; and

Whereas, in accordance with Government Code Section 21676 the proposed amendments to the General Plan and Zoning Ordinance were submitted to the Airport Land Use Commission for a determination of consistency with the Airport Land Use Compatibility Plan for Monterey

Regional Airport; and

Whereas, the draft Health and Safety Element was submitted to the California Geological Survey of the Department of Conservation, the State Board of Forestry and Fire Protection, and to every local agency that provides fire protection to territory in the City in accordance with Government Code Section 65302.5; and

Whereas, on July 10, 2025, the City received a letter of conditional approval from HCD indicating the revised 2023-2031 Housing Element is in substantial compliance with state Housing Element Law following adoption of the changes and submittal of the final document to HCD; and

Whereas, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State CEQA Guidelines (Cal. Code Regs., Title 14, § 15000, *et seq*.), the City of Pacific Grove is the lead agency for the proposed project; and

Whereas, on November 13, 2025, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 25-001 recommending that the City Council certify the Final EIR, adopt amendments to the City's General Plan, Land Use Map, Zoning Ordinance and Zoning Map, and make CEQA Findings of Fact, and adopt the Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations; and

Whereas, the Final Environmental Impact Report (EIR) prepared for the project was certified by the City of Pacific Grove City Council on December 3, 2025, as set forth in Resolution No. 25- ____; and

Whereas, pursuant to this Resolution, the City is making certain findings of fact, as set forth in **Attachment A** to this Resolution, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the project, which are incorporated herein by this reference; and

Whereas, the City finds that certain environmental impacts identified in the EIR are less than significant and do not require mitigation as described in the EIR; and

Whereas, the City finds that certain environmental impacts identified in the EIR are less than significant with incorporation of mitigation measures as described in **Section 4.2** of **Attachment A**; and

Whereas, the City finds that even with the incorporation of all feasible mitigation measures, certain environmental impacts identified in the EIR remain significant and unavoidable as described in **Section 4.3** of **Attachment A**; and

Whereas, the potential significant irreversible environmental changes that would result from the proposed project identified in the EIR and set forth herein, are as described in **Section 4.3** of **Attachment A**; and

Whereas, alternatives to the proposed project that may reduce the significant and unavoidable environmental impacts are as described in **Section 5** of **Attachment A**; and

Whereas, pursuant to CEQA Guidelines Section 15093, the City has prepared a Statement of Overriding Considerations that notes that although the EIR identifies significant and unavoidable impacts in the categories of Cultural Resources, Greenhouse Gas Emissions, and Noise, the City finds that there are overriding considerations that provide specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, that outweigh the unavoidable adverse environmental effects. The project's Statement of

Overriding Considerations are set forth in **Section 6** of **Attachment A** to this Resolution; and

Whereas, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed project to a level of less than significant, or to reduce significant and unavoidable impacts to the extent feasible, are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in **Attachment F** to this Resolution, attached hereto and incorporated herein; and

Whereas, pursuant to Government Code Sections 65090, 65091, 65355, and 65856, on November 20, 2025, at least 10 days before the public hearing date, notice of the hearing before the City Council was published in the Monterey County Weekly and Monterey Herald, posted at City Hall, mailed to affected owners of the subject real property and property owners within 300' of the subject real property, posted on-site at each affected property, posted on the City's Community Development Department and Housing Element webpages, and emailed to a list of interested parties; and

Whereas, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, pursuant to PGMC Section 23.84.060, Findings, in consideration of the proposed amendments, the City Council considered the entirety of the record, including the Final Environmental Impact Report, the draft amendment documents, the agenda report, written and oral testimony, and administrative record as a whole and, on that basis, the City Council of the City of Pacific Grove finds that:

General Plan Amendments

1. The proposed General Plan amendments are internally consistent with all other provisions of the General Plan; and
2. The proposed General Plan amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
3. The sites are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested and anticipated land uses.

Zoning Ordinance Amendments

1. The proposed amendment is consistent with the general plan and the certified local coastal program; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
3. The proposed amendment is internally consistent with applicable provisions of the Zoning Ordinance.

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

1. The City Council determines that each of the Recitals, Facts, and Findings set forth above is true and correct, and by this reference incorporates those Recitals, Facts, and Findings as an integral part of this Resolution. All Attachments hereto are hereby incorporated by reference.
2. The City Council finds, based on substantial evidence contained in the 2023–2031 Housing

Element, that the existing uses on nonvacant sites identified to accommodate lower-income housing needs do not constitute an impediment to additional residential development during the planning period. Evidence supporting this finding includes:

a) Local redevelopment trends demonstrate redevelopment or reuse of commercial buildings on commercially zoned sites with mixed-use projects at high densities.

b) Regional development trends in other cities in the Monterey Peninsula demonstrate redevelopment of nonvacant parcels for residential and mixed-use projects.

c) The nonvacant sites follow site selection criteria identifying nonvacant parcels with characteristics that support the likelihood of redevelopment during the planning period, including underutilized surface parking lots, vacant buildings, single-story commercial structures, buildings over 30 years old, parcels with high land-to-improvement value ratios, sites developed at less than 50 percent of the maximum allowable Floor Area Ratio, redevelopment interest from property owners or developers, and City-owned or partially City-owned properties.

3. The City Council hereby adopts the CEQA Findings of Fact and Statement of Overriding Considerations, which were prepared in accordance with CEQA Guidelines Section 15091 and which are attached hereto as **Attachment A**, and finds that each and every one of the overriding considerations individually outweighs each and every one of the project's potentially significant and unavoidable impacts.
4. The General Plan is hereby amended to repeal the 2015-2023 Housing Element in its entirety and replace it with the 2023-2031 Housing Element (**Attachment B**).
5. The Land Use Element of the General is hereby amended as set for in **Attachment C**.
6. The Land Use Map of the General Plan is hereby amended as set forth in **Attachment D**.
7. The Health and Safety Element of the General Plan is hereby amended as set forth in **Attachment E**.
8. Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as **Attachment F** and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.
9. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at, and under the custodianship of the Community Development Department, City Hall, 300 Forest Avenue, Pacific Grove, CA 93950. This information is provided pursuant to Public Resources Code Section 21081.6.
10. City staff shall cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the adoption of this Resolution.
11. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE on this 3rd day of December, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
NICK SMITH, Mayor

ATTEST:
DATED: _____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney



Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments

Findings of Fact and Statement of Overriding Considerations
SCH #2024010897

prepared by

City of Pacific Grove
Department of Community Development
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November 2025

RINCON CONSULTANTS, INC. SINCE 1994

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1 Introduction

A Draft Environmental Impact Report (Draft EIR) was prepared for the City of Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments and was made available for public and local and State agency review on June 30, 2025. Copies of the Notice of Availability (NOA) of the Draft EIR were mailed to a list of interested parties, groups, and public agencies; filed with the State Clearinghouse; filed with the Monterey County Clerk; and published in the Monterey County Weekly on June 26, 2025 and in the Monterey County Herald on June 30, 2025. The Draft EIR and an announcement of its availability were posted electronically on the project website at https://www.cityofpacificgrove.gov/our_city/departments/community_development/housing/housing_element.php. Physical copies were also available at the following locations:

- City of Pacific Grove Community Development Department, 300 Forest Avenue, 2nd Floor, Pacific Grove, California 93950
- Pacific Grove Public Library, 550 Central Avenue, Pacific Grove, California 93950

The local review period and state review period began on June 30, 2025, and ended on August 15, 2025. The public was encouraged to submit written comments to Joe Sidor, City of Pacific Grove, Community Development Department, at the email: housing@cityofpacificgrove.org.

After close of the Draft EIR public review and comment period, a Responses to Comments document was prepared for the City of Pacific Grove (City) City Council. The Responses to Comments document consists of an introduction; responses to comments on the Draft EIR, including a list of all commenters and copies of all their public comment letters; a summary of revisions to the Draft EIR; and the Mitigation Monitoring and Reporting Program. The Draft EIR and Responses to Comments together comprise the Final EIR. On December 3, 2025, the City Council, at a public hearing, is expected to consider whether to certify the Final EIR and to approve the project. The public hearing will be simultaneously held virtually and in person.

The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the project that are described and analyzed within the Final EIR, and reflect the Council's determinations about feasible mitigation measures and the adequacy of the Final EIR. These Findings have been made pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Section 21081 and 21081.6, as well as the *CEQA Guidelines* (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and *CEQA Guidelines* Section 15091 require that the City, as the Lead Agency for this project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under *CEQA Guidelines* Section 15091(a) are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Draft EIR.

Furthermore, in accordance with Public Resources Code Section 21081 and *CEQA Guidelines* Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the City as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the lead agency must adopt a formal statement of overriding considerations.

The Draft EIR identified potentially significant environmental effects that could result from the project but could be reduced to a less than significant level through implementation of mitigation measures. Those effects were related to air quality (impacts related to construction emissions), biological resources (impacts related to special status species, sensitive natural communities, wetlands, and policy consistency), cultural resources (impacts related to archaeological resources), geology and soils (impacts to paleontological resources), noise (impacts related to construction phase groundborne vibration), and utilities and service systems (impacts related to water supply). Significant and unavoidable (unmitigable) impacts associated with cultural resources (impacts related to historical resources), greenhouse gas emissions (impacts related to conflicts with applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions), and noise (impacts related to construction and operational noise) were identified because mitigation measures would not reduce impacts to a less than significant level, and thus a statement of overriding considerations is required.

2 Project Description

This proposed project is the Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments. The following is a summary of the full project description, which can be found in Chapter 2, *Project Description*, of the Draft EIR. The proposed project consists of the following components:

- Updating and adopting the City's Housing Element
- Amending the City's Zoning Code and zoning map to:
  - Increase the maximum allowed development density and establish a minimum residential density of the Downtown Commercial (C-D) Zoning Districts and Forest Hill Commercial (C-FH) Zoning Districts ("upzoning")
  - Remove the requirement that maximum allowed development density in C-1 and C-2 zones outside the Coastal Zone are equal to that of the nearest General Plan residential land use category ("upzoning")
  - Rezone the Dennett, Sinex, and Grove Acre District to allow higher density residential development ("rezoning")
  - Rezone one housing site (Site 50) to allow higher density residential development ("rezoning")
  - Update the mixed-use and residential development standards which constrain housing from meeting maximum densities (e.g., reduce parking requirements for multi-family housing and establish appropriate development standards to achieve the increased maximum allowable densities in the C-D and C-FH Zoning Districts)
  - Include objective design standards for multi-family residential and mixed-use development
  - Address administrative provisions including amendments to permitting processes to support residential streamlining requirements including establishing a process to allow for by right processing of projects that include a specified number of affordable housing units
  - Incorporate state mandated affordable housing requirements including use requirements for single room occupancy housing, parking standards for supportive housing and emergency shelters, use requirements for low barrier navigation centers, compliance standards for employee housing, use standards for large residential care facilities, and objective standards for reasonable accommodation
  - Update development standards for accessory dwelling units (ADU) to comply with state ADU law
  - Develop a local density bonus program to offer incentives beyond those required by state density bonus law
- Amend the City's General Plan Land Use Element and land use map to ensure consistency with the Housing Element Update and zoning amendments
- Amend the City's Health and Safety Element to comply with recent state legislation

The proposed project includes updates to zoning regulations, modifications to residential and mixed-use development standards, and implementation of state-mandated housing policies. Specific changes include reducing parking requirements for multi-family housing, streamlining permitting processes, and incorporating objective design standards for new residential projects. Additional

amendments address ADU regulations, density bonus incentives, and compliance with state affordable housing laws. These updates aim to enhance housing opportunities, increase residential density, and align local policies with state housing requirements.

The project in and of itself does not develop housing. It is a plan to provide for the possibility of housing, supported by consistent zoning standards. It is assumed that not all housing would realistically be built, based on previous development history in Pacific Grove, as housing development is mainly accomplished by the private sector and depends upon factors the City does not control, including financial resources, market trends, and other factors. However, the program-level Draft EIR analyzes all of the possible, potential and reasonably foreseeable growth facilitated by the project.

3 Project Objectives

The City has established the following objectives for the proposed project:

- Provide capacity to meet the state-required Regional Housing Needs Allocation (RHNA) for the 6th Cycle Housing Element planning period of 2023-2031, including providing a buffer of 20 percent of the remaining RHNA for lower-[1] and moderate-income units to ensure no net loss.
- Ensure that the growth facilitated by the Housing Element is achievable, through associated amendments to the Zoning Code and/or Land Use Element of the General Plan.
- Disperse housing sites throughout the City to ensure that no single neighborhood or area is overburdened or impacted.
- Preserve historic, single-family neighborhoods.
- Improve fair housing conditions in the city by implementing meaningful actions. Provide for fair and equal housing opportunities for all persons, regardless of protected characteristics, including but not limited to, age, ancestry, sex, gender, gender expression, sexual orientation, religion, disability, family status, race, creed, color, or national origin.
- Continue existing and develop new programs and policies to meet the projected affordable housing need of extremely low, very low, low, and moderate-income households.
- Bring the General Plan into conformance with recently enacted state housing law, including Assembly Bill (AB) 1398, AB 747, Senate Bill (SB) 99, and SB 379; as well as update the City's Health and Safety Element to meet state requirements for general plan safety elements.
- Identify housing policies and programs that enable the development of additional units and the preservation of existing units, that reduce governmental constraints to building housing, and that affirmatively further fair housing.
- Encourage the development of by-right low-income housing for 6th Cycle housing sites proposed for rezoning and existing 4th and 5th Cycle housing sites that are reused in the 6th Cycle, increasing the overall availability of affordable housing.
- Identify appropriate housing sites and provide housing development opportunities in specified areas that have the potential to accommodate additional housing; are proximate to jobs, transportation, shopping and schools; and have the accompanying zoning required to accommodate housing development.

[1] "Lower-income" includes both the very low and low income categories.

4 Findings of Fact

Having received, reviewed, and considered the information in the Draft EIR and in the Responses to Comments document (together comprising the Final EIR) for this project, as well as the supporting administrative record, the City of Pacific Grove makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.1 Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis contained within the Draft EIR, it was determined that the project would not result in potentially significant effects on the environment with respect to the following environmental topics:

- Aesthetics
- Air Quality (plan consistency, emissions of criteria air pollutants, and objectionable odors)
- Biological Resources (wildlife movement and plan consistency)
- Cultural Resources (human remains)
- Energy
- Geology and Soils (all seismic and soil hazards)
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise (airport noise)
- Population and housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems (expansion or construction of utility services and solid waste generation)
- Wildfire

Mitigation measures are not needed and no further findings are required for these subject areas.

4.2 Findings for Significant but Mitigable Effects

The following findings are hereby made by the City of Pacific Grove for the significant but mitigable environmental effects identified in the Draft EIR related to:

- Air Quality (toxic air contaminants)
- Biological Resources (special-status species, sensitive natural communities, wetlands, and policy consistency)

- Cultural Resources (archaeological resources)
- Geology and Soils (paleontological resources)
- Noise (vibration)
- Utilities and Service Systems (water supply)

Air Quality – Impact AQ-3

Development facilitated by the proposed project would not increase carbon monoxide concentrations such that it would create carbon monoxide hotspots. While the project is not considered a land use that would generate emissions of substantial toxic air contaminants, emissions within 1,000 feet of a sensitive receptor could expose sensitive receptors to substantial pollutant concentrations. With the implementation of Mitigation Measures AQ-3(a) and AQ-3(b), the project's potentially significant construction impacts on sensitive receptors would be reduced to a less than significant level.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measures AQ-3(a) and AQ-3(b) would reduce impacts related to health risks associated with exposure of sensitive receptors to substantial pollutant concentrations to a less than significant level by requiring the use of Tier 4 Final construction equipment, alternative fuels, and extensive dust control measures.

Explanation

Construction and operation of development facilitated by the project could expose sensitive receptors to elevated concentrations of toxic air contaminants, including diesel particulate matter. Mitigation Measures AQ-3(a) and AQ-3(b) would reduce these impacts by requiring Tier 4 Final construction equipment, alternative fuels, and dust control practices recommended by the Monterey Bay Air Resources District. These measures significantly reduce DPM and PM_{10} emissions, with watering alone reducing dust by up to 61 percent.

Operational impacts would be minimized through compliance with Monterey Bay Air Resources District Rule 1000, the implementation of which would ensure health risks remain below regulatory thresholds. Traffic volumes in the project area are well below the California Air Resources Board's thresholds, and land uses are not expected to generate substantial TAC emissions. Therefore, implementation of mitigation would reduce potential air quality impacts to a less than significant level.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

AQ-3(a) Construction Emissions Reductions

Prior to construction activity and issuance of grading permits for development facilitated by the project, the City Building Official shall confirm that the grading plan, building plans, and specifications stipulate the following measures shall be implemented:

- All mobile off-road equipment (wheeled or tracked) used during construction activities shall meet USEPA Tier 4 Final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards.
- Alternative fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available or necessary to reduce TAC emissions. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site.
- Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.

AQ-3(b) MBARD Fugitive Dust Reduction Measures

The City shall require the implementation of the following MBARD fugitive dust reduction measures, where applicable, to reduce PM_{10} emissions generated by dust during the construction phase of development facilitated by the project:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads on construction sites.
- Sweep streets if visible soil material is carried out from the construction site.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).
- Limit the area under construction at any one time.

Biological Resources - Impact BIO-1

Development facilitated by the project could disturb known special-status species or their associated habitat, including through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. Development facilitated by the project during the nesting bird season could directly and/or indirectly affect nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code Section 3503. Impacts would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR (Section 15091[a][1]). Implementation of Mitigation Measures BIO-1(a) through BIO-1(i) would reduce potential impacts to species identified as a candidate, sensitive, and special-status species in local or regional plans, policies, or regulations to a less than significant level by implementing avoidance measures, conducting special status species surveys, and avoiding the introduction of invasive species.

Explanation

Development facilitated by the project could impact special-status plant and wildlife species, sensitive habitats, and native ecosystems. Construction activities such as grading, vegetation removal, equipment staging, and building may disturb biological resources, while operational activities such as landscaping, site maintenance, and long-term land use may affect habitat quality and species movement.

Mitigation Measures BIO-1(a) through BIO-1(i) reduce these impacts by requiring pre-construction biological surveys, species-specific avoidance and relocation protocols, seasonal restrictions for sensitive species such as monarch butterflies and nesting birds, habitat restoration through a Habitat Mitigation and Monitoring Plan, and invasive species prevention during and after construction. These measures ensure that biological resource impacts are avoided or minimized, reducing them to a less than significant level.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

BIO-1(a) Special-Status Plant Species Surveys

A City-approved biologist shall complete surveys for special-status plants in undeveloped areas at Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4 prior to any vegetation removal, grubbing, or other construction activity (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species. All plant surveys shall be conducted by a City-approved biologist during the blooming season, and during development application processing yet prior to development permit approval. All special-status plant species identified on each site shall be mapped onto a site-specific aerial photograph or topographic map with the use of Global Positioning System unit. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the City, and

the CDFW and/or USFWS for state or federally listed plants, as appropriate, for review and/or approval. If project construction does not occur within three years of the initial special-status plant survey, additional floristic surveys shall be repeated.

If special-status plants are not found during special-status plant surveys, no further action is required. If federally- and/or state-listed individuals and/or CRPR 1B or 2 plant populations are found during special-status plant surveys, then Mitigation Measures BIO-1(b) and BIO-1(c) shall be implemented.

BIO-1(b) Special-Status Plant Species Avoidance, Minimization, and Mitigation

If federally-listed and/or state-listed individuals, and/or CRPR 1B or 2 plant populations are found during special-status plant surveys [pursuant to Mitigation Measure BIO-1(a)], and would be directly impacted by development, then the project shall be re-designed to avoid impacting listed plant species or CRPR 1B or 2 populations, where feasible and compatible with project design. Rare and listed plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a City-approved biologist based on species location in relation to the construction area and level of disturbance from construction activities, to protect them from harm. Prior to initiation of construction activities the project proponent shall submit a site plan depicting the location(s) of special-status plants and avoidance buffers to the City for review and verification. The City-approved biologist(s) shall possess a degree in biology, ecology, botany, or a related field, and have demonstrated knowledge and experience with native plant and wildlife species of the region, their habitats, and applicable environmental regulations. The biologist shall have prior experience conducting pre-construction surveys, construction monitoring, and implementing mitigation measures and permit conditions similar to those required for this project. If special-status plants can be avoided, no further action is required. If federally- and/or state-listed individuals and/or CRPR 1B or 2 plant populations cannot be avoided, then Mitigation Measure BIO-1(c) shall be implemented.

BIO-1(c) Habitat Mitigation and Monitoring Plan

If federally- and/or state-listed plants, non-listed special-status plant populations, sensitive natural communities, or waters of the US and/or State cannot be avoided and will be impacted by development, all impacts shall be mitigated by the implementing entity at a minimum ratio of 1:1 for occupied habitat area as a component of habitat restoration or through compensatory mitigation. A habitat mitigation and monitoring plan (HMMP) shall be prepared by a City-approved biologist and submitted by the project proponent to the City for review and verification prior to the issuance of building permits. The project proponent shall also obtain all necessary permits from USFWS and/or CDFW and provide proof of take authorization, if required, to the City for verification prior to issuance of any permits for ground disturbing activities. The HMMP shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type).
2. Goal(s) of the compensatory mitigation project (type[s] and area[s]) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type[s] to be established, restored, enhanced, and/or preserved).
3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions, and values).

4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule).
6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports).
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type or other industry standards as determined by a qualified restoration specialist.
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria.
9. Notification of completion of compensatory mitigation and agency confirmation.
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
11. All nursery plants used in restoration shall be inspected for sudden oak death.

Within 30 days of completion of monitoring, a final monitoring report shall be submitted to the City for review and verification, documenting compliance with the HMMP and achievement of success criteria.

BIO-1(d) Worker Environmental Awareness Program

Prior to initiation of construction activities at Site 49, 42, 43, 47, 50, 55, and additional parcels A1, A3, and A4 (including staging and mobilization), the project proponent for development shall arrange for all personnel associated with project construction for the applicable phase to attend Worker Environmental Awareness Program (WEAP) training, conducted by a City-approved biologist, to aid workers in recognizing special-status biological resources that may occur in the construction area. The specifics of this WEAP shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The form shall be submitted to the City to document compliance prior to the initiation of ground disturbing activities, and as new personnel are added to the construction site.

BIO-1(e) Northern California Legless Lizard Avoidance and Minimization

A pre-construction clearance survey shall be conducted in undeveloped areas of Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4 for Northern California legless lizard by a City-approved biologist within 48 hours prior to the start of construction (including staging and mobilization). The survey shall cover the entire disturbance footprint within suitable habitats with moist loose soil, plus a minimum 100-foot buffer, where permissible, and should identify all special-status wildlife species observed on the project site. During the pre-construction survey the biologist

shall inspect under logs, leaf litter, or other suitable refuge. If Northern California legless lizards are identified, individuals shall be relocated by a biologist to suitable cover with loose soils a minimum of 500 feet from the project site, as accessible. A written report demonstrating compliance with the pre-construction clearance survey requirement, including a description of all individuals identified and relocated during the survey, shall be submitted to the City for review and verification prior to the start of construction.

BIO-1(f) Pre-Construction Bat Surveys and Maternity Roost Avoidance

Prior to project activities at Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4, a qualified, City-approved bat specialist shall conduct a habitat assessment to determine if bat roosting habitat occurs in or near the project area. Bat specialists shall be knowledgeable in bat ecology and identification, and shall have demonstrated experience conducting pre-construction surveys, monitoring construction activities, and implementing mitigation measures for bats on projects similar in scope and setting. If it is determined that the project area may contain or occur within 100 feet of potential day roosting habitat or 300 feet of potential maternity roosting habitat, a qualified bat specialist shall conduct a focused bat emergence survey within these areas at least 30 days prior to construction or vegetation removal (plus a 100-foot buffer as access allows). The survey shall be conducted at least 1 hour before sunset and up to 3 hours after sunset, at a minimum. Acoustic recognition technology (such as SonoBat software or similar technology) shall be used during the survey to maximize detection of bats. The qualified bat specialist shall identify and demarcate habitat (i.e., trees or structures) containing daytime and/or nighttime roosts, and any maternity roosts. Survey results, including negative findings, shall be provided to the City within 30 days of completion of the survey.

Depending on the survey results, a qualified bat specialist shall identify potentially significant effects of the project on bats and determine which measures below are necessary to reduce impacts to a less-than-significant level. A report of the survey results and proposed minimization measures shall be submitted to the City for review and verification. Measures to avoid and minimize impacts to bats may include the following:

- If maternity roosts are observed, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal is required during the maternity roosting season, trees potentially supporting an active maternity roost shall be closely inspected by a qualified bat specialist to determine the presence or absence of roosting bats. Inspection of each tree shall occur no more than 7 days prior to tree disturbance, and inspection results, including negative findings, shall be provided to the City within 7 days of completion of the inspection. Trees determined to be supporting maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 300 feet of or directly under or adjacent to an active maternity roost, and the non-disturbance buffer shall only be reduced at the discretion of a qualified bat specialist based on species location in relation to the construction area and level of disturbance from construction activities. The minimum buffer shall not be less than 50 feet. Work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.
- If the removal of a tree containing potential roosting habitat for leaf dwelling bat species is required, the tree shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may be present, the tree shall be gently nudged two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly

and remain in place until it is inspected by a qualified bat specialist. If it is determined that the removed tree contains a bat roost, the tree shall not be immediately bucked or mulched. A period of at least 24 to 48 hours shall elapse prior to such operations to allow bats to escape.

- If the removal of a tree containing potential roosting habitat for trunk or crevice dwelling bat species is required, the tree shall be removed under the direction of a City-approved bat specialist using a two-step tree removal process conducted over two consecutive days. On the first day, the tree's non-habitat branches shall be trimmed using handheld equipment only (no heavy machinery), such as chainsaws. The noise and vibration disturbance, together with the visible alteration of the tree, is effective in causing bats that emerge nightly to feed to not return to the roost. The remainder of the tree shall be removed on the second day.
- If the alteration or removal of structures (i.e., buildings) containing potential roosting habitat for bats is required, a qualified bat specialist shall conduct a survey of all structures no more than 14 days prior to demolition. If no signs of bat roosting activity are observed, no further actions shall be required. If bats or signs of bat roosting activity are observed, a City-approved bat specialist shall prepare specific recommendations for and the project proponent shall implement the recommended methods of humane eviction such as partial dismantling to allow bats to abandon the roost, or installation of one-way doors. Removal of structures containing potential roosting habitat shall be monitored for compliance with the recommended methods and success of eviction by a City-approved bat specialist. If bats are not successfully evicted, the bat specialist shall stop work, reassess exclusion methods, and demolition may not continue until bats have been successfully evicted.
- If a roost is observed being used by many bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed shall depend on the size of the hibernaculum and shall be determined through consultation with CDFW.
- A monitoring report shall be submitted to the City within seven days of activities requiring potential roost removal. The report shall include a summary of dates of monitoring, methods used, findings (including species observed, if known, and roost activity), and confirmation of compliance with applicable avoidance and minimization measures.

BIO-1(g) Monarch Butterfly Avoidance and Minimization

Project construction activities at Sites 42 and 43, including equipment staging, grading, and construction, shall be avoided during the monarch butterfly overwintering season between October 15 through March 15, if practicable. In the event project construction activities cannot be avoided during the overwintering season, the project proponent shall retain a City-approved biologist to conduct a survey for roosting monarch butterflies within seven days prior to initiation of construction activities to determine their presence/absence.

If no monarch butterflies are observed during pre-construction surveys, no further actions are necessary. In the event construction pauses for a period of 7 days or more, if construction is planned to restart during the monarch butterfly overwintering season (October 15 through March 15), the project proponent shall retain a City-approved biologist to conduct a new survey in accordance with the requirements of this mitigation measure.

If construction activities occur during the overwintering season and monarch butterflies are present, the City-approved biologist shall establish a protective buffer, ranging from 100 to 300 feet from the roosting site in which monarch butterflies are aggregating based on species location in relation to the construction area and level of disturbance from construction activities. The buffer shall be delineated on site by the biologist with flagging or staking visible by construction personnel. The

construction contractor shall ensure no construction occurs within the protective buffer, including staging of equipment or stopping or idling in the buffer, during the overwintering season. In the event construction activities, or other use of equipment, is needed to work within the buffer, the City-approved biologist shall be present on site to monitor construction activities and determine if the work is disturbing the aggregated butterflies (e.g., aggregations begin to disperse in response to noise or vibration from construction). If the biologist determines the work is disturbing the butterflies at any time, the biologist shall stop work within the protective buffer. The biologist shall have the authority to direct construction activities and can reinitiate construction activities when the butterflies no longer show signs of being disturbed. In addition, due to the regular movement of the butterflies and locations of the aggregations, the biologist shall have the discretion to adjust the protective buffers within the 100- to 300-foot required buffer range, as necessary, based on species location in relation to the construction area and level of disturbance from construction activities.

BIO-1(h) Nesting Bird Avoidance

Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season for birds (September 16 to January 31), when feasible. For ground disturbance and vegetation-removal activities occurring during the bird nesting season (February 1 to September 15), general pre-construction nesting bird surveys shall be conducted by a City-approved biologist not more than seven days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site, where feasible, and a 500-foot buffer for raptors. If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the City-approved biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species, or 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. A City-approved biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required prior to the start of work. A report of the survey results and any proposed avoidance buffers shall be submitted to the City for review and verification prior to the initiation of construction activities.

BIO-1(i) Invasive Weed Prevention

For individual development projects where activity would occur in undeveloped areas at Sites 47, 49, 50, and 55, and additional parcels A3 and A4, landscape plans approved by the City Community Development Department as part of a development permit applications shall not include noxious, invasive, and/or non-native plant species that are recognized on the federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Moderate and High Risk Lists. During construction the project proponent shall:

- Limit site access and parking, equipment storage and stationary construction activities to the designated staging areas to the maximum extent feasible.
- Prior to staging equipment on-site, clean all equipment caked with mud, soils, or debris from off -site sources or previous project sites to avoid introducing or spreading invasive exotic plant

species. When feasible, remove invasive exotic plants from the individual project site. All equipment used on the premises should be cleaned prior to leaving the site for other projects.

- All disturbed areas requiring hydroseeded stabilization shall utilize a mix of locally native species, as feasible, upon completion of work in those areas.
- In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six weeks since ground disturbing activities ceased.
- If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a City-approved biologist and the City.

Within 30 days of project completion, a report shall be submitted to the City for review and verification documenting compliance with the invasive weed prevention measures above.

Biological Resources - Impact BIO-2

Development facilitated by the project could have a substantial adverse effect on a sensitive natural communities and riparian habitat identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR (Section 15091[a][1]). Implementation of Mitigation Measures BIO-1(a), BIO-1(b), BIO-1(c), and BIO-1(i) would reduce potential impacts to sensitive communities and habitats to a less than significant level by implementing avoidance measures, conducting special status species surveys, and avoiding the introduction of invasive species.

Explanation

Development facilitated by the project could impact sensitive natural communities and riparian habitat. In particular, development facilitated by the project could result in direct and indirect impacts to sensitive Monterey pine communities and riparian habitat within undeveloped areas of Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4.

Mitigation Measures BIO-1(a), BIO-1(b), BIO-1(c), and BIO-1(i) reduce these impacts by requiring pre-construction biological surveys, species-specific avoidance and relocation protocols, habitat restoration through a Habitat Mitigation and Monitoring Plan, and invasive species prevention during and after construction. These measures ensure that biological resource impacts are avoided or minimized, reducing them to a less than significant level.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

BIO-1(a) Special-Status Plant Species Surveys

Refer to Impact BIO-1, above.

BIO-1(b) Special-status Plant Species Avoidance, Minimization, and Mitigation

Refer to Impact BIO-1, above.

BIO-1(c) Habitat Mitigation and Monitoring Plan

Refer to Impact BIO-1, above.

BIO-1(i) Invasive Weed Prevention

Refer to Impact BIO-1, above.

Biological Resources - Impact BIO-3

Development facilitated by the project could have a substantial adverse effect on state- or federally-protected wetlands. Impacts would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR (Section 15091[a][1]). Implementation of Mitigation Measures BIO-1(c), BIO-3(a), and BIO-3(b) would reduce potential impacts to wetlands by conducting jurisdictional delineation surveys, implementing avoidance measures, and restoring habitat.

Explanation

Development facilitated by the project could impact potentially jurisdictional waterways in the project area, in particular at Site 49 and additional parcels A3 and A4. These features, and any associated riparian corridor, may be waters of the United States and/or State, and fall under the jurisdiction of the United States Army Corps of Engineers, the California Department of Fish and Wildlife, and/or the Regional Water Quality Control Board.

Mitigation Measures BIO-1(c), BIO-3(a), and BIO-3(b) reduce these impacts by requiring habitat restoration through a Habitat Mitigation and Monitoring Plan, implementation of jurisdictional delineation surveys, and implementation of waters and wetlands impacts avoidance and minimization measures. These measures ensure that biological resource impacts are avoided or minimized, reducing them to a less than significant level.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

BIO-1(c) Habitat Mitigation and Monitoring Plan

Refer to Impact BIO-1, above.

BIO-3(a) Jurisdictional Delineation

Prior to issuance of grading permits, a City-approved biologist shall complete a jurisdictional delineation of wetland features at Site 49 and additional parcels A3 and A4. The jurisdictional delineation shall determine the extent of the jurisdiction for CDFW, USACE, and/or RWQCB, and shall be conducted in accordance with the requirements set forth by each agency. The result shall

be a preliminary jurisdictional delineation report that shall be submitted to the city. The delineation shall be used to inform design development in a manner that avoids impacts to jurisdictional waters to the maximum extent practicable. If jurisdictional waters are identified within 100 feet of proposed limits of work, Mitigation Measure BIO-3(b) shall be required. If jurisdictional waters are identified within proposed limits of work and cannot be avoided, Mitigation Measure BIO-1(c) shall be required. The project proponent shall also be required to apply for and obtain applicable federal and State permits for impacting jurisdictional waters, and shall implement all conditions of such permit(s).

BIO-3(B) Waters and Wetlands Impact Avoidance and Minimization

To avoid and/or minimize potential indirect impacts to jurisdictional waters and water quality, the City shall require following BMPs to be implemented by the project proponent during construction within 100 feet of jurisdictional areas at Site 49 and additional parcels A3 and A4:

- Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls (non- monofilament), covers, sand/gravel bags, and straw bale barriers, as appropriate.
- All vehicles and equipment shall be in good working condition and free of leaks. The contractor shall prevent oil, petroleum products, or any other pollutants from contaminating the soil or entering a watercourse (dry or otherwise). When vehicles or equipment are stationary, mats or drip pans shall be placed below vehicles to contain fluid leaks.
- All re-fueling, cleaning, and maintenance of equipment shall occur at least 100 feet from jurisdictional areas.
- Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
- Prevent the discharge of silt or pollutants off the site when working adjacent to jurisdictional areas. Install BMPs (i.e., silt barriers, sand bags, straw bales) as appropriate.
- Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.
- Work during times of precipitation shall be avoided to the maximum extent possible.

Within 30 days of completion, a report shall be submitted to the City for review and verification, documenting compliance with the above measures and the National Pollutant Discharge Elimination System Permit.

Biological Resources - Impact BIO-5

Development facilitated by the project would be subject to the City's policies and requirements protecting biological resources, including environmentally sensitive habitat areas and protected trees. Impacts would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR (Section

15091[a][1]). Implementation of Mitigation Measures BIO-1(i) would reduce potential impacts to wetlands by implementing avoidance measures.

Explanation

Development facilitated by the project could impact environmentally sensitive habitat areas located throughout the project area by accidentally introducing invasive plant species during construction activities. Mitigation Measures BIO-1(i) reduces this impact by requiring invasive species prevention during and after construction. This measure ensures that biological resource impacts are avoided or minimized, reducing them to a less than significant level.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

BIO-1(i) Invasive Weed Prevention

Refer to Impact BIO-1, above.

Cultural Resources - Impact CUL-2

Ground-disturbing activities associated with development facilitated by the project could result in disturbance or damage to archaeological resources. This impact would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR (Section 15091[a][1]). Implementation of Mitigation Measures CUL-2(a) and CUL-2(b) would reduce potential impacts to archaeological resources to a less than significant level by requiring site-specific assessments prior to ground disturbance and protocols for the protection and treatment of any inadvertent discoveries.

Explanation

Ground-disturbing activities associated with development facilitated by the project could result in disturbance or damage to archaeological resources. Mitigation Measure CUL-2(a) requires a preliminary review of site conditions and, if necessary, a formal archaeological assessment conducted by a qualified professional prior to construction.

Mitigation Measure CUL-2(b) establishes procedures for the inadvertent discovery of archaeological resources during construction, including halting work, evaluating the find, and implementing data recovery or avoidance strategies if the resource is determined to be significant. Culturally affiliated tribes are notified in the event of prehistoric discoveries, and all work follows professional standards for documentation and reporting.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

CUL-2(A) Archaeological Resources Assessment and Protection

For specific development projects involving ground disturbance on identified housing sites, in upzoning areas, or on additional parcels, the project proponent shall retain a City-approved consultant to conduct a preliminary review to determine the need for a formal archaeological assessment. The preliminary review shall include a review of available information regarding previous disturbance, the presence of fill, and previous cultural resources studies on file with the City. If it can be determined that all proposed ground disturbance will occur in documented non-native fill or that the project site has been previously disturbed and subject to cultural resources review with negative findings, no further review will be required. If preliminary review suggests the project may impact native soils that have not been previously subject to cultural resources study, the project proponent shall retain a City-approved archaeologist to prepare an archaeological resources assessment. The archaeological assessment shall be conducted by a qualified archaeologist who meets the Secretary of the Interior's PQS in prehistoric or historic archaeology (NPS 2025). Archaeological assessments shall include a records search at the Northwest Information Center, pedestrian survey of the individual development site, and preparation of a technical report to be submitted to the City for review and approval. The archaeological assessment shall include recommendations for additional study or mitigation, if necessary, which may include, but would not be limited to: subsurface testing, designing and implementing a worker environmental awareness program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place. Recommended mitigation measures shall be consistent with *CEQA Guidelines* Section 15126.4(b)(3).

CUL-2(B) Inadvertent Discovery of Archaeological Resources

If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramics, trash scatters, lithic scatters), all ground-disturbing activity within a minimum of 50 feet shall be halted until a qualified archaeologist can assess the significance of the find. The work exclusion area may be reduced or expanded as directed by the qualified archaeologist. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the City to avoid disturbance to the resources. If complete avoidance is not feasible in light of project design, economics, logistics, and/or other factors, the archaeologist shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard Department of Parks and Recreation Primary Record forms and location information to the Northwest Information Center. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work may continue in other parts of the project area that are distant enough from the find not to impact it, as determined appropriate by the qualified archaeologist.

Geology and Soils - Impact GEO-9

Development facilitated by the proposed plan has the potential to impact paleontological resources. Impacts would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure GEO-9 would reduce potential impacts to paleontological resources to a less than significant level by requiring site-specific assessments, monitoring, and treatment protocols for fossil discoveries in geologically sensitive areas.

Explanation

Development facilitated by the proposed project has the potential to impact paleontological resources, particularly in areas underlain by geologic units with high paleontological sensitivity. Mitigation Measure GEO-9 requires a Qualified Professional Paleontologist to conduct a paleontological resources assessment (PRA) prior to ground disturbance. If sensitive sediments are present, the PRA outlines appropriate mitigation, including construction worker training, paleontological monitoring, and procedures for fossil discovery and recovery. In the event of a fossil find, construction within 50 feet of the discovery must halt until the resource is evaluated. If deemed scientifically significant, the fossil must be salvaged, prepared, and curated in accordance with Society of Vertebrate Paleontology standards.

Potential impacts to paleontological resources would be less than significant with implementation of mitigation measure GEO-9.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

GEO-9 Paleontological Resources Analysis

The City of Pacific Grove shall require the following specific requirements for projects that could disturb geologic units with high paleontological sensitivity (i.e., Quaternary alluvial fan deposits or Quaternary marine terrace deposits), including Sites 3, 6, 7, 10-19, 20-22, 24-28, 30-37, 42-46, 51, 52, 57, A2, A7, A9, and A11:

1. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), to conduct a paleontological resources assessment (PRA), which may be part of a future project-specific environmental review document or a stand-alone report. The PRA shall determine the potential for the project to impact paleontologically sensitive sediments and the paleontological resources that may be contained therein. The PRA shall be reviewed by the City to ensure the project's compliance with this mitigation measure, SVP Guidelines, and MGMC Chapter 23.76.
2. If the PRA identifies no potential impacts to paleontological resources, then no further paleontological mitigation would be required. If the project could have a significant impact on paleontological resources, the PRA shall outline mitigation measures to reduce impacts by ensuring that all scientifically significant paleontological resources potentially encountered during construction are collected and preserved in a paleontological repository meeting SVP (2010) standards. These measures would be overseen by a Qualified Professional Paleontologist and may include, but would not be limited to: training of construction personnel, paleontological monitoring, and procedures for an unanticipated paleontological resource discovery.

If construction personnel training is required, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction personnel.

Paleontological monitoring would be required for excavations, grading, trenching, or boring/drilling greater than 2 feet in diameter that occurs within previously undisturbed sediments with high paleontological sensitivity. Paleontological monitoring shall be conducted by an individual meeting the SVP (2010) definition of a Paleontological Resources Monitor. The Qualified Professional Paleontologist may recommend that monitoring be reduced in frequency or ceased entirely based on geologic observations. Such decisions shall be subject to review and approval by the City. Upon completion of ground-disturbing activities (or laboratory preparation and curation of fossils, if necessary), the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts. The report shall include a summary of the field and laboratory methods employed; an overview of project geology; and, if fossils were discovered, an analysis of the fossils, including physical description, taxonomic identification, and scientific significance. The report shall be submitted to the City and, if fossil curation occurred, the designated scientific institution.

In the event of a fossil discovery by the paleontological monitor or construction personnel, all construction activity within 50 feet of the find shall cease, and the Qualified Professional Paleontologist shall evaluate the find. If the fossil(s) is (are) not scientifically significant, then construction activity may resume. If it is determined that the fossil(s) is (are) scientifically significant, then they shall be salvaged, prepared to a curation-ready condition, and curated in a paleontological repository per SVP (2010) standards.

Noise - Impact NOI-2

Construction of individual development facilitated by the project could temporarily generate groundborne vibration, potentially affecting adjacent sensitive land uses. Impacts would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure NOI-2 would reduce potential impacts from construction-related groundborne vibration to a less than significant level by requiring site-specific vibration analysis and mitigation for sensitive structures.

Explanation

Construction of individual development projects facilitated by the proposed plan could temporarily generate groundborne vibration, particularly from activities such as pile driving, vibratory rolling, and use of heavy earthmoving equipment. These vibrations could affect nearby sensitive land uses, including fragile historical structures and residential buildings.

Mitigation Measure NOI-2 requires a groundborne noise and vibration analysis prior to construction in proximity to sensitive structures. The analysis must be conducted by a qualified acoustical consultant and ensure vibration levels do not exceed Federal Transit Administration (FTA) damage thresholds. If thresholds are likely to be exceeded, alternative construction methods—such as

drilling instead of pile driving or using lower-impact equipment—must be implemented. Vibration monitoring may also be required to verify compliance during construction.

These measures ensure that vibration impacts are identified, evaluated, and mitigated, reducing potential effects to a less than significant level.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

NOI-2 Measures to Reduce Construction Vibration

Prior to issuance of a building permit for development facilitated by the project requiring any of the following activities, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these construction activities.

- Pile driving during construction within 135 feet of fragile structures such as historical resources.
- Pile driving during construction within 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings).
- Pile driving during construction within 75 feet of engineered concrete and masonry (no plaster).
- Use of a vibratory roller within 40 feet of fragile historical resources or 25 feet of any other structure.
- Use of a dozer or other large earthmoving equipment within 20 feet for a fragile historical structure or 15 feet of any other structure.

This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The groundborne noise and vibration analysis shall include measures to ensure that vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower earthmoving equipment shall be used. If necessary, construction vibration monitoring shall be conducted to verify FTA vibration thresholds are not exceeded.

Utilities and Service Systems – Impact UTIL-2

Development facilitated by the project would increase demand for water supply from Cal-Am's Monterey Main System. Sufficient water supply would be available to meet all demands during normal, single-dry, and multiple dry year conditions with operation of the Monterey Peninsula Water Supply Project Ocean Desalination Plant, anticipated to be online in 2030. To address any potential shortfalls that may occur prior to operation of the Ocean Desalination Plant, Mitigation Measure UTIL-1 requires that city approval of future development under the proposed project would be contingent upon project-specific water supply verification, ensuring that projects would not be implemented without sufficient available water supply. Impacts would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section

15091[a][1]). Implementation of Mitigation Measure UTIL-1 would reduce potential impacts to water supply availability to a less than significant level by requiring project-specific verification of water availability prior to development approval.

Explanation

Development facilitated by the project would increase demand for potable water from California American Water's Monterey Main System. While long-term water supply is expected to be sufficient with the anticipated operation of the Monterey Peninsula Water Supply Project Ocean Desalination Plant in 2030, short-term supply constraints may occur prior to its completion.

Mitigation Measure UTIL-1 requires that no building permits be issued for development projects until the Monterey Peninsula Water Management District confirms sufficient water supply through a Water Verification Report. Depending on project size and type, applicants must submit either a Water Supply Assessment or a Residential Water Release Form and Water Permit Application. The verification process ensures that each project has adequate water credits or identifies the need for additional credits before proceeding.

This measure ensures that development does not outpace available water resources, reducing potential water supply impacts to a less than significant level.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

UTIL-2 WATER SUPPLY VERIFICATION

Sufficient water supply availability must be verified for all projects under the City of Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments. The City shall not issue any building permits for development projects requiring potable water until a Water Verification Report has been issued by the Monterey Peninsula Water Management District (MPWMD) confirming sufficient water supply is available for the project. Project applicants shall submit a detailed accounting of all project water demands to MPWMD, for consideration in issuing a Water Verification Report. Projects meeting the definition of a "Project" under California Water Code (CWC) Section 10912 must be evaluated in a Water Supply Assessment (WSA) in accordance with CWC Section 10910(f), subject to review and approval by MPWMD. Projects that are not subject to CWC Section 10912 must be evaluated in a Residential Water Release Form & Water Permit Application, subject to review and approval by MPWMD. Water Verification Reports issued by MPWMD shall be informed by project-specific demand information provided in the respective WSA or Residential Water Release Form & Water Permit Application. The Water Verification Report shall identify whether the proposed project requires additional water credits to meet project demands, in addition to any existing water credits that may be associated with the project site(s).

4.3 Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and *CEQA Guidelines* Section 15093, require that the City of Pacific Grove balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining to approve a project. If

specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable."

The following findings are hereby made by the City of Pacific Grove for the significant and unavoidable environmental effects identified in the Draft EIR related to:

- Cultural resources (historical resources)
- Greenhouse gas (GHG) emissions (conflicts with applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions)
- Noise (construction noise and operational traffic noise)

The following findings and statement of overriding considerations outline the specific reasons to support the City of Pacific Grove Department of Community Development recommendation for approval.

Cultural Resources - Impact CUL-1

Development facilitated by the project could cause a substantial adverse change in the significance of a historical resource. This impact would be significant and unavoidable.

Finding

The project would result in significant and unavoidable impacts to historical resources under CEQA due to the potential for demolition, substantial alteration, or other physical changes to properties that may qualify as historical resources and the unavailability/infeasibility of mitigation measures to reduce this impact to a less than significant level.

Explanation

While the City of Pacific Grove has adopted robust historic preservation regulations, including permitting procedures, design guidelines, and assessment protocols, these measures cannot fully eliminate the risk of materially impairing the significance of known or potential historical resources. Many properties within the project area have not yet been evaluated but meet the age threshold for consideration as historical resources. Although the City's regulations aim to reduce impacts through conformance with the Secretary of the Interior's Standards and require mitigation measures when feasible, they do not prohibit demolition or guarantee preservation. Therefore, because development facilitated by the project could result in the destruction or alteration of historical resources such that their significance is lost, impacts to historical resources are conservatively considered significant and unavoidable.

Mitigation Measures

As discussed in Section 4.4, *Cultural Resources,* of the Draft EIR, the City's adopted policies and guidelines, including the Guidelines for Historic Assessments, establish a process for identifying, evaluating, and mitigating impacts to historical resources. This includes requiring a professional assessment and, where applicable, implementation of feasible mitigation measures such as design modifications, documentation, or relocation. While development facilitated by the project may still have the potential to damage, alter, or destroy known or unknown historical resources, no additional mitigation beyond what is already required by City policy is available or feasible. Therefore, no further mitigation measures are identified.

Greenhouse Gas Emissions - Impact GHG-1

Construction and operation of the proposed project would generate GHG emissions, and the project would incorporate features that align with the goals of the applicable plans, policies, and regulations related to the reduction of GHG emissions. However, even with the implementation of Mitigation Measure GHG-1, individual projects could face challenges that hinder their ability to implement Mitigation Measure GHG-1 and thus not be consistent with the 2022 Scoping Plan. Therefore, impacts would be significant and unavoidable.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure GHG-1 would reduce GHG emissions associated with development facilitated by the project by requiring electrification and EV infrastructure. However, due to potential implementation challenges at the individual project level, impacts would remain significant and unavoidable.

Explanation

The proposed project would facilitate denser infill development across designated housing sites, supporting state and regional climate goals by promoting compact, transit-accessible growth. Development would be subject to General Plan policies encouraging renewable energy use and would incorporate GHG reduction actions consistent with the 2022 Scoping Plan, including all-electric building design and Tier 2 EV charging infrastructure.

However, individual projects may face technical or economic constraints that limit full implementation of these measures. For example, natural gas connections may still be permitted where renewable alternatives are infeasible, resulting in inconsistency with Scoping Plan building decarbonization goals. Additionally, while EV infrastructure is required, some projects may not meet Tier 2 standards due to site limitations or cost, leading to partial compliance with transportation electrification targets. These limitations result in inconsistency with key thresholds for GHG reduction and climate plan alignment. Despite implementation of Mitigation Measure GHG-1, the potential for inconsistent application across individual projects means that GHG emissions could exceed thresholds aligned with state climate targets. Therefore, impacts related to GHG emissions during operation are conservatively considered to be significant and unavoidable.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

GHG-1 Greenhouse Gas Emissions Reductions

Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project:

a) Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a

permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits.

b) Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval.

c) Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.

Noise - Impact NOI-1

Construction of individual development facilitated by the project would temporarily produce high noise levels, potentially affecting nearby noise-sensitive land uses. Operation of development facilitated by the project would also increase transportation noise. Impacts would be significant and unavoidable.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measures NOI-1(a) and NOI-1(b) would reduce construction and operational noise impacts to the extent feasible. However, due to the proximity of sensitive receptors and the nature of urban development, residual noise impacts would remain significant and unavoidable.

Explanation

Construction noise levels associated with development projects facilitated by the proposed project may exceed the daytime Federal Transit Administration (FTA) construction noise threshold of 80 dBA Leq for an 8-hour period at residential uses and other noise-sensitive receivers, resulting in potentially significant impacts. Therefore, Mitigation Measure NOI-1(a) has been incorporated into this EIR. This measure would reduce construction noise impacts by requiring noise abatement strategies such as properly maintained mufflers, use of electric tools, smart backup alarms, and temporary noise barriers. It also includes operational protocols such as equipment staging and designation of a noise disturbance coordinator to respond to complaints. However, due to the temporary nature of construction and the proximity of sensitive land uses, noise levels may still exceed applicable thresholds. Construction noise impacts would remain significant and unavoidable, and no additional feasible mitigation is available to fully reduce this impact.

Operational noise impacts from stationary sources may also affect nearby sensitive land uses. Mitigation Measure NOI-1(b) requires project applicants to evaluate and reduce stationary operational noise for developments located within 50 feet of sensitive receptors. If noise levels are anticipated to exceed thresholds established in the City's General Plan, applicants must implement noise reduction measures such as quiet equipment, enclosures, and operational restrictions. While Mitigation Measure NOI-1(b) would reduce these impacts, no feasible mitigation is available to fully eliminate long-term operational noise increases. Operational noise impacts would remain significant and unavoidable, and no additional feasible mitigation is available to fully reduce this impact.

Mitigation Measures

NOI-1(a) Measures to Reduce Construction Noise

To minimize noise during construction facilitated by the project, the City of Pacific Grove shall require construction contractors to implement the as many of the following measures for construction activities conducted within the City as feasible. Construction plans submitted to the City shall include construction noise analysis and identify these measures on demolition, grading, and construction plans submitted to the City. The City of Pacific Grove Building Division shall verify that grading, demolition, and/or construction plans submitted to the City include these notations prior to issuance of demolition, grading and/or building permits.

- Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
- Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
- Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receivers.
- Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction in compliance with applicable safety laws and regulations.
- Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- Noise Disturbance Coordinator. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator and the City shall be posted at the construction site.
- Temporary Noise Barriers. Erect temporary noise barriers when construction noise is predicted to exceed the acceptable standards (e.g., 80 dBA Leq at residential receivers, schools or other sensitive receptors during the daytime) or when the anticipated construction duration is greater than is typical (e.g., two years or greater) and there are sensitive receptors within 500 feet of the construction site. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class 32 or higher.

NOI-1(b) Evaluate and Reduce Stationary Operational Noise

The City shall require applicants of development projects facilitated by the project and located within 50 feet of noise-sensitive uses (including but not limited to residences, schools, and medical care facilities) to evaluate potential on-site operational noise impacts on nearby noise-sensitive

uses. The project applicant shall be required to implement stationary operational noise reduction measures if noise generated by operation of the project is anticipated to exceed the following noise levels established by the City's General Plan Health and Safety Element:

- An hourly Leq of 50 dB or greater between 7:00 a.m. and 10:00 p.m.
- An hourly Leq of 45 dB or greater between 10:00 p.m. and 7:00 a.m.
- A maximum sound level of 70 dB or greater between 7:00 a.m. and 10:00 p.m.
- A maximum sound level of 65 dB or greater between 10:00 p.m. and 7:00 a.m.

Examples of measures to reduce on-site noise include, but are not limited to, operational restrictions, selection of quiet equipment, equipment setbacks, enclosures, silencers, and/or acoustical louvers. Measures to reduce stationary operational noise shall be submitted to the City prior to issuance of building permits. Projects that are not anticipated to exceed the above noise levels shall not be required to implement stationary operational noise reduction measures.

5 Project Alternatives

Section 15126.6 of the *CEQA Guidelines* states the following:

> An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

As described in Section 4.3, above, the City of Pacific Grove has determined that, even after the adoption of all feasible mitigation measures, the project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significance. Therefore, the City of Pacific Grove must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be "infeasible" if it fails to achieve the most basic project objectives identified within the EIR. Further, "feasibility" under CEQA encompasses the desirability of the project "based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (*City of Del Mar v. City of San Diego [1982],* 133 Cal.App.3d at p. 417; see also *Sequoyah Hills Homeowners Assn. V. City of Oakland [1993],* 23 Cal.Ap.4th at p. 715).

The Draft EIR determined that the project would have significant and unavoidable impacts associated with cultural resources (impacts related to historical resources), GHG emissions (impacts related to conflicts with applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions), and noise (impacts related to construction noise and increased traffic). The alternatives analyzed in the Final EIR and described below are therefore discussed below in terms of their potential ability to avoid or reduce these impacts.

5.1 Alternative 1: No Project

Alternative 1 assumes that the proposed Housing Element Update would not occur, and that development within the project area would be limited by the existing zoning and land use designations of individual parcels.

Finding

The No Project Alternative would not fulfill most of the project objectives because under this alternative, development within the City of Pacific Grove would be limited by existing zoning and land use designations. The Housing Element Update, zoning amendments, and General Plan amendments would not be adopted or implemented, and no changes would occur to the City's Land Use Element or Health and Safety Element. Future development would be constrained to existing policies and densities, allowing for a maximum of approximately 356 housing units and a population increase of about 755 people.

This alternative would not provide sufficient housing capacity to meet the City's 6th Cycle Regional Housing Needs Allocation (RHNA), nor would it implement zoning and land use changes necessary to facilitate that growth. It would also fail to bring the General Plan into compliance with recent state legislation (AB 747, SB 99, and SB 379), and would not advance fair housing goals, climate resilience planning, or the identification of appropriate housing sites near jobs, transit, and services. While the No Project Alternative would continue existing affordable housing programs and preserve historic single-family neighborhoods, it would not achieve the broader housing, equity, and climate-related objectives of the proposed project.

The No Project Alternative would result in reduced development potential and therefore would have lesser impacts than the proposed project in areas such as aesthetics, air quality, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities. It would avoid the significant and unavoidable GHG and noise impacts of the proposed project but would not avoid the significant and unavoidable cultural resources impacts. Overall, the No Project Alternative was found to be the environmentally superior alternative due to its avoidance of certain significant impacts. However, it is considered infeasible because it would not meet the City's legal obligations or fulfill the project's core objectives.

The findings for the proposed project set forth in this document and the overriding social, economic, and other considerations described in the Statement of Overriding Considerations support selection of the proposed project and elimination of the No Project Alternative from further consideration.

5.2 Alternative 2: Reduced Density

Under Alternative 2, the City would adopt the Housing Element Update, General Plan amendments, and Zoning Code amendments, but would reduce the residential density allowed on housing sites, upzoning areas, and additional parcels to accommodate only the minimum number of housing units required to meet the City's 6th Cycle RHNA allocation. This alternative would facilitate development of approximately 991 housing units, 200 fewer jobs, and a population increase of approximately 2,101 people, 2,849 fewer than the proposed project. Unlike the proposed project, Alternative 2 would not include a 20 percent buffer of additional housing units, which is commonly used to ensure compliance with the "No Net Loss" law (Government Code Section 65863).

Alternative 2 would also reduce the amount of commercial development compared to the proposed project, assuming only half the commercial square footage would be built. However, all other components of the proposed project would be implemented.

Finding

Alternative 2 would fulfill most of the project objectives, including meeting the RHNA allocation, updating the General Plan to comply with recent state laws (AB 747, SB 99, and SB 379), improving fair housing conditions, and identifying appropriate housing sites near transit, jobs, and services. However, it would not fulfill the objective of providing a 20 percent housing buffer, which supports long-term compliance with state housing mandates and provides flexibility in accommodating future housing needs.

This alternative would require implementation of Mitigation Measures BIO-1(a–i), CUL-2(a–b), GEO-9, GHG-1, HAZ-6, NOI-1(a–b), NOI-2, TCR-1, and UTIL-1, similar to the proposed project.

Alternative 2 would result in similar impacts to the proposed project in areas such as air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous

materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, transportation, tribal cultural resources, and utilities and service systems. Due to reduced development intensity, Alternative 2 would have lesser impacts in areas such as GHG emissions, noise, and public services, and would avoid the significant and unavoidable GHG and noise impacts of the proposed project. However, it would not avoid the significant and unavoidable cultural resources impacts.

While Alternative 2 would reduce certain environmental impacts and fulfill most project objectives, it would not provide the housing buffer needed to ensure long-term compliance with state housing laws and may limit the City's flexibility in responding to future housing needs. For these reasons, Alternative 2 is less desirable than the proposed project in terms of meeting the full scope of project objectives and thus infeasible.

The findings for the proposed project set forth in this document and the overriding social, economic, and other considerations described in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of Alternative 2 from further consideration.

5.3 Alternative 3: Fewer Sites

This alternative assumes that the Housing Element Update, zoning amendments, and General Plan amendments are adopted and implemented, but that the Housing Element Update would include fewer housing sites than the proposed project. Under this alternative, housing units would be concentrated in fewer overall housing sites, and housing sites kept in the inventory would be located in more densely-developed commercial areas (such as the Downtown District, Central-Eardley Commercial District, Forest Hill Commercial District, and the Dennett and Sinex District). Other more dispersed or currently undeveloped sites, except for those that can accommodate low-income housing, would be eliminated from the site inventory under this alternative. While the Fewer Sites Alternative would involve removing several sites from the project housing site inventory, most of the housing sites included in the Alternative 3 site inventory (excluding Sites 1, 2, 5, 7, 35, and 36) can accommodate low-income housing.

Finding

Alternative 3 assumes adoption and implementation of the Housing Element Update, General Plan amendments, and zoning amendments, but with a substantially reduced housing site inventory, eliminating development from 47 sites than would be included in the proposed project. Development would be concentrated on 22 sites, primarily located in already urbanized, commercial areas such as the Downtown, Central-Eardley Commercial, Forest Hill Commercial, and Dennett and Sinex Districts.

This more compact development pattern would reduce the overall scale and geographic footprint of new construction, resulting in fewer new structures, less ground disturbance, and reduced exposure to wildfire risk. By avoiding development on sites located in FHSZs and in areas with greater potential for biological, hydrological, and aesthetic sensitivity, Alternative 3 would reduce impacts related to wildfire, erosion, stormwater runoff, habitat disruption, and visual character. Additionally, the lower buildout would accommodate 2,849 fewer residents and 1,344 fewer housing units, reducing demand for public services, utilities, and transportation infrastructure, and lowering emissions and energy use.

While Alternative 3 would not eliminate any significant and unavoidable impacts of the project (those related to cultural resources, GHG emissions, and noise), it would reduce the severity of these impacts compared to the proposed project. It would also meet most of the project's objectives, though it would not fully achieve the goals of encouraging by-right development on existing 4th and 5th Cycle housing sites or dispersing housing sites throughout the city to avoid overconcentration.

If the No Project Alternative (Alternative 1) is determined to avoid or reduce more impacts than any other alternative, CEQA requires that the EIR identify an environmentally superior alternative among the other alternatives (*CEQA Guidelines* Section 15126.6[e]). Of the other alternatives evaluated in this EIR, Alternative 3 (Fewer Sites) would be environmentally superior. Because this alternative would generate fewer residents within the Housing Element area, impacts to traffic noise would also be reduced compared to the proposed project and would be less than significant.

While Alternative 3 would reduce certain environmental impacts and fulfill most project objectives, it would not fully achieve the goal of encouraging by-right development on existing 4th and 5th Cycle housing sites because it would exclude some previously identified housing sites. This alternative would also not achieve the goal of dispersing housing sites throughout the city to avoid overconcentration, as it would concentrate housing in more urbanized and commercial areas. Further, Alternative 3 would not provide the housing buffer needed to ensure long-term compliance with state housing laws and may limit the City's flexibility in responding to future housing needs. For these reasons, Alternative 3 would not meet the full scope of project objectives and is therefore considered infeasible, as it would not support housing development with the capacity and flexibility needed to effectively meet the City's RHNA allocation and comply with State housing law. The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

6 Statement of Overriding Considerations

As described in the Final EIR for the City of Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments, the EIR finds that all potential impacts from adoption of the project and from physical changes that could potentially occur due to adoption of the project can be feasibly mitigated to a level that is less than significant, with the following exceptions: Impact CUL-1, impacts to historic resources; Impact GHG-1, conflicts with applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions; and Impact NOI-1, construction noise and operational traffic noise impacts from new development.

In accordance with *CEQA Guidelines* Section 15093, the City Council has, in determining whether to approve the project, balanced the economic, legal, social, technological, and other benefits of the project against the potentially unavoidable environmental impacts, and has found that the benefits of the project outweigh the potentially unavoidable environmental effects, for the reasons set forth below. The following statements specify the reasons why, in the City Council's judgement, the benefits set forth below constitute a separate and independent ground for finding that the benefits of the project outweigh the risks of their potential significant adverse environmental impacts. The City Council also finds that any one of the following reasons for approval cited below is sufficient to justify approval of the project. The substantial evidence supporting the City Council's findings and the benefits described below can be found in the record of proceedings.

- The adoption of the project would bring the City's Housing Element into compliance with current State law for the 6th Housing Element Cycle, and would facilitate sufficient development at all income levels to meet the City's Regional Housing Needs Allocation, supporting new housing for low- and moderate-income households.
- The adoption of the project would ensure consistency between the City's Housing Element and Land Use Element by amending General Plan land use designations to meet future housing needs.
- The adoption of the project would bring the City's Health and Safety Element into compliance with current State law, including Assembly Bill 747 and Senate Bill 99, by amending the Health and Safety Element to identify evacuation routes and capacity, safety, and viability under a range of emergency scenarios.
- The adoption of the project is necessary to bring the City into good-faith compliance with State housing laws and to remedy its current noncompliance under Housing Element law. Without adoption of the project, the City risks significant legal and financial consequences, including exposure to enforcement actions, loss of eligibility for critical State funding programs, and potential referral to the Attorney General's Office with possible court-imposed penalties of up to $100,000 per month.
- The adoption of the project would enable the City to maintain local control over land use and development by achieving Housing Element compliance, thereby avoiding the imposition of "Builder's Remedy" projects that could bypass local zoning standards and community planning objectives.
- The adoption of the project would ensure that the City avoids potential enforcement actions and financial penalties from the California Department of Housing and Community

Development by demonstrating good-faith compliance with State housing laws and addressing statutory requirements.

- The adoption of the project would ensure consistency with the City's Regional Housing Needs Allocation by identifying sufficient sites and rezoning and upzoning areas in the City to accommodate housing needs across all income levels.
- The adoption of the project would provide a 20 percent buffer of the remaining Regional Housing Needs Allocation for lower- and moderate-income units to facilitate compliance with the "No Net Loss" law, or Government Code Section 65863.
- Adoption of the rezoning included in the project will facilitate additional housing and additional affordable housing in the community, including housing to meet a broader range of housing needs and housing that is appropriate to and accessible for a broader range of household types.
- The adoption of the project would create expanded economic opportunity for the City through the creation of jobs for construction and new businesses.

Any one of these reasons is sufficient to support adoption of the City of Pacific Grove Housing Element Update, and to outweigh the identified significant and unavoidable environmental effects that might occur due to adoption of the project. On balance, in light of the benefits to the City and the local community identified above, pursuant to *CEQA Guidelines* Section 15903, the City Council finds that these overriding considerations, as identified in conjunction with the environmental review of impacts stemming from adoption of the City of Pacific Grove Housing Element Update outweigh the potentially significant and unavoidable environmental impacts identified in the Draft EIR, rendering those impacts acceptable under the circumstances.

7 Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e) require that the City of Pacific Grove as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which the decision has been based. The following location is where review of the record may be performed:

City of Pacific Grove
Department of Community Development
300 Forest Avenue, 2nd Floor
Pacific Grove, California 90395

The City of Pacific Grove has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.

2 Land Use

Land use is a major focus of the General Plan. Pacific Grove's land use pattern is well established and ~~unlikely to~~ has not had any major changes since the adoption of the 1994 General Plan. This chapter describes the history of land use planning in Pacific Grove, discusses the major issues that face the city, and presents the goals, policies, and programs that will determine how land use and growth will be managed in Pacific Grove ~~between 1994 and 2010~~.

2.1 HISTORY OF LAND USE PLANNING IN PACIFIC GROVE

Pacific Grove was founded in 1875 as the Methodist Seaside Retreat. In evolving into a predominantly single-family community, the town retained the natural qualities that originally contributed to its charm, beauty, and popularity.

In 1883, the Methodists sold the Retreat property to the Pacific Improvement Corporation (PIC), a subsidiary of the Southern Pacific Railroad. By then, much of the property had been divided into small lots meant to accommodate the tents of seasonal visitors. On July 16, 1889, Pacific Grove incorporated. Over the next few decades, a number of areas were added to the city, and the Victorian homes that came to define Pacific Grove's residential character were built.

(For a more complete history of the area and the city, see Chapter 7, Section 7.1, "A Brief History of Pacific Grove.")

Municipal land use planning in Pacific Grove dates from 1919, when Samuel F. B. Morse reorganized the PIC into Del Monte properties and sold much of its land including waterfront property—to Pacific Grove. In so doing, Morse declared that the waterfront "should be forever restricted against building or use other than what would be desirable to the citizens of Pacific Grove." This declaration, along with others advocating the retention of the city's natural beauty and encouraging architectural control of its development, marked the beginning of a history of conscientious land use planning.

The City's first planning commission was created in 1929. Thirty years later, Pacific Grove's first "Master Plan" was adopted (1958). In 1971, the City established a planning department, and a new General Plan was adopted in 1973. ~~The 1973 General Plan remained in effect with additions along the way until the adoption of this General Plan in 1994~~with additions along the way – until the adoption of the 1994 General Plan, which set forth updated land use policies intended to guide community growth and development. Since the adoption of the 1994 General Plan, various elements of the General Plan required periodic updates to identify and prioritize a response to evolving local needs and demonstrate compliance with new State planning laws.

2.2 CITIZEN INITIATIVES AFFECTING PLANNING

Several provisions have become part of the City's Zoning Ordinance through the initiative process. This section summarizes initiatives passed since 1948. Provisions approved by initiative restrict certain types of multiple- unit developments, the development of motels, the use of George Washington Park, and the rezoning of land zoned either "U" (Unclassified) or "O" (Open Space).

The initiative restricting the use of Washington Park was approved in 1948. It provides that the park is to be used only for recreation and pleasure purposes, and prohibits trailer camps, campgrounds, and public or private businesses.

A 1955 initiative created the R-3-M zoning district, and confined motels to this zone.

In 1978, in response to an initiative petition, the City Council rezoned the R-3-A District bounded by Lighthouse Avenue, the easterly city limits, Pine Avenue, and 15th Street to R-2.

The initiative that regulates multiple-unit developments involving condominiums and planned unit de-velopments (PUDs) was passed in 1982. Its intent was to assure that condominium and PUD developments conform with land use and zoning standards applicable to single-family uses. It restricts condominium and PUD densities (number of dwelling units per acre) to no more than 125 percent of the density of the nearest single- family residential district. In order "to avoid the conversion and loss of the city's residential stock and character," the initiative also prohibited time-share projects in Pacific Grove.

A 1986 initiative prohibits the development of hotels and motels in all but existing R-3-M districts. It also prohibits the establishment of any new R-3-M districts, and sets the density of R-3-M uses at a minimum of 2,500 square feet of land for each family unit and hotel or motel unit.

Another initiative measure passed in 1986 requires that all property within the city zoned "O" or "U" as of July 14, 1986, must retain such zoning until an ordinance to change the zoning is approved by the voters. The parcels affected include parks and recreation areas, Pacific Grove Unified School District properties, and municipal properties.

In 1994, the Ccity Ccouncil placed a measure on the ballot. The measure to allow condominiums and hotel use in the Holman's block of the Downtown was passed by the city's voters.

In 2011, Measure U was adopted, which updated the prior restrictions for existing hotels and motels in the R-3-M district. This measure allowed for renovations and the construction of up to 79 additional units. The goal was to allow for existing establishments to expand and renovate for continued tourist attraction to the area.

Measure F was an initiative adopted by City Council in 2012 that rezoned the Holman building downtown to C-1-T. The measure allowed for the development of the Holman building into a mixed-use space. This rezoning was part of a broader effort to revitalize the Downtown, encouraging tourism and increasing commercial activity while preserving the historical significance of the Holman building as a community landmark.

In 2016, Measure X addressed the development of the former American Tin Cannery, a previous industrial facility in Pacific Grove. The measure provided specific guidelines for the redevelopment of the American Tin Cannery site, permitting a mix of uses that included commercial, retail, and tourism-related activities. The initiative sought to revitalize the underused property and create a new, attractive destination within Pacific Grove.

Measure M, which was adopted in 2018, established regulations for Short Term Rental units (STRs). With the popularization of vacation rental sites, such as Airbnb and Vrbo, Measure M established rules that govern the number and location of STRs. This measure also included the types of properties eligible as rentals, and operational guidelines to ensure that short-term rentals did not negatively impact the character and livability of residential neighborhoods, while balancing the need for visitor accommodations.

In 2022, Measure M, adopted new regulations for the commercial cannabis industry in the city. The measure allowed for continued operation of cannabis-related businesses, while operating within the land use framework provided by the initiative. This included buffers from sensitive areas such as schools and parks.

In 2024, Measure Q was adopted by City Council. The measure updated the definition of timeshares and added fractional ownership as a prohibited land use within certain zones. The measure aimed to limit the conversion of existing properties into timeshare units and decrease residential housing availability.

2.3 RECENT ANNEXATION HISTORY AND POLICY

By 1964, the city's land area totalledtotaled 1,368 acres. After the Monterey County Local Agency Formation Commission (LAFCO) was established in 1964, Pacific Grove annexed 11 areas totaling 462 acres (see Figure 2-1).

The most recent Later(and second largest) additions was included the Asilomar annexation, which was the second largest annexation of 131 acres in 1979. Most recently, the City annexed the former site of the Mission Linen facility. The 2.99-acre property was the last section of Monterey County land within the City's Sphere of Influence and was identified to accommodate residential development. As of 19942025, the city's total area was 1,830 1,795 acres.

Figure 2-1
Annexations, 1964–2025

Area	Date	Acres
David Avenue School	March 1964	16.49
Congress Avenue	March 1964	0.03
Point Pinos	May 1966	84.00
Del Monte Park	September 1972	195.00
Thornton	February 1974	0.28
Sunset	March 1975	14.81
Alston-Lee	March 1975	0.24
Forest Grove No. 1	January 1976	3.00
Forest Grove No. 2	November 1976	17.11
Winslow's Addition	December 1976	0.10
Asilomar	October 1979	130.70
Mission Linen	March 2021	2.99
Total 1964–2025		**464.75**

Source: City of Pacific Grove, 2025.

2.4 EXISTING LAND USE

~~For this General Plan revision, a citywide survey classified existing land uses for every property in Pacific Grove.~~ Figures 2-2 and 2-3 summarize the ~~survey's~~distribution of land uses within Pacific Grove using Monterey County Assessor's parcel data from 2024.

The predominant land use in Pacific Grove is residential, and most of that is single-family. Commercial uses are largely related to goods and services, with almost no land available for industrial uses. A generous amount of land is devoted to parks and natural areas that are free and open to the public.

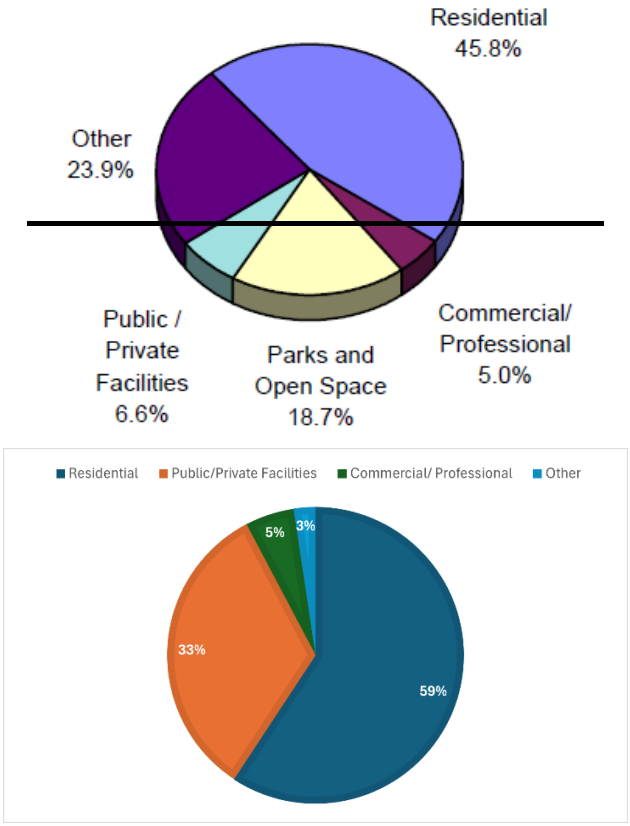
Most significant is that Pacific Grove is almost fully built-out. There is very little buildable vacant land in the city. The land use issues in Pacific Grove, therefore, focus primarily on managing existing uses, incorporating mixed use and infill development, and ~~potential~~ intensification in density.

Figure 2-2
Pacific Grove Existing Land Use, ~~November~~ January 19932024

Land Use Type	Acres	Percent of City
Residential		
Single-family Residential	~~634.46~~ 65.0	~~34.745.8~~
Single-family w/Second Unit	~~11.835.~~ 2	~~0.62.4~~
Duplexes	~~56.029.~~ 2	~~3~~2.0
Multi-family	~~67.267.~~ 1	~~3.74~~.6
Condominiums	~~41.538.~~ 9	2.~~3~~7
Mobile Homes	~~15.114.~~ 7	~~0.8~~1.0
Rest/Group Homes	~~12.2~~11. 2	0.~~7~~8
Subtotal*	**~~838.28~~ 61.3**	**~~45.859~~.3**
Commercial/~~Professional~~Nonresidential		
~~Transient Lodging~~Hotel/Motel/Inn	~~22.1~~20. 6	1.~~2~~4
Mixed Residential / Commercial / Office	~~2.3~~2.8	0.~~1~~2
Commercial	~~54.948~~. 9	3.~~0~~4
~~Heavy Commercial~~	~~10.5~~	~~0.6~~
Office~~s in R-4 Zone~~	~~2.7~~5.3	0.~~1~~4
Subtotal*	**~~92.577~~. 6**	**~~5.0~~3**
Parks and Recreation/Open Space~~*~~		
~~Parks and Recreational Facilities~~	~~85.1~~	~~4.6~~
~~Golf Course~~	~~90.0~~	~~4.9~~
~~Cemetery~~	~~12.3~~	~~0.6~~
~~Asilomar~~	~~103.0~~	~~5.6~~
~~Other~~ Publicly Owned Facilities~~Open Space~~	~~51.5~~33 1.9	22.8
Other Open Space	3.2	0.2
Subtotal*	**~~341.93~~ 35.1**	**~~18.723~~.1**
Public/Private Facilities		
Parking Lots	3.2	0.2
Government ~~-O~~owned ~~Facilities~~	~~12.4~~20. 64	~~0.6~~1.4
Public Schools	85.8	4~~5~~.7~~9~~
~~Private Educational Facilities~~	~~13.5~~	~~0.7~~
Other Institutional/Educational	14.0	1.0
~~Public~~ Utilities	~~9.6~~9.7	0.~~5~~6
Subtotal*	**~~120.81~~ 33.3**	**~~69.62~~**
Other		
Churches	12.~~0~~2	0.~~7~~8
Miscellaneous	~~2.4~~12.1	0.~~1~~8
Vacant	~~31.8~~22. 0	~~1~~1.~~7~~5
~~Streets~~	~~390.4~~	~~21.3~~
Subtotal	**~~46.343~~ ~~6.6~~**	**~~233.2.9~~**
Total**	**~~183014~~ ~~53.5.0~~**	**~~100.0~~**

*~~*See Chapter 5 for descriptions of parks and open space areas.~~*
Source: ~~Community Development Department, November 1993~~Monterey County Assessor Parcel Data, 2024
~~~~Due to rounding, the subtotals may not precisely add up to the table total*
*~~**~~Total acreage does not include roads and streets and therefore does not add up to the total acreage of the city*

Figure 2-3
Existing Land Use in Pacific Grove ~~November 1993~~January 2024



Source: Community Development Department, January 2025

2.5 MODERN DEVELOPMENT AND BUILD-OUT

By the 1980s, it was clear that any further growth in Pacific Grove would occur only as vacant lots were developed and as uses on existing developed lots were intensified. As of ~~1993~~2025, ~~less than 2 percent~~approximately 1.2 percent (~~31.8~~21.65 acres) of Pacific Grove's land area was vacant and available for additional development.

As vacant land became more scarce and land prices rose, property owners turned increasingly to redevelopment and intensification. Because housing and land costs are high in Pacific Grove and because much of Pacific Grove's housing stock is made up of smaller units, many property owners and residents have added on to existing housing to meet their needs for more room. In addition, with the support of State accessory dwelling unit (ADU) legislation, homeowners are increasingly building ADUs, mainly on properties with existing single-family homes. These units are frequently used as housing for family members or as rental units. In a more open housing market, families would be able to move to larger homes in the area. Property tax policies established by Proposition 13 in 1978, however, discourage families from "moving up."

In addition, some residential and commercial lots are not developed to their full potential under the zoning (for example, single- family homes on R-3- or R-4-zoned lots). Over time, some of these single-family homes are likely to be ~~replaced~~ redeveloped with ~~apartments~~multi-family housing developments. Where the General Plan and zoning allow, development on existing residential parcels will be intensified by ~~replacing~~ redeveloping existing single- family housing ~~homes with multi-family buildings~~sites with increased residential densities. ~~In other areas, second units~~ ADUs or other additions will likely be built on~~to existing~~ parcels with existing residential uses~~structures~~. On existing commercial ~~,~~and mixed-use parcels, intensification will occur where existing ~~residences on commercially-zoned sites are converted to commercial use, and where old~~ buildings are torn down and ~~new ones are put up~~are redeveloped at higher densities or vacant commercial spaces may be converted to residential, such as vacant offices on the second floor of a commercial building. Some residential buildings in commercially zoned areas might be converted to commercial use, however commercially zoned areas that allow for mixed-uses will also be developed at higher residential densities.

The 1994 General Plan update ~~According to~~ estimate~~s~~d ~~made by the City in May 1994,~~ an additional 5,431 residential units could be built within Pacific Grove's city limits, for a total of 13,133 residential units within the city. Of these additional ~~,4,303~~ residences, 3,688 could be accommodated in single-family residential districts, consisting of ~~(~~262 single-family, 3,426 second units, and 615 multi-family units~~) could be built in residentially-zoned areas based on existing zoning~~. The remaining additional 1,743 residential units could be built in multi-family and commercial districts. ~~Sixty-eight of these single- family units and 37 of the multi-family units (105 in total) could be built on now-vacant lots. Of the remaining units, 3,426 would be second units attached to existing single-family homes, 566 would be added on underutilized multi-family-zoned lots, 145 units could be built on sites derived from multiple-lot parcels (133 single-family units, 12 duplex units), and 61 units could be built on parcels with potential for subdivision.~~

The theoretical build-out projections, while necessary to define the maximum development potential of this General Plan, point to much greater development than can be supported by recent trends. Over the past several decades, new development in Pacific Grove and most of the Monterey Peninsula has been limited due to water supply issues. California American Water (CalAm) is the water provider for Pacific Grove and other cities on the Monterey Peninsula and has historically sourced its water from the Carmel River and the Seaside Groundwater Basin. Multiple restrictions on water use from these sources have greatly limited new development in Pacific Grove and other communities on the peninsula. The Monterey Peninsula Water Management District's moratorium on new construction in response to the prolonged drought of 1987 through 1992 curtailed new construction in the city. In 1995, the California State Water Resources Control Board (State Water Board) issued Order WR 95-10, requiring CalAm to reduce water diversion from the Carmel River. In 2006, the Monterey County Superior Court mandated reductions in groundwater pumping from the Seaside Groundwater Basin. In 2009, the State Water Board issued Order WR 2009-60 (a cease-and-desist order) to CalAm for failure to comply with WR 95-10. This cease-and-desist order placed a moratorium on new water connections, effectively halting new development. ~~Because there are few sources of new water for development on the Monterey Peninsula, the limited~~

water supply will continue to shape land use in this area in the future.

The most recent source of new water for the Monterey Peninsula is the Paralta well in Seaside. Its water is allocated to the various local jurisdictions by the Monterey Peninsula Water Management District. As of September 1994, Pacific Grove has less than eight acre-feet of water remaining in its allocation from the Paralta well. Realistically, the potential for new development in Pacific Grove will not be realized unless additional new sources of water become available. At the time of the adoption of this General Plan, the city council was attempting to acquire a portion of the water from the Pebble Beach water reclamation project.The City currently has water available for the development of ADUs, and residential development or intensification on mixed-use and multifamily sites where water is currently available. Several projects have been implemented to increase water supply for the Monterey Peninsula, including the Seaside Aquifer Storage and Recovery program and Pure Water Monterey project. Completion of the Pure Water Monterey Expansion project in 2025 is anticipated to provide the permanent water source that could lead to the removal of the State Water Board's cease-and-desist order on new water connections, which would create opportunities for additional housing throughout the city.

Of the 5,431 new units possible in the theoretical build-out projection for Pacific Grove, 3,426 are new secondary units on sites with existing single-family dwellings. However, over the past 10 years during which zoning has allowed secondary units, only 42 have been built. Leaving aside the lack of water, this experience suggests that there will be a steady trickle of new secondary units, but not a flood of thousands. All other sources of new units—intensification of use on current

Between 1994 and 2024, the total number of residential units in the city increased by approximately 550 units. This is significantly lower than the projected 5,431 units estimated under the 1994 General Plan. This is likely due to continued and increasing water supply restrictions. Land use changes facilitated by the 2025 General Plan updates could accommodate an addition of 2,335 residential units and 292,578 square feet of commercial. However, the rate of future growth is dependent on external factors, such as future water supply availability and market trends.

Figure 2-4
Residential Unit Development Potential

Type of Zoning District	Existing	Maximum Potential Additional	Total Build-out
Dwelling Units in Single-family Residential Districts			
Building Sites Derived from Multiple Lot Parcels		133	133
New Subdivisions		61	61
Second Units	40	3,426	3,466
Vacant Sites		68	68
Current Dwelling Units (not including existing second units)	4,047		4,047
Subtotal	4,087	3,688	7,775
Dwelling Units in Multi-family and Commercial Districts			

Over the years, City decision-makers have become increasingly aware of the potential for land divisions (lot splits and subdivisions) which although they comply with the City's minimum standards create incongruities in lot size or shape compared to neigh- boring properties. Goal 21, and Land Use Policies 4 through 76, address this issue.

The rapidity and extent of infill and intensification will depend on—in addition to water—market demand, land values, rent levels, overall economic conditions, tax laws, and the City's regulatory policies. As infill development and intensification occur, the City intends to preserve Pacific Grove's residential neighborhood character, encourage residential and mixed-use development and ease the pressure on itsevaluate the capacity of its aging infrastructure to implement improvements as needed to support future development.

Goals, policies, and programs in Sections 2.6 through 2.14 and throughout the General Plan address how the city may and should develop.

2.6 DEVELOPMENT POTENTIAL AND ANNEXATION

Until now, tThe City's has had no formal annexation policy was adopted as part of the 1994 Land Use Element. According to State law, a city's General Plan may cover "any land outside its boundaries which, in the planning agency's judgment, bears relation to its planning." The City of Pacific Grove has selected for its Planning Area the existing incorporated city plus the unincorporated Spanish Bay, Country Club, and Gowen Cypress areas of Del Monte Forest

~~to the south, and~~ the Presidio, Pebble Beach and portions of Monterey bordering David Avenue. Figure ~~1~~2-~~2~~ 7 shows the Planning Area and other boundaries.

The ~~much smaller~~ Sphere of Influence (the city's ultimate service area boundary), adopted for Pacific Grove in 1984 by LAFCO, includes ~~only~~ the entire existing incorporated city ~~plus.~~ In 2021 City Council approved the annexation of the three-acre Mission Linen property at Sunset Drive and Congress Avenue. The Mission Linen property ~~is a county island completely surrounded by~~was the last remaining unincorporated area of the City's Sphere of Influence to be incorporated into Pacific Grove. ~~LAFCO policies support its eventual annexation.~~

~~Except for the Mission Linen property, the~~The City does not expect to annex ~~the adjacent~~ additional unincorporated areas. Nevertheless, it is concerned about the growth and flow of traffic from ~~them~~nearby unincorporated areas, and the likely impact of that traffic on the City of Pacific Grove and its residences and businesses. ~~The unincorporated portions of Del Monte Forest within Pacific Grove's Planning Area still have development potential for 285 residential units.~~

These unincorporated areas have strong economic and social ties to Pacific Grove. They are part of the Pacific Grove Unified School District, and residents of the area do much of their convenience shopping in Pacific Grove. Two of the five gates to Del Monte Forest open onto Pacific Grove streets. Thus, the City's main planning concerns about development in Del Monte Forest relate to traffic (addressed in the Transportation Chapter of this General Plan) and to providing public services including schools, library, and recreation facilities and programs.

Against this background of land use history, the City has adopted the following goals, policies, and programs:

GOAL 1	**Provide for orderly, well-planned, and balanced development consistent with the historic nature of Pacific Grove, the capacity of the City's infrastructure, and ability to assimilate new growth.**
~~GOAL 2~~	~~Repair and upgrade the City's infrastructure.~~
POLICY 1	**Seek to preserve Pacific Grove's tradi-tional "hometown" qualities.**
POLICY 1.5	**Protect Pacific Grove's residential character by prohibiting the short-term (less than 30 consecutive calendar days) rental of residential property in residential zoning districts, except to the extent such use is allowed in the Coastal Zone under the Local Coastal Program. The Pacific Grove Municipal Code shall be consistent with this Policy.**

Policy 1.5 was added by the Initiative to Preserve and Protect Pacific Grove's Residential Character. Policy 1.5 may be repealed or amended only by a vote of the people. The Initiative also amended the Pacific Grove Municipal Code to be consistent with Policy 1.5, including a requirement that existing transient use of residential property inconsistent with Policy 1.5 be discontinued within 18 months from the date the Initiative was approved by the voters.



An example of Pacific Grove's "hometown qualities"

POLICY 2	**Ensure that new development is well-balanced and com-patible with adjacent existing develop-ment.**

"Compatible" means "mutually supportive, capable of existing together without conflict or detrimental effects." This policy applies broadly and citywide to residential and commercial uses. Its purpose is to ensure harmonious, ~~or at least~~ unobtrusive development in terms of use, density, intensity, and architectural character. It is not intended to restrict new buildings, discourage multi-family dwelling types and mixed-use developments, or prevent additions to exact duplications of styles or heights. ~~This policy also is **not** intended to restrict the conversion of single-family dwellings to apartments if the parcel is zoned for multi- family use and if there are other multi-family uses nearby.~~

POLICY 3	**Balance a property owner's ability to develop with the desirability of maintaining neighborhood character.**
POLICY ~~5~~ 4	**Encourage consolidation of small lots to create larger, more developable lots.~~Avoid creating land divisions that result in lots smaller than prevailing lot sizes in the neighborhood, or which are~~**

POLICY ~~6~~ 5 Preserve significant areas of vegetation and open space when approving land divisions.

Significant can mean, for example, a single specimen tree, vegetation serving as habitat, or a grove of several native trees which enhance the canopy and scenic beauty of a neighborhood.

POLICY ~~7~~ 6 Evaluate and mitigate the impacts of proposed land divisions on traffic, access, trees, topography, environmentally sensitive habitat, utilities, and public services, through the approval process.

In order to mitigate the impacts, the number of lots to be created may be reduced.

POLICY ~~8~~ 7 ~~View more favorably those land divisions where~~Encourage improving or reusing existing buildings with historic or architectural significance~~ are retained and/or improved rather than demolished~~.

POLICY ~~9~~ 8 Strive to preserve significant public view corridors.

POLICY ~~10~~ 9 Strive to protect property owners' rights to privacy and reasonable access to light, air, and sunshine.

Policy ~~11~~10 Facilitate the development of residential neighborhoods that accommodate a range of housing types at varying densities.

POLICY ~~12~~11 Support the redevelopment of underutilized lots to encourage development that aligns with the intended land use intensity of the land use designation.

The policies above are carried out by the programs below.

~~Program A Create buffers between commercial and residential areas where feasible.~~

Program ~~B~~A Continue to regulate the intensity of ~~commercial~~ uses in commercial zones and maintain the under-lying distinctions of each commercial area.

Program ~~C~~B ~~Revise~~ Consider revising development standards, including height and setback requirements, in mixed-use and multi-family residential zones, where medium and high residential densities are allowed~~.~~ in order to achieve maximum density ~~height and lot coverage standards to regulate the size and mass of residential additions and expansions.~~

Program ~~D~~ C Consider including floor area ratios (FARs) in the zoning regulations for residential areas.

Floor area ratios regulate building mass and scale.

Program ~~E~~ D ~~Adopt land division standards that will retain the scale and character of the city and will reflect the subdivision and development patterns within existing neighborhoods.~~Review and identify development standards that may be revised to allow for greater flexibility in developing varied housing types at a range of densities.

~~Program F Require land divisions within, or immediately adjacent to, environmentally sensitive habitat to keep development intensity as low as possible immediately adjacent to the sensitive habitat (LUP, 3.4.4.3).~~

This program will help maintain contiguous areas of undisturbed land in open space. Residential development in such areas, including driveway and utility connections, will be allowed if it can be demonstrated that environmentally sensitive habitat and associated wildlife values will be protected through mitigation measures.

Program ~~G~~ E Ensure that zoning, licensing, enforcement, and other controls are adequate to fairly govern the supplemental use of residential properties for business purposes.

New development and increased development intensity will place increased demand on the City's existing infrastructure, including water, sewer, and storm drainage systems. Some streets and water lines are currently deficient and would be strained by buildout to current zoning.

Given these challenges, the City has adopted the following goals, policies, and programs:

GOAL 2 Repair and upgrade the City's infrastructure.

Policy 12 Continue to preserve Pacific Grove's character and ensure adequate infrastructure for future development so as not to overburden the City's existing infrastructure.

The policy above is carried out by the programs below.

Program F Continue to ensure there is adequate infrastructure capacity to serve existing and future development by reviewing potential impacts to the City's infrastructure systems as part of the development and environmental review process.

Program ~~F~~G Conduct periodic municipal service reviews to assess infrastructure capacity, identify infrastructure deficiencies, and develop infrastructure improvement and expansion projects.

The City recognizes that the current provisions for home businesses are working well, and will examine and make modifications to the regulations in the future as needed.

Goals, policies, and action programs that establish the philosophy, approach to, and workings of Pacific Grove's system for managing land use and growth appear throughout this chapter. Goals, policies, and action programs relating to architectural review are found in Chapter 8, Urban Structure and Design.

2.7 ECONOMIC VITALITY AND COMMUNITY CHARACTER OF COMMERCIAL AREAS

Pacific Grove is a town that takes pride in its residential character. As expressed in public meetings and workshops, Pacific Grove residents want the character of the city to remain predominantly residential.

The City supports and encourages retail and commercial uses which provide goods and services for a peninsula-wide trade area. It recognizes, however, that it will always be in a very competitive retail market because of its location at the tip of the Monterey Peninsula and its relative distance from major highways. The City also foresees that in the future a greater proportion of its economic vitality may come from visitor-serving enterprises.

The City encourages mixed-use developments within commercial areas with a high potential for housing units such as the Downtown, Central-Eardley Commercial, and Forest Hill districts. Residential development in commercially zoned areas support a vibrant, mixed-use environment that accommodates both living and commercial activities.

The character of Pacific Grove is one of a small town where residents can live, work, do business, shop, and have recreational facilities a self-contained com-munity. The businesses of the city should provide a balance which preserves this character.

GOAL 3 **Designate land in commercial and office categories adequate to provide mixed-use development to support a range of goods and services and higher-density residential opportunities to meet the ~~for the~~ needs of Pacific Grove. ~~and its trade area.~~**

POLICY ~~11~~ ~~12~~13 Ensure that commercial uses are bal-anced, and that business and industry are compatible with the city's residential character.

This policy reflects the City Charter statement that "Pacific Grove is primarily a city of homes and that business and industry shall be compatible with its residential character."

POLICY ~~12~~ ~~13~~14 Promote and maintain a healthy local economy while preserving the local community character.

POLICY ~~13~~ ~~14~~15 Assure that new commercial devel-opment is designed to avoid the appear-ance of strip development.

POLICY ~~14~~ ~~15~~16 Promote Pacific Grove businesses and industries.

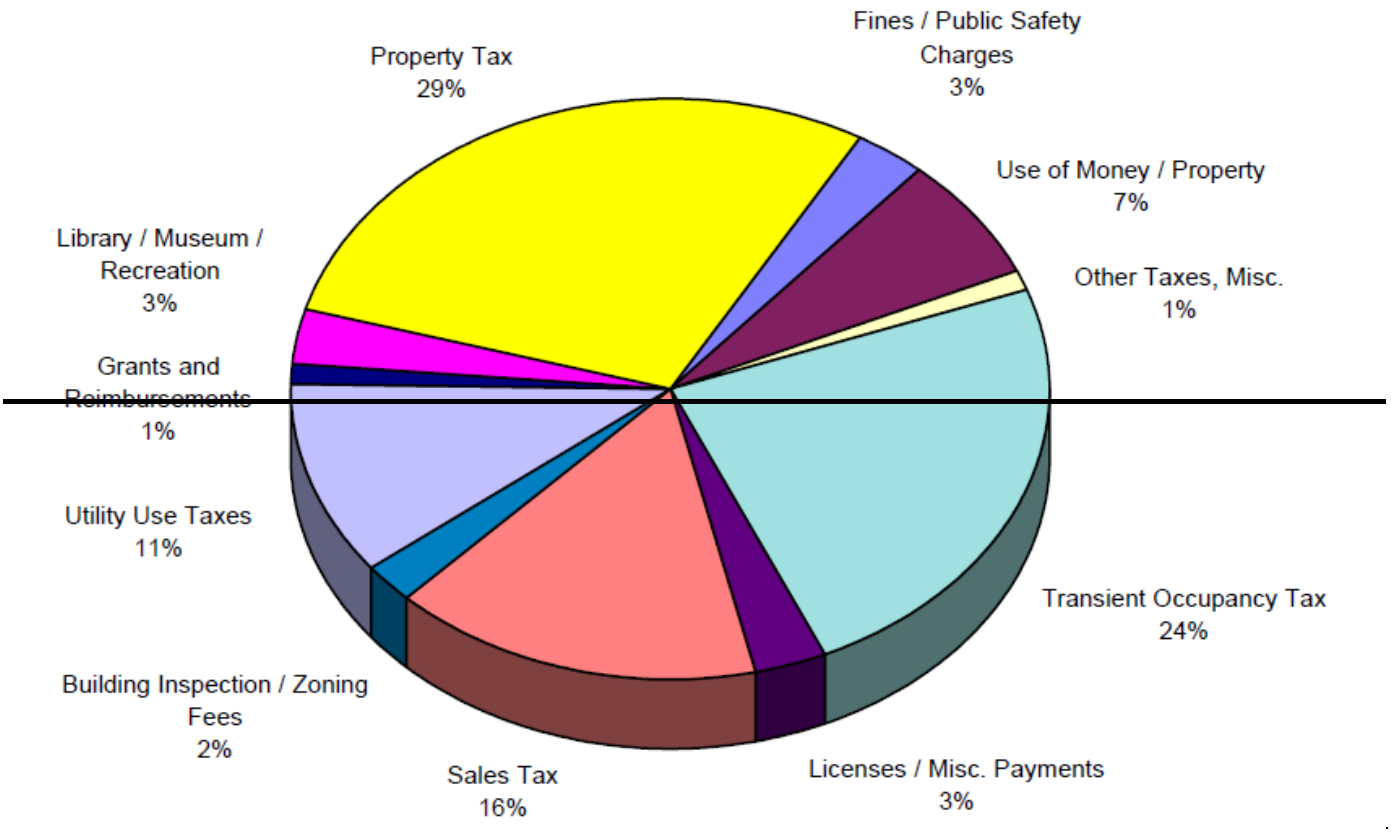
POLICY ~~16~~17 Support the integration of residential development in commercial shopping centers.

Program H– Work with local business groups and associations, such as the Pacific Grove Chamber of Commerce, to promote local businesses to local residents, and to en-courage local residents to support Pacific Grove businesses.

Program I –Develop a strategy to retain and attract businesses that meet the shopping and service needs of Pacific Grove and area-wide residents.

Program J– Encourage the City of Pacific Grove to do business within its boundaries whenever practical.

~~Figure 2-5~~
~~General Fund Revenue, Fiscal Year 1993-94~~



Source: City of Pacific Grove, 1994

2.7.1 Land Use and Fiscal Policy

City revenues pay for the services provided to the community, such as police, fire, and library services. Since Proposition 13, Pacific Grove has become more dependent on revenues from sales taxes and transient occupancy taxes. ~~The major components of Pacific Grove's budget revenues are shown in Figure 2-5~~. A city's sales taxes and transient occupancy taxes are influenced the most by the economy and local decisions on development and growth.

The current tax structure and declining municipal revenues encourage cities to make land use decisions based on the amount of tax revenues a project can generate. A reasonable consideration of the effects of land use decisions on revenue can help ensure an adequate budget for City services, but an overemphasis can distort the appropriate balance of land uses in the community. Basing land use decisions on revenues favors commercial and office development over the preservation or construction of housing. Too much emphasis on tax revenues creates pressures for large, high-intensity projects.

Pacific Grove will pursue a balanced planning approach by providing for a variety of housing while maintaining an attractive business climate.

The City will continue to weigh the nature and intensity of development, including concerns about traffic, design, compatibility, and regional effects, against the role that transient occupancy and sales tax revenues play in Pacific Grove's continued economic well-being.

GOAL 4 **Maintain strong and stable sources of City revenues while promoting an appropriate balance of land uses in the city.**

POLICY 1~~5~~8 Encourage land uses that generate revenue to the City while maintaining a balance with other community needs, such as housing, open space, and recreation.

POLICY 1~~6~~9 Attract and retain a variety of businesses and services in the community.

Program K Work with the business community to understand their economic needs.

Program L Streamline the permit review process while maintaining the character of Pacific Grove.

2.7.2 Visitor Accommodations

In ~~1993~~2025, there were ~~22~~ 23 motels ~~and,~~ hotels and ~~seven~~ bed and breakfast inns in Pacific Grove ~~with a combined total of 748 rooms~~. Most of the motels and hotels are located along the western end of Lighthouse Avenue and along Asilomar Avenue. The bed and breakfast inns, which are converted historic structures, are located in the R-3-PGR and the R-4 zoning districts. In addition, Asilomar State Beach Hotel and Conference Grounds has 313 guest rooms for ~~guests, bringing the total of~~ visitor accommodations ~~to 1,061 rooms~~.

The ~~relatively few~~ hotel and motel units along with around 84 licensed short-term vacation rentals within Pacific Grove contribute significantly to City revenues through the ~~10~~ 12 percent transient occupancy tax. ~~Motel, hotel, and inn guests~~Visitors also contribute to Pacific Grove's economy by patronizing local restaurants and retail businesses.

In 1986, Pacific Grove voters passed Measure C, an amendment to the City's Zoning Ordinance that placed additional limits on motel and hotel development in the city. As a result, parcels within the R-3-M district may be rezoned only to R-1, R-H, or R-2 where already developed as such, and no new R-3-M districts may be created.

Although most of the motels and hotels in Pacific Grove are developed to their zoned potential, several older motels are not. If occupancy rates drop in these older motels and they become unprofitable, the owners may consider replacing them with new, larger motels or with multi-family residential, which also is allowed in the R- 3-M district. Measure U, passed in 2011, eased some of the prior restrictions for hotels and motels in the R-3-M district, which allows for renovations and additional units. As the need for more housing units increases, ~~I~~it is not clear whether it would be more profitable for the owners to replace their motels with new motels or with apartment buildings. If they ~~are~~ were to be replaced with multi-family residential developments, the City ~~will~~ would lose ~~some~~ a portion of its current motel tax revenue and the possibility for any revenue increase.

POLICY 1~~7~~20 Discourage the replacement of motels with residential uses in areas zoned R-3-M as a means of protecting the City's revenue base.

Program M Consider providing incentives to retain the existing motels in the R-3-M zone.

Program N Consider amending the Zoning Ordinance to carry out Policy 1~~8~~720.

**POLICY 1~~8~~21 ~~Support~~ Maintain viability of hotel development in the Downtown, including redevelopment in the former Holman's block ~~of the Down- town~~, as

allowed by adoption of an initiative measure by city's voters in June 1994.

Pacific Grove's Zoning Ordinance allows the conversion of large residential buildings, at least 75 years old, to bed and breakfast inns. As a means to preserve older houses, bed and breakfast inns are allowed with a use permit in the R-3-PGR, R-4, and C zoning districts. ~~However, t~~The City ~~wishes to control uses which may result in~~is cognizant this could create conflicts with existing uses on neighboring properties, therefore the City will carefully consider whether such projects would result in negative impacts on surrounding properties as part of the development and environmental review process.

Program O Permit expansions of bed and breakfast inns that do not have negative impacts on the surrounding residential neighborhoods. Proposals to add units that are separate from the original structure will be considered on a case-by-case basis.

Because the intent of the bed and breakfast ordinance is to preserve historic structures, potential expansions of these businesses are subject to guidelines that further this intent.

(1) Bed and breakfast inns are permitted to expand into structures that were located on the property when the inn was created, with a use permit;

Inns are permitted to expand into additional new structures, separate from the original historic structure, if there is space on the property to build and the new structure maintains the architectural integrity of the site, with a use permit;

(2) Inns may apply to the planning commission to expand onto properties contiguous to the original property, with a use permit, with such expansions to be decided on a case-by-case basis depending on the architectural and historic status of the structures proposed for expansion and the circumstances of the properties and the surrounding neighborhood.

2.7.3 Liquor Sales

Pacific Grove was the last "dry" city in California. The sale of alcoholic beverages was prohibited within the city limits until 1969 when the city council adopted an ordinance repealing prohibition. That action was ratified by voters when they defeated a referendum calling for repeal of the ordinance. Since then, the City has approved several

permits for general on-site liquor sales outside the Downtown area.

In 1987, the City approved its first application for general on-site sales of hard liquor Downtown. While there are several restaurants in the city that serve beer and wine with meals, the approval of hard liquor raised concerns among elected officials and residents about the appropriateness of general on-site liquor sales Downtown and how they might affect the quality of life, traffic, parking, and general public safety in Pacific Grove.

POLICY 22~~19~~ Continue to allow on-site liquor sales only in conjunction with full food service.

2.8 DOWNTOWN

~~Downtown t~~The city's commercial core along Light- house Avenue is bounded approximately by Cypress Avenue, Central Avenue, 12th Street, and Pine Avenue. Most of Downtown is zoned C-~~1~~ D and is developed with older two-story buildings with ground floor retail commercial establishments and second floor residential, office and professional uses.

2.8.1 Existing Conditions and Trends

Pacific Grove's Downtown business district contains a mixture of commercial uses typical of many core business districts. ~~These businesses~~Additionally, restaurants and boutique retail stores serve both local ~~and area~~ residents and visitors. Although ~~local services seem to predominate, there is regional pressure to attract more tourism to compensate for the loss of the military component in the economy~~Downtown remains the predominant commercial center of the city, there is increasing redevelopment consisting of residential and mixed-uses.

Many Downtown commercial buildings are old and do not meet current codes. Bringing these buildings up to code when businesses are expanded or new uses are developed can be expensive. State legislation passed in 1986 (SB 547) requires that buildings that might be haz–ardous in the event of an earthquake be identified and that steps be taken to mitigate structural hazards. The City has done the work required by SB 547, and property owners have taken remedial measures.

In general, renovation of commercial buildings in downtown Pacific Grove is desirable and should be encouraged when it upgrades the safety of the buildings while maintaining historical character and provides for balanced and mixed uses.

~~In 1994, a number of Downtown buildings were vacant including the largest building which once housed an historic department store which served as the downtown commercial anchor.Existing~~ Increased transit opportunities and additional parking facilities will ~~not be adequate~~be needed to accommodate ~~all~~ the commercial and residential development in ~~that might occur~~ Downtown ~~under existing zoning~~as forecasted. Certain housing developments may qualify for parking space reductions under State law. ~~A 1984 parking study commissioned by the City recommended a~~

~~three-phase program to expand parking in the area, including construction of one or more parking structures.~~ As of 2025 there are five parking lots in the downtown area listed on the City's website.

Downtown's aesthetic ~~liabilities include inappropriate and out-of-scale street light fixtures,~~considerations will include creative reuse of historic buildings, such as the application of ~~inappropriate~~ appropriate facades ~~on historic buildings, and~~ and preserving other historical features ~~lack of trees and landscaping~~.

2.8.2 Downtown Quality and Character

The overall structure of Downtown is satisfactory and does not require major changes. The Downtown can be divided into sections, based on the difference in scale, architectural style, and setbacks of buildings along Lighthouse Avenue and those on the side streets. (See Section 8.1.4 for a discussion of Downtown's visual character.)

~~What is required is a comprehensive strategy to focus~~The City's focus is to ~~and private efforts on improvements to enhance~~ support the Downtown's ~~efficiency~~development at increased densities and~~,~~ ~~encourage~~ economic vitality through creative mixed uses, ~~and~~ while preserving~~appearance~~ historic resources.

GOAL 5 **Enhance and preserve the unique historical character of Downtown while supporting increased development intensity and mixed uses.**

POLICY 2~~3~~0 Focus City and private efforts on improvements in a comprehensive strategy to enhance Downtown.

POLICY 2~~4~~1 Upgrade the visual quality of streets in the Downtown.

Program P Review and revise development and design guidelines for projects in the Downtown business district and find ways to encourage good design.

Program Q Prepare a detailed plan for preserving the character of Downtown while enhancing its efficiency, economic vitality, and appearance.

The City should take the lead in preparing the plan and implementing it. Emphasis will be placed on increasing landscaping and expanding pedestrian facilities on Lighthouse Avenue without sacrificing parking opportunities. The plan should include considerations for street, pedestrian, and bikeway improvements. It should also address parking, sidewalks, and street trees~~, and street lights~~.

The City should attempt to establish architectural compatibility between major civic buildings. It should also consider the need for a parking garage and ~~inves~~ investigate allowing "air space" development over Downtown parking lots.

Program R ~~Replace~~ Maintain Downtown street lights ~~with more appropriate fixtures as funding becomes available~~ and ensure fixtures are energy-efficient and in working condition.

POLICY 2~~5~~2 Review and revise ~~height and story limits to maintain compatibility of new and remodeled buildings with the existing character of Downtown~~development standards, including height requirements, for compatibility with higher density housing, particularly for affordable housing.

POLICY 2~~6~~3 Encourage new residential and mixed-use development and redevelopment of existing structures~~s~~ in the Downtown~~, but limited to the upper stories of new and existing buildings~~

The City will ~~consider providing a third-story floor area bonus for upper-story restaurant and/or residential use~~also evaluate garage parking requirements for multi-family housing in relation to improvements to transit service by Monterey-Salinas Transit.

Program S Consider establishing separate building standards for Downtown parcels fronting on Lighthouse Avenue and for parcels fronting on side streets.

Program T ~~Provide for~~Support implementation of the ~~expanded~~ mixed commercial/ residential use~~s for~~ of the former Holman's block ~~such as mixed commercial/residential use and/or transient visitor services (*i.e.,* hotel/restaurant/shops)~~.

In 1994 ~~T~~the City took the lead in proposing a successful ballot measure allowing hotel and condominium development on the former Holman's block. ~~This change is intended to attract development of and investment in the~~ In 2015, an ordinance was approved allowing mixed uses on the Holman's anchor block (bounded by Lighthouse, Fountain, Central, and Grand Avenues). The historic Holman building underwent redevelopment to repurpose the existing structure for mixed-use residential, office, and commercial purposes while maintaining the historic architectural features which was completed in 2019. The project included 25 condo units and 12 commercial retail spaces.

Underutilized or single-story buildings provide the potential for further mixed-use and residential redevelopment that will increase city revenue while maintaining the character of the Downtown and the city.

2.9 CENTRAL-EARDLEY COMMERCIAL DISTRICT

The Central-Eardley commercial district is a transition from Monterey's Cannery Row/ Lighthouse Avenue Commercial District to the Pacific Grove Retreat residential neighborhood. Uses include retail com-mercial, restaurants, and offices, serving both visitors and local residents, and some residential. Zoning in the area has included R-4 (higher density residential and professional office uses), C-1 (low intensity commercial uses and residential), C-2 (heavier intensity commercial uses and residential), and V-C (visitor commercial uses).



Central-Eardley commercial area



Forest Hill commercial area

This area is experiencing spill-over from Cannery Row visitors using this commercial area.

Across the city line, the New Monterey Neighborhood and the Cannery Row/Lighthouse Neighborhood border Pacific Grove to the east. The New Monterey Neighborhood is primarily developed with residential uses, including single family homes and multi-family residential development with clusters of commercial and open space uses. ~~single-family homes, interspersed with multi- family.~~ The Cannery Row/Lighthouse Neighborhood is primarily commercial, with segments of open space and public / semi-public uses, catering to both visitors and resi~~-~~dents.

~~The City of Monterey Planning Department estimated in 1987 that existing zoning in the New Monterey Neighborhood would allow a net addition of 788 units – a 30 percent increase in the number of housing units in the area. The Monterey Planning Department also identified approximately 10.5 acres of underutil- ized commercially-zoned land and 7.6 acres of vacant commercially-zoned land in the Cannery Row/ Light- house Neighborhood that could be developed with commercial uses.~~

The Central-Eardley district is one of two major gate- ways to Pacific Grove. Existing development and land use patterns are exemplified by small-scale, standalone structures with associated parking lots, which provide an array of commercial zoning designations (C-1 and C-2), including low-intensity restaurants, retail and service-oriented establishments.

Zoning within the Central-Eardly District allows for a variety of commercial uses while also allowing opportunities for mixed-use development that encourage the incorporation of compatible, multi-family residential uses at higher densities, aimed at increasing housing supply in the area.

GOAL 6 **Encourage compatible mixed-use development allowing the city to achieve long-term housing and economic goals**

~~The City wants to continue to allow a variety of commercial uses in this district, but wants to limit any new or changed uses in the R-4 zone to high density residential by not permitting additional professional office uses.~~

POLICY ~~24~~27. ~~**Designate Central-Eardley as a special commercial district recognizing its gateway and transitional functions.**~~ **Promote and facilitate well-integrated mixed-use development patterns that support a range of commercial uses and allow for a range of compatible housing types within the Central-Eardly District.**

Program U Review and evaluate properties within the ~~the zoning in the~~ Central-Eardley district to identify areas suitable for mixed-use development.

~~Program V Restrict the uses in the R-4 zone to high density residential.~~

Program ~~W~~V Review development standards and land use regulations, including design and minimum parking and landscape ~~needs~~ requirements in the Central- Eardley district and consider amending the zoning ordinance to facilitate ~~the~~ mixed-use development. ~~consider a parking structure.~~

Program ~~X~~W Create a plan to enhance the area's role as a major gateway to the city through elements such as signs, paving, land-scaping, and lighting.

2.10 FOREST HILL

The Forest Hill Commercial (C-FH) district is located on both sides of Forest Avenue between David and Stuart Avenues. The district contains a mixture of retail, office, and multi-family residential uses. Most properties in this area are developed with low intensity single-story structures with surface parking lots, that are not developed to their full potential. Properties along Forest Avenue are surrounded by Single-Family Residential District (R-1) uses, the intersection of Forest Hill Boulevard and Ransford Avenue, and Multiple Family Residential/Professional Office District (R-4) along Prescott Lane. ~~C-1-zoned area along both sides of Forest Avenue between David and Stuart Avenues contains a mixture of retail, office, and multi-family residential uses. Most of the lots in this area are not developed to their zoned potential – most buildings are small and only one story in height. These lots back up against the R-1-zoned lots along Seaview and Ransford Avenues. Redevelopment of these commercial lots to their zoned potential could result in development incompatible with the adjacent single-family homes.~~

The Forest Hill Commercial District is one of two major gateways to Pacific Grove that has played a pivotal role in urban growth as a hub for economic activity. However, as changes in demographics, employment trends and housing supply (and demand) occur over time, areas limited to predominantly commercial development are considered a constraint to housing production. Existing commercial centers, such as the Forest Hill Commercial District, present opportunities for mixed-use development. Mixed-use development in this area would maintain commercial and retail uses while encouraging a variety of housing options. ~~While new commercial development could improve the appearance of Forest Hill, the City would like to reduce any potential incompatibilities with adjacent~~

~~single-family homes. At the same time, the City does not want to preclude reinvestment in or improvement of the area.~~

POLICY 2~~5~~6 **~~Draft~~ Review and amend the Forest Hill Specific Plan to be consistent with updates to the City's General Plan goals and policies and Zoning Ordinance. ~~and adopt guidelines for preparing a Specific Plan for the Forest Hill area,~~**



Sunset Drive commercial area

~~recognizing its function as a major gateway to the city.~~

Program ~~W~~X Review and amend, as necessary, the Zoning Ordinance and Forest Hill Specific Plan to ~~establish a~~ ensure development standards, including story maximum, ~~a~~ maximum height limit, ~~and a~~ required buffer zone~~s, through the use of~~ and design features, such as landscaping, in the rear yard setback in the Forest Hill Commercial District are consistent with the General Plan.

Program ~~X~~Y ~~Develop~~ Review and amend the Forest Hill Specific Plan to permit mixed-use development for consistency with the land use designation of the area. ~~a Specific Plan for the Forest Hill Commercial District that provides for the orderly improvement and redevelopment of the area while maintaining harmony with the adjacent residential areas.~~

The intent of the above policy and programs is to promote uses that are reasonable and compatible with adjoining residential areas. The plan should, in addition to provisions of Program ~~W~~X, address all aspects of a commercial area that is an entryway to Pacific Grove. The plan should include but not be limited to setbacks, architectural quality, landscaping, signs, lighting, traffic circulation, parking, and pedestrian access. Where possible the plan should mitigate adverse effects on neighboring residential areas.

2.11 SUNSET SERVICE COMMERCIAL ~~AREA~~

The Sunset Drive commercial district is at the south edge of the city between 17 Mile Drive and Asilomar Avenue. It contains a mix of uses including a lumber yard, light industrial uses, retail businesses, and City owned buildings, including the Public Works Yard. ~~It houses a mix of uses including a lumber yard, a motel, restaurants, light industrial uses, retail businesses, and the City Corporation Yard.~~ Most importantly, it is the ~~city's~~ City's only remaining industrial and heavy commercial area. The City's intent is to maintain a mix of industrial, service commercial~~, other commercial~~, and compatible residential uses~~area~~district. ~~area.~~

This ~~area~~ district also has scenic qualities important to the ~~city~~City—views of the ocean, hills, and pine forests.

POLICY 2~~8~~6 **Provide for retention of the commercial and industrially zoned properties in the Sunset Drive commercial district, while creating opportunities for mixed-use development and preserving the scenic qualities of this district. ~~/industrial uses in the Sunset Drive commercial district, while addressing the scenic qualities of this area.~~**

Program ~~Y~~ZAA ~~Consider~~ Amend the Zoning Ordinance to allow for increased flexibility of development standards, such as minimum parking requirements and height limitations that would allow for residential and commercial mixed-use development on existing commercially zoned properties within the Sunset Service Commercial District. ~~amending the Zoning Ordinance to eliminate uses incompatible with General Plan policy regarding the Sunset Service Commercial Area.~~

The intent of this program is to ~~consider eliminating residential uses, including mobile home parks, in order to preserve the limited land area available for industrial and heavy commercial uses within the city.~~ allow for residential uses of compatible density and intensity to surrounding uses, while maintaining the limited land area available for existing light industrial and commercial uses, and within the city.

Program ~~Z~~AA Utilize the development review and land use permitting process to incentivize mixed-use development comprising of compatible light industrial, commercial, and residential uses, and ensuring building siting, mass and scale

are compatible with surrounding properties. ~~amending the Zoning Ordinance to establish height limits and provisions for landscaping in the Sunset Service Commercial Area.~~

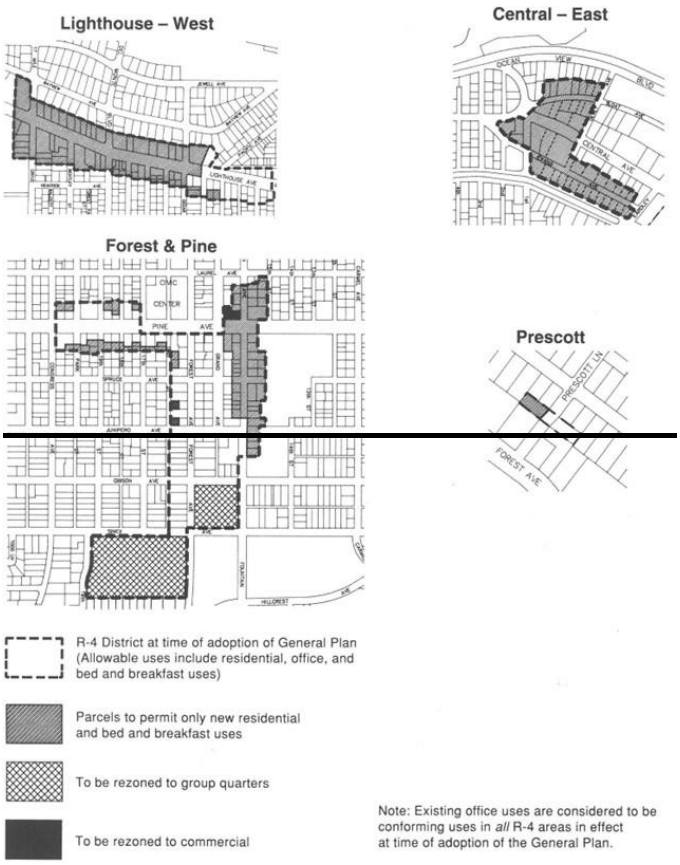
Program ~~AA~~BB Encourage a public/private effort to upgrade the visual quality of the Sunset Service Commercial Area.

2.12 PROFESSIONAL OFFICE DEVELOPMENT OUTSIDE COMMERCIAL DISTRICTS

Historically, the R-4 District regulations have allowed residential uses (single-family and multi-family) and professional offices. Over the years, many older residential units in R-4 areas have been converted to offices. These conversions have, in some cases, preserved buildings whose architecture is valued in Pacific Grove, but may also have reduced the supply of moderately-priced housing, and may have contributed to increased parking problems and traffic congestion, particularly along Forest Avenue.

The City will continue to allow office uses in ~~certain of~~ these areas, with a use permit, but will emphasize residential uses in others. Existing offices will be allowed to continue as conforming uses. ~~(See Figure 2-6.)~~

~~Figure 2-6 R-4 Zoning District Changes~~



POLICY 2~~9~~7 Permit office uses in the commercial districts and other areas historically used for such purposes.

POLICY ~~28~~30 Ensure that office development does not overbalance the residential character in the areas historically zoned R-4.

The City will look favorably on proposals where existing housing is preserved and/or where offices preserve the character of existing buildings in these areas.

Program ~~BB~~CC Continue to allow professional office and multi-family residential uses: (a) on par–cels along Forest Avenue between Pine Avenue and Sinex Avenue, with the exception of the Forest Hill Manor property, and require that offices front only on Forest Avenue; (b) on parcels along Grand Avenue between Pine Avenue and Gibson Avenue, including the midblock and corner parcels at the northwest corner of Fountain Avenue and Gibson Avenue, but with the exception of the parcel at the southeast corner of Grand Avenue and Pine Avenue which is developed with apartments that will remain a residential use only; (c) on parcels fronting

on Pine Avenue between 17th Street and Congress Avenue, and on the south side of Pine Avenue between Forest Avenue and 17th Street, and require that offices front only on Pine Avenue; (d) on parcels zoned R-4 on the date of the adoption of this General Plan between Cypress Avenue and Granite/Pacific Streets, on parcels fronting the south side of Lighthouse Avenue between Granite Street and Cedar Street, and on the midblock parcel along the north side of Lighthouse Avenue between Pacific Street and Cedar Street; (e) on the mid-block parcel along the south side of Prescott Lane between Forest Avenue and Seaview Avenue that has historically been zoned R-4.

Program ~~CC~~DD Rezone the following areas from professional office and multi-family residential uses to residential uses only: (a) parcels zoned R-4 on the date of the adoption of this General Plan on the easterly side of Fountain Avenue between Pine Avenue and Gibson Avenue, and on the westerly side of Fountain Avenue between Pine Avenue and Junipero Avenue, with the exception of the northwesterly parcel at the intersection of Fountain Avenue and Junipero Avenue; ~~(b) the parcels zoned R-4 on the date of the adoption of this General Plan between 16th Street and Congress Avenue excluding those parcels fronting on Pine Avenue;~~ (~~c~~b) parcels on Lighthouse Avenue west of Granite Street, excluding parcels along the south side of Lighthouse Avenue between Cedar Street and Granite Street, and excluding the midblock parcel along the north side of Lighthouse Avenue between Pacific Street and Cedar Street; (~~d~~c) the parcels zoned R-4 on the date of the adoption of this General Plan along the westerly side of 15th Street between Pine Avenue and Laurel Avenue, and along the easterly side of Fountain between Laurel Avenue and Pine Avenue, and the interior parcels on the westerly side of Fountain between Pine Avenue and Laurel Avenue; (~~e~~d) the parcels zoned R-4 on the date of the adoption of this General Plan between Eardley Avenue and 2nd Street and between Lighthouse Avenue and Sloat Avenue; (~~f~~e) the parcel zoned R-4 on the date of the adoption of this General Plan on the north side of Prescott Lane.

Program ~~DD~~EE Rezone the three parcels zoned R-4 on the date of the adoption of this General Plan on the north side of Pine Avenue between Fountain Avenue and Grand Avenue from professional office and multi-family residential uses to commercial uses.

2.13 NONCONFORMING USES

There are nonconforming uses throughout the city. Although they fail to meet current standards, these uses, for the most part, are not objectionable. Indeed, they make a positive contribution to the cherished eclectic character and historic resources of Pacific Grove.

Regulations for nonconforming uses and buildings were revised- to allow their restoration if 25 percent or less of their usable floor area is damaged by fire or earthquake. If damage exceeds 25 percent of usable floor area, a case-by-case determination is made through the use permit process. In order to grant any use permit, the planning commission must make the finding that the use or building applied for will not be detrimental to persons or property in the neighborhood or to the general welfare of the city.

To address the concerns expressed during public hearings regarding difficulty in obtaining insurance and financing for nonconforming uses, this General Plan provides for restoration of nonconforming uses and buildings damaged by a catastrophic event without requiring a use permit or variance.

POLICY ~~29~~31 Permit nonconforming uses and structures damaged by fire or other calamity to continue or rebuild to their predamaged size and location, using the then-current Uniform Code requirements.

Program FF~~GG~~ Amend the Zoning Ordinance to provide for restoration of nonconforming uses and structures destroyed to any extent by fire or other catastrophic event without a use permit.

2.14 SUBSTANDARD VACANT LOTS

Minimum area and frontage requirements for building sites are established for the various zoning districts in the Zoning Ordinance. Vacant lots which have less area or width than required are called substandard lots and do not qualify as building sites. The City has amended the building site requirements in some areas to more closely correspond to existing lot sizes. However, a few vacant substandard lots remain unbuildable under current regulations.

Except where they were set by an initiative, as is the case in the First Addition which is zoned R-2, building site requirements can be amended by the city council. In the

First Addition, approval by the voters would be required to change the existing 4,000 and 5,000 square foot building site area requirements to allow building on a smaller vacant parcel~~,~~ ~~(~~ ~~e~~.g., 3,600 square feet~~)~~.

The few, vacant, substandard lots are often located in areas where similar-sized lots have been built upon. The City needs to consider the conditions under which building on these vacant lots would be compatible with the orderly development of the city.

The Subdivision Map Act provides for merger by the City of contiguous substandard parcels held by the same owner, under certain specified conditions. A local ordinance in conformance with State law is required if the City chooses to implement this type of merger.

~~**POLICY 30 Establish regulations under which existing substandard vacant lots may become building sites based on neighborhood norms.**~~

~~Program HH Amend the Zoning Ordinance to specify conditions under which substandard vacant lots may be considered building sites.~~

~~**POLICY 31**~~ **3 ~~Study regulations to allow the City to initiate merger of contiguous substandard parcels held by the same owner.~~**

2.15 LAND USE MAP, CATEGORIES, AND STANDARDS

All land within Pacific Grove can be grouped into categories, as shown on the Land Use Map provided with this General Plan. The Land Use Map depicts proposed land use for Pacific Grove through the year ~~2010~~2031. ~~(A "map" is similar to a "diagram" which is all that the State planning law requires but a map may be more specific. The Attorney General in 67 Ops. Cal. Atty. Gen. 75 [1984] discussed the difference between the words "map" and "diagram," stating that a "map" refers to preciseness whereas "diagram" represents approximation.) While the law does not require specificity as to individual parcels, t~~The California Subdivision Map Act requires that a proposed subdivision is consistent with its general plan before approving a subdivision map. The boundary lines of individual parcels between land use designations on Pacific Grove's Land Use Map are delineated as specifically as possible, ~~in most cases~~ following parcel lines.

Listed on the following pages are the land use categories that appear on the Land Use Map, along with their definitions. While the land use categories are implemented through more specific and detailed zoning designations, the General Plan provides the overall parameters of density and intensity. In addition, there is a brief description of where in the city the designation may be found.

By law, "standards of population density and building intensity" must be determined for each land use category. The Pacific Grove General Plan uses floor area ratio to establish measures of building intensity in non--residential land use districts, and employs dwelling units per net acre as the measure of building intensity in residential land use districts. ~~Residential land use districts employ measures of building intensity and of population density. Non-residential districts only employ measures of building intensity. In this General Plan, in the event of a discrepancy between residential units per acre and persons per acre, the building intensity in units per net acre (and not the density of population) governs. The densities designated (in dwelling units and in persons per net acre) are maximums which are to be allowed only in developments that promote the City's goals for orderly, well-planned, and balanced development consistent with the historic nature of Pacific Grove and the capacity of and the limits imposed by the City's infrastructure, and ability to assimilate new growth. (See Land Use Goal 1.)~~

Although Pacific Grove ordinances are written with the intent of providing realistic standards for each zone, in the determination of allowable building density or intensity, whether residential or commercial, the maximums assigned to the various land use categories do not constitute an entitlement, nor is there any guarantee that any individual project, when tested against the policies of the General Plan, will be able to ~~or will be permitted to~~ achieve the maximums indicated due to other factors, such as infrastructure constraints or parking requirements.

Standards of building intensity for residential uses are stated as the allowable range of dwelling units per *net* acre. In the cases of the Low Density Residential (LDR) and Medium Density Residential (MDR) designations, the density ranges for specific neighborhoods have been tailored to ensure compatibility with adjacent residential development patterns. Neighborhood planning areas are shown in Figure 2-~~7~~6.

The dwelling unit densities apply only to the creation of new lots. Existing legal building sites which are smaller than permitted under these densities will remain conforming lots of record.

~~Standards of population density for residential uses were derived by multiplying the allowable number of dwelling units per net acre by the assumed average number of persons per dwelling unit. The average number of persons per dwelling unit for each residential designation was extrapolated from estimates by the California Department of Finance for Pacific Grove, and ranges from 2.0 to 2.25 persons per unit. These figures are averages, and they are not intended to be used as measures of how many people may be allowed to live in a dwelling unit; nor is there any intent by the City that these averages be used to deny the addition of rooms to dwelling units.~~

Standards of building intensity for non-residential uses are stated as maximum floor area ratios (FARs). FAR is defined in Figure 2-~~8~~ 7 and in the Glossary.

2.15.1 Residential

Low Density Residential (LDR). Four low density residential categories are specified. The LDR1.0 designation provides for single-family homes. It is the city's lowest density residential category, allowing a maximum of one unit per net acre.~~ Assuming an average of 2.25 persons per dwelling unit, this category allows up to 2.25 persons per acre.~~ It is applied on the General Plan Land Use Map to most of the Asilomar Dunes neighborhood.

The LDR2.0 designation provides for single-family homes, up to two units per net acre.~~ Assuming an average of 2.25 persons per dwelling unit, this category allows up to 4.5 persons per net acre.~~ It is applied on the General Plan Land Use Map to parcels in the Asilomar Dunes neighborhood that front on Asilomar Avenue north of Pico Avenue.

The LDR4.4 designation provides for single-family homes, ~~secondary residential units ("second units")~~ADUs, public and quasi-public uses, and similar and compatible uses. Residential densities are allowed to a maximum of 4.4 units per net acre. ~~Assuming an average of 2.25 per- sons per dwelling unit, the LDR4.4 designation allows up to 10 persons per acre.~~It is applied on the General Plan Land Use Map to the Pacific Grove Acres neighborhood.

The LDR5.4 designation provides for single-family homes. Residential densities are allowed to a maximum of 5.4 units per net acre. ~~Assuming an average of 2.25 persons per dwelling unit, the LDR5.4 designation allows up to 12 persons per acre.~~It is applied on the General Plan Land Use Map to the Glen Townhomes and Glen Heights condominium planned unit development. The several LDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-~~9~~8.

Medium Density Residential (MDR). This designation provides for single-family, duplex, and multi-family residential units, public and quasi-public uses, and similar and compatible uses. Within the MDR designation, ~~secondary residential units~~ ADUs are allowed in all R-1 zones. This designation provides a residential density ranging from 7 to 17.4 units per net acre. ~~Assuming an average of 2.0 persons per dwelling unit, it allows between 14 and 34 persons per acre.~~The several MDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-10.

High Density Residential (HDR). This designation provides for single-family, duplex, and multi-family residential units, bed and breakfast inns, public and quasi-public uses, and similar and compatible uses. It has four tiers or levels: residential densities range up to 19.8 units per net acre in the HDR19.8 district; up to 21.8 units per net acre in the HDDR21.8 district; up to 24.8 units per net acre in the HDR24.8 district; and up to 29.0 units per net acre in the HDR29.0 district. ~~The High Density Residential designation assumes an average of~~

~~2.0 persons per dwelling unit, which would allow up to 58 persons per net acre in the HDR29.0 designation.~~ The several HDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-11.

Professional Office or High Density Residential (PO/HDR). This designation provides for single-family, duplex, and multi-family residential units, professional offices, bed and breakfast inns, public and quasi-public uses, and similar and compatible uses. This designation provides for a residential density of up to 29.0 units per net acre. ~~Assuming an average of 2.0 persons per dwelling unit, it would allow up to 58 persons per net acre.~~ The PO/HDR designation is applied on the General Plan Land Use Map to Forest Avenue between Pine and Sinex Avenues, to Pine Avenue between Grand and Con~~-~~gress Avenues, and to Lighthouse Avenue between Cypress Avenue and Cedar Street.

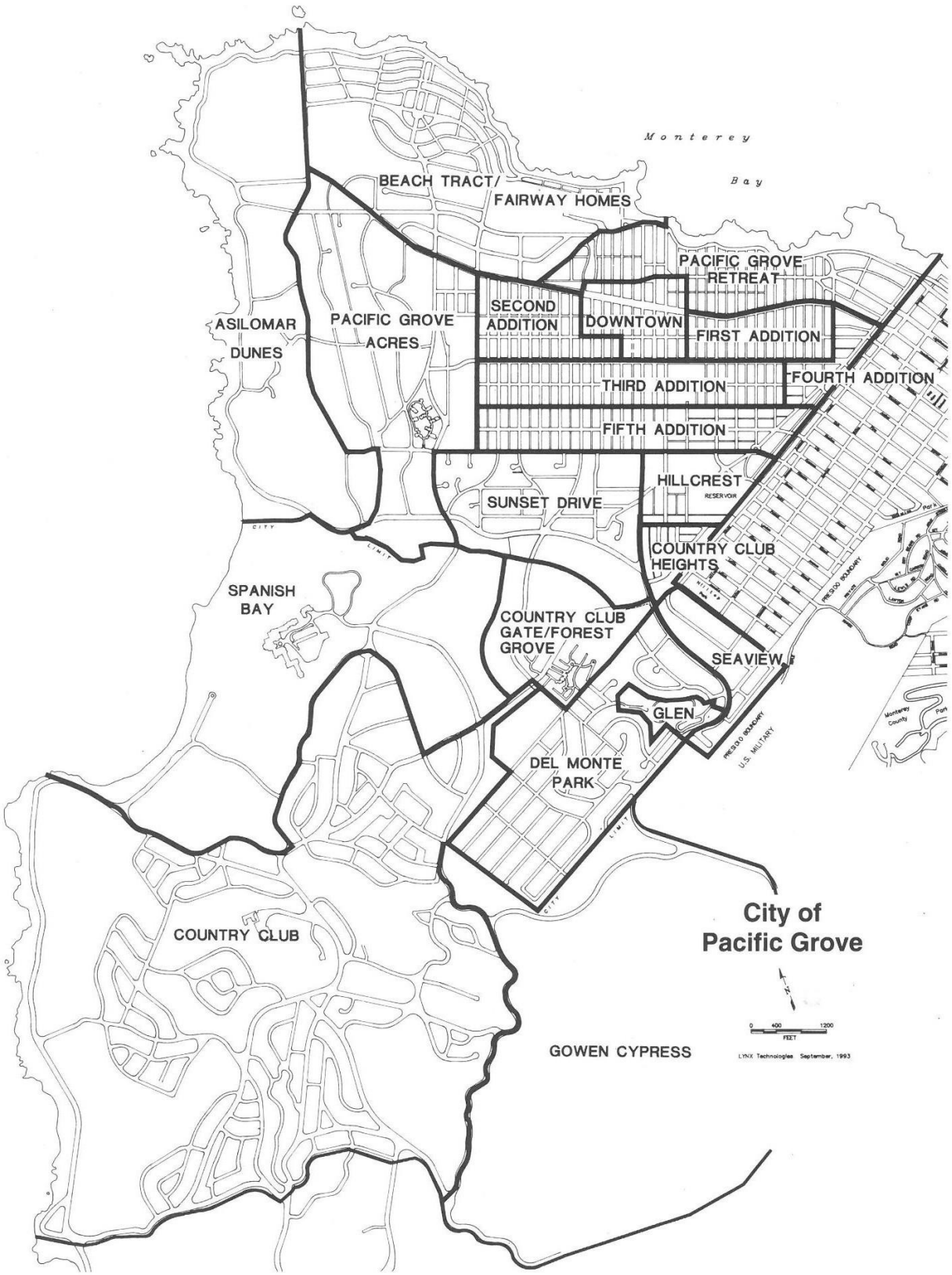
Mobile Home Residential (MHR). This is a residential category that allows only mobile homes and accessory uses, up to ~~14~~ 10 units ~~(about 28 persons)~~ per net acre. Its primary purpose is to protect existing mobile home parks from being converted to other residential or non-residential uses. This designation is applied on the General Plan Land Use Map to the Monarch Pines Mobile Home Park.

Group Quarters (GQ). This category allows 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. Its purpose is to allow "institutional" group quarters, such as ~~licensed residential care facilities for 25 or more persons and~~ orphanages, and "non- institutional" group quarters, such as dormitories, ~~shelters,~~ and large boarding houses. Residential care facilities of less than 7 persons are allowed in any residential district and are treated as a single-family use in the Zoning Ordinance. ~~Residential densities range from 13 to 55 bedrooms per net acre.~~ This designation is applied on the General Plan Land Use Map to existing group quarters facilities: Canterbury Woods, Forest Hill Manor, Pacific Grove Senior Living, Del Monte Rest Home, and Gateway Center.

~~Group Quarters shall be limited to the boundaries shown on the Land Use Map.~~

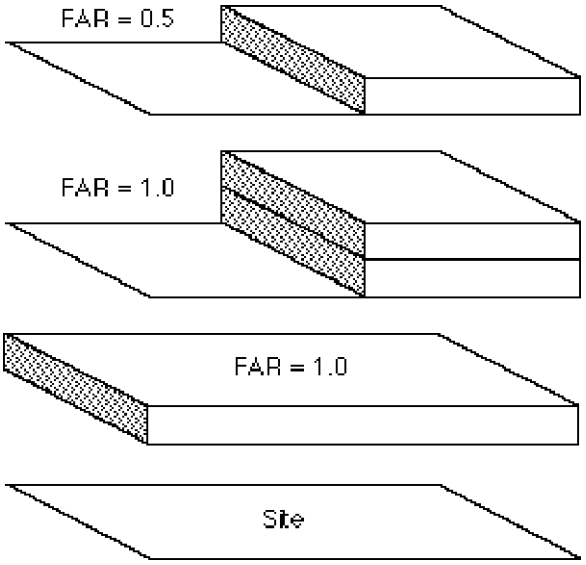
~~On adoption of this General Plan, the Zoning Ordinance will be revised to reflect that residential care facilities for six or fewer persons are allowed in any Residential district, and that residential care facilities for 7 to 24 persons are allowed in multi-family districts with a use permit.~~

Figure 2-~~4~~6
Neighborhood Planning Areas


Monterey
Bay
BEACH TRACT/
FAIRWAY HOMES
PACIFIC GROVE
RETREAT
SECOND
ADDITION
DOWNTOWN
FIRST ADDITION
ASILOMAR
DUNES
PACIFIC GROVE
ACRES
THIRD ADDITION
FOURTH ADDITION
FIFTH ADDITION
HILLCREST
RESERVOIR
SUNSET DRIVE
COUNTRY CLUB
HEIGHTS
SPANISH
BAY
COUNTRY CLUB
GATE/FOREST
GROVE
SEAVIEW
GLEN
DEL MONTE
PARK
COUNTRY CLUB
GOWEN CYPRESS
City of
Pacific Grove
LYNX Technologies September, 1993


City of Pacific Grove Neighborhood Planning Map
Pacific Grove Boundary
Neighborhood Planning Areas
Asilomar Dunes
Beach Tract / Fairway Homes

Figure 2-~~5~~7
Diagrammatic Examples of Floor Area Ratios



Source: Naphtali H. Knox & Associates, Inc.

Floor Area Ratio (FAR) is commonly used in zoning and is generally defined as the maximum gross floor area permitted on a site, divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a Floor Area Ratio of 1.0 will allow 10,000 gross square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 square feet of floor area; an FAR of 2.0 would allow 20,000 square feet; and an FAR of 0.5 would allow only 5,000 square feet.

Figure 2-~~6~~8
Allowable Densities for Creating New Lots in Low Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	~~Maximum Persons per Acre~~	Most Intense Use Permitted
LDR 1.0	Asilomar Dunes	43,560	1.0	~~2.25~~	SFD & ADU
LDR 2.0	Asilomar Dunes along Asilomar Avenue north of Pico Avenue	21,780	2.0	~~4.5~~	SFD & ADU
LDR 4.4	Pacific Grove Acres	10,000	4.4	~~10~~	SFD & ~~SU~~ADU
LDR 5.4	The Glen	N/A	5.4	~~12~~	SFD & ADU

SFD = Single-family dwelling
~~SU~~ ADU = ~~Secondary~~ Accessory residential unit
Source: Community Development Department, ~~July 1992~~January 2025

Figure 2-~~7~~9
Allowable Densities for Creating New Lots in Medium Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	~~Maximum Persons per Acre~~	Most Intense Use Permitted
MDR 7.0	Country Club Gate Condos	N/A	7.0	~~14~~	SFD & ADU
MDR 7.0	Seaview / Forest Hill Boulevard	6200	7.0	~~14~~	SFD & ~~SU~~ADU
MDR 7.3	Fairway Homes / Beach Tract/ Hillcrest / Country Club Heights/ Sunset /Methodist Church Site	6000	7.3	~~14~~	SFD & ~~SU~~ADU
~~MDDR 8.7~~	~~Dennett Duplex Block~~	~~10000~~	~~8.7~~	~~17~~	~~Duplex~~
MDR 9.3	Forest Grove Condos	N/A	9.3	~~18~~	SFD & ADU
MDR 9.7	Del Monte Park	4500	9.7	~~19~~	SFD & ~~SU~~ADU
MDR 10.0	Pine Garden Lane	4350	10.0	~~20~~	SFD & ~~SU~~ADU
MDR 10.9	Fourth and Fifth Additions	4000	10.9	~~21~~	SFD & ~~SU~~ADU
MDR 12.1	Second and Third Additions/ Forest Park Tract	3600	12.1	~~24~~	SFD & ~~SU~~ADU
MDDR 17.4	Corner of Congress & Sinex	5000	17.4	~~34~~	Duplex

SFD = Single-family dwelling

~~SU~~ ADU = ~~Secondary residential~~Accessory dwelling unit

Source: Community Development Department, ~~July 1992~~January 2025

~~**2-10**~~

~~**Allowable Densities for Creating New Lots in Medium Density Residential Neighborhoods**~~

~~Neighborhood~~	~~Minimum Lot Size in Square Feet~~	~~Maximum Density Units per Acre~~	~~Maximum Persons per Acre~~	~~Most Intense Use Permitted~~
~~Country Club Gate Condos~~	~~N/A~~	~~7.0~~	~~14~~	~~SFD~~
~~Seaview / Forest Hill Boulevard~~	~~6200~~	~~7.0~~	~~14~~	~~SFD & SU~~
~~Fairway Homes / Beach Tract/ Hillcrest / Country Club Heights/ Sunset /Methodist Church Site~~	~~6000~~	~~7.3~~	~~14~~	~~SFD & SU~~
~~Dennett Duplex Block~~	~~10000~~	~~8.7~~	~~17~~	~~Duplex~~
~~Forest Grove Condos~~	~~N/A~~	~~9.3~~	~~18~~	~~SFD~~
~~Del Monte Park~~	~~4500~~	~~9.7~~	~~19~~	~~SFD & SU~~
~~Pine Garden Lane~~	~~4350~~	~~10.0~~	~~20~~	~~SFD & SU~~
~~Fourth and Fifth Additions~~	~~4000~~	~~10.9~~	~~21~~	~~SFD & SU~~
~~Second and Third Additions/ Forest Park Tract~~	~~3600~~	~~12.1~~	~~24~~	~~SFD & SU~~
~~Corner of Congress & Sinex~~	~~5000~~	~~17.4~~	~~34~~	~~Duplex~~

~~*SFD = Single-family dwelling*~~

~~*SU = Secondary residential unit*~~

~~*Source: Community Development Department, July 1992*~~

2.15.2 Visitor Accommodations

Visitor Accommodation or Medium High Density Residential (VA/MHDR). This is a medium high density residential designation that also allows hotels, motels, adult communities, retirement homes, and rest homes. The maximum density for both visitor accommodation units and residential units is 17.4 units ~~(about 35 persons)~~ per net acre. The maximum density at 17 Mile Drive Village is 9.3 units per net acre. The VA/MHDR designation is applied on the General Plan Land Use Map to the western end of Lighthouse Avenue and to the western end of Sinex Avenue, and to the 17 Mile Drive Village site.

Visitor Accommodation (VA). This designation provides for overnight lodging facilities and limited appurtenant public restaurants and shops where appropriate (Land Use Plan (LUP) LUD-7~~, 3.3.4.2~~). The VA designation is applied on the Land Use Map to two existing motel sites (at Asilomar and Jewell Avenues and on Sunset Drive) within the coastal zone. Floor area ratio should not exceed 0.5.

2.15.3 Commercial

Downtown (D). This designation provides for retail and service uses, offices, restaurants, entertainment and cultural facilities, multi-family residential units above the ground floor, gasoline service stations, public and quasi-public uses, and similar and compatible uses. While many of these uses are allowed in other commercial districts, the intent of the D category is to promote personal services and retail sales while enhancing the vitality and character of the city's historic commercial area.

The combined floor area ratio for commercial and office uses should not exceed 2.0. However, a bonus of up to

0.3 FAR may be granted for specific upper floor uses that further the goals of the General Plan. The maximum residential density ~~will range from 20 to 30 units per net acre, and residential densities~~ will not exceed 45 units per acre. ~~the maximum density in the nearest residential designation unless a finding is made that a higher density will further the goals of the General Plan. An average of 2.0 persons per dwelling unit is assumed, for a maximum of 40 to 60 persons per acre. Use permits will be required for residential uses in the D classification.~~

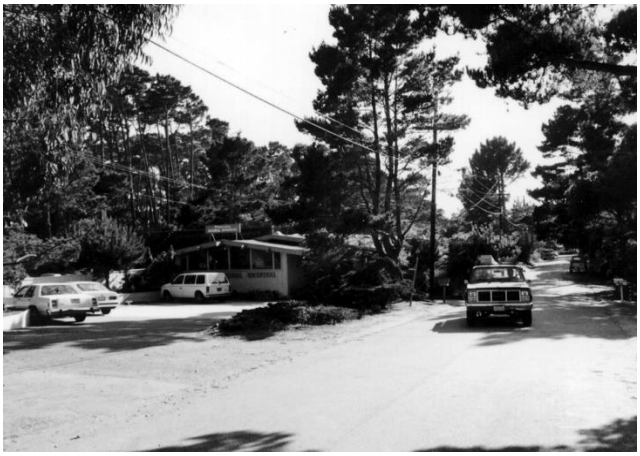
The D designation is applied on the General Plan Land Use Map to the Downtown commercial core along Lighthouse Avenue. Downtown includes a portion of the Pacific Grove Retreat and is bounded roughly by Central Avenue, 12th Street, Pine Avenue, and Cypress Avenue.

Figure 2-8~~11~~
Allowable Densities for Creating New Lots in High Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	~~Maximum Persons per Acre~~	Most Intense Use Permitted
HDR 19.8	Pacific Grove Retreat	3600	19.8	~~39~~	Multi-family 2200 sq.ft. per dwelling unit
HDDR 21.8	R-2 Section of First Addition (bounded by Lighthouse Avenue, the easterly city limits, Pine Avenue, and 14th Street)	3600	21.8	~~43~~	Duplex 2000 sq.ft. per dwelling unit
HDR 24.8	Mermaid Avenue neighborhood	1760	24.8	~~49~~	Multi-family 1760 sq.ft. per dwelling unit
HDR 29.0	Multi-family areas west and south of the Downtown; Sunset Drive west of Cedar and east of 17 Mile Dr; south of Dennett Avenue north of Sinex Avenue west of Grove Acre Avenue, Forest Avenue north of Country Club Gate Center; multi-family areas adjacent to Forest Hill; Presidio	3600 for ~~A~~additions to the PG Retreat 4000 interior lot, 6000 corner lot for other areas	29.0	~~58~~	Multi-family 1500 sq.ft. per dwelling unit

	Boulevard/Funston Avenue multi-family area, area south of Sunset Drive east of 17 Mile Drive

Source: Community Development Department, ~~July~~ January ~~1992~~2025



Presidio-Austin commercial area

Central-Eardley Commercial (CEC). This designation provides for retail and service uses, offices, restaurants, parking lots, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 1.5 for parcels fronting on Central Avenue and 2.5 for parcels fronting on the south side of Sloat Avenue between Dewey Avenue and Eardley Avenue. The floor area ratio for the American Tin Cannery site should not exceed 2.0.

This designation is applied on the General Plan Land Use Map to the commercial area bounded by the eastern city limits, Ocean View Boulevard, Dewey Avenue, and the rear property lines of parcels fronting on the south side of Central Avenue.

Forest Hill Commercial (FHC). This designation provides for retail and service uses, offices, restaurants, gasoline service stations, multi-family residential units, public and quasi-public uses, mixed-uses, and similar and compatible uses. The floor area ratio should not exceed ~~1~~2.0. This designation is applied on the General Plan Land Use Map to the Forest Hill commercial area south of David Avenue.

Country Club Gate Shopping Center (CCG). This designation provides for retail and service uses, grocery stores, restaurants, offices, residential and mixed-uses, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 0.22 in accordance with Use Permit No. 1001. The CCG designation is applied on the General Plan Land Use Map to the Country Club Gate Shopping Center at Forest and David Avenues.

Presidio-Austin Commercial (PAC). This designation provides for retail and service uses, offices, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 0.75. The PAC designation is applied on the General Plan Land Use Map to the Presidio-Austin commercial area.

Sunset Service Commercial (SSC). This designation is intended to provide for retail and services uses, offices, restaurants, gasoline service stations, fabrication, and light manufacturing. However, heavy commercial, industrial, and manufacturing uses are allowed with a use permit. The floor area ratio should not exceed 1.3. The SSC designation is applied on the General Plan Land Use Map to the Sunset Drive commercial/industrial area.

Visitor Commercial (VC). This designation provides for visitor accommodations, food and drink establishments, visitor-oriented retail commercial activities, public parking facilities, and public parking facilities in conjunction with residential use (LUP, 3.3.4.2). The floor area ratio should not exceed 1.5. The maximum density for residential use is 20 units per acre (or up to 30 units per acre if a density bonus is granted to provide housing for lower income households). The VC designation is applied to certain coastal zone areas in the vicinity of Lovers Point. Visitor accommodations are allowed only in the— R-3-M zoning district.

Neighborhood Commercial (NC). This designation provides for neighborhood and locally-oriented retail and service uses. The intent of this category is to limit uses to the current and historical uses of the properties to which the category is applied. ~~No use will be allowed without a use permit.~~ The floor area ratio for commercial uses should not exceed 0.4 or the prevailing floor area ratio in the surrounding neighborhood, whichever is greater~~, and buildings will be limited to one story~~. This designation is applied on the General Plan Land Use Map to the existing commercially-used site at the corner of Shafter and Buena Vista Avenues, to the former Mission Linen site at Congress Avenue and Sunset Drive, to the four parcels addressed 1013, 1015, 1017, and 1019 David Avenue ~~nursery site~~ (on David Avenue west of Patterson Lane), and to the mortuary site on the corner of Lighthouse Avenue and Monterey Avenue.

2.15.4 Public

Public (P). This designation provides for government-owned facilities, including government buildings and grounds, public schools and school district offices, and similar and compatible uses. Floor area ratio should not exceed the FAR for the zoning district in which the use is located. In the case of properties zoned "U" (Unclassified), the FAR should not exceed the floor area ratio of the least intensive adjacent district. The P designation is applied on the General Plan Land Use Map to all City facilities, to the post office, and to Pacific Grove Unified School District properties.

This designation does not include quasi-public uses such as private schools, hospitals, convalescent hospitals or nursing homes, churches, or utilities. Consistent with the General Plan, the Zoning Ordinance provides that churches, schools, hospitals, public utilities, and quasi-public buildings may, with a use permit, be permitted in any district.

2.15.5 Open Space

Open Space (O). This designation provides for recreation areas, wildlife and forest preserves, and waterfront areas. Parks, playgrounds, public or civic buildings, structures, and parking facilities, to the degree they are pertinent to and compatible with open land uses, are allowed with a use permit. On the Local Coastal Program Land Use Plan map, the use of coastal zone areas or facilities designated OS-R (Open Space Recreational) is limited to low-intensity, ~~day-use~~ recreational and educational activities (LUP LUD-10~~, 3.3.4.3~~). The FAR for development in O-designated areas should not exceed 0.1. The O designation is applied on the General Plan Land Use Map to City-, State-, and federally-owned parks and open space.

Open Space-Institutional (OSI). This designation provides for coastal-related facilities and activities within the coastal zone (LUP~~, 3.3.4.3~~ LUD-11). Floor area ratio should not exceed 0.2. The OSI designation is applied on the General Plan Land Use Map to Asilomar Conference Grounds, the shorefront lands east of Third Street (Hopkins Marine Station and Monterey Bay Aquarium), and existing City~~, Navy,~~ and Coast Guard facilities at the Lighthouse Reservation.

2 Land Use

Land use is a major focus of the General Plan. Pacific Grove's land use pattern is well established and has not had any major changes since the adoption of the 1994 General Plan. This chapter describes the history of land use planning in Pacific Grove, discusses the major issues that face the city, and presents the goals, policies, and programs that will determine how land use and growth will be managed in Pacific Grove.

2.1 HISTORY OF LAND USE PLANNING IN PACIFIC GROVE

Pacific Grove was founded in 1875 as the Methodist Seaside Retreat. In evolving into a predominantly single-family community, the town retained the natural qualities that originally contributed to its charm, beauty, and popularity.

In 1883, the Methodists sold the Retreat property to the Pacific Improvement Corporation (PIC), a subsidiary of the Southern Pacific Railroad. By then, much of the property had been divided into small lots meant to accommodate the tents of seasonal visitors. On July 16, 1889, Pacific Grove incorporated. Over the next few decades, a number of areas were added to the city, and the Victorian homes that came to define Pacific Grove's residential character were built.

(For a more complete history of the area and the city, see Chapter 7, Section 7.1, "A Brief History of Pacific Grove.")

Municipal land use planning in Pacific Grove dates from 1919, when Samuel F. B. Morse reorganized the PIC into Del Monte properties and sold much of its land including waterfront property—to Pacific Grove. In so doing, Morse declared that the waterfront "should be forever restricted against building or use other than what would be desirable to the citizens of Pacific Grove." This declaration, along with others advocating the retention of the city's natural beauty and encouraging architectural control of its development, marked the beginning of a history of conscientious land use planning.

The City's first planning commission was created in 1929. Thirty years later, Pacific Grove's first "Master Plan" was adopted (1958). In 1971, the City established a planning department, and a new General Plan was adopted in 1973 with additions along the way – until the adoption of the 1994 General Plan, which set forth updated land use policies intended to guide community growth and development. Since the adoption of the 1994 General Plan, various elements of the General Plan required periodic updates to identify and prioritize a response to evolving local needs and demonstrate compliance with new State planning laws.

2.2 CITIZEN INITIATIVES AFFECTING PLANNING

Several provisions have become part of the City's Zoning Ordinance through the initiative process. This section summarizes initiatives passed since 1948. Provisions approved by initiative restrict certain types of multiple-unit developments, the development of motels, the use of George Washington Park, and the rezoning of land zoned either "U" (Unclassified) or "O" (Open Space).

The initiative restricting the use of Washington Park was approved in 1948. It provides that the park is to be used only for recreation and pleasure purposes, and prohibits trailer camps, campgrounds, and public or private businesses.

A 1955 initiative created the R-3-M zoning district, and confined motels to this zone.

In 1978, in response to an initiative petition, the City Council rezoned the R-3-A District bounded by Lighthouse Avenue, the easterly city limits, Pine Avenue, and 15th Street to R-2.

The initiative that regulates multiple-unit developments involving condominiums and planned unit developments (PUDs) was passed in 1982. Its intent was to assure that condominium and PUD developments conform with land use and zoning standards applicable to single-family uses. It restricts condominium and PUD densities (number of dwelling units per acre) to no more than 125 percent of the density of the nearest single- family residential district. In order "to avoid the conversion and loss of the city's residential stock and character," the initiative also prohibited time-share projects in Pacific Grove.

A 1986 initiative prohibits the development of hotels and motels in all but existing R-3-M districts. It also prohibits the establishment of any new R-3-M districts, and sets the density of R-3-M uses at a minimum of 2,500 square feet of land for each family unit and hotel or motel unit.

Another initiative measure passed in 1986 requires that all property within the city zoned "O" or "U" as of July 14, 1986, must retain such zoning until an ordinance to change the zoning is approved by the voters. The parcels affected include parks and recreation areas, Pacific Grove Unified School District properties, and municipal properties.

In 1994, the City Council placed a measure on the ballot. The measure to allow condominiums and hotel use in the Holman's block of the Downtown was passed by the city's voters.

In 2011, Measure U was adopted which updated the prior restrictions for existing hotels and motels in the R-3-M district. This measure allowed for renovations and the construction of up to 79 additional units. The goal was to allow for existing establishments to expand and renovate for continued tourist attraction to the area.

Measure F was an initiative adopted by City Council in 2012 that rezoned the Holman building downtown to C-1-T. The measure allowed for the development of the Holman building into a mixed-use space. This rezoning was part of a broader effort to revitalize the Downtown, encouraging tourism and increasing commercial activity while preserving the historical significance of the Holman building as a community landmark.

In 2016, Measure X addressed the development of the former American Tin Cannery, a previous industrial facility in Pacific Grove. The measure provided specific guidelines for the redevelopment of the American Tin Cannery site, permitting a mix of uses that included commercial, retail, and tourism-related activities. The initiative sought to revitalize the underused property and create a new, attractive destination within Pacific Grove.

Measure M, which was adopted in 2018, established regulations for Short Term Rental units (STRs). With the popularization of vacation rental sites, such as Airbnb and Vrbo, Measure M established rules to govern the number and location of STRs. This measure also included the types of properties eligible as rentals, and operational guidelines to ensure that short-term rentals did not negatively impact the character and livability of residential neighborhoods, while balancing the need for visitor accommodations.

In 2022, Measure M, adopted new regulations for the commercial cannabis industry in the city. The measure allowed for continued operation of cannabis-related businesses, while operating within the land use framework provided by the initiative. This included buffers from sensitive areas such as schools and parks.

In 2024, Measure Q was adopted by City Council. The measure updated the definition of timeshares and added fractional ownership as a prohibited land use within certain zones. The measure aimed to limit the conversion of existing properties into timeshare units and decrease residential housing availability.

2.3 RECENT ANNEXATION HISTORY AND POLICY

By 1964, the city's land area totaled 1,368 acres. After the Monterey County Local Agency Formation Commission (LAFCO) was established in 1964, Pacific Grove annexed 11 areas totaling 462 acres (see Figure 2-1).

Later additions included the Asilomar annexation, which was the second largest annexation of 131 acres in 1979. Most recently, the City annexed the former site of the Mission Linen facility. The 2.99-acre property was the last section of Monterey County land within the City's Sphere of Influence and was identified to accommodate residential development. As of 2025, the city's total area was 1,795 acres.

Figure 2-1
Annexations, 1964–2025

Area	Date	Acres
David Avenue School	March 1964	16.49
Congress Avenue	March 1964	0.03
Point Pinos	May 1966	84.00
Del Monte Park	September 1972	195.00
Thornton	February 1974	0.28
Sunset	March 1975	14.81
Alston-Lee	March 1975	0.24
Forest Grove No. 1	January 1976	3.00
Forest Grove No. 2	November 1976	17.11
Winslow's Addition	December 1976	0.10
Asilomar	October 1979	130.70
Mission Linen	March 2021	2.99
Total 1964–2025		**464.75**

Source: City of Pacific Grove, 2025.

2.4 EXISTING LAND USE

Figures 2-2 and 2-3 summarize the distribution of land uses within Pacific Grove using Monterey County Assessor's parcel data from 2024.

The predominant land use in Pacific Grove is residential, and most of that is single-family. Commercial uses are largely related to goods and services, with almost no land available for industrial uses. A generous amount of land is devoted to parks and natural areas that are free and open to the public.

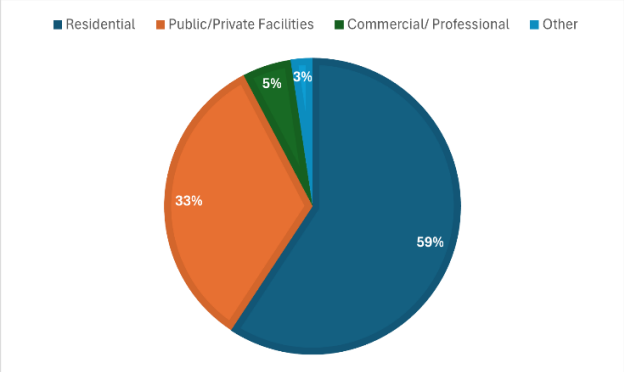
Most significant is that Pacific Grove is almost fully built-out. There is very little buildable vacant land in the city. The land use issues in Pacific Grove, therefore, focus primarily on managing existing uses, incorporating mixed use and infill development, and intensification in density.

Figure 2-2
Pacific Grove Existing Land Use, 2024

Land Use Type	Acres	Percent of City
Residential		
Single-family Residential	665.0	45.8
Single-family w/Second Unit	35.2	2.4
Duplexes	29.2	2.0
Multi-family	67.1	4.6
Condominiums	38.9	2.7
Mobile Homes	14.7	1.0
Rest/Group Homes	11.2	0.8
Subtotal*	**861.3**	**59.3**
Commercial/Nonresidential		
Hotel/Motel/Inn	20.6	1.4
Mixed Residential / Commercial / Office	2.8	0.2
Commercial	48.9	3.4
Office	5.3	0.4
Subtotal*	**77.6**	**5.3**
Parks and Recreation/Open Space		
Publicly Owned Facilities	331.9	22.8
Other Open Space	3.2	0.2
Subtotal*	**335.1**	**23.1**
Public/Private Facilities		
Parking Lots	3.2	0.2
Government Owned	20.64	1.4
Public Schools	85.8	5.9
Other Institutional/Educational	14.0	1.0
Utilities	9.7	0.6
Subtotal*	**133.3**	**9.2**
Other		
Churches	12.2	0.8
Miscellaneous	12.1	0.8
Vacant	22.0	1.5
Subtotal	**46.3**	**3.2**
Total**	**1453.5**	**100**

Source: Monterey County Assessor Parcel Data, 2024
**Due to rounding, the subtotals may not precisely add up to the table total*
***Total acreage does not include roads and streets and therefore does not add up to the total acreage of the city*

Figure 2-3
Existing Land Use in Pacific Grove January 2024



Source: Community Development Department, January 2025

2.5 MODERN DEVELOPMENT AND BUILD-OUT

By the 1980s, it was clear that any further growth in Pacific Grove would occur only as vacant lots were developed and as uses on existing developed lots were intensified. As of 2025, approximately 1.2 percent (21.65 acres) of Pacific Grove's land area was vacant and available for additional development.

As vacant land became more scarce and land prices rose, property owners turned increasingly to redevelopment and intensification. Because housing and land costs are high in Pacific Grove and because much of Pacific Grove's housing stock is made up of smaller units, many property owners and residents have added on to existing housing to meet their needs for more room. In addition, with the support of State accessory dwelling unit (ADU) legislation, homeowners are increasingly building ADUs, mainly on properties with existing single-family homes. These units are frequently used as housing for family members or as rental units. In a more open housing market, families would be able to move to larger homes in the area. Property tax policies established by Proposition 13 in 1978, however, discourage families from "moving up."

In addition, some residential and commercial lots are not developed to their full potential under the zoning (for example, single- family homes on R-3- or R-4-zoned lots). Over time, some of these single-family homes are likely to be redeveloped with multi-family housing developments. Where the General Plan and zoning allow, development on existing residential parcels will be intensified by redeveloping existing single- family housing sites with increased residential densities. ADUs or other additions will likely be built on parcels with existing residential uses. On existing commercial and mixed-use parcels, intensification will occur where existing buildings are torn down and are redeveloped at higher densities or vacant commercial spaces may be converted to residential, such as

vacant offices on the second floor of a commercial building. Some residential buildings in commercially zoned areas might be converted to commercial use, however commercially zoned areas that allow for mixed-uses will also be developed at higher residential densities.

The 1994 General Plan update estimated an additional 5,431 residential units could be built within Pacific Grove's city limits, for a total of 13,133 residential units within the city. Of these additional residences, 3,688 could be accommodated in single-family residential districts, consisting of 262 single-family, 3,426 second units, and 615 multi-family units. The remaining additional 1,743 residential units could be built in multi-family and commercial districts.

The theoretical build-out projections, while necessary to define the maximum development potential of this General Plan, point to much greater development than can be supported by recent trends. Over the past several decades, new development in Pacific Grove and most of the Monterey Peninsula has been limited due to water supply issues. California American Water (CalAm) is the water provider for Pacific Grove and other cities on the Monterey Peninsula and has historically sourced its water from the Carmel River and the Seaside Groundwater Basin. Multiple restrictions on water use from these sources have greatly limited new development in Pacific Grove and other communities on the peninsula. The Monterey Peninsula Water Management District's moratorium on new construction in response to the prolonged drought of 1987 through 1992 curtailed new construction in the city. In 1995, the California State Water Resources Control Board (State Water Board) issued Order WR 95-10, requiring CalAm to reduce water diversion from the Carmel River. In 2006, the Monterey County Superior Court mandated reductions in groundwater pumping from the Seaside Groundwater Basin. In 2009, the State Water Board issued Order WR 2009-60 (a cease-and-desist order) to CalAm for failure to comply with WR 95-10. This cease-and-desist order placed a moratorium on new water connections, effectively halting new development.

Realistically, the potential for new development in Pacific Grove will not be realized unless additional new sources of water become available. The City currently has water available for the development of ADUs, and residential development or intensification on mixed-use and multifamily sites where water is currently available. Several projects have been implemented to increase water supply for the Monterey Peninsula, including the Seaside Aquifer Storage and Recovery program and Pure Water Monterey project. Completion of the Pure Water Monterey Expansion project in 2025 is anticipated to provide the permanent water source that could lead to the removal of the State Water Board's cease-and-desist order on new water connections, which would create opportunities for additional housing throughout the city.

Between 1994 and 2024, the total number of residential units in the city increased by approximately 550 units. This is significantly lower than the projected 5,431 units estimated under the 1994 General Plan. This is likely due to continued and increasing water supply restrictions. Land use changes facilitated by the 2025 General Plan updates could accommodate an addition of 2,335 residential units and 292,578 square feet of commercial. However, the rate of future growth is dependent on external factors, such as future water supply availability and market trends.

Over the years, City decision-makers have become increasingly aware of the potential for land divisions (lot splits and subdivisions) which although they comply with the City's minimum standards create incongruities in lot size or shape compared to neigh- boring properties. Goal 1, and Land Use Policies 4 through 6, address this issue.

The rapidity and extent of infill and intensification will depend on—in addition to water—market demand, land values, rent levels, overall economic conditions, tax laws, and the City's regulatory policies. As infill development and intensification occur, the City intends to preserve Pacific Grove's neighborhood character, encourage residential and mixed-use development and evaluate the capacity of its aging infrastructure to implement improvements as needed to support future development.

Goals, policies, and programs in Sections 2.6 through 2.14 and throughout the General Plan address how the city may develop.

2.6 DEVELOPMENT POTENTIAL AND ANNEXATION

The City's formal annexation policy was adopted as part of the 1994 Land Use Element. According to State law, a city's General Plan may cover "any land outside its boundaries which, in the planning agency's judgment, bears relation to its planning." The City of Pacific Grove has selected for its Planning Area the existing incorporated city plus the Presidio, Pebble Beach and portions of Monterey bordering David Avenue. Figure 2-7 shows the Planning Area and other boundaries.

The Sphere of Influence (the city's ultimate service area boundary), adopted for Pacific Grove in 1984 by LAFCO, includes the entire existing incorporated city. In 2021 City Council approved the annexation of the three-acre Mission Linen property at Sunset Drive and Congress Avenue. The Mission Linen property was the last remaining unincorporated area of the City's Sphere of Influence to be incorporated into Pacific Grove.

The City does not expect to annex additional unincorporated areas. Nevertheless, it is concerned about the growth and flow of traffic from nearby unincorporated areas, and the likely impact of that traffic on the City of Pacific Grove and its residences and businesses.

These unincorporated areas have strong economic and social ties to Pacific Grove. They are part of the Pacific Grove Unified School District, and residents of the area do much of their convenience shopping in Pacific Grove. Two of the five gates to Del Monte Forest open onto Pacific Grove streets. Thus, the City's main planning concerns about development in Del Monte Forest relate to traffic (addressed in the Transportation Chapter of this General Plan) and to providing public services including schools, library, and recreation facilities and programs.

Against this background of land use history, the City has adopted the following goals, policies, and programs:

GOAL 1 **Provide for orderly, well-planned, and balanced development consistent with the historic nature of Pacific Grove, the capacity of the City's infrastructure, and ability to assimilate new growth.**

POLICY 1 **Seek to preserve Pacific Grove's traditional "hometown" qualities.**

POLICY 1.5 **Protect Pacific Grove's residential character by prohibiting the short-term (less than 30 consecutive calendar days) rental of residential property in residential zoning districts, except to the extent such use is allowed in the Coastal Zone under the Local Coastal Program. The Pacific Grove Municipal Code shall be consistent with this Policy.**

Policy 1.5 was added by the Initiative to Preserve and Protect Pacific Grove's Residential Character. Policy 1.5 may be repealed or amended only by a vote of the people. The Initiative also amended the Pacific Grove Municipal Code to be consistent with Policy 1.5, including a requirement that existing transient use of residential property inconsistent with Policy 1.5 be discontinued within 18 months from the date the Initiative was approved by the voters.



An example of Pacific Grove's "hometown qualities"

POLICY 2 **Ensure that new development is well-balanced and compatible with adjacent existing development.**

"Compatible" means "mutually supportive, capable of existing together without conflict or detrimental effects." This policy applies broadly and citywide to residential and commercial uses. Its purpose is to ensure harmonious, unobtrusive development in terms of use, density, intensity, and architectural character. It is not intended to restrict new buildings, discourage multi-family dwelling types and mixed-use developments, or prevent additions to exact duplications of styles or heights.

POLICY 3 **Balance a property owner's ability to develop with the desirability of maintaining neighborhood character.**

POLICY 4 **Encourage consolidation of small lots to create larger, more developable lots.**

POLICY 5 **Preserve significant areas of vegetation and open space when approving land divisions.**

Significant can mean, for example, a single specimen tree, vegetation serving as habitat, or a grove of several native trees which enhance the canopy and scenic beauty of a neighborhood.

POLICY 6 **Evaluate and mitigate the impacts of proposed land divisions on traffic, access, trees, topography, environmentally sensitive habitat, utilities, and public services, through the approval process.**

In order to mitigate the impacts, the number of lots to be created may be reduced.

POLICY 7 **Encourage improving or reusing existing buildings with historic or architectural significance.**

POLICY 8 **Strive to preserve significant public**

view corridors.

POLICY 9 **Strive to protect property owners' rights to privacy and reasonable access to light, air, and sunshine.**

Policy 10 **Facilitate the development of residential neighborhoods that accommodate a range of housing types at varying densities.**

POLICY 11 **Support the redevelopment of underutilized lots to encourage development that aligns with the intended land use intensity of the land use designation.**

The policies above are carried out by the programs below.

Program A Continue to regulate the intensity of uses in commercial zones and maintain the underlying distinctions of each commercial area.

Program B Consider revising development standards, including height and setback requirements, in mixed-use and multi-family residential zones, where medium and high residential densities are allowed in order to achieve maximum density

Program C Consider including floor area ratios (FARs) in the zoning regulations for residential areas.

Floor area ratios regulate building mass and scale.

Program D Review and identify development standards that may be revised to allow for greater flexibility in developing varied housing types at a range of densities.

This program will help maintain contiguous areas of undisturbed land in open space. Residential development in such areas, including driveway and utility connections, will be allowed if it can be demonstrated that environmentally sensitive habitat and associated wildlife values will be protected through mitigation measures.

Program E Ensure that zoning, licensing, enforcement, and other controls are adequate to fairly govern the supplemental use of residential properties for business purposes.

New development and increased development intensity will place increased demand on the City's existing infrastructure, including water, sewer, and storm drainage systems. Some streets and water lines are currently deficient and would be strained by buildout to current zoning.

Given these challenges, the City has adopted the following goals, policies, and programs:

GOAL 2 Repair and upgrade the City's infrastructure.

Policy 12 **Continue to preserve Pacific Grove's character and ensure adequate infrastructure for future development so as not to overburden the City's existing infrastructure.**

The policy above is carried out by the programs below.

Program F Continue to ensure there is adequate infrastructure capacity to serve existing and future development by reviewing potential impacts to the City's infrastructure systems as part of the development and environmental review process.

Program G Conduct periodic municipal service reviews to assess infrastructure capacity, identify infrastructure deficiencies, and develop infrastructure improvement and expansion projects.

The City recognizes that the current provisions for home businesses are working well, and will examine and make modifications to the regulations in the future as needed.

Goals, policies, and action programs that establish the philosophy, approach to, and workings of Pacific Grove's system for managing land use and growth appear throughout this chapter. Goals, policies, and action programs relating to architectural review are found in Chapter 8, Urban Structure and Design.

2.7 ECONOMIC VITALITY AND COMMUNITY CHARACTER OF COMMERCIAL AREAS

Pacific Grove is a town that takes pride in its residential character. As expressed in public meetings and workshops, Pacific Grove residents want the character of the city to remain predominantly residential.

The City supports and encourages retail and commercial uses which provide goods and services for a peninsula-wide trade area. It recognizes, however, that it will always be in a very competitive retail market because of its location at the tip of the Monterey Peninsula and its relative distance from major highways. The City also foresees that in the future a greater proportion of its economic vitality may come from visitor-serving enterprises.

The City encourages mixed-use developments within commercial areas with a high potential for housing units such as the Downtown, Central-Eardley Commercial, and Forest Hill districts. Residential development in

commercially zoned areas support a vibrant, mixed-use environment that accommodates both living and commercial activities.

The character of Pacific Grove is one of a small town where residents can live, work, do business, shop, and have recreational facilities a self-contained community. The businesses of the city should provide a balance which preserves this character.

GOAL 3 **Designate land in commercial and office categories adequate to provide mixed-use development to support a range of goods and services and higher-density residential opportunities to meet the needs of Pacific Grove.**

POLICY 13 **Ensure that commercial uses are balanced, and that business and industry are compatible with the city's residential character.**

This policy reflects the City Charter statement that "Pacific Grove is primarily a city of homes and that business and industry shall be compatible with its residential character."

POLICY 14 **Promote and maintain a healthy local economy while preserving the local community character.**

Source: City of Pacific Grove, 1994

POLICY 15 **Assure that new commercial development is designed to avoid the appearance of strip development.**

POLICY 16 **Promote Pacific Grove businesses and industries.**

POLICY 17 **Support the integration of residential development in commercial shopping centers.**

Program H Work with local business groups and associations, such as the Pacific Grove Chamber of Commerce, to promote local businesses to local residents, and to encourage local residents to support Pacific Grove businesses.

Program I Develop a strategy to retain and attract businesses that meet the shopping and service needs of Pacific Grove and area-wide residents.

Program J Encourage the City of Pacific Grove to do business within its boundaries whenever practical.

2.7.1 Land Use and Fiscal Policy

City revenues pay for the services provided to the community, such as police, fire, and library services. Since Proposition 13, Pacific Grove has become more dependent on revenues from sales taxes and transient occupancy taxes.. A city's sales taxes and transient occupancy taxes are influenced the most by the economy and local decisions on development and growth.

The current tax structure and declining municipal revenues encourage cities to make land use decisions based on the amount of tax revenues a project can generate. A reasonable consideration of the effects of land use decisions on revenue can help ensure an adequate budget for City services, but an overemphasis can distort the appropriate balance of land uses in the community. Basing land use decisions on revenues favors commercial and office development over the preservation or construction of housing. Too much emphasis on tax revenues creates pressures for large, high-intensity projects.

Pacific Grove will pursue a balanced planning approach by providing for a variety of housing while maintaining an attractive business climate.

The City will continue to weigh the nature and intensity of development, including concerns about traffic, design, compatibility, and regional effects, against the role that transient occupancy and sales tax revenues play in Pacific Grove's continued economic well-being.

GOAL 4 **Maintain strong and stable sources of City revenues while promoting an appropriate balance of land uses in the city.**

POLICY 18 **Encourage land uses that generate revenue to the City while maintaining a balance with other community needs, such as housing, open space, and recreation.**

POLICY 19 **Attract and retain a variety of businesses and services in the community.**

Program K Work with the business community to understand their economic needs.

Program L Streamline the permit review process while maintaining the character of Pacific Grove.

2.7.2 Visitor Accommodations

In 2025, there were 23 motels, hotels and bed and breakfast inns in Pacific Grove. Most of the motels and hotels are located along the western end of Lighthouse Avenue and along Asilomar Avenue. The bed and breakfast inns, which are converted historic structures, are located in the R-3-PGR and the R-4 zoning districts. In addition, Asilomar State Beach Hotel and Conference Grounds has 313 guest rooms for visitor accommodations.

The hotel and motel units along with around 84 licensed short-term vacation rentals within Pacific Grove contribute significantly to City revenues through the 12 percent transient occupancy tax. Visitors also contribute to Pacific Grove's economy by patronizing local restaurants and retail businesses.

In 1986, Pacific Grove voters passed Measure C, an amendment to the City's Zoning Ordinance that placed additional limits on motel and hotel development in the city. As a result, parcels within the R-3-M district may be rezoned only to R-1, R-H, or R-2 where already developed as such, and no new R-3-M districts may be created.

Although most of the motels and hotels in Pacific Grove are developed to their zoned potential, several older motels are not. If occupancy rates drop in these older motels and they become unprofitable, the owners may consider replacing them with new, larger motels or with multi-family residential, which also is allowed in the R- 3-M district. Measure U, passed in 2011, eased some of the prior restrictions for hotels and motels in the R-3-M district, which allows for renovations and additional units. As the need for more housing units increases, it is not clear whether it would be more profitable for the owners to replace their motels with new motels or with apartment buildings. If they were to be replaced with multi-family residential developments, the City would lose a portion of its current motel tax revenue and the possibility for any revenue increase.

POLICY 20 **Discourage the replacement of motels with residential uses in areas zoned R-3-M as a means of protecting the City's revenue base.**

Program M Consider providing incentives to retain the existing motels in the R-3-M zone.

Program N Consider amending the Zoning Ordinance to carry out Policy 20.

POLICY 21 **Maintain viability of hotel development in the Downtown, including redevelopment in the former Holman's block, as allowed by adoption of an initiative measure by city's voters in June 1994.**

Pacific Grove's Zoning Ordinance allows the conversion of large residential buildings, at least 75 years old, to bed and breakfast inns. As a means to preserve older houses, bed and breakfast inns are allowed with a use permit in the R-3-

PGR, R-4, and C zoning districts. The City is cognizant this could create conflicts with existing uses on neighboring properties, therefore the City will carefully consider whether such projects would result in negative impacts on surrounding properties as part of the development and environmental review process.

Program O Permit expansions of bed and breakfast inns that do not have negative impacts on the surrounding residential neighborhoods. Proposals to add units that are separate from the original structure will be considered on a case-by-case basis.

Because the intent of the bed and breakfast ordinance is to preserve historic structures, potential expansions of these businesses are subject to guidelines that further this intent.

(1) Bed and breakfast inns are permitted to expand into structures that were located on the property when the inn was created, with a use permit;

Inns are permitted to expand into additional new structures, separate from the original historic structure, if there is space on the property to build and the new structure maintains the architectural integrity of the site, with a use permit;

(2) Inns may apply to the planning commission to expand onto properties contiguous to the original property, with a use permit, with such expansions to be decided on a case-by-case basis depending on the architectural and historic status of the structures proposed for expansion and the circumstances of the properties and the surrounding neighborhood.

2.7.3 Liquor Sales

Pacific Grove was the last "dry" city in California. The sale of alcoholic beverages was prohibited within the city limits until 1969 when the city council adopted an ordinance repealing prohibition. That action was ratified by voters when they defeated a referendum calling for repeal of the ordinance. Since then, the City has approved several permits for general on-site liquor sales outside the Downtown area.

In 1987, the City approved its first application for general on-site sales of hard liquor Downtown. While there are several restaurants in the city that serve beer and wine with meals, the approval of hard liquor raised concerns among elected officials and residents about the appropriateness of general on-site liquor sales Downtown and how they might affect the quality of life, traffic, parking, and general public safety in Pacific Grove.

POLICY 22 Continue to allow on-site liquor sales only in conjunction with full food service.

2.8 DOWNTOWN

The city's commercial core along Light- house Avenue is bounded approximately by Cypress Avenue, Central Avenue, 12th Street, and Pine Avenue. Most of Downtown is zoned C-D and is developed with older two-story buildings with ground floor retail commercial establishments and second floor residential, office and professional uses.

2.8.1 Existing Conditions and Trends

Pacific Grove's Downtown business district contains a mixture of commercial uses typical of many core business districts. Additionally, restaurants and boutique retail stores serve both local residents and visitors. Although Downtown remains the predominant commercial center of the city, there is increasing redevelopment consisting of residential and mixed-uses.

Many Downtown commercial buildings are old and do not meet current codes. Bringing these buildings up to code when businesses are expanded or new uses are developed can be expensive. State legislation passed in 1986 (SB 547) requires that buildings that might be hazardous in the event of an earthquake be identified and that steps be taken to mitigate structural hazards. The City has done the work required by SB 547, and property owners have taken remedial measures.

In general, renovation of commercial buildings in downtown Pacific Grove is desirable and should be encouraged when it upgrades the safety of the buildings while maintaining historical character and provides for balanced and mixed uses.

Increased transit opportunities and additional parking facilities will be needed to accommodate the commercial and residential development in Downtown as forecasted. Certain housing developments may qualify for parking space reductions under State law. As of 2025 there are five parking lots in the downtown area listed on the City's website.

Downtown's aesthetic considerations will include creative reuse of historic buildings, such as the application of appropriate facades and preserving other historical features.

2.8.2 Downtown Quality and Character

The overall structure of Downtown is satisfactory and does not require major changes. The Downtown can be divided into sections, based on the difference in scale, architectural style, and setbacks of buildings along Lighthouse Avenue and those on the side streets. (See Section 8.1.4 for a discussion of Downtown's visual character.)

The City's focus is to support the Downtown's development at increased densities and encourage economic vitality through creative mixed uses, while preserving historic resources.

GOAL 5 **Enhance and preserve the unique historical character of Downtown while supporting increased development intensity and mixed uses.**

POLICY 23 **Focus City and private efforts on improvements in a comprehensive strategy to enhance Downtown.**

POLICY 24 **Upgrade the visual quality of streets in the Downtown.**

Program P Review and revise development and design guidelines for projects in the Downtown business district and find ways to encourage good design.

Program Q Prepare a detailed plan for preserving the character of Downtown while enhancing its efficiency, economic vitality, and appearance.

The City should take the lead in preparing the plan and implementing it. Emphasis will be placed on increasing landscaping and expanding pedestrian facilities on Lighthouse Avenue without sacrificing parking opportunities. The plan should include considerations for street, pedestrian, and bikeway improvements. It should also address parking, sidewalks, and street trees.

The City should attempt to establish architectural compatibility between major civic buildings. It should also consider the need for a parking garage and investigate allowing "air space" development over Downtown parking lots.

Program R Maintain Downtown street lights and ensure fixtures are energy-efficient and in working condition.

POLICY 25 **Review and revise development standards, including height requirements, for compatibility with higher density housing, particularly for affordable housing.**

POLICY 26 **Encourage new residential and mixed-use development and redevelopment of existing structures in the Downtown.**

The City will also evaluate garage parking requirements for multi-family housing in relation to improvements to transit service by Monterey-Salinas Transit.

Program S Consider establishing separate building standards for Downtown parcels fronting on Lighthouse Avenue and for parcels fronting on side streets.

Program T Support implementation of the mixed commercial/ residential use of the former Holman's block.

In 1994 the City took the lead in proposing a successful ballot measure allowing hotel and condominium development on the former Holman's block. In 2015, an ordinance was approved allowing mixed uses on the Holman's anchor block (bounded by Lighthouse, Fountain, Central, and Grand Avenues). The historic Holman building underwent redevelopment to repurpose the existing structure for mixed-use residential, office, and commercial purposes while maintaining the historic architectural features which was completed in 2019. The project included 25 condo units and 12 commercial retail spaces.

Underutilized or single-story buildings provide the potential for further mixed-use and residential redevelopment that will increase city revenue while maintaining the character of the Downtown and the city.

2.9 CENTRAL-EARDLEY COMMERCIAL DISTRICT

The Central-Eardley commercial district is a transition from Monterey's Cannery Row/ Lighthouse Avenue Commercial District to the Pacific Grove Retreat residential neighborhood. Uses include retail commercial, restaurants, and offices, serving both visitors and local residents, and some residential. Zoning in the area has included R-4 (higher density residential and professional office uses), C-1 (low intensity commercial uses and residential), C-2 (heavier intensity commercial uses and residential), and V-C (visitor commercial uses).



Central-Eardley commercial area

This area is experiencing spill-over from Cannery Row visitors using this commercial area.

Across the city line, the New Monterey Neighborhood and the Cannery Row/Lighthouse Neighborhood border Pacific Grove to the east. The New Monterey Neighborhood is primarily developed with residential uses, including single family homes and multi-family residential development with clusters of commercial and open space uses. The Cannery Row/Lighthouse Neighborhood is primarily commercial, with segments of open space and public / semi-public uses, catering to both visitors and residents.

The Central-Eardley district is one of two major gate- ways to Pacific Grove. Existing development and land use patterns are exemplified by small-scale, standalone structures with associated parking lots, which provide an array of commercial zoning designations (C-1 and C-2), including low-intensity restaurants, retail and service-oriented establishments.

Zoning within the Central-Eardly District allows for a variety of commercial uses while also allowing opportunities for mixed-use development that encourage the incorporation of compatible, multi-family residential uses at higher densities, aimed at increasing housing supply in the area.

GOAL 6 **Encourage compatible mixed-use development allowing the city to achieve long-term housing and economic goals**

POLICY 27	**Promote and facilitate well-integrated mixed-use development patterns that support a range of commercial uses and allow for a range of compatible housing types within the Central-Eardly District.**
Program U	Review and evaluate properties within the Central-Eardley district to identify areas suitable for mixed-use development.
Program V	Review development standards and land use regulations, including design and minimum parking and landscape requirements in the Central- Eardley district and consider amending the zoning ordinance to facilitate mixed-use development.
Program W	Create a plan to enhance the area's role as a major gateway to the city through elements such as signs, paving, land- scaping, and lighting.

2.10 FOREST HILL

The Forest Hill Commercial (C-FH) district is located on both sides of Forest Avenue between David and Stuart Avenues. The district contains a mixture of retail, office, and multi-family residential uses. Most properties in this area are developed with low intensity single-story structures with surface parking lots, that are not developed to their full potential. Properties along Forest Avenue are surrounded by Single-Family Residential District (R-1) uses, the intersection of Forest Hill Boulevard and Ransford Avenue, and Multiple Family Residential/Professional Office District (R-4) along Prescott Lane.



Forest Hill commercial area

The Forest Hill Commercial District is one of two major gateways to Pacific Grove that has played a pivotal role in urban growth as a hub for economic activity. However, as changes in demographics, employment trends and housing supply (and demand) occur over time, areas limited to predominantly commercial development are considered a constraint to housing production. Existing commercial centers, such as the Forest Hill Commercial District, present opportunities for mixed-use development. Mixed-use development in this area would maintain commercial and retail uses while encouraging a variety of housing options.

POLICY 26 **Review and amend the Forest Hill Specific Plan to be consistent with updates to the City's General Plan goals and policies and Zoning Ordinance.**

Program X Review and amend, as necessary, the Zoning Ordinance and Forest Hill Specific Plan to ensure development standards, including story maximum, maximum height limit, required buffer zones, and design features, such as landscaping, in the rear yard setback in the Forest Hill Commercial District are consistent with the General Plan.

Program Y Review and amend the Forest Hill Specific Plan to permit mixed-use development for consistency with the land use designation of the area.

The intent of the above policy and programs is to promote uses that are reasonable and compatible with adjoining residential areas. The plan should, in addition to provisions of Program X, address all aspects of a commercial area that is an entryway to Pacific Grove. The plan should include but not be limited to setbacks, architectural quality, landscaping, signs, lighting, traffic circulation, parking, and pedestrian access. Where possible the plan should mitigate adverse effects on neighboring residential areas.

2.11 SUNSET SERVICE COMMERCIAL

The Sunset Drive commercial district is at the south edge of the city between 17 Mile Drive and Asilomar Avenue. It contains a mix of uses including a lumber yard, light industrial uses, retail businesses, and City owned buildings, including the Public Works Yard. Most importantly, it is the City's only remaining industrial and heavy commercial area. The City's intent is to maintain a mix of industrial, service commercial, , and compatible residential uses.



Sunset Drive commercial area

This district also has scenic qualities important to the City—views of the ocean, hills, and pine forests.

POLICY 28 **Provide for retention of the commercial and industrially zoned properties in the Sunset Drive commercial district, while creating opportunities for mixed-use development and preserving the scenic qualities of this district.**

Program Z Amend the Zoning Ordinance to allow for increased flexibility of development standards, such as minimum parking requirements and height limitations that would allow for residential and commercial mixed-use development on existing commercially zoned properties within the Sunset Service Commercial District.

The intent of this program is to allow for residential uses of compatible density and intensity to surrounding uses, while maintaining the limited land area available for existing light industrial and commercial uses, and within the city.

Program AA Utilize the development review and land use permitting process to incentivize mixed-use development comprising of compatible light industrial, commercial, and residential uses, and ensuring building siting, mass and scale are compatible with surrounding properties.

Program BB Encourage a public/private effort to upgrade the visual quality of the Sunset Service Commercial Area.

2.12 PROFESSIONAL OFFICE DEVELOPMENT OUTSIDE COMMERCIAL DISTRICTS

Historically, the R-4 District regulations have allowed residential uses (single-family and multi-family) and professional offices. Over the years, many older residential units in R-4 areas have been converted to offices. These conversions have, in some cases, preserved buildings whose architecture is valued in Pacific Grove, but may also have reduced the supply of moderately-priced housing, and may have contributed to increased parking problems and traffic congestion, particularly along Forest Avenue.

The City will continue to allow office uses in these areas, with a use permit, but will emphasize residential uses in others. Existing offices will be allowed to continue as conforming uses.

POLICY 29 Permit office uses in the commercial districts and other areas historically used for such purposes.

POLICY 30 Ensure that office development does not overbalance the residential character in the areas historically zoned R-4.

The City will look favorably on proposals where existing housing is preserved and/or where offices preserve the character of existing buildings in these areas.

Program CC Continue to allow professional office and multi-family residential uses: (a) on parcels along Forest Avenue between Pine Avenue and Sinex Avenue, with the exception of the Forest Hill Manor property, and require that offices front only on Forest Avenue; (b) on parcels along Grand Avenue between Pine Avenue and Gibson Avenue, including the midblock and corner parcels at the northwest corner of Fountain Avenue and Gibson Avenue, but with the exception of the parcel at the southeast corner of Grand Avenue and Pine Avenue which is developed with apartments that will remain a residential use only; (c) on parcels fronting on Pine Avenue between 17th Street and Congress Avenue, and on the south side of Pine Avenue between Forest Avenue and 17th Street, and require that offices front only on Pine Avenue; (d) on parcels zoned R-4 on the date of the adoption of this General Plan between Cypress Avenue and Granite/Pacific Streets, on parcels fronting the south side of Lighthouse Avenue between Granite Street and Cedar Street, and on the midblock parcel along the north side of Lighthouse Avenue between Pacific Street and Cedar Street; (e) on the mid-block parcel along the south side of Prescott Lane between Forest Avenue and Seaview Avenue that has historically been zoned R-4.

Program DD Rezone the following areas from professional office and multi-family residential uses to residential uses only: (a) parcels zoned R-4 on the date of the adoption of this General Plan on the easterly side of Fountain Avenue between Pine Avenue and Gibson Avenue, and on the westerly side of Fountain Avenue between Pine Avenue and Junipero Avenue, with the exception of the northwesterly parcel at the intersection of Fountain Avenue and Junipero Avenue; (b) parcels on Lighthouse Avenue west of Granite Street, excluding parcels along the south side of Lighthouse Avenue between Cedar Street and Granite Street, and excluding the midblock parcel along the north side of Lighthouse Avenue between Pacific Street and Cedar Street; (c) the parcels zoned R-4 on the date of the adoption of this General Plan along the westerly side of 15th Street between Pine Avenue and Laurel Avenue, and along the easterly side of Fountain between Laurel Avenue and Pine Avenue, and the interior parcels on the westerly side of Fountain between Pine Avenue and Laurel Avenue; (d) the parcels zoned R-4 on the date of the adoption of this General Plan between Eardley Avenue and 2nd Street and between Lighthouse Avenue and Sloat Avenue; (e) the parcel zoned R-4 on the date of the adoption of this General Plan on the north side of Prescott Lane.

Program EE Rezone the three parcels zoned R-4 on the date of the adoption of this General Plan on the north side of Pine Avenue between Fountain Avenue and Grand Avenue from professional office and multi-family residential uses to commercial uses.

2.13 NONCONFORMING USES

There are nonconforming uses throughout the city. Although they fail to meet current standards, these uses, for the most part, are not objectionable. Indeed, they make a positive contribution to the cherished eclectic character and historic resources of Pacific Grove.

Regulations for nonconforming uses and buildings were revised to allow their restoration if 25 percent or less of their usable floor area is damaged by fire or earthquake. If damage exceeds 25 percent of usable floor area, a case-by-case determination is made through the use permit

process. In order to grant any use permit, the planning commission must make the finding that the use or building applied for will not be detrimental to persons or property in the neighborhood or to the general welfare of the city.

To address the concerns expressed during public hearings regarding difficulty in obtaining insurance and financing for nonconforming uses, this General Plan provides for restoration of nonconforming uses and buildings damaged by a catastrophic event without requiring a use permit or variance.

POLICY 31 **Permit nonconforming uses and structures damaged by fire or other calamity to continue or rebuild to their predamaged size and location, using the then-current Uniform Code requirements.**

Program FF Amend the Zoning Ordinance to provide for restoration of nonconforming uses and structures destroyed to any extent by fire or other catastrophic event without a use permit.

2.14 SUBSTANDARD VACANT LOTS

Minimum area and frontage requirements for building sites are established for the various zoning districts in the Zoning Ordinance. Vacant lots which have less area or width than required are called substandard lots and do not qualify as building sites. The City has amended the building site requirements in some areas to more closely correspond to existing lot sizes. However, a few vacant substandard lots remain unbuildable under current regulations.

Except where they were set by an initiative, as is the case in the First Addition which is zoned R-2, building site requirements can be amended by the city council. In the First Addition, approval by the voters would be required to change the existing 4,000 and 5,000 square foot building site area requirements to allow building on a smaller vacant parcel(e.g., 3,600 square feet).

The few, vacant, substandard lots are often located in areas where similar-sized lots have been built upon. The City needs to consider the conditions under which building on these vacant lots would be compatible with the orderly development of the city.

The Subdivision Map Act provides for merger by the City of contiguous substandard parcels held by the same owner, under certain specified conditions. A local ordinance in conformance with State law is required if the City chooses to implement this type of merger.

POLICY 30 **Establish regulations under which existing substandard vacant lots may become building sites based on neighborhood norms.**

Program GG Amend the Zoning Ordinance to specify conditions under which substandard vacant lots may be considered building sites.

2.15 LAND USE MAP, CATEGORIES, AND STANDARDS

All land within Pacific Grove can be grouped into categories, as shown on the Land Use Map provided with this General Plan. The Land Use Map depicts proposed land use for Pacific Grove through the year 2031. The California Subdivision Map Act requires that a proposed subdivision is consistent with its general plan before approving a subdivision map. The boundary lines of individual parcels between land use designations on Pacific Grove's Land Use Map are delineated as specifically as possible, following parcel lines.

Listed on the following pages are the land use categories that appear on the Land Use Map, along with their definitions. While the land use categories are implemented through more specific and detailed zoning designations, the General Plan provides the overall parameters of density and intensity. In addition, there is a brief description of where in the city the designation may be found.

By law, "standards of population density and building intensity" must be determined for each land use category. The Pacific Grove General Plan uses floor area ratio to establish measures of building intensity in non-residential land use districts, and employs dwelling units per net acre as the measure of building intensity in residential land use districts.

Although Pacific Grove ordinances are written with the intent of providing realistic standards for each zone, in the determination of allowable building density or intensity, whether residential or commercial, the maximums assigned to the various land use categories do not constitute an entitlement, nor is there any guarantee that any individual project, when tested against the policies of the General Plan, will be able to achieve the maximums indicated due to other factors, such as infrastructure constraints or parking requirements.

Standards of building intensity for residential uses are stated as the allowable range of dwelling units per *net* acre. In the cases of the Low Density Residential (LDR) and Medium Density Residential (MDR) designations, the density ranges for specific neighborhoods have been tailored to ensure compatibility with adjacent residential development patterns. Neighborhood planning areas are shown in Figure 2-6.

The dwelling unit densities apply only to the creation of new lots. Existing legal building sites which are smaller than permitted under these densities will remain conforming lots of record.

Standards of building intensity for non-residential uses are stated as maximum floor area ratios (FARs). FAR is defined in Figure 2-7 and in the Glossary.

2.15.1 Residential

Low Density Residential (LDR). Four low density residential categories are specified. The LDR1.0 designation provides for single-family homes. It is the city's lowest density residential category, allowing a maximum of one unit per net acre. It is applied on the General Plan Land Use Map to most of the Asilomar Dunes neighborhood.

The LDR2.0 designation provides for single-family homes, up to two units per net acre. It is applied on the General Plan Land Use Map to parcels in the Asilomar Dunes neighborhood that front on Asilomar Avenue north of Pico Avenue.

The LDR4.4 designation provides for single-family homes, ADUs, public and quasi-public uses, and similar and compatible uses. Residential densities are allowed to a maximum of 4.4 units per net acre. It is applied on the General Plan Land Use Map to the Pacific Grove Acres neighborhood.

The LDR5.4 designation provides for single-family homes. Residential densities are allowed to a maximum of 5.4 units per net acre. It is applied on the General Plan Land Use Map to the Glen Townhomes and Glen Heights condominium planned unit development. The several LDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-8.

Medium Density Residential (MDR). This designation provides for single-family, duplex, and multi-family residential units, public and quasi-public uses, and similar and compatible uses. Within the MDR designation, ADUs are allowed in all R-1 zones. This designation provides a residential density ranging from 7 to 17.4 units per net acre. The several MDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-10.

High Density Residential (HDR). This designation provides for single-family, duplex, and multi-family residential units, bed and breakfast inns, public and quasi-public uses, and similar and compatible uses. It has four tiers or levels: residential densities range up to 19.8 units per net acre in the HDR19.8 district; up to 21.8 units per net acre in the HDDR21.8 district; up to 24.8 units per net acre in the HDR24.8 district; and up to 29.0 units per net acre in the HDR29.0 district. The several HDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-11.

Professional Office or High Density Residential (PO/HDR). This designation provides for single-family, duplex, and multi-family residential units, professional offices, bed and breakfast inns, public and quasi-public uses, and similar and compatible uses. This designation provides for a residential density of up to 29.0 units per net acre. The PO/HDR designation is applied on the General Plan Land Use Map to Forest Avenue between Pine and Sinex Avenues, to Pine Avenue between Grand and Congress Avenues, and to Lighthouse Avenue between Cypress Avenue and Cedar Street.

Mobile Home Residential (MHR). This is a residential category that allows only mobile homes and accessory uses, up to 10 units per net acre. Its primary purpose is to protect existing mobile home parks from being converted to other residential or non- residential uses. This designation is applied on the General Plan Land Use Map to the Monarch Pines Mobile Home Park.

Group Quarters (GQ). This category allows 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. Its purpose is to allow "institutional" group quarters, such as orphanages, and "non- institutional" group quarters, such as dormitories, and large boarding houses. Residential care facilities of less than 7 persons are allowed in any residential district and are treated as a single-family use in the Zoning Ordinance. This designation is applied on the General Plan Land Use Map to existing group quarters facilities: Canterbury Woods, Forest Hill Manor, Pacific Grove Senior Living, Del Monte Rest Home, and Gateway Center.

Figure 2-4 Neighborhood Planning Areas

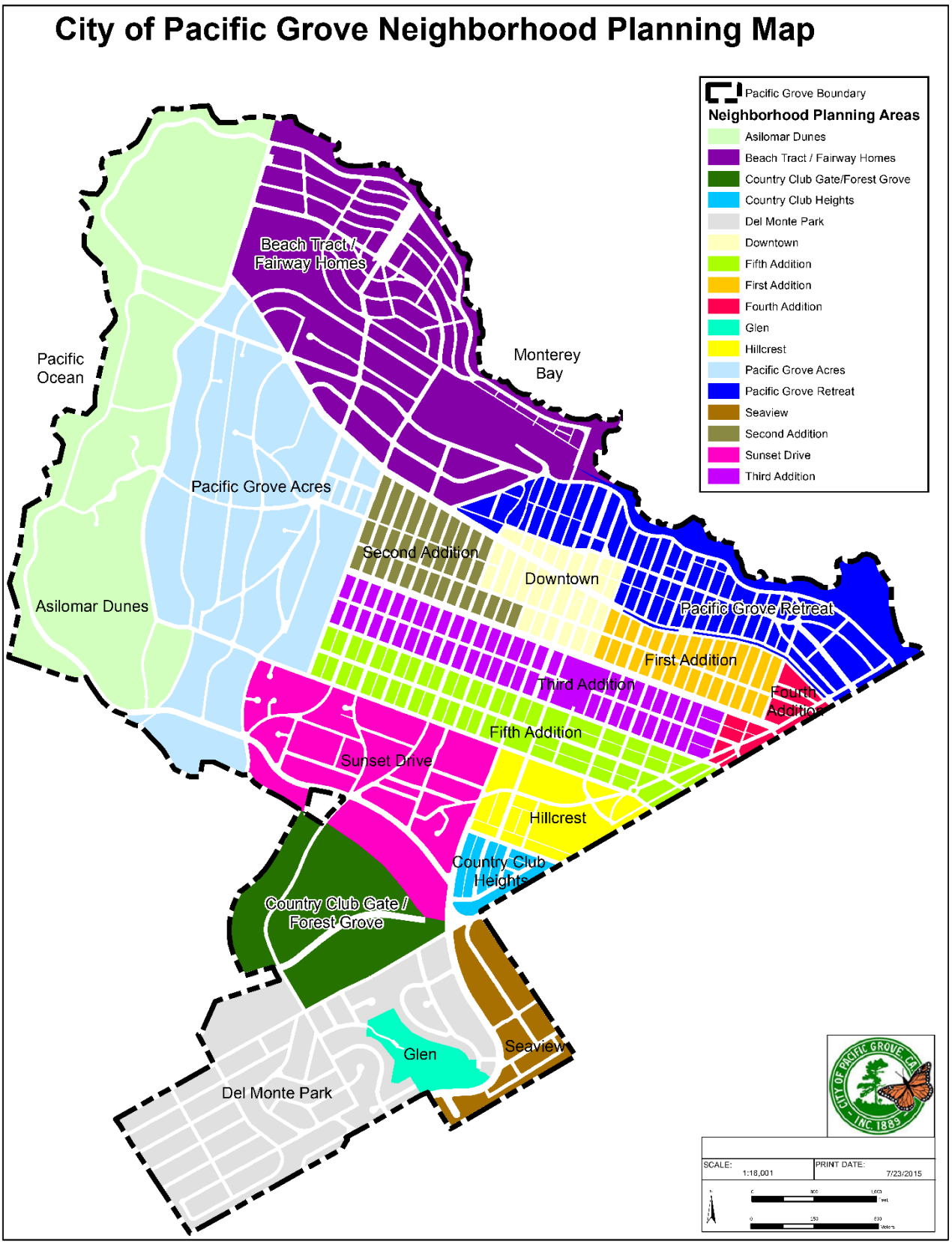
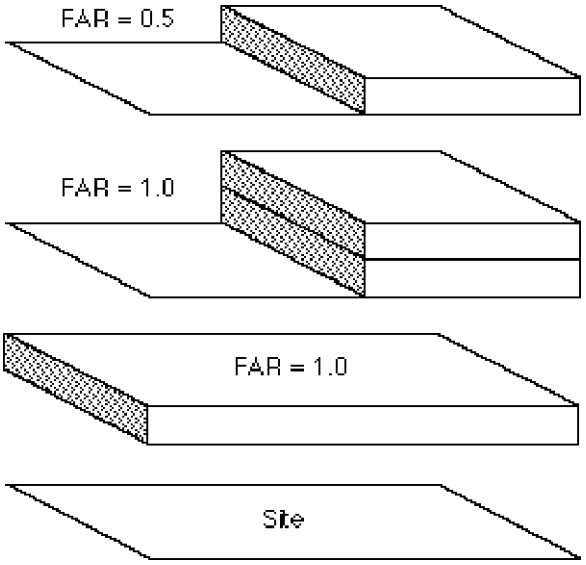


Figure 2-5
Diagrammatic Examples of Floor Area Ratios



Source: Naphtali H. Knox & Associates, Inc.

Floor Area Ratio (FAR) is commonly used in zoning and is generally defined as the maximum gross floor area permitted on a site, divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a Floor Area Ratio of 1.0 will allow 10,000 gross square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 square feet of floor area; an FAR of 2.0 would allow 20,000 square feet; and an FAR of 0.5 would allow only 5,000 square feet.

Figure 2-6
Allowable Densities for Creating New Lots in Low Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	Most Intense Use Permitted
LDR 1.0	Asilomar Dunes	43,560	1.0	SFD & ADU
LDR 2.0	Asilomar Dunes along Asilomar Avenue north of Pico Avenue	21,780	2.0	SFD & ADU
LDR 4.4	Pacific Grove Acres	10,000	4.4	SFD & ADU
LDR 5.4	The Glen	N/A	5.4	SFD & ADU

SFD = Single-family dwelling
ADU = Accessory residential unit
Source: Community Development Department, January 2025

Figure 2-7
Allowable Densities for Creating New Lots in Medium Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	Most Intense Use Permitted
MDR 7.0	Country Club Gate Condos	N/A	7.0	SFD & ADU
MDR 7.0	Seaview / Forest Hill Boulevard	6200	7.0	SFD & ADU
MDR 7.3	Fairway Homes / Beach Tract/ Hillcrest / Country Club Heights/ Sunset /Methodist Church Site	6000	7.3	SFD & ADU
MDR 9.3	Forest Grove Condos	N/A	9.3	SFD & ADU
MDR 9.7	Del Monte Park	4500	9.7	SFD & ADU
MDR 10.0	Pine Garden Lane	4350	10.0	SFD & ADU
MDR 10.9	Fourth and Fifth Additions	4000	10.9	SFD & ADU
MDR 12.1	Second and Third Additions/ Forest Park Tract	3600	12.1	SFD & ADU
MDDR 17.4	Corner of Congress & Sinex	5000	17.4	Duplex

SFD = Single-family dwelling

ADU = Accessory dwelling unit

Source: Community Development Department, January 2025

2.15.2 Visitor Accommodations

Visitor Accommodation or Medium High Density Residential (VA/MHDR). This is a medium high density residential designation that also allows hotels, motels, adult communities, retirement homes, and rest homes. The maximum density for both visitor accommodation units and residential units is 17.4 units per net acre. The maximum density at 17 Mile Drive Village is 9.3 units per net acre. The VA/MHDR designation is applied on the General Plan Land Use Map to the western end of Lighthouse Avenue and to the western end of Sinex Avenue, and to the 17 Mile Drive Village site.

Visitor Accommodation (VA). This designation provides for overnight lodging facilities and limited appurtenant public restaurants and shops where appropriate (Land Use Plan (LUP) LUD-7). The VA designation is applied on the Land Use Map to two existing motel sites (at Asilomar and Jewell Avenues and on Sunset Drive) within the coastal zone. Floor area ratio should not exceed 0.5.

2.15.3 Commercial

Downtown (D). This designation provides for retail and service uses, offices, restaurants, entertainment and cultural facilities, multi-family residential units above the ground floor, gasoline service stations, public and quasi-public uses, and similar and compatible uses. While many of these uses are allowed in other commercial districts, the intent of the D category is to promote personal services and retail sales while enhancing the vitality and character of the city's historic commercial area.

The combined floor area ratio for commercial and office uses should not exceed 2.0. However, a bonus of up to

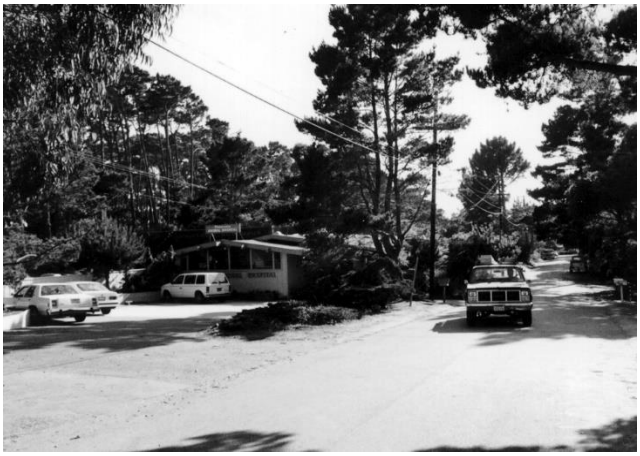
0.3 FAR may be granted for specific upper floor uses that further the goals of the General Plan. The maximum residential density will not exceed 45 units per acre.

The D designation is applied on the General Plan Land Use Map to the Downtown commercial core along Lighthouse Avenue. Downtown includes a portion of the Pacific Grove Retreat and is bounded roughly by Central Avenue, 12th Street, Pine Avenue, and Cypress Avenue.

Figure 2-8
Allowable Densities for Creating New Lots in High Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	Most Intense Use Permitted
HDR 19.8	Pacific Grove Retreat	3600	19.8	Multi-family 2200 sq.ft. per dwelling unit
HDDR 21.8	R-2 Section of First Addition (bounded by Lighthouse Avenue, the easterly city limits, Pine Avenue, and 14th Street)	3600	21.8	Duplex 2000 sq.ft. per dwelling unit
HDR 24.8	Mermaid Avenue neighborhood	1760	24.8	Multi-family 1760 sq.ft. per dwelling unit
HDR 29.0	Multi-family areas west and south of the Downtown; Sunset Drive west of Cedar and east of 17 Mile Dr; south of Dennett Avenue north of Sinex Avenue west of Grove Acre Avenue, Forest Avenue north of Country Club Gate Center; multi-family areas adjacent to Forest Hill; Presidio Boulevard/Funston Avenue multi-family area, area south of Sunset Drive east of 17 Mile Drive	3600 for additions to the PG Retreat 4000 interior lot, 6000 corner lot for other areas	29.0	Multi-family 1500 sq.ft. per dwelling unit

Source: Community Development Department, January 2025



Presidio-Austin commercial area

Central-Eardley Commercial (CEC). This designation provides for retail and service uses, offices, restaurants, parking lots, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 1.5 for parcels fronting on Central Avenue and 2.5 for parcels fronting on the south side of Sloat Avenue between Dewey Avenue and Eardley Avenue. The floor area ratio for the American Tin Cannery site should not exceed 2.0.

This designation is applied on the General Plan Land Use Map to the commercial area bounded by the eastern city limits, Ocean View Boulevard, Dewey Avenue, and the rear property lines of parcels fronting on the south side of Central Avenue.

Forest Hill Commercial (FHC). This designation provides for retail and service uses, offices, restaurants, gasoline service stations, multi-family residential units, public and quasi-public uses, mixed-uses, and similar and compatible uses. The floor area ratio should not exceed 2.0. This designation is applied on the General Plan Land Use Map to the Forest Hill commercial area south of David Avenue.

Country Club Gate Shopping Center (CCG). This designation provides for retail and service uses, grocery stores, restaurants, offices, residential and mixed-uses, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 0.22 in accordance with Use Permit No. 1001. The CCG designation is applied on the General Plan Land Use Map to the Country Club Gate Shopping Center at Forest and David Avenues.

Presidio-Austin Commercial (PAC). This designation provides for retail and service uses, offices, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 0.75. The PAC designation is applied on the General Plan Land Use Map to the Presidio-Austin commercial area.

Sunset Service Commercial (SSC). This designation is intended to provide for retail and services uses, offices, restaurants, gasoline service stations, fabrication, and light manufacturing. However, heavy commercial, industrial, and manufacturing uses are allowed with a use permit. The floor area ratio should not exceed 1.3. The SSC designation is applied on the General Plan Land Use Map to the Sunset Drive commercial/industrial area.

Visitor Commercial (VC). This designation provides for visitor accommodations, food and drink establishments, visitor-oriented retail commercial activities, public parking facilities, and public parking facilities in conjunction with residential use (LUP, 3.3.4.2). The floor area ratio should not exceed 1.5. The maximum density for residential use is 20 units per acre (or up to 30 units per acre if a density bonus is granted to provide housing for lower income households). The VC designation is applied to certain coastal zone areas in the vicinity of Lovers Point. Visitor accommodations are allowed only in the R-3-M zoning district.

Neighborhood Commercial (NC). This designation provides for neighborhood and locally-oriented retail and service uses. The intent of this category is to limit uses to the current and historical uses of the properties to which the category is applied. The floor area ratio for commercial uses should not exceed 0.4 or the prevailing floor area ratio in the surrounding neighborhood, whichever is greater. This designation is applied on the General Plan Land Use Map to the existing commercially-used site at the corner of Shafter and Buena Vista Avenues, to the former Mission Linen site at Congress Avenue and Sunset Drive, to the four parcels addressed 1013, 1015, 1017, and 1019 David Avenue (on David Avenue west of Patterson Lane), and to the mortuary site on the corner of Lighthouse Avenue and Monterey Avenue.

2.15.4 Public

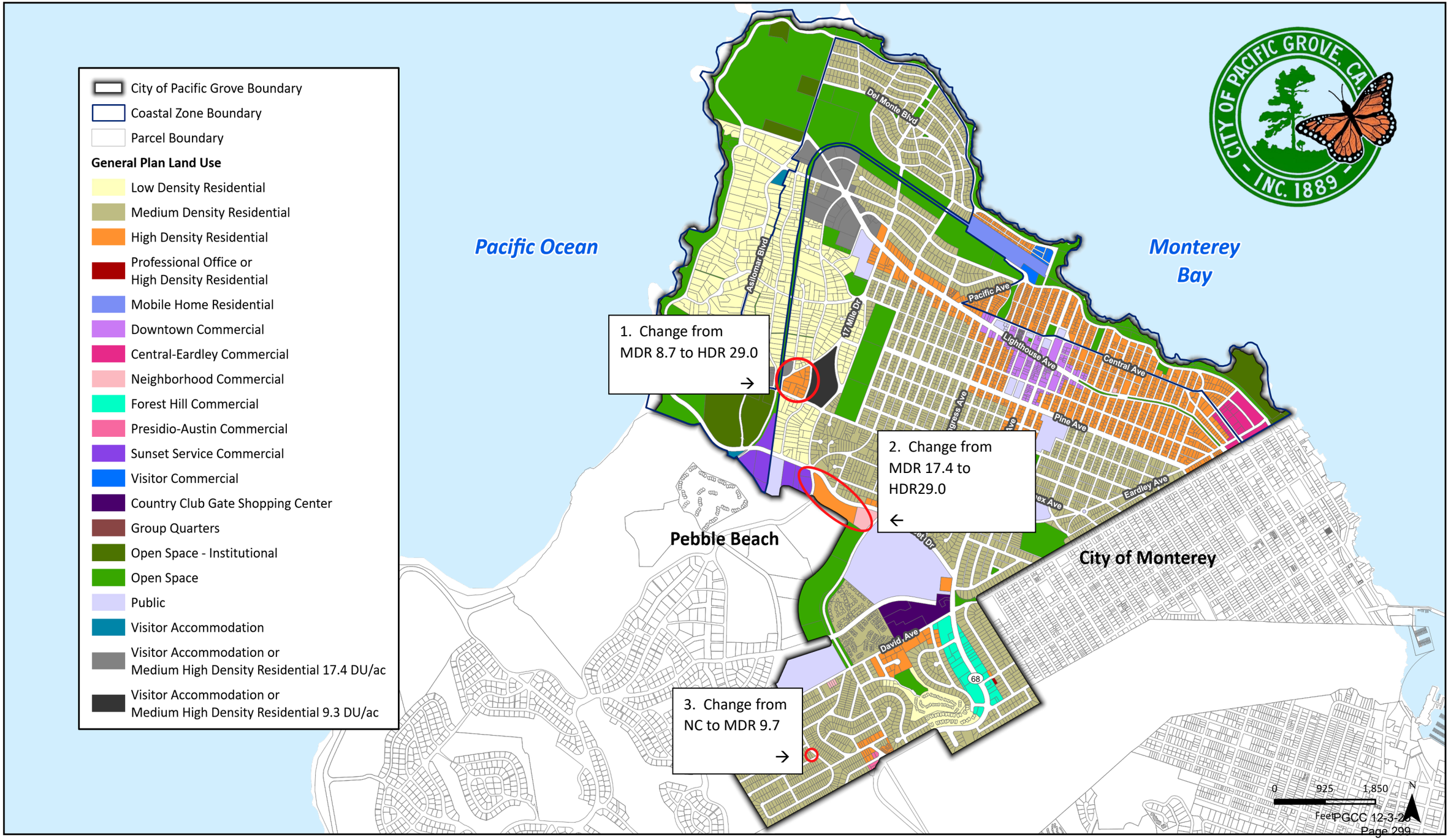
Public (P). This designation provides for government-owned facilities, including government buildings and grounds, public schools and school district offices, and similar and compatible uses. Floor area ratio should not exceed the FAR for the zoning district in which the use is located. In the case of properties zoned "U" (Unclassified), the FAR should not exceed the floor area ratio of the least intensive adjacent district. The P designation is applied on the General Plan Land Use Map to all City facilities, to the post office, and to Pacific Grove Unified School District properties.

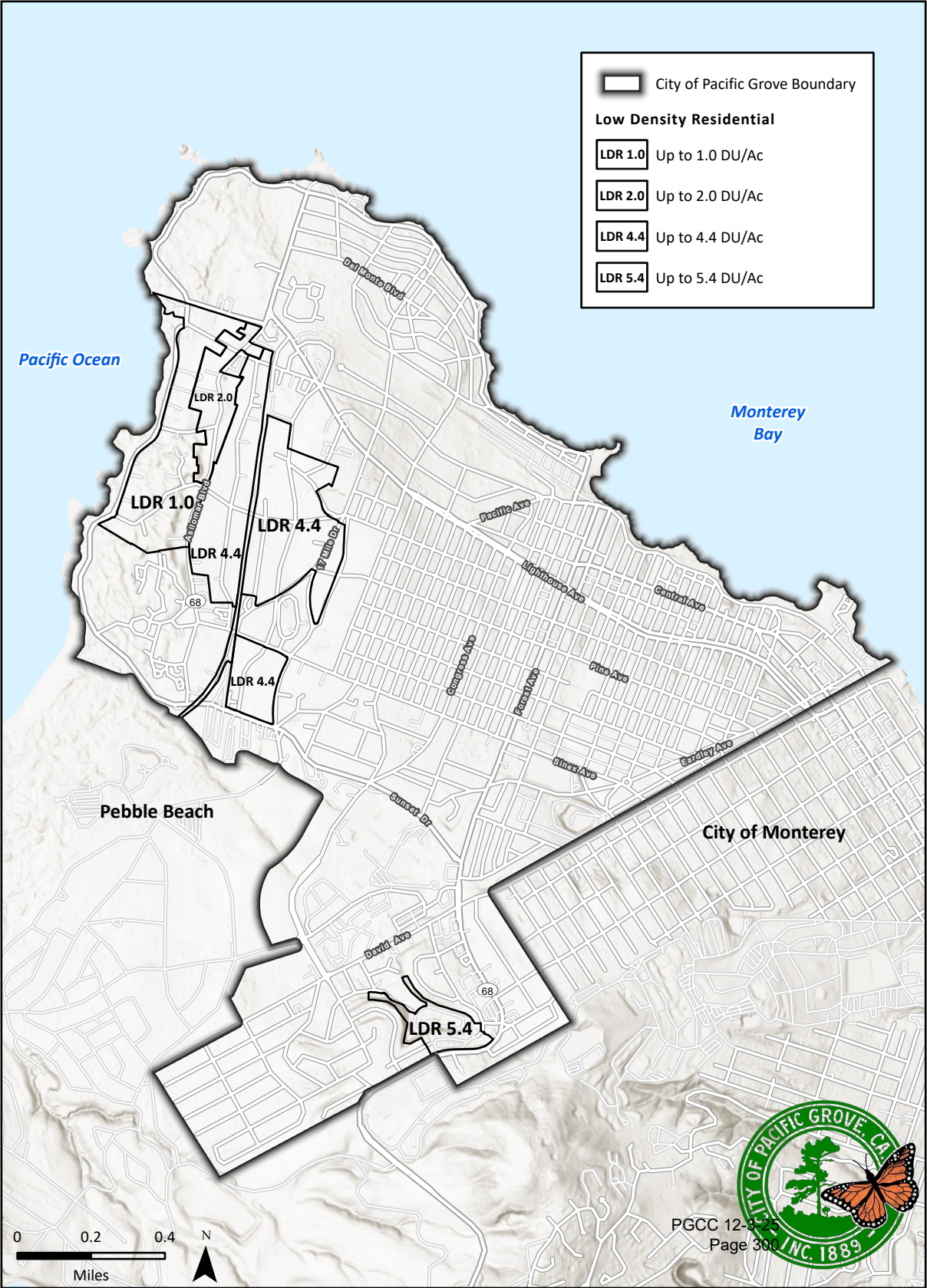
This designation does not include quasi-public uses such as private schools, hospitals, convalescent hospitals or nursing homes, churches, or utilities. Consistent with the General Plan, the Zoning Ordinance provides that churches, schools, hospitals, public utilities, and quasi-public buildings may, with a use permit, be permitted in any district.

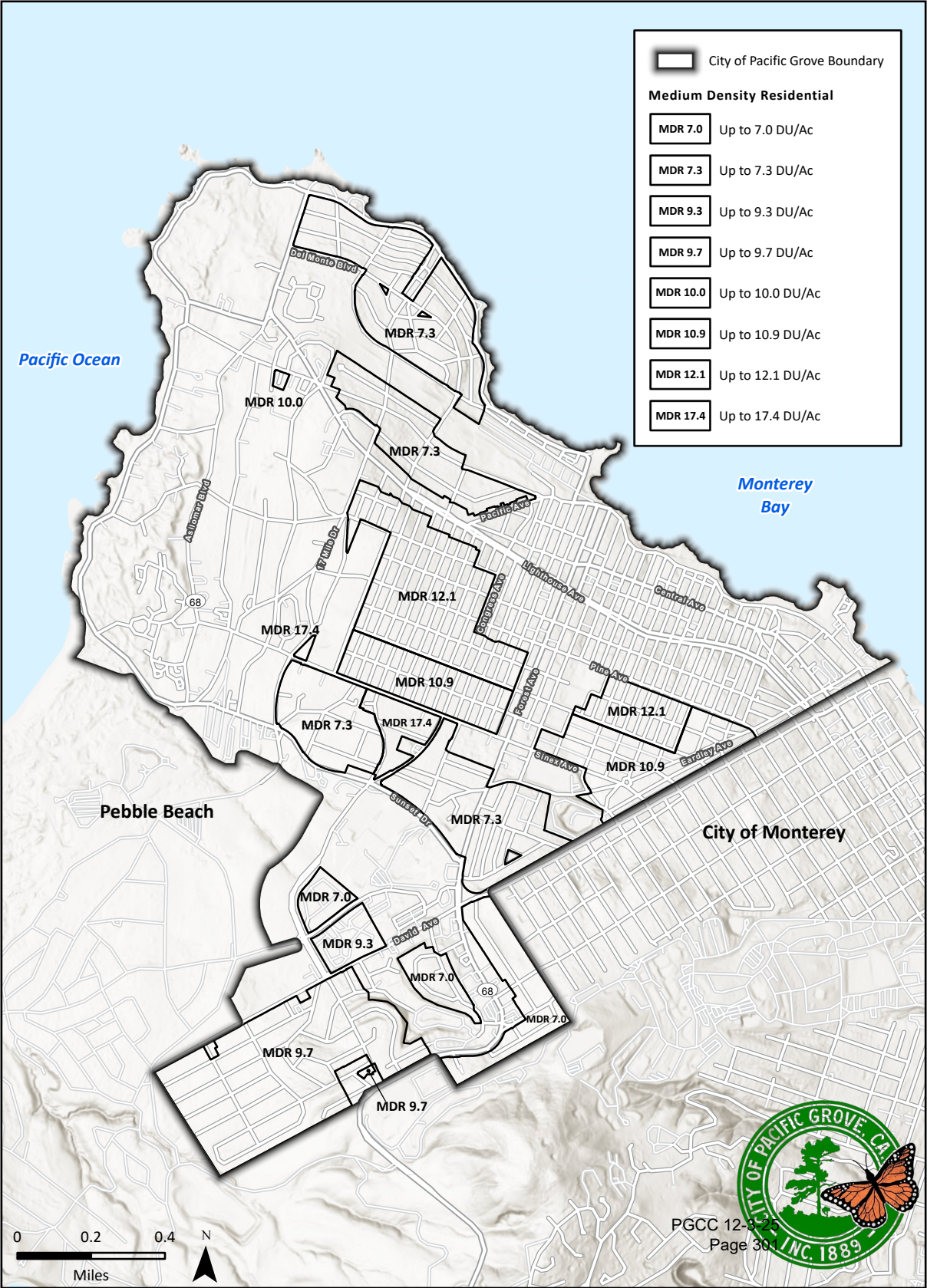
2.15.5 Open Space

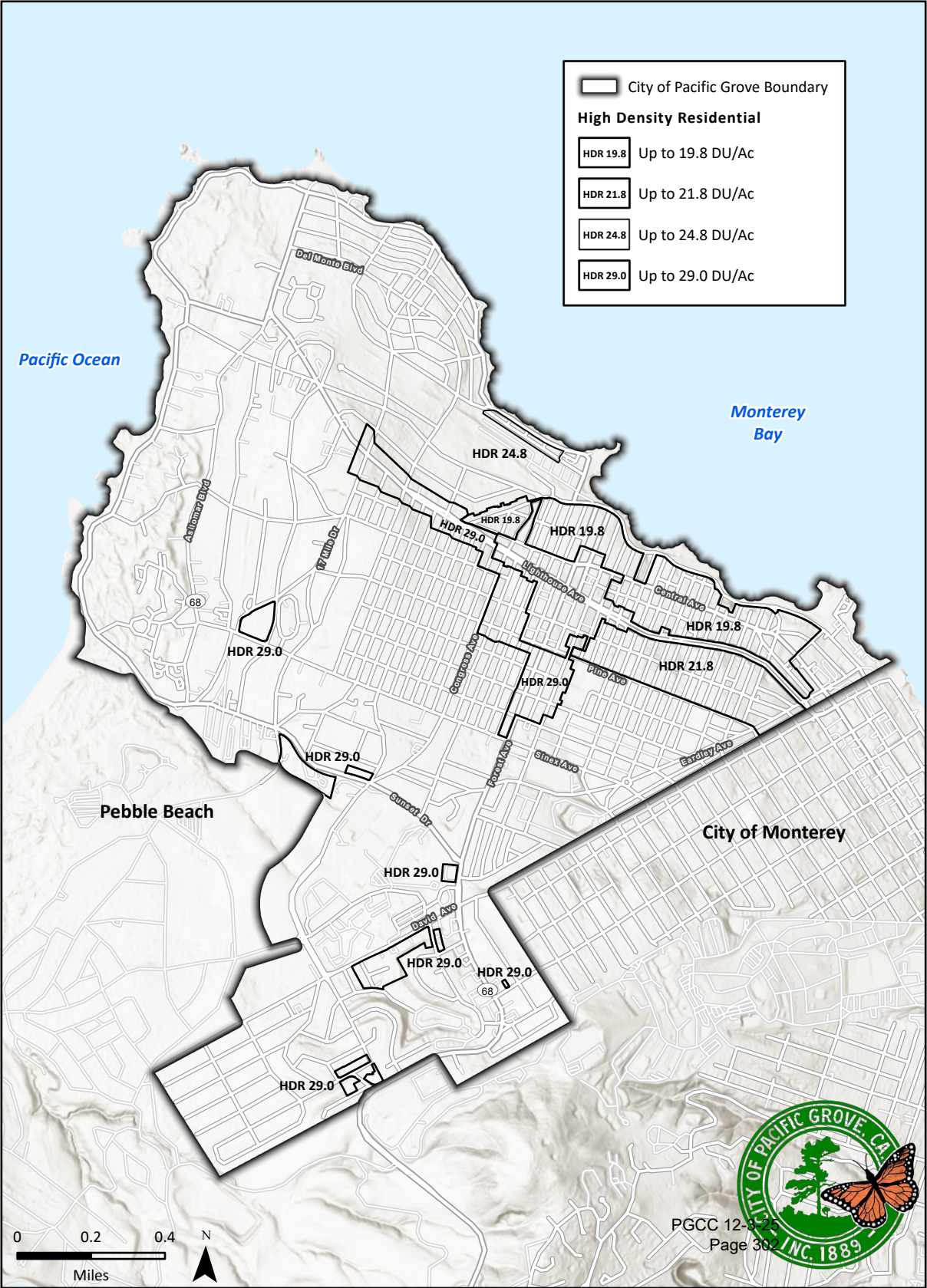
Open Space (O). This designation provides for recreation areas, wildlife and forest preserves, and waterfront areas. Parks, playgrounds, public or civic buildings, structures, and parking facilities, to the degree they are pertinent to and compatible with open land uses, are allowed with a use permit. On the Local Coastal Program Land Use Plan map, the use of coastal zone areas or facilities designated OS-R (Open Space Recreational) is limited to low-intensity, recreational and educational activities (LUP LUD-10). The FAR for development in O-designated areas should not exceed 0.1. The O designation is applied on the General Plan Land Use Map to City-, State-, and federally-owned parks and open space.

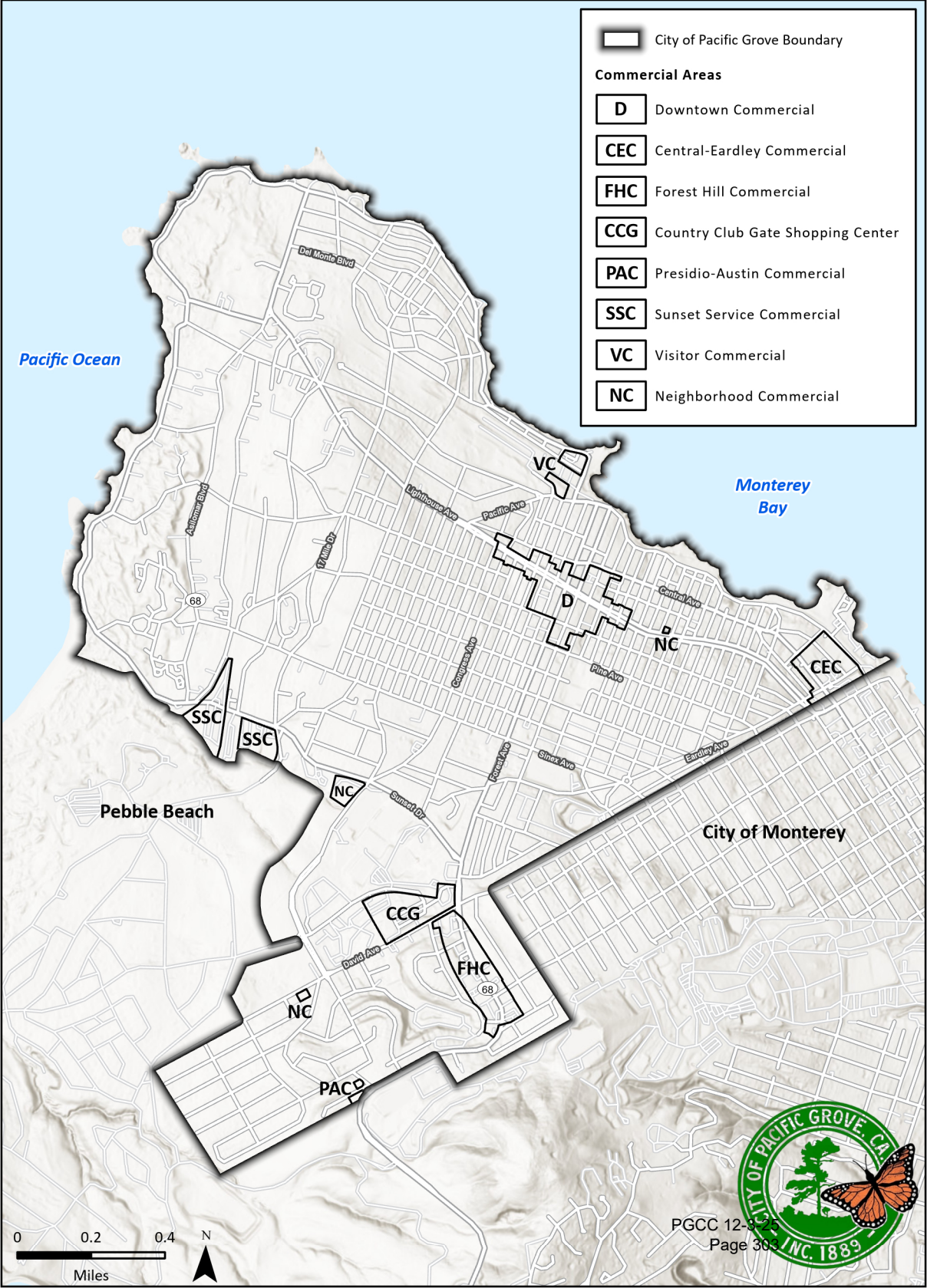
Open Space-Institutional (OSI). This designation provides for coastal-related facilities and activities within the coastal zone (LUP LUD-11). Floor area ratio should not exceed 0.2. The OSI designation is applied on the General Plan Land Use Map to Asilomar Conference Grounds, the shorefront lands east of Third Street (Hopkins Marine Station and Monterey Bay Aquarium), and existing City and Coast Guard facilities at the Lighthouse Reservation.


City of Pacific Grove Boundary
Coastal Zone Boundary
Parcel Boundary
General Plan Land Use
Low Density Residential
Medium Density Residential
High Density Residential
Professional Office or High Density Residential
Mobile Home Residential
Downtown Commercial
Central-Eardley Commercial
Neighborhood Commercial
Forest Hill Commercial
Presidio-Austin Commercial
Sunset Service Commercial
Visitor Commercial
Country Club Gate Shopping Center
Group Quarters
Open Space - Institutional
Open Space
Public
Visitor Accommodation
Visitor Accommodation or Medium High Density Residential 17.4 DU/ac
Visitor Accommodation or Medium High Density Residential 9.3 DU/ac
Pacific Ocean
Monterey Bay
Pebble Beach
City of Monterey
1. Change from MDR 8.7 to HDR 29.0
2. Change from MDR 17.4 to HDR29.0
3. Change from NC to MDR 9.7
Del Monte Blvd
Asilomar Blvd
17 Mile Dr
Pacific Ave
Lighthouse Ave
Central Ave
Pine Ave
Eardley Ave
David Ave
68
0
925
1,850
Feet
N


City of Pacific Grove Boundary
Low Density Residential
LDR 1.0 Up to 1.0 DU/Ac
LDR 2.0 Up to 2.0 DU/Ac
LDR 4.4 Up to 4.4 DU/Ac
LDR 5.4 Up to 5.4 DU/Ac
Pacific Ocean
Monterey Bay
Del Monte Blvd
LDR 2.0
LDR 1.0
LDR 4.4
LDR 4.4
LDR 4.4
Asilomar Blvd
17 Mile Dr
68
Pacific Ave
Lighthouse Ave
Central Ave
Congress Ave
Forest Ave
Pine Ave
Sinex Ave
Eardley Ave
Sunset Dr
Pebble Beach
City of Monterey
David Ave
68
LDR 5.4
0
0.2
0.4
Miles
N
CITY OF PACIFIC GROVE, CA
INC. 1889


City of Pacific Grove Boundary
Medium Density Residential
MDR 7.0 Up to 7.0 DU/Ac
MDR 7.3 Up to 7.3 DU/Ac
MDR 9.3 Up to 9.3 DU/Ac
MDR 9.7 Up to 9.7 DU/Ac
MDR 10.0 Up to 10.0 DU/Ac
MDR 10.9 Up to 10.9 DU/Ac
MDR 12.1 Up to 12.1 DU/Ac
MDR 17.4 Up to 17.4 DU/Ac
Pacific Ocean
Monterey Bay
Pebble Beach
City of Monterey
Del Monte Blvd
Asilomar Blvd
17 Mile Dr
Pacific Ave
Lighthouse Ave
Central Ave
Congress Ave
Forest Ave
Pine Ave
Sinex Ave
Eardley Ave
Sunset Dr
David Ave
68
MDR 7.3
MDR 10.0
MDR 7.3
MDR 12.1
MDR 17.4
MDR 10.9
MDR 7.3
MDR 17.4
MDR 12.1
MDR 10.9
MDR 7.3
MDR 7.0
MDR 9.3
MDR 7.0
MDR 7.0
MDR 9.7
MDR 9.7
0 0.2 0.4 Miles
N
CITY OF PACIFIC GROVE, CA INC. 1889


City of Pacific Grove Boundary
High Density Residential
HDR 19.8 Up to 19.8 DU/Ac
HDR 21.8 Up to 21.8 DU/Ac
HDR 24.8 Up to 24.8 DU/Ac
HDR 29.0 Up to 29.0 DU/Ac
Pacific Ocean
Monterey Bay
Del Monte Blvd
Asilomar Blvd
17 Mile Dr
Lighthouse Ave
Central Ave
Congress Ave
Pine Ave
Forest Ave
Sinex Ave
Eardley Ave
Sunset Dr
David Ave
68
HDR 24.8
HDR 19.8
HDR 29.0
HDR 19.8
HDR 19.8
HDR 21.8
HDR 29.0
HDR 29.0
HDR 29.0
HDR 29.0
HDR 29.0
HDR 29.0
HDR 29.0
Pebble Beach
City of Monterey
0
0.2
0.4
Miles
N
CITY OF PACIFIC GROVE, CA
INC. 1889


City of Pacific Grove Boundary
Commercial Areas
D Downtown Commercial
CEC Central-Eardley Commercial
FHC Forest Hill Commercial
CCG Country Club Gate Shopping Center
PAC Presidio-Austin Commercial
SSC Sunset Service Commercial
VC Visitor Commercial
NC Neighborhood Commercial
Pacific Ocean
Monterey Bay
Pebble Beach
City of Monterey
Del Monte Blvd
Asilomar Blvd
17 Mile Dr
Lighthouse Ave
Pacific Ave
Central Ave
Congress Ave
Pine Ave
Forest Ave
Sinex Ave
Eardley Ave
Sunset Dr
David Ave
68
VC
D
NC
CEC
SSC
SSC
NC
CCG
FHC
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0
0.2
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CITY OF PACIFIC GROVE, CA
INC. 1889

Health and Safety

A wide range of hazards must be considered in planning for urban development. Some of these hazards are natural, such as seismic shaking; some are man-made, such as noise; and others are natural hazards exacerbated by human activity, such as development in areas sensitive to soil erosion or liquefaction. Many potential hazards can be avoided in the development process through locational decisions, while other hazards can be tolerated or minimized by including mitigation measures in the planning and land use regulation process.

This chapter inventories and assesses the major hazards confronting Pacific Grove, including seismic and geologic hazards, erosion, wildland and urban fires, flooding, and other safety issues, including noise and the impacts of climate change. It also covers fire and police, the emergency ~~forces~~ response agencies that ~~must deal with the~~respond to hazards and secure the safety of the community.

10.1 SEISMIC AND GEOLOGIC HAZARDS

10.1.1 Seismic Hazards

Monterey County is situated in a seismically active area. ~~(See Figure 10-1, Earthquake Faults.)~~ A number of faults traverse the county near the Monterey Peninsula, including the San Andreas Fault, which runs north-south about 28 miles east of Pacific Grove. The San Andreas Fault is considered capable of producing an earthquake with a magnitude of up to 8.5 on the Richter scale. The U.S. Geological Survey ~~in 1990~~ estimated that there is a ~~67~~ 6.4 percent chance of a magnitude 6.7 or larger earthquake on the San Andreas fault in the San Francisco Bay Area during the next 30 years~~ with an epicenter somewhere between San Jose and Santa Rosa~~.

Two other active fault zones affecting Pacific Grove are the Monterey Bay and the Palo Colorado-San Gregorio Fault Zones. These two areas, both of which have experienced movement along individual fault segments, are separated by the submerged Monterey Canyon.

The Monterey Bay Fault Zone is located offshore in the northern and southern areas of Monterey Bay. The maximum ~~magnitude earthquake~~earthquake magnitude likely to be generated by this fault zone is about 6.5, which could generate tsunamis on the Pacific Grove coastline.

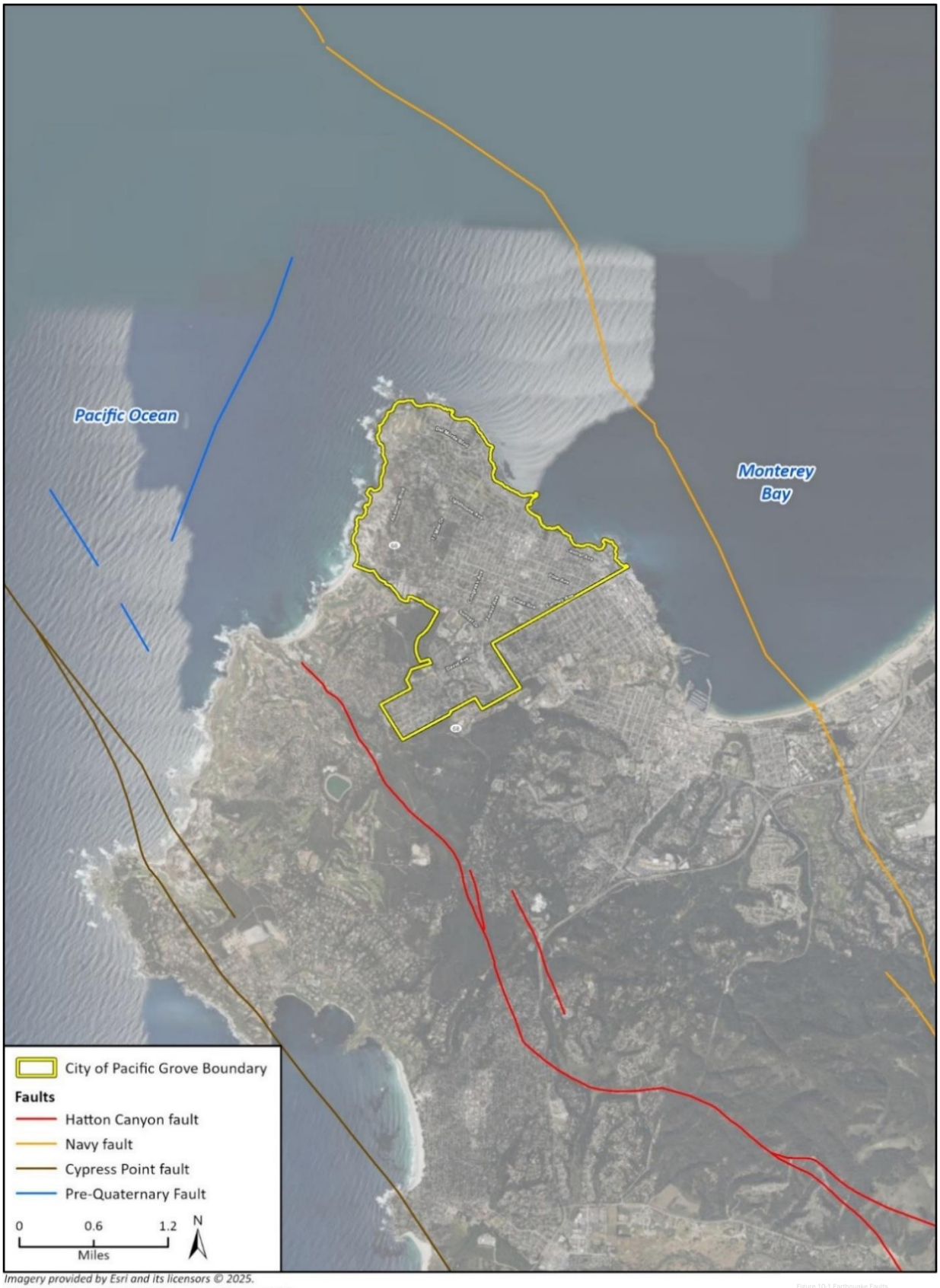
The Palo Colorado-San Gregorio Fault Zone is a northwest-trending zone located six miles southwest ~~and south~~ of Pacific Grove. This active fault zone connects the Palo Colorado Fault near Point Sur, south of Monterey, with the San Gregorio Fault near Point Año Nuevo, where it intersects the San Andreas Fault System. The Palo Colorado-San Gregorio Fault has the capability of producing an earthquake with an estimated maximum magnitude of 7.5 on the Richter scale.

Besides these three active fault zones, there are another 15 potentially active faults within Monterey County. Those closest to Pacific Grove are the Navy Fault, the Hatton Canyon Fault, and Cypress Point Fault. The Navy Fault is a northwest-trending fault that runs through the center of the City of Monterey into Monterey Bay. The Hatton Canyon Fault trends northwest, extending from Carmel Valley to just south of the city of Pacific Grove. The Cypress Point Fault also trends northwest, running through the southwestern portion of the Monterey Peninsula, just northeast of Pescadero and Cypress Points. These active faults are Quaternary faults and have been recorded to have been active within the last 1.6 million years. A few Pre-Quaternary Faults are also identified off the coast of Pacific Grove. Most faults in Monterey County run parallel to the San Andreas fault in a northwest direction, and are considered sub-units of the San Andreas Fault System. Earthquake faults closest to Pacific Grove are shown in Figure 10-1.

~~Seismic Hazards~~

Pacific Grove, while exposed to seismic hazards, is situated in a relatively stable area of granitic bedrock, and is relatively better off than other parts of the county. Since 1856 the three most severe quakes to affect Pacific Grove were the April 1906, October 1926, and October 1989 quakes. The 1989 Loma Prieta quake, which measured 7.1 on the Richter scale, caused very little damage in Pacific Grove.

Figure 10-1 Earthquake Faults



~~10.1.1~~10.1.2 Groundshaking

Groundshaking is the vibration that radiates from the epicenter of an earthquake. Because it can damage or collapse buildings and other structures, and because the shaking effects can be damaging well beyond the fault trace that generates the shaking, groundshaking is considered the most serious and direct hazard produced by an earthquake. The intensity of the vibration or shaking and its potential impact on structures and urban development is determined by (1) the nature of the underlying rock and soil; (2) the structural characteristics of the building; (3) the quality of workmanship and building materials used; (4) the location of the epicenter and the magnitude of the earthquake; and (5) the duration and character of the ground motion.

The potential for damage is most likely to be minimal where bedrock is located close to the ground surface. Pacific Grove is situated in such an area and can be considered relatively stable. Nevertheless, older buildings constructed before building codes were in effect, and even newer buildings constructed before earthquake resistance provisions were included in building codes in 1933, are the most likely to suffer damage in an earthquake. However, most buildings in Pacific Grove are one or two stories and are predominantly wood frame, which makes them among the most structurally resistant to earthquake damage. In Pacific Grove there are only 12 of the older masonry buildings without earthquake resistant reinforcement that are the most susceptible to the sort of structural failure that causes the greatest loss of lives. The greatest concentration of old masonry buildings, some with cornices and parapets that are not firmly anchored, is in the Downtown area.

Fire is often the major form of damage resulting from groundshaking, largely as a result of the great number of buildings constructed of combustible materials, damage to the City's firefighting facilities, and the rupture of water mains. Ninety percent of the destruction in the 1906 San Francisco earthquake was caused by fire. Most earthquake-induced fires start because of ruptured power lines, damage to wood, gas, or electrical stoves, and damage to other gas or electrical equipment. This points to the need for greater use of non-combustible material and special construction techniques so that water mains will remain intact during large earthquakes. Critical facilities, such as hospitals and fire stations, must be sited, designed, and constructed to withstand severe groundshaking.

~~10.1.2~~10.1.3 Ground Failure

In addition to structural damage, groundshaking can also cause ground failure, such as liquefaction, settlement, lurch cracking, lateral spreading, and earthquake-induced landslides.

Liquefaction is the loss of soil strength due to seismic forces acting on water-saturated granular soils. This loss of strength leads to a "quicksand" condition in which objects can either sink or float depending on their density. ~~The potential for liquefaction in~~Most of Pacific Grove has a low susceptibility for liquefaction. Areas with a high liquefaction susceptibility are ~~exists~~ primarily in beach and sand dune areas, ~~and~~ in fill areas close to the shoreline and Spanish Bay, and areas west of Asilomar Boulevard, shown in Figure 10-2~~Figure 10-2~~. ~~This potential is greatest in the Spanish Bay and Asilomar areas.~~

Settlement is the vertical compaction of soils and alluvium caused by groundshaking. It may range from a land surface drop of a few inches to several feet, and may occur as far as 75 to 80 miles from the epicenter. There are no areas subject to settlement in Pacific Grove~~'s Planning Area~~.

Lurch cracking refers to fractures, cracks, and fissures from a few inches to many feet in length produced by groundshaking, settling, compaction of soil, and sliding. In a major earthquake, lurch cracking is likely to result in the extensive rippling and fracturing of pavements and curbs, and damage to sewer, gas, and water lines.

Lateral spreading is the horizontal movement or spreading of soil toward an open face such as a stream bank or the open side of fill embankments. In Pacific Grove~~'s Planning Area~~, the most likely locations to be affected are improperly engineered fill areas or steep, unstable banks. But because Pacific Grove is situated on stable bedrock, the potential for significant damage from either lurch cracking or lateral spreading is low.

An earthquake large enough to be felt can also cause rockfalls, landslides, rock avalanches, and mud and debris flows. Severe landslide damage and disruption of access could occur as the result of a moderate to major earthquake along Highway 68.

Figure 10-2 Liquefaction Susceptibility



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Additional data provided by County of Monterey, 2025.

~~10.1.3~~10.1.4 Tsunami Hazards

~~A t~~Tsunamis ~~is a~~are large ocean waves generated by an earthquake in or near the ocean. ~~Submarine earthquakes of magnitudes in excess of 6.5 on the Richter scale appear to be the principal cause of tsunamis, although tsunamis also have been triggered by submarine landslides and volcanic eruptions.~~ Tsunamis ~~are actually~~present as a series of very long-period waves (lasting five minutes to several hours) that are low in height when traversing water of oceanic depth. But when tsunami waves approach shore where the water depth decreases rapidly, wave refraction, shoaling, and bay or harbor resonance may result in dramatically increased wave heights. Earthquakes below 6.5 magnitude are unlikely to cause a tsunami, while earthquakes between 6.5 and 7.5 magnitude may trigger a tsunami but these are rarely destructive. Earthquakes of magnitude 7.5 and higher can produce destructive tsunamis.

Most tsunamis that have struck the California coast in the past~~such as the 1964 Crescent City disaster~~ have ~~resulted from~~been a result of very distant earthquakes~~, primarily in the Aleutian Islands~~. Because of flooding and wave action, the tsunami hazard associated with large distant earthquakes appears to be high along beaches and within harbor facilities. Most notably, the 1964 Crescent City disaster, the 2010 Chilean tsunami and 2011 Tōhoku-oki tsunami have caused infrastructure loss, damage to docks and boats in harbor areas, injury, and loss of life in coastal communities along the Pacific coast.

The major California offshore faults close to Monterey Bay are ~~probably~~ strike-slip faults, and earthquakes generated on strike-slip faults are not likely to produce large-scale tsunamis. Thus, tsunami potential associated with a local offshore seismic event is low.

Nevertheless, tsunamis have occurred within the Monterey Bay region, resulting in significant damage to harbors and other coastal facilities. There is no record of any tsunamis more than 10 feet high occurring along the Monterey County Coast. The effect of a tsunami wave on the Pacific Grove shoreline would likely be comparable to a swiftly rising and falling tide.

For the Pacific Grove shoreline, the areas vulnerable to tsunami inundation are shown in Figure 10-3. Areas above the seacliff in Pacific Grove are considered to have a low tsunami hazard, while beaches and bluff areas below the seacliff are considered to have a high tsunami hazard. T~~t~~he main safety hazard from a tsunami is the possibility that residents on Ocean View Boulevard and other low altitude streets such as Coral Street and Acropolis Street who are not evacuated may be caught by the waves. There is also the possibility that sight-seers who evade police tsunami warning barriers and follow the tsunami drawdown into the exposed intertidal areas may be swept away by the following crest of the tsunami~~ as were 61 sightseers in Hilo, Hawaii, in 1960~~.

A national tsunami warning system ~~has been set up~~was established in 1967 with the Pacific Tsunami Warning Center in Hawaii, and the Alaska Tsunami Warning Center in Alaska. These Centers ~~will provide warnings to~~are operated by the National Weather Service and provide tsunami alerts on potential tsunami-generating seismic events. The messages are broadcast through various notification formats including local sirens and text message alerts. Information is relayed to ~~which will pass them on to~~ the Pacific Grove Police Department and other local officials. Pacific Grove is a certified TsunamiReady city. TsunamiReady is a voluntary recognition by the National Weather Service that promotes tsunami preparedness through collaboration among various agencies and the public. The program aims to enhance public safety by setting guidelines for communities to effectively mitigate, prepare for, and respond to tsunamis.

~~Areas above the seacliff in Pacific Grove are considered to have a low tsunami hazard, while beaches and areas below the seacliff are considered to have a high tsunami hazard.~~ Coastal erosion, later discussed in Section 10.2 Climate Change, and climate change induced sea level rise would likely amplify the impacts of tsunamis on coastal communities, such as Pacific Grove. Higher sea levels allow tsunamis to travel further inland, resulting in more extensive flooding, coastal erosion, and damage. Additionally, smaller tsunamis may have more severe effects due to the elevated sea levels.

~~10.1.4~~10.1.5 Summary of Seismic and Tsunami Hazards

~~Potential seismic and tsunami hazards in the Pacific Grove Planning Area have been mapped in the Monterey County and Cities Seismic Element. The map is divided into zones of relative seismic hazard based on bedrock type, soil type, and proximity to known faults. Past studies and evaluation of seismic hazards in the region indicate~~ Pacific Grove is in a relatively stable area. The principal danger to

structures from seismic hazards is caused by groundshaking, ~~and the~~with a low to moderate potential for ~~such~~ damage ~~is only low to moderate~~. Liquefaction potential is limited mostly to the Spanish Bay area. Low-lying areas adjacent to beaches and the immediate shoreline are potentially subject to tsunami inundation.

Figure 10-3 Tsunami Inundation



~~10.1.5~~10.1.6 Landslide and Erosion Hazards

The potential for landslides and serious erosion exists wherever natural or man-made disturbances have created unstable soil and slope conditions. Erosion is a natural process that is affected by variables such as the amount and intensity of rainfall, ocean wave exposure, properties of soil type and underlying rock, and vegetative or organic debris cover. It becomes a serious problem only when man-made factors are also at work. Landslides are usually more destructive and can be triggered by either natural causes (such as seismic shaking or stream erosion) or by human activities such as grading, compaction, and filling, which can increase the load on unstable ground masses.

Soils. A number of soil properties have important implications for development and resource management. Soil-related issues to be addressed in planning and management include erosion, drainage, runoff, and expansive soils. The soils in ~~the Planning Area~~Pacific Grove have a ~~only a~~ moderate erosion hazard and a moderate runoff potential.

Landslides. Landslides are the movement of rock, debris, and soil down a slope. Unstable and potentially unstable slopes can be identified by bowl-shaped or step-like hillsides, broken and sheared bedrock and/or soil deposits, near-surface saturated conditions as evidenced by springs or seepage areas, slopes generally greater than

15 percent, and broken ground and/or tilted vegetation. All are indications of poor slope stability.

Most areas of Pacific Grove have an extremely low potential for landsliding, as shown in Figure 10-4~~Figure 10-4~~. No significant landslides have been recorded in the city, and with the exception of a few low bluff areas along the waterfront that are used as parks and are protected by retaining walls, no significant areas of landslide susceptibility have been identified. Only a relatively small portion of the city contains slopes over 30 percent: Calabrese Canyon, some coastal bluffs, Benito Avenue, Piedmont Avenue, Hillside Avenue, Adobe Lane, and Syida Drive. Areas of steeper grades are at risk of landslides during heavy rains.

Extreme precipitation events are expected to occur more frequently and with greater intensity as a result of climate change, which will increase the frequency and magnitude of landslide events.

Erosion. Erosion and deposition are common natural geologic processes that result from gullying, rilling, ravelling, and bank cutting. In areas undisturbed by human activity, these processes may or may not pose a hazard. They may, however, be accelerated by concentrating natural surface flows into culverts or by removing vegetative cover. Then the chances of hazardous conditions increase.

~~The 1978 Pacific Grove environmental hazards element identified three areas as high erosion hazard zones. These areas have since been further developed and no longer pose a serious erosion problem. The areas were Calabrese Canyon, Spanish Bay, and an area adjacent to the Samuel F. B. Morse Reserve. The construction and landscaping associated with the housing development at Calabrese Canyon and the new golf course and hotel at Spanish Bay have reduced the overall erosion hazard.~~The majority of Pacific Grove is in a moderate erosion hazard zone. Figure 10-5 shows erosion hazards in Pacific Grove. Areas of the city most susceptible to erosion are concentrated on the western portion of the peninsula, specifically areas west of Asilomar Avenue along Sunset Drive containing the Hotel and Conference grounds and beach walking trails, as well as the northern portion of the city containing the Point Pinos Lighthouse Reservation.

The grading of sites can~~, nevertheless, present~~ result in increased erosion hazards which can affect not only the property being ~~developed~~ graded but also adjacent and downslope properties. Sediment traveling from eroded areas usually affects an area much larger than the site under construction. Section 24.~~06~~24.020 of Pacific Grove's Subdivision Ordinance is intended to control the erosion-inducing effects of development. ~~The~~ Through the Monterey Regional Stormwater Management Program, the City also requires that temporary cover or mulching be used to protect bare soil and slopes and certain activities be restricted during construction to mitigate erosion hazards ~~during construction~~ in the rainy ~~periods~~season (October to April).

~~10.1.6~~10.1.7 Marine ~~related~~ Related Erosion Hazards

The ocean and bay shore on the north and west of the city are subject to weathering, erosion, and deposition of rocks and sand from both ocean winds and waves. Whereas sandstone and bedded cliffs have posed cliff--retreat problems for urban areas on the other side of Monterey Bay, Pacific Grove's shoreline is mostly dominated by exposed granitic

rock that forms a relatively stable and durable barrier to protect shore—line development from the constant barrage of ocean waves. Although wave activity can become intense during winter storms, the Pacific Grove shore has not retreated significantly.

Approximately 80 percent of the city's shoreline is still in its natural state. ~~The remaining 20 percent (all between Point Pinos and Point Cabrillo)~~Approximately 4,695 feet of coastline ~~has~~have been altered with seawalls to provide protection from waves~~ action~~ and erosion. Two small areas (at Point Cabrillo and on the ocean side of Point Pinos) have either protective beaches or stable rock formations. The U.S. Department of Navigation and Ocean Development has classified four small areas where man-made shoreline improvements may be endangered, although damage may not have occurred recently. Along the rest of the natural shoreline, existing improvements are not considered in danger from wave damage.

The Coastal Hazards Modeling Technical Methods and Results Report prepared for the City in 2024 identified that the potential coastal erosion hazard is greatest in the Great Tide Pool Area, Crespi Pond, Asilomar Dunes neighborhood, and Pacific Grove Retreat neighborhood. Figure 10-6~~Figure 10-6~~ shows the areas of the city susceptible to coastal erosion. This modeling overlaps with sea level rise by foot, or projected sea level rise by year.

Historically, the city has been affected by coastal erosion, experiencing shoreline changes and infrastructure damage over the years. Intense winter storm waves caused a 31-foot section of seawall and adjacent public overlook near 701 Ocean View Boulevard to collapse on January 20, 2017. In January 2023, a coastal storm wave event caused considerable erosion, specifically along the Asilomar Coastal Trail, where the natural dune was displaced 50 feet back and 5.5 feet of depth was lost. Near the Great Tide Pool a pedestrian boardwalk and lookout area were also destroyed.

Pedestrian traffic along the immediate shoreline can contribute to shoreline bluff erosion. Walkers can disturb protective vegetation in bluff-top areas. Loss of vegetative cover leads to further abrasion of the bluffs, and run-off and storm wave action increase erosion and sedimentation. The City's 2020~~seawall construction program has tried, since 1970, to remedy the conditions caused in part by heavy pedestrian use of the shoreline~~Shoreline Management Plan contains projects and programs to continue the provision of recreation coastal trail access while protecting public infrastructure, coastal access, and the city's natural and cultural resources. The seawall has enhanced public access in certain locations, and may also have had a beneficial effect on maintaining water clarity in the Marine Gardens Fish Refuge.

Very few structures in Pacific Grove have been built directly adjacent to the shoreline. Roadways (Ocean View Boulevard and Sunset Drive) separate urbanized land uses from the shore. ~~Those p~~Portions of Ocean View Boulevard adjacent to any steep drop to sea level are protected by retaining walls. ~~There is, therefore, no significant ocean wave related erosion hazard to existing urban development. i~~

The erosion hazard ~~from wind on sand dunes~~ along the shoreline ~~between the Lighthouse Reservation and the Spanish Bay area is significant~~in the Asilomar Dunes Neighborhood could have an impact to residential structures and recreation infrastructure; at least two residential structures and a gazebo fall within the hazard areas. Unless stabilized by vegetation or snow fences, dune sands will shift and change frequently. Without such stabilization, construction and siting of structures in the dune area constitutes a hazard to both the new structures and surrounding properties. Disturbance or removal of natural dunes will also increase wind damage hazards.

Figure 10-4 Landslide Susceptibility



Figure 10-5 Erosion Hazards



Figure 10-6 Coastal Erosion Hazard



~~10.2~~SEISMIC, SOILS, AND GEOLOGIC GOALS, POLICIES, AND PROGRAMS

GOAL 1	**Prevent loss of life, injury, and property damage from geologic and seismic hazards.**

POLICY 1 **Design underground utilities, including water and natural gas mains, to withstand seismic forces.**

POLICY 2 **Continue City requirements for post-earthquake building replacement, reconstruction, and rehabilitation to conform to the latest City codes.**

POLICY 3 **Ensure that any hazardous conditions associated with unreinforced masonry (URM) buildings are mitigated to an acceptable level.**

~~**POLICY 3**~~**POLICY 4 Ensure future developments adequately address erosion and coastal erosion hazards through proper siting and design, the incorporation of appropriate mitigation measures, and compliance with Local Coastal Program policies related to coastal hazards.**

Program A ~~Prepare and adopt~~ Continue to enforce construction and design standards for underground utilities~~, particularly natural gas and water,~~ to minimize damage from seismic activity and soil-related problems.

Program B ~~Maintain, in the Pacific Grove Municipal Code, a~~Continue to implement the Seismic Hazards Identification Program ~~that~~ to ~~identifies~~ identify and mitigate potentially hazardous buildings.

Program C Monitor coastal erosion and shoreline changes, and make coastal hazard mapping and policy modifications at least every five years, or as necessary.

~~Program B~~ Reevaluate coastal conditions after severe storms and other coastal erosion events and assess infrastructure risks.

Program D All unreinforced masonry (URM) buildings that are potentially hazardous have been identified, and the City has developed and implemented a mitigation program to reduce the associated hazards. This program is outlined in Chapter 18.40 of the Municipal Code.

10.2 CLIMATE CHANGE

Climate change refers to any distinct change in measures of climate lasting for a long period of time, including major changes in temperature, rainfall, snow, or wind patterns. In recent times, climate change has been attributed to and accelerated by human activities that alter the atmosphere. These activities include the combustions of fossil fuels, which releases significant quantities of greenhouse gases like carbon dioxide and methane, and land-use changes such as deforestation and urbanization, which reduce the Earth's capacity to absorb carbon dioxide.

SB 379 amended Government Code Section 65302(g) to require jurisdictions incorporate climate adaptation and resiliency strategies into their general plan safety element. The Pacific Grove Climate Change Vulnerability Assessment (CCVA), included as Appendix A, was prepared using the vulnerability assessment process recommended by the California Governor's Office of Emergency Services, as documented in the 2020 California Adaptation Planning Guide. The CCVA uses data from the United States Census, American Community Survey 5-year estimates, Cal Adapt, California's Fourth Climate Change Assessment, and the most up to date Monterey County Multi-Jurisdictional Hazard Mitigation Plan.

Rincon Consultants, Inc. (hereinafter referred to as "Rincon") prepared vulnerability assessments that evaluate climate change hazards, including wildfire, based on numerous sources, including third party consultants, State and Federal mapping resources, and various software modeling programs that are considered industry standard best practices. The CCVA prepared for this Safety Element evaluated wildfire hazards based on CAL FIRE's Fire Hazard Severity Zones. Wildfire is an unpredictable hazard, and the specific conditions of wildfire could result in fire behavior that diverges from the assumptions used in any analysis. There is no guarantee that wildfire behavior and specific treatment to avoid such behavior will follow or prevent wildfire impacts.

10.2.1 Summary of Climate Hazards in Pacific Grove

Drought

Drought conditions are expected to worsen in Pacific Grove, potentially leading to water scarcity and stress on natural resources and priority populations. Climate change will likely result in prolonged dry spells and increased evaporation that would impact water availability and quality, affecting both community health and natural ecosystems.

Extreme Heat

Extreme heat events are not historically common in Pacific Grove. With climate change, extreme heat events, defined as days exceeding 88.7°F in Pacific Grove, are expected to become more common, posing health risks to vulnerable populations such as renters, adults 65 years or older, and children. Increased temperatures can also stress vegetation and wildlife, leading to habitat shifts and increased plant and animal mortality rates. The County of Monterey's Department of Emergency Management operates a webpage with current emergency information for extreme heat events, including cooling centers within the region.

Sea Level Rise

Rising sea levels will exacerbate coastal erosion, flooding, and storm surges, impacting coastal ecosystems, recreational areas, and critical infrastructure like wastewater systems. Coastal properties and natural habitats are at increasing risk of coastal erosion and wave damage. Sea level rise is discussed in Section 10.4.

Severe Storms and Stormwater Flooding

Increased intensity and frequency of severe storms may lead to more frequent flooding events, overwhelming stormwater systems and causing damage to properties and infrastructure. Coastal areas are particularly vulnerable to storm surges and wave action. Flooding is discussed in Section 10.3 Flooding and Storm Hazards are discussed in Section 10.6.

Wildfire

The frequency and intensity of wildfires are projected to increase, particularly in the southern forested areas of Pacific Grove. Wildfires pose risks to people and property, public health due to wildfire smoke, and infrastructure and service disruptions, such as power outages. Wildfire is discussed further in Section 10.10.

10.2.2 Climate Vulnerability Assessment

The CCVA analyzes vulnerabilities and priority populations in the city of Pacific Grove, focusing on impacts of the various climate hazards. Vulnerable populations are highly susceptible to drought, wildfire, severe storms and stormwater flooding, sea level rise, and extreme heat. In Pacific Grove, significant vulnerable populations include renters, adults 65 years and older, individuals with disabilities, military veterans, and individuals with cardiovascular disease. Individuals with chronic health conditions, including seniors, children, military veterans, and individuals with disabilities, are typically more sensitive to air and water pollutants and can experience mobility challenges that limit access to medical care, emergency resources, and evacuation. Renters are also particularly vulnerable to climate related hazards since they typically have limited control over housing conditions such as cooling systems, insulation, and home retrofits to protect against hazards such as flood and wildfire. In addition, residents living in overcrowded housing are more likely to face health and safety concerns and face financial barriers when preparing for and recovering from climate hazards. Overcrowding rates are low throughout Pacific Grove, but is higher among renter households compared to homeowners and is highest in Del Monte Parke neighborhood, which overlaps with high wildfire hazard zones.

Buildings infrastructure, and critical services, especially those located adjacent to the coast, are also vulnerable to climate change impacts. Critical facilities consist of the infrastructure and systems that are essential to maintain the health and welfare of the public and that enable the continuous operation of critical government and business functions. Critical infrastructure and services include water services, storm drainage and flood protection, fire services, emergency services, medical services, utilities and major utility corridors, public transportation, roadways, and active transportation routes. These assets are vulnerable to drought, stormwater flooding of roadways, increased hospital visits due to poor air quality, and increased energy demand during extreme heat events. The City's wastewater infrastructure is particularly vulnerable to sea level rise and coastal flooding due to its location within 150 feet of the shoreline.

CLIMATE CHANGE GOALS, POLICIES, AND PROGRAMS

GOAL	**Prevent loss of life, injury, and property damage from climate change related hazards.**

2

POLICY 5 **Ensure climate adaptation and hazard plans are designed to identify and address impacts to the city's most vulnerable populations.**

Program E Collaborate with local and regional entities to establish climate resiliency centers (i.e. cooling centers for extreme heat events and emergency centers for climate related emergencies). Ensure resiliency centers are located in proximity to areas with high concentrations of vulnerable populations.

Program F Identify areas with concentrations of vulnerable populations that may be disproportionately impacted by climate change and may need assistance and conduct education on climate change related impacts.

POLICY 6 **Implement water conservation programs and education to increase drought resilience and reduce vulnerability to long-term water supply shortages.**

Program G Upon the next update to the Urban Water Management, partner with the California American Water Company and Monterey County to review historical droughts and consider similar droughts in future projections to better plan for water supply shortages and support the City's Local Water Program.

Program H Where feasible, implement a program to conduct water/energy nexus studies to inform the City's future public water and electricity rate structure during times of drought to ensure under-resourced individuals avoid inequitable pricing outcomes.

Program I Promote drought-tolerant landscaping across all public and private properties.

Program J Identify natural infrastructure that may be used in adaptation projects to address climate change hazards. Where feasible, incorporate natural features and ecosystem processes, or the restoration of natural features and processes when developing climate hazard implementation plans.

POLICY 7 **Where feasible, install shade trees and cool pavement, expand the functionality and availability of cooling centers, and distribute low-cost cooling resources to reduce the impacts of extreme heat and poor air quality on climate vulnerable populations.**

Program K Where feasible, partner with nearby jurisdictions to expand the availability of cooling centers to address a greater variety of needs as resilience centers facilitating health, food, medical, and emergency services during poor air quality events caused by climate hazards, including extreme heat events.

Program L Seek funding to develop an Extreme Heat Plan to plan for and mitigate extreme heat, such as employing cool pavement technology and increasing the urban forest.

Program M Encourage alternatives to air conditioners such as ceiling fans, air exchanges, and increased insulation to reduce high electricity demand during extreme heat events to increase reliability of electrical grid.

POLICY 8 **Ensure the siting, design, and retrofit of critical facilities incorporate climate resilience measures to protect against current and projected climate change impacts, including extreme heat, flooding, wildfire, and sea level rise.**

Program N Assess critical facilities, including those for first responders and critical service providers to identify retrofits needed for long-term climate resilience such as wildfire, sea level rise, increased wind/storm events and stormwater flooding, and increase in extreme heat events based on the best available science in climate projections.

Program O Locate new critical facilities outside of high hazard areas, including high and very high fire hazard severity zones, 100-year flood zones, and tsunami inundation zones.

Program P Consider amending the local building code to require CALGreen Tier 2 Voluntary Standards Section A5.106.11.2 for cool roofs and Section A5.106.7.2 for cool walls by the next California Building Codes (CBC) update cycle to protect occupants from

extreme heat.

Program Q Consider amending local building code to require indoor cooling and two-way air conditioning units in new multi-family buildings, monitoring the California Department of Public Health guidance regarding indoor cooling which will inform the next CBC update cycle.

POLICY 9 Incorporate climate change projections in future resource conservation plans and land use plans, including research and monitoring plans.

Program R Adopt a climate action and adaptation plan that includes climate change projections and policies and programs to reduce impacts of climate change and address climate adaptation.

Program S Conduct citywide outreach on water conservation programs and education through print, digital, and in-person outreach (i.e. flyers, information booths at City attended events, social media posts).

POLICY 10 Inform the community of natural and human-made hazards, climate change hazards and disaster preparedness through education and outreach events.

Program T Conduct community education efforts via local media coordination, City sponsored activities and events, and other methods to reach the broader community regarding emergency evacuation, potential hazards, and mitigation efforts.

~~Program C~~Program U Provide online information for preparing homes and business for extreme weather events, such as resources on what to have at home in an emergency kit.

10.3 FLOODING

The potential for flooding exists whenever excess surface runoff collects and concentrates. This may occur because of inadequate storm drainage or because the natural capacity of a stream or drainage system has been exceeded.

The natural landscape of Pacific Grove peaks near the city boundary with the Presidio of Monterey and slopes gently downward north and west toward Monterey Bay and the Pacific Ocean. This slope gives the city a mostly unobstructed natural gravity drainage system. Pacific Grove is on a peninsula without any significant streams or rivers and no true floodplains.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), most of Pacific Grove has low flood risk, as shown in Figure 10-7~~Figure 10-7~~. FEMA FIRMs use historical data to determine flood hazard, identifying areas of low, moderate, and high flood risk. In Pacific Grove, only very small areas directly adjacent from the coastline are within the 100-year flood plain (one percent annual chance of flooding). With climate change anticipated to increase the frequency and severity of extreme precipitation events, Pacific Grove may experience more frequent and severe flooding. This could result in temporary disruption of emergency services and potentially overwhelm wastewater and storm drainage systems. Several low-lying areas of the city, including transportation routes near Asilomar State Beach and Conference Grounds, in particular portions of Ocean View Boulevard and Sunset Drive between Esplanade Street and Asilomar Avenue, are identified as flood prone in the most up to date Multi-Jurisdictional Hazard Mitigation Plan. Although located outside of City limits, the Del Monte Boulevard tunnel in Monterey is an especially critical transportation route that provides one of two major access routes into/out of the City and could be prone to flooding.~~, however, were designated as "flood prone" in the 1978 Pacific Grove environmental hazards element~~ Flooding in these areas still presents an issue when high tides and large surf occurs simultaneously. ~~has since been mitigated Source: by installation of new storm drains, and there is no significant flood danger to the city.~~

In Pacific Grove precipitation changes due to climate change are expected to increase the risk of flooding in the city, including localized flooding which could cause property damage or cause access issues due to street closures. The compounding effects of climate change impacts can lead to greater risks. Storm events after a wildfire can lead to mudslides and debris flows, which in Monterey County led to a local emergency following a severe winter storm in 2021.

10.4 SEA LEVEL RISE

Increasing temperatures caused by climate change are expected to raise global sea levels. Sea level rise increases the risk of coastal erosion, coastal flooding, and damage to resources and infrastructure. A coastal hazard modeling assessment was conducted in August 2024 as part of the Local Coastal Program update. The study analyzed citywide parcel vulnerability using topographic data and erosion modeling to identify areas

that would become at risk for cliff erosion and storm wave hazards under various sea level rise scenarios. The study projected significant coastal erosion due to sea level rise by the year 2100, particularly along the shoreline and bluff at Pacific Grove State Beach. The Great Tide Pool and Crespi Pond area could retreat up to 85 and 54 feet respectively. Residential structures and public amenities in the Asilomar Dunes Neighborhood, Beach Tract / Fairway Homes Neighborhood, and Pacific Grove Retreat Neighborhood could become increasingly vulnerable to coastal erosion with an increase in frequency and severity of storm surges, and rising mean water level due to climate change. The study identified 69 parcels and 28 built structures to be at risk from coastal wave hazards and 23 parcels with one structure at risk of coastal erosion. Figure 10-8 shows the sea level rise projections for Pacific Grove along with coastal erosion risk.

~~10.4~~10.5 DAM FAILURE

The closest operable dam is located southwest of Pacific Grove outside City boundaries in Monterey County. The California-American Water Company (Cal-Am) ~~recently~~ reconstructed the Forest Lake Reservoir in 1994 to make it more resistant to earthquake and storm damage that could cause local flooding as well as constructing the reclamation and recycling system. In 1998 the reservoir was purchased by the Pebble Beach Community Services District and has since increased the storage capacity. The Pacific Grove Dam, located on the eastern side of the city, is still owned by Cal-Am~~'s~~ and is the only reservoir within the city limits. The dam has been considered inoperative since 2003, poses no significant inundation hazard, and ~~. It~~ is no longer ~~being~~ used for potable water storage. Figure 10-9 shows areas of the city subject to dam inundation hazard.

~~Program D Program C Explore the use of the California American Reservoir for potential storage of reclaimed water.~~

~~10.5~~10.6 STORM HAZARDS

Winter storms along the Pacific Grove shoreline have the potential of producing breaking waves exceeding 20 feet in height at the 20-foot depth contour. Although the offshore reef areas dissipate much of the storm wave energy, run-up can reach the low-lying shoreline areas below or at the 20-foot elevation (including the waterfront parklands and roadways). Boulders and other debris flung onto the shore are the primary storm hazards in the area.

Another potential storm hazard results from the configuration of Monterey Bay. The bay tends to produce sets of larger waves followed by quiet periods. These quiet periods may lure the unwary too close to the shoreline. The City has recognized the hazard these unexpected large waves pose by posting warning signs along the shoreline.

Climate change is expected to increase the rate and severity of storms. Extreme wind and precipitation events often overwhelm storm drainage systems which could impact properties and infrastructure due to localized flooding or downed trees and power lines.

A study of storm damage in the vicinity of Monterey Harbor from 1910 to 1960 indicates periodic damage to harbor structures and moored boats, but little loss of life. The winter storms of 1982-83 downed trees, damaged piers and some seawalls, and flooded part of the Asilomar area. Although recreational use of the shoreline has intensified substantially since 1970, the heaviest use is during the summer months when storm activity is rare. (Most storms occur between October and April.)

~~POLICY 4 Maintain adequate storm warning communication systems.~~

The Pacific Grove Police Department receives weather warnings directly from the National Weather Service's Forecast Office for the San Francisco Bay

Region. A ~~new~~ National Weather Service office for the area is located in the city of Monterey at 21 Grace Hopper Avenue. Several forecast stations broadcast information for the coastal counties, including stations at Mount Umunhum in Santa Clara County~~at the~~ and the Monterey Peninsula Airport~~, focusing on the coastal counties between Sonoma and San Luis Obispo counties, opened in 1994~~.

Figure 10-7 100-Year Flood Zones

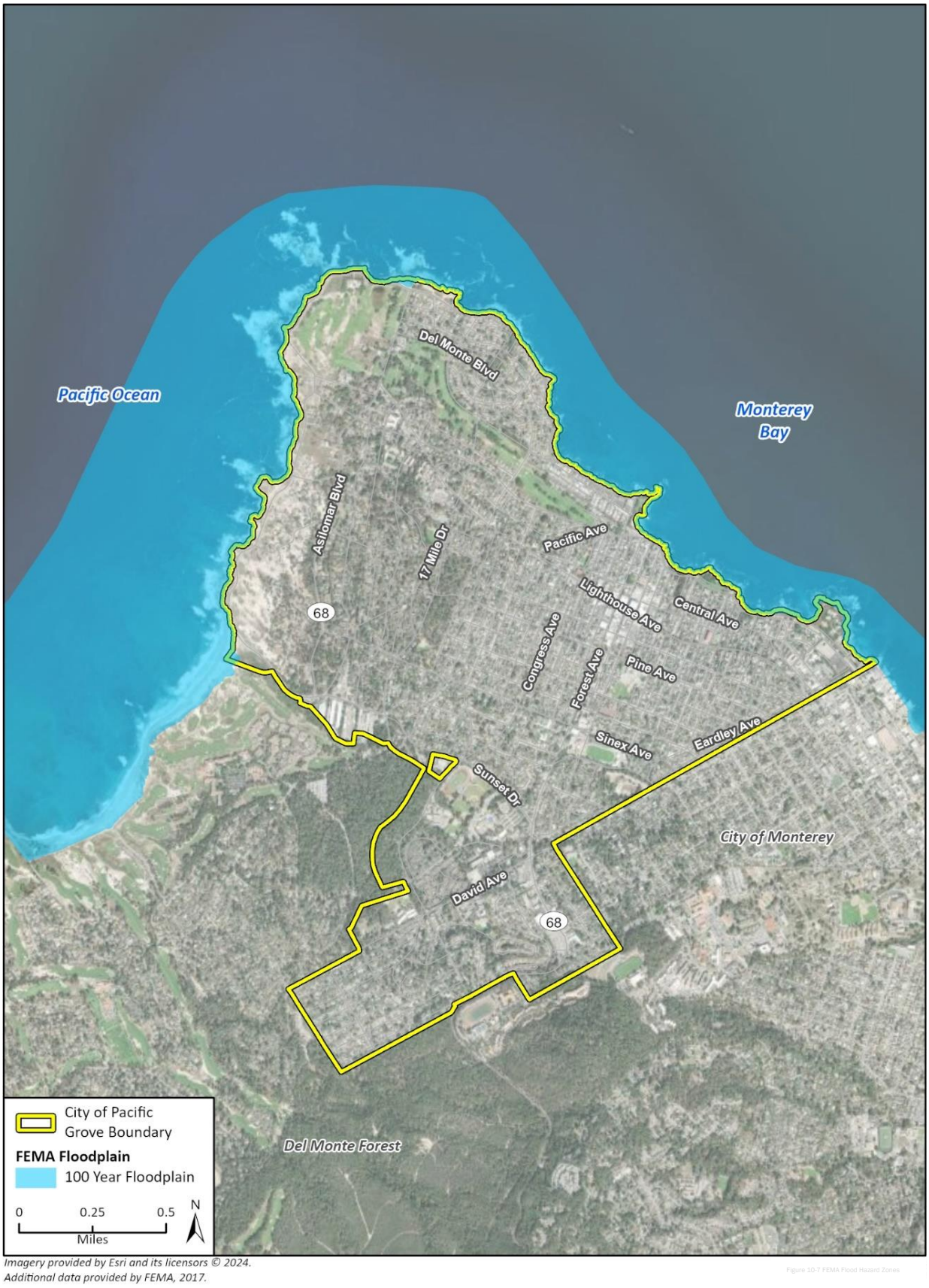


Figure 10-8 Sea Level Rise

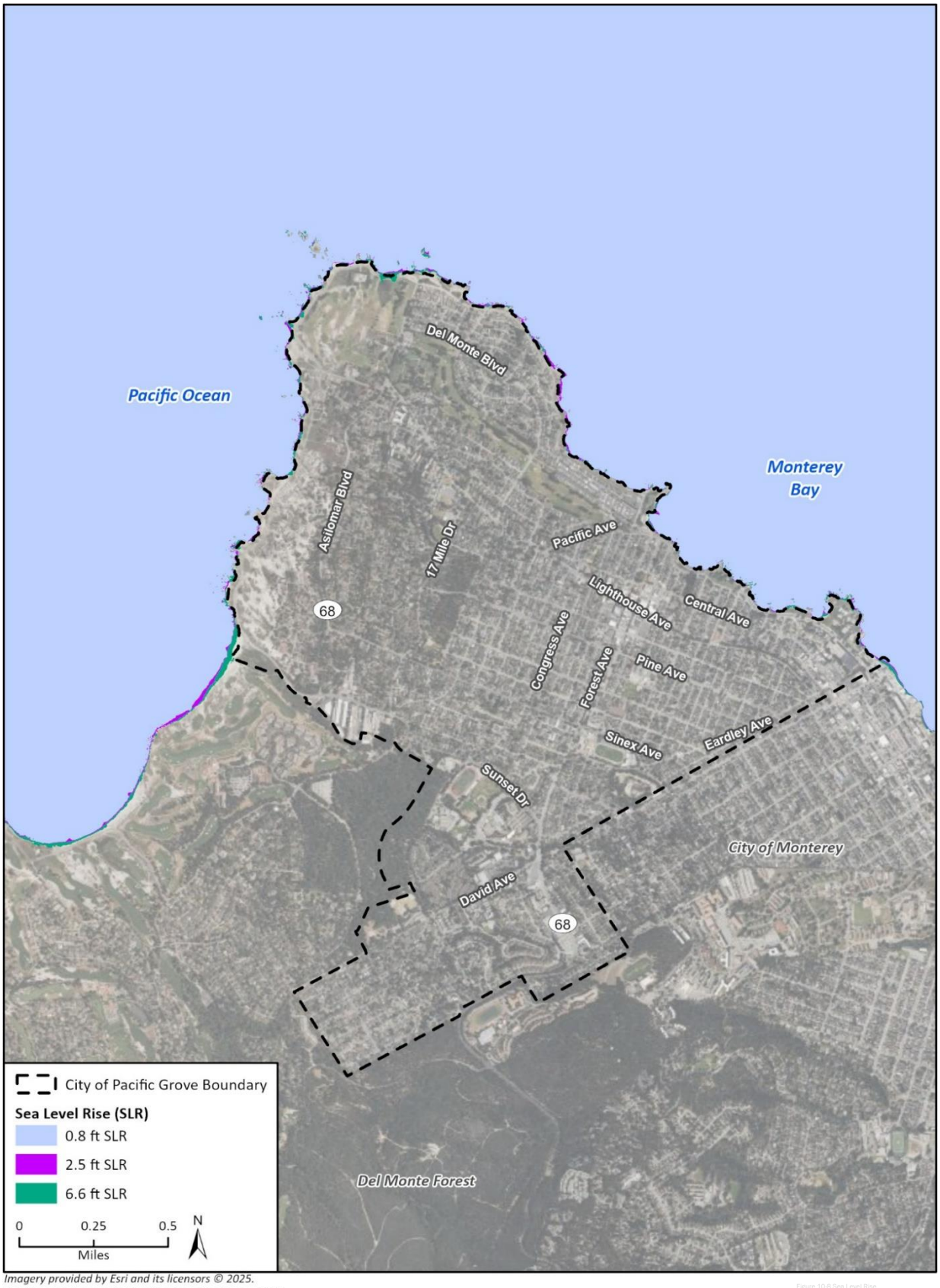


Figure 10-9 Dam Inundation Areas



STORM, FLOODING, and SEA LEVEL RISE GOALS, POLICIES, AND PROGRAMS

GOAL 3 **Prevent injury, property damage, and infrastructure loss from flooding and erosion.**

~~**POLICY 4**~~**POLICY 11** ~~**Restrict parking, construction permits, or right-of-way encroachment permits on high fire hazard days in neighborhoods in and near fire hazard zones; on days with potential storm surges, atmospheric rivers, in flood zones near Asilomar State Beach and Conference Grounds, and**~~ **Upgrade and maintain the city's stormwater drainage system to increase capacity and reduce flooding to account for projected precipitation rates due to climate change.**

~~Program E~~Program V Strengthen storm drain maintenance to prevent local flooding during strong storms.

Program W Require prompt revegetation and/or construction of newly graded sites to control erosion.

Program X Encourage projects requiring development permits incorporate low impact design to reduce runoff, such as permeable paving, on-site detention ponds, and bioswales.

POLICY 12 **Enhance the resilience of the city's stormwater drainage and wastewater systems to accommodate potential impacts including sea level rise and severe storm events.**

Program Y Adopt, implement, and periodically update a drainage system master plan that inventories the city's stormwater drainage system, identifies deficiencies and capacity constraints, and recommends infrastructure improvements to address identified issues. The drainage system master plan should incorporate future climate change projections and address anticipated impacts to the system.

Program Z Update the City's Sewer System Master Plan every five to 10 years to accommodate city growth and address climate change impacts.

Ensure new development and redevelopment projects effectively mitigate potential risks associated with sea level rise through the coastal development permit review process.

POLICY 13

Program AA Encourage development projects to deposit dredge spoils on Pacific Grove State Beach to mitigate coastal erosion, as identified in the MJHMP and CCVA if the material is suitable for sand replenishment and is consistent with environmental protection policies.

Program BB Require removal or relocation of structures away from sea level rise hazards, especially those identified in the CCVA, if public health and safety risks exist, if essential services can no longer be maintained, if the structures are no longer on private property due to shoreline migration, or if the development requires new or augmented shoreline protective devices that would not otherwise be permitted.

POLICY 14 **Coordinate with other local, regional, state, and federal agencies to monitor local sea level rise impacts and plan and implement adaptation initiatives and restoration or enhancement of natural ecosystems.**

Program CC Develop sea level rise adaptation plans for assets vulnerable to sea level rise.

~~Program F~~Program DD Continue to build community awareness about sea level rise hazards and future vulnerabilities.

~~10.6~~10.7 AIRCRAFT/AIRPORT ~~CRASH~~ HAZARDS

The Monterey Regional Airport is located approximately 3.5 miles to the southeast of Pacific Grove. The Monterey County Airport Land Use Commission prepared the 2019 Airport Land Use Compatibility Plan (ALUCP) to promote the safety and welfare of the communities affected by airport activities, in which Pacific Grove is within the Airport Influence Area (AIA). Figure 10-1~~Figure 10-10~~ shows Pacific Grove in relation to the safety overlay areas. ~~Under some wind conditions, commercial, private, and military a~~Airplanes fly over Pacific Grove on their approach to land at the Monterey ~~Peninsula~~ Regional Airport and the Point Pinos Lighthouse is a landmark in pilot's visual approach procedures. ~~This is a potential~~ Potential hazards arise during certain

weather conditions. The ALUCP establishes safety measures for jurisdictions within the AIA. For Pacific Grove this would include a maximum non-residential intensity of 300 persons per acre, a requirement for 10 percent open land, and various restrictions including prohibitions on hazards to flight, outdoor stadiums, structures over 100 feet, and uses involving vulnerable occupants within specified distances from the runway, with additional airspace analysis and airport disclosure notices required. Aircraft noise exposure is later discussed in Section 10.13.2.

AIRCRAFT/AIRPORT HAZARDS GOALS, POLICIES, AND PROGRAMS

GOAL 4 **Prevent injury, property damage, and infrastructure loss from airport hazards.**

POLICY 15 **Maintain adequate storm warning communication systems.**

POLICY 16 ~~**POLICY 5**~~ **Work with the Monterey Peninsula Airport District to monitor safety ~~and noise~~ concerns for Pacific Grove.**

POLICY 17 **Continue to review development projects to ensure consistency with the ALUCP requirements for the AIA.**

~~10.7~~10.8 TOXIC AND HAZARDOUS ~~WASTES~~MATERIALS

The generation, storage, disposal, and transportation of toxic or hazardous wastes in Pacific Grove is not a significant issue. Household hazardous waste is accepted and processed by Monterey Regional Waste Management District at the ReGen Household Hazardous Waste Facility in the city of Marina, as well as through curbside pickup through the GreenWaste Recovery services. The City ~~maintains a~~ 's hazardous materials storage area was previously located at the City Corporation Yard, at 2100 Sunset Drive, but is now considered inactive. Pacific Grove Public Works Department maintains an inventory of materials by location for pesticides.

There are no permitted hazardous waste facilities in the city. There are few locations with active hazardous materials identified and a number of inactive sites, such as sites with previous uses that may have resulted in contamination and hazardous material: including a prior naval fueling station, and the historic Point Pinos lighthouse. Figure 10-10~~Figure 10-10~~ shows active and inactive hazardous material sites in the city.

The City has the following goals, policies, and programs related to hazardous materials.

HAZARDOUS MATERIALS GOALS, POLICIES, AND PROGRAMS

GOAL 5 **Prevent injury, property damage, and infrastructure loss from hazardous materials exposure.**

POLICY 18 **Require businesses that manufacture, store, use, or transport significant quantities of hazardous and toxic materials to annually identify such materials and their quantities and to notify the Fire Department of any changes in such materials or activities.**

~~Program G~~Program EE Maintain a current inventory of hazardous and toxic materials by location, for use by the Fire Department and the Community Development Department.

~~**POLICY 5** **The City supports the establishment of a substation in the city for the collection of hazardous materials. See Program L in Section 6.6 of Chapter 6, Natural Resources.**~~

~~**POLICY 6** **Program L Continue to maintain appropriate li- censes and permits for the storage of hazardous materials.**~~

Figure 10-10 Monterey County Airport Land Use Plan Safety Zones

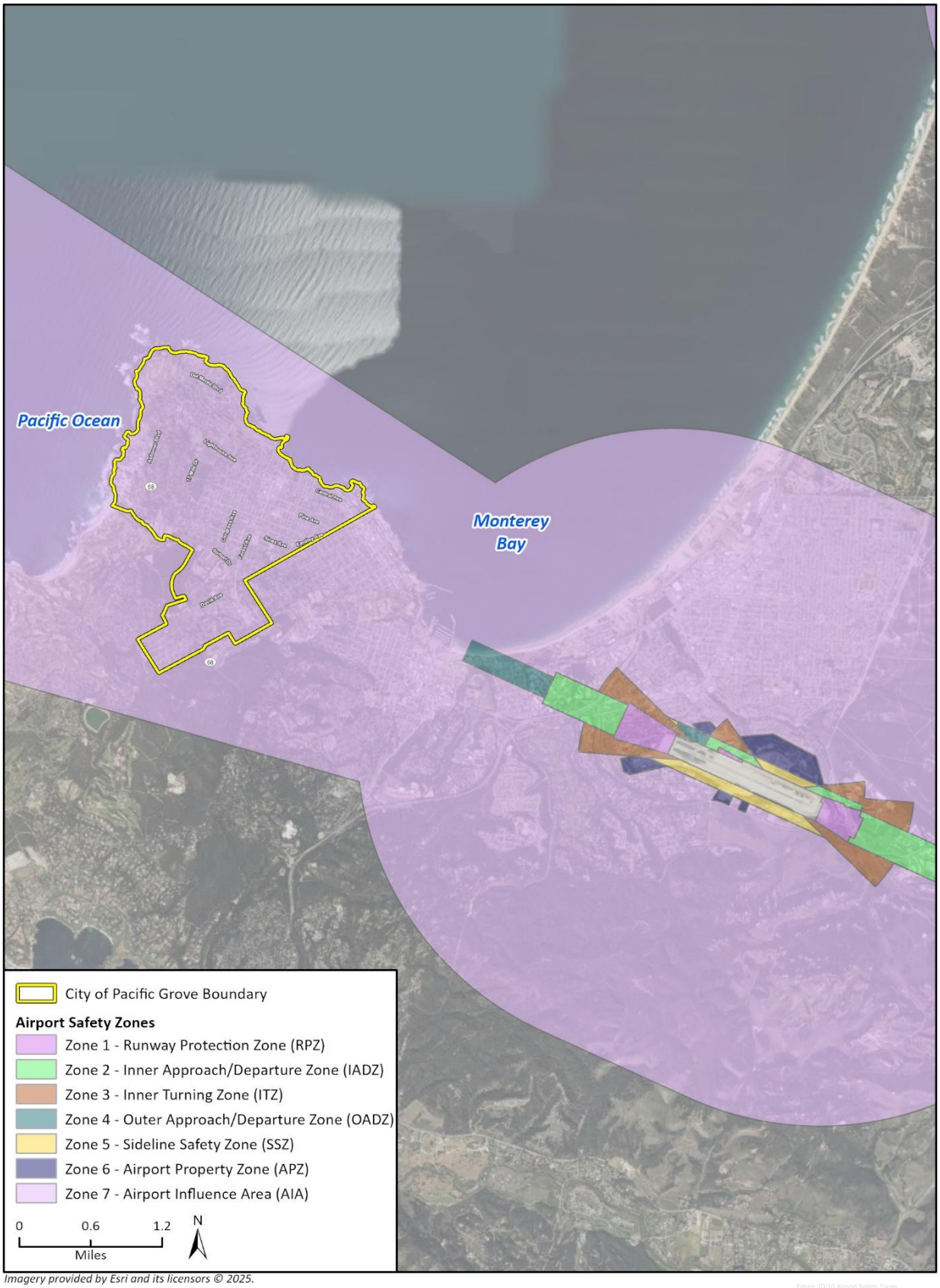
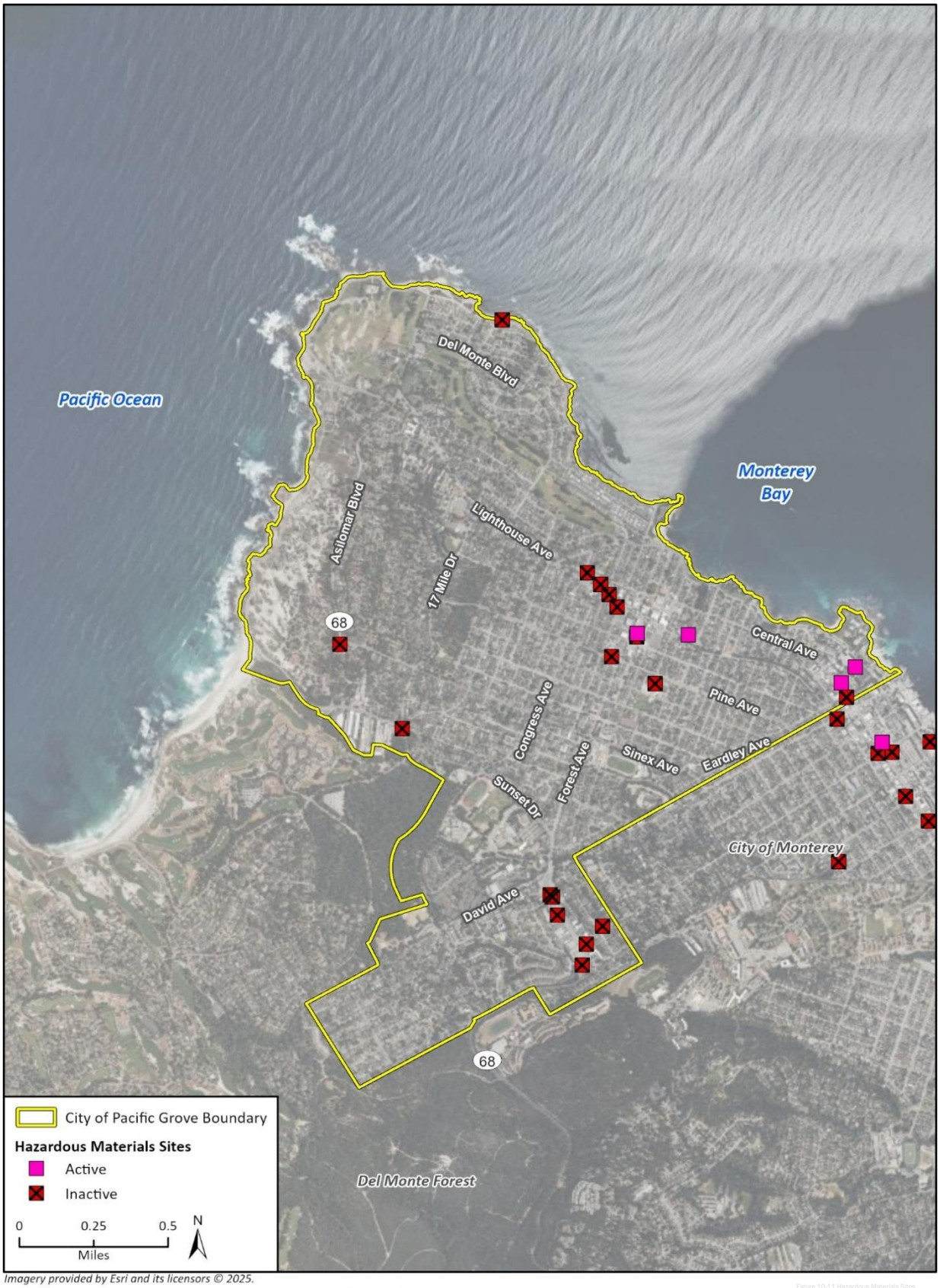


Figure 10-11 Hazardous Materials Sites



Imagery provided by Esri and its licensors © 2025.
Additional data provided by Geotracker and Envirostor; accessed February 6th, 2025.

~~10.8~~10.9 AIR AND WATER POLLUTION

There are no significant air or water quality problems in ~~the Planning Area~~Pacific Grove. (Water quality and the City's intention to control non-source pollutants are dis~~—~~cussed in Chapter 6 Natural Resources, Sections 6.2 Water Resources and Water Quality and 6.6. Natural Resources Goals, Policies, and Programs)

The excellent ventilation provided by the weather patterns generally inhibits the buildup of air pollutants. ~~How ever,~~ Pacific Grove is part of the North Central Coast Air Basin.~~,~~ According to the California Air Resources Board air quality standards designation tool, the city ~~which~~ is within federal attainment status for ozone and particulate standards and State attainment for fine particulate matter (PM2.5). However. the city is located in a non-attainment area for State ~~and federal~~ ozone ~~standards and for State~~ and inhalable particulate standards for coarse particulate matter (PM10). Attainment means complying with State and federal ambient air quality standards within an air basin.

The Monterey Bay Air Resources District (MBARD) is responsible for conducting air monitoring, permitting, enforcement, long-range air quality planning, regulatory development, and education and public information activities related to air pollution for Monterey County.

There are few industrial sources of air pollution in Pacific Grove. Sources of air pollutant e~~E~~missions relevant to Pacific Grove include passenger and commercial vehicles, wildfire smoke, ~~from sources such as,~~ residential cooking and heating, dry cleaners, and gasoline dispensers.

The City has the following air and water quality goals, policies, and programs.

AIR AND WATER POLLUTION GOALS, POLICIES, AND PROGRAMS

GOAL ~~3~~6 — **Promote attainment, and insofar as possible, improve air quality in Pacific Grove and the Monterey Bay area.**

~~POLICY 7~~POLICY 19 — **Address State and federal regulations to keep funding to maintain attainment.**

~~Program H~~Program FF Support and participate in regional air quality planning programs.

~~POLICY 8~~POLICY 20 — **Use the CEQA process to identify and avoid or mitigate potentially significant air and water quality impacts of development.**

In doing so, the City will consult with the Monterey Bay Air Resources District ~~Unified Air Pollution Control District~~ concerning air quality issues associated with specific development proposals.

~~POLICY 9~~POLICY 21 — **Continue to support the efforts of the Transportation Agency for Monterey County to implement the ~~Monterey County Congestion Management Plan~~Regional Transportation Plan.**

~~Program I~~Program GG Ensure that new development, or major rehabilitation, redevelopment, or con~~——~~version, incorporates the infrastructure, facilities, and design standards necessary to encourage and accommodate public transportation, ridesharing, and non~~——~~automobile travel modes.

~~10.9~~10.10 FIRE HAZARDS

There is ~~a~~ potential for both wildland and structural fires to threaten life and property in Pacific Grove. Wildland fires, which result from both human activity and natural causes, occur in forests, brush, or grass-lands, but ~~may~~can threaten structures and urban development. Local and regional wildfires can also generate smoke that can cause hazardous air quality conditions impacting public health, particularly those with respiratory conditions such as asthma. Structural fires usually result from human activity. Substandard structures present the highest potential for injury, death, or loss of property.

~~10.9.1~~10.10.1 Wildland Fire Hazards

Wildland fires ~~are unlikely to present a hazard to Pacific Grove during most of the year, but such fires do occur periodically~~can occur year-round and typically occur most frequently during the annual dry season (May to October). Wildfires can be naturally occurring or caused by human activity. The buildup of understory brush and vegetation (which under natural conditions would be periodically burned off) creates conditions conducive to large and intense fires. Variables such as humidity, drought, rainfall, wind velocity, type of vegetation, and fuel buildup determine the start, spread, and control of wildland fires. Increased temperatures, decreased precipitation, and prolonged dry spells due to climate change are likely to cause greater fuel loads and fuel dryness, resulting in more frequent and severe

wildfires. These climate patterns are extending the fire season, which historically occurred from May to October throughout California. Furthermore, fire suppression and development within the wildland urban interface, the area of transition between human development and unoccupied land, has led to increased fuel load and risk of ignition. ~~The most hazardous fire conditions occur during the annual dry season (May to October).~~Historical wildfires that have occurred in proximity to the city are shown in Figure 10-12~~Figure 10-12~~.

The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for fire suppression and prevention within all "State Responsibility Areas" (SRA). CAL FIRE has developed a classification of wildland fire hazards for SRAs in proximity to Pacific Grove, all of which are unincorporated. This classification system categorizes areas based on their wildfire hazard level. An updated Fire Hazard Severity Zone (FHSZ) map for the area was released by CAL FIRE on March 10, 2025. In order to enhance wildfire resilience and planning measures, the updated maps were adopted by the City on July 16, 2025, as recommended. The areas west and south of Pacific Grove are designated as Moderate, High, and Very High FHSZs based on the map retained on file by the City. Federal Responsibility Areas (FRA) fall under the responsibility of federal agencies. In and near Pacific Grove this includes the Presidio of Monterey to the east of city limits, National Oceanic and Atmospheric Administration (NOAA) Southwest Fisheries Science Center on Lighthouse Avenue, and Naval Reserve Center within the Point Pinos Lighthouse Reserve.

Local Responsibility Areas (LRA) are zones where local and regional fire suppression agencies are responsible for fire protection and prevention. Monterey City Fire Department is responsible for fire suppression and prevention in Pacific Grove and the surrounding cities. According to the most up to date designations from CAL FIRE, LRAs that are of highest risk to wildfire are located in the southern limits of the City. The border of the Del Monte Forest with Pacific Grove, where development is adjacent to dense vegetation, has a potential for wildland fires that can endanger ~~urban development~~people and property. Undeveloped forested areas directly behind houses in this area are highly hazardous because of the accumulation of large amounts of dry brush and dead wood that can become fuel for a wildland fire. These areas are considered by CAL FIRE to be Moderate to High Fire Hazard Severity Zones (HFHSZ) and Very High Fire Hazard Severity Zones (VHFHSZ), based on the most up to date designations. Figure 10-12~~Figure 10-12~~ shows wildfire hazard areas in the city. Figure 10-14~~Figure 10-14~~ shows existing development within HFHSZs and VHFHSZs. The existing uses in these areas are primarily residential, but also contain the existing Forest Hill commercial corridor, shopping center, and city owned educational facilities. The General Plan land use designations for these areas include Low to High Density Residential, Open Space, Public, Forest Hill Commercial, Group Quarters, and Country Club Shopping Center.

Several Pacific Grove Unified School District schools are located within fire hazard severity zones in the southern part of the city. The School District has prepared a Districtwide Threat and Risk Assessment and individual Site Safety Plans for each school to identify and address safety issues, including fire. These plans evaluate each schools existing fire protection system and provide evacuation routes and shelter in place procedures in the event of a fire within the area.

A May 31, 1987, fire in Del Monte Forest burned 160 acres, destroyed 32 houses, and caused an estimated $16 million in damage. Monterey County contracts with the ~~California Department of Forestry~~CAL FIRE for fire protection in this part of the Planning Area.

Some areas within the ~~city limits~~interior of the city also pose a wildland fire hazard. In Pacific Grove Acres, ~~structure~~ structural and other fires can set off wildland fires. The forested portions of the Lynn "Rip" Van Winkle Open Space could pose a fire threat to the schools and housing across Congress Avenue. Washington Park, and Asilomar State Beach and Conference Grounds have a ~~smaller~~ lower wildfire potential ~~for an outbreak of wildland fire~~, since they are well-maintained and regularly cleared of fire-prone debris and brush and are broken up by pavements and cleared areas.

~~The California Department of Forestry has developed a classification of wildland fire hazards for all "State responsibility lands." The State responsibility lands within the Pacific Grove Planning Area, all of which are unincorporated, have been designated as having a moderate fire potential.~~

The cities of Monterey, Pacific Grove and Carmel-by-the-Sea participated in the creation of a Community Wildfire Protection Plan (CWPP) to prepare for and adapt to the increasing impact of wildfires. The CWPP development was led by the Monterey Fire Department in response to the federal Healthy Forest Restoration Act of 2003 and adopted by the Pacific Grove City Council in 2024. The CWPP contains recommended actions in order to identify effective, prioritized wildfire mitigation and fuel reduction projects.

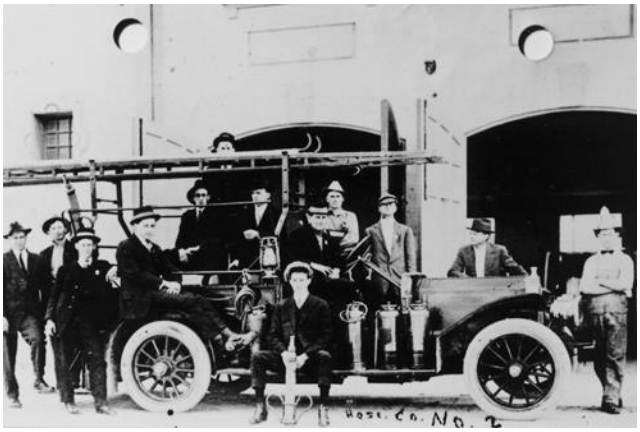
~~10.9.2~~10.10.2 Structural Fire Hazards

A large number of structures within the original Retreat are substandard in terms of current State and local fire and building codes. These older buildings were constructed on small lots with little or no yard space between them. Many are of single-wall construction, and nearly all are wood frame. Many have original electrical wiring and circuits that fail to meet the electrical demands of large numbers of modern household appliances. In addition, many older two- and three-story dwellings throughout the city have been converted into apartments or rooming houses. ~~; and i~~Increasing the number of family units within a building places additional demand on building infrastructure which increases the fire risk if buildings are not brought up to local code.

A number of wood-frame commercial buildings in the Downtown lack adequate fire protection. Some of the masonry buildings have common basements without fire-wall separations between properties. The lack of fire walls at property lines and within buildings gives the Downtown the city's greatest potential for structural fires.

Lack of water supply and low pressure can seriously constrain fire-fighting capabilities. The topography of the city affects the fire flow water supply as pressure decreases at higher elevation areas. Most of Pacific Grove has adequate water supply for fire suppression; areas that have inadequate water supply need to be upgraded. As of 1994, the areas within the city with inadequate water supply for normal fire protection were:

- The 1100 and 1200 blocks of Forest Avenue; The 600 block of Spazier;
- The 600 block of Hillcrest;
- The 300 and 400 blocks of Bishop;
- The area bounded by the 1000 block of Forest, between Beaumont Avenue and Morse Drive;
- The 1200 block of Adobe Lane; and
- The 600 and 700 blocks of Mermaid Avenue.



A tradition of public safety, 1920

Source: The Pat Hathaway Collection

Although ~~California American Water Company~~ Cal-Am has a water main improvement program, its priorities are based on customer complaints and leaks not on fire-fighting needs. Therefore, the City will need to include a water main improvement program in its capital improvement planning.

The original Retreat and Mermaid Avenue areas are designated "target hazard areas" because of the density of buildings and type of building construction. In addition, Mermaid Avenue has inadequate fire flow. To increase the fire flow, a new water main was extended from Lovers Point Park 950 feet westerly into the 700 block of Ocean View Boulevard, and a new hydrant was installed at the end of this main.

~~10.10~~10.11 FIRE PROTECTION

The Pacific Grove Fire Department serve~~d~~s the city from a single, centrally located fire station at 600 Pine Avenue until 2008. The department then merged with the Monterey City Fire Department to provide better services with an increased capability and depth of service to the greater community. This department, as of 2024, is staffed by ~~approximately 18 full-time, paid professional firefighterspersonnel~~ 24 fire engineers and 30 firefighters across six stations. The Pine Avenue Station No.11 primarily serves a geographical area of 2.5 miles, which includes the city of Pacific Grove. All members of the department have diverse emergency medical and fire suppression related responsibilities and are able to respond to a wide variety of hazard events. As reported in the 2024 Annual Report for the Monterey Fire Department, all jurisdictions achieved an Insurance Services Office (ISO) rating of 2. ISO ratings range from one to ten (Class 1 being the best and Class 10 being the worst) in terms of a communities fire protection capabilities. ~~For all fires and emergencies, the department maintains "running orders" which~~

~~determine the number and type of equipment to be dispatched and personnel required. In first alarm or greater fire situations, off-duty personnel are called in to staff reserve or back-up equipment located at the station, and volunteers are dispatched directly to the fire scene.~~

~~In addition to fire volunteers, the department has a volunteer ocean rescue unit that provides service on a countywide basis. Those involved in the ocean rescue program have diving experience and are not involved with fire suppression.I~~

Pacific Grove has a mutual aid agreement with all fire agencies in Monterey County. The County Communications Center in Monterey handles communications and dispatches units. ~~During 1990, the department's average response time was approximately three minutes, with response times rarely exceeding five minutePeninsula Medics Ambulance Company provides paramedic service on the Monterey Peninsula with one full-time ambulance stationed behind the Pacific Grove Fire Department.~~Monterey Fire Department submits a report of emergency response time to the City Manager on a monthly basis. In 2025, response times average below 5 minutes.

~~As required by the Public Utilities Commission, t~~The City has established ~~minimum acceptable flow rates~~regulations and standards for fire protection pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code by adopting provisions of the California Building Code. The City has adopted the 2022 edition of the California Building Code and regularly updates their building codes to be consistent with new editions of the California Building Code as they are released, including changes that further enhance protection from wildfire hazards. The City has adopted several local amendments to the California Fire Code, to include additional fire protection measures including defensible space requirements, hazardous material storage, burning prohibitions, and fire sprinkler regulations. ~~These m~~Additionally, to ensure adequate fire-fighting capabilities for developments, minimum water flow rates are listed in the latest adopted edition of the ~~Uniform~~ California Fire Code, Appendix ~~III A~~ BB, ~~Division III,~~ "Fire-flow Requirements for Buildings."



School children learn fire prevention



An ocean rescue

Figure 10-12 Historical Wildfires 1950 to Present



Figure 10-13 Fire Hazard Severity Zones

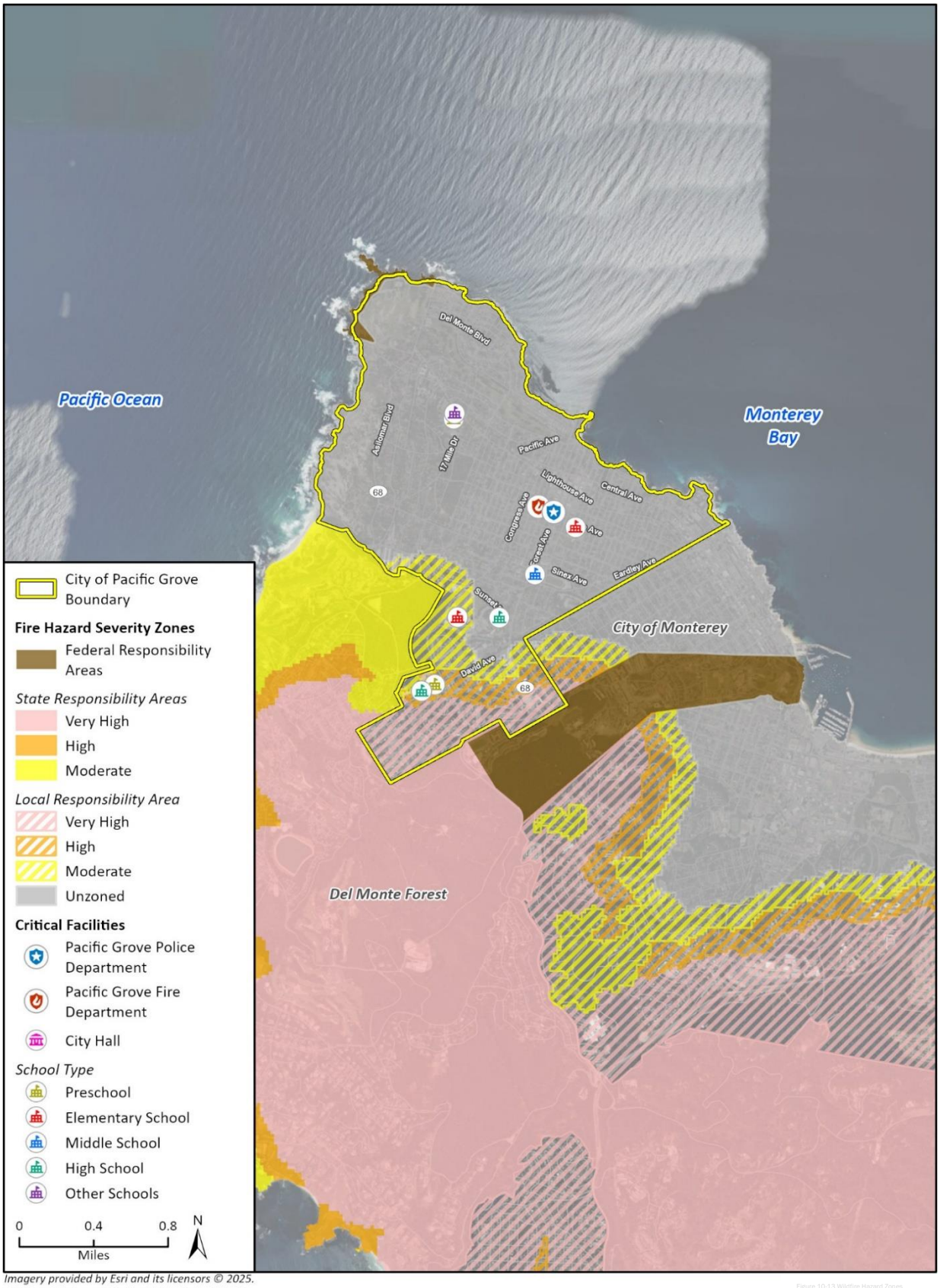
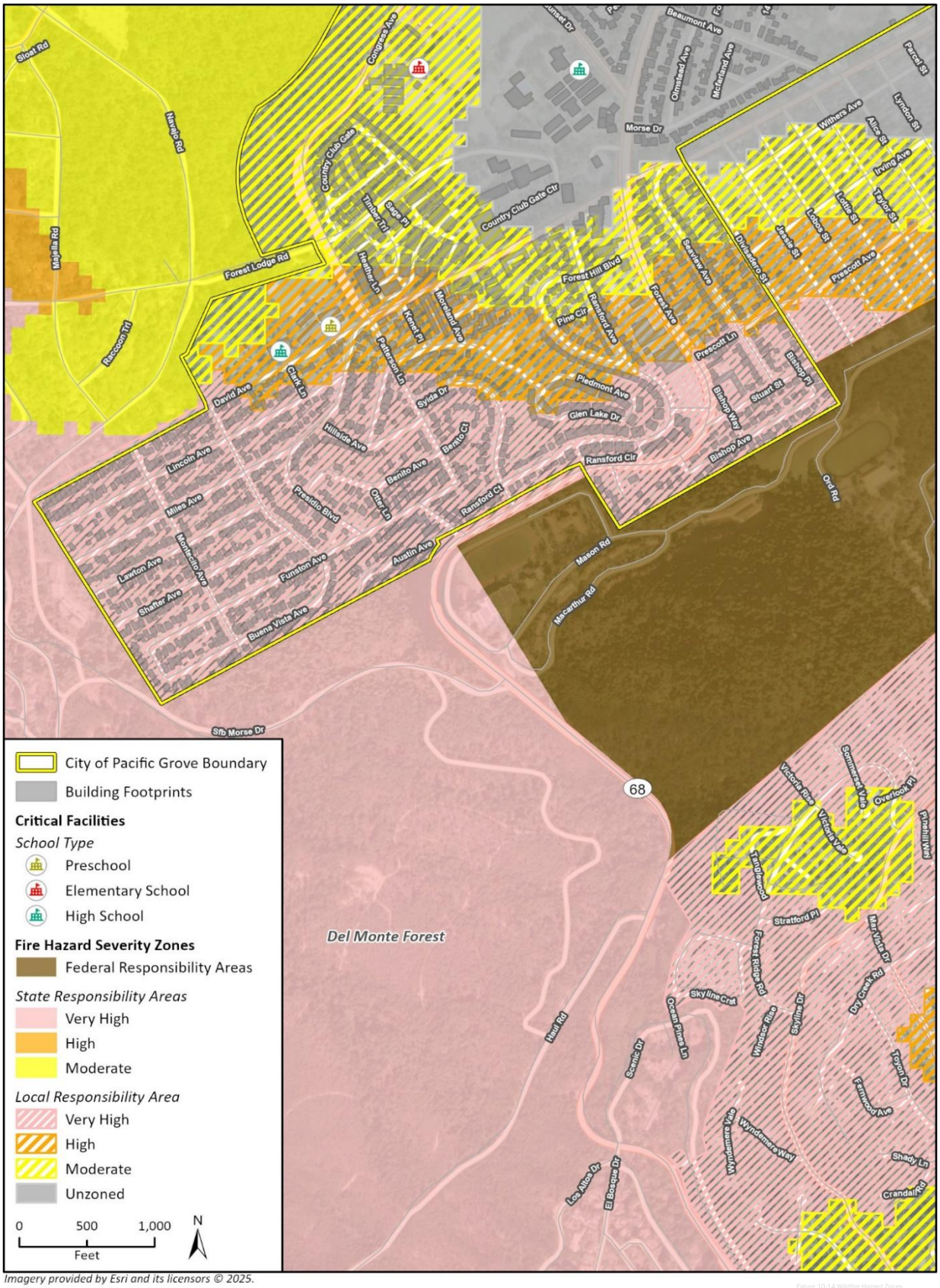


Figure 10-14 Buildings and Roadways Within High and Very High Fire Hazard Severity Zones



Imagery provided by Esri and its licensors © 2025.
Additional data provided by CALFIRE, 2024/2025.

FIRE PROTECTION GOALS, POLICIES, AND PROGRAMS

~~10.11~~ Policies herein are consistent with the requirements of California Government Code Section 65302(g) and are based on CAL FIRE's General Plan Safety Element Assessment and recommendations from CAL FIRE and the California State Board of Forestry and Fire Protection. Rincon did not develop original policies to mitigate wildfire.

~~GOAL 4~~ **~~Prevent loss of life, injury, and property damage from fires,, release of hazardous materials, natural disasters, and exposure to other hazardous conditions.~~**

GOAL ~~5~~7 **~~Ensure an adequate level of fire and medical emergency service to the community~~Prevent loss of life, injury, and property damage from fires and wildfire hazards.**

~~POLICY 10~~**POLICY 22** **Require new development ~~to~~ provide all necessary water service, fire hydrants, and ~~roads~~ fire access, and minimum flow rates consistent with Fire Department standards and City requirements which relate to the project.**

~~Program J~~ ~~POLICY 14 Require new development to comply with the minimum fire-flow rates contained in Appendix III-A in the most recent and locally adopted edition of the Uniform Fire Code.~~

Program HH ~~POLICY 15~~ Require all construction to meet the applicable current City codes for fire and life safety.

~~Program K~~Program II Whenever feasible, locate new critical facilities and new essential public facilities outside fire hazard zones, such as healthcare facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities.

~~**POLICY 11 Ensure adequate fire equipment access through the development review process.**~~

POLICY 23 ~~**Ensure**~~ **Coordinate with Cal-Am to ensure adequate water fire-flow throughout the city as set in the City's Fire Code.**

~~**POLICY 12**~~**POLICY 24 Promote implementation of building retrofits to enhance structural resilience to wildfire and fire hazards.**

~~Program L~~Program JJ Review the capacity of ~~application of~~ the City's ~~requirements for~~ on-site fire suppression systems, including sprinklers and pumps, in all new construction and update where feasible.

Program KK ~~Program P Regularly~~ Support Cal-Am in monitoring fire-flow throughout the city to ensure adequacy. Report any identified deficiencies to Cal-Am and collaborate on implementing infrastructure improvements to address deficiencies.

~~Program M~~Program LL Collaborate with Cal-Am, the Monterey Peninsula Water Management District, and Monterey One Water to identify and secure additional sources of water to support fire suppression activities.

~~Program N~~Program MM Schedule the improvement of water mains in the City's Capital Improvements Program (CIP).

~~**POLICY 13**~~**POLICY 25 Maintain an ongoing fire and life safety inspection program for all occupancies~~~~, except one- and two-family dwellings~~.**

Program NN Coordinate with the Pacific Grove Unified School District to support efforts to update and implement school Site Safety Plans and Risk Assessments to address fire risk.

Program OO Partner with the Pacific Grove Unified School District and associated schools to incorporate evacuation and safety of students into citywide emergency planning efforts.

Program PP Establish regulatory incentives to encourage property owners to implement building retrofits, such as permit streamlining and fee waivers and reductions,

Program QQ Develop a community education program to increase awareness of home hardening and retrofit options to reduce structural vulnerabilities to wildfire and fire hazards. This program can include

educational workshops and digital flyers providing information on maintaining defensible space, home retrofits, and other practices for reducing fire risk.

Program RR Collaborate with the Fire Department to encourage property owners in VHFHSZs to participate in the Fire Department's defensible space and home hardening inspection program to identify wildfire risks. Provide homeowners and participants with information on building retrofits to address safety issues identified during inspection.

Program SS Collaborate with the County of Monterey and neighboring jurisdictions to apply for funding to establish a home hardening assistance program to provide subsidies or low/no-interest loans for low- and moderate-income households to help cover home hardening retrofit costs.

~~Program O~~Program TT ~~Continue to inspect all occupancies annually, except one and two family dwellings~~Work with the Fire District to enforce all existing codes and ordinances regarding fire protection, building inspection, and vegetation management.

POLICY 26 ~~**POLICY 19**~~ **Maintain an ongoing comprehensive hazard abatement program that requires property owners to remove fire hazards, including vegetation, hazardous structures and materials, and debris~~, as directed by the Fire Department~~, pursuant to State and local requirements.**

Program UU Require all properties in the FHSZs to implement precautionary measures to create defensible space in compliance with regulations set forth in Senate Bill 63 and Assembly Bill 3074.

Program VV Require public properties in MFHSZs, HFHSZs, and VHFHSZs and private properties in VHFHSZs maintain fuel breaks around structures by removing brush and flammable vegetation located within 100 feet of the property, maintain a five-foot ember resistant zone around structures, continuing annual brush inspections, maintaining any tree adjacent to or overhanging any building free of dead or dying wood, and maintaining rooves free of leaves, needles, or other dead vegetation growth.

POLICY 27 **Require new and expanded development in the wildland urban interface and High and Very High Fire Hazard Severity Zones incorporate fire-resilient design, defensible space and vegetation management practices, and adequate emergency and evacuation capacity.**

Program WW Require all new developments to have adequate water supply to meet fire suppression needs and comply with applicable fire flow requirements.

Program XX Require that all homes have visible street addresses and signage and impose parking limitations to ensure that access roads are not blocked by parked vehicles.

Program YY Construct additional points of ingress and egress in single access neighborhoods and CAL FIRE subdivisions whenever feasible, especially those located in VHFHSZs in the southern part of the city and modify evacuation routes to minimize or avoid increasing evacuation times or emergency access response times in these neighborhoods.

~~**POLICY 14**~~**POLICY 28** **Following any future fires, reevaluate fire prevention policies and regulations on redevelopment.**

~~Program P~~Program ZZ Require visible home and street addressing signage in fire hazard severity zones to aid in emergency response.

Program AAA Establish minimum standards for evacuation and emergency vehicle access to and from the new or planned development in HFHSZs and VHFHSZs, including regulations for weight and vertical clearance, dead-end, one-way, and single-lane conditions.

Program BBB Ensure that, after a large fire, redevelopment of damaged property complies with the requirements of construction in the VHFHSZs and includes adequate provisions for emergency access, vegetation management, and firefighting, in compliance with California Fire Code.

After a large fire, promptly evaluate whether existing VHFHSZ designations are adequate.

POLICY 29 Actively collaborate with regional, State and federal fire agencies to coordinate and implement wildfire mitigation measures and fuel load modifications reduction zones, including load clearing, prescribed burns, fire breaks, livestock grazing, and public and private road clearance and other mitigation activities for areas proximal to the city.

Program CCC Encourage residents to partake in water conservation efforts and leak-reporting by promoting California American Water (Cal-Am) and the Monterey Peninsula Water Management District water waste and leak reporting program and other water-saving resources.

Program DDD Coordinate with Pacific Gas and Electric Company to explore feasibility of the electrical undergrounding of utility lines with a focus on critical evacuation roadways and areas with highest wildfire risk.

~~Program Q~~Program EEE Establish and maintain community fuel breaks and fuel modification/reduction zones, including public and private road clearance in neighborhoods located in the WUI and VHFHSZs, especially in the southern portion of the city.

Special conditions may apply in natural areas or where endangered species occur.

~~Program R~~Program FFF Continue to enforce the ~~current~~ annual weed abatement program, defensible space and vertical clearance standards for vegetation.

~~Program S~~Program GGG Require fuel modification plans for all new subdivisions in VHFHSZs.

~~Program T~~Program HHH Continue and improve current fire prevention practices, including the current annual city fuel reduction program, in close cooperation with the ~~City Forester~~Public Works Forestry Division.

~~Program U~~Program III Partner with the Monterey Fire Department to ~~Incorporate a~~update and maintain ~~fire safety component in the forestry management plan~~Community Wildfire Prevention Plan (CWPP) ~~which takes into consideration the preservation of natural forest characteristics~~to incorporate updated data on wildfire hazards and include appropriate fire hazard reduction projects in the city.

~~Program V~~Program JJJ Establish fire-safe landscaping requirements standards to increase wildfire resistance for landscaping.

Program KKK Develop a list of approved fire-safe plants that can be used in landscaping in the wildland urban interface, High and Very High Fire Hazard Severity Zones.

Program LLL Publish guidelines for strategic placement of fire-safe plants and vegetation maintenance to minimize fire risk.

~~Program W Require businesses that manufacture, store, use, or transport significant quantities of hazardous and toxic materials to annually identify such materials and their quantities and to notify the Fire Department of any changes in such materials or activities.~~

~~Program X Maintain a current inventory of hazardous and toxic materials by location, for use by the Fire Department and the Community Development Department.~~

~~Program Y~~Program MMM Provide public education programs to enhance public awareness of fire safety, including the storage of flammable materials, use of fire-retardant building materials, and vegetation management in the perimeter of structures.~~Continue all existing health, safety, and education programs.~~

~~**POLICY 15**~~**POLICY 30 ~~Endeavor to achieve and m~~Maintain an overall fire ~~insurance (ISO)~~ rating of ~~3~~ 2 or better.**

~~Program Z~~Program NNN Monitor fire and emergency response times, staffing levels, facilities, and equipment.

~~**POLICY 16**~~**POLICY 31 Maintain an average response time of three minutes or less for Priority 1 (emergency) calls.**

~~**POLICY 17 Program Z Work with the 911 reporting system to shorten response time.**~~

~~**POLICY 18**~~**POLICY 32 Maintain a high level of fire apparatus performance.**

Program OOO ~~Program AA Include~~ Identify and replace~~ment of~~ aging or insufficient fire apparatus in the City's Capital Improvements Program (CIP).

~~Program AA~~Program PPP Identify alternative water sources for firefighting purposes for use during a disaster scenario.

~~**Program BB Program BB Remove fire hydrants from Mermaid Avenue.**~~

~~The street is too narrow, and there is inadequate flow from the hydrants.~~

~~**POLICY 19 Maintain and enhance the current level of emergency medical service to the community.**~~

~~Program CC Program CC Maintain all line, full-time fire personnel as certified Emergency Medical/ Defibrillator Technicians (EMT-D).~~

~~Program DD Program DD Conduct a service level/cost analysis study to determine if an increase in Fire Department personnel's current level of training would improve current emergency medical services. Implement findings as appropriate.~~

~~**POLICY 20 Ensure that training programs sensitize emergency personnel to the special needs of persons with disabilities.**~~

10.12 POLICE

The Pacific Grove Police Department is located at 580 Pine Avenue, adjacent to City Hall and the Fire Department. The police facility includes a booking room, an interviewing room, and three short-term holding cells.

As of ~~1994~~2025, the department has 22 officers and ten support professionals~~ 37 full-time and 11 part-time staff~~. Police are dispatched through the Monterey County Communications ~~Center~~ Department in Monterey.~~, although City patrol units maintain radio contact with the Pacific Grove Police Department for warrant checks and teletype information.~~ In 2024, a total of 1,584 crimes were reported in Pacific Grove.

~~Total criminal offenses reported in Pacific Grove declined from 967 in 1992 to 921 in 1993, a decrease of 5 percent. For the same period, crimes against people increased 14.6 percent, from 121 in 1992 to 140 in 1993. Crimes against property increased from 635 reports in 1992 to 654 in 1993. Citations for moving violations increased 14.2 percent, from 3,004 in 1992 to 3,498 in 1993. Parking citations decreased, from 20,763 in 1992 to 13,836 in 1993, a drop of 33.37 percent.~~

Response times for the Police Department are categorized according to the priority of the response needed.~~to the severity of the reported offense or complaint.~~ During the period between July of 2022 to July of 2025~~1990 and 1993~~, the department responded to calls of all priorities in an average of between two and five minutes.



Patrolling the Monterey Peninsula Recreation Trail

POLICE RESPONSE GOALS, POLICIES, AND PROGRAMS

GOAL 8~~6~~ Prevent crime and promote the protection of people and property.

~~**POLICY 21**~~**POLICY 33 Maintain an adequate level of police equipment and personnel consistent with city growth and development.**

~~**POLICY 22**~~**POLICY 34 Provide minimum response time for Priority 1 (emergency) calls.**

~~Program EE~~Program QQQ Work with Monterey County Emergency Communications 911 Dispatch Services to shorten response times.

~~**POLICY 23**~~**POLICY 35 Encourage the use of private patrols and security**

personnel in large residential and commercial developments to supplement police services.

~~Program FF~~Program RRR Monitor response times and report annually on the results of the monitoring.

~~Program GG~~Program SSS Continue to provide neighborhood security and crime prevention information and training to neighborhood groups and homeowners associations.

~~Program HH~~Program TTT Develop a community safety program that addresses youth and gangs.

The police department maintains several community relations programs: McGruff for crime prevention, Neighborhood Watch for crime suppression, Citizens Police Academy classes, local citizen 'Ride-Along' Program, and ~~DARE (~~Drug ~~Awareness~~ Abuse ~~Response~~ Resistance ~~in~~ Education ~~)~~(DARE) Program.

10.13 NOISE

Pacific Grove has a number of potentially significant noise sources. They include traffic on Highway 68 and major city streets, construction noise, and operations at the Monterey Peninsula Airport~~, and one identified stationary noise source (the Mission Linen Service Plant).~~

10.13.1 ~~Highway~~ Traffic Noise

Existing ~~N~~noise exposure contours for major sources of traffic noise within the city are shown in Figure 10-15~~Figure 10-15~~. The 60, 65, and 70 dBA noise contours are used to illustrate areas affected by traffic noise. ~~The Ldn contours generally are based on annual average conditions and are not intended to be site-specific. Since the calculations did not take into account the shielding provided by local buildings or topographic features, the distances shown on Figure 10-6 should be considered worst-case estimates of noise exposure along roadways in the community. (Noise exposure behind the first row of buildings along a roadway will typically be reduced between 5 and 15 dB.)~~ Portions of properties along the section of Highway 68/Forest Avenue, south of David Avenue, are exposed to the highest existing and projected traffic noise levels in the city (Figure 10-16~~Figure 10-16~~). Properties along the remaining northern portion of Forest Avenue, and the portions of Lighthouse Avenue and Central Avenue east of Forest Avenue also have higher levels of traffic noise exposure (Figure 10-17~~Figure 10-17~~). Parcels along these arterial roads, as well as along Sunset drive are exposed to traffic noise at the 70 dBA level.

10.13.2 Aircraft Noise

Aircraft arriving and leaving the Monterey Regional~~Peninsula~~ Airport, located approximately 3.5 miles to the east of Pacific Grove, generate some noise in Pacific Grove when aircraft approach to land along the flight path and take off from the airport. The ALUCP calculated noise contours for the Monterey Regional Airport using 2013 data and a 20-year modeling forecast. The noise contours are in Community Noise Equivalent Level (CNEL); an average decibel over a 24-hour period which weighs the data to account for increased sensitivity to noise at night. Airport noise standards are established by the State under Title 21, Section 5000 et seq, which states that the maximum noise levels for persons living near airports shall be less than 65 CNEL. ~~Measurements were last conducted in Pacific Grove near the vicinity of Sinex and Carmel Avenues in October 1987. This data indicated that maximum noise levels from individual arriving aircraft following the Instrument Landing System (ILS) for Runway 10 ranged from approximately 60-70 dBA for light propeller aircraft to approximately 65-80 dBA for commuter and jet aircraft. Departing aircraft turning north over the bay produced maximum noise levels from 62 dBA for a twin engine commuter aircraft (Swearingen Metroliner) to 75 dBA for a B727. According to airport management, overflights of Pacific Grove by arriving aircraft occur most frequently during the summer months, especially during the morning.~~ The ALUCP updated noise contour forecasts for increased use of the Monterey Regional Airport, however, the 75 CNEL contour continues to encompass only Airport property, and the 65 and 70 CNEL noise exposure contours extends off Airport property approximately 500 feet to the northwest and approximately 400 feet southeast. Based on noise contours prepared by the airport, shown in Figure 10-15~~Figure 10-15~~, annual average noise exposure ~~is~~ remains less than 60~~ dB~~ CNEL within Pacific Grove for existing airport operations. The ALUCP regulates land use compatibility based on noise level exposure for areas exposed to 65 CNEL and higher, which does not include any land within Pacific Grove. Additionally, the Airport has an adopted Noise Abatement Program in order to minimize airport noise to surrounding communities. Therefore, noise from the Monterey Regional Airport is not a major issue in Pacific Grove. ~~Noise from helicopters is now minimized with the closing of Fort Ord.~~

10.13.3 Commercial, Industrial and ~~Other~~ Stationary Noise Sources

~~Only one stationary noise source has been identified within Pacific Grove: the Mission Linen Service Plant located in an unincorporated area at Sunset Drive and Congress Avenue. The plant normally operates between 7:30 a.m. and 4:00 p.m. Monday through Friday, and occasionally somewhat later than 4:00 p.m. and on Saturday. Major sources of noise associated with the plant are delivery trucks moving about the loading areas of the plant, and roof mounted fans associated with lint collection equipment and dryers. Noise measurements conducted in October 1987 indicated that noise levels from the fans ranged from approximately 52-53 dBA along Congress Avenue to approximately 57-59 dBA in front of multi-family residential uses across Sunset Drive from the plant. Noise levels 240 feet west of the plant were approximately 56 dBA. Based on the above-described hours of operation and noise level measurements, noise exposure exceeding 60 dB Ldn from this operation does not affect existing noise sensitive land uses. The Police Department and Monterey County Sheriff have no records of any noise complaints from this source since the date of the 1987 noise survey. Periodic use of the fog horn at Point Pinos may create unavoidable noise. The U.S. Coast Guard has deflected much of the sound seaward through the use of baffles.~~Pacific Grove has very little land available for industrial uses, and no sources of significant stationary noise. Some periodic noise is generated from construction activities, which are regulated by the City's Noise ordinance which limits noise-generating construction activities to the hours of 8:00 a.m. to 6:00 p.m.~~,~~ Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. Noise-generating commercial uses and events involving amplified noise such as restaurants with specialty uses, bars, pubs, wine tasting, catering services and events, may occur periodically. For such uses, amplified and unamplified music and entertainment is subject to the regulations and time restrictions of Title 23 of the Pacific Grove Municipal Code.

10.13.4 1994 Community Noise Survey

A community noise survey was conducted in 1994 as part of the Safety Element update to document noise exposure in areas of the community containing noise-sensitive land uses: all residential uses, schools, and long-term care medical facilities (such as hospitals and nursing homes). The community noise survey results indicate that noise levels within the city of Pacific Grove are generally typical of a quiet sub–urban community with estimated L_{dn} values ranging from 39-61 dB. Maximum noise levels are generally caused by local traffic or intermittent aircraft overflights.

Figure 10-15 ~~1992 and 2012~~ 2025 and 2031 Traffic Noise Contours



Figure 10-16_ Traffic Noise Contours Highway 68/ Forest Avenue

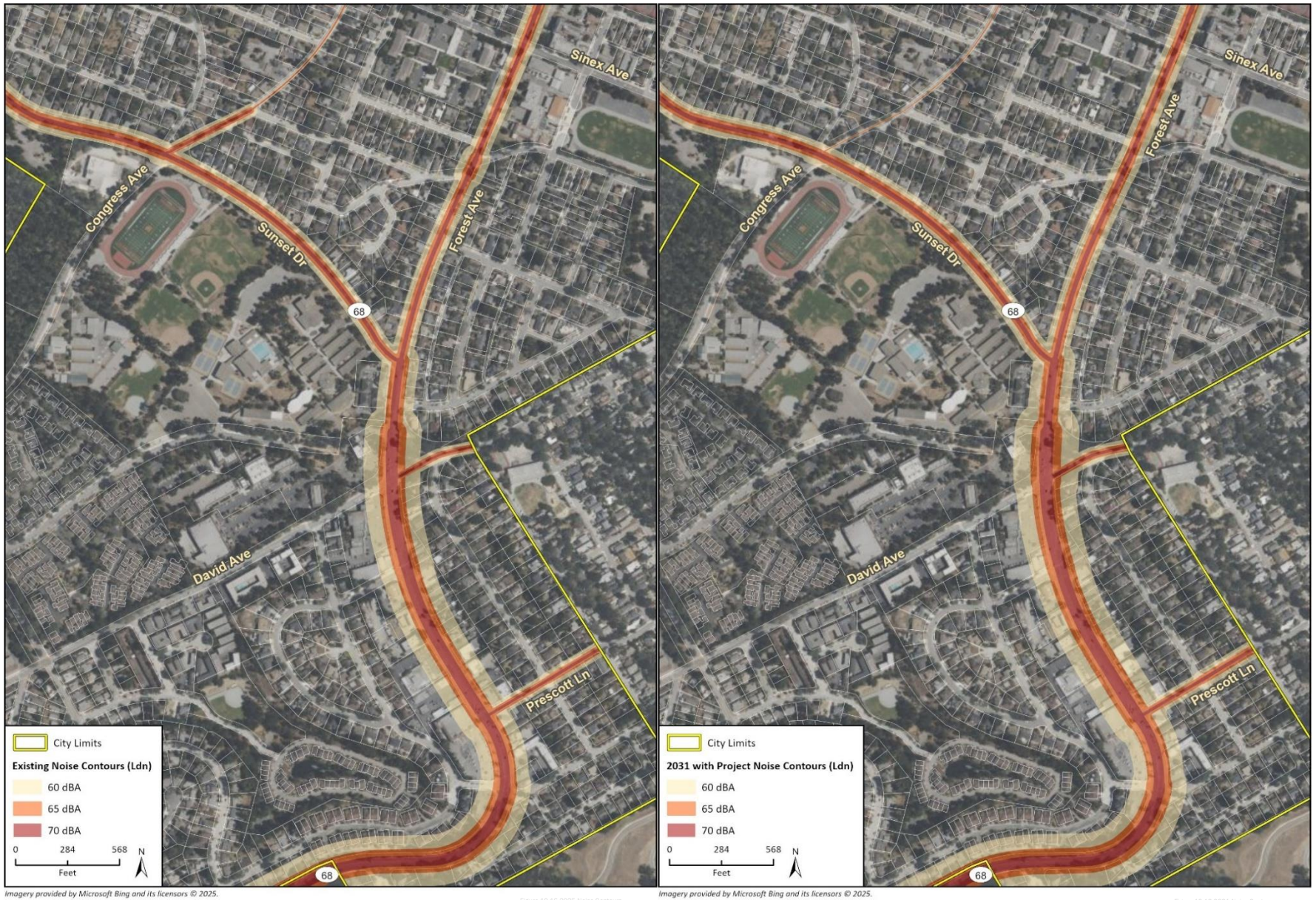


Figure 10-17 Traffic Noise Contours Lighthouse Avenue





NOISE GOALS, POLICIES, AND PROGRAMS

GOAL 7~~9~~

Protect Pacific Grove residents from the harmful effects of excessive noise.

~~POLICY 24~~POLICY 36 Review possible noise-producing uses and mitigate, as necessary.

~~POLICY 25~~POLICY 37 Prevent encroachment of ~~noise-sensitive land uses on existing~~ industrial facilities or other stationary noise sources near noise-sensitive land uses.

~~POLICY 26~~POLICY 38 Prevent the expansion or intensification of existing noise-producing commercial/utility uses on adjacent residential properties.

Recommended allowable noise exposures for noise-sensitive land uses are shown in Table 1.

~~Program II~~Program UUU Require that new noise-sensitive uses in proximity to existing noise sources include receiver-based mitigation measures.

~~Program JJ~~Program VVV Prevent new noise-sensitive land uses from locating in areas exposed to existing or projected future levels of noise from transportation noise sources that exceed 60 dB Ldn/CNEL (70 dB Ldn/CNEL in playgrounds and parks) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to the levels specified in Table 1.

~~Program KK~~Program WWW Mitigate any noise created by new transportation and roadway improvement projects so that they will not exceed the levels specified in Table 1 within the outdoor activity areas and interior spaces of existing noise-sensitive land uses.

~~Program LL~~Program XXX Mitigate any noise created by new proposed stationary noise sources so that they will not exceed the noise level standards of Table 2 on lands designated for noise-sensitive uses.

This program does not apply to noise levels associated with agricultural operations on land designated or zoned for industrial uses.

~~Program MM~~Program YYY Review proposed noise-producing commercial uses in residential areas through the use permit process and mitigate potential noise impacts.

~~Program NN~~Program ZZZ Enforce the most current sections of the California Vehicle Code relating to adequate vehicle mufflers and modified exhaust systems.

~~Program OO~~Program AAAA Purchase only equipment and vehicles that comply with noise level standards consistent with the best available noise control technology.

~~Program PP~~Program BBBB Review and modify as necessary the City's noise ordinance.

The ordinance should (1) employ guidelines of the ~~California Office of Noise Control~~California Health and Safety Code; (2) be designed to protect persons from excessive levels of noise that interfere with sleep, communication, relaxation, health, or legally permitted use of property, whether such noise is from existing or future sources; (3) make it unlawful to create noise that exceeds the standards of Table 1, as measured at the exterior of noise--sensitive land uses; (4) contain maximum allowable levels of interior noise created by exterior sources; (5) provide for exemptions or modifications to noise requirements for construction activities, school functions, property maintenance, heating and cooling equipment, utility facilities, waste collection, and other sources; and (6) establish responsibilities and procedures for noise measurements, enforcement, abatement, and variances.

~~Program QQ~~Program CCCC Continue to enforce existing ordinances relating to inappropriate and unnecessary noise.

Table 1 Recommended Allowable Noise Exposure

Transportation Noise Services	Outdoor Activity Areas[1]	Interior Spaces	
Land Use	**L_{dn}/CNEL, dB**	**L_{dn}/CNEL, dB**	**L_{eq}, dB[2]**
Residential	60[3]	45	–
Transient Lodging	60[3]	45	–
Hospitals, Nursing Homes	60[3]	45	–
Theatres, Auditoriums, Music Halls	–	–	35
Churches, Meeting Halls	60[3]	–	40
Office Buildings	60[3]	–	45
Schools, Libraries, Museums	–	–	45
Playgrounds, Neighborhood Parks	70	–	–

[1] Where the location of outdoor activity areas is unknown, the exterior noise level standard is applied to the property line of the receiving land use.

[2] As determined for a typical worst-case hour during periods of use.

[3] Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed, provided that available exterior noise level reduction measures have been implemented and interior noise levels comply with this table.

Source: Brown-Buntin Associates, Inc.

Table 2 Maximum Allowable Noise Exposure, Stationary Noise Sources*

	Daytime	Nighttime
	(7 a.m. to 10 p.m.)	**(10 p.m. to 7 a.m.)**
Hourly L_{eq}, dB	50	45
Maximum level, dB	70	65

**As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.*

Source: Brown-Buntin Associates, Inc.

10.14 EMERGENCY RESPONSE

The most up to date 2022 County of Monterey Multi-Jurisdictional Hazard Mitigation Plan, which includes a jurisdictional specific, Annex I for the City of Pacific Grove, was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA's LHMP guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities (https://www.countyofmonterey.gov/government/departments-a-h/department-of-emergency-management/hazard-mitigation).

Pacific Grove ~~has a Multi Hazard Emergency Plan which was revised and updated in January 1992~~adopted the most up to date County of Monterey Multi-Jurisdictional Hazard Mitigation Plan. The plan for Pacific Grove covers a variety of hazards, vulnerabilities, and responses specific to the city, including earthquakes, coastal erosion and sea level rise, wildfire, drought and water shortage, storms and hazardous stormwater flooding, hazardous materials, cyber threats and terrorism incidents and ocean oil spills, tsunamis, transportation incidents including aircraft and highway accidents, and nuclear emergencies.

The plan provides overall organizational and operational concepts for responding to the various hazards in the area. This plan is to be used in conjunction with the City's Emergency ~~Operating~~ Operations Plan (EOP)~~Center Standard Operating Procedures and the City's Radio Amateur Civil Emergency Service Plan~~. The City's EOP works in conjunction with the Monterey County Emergency Operations Plan to establish emergency response and communication protocols in coordination with State and federal agencies and tribal partners

The City uses AlertMontereyCounty to communicate with residents in the event of an emergency. This system utilizes the Monterey County Emergency Communications 911 database to call and deliver a recorded message to landline phone numbers. Residents can also sign up to be alerted via mobile phone or email.

The City identified a potential temporary shelter location in the event of a disaster to serve as an

evacuation collection point in its 2017 EOP. The Pacific Grove Community Center located at 515 Junipero Avenue is the designated Temporary Assistance Center in the event of an emergency to convene and distribute information. The City identified the Monterey Fairgrounds as the most likely location to be used for shelter in an emergency.

~~Evacuation routes are shown in . See Figure 10-3 for major sanitary sewer and storm drain collection systems. Figure 10-4 shows major water mains.~~



Victorian ladies flirting with danger, 1910

Source: The Pat Hathaway Collection

EMERGENCY RESPONSE GOALS, POLICIES, AND PROGRAMS

GOAL ~~2~~10 **Provide aid to the community as needed in the event of natural or man-made disasters.**

POLICY 39 **~~POLICY 6~~ Ensure that City emergency response procedures are adequate to deal with natural or man-made disasters in the community.**

~~Program RR~~Program DDDD Develop and implement public information programs concerning disaster response and emergency preparedness to encourage home retrofits and educate on current standards for structure hardening and defensible space standards.

~~POLICY 27~~POLICY 40 ~~Periodically~~ Participate in future updates and test the effec–tiveness of the ~~City's~~ Monterey County Multi-Jurisdictional Local Hazard Emergency Mitigation Plan.

~~POLICY 28~~POLICY 41 Ensure that individuals and agencies assigned emergency responsibilities under the most up to date Monterey County Multi-Jurisdictional Local Hazard Mitigation Plan~~Multi-Hazard Emergency Plan~~ prepare appropriate supporting plans and related standard operating procedures.

~~POLICY 29~~POLICY 42 Locate new critical facilities outside of high hazard areas, including in VHFHSZs, 100-year flood zones, and tsunami inundation zones. Maintain a level of preparedness adequate to implement all parts of the Multi-Hazard Emergency Plan.

Program EEEE ~~Program D~~ Periodically review and update alerting procedures and resources lists.

POLICY 43 Maintain and enhance the current level of emergency medical service to the community in coordination with Monterey County Emergency Medical Services Agency.

Program FFFF Work with the Monterey County Emergency Communications (911) reporting system to shorten response time.

Program GGGG In coordination with Monterey Fire Department, maintain all line, full-time fire personnel as certified Emergency Medical/ Defibrillator Technicians (EMT-D).

POLICY 44 Ensure that training programs sensitize emergency personnel to the special needs of persons with disabilities.

10.15 EMERGENCY EVACUATION

To comply with AB 747 and AB 1407 (Government Code Section 65302(g)), the Safety Element includes a residential emergency evacuation analysis, included as Appendix B.

The City has identified primary and secondary evacuation routes and evacuation locations to guide residents out of an impacted area in a disaster or hazard event and provide shelter during an evacuation. The evacuation routes in the city identified in the regional plan are Highway 68 (primary evacuation route), Lighthouse Avenue, 17 Mile Drive, David Avenue, Forest Avenue Oak Street, and Hoffman Avenue (Figure 10-18~~Figure 10-18~~). The most probable evacuation location identifies is the Monterey Fairgrounds.

An evacuation capacity analysis was prepared by Kimley-Horn to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios (Appendix B) to comply with AB 747 and 1409 evacuation requirements. The evacuation capacity scenarios are intended to model a potential range of different evacuation scenarios, but not all possible scenarios. Emergency evacuations can occur due to any number of events and at any location, beyond those specifically identified in the appendix report. In addition, emergency movement is unpredictable, and the specific conditions of an emergency evacuation could result in evacuation behavior that diverges from the assumptions used in the analysis. This analysis serves only to represent informed estimates of likely potential evacuation scenario footprints and capacity constraints based on available data and does not guarantee that evacuations will follow modeling that is used for analysis purposes. Emergency evacuation assessment is an emerging field, and the legislative requirement does not specify a standard methodology to follow.

Pacific Grove faces topographical and geographical constraints that impact evacuation feasibility. There are dense forested areas and steeply graded slopes in the city resulting in narrow or curved roadways. Additionally, during a wildfire event, evacuation routes including Highway 68 in the southern portion of the city may become impassible. As evacuation routes exceed capacity, residents may take smaller local streets that are more difficult to navigate. The modeled evacuation scenario as part of the evacuation analysis identified that David Avenue and Forest Avenue leading to Lighthouse Avenue would exceed capacity limits and experience severe congestion (Figure 10-19~~Figure 10-19~~).

In compliance with SB 99 (Government Code Section 65302), the City identified residential developments with less than two evacuation routes located within any hazard zone defined in this Safety Element (Figure 10-20~~Figure 10-20~~). Residential properties with a single emergency access/evacuation route are located in the Del Monte Park, Glen, Seaview, and Country Club Gate/Forest Grove Neighborhoods. Some of these residences are located in HFHSZs and VHFHSZs (Figure 10-21~~Figure 10-21~~). Limited access affects residents ability to evacuate efficiently under short notice emergency conditions such as a wildfire, and restricts access for emergency responders.

The evacuation capacity analysis informed the programs and policies to ensure adequate infrastructure and operations for emergency evacuation in the city.

EMERGENCY EVACUATION GOALS, POLICIES, AND PROGRAMS

GOAL 11	**Maintain safe and efficient emergency access, evacuation routes and locations.**

POLICY 45	**Improve emergency access and evacuation capacity for neighborhoods that have a single ingress/egress, prioritizing those in high risk hazard areas including HFHSZs and VHFHSZs.**
Program HHHH	Review the city's road network to identify roadway segments that may exceed capacity during an evacuation and identify opportunities to improve connectivity between neighborhoods for improved evacuation efficiency.
Program IIII	Coordinate with Monterey Fire Department and State Fire Marshall personnel to provide and maintain two points of emergency evacuation, as required by SB 99.
Program JJJJ	Implement early evacuations under high-risk conditions for vulnerable communities and neighborhoods with limited egress routes, including single-access neighborhoods.
Program KKKK	In coordination with the Monterey Fire Department and Pacific Grove Police Department, identify and publicize evacuation routes for individual neighborhoods and conduct annual evacuation trainings for residents, with specific emphasis on evacuation education for

residents living in single-access neighborhoods and high risk hazard zones including HFHSZs and VHFHSZs, coastal hazard areas, and tsunami inundation zones to educate residents on their evacuation zone, nearby emergency shelters, and plan evacuation routes.

Program LLLL For neighborhoods in HFHSZ and VHFHSZs, and in wildland urban interface zones, increase evacuation capacity and efficiency.

Program MMMM Prioritize community engagement efforts and emergency preparedness trainings for single access neighborhoods.

POLICY 46 Ensure well-maintained evacuation routes that are clear of obstruction.

~~Program SS~~Program NNNN Establish traffic control points along designated evacuation routes with emergency management personnel to maintain a greater degree of evacuation management, ensure efficiency during an evacuation, reduce public confusion, and allow increased operational flexibility during an evacuation.

Program OOOO Work with the County and adjacent cities of Seaside and Monterey to coordinate evacuation efforts and traffic management.

Program PPPP Employ dynamic message signs and adaptive traffic signal control systems that respond to real-time traffic conditions, giving priority to evacuation traffic to enhance evacuation efficiency during emergencies.

POLICY 47 Coordinate with neighboring communities and emergency response personnel under mutual aid agreements to ensure well-maintained evacuation routes and plans are established prior to an evacuation event.

Program QQQQ Work with the County and adjacent cities of Seaside and Monterey to coordinate evacuation efforts and traffic management.

Program RRRR Coordinate with adjacent cities and Monterey County to synchronize evacuation efforts and planning, and to implement improvements to evacuation capacity.

Program SSSS Coordinate with Monterey-Salinas Transit and other service providers to ensure evacuation options for residents without vehicles.

Program TTTT Maintain mutual aid agreements and support communications links with surrounding jurisdictions for assistance during emergencies.

POLICY 48 Maintain and update the City's Evacuation Plan, in conjunction with the Emergency Operations Plan updates.

Program UUUU Establish minimum standards for evacuation in the City's Emergency Operations Plan. Alongside updates to the Emergency Operations Plan, reassess access evacuation route capacity throughout the city and identify and implement necessary roadway improvements to address evacuation constraints plans in place if needed.

Program VVVV In coordination with the Monterey Fire Department and Pacific Grove Police Department, identify and publicize evacuation routes for individual neighborhoods and conduct annual evacuation trainings for residents, with specific emphasis on evacuation education for residents living in single-access neighborhoods and high risk hazard zones including HFHSZs and VHFHSZs, coastal hazard areas, and tsunami inundation zones to educate residents on their evacuation zone, nearby emergency shelters, and plan evacuation routes.

Program WWWW Evaluate evacuation roadways to identify areas in need of maintenance or evacuation capacity improvements to accommodate emergency access and evacuation needs. Ensure road surfaces are resilient to all weather conditions including severe storms.

Program XXXX Prioritize Capital Improvement Program (CIP) projects for evacuation capacity improvements based on feasibility and benefit.

~~Program TT~~Program YYYY Require new

development to provide adequate access (ingress, egress) and a minimum of two roadways with widths and lengths in compliance with California Building Code Chapter 7A requirements.

~~Program UU~~Program ZZZZ Review County and State emergency response plans and procedures to ensure coordination with the City's ~~Multi Hazard Emergency Plan~~Emergency Operations Plan as part of the periodic update of the City's plan.

Program AAAAA ~~Program F Develop and implement public information programs concerning disaster response and emergency preparedness.~~Include provisions for vulnerable populations, seniors and persons with disabilities in emergency response plans.

~~Program VV Program I Identify alternative water sources for fire- fighting purposes for use during a disaster.~~

~~Program WW~~Program BBBBB ~~Program J D~~Ensure designated ~~and develop a command center~~Emergency Operations Center support facilities are prepared for use during emergencies.

~~Program XX Program K Develop and maintain mutual aid agreements and support communications links with surrounding jurisdictions for assistance during emergencies.~~

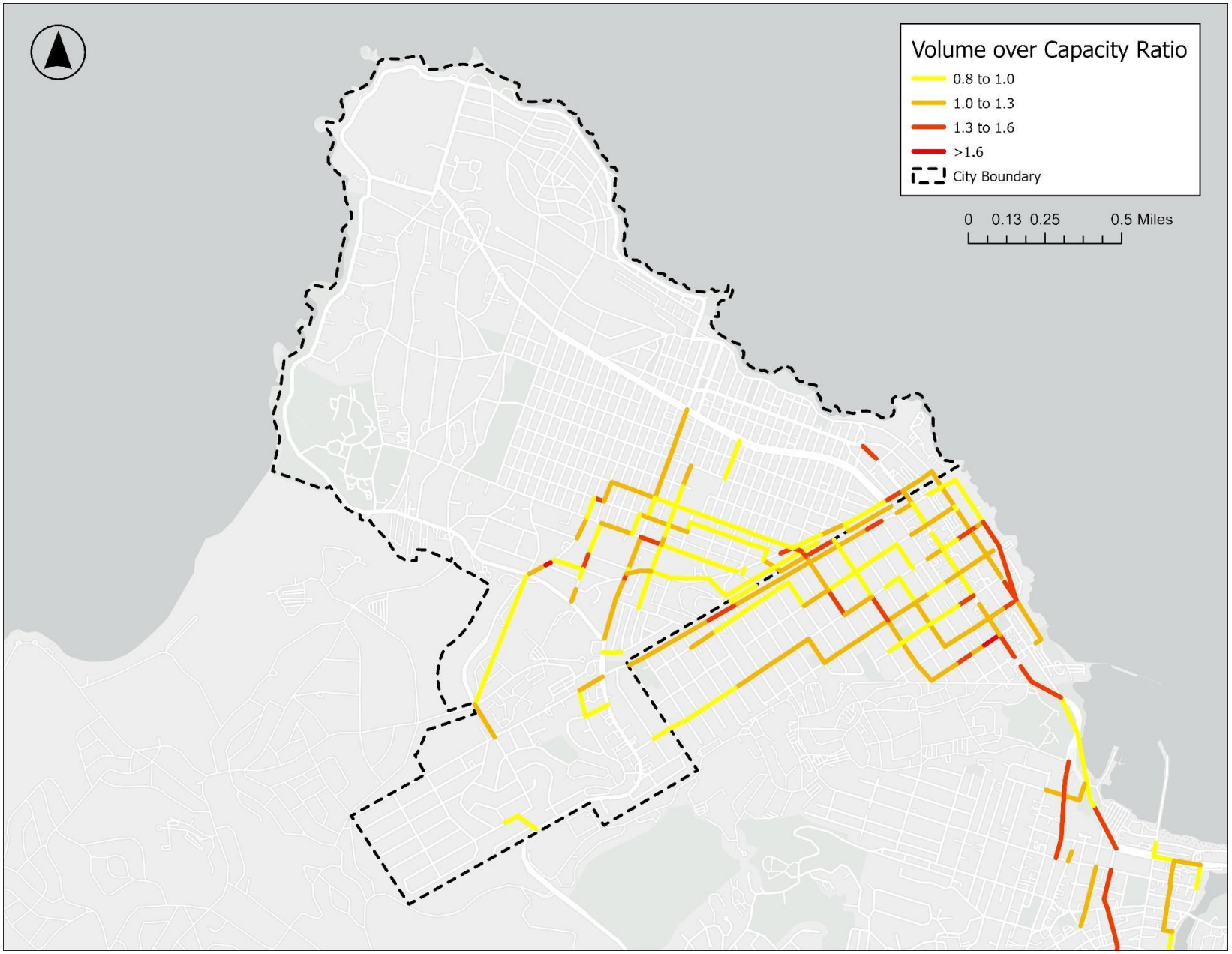
~~**Figure 10- Major Sanitary Sewer and Storm Drain Collection Systems**~~

~~X~~

Figure 10-18 Evacuation Routes

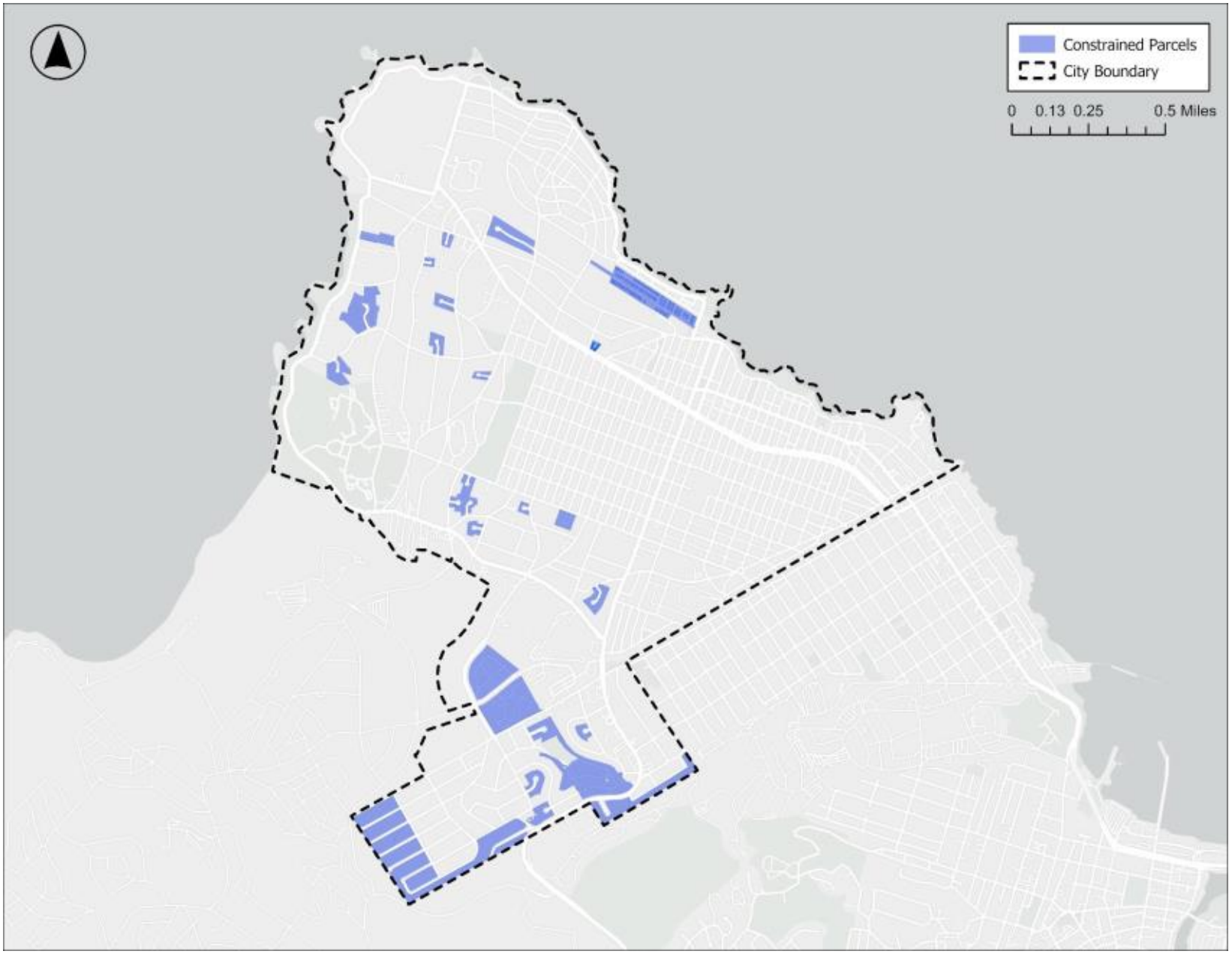


Figure 10-19 Evacuation Assessment Scenario Roadway Capacity



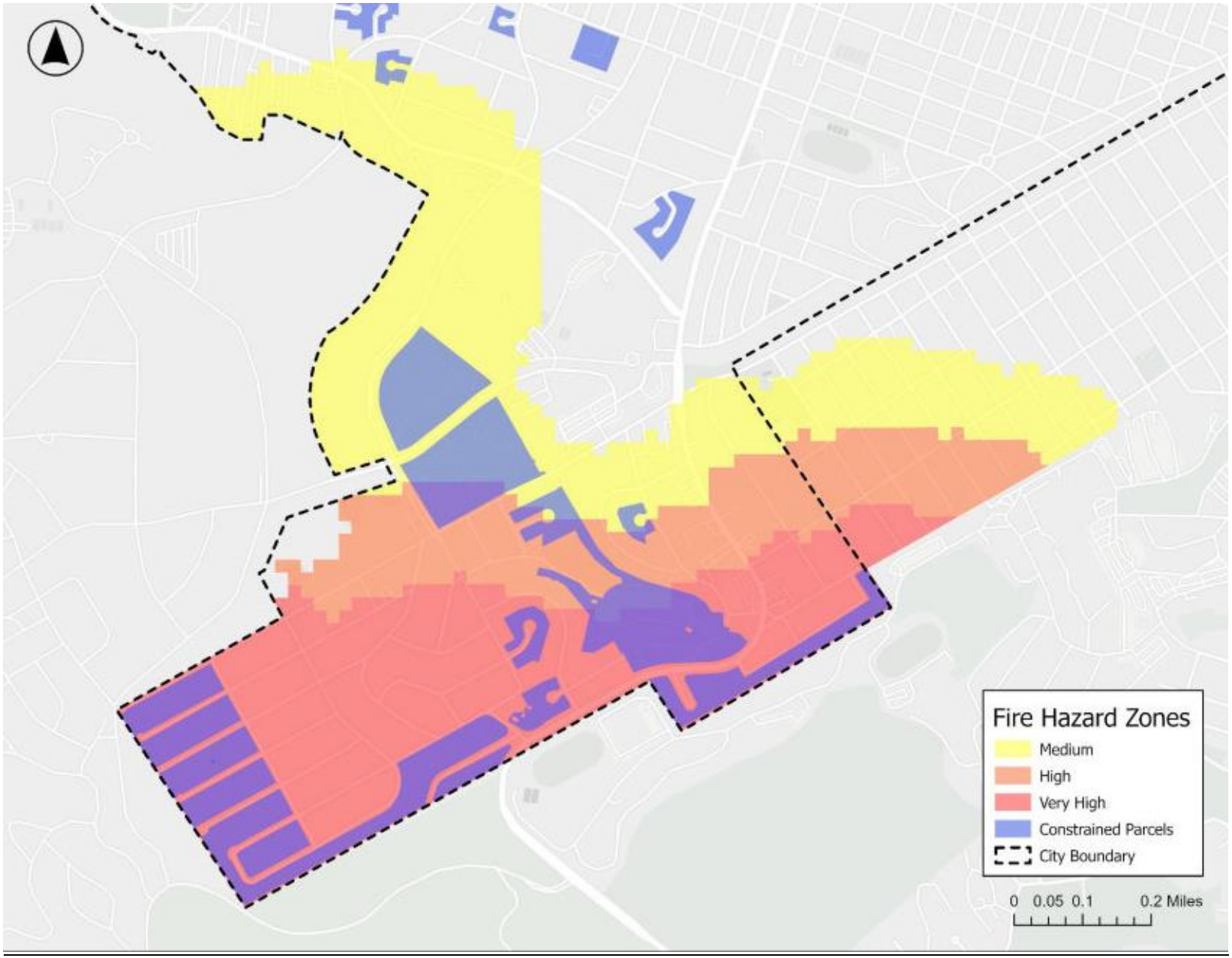
Source: City of Pacific Grove Evacuation Assessment, Kimley-Horn and Associates, 2025

Figure 10-20 Single Access Neighborhoods



Source: City of Pacific Grove Evacuation Assessment, Kimley-Horn and Associates, 2025

Figure 10-21 Single Access Neighborhoods in Fire Hazard Severity Zones



Source: City of Pacific Grove Evacuation Assessment, Kimley-Horn and Associates, 2025

~~**Figure 10- Major Water Mains**~~

~~X~~

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Health and Safety

A wide range of hazards must be considered in planning for urban development. Some of these hazards are natural, such as seismic shaking; some are man-made, such as noise; and others are natural hazards exacerbated by human activity, such as development in areas sensitive to soil erosion or liquefaction. Many potential hazards can be avoided in the development process through locational decisions, while other hazards can be tolerated or minimized by including mitigation measures in the planning and land use regulation process.

This chapter inventories and assesses the major hazards confronting Pacific Grove, including seismic and geologic hazards, erosion, wildland and urban fires, flooding, and other safety issues, including noise and the impacts of climate change. It also covers fire and police, the emergency response agencies that respond to hazards and secure the safety of the community.

10.1 SEISMIC AND GEOLOGIC HAZARDS

10.1.1 Seismic Hazards

Monterey County is situated in a seismically active area. A number of faults traverse the county near the Monterey Peninsula, including the San Andreas Fault, which runs north-south about 28 miles east of Pacific Grove. The San Andreas Fault is considered capable of producing an earthquake with a magnitude of up to 8.5 on the Richter scale. The U.S. Geological Survey estimated that there is a 6.4 percent chance of a magnitude 6.7 or larger earthquake on the San Andreas fault in the San Francisco Bay Area during the next 30 years.

Two other active fault zones affecting Pacific Grove are the Monterey Bay and the Palo Colorado-San Gregorio Fault Zones. These two areas, both of which have experienced movement along individual fault segments, are separated by the submerged Monterey Canyon.

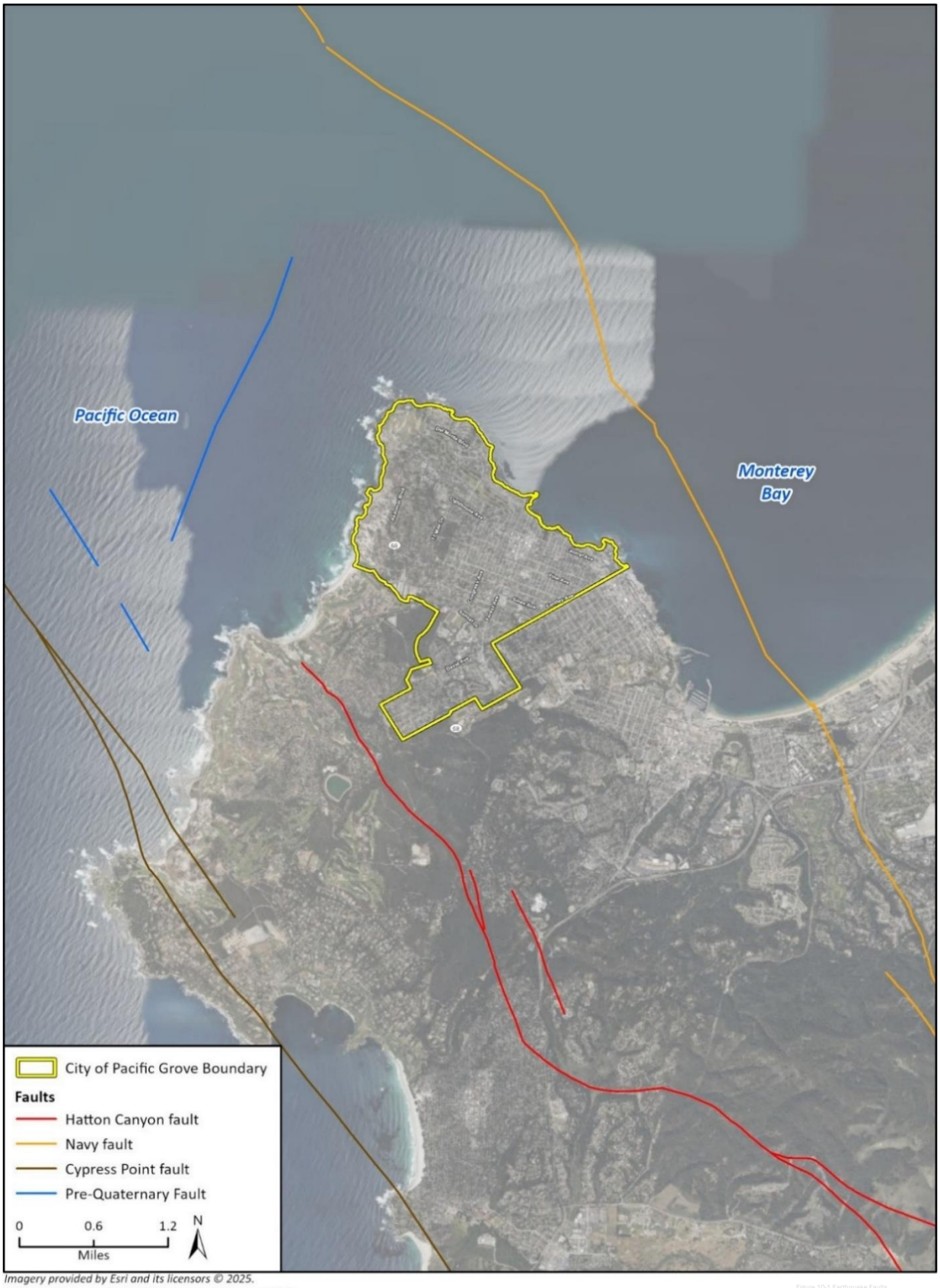
The Monterey Bay Fault Zone is located offshore in the northern and southern areas of Monterey Bay. The maximum earthquake magnitude likely to be generated by this fault zone is about 6.5, which could generate tsunamis on the Pacific Grove coastline.

The Palo Colorado-San Gregorio Fault Zone is a northwest-trending zone located six miles southwest of Pacific Grove. This active fault zone connects the Palo Colorado Fault near Point Sur, south of Monterey, with the San Gregorio Fault near Point Año Nuevo, where it intersects the San Andreas Fault System. The Palo Colorado-San Gregorio Fault has the capability of producing an earthquake with an estimated maximum magnitude of 7.5 on the Richter scale.

Besides these three active fault zones, there are another 15 potentially active faults within Monterey County. Those closest to Pacific Grove are the Navy Fault, the Hatton Canyon Fault, and Cypress Point Fault. The Navy Fault is a northwest-trending fault that runs through the center of the City of Monterey into Monterey Bay. The Hatton Canyon Fault trends northwest, extending from Carmel Valley to just south of the city of Pacific Grove. The Cypress Point Fault also trends northwest, running through the southwestern portion of the Monterey Peninsula, just northeast of Pescadero and Cypress Points. These active faults are Quaternary faults and have been recorded to have been active within the last 1.6 million years. A few Pre-Quaternary Faults are also identified off the coast of Pacific Grove. Most faults in Monterey County run parallel to the San Andreas fault in a northwest direction, and are considered sub-units of the San Andreas Fault System. Earthquake faults closest to Pacific Grove are shown in Figure 10-1.

Pacific Grove, while exposed to seismic hazards, is situated in a relatively stable area of granitic bedrock, and is relatively better off than other parts of the county. Since 1856 the three most severe quakes to affect Pacific Grove were the April 1906, October 1926, and October 1989 quakes. The 1989 Loma Prieta quake, which measured 7.1 on the Richter scale, caused very little damage in Pacific Grove.

Figure 10-1 Earthquake Faults



10.1.2 Groundshaking

Groundshaking is the vibration that radiates from the epicenter of an earthquake. Because it can damage or collapse buildings and other structures, and because the shaking effects can be damaging well beyond the fault trace that generates the shaking, groundshaking is considered the most serious and direct hazard produced by an earthquake. The intensity of the vibration or shaking and its potential impact on structures and urban development is determined by (1) the nature of the underlying rock and soil; (2) the structural characteristics of the building; (3) the quality of workmanship and building materials used; (4) the location of the epicenter and the magnitude of the earthquake; and (5) the duration and character of the ground motion.

The potential for damage is most likely to be minimal where bedrock is located close to the ground surface. Pacific Grove is situated in such an area and can be considered relatively stable. Nevertheless, older buildings constructed before building codes were in effect, and even newer buildings constructed before earthquake resistance provisions were included in building codes in 1933, are the most likely to suffer damage in an earthquake. However, most buildings in Pacific Grove are one or two stories and are predominantly wood frame, which makes them among the most structurally resistant to earthquake damage. In Pacific Grove there are only 12 of the older masonry buildings without earthquake resistant reinforcement that are the most susceptible to the sort of structural failure that causes the greatest loss of lives. The greatest concentration of old masonry buildings, some with cornices and parapets that are not firmly anchored, is in the Downtown area.

Fire is often the major form of damage resulting from groundshaking, largely as a result of the great number of buildings constructed of combustible materials, damage to the City's firefighting facilities, and the rupture of water mains. Ninety percent of the destruction in the 1906 San Francisco earthquake was caused by fire. Most earthquake-induced fires start because of ruptured power lines, damage to wood, gas, or electrical stoves, and damage to other gas or electrical equipment. This points to the need for greater use of non-combustible material and special construction techniques so that water mains will remain intact during large earthquakes. Critical facilities, such as hospitals and fire stations, must be sited, designed, and constructed to withstand severe groundshaking.

10.1.3 Ground Failure

In addition to structural damage, groundshaking can also cause ground failure, such as liquefaction, settlement, lurch cracking, lateral spreading, and earthquake-induced landslides.

Liquefaction is the loss of soil strength due to seismic forces acting on water-saturated granular soils. This loss of strength leads to a "quicksand" condition in which objects can either sink or float depending on their density. Most of Pacific Grove has a low susceptibility for liquefaction. Areas with a high liquefaction susceptibility are primarily in beach and sand dune areas, in fill areas close to the shoreline and Spanish Bay, and areas west of Asilomar Boulevard, shown in Figure 10-2.

Settlement is the vertical compaction of soils and alluvium caused by groundshaking. It may range from a land surface drop of a few inches to several feet, and may occur as far as 75 to 80 miles from the epicenter. There are no areas subject to settlement in Pacific Grove.

Lurch cracking refers to fractures, cracks, and fissures from a few inches to many feet in length produced by groundshaking, settling, compaction of soil, and sliding. In a major earthquake, lurch cracking is likely to result in the extensive rippling and fracturing of pavements and curbs, and damage to sewer, gas, and water lines.

Lateral spreading is the horizontal movement or spreading of soil toward an open face such as a stream bank or the open side of fill embankments. In Pacific Grove, the most likely locations to be affected are improperly engineered fill areas or steep, unstable banks. But because Pacific Grove is situated on stable bedrock, the potential for significant damage from either lurch cracking or lateral spreading is low.

An earthquake large enough to be felt can also cause rockfalls, landslides, rock avalanches, and mud and debris flows. Severe landslide damage and disruption of access could occur as the result of a moderate to major earthquake along Highway 68.

Figure 10-2 Liquefaction Susceptibility



Imagery provided by Esri and its licensors © 2025.
Additional data provided by County of Monterey, 2025.

10.1.4 Tsunami Hazards

Tsunamis are large ocean waves generated by an earthquake in or near the ocean. Tsunamis present as a series of very long-period waves (lasting five minutes to several hours) that are low in height when traversing water of oceanic depth. But when tsunami waves approach shore where the water depth decreases rapidly, wave refraction, shoaling, and bay or harbor resonance may result in dramatically increased wave heights. Earthquakes below 6.5 magnitude are unlikely to cause a tsunami, while earthquakes between 6.5 and 7.5 magnitude may trigger a tsunami but these are rarely destructive. Earthquakes of magnitude 7.5 and higher can produce destructive tsunamis.

Most tsunamis that have struck the California coast in the past have been a result of very distant earthquakes. Because of flooding and wave action, the tsunami hazard associated with large distant earthquakes appears to be high along beaches and within harbor facilities. Most notably, the 1964 Crescent City disaster, the 2010 Chilean tsunami and 2011 Tōhoku-oki tsunami have caused infrastructure loss, damage to docks and boats in harbor areas, injury, and loss of life in coastal communities along the Pacific coast.

The major California offshore faults close to Monterey Bay are strike-slip faults, and earthquakes generated on strike-slip faults are not likely to produce large-scale tsunamis. Thus, tsunami potential associated with a local offshore seismic event is low.

Nevertheless, tsunamis have occurred within the Monterey Bay region, resulting in significant damage to harbors and other coastal facilities. There is no record of any tsunamis more than 10 feet high occurring along the Monterey County Coast. The effect of a tsunami wave on the Pacific Grove shoreline would likely be comparable to a swiftly rising and falling tide.

For the Pacific Grove shoreline, the areas vulnerable to tsunami inundation are shown in Figure 10-3. Areas above the seacliff in Pacific Grove are considered to have a low tsunami hazard, while beaches and bluff areas below the seacliff are considered to have a high tsunami hazard. The main safety hazard from a tsunami is the possibility that residents on Ocean View Boulevard and other low altitude streets such as Coral Street and Acropolis Street who are not evacuated may be caught by the waves. There is also the possibility that sight-seers who evade police tsunami warning barriers and follow the tsunami drawdown into the exposed intertidal areas may be swept away by the following crest of the tsunami.

A national tsunami warning system was established in 1967 with the Pacific Tsunami Warning Center in Hawaii, and the Alaska Tsunami Warning Center in Alaska. These Centers are operated by the National Weather Service and provide tsunami alerts on potential tsunami-generating seismic events. The messages are broadcast through various notification formats including local sirens and text message alerts. Information is relayed to the Pacific Grove Police Department and other local officials. Pacific Grove is a certified TsunamiReady city. TsunamiReady is a voluntary recognition by the National Weather Service that promotes tsunami preparedness through collaboration among various agencies and the public. The program aims to enhance public safety by setting guidelines for communities to effectively mitigate, prepare for, and respond to tsunamis.

Coastal erosion, later discussed in Section 10.2 Climate Change, and climate change induced sea level rise would likely amplify the impacts of tsunamis on coastal communities, such as Pacific Grove. Higher sea levels allow tsunamis to travel further inland, resulting in more extensive flooding, coastal erosion, and damage. Additionally, smaller tsunamis may have more severe effects due to the elevated sea levels.

10.1.5 Summary of Seismic and Tsunami Hazards

Pacific Grove is in a relatively stable area. The principal danger to structures from seismic hazards is caused by groundshaking, with a low to moderate potential for damage. Liquefaction potential is limited mostly to the Spanish Bay area. Low-lying areas adjacent to beaches and the immediate shoreline are potentially subject to tsunami inundation.

Figure 10-3 Tsunami Inundation



10.1.6 Landslide and Erosion Hazards

The potential for landslides and serious erosion exists wherever natural or man-made disturbances have created unstable soil and slope conditions. Erosion is a natural process that is affected by variables such as the amount and intensity of rainfall, ocean wave exposure, properties of soil type and underlying rock, and vegetative or organic debris cover. It becomes a serious problem only when man-made factors are also at work. Landslides are usually more destructive and can be triggered by either natural causes (such as seismic shaking or stream erosion) or by human activities such as grading, compaction, and filling, which can increase the load on unstable ground masses.

Soils. A number of soil properties have important implications for development and resource management. Soil-related issues to be addressed in planning and management include erosion, drainage, runoff, and expansive soils. The soils in Pacific Grove have a moderate erosion hazard and a moderate runoff potential.

Landslides. Landslides are the movement of rock, debris, and soil down a slope. Unstable and potentially unstable slopes can be identified by bowl-shaped or step-like hillsides, broken and sheared bedrock and/or soil deposits, near-surface saturated conditions as evidenced by springs or seepage areas, slopes generally greater than 15 percent, and broken ground and/or tilted vegetation. All are indications of poor slope stability.

Most areas of Pacific Grove have an extremely low potential for landsliding, as shown in Figure 10-4. No significant landslides have been recorded in the city, and with the exception of a few low bluff areas along the waterfront that are used as parks and are protected by retaining walls, no significant areas of landslide susceptibility have been identified. Only a relatively small portion of the city contains slopes over 30 percent: Calabrese Canyon, some coastal bluffs, Benito Avenue, Piedmont Avenue, Hillside Avenue, Adobe Lane, and Syida Drive. Areas of steeper grades are at risk of landslides during heavy rains.

Extreme precipitation events are expected to occur more frequently and with greater intensity as a result of climate change, which will increase the frequency and magnitude of landslide events.

Erosion. Erosion and deposition are common natural geologic processes that result from gullying, rilling, ravelling, and bank cutting. In areas undisturbed by human activity, these processes may or may not pose a hazard. They may, however, be accelerated by concentrating natural surface flows into culverts or by removing vegetative cover. Then the chances of hazardous conditions increase.

The majority of Pacific Grove is in a moderate erosion hazard zone. Figure 10-5 shows erosion hazards in Pacific Grove. Areas of the city most susceptible to erosion are concentrated on the western portion of the peninsula, specifically areas west of Asilomar Avenue along Sunset Drive containing the Hotel and Conference grounds and beach walking trails, as well as the northern portion of the city containing the Point Pinos Lighthouse Reservation.

The grading of sites can result in increased erosion hazards which can affect not only the property being graded but also adjacent and downslope properties. Sediment traveling from eroded areas usually affects an area much larger than the site under construction. Section 24.24.020 of Pacific Grove's Subdivision Ordinance is intended to control the erosion-inducing effects of development. Through the Monterey Regional Stormwater Management Program, the City also requires that temporary cover or mulching be used to protect bare soil and slopes and certain activities be restricted during construction to mitigate erosion hazards in the rainy season (October to April).

10.1.7 Marine-Related Erosion Hazards

The ocean and bay shore on the north and west of the city are subject to weathering, erosion, and deposition of rocks and sand from both ocean winds and waves. Whereas sandstone and bedded cliffs have posed cliff-retreat problems for urban areas on the other side of Monterey Bay, Pacific Grove's shoreline is mostly dominated by exposed granitic rock that forms a relatively stable and durable barrier to protect shoreline development from the constant barrage of ocean waves. Although wave activity can become intense during winter storms, the Pacific Grove shore has not retreated significantly.

Approximately 80 percent of the city's shoreline is still in its natural state. Approximately 4,695 feet of coastline have been altered with seawalls to provide protection from waves and erosion. Two small areas (at Point Cabrillo and on the ocean side of Point Pinos) have either protective beaches or stable rock formations. The U.S. Department of Navigation and Ocean Development has classified four small areas where man-made shoreline improvements may be

endangered, although damage may not have occurred recently. Along the rest of the natural shoreline, existing improvements are not considered in danger from wave damage.

The Coastal Hazards Modeling Technical Methods and Results Report prepared for the City in 2024 identified that the potential coastal erosion hazard is greatest in the Great Tide Pool Area, Crespi Pond, Asilomar Dunes neighborhood, and Pacific Grove Retreat neighborhood. Figure 10-6 shows the areas of the city susceptible to coastal erosion. This modeling overlaps with sea level rise by foot, or projected sea level rise by year.

Historically, the city has been affected by coastal erosion, experiencing shoreline changes and infrastructure damage over the years. Intense winter storm waves caused a 31-foot section of seawall and adjacent public overlook near 701 Ocean View Boulevard to collapse on January 20, 2017. In January 2023, a coastal storm wave event caused considerable erosion, specifically along the Asilomar Coastal Trail, where the natural dune was displaced 50 feet back and 5.5 feet of depth was lost. Near the Great Tide Pool a pedestrian boardwalk and lookout area were also destroyed.

Pedestrian traffic along the immediate shoreline can contribute to shoreline bluff erosion. Walkers can disturb protective vegetation in bluff-top areas. Loss of vegetative cover leads to further abrasion of the bluffs, and run-off and storm wave action increase erosion and sedimentation. The City's 2020Shoreline Management Plan contains projects and programs to continue the provision of recreation coastal trail access while protecting public infrastructure, coastal access, and the city's natural and cultural resources. The seawall has enhanced public access in certain locations, and may also have had a beneficial effect on maintaining water clarity in the Marine Gardens Fish Refuge.

Very few structures in Pacific Grove have been built directly adjacent to the shoreline. Roadways (Ocean View Boulevard and Sunset Drive) separate urbanized land uses from the shore. Portions of Ocean View Boulevard adjacent to any steep drop to sea level are protected by retaining walls.

The erosion hazard along the shoreline in the Asilomar Dunes Neighborhood could have an impact to residential structures and recreation infrastructure; at least two residential structures and a gazebo fall within the hazard areas. Unless stabilized by vegetation or snow fences, dune sands will shift and change frequently. Without such stabilization, construction and siting of structures in the dune area constitutes a hazard to both the new structures and surrounding properties. Disturbance or removal of natural dunes will also increase wind damage hazards.

Figure 10-4 Landslide Susceptibility



Figure 10-5 Erosion Hazards

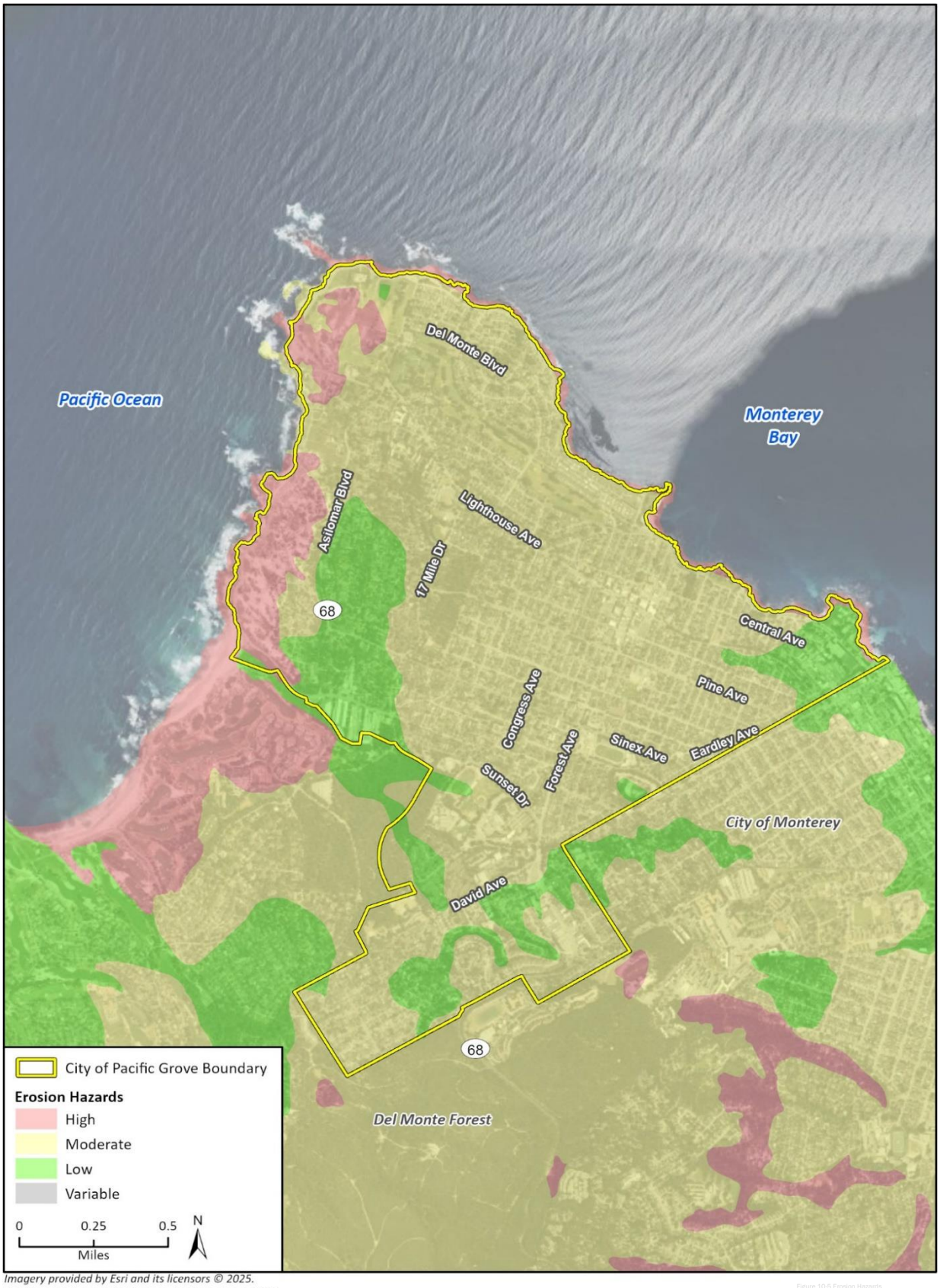


Figure 10-6 Coastal Erosion Hazard



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Additional data provided by City of Pacific Grove, 2024.

Figure 10-6 Coastal Erosion Hazards

SEISMIC, SOILS, AND GEOLOGIC GOALS, POLICIES, AND PROGRAMS

GOAL 1	**Prevent loss of life, injury, and property damage from geologic and seismic hazards.**

POLICY 1	**Design underground utilities, including water and natural gas mains, to withstand seismic forces.**
POLICY 2	**Continue City requirements for post-earthquake building replacement, reconstruction, and rehabilitation to conform to the latest City codes.**
POLICY 3	**Ensure that any hazardous conditions associated with unreinforced masonry (URM) buildings are mitigated to an acceptable level.**
POLICY 4	**Ensure future developments adequately address erosion and coastal erosion hazards through proper siting and design, the incorporation of appropriate mitigation measures, and compliance with Local Coastal Program policies related to coastal hazards.**
Program A	Continue to enforce construction and design standards for underground utilities to minimize damage from seismic activity and soil-related problems.
Program B	Continue to implement the Seismic Hazards Identification Program to identify and mitigate potentially hazardous buildings.
Program C	Monitor coastal erosion and shoreline changes, and make coastal hazard mapping and policy modifications at least every five years, or as necessary.
Program D	Reevaluate coastal conditions after severe storms and other coastal erosion events and assess infrastructure risks. All unreinforced masonry (URM) buildings that are potentially hazardous have been identified, and the City has developed and implemented a mitigation program to reduce the associated hazards. This program is outlined in Chapter 18.40 of the Municipal Code.

10.2 CLIMATE CHANGE

Climate change refers to any distinct change in measures of climate lasting for a long period of time, including major changes in temperature, rainfall, snow, or wind patterns. In recent times, climate change has been attributed to and accelerated by human activities that alter the atmosphere. These activities include the combustions of fossil fuels, which releases significant quantities of greenhouse gases like carbon dioxide and methane, and land-use changes such as deforestation and urbanization, which reduce the Earth's capacity to absorb carbon dioxide.

SB 379 amended Government Code Section 65302(g) to require jurisdictions incorporate climate adaptation and resiliency strategies into their general plan safety element. The Pacific Grove Climate Change Vulnerability Assessment (CCVA), included as Appendix A, was prepared using the vulnerability assessment process recommended by the California Governor's Office of Emergency Services, as documented in the 2020 California Adaptation Planning Guide. The CCVA uses data from the United States Census, American Community Survey 5-year estimates, Cal Adapt, California's Fourth Climate Change Assessment, and the most up to date Monterey County Multi-Jurisdictional Hazard Mitigation Plan.

Rincon Consultants, Inc. (hereinafter referred to as "Rincon") prepared vulnerability assessments that evaluate climate change hazards, including wildfire, based on numerous sources, including third party consultants, State and Federal mapping resources, and various software modeling programs that are considered industry standard best practices. The CCVA prepared for this Safety Element evaluated wildfire hazards based on CAL FIRE's Fire Hazard Severity Zones. Wildfire is an unpredictable hazard, and the specific conditions of wildfire could result in fire behavior that diverges from the assumptions used in any analysis. There is no guarantee that wildfire behavior and specific treatment to avoid such behavior will follow or prevent wildfire impacts.

10.2.1 Summary of Climate Hazards in Pacific Grove

Drought

Drought conditions are expected to worsen in Pacific Grove, potentially leading to water scarcity and stress on natural resources and priority populations. Climate change will likely result in prolonged dry spells and increased evaporation that would impact water availability and quality, affecting both community health and natural ecosystems.

Extreme Heat

Extreme heat events are not historically common in Pacific Grove. With climate change, extreme heat events, defined as days exceeding 88.7°F in Pacific Grove, are expected to become more common, posing health risks to vulnerable populations such as renters, adults 65 years or older, and children. Increased temperatures can also stress vegetation and wildlife, leading to habitat shifts and increased plant and animal mortality rates. The County of Monterey's Department of Emergency Management operates a webpage with current emergency information for extreme heat events, including cooling centers within the region.

Sea Level Rise

Rising sea levels will exacerbate coastal erosion, flooding, and storm surges, impacting coastal ecosystems, recreational areas, and critical infrastructure like wastewater systems. Coastal properties and natural habitats are at increasing risk of coastal erosion and wave damage. Sea level rise is discussed in Section 10.4.

Severe Storms and Stormwater Flooding

Increased intensity and frequency of severe storms may lead to more frequent flooding events, overwhelming stormwater systems and causing damage to properties and infrastructure. Coastal areas are particularly vulnerable to storm surges and wave action. Flooding is discussed in Section 10.3 Flooding and Storm Hazards are discussed in Section 10.6.

Wildfire

The frequency and intensity of wildfires are projected to increase, particularly in the southern forested areas of Pacific Grove. Wildfires pose risks to people and property, public health due to wildfire smoke, and infrastructure and service disruptions, such as power outages. Wildfire is discussed further in Section 10.10.

10.2.2 Climate Vulnerability Assessment

The CCVA analyzes vulnerabilities and priority populations in the city of Pacific Grove, focusing on impacts of the various climate hazards. Vulnerable populations are highly susceptible to drought, wildfire, severe storms and stormwater flooding, sea level rise, and extreme heat. In Pacific Grove, significant vulnerable populations include renters, adults 65 years and older, individuals with disabilities, military veterans, and individuals with cardiovascular disease. Individuals with chronic health conditions, including seniors, children, military veterans, and individuals with disabilities, are typically more sensitive to air and water pollutants and can experience mobility challenges that limit access to medical care, emergency resources, and evacuation. Renters are also particularly vulnerable to climate related hazards since they typically have limited control over housing conditions such as cooling systems, insulation, and home retrofits to protect against hazards such as flood and wildfire. In addition, residents living in overcrowded housing are more likely to face health and safety concerns and face financial barriers when preparing for and recovering from climate hazards. Overcrowding rates are low throughout Pacific Grove, but is higher among renter households compared to homeowners and is highest in Del Monte Parke neighborhood, which overlaps with high wildfire hazard zones.

Buildings infrastructure, and critical services, especially those located adjacent to the coast, are also vulnerable to climate change impacts. Critical facilities consist of the infrastructure and systems that are essential to maintain the health and welfare of the public and that enable the continuous operation of critical government and business functions. Critical infrastructure and services include water services, storm drainage and flood protection, fire services, emergency services, medical services, utilities and major utility corridors, public transportation, roadways, and active transportation routes. These assets are vulnerable to drought, stormwater flooding of roadways, increased hospital visits due to poor air quality, and increased energy demand during extreme heat events. The City's wastewater infrastructure is particularly vulnerable to sea level rise and coastal flooding due to its location within 150 feet of the shoreline.

CLIMATE CHANGE GOALS, POLICIES, AND PROGRAMS

GOAL 2	**Prevent loss of life, injury, and property damage from climate change related hazards.**
POLICY 5	**Ensure climate adaptation and hazard plans are designed to identify and address impacts to the city's most vulnerable populations.**
Program E	Collaborate with local and regional entities to establish climate resiliency centers (i.e. cooling centers for extreme heat events and emergency centers for climate related emergencies). Ensure resiliency centers are located in proximity to areas with high concentrations of vulnerable

populations.

Program F — Identify areas with concentrations of vulnerable populations that may be disproportionately impacted by climate change and may need assistance and conduct education on climate change related impacts.

POLICY 6 — **Implement water conservation programs and education to increase drought resilience and reduce vulnerability to long-term water supply shortages.**

Program G — Upon the next update to the Urban Water Management, partner with the California American Water Company and Monterey County to review historical droughts and consider similar droughts in future projections to better plan for water supply shortages and support the City's Local Water Program.

Program H — Where feasible, implement a program to conduct water/energy nexus studies to inform the City's future public water and electricity rate structure during times of drought to ensure under-resourced individuals avoid inequitable pricing outcomes.

Program I — Promote drought-tolerant landscaping across all public and private properties.

Program J — Identify natural infrastructure that may be used in adaptation projects to address climate change hazards. Where feasible, incorporate natural features and ecosystem processes, or the restoration of natural features and processes when developing climate hazard implementation plans.

POLICY 7 — **Where feasible, install shade trees and cool pavement, expand the functionality and availability of cooling centers, and distribute low-cost cooling resources to reduce the impacts of extreme heat and poor air quality on climate vulnerable populations.**

Program K — Where feasible, partner with nearby jurisdictions to expand the availability of cooling centers to address a greater variety of needs as resilience centers facilitating health, food, medical, and emergency services during poor air quality events caused by climate hazards, including extreme heat events.

Program L — Seek funding to develop an Extreme Heat Plan to plan for and mitigate extreme heat, such as employing cool pavement technology and increasing the urban forest.

Program M — Encourage alternatives to air conditioners such as ceiling fans, air exchanges, and increased insulation to reduce high electricity demand during extreme heat events to increase reliability of electrical grid.

POLICY 8 — **Ensure the siting, design, and retrofit of critical facilities incorporate climate resilience measures to protect against current and projected climate change impacts, including extreme heat, flooding, wildfire, and sea level rise.**

Program N — Assess critical facilities, including those for first responders and critical service providers to identify retrofits needed for long-term climate resilience such as wildfire, sea level rise, increased wind/storm events and stormwater flooding, and increase in extreme heat events based on the best available science in climate projections.

Program O — Locate new critical facilities outside of high hazard areas, including high and very high fire hazard severity zones, 100-year flood zones, and tsunami inundation zones.

Program P — Consider amending the local building code to require CALGreen Tier 2 Voluntary Standards Section A5.106.11.2 for cool roofs and Section A5.106.7.2 for cool walls by the next California Building Codes (CBC) update cycle to protect occupants from extreme heat.

Program Q — Consider amending local building code to require indoor cooling and two-way air conditioning units in new multi-family buildings, monitoring the California Department of Public Health guidance regarding indoor cooling which will inform the next CBC update cycle.

POLICY 9 — **Incorporate climate change projections in future resource conservation plans and land use plans, including research and monitoring plans.**

Program R	Adopt a climate action and adaptation plan that includes climate change projections and policies and programs to reduce impacts of climate change and address climate adaptation.
Program S	Conduct citywide outreach on water conservation programs and education through print, digital, and in-person outreach (i.e. flyers, information booths at City attended events, social media posts).
POLICY 10	**Inform the community of natural and human-made hazards, climate change hazards and disaster preparedness through education and outreach events.**
Program T	Conduct community education efforts via local media coordination, City sponsored activities and events, and other methods to reach the broader community regarding emergency evacuation, potential hazards, and mitigation efforts.
Program U	Provide online information for preparing homes and business for extreme weather events, such as resources on what to have at home in an emergency kit.

10.3 FLOODING

The potential for flooding exists whenever excess surface runoff collects and concentrates. This may occur because of inadequate storm drainage or because the natural capacity of a stream or drainage system has been exceeded.

The natural landscape of Pacific Grove peaks near the city boundary with the Presidio of Monterey and slopes gently downward north and west toward Monterey Bay and the Pacific Ocean. This slope gives the city a mostly unobstructed natural gravity drainage system. Pacific Grove is on a peninsula without any significant streams or rivers and no true floodplains.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), most of Pacific Grove has low flood risk, as shown in Figure 10-7. FEMA FIRMs use historical data to determine flood hazard, identifying areas of low, moderate, and high flood risk. In Pacific Grove, only very small areas directly adjacent from the coastline are within the 100-year flood plain (one percent annual chance of flooding). With climate change anticipated to increase the frequency and severity of extreme precipitation events, Pacific Grove may experience more frequent and severe flooding. This could result in temporary disruption of emergency services and potentially overwhelm wastewater and storm drainage systems. Several low-lying areas of the city, including transportation routes near Asilomar State Beach and Conference Grounds, in particular portions of Ocean View Boulevard and Sunset Drive between Esplanade Street and Asilomar Avenue, are identified as flood prone in the most up to date Multi-Jurisdictional Hazard Mitigation Plan. Although located outside of City limits, the Del Monte Boulevard tunnel in Monterey is an especially critical transportation route that provides one of two major access routes into/out of the City and could be prone to flooding. Flooding in these areas still presents an issue when high tides and large surf occurs simultaneously.

In Pacific Grove precipitation changes due to climate change are expected to increase the risk of flooding in the city, including localized flooding which could cause property damage or cause access issues due to street closures. The compounding effects of climate change impacts can lead to greater risks. Storm events after a wildfire can lead to mudslides and debris flows, which in Monterey County led to a local emergency following a severe winter storm in 2021.

10.4 SEA LEVEL RISE

Increasing temperatures caused by climate change are expected to raise global sea levels. Sea level rise increases the risk of coastal erosion, coastal flooding, and damage to resources and infrastructure. A coastal hazard modeling assessment was conducted in August 2024 as part of the Local Coastal Program update. The study analyzed citywide parcel vulnerability using topographic data and erosion modeling to identify areas that would become at risk for cliff erosion and storm wave hazards under various sea level rise scenarios. The study projected significant coastal erosion due to sea level rise by the year 2100, particularly along the shoreline and bluff at Pacific Grove State Beach. The Great Tide Pool and Crespi Pond area could retreat up to 85 and 54 feet respectively. Residential structures and public amenities in the Asilomar Dunes Neighborhood, Beach Tract / Fairway Homes Neighborhood, and Pacific Grove Retreat Neighborhood could become increasingly vulnerable to coastal erosion with an increase in frequency and severity of storm surges, and rising mean water level due to climate change. The study identified 69 parcels and 28 built structures to be at risk from coastal wave hazards and 23 parcels with one structure at risk of coastal erosion. Figure 10-8 shows the sea level rise projections for Pacific Grove along with coastal erosion risk.

10.5 DAM FAILURE

The closest operable dam is located southwest of Pacific Grove outside City boundaries in Monterey County. The California-American Water Company (Cal-Am) reconstructed the Forest Lake Reservoir in 1994 to make it more resistant to earthquake and storm damage that could cause local flooding as well as constructing the reclamation and recycling system. In 1998 the reservoir was purchased by the Pebble Beach Community Services District and has since increased the storage capacity. The Pacific Grove Dam, located on the eastern side of the city, is still owned by Cal-Am and is the only reservoir within the city limits. The dam has been considered inoperative since 2003, poses no significant inundation hazard, and is no longer used for potable water storage. Figure 10-9 shows areas of the city subject to dam inundation hazard.

10.6 STORM HAZARDS

Winter storms along the Pacific Grove shoreline have the potential of producing breaking waves exceeding 20 feet in height at the 20-foot depth contour. Although the offshore reef areas dissipate much of the storm wave energy, run-up can reach the low-lying shoreline areas below or at the 20-foot elevation (including the waterfront parklands and roadways). Boulders and other debris flung onto the shore are the primary storm hazards in the area.

Another potential storm hazard results from the configuration of Monterey Bay. The bay tends to produce sets of larger waves followed by quiet periods. These quiet periods may lure the unwary too close to the shoreline. The City has recognized the hazard these unexpected large waves pose by posting warning signs along the shoreline.

Climate change is expected to increase the rate and severity of storms. Extreme wind and precipitation events often overwhelm storm drainage systems which could impact properties and infrastructure due to localized flooding or downed trees and power lines. A study of storm damage in the vicinity of Monterey Harbor from 1910 to 1960 indicates periodic damage to harbor structures and moored boats, but little loss of life. The winter storms of 1982-83 downed trees, damaged piers and some seawalls, and flooded part of the Asilomar area. Although recreational use of the shoreline has intensified substantially since 1970, the heaviest use is during the summer months when storm activity is rare. (Most storms occur between October and April.)

The Pacific Grove Police Department receives weather warnings directly from the National Weather Service's Forecast Office for the San Francisco Bay Region. A National Weather Service office for the area is located in the city of Monterey at 21 Grace Hopper Avenue. Several forecast stations broadcast information for the coastal counties, including stations at Mount Umunhum in Santa Clara County and the Monterey Peninsula Airport.

Figure 10-7 100-Year Flood Zones

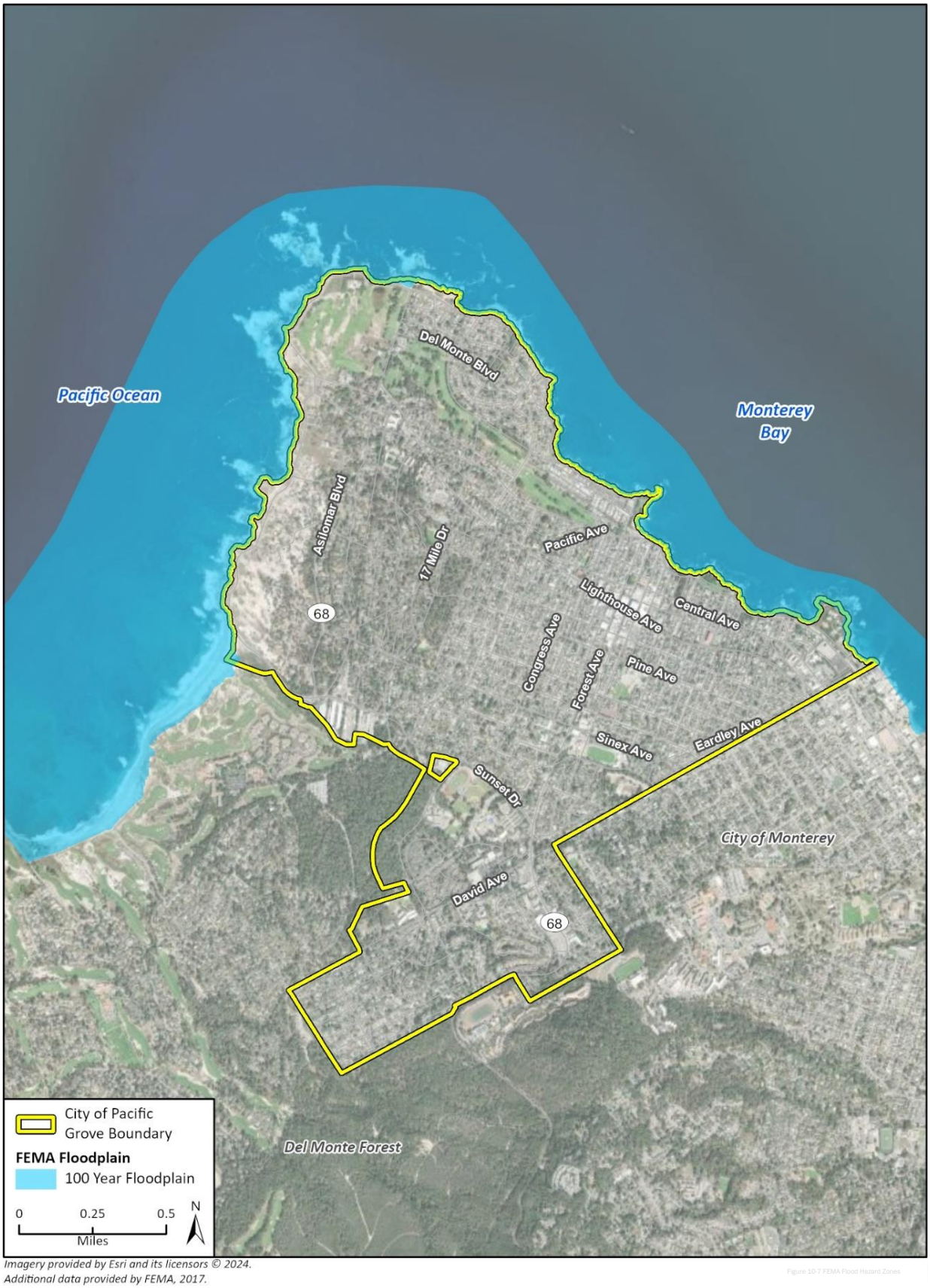


Figure 10-8 Sea Level Rise

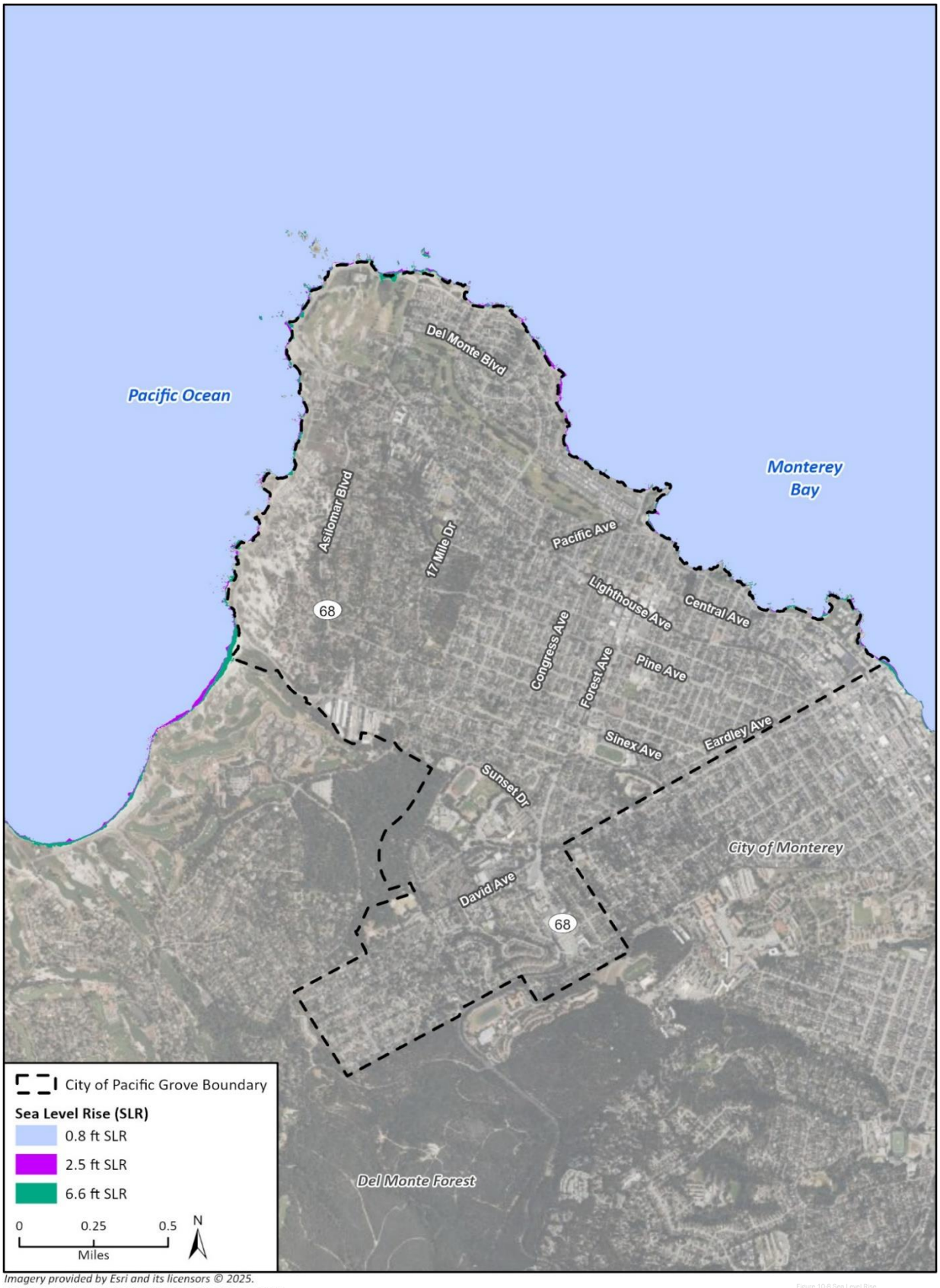


Figure 10-9 Dam Inundation Areas



STORM, FLOODING, and SEA LEVEL RISE GOALS, POLICIES, AND PROGRAMS

GOAL 3	**Prevent injury, property damage, and infrastructure loss from flooding and erosion.**

POLICY 11	**Upgrade and maintain the city's stormwater drainage system to increase capacity and reduce flooding to account for projected precipitation rates due to climate change.**
Program V	Strengthen storm drain maintenance to prevent local flooding during strong storms.
Program W	Require prompt revegetation and/or construction of newly graded sites to control erosion.
Program X	Encourage projects requiring development permits incorporate low impact design to reduce runoff, such as permeable paving, on-site detention ponds, and bioswales.
POLICY 12	**Enhance the resilience of the city's stormwater drainage and wastewater systems to accommodate potential impacts including sea level rise and severe storm events.**
Program Y	Adopt, implement, and periodically update a drainage system master plan that inventories the city's stormwater drainage system, identifies deficiencies and capacity constraints, and recommends infrastructure improvements to address identified issues. The drainage system master plan should incorporate future climate change projections and address anticipated impacts to the system.
Program Z	Update the City's Sewer System Master Plan every five to 10 years to accommodate city growth and address climate change impacts.
POLICY 13	**Ensure new development and redevelopment projects effectively mitigate potential risks associated with sea level rise through the coastal development permit review process.**
Program AA	Encourage development projects to deposit dredge spoils on Pacific Grove State Beach to mitigate coastal erosion, as identified in the MJHMP and CCVA if the material is suitable for sand replenishment and is consistent with environmental protection policies.
Program BB	Require removal or relocation of structures away from sea level rise hazards, especially those identified in the CCVA, if public health and safety risks exist, if essential services can no longer be maintained, if the structures are no longer on private property due to shoreline migration, or if the development requires new or augmented shoreline protective devices that would not otherwise be permitted.
POLICY 14	**Coordinate with other local, regional, state, and federal agencies to monitor local sea level rise impacts and plan and implement adaptation initiatives and restoration or enhancement of natural ecosystems.**
Program CC	Develop sea level rise adaptation plans for assets vulnerable to sea level rise.
Program DD	Continue to build community awareness about sea level rise hazards and future vulnerabilities.

10.7 AIRCRAFT/AIRPORT HAZARDS

The Monterey Regional Airport is located approximately 3.5 miles to the southeast of Pacific Grove. The Monterey County Airport Land Use Commission prepared the 2019 Airport Land Use Compatibility Plan (ALUCP) to promote the safety and welfare of the communities affected by airport activities, in which Pacific Grove is within the Airport Influence Area (AIA). Figure 10-10 shows Pacific Grove in relation to the safety overlay areas. Airplanes fly over Pacific Grove on their approach to land at the Monterey Regional Airport and the Point Pinos Lighthouse is a landmark in pilot's visual approach procedures. Potential hazards arise during certain weather conditions. The ALUCP establishes safety measures for jurisdictions within the AIA. For Pacific Grove this would include a maximum non-residential intensity of 300 persons per acre, a requirement for 10 percent open land, and various restrictions including prohibitions on hazards to flight, outdoor stadiums, structures over 100 feet, and uses involving vulnerable occupants within specified distances from the runway, with additional airspace analysis and airport disclosure

notices required. Aircraft noise exposure is later discussed in Section 10.13.2.

AIRCRAFT/AIRPORT HAZARDS GOALS, POLICIES, AND PROGRAMS

GOAL 4	**Prevent injury, property damage, and infrastructure loss from airport hazards.**
POLICY 15	**Maintain adequate storm warning communication systems.**
POLICY 16	**Work with the Monterey Peninsula Airport District to monitor safety concerns for Pacific Grove.**
POLICY 17	**Continue to review development projects to ensure consistency with the ALUCP requirements for the AIA.**

10.8 TOXIC AND HAZARDOUS MATERIALS

The generation, storage, disposal, and transportation of toxic or hazardous wastes in Pacific Grove is not a significant issue. Household hazardous waste is accepted and processed by Monterey Regional Waste Management District at the ReGen Household Hazardous Waste Facility in the city of Marina, as well as through curbside pickup through the GreenWaste Recovery services. The City‘s hazardous materials storage area was previously located at the City Corporation Yard, at 2100 Sunset Drive, but is now considered inactive. Pacific Grove Public Works Department maintains an inventory of materials by location for pesticides.

There are no permitted hazardous waste facilities in the city. There are few locations with active hazardous materials identified and a number of inactive sites, such as sites with previous uses that may have resulted in contamination and hazardous material: including a prior naval fueling station, and the historic Point Pinos lighthouse. Figure 10-10 shows active and inactive hazardous material sites in the city.

The City has the following goals, policies, and programs related to hazardous materials.

HAZARDOUS MATERIALS GOALS, POLICIES, AND PROGRAMS

GOAL 5	**Prevent injury, property damage, and infrastructure loss from hazardous materials exposure.**
POLICY 18	**Require businesses that manufacture, store, use, or transport significant quantities of hazardous and toxic materials to annually identify such materials and their quantities and to notify the Fire Department of any changes in such materials or activities.**
Program EE	Maintain a current inventory of hazardous and toxic materials by location, for use by the Fire Department and the Community Development Department.

Figure 10-10 Monterey County Airport Land Use Plan Safety Zones

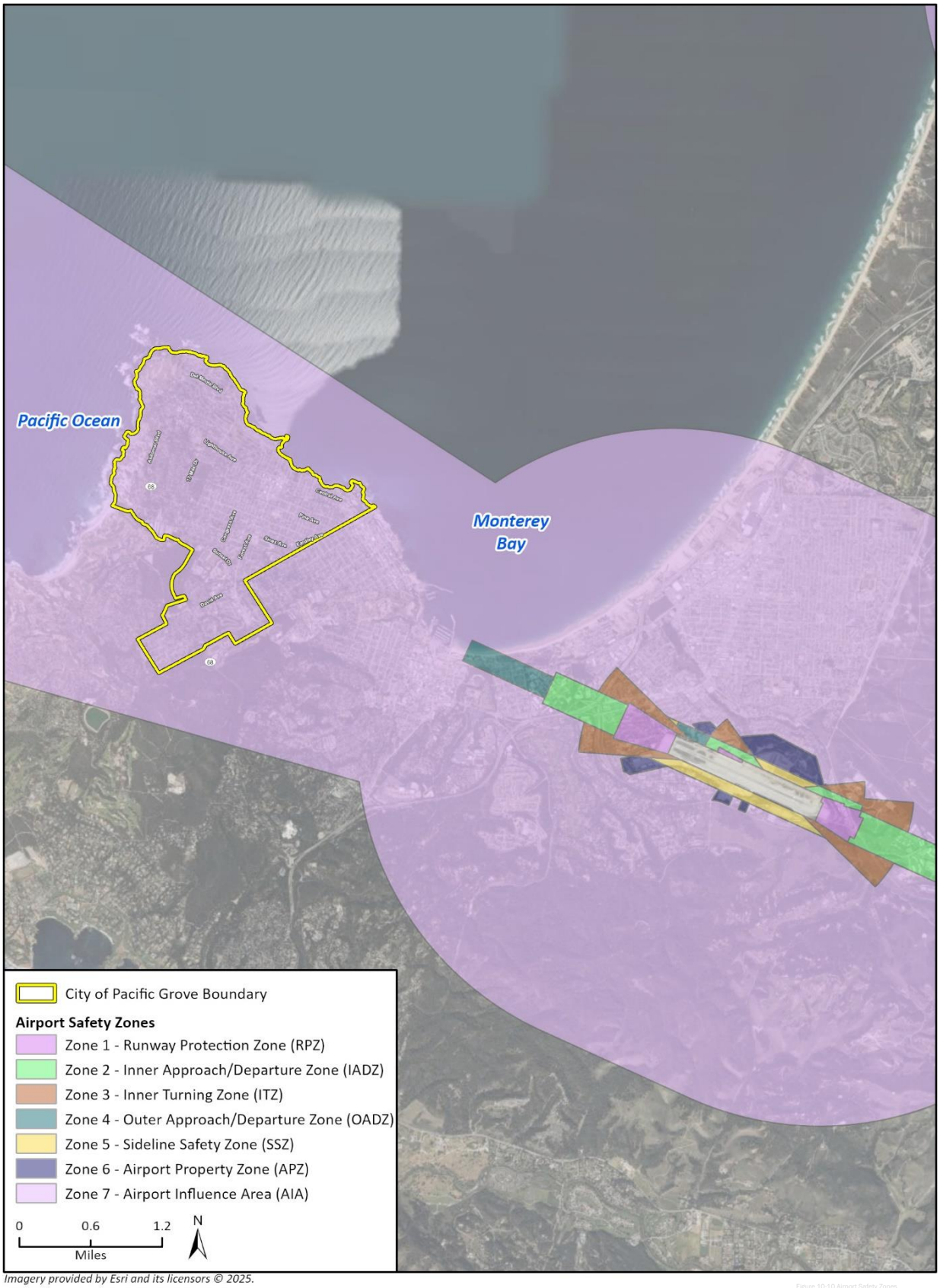
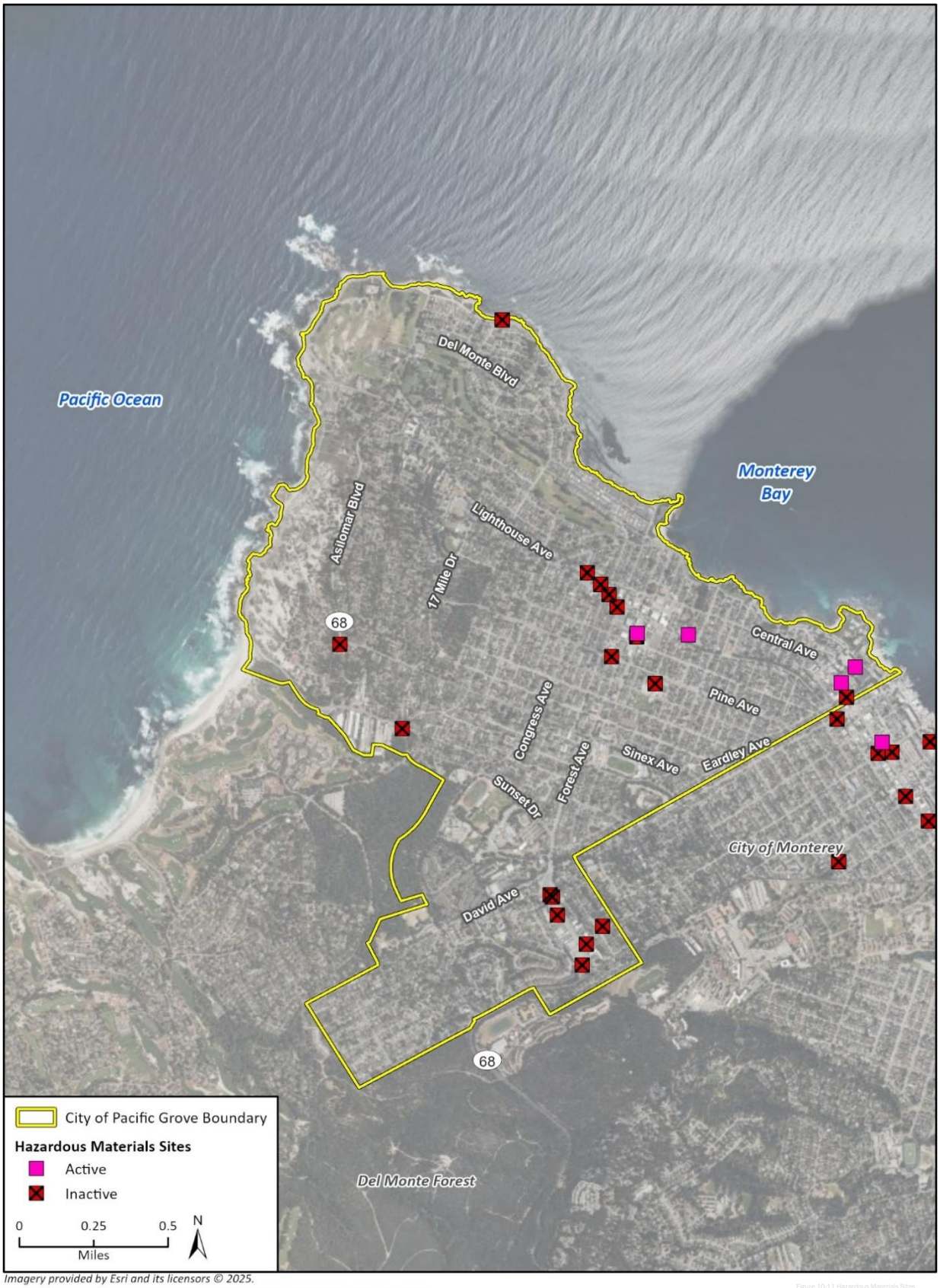


Figure 10-11 Hazardous Materials Sites



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Additional data provided by Geotracker and Envirostor; accessed February 6th, 2025.

Figure 10-11 Hazardous Materials Sites

10.9 AIR AND WATER POLLUTION

There are no significant air or water quality problems in Pacific Grove. (Water quality and the City's intention to control non-source pollutants are discussed in Chapter 6 Natural Resources, Sections 6.2 Water Resources and Water Quality and 6.6. Natural Resources Goals, Policies, and Programs)

The excellent ventilation provided by the weather patterns generally inhibits the buildup of air pollutants. Pacific Grove is part of the North Central Coast Air Basin. According to the California Air Resources Board air quality standards designation tool, the city is within federal attainment status for ozone and particulate standards and State attainment for fine particulate matter (PM2.5). However. the city is located in a non-attainment area for State ozone and inhalable particulate standards for coarse particulate matter (PM10). Attainment means complying with State and federal ambient air quality standards within an air basin.

The Monterey Bay Air Resources District (MBARD) is responsible for conducting air monitoring, permitting, enforcement, long-range air quality planning, regulatory development, and education and public information activities related to air pollution for Monterey County.

There are few industrial sources of air pollution in Pacific Grove. Sources of air pollutant emissions relevant to Pacific Grove include passenger and commercial vehicles, wildfire smoke, , residential cooking and heating, dry cleaners, and gasoline dispensers.

The City has the following air and water quality goals, policies, and programs.

AIR AND WATER POLLUTION GOALS, POLICIES, AND PROGRAMS

GOAL 6	**Promote attainment, and insofar as possible, improve air quality in Pacific Grove and the Monterey Bay area.**
POLICY 19	**Address State and federal regulations to keep funding to maintain attainment.**
Program FF	Support and participate in regional air quality planning programs.
POLICY 20	**Use the CEQA process to identify and avoid or mitigate potentially significant air and water quality impacts of development.**

In doing so, the City will consult with the Monterey Bay Air Resources District concerning air quality issues associated with specific development proposals.

POLICY 21	**Continue to support the efforts of the Transportation Agency for Monterey County to implement the Regional Transportation Plan.**
Program GG	Ensure that new development, or major rehabilitation, redevelopment, or conversion, incorporates the infrastructure, facilities, and design standards necessary to encourage and accommodate public transportation, ridesharing, and non-automobile travel modes.

10.10 FIRE HAZARDS

There is potential for both wildland and structural fires to threaten life and property in Pacific Grove. Wildland fires, which result from both human activity and natural causes, occur in forests, brush, or grasslands, but can threaten structures and urban development. Local and regional wildfires can also generate smoke that can cause hazardous air quality conditions impacting public health, particularly those with respiratory conditions such as asthma. Structural fires usually result from human activity. Substandard structures present the highest potential for injury, death, or loss of property.

10.10.1 Wildland Fire Hazards

Wildland fires can occur year-round and typically occur most frequently during the annual dry season (May to October). Wildfires can be naturally occurring or caused by human activity. The buildup of understory brush and vegetation (which under natural conditions would be periodically burned off) creates conditions conducive to large and intense fires. Variables such as humidity, drought, rainfall, wind velocity, type of vegetation, and fuel buildup determine the start, spread, and control of wildland fires. Increased temperatures, decreased precipitation, and prolonged dry spells due to climate change are likely to cause greater fuel loads and fuel dryness, resulting in more frequent and severe wildfires. These climate patterns are extending the fire season, which historically occurred from May to October throughout California. Furthermore, fire suppression and development within the wildland urban interface, the area of transition between human development and unoccupied land, has led to increased fuel load and risk of ignition. Historical wildfires that

have occurred in proximity to the city are shown in Figure 10-12.

The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for fire suppression and prevention within all "State Responsibility Areas" (SRA). CAL FIRE has developed a classification of wildland fire hazards for SRAs in proximity to Pacific Grove, all of which are unincorporated. This classification system categorizes areas based on their wildfire hazard level. An updated Fire Hazard Severity Zone (FHSZ) map for the area was released by CAL FIRE on March 10, 2025. In order to enhance wildfire resilience and planning measures, the updated maps were adopted by the City on July 16, 2025, as recommended. The areas west and south of Pacific Grove are designated as Moderate, High, and Very High FHSZs based on the map retained on file by the City. Federal Responsibility Areas (FRA) fall under the responsibility of federal agencies. In and near Pacific Grove this includes the Presidio of Monterey to the east of city limits, National Oceanic and Atmospheric Administration (NOAA) Southwest Fisheries Science Center on Lighthouse Avenue, and Naval Reserve Center within the Point Pinos Lighthouse Reserve.

Local Responsibility Areas (LRA) are zones where local and regional fire suppression agencies are responsible for fire protection and prevention. Monterey City Fire Department is responsible for fire suppression and prevention in Pacific Grove and the surrounding cities. According to the most up to date designations from CAL FIRE, LRAs that are of highest risk to wildfire are located in the southern limits of the City. The border of the Del Monte Forest with Pacific Grove, where development is adjacent to dense vegetation, has a potential for wildland fires that can endanger people and property. Undeveloped forested areas directly behind houses in this area are highly hazardous because of the accumulation of large amounts of dry brush and dead wood that can become fuel for a wildland fire. These areas are considered by CAL FIRE to be Moderate to High Fire Hazard Severity Zones (HFHSZ) and Very High Fire Hazard Severity Zones (VHFHSZ), based on the most up to date designations. Figure 10-12 shows wildfire hazard areas in the city. Figure 10-14 shows existing development within HFHSZs and VHFHSZs. The existing uses in these areas are primarily residential, but also contain the existing Forest Hill commercial corridor, shopping center, and city owned educational facilities. The General Plan land use designations for these areas include Low to High Density Residential, Open Space, Public, Forest Hill Commercial, Group Quarters, and Country Club Shopping Center.

Several Pacific Grove Unified School District schools are located within fire hazard severity zones in the southern part of the city. The School District has prepared a Districtwide Threat and Risk Assessment and individual Site Safety Plans for each school to identify and address safety issues, including fire. These plans evaluate each schools existing fire protection system and provide evacuation routes and shelter in place procedures in the event of a fire within the area.

A May 31, 1987, fire in Del Monte Forest burned 160 acres, destroyed 32 houses, and caused an estimated $16 million in damage. Monterey County contracts with the CAL FIRE for fire protection in this part of the Planning Area.

Some areas within the interior of the city also pose a wildland fire hazard. In Pacific Grove Acres, structural and other fires can set off wildland fires. The forested portions of the Lynn "Rip" Van Winkle Open Space could pose a fire threat to the schools and housing across Congress Avenue. Washington Park, and Asilomar State Beach and Conference Grounds have a lower wildfire potential, since they are well-maintained and regularly cleared of fire-prone debris and brush and are broken up by pavements and cleared areas.

The cities of Monterey, Pacific Grove and Carmel-by-the-Sea participated in the creation of a Community Wildfire Protection Plan (CWPP) to prepare for and adapt to the increasing impact of wildfires. The CWPP development was led by the Monterey Fire Department in response to the federal Healthy Forest Restoration Act of 2003 and adopted by the Pacific Grove City Council in 2024. The CWPP contains recommended actions in order to identify effective, prioritized wildfire mitigation and fuel reduction projects.

10.10.2 Structural Fire Hazards

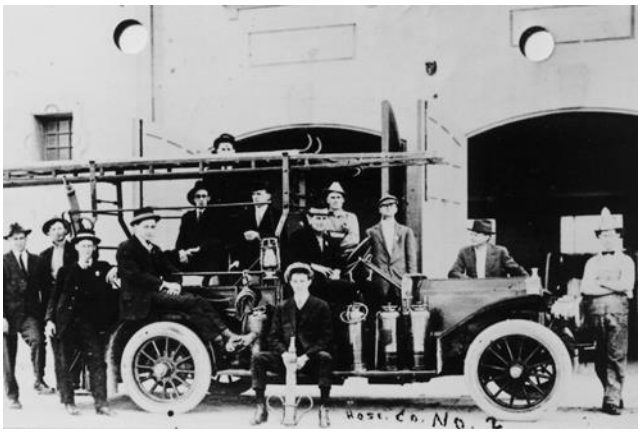
A large number of structures within the original Retreat are substandard in terms of current State and local fire and building codes. These older buildings were constructed on small lots with little or no yard space between them. Many are of single-wall construction, and nearly all are wood frame. Many have original electrical wiring and circuits that fail to meet the electrical demands of large numbers of modern household appliances. In addition, many older two- and three-story dwellings throughout the city have been converted into apartments or rooming houses. Increasing the number of family units within a building places additional demand on building infrastructure which increases the fire risk if buildings are not brought up to local code.

A number of wood-frame commercial buildings in the Downtown lack adequate fire protection. Some of the

masonry buildings have common basements without fire-wall separations between properties. The lack of fire walls at property lines and within buildings gives the Downtown the city's greatest potential for structural fires.

Lack of water supply and low pressure can seriously constrain firefighting capabilities. The topography of the city affects the fire flow water supply as pressure decreases at higher elevation areas. Most of Pacific Grove has adequate water supply for fire suppression; areas that have inadequate water supply need to be upgraded. As of 1994, the areas within the city with inadequate water supply for normal fire protection were:

- The 1100 and 1200 blocks of Forest Avenue; The 600 block of Spazier;
- The 600 block of Hillcrest;
- The 300 and 400 blocks of Bishop;
- The area bounded by the 1000 block of Forest, between Beaumont Avenue and Morse Drive;
- The 1200 block of Adobe Lane; and
- The 600 and 700 blocks of Mermaid Avenue.



A tradition of public safety, 1920

Source: The Pat Hathaway Collection

Although Cal-Am has a water main improvement program, its priorities are based on customer complaints and leaks not on firefighting needs. Therefore, the City will need to include a water main improvement program in its capital improvement planning.

The original Retreat and Mermaid Avenue areas are designated "target hazard areas" because of the density of buildings and type of building construction. In addition, Mermaid Avenue has inadequate fire flow. To increase the fire flow, a new water main was extended from Lovers Point Park 950 feet westerly into the 700 block of Ocean View Boulevard, and a new hydrant was installed at the end of this main.

10.11 FIRE PROTECTION

The Pacific Grove Fire Department served the city from a single, centrally located fire station at 600 Pine Avenue until 2008. The department then merged with the Monterey City Fire Department to provide better services with an increased capability and depth of service to the greater community. This department, as of 2024, is staffed by 24 fire engineers and 30 firefighters across six stations. The Pine Avenue Station No.11 primarily serves a geographical area of 2.5 miles, which includes the city of Pacific Grove. All members of the department have diverse emergency medical and fire suppression related responsibilities and are able to respond to a wide variety of hazard events. As reported in the 2024 Annual Report for the Monterey Fire Department, all jurisdictions achieved an Insurance Services Office (ISO) rating of 2. ISO ratings range from one to ten (Class 1 being the best and Class 10 being the worst) in terms of a communities fire protection capabilities.

Pacific Grove has a mutual aid agreement with all fire agencies in Monterey County. The County Communications Center in Monterey handles communications and dispatches units. Monterey Fire Department submits a report of emergency response time to the City Manager on a monthly basis. In 2025, response times average below 5 minutes.

The City has established regulations and standards for fire protection pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code by adopting provisions of the California Building Code. The City has adopted the 2022 edition of the California Building Code and regularly updates their building codes to be consistent with new editions of the California Building Code as they are released, including changes that further enhance protection from wildfire hazards. The City has adopted several local amendments to the California Fire Code, to include additional fire protection measures including defensible space requirements, hazardous material storage, burning prohibitions, and fire sprinkler regulations. Additionally, to ensure adequate fire-fighting capabilities for developments, minimum water flow rates are listed in the latest adopted edition of the California Fire Code, Appendix BB, "Fire-flow Requirements for Buildings."



School children learn fire prevention



An ocean rescue

Figure 10-12 Historical Wildfires 1950 to Present



Figure 10-13 Fire Hazard Severity Zones

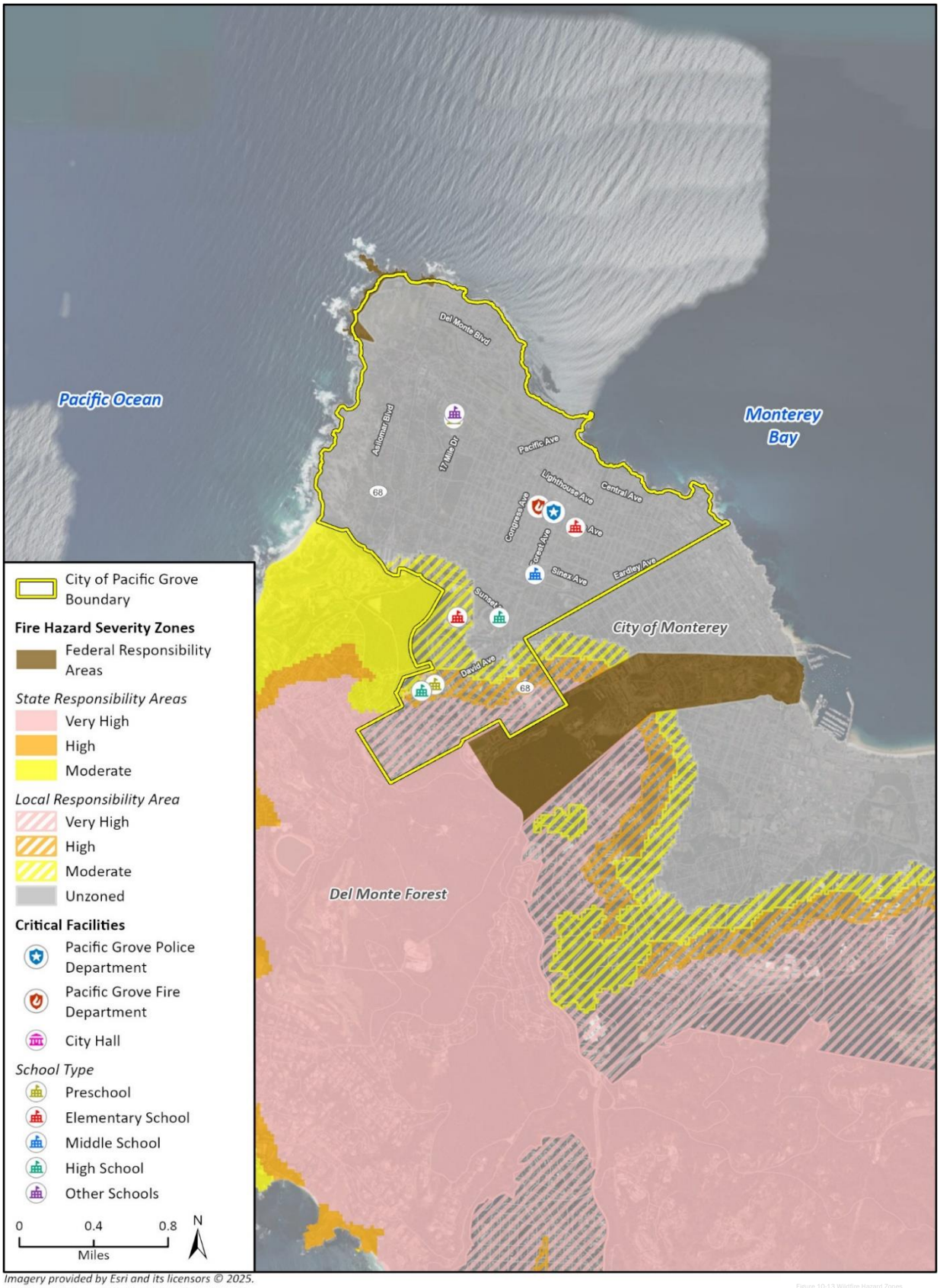
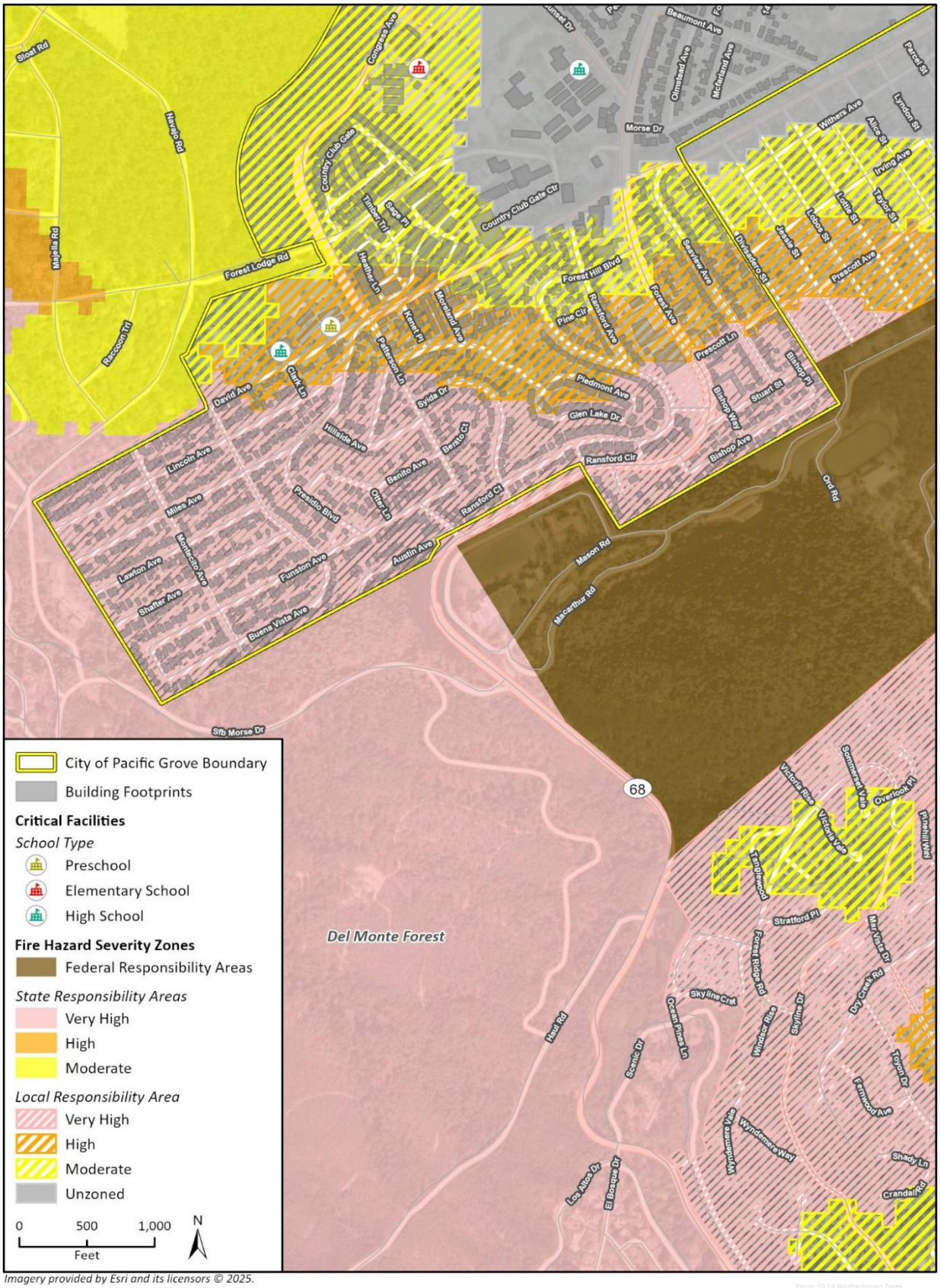


Figure 10-14 Buildings and Roadways Within High and Very High Fire Hazard Severity Zones



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Additional data provided by CALFIRE, 2024/2025.

FIRE PROTECTION GOALS, POLICIES, AND PROGRAMS

Policies herein are consistent with the requirements of California Government Code Section 65302(g) and are based on CAL FIRE's General Plan Safety Element Assessment and recommendations from CAL FIRE and the California State Board of Forestry and Fire Protection. Rincon did not develop original policies to mitigate wildfire.

GOAL 7	**Prevent loss of life, injury, and property damage from fires and wildfire hazards.**
POLICY 22	**Require new development provide all necessary water service, fire hydrants, and fire access, and minimum flow rates consistent with Fire Department standards and City requirements which relate to the project.**
Program HH	Require all construction to meet the applicable current City codes for fire and life safety.
Program II	Whenever feasible, locate new critical facilities and new essential public facilities outside fire hazard zones, such as healthcare facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities.
POLICY 23	**Coordinate with Cal-Am to ensure adequate water fire-flow throughout the city as set in the City's Fire Code.**
POLICY 24	**Promote implementation of building retrofits to enhance structural resilience to wildfire and fire hazards.**
Program JJ	Review the capacity of the City's on-site fire suppression systems, including sprinklers and pumps, in all new construction and update where feasible.
Program KK	Support Cal-Am in monitoring fire-flow throughout the city to ensure adequacy. Report any identified deficiencies to Cal-Am and collaborate on implementing infrastructure improvements to address deficiencies.
Program LL	Collaborate with Cal-Am, the Monterey Peninsula Water Management District, and Monterey One Water to identify and secure additional sources of water to support fire suppression activities.
Program MM	Schedule the improvement of water mains in the City's Capital Improvements Program (CIP).
POLICY 25	**Maintain an ongoing fire and life safety inspection program for all occupancies.**
Program NN	Coordinate with the Pacific Grove Unified School District to support efforts to update and implement school Site Safety Plans and Risk Assessments to address fire risk.
Program OO	Partner with the Pacific Grove Unified School District and associated schools to incorporate evacuation and safety of students into citywide emergency planning efforts.
Program PP	Establish regulatory incentives to encourage property owners to implement building retrofits, such as permit streamlining and fee waivers and reductions,
Program QQ	Develop a community education program to increase awareness of home hardening and retrofit options to reduce structural vulnerabilities to wildfire and fire hazards. This program can include educational workshops and digital flyers providing information on maintaining defensible space, home retrofits, and other practices for reducing fire risk.
Program RR	Collaborate with the Fire Department to encourage property owners in VHFHSZs to participate in the Fire Department's defensible space and home hardening inspection program to identify wildfire risks. Provide homeowners and participants with information on building retrofits to address safety issues identified during inspection.
Program SS	Collaborate with the County of Monterey and neighboring jurisdictions to apply for funding to establish a home hardening assistance program to provide subsidies or low/no-interest loans for low- and moderate-income households to help cover home hardening retrofit costs.

Program TT Work with the Fire District to enforce all existing codes and ordinances regarding fire protection, building inspection, and vegetation management.

POLICY 26 Maintain an ongoing comprehensive hazard abatement program that requires property owners to remove fire hazards, including vegetation, hazardous structures and materials, and debris, pursuant to State and local requirements.

Program UU Require all properties in the FHSZs to implement precautionary measures to create defensible space in compliance with regulations set forth in Senate Bill 63 and Assembly Bill 3074.

Program VV Require public properties in MFHSZs, HFHSZs, and VHFHSZs and private properties in VHFHSZs maintain fuel breaks around structures by removing brush and flammable vegetation located within 100 feet of the property, maintain a five-foot ember resistant zone around structures, continuing annual brush inspections, maintaining any tree adjacent to or overhanging any building free of dead or dying wood, and maintaining rooves free of leaves, needles, or other dead vegetation growth.

POLICY 27 Require new and expanded development in the wildland urban interface and High and Very High Fire Hazard Severity Zones incorporate fire-resilient design, defensible space and vegetation management practices, and adequate emergency and evacuation capacity.

Program WW Require all new developments to have adequate water supply to meet fire suppression needs and comply with applicable fire flow requirements.

Program XX Require that all homes have visible street addresses and signage and impose parking limitations to ensure that access roads are not blocked by parked vehicles.

Program YY Construct additional points of ingress and egress in single access neighborhoods and CAL FIRE subdivisions whenever feasible, especially those located in VHFHSZs in the southern part of the city and modify evacuation routes to minimize or avoid increasing evacuation times or emergency access response times in these neighborhoods.

POLICY 28 Following any future fires, reevaluate fire prevention policies and regulations on redevelopment.

Program ZZ Require visible home and street addressing signage in fire hazard severity zones to aid in emergency response.

Program AAA Establish minimum standards for evacuation and emergency vehicle access to and from the new or planned development in HFHSZs and VHFHSZs, including regulations for weight and vertical clearance, dead-end, one-way, and single-lane conditions.

Program BBB Ensure that, after a large fire, redevelopment of damaged property complies with the requirements of construction in the VHFHSZs and includes adequate provisions for emergency access, vegetation management, and firefighting, in compliance with California Fire Code. After a large fire, promptly evaluate whether existing VHFHSZ designations are adequate.

POLICY 29 Actively collaborate with regional, State and federal fire agencies to coordinate and implement wildfire mitigation measures and fuel load modifications reduction zones, including load clearing, prescribed burns, fire breaks, livestock grazing, and public and private road clearance and other mitigation activities for areas proximal to the city.

Program CCC Encourage residents to partake in water conservation efforts and leak-reporting by promoting California American Water (Cal-Am) and the Monterey Peninsula Water Management District water waste and leak reporting program and other water-saving resources.

Program DDD Coordinate with Pacific Gas and Electric Company to explore feasibility of the electrical undergrounding of utility lines with a focus on critical evacuation roadways and areas with highest wildfire risk.

Program EEE Establish and maintain community fuel breaks and fuel modification/reduction zones, including public and private road clearance in neighborhoods located in the WUI and VHFHSZs, especially in the southern portion of the city.

Special conditions may apply in natural areas or where endangered species occur.

Program FFF Continue to enforce the annual weed abatement program, defensible space and vertical clearance standards for vegetation.

Program GGG Require fuel modification plans for all new subdivisions in VHFHSZs.

Program HHH Continue and improve current fire prevention practices, including the current annual city fuel reduction program, in close cooperation with the Public Works Forestry Division.

Program III Partner with the Monterey Fire Department to update and maintain the Community Wildfire Prevention Plan (CWPP) to incorporate updated data on wildfire hazards and include appropriate fire hazard reduction projects in the city.

Program JJJ Establish fire-safe landscaping requirements standards to increase wildfire resistance for landscaping.

Program KKK Develop a list of approved fire-safe plants that can be used in landscaping in the wildland urban interface, High and Very High Fire Hazard Severity Zones.

Program LLL Publish guidelines for strategic placement of fire-safe plants and vegetation maintenance to minimize fire risk.

Program MMM Provide public education programs to enhance public awareness of fire safety, including the storage of flammable materials, use of fire-retardant building materials, and vegetation management in the perimeter of structures.

POLICY 30 Maintain an overall fire ISO rating of 2 or better.

Program NNN Monitor fire and emergency response times, staffing levels, facilities, and equipment.

POLICY 31 Maintain an average response time of three minutes or less for Priority 1 (emergency) calls.

POLICY 32 Maintain a high level of fire apparatus performance.

Program OOO Identify and replace aging or insufficient fire apparatus in the City's Capital Improvements Program (CIP).

Program PPP Identify alternative water sources for firefighting purposes for use during a disaster scenario.

10.12 POLICE

The Pacific Grove Police Department is located at 580 Pine Avenue, adjacent to City Hall and the Fire Department. The police facility includes a booking room, an interviewing room, and three short-term holding cells.

As of 2025, the department has 22 officers and ten support professionals. Police are dispatched through the Monterey County Communications Department in Monterey. In 2024, a total of 1,584 crimes were reported in Pacific Grove.

Response times for the Police Department are categorized according to the priority of the response needed. During the period between July of 2022 to July of 2025, the department responded to calls of all priorities in an average of between two and five minutes.



Patrolling the Monterey Peninsula Recreation Trail

POLICE RESPONSE GOALS, POLICIES, AND PROGRAMS

GOAL 8	**Prevent crime and promote the protection of people and property.**

POLICY 33	**Maintain an adequate level of police equipment and personnel consistent with city growth and development.**
POLICY 34	**Provide minimum response time for Priority 1 (emergency) calls.**
Program QQQ	Work with Monterey County Emergency Communications 911 Dispatch Services to shorten response times.
POLICY 35	**Encourage the use of private patrols and security personnel in large residential and commercial developments to supplement police services.**
Program RRR	Monitor response times and report annually on the results of the monitoring.
Program SSS	Continue to provide neighborhood security and crime prevention information and training to neighborhood groups and homeowners associations.
Program TTT	Develop a community safety program that addresses youth and gangs.

The police department maintains several community relations programs: McGruff for crime prevention, Neighborhood Watch for crime suppression, Citizens Police Academy classes, local citizen 'Ride-Along' Program, and Drug Abuse Resistance Education (DARE) Program.

10.13 NOISE

Pacific Grove has a number of potentially significant noise sources. They include traffic on Highway 68 and major city streets, construction noise, and operations at the Monterey Peninsula Airport.

10.13.1 Traffic Noise

Existing noise exposure contours for major sources of traffic noise within the city are shown in Figure 10-15. The 60, 65, and 70 dBA noise contours are used to illustrate areas affected by traffic noise. Portions of properties along the section of Highway 68/Forest Avenue, south of David Avenue, are exposed to the highest existing and projected traffic noise levels in the city (Figure 10-16). Properties along the remaining northern portion of Forest Avenue, and the portions of Lighthouse Avenue and Central Avenue east of Forest Avenue also have higher levels of traffic noise exposure (Figure 10-17). Parcels along these arterial roads, as well as along Sunset drive are exposed to traffic noise at the 70 dBA level.

10.13.2 Aircraft Noise

Aircraft arriving and leaving the Monterey Regional Airport, located approximately 3.5 miles to the east of Pacific Grove, generate some noise in Pacific Grove when aircraft approach to land along the flight path and take off from the airport. The ALUCP calculated noise contours for the Monterey Regional Airport using 2013 data and a 20-year modeling forecast. The noise contours are in Community Noise Equivalent Level (CNEL); an average decibel over a 24-hour period which weighs the data to account for increased sensitivity to noise at night. Airport noise standards are established by the State under Title 21, Section 5000 et seq, which states that the maximum noise levels for persons living near airports shall be less than 65 CNEL. The ALUCP updated noise contour forecasts for increased use of the Monterey Regional Airport, however, the 75 CNEL contour continues to encompass only Airport property, and the 65 and 70 CNEL noise exposure contours extends off Airport property approximately 500 feet to the northwest and approximately 400 feet southeast. Based on noise contours prepared by the airport, shown in Figure 10-15, annual average noise exposure remains less than 60 CNEL within Pacific Grove for existing airport operations. The ALUCP regulates land use compatibility based on noise level exposure for areas exposed to 65 CNEL and higher, which does not include any land within Pacific Grove. Additionally, the Airport has an adopted Noise Abatement Program in order to minimize airport noise to surrounding communities. Therefore, noise from the Monterey Regional Airport is not a major issue in Pacific Grove.

10.13.3 Commercial, Industrial and Stationary Noise Sources

Pacific Grove has very little land available for industrial uses, and no sources of significant stationary noise. Some periodic noise is generated from construction activities, which are regulated by the City's Noise ordinance which limits noise-generating construction activities to the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. Noise-generating commercial uses and events involving amplified noise such as restaurants with specialty uses, bars, pubs, wine tasting, catering services and events, may occur periodically. For such uses, amplified and unamplified music and entertainment is subject to the regulations and time restrictions of Title 23 of the Pacific Grove Municipal Code.

10.13.4 1994 Community Noise Survey

A community noise survey was conducted in 1994 as part of the Safety Element update to document noise exposure in areas of the community containing noise-sensitive land uses: all residential uses, schools, and long-term care medical facilities (such as hospitals and nursing homes). The community noise survey results indicate that noise levels within the city of Pacific Grove are generally typical of a quiet suburban community with estimated L_{dn} values ranging from 39-61 dB. Maximum noise levels are generally caused by local traffic or intermittent aircraft overflights.

Figure 10-15 2025 and 2031Traffic Noise Contours





Figure 10-16 Traffic Noise Contours Highway 68/ Forest Avenue

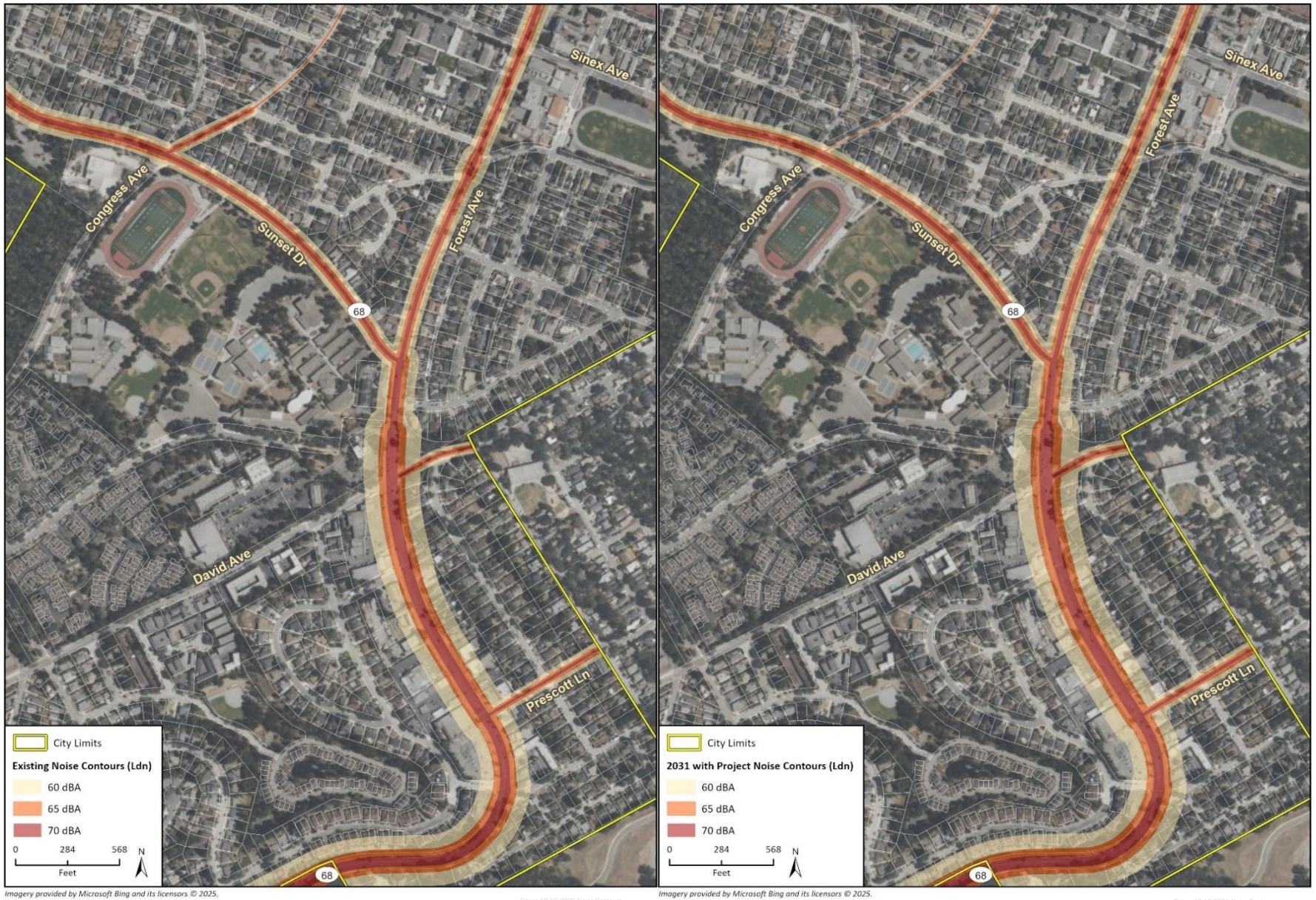


Figure 10-17 Traffic Noise Contours Lighthouse Avenue





NOISE GOALS, POLICIES, AND PROGRAMS

GOAL 9	**Protect Pacific Grove residents from the harmful effects of excessive noise.**

POLICY 36 **Review possible noise-producing uses and mitigate, as necessary.**

POLICY 37 **Prevent encroachment of industrial facilities or other stationary noise sources near noise-sensitive land uses.**

POLICY 38 **Prevent the expansion or intensification of existing noise-producing commercial/utility uses on adjacent residential properties.**

Recommended allowable noise exposures for noise-sensitive land uses are shown in Table 1.

Program UUU Require that new noise-sensitive uses in proximity to existing noise sources include receiver-based mitigation measures.

Program VVV Prevent new noise-sensitive land uses from locating in areas exposed to existing or projected future levels of noise from transportation noise sources that exceed 60 dB Ldn/CNEL (70 dB Ldn/CNEL in playgrounds and parks) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to the levels specified in Table 1.

Program WWW Mitigate any noise created by new transportation and roadway improvement projects so that they will not exceed the levels specified in Table 1 within the outdoor activity areas and interior spaces of existing noise-sensitive land uses.

Program XXX Mitigate any noise created by new proposed stationary noise sources so that they will not exceed the noise level standards of Table 2 on lands designated for noise-sensitive uses.

This program does not apply to noise levels associated with agricultural operations on land designated or zoned for industrial uses.

Program YYY Review proposed noise-producing commercial uses in residential areas through the use permit process and mitigate potential noise impacts.

Program ZZZ Enforce the most current sections of the California Vehicle Code relating to adequate vehicle mufflers and modified exhaust systems.

Program AAAA Purchase only equipment and vehicles that comply with noise level standards consistent with the best available noise control technology.

Program BBBB Review and modify as necessary the City's noise ordinance.

The ordinance should (1) employ guidelines of the California Health and Safety Code; (2) be designed to protect persons from excessive levels of noise that interfere with sleep, communication, relaxation, health, or legally permitted use of property, whether such noise is from existing or future sources; (3) make it unlawful to create noise that exceeds the standards of Table 1, as measured at the exterior of noise-sensitive land uses; (4) contain maximum allowable levels of interior noise created by exterior sources; (5) provide for exemptions or modifications to noise requirements for construction activities, school functions, property maintenance, heating and cooling equipment, utility facilities, waste collection, and other sources; and (6) establish responsibilities and procedures for noise measurements, enforcement, abatement, and variances.

Program CCCC Continue to enforce existing ordinances relating to inappropriate and unnecessary noise.

Table 1 Recommended Allowable Noise Exposure

Transportation Noise Services	Outdoor Activity Areas[1]	Interior Spaces	
Land Use	**L_{dn}/CNEL, dB**	**L_{dn}/CNEL, dB**	**L_{eq}, dB[2]**
Residential	60[3]	45	–
Transient Lodging	60[3]	45	–
Hospitals, Nursing Homes	60[3]	45	–
Theatres, Auditoriums, Music Halls	–	–	35
Churches, Meeting Halls	60[3]	–	40
Office Buildings	60[3]	–	45
Schools, Libraries, Museums	–	–	45
Playgrounds, Neighborhood Parks	70	–	–

[1] Where the location of outdoor activity areas is unknown, the exterior noise level standard is applied to the property line of the receiving land use.

[2] As determined for a typical worst-case hour during periods of use.

[3] Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed, provided that available exterior noise level reduction measures have been implemented and interior noise levels comply with this table.

Source: Brown-Buntin Associates, Inc.

Table 2 Maximum Allowable Noise Exposure, Stationary Noise Sources*

	Daytime	Nighttime
	(7 a.m. to 10 p.m.)	**(10 p.m. to 7 a.m.)**
Hourly L_{eq}, dB	50	45
Maximum level, dB	70	65

**As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.*

Source: Brown-Buntin Associates, Inc.

10.14 EMERGENCY RESPONSE

The most up to date 2022 County of Monterey Multi-Jurisdictional Hazard Mitigation Plan, which includes a jurisdictional specific, Annex I for the City of Pacific Grove, was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA's LHMP guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities (https://www.countyofmonterey.gov/government/departments-a-h/department-of-emergency-management/hazard-mitigation).

Pacific Grove adopted the most up to date County of Monterey Multi-Jurisdictional Hazard Mitigation Plan. The plan for Pacific Grove covers a variety of hazards, vulnerabilities, and responses specific to the city, including earthquakes, coastal erosion and sea level rise, wildfire, drought and water shortage, storms and hazardous stormwater flooding, hazardous materials, cyber threats and terrorism incidents and ocean oil spills, tsunamis, transportation incidents including aircraft and highway accidents, and nuclear emergencies.

The plan provides overall organizational and operational concepts for responding to the various hazards in the area. This plan is to be used in conjunction with the City's Emergency Operations Plan (EOP). The City's EOP works in conjunction with the Monterey County Emergency Operations Plan to establish emergency response and communication protocols in coordination with State and federal agencies and tribal partners

The City uses AlertMontereyCounty to communicate with residents in the event of an emergency. This system utilizes the Monterey County Emergency Communications 911 database to call and deliver a recorded message to landline phone numbers. Residents can also sign up to be alerted via mobile phone or email.

The City identified a potential temporary shelter location in the event of a disaster to serve as an evacuation collection point in its 2017 EOP. The Pacific Grove Community Center located at 515 Junipero Avenue is the designated Temporary Assistance Center in the event of an emergency to

convene and distribute information. The City identified the Monterey Fairgrounds as the most likely location to be used for shelter in an emergency.



Victorian ladies flirting with danger, 1910

Source: The Pat Hathaway Collection

EMERGENCY RESPONSE GOALS, POLICIES, AND PROGRAMS

GOAL 10	**Provide aid to the community as needed in the event of natural or man-made disasters.**

POLICY 39 **Ensure that City emergency response procedures are adequate to deal with natural or man-made disasters in the community.**

Program DDDD Develop and implement public information programs concerning disaster response and emergency preparedness to encourage home retrofits and educate on current standards for structure hardening and defensible space standards.

POLICY 40 **Participate in future updates and test the effectiveness of the Monterey County Multi-Jurisdictional Local Hazard Emergency Mitigation Plan.**

POLICY 41 **Ensure that individuals and agencies assigned emergency responsibilities under the most up to date Monterey County Multi-Jurisdictional Local Hazard Mitigation Plan prepare appropriate supporting plans and related standard operating procedures.**

POLICY 42 **Locate new critical facilities outside of high hazard areas, including in VHFHSZs, 100-year flood zones, and tsunami inundation zones. Maintain a level of preparedness adequate to implement all parts of the Multi-Hazard Emergency Plan.**

Program EEEE Periodically review and update alerting procedures and resources lists.

POLICY 43 **Maintain and enhance the current level of emergency medical service to the community in coordination with Monterey County Emergency Medical Services Agency.**

Program FFFF Work with the Monterey County Emergency Communications (911) reporting system to shorten response time.

Program GGGG In coordination with Monterey Fire Department, maintain all line, full-time fire personnel as certified Emergency Medical/ Defibrillator Technicians (EMT-D).

POLICY 44 **Ensure that training programs sensitize emergency personnel to the special needs of persons with disabilities.**

10.15 EMERGENCY EVACUATION

To comply with AB 747 and AB 1407 (Government Code Section 65302(g)), the Safety Element includes a residential emergency evacuation analysis, included as Appendix B.

The City has identified primary and secondary evacuation routes and evacuation locations to guide residents out of an impacted area in a disaster or hazard event and provide shelter during an evacuation. The evacuation routes in the city identified in the regional plan are Highway 68 (primary evacuation route), Lighthouse Avenue, 17 Mile Drive, David Avenue, Forest Avenue Oak Street, and Hoffman Avenue (Figure 10-18). The

most probable evacuation location identifies is the Monterey Fairgrounds.

An evacuation capacity analysis was prepared by Kimley-Horn to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios (Appendix B) to comply with AB 747 and 1409 evacuation requirements. The evacuation capacity scenarios are intended to model a potential range of different evacuation scenarios, but not all possible scenarios. Emergency evacuations can occur due to any number of events and at any location, beyond those specifically identified in the appendix report. In addition, emergency movement is unpredictable, and the specific conditions of an emergency evacuation could result in evacuation behavior that diverges from the assumptions used in the analysis. This analysis serves only to represent informed estimates of likely potential evacuation scenario footprints and capacity constraints based on available data and does not guarantee that evacuations will follow modeling that is used for analysis purposes. Emergency evacuation assessment is an emerging field, and the legislative requirement does not specify a standard methodology to follow.

Pacific Grove faces topographical and geographical constraints that impact evacuation feasibility. There are dense forested areas and steeply graded slopes in the city resulting in narrow or curved roadways. Additionally, during a wildfire event, evacuation routes including Highway 68 in the southern portion of the city may become impassible. As evacuation routes exceed capacity, residents may take smaller local streets that are more difficult to navigate. The modeled evacuation scenario as part of the evacuation analysis identified that David Avenue and Forest Avenue leading to Lighthouse Avenue would exceed capacity limits and experience severe congestion (Figure 10-19).

In compliance with SB 99 (Government Code Section 65302), the City identified residential developments with less than two evacuation routes located within any hazard zone defined in this Safety Element (Figure 10-20). Residential properties with a single emergency access/evacuation route are located in the Del Monte Park, Glen, Seaview, and Country Club Gate/Forest Grove Neighborhoods. Some of these residences are located in HFHSZs and VHFHSZs (Figure 10-21). Limited access affects residents ability to evacuate efficiently under short notice emergency conditions such as a wildfire, and restricts access for emergency responders.

The evacuation capacity analysis informed the programs and policies to ensure adequate infrastructure and operations for emergency evacuation in the city.

EMERGENCY EVACUATION GOALS, POLICIES, AND PROGRAMS

GOAL 11	**Maintain safe and efficient emergency access, evacuation routes and locations.**
POLICY 45	**Improve emergency access and evacuation capacity for neighborhoods that have a single ingress/egress, prioritizing those in high risk hazard areas including HFHSZs and VHFHSZs.**
Program HHHH	Review the city's road network to identify roadway segments that may exceed capacity during an evacuation and identify opportunities to improve connectivity between neighborhoods for improved evacuation efficiency.
Program IIII	Coordinate with Monterey Fire Department and State Fire Marshall personnel to provide and maintain two points of emergency evacuation, as required by SB 99.
Program JJJJ	Implement early evacuations under high-risk conditions for vulnerable communities and neighborhoods with limited egress routes, including single-access neighborhoods.
Program KKKK	In coordination with the Monterey Fire Department and Pacific Grove Police Department, identify and publicize evacuation routes for individual neighborhoods and conduct annual evacuation trainings for residents, with specific emphasis on evacuation education for residents living in single-access neighborhoods and high risk hazard zones including HFHSZs and VHFHSZs, coastal hazard areas, and tsunami inundation zones to educate residents on their evacuation zone, nearby emergency shelters, and plan evacuation routes.
Program LLLL	For neighborhoods in HFHSZ and

VHFHSZs, and in wildland urban interface zones, increase evacuation capacity and efficiency.

Program MMMM Prioritize community engagement efforts and emergency preparedness trainings for single access neighborhoods.

POLICY 46 Ensure well-maintained evacuation routes that are clear of obstruction.

Program NNNN Establish traffic control points along designated evacuation routes with emergency management personnel to maintain a greater degree of evacuation management, ensure efficiency during an evacuation, reduce public confusion, and allow increased operational flexibility during an evacuation.

Program OOOO Work with the County and adjacent cities of Seaside and Monterey to coordinate evacuation efforts and traffic management.

Program PPPP Employ dynamic message signs and adaptive traffic signal control systems that respond to real-time traffic conditions, giving priority to evacuation traffic to enhance evacuation efficiency during emergencies.

POLICY 47 Coordinate with neighboring communities and emergency response personnel under mutual aid agreements to ensure well-maintained evacuation routes and plans are established prior to an evacuation event.

Program QQQQ Work with the County and adjacent cities of Seaside and Monterey to coordinate evacuation efforts and traffic management.

Program RRRR Coordinate with adjacent cities and Monterey County to synchronize evacuation efforts and planning, and to implement improvements to evacuation capacity.

Program SSSS Coordinate with Monterey-Salinas Transit and other service providers to ensure evacuation options for residents without vehicles.

Program TTTT Maintain mutual aid agreements and support communications links with surrounding jurisdictions for assistance during emergencies.

POLICY 48 Maintain and update the City's Evacuation Plan, in conjunction with the Emergency Operations Plan updates.

Program UUUU Establish minimum standards for evacuation in the City's Emergency Operations Plan. Alongside updates to the Emergency Operations Plan, reassess access evacuation route capacity throughout the city and identify and implement necessary roadway improvements to address evacuation constraints plans in place if needed.

Program VVVV In coordination with the Monterey Fire Department and Pacific Grove Police Department, identify and publicize evacuation routes for individual neighborhoods and conduct annual evacuation trainings for residents, with specific emphasis on evacuation education for residents living in single-access neighborhoods and high risk hazard zones including HFHSZs and VHFHSZs, coastal hazard areas, and tsunami inundation zones to educate residents on their evacuation zone, nearby emergency shelters, and plan evacuation routes.

Program WWWW Evaluate evacuation roadways to identify areas in need of maintenance or evacuation capacity improvements to accommodate emergency access and evacuation needs. Ensure road surfaces are resilient to all weather conditions including severe storms.

Program XXXX Prioritize Capital Improvement Program (CIP) projects for evacuation capacity improvements based on feasibility and benefit.

Program YYYY Require new development to provide adequate access (ingress, egress) and a minimum of two roadways with widths and lengths in compliance with California Building Code Chapter 7A requirements.

Program ZZZZ Review County and State emergency response plans and procedures to ensure coordination with the City's Emergency Operations Plan as part of the

periodic update of the City's plan.

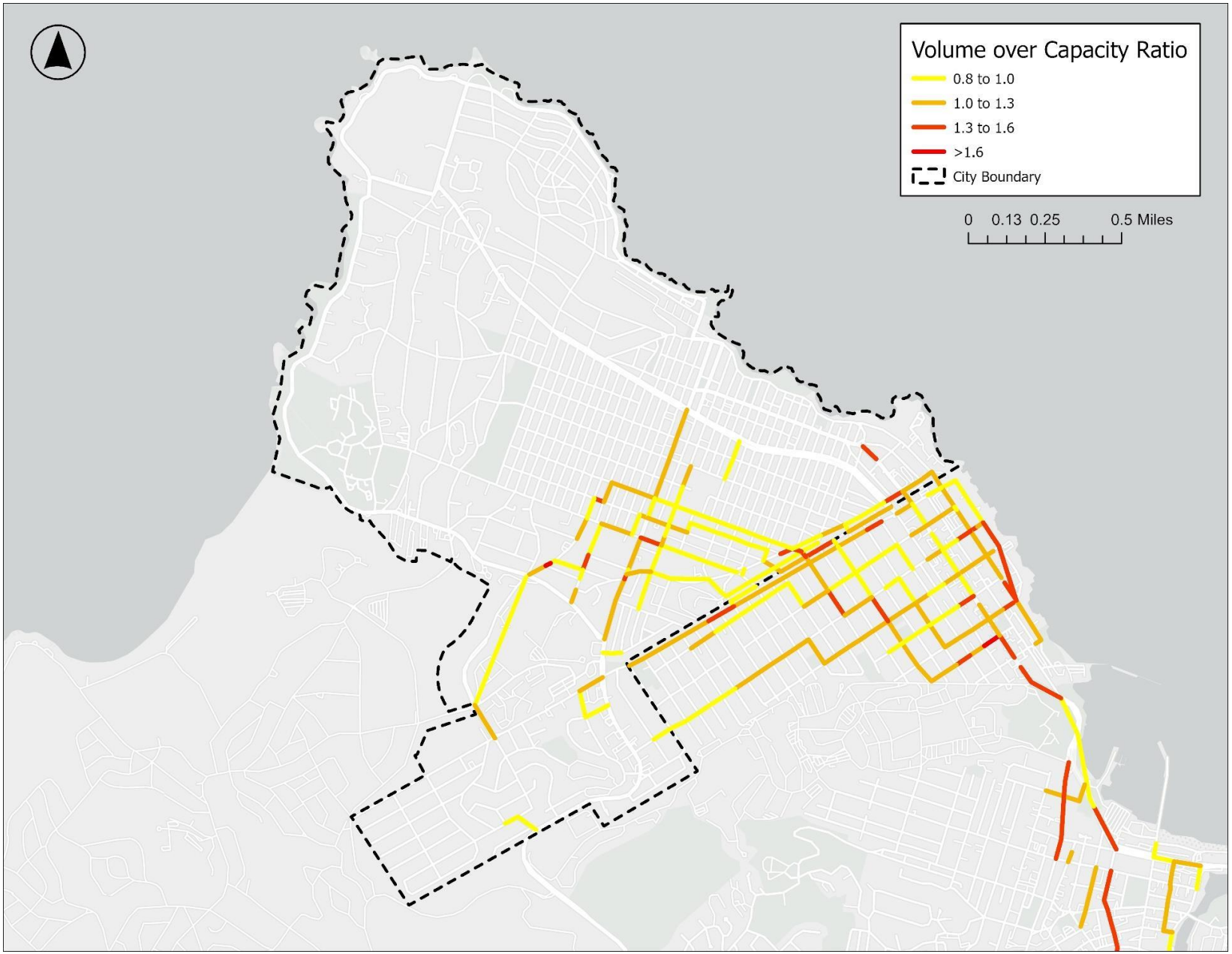
Program AAAAA Include provisions for vulnerable populations, seniors and persons with disabilities in emergency response plans.

Program BBBBB Ensure designated Emergency Operations Center support facilities are prepared for use during emergencies.

Figure 10-18 Evacuation Routes

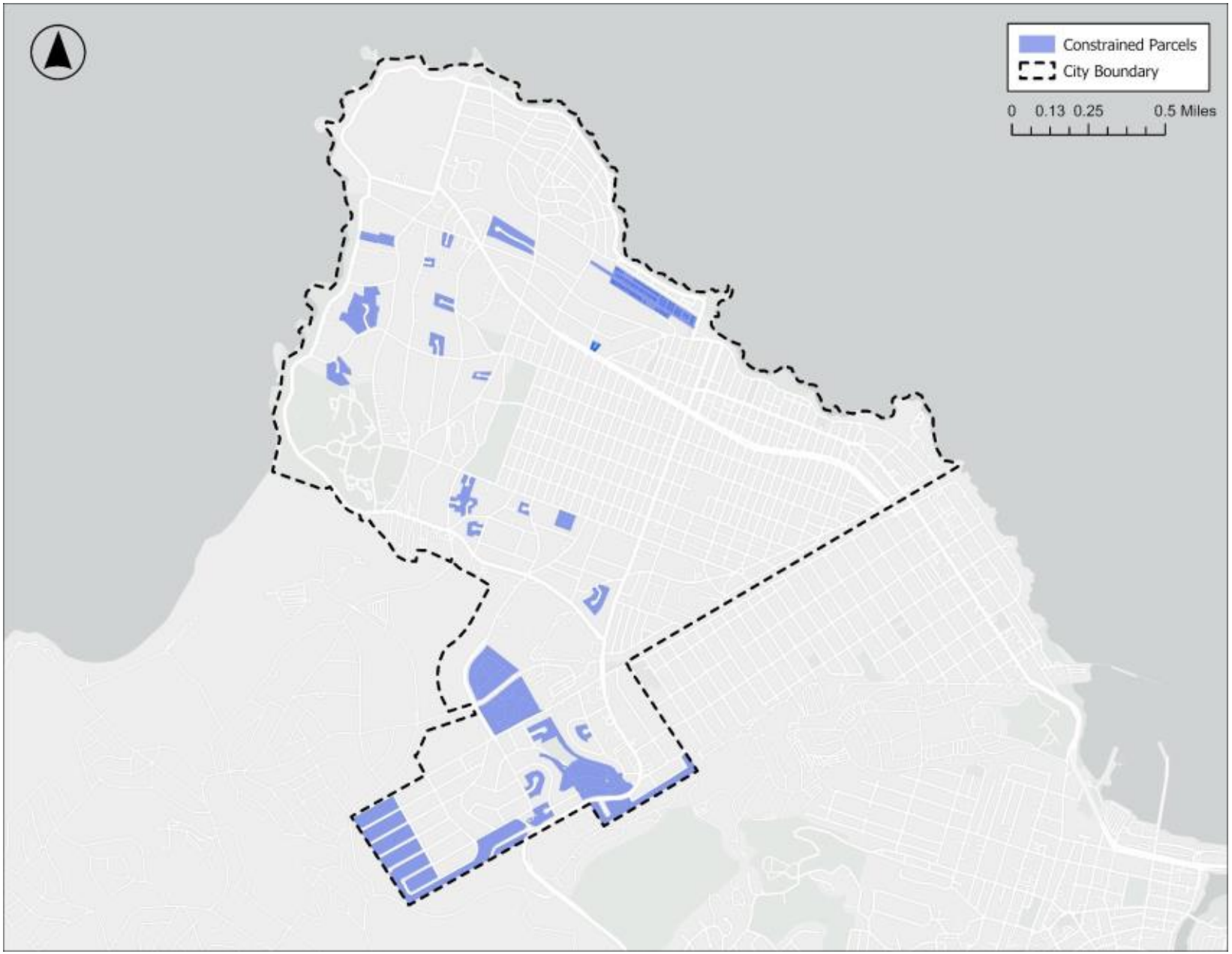


Figure 10-19 Evacuation Assessment Scenario Roadway Capacity



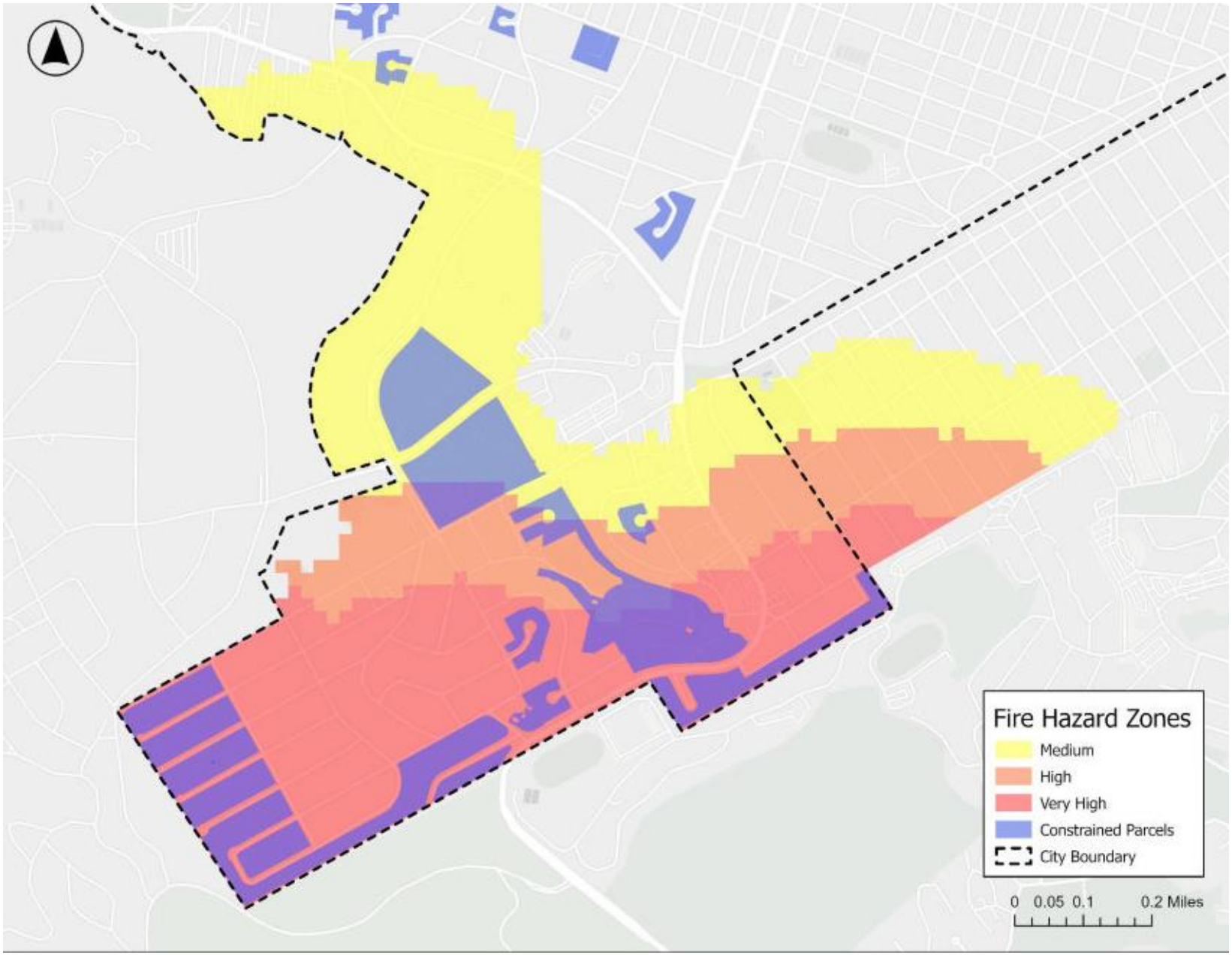
Source: City of Pacific Grove Evacuation Assessment, Kimley-Horn and Associates, 2025

Figure 10-20 Single Access Neighborhoods



Source: City of Pacific Grove Evacuation Assessment, Kimley-Horn and Associates, 2025

Figure 10-21 Single Access Neighborhoods in Fire Hazard Severity Zones



Source: City of Pacific Grove Evacuation Assessment, Kimley-Horn and Associates, 2025

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Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments

Mitigation Monitoring and Reporting Program

prepared by

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November 2025

Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Draft Environmental Impact Report (Draft EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Air Quality							
AQ-3(a) Construction Emissions Reductions							
Prior to construction activity and issuance of grading permits for development facilitated by the project, the City Building Official shall confirm that the grading plan, building plans, and specifications stipulate the following measures shall be implemented: ▪ All mobile off-road equipment (wheeled or tracked) used during construction activities shall meet USEPA Tier 4 Final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards. ▪ Alternative fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available or necessary to reduce TAC emissions. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site. ▪ Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.	Verify that the grading plan, building plans, and specifications stipulate all mobile off-road equipment (wheeled or tracked) used during construction activities shall meet USEPA Tier 4 Final standards; alternative fuel for construction equipment shall be incorporated where available; and electricity shall be supplied to the site to support electric construction equipment.	Prior to construction activity and issuance of grading permits.	Routinely throughout construction.	City of Pacific Grove; project proponent			
	Provide a copy of the equipment's certification or model year specifications on-site.	Prior to construction activity and issuance of grading permits.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
AQ-3(b) MBARD Fugitive Dust Reduction Measures							
The City shall require the implementation of the following MBARD fugitive dust reduction measures, where applicable, to reduce PM_{10} emissions generated by dust during the construction phase of development facilitated by the project: ▪ Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. ▪ Prohibit all grading activities during periods of high wind (over 15 mph). ▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). ▪ Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area. ▪ Haul trucks shall maintain at least 2'0" of freeboard. ▪ Cover all trucks hauling dirt, sand, or loose materials. ▪ Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land. ▪ Plant vegetative ground cover in disturbed areas as soon as possible. ▪ Cover inactive storage piles. ▪ Install wheel washers at the entrance to construction sites for all exiting trucks. ▪ Pave all roads on construction sites.	Verify implementation of dust reduction measures. Implement fugitive dust reduction measures as specified in the measure.	During construction. During construction.	Routinely throughout construction. Routinely throughout construction.	City of Pacific Grove; project proponent			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
▪ Sweep streets if visible soil material is carried out from the construction site. ▪ Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). ▪ Limit the area under construction at any one time.							
Biological Resources							
BIO-1(a) Special-Status Plant Species Surveys							
A City-approved biologist shall complete surveys for special-status plants in undeveloped areas at Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4 prior to any vegetation removal, grubbing, or other construction activity (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species. All plant surveys shall be conducted by a City-approved biologist during the blooming season, and during development application processing yet prior to development permit approval. All special-status plant species identified on each site shall be mapped onto a site-specific aerial photograph or topographic map with the use of Global Positioning System unit. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the	Conduct seasonally appropriate special-status plant species survey as specified in the measure.	During the blooming season appropriate to the target special-status plant species and prior to development permit approval.	Seasonally and prior to development permit approval.	City of Pacific Grove; project proponent; City-approved biologist			
	Repeat survey if construction does not begin within three years. If special-status plants are not identified, no further action is required. If special-status plants are identified, implement Mitigation Measures BIO-1(b) and BIO-1(c).	During the blooming season appropriate to the target special-status plant species and prior to development permit approval.	Seasonally and prior to development permit approval.				
	Review survey results report.	Once per survey cycle.	Once per survey cycle.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the City, and the CDFW and/or USFWS for state or federally listed plants, as appropriate, for review and/or approval. If project construction does not occur within three years of the initial special-status plant survey, additional floristic surveys shall be repeated. If special-status plants are not found during special-status plant surveys, no further action is required. If federally- and/or state-listed individuals and/or CRPR 1B or 2 plant populations are found during special-status plant surveys, the Mitigation Measures BIO-1(b) and BIO-1(c) shall be implemented.							
BIO-1(b) Special-Status Plant Species Avoidance, Minimization, and Mitigation							
If federally-listed and/or state-listed individuals, and/or CRPR 1B or 2 plant populations are found during special-status plant surveys [pursuant to Mitigation Measure BIO-1(a)], and would be directly impacted by development, then the project shall be re-designed to avoid impacting listed plant species or CRPR 1B or 2 populations, where feasible and compatible with project design. Rare and listed plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a City-approved biologist based	Review locations of identified special-status plants and redesign project to avoid impacts to listed plants or special-status plant populations, where feasible and compatible with project objectives.	During project design and prior to development permit approval.	During project design and prior to development permit approval.	City of Pacific Grove; project proponent; City-approved biologist			
	Install bright orange fencing at least 30 feet beyond the edge of any special-status plant occurrences located within 50 feet of the disturbance area. Adjust buffer distance if approved by a City-approved biologist based on site-specific conditions.	Prior to and during project construction.	Prior to and during project construction.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
on species location in relation to the construction area and level of disturbance from construction activities, to protect them from harm. Prior to initiation of construction activities the project proponent shall submit a site plan depicting the location(s) of special-status plants and avoidance buffers to the City for review and verification. The City-approved biologist(s) shall possess a degree in biology, ecology, botany, or a related field, and have demonstrated knowledge and experience with native plant and wildlife species of the region, their habitats, and applicable environmental regulations. The biologist shall have prior experience conducting pre-construction surveys, construction monitoring, and implementing mitigation measures and permit conditions similar to those required for this project. If special-status plants can be avoided, no further action is required. If federally- and/or state-listed individuals and/or CRPR 1B or 2 plant populations cannot be avoided, then Mitigation Measure BIO-1(c) shall be implemented.	If special-status plants can be avoided, no further action is required. If avoidance or listed plants or special-status plant populations is not feasible, implement Mitigation Measure BIO-1(c).	Prior to and during project construction.	Prior to and during project construction.				
BIO-1(c) Habitat Mitigation and Monitoring Plan							
If federally- and/or state-listed plants, non-listed special-status plant populations, sensitive natural communities, or waters of the US and/or State cannot be avoided and will be impacted by development, all impacts shall be mitigated by the implementing entity at a minimum ratio of 1:1 for occupied habitat area as a component of habitat	Retain a City-approved biologist to prepare an HMMP, to be submitted to the City, that includes the components specified and provides mitigation for impacts at a minimum 1:1 ratio through habitat restoration or compensatory mitigation.	Prior to issuance of building permits and as required by permitting agencies (if appropriate).	Once.	City of Pacific Grove; project proponent; City-approved biologist			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
restoration or through compensatory mitigation. A habitat mitigation and monitoring plan (HMMP) shall be prepared by a City-approved biologist and submitted by the project proponent to the City for review and verification prior to the issuance of building permits. The project proponent shall also obtain all necessary permits from USFWS and/or CDFW and provide proof of take authorization, if required, to the City for verification prior to issuance of any permits for ground disturbing activities. The HMMP shall include, at a minimum, the following components: 1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type). 2. Goal(s) of the compensatory mitigation project (type[s] and area[s]) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type[s] to be established, restored, enhanced, and/or preserved). 3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions, and values). 4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan). 5. Maintenance activities during the monitoring period, including weed	Obtain all necessary permits for impacts to biological resources and provide proof of take authorization to the City, if required.	Prior to ground disturbing activities.	Once.				
	Implement restoration or compensatory mitigation in accordance with the approved HMMP, including maintenance, monitoring, reporting, and corrective actions as needed to achieve success criteria.	During restoration/mitigation implementation and continuing until HMMP success criteria are met, or for the duration specified by permitting agencies.	Conduct monitoring quarterly during the first year, and annually thereafter for the duration of the HMMP; perform additional monitoring and corrective actions as needed if success criteria are not met.				
	Submit a final monitoring report to the City documenting compliance with the HMMP, monitoring results, and confirmation of whether success criteria have been met.	Within 30 days of completing the monitoring period (or as otherwise specified in the approved HMMP).	Once, at the conclusion of the monitoring program.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
removal as appropriate (activities, responsible parties, schedule). 6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports). 7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type or other industry standards as determined by a qualified restoration specialist. 8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria. 9. Notification of completion of compensatory mitigation and agency confirmation. 10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). 11. All nursery plants used in restoration shall be inspected for sudden oak death. Within 30 days of completion of monitoring, a final monitoring report shall be submitted to the City for review and verification, documenting compliance with the HMMP and achievement of success criteria.							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-1(d) Worker Environmental Awareness Program							
Prior to initiation of construction activities at Site 49, 42, 43, 47, 50, 55, and additional parcels A1, A3, and A4 (including staging and mobilization), the project proponent for development shall arrange for all personnel associated with project construction for the applicable phase to attend Worker Environmental Awareness Program (WEAP) training, conducted by a City-approved biologist, to aid workers in recognizing special-status biological resources that may occur in the construction area. The specifics of this WEAP shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The form shall be submitted to the City to document compliance prior to the initiation of ground disturbing activities, and as new personnel are added to the construction site.	Ensure that all construction personnel for the applicable phase attend a WEAP training conducted by a City-approved biologist.	Prior to the initiation of construction activities at Sites 49, 42, 43, 47, 50, 55, and Parcels A1, A3, and A4.	Verify attendance at training sessions, including as new personnel are added; confirm with signed forms.	City of Pacific Grove; project proponent; City-approved biologist			
	Distribute a WEAP fact sheet to all contractors, subcontractors, and construction personnel. Each participant must sign a form confirming attendance and understanding of the training content.	At each training session, prior to initiation of construction and as new personnel are added.	Once and as personnel are added to the site.				
	Submit signed forms to the City documenting WEAP compliance.	Prior to any ground disturbing activities and updated as new personnel are added.	City to review and confirm receipt of forms; maintain forms on file.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-1(e) Northern California Legless Lizard Avoidance and Minimization							
A pre-construction clearance survey shall be conducted in undeveloped areas of Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4 for Northern California legless lizard by a City-approved biologist within 48 hours prior to the start of construction (including staging and mobilization). The survey shall cover the entire disturbance footprint within suitable habitats with moist loose soil, plus a minimum 100-foot buffer, where permissible, and should identify all special-status wildlife species observed on the project site. During the pre-construction survey the biologist shall inspect under logs, leaf litter, or other suitable refuge. If Northern California legless lizards are identified, individuals shall be relocated by a biologist to suitable cover with loose soils a minimum of 500 feet from the project site, as accessible. A written report demonstrating compliance with the pre-construction clearance survey requirement, including a description of all individuals identified and relocated during the survey, shall be submitted to the City for review and verification prior to the start of construction.	A City-approved biologist conducts a pre-construction clearance survey.	Within 48 hours prior to the start of construction (including staging and mobilization) at Sites 47, 49, 50, 55, and Parcels A1, A3, and A4.	Confirm survey completion. If construction start is delayed beyond the 48-hour window, repeat the survey.	City of Pacific Grove; project proponent; City-approved biologist			
	If any Northern California legless lizards are found, the biologist shall relocate individuals to suitable habitat at least 500 feet away from the project site, if accessible.	During pre-construction clearance survey.	Document each relocation as needed during survey.				
	Submit a written report to the City documenting the survey results and any relocations for review and verification.	Before the initiation of construction activities.	City reviews and verifies report prior to construction activities.				
BIO-1(f) Pre-Construction Bat Surveys and Maternity Roost Avoidance							
Prior to project activities at Sites 47, 49, 50, and 55, and additional parcels A1, A3, and A4, a qualified, City-approved bat specialist shall conduct a habitat assessment to determine if bat roosting habitat occurs in or near the project area. Bat specialists shall be knowledgeable in bat ecology and	▪ City-approved bat specialist conducts a habitat assessment to determine if bat roosting habitat exists within or near the project area.	Before any project activities at Sites 47, 49, 50, 55, and Parcels A1, A3, and A4.	City to review habitat assessment summary.	City of Pacific Grove; project proponent; City-approved biologist			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
identification, and shall have demonstrated experience conducting pre-construction surveys, monitoring construction activities, and implementing mitigation measures for bats on projects similar in scope and setting. If it is determined that the project area may contain or occur within 100 feet of potential day roosting habitat or 300 feet of potential maternity roosting habitat, a qualified bat specialist shall conduct a focused bat emergence survey within these areas at least 30 days prior to construction or vegetation removal (plus a 100-foot buffer as access allows). The survey shall be conducted at least 1 hour before sunset and up to 3 hours after sunset, at a minimum. Acoustic recognition technology (such as SonoBat software or similar technology) shall be used during the survey to maximize detection of bats. The qualified bat specialist shall identify and demarcate habitat (i.e., trees or structures) containing daytime and/or nighttime roosts, and any maternity roosts. Survey results, including negative findings, shall be provided to the City within 30 days of completion of the survey. Depending on the survey results, a qualified bat specialist shall identify potentially significant effects of the project on bats and determine which measures below are necessary to reduce impacts to a less-than-significant level. A report of the survey results and proposed minimization measures shall be submitted to the City for review and	If potential roosting habitat is found within 100 feet (day roosts) or 300 feet (maternity roosts), conduct a focused bat emergence survey using acoustic technology, at least 1 hour before to 3 hours after sunset. Document survey results and include recommendations.	At least 30 days before construction or vegetation removal.	City to review survey results and recommendations				
	If maternity roosts are identified, schedule work outside of the maternity season (Oct 1–Feb 28); if work must occur during the maternity season, have a bat specialist conduct inspections of trees within 300 feet of project area for roosts.	At least 7 days prior to tree removal within 300 feet of an identified maternity roost, and prior to construction in those areas.	City to review inspection results within 7 days of survey.				
	If trees with potential roosting habitat must be removed, implement phased/tree-nudging or two-day removal protocols under direction of the bat specialist.	During tree removal activities.	Bat specialist to monitor compliance and document procedures.				
	▪ If structures with potential roosting habitat must be altered/removed, conduct surveys at least 14 days prior to demolition and implement humane exclusion, if needed.	Prior to demolition of structures; monitoring during demolition.	Bat specialist to confirm eviction success.				
	If large roosts are found, consult with CDFW and install bat boxes as determined through consultation.	Upon detection of large roosts.	City to verify consultation occurred and mitigation implemented.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
verification. Measures to avoid and minimize impacts to bats may include the following: ▪ If maternity roosts are observed, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal is required during the maternity roosting season, trees potentially supporting an active maternity roost shall be closely inspected by a qualified bat specialist to determine the presence or absence of roosting bats. Inspection of each tree shall occur no more than 7 days prior to tree disturbance, and inspection results, including negative findings, shall be provided to the City within 7 days of completion of the inspection. Trees determined to be supporting maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 300 feet of or directly under or adjacent to an active maternity roost, and the non-disturbance buffer shall only be reduced at the discretion of a qualified bat specialist based on species location in relation to the construction area and level of disturbance from construction activities. The minimum buffer shall not be less than 50 feet. Work shall not occur between 30 minutes before sunset and 30 minutes after sunrise. ▪ If the removal of a tree containing potential roosting habitat for leaf dwelling bat species is required, the tree shall be pushed down using heavy machinery	Submit survey results report (including negative findings) to the City. Submit a monitoring report for any activity involving roost removal or avoidance/minimization measures.	Within 30 days of survey completion. Within 7 days of activity affecting roost habitat.	City reviews report for adequacy. City reviews report for compliance confirmation.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may be present, the tree shall be gently nudged two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a qualified bat specialist. If it is determined that the removed tree contains a bat roost, the tree shall not be immediately bucked or mulched. A period of at least 24 to 48 hours shall elapse prior to such operations to allow bats to escape. ▪ If the removal of a tree containing potential roosting habitat for trunk or crevice dwelling bat species is required, the tree shall be removed under the direction of a City-approved bat specialist using a two-step tree removal process conducted over two consecutive days. On the first day, the tree's non-habitat branches shall be trimmed using handheld equipment only (no heavy machinery), such as chainsaws. The noise and vibration disturbance, together with the visible alteration of the tree, is effective in causing bats that emerge nightly to feed to not return to the roost. The remainder of the tree shall be removed on the second day. ▪ If the alteration or removal of structures (i.e., buildings) containing potential roosting habitat for bats is required, a qualified bat specialist shall conduct a survey of all structures no more than 14							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
days prior to demolition. If no signs of bat roosting activity are observed, no further actions shall be required. If bats or signs of bat roosting activity are observed, a City-approved bat specialist shall prepare specific recommendations for and the project proponent shall implement the recommended methods of humane eviction such as partial dismantling to allow bats to abandon the roost, or installation of one-way doors. Removal of structures containing potential roosting habitat shall be monitored for compliance with the recommended methods and success of eviction by a City-approved bat specialist. If bats are not successfully evicted, the bat specialist shall stop work, reassess exclusion methods, and demolition may not continue until bats have been successfully evicted. ▪ If a roost is observed being used by many bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed shall depend on the size of the hibernaculum and shall be determined through consultation with CDFW. A monitoring report shall be submitted to the City within seven days of activities requiring potential roost removal. The report shall include a summary of dates of monitoring, methods used, findings (including species observed, if known, and roost activity), and confirmation of compliance with applicable avoidance and minimization measures.							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-1(g) Monarch Butterfly Avoidance and Minimization							
Project construction activities at Sites 42 and 43, including equipment staging, grading, and construction, shall be avoided during the monarch butterfly overwintering season between October 15 through March 15, if practicable. In the event project construction activities cannot be avoided during the overwintering season, the project proponent shall retain a City-approved biologist to conduct a survey for roosting monarch butterflies within seven days prior to initiation of construction activities to determine their presence/absence. If no monarch butterflies are observed during pre-construction surveys, no further actions are necessary. In the event construction pauses for a period of 7 days or more, if construction is planned to restart during the monarch butterfly overwintering season (October 15 through March 15), the project proponent shall retain a City-approved biologist to conduct a new survey in accordance with the requirements of this mitigation measure. If construction activities occur during the overwintering season and monarch butterflies are present, the City-approved biologist shall establish a protective buffer, ranging from 100 to 300 feet from the roosting site in which monarch butterflies are aggregating based on species location in relation to the construction area and level of disturbance from construction activities. The buffer shall be delineated on site by the biologist with flagging or staking visible by	Schedule construction activities at Sites 42 and 43 outside of the monarch butterfly overwintering season (October 15-March 15), if practicable.	▪ During project scheduling; prior to October 15..	▪ Project proponent to verify construction schedule avoids overwintering season, where practicable.	City of Pacific Grove; project proponent; City-approved biologist			
	If construction during the overwintering season cannot be avoided, retain a City-approved biologist to conduct a pre-construction survey for roosting monarch butterflies. If construction pauses for 7 days or more and resumes during the overwintering season, retain a City-approved to conduct a new survey.	Within 7 days prior to the start of construction. Prior to resuming construction after a pause of 7 days or more during October 15 to March 15.	Biologist to document survey results.				
	If monarch butterflies are present, establish a protective buffer of 100 to 300 feet from the roosting site under the direction of the biologist. Ensure no work occurs within the protective buffer.	Prior to initiation of construction. activities near roosts.	Biologist to delineate buffer.				
	If work within the buffer is necessary, have the biologist present on site to monitor activities and stop work if disturbance to aggregated monarch butterflies occurs. Allow biologist discretion to adjust	Monitor during any work within established buffers. Buffer adjustments can occur anytime during construction.	Biologist to monitor and document buffer adjustments.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
construction personnel. The construction contractor shall ensure no construction occurs within the protective buffer, including staging of equipment or stopping or idling in the buffer, during the overwintering season. In the event construction activities, or other use of equipment, is needed to work within the buffer, the City-approved biologist shall be present on site to monitor construction activities and determine if the work is disturbing the aggregated butterflies (e.g., aggregations begin to disperse in response to noise or vibration from construction). If the biologist determines the work is disturbing the butterflies at any time, the biologist shall stop work within the protective buffer. The biologist shall have the authority to direct construction activities and can reinitiate construction activities when the butterflies no longer show signs of being disturbed. In addition, due to the regular movement of the butterflies and locations of the aggregations, the biologist shall have the discretion to adjust the protective buffers within the 100- to 300-foot required buffer range, as necessary, based on species location in relation to the construction area and level of disturbance from construction activities.	buffer size based on butterfly location and disturbance level. Verify implementation of butterfly avoidance and minimization measures.	During construction activities at Sites 42 and 43.	Routinely throughout construction.				
BIO-1(h) Nesting Bird Avoidance							
Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season for birds (September 16 to January 31), when feasible. For ground disturbance and vegetation-removal activities occurring during the bird nesting season	Schedule ground disturbance and vegetation removal activities during the non-breeding season (September 16 to January 31), when feasible.	Prior to initiation of construction and during project scheduling.	Once, as feasible by project proponent.	City of Pacific Grove; project proponent; City-approved biologist			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
(February 1 to September 15), general pre-construction nesting bird surveys shall be conducted by a City-approved biologist not more than seven days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site, where feasible, and a 500-foot buffer for raptors. If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the City-approved biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species, or 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. A City-approved biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required prior to the start of work. A report of the survey results and any proposed avoidance buffers shall be submitted to the City for review and verification prior to the initiation of construction activities.	If ground disturbance, vegetation removal, or building demolition occurs during the breeding season (February 1 to September 15), the project proponent shall retain a City-approved biologist to conduct a general pre-construction nesting bird survey. Biologist establishes buffers around active nests and no work within buffers can occur until breeding/nesting is complete and young have fledged.	Survey no more than 7 days prior to construction activities; buffer establishment and nest monitoring as needed during construction.	Biologist conducts survey(s), and establishes buffers and monitors nests, as needed.				
	If construction is delayed for more than 14 days during the breeding season, conduct a new nesting bird survey prior to resuming work.	Prior to resuming work after a delay of more than 14 days.	Biologist re-surveys as-needed.				
	Submit a report to the City documenting survey results and any proposed avoidance buffers.	Prior to initiating construction activities.	City to review survey report(s).				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-1(i) Invasive Weed Prevention							
For individual development projects where activity would occur in undeveloped areas at Sites 47, 49, 50, and 55, and additional parcels A3 and A4, landscape plans approved by the City Community Development Department as part of a development permit applications shall not include noxious, invasive, and/or non-native plant species that are recognized on the federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Moderate and High Risk Lists. During construction the project proponent shall: ▪ Limit site access and parking, equipment storage and stationary construction activities to the designated staging areas to the maximum extent feasible. ▪ Prior to staging equipment on-site, clean all equipment caked with mud, soils, or debris from off-site sources or previous project sites to avoid introducing or spreading invasive exotic plant species. When feasible, remove invasive exotic plants from the individual project site. All equipment used on the premises should be cleaned prior to leaving the site for other projects. ▪ All disturbed areas requiring hydroseeded stabilization shall utilize a mix of locally native species, as feasible, upon completion of work in those areas. ▪ In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six weeks since ground disturbing activities ceased.	Implement invasive weed prevention measures as specified in the measure.	Measures must be adhered to throughout construction.	City to verify compliance during construction.	Project proponent			
	Submit a compliance report documenting implementation of invasive weed prevention measures.	Within 30 days of project completion.	City to review and verify compliance report.				
	Review compliance report.	After project completion.	Once.	City of Pacific Grove			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
▪ If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a City-approved biologist and the City. Within 30 days of project completion, a report shall be submitted to the City for review and verification documenting compliance with the invasive weed prevention measures above.							
BIO-3(a) Jurisdictional Delineation							
Prior to issuance of grading permits, a City-approved biologist shall complete a jurisdictional delineation of wetland features at Site 49 and additional parcels A3 and A4. The jurisdictional delineation shall determine the extent of the jurisdiction for CDFW, USACE, and/or RWQCB, and shall be conducted in accordance with the requirements set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the city. The delineation shall be used to inform design development in a manner that avoids impacts to jurisdictional waters to the maximum extent practicable. If jurisdictional waters are identified within 100 feet of proposed limits of work, Mitigation Measure BIO-3(b) shall be required. If jurisdictional waters are identified within proposed limits of work and cannot be avoided, Mitigation Measure BIO-1(c) shall be required. The project proponent shall also be required to apply for and obtain applicable federal and State permits for impacting jurisdictional waters, and shall implement all conditions of such permit(s).	▪ Retain a City-approved biologist to complete a jurisdictional delineation to identify any wetlands or waters regulated by CDFW, USACE, or RWQCB at Site 49 and Parcels A3 and A4.	Before issuance of grading permits for Site 49 and Parcels A3 and A4.	City to verify delineation completed by a qualified biologist.	City of Pacific Grove; project proponent; City-approved biologist			
	Prepare delineation in accordance with agency guidelines and submit report to the City to inform project design and avoidance of impacts.	Prior to issuance of grading permits.	City to review delineation report.				
	If impacts are unavoidable, obtain all required permits from relevant agencies and follow all permit conditions during construction.	Prior to and during construction, as required by permitting agencies.	As required by permitting agencies.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-3(b) Waters and Wetlands Impact Avoidance and Minimization							
To avoid and/or minimize potential indirect impacts to jurisdictional waters and water quality, the City shall require following BMPs to be implemented by the project proponent during construction within 100 feet of jurisdictional areas at Site 49 and additional parcels A3 and A4: ▪ Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls (non- monofilament), covers, sand/gravel bags, and straw bale barriers, as appropriate. ▪ All vehicles and equipment shall be in good working condition and free of leaks. The contractor shall prevent oil, petroleum products, or any other pollutants from contaminating the soil or entering a watercourse (dry or otherwise). When vehicles or equipment are stationary, mats or drip pans shall be placed below vehicles to contain fluid leaks. ▪ All re-fueling, cleaning, and maintenance of equipment shall occur at least 100 feet from jurisdictional areas. ▪ Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank. ▪ Prevent the discharge of silt or pollutants off the site when working adjacent to	Implement waters and wetlands impact avoidance and minimization measures as specified in the measure.	Throughout construction.	City or designated environmental representative to conduct routine inspections during construction.	City of Pacific Grove; Project proponent			
	Submit a compliance report to the City documenting implementation of BMPs and adherence to the NPDES Permit.	Within 30 days of project completion.	City to review compliance report for verification.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
jurisdictional areas. Install BMPs (i.e., silt barriers, sand bags, straw bales) as appropriate. ▪ Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified. ▪ Work during times of precipitation shall be avoided to the maximum extent possible. Within 30 days of completion, a report shall be submitted to the City for review and verification, documenting compliance with the above measures and the National Pollutant Discharge Elimination System Permit.							
Cultural Resources							
CUL-2(a) Archaeological Resources Assessment and Protection							
For specific development projects involving ground disturbance on identified housing sites, in upzoning areas, or on additional parcels, the project proponent shall retain a City-approved consultant to conduct a preliminary review to determine the need for a formal archaeological assessment. The preliminary review shall include a review of available information regarding previous disturbance, the presence of fill, and previous cultural resources studies on file with the City. If it can be determined that all proposed ground disturbance will occur in documented non-native fill or that the project site has	Retain a City-approved consultant to conduct a preliminary archaeological review. If the site is fully disturbed or in non-native fill with no prior findings, no further action is required.	Prior to construction.	Once.	City of Pacific Grove; project proponent; City-approved archaeologist			
	If native soils may be impacted and no prior study exists, complete archaeological assessment, including a records search, site survey, and a technical report with findings and recommendations.	Prior to construction.	Once, as needed.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
been previously disturbed and subject to cultural resources review with negative findings, no further review will be required. If preliminary review suggests the project may impact native soils that have not been previously subject to cultural resources study, the project proponent shall retain a City-approved archaeologist to prepare an archaeological resources assessment. The archaeological assessment shall be conducted by a qualified archaeologist who meets the Secretary of the Interior's PQS in prehistoric or historic archaeology (NPS 2025). Archaeological assessments shall include a records search at the Northwest Information Center, pedestrian survey of the individual development site, and preparation of a technical report to be submitted to the City for review and approval. The archaeological assessment shall include recommendations for additional study or mitigation, if necessary, which may include, but would not be limited to: subsurface testing, designing and implementing a worker environmental awareness program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place. Recommended mitigation measures shall be consistent with *CEQA Guidelines* Section 15126.4(b)(3).	Submitted archaeological assessment to the City for review and approval.	Prior to construction.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
CUL-2(b) Inadvertent Discovery of Archaeological Resources							
If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramics, trash scatters, lithic scatters), all ground-disturbing activity within a minimum of 50 feet shall be halted until a qualified archaeologist can assess the significance of the find. The work exclusion area may be reduced or expanded as directed by the qualified archaeologist. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the City to avoid disturbance to the resources. If complete avoidance is not feasible in light of project design, economics, logistics, and/or other factors, the archaeologist shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard Department of Parks and Recreation Primary Record forms and location information to the Northwest Information Center. If the find is a prehistoric archaeological site, the culturally	Stop work within 50 feet of any archaeological materials discovered during construction.	Throughout construction, as needed.	Ongoing.	City of Pacific Grove; project proponent; qualified archaeologist			
	Retain a qualified archaeologist to implement discovery and recovery measures as specified in the measure.	Upon discovery and prior to resuming construction.	Ongoing.				
	Review data recovery plan.	Once.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work may continue in other parts of the project area that are distant enough from the find not to impact it, as determined appropriate by the qualified archaeologist.							
Geology and Soils							
GEO-9 Paleontological Resources Analysis							
The City of Pacific Grove shall require the following specific requirements for projects that could disturb geologic units with high paleontological sensitivity (i.e., Quaternary alluvial fan deposits or Quaternary marine terrace deposits), including Sites 3, 6, 7, 10-19, 20-22, 24-28, 30-37, 42-46, 51, 52, 57, A2, A7, A9, and A11: 1. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), to conduct a paleontological resources assessment (PRA), which may be part of a future project-specific environmental review document or a stand-alone report. The PRA shall determine the potential for the project to impact paleontologically sensitive sediments and the paleontological resources that may be contained therein. The PRA shall be reviewed by the City to ensure the project's compliance with this mitigation measure, SVP Guidelines, and MGMC Chapter 23.76.	Review PRA.	Prior to construction.	Once.	City of Pacific Grove; project proponent; qualified paleontologist			
	For projects on sites with high paleontological sensitivity, the project proponent must conduct a paleontological resources analysis as specified in the measure.	Prior to construction.	Once.				
	Monitor for paleontological resources, as needed.	Monitoring to occur as needed throughout construction.	Ongoing, as needed.				
	Submit PRA to City of Pacific Grove.	Prior to construction.	Once.				

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2. If the PRA identifies no potential impacts to paleontological resources, then no further paleontological mitigation would be required. If the project could have a significant impact on paleontological resources, the PRA shall outline mitigation measures to reduce impacts by ensuring that all scientifically significant paleontological resources potentially encountered during construction are collected and preserved in a paleontological repository meeting SVP (2010) standards. These measures would be overseen by a Qualified Professional Paleontologist and may include, but would not be limited to: training of construction personnel, paleontological monitoring, and procedures for an unanticipated paleontological resource discovery. If construction personnel training is required, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction personnel. Paleontological monitoring would be required for excavations, grading, trenching, or boring/drilling greater than 2 feet in diameter that occurs within previously undisturbed sediments with high paleontological sensitivity. Paleontological monitoring shall be conducted by an individual meeting the							

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SVP (2010) definition of a Paleontological Resources Monitor. The Qualified Professional Paleontologist may recommend that monitoring be reduced in frequency or ceased entirely based on geologic observations. Such decisions shall be subject to review and approval by the City. Upon completion of ground-disturbing activities (or laboratory preparation and curation of fossils, if necessary), the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts. The report shall include a summary of the field and laboratory methods employed; an overview of project geology; and, if fossils were discovered, an analysis of the fossils, including physical description, taxonomic identification, and scientific significance. The report shall be submitted to the City and, if fossil curation occurred, the designated scientific institution. In the event of a fossil discovery by the paleontological monitor or construction personnel, all construction activity within 50 feet of the find shall cease, and the Qualified Professional Paleontologist shall evaluate the find. If the fossil(s) is (are) not scientifically significant, then construction activity may resume. If it is determined that the fossil(s) is (are) scientifically significant, then they shall be salvaged, prepared to a curation-ready condition, and curated in a paleontological repository per SVP (2010) standards.							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Greenhouse Gas Emissions							
GHG-1 Greenhouse Gas Emissions Reductions							
Development facilitated by the proposed project shall incorporate GHG emissions reduction actions to demonstrate consistency with the 2022 Scoping Plan for residential and mixed-use developments. Specifically, individual projects shall incorporate the following actions, which shall be verified by the City prior to issuing a building permit for an individual project: a) Future mixed use residential and commercial developments shall be designed to support all-electric buildings and electric appliances. Natural gas connections and activation shall be permitted when alternative renewable energy sources are demonstrably infeasible for a permitted use. Compliance shall be verified by City staff on building plans prior to granting building permits. b) Provide EV charging infrastructure that, at minimum, meets California Green Building Standards Code Tier 2 voluntary measures at the time of project approval. c) Project proponents shall coordinate with Monterey-Salinas Transit to incorporate public transit into project features, where feasible. Project features could include bus stop passes for residents of future housing units, participation in the vanpool program, and installation of new bus stops where appropriate.	Verify that the project includes the GHG reduction measures as specified in the measure.	Prior to issuance of building permits for residential or mixed-use projects.	Once.	City of Pacific Grove; project proponent			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Noise							
NOI-1(a) Measures to Reduce Construction Noise							
To minimize noise during construction facilitated by the project, the City of Pacific Grove shall require construction contractors to implement as many of the following measures for construction activities conducted within the City as feasible. Construction plans submitted to the City shall include construction noise analysis and identify these measures on demolition, grading, and construction plans submitted to the City. The City of Pacific Grove Building Division shall verify that grading, demolition, and/or construction plans submitted to the City include these notations prior to issuance of demolition, grading and/or building permits. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receivers.	Verify measures in construction plans and verify compliance.	Before and during construction.	Routinely throughout construction.	City of Pacific Grove; project proponent			
	Include feasible noise-reduction measures in demolition, grading, and construction plans submitted to the City.	Prior to submittal of plans to City.	Once.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction in compliance with applicable safety laws and regulations. Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities. Noise Disturbance Coordinator. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator and the City shall be posted at the construction site. Temporary Noise Barriers. Erect temporary noise barriers when construction noise is predicted to exceed the acceptable standards (e.g., 80 dBA Leq at residential receivers, schools or other sensitive receptors during the daytime) or when the anticipated construction duration is greater than is typical (e.g., two years or greater) and there are sensitive receptors within 500 feet of the construction site. Temporary noise barriers							

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shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class 32 or higher.							
NOI-1(b) Evaluate and Reduce Stationary Operational Noise							
The City shall require applicants of development projects facilitated by the project and located within 50 feet of noise-sensitive uses (including but not limited to residences, schools, and medical care facilities) to evaluate potential on-site operational noise impacts on nearby noise-sensitive uses. The project applicant shall be required to implement stationary operational noise reduction measures if noise generated by operation of the project is anticipated to exceed the following noise levels established by the City's General Plan Health and Safety Element: ▪ An hourly Leq of 50 dB or greater between 7:00 a.m. and 10:00 p.m. ▪ An hourly Leq of 45 dB or greater between 10:00 p.m. and 7:00 a.m. ▪ A maximum sound level of 70 dB or greater between 7:00 a.m. and 10:00 p.m. ▪ A maximum sound level of 65 dB or greater between 10:00 p.m. and 7:00 a.m. ▪ Examples of measures to reduce on-site noise include, but are not limited to,	Verify noise reduction measures in project plans.	Prior to issuance of building permits.	Once.	City of Pacific Grove; project proponent			
	For development projects within 50 feet of noise-sensitive uses, evaluate potential operational noise impacts.	Prior to the issuance of building permits.	Once.				
	If noise is expected to exceed the City's thresholds, implement noise reduction measures as specified in the measure.	Routinely throughout construction as needed, pursuant to the City's daytime and nighttime noise thresholds.	Throughout construction.				

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
operational restrictions, selection of quiet equipment, equipment setbacks, enclosures, silencers, and/or acoustical louvers. Measures to reduce stationary operational noise shall be submitted to the City prior to issuance of building permits. Projects that are not anticipated to exceed the above noise levels shall not be required to implement stationary operational noise reduction measures.							
NOI-2 Measures to Reduce Construction Vibration							
Prior to issuance of a building permit for development facilitated by the project requiring any of the following activities, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these construction activities. ▪ Pile driving during construction within 135 feet of fragile structures such as historical resources ▪ Pile driving during construction within 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings) ▪ Pile driving during construction within 75 feet of engineered concrete and masonry (no plaster) ▪ Use of a vibratory roller within 40 feet of fragile historical resources or 25 feet of any other structure ▪ Use of a dozer or other large earthmoving equipment within 20 feet for a fragile historical structure or 15 feet of any other structure	Prepare groundborne noise and vibration analysis.	Prior to the issuance of building permits.	Once.	City of Pacific Grove; project proponent			
	Verify implementation of vibration reduction measures as specified in the measure.	Routinely throughout construction.	Routinely as needed.				
	Conduct construction vibration monitoring as necessary.	During construction.	Ongoing during construction.				

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This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The groundborne noise and vibration analysis shall include measures to ensure that vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower earthmoving equipment shall be used. If necessary, construction vibration monitoring shall be conducted to verify FTA vibration thresholds are not exceeded.							
Utilities and Service Systems							
UTIL-2 Water Supply Verification							
Sufficient water supply availability must be verified for all projects under the City of Pacific Grove Housing Element Update, Zoning Ordinance Amendments, and General Plan Amendments. The City shall not issue any building permits for development projects requiring potable water until a Water Verification Report has been issued by the Monterey Peninsula Water Management District (MPWMD) confirming sufficient water supply is available for the project. Project applicants shall submit a detailed accounting of all project water demands to MPWMD, for consideration in issuing a Water Verification Report. Projects meeting the definition of a	Confirm that sufficient water supply is available for each development project.	Prior to the issuance of building permits.	Once.	City of Pacific Grove; project proponent			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
"Project" under California Water Code (CWC) Section 10912 must be evaluated in a Water Supply Assessment (WSA) in accordance with CWC Section 10910(f), subject to review and approval by MPWMD. Projects that are not subject to CWC Section 10912 must be evaluated in a Residential Water Release Form & Water Permit Application, subject to review and approval by MPWMD. Water Verification Reports issued by MPWMD shall be informed by project-specific demand information provided in the respective WSA or Residential Water Release Form & Water Permit Application. The Water Verification Report shall identify whether the proposed project requires additional water credits to meet project demands, in addition to any existing water credits that may be associated with the project site(s).							

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ORDINANCE NO. 25-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING CHAPTERS 23.08 (DEFINITIONS), 23.24 (R-3 DISTRICTS), 23.26 (R-3-P.G.R. DISTRICT), 23.28 (R-4 DISTRICT), 23.31 (COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS), 23.52 (R-3-M DISTRICTS), 23.64 (GENERAL PROVISIONS AND EXCEPTIONS), 23.70 (COMMUNITY DEVELOPMENT PERMIT REVIEW AUTHORITIES AND PROCEDURES), 23.79 (DENSITY BONUS REGULATIONS), AND 23.81 (REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES) OF TITLE 23 (ZONING) OF THE PACIFIC GROVE MUNICIPAL CODE AND AMENDING THE PACIFIC GROVE ZONING MAP

Whereas, on August 17, 2022, the City Council by motion and unanimous vote (7 - 0) authorized and directed City staff to initiate a focused general plan update to meet the minimum requirements in connection with the 2023-2031 6th Cycle Housing Element Update which includes the proposed amendments to the City's Zoning Ordinance and Zoning Map; and

Whereas, the 2023-2031 Pacific Grove Housing Element ("Housing Element") includes an opportunity sites inventory that designates specific densities and zoning classifications for certain parcels as needed to meet the City's Regional Housing Needs Allocation (RHNA) and further establishes policies and programs necessary to implement requirements of State housing law; and

Whereas, amendments to the City's Zoning Ordinance and Zoning Map are required to implement Housing Element Programs including upzoning sites in the Downtown Commercial and Forest Hill Commercial Districts and rezoning sites in the Dennett, Sinex, and Grove Acre District, the City has considered the proposed Zoning amendments through two dedicated study sessions of the Planning Commission; and

Whereas, the Zoning Ordinance and Zoning Map amendments were prepared in accordance with applicable statutory requirements taking into account public comment and consistency with the City's General Plan and related City policies; and

Whereas, in accordance with Government Code Section 21676 the proposed amendments to the Zoning Ordinance were submitted to the Airport Land Use Commission for a determination of consistency with the Airport Land Use Compatibility Plan for Monterey Regional Airport; and

Whereas, on November 13, 2025, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 25 - ____ recommending that the City Council certify the Final EIR, adopt amendments to the City's General Plan, Land Use Map, Zoning Ordinance and Zoning Map, and make CEQA Findings of Fact and adopt a Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program; and

Whereas, the Final Environmental Impact Report (EIR) prepared for the project which includes the Zoning Ordinance and Zoning Map amendments was certified by the City Council of the City of Pacific Grove on December 3, 2025, as set forth in Resolution No. 25 - ____; and

Whereas, pursuant to Government Code Sections 65090, 65091, 65355, and 65856, on November 20, 2025, at least 10 days before the public hearing date, notice of the hearing before the City Council was published in the Monterey County Weekly and Monterey Herald, posted at City Hall, mailed to affected owners of the subject real property and property owners within 300'

of the subject real property, posted on-site at each affected property, posted on the City's Community Development Department and Housing Element webpages, and emailed to a list of interested parties; and

Whereas, the ordinance was introduced at a regular meeting of the City Council on December 3, 2025; and

Whereas, the City Clerk caused a summary of the ordinance to be published in the Monterey County Weekly on December ____, 2025; and

Whereas, the City Council held a second reading of the ordinance at a regular meeting of the Council held on _____, _____; and

Whereas, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The Pacific Grove City Council considered the Environmental Impact Report, Planning Commission and City Council resolutions, agenda reports, written and oral testimony, and administrative record as a whole, and hereby finds as follows:

A. The foregoing recitals are true and correct and are incorporated herein by reference each as an integral part of this Ordinance. All Attachments hereto are hereby incorporated by reference.

B. The proposed amendments to the Zoning Ordinance and Zoning Map are consistent with the General Plan and, if applicable, the certified local coastal program.

C. The proposed amendments to the Zoning Ordinance and Zoning Map would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

D. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance.

E. The sites are 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.

SECTION 2. ZONING ORDINANCE AMENDMENTS.

Chapters 23.08 (Definitions), 23.24 (R-3 Districts), 23.26 (R-3-P.G.R. District), 23.28 (R-4 District), 23.31 (Commercial and Industrial Zoning Districts), 23.52 (R-3-M Districts), 23.64 (General Provisions and Exceptions), 23.70 (Community Development Permit Review Authorities and Procedures), 23.79 (Density Bonus Regulations), and 23.81 (Reasonable Accommodation for Persons with Disabilities) of Title 23 (Zoning) of the Pacific Grove Municipal Code is hereby amended as set forth in **Attachment A**.

SECTION 3. ZONING MAP AMENDMENTS.

The Pacific Grove Zoning Map is hereby amended as depicted in **Attachment B** and described as follows:

A. Reclassified from R-2-B-3 to R-3: 611 Dennett Street (Assessor's Parcel Number [APN] 006-572-012); 637 Dennett Street (APN 006-572-011); 659 Dennett Street (APN 006-572-009); 679 Dennett Street (APN 006-572-008); 1110 Sinex Avenue (APN 006-572-015); 1114 Sinex Avenue (APN 006-572-016); 1120 Sinex Avenue (APN 006-572-006); 1126 Sinex Avenue (APN 006-572-007); 702 Grove Acre Avenue (APN 006-572-001); 706 Grove Acre Avenue (APN 006-572-002); 708 Grove Acre Avenue (APN 006-572-003); 710 Grove Acre Avenue (APN 006-572-004); 720 Grove Acre Avenue (APN 006-572-013); and 726 Grove Acre Avenue (APN (006-572-014).

B. Reclassified from R-2 to R-3: 915 Sunset Drive (APN 007-101-007).

SECTION 4. SEVERABILITY.

If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 5. PUBLICATION.

The City Clerk is hereby directed to certify the passage of this Ordinance by the City Council of the City of Pacific Grove, California and cause the same to be published in accordance with State law.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

*****

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
NICK SMITH, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

ATTACHMENT A

ZONING ORDINANCE TEXT AMENDMENTS

(to be inserted)

ATTACHMENT B

DEPICTION OF ZONING MAP AMENDMENTS

(to be inserted)

Title 23

ZONING[1]

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
23.90 Local Coastal Program Implementation Plan
23.92 Cannabis Businesses

[1] For statutory provisions, see California Government Code § 65800 et seq.

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, and as further defined by PGMC 23.64.180.

“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.

(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 CFR 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.

“Appurtenance” means the visible, functional, or ornamental objects accessory to, and part of, buildings or structures. Examples include, but are not limited to, mechanical equipment, chimneys, air conditioner units, elevator and stairway penthouses, church spires and steeples, cupolas, etc.

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 CFR 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.

“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.

“By-right” or “use by-right” means that the land use or development is permitted without discretionary review or public hearing, as defined and governed by Government Code Sections 65583.2(i), as may be amended.

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 or 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 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.

“Consumer-end antennas” means antennas which are either: subject to the Federal Communications Commission (FCC) Over-the-Air-Receiving Devices Rule (47 CFR Section 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.

“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.

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.

“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.

“Employee Housing” means any portion of any housing accommodation, or property upon which a housing accommodation is located as defined in the California Employee Housing Act, as it may be amended from time to time.

“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 covered parking 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 orphanages, and “noninstitutional” group quarters, such as dormitories, and large boarding houses. This definition does not include residential care facilities.

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 (minus allowable vertical appurtenances) to a line connecting grades directly below it. The lowest grade (finished, natural, or existing) shall be used in applying this definition. In zones where multifamily residential and multifamily mixed-use buildings are allowed, the allowable height shall include up to half of the vertical height of sloped roofs (i.e., half of the distance between lowest eave and the highest point within roof volume above the highest floor).

“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.

“Low barrier” shall have the meaning set forth in California Government Code Section 65660(a), as it may be amended from time to time.

“Low barrier navigation center” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

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.

"Parapet" means a portion of a wall, that extends above the roofline at the edge of a roof.

"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, covered" means a structure, building or portion of a building having a solid roof which may be open or enclosed by walls or doors, used to shelter a parking space.

“Parking aisle” means the vehicular access route to allow for safe movement and effective traffic flow through a parking facility to and from parking spaces.

“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 lifts” means a mechanical system that lifts or lowers a parked vehicle to make space available for another parked vehicle above or below it.

“Parking, shared” means a public or private parking area used jointly by two or more uses.

“Parking space” means an area not less than nine feet wide by 20 feet deep designated for parking a single vehicle.

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

“Parking space, tandem” means two or more vehicles that are parked on a driveway or in any other location on a lot, arranged one behind the other.

“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, 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.

“Shared housing building” means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants as defined by Government Code Section 65915 (o)(7)(A)(i), as it may be amended from time to time.

"Single-Room Occupancy” or “SRO” means housing consisting of single-room dwelling units that serve as the primary residence for their occupants.

“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

(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.

“Site Inventory” 6Housing Element update process, which includes a list of parcels with their size, general plan and zoning designations, existing uses, the development capacity of the parcel, and the determination of how the parcel may meet the housing unit need by income-level.

“Site Width”

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.

“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 100 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.

“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	

"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 CFR Section 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 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:

(1) Facilities entirely enclosed within an existing building outside of the rights-of-way, where no modification to the exterior of the building is required;

(2) 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 is less than three cubic feet in size;

(3) Customer-end antennas; or

(4) Wireless telecommunications facilities owned and operated by the city for its use, or by any governmental agency for its own or public safety uses.

"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. 21-008 § 2, 2021; Ord. 20-001 § 2 (Exh. A), 2020; Ord. 16-005 § 3, 2016; Ord. 13-008 § 2, 2013; Ord. 13-003 § 5, 2013].

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. 20-016 § 2, 2020; 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) Low-barrier navigation centers;

(d) Transitional and supportive housing.

(e) Employee housing.

(f) Multiple dwellings, apartment houses and dwelling groups;

(g) Rooming or boarding houses, subject to first securing a use permit (except for employee ;

(h) Accessory uses and buildings normally incidental to any in this section;

(i) Single-Room Occupancies (SROs) subject to first securing a use permit;

(j) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit. [Ord. 20-016 § 2, 2020; 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. 20-016 § 2, 2020; 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. 20-016 § 2, 2020; Ord. 1260 N.S. § 2, 1981; Ord. 720 N.S. § 1, 1972; Ord. 210 N.S. § 11-133(1)(c), 1952].

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 , 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[1]

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

Lot Size	Floor Area
2,600	1,944
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

Lot Size	Floor Area
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
12,000	4,089

Lot Size	Floor Area
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 2,700 square feet	None
Larger than 2,700 square feet	One covered and one uncovered*

* 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. Mechanical parking lifts may be used, and individual units may utilize tandem parking.

(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. 21-008 § 3, 2021; Ord. 98-05 § 1, 1998].

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[1] 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. 20-016 § 3, 2020; 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) Low-barrier navigation centers;

(d) Transitional and supportive housing;

(e) Employee housing.

(f) Multiple dwellings, apartment houses;

(g) Rooming or boarding houses, subject to first securing a use permit;

(h) Dwelling groups;

(i) 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;

(j) Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;

(k) Accessory uses and buildings normally incidental to any of the above;

(l) 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;

(m) 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;

(n) Single-Room Occupancies (SROs), subject to first securing a use permit;

(o) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit. [Ord. 20-016 § 3, 2020; 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 23.24.070. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

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, office uses, as well as residential 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, as well as residential 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 limited residential uses, service commercial and light manufacturing uses, which may involve outdoor storage or activity areas.

(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 limited commercial uses, 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					
C-1	Light Commercial	**C-FH**	Forest Hill Commercial	**I**	Restricted Industrial
C-1-T	Light Commercial and Hotel	**C-2**	Heavy Commercial		
C-D	Downtown Commercial	**C-V**	Visitor Commercial		
P = Permitted use; counter review and determination required (see PGMC 23.70.020)				**UP** = Use permit required (see PGMC 23.70.080)	
AUP = 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[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Industry, Manufacturing and Processing								
Contract construction – no outdoor storage		P[2]	P[2]	--	P[2]	P[3,4]	P[2]	P[3]
Contract construction – outdoor storage		--	--	--	--	P[3,4]	UP	UP
Construction, large-scale equipment sales and rental		--	--	--	--	P[3,4]	UP	UP
Industrial, light		UP	UP	--	UP	AUP[3,4]	UP	AUP[3,4]
Recycling facility		UP	UP	--	UP	UP	UP	UP
Research and development facility		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Storage – self-storage facility		--	--	--	--	AUP[3]	AUP[2]	AUP[3]
Warehousing, wholesaling and distribution		--	--	--	--	P[3]	P[2]	P[3]
Recreation, Education and Public Assembly								
Commercial recreation facility – indoor (≤ 10,000 sf)	7.08, 7.12, 23.64.035	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Commercial recreation facility – outdoor		AUP[2]	AUP[2]	--	--	AUP[3]	AUP[2]	AUP[3]
Community garden		AUP[5]	AUP[5]	AUP[5]	AUP[5]	AUP[5]	AUP[5]	--
Health/fitness studio (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Meeting facility, public or private (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P	P[3]
Park, playground (public)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Public or quasi-public facility (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
School, specialty (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	--
Theater or auditorium (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Residential								

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Accessory building or structure		P	P	P	P	P	--	UP
Condominium		UP	UP[6]	UP	UP	UP	--	UP
Duplex		P	P	P	P	P	--	UP
Dwelling group		UP	UP	UP	UP	UP	--	UP
Emergency shelters[9]		--	--	P	P	P	--	P[9]
Employee housing for 6 or fewer persons[12]		P	P	P	P	P		UP
Home business	23.16	P	P	P	P	P	--	UP
Large family day care home		UP	UP	UP	UP	UP	--	--
Low barrier navigation centers				P[9]	P[9]	P[9]	--	P[9]
Mixed-use (residential above or behind commercial)		P[2]	P[2]	P[2]	P[2]	P[3]	--	--
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	P	UP	P	P	UP	--	UP
Residential care								
Housing 6 or fewer persons		P[10]	P[10]	P[10]	P[10]	P[10]	--[10]	UP[10]
Housing 7 or more persons		UP	UP	UP	UP	UP	--	UP
Rooming and boarding house[14]		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
Single-Room Occupancy		P	P	P	P	P	--	UP
Transitional or supportive housing		P	P	P	P	P	--	UP[11]
Retail Sales								
Automobile/vehicle sales and rental		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Automobile/vehicle service station		AUP[2]	AUP[2]	--	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Bar/tavern/nightclub		--	--	--	--	--	--	--

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Brew pub with food service	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
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[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
Restaurant, general and formula general								
w/ no alcohol sales	23.64.134	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	--
w/ alcohol sales	23.64.134, 23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
Restaurant, specialty (not formula)								
w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	--
w/ beer and wine sales only	23.64.134, 23.64.290; if formula, see also 23.64.115	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
Restaurant, fast food (not formula) – w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
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[2]	P[2]	P[2]	P[2]	P[3]	P[2]	UP
Adult-oriented sales		UP[7]	UP[7]	--	UP[7]	--	--	--
Alcoholic beverage sales		UP	UP	UP	UP	UP	AUP[2]	--
Auction houses		P	--	--	P	P	P	P
Automobile rental		P	--	--	P	P	P	P
Bail bonds		P	--	--	P	P	P	P
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

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
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[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
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[1]	AUP	AUP[1]
Retail – restricted		UP	UP	--	UP	UP	UP	UP
Wine bar	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Wine tasting room	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Services								
Animal keeping/training facilities or veterinary service		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Automobile/vehicle repair		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Bank or financial service, except the following:		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Floor area over 10,000 sf at street level		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
w/ drive-through		UP	UP	--	UP	UP	UP	UP
Business support service		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Car wash and detailing		AUP[2]	AUP[2]	--	AUP[2]	AUP[3]	AUP[2]	AUP[3]

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Catering and events	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	UP	UP	UP
Equipment/appliance rental and repair		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Laundry or dry cleaning service		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Lodging								
Bed and breakfast inn –w/ beer and wine sales only	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Hotel or motel	23.64.290	--	UP[8]	--	--	--	--	--
Medical service								
Ambulance service		UP	UP	--	UP	UP	UP	UP
Clinic or lab		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Medical office		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Hospital		UP	UP	--	--	UP	UP	UP
Mortuary or funeral home		UP	UP	--	UP	UP	UP	UP
Office, business or professional		P[2]	P[2]	P[2]	P[2]	P[3]	UP	UP
Personal service	7.06	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	UP
Personal service – restricted		UP	UP	UP	UP	UP	UP	UP
Printing or creative service		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
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		CRD	CRD	CRD	CRD	CRD	CRD	CRD
Wireless eligible facilities request		AUP	AUP	AUP	AUP	AUP	AUP	AUP

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. 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 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.

11. Transitional and supportive housing developments shall be subject to the parking requirements of PGMC 23.64.190, with the exception of developments located within a one-half (0.5) mile distance of a transit stop where no off-street parking shall be required.

12. Rooming houses or boarding houses accommodating employee housing shall be subject to Employee Housing Act. See permitted uses and standards under employee housing.

**When not associated with a veterinary clinic.

[Ord. 20-001 § 2 (Exh. A), 2020; 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[7]	C-1-T	C-D[7]	C-FH[1,7]	C-2[7]	C-V	I
Building Placement Requirements							
Setbacks[1,2,3,4]							
Front, min. (max.)[6]	0’	0'	0'	0' (20')	0'	0'	0'
Side (min.), except:	0’	0'	0'	0'	0'	0'	0'
Residential/ Mixed-use	10’	0’	5’	10'	0’	0’	0’
Adjacent to residential zone	5’	5'	5'	5'	5'	10'	10'
Rear (min.), except:	0’	0'	0'	10'	0'	0'	0'
Adjacent to residential zone	5’	5'	5'	10'	5'	10'	10'
Building Form Requirements							
Building height (max.)[4]	45’	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.)	90%	75 – 90%, depending on building height	100%	75%	90%	75 – 90%, depending on building height	90%
Stepbacks for portion of building above 25 feet							
Front, min	8’[5]	0’	0’	8’	0’	--	--
Side, min	0’	0’	0’	0’	0’	--	--
Rear, min[6]	30’	0’	10’	30’	0’	--	--
Density Requirements							
Dwelling units per net acre	Max. 30 units per acre. For Coastal Zones – Max. allowed by the general plan residential land use category to the site, up to 30 units per net acre.	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre.	Max. of 45 units per acre; with a minimum density requirement of 30 units per acre.	Max. of 45 units per acre; with a minimum density requirement of 30 units per acre.	Max. 30 units per acre. For Coastal Zones – Max. allowed by the general plan residential land use 30 units per net acre.	N/A	Max. allowed by the GP residential land use category nearest to the site, up to 30 units per net acre.[6]
Floor area ratio		Max. allowed by the general plan					
Lot Requirements							

Lot area for new parcels (min.)		2,000 sf
Other Requirements		
Landscaping		See PGMC 23.64.195
Parking		See PGMC 23.64.190
Signs		For C-D district see Chapter 20.05 PGMC. For all other districts see Chapter 20.04 PGMC

End Notes:

1. For mixed-use residential/commercial development where residential ground-floor street frontage is allowed and constructed, the setback standards in PGMC 23.31.50 shall apply.

2. Cornices, eaves, and other horizontal projections may be allowed, consistent with PGMC 23.64.150 and 23.64.160.

3. Along Central, Lighthouse, and Forest Avenues, commercial ground-floor street frontage standards in PGMC 23.31.050 also apply.

4. Chimneys and other vertical projections may be allowed, consistent with PGMC 23.64.120.

5. In C-1 and C-FH districts, front stepbacks requirements shall not apply for up to 30 feet of a building's width.

6. Rear stepback requirements shall not apply within 70 feet of front property line, while rear setback requirements shall continue to apply.

7. Pursuant to Government Code Section 65583.2(h)(2)s on sites within C-1, C-2, C-D and C-FH districts, identified in the 6 for lower-income households, a minimum of 50 percent of the total floor area shall be residential.

The 6site:

Sites within the C-1, C-2, C-FH and C-D that are identified for lower-income housing units include the following:

Site No.	Address	APN(s)
8	601 Lighthouse Ave.	006294017000, 006294015000
9	525, 531 Lighthouse Ave.	006284015000, 006284001000, 006284002000
18	95 Central Ave.	6238005000
20	2749 Forest Hill Blvd.	007651013000, 007651017000
21	1146, 1152 Forest Ave.	7651022000, 7651014000
22	1125, 1129, 1133, 1137 Forest Ave.	006713031000, 006713032000, 006713027000, 006713026000
26	1157 Forest Ave.	6713023000
27	1193 Forest Ave.	6713019000
29	1124, 1140 Forest Ave.	7641009000, 7641008000
30	1160 Forest Ave.	7651019000
31	1180 Forest Ave.	7611031000
33	1219 Forest Ave.	6725023000
48	2184 Sunset Dr.	7091025000
49	17 Mile Dr.	7091026000
55	801 Sunset Dr.	7101036000

[Ord. 17-009 § 3, 2017; Ord. 13-003 § 2, 2013].

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 R-3-M. 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.

(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
Group A[1]		
569 Asilomar Avenue	16	3
1095 Lighthouse Avenue	10	2
800 Asilomar Avenue	54	11
221 Asilomar Avenue	18	1

Address	Permitted Guest Units as of Effective Date of This Section	Additional Guest Units Allowed over Permitted Guest Units in Column to Left
1073 Lighthouse Avenue	27	5
701 – 709 Asilomar Avenue	28	6
775 Asilomar Avenue	18	4
1100 Lighthouse Avenue	38	8
1101 Lighthouse Avenue	33	7
Group B[2]		
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
Group C[3]		
635 Ocean View Boulevard	60	0
625 Ocean View Boulevard	52	0
1038 Lighthouse Avenue	24	0

[1] 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.
[2] 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.
[3] 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 23.64

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, clock 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].

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, 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. 20-001 § 2 (Exh. A), 2020; 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 this title, but shall be subject to subsection (g) of this section.

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

(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:

(1) Any residential district;

(2) The planned unit development district;

(3) Within 300 feet of or within the Monarch Butterfly Sanctuary;

(4) Within any environmentally sensitive area (ESHA); or

(5) Within any public view corridors outside the public right-of-way which is regulated under separate authority.

(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 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 subsections (c) and (d) of this section, a use permit may issue if applicant proposes a facility that complies with the city's wireless design standards and be placed upon:

(1) City Hall or other city-owned buildings.

(2) City of Pacific Grove sewage treatment plant tanks adjacent to the PG Municipal Golf Course.

(3) Golf course poles used to hang protective netting except along the perimeter of the fifth hole.

(4) New, existing or replacement structures in any parking lot.

(5) New, existing or replacement structures at the California American (Cal Am) Water Reservoir on Hillcrest Avenue.

(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:

(A) The city is required to issue the permit under federal law and the proposed wireless telecommunications facility varies from the wireless design standards only to the extent required in order to comply with federal law; or

(B) 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 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 of wireless telecommunications facilities consistent with this section 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 the city whether or not subject to a use permit.

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

(1) While the placement of wireless telecommunications facilities may be submitted for review, in accordance with the PGMC, the review authority cannot grant access, and access shall only be by agreement, approved by the city, 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 section 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 city 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.

(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 section, 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 section, 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 section, it may recommend to the city council that it find that the design serves the purposes of this section, 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, it 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. [Ord. 20-001 § 2 (Exh. A), 2020].

23.64.065 Use permit – Group quarters.
As defined in Chapter 23.08 PGMC, 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. Group quarters meeting California Health and Safety Code 1568.0831 eligibility requirements for residential care facilities of six or fewer persons are permitted as a residential use in all districts and do not require a use permit. [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 PGMC, 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 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.

(b) 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.

(c) 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).

(d) 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.

(e) This section does not affect group quarters licensed as a residential care facility for the elderly (RCFE) or residential care facilities for six or fewer persons. RCFEs are treated in accordance with Section 23.64.111 but shall be superseded by any recent 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].

23.64.111 Employee housing.
As defined by California Employee Housing Act (California Public Health and Safety Code Sections 17000 through 17062.5). Employee housing that provides for six or fewer employees shall be deemed a single-family structure, and shall be permitted in any zone that allows for single-family residential use.

23.64.112 Residential care facilities.
(a) Small residential care facilities of six or fewer persons, 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 residential care facility of seven or more persons, as defined in Division 2, California Health and Safety Code, may be allowed as a residential use in all zones that allow multiple dwellings, subject to the same requirements and standards as residential uses of the same type and subject to fist securing a use permit.

23.64.113 Transitional and supportive housing.
Transitional and supportive housing, as defined in Chapter 23.08 PGMC, may be allowed as a permitted use in all zones that allow multiple dwellings.

(a) Parking. See 23.64.190 for off-street parking standards.

23.64.114 Single-room occupancies (SROs).
As defined in Chapter 23.08 PGMC, SROs may be permitted through a use permit in any zone that allows multiple dwellings or mixed-use residential developments. In addition, SRO housing shall be subject to the following standards:

(a) Unit size and occupancy. The minimum size of a unit shall be one hundred fifty square feet and the maximum size shall be three hundred square feet, which may include bathroom and/or kitchen facilities.

(b) Common areas. A minimum of ten square feet for each unit shall be provided for a common area. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the city shall be considered common areas. Shared bathrooms and kitchens shall not be considered as common areas.

(c) Management: A single room occupancy management plan shall be submitted to, reviewed and approved by the Community Development Department before issuance of a certificate of occupancy. A twenty four hour resident manager shall be provided for any single room occupancy use consisting of twelve or more units.

(d) Parking. See 23.64.190 for off-street parking standards.

(e) Kitchen facilities. Each unit shall be provided a food preparation space that meets the requirements of the State of California Health and Safety Code and California Building Code Section 1208.4 or subsequent amendments. If each individual unit is not provided with a minimum of a refrigerator and a microwave oven, a complete kitchen facility available for residents shall be provided on each floor of the structure.

(f) Bathroom Facilities. For each unit a private toilet in an enclosed compartment with a door and a sink shall be provided. A full bathroom shall contain at least a toilet, sink and bathtub, shower or bathtub/shower combination. If private bathing facilities are not provided for each unit, shared bathing facilities shall be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

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.

(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.

For each building, vertical projections may extend above maximum allowable building heights as follows:

Vertical feature	**Maximum projection**	**Max. horizontal area**
Chimneys, cupolas, window cleaning equipment	4 feet	20 square feet (each)
Clock tower, water tank, stair/elevator penthouse	10 feet	100 square feet (each)
Mechanical penthouse for	4 feet	100 square feet
Flagpoles	15 feet	1 square foot
Solar panels	See PGMC 18.45 and PGMC 23.70	
Wireless communications facilities	Wireless communications facilities concealed as such structures are subject to height limits and design standards as specified in the Wireless Design Manual.	
Additional height, other vertical structures, other appurtenances	May be permitted in excess of height and horizontal area limits use permit is obtained in each case.	

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 furthermost vertices are points located 20 feet away from the apex as shown in Figure 2.

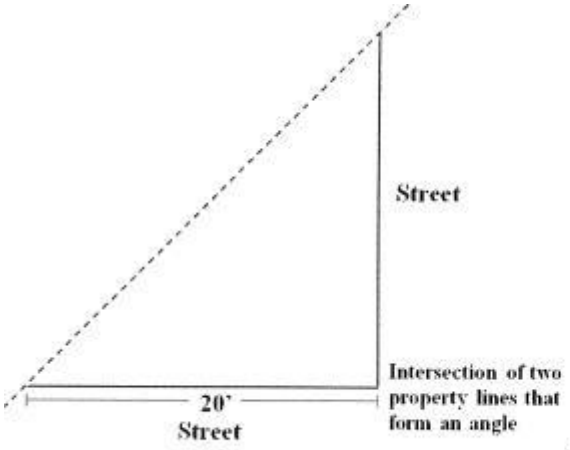


Figure 1

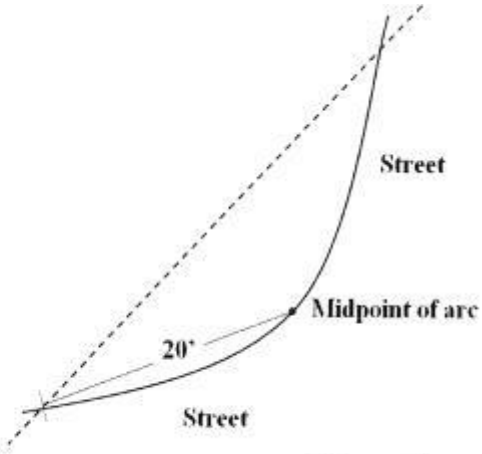


Figure 2

(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.

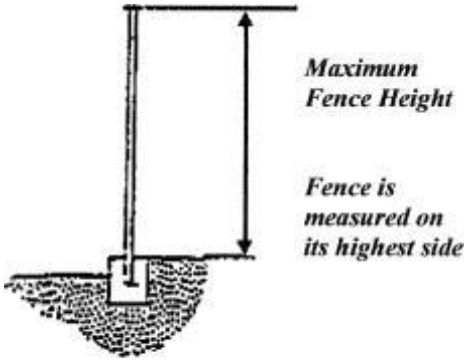
(e) Exceptions Pertaining to Fences on Retaining Walls.

(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.



FENCE AT PROPERTY LINE

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.

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, canopies/awnings, chimneys, and bay windows (not more than 10 feet wide and separated from adjacent bay windows by not less than 6 feet) may extend not exceeding three feet into any required setback or yard, but shall be no 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 or outside stairways may project not exceeding six feet into any required front or side yard, but not closer than three feet to any property line except where no setback or yard is required, provided, that the elevation of such porch, or outdoor stairway is within one foot of the elevation of finished grade. [Ord. 210 N.S. § 11-141(1)(d)(2), 1952].

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

	Category 1	Category 2	Category 3
Description	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)
Number Allowed in Each Category without UP/AP[1]	1	1	1
Additional Allowed in Each Category with UP/AUP[1]	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)
Design Review Required	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
Counted in Floor Area and Building Coverage	120 sq. ft. or less: No Larger than 120 sq. ft.: Yes	No	No

	Category 1	Category 2	Category 3
Counted in Site Coverage	Yes	Yes	Yes
Use Permit Required for Plumbing	Yes	Yes	Yes
Building Separation	At least 3 1/2 feet from any dwelling or building on the same building site	Not required	Not required
Front Setback	As prescribed by the zoning district	As prescribed by the zoning district	As prescribed by the zoning district
Rear Setback	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
Side Setback	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
Height	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 5,000 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 and tandem parking shall be allowed;

(b) For each family unit in a duplex, apartment house or dwelling group, or mixed use project, parking spaces may be tandem or may utilize mechanical lifts and shall be provided as follows:

(1) One space for efficiency or studio units and one bedroom units;

(2) One and one-half spaces for each unit having two to three bedrooms

(3) Two spaces for all other units; and

(4) 50 percent of all required parking shall be covered.

(c) Not less than one garage space for each two guest rooms in any rooming house, excluding SROs as defined in Chapter 23.08 PGMC;

(d) Transitional and Supportive Housing. One space per employee per shift. No parking space requirement if the housing development is located within one-half mile of a transit stop.

(e) Emergency Shelters and Low Barrier Navigation Centers. One space per employee per shift.

(f) SROs. One for every three units, plus one space per employee per shift.

(f) 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;

(g) 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 (k) of this section;

(h) For commercial buildings, industrial buildings, and mixed-use buildings in which residential uses comprise less than one-third of a development project's total floor area, the amount of non-residential parking shall be subject to a use permit;

(i) For mixed-use buildings in which residential uses comprise not less than two-thirds of a development project's total floor area, not less than one non-residential parking space for each 500 square feet of floor area of space for retail sales, commercial services, and health/fitness studios, except for projects located in areas assessed for payment of off-street parking lots;

(j) 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;

(k) The number of 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;

(l) The minimum width of parking aisles shall be as described below:

(1) 60 degrees and less – 18 feet,

(2) 60.1 to 65 degrees – 19 feet,

(3) 65.1 to 70 degrees – 20 feet,

(4) 70.1 to 75 degrees – 21 feet,

(5) 75.1 to 80 degrees – 22 feet,

(6) 80.1 to 85 degrees – 23 feet, and

(7) 85.1 to 90 degrees (perpendicular) - 24 feet.

(m) The review authority 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;

(n) Low Vehicle Ownership Reduced Parking Requirement. For uses that serve tenants with low vehicle ownership rates, such as special needs or supportive housing facilities for persons with disabilities, and that can demonstrate a reduced parking need, the review authority may allow for a reduction in parking spaces;

(o) Shared parking may be permitted. [Ord. 21-008 § 4, 2021; 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].

(p) Within surface parking lots, not less than one tree shall be provided for every six parking spaces.

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. 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.

(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[1]

	Alcoholic Beverages Allowed	Food Service Required	Hours of Food and Alcoholic Beverage Service	Amplified Music and Entertainment	Seating on Public Sidewalks

	Alcoholic Beverages Allowed	Food Service Required	Hours of Food and Alcoholic Beverage Service	Amplified Music and Entertainment	Seating on Public Sidewalks
Eating Establishments					
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
Drinking Establishments					
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
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
Lodging Establishments					
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.

(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.

(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 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 23.70

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[1]						
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.							
Counter Review: 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)							
Counter Review and Determination: Required director review of specific projects or land uses in order to verify compliance with zoning standards. (PGMC 23.70.020)							
Staff Approvals: For timely approval of permits for the following projects and uses:							
Admin. architectural permit – not on HRI (PGMC 23.70.030)	Decision[2]	Hearing/ Decision		Appeal[5]			Appeal[5]
Admin. architectural permit – on HRI (PGMC 23.70.030)	Decision[2,3]				Hearing/ Decision	Appeal[5]	Appeal[5]
Architectural design change – not on HRI (PGMC 23.70.030)	Decision[2]	Hearing/ Decision		Appeal[5]			Appeal[5]
Architectural design change – on HRI (PGMC 23.70.030)	Decision[2,3]				Hearing/ Decision	Appeal[5]	Appeal[5]
Admin. sign permit (PGMC 23.70.030)	Decision	Hearing/ Decision		Appeal[5]			Appeal[5]

	Roles of Review Authorities[1]						
Type of Permit Application	**Director**	**ZA**	**SPRC**	**ARB**	**HRC**	**PC**	**CC**
Admin. use permit and admin. use permit amendments[7] (PGMC 23.70.030)	Decision[2]	Hearing/ Decision				Appeal[5]	Appeal[5]
Admin. variance and admin. variance amendments (PGMC 23.70.030)	Decision[2]	Hearing/ Decision				Appeal[5]	Appeal[5]
Certificate of compliance (Chapter 24.05 PGMC)	Decision					Appeal[5]	Appeal[5]
City-initiated merger (PGMC 24.04.050)		Decision				Appeal[5]	Appeal[5]
Lot-line adjustment and owner-initiated merger (Chapter 24.06 PGMC)	Decision[2]					Appeal[5]	Appeal[5]
Permitting of undocumented dwelling units (PGMC 23.70.030)	Decision[2]	Hearing/ Decision				Appeal[5]	Appeal[5]
Zoning Administrator: For the following applications:							
Interpretations of permitted use lists (PGMC 23.70.040, Chapter 23.82 PGMC)		Decision[6]				Appeal	Appeal
Historic relocation permit – on-site (PGMC 23.70.040, 23.76.100)		Decision[6]			Hearing/ Decision	Appeal	Appeal
Parcel map (PGMC 23.70.040, Chapter 24.08 PGMC)		Decision[6]				Appeal	Appeal
Site Plan Review Committee: For the following approvals:							
Site plan review (multifamily/ commercial/industrial projects only) (PGMC 23.70.050)			Review and Comment				
Architectural Review Board: 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
Historic Resources Committee: 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		
Planning Commission: For the following applications:							
Use permit and use permit amendments (PGMC 23.70.080(a))						Decision	Appeal

	Roles of Review Authorities[1]						
Type of Permit Application	**Director**	**ZA**	**SPRC**	**ARB**	**HRC**	**PC**	**CC**
Variance and variance amendments (PGMC 23.70.080(b))						Decision	Appeal
Tentative tract map (Chapter 24.12 PGMC)						Decision	Appeal
Final tract map (Chapter 24.16 PGMC)						Decision	Appeal
Administrative and Amendments: 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[4]					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. 19-014 § 2, 2019; 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

(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:

(A) 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.

(B) 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.

(C) 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.

(D) Amateur radio antennas:

(i) That are completely enclosed within a permitted building; or

(ii) 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.

(iii) 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. [Ord. 20-001 § 2 (Exh. A), 2020; 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 are non-discretionary reviews thatmust 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

(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.

(10) Projects which meet the following requirements are entitled to review as a use by-right:

(1) Project is located on a site suitable for residential development as defined in California Government Code Section 65583.2 and identified for lower-income households in the adopted 6 Housing Element Site Inventory that are shown to be the following:

(i) Vacant and listed in the Site Inventory of two or more consecutive Housing Elements; or

(ii) Non-vacant and listed in the Site Inventory of a previous Housing Element.

(2) The project is proposed to include 20 percent of the total number of housing units available to lower-income households.

(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.

(e) Appeals of Determinations. For appeals of these determinations, see PGMC 23.74.020(a).

(1) Projects pursuant to California Government Code Section 65583.2 may be appealed to the Planning Commission only by the applicant or the owner of the subject property.

(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 finaled, 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);

(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);

(xiii) Extension, change, or restoration of a nonconforming use under Chapter 23.68 PGMC (Nonconforming Uses and Buildings);

(xiv) Wireless eligible facilities requests (for modification of previously permitted wireless telecommunications facilities); and

(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

(ii) Garden structures exceeding the standards required by PGMC 23.64.119 (Garden structures).

(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:

(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 CFR Sections 1.6001 through 1.6100, as may be amended.

(B) The findings required by subsections (e)(1)(B) through (D) of this section 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;

(B) The proposed height and design are required to receive service, or to engage in amateur radio communications;

(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. 20-001 § 2 (Exh. A), 2020; 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;

(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.

(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 director, 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 director 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 director. 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) 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.

(2) 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:

(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, 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.

(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) 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. 19-014 § 3, 2019; 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 five voting members, appointed by the mayor, with the approval of the council. At least four members shall be residents registered to vote in the city of Pacific Grove. At least two members shall have professional experience as an architect, landscape architect, engineer, designer, or draftsperson; or have experience in the building industry. A member not registered to vote in the city of Pacific Grove shall have demonstrated architectural experience in the city of Pacific Grove.

(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;

(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. 21-021 § 2, 2021; 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.

(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.

(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:

(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

(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. 20-001 § 2 (Exh. A), 2020; Ord. 13-023 § 5, 2013; Ord. 13-003 § 20, 2013; Ord. 11-001 § 2, 2011].

Chapter 23.79

DENSITY BONUS AND AFFORDABLE HOUSING 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 23.81

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;

(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 will consider 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 comply with the city's lighting and noise standards;

(B) Whether granting the accommodation would result in a substantial increase in traffic or insufficient parking; and

(C) Whether granting the accommodation would contradict the goals and policies of the city's general plan or an applicable specific plan.

(e) Decision.

(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].

Title 23

ZONING[1]

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
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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
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23.74 Appeals and Call-Ups
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[1] For statutory provisions, see California Government Code § 65800 et seq.

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, and as further defined by PGMC 23.64.180.

“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.

(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 CFR 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.

“Appurtenance” means the visible, functional, or ornamental objects accessory to, and part of, buildings or structures. Examples include, but are not limited to, mechanical equipment, chimneys, air conditioner units, elevator and stairway penthouses, church spires and steeples, cupolas, etc.

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 CFR 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.

“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.

“By-right” or “use by-right” means that the land use or development is permitted without discretionary review or public hearing, as defined and governed by Government Code Sections 65583.2(i), as may be amended.

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 or 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 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.

“Consumer-end antennas” means antennas which are either: subject to the Federal Communications Commission (FCC) Over-the-Air-Receiving Devices Rule (47 CFR Section 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.

“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.

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.

“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.

“Employee Housing” means any portion of any housing accommodation, or property upon which a housing accommodation is located as defined in the California Employee Housing Act, as it may be amended from time to time.

“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 covered parking 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 orphanages, and “noninstitutional” group quarters, such as dormitories, and large boarding houses. This definition does not include residential care facilities.

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 (minus allowable vertical appurtenances) to a line connecting grades directly below it. The lowest grade (finished, natural, or existing) shall be used in applying this definition. In zones where multifamily residential and multifamily mixed-use buildings are allowed, the allowable height shall include up to half of the vertical height of sloped roofs (i.e., half of the distance between lowest eave and the highest point within roof volume above the highest floor).

“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.

“Low barrier” shall have the meaning set forth in California Government Code Section 65660(a), as it may be amended from time to time.

“Low barrier navigation center” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

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.

“Parapet” means a portion of a wall, that extends above the roofline at the edge of a roof.

“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, covered" means a structure, building or portion of a building having a solid roof which may be open or enclosed by walls or doors, used to shelter a parking space.

“Parking aisle” means the vehicular access route to allow for safe movement and effective traffic flow through a parking facility to and from parking spaces.

“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 lifts” means a mechanical system that lifts or lowers a parked vehicle to make space available for another parked vehicle above or below it.

“Parking, shared” means a public or private parking area used jointly by two or more uses.

“Parking space” means an area not less than nine feet wide by 20 feet deep designated for parking a single vehicle.

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

“Parking space, tandem” means two or more vehicles that are parked on a driveway or in any other location on a lot, arranged one behind the other.

“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, 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.

“Shared housing building” means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants as defined by Government Code Section 65915 (o)(7)(A)(i), as it may be amended from time to time.

"Single-Room Occupancy” or “SRO” means housing consisting of single-room dwelling units that serve as the primary residence for their occupants.

“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

(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.

“Site Inventory” or “Housing Element Site Inventory” means a list of suitable land identified for residential development during the planning period as part of the 6th Housing Element update process, which includes a list of parcels with their size, general plan and zoning designations, existing uses, the development capacity of the parcel, and the determination of how the parcel may meet the housing unit need by income-level.

“Site Width” means the dimension of the lot at the street line. In the case of a lot with more than one street line, it refers to the lesser dimension.

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.

“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 100 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.

“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	

"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 CFR Section 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 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:

(1) Facilities entirely enclosed within an existing building outside of the rights-of-way, where no modification to the exterior of the building is required;

(2) 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 is less than three cubic feet in size;

(3) Customer-end antennas; or

(4) Wireless telecommunications facilities owned and operated by the city for its use, or by any governmental agency for its own or public safety uses.

"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. 21-008 § 2, 2021; Ord. 20-001 § 2 (Exh. A), 2020; Ord. 16-005 § 3, 2016; Ord. 13-008 § 2, 2013; Ord. 13-003 § 5, 2013].

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. 20-016 § 2, 2020; 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) Low-barrier navigation centers;

(d) Transitional and supportive housing.

(e) Employee housing.

(f) Multiple dwellings, apartment houses and dwelling groups;

(g) Rooming or boarding houses, subject to first securing a use permit (except for employee housing);

(h) Accessory uses and buildings normally incidental to any in this section;

(i) Single-Room Occupancies (SROs) subject to first securing a use permit;

(j) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit. [Ord. 20-016 § 2, 2020; 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. 20-016 § 2, 2020; 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. 20-016 § 2, 2020; Ord. 1260 N.S. § 2, 1981; Ord. 720 N.S. § 1, 1972; Ord. 210 N.S. § 11-133(1)(c), 1952].

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 allowable horizontal projections described in PGMC 23.64.150, 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[1]

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

Lot Size	Floor Area
2,600	1,944
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

Lot Size	Floor Area
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
12,000	4,089

Lot Size	Floor Area
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 2,700 square feet	None
Larger than 2,700 square feet	One covered and one uncovered*

* 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. Mechanical parking lifts may be used, and individual units may utilize tandem parking.

(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. 21-008 § 3, 2021; Ord. 98-05 § 1, 1998].

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[1] 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. 20-016 § 3, 2020; 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) Low-barrier navigation centers;

(d) Transitional and supportive housing;

(e) Employee housing.

(f) Multiple dwellings, apartment houses;

(g) Rooming or boarding houses, subject to first securing a use permit;

(h) Dwelling groups;

(i) 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;

(j) Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;

(k) Accessory uses and buildings normally incidental to any of the above;

(l) 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;

(m) 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;

(n) Single-Room Occupancies (SROs), subject to first securing a use permit;

(o) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit. [Ord. 20-016 § 3, 2020; 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 23.24.070. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

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, office uses, as well as residential 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, as well as residential 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 limited residential uses, service commercial and light manufacturing uses, which may involve outdoor storage or activity areas.

(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 limited commercial uses, 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					
C-1	Light Commercial	**C-FH**	Forest Hill Commercial	**I**	Restricted Industrial
C-1-T	Light Commercial and Hotel	**C-2**	Heavy Commercial		
C-D	Downtown Commercial	**C-V**	Visitor Commercial		
P = Permitted use; counter review and determination required (see PGMC 23.70.020)				**UP** = Use permit required (see PGMC 23.70.080)	
AUP = 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[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Industry, Manufacturing and Processing								
Contract construction – no outdoor storage		P[2]	P[2]	--	P[2]	P[3,4]	P[2]	P[3]
Contract construction – outdoor storage		--	--	--	--	P[3,4]	UP	UP
Construction, large-scale equipment sales and rental		--	--	--	--	P[3,4]	UP	UP
Industrial, light		UP	UP	--	UP	AUP[3,4]	UP	AUP[3,4]
Recycling facility		UP	UP	--	UP	UP	UP	UP
Research and development facility		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Storage – self-storage facility		--	--	--	--	AUP[3]	AUP[2]	AUP[3]
Warehousing, wholesaling and distribution		--	--	--	--	P[3]	P[2]	P[3]
Recreation, Education and Public Assembly								
Commercial recreation facility – indoor (≤ 10,000 sf)	7.08, 7.12, 23.64.035	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Commercial recreation facility – outdoor		AUP[2]	AUP[2]	--	--	AUP[3]	AUP[2]	AUP[3]
Community garden		AUP[5]	AUP[5]	AUP[5]	AUP[5]	AUP[5]	AUP[5]	--
Health/fitness studio (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Meeting facility, public or private (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P	P[3]
Park, playground (public)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Public or quasi-public facility (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
School, specialty (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	--
Theater or auditorium (≤ 10,000 sf)		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Residential								

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Accessory building or structure		P	P	P	P	P	--	UP
Condominium		UP	UP[6]	UP	UP	UP	--	UP
Duplex		P	P	P	P	P	--	UP
Dwelling group		UP	UP	UP	UP	UP	--	UP
Emergency shelters[9]		--	--	P	P	P	--	P[9]
Employee housing for 6 or fewer persons[12]		P	P	P	P	P		UP
Home business	23.16	P	P	P	P	P	--	UP
Large family day care home		UP	UP	UP	UP	UP	--	--
Low barrier navigation centers				P[9]	P[9]	P[9]	--	P[9]
Mixed-use (residential above or behind commercial)		P[2]	P[2]	P[2]	P[2]	P[3]	--	--
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	P	UP	P	P	UP	--	UP
Residential care								
Housing 6 or fewer persons		P [10]	P [10]	P [10]	P [10]	P [10]	--[10]	UP[10]
Housing 7 or more persons		UP	UP	UP	UP	UP	--	UP
Rooming and boarding house[14]		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
Single-Room Occupancy		P	P	P	P	P	--	UP
Transitional or supportive housing		P	P	P	P[11]	P[11]	--	UP[11]
Retail Sales								
Automobile/vehicle sales and rental		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Automobile/vehicle service station		AUP[2]	AUP[2]	--	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Bar/tavern/nightclub		--	--	--	--	--	--	--

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Brew pub with food service	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
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[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
Restaurant, general and formula general								
w/ no alcohol sales	23.64.134	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	--
w/ alcohol sales	23.64.134, 23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
Restaurant, specialty (not formula)								
w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	--
w/ beer and wine sales only	23.64.134, 23.64.290; if formula, see also 23.64.115	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
Restaurant, fast food (not formula) – w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	--
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[2]	P[2]	P[2]	P[2]	P[3]	P[2]	UP
Adult-oriented sales		UP[7]	UP[7]	--	UP[7]	--	--	--
Alcoholic beverage sales		UP	UP	UP	UP	UP	AUP[2]	--
Auction houses		P	--	--	P	P	P	P
Automobile rental		P	--	--	P	P	P	P
Bail bonds		P	--	--	P	P	P	P
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

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
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[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
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[1]	AUP	AUP[1]
Retail – restricted		UP	UP	--	UP	UP	UP	UP
Wine bar	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Wine tasting room	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Services								
Animal keeping/training facilities or veterinary service		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Automobile/vehicle repair		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Bank or financial service, except the following:		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Floor area over 10,000 sf at street level		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
w/ drive-through		UP	UP	--	UP	UP	UP	UP
Business support service		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Car wash and detailing		AUP[2]	AUP[2]	--	AUP[2]	AUP[3]	AUP[2]	AUP[3]

Use	Specific Use Regulations (PGMC)	C-1[1]	C-1-T[1]	C-D[1]	C-FH[1]	C-2	C-V[1]	I
Catering and events	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	UP	UP	UP
Equipment/appliance rental and repair		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Laundry or dry cleaning service		AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Lodging								
Bed and breakfast inn –w/ beer and wine sales only	23.64.290	AUP[2]	AUP[2]	AUP[2]	AUP[2]	AUP[3]	AUP[2]	AUP[3]
Hotel or motel	23.64.290	--	UP[8]	--	--	--	--	--
Medical service								
Ambulance service		UP	UP	--	UP	UP	UP	UP
Clinic or lab		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Medical office		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
Hospital		UP	UP	--	--	UP	UP	UP
Mortuary or funeral home		UP	UP	--	UP	UP	UP	UP
Office, business or professional		P[2]	P[2]	P[2]	P[2]	P[3]	UP	UP
Personal service	7.06	P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	UP
Personal service – restricted		UP	UP	UP	UP	UP	UP	UP
Printing or creative service		P[2]	P[2]	P[2]	P[2]	P[3]	P[2]	P[3]
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		CRD	CRD	CRD	CRD	CRD	CRD	CRD
Wireless eligible facilities request		AUP	AUP	AUP	AUP	AUP	AUP	AUP

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. 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 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.

11. Transitional and supportive housing developments shall be subject to the parking requirements of PGMC 23.64.190, with the exception of developments located within a one-half (0.5) mile distance of a transit stop where no off-street parking shall be required.

12. Rooming houses or boarding houses accommodating employee housing shall be subject to Employee Housing Act. See permitted uses and standards under employee housing.

**When not associated with a veterinary clinic.

[Ord. 20-001 § 2 (Exh. A), 2020; 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[7]	C-1-T	C-D[7]	C-FH[1,7]	C-2[7]	C-V	I
Building Placement Requirements							
Setbacks[1,2,3,4]							
Front, min. (max.)[6]	0’	0'	0'	0' (20')	0'	0'	0'
Side (min.), except:	0’	0'	0'	0'	0'	0'	0'
Residential/ Mixed-use	10’	0’	5’	10'	0’	0’	0’
Adjacent to residential zone	5’	5'	5'	5'	5'	10'	10'
Rear (min.), except:	0’	0'	0'	10'	0'	0'	0'
Adjacent to residential zone	5’	5'	5'	10'	5'	10'	10'
Building Form Requirements							
Building height (max.)[4]	45’	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.)	90%	75 – 90%, depending on building height	100%	75%	90%	75 – 90%, depending on building height	90%
Stepbacks for portion of building above 25 feet							
Front, min	8’[5]	0’	0’	8’	0’	--	--
Side, min	0’	0’	0’	0’	0’	--	--
Rear, min[6]	30’	0’	10’	30’	0’	--	--
Density Requirements							
Dwelling units per net acre	Max. 30 units per acre. For Coastal Zones – Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre.	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre.	Max. of 45 units per acre; with a minimum density requirement of 30 units per acre.	Max. of 45 units per acre; with a minimum density requirement of 30 units per acre.	Max. 30 units per acre. For Coastal Zones – Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre.	N/A	Max. allowed by the GP residential land use category nearest to the site, up to 30 units per net acre.[6]
Floor area ratio		Max. allowed by the general plan					
Lot Requirements							

Lot area for new parcels (min.)		2,000 sf
Other Requirements		
Landscaping		See PGMC 23.64.195
Parking		See PGMC 23.64.190
Signs		For C-D district see Chapter 20.05 PGMC. For all other districts see Chapter 20.04 PGMC

End Notes:

1. For mixed-use residential/commercial development where residential ground-floor street frontage is allowed and constructed, the setback standards in PGMC 23.31.50 shall apply.

2. Cornices, eaves, and other horizontal projections may be allowed, consistent with PGMC 23.64.150 and 23.64.160.

3. Along Central, Lighthouse, and Forest Avenues, commercial ground-floor street frontage standards in PGMC 23.31.050 also apply.

4. Chimneys and other vertical projections may be allowed, consistent with PGMC 23.64.120.

5. In C-1 and C-FH districts, front stepbacks requirements shall not apply for up to 30 feet of a building's width.

6. Rear stepback requirements shall not apply within 70 feet of front property line, while rear setback requirements shall continue to apply.

7. Pursuant to Government Code Section 65583.2(h)(2) for mixed-use development projects on sites within C-1, C-2, C-D and C-FH districts, identified in the 6th Cycle Housing Element Site Inventory for lower-income households, a minimum of 50 percent of the total floor area shall be residential.

The 6th Cycle Housing Element can be found on the City's website:
https://www.cityofpacificgrove.gov/our_city/departments/community_development/housing/housing_element.php

Sites within the C-1, C-2, C-FH and C-D that are identified for lower-income housing units include the following:

Site No.	Address	APN(s)
8	601 Lighthouse Ave.	006294017000, 006294015000
9	525, 531 Lighthouse Ave.	006284015000, 006284001000, 006284002000
18	95 Central Ave.	6238005000
20	2749 Forest Hill Blvd.	007651013000, 007651017000
21	1146, 1152 Forest Ave.	7651022000, 7651014000
22	1125, 1129, 1133, 1137 Forest Ave.	006713031000, 006713032000, 006713027000, 006713026000
26	1157 Forest Ave.	6713023000
27	1193 Forest Ave.	6713019000
29	1124, 1140 Forest Ave.	7641009000, 7641008000
30	1160 Forest Ave.	7651019000
31	1180 Forest Ave.	7611031000
33	1219 Forest Ave.	6725023000
48	2184 Sunset Dr.	7091025000
49	17 Mile Dr.	7091026000
55	801 Sunset Dr.	7101036000

[Ord. 17-009 § 3, 2017; Ord. 13-003 § 2, 2013].

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 R-3-M. 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.

(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
Group A[1]		
569 Asilomar Avenue	16	3
1095 Lighthouse Avenue	10	2
800 Asilomar Avenue	54	11
221 Asilomar Avenue	18	1

Address	Permitted Guest Units as of Effective Date of This Section	Additional Guest Units Allowed over Permitted Guest Units in Column to Left
1073 Lighthouse Avenue	27	5
701 – 709 Asilomar Avenue	28	6
775 Asilomar Avenue	18	4
1100 Lighthouse Avenue	38	8
1101 Lighthouse Avenue	33	7
Group B[2]		
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
Group C[3]		
635 Ocean View Boulevard	60	0
625 Ocean View Boulevard	52	0
1038 Lighthouse Avenue	24	0

[1] 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.
[2] 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.
[3] 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 23.64

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, clock 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].

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, 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. 20-001 § 2 (Exh. A), 2020; 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 this title, but shall be subject to subsection (g) of this section.

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

(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:

(1) Any residential district;

(2) The planned unit development district;

(3) Within 300 feet of or within the Monarch Butterfly Sanctuary;

(4) Within any environmentally sensitive area (ESHA); or

(5) Within any public view corridors outside the public right-of-way which is regulated under separate authority.

(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 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 subsections (c) and (d) of this section, a use permit may issue if applicant proposes a facility that complies with the city's wireless design standards and be placed upon:

(1) City Hall or other city-owned buildings.

(2) City of Pacific Grove sewage treatment plant tanks adjacent to the PG Municipal Golf Course.

(3) Golf course poles used to hang protective netting except along the perimeter of the fifth hole.

(4) New, existing or replacement structures in any parking lot.

(5) New, existing or replacement structures at the California American (Cal Am) Water Reservoir on Hillcrest Avenue.

(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:

(A) The city is required to issue the permit under federal law and the proposed wireless telecommunications facility varies from the wireless design standards only to the extent required in order to comply with federal law; or

(B) 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 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 of wireless telecommunications facilities consistent with this section 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 the city whether or not subject to a use permit.

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

(1) While the placement of wireless telecommunications facilities may be submitted for review, in accordance with the PGMC, the review authority cannot grant access, and access shall only be by agreement, approved by the city, 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 section 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 city 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.

(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 section, 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 section, 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 section, it may recommend to the city council that it find that the design serves the purposes of this section, 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, it 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. [Ord. 20-001 § 2 (Exh. A), 2020].

23.64.065 Use permit – Group quarters.
As defined in Chapter 23.08 PGMC, 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. Group quarters meeting California Health and Safety Code 1568.0831 eligibility requirements for residential care facilities of six or fewer persons are permitted as a residential use in all districts and do not require a use permit. [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 PGMC, 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 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.

(b) 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.

(c) 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).

(d) 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.

(e) This section does not affect group quarters licensed as a residential care facility for the elderly (RCFE) or residential care facilities for six or fewer persons. RCFEs are treated in accordance with Section 23.64.111 but shall be superseded by any recent 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].

23.64.111 Employee housing.
As defined by California Employee Housing Act (California Public Health and Safety Code Sections 17000 through 17062.5). Employee housing that provides for six or fewer employees shall be deemed a single-family structure, and shall be permitted in any zone that allows for single-family residential use.

23.64.112 Residential care facilities.
(a) Small residential care facilities of six or fewer persons, 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 residential care facility of seven or more persons, as defined in Division 2, California Health and Safety Code, may be allowed as a residential use in all zones that allow multiple dwellings, subject to the same requirements and standards as residential uses of the same type and subject to fist securing a use permit.

23.64.113 Transitional and supportive housing.
Transitional and supportive housing, as defined in Chapter 23.08 PGMC, may be allowed as a permitted use in all zones that allow multiple dwellings.

(a) Parking. See 23.64.190 for off-street parking standards.

23.64.114 Single-room occupancies (SROs).
As defined in Chapter 23.08 PGMC, SROs may be permitted through a use permit in any zone that allows multiple dwellings or mixed-use residential developments. In addition, SRO housing shall be subject to the following standards:

(a) Unit size and occupancy. The minimum size of a unit shall be one hundred fifty square feet and the maximum size shall be three hundred square feet, which may include bathroom and/or kitchen facilities.

(b) Common areas. A minimum of ten square feet for each unit shall be provided for a common area. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the city shall be considered common areas. Shared bathrooms and kitchens shall not be considered as common areas.

(c) Management: A single room occupancy management plan shall be submitted to, reviewed and approved by the Community Development Department before issuance of a certificate of occupancy. A twenty four hour resident manager shall be provided for any single room occupancy use consisting of twelve or more units.

(d) Parking. See 23.64.190 for off-street parking standards.

(e) Kitchen facilities. Each unit shall be provided a food preparation space that meets the requirements of the State of California Health and Safety Code and California Building Code Section 1208.4 or subsequent amendments. If each individual unit is not provided with a minimum of a refrigerator and a microwave oven, a complete kitchen facility available for residents shall be provided on each floor of the structure.

(f) Bathroom Facilities. For each unit a private toilet in an enclosed compartment with a door and a sink shall be provided. A full bathroom shall contain at least a toilet, sink and bathtub, shower or bathtub/shower combination. If private bathing facilities are not provided for each unit, shared bathing facilities shall be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

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.

(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.
For each building, vertical projections may extend above maximum allowable building heights as follows:

Vertical feature	**Maximum projection**	**Max. horizontal area**
Chimneys, cupolas, window cleaning equipment	4 feet	20 square feet (each)
Clock tower, water tank, stair/elevator penthouse	10 feet	100 square feet (each)
Mechanical penthouse for roof-mounted equipment	4 feet	100 square feet (1 per building)
Flagpoles	15 feet	1 square foot
Solar panels	See PGMC 18.45 and PGMC 23.70	
Wireless communications facilities	Wireless communications facilities concealed as such structures are subject to height limits and design standards as specified in the Wireless Design Manual.	
Additional height, other vertical structures, other appurtenances	May be permitted in excess of height and horizontal area limits provided a use permit is obtained in each case.	

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 furthermost vertices are points located 20 feet away from the apex as shown in Figure 2.

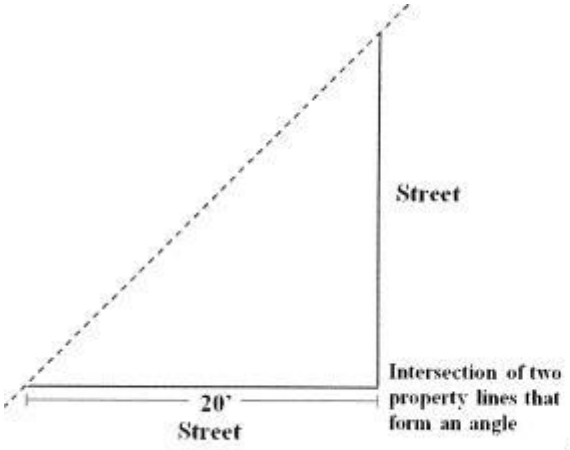


Figure 1

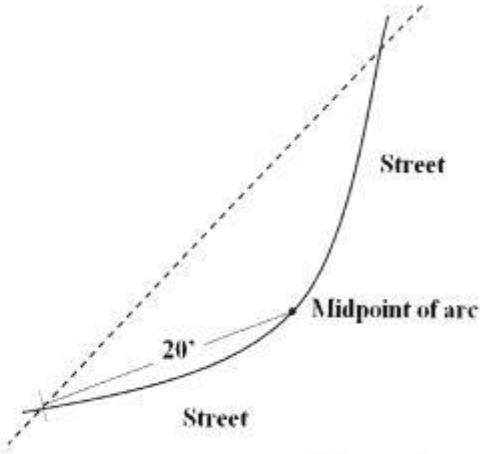


Figure 2

(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.

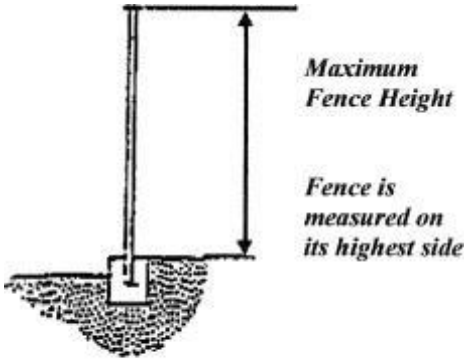
(e) Exceptions Pertaining to Fences on Retaining Walls.

(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.



FENCE AT PROPERTY LINE

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.

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, canopies/awnings, chimneys, and bay windows (not more than 10 feet wide and separated from adjacent bay windows by not less than 6 feet) may extend not exceeding three feet into any required setback or yard, but shall be no closer than three feet to any property line except where no setback is required. [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 or outside stairways may project not exceeding six feet into any required front or side yard, but not closer than three feet to any property line except where no setback or yard is required, provided, that the elevation of such porch, or outdoor stairway is within one foot of the elevation of finished grade. [Ord. 210 N.S. § 11-141(1)(d)(2), 1952].

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

	Category 1	Category 2	Category 3
Description	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)
Number Allowed in Each Category without UP/AP[1]	1	1	1
Additional Allowed in Each Category with UP/AUP[1]	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)
Design Review Required	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
Counted in Floor Area and Building Coverage	120 sq. ft. or less: No	No	No

	Category 1	Category 2	Category 3
	Larger than 120 sq. ft.: Yes		
Counted in Site Coverage	Yes	Yes	Yes
Use Permit Required for Plumbing	Yes	Yes	Yes
Building Separation	At least 3 1/2 feet from any dwelling or building on the same building site	Not required	Not required
Front Setback	As prescribed by the zoning district	As prescribed by the zoning district	As prescribed by the zoning district
Rear Setback	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
Side Setback	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
Height	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 5,000 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 and tandem parking shall be allowed;

(b) For each family unit in a duplex, apartment house or dwelling group, or mixed use project, parking spaces may be tandem or may utilize mechanical lifts and shall be provided as follows:

(1) One space for efficiency or studio units and one bedroom units;

(2) One and one-half spaces for each unit having two to three bedrooms

(3) Two spaces for all other units; and

(4) 50 percent of all required parking shall be covered.

(c) Not less than one garage space for each two guest rooms in any rooming house, excluding SROs as defined in Chapter 23.08 PGMC;

(d) Transitional and Supportive Housing. One space per employee per shift. No parking space requirement if the housing development is located within one-half mile of a transit stop.

(e) Emergency Shelters and Low Barrier Navigation Centers. One space per employee per shift.

(f) SROs. One for every three units, plus one space per employee per shift.

(f) 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;

(g) 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 (k) of this section;

(h) For commercial buildings, industrial buildings, and mixed-use buildings in which residential uses comprise less than one-third of a development project's total floor area, the amount of non-residential parking shall be subject to a use permit;

(i) For mixed-use buildings in which residential uses comprise not less than two-thirds of a development project's total floor area, not less than one non-residential parking space for each 500 square feet of floor area of space for retail sales, commercial services, and health/fitness studios, except for projects located in areas assessed for payment of off-street parking lots;

(j) 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;

(k) The number of 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;

(l) The minimum width of parking aisles shall be as described below:

(1) 60 degrees and less – 18 feet,

(2) 60.1 to 65 degrees – 19 feet,

(3) 65.1 to 70 degrees – 20 feet,

(4) 70.1 to 75 degrees – 21 feet,

(5) 75.1 to 80 degrees – 22 feet,

(6) 80.1 to 85 degrees – 23 feet, and

(7) 85.1 to 90 degrees (perpendicular) - 24 feet.

(m) The review authority 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;

(n) Low Vehicle Ownership Reduced Parking Requirement. For uses that serve tenants with low vehicle ownership rates, such as special needs or supportive housing facilities for persons with disabilities, and that can demonstrate a reduced parking need, the review authority may allow for a reduction in parking spaces;

(o) Shared parking may be permitted. [Ord. 21-008 § 4, 2021; 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].

(p) Within surface parking lots, not less than one tree shall be provided for every six parking spaces.

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. 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.

(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[1]

	Alcoholic Beverages Allowed	Food Service Required	Hours of Food and Alcoholic Beverage Service	Amplified Music and Entertainment	Seating on Public Sidewalks
Eating Establishments					
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
Drinking Establishments					
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
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
Lodging Establishments					
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.

(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.

(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 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 23.70

COMMUNITY DEVELOPMENT PERMIT REVIEW AUTHORITIES AND PROCEDURES

Sections:

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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[1]						
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.							
Counter Review: 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)							
Counter Review and Determination: Required director review of specific projects or land uses in order to verify compliance with zoning standards. (PGMC 23.70.020)							
Staff Approvals: For timely approval of permits for the following projects and uses:							
Admin. architectural permit – not on HRI (PGMC 23.70.030)	Decision[2]	Hearing/ Decision		Appeal[5]			Appeal[5]
Admin. architectural permit – on HRI (PGMC 23.70.030)	Decision[2,3]				Hearing/ Decision	Appeal[5]	Appeal[5]
Architectural design change – not on HRI (PGMC 23.70.030)	Decision[2]	Hearing/ Decision		Appeal[5]			Appeal[5]
Architectural design change – on HRI (PGMC 23.70.030)	Decision[2,3]				Hearing/ Decision	Appeal[5]	Appeal[5]
Admin. sign permit (PGMC 23.70.030)	Decision	Hearing/ Decision		Appeal[5]			Appeal[5]

	Roles of Review Authorities[1]						
Type of Permit Application	**Director**	**ZA**	**SPRC**	**ARB**	**HRC**	**PC**	**CC**
Admin. use permit and admin. use permit amendments[7] (PGMC 23.70.030)	Decision[2]	Hearing/ Decision				Appeal[5]	Appeal[5]
Admin. variance and admin. variance amendments (PGMC 23.70.030)	Decision[2]	Hearing/ Decision				Appeal[5]	Appeal[5]
Certificate of compliance (Chapter 24.05 PGMC)	Decision					Appeal[5]	Appeal[5]
City-initiated merger (PGMC 24.04.050)		Decision				Appeal[5]	Appeal[5]
Lot-line adjustment and owner-initiated merger (Chapter 24.06 PGMC)	Decision[2]					Appeal[5]	Appeal[5]
Permitting of undocumented dwelling units (PGMC 23.70.030)	Decision[2]	Hearing/ Decision				Appeal[5]	Appeal[5]
Zoning Administrator: For the following applications:							
Interpretations of permitted use lists (PGMC 23.70.040, Chapter 23.82 PGMC)		Decision[6]				Appeal	Appeal
Historic relocation permit – on-site (PGMC 23.70.040, 23.76.100)		Decision[6]			Hearing/ Decision	Appeal	Appeal
Parcel map (PGMC 23.70.040, Chapter 24.08 PGMC)		Decision[6]				Appeal	Appeal
Site Plan Review Committee: For the following approvals:							
Site plan review (multifamily/ commercial/industrial projects only) (PGMC 23.70.050)			Review and Comment				
Architectural Review Board: 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
Historic Resources Committee: 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		
Planning Commission: For the following applications:							
Use permit and use permit amendments (PGMC 23.70.080(a))						Decision	Appeal

	Roles of Review Authorities[1]						
Type of Permit Application	**Director**	**ZA**	**SPRC**	**ARB**	**HRC**	**PC**	**CC**
Variance and variance amendments (PGMC 23.70.080(b))						Decision	Appeal
Tentative tract map (Chapter 24.12 PGMC)						Decision	Appeal
Final tract map (Chapter 24.16 PGMC)						Decision	Appeal
Administrative and Amendments: 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[4]					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. 19-014 § 2, 2019; 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

(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:

(A) 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.

(B) 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.

(C) 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.

(D) Amateur radio antennas:

(i) That are completely enclosed within a permitted building; or

(ii) 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.

(iii) 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. [Ord. 20-001 § 2 (Exh. A), 2020; 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 are non-discretionary reviews that 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

(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.

(10) Projects which meet the following requirements are entitled to review as a use by-right:

(1) Project is located on a site suitable for residential development as defined in California Government Code Section 65583.2 and identified for lower-income households in the adopted 6th Cycle Housing Element Site Inventory that are shown to be the following:

(i) Vacant and listed in the Site Inventory of two or more consecutive Housing Elements; or

(ii) Non-vacant and listed in the Site Inventory of a previous Housing Element.

(2) The project is proposed to include 20 percent of the total number of housing units available to lower-income households.

(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.

(e) Appeals of Determinations. For appeals of these determinations, see PGMC 23.74.020(a).

(1) Projects pursuant to California Government Code Section 65583.2 may be appealed to the Planning Commission only by the applicant or the owner of the subject property.

(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 finaled, 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);

(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);

(xiii) Extension, change, or restoration of a nonconforming use under Chapter 23.68 PGMC (Nonconforming Uses and Buildings);

(xiv) Wireless eligible facilities requests (for modification of previously permitted wireless telecommunications facilities); and

(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

(ii) Garden structures exceeding the standards required by PGMC 23.64.119 (Garden structures).

(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:

(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 CFR Sections 1.6001 through 1.6100, as may be amended.

(B) The findings required by subsections (e)(1)(B) through (D) of this section 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;

(B) The proposed height and design are required to receive service, or to engage in amateur radio communications;

(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. 20-001 § 2 (Exh. A), 2020; 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;

(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.

(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 director, 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 director 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 director. 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) 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.

(2) 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:

(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, 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.

(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) 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. 19-014 § 3, 2019; 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 five voting members, appointed by the mayor, with the approval of the council. At least four members shall be residents registered to vote in the city of Pacific Grove. At least two members shall have professional experience as an architect, landscape architect, engineer, designer, or draftsperson; or have experience in the building industry. A member not registered to vote in the city of Pacific Grove shall have demonstrated architectural experience in the city of Pacific Grove.

(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;

(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. 21-021 § 2, 2021; 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.

(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.

(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:

(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

(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. 20-001 § 2 (Exh. A), 2020; Ord. 13-023 § 5, 2013; Ord. 13-003 § 20, 2013; Ord. 11-001 § 2, 2011].

Chapter 23.79

DENSITY BONUS AND AFFORDABLE HOUSING 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 23.81

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;

(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 will consider 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 comply with the city's lighting and noise standards;

(B) Whether granting the accommodation would result in a substantial increase in traffic or insufficient parking; and

(C) Whether granting the accommodation would contradict the goals and policies of the city's general plan or an applicable specific plan.

(e) Decision.

(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.

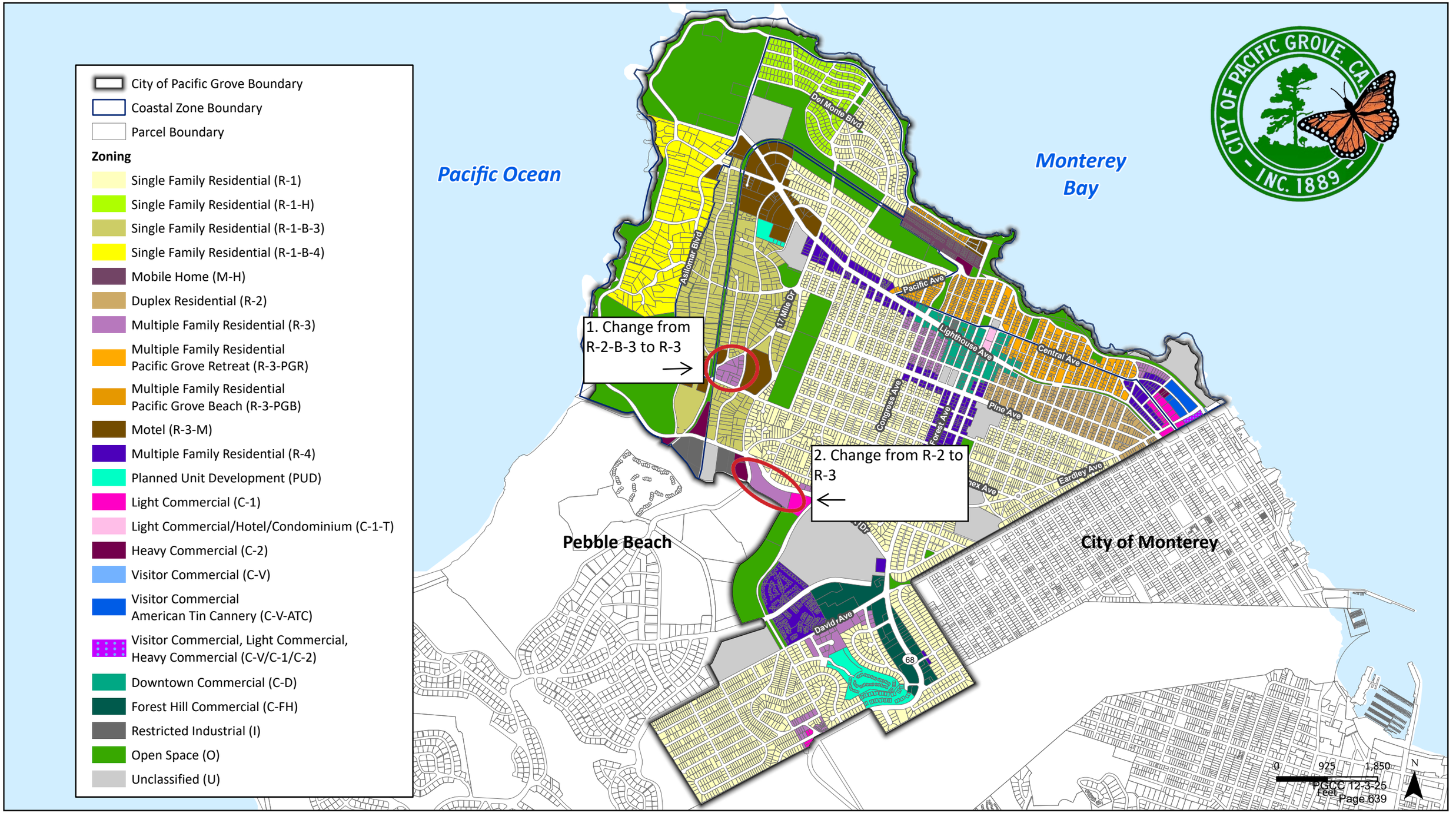
(2) The director may approve a time extension for reasonable accommodation for good cause for a period or periods not to exceed three years. Application for a time extension shall be made in writing to the community and economic development department no less than 30 days or more than 90 days prior to 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].


City of Pacific Grove Boundary
Coastal Zone Boundary
Parcel Boundary
Zoning
Single Family Residential (R-1)
Single Family Residential (R-1-H)
Single Family Residential (R-1-B-3)
Single Family Residential (R-1-B-4)
Mobile Home (M-H)
Duplex Residential (R-2)
Multiple Family Residential (R-3)
Multiple Family Residential Pacific Grove Retreat (R-3-PGR)
Multiple Family Residential Pacific Grove Beach (R-3-PGB)
Motel (R-3-M)
Multiple Family Residential (R-4)
Planned Unit Development (PUD)
Light Commercial (C-1)
Light Commercial/Hotel/Condominium (C-1-T)
Heavy Commercial (C-2)
Visitor Commercial (C-V)
Visitor Commercial American Tin Cannery (C-V-ATC)
Visitor Commercial, Light Commercial, Heavy Commercial (C-V/C-1/C-2)
Downtown Commercial (C-D)
Forest Hill Commercial (C-FH)
Restricted Industrial (I)
Open Space (O)
Unclassified (U)
Pacific Ocean
Monterey Bay
CITY OF PACIFIC GROVE, CA. INC. 1889
1. Change from R-2-B-3 to R-3
2. Change from R-2 to R-3
Pebble Beach
City of Monterey
Del Monte Blvd
Asilomar Blvd
17 Mile Dr
Pacific Ave
Lighthouse Ave
Central Ave
Congress Ave
Forest Ave
Pine Ave
Eardley Ave
David Ave
68
0
925
1,850
Feet
N
PGCC 12-3-25
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RESOLUTION 25 - 001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE RECOMMENDING THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT; AMEND THE TEXT, POLICIES, FIGURES, AND MAPS OF THE PACIFIC GROVE GENERAL PLAN FOR THE 2023-2031 HOUSING ELEMENT, LAND USE ELEMENT, HEALTH AND SAFETY ELEMENT, AND LAND USE MAP, MAKE CEQA FINDINGS OF FACT, ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS; AND AMEND THE PACIFIC GROVE ZONING ORDINANCE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) AND THE ZONING MAP

RECITALS

Whereas, Government Code Section 65300, *et seq*., requires each city to adopt a comprehensive, long-term General Plan for the physical development of each city; and

Whereas, on October 5, 1994, the City Council of the City of Pacific Grove ("City") adopted a city-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law; and

Whereas, there is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

Whereas, California Government Code Section 65588(b) requires the City to periodically prepare an update to the Housing Element of its General Plan; and

Whereas, pursuant to Government Code section 65302(g), the City must update its Safety Element concurrently with the update to the Housing Element to address risk of flood and fire, an assessment of climate change vulnerability, strategies for climate change adaptation and resilience, and emergency evacuation routes; and

Whereas, on August 17, 2022, the City Council by motion and unanimous vote (7 - 0) at a public hearing, authorized and directed City staff to initiate a focused general plan update to meet the minimum requirements in connection with the 2023-2031 6th Cycle Housing Element Update; and

Whereas, beginning in April, 2022, the City conducted more than 19 public meetings before either the Planning Commission or the City Council to provide information, obtain public comment, seek direction from elected and appointed officials, and consider the Housing Element Update project; and

Whereas, amendments to the City's Zoning Ordinance and Zoning Map are required to implement Housing Element Programs including upzoning sites in the Downtown Commercial and Forest Hill Commercial Districts and rezoning sites in the Dennett, Sinex, and Grove Acre District, the City has considered the proposed Zoning amendments through two dedicated study sessions of the Planning Commission; and

Whereas, the City determined that an Environmental Impact Report (EIR) should be prepared for the proposed project, in accordance with the requirements of the California Environmental Quality Act (CEQA) including Section 15168 of the CEQA Guidelines and subsequently issued a Notice of Preparation on January 29, 2024 and conducted a Scoping Meeting on February 15, 2024 in accordance with Public Resources Code Sections 21092 and 21083.9 respectively; and

Whereas, the draft 2023-2031 Housing Element of the General Plan and revisions thereto (the "Housing Element") was made available for public review and comment and provided to the State Department of Housing and Community Development (HCD) in accordance with all applicable statutory requirements; and

Whereas, the draft Health and Safety Element was submitted to the California Geological Survey of the Department of Conservation, the State Board of Forestry and Fire Protection, and to every local agency that provides fire protection to territory in the City in accordance with Government Code Section 65302.5; and

Whereas, certain amendments to the Land Use Element of the General Plan and Land Use Map are necessary to ensure consistency with the Housing Element and to implement land use policies to accommodate housing in the locations and at the densities specified within the Housing Element; and

Whereas, the proposed amendments to the Municipal Code and Zoning Map are necessary to implement the Housing Element and associated amendments to the Land Use Element and Land Use Map; and

Whereas, in accordance with Government Code Section 21676 the proposed amendments to the General Plan and Zoning Ordinance were submitted to the Airport Land Use Commission for a determination of consistency with the Airport Land Use Compatibility Plan for Monterey Regional Airport; and

Whereas, on July 10, 2025, the City received a letter of conditional approval from HCD indicating the revised 2023-2031 Housing Element is in substantial compliance with state Housing Element Law following re-adoption of the changes and submittal of the final document to HCD; and

Whereas, the Draft Environmental Impact Report ("Draft EIR") was circulated for a 46-day public review comment period from June 30, 2025 to August 15, 2025; and

Whereas, on November 3, 2025, the City released its Responses to Comments document, which consists of all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program; and

Whereas, the "Final EIR" consists of the Draft EIR and its appendices, and the Responses to Comments document; and

Whereas, pursuant to Government Code Section 65350, *et seq*., and Title 23 of the Pacific Grove Municipal Code (PGMC), the City may amend the adopted General Plan and Zoning Ordinance provided the City follows certain procedures, including that the Planning Commission hold a noticed public hearing and make a written recommendation to the City Council on the proposed amendment of the General Plan and Zoning Ordinance; and

Whereas, on November 13, 2025, the Planning Commission held a duly noticed public hearing to consider and make recommendations to the City Council regarding certification of the Final EIR, adopting amendments to the City's General Plan, Land Use Map, Zoning Ordinance and Zoning Map, and making CEQA Findings of Fact, and adopting the Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations; and

Whereas, pursuant to Government Code Sections 65090, 65091, 65353, and 65854, on October 23, 2025, at least 20 days before the public hearing date, notice of the hearing before the Planning Commission was published in the Monterey County Weekly and Monterey Herald, posted at City Hall, mailed to affected owners of the subject real property and property owners within 300' of the subject real property, posted on-site at each affected property, posted on the City's Community Development Department and Housing Element webpages, and emailed to a list of interested parties.

NOW, THEREFORE, BE IT RESOLVED, pursuant to PGMC Section 23.84.060, Findings, in consideration of the proposed amendments, the Planning Commission considered the entirety of the record, including the Final Environmental Impact Report, the draft amendment documents, the agenda report, written and oral testimony, and administrative record as a whole and, on that basis, the Planning Commission of the City of Pacific Grove finds that:

A. General Plan or Local Coastal Program Amendments

1. The proposed amendments are internally consistent with all other provisions of the General Plan;
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
3. The site are 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. Zoning Ordinance/Map Amendments

1. The proposed amendments are consistent with the General Plan and, if applicable, the certified local coastal program;
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;
3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance; and
4. The sites are 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE:

1. The Planning Commission determines that each of the Recitals and Findings set forth above are true and correct, and by this reference incorporates those Recitals and Findings

as an integral part of this Resolution. All Exhibits and Attachments hereto are hereby incorporated by reference.

2. The Planning Commission considered the Final Environmental Impact Report (EIR) with the Findings of Fact, Mitigation Monitoring and Reporting Plan and Statement of Overriding Considerations.

3. The Planning Commission hereby recommends that the City Council adopt a resolution certifying the Final EIR. The Final EIR is on file with the City and is hereby incorporated by reference.

4. The Planning Commission hereby recommends that the City Council adopt a resolution amending the text, policies, figures, and maps of the Pacific Grove General Plan to adopt the CEQA Findings of Fact and adopt the Statement of Overriding Considerations, adopt the 2023-2031 Housing Element, amend the Land Use Element, amend the Land Use Map, amend the Health and Safety Element, and adopt the Mitigation Monitoring and Reporting Program, all of which are attached to the Planning Commission Agenda Report for November 13, 2025, and hereby incorporated by reference.

5. The Planning Commission hereby recommends that the City Council adopt an ordinance amending the Zoning Ordinance (Title 23 of the Pacific Grove Municipal Code) and amending the Zoning Map, in support of implementation of the 6th Cycle Housing Element, all of which are attached to the Planning Commission Agenda Report for November 13, 2025, and hereby incorporated by reference.

6. The Planning Commission hereby recommends that the City Council direct a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the approval of these amendments.

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

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE THIS 13TH DAY OF NOVEMBER, 2025, BY THE FOLLOWING VOTE:

AYES: Commissioners Kubica, Davison, Mourlam, Meyers, and Sweigert

NOES: None

ABSENT: Commissioners Fredrickson and Nodzenski

ABSTAIN: None

APPROVED:

_____

ANDREW KUBICA, Chair

ATTEST:

_____

JON BIGGS, Secretary