

RESOLUTION NO. 08-045 C.S.

191 LIGHTHOUSE AVENUE  
RESOLUTION APPROVING MAJOR USE PERMIT FOR PLANNED UNIT DEVELOPMENT,  
TENTATIVE SUBDIVISION MAP AND CONDOMINIUM PLAN 05-007  
TO CONVERT A MIXED-USE BUILDING INTO TWO COMMERCIAL CONDOMINIUM UNITS  
AND FIVE RESIDENTIAL CONDOMINIUM UNITS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that the Major Use Permit for Planned Unit Development, Tentative Subdivision Map and Condominium Plan for condominium conversion at 191 Lighthouse Avenue is hereby approved, subject to Conditions of Approval attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that an increase in the ratio of ownership housing is a goal of the Housing Element, to reduce the present imbalance ratio of 39% homeownership to 61% rental units in the City; and that this conversion will assist the City in meeting this goal by providing five-units for residential ownership.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that the approval of Major Use Permit for a Planned Unit Development, Tentative Subdivision Map and Condominium Plan for the condominium conversion at 191 Lighthouse Avenue is hereby approved based on the Findings attached to this Resolution as Exhibit B.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 4th day of March 2008 by the following votes:


AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

APPROVED:



Mayor of Said City

ATTEST:

  
City Clerk thereof

**191 LIGHTHOUSE AVENUE (MIXED-USE BUILDING)  
MAJOR USE PERMIT FOR PLANNED UNIT DEVELOPMENT (PUD)  
TENTATIVE SUBDIVISION MAP AND CONDOMINIUM PLAN 05-007**

**RECOMMENDED CONDITIONS OF APPROVAL**

**MAJOR USE PERMIT AND TENTATIVE MAP**

1. That the Use Permit, to allow the conversion of recently constructed Mixed-Use Building to air space condominiums, is approved as shown on the Preliminary Tentative Subdivision Map (two commercial condominiums and five residential condominiums) dated December 27, 2007 with exceptions and modifications specified in these Conditions of Approval.
2. That all development on the property shall be constructed and thereafter maintained in accordance with the conditions of this permit and Use Permit 05-007 that was approved by the City Council on August 18, 2005.
3. **Fire Department Condition.** The applicant shall comply with all requirements of the Fire Department.
4. **Building Division Condition.** The applicant shall comply with all requirements of the Building Division, including hours of operation.
5. **Parks & Recreation Condition.** The applicant shall pay all appropriate Parks & Recreation Fees prior to recording the Final Map.
6. **Parking Condition.** A minimum of 21 off-site parking spaces shall be provided and maintained as shown on the architectural site plan and Tentative Map.
7. **CC&R Condition.** Prior to submittal of the Final Map, the draft Covenants, Conditions and Restrictions (CC&R's) dated September 14, 2007, shall be submitted to the City of Monterey for acceptance by the Planning Division, City Engineer and City Attorney's Office. The CC&R's shall specify that the Homeowners Association shall be responsible for the common areas within the buildings and on the grounds. The CC&R's shall address maintenance of the parking spaces and establish a program and procedure for assigning residential tenant parking spaces and resolving on-site parking disputes. A minimum of one parking space shall be specifically assigned to each residential unit and clearly marked to indicate such. The CC&R's shall establish rules for use of other open and covered parking spaces. All on-site parking spaces shall only be used for vehicle parking.
8. **Solid Waste & Recycling Condition.** The applicant shall include in the CC&R's a provision for management of the solid waste and recycling receptacles on the site. Specifically, the provision shall address the shared use of the facilities by the commercial and residential occupants, the payment for services, and dispute resolution.
9. **Public Works Conditions.** The applicant shall prepare and submit the Final Map and Condominium Plan and CC&R's for review and approval by the Public Works Department, prior to their recordation. The Final Map submittal shall conform to the following:

- a) That the Final Map shall clearly show that one lot is being created and clearly label all easements with recording information; and,
- b) That the submittal checklist for the Final Map review by the City Engineer shall include, but not be limited to:
  - i. A subdivision guarantee.
  - ii. All deeds and recorded documents referenced in the subdivision guarantee.
  - iii. Two (2) copies of the Final Map and the Condominium Plan.
  - iv. The Use Permit and Conditions of Approval.
  - v. Two (2) copies of the CC&R's.
  - vi. Traverse closure calculations.

10. **Water Allocation Condition.** This project is subject to the categorical water allocation program approved by the City Council. The applicant will proceed at their own risk with the possibility that water may not be available at the time they request Building Permits. No Building Permits will be issued if water is not available to this project.
11. **Permit Expiration Condition.** The Tentative Map shall become null and void if a Final Map is not submitted within twenty-four (24) months of the date of granting by City Council. It is the applicant's responsibility to track the twenty-four month expiration date and request map approval extensions prior to the map expiration date. No renewal notice will be sent to the applicant.

**191 LIGHTHOUSE AVENUE (MIXED-USE BUILDING)  
MAJOR USE PERMIT FOR PLANNED UNIT DEVELOPMENT (PUD)  
TENTATIVE SUBDIVISION MAP AND CONDOMINIUM PLAN 05-007**

**RECOMMENDED FINDINGS FOR DECISION**

Major Use Permit for Planned Unit Development

1. That in accordance to Resolution Number 13,273, the proposed Use Permit for a Planned Unit Development (PUD) is necessary to allow condominium development.
2. The proposed conversion of this mixed-use building to condominium ownership is consistent with the General Plan, including the Land Use Element, Housing Element and the Lighthouse Area Plan, and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.
3. That the proposed conversion of this mixed-use building to condominium ownership is consistent with the objectives of the Zoning Ordinance, including Section 38-33G *Mixed-use Projects* and Section 38-115 *Off-Street Parking and Loading Spaces Required* as they apply to mixed-use projects.
4. That the owner of the project has demonstrated by securing a building permit and constructing the mixed-use building, that he is financially able to carry out the project and complete all steps necessary to secure a Final Map.
5. That the proposed use will comply with the specific conditions described in Section 38-33G *Mixed-use Projects* and the Recommended Conditions of Approval.

Tentative Map

1. That the design or improvement of the proposed subdivision is consistent with the objectives, policies, general land uses and programs of the City's adopted General Plan and the Lighthouse Area Plan.
2. That the site is physically suitable for the type and density of the proposed development.
3. That the design and improvements of the proposed subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
4. That the design of the subdivision or the type of improvements will not cause serious public health problems.
5. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.