



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Anastazia Aziz, AICP, Senior Planner
Mark Brodeur, Director of Community and Economic Development
MEETING DATE: September 7, 2016
SUBJECT: Local Coastal Program Update - Land Use Plan and Implementation Plan
CEQA STATUS Statutory Exemption, CEQA Guidelines Section 15265

RECOMMENDATION

Receive as information.

BACKGROUND

The Local Coastal Program Update was initiated in April 2014 when the California Coastal Commission awarded a grant of \$130,000 to assist the City in achieving Local Coastal Program certification. There are two overriding purposes for this effort. First, to bring the 1989 Land Use Plan current, providing the community and other stakeholders the opportunity to reassess all of the key principles that guide land use in the City's Coastal Zone, including sea level rise hazards. And second, once the program is certified by the Coastal Commission, to facilitate the review and approval of coastal development permits, as the Coastal Commission will delegate authority for those functions to the City.

To date, various public workshops, meetings, work sessions with the Planning Commission, and joint sessions with Council have been held in support of this effort. In 2016, staff provided updates to Council on January 20, May 18, and June 29, 2016.

DISCUSSION

The Planning Commission spent June, July and August reviewing and commenting on the June 1, 2016 Coastal Commission proposed edits for both the Draft Land Use Plan (General Plan) and Draft Implementation Plan (zoning ordinances). Both documents are posted on the City's [Local Coastal Program](#) Update website. Major policy issues that were the subject of focused discussion are outlined below.

Land Use Plan Issues

1. Sea Level Rise, Coastal Access, Armoring and Retreat

The City's Coastal Commission grant stipulated that the City's Updated Local Coastal Program address sea level rise. The Coastal Commission's [Sea Level Rise Policy Guidance](#), adopted in August 2015, provides an overview of the best available science on California sea level rise and recommended methodology for addressing sea level rise in coastal areas.

The City of Pacific Grove is characterized by a magnificent Shoreline Park that provides a wide variety of public access opportunities to the City's shore including a very popular recreational trail and a multitude of beaches and tidepools. A scenic drive that includes many utility corridors for critical infrastructure such as sanitary sewage and potable water also stretches along the entire shoreline. The proposed Hazard policies are crafted in a manner to allow the City a variety of options to either retreat and relocate, alter, or protect with shoreline protective devices the City's coastal trail and access points depending on what is best option for a particular location.

Use and evaluation of the mean high water tidal datum at the National Oceanic and Atmospheric Administration (NOAA) Monterey Tide Gage is proposed. A 3 inch sea level rise above the updated 2020 tidal epoch will trigger City evaluation and identification of changes to Local Coastal Program policies including exploration of feasible adaptation strategies. Future update of the 1998 Coastal Parks Plan will also play a role in crafting the City's adaption strategies.

2. *Definition of development and redevelopment*

Legally permitted development is an important term to define in order to determine legal non-conforming status and when a structure must be brought into full conformance with coastal regulations. The term affects whether a property can maintain legal non-conforming status for uses and development standards such as setbacks, height, parking requirements and hazard requirements. Many discussions have centered around crafting a definition that both respects an existing legally permitted development and one that also allows for protection of coastal resources.

3. *Asilomar Dunes Neighborhood*

The Asilomar Dunes residential area (bounded by Lighthouse Ave, Asilomar Avenue and Asilomar State Beach and Conference Grounds) is the location of sand dunes that support rare and endangered biological resources. The entire area is designated as an Environmentally Sensitive Habitat Area and staff proposes to also designate this area a Special Community. The area, which was annexed by the City in 1980, was previously subdivided into residential parcels.

Outdoor Living Space and Fencing

There are currently a number of additional development restrictions governing this area, including limitations on outdoor living space and fencing. The Planning Commission has discussed and proposed allowing enclosure of up to 1,000 square feet or 5% of lot area, whichever is greater to be used as proximate outdoor living space and to permit this area to be fenced. Additional allowing minimal symbolic perimeter fencing such as a split rail fence, that is necessary to protect native dune habitat and allows for free passage of sand, seeds, and wildlife is also proposed.

Current fence regulations restrict fencing to that which would not impact public views or free passage of native wildlife. Coastal Commission staff interprets this policy to mean no on-site fencing. The Coastal Commission has been conditioning new development in this area to remove existing perimeter fencing and any other on-site fencing with the rationale that fencing is not protective of and hinders environmentally sensitive coastal resources found in this area.

Implementation Plan

The Implementation Plan of a certified local coastal program must include procedures for issuing coastal development permits. Coastal Development Permits, in addition to required City permits and building permits, are required for certain project types, such as those that are defined as either development or

redevelopment. The Implementation Plan clarifies when Coastal Development Permits are required. More information about coastal development permit process was included in a [June 29, 2016](#) report to Council.

The Planning Commission has discussed in detail various definitions, the coastal development permitting process, hazard overlay zones, marine resources, scenic resources, biological resources, legal non-conforming uses and commercial zoning standards.

The Planning Commission recently discussed at length the American Tin Cannery (ATC) site. Staff conducted an in-depth analysis of the actual buildout permitted on the two sites which comprise the Project Bella proposal. The analysis revealed that once the maximum site coverage and maximum building height is applied, the total buildout can only achieve a FAR of 2.4, which is only about 10% more (square footage) than currently allowed. The Planning Commission was informed that the maximum building height would have to be increased from 40 feet to 51 feet to achieve the full 3.0 FAR. Presented with this information, the Planning Commission voted to increase the FAR to 3.0, but keeping the height at 40 feet, to allow more long-term flexibility for the project site.

Other commercially zoned parcels in the coastal zone will reflect the current development standards that currently govern the parcels. Staff and the Planning Commission have received and considered a number of public comments on the issue of appropriate development standards for both the (ATC) site and commercial properties in the coastal zone.

Next Steps

Staff will review all comments and suggestions made by Planning Commissions at various meetings since June 1, 2016 and will also review and carefully consider all public comments submitted to the Planning Commission. Based on those comments staff will make every effort to bring forward both a revised Land Use Plan and Implementation Plan for final Planning Commission recommendation on October 27, 2016. The timeline has been revised as follows:

2016 Local Coastal Program Revised Adoption Timeline

Activity	Date
Planning Commission Final Review and Discussion of Land Use Plan and Implementation Plan	October 27, 2016
City Council Local Coastal Program Hearing	November 16, 2016
Submit to Coastal Commission	December 2016
Coastal Commission Hearing	TBD
Council Adoption of Certified Local Coastal Program	TBD

Note: Timeline subject to change

FICAL IMPACTS

To date, the City has spent a total of \$338,422.51 in consultant costs. A Coastal Commission grant for \$130,000 paid for a portion of consultant fees and the City paid the balance of \$208,422.51. Consultant costs with EMC Planning Group were authorized by Council for the initial contract of \$182,691 in July 2014 and subsequent amendments one through five that totaled \$155,731.51. Domaine Hospitality (Project Bella) offered to offset a portion of the Local Coastal Program costs, primarily those associated with amendments 4 and 5 that were approved by Council earlier this year. An agreement with Domaine Hospitality will be before Council on September 21, 2016. A consultant budget summary is attached.

Ongoing Community and Economic Development staff costs since April 2014 include approximately 0.5 FTE of Senior Planner staff to manage consultants and the overall process including an extensive public outreach and Planning Commission process. Additional staff costs include 0.1 FTE of Director and 0.1 FTE Assistant Planner salary for assistance in outreach efforts and preparation for Planning Commission and Council, document review.

Potential fiscal impacts to the City include increased Community and Economic Development Department staff time and increased project timelines due to the conclusion of the consultant contract and associated amendments with EMC Planning Group.

RESPECTFULLY SUBMITTED:

REVIEWED BY:

Anastazia Aziz

Ben Harvey

Anastazia Aziz, AICP
Senior Planner

Ben Harvey,
City Manager

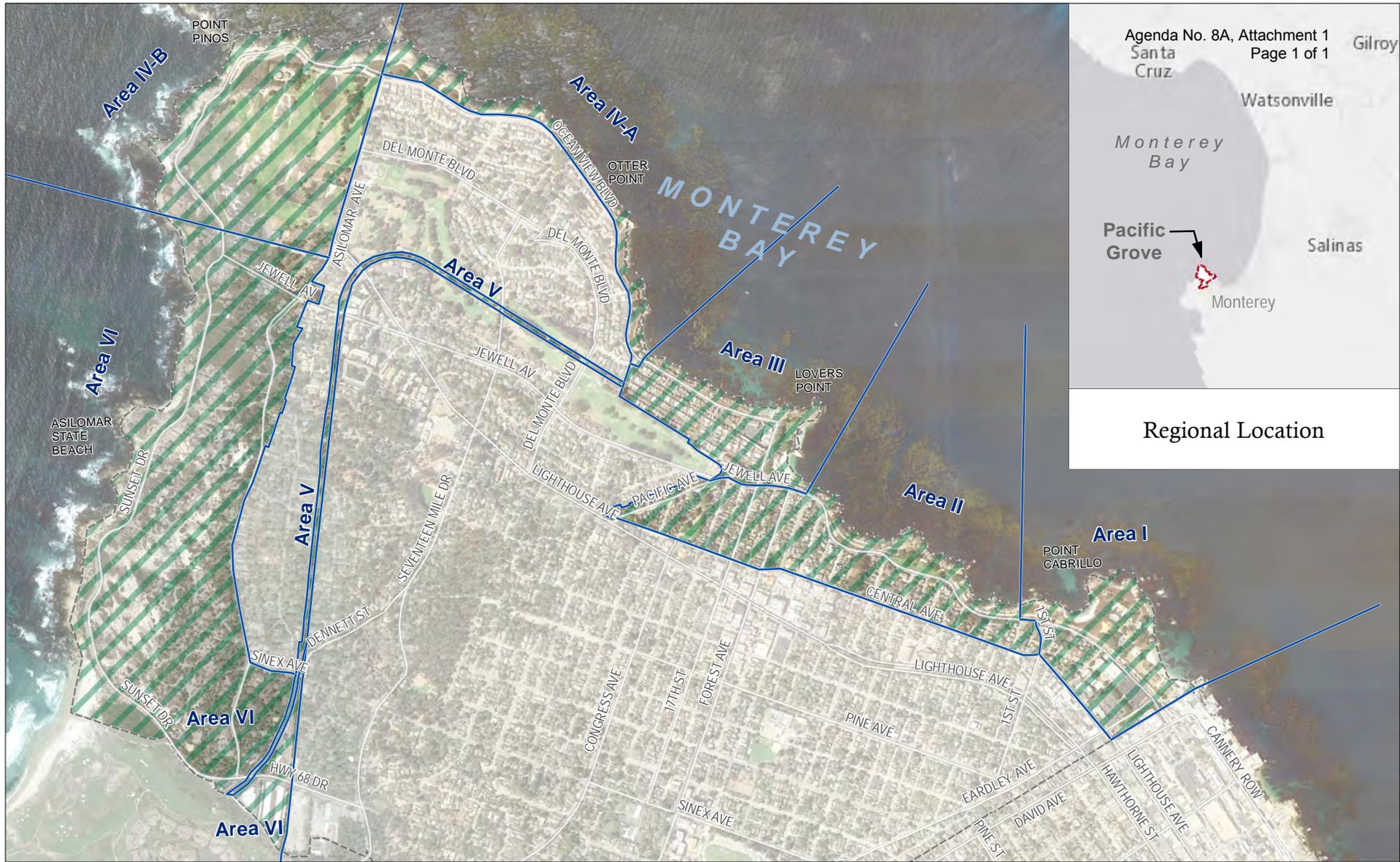
Mark Brodeur

Mark Brodeur, Director
Community and Economic Development Dept.

ATTACHMENTS:

1. Coastal Zone Map
2. EMC Planning Group Consultant cost summary

Regional Location



0 1800 feet

Legend

- Planning Area Boundaries
- - - City of Pacific Grove
- Major Roads
- ▨ Coastal Zone

Source: City of Pacific Grove, Google Earth 2013



Figure 1
Pacific Grove Coastal Zone
Pacific Grove Vulnerability Assessment

The following presents a summary of the LCP budget and amendments.

Original Budget	\$182,691.00
Contract Amendment #1	\$0.00
Contract Amendment #2	\$22,881.75
Contract Amendment #3	\$31,794.00
Contract Amendment #4	\$42,638.40
Contract Amendment #5	\$48,737.80
New Amended Budget	\$328,742.95
Contingency	\$9,679.56
Total New Agreement Budget	\$338,422.51

If you have any questions regarding this request, please call me at 831.649.1799 ext. 201.

Sincerely,



Michael Groves AICP, President

cc: Mark Brodeur, Director