



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: March 1, 2017

SUBJECT: Local Coastal Program Update - Land Use Plan and Implementation Plan

CEQA STATUS Statutory Exemption, CEQA Guidelines Section 15265, Adoption of Coastal Plans and Programs

RECOMMENDATION

Approve resolution authorizing submission of the Local Coastal Program Land Use Plan and Implementation Plan and submit to Coastal Commission for certification.

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 by the City, as the Coastal Commission will delegate authority for those functions to the City.

What is a certified Local Coastal Program?

Local Coastal Programs are planning tools used by local governments to guide development in the coastal zone, in partnership with the California Coastal Commission. The Local Coastal Programs specify appropriate location, type, and scale of new or changed uses of land and water. Each Local Coastal Program includes a **Land Use Plan**, which outlines policies, and an **Implementation Plan**, which outlines the coastal development permitting process and zoning districts and reflects the policies in the Land Use Plan. Approval of a Local Coastal Program by the Coastal Commission allows a city such as Pacific Grove to issue most Coastal Development permits within the zone without further review by the Coastal Commission. This authority provides greater flexibility, certainty and timeliness for issuance of coastal zone permits, including those required for City activities. More information about coastal development permit process was included in a [June 29, 2016](#) report to Council.

It is important to note the permitting process directly affects investment in structures throughout the City. The City strives to find the right balance that allows for investment and upgrades in properties while still maintaining City character, preservation and maintenance of historic resources, and public involvement. Properties in the Coastal Zone are subject to both City permits and procedures as outlined in the Municipal Zoning Code and Coastal Development Permits per the California Coastal Act (Coastal Act).

Outreach

Over the past two and one half years 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](#), [June 29](#) and [September 7](#), 2016. Updates in the City Manager's Weekly report, the City's popular Local Coastal Program website, and an email update to interested parties are some of the ways staff kept the public informed and up to date on the process. The Planning Commission met over 20 times and considered various draft documents and related policy issues in the coastal zone. A summary of outreach efforts is attached.

DISCUSSION

The attached documents reflect many hours and effort of Planning Commissioners, the public, Coastal Commission staff, and various other Committee and Board members. [Coastal Commission comments](#) on the Land Use Plan and public comments are posted on the [Local Coastal Program](#) website. Coastal Commission comments on the Implementation Plan have not been received by the City. All previous drafts and comments are posted on the City's [Local Coastal Program](#) Update website. Major policy issues that were the subject of focused discussion and remain points of discussion with Coastal Commission staff are outlined below.

Staff concurs with all Planning Commission recommendations with the exception of the five year time limit to offer subdivided lots for sale in the Asilomar Dunes to conservation groups which is discussed further below.

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 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 which is best option for a particular location.

As part of the Local Coastal Program Update, the City was required to generate new hazard maps that included threats from sea level rise. The map, as shown in Figure 3 of the Land Use Plan, illustrates potential erosion and flood threats in 2025, 2050 and 2100. The intent of climate change policies in the Land Use Plan, found in Coastal Hazards Section 2.1.4, are to recognize the probable impact of climate change, including sea level rise, and to include policies to address potential impacts.

Hazard policy HAZ-2 utilizes the mean high water tidal datum at the National Oceanic and Atmospheric Administration (NOAA) Monterey Tide Gauge as an indicator of local sea level rise. A three 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.

In January 2017 the United States Geological Survey (USGS) embarked on a more comprehensive Coastal Storm Modeling System (CoSMoS) project for the Central Coast as part of the [cal-adapt](#) sea level rise threatened areas project. The CoSMoS model for the Central Coast will result in more useful data than the current Bathtub model that was available for this area when the City's Vulnerability Assessment was released in January 2015. Nevertheless, it is important to note that even when CoSMoS modeling is complete, sea level rise data and modeling are in constant flux and it will remain important for the City to continue to actively monitor and stay abreast of this complex global issue.

Coastal Commission staff is generally supportive of employing the triad of sea level rise strategies, retreat, adaptation and shoreline protection, particularly with regard to existing coastal access features such as the City's beloved recreation trail; however, Coastal Commission staff wants to make some changes to place a greater emphasis on retreat and adaptation.

Staff does not recommend any changes to the Hazard policies at this time, but recommends revisiting the hazard policies when the USGS CoSMoS modeling is complete and more data is available.

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. It also affects when a coastal development permit is required and when a project is exempt from a coastal development permit. Many discussions have centered on crafting a definition that respects an existing legally permitted development, does not discourage reinvestment and allows for protection of coastal resources.

For the past 27 years, projects in the Coastal Zone have complied with the Coastal Commission's broad definition of "development" derived from the [Coastal Act Section 30106](#), and "redevelopment" derived from the [California Code of Regulations, Title 14, § 13252\(b\)](#). Coastal staff has expressed their desired definition of redevelopment to include the following:

- alteration of 50% or more of major structural components. Major structural improvements include all walls, floor and roof structure and foundation;
- additions and alterations that lead to more than a 50% increase in floor area;
- changes to floor area and major structural components are measured cumulatively over time from the date the Land Use Plan first took effect in 1989.

The City's proposed definition of redevelopment in Section 1.10 retains the 50% calculation but the remainder of the definition is truncated and modified. Major structural components are defined only as exterior walls and roof structure, and changes are not measured cumulatively. Piece-mealing a project, i.e., breaking a project down into smaller components to avoid triggering a permit, including over a period of time, is not permitted. Staff strongly recommends evaluating projects on the proposed project scope and not whether cumulative changes since 1989 meet the redevelopment definition threshold. At this time, staff recommends accepting the City's proposed definition of redevelopment and rejecting the Coastal Commission proposed changes.

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 subject to additional biological policies found in Section 2.4.4. This area is also proposed to be designated Special Community and subject to additional Scenic policies in Section 2.3.4. Many of these policies mirror the 1989 Land Use Plan and are carried over to the current Land Use Plan. 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.

Current fence regulations in this area 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. More recent comments from the Coastal Commission indicate support for enclosing up to 500 square feet of proximate outdoor living space with fencing that allows free passage of sand, seeds, and wildlife.

Biological policy BIO-22 clarifies the existing policies and allows 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 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.

Staff recommends no changes to the proposed fencing policies in the Asilomar Dunes.

Subdivision in the Asilomar Dunes Neighborhood

The current Local Coastal Program specifies that new subdivisions within the Asilomar Dunes shall be allowed only where potential adverse impacts to environmentally-sensitive habitats can be prevented. Minimum lot sizes for new subdivisions in the Asilomar Dunes range from half an acre to one acre depending on location. Approximately six parcels are large enough to be subdivided. Historically, the Coastal Commission has denied subdivision applications in this area because the proposed subdivision would adversely impact environmentally-sensitive habitats. Recent comments from Coastal Commission staff indicate continued support for prohibiting subdivision in this area.

Policy BIO-24 allows subdivisions for resource dependent or conservation uses and offers the new lot for sale to conservation organizations for a period of up to five years. By doing so, a subdivision would still be permitted; however, the uses of the new lots would be limited to passive uses such as trail development. If after the five-year period no buyer is identified, the lot may be offered for sale on the open market for non-conservation uses such as a single-family residence.

Staff recommends the allowance of subdivision for conservation use, however the requirement that newly-subdivided lots must be offered for sale to a conservation agency at market value for five years, and then may be offered on open market is recommend for deletion. This time-sensitive requirement

would be very difficult to track and enforce and is not in alignment with resource dependent or conservation uses.

4. *Lower cost visitor accommodation*

Section 30213 of the Coastal Act specifically requires lower cost visitor and recreational facilities to be protected, encouraged, and where feasible, provided. This helps ensure public access for members of the public with low and moderate incomes. Lower cost overnight accommodations are one type of a lower cost visitor serving facility to ensure that lower income members of the public, including those that live further from the coast, are able to access and recreate at reasonable cost. The significant lack of lower cost accommodations, particularly hotel/motel rooms along the coast has become increasingly apparent and subject to Coastal Commission study and proposed policy changes. A Coastal Commission [Lower Cost Visitor Serving Accommodation Workshop](#) at the November 2016 meeting began to shed more light on this issue.

The City addresses the issue in Policy LUD-3 in Section 3.2.4 by allowing a variety of ways to meet the lower cost need including on-site rooms or improving off-site locations. By building in more flexibility and a wide range of options to meet this requirement, the City's constraints to adding more lower cost visitor accommodations, discussed below, can be managed.

5. *Implementing a Parking Program in Appropriate Areas*

In order to create a more sustainable funding source to fund coastal access and coastal restoration projects, the City proposed a new policy PRA-10 in Section 3.5.4 that allows for future metered parking programs in appropriate areas of the coastal zone. Many other cities, including the City of Monterey, have robust parking meter programs in the coastal zone.

The City has been subject to budget issues for many years and funding for City operations remains scarce. Identifying areas within the City's coastal zone that are appropriate for a metered parking program and possible revenue stream would help alleviate funding issues for coastal access and restoration programs.

A Coastal Development Permit would be the mechanism for implementation. Coastal staff is supportive of the proposed policy provided the revenue is directed into a specific fund for projects and maintenance in the coastal zone.

Implementation Plan

The Implementation Plan contains 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 requirements in the Implementation Plan are a reflection of the policies in the Land Use Plan.

The City zoning districts and development standards that currently govern properties were carried over to maintain consistency with two exceptions.

1. *Sunset Service Commercial*

A new land use plan designation LUD-11, which is found in Section 3.2.4 of the Land Use Plan and complementary zoning district, Sunset Service Commercial, in Section 23.90.300 in the Implementation

Plan, broadens allowed uses. This new district would apply to the commercial properties along Sunset Drive east of Asilomar Boulevard.

The proposed change would broaden permitted uses to include overnight lodging facilities (subject to voter approval), food and drink establishments, visitor-oriented retail commercial activities, institutional uses oriented to tourism, and public parking facilities in addition to the existing uses. The development standards would remain the same.

The Coastal Commission previously indicated that the existing 40-foot height limit may be too high. Existing height standards include a reduced height limit to 18 feet that applies when buildings are adjacent to certain residential zones (R-1, R-H, R-2) or adjacent to coastal open space areas, such as Majella Slough. Staff recommends retaining the current development standards and working with the design of any proposal to blend appropriately with open space areas.

2. American Tin Cannery Zoning

The recent passage of Measure X approved re-zoning the American Tin Cannery site and adding a hotel use. Reference to the new zoning district is incorporated into the Land Use Plan. A new zoning district, C-V-ATC, was added to Implementation Plan maps and commercial use and development standards table 23.90.300.D. The development regulations rely principally on the existing C-V zoning district, with the exception that the floor area ratio (FAR) was increased to 3.0 instead of 2.0. This increase reflects the more urban developed nature of this area of Pacific Grove and also reflects the surrounding built environment along Cannery Row. The Coastal Commission is considering this proposed change.

3. Standards for Development for Visitor Serving Parcels

There is currently a density limit of 2,500 square feet per hotel/motel unit. This standard, along with setback and height requirements, generates a very low-density suburban type automobile-oriented motel/hotel development. A density limiting the number of units in a hotel or motel based on parcel size is not a common development standard used to control the size of a development. Generally height restrictions, setbacks, parking requirements and FARs are the means used to regulate the size and density of a development.

The reference to the 2,500 square foot density requirement was removed and Coastal Commission concurs with this direction. Properties currently zoned R-3-M would still be subject to this restriction due to the voter-approved initiative commonly referred to as Measure U.

Coastal Commission staff has indicated their preference to use the Land Use Plan as primary document to govern development, particularly in areas subject to hazard, biological, scenic and other special policy areas and may edit out parts of the Implementation Plan related to overlays and instead refer back to the Land Use Plan regulations. This would be similar to how staff uses the current 1989 LUP as an additional regulatory document that specifies further studies and constraints.

Next Steps

Based Council comments, staff will revise the Land Use Plan and Implementation Plan for submission and certification to the Coastal Commission. The timeline has been revised as follows:

2017 Local Coastal Program Revised Adoption Timeline

Activity	Date
City Council Local Coastal Program Hearing	March 1, 2017
Submit to Coastal Commission	April 2017
Coastal Commission Hearing	TBD
Council Adoption of Certified Local Coastal Program	TBD

Note: Timeline subject to change

FISCAL IMPACTS

Fiscal impacts resulting from a certified Local Coastal Program include increased permitting activity and new permit fees for the Community and Economic Development Department. Increased development activity and reinvestment in coastal development may result from a streamlined one point of contact permit consolidation.

The establishment of a new parking district would provide welcome and needed additional revenue to help defray costs in the City's extensive coastal zone. The funds would be dedicated to City maintenance and coastal access projects in the coastal zone. The many parks, beaches, roads and recreational facilities would benefit tremendously from an additional revenue source.

City staff will be taking on, in addition to City permits, the review and processing of Coastal Development permits which can be a time consuming, resource intensive process. Currently, the City's organization has staffing gaps that may slow coastal development permit processing. A civil engineer and/or geotechnical engineer and a biologist are necessary for adequate coastal development permit review. In lieu of having expertise on staff, outside consultants may need to be retained to assist with certain aspects of coastal development permitting.

The City currently has three planners on staff that process City planning permits, answer public inquiries, staff a variety of Boards, Committees and Commissions, perform long-range planning duties and assist with other issues and duties as they arise. An additional Associate Planner Full Time Equivalent (FTE) may be necessary to ensure permit processing timelines are reasonable as the workload will increase significantly with the addition of coastal development permit responsibilities.

New City fees for Coastal Development permits will be assessed and proposed in the Fiscal Year 2017-18 Master Fee Schedule to help defray the costs of outside consultant expertise and an additional Associate Planner FTE. Staff will assess coastal development permit volumes and complexity within the first 12-18 months of certification to determine if any additional staffing or on-call contract consultant assistance is necessary.

ATTACHMENTS:

1. Resolution
2. Land Use Plan
3. Implementation Plan
4. CEQA Exemption
5. Outreach summary
6. Frequently Asked Questions

RESPECTFULLY SUBMITTED:

Anastazia Aziz

Anastazia Aziz, AICP
Senior Planner



Mark Brodeur, Director
Community and Economic Development Dept.

REVIEWED BY:



Ben Harvey,
City Manager

RESOLUTION NO. 17-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AUTHORIZING THE SUBMISSION OF THE LOCAL COASTAL PROGRAM LAND
USE PLAN AND IMPLEMENTATION PLAN TO THE CALIFORNIA COASTAL
COMMISSION FOR CERTIFICATION**

FINDINGS

1. A Local Coastal Program is composed of a certified Land Use Plan and Implementation Plan and the City has undertaken a long-term effort to update and certify the City's Local Coastal Program.
2. The update will result in the completion and submittal for certification by the California Coastal Commission an updated Land Use Plan and an Implementation Plan to enable the City to assume Coastal Development Permit authority within the Coastal Zone.
3. The City of Pacific Grove has Local Coastal Program Land Use Plan (LUP) certified in 1989, but does not yet have a certified Local CP Implementation Plan (IP).
4. In April 2014, the Coastal Commission awarded the City of Pacific Grove a grant in the amount of \$130,000. The goal of the grant was to develop an updated Local Coastal Program in conformance with the California Coastal Act and to reflect current circumstances and new scientific information, including new understandings and concern for the effects of climate change. The City has augmented the grant with additional City funds.
5. The 2017 Land Use Plan and Implementation Plan incorporate guidance in the California Coastal Commissions' Sea Level Rise Policy Guidance document, the Coastal Commission Land Use Plan Update Guidance document and required public outreach requirements.
6. The City of Pacific Grove conducted various outreach methods and venues to engage the community in the Local Coastal Program process including but not limited to: a [Local Coastal Program](#) webpage; community meetings and workshops, multiple Planning Commission and Council meetings, an email distribution list and an online survey.
7. Draft Land Use Plans were released for comment in May 2015, January 2016, May 2016, and October 2016 resulting in the Final Draft February 2017. Draft Implementation Plans

were released in January 2016, June 2016 and October 2016 resulting in the Final Draft February 2017.

8. The Land Use Plan conforms to the Coastal Act requirements, Coastal Commission Land Use Plan Guidance document, and Coastal Commission Sea Level Rise Policy document.
9. The Implementation Plan implements the policies in the Land Use Plan in conformance with the Coastal Act and Coastal Commission Land Use Plan Guidance document.
10. The City intends to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.
11. This action is Exempt under Statutory Exemptions Section 15265 under the California Environmental Quality Act (CEQA).

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

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.
2. The Council adopts the Local Coastal Program Land Use Plan and Implementation Plan and authorizes the City Manager to submit the Local Coastal Program to the California Coastal Commission.
3. This Resolution shall take effect by City Council action after Coastal Commission approval and certification.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 1st day of March 2017, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

Draft
Land Use Plan

A Component of the Local Coastal Program

February 2017



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1.0

INTRODUCTION

1.1 PACIFIC GROVE LAND USE PLAN

The Pacific Grove Land Use Plan, in combination with a separately published Implementation Plan, comprises Pacific Grove's Local Coastal Program.

The Local Coastal Program governs land use and development in the Pacific Grove Coastal Zone. However, before that can occur, the California Coastal Commission must certify that this Land Use Plan conforms to the requirements of Chapter 3 of the California Coastal Act and that the accompanying Implementation Plan conforms with, and carries out the provisions of the Land Use Plan. After the certifications occur, the adopted and certified Local Coastal Program becomes the legally binding standard of review for issuing Coastal Development Permits for activities within most of the Pacific Grove Coastal Zone. It also becomes the coastal element of the Pacific Grove General Plan.

Pacific Grove's Coastal Zone is comprised of approximately 458 acres of land as shown on Figure 1, Coastal Zone and Planning Areas and extends sea ward to the State's outer limit of jurisdiction. With minor exceptions, development within that zone requires issuance of a Coastal Development Permit. Development includes activities such as the construction of buildings, divisions of land, and activities that change the intensity of land use or public access to coastal waters. The Coastal Act can be found at §30000 et seq. of the California Public Resources Code.

The Coastal Commission certified the predecessor of this Land Use Plan, Pacific Grove's 1989 Coastal Land Use Plan; however, Pacific Grove never finalized or received certification of an Implementation Plan. Therefore, the City lacked a completed Local Coastal Program, and jurisdiction over Pacific Grove's Coastal Zone remained with the Coastal Commission.

1.2 CALIFORNIA COASTAL ACT

Until 1972, land use in the California coastal area was regulated by local governments under the provisions of State Planning and Zoning Law, the same way that land use outside the Coastal Zone is still regulated. However, the general election of November 1972 changed that when California voters approved a ballot initiative known as Proposition 20 (“The Coastal Initiative”), establishing the California Coastal Commission and six regional commissions. The charge of these commissions was to manage the Coastal Zone as a resource of statewide interest through the exercise of permit authority. Concurrently, the commissions were to prepare a comprehensive Coastal Plan “to preserve, protect, and where possible, to restore the resources of the Coastal Zone for the enjoyment of the current and succeeding generations.” The Coastal Plan, completed in late 1975, served as the basis for permanent coastal legislation.

The permanent coastal legislation was initiated in 1976 when the state legislature passed the California Coastal Act of 1976 (Coastal Act). The Coastal Act requires each coastal city and county to prepare a Local Coastal Program that establishes the kind, location, and intensity of land and water uses appropriate to its portion of the Coastal Zone, as well as the resource protection standards that such development must meet. The Coastal Act is part of the state’s Public Resources Code, beginning at §30000. Local Coastal Program policies and standards are intended to reflect and carry out the coastal resources planning and management policies contained in Chapter 3 of the Coastal Act (Public Resources Code §30200). The basic goals of the Coastal Act, as stated in Public Resources Code §30001.5, are to:

- a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
- b) Assure orderly, balanced utilization and conservation of the Coastal Zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast, and maximize public recreation opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Ensure priority for coastal-dependent development and coastal-related development over other development on the coast.

e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

Figure 1: Coastal Zone and Planning Areas



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

Source: City of Pacific Grove, Google Earth 2013

Coastal Zone and Planning Areas

City of Pacific Grove Land Use Plan

Local Coastal Programs contain the ground rules for future development by specifying appropriate location, type, and scale of new or changed uses of land and water and the protection of coastal resources by governing decisions that determine the short and long term conservation and use of coastal resources. While each Local Coastal Program reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies.

1.3 PACIFIC GROVE LOCAL COASTAL PROGRAM

A central feature of the Coastal Act is the transfer of most of the permitting authority vested in the Coastal Commission by the Coastal Act to the local governments through adoption and certification of a Local Coastal Program. The Local Coastal Program consists of a local government's land use plans, zoning ordinance, zoning district maps, other ordinances, and implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act at the local level. Each Local Coastal Program will reflect the coastal issues and concerns of the local jurisdiction and must be consistent with the statewide policies of the Coastal Act. The adopted and certified Local Coastal Program is legally binding on the local jurisdiction and becomes the legal standard of review for the issuance of Coastal Development Permits within the City's Coastal Zone. Certification by the Coastal Commission will result in the transfer of the primary authority to issue Coastal Development Permits to the local government, with the Coastal Commission retaining jurisdiction on appeal within designated appealable areas, as well as retaining permit issuing authority over development within tidelands, submerged lands, and public trust lands, whether filled or unfilled.

The Local Coastal Program is an important process in determining the future of Pacific Grove's Coastal Zone. Like any planning program, the Local Coastal Program must remain current in order to be effective. The Coastal Act provides for Commission review of the Local Coastal Program at least every five years, and, in addition, the City may prepare and submit Local Coastal Program amendments for review by the Coastal Commission on a periodic basis. Amendments must also be "certified" by the Coastal Commission before becoming effective. Commission regulations currently permit up to three Local Coastal Program amendments each year (Public Resources Code §30514(b)).

1.3.1 Land Use Plan

The Land Use Plan is defined in the Coastal Act as the:

. . . relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location,

and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions. (Public Resources Code §30108.5)

The Land Use Plan provides policy direction for decision-makers, property owners, and the public regarding coastal land use and development. It also includes a land use map that shows generally the uses that are appropriate in each area, maps of sensitive biological resources, and maps of other coastal resources, as appropriate, such as coastal public accessways and scenic resources.



Pacific Grove's Coastal Scenery. Photo Credit: City of Pacific Grove.

1.3.2 Implementation Plan/Zoning Ordinance

The Implementation Plan, or implementing actions, is defined in the Coastal Act as:

...the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to §30502 [Designation of sensitive coastal resource areas]. (Public Resources Code §30108.4)

The Implementation Plan includes relevant portions of the zoning code applicable to the Coastal Zone and other programs needed to carry out the goals, policies, and land use designations of the Land Use Plan. The document lists allowable land uses for each zoning district, implements appropriate height, mass, and setback requirements for development, and specifies the coastal resources protection standards that allowable development must meet, all of which must be based upon Land Use Plan policies. The Implementation Plan also contains zoning maps that show which zoning rules apply to each lot. In addition, it contains procedural requirements that govern the types of projects requiring a Coastal Development Permit, how a Coastal

Development Permit can be obtained, and the opportunities for public participation in Coastal Development Permit review.

1.3.3 Coastal Parks Plan

The Pacific Grove *Coastal Parks Plan* was adopted as an element of the Local Coastal Program Land Use Plan in August 1998. The Plan applied to an area of approximately 248 acres, including the Lighthouse Reservation (Asilomar Avenue on the east, Lighthouse Avenue on the south, and the shoreline), Berwick Park, Lovers Point Park, Perkins Park, Asilomar State Beach and Conference Grounds, other land seaward of and including Ocean View Boulevard and Sunset Drive, and the Union Pacific Railroad right-of-way (previously the Southern Pacific Railroad now merged with Union Pacific Railroad). The Coastal Parks Plan provided a tool for implementing certain trail, bikeway parking and circulation, and visual quality policies of the 1989 Land Use Plan.

Current Land Use Plan policies are implemented through measures identified in the Implementation Plan. The 1998 Coastal Parks Plan is an Appendix of the Local Coastal Program for informational purposes only, and it is the City's intent to update the document in accordance with policies identified in this Land Use Plan, including sea level rise adaptation strategies, and accompanying actions in the Implementation Plan. The Coastal Parks Plan shall not be used as a standard of review for issuance of Coastal Development Permits until it has been updated and approved by the Coastal Commission.



View of mural adjoining Pacific Grove recreation trail. The mural depicts Pacific Grove's coastal natural habitats and the historical progression of Pacific Grove's built environment in the Coastal Zone.

Photo by Jean Anton 2015

1.4 LAND USE PLAN ORGANIZATION AND SUPPORTING DOCUMENTS

The Land Use Plan is divided into two major sections, each of which focuses on a major group of Coastal Act policies. The two sections are:

- Natural Systems and Resource Management
- Built Environment

Each section includes background information, a summary of applicable Coastal Act policies, and local Land Use Plan policies. For some topics it is useful to refer to specific sections of Pacific Grove’s Coastal Zone, and for this purpose, the Coastal Zone has been divided into seven planning areas, as shown on [Figure 1, Coastal Zone and Planning Areas](#), presented earlier. The seven planning areas are:

Area I.	Point Cabrillo
Area II.	Pacific Grove Retreat
Area III.	Lovers Point
Area IV-A.	Ocean View Area
Area IV-B.	Point Pinos
Area V.	Union Pacific Railroad right-of-way
Area VI.	Asilomar

Two reports were prepared to support the Land Use Plan in 2015, the *Final Background Report – Pacific Grove Local Coastal Program Update* (Appendix A) and the *Final City of Pacific Grove Climate Change Vulnerability Assessment* (Appendix B). Reports previously prepared for the City regarding archaeological resources, biological resources, and traffic and parking were also utilized to help inform Land Use Plan policy development. These documents are on file for review at the City of Pacific Grove Community and Economic Development Department and the Pacific Grove Public Library.

Each chapter contains introductory text, including background information and a description of the General Plan and other relevant policies and laws. Such introductory and background text, as well as the Appendices and background reports, provides some broad context for each chapter, but shall not be used as the legal standard of review for Coastal Development Permit decisions. Only the Land Use Plan policies shall be used as the legal standard of review. Furthermore, the following rules of interpretation shall apply:

1. When used in the Land Use Plan, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” and “may” are recommendations, unless there is a compelling reason to do otherwise; and

3. “Including” means “. . . including but not limited to. . .”

1.5 RELATIONSHIP OF THE LAND USE PLAN TO OTHER PLANS AND LAWS

The Local Coastal Program is an element of the Pacific Grove General Plan. Additionally, any interpretation of its policies must be consistent with the coastal resources planning and management policies of the Coastal Act.

Within the Coastal Zone area of the City, the Land Use Plan shall take precedence over the General Plan and its other elements where policies conflict. When the Land Use Plan is silent, such as concerning the subject of noise, appropriate elements of the General Plan are in force. In reviewing or carrying out projects outside the Coastal Zone, the City will consider the effect of such projects or actions on Coastal Zone resources in order to ensure that the policies of the Land Use Plan are achieved.

1.5.1 Citizen Initiatives Affecting Planning

Several provisions have become part of the City’s Zoning Ordinance through the initiative process that affect the Coastal Zone. Many initiatives have been passed since 1948 that restrict certain types of multiple-unit developments, the development of motels and hotels, the use of George Washington Park, and the rezoning of land zoned either Unclassified “U” or Open Space “O”. Citizen initiatives affect the O, U, R-3-M and C-V-ATC zoning district within the Coastal Zone.

1.6 RELATIONSHIP OF CITIZEN VOLUNTEER GROUPS TO THIS LAND USE PLAN

Since its founding in 1875 as a seaside resort, Pacific Grove has been a city of citizen volunteers dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. The Pacific Grove Natural History Museum, established in 1883, is renowned for its tradition of hands-on science education and nature preservation for the central coast of California. The Heritage Society of Pacific Grove, formed in 1975 fosters an appreciation of the city’s historical and architectural resources through preservation activities and public education.

Citizen volunteers serve on the City's boards, committees and commissions, often with coastal stewardship as a goal. Below are a few recent examples:

1.6.1 Monitoring Birdlife

Citizen volunteers assist in carrying out the Coastal Act goal of maintaining and restoring the overall quality of the Coastal Zone environment. This includes a multi-year project of monitoring Black Oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community. Black Oystercatchers are shorebirds that are dependent on rocky intertidal shorelines, and they inhabit Pacific Grove's intertidal zone. They have nesting territories along the full length of the coastline, and are permanent residents during the entire year with no regular migration. Black Oystercatchers nest on rocky islands falling under the jurisdiction of the Bureau of Land Management, and also on the shore-side rocky coast within the City's jurisdiction, where they are impacted by human use and potential rising sea levels.

The City has partnered with the Audubon Society and the Bureau of Land Management to boost Black Oystercatcher monitoring by volunteers who first undergo training in the specifics of collecting data about these birds. The volunteers also collaborate with the U.S. Fish and Wildlife Service which initiated a major effort to identify the distribution and abundance of Black Oystercatchers, determine their reproductive success, and assess habitat and habitat threats in order to determine recommended actions for the long-term success of the California population. The Black Oystercatcher was selected as a U.S. Fish and Wildlife Service Focus Species for priority conservation action because of its small population size, restricted habitat, and threats to its habitat from human and natural factors. The monitoring efforts also benefit other birdlife such as Black Turnstone, Surfbird, and Wandering Tattler through proactive coastal stewardship, which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan.

1.6.2 Marine Mammals

Pacific Grove's location at the southwest tip of Monterey Bay provides the opportunity to observe a variety of resident and migratory marine mammals from the shoreline or from boats. Humpback whales, Gray whales, dolphins, Southern sea otters, sea lions and Harbor seals are the most common sightings. Blue whales and Orcas also visit the area waters. A year-round colony of harbor seals located at a pocket beach and cove on the southwest side of Cabrillo Point, the site of Hopkins Marine Station, is one of the most popular natural marine resources.

Volunteers assist in educating and informing the public about marine mammals including harbor seals. The thousands of residents and visitors who hike and bicycle on Pacific Grove's

shoreline recreation trail encounter volunteer members from Bay Net, a volunteer group started by the Monterey Bay National Marine Sanctuary in 1995. These volunteers deepen public understanding by explaining harbor seals hauling out activity and pupping on the beaches, particularly the rookery adjoining Hopkins Marine Station. About 15 Bay Net member volunteers are active at any one time. They advance the Coastal Act goal of an educated and informed citizenry that protects the Coastal Zone's finite natural resources.

1.6.3 Point Pinos Lighthouse

During a six-year period from 2009 to 2015, a group of Heritage Society volunteers successfully renovated and enhanced the still-operating Point Pinos Lighthouse located in Area IV-B of Pacific Grove's Coastal Zone. Dating from 1855, it is the oldest working lighthouse on the Pacific Coast and a frequently-visited coastal landmark in the recreational open-space area of the Coastal Zone.

1.6.4 Monitoring Water Quality

Through numerous water quality monitoring programs, Pacific Grove has collected valuable water quality data that has informed resource managers, satisfied stormwater permit requirements, and are used by programs as an outreach tool to educate and inform the Pacific Grove community on how individual actions affect the environment. Since 1998, the Monterey Bay National Marine Sanctuary's Citizen Watershed Monitoring Network has trained volunteers to collect water quality samples in the City of Pacific Grove for both dry weather and wet weather events. The Urban Watch Program was developed in 1998, and is a dry season monitoring program where citizen volunteers monitor urban runoff flowing from storm drain outfalls using field kits to measure common urban pollutants such as chlorine and detergents. In 2007, the Monterey Regional Stormwater Management Program (MRSWMP), of which Pacific Grove is a member, began funding a regional stormwater monitoring program in which volunteers collect water samples from outfalls during the first major rain of the season. This program is called First Flush. In addition, the City of Pacific Grove has funded the Citizen Watershed Monitoring Network Program to do effectiveness monitoring related to infrastructure improvements, specifically for the dry weather diversion projects and sewer and storm drain repairs.

1.6.5. Intertidal Zone Monitoring

Pacific Grove's rocky intertidal areas with their tide pools, and the offshore kelp forests, are among the most diverse and species-rich habitats in the world. They have been protected here since the City's first marine refuge was created in 1931, and State Marine Protected Areas now

extend along the entire Coastline within the city boundaries. The rocky intertidal areas are popular for both recreational exploration and scientific research. Students in the Hopkins Marine Station's Marine Life Observatory program study and monitor marine life all along Pacific Grove's coast. The Pacific Grove Museum of Natural History coordinates a citizen science program, LiMPETS (Long-term Monitoring Program and Experiential Training for Students), that provides hands-on monitoring experiences empowering middle and high school students and teachers as ocean stewards while tracking changes along the coast. In addition, students and researchers at the University of California, Santa Cruz's PISCO program (Partnership for Interdisciplinary Studies of Coastal Oceans) now monitor both the rocky intertidal and the kelp forests of Pacific Grove.



The Black Oystercatcher is a charismatic bird that feeds and nests on the shores of Pacific Grove. Pairs establish territories that they defend vigorously. Pacific Grove citizen volunteers monitor their nesting success after being trained in a program coordinated by the Pacific Grove Museum of Natural History.

Photo by Kim Worrell

1.7 FORMER PACIFIC GROVE MAYOR JULIA PLATT THE EMBODIMENT OF THE SPIRIT OF THIS LAND USE PLAN

Pacific Grove is proud to carry on the legacy of Dr. Julia Platt, a legacy that goes back to 1899 when Dr. Platt arrived in Pacific Grove. Dr. Platt, then 42 years old, settled in Pacific Grove and worked tirelessly to improve the community by beautifying and providing access to the City's coast and protecting it from commercial overfishing and pollution. She opened up Lovers Point beach to the public, established Lovers Point Park, and provided the still unused plans for a park on the shore of Ocean View Boulevard between Asilomar and Acropolis Avenues. Her plan is included in the 2012 Point Pinos Trail Project. The plan was created by volunteer members of the Coastal Trail Improvement Subcommittee of the Pacific Grove Recreation Board, Historic Resources Committee, and Traffic Safety Commission.

As mayor from 1930 to 1932, Dr. Platt was instrumental in establishing the Pacific Grove Marine Gardens and the Hopkins Marine Life Refuge offshore of today's Coastal Zone Areas I to IV-A. Today, three State Marine Protected Areas adjoin the coast of Pacific Grove:

1. Asilomar State Marine Reserve;
2. Pacific Grove Marine Gardens State Marine Conservation Area (partial remnant of Platt's Pacific Grove Marine Gardens); and
3. Lovers Point-Julia Platt State Marine Reserve (the remainder of her Pacific Grove Marine Gardens plus the original Hopkins Marine Life Refuge).

Four decades before California adopted the Coastal Act, Dr. Platt led Pacific Grove in achieving Coastal Act goals such as coastal access.



Coastal Access: Image of Julia Platt in 1931 knocking down the fence that blocked entrance to Lovers Point Beach.

From Monterey Public Library, History Room Archive.

1.8 PACIFIC GROVE COASTAL ZONE

For Coastal Act purposes, the Coastal Zone is the geographic area for which the policies of the Coastal Act apply. It is defined by Public Resources Code §30103 and is shown on a set of maps prepared and certified by the California Coastal Commission. The Coastal Zone extends offshore three nautical miles from the City's eastern City of Monterey boundary to Lovers Point and landward a variable distance, depending on topography, and other factors, and changes to its boundary are made only by the state legislature, except for certain minor adjustments.

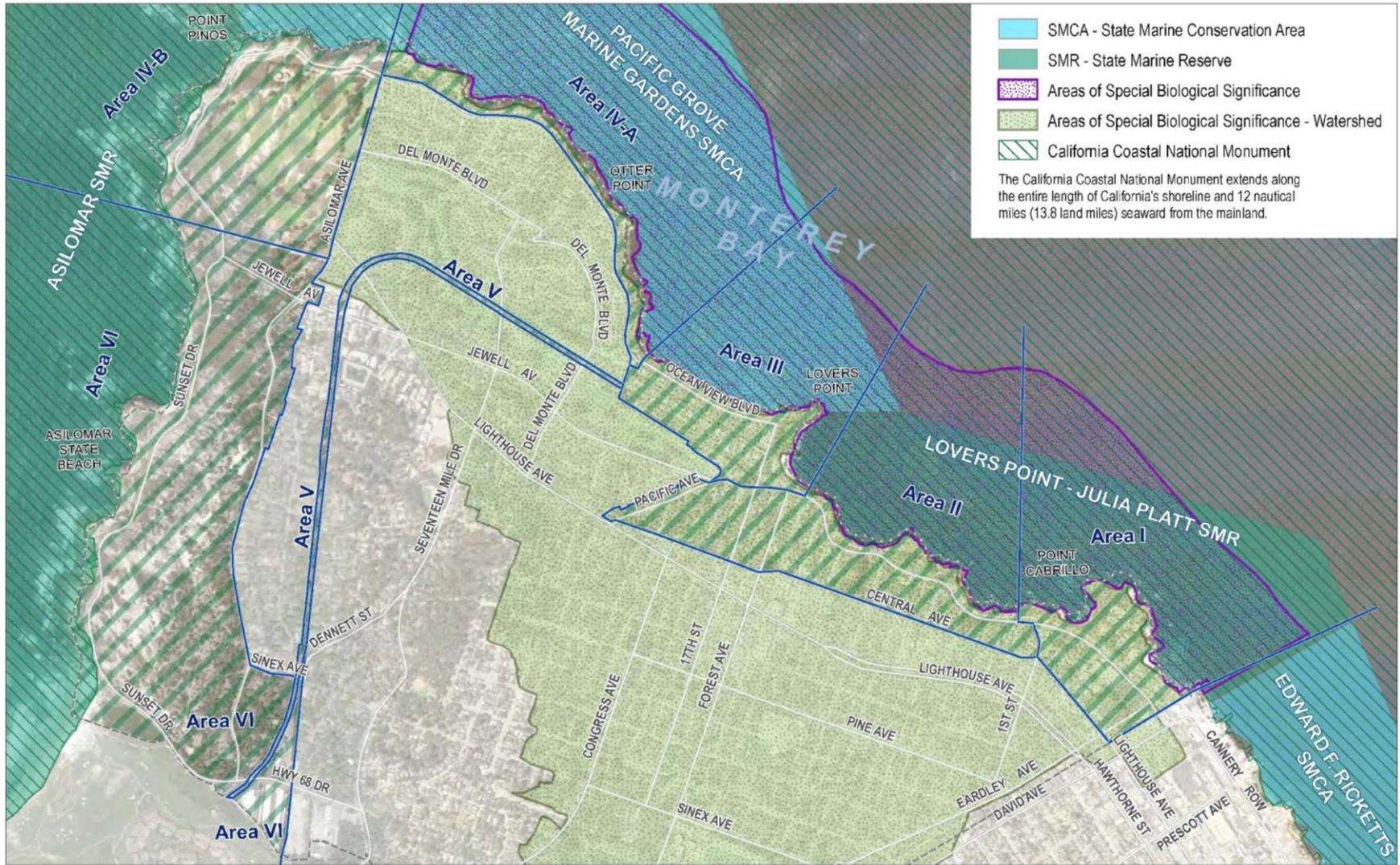
Pacific Grove's Coastal Zone encompasses approximately 458 acres of land, and the adjacent waters of Monterey Bay and the Pacific Ocean extending seaward to the State's outer limit of

jurisdiction, as shown in Figure 1, Coastal Zone and Planning Areas. It extends approximately 5.4 miles along the shoreline from the Monterey Bay Aquarium located at the City's northeastern city limits abutting the City of Monterey, to the City's southwestern city limits abutting the Del Monte Forest area, including the community of Pebble Beach, located in unincorporated Monterey County. Pacific Grove's Coastal Zone was historically much larger, but, in 1979 the California legislature removed approximately 300 acres from Pacific Grove's Coastal Zone in the area known as the Beach Tract (see Public Resources Code §30160 (e)).

Bureau of Land Management (BLM) managed lands of the California Coastal National Monument are located within the Coastal Zone off the shore of Pacific Grove as shown on Figure 2, Protected Areas. President Clinton established the California Coastal National Monument by Presidential Proclamation No. 7264 on January 11, 2000 under the authority of the Antiquities Act (16 U.S.C. 431-433). This national monument includes all rocks, small islands, exposed reefs, and pinnacles above water at mean high tide off-shore of Pacific Grove.

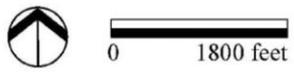
Per the Proclamation, the purpose of the California Coastal National Monument is to protect and manage the natural land and cultural resources by protecting "all unappropriated or unreserved lands and interest in the lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California." The proclamation also functions to elevate California's offshore lands to a national level, focuses the primary management vision on the protection of geologic features and habitat for biota, and tasks the Bureau of Land Management with the ultimate responsibility for ensuring protection.

Figure 2: Protected Areas



SMCA - State Marine Conservation Area
 SMR - State Marine Reserve
 Areas of Special Biological Significance
 Areas of Special Biological Significance - Watershed
 California Coastal National Monument

The California Coastal National Monument extends along the entire length of California's shoreline and 12 nautical miles (13.8 land miles) seaward from the mainland.



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

Source: City of Pacific Grove, Google Earth 2013

Protected Areas
City of Pacific Grove Land Use Plan

The rocks, small islands, exposed reefs, and pinnacles serve as breeding grounds for many marine and terrestrial species, including resident and migratory birds and marine mammals. The rocks support a diverse assemblage of rocky intertidal zone plants and animal species. In the area spanned by the California Coastal National Monument, people enjoy recreational activities such as fishing, kayaking, wildlife viewing, scuba diving, and snorkeling. The California Coastal National Monument is also of aesthetic and economic value to coastal communities because these rocks and islands provide beautiful scenery for local residents and visitors, as well as a focal point within a vast ocean viewscape

For regulatory purposes, federal lands, such as the United States Coast Guard residences and the former National Oceanic and Atmospheric Administration Southwest Fisheries Science Center, both located in Planning Area IV-B, under federal law are considered excluded from the Coastal Zone and the City's Local Coastal Program jurisdiction.

Instead, federal lands are generally subject to a type of Coastal Commission jurisdiction known as "federal consistency review" provided by the federal Coastal Zone Management Act of 1972. Non-federal development on these federal lands will be subject to Coastal Development Permit review, issued by the Coastal Commission, and the Coastal Act as the legal standard of review, with the policies of the certified Local Coastal Program serving as guidance.

State lands, such as Asilomar State Beach and Conference Grounds, are located within the Coastal Zone and are subject to Coastal Development Permit requirements, with the policies of the certified Local Coastal Program primarily serving as the legal standard of review.

1.9 COASTAL DEVELOPMENT PERMITS

A Coastal Development Permit is a permit required for any activity that constitutes "development," as defined in the Coastal Act, within the Coastal Zone pursuant to Public Resources Code §30600(a), unless otherwise exempted or waived. The primary purpose of a Coastal Development Permit is to ensure that development within the Coastal Zone is consistent with the Local Coastal Program and/or Coastal Act policies. "Development" is defined in the Coastal Act by Public Resources Code §30106. In accordance with the Coastal Act, many different types of projects including subdivisions, road extensions, and grading, constitute development that may require a Coastal Development Permit. Certain types of development are exempt from Coastal Development Permit requirements (Public Resources Code §30610). In addition, the Coastal Act contains provisions for Coastal Emergency permits in the event of an emergency (§30624).

[Review and Appellate Authority](#)

The permitting process under a certified Local Coastal Program will enable the City to issue Coastal Development Permits per review authority procedures developed as a part of the Implementation Plan. The Coastal Commission maintains appellate authority in certain areas and for certain types of development. In general, the Coastal Commission requires that all opportunities for local appeal be exhausted, prior to filing an appeal with the Coastal Commission. If a City charges an appeals fee an appellant may file an appeal directly with the Coastal Commission.

The Coastal Commission will retain appeal jurisdiction over the following Coastal Development Permit applications (See Public Resources Code §30603):

- Development located within the geographic appeals area defined by the Coastal Act. This is the area located between the Pacific Ocean, including the Monterey Bay, and the first public road paralleling the ocean or within 300 feet of the inland extent of any beach or the mean high tide line of the ocean where there is no beach (whichever is the greater distance); on tidelands, submerged lands, or public trust lands; where the Commission does not retain permitting authority within 300 feet of the top of the seaward face of any coastal bluff; or areas within 100 feet of any estuary, stream, or wetland. These geographic appeal areas are shown on maps adopted by the Coastal Commission;
- Development located within sensitive coastal resource areas, such as the Asilomar Dunes Residential Area and the Asilomar Conference Grounds Environmentally Sensitive Habitat Area; and
- Development that constitutes major public works projects and/or major energy facilities projects.

1.10 TERMINOLOGY USED IN THE LAND USE PLAN

The following terms are used in this Land Use Plan:

- **Armor:** To fortify a topographical feature to protect it from erosion (e.g., constructing a wall to armor the base of a sea cliff), or to construct a feature (e.g., a seawall, dike, or levee) to protect other resources (e.g., development or agricultural land) from flooding, erosion, or other hazards. The term soft armoring refers to a non-permanent, relatively short-term armoring (e.g., temporary sand bags, vegetated berms).
- **Best Management Practices (BMPs):** The methods, measures, and practices selected and designed to reduce or eliminate pollutants in storm water runoff, and/or to minimize changes in runoff flow characteristics resulting from development.

- **Clustered development:** The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.
- **Coastal Act:** The California Coastal Act of 1976, California Public Resources Code §30000 et seq., as amended.
- **Coastal Dependent Use:** Any development, or use that requires a site on, or adjacent to, the ocean to function.
- **Coastal hazard:** Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same, and all as impacted by sea level rise.
- **Coastal Development Permit:** A permit granted for development undertaken on land or in water in the Coastal Zone in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development of a specific use on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable), subject to compliance with any conditions of approval imposed on the permit.
- **Coastal resources:** A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including the ocean, beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual resources. Coastal resources also include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal-related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.), and their related corridors, water bodies (e.g. wetlands, estuaries, lakes, etc.), and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.
- **Coastal Zone:** That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than

1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with §66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

- **Designated:** Officially assigned a specified status or ascribed a specified name or quality to.
- **Development:** The term “development” is defined in the Coastal Act and is synonymous with “new development.” The term is broadly defined to include (among others) proposed construction of buildings, or divisions of land. Specifically, in compliance with Public Resources Code §30106, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. See also “Redevelopment.”
- **Environmentally Sensitive Habitat Area (ESHA):** Any area of land or water in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resource Code §30107.5).
- **Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- **Implementation Plan (IP):** Includes land use zoning and other implementing ordinances that conform with and carry out the Land Use Plan. Effective zoning ordinances and procedures ensure that the objectives of the Land Use Plan are achieved.
- **Land Use:** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.
- **Land Use Plan (LUP):** The Land Use Plan is defined as the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to

indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Public Resource Code §30108.5)

- **Local Coastal Program (LCP):** An LCP is defined as “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level” (Public Resource Code §30108.6)
- **Lot coverage:** Residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. Permeable surfaces are allowed in Immediate Outdoor Living space and shall not count as lot coverage.
- **Major critical public infrastructure:** The primary components of energy facilities and public works facilities (as defined by Coastal Act Sections 30107 and 30114, respectively) (e.g. sewer force mains and lift stations, electrical transmission towers and substations, gas transmission lines, and potable water transmission lines, wells, and pumping infrastructure). Individual connections would not be considered major unless connected to a critical facility, such as a hospital. Non-potable water transmission lines are not considered critical public infrastructure.
- **Major energy facility:** Any energy facility as defined by Public Resources Code §30107 and Title 14 California Code of Regulations Section 13012, and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.
- **Major public works project:** Any public works project as defined by Public Resources Code Section 30114 and Title 14 California Code of Regulations §13012 and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.
- **Major structural components:** The components that hold a structure upright, including the foundation, floor framing, exterior wall framing and roof framing of a structure.
- **Major vegetation:** All Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine six (6) inches or greater in trunk diameter measured 54 inches above grade.
- **Non-conforming structure/use (legal non-conforming structure/use):** A structure or use that was legally permitted in conformance with all applicable laws in effect at that time,

but does not currently conform with all applicable current Local Coastal Program policies and standards.

- **Pacific Grove Retreat or “Retreat”:** The area located between Pacific Avenue to the west and Dewey Avenue at the east, and north of Central Avenue. The boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone.
- **Public access:** The right or privilege of citizens to visit or view an area or resource.
- **Public Scenic view or public views:** Views as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, and vista points. A public scenic view, public scenic viewing area or public scenic viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic viewing area” and “scenic vista.”
- **Public scenic viewing area or Public viewing area:** A location along public highways, roads, beaches, parks, coastal trails and accessways, vista points, coastline, dunes and other unique natural features or areas. A public scenic view, public scenic viewing area or public scenic viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic view” and “Scenic vista.”
- **Redevelopment:** A structure shall be considered redeveloped, when such development consists of alteration of 50% or more of the major structural components, including exterior walls and roof structure of such development.
- **Scenic Vista:** A viewpoint that provides expansive views of a highly valued landscape. See also “Public scenic view” and “Public scenic viewing area.”
- **Sea Level Rise:** Gradual and long-term elevation of sea level can change, both globally and locally, due to (a) changes in the shape of the ocean basins, (b) changes in the total mass of water and (c) changes in water density. Factors leading to sea level rise under global warming include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean relative to the land, which might be due to ocean rise and/or land level subsidence.
- **Seawall:** A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also Revetment, Shoreline protective devices)

- **Sensitive coastal resource areas:** An area in which the coastal resources, including scenic qualities and the views of scenic landscapes, and/or biological resources, are considered especially valuable.
- **Shall:** Denotes a requirement that is mandatory whenever the criterion for conformance with the specification requires that there be no deviation.
- **Shoreline protective device:** A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards. (See also seawall).
- **Should:** Denotes a guideline or recommendation whenever noncompliance with the specification is permissible.” When used as an auxiliary verb, it expresses “a conditional or contingent act or state ... or moral obligation.”
- **Significant environmental impact (significant adverse impact on the environment):** 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. (CEQA Guidelines, 14 California Code of Regulations §15382).
- **Site coverage:** 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. Impervious 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 less in width;
 - c. Turf block driveways and walkways and other pervious surfaces, unless covered; and eaves and/or cantilevered portions of buildings.

- **Social well-being:** Social well-being is an end state in which basic human needs (water, food, shelter) are met and people are able to coexist peacefully in communities with opportunities for advancement.
- **Special Community:** An area that due to its unique characteristics is an important resource to the community and make the area a popular destination for visitors consistent with the intent of Public Resource Code §30253(e).
- **Tidelands:** All lands which are located between the lines of mean high tide and mean low tide.
- **Wetland:** Defined by §30121 of the Coastal Act as lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. The definition of wetland is further detailed by §13577 (b)(1) of the California Code of Regulations as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

2.0

NATURAL SYSTEMS AND RESOURCE MANAGEMENT

Chapter Two discusses land use and development in relation to natural systems and resource management in Pacific Grove's Coastal Zone grouped into four topic areas. Coastal Act requirements for each topic are described followed by policies relevant to each topic. The four topic areas are identified by the abbreviations shown below:

1. Coastal Hazards (HAZ);
2. Water and Marine Resources (MAR);
3. Scenic Resources (SCE); and
4. Biological Resources and Environmentally Sensitive Habitat Areas (BIO).

2.1 COASTAL HAZARDS (HAZ)

2.1.1 Background – Coastal Hazards and Sea Level Rise

Large winter waves and bluff erosion have long been hazardous to the built environment, as well as to natural systems and resource management in the Coastal Zone. Now, added to those historical challenges are changes brought by global climate change and the effects of sea level rise. Global climate change is amplifying other threats to ocean and coastal ecosystems, including erosion, pollution, and habitat loss. This Land Use Plan contains policies to respond to and address these hazards in the City's planning and permitting process.

Among the most significant natural hazards along the Pacific Grove coastline are large winter storms and waves, and ongoing bluff and shoreline erosion. Impacts associated with storms, waves and erosion have fallen disproportionately on the built environment and natural systems

at the ocean-land interface. In addition, the Hopkins Marine Station has long been listed as being particularly vulnerable to tsunamis. The City's *2015 Climate Change and Vulnerability Analysis* outlines many of these challenges but indicates that tsunamis have a relatively lower potential for damage to life and property due to the configuration of Monterey Bay and orientation of the Pacific Grove Coastline.

The geologic foundation of the entire Monterey Peninsula is a granitic rock called granodiorite overlain by marine terrace deposits. The marine terrace deposits are typically between 2 and 12 feet thick and capped by topsoil. The marine terrace deposits general consist of uncemented, friable, thinly laminate to thickly bedded silty very fine to coarse grained sand with pebbles and cobbles. The upper six inches to four feet of the marine terrace deposits are dark brown and clay rich due to topsoil. The base is generally marked in spots by a cobble and pebble rich deposit where the terrace deposits rest on top of the wave-cut platform. The contact between the granodiorite rock and marine terrace deposits typically has a seaward gradient. The terrace deposits exposed in the upper bluff are extremely erodible and unstable. When ocean wave run up impacts the terrace deposits, they erode, particularly near the base. That process undermines the terrace deposits and the upper terrace deposits slump downward onto the bedrock platform.

The granodiorite rock is sturdy in earthquakes, resists waves, and generally breaks up into sand and gravel rather than mud so the water is clear. The upper portion of the granite is highly weathered and portions are prone to erosion. At depth the granite is less weathered and is very erosion resistant. Pacific Grove's Coastal Zone also includes areas of sand dune on the Asilomar coast, and marine terrace deposits along both the bay and ocean shores. There are rock bluffs consisting of bedrock that is slowly eroding and decomposing, which separates the exposed rocky shore and beaches from the coastal terrace and dune landforms immediately inland. There are also rock outcrops and promontories, boulders, offshore sea stacks, and a string of islets off of point Pinos, all of which contribute to an extraordinarily scenic coastline. The granodiorite erodes very slowly, replenishing the sand supply which is not fed by the littoral drift that disperses into other beaches on the southern shore of Monterey Bay.

The Asilomar Dunes complex is a distinct geologic formation that extends from Point Pinos to Cypress Point in Pebble Beach. In Pacific Grove, the Asilomar Dunes encompass the area between Asilomar Avenue and the shoreline. The dune landforms are composed almost entirely of pure quartz sand, which accounts for the beautiful white sand beaches whose well-rounded frosted quartz grains indicate they were at one time in a dune field in the open air, away from the water.

The exposed granite rock mass at the Pacific Grove shoreline is generally erosion-resistant, except for localized erosion where wave action at faults can break the rock. This fracturing is minimal both on the City's northeast shoreline along Monterey Bay, due to its orientation away from the predominantly northwest direction of the waves; and on the Asilomar coastline along

the open ocean, due to the many off-shore reefs that dissipate the wave energy. The most rapid erosion along the shoreline has occurred in the natural coastal terrace deposits and midden, and various areas of rock and soil fill. This erosion is caused by a combination of ground squirrel and other animal activities; wave and tidal action; stormwater runoff and heavy pedestrian use has resulted in localized shoreline erosion sometimes affecting trails, parking lots, and even the road. The City has historically sought to remedy this problem through a sea wall construction program and some shoreline armoring. As a result, the natural character of the Bay shoreline within the City has been altered to some extent by shoreline armoring that has been installed between Point Pinos and the Monterey Bay Aquarium at the City's eastern boundary.

While bluff erosion along the Pacific Grove shoreline has generally been a localized problem, the winter storms of 1982-83 resulted in extensive damage. Riprapping washed out, storm drains were damaged, and parking areas were destroyed by the strong waves from these storms. However, except for riprapping and sea walls which extend east of Point Cabrillo all the way to the eastern boundary of the City, including a portion of the Monterey Bay Aquarium, the immediate shoreline area is used predominately for open space recreational purposes.



Damage from strong storm surges at Hopkins Marine Station. Photo Credit - Gary Griggs, Ph.D., presentation: Sea-Level Rise, Shifting Shorelines and El Niño 11/11/15

Monterey Herald pictures of storm surges crashing over Ocean View Boulevard, Pacific Grove CA. Photo Credit- Monterey Herald, 2001.

The natural coastal hazards and sea level rise policies in the Land Use Plan recognize the potential risks and hazards associated with development along Pacific Grove's coast, including the probable impact of climate change and associated sea level rise. Land Use Plan policies both govern potential development in this area and address potential impacts. The best available science at the time of Coastal Development Permit review, including data and information recommended for use by the California Adaptation Planning Guide and the California Coastal Commission's Sea Level Rise Policy Guidance must be used to help determine sea levels and potential hazards until such time as new data and information is available. This data may include:

- Cal-Adapt interactive website designed to provide data and information produced by the State's scientific and research community that provides a view of how climate change might affect California at the local level;
- The National Research Council's 2012 Report: *Sea Level Rise for the Coasts of California, Oregon and Washington: Past Present and Future*; and
- Local data as available, which in the case of Pacific Grove currently includes the data set from the *Monterey County Multi-Jurisdictional Hazard Mitigation Plan – Final Draft 2014* and the City of Pacific Grove Climate Change Vulnerability Assessment, completed in January 2015.
- Monterey Tide Gauge (NOAA Station 9413450).

All the above listed reports project that climate change will intensify a variety of coastal hazards, as a result of sea level rise.

A *Climate Change and Vulnerability Analysis Report*, as well as a *Background Report*, both dated January 12, 2015 were prepared in support of the Local Coastal Program. Potential climate changes that may affect Pacific Grove's Coastal Zone include increases in temperature, shifts in precipitation, higher sea level, more severe storms, and ocean acidification. Although a secondary impact of climate change, Pacific Grove's Coastal Zone is also at increased risk of exposure to wildfire. Specific changes are difficult to predict, and considerable complexities arise when calculating potential risks.

The City's *Climate Change and Vulnerability Analysis* found that Pacific Grove's development pattern, particularly the City's coastal park and trail system, in conjunction with setting development back from the coast, well-position the City's residential and commercial areas to help withstand effects of sea level rise and tsunami inundation. Additionally, the City's location on granitic bluffs also limits erosion susceptibility. Nevertheless, the City may be susceptible to potential impacts, as all areas along California's coast are subject to some level of inherent hazards risk. The climate change and vulnerability assessment modeling showed potential flooding along the City's coastline, including the City's coastal park system and developed residential areas. Additionally, modeling utilized in the *City's Climate Change and Vulnerability Analysis* showed erosion potential, again primarily along the City's north shore, which, in the long run, would affect the City's coastal parks and trails along with areas developed with residential, commercial and institutional uses. Figure 3, Coastal Hazards and Areas of Potential Sea Level Rise, shows the areas of potential hazards related to projected sea level rise as identified in the *Climate Change and Vulnerability Analysis* prepared in 2015.

The best available and most recent scientific information with respect to the effects of long-range sea level rise, including the coastal hazards analysis identified in the *Background Report* and

Climate Change and Vulnerability Analysis, must be considered in the preparation of findings and recommendations for all geologic, geotechnical, hydrologic, and engineering investigations. Furthermore, the City will continue to consider the findings of future scientific studies that increase and refine the body of knowledge regarding potential sea level rise and coastal hazards in Pacific Grove and along the Monterey Bay, and possible responses to it. Additionally, the City may utilize the variety of academic institutions and non-governmental organizations in the region with expertise in climate change such as: University of California Santa Cruz, California State University Monterey Bay, Naval Postgraduate School, Middlebury Institute for International Studies at Monterey, Stanford-Hopkins Marine Station, Stanford-Center for Ocean Solutions, the Nature Conservancy, and the Monterey Bay Aquarium, to assist the City with data collection and research regarding the potential impacts of climate change and possible adaptation responses. Also, data from the Monterey Tide Gauge (NOAA Station 9413450) which was installed in 1973 can be utilized to report local sea levels and track sea level rise.

2.1.2 Coastal Act Policies – Coastal Hazards and Sea Level Rise

Various parts of the Coastal Act support policies in Local Coastal Program Land Use Plan that address climate change, sea level rise, and coastal hazards. Additionally, the *California Coastal Commission Sea Level Rise Policy Guidance* provides information for local municipalities updating Local Coastal Programs. The guidance document recognizes that the Coastal Act supports:

1. Use of best available science to guide decisions;
2. Minimization of coastal hazards through planning and development standards;
3. Maximization of protection of public access, recreation, public views and other coastal resources; and
4. Maximization of agency coordination and public participation.

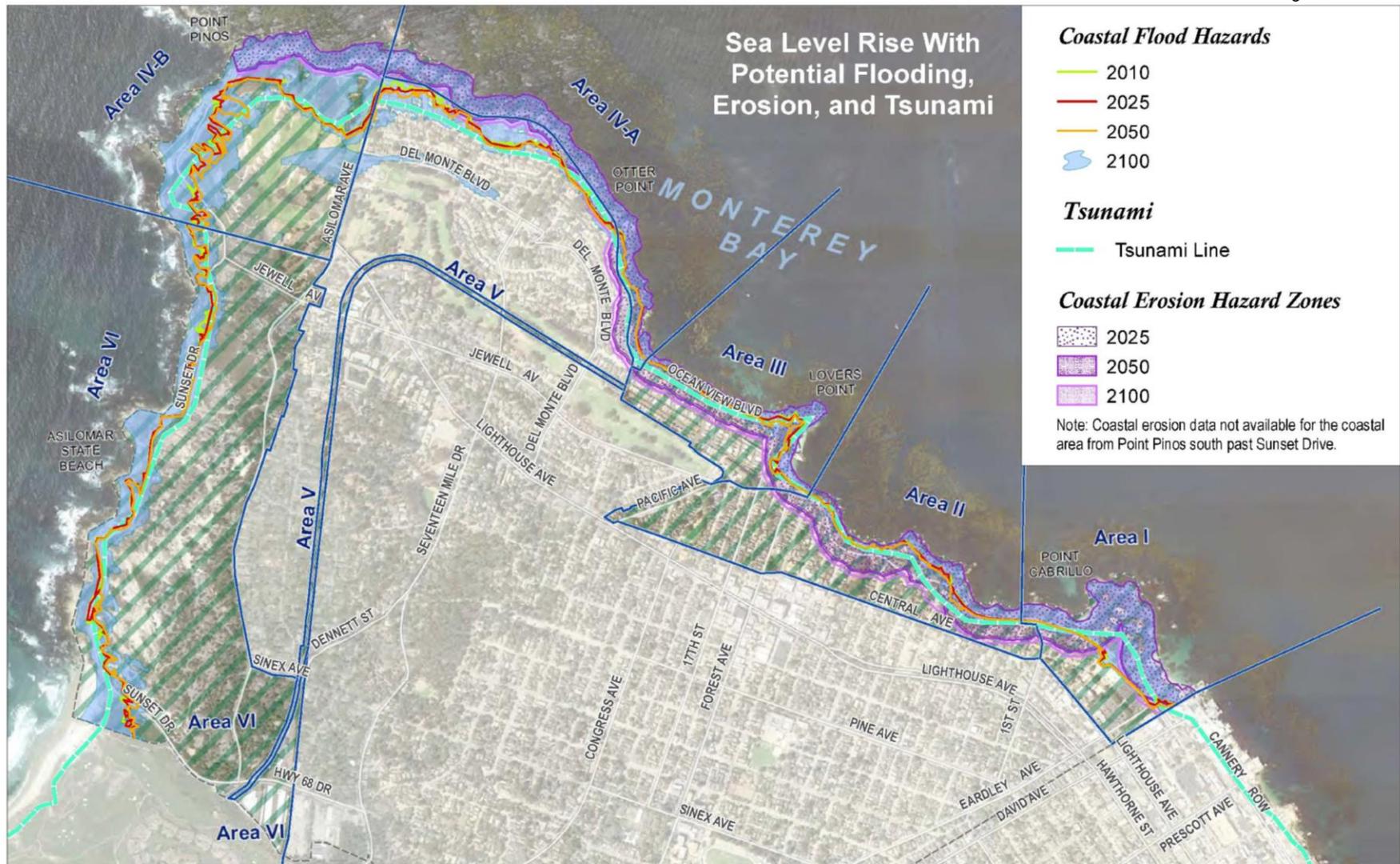
Coastal Act policies relating to shoreline processes and natural hazards require that shoreline protection structures, such as seawalls, only be permitted where they serve coastal-dependent uses or protect existing structures or beaches in danger from erosion. The Coastal Act also requires that shoreline protection structures be designed to eliminate or mitigate adverse impacts on local shoreline sand supply (Public Resources Code §30235). Further, other coastal policies require that any development, such as shoreline protective devices, among other things, be sited and designed to:

1. Prevent degrading impacts to Environmentally Sensitive Habitat Areas (Public Resources Code §30240);
2. Mitigate adverse impacts to archeological resources (Public Resources Code §30244);

3. Protect ocean views, minimize the alteration of natural land forms, and be visually compatible with and subordinate to the surrounding character of the area (Public Resources Code §30251); and
4. Provide, and not interfere with, maximum public recreational access to and along the shoreline (Public Resources Code §§30210, 30211 and 30212).

Finally, Coastal Act policies require that all new development minimize risks to life and property in hazard areas (Public Resources Code §30253(a)) and not create, nor contribute to, erosion, instability, destruction of a site, or require protective devices that substantially alter natural bluff and cliff forms (Public Resources Code §30253(b)).

Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise



Legend

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

Source: Pacific Institute 2009, City of Pacific Grove, Google Earth 2013

Areas of Potential Sea Level Rise Hazard

City of Pacific Grove Land Use Plan

2.1.3 General Plan and Other Policies – Coastal Hazards and Sea Level Rise

The Pacific Grove General Plan commits ocean front lands to open space and recreational uses. The combination of public ownership and existing City policies and ordinances severely limit further structural use of the immediate shoreline area. The effect of the policies and public ownership along the shoreline is to help reduce the risks to life and property from storm and tsunami hazards and bluff erosion. However, certain policy areas, such as the effect of the construction of shoreline protective devices, among others, are not specifically covered by the Pacific Grove General Plan and require strengthening and further implementation in this Land Use Plan, the Implementation Plan, and the future *Coastal Parks Plan*.

2.1.4 Land Use Plan Policies – Coastal Hazards and Sea Level Rise

The following Land Use Plan policies on shoreline hazards supplement existing City policies and regulations by providing for:

- New development and redevelopment that is sited and designed to be safe from potential coastal hazards and in a manner that may not require future shoreline protective devices;
- Specific attention to the possible effects of shoreline protective device construction;
- Implementation of City policy calling for detailed park planning along the shoreline in order to maximize public access, find methods to minimize bluff erosion, and reduce other potential impacts on coastal resources; and
- Expanded policies addressing protection from storm wave and tsunami hazards and the impacts associated with sea level rise while protecting coastal resources.



Tsunami Hazard Zone Sign. Photo Credit: www.NOAA.gov

- HAZ-1.** The City shall continue to gather information on the effects of sea level rise and other coastal hazards on Pacific Grove’s shoreline, including identifying the most

vulnerable areas, structures, facilities, and resources, specifically areas with priority uses such as public access and recreation resources, Environmentally Sensitive Habitat Areas, and existing and planned sites for critical infrastructure. Updates to the LCP, including through any vulnerability assessment, shall use the best available science, including the best available scientific estimates of expected sea level rise and potential resultant impacts. The information gathered should address the following multiple time frame horizons 2025, 2050, and 2100, as appropriate and feasible.

- HAZ-2.** Based on the information gathered over time per Policy HAZ-1, the City shall evaluate whether additional policies and other actions for inclusion in the Local Coastal Program are necessary in order to address the impacts of sea level rise and other coastal hazards, particularly those related to erosion. As applicable, such periodic evaluations may result in Local Coastal Program changes to hazard policies.

The City's periodic evaluations shall commence when the mean high water tidal datum has risen three inches on average for an entire year above the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service. The City's periodic evaluations shall occur approximately once every five years. See Policy HAZ-12 for specific policy regarding development in hazard areas.

- HAZ-3.** The City shall monitor sea level rise and request changes to the Coastal Zone boundary, as appropriate and feasible. The City shall minimize the need for construction of new shoreline protective devices through management and, where necessary, restoration of the coastal park lands, including control of pedestrian use, parking, and ground squirrel and other rodent, vermin, or animal activities.

- HAZ-4.** The City shall maintain a warning system and procedures for protection of life and property in coastal areas that are subject to storm and tsunami hazard, including informing visitors to the shoreline of the potential danger of large waves, and shall coordinate closely with the Monterey County Office of Emergency Services on the implementation and future amendment of the Monterey County Multi-jurisdictional Hazard Mitigation Plan.

- HAZ-5.** The City should coordinate planning and management of the coastal park lands with adjacent jurisdictions and other public agencies such as the City of Monterey, Monterey County, State Water Resources Control Board, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Parks and Recreation, the California Department of Fish and Wildlife, the United States Coast Guard, and the California State Lands Commission, which has decision-making

authority on policies that affect land below the mean high tide line. The City should also coordinate planning and management of the coastal park lands on its downcoast borders with the Pebble Beach Company and other large private landowners, where feasible.

HAZ-6. The Coastal Parks Plan shall be an integral part of the Local Coastal Program and function as a tool to help implement coastal protections, maximize public access, and protect coastal resources along the City's shoreline. The City shall prepare a sea level rise adaptation program in coordination with relevant local, regional, and/or state agencies for the purpose of protecting coastal circulation and utility infrastructure as part of the Coastal Parks Plan update. The sea level rise adaptation program shall address the need to protect coastal resources, maximize public access, and maintain adequate evacuation routes. Possible adaptation strategies could include but are not limited to:

1. Require existing or planned development, including development already protected by shoreline protective devices, to relocate to safer locations within the Coastal Zone, and restore shoreline areas to natural conditions if feasible, including working with entities that plan or operate infrastructure;
2. Modify land uses allowed in hazardous areas, and modify siting and design standards for development, in order to avoid and minimize risks and better protect coastal resources;
3. Protection of wetlands and Environmentally Sensitive Habitat Area;
4. Update standards for determining erosion rates;
5. Realignment and elevation to ensure long term protection of the function and connectivity of existing public access and recreation resources; and
6. Require modifications to existing shoreline protective devices to ensure that such devices are meeting current standards and are functioning in a way that has the least impact on coastal resources as possible, including evaluation of possible removal and shoreline restoration

The Coastal Parks Plan may be amended from time to time, as appropriate, by the City Council, and adopted by the Coastal Commission through the Local Coastal Program amendment process.

HAZ-7. The City shall strive to minimize erosion of the shoreline by directing people to use public access pathways and stairways. The City shall coordinate public recreation

and access points with the Bureau of Land Management to ensure that public access use is designed to mitigate adverse impacts to the California Coastal National Monument and its geological, biological, cultural, and visual resources.

- HAZ-8.** Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in critical danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.
- HAZ-9.** Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. As a condition of approval for all coastal development that at some point during its lifetime, may be subject to coastal hazards the Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazards.
- HAZ-10.** Public recreational access facilities (public parks, trails, and paths), public infrastructure (public roads, sidewalks, and public utilities), and coastal-dependent development (any development or use that requires a site on, or adjacent to, the sea to be able to function such as Hopkins Marine Station) shall be sited and designed in such a way as to limit potential impacts to coastal resources over their lifetime. See also Policy HAZ-15.

In addition, whenever possible, such development shall address existing related facilities and/or infrastructure adjacent to the project area, and shall include modifications to such facilities or infrastructure if feasible in order to better protect coastal resources. For example, a public recreational trail project should evaluate whether modifications to related or nearby stormwater or sewer infrastructure are feasible to better address coastal hazards and better protect coastal resources.

As appropriate, such development may be allowed within shoreline areas only if it meets all of the following criteria:

1. The development should be sited and designed to be removable without significant damage to shoreline and/or bluff areas.
2. The development shall only be allowed when it will not cause, expand, or accelerate instability of a bluff.

Regardless, no new major critical public infrastructure should be allowed within an area potentially subject to coastal hazards, including any mapped hazard area. To the maximum extent feasible, existing major critical public infrastructure shall be relocated outside of areas subject to coastal hazards.

HAZ-11. In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium, coastal dependent and coastal related development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop.

HAZ-12. Development proposed in potential hazard areas, including those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site specific hazards report prepared by a qualified geologist/engineer is required, the purpose of which is to ensure that such development can be built in a manner consistent with applicable Local Coastal Program coastal hazards policies.

Regardless, development proposed in or near potential hazard areas shall conduct a site specific hazards study when the mean high water tidal datum has risen three inches on average for an entire year above the updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge NOAA Station 9413450 adopted by the National Ocean Service. See also Policy HAZ-2 for policy regarding the City's periodic evaluation of Land Use Plan policies related to sea level rise.

HAZ-13. The Pacific Grove shoreline is an irreplaceable resource and its preservation as a natural living shoreline is a matter of great public importance. Therefore, the intent of the Local Coastal Program is to ensure that shoreline protective devices and other shoreline altering development are only utilized when they protect Local Coastal

Program priority development and uses, and only when all coastal resource impacts are appropriately and proportionately mitigated, including consistent with Policies HAZ-14, HAZ-15, HAZ-16, and HAZ-17.

HAZ-14. Repair and maintenance of existing legally established shoreline protective devices (including restacking dislodged rock rip-rap in revetments within the approved revetment profile and texturing/contouring a vertical seawall per the approved surface treatment, but not including replacement, augmentation, addition or expansion) shall only be allowed if the shoreline protective device is required to protect public infrastructure, public recreational access facilities, and coastal-dependent development in critical danger from erosion. If it is not so required, then the shoreline protective device shall be removed and the affected area restored. Any such allowable repair and maintenance projects shall include measures to address and mitigate for any coastal resource impacts the device is having, including with respect to public views and public recreational access.

HAZ-15. New shoreline protective device development (including replacement, augmentation, addition and expansion associated with an existing device) shall only be allowed where required to protect public recreational facilities (e.g., public parks trails, and paths), public infrastructure (e.g., public roads, sidewalks, and public utilities), and coastal-dependent development (e.g., certain Hopkins Marine Station development) in critical danger from erosion. Such devices shall only be utilized if no other feasible, less environmentally damaging alternative, including removal or relocation, beach nourishment, non-structural drainage and native landscape improvements, or other similar non-structural options can be used to address erosion hazards. Such non-structural options shall be used and prioritized wherever possible to protect coastal resources, including coastal habitats, public recreational uses, and public access to the coast.

Where such non-structural options are not feasible in whole or in part, soft structural alternatives (e.g., sand bags, vegetation, etc.) shall be used and prioritized wherever possible before more significant shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, and piers/caisson foundation systems). Shoreline protective devices shall not be constructed to protect non-coastal-dependent private coastal development, or where other measures can adequately mitigate erosion hazards. However, the two existing coastal shoreline private residential properties within the City may be evaluated in the future as an exception and may be considered for shoreline protection. All construction associated with shoreline protective devices and repair or maintenance or augmentation of existing protection devices shall be designed to eliminate or

mitigate adverse impacts to the California Coastal National Monument and its geological, biological, cultural and visual resources.

- HAZ-16.** New shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum extent feasible, including through: eliminating or mitigating all adverse impacts on local shoreline sand supply (including sand and beach area that are lost through the shoreline protective device's physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline would have otherwise naturally eroded, and the loss of sand-generating bluff/shoreline materials that would have entered the sand supply system absent the device); protecting and enhancing public recreational access; protecting and enhancing public views; minimizing alteration of, and be visually subordinate to, the natural character of the shoreline; avoiding impacts to archeological resources; and protecting other coastal resources as much as possible.
- HAZ-17.** Development that is associated with and/or protected by existing shoreline protective devices shall be required to provide an assessment of the continued efficacy of such devices, including an evaluation of whether the devices can be removed or modified (and affected areas restored to natural conditions) in light of the development proposed (e.g., if the development is being relocated inland) to better protect coastal resources, including critically in terms of public recreational access resources, while still providing necessary coastal hazard protection. If the assessment indicates that they can be so removed or modified, including if the assessment indicates that there is greater coastal resource benefit to removal or modification of the shoreline protective device, then the removal or modification shall be required as a condition of any approval for the development. In all cases, shoreline protective devices shall only be authorized until the time when the qualifying development that is protected by such a device is no longer present and/or no longer requires armoring.

2.2 WATER AND MARINE RESOURCES (MAR)

2.2.1 Background – Water and Marine Resources

Pacific Grove's water and marine resources include the rocky intertidal and subtidal areas of the coastline interspersed with sandy beaches and coastal bluffs, all of which provide diverse and highly valued public coastal habitats. The City's shoreline includes natural habitats such as beaches, tide pools, rock formations and offshore kelp forests. The rocky intertidal area between the high and low tide lines, as well as the offshore kelp forests and nearshore waters of the

Monterey Peninsula, are among the most diverse and species rich of any habitat in the world. This is a result of the conditions along the Pacific Grove coast, including but not limited to early morning or late afternoon tides, moderate weather, foggy skies, nutrient-rich upwelling water, hard rock, and coarse sand. Pacific Grove's water and marine resources have attracted the University of California, Berkeley, and Stanford University to establish marine laboratories here in the 19th century, and Edward Ricketts, now considered the preeminent marine biologist of his time, to establish his collecting business in Pacific Grove in the early 20th century. World class marine biological research continues in Pacific Grove at Stanford Hopkins Marine Station, and the intertidal areas around Point Pinos in particular continue to attract classes from K-12 through colleges and universities. Pacific Grove's intertidal, in fact, is very special and unique to Pacific Grove. American politician and conservationist Julia Platt recognized that when she was mayor in the early 1930s and successfully established the Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Refuge.

This rich, diverse and primarily public marine environment along the Pacific Grove coastline is protected and controlled by a variety of local, state, and federal regulations, including:

- The Asilomar State Marine Reserve, the Pacific Grove Marine Gardens State Marine Conservation Area, and the Lovers Point - Julia Platt State Marine Reserve, which are protected by the California Department of Fish and Wildlife;
- An Area of Special Biological Significance, which is protected by the State Water Resources Control Board and the Central Coast Regional Water Quality Control Board;
- The Monterey Bay National Marine Sanctuary, which is protected by the National Oceanic and Atmospheric Administration; and
- The California Coastal National Monument, which is protected by the Bureau of Land Management.

In addition, the tidelands grant to the City from the State of California, approved by the Governor James Rolph on June 9, 1931, prohibits use of those tidelands for "commercial, industrial or revenue producing uses or purposes" although use of the tidelands for "boat and yacht harbors, boating and yachting, swimming tanks, and other like and kindred purposes" is allowed.

In March 2012, the State Water Resources Control Board adopted a statewide General Exception to permit storm water discharges to the Area of Special Biological Significance, with Special Protections. The Pacific Grove Area of Special Biological Significance is one of 34 state-designated Areas of Special Biological Significance in near shore waters along the California coast. Areas of Special Biological Significance are a subset of state water quality protection areas in the ocean along California's coast that require special protection per the *California Marine*

Managed Areas Improvement Act. Their protection is promulgated by the State Water Resources Control Board through the California Ocean Plan. The Ocean Plan prohibits the discharge of waste to a designated Area of Special Biological Significance. Special Protections have also been adopted by the State Water Resources Control Board as part of the statewide National Pollutant Discharge Elimination System storm water permit that applies in Pacific Grove. The City is currently working on drafting the compliance plan, which is anticipated for completion in Fall 2016, and must describe how structural and non-structural controls are being implemented to reduce pollutant loads to the Area of Special Biological Significance.

Additionally, the California Coastal National Monument established in 2000 includes within its boundaries all the rocks, small islands, exposed reefs, and pinnacles above water at mean high tide off-shore of Pacific Grove. These are under the jurisdiction of the Bureau of Land Management and serve as habitat for a variety of birds, including species of concern such as the Black Oystercatcher and other animals.

Crespi Pond, a small but valuable wetland which has gone dry during periods of drought, is located on Ocean View Boulevard between Point Pinos and the western end of Asilomar Avenue. Crespi Pond provides a stopping place for migrating bird species including terns, gulls, many species of ducks, and Canada geese; and hundreds of different birds continue to be sighted. It is a site for ornithological studies, and is of interest to the scientific community.



American coot (Fulica americana) at Crespi Pond. Photo credit Nature ID

Majella Slough, a small freshwater wetland, is located south of Sunset Drive within the Asilomar State Beach and Conference Grounds. Majella Slough provides valuable and sensitive riparian habitat that is rare within the City limits. Stormwater runoff from nearby areas collects

in the Slough, which then flows into the Pacific Ocean. Pollution control for runoff is a necessary step to help ensure the long term health of this important habitat.

2.2.2 Coastal Act Policies – Water and Marine Resources

Coastal Act policies relating to marine resources require that these resources be maintained, enhanced and, where feasible, restored; that areas of special biological significance be given special protection; and that development be sited and designed in such a way as to protect the biological productivity of coastal waters and to maintain healthy populations of species (Public Resources Code §30230 and 30231). Control over specific types of adverse impacts on coastal waters, such as polluted runoff, wastewater discharges, etc., and spillage of hazardous substances is also required (Public Resources Code §30232 and 30233).

Additional policies require protection against disruption of sensitive habitat areas, both within and adjacent to the habitat (Public Resources Code §30240); and require protection of coastal waters, wetlands, estuaries and lakes from inappropriate diking, filling and dredging, with specified exceptions (Public Resources Code §30233); and require that alterations of rivers and streams be only allowed for specific purposes subject to specific criteria and mitigations (Public Resources Code §30236).

2.2.3 General Plan and Other Policies – Water and Marine Resources

Pacific Grove General Plan regulations and policies pertaining to water and marine resources are supplemented by the regulations establishing, and the policies of, the Monterey Bay National Marine Sanctuary, three State Marine Protected Areas, namely Asilomar State Marine Reserve, Pacific Grove Marine Gardens State Marine Conservation Area, and Lovers Point-Julia Platt State Marine Reserve, the California Coastal National Monument, and the Area of Special Biological Significance.

The Land Use Plan policies on water and marine resources that follow supplement existing City policies and regulations by providing for:

- Coordinated state/federal/local enforcement of existing regulations and enhanced management of the Marine Gardens;
- Control over runoff and erosion affecting offshore waters; and
- Cooperation in long-term ecological and water quality monitoring studies.

2.2.4 Land Use Plan Policies – Water and Marine Resources

Refer also to the Storm Drainage policies in §3.4.8.

- MAR-1.** The City shall continue to work with the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the Bureau of Land Management in developing and maintaining a coordinated approach for enforcing federal, state, and local regulations protecting the marine reserves and conservation area, the Sanctuary, California Coastal National Monument, and Areas of Special Biological Significance.
- MAR-2.** Wetlands including Crespi Pond and the Majella Slough riparian area shall be considered as Environmentally Sensitive Habitat Areas, and governed by Coastal Act policies 30233, and 30240. No alteration of freshwater wetlands (including Crespi Pond and Majella Slough) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats, as well as other uses and development specified in the Biological Resources and Environmentally Sensitive Habitat Areas chapter of this Land Use Plan, and only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.
- MAR-3.** To reduce the potential for degradation or impairment of water quality, including the Pacific Grove Marine Gardens State Marine Conservation Area and Area of Special Biological Significance, the City shall continue to investigate and implement new measures to reduce potential pollutants in storm water and irrigation runoff and require the following:
- No diking, filling, dredging, or other uses inconsistent with the terms of the grant of tidal protection from the State of California or Coastal Act Policy 30233 shall be allowed in the City's tidelands.
 - To the maximum extent feasible, development shall include specific measures to help reduce potential pollutants and water quality impairment, including controlling the disposal of chemicals and hazardous materials, controlling the use of pesticides and herbicides, maintaining existing storm water capture programs, applying low impact development designs and requiring on-site retention and/or reuse of runoff. The City shall utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property and encourage this practice on private property.

- Drainage plans and erosion, sediment and pollution control measures shall be required as conditions of approval of every application for new development that has the potential to impair water quality.
- Development that has the potential for water quality impairment shall be designed to meet National Pollutant Discharge Elimination System stormwater runoff requirements.

MAR-4. The City should work with the Pacific Grove Natural History Museum, California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, National Oceanic and Atmospheric Administration, and Bureau of Land Management to maintain information and interpretation programs to increase public awareness of the valuable marine resources and habitat in the marine reserves and conservation areas, the Sanctuary, National Monument, and Area of Special Biological Significance.

MAR-5. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to species and areas of special biological significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

MAR-6. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protection riparian habitats, and minimizing alteration of natural streams.

MAR-7. Development shall minimize new impervious surfaces, especially impervious areas directly connected to water and marine resources, and, where feasible, increase the area of pervious surfaces in re-development to reduce runoff.

MAR-8. Plan, site, and design development in a manner that maintains or enhances on-site infiltration, reduces runoff, minimizes the transport of pollutants in runoff generated from the development, and recharges groundwater. When required by the City's National Pollutant Discharge Elimination System permit, runoff shall be

appropriately collected, filtered, and treated by Best Management Practices (BMPs) to minimize pollutant loading to the maximum degree feasible.

- MAR-9** Developments of Water Quality Concern, including gas stations/carwashes, and industrial development are those that have a greater potential for adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, and/or proximity to coastal waters, and require additional and context specific “best management practices” (BMPs) to protect and enhance water quality.



Tide pools at Point Pinos in Pacific Grove. Photo credit: NBNMS website.

2.3 SCENIC RESOURCES (SCE)

2.3.1 Background – Scenic Resources

Pacific Grove’s extraordinary coastal setting is among the most publicly accessible and spectacular in the world. Its scenic resources in the Coastal Zone include nearly continuous unobstructed views of the sea, harbor seals can be seen on its beaches, whales in the Bay, and sea otters frolicking in kelp beds. Year-round there are people enjoying the recreation trail and the sandy beaches at Lovers Point. The dunes in the Asilomar Dunes area provide another dramatic visual resource within Pacific Grove’s coastal area.

The City’s scenic resources are publicly visible from not only areas in the City’s Coastal Zone but also from areas on Monterey Bay, across the bay, and from some locations along Highway 1. Few structures exist seaward of Ocean View Boulevard or Sunset Drive, and most of the shoreline is in public ownership with public access provided in many areas by a heavily-used recreation trail along a major portion of the coastline. Pacific Grove’s scenic coastline is a

significant draw for tourists. [Figure 4, Scenic Areas](#), shows the areas designated by the City as having special scenic significance.

Lighthouse Reservation, Point Pinos Lighthouse, a portion of the city's golf course, and a rocky intertidal shoreline are located west of Asilomar Avenue and north of Lighthouse Avenue. A recreation trail along the shoreline connecting Perkins Point to the east with Asilomar State Beach to the south is in the early development stages. The rocky islets jutting out to the northwest are part of the California Coastal National Monument. They are surrounded with dramatic, algal-covered intertidal rocks, and tidepools that draw visitors from around the world. The Great Tide Pool, made famous by John Steinbeck's "Cannery Row," is on the southwestern corner of Lighthouse Reservation.

South of Lighthouse Reservation the Asilomar Dunes neighborhood is a scenic area of public importance that has been developed with single-family residential dwellings interspersed amongst open dunes. However, some areas are undeveloped and this softens the contrast between existing development and the dunes, including the expansive open space located seaward of Sunset Drive.

Public views inland from Sunset Drive toward the dunes and forest-front zone are a valuable scenic resource. Careful siting and design help to provide compliance with the biological resources, scenic and visual resources, and community character and design policies of this Land Use Plan. The Asilomar Dune's unique visual and biological characteristics are an important resource to the community and make the area a popular destination for visitors. As such, the Asilomar Dunes is considered a "special community" within the context of Resources Code §30253(e). Policies are included in this Land Use Plan while specific development standards, such as residential design standards, height limits, and landscape treatments are included in the Implementation Plan, to ensure the area's unique characteristics and spectacular public views are protected consistent with provisions of the Coastal Act.

Retention and protection of these public views across public lands and railroad right of way to the maximum extent possible is of major importance, because of the visual access to coastal waters they provide.

In Pacific Grove, natural features such as trees, beaches, and the rocky shore, as well as a prominent recreation trail contribute to the scenic views and the character of its Coastal Zone.



Pacific Grove Coast. Photo credit Doug Brown.

2.3.2 Coastal Act Policies – Scenic Resources

The Coastal Act addresses visual access and protects the visual qualities of coastal areas as a resource of public importance.

As stated in Public Resources Code §30251, “Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.”

2.3.3 General Plan and Other Policies – Scenic Resources

The Pacific Grove General Plan designates most shorefront lands for open space. Natural Resources Element Goal 3 is to preserve public visual access to the ocean. Urban Design and Structure Element Goal 2 calls for the enhancement of the relationship between the City and the Pacific Ocean and Monterey Bay. However, to a great extent, the Pacific Grove General Plan relies on more detailed policy in the Local Coastal Program to protect and preserve coastal open space lands and public viewsheds, including from encroaching urban development that might harm natural resources or diminish coastal views.

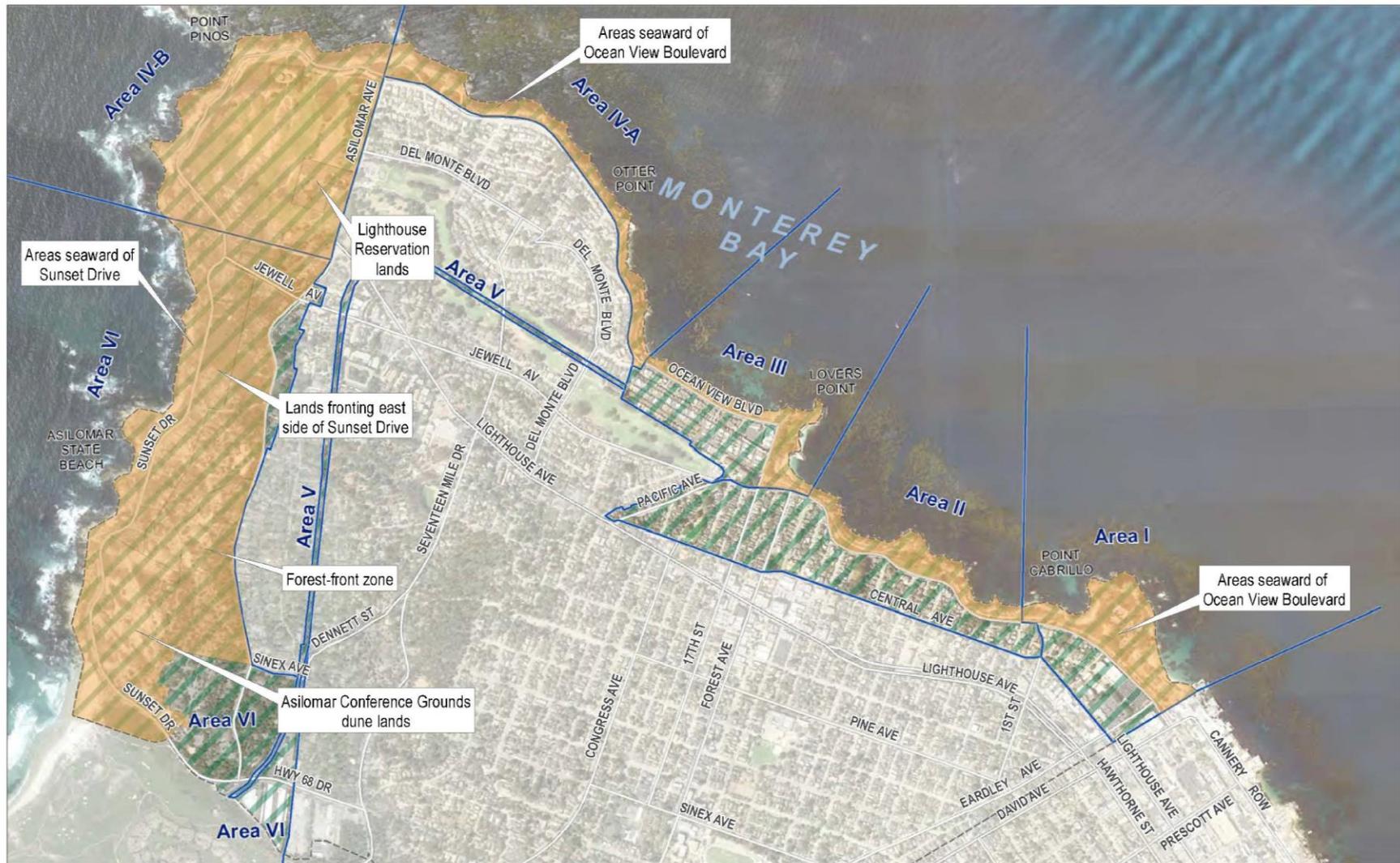
Figure 4, *Scenic Areas*, shows the areas designated by the City as having special scenic significance; however, it is also the policy of the City to consider and protect the visual quality of all scenic areas that are part of the public viewshed, whether designated or not, as a resource of public importance. The portion of Pacific Grove’s Coastal Zone designated scenic includes: all public view areas along Pacific Grove’s shoreline; all areas seaward of Ocean View Boulevard and Sunset Drive as shown on Figure 4, *Scenic Areas*; Lighthouse Reservation lands; Asilomar Conference Ground dune lands visible from Sunset Drive; lands fronting on the east side of

Sunset Drive; the Asilomar Dunes residential area, and the forest-front zone between Asilomar Boulevard and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue).

The Land Use Plan policies on scenic resources that follow supplement existing City policies and regulations by providing for:

- Designation of “scenic areas”
- Preservation and enhancement of public views to and along the ocean and scenic coastal areas

Figure 4: Scenic Areas



0 1800 feet

Legend

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

Source: City of Pacific Grove, Google Earth 2013

Scenic Areas

City of Pacific Grove Land Use Plan

- Preservation and enhancement of the public coastal views from inland locations;
- Minimization of alteration of natural land forms, ensuring visual compatibility with the open space character of surrounding areas and, where feasible, restoring and enhancing visual quality in visually degraded areas; and
- It is understood that these policies preserve public coastal views and do not place restrictions on private views.

2.3.4 Land Use Plan Policies – Scenic Resources

Land Use Plan policies for protection of Scenic Resources are prefaced by (SCE). Additional policies for protecting Scenic Resources are included as Community Design policies in §3.1.3.

- SCE-1.** Public views to and along the ocean and scenic coastal areas shall be protected and enhanced, and alteration of natural landforms shall be minimized.
- SCE-2.** Preserving and enhancing the scenic qualities of the Coastal Zone shall be a priority in all City actions and decisions. Development that could adversely impact public views shall only be allowed where it protects, preserves, and, if feasible, enhances such scenic and visual qualities.
- SCE-3.** The portion of Pacific Grove’s Coastal Zone designated as having special scenic significance includes all areas designated on Figure 4, Scenic Areas, including: all public view areas along Pacific Grove’s shoreline; areas seaward of Ocean View Boulevard and Sunset Drive; Lighthouse Reservation lands; Asilomar Conference Ground dune lands visible from Sunset Drive; the Asilomar Dunes residential area; lands fronting the east side of Sunset Drive;; and the forest-front zone between Asilomar Avenue and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue); and other areas in which future study may support special scenic significance designation. The City shall consider and protect the visual quality of these special scenic areas as a resource of public importance.
- SCE-4.** The City shall designate scenic areas of the Coastal Zone, including those areas described in Policy SCE-3, as areas having special scenic significance, with a Scenic Resources zoning overlay district that includes additional development standards to protect these scenic areas (refer to [Figure 4, Scenic Areas](#)).

Development standards for such special scenic significance areas shall include, but not be limited to, special siting and design criteria including , height and story limitations, bulk and scale limitations, screening and landscaping requirements,

natural materials and color requirements, minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces, requirements to prepare landscaping plans utilizing drought tolerant and native plants that protect and enhance scenic resources; minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas. Clustering to maximize open space views may also be considered.

Development within visually prominent settings, including those identified on Figure 4, and on all parcels that abut Ocean View Boulevard and Sunset Drive, shall be sited and designed to avoid blocking or having a significant adverse impact on significant public views, including by situating buildings, access roads, and related development in a manner and configuration that maximizes public viewshed protection, and through such measures as height and story limitations, and bulk and scale limitations. Clustering development to maximize open space views may also be considered.

- SCE-5.** All new utilities shall be located underground or outside of public view.
- SCE-6.** Design and siting of structures should not detract from public scenic views. Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect such public views.
- SCE-7.** The City shall encourage redevelopment, rehabilitation, or relocation of existing structures to improve visual appearance and to attract visitors to the City's coastline.
- SCE-8.** Trees that are a visually integral part of the coastline and contribute to the scenic views in the Coastal Zone shall be protected or, when necessary to remove, including due to disease or danger to existing structures, replanted to ensure their continued scenic utility.
- SCE-9.** The scenic native forest within Asilomar Conference Grounds, along Asilomar Avenue, and within the Union Pacific Railroad right-of-way, shall be retained, to the maximum feasible degree, consistent with the uses allowed by the Land Use Plan. Development shall mitigate for any impacts to the native forest, including through a required reforestation plan to propagate and plant seedlings of pine using local seeds to regenerate the pine forest in coordination with Asilomar State Park. In considering potential development projects, siting and design shall be required to minimize to the extent feasible the removal of trees and understory vegetation and damage to soil

- resources. Siting, design, and land use concepts that minimize removal and damage should be applied and are preferred. Retained trees that are located close to construction areas shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate and necessary to protect the well-being of the retained trees.
- SCE-10.** Permanent open space may be achieved through dedication of scenic conservation easements by property owners or by acquisition of fee title or development rights by the City, another governmental entity, or by a private foundation. Public access, such as designated trails, of these open space areas shall be encouraged if it does not negatively impact habitat or public views. The City encourages assistance from the state or suitable foundations in the acquisition of these important areas.
- SCE-11.** Site location and development of wireless telecommunication facilities shall preserve the visual character and aesthetic values of the site and surrounding land uses and shall not significantly impact public scenic views. Attaching wireless equipment to existing structures and camouflaging and co-location is encouraged.

2.4 BIOLOGICAL RESOURCES AND ENVIRONMENTALLY SENSITIVE HABITAT AREAS (BIO)

2.4.1 Background – Biological Resources and Environmentally Sensitive Habitat Areas

Environmentally Sensitive Habitat and Biological Sensitivity

Coastal Act §30107.5 defines Environmentally Sensitive Habitat Area as “...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” The Pacific Grove Coastal Zone supports a wealth and diversity of environmentally sensitive habitats. Some sensitive habitats receive protection under current laws that guide local, state, and federal agencies. Regulations such as sections of the Fish and Game Code, the Federal Migratory Bird Act, the Marine Mammal Protection Act, and the Federal Endangered Species Act of 1973 help to protect sensitive marine resources. Wildlife habitats are

protected when located in legally designated areas such as the State's Marine Protected Areas, and rare and endangered plants are singled out for preservation under State and Federal legislation. Examples of such legally designated areas include Areas of Special Biological Significance (ASBS) identified by the State Water Resources Control Board; State Marine Protected Areas; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-outs, breeding and nesting area; education, research and wildlife reserves; near shore reefs; tide pools; sea caves; islets and offshore rocks; kelp forests; indigenous dune plant habitats; riparian habitats Monarch butterfly mass overwintering sites; and forest areas. For coastal land biological resources, Environmentally Sensitive Habitat Area can include several types of sensitive habitats, such as:

- Coastal bluff which provides habitat for species such as Menzies' wallflower (*Erysimum menziesii* and sub-species);
- Coastal sand dunes and sand dune areas such as the Asilomar Dunes, which are themselves a scarce and rare resource and also provide habitat for such species as black legless lizard (*Aniella pulchra nigra*), Menzies' wallflower, Monterey spineflower (*Chorizanthe pungens*), and Tidestrom's lupine (*Lupinus tidestromii*) and other listed species;
- Native Monterey pine forest which includes large stands of trees (often in association with sand dunes, understory species and ground cover of low herbaceous plants) that extend into Pacific Grove from the Del Monte Forest represent one of only four places on earth where such native Monterey pine forest exists, and also provide habitat for such species as Monarch butterfly (*Danaus plexippus*);
- Wetlands and waterways features as defined by Coastal Act §30121, including Majella Slough or the coastal brackish marsh Majella Creek Marsh, which provides valuable riparian habitat within the Asilomar State Beach and Conference Grounds. Crespi Pond is another wetland which supports a significant patch of dense freshwater marsh vegetation dominated by broad-leaved cattail and California bulrush, and which also provides foraging and nesting habitat for local and migratory birds as well as other native species. Crespi Pond is part of the City-designated Lighthouse Reservation and golf course, identified as an area of Scientific and Ecological Significance; and
- Intertidal and subtidal areas including kelp forests which provide habitat for numerous plants, invertebrates, and fishes.

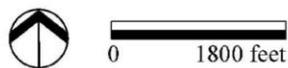
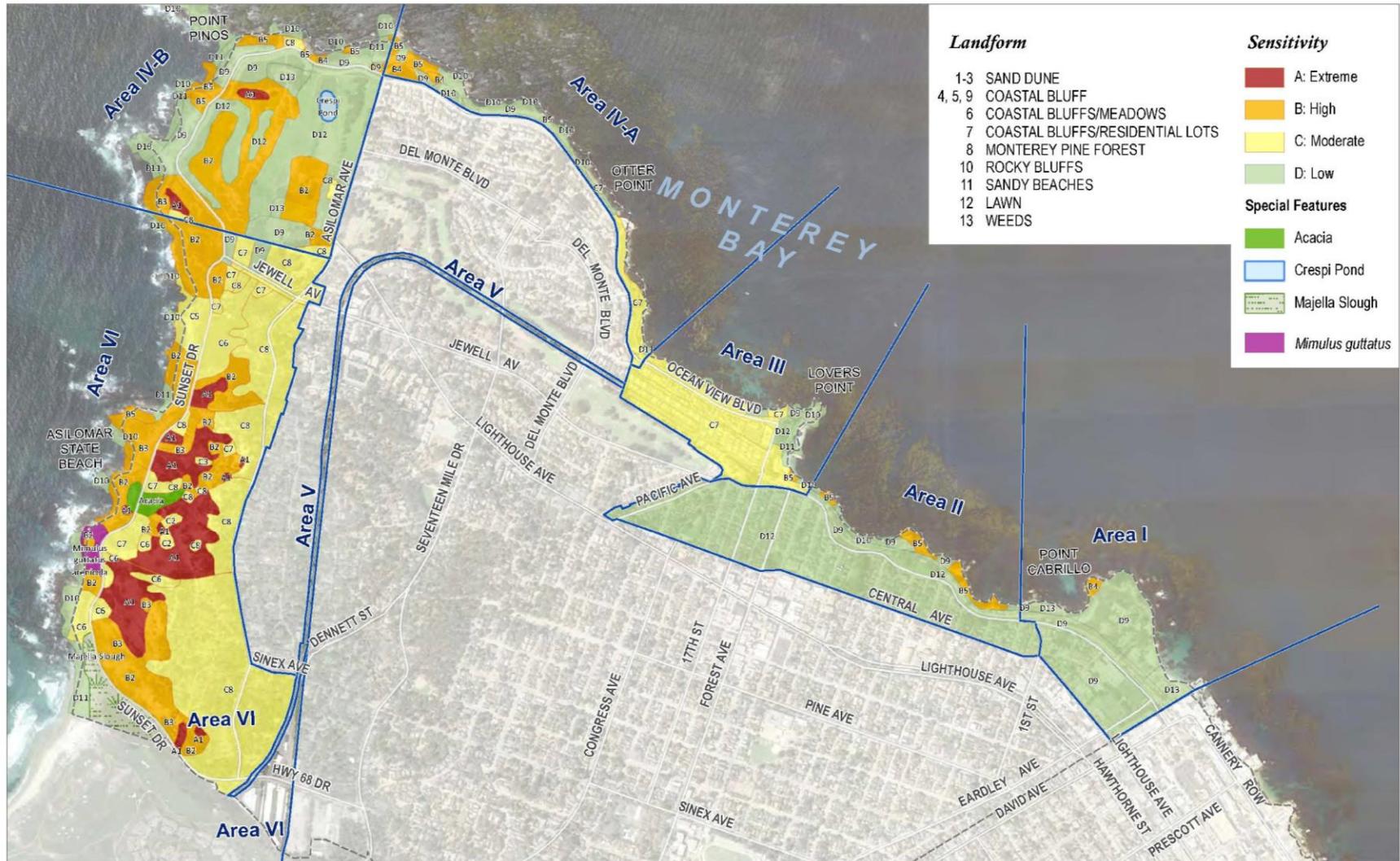
Other types of Environmentally Sensitive Habitat Areas, that are not yet known, may also be determined within the Coastal Zone based upon new information. For example, the United States Fish and Wildlife Service or California Department of Fish and Wildlife may identify and protect a new species that is dependent upon habitat types found within the Coastal Zone. Environmentally Sensitive Habitat Areas are most likely to be found within the extreme, high, and moderate sensitivity areas identified in [Figure 5, Land Habitat Sensitivity Map](#), which shows the areas of special biological significance. However, Environmentally Sensitive Habitat Areas may be found anywhere in the City, and it is incumbent upon the development review process to provide appropriate means of identifying and protecting such resources, whether known or currently mapped or not. A biological resources study is necessary to verify if habitat in a particular location qualifies as Environmentally Sensitive Habitat Area.

The shoreline pine forest sand dune association and the pine eucalyptus forest provide overwintering habitat of the Monarch butterfly. The principal Monarch butterfly clustering sites in Pacific Grove are located very near, but not within the Coastal Zone, in the vicinity of the Butterfly Grove Inn and in George Washington Park. However, the butterfly populations use areas within the Coastal Zone for feeding and transit to the groves, and these areas may be capable of providing overwintering habitat in the future



*Monarch butterfly clustering in Pacific Grove.
Photo Credit Pacific Grove Museum of Natural
History.*

Figure 5: Land Habitat Sensitivity Map



Legend
 — Planning Area Boundaries
 [] City of Pacific Grove
 — Major Roads

Source: City of Pacific Grove, Google Earth 2013

*Note: Data is retrieved from City of Pacific Grove's 1989 Local Coastal Program - Land Use Plan.

Land Habitat Sensitivity Map

City of Pacific Grove Land Use Plan

The land habitat of greatest sensitivity is the sand dune complex from the Lighthouse Reservation to Asilomar Conference Grounds. Not only are native dune plants fragile and dune formations easily destabilized, but the dunes are also habitat for three threatened and endangered plant species - Menzies' wallflower, Monterey spineflower, and Tidestrom's lupine. Additionally, the native dune vegetation in the Asilomar Dunes includes other dune species that play a special role in the ecosystem; for example, the bush lupine, which provides shelter for the rare black legless lizard, and the coast buckwheat, which hosts the endangered Smith's blue butterfly. Human disturbance and competition from exotic vegetation continue to threaten the survival of these rare plants. Remaining plants are found in limited areas on private land in the Asilomar area and on public property in the northern portion of the Asilomar State Beach and Conference Grounds.

Asilomar Dunes Residential Area

The Asilomar Dunes Residential Area, bounded by Lighthouse Avenue, Asilomar Avenue, and Asilomar State Beach and Conference Grounds, is the location of sand dunes that support rare and endangered biological resources. Therefore, the entire area is designated as an Environmentally Sensitive Habitat Area and a Sensitive Coastal Resource Area for purposes of appeal per Public Resources Code §30603. The area, which was annexed by the City in 1980, was previously subdivided into residential parcels. Approximately one dozen existing parcels are undeveloped.

Issues affecting land use planning in this area therefore relate to protection of both the existing scenic qualities of the area and the sand dune habitat of the rare and endangered species. The retention of these resources will be affected by the siting, design, and land coverage allowed for new homes and related facilities, redevelopment of existing homes, and also by the total amount of residential development that is allowed.

Environmentally Sensitive Habitat Areas are located in other areas of the City's Coastal Zone as well. These include, but are not limited to, riparian and sand dune habitats within Asilomar State Beach and Conference Grounds; the Crespi Pond wetland, dune habitats within the Lighthouse Reservation; and any areas which may be determined as important habitat for Monarch or Smith's blue butterflies.

The Asilomar Dune's unique biological characteristics are an important resource to the community and make the area a popular destination for visitors. As such, the Asilomar Dunes is considered a "special community" within the context of Resources Code §30253(e). Policies are included in this Land Use Plan to ensure the area is protected consistent with provisions of the Coastal Act.

Characteristic Flora and Fauna

The City has several flora and fauna that play a significant part in the visual and cultural identity of the City. Characteristic flora include rosy ice plant (*Drosanthemum floribundum*), and several trees: Monterey pine (*Pinus radiata*), and Monterey cypress (*Cupressus macrocarpa*) and Coast Live Oak (*Quercus agrifolia*). Characteristic fauna include monarch butterflies, black-tailed deer, harbor seals (*Phoca vitulina richardii*), Southern sea otter, Humpback and Gray whale, Brown Pelican, Cormorant (Brandt's, Double-crested and Pelagic) and Black Oystercatcher (*Haematopus bachmani*). Refer to §2.2 of this Land Use Plan for discussion and policies regarding marine resources.

The Pacific Grove General Plan recognizes the trees of Pacific Grove as “major natural resources.” Accordingly, the Local Coastal Program recognizes that certain trees are “major vegetation,” the removal of which constitutes development that requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees within the Coastal Zone including all Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine six (6) inches or greater in trunk diameter measured 54 inches above grade.

2.4.2 Coastal Act Policies – Biological Resources and Environmentally Sensitive Habitat Areas

The Coastal Act requires protection of Environmentally Sensitive Habitat Areas. These areas must be protected against “any significant disruption,” including impacts from development in adjacent areas. Only resource-dependent uses are allowed in Environmentally Sensitive Habitat Areas, and uses adjacent to Environmentally Sensitive Habitat Areas must be compatible with continuance of the habitat areas (Public Resources Code §30240). The Coastal Act defines Environmentally Sensitive Habitat Areas as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Public Resources Code §30107.5).

2.4.3 General Plan and Other Policies – Biological Resources and Environmentally Sensitive Habitat Areas

The Natural Resources Element states the preservation of open space areas as a principal objective. Natural Resources Element Policy 12 recommends the City develop methods to maintain endangered species within the Asilomar Dunes neighborhood, Asilomar State Beach and Conference Grounds, the lighthouse, the Pacific Grove shoreline, and other appropriate

areas. The Lighthouse Reservation, Golf Course, and adjacent shoreline areas are owned by the City. The remainder of the immediate shoreline area, with two exceptions of privately owned areas, is park land owned and managed by the California Department of Parks and Recreation.

The Asilomar State Beach and Conference Grounds is covered by the *Asilomar State Beach and Conference Grounds General Plan (Asilomar General Plan)*, approved by the California State Park and Recreation Commission in 2004 under Resolution 19-2004. The *Asilomar General Plan* contains a detailed evaluation of biotic resources, including: vegetation community types, special status plant species, wildlife species by vegetation community types, special status animal species, and wildlife management issues. The *Asilomar General Plan* includes goals and guidelines to manage these resources.



Wooden boardwalk through natural dune habitat in Asilomar Dunes, Pacific Grove. Photo Credit wikipedia.org.

Asilomar Dunes Residential Area

The Asilomar Dunes complex is an Environmentally Sensitive Habitat Area extending several miles along the northwestern edge of the Monterey Peninsula. The entire Asilomar Dunes complex extends from Point Pinos at the Lighthouse Reservation and beyond Pacific Grove through Spanish Bay to Fan Shell Beach in Pebble Beach. Within Pacific Grove, this dunes complex extends through two protected areas, the Lighthouse Reservation area and Asilomar Dunes State Park, that sandwich a residential-dune community. Although this residential-dune area is often described as Asilomar Dunes more broadly, it is actually only a part of the larger Asilomar Dunes complex.

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the

original habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. While a number of preservation and restoration efforts have been undertaken, most notably at the Spanish Bay Resort in Pebble Beach, Asilomar State Beach, and in connection with previously approved residential developments on private lots, much of the Asilomar Dunes complex remains in a degraded state. Even so, it remains a valuable habitat area because it supports certain plants and animals characteristic of this environmentally sensitive habitat that are themselves rare or endangered.

The Asilomar Dune complex includes up to ten plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants are federally-listed endangered species, which are the Menzie's wallflower, Monterey spineflower, and the Tidestrom's lupine, which have been reduced to very low population levels through habitat loss. Additionally, the native dune vegetation in the Asilomar Dunes also includes other dune species that play a special role in the ecosystem, such as the bush lupine, which provides shelter for the rare black legless lizard, and the coast buckwheat, which hosts the endangered Smith's blue butterfly. Native Monterey pine trees that comprise the forest-front, an area where the central dune scrub plant community intersects the native Monterey pine forest community, serve to minimize environmental stresses to the interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind, and are considered critical in maintaining the stability of the landward extent of the sand dunes.

Because of these unique biological and geological characteristics of the Asilomar Dunes, the Coastal Commission has a long history of identifying all properties in the Asilomar Dunes area with these dune system features, both in the City of Pacific Grove and Monterey County, as being located within Environmentally Sensitive Habitat Areas. At the same time, the Coastal Commission has historically permitted residential development in the Asilomar Dunes area, subject to exacting siting and design restrictions, and off-site dune restoration and enhancement requirements. Per the City's General Plan, the City controls the siting of all improvements on the property and controls maximum lot coverage. In addition, the City can impose mandatory conditions pertaining to resource protection. Easements have been requested by the City, in some instances, to help protect dune and plant habitat.

Development of a single residence on each existing vacant parcels of record could result in approximately a dozen additional units or new homes in the Asilomar Dunes if these parcels are all legal and are not otherwise put to open space uses such as being acquired by State Parks.

There are approximately 70 existing single-family residences in the Asilomar Dunes Residential Area now.

As part of the Coastal Development Permit process prior to Local Coastal Program certification, the Coastal Commission has typically conditioned permits in the Asilomar Dunes area to require protection of rare and endangered plant habitat. These requirements have included:

- Review of the site by a qualified landscape or botanical consultant to determine the existence and location of rare and endangered plants;
- Survey of the site prior to and during construction to determine the existence of black legless lizards and provide for the safe relocation of any lizards found on site;
- Preparation of grading and landscape plans to minimize adverse impacts of development and construction activities on dunes and endangered plant species, including transplanting and propagation where necessary;
- Limitation of site coverage for new development, and resiting or redesigning of the project to minimize impacts on botanic resources;
- Special siting and design criteria, including avoiding accessory development antithetical to the open space dune environment, such as obtrusive fencing, clustering to maximize continuous dune areas, height and story limitations, bulk and scale limitations, screening and landscaping requirements, natural materials and color requirements, minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces, etc.;
- Dune restoration and enhancement on and off site; and
- Requirements for a deed restriction to protect the non-developed portions of a site from disturbance and allow entry for restoration purposes.

The policies that follow support limited residential development in Asilomar Dunes, and build upon the long coastal development permitting history and protocols established by the Coastal Commission for this special area. These policies are designed to recognize the special nature of a residential area in the dunes, allowing such residential development yet at the same time appropriately limiting it to help offset the impacts of residential development in the dunes by ensuring that it is subordinate to and protective of the dune setting. Overall development is controlled to a level consistent with Coastal Act requirements concerning protection of scenic resources and Environmentally Sensitive Habitat Areas. Many properties in Asilomar Dunes have obtained Coastal Development Permits and are subject to ongoing obligations under those permits, including habitat maintenance requirements and deed restrictions that limit residential development on those lots in perpetuity.

The Land Use Plan policies on biological resources and Environmentally Sensitive Habitat Areas that follow supplement existing City policies and regulations by providing for:

- Management of City and state shoreline areas to reduce impacts on and restore native plant habitat;
- Protection and enhancement of Environmentally Sensitive Habitat Areas, and in particular the important Asilomar Dunes complex; and
- Minimization of the disturbance of habitats for rare and endangered species by new development on private and public land.

2.4.4 Land Use Plan Policies – Biological Resources and Environmentally Sensitive Habitat Areas

Flora and Fauna

BIO-1. Environmentally Sensitive Habitat Areas, or “ESHAs,” are defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In Pacific Grove these areas include, but are not limited to, dune, wetland, streams, beaches, tidal areas and rookery areas.

BIO-2. Development in Environmentally Sensitive Habitat Areas, as defined in BIO-1 and Coastal Act §30107.5, shall be limited to uses dependent on the resource, and shall be sited and designed to protect against significant disruption of habitat values including to rare and endangered species. Other stabilizing native dune plants shall also be protected, relocated, or replanted with similar native plants.

The City shall determine and designate other areas in the Coastal Zone which have high biological sensitivity and establish appropriate protections for those areas.

Notwithstanding, one house may be constructed on legal lots of record within the Asilomar Dunes Residential Area provided that the development area is limited in size and located in the portion of the lot that results in the least impact on sensitive habitat.

BIO-3. Applications for development within and near Environmentally Sensitive Habitat Areas shall be accompanied by a habitat assessment prepared by a qualified

biological and a botanical survey by a qualified expert prepared at the owner's expense, prior to consideration of a project within the City.

The habitat assessment and botanical survey shall, at a minimum, identify and confirm the extent of the Environmentally Sensitive Habitat Area, document any site constraints and the presence of sensitive species, recommend buffers and development setbacks and standards to protect the Environmentally Sensitive Habitat Area, recommend mitigation measures to address any allowable impacts, and include any other information and analyses necessary to understand potential Environmentally Sensitive Habitat Area impacts as well as measures necessary to protect the Environmentally Sensitive Habitat Area resource as required by the Local Coastal Program.

BIO-4. Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats and protect wetlands against significant disruption of habitat values. The only allowed uses within wetlands shall be those specified in Coastal Act §30233 (see also MAR-3). Development shall be set back from wetlands a minimum of 100 feet. A wider buffer may be required based on the results of a site assessment that finds a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. Existing development may be redeveloped provided it does not create new impacts nor increase impacts to wetlands.

BIO-5. Preserve and maintain coastal streams, and limit development within streams to those specifically allowed per Coastal Act §30236. Development shall be set back from streams through buffers of a sufficient width to protect streams from the impacts of adjacent uses, including impacts from construction and post-construction activities, and such buffers shall be maintained in a natural condition. The only development and uses allowed within the buffer are those that help to protect stream resources, such as plantings for screening, buffering and habitat continuity/enhancement. The buffer shall be the following, whichever is wider on both sides of the stream:

- a. The area extending 50 feet from the outer edge of the riparian vegetation (measured perpendicularly from the direction of the stream itself); or
- b. The area extending 100 feet from the top of the stream bank (measured perpendicularly from the direction of the stream itself); or
- c. Wider setback distances as recommended by a site-specific biological site assessment.

- BIO-6.** Non-native species shall be prohibited, shall be required to be removed, and shall not be allowed to persist in Environmentally Sensitive Habitat Areas, including in the Asilomar Dunes complex. In the Asilomar Dunes, native dunes and dune flora and fauna shall be protected, and where feasible reestablished including rare and endangered species, to the maximum extent feasible. Information on plant propagation and dune, dune flora and dune fauna care shall be provided to property owners of property located within dune resources.
- BIO-7.** The City shall preserve its character-defining flora and fauna, such as rosy ice plant (*Drosanthemum floribundum*), Monterey pine, Monterey cypress, Coast Live Oak, Monarch butterfly, harbor seal, and Black Oystercatcher.
- BIO-8.** The City shall protect habitats for the overwintering Monarch butterfly population in Pacific Grove and encourage the planting and preservation of vegetation useful to all life stages of the Monarch butterfly, including the planting and preservation of native plants, and will ensure that any new development within the Coastal Zone in proximity to trees or vegetation used by butterflies throughout their life cycle will not adversely affect the butterflies or their habitat.
- BIO-9.** The City shall work with Pacific Grove residents, members of the Pacific Grove Museum of Natural History, the California Native Plant Society, and the California Department of Parks and Recreation in efforts to:
- a. Protect, maintain, and enhance the habitat areas of Menzies' wallflower and Tidestrom's lupine;
 - b. Propagate rare and endangered plants such as Menzies' wallflower, Monterey spineflower, and Tidestrom's lupine and any others that may become endangered or rare, for use in dune restoration/enhancement projects;
 - c. Identify and educate the public about rare and endangered plants; and
 - d. Develop methods of maintaining these and other native dune plants within Asilomar Dunes, Asilomar State Beach and Conference Grounds, and other appropriate areas.
- BIO-10.** The City shall protect, where feasible, the black legless lizard and its habitat.
- BIO-11.** The City shall implement seal pupping protection measures, including installation of split-rail fencing, installation of temporary "no climb" wood lattice fencing or other alternative that provides visual access, and educational signage if found necessary to prevent harm or harassment of harbor seals during the spring pupping season

- generally February through May, at various locations along the Pacific Grove shoreline east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail. Impacts to public access from such measures shall be minimized. In addition, the City could use trained volunteer docents, including National Oceanic and Atmospheric Administration trained Bay Net volunteer docents when available, to educate and engage the public on the activities of the seals, and to monitor and document all activities in the vicinity of the program, including any unauthorized human interruptions.
- BIO-12.** The City shall continue to encourage the Hopkins Marine Station to remove exotic plants, restore a native bluff plant community, and reduce erosion on the rocky outcrop. Any new development or redevelopment at Hopkins shall include a landscape plan that effectively utilizes native vegetation to reduce erosion.
- BIO-13.** The City shall encourage native, drought resistant vegetation and species compatible with the scale and character of current vegetation within the Coastal Zone.
- BIO-14.** The City shall develop a joint Black Oystercatcher management plan with State Parks and Black Oystercatcher research organizations and agencies. The management plan shall include an education program such as interpretative signage for public understanding of the sensitive nature of the Black Oystercatcher habitat and the importance of not disturbing nesting Black Oystercatchers. During the nesting season, March through August, areas may need to be closed to promote Black Oystercatcher fledgling success. Impacts to public access shall be minimized during such closures.
- BIO-15.** Careful management practices shall be in place to responsibly relocate mountain lions that occasionally prey on deer, coyotes that prey on domestic animals, and bears who may venture into the community to forage in garbage cans. The University of California Santa Cruz's Puma Project can assist with mountain lion relocation, along with the California Department of Fish and Wildlife.
- BIO-16.** The City shall maintain and enhance the Monterey pine and cypress stands and canopy within the Coastal Zone to the maximum extent feasible, taking care that new plantings do not adversely affect public views. This program should continue to be updated periodically with a complete inventory of the trees within the Coastal Zone to determine the age of the trees, disease, if any, and the needs for continued reforestation in the City. The City's 2015 Tree Inventory shall be included as a guiding resource.

BIO-17. Certain trees are “major vegetation,” where the removal of which constitutes development and requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees including all Gowen Cypress regardless of size, Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, and Monterey Pine six (6) inches or greater in trunk diameter when measured at 54 inches above grade. New tree planting shall be an on-going effort in order to replace diseased and dead Monterey pine, Monterey cypress and coast live oak trees, taking care that new plantings do not adversely affect public views. Replanting of a tree as replacement of an existing tree is required. Dead trees (snags) on City property within the Coastal Zone should be retained, where possible, to provide habitat, including for cavity-nesting birds.

Asilomar Dunes Residential Area

BIO-18. Limited residential development may occur in Environmentally Sensitive Habitat Area in the Asilomar Dunes Residential Area. Development in the Asilomar Dunes Residential Area shall be carefully sited and designed to ensure maximum protection of: dunes, including with respect to sensitive species and including degraded dunes, the native oak and Monterey pine forests which stabilize the inland edge of the high dunes along Asilomar Avenue southwards from the vicinity of its intersection with Pico Avenue; and public views, particularly views from along the first public road and the California Coastal Trail.

BIO-19. Development within the Asilomar Dunes Residential Area shall be subject to the required habitat assessment in all cases. In addition to habitat assessment requirements more generally, such assessments associated with the Asilomar Dunes Residential Area shall identify measures to be applied that maximize protection of dunes, other habitats, and public views.

BIO-20. Within the Asilomar Dunes Residential Area contiguous areas of undisturbed land shall be maintained and established, wherever feasible, to help protect Environmentally Sensitive Habitat Areas and associated habitat values. To this end, development adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to keep development intensity as low as possible in adjacent areas that may impact sensitive habitats, including through application of applicable planning criteria (e.g., related to drainage design, roadway design, and public safety) and coastal resource protection requirements. Clustering of development, including in relation to development on adjacent lots, may be considered if it results in larger contiguous open space and Environmentally Sensitive Habitat Areas and/or better protects public views.

BIO-21. The City shall focus preservation efforts, including seeking and applying funds to purchase vacant parcels in Asilomar Dunes, in order to permanently preserve this area as much as possible as open space. The City shall recognize the area's forest and other scenic qualities that contribute to public views, including visual access to the ocean.

BIO-22. Development in the Asilomar Dunes Residential Area shall be sited and designed to avoid and limit impacts on the dune habitats and visual landscapes as much as possible, including avoiding development antithetical to the open space dune environment. Policies limit residential development in this area in order to maximize sensitive dune habitat and scenic vistas. Residential development is limited to be subservient to the overall dune aesthetic through application of all of the following:

- a. For development on legal lots of record over one-half acre, maximum aggregate lot coverage shall be limited to 15 percent of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. Second residential units and other accessory structures shall be prohibited. In special cases, up to 20% aggregate lot coverage may be allowed on legal lots of record for lots that are one-half acre or less to avoid hardship or where additional site coverage is essential for protecting public views.
- b. An additional five (5) percent of the total lot area or 1,000 square feet, whichever is greater, may be used as Immediate Outdoor Living Space if such area is contiguous to allowed coverage areas. All other areas of the lot which are not covered and not allocated to Immediate Outdoor Living Space shall be restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration/enhancement and protection.
- c. Low minimal fencing for Immediate Outdoor Living Space adjacent to a residence is permitted and may include a property line, but may not exceed 1,000 square feet or five (5) percent of the lot area, whichever is greater, and is allowed subject to City design review. Permeable surfaces are allowed in this area and shall not count as lot coverage. Fencing shall be not be visible from the public right-of-way, limited to six feet in height measured from grade and be open, transparent and unobtrusive.
- d. Fencing and other such barriers shall be prohibited along any property boundary, with the exception of private Immediate Outdoor Living Space fencing, absent a conclusive showing that such fencing and barriers are more protective of the dune

habitat and visual landscape than the prohibition. Allowed fences and barriers shall be limited to minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes to allow for wildlife movement, native seed dispersal and visual consistency.

- e. All dune restoration, enhancement, and protection areas shall be covered by both a dune restoration, enhancement and protection plan prepared by a qualified dune restoration professional, as well as a deed restriction designed to limit allowed development, use, and activities to those associated with dune restoration, enhancement and protection.
- f. Development shall only be approved within the Coastal Zone if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration, enhancement and protection.
- g. Development should be clustered, including in relation to adjacent development, to maximize continuous dune areas as much as possible, including through such means as shared driveways, which are encouraged.
- h. The front setback on Sunset Drive shall be 75 feet. All new structures, with the exception of landscaping and driveways, shall be set back from Sunset Drive at least 75 feet.
- i. Development shall minimize exterior lighting visible from outside, including avoiding light spill into dune areas, and development shall limit glares (e.g., from windows and reflective surfaces), as much as possible.
- j. Development shall be located on the least environmentally sensitive and least visually prominent portion of the site, and shall be limited in size and scale to be as integrated and consistent with the dune landscape as possible.
- k. Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.
- l. Development must incorporate landscape screening through dune restoration (including using dune hummocks and depressions) and native landscaping in such a way as to minimize impacts on the dune viewshed. New development on parcels that abut Sunset Drive shall be limited to 20 feet (one story) in height. All other parcels

- shall be allowed up to 25 feet (two stories) so long as public views of scenic dune resources are minimized.
- m. If no longer Federal property, development at the National Oceanic and Atmospheric Administration site on Lighthouse Avenue shall be required to maximize restoration and preservation of dune habitat, including through reductions in site coverage and removal of fencing.
 - n. Sidewalks shall be prohibited in the Asilomar Dunes. Pedestrian and universal access mobility improvements shall be limited to boardwalks that are sited and designed to best protect dune resources and public views, and to best integrate into existing and planned public recreational access systems.
- BIO-23.** Areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes area shall be required to be mitigated on a 2:1 square foot basis by providing for on-site restoration or enhancement of degraded dune areas in the Asilomar Dunes area. Where on-site restoration does not fully mitigate the impact the requirement may be addressed through offsite restoration or proportionate contributions to the City's Environmental Assessment Fund provided such funds are used for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area.
- BIO-24.** In order to maintain low densities necessary to protect coastal scenic and habitat resources, subdivisions shall be prohibited, except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. Newly subdivided lots may be offered for sale to the Coastal Conservancy or other conservation agencies at market value for five years, and then may be offered on open market. The minimum parcel size for new subdivisions is one-half acre for properties fronting on Asilomar Avenue north of Pico Avenue, and one acre for all other areas within Asilomar Dunes.
- BIO-25.** The City shall prioritize restoring, enhancing, and maintaining dune areas in the right-of-way to the maximum degree feasible, including through use of the City's Environmental Assessment Fund targeting areas most in need and within most significant public viewsheds.
- BIO-26.** The City shall work with the Coastal Commission to diligently enforce dune habitat and visual resource requirements and restrictions that apply to existing development in the Asilomar Dunes Residential Area, including actively evaluating and ensuring compliance with Coastal Development Permit requirements to ensure the dune and visual resources are appropriately mitigated and protected as required.

BIO-27. Development associated with existing legal non-conforming residential development in the Asilomar Dunes residential area that:

- Results in redevelopment shall require that all development on the site be brought into conformance with the Local Coastal Program requirements, including with respect to lot coverage and dune restoration/protection requirements. Such redevelopment shall be located roughly in the same location as the existing development, unless a different location would be more protective of dune resources and public views.

Asilomar State Beach and Conference Grounds

BIO-28. The City shall support California Department of Parks and Recreation's dune protection efforts at Asilomar State Beach and Conference Grounds, including those efforts designed to:

- a. Implement a dune restoration program including restricting public access, if necessary, in the northern portion of the Asilomar State Beach and Conference Grounds to protect the habitat of rare and endangered dune plants;
- b. Undertake dune stabilization programs on the central and southern dunes, including planting of native vegetation and contain or direct recreational activities to well-defined areas;
- c. Ensure that expanded or replacement facilities in dune areas and in the sensitive forest-front transition zone adjacent to the sand dunes are restricted to the existing coverage footprints, building envelopes, or outside of dune areas and the forest-front zone;
- d. Maintain the native forest of Asilomar State Beach and Conference Grounds and; where necessary, utilize plantings of nursery stock pine trees grown from site-specific stock; and
- f. Preserve and protect the Majella Slough on state property south of Sunset Drive from human intrusion.

3.0

BUILT ENVIRONMENT

Chapter Three discusses the built environment in Pacific Grove's Coastal Zone. Five topics are addressed. Coastal Act requirements for each topic are described followed by policies related to each topic. Policy topics are identified by the abbreviation shown below:

1. Community Design (DES)
2. Land Uses and Designations (LUD)
3. Cultural Resources (CRS)
4. Public Infrastructure (INF)
5. Parks, Recreation, and Public Access (PRA)

3.1 COMMUNITY DESIGN (DES)

3.1.1 Background – Community Design

Two organizing principles have shaped Pacific Grove's community design: keeping the shoreline open and accessible to the public and a sustained commitment to a low-scale residential character in the built environment. Very early, the City set aside most of its shoreline as permanent open space for public recreational use and enjoyment. Older neighborhoods, especially the original Pacific Grove Retreat, have been carefully preserved by the community for their historical interest, architectural values, and the charm they give to the City as a whole. The City's persisting commitment to its founders' dual principles has resulted in a coastline of unsurpassed natural beauty and a complementary built environment.

With the annexation of the Asilomar Dunes area in 1980, the City assumed new land use planning responsibilities. The location in a scenic coastal area and on sand dunes supporting

several rare and endangered plants and animals requires the City to provide and adhere to strict land use regulations for future development in this area. These land use planning issues are specifically addressed by the Coastal Act, and implemented in the Land Use Plan's Biological Resources and Environmentally Sensitive Habitat Areas chapter.

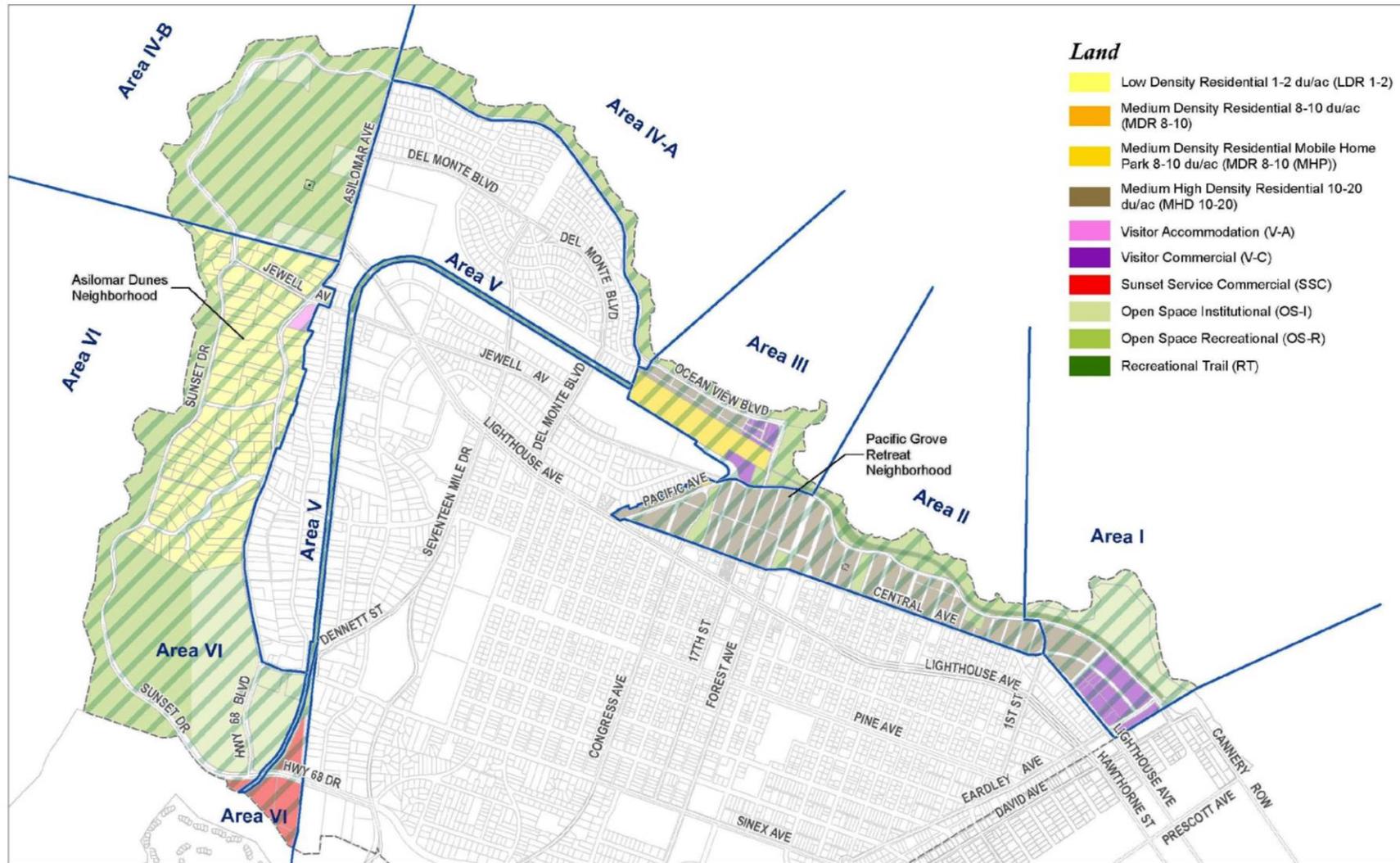
The Lighthouse Reservation area, shown as Area IV-B on the Land Use map, is owned by the United States Government and the City. The former National Oceanic and Atmospheric Administration Southwest Fisheries Center, Point Pinos Lighthouse and United States Coast Guard installation presently operate there. The off shore rocks, of which many connect to the shore during low tides, are included in the federal California Coastal National Marine Monument. The balance of the Lighthouse Reservation is operated by the City for public park purposes, pursuant to a special agreement with the United States Coast Guard. Federal agencies are not subject to the coastal development permit jurisdictions of either the City or the Coastal Commission, but are subject to the Coastal Commission's federal consistency process provided for by the federal Coastal Zone Management Act of 1972.

Nearly continuous unobstructed views of the sea are possible along the Pacific Grove shoreline. Few structures exist seaward of Ocean View Boulevard or Sunset Drive; with the exception of the inland Sunset Service Commercial Area where structures are built on both sides of Sunset Drive. The inland side of Ocean View Boulevard, east of Asilomar Avenue is essentially "built out" and has assumed a residential character. West of Asilomar Avenue, the inland view from Ocean View Boulevard is predominantly open space consisting of a golf course at Lighthouse Reservation. The few structures present, the City and United States Coast Guard facilities, are situated some distance from Ocean View Boulevard.

South of Lighthouse Reservation, the Asilomar Dunes area has been developed with low-density single-family residential dwellings set amongst coastal dune habitat. However, not all the Asilomar Dunes area lots have been developed, and requirements associated with permitted development as well as the remaining vacant lands serve to soften the contrast between existing development and the expansive open space throughout the dunes, including the predominantly undeveloped areas seaward of Sunset Drive.

Figure 6, *Coastal Zone Land Use Plan Designations*, supports the policies and illustrates the general types, locations, and intensities of uses to be permitted within the Coastal Zone. The land use policies that follow and Land Use Plan Designation figure are, with only limited exceptions, a reflection of existing development and present City regulations.

Figure 6: Coastal Zone Land Use Designations



- Land**
- Low Density Residential 1-2 du/ac (LDR 1-2)
 - Medium Density Residential 8-10 du/ac (MDR 8-10)
 - Medium Density Residential Mobile Home Park 8-10 du/ac (MDR 8-10 (MHP))
 - Medium High Density Residential 10-20 du/ac (MHD 10-20)
 - Visitor Accommodation (V-A)
 - Visitor Commercial (V-C)
 - Sunset Service Commercial (SSC)
 - Open Space Institutional (OS-I)
 - Open Space Recreational (OS-R)
 - Recreational Trail (RT)



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

Source: City of Pacific Grove 2014, Google Earth 2013

Coastal Zone Land Use Designations

City of Pacific Grove Land Use Plan

3.1.2 Coastal Act Policies - Community Design

The Coastal Act provides direction on the location of development. New residential, commercial, or industrial development are to be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it and must minimize adverse impacts ((Public Resources Code §§30250, 30253 (a) and 30253 (b)).

The Coastal Act also addresses visual access and character of development. Coastal area scenic and visual qualities are to be protected as resources of public importance. Development is required to be sited to protect public views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas. Where feasible, visual quality in visually degraded areas is to be restored and enhanced. New development in highly scenic areas, such as those designated in the 1971 California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting (Public Resources Code §30251).

3.1.3 General Plan and Other Policies – Community Design

The Pacific Grove General Plan Urban Structure and Design Element identifies the City's coastal corridor as an important scenic resource for residents and visitors. Urban Structure and Design Element Policy 2 requires architectural review for all new structures, and for exterior changes to existing structures. Urban Structure and Design Element Policy 6 calls for the beautification of the Sunset Drive commercial district. The Pacific Grove General Plan designates all shorefront lands for open space, except for a commercial area adjacent to Monterey and a residential designation on privately-owned property seaward of Sunset Drive.

There are legal non-complying structures throughout the community, including those built before the current zoning was put into effect. Although they fail to meet current zoning standards, these structure, for the most part, are not objectionable. Indeed, they make a positive contribution to the cherished eclectic character and historic resources of Pacific Grove. Redevelopment and restoration of these eclectic cottages is vital to the community character and the maintenance of the community's limited housing stock. In some cases, that may mean rehabilitating over 50% of the structure to remove damaged or failed substructure. The City has been keenly aware of not placing roadblocks to redevelopment or maintenance of the aging housing stock which might exacerbate and cause further irreparable damage to the sensitive nature of these older homes.

The *Resource Management Plan/General Development Plan* and the *Dunes Restoration Plan for Asilomar State Beach and Conference Grounds* do not propose any development on the ocean side of

Sunset Drive, with the exception of boardwalks through the dunes and pedestrian control fencing to direct visitors to designated accessways.

The Land Use Plan policies on community design that follow supplement existing City policies and regulations by providing for:

- Control of densities in coastal residential areas;
- Control of the design and siting of structures within scenic areas; and
- Preservation of the overall existing character of development within the Coastal Zone.

3.1.4 Land Use Plan Policies – Community Design

Refer also to the Scenic Resources policies in §2.3.4.

DES-1. All new development shall be consistent with requirements of the certified Local Coastal Program, including the certified Land Use Designations figure (Figure 6).

DES-2. Residential densities, except for allowable second units, shall not exceed those specified on the Land Use Designations figure.

All development shall be of low scale and limited to heights specified in the zoning districts. The limit will vary but in no case shall it be more than three stories or 40 feet high.

In the Asilomar Dunes Residential Area, development within lots that abut Sunset Drive shall be limited to one story and 20 feet high, with development allowed at up to two stories and 25 feet high within all other lots in the area so long as dune visual resources are protected consistent with the LUP. Height shall be measured as the distance above natural grade within the foundation perimeter, prior to grading or other development.

DES-3. Development standards for scenic areas, including those identified in Figure 4, shall minimize land coverage, grading, and structure height, and provide for setbacks from adjacent public open space areas.

DES-4. Preserve the existing residential, small-scale, commercial and visitor-serving recreational character in the Coastal Zone where such character appropriately embodies and provides the type of low-key and small-scale character desired by this Land Use Plan. Encourage redevelopment or renovation of existing structures when needed to improve the quality of design and attract visitors to the Coastal Zone.

Require commercial signs to be of a size, location, and appearance so they do not detract from the area's scenic qualities and cause visual clutter and blight, and require utilities to be placed underground or away from public view. New development, and renovation or expansion of existing development, shall be designed to be consistent with the community character, to protect scenic resources, and incorporate climate adaptation measures as appropriate.

- DES-5.** Development at Lovers Point, the Hopkins Marine Station property, and the Lighthouse Reservation lands shall be minimized, shall conform to the overall scale and character of existing development at these locations, and shall ensure the protection of existing public views to the maximum extent feasible.

Hopkins Marine Station shall be encouraged to remove exotic plants and restore a native bluff plant community, and consider the removal of any exposed chain link fence. The City shall provide for these outcomes through conditions of approval associated with development at Hopkins Marine Station.

- DES-6.** New lighting fixtures shall be mounted at low elevations and fully shielded to direct lighting downward, and away from the shoreline. Lighting along walkways should be mounted on low bollards or ground buttons. Lighting shall be focused on targeted use areas, and floodlighting shall be prohibited. Exterior lighting fixtures should complement the architectural style of structures. Lighting shall be limited to that necessary to provide for public safety, and shall be sited and designed to limit glares and light spill off-site.

- DES-7.** Legally established non-conforming structures may be maintained, repaired, redeveloped and expanded so long as the degree of any existing zoning non-compliance is not increased. Several older cottages in the Retreat area were built long before zoning regulations for setbacks were established and it would place an undue burden on the property owner to have to correct what has legally existed for generations. Historic structures may seek relief from current development standards in accordance with the City's Historic Preservation Ordinance and appropriate City permits including the Historic Preservation Permit.

3.2 LAND USES AND DESIGNATIONS (LUD)

3.2.1 Background – Land Uses and Designations

Priority land uses, as defined by the Coastal Act, include recreation and visitor-serving and coastal-dependent uses. Coastal-dependent uses in Pacific Grove include portions of the Hopkins Marine Station facilities at Point Cabrillo, the United States Coast Guard and former National Oceanic and Atmospheric Administration Southwest Fisheries Center facilities at Point Pinos, and the Monterey Bay Aquarium (partially within city limits).

Priority uses that provide for recreation and visitor-serving opportunities for both Pacific Grove residents and visitors are numerous within the Coastal Zone, and are available to a broad economic range of users. The shoreline parks, trail network and parking areas make it possible for pedestrians and motorists to enjoy nearly the entire length of the Coastal Zone, from Cannery Row in Monterey to the southern limits of Asilomar State Beach and Conference Grounds. At several points, direct access to beaches is available by stairways or paths. The abundant life of Monterey Bay's waters attracts numerous divers; the Monterey Bay Aquarium provides other visitors to the Coastal Zone a similar opportunity to observe marine life.

A paved multi-use recreational trail stretches from the Monterey Bay Aquarium area to Lovers Point. From Lovers Point the railroad-right-of-way is blocked in several places and goes through the golf course where there may be conflicts. From the golf course to City limits by Spanish Bay, the railroad-right of-way is used and needs to be further developed and acquired. A bike route extends along Ocean View Boulevard from Lovers Point to Spanish Bay. The portion of the Union Pacific Railroad right-of-way which extends from Del Monte Boulevard to the City limit by Spanish Bay is being considered for acquisition and development of a recreational trail consistent with the operation of the golf course. An interpretive sign program at popular visitor destinations within the Coastal Zone could further enhance the visitor's shoreline experience.

Concentrations of visitor-oriented commercial facilities within the Coastal Zone are located at Lovers Point and near Cannery Row. In addition to overnight accommodations and dining facilities available at the Asilomar State Beach and Conference Grounds, there are privately-operated motels, and restaurants. Other existing recreation and visitor-serving facilities include the municipal golf course and the Lighthouse Museum at Lighthouse Reservation.

3.2.2 Coastal Act Policies – Land Uses and Designations

Coastal Act policies related to priority uses require that Coastal Zone waters and oceanfront land suitable for recreational use be protected for recreational use and development. Additionally

visitor-serving and commercial recreational facilities are given priority on suitable private lands over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry, and that upland areas necessary to support coastal recreational uses be reserved, where feasible, for such uses (Public Resources Code §§30220-30223). Coastal-dependent uses are given further preference (Public Resources Code §30254). The Coastal Act also requires that lower cost visitor and recreational facilities be protected, encouraged and, where feasible, provided, and gives preference to development providing public recreational opportunities (Public Resources Code §30213). Additional policies address the location and amount of recreation or public facilities development to mitigate against the impacts of overcrowding or overuse ((Public Resources Code §§30212.5, 30250(c) and 30252(6)).

3.2.3 General Plan and Other Policies – Land Uses and Designations

Existing land uses within Pacific Grove’s Coastal Zone are designated for various use types by the Pacific Grove General Plan, and are consistent with the land use designations with a few exceptions: existing visitor accommodations at Jewell and Asilomar Avenues and existing visitor accommodations and the adjacent restaurant on Sunset Drive across from the Asilomar State Beach and Conference Grounds are designated in the General Plan, respectively, medium residential and general commercial; the existing coastal-dependent educational uses at the Hopkins Marine Lab property are designated for open space institutional uses.

The Land Use Plan policies that follow supplement existing City policies and regulations by providing for:

- Reservation of specific areas for recreational uses, visitor accommodations, visitor-commercial and coastal-dependent uses;
- Improved and new visitor-serving facilities (e.g., vehicle parking areas, bike route and parking racks, visitor-information/interpretive sign program, and railroad right-of-way recreational trail); and
- The opportunity to extend and improve the recreation trail

3.2.4 Land Use Plan Policies – Land Uses and Designations

LUD-1. Protection of sensitive habitats, natural landforms, scenic resources, and other coastal resources shall be a priority in all City actions and decisions, and all development shall be modified so as to protect and enhance such resources to the maximum extent feasible. Development shall only be authorized when the proposed

use is allowed per the applicable land use designation, and when it meets all applicable Local Coastal Program policies and standards.

A significant portion of the Coastal Zone may be considered Environmentally Sensitive Habitat Area. Please refer to the Land Habitat Sensitivity Map and policies in §2.4.4, Biological Resources and Environmentally Sensitive Habitat Areas, Land Use Designations.

LUD-2. In addition to all applicable Land Use Plan policies, the specific standards for development at the American Tin Cannery building/property located in Assessor Parcels (APN) 006-231-001, 006-234-004, 006-234-005, and the portion of Sloat Avenue between Eardley Avenue and Dewey Avenue (C-V-ATC zoning district) can be found in the Implementation Plan.

LUD-3. All accommodation units shall be for transient use only (i.e., occupancy of such units shall be for a period not to exceed 30 days). To the maximum extent feasible, overnight lodging facilities shall be encouraged to scale back building boundaries on site edges, select appropriate architecture, and/or limit heights to better transition to the residential neighborhood, and contribute to the upkeep of the adjacent neighborhoods. Lower-cost visitor-serving facilities, including visitor accommodations and public recreational opportunities, shall be protected and encouraged. Existing lower-cost accommodations shall be protected, and new accommodations shall designate a component of their units as lower-cost accommodations or establish or improve off-site accommodations in the Coastal Zone that meet the lower-cost need.

LUD-4. The Land Use Plan Designations figure shall officially designate land uses for the Coastal Zone, according to the following land use designations ((NOTE: numbers note maximum dwelling units per acre (e.g., LDR 1-2 means a maximum of one to two dwelling units per acre)):

LDR 1-2 Low Density Residential

MDR 8-10 (MHP) Medium Density Residential for Mobile Home Park

MDR 8-10 Medium Density Residential

MHD 10-20 Medium-High Density Residential

V-A Visitor Accommodation

V-C Visitor Commercial

SSC Sunset Service Commercial

OS-I	Open Space Institutional
OS-R	Open Space Recreational
RT	Recreational Trail

In all land use designations, open space, public park and recreational facility opportunities shall be allowed uses in addition to the uses specified below.

Permitted Residential Uses

LUD-5. Allowed uses for Coastal Zone areas designated LDR 1-2 include:

- a. single-family residences;
- b. scenic reserves;
- c. natural habitat reserves;
- d. guest/auxiliary/second housing units up to the permitted densities, except within the Asilomar Dunes Residential Area; and
- e. uses accessory to the above listed uses.

LUD-6. Allowed uses for Coastal Zone areas designated MDR 8-10 (MHP) include:

- a. mobile homes; and
- b. uses accessory to the above listed uses.

LUD-7. Allowed uses for Coastal Zone areas designated MDR 8-10 include:

- a. single-family residences;
- b. multi-family residential units;
- c. guest/auxiliary/second housing units up to the permitted densities;
- d. boarding houses;
- e. bed and breakfast facilities in locations zoned R-3-P.G.R; and
- f. uses accessory to the above listed uses.

LUD-8. Allowed uses for Coastal Zone areas designated MHD 10-20 include:

- a. single-family residences;
- b. multi-family residential units;
- c. guest/auxiliary/second housing units at the permitted densities;

- d. boarding houses;
- e. professional office uses;
- f. assembly halls; and
- g. bed and breakfast facilities; and
- h. uses accessory to the above listed uses.

Permitted Visitor Uses

LUD-9. Allowed uses for Coastal Zone areas designated V-A include:

- a. overnight lodging facilities;
- b. bed and breakfast facilities;
- c. limited appurtenant eating establishments and shops where appropriate;
- d. visitor-serving commercial and retail uses; and
- e. uses accessory to the above listed uses.

LUD-10. Allowed uses for Coastal Zone areas designated V-C include:

- a. overnight lodging facilities and appurtenant uses;
- b. eating and drinking establishments;
- c. visitor-serving retail, service commercial (e.g., banks, grocery stores and gas stations), and event venues;
- d. institutional uses oriented to tourism;
- e. public and private parking facilities; and
- f. uses accessory to the above listed uses.

LUD-11. Allowed uses for the Coastal Zone areas designated SSC include:

- a. heavy commercial uses such as lumber yards, building supply centers, home and design centers, business service centers, hardware stores, and indoor and outdoor storage facilities;
- b. industrial uses such as fabrication and light manufacturing;
- c. retail and services uses;
- d. offices;

- e. uses allowed in the areas designated V-C;
- f. uses accessory to the above listed uses.

Permitted Open Space Uses

LUD-12. Allowed uses for Coastal Zone areas designated OS-R include:

- a. low-intensity recreational and educational activities such as walking, nature study, photography and scenic viewing, and temporary events at Lovers Point;
- b. facilities to access the water for recreational and educational activities such as diving, small craft boating, fishing, and swimming;
- c. within the municipal golf course only, continued use as a public golfing facility; and
- d. facilities for non-motorized modes of transportation including designated bike paths, bike lanes, and trails.

Other uses for Coastal Zone areas designated OS-R are limited to visitor-serving commercial uses that are incidental to and in support of public recreation, provided that such uses do not adversely affect coastal access or other coastal resources. Proposed uses and associated landscape plantings, signs, utilities, and other related development shall not obstruct or interfere with public views of the ocean or bay from Ocean View Boulevard, Sunset Drive, Lighthouse Reservation lands, or the Asilomar State Beach and Conference Grounds. The proposed uses shall meet all of the following criteria:

- the use supports, facilitates, and enhances recreational use and enjoyment of OS-R areas;
- the use provides convenient services for recreational users engaging in permitted uses in OS-R areas, including food services and construction of additional public restroom buildings; and
- permanent commercial uses must utilize existing or restored structures without the construction of new structures.

In the portions of the Union Pacific Railroad right-of-way designated OS-R, the City shall conduct a study evaluating trail alignment, possibly on the road, to link Lovers Point to Asilomar Beach and Spanish Bay. No development shall be allowed within the corridor that would compromise its utility for public recreational access or open space. Development that could impair the use of the corridor as a potential public

accessway shall be conditioned to require dedication of a through public recreational access easement to an appropriate public agency prior to issuance of permits; or purchase of a suitable and similar alternate route. If an alternate route is established, it must result in through public access between the Lovers Point area and the existing Spanish Bay trail system, utilizing the abandoned railroad right-of-way wherever feasible. If the former railroad right-of-way is merged with adjoining parcels, the following easements shall be granted:

- an open space easement, encompassing the entire former railroad right-of-way segment; and
- a public access easement, at least 12 feet in width, for the purpose of establishing a public recreational trail route.

LUD-13. Allowed uses for Coastal Zone areas designated OS-I include:

- a. Asilomar Conference Grounds: overnight accommodations, conference facilities, low-intensity coastal-related recreation, and very limited public recreational access to protect coastal habitat to the extent compatible with protection of designated natural and biotic resource areas.
- b. Hopkins Marine Station and NOAA facility: coastal-dependent marine research and educational activities, aquaculture, and coastal-dependent recreation and public recreational access that is compatible with maintenance of coastal-dependent scientific and educational uses.
- c. Monterey Bay Aquarium: coastal-dependent marine research, educational and recreational activities and facilities, aquaculture, and public recreational access.
- d. Lighthouse Reservation: existing coastal-related institutional and military structures, low-intensity coastal-related recreation, and public recreational access compatible with protection of designated natural and biotic resources, including Crespi Pond, sand dunes and existing stands of Monterey pines.
- e. Critical infrastructure consistent with Local Coastal Program policies regarding coastal hazards and sea level rise.

LUD-14. Allowed uses for Coastal Zone areas designated RT include:

- a. Monterey Peninsula Recreation Trail bicycle and pedestrian path; and
- b. appurtenant public recreational uses; and
- c. uses accessory to the above listed uses.

LUD-15. The City encourages a range of accommodation types, including lower-cost visitor accommodations and public recreational opportunities.

3.3 CULTURAL RESOURCES (CRS)

3.3.1 Background – Archaeological Resources

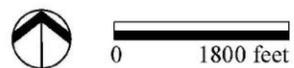
Native American Period (Pre-1500)

A generalized Archaeological Sensitivity Map for Pacific Grove designates the Coastal Zone as an area where there is a likelihood of prehistoric cultural resources, which is reflected in [Figure 7, Archaeological Sensitivity Map](#). In order to protect archaeological resources, and consistent with the Archaeological Resources Protection Act of 1979, detailed archeological reports are not publically available.

Over 7,000 years ago Rumsien Ohlone and Esselen peoples inhabited this coastal area of Pacific Grove, long before European contact. Extensive Archaeological research has been undertaken over the years. In keeping with the City’s high regard for its past history, and in support of the preparation of the Land Use Plan, the City hosted a well-attended presentation by archaeologists during the Summer of 2015 at Lovers Point Park.

The Ohlone linguistic group inhabited ancestral lands ranging from San Francisco Bay to Big Sur and numbered at least 15,000 before European contact. The Ohlone Costanoan Esselen Nation represents at least 19 villages of native peoples from the Monterey Peninsula and regions to the south. Archaeological resources are located throughout the Coastal Zone.

Figure 7: Archaeologically Sensitive Area



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

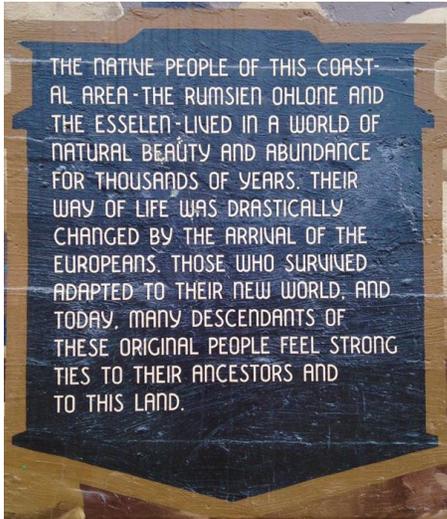
Source: City of Pacific Grove 1989, Google Earth 2013

Archaeologically Sensitive Area

City of Pacific Grove Land Use Plan

3.3.2 Coastal Act Policies - Archaeological Resources

The Coastal Act requires that any potential adverse impacts on archaeological and paleontological resources from development shall be mitigated through reasonable measures (Public Resources Code §30244).



The sign to the left appears on a 100+ feet mural painted on a wall adjoining Pacific Grove's recreation trail. Scores of people pause daily and examine the mural which portrays Pacific Grove's coastal environment since the pre-historic Ohlone cultures to the late 19th century founding of the City. The sign's message – that descendants of these original people feel strong ties to their ancestors and this land – seems to describe not only family descendants, but the love for Pacific Grove's timeless quality experienced by nearly everyone who visits Pacific Grove's Coastal Zone. Photo Credit – Jean Anton, 2015.

3.3.3 General Plan and Other Policies – Archaeological Resources

The Pacific Grove General Plan Historic and Archaeological Resources Element contain a discussion of the City's archaeological resources. As stated in §7.5 of the Historic and Archaeological Resources Element:

The entire Pacific Grove Coastal Zone has been designated an Archaeologically Sensitive Area. There are archaeological resources elsewhere in the Planning Area. A 1974 survey of Monterey County found archaeological sites within the Pacific Grove Planning Area. A 1977 archaeological survey conducted in connection with the Monterey-Pacific Grove regional sewer project revealed the existence of a 4,000-year old village site. More recent studies also indicate the likelihood of prehistoric cultural resources.

As part of the Coastal Development Permit process, the Coastal Commission has historically conditioned permits in Pacific Grove to require protection of archaeological resources. These requirements have included:

- Review of the site by a qualified professional archaeologist to determine its value;

- Preparation of environmental review documenting project impacts to archaeological resources under the California Environmental Quality Act;
- Re-siting or redesigning the project to minimize impact on archaeological resources; and
- Preparation and implementation of an archaeological mitigation plan which could include excavation or protection of the resource for future study by covering with fill or other mitigation measures.

3.3.4 Land Use Plan Policies – Archaeological Resources

- CRS-1.** The City shall conduct consultations with the tribe officially recognized as native to the Monterey Peninsula, the Ohlone Costanoan Esselen Nation, in accordance with state law.
- CRS-2.** The City shall ensure the protection, preservation, and proper disposition of archaeological resources within the Coastal Zone.
- CRS-3.** The City shall assist developers and landowners by providing early identification of sensitive sites so that archaeological resources can be considered and protected during the early phases of project design. The City shall require new development to prepare an archaeological report by a qualified professional and, where appropriate, shall require mitigation measures to adequately protect and preserve potential archeological resources.
- CRS-4.** The City shall update the background information for all archaeological sites identified within the Coastal Zone to develop a current assessment of the resources' potential historical significance and evaluate their vulnerability to climate change, including those sites recommended or determined to be eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources; and conduct the further research needed in order to determine the present condition of each site and to make an assessment of their potential eligibility for listing on either register, and therefore, their potential historical importance.

3.3.5 Background – Historic Resources

Pacific Grove is a small coastal town located at the tip of the Monterey peninsula adjacent to the Pacific Ocean and Monterey Bay. It is defined by a unique combination of natural features, rich history and traditional neighborhoods that create a special place for its residents and attracts visitors from around the world. It is part of the rocky shoreline of Central California with

accessible pocket beaches and is framed by Monterey Pines and Cypress trees in a backdrop of rising ridge lines that result in a spectacular relationship of forest and sea.

The City of Pacific Grove features an outstanding collection of historic buildings located in a magnificent coastline setting. With its origins as a summer religious retreat, referred to as the Retreat, the primary organizing feature of its early development was the subdivision of land into small lots designed for seasonal use. The City of Pacific Grove's Coastal Zone includes a portion of the Retreat which is considered to be a "special community" and new development shall protect this special community and neighborhoods, and its unique natural and built resources, as provided in the Coastal Act. Today, each neighborhood exhibits features that enhance the livability and "home town" character of the community.

The Spanish Period

During the Spanish expeditions in the 1500's, Juan Rodriques Cabrillo sailed by Monterey Bay in the Fall of 1542, which he called "Bahia de los Pinos" or Bay of the Pines. On the same voyage, Cabrillo called Point Pinos, "Cabo de Pinos." In 1602, Sebastian Vizcaino sailed a fleet of three ships north from Mexico to explore the "Alta" California coast. During his visit he renamed the bay to be "Puerto Monte-Ray" or Monterey Bay, and the cape or point, to be "Punta de los Pinos" also known as Point Pinos. During 1769 and 1770, Father Juan Crespi was part of the overland trips conducted by Gaspar de Portolla and Father Junipero Serra. On May 2, 1770, Father Crespi wrote in his diary about the "Salty Lagunas" at Punta de los Pinos, which are now called Crespi Pond.

The Mexican Period

From 1821 to 1846, Mexico ruled over Alta California, and in 1833 the "Rancho Punta de Pinos" land grant was awarded by the governor of Mexico to a soldier from the nearby Monterey Presidio. That land was bounded by the Pacific Ocean on the west and Monterey Bay to the north, and westerly of the easterly boundary line, drawn from Point Alones (Abalone Point) to the north and to Cypress Point now part of Pebble Beach to the south. The City of Pacific Grove roughly aligns with the boundaries of Rancho Punta de Pinos. There is no visible evidence of buildings or structures from the Native American, Spanish period, or Mexican Periods in Pacific Grove.

Post Mexican-American War

The war ended in in 1848. In 1849, California was admitted into the United States and the Point Pinos Station was constructed in 1854 on U. S. government land. It is the oldest structure in Pacific Grove and continues to operate to this day. During that period of transition, Chinese

immigrants built a small fishing village for about 500 people in a small sheltered cove west of Alones Point that was occupied from approximately 1850-1906. It was abandoned due to overfishing within a few years when the fishermen moved to Point Lobos south of Carmel.



*Point Pinos Lighthouse.
Pacific Grove's Coastal
Scenery. Photo Credit:
Stephen Bay,
BayImage.net / City of
Pacific Grove website at
www.cityofpacificgrove.org.*

After California joined the United States, the U. S. Coast Survey prepared a detailed map in 1852 of Monterey and coastline including Point Pinos to aid in navigation. As mentioned above, the Lighthouse that was built in 1854 remains in operation. It is listed on the National Register of Historic Places.

In 1859, developer David Jacks bid on and paid slightly more than \$1,000 for 30,000 acres of Pueblo Lands surrounding the settlement of Monterey. In 1864, Mr. Jacks purchased Pueblo Lands from the Mexican era Rancho de los Pinos. Eventually, it is estimated that Mr. Jacks controlled approximately 100,000 acres of Monterey County land—including all of what would become the city of Pacific Grove. For the most part, these vast landholdings were used for ranching operations, functioning much as they had during the Mexican era.

Pacific Grove Retreat

The historic Pacific Grove Retreat (Retreat) is partially located in the Coastal Zone. Within the Coastal Zone, the Retreat is bounded by Pacific Avenue to the west, Dewey Avenue to the east, and Central Avenue to the south. Outside of the Coastal Zone, the Retreat boundaries extend to Lighthouse Avenue to the south. Due to the Retreat's unique historic, architectural, and scenic characteristics the area is an important resource to the community and draws many visitors. As such, the area of the Retreat within the Coastal Zone is considered a "special community"

within the context of Coastal Act §30253(e) and policies included in this Land Use Plan ensure the area is protected.

The Pacific Grove Retreat dates to 1875, when about 100 acres of land near Jewell Park and Lovers Point were donated by David Jacks for the establishment of a Methodist retreat center. The unique architectural and visual character of the Pacific Grove Retreat is due to its historic origins as a 19th century coastal Methodist coastal retreat – the only such relatively intact community remaining on the Pacific coastline.

An outstanding feature of the Pacific Grove Retreat is the number and concentration of late 19th and early 20th century structures that have survived. Over half of the 385 residential structures in the Coastal Zone portion of the Pacific Grove Retreat are identified in the City’s Historic Resources Inventory. The area between Pacific Street and Grand Avenue is particularly rich in historic buildings and possesses a significant concentration, linkage, and continuity of sites, buildings, structures, and objects united historically or aesthetically by their physical development.

The 1875 Methodist Literary and Scientific Circle Meetings introduced the concept of scientific studies along the Pacific Grove coast. The Chautauqua movement with its national goals to promote “study in nature, art, and science” established its West Coast headquarters at the Retreat in 1879. The annual summer assemblies provided public education via lectures, concerts, and theatrical performances and a four-year reading course. Chautauqua Hall was built in 1881. In July 1889, the City was incorporated, and the first railroad service was established.

Pacific Grove continued to fill in the vacant lots of the Retreat, attracted visitors to auto camps and to develop new neighborhoods, such as Mermaid Avenue (aka “Bungalow City”) The Beach Tract, City of Homes, Fairway Homes, etc.

Current land use in the Coastal Zone portion of the Pacific Grove Retreat is predominantly single-family residential. Newer multiple-unit dwelling from the mid to late 20th century period are concentrated near the commercial center on Lighthouse Avenue and along Ocean View Boulevard. Interspersed among the streets of historic homes are several small parks – Caledonia, Greenwood, Jewell, and Andy Jacobsen. The scale, vegetation, and physical features of the parks make a distinctive contribution to the total composition of the Pacific Grove Retreat.

Historic Structures and Other Resources

At Asilomar State Beach and Conference Grounds, historic and architectural resources are found in the eleven buildings (circa 1913) designed in the American Arts and Crafts Movement genre by the pioneering California woman architect Julia Morgan. The Julia Morgan buildings at Asilomar State Beach and Conference Grounds and the land between them have been

designated as a National Landmark District, which is the highest level of recognition for a cultural resource in the United States.

The renowned Hopkins Marine Station of Stanford built at Cabrillo Point in 1917 near the Monterey Boat Works factory (circa 1916), was originally built at Lovers Point in 1892 as the Hopkins Seaside Laboratory, and was the first marine science research facility on the California coast.

Dr. Julia Platt became mayor in 1931 and obtained special California State Legislation that year designating an underwater Marine Garden as part of the City. Pacific Grove is the only city in the state with the right to control the lands beneath the ocean along its coastline. Two miles of the Marine Garden Fish Refuge adjoin both the Pacific Grove Retreat and a portion of the Beach Tract.

The City of Pacific Grove Historic Resources Inventory is on file at the City and lists the address, date of construction and the first owners of the historic structure. The Pacific Grove *Historic Context Statement*, approved by the City Council on October 19, 2011, identifies development patterns and significant property types within the City. It is intended to be used as a tool to better understand, evaluate and conserve the City's historic resources. Maps depicting the historical periods of development generally reflect the neighborhoods of those eras. Two Ad Hoc Committees regarding historic resources met in 2013 and 2016, and made several recommendations to improve efforts to preserve the City's historic fabric.

3.3.6 Coastal Act Policies – Historic Resources

The California Coastal Act seeks to minimize the adverse impacts to historical and archaeological resources within the Coastal Zone by requiring mitigation of any adverse impacts to these resources by any development (Public Resources Code §30244).

Two Coastal Act policies address protection of special communities. The Coastal Act requires that the unique characteristics of special communities and neighborhoods be protected (Public Resources Code §30253(e)) and provides that scenic and visual qualities of coastal areas are a resource of public importance which deserve protection from incompatible new development (Public Resources Code §30251).

The Coastal Zone area within the incorporated limits of the City of Pacific Grove includes the historic Pacific Grove Retreat which is a “special community” within the meaning of Public Resources Code §30253(e), and as described in: Part II “Findings and Policies” for Special Communities and Neighborhoods of the California Coastal Plan, December 1, 1975, as provided in Public Resources Code §30002 and §30102.

Public Resource Code § 30253.e states new development shall “Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.”

3.3.7 General Plan and Other Policies – Historic Resources

In the past, the City took steps to protect historic resources including the Pacific Grove Retreat. Among these are:

- The preparation of the Historic Resources Inventory (1978);
- Adoption of the Pacific Grove Historic Context Statement (2011);
- The requirement that all exterior modifications be reviewed and approved;
- Revised zoning for the Pacific Grove Retreat;
- Formulation of design criteria as reflected in the City’s *Architectural Review Guidelines for Single-Family Residences*;
- Regulation of the demolition of historic structures;
- The use of the Historic Building Code for improvements to older structures as required by state Law; and

The Julia Morgan buildings at Asilomar State Beach and Conference Grounds and the land between them have been designated as a National Landmark District, which is the highest level of recognition for a cultural resource in the United States. Any proposed alteration of the historic buildings or surrounding area are required to follow guidelines and review processes administered by the State Office of Historic Preservation (Public Resources Code §5024.5).

The following policies on historic resources extend and strengthen existing protective measures. The policies are intended to:

- give explicit recognition to the Pacific Grove Retreat, the Julia Morgan structures, and other historical, architectural and cultural resources in the Coastal Zone;
- give clear status to the City’s Design Review Criteria,;
- add further protection against demolition of historic buildings; and
- promote a range of historic preservation methods and opportunities.

3.3.7 Land Use Plan Policies – Historic Resources

- CRS-5.** The Pacific Grove Retreat’s unique characteristic and architectural heritage contribute to the aesthetic, social, and economic well-being of the community, both for residents and visitors.. The City shall encourage the protection, maintenance, and enhancement of the unique historical, architectural, siting and visual characteristics of the Pacific Grove Retreat. Prior to any City review or regulatory action, all structures within the Retreat area constructed 50 years ago or more shall be evaluated for local historic significance. Historic structures may seek relief from current development standards in accordance with the City’s Historic Preservation Ordinance and appropriate City permits including the Historic Preservation Permit.
- CRS-6.** All proposed development actions, including City public works projects, shall be consistent with maintaining the current scale and character of the Pacific Grove Retreat.
- CRS-7.** Rehabilitation, reconstruction, remodeling, or exterior modification of existing structures with historic or architectural significance in the Pacific Grove Retreat, and other neighborhoods in the Coastal Zone, shall relate to or retain the lines of the original design as much as possible and alterations shall provide evidence of substantial compliance to the Secretary of the Interior standards for historic resources.
- CRS-8.** Design review shall be required as part of the Coastal Development process in order to maintain historical continuity and visual harmony of new development within the Pacific Grove Retreat and other neighborhoods in the Coastal Zone.
- CRS-9.** In order to protect historic structures, unwarranted demolition shall be avoided by implementing standards for demolition.
- CRS-10.** The City shall continue its ongoing programs of citizen involvement in carrying out its historic preservation policies and programs.
- CRS-11.** The City shall continue to implement the Housing Rehabilitation Loan Program, and any other similar future programs, to assist property owners in the maintenance of structures in the Pacific Grove Retreat and other historical properties in good condition in order to retard physical deterioration. Possible approaches will include incentives, code enforcement, award programs, rehabilitation programs, and use of the California State Historic Building Code
- CRS-12.** Other historic or architecturally unique structures, including the Julia Morgan structures at Asilomar State Beach and Conference Grounds, shall be protected and

maintained to the fullest extent possible. In order to preserve structures designed by Julia Morgan at the Asilomar State Beach and Conference Grounds, the City shall encourage the State Historian to consult with the City on design review prior to any proposed exterior alterations.

- CRS-13.** The City shall maintain and update the Historic Resources Inventory, with assistance from professional consultants and the Heritage Society of Pacific Grove, to provide a current description of the historic and visual character of the Pacific Grove Retreat and of the other historical neighborhoods in the Coastal Zone.

3.4 PUBLIC INFRASTRUCTURE (INF)

3.4.1 Background – Water Supply, Conservation, and Wastewater

Clean, potable water is a precious resource, particularly on the Monterey Peninsula and in Pacific Grove. Pacific Grove's potable water is supplied by California-American Water Company (Cal-Am), a privately-owned utility. Potable water is regulated by the Monterey Peninsula Water Management District and by the City's Municipal Code, Chapter 11.65. The Monterey Peninsula Water Management District maintains water allocation data for peninsula agencies and should be contacted for further information.

Pacific Grove obtains its water supply from surface water in Carmel Valley and from groundwater resources in the Carmel Valley and Seaside Groundwater Basins. Withdrawals from the Carmel Valley are governed by the State Water Resources Control Board and implemented by the Monterey Peninsula Water Management District. The Seaside Groundwater Basin is adjudicated and overseen by the Seaside Groundwater Basin Watermaster.

Cal-Am has been mandated to develop new water supplies for the Monterey District service area in order to decrease reliance on the Carmel River (pursuant to State Water Resources Control Board Order 95-10 and Cease and Desist Order 2009-0060) and the Seaside Basin (pursuant to the Seaside Basin Adjudication in *California American Water v. City of Seaside, et al.* (Monterey Superior Court, Case No. M66343). Various options ranging from water conservation measures to a desalinization plant are being explored. Several seawater desalination projects located outside of the City have been proposed that could supply water to the City in the future. In addition, the City's Local Water Project is working to bring the decommissioned wastewater treatment plant back online to use treated water to irrigate the municipal golf course, cemetery, and other uses in lieu of potable water.

Currently, Pacific Grove has extremely limited water to distribute and maintains a Water Wait List. Water is allocated in accordance with Chapter 11.68 of the City's Municipal Code. If a project requires additional water beyond what is allocated by the Monterey Peninsula Water Management District, an applicant may apply to place a project on the Water Wait List. To ensure that unanticipated water demands will not preclude coastal priority uses, Local Coastal Program policies support water conservation and reduction.

The City's main sewer trunk line enters the Coastal Zone at Arena Avenue, from where it follows Asilomar Avenue northward, then Ocean View Boulevard eastward to Monterey. The entire distance along Ocean View Boulevard is force main, and there are six pump stations located along the main between Arena Avenue and the eastern City limits. Most of the Ocean View Avenue force main, and five of the six pump stations between Arena Avenue and the eastern city limit, are within 150 feet of the shoreline. The remaining two pump stations are located in Planning Area VI, and neither of these is located within 150 feet of the shoreline. From Monterey, wastewater is pumped through the regional interceptor to the Monterey Regional Water Pollution Control Agency's treatment plant in Marina. Some of the wastewater treated at the Marina wastewater plant is recycled for irrigation of cropland. Many single-family residences in the Asilomar Dunes neighborhood use individual septic systems and are not connected to the City's sewer system. Connecting to the sewer system is typically triggered with redevelopment, as a condition of the building permit.

The City has significant wastewater infrastructure potentially at risk under combined sea level rise and coastal storm flooding, but duplication of this infrastructure would be infeasible at the current time and relocation to higher elevations would be difficult to accomplish. Phased and prioritized relocation of sewer lines would be more feasible to accomplish and could potentially be coordinated with long-term system maintenance or capital investment. A plan that took into account age and condition of the infrastructure, capacity and functionality of the infrastructure, and susceptibility to damage, would need to be developed in order to establish priorities for system relocation. Measures to safeguard against inundation damage to critical pump station facilities might be necessary as a short-term approach.

3.4.2 Coastal Act Policies – Water Supply, Conservation, and Wastewater

The Coastal Act limits expansion of new public works facilities to those improvements necessary to accommodate planned development or uses permitted by the Coastal Act. Where existing or planned public works can accommodate only a limited amount of new development, priority is given to recreation, coastal-dependent land uses, essential public services, and basic industries vital to the economic health of the region, state, or nation (Public Resources Code §30254).

3.4.3 General Plan and Other Policies – Water Supply, Conservation, and Wastewater

The Pacific Grove General Plan Public Facilities Element notes that Public Facilities Element Goal 1 is to maintain an adequate level of service in the City’s water system to meet the needs of existing and future development. Public Facilities water supply policies prioritize available water allocation to best serve the City’s needs, to accommodate coastal priority uses, and to ensure the provision of adequate fire flow.

The City has embarked on a Local Water Project. When the project is complete and new local domestic potable water becomes available, the City Council will be tasked with allocating new water into one of the City’s four potable water reserve categories, commercial, residential, governmental and community. Policies are needed to ensure that a portion of the water available to the City for new development is reserved for priority uses within the Coastal Zone such as public recreation, coastal-related commercial recreation, coastal-related visitor-serving facilities, and coastal-dependent industry. Non-priority uses like residential and general commercial uses within the Coastal Zone would then compete with the uses outside the Coastal Zone for the unreserved water available to the City for development.

The Land Use Plan policies on water supply and conservation that follow, supplement existing City policies and regulations by providing for:

- Reservation of a portion of the City’s available water supply for Coastal Act priority use development;
- Permitting new development only when there is adequate existing and long-term water supply to serve the development;
- Using reclaimed wastewater and captured runoff for irrigation and other beneficial uses where feasible; and
- Encouraging native low-water /drought resistant landscaping; to be planted in new development projects in order to conserve water, and require drip or micro-spray irrigation systems for both temporary and permanent irrigation.

3.4.4 Land Use Plan Policies – Water Supply, Conservation, and Wastewater

INF-1. The City Council shall annually review the City’s water allocation regulations and procedures, and the status of the City’s water reserves. To the maximum extent feasible, the City shall reserve a sufficient quantity of water to accommodate coastal priority uses designated by the Land Use Plan (i.e. public access and recreational

- uses and visitor-serving uses) from its allotted water supply. This allocation shall include considerations of constrained and unconstrained water demand, taking into account sources and timing of new water supply, as well as the City's overall land use and economic policies.
- INF-2.** Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate existing water allocation and sustainable long-term water supply. Individual private water systems, except for rainwater collection are prohibited.
- INF-3.** Recycled wastewater shall be used as much as possible to irrigate the Municipal Golf course, the City cemetery, and other landscaping areas, to the extent recycled water is reasonably available for such purpose.
- INF-4.** Wastewater disposal systems which minimize or eliminate marine resource pollution, and which provide for reclamation of wastewater for reuse, shall be encouraged.
- INF-5.** Development shall only be approved if it is first clearly demonstrated that the additional wastewater discharge associated with such development will not significantly adversely impact coastal resources, including marine resources. New development, including redeveloped structures, shall connect to the public wastewater treatment system.
- INF-6.** When considering new development or redevelopment/renovation projects, the City shall consider the existing property domestic water allocation, the potential for on-site conservation and capture, and available City supplemental water as part of the water allocation.
- INF-7.** The City shall continue to pursue the development of sustainable water supplies and develop new infrastructure to the extent feasible, within locations not susceptible to coastal hazards.
- INF-8.** The City shall maximize potential sources of new water by utilizing, where feasible, reclaimed wastewater and captured runoff for open-space irrigation. Development approval shall, as appropriate, include dual piping systems designed to allow for use of reclaimed water for irrigation and toilets in the future.
- INF-9.** New or expanded water or wastewater facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the Land Use Plan.

- INF-10.** The City shall consider the relocation of critical water and wastewater infrastructure, as necessary and feasible, to protect those services from the effects of sea level rise and other coastal hazards.
- INF-11.** The City shall encourage water conservation measures for new development to the greatest possible extent including, but not limited to, the use of water conservation fixtures and equipment including but not limited to high-efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, etc., off-set of proposed water use, drip or microspray irrigation, storm water capture, greywater collection and reuse and native drought resistant landscaping.

3.4.5 Background – Storm Drainage

The City has five major storm drain lines, all of which collect storm water run-off at higher elevations and dispose of it offshore. Two lines drain westward into the Pacific Ocean and three drain northward into Monterey Bay. Numerous other outfalls serve local drainage areas. The most significant concern of the storm drain lines are the potential for discharge to result in marine resource degradation and the functionality of the outfalls. Storm water outfalls can function above or below the water line, but those discharging below the water line must be designed accordingly. An underwater storm water discharge pipe will be filled with sea water to the tide elevation, and thus capacity for storm water within the pipe will be reduced. Underwater pipes can also collect sand from the ocean, also reducing capacity. An outfall sitting at the tide line would be best designed with a check valve to keep ocean water from entering. In some cases, pumping storm water out of the collection pipe might be desirable to overcome the counter-pressure of sea water and prevent storm water backing up where it reaches the tide level. In all cases, striving for appropriate filtration and treatment of storm water runoff prior to discharge is a priority of the City.

3.4.6 Coastal Act Policies – Storm Drainage

The Coastal Act does not specifically address urban storm drainage systems. For flood control to protect existing development or public safety, channelization and other structures are permitted if no feasible alternatives exist (Public Resources Code §30236). The Coastal Act does require that marine resources and other waterbodies be protected against degradation, and thus issues associated with pollutants in runoff are important Coastal Act considerations (e.g., Public Resources Code §§30230, 302310, 30233 and 30240).

3.4.7 General Plan and Other Policies – Storm Drainage

The Pacific Grove General Plan Public Facilities Element includes two goals relating to accommodation of storm water flows: accommodate runoff and avoiding and mitigating potential pollutants in runoff associated with existing and future development; and prevent property damage caused by flooding.

3.4.8 Land Use Plan Policies – Storm Drainage

Refer also to the Water and Marine Resources policies in §2.2.4.

INF-12. In order to minimize impacts from coastal hazards as well as to avoid impacts to water quality, public access, and scenic and visual resources, there shall be no net increase in beach outfalls and the City shall seek and pursue opportunities to consolidate and/or eliminate reliance on storm water outfalls that convey storm water onto the beach and/or into Monterey Bay or Pacific Ocean. Outfalls that are below sea level, or are likely to be below sea level with sea level rise and/or high storm tides, shall be designed to prevent the entry of sea water and sand to the extent practical, and shall be regularly monitored and maintained to avoid marine resource degradation. Further, outfalls shall be sited and designed, to minimize public view impacts including as seen from the beach and other shoreline public viewing areas as much as possible, including through concealing, screening, and camouflaging outfalls, and through the use of natural storm and energy dissipaters to reduce erosion and improve visual appearance.

INF-13. The City shall implement, where feasible, “best management practices” (BMPs) in parking areas near the coast to capture sediments and other pollutants, to filter and treat runoff prior to discharge, and to incorporate water quality protection features, such as Low Impact Development designs, into new or upgraded storm water system facilities and adjacent areas.

3.4.9 Background – Transportation

The City’s principal traffic circulation system within the Coastal Zone includes Ocean View Boulevard and Sunset Drive as a continuous two-lane scenic drive, and portions of the City’s major thoroughfares: Central Avenue and Highway 68. Asilomar Avenue also provides north-south access to the Asilomar State Beach and Conference Grounds and Point Pinos.

A *Pacific Grove LCP Transportation Analysis* prepared by Hatch Mott MacDonald and included in the Local Coastal Program Background Report, found that traffic volumes, as well as tourist and

recreation activity, are expected to increase about 20 percent over the next 25 year period. The analysis indicates that for the most part, traffic increases of 20 percent would not be expected to result in significant impacts to traffic operations in the Coastal Zone through 2035. That is not to say that such conclusion will be assured, and it is incumbent on the City to ensure that new development is analyzed for its potential to adversely impact circulation in accordance with the California Environmental Quality Act. The following paragraphs summarize facilities that are explained in more detail in Appendix A.

Transit Service

Monterey-Salinas Transit Routes 1 (Asilomar-Monterey) and 2 (Pacific Grove-Del Monte Center) provide limited transit service within Pacific Grove. Both routes provide service on one-hour headways on both weekdays and weekends. Connections to other transit routes that serve the region are provided at the Monterey Transit Plaza, located in downtown Monterey. Route 1 provides service between the Monterey Transit Plaza and Pacific Grove with service to portions of the Pacific Grove Coastal Zone. Coastal Zone locations served by Route 1 include the Asilomar State Beach and Conference Center, Point Pinos Lighthouse, and Lovers Point Park. Route 2 circulates within Pacific Grove, but does not serve areas within the Coastal Zone. Route 2 interfaces with Route 1 at a stop located at Lighthouse Avenue and Fountain Avenue.

Bicycle Facilities

The Coastal Zone contains the southernmost section of the Monterey Bay Sanctuary Scenic Trail. The Monterey Bay Sanctuary Scenic Trail provides a public trail along the shoreline of the Monterey Bay National Marine Sanctuary, extending between Pacific Grove and Marina, with planned extension into Santa Cruz County. The segment of the Monterey Bay Sanctuary Scenic Trail in Pacific Grove extends between the easterly City limits near Eardley Avenue to Ocean View Boulevard at Lovers Point. It has a paved portion (a Class I Bike Path which is separated from vehicle travel lanes) and an adjacent gravel path designated for pedestrians. The path varies in width from 10 feet to 22 feet. Bicyclists, pedestrians, and surreys share the path. Ocean View Boulevard extending from Eardley Avenue to Asilomar Avenue is a Class III bikeway. A Class III bikeway consists of a shared right-of-way with vehicles in a travel lane. Ocean View Boulevard-Sunset Drive, between Asilomar Avenue and Seventeen Mile Drive, is striped with Class II bike lanes. A Class II bikeway provides a striped bike lane on the outside of each vehicle travel lane.

Pedestrian Facilities

This critical public resource shall be protected from all adverse impacts including coastal hazards. Sidewalks are provided along most, but not all streets in the Coastal Zone Areas I, II, and III. In Areas IV-A, IV-B, and VI there are typically no sidewalks, but portions of these areas contain pedestrian trails as a part of Asilomar State Beach and Conference Center. Area V consists entirely of the Union Pacific Railroad right-of-way that is currently, and has historically, been used as a walking path by the community. There exists a recreational trail along almost all of the City's shoreline that provides pedestrian access along the shoreline from the City of Monterey to the Del Monte Forest.

Parking

On-street parking can be found in all Planning Areas of the Coastal Zone, except for Area V, which consists only of the Union Pacific Railroad right-of-way. Certain areas have time limitations; however, only Planning Area I currently has any metered parking. There are no parking lots in Areas I or II, and there are 32-space and 17-space lots in Area III near Lovers Point Park. Parking within Planning Areas IV-A, IV-B, and VI are largely shoulder and pullout parking along Sunset Drive; however, Area VI does not have any pullouts. Most of the parking occurs on the roadway shoulder on the ocean side of Sunset Drive. Asilomar State Beach and Conference Center provides parking areas for its users and visitors, as do the businesses in the commercial area. Universal access facilities are located at various locations. Many of the parking areas are unpaved, and some have experienced erosion as a result. With the exception of the metered parking adjacent to Hopkins Marine Station, the remainder of the coastal access parking along the shoreline (e.g., along Ocean View Boulevard and Sunset Drive) is currently free, some of which is conditioned to be free in perpetuity by prior Coastal Development Permits.

3.4.10 Coastal Act Policies – Transportation

The Coastal Act provides that new development contribute to the improvement of coastal access by facilitating transit, providing non-automobile circulation, providing adequate parking, and correlating residential development with the provision of on-site recreational facilities and adequate local public parks (Public Resources Code §30252). The Coastal Act limits expansion of new public works facilities to those improvements necessary to accommodate new development or uses permitted by the Coastal Act (Public Resources Code §30254).

3.4.11 General Plan and Other Policies – Transportation

The Pacific Grove General Plan Transportation Element supports the present pattern of traffic circulation. The Ocean View Boulevard/Sunset Drive two-lane alignment is maintained to protect adjacent park lands, retain the scenic character, provide public access including parking access, avoid the need to acquire right-of-way, and reduce traffic safety problems where feasible. Some redesign to improve pedestrian and bicycle safety may be sought. No major road improvements in the City's Coastal Zone are proposed currently, but improvements to facilitate bicycle and pedestrian movements are envisioned to encourage non-motorized access. Signalization and other traffic improvements may become necessary at certain intersections as additional development takes place. The Pacific Grove General Plan calls for such improvements to be provided by the adjacent development.

3.4.12 Land Use Plan Policies – Transportation

- INF-14** The City shall seek to make “complete streets” improvements to the existing circulation system serving the Coastal Zone for expanded use by all users including pedestrians, bicyclists and transit passengers of all ages and abilities, as well as trucks, buses and automobiles.
- INF-15** Asilomar Avenue shall remain a City thoroughfare providing access to Asilomar Conference Grounds and an alternate coastal access route between Highway 68 and Ocean View Boulevard.
- INF 16** The City shall require a construction phase traffic control plan for new development that has the potential to disrupt circulation on arterial or collector streets.
- INF-17** Transit service and other means of transportation should be increased, where feasible, as a means of providing access for residents without automobiles, increasing the efficient use of coastal access roads, and as an approach to minimize adverse effects from special event traffic.
- INF-18** The designation of a continuous bicycle route along Ocean View Boulevard and Sunset Drive, extending from the existing bike route sign at Eardley Avenue and Ocean View Boulevard to the south end of Asilomar State Beach, shall be retained, and shall be extended to the Seventeen Mile Drive intersection. The City shall seek to upgrade this segment to a Class I bicycle path on the seaward side preferably, or Class II bicycle lanes if a Class I bicycle route is infeasible.
- INF-19** New development near popular visitor destinations shall be required to provide bicycle racks to encourage bicycle use.

- INF-20** The City shall continue to pursue acquisition of the abandoned Union Pacific Railroad right-of-way, or an alternative route where acquisition is not feasible, to help provide for continued and enhanced recreational trail/open space use.
- INF-21** The City shall connect the recreation trail between Cannery Row and Lovers Point to Asilomar State Beach and Spanish Bay.
- INF-22** New development in the Coastal Zone shall include adequate off-street parking to minimize the disruption of significant coastal access routes. All traffic impacts associated with new development shall be mitigated appropriately.
- INF-23** The City shall improve, relocate, or appropriately manage parking pull-outs along Ocean View Boulevard east of Asilomar Avenue, for the purpose of restoration and protection of “edge” areas and prevention of erosion, consistent with protection of sensitive habitats and encourage walking with the addition of a formal trail that would reduce vehicle and pedestrian conflicts.
- INF-24** The City shall coordinate with relevant local, state, or regional, transportation agencies to study the effects of coastal hazards and sea level rise and the City shall prepare a Sea Level Rise Adaptation Program as a part of the Coastal Parks Plan that identifies adaptation strategies that could be used to address the specific vulnerabilities identified in the City of Pacific Grove Climate Change Vulnerability Assessment of 2015 and any future studies. The Program shall address the need to protect coastal resources, maximize public access, and maintain adequate evacuation routes, including Highway 68, as sea level rises, and shall include various options for relocating or protecting circulation facilities in the Coastal Zone, including trails, streets, and bicycle lanes in a way that achieves these goals.

3.5 PARKS, RECREATION, AND PUBLIC ACCESS (PRA)

3.5.1 Background – Parks, Recreation, and Public Access

Public access is one of the major goals of the Coastal Act. The Coastal Act states that “each local coastal program...shall contain a specific public access component to assure that maximum public access to the coast and public recreation is provided” (Public Resources Code §30500). This section focuses on opportunities to preserve, provide, and enhance public access to the unique and diverse features of the City’s shoreline. Parks front the shoreline for most of the Coastal Zone. The City owns four shoreline parks comprising over 23 acres, and additional

parkland is owned by the California Department of Parks and Recreation. There is unprecedented public coastal access throughout Pacific Grove's Coastal Zone. See Figure 8.

Several terms are used throughout this section and are defined below:

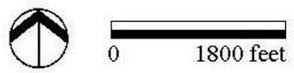
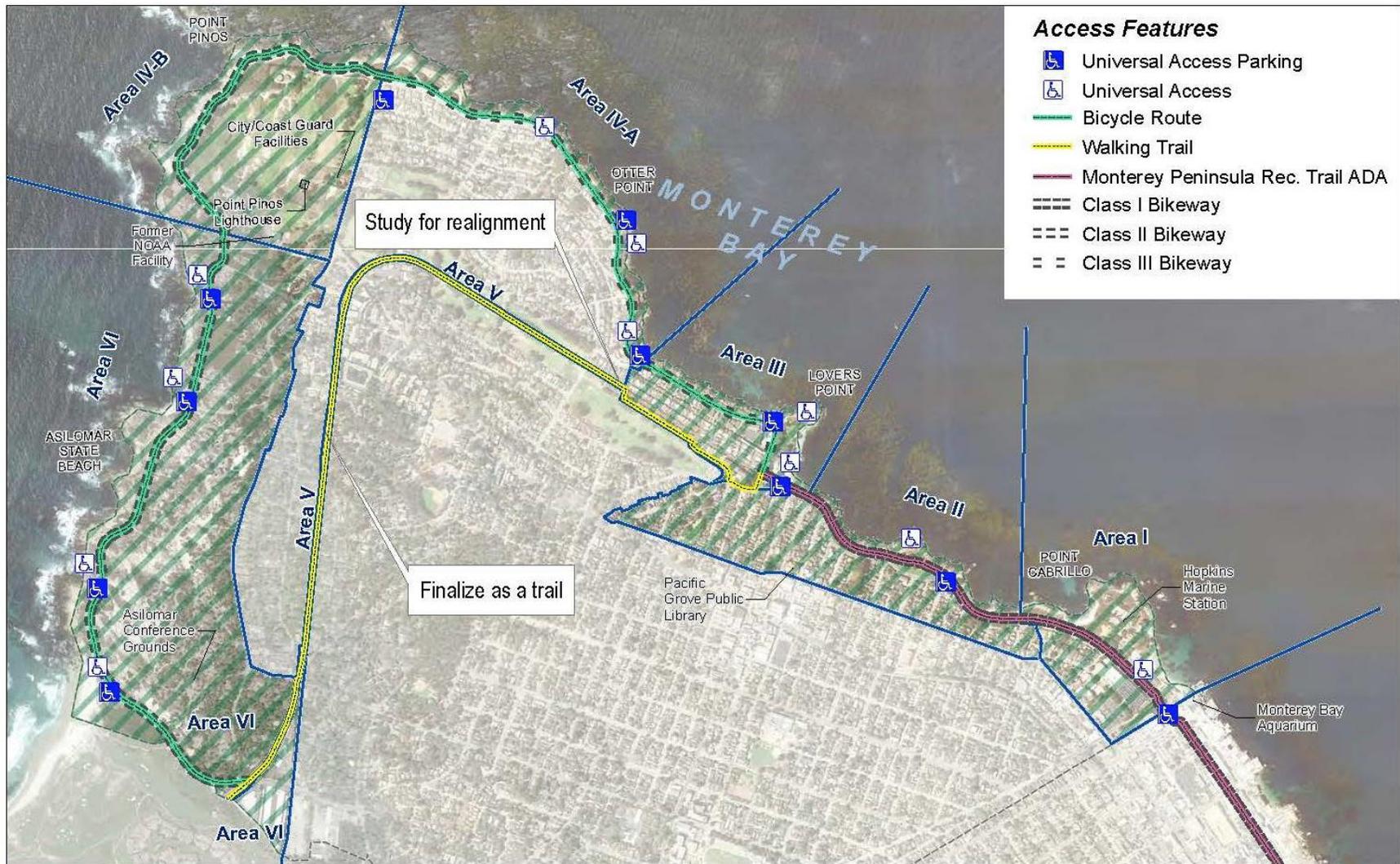
1. **Shoreline Access** is the provision of pedestrian access and other forms of universal access including bicycle, stroller, etc. from a public thoroughfare to and along the shoreline.
2. **Lateral Accessway** is an area of land providing public access along the edge and parallel to the shoreline either along the beach or coastal blufftop trail where access along the beach is not available.
3. **Vertical Accessway** is an area of land providing a connection between the first public road, trail, or use area nearest the sea, or a lateral accessway, and the immediate shoreline, beach, publicly-owned tidelands, and ocean. In cases of steep grades changes, it may include stairs or ramps to access the water's edge and beaches.

The following discussion describes the major lateral and vertical access areas, and areas providing visual access to coastal waters. Key features described are shown on [Figure 8, Coastal Parks, Trails, and Resources](#).

Area I: Point Cabrillo

The Monterey Bay Aquarium occupies Point Alones on the eastern shore of Pacific Grove. The aquarium is separated from Stanford University's Hopkins Marking Station by a 10-foot wide trail connecting the recreational trail with visual access overlooking the sandy beach (Fisher Beach) and offshore kelp forests. Most of the buildings of Hopkins Marine Station are distributed on Point Cabrillo, west of Point Alones. All of the property of Hopkins of Hopkins Marine Station is fenced, and public access is limited to facilitate long-term monitoring and experimental studies in the rocky intertidal area around Point Cabrillo. The fence serves as a barrier between the City's recreational trail and the sensitive bluff habitat and beach mammal habitat on Stanford University's property. Of the three beaches within the Stanford University's Hopkins Marine Station property, there is limited public access to the southern beach, also referred to as Fisher Beach. A small beach, Agassiz Beach on the eastern side of Point Cabrillo, provides access to the offshore kelp forests for divers and small boats. On the western side of Point Cabrillo, a small beach, West Beach is used by harbor seals to haul out and as a rookery. The harbor seals, which are present throughout the year, are visible through the black chain-link fence along the recreational trail that parallels Ocean View Boulevard. The Hopkins Marine Station property extends westward along the coast to the junction of Third Street and Ocean View Boulevard.

Figure 8: Coastal Parks, Trails, and Resources



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

Source: City of Pacific Grove 1989 and 1998, Google Earth 2013

Coastal Parks, Trails, and Resources

City of Pacific Grove Land Use Plan

Vertical access to the shoreline at the west end of the Hopkins Marine Station property is provided by an easement required by the City in connection with re-subdivision of a portion of the Hopkins Marine Station property. It is connected to Ocean View Boulevard via a 10 foot wide strip which has been deeded to the City from the Railroad.

Pedestrian use of the recreation trail north of Ocean View Boulevard is continuous and constitutes a major lateral access facility. Negotiations are continuing to acquire the remaining section of right-of-way, with all of the right-of-way through the golf course and cemetery having been acquired for use by the golf course and cemetery operations. The balance of the right-of-way from Lighthouse Avenue to Sunset Drive would be acquired for open space and an informal trail.

Signs directing visitors to the shoreline are located at the 1st Street/Central Avenue intersection, and the Ocean View Boulevard/Eardley Avenue intersection. A “bike route” sign is located on the north side of Ocean View Boulevard, at the foot of Eardley Avenue; this is one of two bike route signs within the Coastal Zone.

A parking lot between Sloat Avenue and Central Avenue, connected by a pedestrian bridge to the American Tin Cannery, provides parking for that development. Ten striped parallel spaces on the south side of Ocean View Boulevard provide additional parking. Street parking is available throughout the area. Unobstructed bay views are available at the inland Coastal Zone boundary along Central Avenue at 1st Street and Eardley Avenue.

Area II: Pacific Grove Retreat

There are no formal or designated accessways in this area, but a path network over the blufftop Shoreline Park provides continuous pedestrian access between Area I and Area III. Vertical access to pocket beaches is available by descending steep paths. Access on the blufftop and headlands and to the beaches is unmanaged. Concerns for user safety deserve attention.

The Union Pacific Railroad right-of-way is currently a recreation trail along its entire stretch through this area. Access to the path is available through Berwick Park and, near 13th Street. Parking along either side of Ocean View Boulevard is available throughout Area II. From Central Avenue there are clear bay views along many of the local streets. The view down Grand Avenue of the rocks at Lovers Point is especially impressive. Along Ocean View Boulevard, continuous views of the bay are available. The undeveloped bluffs and headlands afford fine views of Lovers Point and Monterey.

Area III: Lovers Point

The Lovers Point area contains three beaches – one on either side of the pier, and one just west of the point itself. Stairways have been developed to serve all three beaches, and are connected by walkways and sidewalks on the blufftop. The beaches are utilized by sunbathers, picnickers, and divers. Universal access is available to the pier and to the beach south of the pier.

A path system commences at Lovers Point and continues westward to Perkins Park. Benches are located along the paths at several locations west of 17th Street. Small steps at the Ocean View Boulevard curb line provide direct access to the paths. Maintenance of the trails and vegetation has resulted in little danger to the blufftop habitat; however, erosion potential could be reduced by directing pedestrians to beach stairways. Access to the pedestrian path on the old railroad right-of-way is available from the parking lot at the foot of Forest Avenue and 16th Street.

On-street parking spaces are available on 17th Street, on the north side of Ocean View Boulevard between Grand Avenue and 17th Street, and on the north side of Ocean View Boulevard. Besides the on-street parking spaces, a parking lot is located at the Ocean View Boulevard/17th Street intersection. Some parking spaces in this lot are designated for universal access. This parking lot is located at the westerly terminus of the Monterey Bay Sanctuary Scenic Trail.

In addition, a small parking lot with a two-hour time limitation that contains 17 diagonal, curbside and interior parking spaces is located on the outside of the roadway curve between 17th Street and Ocean View Boulevard. Two of the spaces in this parking area are designated for use by universal access. A universal access curb ramp located between these two spaces provides access to a pedestrian trail that connects to Lovers Point Park and overlooks the shore land area.

Views of the bay are generally continuous along Ocean View Boulevard. Lovers Point Park and Perkins Park provide numerous prime bay vantage points for the pedestrian. Bay views are also available to guests of multi-level motels along Ocean View Boulevard.

Area IV-A: Ocean View Area

A continuous path network runs the length of this portion of Perkins Park, from Lovers Point to Asilomar Avenues, providing a blufftop pedestrian link between Areas III and IV B. Numerous benches are located along the paths.

At four points (near the foot of Coral Street, Beach Street, Shell Avenue, and Palm Avenue) stairways provide vertical access to small beaches. Currently, free parking is unrestricted in this area. Pullouts on the bay side of Ocean View located at: 1) Sea Palm Avenue between Beach Street and Shell Avenue; 2) Otter Point between Acropolis and Coral Streets; and 3) between

Asilomar Avenue and Acropolis Street provide additional parking. Picnic facilities are located at the Asilomar/ Acropolis pullout.

There is a Class III or shared right-of-way bicycle route in this area. Unrestricted bay views are available from Ocean View Boulevard, and from the paths and auto pullout areas in Perkins Park. Otter Point affords a popular vantage point for viewing the bay.

Area IV–B: Point Pinos

In this area, owned by the City and the United States Government, an informal path continues from the west end of Perkins Park, westward along the headlands and then southward to the last Ocean View Boulevard pullout, near the 18th hole of the municipal golf course. Pedestrian access to the beaches is through informal paths. Unmanaged pedestrian access in the headlands area has resulted in considerable trampling of vegetation.

Parking pullout areas are protected by rip rap and pullouts vary in design, with some vehicles parked at the very edge of the headlands. Impacts to the bluff vegetation and resulting erosion are evident in several areas due to parking. Vehicle parking also occurs on the shoulder of Ocean View Boulevard adjacent to the dunes. Inland of Ocean View, parking is available on the Lighthouse grounds, and also on Asilomar Avenue at the entrance to the Lighthouse grounds. There are no parking restrictions in Area IV.

Signs stating “Marine Refuge” are located at the Ocean View Boulevard pullout at the foot of Asilomar Avenue, and on Ocean View at the foot of Lighthouse Avenue. Three informational signs concerning sensitive habitat for Black Oystercatchers and marine mammals have been placed within the Point Pinos area by the Bureau of Land Management’s California Coastal National Monument. The California Coastal National Monument rocks, exposed reefs, islands, and pinnacles are managed to protect biological, geological, cultural and visual resources. Signs prohibiting water contact activities and climbing on the Point Pinos rocky headlands are located on the beach opposite the former location of the United States Coast Guard fog horn that was removed in 2011. Visitor-directional signs are located at the Asilomar/Lighthouse Avenues intersection, and directly in front of the lighthouse entrance on Asilomar Avenue. Unrestricted bay and ocean views are available from Ocean View Boulevard, as well as from the Asilomar/Lighthouse Avenues intersection at the southeast corner of Area IV.

The former National Oceanic and Atmospheric Administration Southwest Fisheries Center facility at Point Pinos includes an exterior mural designed by Ray Troll entitled “Green Seas/Blue Seas: The California Current, Climate Change and Sustainable Fisheries” that depicts a century of history of the fisheries and fishing industry in Monterey Bay.

Area V: Union Pacific Railroad

In 1982, a joint powers agency consisting of the cities of Pacific Grove and Monterey, together with the Monterey Peninsula Regional Park District acquired the portion of the abandoned Union Pacific Railroad right-of-way between Custom House Plaza in Monterey and Lovers Point. In 1984, the portion of the right-of-way between the Monterey Bay Aquarium and Lovers Point was developed as a recreational trail for pedestrians and cyclists. The remainder of the right-of-way was not purchased at the time.

The former right-of-way at the mobile home park is now privately owned. The route of the right-of-way from the mobile home park at Lovers Point passes through the City golf course and then through areas developed with single- and multi-family homes and motels. No ocean views are available from the right-of-way. Access to the right-of-way is provided at the various road intersections with the former railroad tracks from Del Monte Boulevard to Pico Avenue. However, because the right-of way is now privately owned at the mobile home park and also passes though the golf course, the City should study the realignment of this proposed trail system to connect Lovers Point to Asilomar and Spanish Bay ideally along the coastline.

Area VI: Asilomar

Dunes within the Asilomar State Beach and Conference Grounds are continually subject to moderate or heavy recreational use, depending on location. Interpretive signs have been used with limited success to guide people away from sensitive areas. A striped pedestrian way crosses Sunset Drive.

Development of the proposed recreational trail along the railroad right-of-way would provide an additional access opportunity. The only public parking facilities in the area are those at the Asilomar State Beach and Conference Grounds, including along the road. There are no restrictions on street-side parking in Area VI. Visitor-directional signs are located at the Asilomar Avenue intersections with Sinex Avenue and with Sunset Drive. There is an on-street bike lane at Asilomar along Sunset Drive out to Highway 68.

With the exception of the Sunset Service Area, any new development within this area will be on the inland side of Sunset Drive. Consequently, there is no possibility for development to interfere with ocean views from the portion of the road north of the Sunset Service Area. The Asilomar State Beach and Conference Grounds' dune areas adjacent to Sunset Drive possess considerable visual interest, and should be protected.

Asilomar State Beach makes up the majority of this planning area's shoreline lands. Two single-family residences are situated between the northern boundary of the State Beach and the southern boundary of Point Pinos' open shorefront lands. Lateral access is provided across both of these properties, providing for a continuous public trail connection between the Lighthouse

Reservation shoreline area and Asilomar State Park shoreline area on either side of the residences, respectively. A continuous trail network, providing both lateral and vertical access opportunities, extends the length of the State Beach property.

There are no designated public parking facilities within Area VI. Currently public vehicle parking occurs on the shoulders and pullouts along Sunset Drive, with the heaviest concentrations occurring south of Pico Avenue. There are no restrictions on parking other than overnight parking. For a considerable distance, large rocks have been placed along the east side of Sunset Drive to prevent automobile intrusion onto State park property. Signs identifying the State Beach, warnings of rip current hazards, and prohibiting camping and unleashed dogs are located at frequent intervals along Sunset Drive.

Continuous unobstructed ocean views are available from Sunset Drive, except at the two residences opposite Jewell Avenue and in the area of the Sunset Service area. Remaining undeveloped dune lands in the Asilomar dunes area, on the inland side of Sunset Drive, serve to lessen the contrast between existing development and the undisturbed open space of Asilomar State Beach and Asilomar Conference Grounds. Maximum retention of open areas within the Asilomar dunes will help protect the visual qualities of this area.

3.5.2 Coastal Act Policies – Parks, Recreation, and Public Access

The Coastal Act requires that each Local Coastal Program contain a public access component (Public Resources Code §30500(a)). Other Coastal Act policies address public access, specifically requiring that any development occurring within the Coastal Zone shall not interfere with the public's right of access. In addition, new development must provide access from the nearest public road to the shoreline so long as it is not inconsistent with public safety, military security needs, or protection of fragile coastal resources (Public Resource Code §§30210 through 30212).

Public facilities shall be distributed throughout an area in order to mitigate against impacts of overcrowding or overuse of any single area. In addition, new public works facilities must accommodate needs generated by development consistent with the provisions of the Coastal Act (Public Resources Code §§30212.5, 30252, and 30254).

3.5.3 General Plan and Other Policies – Parks, Recreation, and Public Access

The Pacific Grove General Plan Parks and Recreation Element contains numerous policies and recommendations regarding preservation of open space lands for the purpose of providing outdoor recreation. The Land Use Plan provides specific policies or recommendations regarding the provision of public access to the shoreline. The Land Use Plan policies on parks, recreation,

and public access that follow supplement existing City policies and regulations by providing for specifics on coastal access and recreation.

3.5.4 Land Use Plan Policies – Parks, Recreation, and Public Access

PRA-1. The City shall strive to provide safe and adequate access to and along the City's shoreline and other points of public interest. The City shall, to the maximum extent feasible, maintain a continuous pedestrian coastal trail, the length of the City's Coastal Zone, seaward of Ocean View Boulevard/Sunset Drive. The City shall adopt trail design standards, including width, pitch, surface condition, erosion control, proximity to the mean high tide line, and potential effects of sea level rise, including but not limited to temporary flooding, storm waves, erosion, and permanent inundation, when carrying out trail maintenance and/or upgrade activities. The City shall also take into consideration designs and mitigations of potential adverse impacts to the California Coastal National Monument resources from public use and access. All public access trails and related development shall be sited and designed to effectively integrate into the natural shoreline aesthetic as much as possible.

PRA-2. The City shall enhance access to its shoreline, while maintaining the Coastal Zone's unique character, by reducing the impact of automobiles. This shall be accomplished, in part, by encouraging use of public transit within the Coastal Zone, and by providing non-vehicular Coastal Zone access opportunities for bicycles and pedestrians. When considering a Coastal Development Permit application for any development that could reduce or degrade public parking opportunities near beach access points, shoreline trails, or parklands, including any changes in parking timing and availability, evaluate the potential impact on public coastal access, and ensure existing levels of public access are maintained, including through ensuring that alternative access opportunities, including bike lanes and parking, pedestrian trails, and relocated vehicular parking spaces, are provided so as to fully mitigate any potential negative impacts and maximize access opportunities. Any revenue from fee-based parking programs within the Coastal Zone shall only be used to fund public access improvements within the Coastal Zone.

PRA-3. Any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, shall require a Coastal Development Permit. Appropriate signing should be considered for popular visitor destinations and access points in conjunction with other sign programs under coastal access and habitat protection policies. However, excessive signs and other visually intrusive landscape features shall be avoided. The City shall develop a coordinated sign program for the City's shoreline area to ensure

consistency of information and presentation, and to ensure that such signs effectively integrate into the shoreline with the least amount of impact to public views.

PRA-4. The City shall update the Coastal Parks Plan for inclusion in the Local Coastal Program, for the Pacific Grove coastal parklands, including the Lighthouse Reservation. The purpose of the Coastal Parks Plan as it relates to shoreline access is to:

- a. Provide improved and enhanced accessways and control unrestricted parking by use of appropriate barriers or other means, consistent with the visual resource and public access protection policies of this plan;
- b. Improve the existing sign program to include interpretive information pertaining to public safety, public access, protection of sensitive habitats, and special natural or man-made features;
- c. By regulating public use and access to the shoreline, prevent overuse and damage to biological, cultural, geological, and visual resources by developing regulations concerning maximum public usage; and
- d. Provide standards for maintenance, management, and development of the City's coastal parklands in a manner consistent with the Resource Management policies of the Land Use Plan.

PRA-5. As part of the planning process for any updates to the Coastal Parks Plan, and/or as part of the Coastal Development Permit review process for any development within the Planning Areas identified below, the City shall analyze the potential impacts of coastal hazards and sea level rise, and identify opportunities to ensure continued public access over time. The City shall also consider the following opportunities:

- a. Planning Area I: Encourage Hopkins Marine Station to maintain a low profile, low visibility fence or barrier that is sited and designed to limit public view degradation as much as possible. Pursue opportunities to provide lateral and vertical access along the Hopkins shoreline as much as possible without negatively impacting the habitat or the scientific mission of the Station. Encourage enhanced visitor and public access, circulation and parking at the American Tin Cannery building and property;
- b. Planning Area II: provide well-defined trails along the bluffs with stairways to provide access to the water and direct recreation to Berwick Park, but balance the need to protect Environmentally Sensitive Habitat Areas;

- c. Planning Areas III and IV: create formal trail network and restore native vegetation and reduce erosion by directing pedestrians to beach stairways along the coast. Create an alternative alignment for the proposed recreation trail extension from Lovers Point to Asilomar and Spanish Bay, to the degree this provides better and more maximum public access;
 - d. Planning Area IV: clearly define parking areas from 17 Mile Drive west to protect bluff vegetation and reduce erosion, while maximizing public coastal access, and seek means to reduce conflicts between automobile and pedestrians and cyclists (e.g., ingress/egress direction, etc.);
 - e. Planning Area VI: on state-owned lands west of Sunset Drive, reduce habitat damage by vehicles and reduce conflicts with pedestrians/bicyclists;
 - f. Planning Areas I, II, III, IV and VI: develop an accessways maintenance program for all existing and new shoreline accessways;
 - g. Planning Area V: Study potential recreation trail realignment between Lovers Point Park and Lighthouse Ave.;
 - h. Consider relocation or renovation of parking areas to reduce erosion and delineate specific tour bus pullout areas and tour bus parking elsewhere should be prohibited; and
 - i. Develop adaptation strategies for the potential of higher storm waves, erosion, and other coastal hazards due to anticipated sea level rise. Strategies may include considering the addition of natural granite boulders to the shore area in key locations to dissipate wave energy; a plan for relocation of stair wells and access trails, points and signage, etc.; or other strategies that protect/preserve public access and recreation opportunities.
- PRA-6.** Excessive signs and other visually intrusive landscape features shall be avoided.
- PRA-7.** The City shall encourage the State to continue to implement the Resource Management Plan for Asilomar State Beach and Conference Grounds to the extent its implementation is consistent with the Local Coastal Program and the Coastal Act and to include provisions for designated accessways which are both safe and non-disruptive of sensitive habitats.
- PRA-8.** Development with the potential to impact public access, whether during construction or after, shall develop a Public Access Management Plan designed to identify and limit impacts to public access. Plans shall identify peak use times and measures to

avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Plans associated with temporary events shall include additional strategies to avoid impacts to parking and access, including, but not limited to, the use of shuttles to off-site parking locations and bike valet programs.

- PRA-9.** New development shall ensure that public access opportunities are maximized, including though offsetting any temporary (e.g., during construction) and potential permanent impacts to public access (including in terms of increased traffic leading to impacts to public access use of the City's circulation system) appropriately and proportionally. Development shall provide for public access enhancements and improvements as much as possible, including in terms of providing public access use areas in private development projects (e.g., visitor serving development) as appropriate. Development that does not meet these requirements shall be denied.
- PRA-10.** The City will seek a Coastal Development Permit to establish paid public parking spaces with reasonable rates in appropriate places, including in areas unencumbered by existing Coastal Development Permits, in order to establish a dedicated funding source to improve and enhance coastal access.

	Land Use Plan Policy	Implementation Plan
Coastal Hazards and Sea Level Rise	HAZ-1	23.90.140.C
	HAZ-2	23.90.140 .C
	HAZ-3	23.90.140.A.3
	HAZ-4	23.90.140.C.3
	HAZ-5	23.90.140.C
	HAZ-6	23.90.140.E
	HAZ-7	23.90.140.D.3
	HAZ-8	23.90.140.D
	HAZ-9	23.90.140.D
	HAZ-10	23.90.140.D
	HAZ-11	23.90.140.D.2
	HAZ-12	23.90.140.D.6
	HAZ-13	23.90.140.F
	HAZ-14	23.90.140.F.5
	HAZ-15	23.90.140.F
	HAZ-16	23.90.140.F.6
	HAZ-17	23.90.140.F.10
Water and Marine Resources	MAR-1	23.90.150
	MAR-2	23.90.150.C & 23.90.170.F.5
	MAR-3	23.90.150
	MAR-4	23.90.150
	MAR-5	23.90.150.A
	MAR-6	23.90.150
	MAR-7	23.90.150.K
	MAR-8	23.90.150.K
	MAR-9	23.90.150.R
Scenic Resources	SCE-1	23.90.160.E
	SCE-2	23.90.160.E
	SCE-3	23.90.160.A
	SCE-4	23.90.160.F
	SCE-5	23.90.160.F.8
	SCE-6	23.90.160.F
	SCE-7	23.90.160.F
	SCE-8	23.90.160.H.3
	SCE-9	23.90.160.H.3
	SCE-10	23.90.160.A
	SCE-11	23.90.160.F.11
	BIO-1	23.90.170
	BIO-2	23.90.170.E
	BIO-3	23.90.170.E
	BIO-4	23.90.170.E.18

	BIO-5	23.90.170.E.19
	BIO-6	23.90.170.E.10
	BIO-7	23.90.170.E.11
Biological Resources and Environmentally Sensitive Habitat Areas	BIO-8	23.90.170.E.11
	BIO-9	23.90.170.E
	BIO-10	23.90.170.F.7
	BIO-11	23.90.150.A
	BIO-12	23.90.160.H.6
	BIO-13	23.90.170.E.10
	BIO-14	23.90.170.F.8
	BIO-15	23.90.170.F.9
	BIO-16	23.90.170.F.3
	BIO-17	23.90.180
	BIO-18	23.90.170.F.11
	BIO-19	23.90.170.F.11.i
	BIO-20	23.90.170.F.11.a
	BIO-21	23.90.170.F.11
	BIO-22	23.90.170.F.11
	BIO-23	23.90.170.F.11.d
	BIO-24	23.90.170.E.14 & F.11.r & 23.90.230.J.1.c
	BIO-25	23.90.170.F.11.o
	BIO-26	23.90.170.E.21
	BIO-27	23.90.170.F.11
BIO-28	23.90.170.F.2	
Community Design	DES-1	23.90.190
	DES-2	23.90.190.A
	DES-3	23.90.190.C
	DES-4	23.90.190
	DES-5	23.90.190.E
	DES-6	23.90.190.G
	DES-7	23.90.020.R
Land Uses and Designations	LUD-1	23.90.160 & 23.90.170
	LUD-2	23.90.300
	LUD-3	Table 23.90.300 Note 7
	LUD-4	23.90.010.D
	LUD-5	23.90.230.J
	LUD-6	23.90.290
	LUD-7	23.90.230
	LUD-8	23.90.250-280
	LUD-9	23.90.300
	LUD-10	23.90.300
	LUD-11	23.90.300
	LUD-12	23.90.310

	LUD-13	23.90.310 & 23.90.320
	LUD-14	23.90.310
	LUD-15	23.90.300 & 23.90.310
	CRS-1	23.90.200.B
Cultural Resources	CRS-2	23.90.200
	CRS-3	23.90.200.B
	CRS-4	23.90.200
	CRS-5	23.90.200.D
	CRS-6	23.90.200.E
	CRS-7	23.90.200.H
	CRS-8	23.90.200.D
	CRS-9	23.90.200.H
	CRS-10	23.90.200
	CRS-11	23.90.200.F
	CRS-12	23.90.200.E & F
	CRS-13	23.90.200.G
	Public Infrastructure	INF-1
INF-2		23.90.210.D
INF-3		23.90.210.E
INF-4		23.90.210.E
INF-5		23.90.210.B
INF-6		23.90.210.D
INF-7		23.90.210.E
INF-8		23.90.210.E
INF-9		23.90.210.E
INF-10		23.90.210.A
INF-11		23.90.210.E
INF-12		23.90.210.C
INF-13		23.90.150.N
INF-14		23.90.210.F
INF-15		23.90.210
INF-16		23.90.210.G
INF-17		23.90.210.I
INF-18		23.90.210.J
INF-19		23.90.210.K
INF-20		23.90.220
INF-21		23.90.220
INF-22		23.90.220.I
INF-23		23.90.220
INF-24		23.90.210.F
	PRA-1	23.90.220.B
	PRA-2	23.90.220.C
	PRA-3	23.90.220.B & 23.90.190.F
	PRA-4	23.90.220.A

Parks, Recreation, and Public Access	PRA-5	23.90.220.A
	PRA-6	23.90.220.B & 23.90.190.F
	PRA-7	23.90.220.A
	PRA-8	23.90.220.I
	PRA-9	23.90.220.J
	PRA-10	23.90.220.C.8

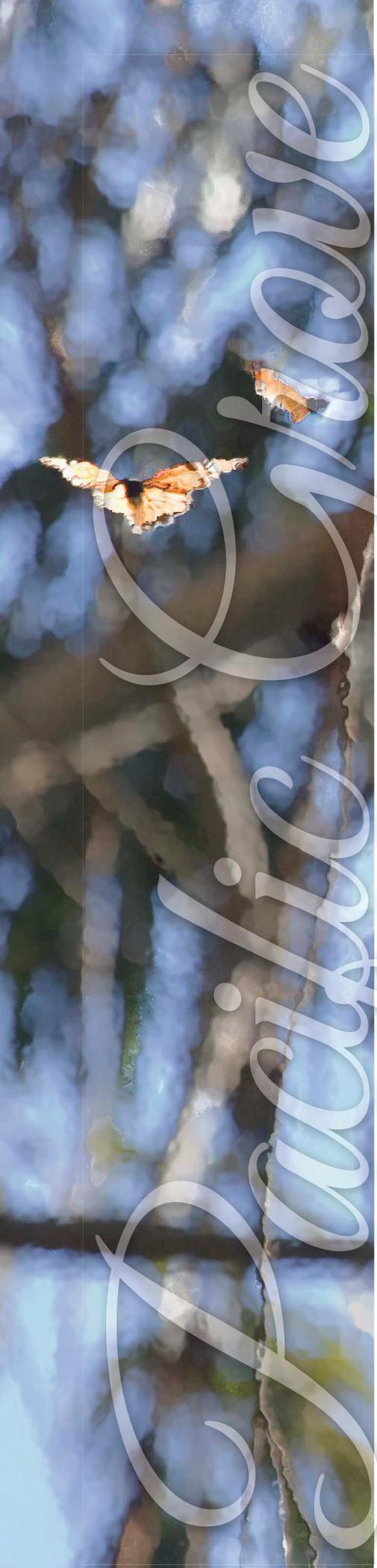
CITY OF PACIFIC GROVE

Draft

Implementation Plan

A Component of the Local Coastal Program

February 2017



Chapter 23.90 LOCAL COASTAL PROGRAM IMPLEMENTATION

23.90.010 Purpose and General Provisions of the Coastal Implementation Plan

- A. Purpose.** The purpose of this Chapter is to implement the City of Pacific Grove Local Coastal Program Land Use Plan, in accordance with the requirements of the California Coastal Act of 1976.
- B. Applicability.** The regulations found in this chapter shall apply to all areas of the City of Pacific Grove located within the Coastal Zone as established by the State Legislature. All other procedures and standards in Title 23 including but not limited to General Provisions, Exceptions and Nonconforming Uses and Buildings, Community Development Permit Review Authorities and Procedures, and Historic Preservation are applicable in addition to the provisions of this Chapter unless otherwise stated in this Chapter.
- C. Local Coastal Program Adoption.** This Chapter establishes the City of Pacific Grove Coastal Implementation Plan, serving to carry out the policies of the Land Use Plan and establishing the requirements for issuance of Coastal Development Permits. This Chapter is a component of the City of Pacific Grove Local Coastal Program. In case of conflict with any other applicable City policies or regulations, the Coastal Implementation Plan and Land Use Plan shall take precedence. Where the Coastal Implementation Plan and Land Use Plan are silent, other City policies and regulations shall be in force, but in no case shall such policies and regulations be used as a standard of review for Coastal Development Permits.
- D. Coastal Zoning Districts.** Zoning districts are hereby established within the City's Coastal Zone and the allowable uses and development standards are included herein. Coastal Zone districts are differentiated by the designation "(CZ)."

The following Land Use Plan land use designations and corresponding zoning districts are within the City's Coastal Zone. The Chapter establishes allowable land uses, permit requirements, and development standards, including height limitations and setbacks from property lines, for each zoning district in the City's Coastal Zone. The locations of each zoning district are shown on the Coastal Zoning Map.

Land Use Plan Designation	CZ Zoning District (s)
LDR 1-2 Low Density Residential	R-1-B-4
MDR 8-10 (MHP) Medium Density Residential for Mobile Home Park	MH
MDR 8-10 Medium Density Residential	R-1
MHD 10-20 Medium-High Density Residential	R-3, R-3-PGR, R-3-PGB, R-3-M, R-4
V-A Visitor Accommodation	R-3-M

V-C Visitor Commercial	C-1, C-V, C-V-ATC, C-2, R-3-M
SSC Sunset Service Commercial	SSC
OS-I Open Space Institutional	O, U
OS-R Open Space Recreational	O
RT Recreational Trail	O

- E. Coastal Zoning Overlays.** The City establishes zoning overlays within this Chapter to protect valuable coastal resources, and land and development located within the overlay areas shall be subject to the additional regulation of this Chapter. The locations of each overlay are shown on the Coastal Hazards, Scenic Resources, Land Habitat Sensitivity, Archaeologically Sensitive Areas and Coastal Parks, Trails and Resources Overlay Maps.
- F. Agency Coordination.** The City shall work with other agencies as appropriate to implement the Local Coastal Program.
- G. Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or other portion of this Chapter is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the Chapter.
- H. Jurisdiction.** The City's jurisdiction over Coastal Development Permits does not include tidelands, submerged lands, and public trust lands as described in Public Resources Code §30519(b) and described as areas of California Coastal Commission Permit Jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.
- I. Coastal Commission Authority.** The Coastal Commission retains authority over Coastal Development Permits issued by the Coastal Commission, including condition compliance. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued Coastal Development Permit, either prior to certification of the LCP, or through a de novo action on an appeal of a City-approved Coastal Development Permit and the permit has not expired or been forfeited, the applicant shall apply to the City for the Coastal Development Permit except for:
1. Requests for extension, reconsideration, and revocation of the Coastal Commission-issued permits;
 2. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement, or any restriction/limitation or other mitigation incorporated through the project description by the permittee of a Coastal Commission issued Coastal Development Permit.

Note: In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Coastal Commission-issued Coastal Development Permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for

amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166.

- J. Incomplete Applications at Certification.** Any proposed development within the City's Coastal Zone that is subject to the City's jurisdiction upon certification of the LCP and that the City preliminarily approved before effective certification of the Pacific Grove LCP, but for which a complete application has not been filed with the Coastal Commission for approval, shall be resubmitted to the City through an application pursuant to this Certified Local Coastal Program. The standard for review for such an application shall be the requirements of this Certified Local Coastal Program. Any application fee paid to the Coastal Commission shall be refunded to the applicant.
- K. Complete Applications at Certification.** Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which a complete application has been filed complete with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review.
1. Coastal Commission review of any such application shall determine consistency with the Certified Local Coastal Program. Projects which elect to obtain a Coastal Development Permit from the Coastal Commission will remain under the jurisdiction of the Coastal Commission.
 2. Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the City through an application pursuant to the requirements of this Certified Local Coastal Program. The standard of review for such an application shall be the requirements of this Certified Local Coastal Program.
 3. Upon effective certification of a Local Coastal Program, except as provided under (1) and (2) of this subsection, no applications for development shall be accepted by the Coastal Commission for development within the certified area.
- L. Coastal Resources Protection.** All development standards applied within the Coastal Zone shall be implemented in a manner that best protects coastal resources, consistent with the Local Coastal Program policies and the intent and provisions of the Coastal Act. Site specific biological resources, archaeological, visual, geologic, water quality, and hazards constraints may limit development to less than the development potential listed for the zoning districts.

23.90.020 Definitions

A. Definitions

"Abutting property". A legal lot or parcel of land that shares all or part of a common lot line with another legal lot or parcel of land.

"Accessory structure" ("accessory building"). Structures that are customarily incidental to, related to, and clearly subordinate to principal allowed uses and structures located on the same premises, such as parking facilities, restrooms, etc.

"Accessory use". A use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a primary use of the land or building located on the same premises, however:

"Adverse Effect" (on environmentally sensitive habitat). Any significant disruption of the habitat values, any significant degradation of habitat areas, any significant disturbance to individual occurrences of

protected plant or animal species, and anything incompatible with the continuance of environmentally sensitive habitat.

“Adverse Effect” (on visual resources). Development that impacts views to and along the ocean and scenic coastal areas from public roads and viewing points, alters natural landforms, and/or conflicts with the character of surrounding areas.

“Adverse Effect” (on wetland). Development in a wetland that is not an allowed use in a wetland and/or development which would degrade the ability of a wetland or marine resource to sustain and maintain its biological productivity (healthy populations of all species of marine organisms) and ability to provide a long-term commercial, recreational, scientific, and educational purpose.

“Appeal Area” (“Appealable Coastal Development Permit”). After certification of the Local Coastal Program, an action taken by the City on a Coastal Development Permit application may be appealed to the California Coastal Commission for only the following types of developments:

1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
2. Developments approved by the City not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands; within 100 feet of any wetland, estuary, or stream; or within 300 feet of the top of the seaward face of any coastal bluff.
3. Developments approved by the City not included within paragraph (1) or (2) that are located in a sensitive coastal resource area (i.e. the Asilomar Dunes Residential Area and the Asilomar Conference Grounds).
4. Any development which constitutes a major public works project or a major energy facility as defined in this Chapter. The phrase "major public works" or a "major energy facility" as used in Public Resources Code §30603(a)(5) and in these regulations shall mean: any proposed public works project or energy facility, as defined by Section 13012 of the Coastal Commission Regulations and the Coastal Act.

“Area of Special Biological Significance” (ASBS). A specific area of ocean and/or bay waters designated by the California Water Quality Control Board that protects the water quality and supports an unusual variety of aquatic life, and often host unique individual species.

“Armor”. To fortify a topographical feature to protect it from erosion (e.g., constructing a wall to armor the base of a sea cliff), or to construct a feature (e.g., a seawall, revetment, dike, or levee) to protect other resources (e.g., development or agricultural land) from flooding, erosion, or other hazards. The term soft armoring refers to a non-permanent, relatively short-term armoring (e.g., temporary sand bags, vegetated berms). See definition for soft-armoring.

B. Definitions

“Base Flood”. means a flood having a one percent chance of being equaled or exceeded in any given year (also called “100-year flood”).

“Best Available Science”. The most current, generally accepted, data-driven information, as refined to be most applicable to the local circumstances and conditions, and considering a range of plausible impacts based on multiple time scales, emissions scenarios, or other factors developed to inform further decision-making regarding the range of impacts and vulnerabilities.

“Best Management Practices (BMPs)”. The methods, measures, and practices selected and designed to reduce or eliminate pollutants in storm water runoff, and/or to minimize changes in runoff flow characteristics resulting from development.

“Biological Sensitivity Area”. A part of the natural environment, typically qualifying as environmentally sensitive habitat, with heightened vulnerability to negative and/or stressful influences on biological resources and including those areas designated as “extreme,” “high,” or “moderate” on the Land Use Plan map.

“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.

C. Definitions

“Certified Area”. Area within the Coastal Zone covered by a Local Coastal Program that has been approved (certified) by the California Coastal Commission. After the Coastal Commission certifies a Local Coastal Program submitted by a local government, the authority to issue coastal development permits (CDPs) for new development not in the Commission’s original permit jurisdiction is delegated to the local government.

“Climate Change”. Any long-term change in average climate conditions in a place or region.

“Clustered development”. The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.

“Coastal Act”. The California Coastal Act of 1976, California Public Resources Code §30000 et seq., as amended.

“Coastal beach” means the land between the edge of the sea and the first line of terrestrial vegetation or development or the toe of an adjacent sensitive coastal bluff or seawall, whichever is most seaward.

“Coastal Bluff” (or Cliff). A scarp or steep face of rock adjacent to the bay or ocean and meeting one of the following two parameters:

1. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.
2. The toe of which lies within an area otherwise identified in Public Resources Code §30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

“Coastal Dependent Use”. Any development or use which requires a site on, or adjacent to, the ocean to function.

“Coastal hazard”. Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same, and all as impacted by sea level rise.

“Coastal Development Permit” or “Coastal Permit”. A permit granted for development undertaken in the Coastal Zone in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development and a specific use of land on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable), subject to compliance with any conditions of approval imposed on the permit.

“Coastal Related Use” (“Coastal-Related Development”). Any use that is dependent on a coastal-dependent development or use.

“Coastal resources”. A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual resources. Coastal resources include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower-cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal-related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, water bodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.

“Coastal Zone”. That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

D. Definitions

“Demolition”. To tear down or remove.

“Designated”. Officially assigned a specified status or ascribed a specified name or quality to.

“Development”. The term “development” is a term defined in Coastal Act and is synonymous with “new development.” The term is broadly defined to include (among others) proposed construction of buildings, divisions of land. Specifically, in compliance with Public Resources Code §30106, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;

change in the intensity of use of water, or of access to water; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. See also "Redevelopment."

"Director": The City of Pacific Grove Community and Economic Development Director.

E. Definitions

"Emergency Work". Construction or repairs required in response to a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services, generally requiring attention too quickly to allow for normal permitting timeframes.

"Environmentally Sensitive Habitat Area ("ESHA"). Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resource Code §30107.5) .

F. Definitions

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

"Flood" (or "Flooding"). Refers to normally dry land becoming temporarily covered in water, either periodically (e.g., tidal flooding) or episodically (e.g., storm or tsunami flooding), including in relation to sea level rise.

"Floor area". See "Gross Floor Area."

G. Definitions

"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 7 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 2 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 less than than8feet wide.
 - b. If required covered parking is not provided, the allowed gross floor area shall be reduced by the equivalent square footage

H. Definitions

“Habitat, degraded” means a species-specific habitat or ecosystem that has been adversely altered from its natural state such that reduced survival and/or reproductive success in a population results.

“Hazard”. See definition of “Coastal Hazard”.

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

“Historic resources inventory” means:

1. The list of existing structures initiated in 1978 through a matching grant from the State Office of Historic Preservation and adopted by the city of Pacific Grove. The list was updated by the Heritage Society and the City of Pacific Grove to include structures built prior to 1927; and
2. Other properties determined by the historic resources committee to be of architectural and/or historical significance.

I. Definitions

“Implementation Plan (IP)”. Includes land use zoning and other implementing ordinances that conform with and carry out the Land Use Plan. Effective zoning ordinances and procedures ensure that the objectives of the Land Use Plan are achieved.

L. Definitions

“Land Use”. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

“Land Use Plan” (“LUP”). The Land Use Plan is defined as the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Public Resource Code §30108.5)

“Local Coastal Program” (“LCP”). An LCP is defined as “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level” (Public Resource Code §30108.6).

“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.

"Lot coverage": Residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. Permeable surfaces are allowed in Immediate Outdoor Living space and shall not count as lot coverage.

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

M. Definitions

"Major critical public infrastructure." The primary components of energy facilities and public works facilities (as defined by Coastal Act Sections 30107 and 30114, respectively) (e.g. sewer force mains and lift stations, electrical transmission towers and substations, gas transmission lines, and potable water transmission lines, wells, and pumping infrastructure). Individual connections would not be considered major unless connected to a critical facility, such as a hospital. Non-potable water transmission lines are not considered critical public infrastructure.

"Major energy facility". Any energy facility as defined by Public Resources Code §30107 and Title 14 California Code of Regulations Section 13012, and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.

"Major public works project". Any public works project as defined by Public Resources Code Section 30114 and Title 14 California Code of Regulations §13012 and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.

"Major structural components". The components that hold a structure upright, including the foundation, floor framing, exterior wall framing and roof framing of a structure.

"Major vegetation". All Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine 6 inches or greater in trunk diameter measured 54 inches above grade.

"Marine Resource". The ocean waters, lifeforms, and naturally occurring non-living physical and chemical components of the ocean waters.

“Mean High Tide Line”. The ambulatory line on the beach (contour lines) represented by the intersection of the beach face and the elevation represented by the average of all high tides (higher high tides and lower high tides) occurring over a 19-year period. The mean high tide elevation should be represented by the most recent 19-year tidal epoch as established by the National Oceanic and Atmospheric Administration.

“Mean Sea Level”. The average relative sea level over a period, such as a month or a year, long enough to average out transients such as waves and tides. Relative sea level is sea level measured by a tide gauge with respect to the land upon which it is situated. Local tide levels are calculated using the Monterey Tide Gage (NOAA Station 9413450).

“Minor Development” means a project that is not listed as exempt from permit requirements but is determined by the director to have no potential for adverse effects on coastal resources or public access to the shoreline, either individually or cumulatively, and to be consistent with the certified LCP.

“Mobile home” means a vehicle other than a motor vehicle used as semi-permanent 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 semi-permanent mobile homes.

N. Definitions

“Natural Hazard Area”. A zone subject to naturally occurring events that may have a negative effect on people or the environment.

“Natural Hazards Overlay”. A special district identified for the application of guidelines and standards in order to protect citizens and property from anticipated naturally occurring events.

“Non-conforming structure/use” (“legal non-conforming structure/use”). A structure or use that was legally permitted in conformance with all applicable laws in effect at the time, but does not conform with all applicable current codes, standards, and/or Local Coastal Program policies and standards.

P. Definitions

“Pacific Grove Retreat” or (“Retreat”). The area located between Pacific Street to the west and Dewey Avenue at the east, and north of Central Avenue (the boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone).

“Projected inundation level”. The mean elevation of dry land becoming permanently submerged.

“Projected sea level”. Anticipated mean sea level at some defined future moment in time.

“Public access”. The right or privilege of citizens to visit an area or resource.

“Public scenic view” (“public views”): Views as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points . A public scenic view, public scenic viewing area or public scenic viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic viewing area” and “scenic vista.”

“Public scenic viewing area” (“Public viewing area”). A location along public highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams coastline, dunes and other unique natural features or areas. A public scenic view, public scenic viewing area or public scenic

viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic view” and “Scenic vista.”

R. Definitions

“Redevelopment”. A structure shall be considered redeveloped, when such development consists of alteration of 50% or more of the major structural components, including exterior walls, and roof structure, of such development.

“Revetment”. A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. (See also Seawall, Shoreline protective devices).

S. Definitions

“Sand Dune Scrub”. Vegetation dominated by low, woody plants found on ridges of sand created by wind.

“Scenic Sensitivity Area”. Highly scenic areas from public viewing points. (See also *Sensitive Coastal Resource Areas*).

“Scenic Vista”. A viewpoint that provides expansive views of a highly valued landscape. (See also “Public scenic view” and “Public scenic viewing area.”)

“Sea Level Rise”. Gradual and long-term elevation of sea level, both globally and locally, due to (a) changes in the shape of the ocean basins, (b) changes in the total mass of water and (c) changes in water density. Factors leading to sea level rise under global warming include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean relative to the land, which might be due to ocean rise and/or land level subsidence.

“Seawall”. A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also Revetment, Shoreline protective devices).

“Sensitive Coastal Resource Areas”. An area in which the coastal resources, including scenic qualities and the views of scenic landscapes and/or biological resources are considered especially valuable.

“Shall”. Denotes a requirement that is mandatory whenever the criterion for conformance with the specification requires that there be no deviation.

“Shoreline Protective Device”. A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards. (See also Seawall).

“Should”. Denotes a guideline or recommendation.

“Significant environmental impact” (“significant adverse impact on the environment”). 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. (CEQA Guidelines, 14 California Code of Regulations §15382).

“Site Coverage”. 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. Impervious 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 less in width;
 - c. Turf block driveways and walkways and other pervious surfaces, unless covered; and eaves and/or cantilevered portions of buildings.

“Social well-being.” Social well-being is an end state in which basic human needs (water, food, shelter,) are met and people are able to coexist peacefully in communities with opportunities for advancement.

“Soft armoring”. Refers to the use of natural or “green” infrastructure like beaches, dune systems, wetlands, and other systems to buffer coastal areas. Strategies like beach nourishment, dune management, or the construction of “living shorelines” capitalize on the natural ability of these systems to protect coastlines from coastal hazards while also providing benefits such as habitat, recreation area, more pleasing visual impacts, and the continuation or enhancement of ecosystems.

“Special Community”. An area that due to its unique characteristics is an important resource to the community and make the area a popular destination for visitors consistent with the intent of Public Resources Code §30253(e).

“Structure”. Any development constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground

T. Definitions

“Tidelands”. All lands which are located between the lines of mean high tide and mean low tide.

V. Definitions

“Viewshed” Areas within the foreground and background as seen by the public from public vantage points.

“Visual Access”. means views from public vantage points, to and along the shoreline and to areas identified for their highly scenic and visual qualities.

“Vulnerability Assessment”. A practice that identifies who and what is exposed and sensitive to change, and how a given system is able to cope with extremes and change. It considers the factors that expose and make people or the environment susceptible to harm. Vulnerability assessments also explore natural and financial resources available to cope and adapt to change, including the ability to self-protect, external coping mechanisms, support networks, and so on.

W. Definitions

“Wetland”. Defined by §30121 of the Coastal Act as lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. The definition of wetland is further detailed by §13577 (b)(1) of the California Code of Regulations as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

“Wireless telecommunications facility” means antennas and towers, either individually or together, and associated equipment and structures used for wireless telecommunications purposes. Includes commercial radio, television antennas, and commercial communication transmitters or towers.

23.90.030 Coastal Development Permit Processing Procedures

This section provides procedures for the processing, filing, review, noticing, and action of all applications for development in the Pacific Grove Coastal Zone. This chapter serves to implement the City’s Local Coastal Program (LCP) in a manner consistent with the requirements of the California Coastal Act and all associated State regulations. This chapter contains requirements for coastal permits to ensure that development projects in the coastal zone are consistent with the City’s Land Use Plan (LUP) and Implementation Plan (IP), which together constitute the City’s Local Coastal Program (LCP).

A. Permit Required. All activities that constitute development within the coastal zone require a coastal permit except as specified in Section 23.90.040 (Coastal Permit Exemptions). Development is defined as any of the following, whether on land or in or under water:

1. The placement or erection of any solid material or structure;
2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;
3. Grading, removing, dredging, mining or extraction of any materials;
4. Change in the density or intensity of use of land, including, but not limited to, subdivisions, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility;

6. The removal or harvesting of major vegetation.

B. Review Authority.

1. The Planning Commission shall take action on all coastal permit applications (except as provided for in Section 23.90.040).
2. Development authorized by a Coastal Commission-issued coastal permit remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment and revocation. Any additional development proposed on a parcel with a Coastal Commission-issued coastal development permit shall be reviewed by the City pursuant to an application for a new coastal development permit, provided that the Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission-issued permit.

C. Additional Permits. The review of a coastal permit application shall be processed concurrently with any other discretionary permit applications required by the City. The City may not grant any discretionary approval for a proposed project that conflicts with this chapter. Discretionary approvals become effective only after a coastal permit is approved as required by this chapter.

D. Illegal Development and Permitting Processes. Development that occurred after the effective date of the Coastal Act of 1976 (or the Coastal Initiative of 1972, whichever is applicable) and that did not receive a coastal permit or was not otherwise authorized under the Coastal Act, is not lawfully established or authorized development. No improvements, repair, modification, or additions to such existing development may be approved unless a coastal development permit is approved that authorizes the existing development, and any potential violations are abated. The coastal permit shall only be approved if the existing and proposed development is consistent with the policies and standards of the City's LCP.

23.90.040 Coastal Permit Exemptions

The following projects are exempt from the requirement to obtain a coastal development permit.

A. Existing Single-Family Residences. In accordance with PRC §30610(a) and 14 CCR §13250, improvements to an existing single-family residence, including fixtures and structures directly attached to a residence, landscaping, and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds. This exemption **does not** include:

1. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area including all improvements within the Asilomar Dunes Residential Area and Asilomar Conference Grounds, in an area designated highly scenic in the LCP, or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. Guest houses or self-contained residential units.
5. On property not included in Subparagraph A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of

the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when one of the following circumstances apply:

- a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or
 - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
 - c. An increase in height by more than 10 percent of an existing structure and/or
 - d. Any significant non-attached structure such as garages, fences, shoreline protective works or docks.
6. Any improvement to a single-family residence where the coastal permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal permit.

B. Other Existing Structures. In accordance with PRC §30610(b) and 14 CCR §13253, improvements to an existing structure, other than a single-family residence or public works facility, including landscaping and fixtures and other structures directly attached to the structure. This exemption **does not** include:

1. Improvements to a structure if the structure and/or improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high-tide line; in an area designated highly scenic in the LCP; or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in subparagraph B.1 above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when one of the following circumstances apply:
 - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;
 - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section;
 - c. An increase in height by more than 10 percent of an existing structure or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
5. Any improvement to a structure where the coastal permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal permit.
6. Any improvement to a structure which changes the intensity of use of the structure.

7. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

C. Maintenance Dredging of Navigation Channels. In accordance with PRC §30610(c), maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

D. Repair or Maintenance Activities. In accordance with PRC §30610(d) and 14 CCR §13252, repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. This exemption **does not** include:

1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
 - a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - c. The replacement of twenty percent or more of the exterior materials of an existing structure with materials of a different kind; or
 - d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams.
2. Any method of routine maintenance dredging that involves:
 - a. The dredging of 100,000 cubic yards or more within a 12-month period;
 - b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
 - c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area (including the Asilomar Dunes Residential Area and Asilomar Conference Grounds), any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
 - a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.

- b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
4. The provisions of the Section shall not be applicable to those activities specifically described as exempt from coastal permit requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978. These projects shall be exempt from obtaining a coastal permit unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views to the ocean.
 5. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure that is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a coastal permit.
- E. Replacement of Destroyed Structures.** The replacement of any structure, other than a public works facility, destroyed by a disaster, shall be allowed subject to the following conditions. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure, including legal non-conforming structures, by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. If current zoning requirements would not allow the structure at the original location or at the previous size, the City may permit an equivalent structure at an alternative location if findings are made that the re-location is for the purpose of protecting coastal resources or reducing impacts of coastal hazards; however, in this case no enlargement will be permitted, and a reduction of up to 10 percent may be required by the City if necessary to better achieve consistency with coastal policies. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; “bulk” means total interior cubic volume as measured from the exterior surface of the structure; and “structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.
- F. Temporary Events.** Temporary events as defined in this section and which meet all of the following criteria:
1. Will be of less than two days in duration including setup and take-down; and
 2. The event will not occupy any portion of a publicly or privately owned sandy beach or park area, public pier, public beach parking area and there is no potential for adverse effect on sensitive coastal resources; and
 3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and
 4. The proposed event has been reviewed in advance by the City and it has been determined that it meets the following criteria:
 - a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other development or temporary events scheduled before or after the particular event;

- b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources;
- c. The event has not previously required a coastal permit to address and monitor associated impacts to coastal resources.

G. Emergency Work. Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

23.90.050 Challenges to City Determinations

The determination of whether a development is exempt, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Director at the time the coastal permit application for development is submitted or as soon thereafter as possible, and in all cases prior to the application being deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any maps, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or the Director has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, non-appealable, or appealable:

- A. Determination.** The Director shall make its determination as to what type of development is being proposed and shall inform the applicant of the notice and hearing requirements for that particular development (i.e., exempt, appealable, non-appealable).
- B. Challenge.** If the determination of the local government is challenged by the applicant or an interested person, or if the Director wishes to have a Coastal Commission determination as to the appropriate designation, the Director shall notify the Commission by telephone of the dispute/question and shall request a Coastal Commission Executive Director's opinion;
- C. Transmittal.** The Executive Director shall, within two working days of the request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is exempt, non-appealable or appealable;
- D. Hearing.** Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the Director's determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the Community Development Department request.

23.90.060 Application Submittal

- A. Contents.** Coastal development permit application submittals shall include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 23.90.080 (Findings for Approval). The application and accompanying materials shall be filed with the City before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include, at a minimum:
 - 1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;

2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed. The area subject to the Coastal Permit may include such contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships;
3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application; and
4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed from specific geographic areas.

B. Concurrent with other permits. Application for a coastal permit shall be made concurrently with application for any other permits or approvals required by the Zoning Code.

C. City Determination. At time of submittal of coastal permit application, the City shall make a determination of whether the development is exempted, appealable, or non-appealable in accordance with Section 23.90.100. The determination shall be sent to the applicant, the Coastal Commission, and any known interested parties.

23.90.070 Public Notice and Hearing

A. Hearing Body Review. The Planning Commission shall review and act on a coastal permit application at a noticed public hearing. However, processing at levels other than the Planning Commission shall apply in the following cases:

1. City Council Review. The proposed development requires other discretionary permit approvals to be reviewed and acted upon by the City Council, in which case the coastal permit application will be reviewed and acted on by the City Council; or
2. Minor Development. The City may waive the public hearing requirement for development that qualifies as "minor development". Such development shall require no other discretionary approval by the City. A public hearing may be waived if the project has no potential for adverse effects on coastal resources or public access to the shoreline, is consistent with the certified LCP, and if the following apply:
 - a. Notice that a public hearing would be held upon request is sent to all persons who would otherwise be required to be notified of a public hearing and any other persons who have shown interest;
 - b. No request for a public hearing is received within fifteen working days from the date notice was mailed out; and
 - c. The notice discloses that the failure to request a public hearing triggers the loss of appeal power on the matter being considered for administrative approval.

B. Noticing. Permit applications shall be noticed at least 10 days prior (15 working days for minor development applications) to a hearing or action on the proposed project by posting notice in at least one location that is conspicuously visible to the general public (and as many locations as necessary to ensure that the public is appropriately provided notice) on or adjacent to the property which is the subject of the permit, and by mailing notice to:

1. The owner(s) or owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
2. Each local agency expected to provide essential facilities or services to the project;
3. Any person who has filed a request for notice (e.g., for the site, for the particular development, for the type of development, development in general) with the Director;
4. All owners and all occupants of parcels of real property located within 100 feet (not including roads) of the perimeter of the real properties on which the development is proposed, but at a minimum all owners of real property adjacent to the properties on which the development is proposed.
5. All agencies for which an approval for the proposed development may be required.
6. All known interested parties.
7. The Coastal Commission.

If a public hearing is required, legal notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

C. Content of notice. The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;
2. The date of filing of the application;
3. The name of the applicant;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A determination of whether the project is appealable to the Coastal Commission;
7. The date, time and place of the hearing and/or decision on the application;
8. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the Coastal Permit application, as well as the system of appeal if applicable;
9. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section 23.90.070(A) (2).
10. All procedures for challenge and appeal associated with the type of application being considered.

- D. Re-noticing required.** If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no re-noticing is required.
- E. State Lands Commission notification.** Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the City on property identified as potentially subject to the public trust.

23.90.080 Findings for Approval

To approve a coastal permit, the review authority shall make all of the following findings, as applicable:

- A. Plan Consistency.** The project is consistent with the General Plan, the LUP, and the Local Coastal Implementation Program.
- B. Public Views.** The project maintains public views between the sea and the first public roadway parallel to the sea.
- C. Habitat Protection.** The project protects vegetation, natural habitats, and natural resources consistent with LCP.
- D. Design Consistency.** The design, location, size, and operating characteristics of the proposed development is consistent with any applicable design plans and/or area plans incorporated into the LCP.
- E. Coastal Access.** The project maintains public access to the coast along any coastline as set forth in the LCP.
- F. Visitor Serving.** The project supports the LCP goal of providing visitor-serving needs as appropriate.
- G. Appropriate Use.** The project is consistent with the LCP goal of encouraging appropriate coastal development uses.
- H. Coastal Resources.** The proposed development protects and where feasible enhances coastal resources.

23.90.090 Notice of Final Action

The City's decision on a coastal permit shall become final when all local rights of appeal have been exhausted per Section 23.90.100. Within 10 calendar days of a final decision on a coastal permit application, the City shall provide notice of its action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the City. The notice shall contain the City's approved staff report, plans, adopted findings, conditions of approval, indication of whether the project is appealable to the Coastal Commission and the reasons for why it is or is not, and procedures for appeal to the Commission.

23.90.100 Appeals

- A. Local Appeals.** All Planning Commission decisions on coastal permits may be appealed by an aggrieved person to the City Council. An aggrieved persons is any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the City of the

nature of their concerns, or who for good cause was unable to do either. Aggrieved Person includes the applicant for a coastal development permit.

B. Appeal Submittal. An appeal shall be submitted in writing within 10 calendar days of the date of the Planning Commission decision. The appeal shall state the pertinent facts and the basis for the appeal, and shall be filed with the City Clerk.

1. When an appeal is filed, the Director shall prepare a report on the matter and schedule the matter for a public hearing by the appropriate authority. Notice of the hearing shall be provided in the same form as is required for consideration of CDP application, and the hearing shall be conducted. Any interested party may appear and be heard regarding the appeal. At the hearing, the City Council may consider any issue involving the matter that is the subject of the appeal (“de novo”), in addition to the specific grounds for the appeal. The review authority may:
 - a. Affirm, affirm in part, or reverse the action or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the LCP;
 - b. Adopt additional conditions of approval that may address issues or concerns other than the subject of the appeal; or
 - c. Disapprove the coastal permit approved by the Planning Commission, even if the appellant only requested modification or elimination of one or more conditions of approval.
2. If new or different evidence is presented on appeal, the City Council may refer the matter back to the Planning Commission for further consideration.

C. Appeals to the Coastal Commission.

1. In accordance with PRC §30603, any approval decision by the City on a coastal permit in the geographic areas defined in subsection 3(a-c), below, or any approval or denial decision by the City on a coastal permit for a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility located anywhere in the coastal zone, may be appealed to the Coastal Commission.
2. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission.
3. The following types of projects may be appealed to the Coastal Commission.
 - a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - c. Projects in a sensitive coastal resource area (i.e., the Asilomar Dunes Residential Area and the Asilomar Conference Grounds).

- d. Any development which constitutes a major public works project or a major energy facility.
4. Appeals must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a complete notice of final action.
5. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals, except that exhaustion of all local appeals is not required if any of the following occur:
 - a. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for coastal permits in the coastal zone.
 - b. An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.
 - c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this title.
 - d. The City required an appeal fee for the filing or processing of the appeal.

23.90.110 Permit Issuance

A. Effective Date of a Coastal Permit.

1. In areas outside the Coastal Commission appeal area, coastal permits shall become effective on the 11th day after the City's final decision and no appeal has been filed.
2. In areas within the Coastal Commission appeal area, coastal permits shall become effective on the 11th day if no appeal has been filed. The 10-day appeal period shall start the day after the Coastal Commission receives adequate notice of the final local action.

B. Expiration of Permits. A coastal permit not exercised within two years shall expire and become void, except where an extension of time is approved. Such approval shall only be granted for good cause. The extension request shall be in writing by the applicant or authorized agent prior to expiration of the two-year period. Such extensions shall be considered amendments for purpose of notice and appeal to the Coastal Commission.

C. Revocation of Permits. Where one or more of the conditions of a coastal permit have not been, or are not being, complied with, or when a coastal permit was granted on the basis of false material information, the Planning Commission or City Council may revoke or modify the coastal permit following public hearing. Notice of such hearing shall be the same as would be required for a new coastal permit.

D. Resubmittals. For a period of 12 months following the denial or revocation of a coastal permit, the City shall not accept an application for the same or substantially similar permit for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

23.90.120 Emergency Permits

A. Purpose. Emergency coastal permits may be granted at the discretion of the Director or a local official designated by the City Council for projects normally requiring coastal permit approval. To be eligible for an emergency permit, a project must be undertaken as an emergency measure to

prevent loss or damage to life, health, or property, or to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident.

B. Application. Application for an emergency permit shall be made to the City by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an emergency permit.

C. Required Information. The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:

1. The nature of the emergency.
2. The cause of the emergency, insofar as this can be established.
3. The location of the emergency.
4. The remedial, protective, or preventive work required to deal with the emergency.
5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.

D. Verification of Facts. The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows.

E. Public Notice. If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.

F. Criteria for Granting Permit. The Director may grant an emergency permit upon making all of the following findings:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits.
2. The development can and will be completed within thirty days unless otherwise specified by the terms of the permit.
3. Public comment on the proposed emergency action has been reviewed if time allows.
4. The work proposed would be consistent with the requirements of the certified LCP.

G. Conditions. The Director may attach reasonable terms and conditions to the granting of an emergency permit, including an expiration date and the necessity for a regular permit application by a specified date.

H. Limitations.

1. The emergency work authorized under approval of an emergency permit shall be limited to activities necessary to protect the endangered structure or essential public structure.
2. The emergency approval shall be voided if the approved activity is not exercised within 15 days of issuance of the emergency permit.

3. The approval shall expire 60 days after issuance. Any work completed outside of these time periods requires a regular coastal permit approval unless an extension is granted by the City.

- I. **Application for Regular Coastal Permit.** Upon the issuance of an emergency permit, the applicant shall submit a completed coastal permit application and any required technical reports within a time specified by the Director, not to exceed 30 days.
- J. **Reporting of Emergency Permits.** The Director shall report emergency permits to the Coastal Commission and to the City Council and Planning Commission. The emergency permit shall be scheduled on the agenda of the City Council at its first scheduled meeting after that permit has been issued.

23.90.130 Coastal Permit Amendments

- A. **New Application.** An applicant may request an amendment to a coastal permit by filing an application to amend the coastal permit pursuant to the requirements of this chapter.
- B. **Consistency Required.** Any amendment approved for development in the coastal zone shall be found consistent with all applicable Local Coastal Program requirements and this chapter with regards to requirements of jurisdiction, hearings, notices and findings for approval. Any coastal permit amendment shall be processed as appealable to the Coastal Commission if the base coastal permit was also processed as appealable.

23.90.140 Coastal Hazards Overlay.

In order to protect life, property, and coastal resources from hazards associated with sea level rise, tidal inundation, storm surges, tsunamis, shoreline land erosion, and wildfire, the City implements the following regulations:

A. Coastal Hazards Zoning Map Overlay.

- 1. The City designates portions of the Coastal Zone as a Coastal Hazards Overlay on the City's Coastal Zoning Map, consistent with:
 - a. Locations below 20 feet above current mean high tide line based on the 2025, 2050, and 2100 Coastal Flooding and 2025, 2050, and 2100 Coastal Erosion maps. This modeling is based on Pacific Institute data and represents the best available data and science at this time; as such, it is subject to refinement and update over time.
 - b. Very high fire hazard severity zones as identified by the California Department of Forestry and Fire Protection.
- 2. Based on updated study and data, the City shall adjust the Natural Hazards Overlay boundary from time to time, but no less frequently than every five years. The City's periodic evaluations shall commence when the mean high water tidal datum has risen three inches on average for an entire year above the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service.
- 3. The City shall monitor sea level rise and may initiate a request to amend the Coastal Zone boundary as appropriate and feasible.

B. Administration

1. This section shall be administered by the Director.
2. This section is applicable to all structures that are located wholly or partially within the Natural Hazards Overlay.
3. Application review and permitting for issues relating to scenic resources shall be in accordance with 23.90.030.

C. Hazards Data and Monitoring. The City shall update the Coastal Parks Plan and maintain it as component of its approved Local Coastal Program, including updates in regard to shoreline and bluff erosion, and sea level rise and related effects.

1. The City shall establish an inundation elevation based on elevation above the projected mean high tide sea level, below which new habitable development shall not be allowed. The location of the inundation level shall be indicated on the Coastal Zoning Map. Based on current best available science, that inundation elevation is 20 feet above current mean high tide.
2. The City shall study areas of its Coastal Zone to revise the flooding and erosion hazard overlay, particularly for the Asilomar Dunes and Asilomar State Beach areas, for which no erosion hazard data exists.
3. The City shall install emergency response and warning signage within the Natural Hazards Overlay. Signs shall provide information on tsunami and/or other coastal wave hazards and provide direction for evacuation.
4. The City shall annually monitor changes in sea level at the Monterey Tide Gauge (NOAA Station 9413450).
5. Beginning in the year 2020 the Community and Economic Development Director shall report every two years to the City Council, providing historic sea level data and the most recent sea level rise projections.
6. When the mean high water tidal datum has risen three inches on average for an entire year above the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service. the City Council shall declare that the City's threshold for implementation of sea level rise response has been reached.
7. Upon reaching the sea level response threshold, the City will initiate revisions to land use and building regulations in areas of potential coastal hazards.
8. The City shall seek funding sources and partner agencies for data collection and implementation of hazards mitigation projects. The City shall strive to include implementation strategies as part of a Hazards Mitigation Plan to qualify for Federal Emergency Hazards Mitigation funds.
9. The City shall review the coastal hazards data and update the Local Coastal Program, Implementation Plan, Coastal Parks Plan, and Coastal Zoning Map as necessary, no less frequently than every five years. The City's periodic evaluations shall commence when the mean high water tidal datum has risen 3 inches on average for an entire year above the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service.

10. The Director shall monitor the rate of coastal erosion at key locations within the Coastal Zone.
11. The Director shall confirm the very high fire hazard severity zones no less than once each five years in conjunction with triennial building code updates.

D. Development within Coastal Hazards Overlay

1. The City shall only allow open space; low intensity recreational uses; ancillary food service, existing utility and support facilities; existing coastal access and coastal dependent uses at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium; and existing houses below the 20-foot elevation from current mean high tide line.
2. Existing houses below the 20-foot elevation from current mean high tide line may remain but may require future removal or relocation outside the coastal hazard area. When new development occurs or alterations are made to existing development, related adjacent development shall be upgraded to better address coastal hazards to the extent feasible.
3. Public access facilities below the 20-foot elevation from current mean high tide line shall be designed to be easily re-locatable or removable, and shall result in minimal damage to the shoreline, bluffs, other natural landforms, or biotic resources. No development that directly or indirectly accelerates bluff instability or erosion shall be allowed.
4. When directed by the City Council, the Building Official shall recommend safeguards against damage to structures from sea level rise and coastal wave surges for consideration by the City Council.
5. When directed by the City Council, upon finding that sea level rise poses an impending and significant risk to vulnerable land uses, the Director shall propose Land Use Plan Land Use Map amendments to change the land use designation within areas subject to inundation from sea level rise or storm surges.
6. A geologic soils report and/or wave run-up analysis shall be prepared by a qualified professional for new development proposed in areas subject to coastal erosion, tsunami, or storm surges. Reports shall be required for any development for which an application is submitted after the mean high water tidal datum has risen three inches on average for an entire year above the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service. the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service.
7. Existing development within the Coastal Hazards Overlay shall be maintained or removed. Property owners shall be responsible for demolition of and removal of debris from, structures that have been condemned as in danger of destruction from natural hazards.
8. New development within very high fire hazard severity zones shall conform to fire-resistive construction requirements of applicable building codes.

E. Adaptation Program. The City shall prepare a sea level rise adaptation program as part of the Coastal Parks Plan update.

F. Shoreline Protective Devices

1. The City shall update the Coastal Parks Plan as component of its approved Local Coastal Program, including updates in regard to shoreline protective structures and alternatives to shoreline protective structures.
2. New development in the Coastal Zone (including new public improvements and facilities) shall not include new shoreline protective structures and shall include a “no future armoring” condition, as well as a “removal and restoration” condition should the development become endangered by ongoing wave action or sea level rise. Development that may be subject to coastal hazards during its anticipated existence, shall have a deed restriction recorded acknowledging the potential coastal hazards on the property, waiving the right and prohibiting the construction of protective devices to protect said development, and agreeing to remove said development and restore areas affected by said development to a natural state before the development is imminently threatened by continuing coastal hazards.
3. New or extended shoreline protective devices shall be constructed only for the protection of existing public coastal uses such as parks, trails, and utilities, coastal-dependent uses, and existing institutional uses, and only if non-structural approaches are not feasible. The two existing coastal shoreline private residential properties within the City may be evaluated in the future as an exception and may be considered for shoreline protection.
4. Non-structural shoreline protective strategies, including retreat of development (including public improvements and facilities), shall be used to the greatest extent possible.
5. Existing shoreline protective structures may be repaired and maintained if non-engineering approaches are determined to be infeasible, based on evaluation of the following:
 - a. The continued need for the structure, including whether it is feasible to replace the structure with an alternative with fewer coastal resource impacts.
 - b. The potential for the structure’s removal to result in adverse effects on coastal resources.
 - c. The potential for loss of coastal access if the repair, maintenance, and/or augmentation is not carried out.
 - d. The age and condition of the existing principal structure being protected.
 - e. The feasibility of the relocation of the existing principal structure being protected outside of the hazardous area.
 - f. Changed geologic site conditions, including but not limited to changes relative to sea level rise.
6. New shoreline protective structures, and repairs and maintenance of existing shoreline protective structures shall adhere to the following requirements:
 - a. There shall not be a reduction or restriction in shoreline access, excepting temporarily during construction, and an increase in public access may be required as a condition of approval.
 - b. There shall not be an adverse effect on shoreline processes and sand supply, both locally and regionally, including sand and beach area that are lost through the shoreline protective device’s physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline materials that

otherwise would have naturally eroded , and the loss of sand-generating bluff/shoreline material that would have entered the sand supply system absent the device.

- c. Erosion on adjacent locations shall not be increased.
 - d. Vegetation, wildlife, and habitats shall be protected, both during construction and during the life of the structure.
 - e. Any newly placed engineered surfaces shall be colored and textured, be visually compatible with surrounding areas, and designed to reduce visual effects.
 - f. The repair or maintenance shall not encroach seaward or laterally beyond the footprint of the shoreline protective structure already in place, unless deeper footings are required, and may extend forward of the existing wall no more than the thickness of the existing footing, and devices at the ends of the structures may be added only if required to address existing erosion or adverse littoral transport effects on adjacent or down-coast locations.
7. As an interim measure to reduce wave overtopping onto the recreation trail and viewpoints (if relocation of these facilities is not feasible within a 10 year timeframe), the City may construct walls approximately two feet seaward of the seaward edge of the recreation trail or adjacent to the edge of viewpoints, up to 36 inches in height, and meeting the parameters set forth in subsections (f) (1) through (f) (5), provided provisions are made for protection and passage of biological resources.
8. When a land use that has been protected by a shoreline protective structure is removed, the associated shoreline protective structure shall also be removed if removal does not have a negative impact on the efficacy of surrounding structures and the shoreline restored to a natural condition. The landowner shall apply for a Coastal Development Permit for removal of the shoreline protective structure within six months of the determination that the shoreline protective structure is no longer needed.
9. A Coastal Development Permit shall be required for construction, removal, or modification of any shoreline protective structure or device.
10. When new development, redevelopment, or modifications to existing development are proposed for locations protected by a shoreline protective device, a report shall be prepared to evaluate the efficacy of the protective device, including:
- a. Whether the devices can be removed and modified in light of the development proposed;
 - b. Whether public access can be improved; and/or
 - c. Whether coastal resources would benefit.

If the report finds that removal or modification would be feasible, and improve coastal access and/or benefit coastal resources, then the removal or modification shall be required as a condition of approval.

23.91.150 Water Quality and Marine Resources.

In order to protect water quality and marine resources in the City's Coastal Zone, the City implements the following application review and permitting for issues relating to scenic resources in accordance

with 23.90.030 regulations, in conjunction with the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the Bureau of Land Management, to maintain a coordinated approach for enforcing federal, state, and local regulations protection for the marine reserves and conservation areas, the Sanctuary, the California Coastal National Monument, and Areas of Special Biological Significance:

A. Living marine resources shall be protected as follows:

1. All the waterfront of the City, together with those certain submerged lands in the Bay of Monterey contiguous thereto, as set forth and particularly described in that certain act of the Legislature of the State of California entitled, "An act granting to the City of Pacific Grove the title to the waterfront of said City together with certain submerged lands in the Bay of Monterey contiguous thereto," approved by the Governor June 9, 1931, are hereby established as a refuge for the protection of certain kinds of marine life hereinafter mentioned and as a marine garden of the City and reference is hereby made to said act of the Legislature for a particular description of said waterfront and said submerged lands. [Ord. 13-018 § 3, 2013; Ord. 210 N.S. § 5-401(1), 1952].
2. Anyone taking specimens of marine plant life, or who willfully disturbs, injures or destroys marine animal habitats or who removes sand, gravel, or rocks therefrom shall be guilty of a misdemeanor, and may be prosecuted. [Ord. 13-018 § 3, 2013; Ord. 08-006 § 47, 2008; Ord. 1004 N.S. § 1, 1978; Ord. 210 N.S. § 5-401(2), 1952].
3. Notwithstanding the provisions of PGMC 23.90.150(A)(2), nonliving animals or portions thereof, detached plants, pebbles, flotsam and jetsam may be removed for noncommercial purposes and reduced to possession, but the quantity of nonliving animals and pebbles that may be taken shall not exceed the possession of one handful. The marine refuge shall not be subject to habitat destruction by the relocation and repositioning of large rocks. The City manager or his or her delegated authority may issue permits for scientific collecting of specific organisms or objects in specific quantities within the marine preserve of the City of Pacific Grove. [Ord. 13-018 § 3, 2013; Ord. 349 N.S., 1960; Ord. 210 N.S. § 5-401(3)].
4. It is the policy of the City of Pacific Grove to protect harbor seal mothers and pups if birthing occurs on any Pacific Grove beach, and to deter long-term habitation at Lovers Point Beach. No action will be taken for sporadic seal presence at other beaches outside of the pupping season. [Ord. 13-018 § 3, 2013].
5. If harbor seal pups are delivered on any beach in the City, the City will temporarily close the beach to public uses and provide temporary fencing and signage to protect the seals and their pups for the pupping season through weaning. Protection of seals with pups will include:
 - a. Placing temporary fencing off the beach or a barrier at least 50 feet from the location of the pup, using materials such as wood lattice fencing or other alternative that provides visual access;
 - b. Posting "No Trespassing" signs;
 - c. Enlisting assistance from federal/National Oceanic and Atmospheric Administration (NOAA) enforcement where they have jurisdiction at low tide and where necessary;
 - d. Coordinating with volunteer docent programs on public outreach to explain the pupping viewing sites and the nature of the mothers and their pups;
 - e. Should Lovers Point Beach become a pupping site, the city, in consultation with NOAA and National Marine Fisheries Service (NMFS) officials, may encourage the seals to

move off the beach after the pup has been weaned, or at a point where it will not harm the mother or pup, so that the mother seals and their new offspring do not become habituated to the beach. Methods that may be used are described in subsection (6). NOAA's Office of Law Enforcement and the NMFS will provide guidance to the City for when it is appropriate to begin these activities. [Ord. 13-018 § 3, 2013].

6. In the event of juvenile or adult haul outs at Lovers Point Beach, city staff, and other state and federal agencies with jurisdiction, may take direct action to encourage the seals to move off the beach. The City will coordinate with interested agencies and organizations as to the plan and actions that will be taken.
 - a. Actions that may be taken to encourage harbor seals to move from Lovers Point Beach include, but are not limited to:
 - i. Human presence;
 - ii. Acoustic devices and/or noise makers that dispense noise periodically;
 - iii. Sonic repellents;
 - iv. Visual deterrents such as scarecrows or false predators; or
 - v. Techniques acceptable by NOAA and/or recommended in the federal Marine Mammal Protection Act.
 - b. Actions that are discouraged to deter harbor seals at Lovers Point Beach are:
 - i. Barriers to deter harbor seals from the beach, unless pupping has occurred;
 - ii. Excessive or continuous noises; and
 - iii. Direct physical contact with the seals. [Ord. 13-018 § 3, 2013].
 7. Prior to and during the harbor seal pupping season, the City will coordinate with local NOAA offices and initiate reporting activities and reporting to NMFS to ensure collaboration in executing procedures at Lovers Point Beach and a protection plan at all other City beaches. [Ord. 13-018 § 3, 2013].
 8. Anyone who interferes with activities taken in accord with this chapter to protect harbor seals during the pupping season, or to encourage seals to move off the beach, including but not limited to trespassing, protective fencing, removing signage, or other acts that may be detrimental to the seals and their pups shall be guilty of a misdemeanor, and may be prosecuted. [Ord. 13-018 § 3, 2013].
- B.** The diking, filling, or dredging of open coastal waters, tide pools, wetlands, estuaries, coastal streams, and lakes shall be permitted only in accordance with Public Resources Code §30233, and only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. A buffer with the same development restrictions shall be observed within 50 feet on either side of riparian vegetation along a stream (or 100 feet from top of bank, whichever is larger) or 100 feet from other wetlands. Development, other than that listed here, shall be prohibited within these areas.
1. Continued use, maintenance, and replacement of existing coastal-dependent industrial, commercial, or institutional facilities so long as the development footprint is not increased, no

- additional impacts result, and an effort is made to reduce any existing impacts to the extent feasible;
2. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;
 3. Restoration purposes; or
 4. Nature study, aquaculture, or similar resource dependent activities.
- C.** Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.
- D.** In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife shall be limited to very minor incidental public facilities, restorative measures, nature study, if otherwise in accordance with this section.
- E.** Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a Coastal Development Permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.
- F.** Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control. Plan, site, and design development to preserve or enhance non-invasive vegetation, in order to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
- G.** Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.
- H.** If preservative-treated wood is used within 300 feet of coastal waters, implement appropriate treatment, storage, and construction practices for preservative-treated wood; at a minimum, those standards identified by the American Wood Protection Association.
- I.** Plan, site, and design development to protect and, where feasible, restore natural hydrologic features that provide storm water infiltration, treatment, storage, or conveyance.
- J.** Plan, site, and design development to maintain or enhance on-site collection for reuse or infiltration of runoff, where required, appropriate and feasible, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff, retain dry-weather runoff on-site, and minimize transport of pollutants.

- K. Plan, site, and design development to minimize the installation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), in order to reduce runoff. Where feasible, increase the area of pervious surfaces in re-development. Minimize directly-connected impervious areas, which are areas covered by a building, impermeable pavement, or other impervious surfaces that drain directly into the storm drain system without first flowing across permeable areas (such as vegetative landscaping or permeable pavement). Convey runoff from impervious surfaces into permeable areas in a non-erosive manner.
- L. Development shall be planned, sited, and designed to minimize discharges of dry weather runoff to coastal waters, to the maximum extent feasible.
- M. Development shall be planned, sited, and designed to avoid discharging concentrated flows of storm water or dry weather runoff through storm water outfalls directly into coastal waters, intertidal areas, beaches, bluffs, or stream banks. Protective measures shall be used to prevent erosion at storm water outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion from concentrated runoff flows.
- N. Parking lots shall be designed to minimize impervious surfaces, and to treat and/or infiltrate runoff before it reaches coastal waters or the storm drain system so that heavy metals, oil and grease, and polycyclic aromatic hydrocarbon pollutants on parking lot surfaces will not enter coastal waters.
- O. The City shall utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property, encourage this practice generally on private property, and shall impose requirements as conditions of approval of Coastal Development Permits on properties including or adjacent to environmentally sensitive habitat.
- P. Plant material used on or adjacent to coastal bluffs shall be native to minimize the need for irrigation beyond initial plant establishment. An exception to the native plant and irrigation requirement is allowed within Perkins Park to accommodate traditional Magic Carpet rosy ice plant (*Drosanthemum floribundum*). Irrigation, consisting of micro-sprayers and/or drip irrigation, may be permitted on a case-by-case basis as necessary to establish native plant materials. Irrigation shall be removed from the bluff upon establishment of the plant materials.
- Q. Section 922.132 of the Monterey Bay National Marine Sanctuary (MBNMS) regulations prohibits “discharging or depositing any material or matter within or into the sanctuary (e.g., pollutants, trash, objects, etc.), or from outside the boundaries if it subsequently enters and injures the sanctuary. “Injure’ means to change adversely, either in the short or long term, a chemical, biological, or physical attribute of, or the viability of.” The MBMNS Urban Runoff Action Plan, which is a non-regulatory approach to working with citizens in the watersheds to improve water quality shall be promoted by the City in all new development.
- R. For land use with specific or elevated potential for discharge of pollutants considered water quality concern, such as gasoline stations, car washes, and industrial uses ensure that additional water quality protective measures are taken as necessary to prevent discharge of pollutants to coastal waters or other sensitive habitats, or otherwise endanger plants or animals.

23.90.160 Scenic Resources and Design.

In order to protect the scenic resources and scenic public views of the City's Coastal Zone, the City implements the following regulations:

- A. Scenic Resources Zoning Map Overlay

1. The City designates portions of the Coastal Zone as a Scenic Resources Overlay on the City's zoning map.
 2. Those portions of the Sunset and Asilomar Dunes areas not designated on the scenic resources map should be subject to further study as funds become available to determine if they should be added to the Scenic Resources Overlay.
- B.** Application review and permitting for issues relating to scenic resources shall be in accordance with 23.90.030,
- C.** The following documentation may be provided when changes to the height or mass of the structure are proposed:
1. Story poles and netting showing proposed ridgelines and exterior wall lines, to be erected no later than project notices are posted, and remaining until appeals periods have passed; and
 2. Ribbons marking any tree limbs to be removed.
- D.** The City shall update the Coastal Parks Plan as a component of its Local Coastal Program, including updates in regard to scenic resources and views.
- E.** View Protection within the Scenic Resources Overlay
1. Views from public streets, paths, parks, or open space areas, towards dunes, the ocean, and coastal open space areas and associated vegetation are protected:
 2. The following are considered adverse effects on scenic public views:
 - a. Excess lighting or glare;
 - b. Structures, or utilities not in keeping with the visual character of the surrounding area and thereby drawing undesired attention or distracting from or degrading the visual character of surrounding areas, and/or significantly interfering with protected public views;
 - c. Removal of mature trees and significant plant materials that are part of the sand dune, coastal bluffs, and forested areas; and
 - d. Removal or major alteration of historical resources that contribute to the scenic and visual quality of special communities and neighborhoods.
 3. Evaluation and measurement of public views shall be based on the following parameters:
 - a. Views from public streets or paths should be reviewed and assessed as part of the coastal development permit.
 - b. Views from public streets or paths shall be evaluated for the entire public frontage of the parcel(s). The horizontal extent of the view shall be a line following the side property line, or for irregular sites, extending to the widest point of the parcel(s).
 - c. Onshore public views shall take into account the entirety of the development site and any areas in the foreground or background that could be obscured to any extent.

4. In accordance with the City's objective to retain the maximum amount of open space possible on lands seaward of viewing areas, the City, or any other public agency or charitable trust/organization (Coastal Conservancy, Sierra Club, Surfrider Foundation, etc.) shall seek assistance in securing scenic conservation easements, and a reduction of development potential through public acquisition of vacant private parcels.
5. In certain cases the environmental review or Coastal Development Permit process may reveal an undeveloped private parcel which includes scenic public views of forest and dunes westerly of Asilomar Avenue. Often, such parcels can be developed without significantly impairing these special qualities.

F. Standards for Development within the Scenic Resources Overlay

1. New development and exterior structural alterations to development already existing shall endeavor to improve the existing public views and scenic qualities of the area.
2. New development, including boardwalks within the Asilomar State Beach and Conference Grounds visible from Sunset Drive, shall be subordinate to the open space character of the area.
3. Structures shall be sited to minimize alteration of natural dune topography. The Director may permit minor setback intrusions to minimize alteration of natural dunes.
4. New development shall be compatible with surrounding areas and protect the open space character of the area. Development shall use primarily low-reflective building materials with primarily earth tone colors in a range similar to predominant natural vegetation.
5. New development shall be restricted in height according to the requirements of the zoning district in which it is located. Height may be further limited to preserve protected public views. Exceptions to the height limit will be allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area.
6. The location of proposed structures or alterations relative to public view corridors, height, and bulk will be considered in ensuring that new development will preserve scenic qualities and protect public views.
7. Height reductions, increased setbacks, design modifications, and lot coverage reductions from applicable zoning district development standards may be employed so as to achieve Local Coastal Program compliance, and view shed easements may be employed to preserve protected public views.
8. Utility service lines feeding new structures shall be undergrounded or placed out of sight.
9. New utility building service lines shall be undergrounded under driveways and/or walkways, unless infeasible.
10. The siting of structures shall use existing topography or vegetation to provide maximum screening from public views, and minimize the obstruction of or intrusion upon public views. Building ridgelines shall not extend above the crest of the dune or the top of the tree line that forms the visual backdrop from public viewing points. Where the site's elevation differentials are not sufficient to achieve this standard, the building ridgeline shall be kept as low as feasible.

11. Site location and development of wireless telecommunication facilities shall preserve the visual character and aesthetic values of the site and surrounding land uses and shall not significantly impact public scenic views. Attaching wireless equipment to existing structures and camouflaging and co-location is encouraged.
12. Development shall be considered visually intrusive and incompatible if the predominant colors, textures, or reflective materials cause it to stand out from surrounding built and natural features; or if the height is significantly greater (more than 25 percent) than that existing on parcels within 150 feet. On street blocks with a coherent and distinctive architectural style, new development should be of a substantially similar style. Exterior façade maintenance and improvement is encouraged, and shall be compatible with development on adjacent blocks and the City's overall architectural character. Structures in disrepair shall be maintained, renovated, replaced, or removed.
13. A site-specific analysis may be required to determine and quantify the impact of the proposed development upon public visual access to the ocean and shoreline. If there is an existing public view and the site is designated in the applicable land use plan as a public view corridor, vista or within a public viewshed, it is intended that such critical public views to the ocean and shoreline be maintained or restored by designing and siting the coastal development in such a manner as to preserve the identified public view.
14. No structures or other obstructions that will impede public views shall be installed within the boundaries of any required public visual corridor. Landscaping may be installed within the view corridor provided such improvements do not obstruct public views to the ocean and natural shoreline features.

G. Lighting and Reflection

1. New or replacement lighting for both public and private development shall be designed to minimize light spill into natural areas by using cut-off fixtures directing light to the ground, and not flooding the site with light.
2. New or replacement lighting shall be designed to minimize visibility from coastal beaches and bluffs, and off-shore locations.
3. Low level exterior lighting with cut-off, shielded, or downward fixtures (i.e. the bulb is not directly visible) shall be used on buildings to minimize off-site visibility and light spill. Lighting shall be restricted to 60 watts (incandescent) or equivalent (15 watt fluorescent or 7.5 watt LED)
4. Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.
5. Unless shielded from the coast by buildings or vegetation, trail lighting shall be mounted on bollards no greater than 4 feet tall and with the lighting shielded from the coast.
6. New construction over 10,000 square feet of floor area shall incorporate anti-reflective window glazing, awnings, or other anti-glare methods on south- and west-facing elevations and those elevations visible from public view points.

H. Landscaping

1. New commercial development requiring a use permit shall require approval of a Landscaping Plan by the Planning Commission. Landscaping shall be included in the evaluation of effects of development on protected public views.

2. Landscaping shall be maintained such that during the growing stage and at maturity, it will not encroach into a public view corridor or obstruct public views to the sea and natural shoreline features. New plantings adjacent to public areas from which sea views are available, shall be designed to preserve those public views. Hedge plantings shall not exceed 3 feet in height, and shrubs shall be spaced or clustered to permit views.
 3. Trees that contribute to the scenic coastal character shall be retained, including trees along the shoreline and at Asilomar Conference Grounds. If removed, for example, due to disease or for public safety, these trees shall be replaced with an appropriate native species.
 4. Where development will occur within a forested area, a reforestation plan and/or tree protection plan shall be required prior to permit issuance to ensure appropriate tree replacement or protection from damage.
 5. Landscaping shall be designed and utilized to ensure that buildings blend into the natural surroundings to the greatest extent.
 6. Landscaping shall use plants native to the general region and selected for tolerance of drought and compatibility with the natural landscape, with an exception to allow Magic Carpet rosy ice plant (*Drosanthemum floribundum*) at Perkins Park.
- I. Open fencing may be installed within the view corridor provided such improvements do not obstruct public views to the ocean and natural shoreline features. New chain-link fencing shall not be allowed, and the removal of chain-link fencing shall be encouraged, and required in association with Coastal Development Permits.

23.90.170 Biological Resources and Environmentally Sensitive Habitat Areas.

In order to protect biological resources in the City's Coastal Zone, the City implements the following regulations for new or altered uses:

- A. Marine biological resources shall be protected in compliance with 23.90.150 PGMC.
- B. Major vegetation shall be protected in compliance with PGMC 23.90.180.
- C. Application review and permitting for issues relating to biological resources and environmentally sensitive habitat area shall be in accordance with 23.90.030
- D. Habitat Sensitivity Zoning Map Overlay
 1. The City designates portions of the Coastal Zone as a Habitat Sensitivity Overlay on the City's zoning map, consistent with the Land Use Plan Land Habitat Sensitivity Map extreme, high, and moderate habitat sensitivity areas.
 2. Low habitat sensitivity areas, as shown on the Land Use Plan land habitat sensitivity map are located outside the Habitat Sensitivity Overlay area, and biological reports are required only if determined necessary for California Environmental Quality Act compliance.
 3. Protected habitats and plant and animal species shall be reviewed by the Director at least once each three years, and the Habitat Sensitivity Area Overlay adjusted as warranted. Determinations of sensitivity level shall consider federal and state protection status of species and their habitat dependence.
- E. General Development Standards for the Habitat Sensitivity Overlay

1. A biological assessment shall be conducted at applicant's expense by a qualified biologist for any development that disturbs pervious areas or results in the disturbance or removal of vegetation, unless exempted by the City for any of the following reasons:
 - a. Based on a review of site conditions, the City may exempt a project from the biological assessment if no sensitive biological communities, U.S. Fish and Wildlife Service-designated critical habitat areas, or potential wildlife corridors are mapped or observed on or within 150 feet of the site; no protected trees or natural woodlands are located on or within 150 feet of the site; and no undeveloped natural lands, recognizable wetlands, or hydrological features (e.g., creeks, streams, or lakes) are located on or within 150 feet of the site.
 - b. Based on review of the proposed project or activity, the City may exempt a project from the biological assessment if the project characteristics indicate that there is no potential for the project to adversely affect biological resources.
 - c. Emergency projects and/or public safety projects, such as response to fire or flooding, are exempt. However, a follow-up biological study may be required at the discretion of the City.

2. A biological assessment shall include the following information:
 - a. California Department of Fish and Wildlife's California Natural Diversity Database and the California Native Plant Society Inventory of Rare and Endangered Plants for the United States Geological Survey quadrangle in which the site is located, along with the 8 surrounding quadrangles, and review of United States Fish and Wildlife Service Endangered Species lists and programs;
 - b. Lists of potentially occurring special-status species in the project vicinity based on the sources listed in subsection (C);
 - c. Identification of applicable policies from the General Plan and Land Use Plan;
 - d. Date of site visit(s), description of study methods, and description of the biological conditions observed on the site and in the surrounding area;
 - e. List of dominant plant species on the parcel, including location, species, girth, height, and condition of protected trees;
 - f. Description of natural features, plant communities, wildlife habitats, and special environmental features of the site or region, and assessment of special-status natural communities; wetlands, and wildlife movement corridors found on the site or potentially affected by the project;
 - g. Discussion of potential for occurrence of special-status species on the site and map identifying the location of any special-status species observed on the site;
 - h. Description and results of any protocol surveys conducted;
 - i. Identification and map of any environmentally sensitive habitat on the site;
 - j. Discussion of the project's consistency with applicable policies from the General Plan and Land Use Plan;

- k. Discussion of potential adverse impacts on biological resources;
 - l. Recommendations for further biological surveys, if deemed to be necessary for state and/or federal regulatory compliance; and
 - m. Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant biological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the biological resources on the site and alternative design impacts compare to those of the project.
3. The City may require independent peer review of a biological assessment prepared by an applicant, at the applicant's expense.
 4. Identification of an area as environmentally sensitive habitat shall be based on field conditions as documented in the biological resources assessment.
 5. To the extent feasible, development shall be located on the portion of a parcel that has the least effect on biological resources, and the most intensive development shall be located as far from sensitive biological resources as feasible.
 6. Development in environmentally sensitive habitat shall be limited to resource-dependent uses, except for limited residential development on existing vacant lots of record in the Asilomar Dunes Residential Area (R-1-B-4 District).
 7. When a biological assessment identifies environmentally sensitive habitat and/or habitat with the potential for rare plants on a site, a botanical survey shall be conducted.
 8. A botanical survey shall be conducted during the appropriate flowering season for each rare plant species potentially present to the satisfaction of the Director.
 9. The alteration of natural land forms and dune destabilization by development shall be minimized, as demonstrated by detailed grading plans which shall be submitted to the City before approval of a project. If a site is essentially level, this requirement may be waived.
 10. For any site where development will disturb existing or potential native dune plant habitat or other environmentally sensitive habitat, a habitat restoration, enhancement, and protection plan shall be prepared and submitted to the City for approval prior to construction. Only plants locally native to dune or other environmentally sensitive habitat should be used for landscaping outside approved development envelopes.
 11. Invasive non-native plants listed by the Monterey County Office of the Agricultural Commissioner, and non-native ice plants, pose a threat to the native plant community, and shall not be planted, with an exception for Magic Carpet rosy ice plant (*Drosanthemum floribundum*) at Perkins Park and the planting and preservation of native milkweed species (*Asclepias spp.*) to support Monarchs.
 12. Utility connections shall be installed in a single corridor if possible, and should be routed to avoid surface disturbance of areas identified as environmentally sensitive habitat. Septic systems shall be properly decommissioned, and development shall be connected to the sanitary sewer system.
 13. Areas identified as environmentally sensitive habitat shall be protected under easements, deed restrictions, or other legally binding agreements, which shall be approved as part of the Coastal Development Permit, and recorded prior to commencement of construction.

14. No subdivision shall be permitted on parcels containing environmentally sensitive habitat except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. Newly subdivided lots may be offered for sale to the Coastal Conservancy or other conservation agencies at market value for five years, then may be offered on open market.
 15. No second units or accessory structures shall be permitted on parcels containing environmentally sensitive habitat.
 16. Signs, communications towers, and utilities shall not be permitted in environmentally sensitive habitat.
 17. In certain cases the environmental review or the coastal permit process may reveal an undeveloped private parcel which has an exceptional concentration of rare dune plants. Often, such parcels can be developed without significantly impairing these special qualities. However, where significant impairment is unavoidable, or where it is not feasible to develop the parcel in conformance with these policies, then acquisition and preservation by a charitable trust or public agency will be supported.
 18. Restrictions shall be recorded on the property deed to protect environmentally sensitive habitat on the non-developed portions of a site from disturbance.
 19. A buffer of at least 50 feet from the outer edge of the riparian vegetation or 100 feet in width from top of stream bank, or as recommended by a site-specific biological study, whichever is greater, in which no new development shall be permitted, shall be provided adjacent to wetlands, excepting existing legal non-conforming development.
 20. The City shall prioritize the restoration, enhancement, and maintenance of public dune.
 21. The City shall prioritize enforcement of permit conditions related to habitat restoration, enhancement, and protection.
- F. Site- and Species-specific Development Standards for the Habitat Sensitivity Overlay**
1. No development on a parcel containing environmentally sensitive habitat shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur. In order that the City can make the required findings of no significant disruption, the specific requirements listed below shall apply:
 - a. Development and redevelopment shall meet site coverage limitations;
 - b. During construction, habitat areas containing Menzies' wallflowers or Tidestrom's lupines or other rare and endangered species shall be protected from disturbance. Temporary wire mesh fencing shall be placed around the habitat prior to construction and the protected area shall not be used by workers or machinery or for storage of materials. Compliance inspection(s) will be made during the construction phase;
 2. Implementation of the Asilomar State Beach and Conference Grounds management and restoration plan shall be encouraged by the City to the extent it is consistent with the Local Coastal Program and the Coastal Act of 1976. Access shall be both safe and non-disruptive of sensitive habitat.
 3. Forest resources shall be retained and new development shall be restricted to existing building envelopes or outside the forest-front area. Preservation of trees and planting of new trees is encouraged. A program should be established to propagate pine trees from local

sources within Pacific Grove. This may be most effectively accomplished in coordination with the Asilomar Dunes restoration planning after assessment of the species and sizes of trees appropriate for anticipated replanting efforts.

The Asilomar State Beach and Conference Grounds shall implement a dune stabilization program, including limiting public access through the northern dunes, planting of native vegetation, and restricting development to existing footprints near the forest areas.

4. In the Lighthouse Reservation and Golf Course area, areas of extreme sensitivity should be protected by implementing the following measures:
 - a. Prevent further trampling by installing low fencing where necessary;
 - b. Do not allow machinery in the dune area;
 - c. Apply irrigation only on turf, not on the sand;
 - d. Continue to eliminate exotics and restore native dune plants on the Lighthouse Grounds; and
 - e. Plant species in suitable areas which will enhance the overwintering habitat of the Monarch butterfly, by providing additional nectar and feeding sources consistent with the operations of a golf course.
5. Crespi Pond and the Majella Slough riparian areas shall be considered environmentally sensitive habitat, and only habitat maintenance activities are allowed. These areas shall be protected from any polluted runoff or other disturbances to waterfowl habitat. Carefully controlled dredging of Crespi Pond shall be permitted in order to prevent loss of this important wetland through eutrophication and sedimentation.
6. On the Union Pacific railroad right-of-way between Del Monte Boulevard and Sunset Drive, pampas grass should be eliminated. Landscaping should be compatible with the type of habitat through which the former railroad corridor passes and utilize native plants where that is the predominant adjacent vegetation type. Identify and protect Monarch butterfly overwintering sites, buffer trees, nectaring, and feeding areas within and adjacent to the former railroad route. Where developed for recreational trail or municipal golf course, or other uses, qualified biologists shall first identify such Monarch butterfly habitat. The project shall then be designed to avoid any significant disruption of the identified Monarch butterfly habitat, and where appropriate, the right-of-way shall be landscaped and permanently managed to enhance the habitat of this species.
7. In restoration efforts, include consideration and protection of habitat for black legless lizard.
8. Establish a program for the conservation of Black Oystercatcher and its habitat, including protections for active nests in coordination with the local Black Oystercatcher working group and other stakeholders such as California Department of Parks and Recreation, Audubon Society, Point Blue Conservation Science, and the Pacific Grove Museum of Natural History.
9. Humanely relocate mountain lions, bears, and other large predatory mammals that enter the Coastal Zone in consultation with the California Department of Fish and Wildlife, University of California at Santa Cruz's Puma Project, the Felidae Conservation Fund, and any other appropriate agencies.
10. Protection of Biological Resources seaward of Sunset Drive and Ocean View Avenue.

- a. Public access along the bluffs and shoreline shall be restricted to established trails.
 - b. Public access areas adjacent to the bluffs should be clearly defined to protect bluff vegetation and reduce erosion.
 - c. Fencing used to demark trails and control public access shall be designed with wildlife friendly characteristics and be reviewed and approved by a qualified biologist. The fence design should allow safe passage of traveling animals and dispersal of seeds, provide visibility to flying birds, avoid trapping wildlife on roads, and deter human foot traffic in sensitive areas. Fencing shall be no more than 42 inches high, leave at least 12 inches between the top two rails/wires, and leave 16 inches between the ground and the first rail/wire, prohibit the use of barbed wire, and be readily visible to flying birds/traveling mammals. Walls, if used along the recreation trail or associated viewpoints, shall not exceed 36 inches in height and provide a reasonable means of passage, either over the face of the wall, such as with steps or gripable texture, or around the ends.
 - d. Trails shall be designed and maintained to minimize erosion.
 - e. If parking areas or trails are re-configured, disturbed areas shall be revegetated.
 - f. The extent of existing non-native plantings shall not be expanded, and all new or replacement plantings shall be species native to the natural habitat of the site, but allowing for replacement of Monterey pine, Monterey cypress, and coast live oak trees with the same, and for the retention of snags as wildlife habitat if public safety is not endangered.
 - g. Existing native bluff plant communities shall be protected (with barriers if appropriate), and enlarged where ice plant or other non-native plantings die back. Magic Carpet rosy ice plant (*Drosanthemum floribundum*) may be retained and re-planted at Perkins Park.
 - h. Install interpretative signage to prohibit feeding of wildlife with specific reference to Gulls, Corvids (Crows), and ground squirrels. Install Corvid-proof trash cans near picnic areas and food establishments.
 - i. Prioritize use of humane means of control not harmful to other wildlife if ground squirrel population control is required to prevent erosion.
11. Development in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall be sited and designed to limit impacts on the dune habitats and visual landscapes, including through avoiding development antithetical to the open space dune environment per Land Use Plan polices. In addition to the following requirements, development within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall be subject to the following Development Standards regardless of the habitat sensitivity level.
- a. Development shall be clustered, including in relation to adjacent development, to maximize continuous dune areas as much as possible, including through such means as shared driveways, which are encouraged.
 - b. Secondary units and other accessory buildings shall be prohibited.
 - c. Development shall minimize exterior lighting, including avoiding light spill into dune areas, and development shall limit glare (e.g., from windows and reflective surfaces), as much as possible.

- d. Areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes area shall be required to be mitigated on a 2:1 square foot basis through providing for on-site and/or offsite restoration/enhancement of degraded dune areas in the Asilomar Dunes area. Such requirement may be addressed through offsite restoration or proportionate contributions to the City's Environmental Enhancement Fund provided such funds are used for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area, where on-site restoration does not fully mitigate the impact.
- e. Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.
- f. Development must incorporate landscape screening through dune restoration and native landscaping in such a way as to minimize impacts on the dune viewshed.
- g. Development associated with non-conforming buildings that results in redevelopment shall require that all development on the site be brought into conformance with current Local Coastal Program standards.
- h. Development associated with conforming buildings and within the lot coverage limit shall not be allowed to cover dune habitat, and dune habitat on the site shall be restored and permanently protected.
- i. Biological assessment prepared for development within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall identify measures to maximize protection of dunes and other environmentally sensitive habitats. A habitat restoration, enhancement, and protection plan shall be prepared by a qualified dune restoration professional, for approval by the Director.
- j. For development on legal lots of record over one-half acre, maximum aggregate lot coverage shall be limited to 15 percent of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage.
- k. In special cases, up to 20% aggregate lot coverage may be allowed on legal lots of record for lots that are one-half acre or less to avoid hardship or where additional site coverage is essential for protecting public views.
- l. As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) to allow for wildlife movement, native seed dispersal, and visual consistency.
- m. An additional five percent of the total lot area or 1,000 square feet, whichever is greater, may be used as Immediate Outdoor Living Space provided the area is contiguous to allowed coverage areas. Fencing for Immediate Outdoor Living Space adjacent to a residence may include a property line, but may not to exceed 1,000 square feet or 5 percent of the lot area, whichever is greater, and is allowed subject to City design review. Fencing shall be not be visible from the public right-of-way, limited to six feet in height measured from grade and be open, transparent and unobtrusive. Permeable surfaces are allowed in this area and shall not count as lot coverage.
- n. Fencing and other such barriers along any property boundary, except Immediate Outdoor Living Space fencing, shall be prohibited absent a conclusive showing that such fencing/barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed property boundary perimeter fences/barriers shall be limited to

minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. Fencing shall be open and unobtrusive.

- o. Development shall only be approved if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration, enhancement, and protection.
 - p. A deed restriction designed to limit allowed development, use, and activities to those associated with dune restoration, enhancement and protection shall be recorded over lands that are set aside for habitat conservation.
 - q. Sidewalks shall be prohibited in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) unless the City makes a finding that sidewalks are necessary for public safety where heavy automobile traffic presents substantial hazards to pedestrians, no reasonable alternative exists and no significant loss of environmentally sensitive habitat would result. Pedestrian, ADA and other mobility improvements shall otherwise be limited to boardwalks that are sited and designed to best protect dune resources and public views, and to best integrate into existing and planned public recreational access systems.
 - r. Subdivisions shall be prohibited, except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. Newly subdivided lots may be offered for sale to the Coastal Conservancy or other conservation agencies at market value for five years, then may be offered on open market. The minimum parcel size for new subdivisions is one-half acre properties fronting on Asilomar Avenue north of Pico Avenue, and one acre for all other areas within Asilomar Dunes.
12. Non-federal re-development on the National Oceanic and Atmospheric Administration site on Lighthouse Avenue shall be required to maximize dune habitat restoration and preservation, Fencing shall be removed and site coverage reduced.

G. Development Standards for Extreme and High Habitat Sensitivity Areas.

- 1. Development in or within 100 feet of environmentally sensitive habitat shall require biological protections as part of the architectural permit.
- 2. These standards shall apply within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) regardless of habitat sensitivity level.
- 3. Development on parcels containing or within 100 feet of environmentally sensitive habitats, shall be permitted only where the City can make a finding that development will not have a significant adverse impact on the habitat's long-term maintenance or the long-term sustainability of biological resources. Development shall only be approved where measures are implemented to ensure the long-term maintenance of the habitat and minimize habitat loss and disturbance. These measures could include but are not limited to:
 - a. Limitations on building footprint size
 - b. Limitations on paved areas, decks, non-native landscaping, and other appurtenant features;
 - c. Restrictions on exterior lighting;
 - d. Restrictions on property line fencing;

- e. Siting requirements to consolidate development on limited portions of the parcel or areas contiguous to developed portions of adjacent parcels with the intent of maintaining larger contiguous areas of habitat; and
 - f. Site structures in required setback areas if the movement ensures minimizing the loss or disturbance of sensitive habitat,
4. One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected biological resources, unless natural hazard constraints require development in areas where protected biological resources would be affected.
 5. Preconstruction surveys for protected species identified in the biological assessment as potentially occurring shall be conducted.
 6. Protocol biological surveys shall be conducted if required by the biological assessment.
 7. Development shall be planned, sited, and designed to protect environmentally sensitive habitat from disruption of habitat values resulting from the discharge of storm water or dry weather flows.
 8. Degraded habitat on the parcel shall be restored concurrent with development; however, this requirement shall not apply within private outdoor living space.
 9. Development footprints shall not be expanded; however, the footprint may be relocated within the site if there is a benefit to overall biological conservation.
 10. Buried features, such as utility connections shall not be counted as coverage so long as the restoration and maintenance of native plant habitats is completed following installation.
 11. The siting of each new development and the expected area of disturbance around each residence shall be individually reviewed by the City, with due consideration given to the minimization of dune destabilization and disturbance to endangered plants and their habitat.

H. Development Standards for Moderate Habitat Sensitivity Areas.

1. Development in environmentally sensitive habitat shall require biological protections as part of the permit.
2. Development within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall be subject to the standards for High Habitat Sensitivity Areas
3. Development in environmentally sensitive habitats shall be permitted only where the City can make a finding that development will not have a significant adverse impact on the habitat's long-term maintenance or the long-term sustainability of biological resources. Development shall only be approved where measures are implemented to ensure the long-term maintenance of the habitat and minimize habitat loss and disturbance. These measures could include but are not limited to:
 - a. Limitations on building footprint size;
 - b. Limitations on paved areas, decks, non-native landscaping, and other appurtenant features;

- c. Restrictions on exterior lighting;
 - d. Prohibition on property line fencing; posts to four feet in height and set 10 feet on center may be used to mark property lines;
 - e. Siting requirements to consolidate development on limited portions of the parcel or areas contiguous to developed portions of adjacent parcels with the intent of maintaining larger contiguous areas of habitat; and
 - f. Site structures in required setback areas if the movement ensures minimizing the loss or disturbance of sensitive habitat,
4. One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected biological resources, unless natural hazard constraints require development in areas where protected biological resources would be affected.
 5. Preconstruction surveys for protected species identified in the biological assessment as potentially occurring shall be conducted.
 6. Protocol biological surveys shall be conducted if required by the biological assessment.
 7. Development shall be planned, sited, and designed to protect environmentally sensitive habitat from disruption of habitat values resulting from the discharge of storm water or dry weather flows.

23.90.180 Major Vegetation

A. Major Vegetation. Certain trees are classified as major vegetation as specified below:

1. Native Trees. All Gowen Cypress regardless of size; all Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, and Monterey Pine six inches or greater in trunk diameter, when measured at 54 inches above native grade.

B. Permits Required. In accordance with Section 23.90.030, a Coastal Development Permit is required for

1. The complete removal of major vegetation with the exception of dead major vegetation;
2. New planting of major vegetation within the Habitat Sensitivity Overlay, or in areas identified as environmentally sensitive habitat.

C. Findings for Coastal Development Permit. In approving a coastal development permit for removal of major vegetation the City shall make the following findings:

1. The major vegetation to be removed is diseased, or dying;
2. The major vegetation is not part of any environmentally sensitive habitat area or riparian habitat;
3. Removal of the major vegetation will not affect public views or the forested character of the area;
4. Removal of the major vegetation will not adversely impact coastal resources, public access or public recreation opportunities and is consistent with policies of the Coastal Act.

In approving a coastal development permit for new plantings of major vegetation the City shall make the following findings:

1. The new major vegetation will not adversely affect the habitat value of any environmentally sensitive habitat area or riparian habitat;
2. The new major vegetation will not adversely affect public views;
3. The new major vegetation will not adversely impact coastal resources, public access or public recreation opportunities and is consistent with policies of the Coastal Act.

D. New Trees in Sensitive Areas. Trees to be planted should be selected from a list of appropriate native landscape trees for Pacific Grove. The planting and maintenance of trees shall be in accordance with the City's Urban Forestry Standards. Planting of public and street trees shall be in conformance with an approved management plan for trees on public property, including a street tree landscaping plan, developed and updated from time to time by the Beautification and Natural Resources Commission and approved by the City Council. A habitat restoration or enhancement plan shall be prepared for environmentally sensitive habitat areas prior to issuance of a Coastal Development Permit for major new vegetation, and plantings shall conform to the approved plan.

23.90.190 Community Design

In order to protect and maintain the City's relationship to its unique natural setting and overall low scale character of existing development, and to promote orderly development, the City adopts the following regulations:

- A.** Residential densities, with the exception of second units, shall not exceed those specified on the Local Coastal Program Land Use Plan.
- B.** Heights shall be specified in the zoning districts. The limit will vary by district, but in no case shall it be more than three stories and 40 feet high. In the Asilomar Dunes Residential Area, development within lots that abut Sunset Drive shall be limited to one story and 20 feet high, with development allowed at up to two stories and 25 feet high two within all other lots in the area so long as dune visual resources are protected.
- C.** Development in scenic areas shall minimize land coverage, grading and height and provide for setbacks adjacent to public open space areas. Stepped buildings may be required on sloped parcels.
- D.** In the Asilomar Dunes Neighborhood, earth tone color schemes and other design features that assist in subordinating the structure to the natural setting shall be utilized,.
- E.** Commercial development, development at Lovers Point, the Hopkins Marine Lab and Lighthouse Reservation shall be of a scale, mass, and architectural character compatible with the community character and will take into account the size and scale of adjacent development.
- F.** Signs
 1. Signs shall not be placed such that protected views are obscured or so frequently that the landscape is cluttered. In general, signs should be scaled for pedestrians within open space areas. Signs shall not detract from the area's scenic qualities.
 2. Illuminated signs shall not result in light levels exceeding standards for ambient lighting.
 3. New freestanding commercial signs are prohibited.
 4. Signs that result in reductions, restrictions, or limitations of public access shall require a Coastal Development Permit.

5. The Coastal Parks Plan update shall include a sign program to ensure consistent information and presentation, and provide standards for the protection of the views and visual character of the shoreline.

G. Lighting

1. New exterior lighting fixtures shall be mounted no higher than 14 feet above grade, fully shielded to direct light downward and away from the shoreline and not exceed 60 watts.

23.90.200 Cultural Resources

In order to protect the City's archaeological and historic resources, the City adopts the following regulations:

- A.** All locations within the Coastal Zone are designated as areas of high archeological sensitivity.
- B.** For projects that include soil disturbance, an archeological report shall be prepared by a qualified archeologist prior to approval of the project. Landscaping and gardening that does not involve construction of structures or changes to the site contours greater than one foot, is exempt from this requirement. The City shall consult with the Ohlone Costanoan Esselen Nation in accordance with State law.
- C.** The archeological report shall include the following information:
 1. Site information including location, parcel number, address, owner, applicant, parcel size, location of structures or improvements, and applicable maps;
 2. Review of relevant scientific literature or past archeological reports describing archeological resources on the site or on adjacent lands;
 3. Searches of the California Historical Resources Information System and Native American Heritage Commission Sacred Lands File;
 4. Documentation of consultation with appropriate tribes as required by state law;
 5. Date and findings of a preliminary archaeological reconnaissance;
 6. Discussion of potential adverse impacts on archaeological resources;
 7. Recommendations for further archaeological surveys, if deemed to be necessary; and
 8. Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant archeological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the archaeological resources on the site and alternative design impacts compare to those of the project.
- D.** New development and exterior modification of buildings within the Pacific Grove Retreat, Mermaid Avenue, and Asilomar Conference Grounds should conform to the current building scale of the areas and match or complement the predominant architectural character. Original building lines should be maintained to the extent feasible, and alteration shall conform to the Secretary of the Interior standards for historic resources when applicable. Structures not currently conforming to or complementing the predominant architectural character should be brought closer to conformance if alterations exceed the threshold for redevelopment.

- E. Public works projects within the Pacific Grove Retreat, Mermaid Avenue, and Asilomar Conference Grounds shall be consistent with maintaining the current scale and character of the area.
- F. Historic or architecturally unique structures throughout the Coastal Zone shall be maintained to the fullest extent possible. The City will encourage preservation and, to the extent feasible, facilitate funding or grants for preservation
- G. The City shall maintain a current list of historic resources within the Coastal Zone
- H. For new projects that include demolition or alterations to listed historical resources, a Historical Assessment Report prepared by a qualified professional is required prior to approval of the project. The lead author must meet the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) in history or architectural history.
- I. Projects involving archaeological or historical resources may be subject to environmental review under the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA).

23.90.210 Public Infrastructure.

The City shall strive to maintain a robust and up to date public infrastructure in the coastal zone that is protected against coastal hazards such as sea level rise. Potable water, sanitary sewer, storm drain sewer, water conservation, reuse of waste water, and infiltration of storm water comprise primary components of the City's water infrastructure system that serve coastal access and protect marine resources. Roads, trails, pedestrian, transit, and bicycle facilities form vital transportation infrastructure that provides coastal access.

- A. The City shall coordinate with other agencies that maintain public utilities in the coastal zone, particularly in any hazard areas, when any changes are proposed.
- B. When underground sewer and water utility lines within the projected inundation area are replaced, or new lines installed, the lines shall be located outside the projected inundation area to the extent feasible. Underground utilities shall be placed beyond the projected reach of bluff erosion during the anticipated lifespan of the utility line. New or replacement installations of critical utility equipment shall not be allowed within the projected inundation area unless they are elevated above, sealed from, or otherwise protected from inundation. Critical utility equipment shall be placed beyond the projected reach of bluff erosion during the anticipated lifespan of the equipment and associated lines. Lines shall be sized to accommodate existing or planned growth. New or replacement electrical lines and communications lines shall be undergrounded to the extent feasible.
- C. Storm water outfalls shall be placed at the location determined most suitable and feasible. Terminations of outfalls shall be allowed below mean high tide line only when the outfall design accommodates such location. Terminations of outfalls above mean high tide line shall be flush to (or recessed into if feasible) the bluff face, and shall be retreated when they extend unsupported more than three feet beyond bluff face. Furthermore, outfalls shall be sited and designed to minimize public view impacts including as seen from the beach and other shoreline public viewing areas as much as possible, including through concealing, screening, and camouflaging outfalls, and through the use of natural storm and energy dissipaters to reduce erosion and improve visual appearance. Storm water outfalls shall be consolidated when feasible, and no net increase in the number of outfalls shall be allowed.
- D. The City shall maintain and update its list of water allocations, and to the maximum extent feasible, prioritize coastal-dependent uses for water allocations within the Coastal Zone. This allocation shall include considerations of constrained and unconstrained water demand, taking into

account sources and timing of new water supply, as well as the City's overall land use and economic policies. Each permit issued shall include a finding that an adequate allocation exists, and that a long-term water public supply is available.

- E. The use of water conserving fixtures and water conserving landscaping shall be required for all City and private projects. The use of xeriscape landscaping, reclaimed water and captured storm water for irrigation, and on-site infiltration of storm water, shall be required to the greatest extent feasible. The use of recycled water for irrigation of large landscaped areas and the golf course shall be required when a recycled water supply is reasonably available. Wastewater shall be either disposed to a treatment plant with a high level of treatment, or treated for application to landscapes.
- F. The City shall explore various options for relocating or protecting circulation facilities from sea level rise including streets, trails, and bicycle lanes. Newly built facilities shall be set back beyond the projected reach of bluff erosion during the anticipated lifespan of the facility. The Coastal Parks Plan, when updated, shall include a Sea Level Rise Adaptation Plan and requirements for complete streets to serve transit, bicycles, and pedestrians, including the provision of bicycle lanes, walking paths, and accommodation for transit stops along Ocean View Boulevard and Sunset Drive.
- G. Public works and private construction projects that result in reduction of traffic capacity during peak summer months or for more than one week shall require approval of a temporary traffic handling plan.
- H. Special events that result in an increase in traffic of more than 25 percent over average hourly traffic volumes shall require approval of a temporary traffic handling plan.
- I. Special events that result in an increase in traffic of more than 35 percent over average hourly traffic volumes shall require shuttles and shall provide bicycle parking service.
- J. The Coastal Parks Plan, when updated, shall include requirements for complete streets to serve transit, bicycles, and pedestrians, including the provision of bicycle lanes, walking paths, and accommodation for transit stops along Ocean View Boulevard and Sunset Drive.
- K. Bicycle parking shall be provided for all development projects at a ratio of one bicycle rack per every 4 automobile parking spaces. Adequate vehicular parking, including universal access spaces, shall be provided. Enhancements to existing transit facilities shall also be included to increase use of transit.

23.90.220 Parks, Recreation, and Public Access.

In order to protect the public's access to the Coastal Zone for recreation, scenic views, and appreciation and study of the natural environment, the City adopts the following regulations:

- A. The Coastal Parks Plan is part of the City's Local Coastal Program, and shall be updated by the City from time to time, consistent with the policies of the Land Use Plan and the California Coastal Act of 1976. The Coastal Parks Plan shall be updated to ensure public coastal access by providing standards for accessways, access and parking controls only to the extent necessary to protect coastal resources, strategies for preserving coastal access in the face of sea level rise, standards for signs, and maintenance standards and procedures. The Coastal Parks Plan shall include trail standards, including bicycle path standards consistent with the Caltrans Highway Design Manual. The Coastal Parks Plan shall include provisions for the following:
 - 1. Planning Area I: Maintain existing Pacific Grove Coastal Recreation Trail. Encourage Hopkins Marine Station to maintain a visually unobtrusive security fence that complements

the environment and character of the surrounding neighborhood, without negatively impacting the habitat or the scientific mission of the Station. Encourage enhanced visitor/public access, circulation and parking at the American Tin Cannery building/property.

2. Planning Area II: Provide well-defined trails along the bluffs with stairways to provide access to the water and direct recreation to Berwick Park, while at the same time balancing the need to protect Environmentally Sensitive Habitat Areas.
 3. Planning Areas III and IV: Create a formal trails network and restore native vegetation (with an exception at Perkins Park to allow Magic Carpet rosy ice plant) and reduce erosion by directing pedestrians to beach stairways along the coast. Create an alternative alignment for the proposed recreation trail extension from Lovers Point to Asilomar and Spanish Bay to the degree this provides better and more maximum public access.
 4. Planning Area IV: Clearly define parking areas from 17 Mile Drive west to protect bluff vegetation and reduce erosion while maximizing public coastal access and seek means to reduce conflicts between automobiles and pedestrians/cyclists (e.g. ingress/egress direction, etc.). Abandon and remove all irrigation lines that result in runoff over coastal bluffs. Redirect urban runoff away from bluff faces to prevent erosion of trails and bluffs. Study alternatives to address erosion of the coastal bluff at Esplanade Street including realignment of the blufftop coastal trail and or shoreline protective devices at severely eroded sea cave notches in the bluff. Remove all man made construction (concrete) debris from bluffs faces and intertidal areas. Implement the Point Pinos Coastal Trail project.
 5. Planning Area V: (Union Pacific Railroad Right of Way Trail) The City shall pursue extension of the recreation trail to connect Lovers Point to the vicinity of Asilomar State Conference Grounds. The right-of-way is privately owned at the mobile home park and passes though the golf course and residential areas. A study shall be conducted to determine the best trail alignment in the vicinity of the mobile home park and the golf course, and the need to use "privacy buffer areas" adjacent to residential neighborhoods.
 6. Planning Area VI: On state-owned lands west of Sunset Drive, design parking areas and other improvements to reduce habitat damage by vehicles and reduce conflicts with pedestrians/bicyclists. Include designated access which is both safe and non-disruptive of sensitive habitats.
 7. Planning Areas I, II, III, IV, and VI: develop an accessways maintenance program for all existing and new shoreline accessways.
 8. Delineate specific tour bus pullout areas, and prohibit tour bus parking in other Coastal Zone areas.
 9. Consider relocation or renovation of parking areas to reduce erosion.
 10. Develop adaptation strategies for the potential of higher storm waves, erosion, and other coastal hazards due to anticipated sea level rise. Strategies may include considering the addition of natural boulders to the shore area in key locations to dissipate wave energy; a plan for relocation of stair wells and access trails, points and signage, etc.; or other strategies that protect/preserve public access and recreation opportunities.
- B.** The City shall provide the maximum access to public lands in the coastal bluffs and immediate shoreline, within the constraints of protecting public rights, rights of private property owners, and natural resource areas from overuse.
1. The City shall conspicuously post signs identifying coastal access trails and points.
 2. The City shall provide a variety of access opportunities, including trails to the water, overlooks, and recreational paths.

3. The City shall provide access, consistent with safety needs, during daylight hours as well as limited access after dusk and before dawn on the coastal trail and former railroad right-of-way.
 4. Where feasible, given topographical constraints, the City shall provide access to persons with physical disabilities.
 5. The City shall distribute public facilities and parking facilities, including bicycle parking, throughout the Coastal Zone to minimize overuse and crowding.
 6. New or renovated parking along Sunset Drive and Ocean View Drive shall be located only on less biologically sensitive locations to the inland side of the street, and pedestrian crossings provided.
 7. The City may decide to meter current public parking spaces in appropriate places in order to establish a dedicated funding source to improve and enhance coastal access and restoration of degraded habitat.
- C. The City shall permit maximum access to recreational opportunities, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
1. The City shall pursue extension of the recreation trail along the railroad right-of-way, or a similar alignment, to connect Lovers Point to the vicinity of Asilomar State Conference Grounds. A study shall be conducted to determine the best trail alignment to circumvent the mobile home park and the golf course.
 2. The City shall obtain fee title or easements as necessary, and to the extent feasible, to provide a corridor for the trail extension.
 3. Pedestrian trail width may be reduced to four feet where the habitat is considered fragile and where damage to dune vegetation, and in particular rare and endangered flora, is likely to result with wider trails. These requirements may be satisfied as follows:
 - a. Point Cabrillo: dedication and construction of vertical accessways at locations shown on the Land Use Plan Shoreline Access Map;
 - b. Asilomar Dunes: dedication of blufftop lateral access easement to an appropriate public agency or private conservation foundation, where private residential use could otherwise impair such access; and
 - c. Sunset-Crocker Commercial District: installation of sidewalks and bike lanes where parcels designated Commercial and Visitor Accommodation front on Sunset Drive.
 4. Public vertical access easements to the ocean shall have the following minimum widths:
 - a. 10 feet for walkways and five feet for stairways to the shoreline; and
 - b. At least 10 feet and generally no more than 25 feet-inland from the mean high tide line.
 5. Commercial services complimentary to recreational use shall continue at Lover's Point Park.
 6. Only water-dependent recreational activities shall be allowed at the immediate shoreline.
 7. The City shall include bicycle and pedestrian accommodations in any road construction projects along Ocean View Boulevard, including a continuous pedestrian pathway or sidewalk to the seaward side of Ocean View Boulevard from Lover's Point Park to Asilomar State Beach. In providing bicycle and pedestrian access, the City will endeavor to maintain the overall existing parking capacity along Ocean View Boulevard.
 8. The City will seek to establish paid public parking with reasonable rates in appropriate places in order to establish a dedicated funding source to improve and enhance coastal access with a coastal development permit.

- D. The City shall permit maximum access to overnight accommodations, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
- E. The City shall allow and promote a variety of accommodation types in order to serve as many cost ranges as possible by encouraging new visitor-serving development to design a self-directed program or solution for providing low-cost overnight stays.
- F. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred
- G. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects.
 - 1. Access need not be provided where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or where adequate access exists nearby.
 - 2. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- H. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.
- I. Development with the potential to impact public access, whether during construction or after, shall develop a Public Access Management Plan designed to identify and limit impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Plans associated with temporary events shall include additional strategies to avoid impacts to parking and access, including, but not limited to, the use of shuttles to off-site parking locations and bike valet programs.
- J. New development shall ensure that public access opportunities are maximized, including though offsetting any temporary (e.g., during construction) and potential permanent impacts to public access (including in terms of increased traffic leading to impacts to public access use of the City's circulation system) appropriately and proportionally. Development shall provide for public access enhancements and improvements as much as possible, including in terms of providing public access use areas in private development projects (e.g., visitor serving development) as appropriate. Development that does not meet these requirements shall be denied.

23.90.230 R-1 (CZ) District and R-1-B (CZ) Combined Districts

Sections:

A Generally.

B Uses permitted.

D Building height limit.

E Allowed building coverage.

F Allowed site coverage.

G Allowed gross floor area.

H Yards required – Garage openings – Architectural feature projections.

I Off-street parking.

J Building site area required.

K R-1-B-4 (CZ) districts.

A. Generally.

The regulations in this chapter shall apply in all R-1 (CZ), R-1-B-2 (CZ), R-1-B-3 (CZ) and R-1-B-4 (CZ) districts, and shall be subject to the other applicable provisions of the PGMC. [Ord. 96-14 § 3, 1996; Ord. 210 N.S. § 11-131(1), 1952].

B. Uses permitted.

The following uses are permitted in the R-1 (CZ), R-1-B-2 (CZ), R-1-B-3 (CZ) and R-2-B-4 (CZ) districts. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.

1. Single-family dwellings.
2. Accessory buildings and structures, except in the Asilomar Dunes Residential Area (R-1-B-4 (CZ) zoning district).
3. Accessory uses normally incidental to single-family residences. (This shall be construed as prohibiting any commercial or industrial use.)
4. Second units, except in the Asilomar Dunes Residential Area (R-1-B-4 (CZ) zoning district).
5. Home business provided that the following businesses shall not be allowed: food handling, processing or packing for gain; harboring, training or raising of dogs, cats, birds or other animals for gain; repairs of any nature, including automobile and/or body and fender repair. Home businesses shall be subject to the following limitations:
 - a. No employee other than members of the family inhabiting the on-site dwelling shall be permitted.
 - b. No industrial or heavy commercial machinery shall be employed.
 - c. The business shall not generate pedestrian or vehicular traffic.
 - d. Commercial vehicles shall not be used for delivery of materials to or from the premises, and no trucks advertising the business shall be employed in the business, except that a contractor's name, telephone number and state license number may be indicated.
 - e. No more than one room in the dwelling shall be employed for the business.
 - f. In no manner shall the appearance of the structure or the operation of the business give any indication to the exterior by odor, construction materials, lighting, signs, sounds, noises or vibrations that the site is used for other than residential purposes.
 - g. The business shall not require the installation of utility service in excess of normal dwelling requirements or place a load on garbage, sewer or community facilities beyond normal dwelling requirements.

- h. No goods shall be sold on the premises. Supplies necessary to the business, and finished products produced by the business, may be retained in the room used for the business.
- i. No advertising of any nature shall be permitted, except that a name and telephone number, but no address, may be indicated in a telephone listing, business card or stationery.
- j. All persons conducting such business shall obtain all required business licenses and permits. Possession of such license or permit shall not excuse compliance with this subsection. [Ord. 03-08 § 2, 2003; Ord. 00-18 § 3, 2000; Ord. 98-14 § 1, 1998; Ord. 96-14 § 12, 1996; Ord. 1848 N.S. § 3, 1992; Ord. 1765 N.S. § 15, 1991; Ord. 1327 N.S. § 2, 1983; Ord. 1306 N.S. § 1, 1982; Ord. 869 N.S. § 1, 1975; Ord. 811 N.S., 1974; Ord. 551 N.S. § 5, 1966; Ord. 532 N.S. §§ 1, 2, 1966; Ord. 523 N.S. § 2, 1965; Ord. 210 N.S. § 11-131(1)(a), 1952].

6. Scenic reserves and natural habitat reserves.

C. Building height limit. The maximum height of main buildings shall be 25 feet. [Ord. 00-18 § 4, 2000; Ord. 00-15 § 3, 2000; Ord. 96-14 § 6, 1996]. In the R-1-B-4 (CZ) district the height limit shall be 20 feet for all buildings or structures fronting Sunset Drive.

D. Allowed building coverage. Maximum building coverage is:

- 1. Sites up to and including 4,000 square feet in size: 45 percent
- 2. Sites greater than 4,000 square feet in size: 40 percent. [Ord. 12-003 § 3, 2012; Ord. 00-15 § 4, 2000; Ord. 96-14 § 7, 1996]
- 3. Sites in the R-1-B-4 (CZ) district, building coverage is included in the site coverage maximum and may be no greater than the site coverage.

E. Allowed site coverage.

- 1. Maximum site coverage on all sites in the R-1, R-1-B-2, and R-1-B-3 (CZ) districts is 60 percent. [Ord. 12-003 § 3, 2012].
- 2. Maximum site coverage on sites of one half acre or less in the R-1-B-4 (CZ) district is 20 percent. Maximum site coverage on sites of more than one half acre in the R-1-B-4 (CZ) district is 15 percent. An additional 5% may be permitted for Immediate Outdoor Living Space. See PGMC § 23.90.170.

F. Allowed gross floor area. Maximum gross floor area is as follows, but may be further limited in the R-1-B-4 (CZ) district for the protection of views, natural resources, and other resources:

Table 23.90.230

Lot Size	Floor Area
1,000	550
1,100	605
1,200	660
1,300	715
1,400	770

1,500	825
1,600	880
1,700	935
1,800	990
1,900	1,045
2,000	1,100
2,100	1,155
2,200	1,210
2,300	1,265
2,400	1,320
2,500	1,375
2,600	1,430
2,700	1,485
2,800	1,540
2,900	1,595
3,000	1,650
3,100	1,705
3,200	1,760
3,300	1,815
3,400	1,870
3,500	1,925
3,600	1,980
3,700	2,035
3,800	2,090
3,900	2,145
4,000	2,200
4,100	2,235
4,200	2,269
4,300	2,304
4,400	2,338
4,500	2,373
4,600	2,407
4,700	2,442
4,800	2,476
4,900	2,511
5,000	2,545
5,100	2,580
5,200	2,614

5,300	2,649
5,400	2,683
5,500	2,718
5,600	2,752
5,700	2,787
5,800	2,821
5,900	2,856
6,000	2,890
6,100	2,925
6,200	2,959
6,300	2,994
6,400	3,028
6,500	3,063
6,600	3,097
6,700	3,132
6,800	3,166
6,900	3,201
7,000	3,235
7,100	3,270
7,200	3,304
7,300	3,339
7,400	3,373
7,500	3,408
7,600	3,442
7,700	3,477
7,800	3,511
7,900	3,546
8,000	3,580
8,100	3,596
8,200	3,611
8,300	3,627
8,400	3,642
8,500	3,658
8,600	3,673
8,700	3,689
8,800	3,704
8,900	3,720
9,000	3,735

9,100	3,751
9,200	3,766
9,300	3,782
9,400	3,797
9,500	3,813
9,600	3,828
9,700	3,844
9,800	3,859
9,900	3,875
10,000	3,890
10,100	3,906
10,200	3,921
10,300	3,937
10,400	3,952
10,500	3,968
10,600	3,983
10,700	3,999
10,800	4,014
10,900	4,030
11,000	4,045
11,100	4,061
11,200	4,076
11,300	4,092
11,400	4,107
11,500	4,123
11,600	4,138
11,700	4,154
11,800	4,169
11,900	4,185
12,000	4,200
12,100	4,216
12,200	4,231
12,300	4,247
12,400	4,262
12,500	4,278
12,600	4,293
12,700	4,309
12,800	4,324

12,900	4,340
13,000	4,355
13,100	4,371
13,200	4,386
13,300	4,402
13,400	4,417
13,500	4,433
13,600	4,448
13,700	4,464
13,800	4,479
13,900	4,495
14,000	4,510
14,100	4,526
14,200	4,541
14,300	4,557
14,400	4,572
14,500	4,588
14,600	4,603
14,700	4,619
14,800	4,634
14,900	4,650
15,000	4,665
15,100	4,681
15,200	4,696
15,300	4,712
15,400	4,727
15,500	4,743
15,600	4,758
15,700	4,774
15,800	4,789
15,900	4,805
16,000	4,820
16,100	4,836
16,200	4,851
16,300	4,867
16,400	4,882
16,500	4,898
16,600	4,913

16,700	4,929
16,800	4,944
16,900	4,960
17,000	4,975
17,100	4,991
17,200	5,006
17,300	5,022
17,400	5,037
17,500	5,053
17,600	5,068
17,700	5,084
17,800	5,099
17,900	5,115
18,000	5,130
18,100	5,146
18,200	5,161
18,300	5,177
18,400	5,192
18,500	5,208
18,600	5,223
18,700	5,239
18,800	5,254
18,900	5,270
19,000	5,285
20,000	5,440
21,000	5,595
22,000	5,750
23,000	5,905
24,000 and larger	6,000

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

G. Yards required – Garage openings – Architectural feature projections.

1. Front Yards.
 - a. Front Yards in the R-1 (CZ) district: Minimum of 15 feet.
 - b. Front Yards in the R-1-B-2 (CZ), R-1-B-3 (CZ), and R-1-B-4 (CZ) districts: Minimum 20 feet. In the R-1-B-4 (CZ) within 75 feet from Sunset Drive, the area shall be included within a scenic easement. Driveways and landscaping are allowed within the front yards.
2. Side Yards.

- a. Side Yards for Interior Sites: 10 percent of site width, with minimum of three feet and maximum required 10 feet. Exception: with a use permit, the total of side yards may be 20 percent of site width with a minimum three feet required on each side; maximum required on each side is 10 feet.
 - b. Side Yards for Corner Sites: The side yard abutting the street shall be 20 percent of site width, but need not exceed 10 feet.
3. Rear Yards
- a. Rear Yards in R-1 (CZ) district: Minimum of 10 feet.
 - b. Rear Yards in R-1-B-2 (CZ) and R-1-B-3 (CZ) district: 20 percent of lot depth, with a minimum of 20 feet and a maximum requirement of 25 feet.
 - c. Rear Yards in R-1-B-4 (CZ) district: Minimum 20 feet.
4. In the R-1-B-4 (CZ) district, the setbacks may be modified with a Coastal Development Permit for the purpose of preserving views, biological resources, and other resources.
5. Garage Openings. Any garage or carport opening facing a street shall be set back a minimum of 20 feet.
6. Projection of Architectural Features. Architectural features such as cornices, eaves, canopies, and windows that do not increase floor area may extend no more than three feet into any required yard but in no case closer than three feet to any property line. [Ord. 00-15 § 6, 2000; Ord. 96-14 § 9, 1996].

H. Off-street parking.

1. The minimum number and sort of off-street parking shall be as follows:

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

I. Building site area required.

1. Area and Width.
- a. For each dwelling in the R-1 (CZ) district, a minimum of 5,000 square feet and a minimum width of 50 feet shall be required.
 - b. For each dwelling in the R-1-B-2 (CZ) district, a minimum 6,000 square feet and a minimum width of 60 feet shall be required.
 - c. For each dwelling in the R-1-B-3 (CZ) district, a minimum of 10,000 square feet and a minimum width of 70 feet shall be required.
 - d. For each dwelling in the R-1-B-4 (CZ) district, a minimum of one half acre and a minimum width of 100 feet shall be required. In the R-1-B-4 district, one house may be constructed on a legal lot of record provided that the development area is limited in size

and located in the portion of the lot that results in the least impact on protected views, unless natural hazard or biological resources constraints require development in areas where protected public views would be affected.

2. Except as provided by PGMC § 23.90.230 B, in no case shall there be more than one single-family dwelling on a building site. [Ord. 96-14 § 11, 1996].

J. R-1-B-4 (CZ) Asilomar Dunes Residential Area district.

1. The following regulations, in addition to those in Scenic Resources § 23.90.160, Biological Resources and Environmentally Sensitive Habitat Areas § 23.90.170, and any other applicable section, shall apply in all R-1-B-4 (CZ) combined district.
 - a. Accessory structures are prohibited.
 - b. Earth tone color schemes and other design features that assist in subordinating the structure to the natural setting shall be utilized.
 - c. Subdivisions shall be prohibited, except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. Newly subdivided lots may be offered for sale to the Coastal Conservancy or other conservation agencies at market value for five years, then may be offered on open market. The minimum parcel size for new subdivisions is one-half acre properties fronting on Asilomar Avenue north of Pico Avenue, and one acre for all other areas within Asilomar Dunes.
 - d. Lot and building coverage and landscaping may be further restricted by regulations in Biological Resources and Environmentally Sensitive Habitat and Scenic Resources.
 - e. Other restrictions as may be imposed by this Chapter including but not limited to biological studies and archeological studies.

23.90.240 R-3 (CZ) Districts

Sections:

A Generally.

B Uses permitted.

C Building height limit.

D Building site area required.

E Allowed building coverage.

F Allowed site coverage.

G Yards required.

H Garbage areas.

I Off-street parking.

- A. Generally.** The regulations found in this chapter shall apply to all R-3 (CZ) districts and shall be subject to the other applicable provisions of the PGMC. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].
- B. Uses permitted.** The following uses shall be permitted in the R-3 (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.
1. Single- or two-family dwellings;
 2. Second units;
 3. Multiple dwellings, apartment houses and dwelling groups;, subject to first securing a use permit and Coastal Development Permit in either of the following cases:
 - a. The total number of family units shall exceed seven on a building site; or
 - b. The proposed development includes on a single building site, a combination of a structure already on the site (whether or not altered) with a new structure or additions to a structure already on the site.
 4. Rooming or boarding houses, subject to first securing a use permit and Coastal Development Permit;
 5. Accessory uses and buildings normally incidental to any in this section.
- C. Building height limit.** The maximum height of main buildings shall be 30 feet. [Ord. 00-18 § 6, 2000; Ord. 1141 N.S. § 3, 1979; Ord. 720 N.S. § 3, 1972; Ord. 210 N.S. § 11-133(1)(b), 1952].
- D. 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 Pacific Grove Retreat, where the lot sizes, as legally subdivided, are 30 by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said subdivisions. Nothing contained herein shall authorize such smaller minimum lot sizes for any future subdivisions.
- For each family unit in any building or group of buildings, a minimum of 1,500 square feet of land area shall be required. [Ord. 1260 N.S. § 2, 1981; Ord. 720 N.S. § 1, 1972; Ord. 210 N.S. § 11-133(1)(c), 1952].
- E. 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]
- F. Allowed site coverage.** Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 5, 2012].
- G. Yards required.**
1. 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.

2. 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.
 3. Rear Yards. Rear yards, excluding eaves, shall have the following minimums:
 - a. One-story building: Five feet.
 - b. Two-story building: Eight feet.
 - c. Three-story building: 10 feet.
 - d. Where a rear yard fronts on a street, the minimum rear yard shall be 12 feet.
 4. Special Yards and Distances Between Buildings.
 - a. 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.
 - b. Side yards providing access to single-row dwelling group: minimum 12 feet.
 - c. Inner court providing access to double-row dwelling group: minimum 20 feet.
 5. Open Yard. Open yard required shall be 200 square feet per unit for all construction of five units or more.
 6. 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].
- H. 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].
- I. Off-street parking.** Minimum storage or parking spaces to be provided, and driveway requirements, shall be as follows:
1. Single-family dwellings: Single-family dwellings: two covered, however in cases of single-family dwellings on lots of 1,800 square feet or less, and where the living space floor area is 1,000 square feet or less, and where there are less than three bedrooms, one covered space is required.
 2. Multifamily Units. One and one-half spaces per unit having less than two bedrooms; two spaces for all other units. One space per unit must be in a garage or carport.
 3. 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.
 4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit.
 5. A driveway at least 20 feet in length may serve as a required uncovered space.

23.90.250 R-3-P.G.R. (CZ) District

Sections:

A Permitted uses.

B Building site area required.

C Building height limit.

D Allowed building coverage.

E Allowed site coverage.

F Allowed gross floor area.

G Yard requirements.

H Garbage/recycling areas.

I Off-street parking.

A Permitted uses.

1. All of the uses permitted and prescribed for the R-3 (CZ) district at PGMC § 23.90.240(B) shall apply in the R-3-P.G.R. (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.
2. In addition, bed and breakfast inns are permitted, subject to first securing a use permit and Coastal Development 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, not to exceed 30 days; the type of cooking and dining facilities to be provided; the amount of parking to be provided; protections for coastal resources, and any similar standard necessary to protect the neighborhood from unreasonable changes in character. Provided however, that in no case shall the maximum number of rooms allowed 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, so long as those do not conflict with the City Council standards. [Ord. 98-05 § 1, 1998].

B Building site area required.

1. Except as provided in subsections (b) and (c) of this section, building site area shall be as set out in PGMC § 23.90.240(D).
2. The minimum land area for each unit other than bed and breakfast units shall be 2,200 square feet.
3. Any parcel which has the following characteristics shall constitute a separate building site for future building purposes:

- a. It has, prior to March 15, 1986, been designated on the assessor's map as a separate parcel.
 - b. 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.
 - c. It has been unimproved with any building or structure for a minimum of 5 years immediately preceding March 15, 1986.
 - d. It has access to a public street.
 - e. Its transfer will not create additional aspects of nonconformity to this title.
 - f. It has received all necessary Coastal Development Permits.
4. Development of parcels qualifying as building site pursuant to subsection (c) of this section shall, at a minimum, be subject to the following:
- a. A use permit shall be first secured in each case.
 - b. Any required Coastal Development Permit shall be secured in each case.
 - c. Architectural review board approval shall be required.
 - d. Any construction shall conform to the requirements with respect to separate parcels in the R-3-P.G.R. (CZ) district; however, in considering a use permit application the planning commission is authorized to prescribe requirements other than those prescribed generally by the PGMC [Ord. 98-05 § 1, 1998].

C 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].

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

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

F Allowed gross floor area. Maximum gross floor area is as follows:

**Table 23.90.250
– 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

Table 23.90.250
– Maximum Gross Floor Area*

Lot Size	Floor Area
2,100	1,667
2,200	1,722
2,300	1,778
2,400	1,833
2,500	1,889
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

Table 23.90.250
– Maximum Gross Floor Area*

Lot Size	Floor Area
5,700	3,050
5,800	3,066
5,900	3,083
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

Table 23.90.250
– Maximum Gross Floor Area*

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

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

[Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

G. Yard requirements.

1. 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.
2. 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.
3. Rear yards shall have the following minimums:
 - a. One story building: five feet.
 - b. Two story building: eight feet.
 - c. Three story building: 10 feet.
 - d. Where a rear yard abuts a street: 12 feet.
4. Open Yard. Open yard required shall be 200 square feet per unit for all construction of five units or more.

5. Decks and Porches. Decks and open porches over three feet above grade may project or extend 4 feet over a required yard area, but not closer than three feet to the property line. [Ord. 98-05 § 1, 1998].

H. 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].

I. Off-street parking. Storage or parking space to be provided, and driveway requirements, shall be as follows:

1. Single-family dwellings:

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

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

2. Multifamily Units. One and one-half spaces per unit having less than two bedrooms; two spaces for all other units. One space per unit must be in a garage or carport.
3. 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.
4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit. [Ord. 98-05 § 1, 1998].

1 Editor's Note: Prior ordinance history includes Ord. 1166 and part of Ord. 1331.

23.90.260 R-3-P.G.B. (CZ) District

Sections:

A Purpose and description.

B Uses permitted.

C Building height limits.

D Building site area required.

E Allowed building coverage.

F Allowed site coverage.

G Yards required.

H Architectural approval.

I Off-street parking.

- A. Purpose and description.** The regulations in this chapter shall apply in the R-3-P.G.B. (CZ) district and shall be subject to the other applicable provisions of the PGMC. The council declares that the portion of the Pacific Grove Beach Tract bounded by Lorelei Street on the east, Ocean View Boulevard on the north, Sea Palm Avenue on the west, and the southerly property line of property on the south side of Mermaid Avenue on the south is an architecturally unique neighborhood of the city of Pacific Grove; that said neighborhood is characterized by its small lots, spaces and massing which has resulted in a village-like setting; and that it is the intention of the council to resolve the unique problems of said neighborhood through the regulations of this chapter. Said district shall be known as the R-3-P.G.B. (CZ) district. [Ord. 754 N.S. § 1, 1973].
- B. Uses permitted.** The following uses are permitted in the R-3-P.G.B. (CZ) district, subject to first securing architectural approval and a use permit. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.
1. Single-family dwellings;
 2. Duplexes, multiple-family dwellings, apartment houses and dwelling groups;
 3. Accessory uses and buildings normally incidental to any of the above. [Ord. 1418 N.S. § 5, 1984; Ord. 811 N.S., 1974; Ord. 754 N.S. § 1, 1973].
- C. Building height limits.** The maximum height of main buildings shall be 25 feet and limited to two stories. [Ord. 00-18 § 9, 2000; Ord. 754 N.S. § 1, 1973].
- D. Building site area required.** The minimum building site area for each building or group of buildings and minimum width which shall be required are as follows:
1. On the southerly side of Mermaid Avenue (Lots 19 through 31 of Block 241 and Lots One through 45 of Block 245), 1,760 square feet with a minimum width of 44 feet;
 2. Between Mermaid Avenue and Ocean View Boulevard (Blocks 242, 243, 244 and 246), 2,500 square feet.
- In order to install more than one dwelling unit on a building site, there shall be a minimum of 2,500 square feet of land in the building site for each dwelling unit. [Ord. 1115 N.S. § 1, 1979; Ord. 754 N.S. § 1, 1973].

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

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

G. Yards required.

1. **Front Yard.** The minimum front yard shall be eight feet along Mermaid Avenue and 12 feet along Ocean View Boulevard.
2. **Side Yard.** Side yards shall be 10 percent of the lot width, with a minimum requirement of three feet and a maximum of 10 feet.
3. **Rear Yard.** Rear yards shall be five feet for one-story structures and eight feet for two-story structures.

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

4. **Special Yards and Distances Between Buildings.** The regulations prescribed by PGMC 23.90.240(G) shall apply to the R-3-P.G.B. (CZ) district.
5. **Decks and Porches.** The regulations prescribed generally by the PGMC shall apply to the R-3-P.G.B. (CZ) district.
6. In considering any application for a use permit, the planning commission is authorized to prescribe requirements other than prescribed by subsections (b), (c), (d) and (e) of this section where it makes suitable findings regarding the land, building or use, or if the lot involved is a permitted building site. [Ord. 1418 N.S. § 6, 1984; Ord. 754 N.S. § 1, 1973].

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

I. Off-street parking. Minimum storage or parking space to be provided, and driveway requirements, shall be as follows:

1. **Single-family dwellings:** Two covered, however in cases of single-family dwellings on lots of 1,800 square feet or less, and where the living space floor area is 1,000 square feet or less, and where there are less than three bedrooms, one covered space is required.

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

2. **Multifamily Units.** One and one-half spaces/unit having less than two bedrooms; two spaces for all other units. One space/unit must be in a garage or carport.
3. 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.
4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit.

23.90.270 R-3-M (CZ) Districts

Sections:

- A. Regulations generally.** The regulations in this section shall be found in Section 23.52 R-3-M and shall apply in the R-3-M (CZ) district as amended from time to time, and shall be subject to the other applicable provisions of the PGMC.

23.90.280 R-4 (CZ) DISTRICT

Sections:

A Uses permitted.

B Building height limit – Site area – Lot coverage – Yards.

C Off-street parking.

- A. Uses permitted.** The following uses shall be permitted in the R-4 (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.

1. Single or two-family dwellings;
2. Second units;
3. Multiple dwellings, apartment houses, subject to first securing a use permit in either of the following cases:
 - a. The total number of family units shall exceed seven on a building site, or
 - b. Additions or structural alterations are made to a structure already existing.
4. Rooming or boarding houses, subject to first securing a use permit;
5. Dwelling groups subject to first securing a use permit in either of the following cases:
 - a. The total number of family units shall exceed seven on a building site, or
 - b. The proposed development includes a combination of a structure already existing (whether or not altered) with a new structure or additions to an existing structure on one building site.
6. Professional uses allowed are: accountants, advertisers, appraisers, architects, assayers, attorneys, beauty shops, building designers, chiropractors, chiropractors, 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;
7. Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;
8. Accessory uses and buildings normally incidental to any of the above;
9. Professional uses in other categories than described in subsection (f) of this section, which are found by the 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;

10. 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. (CZ) district shall apply as well to that use in the R-4 (CZ) 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. [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].

B. 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 §23.90.230(C) through 23.90.240(G). [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

C. Off-street parking. Storage or parking space to be provided, and driveway requirements, shall be as follows:

1. Single-family dwellings: two covered, however in cases of single-family dwellings on lots of 1,800 square feet or less, and where the living space floor area is 1,000 square feet or less, and where there are less than three bedrooms, one covered space is required.

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

2. Multifamily Units. One and one-half spaces/unit having less than two bedrooms; two spaces for all other units. One space/unit must be in a garage or carport.
 3. 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.
 4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit. [Ord. 98-05 § 1, 1998].
 5. Offices. Not less than one parking space for each 300 square feet of floor area in each professional office building permitted, except that for office buildings located in areas assessed for the payment of off-street parking lots, parking space shall not be required except as set forth in subsection (g) of this section;
 6. Quasi-public. 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.
 7. 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;
- 23.90.290 M-H (CZ) DISTRICTS

Sections:

A Uses permitted.

B Minimum lot size.

C Density.

D General requirements.

A. Uses permitted. The following uses are permitted in the M-H (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.

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

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

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

D. General requirements.

1. Each use in an M-H (CZ) district shall be considered as being part of a planned unit development.
2. The site, recreational facilities, and maintenance plans for the project shall be approved by the planning commission.
3. A landscape plan for the entire project shall be approved by the architectural review board.
4. Yards shall be a minimum of 20 feet; however, in considering an application for a use permit, the planning commission is authorized to prescribe other requirements where it makes appropriate findings regarding the land, building, or use.
5. Maximum building coverage on all sites is 40 percent.
6. All utilities on the lot shall be undergrounded and the meter location shall be approved by the site plan review committee.
7. Architectural approval shall be required.
8. Maximum site coverage on all sites is 60 percent.
9. All development shall protect coastal resources and shall be consistent with the Local Coastal Program policies and standards. [Ord. 12-003 § 7, 2012; Ord. 853 N.S. § 1, 1975].

23.90.300 Commercial (CZ) Zoning Districts

Sections:

A Purpose.

B Commercial (CZ) zoning districts.

C Commercial (CZ) zoning districts allowable land uses and permit requirements.

D Commercial (CZ) zoning districts development standards.

E Off-site parking.

A. Purpose. This section lists the commercial zoning districts within the Coastal Zone and establishes the development standards and types of land uses permitted in each commercial (CZ) zoning district. [Ord. 13-003 § 2, 2013].

B. Commercial (CZ) zoning districts.

1. Light Commercial (C-1). The C-1 (CZ) zoning district provides for neighborhood scale and locally oriented retail, service, and office uses.
2. Heavy Commercial (C-2). The C-2 zoning district is applied to areas of the city that are appropriate for service commercial and light manufacturing uses, which may involve outdoor storage or activity areas, but can also include residential uses.
3. Visitor Commercial (C-V). The C-V (CZ) zoning district is applied to areas of the city appropriate for retail sales, commercial services, and institutional uses oriented to tourism.
4. Visitor Commercial - Accommodation (C-V-A). The C-V-A (CZ) zoning district allows visitor serving uses restricted to overnight accommodations, as well as residential uses.
5. Visitor Commercial – American Tin Cannery (C-V-ATC). The C-V-ATC (CZ) zoning district allows visitor serving uses including retail sales, commercial services, institutional uses oriented to tourism, and overnight accommodations.
6. Sunset Service Commercial (SSC). The SSC (CZ) zoning district allows for a variety of industrial, heavy commercial, retail and office uses, as well as visitor serving uses. [Ord. 13-003 § 2, 2013].

C. Commercial (CZ) zoning districts allowable land uses and permit requirements. The uses shown in Table 23.90.300 Care permitted in the commercial (CZ) zoning districts as noted. A Coastal Development Permit shall be obtained for any development not exempted under PGMC § 23.90.030.

Key to Zoning District Symbols					
C-1	Light Commercial	C-V	Visitor Commercial	SSC	Sunset Service Commercial
C-2	Heavy Commercial	C-V-A	Visitor Commercial – Accommodation	C-V-ATC	Visitor Commercial – American Tin Cannery
P = Permitted use; counter review and determination required				UP = Use permit	
AUP = Administrative use permit				-- = Use not allowed	

Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements

Use	C-1 ¹	C-2	C-V ¹	C-V-A ¹	C-V-ATC	SSC
Industry, Manufacturing and Processing						
Contract construction – no outdoor storage	P ²	P ^{3,4}	--	--	--	P ³
Contract construction – outdoor storage	--	P ^{3,4}	--	--	--	P
Construction, large-scale equipment sales and rental	--	P ^{3,4}	--	--	--	P

Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements

Use	C-1 ¹	C-2	C-V ¹	C-V-A ¹	C-V-ATC	SSC
Industrial, light	UP	AUP ^{3,4}	--	--	--	AUP ^{3,4}
Recycling facility	UP	UP	UP	--	--	UP
Research and development facility	AUP ²	AUP ³	AUP ²	UP	--	AUP ³
Storage – self-storage facility	--	AUP ³	--	--	--	AUP ³
Warehousing, wholesaling and distribution	--	P ³	--	--	--	P ³
Recreation, Education and Public Assembly						
Commercial recreation facility – indoor (≤ 10,000 sf)	P ²	P ³	P ²	P	P ³	P ³
Commercial recreation facility – outdoor	AUP ²	AUP ³	AUP ²	UP	AUP ³	AUP ³
Community garden	AUP ⁵	AUP ⁵	AUP ⁵	AUP ⁵	AUP ⁵	--
Health/fitness studio (≤ 10,000 sf)	P ²	P ³	P ²	P	P ³	P ³
Meeting facility, public or private (≤ 10,000 sf)	P ²	P ³	P	P	P ³	P ³
Park, playground (public)	P ²	P ³	P ²	P ²	P ³	P ³
Public or quasi-public facility (≤ 10,000 sf)	P ²	P ³	P ²	P ²	P ³	P ³
School, specialty (≤ 10,000 sf)	P ²	P ³	P ²	P ²	P ²	--
Theater or auditorium (≤ 10,000 sf)	P ²	P ³	P ²	P	P ³	P ³
Residential						
Accessory building or structure	P	P	--	--	--	--
Condominium	UP	UP	--	--	--	--
Duplex	P	P	--	--	--	--
Dwelling group	UP	UP	--	--	--	--
Home business	P	P	--	--	--	--
Large family day care home	UP	UP	--	--	--	--
Mixed-use (residential above or behind commercial)	P ²	P ³	--	--	--	--
Mobile home park	--	UP	--	--	--	--
Multifamily dwelling						
7 or fewer units	P	P	--	P	--	UP
8 or more units	UP	UP	--	UP	--	UP
Residential care						
Housing 6 or fewer persons	P	P	--	UP	--	UP
Housing 7 or more persons	UP	UP	--	UP	--	UP
Rooming and boarding house	UP	UP	--	UP	--	UP
Second unit	P	P	--	P	--	UP

Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements

Use	C-1 ¹	C-2	C-V ¹	C-V-A ¹	C-V-ATC	SSC
Single-family dwelling	P	UP	--	UP	--	UP
Retail Sales						
Automobile/vehicle sales and rental	AUP ²	AUP ³	--	--	--	AUP ²
Automobile/vehicle service station/ fueling station	AUP ²	AUP ³	AUP ²	--	--	AUP ²
Bar/tavern/nightclub	--	--	UP	UP	UP	UP
Brew pub with food service	AUP ²	AUP ³	AUP ²	P	P	P
Farmers market	UP	UP	UP	--	UP	P
Flea market	UP	UP	UP	--	--	P
Micro-brewery	--	UP	UP	UP	UP	P
Pub or sports bar with food service	AUP ²	AUP ³	AUP ²	UP	AUP ²	P
Restaurant, general and formula general						
w/ no alcohol sales	--	P ³	P ²	P ²	P ²	P ²
w/ alcohol sales	--	AUP ³	AUP ²	UP ²	AUP ²	AUP ²
Restaurant, specialty (not formula)						
w/ no alcohol sales	P ²	P ³	P ²	P ²	P ²	P ²
w/ beer and wine sales only	AUP ²	AUP ³	AUP ²	AUP	AUP ²	AUP ²
Restaurant, fast food (not formula) – w/ no alcohol sales	AUP ²	AUP ³	AUP ²	--	AUP ²	AUP ²
Restaurant, drive-in/drive-through (not formula) – w/ no alcohol sales	--	--	--	--	--	--
Retail – general, except the following:	P ²	AUP ³	P ²	P	P ²	P ²
Adult-oriented sales	UP ⁶	--	--	--	--	--
Alcoholic beverage sales	UP	UP	AUP ²	--	AUP ²	UP
Auction houses	P	UP	--	--	--	P
Automobile rental	P	UP	UP	--	UP	P
Bail bonds	P	UP	--	--	--	P
Blood, plasma, tissue donation	P	UP	--	--	--	P
Body piercing/tattoo parlor	P	UP	UP	--	UP	P
Check cashing stores	--	UP	--	--	--	--
Dollar/99 cent stores	--	UP	UP	--	--	--
Electric cigarette/e-vapor	P	UP	UP	--	UP	P
Gold and silver exchange stores	P	UP	UP	--	UP	P
Kennels or pet boarding**	P	UP	UP	--	UP	P
Pawn shops	P	UP	UP	--	--	P
Recreational vehicle sales	P	UP	--	--	--	P

Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements

Use	C-1 ¹	C-2	C-V ¹	C-V-A ¹	C-V-ATC	SSC
Meeting halls places of assembly, or event venues	P	UP	P	--	P	P
Tire sales and repair	P	UP	UP	--	--	P
Businesses from which minors excluded by law or owner	UP	UP	UP	--	UP	UP
Floor area over 10,000 sf	AUP ²	AUP ³	AUP ²	AUP ²	AUP ²	AUP ³
Operating between 12:00 a.m. and 7:00 a.m.	UP	UP	UP	UP	UP	UP
Outdoor storage or displays	AUP	AUP ¹	AUP	--	AUP ¹	AUP ¹
Retail – restricted	UP	UP	UP	UP	UP	UP
Wine bar	AUP ²	AUP ³	AUP ²	AUP ²	AUP ²	AUP ³
Wine tasting room	AUP ²	AUP ³	AUP ²	AUP ²	AUP ²	AUP ³
Services						
Animal keeping/training facilities or veterinary service	AUP ²	AUP ³	AUP ²	--	AUP ²	AUP ³
Automobile/vehicle repair	AUP ²	AUP ³	--	--	--	AUP ³
Bank or financial service, except the following:	P ²	UP ³	P ²	--	P ²	P ³
Floor area over 10,000 sf at street level	AUP ²	AUP ³	AUP ²	AUP ²	AUP ²	AUP ³
w/ drive-through	UP	UP	UP	--	--	UP
Business support service	P ²	P ³	P ²	--	P ²	P ³
Car wash and detailing	AUP ²	AUP ³	--	--	--	AUP ³
Catering and events	AUP ²	UP	AUP ²	P	AUP ²	AUP ³
Equipment/appliance rental and repair	AUP ²	AUP ³	--	--	--	P
Laundry or dry cleaning service	AUP ²	AUP ³	AUP ²	--	AUP ³	P
Lodging						
Bed and breakfast inn –w/ beer and wine sales only	AUP ²	AUP ³	AUP ²	UP	AUP ²	AUP ³
Hotel or motel	--	--	UP ⁷	UP ⁷	UP	UP ⁷
Medical service						
Ambulance service	UP	UP	UP	--	UP	UP
Clinic or lab	P ²	UP ³	UP ²	--	UP ²	P ³
Medical office	P ²	UP ³	UP ²	--	UP ²	P ³
Hospital	UP	UP	--	--	--	UP
Mortuary or funeral home	UP	UP	--	--	--	UP
Office, business or professional	P ²	UP ³	UP	--	UP	P ²
Personal service	P ²	UP ³	P ²	--	P ²	P ²
Personal service – restricted	UP	UP	UP	--	UP	UP
Printing or creative service	P ²	UP ³	UP ²	--	UP ²	P ³

Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements

Use	C-1 ¹	C-2	C-V ¹	C-V-A ¹	C-V-ATC	SSC
Transportation and Infrastructure						
Parking facility	UP	UP	UP	UP	UP	UP
Public utility	UP	UP	UP	UP	UP	UP
Radio or television station	UP	UP	UP	UP	UP	UP
Taxi service	UP	UP	UP	UP	UP	UP
Transit center	UP	UP	UP	UP	UP	UP
Wireless telecommunication facility	UP	UP	UP	UP	UP	UP

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, 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; 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, 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. 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.

7. Hotel use requires voter approval change in zoning to permit the use and shall be obtained prior to submitting an application for a Use Permit. All accommodation uses shall be for transient use only for a period not to exceed 30 days. Lower-cost visitor-serving facilities shall be protected. New accommodations shall designate (a) component(s) of their units as lower-cost accommodations or establish or improve off-site accommodations in the Coastal Zone that meet the lower cost need.

**When not associated with a veterinary clinic.

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

- D. Commercial (CZ) zoning districts development standards.** Development within the commercial (CZ) zoning districts shall conform to the requirements presented in Table 23.90.290 D. The Coastal Development Permit may modify standards to require an increased setback or reduced lot coverage or height limit when necessary to protect views, biological resources, or other resources.

Table 23.90.300 D Commercial and Industrial Zoning Districts Development Standards

	C-1	C-2	C-V	C-V-A	C-V-ATC	SSC
Building Placement Requirements						
Setbacks ¹						
Front, min. (max.)	0'	0'	0'	0'	0'	0'
Side (min.), except:	0'	0'	0'	0'	0'	0'
Side adjacent to residential zone	5'	5'	10'	10'	10'	10'
Rear (min.), except:	0'	0'	0'	0'	0'	0'
Rear adjacent to residential zone including streets abutting same	5'	5'	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10'

Table 23.90.300 D Commercial and Industrial Zoning Districts Development Standards

	C-1	C-2	C-V	C-V-A	C-V-ATC	SSC
Building Form Requirements						
Building height (max.) ²	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40'	40' with maximum site coverage of 75%; 30' with maximum site coverage of 90%; except, 18 feet within 200 feet of R-1, R-H, or R-2. and 15 feet for accessory structures	25 feet; except, 18 feet within 200 feet of R-1, R-H, or R-2. and 15 feet for accessory structures	40' with maximum site coverage of 75%; 30' with maximum site coverage of 90% and 15 feet for accessory structures	40'
Site coverage (max.) ³	75 – 90%, depending on building height	90%	75 – 90% depending on building height	Maximum 50%	75 – 90%, depending on building height	90%
Density Requirements						
Number of dwellings per parcel	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre. ³	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre. ³	N/A	N/A	N/A	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre. ⁴

Table 23.90.300 D Commercial and Industrial Zoning Districts Development Standards

	C-1	C-2	C-V	C-V-A	C-V-ATC	SSC
Floor area ratio	Max. allowed by the general plan	Max. allowed by the general plan	1.5	1.5	3.0	1.3
Lot Requirements						
Lot area for new parcels (min.) ⁵	2,000 sf					
Other Requirements						
Landscaping	Generally applicable provisions of the PGMC					
Signs	Section § 23.90.190 and general applicable provisions of the PGMC					

End Notes:

1. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the setback standards in PGMC § 23.90.240(G) shall apply.

2. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building height standards in PGMC § 23.90.240(C) shall apply.

3. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building coverage and site coverage standards in PGMC § 23.90.240(E) and 23.90.240(F), respectively, shall apply.

4. Higher residential densities are allowed if a finding can be made that the project furthers the goals of the General Plan and Local Coastal Program.

5. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building site area standards in PGMC 23.90.240(D) shall apply. [Ord. 13-003 § 2, 2013].

E. Off-site parking. Minimum storage or parking space for the parking of automobiles off the street shall be provided as follows:

1. Multifamily Units. One and one-half spaces per unit having less than two bedrooms; two spaces for all other units. One space per unit must be in a garage or carport.
2. Rooming House. Not less than one garage space for each two guest rooms in any rooming house;
3. Motel or Hotel. 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 1 space for each 50 square feet of accessory dining area within the R-3-M district;
4. Offices. Not less than one parking space for each 300 square feet of floor area in each professional office building permitted, except that for office buildings located in areas assessed for the payment of off-street parking lots, parking space shall not be required except as set forth in subsection (g) of this section;
5. Quasi-public. 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;
6. 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;

90.23.310 O (CZ) District

Sections:

A Regulations Generally.

B Uses permitted.

C Signs.

D Development standards.

E Rezoning restriction.

A. Regulations Generally. The regulations in this section shall be found in section 23.42 O and shall apply in the O (CZ) district as amended from time to time, and shall be subject to the other applicable provisions of the PGMC.

23.90.320 U (CZ) DISTRICTS

Sections:

A Regulations Generally.

- A. Regulations Generally.** The regulations found in this section shall be found in section 23.44 U as amended from time to time, and shall apply in all unclassified or U (CZ) districts and shall be subject to other applicable provisions of the PGMC.
- B. Uses permitted.** The following uses in addition to those in U are permitted in the U (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.
1. At Hopkins Marine Station, coastal-dependent marine research and educational activities, aquaculture, and coastal-dependent recreation that is compatible with maintenance of coastal-dependent scientific and educational uses.
 2. At Asilomar Conference Grounds, overnight accommodations, conference facilities, low-intensity coastal-related recreation to the extent compatible with protection of designated natural and biotic resource areas.

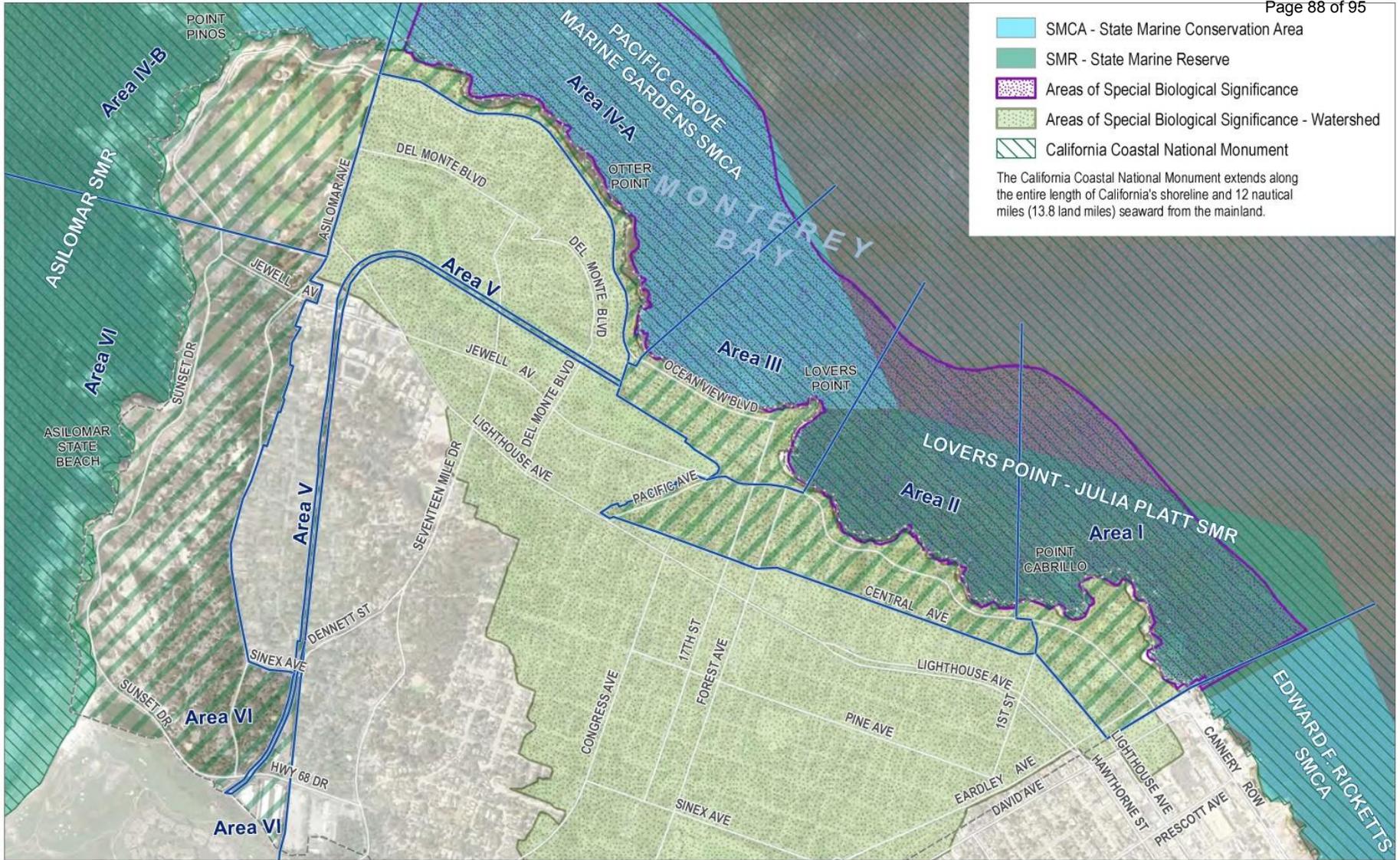


- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - Coastal Zone

Source: City of Pacific Grove, Google Earth 2013

Coastal Zone and Planning Areas

City of Pacific Grove Land Use Plan



SMCA - State Marine Conservation Area
 SMR - State Marine Reserve
 Areas of Special Biological Significance
 Areas of Special Biological Significance - Watershed
 California Coastal National Monument

The California Coastal National Monument extends along the entire length of California's shoreline and 12 nautical miles (13.8 land miles) seaward from the mainland.

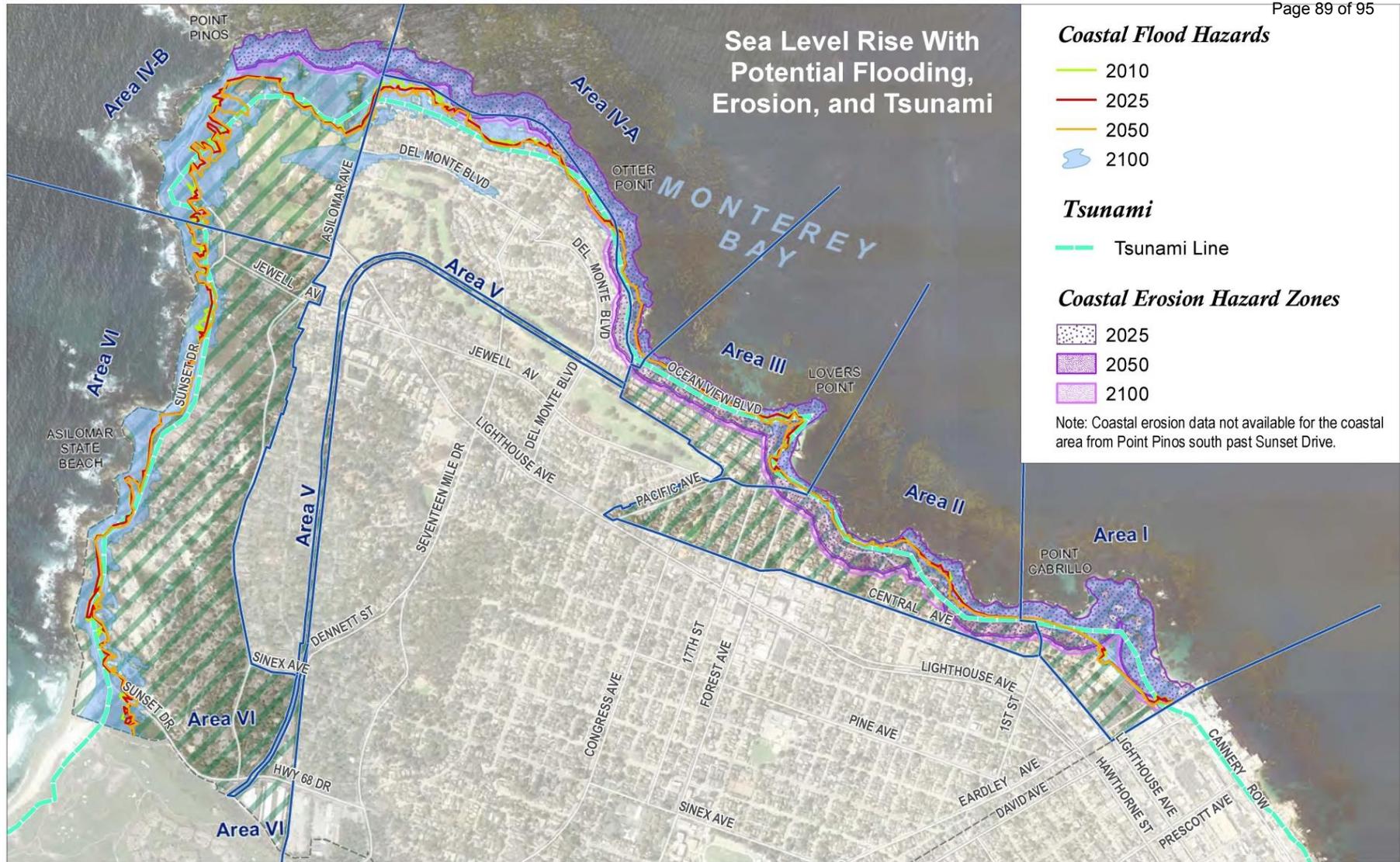


- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - Coastal Zone

Source: City of Pacific Grove, Google Earth 2013

Protected Areas

City of Pacific Grove Land Use Plan

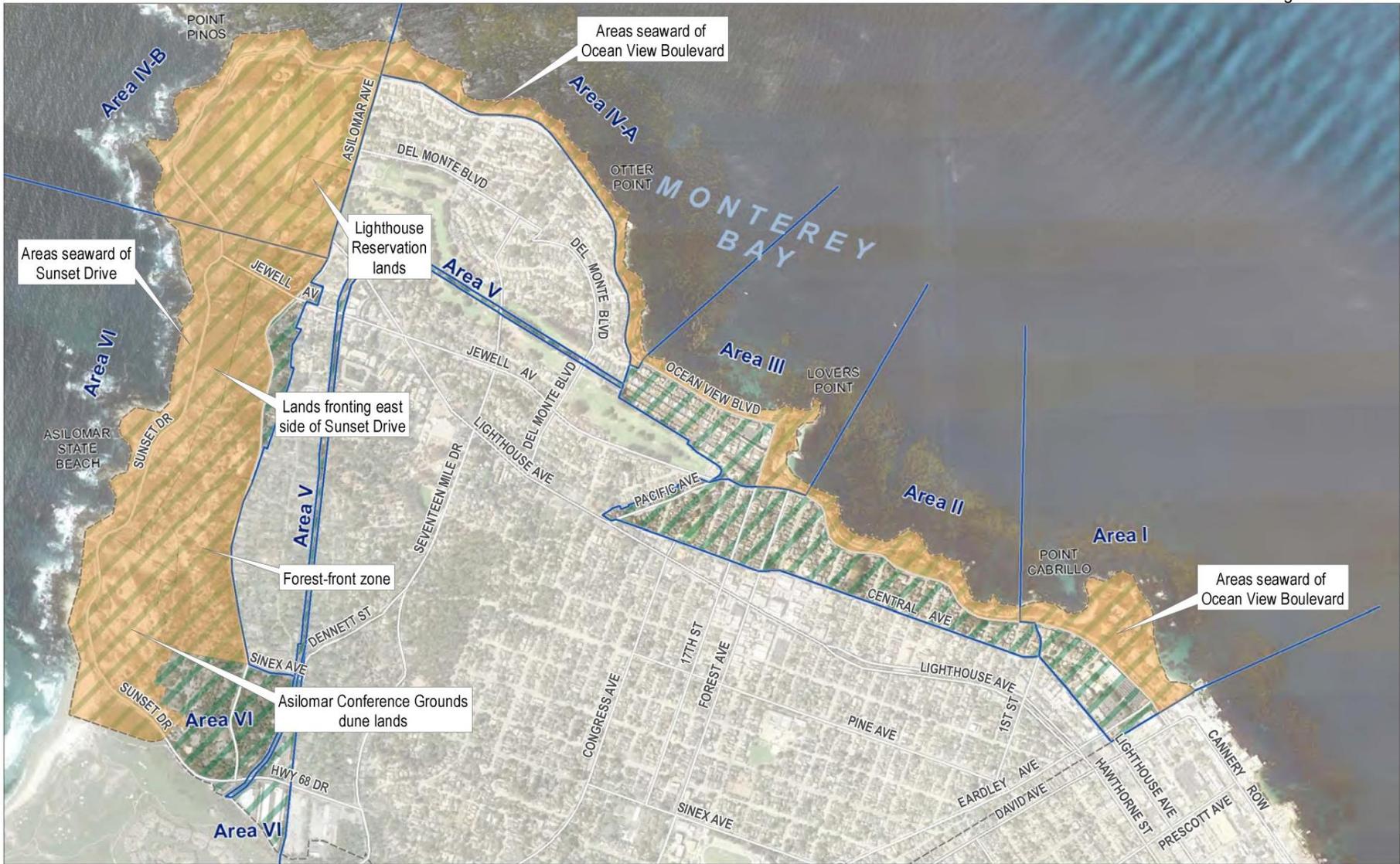


- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - ▨ Coastal Zone

Source: Pacific Institute 2009, City of Pacific Grove, Google Earth 2013

Areas of Potential Sea Level Rise Hazard

City of Pacific Grove Land Use Plan



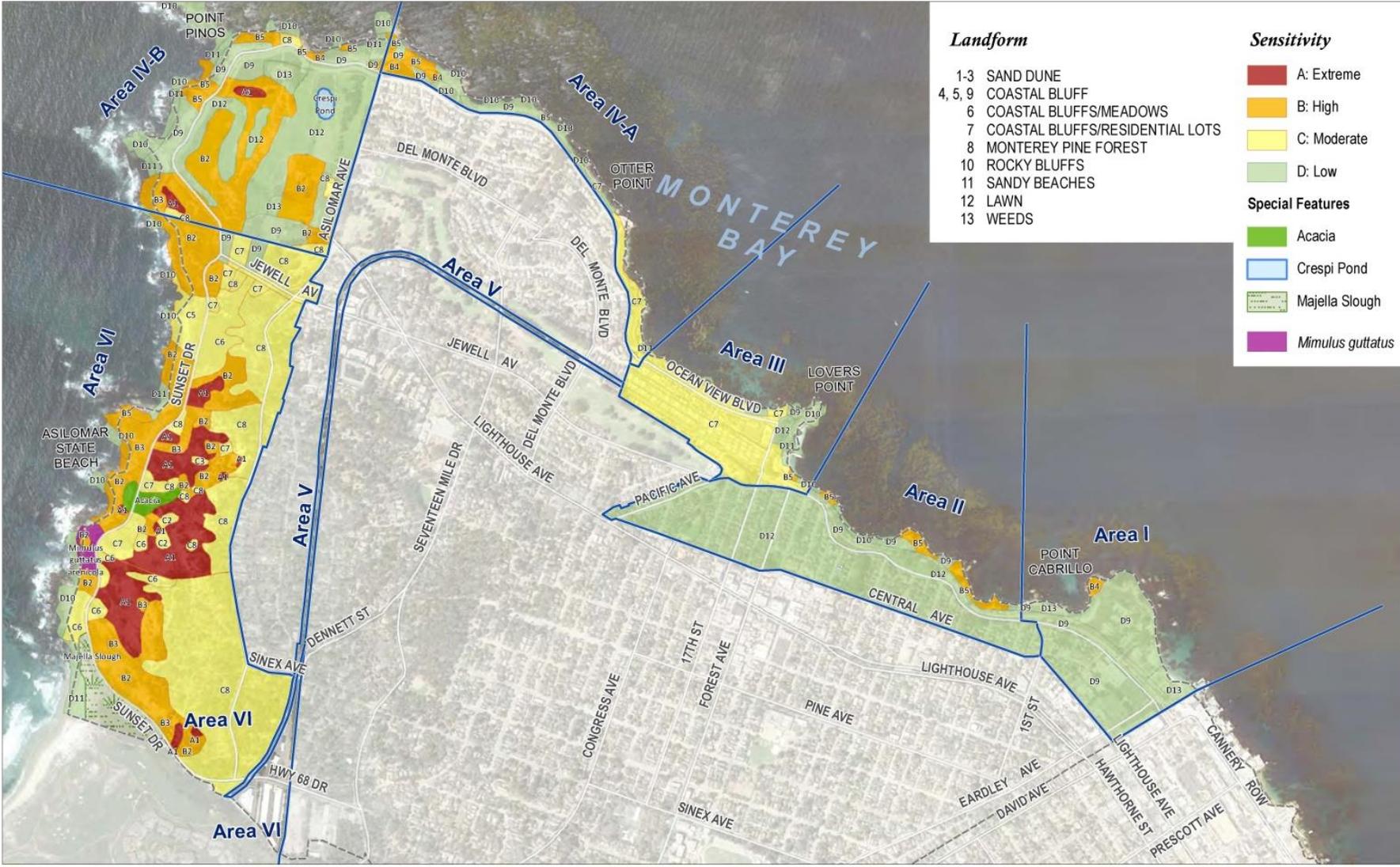
Legend

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

Source: City of Pacific Grove, Google Earth 2013

Scenic Resources Overlay

City of Pacific Grove Land Use Plan



<i>Landform</i>		<i>Sensitivity</i>	
1-3	SAND DUNE		A: Extreme
4, 5, 9	COASTAL BLUFF		B: High
6	COASTAL BLUFFS/MEADOWS		C: Moderate
7	COASTAL BLUFFS/RESIDENTIAL LOTS		D: Low
8	MONTEREY PINE FOREST		
10	ROCKY BLUFFS		
11	SANDY BEACHES		
12	LAWN		
13	WEEDS		
		<i>Special Features</i>	
			Acacia
			Crespi Pond
			Majella Slough
			<i>Mimulus guttatus</i>



Legend

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads

Source: City of Pacific Grove, Google Earth 2013

*Note: Data is retrieved from City of Pacific Grove's 1989 Local Coastal Program - Land Use Plan.

Land Habitat Sensitivity Map

City of Pacific Grove Land Use Plan



Archaeologically Sensitive Area
 Sensitive Area

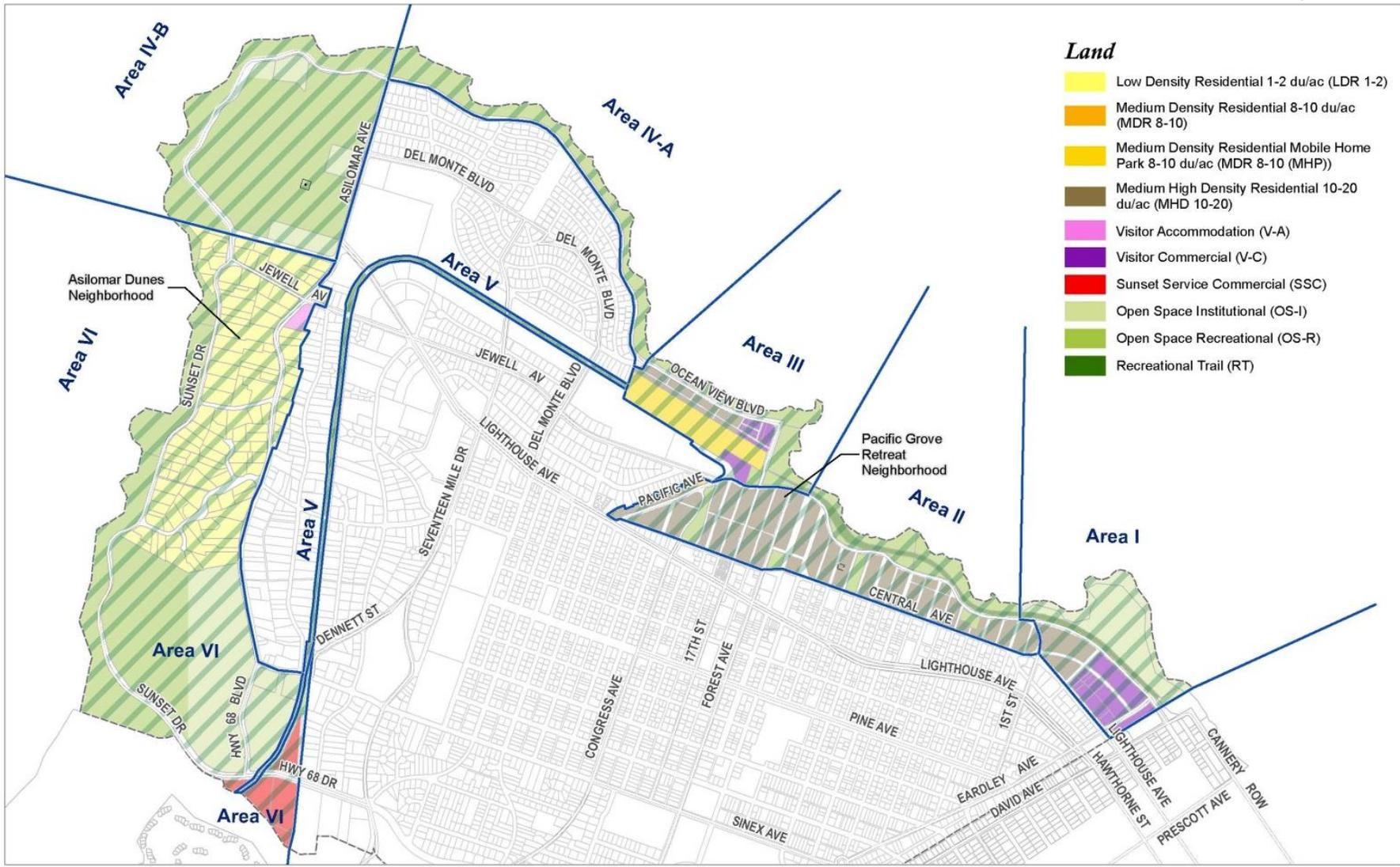


- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - Coastal Zone

Source: City of Pacific Grove 1989, Google Earth 2013

Archaeologically Sensitive Area

City of Pacific Grove Land Use Plan



- Land**
- Low Density Residential 1-2 du/ac (LDR 1-2)
 - Medium Density Residential 8-10 du/ac (MDR 8-10)
 - Medium Density Residential Mobile Home Park 8-10 du/ac (MDR 8-10 (MHP))
 - Medium High Density Residential 10-20 du/ac (MHD 10-20)
 - Visitor Accommodation (V-A)
 - Visitor Commercial (V-C)
 - Sunset Service Commercial (SSC)
 - Open Space Institutional (OS-I)
 - Open Space Recreational (OS-R)
 - Recreational Trail (RT)



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

Source: City of Pacific Grove 2014, Google Earth 2013

Coastal Zone Land Use Designations

City of Pacific Grove Land Use Plan



- Access Features**
- Universal Access Parking
 - Universal Access
 - Bicycle Route
 - Walking Trail
 - Monterey Peninsula Rec. Trail ADA
 - Class I Bikeway
 - Class II Bikeway
 - Class III Bikeway

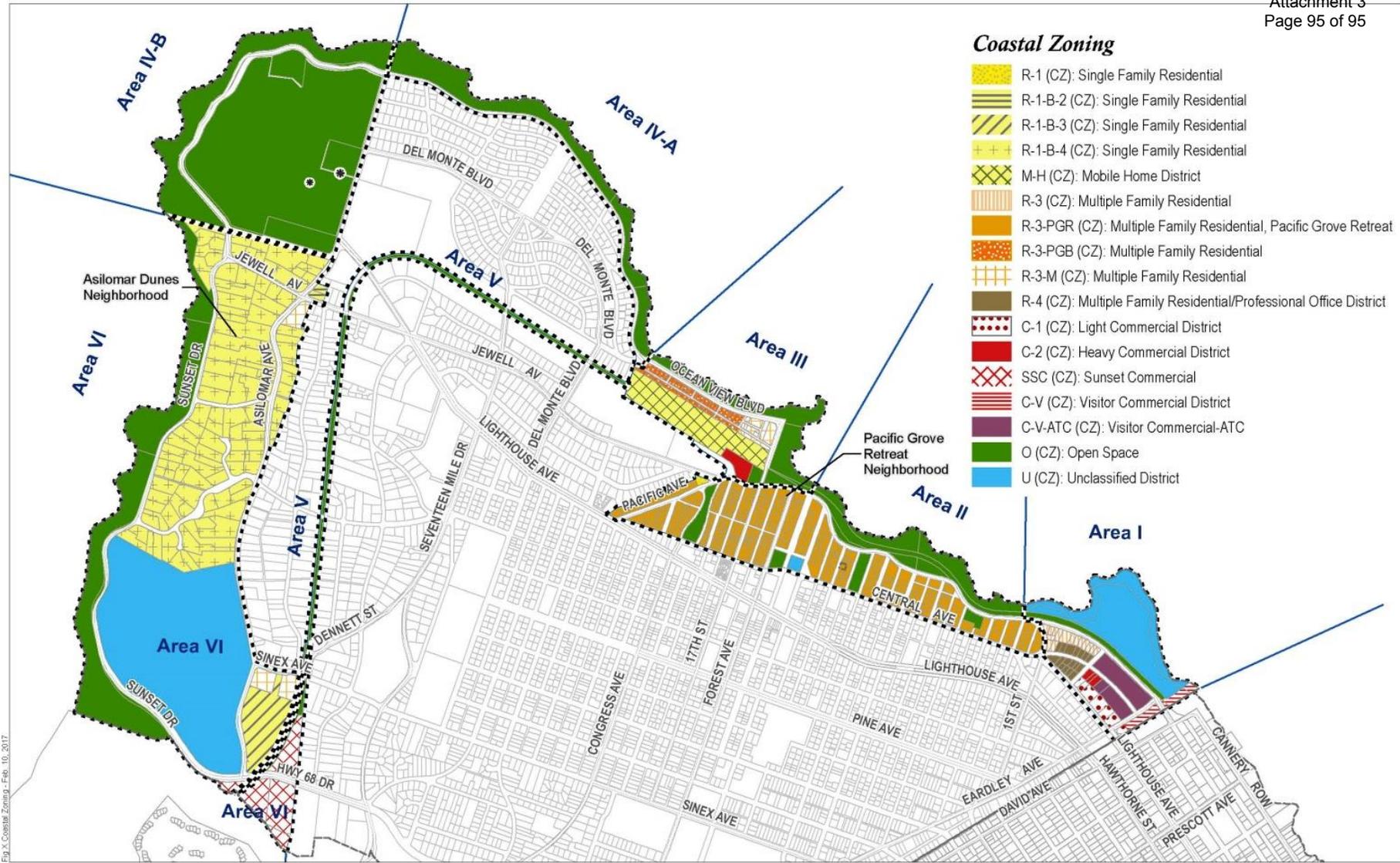


- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - Coastal Zone

Source: City of Pacific Grove 1989 and 1998, Google Earth 2013

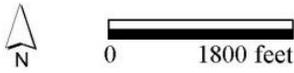
Coastal Parks, Trails, and Resources

City of Pacific Grove Land Use Plan



- Coastal Zoning**
- R-1 (CZ): Single Family Residential
 - R-1-B-2 (CZ): Single Family Residential
 - R-1-B-3 (CZ): Single Family Residential
 - R-1-B-4 (CZ): Single Family Residential
 - M-H (CZ): Mobile Home District
 - R-3 (CZ): Multiple Family Residential
 - R-3-PGR (CZ): Multiple Family Residential, Pacific Grove Retreat
 - R-3-PGB (CZ): Multiple Family Residential
 - R-3-M (CZ): Multiple Family Residential
 - R-4 (CZ): Multiple Family Residential/Professional Office District
 - C-1 (CZ): Light Commercial District
 - C-2 (CZ): Heavy Commercial District
 - SSC (CZ): Sunset Commercial
 - C-V (CZ): Visitor Commercial District
 - C-V-ATC (CZ): Visitor Commercial-ATC
 - O (CZ): Open Space
 - U (CZ): Unclassified District

File X Coastal Zoning - Feb. 10, 2017



- Legend**
- Planning Area Boundaries
 - City of Pacific Grove
 - Major Roads
 - ⋯ Coastal Zone

Source: City of Pacific Grove 2014, Google Earth 2013

City of Pacific Grove Coastal Zoning

City of Pacific Grove Implementation Plan

Notice of Exemption

Appendix E

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044
 County Clerk
 County of: Monterey County

From: (Public Agency): City of Pacific Grove
300 Forest Ave.
Pacific Grove, CA 93950
 (Address)

Project Title: Local Coastal Program

Project Applicant: City of Pacific Grove

Project Location - Specific:
Pacific Grove coastal zone.

Project Location - City: Pacific Grove Project Location - County: Monterey

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: California Coastal Commission and City of Pacific Grove

Name of Person or Agency Carrying Out Project: City of Pacific Grove

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: 15265

Reasons why project is exempt:
Preparation of Local Coastal Program by the City of Pacific Grove for Coastal Commission certification..

Lead Agency
 Contact Person: Anastazia Aziz, AICP, Sr. Planner Area Code/Telephone/Extension: 831-648-3192

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Land Use Plan and Implementation Plan Process

Outreach Efforts and Opportunities (To Date)

9/15/2014	Local Coastal Program Webpage updated and revised to highlight Update process	6/18/2015	Planning Commission -Draft LUP
9/15/2014	Frequently Asked Questions developed and posted	7/14/2015	Architectural Review Board – Draft LUP
10/9/2014	Community Kick Off meeting	7/18/2015	Planning Commission - Draft LUP
Fall 2014	Stakeholder interviews	7/21/2015	Beautification and Natural Resources Commission Draft LUP
12/10/2015	Joint Planning Commission & City Council kick off meeting	7/22/2015	Historic Resources Committee – Draft LUP
1/8/2015	Planning Commission - Lovers Point Uses	8/19/2015	Coastal Commission - LUP Update and direction on additional outreach
1/22/2015	Planning Commission - Visitor Accommodation and Visitor Commercial	8/20/2015	Coastal Talk - Archaeology
1/31/2015	Online survey Nov. 22- Jan. 31 closes	9/23/2015	Chamber of Commerce presentation
2/5/2015	Planning Commission - Climate Change and Sea Level Rise	10/3/2015	Butterfly Bazaar
3/5/2015	Planning Commission - ESHA	10/7/2015	Pacific Grove High AP Environmental Science class presentation
4/2/2015	Planning Commission- water and marine resources and shoreline access	10/19/2015	Community Workshop #1 Land Use
4/16/2015	Coastal Walk	10/27/2015	Joint Pacific Grove & Monterey Planning Commission meeting on Sea Level Rise
5/7/2015	Planning Commission - Monterey Bay Adapt Climate Change presentation	11/11/2015	PG's Changing Shoreline: How will we adapt
6/13/2015	Coastal Walk - ESHA	11/20/2015	Community Workshop #2 Sea Level Rise
		1/19/2016	Special Planning Commission meeting on Revised Final LUP
		1/20/2016	Council meeting on timeline & Revised Final LUP
		1/21/2016	Special Planning Commission meeting continued review of Revised Final LUP
		2/10/2016	Community Workshop - Implementation Plan
		2/24/2016	Joint PC/CC Meeting

Land Use Plan and Implementation Plan Process

Outreach Efforts and Opportunities (To Date)

5/18/16	Council	12/21/2016	Historic Resources Committee
5/19/2016	Planning Commission	3/1/2017	Council
6/1/2016	Planning Commission		
6/2/2016	Planning Commission		
6/16/16	Planning Commission		
6/29/16	Council		
7/7/16	Planning Commission		
7/7/16	Asilomar Community Meeting		
7/28/2016	Planning Commission		
8/25/2016	Planning Commission		
9/7/2016	Council		
10/17/16	Pacific Grove High – AP Environmental Science Class		
11/3/2016	Planning Commission – Final Review		
11/17/2016	Planning Commission – Final Review		
11/19/16	MIIS presentation		
12/3/2016	Planning Commission – Recommendation to Council		
12/20/2016	Beautification and Natural Resources Commission		



Local Coastal Program FAQ

1. What is a certified Local Coastal Program?

Local Coastal Programs are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. The Local Coastal Programs specify appropriate location, type, and scale of new or changed uses of land and water. Each Local Coastal Program includes a **Land Use Plan**, which outlines policies, and an **Implementing Ordinances Plan**.

The Local Coastal Program reflects the unique characteristics of individual local coastal communities; however, regional and statewide interests and concerns must also be addressed in conformity with [Coastal Act](#) goals and policies. Following adoption by a City Council, a Local Coastal Program is submitted to the Coastal Commission for review for consistency with Coastal Act requirements, and ultimately, certification by the Commission.

2. Why does the City need a certified Local Coastal Program?

The California Coastal Act of 1976 ushered in an era of significant new land use planning in California. Based on Coastal Act requirements [Section 30500](#), local governments prepare and implement Local Coastal Programs to carry out the Act's mandate to protect coastal resources and maximize public access to the shoreline. The City is completing the process that was started in 2000.

3. Why is a certified Local Coastal Program important and what are the implications?

A Local Coastal Program allows local government bodies to govern decisions that determine the short- and long-term conservation and use of coastal resources. Property owners and residents will no longer be subject to a separate Coastal Commission permit process and will no longer need to travel out of the area to meet with Coastal Commission staff, or attend Coastal Commission hearings, unless a permit is appealed.

4. Where is Pacific Grove's coastal zone?

Pacific Grove's [Coastal Zone](#) extends along the coast from the City of Monterey to Pebble Beach and encompasses a diversity of natural and built resources including many sandy beaches, a recreation trail, archeological sites, a golf course, the Asilomar Dunes area, endangered and special status species, and many historic resources including the oldest continuously operating lighthouse on the west coast, and the Retreat area.

5. What is the Coastal Commission's permitting role once the Local Coastal Program is certified?

After a Local Coastal Program has been finally approved, the Commission's coastal permitting authority over most new development is transferred to the local government. The local government applies the requirements of the Local Coastal Program, both the Land Use Plan and the Implementation Plan, in reviewing and making decisions about proposed developments.

The Commission retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands, and the Commission also acts on appeals from certain local government coastal permit decisions. The Commission reviews and approves any amendments to previously certified Local Coastal Programs. The Coastal Commission is the [appeal body](#) for certain Coastal Development permits.



6. What steps remain in the process and what is the schedule?

The approximate schedule is outlined below.

Document	Date	Planning Commission/Council Dates
Background Report	Late November 2014	December 10, 2014
Draft Land Use Plan	Spring 2015	Fall 2016/Winter 2017
Draft Implementing Ordinances Plan	Winter 2016	Fall 2016/Winter 2017
Coastal Commission adoption and certification hearings	Summer/Fall 2017	

Frequently Used Acronyms

LCP: Local Coastal Program **LUP:** Land Use Plan [component of the LCP]

IP: Implementing Ordinances Plan (zoning ordinances, zoning district maps, and other implementing actions).

Local Coastal Program Update website

<http://www.cityofpacificgrove.org/living/community-economic-development/planning/local-coastal-program>

Staff Contact

Anastazia Aziz, AICP Senior Planner T: 831-648-3183 E: aaziz@cityofpacificgrove.org

Pacific Grove City Hall, Community and Economic Development Department, 300 Forest Avenue, Pacific Grove, CA 93950