Sandra Kandell <skandell@cityofpacificgrove.org>

March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (1 of 2 Letters)

1 message

Anthony Ciani <aciani@cianiarchitecture.com> Wed, Mar 1, 2017 at 10:49 AM
To: rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net
Cc: "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>

Dear Mayor Kampe and Members of the City Council,

Please see attached letter (1 of 2) regarding this subject.

Thank you,

Tony Ciani

PG CC DRAFT LCP 3-1-2017.pdf
67K

Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950

March 1, 2017

Mayor Bill Kampe, and
Members of the City Council
City Of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

RE: March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (1 of 2 Letters)

Dear Mayor Kampe and Members of the City Council,

The meeting of the land and sea at Pacific Grove is not just majestic, it is *revered*.

Pacific Grove has been celebrated for hundreds, if not thousands of years, as a special gathering place and one reason Pacific Grove was founded as a religious retreat. The dramatic mountain-to-sea setting that feathers into the Pacific Ocean and Monterey Bay, combined with the maritime forest, sand dunes, rugged bluffs, sandy pocket beaches, and rich sea life continue to attract visitors from around the world. Past leaders of Pacific Grove bravely set out the moral and ethical principles to conserve the natural resources and develop the human settlement we often call the "City of Homes" and "America's Last Hometown".

As part of the City's General Plan, the Local Coastal Program forms the constitution of the land to protect and enhance the public health, safety and welfare. It is a serious but joyful undertaking to set out the goals and aspirations of the citizens, and craft the policies to promote the wise use of the land, ocean and bay. The broad objectives of these plans guide the work using sound planning principles to prepare specific policies, with ordinances and other actions to carry them out in the near term and foreseeable future. Updating past plans requires careful study and analysis with deliberations by you and the public – and *time*. Time is a key ingredient to ensure that the policies are in concert with the existing conditions, and meet the purpose and intent of plan objectives. It is essential that the policies are sufficiently specific in order to be carried out by zoning ordinances and other (proactive) implementing actions. It is essential that the policies are supported by evidence and do not contradict each other, or the factual findings and decisions of past environmental studies and reports adopted by predecessor City Councils and the Coastal Commission.

In the relatively short time Pacific Grove has conducted this update, you have changed key staff and the City manager. Explanations such as, "we have no institutional memory," or "we can not find the documents in the City's record," have been cited as reasons to skip over crucial information in favor keeping up with an arbitrary schedule, rather than take the time to do the work now. Kicking the can down the road, is not the answer.

March 1, 2017

Mayor Kampe and City Council
City of Pacific Grove

RE: March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (1 of 2 Letters)

Page 2

In a separate letter to you on this subject, I will outline examples of key information that has been neglected or excluded, contradictions, and conflicts with prior decisions by the City Council and Coastal Commission.

You are the stewards of the land who must make short term decisions without jeopardizing the long-term goals and values to conserve the natural resources and protect and ensure a sustainable seaside community for present and future residents and visitors. I urge you not to endorse the LCP with your signatures, until you eliminate the contradictions, inaccuracies, and omissions in the current draft, to be replaced with policies supported by credible information.

Respectfully,

Anthony A. Ciani
220 Walnut Street
Pacific Grove, CA 93950
(858) 454-7141

cc: Brian O'Neill, Coastal Analyst and Planner, California Coastal Commission

Sandra Kandell <skandell@cityofpacificgrove.org>

March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (2 of 2 Letters)

1 message

Anthony Ciani <aciani@cianiarchitecture.com> Wed, Mar 1, 2017 at 2:19 PM
To: rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net

Dear Mayor Kampe and Members of the City Council,

Attached, please find my letter number two of 2, outlined deficiencies in the current draft LCP UPDATE.

Thank you,

Tony Ciani

PG CC2:2 DRAFT LCP 3-1-2017.pdf
170K

Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950

March 1, 2017

Mayor Bill Kampe, and
Members of the City Council
City Of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

RE: March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program (LCP) Update Draft Land Use Plan (LUP) and Draft Implementation Plan (IP) - (2 of 2 Letters)

Dear Mayor Kampe and Members of the City Council,

The meeting of the land and sea at Pacific Grove is not just majestic, it is *revered*.

The current version of the DRAFT Local Coastal Program (LCP) UPDATE is much better than the May 2015 "Draft Land Use Plan (LUP), or January 2016 "Revised Final Draft LUP, and Draft Implementation Plan (IP)," and their subsequent draft editions, but is contains discrepancies in the facts and policies that must be corrected before it can be adopted by you and forwarded to the Coastal Commission for its review and certification. Important sections of Natural Systems and Resource Management and Built Environment elements lack specific information as to the type, kind and location of resources, or contain misleading, erroneous, or contradictory information, and are insufficient to adequately carry out the objectives, goals, purpose and intent of the Local Coastal Program. The following information outlines some of the important examples and reasons necessary to correct the LUP and IP:

1) Past decisions of the Coastal Commission to approve, modify or deny projects in Pacific Grove include substantive information and precedent-setting decisions that have either been ignored or excluded by staff and the Planning Commission. Examples are:
   (a) CDP # 3-06-024 for near-term Repairs to the Recreation Trail and long-term Shoreline Management Plan, Mitigation, Adopted Monitoring and Reporting Program, Public Access and Beach Restoration, etc. (2008). This permit and its amendment provide clear evidence of the existing conditions, policies and special conditions regarding the natural resources and recreational uses, and long term policies to protect and enhance the shoreline and public use. **(See permit attached as a separate file). OMMISSION: The City of Pacific Grove is the owner and applicant for the project; the City Council approved the plans, permits and adopted the MMRP. The City is responsible to carry out the Special Conditions that provide for the long-term protection of the shoreline and public's enjoyment of it. Those provisions were approved to be in perpetuity, but *are not represented* in the LCP.**

March 1, 2017

Mayor Kampe and City Council
City of Pacific Grove

RE: March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (2 of 2 Letters)

(b) Coastal Development Permits #s 3-91-35 P. Mi11er and Wilde; 3-91-54 McAlister; 3-93-62 Sewald; 3-94-24 McCulloch; 3-94-33 P. Miller and Wilde; 3-96-81 J. Miller; and 3-94-32,
Deed Restriction. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: a. For measures to implement the approved final landscaping and restoration plans, including the "Basic Landscape and Restoration Plan," prepared for the subject property by Bruce Cowan, Environmental Landscape Consultant, Sept. 27, 1993, as detailed in .special Conditions No. 7 and 8 below. b. For fencing restrictions to protect public views, provide for natural movement of sand, and allow free passage of native wildlife, as provided by Local Coastal Program Land Use Plan Policy 2.3.5.l(e). c. For a monitoring program as set forth in the approved Dept. of Fish and Game Mitigation Agreement and the "Basic Landscape and Restoration Plan"; provided that, following construction, annual monitoring reports shall be submitted to the Executive Director, the Dept. of Fish and Game, and the City of Pacific Grove for review and • approval for a period of at least five years (or longer as specified • in the Mitigation Agreement). d. For upkeep of the storm drain outfall (if any), as recommended by the Geology Report. (Applies only if environmentally sensitive habitat considerations prevent installation of on-site percolation alternative in accordance with Special Condition No. 3 above.) If a storm drain system with beach outfall is installed, the exposed portion of the outlet pipe shall be progressively removed commensurate with the rate of shoreward coastal erosion. To the maximum extent feasible, the outlet shall be concealed with cobbles to match existing beach rock. e. For the protection of the scenic and natural habitat values on the site. Except for any portions of the shared driveway located on permittees property, and a "building envelope area not to exceed 15 percent and an "immediate outdoor living area" left in natural condition or landscaped so as to avoid impervious surfaces not to exceed 5 percent of the entire property, the restriction shall cover all of the combined Parcels I and II. Such restriction shall include provisions to prohibit development; to prevent disturbance of native groundcover and wildlife; to provide for maintenance and restoration needs in accordance with approved native plant maintenance and restoration plans; to accommodate the approved drainage improvements; and to specify conditions under which non-native species may be planted or removed, trespass prevented, entry for monitoring of restored areas secured, and homeowner access accommodated within the restored area (on pedestrian boardwalks or by similar means).· Provisions for necessary utility corridors may be included. The prohibition on development shall specifically pre-

clude any division of land requiring a coastal development permit. f. For restrictions on future additions. Unless waived by the Executive Director, an amendment to this permit or a separate coastal development permit shall be required for any fencing. exterior lighting. antennae, dune alteration, signs, flagpoles or any other additions to the permitted development. g. For protection of adjacent public access; permittee/owner shall take no action which would block or impair public use of the publicly-owned portion of the adjacent cobble beach. h. For an assumption of risk statement, which shall provide: (a) that the applicant understands that the approved development site is located on sand dunes and partially within the predicted storm wave run-up zone, and therefore may be subject to extraordinary hazard from coastal erosion and storm wave run-up; (b) applicant understands that there is no entitlement to future shoreline protective works to protect against such hazards, and that continued coastal erosion or future storm wave event will eventually lead to loss of the permitted residential structure; and (c) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from shoreline erosion, storm wave run-up. tidal flooding, tsunamis, earthquakes, shifting sand dunes and other such hazards. (emphasis added)

CONTRADICTION TO ABOVE CDP CONDITIONS: LUP POLICY HAZ-15 Provides: *"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 protect."*

(c) As part of the City of Pacific Grove Capital Improvement Projects (CIPs) including recent improvements to the ASBS storm water system and Sewers, etc, the City has adopted Mitigated Negative Declarations MNDs, Environmental Impact Reports (EIRs), etc. that include special studies and assessments of the natural and scenic resources, etc. **Those findings and declarations of those reports provide pertinent information that clarifies the importance of the natural, cultural and scenic resources; those findings were not included in the LCP evaluation and policy recommendations.**

(d) The Parks, Recreation and Public Access element fails to accurately and adequately describe the type, kind and location of the existing conditions, including natural resources, public improvements, formal and informal trails, vertical and lateral access, and visual access, including identified view corridors, etc**. That information is contained in the 1989 LUP and must be updated as part of this plan, not as a part**

of the out-of-date Coastal Parks Plan, which does not include the description of public access from inland locations of the coastal zone.

(e) The Scenic Resource Overlay Map does not accurately depict the scenic areas according to the common methodology for accessing the aesthetic character and value of the natural and built environment**. SEE: a. Methodology and Significance Thresholds. The assessment of aesthetic impacts involves qualitative analysis that is inherently subjective in nature. Different viewers react to viewsheds and aesthetic conditions differently. Information gathered to determine the existing environmental setting included site visits, review of site photographs and aerial photographs of the five project component sites, and preparation of an existing conditions inventory. The existing conditions inventory, (Existing Visual Quality and Viewer Sensitivity), describes the visual quality of the viewshed in the vicinity of project components and describes viewer sensitivity to changes in the viewed environment (viewer sensitivity). This assessment uses the terminology and methodology based on the system developed by the FHWA for assessing the visual effects of highway projects. In accordance with Appendix G of the State CEQA Guidelines, impacts would be considered potentially significant if the proposed project would:**
1) Have a substantial adverse effect on a scenic vista;
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
3) Substantially degrade the existing visual character or quality of the site and its surroundings; and/or
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Excerpt from Monterey-Pacific Grove ASBS Stormwater Management Project EIR Section 4.1 Aesthetics)

(f) Draft LUP Policy LUD-2 provides "specific standards for development at the American Tin Cannery" based on the mistaken notion that the site is located in a highly urban neighborhood similar to the Cannery Row vicinity located in New Monterey. There is no empirical evidence to support that finding, however, the Planning Commission erroneously used that description to recommend an increase in the Floor Area Ratio designation in the Implementation Plan. Therefore, the Planning Commission's policy is based on unsubstantiated information, rather than a fact-based analysis or other evidence in the record.

March 1, 2017

Mayor Kampe and City Council
City of Pacific Grove

RE: March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (2 of 2 Letters)

This abbreviated list includes *only a few* examples to illustrate the reasons for the additional work necessary to accurately complete the LCP. I strongly urge you direct the planning staff to explore the record for the substantive information in the City and Coastal Commission's records for pertinent decisions, studies and reports, facts and findings and special conditions for the Asilomar Dunes Neighborhood, the Retreat, Mermaid and Point Pinos shoreline, to guide them to prepare revisions to the LUP and IP to incorporate that information into the LCP. I also urge you to reevaluate the nature, merits and procedures regarding of the use of the property and immediate neighborhood at 125 Ocean View Blvd., as well as, the apparent "spot zoning" recommendations that were conceived and promoted by the planning staff, and that are contrary to the information submitted to the City and People of Pacific Grove prior to securing a vote in favor of the use of the land, *as it is currently zoned*.

Respectfully,

Anthony A. Ciani

cc: Brian O'Neill, Coastal Analyst and Planner, California Coastal Commission

Attachment: City of Pacific Grove Coastal Permit and Special Conditions, CDP# 3-06-024

Sandra Kandell <skandell@cityofpacificgrove.org>

Re: March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan - (2 of 2 Letters)

1 message

Anthony Ciani <aciani@cianiarchitecture.com> Wed, Mar 1, 2017 at 2:27 PM
To: Rudy Fischer <rudyfischer@earthlink.net>, cgarfield@cityofpacificgrove.org, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, kencun17@icloud.com, huitt <huitt@comcast.net>, nsmith@cityofpacificgrove.org, City Manager <citymanager@cityofpacificgrove.org>, City Clerk <cityclerk@cityofpacificgrove.org>, David Laredo <dave@laredolaw.net>, "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>

Mayor Kampe and Council Members:

Attached is the "attachment" City's 2007 CDP #3-06-024 to my letter today, no. 2 0f 2

It clearly illustrates the City's responsibilities for protecting and managing the shoreline from 2008 and into the future -- that information and the studies and conditions should be incorporated into the LCP.

Thank you,

Tony Ciani

On Wed, Mar 1, 2017 at 2:19 PM, Anthony Ciani <aciani@cianiarchitecture.com> wrote:

> Dear Mayor Kampe and Members of the City Council,
>
> Attached, please find my letter number two of 2, outlined deficiencies in the current draft LCP UPDATE.
>
> Thank you,
>
> Tony Ciani

Th22a-1-2007 (2).pdf
387K

Sandra Kandell <skandell@cityofpacificgrove.org>

March 1, 2017 City Council Meeting Agenda Item 4A – Local Coastal Program Update Draft Land Use Plan and Draft Implementation Plan

1 message

Anthony Ciani <aciani@cianiarchitecture.com> Wed, Mar 1, 2017 at 4:07 PM
To: rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net
Cc: "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>

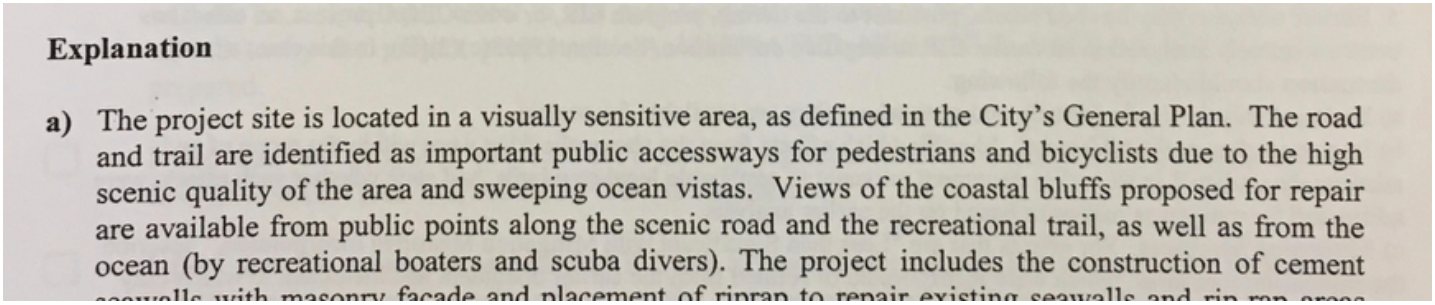
HELLO MAYOR KAMPE AND COUNCIL MEMBERS:

YOU HAVE MY EMAILS FROM EARLIER IN THE DAY. HERE I WANT TO HIGHLIGHT THE POINT I HAVE TRIED TO MAKE REGARDING THE *OBJECTIVE AND VALID INFORMATION* CONTAINED IN THE ENVIRONMENTAL STUDIES PREPARED FOR THE CITY TO ASSESS THE CITY'S NATURAL AND MAN MADE RESOURCES, ETC., WHICH SHOULD BE USED TO INFORM THE LUP AND THE POLICIES YOU AS DECISION MAKERS WILL ADOPT.

HERE IS A GOOD EXAMPLE OF ONE OF THE ISSUES THAT WAS DEBATED BY THE PLANNING COMMISSION:
PUBLIC VIEWS FROM THE SEA.

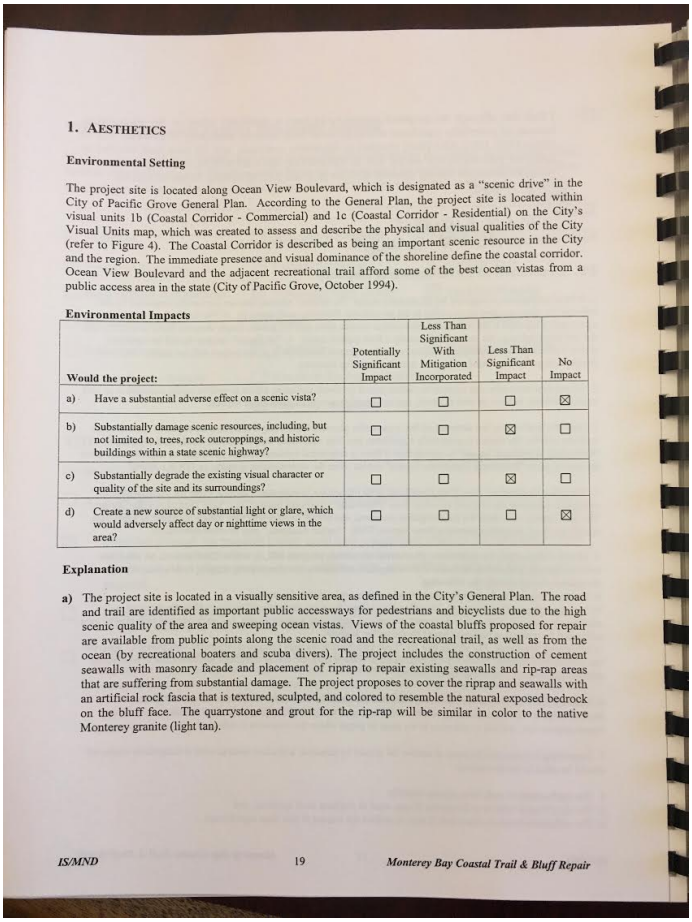
The discussion centered on the credibility of the idea that public views from the bay and ocean are important to consider. The Planning Commission decided not to include a policy to evaluate impacts on views from the sea, yet the City Council adopted the environmental study for the 2088 Recreation Trail Repair Project that consider those impacts as important. And, the permit for that work did find that the aesthetics is an important issue, which is still in effect today and into the future. Here is a clip from the report.

The Policy is valid for an LCP and for the Coastal Commission's jurisdiction. I urge you to add this policy to the LCP. Thank you.



Explanation

a) The project site is located in a visually sensitive area, as defined in the City's General Plan. The road and trail are identified as important public accessways for pedestrians and bicyclists due to the high scenic quality of the area and sweeping ocean vistas. Views of the coastal bluffs proposed for repair are available from public points along the scenic road and the recreational trail, as well as from the ocean (by recreational boaters and scuba divers). The project includes the construction of cement seawalls with masonry facade and placement of riprap to repair existing seawalls and rip rap areas



1. AESTHETICS

Environmental Setting

The project site is located along Ocean View Boulevard, which is designated as a "scenic drive" in the City of Pacific Grove General Plan. According to the General Plan, the project site is located within visual units 1b (Coastal Corridor - Commercial) and 1c (Coastal Corridor - Residential) on the City's Visual Units map, which was created to assess and describe the physical and visual qualities of the City (refer to Figure 4). The Coastal Corridor is described as being an important scenic resource in the City and the region. The immediate presence and visual dominance of the shoreline define the coastal corridor. Ocean View Boulevard and the adjacent recreational trail afford some of the best ocean vistas from a public access area in the state (City of Pacific Grove, October 1994).

Environmental Impacts

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Explanation

a) The project site is located in a visually sensitive area, as defined in the City's General Plan. The road and trail are identified as important public accessways for pedestrians and bicyclists due to the high scenic quality of the area and sweeping ocean vistas. Views of the coastal bluffs proposed for repair are available from public points along the scenic road and the recreational trail, as well as from the ocean (by recreational boaters and scuba divers). The project includes the construction of cement seawalls with masonry facade and placement of riprap to repair existing seawalls and rip-rap areas that are suffering from substantial damage. The project proposes to cover the riprap and seawalls with an artificial rock fascia that is textured, sculpted, and colored to resemble the natural exposed bedrock on the bluff face. The quarrystone and grout for the rip-rap will be similar in color to the native Monterey granite (light tan).

IS/MND 19 *Monterey Bay Coastal Trail & Bluff Repair*

Sandra Kandell <skandell@cityofpacificgrove.org>

Pacific Grove - Metered Pay Parking at Beaches

1 message

Anthony Ciani <aciani@cianiarchitecture.com> Thu, Mar 2, 2017 at 11:12 AM
To: rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net
Cc: "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>

Good Morning Mayor Kampe and members of the City Council,

Public access to the shoreline and beaches is a central tenant of the Coastal Act and LCP. Former City leaders ensured free and open access to the residents and visitors to Pacific Grove, in contrast to private ownership such as exists many other coastal communities. Another important principle in the Act, is to ensure equal access to the shore by making the access affordable. Parking Meters to pay will diminish public access for residents and visitors with low to middle incomes.

During the staff presentation of the Local Coastal Program to the City Council, Director of Community and Economic Development Director, Mark Brodeur told you that where he comes from in Southern California, communities including La Jolla, have paid parking - meters. ***Mr. Broduer's comments were erroneous, false and misleading.*** La Jolla has debated the value of charging for parking, both along the shoreline in the beach parking lots, and in the central business district, "The Village", and all of the studies have lead the merchants and residents to oppose parking meters. (Disclosure: I lived and worked in La Jolla for 50 years and participated in those discussions.) Moreover, when the City attempted to close the beach parking at night, the Coastal Commission voted against that idea, as well, because it would force visitors to leave the beaches early and degrade the experience of those day-trippers who travel long distances to reach the coast.

Parking in La Jolla is free, unless you park in private parking structures, which is usually validated. You can park at the beach for free next to multi-million dollar homes, including Mitt Romney's house. You can park in the exclusive La Jolla Farms neighborhood, at La Jolla Shores, Wind'N'Sea, etc. - *ALL FREE OF CHARGE.*

PAID PARKING AT THE COAST IS ELITIST. IT MAKES THE COAST EXCLUSIVE, EMPHASIS ON "EXCLUDE."

The Coastal Commission's **LCP UPDATE GUIDE** manual cites LA JOLLA'S LCP as one example to use in the preparation of a LUP Access element:

"Where can I read some examples of updated access components?
Some revised Public Access components are:
 City of San Diego **La Jolla Community Plan and Local Coastal Program Land**

Use Plan (see especially pages 30 - 33 and Appendices/Access Inventories),"
[SEE: https://documents.coastal.ca.gov/assets/lcp/LUPUpdate/LCPGuidePartI_1_PublicAccess%20_July2013.pdf]
And,
http://www.lajollabythesea.com/visitor-resources/parking, bullet point number One:

- Parking is free on the streets of La Jolla. There are no parking meters.

In 1983, a study of resident, visitor beach and commercial use parking was adopted to establish free, but timed parking (except Sundays and Holidays) in central La Jolla, that allowed longer duration parking at beaches to accommodate beach goers, and less in the commercial areas to allow time to shop and dine, etc.

Sincerely,

Tony Ciani

Sandra Kandell <skandell@cityofpacificgrove.org>

RE: Pacific Grove's Local Coastal Plan

1 message

Sally Aberg <forthecolors@comcast.net> Wed, Mar 1, 2017 at 10:23 AM
To: Rudy Fischer <rudyfischer@earthlink.net>, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, Robert Huitt <huitt@comcast.net>, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, "David C. Laredo" <dave@laredolaw.net>

In reference to your hearing tonight, I urge you to consider Anthony Ciani's carefully studied concerns. As you know, Mr. Ciani advocates for coastal conservation, the preservation of two-way views (both towards the sea and back towards our historic "City of Homes"), and the establishment of sound planning principles.

The California Coastal Commission is going to review whatever plan you vote to put forward.

PG City and Council have had several recent embarrassing and costly incidents of being exposed for inadequate due diligence and blatant self-serving intentions. Please don't add another instance to this shameful record of misconduct. Your administration is exhibiting neither honest leadership nor wise governance.

And by self-serving, I don't mean serving the best interests of the residents of our community, our historic buildings, or our precious natural environment. I mean self-serving as in attempting to maximize the commercialization of our unique coastal setting.

You now have the opportunity to redeem yourselves by creating an LCP that truly carries out the original tenets of the California Coastal Commission. Please do the right thing.

Thank you very much for your serious consideration.

Sally Aberg
Co-owner of 116 13th Street
Pacific Grove, California

Sandra Kandell <skandell@cityofpacificgrove.org>

re: affordable overnight coastal access in PG

1 message

janetcohen333@comcast.net <janetcohen333@comcast.net> Thu, Mar 2, 2017 at 2:40 PM
To: brian.o'neill@coastal.ca.gov
Cc: bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, Mark Brodeur <mbrodeur@cityofpacificgrove.org>, cgarfield@cityofpacificgrove.org, kencun17@icloud.com, Nick Smith <nsmith@cityofpacificgrove.org>, huitt <huitt@comcast.net>, rudyfischer@earthlink.net, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, aaziz@cityofpacificgrove.org

Hello Brian,

I wanted to catch you after the meeting in PG last night but it got too late to voice an opinion about the overnight visitor access.

First a disclosure: My husband and myself were involved in the Citizen's Initiative Measure C in 1986 and the City Initiative Measure U in 2011. The latter was a combined effort with hoteliers to alleviate unintended consequences from Measure C. Measure C and Measure U are the current ordinance for the R-3-M District and these measures are the reason that it is necessary to have a vote in order to rezone a new district to allow hotel/motel use.

The long term consequences of this has been protective from the development of large scale height and massing from hotels and motels especially in the Asilomar area but it has also been difficult for the City to not have the TOT tax income from the development of larger scale hotels.

The other long term consequence has been that the small motels have remained here in Pacific Grove and create more affordable overnight access to the coast. Technically there are four motels in the Local Coastal Zone but functionally there are 19 motels that give overnight visitors coastal access.

If you look at the map you can see that all of the motels along Asilomar and Lighthouse below Ridge Road could not get any closer to the coast physically except possibly in the future from Sunset Service Commercial District. At Asilomar and Sunset is the Beachcomber Motel. Going on Asilomar towards Lighthouse is the Asilomar Conference Grounds on the seaward side for the main grounds and an annexed block on the non seaward side bordered by Asilomar, Sinex, Crocker and Sunset which together comprises over 100 acres. Both the Asilomar Conference Center and the annex block in Pacific Grove are owned and protected by the State and provide coastal access to thousands of visitors at more affordable prices while at the same time promoting dune restoration, and forest preservation. Abutting Asilomar Conference Grounds across Asilomar Avenue are three motels - the Pacific Gardens Inn, The Rosedale Inn and The Andril. Abutting Asilomar Conference Grounds annexed block is the Deerhaven Motel at the corner of Sinex and Crocker. Across the Recreation Trail section abutting the Deerhaven is the Howard Johnson motel on Dennett. All of these motels would allow overnight visitors access to the coast either by Sunset Avenue or through the Asilomar Conference Grounds which also allows public access on boardwalks through the dunes to view or to go to Asilomar Beach.

Continuing down Asilomar Avenue it becomes more residential. The seaward side is the Asilomar Dunes, which also is protected from hotel/motel development, has scenic dunes and forest views from Asilomar Avenue until Arena Avenue where large views of the ocean begin along Asilomar Avenue. Arena Avenue gives road access to the coast and the walking path along the coast. On the non-seaward side of Asilomar getting closer to Lighthouse Avenue is the Bide-Wee Motel at

Asilomar and Jewell. Jewell gives access to the coast and to the walking path along the coast. Two single family homes separate the Bide-A-Wee from the Sunset Motel. The Lighthouse Lodge Suites, next to the Sunset Motel is on the corner of the Asilomar Avenue and Lighthouse. Lighthouse Avenue gives access to the coast and the coastal walking trail. Continuing down Asilomar is the protected Lighthouse Reservation area on one side and the golf course which continues on both sides. There is coastal access from Asilomar Avenue to Sunset Avenue at Point Pinos.

Thus, you can see there is great protection of the coastal dunes and scenic views along Asilomar Avenue and that it would be physically impossible for the motels to be placed any closer. But the nearby motels outside of the Coastal Zone functionally do provide overnight visitor access to the Coast.

The same is true for more eight more motels that abut Lighthouse between Lighthouse and Ridge Road with close proximity to coastal access. The Borg Motel and Lover's Point Inn are at Lovers Point and give direct access to Lovers Point.

Thus, I think it would be more accurate to explain in the Local Coastal Plan that Pacific Grove does have overnight visitor access to the coast with the four motels in the Coastal Zone and 15 motels nearby but outside the actual boundary of the Coastal Zone. This happened from actually protecting large areas of Coastal Zone land in the Asilomar Area (Asilomar Conference Grounds, Asilomar Dunes, Lighthouse Reservation Land, PG Municipal Public Golf Course) that made it physically impossible for the motels to be within the Coastal Zone proper. Further, none of these motels are luxury motels. The Historic Bed and Breakfast Inns along Oceanview Boulevard do tend to have higher fees for rooms than the Asilomar area motels. But in general Pacific Grove is not made up of high end overnight accommodations with just a few overnight units or golf available at a lower cost. We are not Pebble Beach. (The City of Pacific Grove has also put in and continues to refine protections from residential mansionization that would further limit scenic ocean views.)

I am in complete accord that any future luxury hotel in the Coastal Zone should include a plan that provides lower cost overnight accommodations too with coastal access.

Also, it is of course always good to be seeking creative ways to provide more overnight visitor access. It would be great to have a youth hostel and an elder hostel or even a family hostel! I think we are the perfect place!

I am grateful for the work of the Coastal Commission and the City Staff for everyone's hard work to protect Pacific Grove's Coastal Zone in the Local Coastal Plan.

Thank you,

Janet Cohen

Sandra Kandell <skandell@cityofpacificgrove.org>

PUBLIC COMMENT: Pacific Grove City Council Meeting March 1, 2017 Agenda #4A

1 message

Inge Lorentzen Daumer <ilwd50@gmail.com> Wed, Mar 1, 2017 at 3:25 PM
To: Sandra Kandell <skandell@cityofpacificgrove.org>, Nicholas Smith <nicksmith20@gmail.com>, nsmith@cityofpacificgrove.org, Ben Harvey <bharvey@cityofpacificgrove.org>, Mayor Bill Kampe <bill@billkampe.org>, Bill Peake <billpeakepg@gmail.com>, cgarfield@cityofpacificgrove.org, CynthiaGarfield93950@gmail.com, robert huitt <huitt@comcast.net>, rudy fischer <rudyfischer@earthlink.net>, Ken Cuneo1 <kencun17@sbcglobal.net>
Cc: "Mark J. Brodeur" <mbrodeur@cityofpacificgrove.org>, Anastazia Aziz <aaziz@cityofpacificgrove.org>, "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>, Kevin.Kahn@coastal.ca.gov

Mayor, Council members and Staff,

Agenda #4A, draft LCP Public Comment

First, and foremost in my mind, should be removal of the last vestige of the misnomer, "Professional District" from the Coastal Zoning Map...there simply is no "Professional Zone",
only R-4 Zoning of parcels (a professional usage is allowed with an approved use permit, but it is
Not a ZONE). Please update the map to be consistent with our Ordinances and reality.

Second, (as Bill Kampe once mentioned) is coming home to Pacific Grove along Highway 1 from
the North. There is that moment, rounding the Marina, Sand City, Seaside curve, where the south side of the Monterey Bay Peninsula is gloriously stretched-out...
the high-rise of Seaside's Embassy Suites turns into the Monterey Marriot to Cannery Row's Monterey Plaza Hotel, Monterey's Intercontinental The Clement and, of course,The Monterey Bay Aquarium. The tapering of this high-developed shoreline into Pacific Grove is a peaceful natural relief, leading to Pt. Pinos and the ocean. This is definitely a Scenic Corridor, from a State Scenic Highway....and what is also seen from sailboats, kayaks, whale-watchers, divers, fishers, etc.
A mention to protect views from seaward to shoreline should be included in Pacific Grove's LCP
as a guideline to address future Coastal Development.

The eventual development of the ATC sites should not try to change our 40' height limit by a first-step of increasing the FAR to 3.0 (achievable only with an increase in height to 51').
Cannery Row Co./Foursome Development were the drivers of this proposed change from our current FAR of 2.0 and 2.5 (effective 2.4) in our General Plan. Even the "developers" behind the zoning change ballot measure X did not ask for this change. It is not desirable nor necessary for
future development at the entrance to our "City of Homes". Please keep our ordinances consistent;

that is the purpose of the LCP.

An interesting aside here is in keeping with today's political scene in Washington DC... How are the "business interests" of our individual planning commissioners going to translate to Coastal Permit Applications and issuance...Ethics?

Food for thought...

Sincerely,

Inge Lorentzen Daumer
180 Sloat Ave. Pacific Grove

Sandra Kandell <skandell@cityofpacificgrove.org>

Fwd: Pacific Grove-LCP Must Restore Illegally Curtailed Night Coastal Access for Photography

1 message

Anastazia Aziz <aaziz@cityofpacificgrove.org> Wed, Mar 1, 2017 at 1:19 PM
To: Sandra Kandell <skandell@cityofpacificgrove.org>

More correspondence.

Thank you.

Anastazia Aziz, AICP, Senior Planner
City of Pacific Grove | Community & Economic Development Department
300 Forest Ave, 2nd Floor
Pacific Grove, CA 93950
T: 831-648-3192 Main Reception: 831-648-3183
www.cityofpacificgrove.org

The City's Local Coastal Program is in the midst of an update and the City welcomes your participation in this effort.

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---------- Forwarded message ----------
From: **David Dilworth** <David@1hope.org>
Date: Wed, Mar 1, 2017 at 12:10 PM
Subject: Pacific Grove-LCP Must Restore Illegally Curtailed Night Coastal Access for Photography
To: Anastazia Aziz <AAziz@cityofpacificgrove.org>, "Kevin Kahn, Supervising Planner" <Kevin.Kahn@coastal.ca.gov>
Cc: Terrence <TBoneZito@yahoo.com>, Holly Keifer <hollykeifer@hotmail.com>, Dena Ibrahim <DKali3@cs.com>, Sally Aberg <forthecolors@comcast.net>

Please consider HOPE's letter attached, entitled:

Pacific Grove-LCP Must Restore Illegally Curtailed Night Coastal Access Photography

If there is any question that you have not received this letter intact,
Please contact HOPE at 831-624-6500 asap.

Thank you.

PG-LCP-NightParkingImgs.pdf
111K

Bringing You Hope...
HOPE - Helping Our Peninsula's Environment

Box 1495, Carmel, CA 93921 **Projects@1hope.org**
831/ 624-6500 **www.1hope.org**

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Dr. Arthur Partridge, PhD. *Forest Ecology*

City Council c/o Planner Anastasia Aziz
Pacific Grove City

Kevin Kahn, Supervising Planner
Coastal Commission, Santa Cruz **March 1, 2017**

Pacific Grove-LCP Must Restore Illegally Curtailed Night Coastal Access Photography

Some decades ago the City of Pacific Grove adopted an ordinance prohibiting parking after midnight along Ocean View Blvd from Asilomar Beach all the way to Lover's Point.

That ordinance was never approved by the Coastal Commission. Even if they had considered it, it should have been denied or changed to provide nighttime Coastal access.

This incompletely considered parking ban from midnight to 6 am, was directly intended to halt RV camping.

(MilkyWay at Big Sur's Pfeiffer Beach (c) 2015 David Dilworth)

While this may be a reasonable goal, banning parking harms coastal access for anyone who wants to enjoy the magnificence of our coast at night, to walk the coastline at night.

More specifically, this ordinance prevents reasonable access to our Coast by photographers making night images of our splendid MilkyWay galaxy, Moonsets, Orion and other stars and planets - and all other views requiring Dark Skies - uniquely provided by beach access.

Founded in 1998, and known for helping with hundreds of environmental and democracy successes including stopping both "Dirty Harry" and "The Terminator," *H.O.P.E.* is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

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It also harms those who do fire-dancing at Asilomar Beach - which requires dark skies.

One way the the LCP could correct this problem and allow Coastal access and still prevent camping, is to require an improvement to the ordinance to restrict parking to 4 hours. This would prevent camping, but allow photographers time to gather their equipment, setup for photographs and return to their cars without the nagging fear of getting a very expensive ticket - in the middle of the night.

Approving the LCP without removing the night parking ban, would directly violate the Coastal Act access policies.

With our best wishes,
-David Dilworth, for HOPE's Trustees

FireDancing (c) Copyright 2016 David Dilworth

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February 26, 2017

RECEIVED
CITY MANAGER'S OFFICE
2017 MAR -1 A 10:46
CITY OF PACIFIC GROVE

Bill Kampe
Robert Huitt
Ken Cuneo
Rudy Fischer
Cynthia Garfield
Bill Peake
Nick Smith

Dear City Council Members,

I find myself writing to you to express my wife and my thoughts in regards to the City Council's review of the Land Use Plan (LUP) and the Implementation Plan (IP).

Considering the high level of impact that the final plan will have on property and homeowners in the affected area we strongly encourage that the City Council take their time to review the LUP and IP before they are approved and presented to the Coastal Commissioners.

Because the policies and implementing of the ordinances will become law they will determine what we as property owners will be permitted do with our properties. We are concerned about the personal enjoyment of our properties and the impact of such ordinances on our properties values.

On the whole we support the Planning Commission and Planning staff recommended LCP with a very few exceptions that are critically important to the quality of life for those of us, as stated,who are homeowners in the Asilomar Dunes.

The most expedient and precise way to present our specific areas of concern is to attach the petition that Kathryn Poling presented(ing) to you on behalf of many of the Asilomar Dunes Homeowners.

Again thank you for your work to date on this complex issue and thank you in advance for taking into consideration the concerns of the current Asilomar Dunes property owners.

Respectfully,

John & Wendy Evans

398 Calle De Los Amigos Pacific Grove/evansjhe1@gmail.com/209-988-5597

Requests for LCP Corrections/Modifications

For the sake of clarity and simplicity, I will address each topic in 3 steps:

- Provide the current PC recommended language in the LCP documents
- Offer a proposed correction/solution with changes capitalized and highlighted in yellow
- Explain neighbors' concerns

1. **The Definition of Redevelopment** (LUP p. 25, IP p. 11)

Current Language:
"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."

Proposed Correction:
A structure shall be considered redeveloped, when such development consists of alteration of 50% or more of the major EXTERIOR structural components including ~~exterior~~ walls and roof structure of such development.

Concern Explanation:
The Planning Commissioners were clear in wanting this definition to apply to only exterior structural components. Toward this end the words FLOOR and FOUNDATION were removed from the original definition. Ensuring that the PCs intentions are clear is essential and can be accomplished by inserting the word EXTERIOR between "major" and "structural". This clarification is critical as the word INCLUDING in this legal document as defined in Section 1.4 means "including but not limited to". Also, the definition of Major Structural Components in both the LUP (p. 24) and IP (p. 9) includes foundation and floor framing. The PCs did not want folks whose homes were built years ago when the building code was different to be penalized for bringing the foundation of their homes into compliance with current code to ensure their safety. Without literally specifying "exterior", the items that the PCs recommended be deleted and others, could still be potentially added back on.

2. **The Definition of Site Coverage** (LUP p. 26, IP p. 12)

Current Language:

"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."

Proposed Correction:

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

    a. IMPERVIOUS SURFACES: PAVING, 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:

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

    e. 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;

    f. Turf block driveways and walkways and other pervious surfaces, unless covered; and eaves and/or cantilevered portions of buildings.

Concern Explanation: The Planning Commissioners requested adding the word impervious. While intending to add clarity, this actually makes for some confusion given surfaces such as sand-set bricks and pavers are by application NOT impervious.

3. The Definition of Lot Coverage and BIO-22c Permeable Surfaces

Current Language:

Definition of Lot Coverage:

"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."

BIO-22c:

> 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. "

Proposed Correction:
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, SUCH AS SAND-SET BRICKS AND/ OR PAVERS AND/OR FLAGSTONES, AND DECKS ARE ALLOWED IN THE IMMEDIATE OUTDOOR LIVING SPACE AND SHALL NOT COUNT AS COVERAGE.

Concern Explanation: For consistency any corrections made to clarify the definition of permeable surfaces should also be included in this section.

Current Language:

BIO-22c:

> 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."

Proposed Correction:
BIO-22c. 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, SUCH AS SAND-SET BRICKS AND/OR PAVERS AND/OR FLAGSTONES, AND DECKS 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."

Concern Explanation: For consistency any corrections made to clarify the definition of permeable surfaces should also be included in this section.

4. BIO-6 (LUP p. 65) AND IP 23.90.170 E 11. (P.39) Non-native Species

Current Language:

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.

Proposed Correction:
EXCEPT IN THE OUTDOOR LIVING SPACE, 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.

Concern Explanation: This is inconsistent with BIO 22b., which does not require that the Immediate Outdoor Living Space for homes in the Asilomar Dunes Residential neighborhood be native dune habitat.

Current Language:

IP 23.90.170 E. 11:

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.

Proposed Correction:

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, EXCEPT IN THE OUTDOOR LIVING SPACE AND 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.

Concern Explanation: This is inconsistent with BIO 22b., which does not require that the Immediate Outdoor Living Space for homes in the Asilomar Dunes Residential neighborhood be native dune habitat.

5. BIO-22b (LUP p. 68) Immediate Outdoor Living Space and Dune Restoration

Current Language:

"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:

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."

Proposed Correction:

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. FOR REDEVELOPMENT OR NEW DEVELOPMENT ON VACANT LOTS, THEN 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.

Concern Explanation: Per BIO-27 restoration of all other areas of the lot, which are not covered and not allocated to Immediate Outdoor Living Space are only required to be restored, enhanced and maintained in a natural dune condition in the event of redevelopment or new development on vacant lots.

6. BIO-22c (LUP p. 71) Fencing for the Immediate Outdoor Living Space

Current Language:

"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:

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."

Proposed Modification:

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. c. ~~Low minimal~~ Fencing, USING NATURAL MATERIALS/COLORS, for THE 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~~ LIMITED TO 6' IN HEIGHT MEASURED FROM GRADE. 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~~.

Concern Explanation: The descriptor, low minimal fencing, is not associated with six foot high fencing. Most important though is that the criteria specified for fencing for the Outdoor Living Space is basically another way of prohibiting it. For the majority of homes, even if they do their best to conceal the fencing, it will be visible from a public right-of-way because of the open nature of development in the Asilomar Dunes. Also, if the fencing is required to be open and transparent, this does not really serve the purpose for the fencing, namely privacy and safety for young children and pets. Lastly, since the Outdoor Living Space is not required to be native dune habitat, fencing that is not open in nature would be more appropriate so as to prevent seeds from vegetation in the Outdoor Living Space populating the native dune habitat.

7. IP 23.90.160 Scenic Resources and Design F. Standards for Development within the Scenic Resources Overlay 12. Structures in Disrepair (p. 36)

Current Language:

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

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."

Proposed Modification:

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

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~~ SHOULD be maintained, renovated, replaced, or removed."

Concern Explanation: The last sentence is very broad in scope, provides no definition of disrepair and has no timeframe for remedying the disrepair. Given I believe there are already other laws in place whereby the City can condemn a structure if it is unsafe, it would seem most appropriate to change the "shall" to SHOULD.

8. IP 23.90.170 Biological Resources and Environmentally Sensitive Habitat Areas F. Site and species-specific development standards for the habitat sensitivity overlay 1.a. (p. 40), 23.90.170 F. Site and species-specific development standards for the habitat sensitivity overlay 11.h. (p.43), and 23.90.170 G. Development Standards for Extreme and High Habitat Sensitivity Areas 8. (p.45) Development/Redevelopment Theme

Current Language:

IP 23.90.170 F. 1.a.:

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;"

Proposed Correction:

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:

    b. NEW ~~D~~development ON VACANT LOTS and redevelopment shall meet site coverage limitations;

Concern Explanation: There is no policy in the LUP requiring development associated with conforming buildings and within the lot coverage limit to restore dune habitat. This is a requirement associated with redevelopment.

Current Language:

23.90.170 F. 11.h.:

"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."

Proposed Correction:

h. ~~Development~~ REDEVELOPMENT 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.

Concern Explanation: There is no policy in the LUP requiring development associated with conforming buildings and within the lot coverage limit to restore dune habitat. This is a requirement associated with redevelopment.

Current Language:

23.90.170 G. 8.:

"8. Degraded habitat on the parcel shall be restored concurrent with development; however, this requirement shall not apply within private outdoor living space."

Proposed Correction:

8. Degraded habitat on the parcel shall be restored concurrent with REdevelopment OR DEVELOPMENT ON VACANT PARCELS; however, this requirement shall not apply within private outdoor living space.

Concern Explanation: There is no policy in the LUP requiring development associated with conforming buildings and within the lot coverage limit to restore dune habitat. This is a requirement associated with redevelopment.

9. 23.90.170 Biological Resources and Environmentally Sensitive Habitat Areas F. Site and species-specific development standards for the habitat sensitivity overlay 11. a Clustering of Development (p. 42)

Current Language:

"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."

Proposed Correction:

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~~ 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."

Concern Explanation: The "shall" here is not consistent with BIO-22 g in which "shall" was changed to "should" per the Planning Commissioners recommendation.

Sandra Kandell <skandell@cityofpacificgrove.org>

Adoption of Local Coastal Plan

1 message

Elizabeth Fisher <erfisher@lmi.net> Tue, Feb 28, 2017 at 11:34 PM
To: bkampe@cityofpacificgrove.org, rudyfischer@earthlink.net, cgarfield@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org
Cc: citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net

Dear Mayor and City Council,

We are very concerned that the historical and coastal ambiance of Pacific Grove be protected. We feel that parking meters really clash with the environment on both these counts, especially around Lover's Point. Could another less visually impactful means be used, if they are necessary? Perhaps a kiosk located periodically which dispenses a ticket keyed to numbered spaces that people parking can buy to display on their dashboards would be more aesthetically appropriate. These are used in numerous places and are much less visible and can easily be operated with credit cards.

Increasing traffic by allowing hotels to be built is also a concern. This must be carefully evaluated before any approval for hotel accommodations is given, especially near historical districts or near the coastline where harbor seals and seabirds are located.

Also, we hope that no more benches are planned for the coastal area. While we are fans of sitting along the coast, we think at this point adding any more would be compromising the natural beauty of the coastline.

Sincerely,

Liz and Bob Fisher

429 Lighthouse Ave, Apt 2

Pacific Grove

Home/Office: 831-920-2731

Sandra Kandell <skandell@cityofpacificgrove.org>

[General questions or comments] LCP

1 message

City of Pacific Grove Website <website@cityofpacificgrove.org> Tue, Feb 28, 2017 at 5:54 PM
Reply-To: waynise@yahoo.com
To: cityclerk@cityofpacificgrove.org

catherine flatley (waynise@yahoo.com) sent a message using the contact form at http://www.cityofpacificgrove.org/contact.

I'm appalled that the city and it's council is now trying to gain control of the LCP. It would seem that this is an entity that that is set up to keep our coastline beautiful. If it were up to Mayor Kampe and his merry band of men, you'd never see the coastline again. Perhaps we could have a museum that would show pictures of it, just like the Hotel Bella will have pictures of what Cannery Row was before they knocked it down to build the hotel..... Sometimes one has to step back and enjoy the beauty we have and not chase the almighty dollar building tourist attractions.

Sandra Kandell <skandell@cityofpacificgrove.org>

ATC FAR in LCP

1 message

Lisa Ciani <lisa.ciani@gmail.com> Tue, Feb 28, 2017 at 10:24 PM
To: Rudy Fischer <rudyfischer@earthlink.net>, Cynthia Garfield <cgarfield@cityofpacificgrove.org>, Bill Kampe <bkampe@cityofpacificgrove.org>, Bill Peake <bpeake@cityofpacificgrove.org>, Ken Cuneo <kencun17@icloud.com>, Robert Huitt <huitt@comcast.net>, nsmith@cityofpacificgrove.org, Ben Harvey <citymanager@cityofpacificgrove.org>, cityclerk@cityofpacificgrove.org, dave@laredolaw.net

Dear Mayor Kampe and City Council Members,

I'm attaching a short, one-page communication regarding the increased floor area ratio approved for the ATC site in the LCP by the Planning Commission.

I hope you will agree that an increase in the FAR at ATC is not appropriate.

Thank you,
Lisa Ciani

ATC FAR.pdf
24K

February 28, 2017

To: Mayor Kampe and City Council Members
From: Lisa Ciani
Re: ATC FAR in the LCP

The northeast gateway to Pacific Grove's coast, at the boundary between the Aquarium and Hopkins Marine Station, has a rustic, open feeling at the beginning of PG's Rec Trail, with views to the sea over and around the low-scale buildings along Fisher beach that are below the street level, directly across from the American Tin Cannery, and to the Cypress grove and historic Monterey Boatworks building and artifacts on the Hopkins Marine Station property. The large, but relatively low-scale ATC building (the historic American Can Company c. 1927, famous at the time for producing the oval sardine cans for the canneries) is on the inland side of the road, and the streets around it are lined with mature Cypress trees, with a striking natural granite embankment across the street at Eardley on Ocean View Boulevard.

Staff portrays this area as having a "more urban developed nature" reflecting "the surrounding built environment along Cannery Row". Staff's description does not reflect the existing conditions. The description is not based on fact, but it was used to justify an increase in the FAR to 3.0. Staff solicited the increase in the FAR, for this specific property, from the Planning Commission at their August 25, 2016 meeting. The existing FAR in the General Plan is 2.0 for ATC, 2.5 for the parking lot across Sloat to the south, and the equivalent of 0.0 for Sloat Avenue itself. (Project Bella appears to have been gifted with an entire city block of Sloat Avenue as part of the vote to change the zone, increasing the size of the hotel project, and decreasing the open space for Pacific Grove's residents.)

The August 25 staff report stated, "If the Planning Commission wants to recommend a 3.0 FAR (632,952 sq. ft.) on the ATC site, the maximum building height must be increased to a minimum of 51 feet." Nevertheless, the Planning Commission voted to increase the FAR to 3.0 for the ATC property, but did not approve a height limit increase.

The developer asserted that he did not request, or need, the increased FAR. Promises of no increase in size were made to the community by the developer and documented in full page newspaper ads with the Mayor's endorsement prior to the election. In the Carmel Pine Cone's April 15, 2016 edition, the ad states, "Project Bella will be the same height as the existing building. It will be 40' tall at its highest and have 10 percent less coverage than the exiting [sic] American Tin Cannery." In another ad, the architect for Project Bella states, "We have been directed by Domaine Pacific Grove, LLC to…design the project in accordance with the existing zoning constraints pertaining to the site, including a height limitation of 40'."

The increased FAR in this scenic area is not consistent with the facts of the location or the representations made to voters, and it needs to be removed from the LCP. The Council should reject the FAR increase and honor the promises made to the community and the voters by retaining the development standards in the current (1989) LCP Land Use Plan for the ATC property.

Thank you.

Monterey Bay Aquarium
886 Cannery Row
Monterey, CA 93940
831.648.4800

February 28, 2017

Pacific Grove City Council
300 Forest Avenue
Pacific Grove, CA 93950

Re: Local Coastal Program Update – Land Use Plan and Implementation Plan

Dear Honorable Mayor and Members of the City Council:

The Monterey Bay Aquarium is pleased to submit these comments on the City of Pacific Grove's proposed Local Coastal Program Land Use Plan and Implementation Plan (LCP). We commend the City's due diligence in developing an LCP that meets the requirements of the California Coastal Act and provides for sustainable community and economic development. Pacific Grove has a long and proud history of protecting its natural and cultural resources while providing unique public recreational experiences and a vibrant economy. We offer these comments in appreciation of this history, as a member of the Pacific Grove community, and as an institution committed to the protection of the remarkably diverse and special marine and coastal environment of the Monterey Bay National Marine Sanctuary and especially Pacific Grove.

The Aquarium is particularly interested in ensuring the LCP provide for an effective balance in the coastal zone between the objectives of protecting natural resources, maximizing public access and recreation, and providing for sustainable community development. Our interest—and subsequent concern—is heightened by the impacts of projected climate change and associated sea level rise and other changes in the ocean environment, such as ocean acidification. We believe it is imperative that coastal communities like the City of Pacific Grove anticipate, plan, and provide for these changes along the coast to the maximum extent feasible, by crafting policies and ordinances that address and strike the right balance between all three objectives.

The proposed LCP rightly acknowledges that the mostly public ownership of the City's immediate shoreline reduces risks to life and property from coastal hazards, such as erosion and flooding. We also support the LCP's goal of conducting more comprehensive shoreline planning, including to enhance public recreation along the shoreline and to provide for adaptation to the effects of sea level rise over the longer run, particularly for public infrastructure (Hazard Policy 6). However, we are concerned that the LCP is unclear about when the update of the Coastal Parks Plan, which is the identified mechanism for this shoreline planning, will occur. We recommend that the LCP specify a certain date for updating the Parks Plan. We understand that planning resources may be limited, but ideally, this planning would begin in the next year if it is not already underway, or at least be completed within the next several years.

Monterey Bay Aquarium
886 Cannery Row
Monterey, CA 93940
831.648.4800

We also support the LCP's acknowledgement that the City has significant wastewater infrastructure at risk from sea level rise and flooding, and that comprehensive planning is needed to establish priorities for relocating the system out of harm's way. Short of such planning, the LCP states that "[m]easures to safeguard against inundation damage to critical pump station facilities might be necessary as a short-term approach" (p. 96). Although LCP Infrastructure Policy 10 requires the City to consider the relocation of critical infrastructure "as necessary and feasible" to address the risks of sea level rise, how this comprehensive planning will be accomplished is unclear. Is it the City's intention to do such infrastructure planning as part of the Coastal Parks Plan update as suggested by Hazard Policy 6? If so, we think it is important that the City be more specific about when this critically important planning will take place and become part of the certified LCP.

Our concern for specifying the planning horizon is driven by our interest in maximizing the protection of the City's natural shoreline resources and processes. In particular, without a thoughtful shoreline management plan that identifies risks and evaluates and prioritizes adaptive responses, it is more likely that the coast will endure increased negative impacts from incremental short-run emergency actions and other expedient measures such as expanded seawall and revetment construction. We appreciate the proposed LCP policies that seek to avoid and minimize such construction, and believe that the best path forward is a shoreline plan that requires and provides for the relocation of public recreation and utility infrastructure inland in all but the most challenging cases. Indeed, one of the City's unique features is the relatively abundant public shoreline space that is available for more natural shoreline response (i.e. allowing natural shoreline erosion to happen), public access amenities, and public transportation, water and wastewater infrastructure.

We strongly support the proposed LCP's embrace of the use of best available science on sea level rise to drive land use planning, including to trigger future updates and amendments to the LCP. However, we are unclear when this planning might be triggered by the suggested threshold of sea level rising three inches on average about the updated 2020 tidal epoch. While we believe that the implementation of an adaptation plan is reasonably accomplished through monitoring, triggers and phases, it is also important to have a plan that circumscribes these measures in place sooner rather than later. This will help the City to avoid incremental decisions and actions that might adversely prejudice the longer run objectives of maximizing natural shoreline protection while still providing public recreation and public services. For example, the proposed LCP notes that the black oystercatcher inhabits the City's rocky shoreline – a natural shoreline value that could be adversely affected by the potential expansion of unnatural shoreline protection. A completed shoreline management plan could address and anticipate the protection of the oystercatcher by specifying necessary adaptation measures in specific locations.

The proposed LCP also includes strong policies to protect and enhance marine resources that are consistent with the Coastal Act. In addition to the importance of protecting this precious ecology as

Monterey Bay Aquarium
886 Cannery Row
Monterey, CA 93940
831.648.4800

an end in itself, the visitor-serving economy of the Monterey Peninsula is built in large part around the health of our marine environment. Our success to date is reflected in the many protected areas that surround us, including the federal marine sanctuary and BLM lands, and state marine protected areas. We urge you to include an additional policy, complementing Marine Policies 5 and 6 and building on Policies 1, 3 and 4, that specifically recognizes the importance of, and calls for the protection of, our offshore waters and habitat, including the Monterey Bay National Marine Sanctuary and state marine protected areas. While this is clearly the intent of the LCP, such a policy will help in the future, even if merely advisory, to protect these areas from potential adverse actions, including any federally-conducted or approved activities that might be reviewed by the Coastal Commission pursuant to its federal consistency review authority. It will also serve as important symbolic support of these offshore marine protected areas in these politically challenging times.

With respect to public access and recreation, in addition to supporting updated coastal parks planning, we support the proposed policies to pursue "complete streets" and maintain and enhance facilities for multiple user groups to balance pedestrian, bicycle and automobile transportation activities. We support the achievement of a separate and continuous pedestrian coastal trail the length of the City's shoreline. And we support the use of reasonable parking fees and management measures to support public access maintenance and enhancement, while being careful to not preclude any of California's citizens from the beneficial use and enjoyment of Pacific Grove's coastal zone. We also support the protection of public views of, to and along the shoreline, the provision of lower-cost overnight accommodations, and the reasonable regulation of short-term rentals.

We also support other policies and issue areas addressed in the LCP, such as the protection of the Asilomar dunes complex, requirements for water quality BMPs in new development, and the protection of cultural and historic resources. We look forward to assisting the City and the Coastal Commission as the LCP progresses, including providing more specific input as needed.

The City of Pacific Grove LCP planning process presents a unique and exciting opportunity for the City to be a model for innovative shoreline adaptation planning and implementation. There is considerable physical space between the ocean and private development, overlying a relatively resistant substrate, and this provides the conditions to effectively balance dynamic shoreline change, natural habitats, public recreation and intelligent infrastructure planning. There are also unique opportunities to partner with local marine and education institutions, like the Aquarium, to support adaptation planning, data collection and monitoring, and collective learning as the City implements the LCP. We stand ready to participate to our fullest ability as the community moves forward.

Thank you for the opportunity to submit these comments.

Sincerely,

Margaret Spring

Margaret Spring
Vice President of Conservation and Science and Chief Conservation Officer

Sandra Kandell <skandell@cityofpacificgrove.org>

our precious PG

1 message

Nan Sherburne <nsherb@juno.com> Tue, Feb 28, 2017 at 9:13 PM
To: Rudy Fischer <rudyfischer@earthlink.net>, cgarfield@cityofpacificgrove.org, bkampe@cityofpacificgrove.org, bpeake@cityofpacificgrove.org, kencun17@icloud.com, huitt@comcast.net, nsmith@cityofpacificgrove.org, citymanager@cityofpacificgrove.org, cityclerk@cityofpacificgrove.org, dave@laredolaw.net

To the City Council members of PG,

I cannot attend tomorrow night's City Council meeting, but would like to voice my hope that you will protect our beautiful city from over development. Our coastline is one of the most beautiful in the country, and as more and more traffic comes into the town, we lose a lot of the small town feeling. (I was born in Carmel, in the old Carmel hospital, and look what's happened to Carmel! A town of tourist shops and tour buses…..)

There are countless treasures in our town and I am sure you know of all of them. Some include the gorgeous beaches and rocks, the groves of cypress and pines and oaks, the PG Museum, the wonderful library, Asilomar, the wildlife we see out on the ocean, the Aquarium, and many more! They are all so worth protecting and maintaining. Please consider wisely for our future.

Thank you.
Nan Sherburne
Country Club Gate, PG

_____
Husband Divorced His Wife After Looking Closer At This Photo
jumpvibes.com
http://thirdpartyoffers.juno.com/TGL3141/58b658668910158651132st03vuc