



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

AGENDA REPORT

TO: Members of the Planning Commission

FROM: Anastazia Aziz, AICP, Senior Planner
Mark Brodeur, Director of Community and Economic Development

MEETING DATE: November 3, 2016

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

CEQA STATUS Statutory Exemption, CEQA Guidelines Section 15265

RECOMMENDATION

Recommend to City Council to adopt and submit the Local Coastal Program to the California 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, as the Coastal Commission will delegate authority for those functions to the City.

Outreach

Over the past two 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 and to an email interested parties list are provided to keep the public informed and up to date on the process. In addition, a website dedicated to the Local Coastal Program effort provides all background reports and workshop information and the current 1989 Land Use Plan.

The Planning Commission and staff received over 85 written public comments on the documents and each piece of correspondence was carefully reviewed and considered. The public has played an important role crafting the documents and the updated Local Coastal Program is a reflection of the community.

DISCUSSION

The Planning Commission spent June, July and August reviewing and commenting on the June 1, 2016 Coastal Commission proposed edits for both the Draft Land Use Plan and Draft Implementation Plan. Major policy areas that were the subject of focused discussion and subsequent revisions are outlined below.

Land Use Plan Issues

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

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

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

Use and evaluation of the mean high water tidal datum at the [National Oceanic and Atmospheric Administration \(NOAA\) Monterey Tide Gauge](#) (9413450) is proposed. Sea level trends are tracked by NOAA in millimeter/year and feet/century. The Monterey mean sea level trend is increasing by approximately 1.4 mm/year based on monthly mean sea level data from 1973-2015 which is equivalent to an increase of 0.46 feet in 100 years. The closest tidal gauge with the longest data record is San Francisco (9414290) which reports a mean sea level trend of increasing 1.94 mm/year based on monthly mean sea level data from 1897 to 2015 which is equivalent to an increase of 0.64 feet in 100 years.

A three inch (76.2 mm) sea level rise above the forthcoming NAVD 2020 tidal epoch update is currently proposed to trigger City evaluation and identification of changes to Local Coastal Program policies and technical reports to support development applications. A future update of the 1998 Coastal Parks Plan will also play a role in crafting the City's adaption strategies to projected sea level rise and coastal hazards.

2. Definition of redevelopment

Multiple discussions have centered on crafting a definition of redevelopment that both respects an existing legally permitted development and also allows for protection of coastal resources. The definition included in the Land Use Plan is consistent with suggestions and modifications by Planning Commissioners and reasonably protects legal non-conforming buildings.

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, floor and roof structure, and foundation, of such development.

3. Asilomar Dunes Neighborhood

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. The entire area is designated as an Environmentally Sensitive Habitat Area and the Land Use Plan proposes to also designate this area a Special Community. The area, which was annexed by the City in 1980 was previously subdivided into residential parcels.

There are currently a number of additional development restrictions governing this area, including limitations on outdoor living space and fencing.

The Planning Commission after lengthy discussion proposed allowing an Immediate Outdoor Living Space area 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. If property owners request fencing, the Planning Commission also proposes to allow minimal symbolic perimeter fencing, such as a split rail fence, as an appropriate method in order to also protect native dune habitat and allow for free passage of sand, seeds, and wildlife.

This is a change from the current Land Use Plan regulations and implementation by the Coastal Commission for Coastal Development Permits. Current fence regulations restrict fencing to that which would not impact public views or free passage of native wildlife. Coastal Commission staff interprets this policy as no on-site fencing. The Coastal Commission has conditioned 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.

4. Scenic Views

At the August 25, 2016 Planning Commission meeting, there was discussion about scenic views and whether views from the ocean were considered protected views by the Coastal Act. While the Coastal Act does not specifically protect views from the ocean, the City's Local Coastal Plan may elect to include policies to protect views from the ocean. The City and the Coastal Commission may enforce such protections if policies are included in the Local Coastal Program. If views from the ocean are not included in the Local Coastal Program by the City, the Coastal Commission does not hold authority to unilaterally add such provisions.

The Planning Commission can further clarify whether views from the ocean to the land are considered scenic and subject to protection.

Implementation Plan

The Implementation Plan of a certified local coastal program must include procedures for issuing Coastal Development Permits. Coastal Development Permits, in addition to required City permits and building permits, are required for certain project types that are defined as either development or redevelopment. The Implementation Plan clarifies when Coastal Development Permits are required. More information about Coastal Development Permit process was included in a [June 29, 2016](#) report to Council.

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

1. American Tin Cannery

The Planning Commission discussed at length the American Tin Cannery (ATC) site and elected to increase the FAR to 3.0, but keep the height at 40 feet, to allow more long-term flexibility for the project site.

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

2. R-3-M, O & U Zones

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.

Based on the fact that various Coastal Zone zoning districts are subject to voter initiative and may only be changed or altered by subsequent voter initiatives, the Implementation Plan directly references the districts that contain the voter approved language *back to the original zoning district* to avoid confusion and to ensure consistent application. Properties subject to any overlays such as the scenic or biological resources overlay in Coastal Zone would still require a Coastal Development Permit in addition to any City permit, similar to other Coastal Zone districts.

3. Waiver process

The Implementation Plan includes a waiver process for public hearings required for minor development. Including a waiver process was suggested by members of the Planning Commission and the language was provided by Coastal Commission staff. The public hearing associated with a Coastal Development Permit may be waived unless requested by a member of the public. The process is similar to City’s Administrative permits. Noticing and on-site posting still occurs, but if no hearing is requested, it is “waived.”

Next Steps

Based on any further comments or suggestions, staff will finalize the Land Use Plan and Implementation Plan and bring the documents forward to a Council meeting in January 2017 for discussion and a recommendation to submit to the Coastal Commission for certification. The timeline has been revised as follows:

Local Coastal Program Revised Adoption Timeline

Activity	Date
Planning Commission Final Review and Discussion of Land Use Plan and Implementation Plan	November 3, 2016
City Council Local Coastal Program Hearing	January 2017
Submit to Coastal Commission	February 2017
Coastal Commission Hearing	TBD
Council Adoption of Certified Local Coastal Program	TBD

Note: Timeline subject to change

RESPECTFULLY SUBMITTED:

REVIEWED BY:

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ATTACHMENTS:

1. Revised Land Use Plan
2. Revised Implementation Plan
3. Notice of Exemption
4. Public Correspondence