9/28/16

michelle neubert 1:34 PM (23 hours ago)

to me

Hi,

Planning commissions are notorious to me for concrete, asphalt, brick, pipes, wires, plywood, etc.
The environment of trees and animals take a back seat --- yet are the most critical for global warming.

I haven't been attending meetings, but keep up on your emails.
Below is part of an email I sent to friend in Arizona that should be c considered as part of the Local Coastal Program.
I have changed from a tree hugger to a LOCAL GLOBAL WARMING pusher.

I think i discovered for myself that global warming is really thousands of "Local" warnings combining to become global.
My mother kept saying that there was NO wind at this house for years after they moved in in 1957 to Pacific Grove side of Pebble Beach.
The wind started when the sand dunes were removed (white sand sold for ashtrays and sandboxes).
And the forest canopy logged out for building.. Before it was like a huge tree cave with little sky above. Today there is more sky above than
trees -- so nothing stops wind. We now have sun and wind most afternoons, and it blows away the Fog, so not damp and soil drying
out from wind more = drought (wind dries and clouds/fog moved out faster).

Another way to explain it would be: Imagine you are in the middle of a 1 square mile of mature forest with a canopy.
Underneath is little wind (but you can hear it over the trees going by), and it is cooler in the summer and warmer in the winter.
Now remove the forest and stand in the direct sun -- it is hotter or colder and windier and drier.

So each of us can try to slow down the warming by having more plants and windbreaks.
They are saying that under 25% of global warming is from deforestation, but I think it is more.
Put shade back and the temperatures decrease 5 degrees ---- remove trees and shade and it gets 5 degrees hotter.
If global warming is changing temperature 3 to 6 degrees ---- what if the 70% of trees logged on earth, were put back??
Trees and plants also absorb the carbon dioxide and give out oxygen. And over 25% of the carbon dioxide overage in the
air right now could be taken out easy by plants.

The really scary part though is that half the plants in the ocean are algae PLanton (like grass on the land) -- the algae soaks up
½ of carbons from total plants == but there's a big possibility that half the algae had died off in the ocean and probably caused the huge
sea life die-offs.

Thank you for taking the time to read this.
Sincerely,

Michelle Neubert

9/26/16

Hello Planning Commissioners, City Staff, Mayor and City Council Members,

I am writing in regard to protecting views from the ocean towards the land in Pacific Grove as part of the LCP documents.

Although, I cannot venture on to the water in Monterey Bay because of severe seasickness, I realize many others can and are out there in small and large boats, or sailing, kayaking, surfing, fishing, whale watching, rowing etc. and enjoying the intense beauty of land meeting the shore as they also experience the wonderful openness of being on the water. I know this because I get those wonderful moments on a boat at Lake Tahoe. It's so great!!! Being out on the water there (before it gets too choppy) is a highlight in my life in general and especially so because of the varying views of shore with the rocks, trees and mountains rising up behind. It's a special feeling of freedom in such a unique way because we don't live on the water and all of the shore views create a different experience. I get glimpses of the same feeling when I come home south on Highway 1 and there's Lover's Point jutting out in the distance across Monterey harbor or look outs along Highway 1 going south to Big Sur as from Rocky Shores Restaurant and viewing the coastline as it meets the ocean from a long lateral view. You would get special views from a boat on Monterey Bay too along Pacific Grove's unique rocky shore mixed with a few sandy beaches, the trees and hills rising above the homes and buildings.

It will matter what is built on land as viewed from the sea. All of the development standards of planning for height, set backs will have an impact. Please consider how the built structural massing looks and blends into our particularly beautiful coast to protect the views from the ocean too.

Thank you,

Janet Cohen

Date: Sep 20 2016-7:30 pm

Title: LCP UPDATE - Protecting Views From the Ocean

Sender: Tony Ciani -- aciani@cianiarchitecture.com

Dear Commissioners,

Please see my attached letter for your consideration.

Sincerely,

Tony Ciani

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

September 20, 2016

Planning Commission
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

RE: September 22, 2016 Agenda Item 5b, Public Comment – LCP POLICY for Protecting of Public Views from the Sea.

Dear Chairman Fredrickson and Planning Commissioners:

At the Planning Commission's meeting on August 25, 2016 to review the Draft LCP Update, Commissioner Mark Chakwin raised a question about the legality of the policy to protect public views from "waters" such as the sea. Mr. Chakwin cited appellate court decision, Schneider v. the California Coastal Commission and the City Attorney offered to review the matter and advise the Commission regarding the policy. I believe there is sufficient evidence regarding the highly scenic qualities of the Pacific Grove shoreline and adjacent coastal resources, and the importance to protect them. Reasons supporting this are:

- **Coastal Zone Management Act of 1972,** 16 U.S.C. § 1451. Congressional findings (Section 302) provides: *"The **Congress finds** that—*
  *(a) **There is a national interest** in the effective management, beneficial use, protection, and development of the coastal zone.*
  *(e) **Important ecological, cultural, historic, and esthetic values in the coastal zone** which are essential to the well-being of all citizens are being irretrievably damaged or lost.*
  *(g) **Special natural and scenic characteristics** are being damaged by ill-planned development that threatens these values.*
  *(i) **The key to more effective protection** and use of the land and water resources of the coastal **zone is to encourage the states to exercise their full authority over the lands and waters** in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, **in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.***
  (Section 304) *The term **"coastal zone"** means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches.*

September 20, 2016

Planning Commission
City of Pacific Grove
LCP Update: LCP POLICY for Protecting of Public Views from the Sea

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- **California Coastal Act of 1976** Section 30251 (Scenic and Visual Qualities) provides: ***"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.*** *Permitted development shall be sited and designed* ***to protect views to*** *and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...."*

- MALIBU LCP Land Use Plan Chapter 6 (Current through November 4, 2015):
  Finally, while the beach and ocean are important scenic elements, there are also mountain and canyon ***views as seen looking inland from the beach and ocean.***

- Monterey County LCP Land Use Plan, Chapter 7 Scenic and Visual Resources
  Commission permit experience elsewhere highlighted the issue of protecting views from the shoreline ***and offshore****, and found that Monterey County generally does not consider these vantage points, except from some beaches (Issue SR-4****: Views from Offshore).*** ***Recommendations for requiring consideration of these views where warranted are on pages 180-182 of Appendix A.*** *Retain No Co IP Section 20.144.030.B.2* ***as it pertains to views from public beaches.*** *Revise No Co IP Section 20.144.030.B.6* ***to add when viewed from "identified waters used for public purposes" as well.***

- **SCHNEIDER v. CALIFORNIA COASTAL COMMISSION (2008)**
  Found that views by occasional boaters on the Harmony coast are not protected. The Commission did not provide substantial evidence to support its findings.

- **McNAMEE v. CALIFORNIA COASTAL COMMISSION (2010)**
  In contrast, this a case in Orange County where the Court of Appeals had no problem with protecting views from a beach looking inland. This is a substantial evidence case that supported the Commission's decision to protect inland public views of the shoreline.

- **The California Legislature granted title to the Pacific Grove waterfront and submerged lands** out to a depth of 60 feet **for conservation and {public} recreational purposes** (Chapter 690, Statues of California, August 14, 1931) [Ord. 210 N.S. § 5-401(1), 1952]. The State later established these areas as Marine Refuges for public enjoyment and scientific and educational purposes; and an Area of Special Biological Significance. Visitors to these lands and waters above these lands enjoy their scenic quality.

September 20, 2016

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LCP Update: LCP POLICY for Protecting of Public Views from the Sea

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- **Federal Consistency Reviews:**

The Coastal Commission has unique authority to review federal activities that could affect coastal resources. These reviews involve evaluating federal activities to ensure that they are consistent with California's federally approved Coastal Management Program (CCMP). In these reviews, ***coastal views from the ocean have been considered scenic resources warranting protection pursuant to the CCMP.*** (Executive Director Memo to CCC Protecting Views from the Ocean Under the Coastal Act, 2004)

In conclusion, there is substantial evidence of the residents and visitors from around the world using the coastal waters of Monterey Bay and the Ocean at Pacific Grove on a regular basis for whale watching, fishing, surfing, kayaking and swimming, and underwater exploration, etc. In **Coastal Act Section 30001.5 (b)** the Legislature declared: *That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.* **And Section 30005 Local Government Powers** provides: *No provision of this division is a limitation on any of the following:*
(a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, ***not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use*** *or other activity which might adversely affect the resources of the coastal zone.*

Therefore, I request that the Pacific Grove Land Use Plan specifically provide for the protection of the scenic and visual qualities of the entire Pacific Grove shoreline, and its natural, historical and cultural resources as viewed to and along the shoreline; and from the public beaches, trails, bluffs and shoreline and ocean and bay vantage points, both looking to the sea and inland; including quasi-public vistas, such as from touring and fishing boats, or restaurants, etc.

Respectfully,

Tony Ciani

CC: Brian O'Neill, Coastal Planner, California Coastal Commission

TO: CITY OF PACIFIC GROVE - PLANNING COMMISSION
RE: AUGUST 25, 2016, ITEM 7a ATC DEVELOPMENT STU

Item 7a(ii)

FROM: TONY CIANI

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

(51) TOTAL SIGNATURES TO DATE

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We ask the City of Pacific Grove and the California Coastal Commission to adopt specific land use policies and development standards in order to protect the *existing* natural and historic resources and the overall quality of these scenic areas, as provided in the Coastal Act Sections 30251 and 30253 (e); and in order to reduce traffic congestion and protect public access and views to and along the shoreline, as provided in the Coastal Act Sections 30210-30214 and 30252.

Therefore, we specifically request that:

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- for the Hopkins Marine Station Open Space Institutional zone (U), the FAR **shall not exceed 0.25**, the building height **shall not exceed 25 feet, and a front setback of 20 feet shall be observed.**

Name:	Address/Zip Code:
Shayna Selby	206 19th. St. Pacific Grove, CA. 93950
Victor Selby Victor M. Selby	206 19th. St. Pacific Grove, Ca. 93950
Nellie Gage	113 20th St. Pacific Grove 93950
Glenn Gage	113 20th St Pacific Grove, CA 93950
Paul Hewell	115 20th St. Pacific Grove, CA 93950
Judith Cabral	124 CALEDONIA PACIFIC GROVE CA 93950
Jean Donnelly	759 Jewell Ave. Pacific Grove, Ca 93950
Carolyn Cantillo	811 Walnut St PG CA 93950
Beverley Hill	110 20TH St. Pacific Grove CA 93950
Tony Ciani	220 Walnut St., Pacific Grove, CA 93950

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Name:	Address/Zip Code:
Monique Charlebois	679 Parcel St Monterey CA 93940
Rose Henry	1155 Monarch Ln G2 Pacific Grove 93950
Todd Moore	679 Parcel St. Monterey CA 93940
W.E. Ziegenbein	35 Kylme Crest, Monterey Ca 93940
Constance Ziegenbein	3 Skyline Crest, Monterey CA 93940
Tolvin Peregrina	147 Evans Ave PG 93950
Madison Balestieri	147 Evans Ave PG 93950
Barbara Thomas	1024 EGAN AVE PG 93950
Georgia B Broth	1225 Funston Ave. PG 93950
Sally Moore	361 Spruce Ave PG 93950

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Name:	Address/Zip Code:
Margaret Daugherty	409- 12th Street, Pacific Grove, CA 93950
Cheryl Hutter Robertson	9925 Eddy Rd. Carmel CA 93923
Kate Spacker	9925 Eddy Rd Carmel CA 93923
[illegible]	243 Asilomar Blvd PG. 93950
Janet E. Cohen	243 Asilomar Blvd. P.G. 93950
Ida Barber	229 Asilomar Blvd PG 93950
Thomas A Barber	229 Asilomar Blvd PG 93950
[illegible]	227 Asilomar Blvd PG 93950
Annette B Corcoran	227 Asilomar Blvd PG 93950
David Gabriel	214 Asilomar Blvd PG. 93950

5

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Name:	Address/Zip Code:
Jennifer Bickat	119 Grand Ave 93950
Allen Davis	119 Grand Ave – 93950
Patsy Volpe P Volpe	126 Grand Ave 93950
Melvin Beechman	126 Grand Ave 93950
Kathy Travaill	1128 Piedmont Ave. 93950

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Name:	Address/Zip Code:
[illegible]	507 EVERGREEN 93950
Erin Shoemaker	920 lighthouse Apt B. 93950
Claudia Sawyer	432 Spruce Ave. 93950
[illegible]	432 SPRUCE AVE 93950
Bryce Hall	920 Lighthouse Apt B 93950

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Name:	Address/Zip Code:
Claudia Jennings	700 Briggs Ave #46 Pacific Grove
Demaris Olson	700 Briggs Ave #45 Pacific Grove
Janice Lokker	217 Walnut St. Pacific Grove

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Name:	Address/Zip Code:
Miriam Lilley	184 Lighthouse Ave, P.G. 93950
Keonan R. Lilley	184 Lighthouse Ave, P.G. 93950
Patricia A. Fletcher	6 Overlook Pl Monterey, CA 93940
Mary Simon	750 Belden Monterey CA 93940

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Name:	Address/Zip Code:
Eric Harmatz	960 E Paces Ferry Rd NE #334 Atlanta GA 30032
Anthony A. Ciani	220 Walnut St. Pacific Grove, 93950
Mariah Ciani	220 Walnut St. Pacific Grove, CA, 93950

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

We, the undersigned residents of, or visitors to, the **City of Pacific Grove** in California, believe that Pacific Grove's waterfront is a visitor destination of world-wide significance due to its natural and historical resources and the highly scenic quality of the shoreline setting. The two public gateways to the coast – Ocean View Boulevard at the north, and Sunset Drive at the south – are distinguished by their scenic natural and historic settings: the view of the Bay and Monterey Boatworks at Hopkins Marine Station, and the American Tin Cannery buildings (the historic American Can Company) on Ocean View Boulevard; and the low scale buildings, Monterey Pine forest, and Asilomar State Park at Sunset Drive. The unique character of these humble settings must be protected.

We ask the City of Pacific Grove and the California Coastal Commission to adopt specific land use policies and development standards in order to protect the *existing* natural and historic resources and the overall quality of these scenic areas, as provided in the Coastal Act Sections 30251 and 30253 (e); and in order to reduce traffic congestion and protect public access and views to and along the shoreline, as provided in the Coastal Act Sections 30210-30214 and 30252.

Therefore, we specifically request that:

- for the ATC Visitor Commercial zone (C-V-ATC), the floor area ratio (FAR) shall **not exceed the existing ratio of 2.0 times the land area for development above ground, including parking structures**, and the building height **shall not exceed the height of the existing structures (which are approximately a maximum height of 37 feet)**;
- for the Sunset Service Commercial zone (SSC), the **FAR shall not exceed the existing 1.3 ratio,** the building height shall **not exceed 25 feet, and a front setback of 15 feet shall be observed;**
- for the Beachcomber Inn Visitor Commercial-Accommodation zone (C-V-A), the **FAR shall not exceed the existing 0.5 ratio**, the building height shall **not exceed 25 feet, and a front yard setback of 15 feet shall be observed;**
- for the Hopkins Marine Station Open Space Institutional zone (U), the FAR **shall not exceed 0.25,** the building height **shall not exceed 25 feet, and a front setback of 20 feet shall be observed.**

Name:	Address/Zip Code:
Gail Griffin	PO Box 358 Pacific Grove CA 9395

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

W 3

MEMO

May 3, 2004

TO: **Commissioners and Interested Persons**

FROM: **Peter Douglas, Executive Director**

RE: **Protecting Views from the Ocean Under the Coastal Act**

INTRODUCTION: The Commission has asked for a summary review and discussion of actions protective of scenic coastal resources and specifically the protection of views from the ocean to the land. The protection of scenic values along the California coast, together with public access, is a principal driver underlying continuing strong public support for effective coastal management.[1] The premiere objective of the California Coastal Plan called for in the California Coastal Zone Conservation Act of 1972 (Proposition 20 – a citizen's initiative) was: *The maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values."*[2] The "coastal zone" was defined in the initiative as extended from three miles at sea inland to a specifically delineated boundary.

The California Coastal Act of 1976 made permanent the Coastal Commission and established the conservation and use policies guiding planning and regulation of land and water areas in the new coastal zone established by that law. Specifically, relative to the protection of scenic values, the Act provides that:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views* <u>*to and along the ocean and scenic coastal areas,*</u> [emphasis added] *to minimize the alteration of natural land forms, to be visually*

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[1] See Public Policy Institute of California Statewide Survey: Special Survey of Californians and the Environment, November 2003 (this survey focused on public attitudes toward and support for coastal protection)

[2] Section 27302 (a) Public Resources Code (repealed January 1, 1977 and replaced by the Coastal Act).

> *compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....*[3]

Section 30009 PRC requires that *"[The Coastal Act] shall be liberally construed to accomplish its purposes and objectives."*

The Coastal Commission has implemented scenic resource protection policies primarily by focusing on land-based scenic views from public parks, trails, roads and vista points. Over the years however, and in recognition of changing recreational use patterns and input from the boating community, the Commission began calling for protection of landscape views from state ocean waters (3 miles) in rural areas of the coast that are essentially devoid of development as well as other areas having unique landforms even in built environments. This position takes into account the fact that boating is and will continue to be an increasingly important form of coastal recreation that is also called out for protection in the Coastal Act. (See section 30224 PRC.) The conceptual basis for this position is quite simple: Like scenic vistas from upland public places, the enjoyment of uncluttered views from the ocean to and along California's magnificent coastline is a public resource and aesthetic value of importance to substantial numbers of current and future coastal users. It is an important public interest – a coastal resource worthy of protection.

Protecting views from the ocean: While the primary focus of the Commission's application of the scenic resource protection policies of the Coastal Act has been from the edge of the sea along the coast and inland, as well as other vistas in the coastal zone, views from the ocean to the land have also been taken into account. Viewsheds include views from a particular place on land to and along the ocean and scenic coastal areas as well as from the ocean toward the land and along scenic coastal areas. Generally, viewsheds from the ocean toward land that have been considered important enough to warrant protection through siting, design, landscaping and other measures have most often included geographic reaches of coast that are rural in character and relatively unaltered by human activity. However, in some unique situations scenic values as enjoyed from coastal waters have also been taken into consideration and protected in urban areas such as Marina Del Rey and Point Loma in San Diego.

The protection of scenic values in unique geographic places on the planet is receiving increased attention from government as population grows and tourism becomes a greater part of national and local economies. Because increasing numbers of people enjoy scenic vistas from places on or in the water (i.e., coastal ocean waters, seas, lakes, rivers, great ponds, estuaries, etc.), protecting such public values and resources has become a recognized and legitimate land and water use planning and regulation objective. A recent court decision upholding rules designed to protect views from the waters of lake Tahoe

[3] Section 30251 PRC.

illustrates the recognition of the importance of such vistas as scenic resources worthy of protection.[4] Another example is the state of Maine, which last year amended its coastal management program to include specific scenic resource protection policies including protection of views from bodies of water toward land.[5]

Recreational boating and other recreational water uses (i.e., paddle sports, surfing, diving) along the California coast are becoming more popular as population increases and interest in and opportunities for such outdoor recreation correspondingly increase. Sailing, motor boating, sea kayaking and sport fishing all involve uses of the coastline where the quality of the recreational experience is affected by aesthetics involving the nature and character of views from the water toward the land. (This summary report is not intended to explore the intangible elements of scenic values and the human psyche important to the perception of aesthetic quality of coastal recreational experiences.) Given the way the Coastal Act has been implemented over time, planning and regulatory decisions relative to the protection of coastal scenic resources are made on a case-by-case basis. This approach allows the Commission and local governments carrying out local coastal programs to be adaptive as public needs, information and circumstances change. This flexibility is a hallmark of California's coastal management program. Additionally, if the Commission adopts a categorical or mandatory policy of general application on the subject it would need to go through the rule-making process and review by the Office of Administrative Law resulting in the adoption of inflexible regulations.

Examples of prior actions:

Los Angeles County LCP for Santa Catalina Island (1983): This LCP, approved twenty years ago, contains several policies specifically calling for the protection of views from the water toward the land. (LUP certified in 1983. LCP ordinances certified with modifications in 1989.)

CDP 6-94-159: City of San Diego, Metropolitan Wastewater Department. This project was for the construction of a new 7,030 square foot pump station. Potential adverse scenic impacts for boaters using offshore waters were addressed through landscaping and design conditions.

CDP 6-95-103: City of San Diego, Metropolitan Wastewater Department. The project included a new control building, digester tanks, holding tank, retaining walls, and landscape berming. Because the project would impact offshore views, special conditions relating to landscaping and color treatment were imposed by the Commission.

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[4] *The Committee for Reasonable Regulation of Lake Tahoe v. Tahoe Regional Planning Agency*, U.S. District Court for Nevada (March 29, 2004).

[5] See Attachment A

Marina del Rey Land Use Plan (County of Los Angeles, February 8, 1996**):** In approving this land use plan portion of the County's LCP, the following policy was adopted:

> ***Main Channel View Corridor.*** *To preserve views of the Santa Monica and San Gabriel Mountains* *from the main channel,* [emphasis added] *no structure over 40 feet in height shall be constructed on the eastern-most 300 feet of parcel 125, or on parcels 129, 130, 131, and the panhandle portion of parcel 132, or along Admiralty Park (parcels RR and SS).)*

CDP 6-96-45: City of San Diego, Metropolitan Wastewater Department. This project involved construction of shoreline protection (rock revetment), bluff-face stabilization work, and new parking facilities. Offshore visual impacts were addressed through project design features and special conditions.

CDP Appeal: A-2-Mar-02-024 (Hansen and Brubaker). Although the project was withdrawn after the Commission's staff report was published and the Commission never had the opportunity to act on this appeal, a major issue in the staff report dealt with the adverse visual impacts the project would have on views both from nearby public parklands as well as from the waters of Tomales Bay. Public opposition also focused on these impacts, as did that of the National Park Service and State Parks.

The proposed project was for a one story, 23-foot high, 3,113-square-foot single family residence, 336-square-foot detached guest house, 937-square-foot detached garage and a garden storage building and 26.5-foot high, 1,920-square-foot detached barn/equipment storage building on a 207 acre parcel. The Commission received two appeals of the County's approval of the proposed development contending, among other issues, that the approved development is inconsistent with local coastal plan visual resource protection policies because it is sited in a visually prominent location on the parcel, is not compatible with the character of the surrounding natural environment, and obstructs significant views as seen from public viewing places, including the waters of Tomales Bay. The staff recommended denial because of the project's adverse impacts on scenic resources and recommended that the project be redesigned and the structures resited in a less visually prominent location of the property. After the staff report was published, the applicant dropped the project.

CDP Appeal: A-3-SLO-99-014 and A-3-SLO-99-032 (Morro Bay Limited, a.k.a. Sea-West Ranch). This project involved lot reconfiguration and the development of 8 large residential structures on 746 acres of agricultural land on the rural relatively undeveloped Harmony coast in San Lois Obispo County. (See description relative to the Schneider appeal below.) The Commission approved the project, requiring resiting and

redesign to protect scenic resources, including views from state waters (from shoreline to 3 miles offshore). The adopted summary findings supporting the Commission's action included the following:

> *All future development will need to comply with siting and design criteria to protect views from public viewing areas, including state waters. Specifically, development must be designed to blend in with and be subordinate to the natural landscape, including limiting height and vertical features above ridgelines; using earthtones and non-reflective materials; and limiting exterior lighting (see Condition 3i for more detail).*

CDP Appeal: A-3-SLO-00-040 (Schneider). The proposed project application on 40.6 acres of the seaward facing coastal terrace of the rural Harmony coast was for a 10,000 square foot single-family residence, a 2,500 square foot barn and improvement of a 1.25 mile access road. The adopted report describes the area and issue relative to scenic resource protection as follows:

> *...The Harmony coastline is characterized by wind swept hills and wide coastal terraces dropping off dramatically to the rocky shores of the Pacific Ocean below. Because the surrounding Harmony coast area is substantially undeveloped rural open space, any development in this area poses the potential for adverse impacts in terms of protecting the areas valuable scenic qualities.*
>
> *There is no question that the current development proposal would significantly impact the scenic quality of the rural Harmony coast. ...[T]he proposed development would be located on the flat undeveloped marine terrace typical of this stretch of coastline. The potential for similar proposals immediately to the north and south of the project site raises concerns about the cumulative impacts of development and its associated landscaping and landform alteration on the coastal terrace. The limited developments that can be seen in this general area (Abalone Farm and Williams residence) provide evidence of the visual impacts that can result from inappropriately designed development in this sensitive area. Moreover, given the scenic nature of this stretch of coast, it is that much more important to limit any additional development that would break up the expansive views of the grassy marine terraces and coastal hills and incrementally degrade the rural agrarian character of the Harmony coast. Thus, the greatest possible effort must be made to safeguard this area from the intrusion of unsightly new development.*
>
> *The project poses adverse impacts to visual and scenic resources through development of a 1.25-mile access road, a 2,500 square foot barn, and 10,000 square foot residence on the undeveloped coastal terrace and hillsides of the Harmony coast. These developments are visible, depending on the viewpoint, from public viewing areas. The access road is visible from Highway One,*

offshore areas, [emphasis added] and from other inland vantage points. The large residence and barn are visible from coastal waters [emphasis added] and inland vantage points upcoast from the project site, particularly the 746-acre SeaWest Ranch recently purchased by the American Land Conservancy for resource conservation and public open space.

Policy 2 for Visual and Scenic Resources addresses site selection for new development. The policy serves to protect the unique qualities of scenic areas and prohibits the siting of development, where possible, in areas visible from public view corridors. In addition to the scenic views from Highway One and other inland areas, Policy 2 protects views from near-shore waters. In other words, the views of fishers, boaters, kayakers, surfers, et cetera who may be present at different times in the water should also be considered. [emphasis added] Because of the sheer cliff edge and the relatively flat marine terrace, the proposed development (i.e. residence, lounge, barn, access road improvements, water tanks, etc.) would be highly visible, particularly from near-shore waters. [emphasis added] The windswept ridges and flat marine terrace area is covered with dry grasslands and some maritime chaparral at higher elevations, limiting the amount of natural screening available to shield the development from public view ....

As described, the project also includes improvements to a dirt jeep trail that traverses three other parcels extending from Highway One over the coastal range to the marine terrace site. The road generally follows the route of the existing dirt jeep trail, however a portion of it deviates from the route in high hazard and sensitive resource areas. The County approval includes a variance because the access road will require grading on slopes greater than 30 percent. The existing dirt jeep trail in this area would be widened and paved, as CDF requires roads to be paved that have a slope greater than 12%. Travelers in both directions on Highway One will see the paved road as it ascends the inland side of the coastal range to the top of the ridgeline. As evidenced in visual simulations, the large cutslopes necessary to support a road on the steep hillside will also be highly visible from the ocean. [emphasis added]. ...

Following concerns raised by the Commission with respect to site selection, a series of visual resource studies were conducted to evaluate the project impacts of the residence and barn on public view corridors.[6] A number of alternative building sites were evaluated on both the ridgetop and the marine terrace. A variety of different public viewpoints were evaluated. At all ridgetop locations evaluated, the residence and barn silhouetted against the skyline in clear view from major public viewing areas, particularly along Highway One. Based on the visual simulations, it was concluded that the marine terrace portion of the

[6] Visual Analysis (Cannon Associates, October 2000 and May 2003) and (Sheppard Mulllin, August 2002).

property was the least visible portion of the property. Thus, in terms of site selection, the Commission can concur that the location of the homesite on the general marine terrace area is preferred.

However, as required by Policy 4 for Visual and Scenic Resources, "new development shall be sited to minimize its visibility from public view corridors" and the structures in that area "shall be designed to be subordinate to, and blend with, the rural character of the area." In addition, Policy 1 for Visual and Scenic Resources requires that the scenic rural landscape of the Harmony coast be preserved and protected. Policy 4 also allows for the use of native vegetative screening to shield development so long as it does not obstruct major public views, but only after all efforts have been exhausted to site the development outside of public view corridors (including views from offshore). ... [emphasis added]

There is no question that Visual and Scenic Resource Policy 4 of the LCP sets a high standard for protection of the extreme sensitivity of the Harmony Coast. The controlling objective of Policy 4 is to design new structures as to be subordinate to and blend with the rural character of the landscape. There are at least two general themes to test for consistency in this case: 1) compatibility with the surrounding built environment, namely the immediately surrounding large agricultural parcels with farm buildings and individual residences; and 2) compatibility with the overall open space environs of the larger Harmony coast area.

Consistency with the character of the built environment can be evaluated primarily on architectural style and overall mass/scale. In terms of architectural style, although it might be argued that the modern residential style of the Schneider project is quite architecturally interesting, it could not be said to be similar to the existing character of development in the area. The Schneider project has angular corners, large paned glass windows, an indoor swimming pool, spiral stairs leading to rooftop viewing areas, and pyramid like skylights that would be unlike any other farm buildings or residences in the immediate area. Moreover, the proposed Schneider house would be substantially larger; at least twice or three times the square footage of the largest neighboring home. As such, its large overall square footage raises an issue in terms of compatibility with the surrounding built environment. In fact, the proposed structure would be one of the largest, if not the largest, residence on the entire San Luis Obispo County coastline.

In terms of compatibility with the larger rural agricultural Harmony coast, such large residential development is distinctly counter to the character of this greater area. While a limited number of residences have been developed on the terrace well to the north of this area, this particular stretch of the Harmony coast

surrounding China Harbor and Point Estero is largely undeveloped. From offshore, the downcoast commercial abalone farm is clearly visible. As shown in the applicant's visual resource analysis, a mix of machinery, discharge pipes, growing pens, outbuildings, equipment and roads visually mar the marine terrace area to the detriment of the rural coastal aesthetic (See Exhibit 4). The presence of this unsightly development provides a reference point for understanding how the construction of buildings along the Harmony blufftop can change the rural open space character of this stretch of coastline.

In order to find the project consistent with the LCP's visual and scenic resource protection policies, the project must be modified. Every reasonable effort must be made to assure that new development in this area is truly subordinate to, and blends with the rural landscape. In light of the extreme visual sensitivity of the Harmony coast, the Commission finds that the residence must be relocated and reduced in size and scale to meet the high standards of the LCP (see Special Condition 2).

Special Condition 2 will help address multiple issues at once. First, it will reduce the length of the improved access road/driveway by around 1,100 feet, thereby minimizing the amount of cut and fill on the visible hillside.... Second, it will reduce the amount of ground disturbance by at least 20,000 square feet. Third, it will reduce the scale and mass of the residential structure to that more nearly approximating an agricultural residence. Fourth, eliminating the barn (which serves no agricultural function) from the project will help reduce the visual impacts of multiple structures loosely arranged along the marine terrace. Finally, Special Condition 2 limits the height of the residence to a maximum of 12 feet as measured from average natural grade to reduce the visible profile of the residence. Building materials must be non-reflective and use only earth-toned colors. No exterior lighting is allowed other than the minimum mount necessary for pedestrian and vehicular safety.

The LCP requires that landform alteration be minimized; however, it does allow such alteration if done in a way to blend with adjacent natural terrain (Visual Policy 5). Siting and design options that rely on natural looking berms, rather than vegetative screening alone best meet the intent of the LCP Visual Resource policies for this particular portion of the Harmony coast. Thus, Special Condition 2(f) requires the Applicant to install a low berm (ranging from two to three feet in height) directly adjacent to the residence. The berm shall be vegetated with low stature native grasses and forbs to mimic the surrounding landscape. This requirement, combined with the reduction in structural height, will reduce the visibility of the residence within the viewshed to roughly 10 feet above the top of the berm.

As proposed, the project does not meet the visual and scenic resource protection standards of the LCP because additional measures can be taken to make the development subordinate to, and blend with, the rural character of the area. The conditions of approval bring the proposed project into compliance with these LCP policies and recognize the need to protect the rural open space landscape of the Harmony coast....

Periodic Review of Monterey County's LCP (Big Sur) (March 2004): The Coastal Act requires periodic review by the Commission of previously certified LCPs to ensure they are being carried out in a manner consistent with contemporary public needs taking into account changed circumstances and new information. Notwithstanding requirements of law, due to lack of resources and the absence of meaningful measures in the Coastal Act to ensure implementation of recommended changes to an LCP that derives from such review, the Commission has only undertaken five periodic reviews (dozens are past due for review). Although the staff completed a preliminary review of Monterey County's LCP, this review has not been acted on by the Commission. The staff report, presented to the Commission at its March meeting in Monterey, generated considerable public testimony – much of it focused on the recommended policy modifications calling for the protection of scenic resources viewed from the ocean.

The following is a summary of the staff's report and recommendation relative to the Monterey County local coastal program. Ocean views are discussed under the section entitled "Other Visual Resource Issues"[7]:

Commission experience with County permitting also indicated that while the County does consider views from some beaches (those in North County and throughout Big Sur Coast), it generally has not considered views from vantage points located along the shoreline or offshore. Recommendations have thus been made for requiring consideration of these views where warranted.

Recommendation about views from offshore areas are excerpted from Appendix A, part 2 (see Appendix A for specific Land Use Plan and Implementation Program recommended changes):

ISSUE SR-4: Views from Offshore -Ensure that important views from the beach and ocean are protected.

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[7] For more information on protecting the Big Sur Critical Viewshed, see pages 29-30; also see Chapter 7 in Draft Findings staff report of 11.26.03 for background info. All documents regarding Periodic Review can be found on the Commission's website at: http://www.coastal.ca.gov/recap/rctop.html

Summary Comment: The current Local Coastal Program has many viewshed protection policies. However, they do not specifically identify the ocean waters as vantage points in applying these policies. Only North County and Big Sur and to some extent Carmel identify beaches as vantage points. Thus, there could be some development approved that would be intrusive to beach goers or ocean users.

Recommendation Summary: Adopt policy to protect views from the beach and ocean.

Federal Consistency Reviews: The Commission has unique authority to review federal activities that could affect coastal resources. These reviews involve evaluating federal activities to ensure that they are consistent with California's federally approved Coastal Management Program (CCMP).[8] In these reviews, coastal views from the ocean have been considered scenic resources warranting protection pursuant to the CCMP. Summarized below are five cases (this is not an exhaustive listing) in which the Commission considered potential adverse impacts on views from ocean waters.[9]

CD-31-03, Army Corps, East Cliff Drive, Santa Cruz:

The proposed project by the ACOE involves installation of a large shoreline protective structure, removal of the abandoned restroom, covering the existing bluff (and the cribwalls) with sculpted concrete, and removal of the rubble and rip-rap strewn across the beach. Although this will help improve the viewshed in part (e.g., removal of rip-rap and rubble), and although the project would be made to mimic natural bluffs, it would still introduce a concrete and artificial structure into the significant public recreational viewshed, replacing the natural landform with an artificial one. Public views from the beach, from offshore, and from East Cliff Drive would be negatively affected....

...This bi-level path modification would accomplish several coastal resource objectives. First, the railing's prominence in the beach and offshore viewshed would be reduced because it would be seen against the backdrop of the grade separation and vegetation that would be located between the two components of the recreational trails. Second, the view of the ocean from the paved recreational trail as well as from East Cliff Drive itself would be enhanced because the railing would be lowered out of it, thus reducing view blockage and clutter. Third, the overall extent of seawall would be reduced by 3 feet along the top of the seawall – eliminating 3,300 square feet artificial concrete "bluff" from the overall viewshed

[8] The enforceable policies of the California Coastal Act constitute the applicable CCMP policies.

[9] CD-31-03, Army Corps, East Cliff Drive, Santa Cruz; CD-25-01, Navy tower, Point Loma; CD-74-00, Army Corps Breakwater, Palos Verdes; CC-42-94, Air Force/ Western Commercial Space Center, Vandenberg Air Force Base; CD-19-93, Air Force, Hardware Storage Facility, Vandenberg Air Force Base

beach and offshore viewshed, and reducing its impact. Fourth, the grade separated pathway would provide better user separation to help avoid conflicts between faster moving wheeled users (in the paved portion above) and slower moving pedestrians (in the lower portion below). Fifth, the grade separation would provide a more interesting character and aesthetic (than would a relatively flat Parkway area) that would be more in keeping with the Pleasure Point's community character. And finally, there appears to be adequate blufftop space available to accomplish such a design change in the project area.

CD-25-01 Navy tower, Point Loma: Naval Base Point Loma, near Cabrillo National Monument, southern end of Point Loma peninsula, San Diego - Construction of 100 ft. high steel communications tower to support combat system testing and training:

The project site is a federally-owned, previously-disturbed site which has been used for various military purposes since World War II. However, being located near a heavily used visitor center and historic lighthouse ("Old Lighthouse") at the Cabrillo National Monument, and on a high promontory overlooking the Pacific Ocean and San Diego Bay, it is a highly scenic site. The National Park Service describes the views from the nearby Cabrillo National Monument as "commanding," stating in its General Management Plan:

> *From its 420 foot elevation, the monument offers a commanding view of San Diego and its bay and adjacent cities to the north, east, and south; Mexico to the far south; and the Pacific Ocean to the west.*

The National Park Service has expended considerable efforts to redesign its facilities to improve the aesthetics in the project area and increase the scenic qualities of the public views available at the Monument (see ND-46-00). The project site is located 1672 ft. (0.3 mi.) south of the historic, publicly accessible Old Lighthouse, at a ground level elevation just over 100 ft. lower than the lighthouse. Nevertheless, due to the 100 ft. height of the tower, and the topography of the area, the project would be visible from the lighthouse, as well as a number of other publicly accessible locations, including the road down the western slopes to the tidepools, the nearby Whale Overlook (located south of Old Lighthouse), the southernmost portions of the hiking trail leading from Old Lighthouse down the eastern slopes of the end of the Point Loma peninsula (Humphrey Rd./Sylvester Rd.), and from the Pacific Ocean and San Diego Bay on three sides of the Point Loma promontory (i.e., from coastal waters to the west, south, and east). [emphasis added] In essence, the same Navy needs for unobstructed lines of communications between the tower and ships at sea are the reasons for its visibility from a large number of surrounding locations. Thus, particular care needs to be taken to site and minimize the tower's impact on scenic public coastal views.

CD-74-00 Army Corps Breakwater, Palos Verdes:

> *Offshore of Portuguese Bend cove, Palos Verdes Peninsula, City of Rancho Palos Verdes. The shoreline around the Palos Verdes Peninsula is a highly scenic area. It consists of rolling hills with dramatic cliffs and bluffs at the shoreline. The visual character of the area is appreciated from both public areas on land and boats viewing the area from offshore. [emphasis added] The proposed project would add a major human development in the offshore area. The proposed dike would be approximately a half-mile long and 24 feet above mean lower low water and very visible from upland and offshore areas. [emphasis added] Since the bluffs and beaches in this area are relatively undeveloped, this massive dike would not be subordinate to the natural coastal character of the area.*
>
> *In its EIS, the Corps concludes that the project's visual impacts are not significant because of the offshore turbidity and scarred nature of the bluffs caused by the landslide. The Commission disagrees with this conclusion.*

CC-42-94, Air Force/ Western Commercial Space Center, Vandenberg Air Force Base: The project consisted of construction and operation of a commercial spaceport within and adjacent to the existing launch facility, SLC-6:

> *The project will be visible from offshore areas,* [emphasis added] *but since the project will be located adjacent to an existing much larger launch facility, the project is consistent with character of the surrounding area. Therefore, the Commission finds that the proposed launch facility is consistent with the visual resource policies of the CCMP.*

CD-19-93, Air Force, Hardware Storage Facility, Vandenberg Air Force Base:

> *The project may be visible from offshore areas. [emphasis added] However, the site is already visually degraded because it has been previously disturbed and it is used to store equipment and material. Additionally, this area of the base is developed with several launch and launch support facilities. The proposed development is consistent with the existing development in the vicinity. Therefore, the Commission finds that the project is consistent with the visual resource policy of the CCMP.*

Conclusion: The examples summarized above do not include all actions by the Commission and staff pursuant to the Coastal Act that are protective of scenic coastal resources relative to the protection of views from coastal waters. Nor do they include

actions taken by local government pursuant to their LCP protective of views from the ocean. The point is that the Commission has a history of expressing concern for and being proactive in protecting scenic resources that involve views from coastal waters.

Coastal recreation comes in many forms, as do uses of coastal waters. The Commission is well aware that ocean recreational uses are increasing as population grows and the technology relating to water sports equipment advances (e.g., paddlecraft, wet suits, wind surfing, kite surfing, surfing) as more people turn to the ocean for water oriented recreational activities. The Commission has long been pro-active in promoting sailing and boating opportunities for people who cannot afford their own boats through community sailing and boating programs for all ages.[10] This policy is consistent with Coastal Act provisions calling for the protection and expansion of lower cost recreational opportunities.

Like hikers and other landside visitors to the coast, people who come down to the seashore to be on the water are a community of users whose enjoyment of the coast for recreation, to find solace and inspiration, or to be with wild nature is also deserving of careful stewardship. While the quality of a sojourn at land's edge, whether on land or sea, is subjective and immeasurable, it marks the spirit and is integral to how people value their experience. Protecting special seascapes by minimizing the intrusion of human works, particularly along rugged reaches of rural coast, is a powerful objective of worth and value to current and future generations.

Attachment A: State of Maine Scenic Protection Policies

[10] Earlier this year at the national convention of the United States Sailing Association, the Commission received a special award for "preserving California's coastline, providing public access to the waterways, developing marine environmental education, and supporting community sailing."

Rejection of the Murphy-Aeschliman amendments

Inbox x

John Pearse 9:50 AM (1 hour ago)

08/26/16

to me, Donald, Robin, Lisa, Anthony, Vicki, Ed, robert, Bill, Brian.O'Neill

Dear Anastazia,

I was very disappointed by your rejection of the corrections and additions made to the Land Use Plan that was presented to the Planning Commission last night. That is especially so after you so readily accepted earlier suggestions from the public to what was a very weak and incomplete document. It is difficult for me to understand what changed your approach when you were on the verge of having a document you could be truly proud of producing.

I have just reviewed all the comments in the Murphy-Aeschliman amendments to the Land Use Plan, and do not find a single controversial or questionable item. Some (very few) might be described as wordsmithing. but most are simple improvements and clarifications. Most are clarifications and additions so that readers (including future planners) will have a better appreciation of our coastal resources as they are today. It seems to me that such appreciation is essential for making sensitive and sound policy. Wouldn't that be something you would have wanted when you started with the boiler-plate, aborted 1989 Land Use Plan?

I am very fond of Pacific Grove and its magnificent shoreline. It seems to me that our shoreline should be fully highlighted in the Land Use Plan, which may be the go-to document not only for policy decisions, but also for the public as a summary of what we have here in Pacific Grove. Consequently, I will make an effort to have the City Council and the Coastal Commission consider incorporating the suggestions in the Murphy-Aeschliman amendments that was rejected by the Planning Commission last night.

Sincerely,

John

August 25, 2016

To: Pacific Grove Planning Commission

From: Lisa Ciani

Re: August 25, 2016 meeting, Agenda item 7.a, LCP – LUP proposed amendments

The staff report suggests that there is some question about the expertise of the members of the group of local experts who worked with commissioners Murphy and Aeschliman, so I am providing some background information on the participants in, and consultants to, the working group:

PARTICIPANTS:

John Pearse provided much of the language dealing with marine biology, the LiMPETS program, and Hopkins Marine Station property. He was a Stanford University graduate student and teaching assistant at Hopkins Marine Station in 1959-64, when he took courses and taught about marine biology on the Monterey Peninsula. After teaching and doing research at the American University in Cairo, Egypt and the California Institute of Technology, he returned to Hopkins Marine Station in 1968 and again in 1971 to teach courses in marine biology and kelp forest ecology. He joined the faculty of the University of California, Santa Cruz in 1971 where he remained until retiring and moving back to Pacific Grove in 2003. He taught courses in invertebrate biology, intertidal biology, and kelp forest ecology, and mentored 17 doctoral students, 25 masters students, and over a hundred senior theses. He is recognized as an expert in marine invertebrate reproduction, intertidal biology, and kelp forest ecology, published over 140 scientific papers, and is a Fellow of both the American Association for the Advancement of Science and the California Academy of Sciences. He served as president of the Western Society of Naturalists, the International Society of Invertebrate Reproduction, the Society of Integrative and Comparative Biology, and the California Academy of Sciences. Currently he serves on the Board of the Friends of Hopkins Marine Station and is the chair of the City of Pacific Grove's Museum Board. (Full CV available upon request.)

Vicki Pearse provided language about marine biology and Black Oystercatchers, as well as editing. She has a Ph.D. in marine biological sciences from Stanford University, and her accomplishments include: Fellow of the California Academy of Sciences, Lifetime Achievement Award of the Western Society of Naturalists (jointly with J.S. Pearse), former President of the American Microscopical Society, founder and editor of an international scientific research journal, author and editor of books and more than 75 published research papers or research presentations at national and international scientific meetings.

Lisa Ciani did much of the typing and formatting, as well as editing, and wrote the geology paragraph from notes taken from Dr. Clifton's class and interviews. Ms. Ciani had 30 years of experience teaching in public schools, after receiving a B.A. from UC San Diego in history and a teaching credential from US International University in San Diego. She is a year-round monitor for the California Central Coast Black Oystercatcher Project; was a San Diego observer in Point Reyes Bird Observatory's (PRBO) monthly Snowy Plover surveys from 1980-1991, and since then has reported banded snowy plovers, most recently at Asilomar State Beach in 2012. (Note: PRBO changed their name to Point Blue Conservation Science in mid-2013.) She has also written historical reports for two National Register of Historic Places nominations in San Diego and La Jolla in 1975 and 1978.

CONSULTANTS:

Ed Clifton provided much of the geology language by way of a class at Pt. Lobos State Natural Reserve and personal interviews, including a walk together with John Pearse and the Ciani's on the PG coast in the area of Esplanade Park, and he reviewed the geology paragraph for accuracy. Dr. Clifton is a nationally prominent coastal geologist, a PG Museum Foundation Director, and also an exceptional educator. He is described on the Museum's website:

Home: Monterey
Degrees: Ph.D. Geology, The Johns Hopkins University; Bachelor of Science with High Distinction in Geology, Ohio State University
Business Background: Geologist, U.S. Geological Survey (1963-1991), Chief, USGS Pacific Branch of Marine Geology (1978-1981); Aquanaut, Man-in-Sea Projects Tektite 1 and 2 (1969, 1970); Adjunct Professor, Department of Geology, Stanford University (1982-1991); Senior Research Fellow, Conoco, Inc. (1991-1999). Fellow: American Association for the Advancement of Science, Geological Society of America. Past National President, Honorary Member and Francis Pettijohn Medalist: The Society for Sedimentary Geology (SEPM).

Anthony (Tony) Ciani researched local coastal programs to provide guidance regarding Coastal Act provisions and the common methodology used in the various sections of the LUP that pertain to marine resources. Mr. Ciani has 35 years of experience as a licensed architect in California and worked on planning and conservation projects under federal, state and local grants to evaluate the natural and man made environment and prepare land use planning programs. Commencing in 1972, he has worked with public agencies, citizen groups, institutions and private clients to design and prepare master plans and construction drawings, and conduct environmental monitoring programs. (Full resume provided upon request.)

August 25, 2016

To: Pacific Grove Planning Commission

From: Lisa Ciani

Re: Transcription of July 7, 2016 Planning Commission discussion calling for LCP language to protect tidelands habitat and tide pools

The Planning Commission discussion that took place at the July 7, 2016 meeting regarding the language needed to provide sufficient protection in Pacific Grove's LCP for the tide pools and tidelands habitats involved Commissioners Don Murphy (DM), Bill Fredrickson (BF), Jeanne Byrne (JB), and Robin Aeschliman (RA), and planning staff Mark Brodeur (MB). The discussion is transcribed below, editing out minor off-topic comments (re: harbor seal ordinance and City Manager's "coastal plan"). There is a remarkable contrast between this discussion and the July 28 and August 25 agenda reports and staff recommendations regarding this item.

DM: (Page 44, section 23.90.230) [Ed. note: The items in part (a) are taken from PGMC Title 14, Chapter 14.04, Marine Refuge.] This is the section where we do try to protect tide pools and I just want to make sure that we're all satisfied that we're doing enough to protect them. And again the items under (a), again the goal there is to protect the habitats and I'm not maybe creative enough to think of all the threats there may be, but I just want us all to take a look and make sure we're satisfied that we're sufficiently protecting them. And I think as a practical matter, we're considering the Asilomar dunes as our environmentally sensitive habitat, and they certainly are, but the tide pools certainly call for thorough protections.

....

MB: Don, let me ask you this, you hinted at something I don't want to let go of just yet, and you said you're concerned about the tidelands, and as you said, we don't issue Coastal Development Permits [CDP's] in the tidelands, but I think by having some language in here that would give direction to who does give CDP's, i.e. the Coastal Commission, some direction from the City of Pacific Grove on how we feel about our tidelands might be appropriate. Now I'm not going to sit here tonight to try to craft those, but if you could come or a couple of you could come at the next meeting with some of the things that we'd like to direct...

....

DM: And whether it's actually more suitable for the LUP or the IP, I'm not certain the way you've described it.

MB: I think the way I'm describing it might be more appropriate in the LUP. And it doesn't have to be extensive and it doesn't have to be exhaustive, but we all do care about our

tidelands, we all do care about our tide pools. So what would we say to the Coastal Commission in their endeavors, in granting any types of permits? What would we say are our goals for them to follow, you know, sort of turn the tables on them a little bit here. I'm not sure I have that language in my head tonight. I'm sure you don't either. But this is an opportunity to do that if you felt strongly enough about that. I'm just suggesting that to you.

DM: And I'd be happy to tackle some draft language.

JB: So you're talking about something more extensive than what's listed here...

DM: Well partly I started with a question, Do you think this is enough?

JB: I'm not sure what you're protecting other than preventing people from taking sea life off the beach and....

BF: You want to be able to give people access to the tide pools. Like we'd probably like to get more people looking at them.

RA: We've also been given some good language that we could review from qualified members of the public regarding tide pools. We could look at that.

BF: Yes. But do you want to come up with some language addressing your concerns?

DM: Yes. And as Robin suggested, I'll take advantage of some of our knowledgeable people in the public who live here.

BF: OK. Sure.

JB: And maybe come back with something on, it's really #2 and #3.

DM: Or maybe I would leave this as it is and come up with more general language in the LUP that does signal the Coastal Commission, Hey, we care about the tideland, our tide pools...

JB: Or maybe it's simply a policy in there that says that the City intends to...

DM: and this would be the implementing language for that policy.

JB: right, intends to address the tide pools and protect them.

DM: Um-hm.

BF: All right.

LCP changes submitted by commissioner Murphy (Form submission from: Contact the Planning Commission)

Inbox x

Julie Wooten via City of Pacific Grove Website 7:47 PM (13 hours ago)

08/25/16

to me

Name: Julie Wooten
Email: juliewooten@yahoo.com

Message:
I wanted to send a note voicing my support of the proposed changes to the LCP submitted by Commissioner Murphy and Aeschliman adding protective language regarding Pacific Grove's shoreline. The tidepools, bluffs, and kelp forests are incredibly unique, beautiful, and full of life, and are the reason I live in Pacific Grove. My children (twins, aged 9) and I explore and photograph these areas regularly (and carefully). We need to have safe enjoyment of our resources while protecting them. Thank you,
Julie Wooten

John Pearse 12:33 PM (3 hours ago)

to Donald, Robin, me, Mark, Brian.O'Neill, Kevin.Kahn, dan.carl, susan.craig, Robert

08/24/16

Dear Anastazia,

I have been trying to understand what is happening with the Land Use Plan to be considered by the Planning Commission tomorrow. In the Agenda Report you sent to the Commission now on the City's website it is recommended that "As directed by the Planning Commission, include proposed narrative changes limited to description of the tide pools in Section 2.2.1 Background of the Land Use Plan. Exclude all other proposed." From the following discussion, I gather that the "all other proposed" were in the document I helped Commissioners Murphy and Aeschliman prepare for the July 28 meeting, which was continued to tomorrow's meeting. When did the Planning Commission direct exclusion of all other proposed changes except for the change in Section 2.1, Coastal Hazards, HAZ-13 (which I was pleased to see)?

I understand the time and financial limitations of the staff. However, the proposed changes that Commissioners Murphy and Aeschliman provided the Commission largely simply filled out omissions and corrected errors in the document. By omissions I mean ignoring much about the magnificent physical and biological aspects of the City's shoreline. I would think a document like this should highlight those features so that future readers, including commissioners and staff who undergo frequent turnover, can more quickly understand them. Moreover, they more clearly underline potential threats to the coastal zone than is in the present document.

By errors, I am particularly concerned with the garbled and inaccurate description of the area along the easternmost shoreline of Pacific Grove (Section 3.5, Area 1: Point Cabrillo.) Several months ago we walked that area together and I thought it was clear to you how the current description needed to be changed. I rewrote it and passed it by Steve Palumbi, the Director of Hopkins Marine Station, before giving it to Commissioners Murphy and Aeschliman. I think it more accurately describes the area and the long-term scientific activities that occur there that justify limited public access. It also mentions the Monterey Bay Aquarium, which occupies the easternmost shoreline of the City, and should, I would think, be included.

On a positive note, I was pleased to see the Coastal Zone Land Use Designations map in the packet, with the "Professional" designation removed for the block bounded by Sloat, Dewey, and Central.

I know this is a huge undertaking, and I do appreciate all the thought and effort you have put into it. On the other hand, it is not likely to be done again for many years, and those who came after you, both commissioners and staff, will appreciate a more informative and useful document for using and protecting our very special coastal environment.

Regards,

John

Anastazia Aziz <aaziz@cityofpacificgrove.org>

August 25, 2016 Item 7a - Fact Checking (Form submission from: Contact the Planning Commission)

1 message

Anthony Ciani via City of Pacific Grove Website <website@cityofpacificgrove.org> Tue, Aug 23, 2016 at 3:18 PM
Reply-To: Anthony Ciani <aciani@cianiarchitecture.com>
To: aaziz@cityofpacificgrove.org

Name: Anthony Ciani
Email: aciani@cianiarchitecture.com

Message:
Members of the Planning Commission:

I noticed the August 25, 2016 Agenda Item 7a indicates a concern about fact checking. To assist the City check the facts concerning the existing conditions along the coastline,

I recommend the City request the Coastal Commission provide past (precedent) for developments (CDPs) that it has reviewed, including (west to east) the two SFR properties west of Sunset Drive at Lighthouse, the Beach House Restaurant, various Public Works, Hopkins Marine Station and the Monterey Bay Aquarium. Those permits will provide the key issues, findings and special conditions to protect coastal resources that the Commission used to avoid prejudicing the preparation and certification of the LCP, and those terms and conditions are perpetual, and run with the land to bind all future owners and possessors of the subject properties.

The information in those cases may indicate that some of the Draft LUP background information and Policies, and IP provisions is inconsistent with the facts. Therefore, as a part of your fact checking, I request you ensure your decisions conform with the Coastal Commissions prior decisions.

Respectfully,

Tony Ciani

Attached File:

Submitted on Tuesday, August 23, 2016 - 3:18 pm

Letter for Aug. 25, 2016, Planning Commission meeting Item 7A

Inbox x

8/25/16

Thom Akeman 2:55 PM (17 hours ago)

to me

(Anastazia –This is intended to be a written communication for the Planning Commission for ir August 25, 2016, meeting, Item 7A, as I have to be at another meeting that night. Would you please distribute it as such. Thank you. –Thom)

Dear Planning Commissioners:

I urge you to go back to the additional narrative Commissioners Murphy and Aeschliman proposed at the July 28 commission meeting and include most, if not all of it, into the Local Coastal Plan. It is a masterful, concise description of the natural conditions that help define the uniqueness of our community, conditions that attracted most of us to live here – whether we knew about them or not.

The narrative is based on good science that advances our understanding of our coast and how the shoreline and ocean interact. To not include that knowledge in a plan that is supposed to be as comprehensive as an LCP would be a huge shortcoming, in my opinion.

I understand the staff fatigue and the desire to get on to a finish, but this is valuable information that should have been included from the beginning. It would certainly strengthen our LCP and enhance its value.

On a second note, I'd like to thank the staff, consultants and commissioners for the language in the current draft about protecting harbor seal pupping (BIO-11 on page 2.41). I think that language does what we have been trying to do from the first public hearing on the proposed LCP. It reflects the city's

harbor seals ordinance, the Coastal Commission's permit for protective fencing and the will of a large number of harbor seals fans, both resident and visiting. Thank you.

8/23/16 **Item 7a(ii)**

To: City of PG Staff and Planning Commission

Any objection that the important revisions to the LUP that you have received from Planning Commissioner Don Murphy would require "extensive unbudgeted fact checking by staff and consultants" does not apply and is in no way a barrier.
What exactly is the barrier?

With all due respect to our City's staff, and with a PG resident's natural concern for our City's budget, what time and expertise do the staff have to check facts that have already been thoroughly and repeatedly reviewed by a panel of scientists and other relevant experts enlisted by Lisa Ciani and two of the City's Planning Commissioners?

The members of this panel have donated their time and effort out of care for Pacific Grove. They bring not only a lifetime of experience and expertise but also, as PG residents, a deep concern for the genuine protection of our city's marine resources. These resources go far, far beyond "tidepools" and merit more than a paragraph. They deserve and demand the appropriate level of documentation that the proposed revisions provide.

I strongly urge full incorporation of the essential revisions you have received from Don Murphy.

Respectfully,
Vicki Pearse
Ph.D. in marine biological sciences from Stanford University, Fellow of the California Academy of Sciences, Lifetime Achievement Award of the Western Society of Naturalists (jointly with J.S. Pearse), former President of the American Microscopical Society, founder and editor of an international scientific research journal, author and editor of books and more than 75 published research papers or research presentations at national and international scientific meetings.

LUD at Planning Commission Meeting

Inbox x

Joy Colangelo <joycolangelo@gmail.com> 12:14 AM (8 hours ago)

08/23/16

to me

Commissioners:

The Coastal Commission names Short Term Rentals as excellent examples of lower cost accommodations that are critical to providing coastal access. Without STR's, a large segment of the population will be excluded from overnight stays at the coast.

The Coastal Commission has found that short term rentals are a form of residential use, permitted by right, in any residentially zoned area. This implies that the vague reference to "neighborhood character" should be stricken from section LUD - 16, or unambiguously defined. Further, the conditional clause regarding adversely impairing coastal resources is unnecessary. All development is similarly limited, so there is no need to single out STRs.

Current form:

LUD-16. The City encourages a range of accommodation types, including lower-cost visitor accommodations and public recreational opportunities. The City also encourages short-term vacation rentals, so long as such rentals do not adversely impair coastal resources or residential community character.

Suggested:

LUD-16. The City encourages a range of accommodation types, including lower-cost visitor accommodations (such as short-term rentals) and public recreational opportunities.

Sincerely,

Joy Colangelo

Antony Tersol

Pacific Grove, CA

Kirstie Wilde

1500 Sunset Drive • Pacific Grove, CA 93950-2023
Phone: 831 595 0670 • kirstiewilde@gmail.com

RECEIVED

AUG 23 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

PG Planning Commissioners
Anastasia Aziz
300 Forest Ave
Pacific Grove, CA 93950

Dear Ladies and Gentlemen,

I have been following the progress of your work to implement the ordinances for the Land Use Plan for the Local Coastal Program for many months, and am distressed that staff has not yet updated the changes suggested by planning commissioners at past meetings, especially as they relate to the Asilomar neighborhood.

Specifically, any rules to limit what we do INSIDE our houses should be of no interest to the Coastal Commission, and should be eliminated. Also, limiting the tiny amount of our properties that are allowed for small private yards, by requiring fencing that is "symbolic" could make it impossible for small children to play outside safely.

I can imagine how exhausted you, Anastasia, and staff are with trying to drag this monstrous mattress of a document to the Coastal Commission! But *please* continue to work on it until it is fair, concise and as unambiguous as possible. This would be a great service to your neighbors in Asilomar.

There is no citizen who has worked as diligently and thoughtfully to propose reasonable revisions to the LUP, as my neighbor, Kathryn Poling, has done. I would be very grateful if you would consider her suggestions one-by-one, as they will surely help the plan be fair to those of us who live in the dunes.

Sincerely,

Kirstie
8/23/16

Antony Tersol 1:29 AM (6 hours ago)

to Ximena, Sarah, me

08/24/16

Hi Anastazia,

Can you please forward the following to the Planning Commissioner's regarding the LUP?

Thank you,

Antony Tersol

Honorable Planning Commissioners,

I am writing to support the changes to the Land Use Plan that are being suggested by Commissioner Murphy and the working group, which included subject matter experts. The report they produced is well considered, and annotated with references and the significance of the changes.

The City of Pacific Grove is lucky to have citizens with such excellent knowledge volunteering to help improve the Land Use Plan. Their efforts represent significant value that would cost the City much more were it to be provided by paid consultants. The quality of their product is evident.

I was a member of the Southern Monterey Bay Coastal Erosion Workgroup (SMBCEW), sponsored by NOAA and Ambag to take a regional approach to the threats of coastal erosion exacerbated by sea level rise. As a citizen of Pacific Grove, I was interested in the City's approach to this issue. When I attended a meeting of the Planning Commission a few years ago that was to address this issue, I was shocked at the lack of knowledge of staff and the cavalier attitude towards sea level rise and it's impacts on the City. I gave public comment that exceptional resources exist locally (experts such as Ed Thornton, Professor Emeritus at the Naval Postgraduate School) and spoke of the potential costs associated with coastal erosion of government infrastructure.

It was therefore gratifying to attend the public workshop at Asilomar on sea level rise, and see the many elected and appointed officials (including several Planning Commissioners) who participated. My recollection is that the consensus was to proscribe coastal armoring and support managed retreat recognizing that the coastline is defined by natural processes.

The work group's suggestions serve to highlight and emphasize what makes Pacific Grove such a special place, of geological, biological, oceanographical and meteorological significance. Those characteristics are the foundation of what attracts us to live and visit here. It has led to a concentration of marine-oriented education and research institutions on Monterey Bay.

Now it seems that evidence-based policy is being displaced in favor of bureaucratic prejudices. This report was produced by some of the extraordinary human resources that call Pacific Grove home. The value of the work group's production far exceeds the minor costs to review it.

We should not be so short sighted that we discount their results by being "penny-wise and pound-foolish".

Antony Tersol

Vice-Chair, Monterey Chapter

Surfrider Foundation

August 23, 2016

Bill Fredrickson
Bill Bluhm
Robin Aeschliman
Jeanne Byrne
Donald Murphy
Mark Chakwin
Nicholas Smith
Anastazia Aziz

Dear Planning Commissioners and Anastazia,

Given the detailed nature of the work involved in updating the LUP and ensuring consistency with the recommended changes to the IP, the latest version of which is in process, I appreciate how challenging it is for the staff to ensure completeness and accuracy. I have reviewed the most recent revisions to the LUP and discovered the following typos:

1. Definition of redevelopment:
On June 16 the Planning Commission decided not to count interior remodeling and renovations. Accordingly the definition on pg. 1-20 should expressly state "Exterior" additions and alterations..."

Also, at the last Planning Commission meeting on July 28 during discussion regarding Section 23.90.250 Biological Resources and Environmentally Sensitive Habitat Areas (f) (14) (G) of the IP, the PC decided to delete the phrase "measured cumulatively". Therefore to ensure that the LUP is consistent with this recommended change to the IP, the last sentence, "Changes to floor area and individual major structural components are measured cumulatively over time from the date that the LCP's LUP component first took effect (i.e., June 7, 1989)" should be deleted.

2. Bio-23 Bullet 1
At the June 16 meeting the PC decided to remove the requirement that Outdoor Living Space be maintained as dune. Hence, the word dune in the parenthetical phrase (i.e., A dune area within which limited outdoor activities are allowed) also needs to be deleted.

3. Bio 23 bullet 6 – "Development shall minimize exterior and interior lighting visible from outside, including avoiding light spill into dune areas, and development shall limit glares (e.g., from windows and reflective surfaces), as much as possible."

At the PC meeting on July 28 during the discussion of Section 23.90.250 Biological Resources and Environmentally Sensitive Habitat Areas (f) (14) (C)

of the IP, the Commissioners recommended the removal of the word interior. To ensure the IP and the LUP are consistent, the word "interior" in Bio 23 bullet 6 of the LUP should be deleted.

4. I also have an item for addition for your consideration. Bio 23 is about development in the Asilomar Dunes. According to the definition of development this term is synonymous with "new development". Bullet 5 states, "All structures, with the exception of landscaping and driveways shall be set back from Sunset Drive at least 75 feet." It would ensure consistency and clarity to have the word "new" should be substituted for all.

I realize that you all have put in a great deal of time and effort in reviewing the LUP and IP and are anxious to complete this process. Ensuring that the final versions reflect all your recommendations accurately and that there is consistency between the documents, however, is essential.

Sincerely,
Kathryn Poling

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

August 22, 2016

Planning Commission
City of Pacific Grove
300 forest Avenue
Pacific Grove, CA 93050

RE: August 25, 2016 - Meeting Agenda Item 7a: HAZ-15, ATTACHMENT 1, Page 9

Dear Commissioners:

Staff recommends adding "artist stone" to the provision to allow soft structural alternatives (aka, "soft armoring") in ATTACHMENT 1 on Page 9. See below:

Where such non-structural options are not feasible in whole or in part, soft structural alternatives (e.g., sand bags, artistic stone, etc.) shall be used and prioritized wherever possible before more significant shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, and piers/caisson foundation systems).

However, artistic stone is NOT SOFT. It is either a stone veneer attached to a structural wall, or is in and of itself, a reinforced concrete structural system constructed to replicate a natural stone. I recommend that you delete artistic stone and consider the following examples of soft armoring policies to prepare a similar policy, ordinance and future provisions for the Pacific Grove Land Use Plan and Implementation Plan:

1) Georgetown Climate Center

SOFT-ARMORING AND THE CORPS: The Impact of Army Corps of Engineers Permitting On State Coastal Protection Policies

As sea levels rise due to global climate change, coastal states are looking for methods to protect their shores and all the valuable economic and ecological services provided by those shores. Traditional methods such as seawalls and levees ("hard armoring") may hold back the tide for a while, but they often do so at the cost of the very shorelines they mean to protect. As such, coastal states are considering alternative methods of coastal protection using soft armoring – alternatives that use the natural ability of coastal landforms to buffer against flooding, such as wetlands restoration or living shorelines.

August 22, 2016
Pacific Grove Planning Commission
RE: August 25, 2016 Agenda Item 7a

Page 2

2) Washington State Department of Ecology

Soft Shoreline Stabilization:

Shoreline Master Program Planning and Implementation Guidance

Puget Sound's shoreline health is important to the citizens of Washington and hard stabilization can have negative impacts to shoreline health. Soft shoreline stabilization has been recognized as a way to minimize negative environmental impacts while still providing effective protection. Soft shoreline stabilization is the use of environmentally friendly stabilization techniques used to protect property and uses from shoreline erosion. The management intent of soft shoreline Soft Shoreline Stabilization is to permit projects that balance the need for erosion protection while maintaining and enhancing shoreline ecological functions.

3) New York State Department of Environmental Services

Shoreline Stabilization Techniques

Employ "soft armoring" whenever possible.
By "soft armoring" we refer to live plants, logs, root wads, vegetative mats, and other methods that eliminate or reduce the need for "hard armoring", such as rock rip-rap, stone blocks, sheet-pile or other hard materials. Soft armor is alive and so can adapt to changes in its environment as well as reproduce and multiply. It also provides habitat for fish and wildlife. Vegetation can be kept trimmed so as not to block the view - after all, that's why many of us choose to live near the water!

Specifically, I recommend that you define non-structural options to be shoreline rehabilitation using soft shoreline stabilization techniques, materials and methods to eliminate or reduce the need for seawalls, rock rip-rap or other hard shoreline protective devices.

Also, the notion that "…the two existing coastal shoreline private residential properties within the City may be evaluated in the future as an exception and may be considered for shoreline protection" does not conform with the Coastal Act. Specifically, I refer you to the Coastal Commission's substantive file documents Coastal Development Permits 3-91-35 P. Miller 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, Page. The house built at 1450 Sunset Drive, Asilomar Dunes area, City of Pacific Grove, Monterey County, APN 007-021-05 was granted a CDP (No. 3-96-102) in 1996 with findings and special conditions by the Coastal Commission to protect

August 22, 2016
Pacific Grove Planning Commission
RE: August 25, 2016 Agenda Item 7a

Page 2

public access, require geologic setbacks and standards, etc. including the following restriction prohibiting a future shoreline protection device and assumption of risk:

> "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. The document shall run with the land. binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed."

Similarly, the Miller and Wilde residence were subject to CDP's including the most recent permit number W3b-11-2001 to allow renovations conforming to the Coastal Act. The proposed LUP policies must not conflict or undermine the Coastal Commission's precedent at this specific portion of the coastline, including the public domain.

Respectfully,

Tony Ciani

CC: Brian O'Neill, Coastal Planner, Coastal Commission

Bridget Hoover - NOAA Federal 2:59 PM (6 minutes ago)
08/01/16
to me, Karen, Lisa

Hi Anastasia, below is some language describing MBNMS' role in stormwater and other monitoring for PG. Thanks for considering to add it in the LCP update. Bridget

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

rdparso@aol.com Jul 28 (4 days ago)

to me

Hello Ms.Aziz: I sent the content below earlier, but recently found a notice that it was not "delivered". So I decided to send it a a reply to increase likelihood you would receive it. Thanks, Richard Parsons:

To: Pacific Grove Planning Commission, re Item 7a of 7-28-16 Meeting

Please approve Commissioner Murphy's 11 pages of suggested amendments to the Pacific Grove Land Use Plan (LUP) regarding marine resources. Our coastal bluffs, intertidal areas, kelp forests, and marine wildlife are all critical resources that need recognition and protection in the Land Use Plan.

Thanks you so much, respectfully

Richard D. Parsons
609 Lobos Avenue
Pacific Grove, CA

LUP

Item 7a(ii)

Jane Haines

601 Ocean View Boulevard, Apt. 1 PACIFIC GROVE CA 93950

janehaines80@gmail.com

Tel 831 375 5913

RECEIVED

JUL 26 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

July 26, 2016

Pacific Grove Planning Commission
City Hall
300 Forest Avenue
Pacific Grove, CA 93950

Re: July 28, 2016 Planning Commission hearing - agenda item 7a
Amendment of LUP language

Dear Planning Commission,

With reference to the recommended alteration of Section 1.6 beginning on page 1-9, the proposed insertion of the two underlined sentences shown below creates a discordant paragraph. Instead, the underlined additions should be placed in a separate paragraph. Additionally, the word "city" should be capitalized when referring specifically to Pacific Grove and in lower case when used generically. Here is the alteration proposed in the staff report followed by my recommended alteration:

Proposed alteration on Page 1-9, Section 1.6, **Relationship of Citizen Volunteer Groups to this LUP**

> *Since its founding in 1875 as a seaside resort, Pacific Grove has been a City with citizen volunteers who are dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. <u>The Pacific Grove Natural History Museum was established in 1883, and is renowned for its tradition of hands-on science education and nature preservation for the central coast of California. The Heritage Society was established in 1975 to foster an appreciation of the city's historical an architectural resources through preservation activities and public education, and it assists the city in evaluation properties for their historic qualities.</u> Citizens also volunteer to serve on the City's boards, committees and commissions, often with coastal stewardship as a goal. Below are a few recent examples….*

Here is an alteration I prefer:

> *Since its founding in 1875 as a seaside resort, Pacific Grove has been a <u>city</u> with citizen volunteers ~~who are~~ dedicated to protection and maintenance of the unique natural and developed*

resources in the Coastal Zone. Citizen ~~also~~ volunteers ~~to~~ serve on the City's boards, committees, and commissions, often with coastal stewardship as a goal.

Citizens also support local organizations dedicated to preservation of the City's natural and developed resources, such as the Pacific Grove Natural History Museum~~,~~ ~~was~~ established in 1883, ~~and~~ which is renowned for its tradition of hands-on science education and nature preservation for the central coast of California, ~~The~~ and the Heritage Society of Pacific Grove, ~~was~~ formed in 1975, to foster an appreciation of the ~~c~~City's historical and architectural resources through preservation activities and public education. ~~and it~~The Heritage Society assists the City in evaluating properties for their historical qualities.

Below are ~~a few~~ recent examples of citizen volunteer efforts to protect the City's natural and developed resources: . . . .

Sincerely,

Jane Haines

From: "Jeanie St. Germain" <5worldgolds@gmail.com>

Date: July 24, 2016 at 9:52:39 PM PDT

To: citymanager@cityofpacificgrove.org

Subject: change in regulations

Hello,

Until Sept 25, 2015, I owned a 2+ acre parcel on Lighthouse Ave. one block to the surfline and part of the Asilomar Dunes Neighborhood. It is covered with conifers and (some) endangered plants, a beautiful piece. My grandfather purchased it around 1915 or so while working on establishing the Hopkins Marine Station. A long period of consultation and visitation (flying down from Oregon) with city officials resulted only in the certainty that nothing was changing anytime soon and would not until water for new construction became available, if ever.

I had it listed for sale for close to 30 years with a number of realtors, and during that time made repeated visits to see if any policies had changed, meanwhile acquiring a massive collection of regulations and statements of the missions of various park departments, several versions of the local coastal program, development permit process, and policies regarding sensitive habitat, and related letters, maps, and other paperwork, none of which were of any help to me in trying to sell it.

I listed the property with 4 separate agents. I also approached various park departments on the peninsula, the Marine Station, the California Academy of sciences and Stanford and otherwise sought to maximize what value was possible on sale. I also approached the city to see if they would be interested in it as an educational park. During all of this time, we had campers, vandalism, garbage dumping, wood confiscation, and worst of all, the theft of documented Indian mortars, a few of which were too large to move and so I hope are still there. Every single realtor's sign that was put up was torn down within a day or so of it's being posted. The city did nothing. All I ever received for any agency was negative news about our prospects, so ultimately I sold it for a fraction of what it's value could have been if possible to use it for anything.

I did receive the notice about a community meeting with city officials on some proposed changes in development permit process and regulations and possibly even enviornmentally sensitive habitats. I want only to know if my property, now having been sold on the cheap for less than one year, would have received more favorable treatment under what new rules are under consideration.

Having held onto my grandfathers property which became my mother's property, and ultimately belonged to myself and my brother for all those years I need to know the truth of what has changed, if anything, and when it was first considered that might have resulted in a more favorable situation.

I sincerely request a personal response, Jeanie Saint Germain

RECEIVED
JUL 14 2016
CITY OF PACIFIC GROVE
COMMUNITY DEV. DEPT.

Item 7a(ii)

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

Scenic Areas map corrections (Form submission from: Contact the Planning Commission)

2 messages

Lisa Ciani via City of Pacific Grove Website <website@cityofpacificgrove.org> Thu, Jul 14, 2016 at 10:57 AM
Reply-To: Lisa Ciani <lisa.ciani@gmail.com>
To: dgonzales@cityofpacificgrove.org

Name: Lisa Ciani
Email: lisa.ciani@gmail.com

Message:
Dear Planning Commissioners and Staff,

Driving to the Asilomar Dunes meeting on July 7, my husband and I drove on Asilomar Avenue to try to understand why the strip of land on the inland side of Asilomar Ave that is in the coastal zone was left out of the Scenic Areas designation on the Scenic Areas map. Since there are Monterey pines and natural granitic rock formations in the undesignated area continuing the scenic quality of the west side of the street, there appears to be no justification for eliminating that area (designated as ESHA on the City's ESHA map, see below) from the designated scenic areas. We are very familiar with the corner of Asilomar Ave. and Sunset Dr. at the approach to the Asilomar coast, and there is clearly no justification for the exclusion of that area of Asilomar State Park Monterey pine forest from the scenic areas designation. As I compared the Scenic Areas map with the City's ESHA map in Information Bulletin No. 36 that was distributed at the Asilomar Dunes meeting on July 7, it is very clear that the two areas of Monterey pine forest not currently included in the scenic areas designation should be included.

I request that you make the following simple corrections to the Scenic Areas map:

1) Please delete the boxes reading, "Areas seaward of Ocean View Boulevard" and "Areas seaward of Sunset Drive". (The latter box is not even consistent with the current version of the map.)

2) Please add the orange "Scenic Areas" color designation to the PACIFIC GROVE RETREAT from Dewey Ave. to Pacific Ave. in Areas I and II, the area east of Asilomar Ave. in Area VI, and ALL of the ASILOMAR STATE PARK in Area VI.

I continue to find more inaccuracies in the Land Habitat Sensitivity Map as I spend more time in the Asilomar area, so I will add those to my long list of corrections--including designating marine resources in ESHA--which are needed for that map, which staff has said cannot be revised at this time because of the complexity of the resources and lack of funds. The corrections I am requesting for the Scenic Areas map, however, appear very easy to do and easy to understand.

Thank you,
Lisa Ciani

Attached File:

FW: Pacific Grove CCT project- LCP update

Inbox x

07/11/16

Duff, Tim@SCC <Tim.Duff@scc.ca.gov> 2:00 PM (18 hours ago)

to Daniel, me

Daniel,

See my comments below on the LCP update and pass on to others there as needed, thx.

In Hazards Sections 10 and 15 I suggest adding "parking" or "parking areas" to the list of public recreational access facilities (to accompany roads, paths, trails).

In Section 3.5 on Public Access, Page 3-40, Area IV-B: Point Pinos, add language about the existing rip rap and informal beach access paths.

On Page 3-43, PRA-2. Revise the draft language, "Any revenue from potential fee-based parking programs within the coastal zone shall only be used to fund (by inserting "and operate") public access improvements within the coastal zone.

RECEIVED
SEP 1 1 2016
CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPT

Honorable City Council and Planning Commission

Section 30500 of the LCP reads **protect** coastal resources, not **establish** resources by removing the ice plant or other vegetation and plant over 3000 ESHA plants. The process of getting a permit has been fraudulent. We were told by PG planning staff to hire a named biologist who knew what the CCC would approve. Our plans were approved by PG and the CCC. However, two days after the CCC board approval, we received a letter from their lawyer not to start work, the approval was subject to executing an 80% easement and a lien so that the CCC could enter our property with us paying their cost. There was no mention of their rates or what constitutes our failure. We did not proceed with development.

I am a retired General Engineering Contractor who has done hundreds of millions of dollars work for government agencies. Some inspectors or engineers get superiority complexes and try to get our crews to do unspecified work. My reaction was to tell them that we will write a notice of potential claim. In meetings with higher personnel, a convincing argument was to suddenly get up and say see you in court. A sense of power motivates them. Never once have I regretted taking a strong position. Solid opposition makes them reevaluate their position. I served four years on the AGCPAC, one year as chairman and I served on the AGC Legislative Committee. I know that much can be accomplished going to the top.

Our property plans submitted in 2000 included adding a three car garage, convert the existing garage to office space and add a second floor. The benefit for PG is higher property taxes and neighborhood upgrades. The Pacific Legal Foundation could not take our case, because I am a donor and not legally eligible for their support. It will cost nothing for neighbors to ask PLF for support. PLF has a great record **8 wins and 1 loss** with the US Supreme Court.

The elements of the case are that the ESHA is being manufactured, the original findings were fraudulent, the 15% limit of hardscape is unfair and the location and terrain for many houses makes driveways much longer than 75 feet, ours is 120 feet. The 5% for owner planting on our application was selected by the CCC on the steepest part of our property. The anti-fencing regulation does not protect the ESHA and in fact indicates open space for foot traffic in which the owner is responsible. The CCC may benefit doing the maintenance at our cost. To avoid litigation or legislation allowing a total of 35% for owner hardscape and 10% for landscape and play areas would leave a 55% ESHA. Government should adhere to the "TAKINGS" clauses in the constitution. They are not exempt from the law. I am concerned for justice for PG, our neighbors, but not ourselves since my wife and I are now in our 80's.

Don Redgwick
Pacific Grove

Fwd: permeable materials being allowed on the Asilomar dunes (Form submission from: Contact the Planning Commission)

From: <website@cityofpacificgrove.org>
Date: Fri, Jul 8, 2016 at 12:23 PM
Subject: permeable materials being allowed on the Asilomar dunes (Form submission from: Contact the Planning Commission)
To: wlao@cityofpacificgrove.org

Name: Janet Cohen
Email: janetcohen333@comcast.net

Message:
Hello,

I just wanted to confirm that Jeannie Byrne's comment last night about permeable materials being allowed and not counted as hardscape was the way it was previously implemented in the Asilomar dunes. Please see p. 25 of the 1989 Local Coastal Program LUP under 3.4.5 Specific Policies
" 2. Maximum aggregate lot coverage for new development shall be 15% of the total lot area. For purposes of calculating lot coverage under this policy, residential building, driveways, patios, decks (except decks designed not to interfere with passage of water and light to dune surface below) and any other features which eliminate a potential native plant habitat will be counted. However, a driveway area up to 12 feet in width the length of the front setback shall not be considered as coverage if surfaced by a material approved by the Site Plan Review Committee. An additional 5% may be used for immediate outdoor living space, if left in a natural condition, or landscaped so as to avoid impervious surfaces, and need not be included in the conservation easement required by Section 2.3.5.1(e). Buried features, such as septic systems and utility connections which are consistent with the restoration and maintenance of native plant habitats, need not be counted as coverage." I did mark on this a couple of months ago that this paragraph was included in the current proposed IP on p.113 but I do not know if this is still the case.

This leads to discussion about the proposed privacy fencing in the Asilomar dunes. I think from the paragraph above that people should be allowed to have a deck that allows passage of water and light into dune surface below in the outdoor area with the proposed fencing. This to me also seems important for ADA reasons, as a previous physical therapist working with children with

physical disabilities for over 30 years, that a deck would allow outdoor access whereas sand with dune plants would not if one uses a wheelchair, walker, cane, crutches etc. for mobility not to mention that an appropriate deck would protect the dunes from the assisted devices. Since many people require assisted devices with aging either short term or long term it would potentially benefit everyone.

As far as solid fencing I think more details need to be considered in order to have this work out. Fencing in this area is definitely a planning challenge and has many parameters as you know. First, I have to admit that until reading the 1989 LUP recently I thought that fencing was allowed in the Asilomar dunes if it allowed visual access as with grape stake or other non solid fencing.
I do think using fencing with visual access for greater than 1000-1300 square feet of the now 5% recommended allowance would be wise. Because solid fencing has been completely prevented for so long it is hard to imagine that an area greater than 1000-1300 square feet would be allowed by Coastal Commission even if it was counted in the building coverage.
Further, it seems like a good idea to add more detail which since I am not a planner or architect this is meant only as brainstorming: encourage the area for solid fencing to be on the non seaward side of the home or if to the side of the house for only a certain amount of feet as for a gate to wrap around to the back. For fencing on the ocean side of the home or laterally, use of grape stake or something similar or plexi glass that creates semi-privacy but some visual access except as mentioned for a solid fenced gate to get to the rear of the home. Also, require a site plan review to best create a privacy space for the residents and protect the dunes, scenic views and wildlife.

Thank you,
Janet Cohen

Attached File:

Submitted on Friday, July 8, 2016 - 12:23 pm

City and CCC both used existing coverage as baseline for these projects.

EXHIBIT "C"
LOT COVERAGE COMPARISONS

Table 1

Residence	Existing Lot Coverage	Approved Lot Coverage	Coverage % Reduced
waiver (attached) → Archibald (ARB only via CC waiver) 1342 Arena Avenue	26.6 %	25.5 %	4.1%
Meyer (ARB only via CC waiver) 1371 Arena Avenue	29.7 %	26.0 %	12.5%
Cort (ARB only via exemption) 1357 Jewell Avenue	30.2 %	29.3 %	3%
Burned house (see attached) → Johnson (CDP) 1359 Lighthouse Avenue	41.4 %	31.5 %	23.9%
Averages	32%	28.2%	10.9%
		Proposed Lot Coverage	
Kwiatkowski (CDP) 1805 Sunset Drive	29.8 %	23.8 %	20.1%

Table 2

	EXISTING	APPROVED
Archibald/1342 Arena Avenue	(Site Area = 43,562 s.f.)	
Building [1]	4799 s.f./11.0%	5562 s.f./12.7%
Hardscape[2]	6815 s.f./15.6%	5581 s.f./12.8%
Total	*11614 s.f./26.6%*	*11143 s.f./25.5%*
Meyer/1371 Arena Avenue	(Site Area = 23,040 s.f.)	
Building	2480 s.f./10.8%	2878 s.f./12.5%
Hardscape	4370 s.f./19.0%	3130 s.f./13.5%
Total	*6850 s.f./29.8%*	*6008 s.f./26.0%*
Johnson/1359 Lighthouse Ave.	(Site Area = 20,220 s.f.)	
Building	2793 s.f./13.8%	3043 s.f./15%
Hardscape	5574 s.f./27.5%	3345 s.f./16.5%
Total	*8367 s.f./41.4%*	*6388 s.f./31.5%*
Cort/1357 Jewell Avenue	(Site Area = 21,500 s.f.)	
Building	2376 s.f./11.1%	2494 s.f./11.6%
Hardscape	4124 s.f./19.1%	3810 s.f./17.7%
Total	*6500 s.f./30.2%*	*6304 s.f./29.3%*
		Proposed
Kwiatkowski/1805 Sunset Drive	(Site Area = 26,223 s.f.)	
Building	2637 s.f./10.1%	3931 s.f./14.9%
Hardscape	3135 s.f./12.0%	1835 s.f./7.0%
Total[3]	*5772 s.f./22.1%*	*5766 s.f./21.9%*

1 - Includes home and garage
2 - Includes decks, patios and impervious paving
3 - Does not include landscape coverage (existing 7.7%; proposed 1.9%)

H:\documents\kmc.02bhpof.doc

2002

JAMES N. SMITH ARCHITECT, INC.
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

07-07-16

Planning Commissioners
City of Pacific Grove

RE: Pacific Grove Land Use Plan Update

BIO-23 - Bullet Point 1

The latest CC definition of " Immediate Outdoor Living Space" has further restricted the homeowner's use of their own land.

> "An additional 5% of the total lot area may be used as Immediate Outdoor Living Space(ie dune area within which limited outdoor activities are allowed) if such area is contiguous to allowed coverage and it is restored/enhanced and maintained dune.

Please note Coastal Commission wording for a recent approval in this neighborhood (see underlined portions) that do not state any requirement for restoring or enhancing and maintaining dune in this area.

Application Number: 3-14-0981
Applicants: Michael and Mary Carp
Project Location: 1342 Jewell Avenue, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-031-018)

Within Summary of Staff recommendations:
"The LUP also allows an additional maximum of up to 5 percent of the lot area for "immediate outdoor living area" that can be used for residential activities, but not covered otherwise (with structures, patios, etc.).

This application, which was approved, refers to

LUP Policy 3.4.5.2. *Maximum aggregate lot coverage for new development in the R-1-B-4 zoning districts is 15% of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks (except decks designed not to interfere with passage of water and light to dune surface below) and any other features that eliminate potential native plant habitat will be counted. However, a driveway area up to 12 feet in width the length of the front setback shall not be considered as coverage if surfaced by a material approved by the Site Plan Review Committee. An additional 5% may be used for immediate outdoor living space, if left in a natural condition, or landscaped so as to avoid impervious surfaces, and need not be included in the conservation easement required by Section 2.3.5.1(e).*

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

All references to this 5% Immediate Outdoor Living Area/Space should be consistent and should eliminate the wording: ...and it is restored/enhanced and maintained dune. This wording, if left in, is a further Constitutional Taking of the use of a homeowner's land.

BIO-23 - Bullet 9 and/or 11

There are examples of existing fencing along property lines that are important for safety and privacy. They may not encompass strictly the 5% Immediate Outdoor Living Space and may define a property line, but they should be allowed to be permitted. The policy should not assert that a homeowner need prove that the proposed fencing is more protective of the dune, but rather the fence, if properly designed, will not be detrimental to the dune in the specific location to be approved. Below is proposed language for consideration:

"Fencing and other such barriers shall be prohibited along any property boundary, except private yard fencing, unless such fencing can be reasonably demonstrated to not be detrimental to the dune habitat and provide a minimum of 50% free passage of sand and seeds. Allowed fencing/barriers..."

2.3.4 Scenic Resources
SCE-4
This policy makes reference to fences as "accessory development", whereas under 1.10 Terminology, Development includes all structures, which encompasses fences. What exactly are all forms of accessory development? What are all forms of accessory structure?

BIO-29
I disagree strongly that development associated with existing non-conforming residences that result in so-called redevelopment be an automatic trigger of restoration of 15% and 5% Lot Coverage as written. There are at least four recent examples we have cited that demonstrate that the CC has been supportive of improvements if the net coverage is reduced. This provision needs to be rewritten to allow for this existing policy to continue.

BIO-30
In my previous letter and presentation to the Planning Commission, I presented sample definitions that sought to distinguish Development into several categories. Namely, that Pre-Coastal Act Development and Existing Development be regarded under the same set of rules as per when they were legally and rightfully approved.

This request was dismissed by City Planning staff as without merit. My understanding is that all previous development is held to subsequent new standards and restrictions enacted over time. However, legally non-conforming elements of that development are typically allowed to remain. For example, an older wall located within a newer setback is allowed to be repaired and modified, but not demolished and rebuilt.

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

This is a reasonable argument; however, this is not the set of rules we are forced to work with. The Coastal Commission's latest definition of Coastal Redevelopment specifically states "Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP" (or cumulative increase of over 50% of floor area).

This definition does establish a baseline for development conditions as originally approved, and then penalizes the homeowner, and subsequent homeowners of the property, over time. The CC has defined the conditions of improvement for these properties based on their date of approval so why can't the homeowner define their rights and enjoyment of their property based on the original date of approval?

Specifically the homeowner should retain the right to improve, modify and upgrade within the previously approved existing footprint, regardless of what they do or how much they do it or even when they do it. The intention of the CC is clear, that they want to sunset the structure's non-conformities, and indeed eventually sunset the structure itself.

Subsection (b) will cumulatively count the times the existing support for an exterior wall is even temporarily removed. Suppose temporary support is needed in the future but the cumulative 50% threshold is reached. Working on such a structure will quickly become a dangerous life safety issue contrary to common sense building practice.
Subsection (c) states that additional reinforcement of walls, including shear walls, will also count cumulatively. If the threshold is reached on a non-conforming house, and seismic upgrades are required or other safety related improvements needed, the current homeowner will be forced to live in a structurally deficient home or face the prospect of tearing a portion down in order to make necessary improvements.

This is punitive and frankly dangerous for residents. We have to look no further than the "Burned Out House" to see evidence of the result of the CC's increasingly heavy handed policies. Properties will continue to fall into disrepair as time goes on and this is contrary to the goals of the City and the residents. This latest definition of Redevelopment is deeply flawed and should not be allowed within our LUP in it's current expanded form.

Sincerely,

James N. Smith

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

Fwd: LUP and IP concern regarding homes fronting Sunset Avenue (Form submission from: Contact the Planning Commission)

Inbox x

07/06/16

Debbie Gonzales 10:52 AM (2 hours ago)

to me

---------- Forwarded message ----------
From: <website@cityofpacificgrove.org>
Date: Wed, Jul 6, 2016 at 10:10 AM
Subject: LUP and IP concern regarding homes fronting Sunset Avenue (Form submission from: Contact the Planning Commission)
To: dgonzales@cityofpacificgrove.org

Name: Janet Cohen
Email: janetcohen333@comcast.net

Message:
Hello Planning Commissioners,

Please consider keeping the one story limit to homes fronting Sunset in the Coastal Zone. Prior to the 1989 Coastal Land Use Plan two stories were allowed along Sunset at the coast. Since 1989 it has been zoned single story for the homes fronting Sunset, an 18 feet height limit and setbacks of 75 feet from the road. !8 feet height was allowed rather than less in order to have more flexibility for roof pitch variation and design. Thus, the existing homes that are two story were built before1989. It seems important too to allow variances that make sense for certain remodeling projects of existing two story homes without having to make the home single story.

I am not able to upload photos on this website to show the results of that zoning decision, but if you drive to Arena and Sunset you can see some examples. On Sunset to the right of Arena is an older two story home without the setback of 75 feet with a large area of dunes behind the house. On

Sunset to the left of Arena are three homes that were built since 1989 with the larger setback and single story. Even though the homes are large the view of the dunes is more visible from Sunset because of the large area in front of the home and also being single story would help with the views of the coast from behind as well.

The lot sizes as you know are almost all 1/2 to 1 acre which still allows for building 3267 square feet for half an acre within the 15% lot coverage and obviously greater for 1 acre. Also, with redevelopment in that area some people are not necessarily stuck with a legal non conforming home if it has less than 15% coverage. There were examples given at the special City Council meeting where new owners chose to bring the home into conformity and ended up with greater square footage. I hope also that when justified by certain parameters that make sense, as adding a few feet for a bathroom to an existing two story home, a variance could be granted without having to bring the whole home into conformity.

Please consider keeping the single story 18 height limit for homes fronting Sunset in the Coastal Zone but also allow common sense variances for existing two story structures as increasing a few feet to remodel a bathroom. Is there a way to write in allowable variances into the LUP and IP for existing two story homes?

Thank you,
Janet Cohen

Attached File:

Submitted on Wednesday, July 6, 2016 - 10:10 am

July 5, 2016

To: Planning Commission

From: Lisa Ciani

Re: July 7, 2016 Special Meeting, LCP

The Coastal Act protects coastal resources, both on land and in the ocean out to 3 miles. While the Coastal Commission retains permitting authority over the water resources, each LCP needs to provide adequate descriptions of the marine resources for its local area and policies to provide guidance to the Coastal Commission in its decisions, which must be consistent with the LCP for each jurisdiction. La Jolla, Malibu, and Big Sur are examples of communities that specify protection for environmentally sensitive habitat areas in their marine resource areas. For example:

- La Jolla's LCP designates "the bluff faces adjacent to Coast Walk as an ecological reserve in order to help protect the integrity of the off-shore Underwater Park and Marine Reserve" (page 47); and also states (on page 40), "Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion control devices so as not to impact the geology and visual quality of the bluff and/or public access along the shoreline"; and also, "The City should preserve and protect the coastal bluffs, beaches and shoreline areas to prevent activities such as misdirected drainage from increasing natural erosion. Only appropriate erosion control measures that maintain the natural environment, yet allow for the effective drainage of surface water shall be permitted. Surface water drainage shall not be allowed to drain over or near the bluff, but rather shall be directed towards the street or directed into subterranean drainage facilities with energy dissipating devices. Where street drainage systems erode bluffs, the drainage system should be redesigned to prevent bluff erosion" (page 39);

- Malibu's LUP states that "Marine resources are protected to sustain the biological productivity of coastal waters and to maintain healthy populations of all species of marine organisms. [Coastal Act] Section 30230 requires that marine resources be maintained, enhanced, and where feasible restored" (page 30); and "provides protection for marine resources such as kelp forests, intertidal areas, and near shore shallow fish habitats. Although development proposed in tidelands or submerged lands would remain under the permit jurisdiction of the Coastal Commission, the LUP provides guidance regarding the protection of marine areas. The LUP ESHA Map also shows marine resource areas" (page 32);

and "Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulation" (such as Black oystercatchers) are considered ESHA (page 47);

- The Big Sur Coast LUP describes environmentally sensitive habitats as "areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem. Environmentally sensitive habitats are also areas susceptible to disturbance or degradation by human activities and developments. Examples are "riparian corridors and Areas of Special Biological Significance identified by the State Water Resources Control Board;...all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, including all tideland portions of the California Sea Otter State Fish and Game Refuge; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; Monarch butterfly mass overwintering sites; and wilderness and primitive areas" (page 22).

Quoting from the website of Don Roberson, author of Monterey Birds: Status and Distribution of Birds in Monterey County and coauthor of Atlas of the Breeding Birds of Monterey County (http://creagrus.home.montereybay.com/MtyBay.html), "Just offshore from the Monterey Peninsula, the Monterey Submarine Canyon bisects Monterey Bay, plunging to 6000 ft. and providing a cold-water upwelling rich in nutrients supporting unusually abundant food for seabirds. The nearshore presence of a deep-water canyon within a semi-protected bay is unmatched anywhere in North America and permits superb pelagic birding within a few miles of land.... Huge flocks of foraging seabirds are both inshore and over the edges of the canyon. This abundance attracts not only birds, but a tremendous variety of invertebrates, fish, and sea mammals.... among the latter are cetaceans: whales, porpoises, and dolphins...." Visitors from from around the world come here in ever growing numbers with a huge boost from the PBS/BBC broadcast of Big Blue Live last year. Our marine resources are among the most outstanding in the world, and the most accessible, and they need the kind of protection other other special coastal jurisdictions are providing in their LCP's.

There are many negative impacts daily on the wildlife and their habitat including the bluffs, beaches, intertidal zone, ASBS, and Marine Sanctuary. Early morning walkers on the Coastal Trail the last few days have been thrilled by Humpback whales blowing, fluking, and breaching while feeding just beyond the kelp beds between Lovers Point and Hopkins—however, this morning irresponsible boaters drove them away. More and more people climb all over the shoreline bluffs and intertidal areas. Drones have been flown over the Marine Sanctuary along our shoreline, and have been observed to flush the Harbor seals from the rookery during pupping season. Kayakers often can't resist getting close enough to otters or seals for a good cell phone photo. Riprap degrades the scenic quality of our shoreline views between 5th and 7th Streets and 12th and 15th Streets.

The City of Pacific Grove needs to recognize and protect its marine resources in its LUP, as other coastal jurisdictions have done, by specifying and describing those resources in the LUP's HAZ, MAR, SCE, and BIO policies. Our LUP is seriously deficient with respect to much of the most vulnerable coastal resources we need to protect. City staff told City Council at their June 29 Special Meeting that any project that "gets its feet wet" is in the Coastal Commission's permitting jurisdiction and the City doesn't need to address those resources. On the other hand, staff also said coastal armoring "gets its feet wet", and "shoreline protection" permits will be processed by the Coastal Commission. Somehow the individuals responsible for writing our LCP believe we don't need to protect our shoreline natural resources with policies because other jurisdictions will take care of that. On the other hand, policies to protect our right to construct shoreline armoring projects are being written in conflict with the Coastal Act policies and policies in the Coastal Commission's Sea Level Rise Guidance document. I ask the Planning Commission to require strong recognition and protective policies for our shoreline and marine resources in the LCP, and to conform with Coastal Act policies regarding shoreline armoring. Marine biologist John Pearse has provided some excellent language and a background study to address intertidal areas in a June 14 email to the Planning Commission and staff. There is a lot of work still to be done to address our vulnerable natural resources.

Thank you for your attention to my comments,
Lisa Ciani

Kathryn McDonald
1398 Jewell Ave.
Pacific Grove, CA 93950

July 7, 2016

RECEIVED
JUL - 5 2016
CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

Pacific Grove Planning Commission
Forest Ave.
Pacific Grove, CA

Re: PG Land Use Plan

Dear Sir or Madam:

I have lived in Asilomar Dunes, at the above address, since April 2014; but the house has been in my family since approximately 1966. The footprint of the house, patio and driveway are all the same as they were then. All improvements have been done with permits.

I care about the ocean, coastline and local flora and fauna; and deeply respect all that has been done over the years to maintain the health and natural beauty of the area. My relatives contributed to the Rocky Shores Restoration and have a step dedicated to them on the boardwalk (McDonald/Simmons Neighbors). I understand that any plan that PG develops must fall within the limits of what the Coastal Act allows. However, I feel that the Coastal Commission has been unreasonable in many instances; and that PG needs to develop a plan that also takes into account that people live here too. Let me give you an example:

I spoke to the Coast Commission approximately 2 years ago when I was investigating putting a small patio in my backyard. The gentlemen I spoke to said that the only way they would be willing to consider this was if I could "see my way clear to narrowing my driveway and ripping out all the iceplant in the front yard". I have to say that it felt a bit like extortion. The driveway has been the same size since the house was built; and the iceplant arrived on its own over the years. Having said that, the iceplant requires zero water; and deer, snails, birds, squirrels and probably even the legless lizard use it as habitat. At that time, I was also told by the PG Planning Department that an Architectural Review Board Meeting (which would cost approximately $2K) would also be required to build a patio. Needless to say, I didn't pursue it. The Coastal Commission also told me that my house would not even be here had they been established first.

There is a clause in the proposed Land Use Plan, I believe it is BIO 30, that says if those of us living in Asilomar Dunes want to do a remodel on our

homes, we not only have to restore our own property to a natural dune habitat; but do "offsite restoration" of the dunes as well. This seems punitive; and I can't believe it is even legal.

How is it that the house behind me on Lighthouse (that has sat there as a burned out eye sore for almost 20 years) is approved to add approximately 2000 sq ft by adding a second story: but a 10 x 12 foot patio is not allowed? Even Lover's Point was allowed to put in some small cement pads with picnic tables on top. Are tourists more important than residents?

There needs to be some level of scaling included into the new plan.
A commercial development or adding a second story should not be judged in the same light as someone who wants to create a small area in their backyard so that they can actually sit out there and enjoy it.

Respectfully,

Kathryn McDonald

Kathryn McDonald

July 5, 2016

Bill Fredrickson
Bill Bluhm
Robin Aeschliman
Jeanne Byrne
Donald Murphy
Mark Chakwin
Nicholas Smith

Dear Planning Commissioners,

I greatly appreciate that you have slowed down the review process regarding the review of the Land Use Plan and Implementation Plan. Clearly the Asilomar Dunes area is of special significance to the Coastal Commission, the City, we homeowners in this neighborhood and all visitors. The additional energy you are dedicating to listen to the concerns of citizens and reflect on the impact of the policies is most definitely worth your time given the importance of the Land Use Plan to the city moving forward.

I understand that based on your reflections you are making changes to the Land Use Plan but that these modifications will not be posted on the city website prior to your next meeting on July 7. Given that I don't know what changes you are making, I have no choice but to list my outstanding concerns based on the documents version provided on June 16. Please forgive any duplication of effort if your changes have already addressed my concerns.

1. The definition of existing development
   There was discussion about the definition of "existing development" at the June 16 meeting and the need to revise it or remove all reference to existing development. Clearly this definition is of great significance so it would be extremely helpful to have the latest modification.

   In the California Public Resources Code 30106 development means the placement of any structure, and the construction, reconstruction, demolition or alteration in the size of any structure.

   (1) The definition of structure for an existing single-family residential building - per California Code of Regulations Title 1414 CCR Section 13250 states that the following shall also be considered a part of that structure:

   (1) All fixtures and other structures directly attached to a residence
   (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds...
   (3) Landscaping on the lot

The LUP must incorporate this definition of existing structure. This clarification is extremely important to those homes built prior to the Coastal Act and is necessary for coastal act consistency.

2. The definition of redevelopment
   Per the handout for the PC meeting on June 16 redevelopment is defined as: "Redevelopment, Coastal: Development that is located on blufftops or at or near the ocean- sand interface and/or at very low lying elevations along the shoreline that consists of alterations including (1) additions to an existing structure, (2) exterior **and/or interior renovations**, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:"

   Interior renovations do not seem to fall under the purview of the Coastal Act, which has a mandate to:
   - Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources
   - Maximize public access to and along the coast
   - Preserve the views

   Interior renovations do not change the appearance of the exterior of a home or its footprint and should therefore be deleted from this definition. Moreover, there is neither a rational basis nor nexus to impose habitat restoration requirements or other exaction for interior remodel projects.

3. SCE-4
   "Development standards for such special scenic significance areas shall include, but not be limited to, special siting and design criteria (including avoiding accessory development (such as fences)...

   Other policies, such as Bio 23 in the Preamble, refer to accessory structures. Are the definitions of "accessory development" and "accessory structures" the same or different?

4. SCE-7
   "The city shall encourage redevelopment, rehabilitation, or relocation of existing structures to improve visual appearance and to attract visitors to the City's coastline."

   What is envisioned regarding encourage vis-à-vis homeowners? Any rule that requires reduction of existing footprint or loss of existing square footage in order to remodel is contrary to this goal as homeowners will be discouraged from updating their properties. Existing structure footprint should be allowed to be maintained when a house is remodeled given no adverse impact to the environment would occur.

5. Bio 15
   "As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes to allow for wildlife movement, native seed dispersal and visual consistency. "

   What does as feasible mean? What does maintain mean? What would the city be maintaining? Or does this mean the city shall influence homeowners to change/remove existing fencing even if they are not engaged in any remodeling activities? To do so would be unfair and unwarranted. This policy is also repeated word for word in Bio 23 Bullet 10.

6. Bio 23
   Preamble – "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 through avoiding accessory development antithetical ..."

   What is the definition of accessory development?

7. Bio 23 Bullet 1
   "For development on legal lots of record over ½ acre ... For new development on legal lots of record that are one-half acre or less, ... An additional 5% of the total lot area may be used as Immediate Outdoor Living Space (i.e., a dune area within which limited outdoor activities are allowed) if such area is contiguous to allowed coverage areas and it is restored/enhanced and maintained dune.

   While the phrase in red was moved, this policy still describes the Immediate Outdoor Living Space as a dune area. What activities exactly are then allowed? There is no substantial distinction in the definition of this area and that of the remaining 80%. Outdoor living area should be defined as available to live in and enjoy like a normal private yard and not as a dune habitat area. Also, to be fair, smaller lots should be allowed at least 5% of a half acre (1089 s.f.) for outdoor living.

   Why is "development" used for lots over ½ acre and "new development" used on lots that are ½ acre or less?

8. Bio 23 Bullet 3
   "Development shall only be approved if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition within which the only allowed development, use and activities are those associated with dune restoration, enhancement and protection."

   A property owner has no responsibility for or right to use of this land and therefore it is inappropriate for the City to require private maintenance of

public property. If in unique circumstances some nexus for the requirement can be found then at a minimum, the restoration of the Right-of-Way should be counted as Off-Site restoration.

9. Bio 23 Bullet 4
"All structures shall be set back from Sunset Drive at least 75 feet (from the property line was added at the 6/16/16 PC meeting).

How was it determined that the appropriate setback was 75"? How was it determined that the measurement should happen from the property line? Does this policy only apply to new development and redevelopment?

There are a number of homes that abut Sunset Drive that would need to be completely relocated. It will serve to discourage a number of homeowners who have older homes on Sunset Drive from engaging in redevelopment, which does not serve the city's goal of improving the visual appearance of the Asilomar Dunes neighborhood.

10. Bio 23 Bullet 11
"Fencing and other such barriers shall be prohibited along any property boundary, except private yard space fencing, absent a conclusive showing that such fencing/barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed fences/barriers shall be limited to minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of san, seeds, and wildlife. Fencing for private yard space adjacent to a home may include a property line, but may not exceed 1,000 square feet of the lot area."

Minimal symbolic fencing does not address the needs of privacy or safety regarding children and pets. In order to address these needs, the fencing design criteria should be the same as in non-coastal areas, i.e., typical 6' high backyard safety/privacy fencing.

In the 3 redevelopment examples that Planning staff has shown, they indicated that the homeowners complied with the no fencing requirements. I am very familiar with 2 of the 3 lots. On these 2 lots, privacy needs are being met by neighbor's fencing, adjacent open lots or private easements or nature's fencing in the form of substantial trees and bushes.

11. Bio 27
"The City shall also prioritize removal of obtrusive and non-conforming fencing and non-native vegetation in the Asilomar Dunes area wherever feasible (e.g., through code compliance efforts and when considering public or private development proposals in the dunes.")

There is no legal basis to require removal of existing fencing. It is legal permitted structure under the coastal act.

12. Bio 28
"The City shall work with the Coastal Commission to diligently enforce dune habitat and visual resource requirements and restrictions that apply to existing development in the Asilomar Dunes Residential Area, including actively evaluating and ensuring compliance with Coastal Development Permit requirements,..."

What requirement and restriction apply to existing development?

13. Bio 29

"Development associated with existing non-conforming residential development in the Asilomar Dunes residential area that:

- Bullet 1 – "Results in redevelopment shall require that all development on the site be brought into conformance with the Local Coastal Program requirement, including, importantly, with respect to site coverage and dune restoration/protection requirements."
- Bullet 2 - "Does not result in redevelopment shall only be allowed if: lot coverage remains the same or is reduced; there is no new coverage of existing dune habitat, all remaining dune habitat is restored and permanently protected.

Both of these policies penalize homeowners whose homes were built before the Coastal Act was passed and when Coastal permits allowed greater coverage. Pre-existing coverage should be the coverage baseline for redevelopment/remodels. They should not be subject to having to conform to the current 15/5 rules and pre-existing/permitted sites should not be required to restore all remaining non-native habitat as long as the remodel stays within that footprint. I know that Planning staff provided examples of homes that are engaged in extensive redevelopment efforts that increased in size. Yet all of the examples are homes that do not abut Sunset Drive and can increase in size by adding a second floor.

Also it is not clear what the spectrum of home remodel activities encompassed by development not resulting in redevelopment is and what falls short of development? Is internal remodeling of a bathroom considered development if the exterior footprint is not changed? Is the remodel of a bathroom considered development if a wall is moved by one foot? By one inch? If yes, would that mean that all remaining dune habitat on the property would need to be restored and permanently protected? If true, the restoration of the habitat could cost far more than remodeling the bathroom. That does not strike me as equitable. In

addition, there is no logical connection between an interior remodel and dune habitat restoration.

While my list may seem long, if these issues aren't addressed prior to the approval of the LUP, they will just cause delays later on when questions of clarity, consistency and fairness arise when reviewing Coastal Development Permits. The work you are doing is extremely important. Given the public will not be able to even see your changes prior to the July 7 meeting, I don't believe it is realistic or appropriate to recommend adoption of the LCP to the City Council at this meeting.

Sincerely,
Kathryn Poling

Retreat), the primary organizing feature of its early development was the subdivision of land into small lots designed for seasonal use. ~~Each neighborhood exhibits features that enhance the livability and "home town" character of the community.~~ The City of Pacific Grove's Coastal Zone includes the Pacific Grove Retreat which is considered to be a "special community" and new development shall protect this special community and neighborhoods, and its unique natural and manmade resources, as provide in the Coastal Act. Today, each neighborhood exhibits features that enhance the livability and "home town" character of the community.

Page 3-20, First Paragraph – Text Edit

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

1859

In 1959 David Jacks, bid on and paid slightly more than $1,000 for 30,000 acres of Pueblo Lands surrounding the settlement of Monterey. In 1864, ~~Daniel~~ David Jacks purchased pueblo lands from the Mexican era Rancho de los Pinos. Eventually, it is estimated that Jacks controlled approximately 100,000 acres of Monterey County land—including all of what would become the city of Pacific Grove. For the most part, these vast landholdings were used for ranching operations, functioning much as they had during the Mexican era. ~~and raised cattle on most of the land.~~

Page 3-20, Second Paragraph - Language Correction

The historic Pacific Grove Retreat (or "Retreat') is located between Pacific Street to the west and Dewey ~~Street~~ Avenue at the east, and north of Central Avenue (the boundaries extend beyond the designated Coastal Zone.) Due to the Retreat's unique historic, architectural, and scenic characteristics the area is an important resource to the community and draws many visitors. As such, the area of the retreat within the Coastal Zone is considered a "special community" within the context of Resources Code §30253(e).Policies are included in this Land Use Plan to ensure the area is protected consistent with provisions of the Coastal Act.

Page 3-26, Second Paragraph under Section 3.4.3 General Plan and Other Policies - Water Supply, Conservation, and Wastewater Language - Text Correction

The City has embarked on a Local Water Project. If this project is completed and frees up new local domestic water, the City Council would be tasked with allocating new water. Policies are needed to ~~insure~~ ensure that a portion of the water available to the City for new development is reserved for priority uses within the Coastal Zone (public recreation, coastal-related commercial recreation, coastal-related visitor-serving facilities, and coastal-dependent industry). Non-priority uses

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

Beautification and Natural Resources Committee
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

RE: AGENDA ITEM 5a – LCP POLICY REGARDING "MAJOR VEGETATION"

June 21, 2016

Dear Members of the BNRC:

Major vegetation can include *mature* plants of all types, native or not, that are found in diverse natural and man-made settings. They can be small or large trees, or small or large specimens, or communities of plants that are an important part of coastal forests, riparian ways, wetlands meadows, sand dunes, bluffs and beaches. They may also contribute to scenic quality of a particular area, or be an important part of a larger scenic setting.

Removal of major vegetation requires a coastal development permit in order to regulate where, when, and how, if at all, it is removed, and what conditions, including mitigation measures may be required, on or off site. Major or mature vegetation may not always be "native' for the purpose of regulating its removal. Rather, it may be that the activity of removing non-native plants could result in significant adverse impacts to the coastal environment. For example, the removal of ice plant on a coastal bluff could have significant negative impacts resulting in damage not only to to the natural flora and funa, but also result in erosion to coastal sand dunes or bluffs, as well as, impacts to native American cultural resources.

Therefore, I recommend that you request staff to come back to you with a policy to protect the environment of all major and *mature* native plants (vegetation such as native grasses, bulrushes, chaparral, trees, etc.), and require coastal permits for their removal regardless of their size. I also request that you request staff to provide for the regulation of removing non-native species where the activity of removing them may result in significant adverse impacts to the natural, cultural and scenic quality of the environment.

Respectfully,

Tony Ciani

Anthony Ciani 12:00 PM (1 hour ago)

to Brian.O'Neill, Kevin.Kahn, Susan.Craig, Dan.Carl, me, Mark, heidi, Inge
6/17/16
Hello Brian,

I apologize to you and others for sending an earlier version of this before I proof read it for errors. Please accept replace it with this version.

At the City of Pacific Grove Planning (PC) Commission's public meeting yesterday, the Commission's staff, consultants for the LCP Update and the city attorney, all represented to the Commission and public that the Coastal Commission has agreed to eliminate the term and definition of "existing development," in favor of the term "redevelopment." The discussion fumbled with the concept of when, how and where to use the California Coastal Commission (CCC) rule to determine demolition of 50% of an existing structure. I was stunned to hear it described as the CCC's rule to decide when a CDP is required for development within 300 feet of the shoreline. The commissioners were troubled how to use the 50% demolition rule for historic structures in the coastal zone, and were told the CA would require the entire structure would have to be brought up to code.

I was also stunned to hear that the CCC staff agreed that the LCP could establish a preference to use the natural formations of the coastline to construct seawalls, revetments and other protective devices to protect the existing paths, trails, parking, landscaping and roads, in lieu of seeking reasonable alternatives for their relocation, to avoid the impacts of winter storms and sea level rise. At several of their meetings, city staff has told the Planning Commission that you have agreed that the two existing homes west of Ocean View Blvd. and Sunset Drive would be exempt from the Coastal Act provisions regarding the construction of shoreline protective devices. I believe they plan to add LUP policies to exempt those buildings, as well as, the proposed water reclamation project to construct new facilities below the known ocean storm flooding level that was established 27 years ago, in the 1989 LUP to be Datum elevation 20.0'.

These are only two examples of essential elements of the LCP, that I believe do not conform to the California Coastal Act of 1976 or Title 14 of the California Code of Regulations, and are inconsistent with, and contradict the Coastal Commission's years of practice, precedent decisions, Statewide Guidelines and memorandums clarifying the Coastal Act (CA), CCRs and its procedures.

I believe the city and its consultants are confused and need guidance regarding division 5.5, Title 14,CCR; for example § 13250 Improvements to Existing Single-Family Residences. I believe they could benefit from examples of other City's years of experience to define how to when and how to use the rule regarding retention of at least 50% of an existing structure. Clearly, the CA and CCR use the term "existing" to describe residences and other development, e.g., CA § 30250 and § 30250. It is important to distinguish "existing" from "new" development as those terms are used in the CA. The City's attempt to define "redevelopment" is good, but should not excuse it from using the CA definitions of "development" etc.

There was a true consensus among the many citizens who testified during the public comment period, before the planning commission considered the proposed LUP and IP, that was: *please take more time to review the LCP Update before submitting it to the City Council and Coastal Commission.*

There is ample time to update the resource information and maps, and carefully correct the policies to reflect the Coastal Act, and to prepare ordinances and plan for implementing actions to carry out the policies. Therefore, I request that you confirm the underlying CCC principles, and capitalize on the experience of other coastal community's LCP's to provide tested models for the effort in Pacific Grove.

Thank you for you assistance.

Tony Ciani
220 Walnut Street
Pacific Grove, CA 93950
(858) 454-7141

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

Planning Commission review of the LCP 6-16 meeting (Form submission from: Contact the Planning Commission)

1 message

website@cityofpacificgrove.org <website@cityofpacificgrove.org> Thu, Jun 16, 2016 at 4:56 PM
Reply-To: John Evans <evansjhe1@gmail.com>
To: dgonzales@cityofpacificgrove.org

Name: John Evans
Email: evansjhe1@gmail.com

Message:
398 Calle De Los Amigos
Pacific Grove, CA 93950
Oct. 16th 2016

Dear Planning Commission Members:

I am John Evans and I am writing to you as a homeowner in the Asilomar Dunes neighborhood. I am writing this letter to share with you some concerns I have with the Pacific Grove Local Coastal and certain policies that I believe will be either punitive or result in excessive over reach for existing homeowners in the Asilomar Dunes.

The first item I am concerned with is in the definition being proposed as the basis for "existing home development: The definition is particularly important as it will determine what will be allowed if these homes do not conform with existing rules regarding lot coverage to homeowners whose homes were built before the existence of the CCC.

Without going into detail the revised definition of "existing development" will not be nearly as generous when compared to the rules that governed home construction prior to the creation of the CCC. In short if the existing home and hardscape does not comply with the new requirements the homeowner may be required to remove existing storage sheds, patios, landscaping or even part of their home. The existence of such a possibility is extremely punitive and might be considered excessive as it relates to any type of Municipal oversight under any circumstances.

My next concern is relevant to many homeowners and can be found section Bio pages 2-43. This section describes policies regarding fencing. Briefly it states or is implied to limit fencing or barriers that will be limited to symbolic fencing that is required to protect native dunes habitat and allows for a free passage of sand seeds and wildlife.

Netting this out it appears to me that this means that no privacy fencing will be allowed nor will any enclosures for pets or private gardens within the homeowners 5% allotment for such hardscape and personal use.

Once again this falls in the category of excessive governmental control and overreach.

I would like to reduce my comments at this point to briefly cover the additional proposed policies that are excessive or could be considered an overreach by governmental agencies:

Bio 29 speaks to development for existing non-conforming projects that result in redevelopment or remodeling or 50% or more. If existing homes exceed the

allotted coverage homeowners will be required to reduce their existing homes to 15%. Again this is excessive and an overreach by the city.

Bio 30 falls into the same category of excessive regulation and overreach.

In conclusion and I would like to request/suggest that the Pacific Grove Planning Commission and City Council consider slowing the review process down in order to assure that the result of the LCP fully involves not only input from the "experts" as but more importantly the residents of our beloved city. There is a lot riding on getting the outcome of this review and resulting rules and regulation right as it will literally impact Pacific Grove for decades to come.

Respectfully,

John Evans

Attached File:

Submitted on Thursday, June 16, 2016 - 4:56 pm

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

further discussion of fencing in Asilomar dunes (Form submission from: Contact the Planning Commission)

1 message

website@cityofpacificgrove.org <website@cityofpacificgrove.org> Thu, Jun 16, 2016 at 1:00 PM
Reply-To: Janet Cohen <janetcohen333@comcast.net>
To: dgonzales@cityofpacificgrove.org

Name: Janet Cohen
Email: janetcohen333@comcast.net

Message:
I wanted to expand on the discussion about alternatives to changing the fencing regulations in the Asilomar dunes in order to prevent unintended consequences. As I mentioned before, 5% of lot size as the ratio for privacy fencing is a problem because of the large lot sizes in the dunes especially for an acre or greater. One acre would allow 2182.5 square feet to be privately fenced. If there was more than an acre it of course would increase the square footage allowed to be privately fenced. Thus, if a house built on one acre with the maximum 6000 square feet of allowable structure plus 2182.5 square feet of privacy fencing would create 8182.5 square feet of loss of visual access of the dunes.

Keeping the fencing as defined in the 1989 Land Use Plan seems best but other alternatives might be:

1. Allowing privacy fencing within the allowable 15 % building coverage to a capped amount. Allowing privacy fencing within the allowable 15% building coverage makes more sense but also has pitfalls for protecting visual access of the dunes again on the larger lots. For instance, a 3500 square foot home on an acre would be allowed 2500 square feet of privacy fencing. Thus, a capped limit seems important even within the 15% coverage as for instance: privacy fencing allowed within 15% building coverage of the site up to (a designated amount, maybe 1200-1300?) square feet.

2. Fencing with grape stakes or similar fencing to 4 to 4.5 feet height for a designated area does not impose the same kind of problems as privacy fencing because of better visual access. 4 to 4.5 feet height limits would allow some wildlife passage. The ratio of allowable grape stake fencing could be linked to 5% of lot size but once again a maximum cap size seems important for greater than an acre as for instance: grape stake or other similar fencing allowed to a maximum limit of 2182.5 square feet for one acre or greater of lot size.

3. Perimeter fencing that allows visibility and movement of wildlife or none.

4. Current (date back to May 2016?) non-conforming fences to be left as legal until certain triggers happen as defined in the IP by the City.

Thank you,

Janet Cohen

Attached File:

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

June 16, 2016 Agenda item 7.a, Attachment 1 (Form submission from: Contact the Planning Commission)

1 message

website@cityofpacificgrove.org <website@cityofpacificgrove.org> Thu, Jun 16, 2016 at 10:42 AM
Reply-To: Lisa Ciani <lisa.ciani@gmail.com>
To: dgonzales@cityofpacificgrove.org

Name: Lisa Ciani
Email: lisa.ciani@gmail.com

Message:
Dear Planning Commissioners,

I am attaching my comments on Attachment 1 revisions to the LUP.

I will send some comments on the IP as soon as I can.

Thank you,
Lisa Ciani

Attached File:
http://www.cityofpacificgrove.org/sites/default/files/webform/planning-commission/PC%20LUP%206-16-16.pdf

Submitted on Thursday, June 16, 2016 - 10:42 am

June 15, 2016

To: Planning Commissioners

Re: June 16, 2016 Agenda item #7. a: LCP, Attachment #1, Revised 6/1/16 LUP

From: Lisa Ciani

I'm commenting here on the LUP Revisions in Attachment #1. I will comment on as much as I can of the Updated IP in comments in a separate communication. (You should receive two comment communications from me today.)

Also, for purposes of the June 1 and June 2 minutes, and going forward, my last name is spelled with one "n", and so is my husband's. Thank you.

Attachment #1:

Page 1-9: This is an unreasonable undermining of "should". Now a definition for "compelling reason" is needed.

Page 1-19: This states that the current Local Water Project needs to be protected by excluding it from the category of "critical public infrastructure" so it can be built in "an area potentially subject to coastal hazards" (6/1/16 LUP, HAZ-10, last paragraph). This is not in conformance with the Coastal Act.

Page 1-20: Pacific Street is in Monterey; Pacific Avenue is in Pacific Grove. Please correct this misnomer so that the "Retreat" boundary is correctly described. Source: PG's LUP maps, PG's street signs, Google maps and others.

Page 2-9: There need to be separate policies for storm surf and tsunamis. The language here makes it sound as if there is a "warning system" for high tide/storm surf as well as tsunami threat. We do need very clear signs warning about large waves and sneaker waves. I believe there are such signs on the Asilomar coast, though they could be improved. But the more frequent hazard of storm surf and large waves needs to be distinguished from rare tsunami warnings. The limited lifeguard service availability also needs to be noted on signs.

Page 2-10: The deletions suggest that PG will allow (new) development to take place even with the potential for needing shoreline protective devices. What is the justification for allowing that? "Acknowledging that the development site may be subject to coastal hazards", in a deed restriction, is no guarantee that the current property owner, or a future one, will not be able to construct a shoreline protective device.

Page 2-11: See page 1-19 above.

Page 2-14: "Artistic stone" as a shoreline protective device is NOT "non-structural". It is a concrete seawall.

And the more recent of the "two existing coastal shoreline private residential properties" at the end of the Lighthouse Ave. extension should not be "evaluated in the future as an exception". It was built when shoreline protective devices were not permitted for new houses on the shoreline. Look at the CDP for that construction.

Page 2-19: It is inappropriate to delete a policy calling for the City to "assist, where feasible, appropriate institutions or agencies" in doing long-term studies "monitoring the marine resources and water quality…". The City needs encouragement to demonstrate respect and support for our water quality and marine resources, and to help where possible.

Page 2-22, Background – Scenic Resources: I believe you need to change the end of the last sentence of the last paragraph:

> *The inland side of Ocean View Blvd, east of Asilomar Avenue, ~~has assumed a residential nature.~~ is largely residential in nature, or provides visitor accommodations including historic structures transformed into Bed and Breakfast accommodations—with the exception of the restaurant property at Lovers Point and the American Can Company building east of Dewey Ave. The primarily historic properties between 1st Street and Grand Avenue, along with Andy Jacobsen Park and Greenwood Park, comprise a valuable scenic resource, and the continuation of the low scale residential character of that side of the coastal road west of Lovers Point Park contributes significantly to the scenic quality of the coastline. Borg's Motel is an appropriately scaled mid-century modern building, and there are a few simple craftsman cottages remaining in that area. The map could also have some orange coloring on the landward side of Ocean View Blvd. between Sea Palm and Asilomar Ave. to indicate that the Beach Tract contributes to the scenic resources.*
>
> This modification would also require a change in both Figure 3, the Scenic Areas map, to be orange from 1st Street to Pacific Avenue and omit the label "Areas seaward of Ocean View Boulevard." And in the text of SCE-3, "areas seaward of Ocean View Boulevard and Sunset Drive as shown on Figure 3" should be changed to "areas along Ocean View Boulevard and Sunset Drive as shown on Figure 3).
>
> Areas of Monterey pine forest and sand dunes along Asilomar Avenue and Sunset Drive in Area VI have been omitted from the Scenic Areas designation on the Scenic Areas map. That should be corrected, and those areas should be colored orange.

Page 2-28: Are "new" utilities ones that have not been invented yet, or ones that have not previously been provided in that area? This needs a definition.

Page 2-29: In the added sentence, "Public Access *of* these open space areas....", I believe the word "of" should be changed to "to" or "in".

Page 2-44: The ninth bullet on page 12 of Attachment #1 should include encouragement for retaining the existing building that previously housed NOAA with its uniquely painted mural designed by Ray Troll, depicting a century of history of the fisheries and fishing industry in Monterey Bay, and titled Green Seas/Blue Seas: The California Current, Climate Change and Sustainable Fisheries. It should be retained for adaptive reuse as a coastal related public facility.

Page 3-6: A 40-foot height limit is too high in any part of PG's coastal zone. Our open access coastline needs a buffer of low-scale buildings. Forty-foot tall buildings are not appropriate in LUP Areas I and III, or any other Area of our narrow coastal zone. At Sunset Commercial District, the height limit should be no more than 25 feet.

Page 3-9: There needs to be policy language specific to the ATC building in the LUP in order to have appropriate ordinances in the IP. Again, the height limit should not be 40 feet.

Page 3-15: The addition of the Native American Period is very appropriate.

Thank you for considering my comments,
Lisa Ciani

JUNE 16, 2016

Item 7a(ii)

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JUN 16 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

To the Pacific Grove Planning Commission

I'm sure the Planning Commission has good, hard working people on it and I hope you are getting the proper input from PG citizens to help get it right.

I don't think the CCC was originally formed with the intent of grabbing land, but done in the spirit of protection and beautification of our coastline. We have been told by active and retired employees of the CCC that they just don't want people living on their sand dunes . What happened to the property rights of the land owning,tax paying citizens?
If I have a house that covers more than 15% of my lot or more than 5% of hardscape(driveway,deck,walkways and outdoor steps, etc)then is my house in violation of the CCC 15/5% formula?Is it grandfathered in if it is pre 1976, when the CCC was formed while I still own and reside in it? If I happen to sell my house someday, the new buyers are required to fall within the 15/5%formula. If they apply for a permit for improvements that do not change the footprint of the building, such as new siding, roof repair, fence repair, does that mean they have to tear out part of the house to meet the 15% and remove existing yard, trees,gardens,walkways,driveways,fences and decks to meet the 5% hardscape formula? They would then be forced into a property lien to maintain and pay for a new CCC"native plant "restoration landscape, determined by CCC or I can let my house deteriorate and become uninhabitable. You don't believe this? It has already happened and is continuing to happen in our area.People are waiting years to get started, all the time paying taxes, paying hundreds of thousands of dollars to get through the red tape, only to give up, leaving their houses a rotten mess. Just what the CCC wants.
I guess the CCC thinks all plants and trees are ugly except "native plants" What is so wrong with a small fence, a small deck and a small garden? I guess no small children, give the dog away, forget a yard. The CCC answer to a deck or fence question is "it might cast a shadow on an endangered plant to be."
Our beautiful blooming ice plant has kept our sand dune in place and it has not increased in size in 50 years. It has allowed beautiful native ferns and wildflowers to exist and mature on our pristine, very large dune, untouched by the CC. What country are we living in? North Korea? It certainly doesn't seem to be the one I fought for and the constitution I believed in.Shame on you for trying to remove the property rights from the good citizens of Pacific Grove under the auspices of Coastal Beautification. Let us improve and beautify our property in a manner that enhances our community with the help, guidance and blessings of our city planners and not the "Gestapo" methods of the CCC, where common sense does not exist.
"It might cast a shadow on the endangered good tax paying citizens to be"

Thank you for your time and consideration. See you at the meeting.

A very upset homeowner of the dunes and long time resident of P.G.

Fwd: further discussion of fencing in Asilomar dunes (Form submission from: Contact the Planning Commission)

Inbox x

Debbie Gonzales 3:12 PM (34 minutes ago)
06/16/16
to Mark, me, Laurel, Wendy, Heidi

Please see PC Agenda 6-16-16 Item 7(a) comments below.
---------- Forwarded message ----------
From: <website@cityofpacificgrove.org>
Date: Thu, Jun 16, 2016 at 1:00 PM
Subject: further discussion of fencing in Asilomar dunes (Form submission from: Contact the Planning Commission)
To: dgonzales@cityofpacificgrove.org

Name: Janet Cohen
Email: janetcohen333@comcast.net

Message:
I wanted to expand on the discussion about alternatives to changing the fencing regulations in the Asilomar dunes in order to prevent unintended consequences. As I mentioned before, 5% of lot size as the ratio for privacy fencing is a problem because of the large lot sizes in the dunes especially for an acre or greater. One acre would allow 2182.5 square feet to be privately fenced. If there was more than an acre it of course would increase the square footage allowed to be privately fenced. Thus, if a house built on one acre with the maximum 6000 square feet of allowable structure plus 2182.5 square feet of privacy fencing would create 8182.5 square feet of loss of visual access of the dunes.

Keeping the fencing as defined in the 1989 Land Use Plan seems best but other alternatives might be:

1. Allowing privacy fencing within the allowable 15 % building coverage to a capped amount. Allowing privacy fencing within the allowable 15% building coverage makes more sense but also has pitfalls for protecting visual access of the dunes again on the larger lots. For instance, a 3500 square foot home on an acre would be allowed 2500 square feet of privacy fencing. Thus, a capped limit seems important even within the 15% coverage as for instance: privacy fencing allowed within 15% building coverage of the site up to (a designated amount, maybe 1200-1300?) square feet.

2. Fencing with grape stakes or similar fencing to 4 to 4.5 feet height for a designated area does not impose the same kind of problems as privacy fencing because of better visual access. 4 to 4.5 feet height limits would allow some wildlife passage. The ratio of allowable grape stake fencing could be linked to 5% of lot size but once again a maximum cap size seems important for greater than an acre as for instance: grape stake or other similar fencing allowed to a maximum limit of 2182.5 square feet for one acre or greater of lot size.

3. Perimeter fencing that allows visibility and movement of wildlife or none.

4. Current (date back to May 2016?) non-conforming fences to be left as legal until certain triggers happen as defined in the IP by the City.

Thank you,

Janet Cohen

Attached File:

Submitted on Thursday, June 16, 2016 - 12:59 pm

Re: Local Water Project

Inbox x

Anthony Ciani 4:53 PM (15 hours ago)
6/15/16
to John, me, Brian.O'Neill

John,
Your past work helps us today to better understand the natural resources we treasure. I believe the Coastal Act policies to preserve, restore and enhance are the operable words to keep in mind for Crespi and Mejala and the shoreline in general.
Thank you,
Tony

On Tuesday, June 14, 2016, John Pearse <pearsester@gmail.com> wrote:
Hi Tony,

Unfortunately, I never was able to return to studies of Crespi Pond since my Hopkins class in 1971 surveyed it. We found some remarkable things then, including a large protozoan (Stentor) with bright green symbiotic algae. I've always wondered if they are still there, but suspect it is very changed now with the draining, drying, splashing with sea water, herbicides, and what all. Too bad no one has the time or interest to look. But we do know that it is a congregating place for birds still, and I certainly agree that it should be highlighted as a special habitat in the LUP.

John

John Pearse
Professor Emeritus, Department of Ecology and Evolutionary Biology
University of California, Santa Cruz
831-648-9245
e-mail: pearsester@gmail.com
183 Ocean View Blvd, Pacific Grove, CA 93950

On Mon, Jun 13, 2016 at 11:14 AM, Anthony Ciani<aciani@cianiarchitecture.com> wrote:
Thank you Brian,

I will try to determine what BIO policies this refers too – "*as well as other uses and development specified in the Biological Resources and Environmentally Sensitive Habitat Areas chapter of this Land Use Plan,*"

Tony

On Mon, Jun 13, 2016 at 11:07 AM, Brian O'Neill<Brian.O'Neill@coastal.ca.gov> wrote:

The LUP identifies Crespi Pond as a wetland and protects it as ESHA. The policy limits allowed uses to those specifically identified in the Coastal Act. Further restrictions beyond what the Coastal Act requires would need to be a City decision.

MAR-3. Wetlands, including Crespi Pond and the Majella Slough riparian area shall be considered as Environmentally Sensitive Habitat Areas, and governed by Coastal Act policies 30233, and 30240. No alteration of freshwater wetlands (including Crespi Pond and Majella Slough) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats, as well as other uses and development specified in the Biological Resources and Environmentally Sensitive Habitat Areas chapter of this Land Use Plan, and only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

From: Anthony Ciani [mailto:aciani@cianiarchitecture.com]
Sent: Monday, June 13, 2016 10:37 AM
To: Luke Coletti
Cc: Brian O'Neill
Subject: Re: Local Water Project

Brian,

I believe this is an appropriate time to include policies to protect those resources in the current update of the LUP.

Tony

On Mon, Jun 13, 2016 at 10:32 AM, Anthony Ciani <aciani@cianiarchitecture.com> wrote:
Thank you Luke,

I'm not a mechanical engineer, but I have hired them to do storm water projects on the coast in La Jolla. I can't imagine the tests to confirm the pre-1950's lines are sound, must less not septic. Sounds like an opportunity for a "hazard spill" into Crespi.

I may have pics of the culvert outfall you describe that I took last December. But, unless it was built with a back flow prevention (flapper) valve, it is likely silted up and plugged up with rocks and stuff from the wave rush up which you have seen deposit boulders, rocks and sand over the road and onto the golf course and into Crespi.

Marine biologist John Pearse studied Crespi in 1971 and currently, is very concerned with the City's proposed activities. I expect him to send his comments to the City this week.

Tony

On Mon, Jun 13, 2016 at 9:36 AM, Luke Coletti <ljc@groknet.net> wrote:

Hi Tony,

The water project currently being persued will treat wastewater. The project you're thinking of is actually a second water project to treat stormwater and is a long ways off. The idea is to pump stormwater to Pt Pinos from a diversion point near Calendonia Park using the abandoned (circa 1950's) sewer main running along Oceeanview.

Any excess flow to the plant would be diverted into Crespi Pond, which would provide storage and act as a forebay for the plant. There is a culvert running under the road (Sunset Blvd) connecting Crespi Pond to the adjacent beach. Any overflow drains out of this culvert. I've seen it in action. I believe the proposed Crespi Pond expansion (down to bedrock) would take the capacity to 5af.

Luke

On 6/12/16 1:05 PM, Anthony Ciani wrote:
Hi Brian,

I continue to be concerned over this project to build a new water reclamation structure that may be subject to coastal flooding. (See Map) I know the City Council approved it, and CCC approved a waiver. Both of those decisions were mislead by the failure to address the location in terms of coastal flooding, and in my opinion wrong.

I am stuck on the "second" separate project, to somehow use Crespi Pond as a supplemental water storage facility by dredging it down to the granite. I believe you have told me you have not received the permit application for this project, or at least, all of the information to deem such an application complete; is that correct? If and when you have the complete permit application for such a project to use Crespi Pond for this Local Water Project project, please add me to the list of interested person to be noticed. For that matter, I would like to be informed at the earliest phase.

In advance of that, my primary concern is that Crespi Pond and surrounding area are well below the elevation above sea level that allows wave run up to flood into and around the wetland. Most recently, the winter storms of 2015-16 resulted in waves washing over Ocean View Blvd. into and around Crespi Pond. This natural process is not new, but will likely increase with Sea level Rise. Dredging down to granite may result significant adverse impacts to the wetland. I have yet to understand how brackish water can be used to irrigate a golf course, or purposes other than supporting and maintaining the ancient lagoon.

I assume that this small lagoon was connected directly to the ocean before the road was built. As it is the waves create a channel through the berm on the ocean side of the road, then flood over the road to carve a way into Crespi Pond. When that occurs, the pond expands over it banks into the lawn of golf course. Please keep this in mind when it comes time to review the next phase of this development.

Thank you,

Tony Inline image 1

JUNE 15, 2016 Item 7a(ii)

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JUN 15 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

To the Planning Commission of Pacific Grove

The Coastal Commission and the Coastal Act was created in 1976 for the purpose of preserving the beauty of the Calif. coast. Few realize however, that the CC is continually seeking to expand it's jurisdiction and power. That power is now unchecked.In many cases the CC typically imposes conditions or exactions in exchange for issuing a permit, many of which are unconstitutional. The Supreme Court has indeed ruled that some of these types of exactions were "extortion" yet the CC still imposes them.

I am a homeowner in the Asilomar Dunes neighborhood and have discovered some of the changes in policies you are considering. Our families have lived in PG over 75 years and are thankful for the beauty of our area and our community.We have maintained our house and property, respected and protected our dunes and environment. Our current house was built pre Coastal Commission.We have one of the remaining intact white sand dunes in the area. We look across to the Asilomar Rec Path and see the dirty sand and native plants brought in by the State, which is now full of foxtails and weeds,spreading into the adjacent healthy and pristine dunes in the area.None of it is maintained. Much like our city parks, which are waist high in weeds and foxtails, and again, not maintained.Now it appears you want to change the conditions regarding private yard space and fencing by limiting or removing them on existing properties.Are you also suggesting tearing out existing driveways,sections of our yards and houses? So we can live here, but not have a safe place for our grandchildren and pets to enjoy the beautiful outdoors of PG. Are you kidding? What happened to property owners rights? What about our Constitution? This is a form of extortion by the Coastal Commission and the City

The Coastal Commission has far exceeded it's intended power. This is a very serious phase for the City of Pacific Grove and it's citizens. I understand this has been a very long, tedious, ongoing process, but it is imperative to get it right and not throw the residents/tax payers under the bus for the sake of finalizing the Local Coastal Program and be done with it. We matter!!!Please listen to the concerns of your residents and take the time to insure this is a complete, fair, thorough review that represents your citizens and not just the Coastal Commission's demands.

We will be attending this Thursday's meeting and appreciate your consideration in this matter.

Regards, A concerned property owner

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JUN 15 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

June 14, 2016

Re: Pacific Grove Local Coastal Program

To Whom It May Concern:

We are homeowners and permanent residents in Asilomar Dunes neighborhood. Four years ago we purchased our home specifically because of the beauty of the area in which it is located. We are planning to attend the Thursday, June 16th, Planning Commission meeting at City Hall to find out how we may voice our concerns regarding some of the policies currently in the Land Use Plan, which we understand were added in this last phase of finalizing the Local Coastal Program. For instance, we are concerned about the limitations regarding fencing in the dunes area, conditions on private yard space and the requirements related to development and re-development of private/personal land.

We understand that this process has already demanded endless hours of your time and efforts. We are aware that you have offered community workshops and forums to discuss these topics. Even so, not all of the Asilomar Dunes homeowners are aware how this new Local Coastal Program has taken form and what it will mean to us in the future.

We are imploring you to give this process a little more time, a few more months, to ensure that everyone in the community is on board. This is our home. We want to protect and preserve the environment as much, if not more, as anyone. We also do not want to live in an environment in which everything is controlled by an outside entity and completely restricted.

We hope you will consider our request to extend this last phase of the Local Coastal Program and not sacrifice the concerns of the residents just to finalize it.

Sincerely,

Stephanie and Greg Edenholm
Asilomar Dunes residents and homeowners

Luke Coletti 12:53 PM (3 hours ago)

06/14/16

to Brian.O'Neill, me, revellcoastal, Tom.Kukol, kinisonbrown

Hello Brian,

It appears there was a survey done of the Point Pinos Waste Water Treatment Plant (PPWWTP) in 2013. I've attached a site plan that includes contour lines taken from this survey.

The elevations in the 2013 site plan are "higher" than those in the 1952 plans and I believe I know why. As mentioned in the excellent report by Revell Coastal, elevation values are dependent on the datum being referenced. In 1952 the datum in use was the National Geodetic Vertical Datum of 1929 (NGVD29). However, the datum used for the PPWWTP survey was undoubtedly based on the North American Vertical Datum of 1988 (NAVD88). The offset between the two datum can be computed (link below).

http://www.ngs.noaa.gov/TOOLS/Vertcon/vertcon.html

However, if we use the values provided by Revell the offset between NAVD88 and NGVD29 is 2.73ft, which is to say NAVD88 elevations are approx. 2.73ft "higher" than NGVD29 values. And, sure enough, if you look at the values in the 2013 site plan they are offset from those in the 1952 plans by this same amount.

Now we must determine the elevation of the PGLWP relative to Mean High Tide or Mean High Water (the datum used in LUP HAZ-11). Again, Revell provides this delta, which is 4.76ft. Therefore, if we take the reported values in the attached site plan and subtract 4.76ft it's clear the PGLWP will be sited at a location that is well below the 20ft threshold mentioned in HAZ-11.

Therefore, I'm requesting the following:

1) LUP section 3.4.1 PUBLIC INFRASTRUCTURE (INF) Background - Water Supply, Conservation, and Wastewater must mention the Pacific Grove Local Water Project being at risk.

2) The LUP must include clear definitions of all tidal datum being used.

3) The LUP must be consistent as regards the names of various tidal datum, e.g., Mean High Tide should be replaced with Mean High Water in order to match Revell.

4) The preliminary 20ft elevation contour map provided by Revell should mention the datum (NAVD88?) in the legend.

5) The preliminary 20ft elevation contour map should incorporate the 2013 survey of the PPWWTP, (I will forward).

6) If adopted, I believe the Revell Report should be a published appendix of the the LUP.

Thank you for your consideration,

Luke Coletti
Pacific Grove

Kirstie Wilde

1500 Sunset Drive • Pacific Grove, CA 93950-2023
Phone: 831 595 0670 • kirstiewilde@gmail.com

6/14/2016

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JUN 14 2016

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPT

Bill Fredrickson
Bill Bluhm
Robin Aeschliman
Jeanne Byrne
Donald Murphy
Mark Chakwin
Nicholas Smith

Dear Ladies and Gentlemen,

I know you are close to adopting your draft of the Local Coastal Plan and submitting it to the City Council. As a homeowner in the Asilomar Dunes neighborhood, I believe there are far too many crucial issues that still need to be reviewed such as:

- Development/redevelopment requirements placed on homes even if they were built prior to the Coastal Commission or were permitted when coverage regulations were very different
- Very restrictive limitations on placement of and types of fencing, if fencing is allowed at all
- Very minimal square footage allowed for private yard space. Many of us have children and grandchildren and pets that need protection
- Requiring that outdoor living space be restored to and maintained as native dune habitat.

Can you put yourselves in our place and imagine what it would be like if somebody put these restrictions on *your* house, yard and private property? After all, before Pacific Grove was built, *everybody's* lot was "native dune habitat."

The policies included in this document are going to have far reaching consequences on our homes and private property, which warrant that you slow this phase of the process down, think about how the voluminous proposed restrictions could hurt your neighbors, and ensure a thorough review.

Sincerely,

Kirstie

June 14, 2016

Bill Fredrickson
Bill Bluhm
Robin Aeschliman
Jeanne Byrne
Donald Murphy
Mark Chakwin
Nicholas Smith

Dear Planning Commissioners,

I am a homeowner in the Asilomar Dunes neighborhood and attended the last two Planning Commission meetings to voice my concerns regarding the policies that are going into the Land Use Plan.

I have reviewed the changes that have been made since then and while I greatly appreciate the rewrites that have been made to address community concerns, I still believe there are more issues that need to be reviewed and addressed. These include:

- Bio 23 bullet 1
  "An additional five (5) percent of the total lot area may be used as Immediate Outdoor Living Space (i.e., a dune area within which limited outdoor activities are allowed) if such area is contiguous to allowed coverage areas and it is restored/enhanced and maintained dune.
  So does this mean a homeowner's can outdoor living space has to be native habitat? How is that outdoor living space? I believe the definition of outdoor living space needs to be redefined to allow more flexible uses associated with typical backyards.

- Bio 23 bullet 10
  "As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes to allow for wildlife movement, native seed dispersal and visual consistency."
  What does as feasible mean? Does it mean the city can require a homeowner to remove fencing even if they are not doing any development/redevelopment activities?

- Bio 23 bullet 11 - "Fencing and other such barriers shall be prohibited along any property boundary, except private yard space fencing, absent a conclusive showing that such fencing/barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed fences/barriers shall be limited to minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. Fencing for private yard space adjacent to a home may include a property line, but may not exceed 1000 square feet adjacent to the framework of the home and is allowed subject to City design review."

Restricting allowed fencing for private yard space to minimal symbolic fencing defeats the purposes of affording privacy to homeowners and enabling dog owners to have safe enclosures for their pets. In order to address these needs, the fencing design criteria should be the same as in non-coastal areas, i.e., typical 6' high backyard safety/privacy fencing. In addition, the limitation of 1000 square feet for private yard space is less than 5% on a ½ acre lot. I think it would be more reasonable to allow 1000 square feet or 5% of lot coverage, whichever is greater.

- BIO 29 - "Development associated with existing non-conforming residential development in the Asilomar Dunes residential area that:
  - Bullet 1 - "Results in redevelopment shall require that all development on the site be brought into conformance with the Local Coastal Program requirements, including, importantly, with respect to site coverage and dune restoration/protection requirements.
  - BULLET 2 - "Does not result in redevelopment shall only be allowed if: lot coverage remains the same or is reduced; there is no new coverage of existing dune habitat, all remaining dune habitat is restored and permanently protected.

Both of these policies penalize homeowners whose homes were built before the Coastal Act was passed and when Coastal permits allowed greater coverage. I believe that pre-existing coverage should be considered a baseline that is not subject to having to conform to the current 15/5 rules and that pre-existing/permitted sites should not require restoration of non-native habitat as long as the remodel stays within that footprint. There are so many older homes in the Asilomar neighborhood that would truly benefit from a remodel. Yet the penalties are so great that many homeowners can't afford to take on such projects. As you folks have stated, when visitors come to see the coastline here, they want to see the built environment too. The city gains financially in terms of property taxes and tourist revenue from incentivizing the homeowners in this neighborhood to undertake remodels not penalizing us to the point that we avoid them at all costs.

These are just a few examples of the policies that need to be reviewed to ensure that what is put in place works for the city and the homeowners as well as the Coastal Commission. I realize that this endeavor has required you all to invest enormous amounts of time, yet I believe the advantages of slowing the process down to ensure it is completed in a conscientious fashion are so much greater than rushing to completion. Remember that the public had less than 24 hours to review the extensive red-line LUP document before the last Planning Commission hearing on June 2 and has had only 2 days to review further extensive errata for this upcoming Thursday meeting. I believe it is important for you to have time to consider and incorporate public comments on the LUP at your June 16 meeting, which would mean not taking final action on the LUP at this meeting.

Sincerely,
Kathryn Poling

Honorable Mayor, City Council, Planning Commission & Staff

Stripping 80% of the growth on sand for planting thousands of plants and trees will destroy a phantom ESHA in order to **create** an ESHA (easement). Why strip the growth on an ESHA if it is an ESHA?

Creating or expanding an ESHA and "TAKING" an easement on 80% of private property violates the fifth and fourteenth amendments, of the constitution. There have been a number of "wetlands takings" in which a portion of a lot was wet, but that finding did not make the whole lot a wetland as ruled by the U S Supreme Court. For further proof call the Pacific Legal Foundation at their headquarters in Sacramento (916) 419-7111. They are a nonprofit and should be willing to represent neighbors for free.

The Asilomar lots were subdivided before the CCC was formed. Where do they get the authority to limit development to 15% of property for house, garage, patio and a portion of driveways and off street parking. Off street parking is very beneficial on narrow streets, with pedestrians walking dogs to the beach. Human lives are far more important than Legless Lizards or native plants. The CCC has a record of "illegal takings" as proven by the U S Supreme Court and California Courts.

The City should seek help from the Governor and Legislature and if that fails the neighbors should ask PLF to take it to court. The City should be wary of negotiating an agreement that can wind its way through the appeals courts to the Supreme Court. The Asilomar area neighbors should demand justice. Thank you Kathryn Poling for your research.

Don Redgwick
Pacific Grove

John Pearse 8:11 AM (3 hours ago)

06/14/16

to me, kinisonbrown, wlao, Brian.O'Neill, Anthony, Lisa

My apologies. I hit the "send" button last night before I had re-read and proofed my statement. Below is a corrected copyL John

I have been following the on-going modifications of the LUP and am very pleased with how it has developed over the past year. It now is well beyond the near boilerplate version developed in 1989, and is much more specific to Pacific Grove with our spectacular coastline. I very much appreciate the care and attention you and your team have given to the diverse inputs from concerned citizens.

However, the area that I am most familiar with, the rocky intertidal (aka "tide pools") and offshore kelp forests might receive more attention. The intertidal area between the high and low tide lines, as well as the offshore kelp forests, are among the most diverse and species rich of any habitat in the world. And the unusual conditions here (early morning or late afternoon tides, moderate weather, foggy skies, nutrient-rich, upwelling water, hard rock, and coarse sand) make the rocky intertidal and nearshore waters of the Monterey Peninsula among the richest anywhere in the world. They attracted both UC Berkeley and Stanford University to establish marine laboratories here in the 19th century, and Ed Ricketts to establish his collecting business here in the early 20th century. World class marine biological research continues here at Stanford's Hopkins Marine Station, and the intertidal areas around Point Pinos in particular continue to attract classes from K-12 through colleges and universities. Pacific Grove's intertidal, in fact, is very special and nearly unique to Pacific Grove. Julia Platt recognized that when she was mayor in the early 1930s and successfully established the Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Life Refuge.

About 15 years ago a group of Pacific Grove citizens became concerned over possible over collecting of intertidal animals around Point Pinos. That led to a detailed study by Tenera Environmental (attached) that described the area around Point Pinos and the impact people visiting the area had on the biota; very little then. I think this study should be incorporated into the LUP. Indeed, Tony Ciani shared with me his excellent suggestions of June 6, 2016 for the June 1 draft of the LUP. His addition of 1.6.3 is a good start. However, I think it should be 1.6.4 and 1.6.3 Point Pinos Lighthouse should remain in the document. Moreover, I would like to suggest some rewording:

1.6.4 Intertidal Zone Monitoring

Pacific Grove's rocky intertidal areas with their tide pools, and the offshore kelp forests, are among the most diverse and species rich habitats in the world. The City has protected them as marine refuges since 1931 and they are have been within the State's marine protected areas since 2007. They are popular for recreational exploration and scientific research. Students in Hopkins Marine Station's Marine Life Observatory program study and monitor marine life all along Pacific Grove's coast. The Pacific Grove Museum of Natural History coordinates a citizen science program, LiMPETS (Long-term Monitoring Program and Experiential Training for Students), that provides hands-on monitoring experiences empowering middle and high school students and teachers as ocean stewards while tracking changes along the coast. In addition, students and researchers of the University of California, Santa Cruz, PISCO program (Partnership for Interdisciplinary Studies of Coastal Oceans) now monitor both the rocky intertidal and the kelp forests of Pacific Grove.

I very much approve of HAZ-13 that recognizes the irreplaceable "natural living shoreline" that would be vulnerable to shoreline protective devices such as seawalls and rip rap. Indeed, large boulders used for rip rap cover and destroy the native biota of the intertidal, provide habitat for rats, and detract from the scenic beauty of the algal-covered native rock outcrops.

The photograph heading section 2.3 nicely illustrates the rocky intertidal at Point Pinos. I am very pleased with this section. Because the rocky intertidal at Point Pinos shoreward of the Lighthouse Reservation is particulary diverse and attractive to many visitors, I suggest modification of the final paragraph on page 2-22 to emphasize the special rocky intertidal habitats there:

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

I recommend that the second bullet on the top of page 2-30 be expanded to:

nIntertidal areas which include a high diversity of algae, invertebrates, and fishes in tide pools and on boulders and rocky outcrops, and are sensitive to trampling and other types of disturbance.

I note that there is no mention of rocky intertidal (tide pool) biota in section 2.2.4 Land Use Plan Policies - Biological Resources and Environmentally Sensitive Habitat Areas. I recommend that a statement be added under Flora and Fauna

BIO- XX. Preserve and maintain marine habitats (rocky intertidal, tidepool, kelp forest) in accordance to Municipal Code 14.04.010-030 and the California Department of Fish and Wildlife's

janetcohen333@comcast.net 1:05 PM (22 hours ago)

06/13/15

to me, Mark, brian.o'neill, kevin.kahn

Hello Anastazia and Mark,

I will assume 5% privacy fencing proposal in the Asilomar dunes is for 5% of lot size. Thus, it seems like it will be too much as I mentioned before from the large lot sizes of 1/2 to 1 acre. 1089 square feet for 1/2 acre would be allowed and 2182.5 square feet for an acre.

Keeping the fencing as defined in the 1989 Land Use Plan seems best but other alternatives might be:

1. Allowing privacy fencing to a designated height for courtyards only within the allowable 15% building coverage.

2. Allowing grape stake or similar fencing for 5% of the lot size for pets. This would still allow visibility but the downside would be not allowing wildlife to come through that part of the lot.

3. Perimeter fencing only that allows visibility and movement of wildlife or none.

4. Current non-conforming fences left as legal until certain triggers happen as defined in the IP by the City.

Thank you,

Janet Cohen

Luke Coletti
06/13/16

12:52 PM (1 hour ago)

to Brian.O'Neill, me, revellcoastal, Tom.Kukol, kinisonbrown

Hello Brian,

The proposed Pacific Grove Local Water Project will be constraucted at the site of the abandoned Point Pinos Waste Water Treatment Plant (PPWWTP). The original plans for the PPWWTP, prepared in 1952 (see pp. 8-12 in attached PDF), show the elevation of finished grade (FG) as being less than or equal to 20ft above mean sea level. The drawings also show that the base the plant's two buildings are significantly below that.

The fact that the Local Water Project will be sited where the original plans indicate is less than 20ft above mean sea level seems problematic, especially when you consider the entire site is within the Areas of Potential Sea Level Rise Hazard and subject to potential coastal flooding (see p. 7 in attached PDF).

LUP Policy HAZ-11 (text and link below) mentions the 20ft elevation mark as being a significant threshold for ccastal development.

http://www.cityofpacificgrove.org/sites/default/files/general-documents/local-coastal-program/final-lupredlinecc-may-comments053116.pdf

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

Therefore, I'm requesting that LUP section 3.4.1 PUBLIC INFRASTRUCTURE (INF) Background - Water Supply, Conservation, and Wastewater include some mention of the Local Water Project being at risk too. Millions of dollars (SWRCB grant and loan = $7.7M) will soon be spent on the new wastewater scalping plant and upgrading the two existing concrete buildings/storage tanks.

Further, the agenda report for the June 16, 2016 Planning Commission meeting (link below) contains a report on Hazard policy and sea level rise triggers (see pp. 1-7 in attached PDF). The report includes a Preliminary 20 foot contour line map (see p. 8 in attached PDF). It seems almost miraculous that the Point Pinos Waste Water Treatment Plant site is perfectly excluded. Therefore, I am requesting the elevation(s) of the site be surveyed and not numerically interpolated. This should have been done earlier as part of the PGLWP EIR but it appears there was an error in reporting the location of the site (see below).

http://www.cityofpacificgrove.org/sites/default/files/planning-commission/2016/6-16-2016/planning-commission-regular-meeting-6-16-2016-agenda.pdf

Finally, the executive summary of the Hazards and Hazardous Materials appendix to the DEIR for the Pacific Grove Local Water Project (link below) states the elevation of the site is "35 ft. above sea level". However, the lat/long provided is the location of the PG golf course clubhouse (see attached pic), not the location of the plant! Therefore, since a CCC waiver was granted on erroneous information, I'm requesting the elevation of the plant site be confirmed and that the terms of the CCC waiver be revisited.

http://www.cityofpacificgrove.org/sites/default/files/general-documents/local-water-project/appendix-f-hazards-and-hazardous-materials.pdf

Thank you for your consideration,

Luke Coletti
Pacific Grove

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Surf. Sand. Sustainability.

ATTACHMENT 2

125 Pearl Street
Santa Cruz, CA 95060
Phone: 503-577-4515
Email: revellcoastal@gmail.com
Website: www.revellcoastal.com

ITEM 7.a

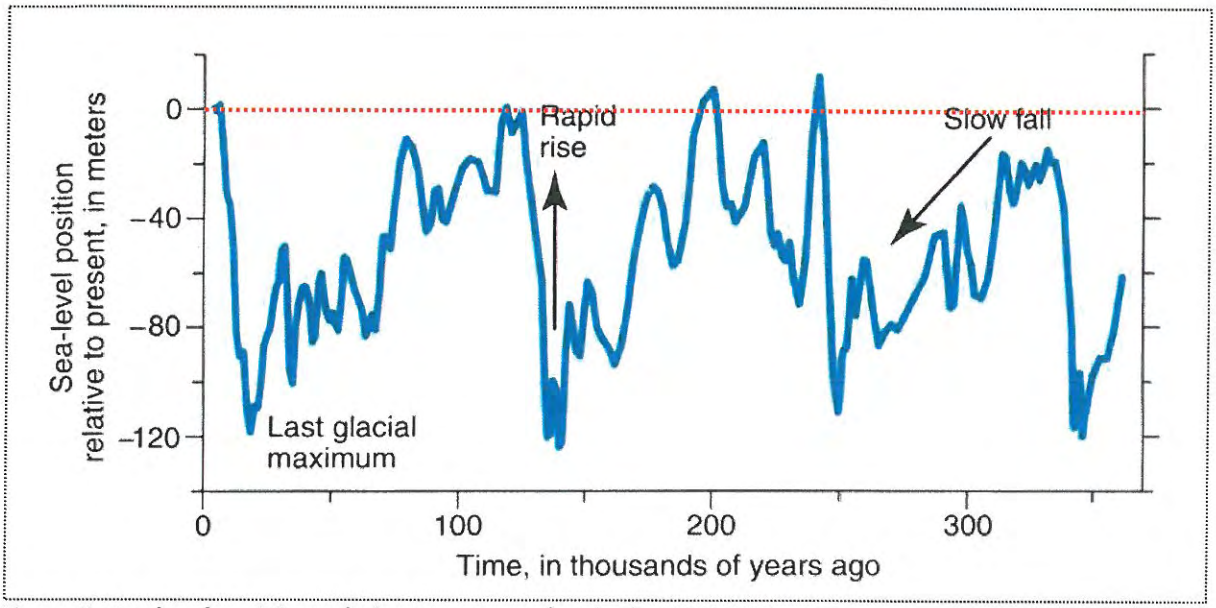

Figure 3. Sea level position relative to present for the last 350,000 years

It is the increase of the sea level over the longer term, which is the important variable to monitor to trigger specific policy changes.

To understand the specific language proposed in the policy, it is first imperative to define some of often confusing terms used to describe elevations and datums.

Elevation and Datums

Concepts of elevation and datums can be very confusing. A federal agency, called the National Geodetic Survey, focuses specifically on precisely measuring elevation and horizontal accuracy. The discussion below is intended to provide a simplified discussion to foster a better understanding of the proposed policy language.

Datums – A vertical datum is a reference system that defines elevations in a consistent manner. The simplest way to think about datums is when someone says, "My house is at 10' elevation." This immediately should raise the question, " 10 feet above WHAT?" *That WHAT is the datum.*

There are two primary datum types:

Geodetic Datum: a reference elevation determined by surveying in known locations on the ground. The North American Vertical Datum of 1988 (NAVD88) was affirmed as the official vertical datum in the Continental U.S. and Alaska in 1993. This Datum is actively maintained with ongoing measurements and survey work by the National Geodetic Survey.

Tidal Datum: a standard elevation defined by averaging a phase or phases of the tidal water levels at a tide gage over time (e.g. Mean Sea Level or Mean High Water). The period of time over which tidal elevations are averaged is called the tidal epoch. Predicted tides in the published tide

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125 Pearl Street
Santa Cruz, CA 95060
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Email: revellcoastal@gmail.com
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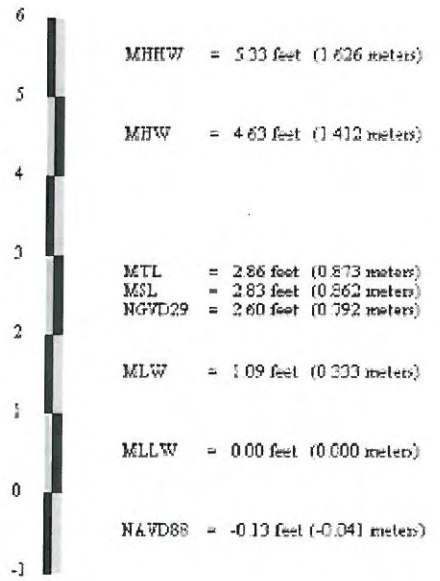
charts are typically reported relative to the Mean Lower Low Water tidal datum to be safest for navigation (the average of all of the lowest low tides).

Tidal Epoch – a specific 19 year period adopted by the National Ocean Service (and office of NOAA) as the official time period over which tide observations are averaged to report the mean value tidal datums. The current epoch uses all measured tides from 1983 to 2001.

Converting between tidal and geodetic datums is often confusing. The National Geodetic Survey published the following chart which translates the measured tide elevations and tidal datums for the most recent tidal epoch into a geodetic vertical datum (NAVD88). To convert tidal datum elevations in Monterey to a NAVD88 geodetic datum one simply subtracts -0.13 feet (Figure 4). Therefore, The curent tidal epoch (1983-2001) mean high water level is 4.76 feet NAVD at the Monterey gage ((4.63 MHW)– (-0.13)).

ELEVATION INFORMATION

PID: GU2090
VM: 956
STATION ID: 9413450
EPOCH: 1983-2001
DATE: Wednesday, June 8, 2016 6:51:02 PM EST



The NAVD 88 and the NGVD 29 elevations related to MLLW were computed from Bench Mark, 941 3450 TIDAL 2, at the station.

Displayed tidal datums are Mean Higher High Water(MHHW), Mean High Water (MHW), Mean Tide Level(MTL), Mean Sea Level (MSL), Mean Low Water(MLW), and Mean Lower Low Water(MLLW) referenced on 1983-2001 Epoch.

Figure 4 – Tide level information which converts the tidal datums (e.g. Mean high water) to an absolute geodetic datum with a corresponding elevation.

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Website: www.revellcoastal.com

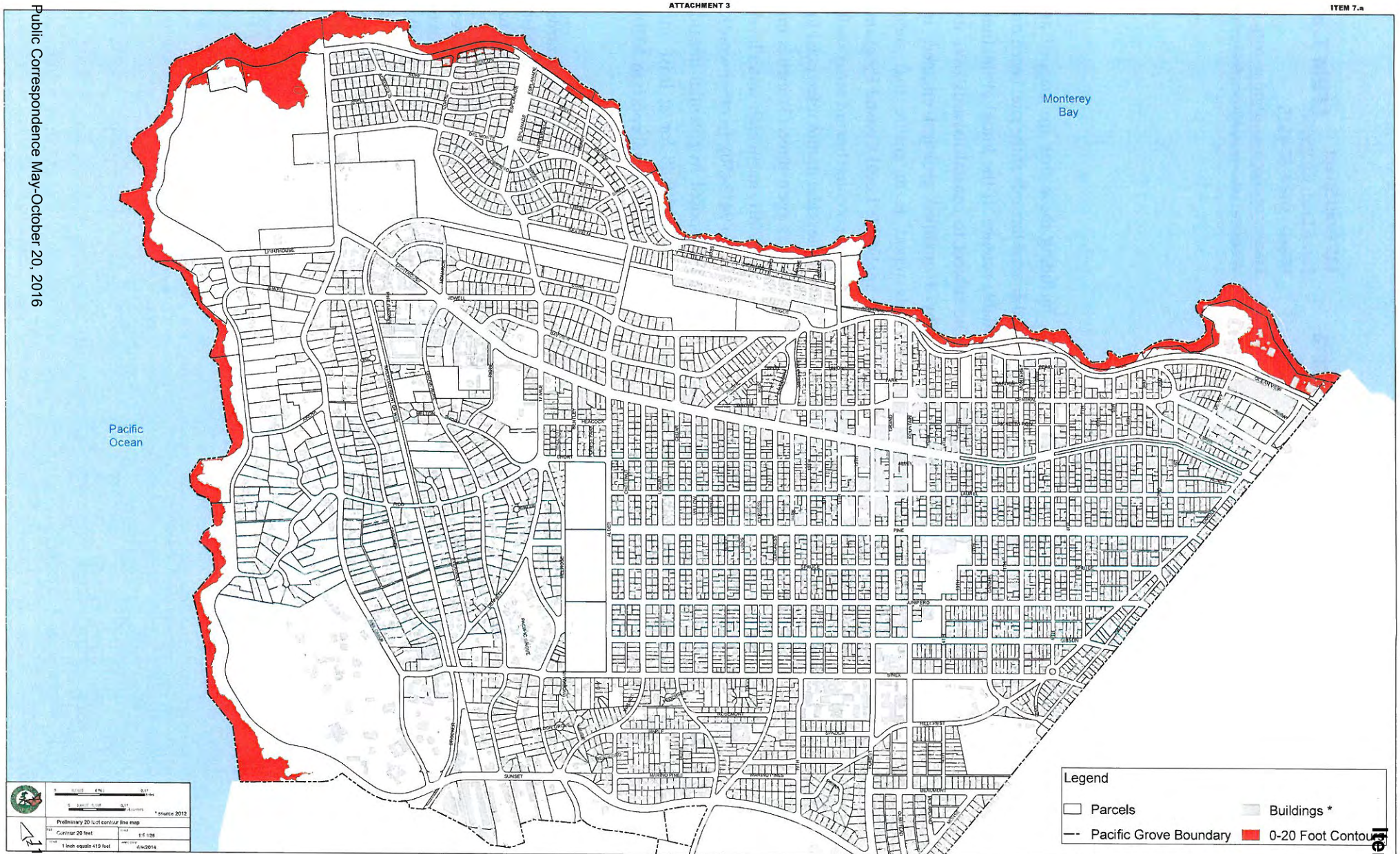
ITEM 7.a

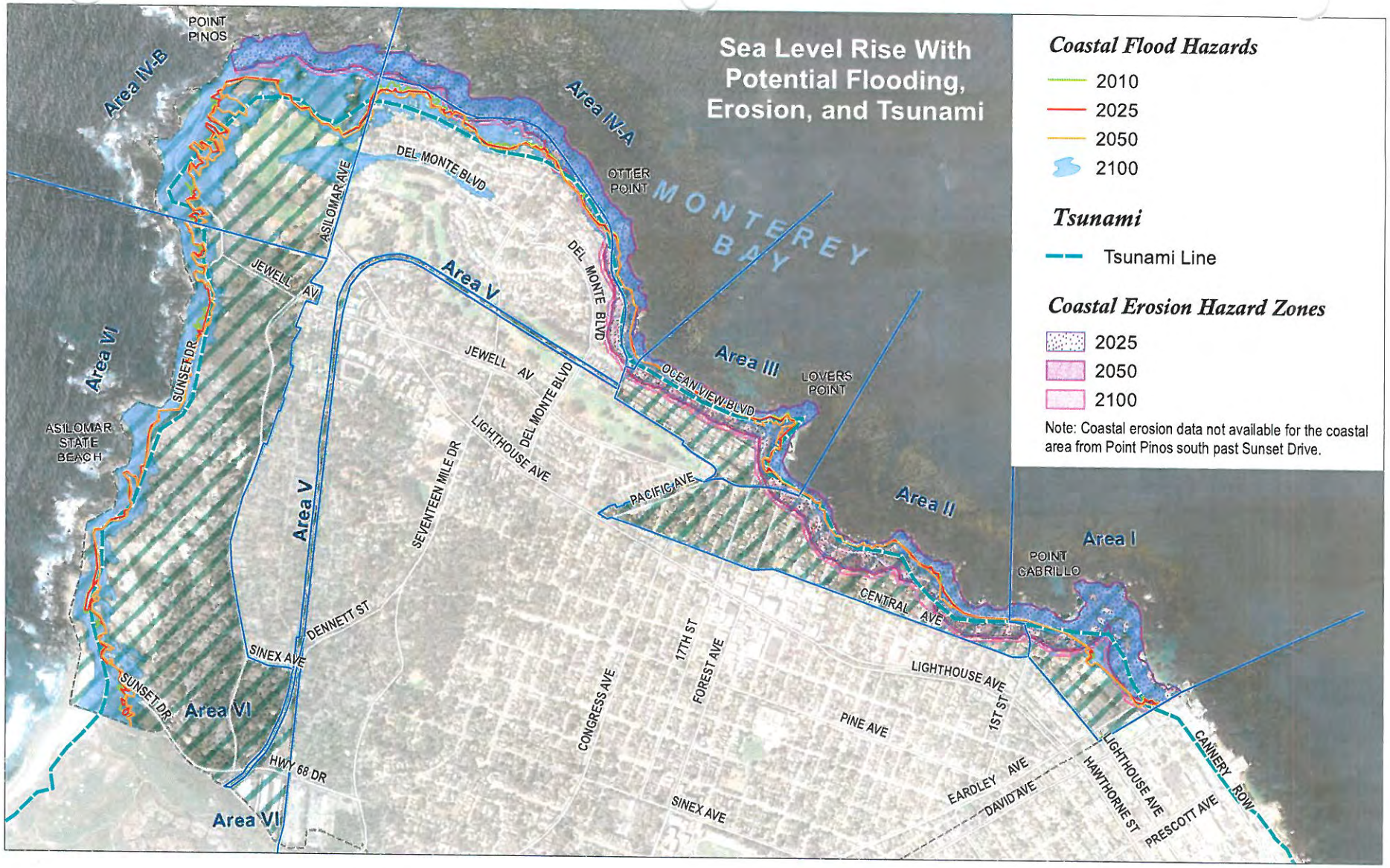
Proposed Hazard Policy Triggers

HAZ-12. Development proposed in potential hazard areas, including those that are mapped as hazardous in Figure 2, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site-specific hazards report prepared by a qualified geologist/engineer is required. The purpose of this site-specific hazards report is to ensure that such development can be built in a manner consistent with applicable Local Coastal Program coastal hazards policies. Regardless, development proposed in potential hazard areas shall conduct a site-specific hazards study when the mean high water tidal datum referenced to the North American Vertical Datum of 1988 (NAVD88) has risen three (3) inches on average for an entire year above the current tidal epoch (1983-2001) mean high water level of 4.76 feet NAVD at the Monterey Tide Gage (NOAA Station 9413450). In other words, a site-specific hazards study is required for development proposed in potential hazard areas, when the mean high water level reaches 4.93 feet NAVD88 for at least one year. (Note it is possible that this could happen when they update the tidal epoch in 2020)

Discussion

The intent of the proposed policy language is to identify a mandatory trigger for a site-specific hazards study when there is a three inch sea level rise that occurs over a one year time frame (to avoid smaller storm or El Niño signals on water levels). Language talking about datums and tidal epochs are included to be clear about the absolute trigger level of 4.93 feet NAVD and to reference those values to the existing measures of tides so that in the future as things change, there will be a clear direction on how the values above where calculated. It should be clearly stated that this analysis of the 3 year deviation will require some analysis of the readily available tide records from the Monterey tide station from NOAA. (http://tidesandcurrents.noaa.gov). To implement this policy, the City would analyze all of the high tides of the previous year (January 1 to December 31) and subtract that average from the published MHW in NAVD for the current tidal epoch of 1983-2001). If the difference is greater than 3 inches, then the policy would be triggered.


Monterey Bay
Pacific Ocean
Legend
Parcels
Pacific Grove Boundary
Buildings *
0-20 Foot Contour
* source 2012
Preliminary 20 foot contour line map
Contour 20 feet
1 inch equals 419 feet
1:5,026
4/4/2016



0 1800 feet

Legend

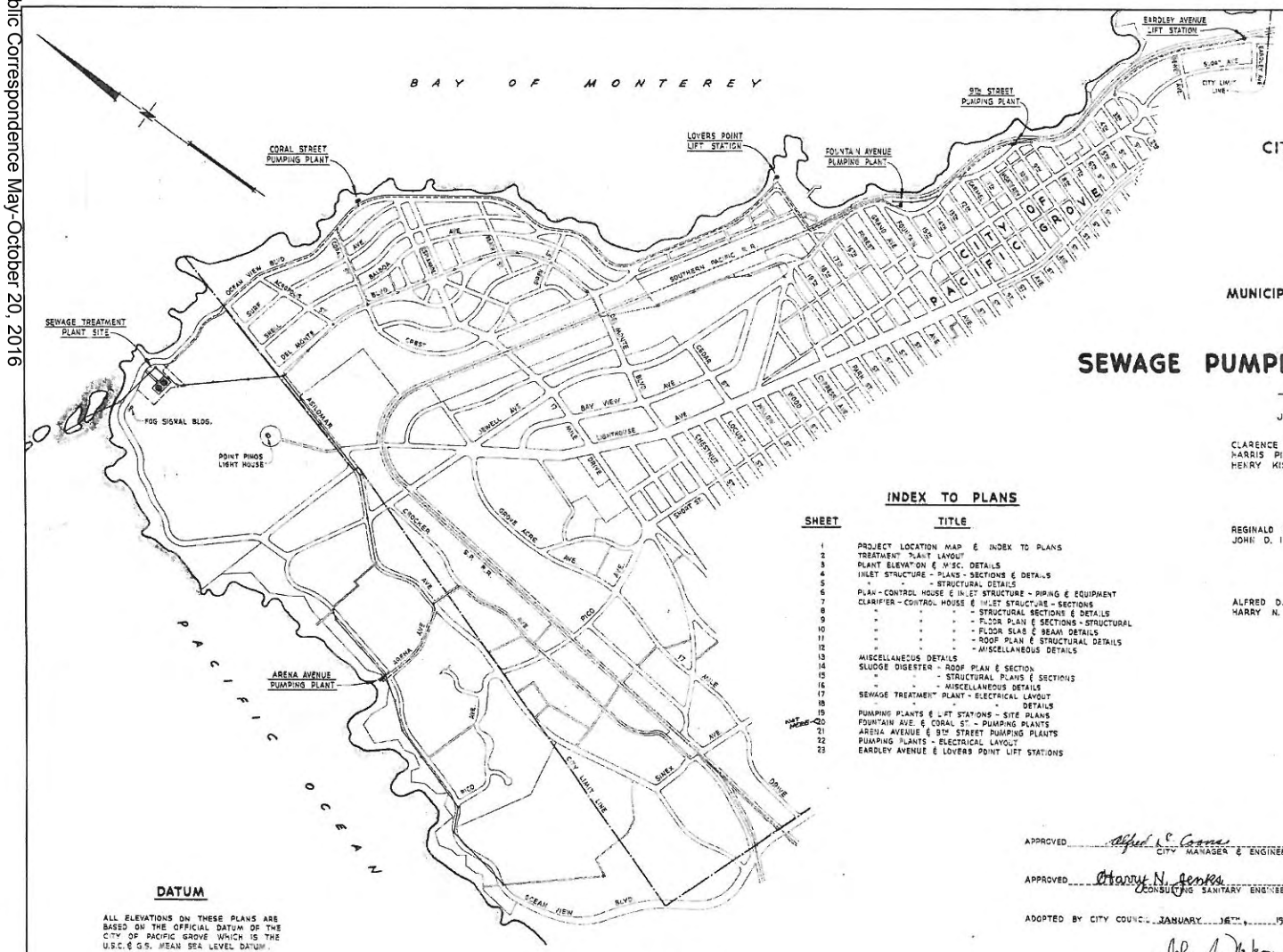
- Planning Area Boundaries
- City of Pacific Grove
- Major Roads
- Coastal Zone

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

Figure 2

Areas of Potential Sea Level Rise Hazard

City of Pacific Grove Land Use Plan



DATUM

ALL ELEVATIONS ON THESE PLANS ARE BASED ON THE OFFICIAL DATUM OF THE CITY OF PACIFIC GROVE WHICH IS THE U.S.C. & G.S. MEAN SEA LEVEL DATUM.

PROJECT LOCATION MAP

300 0 500 1000 1500 2000 2500

SCALE IN FEET

INDEX TO PLANS

SHEET	TITLE
1	PROJECT LOCATION MAP & INDEX TO PLANS
2	TREATMENT PLANT LAYOUT
3	PLANT ELEVATION & MISC. DETAILS
4	INLET STRUCTURE - PLANS - SECTIONS & DETAILS
5	" " - STRUCTURAL DETAILS
6	PLAN - CONTROL HOUSE & INLET STRUCTURE - PIPING & EQUIPMENT
7	CLARIFIER - CONTROL HOUSE & INLET STRUCTURE - SECTIONS
8	" " " - STRUCTURAL SECTIONS & DETAILS
9	" " " - FLOOR PLAN & SECTIONS - STRUCTURAL
10	" " " - FLOOR SLAB & BEAM DETAILS
11	" " " - ROOF PLAN & STRUCTURAL DETAILS
12	" " " - MISCELLANEOUS DETAILS
13	MISCELLANEOUS DETAILS
14	SLUDGE DIGESTER - ROOF PLAN & SECTION
15	" " - STRUCTURAL PLANS & SECTIONS
16	" " - MISCELLANEOUS DETAILS
17	SEWAGE TREATMENT PLANT - ELECTRICAL LAYOUT
18	" " " " DETAILS
19	PUMPING PLANTS & LIFT STATIONS - SITE PLANS
NOT MORE 20	FOUNTAIN AVE. & CORAL ST. - PUMPING PLANTS
21	ARENA AVENUE & 9TH STREET PUMPING PLANTS
22	PUMPING PLANTS - ELECTRICAL LAYOUT
23	EARDLEY AVENUE & LOVERS POINT LIFT STATIONS

CITY OF PACIFIC GROVE

CALIFORNIA

PLANS

FOR THE CONSTRUCTION OF A

MUNICIPAL SEWAGE DISPOSAL PROJECT

PROJECT UNIT 2

SEWAGE PUMPING AND TREATMENT WORKS

JOHN S. NELSON — MAYOR

CLARENCE A. HIGGINS, HARRIS PILLSBURY, HENRY KISSINGER, DUNCAN H MURRAY, VERNE WILLIAMS, GEORGE CLEMENS

COUNCILMEN

REGINALD E. FOSTER — CITY ATTORNEY
JOHN D. IRWIN — CITY CLERK & TREASURER

ALFRED D. COONS — CITY MANAGER & ENGINEER
HARRY N. JENKS — CONSULTING SANITARY ENGINEER
PALO ALTO, CALIFORNIA

APPROVED Alfred D. Coons — CITY MANAGER & ENGINEER

APPROVED Harry N. Jenks — CONSULTING SANITARY ENGINEER

ADOPTED BY CITY COUNCIL JANUARY 16TH, 1952

John S. Nelson — MAYOR

John D. Irwin — CITY CLERK

1 OF 23

CITY OF PACIFIC GROVE
CALIFORNIA

SEWAGE PUMPING & TREATMENT WORKS

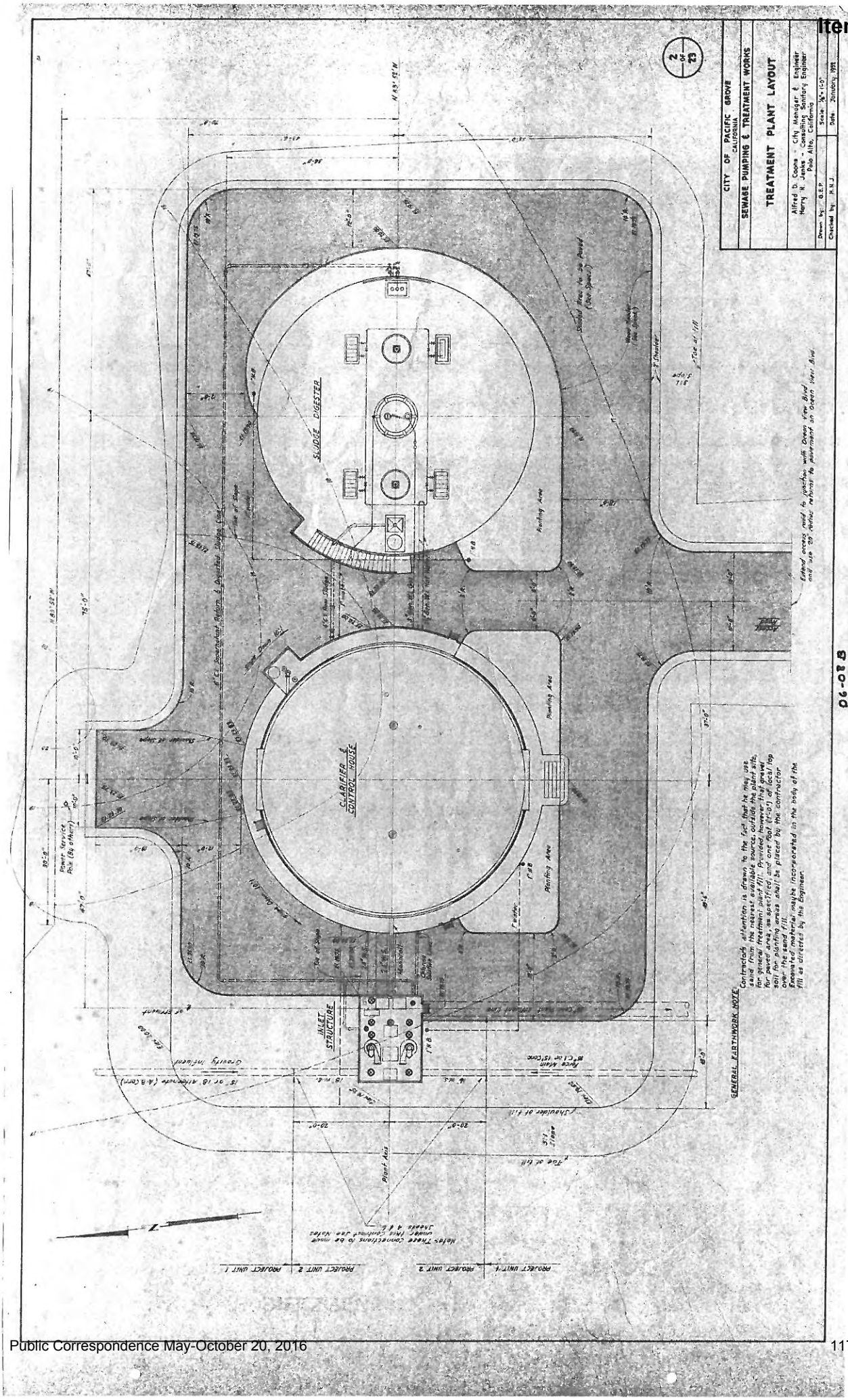
PROJECT LOCATION MAP & INDEX TO PLANS

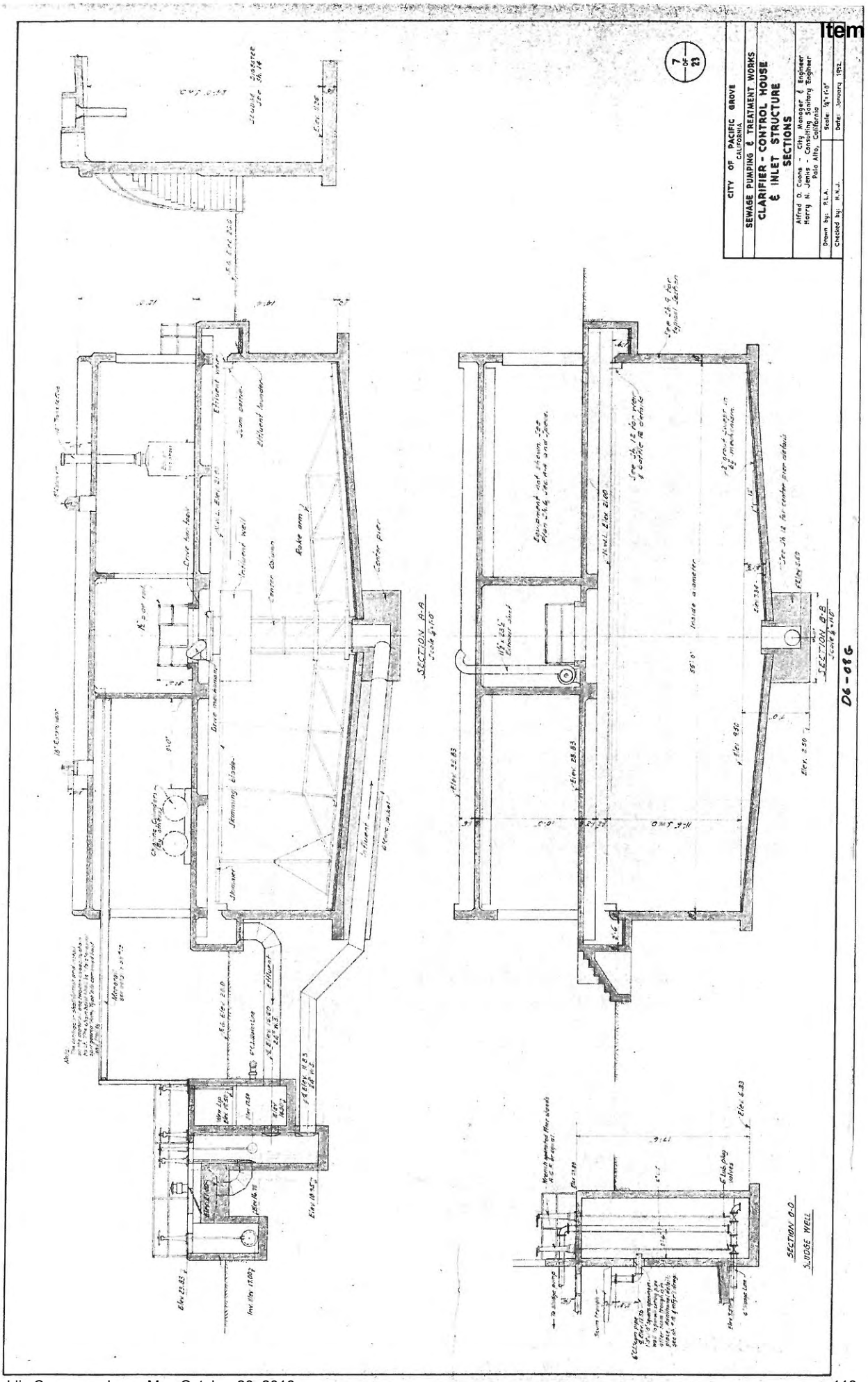
Alfred D. Coons - City Manager & Engineer
Harry N. Jenks - Consulting Sanitary Engineer
Palo Alto, California

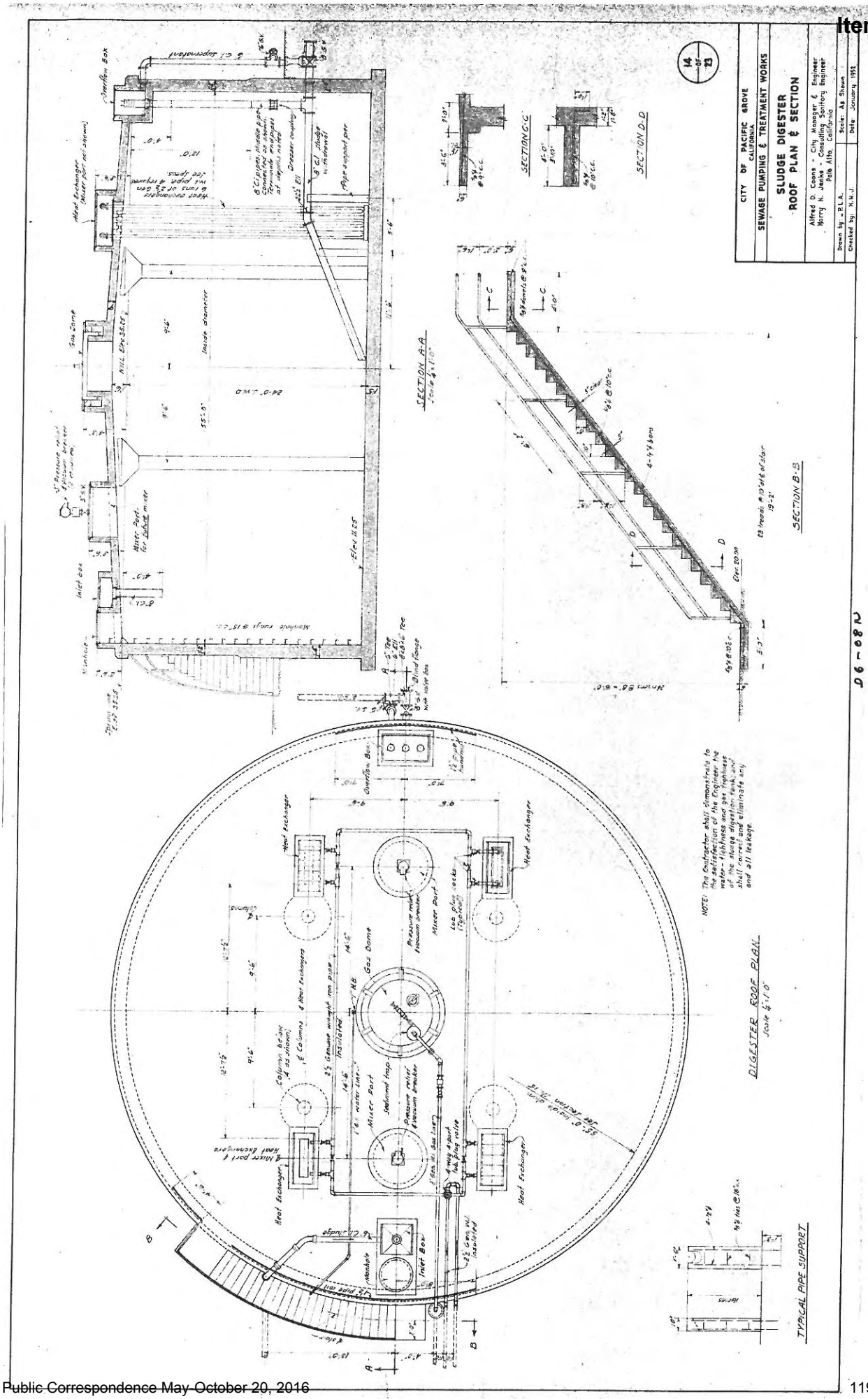
Drawn by: G.E.P.	Scale: As Shown
Checked by: H.N.J.	Date: January 1952

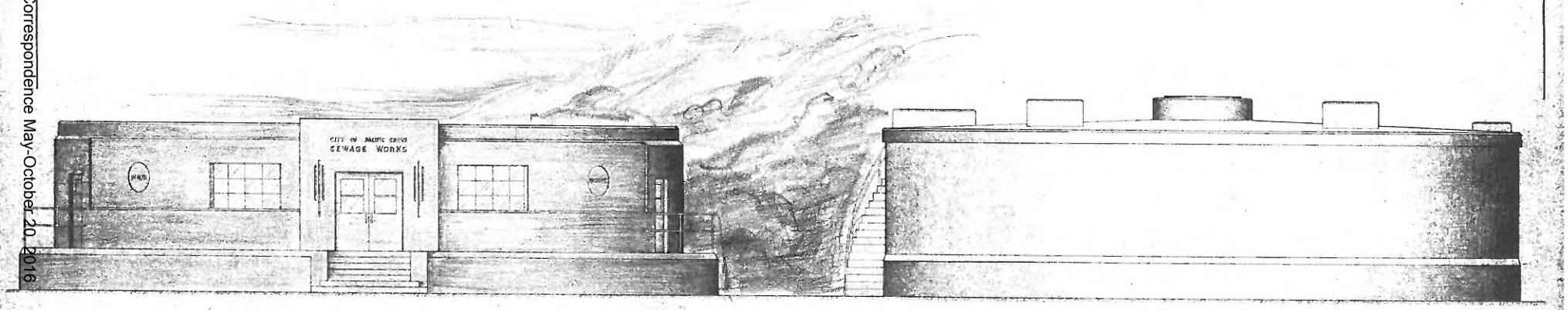
D6-08A

Public BLDG LANDS 51


CITY OF PACIFIC GROVE
CALIFORNIA
SEWAGE PUMPING & TREATMENT WORKS
TREATMENT PLANT LAYOUT
Alfred D. Coons - City Manager & Engineer
Harry N. Jenks - Consulting Sanitary Engineer
Palo Alto, California
Drawn by: G.E.P.
Checked by: H.N.J.
Scale: 1/8" = 1'-0"
Date: January, 1952
2 OF 23
SLUDGE DIGESTER
CLARIFIER & CONTROL HOUSE
INLET STRUCTURE
Planting Area
Planting Area
Planting Area
Power Service Pole (By others)
Gravity Influent
Force Main
Shoulder of fill
Toe of fill
Plant Axis
GENERAL EARTHWORK NOTE
Contractor's attention is drawn to the fact that he may use sand from the nearest available source, outside the plant site, for general treatment plant fill. Provided, however that gravel for paved area, as specified, and one foot (1'-0") of local top soil for planting areas shall be placed by the contractor over the sand fill.
Excavated material maybe incorporated in the body of the fill as directed by the Engineer.
Extend access road to junction with Ocean View Blvd and use 20' radius returns to pavement on Ocean View Blvd.
PROJECT UNIT 1
PROJECT UNIT 2
PROJECT UNIT 2
PROJECT UNIT 1
06-08 B


CITY OF PACIFIC GROVE
CALIFORNIA
SEWAGE PUMPING & TREATMENT WORKS
CLARIFIER - CONTROL HOUSE
& INLET STRUCTURE
SECTIONS
Alfred O. Coons - City Manager & Engineer
Harry N. Jenks - Consulting Sanitary Engineer
Palo Alto, California
Drawn by: P.L.A.
Checked by: H.N.J.
Scale: 1/4"=1'-0"
Date: January 1952
7 OF 23
SECTION A-A
SECTION B-B
SECTION C-C
SLUDGE WELL
D6-08G

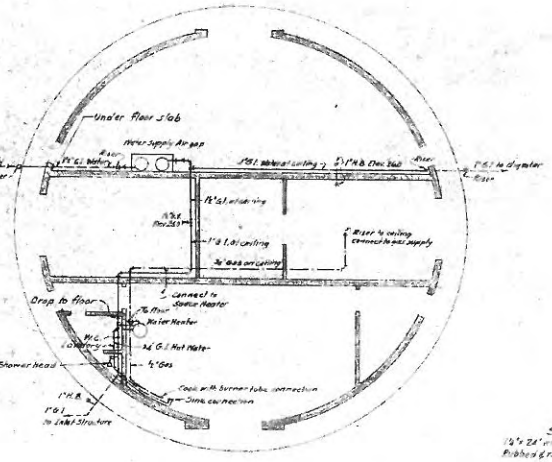

CITY OF PACIFIC GROVE
CALIFORNIA
SEWAGE PUMPING & TREATMENT WORKS
SLUDGE DIGESTER
ROOF PLAN & SECTION
Alfred D. Coons - City Manager & Engineer
Harry N. Jenks - Consulting Sanitary Engineer
Palo Alto, California
Drawn by - P.L.A.
Checked by: H.N.J.
Scale: As Shown
Date: January 1952
SECTION A-A
SECTION B-B
SECTION C-C
SECTION D-D
DIGESTER ROOF PLAN
TYPICAL PIPE SUPPORT
NOTE: The Contractor shall demonstrate to the satisfaction of the Engineer the water-tightness and gas tightness of the sludge digestion tank, and shall correct and eliminate any and all leakage.
Heat Exchanger
Overflow Box
Gas Dome
Mixer Port
Inlet Box
Manhole
Sediment trap
Pressure relief & vacuum breaker
Lub plug cocks (typical)
Column below (4 as shown)
Inside diameter
Mixer Port for future mixer
Manhole rungs @ 15" c.c.
Elev. 11.25
Elev. 20.00
Drawn by - P.L.A.
Checked by: H.N.J.
Scale: As Shown
Date: January 1952



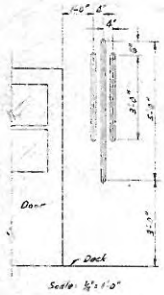
CLARIFIER & CONTROL HOUSE

FRONT ELEVATION
Scale: 1/8" = 1'-0"

SLUDGE DIGESTER

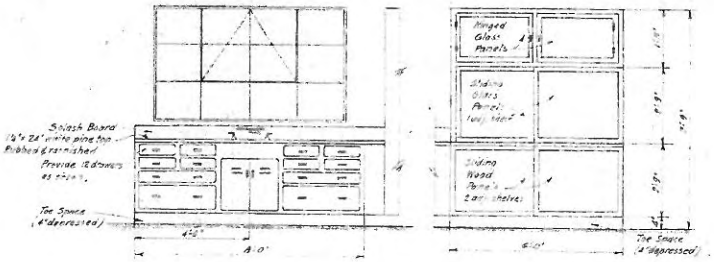


PLUMBING DIAGRAM
Scale: 1/8" = 1'-0"

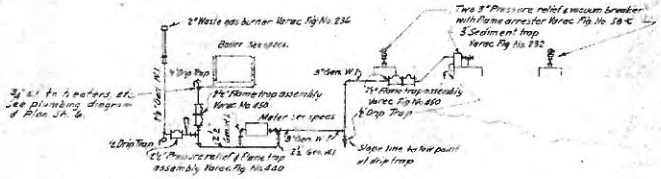


Scale: 1/2" = 1'-0"

ENTRANCE PANEL DETAILS



CABINET DETAILS
Scale: 1/2" = 1'-0"



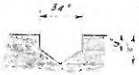
SLUDGE GAS HANDLING DIAGRAM

GENERAL NOTE:

Letter the Pump House as follows:

CITY OF PACIFIC GROVE	4" high
SEWAGE WORKS	5" high
HEALTH	4" high

Letters to be raised in concrete by metal molded and finished wood letters on backing of approximate form thus:



INSCRIPTION DETAIL

3 OF 23

CITY OF PACIFIC GROVE
CALIFORNIA

SEWAGE PUMPING & TREATMENT WORKS

PLANT ELEVATION & MISC. DETAILS

Alfred D. Coons - City Manager & Engineer
Harry N. Jenks - Consulting Sanitary Engineer
Palo Alto, California

Drawn by: G.E.P. & H.S.W.	Scale: 1/8" = 1'-0"
Checked by: H.N.J.	Date: January, 1952

D6-08 C

Pacific Grove Marine Gardens Park
Ocean View Blvd
Coral St
Surf Ave
Shell Ave
Balboa Ave
Companion Way
17 Mile Dr
Ripple Ave
Crest Ave
Del Monte Blvd
Acropolis St
Water Man
Olympia West Apartments
The Olympia Lodge
Monarch Ln
Lighthouse
Railroad Way
Asilomar Ave
Little Chapel By the Sea
El Carmelo Cemetery
Lighthouse Ave
Sunset Inn
Ave
John Denver Memorial
Sunset Dr
Crespi Pond
Point Pinos Lighthouse
Point Pinos Lighthouse Reservation
Pacific Grove Golf Links
Meads Camper & Trailer Sales
Jewell Ave
Asilomar Coastal Trail

Companion Way
17 Mile Dr
Ripple Ave
Crest Ave
Coral St
Surf Ave
Shell Ave
Balboa Ave
Ocean View Blvd
Pacific Grove Marine Gardens Park
Del Monte Blvd
Acropolis St
Water Man
Olympia West Apartments
The Olympia Lodge
Monarch Ln
Lighthouse
Railroad Way
John Denver Memorial
Asilomar Ave
Sunset Dr
Little Chapel By the Sea
El Carmelo Cemetery
Lighthouse Ave
Crespi Pond
Sunset Inn
Point Pinos Lighthouse
Meads Camper & Trailer Sales
Point Pinos Lighthouse Reservation
Pacific Grove Golf Links
Jewell Ave
Asilomar Coastal Trail

June 7, 2016

To: Planning Commission, Anastazia Aziz, EMC Staff

Re: June 1, 2016 LUP Comments

From: Lisa Ciani

Dear Planning Commissioners, Anastazia, and EMC Staff:

1)There is a mistaken understanding on the part of the City of Pacific Grove that marine resources in (MAR) are not resources the City needs to write policy about for the bay and ocean. On the contrary, it's essential to document and provide protection for the marine resources we have. While we have 15 policies in the MAR section, they do not recognize habitats such as the intertidal zone, tidepools, the subtidal zone and kelp forest and the sea out to 3 miles—this needs to be corrected. The Coastal Commission is required to make decisions consistent with our policies. (Red added for emphasis and for new material.)

Not only are those marine resources critical to the experiences people come here to enjoy, they are the basis of our extraordinary cultural heritage of stewardship from Julia Platt, Ed Ricketts and John Steinbeck to our current community of citizen scientists including the Museum's LiMPETS program, a long-term environmental monitoring and education program for students from the elementary to the college level, educators, and volunteer groups. The following partial description is copied from the *limpets.org* website, and I believe a summary description of this program should be added to Section 1.6, Relationship of Citizen Volunteer Groups to the Land Use Plan:

The LiMPETS network was created in 2002 when the national marine sanctuaries of the West Coast Region worked together to streamline their intertidal student monitoring programs. Student-friendly protocols for monitoring rocky intertidal and sandy beach ecosystems were developed with the expertise and guidance of Dr. John Pearse, Dr. Jennifer Salzman, and other scientists. The LiMPETS network is a collaborative effort among Channel Islands, Monterey Bay and Gulf of the Farallones national marine sanctuaries, Farallones Marine Sanctuary Association, Marine Science Institute at the University of California at Santa Barbara, and the University of California at Santa Cruz.

2)In the Biological Resources and Environmentally Sensitive Habitat Areas (BIO) section of the LUP, tidepools were added back into the background description of ESHA (Section 2.4.1, bullet #5) in the May 2016 revision. However, the policies do not reflect that addition. (My husband can provide policy language.)

The background description should include a paragraph about the granite bluffs, sandy beaches, rocky beaches, the rocky intertidal zone, tide pools, and subtidal zone. (I understand that Dr. John Pearse will write a description of this for the LUP, since the City and consultants have not been able to provide one.)

3)I have revised the beginning of the description of the Black oystercatcher monitoring program in Section 1.6 after hearing at the June 2 Planning Commission meeting that it might not be clear to commissioners why the Black oystercatcher is included in LUP policies, and also because the description referred to the Black oystercatcher as a sea bird when it is actually a shorebird (although it is studied by sea bird scientists)—it does not frequent the open ocean:

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

(new paragraph)

The City has partnered with the Audubon Society and the Bureau of Land Management.... which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan. (Retain the wording represented by "....", that has been omitted in this passage for brevity in this comment.)

4)In BIO-1 the final sentence about ESHA should be revised to read:
In Pacific Grove, these areas include, but are not limited to, rookery areas, dune, wetland, stream, coastal bluff, sandy and rocky beaches, intertidal and subtidal zones, tide pools, kelp forest, offshore reefs, rocks, and islets.

Characteristic Fauna in Section 2.4.1, and BIO-7 should include the following, along with the Monarch butterfly, Harbor seal and Black oystercatcher:

Black-tailed deer (as requested by Commissioner Murphy in January, I believe)
Southern sea otter,
Humpback and Gray whale,
Brown Pelican,
Cormorant (Brandt's, Double-crested, and Pelagic).

5)BIO-8 includes "encourage the planting and preservation of vegetation useful to all life stages of the Monarch butterfly, <u>including the planting and preservation of native milkweed species (i.e., Asclepias spp.)</u> for Monarch caterpillars…."

This is not consistent with biologists' current understanding that we *should not* plant milkweed where it didn't naturally grow (not within 10 miles of the coast in this area) as it interferes with the Monarchs' life cycle, AND we *should* plant nectar plants here. (See the agenda report for the BNRC's September 15, 2015 meeting, which I also referenced in my May 12, 2016 comments sent to Anastazia.)

6)The Retreat should be indicated as a highly Scenic Area, and the section of Monterey pine forest in Area VI that has been omitted from the Scenic Areas should be included, as a very important component of the scenic gateway to the Asilomar coast.

Thank you for considering my comments,
Lisa Ciani

JAMES N. SMITH ARCHITECT, INC.
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06-12-16

Planning Commissioners
City of Pacific Grove

Comments and Edits to Draft Version
Pacific Grove Land Use Plan

The Draft Pacific Grove Land Use Plan, as it presently exists, contains onerous new provisions and confusing directives which will result in significant misinterpretation and misapplication. We respectfully request the Planning Commission slow the review process down and take as much time as is necessary to resolve and clarify the language of the LUP prior to forwarding this critical document on to the City Council.

It is imperative that the LUP be constructed such that the Implementation Plan will result in clear and consistent direction. To do otherwise is to set in motion years of confusion, untold wasted hours of P.G. Planning Staff time, numerous hindrances for property owners, likely regular project appeals by the Coastal Commission (The very thing completion of an LCP is intended to avoid) and even the prospect of possible lawsuits from disaffected property owners.

Fundamentally, coastal development which has occurred Pre-Coastal Act (PCA) should be regulated and evaluated based on the regulations in place at the time of the structure's construction. The draft language supported by CC Staff will seriously punish those residences not in current compliance when property owners seek to improve, or even repair, their property. It is one thing to create new rules for prospective development, but it is unfair to force owners of existing homes who may want to remodel within the same footprint to have to reduce their homes to conform to new rules.

Below are several provisions included herein as reference for the suggested draft language changes to follow:

> Public Resources Code Division 20, Chapter 7, Article 1
>
> Section 30610 (a)
> "Notwithstanding any other provision in this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: (a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

and shall require that a coastal development permit be obtained pursuant to this order."

Per 30610 (d)
Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities;..." will also not require a coastal development permit unless extraordinary methods of repair involve a substantial environmental risk.

Per California Code of Regulations Title 14,

Section 13250 states that per the above PRC Section 30610 (a), for an existing single-family residential building, the following shall also be considered a part of that structure:
(1) All fixtures and other structures directly attached to a residence
(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds...
(3) Landscaping on the lot

The above regulations state that repair and alteration are allowed, and often without any coastal development permit. In areas of sensitive habitat, permits may sometimes be required, but should not trigger onerous restoration provisions. Development should be allowed to remain in the size and coverage under which it was permitted. If the existing development already exceeds current limitations, the property owner should nevertheless be allowed to remodel and improve that structure without suffering any loss of coverage.

Secondarily, coastal development which has occurred after the Coastal Act was adopted, and which has been approved under earlier coastal regulations, should be allowed to continue to be governed by the coverage rules in place at the time of permit issuance. To further restrict any development in such instances constitutes a Taking.

Thirdly, with the case of raw land, it has for years been deemed an acceptable provision to require that new development be limited to 15% coverage with 5% additional area for Outdoor Living. This 5% is already extremely minimal, and use of it should be allowed to be any normal living use, other than deleterious uses or the planting of invasive species of plants. The proposed regulations would take away normal uses.

The second part of this letter is to identify specific language, which is in contradiction with the above stated goals and also to suggest changes to the draft language to more fairly represent the interests of property owners and to clarify ambiguities within the draft language in general. Suggested changes are underlined.

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
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1.10 Terminology

Per PRC 30106 Development means the placement of any structure, and the construction, reconstruction, demolition or alteration in the size of any structure. For the purposes of defining a structure, refer to the approved definition above per 14 CCR 13250 (a) which includes three parts.

This definition of Structure needs to remain as is and draft language needs to be consistent with this definition.

Structures extant prior to the Coastal Act and structures built prior to 1989 (initial LUP) need also to be distinguished. The following definitions should be added under Development or as a subset:

"Pre-Coastal Act Development:
Legally permitted structures in existence prior to the adoption of the California Coastal Act." (This is an alternate to the sidebar comment of PKB4)

"Existing Development:
Legally permitted structures in existence at the time the City of Pacific Grove's LUP component of it's LCP first took effect (i.e., structures built between March 1, 1977, effective date of Coastal Act adoption to June 7, 1989"

Redevelopment:
When a property is improved, it is unacceptable to demand that "the entire structure" be made to conform with all applicable LCP policies. Under the proper state law definition of "Structure", this includes all landscaping, fences, and all other fixtures or structures attached to the residence. This language is too broad for those seeking to improve their property.

We suggest the following changes:
"An existing structure shall be considered redeveloped, whereby portion(s) of the structure must be made to conform with applicable LCP policies…"

Also, under Item 1. Alteration, we suggest the word "Interior" be struck from the clause. Interior work does not materially cause any increase of the impacts to a site and are typically not a part of the major structural components of such development.

2.1.4 Natural Hazards and Sea level Rise

HAZ-11:
This sentence should be struck: "Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
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elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop". This is an onerous provision that endangers the options of homeowners. The future is uncertain and so are the hazards they may face.

2.3.4 Scenic Resources

SCE-4
This policy makes reference to fences as "accessory development", whereas under 1.10 Terminology, Development includes all structures, which encompasses fences. This new distinction for fences can cause confusion. What exactly are all forms of accessory development?

Further, there needs to be a distinction for Pre-Coastal Act Development and Existing Development. Provision should be made to 'grandfather' these structures.

SCE-7
This provision should be struck. It serves to codify the argument that private property owners should be encouraged to, among other options, remove their home. Redevelopment, as it is being defined in the draft, means that reductions in square footage or the removal of entire homes is to be encouraged by the City. By making such onerous restoration requirements for even minor 'development', these regulations will cause people to not undertake improvements, which will have the opposite effect from intended. Instead of encouraging improvements and repairs, property owners will defer improvements and this policy will contribute to structures remaining in disrepair. This will not improve visual appearance or attract visitors to the City's coastline.

2.4.4 Biological Resources

BIO-15
Fencing should be allowed on private properties as required for reasonable safety and privacy. The 5% Immediate Outdoor Living Space should also be allowed to be fenced should the property owner elect to. (language in support of this supposedly in the errata). The word "maintain" should be replaced with "encourage".

BIO-23
Bullet Pt 1
There is both "development" and new development" cited at the beginning of the first bullet point. These should be consistent.

For development on lots less than ½ acre in size, property owners should not be required to restore off-site areas of 5% as a baseline.

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

The 5% of Immediate Outdoor Living Space is defined as dune area within which limited outdoor activities are allowed, but only if the area is restored, enhanced and maintained as dune. What activities exactly are then allowed? There is no substantial distinction in the definition of this area and that of the remaining 80%. Clarification is needed of what activities and landscaping are allowed.

Bullet Pt. 3
This provision should be struck: "Development shall only be approved if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition..." This is not land the property owner owns or has control of or should be reasonably expected to care for. Said property owner has no right of use of this land and therefore it falls to the City or other approved agency to care for, or pay to care for, this area of land. At a minimum, the restoration of the Right-of-Way should be counted as Off-Site restoration.

Has this provision been approved by the City Attorney David Laredo? This provision appears to be better addressed in BIO-27 as a City responsibility.

Bullet Pt. 4
"All new residences shall be set back from the centerline of Sunset Drive at least 75 feet" Structures includes driveways and fences and landscaping. It is too restrictive to eliminate all of these elements within 75' of Sunset Dr. Also, note that the setback distance is ambiguous as to where the measurement is taken from.

Suppose a homeowner wants to improve their property, but they have existing structure(s) within the 75' setback. Will they be required to demolish the offending portion of their 'development" as this provision would suggest? The distinction of Pre-Coastal Act or Existing Development should be added, and distinction between primary residence and other structures needs to be added (the so called accessory structures)

Bullet Pt. 9
The disallowing of fencing unless proven to be more protective of dune habitat is onerous. Fencing for privacy and safety concerns should be allowed.

BIO-26
This provision appears to have been, and should be struck entirely.

BIO-27
This is the correct policy for Right-of-Way restoration. The following wording should also be struck: "The City shall also prioritize removal of obtrusive and nonconforming fencing (see also fencing requirements of Policy BIO-243)

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

JAMES N. SMITH ARCHITECT, INC.
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BIO-29
This provision should be struck in it's entirety. It is onerous to establish that any development of non-conforming development require that all development on the site be brought into conformance with the LCP.

BIO-30
This provision should be amended to: "Development associated with existing non-conforming residential development in the Asilomar Dunes Residential Area that does not result in redevelopment (as defined in Section 1.10) shall only be allowed if lot coverage percentage remains the same or is reduced." The remaining verbage is onerous and should be struck.

BIO-32
This policy should be amended to: "Development associated with existing conforming residential development in the Asilomar Dunes Residential Area that is equal to the lot coverage limit shall only be allowed if there is no increase in coverage percentage. " The remaining portion should be struck as onerous.

In summary, it is clear that the Coastal Commission is using the certification process for the P.G. Local Coastal Program as an open door opportunity to rewrite and toughen the language of the LUP. In many cases these changes are unfair and arguably illegal. If this language is approved and then certified, it will result in many negative consequences for property owners, both intended and unintended. It is also clear that, based on the less than regular updating of these Plans throughout the state, that what is approved today will become the law of the land for many years to come. It is even likely that our approval of this language will prove onerous for other municipalities as the Coastal Commission begins to cite our freshly minted LCP as the latest evolution of Coastal planning for the entire state. The importance of the process before us, while tiresome and complex, cannot be underestimated. It is our responsibility to ensure that the rights of Property Owners be fairly represented in this document as we seek to balance the varied priorities of coastal development.

Sincerely,

James N. Smith

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950
PH: 831-372-7251 FAX: 831-372-7252

City of Pacific Grove - DRAFT PG LUP
(June 1, 2016)

MARK UP BY
Tony Ciani
Dated June 6, 2016

The following is a partial list of recommendations for clarification and compliance with the Coastal Act. My recommendations are highlighted in yellow. Some deletions are lined out in red.

1.3.3 Coastal Parks Plan

Out of Date and Contradictory – Recommend Deletion

1.4 Land Use Plan Organization and Supporting Documents

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

1) Where the imperative form of a verb is used to start a policy, the policy will be interpreted as being a mandatory requirement which, if written in a "subject-verb" format, would incorporate the term "shall."
2) The words "shall," "must," "will," "is to," and "are to" are always mandatory.
3) "Should" is not mandatory but is strongly recommended.
4) "May" is permissive.
5) The present tense includes the past and future tenses; and the future tense includes the present.
6) The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
7) "Including" means ". . . including but not limited to. . ."
8) Policy headings and titles are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.

~~1. When used in the Land Use Plan, the words "shall," "must," "will," "is to," and "are to" are always mandatory. 2. "Should" and "may" are not mandatory, unless there is a compelling reason to do otherwisebut are strongly recommended; and 3. "Including" means ". . . including but not limited to. . ."~~

1.6 Relationship of Citizen Volunteer Groups to This Land Use Plan

Since its founding in 1875 as a seaside resort, Pacific Grove has been a City with citizen volunteers who are dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. The Pacific Grove Natural History Museum was established in 1883, and is renown for its tradition of hands-on science education and nature preservation for the central coast of California. The Heritage Society of Pacific Grove formed in 1975 to foster an appreciation of the city's historical and architectural resources through conservation activities and public education, and assists the City to evaluate properties to determine their historical integrity and significance. Citizens also volunteer to serve on the City's boards, committees and commissions, often with coastal stewardship as a goal. Below are a few recent examples:

1.6.1 Birdlife Monitoring

Citizen volunteers assist in carrying out the Coastal Act goal of maintaining and restoring the overall quality of the Coastal Zone environment. This includes a multi-year project of monitoring Black Oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community. Black Oystercatchers are shorebirds and inhabit Pacific Grove's rocky intertidal shoreline during the entire year as permanent residents with no regular migration. ~~zone, nesting on rocky~~ They nest on islands falling under the jurisdiction of the Bureau of Land Management, and also on the shore-side rocky coast within the City's jurisdiction, , where they are impacted by human use and rising sea levels. ~~They are sea birds that primarily feed in tide pools.~~ The City has partnered with the Audubon Society and the Bureau of Land Management to boost Black Oystercatcher monitoring by volunteers who first undergo training in the specifics of collecting data about these birds. The volunteers also collaborate with the U.S. Fish and Wildlife Service which initiated a major effort to identify the distribution and abundance of Black Oystercatchers, determine their reproductive success, and assess habitat and habitat threats in order to determine recommended actions for the long-term success of the California population. The Black Oystercatcher was selected as a U.S. Fish and Wildlife Service Focus Species for priority conservation action because of its small population size, restricted habitat, and threats to its habitat from human and natural factors. The monitoring efforts also benefit other birdlife such as Black Turnstone, Surfbird, and Wandering Tattler through proactive coastal stewardship, which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan.

1.6.2 Marine Mammals ~~Harbor Seals~~

Pacific Grove's location at the southwest tip of Monterey Bay provides visitors the opportunity to observe a variety of resident and migratory marine mammals from the shoreline or from boats. Humpback Whales, California Grey Whales, Dolphins, Sea Otters, and Sea Lions are the most common sightings. Blue Whales, Orca Whales are seen occasionally. A year-round colony of

Harbor Seals located at a pocket beach and cove on the southwest side of Cabrillo Point are one of the most popular natural marine resources.

Volunteers assist in educating and informing the public about ~~one of the most popular visual~~ the harbor seals. The thousands of residents and visitors who hike and bicycle on Pacific Grove's shoreline recreation trail encounter volunteer members from Bay Net, a volunteer group started by the Monterey Bay National Marine Sanctuary in 1995. These volunteers deepen public understanding by explaining about the harbor seals hauling out (temporarily leaving the water between periods of foraging activity) and pupping on the beaches, particularly ~~on~~ the beach rookery adjoining Hopkins Marine Station. Also, visible from the trail are Elephant Seals who haul out on the same beach during their seasonal migration along the coast. About 15 Bay Net member volunteers are active at any one time. They advance the Coastal Act goal of an educated and informed citizenry that protects the Coastal Zone's finite natural resources.

1.6.3 Intertidal Zone Monitoring Programs

The Marine Life Observatory is a program at the Hopkins Marine Station that studies and monitors marine life including the invertebrates of the intertidal and subtidal zones of Pacific Grove's marine environment. The Pacific Grove Museum of Natural History conducts citizen science programs along the rockyshoreline, reefs and tidepools, including "LiMPETS" (Long-term Monitoring Program and Experiential Training for Students). LiMPETS provides hands-on coastal monitoring experiences that empower teachers, middle school and high school students, and the community to conduct real field research as scientists and become ocean stewards.

1.8 PACIFIC GROVE COASTAL ZONE

For Coastal Act purposes, the "Coastal Zone" is the geographic area to which the policies of the Coastal Act apply. It is defined by Public Resources Code §30103 and is shown on a set of maps prepared and certified by the California Coastal Commission. The Coastal Zone extends seaward from the shore a distance of three miles, and extends landward a variable distance, depending on topography, and other factors, and changes to its boundary can be made only by the state legislature, except for certain minor adjustments (e.g., to avoid bisecting a lot).

Pacific Grove's terrestrial Coastal Zone encompasses approximately 458 acres (see Figure 1, Coastal Zone and Planning Areas, presented earlier). It extends from the Monterey Bay Aquarium located at the City's northeastern city limits abutting the City of Monterey and extends along to the City's southwestern city limits abutting the Del Monte Forest area, including the community of Pebble Beach, located in unincorporated Monterey County, Pacific Grove's Coastal Zone was historically much larger, but, in 1979 the California legislature removed approximately 300 acres from Pacific Grove's Coastal Zone in the area known as the Beach Tract ((see Public Resources Code §30160 (e)). All of the coastal waters adjacent to Pacific

Grove, are designated for their significance as a State Marine Conservation Area, or State Marine Reserve, or Area of Sensitive Biological Significance.

1.10 TERMINOLOGY

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

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

Environmentally Sensitive Habitat Area (ESHA): Any area of land or water in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Examples include: Areas of Special Biological Significance identified by the State Water Resources Control Board; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, near shore reefs; tide pools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; riparian habitats; Monarch butterfly mass overwintering sites; and marine resource areas including kelp forests, intertidal areas, and near shore shallow fish habitats and intertidal areas. (Public Resource Code §30107.5)

Implementation Plan (IP): Includes land use zoning and other implementing ordinances, and other "implementing actions" (Public Resources Code Section 30108.4), regulations, or programs that conform with and carry out the Land Use Plan, and which implement the policies of the Coastal Act. ~~Effective zoning ordinances and procedures (the IP) ensure that the objectives of the Land Use Plan are achieved.~~

Public Access: The right or privilege of citizens to visit an area or resource. Types of public access include:
1. Vertical accessways to the ocean or shoreline;

2. Lateral accessways along the ocean or shoreline that extend in width from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;
3. Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.
4. Visual Access provides the public views, or scenic vistas to, or from the shoreline, or sea, or areas of aesthetic scenic quality.

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

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

2.2 WATER AND MARINE RESOURCES (MAR)

2.2.1 Background - Water and Marine Resources

Pacific Grove's water and valuable marine resources include the ocean, kelp forests, migrating whales, sea lions and near shore shallow fish habitats. Resident sea otters and sea lions live in Monterey Bay and adjacent coastline, and are considered "keystone species". The area is also within the Pacific flyway and supports wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. The City's shoreline includes natural habitats such as sandy and rocky beaches, and granite bluff formations. The tidepools, intertidal zone, and subtidal areas provide diverse and highly valued coastal habitats that support diverse populations of invertebrates and provide nursery and feeding habitat for fish, resident and migratory birds. The waters and marine environment along the City's coastline are also part of a system marine conservation areas protected and controlled by a variety of local, state, and federal regulations, including:

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

- The California Coastal National Monument, which is protected by the Bureau of Land Management.

MAR-3. Wetlands including Crespi Pond and the Majella Slough riparian area shall be considered as Environmentally Sensitive Habitat Areas, and governed by Coastal Act policies 30233, 30236, and 30240. No alteration of freshwater wetlands (including Crespi Pond and Majella Slough, including required buffer areas) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats, as well as other uses and development specified in the Biological Resources and Environmentally Sensitive Habitat Areas chapter of this Land Use Plan, and only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

MAR-9. Marine resources shall be maintained, enhanced, and where feasible, restored. Marine and aquatic resources shall be considered as Environmentally Sensitive Habitat Areas, and special protection shall be ~~to~~ required for all areas of the marine environment and species of special biological significance. Activities in ~~Ueses of~~ the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal bluffs, beaches, tidepools, intertidal, subtidal areas and coastal waters and wetlands and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

MAR -16 As part of the application for a coastal permit on any parcel adjacent to Monterey Bay and the Pacific Ocean, require the applicant to submit supplemental biological information prepared by a qualified biologist at a scope sufficient to identify the extent of the existing wetlands, and natural marine resources based on Section 30121 of the Coastal Act, and the area of the proposed buffer areas.

MAR -17 Marine Resources. All new and/or expanding wastewater discharges into the coastal waters of the City of Pacific Grove shall require a permit from the Health Department. Applicants for such permits shall be required to submit, at a minimum, the following information: 1. Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge. Particular areas of concern include toxic chemicals, inorganic heavy metals, bacteria, and other indicators prescribed as threats to the health and safety of coastal waters, or 2. Provide comprehensive projections of the proposed wastewater discharges; both quantitative and qualitative characteristics must be specifically identified. Specific figures for the indicators identified in (1) must be included in the projections. 3. Provide complete information on levels of treatment proposed at the treatment facility to remove those indicators mentioned in (1). This information shall also include reliability and efficiency data of the proposed treatment. 4. Provide a comprehensive monitoring plan for testing of wastewater for indicators identified in (1). 5. Perform oceanographic studies to determine the most suitable location and methods for discharge into the ocean. 6. Perform tests of ocean waters at the proposed discharge site and surrounding waters to establish baseline or background levels of toxic chemicals, heavy metals, bacteria and other water quality indicators. These tests must be

performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement. 7. Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life, as well as on recreational uses of the coastal waters. 8. Identify and analyze alternative methods of wastewater disposal. This shall include hydrogeologic studies of the applicant's groundwater basin to determine the water quality problems in that area and if onsite disposal will have an adverse impact on groundwater quality. The data and results of requirements (1) through (8) must be submitted to the County's Chief of Environmental Health for evaluation and approval. A wastewater discharge permit shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards.

MAR-18 Diking, Filling, Draining and Dredging. Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features, and shall be strictly limited to restoration of the natural systems.

MAR-20 The City of Pacific Grove shall apply the same developments standards required for properties in the coastal zone to protect the marine environment and ASBS, to the entire public and private lands in its jurisdiction, including to prohibit trash, toxic chemicals, heavy metals, bacteria and other elements harmful to the surface and subsurface terrestrial water quality and water quality of the ocean and bay coastline and marine environment.

2.4.1 Background - Biological Resources and Environmentally Sensitive Habitat Areas

Environmentally Sensitive Habitat and Biological Sensitivity Coastal Act §30107.5 defines Environmentally Sensitive Habitat Area as "…any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The Pacific Grove coastal zone supports a wealth and diversity of environmentally sensitive habitats. Many of these, especially in the marine environment, are in an essentially undisturbed condition yet are endangered by changes in land use or offshore activities. For coastal land biological resources, Environmentally Sensitive Habitat Area can include several types of sensitive habitats, such as:

End of Recommendations to date 6-6-2016

Respectfully Submitted,

Tony Ciani
220 Walnut Street
Pacific Grove, CA 93950

June 2, 2016

To: Planning Commission

Re: Comments on June 1 Special Meeting

From: Lisa Ciani

Dear Planning Commissioners,

First, I'd like to comment on a few things that took place at last night's Planning Commission Special Meeting. (I don't have time to write up a summary of my oral comments about the poor treatment of the public at the meeting.)

It was very helpful to hear Commissioner Fredrickson describe ground squirrels as a major cause of the erosion along our bluffs. I would add that groundwater seepage, storm water runoff across the trail, and human foot traffic are also significant contributors to the problem. But it's baby season for the ground squirrels, and their adoring public is feeding all the cute little squirrels, and growing the erosion problem. However, it sounded as if armoring is still being considered the appropriate solution to this erosion problem.

I strongly protest the use of armoring to deal with our "unique" erosion issues. As I think you recognize, it's not our bluffs, formed from 80 million year old granite, that are eroding at any noticeable rate. It's the trails, parking lots, and road bed. The consultants made a very mistaken and misleading statement a number of times, if I understood them correctly. They seemed to say that the public workshop on SLR demonstrated that the public wants to protect the trails, roads, and parking lots with armoring. My table and most of the others proposed various phased retreat strategies, to gradually redirect traffic away from the coast. It would be extremely irresponsible for the City to destroy and degrade our unique granite bluffs with more sea walls and revetments in response to erosion caused not by storm waves, but by ground squirrels, seepage, runoff, and foot traffic. Instead, we need to adopt ground squirrel control measures that do not use poison (an issue addressed by many public comments last summer, including a letter from the BNRC); removal of Hottentot fig (also without use of poison) and replacement with native bluff plants; redirecting storm water runoff; symbolic fencing to keep people on trails in sensitive areas; phased retreat; and along with that we need to be putting our utilities under roads not at risk of coastal flooding and inundation.

A disturbing aspect of last night's meeting was the polling of commissioners regarding new material. That doesn't fit with the process of consensus that has been described as the approach the Planning Commission would be using in the LCP deliberations. And there was also the unexplained and inappropriate whispered conference between the Coastal Commission District Supervisor and EMC at the staff table in the midst of the proceedings, while we waited.

I believe the rush to the finish with the LCP is a great disservice to the community. Considering the magnitude of what had to be done, and the lack of awareness of that magnitude when the LCP update was undertaken, it's understandable that it would be a long process. A great deal of progress has been made, but there are still many significant matters to deal with, such as the erroneous Land Habitat Sensitivity map among others, and errors of fact that have never been corrected, and many references to the Coastal Parks Plan which has finally been recognized to be out of date and contradicts LUP policies. And the IP isn't finished—or perhaps you've received a copy today—and the LUP and IP need to be compared to see if all the policies are addressed with ordinances or implementing actions.

But the rush that's being imposed seems actually to be driven by Project Bella, and according to the City Council's Agenda Report for item No. 6E on the May 18, 2016 Agenda, Domaine Partners LLC is paying for the costs of the LCP update from the Feb. 17, 2016 EMC contract Amendment #4 and May 18, 2016 Amendment #5 forward, with those two amendments budgeted at $91,376.20 to include "attendance at adoption and certification hearings including Coastal Commission meetings." This LCP update process is less than transparent and needs to focus on the basic goals of the Coastal Act (LUP Section 1.2, page 1-2), not on a particular development project:

a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.

b) Assure orderly, balanced utilization and conservation of the Coastal Zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast, and maximize public recreation opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

d) Ensure priority for coastal-dependent development and coastal-related development over other development on the coast.

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

I appreciate the long hours and conscientious efforts the Planning Commissioners have put into reviewing this document, and encourage you not to continue the rush to an unrealistic deadline.

Thank you,
Lisa Ciani

Inge Lorentzen Daumer Jun 1 (5 days ago)

to Robin, Bill, Jeanne, Donald, Mark, Mark, Nicholas, Bill, me, Debbie, Brian.O'Neill

Dear Planning Commissioners,

It is simply time to eliminate any reference to a "Professional" Coastal Zoning designation, which first showed up as a
land-use designation in the 1989 LUP.
3. The Professional land use category is limited to a single block of the City's coastal zone. The principal permitted use shall be professional office space consistent with existing development patterns. Provision of public parking facilities shall also be considered a permitted use in this area.
Every parcel in the supposed "Professional" block is zoned R-4 on the Pacific Grove Parcel Map database. This neighborhood is first-and-foremost, Residential, in structures and in character. The entire block is completely built-out as residential; either single or multiple family units, the last of which is just completing construction and is one of the four (4) parcels that are listed on the database as Not even in the Coastal Zone (178 Central Ave., 180 Central Ave., 182 Central Ave., and 186 Central Ave.) As such, they did not require a CCC permit.
"Professional" is not a Pacific Grove Zoning Ordinance, nor should it be. Certain professional uses are already allowed in R-4 Zoning, subject to first securing a use permit, but,
Public and private parking facilities and visitor-serving

commercial and retail uses: Are Not. (LUD-10 b.&c. of this latest edition of the LUP, page 3-12). This was just added in, sometime between the January Draft and this last May Draft .

I am also zoned R-4, one of 7 homes in the residential block on the North side of Sloat Ave.. A multiple-family structure and a single family home at the corner of Sloat Ave. and First Street are zoned R-3, along with the rest of the block bordered by Ocean View Blvd., First Street, Sloat Ave. and Dewey Ave. There is one vacant lot in the middle of Sloat Ave., which has not yet been built-out because it has no water credits. R-3 and R-4 Zoning share the same building height, site, lot and yard limits in the Zoning Ordinance. In no way can these two blocks of the University Addition to the Pacific Grove Retreat be considered anything but Residential in character!

There are many typos in this last document designated "Final Land Use Plan" and inconsistencies. Please, can everybody get on board to correct any reference to Sloat as being Avenue, and not Street, and Dewey is also Avenue, not Street!
(yes, I can see that Google Maps in the Database has it listed as Dewey Street, but don't believe everything on the internet, and go back to original street maps of the City of Pacific Grove, which clearly have Dewey Avenue!)

Mother Nature will have the final word...

Sincerely,

Inge Lorentzen Daumer
180 Sloat Ave.
Pacific Grove, CA

Laura Lawrence May 31 (6 days ago)

to me

Good morning Anastacia:

I see the there is a workshop and a regular meeting scheduled for the Planning Commission tomorrow and Thursday. I have reviewed the changes to the Land Use Plan. I was wondering, are there corresponding changes to the Implementing Ordinances? The version on the website has not changed since January.

Regards,

Laura

Laura Lawrence, R.E.H.S.
Senior Planning and Development Analyst
The Law Office of Aengus L. Jeffers
215 West Franklin Street, 5th Floor
Monterey, CA 93940
V: (831) 649-6100
F: (831) 325-0150
laura@aengusljeffers.com

Luke Coletti 2:35 PM (4 minutes ago)
05/23/16
to Brian.O'Neill, me, Mark, Kevin.Kahn

Hello All,

I've always thought the entire Cabrillo Point area was owned by Stanford. So, I was surprised to discover the City of Pacific Grove also owns a significant strip there. The attached images show the two assessed Cabrillo Point parcels: 006-741-006 owned by Stanford and 006-741-004 owned by the City.

Most of Pacific Grove's tidal and submerged lands, seaward of the mean high tide mark to the 60 ft depth contour line, are also owned by the City per State statute (thanks to Julia Platt - PG's first female mayor).

Via this link:
http://www.slc.ca.gov/Programs/Grantee_Regions.html

and under Monterey, see the following statutes:

Pacific Grove, City of

Chapter 690, Statutes of 1931
Chapter 231, Statutes of 1935
Chapter 484, Statutes of 1980

Since Cabrillo Point also includes public property landward of the mean high tide mark, I think it's important to explore public access to it.

Many might not favor public access here, as the area will end up getting "loved to death". However, denying public access to public property goes too far.

Therefore, I'm hopeful you will consider adopting land use policy that calls for limited public access to at least a portion of Cabrillo Point.

Thank you for your consideration,

Luke Coletti
Pacific Grove

May 19, 2016

To: Planning Commission

Re: Comments on 5/19/16 Agenda Item No. 8.a., LCP Update—LUP & IP Major Issues

From: Lisa Ciani

Land Use Plan Issues

1. SLR and Associated Hazard Erosion & Flooding Policies
   Who would perform the "initial screening of a project and hazard area"? The important issue is that no development be allowed that would require armoring in the future. The City needs to NOT take on any public liability for allowing new structures in a coastal hazard zone, including City infrastructure. (Stormwater and sewer lines come to mind.)

2. Definition of "existing development"
   There needs to be a consistent definition of "existing development" throughout the state, not each jurisdiction's definition based on how long it took them to get around to starting an LCP. If it's January 1, 1977 for the rest of the state, that's what it should be here.

3. Stormwater Runoff and Water Quality
   Located on an ASBS as PG is, as well as on the Monterey Bay National Marine Sanctuary, our runoff requirements need to be of the highest order, and easily inspected considering our limited staffing resources. Policies could be written to observe the requirements of the State Water Board or Coastal Commission, whichever is the higher standard.

4. Fencing and Subdivision in the Asilomar Dunes Neighborhood
   With regard to staff's proposing that the Asilomar Dunes Neighborhood be designated as a Special Community, which is commendable, it may be more appropriate for the entire community of PG, in this case the portion of the community in the Coastal Zone, to be designated a Special Community, and

Asilomar Dunes to be designated a Special Neighborhood. The City of Pacific Grove meets the Coastal Commission's definition of a Special Community in all respects. Other appropriate Special Neighborhoods within the Special Community would be the Pacific Grove Retreat; Asilomar State Beach & Conference Grounds; Mermaid Lane; Hopkins Marine Station and the Boathouse and American Can Company building; and the Lighthouse, Coast Guard residences, and NOAA Building.

I agree with City staff that minimal fencing, to be agreed upon with the Coastal Commission staff, is important to protect native dune habitat. Subdivision for conservation and for the purpose of creating trails where appropriate seems reasonable, as long as the "limited passive uses" are defined clearly and closely regulated.

5. Implementing a Parking Program in Appropriate Areas
   PG has possibly the most accessible coastline in California, with very limited manmade development along the water. Parking meters would interfere with the visual quality of the natural setting and the rustic feel along our granite shoreline, and should not be allowed. Our budget issues should not be a justification for limiting affordable access to the coast, whether it be through the use of parking meters or the permitting of large luxury hotels.

Implementation Plan

1. Commercial-Visitor Zoning District Height Limit
   At the southwest gateway to the Asilomar coastline, the height limit should be limited to 2 stories (18 feet), consistent with the current Beachcomber Inn which is unobtrusive. The Monterey Pine Forest is a unique and threatened coastal resource here and needs to remain the dominant element at the gateway to the coast. A 40-ft. height limit would diminish the natural beauty of our coastline. (It is disturbing to see that the triangular segment of the Monterey Pine Forest in, or adjacent to, the Asilomar Conference Grounds directly across the street from that motel has been arbitrarily removed from the designated scenic areas at some point. That needs to be corrected.)

2. American Tin Cannery Zoning
   The floor area ratio should not be increased for the ATC site. At the northeastern gateway to our coastal community, we do not want to reflect the nearby Cannery Row development, which is not the "surrounding built environment", nor do we want to reflect the "more urban developed nature" of the commercial buildings on Central Ave. Many visitors come to PG specifically to escape Cannery Row and be immersed in nature and humble surroundings. The Can Company developed the sardine can and supplied the cans for the canneries. It is our connection to the historic fishing industry. The current height for the historic American Can Company building (ATC), has a justification in the context of its original use; the same height should not be the standard for a new hotel.

   The natural setting with a granite outcrop and coastal dependent uses and the historic origins of the community's fishing industry and marine research facility is what is meaningful to PG and valuable as an economic as well as cultural and natural asset at the Ocean View Blvd. gateway. An 18 ft. height limit would provide a good transition to the modest residential area immediately to the west, should the American Can Company building be lost. Or the can company building could be repurposed for hotel use, or mixed use. If the City wants large new commercial and luxury hotel developments, they should not be in our very narrow coastal zone. Cannery Row and New Monterey should not be the models used as the standard for development of PG's shoreline.

3. Standards for Development for Visitor Serving Parcels
   If the density requirement is removed, it needs to be replaced with development standards that protect the visual quality of the surrounding area. A method is also needed to avoid degrading the area through intensification of use that will have impacts of traffic and congestion, etc.

Adoption Timeline

The timeline has been revised due to the extensive comments received in March from Coastal Commission staff, but without allowing adequate time for thoughtful public comment. Nor is there adequate time for the public to review the revised final Implementing Ordinances document that is coming soon, on top of the LUP revision. Our LCP documents are especially challenging to review due to the

haphazard arrangement of the policies in each section, the incomplete treatment of PG's very special coastal resources, and inaccurate maps, updated with color, not necessarily content.

I understand and appreciate the City's desire to have the final LCP document reviewed at a CCC meeting locally. But the whole LCP process seems to be aimed at accommodating the developers of Project Bella, not creating an effective document for protecting Pacific Grove's coastal resources. Many policies seem aimed only at providing mitigations for loss of resources due to development, not protection of the resources. If our City does not recognize the value of our coastal resources (compare our Background Report to Monterey's), doesn't have a clearly defined permitting process for its own infrastructure projects, and can't afford staff to prepare in-depth reports, how can we expect to receive appropriate assessments of projects and protections of our resources? Having a certified LCP could be a great benefit to developers, including the City, while the citizen stewards of our coastal resources will have the burden of having to appeal potentially inadequately researched, or otherwise uninformed, decisions—or waivers—that result in a threat to those resources.

I believe the City's staff has worked hard to complete our LCP, but the City has not given the process the focus or the resources to produce an effective document. I request that you provide time for an unhurried and well thought out review and careful revision of the final LCP documents.

Thank you for considering my comments,
Lisa Ciani

May 19, 2016

Memorandum

To: The Pacific Grove Planning Commission

cc: Anastazia Aziz, City Planner
Brian O'Neil, Coastal Commission Analyst

From: Tony Ciani

RE: SUGGESTED CORRECTIONS TO THE CITY'S LUP, DATED May 15, 2016

Dear Commissioners:

The following text provides my recommendations for corrections to section 3.5 of the latest version of the proposed LUP Update. My. Recommendations are underlined in a red color. It does not include suggestions to correct the "policies" in subsection 3.5.4.

3.5 PARKS, RECREATION, AND PUBLIC ACCESS (PRA)

3.5.1 Background – Parks, Recreation, and Public Access

Public access is one of the major goals of the Coastal Act. The Coastal Act states that "each local coastal program…shall contain a specific public access component to assure that maximum public access to the coast and public recreation is provided" (Public Resources Code §30500). This section focuses on opportunities to preserve, provide, and enhance public access to the unique and diverse features of the City's shoreline. The Coastal Act also states: "… that conflicts may occur between one or more policies " [of the Coastal Act.]; and "…that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." (Public Resources Code 30007.5) The principal Coastal Act policies concerning public access -- Sections 30210 through 30214 and 30500(a) and 30604(c) that were derived from the

The Pacific Grove shoreline provides a variety of recreational opportunities of regional and state-wide significance, however, access to Pacific Grove from adjoining inland areas is limited to a few roads that can become congested during peak travel periods. Parks front the shoreline for most of the Coastal Zone. The City owns four shoreline parks comprising over 23 acres, and additional parkland is owned by the California Department of Parks and Recreation. The City also owns the Julia Platt Marine Gardens out to the ocean depth of 6o feet. The Federal Government Bureau of Land Management (BLM), owns the off shore rocks, reefs and isletsas part of the California Coastal National Monument (CCNM) above the Mean High Tide Line (MHTL). The other marine lands, such as the intertidal areas, bay and ocean waters, located

below the MHTL are owned by the State Lands. where the California Coastal Commission retains jurisdiction.

There is unprecedented public coastal access throughout Pacific Grove's coastal zone. See Figure 3-1, Public Access, included in Appendix A of this LUP. Several terms are used throughout this section and are defined below:

1. Shoreline Access is the provision of pedestrian access and other forms of access ((e.g., bicycle, Americans with Disabilities Act (ADA), stroller, etc.)) from a public thoroughfare and to and along the shoreline. Public access to the shoreline also includes the ability of the public to get to the coastal zone by all modes of transportation. Transportation alternatives and parking are key elements of public access to the shoreline. Therefore, the transportation policies in Land Use Plan section 3.4.12 shall also meet the access findings required for this section. Another component of a coastal access plan is the provision of adequate signage to direct the public to the shoreline and accessways.

2. Lateral Accessway is an area of land providing public access laterally along the shoreline. Lateral accessways can be on a beach where contact with the water's edge is possible, or at the ~~rear (water~~ seaward side~~)~~ of buildings adjacent to the water's edge, or other areas laterally along the shoreline, such as blufftops.

3. Vertical Accessway is an area of land providing a connection between the first public road, trail, or use area nearest the sea, or a lateral accessway, ~~and~~ to the immediate shoreline, beach, publicly-owned tidelands, and ocean.

4. Visual Access is the ability for the public to view the shoreline, ocean or bay from public vantage points including roads, parks, and inland areas, etc.

The following discussion describes the major lateral and vertical access areas, and areas providing visual access to coastal waters. Key features described are shown on Figure 7, Coastal Parks, Trails, and Resources.

Area I: Point Cabrillo

The waterfront property adjacent to the eastern boundary of Pacific Grove is developed by the Monterey Bay Aquarium and Stanford University's Hopkins Marine Station is located immediately west of it. At the east end of the Hopkins Marine Station property, a vertical access providing a View Easement to the shoreline ~~at the west is provided by an easement~~ was required by the City and Coastal Commission in connection with the re-subdivision of a portion of the Hopkins Marine Station property. It is connected to Ocean View Boulevard via a 10-foot wide strip which has been deeded to the City from Southern Pacific Railroad. The easement terminates at a sea wall, but does not extend to the beach to protect sensitive natural resources.

~~Fencing of~~ Stanford University's Hopkins Marine Station maintains a chain link fence to keep the public separated from its shoreline research activities that has restricted public access to this

area's three beaches. The fence serves as a barrier between the City's recreational trail and the sensitive bluff habitat and sensitive beach mammal habitat that is on both the City's sandy beach and on Stanford University's property. Of the three beaches within the Stanford University's Hopkins Marine Station property, ~~there is~~ public access to the southeastern beach, also referred to as Fisher Beach is limited to visual access. West Beach, located south of Point Cabrillo, is currently where the majority of the seal pupping takes place in the City. The third beach, the small Agassiz beach, is directly in front of the Julia Platt- Lovers Point Marine Reserve and the Marine Life Observatory. It is isolated from the other parts of the shoreline by rocky outcrops and provides opportunity for recreational use that does not impinge on the permitted research programs that Hopkins conducts in Sanctuary waters adjacent to the beach. However, there is a potential conflict between kayaking and protection of the marine mammal beach and water habitat areas.

~~Pedestrian use of the recreation trail north of Ocean View Boulevard is continuous and constitutes a major lateral access facility.~~ The Pacific Grove - Monterey Bay Sanctuary Recreation Trail was established in 198? over the Southern Pacific Railroad Right of Way to provide improved lateral access for pedestrians and bicyclists. It extends westerly from the border with the City of Monterey, adjacent to the Hopkins Marine Station, then generally along the shoreline bluff top to Lover's Point at 17th Street. The Recreation Trail, blufftop and beaches provide dramatic public views to and along the coastline. Ocean View Boulevard is a scenic roadway for touring motorists.

Negotiations are continuing to acquire the remaining section of railroad right-of-way, with all of the right-of-way through the golf course and cemetery having been acquired for use by the golf course and cemetery operations. The balance of the right-of-way from Lighthouse Avenue to Sunset Drive would be acquired for open space and an informal trail.

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

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

Area II: Pacific Grove Retreat

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

The Union Pacific Railroad right-of-way is currently a designated recreation trail along its entire stretch through this area. Pedestrian access to the ~~path~~ Recreation Trail is available from Ocean View Avenue through Berwick Park and, near,1st Ave., 3rd Street, 5th Street, 7th Street and 13th Street. Access to the Trail is also available at a ramp used for the sewer pumping station at 15th Street. Parking along either side of Ocean View Boulevard is available throughout Planning Area II. From Central Avenue there are clear public view corridors down the local streets to the bay. ~~views along many of the local streets~~. The view down Grand Avenue of the rocks at Lovers Point is especially impressive. Along Ocean View Boulevard is a scenic roadway, with continuous views of the bay and the historic Retreat are available. The ~~undeveloped~~ bluffs and headlands afford fine views of Lovers Point. Otter Point, and distant panoramic views of shoreline of Monterey's north and Santa Cruz counties.

Urban water runoff at the foot of 8th and 9th street overtops during heavy rain storms that threatens to erode a portion of the Recreation Trail. Runoff over the bluff top also threatens to erode the informal paths of the point at Berwick Park.

Area III: Lovers Point

The Lovers Point area contains three beaches – one on either side of the concrete pier, and ~~one just~~ immediately west of the point itself. Stairways have been developed to serve all three beaches, and are connected by walkways and sidewalks on the blufftop. The beaches are utilized by sunbathers, picnickers, swimmers, surfers, kayakers, paddle boarders, and divers. Access for persons with disabilities is available to the pier and to the beach south of the pier.

A bluff top path system commences at Lovers Point and continues westward to Perkins Park. Benches are located along the paths at several locations west of 17th Street. Small steps at the Ocean View Boulevard curb line provide direct access to the lateral access way paths. Maintenance of the trails and vegetation has resulted in little danger to the blufftop habitat; however, erosion due to urban runoff over the bluffs has degraded the trail in several locations ~~potential~~ Erosion from pedestrian use of off trail routes could be reduced by directing pedestrians to beach stairways.

On-street parking spaces are available on 17th Street, on the north side of Ocean View Boulevard between Grand Avenue and 17th Street, and on the north side of Ocean View Boulevard. Besides the on-street parking spaces, a parking lot is located at the Ocean View Boulevard/17th Street intersection. Some parking spaces in this lot are designated for use by persons with disabilities. This parking lot is located at the westerly terminus of the Pacific Grove - Monterey Bay Sanctuary Scenic Trail. Access to the ~~pedestrian path on~~ the Recreation Trail ~~old railroad right-of-way~~ is available from the parking lot at the foot of Forest Avenue and 16th Street.

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

Views of the bay are generally continuous along the Ocean View Boulevard scenic drive. Public views from Lovers Point Park looking west, north and east to the near shore rock formations and distant shoreline, also provide a glimpse of sea otters, whales. dolphins, seals and shoreline birds. ~~and~~ Perkins Park provides numerous prime bay vantage points for the pedestrian. Bay views are also available to guests of multi-level motels along Ocean View Boulevard.

Area IV-A: Ocean View Area

~~A continuous~~ The bluff top provides a continuous network of paths that run the length of this portion of Perkins Park, from Lovers Point to Asilomar Avenues, providing a blufftop pedestrian link between Areas III and IV B. Numerous benches are located along the paths.

At four points (near the foot of Sea Palm Avenue, Shell Avenue, Beach Street, and Coral Street,) stairways provide vertical access to small beaches. Currently, free parking is unrestricted in this area. Four pullouts on the bay side of Ocean View (at Sea Palm Avenue; between Beach Street and Shell Avenue~~;~~ at Otter Point; between Acropolis and Coral Streets; and between Asilomar Avenue and Acropolis Street) provide additional parking. Picnic facilities are located at the Asilomar Avenue/ Acropolis pullout.

Public Recreational uses include walking, picnicking, surfing, diving, fishing, kayaking, bird watching, and watching sea otters and whales.

There is a Class III (shared right-of-way) bicycle route in this area. Unrestricted ~~bay~~ views of the natural rocky formations, Monterey Bay and canopy of Monterey Cypress at Esplanande Park ~~and~~ are available from Ocean View Boulevard, and from the paths and auto pullout areas in Perkins Park. Otter Point affords a popular vantage point for viewing the bay environs.

Surface runoff from irrigation and during heavy rains threatens to erode portions of the bluff top pathways from Otter Point to Asilomar Avenue. Heavy rains and wave run-up at the the earthen parking lots erode

Area IV-B: Point Pinos

~~In~~ ~~t~~This area is owned by the City, State and the United States Government. Except for the Point Pinos Lighthouse, the land is owned by the City to the Mean High Tide Line (MHTL); below the MHTL is owned by the State Lands Commission, and the islets, reefs and rocks above the MHTL are part of the Bureau of Land Management California Coastal National Monument (CCNM). Pedestrian lateral access is provided on informal bluff top paths that continue from the west end of ~~Perkins Park~~ Planning Area IV-A at Asilomar Ave., westward along the headlands at Point Pinos and then southward to the last Ocean View Boulevard parking area pullout, located at the west end of Lighthouse Avenue. ~~near the third hole of the municipal golf course.~~ Immediately inland, between Asilomar Avenue and Ocean View Boulevard lie the Crespi Pond wetland, sand dunes, the Point Pinos historic Light House, the Municipal Golf Course, and City site for a proposed water reclamation project. Public views and viewshed of both the shoreline, ocean and inland are part of the designated a highly scenic areas.

Safe ~~P~~ pedestrian vertical access to the beaches is not readily available, and ~~U~~unmanaged pedestrian access in the headlands area has resulted in considerable trampling of vegetation and sand dunes. The public's recreational uses include swimming, surfing, diving, tidepooling sunbathing, bird watching, whale watching and watching sunsets.

Parking in the pullouts in this area is varied, with some vehicles parked at the very edge of the parking areas which are made of earthen and rip rap rock fill. ~~headlands.~~ Impacts of parking to the bluff vegetation, and resulting erosion is evident in several areas. Erosion due to storm wave run-up and heavy rains that flood the parking creates poor driving and walking surfaces. Vehicle parking also occurs on the shoulder of Ocean View Boulevard, adjacent to the dunes. Inland of Ocean View, parking is available on the Lighthouse grounds, and also on Asilomar Avenue at the entrance to the Lighthouse grounds There are no parking restrictions in Area IV.

A 3 foot, wide lane for bicycles on both sides of Ocean View Blvd. (and Sunset Drive in Planning Area V I) from the north end of Asilomar Ave. to south end of Asilomar Ave. provides a Class III bicycle route along the shoreline.

Signs stating "Marine Refuge" (marine protected area) are located at the Ocean View Boulevard pullout at the foot of Asilomar Avenue, and on Ocean View at the foot of Lighthouse Avenue. Three informational signs concerning sensitive habitat for Black Oystercatchers and marine mammals have been placed within the Point Pinos area by the Bureau of Land Management's California Coastal National Monument. The California Coastal National Monument rocks, exposed reefs, islands, and pinnacles are managed to protect biological, geological, cultural and visual resources. The BLM is preparing a management plan for the Point Pinos CCNM area to be coordinated with the City's LCP.

Signs prohibiting water contact activities and climbing on the Point Pinos rocky headlands are located on the beach opposite the former location of the United States Coast Guard fog horn that was removed in 2011. Visitor-directional signs are located at the Asilomar/Lighthouse Avenues intersection, and directly in front of the lighthouse entrance on Asilomar Avenue.

Unrestricted public views of the rugged shoreline bay and ocean ~~view~~ are available from the bluff top and Ocean View Boulevard, as well as, from the Asilomar/Lighthouse Avenues intersection at the southeast corner of Area IV. Public views from the shoreline and road looking inland to the sand dunes, forest front and Lighthouse are part of the designated highly scenic areas of Pacific Grove.

Area V: Union Pacific Railroad

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

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

Area VI: Asilomar

Sand ~~D~~dunes within the Asilomar State Beach and Conference Grounds are protected using a pedestrian boardwalk. Along the shoreline they are continually subject to moderate or heavy recreational use, depending on location. Interpretive signs have been used with limited success to guide people away from sensitive areas. A striped pedestrian way crosses Sunset Drive.

~~Development of the proposed~~ The public currentlyuses the historic route along the railroad right-of-way between Lighthouse Avenue and Sunset Drive as an additional lateral access inland of the shoreline. There is an opportunity to connect that route to Point Pinos and Lover's Point ~~and~~ that would provide a continuation of the Pacific Grove Recreational Trail to the community of Pebble Beach to the south.

The only public parking facilities in the area are those at the Asilomar State Beach and Conference Grounds, including along the road. There are no restrictions on street-side parking in Area VI. Visitor-directional signs are located at the Asilomar Avenue intersections with Sinex Avenue and with Sunset Drive. There is an on-street bike lane at Asilomar along Sunset Drive out to Highway 68.
With the exception of the Sunset Service Area, any new development within this area will be on the inland side of Sunset Drive. Consequently, there is no possibility for development to interfere with ocean views from the portion of the road north of the Sunset Service Area. The Asilomar State Beach and Conference Grounds' sand dune and forest areas adjacent to Sunset Drive provides a gateway to the shoreline to and from the areas inland and east of the coastal zone that possess considerable visual interest, and should be protected.

Asilomar State Beach makes up the majority of this planning area's shoreline lands. Two single family residences are situated between the northern boundary of the State Beach and the southern boundary of Point Pinos' open shorefront lands. Lateral access is provided across both of these properties, providing for a continuous public trail connection between the Lighthouse Reservation shoreline area and Asilomar State Park shoreline area on either side of the residences, respectively. A continuous trail network, providing both lateral and vertical access opportunities, extends the length of the State Beach property.

There are no designated public parking facilities within Area VI. Currently public vehicle parking occurs on the shoulders and pullouts along Sunset Drive, with the heaviest

concentrations occurring south of Pico Avenue. There are no restrictions on parking, other than overnight parking. For a considerable distance, large rocks have been placed along the east side of Sunset Drive to prevent automobile intrusion into sand dunes of the State park property. Signs identifying the State Beach, warning of rip current hazards, and prohibiting camping, beach fires, and unleashed dogs are located at frequent intervals along Sunset Drive.

Continuous unobstructed shoreline and ocean views are available from Sunset Drive, except at the two residences opposite Jewell Avenue, and in the area of the Sunset Service area. Remaining undeveloped dune lands in the Asilomar dunes area, on the inland side of Sunset Drive, serve to lessen the contrast between existing development and the undisturbed open space of Asilomar State Beach and Asilomar Conference Grounds. Maximum retention of open areas within the Asilomar dunes will help protect the visual qualities of this area and the upland areas coastal zone part of Pebble Beach such as Huckleberry Hill and scenic route of Highway 68 along the ridgeline in the Del Monte Monterey Pine forest.

Recreational uses include walking, swimming, surfing, windsurfing, diving picnicking, observing nature, etc. The State Parks and Recreation Department provides rangers and lifeguards who patrol the Asilomar State Beach shoreline and beaches.

I also anticipate providing maps of the existing conditions to correspond to the text in the near future.

Respectfully submitted,

Tony Ciani
220 Walnut Street
Pacific Grove, CA 93950

Luke Coletti 3:00 PM (22 hours ago)
05/16/16
to Ciani, Brian.O'Neill, me, Mark, Anthony

Hi Brian,

It looks like the May release of the LUP (link below) incorporated the suggestion (first attached PDF) to make the front nine of the golf course a scenic area. That's good. The second attached PDF shows the scenic areas (Fig 3) from both the Jan and May releases.

However, I'm not getting why in Fig 4 almost all of the golf course and Pt Pinos itself is listed as having a "low" sensitivity when most of the developed areas (homes) are shown as being moderate. I believe this should be reviewed.

http://www.cityofpacificgrove.org/sites/default/files/general-documents/local-coastal-program/final-lup051116.pdf

Thank you,

Luke

Lisa Ciani May 16 (2 days ago)

to me, kinisonbrown, Brian.O'Neill, Kevin.Kahn, Wendy

Anastazia,

Thank you for sending the most recent RLF survey report. Do you know why it does not include CNDDB Occurrences in the results, as the previous survey did, 3.4 miles away?

I have trouble understanding what protection there is for Crespi Pond as a wetland, as most specifically covered in MAR-3 where it says, "No alteration of freshwater wetlands (including Crespi Pond and Majella Slough) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats....", and then goes on to say any development specified in the BIO section of the LUP is OK. And BIO-3 refers you back to MAR-3 and says the only allowed uses are those specified in Coastal Act Section 30233 "per MAR-3". This is circuitous and not helpful for protection. The City is the developer that I'm most concerned about. Dredging down to granite and enlarging the circumference of the pond, as well as adding pipes and pumps, as one of the confusing array of local water project/stormwater projects specifies despite MAR-3 which is a policy carried over from the 1989 LUP, seems to me to significantly disrupt habitat values, yet apparently will go forward with a waiver. The policies all seem aimed at mitigation rather than preservation. The infrastructure plans in the Coastal Zone at Pt. Pinos, and elsewhere, seem oblivious of both SLR and ESHA considerations.

Also, it appears that the City is skipping the final revised IP step, is that correct? And can you tell me why the City Council will only be considering the final LCP in one hearing on the current version of the timeline, as compared to the first and second "reads" on the previous version?

Thank you,
Lisa
> <Crespi Pond Second Effort Pre-Dredging Survey Report_10-2015 Final.pdf>

Lisa Ciani May 12 (6 days ago)

to me, kinisonbrown, Brian.O'Neill, Kevin.Kahn

Anastazia,

Does the Public Works Dept. have someone on staff qualified to do such a survey? And what was the survey done in connection with? Could you please send me a copy of the survey report.

As I wrote in my comment #4, the last survey I could find online was done in November 2014 by an outside independent consultant. And as I wrote in the third paragraph of my comment #1, based on the April 14, 2016 Coastal Commission ESHA Workshop that I watched online, "a protected species does not have to be present in a habitat area on a survey for the habitat to be designated ESHA." The presentation titled ESHA Regulation Under the Coastal Act states on Slide #8 titled Absence of Species Is Not Determinative, "The record supports a finding that the failure to observe butterflies during surveys at the site does not, standing alone, mean that the area is not butterfly habitat or potential habitat." (McAllister v. California Coastal Com'n (2008) 169 Cal.App.4th 912) There was no indication that this finding applies only to butterflies.

Thank you,
Lisa

May 12, 2016

To: Anastazia Aziz, Senior Planner, City of Pacific Grove

From: Lisa Ciani

Comments on Final Draft LUP with CCC mark-ups (as received from Coastal Commission staff), ESHA section 2.4:

1) Section 2.4.1 needs a description of Pacific Grove's coastal bluffs, sandy beaches and tidepools, which provide habitat for a wide variety of species that are dependent on the health of the rocky intertidal zone and beyond. Page 3-36 in the ESHA section of the LCP Background Report indicates more specifically "the shoreline natural habitats such as beaches, tide pools, and rock formations, and both restored and naturally occurring sensitive habitats such as coastal bluff, sand dune scrub, Monterey pine forest, and wetland/waterway features...." (For an example of a more complete background report for the species found in various habitats, see the City of Monterey's "Existing Conditions Report: Biological Resources".) The bluffs and tidepools were removed from PG's LUP for the final draft stage, and at a review session, Planning Commissioners Frederickson and Chakwin, asked specifically for the tidepools to be put back into the ESHA section. That would be a minimal first step in providing an appropriate LUP ESHA section representing PG's resources that must be protected.

   The fact that PG's unique, ancient geology has not been recognized in the LUP has become apparent, as my husband and John Pearse and I have been working on correcting the maps and talking with a USGS Geologist Emeritus (Ed Clifton, PG Museum Foundation board member) on a walk to view a segment of the coastline near Esplanade Park. I have previously provided suggested changes to the draft IP to address tidepools, but more, specific policies are needed in section 2.4.4.

   The first bullet point in section 2.4.1 needs to include resident Black Oystercatchers in the coastal bluff habitat. And bullet points need to be added to describe the tide pools (the rocky intertidal zone) and sandy beaches.

   The CCC's recent workshop on ESHA explained clearly that a protected species does not have to be present in a habitat area on a survey for the habitat to be designated ESHA. This would apply to the snowy plover habitat on Asilomar State Beach (and the red-legged frog habitat at Crespi Pond—see #4). I have seen Snowy Plovers on Asilomar State Beach as recently as 2013, when I frequented that beach, and I photographed and reported three banded Snowy Plovers to Pt. Blue (Frances Bidstrup) in January 2012. (I monitored snowy plovers for the Pt. Reyes Bird Observatory--now Pt. Blue--for many years in San Diego County.) Sandy beaches at Hopkins MS and 5th St. are pupping habitat for Harbor Seals, which are protected by the U.S. Marine Mammal Protection Act.

2) In Characteristic Flora and Fauna at the end of section 2.4.1, the next to last sentence in the first paragraph should say, "Black Oystercatchers" not just "oystercatchers", of which there are several species around the world, two on the Pacific coast.

3) Section 2.4.3, the last sentence of the first paragraph states, "The remainder of the immediate shoreline area, with two exceptions of privately owned areas, is under California Department of Parks and Recreation ownership and managed as park land." The term "immediate shoreline" is not clear. Also, the *Asilomar State Beach and Conference Grounds General Plan* should be appended to the LUP in its entirety.

4) In section 2.4.3 under Asilomar Dunes Residential Area, the third paragraph refers to "ten plant species and one animal species of special concern". These species should be specifically named here. This is a very detailed section within the General Plan section. I don't see a corresponding detailed section describing species such as the California red-legged frog, in the riparian areas, either here or in the Water and Marine Resources section. (The most recent survey of CRLF's that I find referenced on the City's website was Nov. 2014, simply to establish that there were no CRLF's at Crespi Pond within 7 days of a dredging operation, as required by law. This does not establish the absence of CRLF's year-round, as has been suggested, and it is still potential habitat.)

5) BIO-1 should include coastal bluffs, rock outcrops, sandy beaches, tidepools and offshore reefs, rocks and islets in the final sentence.

6) BIO-8 calls for "planting and preservation of native milkweed species...for Monarch caterpillars, and for feeding or clustering of adult Monarchs...." This may not be correct—please consult Frances Grate on BNRC. Milkweed should only be planted where it has grown naturally before, at a distance of at least 10 miles from the coast. In Pacific Grove, nectar flowers are what the Monarchs need. Milkweed planted in PG would interfere with their natural migration. Below is the Sept. 15, 2015 Agenda Report from the BNRC on the issue of Monarchs and milkweed.

Agenda Report
Beautification and Natural Resources Commission September 15, 2015

Monarch Butterflies and Milkweed

In California we have both the breeding part of the life cycle (eggs on milkweed) and also the overwintering phenomenon (Monarchs moving toward California coast in fall to spend November through February at sites like Pacific Grove or Natural Bridges... there are many from Baja to Mendocino in a good year).

In the Midwest the Monarchs only breed and then migrate south to the Mexican mountains for the winter.

The guidelines in California are:

1. Plant milkweed where it once grew and try to plant the appropriate native milkweed.

2. Make sure your milk weed plantings are at least ten miles from the coast.
3. If you'rewithin10 miles from the coast, plant only nectar plants. This minimizes chances of Monarchs laying eggs out of season and minimizes spread of disease via milkweed.
4. Never spray

In other words, if you're outside of California, plant milkweed. If you're in California, there's a zone to avoid.

.....From Mia Monroe of National Park Service at Muir Woods, also an overwintering site via Bob Pacelli of Pacific Grove

7) BIO-9 should list the 10 plant species referred to, but not specified earlier, in section 2.4.3.

8) I believe BIO-10 should include the California red-legged frog and perhaps the hoary bat.

9) BIO-11 inexplicably encourages only Hopkins MS, but not the City itself, "to remove exotic plants and restore a native bluff plant community on the rocky outcrop." Hottentot fig should be targeted specifically. It should be removed from the sandy beach, the bluffs and the rocky outcrops. The need to do an archaeological study prior to removal should be noted. And this policy should be directed to the City as well as Hopkins. In other words, the wording should read to the effect, "The City shall remove...., and Hopkins Marine Station shall be encouraged to do the same."

10) BIO-19 calls for "Development within coastal parklands" to be consistent with standards, etc. in the Coastal Parks Plan "as long as those standards and procedures are consistent with the policies in this Land Use Plan". The CPP does not consider sea level rise and the option for phased retreat. It needs to be consistent with the California Coastal Act, not the LUP, because our LUP so far is lacking in appropriate standards and procedures to cover this kind of development. As an example of inconsistency with the Coastal Act, the Coastal Parks Plan calls for the City to:

"Consistent with the existing rugged character of the coast west of the Esplanade, install natural riprap to prevent further erosion of the coast and to support future trail construction, where necessary."

This policy is not consistent with prudent planning for sea level rise or with the Coastal Act and the Coastal Commission's adopted Sea Level Rise Policy Guidance, and would significantly degrade the magnificent shoreline bluffs and beaches. Looking at the shoreline between 13th Street and Fountain Avenue, you can observe the direct significant adverse impacts of engineered rip rap revetments to the natural resources and scenic quality. While that stretch of the shoreline along the Retreat presents a special challenge in terms of retreat for the trail, the areas that the City is currently identifying as requiring armoring are good candidates for a relatively simple plan of retreat for the trail.

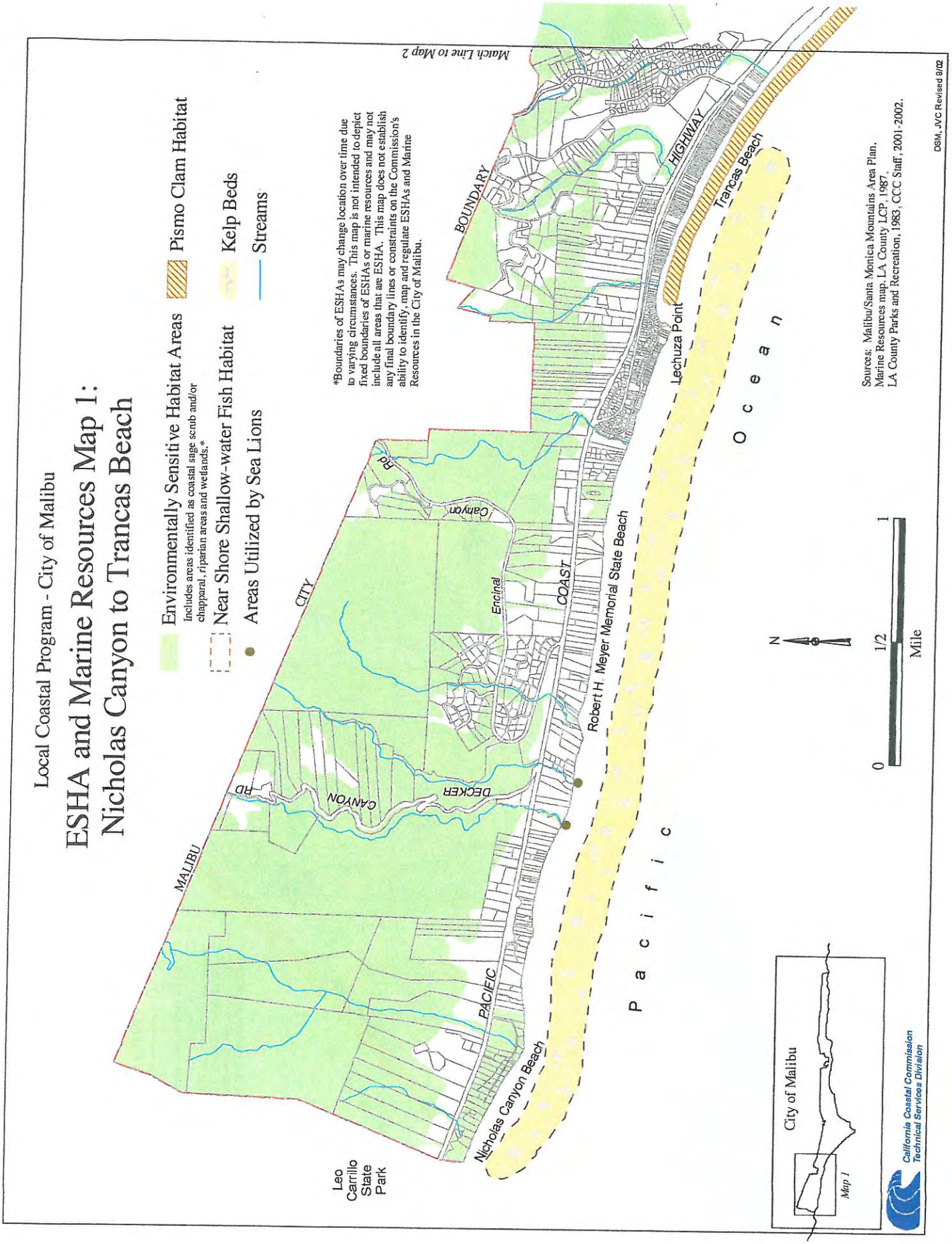
11) The Land Habitat Sensitivity map does not represent Pacific Grove's habitats, or the sensitivity of those habitat areas, accurately or clearly. The following are just a few of the issues:

- There is no definition for the determination of the sensitivity designations, A-D.
- There is no explanation for the distinctions between the 3 number designations for sand dunes (1-3), or the 3 for coastal bluffs (4,5, & 9), or for the distinction between coastal bluffs (4,5, & 9) and rocky bluffs (10).
- The sandy beach at Hopkins, which is habitat for a harbor seal colony and a protected pupping beach, is designated as D9, low sensitivity coastal bluff, as is the 5th St. beach.
- Random areas along the coast in Areas I and II are designated B5, high sensitivity coastal bluff, while adjacent equally sensitive bluffs are designated low sensitivity.
- The mobile home park is designated C7, moderate sensitivity coastal bluff/residential, indicating it is more sensitive habitat than most of the shoreline.
- The retreat needs a designation for gardens. (Nectar flowers are habitat for butterflies.) It is currently designated as lawn.
- Tidepools (or rocky intertidal zone) and kelp beds need to be designated on the map.
- Areas along the railroad right-of-way may be potential habitat for overwintering Monarch butterflies and should have a designation that represents at least moderate sensitivity pine/eucalyptus forest.
- There is no explanation for the significance or sensitivity of the Acacia designation in the middle of the Asilomar dunes area.
- The map needs to be divided into at least three pages to be able to distinguish the designations and streets in each area: Page 1 - Areas I to III; Page 2 – Areas IV-A & B; Page 3 – Area VI.

As it is, the Land Habitat Sensitivity map will not helpful to many property owners in determining what designations apply to their property.

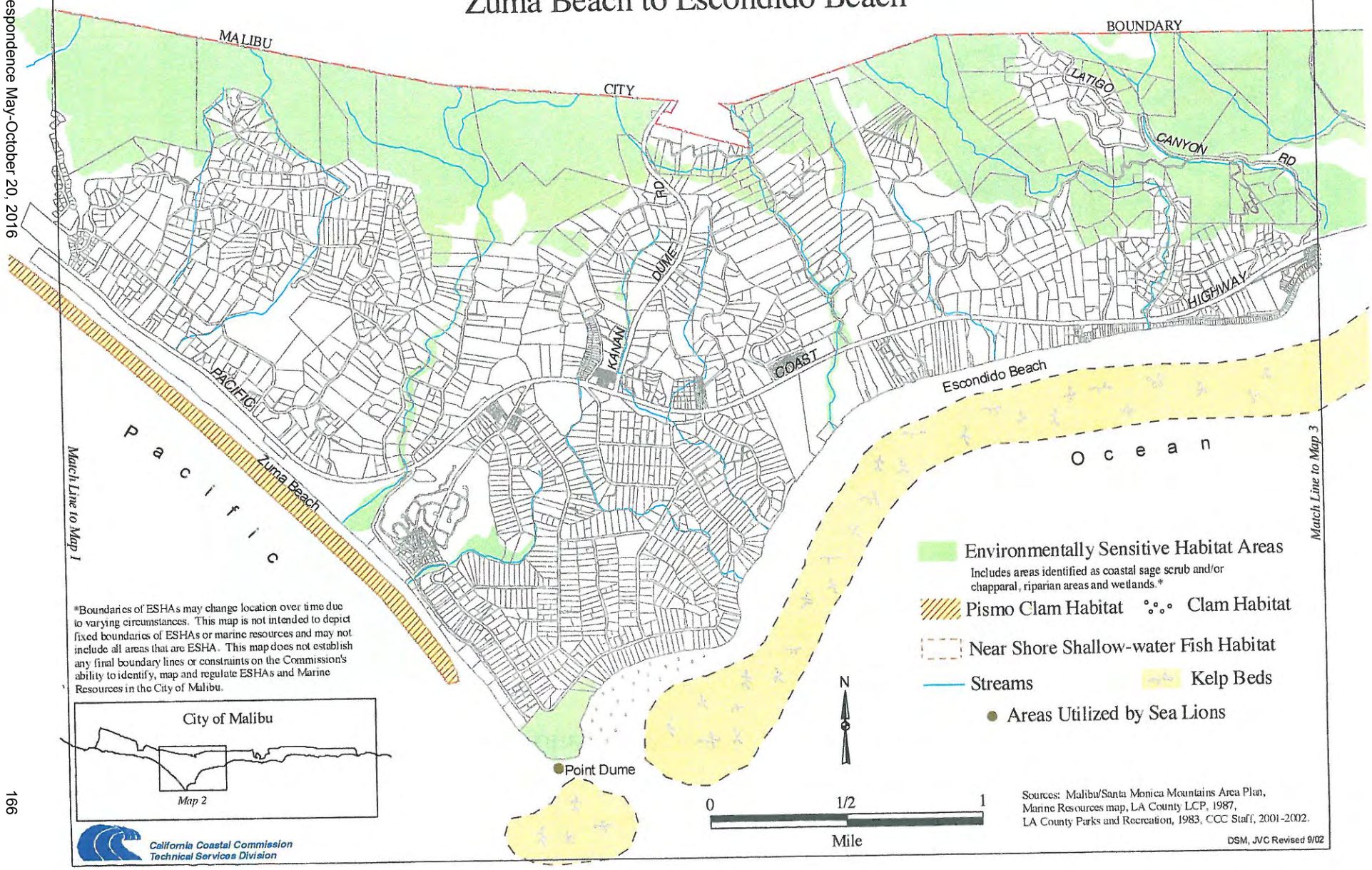
L. Ciani

Item 7a(ii)



Local Coastal Program - City of Malibu

ESHA and Marine Resources Map 2: Zuma Beach to Escondido Beach



*Boundaries of ESHAs may change location over time due to varying circumstances. This map is not intended to depict fixed boundaries of ESHAs or marine resources and may not include all areas that are ESHA. This map does not establish any final boundary lines or constraints on the Commission's ability to identify, map and regulate ESHAs and Marine Resources in the City of Malibu.

Sources: Malibu/Santa Monica Mountains Area Plan, Marine Resources map, LA County LCP, 1987, LA County Parks and Recreation, 1983, CCC Staff, 2001-2002.

DSM, JVC Revised 9/02

Qaf **Artificial fill (Holocene)**—Heterogeneous mixture of artificially deposited material ranging from well-compacted sand and silt to poorly compacted sediment high in organic content; only locally delineated

Qod **Older coastal dunes (Pleistocene)**—Weakly consolidated, well-sorted, fine-to medium-grained sand. Some geologic deposits are covered with a thin veneer of eolian deposits. In some areas, this is indicated by a subscript (e) following the symbol for the geologic unit overlain by the eolian deposits. Locally divided into:

Qod_1 **Younger dune deposits (Pleistocene)**—Weakly consolidated, well-sorted, fine- to medium-grained sand deposited in an extensive coastal dune field. Age of unit is middle(?) Wisconsinan

Qod_2 **Older dune deposits (Pleistocene)**—Weakly to moderately consolidated, moderately well-sorted silt and sand deposited in extensive coastal dune fields. Age of unit is early(?) Wisconsinan

Qct **Coastal terrace deposits, undivided (Pleistocene)**—Semiconsolidated, moderately well-sorted marine sand containing thin, discontinuous gravel-rich layers. Locally divided into:

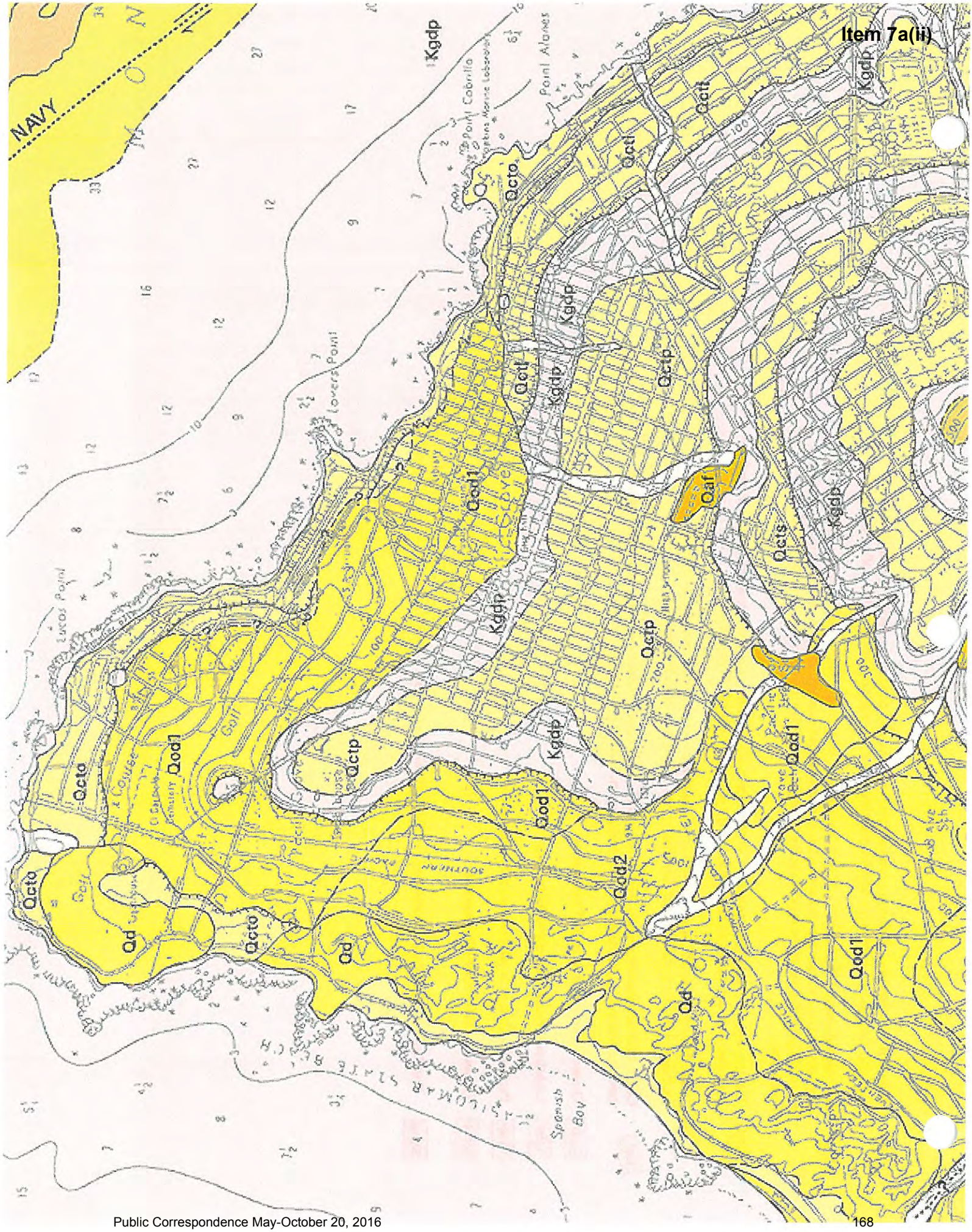
Qcto **Ocean View coastal terrace (Pleistocene)**

Qctl **Lighthouse coastal terrace (Pleistocene)**

Qctp **Peninsula College coastal terrace (Pleistocene)**

Qcts **Sylvan coastal terrace (Pleistocene)**

Kgdp **Porphyritic granodiorite of Monterey of Ross (1976) (Cretaceous)**


NAVY
Kgdp
Point Cabrillo
Point Alones
Lovers Point
Lucas Point
Qcto
Qctl
Qctp
Qod1
Qod2
Qaf
Qcts
Qd
Spanish Bay
SOUTHERN PACIFIC

Top Dozen Monterey County Birding Sites

Pt. Pinos & vicinity

a page by Don Roberson

Pt. Pinos is the northwestern tip of the Monterey Peninsula in Pacific Grove (above). It is world famous as a sea-watching site, but is almost as well known for the diversity of vagrants seen on Crespi Pond or in the adjacent cypresses. Unfortunately, most of the northwestern portion of Pacific Grove is a golf course, so birding acces is limited to shoreline or the cypresses next to the restroom at Crespi Pond. All 11 eBird "hot spots" within the Pt. Pinos listing area are shown on the map below. These include not only Crespi Pond and the Point itself but also a small neighborhood to the east, between Esplanade Park and the El Carmelo cemetery. This listing area was defined ~1980 to include the ~260 acres of the entire Point, "from Ruff to Ruff outside the RR track." In the 1970s, individual Ruffs wintered (different winters) at Sea Palm beach (foot of Sea Palm Ave) and on kelp below the gazebo at Rocky Shores. These spots provide nice "bookends" to the coastal ascent — about a 2 mile walk between the spots on Ocean View Blvd. and Sunset Drive. The old "railroad tracks" are gone but are now replaced by a public hiking trail from Railroad Way & Lighthouse Ave., through the middle of the eastern reaches of the golf course (where obscure) and that picks up again at the foot of Lovers Pt., just outside the listing area. In eBird, the "Pt. Pinos" hot spot is used for general checklists around the Point, while the other "hot spots" are intended for more specific checklists at those locations. A complete list of species and a bar graph of their occurrence is available via eBird [click that link]. **Over 320 species** have been recorded, a truly remarkable number given the small size (~0.4 sq mi or 1.08 sq km) of the area. Few sites in North America this small can match this diversity.

90-95% of gulls at the Point are Western and California Gulls. Ring-billed Gull, for example, is a major rarity on the rocky coast and needs documentation. [It is common in winter on the mudflats at Moss Landing.] Gulls misidentified as "Ring-billed" or "Herring" are the **two most common mistakes** made by visiting observers.

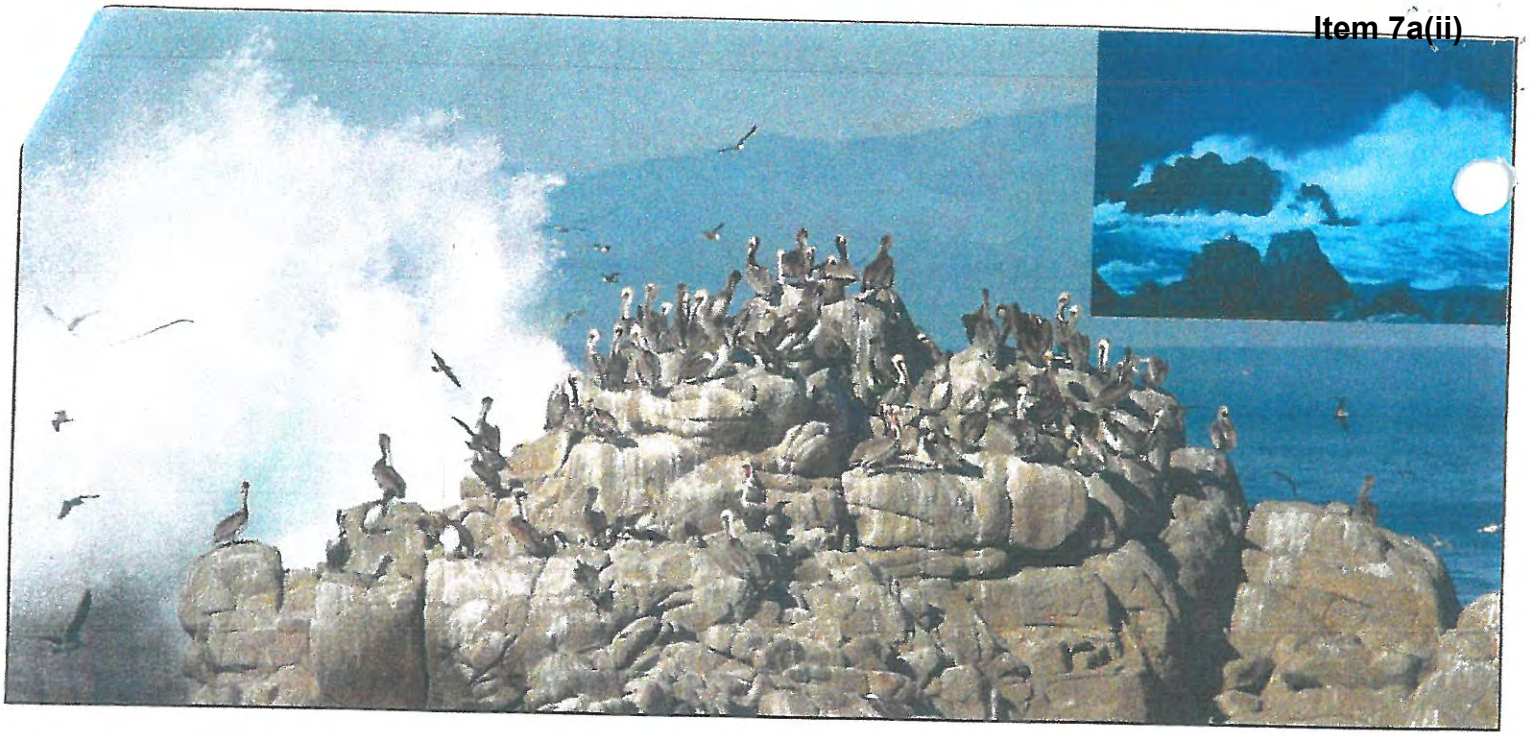
While seawatching, seabirds, shorebirds, and gulls are a major part of birding at Pt. Pinos, it is also an exceptional location for migrant landbirds and waterfowl. This view (below) of Pt. Pinos from a boat just offshore shows the rocky shore; the parking areas used by tourists, and beyond them the Pacific Grove golf course and then the Monterey Pine forest of Pacific Grove, shrouded in typical summer fog, in the background. The Pt. Pinos Lighthouse is dead center. In front and to the right of the lighthouse are some of the Monterey Cypress trees that attract migrant landbirds near the public restrooms (the small brown building just right of the white pick-up truck). [Crespi Pond is out of view to the left of the white pick-up.]

Crespi Pond (above) is a small natural pond, adjacent to the coast, named for Friar Juan Crespí who co-founded the Carmel Mission for Spain in 1770 with Father Junípero Serra. Today Crespi Pond is used as a water hazard between the 17th tee and green on the Pacific Grove golf course. The inset photo (above) is from Oceanview Blvd, which separates Crespi from the shore, and shows the P.G. Lighthouse in the back of the reedbeds at the back side of Crespi. [The lighthouse, operating since 1855, is the oldest countinuously operating lighthouse on the West Coast.] The photo above shows a Ross's Goose among the coots that winter at Crespi Pond. Canada Geese (from an introduced population) are resident here and breed, but migrant geese — Ross's, Snow, Greater White-fronted, Cackling, Brant

Birding at Pt. Pinos

Seawatching can be good at any season. The entire shoreline around Pt. Pinos is open to the public via large pull-outs on the Bay or Ocean side of the Point; there are benches or one can easily stand with a scope (or sit in a vehicle with a scope) to scan the sea. The sun is in your eyes looking west in the afternoon, but it is often better at any time to scan north from the Point, watching for birds flying out of the Bay westward towards the open ocean. The wind tends to pick up in the afternoon, and wind generally means better seawatching. Black-footed Albatross are almost routine on windy afternoons in the summer.

The far rocks at the Point often have 3 species of cormorant (dominated by Brandt's) and loads of Brown Pelicans in season (summer, fall); an occasional booby has landed here. Huge waves batter these rocks (below). The strong winds usually come from the northwest. It is when these winds are howling at gale force — and waves completely engulf the rocks (inset below) that seawatching can be superb, as huge numbers of seabirds are blown into Monterey Bay and try to escape by flying west — into the winds — and past the Point. I remain in my car and scope out the window in those conditions; when it is too rough I may chose a spot several pull-outs east of the bare Point itself. Pelagics recorded in these conditions here include Cook's & Mottled Petrel; nearly every shearwater or storm-petrel recorded from the county; all 3 jaegers and skua; and nearly every west coast alcid.



Rocky shorebirds are a key group here, with good habitat throughout the area, but especially on the ocean side. Black Oystercatcher (left, with precocial young) are resident and breed on the small rocky islets. [Incidentally, these rocky islets are part of California Coastal National Monument, established on Jan. 11, 2000.] New signs went up in 2012 to protect regular nesting sites (below).

In winter (Oct-Apr) oystercatchers are joined by flocks of Black Turnstone, Surfbird, Whimbrel, Willet, Sanderling, Black-bellied Plover, and occasionally Pacific Golden-Plover. Ruff and Rock Sandpiper have wintered twice. Wandering Tattler and Ruddy Turnstone are a spring and fall migrants.

The tides make a difference for seeing rocky shorebirds. At high tides there are just a few flocks huddled together on offshore islets. At low tide, rocky shorebirds spread out to forage widely among the edges of tidepools or the ocean-rock interface.