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

At the Planning Commission meeting August 25th a FAR of 3.0 was voted in for the C-V-ATC site. It had been explained by Staff that in order to achieve 3.0 it would require increasing the height limit to 51 feet and that at a 40 feet height limit the most that could be built would be functionally a 2.4 FAR which would be about a 10% increase of allowable building structure from the FAR of 2.0 on the front site and 2.5 on the rear site total. Even though the increase to 3.0 did not include at this point in time changing the height it is still complicated for hotel usage to even imply a possibility for the future. Hotel usage should be clearly given a separate FAR in the LCP documents from other uses on the C-V-ATC of not greater than what is possible at a height limit of 40 feet because the public was promised by both the developer and people connected to the City government in the Measure X literature that the height limit was 40 feet which biased voting either yes or no on Measure X to allow hotel usage at all.

In the comment time from the audience Michael Crall from Domaine adamently stated that Project Bella was not asking for an increase in the height limit above 40 feet or an increase in the FAR maintaining their integrity to the campaign promises and the City should also maintain its' integrity in clarifying this in the LCP documents. If Project Bella does not go forward the public should still be given development standards that were promised in the Measure X campaign of a height limit of 40 feet with hotel usage which in turn would have a ceiling of an FAR of 2.4. Thus, the FAR on the C-V-ATC site for hotel usage separate from other uses should be specifically designated in the LCP documents as 2.0 on the front site, 2.5 on the rear site but no greater than 2.4 overall that is sustainable at a 40 feet height limit.

Thank you,

Janet Cohen

Planning Commission Agenda references - Statement by Domaine Pacific Grove, LLC for the record

Inbox x

R. Meer - Domaine Hotels <rmeer@domainehotels.com> 6:02 PM (14 hours ago)
08/24/16
to Ben, mbrodeur, me

Hi Ben:

Please see the attached Pacific Grove Planning Commission Agenda Report, pages 1-4.

You will note that the Agenda Report references the American Tin Cannery Development Standards. It further discusses floor area ratio (FAR) and a possible height increase. I've highlighted the text of the Agenda Report that makes reference to a possible increase of the height limit from the existing 40 feet to 51 feet.

I want to state for the record that Domaine Pacific Grove, LLC has **NOT**made any requests for this height limit increase and **WILL NOT** request any height limit increase above 40 feet regardless of whether the Planning Commission and or City Council ultimately decide to modify the ATC Development Standards to increase the height limit.

Please make sure that you and/or the Planning staff informs the Planning Commission at its public hearing tomorrow and the City Council that the City received an email from Domaine stating that Domain has not and will not be requesting any height increase above 40 feet.

Thank you.

Ron Meer

Ronald L. Meer
President & CEO
Domaine Hospitality Partners, LLC
20101 SW Birch St.
Suite 150K
Newport Beach, CA 92660
Ph. 949.442.0900
Fax 949.442.0910
Cell 949.307.2181
Email - rmeer@domainehotels.com
www.domainehotels.com

American Tin Cannery (ATC) Development Standards (Form submission from: Contact the Planning Commission)

Inbox x

08/24/16

Anthony Ciani via City of Pacific Grove Website 9:28 AM (3 hours ago)

to me

Name: Anthony Ciani
Email: aciani@cianiarchitecture.com

Message:
Members of the Planning Commission:

RE: Staff Recommendation for American Tin Cannery (ATC) Development Standards and Land Use designation of property west of ATC.

The neighborhood including the ATC and adjacent lands to the west of Ocean Boulevard are NOT a "more urban developed nature of this area of Pacific Grove" as staff imagines. It is also not New Monterey. It is unique and distinguished by its relatively low scale and open character. This waterfront of this area is not Cannery Row; it is generally open to the Bay with a large grove of Monterey Cypress tress that provide scenic views of the natural shoreline formations including Cabrillo Point. The historic scenic setting provided the Monterey Boat Works, small boats and Stanford University's Hopkins Marine Station is not an "urban" setting. It is a scientific education research center. The land use and zoning maps are mistaken and contradict the land use designations as open space institutional. Those maps should be corrected.

Increasing the FAR to be 3.0 and the height limit to be 51 feet would impose a new order that would overwhelm the existing environmental setting and set a new precedent contrary to the policies to retain the existing scale and character of Pacific Grove. The Voters who approved a hotel use at ATC did NOT approve a height limit of 51 feet and FAR of 3.0. The developers did not ask for, nor did they get those those limits changed. Moreover, the attached

petition signed by 40 persons is an indication of the sentiment in the community. If you want to carry out the citizen's goals and aspirations, install story poles with ribbons to demonstrate the height and mass proposed by staff and hold a vote on this matter.

Respectfully,

Tony Ciani,
Architect

Attached File:
http://www.cityofpacificgrove.org/sites/default/files/webform/planning-commission/scan%20%2834%29.pdf

Submitted on Wednesday, August 24, 2016 - 9:28 am

Special Planning Commission Meeting, August 25, 2016, Implementation Plan

Inbox x

Inge Lorentzen Daumer 2:11 PM (1 hour ago)

to Bill, Jeanne, Mark, Donald, Mark, Nicholas, Robin, Bill, me, wlao, Haroon

08/24/16

Dear Planning Commissioners,

Project Bella was "sold" to the voters of Pacific Grove by Domaine Pacific Grove, LLC and Mayor Bill Kampe, et.al., as a project no taller than 40' (feet) in height and 55% lot coverage (..."10% less coverage than the existing American Tin Cannery"), developed to LEED Platinum standards.

Are staff proposals to increase the height and FAR of the ATC site now being driven by the developers?

I see no reason to "bargain" with amenities that have already been "promised" by the developers in their campaign materials in order to achieve a positive vote. (In 2012 Measure F failed in requesting increased height and lot coverage.)

Please leave the current FAR and Height limits in place, as was presented to voters...2.0, 2.5, and 40'.

This is our Implementing Plan to cover whatever happens down the road...

I, personally, will be adversely affected no matter what!

Sincerely,

Inge Lorentzen Daumer

180 Sloat Ave.

Pacific Grove, CA

8/23/16

Luke Coletti 5:11 PM (14 hours ago)

to danmiller39, caseypg, Ken, Robin, Bill, Jeanne, Donald, Mark, Nicholas, Bill, Brian.O'Neill, Kevin.Kahn, me, Mark, huitt, Bill, wlao, David

Members of the Planning Commission,

As part of your Aug 25 agenda (link below) you are being asked to consider the development standards for the C-V-ATC district.

http://www.cityofpacificgrove.org/sites/default/files/planning-commission/2016/8-25-2016/planning-commission-8-25-2016-7a-lcp.pdf

The agenda report makes clear that in order to achieve a FAR (floor area ratio) of 3.0 the allowable building height must be increased to 51 ft.

I want to remind you that during the Measure X campaign the developers and their supporters (including the Mayor) promised the following: "Project Bella will be the same height (40ft) as the existing building". This is how the Mayor and others "sold" the project (please see attached PDF).

Now, in what can only be described as a classic bait-and-switch, the community is now being told that the building height must be increased to 51 feet in order to accommodate the developer's demands for a FAR of 3.0.

I urge the Planning Commission to keep the allowable building height and site coverage at 40ft @ 75% coverage and 30ft at 90% coverage. The FAR that results from this arrangement is 2.4, see p. 3 of agenda report.

As I mentioned in my June 16 e-mail (below), I believe the FAR for the C-V-ATC district should not exceed 2.5. It makes no sense and would be irresponsible planning to adopt a FAR greater than what the height and site coverage will support. Please do not do this.

The Unite HERE Union *is purposely spreading false information on Measure X.*

Here is the Truth about Measure X!

Water

LEED Platinum standards require the innovative methods for conservation of water.

"Water conservation technologies currently available in the marketplace can be incorporated into a LEED platinum building to enable the proposed hotel at the ATC to be designed and operated to utilize no more potable water than is currently available to this project."

Barry Giles
Founder & CEO, BuildingWise, LLC

Barry Giles is a founding member of the US Green Building Council's LEED Existing Building Core Committee, a LEED fellow and a member of the San Francisco Green Building Task Force. BuildWise has over 150 LEED buildings certified or in the process of being certified.

Traffic

Hotels generate less traffic than retail centers.

Hotel Trip Generation
(Estimated vehicle trips daily)
Trip Generation Per Room – 8.17
Trip Generation All Rooms –1840

Specialty Retail Center Trip Generation
(Estimated vehicle trips daily)
Trip Generation Per 1000 sq. ft. – 44.32
Total Trip Generation – 3546

A Hotel at 100% occupancy at the American Tin Cannery site **would reduce the number of daily traffic trips** generated by the Specialty Retail Center (at 50% occupancy) **by approximately 50%.**

Source: Trip Generation, Institute of Transportation Engineers (ITE), Eighth Edition

Size

Project Bella will be the same height as the existing building.

"We have been directed by Domaine Pacific Grove, LLC to design the new hotel to achieve LEED Platinum certification and to design the project in accordance with the existing zoning constraints pertaining to the site, including a height limitation of 40'.

Our initial planning and the site plans, which have been presented to the public, reflect those height and zoning guidelines."

Mark Hornberger
President & Founding Principal, Hornberger + Worstell

Hornberger + Worstell is an internationally recognized architecture firm with an extensive portfolio of LEED certified buildings, including LEED Gold and LEED Platinum projects. They designed the W Hotel in San Francisco, which recently achieved LEED Platinum certification.

YES on X!

Measure X is endorsed by the Monterey Herald, Monterey County Weekly, The Carmel Pine Cone, Cedar Street Times and KSBW-TV.

To ensure the preservation of Pacific Grove's long-term vitality, we urge you to VOTE Yes on Measure X with your mail in ballot or at the polls on Tuesday, April 19!

To endorse Measure X go to: www.yesonmeasurexpg.com
For more information call 831.241.6250

Paid for by Pacific Grove Friends of Project Bella Yes on Measure X, funded by Domaine Pacific Grove LLC

Item 7a(iv)

The special election for Measure X gives the citizens of Pacific Grove the opportunity to vote on a zoning change for the American Tin Cannery site at 125 Ocean View Boulevard to allow for hotel usage on the site.

CEQA

By law, the development will be subject to CEQA review, a process that is currently underway.

The Pacific Grove City Council voted on March 2, 2016 to retain EMC and Kimley-Horn to conduct the EIR under the California Environmental Quality Act (CEQA) for the proposed Project Bella.

Water

Water use regulations are not affected by the passing of Measure X. The project currently has on-site water credits available.

The project will be developed at the highest level of sustainability, LEED Platinum. LEED Platinum standards require innovative methods including intensive conservation and recycling of water. Proven technologies that dramatically reduce water consumption will be incorporated into the plans.

"Water conservation technologies currently available in the marketplace can be incorporated into a LEED platinum building to enable the proposed hotel at the ATC to be designed and operated to utilize no more potable water than is currently available to this project."

Barry Giles, *Founder & CEO, BuildingWise, LLC*

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A Hotel at 100% occupancy at the American Tin Cannery site **would reduce the number of daily traffic trips** generated by the Specialty Retail Center (at 50% occupancy) **by approximately 50%.**

Source: Trip Generation, Institute of Transportation Engineers (ITE), Eighth Edition

Size

Project Bella will be the same height as the existing building. It will be 40′ tall at its highest and have 10 percent less coverage than the exiting American Tin Cannery.

Below is a chart comparing the size of the new project in comparison with other local hotels.

	Height	Lot Coverage	Floors
Embassy Suites	150′	75%	14
Clement	45′	70%	4
American Tin Cannery	39′	65%	2
Project Bella	40′	55%	1 - 4

New Revenue

Measure X will allow for new revenues from transient occupancy taxes, property taxes, sales and use taxes to support Pacific Grove's library, police, fire department, parks, and other City services and operations.

"At full operation, the project would generate $2.5 to $3.6 million in annual Transient Occupancy taxes (TOT) for the City of Pacific Grove. The project would also produce $443,100 in annual property taxes and between $209,400 and $294,000 in annual sales tax, depending on how much ancillary shopping the hotel guests do in Pacific Grove. The net fical effects of the project would be annual surplus General Fund revenues of $3.0 million to $4.1 million. In comparison, the existing retail use is estimated to produce net revenue of about $301,100 per year."

Source: April 6, 2016 Fiscal Analysis of the Proposed Hotel Bella Project Prepared for the City of Pacific Grove by Applied Development Economics, Inc.

The report was commissioned by the City of Pacific Grove to ascertain potential cost/revenue balance for the City government of the proposed Hotel Bella project from an independent third party. The full report is posted on the City of Pacific Grove's website: http://tinyurl.com/qr7p2hy

Endorsements

Measure X is endorsed by:

Pacific Grove Chamber of Commerce
Pacific Grove Economic Development Commission
Pacific Grove General Employees Association
Pacific Grove Police Officers Association

"This project is far more important than usual. It's a very good project, at a very good location. It will result in a truly quality activity fitting for Pacific Grove and the financial impact is both important and essential for the future health of Pacific Grove.

I hope you will personally support Measure X as the first step on the long path for the project. And I hope you will encourage you friends and neighbors also to support it."

Bill Kampe, *Resident and Civic Leader*

YES on X!

Help Preserve Pacific Grove's Long-term Vitality

Measure X is endorsed by the Monterey Herald, Monterey County Weekly, The Carmel Pine Cone, Cedar Street Times and KSBW-TV.

To endorse **Measure X** go to: **yesonmeasurexpg.com**
For more information call **831.241.6250**

VOTE Yes on Measure X, Tuesday, April 19!

Paid for by Pacific Grove Friends of Project Bella Yes on Measure X, funded by Domaine Pacific Grove LLC

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

At the July 28,2016 Planning Commission meeting there was discussion regarding increasing the C-V-ATC FAR to 3.0 from the current FAR of 2.0 along Ocean View Boulevard and FAR of 2.5 in the parking lot area. Planning Director Mark Brodeur recommended that if the FAR was increased to 3.0 then demands to the developer should also be part of this allowance. Leveraging demands for an increase in the FAR is a very good idea and important for any project. However, on Project Bella's website, there is only an aerial view of a concept plan and no elevations. Further, there is not information publically available yet regarding the feasibility of underground parking or an evaluation of the historic significance of the site. **Even though Project Bella is facilitating the LCP process, the C-V-ATC development standards for height, coverage, setbacks and FAR would best be written to be applicable to any project in case this particular hotel does not go forward. Still allowing for design flexibility and leveraging of demands by the City, the LUP and IP could be worded that an increase in the FAR of the C-V-ATC site from the current FAR of 2.0 along Ocean View and FAR of 2.5 rear site along Eardley may be considered under certain circumstances (for instance, significantly improving the design to enhance the public scenic ocean view.) It also is my understanding that the FAR can be changed in smaller increments than .5 leaps. Keeping the option of any increase in the FAR rather than designating the entire property to 3.0 would allow more specific evaluation and leveraging of demands from the City hopefully for the best outcome of any future project.**

A similar situation arises with the idea of increasing the height limit to greater than 40 feet on the C-V-ATC site. Again, there is not enough information from Project Bella's aerial concept plan to warrant a blanket height increase greater than 40 feet. What would that look like in reality? To give a visual example of height, the only current structure on the site near 40 feet is the two story warehouse building at approximately 37 feet whereas the single story Art Deco saw toothed roof building and the single story Archie's building are both lower. For comparison, the façade of the Holman Building on Lighthouse is 49.5 feet which arguably would be overbearing on the C-V-ATC site. It was mentioned in the meeting that increasing the height limit would allow flexibility to decrease the height limit next to the residential district on Dewey. Limiting the height along Dewey between Sloat and Oceanview is very important, but would not limit the developer as much as it sounds. The grade at the street level of Dewey is higher than the grade of the adjacent proposed building site, thus actually allowing a two story building or a two story stepped down section of a building until near the corner at Oceanview. The current ATC building is two stories but appears as one story at the street level of Sloat and Dewey. **Further, the possibility of an increased height limit was not clearly communicated in Measure X and PG voters voting either yes or no would have likely assumed as I did that the height was limited to 40 feet. Thus, a proposed height increase over 40 feet for the C-V-ATC district written into the LUP and IP is not warranted without much more detailed justification besides achieving an FAR of 3.0.**

Thank you for listening and considering these comments.

Janet Cohen

August 15, 2016

To: Mark Brodeur, CEDD

From: Lisa Ciani

Re: Scenic Resources in the IP, Section 23.90.240

Starting with a remodeling of (e)(1), if (A),(B), and (C) are deleted as I believe was directed at the July 28 PC meeting, (D) would be revised and stated as (e)(1)(A), (B), and (C):

(e) View Protection within the Scenic Resources Overlay

(1) The following views are protected from public vantage points, including streets, paths, parks, open space and the sea:

(A) Coastal bluffs, dunes, beaches, and the sea, including offshore rocks and islets in the California Coastal National Monument;

(B) Monterey Pines, Monterey Cypress, and Coast Live Oaks; coastal open space areas and associated native vegetation, or the Rosy Ice Plant in Perkins Park;

(C) Historic landmarks and Special Communities, including the Pacific Grove Retreat, the Point Pinos Lighthouse, and Asilomar State Beach and Conference Grounds.

The IP language to protect onshore views involves a number of different aspects:

First, the Scenic Resources Overlay is stated in 23.90.240 (a)(1) to be consistent with the LUP **Scenic Areas Map**, so that map has to indicate onshore views, and has to designate the Retreat as a Scenic Area (see #4 below), and also ALL of Asilomar State Beach and Conference Grounds. The May revision of the Scenic Areas map doesn't designate the Retreat at all, and it excludes the corner of Asilomar Conference Grounds at the northwest corner of Asilomar Avenue and Sunset Drive. That needs to be corrected. There is also no justification for excluding the small segment of Area VI on the east side of Asilomar Avenue with its pines and granite outcrops from the scenic areas designation.

Addressing **(A)** above, the CCC's LCP Update Guide, Part I, Section 7, states that an updated Scenic and Visual Resources component should include **grading regulations** to minimize alterations of natural landforms. So the LUP and IP need to specify that, "Retreat—phased or otherwise— shall always be the preferred response before considering any alteration of landforms. And "shoreline protective devices" shall always be a last resort after all appropriate responses to the direct causes of erosion have been implemented (see proposed policy HAZ-XX in Commissioner Murphy's proposed "amendments" to the LUP for a list of acceptable erosion control responses), and after all options for retreat have been determined not to be reasonable and feasible."

Concurrently, "A comprehensive plan for retreat, or phased retreat, of City infrastructure along the shoreline shall be developed with full public participation in a series of workshops." (Also,

the current term "shoreline protection devices" should be changed to "City infrastructure protection devices", so it's clear what's intended to be protected.) This can be an implementing action.

The natural rock bluffs, outcrops, and headlands are among the major features people visit PG to see. The views along shore and from whale watching boats, sail boats, kayaks, paddle boards, etc. would be degraded by more riprap and seawalls. Artificial rock walls are not a substitute for the natural rock formations. So Commissioner Murphy's proposed re-write of HAZ-13 is an appropriate policy for protecting these views, and the basis of the necessary implementing ordinances and actions.

Addressing **(B)** above, to protect trees, **Asilomar State Beach and Conference Grounds General Plan and Pacific Grove's tree ordinance** should provide what's needed. The Asilomar General Plan would need to be appended to the LCP. It appears that the City's tree ordinance may be incorporated in Section 23.90.260. (It would be helpful if the IP indicated where it is restating an existing ordinance for purposes of making clear the source of an ordinance.) The cypress stand in Esplanade Park, although it is outside the coastal zone, has the added protection of LUP section 1.5 regarding projects outside the coastal zone, since it is clearly part of the scenic and visual resources of the coastal zone that are to be taken into account when considering the effects of projects or actions there.

Addressing **(C)** above, the CCC's LCP Update Guide, Part I, Section 7, provides for **Special Communities and historic preservation** to be addressed in the Scenic and Visual Resources section. The LUP describes the Pacific Grove Retreat, as a "special community", and Asilomar State Park's Julia Morgan buildings (a National Landmark District) as historic resources, and apparently lumps the Pt. Pinos Lighthouse (another National Register designation) with "other" historical resources.

All the historic resources in the coastal zone need the Implementing Actions and Ordinances listed below to protect their historic character and scenic visual qualities. Alternatively, these Implementing Actions could be incorporated in Section 23.90.280 Cultural Resources, and referenced in Section 23.90.240 Scenic Resources:

a) As called for in the General Plan, a directive to change the zoning to remove the development pressure caused by the current, inappropriate medium-high density multi-family zoning designation and to be consistent with the LUP policies for preservation of historic resources and the scenic qualities of the Retreat;

b) Economic and technical incentives for preservation, such as the following, stated as Implementing Actions, or future actions, to carry out the preservation policies in the LUP:

1) Develop and modify appropriate zoning to integrate historic preservation, building codes, and fire code regulations to facilitate the preservation and rehabilitation of historic properties and districts.

2) Expedite Permit Processing for preservation and rehabilitation of historic properties.
3) Adopt a Mills Act Historical Property Contract Program to provide property tax relief in exchange for the continued preservation of historic properties.
4) Promote Federal Rehabilitation Tax Credits to provide a 10% or 20% tax credit on rehabilitation spending for old and historic buildings.
5) Adopt a Historic Conservation Easements Program to offer an income tax deduction for the donation of a specified portion of a historic building.
6) Promote the use of Transfer of Development Rights to preserve historical and cultural resources in situ, particularly in areas zoned for high-density development.
7) Take advantage of the Conditional Use Permit (CUP) process for historical resources, to gain flexibility in the application of some development regulations.
8) Adopt an Adaptive Reuse Program to provide for an expedited approval process and ensure that older and historic buildings are not subjected to the same zoning and code requirements that apply to new construction, e.g. in the re-use of a residence for commercial use.
9) Foster preservation and adaptive reuse of designated historical buildings and structures by allowing retention of non-conforming setbacks without requiring a variance or hardship finding.
10) Provide architectural assistance service to help owners design rehabilitation and/or adaptive reuse plans, or feasibility studies for historically-designated buildings, structures, and objects.
11) Promote the use of the California State Historical Building Code to provide permitting and construction flexibility in meeting code requirements in historic buildings.
12) Promote use of the Federal Low-Income Housing Tax Credit. The credit can be used in conjunction with the Federal Historic Preservation Tax Incentive to provide additional tax savings in order to make an affordable housing project feasible.
13) Incorporate Heritage Tourism as an Economic Development Program.
14) Establish Outreach and Educational Programs for Historic Preservation.
15) Incorporate Historic Preservation into the City and County's Sustainability Policies and Programs.
16) Institute a demolition-by-neglect ordinance and enforcement to prevent loss of historic resources.
17) Adopt economic hardship standards to allow flexibility in regulating improvements to historic resources.
18) Implement the City's Recommendations of the Historic Preservation Ordinance (HPO) Ad Hoc Committee Report, adopted on March 16, 2016.
19) Carry out the "Historic Preservation Considerations" in Pacific Grove's adopted Historic Context Statement (2011), including establishing Pacific Grove as a Certified Local Government with the State Office of Historic Preservation.

CV-ATC ZONING PARAMETERS

Inbox x

Inge Lorentzen Daumer Jul 28 (4 days ago)

to Robin, Nicholas, Bill, Donald, Jeanne, Mark, Mark, Bill, me, Debbie

Dear Planning Commissioners:

Please do not lower Pacific Grove values,standards and resources by raising building height requirements and FAR to 3.0 (from 2.0 and 2.5 in our General Plan). Developers came to us with a concept touting many amenities, stated over and over in campaign literature and promises (guarantees) to get over half of the Pacific Grove Voters (who actually voted) to re-zone for hotel use.
Pacific Grove's character is at stake here. We have consistently tried to keep our small town ambiance by voting down high-rise/ impact development of massive coverage. Please continue to protect our most valuable natural beauty and don't sell or trade our city off. Don't let us become another Cannery Row!

Sincerely,

Inge Lorentzen Daumer
Sloat Ave.
Pacific Grove

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:

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

Item 7a(iv)

FROM: TONY CIANI

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

(51) TOTAL SIGNATURES TO DATE

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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 Hewitt	115 20th St. Pacific Grove, CA 93950
Judith Corbyn	124 CALEDONIA PACIFIC GROVE CA 93950
Jean Donnelly	959 Jewell Ave. Pacific Grove, Ca. 93950
Caroline 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

10

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

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- 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;**
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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:
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
Tolein 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

10

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Name:	Address/Zip Code:
Margaret Dougherty	409 - 12th Street, Pacific Grove, CA 93950
Cherie [illegible]	9925 Eddy Rd. Carmel CA 93923
Kate Spade	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 Gleason	227 Asilomar Blvd PG 93950
Daniel Gabriel	214 Asilomar Blvd PG. 93950

5

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

6

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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
Scott Hall	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
Lemaris 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
Keenan 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 3032
Anthony A. Ciani	220 Walnut St. Pacific Grove, 93950
Mariah Ciani	220 Walnut St. Pacific Grove, CA, 93950

3

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

Kirstie Wilde

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

RECEIVED

JUL 25 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

PG Planning Commissioners
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 Local Coastal Program for many months, and have been distressed at the continuing layers of regulations the City and Coastal Commission staff propose to pile on the citizens who live in the Asilomar Dunes neighborhood.

Some of these regulations have absolutely no effect on the environment, and serve to invade the privacy of our homes. Specifically, any rules to limit what we do INSIDE our houses should be of no interest to the Coastal Commission. 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.

You may recall that a deer broke the leg of a 6-year-old child playing in his backyard some years ago, and you probably realize that mountain lions have been discovered under the bleachers at the high school, on the golf course, and walking down David Avenue. I remember one evening when Pacific Grove police officers went door-to-door warning residents to keep their kids inside in the morning and evening, after a "lion kill" was discovered in my driveway. If you had a 3-year-old grandchild playing outside in your yard, would you want that yard protected by "symbolic fencing"?

My neighbor, Kathryn Poling, has written thoughtful, reasonable, and detailed proposals for editing the ordinances you will be discussing and revising. I would be very grateful if you would take her suggestions seriously, as they incorporate the needs of the homeowners — who are important contributors to Pacific Grove, both financially and in the care they take with the visual appeal of their homes.

Sincerely,

Kirstie

Attachment: Poling letter

RECEIVED

JUL 25 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

July 24, 2016

Bill Fredrickson
Bill Bluhm
Robin Aeschliman
Jeanne Byrne

Donald Murphy
Mark Chakwin
Nicholas Smith

Dear Planning Commissioners,

Having attended the most recent PC meeting on July 7 (and several prior to that), I am aware that you have moved into reviewing the Implementation Plan.

To provide additional clarity in the Biological Section 23.90.251 subsection (e) General Development Standards for the Habitat Sensitivity Overlay I offer the following suggestions:

(20) The city shall be responsible for and prioritize the restoration, enhancement, and maintenance of public dune areas and the removal of non-native vegetation within public rights-of-way.

(21) When approving permits for redevelopment the City shall prioritize removal of inappropriate fencing within the Asilomar Dunes Residential Area (R-1-B-4).

To ensure consistency with the policy changes you have put forward in the Land Use Plan and to address the safety/privacy concerns of homeowners, I respectfully offer the following verbiage modifications to the wording of the Ordinance within Biological Section 23.90.250 : Biological Resources and Environmentally Sensitive Habitat Areas (f) (14) Development in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall be sited and designed to limit impacts on the dune habitats and visual landscapes, including through avoiding accessory development antithetical to the open space dune environment.

Modification to (A):

(A) Obtrusive fencing and other such barriers shall be discouraged, unless it can be reasonably demonstrated that such fencing is not detrimental to the dune habitats and adequately preserves the visual landscape.

Allowed fences/barriers shall be limited to:

1. 6' high maximum privacy fencing around Immediate Outdoor Living Space, which can encompass up to 1000 square feet or 5% of the total lot area, whichever is greater.
2. Side and rear yard boundary fencing is allowed in addition to Immediate Outdoor Living Space fencing for lots of less than ½ acre in size. Such fencing may be 6' high maximum but no closer than 50' to the edge of any Right of Way and shall be designed with a non-solid (e.g., wire mesh) gap of 6" minimum between the bottom of the fence and the grade that allows for reasonable passage of sand, seeds and wildlife.

Addition of a new item after (A):

- Legal lots of record are allowed an Immediate Outdoor Living Space consisting of up to 1000 square feet or 5% of the total lot area, whichever is greater. The Immediate Outdoor Living Space is not required to be restored/enhanced or maintained as dune habitat. Permeable landscaping (which would not count toward coverage) is encouraged and shall be permitted along with normal accessory uses, including, but not limited to, hot tubs, barbecues and play equipment for children.

Modification to (G):

(G) Development associated with non-conforming structures that remains within the pre-existing (as defined in Coastal Act CCR Section 13250) and/or permitted footprint, will not be required to comply with 15/5 coverage restrictions, which are applicable to development of undeveloped lots. However, development that results in net coverage expansion outside of the pre-existing and/or permitted footprint shall require that all development on the site be brought into conformance with the Local Coastal Program.

Addition of a new item after (G)

- Development that does not result in redevelopment (as defined in Section 1.10) shall only be allowed if: lot coverage remains the same or is reduced; and there is no new coverage of existing remnant dune habitat. Redevelopment shall require all undeveloped dune habitat (whether degraded or not) be restored and permanently protected (as described in Policy BIO-24).

Other items related to internal consistency with planning commission recommendations on the LUP and in earlier sections of the Implementation Plan include:

1. R Definitions "Redevelopment" (page 9)
   Under item 1. The word "INTERIOR" needs to be removed from the definition of Alteration.

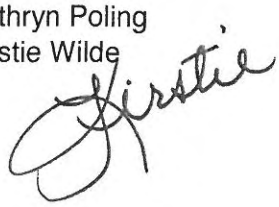
   For clarification, will this mean that a Coastal Development permit will not be required for interior renovations for both redevelopment and development that does not result in redevelopment?

2. Section 23.90.250 Biological Resources and Environmentally Sensitive Habitat Areas
   f. (13) page 57 in latest version
   "An additional 5% of the total lot area may be used as Immediate Outdoor Living Space if such area is contiguous to allowed coverage areas and it is restored/enhanced and maintained dune." The end phrase - "and it is restored/enhanced and maintained dune" needs to be removed.

3. Chapter 23.91, Section 23.91.035 Building Height Limit - "The maximum height of main buildings shall be 25 feet. [Ord. 00-18 § 4, 2000; Ord. 00-15 § 3, 2000; Ord. 96-14 § 6, 1996]. In the R-1-B-4 (CZ) district the height limit shall be 18 feet for all buildings or structures fronting Sunset Drive." 18 feet needs to be changed to 20' to agree with the change in the LUP recommended by the PCs.

I recognize how challenging and involved the process of creating the Local Coastal Plan is and will appreciate your attention to these few important corrections, which I believe are necessary to ensure LCP internal consistency, implementation of your LUP recommendations and reasonable balance between protecting the dunes and allowing people to truly live in them. Thank you in advance for your consideration of my suggestions.

Sincerely,
Kathryn Poling
Kirstie Wilde



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July 16, 2016

RECEIVED

JUL 25 2016

CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

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

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   "An additional 5% of the total lot area may be used as Immediate Outdoor Living Space if such area is contiguous to allowed coverage areas and it is restored/enhanced and maintained dune." The end phrase - "and it is restored/enhanced and maintained dune" needs to be removed.

3. Chapter 23.91, Section 23.91.035 Building Height Limit - "The maximum height of main buildings shall be 25 feet. [Ord. 00-18 § 4, 2000; Ord. 00-15 § 3, 2000; Ord. 96-14 § 6, 1996]. In the R-1-B-4 (CZ) district the height limit shall be 18 feet for all buildings or structures fronting Sunset Drive." 18 feet needs to be changed to 20' to agree with the change in the LUP recommended by the PCs.

I recognize how challenging and involved the process of creating the Local Coastal Plan is and will appreciate your attention to these few important corrections, which I believe are necessary to ensure LCP internal consistency, implementation of your LUP recommendations and reasonable balance between protecting the dunes and allowing people to truly live in them. Thank you in advance for your consideration of my suggestions.

Sincerely,
Kathryn Poling

Luke Coletti Jul 9 (2 days ago)

to Robin, Bill, Jeanne, Donald, Mark, Nicholas, Bill, Brian.O'Neill, Kevin.Kahn, me, Mark, huitt, Bill, wlao, David

Members of the Planning Commission,

I have to offer a mea culpa for incorrectly stating the current FAR for the ATC. It turns out the General Plan states the ATC is permitted a FAR of up to 2.0, not 1.5, as I had stated earlier (7/7/16 message below). This is based upon the General Plan's policy for Central-Eardley Commercial (CEC) land use (see attached PDF).

The General Plan also appears to indicate that a FAR of up to 2.5 is permitted for the two ATC parking lots that make up the remaining portion of the newly created C-V-ATC district (parcels fronting on the south side of Sloat Avenue between Dewey Avenue and Eardley Avenue).

With that said, I still believe adopting a FAR of 3.0 puts the cart before the horse which only benefits the Bella developers ("entitlement flippers"). The community (including the Planning Commission) ends up losing control. Giving away the family jewels is a long standing City tradition. Let's not repeat that mistake again when we consider updating the development standards for the C-V-ATC district.

Thank you for your consideration,

Luke Coletti
Pacific Grove

Luke Coletti
07/07/16

2:52 PM (3 hours ago)

to David, Robin, Bill, Jeanne, Donald, Mark, Nicholas, Bill, Brian.O'Neill, Kevin.Kahn, m e, Mark, huitt, Bill, wlao

Members of the Planning Commission,

Based on PGMC 23.31.040, I find the current floor area ratio (FAR) for the American Tin Cannery parcels (C-V zoning) to be 1.5. This appears to be based upon the General Plan's policy for V-C land use (see first attached PDF).

I believe the community will loose a great deal of discretionary oversight if you choose to "blow out" the development standards for the American Tin Cannery parcels (C-V-ATC zoning) before there is an understanding of what that would lead to.

Design is inherently an iterative process and any hotel project within the C-V-ATC district will need to follow that process and this means public involvement. The City has virtually no information about the proposed Project Bella hotel. In fact, the City issued a Notice of Incomplete Application in November 2015 and nothing has changed since then (see second attached PDF).

It seems to me that adopting a FAR of 3.0 puts the cart before the horse which only benefits the Bella developers ("entitlement flippers"). The community (including the Planning Commission) ends up loosing control.

At a recent City Council meeting staff stated: "if this hotel (Project Bella) is going to be what we "all" want it to be it will need to have a FAR of 3.0". How about the 41% of Pacific Grove voters who didn't want ANYTHING at all? A bit more sensitivity to the overall community and the design process itself is needed here.

Finally, to put this in context, a FAR of 3.0 means 15 acres of development (5 acre site * 3.0 FAR)!

CITY OF PACIFIC GROVE
Community Economic Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T : 831.648.3183 • F : 831.648.3184 •

NOTICE OF INCOMPLETE APPLICATION

To: Domaine Pacific Grove LLC

Cc: Michael Zimmerman, Cannery Row

From: Anastazia Aziz, AICP, Senior Planner

Date: November 9, 2015

Subject: Notice of Incomplete Application (NOIA) for 125 Ocean View Blvd (American Tin Cannery), Pacific Grove, 93950

The recent resubmittal for project address 125 Ocean View Blvd, is incomplete because of the need for the following items outlined on the City's Submittal Checklist:

Completed Submittal Checklist and Plan Set
Plan Sets are required. Please see Section II and III of the Submittal Checklist and submit a complete Plan Set in the numbers specified. A Drainage and Stormwater Treatment and Control Plan is required and a Stormwater Runoff Retention Plan may be required.

Project Data Sheet
The project data sheet is attached to the Submittal Checklist and must also be submitted.

Completed Monterey Peninsula Water Management District Release Form/Water Permit Application
The Monterey Peninsula Water Management District Release Form/Water Permit application is also required.

California Environmental Quality Act.
Upon submittal of a complete application, staff will determine the appropriate CEQA process. It is likely an Environmental Impact Report is required for this proposal. Required technical reports include, but are not limited to a Historic Report, Traffic Study, Archeological Assessment, and Noise Study.

Fees
A fee of $11,044.20 is due. The fee does not include the consultant cost to prepare an Environmental Impact Report, should one be required, and any additional fees that may be required for additional staff review time.

Neighborhood Outreach
Consider meeting with adjacent property owners and the public and showing them the proposed plans if you have not done so already.

Prior to the resubmittal of revised plans, staff would like to meet to discuss this letter. Please call Anastazia Aziz at (831) 648-3192 to set a meeting time. Revised plans submitted in response to the above comments will be subject to the zoning regulations in effect at the time when revised plans are submitted. If the Community and Economic Development Department does not receive revised plans within 180 days from the date of this letter, the project will be considered withdrawn.

Sincerely,

Anastazia Aziz, AICP, Senior Planner

23.31.040 Commercial and Industrial Zoning Districts Development Standards

Table 23.31.040 Commercial and Industrial Zoning Districts Development Standards

	C-1/C-1-T	C-D	C-FH[1]	C-2	C-V	I
Building Placement Requirements						
Setbacks[2]						
Front, min. (max.)	0'	0'	0' (20')	0'	0'	0'
Side (min.), except:	0'	0'	0'	0'	0'	0'
Adjacent to Residential Zone	5'	5'	5'	5'	10'	10'
Rear (min.), except:	0'	0'	10'	0'	0'	0'
Adjacent to Residential Zone	5'	5'	10'	5'	10'	10'
Building Form Requirements						
Building Height (max.)[3]	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	35'	40'	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40'
Site Coverage (max.)[4]	75 - 90%, depending on building height	75 - 90%, depending on building height	75%	90%	75 - 90%, depending on building heights	90%
Density Requirements						
Number of Dwellings per Parcel	Max. allowed by the General Plan Residential Land Use Category nearest to the site, up to 30 units per net acre.[5, 6]				N/A	Max. allowed by the GP Residential Land Use Category nearest to the site, up to 30 units per net acre.[6]
Floor Area Ratio	Max. allowed by the General Plan					
Lot Requirements						
Lot Area for New Parcels (min.)[7]	2,000 sf					
Other Requirements						
Landscaping	See Section 23.64.195					
Parking	See Section 23.64.190					
Signs	See Municipal Code Chapter 20.04					

End Notes:

1. Refer to the Forest Hill Specific Plan for additional development regulations and guidelines including site planning, circulation and parking, resource protection, signs, lighting, and landscaping.
2. For mixed use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the setback standards in Section 23.24.060 shall apply.
3. For mixed use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building height standards in Section 23.24.030 shall apply. Within the C-2 and I Districts, a use permit is required in order to exceed the 40-foot building height limit.
4. For mixed use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building coverage and site coverage standards in Sections 23.24.050 and 23.24.051, respectively, shall apply.
5. Twenty-five units maximum in the C-1-T District. See also Section 23.31.020(b)(3).
6. Except as provided in End Note #5 above, higher residential densities are allowed if a finding can be made that the project furthers the goals of the General Plan.
7. For mixed use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building site area standards in Section 23.24.040 shall apply.

SECTION 3. Existing Municipal Code Chapter 23.32, entitled "C-1 District," Chapter 23.33, entitled "C-1-T District," Chapter 23.36, entitled "C-2 District," Chapter 23.40,

Table 23.98.040 Commercial and Industrial Zoning Districts Development Standards

Comment [RJ43]: Needs re-ordering per list above after tracked changes are accepted Separate C-V and C-V-A into separate columns and edit out the references to each district

	C-1			C-V-ATC	C-V/C-V-A	SSC
Density Requirements						
Number of dwellings per parcel	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre.[4]			N/A	N/A	Max. allowed by the GP residential land use category nearest to the site, up to 30 units per net acre.[6]
Floor area ratio	Max. allowed by the general plan			3.0	Max. allowed by the general plan	
Lot Requirements						
Lot area for new parcels (min.)[5]	2,000 sf					
Other Requirements						
Landscaping	Generally applicable provisions of the PGMC					
Parking	Generally applicable provisions of the PGMC					
Signs	Generally applicable provisions of the PGMC					

End Notes:

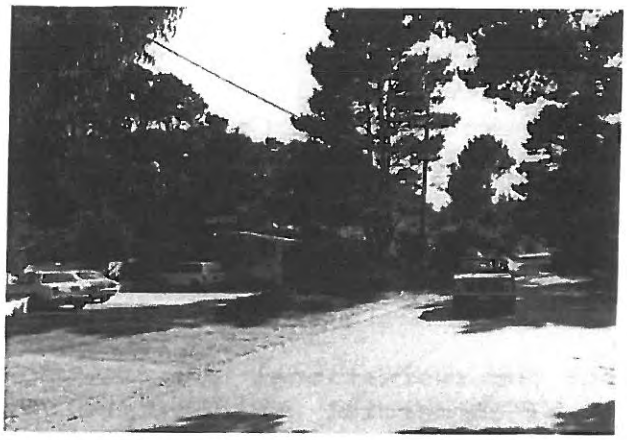
1. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the setback standards in PGMC 23.92.060 shall apply.

2. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building height standards in PGMC 23.92.030 shall apply.

3. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building coverage and site coverage standards in PGMC 23.92.050 and 23.92.051, respectively, shall apply.

4. Higher residential densities are allowed if a finding can be made that the project furthers the goals of the general plan.

5. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building site area standards in PGMC 23.92.040 shall apply. [Ord. 13-003 § 2, 2013].



Presidio-Austin commercial area

The D designation is applied on the General Plan Land Use Map to the Downtown commercial core along Lighthouse Avenue. Downtown includes a portion of the Pacific Grove Retreat and is bounded roughly by Central Avenue, 12th Street, Pine Avenue, and Cypress Avenue.

Central-Eardley Commercial (CEC). This designation provides for retail and service uses, offices, restaurants, parking lots, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 1.5 for parcels fronting on Central Avenue and 2.5 for parcels fronting on the south side of Sloat Avenue between Dewey Avenue and Eardley Avenue. The floor area ratio for the American Tin Cannery site should not exceed 2.0.

This designation is applied on the General Plan Land Use Map to the commercial area bounded by the eastern city limits, Ocean View Boulevard, Dewey Avenue, and the rear property lines of parcels fronting on the south side of Central Avenue.

Forest Hill Commercial (FHC). This designation provides for retail and service uses, offices, restaurants, gasoline service stations, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 1.0. This designation is applied on the General Plan Land Use Map to the Forest Hill commercial area south of David Avenue.

Country Club Gate Shopping Center (CCG). This designation provides for retail and service uses, grocery stores, restaurants, offices, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 0.22 in accordance with Use Permit No. 1001. The CCG designation is applied on the General Plan Land Use Map to the Country Club Gate Shopping Center at Forest and David Avenues.

Presidio-Austin Commercial (PAC). This designation provides for retail and service uses, offices, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The floor area ratio should not exceed 0.75. The PAC designation is applied on the General Plan Land Use Map to the Presidio-Austin commercial area.

Sunset Service Commercial (SSC). This designation is intended to provide for retail and services uses, offices, restaurants, gasoline service stations, fabrication, and light manufacturing. However, heavy commercial, industrial, and manufacturing uses are allowed with a use permit. The floor area ratio should not exceed 1.3. The SSC designation is applied on the General Plan Land Use Map to the Sunset Drive commercial/industrial area.

Visitor Commercial (VC). This designation provides for visitor accommodations, food and drink establishments, visitor-oriented retail commercial activities, public parking facilities, and public parking facilities in conjunction with residential use (LUP, 3.3.4.2). The floor area ratio should not exceed 1.5. The maximum density for residential use is 20 units per acre (or up to 30 units per acre if a density bonus is granted to provide housing for lower income households). The VC designation is applied to certain coastal zone areas in the vicinity of Lovers Point. Visitor accommodations are allowed only in the R-3-M zoning district.

Neighborhood Commercial (NC). This designation provides for neighborhood and locally-oriented retail and service uses. The intent of this category is to limit uses to the current and historical uses of the properties to which the category is applied. No use will be allowed without a use permit.The floor area ratio for commercial uses should not exceed 0.4 or the prevailing floor area ratio in the surrounding neighborhood, whichever is greater, and buildings will be limited to one story. This designation is applied on the General Plan Land Use Map to the existing commercially-used site at the corner of Shafter and Buena Vista Avenues, to the Mission Linen site at Congress Avenue and Sunset Drive, to the nursery site on David Avenue west of Patterson Lane, and to

Hopkins Marine Lab property are designated for visitor-commercial uses. The privately owned lands seaward of Sunset Drive (near Lighthouse Avenue) are designated "rural" residential in the General Plan, but are shown in the 1975 Open Space and Conservation Plan as "unincorporated lands recommended for open-space."

The policies that follow supplement and strengthen existing policies and regulations by providing for:

- Reservation of specific areas for recreational uses, visitor accommodations, visitor-commercial and coastal-dependent uses;
- Development of implementation procedures to give priority to visitor-oriented uses over general commercial uses; and
- Improved and new visitor-serving facilities (parking areas, bike route and parking racks, visitor-information/interpretive sign program, and railroad right-of-way recreational trail).
- The City recognizes the desirability of a proposed extension to the recreation trail along the abandoned Southern Pacific right-of-way. The City will work jointly with the Monterey Peninsula Park District to pursue this project.

3.3.4 General Policies

1. Protection of sensitive habitats, natural landforms and scenic resources shall be major considerations in planning for recreation and visitor-serving facilities.

2. The following coastal zone areas or facilities shall be reserved for visitor-serving uses and are designated "V-A" (Visitor Accommodations) or "V-C" (Visitor Commercial) on the LCP Land Use Plan map:

- All existing visitor accommodations and restaurants,
- Vacant parcel adjacent to Chase Park,
- Areas inland of Ocean View Boulevard between Dewey Avenue and the City's eastern limits.

Principal permitted uses for areas designated "Visitor Accommodations" include:

a) Overnight lodging facilities and limited appurtenant Public restaurants and shops where appropriate.

Principal permitted uses for areas reserved for "Visitor-Commercial" facilities include:

a) Visitor accommodations,
b) Food and drink establishments,
c) Visitor-oriented retail commercial activities such as: sporting and photographic equipment sales and rentals, gift and curio shops, art galleries, craft and antique sales, grocery stores,
d) Public parking facilities

Secondary or conditional uses for this land use designation include:

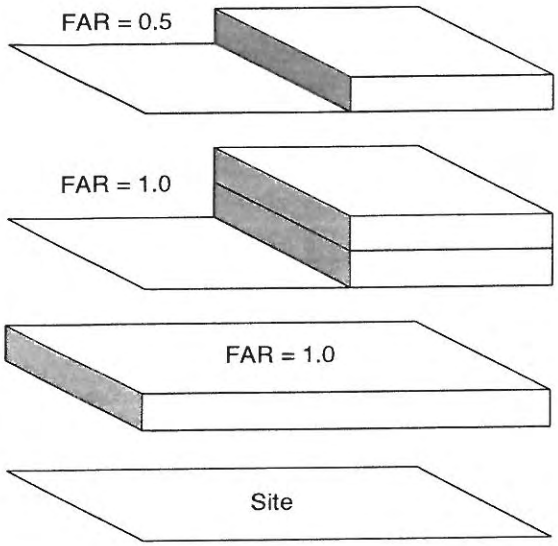
a) Public parking facility in conjunction with residential use not to exceed 20 units per acre (or up to 30 units per acre if density bonus is granted by City to provide housing for lower income households), if at least one public parking space per housing unit is provided. Such public parking shall be dedicated to visitor use only, shall be conspicuously signed, and shall be rigorously enforced. This public parking requirement is in addition to any parking requirements that would be ordinarily required for such housing units.

3. The following coastal zone areas or facilities shall be reserved for recreation uses and are designated "OS-R" (Open Space Recreational) on the LCP Land Use Plan map:

- All lands north of Ocean View Boulevard (except Hopkins Marine Station and Monterey Bay Aquarium which are designated Open Space-Institutional) and west of Sunset Drive (with the exception of several residential parcels west of Jewell Avenue which shall retain a residential designation),
- All city parks,
- Golf course at Lighthouse Reservation,
- Abandoned railroad right-of-way between Ocean View Boulevard and City Limits at Spanish Bay (except for easterly spur between Crocker Avenue and Sunset Drive; this easterly spur is an area of deferred certification).

Use of these open space areas shall be limited to low-intensity day-use recreational and educational activities such as walking, nature study, photography and scenic viewing, and access to the water for diving, boating, fishing, and swimming. Within the municipal golf course, continued use as a public golfing facility will be permitted. Bicycling shall be allowed on designated bike lanes, bike paths, and areas open to other vehicles.

Figure 2-8
Diagrammatic Examples of Floor Area Ratios



Source: Naphtali H. Knox & Associates, Inc.

Floor Area Ratio (FAR) is commonly used in zoning and is generally defined as the maximum gross floor area permitted on a site, divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a Floor Area Ratio of 1.0 will allow 10,000 gross square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 square feet of floor area; an FAR of 2.0 would allow 20,000 square feet; and an FAR of 0.5 would allow only 5,000 square feet.

Figure 2-9
Allowable Densities for Creating New Lots in Low Density Residential Neighborhoods

Designation	Neighborhood	Minimum Lot Size in Square Feet	Maximum Density Units per Acre	Maximum Persons per Acre	Most Intense Use Permitted
LDR 1.0	Asilomar Dunes	43,560	1.0	2.25	SFD
LDR 2.0	Asilomar Dunes along Asilomar Avenue north of Pico Avenue	21,780	2.0	4.5	SFD
LDR 4.4	Pacific Grove Acres	10,000	4.4	10	SFD & SU
LDR 5.4	The Glen	N/A	5.4	12	SFD

SFD = Single-family dwelling
SU = Secondary residential unit

Source: Community Development Department, July 1992

Medium Density Residential (MDR). This designation provides for single-family, duplex, and multi-family residential units, public and quasi-public uses, and similar and compatible uses. Within the MDR designation, secondary residential units are allowed in all R-1 zones. This designation provides a residential density ranging from 7 to 17.4 units per net acre. Assuming an average of 2.0 persons per dwelling unit, it allows between 14 and 34 persons per acre. The several MDR designations, their maximum densities in units and persons per acre, and where they are applied on the General Plan Land Use Map are shown in Figure 2-10.

High Density Residential (HDR). This designation provides for single-family, duplex, and multi-family residential units, bed and breakfast inns, public and quasi-public uses, and similar and compatible uses. It has four tiers or levels: residential densities range up to 19.8 units per net acre in the HDR19.8 district; up to 21.8 units per net acre in the HDDR21.8 district; up to 24.8 units per net acre in the HDR24.8 district;

Anastazia Aziz, AICP, Senior Planner
Mark Brodeur, Direction of Community and Economic Development

Re: Comments - Local Coastal Program - Land Use Plan and Implementation Plan

Date: July 6, 2016

I participated in the public planning process for the Local Coastal Plan last fall. At that time there was no mention of a large scale development in the Coastal Zone at the American Tin Cannery (ATC) development. I had several e-mails from the Planning Dept. regarding progress of certain phases of the Local Coastal Plan, but the first I was aware of this particular change in the coastal plan was when I read about it on Facebook and checked my in-box for the e-mail dated June 24, 2016 which discussed a "Special Meeting Agenda Item". That Agenda was not available until June 27, 2016 for the meeting on June 29, 2016.

When the revised plan was unveiled at the beginning of June, I was otherwise involved in hearings on the current application for development of Pebble Beach Company's "inclusionary" housing which they are proposing to locate as far from Pebble Beach as they possibly can and right on the border of Pacific Grove and close to the Del Monte Park neighborhoods in Pacific Grove. I am therefore unsure if this topic was discussed at any meeting in early June, 2016, but I personally have not had enough time to review the plan and prepare a more formal response, but will try to outline the issues that I have with changes to the Local Coastal Plan for a development (Hotel Bella) whose future is uncertain at best. I think that a series of public hearings should be held before any change in the Local Coastal Plan that would explain to the public what is proposed on the site, where the application process stands for this development and where this project stands in the CEQA process.

At the hearing on June 29, 2016, I spoke, having had very little time to even read the agenda item. I did not understand the implications of the change of FAR (Floor Area Ratio) requested on behalf of the ATC location from 2.0 to 3.0 which also includes the parking in the calculations and apparently would give this site the ability to go up four stories. While other questions of commenters were addressed at the end by the Mayor, members of the Council, Planning and other staff, my question was not answered. Instead Casey Lucius expressed that she did not understand FAR and asked for an explanation that was helpful, but still makes it very unclear for an average person reading this agenda to understand the implications of this change. I think that it has been made intentionally obscure and this is a disservice to the residents and taxpayers of Pacific Grove. This needs to be rectified.

CEQA specifically does not approve of segmenting a project. I think the initiative process to get this process rezoned with a special election was a sneaky way around providing information for an informed decision to be made by Planning Staff on the zoning after proper information was available for public comment. Everything about Project Bella is a veneer with artist's renderings that is constantly changing (height, size, etc). To change our Coastal Plan for a project that has

not been permitted or approved to accommodate a much more dense (and tall) project before any information can be provided to the public is not only premature and wrong, but I believe it is illegal.

Here are some guidelines for CEQA:

Objectives Disclose to decision makers and public the potential significant environmental effects of proposed activities

Identify ways to avoid or reduce environmental damage

Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures

Disclose to public reasons for agency approval of projects with significant environmental effects

Foster interagency coordination in review of projects Enhance public participation in planning process

Since Mayor Kampe has been involved in the Local Coastal Plan all transparency has gone out the window. Project Bella as they are now discussing it with one or two stories of underground parking is just an environmental disaster waiting to happen if is allowed to proceed with the density proposed. I reviewed the current Local Coastal Plan document which is under revision and it states that Coastal Zone development shall be restricted to Coastal Dependent and Coastal Related development, and for **low intensity** recreational access facilities. Existing residential and small scale commercial development in the Coastal Zone is to be preserved and shall be low key and small scale.

Just the idea of the bedrock being blown up so close to the coastline to provide two levels of underground parking is anathema to the protection of the coastline and with the projected sea level rise is a folly. This project will not save Pacific Grove from it's past financial follies and will be a boondoggle that will ruin this coastline.

It is totally inappropriate, and most likely illegal, to change the Local Coastal Plan for a specific project that is only in the planning stages.

Sincerely,

Michelle Raine
1310 Buena Vista Avenue
Pacific Grove, CA 93950

cc: Dan Carl and Brian O'Neill, CA Coastal Commission

janetcohen333@comcast.net 4:45 PM (2 minutes ago)
06/30/16
to bkampe, danmiller39, huitt, caseypg, kencun17, rudyfischer, bpeake, Mark, me

Hello Mayor Kampe, City Council Members and City Staff,

I just wanted to clarify a comment I made last night regarding the height of homes fronting Sunset Avenue in the Coastal Zone. I emphasized leaving the height to 18 feet as is written in the 1989 Land Use Plan and mentioned, but did not empathize, that it is also limited to one story. Homes fronting Sunset were limited to one story but given an 18 feet limit for height rather than less so that there was flexibility in the roof design and pitch. The existing homes that are two story fronting Sunset were built pre-1989.

I have attached an example of a pre-1989 Land Use Plan two story home at the corner of Arena and Sunset that also does not have the setback of 75 feet and homes on the other side of Arena along Sunset built later under the 1989 Land Use Plan restrictions that are single story with a setback of 75 feet. One house is on the corner of Arena and Sunset with the driveway coming off of Arena.

Because of the large lot sizes, the homes are single story but still very large within the 15% coverage limit. With the limits of a single story and setback of 75 feet for homes fronting Sunset more dunes are visible from Sunset, the houses blend into the dunes more and restrict views less even though they are larger in size.

With redevelopment, as explained last night by Planning Staff in the Asilomar Dunes area, legal non conforming homes having less than 15% coverage can actually increase in building square footage if they choose to become conforming.

Thank you,

Janet Cohen

Honorable Mayor, City Council, Planning Commission and Staff

I find it difficult to understand the cost of the CCC permits. It appears to be more of a tax or a power play to force PG into cooperating with the CCC. It may be a way of forcing PG into signing their agreement or risk losing the Ocean View Hotel project. It is difficult to understand the CCC cost structure requiring payments approaching $270,000. Perhaps the CCC knows that they are violating the Constitution and know that they will need the money for litigation costs. If PG does not complete the agreement with the CCC can the Owners apply separately for a CCC permit? I am not sure why a major hotel near Cannery Row would impact the CCC jurisdiction.

Getting the hotel approved must be a high priority, but being responsible for a "taking" along the ocean side should also be a major concern. Stripping vegetation to raw sand would destroy an ESHA, but that was what the CCC required. Next we were required to plant over 3000 plants. One would think that any lizards would be exposed and eaten by the seagulls, crows or other birds and animals. The ESHA designation is a fraud.

I think PG should be able to give the Hotel a permit without signing a CCC agreement as has been done in the past. The owners might need support from the PLF or some other law firm, but PG will not be in line for "taking" litigation. Strangling the economy should not be the CCC purpose, but the no-growth, no-tourist advocates may not agree. My apologies. I certainly wouldn't like your job.

Don Redgwick
Pacific Growth

June 28, 2016

To: Mayor and City Council

Re: June 29, 2016 Special Meeting Agenda Report

From: Lisa Ciani

In response to the Background section of the Agenda Report, second paragraph, it's very disturbing that City staff and consultants continue to ignore Pacific Grove's uniquely beautiful granite bluffs as a focal element of PG's identity in the coastal zone, mentioning only the "many sandy beaches". Our LCP "update" process skipped a very important step at the beginning by neglecting to involve the community in a meaningful way in identifying our focal coastal resources. And it has been difficult or impossible to keep track of what's been added and what's been removed. For example, in January's Revised Final LUP, our tidepools for which PG is celebrated—written about by John Steinbeck, and by Ed Ricketts in his classic work, Between Pacific Tides—had been removed from ESHA designation. In the Final LUP in May, I found that tidepools were added back into the background section of the BIO chapter, at the request of Planning Commissioners in January, but without description or supporting policies. And Pacific Grove's City Ordinance No. 00-12 in Appendix 1 of Title 14 of the Municipal Code, created by a citizens' initiative, for Conservation and Protection of the Marine Gardens Fish Refuge, specifically within the intertidal areas, was not included in the IP. In a June 14, 2016 email, marine biologist John Pearse has provided suggested language for specific areas where tidepools can be addressed in the LUP, and I urge the City to incorporate those suggestions into the completed LUP. Other resources that need to be specifically addressed are our kelp beds and our marine mammals: otters, seals, sea lions, dolphins, and whales, which can all be watched from the shoreline, and which are impacted by urban runoff into the Bay, kayaking and similar activities, and drones flying over the seal rookery and the nesting oystercatchers. And it would be appropriate to address *our impacts* on climate change in addition to the impacts of climate change on us, as marine biologist Vicki Pearse has recommended in a comment to Council months ago.

With very limited time to respond to the Agenda Report (which I found shortly before noon on Monday after checking throughout the morning), I will focus on three numbered issues.

1. Coastal Access and Armoring

In this section, there is no mention of the City's public workshop on sea level rise and the fact that almost every table supported planning for retreat rather than armoring to protect our access to the coast. There were many different suggestions from the public about how phased retreat could be carried out. Clearly, it makes no sense to destroy our beautiful shoreline with armoring when trails can be moved, traffic can be re-routed, and other

means of retreat can be planned for various infrastructure. And PG needs to address major contributors to erosion of our trails: ground squirrels and gophers, groundwater seepage, storm water runoff across trails, and off-trail foot traffic. Riprap and seawalls destroy bluffs and beaches and their ecosystems, spoil our views of the granite bluffs and the sea, and cause ongoing damage to the shoreline. The emphasis in the LCP needs to be on determining all possible options that protect our special coastal resources and avoid the negative impacts of armoring, and there are agencies in the area who can help with that. The new study, "Economic Impacts of Climate Adaptation Strategies for Southern Monterey Bay," prepared by the Nature Conservancy in collaboration with affiliates of the Center for the Blue Economy and other partners, finds "In all cases the least economically beneficial alternative, especially over the long-term, involved shoreline armoring." (Quoted from the newsletter of the Center for the Blue Economy.) Although the study area did not extend to Pacific Grove, it is likely that many of the findings apply here as well.

Pacific Grove staff and community members have not had the opportunity to walk the shoreline with experts to become familiar with our complex array of coastal resources and issues. The City of Monterey conducted a shoreline walk on Del Monte Beach to look at climate change and sea level rise issues with Dr. David Revell, a coastal geomorphologist, along with a senior planner for Monterey who has had decades of experience there, and they gave us an excellent understanding of the complex processes and issues that Monterey has to consider. I strongly urge you to seek this kind of orientation to the coastal erosion issues for Pacific Grove before finalizing the language regarding armoring.

5. American Tin Cannery Floor Area Ratio

Staff's point of view is based on the inaccurate assessment that ATC is in an area of Pacific Grove with "a more urban developed nature" and that "the adjacent built environment along Cannery Row" is an appropriate model for PG's ATC area. I have been walking on the Rec Trail every morning for over 3 years, often as far as Hopkins Marine Station or the Aquarium, and I talk to *many* locals and visitors who stop to interact with my little dogs. Many of the visitors discovered PG by walking west from the Aquarium to avoid Cannery Row's crowded environment and to connect with nature. I wish I had time to take photographs to remind you of the beautiful open space area along the Rec Trail and Ocean View Blvd. at ATC, with views between the small, low, simple structures on the properties of the Aquarium and Hopkins; the granite outcrop that Nob Hill sits on; the cypress lined Eardley Ave; the historic but poorly maintained American Can Company building (see PG's Historic Context Statement regarding this industrial building); the historic collection displayed behind Hopkins' fence with old fishing boats, a wooden hopper, and other relics against the background of the 1916 Monterey Boatworks building; the cypress grove that screens the buildings of HMS and the open grounds where deer roam over to Cabrillo Pt. and even down on the beach, and where four pairs of Black Oystercatchers nest and forage. This is not primarily an "urban developed" environment. It's a natural area utilized in a very modest way for coastal dependent activities, and it will not be protected, maintained or

enhanced by a 3.0 FAR zoning designation along with a 40 ft. height limit in the C-V-ATC zoning district. The resulting intensification of use and bulk is inappropriate and undesirable at this charming and humble gateway to Pacific Grove.

6. Public Views

This section states, "Public views of Pacific Grove's beaches, surf, sand, [sic] are one of the City's defining characteristics...." Our unique coastal bluffs are not acknowledged. This is indicative of the inadequacies of the LCP at this late stage in the process. Some of PG's most important coastal resources are not recognized and protected.

Section 6 also states that, "In the Coastal Zone, scenic views both seaward and landward views [sic] along public right of ways are designated scenic." Unfortunately, that is a misleading statement. The Scenic Areas map designates only the "Areas *seaward of Ocean View Boulevard*" along the shoreline of Monterey Bay in Areas I, II, III, and IV-A as scenic areas, excluding the Retreat from the designation of "scenic areas" to be protected, as well as other low scale development. And randomly, there are two areas of sand dune and Monterey pine forest that are omitted from the scenic areas designation on the Scenic Areas map in Area VI, one along the west side of Asilomar Avenue and the other at the intersection of Asilomar Avenue and Sunset Drive. The latter is a critical scenic area at the southwestern gateway to the Asilomar coast. The Scenic Areas map needs to be corrected, along with the accompanying text.

The description of certified LCP's in this agenda report talks about LCP's as planning tools to guide development with little attention to the basic goals of the Coastal Act, starting with, "Protect, maintain, and where feasible, enhance and restore the overall quality of the *Coastal Zone environment and its natural and man-made resources.*" The emphasis in the current revisions of the LCP documents, outside of Asilomar Dunes, is on mitigating negative impacts rather than conserving what we don't want to lose. The LCP needs to provide enough explanation to educate current and future staff about the significance of the resources and the protections required. Pacific Grove has an extraordinary array of natural and man-made resources in its coastal zone and beyond, and I ask you to allot time to take a good look at our resources in the company of others with different views and pertinent expertise, and to make sure Pacific Grove's LCP is giving our coastal resources appropriate recognition and protection, with a careful review focused on one section of the LUP and IP at a time, together, in a workshop format.

Thank you for considering my comments.

Lisa Ciani

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

June 28, 2016

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

RE: June 29, 2016 Hearing Agenda Item 4a

Dear Mayor Kampe and Members of the City Council

The staff recommendation to allow a 40-foot height limit in the Coastal Zone area of Pacific Grove for new development should NOT be adopted in the Local Coastal Program because it would not conform with the policies to protect the existing low scale character and to be compatible with the existing surrounding natural and built environment. All new development, or rehabilitation and additions, should be evaluated in the context of the existing surrounding area required by the Coastal Act Section 30251:

"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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting."

The Pacific Grove LUP policies need to reflect the Coastal Act. Pacific Grove's zoning standards should carry out those policies by defining the existing (context) character in terms of prevailing scale, mass, setbacks, height and architectural features. Arbitrary limits such as a 3.0 FAR or 40-foot height limit, do not respond to the exiting setting, but impose a new order.

The essential elements of Ocean View Blvd., and at the Sunset and Asilomar Avenues, are their unique relationship to the natural setting, that contribute to the scenic pedestrian and auto routes. They are both gateways to the coast. They both establish an existing low scale character. ATC has another design factor as part of a larger historical context, including the Boat Works, and Hopkins Marine Station, etc.

June 28, 2016
Pacific Grove City Council
RE: June 29, 2016 Agenda Item 4a

Page 2

American Tin Cannery Zoning

Staff proposes to increase the floor area ratio (FAR) to be 3.0 instead of 2.0. Staff claims: *"This better reflects the more urban developed nature of this area of Pacific Grove and also reflects the adjacent built environment along Cannery Row. The City of Monterey's Cannery Row Land Use Plan and Zoning Ordinance allows a FAR of 3.0 on the landward side of Cannery Row, excluding parking areas."*

The ATC site is 4.88 acres (212,572.8 SF). The existing ATC buildings total 165.000 Sq. Ft. Increasing the FAR to be 3.0 would allow **637,718.4 Sq. Ft.**

Staff's proposed 3.0 FAR represents a **386.5% INCREASE TO THE MASS, BULK, DENSITY AND INTENSITY** of the existing conditions at this site. It would introduce a new order that may be fine for Monterey's waterfront, but is not appropriate for Pacific Grove. It would be incompatible with the existing low scale character and natural appearance of the scenic and historic setting at the Cabrillo Point shoreline.

Staff also proposes to eliminate the current C-V district zoning density limit of 2,500 square feet per hotel/motel unit, but to keep it for the adjacent R-3-M zones. This current standard governs the maximum size for such projects in Pacific Grove. Taken together, these proposed changes will result in significant adverse impacts that the residents did not get to address when they voted to approve Measure "X."

- Did the voters who approved measure "X" agree to this new standard? **No**.
- Did they agree to a new FAR of 3.0 to increase the size and intensification of the land use? **No**.
- Did they have 40-foot high story poles to depict the bulk and mass at this site? **No**.
- Did they have an EIR evaluation of the negative impacts to traffic congestion, adjacent neighborhoods and community character, etc.? **No**.

These proposed changes to the land use plan, special districts, zoning district maps and ordinances will be substantial and result in new significant environmental effects or a substantial increase in the severity of previously identified effects identified in the City's existing land use laws. These decisions to amend the general plan and implementing ordinances require the City to prepare an EIR now, as part of their initial commitment to increase the intensity of (land) use,

Respectfully,
Tony Ciani

Development Standards for C-V-ATC.

Inbox x

Luke Coletti 9:16 AM (1 hour ago)

6/28/15

to caseypg, rudyfischer, bkampe, danmiller39, bpeake, kencun17, huitt, citymanager, cityclerk, dave, me , Mark, wlao, kinisonbrown, Brian.O'Neill

Members of the City Council,

In your LCP agenda report (link below) staff mentions the following (text below) regarding FAR standards in the Cannery Row District.

"The City of Monterey's Cannery Row Land Use Plan and Zoning Ordinance allows a FAR of 3.0 on the landward side of Cannery Row, excluding parking areas. The Coastal Commission is considering this proposed change."

http://www.cityofpacificgrove.org/sites/default/files/city-council/2016/6-29-2016/city-council-6-29-2016-4a.pdf

What's not mentioned, however, is that the waterfront side of Cannery Row has an FAR of 2.0. See the Cannery Row Land Use Ordinances 38-32 and Cannery Row Land Use Policies (links below and first attached pic).

http://www.codepublishing.com/CA/Monterey/html/Monterey38.html#38-32
http://monterey.org/Portals/1/peec/workprogram/LCP/Cannery_Row_LUP.pdf

Some points I'd like you to consider:

1) An FAR of 2.0 is being used by Monterey because they want to protect the coastal visual resources and so should we. Erecting a massive set of terraced structures on the ATC parcels would degrade the onshore and offshore coastal visual resources (see second attached image).

2) Because there is no real development between the ATC and the coast I believe we should treat the ATC as waterfront development, with an appropriate FAR limit. I believe an FAR of 2.0-2.5 should be used.

3) You need to consider the "terraced effect" of the structures for this particular hotel. Since there are currently no on-site structures above the ATC, only parking lots, this would represent a new and significant impact. I believe a max limit of 30-35ft should be considered. Also, the height datum needs to be defined, i.e., 35ft from what?

4) There needs to be a reduction in the height limit for the ATC zone where it adjoins an existing residential zone, e.g., the R3/R4 zones along Dewey. I believe a max limit of 15-20ft should be considered here. Appropriate setbacks for this area should be considered too.

5) There should be a maximum allowable building square footage for the entire C-V-ATC district, independent of the FAR.

6) A site coverage of 90% is too high. Also, I don't believe in having a fixed value either. Instead, coverage should defined by the setbacks, landscaping, parking requirements, and FAR. View cones should also be taken into consideration. Discretionary oversight is lost if you adopt a fixed value.

Finally, PG isn't Cannery Row, so please consider adopting design standards for C-V-ATC that blends with the surrounding area, which includes residential and open space institutional uses as well as visitor commercial.

Thank you for your consideration,

Luke Coletti
Pacific Grove

Fwd: LUP and IP Concerns regarding SSC District (Form submission from: Contact the Planning Commission)

Inbox x

Debbie Gonzales 4:12 PM (16 hours ago)

06/28/16

to Mark, me, Laurel

Please see comments below.

---------- Forwarded message ----------
From: <website@cityofpacificgrove.org>
Date: Mon, Jun 27, 2016 at 4:08 PM
Subject: LUP and IP Concerns regarding SSC District (Form submission from: Contact the Planning Commission)
To: dgonzales@cityofpacificgrove.org

Name: Janet Cohen
Email: janetcohen333@comcast.net

Message:
Further Comments on Decreasing the Height Limits in the Sunset Service District

We are lucky to have the Asilomar Conference Grounds in Pacific Grove as arguably one of the best models of architectural preservation gaining National Historic Landmark status because of Julia Morgan's Arts and Crafts beautiful structural designs along with meeting the goals of the Coastal Act by protecting the coast through dune restoration, creation of a dunes boardwalk and valiant efforts to maintain the forest ecosystem while at the same time being open to the public and providing visitor access and overnight accommodations to thousands of people a year at more affordable prices. Because this model is next to the SSC District I would argue that it is a model that we should at least write into our LUP and IP as one to follow if at all possible by starting at decreasing the height limit from 40 feet to 25

feet in the Sunset Service Commercial District in general and lower coverage limits of 50% and setbacks when connected with hotel usage.

We have the opportunity to do this at this moment in time and support, as Pacific Grove consistently did in the past, saving this unique part of the coast for future generations. The Asilomar Conference Grounds started in 1913 as 30 acres given by the Pacific Improvement Company to the YWCA with the stipulations of paying the property taxes and putting in $30,000 worth of improvements. Through the Depression Era and WWII it was put up for sale by the YWCA several times but did not sell and was used in a variety of ways including rooms for military families at Fort Ord and the Defense Language Institute. In 1951, once again for sale, PG's Mayor John Nelson created the "Save Asilomar Committee" which eventually led to lobbying to make Asilomar a State Park that was vetoed by the Governor until a compromise that the State would purchase Asilomar if the City of PG would lease and operate it. 91 acres were dedicated on July 1, 1956. PG operated Asilomar until 1967. In 1971, Roma Philbrook, Asilomar's general manager, the nonprofit PG-Asilomar Operating Corporation and the State established a "goal to protect the Asilomar environment by acquiring adjacent lands" which would extend the characteristics of the Asilomar Grounds to the Asilomar/Crocker/Sinex/Sunset block and increased the land of the Asilomar Conference Grounds to 105 acres. Next to this purchase is the Hayward Lumber Site along Crocker with the former Southern Pacific Railroad tracks, now Recreation Trail, running on the Hayward Lumber side of Crocker. Across Sunset is the other part of the SSC District and the Beachcomber Motel. The Beachcomber is considered CVA zoning and allowed 25 feet and 50% coverage. If the 1 hotel unit per 2500 square feet of land is deleted from the LUP and IP for the SSC district, then it is important to put in setbacks which are now 0 and limit coverage to 50% along with the 25 feet height limit when used for a hotel/motel.

Please join with the past efforts of Pacific Grove to save the possibility of the Asilomar characteristics of this area for the future by decreasing the height limit in the Sunset Service Commercial District to 25 feet and adding further development standards for hotel usage with setbacks and 50% coverage limits into the Local Coastal Plan's LUP and IP.

Thank you,
Janet Cohen

Attached File:

Submitted on Monday, June 27, 2016 - 4:08 pm

Zoning Map Issues at Hopkins Marine Station and elsewhere.

Inbox x

Luke Coletti 2:05 PM (2 hours ago)
06/28/16

to me, Mark, kinisonbrown, Brian.O'Neill

Hello Anastazia,

After looking over the latest coastal zoning map (June 14 update from June 16 PC agenda - attached PDF) I have the following comments:

1) I've provided APNs in the attached PNG image for each parcel that I am asking clarification on.

2) I believe parcel 006-741-004 should be zoned OS, just like the rest of the PG coastline. I don't believe any part of this City owned parcel, which runs along the periphery of Pt Cabrillo, should be zoned C-V.

3) Parcels 006-234-001, 006-234-002 and 006-234-003 are shown as being zoned C-V, instead of C-2.

4) Parcels 006-233-002 and 006-233-003 are shown as being zoned C-1, instead of C-V.

5) It appears the entire area of sub-division 2 of the B99 parcel at Hopkins (see attached Hopkins assessors parcel map) is shown as being zoned C-V. Please see further info below:

In 2013 the City adopted Ordinance 13-003 which also amended the City's zoning map (see link below). I believe this is the City's most current version and it appears to show the same zoning for this Hopkins sub-division as is being shown on the proposed coastal zoning map.

http://www.cityofpacificgrove.org/sites/default/files/general-documents/planning-codes-regulations-and-maps/zoning-map-ord-13-0033-21-13.pdf

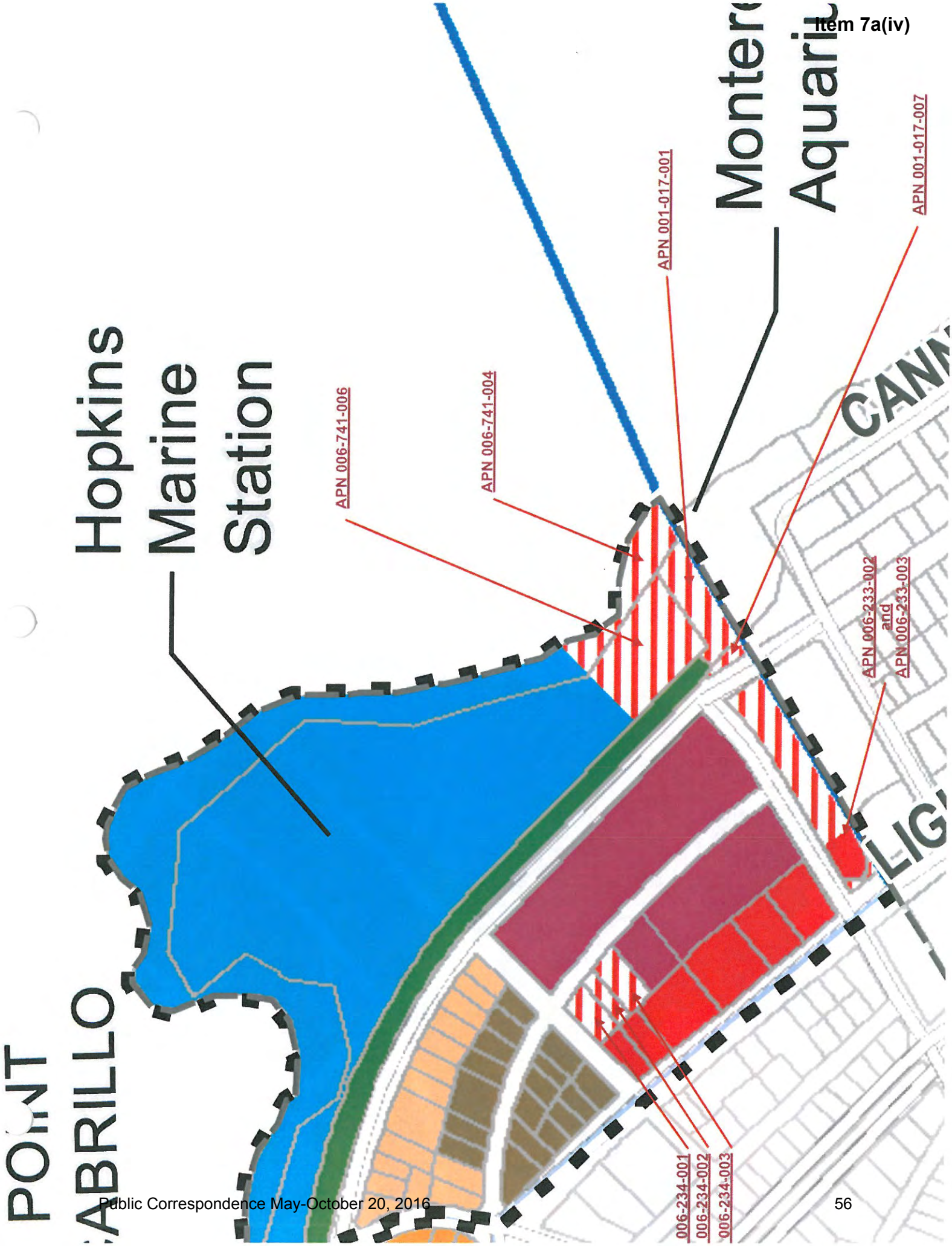
Prior to 2013 the zoning map was last updated in 1987 and before that in 1962 (see PGMC 23.12.020 - link below).

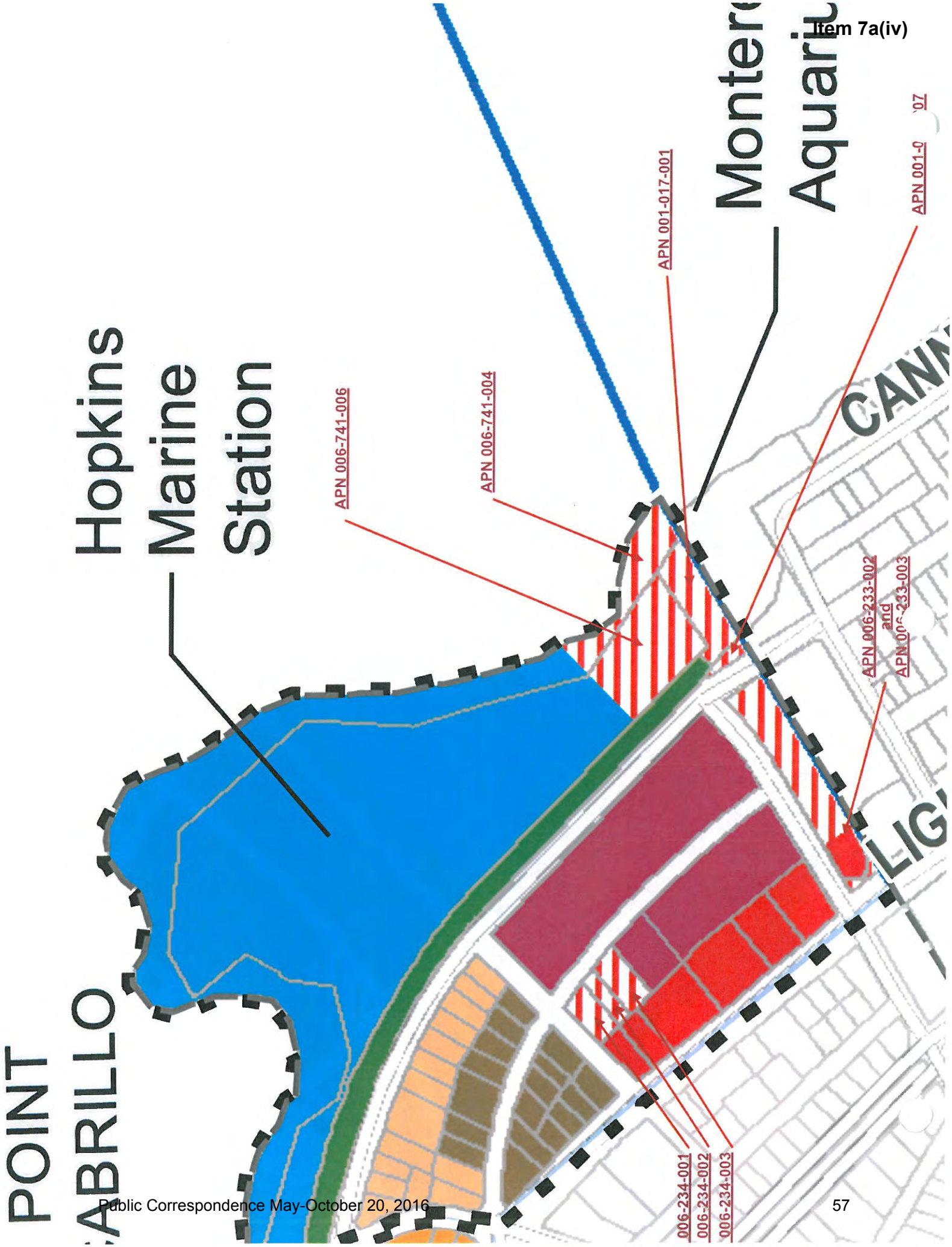
http://www.codepublishing.com/CA/PacificGrove/html/PacificGrove23/PacificGrove2312.html#23.12.020

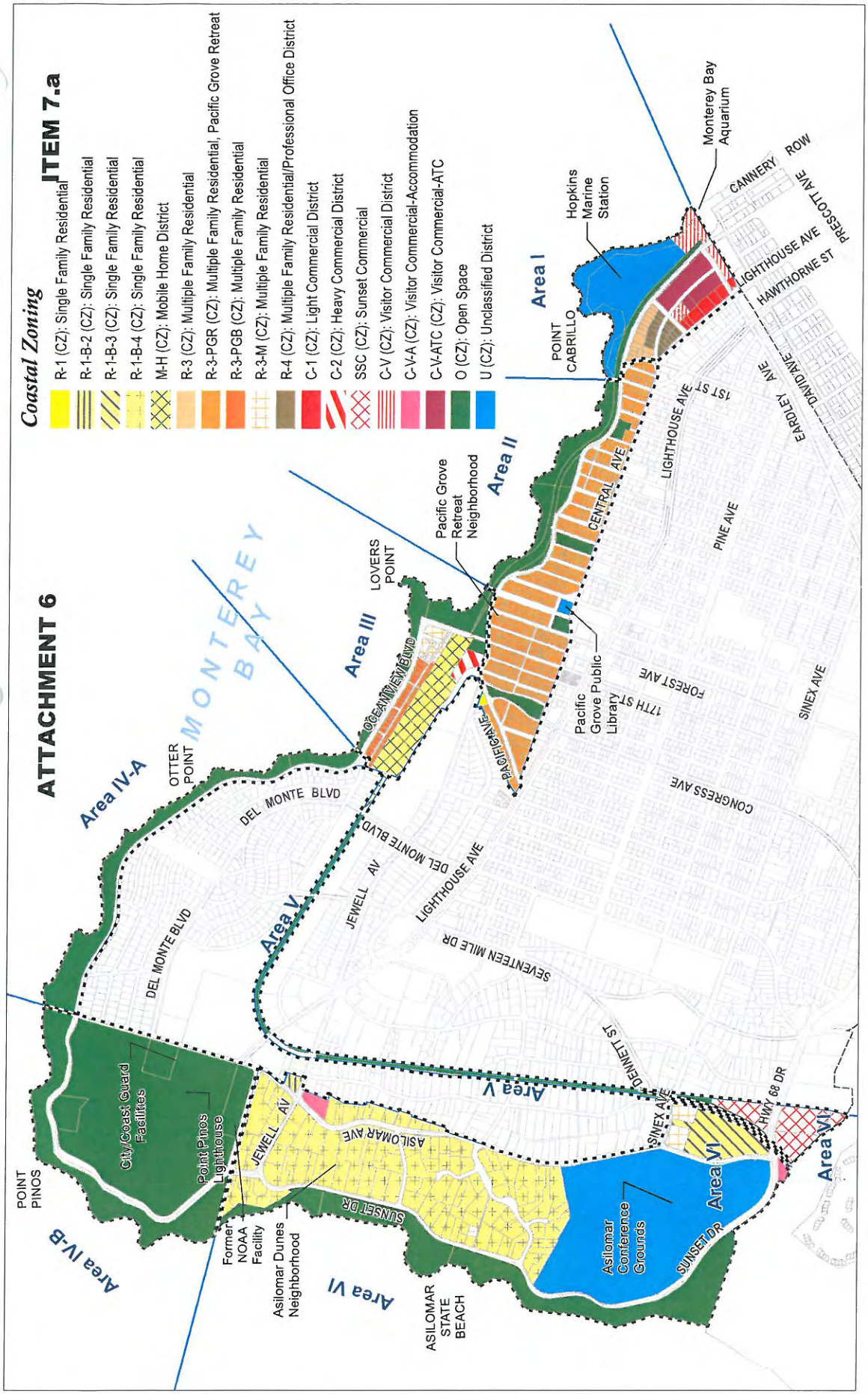
In 1982, Standford University transferred parcel 006-741-004 to the Monterey Bay Aquarium (see attached quit claim deed). Since I do not have a copy of the 1987 or 1962 zoning maps I can't be sure but I suspect there may have been a parcel map hearing when this area was subdivided and likely created this rather bizarre "dual zoning" within the single Hopkins parcel (APN 006-741-006).

Therefore, I'm requesting the City confirm the current zoning for all the parcels I've identified and to also make the necessary changes during the LCP process that will bring the designated land use and zoning into agreement for these coastal parcels.

Finally, I believe some improvements must be made to ensure public access to the publicly owned property at Pt Cabrillo. Although there is currently an access path towards Fishher Beach, running between HMS and the MBA, it dead-ends into a chain-link fence! Therefore, I'm also suggesting that some form of observation deck be installed to allow the public unimpeded access to the coastal views of Pt Cabrillo.


Hopkins
Marine
Station
APN 006-741-006
APN 006-741-004
APN 001-017-001
Monterey
Aquarium
APN 001-017-007
APN 006-233-002
and
APN 006-233-003
006-234-001
006-234-002
006-234-003


POINT
ABRILLO
Hopkins
Marine
Station
APN 006-741-006
APN 006-741-004
APN 001-017-001
Monter
Aquari
APN 001-0 07
CANN
APN 006-233-002
and
APN 006-233-003
LIG
006-234-001
006-234-002
006-234-003



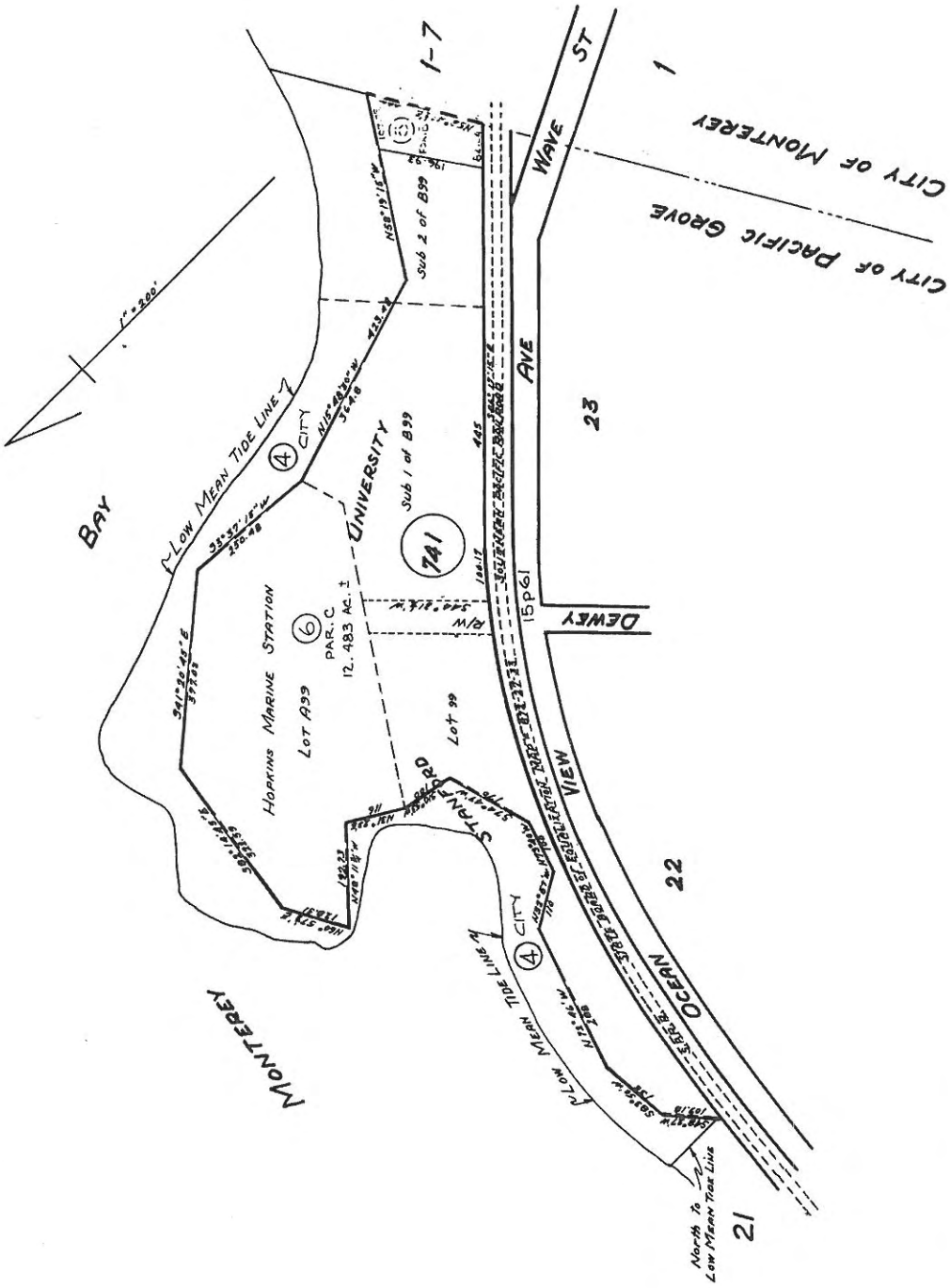
Source: City of Pacific Grove 2014, Google Earth 2013

City of Pacific Grove Coastal Zoning

City of Pacific Grove Implementation Plan

ASSESSOR'S MAP
BOOK 6 PAGE 74
CITY OF PACIFIC GROVE
CALIFORNIA

TAX CODE AREA 400



Recorded at the request of

Safeco #148596

(3)

Return to

Monterey Bay Aquarium Foundation
886 Cannery Row
Monterey, CA 93940

G 20813

RECORDED AT REQUEST OF
SAFECO TITLE INSURANCE COMPANY

REEL 1553 PAGE 481

MAY 17 3 09 PM '82

OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

4

MAIL TAX STATEMENTS TO

NAME

ADDRESS as above

CITY & STATE

QUITCLAIM DEED

THE UNDERSIGNED DECLARE
DOCUMENTARY TRANSFER TAX IS $ -0-

☐ computed on full value of property conveyed or
☐ computed on full value less value of liens and encumbrances remaining at time of sale, and

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a body having corporate powers under the laws of the State of California,

QUITCLAIM to

THE MONTEREY BAY AQUARIUM FOUNDATION, a California nonprofit corporation

all that real property situate in the City of Pacific Grove COUNTY OF MONTEREY
State of California, described as follows:

All that certain real property being bounded on the East by the mean high tide line of Monterey Bay, and bounded on the South and West by those certain boundaries of Parcel B whose courses are shown as "S. 58° 42' 30" W." and "S. 58° 19' 15" E.", and on the North by the Easterly extension of the common boundary line of Parcels B and C, whose course is shown as "S. 55° 12' 39" W.", as said courses and parcels are shown on that certain Parcel Map filed in Volume 15 at page 61, Monterey County Records.

A.P.No. 006-741-04 (w.o.p.)

WITNESS hand this 10th day of February, 1982

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY

By: [signature]

Title: Assoc Vice Pres of Bus & Finance

STATE OF CALIFORNIA
County of Santa Clara } ss

On February 10, 1982, before me, Elizabeth Valentina Brolan, a Notary Public, in and for said County and State, personally appeared Kent R. Peterson

Associate Vice President for Business & Finance

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[signature] Notary Public.

My Commission Expires August 31, 1985

FOR NOTARY SEAL OR STAMP

ELIZABETH VALENTINA BROLAN
NOTARY PUBLIC-CALIFORNIA
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
My Commission Expires August 30, 1985

END OF DOCUMENT

Monterey — Coast Counties Land Title Company — Salinas

Debbie Gonzales Jun 20 (3 days ago)

to Mark, me, Laurel, Wendy

Please see below.
---------- Forwarded message ----------
From: <website@cityofpacificgrove.org>
Date: Mon, Jun 20, 2016 at 2:47 PM
Subject: C-V-ATC FAR (Form submission from: Contact the Planning Commission)
To: dgonzales@cityofpacificgrove.org

Name: Janet Cohen
Email: janetcohen333@comcast.net

Message:
Hello Planning Commissioners, City Staff and City Council Members,

The following are comments on decreasing the proposed FAR of 3 in the C-V-ATC.

An FAR of 3 in the C-V-ATC is too much. On approximately 5 acres or 218, 250 square feet of land 654,750 square feet of floor area would be allowed. An FAR of 2 would allow 436,500 square feet and an FAR of 2.5 would allow 545,625 square feet. Unlike the more rural feeling SSC District, it is very busy near the C-V-ATC because of the large number of people coming to the Aquarium, but technically calling it "urban" or next to "urban development" seems inaccurate:

a. The homes on Dewey bordering the C-V-ATC are single family and part of a larger residential area that has primarily single family homes with a scattering of lower density multiresidential (Allowable height should be reduced to 18 feet along Dewey for a reasonable amount of feet along with a 20 foot setback to protect the residential neighborhood even though zoning allows some lower density multiresidential).
b.Hopkins Marine Station borders on the seaward side across Oceanview Blvd.
c.Nob Hill is adjacent on Eardley.
d.Bordering the rear along Central Avenue the structures are all single story next to the current parking lot area of the C-V-ATC site that would be developed.

Looking even further away at existing development from the C-V-ATC into Monterey, along Wave Street the current development does not support an FAR of 3 for massing at this level in the Coastal Zone of Pacific Grove.
Oceanview turns into Wave Street in Monterey. After Nob Hill there are only single family homes and two story structures along Wave Street until crossing Prescott at which point is the Cannery Row Brewing Company building on the left and a large parking structure on the right. Then single family homes continue with a few 2-3 story structures mixed in until crossing Drake to the Monterey Plaza Hotel.

Just because there are many visitors to the Aquarium does not mean that this part of Pacific Grove's Coastal Zone is truly an urban area and maximum massing of the C-V-ATC is warranted.

Please decrease the C-V-ATC allowable massing below an FAR of 3.

Thank you,

Janet Cohen

Attached File:

Submitted on Monday, June 20, 2016 - 2:47 pm

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

Fwd: Development Standards for C-V-ATC.

1 message

Anastazia Aziz <aaziz@cityofpacificgrove.org> Thu, Jun 16, 2016 at 3:42 PM
To: Debbie Gonzales <dgonzales@cityofpacificgrove.org>
Cc: "kinisonbrown@emcplanning.com" <kinisonbrown@emcplanning.com>, Wendy Lao <wlao@cityofpacificgrove.org>

Thank you.

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

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

--------- Forwarded message ---------
From: **Luke Coletti** <ljc@groknet.net>
Date: Thu, Jun 16, 2016 at 11:44 AM
Subject: Development Standards for C-V-ATC.
To: Robin Aeschliman <robinaeschliman@aol.com>, Bill Bluhm <bill.bluhm@sothebyshomes.com>, Jeanne Byrne <jcbarchfaia@att.net>, Donald Murphy <boxwood@me.com>, Mark Chakwin <mchakwin@outlook.com>, Nicholas Smith <nicksmith20@gmail.com>, Bill Fredrickson <wfredrickson@sbcglobal.net>
Cc: "O'Neill, Brian@Coastal" <Brian.O'Neill@coastal.ca.gov>, "Kahn, Kevin@Coastal" <Kevin.Kahn@coastal.ca.gov>, Anastazia Aziz <aaziz@cityofpacificgrove.org>, Mark Brodeur <mbrodeur@cityofpacificgrove.org>, "huitt@comcast.net" <huitt@comcast.net>, Bill Peake <billpeakepg@gmail.com>, wlao@cityofpacificgrove.org

Members of the Planning Commission,

In your LCP agenda report (link below) staff mentions the following (text below) regarding FAR standards in the Cannery Row District.

"The City of Monterey's Cannery Row Land Use Plan and Zoning Ordinance allows a FAR of 3.0 on the landward side of Cannery Row, excluding parking areas."

http://www.cityofpacificgrove.org/sites/default/files/planning-commission/2016/6-16-2016/planning-commission-6-16-2016-7a-lcp-packet.pdf

What's not mentioned, however, is that the waterfront side of Cannery Row has an FAR of 2.0. See the Cannery Row Land Use Ordinances 38-32 and Cannery Row Land Use Policies (links below and first attached pic).

http://www.codepublishing.com/CA/Monterey/html/Monterey38.html#38-32
http://monterey.org/Portals/1/peec/workprogram/LCP/Cannery_Row_LUP.pdf

Some points I'd like you to consider:

1) An FAR of 2.0 is being used by Monterey because they want to protect the coastal visual resources and so should we. Erecting a massive set of terraced structures on the ATC parcels would degrade the onshore and offshore coastal visual resources (see second attached image).

2) Because there is no real development between the ATC and the coast I believe we should treat the ATC as waterfront development, with an appropriate FAR limit. I believe an FAR of 2.0-2.5 should be used.

3) You need to consider the "terraced effect" of the structures for this particular hotel. Since there are currently no on-site structures above the ATC, only parking lots, this would represent a new and significant impact. I believe a max limit of 30-35ft should be considered. Also, the height datum needs to be defined, i.e., 35ft from ???.

4) There needs to be a reduction in the height limit for the ATC zone where it adjoins an existing residential zone, e.g., the R3/R4 zones along Dewey. I believe a max limit of 15-20ft should be considered here.

5) There should be a maximum allowable building square footage for the entire C-V-ATC district, independent of the FAR.

6) A site coverage of 90% is too high. Also, I don't believe in having a fixed value either. Instead, coverage should defined by the setbacks, landscaping, parking requirements, and FAR. View cones should also be taken into consideration. Discretionary oversight is lost if you adopt a fixed value.

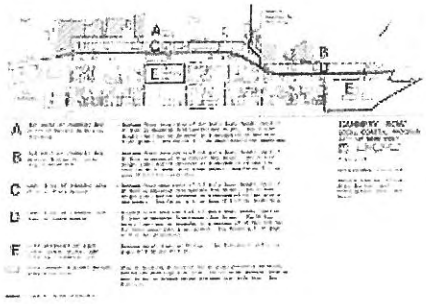
Finally, PG isn't Cannery Row, so please consider adopting design standards for C-V-ATC that blend well with the surrounding area, which includes residential and open space institutional uses as well as visitor commercial.

Thank you for your consideration,

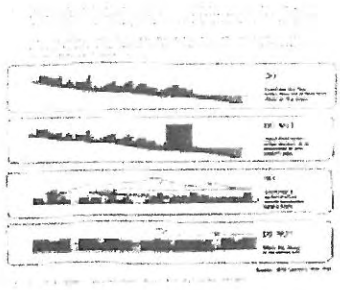
Luke Coletti
Pacific Grove

---

2 attachments



CANNERY_ROW_DEVELOPMENT_POLICIES.png
1017K



BULK_AND_BUILDING_HEIGHT_POLICIES.png
299K

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

6-16-16 Agenda item 7.a, IP (Form submission from: Contact the Planning Commission)

1 message

website@cityofpacificgrove.org <website@cityofpacificgrove.org> Thu, Jun 16, 2016 at 1:49 PM
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 one issue in the IP regarding marine resources and ESHA.

I hope you will insist on taking the time necessary to produce a well written, effective document to protect our coastal resources that will serve us well and that the people of Pacific Grove can be proud of.

Thank you,
Lisa Ciani

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

Submitted on Thursday, June 16, 2016 - 1:48 pm

June 16, 2016

To: Planning Commission

Re: June 16, 2016 Agenda item 7.a, Attachment 4, Implementation Plan Suggested Modifications

From: Lisa Ciani

My first concern is about ESHA, and Water Quality and Marine Resources, and I'll only be able to address this one issue at this time. I believe these two sections of the LUP and IP should be located sequentially in the documents, with Scenic Resources following them, since there are shared elements in these two sections. A Table of Contents is needed to help sort things out, even if this is just ordinances.

Chapter 23.90.250 begins with "(a) Marine biological resources shall be protected in compliance with 23.90. 230 PGMC." So you must return back two sections to find where the actual PGMC Chapter 14.04 Marine Refuge, in Title 14 Public Property, is converted to an LCP chapter number.

Chapter 23.90.230 Water Quality and Marine Resources begins with "(a) Living marine resources shall be protected as follows". Then it provides the text of the actual PGMC Chapter 14.04 without explaining that the first element added in 1952 is about the deeding of the tidelands by the State to the City in 1931, and the next two elements are from 1952 and 1960 about the taking of both living and nonliving marine resources. The remaining elements comprise the City's Harbor Seal Ordinance. This is a limited scope of protection for our extraordinary marine resources.

Chapter 23.90.230 omits APPENDIX 1 from PGMC TITLE 14, which is an ordinance created by a Citizens Initiative titled Conservation and Protection of the Marine Gardens Fish Refuge, which was adopted by the City in the year 2000; clearly this ordinance belongs in the Marine Refuge chapter. The purpose of the ordinance was to Promote Marine Conservation and Broaden Protection within the Intertidal Areas of the Pacific Grove Marine Gardens Fish Refuge. This is a very important ordinance for marine resource conservation that must be included in the IP and expanded to include the intertidal zone along the entire PG shoreline. Both the LUP and the IP need more recognition and protection for the bluffs that provide the sand for the beach ecosystem, the intertidal zone, tidepools and kelp forests.

There needs to be some CLEAR, SPECIFIC LANGUAGE that allows the reader to understand what is included in these ordinances and what the purpose is. It will need to be made clear how the "Marine Refuge" relates to the State MPA's, and it will need to be included on the Protected Areas map in the LUP (p 1-13). The boundaries of the Marine Gardens Fish Refuge do not correspond to the PG Marine Gardens State MCA. The only indication of the boundaries that I have found are in the July 2003 study that I received this week, sent to you and others by John

Pearse on Tuesday (A Comparative Intertidal Study and User Survey, Point Pinos, California) where there's a map on page 6 indicating that the boundary of the "Pacific Grove Marine Gardens Fish Refuge" extends a distance along the Point Pinos Shore on either side of the Point Pinos Headland (likely within Area IV-B). John Pearse has provided excellent descriptions of the special qualities of our marine resources, which need to be included in our LUP in connection with both Water Quality and Marine Resources, and Biological Resources and Environmentally Sensitive Habitat Areas, as well as in Section 1.6, Relationship of Citizen Volunteer Groups to This Land Use Plan.

The City is doing a great disservice to the public in rushing the LCP along when it is far from complete and suffers further from all the rushed work. The LCP document lacks integrity in its current state, with a significantly outdated Coastal Parks Plan, erroneous maps and confusing organization. It needs some language revision and explanation so that it is a document people can use, whether they are property owners and their advocates, or understaffed City departments, or citizen stewards.

Thank you for considering my comments,
Lisa Ciani

Debbie Gonzales <dgonzales@cityofpacificgrove.org>

Item #7a June 16, 2016 agenda (Form submission from: Contact the Planning Commission)

1 message

website@cityofpacificgrove.org <website@cityofpacificgrove.org> Thu, Jun 16, 2016 at 10:30 AM
Reply-To: "Laura Lawrence c/o The Law Office of Aengus L. Jeffers" <laura@aengusljeffers.com>
To: dgonzales@cityofpacificgrove.org

Name: Laura Lawrence c/o The Law Office of Aengus L. Jeffers
Email: laura@aengusljeffers.com

Message:
Dear Planning Commission Members:

At the request of our clients David & Dana Dornsife and their neighbor Kirstie Wilde (collectively referred to as the "Parties"), I am submitting the attached letter with comments on the City of Pacific Grove's proposed changes to Title 23 (Zoning Code), item #7a on tonight's agenda.

The Parties own the only two residential parcels left on the west side of Sunset Drive in Pacific Grove. These parcels, APNs 007-021-014 and 007-021-006, are "sandwiched" between the U.S. Lighthouse Reservation and the Monterey Peninsula Regional Park District/Asilomar State Beach properties and are zoned R-1-B-4.

Section 23.91.090 (a) (1) of the Draft Implementing Ordinances states that accessory structures and fences are prohibited in the R-1-B-4 zoning. In addition, section 23.90.250 (e) (21) states that the City shall prioritize removal of obtrusive fencing within the Asilomar Dunes Residential Area (R-1-B-4 zoning district). However, upon further review, contradicting language in section 23.90.250 (Biological Resources and Environmentally Sensitive Habitat Areas) seems to allow fencing within the Asilomar Dunes Residential Area. See sections 23.90.250 (f) (12) (C) and 23.90.250 (f) (14) (A).

Both properties are developed with existing fences–one on the Dornsife's northern property line between the property and the U.S. Lighthouse Reservation property and one on Wilde's southern property line between the property and the Monterey Peninsula Regional Park District/Asilomar State Beach properties. The fences on both properties are low profile and see-through wood fencing that protects public views and allows for the free passage of sand, seeds, and wildlife. These fences have openings near Sunset Drive which allow public access on a public trail that traverses both properties through an easement. These fences are vested and serve discrete restoration objectives on the properties in addition to providing privacy from the thousands of people who utilize the trails on the public property. With regard to the Dornsife property, maintenance of the fence is an ongoing condition of approval.

We are requesting, again, that the change to the ordinance only apply to the residential parcels on the inland side of Sunset Drive and that the fences on our client's properties be allowed to remain in place or be repaired or replaced in the future.

Regards,

Aengus L. Jeffers, Esq.

By 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

Attached File:
http://www.cityofpacificgrove.org/sites/default/files/webform/planning-commission/City%20of%20Pacific%20Grove%20061616.pdf

Submitted on Thursday, June 16, 2016 - 10:30 am

THE LAW OFFICE OF AENGUS L. JEFFERS
A Professional Corporation
215 West Franklin Street, Fifth Floor
Monterey, California 93940

Phone: (831) 649-6100
Fax: (831) 325-0150
Email: aengus@aengusljeffers.com

June 16, 2016

Anastazia Aziz, AICP, Senior Planner
City of Pacific Grove
Community and Economic Development Department
300 Forest Avenue, 2nd Floor
Pacific Grove, CA 93950

Re: Changes to the Title 23 Zoning Ordinance (Draft Implementing Ordinances)

Dear Ms. Aziz:

At the request of our clients David & Dana Dornsife and their neighbor Kirstie Wilde (collectively referred to as the "Parties"), I am submitting additional comments on the City of Pacific Grove's proposed changes to Title 23 (Zoning Code) based on the June 1, 2016 draft posted on the City's website.

The Parties own the only two residential parcels left on the west side of Sunset Drive in Pacific Grove in the Asilomar Dunes Residential Area. These parcels, APNs 007-021-014 and 007-021-006, are "sandwiched" between the U.S. Lighthouse Reservation and the Monterey Peninsula Regional Park District/Asilomar State Beach properties and are zoned R-1-B-4.

Section 23.91.090 (a) (1) (formerly section 23.16.110 (c) (6) of the Draft Implementing Ordinances) still states that accessory structures and fences are prohibited in the R-1-B-4 zoning. In addition, section 23.90.250 (e) (21) states that the City shall prioritize removal of obtrusive fencing within the Asilomar Dunes Residential Area (R-1-B-4 zoning district). What is defined as obtrusive fencing?

Both properties are developed with existing fences–one on the Dornsife's northern property line between the property and the U.S. Lighthouse Reservation property and one on Wilde's southern property line between the property and the Monterey Peninsula Regional Park District/Asilomar State Beach properties. These fences also have openings near Sunset Drive which allow public access on a public trail that traverses both properties through an easement. These fences are vested and serve discrete restoration objectives on the properties in addition to providing privacy from the thousands of people who utilize the trails on the public property. With regard to the Dornsife property, maintenance of the fence is an ongoing condition of approval.

Upon further review, contradicting language in section 23.90.250 (Biological Resources and Environmentally Sensitive Habitat Areas) seems to allow fencing within the Asilomar Dunes Residential Area, as noted below:

- Section 23.90.250 (f) (12) (C) states that fencing used to demark trails and control public access shall be designed with wildlife friendly characteristics and be reviewed and approved by a qualified biologist. The fence design should allow safe passage of traveling animals and dispersal of seeds, provide visibility to flying birds, avoid trapping wildlife on roads, and deter human foot traffic in sensitive areas. Fencing shall be no more than 42 inches high, leave at least 12 inches between the top two rails/wires, and leave 16 inches between the ground and the first rail/wire, avoid the use of barbed wire, and be readily visible to flying birds/traveling mammals. Walls, if used along the recreation trail or associated view points, shall not exceed 36 inches in height and provide a reasonable means of passage, either over the face of the wall, such as with steps or gripable texture, or around the ends.

- Section 23.90.250 (f) (14) (A) states that obtrusive fencing and other such barriers shall be prohibited absent a conclusive showing that such fencing/barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed 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.

We are requesting that the change to the ordinance only apply to the residential parcels on the inland side of Sunset Drive and that the fences on our client's properties be allowed to remain in place.

History

The home on the Dornsife property was approved through a California Coastal Commission permit in 1997 (Permit No. 3-96-102, hereinafter the "original permit"). The original permit was amended in 2001 (Permit No. 3-96-102-A2, hereinafter the "amended permit"). Special condition #8 (b) of the amended permit states "No development…shall occur outside the residential footprint and driveway approved by coastal development permit 3-96-102 except for:…(2) low profile and see-through wooden fencing designed to protect public views and allow free passage of wildlife …"

The original permit had special condition #28 that stated "The boundary fence along the north side of the site shall be retained. When replacement becomes necessary, it shall be replaced in kind." Condition #10 of the amended permit states that unless specifically altered by the amendment, all other previous conditions of approval attached to coastal development permit 3-96-102 (original permit), as amended, remain in full force and effect. The amended permit did not nullify special condition #28 from the original permit.

The home on the Wilde property has been in existence since 1929. The split rail fence on the southern property line was approved in a coastal development permit issued by the California Coastal Commission and was installed by Monterey Peninsula Regional Park District in the mid-1990s.

The fences on both properties are low profile and see-through wood fencing that protects public views, allows for the free passage of sand, seeds, and wildlife while controlling public access through private property. Similar fencing exists along the west side of Sunset Drive on the Monterey Peninsula Regional Park District and Asilomar State Beach properties south of our client's properties. These fences also serve discrete restoration objectives by discouraging public access on the environmentally sensitive dune habitat and channeling the access to the public trails. The Draft Implementing Ordinances, as proposed, seems to discourage the replacement of these fences in the future.

Therefore, we respectfully request that if the proposed language must remain in the ordinance, the change to the ordinance only apply to the residential parcels on the east side of Sunset Drive. This will allow the Parties to retain the vested use of their existing fences and would allow them to repair or replace the fences in the future.

Sincerely,

Aengus L. Jeffers

ALJ:ll

cc: Parties
City of Pacific Grove City Council
City of Pacific Grove Planning Commission

215 West Franklin Street, 5th Floor
Monterey, California 93940

THE LAW OFFICE OF AENGUS L. JEFFERS
A Professional Corporation
215 West Franklin Street, Fifth Floor
Monterey, California 93940

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Fax: (831) 325-0150
Email: aengus@aengusljeffers.com

June 16, 2016

Anastazia Aziz, AICP, Senior Planner
City of Pacific Grove
Community and Economic Development Department
300 Forest Avenue, 2nd Floor
Pacific Grove, CA 93950

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Sincerely,

Aengus L. Jeffers

ALJ:ll

cc: Parties
City of Pacific Grove City Council
City of Pacific Grove Planning Commission

215 West Franklin Street, 5th Floor
Monterey, California 93940

MCAR
MONTEREY COUNTY ASSOCIATION OF REALTORS®

June 16, 2016

Mark Brodeur
Community and Economic Development
City of Pacific Grove
300 Forest Ave.
Pacific Grove, CA 93950

RE: Review of the Local Coastal Program (LCP) Implementing Ordinances

Dear Mr. Brodeur and members of the Pacific Grove City Planning Commission,

The Monterey County Association of REALTORS® wishes to thank you for the opportunity to contribute comments as they relate to the review of the Local Coastal Plan implementing ordinances before the language is finalized.

We want to make sure that terms such as "demolition" or "development" are clear and easily understandable without the assistance of an attorney. The simpler and clearer the language the better for all citizens of Monterey County who may have an interest in Coastal properties.

We understand the significant work the city staff has put into this plan over the last two years. We ask that you keep us informed of potential ordinance changes as well as updates or significant alterations to the plan as written now.

Sincerely,

Renee Garner
2016 MCAR President

201-A Calle Del Oaks, Del Rey Oaks, California 93940
T: (831)393.8660 F: (831)393.8669 www.mcar.com

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LCP implementation plan

Maureen Mason 4:32 PM (18 hours ago)

06/14/16

to me

Dear Ms. Aziz-

In addition to an apparent typographic error on pg 9 " Coastal resources include "by ate" not limited to.....,"?

I would like to make a formal request for an addition to the language used on pg 10.

This pg 10 section addresses the definition of Historic Structure demolition. I believe there should be an additional sentence indicating that the definition of demolition is consistent with the Secretary of the Interior's Standards as per CEQA.

I also find some confusion between pp 59 and 79. Pg 59 states no second units are allowed on parcels containing environmentally sensitive habitat. Pg 79 (23.90.270 (g))states ....." City may require merger of lots when two adjacent parcels are under a single ownership and one or both parcels are smaller than the minimum lot size of 1/2 acre." Logic would suggest that, if you merge lots, one house becomes a second unit of the other. Data further shows that a large number of those lots in the Asilomar area do, in fact, contain environmentally sensitive habitat. Obviously, forcing a lot merger would immediately devalue the property and render economic damages to the owner in addition to preventing an owner from selling one and retaining the other. This is a troubling and poor precedent.

Regards,
Maureen Mason
609 Lobos Ave.,
Pacific Grove, CA 93950