



## NOTICE OF PUBLIC HEARING

# CITY OF PACIFIC GROVE PLANNING COMMISSION REGULAR MEETING AGENDA

6:00 p.m., Thursday, November 3, 2016

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

*Copies of the agenda packet, and materials related to an item on the agenda submitted after distribution of the agenda packet, are available for review at the Pacific Grove Library located at 550 Central Avenue; the CDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at [www.cityofpacificgrove.org/pc](http://www.cityofpacificgrove.org/pc). Recordings of the meetings are available upon request. Materials can also be requested of staff during the PC hearing. Structures listed on the City's Historic Resources Inventory are denoted on the agenda with an "(HRI)" next to their project address.*

**1. Call to Order - 6:00 p.m.**

**2. Roll Call**

Commissioners: Robin Aeschliman, Bill Bluhm (Vice-Chair), Jeanne Byrne, Mark Chakwin (Secretary), Bill Fredrickson (Chair), Don Murphy, Nicholas Smith

**3. Approval of Agenda**

**4. Approval of Minutes**

a. None.

**5. Public Comments**

**a. Written Communications**

*Communications relevant to PC jurisdiction, but not related to a matter on this agenda, are attached under this agenda item.*

**b. Oral Communications**

*Comments from the audience will not receive PC action. Comments must deal with matters subject to the jurisdiction of the PC and will be limited to three minutes. Comments regarding agenda items shall be heard at the time such items are called. Whenever possible, letters should be submitted to the PC in advance of the meeting.*

**6. Consent Agenda**

None.

**7. Regular Agenda**

**a. Local Coastal Program**

Description: Local Coastal Program certification. The California Coastal Act of 1976 requires local governments to prepare and implement Local Coastal Programs to carry out the Act's mandate to maximize public access to the shoreline and protect coastal resources. The City's Local Coastal Program updates the existing 1989 Land Use Plan. The Local Coastal Program, comprised of a Land Use Plan and Implementation Plan, establishes protection standards for coastal resources and the kinds, locations and intensities of new development allowed in the City's coastal zone and other development

standards necessary to achieve the objectives of the Coastal Act.

CEQA Status: Exempt

Staff Reference: Anastazia Aziz, AICP, Senior Planner & Mark Brodeur, Community and Economic Development Director

Recommended Action: Recommend to City Council adoption and submission of the Local Coastal Program to the California Coastal Commission for certification.

- i. Land Use Plan (LUP)
- ii. LUP Public Correspondence May-October 20, 2016
- iii. Implementation Plan (IP)
- iv. IP Public Correspondence May-October 20, 2016
- v. Notice of Exemption

**b. Planning Commission Call-Ups:**

- i. Architectural Permit (AP) 16-753 for 102 2nd St
- ii. Architectural Permit (AP) 15-797 for 1239 Ocean View Blvd

**8. Presentations**

None.

**9. Reports of PC Subcommittees**

*Subcommittees of the PC will provide a summary report of their recent activities.*

**10. Reports of PC Members**

*PC members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, a majority of PC members may provide a referral to staff for factual information, request staff to report back to the body at a subsequent meeting concerning an PC-related matter, or direct staff to place a matter of business on a future agenda (G.C. 54954.2(a)(2)).*

**11. Reports of Council Liaison**

**12. Reports of Staff**

**13. Adjournment**

*The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of devices are available to assist those who are deaf or hard of hearing.*

**GENERAL NOTICE**

- Please note that Section 65009(b)(2) of the California Government Code provides that legal challenges to the City's action on a project may be limited to only those issues raised in testimony during the public hearing process. PC will not consider any new items after 9:00 p.m. Any items remaining on the agenda will be continued either to the next regular meeting or to a special meeting at the discretion of PC. This meeting is open to the public and all interested persons are welcome to attend.

**NOTICE TO APPLICANTS**

- **Appearance by Applicant/Representative:** Applicants or their representatives must be present at the meeting for which their item, including those items on the Consent Agenda, is scheduled. If unable to attend, the applicant must submit a written request for continuance prior to the meeting. The item may be denied if continuance is not requested.
- **Submittal of Written Communications:** In order to receive due consideration by the Planning Commission, written communications pertaining to agenda items should be submitted to the Community and Economic Development Department by **9 A.M. the day prior to the meeting**. Materials submitted subsequent to that time, or directly to the Planning Commission at the meeting, may, at the Commission's discretion; result in a continuance of the item.

- **Appeals and Appeal Period:** Decisions rendered by the Planning Commission may be appealed to the City Council using a form available at the Community and Economic Development Department. The appeal form, plus an appeal fee, must be filed within 10 days of the action being appealed. The aforementioned appeal period notwithstanding, the City Council reserves the right to call up for review Planning Commission decisions until its next regularly scheduled meeting. No building permit pertaining to a Planning Commission action may be issued until the appeal period has passed.
- **Judicial Time Limits:** This serves as written notice that Pacific Grove Municipal Code (PGMC) §1.20.010 incorporates §1094.6 of the Code of Civil Procedure of the State of California and provides a ninety-day limitation for judicial review of any final administrative decision by the council, or any board, commissioner, or officer of the city.

Item 7a  
Agenda Report - Local Coastal Program



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

**AGENDA REPORT**

**TO:** Members of the Planning Commission

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

**MEETING DATE:** November 3, 2016

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

**CEQA STATUS** Statutory Exemption, CEQA Guidelines Section 15265

**RECOMMENDATION**

Recommend to City Council to adopt and submit the Local Coastal Program to the California Coastal Commission for certification.

**BACKGROUND**

The [Local Coastal Program](#) update was initiated in April 2014 when the California Coastal Commission awarded a grant of \$130,000 to assist the City in achieving Local Coastal Program certification. There are two overriding purposes for this effort. First, to bring the 1989 Land Use Plan current, providing the community and other stakeholders the opportunity to reassess all of the key principles that guide land use in the City's Coastal Zone, including sea level rise hazards. And second, once the program is certified by the Coastal Commission, to facilitate the review and approval of Coastal Development Permits, as the Coastal Commission will delegate authority for those functions to the City.

**Outreach**

Over the past two years various public workshops, meetings, work sessions with the Planning Commission, and joint sessions with Council have been held in support of this effort. In 2016, staff provided updates to Council on January 20, May 18, June 29 and September 7, 2016. Updates in the City Manager's Weekly report and to an email interested parties list are provided to keep the public informed and up to date on the process. In addition, a website dedicated to the Local Coastal Program effort provides all background reports and workshop information and the current 1989 Land Use Plan.

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

**DISCUSSION**

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

## Land Use Plan Issues

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

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

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

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

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

### 2. *Definition of redevelopment*

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

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

### 3. *Asilomar Dunes Neighborhood*

The Asilomar Dunes residential area (bounded by Lighthouse Avenue, Asilomar Avenue and Asilomar State Beach and Conference Grounds) is the location of sand dunes that support rare and endangered biological resources. The entire area is designated as an Environmentally Sensitive Habitat Area and the Land Use Plan proposes to also designate this area a Special Community. The area, which was annexed by the City in 1980 was previously subdivided into residential parcels.

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

The Planning Commission after lengthy discussion proposed allowing an Immediate Outdoor Living Space area of up to 1,000 square feet or 5% of lot area, whichever is greater, to be used as proximate outdoor living space and to permit this area to be fenced. If property owners request fencing, the Planning Commission also proposes to allow minimal symbolic perimeter fencing, such as a split rail fence, as an appropriate method in order to also protect native dune habitat and allow for free passage of sand, seeds, and wildlife.

This is a change from the current Land Use Plan regulations and implementation by the Coastal Commission for Coastal Development Permits. Current fence regulations restrict fencing to that which would not impact public views or free passage of native wildlife. Coastal Commission staff interprets this policy as no on-site fencing. The Coastal Commission has conditioned new development in this area to remove existing perimeter fencing and any other on-site fencing with the rationale that fencing is not protective of and hinders environmentally sensitive coastal resources found in this area.

#### ***4. Scenic Views***

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

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

#### **Implementation Plan**

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

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

#### ***1. American Tin Cannery***

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

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

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

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

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

**3. Waiver process**

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

**Next Steps**

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

**Local Coastal Program Revised Adoption Timeline**

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

Note: Timeline subject to change

RESPECTFULLY SUBMITTED:

REVIEWED BY:

*Anastazia Aziz*



---

Anastazia Aziz, AICP  
Senior Planner

---

Mark Brodeur  
Community and Economic Development Dept.

ATTACHMENTS:

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

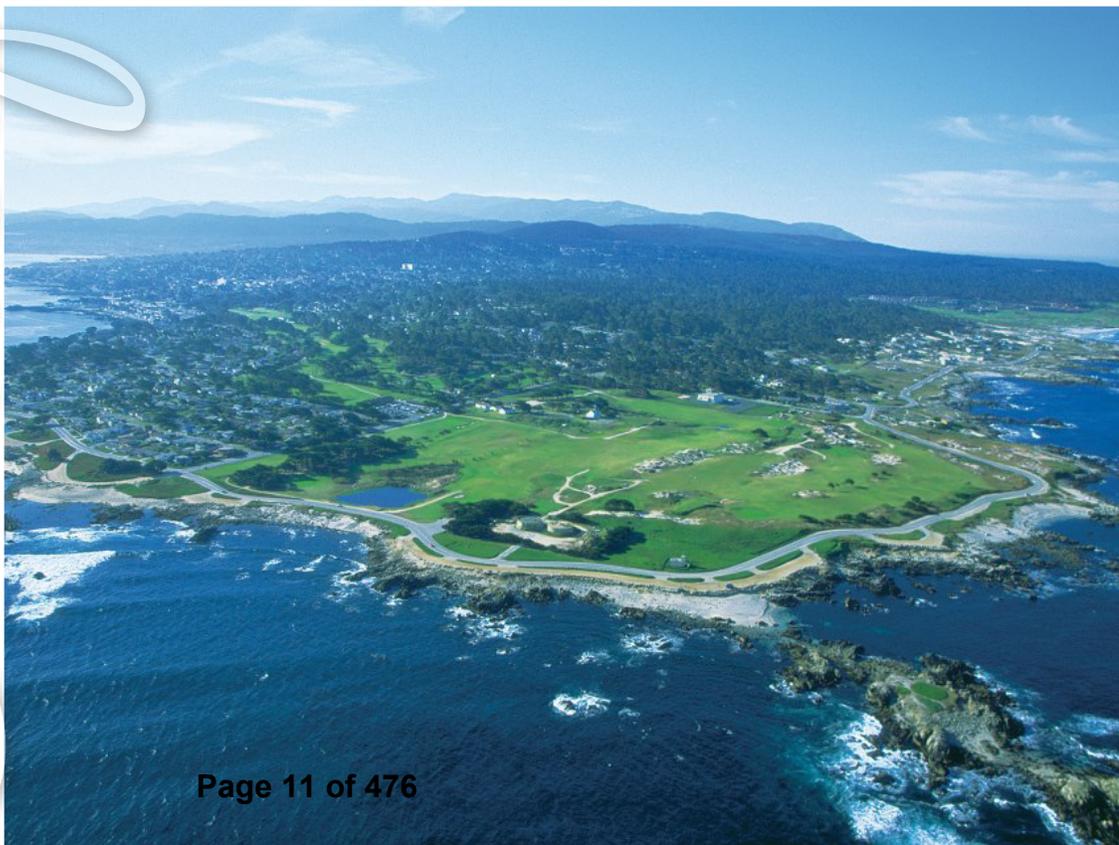
# Item 7a(i) Land Use Plan

CITY OF PACIFIC GROVE

Final  
**Land Use Plan**

A Component of the Local Coastal Program

October 2016



REFLECTS CHANGES INCLUDING COASTAL  
COMMISSION JUNE 1, 2016, PLANNING COMMISSION  
COMMENTS JUNE-AUGUST 2016 AND PUBLIC  
COMMENT  
PER PLANNING COMMISSION REQUEST ONLY  
ADDITIONS ARE SHOWN IN BLUE TEXT. DELETIONS  
ARE NOT SHOWN.

## TABLE OF CONTENTS

1.0 INTRODUCTION .....	1
1.1 Pacific Grove Land Use Plan .....	1
1.2 California Coastal Act .....	2
1.3 Pacific Grove Local Coastal Program.....	5
1.4 Land Use Plan Organization and Supporting Documents .....	8
1.5 Relationship of the Land Use Plan to Other Plans and Laws .....	9
1.6 Relationship of Citizen Volunteer Groups to This Land Use Plan.....	10
1.7 Former Pacific Grove Mayor Julia Platt the Embodiment of the Spirit of This Land Use Plan .....	13
1.8 Pacific Grove Coastal Zone.....	14
1.9 Coastal Development Permits .....	17
1.10 Terminology Used in the Land Use Plan .....	18
2.0 NATURAL SYSTEMS AND RESOURCE MANAGEMENT .....	25
2.1 Coastal Hazards and Sea Level Rise (HAZ) .....	25
2.2 Water and Marine Resources (Mar) .....	38
2.3 Scenic Resources (SCE) .....	44
2.4 Biological Resources and Environmentally Sensitive Habitat Areas (BIO).....	50
3.0 BUILT ENVIRONMENT .....	68
3.1 Community Design (DES) .....	68
3.2 Land Uses and Designations (LUD).....	73
3.3 Cultural Resources (CRS) .....	81
3.4 Public Infrastructure (INF) .....	91
3.5 Parks, Recreation, and Public Access (PRA).....	100

**Appendices**

Appendix A Final Background Report – Pacific Grove Local Coastal Program Update

Appendix B Final City of Pacific Grove Climate Change Vulnerability Assessment

Appendix C Coastal Parks Plan

**Figures**

Figure 1: Coastal Zone and Planning Areas ..... 4

Figure 2: Protected Areas..... 16

Figure 3: Areas of Potential Sea Level Rise Hazard..... 30

Figure 4: Scenic Areas ..... 47

Figure 5: Land Habitat Sensitivity Map ..... 53

Figure 6: Coastal Zone Land Use Designations..... 70

Figure 7: Archaeologically Sensitive Area ..... 82

Figure 8: Coastal Parks, Trails, and Resources ..... 102

## 1.0

## INTRODUCTION

## 1.1 PACIFIC GROVE LAND USE PLAN

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

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

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

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

## 1.2 CALIFORNIA COASTAL ACT

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

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

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

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

Figure 1: Coastal Zone and Planning Areas



**Legend**

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

Source: City of Pacific Grove, Google Earth 2013

## Coastal Zone and Planning Areas

City of Pacific Grove Land Use Plan

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

### 1.3 PACIFIC GROVE LOCAL COASTAL PROGRAM

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

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

### 1.3.1 Land Use Plan

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

. . . relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions. (Public Resources Code §30108.5)

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



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

### 1.3.2 Implementation Plan/Zoning Ordinance

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

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

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

### 1.3.3 Coastal Parks Plan

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

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



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

*Photo by Jean Anton 2015*

## 1.4 LAND USE PLAN ORGANIZATION AND SUPPORTING DOCUMENTS

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

- Natural Systems and Resource Management
- Built Environment

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

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

Two reports were prepared to support the Land Use Plan in 2015, the *Final Background Report – Pacific Grove Local Coastal Program Update* (Appendix A) and the *Final City of Pacific Grove Climate*

*Change Vulnerability Assessment* (Appendix B). Reports previously prepared for the City regarding archaeological resources, biological resources, and traffic and parking were also utilized to help inform Land Use Plan policy development. These documents are on file for review at the City of Pacific Grove Community and Economic Development Department and the Pacific Grove Public Library.

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

1. When used in the Land Use Plan, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” and “may” are [recommendations](#), unless there is a compelling reason to do otherwise; and
3. “Including” means “. . . including but not limited to. . .”

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

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

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

### [1.5.1 Citizen Initiatives Affecting Planning](#)

[Several provisions have become part of the City’s Zoning Ordinance through the initiative process that affect the Coastal Zone. Many initiatives have been passed since 1948 that restrict](#)

certain types of multiple-unit developments, the development of motels and hotels, the use of George Washington Park, and the rezoning of land zoned either Unclassified “U” or Open Space “O”. Citizen initiatives affect the O, U, R-3-M and C-V-ATC zoning district within the Coastal Zone.

## 1.6 RELATIONSHIP OF CITIZEN VOLUNTEER GROUPS TO THIS LAND USE PLAN

Since its founding in 1875 as a seaside resort, Pacific Grove has been a city of citizen volunteers dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. The Pacific Grove Natural History Museum, established in 1883, is renowned for its tradition of hands-on science education and nature preservation for the central coast of California. The Heritage Society of Pacific Grove, formed in 1975 fosters an appreciation of the city’s historical and architectural resources through preservation activities and public education. Citizen volunteers serve on the City’s boards, committees and commissions, often with coastal stewardship as a goal. Below are a few recent examples:

### 1.6.1 Monitoring Birdlife

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

The City has partnered with the Audubon Society and the Bureau of Land Management to boost Black Oystercatcher monitoring by volunteers who first undergo training in the specifics of collecting data about these birds. The volunteers also collaborate with the U.S. Fish and Wildlife Service which initiated a major effort to identify the distribution and abundance of Black Oystercatchers, determine their reproductive success, and assess habitat and habitat threats in order to determine recommended actions for the long-term success of the California population. The Black Oystercatcher was selected as a U.S. Fish and Wildlife Service Focus Species for

priority conservation action because of its small population size, restricted habitat, and threats to its habitat from human and natural factors. The monitoring efforts also benefit other birdlife such as Black Turnstone, Surfbird, and Wandering Tattler through proactive coastal stewardship, which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan.

### 1.6.2 Harbor Seals

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

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

### 1.6.3 Point Pinos Lighthouse

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

### 1.6.4 Monitoring Water Quality

Through numerous water quality monitoring programs, Pacific Grove has collected valuable water quality data that has informed resource managers, satisfied stormwater permit requirements, and are used by programs as an outreach tool to educate and inform the Pacific Grove community on how individual actions affect the environment. Since 1998, the Monterey Bay National Marine Sanctuary's Citizen Watershed Monitoring Network has trained

volunteers to collect water quality samples in the City of Pacific Grove for both dry weather and wet weather events. The Urban Watch Program was developed in 1998, and is a dry season monitoring program where citizen volunteers monitor urban runoff flowing from storm drain outfalls using field kits to measure common urban pollutants such as chlorine and detergents. In 2007, the Monterey Regional Stormwater Management Program (MRSWMP), of which Pacific Grove is a member, began funding a regional stormwater monitoring program in which volunteers collect water samples from outfalls during the first major rain of the season. This program is called First Flush. In addition, the City of Pacific Grove has funded the Citizen Watershed Monitoring Network Program to do effectiveness monitoring related to infrastructure improvements, specifically for the dry weather diversion projects and sewer and storm drain repairs.

### **1.6.5. Intertidal Zone Monitoring**

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



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

*Photo by Kim Worrell*

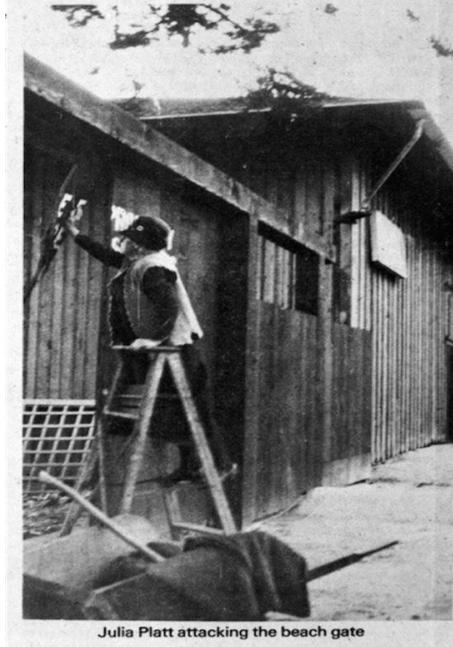
## 1.7 FORMER PACIFIC GROVE MAYOR JULIA PLATT THE EMBODIMENT OF THE SPIRIT OF THIS LAND USE PLAN

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

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

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

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



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

*From Monterey Public Library, History Room Archive.*

## 1.8 PACIFIC GROVE COASTAL ZONE

For Coastal Act purposes, the “Coastal Zone” is the geographic area which the policies of the Coastal Act apply. It is defined by Public Resources Code §30103 and is shown on a set of maps prepared and certified by the California Coastal Commission. The Coastal Zone extends landward a variable distance, depending on topography, and other factors, and changes to its boundary [are](#) made only by the state legislature, except for certain minor adjustments.

Pacific Grove’s Coastal Zone encompasses approximately 458 acres [of land, and the adjacent waters of Monterey Bay and the Pacific Ocean extending seaward to the State’s outer limit of jurisdiction, as shown in Figure 1, Coastal Zone and Planning Areas](#). It extends [approximately 5.4 miles along the shoreline](#) from the Monterey Bay Aquarium located at the City’s northeastern city limits abutting the City of Monterey, to the City’s southwestern city limits abutting the Del Monte Forest area, including the community of Pebble Beach, located in unincorporated Monterey County. Pacific Grove’s Coastal Zone was historically much larger, but, in 1979 the California legislature removed approximately 300 acres from Pacific Grove’s Coastal Zone in the area known as the [Beach Tract](#) (see Public Resources Code §30160 (e)).

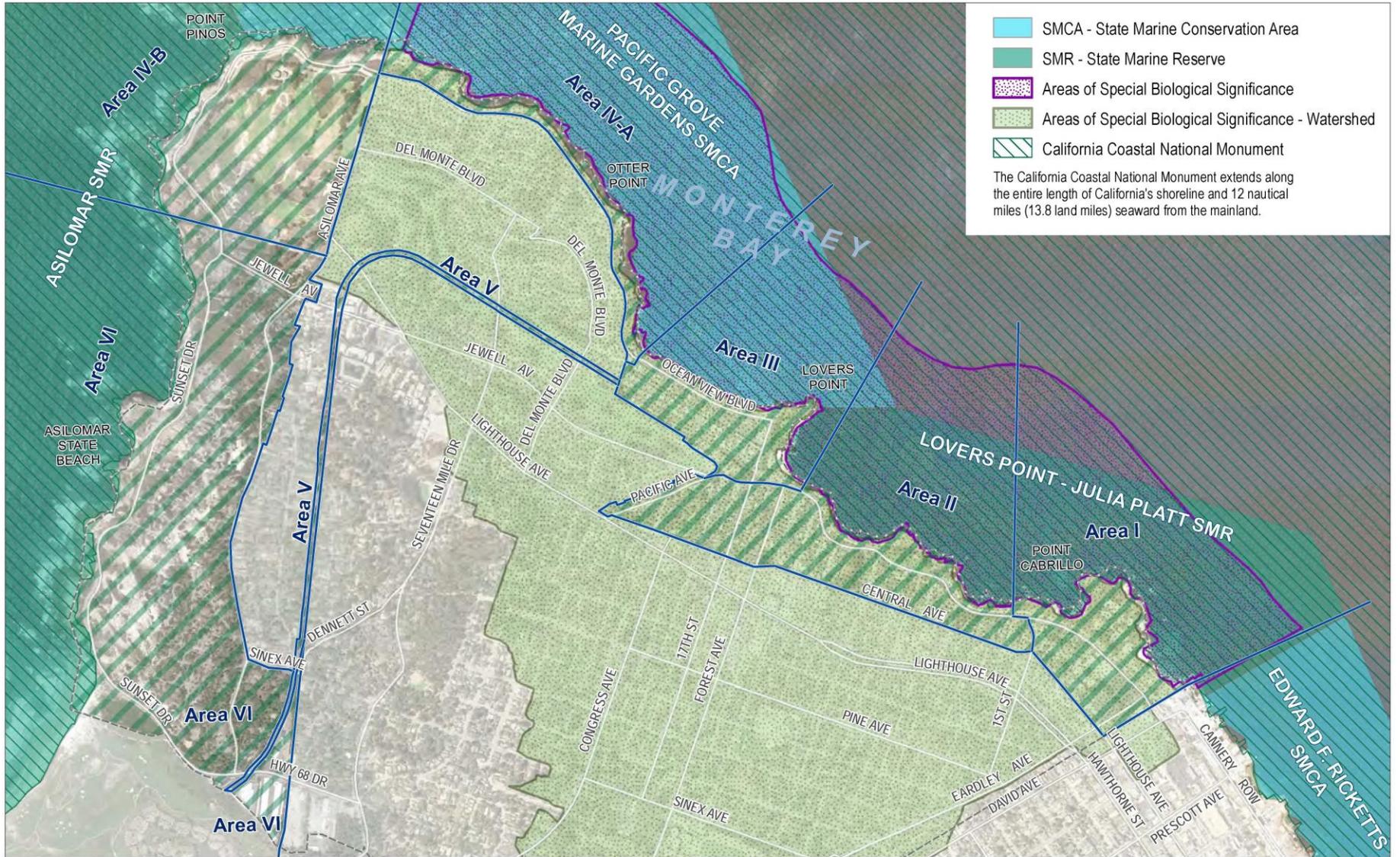
Bureau of Land Management (BLM) managed lands of the California Coastal National Monument are located within the Coastal Zone off the shore of Pacific Grove [as shown on Figure 2, Protected Areas](#). President Clinton established the California Coastal National Monument by Presidential Proclamation No. 7264 on January 11, 2000 under the authority of

the Antiquities Act (16 U.S.C. 431-433). This national monument includes all rocks, small islands, exposed reefs, and pinnacles above water at mean high tide off-shore of Pacific Grove.

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

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

Figure 2: Protected Areas



**Legend**

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

Source: City of Pacific Grove, Google Earth 2013

**Protected Areas**

City of Pacific Grove Land Use Plan

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

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

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

## 1.9 COASTAL DEVELOPMENT PERMITS

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

### [Review and Appellate Authority](#)

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

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

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

## 1.10 TERMINOLOGY USED IN THE LAND USE PLAN

The following terms are used in this Land Use Plan:

- **Armor:** To fortify a topographical feature to protect it from erosion (e.g., constructing a wall to armor the base of a sea cliff), or to construct a feature (e.g., a seawall, dike, or levee) to protect other resources (e.g., development or agricultural land) from flooding, erosion, or other hazards. The term soft armoring refers to a non-permanent, relatively short-term armoring (e.g., temporary sand bags, vegetated berms).
- **Best Management Practices (BMPs):** The methods, measures, and practices selected and designed to reduce or eliminate pollutants in storm water runoff, and/or to minimize changes in runoff flow characteristics resulting from development.
- **Clustered development:** The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.
- **Coastal Act:** The California Coastal Act of 1976, California Public Resources Code §30000 et seq., as amended.
- **Coastal Dependent Use:** Any development, or use that requires a site on, or adjacent to, the ocean to function.

- **Coastal hazard:** Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same, and all as impacted by sea level rise.
- **Coastal Development Permit:** A permit granted for development undertaken [on land or in water](#) in the Coastal Zone in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development [of](#) a specific use on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable), subject to compliance with any conditions of approval imposed on the permit.
- **Coastal resources:** A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including [the ocean](#), beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual resources. Coastal resources [also](#) include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal-related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.), and their related corridors, water bodies (e.g. wetlands, estuaries, lakes, etc.), and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.
- **Coastal Zone:** That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The [Coastal Zone](#) does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with §66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

## 1.0 INTRODUCTION

- **Designated:** Officially assigned a specified status or ascribed a specified name or quality to.
- **Development:** [The term “development” is defined in the Coastal Act and is synonymous with “new development.” The term is broadly defined to include \(among others\) proposed construction of buildings, or divisions of land. Specifically, in compliance with Public Resources Code §30106, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; \[construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility\]\(#\); change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. \[See also “Redevelopment.”\]\(#\)](#)
- **Environmentally Sensitive Habitat Area (ESHA):** Any area [of land or water](#) in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resource Code §30107.5).
- **Feasible:** [Capable](#) of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- **Implementation Plan (IP):** Includes land use zoning and other implementing ordinances that conform with and carry out the Land Use Plan. Effective zoning ordinances and procedures ensure that the objectives of the Land Use Plan are achieved.
- **Land Use:** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.
- **Land Use Plan (LUP):** The Land Use Plan is defined as the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Public Resource Code §30108.5)
- **Local Coastal Program (LCP):** An LCP is defined as “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources

areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level” (Public Resource Code §30108.6)

- Lot coverage: Residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. Permeable surfaces are allowed in Immediate Outdoor Living space and shall not count as lot coverage.
- Major critical public infrastructure: The primary components of energy facilities and public works facilities (as defined by Coastal Act Sections 30107 and 30114, respectively) (e.g. sewer force mains and lift stations, electrical transmission towers and substations, gas transmission lines, and potable water transmission lines, wells, and pumping infrastructure). Individual connections would not be considered major unless connected to a critical facility, such as a hospital. Non-potable water transmission lines are not considered critical public infrastructure.
- **Major energy facility:** Any energy facility as defined by Public Resources Code §30107 and Title 14 California Code of Regulations Section 13012, and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.
- **Major public works project:** Any public works project as defined by Public Resources Code Section 30114 and Title 14 California Code of Regulations §13012 and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.
- **Major structural components:** The components that hold a structure upright, including the foundation, floor framing, exterior wall framing and roof framing of a structure.
- **Major vegetation:** All Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine six (6) inches or greater in trunk diameter measured 54 inches above grade.
- **Non-conforming structure/use (legal non-conforming structure/use):** A structure or use that was legally permitted in conformance with all applicable laws in effect at that time, but does not currently conform with all applicable current Local Coastal Program policies and standards.
- **Pacific Grove Retreat or “Retreat”:** The area located between Pacific Avenue to the west and Dewey Avenue at the east, and north of Central Avenue. The boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone.

- **Public access:** The right or privilege of citizens to visit or view an area or resource.
- **Public Scenic view or public views:** Views as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. A public scenic view, public scenic viewing area or public scenic viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic viewing area” and “scenic vista.”
- **Public scenic viewing area or Public viewing area:** A location along public highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters where there are scenic views of the beach and ocean, coastline, dunes and other unique natural features or areas. A public scenic view, public scenic viewing area or public scenic viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic view” and “Scenic vista.”
- **Redevelopment:** A structure shall be considered redeveloped, when such development consists of alteration of 50% or more of the major structural components, including exterior walls, floor and roof structure, and foundation, of such development.
- **Scenic Vista:** A viewpoint that provides expansive views of a highly valued landscape. See also “Public scenic view” and “Public scenic viewing area.”
- **Sea Level Rise:** Gradual and long-term elevation of sea level can change, both globally and locally, due to (a) changes in the shape of the ocean basins, (b) changes in the total mass of water and (c) changes in water density. Factors leading to sea level rise under global warming include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean relative to the land, which might be due to ocean rise and/or land level subsidence.
- **Seawall:** A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also Revetment, Shoreline protective devices)
- **Sensitive coastal resource areas:** An area in which the coastal resources, including scenic qualities and the views of scenic landscapes, and/or biological resources, are considered especially valuable.
- **Shall:** Denotes a requirement that is mandatory whenever the criterion for conformance with the specification requires that there be no deviation.

- **Shoreline protective device:** A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards. (See also seawall).
- **Should:** Denotes a guideline or recommendation whenever noncompliance with the specification is permissible.” When used as an auxiliary verb, it expresses “a conditional or contingent act or state ... or moral obligation.”
- **Significant environmental impact (significant adverse impact on the environment):** A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, 14 California Code of Regulations §15382).
- Site coverage: The sum of building coverage plus areas covered by impervious surfaces. Site coverage is expressed as a percentage.
  1. In determining site coverage, the following shall be counted:
    - a. Sand-set bricks and/or pavers, paving and/or flagstones, asphalt, concrete, mortared brick and stone, and decomposed granite;
    - b. Open porches; and
    - c. All accessory structures not already counted towards building coverage.
  2. In determining site coverage, the following shall not be counted:
    - a. Four hundred square feet of any driveway, except for portions that serve as required parking space(s) or which occupy a required side yard;
    - b. Sixty square feet of walkway, stoop, landing, stairway and/or steps in the front yard on building sites which are 50 feet or more in width;
    - c. Turf block driveways and walkways and other pervious surfaces, unless covered; and eaves and/or cantilevered portions of buildings.
- **Social well-being:** Social well-being is an end state in which basic human needs (water, food, shelter) are met and people are able to coexist peacefully in communities with opportunities for advancement.

## 1.0 INTRODUCTION

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

## 2.0

# NATURAL SYSTEMS AND RESOURCE MANAGEMENT

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

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

## 2.1 COASTAL HAZARDS (HAZ)

### 2.1.1 Background – [Coastal Hazards and Sea Level Rise](#)

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

Among the most significant natural hazards along the Pacific Grove coastline are large winter storms and waves, and ongoing bluff and shoreline erosion. Impacts associated with storms, waves and erosion have fallen disproportionately on the built environment and natural systems at the ocean-land interface. In addition, the Hopkins Marine Station has long been listed as being particularly vulnerable to tsunamis. [The City's 2015 Climate Change and Vulnerability Analysis outlines many of these challenges but indicates](#) that tsunamis have a relatively lower potential for damage to life and property due to the configuration of Monterey Bay and orientation of the Pacific Grove Coastline.

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

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

Although the exposed granite rock mass at the Pacific Grove shoreline is generally erosion-resistant, a combination of [ground squirrel and other animal activities](#); wave and tidal action; [stormwater runoff](#) and heavy pedestrian use has resulted in localized shoreline erosion [sometimes affecting trails, parking lots, and even the road](#). The City has historically sought to remedy this problem through a sea wall construction program and some shoreline armoring. As a result, the natural character of the Bay shoreline within the City has been altered to some extent by shoreline armoring that has been installed between Point Pinos and Point Cabrillo.

While bluff erosion along the Pacific Grove shoreline has generally been a localized problem, the winter storms of 1982-83 resulted in extensive damage. Riprapping washed out, storm drains were damaged, and parking areas were destroyed by the strong waves from these storms. However, except for riprapping and sea walls which extend east of Point Cabrillo all the way to

the eastern boundary of the City, including a portion of the Monterey Bay Aquarium, the immediate shoreline area is used predominately for open [space recreational](#) purposes.



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



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

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

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

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

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

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

The best available and most recent scientific information with respect to the effects of long-range sea level rise, including the coastal hazards analysis identified in the *Background Report* and *Climate Change and Vulnerability Analysis*, must be considered in the preparation of findings and recommendations for all geologic, geotechnical, hydrologic, and engineering investigations. Furthermore, the City will continue to consider the findings of future scientific studies that increase and refine the body of knowledge regarding potential sea level rise and coastal hazards in Pacific Grove and along the Monterey Bay, and possible responses to it. Additionally, the City may utilize the variety of academic institutions and non-governmental organizations in the region with expertise in climate change [such as: University of California Santa Cruz, California State University Monterey Bay, Naval Postgraduate School, Middlebury Institute for International Studies at Monterey, Stanford-Hopkins Marine Station, Stanford-Center for Ocean Solutions, the Nature Conservancy, and the Monterey Bay Aquarium](#), to assist the City with data collection and research regarding the potential impacts of climate change and possible

adaptation responses. Also, data from the Monterey Tide Gauge (NOAA Station 9413450) which was installed in 1973 can be utilized to report local sea levels and track sea level rise.

### 2.1.2 Coastal Act Policies – Coastal Hazards and Sea Level Rise

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

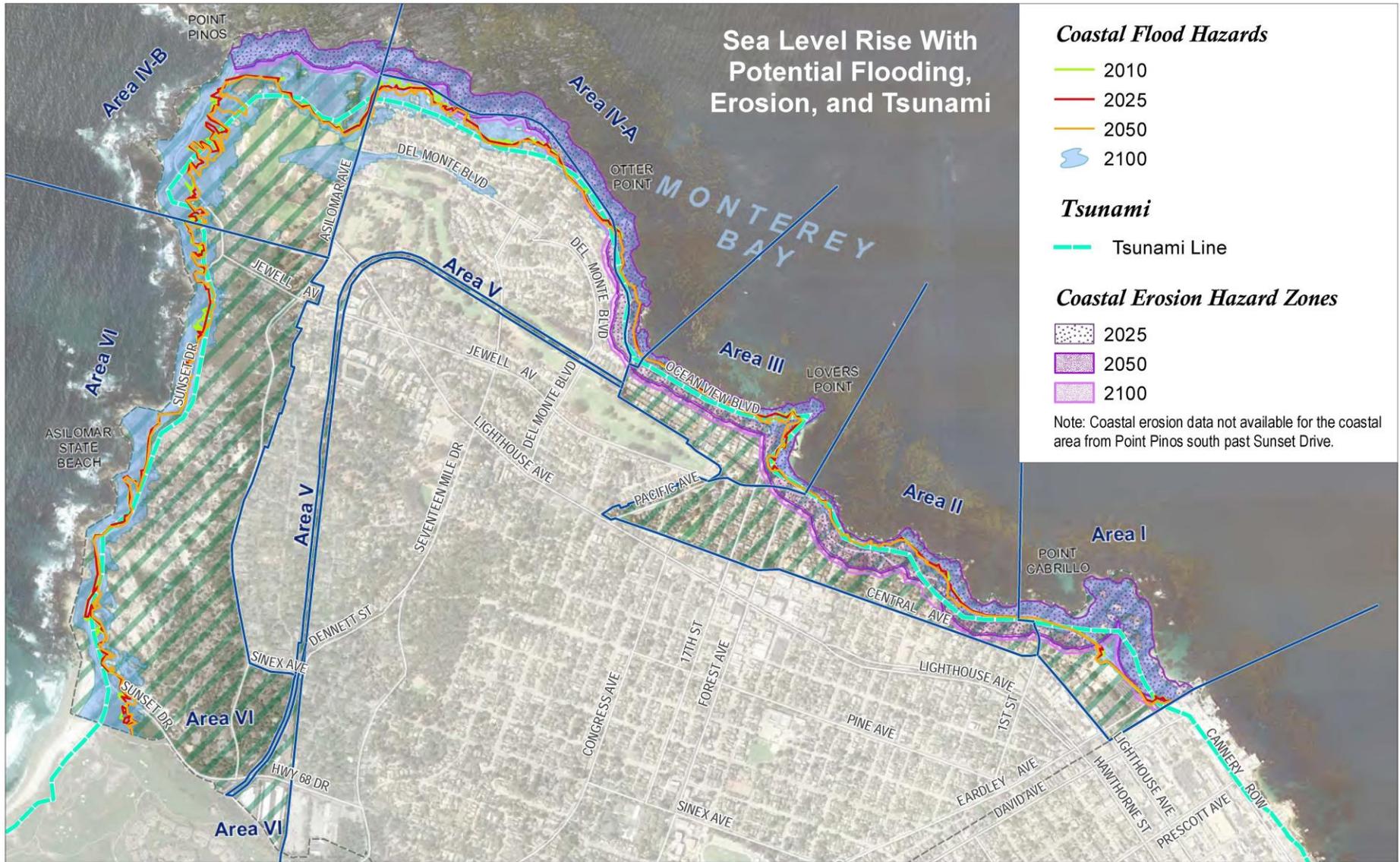
1. Use of best available science to guide decisions;
2. Minimization of coastal hazards through planning and development standards;
3. Maximization of protection of public access, recreation, public views and other coastal resources; and
4. Maximization of agency coordination and public participation.

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

1. Prevent degrading impacts to Environmentally Sensitive Habitat Areas (Public Resources Code §30240);
2. Mitigate adverse impacts to archeological resources (Public Resources Code §30244);
3. Protect ocean views, minimize the alteration of natural land forms, and be visually compatible with and subordinate to the surrounding character of the area (Public Resources Code §30251); and
4. Provide, and not interfere with, maximum public recreational access to and along the shoreline (Public Resources Code §§30210, 30211 and 30212).

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

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



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

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

**Areas of Potential Sea Level Rise Hazard**

City of Pacific Grove Land Use Plan

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

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

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

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

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



*Tsunami Hazard Zone Sign. Photo Credit: [www.NOAA.gov](http://www.NOAA.gov)*

- HAZ-1.** The City shall continue to gather information on the effects of sea level rise and other coastal hazards on Pacific Grove's shoreline, including identifying the most vulnerable areas, structures, facilities, and resources, specifically areas with priority uses such as public access and recreation resources, Environmentally Sensitive Habitat Areas, and existing and planned sites for critical infrastructure. Updates to the LCP, including through any vulnerability assessment, shall use the best available science, including the best available scientific estimates of expected sea level rise and potential resultant impacts. The information gathered should address [the following](#) multiple time frame horizons 2025, 2050, and 2100, as appropriate and feasible.
- HAZ-2.** Based on the information gathered over time per Policy HAZ-1, the City shall evaluate whether additional policies and other actions for inclusion in the Local Coastal Program are necessary in order to address the impacts of sea level rise and other coastal hazards, particularly those related to erosion. As applicable, such periodic evaluations may result in Local Coastal Program changes [to hazard policies](#). [The City's periodic evaluations shall commence when the mean high water tidal datum has risen 3 inches \(76.2mm\) on average for an entire year above the forthcoming updated tidal epoch mean high water level at the Monterey Tide Gauge \(NOAA Station 9413450\) adopted by the National Ocean Service. The City's period evaluations shall occur approximately once every 5 years, and the updated North American Vertical Datum of 1988 \(NAVD88\) shall be referenced for the mean high water tidal datum. The tidal epoch is anticipated to be updated and adopted by the National Ocean Service in 2020. See Policy HAZ-12 for specific policy regarding development in hazard areas.](#)
- HAZ-3.** The City shall monitor sea level rise and request changes to the Coastal Zone boundary, as appropriate and feasible. The City shall minimize the need for construction of new shoreline protective devices through management and, where necessary, restoration of the coastal park lands, including control of pedestrian use, parking, and ground squirrel and other rodent, vermin, or animal activities.
- HAZ-4.** The City shall maintain a warning system and procedures for protection of life and property in coastal areas that are subject to storm and tsunami hazard, including informing visitors to the shoreline of the potential danger of large waves, and shall coordinate closely with the Monterey County Office of Emergency Services on the implementation and future amendment of the Monterey County Multi-jurisdictional Hazard Mitigation Plan.
- HAZ-5.** The City should coordinate planning and management of the coastal park lands with adjacent jurisdictions and other public agencies such as the City of Monterey,

Monterey County, State Water Resources Control Board, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Parks and Recreation, the California Department of Fish and Wildlife, the United States Coast Guard, and the California State Lands Commission, which has decision-making authority on policies that affect land below the mean high tide line. The City should also coordinate planning and management of the coastal park lands on its-downcoast borders with the Pebble Beach Company and other large private landowners, where feasible.

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

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

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

**HAZ-7.** The City shall strive to minimize erosion of the shoreline by directing people to use public access pathways and stairways. The City shall coordinate public recreation and access points with the Bureau of Land Management to ensure that public access use is designed to mitigate adverse impacts to the California Coastal National Monument and its geological, biological, cultural, and visual resources.

**HAZ-8.** Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in critical danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.

**HAZ-9.** Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. As a condition of approval for all coastal development that may be subject to coastal— hazards at some point during its lifetime, the Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazards.

**HAZ-10.** Public recreational access facilities (public parks, trails, and paths), public infrastructure (public roads, sidewalks, and public utilities), and coastal-dependent development (any development or use that requires a site on, or adjacent to, the sea to be able to function such as- Hopkins Marine Station) shall be sited and designed in such a way as to limit potential impacts to coastal resources over their lifetime. See also Policy HAZ-15.

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

whether modifications to related or nearby stormwater or sewer infrastructure are feasible to better address coastal hazards and better protect coastal resources.

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

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

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

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

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

Regardless, development proposed in or near potential hazard areas shall conduct a site specific hazards study when the mean high water tidal datum referenced to the North American Vertical Datum of 1988 (NAVD88) has risen three (3) inches on average for an entire year above the updated 2020 tidal epoch mean high water level (in NAVD) at the Monterey Tide Gauge NOAA Station 9413450 adopted by the

[National Ocean Service. See also Policy HAZ-2 for policy regarding the City's periodic evaluation of Land Use Plan policies related to sea level rise.](#)

**HAZ-13.** The Pacific Grove shoreline is an irreplaceable resource and its preservation as a natural living shoreline is a matter of great public importance. Therefore, the intent of the Local Coastal Program is to ensure that shoreline protective devices and other shoreline altering development are only utilized when they protect Local Coastal Program priority development and uses, and only when all coastal resource impacts are appropriately and proportionately mitigated, including consistent with Policies HAZ-14, HAZ-15, HAZ-16, and HAZ-17.

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

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

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

constructed to protect non-coastal-dependent private coastal development, or where other measures can adequately mitigate erosion hazards. However, the two existing coastal shoreline private residential properties within the City may be evaluated in the future as an exception and may be considered for shoreline protection. All construction associated with shoreline protective devices and repair or maintenance or augmentation of existing protection devices shall be designed to eliminate or mitigate adverse impacts to the California Coastal National Monument and its geological, biological, cultural and visual resources.

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

## 2.2 WATER AND MARINE RESOURCES (MAR)

### 2.2.1 Background – Water and Marine Resources

Pacific Grove’s water and marine resources include the rocky intertidal and subtidal areas of the coastline interspersed with sandy beaches and coastal bluffs, all of which provide diverse and highly valued public coastal habitats. The City’s shoreline includes natural habitats such as beaches, tide pools, rock formations and offshore kelp forests. The rocky intertidal area, between the high and low tide lines, as well as the offshore kelp forests and nearshore waters of the Monterey Peninsula, are among the most diverse and species rich of any habitat in the world. This is a result of the unusual conditions along the Pacific Grove coast, including but not limited to early morning or late afternoon tides, moderate weather, foggy skies, nutrient-rich, upwelling water, hard rock, and coarse sand. Pacific Grove’s water and marine resources have attracted the University of California, Berkeley, and Stanford University to establish marine laboratories here in the 19<sup>th</sup> century, and Edward Ricketts, now considered the preeminent marine biologist of his time, to establish his collecting business in Pacific Grove in the early 20<sup>th</sup> century. World class marine biological research continues in Pacific Grove at Stanford Hopkins Marine Station, and the intertidal areas around Point Pinos in particular continue to attract classes from K-12 through colleges and universities.- Pacific Grove’s intertidal, in fact, is very special and unique to Pacific Grove. American politician and conservationist Julia Platt recognized that when she was mayor in the early 1930s and successfully established the Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Refuge.

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

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

In addition, the tidelands grant to the City from the State of California, approved by the Governor James Rolph on June 9, 1931, prohibits use of those tidelands for “commercial,

industrial or revenue producing uses or purposes” although use of the tidelands for “boat and yacht harbors, boating and yachting, swimming tanks, and other like and kindred purposes” is allowed.

In March 2012, the State Water Resources Control Board adopted a statewide General Exception to permit storm water discharges to the Area of Special Biological Significance, with Special Protections. The Pacific Grove Area of Special Biological Significance is one of 34 state-designated Areas of Special Biological Significance in near shore waters along the California coast. Areas of Special Biological Significance are a subset of state water quality protection areas in the ocean along California’s coast that require special protection per the *California Marine Managed Areas Improvement Act*. Their protection is promulgated by the State Water Resources Control Board through the *California Ocean Plan*. The *Ocean Plan* prohibits the discharge of waste to a designated Area of Special Biological Significance. Special Protections have also been adopted by the State Water Resources Control Board as part of the statewide National Pollutant Discharge Elimination System storm water permit that applies in Pacific Grove. The City is currently working on drafting the compliance plan, which is anticipated for completion in [Fall 2016](#), and must describe how structural and non-structural controls are being implemented to reduce pollutant loads to the Area of Special Biological Significance.

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

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



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

Majella Slough, a small freshwater wetland, is located south of Sunset Drive within the Asilomar State Beach and Conference Grounds. Majella Slough provides valuable and sensitive riparian habitat that is rare within the City limits. Stormwater runoff from nearby areas collects in the Slough, which then flows into the Pacific Ocean. Pollution control for runoff is a necessary step to help ensure the long term health of this important habitat.

### 2.2.2 Coastal Act Policies – Water and Marine Resources

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

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

### 2.2.3 General Plan and Other Policies – Water and Marine Resources

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

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

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

### 2.2.4 Land Use Plan Policies – Water and Marine Resources

Refer also to the Storm Drainage policies in §3.4.8.

**MAR-1.** The City shall continue to work with the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the Bureau of Land Management in developing and maintaining a coordinated approach for enforcing federal, state, and local regulations protecting the marine reserves and conservation area, the Sanctuary, California Coastal National Monument, and Areas of Special Biological Significance.

**MAR-2.** Wetlands including Crespi Pond and the Majella Slough riparian area shall be considered as Environmentally Sensitive Habitat Areas, and governed by Coastal Act policies 30233, and 30240. No alteration of freshwater wetlands (including Crespi Pond and Majella Slough) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats, as well as other uses and development specified in the Biological Resources and Environmentally Sensitive Habitat Areas chapter of this Land Use Plan, and only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

**MAR-3.** To reduce the potential for degradation or impairment of water quality, including the Pacific Grove Marine Gardens State Marine Conservation Area and Area of Special

Biological Significance, the City shall continue to investigate and implement new measures to reduce potential pollutants in storm water and irrigation runoff and require the following:

- No diking, filling, dredging, or other uses inconsistent with the terms of the grant of tidal protection from the State of California or Coastal Act Policy 30233 shall be allowed in the City's tidelands.
  - To the maximum extent feasible, development shall include specific measures to help reduce potential pollutants and water quality impairment, including controlling the disposal of chemicals and hazardous materials, controlling the use of pesticides and herbicides, maintaining existing storm water capture programs, applying low impact development designs and requiring on-site retention and/or reuse of runoff. -The City shall utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property and encourage this practice on private property.
  - Drainage plans and erosion, sediment and pollution control measures shall be required as conditions of approval of every application for new development that has the potential to impair water quality.
  - Development that has the potential for water quality impairment shall be designed to meet NPDES stormwater runoff requirements.
- MAR-4.** The City should work with the Pacific Grove Natural History Museum, California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, National Oceanic and Atmospheric Administration, and Bureau of Land Management to maintain information and interpretation programs to increase public awareness of the valuable marine resources and habitat in the marine reserves and conservation areas, the Sanctuary, National Monument, and Area of Special Biological Significance.
- MAR-5.** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to species and areas of special biological significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
- MAR-6.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where

feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface [water flow](#), encouraging waste water reclamation, maintaining natural vegetation buffer areas that protection riparian habitats, and minimizing alteration of natural streams.

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

**MAR-8.** [Plan, site, and design development in a manner that maintains or enhances on-site infiltration, reduces runoff, minimizes the transport of pollutants in runoff generated from the development, and recharges groundwater. When required by the City's NPDES permit, runoff shall be appropriately collected, filtered, and treated by Best Management Practices \(BMPs\) to minimize pollutant loading to the maximum degree feasible.](#)

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



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

## 2.3 SCENIC RESOURCES (SCE)

### 2.3.1 Background – Scenic Resources

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

The City’s scenic resources are publicly visible from not only areas in the City’s Coastal Zone but also from areas on Monterey Bay, across the bay, and from some locations along Highway 1. Few structures exist seaward of Ocean View Boulevard or Sunset Drive, and most of the shoreline is in public ownership with public access provided in many areas by a heavily-used recreation trail along a major portion of the coastline. Pacific Grove’s scenic coastline is a significant draw for tourists. [Figure 4, Scenic Areas](#), shows the areas designated by the City as having special scenic significance.

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

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

Public views inland from Sunset Drive toward the dunes and forest-front zone are a valuable scenic resource. [Careful siting](#) and design [help to provide](#) compliance with the biological resources, scenic and visual resources, and community character and design policies of this Land Use Plan. The Asilomar Dune’s unique visual and biological characteristics are an important resource to the community and make the area a popular destination for visitors. As such, the

Asilomar Dunes is considered a “special community” within the context of Resources Code §30253(e). Policies are included in this Land Use Plan [while specific development standards, such as residential design standards, height limits, and landscape treatments are included in the Implementation Plan](#), to ensure the area’s [unique characteristics and spectacular public views are](#) protected consistent with provisions of the Coastal Act.

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

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



*Pacific Grove Coast. Photo credit Doug Brown.*

### 2.3.2 Coastal Act Policies – Scenic Resources

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

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

### 2.3.3 General Plan and Other Policies – Scenic Resources

The Pacific Grove General Plan designates most shorefront lands for open space. Natural Resources Element Goal 3 is to preserve public visual access to the ocean. Urban Design and

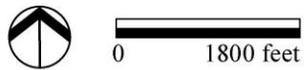
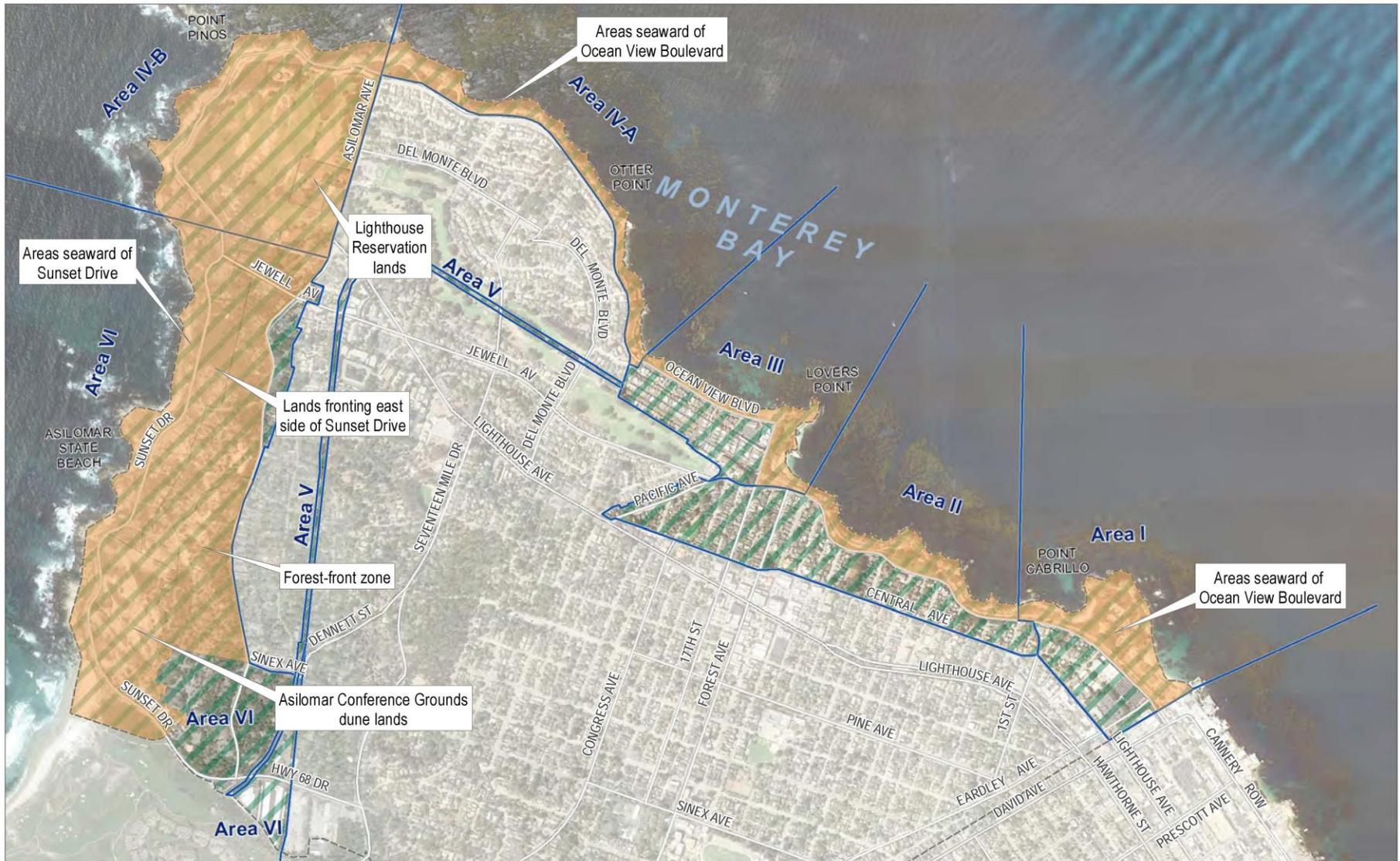
Structure Element Goal 2 calls for the enhancement of the relationship between the City and the Pacific Ocean and Monterey Bay. However, to a great extent, the Pacific Grove General Plan relies on more detailed policy in the Local Coastal Program to protect and preserve coastal open space lands and public [viewsheds](#), including from encroaching urban development that might harm natural resources or diminish coastal views.

Figure 4, [Scenic Areas](#), shows the areas designated by the City as having special scenic significance; however, it is also the policy of the City to consider and protect the visual quality of all scenic areas that are part of the public [viewshed](#), whether designated or not, as a resource of public importance. The portion of Pacific Grove's Coastal Zone designated scenic includes: all public view areas along Pacific Grove's shoreline; all areas seaward of Ocean View Boulevard and Sunset Drive as shown on [Figure 4, Scenic Areas](#); Lighthouse Reservation lands; Asilomar Conference Ground dune lands visible from Sunset Drive; lands fronting on the east side of Sunset Drive; the Asilomar Dunes residential area, and the forest-front zone between Asilomar Boulevard and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue).

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

- Designation of "scenic areas;"
- Preservation and enhancement of public views to and along the ocean and scenic coastal areas;

Figure 4: Scenic Areas



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

Source: City of Pacific Grove, Google Earth 2013

## Scenic Areas

City of Pacific Grove Land Use Plan

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

### 2.3.4 Land Use Plan Policies – Scenic Resources

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

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

Development standards for such special scenic significance areas shall include, but not be limited to, special siting and design criteria including avoiding accessory development such as fences, in open space views, clustering to maximize open space

views, height and story limitations, bulk and scale limitations, screening and landscaping requirements, natural materials and color requirements, minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces, etc.; requirements to prepare landscaping plans utilizing drought tolerant and native plants that protect and enhance scenic resources; minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas.

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

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

resources. Siting, design, and land use concepts that minimize removal and damage should be applied and are preferred. Retained trees that are located close to construction areas shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate and necessary to protect the well-being of the retained trees.

**SCE-10.** Permanent open space may be achieved through dedication of scenic conservation easements by property owners or by acquisition of fee title or development rights by the City, another governmental entity, or by a private foundation. [Public access, such as designated trails, of these open space areas shall be encouraged if it does not negatively impact habitat or public views.](#) The City encourages assistance from the state or suitable foundations in the acquisition of these important areas.

**SCE-11.** [Site location and development of wireless telecommunications facilities shall preserve the visual character and aesthetic values of the site and surrounding land uses and shall not significantly impact public scenic views. Attaching wireless equipment to existing structures and camouflaging and co-location is encouraged.](#)

## 2.4 BIOLOGICAL RESOURCES AND ENVIRONMENTALLY SENSITIVE HABITAT AREAS (BIO)

### 2.4.1 Background – Biological Resources and Environmentally Sensitive Habitat Areas

#### *Environmentally Sensitive Habitat and Biological Sensitivity*

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

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

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

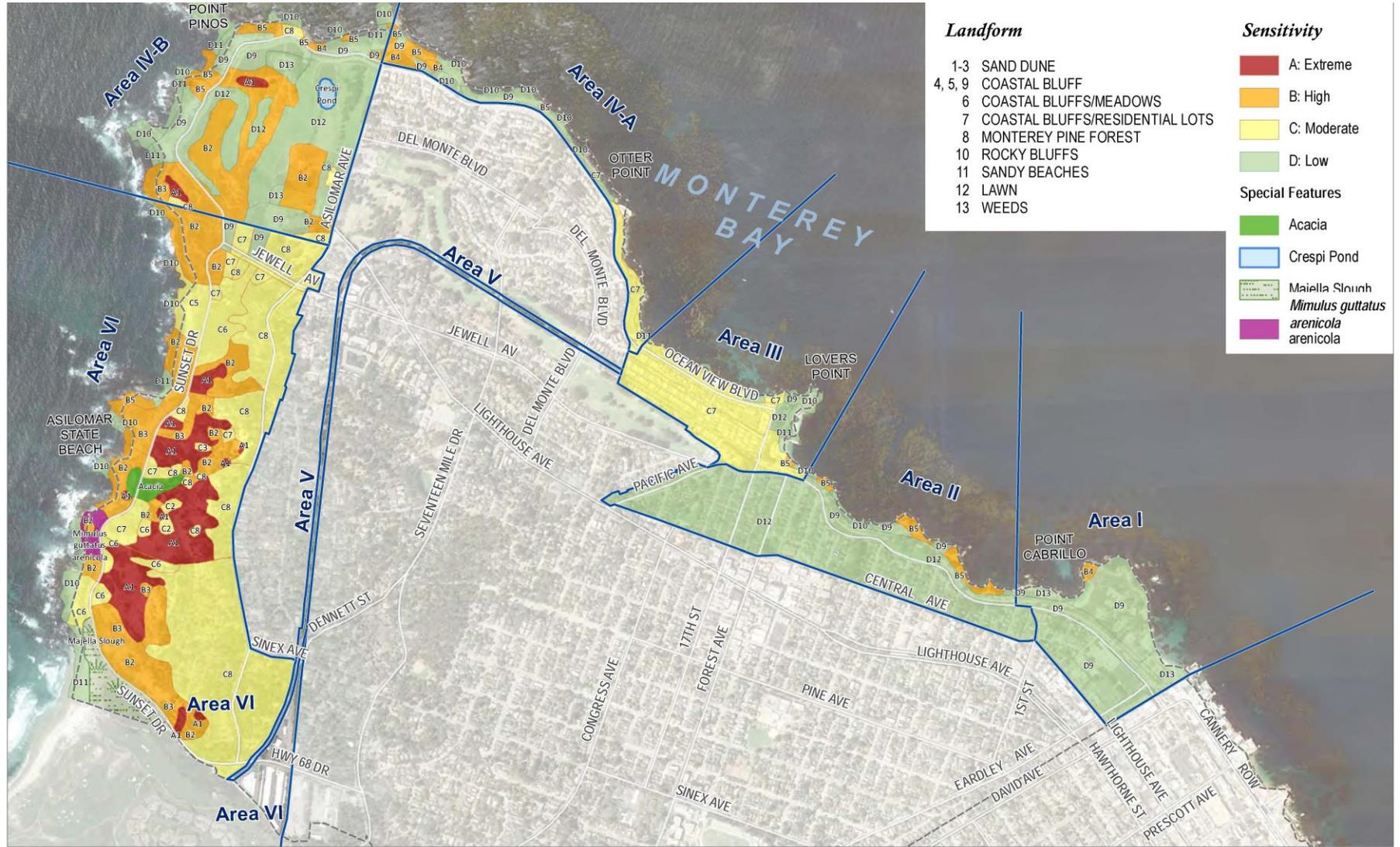
Other types of Environmentally Sensitive Habitat Areas, that are not yet known, may also be determined within the Coastal Zone based upon new information. For example, the United States Fish and Wildlife Service or California Department of Fish and Wildlife may identify and protect a new species that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



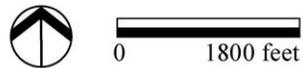
*Monarch butterfly clustering in Pacific Grove.  
Photo Credit Pacific Grove Museum of Natural  
History.*

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

Figure 5: Land Habitat Sensitivity Map



Landform	Sensitivity
1-3 SAND DUNE	A: Extreme
4, 5, 9 COASTAL BLUFF	B: High
6 COASTAL BLUFFS/MEADOWS	C: Moderate
7 COASTAL BLUFFS/RESIDENTIAL LOTS	D: Low
8 MONTEREY PINE FOREST	
10 ROCKY BLUFFS	
11 SANDY BEACHES	
12 LAWN	
13 WEEDS	
Special Features	
Acacia	
Crespi Pond	
Maiella Slough	
Mimulus guttatus arenicola	
Mimulus arenicola	



**Legend**  
 — Planning Area Boundaries  
 □ City of Pacific Grove  
 — Major Roads

Source: City of Pacific Grove, Google Earth 2013

# Land Habitat Sensitivity Map

City of Pacific Grove Land Use Plan

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

### **Asilomar Dunes Residential Area**

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

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

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

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

### ***Characteristic Flora and Fauna***

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

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

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

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

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

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

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

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



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

### ***Asilomar Dunes Residential Area***

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

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

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

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

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

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

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

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

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

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

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

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

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

##### *Flora and Fauna*

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

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

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

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

**BIO-3.** Applications for development within and near Environmentally Sensitive Habitat Areas shall be accompanied by a habitat assessment prepared by a qualified biological and a botanical survey by a qualified expert prepared at the owner’s expense, prior to consideration of a project within the City.

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

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

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

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

**BIO-6.** Non-native species shall be prohibited, shall be required to be removed, and shall not be allowed to persist in Environmentally Sensitive Habitat Areas, including in the

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

adjacent to the Pacific Grove Recreation Trail. Impacts to public access from such measures shall be minimized. In addition, the City could use trained volunteer docents, including National Oceanic and Atmospheric Administration trained Bay Net volunteer docents when available, to educate and engage the public on the activities of the seals, and to monitor and document all activities in the vicinity of the program, including any unauthorized human interruptions.

- BIO-12.** The City shall continue to encourage the Hopkins Marine Station to remove exotic plants, restore a native bluff plant community, and reduce erosion on the rocky outcrop. Any new development or redevelopment at Hopkins shall include a landscape plan that effectively utilizes native vegetation to reduce erosion.
- BIO-13.** The City shall encourage native, drought resistant vegetation and species compatible with the scale and character of current vegetation within the Coastal Zone.
- BIO-14.-** The City shall develop a joint Black Oystercatcher management plan with State Parks, and Black Oystercatcher research organizations and agencies. The management plan shall include an education program -such as interpretative signage for public understanding of the sensitive nature of the Black Oystercatcher habitat and the importance of not disturbing nesting Black Oystercatchers. During the nesting season, March through August, areas may need to be closed to promote Black Oystercatcher fledgling success. Impacts to public access shall be minimized during such closures.
- BIO-15.** Careful management practices shall be in place to responsibly relocate mountain lions that occasionally prey on deer, coyotes that prey on domestic animals, and bears who may venture into the community to forage in garbage cans. The University of California Santa Cruz's Puma Project can assist with mountain lion relocation, along with the California Department of Fish and Wildlife.
- BIO-16.** The City shall maintain and enhance the Monterey pine and cypress stands and canopy within the Coastal Zone to the maximum extent feasible, taking care that new plantings do not adversely affect public views. This program should continue to be updated periodically with a complete inventory of the trees within the Coastal Zone to determine the age of the trees, disease, if any, and the needs for continued reforestation in the City. The City's 2015 Tree Inventory shall be included as a guiding resource.
- BIO-17.** Certain trees are "major vegetation," where the removal of which constitutes development and requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees including all Gowen Cypress

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

### ***Asilomar Dunes Residential Area***

- BIO-18.** Limited residential development may occur in Environmentally Sensitive Habitat Area in the Asilomar Dunes Residential Area. Development in the Asilomar Dunes Residential Area shall be carefully sited and designed to ensure maximum protection of: dunes, including with respect to sensitive species and including degraded dunes, the native oak and Monterey pine forests which stabilize the inland edge of the high dunes along Asilomar Avenue southwards from the vicinity of its intersection with Pico Avenue; and public views, particularly views from along the first through public road and the California Coastal Trail.
- BIO-19.** Development within the Asilomar Dunes Residential Area shall be subject to the required habitat assessment in all cases. In addition to habitat assessment requirements more generally, such assessments associated with the Asilomar Dunes Residential Area shall identify measures to be applied that maximize protection of dunes, other habitats, and public views.
- BIO-20.** Within the Asilomar Dunes Residential Area contiguous areas of undisturbed land shall be maintained and established, wherever feasible, to help protect Environmentally Sensitive Habitat Areas and associated habitat values. To this end, development adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to keep development intensity as low as possible in adjacent areas that may impact sensitive habitats, including through application of applicable planning criteria (e.g., related to drainage design, roadway design, and public safety) and coastal resource protection requirements. Clustering of development, including in relation to development on adjacent lots, is required if it results in larger contiguous open space and Environmentally Sensitive Habitat Areas and/or better protects public views.
- BIO-21.** The City shall focus preservation efforts, including seeking and applying funds to purchase vacant parcels in Asilomar Dunes, in order to permanently preserve this area as much as possible as open space. The City shall recognize– the area’s forest

and other scenic qualities, that contribute to public views, including visual access to the ocean.

- BIO-22.** Development in the Asilomar Dunes Residential Area shall be sited and designed to avoid and limit impacts on the dune habitats and visual landscapes as much as possible, including avoiding development antithetical to the open space dune environment. Policies limit residential development in this area in order to maximize sensitive dune habitat and scenic vistas. Residential development is limited to be subservient to the overall dune aesthetic through application of all of the following:
- a. For development on legal lots of record over one-half acre, maximum aggregate lot coverage shall be limited to 15 percent of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. Second residential units and other accessory structures shall be prohibited. In special cases, up to 20% aggregate lot coverage may be allowed on legal lots of record for lots that are one-half acre or less to avoid hardship or where additional site coverage is essential for protecting public views.
  - b. An additional five (5) percent of the total lot area or 1,000 square feet, whichever is greater, may be used as Immediate Outdoor Living Space if such area is contiguous to allowed coverage areas. All other areas of the lot which are not covered and not allocated to Immediate Outdoor Living Space shall be restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration/enhancement and protection. Low minimal fencing for Immediate Outdoor Living Space adjacent to a residence is permitted and may include a property line, but may not exceed 1,000 square feet or five (5) percent of the lot area, whichever is greater, and is allowed subject to City design review. Permeable surfaces are allowed in this area and shall not count as lot coverage.
  - c. Fencing and other such barriers shall be prohibited along any property boundary, with the exception of private Immediate Outdoor Living Space fencing, absent a conclusive showing that such fencing and barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed fences and barriers shall be limited to minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes to allow for wildlife movement, native seed dispersal and visual consistency.

## 2.0 NATURAL SYSTEMS AND RESOURCE MANAGEMENT

- d. All dune restoration, enhancement, and protection areas shall be covered by both a dune restoration, enhancement and protection plan prepared by a qualified dune restoration professional, as well as a deed restriction designed to limit allowed development, use, and activities to those associated with dune restoration, enhancement and protection.
- e. Development shall only be approved within the Coastal Zone if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration, enhancement and protection.
- f. Development should be clustered, including in relation to adjacent development, to maximize continuous dune areas as much as possible, including through such means as shared driveways, which are encouraged.
- g. The front setback on Sunset Drive shall be 75 feet. All new structures, with the exception of landscaping and driveways shall be set back from Sunset Drive at least 75 feet.
- h. Development shall minimize exterior lighting visible from outside, including avoiding light spill into dune areas, and development shall limit glares (e.g., from windows and reflective surfaces), as much as possible.
- i. Development shall be located on the least environmentally sensitive and least visually prominent portion of the site, and shall be limited in size and scale to be as integrated and consistent with the dune landscape as possible.
- j. Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.
- k. Development must incorporate landscape screening through dune restoration (including using dune hummocks and depressions) and native landscaping in such a way as to minimize impacts on the dune viewshed. New development on parcels that abut Sunset Drive shall be limited to 20 feet (one story) in height. All other parcels shall be allowed up to 25 feet (two stories) so long as public views of scenic dune resources are minimized.
- l. If no longer Federal property, development at the National Oceanic and Atmospheric Administration site on Lighthouse Avenue shall be required to maximize restoration and preservation of dune habitat, including through reductions in site coverage and removal of fencing.

- m. Sidewalks shall be prohibited in the Asilomar Dunes. Pedestrian and universal access mobility improvements shall be limited to boardwalks that are sited and designed to best protect dune resources and public views, and to best integrate into existing and planned public recreational access systems.
- BIO-23.** Areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes area shall be required to be mitigated on a 2:1 square foot basis by providing for on-site restoration or enhancement of degraded dune areas in the Asilomar Dunes area. Where on-site restoration does not fully mitigate the impact the requirement may be addressed through offsite restoration or proportionate contributions to the City's Environmental Assessment Fund provided such funds are used for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area.
- BIO-24.** In order to maintain low densities necessary to protect coastal scenic and habitat resources, subdivisions shall be prohibited, except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. The minimum parcel size for new subdivisions is one-half acre for properties fronting on Asilomar Avenue north of Pico Avenue, and one acre for all other areas within Asilomar Dunes.
- BIO-25.** The City shall prioritize restoring, enhancing, and maintaining dune areas in the right-of-way to the maximum degree feasible, including through use of the City's Environmental Assessment Fund targeting areas most in need and within most significant public viewsheds.
- BIO-26.** The City shall work with the Coastal Commission to diligently enforce dune habitat and visual resource requirements and restrictions that apply to existing development in the Asilomar Dunes Residential Area, including actively evaluating and ensuring compliance with Coastal Development Permit requirements- to ensure the dune and visual resources are appropriately mitigated and protected as required.
- BIO-27.** Development associated with existing legal non-conforming residential development in the Asilomar Dunes residential area that:
- Results in redevelopment shall require that all development on the site be brought into conformance with the Local Coastal Program requirements, including with respect to lot coverage and dune restoration/protection requirements. Such redevelopment shall be located roughly in the same location as the existing development, unless a different location would be more protective of dune resources and public views.

### *Asilomar State Beach and Conference Grounds*

- BIO-28.** The City shall support California Department of Parks and Recreation's dune protection efforts at Asilomar State Beach and Conference Grounds, including those efforts designed to:
- a. Implement a dune restoration program including restricting public access, if necessary, in the northern portion of the Asilomar State Beach and Conference Grounds to protect the habitat of rare and endangered dune plants;
  - b. Undertake dune stabilization programs on the central and southern dunes, including planting of native vegetation and contain or direct recreational activities to well-defined areas;
  - c. Ensure that expanded or replacement facilities in dune areas and in the sensitive forest-front transition zone adjacent to the sand dunes are restricted to the existing coverage footprints, building envelopes, or outside of dune areas and the forest-front zone;
  - d. Maintain the native forest of Asilomar State Beach and Conference Grounds and; where necessary, utilize plantings of nursery stock pine trees grown from site-specific stock; and
  - f. Preserve and protect the Majella Slough, on state property south of Sunset Drive, from human intrusion.

## 3.0

# BUILT ENVIRONMENT

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

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

## 3.1 COMMUNITY DESIGN (DES)

### 3.1.1 Background – Community Design

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

With the annexation of the Asilomar Dunes area in 1980, the City assumed new land use planning responsibilities. The location in a scenic coastal area and on sand dunes supporting several rare and endangered plants and animals, requires the City to provide and adhere to strict land use regulations for future development in this area. These land use planning issues are specifically addressed by the Coastal Act, and implemented in the Land Use Plan's Biological Resources and Environmentally Sensitive Habitat Areas chapter.

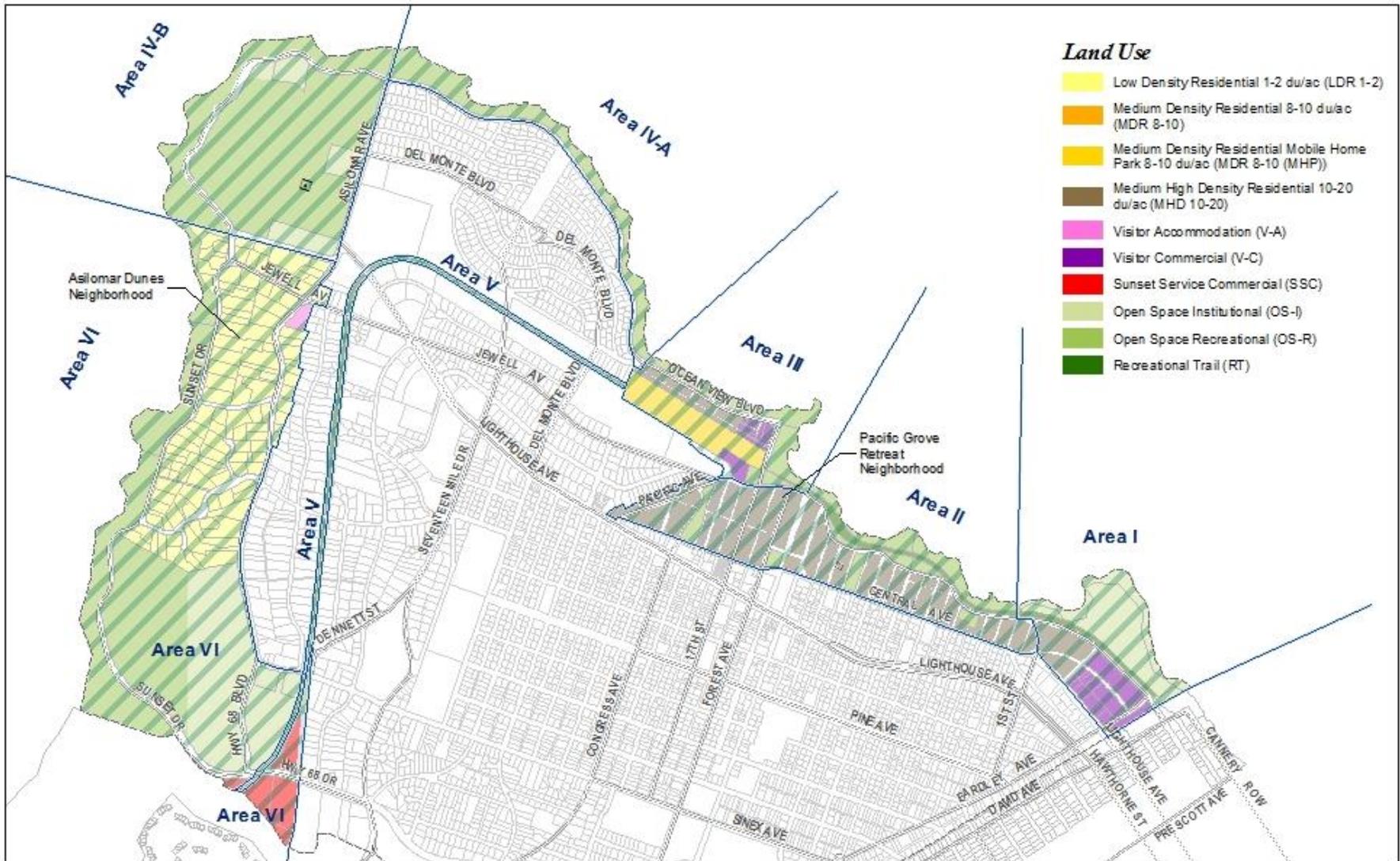
The Lighthouse Reservation area, shown as Area IV-B on the Land Use map, is owned by the United States Government and the City. The former National Oceanic and Atmospheric Administration Southwest Fisheries Center, Point Pinos Lighthouse and United States Coast Guard installation presently operate there.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

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

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

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

Figure 6: Coastal Zone Land Use Designations



**Legend**

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

Source: City of Pacific Grove 2014, Google Earth 2013

## Coastal Zone Land Use Designations

City of Pacific Grove Land Use Plan

### 3.1.2 Coastal Act Policies - Community Design

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

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

### 3.1.3 General Plan and Other Policies – Community Design

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

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

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

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

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

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

### 3.1.4 Land Use Plan Policies – Community Design

Refer also to the Scenic Resources policies in §2.3.4.

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

**DES-2.** Residential [densities, except](#) for allowable second units, shall not exceed those specified on the Land Use Designations figure.

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

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

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

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

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

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

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

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

- DES-7.** Legally established non-conforming structures may be maintained, repaired, redeveloped and expanded so long as the degree of any existing zoning non-compliance is not increased. Several older cottages in the Retreat area were built long before zoning regulations for setbacks were established and it would place an undue burden on the property owner to have to correct what has legally existed for generations.

## 3.2 LAND USES AND DESIGNATIONS (LUD)

### 3.2.1 Background – Land Uses and Designations

Priority land uses, as defined by the Coastal Act, include recreation and visitor-serving and coastal-dependent uses. Coastal-dependent uses in Pacific Grove include portions of the Hopkins Marine Laboratory facilities at Point Cabrillo, the United States Coast Guard and former

National Oceanic and Atmospheric Administration Southwest Fisheries Center facilities at Point Pinos, and the Monterey Bay Aquarium (partially within city limits).

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

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

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

### 3.2.2 Coastal Act Policies – Land Uses and Designations

Coastal Act policies related to priority uses require that Coastal Zone waters and oceanfront land suitable for recreational use be protected for recreational use and development. [Additionally](#) visitor-serving and commercial recreational facilities are given priority on suitable private lands over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry, and that upland areas necessary to support coastal recreational uses be reserved, where feasible, for such uses (Public Resources Code §§30220-30223). Coastal-dependent uses are given further preference (Public Resources Code §30254). The Coastal Act also requires that lower cost visitor and recreational facilities be protected, encouraged and, where feasible, provided, and gives preference to development providing public recreational opportunities (Public Resources Code §30213). Additional policies address the

location and amount of recreation or public facilities development to mitigate against the impacts of overcrowding or overuse ((Public Resources Code §§30212.5, 30250(c) and 30252(6)).

### 3.2.3 General Plan and Other Policies – Land Uses and Designations

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

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

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

### 3.2.4 Land Use Plan Policies – Land Uses and Designations

**LUD-1.** Protection of sensitive habitats, natural landforms, scenic resources, and other coastal resources shall be a priority in all City actions and decisions, and all development shall be modified so as to protect and enhance such resources to the maximum extent feasible. Development shall only be authorized when the proposed use is allowed per the applicable land use designation, and when it meets all applicable Local Coastal Program policies and standards.

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

**LUD-2.** In addition to all applicable Land Use Plan policies, the specific standards for development at the American Tin Cannery building/property located in Assessor

Parcels (APN) 006-231-001, 006-234-004, 006-234-005, and the portion of Sloat [Avenue](#) between Eardley Avenue and Dewey [Avenue](#) (C-V-ATC zoning district) can be found in the Implementation Plan.

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

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

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

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

### ***Permitted Residential Uses***

- LUD-5.** Allowed uses for Coastal Zone areas designated LDR 1-2 include:
- a. single-family residences;
  - b. scenic reserves;
  - c. natural habitat reserves;
  - d. guest/auxiliary/second housing units up to the permitted densities, except within the Asilomar Dunes Residential Area; and
  - e. uses accessory to the above listed uses.
- LUD-6.** Allowed uses for Coastal Zone areas designated MDR 8-10 (MHP) include:
- a. mobile homes; and
  - b. uses accessory to the above listed uses.
- LUD-7.** Allowed uses for Coastal Zone areas designated MDR 8-10 include:
- a. single-family residences;
  - b. multi-family residential units;
  - c. guest/auxiliary/second housing units up to the permitted densities;
  - d. boarding houses;
  - e. bed and breakfast facilities in locations zoned R-3-P.G.R; and
  - f. uses accessory to the above listed uses.
- LUD-8.** Allowed uses for Coastal Zone areas designated MHD 10-20 include:
- a. single-family residences;
  - b. multi-family residential units;
  - c. guest/auxiliary/second housing units at the permitted densities;
  - d. boarding houses;
  - e. professional office uses;
  - f. assembly halls; and
  - g. bed and breakfast facilities; and
  - h. uses accessory to the above listed uses.

### ***Permitted Visitor Uses***

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

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

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

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

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

- a. heavy commercial uses such as lumber yards, building supply centers, home and design centers, business service centers, hardware stores, and indoor and outdoor storage facilities;
- b. industrial uses such as fabrication and light manufacturing;
- c. retail and services uses;
- d. offices;
- e. uses allowed in the areas designated V-C;
- f. uses accessory to the above listed uses.

### ***Permitted Open Space Uses***

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

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

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

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

In the portions of the Union Pacific Railroad right-of-way designated OS-R, the City shall conduct a study evaluating trail alignment, possibly on the road, to link Lovers Point to Asilomar Beach and Spanish Bay. No development shall be allowed within the corridor that would compromise its utility for public recreational access or open space. Development that could impair the use of the corridor as a potential public accessway shall be conditioned to require dedication of a through public recreational access easement to an appropriate public agency prior to issuance of permits; or purchase of a suitable and similar alternate route. If an alternate route is established, it must result in through public access between the Lovers Point area and the existing Spanish Bay trail system, utilizing the abandoned railroad right-of-way wherever feasible. If the former railroad right-of-way is merged with adjoining parcels, the following easements shall be granted:

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

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

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

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

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

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

## 3.3 CULTURAL RESOURCES (CRS)

### 3.3.1 Background – Archaeological Resources

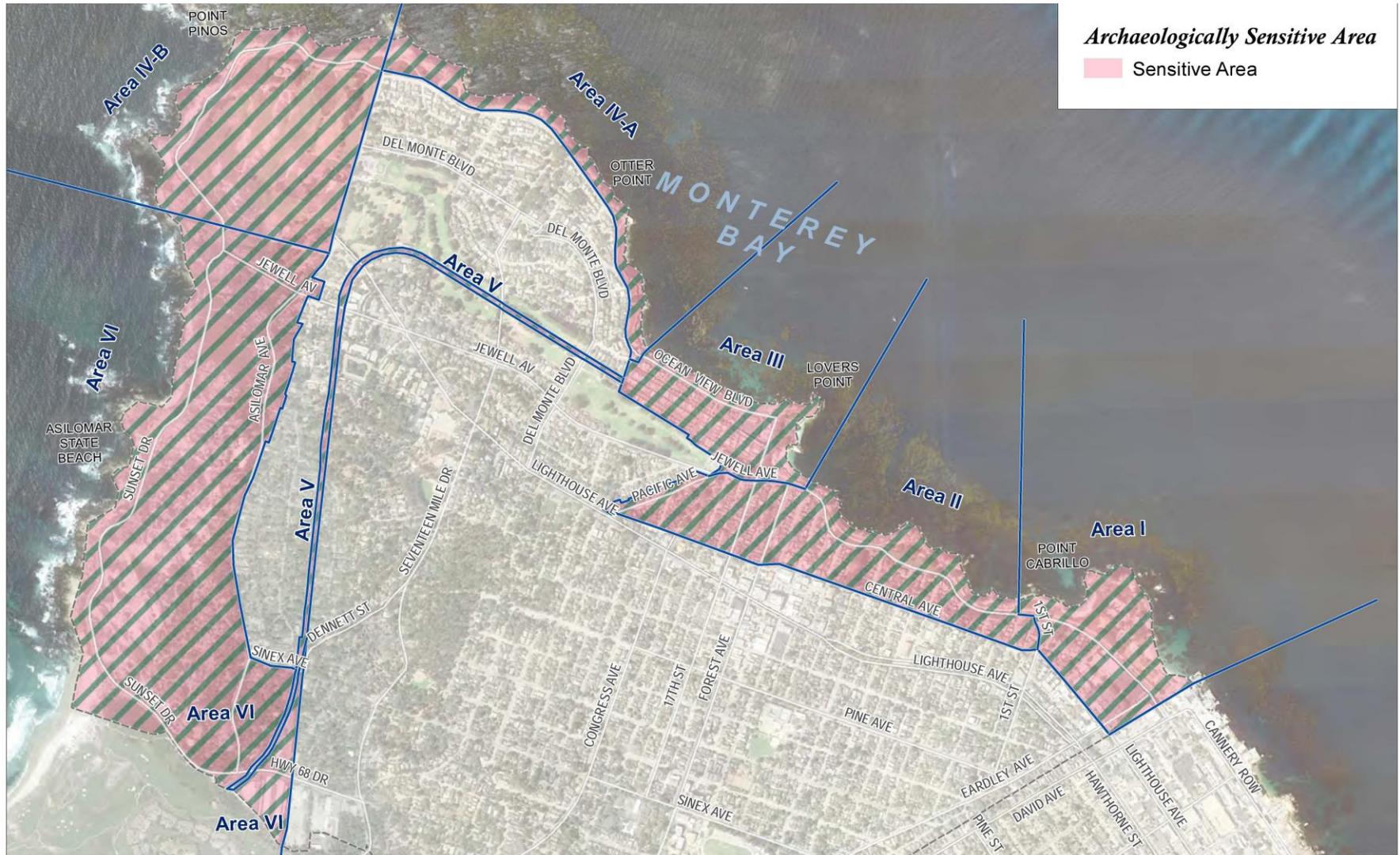
#### *Native American Period (Pre-1500)*

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

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

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

Figure 7: Archaeologically Sensitive Area



*Archaeologically Sensitive Area*  
 Sensitive Area



0 1800 feet

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

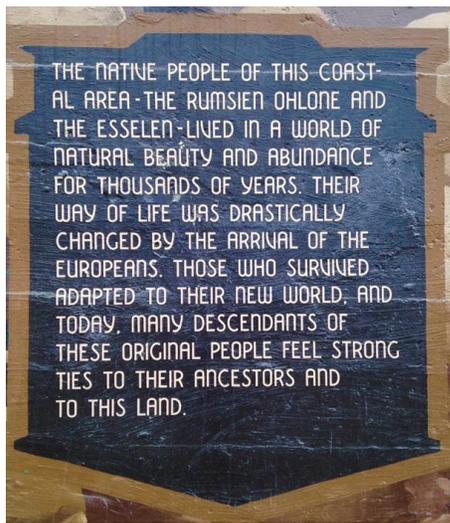
Source: City of Pacific Grove 1989, Google Earth 2013

## Archaeologically Sensitive Area

City of Pacific Grove Land Use Plan

### 3.3.2 Coastal Act Policies – Archaeological Resources

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



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

### 3.3.3 General Plan and Other Policies – Archaeological Resources

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

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

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

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

## 3.0 BUILT ENVIRONMENT

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

### 3.3.4 Land Use Plan Policies – Archaeological Resources

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

### 3.3.5 Background – Historic Resources

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

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

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

### ***The Spanish Period***

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

### ***The Mexican Period***

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

### ***Post Mexican-American War***

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

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



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

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

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

### ***Pacific Grove Retreat***

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

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

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

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

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

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

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

### ***Historic Structures and Other Resources***

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

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

The [renowned](#) Hopkins Marine Station of Stanford built at Cabrillo Point in 1917 near the Monterey Boat Works factory (circa 1906), was originally built at Lovers Point in 1892 as the Hopkins Seaside Laboratory, and was the first marine science research facility on the California coast.

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

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

### 3.3.6 Coastal Act Policies – Historic Resources

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

Two Coastal Act policies address protection of special communities. The Coastal Act requires that the unique characteristics of special communities and neighborhoods be protected (Coastal Resources Code §30253(5)) and provides that scenic and visual qualities of coastal areas are a resource of public importance which deserve protection from incompatible new development (Public Resources Code §30251).

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

Public Resource Code § 30253. New development shall do all of the following:

- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

### 3.3.7 General Plan and Other Policies – Historic Resources

Steps have been taken by the City to protect historic resources including the Pacific Grove Retreat. Among these are:

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

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

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

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

### 3.3.7 Land Use Plan Policies – Historic Resources

- CRS-5.** The Pacific Grove Retreat’s unique characteristic and architectural heritage contribute to the aesthetic, social, and economic well-being of the community, both for residents and visitors. Many of these unique building characteristics might be inconsistent with current zoning, but these peculiarities may remain as long as the non-conformity is not exacerbated as part of the redevelopment. The City shall encourage the protection, maintenance, and enhancement of the unique historical, architectural, siting and visual characteristics of the Pacific Grove Retreat. Prior to any City review or regulatory action, all structures within the Retreat area constructed 50 years ago or more shall be evaluated for local historic significance.
- CRS-6.** All proposed development actions, including City public works projects, shall be consistent with maintaining the current scale and character of the Pacific Grove Retreat.
- CRS-7.** Rehabilitation, reconstruction, remodeling, or exterior modification of existing structures with historic or architectural significance in the Pacific Grove Retreat, and other neighborhoods in the Coastal Zone, shall relate to or retain the lines of the original design as much as possible and alterations shall provide evidence of substantial compliance to the Secretary of the Interior standards for historic resources.
- CRS-8.** Design review shall be required as part of the Coastal Development process in order to maintain historical continuity and visual harmony of new development within the Pacific Grove Retreat and other neighborhoods in the Coastal Zone.
- CRS-9.** In order to protect historic structures, unwarranted demolition shall be avoided by implementing standards for demolition.
- CRS-10.** The City shall continue its ongoing programs of citizen involvement in carrying out its historic preservation policies and programs.
- CRS-11.** The City shall continue to implement the Housing Rehabilitation Loan Program, and any other similar future programs, to assist property owners in the maintenance of structures in the Pacific Grove Retreat and other historical properties in good condition in order to retard physical deterioration. Possible approaches will include incentives, code enforcement, award programs, rehabilitation programs, and use of the California State Historic Building Code
- CRS-12.** Other historic or architecturally unique structures, including the Julia Morgan structures at Asilomar State Beach and Conference Grounds, shall be protected and

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

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

## 3.4 PUBLIC INFRASTRUCTURE (INF)

### 3.4.1 Background – Water Supply, Conservation, and Wastewater

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 3.0 BUILT ENVIRONMENT

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

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

### 3.4.5 Background – Storm Drainage

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

### 3.4.6 Coastal Act Policies – Storm Drainage

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

### 3.4.7 General Plan and Other Policies – Storm Drainage

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

### 3.4.8 Land Use Plan Policies – Storm Drainage

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

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

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

### 3.4.9 Background – Transportation

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

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

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

### ***Transit Service***

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

### ***Bicycle Facilities***

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

### ***Pedestrian Facilities***

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

### ***Parking***

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

#### **3.4.10 Coastal Act Policies – Transportation**

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

### 3.4.11 General Plan and Other Policies – Transportation

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

### 3.4.12 Land Use Plan Policies – Transportation

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

- INF-19** New development near popular visitor destinations shall be required to provide bicycle racks to encourage bicycle use.
- INF-20** The City shall continue to pursue acquisition of the abandoned Union Pacific Railroad right-of-way, or an alternative route where acquisition is not feasible, to help provide for continued and enhanced recreational trail/open space use.
- INF-21** The City shall connect the recreation trail between Cannery Row and Lovers Point to Asilomar State Beach and Spanish Bay.
- INF-22** New development in the Coastal Zone shall include adequate off-street parking to minimize the disruption of significant coastal access routes. All traffic impacts associated with new development shall be mitigated appropriately.
- INF-23** The City shall improve, relocate, or appropriately manage parking pull-outs along Ocean View Boulevard east of Asilomar Avenue, for the purpose of restoration and protection of “edge” areas and prevention of erosion, consistent with protection of sensitive habitats and encourage walking with the addition of a formal trail that would reduce vehicle and pedestrian conflicts.
- INF-24** The City shall coordinate with relevant local, state, or regional, transportation agencies to study the effects coastal hazards and sea level rise [and the City shall prepare a Sea Level Rise Adaptation Program as a part of the Coastal Parks Plan](#) that identifies adaptation strategies that could be used to address the specific vulnerabilities identified in the City of Pacific Grove Climate Change Vulnerability Assessment of 2015 and any future studies. The Program shall address the need to protect coastal resources, maximize public access, and maintain adequate evacuation routes as sea level rises, and shall include various options for relocating or protecting circulation facilities in the Coastal Zone, including trails, streets, and bicycle lanes in a way that achieves these goals.

## 3.5 PARKS, RECREATION, AND PUBLIC ACCESS (PRA)

### 3.5.1 Background – Parks, Recreation, and Public Access

Public access is one of the major goals of the Coastal Act. The Coastal Act states that “each local coastal program...shall contain a specific public access component to assure that maximum public access to the coast and public recreation is provided” (Public Resources Code §30500). This section focuses on opportunities to preserve, provide, and enhance public access to the

unique and diverse features of the City's shoreline. Parks front the shoreline for most of the Coastal Zone. The City owns four shoreline parks comprising over 23 acres, and additional parkland is owned by the California Department of Parks and Recreation. There is unprecedented public coastal access throughout Pacific Grove's Coastal Zone. See Figure 8.

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

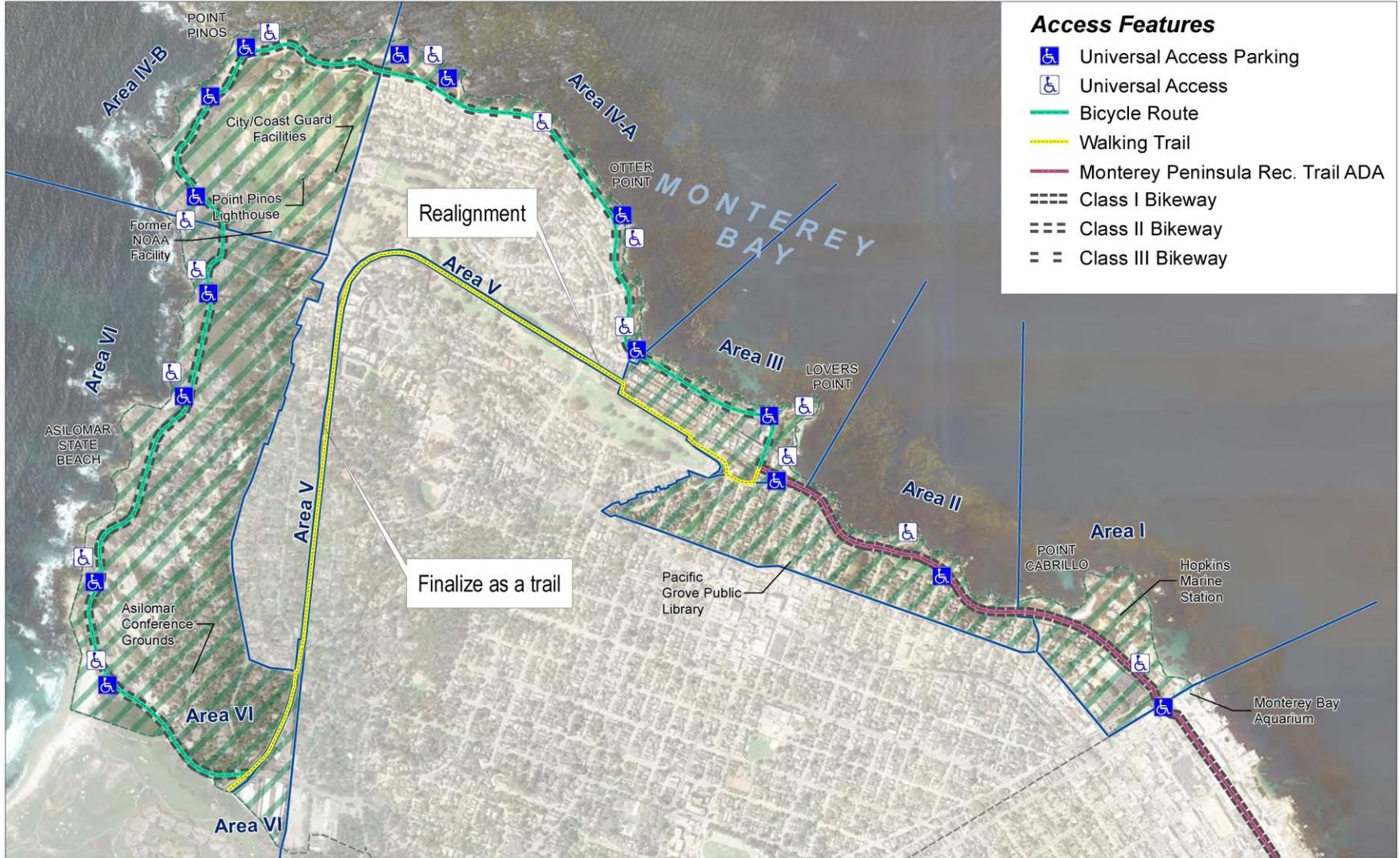
1. **Shoreline Access** is the provision of pedestrian access and other forms of [universal](#) access [including](#) bicycle, stroller, etc. from a public thoroughfare to and along the shoreline.
2. **Lateral Accessway** is an area of land providing public access along the [edge and parallel to the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

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

### ***Area I: Point Cabrillo***

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

Figure 8: Coastal Parks, Trails, and Resources



0 1800 feet

**Legend**

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

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

**Coastal Parks, Trails, and Resources**

City of Pacific Grove Land Use Plan

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

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

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

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

### ***Area II: Pacific Grove Retreat***

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

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

### ***Area III: Lovers Point***

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

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

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

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

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

### ***Area IV–A: Ocean View Area***

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

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

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

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

### ***Area IV–B: Point Pinos***

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

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

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

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

### ***Area V: Union Pacific Railroad***

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

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

### ***Area VI: Asilomar***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

temporary events shall include additional strategies to avoid impacts to parking and access, including, but not limited to, the use of shuttles to off-site parking locations and bike valet programs.

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

	Land Use Plan Policy	Implementation Plan
Coastal Hazards and Sea Level Rise	HAZ-1	23.90.140.C
	HAZ-2	23.90.140 .C
	HAZ-3	23.90.140.A.3
	HAZ-4	23.90.140.C.3
	HAZ-5	23.90.140.C
	HAZ-6	23.90.140.E
	HAZ-7	23.90.140.D.3
	HAZ-8	23.90.140.D
	HAZ-9	23.90.140.D
	HAZ-10	23.90.140.D
	HAZ-11	23.90.140.D.2
	HAZ-12	23.90.140.D.6
	HAZ-13	23.90.140.F
	HAZ-14	23.90.140.F.5
	HAZ-15	23.90.140.F
	HAZ-16	23.90.140.F.6
	HAZ-17	23.90.140.F.10
Water and Marine Resources	MAR-1	23.90.150
	MAR-2	23.90.150.C & 23.90.170.F.5
	MAR-3	23.90.150
	MAR-4	23.90.150
	MAR-5	23.90.150.A
	MAR-6	23.90.150
	MAR-7	23.90.150.K
	MAR-8	23.90.150.K
	MAR-9	23.90.150.R
Scenic Resources	SCE-1	23.90.160.E
	SCE-2	23.90.160.E
	SCE-3	23.90.160.A
	SCE-4	23.90.160.F
	SCE-5	23.90.160.F.8
	SCE-6	23.90.160.F
	SCE-7	23.90.160.F
	SCE-8	23.90.160.H.3
	SCE-9	23.90.160.H.3
	SCE-10	23.90.160.A
	SCE-11	23.90.160.F.11
	BIO-1	23.90.170
	BIO-2	23.90.170.E
	BIO-3	23.90.170.E
	BIO-4	23.90.170.E.18
	BIO-5	23.90.170.E.19

	BIO-6	23.90.170.E.10
	BIO-7	23.90.170.E.11
<b>Biological Resources and Environmentally Sensitive Habitat Areas</b>	BIO-8	23.90.170.E.11
	BIO-9	23.90.170.E
	BIO-10	23.90.170.F.7
	BIO-11	23.90.150.A
	BIO-12	23.90.160.H.6
	BIO-13	23.90.170.E.10
	BIO-14	23.90.170.F.8
	BIO-15	23.90.170.F.9
	BIO-16	23.90.170.F.3
	BIO-17	23.90.180
	BIO-18	23.90.170.F.11
	BIO-19	23.90.170.F.11.i
	BIO-20	23.90.170.F.11.a
	BIO-21	23.90.170.F.11
	BIO-22	23.90.170.F.11
	BIO-23	23.90.170.F.11.d
	BIO-24	23.90.170.F.11.r
	BIO-25	23.90.170.F.11.o
	BIO-26	23.90.170.E.21
	BIO-27	23.90.170.F.11
BIO-28	23.90.170.F.2	
<b>Community Design</b>	DES-1	23.90.190
	DES-2	23.90.190.A
	DES-3	23.90.190.C
	DES-4	23.90.190
	DES-5	23.90.190.E
	DES-6	23.90.190.G
	DES-7	23.90.020.R
<b>Land Uses and Designations</b>	LUD-1	23.90.160 & 23.90.170
	LUD-2	23.90.300
	LUD-3	Table 23.90.300 Note 7
	LUD-4	23.90.010.D
	LUD-5	23.90.230.J
	LUD-6	23.90.290
	LUD-7	23.90.230
	LUD-8	23.90.250-280
	LUD-9	23.90.300
	LUD-10	23.90.300
	LUD-11	23.90.300
	LUD-12	23.90.310
	LUD-13	23.90.310 & 23.90.320
	LUD-14	23.90.310

3.0 BUILT ENVIRONMENT

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

	PRA-7	23.90.220.A
	PRA-8	23.90.220.I
	PRA-9	23.90.220.J
	PRA-10	23.90.220.C.8

Item 7a(ii)  
LUP Public Correspondence

9/28/16

michelle neubert

1:34 PM (23 hours ago)

to me

Hi,

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

I haven't been attending meetings, but keep up on your emails.

Below is part of an email I sent to friend in Arizona that should be considered as part of the Local Coastal Program.

I have changed from a tree hugger to a LOCAL GLOBAL WARMING pusher.

I think i discovered for myself that global warming is really thousands of "Local" warnings combining to become global.

My mother kept saying that there was NO wind at this house for years after they moved in in 1957 to Pacific Grove side of Pebble Beach.

The wind started when the sand dunes were removed (white sand sold for ashtrays and sandboxes).

And the forest canopy logged out for building.. Before it was like a huge tree cave with little sky

above. Today there is more sky above than

trees -- so nothing stops wind. We now have sun and wind most afternoons, and it blows away the Fog, so not damp and soil drying

out from wind more = drought (wind dries and clouds/fog moved out faster).

Another way to explain it would be: Imagine you are in the middle of a 1 square mile of mature forest with a canopy.

Underneath is little wind (but you can hear it over the trees going by), and it is cooler in the summer and warmer in the winter.

Now remove the forest and stand in the direct sun -- it is hotter or colder and windier and drier.

So each of us can try to slow down the warming by having more plants and windbreaks.

They are saying that under 25% of global warming is from deforestation, but I think it is more.

Put shade back and the temperatures decrease 5 degrees ---- remove trees and shade and it gets 5 degrees hotter.

If global warming is changing temperature 3 to 6 degrees ---- what if the 70% of trees logged on earth, were put back??

Trees and plants also absorb the carbon dioxide and give out oxygen. And over 25% of the carbon dioxide overage in the

air right now could be taken out easy by plants.

The really scary part though is that half the plants in the ocean are algae PLanton (like grass on the land) -- the algae soaks up

1/2 of carbons from total plants == but there's a big possibility that half the algae had died off in the ocean and probably caused the huge sea life die-offs.

Thank you for taking the time to read this.

Sincerely,

Michelle Neubert

9/26/16

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

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

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

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

Thank you,

Janet Cohen

Date: Sep 20 2016-7:30 pm

Title: LCP UPDATE - Protecting Views From the Ocean

Sender: Tony Ciani -- [aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)

Dear Commissioners,

Please see my attached letter for your consideration.

Sincerely,

Tony Ciani

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

September 20, 2016

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

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

Dear Chairman Fredrickson and Planning Commissioners:

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

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

(Section 304) *The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches.*

September 20, 2016

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

Page 2

- **California Coastal Act of 1976** Section 30251 (Scenic and Visual Qualities) provides: *“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....”*
- MALIBU LCP Land Use Plan Chapter 6 (Current through November 4, 2015): *Finally, while the beach and ocean are important scenic elements, there are also mountain and canyon views as seen looking inland from the beach and ocean.*
- Monterey County LCP Land Use Plan, Chapter 7 Scenic and Visual Resources *Commission permit experience elsewhere highlighted the issue of protecting views from the shoreline and offshore, and found that Monterey County generally does not consider these vantage points, except from some beaches (Issue SR-4: Views from Offshore). Recommendations for requiring consideration of these views where warranted are on pages 180-182 of Appendix A. Retain No Co IP Section 20.144.030.B.2 as it pertains to views from public beaches. Revise No Co IP Section 20.144.030.B.6 to add when viewed from “identified waters used for public purposes” as well.*
- **SCHNEIDER v. CALIFORNIA COASTAL COMMISSION (2008)**  
 Found that views by occasional boaters on the Harmony coast are not protected. The Commission did not provide substantial evidence to support its findings.
- **McNAMEE v. CALIFORNIA COASTAL COMMISSION (2010)**  
 In contrast, this a case in Orange County where the Court of Appeals had no problem with protecting views from a beach looking inland. This is a substantial evidence case that supported the Commission’s decision to protect inland public views of the shoreline.
- **The California Legislature granted title to the Pacific Grove waterfront and submerged lands** out to a depth of 60 feet **for conservation and {public} recreational purposes** (Chapter 690, Statutes of California, August 14, 1931) [Ord. 210 N.S. § 5-401(1), 1952]. The State later established these areas as Marine Refuges for public enjoyment and scientific and educational purposes; and an Area of Special Biological Significance. Visitors to these lands and waters above these lands enjoy their scenic quality.

September 20, 2016

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

Page 3

- **Federal Consistency Reviews:**

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

In conclusion, there is substantial evidence of the residents and visitors from around the world using the coastal waters of Monterey Bay and the Ocean at Pacific Grove on a regular basis for whale watching, fishing, surfing, kayaking and swimming, and underwater exploration, etc. In **Coastal Act Section 30001.5 (b)** the Legislature declared: *That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation. And Section 30005 Local Government Powers* provides: *No provision of this division is a limitation on any of the following:*

*(a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, **not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone.***

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

Respectfully,

Tony Ciani

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

FROM: TONY CIANI

**PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY**  
**(51) TOTAL SIGNATURES TO DATE**

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:

<u>Shayna Selby</u>	<u>206 19th. St. Pacific Grove, CA. 93950</u>
<u>Victor Selby</u> <i>Victor W. Selby</i>	<u>206 19th. St. Pacific Grove, Ca. 93950</u>
<u>Nellie Hoge</u>	<u>113 20<sup>th</sup> St. Pacific Grove 93950</u>
<u>Steve Gage</u>	<u>113 20<sup>th</sup> St. Pacific Grove, CA 93950</u>
<u>Paul Hamill</u>	<u>115 20th St. Pacific Grove, CA 93950</u>
<u>Quinta Cabral</u>	<u>124 CALEDONIA PACIFIC GROVE CA 93950</u>
<u>Jean Donnelly</u>	<u>759 Jewell Ave. Pacific Grove, Ca. 93950</u>
<u>Caroline Cantales</u>	<u>811 Walnut St. PG, CA 93950</u>
<u>Reveree Hill</u>	<u>110 20TH ST. Pacific Grove CA</u>
<u>Howard Cianni</u>	<u>220 Walnut St., Pacific Grove, CA 93950</u>

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:

Monique Charlebois	679 Parcel St Monterey CA 93940
Rose Henry	1155 Monarch Ln 612 Pacific Grove 93950
Tom Moore	679 Parcel St. Monterey CA 93940
W.E. Ziegenbern	35 Kylene Crest, Monterey Ca 93940
Constance Ziegenbern	3 Skyline Crest, Monterey CA 93940
Tobin Peregrina	147 Evans Ave PG 93950
Madison Balesteri	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

**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:

Margaret Daggerty	409- 12th Street, Pacific Grove, CA
Cheryl Nuttall	9925 Eddy Rd. Carmel CA 93950
Kate Spade	9925 Eddy Rd Carmel CA 93923
Janice	243 Asilomar Blvd PG. 93950
Janet E. Cohen	243 Asilomar Blvd. PG. 93950
Ilda Barber	229 Asilomar Blvd PG 93950
James Barber	229 Asilomar Blvd PG 93950
William J. Lee	227 Asilomar Blvd PG 93950
Annelle Blacodon	227 Asilomar Blvd PG 93950
Daryl Gebick	214 Asilomar Blvd PG. 93950

5

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:

Jemitar Biddot	119 Grand Ave 93950
Allen Davis	119 Grand Ave - 93950
Patsy Volpe	126 Grand Ave 93950
Melvin Beechman	126 Grand Ave 93950
Kathy Travell	1128 Piedmont Ave. 93950

### PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

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

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

**Therefore, we specifically request that:**

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

Name:

Address/Zip Code:

<u>Erin Shoemaker</u>	<u>507 EVERGREEN 93950</u>
<u>Chandria Sawyer</u>	<u>920 Lighthouse Apt B, 93950</u>
<u>Cott Hall</u>	<u>432 Spruce Ave. 93950</u>
<u>Bryce Hall</u>	<u>432 Spruce Ave 93950</u>
<u>920 Lighthouse Apt B</u>	<u>93950</u>

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:

<u>Claudia Jennings</u>	<u>700 Briggs Ave #46 Pacific Grove</u>
<u>Nemaris Olson</u>	<u>700 Briggs Ave #45 Pacific Grove</u>
<u>Jamie Jokken</u>	<u>217 Walnut St. Pacific Grove</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

### 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:

<u>Miriam Lilley</u>	<u>184 Lighthouse Ave, P.G. 93950</u>
<u>Heenan R. Lilley</u>	<u>184 Lighthouse Ave, P.G. 93950</u>
<u>Patricia A. Fletcher</u>	<u>6 Overlook Pl Monterey, CA 93940</u>
<u>Mary Simon</u>	<u>750 Belden Monterey, CA 93940</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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:

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

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

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

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

Therefore, we specifically request that:

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

Name:

Address/Zip Code:

GAIL GRIFFIN Paul Goffi PO Box 358 Pacific Grove CA 93955


## CALIFORNIA COASTAL COMMISSION

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



# W 3

## MEMO

**May 3, 2004**

**TO: Commissioners and Interested Persons**

**FROM: Peter Douglas, Executive Director**

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

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

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

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

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

<sup>2</sup> Section 27302 (a) Public Resources Code (repealed January 1, 1977 and replaced by the Coastal Act).

Protecting Views  
 Memo to CCC  
 Page 2

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

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

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

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

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

---

<sup>3</sup> Section 30251 PRC.

Protecting Views  
 Memo to CCC  
 Page 3

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

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

#### **Examples of prior actions:**

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

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

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

---

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

<sup>5</sup> See Attachment A

Protecting Views  
Memo to CCC  
Page 4

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

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

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

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

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

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

Protecting Views  
Memo to CCC  
Page 5

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

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

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

*...The Harmony coastline is characterized by wind swept hills and wide coastal terraces dropping off dramatically to the rocky shores of the Pacific Ocean below. Because the surrounding Harmony coast area is substantially undeveloped rural open space, any development in this area poses the potential for adverse impacts in terms of protecting the areas valuable scenic qualities.*

*There is no question that the current development proposal would significantly impact the scenic quality of the rural Harmony coast. ...[T]he proposed development would be located on the flat undeveloped marine terrace typical of this stretch of coastline. The potential for similar proposals immediately to the north and south of the project site raises concerns about the cumulative impacts of development and its associated landscaping and landform alteration on the coastal terrace. The limited developments that can be seen in this general area (Abalone Farm and Williams residence) provide evidence of the visual impacts that can result from inappropriately designed development in this sensitive area. Moreover, given the scenic nature of this stretch of coast, it is that much more important to limit any additional development that would break up the expansive views of the grassy marine terraces and coastal hills and incrementally degrade the rural agrarian character of the Harmony coast. Thus, the greatest possible effort must be made to safeguard this area from the intrusion of unsightly new development.*

*The project poses adverse impacts to visual and scenic resources through development of a 1.25-mile access road, a 2,500 square foot barn, and 10,000 square foot residence on the undeveloped coastal terrace and hillsides of the Harmony coast. These developments are visible, depending on the viewpoint, from public viewing areas. The access road is visible from Highway One,*

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

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

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

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

---

<sup>6</sup> Visual Analysis (Cannon Associates, October 2000 and May 2003) and (Sheppard Mullin, August 2002).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

<sup>8</sup> The enforceable policies of the California Coastal Act constitute the applicable CCMP policies.

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

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

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

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

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

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

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

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

*In its EIS, the Corps concludes that the project's visual impacts are not significant because of the offshore turbidity and scarred nature of the bluffs caused by the landslide. The Commission disagrees with this conclusion.*

**CC-42-94, Air Force/ Western Commercial Space Center, Vandenberg Air Force Base:**

The project consisted of construction and operation of a commercial spaceport within and adjacent to the existing launch facility, SLC-6:

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

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

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

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

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

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

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

#### **Attachment A: State of Maine Scenic Protection Policies**

---

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

**Rejection of the Murphy-Aeschliman amendments**

Inbox x

**John Pearse**

9:50 AM (1 hour ago)

08/26/16

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

Dear Anastazia,

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

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

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

Sincerely,

John

August 25, 2016

To: Pacific Grove Planning Commission

From: Lisa Ciani

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

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

**PARTICIPANTS:**

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

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

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

#### CONSULTANTS:

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

Home: Monterey

Degrees: Ph.D. Geology, The Johns Hopkins University; Bachelor of Science with High Distinction in Geology, Ohio State University

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

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

August 25, 2016

To: Pacific Grove Planning Commission

From: Lisa Ciani

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

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

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

....

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

....

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

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

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

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

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

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

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

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

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

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

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

BF: OK. Sure.

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

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

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

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

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

DM: Um-hm.

BF: All right.

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

Inbox x

**Julie Wooten via City of Pacific Grove Website**

7:47 PM (13 hours ago)

08/25/16

to me

Name: Julie Wooten

Email: [juliewooten@yahoo.com](mailto:juliewooten@yahoo.com)

Message:

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

John Pearse

12:33 PM (3 hours ago)

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

08/24/16

Dear Anastazia,

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

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

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

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

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

Regards,

John



Anastazia Aziz &lt;aaziz@cityofpacificgrove.org&gt;

---

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

1 message

---

**Anthony Ciani via City of Pacific Grove Website** <website@cityofpacificgrove.org>

Tue, Aug 23, 2016 at 3:18 PM

Reply-To: Anthony Ciani &lt;aciani@cianiarchitecture.com&gt;

To: aaziz@cityofpacificgrove.org

Name: Anthony Ciani

Email: [aciani@cianiarchitecture.com](mailto:aciani@cianiarchitecture.com)

Message:

Members of the Planning Commission:

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

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

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

Respectfully,

Tony Ciani

Attached File:

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

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

Inbox x

8/25/16

Thom Akeman

2:55 PM (17 hours ago)

to me

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

Dear Planning Commissioners:

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

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

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

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

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

To: City of PG Staff and Planning Commission

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

What exactly is the barrier?

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

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

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

Respectfully,  
Vicki Pearse

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

**LUD at Planning Commission Meeting**

Inbox x

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

08/23/16

to me

Commissioners:

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

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

Current form:

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

Suggested:

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

Sincerely,

Joy Colangelo

Antony Tersol

Pacific Grove, CA

Item 7a(ii)  
Kirstie Wilde

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

RECEIVED

AUG 23 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

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

Dear Ladies and Gentlemen,

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

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

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

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

Sincerely,

  
8/23/16

Antony Tersol

1:29 AM (6 hours ago)

to Ximena, Sarah, me

08/24/16

Hi Anastazia,

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

Thank you,

Antony Tersol

Honorable Planning Commissioners,

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

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

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

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

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

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

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

Antony Tersol

Vice-Chair, Monterey Chapter

Surfrider Foundation

August 23, 2016

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

Dear Planning Commissioners and Anastazia,

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

1. Definition of redevelopment:

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

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

2. Bio-23 Bullet 1

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

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

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

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

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

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

Sincerely,  
Kathryn Poling

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

August 22, 2016

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

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

Dear Commissioners:

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

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

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

- 1) Georgetown Climate Center

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

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

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

Page 2

2) Washington State Department of Ecology

**Soft Shoreline Stabilization:**

**Shoreline Master Program Planning and Implementation Guidance**

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

3) New York State Department of Environmental Services

**Shoreline Stabilization Techniques**

Employ "soft armoring" whenever possible.

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

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

Also, the notion that "...the two existing coastal shoreline private residential properties within the City may be evaluated in the future as an exception and may be considered for shoreline protection" does not conform with the Coastal Act. Specifically, I refer you to the Coastal Commission's substantive file documents Coastal Development Permits 3-91-35 P. Miller and Wilde; 3-91-54 McAlister; 3-93-62 Sewald; 3-94-24 McCulloch; 3-94-33 P. Miller and Wilde; 3-96-81 J. Miller; and 3-94-32, Page. The house built at 1450 Sunset Drive, Asilomar Dunes area, City of Pacific Grove, Monterey County, APN 007-021-05 was granted a CDP (No. 3-96-102) in 1996 with findings and special conditions by the Coastal Commission to protect

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

Page 2

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

“For an assumption of risk statement, which shall provide: (a) that the applicant understands that the approved development site is located on sand dunes and partially within the predicted storm wave run-up zone, and therefore may be subject to extraordinary hazard from coastal erosion and storm wave run-up; (b) applicant understands that there is no entitlement to future shoreline protective works to protect against such hazards, and that continued coastal erosion or future storm wave event will eventually lead to loss of the permitted residential structure; and (c) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from shoreline erosion, storm wave run-up, tidal flooding, tsunamis, earthquakes, shifting sand dunes and other such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.”

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

Respectfully,

Tony Ciani

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

**Bridget Hoover - NOAA Federal**  
08/01/16

2:59 PM (6 minutes ago)

to me, Karen, Lisa

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

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

rdparso@aol.com

Jul 28 (4 days ago)

to me

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

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

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

Thanks you so much, respectfully

Richard D. Parsons  
609 Lobos Avenue  
Pacific Grove, CA

LUP

Jane Haines

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

janchaines80@gmail.com

Tel 831 375 5913

RECEIVED

JUL 26 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

July 26, 2016

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

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

Dear Planning Commission,

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

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

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

Here is an alteration I prefer:

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

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

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

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

Sincerely,

Jane Haines

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

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

To: citymanager@cityofpacificgrove.org

Subject: change in regulations

Hello,

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

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

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

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

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

I sincerely request a personal response, Jeanie Saint Germain



JUL 14 2016

Debbie Gonzales &lt;dgonzales@cityofpacificgrove.org&gt;

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT.**Scenic Areas map corrections (Form submission from: Contact the Planning Commission)**

2 messages

**Lisa Ciani via City of Pacific Grove Website** <website@cityofpacificgrove.org>  
Reply-To: Lisa Ciani <lisa.ciani@gmail.com>  
To: dgonzales@cityofpacificgrove.org

Thu, Jul 14, 2016 at 10:57 AM

Name: Lisa Ciani  
Email: [lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)

## Message:

Dear Planning Commissioners and Staff,

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

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

- 1) Please delete the boxes reading, "Areas seaward of Ocean View Boulevard" and "Areas seaward of Sunset Drive". (The latter box is not even consistent with the current version of the map.)
- 2) Please add the orange "Scenic Areas" color designation to the PACIFIC GROVE RETREAT from Dewey Ave. to Pacific Ave. in Areas I and II, the area east of Asilomar Ave. in Area VI, and ALL of the ASILOMAR STATE PARK in Area VI.

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

Thank you,  
Lisa Ciani

Attached File:

**FW: Pacific Grove CCT project- LCP update**

Inbox x

07/11/16

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

to Daniel, me

Daniel,

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

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

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

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

RECEIVED

Honorable City Council and Planning Commission

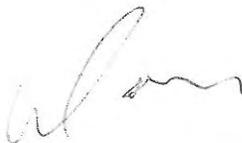
Section 30500 of the LCP reads protect coastal resources, not establish resources by removing the ice plant or other vegetation and plant over 3000 ESHA plants. The process of getting a permit has been fraudulent. We were told by PG planning staff to hire a named biologist who knew what the CCC would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

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

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

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

Don Redgwick  
Pacific Grove



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

From: <[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org)>

Date: Fri, Jul 8, 2016 at 12:23 PM

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

To: [wla0@cityofpacificgrove.org](mailto:wla0@cityofpacificgrove.org)

Name: Janet Cohen

Email: [janetcohen333@comcast.net](mailto:janetcohen333@comcast.net)

Message:

Hello,

I just wanted to confirm that Jeannie Byrne's comment last night about permeable materials being allowed and not counted as hardscape was the way it was previously implemented in the Asilomar dunes. Please see p. 25 of the 1989 Local Coastal Program LUP under 3.4.5 Specific Policies

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

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

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

As far as solid fencing I think more details need to be considered in order to have this work out. Fencing in this area is definitely a planning challenge and has many parameters as you know. First, I have to admit that until reading the 1989 LUP recently I thought that fencing was allowed in the Asilomar dunes if it allowed visual access as with grape stake or other non solid fencing.

I do think using fencing with visual access for greater than 1000-1300 square feet of the now 5% recommended allowance would be wise. Because solid fencing has been completely prevented for so long it is hard to imagine that an area greater than 1000-1300 square feet would be allowed by Coastal Commission even if it was counted in the building coverage.

Further, it seems like a good idea to add more detail which since I am not a planner or architect this is meant only as brainstorming: encourage the area for solid fencing to be on the non seaward side of the home or if to the side of the house for only a certain amount of feet as for a gate to wrap around to the back. For fencing on the ocean side of the home or laterally, use of grape stake or something similar or plexi glass that creates semi-privacy but some visual access except as mentioned for a solid fenced gate to get to the rear of the home. Also, require a site plan review to best create a privacy space for the residents and protect the dunes, scenic views and wildlife.

Thank you,  
Janet Cohen

Attached File:

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

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

**EXHIBIT "C"**  
**LOT COVERAGE COMPARISONS**

Table 1

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

Table 2

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

1 - Includes home and garage

2 - Includes decks, patios and impervious paving

3 - Does not include landscape coverage (existing 7.7%; proposed 1.9%)

2002

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

07-07-16

Planning Commissioners  
City of Pacific Grove

RE: Pacific Grove Land Use Plan Update

**BIO-23 - Bullet Point 1**

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

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

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

**Application Number:** 3-14-0981

**Applicants:** Michael and Mary Carp

**Project Location:** 1342 Jewell Avenue, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-031-018)

Within Summary of Staff recommendations:

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

This application, which was approved, refers to

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

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

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

**BIO-23 - Bullet 9 and/or 11**

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

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

**2.3.4 Scenic Resources**

**SCE-4**

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

**BIO-29**

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

**BIO-30**

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

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

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

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

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

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

Subsection (b) will cumulatively count the times the existing support for an exterior wall is even temporarily removed. Suppose temporary support is needed in the future but the cumulative 50% threshold is reached. Working on such a structure will quickly become a dangerous life safety issue contrary to common sense building practice.

Subsection (c) states that additional reinforcement of walls, including shear walls, will also count cumulatively. If the threshold is reached on a non-conforming house, and seismic upgrades are required or other safety related improvements needed, the current homeowner will be forced to live in a structurally deficient home or face the prospect of tearing a portion down in order to make necessary improvements.

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

Sincerely,

James N. Smith

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

Inbox x

07/06/16

**Debbie Gonzales**

10:52 AM (2 hours ago)

to me

----- Forwarded message -----

From: <[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org)>

Date: Wed, Jul 6, 2016 at 10:10 AM

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

To: [dgonzales@cityofpacificgrove.org](mailto:dgonzales@cityofpacificgrove.org)

Name: Janet Cohen

Email: [janetcohen333@comcast.net](mailto:janetcohen333@comcast.net)

Message:

Hello Planning Commissioners,

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

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

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

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

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

Thank you,  
Janet Cohen

Attached File:

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

July 5, 2016

To: Planning Commission

From: Lisa Ciani

Re: July 7, 2016 Special Meeting, LCP

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

- La Jolla's LCP designates "the bluff faces adjacent to Coast Walk as an ecological reserve in order to help protect the integrity of the off-shore Underwater Park and Marine Reserve" (page 47); and also states (on page 40), "Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion control devices so as not to impact the geology and visual quality of the bluff and/or public access along the shoreline"; and also, "The City should preserve and protect the coastal bluffs, beaches and shoreline areas to prevent activities such as misdirected drainage from increasing natural erosion. Only appropriate erosion control measures that maintain the natural environment, yet allow for the effective drainage of surface water shall be permitted. Surface water drainage shall not be allowed to drain over or near the bluff, but rather shall be directed towards the street or directed into subterranean drainage facilities with energy dissipating devices. Where street drainage systems erode bluffs, the drainage system should be redesigned to prevent bluff erosion" (page 39);
- Malibu's LUP states that "Marine resources are protected to sustain the biological productivity of coastal waters and to maintain healthy populations of all species of marine organisms. [Coastal Act] Section 30230 requires that marine resources be maintained, enhanced, and where feasible restored" (page 30); and "provides protection for marine resources such as kelp forests, intertidal areas, and near shore shallow fish habitats. Although development proposed in tidelands or submerged lands would remain under the permit jurisdiction of the Coastal Commission, the LUP provides guidance regarding the protection of marine areas. The LUP ESHA Map also shows marine resource areas" (page 32);

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

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

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

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

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

Thank you for your attention to my comments,  
Lisa Ciani

Kathryn McDonald  
1398 Jewell Ave.  
Pacific Grove, CA 93950

July 7, 2016

RECEIVED

JUL -5 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

Pacific Grove Planning Commission  
Forest Ave.  
Pacific Grove, CA

Re: PG Land Use Plan

Dear Sir or Madam:

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

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

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

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

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

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

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

Respectfully,



Kathryn McDonald

July 5, 2016

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

Dear Planning Commissioners,

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

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

1. The definition of existing development

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

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

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

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

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

2. The definition of redevelopment

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

Interior renovations do not seem to fall under the purview of the Coastal Act, which has a mandate to:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources
- Maximize public access to and along the coast
- Preserve the views

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

3. SCE-4

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

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

4. SCE-7

“The city shall encourage redevelopment, rehabilitation, or relocation of existing structures to improve visual appearance and to attract visitors to the City’s coastline.”

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

5. Bio 15

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

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

6. Bio 23

Preamble – “Development in the Asilomar Dunes Residential Area shall be sited and designed to avoid and limit impacts on the dune habitats and visual landscapes as much as possible, including through avoiding accessory development antithetical ...”

What is the definition of accessory development?

7. Bio 23 Bullet 1

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

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

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

8. Bio 23 Bullet 3

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

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

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

9. Bio 23 Bullet 4

“All structures shall be set back from Sunset Drive at least 75 feet (from the property line was added at the 6/16/16 PC meeting).

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

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

10. Bio 23 Bullet 11

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

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

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

11. Bio 27

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

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

12. Bio 28

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

What requirement and restriction apply to existing development?

13. Bio 29

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

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

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

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

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

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

Sincerely,  
Kathryn Poling

**ATTACHMENT 1****ITEM 7.a**

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

**Page 3-20, First Paragraph – Text Edit**

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

1859

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

**Page 3-20, Second Paragraph - Language Correction**

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

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

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

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

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

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

June 21, 2016

Dear Members of the BNRC:

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

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

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

Respectfully,

Tony Ciani

Anthony Ciani

12:00 PM (1 hour ago)

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

Hello Brian,

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

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

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

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

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

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

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

Thank you for you assistance.

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950  
[\(858\) 454-7141](tel:(858)454-7141)



Debbie Gonzales &lt;dgonzales@cityofpacificgrove.org&gt;

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

1 message

**website@cityofpacificgrove.org** <website@cityofpacificgrove.org>

Thu, Jun 16, 2016 at 4:56 PM

Reply-To: John Evans <evansjhe1@gmail.com>

To: dgonzales@cityofpacificgrove.org

Name: John Evans

Email: evansjhe1@gmail.com

Message:

398 Calle De Los Amigos

Pacific Grove, CA 93950

Oct. 16th 2016

Dear Planning Commission Members:

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

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

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

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

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

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

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

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

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

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

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

Respectfully,

John Evans

Attached File:

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



Debbie Gonzales &lt;dgonzales@cityofpacificgrove.org&gt;

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

1 message

website@cityofpacificgrove.org <website@cityofpacificgrove.org>  
 Reply-To: Janet Cohen <janetcohen333@comcast.net>  
 To: dgonzales@cityofpacificgrove.org

Thu, Jun 16, 2016 at 1:00 PM

Name: Janet Cohen  
 Email: [janetcohen333@comcast.net](mailto:janetcohen333@comcast.net)

### Message:

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

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

1. Allowing privacy fencing within the allowable 15 % building coverage to a capped amount. Allowing privacy fencing within the allowable 15% building coverage makes more sense but also has pitfalls for protecting visual access of the dunes again on the larger lots. For instance, a 3500 square foot home on an acre would be allowed 2500 square feet of privacy fencing. Thus, a capped limit seems important even within the 15% coverage as for instance: privacy fencing allowed within 15% building coverage of the site up to (a designated amount, maybe 1200-1300?) square feet.
2. Fencing with grape stakes or similar fencing to 4 to 4.5 feet height for a designated area does not impose the same kind of problems as privacy fencing because of better visual access. 4 to 4.5 feet height limits would allow some wildlife passage. The ratio of allowable grape stake fencing could be linked to 5% of lot size but once again a maximum cap size seems important for greater than an acre as for instance: grape stake or other similar fencing allowed to a maximum limit of 2182.5 square feet for one acre or greater of lot size.
3. Perimeter fencing that allows visibility and movement of wildlife or none.
4. Current (date back to May 2016?) non-conforming fences to be left as legal until certain triggers happen as defined in the IP by the City.

Thank you,

Janet Cohen



Debbie Gonzales <dgonzales@cityofpacificgrove.org>

---

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

1 message

---

**website@cityofpacificgrove.org** <website@cityofpacificgrove.org>  
Reply-To: Lisa Ciani <lisa.ciani@gmail.com>  
To: dgonzales@cityofpacificgrove.org

Thu, Jun 16, 2016 at 10:42 AM

Name: Lisa Ciani  
Email: [lisa.ciani@gmail.com](mailto:lisa.ciani@gmail.com)

Message:  
Dear Planning Commissioners,

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

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

Thank you,  
Lisa Ciani

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

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

A handwritten purple checkmark or flourish in the bottom right corner of the page.

June 15, 2016

To: Planning Commissioners

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

From: Lisa Ciani

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

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

Attachment #1:

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

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

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

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

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

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

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

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

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

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

*The inland side of Ocean View Blvd, east of Asilomar Avenue, ~~has assumed a residential nature.~~ is largely residential in nature, or provides visitor accommodations including historic structures transformed into Bed and Breakfast accommodations—with the exception of the restaurant property at Lovers Point and the American Can Company building east of Dewey Ave. The primarily historic properties between 1<sup>st</sup> Street and Grand Avenue, along with Andy Jacobsen Park and Greenwood Park, comprise a valuable scenic resource, and the continuation of the low scale residential character of that side of the coastal road west of Lovers Point Park contributes significantly to the scenic quality of the coastline. Borg’s Motel is an appropriately scaled mid-century modern building, and there are a few simple craftsman cottages remaining in that area. The map could also have some orange coloring on the landward side of Ocean View Blvd. between Sea Palm and Asilomar Ave. to indicate that the Beach Tract contributes to the scenic resources.*

This modification would also require a change in both Figure 3, the Scenic Areas map, to be orange from 1<sup>st</sup> Street to Pacific Avenue and omit the label “Areas seaward of Ocean View Boulevard.” And in the text of SCE-3, “areas seaward of Ocean View Boulevard and Sunset Drive as shown on Figure 3” should be changed to “areas along Ocean View Boulevard and Sunset Drive as shown on Figure 3).

Areas of Monterey pine forest and sand dunes along Asilomar Avenue and Sunset Drive in Area VI have been omitted from the Scenic Areas designation on the Scenic Areas map. That should be corrected, and those areas should be colored orange.

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

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

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

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

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

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

Thank you for considering my comments,  
Lisa Ciani

JUNE 16, 2016  
Item 7a(ii)

RECEIVED

JUN 16 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

To the Pacific Grove Planning Commission

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

I don't think the CCC was originally formed with the intent of grabbing land, but done in the spirit of protection and beautification of our coastline. We have been told by active and retired employees of the CCC that they just don't want people living on their sand dunes . What happened to the property rights of the land owning,tax paying citizens?

If I have a house that covers more than 15% of my lot or more than 5% of hardscape(driveway,deck,walkways and outdoor steps, etc)then is my house in violation of the CCC 15/5% formula?Is it grandfathered in if it is pre 1976, when the CCC was formed while I still own and reside in it? If I happen to sell my house someday, the new buyers are required to fall within the 15/5%formula. If they apply for a permit for improvements that do not change the footprint of the building, such as new siding, roof repair, fence repair, does that mean they have to tear out part of the house to meet the 15% and remove existing yard, trees,gardens,walkways,driveways,fences and decks to meet the 5% hardscape formula? They would then be forced into a property lien to maintain and pay for a new CCC"native plant "restoration landscape, determined by CCC or I can let my house deteriorate and become uninhabitable. You don't believe this? It has already happened and is continuing to happen in our area.People are waiting years to get started, all the time paying taxes, paying hundreds of thousands of dollars to get through the red tape, only to give up, leaving their houses a rotten mess. Just what the CCC wants.

I guess the CCC thinks all plants and trees are ugly except "native plants" What is so wrong with a small fence, a small deck and a small garden? I guess no small children, give the dog away, forget a yard. The CCC answer to a deck or fence question is **it might cast a shadow on an endangered plant to be."**

Our beautiful blooming ice plant has kept our sand dune in place and it has not increased in size in 50 years. It has allowed beautiful native ferns and wildflowers to exist and mature on our pristine, very large dune, untouched by the CC. What country are we living in? North Korea? It certainly doesn't seem to be the one I fought for and the constitution I believed in.Shame on you for trying to remove the property rights from the good citizens of Pacific Grove under the auspices of Coastal Beautification. Let us improve and beautify our property in a manner that enhances our community with the help, guidance and blessings of our city planners and not the "Gestapo" methods of the CCC, where common sense does not exist.

**"It might cast a shadow on the endangered good tax paying citizens to be"**

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

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

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

Inbox x

**Debbie Gonzales**  
06/16/16

3:12 PM (34 minutes ago)

to Mark, me, Laurel, Wendy, Heidi

Please see PC Agenda 6-16-16 Item 7(a) comments below.

----- Forwarded message -----

From: <[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org)>

Date: Thu, Jun 16, 2016 at 1:00 PM

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

To: [dgonzales@cityofpacificgrove.org](mailto:dgonzales@cityofpacificgrove.org)

Name: Janet Cohen

Email: [janetcohen333@comcast.net](mailto:janetcohen333@comcast.net)

Message:

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

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

1. Allowing privacy fencing within the allowable 15 % building coverage to a capped amount. Allowing privacy fencing within the allowable 15% building coverage makes more sense but also has pitfalls for protecting visual access of the dunes again on the larger lots. For instance, a 3500 square foot home on an acre would be allowed 2500 square feet of privacy fencing. Thus, a capped limit seems important even within the 15% coverage as for instance: privacy fencing allowed within 15% building coverage of the site up to (a designated amount, maybe 1200-1300?) square feet.
2. Fencing with grape stakes or similar fencing to 4 to 4.5 feet height for a designated area does not impose the same kind of problems as privacy fencing because of better visual access. 4 to 4.5 feet height limits would allow some wildlife passage. The ratio of allowable grape stake fencing could be linked to 5% of lot size but once again a maximum cap size seems important for greater than an acre as for instance: grape stake or other similar fencing allowed to a maximum limit of 2182.5 square feet for one acre or greater of lot size.
3. Perimeter fencing that allows visibility and movement of wildlife or none.

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

Thank you,

Janet Cohen

Attached File:

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

## Re: Local Water Project

Inbox x

**Anthony Ciani**  
6/15/16

4:53 PM (15 hours ago)

to John, me, Brian.O'Neill

John,

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

Thank you,  
Tony

On Tuesday, June 14, 2016, John Pearse <[pearsester@gmail.com](mailto:pearsester@gmail.com)> wrote:  
Hi Tony,

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

John

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

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

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

Tony

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

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

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

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

Brian,

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

Tony

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

Thank you Luke,

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

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

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

Tony

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

Hi Tony,

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

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

Luke

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

Hi Brian,

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

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

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

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

Thank you,

Tony Inline image 1

JUNE 15, 2016  
Item 7 (1)

RECEIVED

JUN 15 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

To the Planning Commission of Pacific Grove

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

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

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

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

Regards, A concerned property owner

RECEIVED

JUN 15 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEV DEPT

June 14, 2016

Re: Pacific Grove Local Coastal Program

To Whom It May Concern:

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

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

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

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

Sincerely,

Stephanie and Greg Edenholm  
Asilomar Dunes residents and homeowners

Luke Coletti

12:53 PM (3 hours ago)

06/14/16

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

Hello Brian,

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

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

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

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

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

Therefore, I'm requesting the following:

- 1) LUP section 3.4.1 PUBLIC INFRASTRUCTURE (INF) Background - Water Supply, Conservation, and Wastewater must mention the Pacific Grove Local Water Project being at risk.
- 2) The LUP must include clear definitions of all tidal datum being used.
- 3) The LUP must be consistent as regards the names of various tidal datum, e.g., Mean High Tide should be replaced with Mean High Water in order to match Revell.

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

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

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

Thank you for your consideration,

Luke Coletti  
Pacific Grove

Kirstie Wilde

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

6/14/2016

RECEIVED

JUN 14 2016

CITY OF PACIFIC GROVE  
COMMUNITY DEVELOPMENT DEPARTMENT

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

Dear Ladies and Gentlemen,

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

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

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

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

Sincerely,



June 14, 2016

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

Dear Planning Commissioners,

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

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

- ❖ Bio 23 bullet 1  
 “An additional five (5) percent of the total lot area may be used as Immediate Outdoor Living Space (i.e., a dune area within which limited outdoor activities are allowed) if such area is contiguous to allowed coverage areas and it is restored/enhanced and maintained dune.  
 So does this mean a homeowner’s can outdoor living space has to be native habitat? How is that outdoor living space? I believe the definition of outdoor living space needs to be redefined to allow more flexible uses associated with typical backyards.
- ❖ Bio 23 bullet 10  
 “As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes to allow for wildlife movement, native seed dispersal and visual consistency.”  
 What does as feasible mean? Does it mean the city can require a homeowner to remove fencing even if they are not doing any development/redevelopment activities?
- ❖ Bio 23 bullet 11 - “Fencing and other such barriers shall be prohibited along any property boundary, except private yard space fencing, absent a conclusive showing that such fencing/barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed fences/barriers shall be limited to minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. Fencing for private yard space adjacent to a home may include a property line, but may not exceed 1000 square feet adjacent to the framework of the home and is allowed subject to City design review.”

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

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

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

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

Sincerely,  
Kathryn Poling

Honorable Mayor, City Council, Planning Commission & Staff

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

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

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

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

Don Redgwick  
Pacific Grove



John Pearse

8:11 AM (3 hours ago)

06/14/16

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

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

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

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

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

#### 1.6.4 Intertidal Zone Monitoring

Pacific Grove's rocky intertidal areas with their tide pools, and the offshore kelp forests, are among the most diverse and species rich habitats in the world. The City has protected them as marine refuges since 1931 and they have been within the State's marine protected areas since 2007. They are popular for recreational exploration and scientific research. Students in Hopkins Marine Station's Marine Life Observatory program study and monitor marine life all along Pacific Grove's coast. The Pacific Grove Museum of Natural History coordinates a citizen science program, LiMPETS (Long-term Monitoring Program and Experiential Training for Students), that provides hands-on monitoring experiences empowering middle and high school students and teachers as ocean stewards while tracking changes along the coast. In addition, students and researchers of the University of California, Santa Cruz, PISCO program (Partnership for Interdisciplinary Studies of Coastal Oceans) now monitor both the rocky intertidal and the kelp forests of Pacific Grove.

I very much approve of HAZ-13 that recognizes the irreplaceable "natural living shoreline" that would be vulnerable to shoreline protective devices such as seawalls and rip rap. Indeed, large boulders used for rip rap cover and destroy the native biota of the intertidal, provide habitat for rats, and detract from the scenic beauty of the algal-covered native rock outcrops.

The photograph heading section 2.3 nicely illustrates the rocky intertidal at Point Pinos. I am very pleased with this section. Because the rocky intertidal at Point Pinos shoreward of the Lighthouse Reservation is particularly diverse and attractive to many visitors, I suggest modification of the final paragraph on page 2-22 to emphasize the special rocky intertidal habitats there:

West of Asilomar Avenue and north of Lighthouse Avenue is Lighthouse Reservation, with Point Pinos Lighthouse, a portion of the city's golf course, and a rocky intertidal shoreline. A trail is being developed along the shoreline connecting Perkins Park to the east with Asilomar State Beach to the south. The rocky islets jutting out to the northwest are part of the California Coastal National Monument. They are surrounded with dramatic, algal-covered intertidal rocks and tidepools popular with visitors from around the world. The Great Tide Pool, made famous in John Steinbeck's "Cannery Row," is on the southwest corner of Lighthouse Reservation.

I recommend that the second bullet on the top of page 2-30 be expanded to:

Intertidal areas which include a high diversity of algae, invertebrates, and fishes in tide pools and on boulders and rocky outcrops, and are sensitive to trampling and other types of disturbance.

I note that there is no mention of rocky intertidal (tide pool) biota in section 2.2.4 Land Use Plan Policies - Biological Resources and Environmentally Sensitive Habitat Areas. I recommend that a statement be added under Flora and Fauna

BIO- XX. Preserve and maintain marine habitats (rocky intertidal, tidepool, kelp forest) in accordance to Municipal Code 14.04.010-030 and the California Department of Fish and Wildlife's

janetcohen333@comcast.net

1:05 PM (22 hours ago)

06/13/15

to me, Mark, brian.o'neill, kevin.kahn

Hello Anastazia and Mark,

I will assume 5% privacy fencing proposal in the Asilomar dunes is for 5% of lot size. Thus, it seems like it will be too much as I mentioned before from the large lot sizes of 1/2 to 1 acre. 1089 square feet for 1/2 acre would be allowed and 2182.5 square feet for an acre.

\*\*\*Keeping the fencing as defined in the 1989 Land Use Plan seems best\*\*\* but other alternatives might be:

1. Allowing privacy fencing to a designated height for courtyards only within the allowable 15% building coverage.
2. Allowing grape stake or similar fencing for 5% of the lot size for pets. This would still allow visibility but the downside would be not allowing wildlife to come through that part of the lot.
3. Perimeter fencing only that allows visibility and movement of wildlife or none.
4. Current non-conforming fences left as legal until certain triggers happen as defined in the IP by the City.

Thank you,

Janet Cohen

Luke Coletti  
06/13/16

12:52 PM (1  
hour ago)

to Brian.O'Neill, me, revellcoastal, Tom.Kukol, kinisonbrown

Hello Brian,

The proposed Pacific Grove Local Water Project will be constructed at the site of the abandoned Point Pinos Waste Water Treatment Plant (PPWWTP). The original plans for the PPWWTP, prepared in 1952 (see pp. 8-12 in attached PDF), show the elevation of finished grade (FG) as being less than or equal to 20ft above mean sea level. The drawings also show that the base the plant's two buildings are significantly below that.

The fact that the Local Water Project will be sited where the original plans indicate is less than 20ft above mean sea level seems problematic, especially when you consider the entire site is within the Areas of Potential Sea Level Rise Hazard and subject to potential coastal flooding (see p. 7 in attached PDF).

LUP Policy HAZ-11 (text and link below) mentions the 20ft elevation mark as being a significant threshold for coastal development.

<http://www.cityofpacificgrove.org/sites/default/files/general-documents/local-coastal-program/final-lupredlinecc-may-comments053116.pdf>

HAZ-11. In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium only, coastal dependent and coastal related development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop.

Therefore, I'm requesting that LUP section 3.4.1 PUBLIC INFRASTRUCTURE (INF) Background - Water Supply, Conservation, and Wastewater include some mention of the Local Water Project being at risk too. Millions of dollars (SWRCB grant and loan = \$7.7M) will soon be spent on the new wastewater scalping plant and upgrading the two existing concrete buildings/storage tanks.

Further, the agenda report for the June 16, 2016 Planning Commission meeting (link below) contains a report on Hazard policy and sea level rise triggers (see pp. 1-7 in attached PDF). The report includes a Preliminary 20 foot contour line map (see p. 8 in attached PDF). It seems almost miraculous that the Point Pinos Waste Water Treatment Plant site is perfectly excluded. Therefore, I am requesting the elevation(s) of the site be surveyed and not numerically interpolated. This should have been done earlier as part of the PGLWP EIR but it appears there was an error in reporting the location of the site (see below).

<http://www.cityofpacificgrove.org/sites/default/files/planning-commission/2016/6-16-2016/planning-commission-regular-meeting-6-16-2016-agenda.pdf>

Finally, the executive summary of the Hazards and Hazardous Materials appendix to the DEIR for the Pacific Grove Local Water Project (link below) states the elevation of the site is "35 ft. above sea level". However, the lat/long provided is the location of the PG golf course clubhouse (see attached pic), not the location of the plant! Therefore, since a CCC waiver was granted on erroneous information, I'm requesting the elevation of the plant site be confirmed and that the terms of the CCC waiver be revisited.

<http://www.cityofpacificgrove.org/sites/default/files/general-documents/local-water-project/appendix-f-hazards-and-hazardous-materials.pdf>

Thank you for your consideration,

Luke Coletti  
Pacific Grove

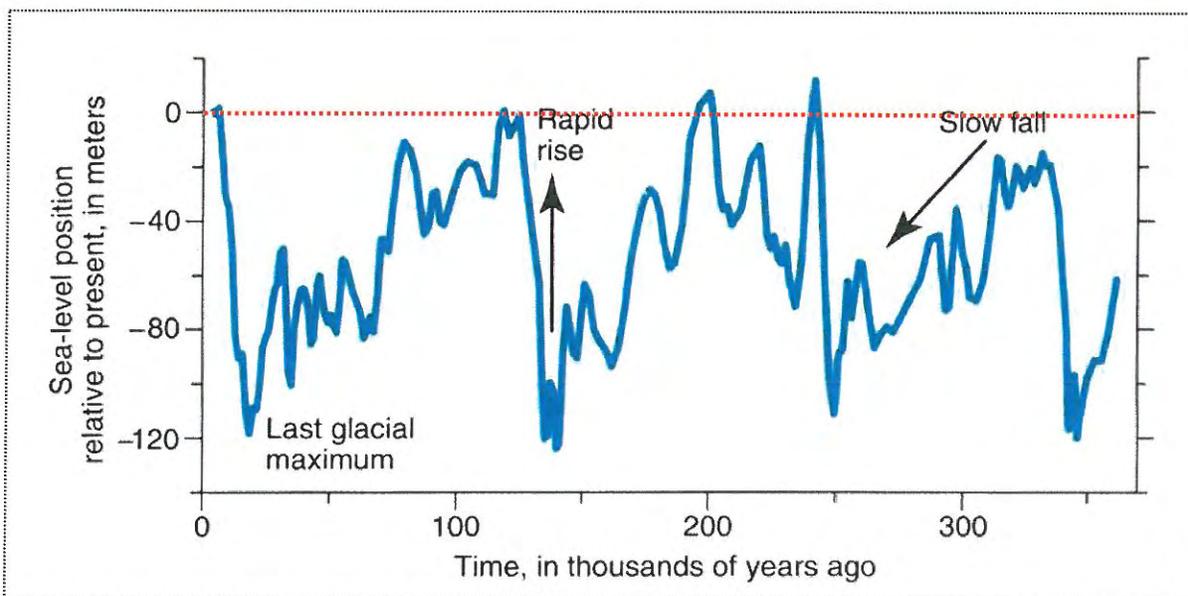


Figure 3. Sea level position relative to present for the last 350,000 years

*It is the increase of the sea level over the longer term, which is the important variable to monitor to trigger specific policy changes.*

To understand the specific language proposed in the policy, it is first imperative to define some of often confusing terms used to describe elevations and datums.

## Elevation and Datums

Concepts of elevation and datums can be very confusing. A federal agency, called the National Geodetic Survey, focuses specifically on precisely measuring elevation and horizontal accuracy. The discussion below is intended to provide a simplified discussion to foster a better understanding of the proposed policy language.

**Datums** – A vertical datum is a reference system that defines elevations in a consistent manner. The simplest way to think about datums is when someone says, “My house is at 10’ elevation.” This immediately should raise the question, “10 feet above WHAT?” *That WHAT is the datum.*

There are two primary datum types:

**Geodetic Datum:** a reference elevation determined by surveying in known locations on the ground. The North American Vertical Datum of 1988 (NAVD88) was affirmed as the official vertical datum in the Continental U.S. and Alaska in 1993. This Datum is actively maintained with ongoing measurements and survey work by the National Geodetic Survey.

**Tidal Datum:** a standard elevation defined by averaging a phase or phases of the tidal water levels at a tide gage over time (e.g. Mean Sea Level or Mean High Water). The period of time over which tidal elevations are averaged is called the tidal epoch. Predicted tides in the published tide



**ATTACHMENT 2**

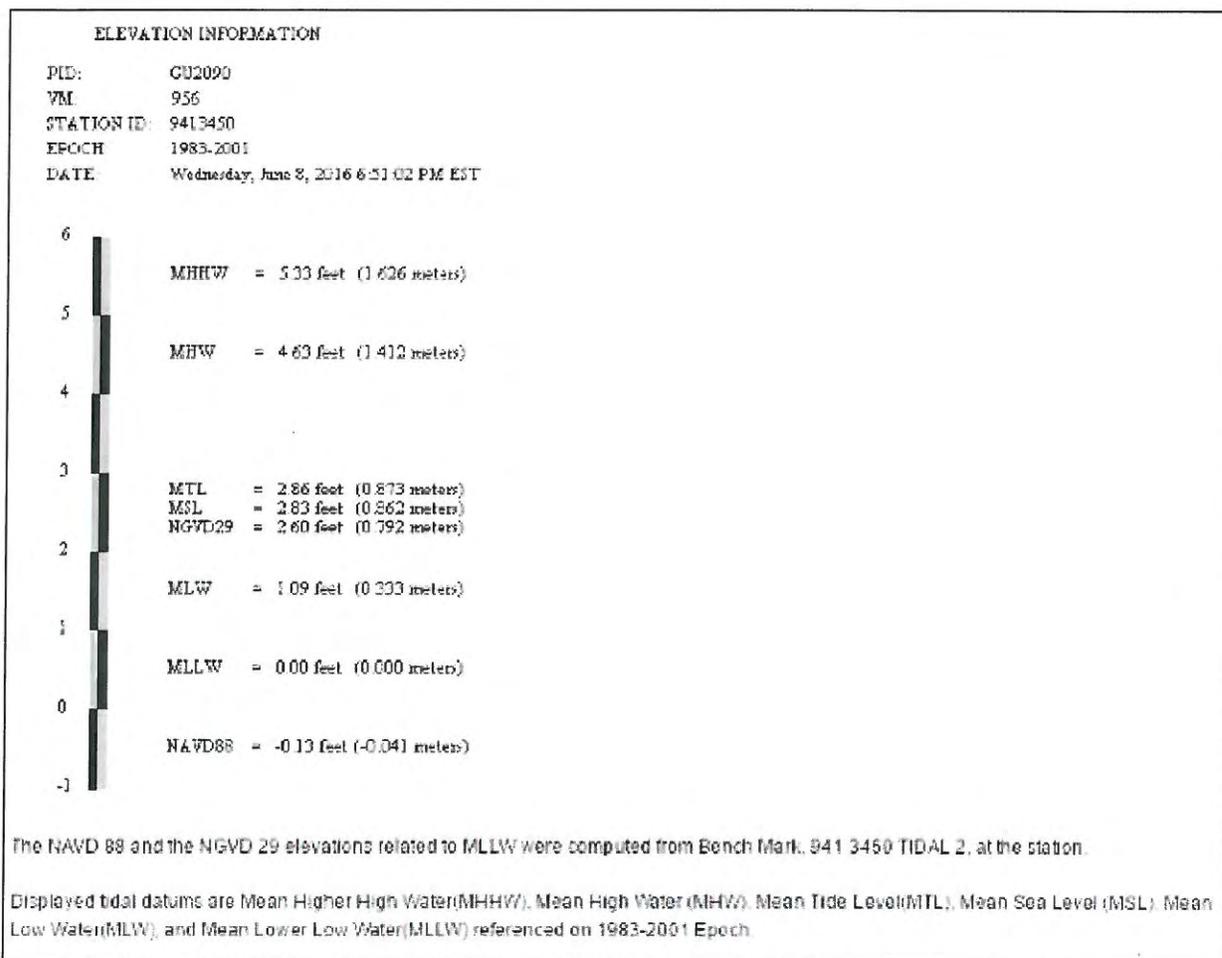
125 Pearl Street  
 Santa Cruz, CA 95060  
 Phone: 503-577-4515  
 Email: [revellcoastal@gmail.com](mailto:revellcoastal@gmail.com)  
 Website: [www.revellcoastal.com](http://www.revellcoastal.com)

**ITEM 7.a**

charts are typically reported relative to the Mean Lower Low Water tidal datum to be safest for navigation (the average of all of the lowest low tides).

Tidal Epoch – a specific 19 year period adopted by the National Ocean Service (and office of NOAA) as the official time period over which tide observations are averaged to report the mean value tidal datums. The current epoch uses all measured tides from 1983 to 2001.

Converting between tidal and geodetic datums is often confusing. The National Geodetic Survey published the following chart which translates the measured tide elevations and tidal datums for the most recent tidal epoch into a geodetic vertical datum (NAVD88). To convert tidal datum elevations in Monterey to a NAVD88 geodetic datum one simply subtracts -0.13 feet (Figure 4). Therefore, The current tidal epoch (1983-2001) mean high water level is 4.76 feet NAVD at the Monterey gage ((4.63 MHW) – (-0.13)).



**Figure 4 – Tide level information which converts the tidal datums (e.g. Mean high water) to an absolute geodetic datum with a corresponding elevation.**

**ATTACHMENT 2**

125 Pearl Street  
 Santa Cruz, CA 95060  
 Phone: 503-577-4515  
 Email: [revellcoastal@gmail.com](mailto:revellcoastal@gmail.com)  
 Website: [www.revellcoastal.com](http://www.revellcoastal.com)

**ITEM 7.a**

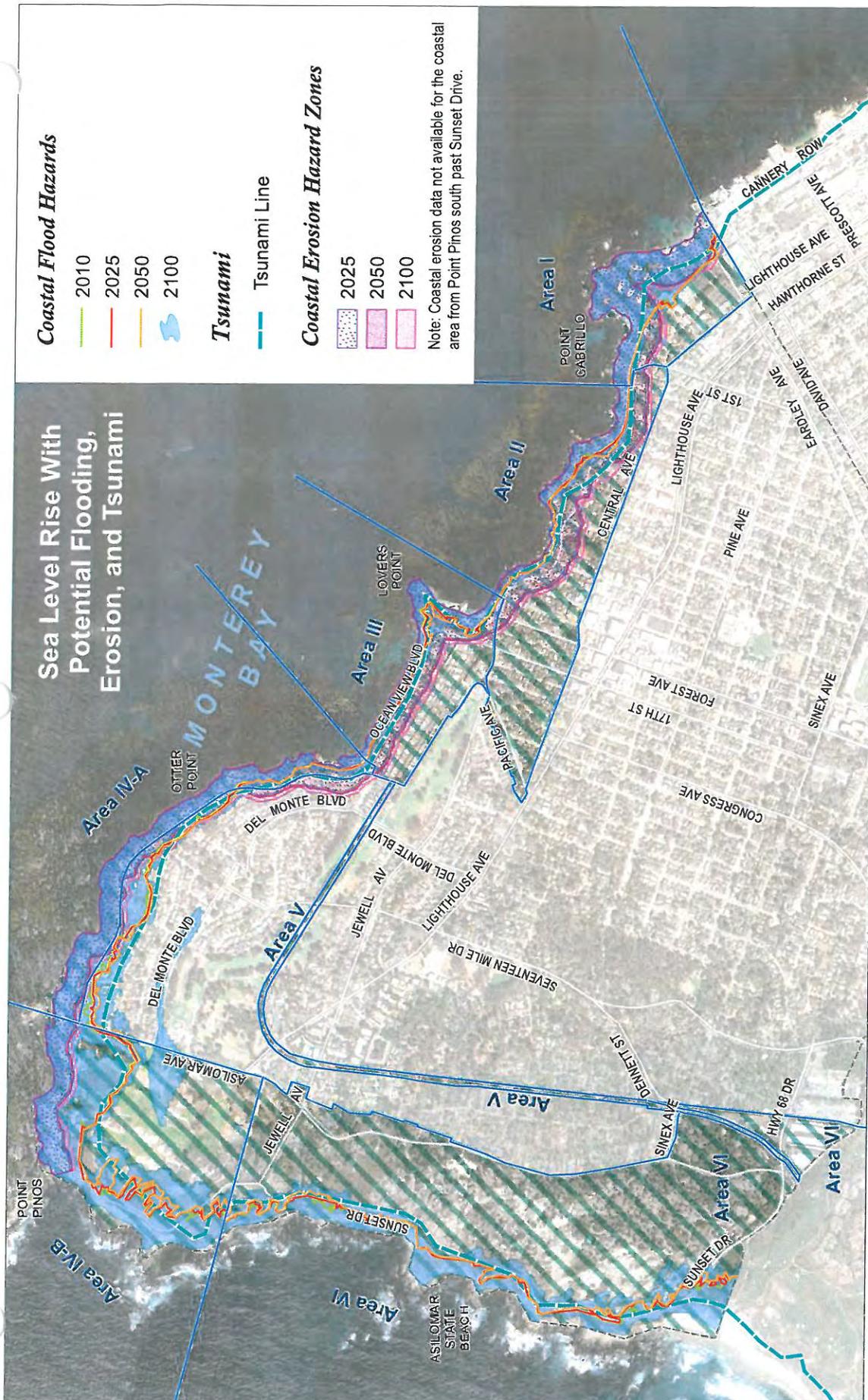
## Proposed Hazard Policy Triggers

**HAZ-12.** Development proposed in potential hazard areas, including those that are mapped as hazardous in Figure 2, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site-specific hazards report prepared by a qualified geologist/engineer is required. The purpose of this site-specific hazards report is to ensure that such development can be built in a manner consistent with applicable Local Coastal Program coastal hazards policies. Regardless, development proposed in potential hazard areas shall conduct a site-specific hazards study when the mean high water tidal datum referenced to the North American Vertical Datum of 1988 (NAVD88) has risen three (3) inches on average for an entire year above the current tidal epoch (1983-2001) mean high water level of 4.76 feet NAVD at the Monterey Tide Gage (NOAA Station 9413450). In other words, a site-specific hazards study is required for development proposed in potential hazard areas, when the mean high water level reaches 4.93 feet NAVD88 for at least one year. (Note it is possible that this could happen when they update the tidal epoch in 2020)

## Discussion

The intent of the proposed policy language is to identify a mandatory trigger for a site-specific hazards study when there is a three inch sea level rise that occurs over a one year time frame (to avoid smaller storm or El Niño signals on water levels). Language talking about datums and tidal epochs are included to be clear about the absolute trigger level of 4.93 feet NAVD and to reference those values to the existing measures of tides so that in the future as things change, there will be a clear direction on how the values above were calculated. It should be clearly stated that this analysis of the 3 year deviation will require some analysis of the readily available tide records from the Monterey tide station from NOAA. (<http://tidesandcurrents.noaa.gov>). To implement this policy, the City would analyze all of the high tides of the previous year (January 1 to December 31) and subtract that average from the published MHW in NAVD for the current tidal epoch of 1983-2001). If the difference is greater than 3 inches, then the policy would be triggered.



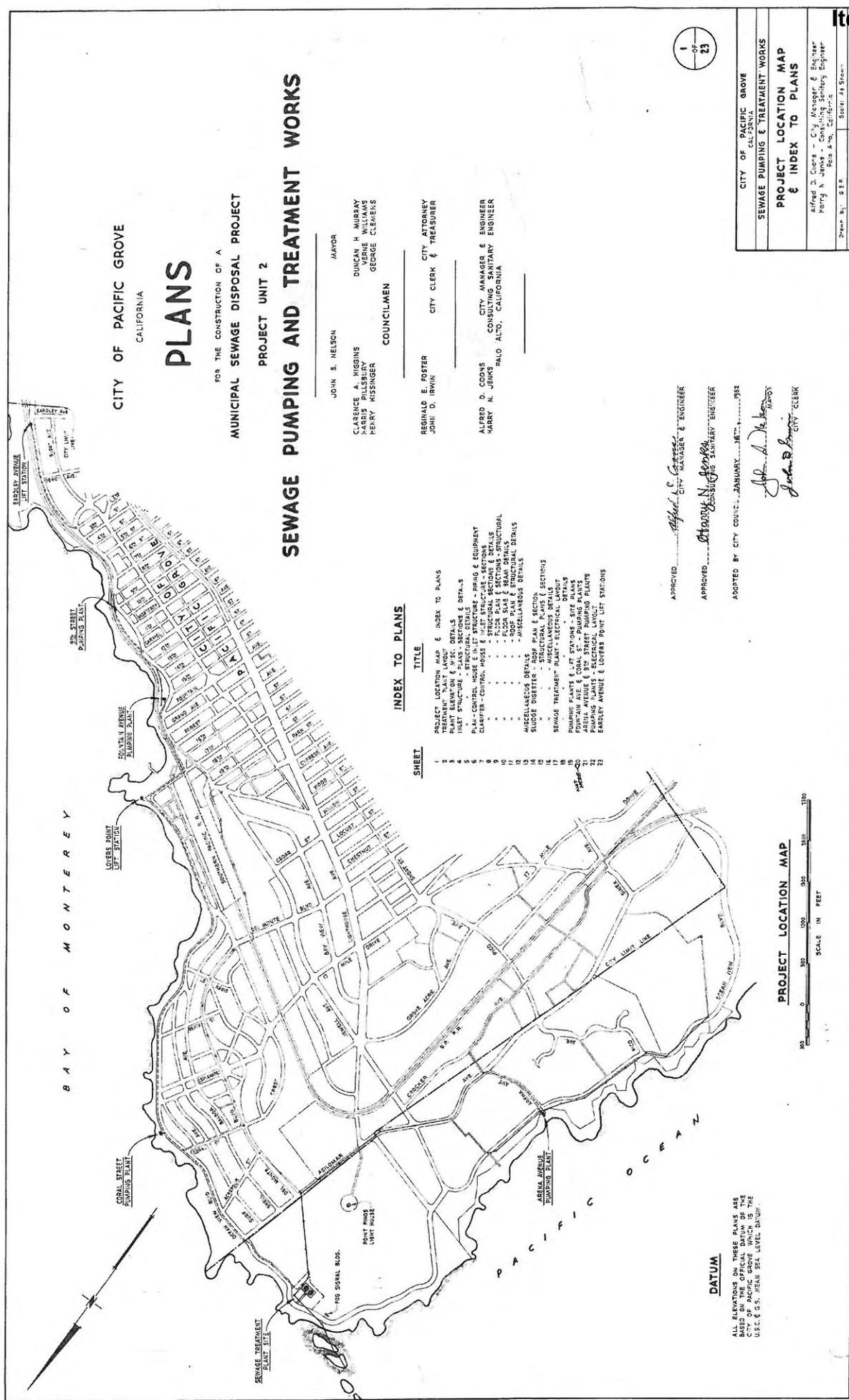


Source: Pacific Institute 2009, City of Pacific Grove, Google Earth 2013

Figure 2

# Areas of Potential Sea Level Rise Hazard

City of Pacific Grove Land Use Plan



CITY OF PACIFIC GROVE  
CALIFORNIA  
**PLANS**

FOR THE CONSTRUCTION OF A  
MUNICIPAL SEWAGE DISPOSAL PROJECT  
PROJECT UNIT 2

**SEWAGE PUMPING AND TREATMENT WORKS**

JOHN S. NELSON  
CLARENCE A. HIGGINS  
HARRIS PILLSBURY  
HENRY KISSINGER  
MAYOR

REGINALD E. ROSTER  
JOHN D. IRWIN  
CITY CLERK & TREASURER

ALFRED D. COONS  
HARRY N. JENKS  
CITY MANAGER & ENGINEER  
CONSULTING SANITARY ENGINEER  
PALO ALTO, CALIFORNIA

**INDEX TO PLANS**

SHEET	TITLE
1	PROJECT LOCATION MAP & INDEX TO PLANS
2	TREATMENT PLANT LAYOUT - DETAILS
3	PLANT ELEVATION & W.C. DETAILS
4	INLET STRUCTURE - STRUCTURAL DETAILS
5	PLAN - CONTROL HOUSE & INLET STRUCTURE - SPRING & EQUIPMENT
6	PLAN - CONTROL HOUSE - STRUCTURAL DETAILS
7	PLAN - CONTROL HOUSE - ELECTRICAL LAYOUT
8	PLAN - CONTROL HOUSE - MECHANICAL LAYOUT
9	PLAN - CONTROL HOUSE - ROOF PLAN & STRUCTURAL DETAILS
10	MISCELLANEOUS DETAILS
11	SLUDGE DIGESTER - ROOF PLAN & SECTION
12	SLUDGE DIGESTER - ELECTRICAL LAYOUT
13	SLUDGE DIGESTER - MECHANICAL LAYOUT
14	SLUDGE DIGESTER - STRUCTURAL DETAILS
15	SEWAGE TREATMENT PLANT - ELECTRICAL LAYOUT
16	PUMPING PLANTS & LIFT STATIONS - SITE DETAILS
17	PUMPING PLANTS & LIFT STATIONS - STRUCTURAL DETAILS
18	PUMPING PLANTS & LIFT STATIONS - MECHANICAL LAYOUT
19	PUMPING PLANTS & LIFT STATIONS - ELECTRICAL LAYOUT
20	PUMPING PLANTS & LIFT STATIONS - ROOF PLAN & STRUCTURAL DETAILS
21	EMERGENCY AVENUE & LLOYDS POINT LIFT STATIONS
22	
23	

APPROVED: *Alfred D. Coons*  
CITY MANAGER & ENGINEER

APPROVED: *Harry N. Jenks*  
CONSULTING SANITARY ENGINEER

ADOPTED BY CITY COUNCIL, JANUARY 1952

*John D. Irwin*  
CITY CLERK

**DATUM**  
ALL ELEVATIONS AND GRADES SHOWN ARE BASED ON THE OFFICIAL DATUM OF THE CITY OF PACIFIC GROVE WHICH IS THE U.S.C. & G.S. MEAN SEA LEVEL DATUM.

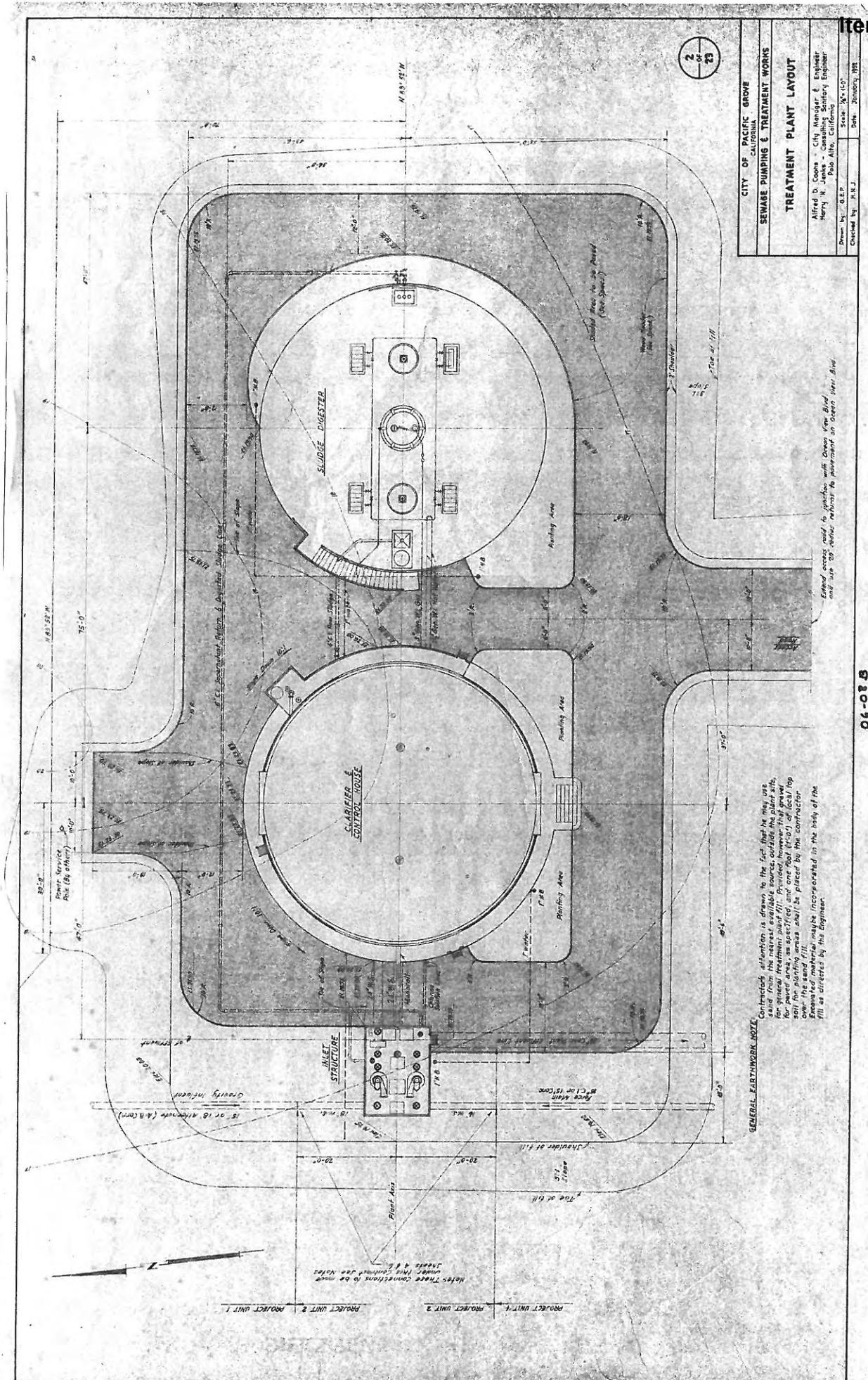
**PROJECT LOCATION MAP**



CITY OF PACIFIC GROVE CALIFORNIA
SEWAGE PUMPING & TREATMENT WORKS
<b>PROJECT LOCATION MAP &amp; INDEX TO PLANS</b>
ALFRED D. COONS - City Manager & Engineer Harry N. Jenks - Consulting Sanitary Engineer Palo Alto, California
Drawn by: J.P.P. Sheet 14 of 23 Checked by: J.C. Date: January 1952

D6-08A

Public Works Department



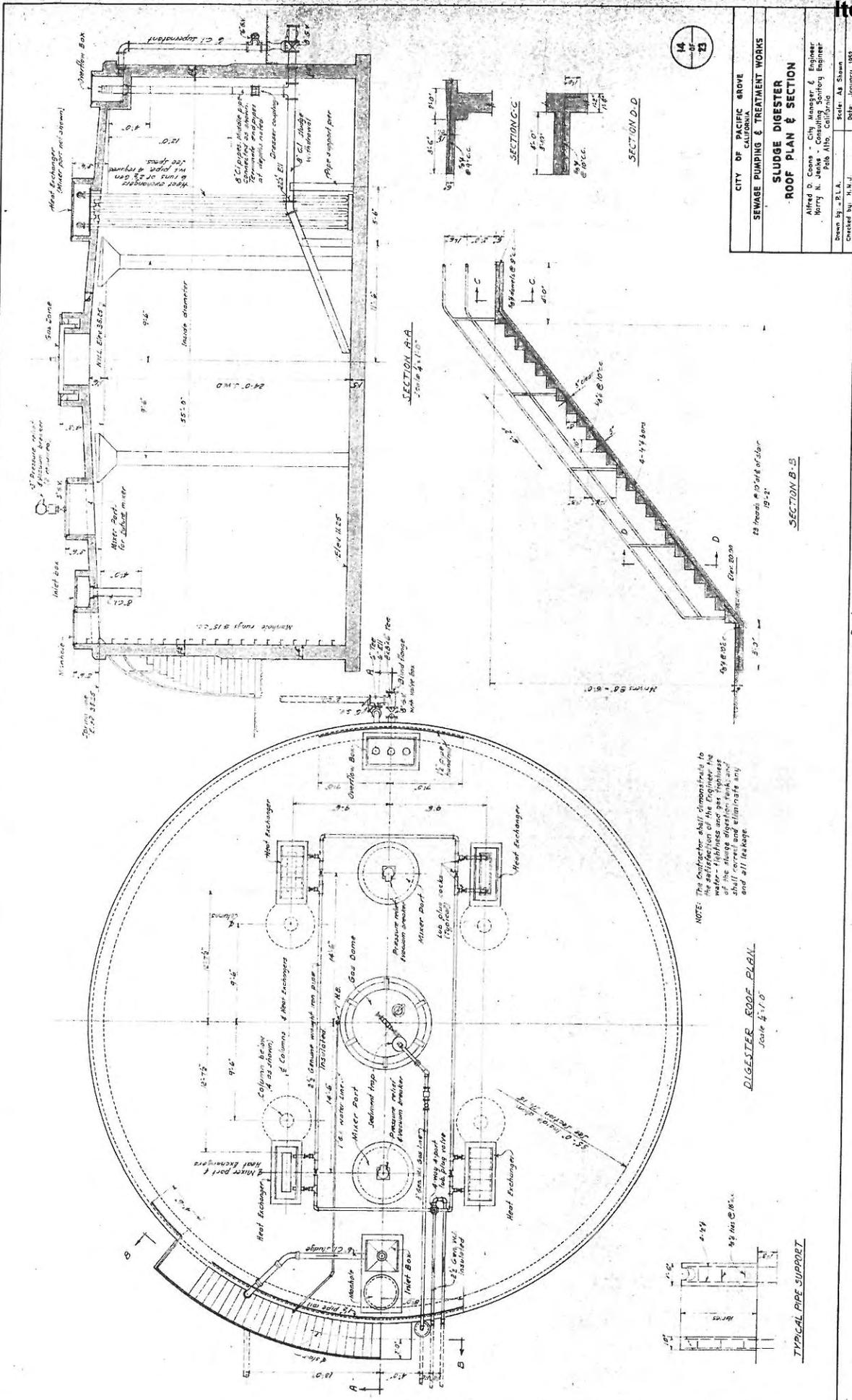
CITY OF PACIFIC GROVE	
SEWER PUMPING & TREATMENT WORKS	
TREATMENT PLANT LAYOUT	
Drawn by: B.E.P.	Checked by: J.H.J.
Scale: 1/8" = 1'-0"	Date: January 1928
Alfred D. Coona - City Manager & Engineer Harry N. James - Consulting Sanitary Engineer 720 Alameda, California	

**GENERAL EARTHWORK NOTE**  
 Contractors attention is drawn to the fact that the clay soil sand from the nearest available source outside the plant site for general treatment plant fill. Provided however, that gravel soil for plant fill must be placed by the contractor over the sand fill. Estimated material may be incorporated in the body of the fill as directed by the Engineer.

Notes: These connections to be made under the conditions as noted sheets 4 & 5.  
 PROJECT UNIT 1  
 PROJECT UNIT 2  
 PROJECT UNIT 3

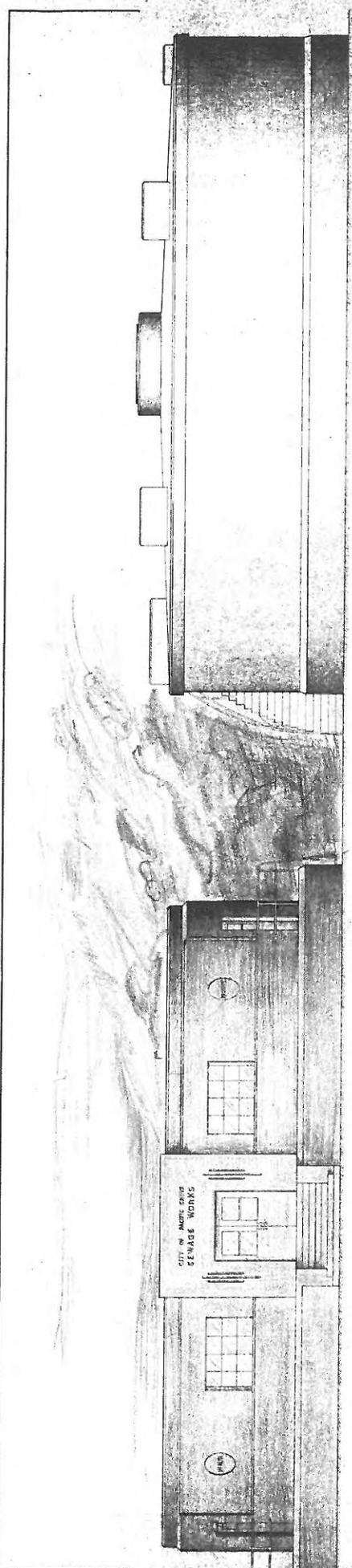
06-018





CITY OF PACIFIC GROVE
SEWAGE PUMPING & TREATMENT WORKS
SLUDGE DIGESTER
ROOF PLAN & SECTION
Alfred D. Coons - City Manager & Engineer
Harry N. Jenks - Consulting Sanitary Engineer
240 1/2 Ave. California
Drawn by: P.L.A.
Scale: As Shown
Checked by: T.H.J.
Date: January 1951

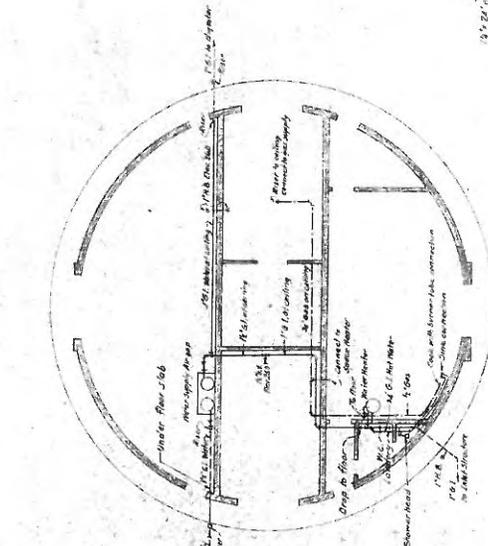
D 6 - 08 N



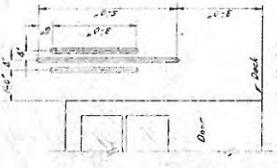
CLARIFIER & CONTROL HOUSE

FRONT ELEVATION  
Scale 3/8" = 1'-0"

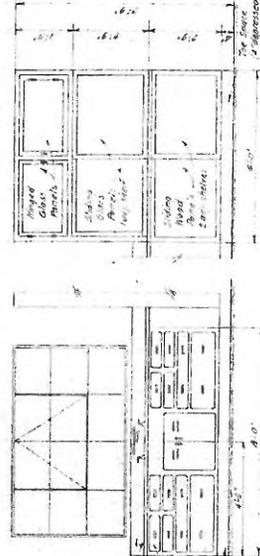
SLUDGE DIGESTER



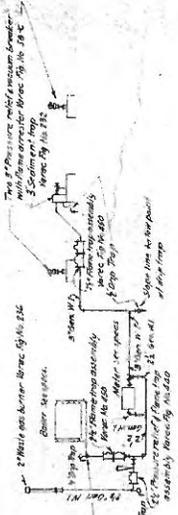
PLUMBING DIAGRAM  
Scale 3/8" = 1'-0"



ENTRANCE PANEL DETAILS  
Scale 3/8" = 1'-0"



CABINET DETAILS  
Scale 3/8" = 1'-0"



SLUDGE GAS HANDLING DIAGRAM

GENERAL NOTE:  
Center for the City of Pacific Grove, House No. 4, has  
SEWAGE WORKS  
HEALTH  
LEADERS to be increased in number to 10,000, 10,000  
2. 1/2 finished wood floor on base of 1/2" x 1/2" x 1/2" concrete  
form.

3 OF 23

CITY OF PACIFIC GROVE CALIFORNIA	
SEWAGE PUMPING & TREATMENT WORKS	
PLANT ELEVATION & MISC. DETAILS	
Alfred D. Coane - City Manager & Engineer	
Harry N. Jones - Consulting Sanitary Engineer	
Drawn by: G. S. P. & R. S. N.	Scale: 3/8" = 1'-0"
Checked by: P. M. C.	Date: January, 1922

INSCRIPTION DETAILS





June 7, 2016

To: Planning Commission, Anastazia Aziz, EMC Staff

Re: June 1, 2016 LUP Comments

From: Lisa Ciani

Dear Planning Commissioners, Anastazia, and EMC Staff:

1) There is a mistaken understanding on the part of the City of Pacific Grove that marine resources in (MAR) are not resources the City needs to write policy about for the bay and ocean. On the contrary, it's essential to **document and provide protection for the marine resources** we have. While we have 15 policies in the MAR section, they do not **recognize habitats such as the intertidal zone, tidepools, the subtidal zone and kelp forest and the sea out to 3 miles**—this needs to be corrected. The Coastal Commission is required to make decisions consistent with our policies. **(Red added for emphasis and for new material.)**

Not only are those marine resources critical to the experiences people come here to enjoy, they are the basis of our extraordinary cultural heritage of stewardship from Julia Platt, Ed Ricketts and John Steinbeck to our current community of citizen scientists including the Museum's LiMPETS program, a long-term environmental monitoring and education program for students from the elementary to the college level, educators, and volunteer groups. The following partial description is copied from the *limpets.org* website, and I believe a summary description of this program should be added to Section 1.6, Relationship of Citizen Volunteer Groups to the Land Use Plan:

*The LiMPETS network was created in 2002 when the national marine sanctuaries of the West Coast Region worked together to streamline their intertidal student monitoring programs. Student-friendly protocols for monitoring rocky intertidal and sandy beach ecosystems were developed with the expertise and guidance of Dr. John Pearse, Dr. Jennifer Salzman, and other scientists. The LiMPETS network is a collaborative effort among Channel Islands, Monterey Bay and Gulf of the Farallones national marine sanctuaries, Farallones Marine Sanctuary Association, Marine Science Institute at the University of California at Santa Barbara, and the University of California at Santa Cruz.*

2) In the Biological Resources and Environmentally Sensitive Habitat Areas (BIO) section of the LUP, tidepools were added back into the background description of ESHA (Section 2.4.1, bullet #5) in the May 2016 revision. However, the policies do not reflect that addition. (My husband can provide policy language.)

The background description should include a paragraph about the granite bluffs, sandy beaches, rocky beaches, the rocky intertidal zone, tide pools, and subtidal zone. (I understand that Dr. John Pearse will write a description of this for the LUP, since the City and consultants have not been able to provide one.)

3) I have revised the beginning of the description of the Black oystercatcher monitoring program in Section 1.6 after hearing at the June 2 Planning Commission meeting that it might not be clear to commissioners why the Black oystercatcher is included in LUP policies, and also because the description referred to the Black oystercatcher as a sea bird when it is actually a shorebird (although it is studied by sea bird scientists)—it does not frequent the open ocean:

*Citizen volunteers assist in carrying out the Coastal Act goal of maintaining and restoring the overall quality of the Coastal Zone environment. This includes a multi-year project of monitoring Black Oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community. Black oystercatchers are shorebirds that are completely dependent on rocky intertidal shorelines, and they inhabit Pacific Grove's rocky intertidal zone during the entire year as permanent residents with no regular migration. They nest on rocky islands falling under the jurisdiction of the Bureau of Land Management, and also on the shore-side rocky coast within the City's jurisdiction, where they are impacted by human use and rising sea levels. They are sea birds that primarily feed in tide pools.*

*(new paragraph)*

*The City has partnered with the Audubon Society and the Bureau of Land Management... which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan. (Retain the wording represented by "...", that has been omitted in this passage for brevity in this comment.)*

4) In BIO-1 the final sentence about ESHA should be revised to read:

*In Pacific Grove, these areas include, but are not limited to, rookery areas, dune, wetland, stream, coastal bluff, sandy and rocky beaches, intertidal and subtidal zones, tide pools, kelp forest, offshore reefs, rocks, and islets.*

Characteristic Fauna in Section 2.4.1, and BIO-7 should include the following, along with the Monarch butterfly, Harbor seal and Black oystercatcher:

*Black-tailed deer* (as requested by Commissioner Murphy in January, I believe)  
*Southern sea otter,*  
*Humpback and Gray whale,*  
*Brown Pelican,*  
*Cormorant (Brandt's, Double-crested, and Pelagic).*

5) BIO-8 includes "encourage the planting and preservation of vegetation useful to all life stages of the Monarch butterfly, including the planting and preservation of native milkweed species (i.e., Asclepias spp.) for Monarch caterpillars...."

This is not consistent with biologists' current understanding that we *should not* plant milkweed where it didn't naturally grow (not within 10 miles of the coast in this area) as it interferes with the Monarchs' life cycle, AND we *should* plant nectar plants here. (See the agenda report for the BNRC's September 15, 2015 meeting, which I also referenced in my May 12, 2016 comments sent to Anastazia.)

6) **The Retreat** should be indicated as a highly **Scenic Area**, and the section of **Monterey pine forest in Area VI** that has been omitted from the Scenic Areas should be included, as a very important component of the scenic gateway to the Asilomar coast.

Thank you for considering my comments,  
 Lisa Ciani

**JAMES N. SMITH ARCHITECT, INC.**  
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

06-12-16

Planning Commissioners  
City of Pacific Grove

Comments and Edits to Draft Version  
Pacific Grove Land Use Plan

The Draft Pacific Grove Land Use Plan, as it presently exists, contains onerous new provisions and confusing directives which will result in significant misinterpretation and misapplication. We respectfully request the Planning Commission slow the review process down and take as much time as is necessary to resolve and clarify the language of the LUP prior to forwarding this critical document on to the City Council.

It is imperative that the LUP be constructed such that the Implementation Plan will result in clear and consistent direction. To do otherwise is to set in motion years of confusion, untold wasted hours of P.G. Planning Staff time, numerous hindrances for property owners, likely regular project appeals by the Coastal Commission (The very thing completion of an LCP is intended to avoid) and even the prospect of possible lawsuits from disaffected property owners.

Fundamentally, coastal development which has occurred Pre-Coastal Act (PCA) should be regulated and evaluated based on the regulations in place at the time of the structure's construction. The draft language supported by CC Staff will seriously punish those residences not in current compliance when property owners seek to improve, or even repair, their property. It is one thing to create new rules for prospective development, but it is unfair to force owners of existing homes who may want to remodel within the same footprint to have to reduce their homes to conform to new rules.

Below are several provisions included herein as reference for the suggested draft language changes to follow:

Public Resources Code Division 20, Chapter 7, Article 1

Section 30610 (a)

"Notwithstanding any other provision in this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: (a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950  
PH: 831-372-7251 FAX: 831-372-7252

**JAMES N. SMITH ARCHITECT, INC.**  
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

and shall require that a coastal development permit be obtained pursuant to this order.”

Per 30610 (d)

Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities;...” will also not require a coastal development permit unless extraordinary methods of repair involve a substantial environmental risk.

Per California Code of Regulations Title 14,

Section 13250 states that per the above PRC Section 30610 (a), for an existing single-family residential building, the following shall also be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds...
- (3) Landscaping on the lot

The above regulations state that repair and alteration are allowed, and often without any coastal development permit. In areas of sensitive habitat, permits may sometimes be required, but should not trigger onerous restoration provisions. Development should be allowed to remain in the size and coverage under which it was permitted. If the existing development already exceeds current limitations, the property owner should nevertheless be allowed to remodel and improve that structure without suffering any loss of coverage.

Secondarily, coastal development which has occurred after the Coastal Act was adopted, and which has been approved under earlier coastal regulations, should be allowed to continue to be governed by the coverage rules in place at the time of permit issuance. To further restrict any development in such instances constitutes a Taking.

Thirdly, with the case of raw land, it has for years been deemed an acceptable provision to require that new development be limited to 15% coverage with 5% additional area for Outdoor Living. This 5% is already extremely minimal, and use of it should be allowed to be any normal living use, other than deleterious uses or the planting of invasive species of plants. The proposed regulations would take away normal uses.

The second part of this letter is to identify specific language, which is in contradiction with the above stated goals and also to suggest changes to the draft language to more fairly represent the interests of property owners and to clarify ambiguities within the draft language in general. Suggested changes are underlined.

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950  
PH: 831-372-7251 FAX: 831-372-7252

**JAMES N. SMITH ARCHITECT, INC.**  
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

### 1.10 Terminology

Per PRC 30106 Development means the placement of any structure, and the construction, reconstruction, demolition or alteration in the size of any structure. For the purposes of defining a structure, refer to the approved definition above per 14 CCR 13250 (a) which includes three parts.

This definition of Structure needs to remain as is and draft language needs to be consistent with this definition.

Structures extant prior to the Coastal Act and structures built prior to 1989 (initial LUP) need also to be distinguished. The following definitions should be added under Development or as a subset:

“Pre-Coastal Act Development:

Legally permitted structures in existence prior to the adoption of the California Coastal Act.” (This is an alternate to the sidebar comment of PKB4)

“Existing Development:

Legally permitted structures in existence at the time the City of Pacific Grove’s LUP component of it’s LCP first took effect (i.e., structures built between March 1, 1977, effective date of Coastal Act adoption to June 7, 1989”

Redevelopment:

When a property is improved, it is unacceptable to demand that “the entire structure” be made to conform with all applicable LCP policies. Under the proper state law definition of “Structure”, this includes all landscaping, fences, and all other fixtures or structures attached to the residence. This language is too broad for those seeking to improve their property.

We suggest the following changes:

“An existing structure shall be considered redeveloped, whereby portion(s) of the structure must be made to conform with applicable LCP policies...”

Also, under Item 1. Alteration, we suggest the word “Interior” be struck from the clause. Interior work does not materially cause any increase of the impacts to a site and are typically not a part of the major structural components of such development.

### 2.1.4 Natural Hazards and Sea level Rise

HAZ-11:

This sentence should be struck: “Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot

**JAMES N. SMITH ARCHITECT, INC.**  
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop". This is an onerous provision that endangers the options of homeowners. The future is uncertain and so are the hazards they may face.

### 2.3.4 Scenic Resources

#### SCE-4

This policy makes reference to fences as "accessory development", whereas under 1.10 Terminology, Development includes all structures, which encompasses fences. This new distinction for fences can cause confusion. What exactly are all forms of accessory development?

Further, there needs to be a distinction for Pre-Coastal Act Development and Existing Development. Provision should be made to 'grandfather' these structures.

#### SCE-7

This provision should be struck. It serves to codify the argument that private property owners should be encouraged to, among other options, remove their home. Redevelopment, as it is being defined in the draft, means that reductions in square footage or the removal of entire homes is to be encouraged by the City. By making such onerous restoration requirements for even minor 'development', these regulations will cause people to not undertake improvements, which will have the opposite effect from intended. Instead of encouraging improvements and repairs, property owners will defer improvements and this policy will contribute to structures remaining in disrepair. This will not improve visual appearance or attract visitors to the City's coastline.

### 2.4.4 Biological Resources

#### BIO-15

Fencing should be allowed on private properties as required for reasonable safety and privacy. The 5% Immediate Outdoor Living Space should also be allowed to be fenced should the property owner elect to. (language in support of this supposedly in the errata). The word "maintain" should be replaced with "encourage".

#### BIO-23

##### Bullet Pt 1

There is both "development" and new development" cited at the beginning of the first bullet point. These should be consistent.

For development on lots less than ½ acre in size, property owners should not be required to restore off-site areas of 5% as a baseline.

**JAMES N. SMITH ARCHITECT, INC.**  
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

The 5% of Immediate Outdoor Living Space is defined as dune area within which limited outdoor activities are allowed, but only if the area is restored, enhanced and maintained as dune. What activities exactly are then allowed? There is no substantial distinction in the definition of this area and that of the remaining 80%. Clarification is needed of what activities and landscaping are allowed.

**Bullet Pt. 3**

This provision should be struck: "Development shall only be approved if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition..." This is not land the property owner owns or has control of or should be reasonably expected to care for. Said property owner has no right of use of this land and therefore it falls to the City or other approved agency to care for, or pay to care for, this area of land. At a minimum, the restoration of the Right-of-Way should be counted as Off-Site restoration.

Has this provision been approved by the City Attorney David Laredo? This provision appears to be better addressed in BIO-27 as a City responsibility.

**Bullet Pt. 4**

"All new residences shall be set back from the centerline of Sunset Drive at least 75 feet" Structures includes driveways and fences and landscaping. It is too restrictive to eliminate all of these elements within 75' of Sunset Dr. Also, note that the setback distance is ambiguous as to where the measurement is taken from.

Suppose a homeowner wants to improve their property, but they have existing structure(s) within the 75' setback. Will they be required to demolish the offending portion of their 'development' as this provision would suggest? The distinction of Pre-Coastal Act or Existing Development should be added, and distinction between primary residence and other structures needs to be added (the so called accessory structures)

**Bullet Pt. 9**

The disallowing of fencing unless proven to be more protective of dune habitat is onerous. Fencing for privacy and safety concerns should be allowed.

**BIO-26**

This provision appears to have been, and should be struck entirely.

**BIO-27**

This is the correct policy for Right-of-Way restoration. The following wording should also be struck: "The City shall also prioritize removal of obtrusive and nonconforming fencing (see also fencing requirements of Policy BIO-243)

**JAMES N. SMITH ARCHITECT, INC.**  
RESIDENTIAL AND COMMERCIAL ARCHITECTURE

BIO-29

This provision should be struck in its entirety. It is onerous to establish that any development of non-conforming development require that all development on the site be brought into conformance with the LCP.

BIO-30

This provision should be amended to: "Development associated with existing non-conforming residential development in the Asilomar Dunes Residential Area that does not result in redevelopment (as defined in Section 1.10) shall only be allowed if lot coverage percentage remains the same or is reduced." The remaining verbage is onerous and should be struck.

BIO-32

This policy should be amended to: "Development associated with existing conforming residential development in the Asilomar Dunes Residential Area that is equal to the lot coverage limit shall only be allowed if there is no increase in coverage percentage." The remaining portion should be struck as onerous.

In summary, it is clear that the Coastal Commission is using the certification process for the P.G. Local Coastal Program as an open door opportunity to rewrite and toughen the language of the LUP. In many cases these changes are unfair and arguably illegal. If this language is approved and then certified, it will result in many negative consequences for property owners, both intended and unintended. It is also clear that, based on the less than regular updating of these Plans throughout the state, that what is approved today will become the law of the land for many years to come. It is even likely that our approval of this language will prove onerous for other municipalities as the Coastal Commission begins to cite our freshly minted LCP as the latest evolution of Coastal planning for the entire state. The importance of the process before us, while tiresome and complex, cannot be underestimated. It is our responsibility to ensure that the rights of Property Owners be fairly represented in this document as we seek to balance the varied priorities of coastal development.

Sincerely,

James N. Smith

211 GRAND AVENUE PACIFIC GROVE, CALIFORNIA 93950  
PH: 831-372-7251 FAX: 831-372-7252

City of Pacific Grove - DRAFT PG LUP  
(June 1, 2016)

MARK UP BY  
Tony Ciani  
Dated June 6, 2016

The following is a partial list of recommendations for clarification and compliance with the Coastal Act. My recommendations are highlighted in yellow. Some deletions are lined out in red.

### 1.3.3 Coastal Parks Plan

Out of Date and Contradictory – Recommend Deletion

### 1.4 Land Use Plan Organization and Supporting Documents

Each chapter contains introductory text, including background information and a description of the General Plan and other relevant policies and laws. Such introductory and background text, as well as the Appendices and background reports provides some broad context for each chapter, but shall not be used as the legal standard of review for coastal permit decisions. Only the Land Use Plan policies shall be used as the legal standard of review. Furthermore, the following rules of interpretation shall apply:

- 1) Where the imperative form of a verb is used to start a policy, the policy will be interpreted as being a mandatory requirement which, if written in a "subject-verb" format, would incorporate the term "shall."
- 2) The words "shall," "must," "will," "is to," and "are to" are always mandatory.
- 3) "Should" is not mandatory but is strongly recommended.
- 4) "May" is permissive.
- 5) The present tense includes the past and future tenses; and the future tense includes the present.
- 6) The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
- 7) "Including" means ". . . including but not limited to . . ."
- 8) Policy headings and titles are provided for convenience only. To the degree that these headings or titles conflict with the text they accompany, the text shall govern.
  1. ~~When used in the Land Use Plan, the words "shall," "must," "will," "is to," and "are to" are always mandatory.~~
  2. ~~"Should" and "may" are not mandatory, unless there is a compelling reason to do otherwise but are strongly recommended; and~~
  3. ~~"Including" means ". . . including but not limited to . . ."~~

## 1.6 Relationship of Citizen Volunteer Groups to This Land Use Plan

Since its founding in 1875 as a seaside resort, Pacific Grove has been a City with citizen volunteers who are dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. The Pacific Grove Natural History Museum was established in 1883, and is renowned for its tradition of hands-on science education and nature preservation for the central coast of California. The Heritage Society of Pacific Grove formed in 1975 to foster an appreciation of the city's historical and architectural resources through conservation activities and public education, and assists the City to evaluate properties to determine their historical integrity and significance. Citizens also volunteer to serve on the City's boards, committees and commissions, often with coastal stewardship as a goal. Below are a few recent examples:

### 1.6.1 Birdlife Monitoring

Citizen volunteers assist in carrying out the Coastal Act goal of maintaining and restoring the overall quality of the Coastal Zone environment. This includes a multi-year project of monitoring Black Oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community. Black Oystercatchers are shorebirds and inhabit Pacific Grove's rocky intertidal shoreline during the entire year as permanent residents with no regular migration. ~~zone, nesting on rocky~~ They nest on islands falling under the jurisdiction of the Bureau of Land Management, and also on the shore-side rocky coast within the City's jurisdiction, where they are impacted by human use and rising sea levels. ~~They are sea birds that primarily feed in tide pools.~~ The City has partnered with the Audubon Society and the Bureau of Land Management to boost Black Oystercatcher monitoring by volunteers who first undergo training in the specifics of collecting data about these birds. The volunteers also collaborate with the U.S. Fish and Wildlife Service which initiated a major effort to identify the distribution and abundance of Black Oystercatchers, determine their reproductive success, and assess habitat and habitat threats in order to determine recommended actions for the long-term success of the California population. The Black Oystercatcher was selected as a U.S. Fish and Wildlife Service Focus Species for priority conservation action because of its small population size, restricted habitat, and threats to its habitat from human and natural factors. The monitoring efforts also benefit other birdlife such as Black Turnstone, Surfbird, and Wandering Tattler through proactive coastal stewardship, which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan.

### 1.6.2 Marine Mammals ~~Harbor Seals~~

Pacific Grove's location at the southwest tip of Monterey Bay provides visitors the opportunity to observe a variety of resident and migratory marine mammals from the shoreline or from boats. Humpback Whales, California Grey Whales, Dolphins, Sea Otters, and Sea Lions are the most common sightings. Blue Whales, Orca Whales are seen occasionally. A year-round colony of

Harbor Seals located at a pocket beach and cove on the southwest side of Cabrillo Point are one of the most popular natural marine resources.

Volunteers assist in educating and informing the public about ~~one of the most popular visual~~ the harbor seals. The thousands of residents and visitors who hike and bicycle on Pacific Grove's shoreline recreation trail encounter volunteer members from Bay Net, a volunteer group started by the Monterey Bay National Marine Sanctuary in 1995. These volunteers deepen public understanding by explaining about the harbor seals hauling out (temporarily leaving the water between periods of foraging activity) and pupping on the beaches, particularly ~~on~~ the beach rookery adjoining Hopkins Marine Station. Also, visible from the trail are Elephant Seals who haul out on the same beach during their seasonal migration along the coast. About 15 Bay Net member volunteers are active at any one time. They advance the Coastal Act goal of an educated and informed citizenry that protects the Coastal Zone's finite natural resources.

### 1.6.3 Intertidal Zone Monitoring Programs

The Marine Life Observatory is a program at the Hopkins Marine Station that studies and monitors marine life including the invertebrates of the intertidal and subtidal zones of Pacific Grove's marine environment. The Pacific Grove Museum of Natural History conducts citizen science programs along the rocky shoreline, reefs and tidepools, including "LiMPETS" (Long-term Monitoring Program and Experiential Training for Students). LiMPETS provides hands-on coastal monitoring experiences that empower teachers, middle school and high school students, and the community to conduct real field research as scientists and become ocean stewards.

## 1.8 PACIFIC GROVE COASTAL ZONE

For Coastal Act purposes, the "Coastal Zone" is the geographic area to which the policies of the Coastal Act apply. It is defined by Public Resources Code §30103 and is shown on a set of maps prepared and certified by the California Coastal Commission. The Coastal Zone extends seaward from the shore a distance of three miles, and extends landward a variable distance, depending on topography, and other factors, and changes to its boundary can be made only by the state legislature, except for certain minor adjustments (e.g., to avoid bisecting a lot).

Pacific Grove's terrestrial Coastal Zone encompasses approximately 458 acres (see Figure 1, Coastal Zone and Planning Areas, presented earlier). It extends from the Monterey Bay Aquarium located at the City's northeastern city limits abutting the City of Monterey and extends along to the City's southwestern city limits abutting the Del Monte Forest area, including the community of Pebble Beach, located in unincorporated Monterey County, Pacific Grove's Coastal Zone was historically much larger, but, in 1979 the California legislature removed approximately 300 acres from Pacific Grove's Coastal Zone in the area known as the Beach Tract ((see Public Resources Code §30160 (e)). All of the coastal waters adjacent to Pacific

Grove, are designated for their significance as a State Marine Conservation Area, or State Marine Reserve, or Area of Sensitive Biological Significance.

## 1.10 TERMINOLOGY

Coastal Permit: A permit granted for development undertaken on land, or in water, in the coastal zone in compliance with the California Coastal Act and the Local Coastal Program, and ~~which authorizes development and a specific use of on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable);~~ subject to compliance with any conditions of approval imposed on the permit.

Coastal Resources: A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including the ocean, beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual qualities resources. Coastal resources also include by but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.), and their related corridors, water bodies (e.g. wetlands, estuaries, lakes, etc.), and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.

Environmentally Sensitive Habitat Area (ESHA): Any area of land or water in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Examples include: Areas of Special Biological Significance identified by the State Water Resources Control Board; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-out, breeding and nesting area; education, research and wildlife reserves, near shore reefs; tide pools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; riparian habitats; Monarch butterfly mass overwintering sites; and marine resource areas including kelp forests, intertidal areas, and near shore shallow fish habitats and intertidal areas. (Public Resource Code §30107.5)

Implementation Plan (IP): Includes land use zoning and other implementing ordinances, and other “implementing actions” (Public Resources Code Section 30108.4), regulations, or programs that conform with and carry out the Land Use Plan, and ~~which implement the policies of the Coastal Act. Effective zoning ordinances and procedures (the IP) ensure that the objectives of the Land Use Plan are achieved.~~

Public Access: The right or privilege of citizens to visit an area or resource. Types of public access include:

1. Vertical accessways to the ocean or shoreline;

2. Lateral accessways along the ocean or shoreline that extend in width from the ambulatory mean high tide line landward to a defined line, such as the intersection of the sand with the toe of a revetment, vertical face of a seawall, toe of a bluff, or other feature;
3. Bluff top accessways along bluffs for public viewing or trail purposes or where no continuous sandy beach exists.
4. Visual Access provides the public views, or scenic vistas to, or from the shoreline, or sea, or areas of aesthetic scenic quality.

Chapter Two discusses land use and development in relation to natural systems and resource management in Pacific Grove's Coastal Zone grouped into four topic areas. Coastal Act requirements for each topic are described followed by policies relevant to each topic. The four topic areas are identified by the abbreviations shown below:

1. Coastal Hazards and Sea Level Rise (HAZ);
2. Water and Marine Resources (MAR);
3. Scenic Resources (SCE); and
4. Biological Resources and Environmentally Sensitive Habitat Areas (BIO).

## 2.2 WATER AND MARINE RESOURCES (MAR)

### 2.2.1 Background - Water and Marine Resources

Pacific Grove's water and valuable marine resources include the ocean, kelp forests, migrating whales, sea lions and near shore shallow fish habitats. Resident sea otters and sea lions live in Monterey Bay and adjacent coastline, and are considered "keystone species". The area is also within the Pacific flyway and supports wintering shorebirds, seabirds, and waterbirds both seasonally and year-round. The City's shoreline includes natural habitats such as sandy and rocky beaches, and granite bluff formations. The tidepools, intertidal zone, and subtidal areas provide diverse and highly valued coastal habitats that support diverse populations of invertebrates and provide nursery and feeding habitat for fish, resident and migratory birds. The waters and marine environment along the City's coastline are also part of a system marine conservation areas protected and controlled by a variety of local, state, and federal regulations, including:

- The Asilomar State Marine Reserve,
- the Pacific Grove Marine Gardens State Marine Conservation Area,
- the Lovers Point - Julia Platt State Marine Reserve, which are protected by the California Department of Fish and Wildlife;
- An Area of Special Biological Significance, which is protected by the State Water Resources Control Board and the Central Coast Regional Water Quality Control Board;
- The Monterey Bay National Marine Sanctuary, which is protected by the National Oceanic and Atmospheric Administration);

- The California Coastal National Monument, which is protected by the Bureau of Land Management.

MAR-3. Wetlands including Crespi Pond and the Majella Slough riparian area shall be considered as Environmentally Sensitive Habitat Areas, and governed by Coastal Act policies 30233, 30236, and 30240. No alteration of freshwater wetlands (including Crespi Pond and Majella Slough, including required buffer areas) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats, as well as other uses and development specified in the Biological Resources and Environmentally Sensitive Habitat Areas chapter of this Land Use Plan, and only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

MAR-9. Marine resources shall be maintained, enhanced, and where feasible, restored. Marine and aquatic resources shall be considered as Environmentally Sensitive Habitat Areas, and special protection shall be required for all areas of the marine environment and species of special biological significance. Activities in Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal bluffs, beaches, tidepools, intertidal, subtidal areas and coastal waters and wetlands and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

MAR -16 As part of the application for a coastal permit on any parcel adjacent to Monterey Bay and the Pacific Ocean, require the applicant to submit supplemental biological information prepared by a qualified biologist at a scope sufficient to identify the extent of the existing wetlands, and natural marine resources based on Section 30121 of the Coastal Act, and the area of the proposed buffer areas.

MAR -17 Marine Resources. All new and/or expanding wastewater discharges into the coastal waters of the City of Pacific Grove shall require a permit from the Health Department. Applicants for such permits shall be required to submit, at a minimum, the following information: 1. Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge. Particular areas of concern include toxic chemicals, inorganic heavy metals, bacteria, and other indicators prescribed as threats to the health and safety of coastal waters, or 2. Provide comprehensive projections of the proposed wastewater discharges; both quantitative and qualitative characteristics must be specifically identified. Specific figures for the indicators identified in (1) must be included in the projections. 3. Provide complete information on levels of treatment proposed at the treatment facility to remove those indicators mentioned in (1). This information shall also include reliability and efficiency data of the proposed treatment. 4. Provide a comprehensive monitoring plan for testing of wastewater for indicators identified in (1). 5. Perform oceanographic studies to determine the most suitable location and methods for discharge into the ocean. 6. Perform tests of ocean waters at the proposed discharge site and surrounding waters to establish baseline or background levels of toxic chemicals, heavy metals, bacteria and other water quality indicators. These tests must be

performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement. 7. Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life, as well as on recreational uses of the coastal waters. 8. Identify and analyze alternative methods of wastewater disposal. This shall include hydrogeologic studies of the applicant's groundwater basin to determine the water quality problems in that area and if onsite disposal will have an adverse impact on groundwater quality. The data and results of requirements (1) through (8) must be submitted to the County's Chief of Environmental Health for evaluation and approval. A wastewater discharge permit shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards.

MAR-18 Diking, Filling, Draining and Dredging. Diking, filling, draining and dredging of coastal waters can have significant adverse impacts on water quality, marine habitats and organisms, and scenic features, and shall be strictly limited to restoration of the natural systems.

MAR-20 The City of Pacific Grove shall apply the same developments standards required for properties in the coastal zone to protect the marine environment and ASBS, to the entire public and private lands in its jurisdiction, including to prohibit trash, toxic chemicals, heavy metals, bacteria and other elements harmful to the surface and subsurface terrestrial water quality and water quality of the ocean and bay coastline and marine environment.

#### 2.4.1 Background - Biological Resources and Environmentally Sensitive Habitat Areas

Environmentally Sensitive Habitat and Biological Sensitivity Coastal Act §30107.5 defines Environmentally Sensitive Habitat Area as "...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The Pacific Grove coastal zone supports a wealth and diversity of environmentally sensitive habitats. Many of these, especially in the marine environment, are in an essentially undisturbed condition yet are endangered by changes in land use or offshore activities. For coastal land biological resources, Environmentally Sensitive Habitat Area can include several types of sensitive habitats, such as:

***End of Recommendations to date 6-6-2016***

Respectfully Submitted,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

June 2, 2016

To: Planning Commission

Re: Comments on June 1 Special Meeting

From: Lisa Ciani

Dear Planning Commissioners,

First, I'd like to comment on a few things that took place at last night's Planning Commission Special Meeting. (I don't have time to write up a summary of my oral comments about the poor treatment of the public at the meeting.)

It was very helpful to hear Commissioner Fredrickson describe ground squirrels as a major cause of the erosion along our bluffs. I would add that groundwater seepage, storm water runoff across the trail, and human foot traffic are also significant contributors to the problem. But it's baby season for the ground squirrels, and their adoring public is feeding all the cute little squirrels, and growing the erosion problem. However, it sounded as if armoring is still being considered the appropriate solution to this erosion problem.

I strongly protest the use of armoring to deal with our "unique" erosion issues. As I think you recognize, it's not our bluffs, formed from 80 million year old granite, that are eroding at any noticeable rate. It's the trails, parking lots, and road bed. The consultants made a very mistaken and misleading statement a number of times, if I understood them correctly. They seemed to say that the public workshop on SLR demonstrated that the public wants to protect the trails, roads, and parking lots with armoring. My table and most of the others proposed various phased retreat strategies, to gradually redirect traffic away from the coast. It would be extremely irresponsible for the City to destroy and degrade our unique granite bluffs with more sea walls and revetments in response to erosion caused not by storm waves, but by ground squirrels, seepage, runoff, and foot traffic. Instead, we need to adopt ground squirrel control measures that do not use poison (an issue addressed by many public comments last summer, including a letter from the BNRC); removal of Hottentot fig (also without use of poison) and replacement with native bluff plants; redirecting storm water runoff; symbolic fencing to keep people on trails in sensitive areas; phased retreat; and along with that we need to be putting our utilities under roads not at risk of coastal flooding and inundation.

A disturbing aspect of last night's meeting was the polling of commissioners regarding new material. That doesn't fit with the process of consensus that has been described as the approach the Planning Commission would be using in the LCP deliberations. And there was also the unexplained and inappropriate whispered conference between the Coastal Commission District Supervisor and EMC at the staff table in the midst of the proceedings, while we waited.

I believe the rush to the finish with the LCP is a great disservice to the community. Considering the magnitude of what had to be done, and the lack of awareness of that magnitude when the LCP update was undertaken, it's understandable that it would be a long process. A great deal of progress has been made, but there are still many significant matters to deal with, such as the erroneous Land Habitat Sensitivity map among others, and errors of fact that have never been corrected, and many references to the Coastal Parks Plan which has finally been recognized to be out of date and contradicts LUP policies. And the IP isn't finished—or perhaps you've received a copy today—and the LUP and IP need to be compared to see if all the policies are addressed with ordinances or implementing actions.

But the rush that's being imposed seems actually to be driven by Project Bella, and according to the City Council's Agenda Report for item No. 6E on the May 18, 2016 Agenda, Domaine Partners LLC is paying for the costs of the LCP update from the Feb. 17, 2016 EMC contract Amendment #4 and May 18, 2016 Amendment #5 forward, with those two amendments budgeted at \$91,376.20 to include "attendance at adoption and certification hearings including Coastal Commission meetings." This LCP update process is less than transparent and needs to focus on the basic goals of the Coastal Act (LUP Section 1.2, page 1-2), not on a particular development project:

- a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
- b) Assure orderly, balanced utilization and conservation of the Coastal Zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast, and maximize public recreation opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Ensure priority for coastal-dependent development and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

I appreciate the long hours and conscientious efforts the Planning Commissioners have put into reviewing this document, and encourage you not to continue the rush to an unrealistic deadline.

Thank you,  
Lisa Ciani

Inge Lorentzen Daumer

Jun 1 (5 days ago)

to Robin, Bill, Jeanne, Donald, Mark, Mark, Nicholas, Bill, me, Debbie, Brian.O'Neill

Dear Planning Commissioners,

It is simply time to eliminate any reference to a "Professional" Coastal Zoning designation, which first showed up as a land-use designation in the 1989 LUP.

*3. The Professional land use category is limited to a single block of the City's coastal zone. The principal permitted use shall be professional office space consistent with existing development patterns. Provision of public parking facilities shall also be considered a permitted use in this area.*

Every parcel in the supposed "Professional" block is zoned R-4 on the Pacific Grove Parcel Map database. This neighborhood is first-and-foremost, Residential, in structures and in character. The entire block is completely built-out as residential; either single or multiple family units, the last of which is just completing construction and is one of the four (4) parcels that are listed on the database as Not even in the Coastal Zone (178 Central Ave., 180 Central Ave., 182 Central Ave., and 186 Central Ave.) As such, they did not require a CCC permit.

"Professional" is not a Pacific Grove Zoning Ordinance, nor should it be. Certain professional uses are already allowed in R-4 Zoning, subject to first securing a use permit, but,

*Public and private parking facilities and visitor-serving*

commercial and retail uses: Are Not. (LUD-10 b.&c. of this latest edition of the LUP, page 3-12). This was just added in, sometime between the January Draft and this last May Draft .

I am also zoned R-4, one of 7 homes in the residential block on the North side of Sloat Ave.. A multiple-family structure and a single family home at the corner of Sloat Ave. and First Street are zoned R-3, along with the rest of the block bordered by Ocean View Blvd., First Street, Sloat Ave. and Dewey Ave. There is one vacant lot in the middle of Sloat Ave., which has not yet been built-out because it has no water credits. R-3 and R-4 Zoning share the same building height, site, lot and yard limits in the Zoning Ordinance. In no way can these two blocks of the University Addition to the Pacific Grove Retreat be considered anything but Residential in character!

There are many typos in this last document designated "Final Land Use Plan" and inconsistencies. Please, can everybody get on board to correct any reference to Sloat as being Avenue, and not Street, and Dewey is also Avenue, not Street!

(yes, I can see that Google Maps in the Database has it listed as Dewey Street, but don't believe everything on the internet, and go back to original street maps of the City of Pacific Grove, which clearly have Dewey Avenue!)

Mother Nature will have the final word...

Sincerely,

Inge Lorentzen Daumer  
180 Sloat Ave.  
Pacific Grove, CA

Laura Lawrence

May 31 (6 days ago)

to me

Good morning Anastacia:

I see there is a workshop and a regular meeting scheduled for the Planning Commission tomorrow and Thursday. I have reviewed the changes to the Land Use Plan. I was wondering, are there corresponding changes to the Implementing Ordinances? The version on the website has not changed since January.

Regards,

Laura

Laura Lawrence, R.E.H.S.  
Senior Planning and Development Analyst  
The Law Office of Aengus L. Jeffers  
215 West Franklin Street, 5<sup>th</sup> Floor  
Monterey, CA 93940  
V: [\(831\) 649-6100](tel:8316496100)  
F: [\(831\) 325-0150](tel:8313250150)  
[laura@aengusljeffers.com](mailto:laura@aengusljeffers.com)

Luke Coletti  
05/23/16

2:35 PM (4 minutes ago)

to Brian.O'Neill, me, Mark, Kevin.Kahn

Hello All,

I've always thought the entire Cabrillo Point area was owned by Stanford. So, I was surprised to discover the City of Pacific Grove also owns a significant strip there. The attached images show the two assessed Cabrillo Point parcels: 006-741-006 owned by Stanford and 006-741-004 owned by the City.

Most of Pacific Grove's tidal and submerged lands, seaward of the mean high tide mark to the 60 ft depth contour line, are also owned by the City per State statute (thanks to Julia Platt - PG's first female mayor).

Via this link:

[http://www.slc.ca.gov/Programs/Grantee\\_Regions.html](http://www.slc.ca.gov/Programs/Grantee_Regions.html)

and under Monterey, see the following statutes:

Pacific Grove, City of

Chapter 690, Statutes of 1931

Chapter 231, Statutes of 1935

Chapter 484, Statutes of 1980

Since Cabrillo Point also includes public property landward of the mean high tide mark, I think it's important to explore public access to it.

Many might not favor public access here, as the area will end up getting "loved to death". However, denying public access to public property goes too far.

Therefore, I'm hopeful you will consider adopting land use policy that calls for limited public access to at least a portion of Cabrillo Point.

Thank you for your consideration,

Luke Coletti  
Pacific Grove

May 19, 2016

To: Planning Commission

Re: Comments on 5/19/16 Agenda Item No. 8.a., LCP Update—LUP & IP Major Issues

From: Lisa Ciani

### Land Use Plan Issues

1. SLR and Associated Hazard Erosion & Flooding Policies

Who would perform the “initial screening of a project and hazard area”? The important issue is that no development be allowed that would require armoring in the future. The City needs to NOT take on any public liability for allowing new structures in a coastal hazard zone, including City infrastructure. (Stormwater and sewer lines come to mind.)

2. Definition of “existing development”

There needs to be a consistent definition of “existing development” throughout the state, not each jurisdiction’s definition based on how long it took them to get around to starting an LCP. If it’s January 1, 1977 for the rest of the state, that’s what it should be here.

3. Stormwater Runoff and Water Quality

Located on an ASBS as PG is, as well as on the Monterey Bay National Marine Sanctuary, our runoff requirements need to be of the highest order, and easily inspected considering our limited staffing resources. Policies could be written to observe the requirements of the State Water Board or Coastal Commission, whichever is the higher standard.

4. Fencing and Subdivision in the Asilomar Dunes Neighborhood

With regard to staff’s proposing that the Asilomar Dunes Neighborhood be designated as a Special Community, which is commendable, it may be more appropriate for the entire community of PG, in this case the portion of the community in the Coastal Zone, to be designated a Special Community, and

Asilomar Dunes to be designated a Special Neighborhood. The City of Pacific Grove meets the Coastal Commission's definition of a Special Community in all respects. Other appropriate Special Neighborhoods within the Special Community would be the Pacific Grove Retreat; Asilomar State Beach & Conference Grounds; Mermaid Lane; Hopkins Marine Station and the Boathouse and American Can Company building; and the Lighthouse, Coast Guard residences, and NOAA Building.

I agree with City staff that minimal fencing, to be agreed upon with the Coastal Commission staff, is important to protect native dune habitat. Subdivision for conservation and for the purpose of creating trails where appropriate seems reasonable, as long as the "limited passive uses" are defined clearly and closely regulated.

5. Implementing a Parking Program in Appropriate Areas

PG has possibly the most accessible coastline in California, with very limited manmade development along the water. Parking meters would interfere with the visual quality of the natural setting and the rustic feel along our granite shoreline, and should not be allowed. Our budget issues should not be a justification for limiting affordable access to the coast, whether it be through the use of parking meters or the permitting of large luxury hotels.

## Implementation Plan

1. Commercial-Visitor Zoning District Height Limit

At the southwest gateway to the Asilomar coastline, the height limit should be limited to 2 stories (18 feet), consistent with the current Beachcomber Inn which is unobtrusive. The Monterey Pine Forest is a unique and threatened coastal resource here and needs to remain the dominant element at the gateway to the coast. A 40-ft. height limit would diminish the natural beauty of our coastline. (It is disturbing to see that the triangular segment of the Monterey Pine Forest in, or adjacent to, the Asilomar Conference Grounds directly across the street from that motel has been arbitrarily removed from the designated scenic areas at some point. That needs to be corrected.)

## 2. American Tin Cannery Zoning

The floor area ratio should not be increased for the ATC site. At the northeastern gateway to our coastal community, we do not want to reflect the nearby Cannery Row development, which is not the “surrounding built environment”, nor do we want to reflect the “more urban developed nature” of the commercial buildings on Central Ave. Many visitors come to PG specifically to escape Cannery Row and be immersed in nature and humble surroundings. The Can Company developed the sardine can and supplied the cans for the canneries. It is our connection to the historic fishing industry. The current height for the historic American Can Company building (ATC), has a justification in the context of its original use; the same height should not be the standard for a new hotel.

The natural setting with a granite outcrop and coastal dependent uses and the historic origins of the community’s fishing industry and marine research facility is what is meaningful to PG and valuable as an economic as well as cultural and natural asset at the Ocean View Blvd. gateway. An 18 ft. height limit would provide a good transition to the modest residential area immediately to the west, should the American Can Company building be lost. Or the can company building could be repurposed for hotel use, or mixed use. If the City wants large new commercial and luxury hotel developments, they should not be in our very narrow coastal zone. Cannery Row and New Monterey should not be the models used as the standard for development of PG’s shoreline.

## 3. Standards for Development for Visitor Serving Parcels

If the density requirement is removed, it needs to be replaced with development standards that protect the visual quality of the surrounding area. A method is also needed to avoid degrading the area through intensification of use that will have impacts of traffic and congestion, etc.

### **Adoption Timeline**

The timeline has been revised due to the extensive comments received in March from Coastal Commission staff, but without allowing adequate time for thoughtful public comment. Nor is there adequate time for the public to review the revised final Implementing Ordinances document that is coming soon, on top of the LUP revision. Our LCP documents are especially challenging to review due to the

haphazard arrangement of the policies in each section, the incomplete treatment of PG's very special coastal resources, and inaccurate maps, updated with color, not necessarily content.

I understand and appreciate the City's desire to have the final LCP document reviewed at a CCC meeting locally. But the whole LCP process seems to be aimed at accommodating the developers of Project Bella, not creating an effective document for protecting Pacific Grove's coastal resources. Many policies seem aimed only at providing mitigations for loss of resources due to development, not protection of the resources. If our City does not recognize the value of our coastal resources (compare our Background Report to Monterey's), doesn't have a clearly defined permitting process for its own infrastructure projects, and can't afford staff to prepare in-depth reports, how can we expect to receive appropriate assessments of projects and protections of our resources? Having a certified LCP could be a great benefit to developers, including the City, while the citizen stewards of our coastal resources will have the burden of having to appeal potentially inadequately researched, or otherwise uninformed, decisions—or waivers—that result in a threat to those resources.

I believe the City's staff has worked hard to complete our LCP, but the City has not given the process the focus or the resources to produce an effective document. I request that you provide time for an unhurried and well thought out review and careful revision of the final LCP documents.

Thank you for considering my comments,  
Lisa Ciani

May 19, 2016

**Memorandum**

To: The Pacific Grove Planning Commission

cc: Anastazia Aziz, City Planner  
 Brian O'Neil, Coastal Commission Analyst

From: Tony Ciani

RE: SUGGESTED CORRECTIONS TO THE CITY'S LUP, DATED May 15, 2016

Dear Commissioners:

The following text provides my recommendations for corrections to section 3.5 of the latest version of the proposed LUP Update. My recommendations are underlined in a red color. It does not include suggestions to correct the "policies" in subsection 3.5.4.

3.5 PARKS, RECREATION, AND PUBLIC ACCESS (PRA)

3.5.1 Background – Parks, Recreation, and Public Access

Public access is one of the major goals of the Coastal Act. The Coastal Act states that "each local coastal program...shall contain a specific public access component to assure that maximum public access to the coast and public recreation is provided" (Public Resources Code §30500). This section focuses on opportunities to preserve, provide, and enhance public access to the unique and diverse features of the City's shoreline. The Coastal Act also states: "... that conflicts may occur between one or more policies " [of the Coastal Act.]; and "...that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." (Public Resources Code 30007.5) The principal Coastal Act policies concerning public access -- Sections 30210 through 30214 and 30500(a) and 30604(c) that were derived from the

The Pacific Grove shoreline provides a variety of recreational opportunities of regional and state-wide significance, however, access to Pacific Grove from adjoining inland areas is limited to a few roads that can become congested during peak travel periods. Parks front the shoreline for most of the Coastal Zone. The City owns four shoreline parks comprising over 23 acres, and additional parkland is owned by the California Department of Parks and Recreation. The City also owns the Julia Platt Marine Gardens out to the ocean depth of 60 feet. The Federal Government Bureau of Land Management (BLM), owns the off shore rocks, reefs and islets as part of the California Coastal National Monument (CCNM) above the Mean High Tide Line (MHTL). The other marine lands, such as the intertidal areas, bay and ocean waters, located

below the MHTL are owned by the State Lands, where the California Coastal Commission retains jurisdiction.

There is unprecedented public coastal access throughout Pacific Grove's coastal zone. See Figure 3-1, Public Access, included in Appendix A of this LUP. Several terms are used throughout this section and are defined below:

1. Shoreline Access is the provision of pedestrian access and other forms of access ((e.g., bicycle, Americans with Disabilities Act (ADA), stroller, etc.)) from a public thoroughfare and to and along the shoreline. Public access to the shoreline also includes the ability of the public to get to the coastal zone by all modes of transportation. Transportation alternatives and parking are key elements of public access to the shoreline. Therefore, the transportation policies in Land Use Plan section 3.4.12 shall also meet the access findings required for this section. Another component of a coastal access plan is the provision of adequate signage to direct the public to the shoreline and accessways.

2. Lateral Accessway is an area of land providing public access laterally along the shoreline. Lateral accessways can be on a beach where contact with the water's edge is possible, or at the rear (water seaward side) of buildings adjacent to the water's edge, or other areas laterally along the shoreline, such as bluffs.

3. Vertical Accessway is an area of land providing a connection between the first public road, trail, or use area nearest the sea, or a lateral accessway, and to the immediate shoreline, beach, publicly-owned tidelands, and ocean.

4. Visual Access is the ability for the public to view the shoreline, ocean or bay from public vantage points including roads, parks, and inland areas, etc.

The following discussion describes the major lateral and vertical access areas, and areas providing visual access to coastal waters. Key features described are shown on Figure 7, Coastal Parks, Trails, and Resources.

### **Area I: Point Cabrillo**

The waterfront property adjacent to the eastern boundary of Pacific Grove is developed by the Monterey Bay Aquarium and Stanford University's Hopkins Marine Station is located immediately west of it. At the east end of the Hopkins Marine Station property, a vertical access providing a View Easement to the shoreline at the west is provided by an easement was required by the City and Coastal Commission in connection with the re-subdivision of a portion of the Hopkins Marine Station property. It is connected to Ocean View Boulevard via a 10-foot wide strip which has been deeded to the City from Southern Pacific Railroad. The easement terminates at a sea wall, but does not extend to the beach to protect sensitive natural resources.

Fencing of Stanford University's Hopkins Marine Station maintains a chain link fence to keep the public separated from its shoreline research activities that has restricted public access to this

area's three beaches. The fence serves as a barrier between the City's recreational trail and the sensitive bluff habitat and sensitive beach mammal habitat that is on both the City's sandy beach and on Stanford University's property. Of the three beaches within the Stanford University's Hopkins Marine Station property, there is public access to the southeastern beach, also referred to as Fisher Beach is limited to visual access. West Beach, located south of Point Cabrillo, is currently where the majority of the seal pupping takes place in the City. The third beach, the small Agassiz beach, is directly in front of the Julia Platt- Lovers Point Marine Reserve and the Marine Life Observatory. It is isolated from the other parts of the shoreline by rocky outcrops and provides opportunity for recreational use that does not impinge on the permitted research programs that Hopkins conducts in Sanctuary waters adjacent to the beach. However, there is a potential conflict between kayaking and protection of the marine mammal beach and water habitat areas.

Pedestrian use of the recreation trail north of Ocean View Boulevard is continuous and constitutes a major lateral access facility. The Pacific Grove - Monterey Bay Sanctuary Recreation Trail was established in 1987 over the Southern Pacific Railroad Right of Way to provide improved lateral access for pedestrians and bicyclists. It extends westerly from the border with the City of Monterey, adjacent to the Hopkins Marine Station, then generally along the shoreline bluff top to Lover's Point at 17<sup>th</sup> Street. The Recreation Trail, blufftop and beaches provide dramatic public views to and along the coastline. Ocean View Boulevard is a scenic roadway for touring motorists.

Negotiations are continuing to acquire the remaining section of railroad right-of-way, with all of the right-of-way through the golf course and cemetery having been acquired for use by the golf course and cemetery operations. The balance of the right-of-way from Lighthouse Avenue to Sunset Drive would be acquired for open space and an informal trail.

Signs directing visitors to the shoreline are located at the 1st Street/Central Avenue intersection, and the Ocean View Boulevard/Eardley Avenue intersection. A "bike route" sign is located on the north side of Ocean View Boulevard, at the foot of Eardley Avenue; this is one of two bike route signs within the Coastal Zone.

A parking lot is located one block inland between Sloat Avenue and Central Avenue, connected by a pedestrian bridge to the American Tin Cannery, which provides parking for that development. Ten striped parallel Paid parking spaces on the south and north sides of Ocean View Boulevard between Eardley Ave. and Dewey Street provide additional parking. Street parking is available throughout the area. Unobstructed bay views are available at the inland Coastal Zone boundary along Central Avenue at 1st Street and Eardley Avenue.

## **Area II: Pacific Grove Retreat**

There are no formal or designated Vertical Accessways in this area, but a path network over the blufftop Shoreline Park provides continuous pedestrian access between Planning Area I and Area III. Vertical access to pocket beaches is available by descending steep paths. Access on the blufftop and headlands and to the beaches is informal unmanaged. Concerns for user safety deserve attention.

The Union Pacific Railroad right-of-way is currently a designated recreation trail along its entire stretch through this area. Pedestrian access to the path Recreation Trail is available from Ocean View Avenue through Berwick Park and, near, 1<sup>st</sup> Ave., 3rd Street, 5<sup>th</sup> Street, 7<sup>th</sup> Street and 13th Street. Access to the Trail is also available at a ramp used for the sewer pumping station at 15<sup>th</sup> Street. Parking along either side of Ocean View Boulevard is available throughout Planning Area II. From Central Avenue there are clear public view corridors down the local streets to the bay. views along many of the local streets. The view down Grand Avenue of the rocks at Lovers Point is especially impressive. Along Ocean View Boulevard is a scenic roadway, with continuous views of the bay and the historic Retreat are available. The undeveloped bluffs and headlands afford fine views of Lovers Point, Otter Point, and distant panoramic views of shoreline of Monterey's north and Santa Cruz counties.

Urban water runoff at the foot of 8<sup>th</sup> and 9<sup>th</sup> street overtops during heavy rain storms that threatens to erode a portion of the Recreation Trail. Runoff over the bluff top also threatens to erode the informal paths of the point at Berwick Park.

### **Area III: Lovers Point**

The Lovers Point area contains three beaches – one on either side of the concrete pier, and one just immediately west of the point itself. Stairways have been developed to serve all three beaches, and are connected by walkways and sidewalks on the blufftop. The beaches are utilized by sunbathers, picnickers, swimmers, surfers, kayakers, paddle boarders, and divers. Access for persons with disabilities is available to the pier and to the beach south of the pier.

A bluff top path system commences at Lovers Point and continues westward to Perkins Park. Benches are located along the paths at several locations west of 17th Street. Small steps at the Ocean View Boulevard curb line provide direct access to the lateral access way paths. Maintenance of the trails and vegetation has resulted in little danger to the blufftop habitat; however, erosion due to urban runoff over the bluffs has degraded the trail in several locations potential Erosion from pedestrian use of off trail routes could be reduced by directing pedestrians to beach stairways.

On-street parking spaces are available on 17th Street, on the north side of Ocean View Boulevard between Grand Avenue and 17th Street, and on the north side of Ocean View Boulevard. Besides the on-street parking spaces, a parking lot is located at the Ocean View Boulevard/17th Street intersection. Some parking spaces in this lot are designated for use by persons with disabilities. This parking lot is located at the westerly terminus of the Pacific Grove - Monterey Bay Sanctuary Scenic Trail. Access to the pedestrian path on the Recreation Trail old railroad right-of-way is available from the parking lot at the foot of Forest Avenue and 16th Street.

In addition, a small parking lot with a two-hour time limitation that contains 17 diagonal, curbside and interior parking spaces is located on the outside of the roadway curve between 17th Street and Ocean View Boulevard. Two of the spaces in this parking area are designated for use by persons with disabilities. A handicapped-accessible curb ramp located between these two spaces provides access to a pedestrian trail that connects to Lovers Point Park and overlooks the

Views of the bay are generally continuous along the Ocean View Boulevard scenic drive. Public views from Lovers Point Park looking west, north and east to the near shore rock formations and distant shoreline, also provide a glimpse of sea otters, whales, dolphins, seals and shoreline birds. and Perkins Park provides numerous prime bay vantage points for the pedestrian. Bay views are also available to guests of multi-level motels along Ocean View Boulevard.

#### **Area IV-A: Ocean View Area**

~~A continuous~~ The bluff top provides a continuous network of paths that run the length of this portion of Perkins Park, from Lovers Point to Asilomar Avenues, providing a blufftop pedestrian link between Areas III and IV B. Numerous benches are located along the paths.

At four points (near the foot of Sea Palm Avenue, Shell Avenue, Beach Street, and Coral Street,) stairways provide vertical access to small beaches. Currently, free parking is unrestricted in this area. Four pullouts on the bay side of Ocean View (at Sea Palm Avenue; between Beach Street and Shell Avenue; at Otter Point; between Acropolis and Coral Streets; and between Asilomar Avenue and Acropolis Street) provide additional parking. Picnic facilities are located at the Asilomar Avenue/ Acropolis pullout.

Public Recreational uses include walking, picnicking, surfing, diving, fishing, kayaking, bird watching, and watching sea otters and whales.

There is a Class III (shared right-of-way) bicycle route in this area. Unrestricted bay-views of the natural rocky formations, Monterey Bay and canopy of Monterey Cypress at Esplanade Park and are available from Ocean View Boulevard, and from the paths and auto pullout areas in Perkins Park. Otter Point affords a popular vantage point for viewing the bay environs.

Surface runoff from irrigation and during heavy rains threatens to erode portions of the bluff top pathways from Otter Point to Asilomar Avenue. Heavy rains and wave run-up at the the earthen parking lots erode

#### **Area IV-B: Point Pinos**

~~It~~ This area is owned by the City, State and the United States Government. Except for the Point Pinos Lighthouse, the land is owned by the City to the Mean High Tide Line (MHTL); below the MHTL is owned by the State Lands Commission, and the islets, reefs and rocks above the MHTL are part of the Bureau of Land Management California Coastal National Monument (CCNM). Pedestrian lateral access is provided on informal bluff top paths that continue from the west end of Perkins Park Planning Area IV-A at Asilomar Ave., westward along the headlands at Point Pinos and then southward to the last Ocean View Boulevard parking area pullout, located at the west end of Lighthouse Avenue, near the third hole of the municipal golf course. Immediately inland, between Asilomar Avenue and Ocean View Boulevard lie the Crespi Pond wetland, sand dunes, the Point Pinos historic Light House, the Municipal Golf Course, and City site for a proposed water reclamation project. Public views and viewshed of both the shoreline, ocean and inland are part of the designated a highly scenic areas.

Safe P-pedestrian vertical access to the beaches is not readily available, and Unmanaged pedestrian access in the headlands area has resulted in considerable trampling of vegetation and sand dunes. The public's recreational uses include swimming, surfing, diving, tidepooling sunbathing, bird watching, whale watching and watching sunsets.

Parking in the pullouts in this area is varied, with some vehicles parked at the very edge of the parking areas which are made of earthen and rip rap rock fill. headlands. Impacts of parking to the bluff vegetation, and resulting erosion is evident in several areas. Erosion due to storm wave run-up and heavy rains that flood the parking creates poor driving and walking surfaces. Vehicle parking also occurs on the shoulder of Ocean View Boulevard, adjacent to the dunes. Inland of Ocean View, parking is available on the Lighthouse grounds, and also on Asilomar Avenue at the entrance to the Lighthouse grounds There are no parking restrictions in Area IV.

A 3 foot, wide lane for bicycles on both sides of Ocean View Blvd. (and Sunset Drive in Planning Area V I) from the north end of Asilomar Ave. to south end of Asilomar Ave. provides a Class III bicycle route along the shoreline.

Signs stating "Marine Refuge" (marine protected area) are located at the Ocean View Boulevard pullout at the foot of Asilomar Avenue, and on Ocean View at the foot of Lighthouse Avenue. Three informational signs concerning sensitive habitat for Black Oystercatchers and marine mammals have been placed within the Point Pinos area by the Bureau of Land Management's California Coastal National Monument. The California Coastal National Monument rocks, exposed reefs, islands, and pinnacles are managed to protect biological, geological, cultural and visual resources. The BLM is preparing a management plan for the Point Pinos CCNM area to be coordinated with the City's LCP.

Signs prohibiting water contact activities and climbing on the Point Pinos rocky headlands are located on the beach opposite the former location of the United States Coast Guard fog horn that was removed in 2011. Visitor-directional signs are located at the Asilomar/Lighthouse Avenues intersection, and directly in front of the lighthouse entrance on Asilomar Avenue.

Unrestricted public views of the rugged shoreline bay and ocean-view are available from the bluff top and Ocean View Boulevard, as well as, from the Asilomar/Lighthouse Avenues intersection at the southeast corner of Area IV. Public views from the shoreline and road looking inland to the sand dunes, forest front and Lighthouse are part of the designated highly scenic areas of Pacific Grove.

### **Area V: Union Pacific Railroad**

In 1982, a joint powers agency consisting of the cities of Pacific Grove and Monterey, together with the Monterey Peninsula Regional Park District acquired the portion of the abandoned Union Pacific Railroad right-of-way between Custom House Plaza (Monterey) and Lovers Point. In 1984, the portion of the right-of-way between the Monterey Bay Aquarium and Lovers Point was developed as a recreational trail for pedestrians and cyclists. The remainder of the right-of-way was not purchased at the time.

The former right-of-way at the mobile home park is now privately owned. The route of the right-of-way from the mobile home park at Lovers Point passes through the City golf course and then through areas developed with single and multi-family homes and motels. No Ocean views are available from portions of the right-of-way. Access to the right-of-way is provided at the various road intersections with the railroad tracks, from Del Monte Boulevard to Pico Avenue. However, because the right-of-way is now privately owned at the mobile home park and also passes through the golf course, the City should study the realignment alternatives of portions of this proposed trail system to connect Lovers Point to Asilomar and Spanish Bay. Recreational uses include walking, jogging and dog walking.

### **Area VI: Asilomar**

Sand Dunes within the Asilomar State Beach and Conference Grounds are protected using a pedestrian boardwalk. Along the shoreline they are continually subject to moderate or heavy recreational use, depending on location. Interpretive signs have been used with limited success to guide people away from sensitive areas. A striped pedestrian way crosses Sunset Drive.

Development of the proposed The public currently uses the historic route along the railroad right-of-way between Lighthouse Avenue and Sunset Drive as an additional lateral access inland of the shoreline. There is an opportunity to connect that route to Point Pinos and Lover's Point and that would provide a continuation of the Pacific Grove Recreational Trail to the community of Pebble Beach to the south.

The only public parking facilities in the area are those at the Asilomar State Beach and Conference Grounds, including along the road. There are no restrictions on street-side parking in Area VI. Visitor-directional signs are located at the Asilomar Avenue intersections with Sinex Avenue and with Sunset Drive. There is an on-street bike lane at Asilomar along Sunset Drive out to Highway 68.

With the exception of the Sunset Service Area, any new development within this area will be on the inland side of Sunset Drive. Consequently, there is no possibility for development to interfere with ocean views from the portion of the road north of the Sunset Service Area. The Asilomar State Beach and Conference Grounds' sand dune and forest areas adjacent to Sunset Drive provides a gateway to the shoreline to and from the areas inland and east of the coastal zone that possess considerable visual interest, and should be protected.

Asilomar State Beach makes up the majority of this planning area's shoreline lands. Two single family residences are situated between the northern boundary of the State Beach and the southern boundary of Point Pinos' open shorefront lands. Lateral access is provided across both of these properties, providing for a continuous public trail connection between the Lighthouse Reservation shoreline area and Asilomar State Park shoreline area on either side of the residences, respectively. A continuous trail network, providing both lateral and vertical access opportunities, extends the length of the State Beach property.

There are no designated public parking facilities within Area VI. Currently public vehicle parking occurs on the shoulders and pullouts along Sunset Drive, with the heaviest

concentrations occurring south of Pico Avenue. There are no restrictions on parking, other than overnight parking. For a considerable distance, large rocks have been placed along the east side of Sunset Drive to prevent automobile intrusion into sand dunes of the State park property. Signs identifying the State Beach, warning of rip current hazards, and prohibiting camping, beach fires, and unleashed dogs are located at frequent intervals along Sunset Drive.

Continuous unobstructed shoreline and ocean views are available from Sunset Drive, except at the two residences opposite Jewell Avenue, and in the area of the Sunset Service area. Remaining undeveloped dune lands in the Asilomar dunes area, on the inland side of Sunset Drive, serve to lessen the contrast between existing development and the undisturbed open space of Asilomar State Beach and Asilomar Conference Grounds. Maximum retention of open areas within the Asilomar dunes will help protect the visual qualities of this area and the upland areas coastal zone part of Pebble Beach such as Huckleberry Hill and scenic route of Highway 68 along the ridgeline in the Del Monte Monterey Pine forest.

Recreational uses include walking, swimming, surfing, windsurfing, diving picnicking, observing nature, etc. The State Parks and Recreation Department provides rangers and lifeguards who patrol the Asilomar State Beach shoreline and beaches.

I also anticipate providing maps of the existing conditions to correspond to the text in the near future.

Respectfully submitted,

Tony Ciani  
220 Walnut Street  
Pacific Grove, CA 93950

Luke Coletti  
05/16/16

3:00 PM (22 hours ago)

to Ciani, Brian.O'Neill, me, Mark, Anthony

Hi Brian,

It looks like the May release of the LUP (link below) incorporated the suggestion (first attached PDF) to make the front nine of the golf course a scenic area. That's good. The second attached PDF shows the scenic areas (Fig 3) from both the Jan and May releases.

However, I'm not getting why in Fig 4 almost all of the golf course and Pt Pinos itself is listed as having a "low" sensitivity when most of the developed areas (homes) are shown as being moderate. I believe this should be reviewed.

<http://www.cityofpacificgrove.org/sites/default/files/general-documents/local-coastal-program/final-lup051116.pdf>

Thank you,

Luke

Lisa Ciani

May 16 (2 days ago)

to me, kinisonbrown, Brian.O'Neill, Kevin.Kahn, Wendy

Anastazia,

Thank you for sending the most recent RLF survey report. Do you know why it does not include CNDDDB Occurrences in the results, as the previous survey did, 3.4 miles away?

I have trouble understanding what protection there is for Crespi Pond as a wetland, as most specifically covered in MAR-3 where it says, "No alteration of freshwater wetlands (including Crespi Pond and Majella Slough) shall be allowed, except for maintenance dredging and similar activities essential for restoration and/or enhancement of natural habitats....", and then goes on to say any development specified in the BIO section of the LUP is OK. And BIO-3 refers you back to MAR-3 and says the only allowed uses are those specified in Coastal Act Section 30233 "per MAR-3". This is circuitous and not helpful for protection. The City is the developer that I'm most concerned about. Dredging down to granite and enlarging the circumference of the pond, as well as adding pipes and pumps, as one of the confusing array of local water project/stormwater projects specifies despite MAR-3 which is a policy carried over from the 1989 LUP, seems to me to significantly disrupt habitat values, yet apparently will go forward with a waiver. The policies all seem aimed at mitigation rather than preservation. The infrastructure plans in the Coastal Zone at Pt. Pinos, and elsewhere, seem oblivious of both SLR and ESHA considerations.

Also, it appears that the City is skipping the final revised IP step, is that correct? And can you tell me why the City Council will only be considering the final LCP in one hearing on the current version of the timeline, as compared to the first and second "reads" on the previous version?

Thank you,

Lisa

> <Crespi Pond Second Effort Pre-Dredging Survey Report\_10-2015 Final.pdf>

Lisa Ciani

May 12 (6 days ago)

to me, kinisonbrown, Brian.O'Neill, Kevin.Kahn

Anastazia,

Does the Public Works Dept. have someone on staff qualified to do such a survey? And what was the survey done in connection with? Could you please send me a copy of the survey report.

As I wrote in my comment #4, the last survey I could find online was done in November 2014 by an outside independent consultant. And as I wrote in the third paragraph of my comment #1, based on the April 14, 2016 Coastal Commission ESHA Workshop that I watched online, "a protected species does not have to be present in a habitat area on a survey for the habitat to be designated ESHA." The presentation titled ESHA Regulation Under the Coastal Act states on Slide #8 titled Absence of Species Is Not Determinative, "The record supports a finding that the failure to observe butterflies during surveys at the site does not, standing alone, mean that the area is not butterfly habitat or potential habitat." (McAllister v. California Coastal Com'n (2008) 169 Cal.App.4th 912) There was no indication that this finding applies only to butterflies.

Thank you,  
Lisa

May 12, 2016

To: Anastazia Aziz, Senior Planner, City of Pacific Grove

From: Lisa Ciani

Comments on Final Draft LUP with CCC mark-ups (as received from Coastal Commission staff), ESHA section 2.4:

- 1) Section 2.4.1 needs a description of Pacific Grove's coastal bluffs, sandy beaches and tidepools, which provide habitat for a wide variety of species that are dependent on the health of the rocky intertidal zone and beyond. Page 3-36 in the ESHA section of the LCP Background Report indicates more specifically "the shoreline natural habitats such as beaches, tide pools, and rock formations, and both restored and naturally occurring sensitive habitats such as coastal bluff, sand dune scrub, Monterey pine forest, and wetland/waterway features...." (For an example of a more complete background report for the species found in various habitats, see the City of Monterey's "Existing Conditions Report: Biological Resources".) The bluffs and tidepools were removed from PG's LUP for the final draft stage, and at a review session, Planning Commissioners Frederickson and Chakwin, asked specifically for the tidepools to be put back into the ESHA section. That would be a minimal first step in providing an appropriate LUP ESHA section representing PG's resources that must be protected.

The fact that PG's unique, ancient geology has not been recognized in the LUP has become apparent, as my husband and John Pearse and I have been working on correcting the maps and talking with a USGS Geologist Emeritus (Ed Clifton, PG Museum Foundation board member) on a walk to view a segment of the coastline near Esplanade Park. I have previously provided suggested changes to the draft IP to address tidepools, but more, specific policies are needed in section 2.4.4.

The first bullet point in section 2.4.1 needs to include resident Black Oystercatchers in the coastal bluff habitat. And bullet points need to be added to describe the tide pools (the rocky intertidal zone) and sandy beaches.

The CCC's recent workshop on ESHA explained clearly that a protected species does not have to be present in a habitat area on a survey for the habitat to be designated ESHA. This would apply to the snowy plover habitat on Asilomar State Beach (and the red-legged frog habitat at Crespi Pond—see #4). I have seen Snowy Plovers on Asilomar State Beach as recently as 2013, when I frequented that beach, and I photographed and reported three banded Snowy Plovers to Pt. Blue (Frances Bidstrup) in January 2012. (I monitored snowy plovers for the Pt. Reyes Bird Observatory--now Pt. Blue--for many years in San Diego County.) Sandy beaches at Hopkins MS and 5<sup>th</sup> St. are pupping habitat for Harbor Seals, which are protected by the U.S. Marine Mammal Protection Act.

- 2) In Characteristic Flora and Fauna at the end of section 2.4.1, the next to last sentence in the first paragraph should say, “Black Oystercatchers” not just “oystercatchers”, of which there are several species around the world, two on the Pacific coast.
- 3) Section 2.4.3, the last sentence of the first paragraph states, “The remainder of the immediate shoreline area, with two exceptions of privately owned areas, is under California Department of Parks and Recreation ownership and managed as park land.” The term “immediate shoreline” is not clear. Also, the *Asilomar State Beach and Conference Grounds General Plan* should be appended to the LUP in its entirety.
- 4) In section 2.4.3 under Asilomar Dunes Residential Area, the third paragraph refers to “ten plant species and one animal species of special concern”. These species should be specifically named here. This is a very detailed section within the General Plan section. I don’t see a corresponding detailed section describing species such as the California red-legged frog, in the riparian areas, either here or in the Water and Marine Resources section. (The most recent survey of CRLF’s that I find referenced on the City’s website was Nov. 2014, simply to establish that there were no CRLF’s at Crespi Pond within 7 days of a dredging operation, as required by law. This does not establish the absence of CRLF’s year-round, as has been suggested, and it is still potential habitat.)
- 5) BIO-1 should include coastal bluffs, rock outcrops, sandy beaches, tidepools and offshore reefs, rocks and islets in the final sentence.
- 6) BIO-8 calls for “planting and preservation of native milkweed species...for Monarch caterpillars, and for feeding or clustering of adult Monarchs....” This may not be correct—please consult Frances Grate on BNRC. Milkweed should only be planted where it has grown naturally before, at a distance of at least 10 miles from the coast. In Pacific Grove, nectar flowers are what the Monarchs need. Milkweed planted in PG would interfere with their natural migration. Below is the Sept. 15, 2015 Agenda Report from the BNRC on the issue of Monarchs and milkweed.

#### Agenda Report

Beautification and Natural Resources Commission September 15, 2015

#### Monarch Butterflies and Milkweed

In California we have both the breeding part of the life cycle (eggs on milkweed) and also the overwintering phenomenon (Monarchs moving toward California coast in fall to spend November through February at sites like Pacific Grove or Natural Bridges... there are many from Baja to Mendocino in a good year).

In the Midwest the Monarchs only breed and then migrate south to the Mexican mountains for the winter.

The guidelines in California are:

1. Plant milkweed where it once grew and try to plant the appropriate native milkweed.

2. Make sure your milk weed plantings are at least ten miles from the coast.
3. If you're within 10 miles from the coast, plant only nectar plants. This minimizes chances of Monarchs laying eggs out of season and minimizes spread of disease via milkweed.
4. Never spray

In other words, if you're outside of California, plant milkweed. If you're in California, there's a zone to avoid.

.....From Mia Monroe of National Park Service at Muir Woods, also an overwintering site via Bob Pacelli of Pacific Grove

- 7) BIO-9 should list the 10 plant species referred to, but not specified earlier, in section 2.4.3.
- 8) I believe BIO-10 should include the California red-legged frog and perhaps the hoary bat.
- 9) BIO-11 inexplicably encourages only Hopkins MS, but not the City itself, "to remove exotic plants and restore a native bluff plant community on the rocky outcrop." Hottentot fig should be targeted specifically. It should be removed from the sandy beach, the bluffs and the rocky outcrops. The need to do an archaeological study prior to removal should be noted. And this policy should be directed to the City as well as Hopkins. In other words, the wording should read to the effect, "The City shall remove...., and Hopkins Marine Station shall be encouraged to do the same."
- 10) BIO-19 calls for "Development within coastal parklands" to be consistent with standards, etc. in the Coastal Parks Plan "as long as those standards and procedures are consistent with the policies in this Land Use Plan". The CPP does not consider sea level rise and the option for phased retreat. It needs to be consistent with the California Coastal Act, not the LUP, because our LUP so far is lacking in appropriate standards and procedures to cover this kind of development. As an example of inconsistency with the Coastal Act, the Coastal Parks Plan calls for the City to:

"Consistent with the existing rugged character of the coast west of the Esplanade, install natural riprap to prevent further erosion of the coast and to support future trail construction, where necessary."

This policy is not consistent with prudent planning for sea level rise or with the Coastal Act and the Coastal Commission's adopted Sea Level Rise Policy Guidance, and would significantly degrade the magnificent shoreline bluffs and beaches. Looking at the shoreline between 13th Street and Fountain Avenue, you can observe the direct significant adverse impacts of engineered rip rap revetments to the natural resources and scenic quality. While that stretch of the shoreline along the Retreat presents a special challenge in terms of retreat for the trail, the areas that the City is currently identifying as requiring armoring are good candidates for a relatively simple plan of retreat for the trail.

11) The Land Habitat Sensitivity map does not represent Pacific Grove's habitats, or the sensitivity of those habitat areas, accurately or clearly. The following are just a few of the issues:

- There is no definition for the determination of the sensitivity designations, A-D.
- There is no explanation for the distinctions between the 3 number designations for sand dunes (1-3), or the 3 for coastal bluffs (4,5, & 9), or for the distinction between coastal bluffs (4,5, & 9) and rocky bluffs (10).
- The sandy beach at Hopkins, which is habitat for a harbor seal colony and a protected pupping beach, is designated as D9, low sensitivity coastal bluff, as is the 5<sup>th</sup> St. beach.
- Random areas along the coast in Areas I and II are designated B5, high sensitivity coastal bluff, while adjacent equally sensitive bluffs are designated low sensitivity.
- The mobile home park is designated C7, moderate sensitivity coastal bluff/residential, indicating it is more sensitive habitat than most of the shoreline.
- The retreat needs a designation for gardens. (Nectar flowers are habitat for butterflies.) It is currently designated as lawn.
- Tidepools (or rocky intertidal zone) and kelp beds need to be designated on the map.
- Areas along the railroad right-of-way may be potential habitat for overwintering Monarch butterflies and should have a designation that represents at least moderate sensitivity pine/eucalyptus forest.
- There is no explanation for the significance or sensitivity of the Acacia designation in the middle of the Asilomar dunes area.
- The map needs to be divided into at least three pages to be able to distinguish the designations and streets in each area: Page 1 - Areas I to III; Page 2 – Areas IV-A & B; Page 3 – Area VI.

As it is, the Land Habitat Sensitivity map will not be helpful to many property owners in determining what designations apply to their property.

# Local Coastal Program - City of Malibu

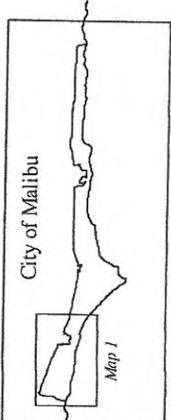
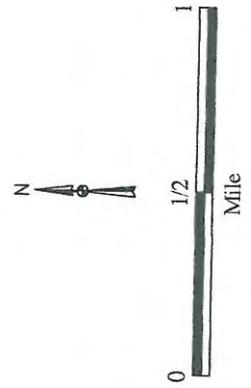
## ESHA and Marine Resources Map 1: Nicholas Canyon to Trancas Beach



- Environmentally Sensitive Habitat Areas  
Includes areas identified as coastal sage scrub and/or chaparral, riparian areas and wetlands.\*
- Near Shore Shallow-water Fish Habitat
- Pismo Clam Habitat
- Kelp Beds
- Streams
- Areas Utilized by Sea Lions

\*Boundaries of ESHAs may change location over time due to varying circumstances. This map is not intended to depict fixed boundaries of ESHAs or marine resources and may not include all areas that are ESHA. This map does not establish any final boundary lines or constraints on the Commission's ability to identify, map and regulate ESHAs and Marine Resources in the City of Malibu.

Match Line to Map 2

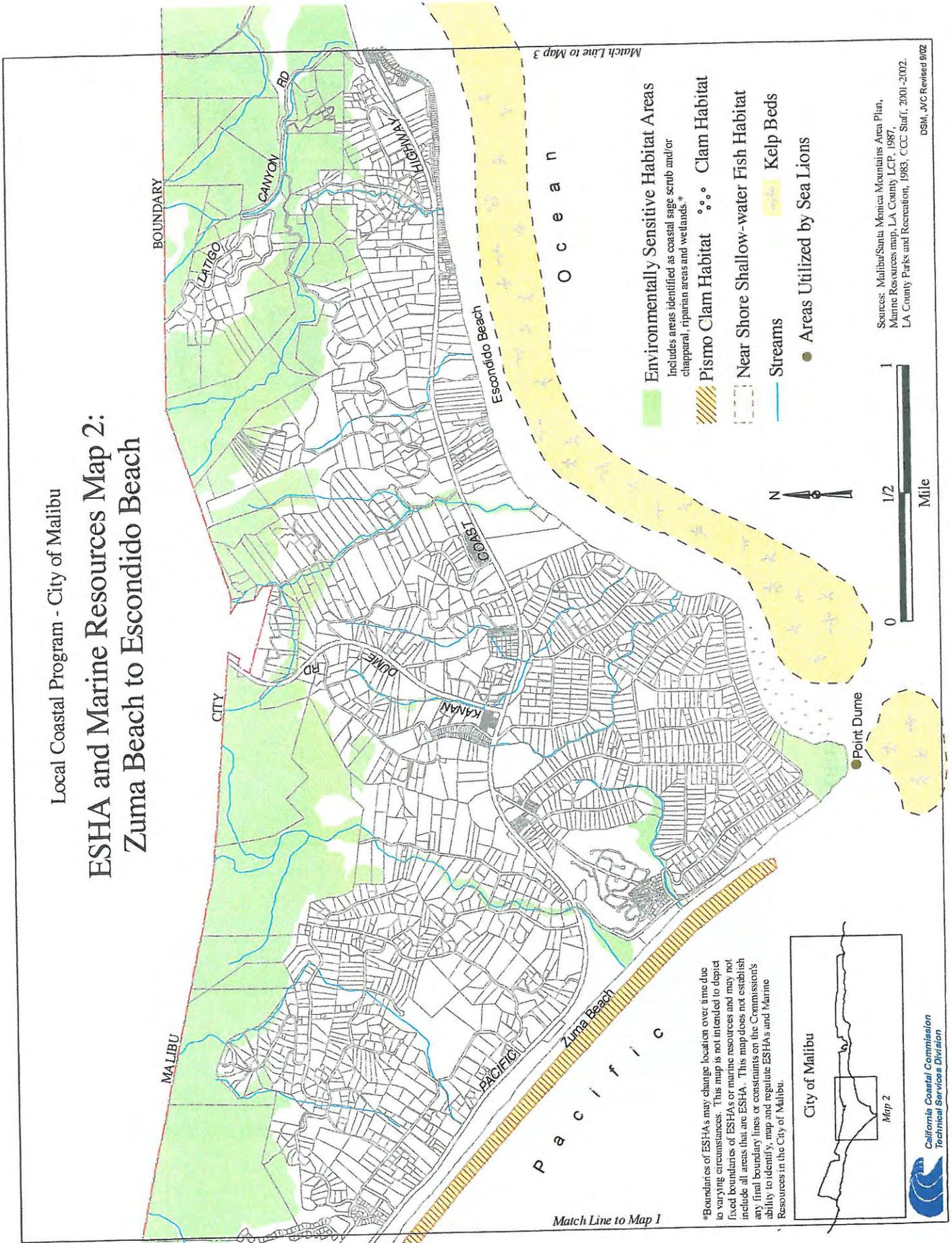


Sources: Malibu/Santa Monica Mountains Area Plan, Marine Resources map, LA County LCP, 1987, LA County Parks and Recreation, 1983; CCC Staff, 2001-2002.

DSM, JVC Revised 9/02



Local Coastal Program - City of Malibu  
**ESHA and Marine Resources Map 2:**  
**Zuma Beach to Escondido Beach**



- Qaf** **Artificial fill (Holocene)**—Heterogeneous mixture of artificially deposited material ranging from well-compacted sand and silt to poorly compacted sediment high in organic content; only locally delineated
- Qod** **Older coastal dunes (Pleistocene)**—Weakly consolidated, well-sorted, fine- to medium-grained sand. Some geologic deposits are covered with a thin veneer of eolian deposits. In some areas, this is indicated by a subscript (e) following the symbol for the geologic unit overlain by the eolian deposits. Locally divided into:
- Qod1** **Younger dune deposits (Pleistocene)**—Weakly consolidated, well-sorted, fine- to medium-grained sand deposited in an extensive coastal dune field. Age of unit is middle(?) Wisconsinan
- Qod2** **Older dune deposits (Pleistocene)**—Weakly to moderately consolidated, moderately well-sorted silt and sand deposited in extensive coastal dune fields. Age of unit is early(?) Wisconsinan
- Qct** **Coastal terrace deposits, undivided (Pleistocene)**—Semiconsolidated, moderately well-sorted marine sand containing thin, discontinuous gravel-rich layers. Locally divided into:
- Qcto** **Ocean View coastal terrace (Pleistocene)**
- Qctl** **Lighthouse coastal terrace (Pleistocene)**
- Qcjp** **Peninsula College coastal terrace (Pleistocene)**
- Qcts** **Sylvan coastal terrace (Pleistocene)**
- Kgdp** **Porphyritic granodiorite of Monterey of Ross (1976) (Cretaceous)**





**Pt. Pinos** is the northwestern tip of the Monterey Peninsula in Pacific Grove (above). It is world famous as a sea-watching site, but is almost as well known for the diversity of vagrants seen on Crespi Pond or in the adjacent cypresses. Unfortunately, most of the northwestern portion of Pacific Grove is a golf course, so birding access is limited to shoreline or the cypresses next to the restroom at Crespi Pond. All 11 eBird "hot spots" within the Pt. Pinos listing area are shown on the map below. These include not only Crespi Pond and the Point itself but also a small neighborhood to the east, between Esplanade Park and the El Carmelo cemetery. This listing area was defined ~1980 to include the ~260 acres of the entire Point, "from Ruff to Ruff outside the RR track." In the 1970s, individual Ruffs wintered (different winters) at Sea Palm beach (foot of Sea Palm Ave) and on kelp below the gazebo at Rocky Shores. These spots provide nice "bookends" to the coastal descent — about a 2 mile walk between the spots on Ocean View Blvd. and Sunset Drive. The old "railroad tracks" are gone but are now replaced by a public hiking trail from Railroad Way & Lighthouse Ave., through the middle of the eastern reaches of the golf course (where obscure) and that picks up again at the foot of Lovers Pt., just outside the listing area. In eBird, the "Pt. Pinos" hot spot is used for general checklists around the Point, while the other "hot spots" are intended for more specific checklists at those locations. A complete list of species and a bar graph of their occurrence is available [via eBird](#) [click that link]. **Over 320 species** have been recorded, a truly remarkable number given the small size (~0.4 sq mi or 1.08 sq km) of the area. Few sites in North America this small can match this diversity.



90-95% of gulls at the Point are Western and California Gulls. Ring-billed Gull, for example, is a major rarity on the rocky coast and needs documentation. [It is common in winter on the mudflats at Moss Landing.] Gulls misidentified as "Ring-billed" or "Herring" are the **two most common mistakes** made by visiting observers.



Item 7a(ii)

While seawatching, seabirds, shorebirds, and gulls are a major part of birding at Pt. Pinos, it is also an exceptional location for migrant landbirds and waterfowl. This view (below) of Pt. Pinos from a boat just offshore shows the rocky shore; the parking areas used by tourists, and beyond them the Pacific Grove golf course and then the Monterey Pine forest of Pacific Grove, shrouded in typical summer fog, in the background. The Pt. Pinos Lighthouse is dead center. In front and to the right of the lighthouse are some of the Monterey Cypress trees that attract migrant landbirds near the public restrooms (the small brown building just right of the white pick-up truck). [Crespi Pond is out of view to the left of the white pick-up.]



**Crespi Pond** (above) is a small natural pond, adjacent to the coast, named for Friar Juan Crespi who co-founded the Carmel Mission for Spain in 1770 with Father Juniperó Serra. Today Crespi Pond is used as a water hazard between the 17th tee and green on the Pacific Grove golf course. The inset photo (above) is from Oceanview Blvd, which separates Crespi from the shore, and shows the P.G. Lighthouse in the back of the reedbeds at the back side of Crespi. [The lighthouse, operating since 1855, is the oldest continuously operating lighthouse on the West Coast.] The photo above shows a Ross's Goose among the coots that winter at Crespi Pond. Canada Geese (from an introduced population) are resident here and breed, but migrant geese — Ross's, Snow, Greater White-fronted, Cackling, Brant

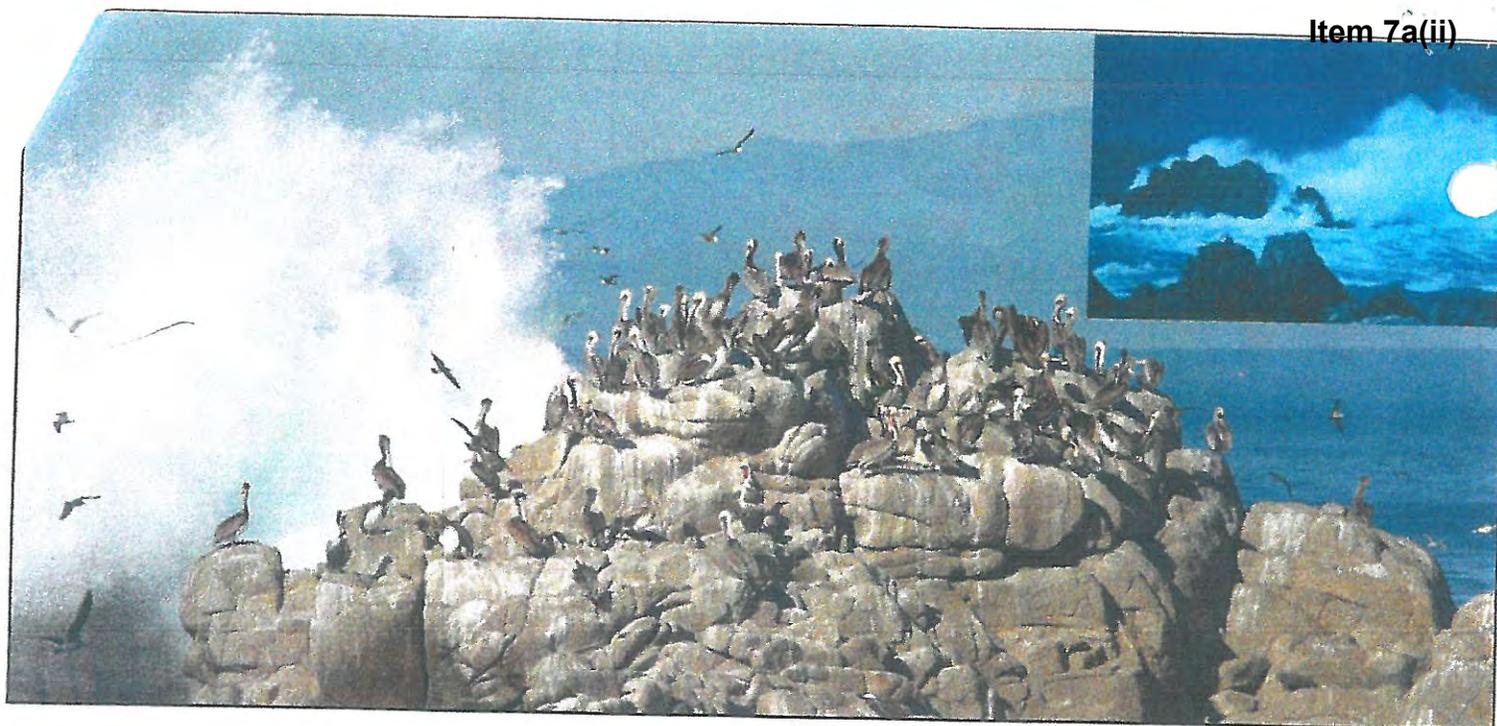


### Birding at Pt. Pinos

Seawatching can be good at any season. The entire shoreline around Pt. Pinos is open to the public via large pull-outs on the Bay or Ocean side of the Point; there are benches or one can easily stand with a scope (or sit in a vehicle with a scope) to scan the sea. The sun is in your eyes looking west in the afternoon, but it is often better at any time to scan north from the Point, watching for birds flying out of the Bay westward towards the open ocean. The wind tends to pick up in the afternoon, and wind generally means better seawatching. Black-footed Albatross are almost routine on windy afternoons in the summer.

The far rocks at the Point often have 3 species of cormorant (dominated by Brandt's) and loads of Brown Pelicans in season (summer, fall); an occasional booby has landed here. Huge waves batter these rocks (below). The strong winds usually come from the northwest. It is when these winds are howling at gale force — and waves completely engulf the rocks (inset below) that seawatching can be superb, as huge numbers of seabirds are blown into Monterey Bay and try to escape by flying west — into the winds — and past the Point. I remain in my car and scope out the window in those conditions; when it is too rough I may choose a spot several pull-outs east of the bare Point itself. Pelagics recorded in these conditions here include Cook's & Mottled Petrel; nearly every shearwater or storm-petrel recorded from the county; all 3 jaegers and skua; and nearly every west coast alcid.





*Rocky shorebirds* are a key group here, with good habitat throughout the area, but especially on the ocean side. Black Oystercatcher (left, with precocial young) are resident and breed on the small rocky islets. [Incidentally, these rocky islets are part of California Coastal National Monument, established on Jan. 11, 2000.] New signs went up in 2012 to protect regular nesting sites (below).

In winter (Oct-Apr) oystercatchers are joined by flocks of Black Turnstone, Surfbird, Whimbrel, Willet, Sanderling, Black-bellied Plover, and occasionally Pacific Golden-Plover. Ruff and Rock Sandpiper have wintered twice. Wandering Tattler and Ruddy Turnstone are a spring and fall migrants.

The tides make a difference for seeing rocky shorebirds. At high tides there are just a few flocks huddled together on offshore islets. At low tide, rocky shorebirds spread out to forage widely among the edges of tidepools or the ocean-rock interface.

# Item 7a(iii) Implementation Plan

**REFLECTS CHANGES INCLUDING COASTAL  
COMMISSION JUNE 1, 2016, PLANNING COMMISSION  
COMMENTS JUNE-AUGUST 2016 AND PUBLIC  
COMMENT  
PER PLANNING COMMISSION REQUEST ONLY  
ADDITIONS ARE SHOWN IN BLUE TEXT. DELETIONS  
ARE NOT SHOWN.**

## Chapter 23.90 LOCAL COASTAL PROGRAM IMPLEMENTATION

### 23.90.010 Purpose and General Provisions of the Coastal Implementation Plan

- A. **Purpose.** The purpose of this Chapter is to implement the City of Pacific Grove Local Coastal Program Land Use Plan, in accordance with the requirements of the California Coastal Act of 1976.
- B. **Applicability.** The regulations found in this chapter shall apply to all areas of the City of Pacific Grove located within the Coastal Zone as established by the State Legislature. All other procedures and standards in Title 23 including but not limited to General Provisions, Exceptions and Nonconforming Uses and Buildings, Community Development Permit Review Authorities and Procedures, and Historic Preservation are applicable in addition to the provisions of this Chapter unless otherwise stated in this Chapter.
- C. **Local Coastal Program Adoption.** This Chapter establishes the City of Pacific Grove Coastal Implementation Plan, serving to carry out the policies of the Land Use Plan and establishing the requirements for issuance of Coastal Development Permits. This Chapter is a component of the City of Pacific Grove Local Coastal Program. In case of conflict with any other applicable City policies or regulations, the Coastal Implementation Plan and Land Use Plan shall take precedence. Where the Coastal Implementation Plan and Land Use Plan are silent, other City policies and regulations shall be in force, but in no case shall such policies and regulations be used as a standard of review for Coastal Development Permits.
- D. **Coastal Zoning Districts.** Zoning districts are hereby established within the City’s Coastal Zone and the allowable uses and development standards are included herein. Coastal Zone districts are differentiated by the designation “(CZ).”

The following Land Use Plan land use designations and corresponding zoning districts are within the City’s Coastal Zone. The Chapter establishes allowable land uses, permit requirements, and development standards, including height limitations and setbacks from property lines, for each zoning district in the City’s Coastal Zone. The locations of each zoning district are shown on the Coastal Zoning Map.

Land Use Plan Designation	CZ Zoning District (s)
LDR 1-2 Low Density Residential	R-1-B-4
MDR 8-10 (MHP) Medium Density Residential for Mobile Home Park	MH
MDR 8-10 Medium Density Residential	<u>R-1</u>
MHD 10-20 Medium-High Density Residential	<u>R-3, R-3-PGR, R-3-PGB, R-3-M, R-4</u>
V-A Visitor Accommodation	R-3-M

V-C Visitor Commercial	C-1, C-V, C-V-ATC, <u>C-2</u> , R-3-M
SSC Sunset Service Commercial	SSC
OS-I Open Space Institutional	O, U
OS-R Open Space Recreational	O
RT Recreational Trail	O

- E. **Coastal Zoning Overlays.** The City establishes zoning overlays within this Chapter to protect valuable coastal resources, and land and development located within the overlay areas shall be subject to the additional regulation of this Chapter. The locations of each overlay are shown on the [Coastal Hazards, Scenic Resources, Land Habitat Sensitivity, Archaeologically Sensitive Areas and Coastal Parks, Trails and Resources](#) Overlay Maps.
  - F. **Agency Coordination.** The City shall work with other agencies as appropriate to implement the Local Coastal Program.
  - G. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or other portion of this Chapter is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the Chapter.
  - H. **Jurisdiction.** The City's jurisdiction over Coastal Development Permits does not include tidelands, submerged lands, and public trust lands as described in Public Resources Code §30519(b) and described as areas of California Coastal Commission Permit Jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.
  - I. **Coastal Commission Authority.** The Coastal Commission retains authority over Coastal Development Permits issued by the Coastal Commission, including condition compliance. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued Coastal Development Permit, either prior to certification of the LCP, or through a de novo action on an appeal of a City-approved Coastal Development Permit and the permit has not expired or been forfeited, the applicant shall apply to the City for the Coastal Development Permit except for:
    1. Requests for extension, reconsideration, and revocation of the Coastal Commission-issued permits;
    2. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement, or any restriction/limitation or other mitigation incorporated through the project description by the permittee of a Coastal Commission issued Coastal Development Permit.
- Note:** In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Coastal Commission-issued Coastal Development Permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for

amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166.

- J. Incomplete Applications at Certification.** Any proposed development within the City's Coastal Zone that is subject to the City's jurisdiction upon certification of the LCP and that the City preliminarily approved before effective certification of the Pacific Grove LCP, but for which a complete application has not been filed with the Coastal Commission for approval, shall be resubmitted to the City through an application pursuant to this Certified Local Coastal Program. The standard for review for such an application shall be the requirements of this Certified Local Coastal Program. Any application fee paid to the Coastal Commission shall be refunded to the applicant.
- K. Complete Applications at Certification.** Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which a complete application has been filed complete with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review.
1. Coastal Commission review of any such application shall determine consistency with the Certified Local Coastal Program. Projects which elect to obtain a Coastal Development Permit from the Coastal Commission will remain under the jurisdiction of the Coastal Commission.
  2. Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the City through an application pursuant to the requirements of this Certified Local Coastal Program. The standard of review for such an application shall be the requirements of this Certified Local Coastal Program.
  3. Upon effective certification of a Local Coastal Program, except as provided under (1) and (2) of this subsection, no applications for development shall be accepted by the Coastal Commission for- development within the certified area.
- L. Coastal Resources Protection.** All development standards applied within the Coastal Zone shall be implemented in a manner that best protects coastal resources, consistent with the Local Coastal Program policies and the intent and provisions of the Coastal Act. Site specific biological resources, archaeological, visual, geologic, water quality, and hazards constraints may limit development to less than the development potential listed for the zoning districts.

## 23.90.020 Definitions

### A. Definitions

"Abutting property". A legal lot or parcel of land that shares all or part of a common lot line with another legal lot or parcel of land.

"Accessory structure" ("accessory building").- Structures that are customarily incidental to, related to, and clearly subordinate to principal allowed uses and structures located on the same premises, such as parking facilities, restrooms, etc.

"Accessory use". A use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a primary use of the land or building located on the same premises, however:

"Adverse Effect" (on environmentally sensitive habitat). Any significant disruption of the habitat values, any significant degradation of habitat areas, any significant disturbance to individual occurrences of

protected plant or animal species, and anything incompatible with the continuance of environmentally sensitive habitat.

“Adverse Effect” (on visual resources). Development that impacts views to and along the ocean and scenic coastal areas from public roads and viewing points, alters natural landforms, and/or conflicts with the character of surrounding areas.

“Adverse Effect” (on wetland). Development in a wetland that is not an allowed use in a wetland and/or development which would degrade the ability of a wetland or marine resource to sustain and maintain its biological productivity (healthy populations of all species of marine organisms) and ability to provide a long-term commercial, recreational, scientific, and educational purpose.

“Appeal Area” (“Appealable Coastal Development Permit”). After certification of the Local Coastal Program, an action taken by the City on a Coastal Development Permit application may be appealed to the California Coastal Commission for only the following types of developments:

1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
2. Developments approved by the City not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands; within 100 feet of any wetland, estuary, or stream; or within 300 feet of the top of the seaward face of any coastal bluff.
3. Developments approved by the City not included within paragraph (1) or (2) that are located in a sensitive coastal resource area (i.e. the Asilomar Dunes Residential Area and the Asilomar Conference Grounds).
4. Any development which constitutes a major public works project or a major energy facility as defined in this Chapter. The phrase "major public works" or a "major energy facility" as used in Public Resources Code §30603(a)(5) and in these regulations shall mean: any proposed public works project or energy facility, as defined by Section 13012 of the Coastal Commission Regulations and the Coastal Act.

“Area of Special Biological Significance” (ASBS). A specific area of ocean and/or bay waters designated by the California Water Quality Control Board that protects the water quality and supports an unusual variety of aquatic life, and often host unique individual species.

“Armor”. To fortify a topographical feature to protect it from erosion (e.g., constructing a wall to armor the base of a sea cliff), or to construct a feature (e.g., a seawall, revetment, dike, or levee) to protect other resources (e.g., development or agricultural land) from flooding, erosion, or other hazards. The term soft armoring refers to a non-permanent, relatively short-term armoring (e.g., temporary sand bags, vegetated berms). [See definition for soft-armoring.](#)

## B. Definitions

“Base Flood”. means a flood having a 11 percent chance of being equaled or exceeded in any given year (also called “100-year flood”).

“Best Available Science”. The most current, generally accepted, data-driven information, as refined to be most applicable to the local circumstances and conditions, and considering a range of plausible impacts based on multiple time scales, emissions scenarios, or other factors developed to inform further decision-making regarding the range of impacts and vulnerabilities.

“Best Management Practices (BMPs)”. The methods, measures, and practices selected and designed to reduce or eliminate pollutants in storm water runoff, and/or to minimize changes in runoff flow characteristics resulting from development.

“Biological Sensitivity Area”. A part of the natural environment, typically qualifying as environmentally sensitive habitat, with heightened vulnerability to negative and/or stressful influences on biological resources and including those areas designated as “extreme,” “high,” or “moderate” on the Land Use Plan map.

“Building coverage” means the portion of a site which is covered by the fully enclosed portion of all buildings larger than 120 square feet, as well as by open carports. Building coverage is expressed as a percentage. In determining building coverage, the following shall not be counted: eaves and/or cantilevered portions of buildings, decks, open porches, and open stairways and landings.

### C. Definitions

“Certified Area”. Area within the Coastal Zone covered by a Local Coastal Program that has been approved (certified) by the California Coastal Commission. After the Coastal Commission certifies a Local Coastal Program submitted by a local government, the authority to issue coastal development permits (CDPs) for new development not in the Commission’s original permit jurisdiction is delegated to the local government.

“Climate Change”. Any long-term change in average climate conditions in a place or region.

“Clustered development”. The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.

“Coastal Act”. The California Coastal Act of 1976, California Public Resources Code §30000 et seq., as amended.

“Coastal beach” means the land between the edge of the sea and the first line of terrestrial vegetation or development or the toe of an adjacent sensitive coastal bluff or seawall, whichever is most seaward.

“Coastal Bluff” (or Cliff). A scarp or steep face of rock adjacent to the bay or ocean and meeting 1 of the following 2 parameters:

1. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.
2. The toe of which lies within an area otherwise identified in Public Resources Code §30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

“Coastal Dependent Use”. Any development or use which requires a site on, or adjacent to, the [ocean](#) to function.

“Coastal [hazard](#)”. Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same, and all as impacted by sea level rise.

“Coastal Development Permit” or [“Coastal Permit”](#). A permit granted for development undertaken in the Coastal Zone in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development and a specific use of land on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable), subject to compliance with any conditions of approval imposed on the permit.

“Coastal Related Use” (“Coastal-Related Development”). Any use that is dependent on a coastal-dependent development or use.

“Coastal resources”. [A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual resources.](#) Coastal resources include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower-cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal-related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, water bodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.

“Coastal Zone”. That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state’s outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or [5](#) miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

#### D. Definitions

“Demolition”. To tear down or remove.

[“Designated”](#). Officially assigned a specified status or ascribed a specified name or quality to.

“Development”. The term “development” is a term defined in Coastal Act and is synonymous with “new development.” The term is broadly defined to include (among others) proposed construction of buildings, divisions of land. Specifically, in compliance with Public Resources Code §30106, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; [construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility](#); change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought

about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. See also "Redevelopment."

"Director": The City of Pacific Grove Community and Economic Development Director.

#### **E. Definitions**

"Emergency Work". Construction or repairs required in response to a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services, generally requiring attention too quickly to allow for normal permitting timeframes.

"Environmentally Sensitive Habitat Area". ("ESHA"). Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resource Code §30107.5).

#### **F. Definitions**

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

"Flood" (or "Flooding"). Refers to normally dry land becoming temporarily covered in water, either periodically (e.g., tidal flooding) or episodically (e.g., storm or tsunami flooding), including in relation to sea level rise.

"Floor area". See "Gross Floor Area."

#### **G. Definitions**

"Gross floor area" means the total enclosed areas of all floors of buildings greater than 120 square feet, plus carports, where the ceiling is at least 7 feet tall. In calculating gross floor area, buildings shall be measured to the outside surface of exterior walls, and carports to the outside surfaces of supporting posts. Gross floor area is expressed in square feet.

1. In determining gross floor area, the following shall be counted:

- a. Covered and fully enclosed porches, regardless of whether conditioned/unconditioned;  
and
- b. Mezzanines, hallways, breezeways, and corridors.

2. In determining gross floor area, the following shall not be counted:

- a. Accessory structures less than or equal to 120 square feet;
- b. Covered open, or partially open, porches;
- c. Those portions of cellars/basements where the ceiling is not more than ~~two~~ 2 feet above finish grade at any point;
- d. Eaves and/or cantilevered portions of buildings;

e. Garden structures.

3. In determining gross floor area, the following provisions shall also apply:

- a. Areas with an interior finished height that is greater than 16 feet shall be counted twice, with the exception of interior stairways that are less than than 8 feet wide.
- b. If required covered parking is not provided, the allowed gross floor area shall be reduced by the equivalent square footage

## **H. Definitions**

"Habitat, degraded" means a species-specific habitat or ecosystem that has been adversely altered from its natural state such that reduced survival and/or reproductive success in a population results.

"Hazard". See definition of "Coastal Hazard".

"Height" means the vertical distance from any point on the top of a structure to a line connecting grades on opposite sides of a structure's exterior. If finished, natural, or existing grades are different at the structure's exterior, the lowest of these is used in applying this definition.

"Historic resources inventory" means:

- 1. The list of existing structures initiated in 1978 through a matching grant from the State Office of Historic Preservation and adopted by the city of Pacific Grove. The list was updated by the Heritage Society and the city of Pacific Grove to include structures built prior to 19274; and
- 2. Other properties determined by the historic resources committee to be of architectural and/or historical significance.

## **I. Definitions**

"Implementation Plan (IP)". Includes land use zoning and other implementing ordinances that conform with and carry out the Land Use Plan. Effective zoning ordinances and procedures ensure that the objectives of the Land Use Plan are achieved.

## **L. Definitions**

"Land Use". The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

"Land Use Plan" ("LUP"). The Land Use Plan is defined as the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Public Resource Code §30108.5)

"Local Coastal Program" ("LCP"). An LCP is defined as "a local government's land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level" (Public Resource Code §30108.6).

"Lodging".

1. "Bed and breakfast inn" means the use of a residential property for commercial lodging purposes, where there are at least 8 rooms available to guests and where the principal buildings were constructed at least 75 years prior to the date of application for the use.
2. "Hotel" means any building or portion thereof containing 6 or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients, and having 1 principal entryway or entrance, a lobby, or other public room.
3. "Motel" means any building or portion thereof containing 6 or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients, and having dwelling units or guest rooms some or all of which have a separate entrance leading directly from the outside of the building.
4. "Automobile court, cottage court, or motor lodge" means an establishment designed for or used primarily for the accommodation of transient automobile travelers or other transient guests and having dwelling units or guest rooms some or all of which have a separate entrance leading directly from the outside of the building.

"Lot coverage": Residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. Permeable surfaces are allowed in Immediate Outdoor Living space and shall not count as lot coverage.

#### **M. Definitions**

"Major critical public infrastructure" The primary components of energy facilities and public works facilities (as defined by Coastal Act Sections 30107 and 30114, respectively) (e.g. sewer force mains and lift stations, electrical transmission towers and substations, gas transmission lines, and potable water transmission lines, wells, and pumping infrastructure). Individual connections would not be considered major unless connected to a critical facility, such as a hospital. Non-potable water transmission lines are not considered critical public infrastructure.

"Major energy facility". Any energy facility as defined by Public Resources Code §30107 and Title 14 California Code of Regulations Section 13012, and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.

"Major public works project". Any public works project as defined by Public Resources Code Section 30114 and Title 14 California Code of Regulations §13012 and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.

"Major structural components". The components that hold a structure upright, including the foundation, floor framing, exterior wall framing and roof framing of a structure.

"Major vegetation". All Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine 6 inches or greater in trunk diameter measured 54 inches above grade.

"Marine Resource". The ocean waters, lifeforms, and naturally occurring non-living physical and chemical components of the ocean waters.

"Mean High Tide Line". The ambulatory line on the beach (contour lines) represented by the intersection of the beach face and the elevation represented by the average of all high tides (higher

high tides and lower high tides) occurring over a 19-year period. The mean high tide elevation should be represented by the most recent 19-year tidal epoch as established by the National Oceanic and Atmospheric Administration. .

“Mean Sea Level”. The average relative sea level over a period, such as a month or a year, long enough to average out transients such as waves and tides. Relative sea level is sea level measured by a tide gauge with respect to the land upon which it is situated. Local tide levels are calculated using the Monterey Tide Gage (NOAA Station 9413450).

“Minor Development” means a project that is not listed as exempt from permit requirements but is determined by the director to have no potential for adverse effects on coastal resources or public access to the shoreline, either individually or cumulatively, and to be consistent with the certified LCP.

“Mobile home” means a vehicle other than a motor vehicle used as semi-permanent housing designed for human habitation and containing a minimum of 400 square feet of floor space.

“Mobile home park” means an area of land not less than 5 acres in size containing facilities to accommodate semi-permanent mobile homes.

#### **N. Definitions**

“Natural Hazard Area”. A zone subject to naturally occurring events that may have a negative effect on people or the environment.

“Natural Hazards Overlay”. A special district identified for the application of guidelines and standards in order to protect citizens and property from anticipated naturally occurring events.

“Non-conforming structure/use” (“legal non-conforming structure/use”). A structure or use that was legally permitted in conformance with all applicable laws in effect at the time, but does not conform with all applicable current codes, standards, and/or Local Coastal Program policies and standards.

#### **P. Definitions**

“Pacific Grove Retreat” or (“Retreat”). The area located between Pacific Street to the west and Dewey Avenue at the east, and north of Central Avenue (the boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone).

“Projected inundation level”. The mean elevation of dry land becoming permanently submerged.

“Projected sea level”. Anticipated mean sea level at some defined future moment in time.

“Public access”. The right or privilege of citizens to visit an area or resource.

“Public scenic view” (“public views”): Views as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. A public scenic view, public scenic viewing area or public scenic viewshed includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic viewing area” and “scenic vista.”

“Public scenic viewing area” (“Public viewing area”). A location along public highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters where there are scenic views of the beach and ocean, coastline, dunes and other unique natural features or areas. A public scenic view, public scenic viewing area or public scenic viewshed includes those areas

[identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public scenic view” and “Scenic vista.”](#)

## R. Definitions

[“Redevelopment”. A structure shall be considered redeveloped, when such development consists of alteration of 50% or more of the major structural components, including exterior walls, floor and roof structure, and foundation, of such development.-](#)

“Revetment”. A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. (See also Seawall, Shoreline protective devices).

## S. Definitions

“Sand Dune Scrub”. Vegetation dominated by low, woody plants found on ridges of sand created by wind.

“Scenic Sensitivity Area”. Highly scenic areas from public viewing points. [\(See also Sensitive Coastal Resource Areas\).](#)

[“Scenic Vista”. A viewpoint that provides expansive views of a highly valued landscape. \(See also “Public scenic view” and “Public scenic viewing area.”\)](#)

“Sea Level Rise”. Gradual and long-term elevation of sea level, both globally and locally, due to (a) changes in the shape of the ocean basins, (b) changes in the total mass of water and (c) changes in water density. Factors leading to sea level rise under global warming include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean relative to the land, which might be due to ocean rise and/or land level subsidence.

“Seawall”. A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also Revetment, Shoreline protective devices).

“Sensitive Coastal Resource Areas”. An area in which the coastal resources, including scenic qualities and the views of scenic landscapes and/or biological resources are considered especially valuable.

[“Shall”. Denotes a requirement that is mandatory whenever the criterion for conformance with the specification requires that there be no deviation.](#)

“Shoreline Protective Device”. A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards. (See also Seawall).

[“Should”. Denotes a guideline or recommendation.](#)

[“Significant environmental impact” \(“significant adverse impact on the environment”\). A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be](#)

considered in determining whether the physical change is significant. (CEQA Guidelines, 14 California Code of Regulations §15382).

“Site Coverage”. The sum of building coverage plus areas covered by impervious surfaces. Site coverage is expressed as a percentage.

1. In determining site coverage, the following shall be counted:

- a. Sand-set bricks and/or pavers, paving and/or flagstones, asphalt, concrete, mortared brick and stone, and decomposed granite;
- b. Open porches; and
- c. All accessory structures not already counted towards building coverage.

2. In determining site coverage, the following shall not be counted:

- a. Four hundred square feet of any driveway, except for portions that serve as required parking space(s) or which occupy a required side yard;
- b. Sixty square feet of walkway, stoop, landing, stairway and/or steps in the front yard on building sites which are 50 feet or more in width;
- c. Turf block driveways and walkways and other pervious surfaces, unless covered; and eaves and/or cantilevered portions of buildings.

“Social well-being.” Social well-being is an end state in which basic human needs (water, food, shelter,) are met and people are able to coexist peacefully in communities with opportunities for advancement.

“Soft armoring”. Refers to the use of natural or “green” infrastructure like beaches, dune systems, wetlands, and other systems to buffer coastal areas. Strategies like beach nourishment, dune management, or the construction of “living shorelines” capitalize on the natural ability of these systems to protect coastlines from coastal hazards while also providing benefits such as habitat, recreation area, more pleasing visual impacts, and the continuation or enhancement of ecosystems.

“Special Community”. An area that due to its unique characteristics are an important resource to the community and make the area a popular destination for visitors consistent with the intent of Public Resources Code §30253(e).

“Structure”. Any development constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Landscaping on the lot is also considered to be a part of the structure.

#### **T. Definitions**

“Tidelands”. All lands which are located between the lines of mean high tide and mean low tide.

#### **V. Definitions**

“Viewshed”. means areas within the foreground and background as seen by the public from public vantage points, the shoreline and ocean.

“Visual Access”. means views from public vantage points, to and along the shoreline and to areas identified for their highly scenic and visual qualities.

“Vulnerability Assessment”. A practice that identifies who and what is exposed and sensitive to change, and how a given system is able to cope with extremes and change. It considers the factors that expose and make people or the environment susceptible to harm. Vulnerability assessments also explore natural and financial resources available to cope and adapt to change, including the ability to self-protect, external coping mechanisms, support networks, and so on.

## W. Definitions

“Wetland”. Defined by §30121 of the Coastal Act as Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. .;The definition of wetland is further detailed by §13577 (b)(1) of the California Code of Regulations as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

“Width” means that dimension of a lot which fronts on a street. In the case of frontage on more than 1 street, it refers to the lesser dimension.

“Wireless telecommunications facility” means antennas and towers, either individually or together, and associated equipment and structures used for wireless telecommunications purposes. Includes commercial radio, television antennas, and commercial communication transmitters or towers.

## 23.90.030 Coastal Development Permit Processing Procedures

This section provides procedures for the processing, filing, review, noticing, and action of all applications for development in the Pacific Grove Coastal Zone. This chapter serves to implement the City’s Local Coastal Program (LCP) in a manner consistent with the requirements of the California Coastal Act and all associated State regulations. This chapter contains requirements for coastal permits to ensure that development projects in the coastal zone are consistent with the City’s Land Use Plan (LUP) and Implementation Plan (IP), which together constitute the City’s Local Coastal Program (LCP).

**A. Permit Required.** All activities that constitute development within the coastal zone require a coastal permit except as specified in Section 23.90.040 (Coastal Permit Exemptions). Development is defined as any of the following, whether on land or in or under water:

1. The placement or erection of any solid material or structure;
2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;
3. Grading, removing, dredging, mining or extraction of any materials;
4. Change in the density or intensity of use of land, including, but not limited to, subdivisions, and any other division of land, including lot splits, except where the land division is brought

about in connection with the purchase of such land by a public agency for public recreational use;

5. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility;
6. The removal or harvesting of major vegetation.

**B. Review Authority.**

1. The Planning Commission shall take action on all coastal permit applications (except as provided for in Section [23.90.040](#)).
2. Development authorized by a Coastal Commission-issued coastal permit remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment and revocation. Any additional development proposed on a parcel with a Coastal Commission-issued coastal [development](#) permit shall be reviewed by the City pursuant to an application for a new coastal [development](#) permit, provided that the Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission-issued permit.

**C. Additional Permits.** The review of a coastal permit application shall be processed concurrently with any other discretionary permit applications required by the City. The City may not grant any discretionary approval for a proposed project that conflict with this chapter. Discretionary approvals become effective only after a coastal permit is approved as required by this chapter.

**D. Illegal Development and Permitting Processes.** Development that occurred after the effective date of the Coastal Act of 1976 (or the Coastal Initiative of 1972, whichever is applicable) and that did not receive a coastal permit or was not otherwise authorized under the Coastal Act, is not lawfully established or authorized development. No improvements, repair, modification, or additions to such existing development may be approved unless a coastal [development](#) permit is approved that authorizes the existing development, and any potential violations are abated. The coastal permit shall only be approved if the existing and proposed development is consistent with the policies and standards of the City's LCP.

**23.90.040 Coastal Permit Exemptions**

The following projects are exempt from the requirement to obtain a coastal [development](#) permit.

**A. Existing Single-Family Residences.** In accordance with PRC §30610(a) and 14 CCR §13250, improvements to an existing single-family residence, including fixtures and structures directly attached to a residence, landscaping, and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds. ~~—~~ This exemption **does not** include:

1. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area including all improvements within the Asilomar Dunes Residential Area and Asilomar Conference Grounds, in an area designated highly scenic in the LCP, or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.

3. The expansion or construction of water wells or septic systems.
4. Guest houses or self-contained residential units.
5. On property not included in Subparagraph A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when one of the following circumstances apply:
  - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or
  - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
  - c. An increase in height by more than 10 percent of an existing structure and/or
  - d. Any significant non-attached structure such as garages, fences, shoreline protective works or docks.
6. Any improvement to a single-family residence where the coastal permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal permit.

**B. Other Existing Structures.** In accordance with PRC §30610(b) and 14 CCR §13253, improvements to an existing structure, other than a single-family residence or public works facility, including landscaping and fixtures and other structures directly attached to the structure. This exemption **does not** include:

1. Improvements to a structure if the structure and/or improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high-tide line; in an area designated highly scenic in the LCP; or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in subparagraph B.1 above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission, when one of the following circumstances apply:
  - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;
  - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section;

- c. An increase in height by more than 10 percent of an existing structure or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
  5. Any improvement to a structure where the coastal permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal permit.
  6. Any improvement to a structure which changes the intensity of use of the structure.
  7. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.
- C. Maintenance Dredging of Navigation Channels.** In accordance with PRC §30610(c), maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
- D. Repair or Maintenance Activities.** In accordance with PRC §30610(d) and 14 CCR §13252, repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. This exemption **does not** include:
1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    - a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
    - b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
    - c. The replacement of twenty percent or more of the exterior materials of an existing structure with materials of a different kind; or
    - d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams.
  2. Any method of routine maintenance dredging that involves:
    - a. The dredging of 100,000 cubic yards or more within a 12-month period;
    - b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
    - c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area (including the Asilomar Dunes Residential Area and Asilomar Conference Grounds), any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
  - a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
  - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
4. The provisions of the Section shall not be applicable to those activities specifically described as exempt from coastal permit requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978. These projects shall be exempt from obtaining a coastal permit unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views to the ocean.
5. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure that is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a coastal permit.

**E. Replacement of Destroyed Structures.** The replacement of any structure, other than a public works facility, destroyed by a disaster, [shall be allowed subject to the following conditions](#). The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure, [including legal non-conforming structures](#), by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. [If current zoning requirements would not allow the structure at the original location or at the previous size, the City may permit an equivalent structure at an alternative location if findings are made that the re-location is for the purpose of protecting coastal resources or reducing impacts of coastal hazards; however, in this case no enlargement will be permitted, and a reduction of up to 10 percent may be required by the City if necessary to better achieve consistency with coastal policies](#). As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; "bulk" means total interior cubic volume as measures from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

**F. Temporary Events.** Temporary events as defined in this section and which meet all of the following criteria:

1. [Will be of less than 2 days](#) in duration including setup and take-down; and
2. The event will not occupy any portion of a publicly or privately owned sandy beach or park area, public pier, public beach parking area and there is no potential for adverse effect on sensitive coastal resources; and
3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and

4. The proposed event has been reviewed in advance by the City and it has been determined that it meets the following criteria:
  - a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other development or temporary events scheduled before or after the particular event;
  - b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources;
  - c. The event has not previously required a coastal permit to address and monitor associated impacts to coastal resources.

**G. Emergency Work.** Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

### 23.90.050 Challenges to City Determinations

The determination of whether a development is exempt, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the [Director](#) at the time the coastal permit application for development is submitted or as soon thereafter as possible, and in all cases prior to the application being deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any maps, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or the [Director](#) has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, non-appealable, or appealable:

- A. **Determination.** The [Director](#) shall make its determination as to what type of development is being proposed and shall inform the applicant of the notice and hearing requirements for that particular development (i.e., exempt, appealable, non-appealable).
- B. **Challenge.** If the determination of the local government is challenged by the applicant or an interested person, or if the [Director](#) wishes to have a [Coastal Commission](#) determination as to the appropriate designation, the [Director](#) shall notify the Commission by telephone of the dispute/question and shall request a [Coastal Commission](#) Executive Director's opinion;
- C. **Transmittal.** The Executive Director shall, within 2 working days of the request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is exempt, non-appealable or appealable;
- D. **Hearing.** Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the [Director's](#) determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the Community Development Department request.

**23.90.060 Application Submittal**

- A. **Contents.** Coastal [development](#) permit application submittals shall include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide evidence in support of the findings required by Section [23.90.080](#) (Findings for Approval). The application and accompanying materials shall be filed with the City before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include, at a minimum:
1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;
  2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed. The area subject to the Coastal Permit may include such contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships;
  3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application; and
  4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed from specific geographic areas.
- B. **Concurrent with other permits.** Application for a coastal permit shall be made concurrently with application for any other permits or approvals required by the Zoning Code.
- C. **City Determination.** At time of submittal of coastal permit application, the City shall make a determination of whether the development is exempted, appealable, or non-appealable in accordance with Section [23.90.100](#). The determination shall be sent to the applicant, the Coastal Commission, and any known interested parties.

**23.90.070 Public Notice and Hearing**

- A. **Hearing Body Review.** The Planning Commission shall review and act on a coastal permit application at a noticed public hearing. However, processing at levels other than the Planning Commission shall apply in the following cases:
1. City Council Review. The proposed development requires other discretionary permit approvals to be reviewed and acted upon by the City Council, in which case the coastal permit application will be reviewed and acted on by the City Council; or
  2. Minor Development. The City may waive the public hearing requirement for development that qualifies as "minor development". Such development shall require no other discretionary approval by the City. A public hearing may be waived if the project has no potential for adverse effects on coastal resources or public access to the shoreline, is consistent with the certified LCP, and if the following apply:
    - a. Notice that a public hearing would be held upon request is sent to all persons who would otherwise be required to be notified of a public hearing and any other persons who have shown interest;

- b. No request for a public hearing is received within fifteen working days from the date notice was mailed out; and
- c. The notice discloses that the failure to request a public hearing triggers the loss of appeal power on the matter being considered for administrative approval.

**B. Noticing.** Permit applications shall be noticed at least 10 days prior (15 working days for minor development applications) to a hearing or action on the proposed project by posting notice in at least 1 location that is conspicuously visible to the general public (and as many locations as necessary to ensure that the public is appropriately provided notice) on or adjacent to the property which is the subject of the permit, and by mailing notice to:

1. The owner(s) or owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
2. Each local agency expected to provide essential facilities or services to the project;
3. Any person who has filed a request for notice (e.g., for the site, for the particular development, for the type of development, development in general) with the Director;
4. All owners and all occupants of parcels of real property located within 100 feet (not including roads) of the perimeter of the real properties on which the development is proposed, but at a minimum all owners of real property adjacent to the properties on which the development is proposed.
5. All agencies for which an approval for the proposed development may be required.
6. All known interested parties.
7. The Coastal Commission.

If a public hearing is required, legal notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

**C. Content of notice.** The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a Coastal Permit;
2. The date of filing of the application;
3. The name of the applicant;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A determination of whether the project is appealable to the Coastal Commission;

7. The date, time and place of the hearing and/or decision on the application;
8. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the Coastal Permit application, as well as the system of appeal if applicable;
9. If a public hearing is proposed to be waived, a description of the public hearing waiver process as provided in Section [23.90.070\(A\)\(2\)](#).
10. All procedures for challenge and appeal associated with the type of application being considered.

**D. Re-noticing required.** If a decision on a Coastal Permit is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time, then no re-noticing is required.

**E. State Lands Commission notification.** Notice shall be provided to the State Lands Commission when an application for a Coastal Permit is submitted to the City on property identified as potentially subject to the public trust.

### 23.90.080 Findings for Approval

To approve a coastal permit, the review authority shall make all of the following findings, [as applicable](#):

- A. [Plan Consistency.](#)** The project is consistent with the General Plan, the LUP, and the Local Coastal Implementation Program.
- B. [Public Views.](#)** The project maintains public views between the sea and the first public roadway parallel to the sea.
- C. [Habitat Protection.](#)** The project protects vegetation, natural habitats and natural resources consistent with LCP.
- D. [Design Consistency.](#)** The design, location, size, and operating characteristics of the proposed development is consistent with any applicable design plans and/or area plans incorporated into the LCP.
- E. [Coastal Access.](#)** The project maintains public access to the coast along any coastline as set forth in the LCP.
- F. [Visitor Serving.](#)** The project supports the LCP goal of providing visitor-serving needs as appropriate.
- G. [Appropriate Use.](#)** The project is consistent with the LCP goal of encouraging appropriate coastal development uses.
- H. [Coastal Resources.](#)** The proposed development protects and where feasible enhances coastal resources.

**23.90.090 Notice of Final Action**

The City's ~~action~~-decision on a coastal permit shall become final when all local rights of appeal have been exhausted per Section 23.90.100. Within 10 calendar days of a final decision on a coastal permit application, the City shall provide notice of its action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the City. The notice shall contain the City's approved staff report, plans, adopted findings, conditions of approval, indication of whether the project is appealable to the Coastal Commission and the reasons for why it is or is not, and procedures for appeal to the Commission. ~~The City's decision on a coastal permit application shall be deemed final when all local rights of appeal have been exhausted.~~

**23.90.100 Appeals**

- A. Local Appeals.** All Planning Commission decisions on coastal permits may be appealed by an aggrieved person to the City Council. An aggrieved persons is any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. Aggrieved Person includes the applicant for a coastal development permit.
- B. Appeal Submittal.** An appeal shall be submitted in writing within 10 calendar days of the date of the Planning Commission decision. The appeal shall state the pertinent facts and the basis for the appeal, and shall be filed with the City Clerk.
1. When an appeal is filed, the Director shall prepare a report on the matter and schedule the matter for a public hearing by the appropriate authority. Notice of the hearing shall be provided in the same form as is required for consideration of CDP application, and the hearing shall be conducted. Any interested party may appear and be heard regarding the appeal. At the hearing, the City Council may consider any issue involving the matter that is the subject of the appeal ("de novo"), in addition to the specific grounds for the appeal. The review authority may:
    - a. Affirm, affirm in part, or reverse the action or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the LCP;
    - b. Adopt additional conditions of approval that may address issues or concerns other than the subject of the appeal; or
    - c. Disapprove the coastal permit approved by the Planning Commission, even if the appellants only requested modification or elimination of 1 or more conditions of approval.
  2. If new or different evidence is presented on appeal, the City Council may refer the matter back to the Planning Commission for further consideration.
- C. Appeals to the Coastal Commission.**
1. In accordance with PRC §30603, any approval decision by the City on a coastal permit in the geographic areas defined in subsection 3(a-c), below, or any approval or denial decision by the City on a coastal permit for a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility located anywhere in the coastal zone, may be appealed to the Coastal Commission.

2. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any 2 members of the Coastal Commission.
3. The following types of projects may be appealed to the Coastal Commission.
  - a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
  - b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
  - c. Projects in a sensitive coastal resource area (i.e., the Asilomar Dunes Residential Area and the Asilomar Conference Grounds).
  - d. Any development which constitutes a major public works project or a major energy facility.
4. Appeals must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a complete notice of final action.
5. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals, except that exhaustion of all local appeals is not required if any of the following occur:
  - a. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for coastal permits in the coastal zone.
  - b. An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.
  - c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this title.
  - d. The City required an appeal fee for the filing or processing of the appeal.

### **23.90.110 Permit Issuance**

#### **A. Effective Date of a Coastal Permit.**

1. In areas outside the Coastal Commission appeal area, coastal permits shall become effective 1140 working days after the City's final decision and no appeal has been filed.
2. In areas within the Coastal Commission appeal area, coastal permits shall become effective after 110 working days if no appeal has been filed. The 10-day appeal period shall start the day after the Coastal Commission receives adequate notice of the final local action.

- #### **B. Expiration of Permits.**
- A coastal permit not exercised within 2 years shall expire and become void, except where an extension of time is approved. Such approval shall only be granted for good cause. The extension request shall be in writing by the applicant or authorized agent prior to expiration of the 2-year period. Such extensions shall be considered amendments for purpose of notice and appeal to the Coastal Commission.

- | **C. Revocation of Permits.** Where 1 or more of the conditions of a coastal permit have not been, or are not being, complied with, or when a coastal permit was granted on the basis of false material information, the Planning Commission or City Council may revoke or modify the coastal permit following public hearing. Notice of such hearing shall be the same as would be required for a new coastal permit.
- | **D. Resubmittals.** For a period of 12 months following the denial or revocation of a coastal permit, the City shall not accept an application for the same or substantially similar permit for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

### 23.90.120 Emergency Permits

- | **A. Purpose.** Emergency coastal permits may be granted at the discretion of the Director or a local official designated by the City Council for projects normally requiring coastal permit approval. To be eligible for an emergency permit, a project must be undertaken as an emergency measure to prevent loss or damage to life, health, or property, or to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident.
- | **B. Application.** Application for an emergency permit shall be made to the City by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an emergency permit.
- | **C. Required Information.** The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:
  - 1. The nature of the emergency.
  - 2. The cause of the emergency, insofar as this can be established.
  - 3. The location of the emergency.
  - 4. The remedial, protective, or preventive work required to deal with the emergency.
  - 5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.
- | **D. Verification of Facts.** The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows.
- | **E. Public Notice.** If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.
- | **F. Criteria for Granting Permit.** The Director may grant an emergency permit upon making all of the following findings:
  - 1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits.
  - 2. The development can and will be completed within thirty days unless otherwise specified by the terms of the permit.
  - 3. Public comment on the proposed emergency action has been reviewed if time allows.

4. The work proposed would be consistent with the requirements of the certified LCP.

**G. Conditions.** The [Director](#) may attach reasonable terms and conditions to the granting of an emergency permit, including an expiration date and the necessity for a regular permit application by a specified date.

**H. Limitations.**

1. The emergency work authorized under approval of an emergency permit shall be limited to activities necessary to protect the endangered structure or essential public structure.

2. The emergency approval shall be voided if the approved activity is not exercised within 15 days of issuance of the emergency permit.

3. The approval shall expire 60 days after issuance. Any work completed outside of these time periods requires a regular coastal permit approval unless an extension is granted by the City.

**I. Application for Regular Coastal Permit.** Upon the issuance of an emergency permit, the applicant shall submit a completed coastal permit application and any required technical reports within a time specified by the [Director](#), not to exceed 30 days.

**J. Reporting of Emergency Permits.** The [Director](#) shall report emergency permits to the Coastal Commission and to the City Council and Planning Commission. [The emergency permit shall be scheduled on the agenda of the City Council at its first scheduled meeting after that permit has been issued.](#)

**23.90.130 Coastal Permit Amendments**

**A. New Application.** An applicant may request an amendment to a coastal permit by filing an application to amend the coastal permit pursuant to the requirements of this chapter.

**B. Consistency Required.** Any amendment approved for development in the coastal zone shall be found consistent with all applicable Local Coastal Program requirements and this chapter with regards to requirements of jurisdiction, hearings, notices and findings for approval. Any coastal permit amendment shall be processed as appealable to the Coastal Commission if the base coastal permit was also processed as appealable.

**23.90.140 [Coastal Hazards Overlay.](#)**

In order to protect life, property, and coastal resources from hazards associated with sea level rise, tidal inundation, storm surges, tsunamis, shoreline land erosion, and wildfire, the City implements the following regulations:

**A. [Coastal Hazards Zoning Map Overlay.](#)**

1. The City designates portions of the Coastal Zone as a [Coastal Hazards Overlay](#) on the City's Coastal [Zoning](#) Map, consistent with:

- a. Locations below 20 feet above current mean high tide line based on the 2025, 2050, and 2100 Coastal Flooding and 2025, 2050, and 2100 Coastal Erosion maps. This modeling is based on Pacific Institute data and represents the best available data and science at this time; as such, it is subject to refinement and update over time.

- b. Very high fire hazard severity zones as identified by the California Department of Forestry and Fire Protection.
2. Based on updated study and data, the City shall adjust the Natural Hazards Overlay boundary from time to time, but no less frequently than every 5 years. The City's periodic evaluations, approximately once every 5 years, shall commence when the mean high water tidal datum referenced to the North American Vertical Datum of 1988 (NAVD88) has risen 3 inches on average for an entire year above the updated tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service. The tidal epoch is anticipated to be updated and adopted by the National Ocean Service in 2020.
3. The City shall monitor sea level rise and may initiate a request to amend the Coastal Zone boundary as appropriate and feasible.

#### B. Administration

1. This section shall be administered by the Director.
2. This section is applicable to all structures that are located wholly or partially within the Natural Hazards Overlay.
3. Application review and permitting for issues relating to scenic resources shall be in accordance with 23.90.030.

#### C. Hazards Data and Monitoring.

The City shall update the Coastal Parks Plan and maintain it as component of its approved Local Coastal Program, including updates in regard to shoreline and bluff erosion, and sea level rise and related effects.

1. The City shall establish an inundation elevation based on elevation above the projected mean high tide sea level, below which new habitable development shall not be allowed. The location of the inundation level shall be indicated on the Coastal Zoning Map. Based on current best available science, that inundation elevation is 20 feet above current mean high tide.
2. The City shall study areas of its Coastal Zone to revise the flooding and erosion hazard overlay, particularly for the Asilomar Dunes and Asilomar State Beach areas, for which no erosion hazard data exists.
3. The City shall install emergency response and warning signage within the Natural Hazards Overlay. Signs shall provide information on tsunami and/or other coastal wave hazards and provide direction for evacuation.
4. The City shall annually monitor changes in sea level at the Monterey Tide Gauge (NOAA Station 9413450).
5. Beginning in the year 2020 the Community and Economic Development Director shall report every 2 years to the City Council, providing historic sea level data and the most recent sea level rise projections.
6. When the mean high water tidal datum has risen 3 inches on average for an entire year above the forthcoming updated tidal epoch mean high water level of 4.76 feet (in NAVD) at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service, the City Council shall declare that the City's threshold for implementation of sea level rise

response has been reached. The tidal epoch is anticipated to be updated and adopted by the National Ocean Service in 2020, and the North American Vertical Datum of 1988 (NAVD88) shall be referenced.

7. Upon reaching the sea level response threshold, the City will initiate revisions to land use and building regulations in areas of potential coastal hazards.
8. The City shall seek funding sources and partner agencies for data collection and implementation of hazards mitigation projects. The City shall strive to include implementation strategies as part of a Hazards Mitigation Plan to qualify for Federal Emergency Hazards Mitigation funds.
9. The City shall review the coastal hazards data and update the Local Coastal Program, Implementation Plan, Coastal Parks Plan, and Coastal Zoning Map as necessary, no less frequently than every 5 years. This review shall commence when the mean high water tidal datum has risen 3 inches on average for an entire year above the forthcoming updated tidal epoch (1983-2001) mean high water level of 4.76 feet (in NAVD) at the Monterey Tide Gage (NOAA Station 9413450) adopted by the National Ocean Service. The tidal epoch is anticipated to be updated and adopted by the National Ocean Service in 2020, and the updated North American Vertical Datum of 1988 (NAVD88) shall be referenced.
10. The Director shall monitor the rate of coastal erosion at key locations within the Coastal Zone.
11. The Director shall confirm the very high fire hazard severity zones no less than once each 5 years in conjunction with triennial building code updates.

#### **D. Development within Coastal Hazards Overlay**

1. The City shall only allow open space; low intensity recreational uses; ancillary food service, existing utility and support facilities; existing coastal access and coastal dependent uses at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium; and existing houses below the 20-foot elevation from current mean high tide line.
2. Existing houses below the 20-foot elevation from current mean high tide line may remain but may require future removal or relocation outside the coastal hazard area. When new development occurs or alterations are made to existing development, related adjacent development shall be upgraded to better address coastal hazards to the extent feasible.
3. Public access facilities below the 20-foot elevation from current mean high tide line shall be designed to be easily re-locatable or removable, and shall result in minimal damage to the shoreline, bluffs, other natural landforms, or biotic resources. No development that directly or indirectly accelerates bluff instability or erosion shall be allowed.
4. When directed by the City Council, the Building Official shall recommend safeguards against damage to structures from sea level rise and coastal wave surges for consideration by the City Council.
5. When directed by the City Council, upon finding that sea level rise poses an impending and significant risk to vulnerable land uses, the Director shall propose Land Use Plan Land Use Map amendments to change the land use designation within areas subject to inundation from sea level rise or storm surges.

6. A geologic soils report and/or wave run-up analysis shall be prepared by a qualified professional for new development proposed in areas subject to coastal erosion, tsunami, or storm surges. Reports shall be required for any development for which an application is submitted after the [mean high water tidal datum referenced to the North American Vertical Datum of 1988 \(NAVD88\) has risen 3 inches on average for an entire year above the current updated tidal epoch \(1983-2001\) mean high water level of 4.76 feet \(in NAVD\) at the Monterey Tide Gauge \(NOAA Station 9413450\) adopted by the National Ocean Service. The tidal epoch is ~~anticipated to be updated and adopted by the National Ocean Service in 2020.~~](#)
7. Existing development within the [Coastal](#) Hazards Overlay shall be maintained or removed. Property owners shall be responsible for demolition of and removal of debris from, structures that have been condemned as in danger of destruction from natural hazards.
8. New development within very high fire hazard severity zones shall conform to fire-resistive construction requirements of applicable building codes.

E. [Adaptation Program](#). The City shall prepare a sea level rise adaptation program [as part of the Coastal Parks Plan update](#).

#### [F. Shoreline Protective Devices](#)

1. The City shall update the Coastal Parks Plan as component of its approved Local Coastal Program, including updates in regard to shoreline protective structures and alternatives to shoreline protective structures.
2. New development: [in the Coastal Zone](#) (including new public improvements and facilities) shall not include new shoreline protective structures and shall include a “no future armoring” condition, as well as a “removal and restoration” condition should the development become endangered by ongoing wave action or sea level rise. Development that may be subject to coastal hazards during its anticipated existence, shall have a deed restriction recorded acknowledging the potential coastal hazards on the property, waiving the right and prohibiting the construction of protective devices to protect said development, and agreeing to remove said development and restore areas affected by said development to a natural state before the development is imminently threatened by continuing coastal hazards.
3. New or extended shoreline protective devices shall be constructed only for the protection of existing public coastal uses such as parks, trails, and utilities, coastal-dependent uses, and existing institutional uses, and only if non-structural approaches are not feasible. [The 2existing coastal shoreline private residential properties within the City may be evaluated in the future as an exception and may be considered for shoreline protection.](#)
4. Non-structural shoreline protective strategies, including retreat of development (including public improvements and facilities), shall be used to the greatest extent possible.
5. Existing shoreline protective structures may be repaired and maintained if non-engineering approaches are determined to be infeasible, based on evaluation of the following:
  - a. The continued need for the structure, including whether it is feasible to replace the structure with an alternative with fewer coastal resource impacts.
  - b. The potential for the structure’s removal to result in adverse effects on coastal resources.



9. A Coastal Development Permit shall be required for construction, removal, or modification of any shoreline protective structure or device.
10. When new development, redevelopment, or modifications to existing development are proposed for locations protected by a shoreline protective device, a report shall be prepared to evaluate the efficacy of the protective device, including:
  - a. Whether the devices can be removed and modified in light of the development proposed;
  - b. Whether public access can be improved; and/or
  - c. Whether coastal resources would benefit.

If the report finds that removal or modification would be feasible, and improve coastal access and/or benefit coastal resources, then the removal or modification shall be required as a condition of approval.

### 23.91.150 Water Quality and Marine Resources.

[In order to protect water quality and marine resources in the City's Coastal Zone, the City implements the following application review and permitting for issues relating to scenic resources in accordance with 23.90.030 regulations, in conjunction with the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the Bureau of Land Management, to maintain a coordinated approach for enforcing federal, state, and local regulations protection for the marine reserves and conservation areas, the Sanctuary, the California Coastal National Monument, and Areas of Special Biological Significance:](#)

#### **A. Living marine resources shall be protected as follows:**

1. All the waterfront of the City, together with those certain submerged lands in the Bay of Monterey contiguous thereto, as set forth and particularly described in that certain act of the Legislature of the State of California entitled, "An act granting to the City of Pacific Grove the title to the waterfront of said City together with certain submerged lands in the Bay of Monterey contiguous thereto," approved by the Governor June 9, 1931, are hereby established as a refuge for the protection of certain kinds of marine life hereinafter mentioned and as a marine garden of the City and reference is hereby made to said act of the Legislature for a particular description of said waterfront and said submerged lands. [Ord. 13-018 § 3, 2013; Ord. 210 N.S. § 5-401(1), 1952].
2. Anyone taking specimens of marine plant life, or who willfully disturbs, injures or destroys marine animal habitats or who removes sand, gravel, or rocks therefrom shall be guilty of a misdemeanor, and may be prosecuted. [Ord. 13-018 § 3, 2013; Ord. 08-006 § 47, 2008; Ord. 1004 N.S. § 1, 1978; Ord. 210 N.S. § 5-401(2), 1952].
3. Notwithstanding the provisions of PGMC 23.90.150(A)(2), nonliving animals or portions thereof, detached plants, pebbles, flotsam and jetsam may be removed for noncommercial purposes and reduced to possession, but the quantity of nonliving animals and pebbles that may be taken shall not exceed the possession of 1 handful. The marine refuge shall not be subject to habitat destruction by the relocation and repositioning of large rocks. The City manager or his or her delegated authority may issue permits for scientific collecting of specific organisms or objects in specific quantities within the marine preserve of the City of Pacific Grove. [Ord. 13-018 § 3, 2013; Ord. 349 N.S., 1960; Ord. 210 N.S. § 5-401(3)].

4. It is the policy of the City of Pacific Grove to protect harbor seal mothers and pups if birthing occurs on any Pacific Grove beach, and to deter long-term habitation at Lovers Point Beach. No action will be taken for sporadic seal presence at other beaches outside of the pupping season. [Ord. 13-018 § 3, 2013].
5. If harbor seal pups are delivered on any beach in the City, the City will temporarily close the beach to public uses and provide temporary fencing and signage to protect the seals and their pups for the pupping season through weaning. Protection of seals with pups will include:
  - a. Placing temporary fencing off the beach or a barrier at least 50 feet from the location of the pup, using materials such as wood lattice fencing or other alternative that provides visual access;
  - b. Posting “No Trespassing” signs;
  - c. Enlisting assistance from federal/National Oceanic and Atmospheric Administration (NOAA) enforcement where they have jurisdiction at low tide and where necessary;
  - d. Coordinating with volunteer docent programs on public outreach to explain the pupping viewing sites and the nature of the mothers and their pups;
  - e. Should Lovers Point Beach become a pupping site, the city, in consultation with NOAA and National Marine Fisheries Service (NMFS) officials, may encourage the seals to move off the beach after the pup has been weaned, or at a point where it will not harm the mother or pup, so that the mother seals and their new offspring do not become habituated to the beach. Methods that may be used are described in subsection (6). NOAA’s Office of Law Enforcement and the NMFS will provide guidance to the City for when it is appropriate to begin these activities. [Ord. 13-018 § 3, 2013].
6. In the event of juvenile or adult haul outs at Lovers Point Beach, city staff, and other state and federal agencies with jurisdiction, may take direct action to encourage the seals to move off the beach. The City will coordinate with interested agencies and organizations as to the plan and actions that will be taken.
  - a. Actions that may be taken to encourage harbor seals to move from Lovers Point Beach include, but are not limited to:
    - i. Human presence;
    - ii. Acoustic devices and/or noise makers that dispense noise periodically;
    - iii. Sonic repellents;
    - iv. Visual deterrents such as scarecrows or false predators; or
    - v. Techniques acceptable by NOAA and/or recommended in the federal Marine Mammal Protection Act.
  - b. Actions that are discouraged to deter harbor seals at Lovers Point Beach are:
    - i. Barriers to deter harbor seals the beach, unless pupping has occurred;
    - ii. Excessive or continuous noises; and

- iii. Direct physical contact with the seals. [Ord. 13-018 § 3, 2013].
7. Prior to and during the harbor seal pupping season, the City will coordinate with local NOAA offices and initiate reporting activities and reporting to NMFS to ensure collaboration in executing procedures at Lovers Point Beach and a protection plan at all other City beaches. [Ord. 13-018 § 3, 2013].
8. Anyone who interferes with activities taken in accord with this chapter to protect harbor seals during the pupping season, or to encourage seals to move off the beach, including but not limited to trespassing, protective fencing, removing signage, or other acts that may be detrimental to the seals and their pups shall be guilty of a misdemeanor, and may be prosecuted. [Ord. 13-018 § 3, 2013].
- B. The diking, filling, or dredging of open coastal waters, tide pools, wetlands, estuaries, coastal streams, and lakes shall be permitted only in accordance with Public Resources Code §30233, and only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. A buffer with the same development restrictions shall be observed within 50 feet on either side of riparian vegetation along a stream (or 100 feet from top of bank, whichever is larger) or 100 feet from other wetlands. Development, other than that listed here, shall be prohibited within these areas.
1. Continued use, maintenance, and replacement of existing coastal-dependent industrial, commercial, or institutional facilities so long as the development footprint is not increased, no additional impacts result, and an effort is made to reduce any existing impacts to the extent feasible;
  2. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;
  3. Restoration purposes; or
  4. Nature study, aquaculture, or similar resource dependent activities.
- C. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.
- D. In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife shall be limited to very minor incidental public facilities, restorative measures, nature study, if otherwise in accordance with this section.
- E. Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a Coastal Development Permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.
- F. Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such

as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control. Plan, site, and design development to preserve or enhance non-invasive vegetation, in order to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

- G.** Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.
- H.** If preservative-treated wood is used within 300 feet of coastal waters, implement appropriate treatment, storage, and construction practices for preservative-treated wood; at a minimum, those standards identified by the American Wood Protection Association.
- I.** Plan, site, and design development to protect and, where feasible, restore natural hydrologic features that provide storm water infiltration, treatment, storage, or conveyance.
- J.** Plan, site, and design development to maintain or enhance on-site collection for reuse or infiltration of runoff, where required, appropriate and feasible, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff, retain dry-weather runoff on-site, and minimize transport of pollutants.
- K.** Plan, site, and design development to minimize the installation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), in order to reduce runoff. Where feasible, increase the area of pervious surfaces in re-development. Minimize directly-connected impervious areas, which are areas covered by a building, impermeable pavement, or other impervious surfaces that drain directly into the storm drain system without first flowing across permeable areas (such as vegetative landscaping or permeable pavement). Convey runoff from impervious surfaces into permeable areas in a non-erosive manner.
- L.** Development shall be planned, sited, and designed to minimize discharges of dry weather runoff to coastal waters, to the maximum extent feasible.
- M.** Development shall be planned, sited, and designed to avoid discharging concentrated flows of storm water or dry weather runoff through storm water outfalls directly into coastal waters, intertidal areas, beaches, bluffs, or stream banks. Protective measures shall be used to prevent erosion at storm water outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion from concentrated runoff flows.
- N.** Parking lots shall be designed to minimize impervious surfaces, and to treat and/or infiltrate runoff before it reaches coastal waters or the storm drain system so that heavy metals, oil and grease, and polycyclic aromatic hydrocarbon pollutants on parking lot surfaces will not enter coastal waters.
- O.** The City shall utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property, encourage this practice generally on private property, and shall impose requirements as conditions of approval of Coastal Development Permits on properties including or adjacent to environmentally sensitive habitat.
- P.** Plant material used on or adjacent to coastal bluffs shall be native to minimize the need for irrigation beyond initial plant establishment. An exception to the native plant requirement is allowed within Perkins Park to accommodate traditional Magic Carpet rosy ice plant (*Drosanthemum floribundum*). Irrigation, consisting of micro-sprayers and/or drip irrigation, may be

permitted on a case-by-case basis as necessary to establish native plant materials. Irrigation shall be removed from the bluff upon establishment of the plant materials.

**Q.** Section 922.132 of the Monterey Bay National Marine Sanctuary (MBNMS) regulations prohibits “discharging or depositing any material or matter within or into the sanctuary (e.g., pollutants, trash, objects, etc.), or from outside the boundaries if it subsequently enters and injures the sanctuary. “Injure’ means to change adversely, either in the short or long term, a chemical, biological, or physical attribute of, or the viability of.” The MBMNS Urban Runoff Action Plan, which is a non-regulatory approach to working with citizens in the watersheds to improve water quality shall be promoted by the City in all new development.

**R.** For land use with specific or elevated potential for discharge of pollutants considered water quality concern, such as gasoline stations, car washes, and industrial uses ensure that additional water quality protective measures are taken as necessary to prevent discharge of pollutants to coastal waters or other sensitive habitats, or otherwise endanger plants or animals.

### **23.90.160 Scenic Resources and Design.**

In order to protect the scenic resources and scenic public views of the City’s Coastal Zone, the City implements the following regulations:

#### **A.** Scenic Resources Zoning Map Overlay

1. The City designates portions of the Coastal Zone as a Scenic Resources Overlay on the City’s zoning map.
2. Those portions of the Sunset and Asilomar Dunes areas not designated on the scenic resources map should be subject to further study as funds become available to determine if they should be added to the Scenic Resources Overlay.

**B.** Application review and permitting for issues relating to scenic resources shall be in accordance with 23.90.030,

**C.** The following documentation may be provided when changes to the height or mass of the structure are proposed:

1. Story poles and netting showing proposed ridgelines and exterior wall lines, to be erected no later than project notices are posted, and remaining until appeals periods have passed; and
2. Ribbons marking any tree limbs to be removed.

**D.** The City shall update the Coastal Parks Plan as a component of its Local Coastal Program, including updates in regard to scenic resources and views.

#### **E.** View Protection within the Scenic Resources Overlay

1. Views from public streets, paths, parks, or open space areas, towards dunes, the ocean, and coastal open space areas and associated vegetation are protected:
2. The following are considered adverse effects on scenic public views:
  - a. Excess lighting or glare;

- b. Structures, fencing, or utilities not in keeping with the visual character of the surrounding area and thereby drawing undesired attention or distracting from or degrading the visual character of surrounding areas, and/or significantly interfering with protected public views;
  - c. Removal of mature trees and significant plant materials that are part of the sand dune, coastal bluffs, and forested areas; and
  - d. Removal or major alteration of historical resources that contribute to the scenic and visual quality of special communities and neighborhoods.
3. Evaluation and measurement of public views shall be based on the following parameters:
- a. Views from public streets or paths should be reviewed and assessed as part of the coastal development permit.
  - b. Views from public streets or paths shall be evaluated for the entire public frontage of the parcel(s). The horizontal extent of the view shall be a line following the side property line, or for irregular sites, extending to the widest point of the parcel(s).
  - c. Onshore public views shall take into account the entirety of the development site and any areas in the foreground or background that could be obscured to any extent.
4. In accordance with the City's objective to retain the maximum amount of open space possible on lands seaward of viewing areas, the City, or any other public agency or charitable trust/organization (Coastal Conservancy, Sierra Club, Surfrider Foundation, etc.) shall seek assistance in securing scenic conservation easements, and a reduction of development potential through public acquisition of vacant private parcels.
5. In certain cases the environmental review or Coastal Development Permit process may reveal an undeveloped private parcel which includes scenic public views of forest and dunes westerly of Asilomar Avenue. Often, such parcels can be developed without significantly impairing these special qualities.

**F.** Standards for Development within the Scenic Resources Overlay

1. New development and exterior structural alterations to development already existing shall endeavor to improve the existing public views and scenic qualities of the area.
2. New development, including boardwalks within the Asilomar State Beach and Conference Grounds visible from Sunset Drive, shall be subordinate to the open space character of the area.
3. Structures shall be sited to minimize alteration of natural dune topography. The Director may permit minor setback intrusions to minimize alteration of natural dunes.
4. New development shall be compatible with surrounding areas and protect the open space character of the area. Development shall use primarily low-reflective building materials with primarily earth tone colors in a range similar to predominant natural vegetation.
5. New development shall be restricted in height according to the requirements of the zoning district in which it is located. Height may be further limited to preserve protected public views. Exceptions to the height limit will be allowed only for chimneys, vents, and similar vertical

- extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area.
6. The location of proposed structures or alterations relative to public view corridors, height, and bulk will be considered in ensuring that new development will preserve scenic qualities and protect public views.
  7. Height reductions, increased setbacks, design modifications, and lot coverage reductions from applicable zoning district development standards may be employed so as to achieve Local Coastal Program compliance, and view shed easements may be employed to preserve protected public views.
  8. Utility service lines feeding new structures shall be undergrounded or placed out of sight.
  9. New utility building service lines shall be undergrounded under driveways and/or walkways, unless infeasible.
  10. The siting of structures shall use existing topography or vegetation to provide maximum screening from public views, and minimize the obstruction of or intrusion upon public views. Building ridgelines shall not extend above the crest of the dune or the top of the tree line that forms the visual backdrop from public viewing points. Where the site's elevation differentials are not sufficient to achieve this standard, the building ridgeline shall be kept as low as feasible.
  11. Site location and development of wireless telecommunication facilities shall preserve the visual character and aesthetic values of the site and surrounding land uses and shall not significantly impact public scenic views. Attaching wireless equipment to existing structures and camouflaging and co-location is encouraged.
  12. Development shall be considered visually intrusive and incompatible if the predominant colors, textures, or reflective materials cause it to stand out from surrounding built and natural features; or if the height is significantly greater (more than 25 percent) than that existing on parcels within 150 feet. On street blocks with a coherent and distinctive architectural style, new development should be of a substantially similar style. Exterior façade maintenance and improvement is encouraged, and shall be compatible with development on adjacent blocks and the City's overall architectural character. Structures in disrepair shall be maintained, renovated, replaced, or removed.
  13. A site-specific analysis may be required to determine and quantify the impact of the proposed development upon public visual access to the ocean and shoreline. If there is an existing public view and the site is designated in the applicable land use plan as a public view corridor, vista or within a public viewshed, it is intended that such critical public views to the ocean and shoreline be maintained or restored by designing and siting the coastal development in such a manner as to preserve the identified public view.
  14. No structures or other obstructions that will impede public views shall be installed within the boundaries of any required public visual corridor. Landscaping may be installed within the view corridor provided such improvements do not obstruct public views to the ocean and natural shoreline features.

#### G. Lighting and Reflection

1. New or replacement lighting for both public and private development shall be designed to minimize light spill into natural areas by using cut-off fixtures directing light to the ground, and not flooding the site with light.

2. New or replacement lighting shall be designed to minimize visibility from coastal beaches and bluffs, and off-shore locations.
3. Low level exterior lighting with cut-off, shielded, or downward fixtures (i.e. the bulb is not directly visible) shall be used on buildings to minimize off-site visibility and light spill. Lighting shall be restricted to 60 watts (incandescent) or equivalent (15 watt fluorescent or 7.5 watt LED)
4. Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.
5. Unless shielded from the coast by buildings or vegetation, trail lighting shall be mounted on bollards no greater than 4 feet tall and with the lighting shielded from the coast.
6. New construction over 10,000 square feet of floor area shall incorporate anti-reflective window glazing, awnings, or other anti-glare methods on south- and west-facing elevations and those elevations visible from public view points.

#### H. Landscaping

1. New commercial development requiring a use permit shall require approval of a Landscaping Plan by the Planning Commission. Landscaping shall be included in the evaluation of effects of development on protected public views.
  2. Landscaping shall be maintained such that during the growing stage and at maturity, it will not encroach into a public view corridor or obstruct public views to the sea and natural shoreline features. New plantings adjacent to public areas from which sea views are available, shall be designed to preserve those public views. Hedge plantings shall not exceed 3 feet in height, and shrubs shall be spaced or clustered to permit views.
  3. Trees that contribute to the scenic coastal character shall be retained, including trees along the shoreline and at Asilomar Conference Grounds. If removed, for example, due to disease or for public safety, these trees shall be replaced with an appropriate native species.
  4. Where development will occur within a forested area, a reforestation plan and/or tree protection plan shall be required prior to permit issuance to ensure appropriate tree replacement or protection from damage.
  5. Landscaping shall be designed and utilized to ensure that buildings blend into the natural surroundings to the greatest extent.
  6. Landscaping shall use plants native to the general region and selected for tolerance of drought and compatibility with the natural landscape, with an exception to allow Magic Carpet rosy ice plant (*Drosanthemum floribundum*) at Perkins Park.
- I. Open fencing may be installed within the view corridor provided such improvements do not obstruct public views to the ocean and natural shoreline features. New chain-link fencing shall not be allowed, and the removal of chain-link fencing shall be encouraged, and required in association with Coastal Development Permits.

**23.90.170 Biological Resources and Environmentally Sensitive Habitat Areas.**

In order to protect biological resources in the City's Coastal Zone, the City implements the following regulations for new or altered uses:

- A. Marine biological resources shall be protected in compliance with 23.90.[150](#) PGMC.
- B. [Major vegetation](#) shall be protected in compliance with PGMC 23.90.[180](#).
- C. [Application review and permitting for issues relating to biological resources and environmentally sensitive habitat area shall be in accordance with 23.90.030](#)
- D. Habitat Sensitivity Zoning Map Overlay
  - [1.](#) The City designates portions of the Coastal Zone as a Habitat Sensitivity Overlay on the City's zoning map, consistent with the Land Use Plan Land Habitat Sensitivity Map extreme, high, and moderate habitat sensitivity areas.
  - [2.](#) Low habitat sensitivity areas, as shown on the Land Use Plan land habitat sensitivity map are located outside the Habitat Sensitivity Overlay area, [and biological reports are required only if determined necessary for California Environmental Quality Act compliance](#).
  - [3.](#) Protected habitats and plant and animal species shall be reviewed by the [Director](#) at least once each [3](#) years, and the Habitat Sensitivity Area Overlay adjusted as warranted. Determinations of sensitivity level shall consider federal and state protection status of species and their habitat dependence.
- E. General Development Standards for the Habitat Sensitivity Overlay
  - [1.](#) A biological assessment shall be conducted at applicant's expense by a qualified biologist for any development that disturbs previous areas or results in the disturbance or removal of vegetation, unless exempted by the City for any of the following reasons:
    - a. Based on a review of site conditions, the City may exempt a project from the biological assessment if no sensitive biological communities, U.S. Fish and Wildlife Service-designated critical habitat areas, or potential wildlife corridors are mapped or observed on or within 150 feet of the site; no protected trees or natural woodlands are located on or within 150 feet of the site; and no undeveloped natural lands, recognizable wetlands, or hydrological features (e.g., creeks, streams, or lakes) are located on or within 150 feet of the site.
    - b. Based on review of the proposed project or activity, the City may exempt a project from the biological assessment if the project characteristics indicate that there is no potential for the project to adversely affect biological resources.
    - c. Emergency projects and/or public safety projects, such as response to fire or flooding, are exempt. However, a follow-up biological study may be required at the discretion of the City.
  - [2.](#) A biological assessment shall include the following information:
    - a. California Department of Fish and Wildlife's California Natural Diversity Database and the California Native Plant Society Inventory of Rare and Endangered Plants for the

- United States Geological Survey quadrangle in which the site is located, along with the [8](#) surrounding quadrangles, and review of United States Fish and Wildlife Service Endangered Species lists and programs;
- b. Lists of potentially occurring special-status species in the project vicinity based on the sources listed in subsection (C);
  - c. Identification of applicable policies from the General Plan and Land Use Plan;
  - d. Date of site visit(s), description of study methods, and description of the biological conditions observed on the site and in the surrounding area;
  - e. List of dominant plant species on the parcel, including location, species, girth, height, and condition of protected trees;
  - f. Description of natural features, plant communities, wildlife habitats, and special environmental features of the site or region, and assessment of special-status natural communities; wetlands, and wildlife movement corridors found on the site or potentially affected by the project;
  - g. Discussion of potential for occurrence of special-status species on the site and map identifying the location of any special-status species observed on the site;
  - h. Description and results of any protocol surveys conducted;
  - i. Identification and map of any environmentally sensitive habitat on the site;
  - j. Discussion of the project's consistency with applicable policies from the General Plan and Land Use Plan;
  - k. Discussion of potential adverse impacts on biological resources;
  - l. Recommendations for further biological surveys, if deemed to be necessary for state and/or federal regulatory compliance; and
  - m. Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant biological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the biological resources on the site and alternative design impacts compare to those of the project.
- [3.](#) The City may require independent peer review of a biological assessment prepared by an applicant, at the applicant's expense.
- [4.](#) Identification of an area as environmentally sensitive habitat shall be based on field conditions as documented in the biological resources assessment.
- [5.](#) To the extent feasible, development shall be located on the portion of a parcel that has the least effect on biological resources, and the most intensive development shall be located as far from sensitive biological resources as feasible.

6. Development in environmentally sensitive habitat shall be limited to resource-dependent uses, except for limited residential development on existing vacant lots of record in the Asilomar Dunes Residential Area (R-1-B-4 District).
7. When a biological assessment identifies environmentally sensitive habitat and/or habitat with the potential for rare plants on a site, a botanical survey shall be conducted.
8. A botanical survey shall be conducted during the appropriate flowering season for each rare plant species potentially present [to the satisfaction of the Director](#).
9. The alteration of natural land forms and dune destabilization by development shall be minimized, as demonstrated by detailed grading plans which shall be submitted to the City before approval of a project. If a site is essentially level, this requirement may be waived.
10. For any site where development will disturb existing or potential native dune plant habitat or other environmentally sensitive habitat, a habitat restoration, enhancement, and protection plan shall be prepared and submitted to the City for approval prior to construction. Only plants locally native to dune or other environmentally sensitive habitat should be used for landscaping outside approved development envelopes.
11. Invasive non-native plants listed by the Monterey County Office of the Agricultural Commissioner, and non-native ice plants, pose a threat to the native plant community, and shall not be planted, [with an exception for Magic Carpet rosy ice plant \(\*Drosanthemum floribundum\*\) at Perkins Park and the planting and preservation of native milkweed species \(\*Asclepias spp.\*\) to support Monarchs](#).
12. Utility connections shall be installed in a single corridor if possible, and should be routed to avoid surface disturbance of areas identified as environmentally sensitive habitat. [Septic systems shall be properly decommissioned, and development shall be connected to the sanitary sewer system](#).
13. Areas identified as environmentally sensitive habitat shall be protected under easements, deed restrictions, or other legally binding agreements, which shall be approved as part of the Coastal Development Permit, and recorded prior to commencement of construction.
14. No subdivision shall be permitted on parcels containing environmentally sensitive habitat
15. No second units [or accessory structures](#) shall be permitted on parcels containing environmentally sensitive habitat.
16. Signs, communications towers, and utilities shall not be permitted in environmentally sensitive habitat.
17. In certain cases the environmental review or the coastal permit process may reveal an undeveloped private parcel which has an exceptional concentration of rare dune plants. Often, such parcels can be developed without significantly impairing these special qualities. However, where significant impairment is unavoidable, or where it is not feasible to develop the parcel in conformance with these policies, then acquisition and preservation by a charitable trust or public agency will be supported.
18. Restrictions shall be recorded on the property deed to protect environmentally sensitive habitat on the non-developed portions of a site from disturbance.

19. A buffer of at least 50 feet from the outer edge of the riparian vegetation or 100 feet in width from top of stream bank, or as recommended by a site-specific biological study, whichever is greater, in which no new development shall be permitted, shall be provided adjacent to wetlands, excepting existing legal non-conforming development.
20. The City shall prioritize the restoration, enhancement, and maintenance of public dune.
21. The City shall prioritize enforcement of permit conditions related to habitat restoration, enhancement, and protection.

F. Site- and Species-specific Development Standards for the Habitat Sensitivity Overlay

1. No development on a parcel containing environmentally sensitive habitat shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur. In order that the City can make the required findings of no significant disruption, the specific requirements listed below shall apply:
  - a. Development and redevelopment shall meet site coverage limitations;
  - b. During construction, habitat areas containing Menzies' wallflowers or Tidestrom's lupines or other rare and endangered species shall be protected from disturbance. Temporary wire mesh fencing shall be placed around the habitat prior to construction and the protected area shall not be used by workers or machinery or for storage of materials. Compliance inspection(s) will be made during the construction phase;
2. Implementation of the Asilomar State Beach and Conference Grounds management and restoration plan shall be encouraged by the City to the extent it is consistent with the Local Coastal Program and the Coastal Act of 1976. Access shall be both safe and non-disruptive of sensitive habitat.
3. Forest resources shall be retained and new development shall be restricted to existing building envelopes or outside the forest-front area. Preservation of trees and planning of new trees is encouraged. A program should be established to propagate pine trees from local sources within Pacific Grove. This may be most effectively accomplished in coordination with the Asilomar Dunes restoration planning after assessment of the species and sizes of trees appropriate for anticipated replanting efforts.

The Asilomar State Beach and Conference Grounds shall implement a dune stabilization program, including limiting public access through the northern dunes, planting of native vegetation, and restricting development to existing footprints near the forest areas.

4. In the Lighthouse Reservation and Golf Course area, areas of extreme sensitivity should be protected by implementing the following measures:
  - a. Prevent further trampling by installing low fencing where necessary;
  - b. Do not allow machinery in the dune area;
  - c. Apply irrigation only on turf, not on the sand;
  - d. Continue to eliminate exotics and restore native dune plants on the Lighthouse Grounds; and

- e. Plant species in suitable areas which will enhance the overwintering habitat of the Monarch butterfly, by providing additional nectar and feeding sources consistent with the operations of a golf course.
5. Crespi Pond and the Majella Slough riparian areas shall be considered environmentally sensitive habitat, and only habitat maintenance activities are allowed. These areas shall be protected from any polluted runoff or other disturbances to waterfowl habitat. Carefully controlled dredging of Crespi Pond shall be permitted in order to prevent loss of this important wetland through eutrophication and sedimentation.
6. On the Union Pacific railroad right-of-way between Del Monte Boulevard and Sunset Drive, pampas grass should be eliminated. Landscaping should be compatible with the type of habitat through which the former railroad corridor passes and utilize native plants where that is the predominant adjacent vegetation type. Identify and protect Monarch butterfly overwintering sites, buffer trees, nectaring, and feeding areas within and adjacent to the former railroad route. Where developed for recreational trail or municipal golf course, or other uses, qualified biologists shall first identify such Monarch butterfly habitat. The project shall then be designed to avoid any significant disruption of the identified Monarch butterfly habitat, and where appropriate, the right-of-way shall be landscaped and permanently managed to enhance the habitat of this species.
7. In restoration efforts, include consideration and protection of habitat for black legless lizard.
8. Establish a program for the conservation of Black Oystercatcher and its habitat, including protections for active nests in coordination with the local Black Oystercatcher working group and other stakeholders such as California Department of Parks and Recreation, Audubon Society, Point Blue Conservation Science, and the Pacific Grove Museum of Natural History.
9. Humanely relocate mountain lions, bears, and other large predatory mammals that enter the Coastal Zone in consultation with the California Department of Fish and Wildlife, University of California at Santa Cruz's Puma Project, the Felidae Conservation Fund, and any other appropriate agencies.
10. Protection of Biological Resources seaward of Sunset Drive and Ocean View Avenue.
  - a. Public access along the bluffs and shoreline shall be restricted to established trails.
  - b. Public access areas adjacent to the bluffs should be clearly defined to protect bluff vegetation and reduce erosion.
  - c. Fencing used to demark trails and control public access shall be designed with wildlife friendly characteristics and be reviewed and approved by a qualified biologist. The fence design should allow safe passage of traveling animals and dispersal of seeds, provide visibility to flying birds, avoid trapping wildlife on roads, and deter human foot traffic in sensitive areas. Fencing shall be no more than 42 inches high, leave at least 12 inches between the top 2 rails/wires, and leave 16 inches between the ground and the first rail/wire, prohibit the use of barbed wire, and be readily visible to flying birds/traveling mammals. Walls, if used along the recreation trail or associated viewpoints, shall not exceed 36 inches in height and provide a reasonable means of passage, either over the face of the wall, such as with steps or gripable texture, or around the ends.
  - d. Trails shall be designed and maintained to minimize erosion.
  - e. If parking areas or trails are re-configured, disturbed areas shall be revegetated.

- f. The extent of existing non-native plantings shall not be expanded, and all new or replacement plantings shall be species native to the natural habitat of the site, but allowing for replacement of Monterey pine, Monterey cypress, and coast live oak trees with the same, and for the retention of snags as wildlife habitat if public safety is not endangered.
  - g. Existing native bluff plant communities shall be protected (with barriers if appropriate), and enlarged where ice plant or other non-native plantings die back. [Magic Carpet rosy ice plant \(\*Drosantherum floribundum\*\) may be retained and re-planted at Perkins Park.](#)
  - h. Install signage to [prohibit](#) feeding of wildlife with specific reference to Gulls, [Corvids](#) (Crows), and ground squirrels. Install [Corvid](#)-proof trash cans near picnic areas and food establishments.
  - i. [Prioritize use of](#) humane means of control not harmful to other wildlife if ground squirrel population control is required to prevent erosion.
11. Development in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall be sited and designed to limit impacts on the dune habitats and visual landscapes, including through avoiding development antithetical to the open space dune environment [per Land Use Plan polices. In addition to the following requirements, development within the Asilomar Dunes Residential Area \(R-1-B-4 zoning district\) shall be subject to the following Development Standards regardless of the habitat sensitivity level.](#)
- a. Development shall be clustered, including in relation to adjacent development, to maximize continuous dune areas as much as possible, including through such means as shared driveways, which are encouraged.
  - b. Secondary units and other accessory buildings shall be prohibited.
  - c. Development shall minimize exterior lighting, including avoiding light spill into dune areas, and development shall limit glare (e.g., from windows and reflective surfaces), as much as possible.
  - d. [Areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes area shall be required to be mitigated on a 2:1 square foot basis through providing for on-site and/or offsite restoration/enhancement of degraded dune areas in the Asilomar Dunes area. Such requirement may be addressed through offsite restoration or proportionate contributions to the City's Environmental Enhancement Fund provided such funds are used for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area, where on-site restoration does not fully mitigate the impact.](#)
  - e. Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.
  - f. Development must incorporate landscape screening through dune restoration and native landscaping in such a way as to minimize impacts on the dune viewshed.
  - g. Development associated with non-conforming buildings that results in [redevelopment](#) shall require that all development on the site be brought into conformance with [current](#) Local Coastal Program [standards](#).

- h. Development associated with conforming buildings and within the lot coverage limit shall not be allowed to cover dune habitat, and dune habitat on the site shall be restored and permanently protected.
- i. Biological assessment prepared for development within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall identify measures to maximize protection of dunes and other environmentally sensitive habitats. A habitat restoration, enhancement, and protection plan shall be prepared by a qualified dune restoration professional, for approval by the Director.
- j. For development on legal lots of record over one-half acre, maximum aggregate lot coverage shall be limited to 15 percent of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks, and any other features that cover dune areas shall count as lot coverage.
- k. In special cases, up to 20% aggregate lot coverage may be allowed on legal lots of record for lots that are one-half acre or less to avoid hardship or where additional site coverage is essential for protecting public views.
- l. As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) to allow for wildlife movement, native seed dispersal, and visual consistency.
- m. An additional 5 per-cent of the total lot area or 1,000 square feet, whichever is greater, may be used as Immediate Outdoor Living Space provided the area is contiguous to allowed coverage areas. Fencing for Immediate Outdoor Living Space adjacent to a residence may include a property line, but may not to exceed 1,000 square feet or 5 percent of the lot area, whichever is greater, and is allowed subject to City design review. Permeable surfaces are allowed in this area and shall not count as lot coverage.
- n. Fencing and other such barriers along any property boundary, except Immediate Outdoor Living Space fencing, shall be prohibited absent a conclusive showing that such fencing/barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed 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.
- o. Development shall only be approved if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration, enhancement, and protection.
- p. A deed restriction designed to limit allowed development, use, and activities to those associated with dune restoration, enhancement and protection shall be recorded over lands that are set aside for habitat conservation.
- q. Sidewalks shall be prohibited in the Asilomar Dunes Residential Area (R-1-B-4 zoning district) unless the City makes a finding that sidewalks are necessary for public safety where heavy automobile traffic presents substantial hazards to pedestrians, no reasonable alternative exists and no significant loss of environmentally sensitive habitat would result. Pedestrian, ADA and other mobility improvements shall otherwise be limited to boardwalks that are sited and designed to best protect dune resources and public views, and to best integrate into existing and planned public recreational access systems.

- r. Subdivisions shall be prohibited, except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. The minimum parcel size for new sub-divisions is one-half acre properties fronting on Asilomar Avenue north of Pico Avenue, and one acre for all other areas of within Asilomar Dunes.

12. Non-federal re-development on the National Oceanic and Atmospheric Administration site on Lighthouse Avenue shall be required to maximize dune habitat restoration and preservation, Fencing shall be removed and site coverage reduced.

**G. Development Standards for Extreme and High Habitat Sensitivity Areas.**

1. Development in or within 100 feet of environmentally sensitive habitat shall require biological protections as part of the architectural permit.
2. These standards shall apply within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) regardless of habitat sensitivity level.
3. Development on parcels containing or within 100 feet of environmentally sensitive habitats, shall be permitted only where the City can make a finding that development will not have a significant adverse impact on the habitat's long-term maintenance or the long-term sustainability of biological resources. Development shall only be approved where measures are implemented to ensure the long-term maintenance of the habitat and minimize habitat loss and disturbance. These measures could include but are not limited to:
  - a. Limitations on building footprint size
  - b. Limitations on paved areas, decks, non-native landscaping, and other appurtenant features;
  - c. Restrictions on exterior lighting;
  - d. Restrictions on property line fencing;
  - e. Siting requirements to consolidate development on limited portions of the parcel or areas contiguous to developed portions of adjacent parcels with the intent of maintaining larger contiguous areas of habitat; and
  - f. Site structures in required setback areas if the movement ensures minimizing the loss or disturbance of sensitive habitat,
4. One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected biological resources, unless natural hazard constraints require development in areas where protected biological resources would be affected.
5. Preconstruction surveys for protected species identified in the biological assessment as potentially occurring shall be conducted.
6. Protocol biological surveys shall be conducted if required by the biological assessment.
7. Development shall be planned, sited, and designed to protect environmentally sensitive habitat from disruption of habitat values resulting from the discharge of storm water or dry weather flows.

8. Degraded habitat on the parcel shall be restored concurrent with development; [however, this requirement shall not apply within private outdoor living space.](#)
9. Development footprints shall not be expanded; however, the footprint may be relocated within the site if there is a benefit to overall biological conservation.
10. Buried features, such as utility connections shall not be counted as coverage so long as the restoration and maintenance of native plant habitats is completed following installation.
11. The siting of each new development and the expected area of disturbance around each residence shall be individually reviewed by the City, with due consideration given to the minimization of dune destabilization and disturbance to endangered plants and their habitat.

**H. Development Standards for Moderate Habitat Sensitivity Areas.**

1. Development in environmentally sensitive habitat shall require biological protections as part of the permit.
2. Development within the Asilomar Dunes Residential Area (R-1-B-4 zoning district) shall be subject to the standards for High Habitat Sensitivity Areas
3. Development in environmentally sensitive habitats shall be permitted only where the City can make a finding that development will not have a significant adverse impact on the habitat's long-term maintenance or the long-term sustainability of biological resources. Development shall only be approved where measures are implemented to ensure the long-term maintenance of the habitat and minimize habitat loss and disturbance. These measures could include but are not limited to:
  - a. Limitations on building footprint size;
  - b. Limitations on paved areas, decks, non-native landscaping, and other appurtenant features;
  - c. Restrictions on exterior lighting;
  - d. Prohibition on property line fencing; posts to [4](#) feet in height and set [10](#) feet on center may be used to mark property lines;
  - e. Siting requirements to consolidate development on limited portions of the parcel or areas contiguous to developed portions of adjacent parcels with the intent of maintaining larger contiguous areas of habitat; and
  - f. Site structures in required setback areas if the movement ensures minimizing the loss or disturbance of sensitive habitat,
4. One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected biological resources, unless natural hazard constraints require development in areas where protected biological resources would be affected.
5. Preconstruction surveys for protected species identified in the biological assessment as potentially occurring shall be conducted.

6. Protocol biological surveys shall be conducted if required by the biological assessment.
7. Development shall be planned, sited, and designed to protect environmentally sensitive habitat from disruption of habitat values resulting from the discharge of storm water or dry weather flows.

### **23.90.180 Major Vegetation**

#### **A. Major Vegetation.** Certain trees are classified as major vegetation as specified below:

1. Native Trees. All Gowen Cypress, regardless of size; all Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, and Monterey Pine 6 inches or greater in trunk diameter, when measured at 54 inches above native grade.

#### **B. Permits Required.** In accordance with Section 23.90.030, a Coastal Development Permit is required for

1. The complete removal of major vegetation with the exception of dead major vegetation;
2. New planting of major vegetation within the Habitat Sensitivity Overlay, or in areas identified as environmentally sensitive habitat.

#### **C. Findings for Coastal Development Permit.** In approving a coastal development permit for removal of major vegetation the City shall make the following findings:

1. The major vegetation to be removed is diseased, or dying;
2. The major vegetation is not part of any environmentally sensitive habitat area or riparian habitat;
3. Removal of the major vegetation will not affect public views or the forested character of the area;
4. Removal of the major vegetation will not adversely impact coastal resources, public access or public recreation opportunities and is consistent with policies of the Coastal Act.

In approving a coastal development permit for new plantings of major vegetation the City shall make the following findings:

1. The new major vegetation will not adversely affect the habitat value of any environmentally sensitive habitat area or riparian habitat;
2. The new major vegetation will not adversely affect public views;
3. The new major vegetation will not adversely impact coastal resources, public access or public recreation opportunities and is consistent with policies of the Coastal Act.

#### **~~C~~.D. New Trees in Sensitive Areas.** Trees to be planted should be selected from a list of appropriate native landscape trees for Pacific Grove. The planting and maintenance of trees shall be in accordance with the City's Urban Forestry Standards. Planting of public and street trees shall be in conformance with an approved management plan for trees on public property, including a street tree landscaping plan, developed and updated from time to time by the Beautification and Natural Resources Commission and approved by the City Council. A habitat restoration or enhancement plan shall be prepared for environmentally sensitive habitat areas prior to issuance of a Coastal Development Permit for major new vegetation, and plantings shall conform to the approved plan.

**23.90.190 Community Design**

In order to protect and maintain the City's relationship to its unique natural setting and overall low scale character of existing development, and to promote orderly development, the City adopts the following regulations:

- A. Residential densities, with the exception of second units, shall not exceed those specified on the Local Coastal Program Land Use Plan.
- B. Heights shall be specified in the zoning districts. The limit will vary by district, but in no case shall it be more than 3 stories and 40 feet high. In the Asilomar Dunes Residential Area, development within lots that abut Sunset Drive shall be limited to 1 story and 20 feet high, with development allowed at up to 2 stories and 25 feet high 2 within all other lots in the area so long as dune visual resources are protected.
- C. Development in scenic areas shall minimize land coverage, grading and height and provide for setbacks adjacent to public open space areas. Stepped buildings may be required on sloped parcels.
- D. In the Asilomar Dunes Neighborhood, earth tone color schemes and other design features that assist in subordinating the structure to the natural setting shall be utilized.
- E. Commercial development, development at Lovers Point, the Hopkins Marine Lab and Lighthouse Reservation shall be of a scale, mass, and architectural character compatible with the community character and will take into account the size and scale of adjacent development.
- F. Signs
  - 1. Signs shall not be placed such that protected views are obscured or so frequently that the landscape is cluttered. In general, signs should be scaled for pedestrians within open space areas. Signs shall not detract from the area's scenic qualities.
  - 2. Illuminated signs shall not result in light levels exceeding standards for ambient lighting.
  - 3. New freestanding commercial signs are prohibited.
  - 4. Signs that result in reductions, restrictions, or limitations of public access shall require a Coastal Development Permit.
  - 5. The Coastal Parks Plan update shall include a sign program to ensure consistent information and presentation, and provide standards for the protection of the views and visual character of the shoreline.
- G. Lighting
  - 1. New lighting fixtures shall be mounted no higher 14 feet above grade, fully shielded to direct light downward and away from the shoreline and not exceed 60 watts.

**23.90.200 Cultural Resources**

In order to protect the City's archaeological and historic resources, the City adopts the following regulations:

- A. All locations within the Coastal Zone are designated as areas of high archeological sensitivity.

- B.** For projects that include soil disturbance, an archeological report shall be prepared by a qualified archeologist prior to approval of the project. Landscaping and gardening that does not involve construction of structures or changes to the site contours greater than 1 foot, is exempt from this requirement. The City shall consult with the Ohlone Costanoan Esselen Nation in accordance with State law.
- C.** The archeological report shall include the following information:
1. Site information including location, parcel number, address, owner, applicant, parcel size, location of structures or improvements, and applicable maps;
  2. Review of relevant scientific literature or past archeological reports describing archeological resources on the site or on adjacent lands;
  3. Searches of the California Historical Resources Information System and Native American Heritage Commission Sacred Lands File;
  4. Documentation of consultation with appropriate tribes as required by state law;
  5. Date and findings of a preliminary archaeological reconnaissance;
  6. Discussion of potential adverse impacts on archaeological resources;
  7. Recommendations for further archaeological surveys, if deemed to be necessary; and
  8. Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant archeological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the archaeological resources on the site and alternative design impacts compare to those of the project.
- D.** New development and exterior modification of buildings within the Pacific Grove Retreat, Mermaid Lane, and Asilomar Conference Grounds should conform to the current building scale of the areas and match or complement the predominant architectural character. Original building lines should be maintained to the extent feasible, and alteration shall conform to the Secretary of the Interior standards for historic resources when applicable. Structures not currently conforming to or complementing the predominant architectural character should be brought closer to conformance if alterations exceed the threshold for redevelopment.
- E.** Public works projects within the Pacific Grove Retreat, Mermaid Avenue, and Asilomar Conference Grounds shall be consistent with maintaining the current scale and character of the area.
- F.** Historic or architecturally unique structures throughout the Coastal Zone shall be maintained to the fullest extent possible. The City will encourage preservation and, to the extent feasible, facilitate funding or grants for preservation
- G.** The City shall maintain a current list of historic resources within the Coastal Zone
- H.** For new projects that include demolition or alterations to listed historical resources, a Historical Assessment Report prepared by a qualified professional is required prior to approval of the project. The lead author must meet the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) in history or architectural history.

- I. Projects involving archaeological or historical resources may be subject to environmental review under the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA).

### 23.90.210 Public Infrastructure.

The City shall strive to maintain a robust and up to date public infrastructure in the coastal zone that is protected against coastal hazards such as sea level rise. Potable water, sanitary sewer, storm drain sewer, water conservation, reuse of waste water, and infiltration of storm water comprise primary components of the City's water infrastructure system that serve coastal access and protect marine resources. Roads, trails, pedestrian, transit, and bicycle facilities form vital transportation infrastructure that provides coastal access.

- A. The City shall coordinate with other agencies that maintain public utilities in the coastal zone, particularly in any hazard areas, when any changes are proposed.
- B. When underground sewer and water utility lines within the projected inundation area are replaced, or new lines installed, the lines shall be located outside the projected inundation area to the extent feasible. Underground utilities shall be placed beyond the projected reach of bluff erosion during the anticipated lifespan of the utility line. New or replacement installations of critical utility equipment shall not be allowed within the projected inundation area unless they are elevated above, sealed from, or otherwise protected from inundation. Critical utility equipment shall be placed beyond the projected reach of bluff erosion during the anticipated lifespan of the equipment and associated lines. Lines shall be sized to accommodate existing or planned growth. New or replacement electrical lines and communications lines shall be undergrounded to the extent feasible.
- C. Storm water outfalls shall be placed at the location determined most suitable and feasible. Terminations of outfalls shall be allowed below mean high tide line only when the outfall design accommodates such location. Terminations of outfalls above mean high tide line shall be flush to (or recessed into if feasible) the bluff face, and shall be retreated when they extend unsupported more than 3 feet beyond bluff face. Furthermore, outfalls shall be sited and designed to minimize public view impacts including as seen from the beach and other shoreline public viewing areas as much as possible, including through concealing, screening, and camouflaging outfalls, and through the use of natural storm and energy dissipaters to reduce erosion and improve visual appearance. Storm water outfalls shall be consolidated when feasible, and no net increase in the number of outfalls shall be allowed.
- D. The City shall maintain and update its list of water allocations, and to the maximum extent feasible, prioritize coastal-dependent uses for water allocations within the Coastal Zone. This allocation shall include considerations of constrained and unconstrained water demand, taking into account sources and timing of new water supply, as well as the City's overall land use and economic policies. Each permit issued shall include a finding that an adequate allocation exists, and that a long-term water public supply is available.
- E. The use of water conserving fixtures and water conserving landscaping shall be required for all City and private projects. The use of xeriscape landscaping, reclaimed water and captured storm water for irrigation, and on-site infiltration of storm water, shall be required to the greatest extent feasible. The use of recycled water for irrigation of large landscaped areas and the golf course shall be required when a recycled water supply is reasonably available. Wastewater shall be either disposed to a treatment plant with a high level of treatment, or treated for application to landscapes.
- F. The City shall explore various options for relocating or protecting circulation facilities from sea level rise including streets, trails, and bicycle lanes. Newly built facilities shall be set back beyond

the projected reach of bluff erosion during the anticipated lifespan of the facility. [The Coastal Parks Plan, when updated, shall include a Sea Level Rise Adaptation Plan and requirements for complete streets to serve transit, bicycles, and pedestrians, including the provision of bicycle lanes, walking paths, and accommodation for transit stops along Ocean View Boulevard and Sunset Drive.](#)

- G. Public works and private construction projects that result in reduction of traffic capacity during peak summer months or for more than 1 week shall require approval of a temporary traffic handling plan.
- H. Special events that result in an increase in traffic of more than 25 percent over average hourly traffic volumes shall require approval of a temporary traffic handling plan.
- I. Special events that result in an increase in traffic of more than 35 percent over average hourly traffic volumes shall require shuttles and shall provide bicycle parking service.
- J. The Coastal Parks Plan, when updated, shall include requirements for complete streets to serve transit, bicycles, and pedestrians, including the provision of bicycle lanes, walking paths, and accommodation for transit stops along Ocean View Boulevard and Sunset Drive.
- K. [Bicycle parking shall be provided for all development projects at a ratio of 1 bicycle rack per every 4 automobile parking spaces. Adequate vehicular parking, including universal access spaces, shall be provided. Enhancements to existing transit facilities shall also be included to increase use of transit.](#)

### **23.90.220 Parks, Recreation, and Public Access.**

In order to protect the public's access to the Coastal Zone for recreation, scenic views, and appreciation and study of the natural environment, the City adopts the following regulations:

- A. The Coastal Parks Plan is part of the City's Local Coastal Program, and shall be updated by the City from time to time, consistent with the policies of the Land Use Plan and the California Coastal Act of 1976. The Coastal Parks Plan shall be updated to ensure public coastal access by providing standards for accessways, access and parking controls only to the extent necessary to protect coastal resources, strategies for preserving coastal access in the face of sea level rise, standards for signs, and maintenance standards and procedures, The Coastal Parks Plan shall include trail standards, including bicycle path standards consistent with the Caltrans Highway Design Manual. The Coastal Parks Plan shall include provisions for the following:
  1. Planning Area I: Maintain existing Pacific Grove Coastal Recreation Trail. Encourage Hopkins Marine Station to maintain a visually unobtrusive security fence, 1 that complements the environment and character of the surrounding neighborhood, without negatively impacting the habitat or the scientific mission of the Station. Encourage enhanced visitor/public access, circulation and parking at the American Tin Cannery building/property.
  2. Planning Area II: [Provide](#) well-defined trails along the bluffs with stairways to provide access to the water and direct recreation to Berwick Park, while at the same time balancing the need to protect Environmentally Sensitive Habitat Areas.
  3. Planning Areas III and IV: [Create](#) a formal trails network and restore native vegetation [\(with an exception at Perkins Park to allow Magic Carpet rosy ice plant\)](#) and reduce erosion by directing pedestrians to beach stairways along the coast. Create an alternative alignment for the proposed recreation trail extension from Lovers Point to Asilomar and Spanish Bay to the degree this provides better and more maximum public access.

4. Planning Area IV: Clearly define parking areas from 17 Mile Drive west to protect bluff vegetation and reduce erosion while maximizing public coastal access and seek means to reduce conflicts between automobiles and pedestrians/cyclists (e.g. ingress/egress direction, etc.). Abandon and remove all irrigation lines that result in runoff over coastal bluffs. Redirect urban runoff away from bluffs faces to prevent erosion of trails and bluffs. Study alternatives to address erosion of the coastal bluff at Esplanade including realignment of the blufftop coastal trail and or shoreline protective devices at severely eroded sea cave notches in the bluff; Remove all man made construction (concrete) debris from bluffs faces and intertidal areas. Implement the Point Pinos Coastal Trail project.
  5. Planning Area V: (Union Pacific Railroad Right of Way Trail) The City shall pursue extension of the recreation trail to connect Lover's Point to the vicinity of Asilomar State Conference Grounds. Because the right-of way is now privately owned at the mobile home park and also passes through the golf course and residential areas, a study shall be conducted to determine the best trail alignment in the vicinity of the mobile home park and the golf course, and the need to use "privacy buffer areas" adjacent to residential neighborhoods.
  6. Planning Area VI: On state-owned lands west of Sunset Drive, design parking areas and other improvements to reduce habitat damage by vehicles and reduce conflicts with pedestrians/bicyclists. Include designated access which is both safe and non-disruptive of sensitive habitats.
  7. Planning Areas I, II, III, IV, and VI: develop an accessways maintenance program for all existing and new shoreline accessways.
  8. Delineate specific tour bus pullout areas, and prohibit tour bus parking in other Coastal Zone areas.
  9. Consider relocation or renovation of parking areas to reduce erosion.
  10. Develop adaptation strategies for the potential of higher storm waves, erosion, and other coastal hazards due to anticipated sea level rise. Strategies may include considering the addition of natural boulders to the shore area in key locations to dissipate wave energy; a plan for relocation of stair wells and access trails, points and signage, etc.; or other strategies that protect/preserve public access and recreation opportunities.
- B.** The City shall provide the maximum access to public lands in the coastal bluffs and immediate shoreline, within the constraints of protecting public rights, rights of private property owners, and natural resource areas from overuse.
1. The City shall conspicuously post signs identifying coastal access trails and points.
  2. The City shall provide a variety of access opportunities, including trails to the water, overlooks, and recreational paths.
  3. The City shall provide access, consistent with safety needs, during daylight hours as well as limited access after dusk and before dawn on the coastal trail and former railroad right-of-way.
  4. Where feasible, given topographical constraints, the City shall provide access to persons with physical disabilities.
  5. The City shall distribute public facilities and parking facilities, including bicycle parking, throughout the Coastal Zone to minimize overuse and crowding.
  6. New or renovated parking along Sunset Drive and Ocean View Drive shall be located only on less biologically sensitive locations to the inland side of the street, and pedestrian crossings provided.

7. The City may decide to meter current public parking spaces in appropriate places in order to establish a dedicated funding source to improve and enhance coastal access and restoration of degraded habitat.

**C.** The City shall permit maximum access to recreational opportunities, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

1. The City shall pursue extension of the recreation trail along the railroad right-of-way, or a similar alignment, to connect Lover's Point to the vicinity of Asilomar State Conference Grounds. A study shall be conducted to determine the best trail alignment to circumvent the mobile home park and the golf course.
2. The City shall obtain fee title or easements as necessary, and to the extent feasible, to provide a corridor for the trail extension.
3. Pedestrian trail width may be reduced to 4 feet where the habitat is considered fragile and where damage to dune vegetation and in particular rare and endangered flora is likely to result with wider trails. These requirements may be satisfied as follows:
  - a. Point Cabrillo: dedication and construction of vertical accessways at locations shown on the Land Use Plan Shoreline Access Map;
  - b. Asilomar Dunes: dedication of blufftop lateral access easement to an appropriate public agency or private conservation foundation, where private residential use could otherwise impair such access; and
  - c. Sunset-Crocker Commercial District: installation of sidewalks and bike lanes where parcels designated Commercial and Visitor Accommodation front on Sunset Drive.
4. Public vertical access easements to the ocean shall have the following minimum widths:
  - a. 10 feet for walkways and 5 feet for stairways to the shoreline; and
  - b. At least 10 feet and generally no more than 25 feet-inland from the mean high tide line.
5. Commercial services complimentary to recreational use shall continue at Lover's Point Park.
6. Only water-dependent recreational activities shall be allowed at the immediate shoreline.
7. The City shall include bicycle and pedestrian accommodations in any road construction projects along Ocean View Boulevard, including a continuous pedestrian pathway or sidewalk to the seaward side of Ocean View Boulevard from Lover's Point Park to Asilomar State Beach. In providing bicycle and pedestrian access, the City will endeavor to maintain the overall existing parking capacity along Ocean View Boulevard.
8. The City may seek to meter current public parking with reasonable rates in appropriate places in order to establish a dedicated funding source to improve and enhance coastal access with a coastal development permit.

**D.** The City shall permit maximum access to overnight accommodations, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse

**E.** The City shall allow and promote a variety of accommodation types in order to serve as many cost ranges as possible by encouraging new visitor-serving development to design a self-directed program or solution for providing low-cost overnight stays

- F.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred
- G.** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects.
1. Access need not be provided where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or where adequate access exists nearby.
  2. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- H.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.
- I.** Development with the potential to impact public access, whether during construction or after, shall develop a Public Access Management Plan designed to identify and limit impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Plans associated with temporary events shall include additional strategies to avoid impacts to parking and access, including, but not limited to, the use of shuttles to off-site parking locations and bike valet programs.
- J.** New development shall ensure that public access opportunities are maximized, including though offsetting any temporary (e.g., during construction) and potential permanent impacts to public access (including in terms of increased traffic leading to impacts to public access use of the City's circulation system) appropriately and proportionally. Development shall provide for public access enhancements and improvements as much as possible, including in terms of providing public access use areas in private development projects (e.g., visitor serving development) as appropriate. Development that does not meet these requirements shall be denied.

### **23.90.230 R-1 (CZ) District and R-1-B (CZ) Combined Districts**

Sections:

**A Generally.**

**B Uses permitted.**

**D Building height limit.**

**E Allowed building coverage.**

**F Allowed site coverage.**

**G Allowed gross floor area.**

**H Yards required – Garage openings – Architectural feature projections.**

**I Off-street parking.**

J Building site area required.K R-1-B-4 (CZ) districts.**A. Generally.**

The regulations in this chapter shall apply in all R-1 (CZ), R-1-B-2 (CZ), R-1-B-3 (CZ) and R-1-B-4 (CZ) districts, and shall be subject to the other applicable provisions of the PGMC. [Ord. 96-14 § 3, 1996; Ord. 210 N.S. § 11-131(1), 1952].

**B. Uses permitted.**

The following uses are permitted in the R-1 (CZ), R-1-B-2 (CZ), R-1-B-3 (CZ) and R-2-B-4 (CZ) districts. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.

1. Single-family dwellings.
2. Accessory buildings and structures, except in the Asilomar Dunes Residential Area (R-1-B-4 (CZ) zoning district).
3. Accessory uses normally incidental to single-family residences. (This shall be construed as prohibiting any commercial or industrial use.)
4. Second units, except in the Asilomar Dunes Residential Area (R-1-B-4 (CZ) zoning district).
5. Home business provided that the following businesses shall not be allowed: food handling, processing or packing for gain; harboring, training or raising of dogs, cats, birds or other animals for gain; repairs of any nature, including automobile and/or body and fender repair. Home businesses shall be subject to the following limitations:
  - a. No employee other than members of the family inhabiting the on-site dwelling shall be permitted.
  - b. No industrial or heavy commercial machinery shall be employed.
  - c. The business shall not generate pedestrian or vehicular traffic.
  - d. Commercial vehicles shall not be used for delivery of materials to or from the premises, and no trucks advertising the business shall be employed in the business, except that a contractor's name, telephone number and state license number may be indicated.
  - e. No more than 1 room in the dwelling shall be employed for the business.
  - f. In no manner shall the appearance of the structure or the operation of the business give any indication to the exterior by odor, construction materials, lighting, signs, sounds, noises or vibrations that the site is used for other than residential purposes.
  - g. The business shall not require the installation of utility service in excess of normal dwelling requirements or place a load on garbage, sewer or community facilities beyond normal dwelling requirements.
  - h. No goods shall be sold on the premises. Supplies necessary to the business, and finished products produced by the business, may be retained in the room used for the business.

- i. No advertising of any nature shall be permitted, except that a name and telephone number, but no address, may be indicated in a telephone listing, business card or stationery.
- j. All persons conducting such business shall obtain all required business licenses and permits. Possession of such license or permit shall not excuse compliance with this subsection. [Ord. 03-08 § 2, 2003; Ord. 00-18 § 3, 2000; Ord. 98-14 § 1, 1998; Ord. 96-14 § 12, 1996; Ord. 1848 N.S. § 3, 1992; Ord. 1765 N.S. § 15, 1991; Ord. 1327 N.S. § 2, 1983; Ord. 1306 N.S. § 1, 1982; Ord. 869 N.S. § 1, 1975; Ord. 811 N.S., 1974; Ord. 551 N.S. § 5, 1966; Ord. 532 N.S. §§ 1, 2, 1966; Ord. 523 N.S. § 2, 1965; Ord. 210 N.S. § 11-131(1)(a), 1952].

6. [Scenic](#) reserves and natural habitat reserves.

**C. Building height limit.** The maximum height of main buildings shall be 25 feet. [Ord. 00-18 § 4, 2000; Ord. 00-15 § 3, 2000; Ord. 96-14 § 6, 1996]. In the R-1-B-4 (CZ) district the height limit shall be 20 feet for all buildings or structures fronting Sunset Drive.

**D. Allowed building coverage. Maximum building coverage is:**

- 1. Sites up to and including 4,000 square feet in size: 45 percent
- 2. Sites greater than 4,000 square feet in size: 40 percent. [Ord. 12-003 § 3, 2012; Ord. 00-15 § 4, 2000; Ord. 96-14 § 7, 1996]
- 3. Sites in the R-1-B-4 (CZ) district, [building coverage is included in the site coverage maximum and may be](#) no greater than the site coverage.

**E. Allowed site coverage.**

- 1. Maximum site coverage on all sites in the R-1, R-1-B-2, and R-1-B-3 (CZ) districts is 60 percent. [Ord. 12-003 § 3, 2012].
- 2. Maximum site coverage on sites of one half acre or less in the R-1-B-4 (CZ) district is 20 percent. Maximum site coverage on sites of more than one half acre in the R-1-B-4 (CZ) district is 15 percent. [An additional 5% may be permitted for Immediate Outdoor Living Space. See PGMC § 23.90.170.](#)

**F. Allowed gross floor area.** Maximum gross floor area is as follows, but may be further limited in the R-1-B-4 (CZ) district for the protection of views, natural resources, and other resources:

**Table 23.90.230**

Lot Size	Floor Area
1,000	550
1,100	605
1,200	660
1,300	715
1,400	770
1,500	825
1,600	880

1,700	935
1,800	990
1,900	1,045
2,000	1,100
2,100	1,155
2,200	1,210
2,300	1,265
2,400	1,320
2,500	1,375
2,600	1,430
2,700	1,485
2,800	1,540
2,900	1,595
3,000	1,650
3,100	1,705
3,200	1,760
3,300	1,815
3,400	1,870
3,500	1,925
3,600	1,980
3,700	2,035
3,800	2,090
3,900	2,145
4,000	2,200
4,100	2,235
4,200	2,269
4,300	2,304
4,400	2,338
4,500	2,373
4,600	2,407
4,700	2,442
4,800	2,476
4,900	2,511
5,000	2,545
5,100	2,580
5,200	2,614
5,300	2,649
5,400	2,683

5,500	2,718
5,600	2,752
5,700	2,787
5,800	2,821
5,900	2,856
6,000	2,890
6,100	2,925
6,200	2,959
6,300	2,994
6,400	3,028
6,500	3,063
6,600	3,097
6,700	3,132
6,800	3,166
6,900	3,201
7,000	3,235
7,100	3,270
7,200	3,304
7,300	3,339
7,400	3,373
7,500	3,408
7,600	3,442
7,700	3,477
7,800	3,511
7,900	3,546
8,000	3,580
8,100	3,596
8,200	3,611
8,300	3,627
8,400	3,642
8,500	3,658
8,600	3,673
8,700	3,689
8,800	3,704
8,900	3,720
9,000	3,735
9,100	3,751
9,200	3,766

9,300	3,782
9,400	3,797
9,500	3,813
9,600	3,828
9,700	3,844
9,800	3,859
9,900	3,875
10,000	3,890
10,100	3,906
10,200	3,921
10,300	3,937
10,400	3,952
10,500	3,968
10,600	3,983
10,700	3,999
10,800	4,014
10,900	4,030
11,000	4,045
11,100	4,061
11,200	4,076
11,300	4,092
11,400	4,107
11,500	4,123
11,600	4,138
11,700	4,154
11,800	4,169
11,900	4,185
12,000	4,200
12,100	4,216
12,200	4,231
12,300	4,247
12,400	4,262
12,500	4,278
12,600	4,293
12,700	4,309
12,800	4,324
12,900	4,340
13,000	4,355

13,100	4,371
13,200	4,386
13,300	4,402
13,400	4,417
13,500	4,433
13,600	4,448
13,700	4,464
13,800	4,479
13,900	4,495
14,000	4,510
14,100	4,526
14,200	4,541
14,300	4,557
14,400	4,572
14,500	4,588
14,600	4,603
14,700	4,619
14,800	4,634
14,900	4,650
15,000	4,665
15,100	4,681
15,200	4,696
15,300	4,712
15,400	4,727
15,500	4,743
15,600	4,758
15,700	4,774
15,800	4,789
15,900	4,805
16,000	4,820
16,100	4,836
16,200	4,851
16,300	4,867
16,400	4,882
16,500	4,898
16,600	4,913
16,700	4,929
16,800	4,944

16,900	4,960
17,000	4,975
17,100	4,991
17,200	5,006
17,300	5,022
17,400	5,037
17,500	5,053
17,600	5,068
17,700	5,084
17,800	5,099
17,900	5,115
18,000	5,130
18,100	5,146
18,200	5,161
18,300	5,177
18,400	5,192
18,500	5,208
18,600	5,223
18,700	5,239
18,800	5,254
18,900	5,270
19,000	5,285
20,000	5,440
21,000	5,595
22,000	5,750
23,000	5,905
24,000 and larger	6,000

[Ord. 12-003 § 3, 2012; Ord. 00-15 § 5, 2000; Ord. 96-14 § 8, 1996].

**G. Yards required – Garage openings – Architectural feature projections.**

1. Front Yards.

- a. Front Yards in the R-1 (CZ) district: Minimum of 15 feet.
- b. Front Yards in the R-1-B-2 (CZ), R-1-B-3 (CZ), and R-1-B-4 (CZ) districts: Minimum 20 feet. In the R-1-B-4 (CZ), within 75 feet from Sunset Drive, the area shall be included within a scenic easement. Driveways and landscaping are allowed within the front yards.

2. Side Yards.

- a. Side Yards for Interior Sites: 10 percent of site width, with minimum of 3 feet and maximum required 10 feet. Exception: with a use permit, the total of side yards may be

20 percent of site width with a minimum 3 feet required on each side; maximum required on each side is 10 feet.

b. Side Yards for Corner Sites: The side yard abutting the street shall be 20 percent of site width, but need not exceed 10 feet.

3. Rear Yards

a. Rear Yards in R-1 (CZ) district: Minimum of 10 feet.

b. Rear Yards in R-1-B-2 (CZ) and R-1-B-3 (CZ) district: 20 percent of lot depth, with a minimum of 20 feet and a maximum requirement of 25 feet.

c. Rear Yards in R-1-B-4 (CZ) district: Minimum 20 feet.

4. In the R-1-B-4 (CZ) district, the setbacks may be modified with a Coastal Development Permit for the purpose of preserving views, biological resources, and other resources.

5. Garage Openings. Any garage or carport opening facing a street shall be set back a minimum of 20 feet.

6. Projection of Architectural Features. Architectural features such as cornices, eaves, canopies, and windows that do not increase floor area may extend no more than 3 feet into any required yard but in no case closer than 3 feet to any property line. [Ord. 00-15 § 6, 2000; Ord. 96-14 § 9, 1996].

H. Off-street parking.

1. The minimum number and sort of off-street parking shall be as follows-:

Lot Size (Square Feet)	Off-Street Parking Required
Through 2,699	None required
2,700 and larger	1 covered and 1 uncovered

I. **Building site area required.**

1. Area and Width.

a. For each dwelling in the R-1 (CZ) district, a minimum of 5,000 square feet and a minimum width of 50 feet shall be required.

b. For each dwelling in the R-1-B-2 (CZ) district, a minimum 6,000 square feet and a minimum width of 60 feet shall be required.

c. For each dwelling in the R-1-B-3 (CZ) district, a minimum of 10,000 square feet and a minimum width of 70 feet shall be required.

d. For each dwelling in the R-1-B-4 (CZ) district, a minimum of 1 half acre and a minimum width of 100 feet shall be required. In the R-1-B-4 district, 1 house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected views, unless natural

hazard or biological resources constraints require development in areas where protected public views would be affected.

2. Except as provided by PGMC [§ 23.90.230 B](#), in no case shall there be more than 1 single-family dwelling on a building site. [Ord. 96-14 § 11, 1996].

**J. R-1-B-4 (CZ) [Asilomar Dunes Residential Area](#) district.**

1. The following regulations, [in addition to those in Scenic Resources § 23.90.160, Biological Resources and Environmentally Sensitive Habitat Areas § 23.90.170, and any other applicable section](#), shall apply in all R-1-B-4 (CZ) combined district.
  - a. Accessory structures are prohibited.
  - b. Earth tone color [schemes and other design features that assist in subordinating the structure to the natural setting shall be utilized.](#)
  - c. [No subdivision is permitted except for conservation purposes.](#)
  - d. [Lot and building coverage and landscaping may be further restricted by regulations in Biological Resources and Environmentally Sensitive Habitat and Scenic Resources.](#)
  - e. Other restrictions as may be imposed by [this](#) Chapter including but not limited to biological studies and archeological studies.

**[23.90.240](#) R-3 (CZ) Districts**

Sections:

**[A Generally.](#)**

**[B Uses permitted.](#)**

**[C Building height limit.](#)**

**[D Building site area required.](#)**

**[E Allowed building coverage.](#)**

**[F Allowed site coverage.](#)**

**[G Yards required.](#)**

**[H Garbage areas.](#)**

**[I Off-street parking.](#)**

- A. Generally.** The regulations found in this chapter shall apply to all R-3 (CZ) districts and shall be subject to the other applicable provisions of the PGMC. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].

**B. Uses permitted.** The following uses shall be permitted in the R-3 (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.

1. Single- or two-family dwellings;
2. Second units;
3. Multiple dwellings, apartment houses and dwelling groups; subject to first securing a use permit and Coastal Development Permit in either of the following cases:
  - a. The total number of family units shall exceed 7 on a building site; or
  - b. The proposed development includes on a single building site, a combination of a structure already on the site (whether or not altered) with a new structure or additions to a structure already on the site.
4. Rooming or boarding houses, subject to first securing a use permit and Coastal Development Permit;
5. Accessory uses and buildings normally incidental to any in this section.

**C. Building height limit.** The maximum height of main buildings shall be 30 feet. [Ord. 00-18 § 6, 2000; Ord. 1141 N.S. § 3, 1979; Ord. 720 N.S. § 3, 1972; Ord. 210 N.S. § 11-133(1)(b), 1952].

**D. Building site area required.** For each building, or group of buildings, a minimum of 4,000 square feet and minimum width of 40 feet shall be required on interior lots. A minimum of 6,000 square feet and a minimum width of 60 feet shall be required on corner lots. In the Pacific Grove Retreat, where the lot sizes, as legally subdivided, are 30 by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said subdivisions. Nothing contained herein shall authorize such smaller minimum lot sizes for any future subdivisions.

For each family unit in any building or group of buildings, a minimum of 1,500 square feet of land area shall be required. [Ord. 1260 N.S. § 2, 1981; Ord. 720 N.S. § 1, 1972; Ord. 210 N.S. § 11-133(1)(c), 1952].

**E. Allowed building coverage.** Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 5, 2012; Ord. 1193 N.S. § 2, 1980; Ord. 720 N.S. § 8, 1972; Ord. 593 N.S., 1968; Ord. 210 N.S. § 11-133(1)(d), 1952]

**F. Allowed site coverage.** Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 5, 2012].

**G. Yards required.**

1. Front Yards. The minimum required front yard shall be 12 feet. Driveways shall not occupy more than 40 percent of the street frontage, and on a corner lot, the combined coverage on all frontages shall not exceed 25 percent of the total street frontage. 50 percent of the front yard area shall be landscaped. Such areas shall not be surfaced, covered, enclosed or treated in such a manner as to make it impossible or impractical to establish and maintain landscaping and gardening thereon. The area must be rectangular or composed of a series of rectangles not less than 10 feet in width.
2. Side Yards. Side yards shall be 10 percent of lot width with a minimum requirement of 3 feet and a maximum of 10 feet; provided, however, on corner lots, the side yard abutting the street shall be 20 percent of the width of the lot, but need not exceed 10 feet.
3. Rear Yards. Rear yards, excluding eaves, shall have the following minimums:
  - a. One-story building: 5 feet.

- b. Two-story building: 8 feet.
  - c. Three-story building: 10 feet.
  - d. Where a rear yard fronts on a street, the minimum rear yard shall be 12 feet.
4. Special Yards and Distances Between Buildings.
- a. Distance between any buildings, which shall be free from the encroachment of overhanging eaves, shall be a minimum of 8 feet. For buildings of 3 stories, the minimum shall be increased to 10 feet and for buildings of 4 stories or more the minimums shall be increased to 12 feet.
  - b. Side yards providing access to single-row dwelling group: minimum 12 feet.
  - c. Inner court providing access to double-row dwelling group: minimum 20 feet.
5. Open Yard. Open yard required shall be 200 square feet per unit for all construction of 5 units or more.
6. Decks, Porches and Parking Spaces. Decks and open porches over 3 feet above grade may project or extend 4 feet over a required yard area, but not closer than 3 feet to the property line and no closer to other buildings than the minimums set forth in subsection (d) of this section. Parking spaces in excess of the required space for each family unit may project into the rear yard area set forth in subsection (c) of this section. [Ord. 720 N.S. § 6, 1972; Ord. 593 N.S., 1968; Ord. 532 N.S. § 6, 1966; Ord. 478 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(e), 1952].

**H. Garbage areas.** Where there are 3 or more units, garbage areas for holding of garbage or refuse shall be constructed with a concrete floor and curb. The area shall be enclosed by a view-obscuring wall or fence designed in harmony with the building design. The enclosure shall be not less than 5 feet in height and equipped with a self-closing gate or door. Trash area shall have access to a driveway or public way. [Ord. 720 N.S. § 14, 1972].

**I. Off-street parking. Minimum storage or parking spaces to be provided, and driveway requirements, shall be as follows:**

- 1. Single-family dwellings:- Single-family dwellings: 2 covered, however in cases of single-family dwellings on lots of 1,800 square feet or less, and where the living space floor area is 1,000 square feet or less, and where there are less than three bedrooms, one covered space is required.
- 2. Multifamily Units. One and one-half spaces/ per unit having less than ~~two~~ 2 bedrooms; ~~two~~ 2 spaces for all other units. One space/ per unit must be in a garage or carport.
- 3. The distance from a property line to the garage or carport opening shall be a minimum of 20 feet; provided, that a shorter driveway may be approved through the use permit process.
- 4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit.
- 5. A driveway at least 20 feet in length may serve as a required uncovered space.

### **23.90.250 R-3-P.G.R. (CZ) District**

Sections:

**A Permitted uses.****B Building site area required.****C Building height limit.****D Allowed building coverage.****E Allowed site coverage.****F Allowed gross floor area.****G Yard requirements.****H Garbage/recycling areas.****I Off-street parking.****A Permitted uses.**

1. All of the uses permitted and prescribed for the R-3 (CZ) district at PGMC [§ 23.90.240\(B\)](#) shall apply in the R-3-P.G.R. (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC [§ 23.90.030](#).
2. In addition, bed and breakfast inns are permitted, subject to first securing a use permit and Coastal Development Permit.

The City Council shall have the authority to set forth, by resolution, standards for bed and breakfast inns including, but not necessarily limited to: the number of visitors who may be accommodated; the amount and the type of signing to be provided; the length of permissible stay, not to exceed 30 days; the type of cooking and dining facilities to be provided; the amount of parking to be provided; protections for coastal resources, and any similar standard necessary to protect the neighborhood from unreasonable changes in character. Provided however, that in no case shall the maximum number of rooms allowed be less than eight, excluding the primary residence of the owner or manager. The setting of such standards shall in no way limit the authority or the ability of the planning commission to impose such conditions as may be deemed appropriate upon any use permit granted for bed and breakfast use, so long as those do not conflict with the City Council standards. [Ord. 98-05 § 1, 1998].

**B Building site area required.**

1. Except as provided in subsections (b) and (c) of this section, building site area shall be as set out in PGMC [§ 23.90.240\(D\)](#).
2. The minimum land area for each unit other than bed and breakfast units shall be 2,200 square feet.
3. Any parcel which has the following characteristics shall constitute a separate building site for future building purposes:
  - a. It has, prior to March 15, 1986, been designated on the assessor's map as a separate parcel.

- b. It has at least 1,800 square feet, but not more than 3,600 square feet, and is not part of a larger building site.
  - c. It has been unimproved with any building or structure for a minimum of 5 years immediately preceding March 15, 1986.
  - d. It has access to a public street.
  - e. Its transfer will not create additional aspects of nonconformity to this title.
  - f. It has received all necessary Coastal Development Permits.
4. Development of parcels qualifying as building site pursuant to subsection (c) of this section shall, at a minimum, be subject to the following:
- a. A use permit shall be first secured in each case.
  - b. Any required Coastal Development Permit shall be secured in each case.
  - c. Architectural review board approval shall be required.
  - d. Any construction shall conform to the requirements with respect to separate parcels in the R-3-P.G.R. (CZ) district; however, in considering a use permit application the planning commission is authorized to prescribe requirements other than those prescribed generally by the PGMC [Ord. 98-05 § 1, 1998].

**C Building height limit.** The maximum height of main buildings shall be 30 feet; provided, the maximum height of the top plate shall be no more than 24 feet. [Ord. 00-18 § 7, 2000; Ord. 98-05 § 1, 1998].

**D Allowed building coverage.** Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

**E Allowed site coverage.** Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 6, 2012].

**F Allowed gross floor area.** Maximum gross floor area is as follows:

**Table 23.90.250  
– Maximum Gross Floor Area\***

Lot Size	Floor Area
1,000	833
1,100	917
1,200	1,000
1,300	1,083
1,400	1,167
1,500	1,250
1,600	1,333
1,700	1,417
1,800	1,500
1,900	1,556
2,000	1,611
2,100	1,667
2,200	1,722

Table 23.90.250  
– Maximum Gross Floor Area\*

Lot Size	Floor Area
2,300	1,778
2,400	1,833
2,500	1,889
2,600	1,944
2,700	2,000
2,800	2,044
2,900	2,089
3,000	2,133
3,100	2,178
3,200	2,222
3,300	2,267
3,400	2,311
3,500	2,356
3,600	2,400
3,700	2,433
3,800	2,467
3,900	2,500
4,000	2,533
4,100	2,567
4,200	2,600
4,300	2,633
4,400	2,667
4,500	2,700
4,600	2,733
4,700	2,767
4,800	2,800
4,900	2,833
5,000	2,867
5,100	2,900
5,200	2,933
5,300	2,967
5,400	3,000
5,500	3,017
5,600	3,033
5,700	3,050

Table 23.90.250  
– Maximum Gross Floor Area\*

Lot Size	Floor Area
5,800	3,066
5,900	3,083
6,000	3,099
6,100	3,116
6,200	3,132
6,300	3,149
6,400	3,165
6,500	3,182
6,600	3,198
6,700	3,215
6,800	3,231
6,900	3,248
7,000	3,264
7,100	3,281
7,200	3,297
7,300	3,314
7,400	3,330
7,500	3,347
7,600	3,363
7,700	3,380
7,800	3,396
7,900	3,413
8,000	3,429
8,100	3,446
8,200	3,462
8,300	3,479
8,400	3,495
8,500	3,512
8,600	3,528
8,700	3,545
8,800	3,561
8,900	3,578
9,000	3,594
10,000	3,759
11,000	3,924

**Table 23.90.250  
– Maximum Gross Floor Area\***

Lot Size	Floor Area
12,000	4,089
13,000	4,254
14,000	4,419
15,000	4,584
16,000	4,749
17,000	4,914
18,000	5,079
19,000	5,244
20,000	5,409
21,000	5,574
22,000	5,739
23,000	5,904
24,000	6,069
25,000	6,234
26,000	6,399
27,000	6,564
28,000	6,729

\* Note: For every 1,000 square feet above 28,000, add 165 square feet of floor area.

[Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

**G. Yard requirements.**

1. The minimum front yard shall be 8 feet; however, to encourage architectural variety in footprint and massing, the front yard may be reduced to no less than 4 feet for up to 50 percent of the front of the building.
2. The minimum side yards shall be 10 percent of lot width, and 20 percent of lot width for side yards abutting the street on corner lots; provided, that the minimum allowable side yard shall be 3 feet, and the maximum required side yard shall be 10 feet.  
  
Exception: With a use permit, the total of side yards may be 20 percent of lot width with a minimum 3 feet required on each side, maximum required on either side 10 feet.
3. Rear yards shall have the following minimums:
  - a. One story building: 5 feet.
  - b. Two story building: 8 feet.
  - c. Three story building: 10 feet.
  - d. Where a rear yard abuts a street: 12 feet.
4. Open Yard. Open yard required shall be 200 square feet per unit for all construction of 5 units or more.

5. Decks and Porches. Decks and open porches over 3 feet above grade may project or extend 4 feet over a required yard area, but not closer than 3 feet to the property line. [Ord. 98-05 § 1, 1998].

**H. Garbage/recycling areas.** Where there are 3 or more units, garbage/recycling areas for holding of garbage or recyclable materials shall be provided. The garbage/recycling area shall be enclosed by a view-obscuring wall or fence designed in harmony with the building design. The enclosure shall be not less than 5 feet in height and equipped with a self-closing gate or door. Garbage/recycling area shall have access to a driveway or public way. Placement and design of the garbage/recycling areas shall be approved by the public works director and the architectural review board prior to issuance of a building permit. Garbage/recycling areas shall be maintained in a sanitary condition, free of graffiti and in good repair. [Ord. 98-05 § 1, 1998].

**I. Off-street parking.** Storage or parking space to be provided, and driveway requirements, shall be as follows:

1. Single-family dwellings:

Lot Size	Off-Street Parking Required
To and including 2,699 square feet	None
Larger than 2,699 to 4,000	1 covered and 1 uncovered
Larger than 4,000	2 covered

\* A driveway at least 20 feet in length may serve as a required uncovered space.

- 2. Multifamily Units. One and one-half spaces per unit having less than 2 bedrooms; 2 spaces for all other units. One space per unit must be in a garage or carport.
- 3. The distance from a property line to the garage or carport opening shall be a minimum of 20 feet; provided, that a shorter driveway may be approved through the use permit process.
- 4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit. [Ord. 98-05 § 1, 1998].

1 Editor's Note: Prior ordinance history includes Ord. 1166 and part of Ord. 1331.

**23.90.260 R-3-P.G.B. (CZ) District**

Sections:

**A Purpose and description.**

**B Uses permitted.**

**C Building height limits.**

**D Building site area required.**

E Allowed building coverage.F Allowed site coverage.G Yards required.H Architectural approval.I Off-street parking.

- A. Purpose and description.** The regulations in this chapter shall apply in the R-3-P.G.B. (CZ) district and shall be subject to the other applicable provisions of the PGMC. The council declares that the portion of the Pacific Grove Beach Tract bounded by Lorelei Street on the east, Ocean View Boulevard on the north, Sea Palm Avenue on the west, and the southerly property line of property on the south side of Mermaid Avenue on the south is an architecturally unique neighborhood of the city of Pacific Grove; that said neighborhood is characterized by its small lots, spaces and massing which has resulted in a village-like setting; and that it is the intention of the council to resolve the unique problems of said neighborhood through the regulations of this chapter. Said district shall be known as the R-3-P.G.B. (CZ) district. [Ord. 754 N.S. § 1, 1973].
- B. Uses permitted.** The following uses are permitted in the R-3-P.G.B. (CZ) district, subject to first securing architectural approval and a use permit. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.
1. Single-family dwellings;
  2. Duplexes, multiple-family dwellings, apartment houses and dwelling groups;
  3. Accessory uses and buildings normally incidental to any of the above. [Ord. 1418 N.S. § 5, 1984; Ord. 811 N.S., 1974; Ord. 754 N.S. § 1, 1973].
- C. Building height limits.** The maximum height of main buildings shall be 25 feet and limited to 2 stories. [Ord. 00-18 § 9, 2000; Ord. 754 N.S. § 1, 1973].
- D. Building site area required.** The minimum building site area for each building or group of buildings and minimum width which shall be required are as follows:
1. On the southerly side of Mermaid Avenue (Lots 19 through 31 of Block 241 and Lots 1 through 45 of Block 245), 1,760 square feet with a minimum width of 44 feet;
  2. Between Mermaid Avenue and Ocean View Boulevard (Blocks 242, 243, 244 and 246), 2,500 square feet.
- In order to install more than 1 dwelling unit on a building site, there shall be a minimum of 2,500 square feet of land in the building site for each dwelling unit. [Ord. 1115 N.S. § 1, 1979; Ord. 754 N.S. § 1, 1973].

**E. Allowed building coverage.** Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 10, 2012; Ord. 1307 N.S. § 3, 1982; Ord. 754 N.S. § 1, 1973].

**F. Allowed site coverage.** Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 10, 2012].

**G. Yards required.**

1. Front Yard. The minimum front yard shall be 8 feet along Mermaid Avenue and 12 feet along Ocean View Boulevard.
2. Side Yard. Side yards shall be 10 percent of the lot width, with a minimum requirement of 3 feet and a maximum of 10 feet.
3. Rear Yard. Rear yards shall be 5 feet for 1-story structures and 8 feet for 2-story structures. When a rear yard abuts a street, the front yard setback for the street shall also be the rear yard setback.
4. Special Yards and Distances Between Buildings. The regulations prescribed by PGMC 23.90.240-(G) shall apply to the R-3-P.G.B. (CZ) district.
5. Decks and Porches. The regulations prescribed generally by the PGMC shall apply to the R-3-P.G.B. (CZ) district.
6. In considering any application for a use permit, the planning commission is authorized to prescribe requirements other than prescribed by subsections (b), (c), (d) and (e) of this section where it makes suitable findings regarding the land, building or use, or if the lot involved is a permitted building site. [Ord. 1418 N.S. § 6, 1984; Ord. 754 N.S. § 1, 1973].

**H. Architectural approval.** Architectural approval shall apply to all structures erected or remodeled in the zone. [Ord. 754 N.S. § 1, 1973].

**I. Off-street parking. Minimum storage or parking space to be provided, and driveway requirements, shall be as follows:**

1. Single-family dwellings: 2 covered, however in cases of single-family dwellings on lots of 1,800 square feet or less, and where the living space floor area is 1,000 square feet or less, and where there are less than three bedrooms, one covered space is required.

\* A driveway at least 20 feet in length may serve as a required uncovered space.

2. Multifamily Units. One and one-half spaces/unit having less than 2 bedrooms; 2 spaces for all other units. One space/unit must be in a garage or carport.
3. The distance from a property line to the garage or carport opening shall be a minimum of 20 feet; provided, that a shorter driveway may be approved through the use permit process.
4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit.

**23.90.270 R-3-M (CZ) Districts**

Sections:

- A. Regulations generally.** The regulations in this section shall be found in Section 23.52 R-3-M and shall apply in the R-3-M (CZ) district as amended from time to time, and shall be subject to the other applicable provisions of the PGMC.

**23.90.280 R-4 (CZ) DISTRICT**

Sections:

**A Uses permitted.****B Building height limit – Site area – Lot coverage – Yards.****C Off-street parking.**

- A. Uses permitted.** The following uses shall be permitted in the R-4 (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.

1. Single- or two-family dwellings;
2. Second units;
3. Multiple dwellings, apartment houses, subject to first securing a use permit in either of the following cases:
  - a. The total number of family units shall exceed 7 on a building site, or
  - b. Additions or structural alterations are made to a structure already existing.
4. Rooming or boarding houses, subject to first securing a use permit;
5. Dwelling groups subject to first securing a use permit in either of the following cases:
  - a. The total number of family units shall exceed 7 on a building site, or
  - b. The proposed development includes a combination of a structure already existing (whether or not altered) with a new structure or additions to an existing structure on 1 building site.
6. Professional uses allowed are: accountants, advertisers, appraisers, architects, assayers, attorneys, beauty shops, building designers, chiropractors, chiropodists, clinical laboratories, collection agencies, contractors (no warehousing of material), dental laboratories, detective agencies, dentists, geologists, insurance adjusters, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance offices, land surveyors, medical doctors, medical laboratories, oculists, opticians, optometrists, osteopaths, physical therapists, podiatrists, private detectives, professional engineers, psychologists, real estate offices, secretary services and telephone answering services, subject to first securing a use permit;
7. Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;
8. Accessory uses and buildings normally incidental to any of the above;
9. Professional uses in other categories than described in subsection (f) of this section, which are found by the Director to be similar in nature, as regards size, activity, and impact, as the

professions listed in said subsection (f) of this section, subject to first securing a use permit in each case;

10. Bed and breakfast inns, subject to first securing a use permit. Standards adopted by resolution of the council for bed and breakfast inn use in the R-3-P.G.R. (CZ) district shall apply as well to that use in the R-4 (CZ) district. The setting of such standards shall in no way limit the authority or ability of the planning commission to impose such conditions as may be deemed appropriate upon any use permit granted. [Ord. 03-08 §§ 6, 7, 2003; Ord. 1418 N.S. § 3, 1984; Ord. 1417 N.S., 1984; Ord. 1307 N.S. § 1, 1982; Ord. 936 N.S. § 1, 1977; Ord. 811 N.S., 1974; Ord. 795 N.S., 1974; Ord. 720 N.S. §§ 11, 12, 1972; Ord. 532 N.S. § 7, 1966; Ord. 506 N.S., 1965; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1), 1952].

**B. Building height limit – Site area – Lot coverage – Yards.** Regulations for building height limit, building site area required, percentage of lot coverage, and yards required shall be those regulations set forth in PGMC [§23.90.230\(C\)](#) through [23.90.240\(G\)](#). [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

**C. Off-street parking.** Storage or parking space to be provided, and driveway requirements, shall be as follows:

1. Single-family dwellings: 2 covered, however in cases of single-family dwellings on lots of 1,800 square feet or less, and where the living space floor area is 1,000 square feet or less, and where there are less than three bedrooms, one covered space is required.

\* A driveway at least 20 feet in length may serve as a required uncovered space.

2. Multifamily Units. One and one-half spaces/unit having less than 2 bedrooms; 2 spaces for all other units. One space/unit must be in a garage or carport.

3. The distance from a property line to the garage or carport opening shall be a minimum of 20 feet; provided, that a shorter driveway may be approved through the Use Permit process.

4. Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit. [Ord. 98-05 § 1, 1998].

5. Offices. Not less than 1 parking space for each 300 square feet of floor area in each professional office building permitted, except that for office buildings located in areas assessed for the payment of off-street parking lots, parking space shall not be required except as set forth in subsection (g) of this section;

6. Quasi-public. Not less than 1 parking space for each 6 seats provided for visitors to churches, community centers, social halls, lodges, and clubs and not less than 1 parking space for each 6 beds and 1 parking space for each employee on the shift with the maximum number of employees in any rest home, nursing home, convalescent home or hospital.

7. Parking space required for other uses allowed in any district and not set forth above shall be determined by the planning commission and set forth as a condition to the granting of the Use Permit for such use;

## **23.90.290 M-H (CZ) DISTRICTS**

Sections:

**A Uses permitted.****B Minimum lot size.****C Density.****D General requirements.**

**A. Uses permitted.** The following uses are permitted in the M-H (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC § 23.90.030.

1. Any residential use permitted in the respective district with which the M-H (CZ) district is combined;
2. Mobile home parks for residential purposes and accessory uses subject to first obtaining a use permit and a Coastal Development Permit. [Ord. 853 N.S. § 1, 1975].

**B. Minimum lot size.** The minimum lot size in 1 ownership on which a mobile home park may be constructed in this district is 10 acres, with a minimum lot width of 200 feet. [Ord. 853 N.S. § 1, 1975].

**C. Density.** The total number of living units permitted in the M-H (CZ) district shall not be greater than 10 units per acre. [Ord. 853 N.S. § 1, 1975].

**D. General requirements.**

1. Each use in an M-H (CZ) district shall be considered as being part of a planned unit development.
2. The site, recreational facilities, and maintenance plans for the project shall be approved by the planning commission.
3. A landscape plan for the entire project shall be approved by the architectural review board.
4. Yards shall be a minimum of 20 feet; however, in considering an application for a use permit, the planning commission is authorized to prescribe other requirements where it makes appropriate findings regarding the land, building, or use.
5. Maximum building coverage on all sites is 40 percent.
6. All utilities on the lot shall be undergrounded and the meter location shall be approved by the site plan review committee.
7. Architectural approval shall be required.
8. Maximum site coverage on all sites is 60 percent.
9. All development shall protect coastal resources and shall be consistent with the Local Coastal Program policies and standards. [Ord. 12-003 § 7, 2012; Ord. 853 N.S. § 1, 1975].

**23.90.300 Commercial (CZ) Zoning Districts**

Sections:

**A Purpose.****B Commercial (CZ) zoning districts.****C Commercial (CZ) zoning districts allowable land uses and permit requirements.**

**D Commercial (CZ) zoning districts development standards.**

**E Off-site parking.**

**A. Purpose.** This [section](#) lists the commercial zoning districts within the Coastal Zone and establishes the development standards and types of land uses permitted in each commercial (CZ) zoning district. [Ord. 13-003 § 2, 2013].

**B. Commercial (CZ) zoning districts.**

1. Light Commercial (C-1). The C-1 (CZ) zoning district provides for neighborhood scale and locally oriented retail, service, and office uses.
2. Heavy Commercial (C-2). The C-2 zoning district is applied to areas of the city that are appropriate for service commercial and light manufacturing uses, which may involve outdoor storage or activity areas, but can also include residential uses.
3. Visitor Commercial (C-V). The C-V (CZ) zoning district is applied to areas of the city appropriate for retail sales, commercial services, and institutional uses oriented to tourism.
4. Visitor Commercial - Accommodation (C-V-A). The C-V-A (CZ) zoning district allows visitor serving uses restricted to overnight accommodations, as well as residential uses.
5. Visitor Commercial – American Tin Cannery (C-V-ATC). The C-~~V~~AV-ATC (CZ) zoning district allows visitor serving uses including retail sales, commercial services, institutional uses oriented to tourism, and overnight accommodations.
6. Sunset Service Commercial (SSC). The SSC (CZ) zoning district allows for a variety of industrial, heavy commercial, retail and office uses, as well as visitor serving uses. [Ord. 13-003 § 2, 2013].

**C. Commercial (CZ) zoning districts allowable land uses and permit requirements.** The uses shown in Table 23.90.300 [C](#) are permitted in the commercial (CZ) zoning districts as noted. A Coastal Development Permit shall be obtained for any development not exempted [under](#) PGMC [§ 23.90.030](#).

Key to Zoning District Symbols					
<b>C-1</b>	Light Commercial	<b>C-V</b>	Visitor Commercial	<b>SSC</b>	Sunset Service Commercial
<b>C-2</b>	Heavy Commercial	<b>C-V-A</b>	Visitor Commercial – Accommodation	<b>C-V-ATC</b>	Visitor Commercial – American Tin Cannery
<b>P</b> = Permitted use; counter review and determination required				<b>UP</b> = Use permit	
<b>AUP</b> = Administrative use permit				-- = Use not allowed	

**Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	C-1 <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	C-V-ATC	SSC
Industry, Manufacturing and Processing						

**Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	C-1 <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	C-V-ATC	SSC
Contract construction – no outdoor storage	P <sup>2</sup>	P <sup>3,4</sup>	--	--	--	P <sup>3</sup>
Contract construction – outdoor storage	--	P <sup>3,4</sup>	--	--	--	P
Construction, large-scale equipment sales and rental	--	P <sup>3,4</sup>	--	--	--	P
Industrial, light	UP	AUP <sup>3,4</sup>	--	--	--	AUP <sup>3, 4</sup>
Recycling facility	UP	UP	UP	--	--	UP
Research and development facility	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	--	AUP <sup>3</sup>
Storage – self-storage facility	--	AUP <sup>3</sup>	--	--	--	AUP <sup>3</sup>
Warehousing, wholesaling and distribution	--	P <sup>3</sup>	--	--	--	P <sup>3</sup>
<b>Recreation, Education and Public Assembly</b>						
Commercial recreation facility – indoor (≤ 10,000 sf)	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>3</sup>	P <sup>3</sup>
Commercial recreation facility – outdoor	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>3</sup>	AUP <sup>3</sup>
Community garden	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	--
Health/fitness studio (≤ 10,000 sf)	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>3</sup>	P <sup>3</sup>
Meeting facility, public or private (≤ 10,000 sf)	P <sup>2</sup>	P <sup>3</sup>	P	P	P <sup>3</sup>	P <sup>3</sup>
Park, playground (public)	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>3</sup>
Public or quasi-public facility (≤ 10,000 sf)	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>3</sup>
School, specialty (≤ 10,000 sf)	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	--
Theater or auditorium (≤ 10,000 sf)	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>3</sup>	P <sup>3</sup>
<b>Residential</b>						
Accessory building or structure	P	P	--	--	--	--
Condominium	UP	UP	--	--	--	--
Duplex	P	P	--	--	--	--
Dwelling group	UP	UP	--	--	--	--
Home business	P	P	--	--	--	--
Large family day care home	UP	UP	--	--	--	--
Mixed-use (residential above or behind commercial)	P <sup>2</sup>	P <sup>3</sup>	--	--	--	--
Mobile home park	--	UP	--	--	--	--
<b>Multifamily dwelling</b>						
7 or fewer units	P	P	--	P	--	UP
8 or more units	UP	UP	--	UP	--	UP
<b>Residential care</b>						

**Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	C-1 <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	C-V-ATC	SSC
Housing 6 or fewer persons	P	P	--	UP	--	UP
Housing 7 or more persons	UP	UP	--	UP	--	UP
Rooming and boarding house	UP	UP	--	UP	--	UP
Second unit	P	P	--	P	--	UP
Single-family dwelling	P	UP	--	UP	--	UP
<b>Retail Sales</b>						
Automobile/vehicle sales and rental	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	--	AUP <sup>2</sup>
Automobile/vehicle service station/ fueling station	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	--	AUP <sup>2</sup>
Bar/tavern/nightclub	--	--	UP	UP	UP	UP
Brew pub with food service	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	P	P	P
Farmers market	UP	UP	UP	--	UP	P
Flea market	UP	UP	UP	--	--	P
Micro-brewery	--	UP	UP	UP	UP	P
Pub or sports bar with food service	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>2</sup>	P
<b>Restaurant, general and formula general</b>						
w/ no alcohol sales	--	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
w/ alcohol sales	--	AUP <sup>3</sup>	AUP <sup>2</sup>	UP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>
<b>Restaurant, specialty (not formula)</b>						
w/ no alcohol sales	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
w/ beer and wine sales only	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP	AUP <sup>2</sup>	AUP <sup>2</sup>
Restaurant, fast food (not formula) – w/ no alcohol sales	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>2</sup>
Restaurant, drive-in/drive-through (not formula) – w/ no alcohol sales	--	--	--	--	--	--
Retail – general, except the following:	P <sup>2</sup>	AUP <sup>3</sup>	P <sup>2</sup>	P	P <sup>2</sup>	P <sup>2</sup>
Adult-oriented sales	UP <sup>6</sup>	--	--	--	--	--
Alcoholic beverage sales	UP	UP	AUP <sup>2</sup>	--	AUP <sup>2</sup>	UP
Auction houses	P	UP	--	--	--	P
Automobile rental	P	UP	UP	--	UP	P
Bail bonds	P	UP	--	--	--	P
Blood, plasma, tissue donation	P	UP	--	--	--	P
Body piercing/tattoo parlor	P	UP	UP	--	UP	P
Check cashing stores	--	UP	--	--	--	--
Dollar/99 cent stores	--	UP	UP	--	--	--

**Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	C-1 <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	C-V-ATC	SSC
Electric cigarette/e-vapor	P	UP	UP	--	UP	P
Gold and silver exchange stores	P	UP	UP	--	UP	P
Kennels or pet boarding**	P	UP	UP	--	UP	P
Pawn shops	P	UP	UP	--	--	P
Recreational vehicle sales	P	UP	--	--	--	P
Meeting halls places of assembly, or event venues	P	UP	P	--	P	P
Tire sales and repair	P	UP	UP	--	--	P
Businesses from which minors excluded by law or owner	UP	UP	UP	--	UP	UP
Floor area over 10,000 sf	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Operating between 12:00 a.m. and 7:00 a.m.	UP	UP	UP	UP	UP	UP
Outdoor storage or displays	AUP	AUP <sup>1</sup>	AUP	--	AUP <sup>1</sup>	AUP <sup>1</sup>
Retail – restricted	UP	UP	UP	UP	UP	UP
Wine bar	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Wine tasting room	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
<b>Services</b>						
Animal keeping/training facilities or veterinary service	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>3</sup>
Automobile/vehicle repair	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	--	AUP <sup>3</sup>
Bank or financial service, except the following:	P <sup>2</sup>	UP <sup>3</sup>	P <sup>2</sup>	--	P <sup>2</sup>	P <sup>3</sup>
Floor area over 10,000 sf at street level	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
w/ drive-through	UP	UP	UP	--	--	UP
Business support service	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--	P <sup>2</sup>	P <sup>3</sup>
Car wash and detailing	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	--	AUP <sup>3</sup>
Catering and events	AUP <sup>2</sup>	UP	AUP <sup>2</sup>	P	AUP <sup>2</sup>	AUP <sup>3</sup>
Equipment/appliance rental and repair	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	--	P
Laundry or dry cleaning service	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>3</sup>	P
<b>Lodging</b>						
Bed and breakfast inn –w/ beer and wine sales only	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>2</sup>	AUP <sup>3</sup>
Hotel or motel	--	--	UP <sup>7</sup>	UP <sup>7</sup>	UP <sup>7</sup>	-- <sup>7</sup>
<b>Medical service</b>						
Ambulance service	UP	UP	UP	--	UP	UP
Clinic or lab	P <sup>2</sup>	UP <sup>3</sup>	UP <sup>2</sup>	--	UP <sup>2</sup>	P <sup>3</sup>
Medical office	P <sup>2</sup>	UP <sup>3</sup>	UP <sup>2</sup>	--	UP <sup>2</sup>	P <sup>3</sup>

**Table 23.90.300 C Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	C-1 <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	C-V-ATC	SSC
Hospital	UP	UP	--	--	--	UP
Mortuary or funeral home	UP	UP	--	--	--	UP
Office, business or professional	P <sup>2</sup>	UP <sup>3</sup>	UP	--	UP	P <sup>2</sup>
Personal service	P <sup>2</sup>	UP <sup>3</sup>	P <sup>2</sup>	--	P <sup>2</sup>	P <sup>2</sup>
Personal service – restricted	UP	UP	UP	--	UP	UP
Printing or creative service	P <sup>2</sup>	UP <sup>3</sup>	UP <sup>2</sup>	--	UP <sup>2</sup>	P <sup>3</sup>
<b>Transportation and Infrastructure</b>						
Parking facility	UP	UP	UP	UP	UP	UP
Public utility	UP	UP	UP	UP	UP	UP
Radio or television station	UP	UP	UP	UP	UP	UP
Taxi service	UP	UP	UP	UP	UP	UP
Transit center	UP	UP	UP	UP	UP	UP
Wireless telecommunication facility	UP	UP	UP	UP	UP	UP

**End Notes:**

1. No merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building, except as specifically permitted for retail uses under an [Administrative Use Permit](#). Temporary [Administrative Use Permits](#), good for not over 30 days, may be granted, for temporary outdoor sales events of new merchandise by merchants holding [Use Permits](#) or otherwise qualified to operate within the applicable district; provided, that such outdoor sales are operated in conjunction with their established retail operations, and for Christmas tree sales, or other sales on private property, connected with festivals or holidays.

2. The permit type specified in this table applies to any new or enlarged commercial use which totals 10,000 square feet or less of interior floor space. An [Administrative Use Permit](#) is required for any new or enlarged commercial use which results in either the use of more than 1 structure on a building site or a total of more than 10,000 square feet of interior floor space. A [Use Permit](#) is required where any new or enlarged commercial use exceeds 25,000 square feet in interior floor space.

3. A [Use Permit](#) is required for any new building or addition which adds more than 25,000 square feet of interior floor space or which results in a building having more than 40 feet in height.

4. Such uses may be granted subject to a [Use Permit](#), when conducted within a building or enclosed by a fence, subject to architectural approval by the appropriate review authority for design and landscaping; and provided, that said fence and landscaping shall be of sufficient height and screening capacity to prevent the view thereof from any adjacent street or sidewalk.

5. Community gardens on vacant lots may be permitted by [Administrative Use Permit](#), and shall be reviewable every 6 months and subject to such conditions as the [Administrative Use Permit](#) may prescribe. The application shall be accompanied by a written agreement by the owner to grant the city a lien for any cost incurred by the city in restoring such property to its condition prior to such use, in the event the owner fails to make such restoration after such use ceases.

6. Adult-oriented sales may comprise no more than 25 percent of floor area or stock-in-trade of a general retail business, must be located in the rear of the general retail business, and must not be visible from the exterior of the general retail business.

7. Hotel use requires voter approval to permit the use and shall be obtained prior to submitting an application for a Use Permit. Hotel use in SSC is subject to voter-approved change in zoning regulations. All accommodation uses shall be for transient use only for a period not to exceed 30 days. Lower-cost visitor-serving facilities shall be protected. New accommodations shall designate (a) component(s) of their units as lower-cost accommodations or establish or improve off-site accommodations in the Coastal Zone that meet the lower cost need.

\*\*When not associated with a veterinary clinic.

[Ord. 15-013 § 4, 2015; Ord. 13-003 § 2, 2013].

**D. Commercial (CZ) zoning districts development standards.** Development within the commercial (CZ) zoning districts shall conform to the requirements presented in Table 23.90.290 D. The Coastal Development Permit may modify standards to require an increased setback or reduced lot coverage or height limit when necessary to protect views, biological resources, or other resources.

**Table 23.90.300 D Commercial and Industrial Zoning Districts Development Standards**

	C-1	C-2	C-V	C-V-A	C-V-ATC	SSC
<b>Building Placement Requirements</b>						
Setbacks <sup>1</sup>						
Front, min. (max.)	0'	0'	0'	0'	0'	0'
Side (min.), except:	0'	0'	0'	0'	0'	0'
Side adjacent to residential zone	5'	5'	10'	10'	10'	10'
Rear (min.), except:	0'	0'	0'	0'	0'	0'

**Table 23.90.300 D Commercial and Industrial Zoning Districts Development Standards**

	C-1	C-2	C-V	C-V-A	C-V-ATC	SSC
Rear adjacent to residential zone including streets abutting same	5'	5'	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10'
<b>Building Form Requirements</b>						
Building height (max.) <sup>2</sup>	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40'	40' with maximum site coverage of 75%; 30' with maximum site coverage of 90%; except, 18 feet within 200 feet of R-1, R-H, or R-2. and 15 feet for accessory structures	25 feet; except, 18 feet within 200 feet of R-1, R-H, or R-2. and 15 feet for accessory structures	40' with maximum site coverage of 75%; 30' with maximum site coverage of 90% and 15 feet for accessory structures	40'
Site coverage (max.) <sup>3</sup>	75 – 90%, depending on building height	90%	75 – 90% depending on building height	Maximum 50%	75 – 90%, depending on building height	90%
<b>Density Requirements</b>						
Number of dwellings per parcel	Max. allowed by the general plan	Max. allowed by the general plan	N/A	N/A	N/A	Max. allowed by the general plan

Table 23.90.300 D Commercial and Industrial Zoning Districts Development Standards

	C-1	C-2	C-V	C-V-A	C-V-ATC	SSC
	residential land use category nearest to the site, up to 30 units per net acre. <sup>3</sup>	residential land use category nearest to the site, up to 30 units per net acre. <sup>3</sup>				residential land use category nearest to the site, up to 30 units per net acre. <sup>4</sup>
Floor area ratio	Max. allowed by the general plan	Max. allowed by the general plan	<a href="#">1.5</a>	<a href="#">1.5</a>	<a href="#">32.0</a>	<a href="#">1.3</a>
<b>Lot Requirements</b>						
Lot area for new parcels (min.) <sup>5</sup>	2,000 sf					
<b>Other Requirements</b>						
Landscaping	Generally applicable provisions of the PGMC					
Signs	<a href="#">Section § 23.90.190</a> and general applicable provisions of the PGMC					

**End Notes:**

1. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the setback standards in PGMC [§ 23.90.240\(G\)](#) shall apply.

2. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building height standards in PGMC [§ 23.90.240\(C\)](#) shall apply.

3. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building coverage and site coverage standards in PGMC [§ 23.90.240\(E\)](#) and [23.90.240\(F\)](#), respectively, shall apply.

4. Higher residential densities are allowed if a finding can be made that the project furthers the goals of the [General Plan and Local Coastal Program](#).

5. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building site area standards in PGMC [23.90.240\(D\)](#) shall apply. [Ord. 13-003 § 2, 2013].

**E. Off-site parking. Minimum storage or parking space for the parking of automobiles off the street shall be provided as follows:**

1. [Multifamily Units. One and one-half spaces per unit having less than 2 bedrooms; 2 spaces for all other units. One space per unit must be in a garage or carport.](#)
2. [Rooming House. Not less than 1 garage space for each 2 guest rooms in any rooming house;](#)
3. [Motel or Hotel. Not less than 1 garage space for each 4 guest rooms in any hotel and not less than 1 parking space for each unit in a motel. The planning commission may require additional parking at a ratio of 1 space for each 50 square feet of accessory dining area within the R-3-M district;](#)
4. [Offices. Not less than 1 parking space for each 300 square feet of floor area in each professional office building permitted, except that for office buildings located in areas assessed for the payment of off-street parking lots, parking space shall not be required except as set forth in subsection \(g\) of this section;](#)
5. [Quasi-public. Not less than 1 parking space for each 6 seats provided for visitors to churches, community centers, social halls, lodges, and clubs and not less than 1 parking space for each 6 beds and 1 parking space for each employee on the shift with the maximum number of employees in any rest home, nursing home, convalescent home or hospital;](#)
6. [Parking space required for other uses allowed in any district and not set forth above shall be determined by the planning commission and set forth as a condition to the granting of the Use Permit for such use;](#)

**90.23.310 O (CZ) District**

Sections:

**A Regulations Generally.**

**B Uses permitted.**

**C Signs.**

**D Development standards.**

**E Rezoning restriction.**

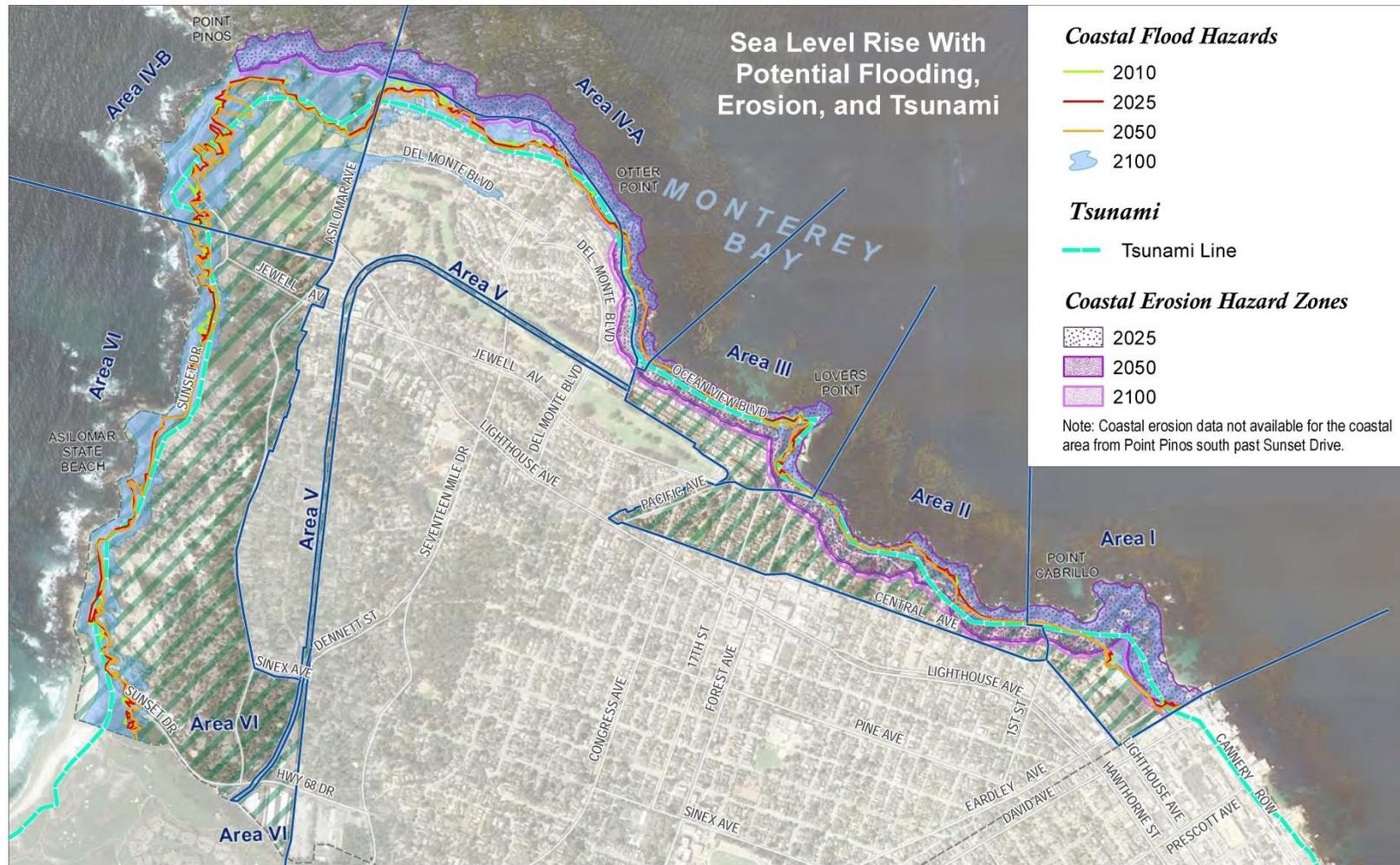
- A. Regulations Generally.** The regulations in this section shall be found in section 23.42 O and shall apply in the O (CZ) district as amended from time to time, and shall be subject to the other applicable provisions of the PGMC.

### **23.90.320 U (CZ) DISTRICTS**

Sections:

#### **A Regulations Generally.**

- A. Regulations Generally.** The regulations found in this section shall be found in section 23.44 U as amended from time to time, and shall apply in all unclassified or U (CZ) districts and shall be subject to other applicable provisions of the PGMC.
- B. Uses permitted.** The following uses in addition to those in U are permitted in the U (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.
1. At Hopkins Marine Station, coastal-dependent marine research and educational activities, aquaculture, and coastal-dependent recreation that is compatible with maintenance of coastal-dependent scientific and educational uses.
  2. At Asilomar Conference Grounds, overnight accommodations, conference facilities, low-intensity coastal-related recreation to the extent compatible with protection of designated natural and biotic resource areas.



**Coastal Flood Hazards**

- 2010
- 2025
- 2050
- 2100

**Tsunami**

- Tsunami Line

**Coastal Erosion Hazard Zones**

- 2025
- 2050
- 2100

Note: Coastal erosion data not available for the coastal area from Point Pinos south past Sunset Drive.



0 1800 feet

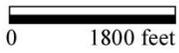
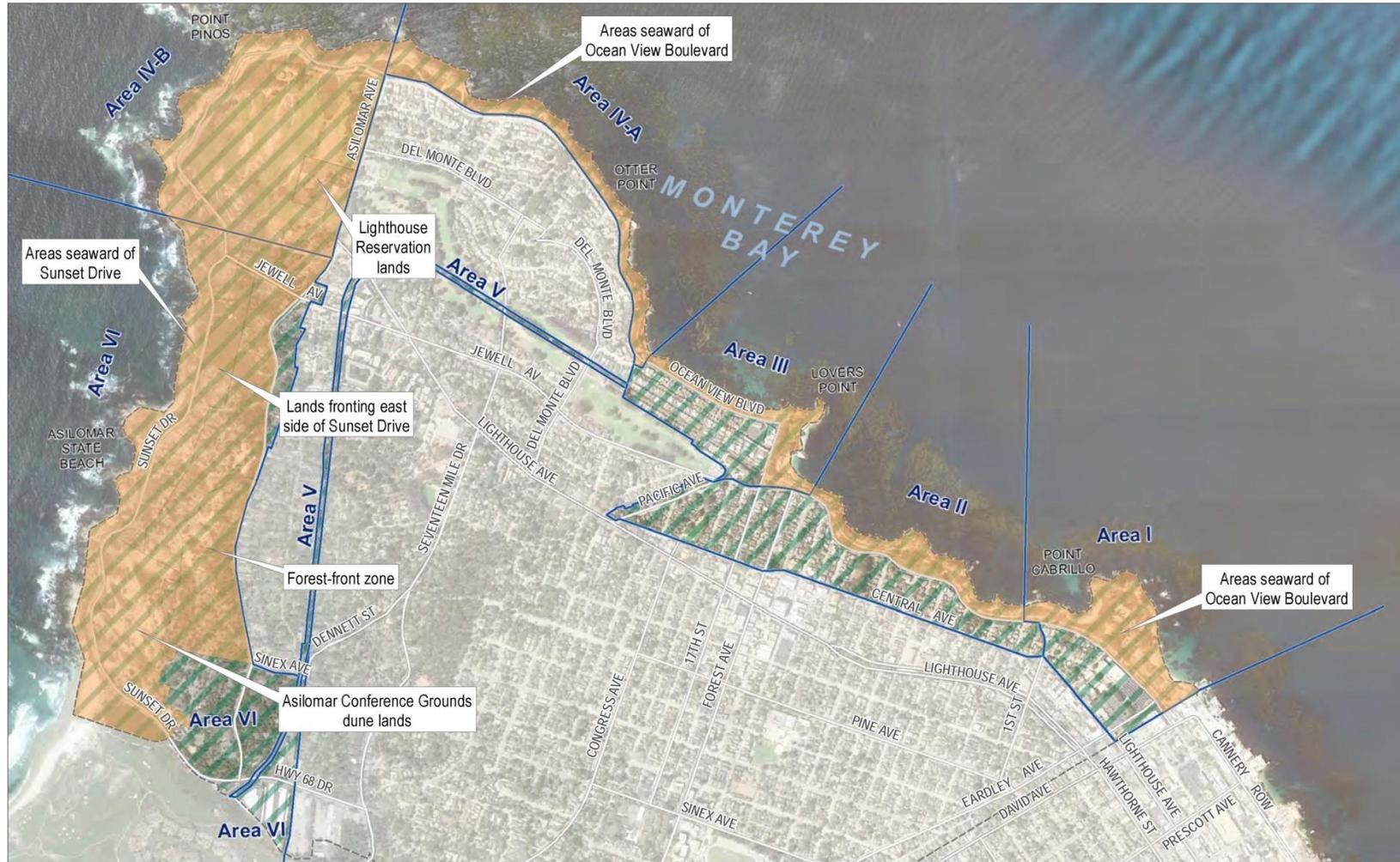
**Legend**

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads
- Coastal Zone

Source: Pacific Institute 2009, City of Pacific Grove, Google Earth 2013

**Coastal Hazards Overlay**

City of Pacific Grove Land Use Plan



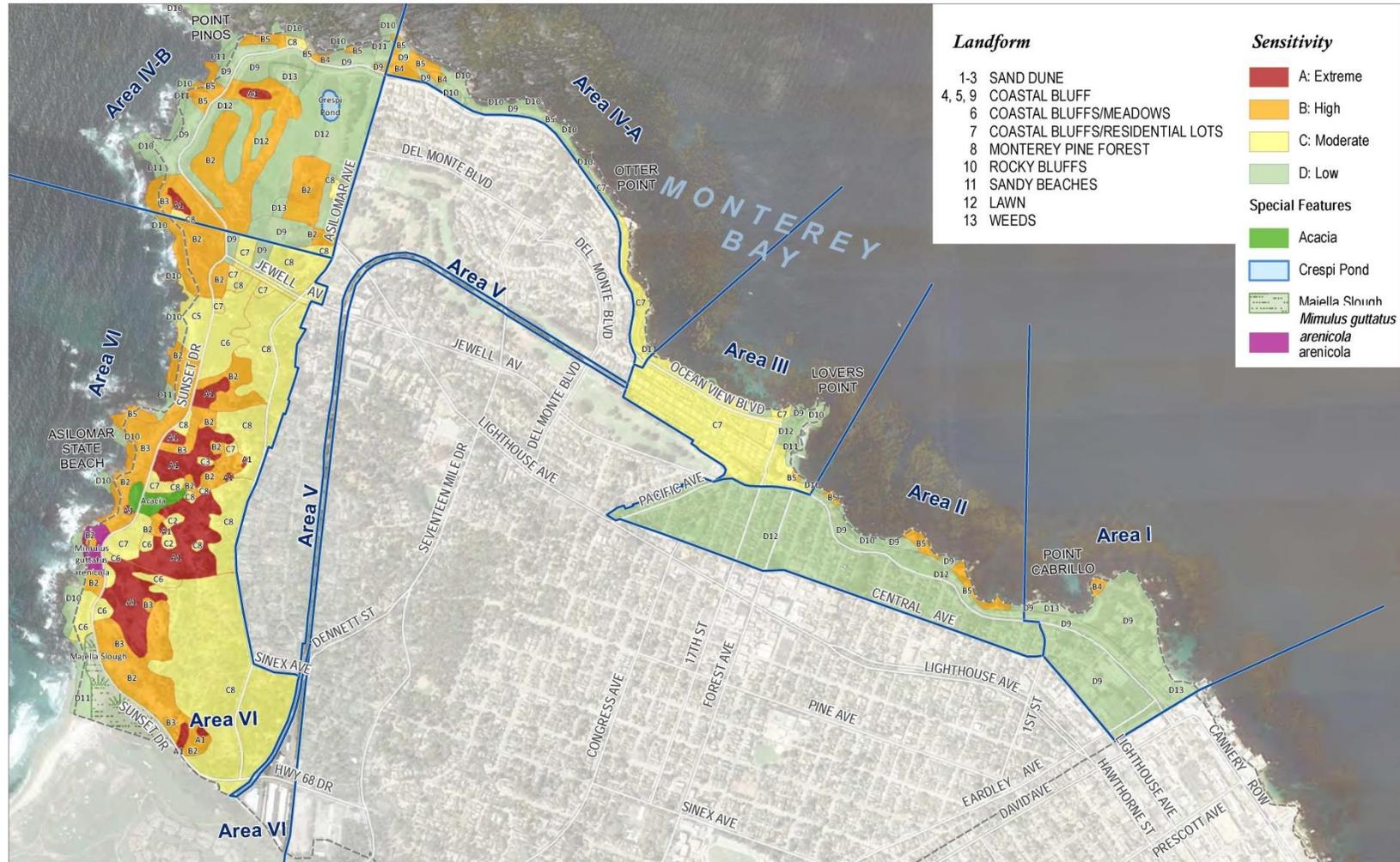
**Legend**

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads
- Coastal Zone
- Scenic Areas

Source: City of Pacific Grove, Google Earth 2013

**Scenic Resources Overlay**

City of Pacific Grove Land Use Plan



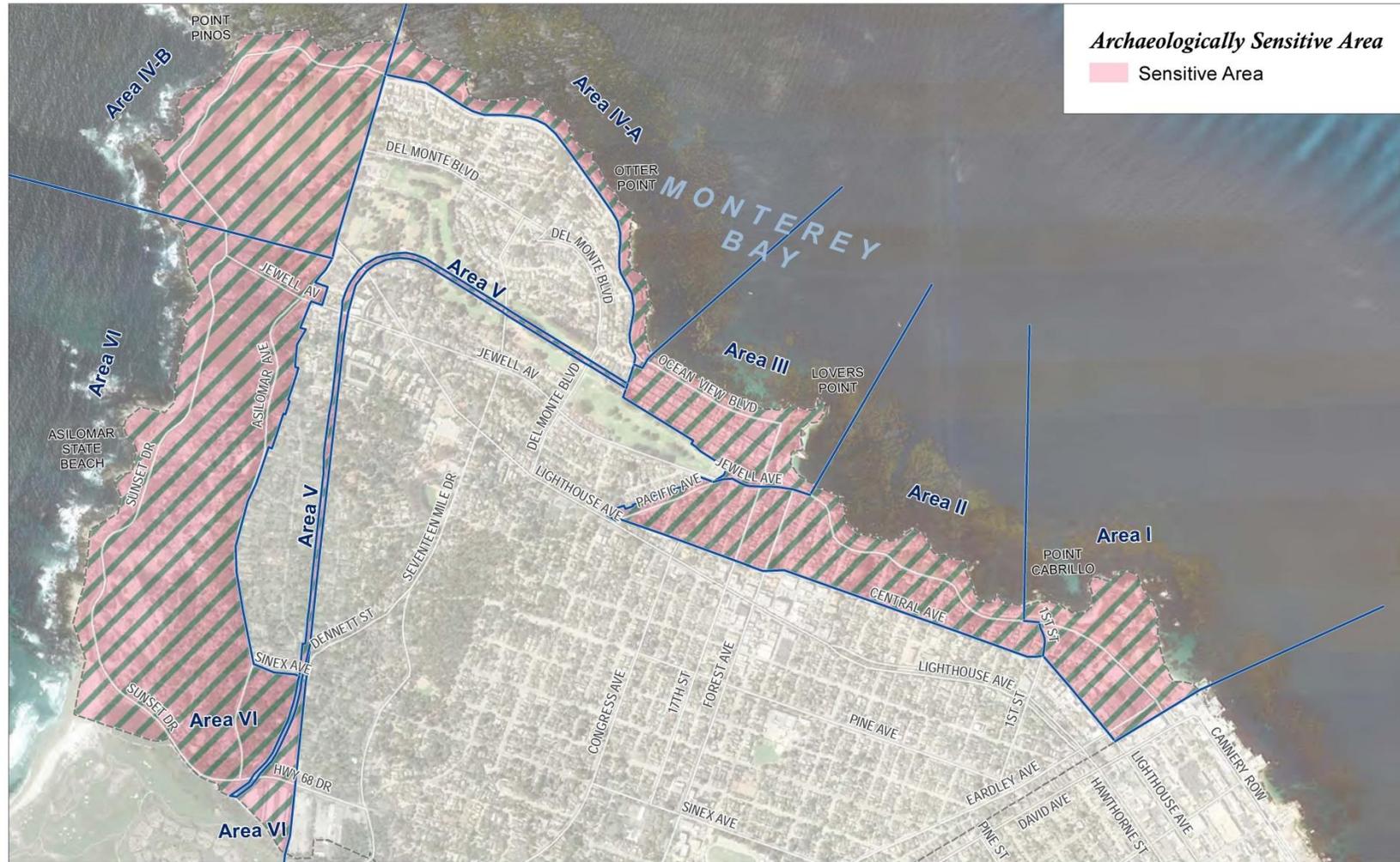
**Legend**

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads

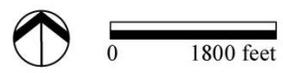
Source: City of Pacific Grove, Google Earth 2013

**Land Habitat Sensitivity Overlay**

City of Pacific Grove Land Use Plan



**Archaeologically Sensitive Area**  
 Sensitive Area

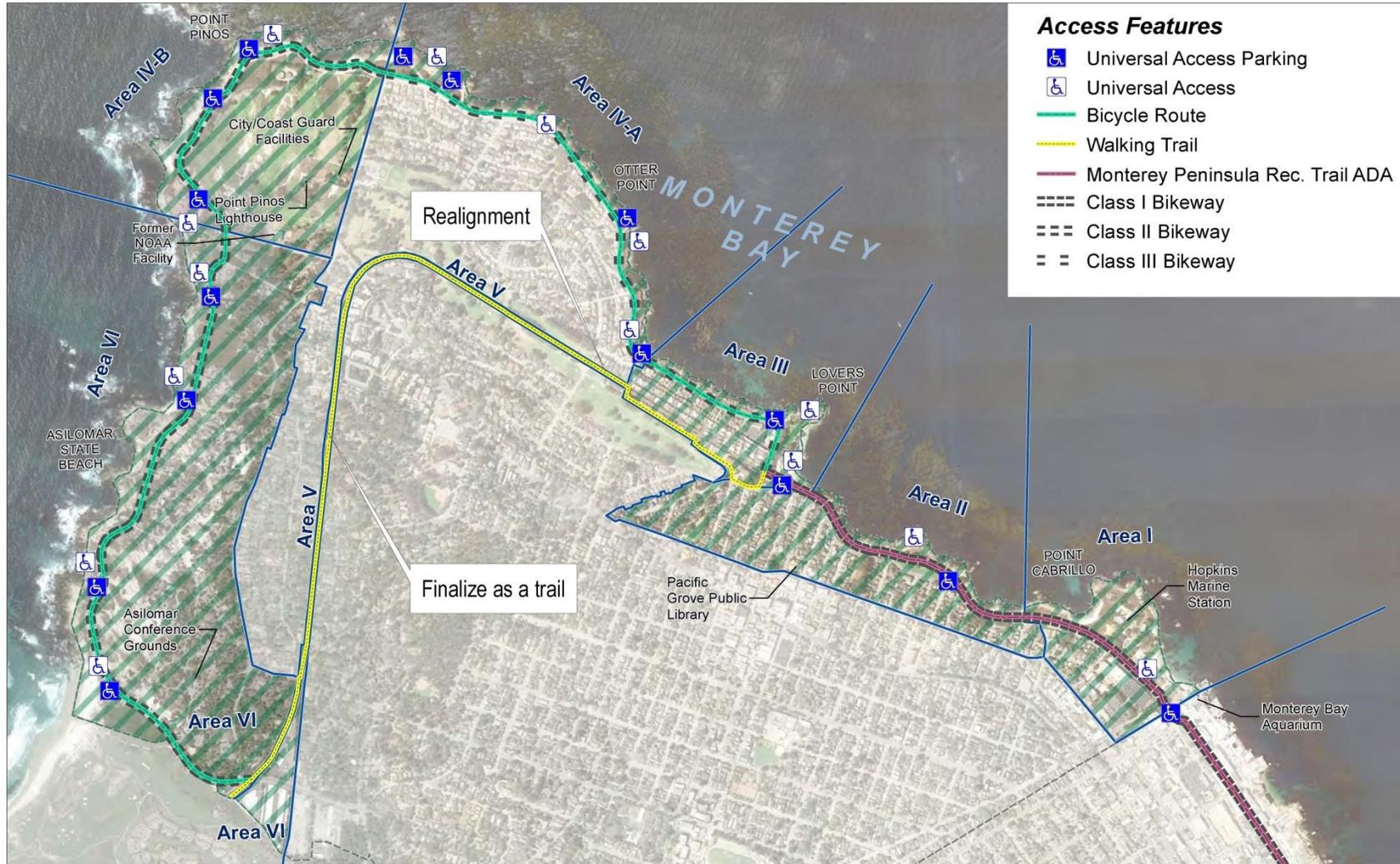


- Legend**
- Planning Area Boundaries
  - City of Pacific Grove
  - Major Roads
  - Coastal Zone

Source: City of Pacific Grove 1989, Google Earth 2013

**Archaeologically Sensitive Area Overlay**

City of Pacific Grove Land Use Plan



**Access Features**

- Universal Access Parking
- Universal Access
- Bicycle Route
- Walking Trail
- Monterey Peninsula Rec. Trail ADA
- Class I Bikeway
- Class II Bikeway
- Class III Bikeway



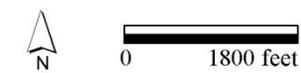
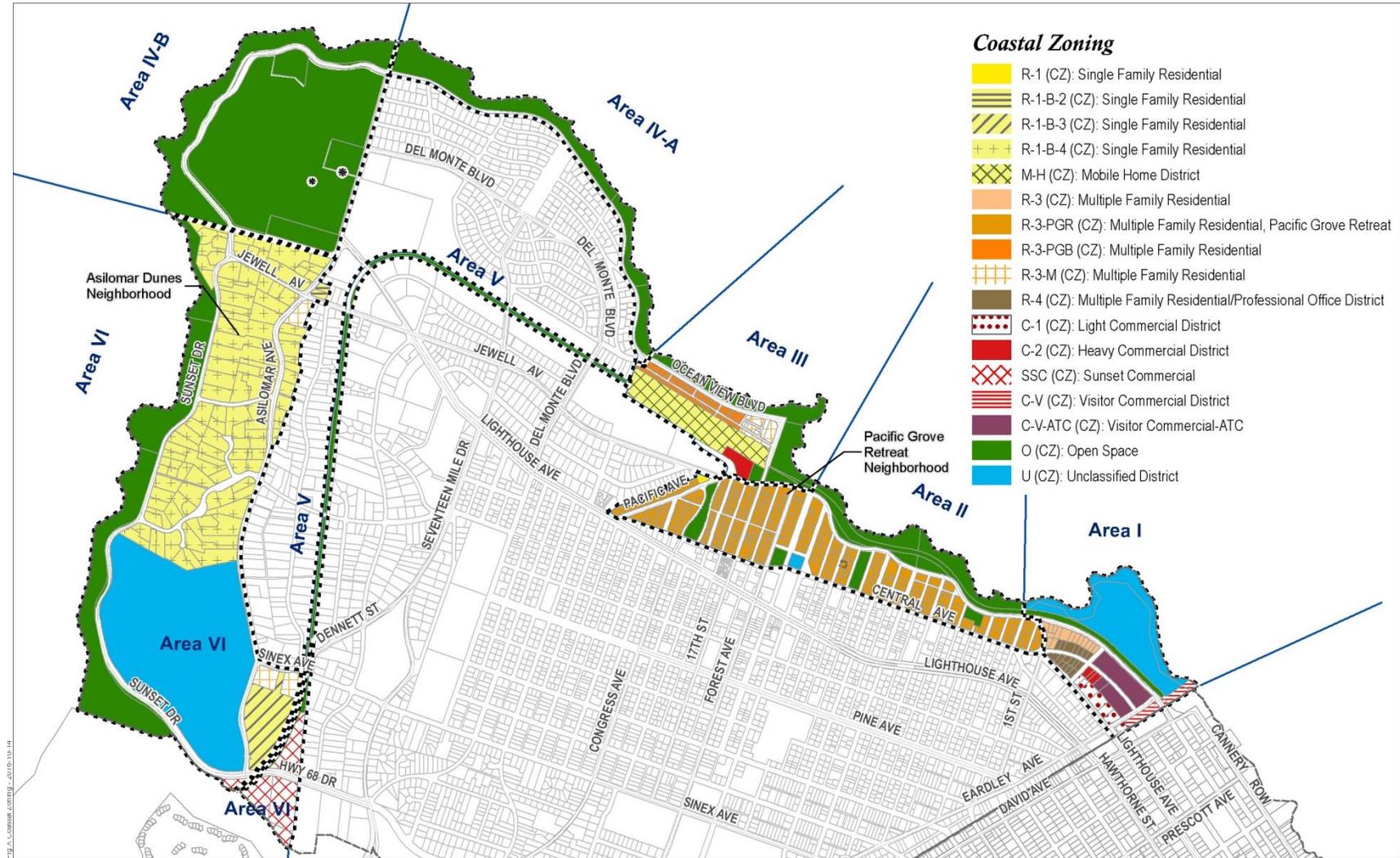
**Legend**

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads
- Coastal Zone

Source: City of Pacific Grove 1989 and 1998, Google Earth 2013

## Coastal Parks, Trails, and Resources

City of Pacific Grove Land Use Plan



**Legend**

- Planning Area Boundaries
- City of Pacific Grove
- Major Roads
- ⋯ Coastal Zone

Source: City of Pacific Grove 2014, Google Earth 2013

**City of Pacific Grove Coastal Zoning**  
 City of Pacific Grove Implementation Plan

Item 7a(iv)  
IP Public Correspondence

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 adamantly 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 6:02 PM (14 hours ago)  
Hotels <[rmeer@domainehotels.com](mailto:rmeer@domainehotels.com)>  
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](tel:949.442.0900)

Fax [949.442.0910](tel:949.442.0910)

Cell [949.307.2181](tel:949.307.2181)

Email - [rmeer@domainehotels.com](mailto:rmeer@domainehotels.com)

[www.domainehotels.com](http://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](mailto: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 trees 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, caseyppg, 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 Traffic

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.

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.yesonmeasurexp.com](http://www.yesonmeasurexp.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

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

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. BuildingWise 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. 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 fiscal 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/or7n2bv>

**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 your friends and neighbors also to support it."

**Bill Kampe**, Resident and Civic Leader

**YESonX!**

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](http://yesonmeasurexpg.com)  
For more information call 831.241.6250

**VOTE Yes on Measure X, Tuesday, April 19!**

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:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FROM: TONY CIANI

**PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY**  
 (51) TOTAL SIGNATURES TO DATE

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:

<u>Shayna Selby</u>	<u>206 19th. St. Pacific Grove, CA. 93950</u>
<u>Victor Selby</u> <i>Victory W. Selby</i>	<u>206 19th. St. Pacific Grove, Ca. 93950</u>
<u>Heldrie Hage</u>	<u>113 20<sup>th</sup> St. Pacific Grove 93950</u>
<u>Steve Gage</u>	<u>113 20<sup>th</sup> St Pacific Grove, CA 93950</u>
<u>Paul Hamrick</u>	<u>115 20th St. Pacific Grove, CA 93950</u>
<u>Quinta Cabral</u>	<u>124 CALEDONIA PACIFIC GROVE CA 93950</u>
<u>Sean Donnelly</u>	<u>759 Jewell Ave. Pacific Grove, Ca. 93950</u>
<u>Caroline Cantales</u>	<u>811 Walnut St PB CA 93950</u>
<u>Beverly Hill</u>	<u>110 20TH ST. Pacific Grove</u>
<u>John Cianni</u>	<u>220 Walnut St., Pacific Grove, CA 93950</u>

**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:

<u>Monique Charlebois</u>	<u>679 Parcel St Monterey CA 93940</u>
<u>Rose Henry</u>	<u>1155 Monarch Ln G2 Pacific Grove 93950</u>
<u>Tom Moore</u>	<u>679 Parcel St. Monterey CA 93940</u>
<u>W.E. Ziegenbein</u>	<u>35 Kulture Crest, Monterey Ca 93940</u>
<u>Constance Ziegenbein</u>	<u>3 Skyline Crest, Monterey CA 93940</u>
<u>Tobin Peregrina</u>	<u>147 Evans Ave PG 93950</u>
<u>Madison Balesteri</u>	<u>147 Evans Ave PG 93950</u>
<u>Barbara Thomas</u>	<u>1024 EGAN AVE PG 93950</u>
<u>Georgia B Broth</u>	<u>1225 Funston Ave PG 93950</u>
<u>Sally Moore</u>	<u>36 Spruce Ave PG 93950</u>

**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:

Margaret Dwyer	409- 12th Street, Pacific Grove, CA
Cheryl Huber	9925 Eddy Rd. Carmel CA 93950
Kate Spade	9925 Eddy Rd Carmel CA 93925
Janice	243 ASILOMAR BLVD PG. 93950
Jayce E. Cohen	243 Asilomar Blvd. PG. 93950
Ilda Barber	229 Asilomar Blvd PG 93950
Joyce Barber	229 Asilomar Blvd PG 93950
William J. Lewis	227 Asilomar Blvd PG 93950
Annatt Blaceman	227 Asilomar Blvd PG 93950
Daryl Gabriel	214 Asilomar Blvd PG. 93950

5

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:

Jemitar Bicket	119 Grand Ave 93950
Allen Davis	119 Grand Ave - 93950
Patsy Volpe	126 Grand Ave 93950
Melvin Beechman	126 Grand Ave 93950
Kathy Travell	1128 Piedmont Ave. 93950

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

We, the undersigned residents of, or visitors to, the City of Pacific Grove in California, believe that Pacific Grove's waterfront is a visitor destination of world-wide significance due to its natural and historical resources and the highly scenic quality of the shoreline setting. The two public gateways to the coast – Ocean View Boulevard at the north, and Sunset Drive at the south – are distinguished by their scenic natural and historic settings: the view of the Bay and Monterey Boatworks at Hopkins Marine Station, and the American Tin Cannery buildings (the historic American Can Company) on Ocean View Boulevard; and the low scale buildings, Monterey Pine forest, and Asilomar State Park at Sunset Drive. The unique character of these humble settings must be protected.

We ask the City of Pacific Grove and the California Coastal Commission to adopt specific land use policies and development standards in order to protect the *existing* natural and historic resources and the overall quality of these scenic areas, as provided in the Coastal Act Sections 30251 and 30253 (e); and in order to reduce traffic congestion and protect public access and views to and along the shoreline, as provided in the Coastal Act Sections 30210-30214 and 30252.

Therefore, we specifically request that:

- for the ATC Visitor Commercial zone (C-V-ATC), the floor area ratio (FAR) shall not exceed the existing ratio of 2.0 times the land area for development above ground, including parking structures, and the building height shall not exceed the height of the existing structures (which are approximately a maximum height of 37 feet);
- for the Sunset Service Commercial zone (SSC), the FAR shall not exceed the existing 1.3 ratio, the building height shall not exceed 25 feet, and a front setback of 15 feet shall be observed;
- for the Beachcomber Inn Visitor Commercial-Accommodation zone (C-V-A), the FAR shall not exceed the existing 0.5 ratio, the building height shall not exceed 25 feet, and a front yard setback of 15 feet shall be observed;
- for the Hopkins Marine Station Open Space Institutional zone (U), the FAR shall not exceed 0.25, the building height shall not exceed 25 feet, and a front setback of 20 feet shall be observed.

Name:

Address/Zip Code:

<u>Eric Weir</u>	<u>507 EVERGREEN 93950</u>
<u>Erin Shoemaker</u>	<u>920 Lighthouse Apt B, 93950</u>
<u>Chandria Sawyer</u>	<u>432 Spruce Ave. 93950</u>
<u>Cott Hall</u>	<u>432 SPRUCE AVE 93950</u>
<u>Bryce Hall</u>	<u>920 Lighthouse Apt B 93950</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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:

Claudia Jennings

700 Briggs Ave #46 Pacific Grove

Aemaris Olson

700 Briggs Ave #45 Pacific Grove

Janice Lokken

217 Walnut St. 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:

<u>Miriam Lilley</u>	<u>184 Lighthouse Ave, P.G. 93950</u>
<u>Sean R. Lilley</u>	<u>184 Lighthouse Ave, P.G. 93950</u>
<u>Patricia A. Fletcher</u>	<u>6 Overlook Pl Monterey, CA 93940</u>
<u>Mary Simon</u>	<u>750 Belden Monterey, 93940</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6

### 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:

<u>Eric Harmatz</u>	<u>960 E Paces Ferry Rd NE #334 Atlanta GA 3032</u>
<u>Anthony A. Ciani</u>	<u>220 Walnut St. Pacific Grove, 93950</u>
<u>Mariah Ciani</u>	<u>220 Walnut St. Pacific Grove, CA, 93950</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3

PETITION TO PROTECT PACIFIC GROVE'S SCENIC QUALITY

We, the undersigned residents of, or visitors to, the City of Pacific Grove in California, believe that Pacific Grove's waterfront is a visitor destination of world-wide significance due to its natural and historical resources and the highly scenic quality of the shoreline setting. The two public gateways to the coast – Ocean View Boulevard at the north, and Sunset Drive at the south – are distinguished by their scenic natural and historic settings: the view of the Bay and Monterey Boatworks at Hopkins Marine Station, and the American Tin Cannery buildings (the historic American Can Company) on Ocean View Boulevard; and the low scale buildings, Monterey Pine forest, and Asilomar State Park at Sunset Drive. The unique character of these humble settings must be protected.

We ask the City of Pacific Grove and the California Coastal Commission to adopt specific land use policies and development standards in order to protect the existing natural and historic resources and the overall quality of these scenic areas, as provided in the Coastal Act Sections 30251 and 30253 (e); and in order to reduce traffic congestion and protect public access and views to and along the shoreline, as provided in the Coastal Act Sections 30210-30214 and 30252.

Therefore, we specifically request that:

- for the ATC Visitor Commercial zone (C-V-ATC), the floor area ratio (FAR) shall not exceed the existing ratio of 2.0 times the land area for development above ground, including parking structures, and the building height shall not exceed the height of the existing structures (which are approximately a maximum height of 37 feet);
- for the Sunset Service Commercial zone (SSC), the FAR shall not exceed the existing 1.3 ratio, the building height shall not exceed 25 feet, and a front setback of 15 feet shall be observed;
- for the Beachcomber Inn Visitor Commercial-Accommodation zone (C-V-A), the FAR shall not exceed the existing 0.5 ratio, the building height shall not exceed 25 feet, and a front yard setback of 15 feet shall be observed;
- for the Hopkins Marine Station Open Space Institutional zone (U), the FAR shall not exceed 0.25, the building height shall not exceed 25 feet, and a front setback of 20 feet shall be observed.

Name:

Address/Zip Code:

GAIL GRIFFIN Paul Goffi PO Box 358 Pacific Grove CA 93955




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,



Attachment: Poling letter

July 24, 2016

RECEIVED

Bill Fredrickson  
 Bill Bluhm  
 Robin Aeschliman  
 Jeanne Byrne

Donald Murphy  
 Mark Chakwin  
 Nicholas Smith

JUL 25 2016

CITY OF PACIFIC GROVE  
 COMMUNITY DEV DEPT

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?

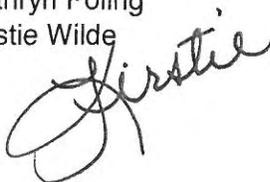
2. Section 23.90.250 Biological Resources and Environmentally Sensitive Habitat Areas  
f. (13) page 57 in latest version

"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



1P

July 16, 2016

RECEIVED

Bill Fredrickson  
 Bill Bluhm  
 Robin Aeschliman  
 Jeanne Byrne  
 Donald Murphy  
 Mark Chakwin  
 Nicholas Smith

JUL 25 2016

CITY OF PACIFIC GROVE  
 COMMUNITY DEV DEPT

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

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, me, 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 lose 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 losing 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.

125 Ocean View Blvd (American Tin Cannery)  
11/09/2015 Page 2

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,

Handwritten signature of Anastazia Aziz in blue ink, consisting of the initials 'AZ' followed by a stylized signature.

Anastazia Aziz, AICP, Senior Planner

**23.31.040 Commercial and Industrial Zoning Districts Development Standards**

<b>Table 23.31.040 Commercial and Industrial Zoning Districts Development Standards</b>						
	C-1/C-1-T	C-D	C-FH <sup>1</sup>	C-2	C-V	I
<b>Building Placement Requirements</b>						
<b>Setbacks<sup>2</sup></b>						
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'
<b>Building Form Requirements</b>						
Building Height (max.) <sup>3</sup>	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.) <sup>4</sup>	75 - 90%, depending on building height	75 - 90%, depending on building height	75%	90%	75 - 90%, depending on building heights	90%
<b>Density Requirements</b>						
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. <sup>5, 6</sup>				N/A	Max. allowed by the GP Residential Land Use Category nearest to the site, up to 30 units per net acre. <sup>6</sup>
Floor Area Ratio	Max. allowed by the General Plan					
<b>Lot Requirements</b>						
Lot Area for New Parcels (min.) <sup>7</sup>	2,000 sf					
<b>Other Requirements</b>						
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,

**ATTACHMENT 4**

**ITEM 7.a**

City of Pacific Grove

LCP Implementing Ordinances

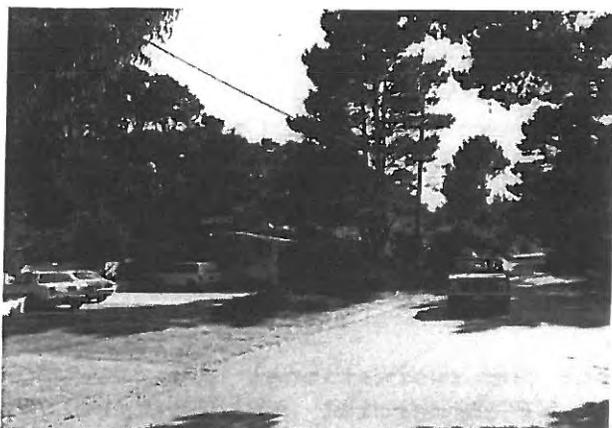
**Table 23.98.040 Commercial and Industrial Zoning Districts Development Standards**

	C-1		C-V-ATC	C-V/C-V-A	SSC
<b>Density Requirements</b>					
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. <sup>4</sup>	N/A		N/A	Max. allowed by the GP residential land use category nearest to the site, up to 30 units per net acre. <sup>6</sup>
Floor area ratio	Max. allowed by the general plan	3.0		Max. allowed by the general plan	
<b>Lot Requirements</b>					
Lot area for new parcels (min.) <sup>5</sup>	2,000 sf				
<b>Other Requirements</b>					
Landscaping	Generally applicable provisions of the PGMC				
Parking	Generally applicable provisions of the PGMC				
Signs	Generally applicable provisions of the PGMC				

**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.

**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:

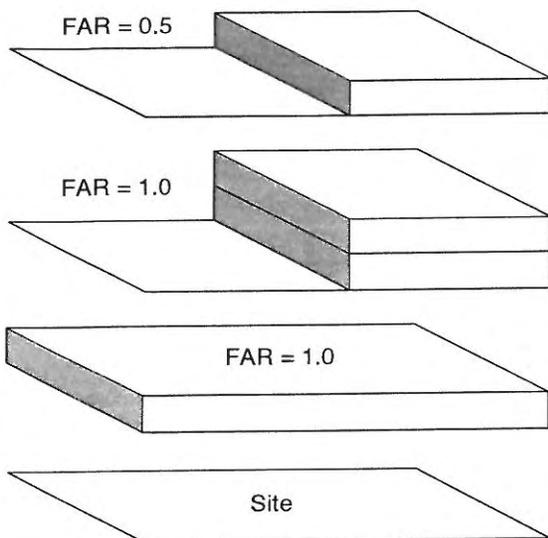
- a) Public parking facility in conjunction with residential use not to exceed 20 units per acre (or up to 30 units per acre if density bonus is granted by City to provide housing for lower income households), if at least one public parking space per housing unit is provided. Such public parking shall 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



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.

Source: Naphtali H. Knox & Associates, Inc.

**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 HDR21.8 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  
06/30/16

4:45 PM (2 minutes ago)

to bkampe, danmiller39, huitt, caseyppg, 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 caseyppg, 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](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 be 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](mailto: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](mailto:dgonzales@cityofpacificgrove.org)

Name: Janet Cohen

Email: [janetcohen333@comcast.net](mailto: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**  
06/28/16

2:05 PM (2 hours ago)

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, Stanford 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.

POINT

ABRILLO

Hopkins  
Marine  
Station

Monterey  
Aquarium

Item 7a(iv)

APN 006-741-006

APN 006-741-004

APN 001-017-001

APN 001-017-007

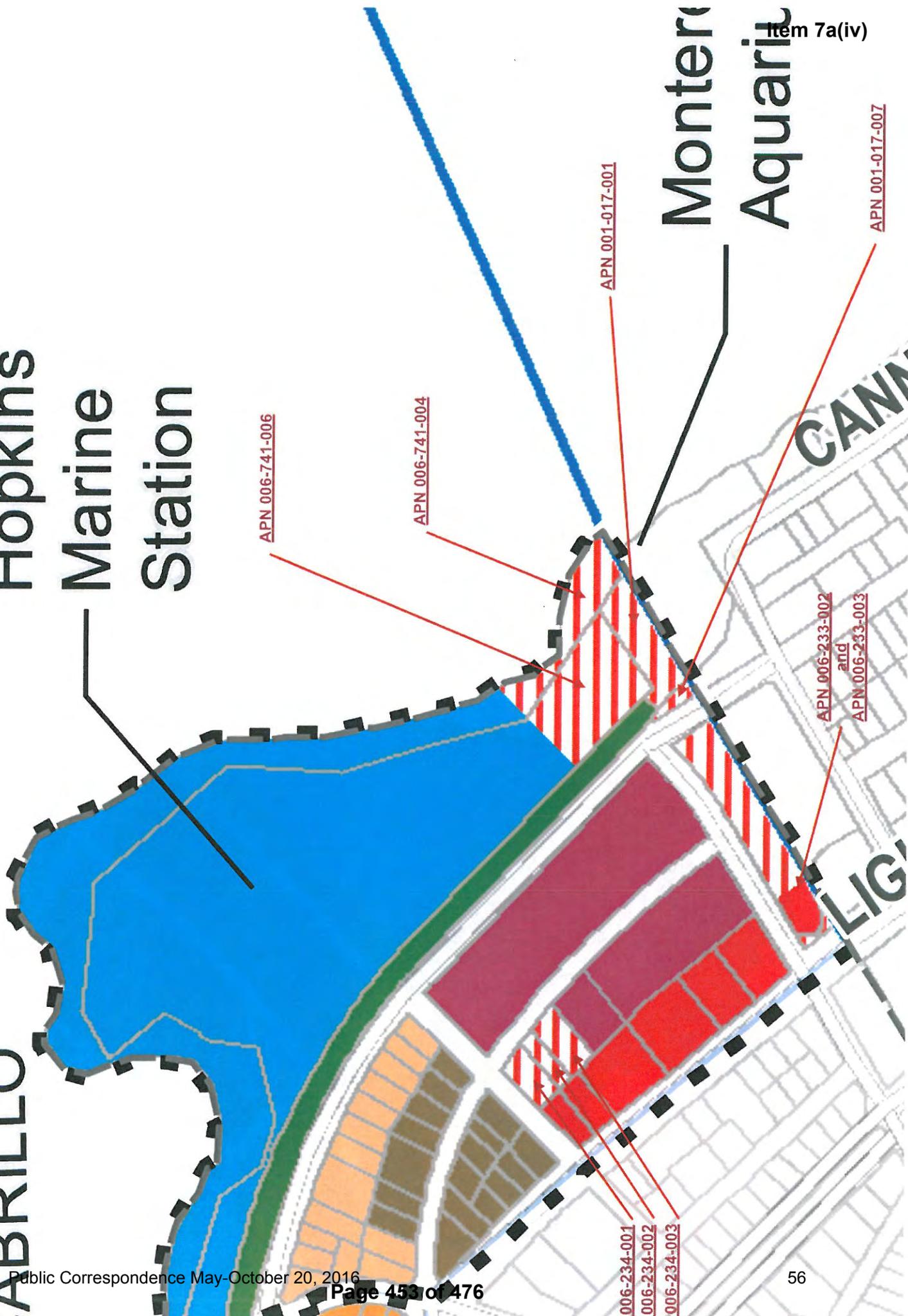
APN 006-233-002  
and

APN 006-233-003

006-234-001

006-234-002

006-234-003



POINT

ABRILLO

Hopkins  
Marine  
Station

Monterey  
Aquarium

Item 7a(iv)

APN 006-741-006

APN 006-741-004

APN 001-017-001

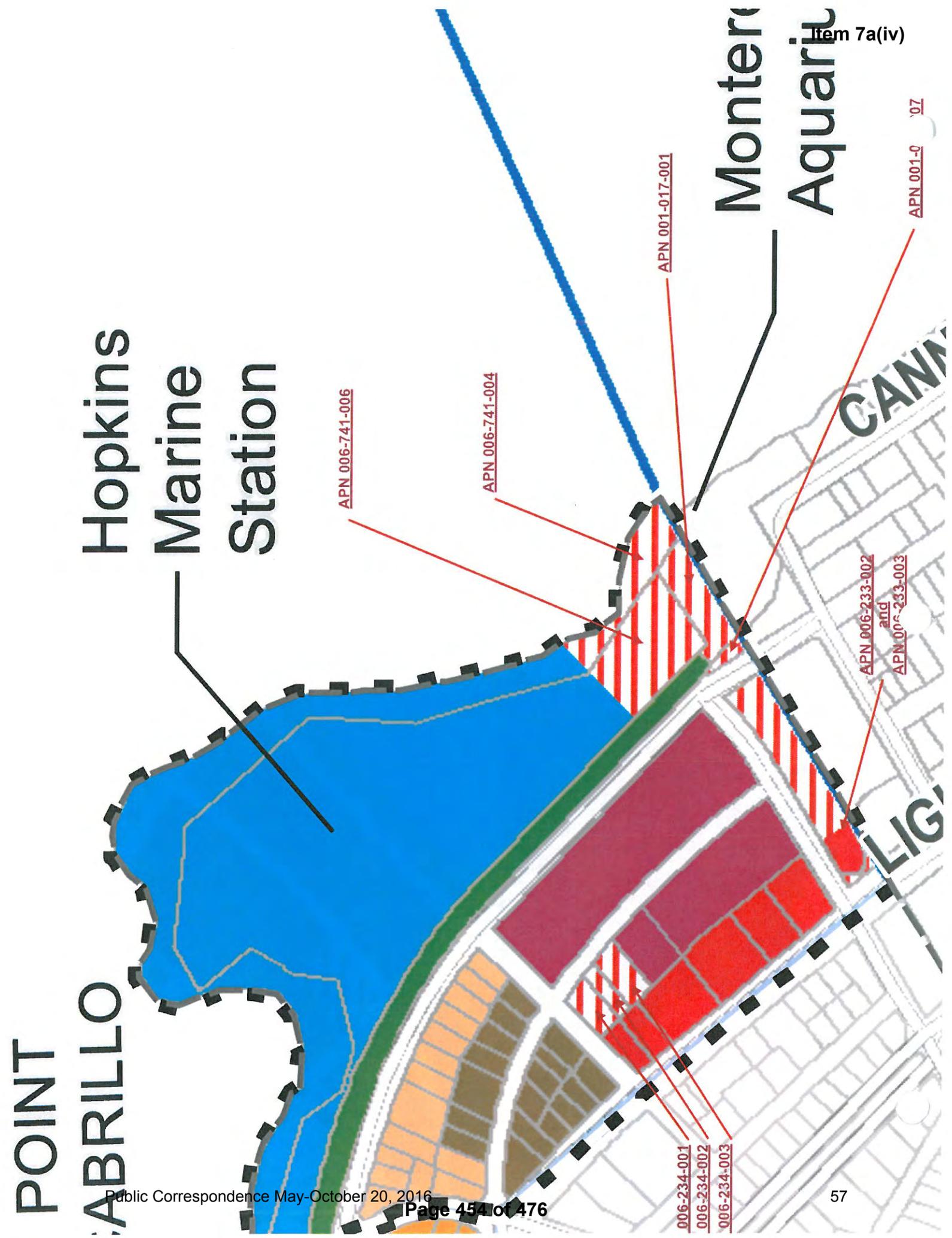
APN 001-007

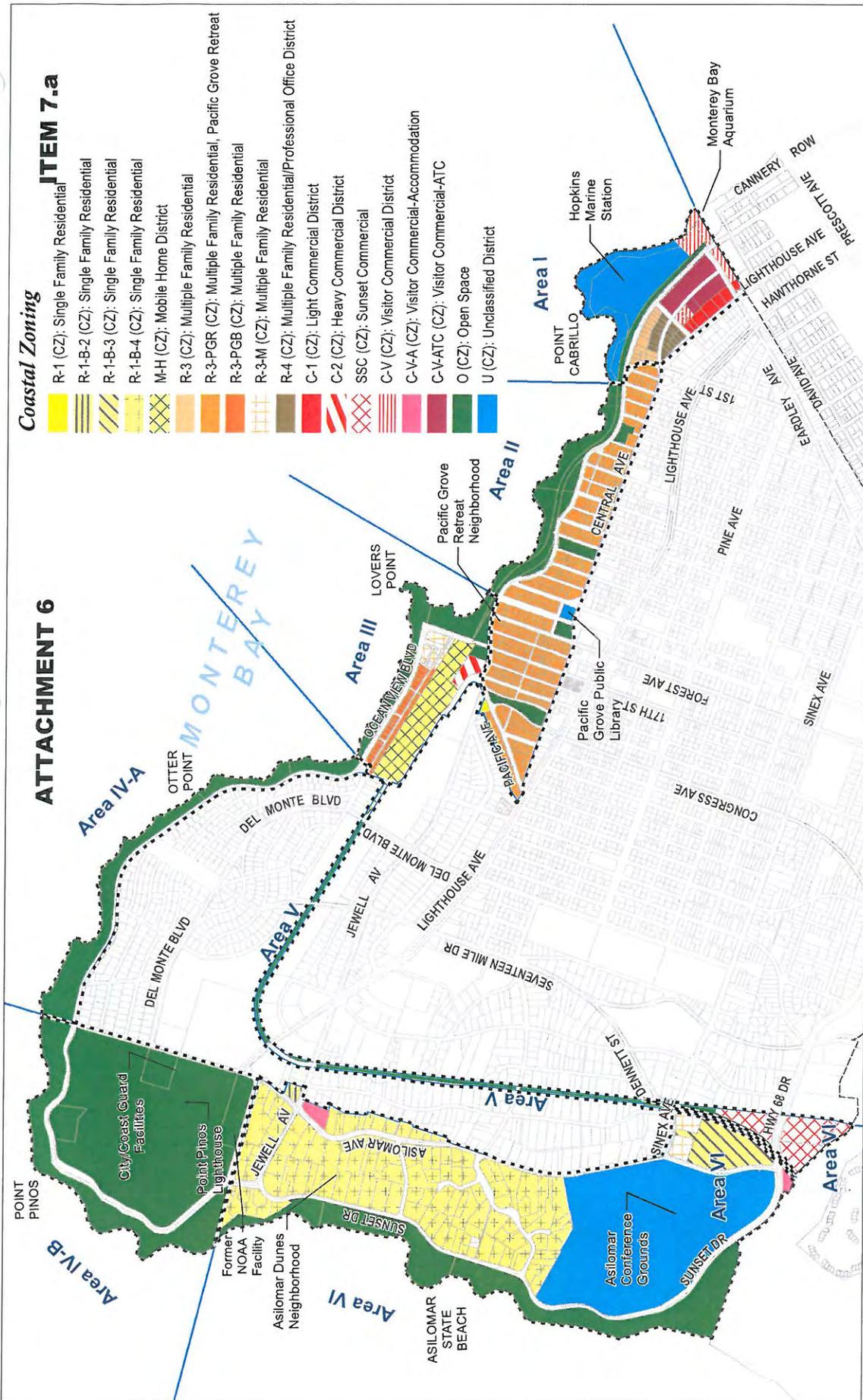
APN 006-233-002  
and  
APN 006-233-003

006-234-001

006-234-002

006-234-003





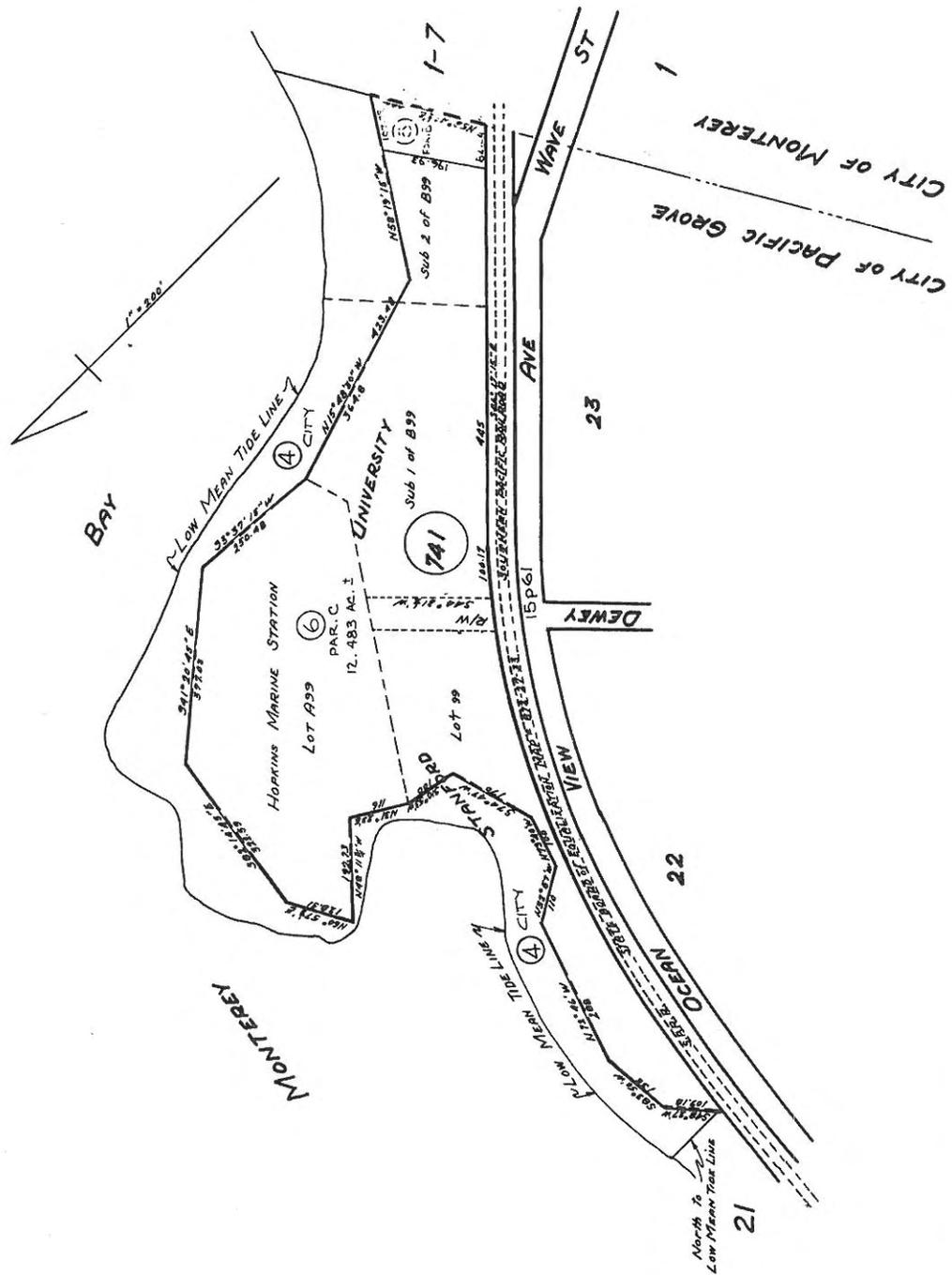
Source: City of Pacific Grove 2014, Google Earth 2013

# City of Pacific Grove Coastal Zoning

City of Pacific Grove Implementation Plan

ASSESSOR'S MAP  
BOOK 6 PAGE 24  
CITY OF PACIFIC GROVE  
CALIFORNIA

TAX CODE AREA 400



Recorded at the request of

Safeco #148596

Return to

Monterey Bay Aquarium Foundation  
886 Cannery Row  
Monterey, CA 93940

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

20813

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

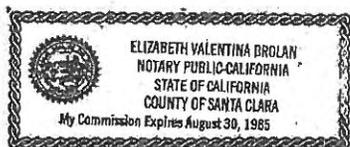
By: *Kent R. Peterson*  
Title: *Assoc Vice Pres of Bus & Finance*

STATE OF CALIFORNIA  
County of Santa Clara

On February 10, 1982, before me, Elizabeth Valentina Brolan, a Notary Public, in and  
for said County and State, personally appeared Kent R. Peterson

FOR NOTARY SEAL OR STAMP

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.

*Elizabeth Valentina Brolan* Notary Public

My Commission Expires August 31, 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](mailto: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](mailto:dgonzales@cityofpacificgrove.org)

Name: Janet Cohen

Email: [janetcohen333@comcast.net](mailto: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 &lt;dgonzales@cityofpacificgrove.org&gt;

## Fwd: Development Standards for C-V-ATC.

1 message

Anastazia Aziz &lt;aaziz@cityofpacificgrove.org&gt;

Thu, Jun 16, 2016 at 3:42 PM

To: Debbie Gonzales &lt;dgonzales@cityofpacificgrove.org&gt;

Cc: "kinisonbrown@emcplanning.com" &lt;kinisonbrown@emcplanning.com&gt;, Wendy Lao &lt;wlao@cityofpacificgrove.org&gt;

Thank you.

### Anastazia Aziz, AICP, Senior Planner

City of Pacific Grove | Community &amp; Economic Development Department

300 Forest Ave, 2nd Floor

Pacific Grove, CA 93950

T: 831-648-3192 Main Reception: 831-648-3183

[www.cityofpacificgrove.org](http://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** <luc@groknet.net>

Date: Thu, Jun 16, 2016 at 11:44 AM

Subject: Development Standards for C-V-ATC.

To: Robin Aeschliman &lt;robinaeschliman@aol.com&gt;, Bill Bluhm &lt;bill.bluhm@sothebyshomes.com&gt;, Jeanne Byrne &lt;jcbarchfaia@att.net&gt;, Donald Murphy &lt;boxwood@me.com&gt;, Mark Chakwin &lt;mchakwin@outlook.com&gt;, Nicholas Smith &lt;nicksmith20@gmail.com&gt;, Bill Fredrickson &lt;wfredrickson@sbcglobal.net&gt;

Cc: "O'Neill, Brian@Coastal" &lt;Brian.O'Neill@coastal.ca.gov&gt;, "Kahn, Kevin@Coastal" &lt;Kevin.Kahn@coastal.ca.gov&gt;, Anastazia Aziz &lt;aaziz@cityofpacificgrove.org&gt;, Mark Brodeur &lt;mbrodeur@cityofpacificgrove.org&gt;, "huitt@comcast.net" &lt;huitt@comcast.net&gt;, Bill Peake &lt;billpeakepg@gmail.com&gt;, 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](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 public correspondence may occur between the ATC and the coast I believe we should treat the ATC as waterfront development, with an appropriate FAR limit. I believe a FAR of 2.0 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 be 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.

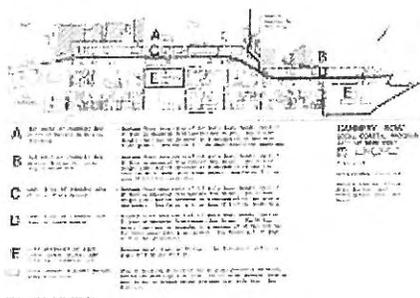
Finally, PG isn't Cannery Row, so please consider adopting design standards for C-V-ATC that blend well with the surrounding area, which includes residential and open space institutional uses as well as visitor commercial.

Thank you for your consideration,

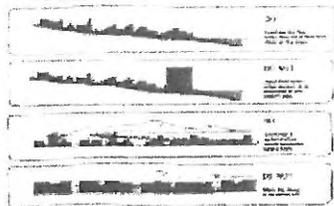
Luke Coletti  
Pacific Grove

---

**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 &lt;dgonzales@cityofpacificgrove.org&gt;

## Item #7a June 16, 2016 agenda (Form submission from: Contact the Planning Commission)

1 message

[website@cityofpacificgrove.org](mailto:website@cityofpacificgrove.org) <[website@cityofpacificgrove.org](mailto: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](mailto:laura@aengusljeffers.com)>

To: [dgonzales@cityofpacificgrove.org](mailto:dgonzales@cityofpacificgrove.org)

Name: Laura Lawrence c/o The Law Office of Aengus L. Jeffers

Email: [laura@aengusljeffers.com](mailto: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](mailto: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, 2<sup>nd</sup> 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:

Anastazia Aziz  
 City of Pacific Grove  
 June 16, 2016  
 Page 2

- 
- 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 LAW OFFICE OF AENGUS L. JEFFERS

Anastazia Aziz  
City of Pacific Grove  
June 16, 2016  
Page 3

---

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

**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, 2<sup>nd</sup> 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:

Anastazia Aziz  
 City of Pacific Grove  
 June 16, 2016  
 Page 2

- 
- 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.

Anastazia Aziz  
City of Pacific Grove  
June 16, 2016  
Page 3

---

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

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**

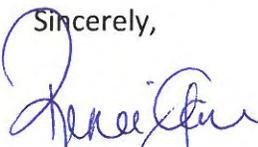
Dear Mr. Brodeur and members of the Pacific Grove City Planning Commission,

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

**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

Item 7a(v)  
Notice of Exemption

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): City of Pacific Grove
300 Forest Ave.

County Clerk
County of: Monterey County

Pacific Grove, CA 93950

(Address)

Project Title: Local Coastal Program

Project Applicant: City of Pacific Grove

Project Location - Specific:
Pacific Grove coastal zone.

Project Location - City: Pacific Grove Project Location - County: Monterey

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: California Coastal Commission and City of Pacific Grove

Name of Person or Agency Carrying Out Project: City of Pacific Grove

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number: 15265

Reasons why project is exempt:

Preparation of Local Coastal Program by the City of Pacific Grove for Coastal Commission certification..

Lead Agency
Contact Person: Anastazia Aziz, AICP, Sr. Planner Area Code/Telephone/Extension: 831-648-3192

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title:

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: