



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

**AGENDA REPORT**

**TO:** Planning Commission  
**FROM:** Anastazia Aziz, AICP, Senior Planner  
 Mark Brodeur, Director of Community and Economic Development  
**MEETING DATE:** June 16, 2016  
**SUBJECT:** Local Coastal Program - Land Use Plan and Implementation Plan  
**CEQA STATUS** Statutory Exemption, CEQA Guidelines Section 15265

**RECOMMENDATION**

Recommend adoption of the Local Coastal Program to Council and submission to Coastal Commission.

**BACKGROUND**

The Local Coastal Program Update was initiated in April 2014 when the Coastal Commission awarded a grant of \$130,000 to assist the City in achieving Local Coastal Program certification. To date, staff and EMC Consultants have held various public workshops, meetings, work sessions with the Planning Commission, and joint sessions with Council.

It is important to note that the Local Coastal Program, like many long range planning documents, is a dynamic document and will be amended and updated over time. The Program may be amended up to *four times per year* to reflect the changing needs of the community.

**DISCUSSION**

**Land Use Plan**

The Land Use Plan details the kinds, locations and intensity of land uses, and resource protection and development policies in the Coastal Zone. The Land Use Plan was most recently discussed at the June 1 and June 2, 2016 Planning Commission meeting and various changes were proposed. Amendments to the Land Use Plan based on those meetings are attached (*Attachment 1*). Additionally, a technical memo by Dr. Revell is attached to clarify how sea level rise is calculated (*Attachment 2*). Major highlights include:

- Defining “development” and removing references to “existing development”;
- Updating the sea level rise policies to clarify that evaluations are required when sea level rise has risen 3”;
- Allowing shoreline protective devices;

There was also a query as to the derivation of the prohibition of development, with the exception of certain uses, below the 20 foot elevation (*Attachment 3*). This policy is currently in the 1989 Land Use Plan, Policy 2.1.4.4, and was derived from *Working Paper One – Access and Natural Resources* dated October 1980. Winter storms along the Pacific Grove shoreline have the potential of producing significant breaking waves during the 100-year storm that exceed 20 feet in height at the 20 foot depth

contour (Thornton). Although offshore reef areas function to dissipate much storm wave energy, storm wave run-up can reach the low-lying shoreline areas below or at the 20 foot elevation (including water-front parklands and roadways). Therefore, policy 2.1.4.4 was included in the 1989 Land Use Plan to minimize possible damage to life and property from storm or tsunami damage and was carried over to the current Land Use Plan. There are approximately 29 structures in this area, nine are residences in the vicinity of Coral Street, located outside the coastal zone, and about 10 buildings/structures are associated with Hopkins lab and aquarium.

The [City's 2015 Vulnerability Assessment](#) identified over 50 structures that are in potential hazards zones due to flooding and tsunami based on sea level rise.

### **Implementation Plan**

An effective Implementation Plan ensures that the objectives of the Land Use Plan are met and achieve the following:

- Coastal resources receive enhanced protection;
- Proposed projects are considered in a consistent manner;
- Processing delays are reduced;
- Interagency coordination is enhanced;
- Applicants and new staff better understand where to direct questions and applications.

A draft Implementing Ordinance was released in January 2016, and an [Updated Implementing Ordinance](#) was distributed at the June 2 Planning Commission meeting. The Implementation Plan ensures the Land Use Plan policies are implemented through the Coastal Development Permit process. In cases where a City permit, such as an Architectural Permit, is also required, the permits will be processed concurrently as a joint permit to ensure consistent application of regulations, enable effective and clear public noticing, and reduce processing delays.

#### **1. Document Organization**

The current document as presented is organized into three main sections, Definitions (Section 23.90.020) Permitting Process and related permit requirements (Sections 23.90.030-23.90.300), and Zoning Districts and associated development standards (Section 23.91-23.100).

To date, staff has received comments that the document organization is redundant, can be confusing, and difficult to navigate. As stated above, the primary method the Land Use Plan policies are implemented is through the issuance of Coastal Development Permits so it is imperative that the permitting process be clear, consistent, and easy to apply.

An organizational approach that was suggested is to reorganize the document into land use categories: residential, commercial and industrial, and public categories. This approach can also be considered but may result in continued redundancies as permitting requirements will be repeated for each land use category. Coastal Development Permits will continue to have the same findings and technical report requirements, regardless of which land use category.

#### **2. Coastal Development Permits**

The Implementation Plan focuses on Coastal Development Permits. Coastal Development Permits are required in certain areas of the coastal zone and the Implementation Plan will clarify when

Coastal Development Permits are required. Certain project types are exempt from Coastal Development Permits and are listed under Exemptions S. 23.90.030.

For the past 27 years, all project applicants have applied to the Coastal Commission for a Coastal Development Permit after receiving City of Pacific Grove planning approvals. The application form, including fees, found on the [Coastal Commission Permit Applications webpage](#) is comprehensive. The Coastal Commission evaluates the project scope, location and potential impacts to coastal resources. The project may be found exempt from Coastal Development Permit requirements, or may be subject to either the Coastal Development Permit Waiver or Coastal Development Permit process. In addition, applicants pay a base of fee of \$3,324 - \$8,310 for one single-family project depending on the square footage, and commercial fees ranges from \$5,540 - \$55,400 depending on square footage, or \$3,324 - \$277,000 based on development costs. The Coastal Development Permit process takes an additional 6-8 months when reviewed by the Coastal Commission.

After the City receives Local Coastal Program certification, the City may either find a project exempt or subject to a Coastal Development Permit. The City will not be authorized to issue waivers.

Applications for Coastal Development Permits must be accompanied by supporting technical documents such as biological assessment and/or an initial hazards assessment that will be required depending on the project's scope and location. In order for a Coastal Development Permit to be approved, findings such as the development will not adversely impact coastal resources, public access or public recreation opportunities must be made. If these findings cannot be made and if the technical studies do not support the findings, the permit may be denied.

Coastal Commission staff suggested changes to the permitting section to simplify the process and make it clearer when Coastal Development Permits are required. These changes are attached (*Attachment 4*).

Staff suggests focusing on Coastal Development Permit permitting procedures and requirements, and clarifying when a Coastal Development Permit is required.

**3. *Coastal Redevelopment Definition***

For the past 27 years, projects in the Coastal Zone have complied with the Coastal Commission's definition of development and redevelopment. The new Implementation Plan would benefit from further clarification of what constitutes redevelopment including what constitutes major structural components. Coastal staff provided additional text (*Attachment 5*) to make these terms more explicit for consideration. For example, major structural components do not include exterior siding, non-structural interior walls, or filling in of existing window or door openings.

**4. *Commercial-Visitor Zoning District Height Limit***

The Coastal Commission wants the City to consider whether 40 feet is too high for buildings in certain areas of the Coastal Zone Commercial-Visitor (C-V) District. Existing height standards include a reduced height limit to 18 feet that applies when buildings are adjacent to certain residential zones (R-1, R-H, R-2). With the American Tin Cannery site rezoning to C-V-ATC, the only remaining C-V District in the Coastal Zone will be along the east side of Eardley Avenue. This

new boundary will extend to the shoreline to encompass the eastern Hopkins Marine Lab buildings adjacent to the Monterey Bay Aquarium (*Attachment 6*).

Staff has determined that retaining the long standing 40 foot height limit is reasonable and should be retained. Design guidelines and other policies related to scenic views may be applied to ensure the transition to adjacent uses and/or areas is complementary.

**5. *American Tin Cannery Zoning***

The recent passage of Measure X approved re-zoning the American Tin Cannery site and adding a hotel use. Reference to the new zoning district will be incorporated into the Land Use Plan. A new zoning district, C-V-ATC, will be added to Implementation Plan maps and commercial use and development standards tables.

Staff proposes to rely principally on the development regulations that have historically been applied to the C-V district, with the exception that the floor area ratio (FAR) be increased to 3.0 instead of 2.0. 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 Coastal Commission is considering this proposed change.

**6. *Standards for Development for Visitor Serving Parcels***

There is currently a density limit of 2,500 square feet per hotel/motel unit. This standard along with setback and height requirements generates a very low-density suburban type automobile-oriented motel/hotel development. A density limiting the number of units in a hotel or motel based on parcel size is generally not a common development standard used to control the size of a development. Generally height restrictions, setbacks, parking requirements and floor area ratios are the means used to regulate the size and density of a development.

Staff proposes to remove the reference to the 2,500 square foot density requirement and Coastal Commission concurs with this direction. Properties currently zoned R-3-M would still be subject to this restriction due to the voter approved initiative commonly referred to as Measure U.

**Adoption Timeline**

The timeline has been further revised as follows:

**2016 Local Coastal Program Revised Adoption Timeline**

<b>Activity</b>	<b>Date</b>
Planning Commission Recommendation on Final Local Coastal Program to Council (Land Use Plan and Implementing Ordinances)	June 16, 2016 and/or Special Meeting week of June 20, 2016
City Council Local Coastal Program Hearing	June 29, 2016
Submit to Coastal Commission	July 7, 2016
Coastal Commission Hearing	TBD, tentatively August 2016
Council Adoption of Certified Local Coastal Program	TBD

Note: Timeline subject to change - 06/10/16

RESPECTFULLY SUBMITTED:



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Anastazia Aziz, AICP  
Senior Planner

REVIEWED BY:



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Mark Brodeur, Director,  
Community and Economic Development Dept.

ATTACHMENTS:

1. Proposed Amendments to Land Use Plan from June 1 and June 2, 2016 Planning Commission meetings
2. Hazard Policy and Sea Level Rise Trigger Memo from Dr. Revell
3. Contour 20-foot Map
4. Redevelopment, Coastal – definition from Coastal Commission staff
5. Coastal Commission staff suggested Implementation Plan modifications.
6. Coastal Zoning Map

## Planning Commission Revisions to LUP (Redline Version with all CCC Staff Comments released 06.01.16) Special Meeting 06.01.16 and 06.02.16

*Note: All page numbers reference the Final LUP May 2016 with CCC Staff Comments – Redline Version*

### Inside Cover - Edit and Page Addition for Acknowledgements

Remove the “Prepared by:” section on the inside cover page and insert an additional page with acknowledgments (see attachments A and B).

### Page I-9, Definition of “Should” and “May” – Change from Mandatory to Recommend

2) “Should” and “may” are ~~recommended~~~~not mandatory~~, unless there is a compelling reason to do otherwise ~~but are strongly recommended~~; and

### Page I-18, Definition of Development

Development: The term “development” is a term 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; 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; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. See also “Redevelopment.”

### Page I-18, Add in Definition of “Historic Structure Demolition”

Historic Structure Demolition: All changes to the exterior of a historic building, including but not limited to moving or removing windows, doorways, walls, or other structural features, if such changes alter more than 25 percent of the surface of all exterior walls facing a public street or streets,

and/or if these changes alter more than 50 percent of the total lateral length of exterior walls, including porches and other projections of the building within a 24 month period with the exception of maintenance and repair.

**Page I-19, Definition of Major Critical Infrastructure – Add Language to Policy to Protect Current Water Project (This was Brought up to Check for Consistency with HAZ-10 and Applicability of the Policy to Projects such as the City’s Local Water Project)**

- 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, wells and infrastructure would not be considered critical public infrastructure.

**Page I-20, Definition of Pacific Grove Retreat or “Retreat” - Change Dewey Street to Avenue and Add Boundary Clarification**

Pacific Grove Retreat or “Retreat”: The area located between Pacific Street to the west and Dewey ~~Street~~ Avenue at the east, and north of Central Avenue (the boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone.)

**Page I-20, Definition of “Redevelopment” – Replace “existing” with “A non-historic”**

Redevelopment: ~~An existing~~ A non-historic structure shall be considered redeveloped, whereby the entire structure must be made to conform with all applicable LCP policies, when such development consists of:

Alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of the major structural components (including exterior walls, floor and roof structure, and foundation) of such development.

Additions and alterations to such development that lead to more than a 50% increase in floor area for the development.

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). For historic structures, refer to the definition of "Historic Structure Demolition" presented earlier in this section.

#### **Page 2-2, Section 2.1.1, First Full Paragraph - Text Addition**

Although the exposed granite rock mass at the Pacific Grove shoreline is generally erosion-resistant, a combination of ground squirrel and other rodent, vermin, or animal activities; wave and tidal action; and heavy pedestrian use has resulted in localized shoreline erosion. 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.

#### **Page 2-4, Section 2.1.2, Second paragraph - Text Removal**

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. ~~For purposes of this Land Use Plan, the term "existing" refers to legally permitted structures in existence at the time the City of Pacific Grove's LUP component of its LCP first took effect (i.e. structures built prior to June 7, 1989).~~ 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:

#### **Page 2-8, HAZ-2- Language in Policy has Been Derived from a Solution Proposed by Dr. David Revell**

**HAZ-2.** Based on the information gathered over time per Policy HAZ-1, approximately every five years or more often, if necessary, 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 ~~designed to:~~ identifying feasible adaptation strategies. The evaluations shall commence 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) (i.e. when mean high water level reaches 4.93 feet NAVD88 for at least one year). See also Policy HAZ-12

- ~~a. Require relocation of existing or planned development, including development already protected by shoreline protective devices, to safer locations and restoring shoreline areas to natural conditions if feasible, including working with entities that plan or operate infrastructure;~~
- ~~b. Modify allowable land uses in hazardous areas, and modify siting and design standards for development, to avoid and minimize risks and better protect coastal resources;~~
- ~~c. Better protect wetlands and Environmentally Sensitive Habitat Area;~~
- ~~d. Update standards for determining erosion rates;~~
- ~~e. Ensure long term protection of the function and connectivity of existing public access and recreation resources; and~~
- ~~f. 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~~

NOTE: A-f above are moved to the IP as suggested possible adaptation strategies noted in 2016. Other strategies, not listed above, may be appropriate for consideration in future years.

#### **Page 2-9, HAZ-4 – Delete a Portion of the Policy**

**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. ~~Development subject to tsunami hazards shall be required to prepare, as a condition of approval, a tsunami preparedness plan that describes evacuation procedures and other protocols for addressing a potential tsunami event.~~

#### **Page 2-10, HAZ-9– Delete a Portion of the Policy**

**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. ~~Development shall be prohibited from using or requiring shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, and piers/caisson foundation systems) at any point during the development's life.~~ As a condition of approval for all 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, ~~acknowledging that shoreline protective devices are prohibited to protect such development, and waiving any right that may exist to construct such devices, and agreeing to remove threatened development and restore affected areas if necessary in the future subject to the requirement. All such development shall also include, as a condition of approval, the requirement to prepare a removal and restoration plan, all of which shall also be added as conditions of any approval. that ensures that, should the development become threatened by coastal hazards, the development at risk shall be removed and the site restored.~~

### Page 2-11, HAZ-10 – Change “Shall” to “Should”

**HAZ-10.** Public recreational access 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) 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/infrastructure if feasible in order to better protect coastal resources (e.g., a public recreational trail project needs to evaluate whether modifications to related/nearby stormwater or sewer infrastructure are feasible to better address coastal hazards and better protect coastal resources, and vis versa), all of which shall be required as a condition of approval.

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

1. The development shall be sited and designed to be easily relocatable and/or 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 ~~shall-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.

**Page 2-12, HAZ-12 – Minor text Edits**

**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, ~~a-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 ~~sea level-high water tidal datum referenced to the North American Vertical Datum of 1988 (NAVD88) is-has risen two (2)- three (3) inches on average for an entire year~~ above ~~2016 the current tidal epoch (1983-2001) mean high water level of 4.76 feet NAVD at the Monterey Tide Gage (NOAA Station 9413450)~~ (i.e. when mean ~~sea level-high water level~~ reaches ~~xxx 4.93 feet NAVD88 for at least one year~~) ~~. at the Monterey Tide Gage (NOAA Station 9413450). (Note it is possible that this could happen when they update the tidal epoch around 2020)~~

**Page 2-13, HAZ-13- Remove Text from Policy**

**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 ~~in very rare situations, only~~ 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.

**Page 2-14, HAZ-15 – Modify Text in Policy to Allow the Potential for Two Private Shoreline Residential Units to be Evaluated in the Future for Shoreline Protection**

**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 (~~ie.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, 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). 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, nor where other measures can adequately mitigate erosion hazards. 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.

#### Page 2-17, Third Paragraph - Text Revisions

Crespi Pond, a small but valuable wetland, is located on Ocean View Boulevard between Point Pinos and the western end of Asilomar Avenue. It has gone dry during periods of drought. 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. ~~Crespi Pond has gone dry during periods of drought. Management will be necessary to retain the open pond characteristic of Crespi Pond. This may include vegetation control, dredging, and water management.~~

#### Page 2-19, MAR-2 – Deletion of Policy

~~MAR-2. The City shall assist, where feasible, the appropriate institutions or agencies to undertake long-term ecological studies monitoring the marine resources and water quality of the marine reserves and conservation area, Sanctuary, and Areas of Special Biological Significance.~~

#### Page 2-20, MAR-4 through MAR-7 - Consolidation of Policies with Edits

MAR-4. 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.

~~MAR-5. The City shall continue to investigate and implement new measures to reduce potential pollutants in storm water and irrigation runoff.~~

- ~~Development shall, to~~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. ~~MAR-6. To reduce the potential for degradation of water quality, including the Pacific Grove Marine Gardens State Marine Conservation Area and Area of Special Biological Significance, the City shall require~~ 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.

~~MAR-7. The City shall require, for all new d~~

- Development that has the potential for water quality impairment, shall be required to submit construction phase storm water pollutant controls, including erosion controls, sediment traps and filtering of off-site storm water flows, capture of site-generated pollutant sources, street sweeping of dirt tracked off-site, litter control, post-construction monitoring, and other best management practices. Construction-phase water quality impacts shall be avoided by minimizing the disturbed area, phasing grading activities, implementing soil stabilization and pollution prevention measures, and preventing unnecessary soil compaction.

#### Page 2-21, MAR-11 - Modify Language to be Consistent with Definitions

~~MAR-11. New development~~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.

#### Page 2-21, MAR-14 - Modify Language to be Consistent with Definitions

~~MAR-14. New d~~Development shall ensure provide that all runoff is appropriately collected, filtered, and treated (as necessary) to minimize pollutant loading to the maximum degree feasible.

**Page 2-23, First Paragraph - Modify Text**

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, not all the Asilomar Dunes area lots have been developed and the remaining undeveloped lands, including those required to be left undeveloped through prior Coastal Development Permit actions, help serve to soften 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 ~~also~~ a ~~critically~~ valuable scenic resource ~~that must be protected. All development within the Asilomar Dunes neighborhood must be carefully~~ Careful sited-siting and design ~~ed of development within the Asilomar Dunes neighborhood will to ensure~~ help to provide compliance with the biological resources, scenic and visual resources, and community character and design policies of this Land Use Plan. ~~To accomplish this, development shall be required to blend with the natural dune environment as much as possible, to utilize dune topography to screen development from public view areas, to potentially reduce building heights below maximum allowable limits to reduce structures adversely protruding over and detracting from dune topography, and to cluster development to provide contiguous open space.~~ 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 to ensure the area is protected consistent with provisions of the Coastal Act.

**Page 2-23, Second Paragraph - Modify Text**

Unobstructed public bay/ocean views are available from Coastal Zone roads inland of Ocean View Boulevard and Sunset Drive. Retention and protection of these public views to the maximum extent possible is of major importance, ~~including~~ because of the visual access to coastal waters they provide.

**Page 2-28, SCE-5 – Modify Policy Text to Specify New Utilities vs. All Utilities**

SCE-5. All new utilities shall be located underground or outside of public view.

**Page 2-28, SCE-6- Modify Text of Policy to Clarify Meaning**

SCE-6. Design and siting of structures should not detract from public scenic ~~values~~ 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.

**Page 2-29, SCE-10 – Add Text to Policy to Encourage Access to Open Space Areas**

**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 of these open space areas should 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.

**Page 2-34, Second Paragraph, Characteristic Flora and Fauna- Add Clarifying Text to Policy**

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.

**Page 2-41, BIO-11 - Add Clarifying Text to Policy**

**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 and/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 ~~will~~could use ~~National Oceanic and Atmospheric Administration~~ trained volunteer docents (including National Oceanic and Atmospheric Administration trained 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.

**Page 2-41, BIO-12 - Minor Text Change**

**BIO-12.** The City shall continue to encourage the Hopkins Marine Station to remove exotic plants and to restore a native bluff plant community and reduce erosion on the rocky outcrop. Any new development ~~and~~/or redevelopment at Hopkins shall include a landscape plan that effectively utilizes native vegetation to reduce erosion.

**Page 2-42, BIO-15 - Delete Policy and Move to Bullets under BIO-23**

~~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. 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.~~

**Page 2-44, BIO-23 - Addition of BIO-15 as a Bullets and Edit to Policy Including Modifications to allow for Fencing of Private Yard Space Adjacent to a Home not to Exceed 1,000 SF (A little less the 5% of a ½ Acre Lot)**

**BIO-23.** 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 to the open space dune environment. The Local Coastal Program goal is to limit residential development in this area in such a way that dune (and other) habitat and scenic values are maximized, and that residential components are limited in such a way as to be subservient to the overall dune aesthetic, including through application of all of the following:

- For development on legal lots of record over one-half acre, maximum lot coverage shall be limited to 15 percent of the total lot area. For new development on legal lots of record that are one-half acre or less, maximum lot coverage shall be limited to a maximum of 15 percent of the minimum lot size for Asilomar Dunes (i.e., 15 percent of one-half acre, or 3,267 square-feet) or 20 percent of the total lot area, whichever is less, provided that an additional offset area (i.e., in addition to any other offsite requirements that accrue to the project) equal to five (5) percent of the lot is also restored (See also Policy 25). 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 coverage. 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~~. All other areas of the lot 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.
- 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.

- 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.
- 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. All structures shall be set back from Sunset Drive at least 75 feet.
- 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.
- 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.
- Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.
- 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 18-20 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 not impaired.
- 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.
- As feasible, the City shall maintain unfenced contiguous areas in the Asilomar Dunes to allow for wildlife movement, native seed dispersal and visual consistency.
- 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 to exceed 1000 square feet adjacent to the framework of the home and is allowed subject to City design review.

- Sidewalks shall be prohibited in the Asilomar Dunes. Pedestrian, ADA and other 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

**Page 2-46, BIO-24 - Modify Policy Language for Dune Restoration and Conservation in the Asilomar Dunes**

**BIO-24.** 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 basis through providing for on-site and/or offsite restoration/enhancement of degraded dune areas in the Asilomar Dunes area, ~~where such~~ Such 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, where on-site restoration does not fully mitigate the impact.

**Page 2-46, BIO-26 - Delete Policy that Forces Lot Mergers under Common Ownership**

~~**BIO-26.** Contiguous legal lots of record that are under common ownership shall be treated as single legal lots for purposes of this Local Coastal Program where doing so is more protective of coastal resources.~~

**Page 2-47 through 2-48, BIO-29 through BIO-32 - Consolidate Policies and Policy Edit**

**BIO-29.** Development associated with existing non-conforming residential development in the Asilomar Dunes residential area that:

- ~~results~~▪ Results in redevelopment (as defined in Section 1.10) 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. 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.

~~BIO-30. Development associated with existing non-conforming residential development in the Asilomar Dunes Residential Area that does~~

- ~~Does~~ not result in redevelopment (as defined in Section 1.10) shall only be allowed if: lot coverage remains the same or is reduced; there is no new coverage of existing dune habitat (whether degraded or not), all remaining dune habitat is restored and permanently protected (as described in Policy BIO-24); ~~an offsetting area of offsite dune habitat will be restored and maintained such that the total area that will be restored (i.e. on and offsite) is equal to at least 80% of the total lot area;~~ and all such development otherwise meets applicable siting and design requirements of Policy BIO-24.

~~BIO-31. Development associated with existing conforming residential development in the Asilomar Dunes Residential Area that is~~

- ~~Is~~ below the lot coverage limit shall only be allowed if: the amount of new coverage of existing dune habitat (whether degraded or not) is equal to or less than the amount that the existing development is currently below the lot coverage limit (e.g., development that is currently 500 square-feet below the maximum lot coverage limit may increase lot coverage by a maximum of 500 additional square-feet); new coverage is located immediately adjacent to existing coverage areas and in the least sensitive area of the lot in terms of dune resources and public views; contiguous areas of dune habitat are not fragmented and are, if feasible, made even less fragmented; all remaining dune habitat is restored and permanently protected (as described in Policy BIO-24); no sensitive plants are disturbed; all areas of new coverage are mitigated at a ratio of 2:1 (as described in Policy BIO-24); and all such development otherwise meets applicable siting and design requirements of Policy BIO-24.

~~BIO-32. Development~~

- ~~Is~~ 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 new coverage of existing dune habitat (whether degraded or not); ~~all remaining dune habitat is restored and permanently protected (as described in Policy BIO-24); and no sensitive plants are disturbed~~ and all such development otherwise meets applicable siting and design requirements of Policy BIO-24.

**Page 3-6, DES-2 - Modify Policy Language on Height**

DES-2. Residential densities (except for allowable second units) shall not exceed those specified on the Land Use Designations figure, and may in specific instances be reduced by application of the Local Coastal Program policies. All development shall be limited to two stories (25 ft.) in height. However, in Land Use Plan Areas I and III, the limit will vary but in no case shall it be more than three stories (40 ft.). In the Asilomar Dunes Residential Area, development within lots that abut Sunset Drive shall be limited to ~~one~~ two story-stories (~~18-20~~ feet), with development allowed at up to 25 feet (two stories) 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.

**Page 3-7, DES-8 - Change Non-Conforming Structures Policy to Except Historic Structures, which are Already Required to Conform to State and City Standards**

DES-8. Legally established non-conforming structures, with the exception of historic structures which must conform to City and State Historic standards, may be maintained and repaired, so long as such structures are not intensified, redeveloped, moved to another site, or expanded, at which time the use or structure loses its legal non-conforming status and must be brought into compliance with all applicable Local Coastal Program policies. Expansion of non-historic non-conforming structures will only be allowed if both the expansion and existing structure are made conforming.

**Page 3-9, LUD-2 - Language Correction**

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 Street between Eardley Avenue and Dewey Street-Avenue (C-V-ATC zoning district) can be found in the Implementation Plan.

**Page 3-11, LUD-8 - Addition to Policy Language to Include Bed and Breakfast Facilities**

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;
- ~~g. bed and breakfast facilities;~~ and
- g. uses accessory to the above listed uses.

**Page 3-12, LUD-12 - Removal of Policy Related to “P” Professional Uses Designation to Reflect Re-designation the Only “P” designated Area in the Coastal Zone to MHD**

~~LUD-12.—Allowed uses for Coastal Zone areas designated P include:~~

- ~~a.—professional office space consistent with existing development patterns; and~~
- ~~b.—public and private parking facilities;~~
- ~~c.—visitor serving commercial and retail uses;~~
- ~~d.—existing residential uses; and~~
- ~~e.—uses accessory to the above listed uses.~~

**Page 3-14, LUD-16 - Removal of Language on Short-term Vacation Rentals, as that is Governed by a Separate Ordinance**

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.~~

**Page 3-15, First Paragraph, 3.3.1 Background - Archaeological Resources - Add New Subsection Titled “Native American Period (Pre-1500)” and Reorganize Text**

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

An Archaeological Sensitivity Map for Pacific Grove and archaeological reports have been prepared for the City. The generalized sensitivity map designates most of the Coastal Zone as an area where there is a likelihood of prehistoric cultural resources, which is reflected in Figure 6, Archaeological

Sensitivity Map. In order to protect archaeological resources, and consistent with the Archaeological Resources Protection Act of 1979, the 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 by the City, including an Archaeological Sensitivity Map for Pacific Grove and archaeological reports. In keeping with the City's high regard for its past history, a presentation by archaeologists for preparation of this Land Use Plan was well-attended.

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.

~~An Archaeological Sensitivity Map for Pacific Grove and archaeological reports have been prepared for the City. The generalized sensitivity map designates most of the Coastal Zone as an area where there is a likelihood of prehistoric cultural resources, which is reflected in Figure 6, Archaeological Sensitivity Map. In order to protect archaeological resources, and consistent with the Archaeological Resources Protection Act of 1979, the detailed archeological reports are not publically available.~~

#### **Page 3-18, CRS-4 - Minor Text Edit**

**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 ~~for~~ 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.

#### **Page 3-18, First Paragraph of 3.3.5 Background - Historic Resources - Text Edits**

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, 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 (the Pacific Grove

~~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.

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

(residential, general commercial) within the Coastal Zone would then compete with the uses outside the Coastal Zone for the unreserved water available to the City for development.

**Page 3-32, INF-16 - Delete Policy as Report has Been Completed**

~~INF-16.—Improvements at Ocean View Boulevard/1<sup>st</sup> Street and Sunset Drive/Asilomar Avenue intersections necessary to improve traffic flow and coastal access should be implemented as funding is available.~~

**Page 3-40, First Paragraph Below Heading Area IV-B: Point Pinos - Language Correction**

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 ~~third-18<sup>th</sup>~~ hole of the municipal golf course. Pedestrian access to the beaches is readily available. Unmanaged pedestrian access in the headlands area has resulted in considerable trampling of vegetation.

**Figure 5 - Remove “P” Designation from Legend and Map. The One Single Area Designated as “P” Change to the MHD Designation**



**CITY OF PACIFIC GROVE**

**FINAL**  
**LAND USE PLAN**

A COMPONENT OF THE LOCAL COASTAL PROGRAM

**PREPARED FOR**

CITY OF PACIFIC GROVE  
300 FOREST AVENUE  
PACIFIC GROVE, CA 93950

JUNE 2016



THIS DOCUMENT WAS PRODUCED ON RECYCLED PAPER.

# ACKNOWLEDGEMENTS

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The Extensive Participation of the Community on the Development and Review of this Document is Hereby Gratefully Acknowledged.



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**ITEM 7.a**

## MEMORANDUM

**Date:** June 10, 2016

**To:** Polaris Kinison Brown and Anastazia Aziz

**From:** David Revell, PhD

**Subject:** Hazard policy and sea level rise trigger

---

### Purpose

The purpose of this memo is to clarify the issues related to sea level rise in support of the City of Pacific Grove's Local Coastal Plan. It outlines key background concepts on tides, elevations, and ocean water levels. This overview is a basic foundation only, but it is intended to increase planner and public understanding of the policy language found in the proposed policy HAZ-12 in the City of Pacific Grove Land Use Plan portion of the Local Coastal Program.

The memo is divided into three sections, the first is a brief discussion of what causes changes in ocean water levels; the second section defines some of the key words used to describe tides and the measuring of elevation, and the third section provides the proposed hazard policy language.

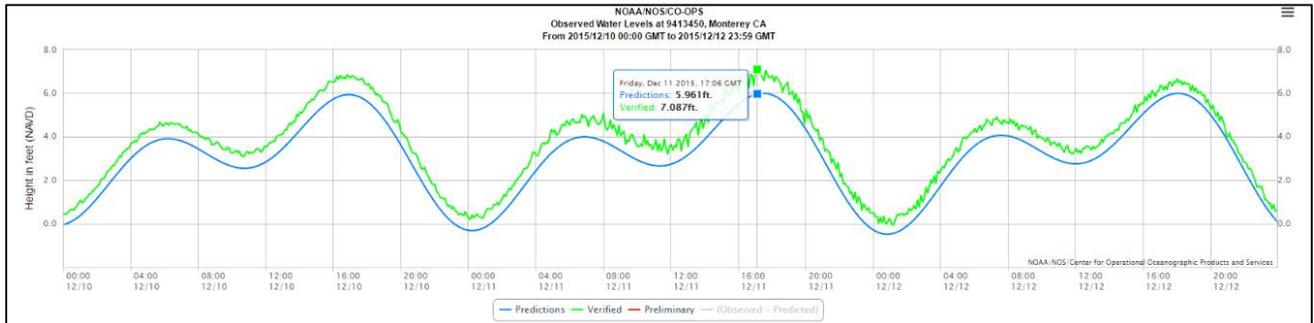
### Ocean Water Levels

Ocean water levels vary widely over a variety of time scales. Ocean tides are largely controlled by the gravitational attraction of the sun and the moon on the oceans. In Monterey Bay, there are two high tides and two low tides of unequal heights (aka mixed semidiurnal tides). Other factors, such as ocean temperature, wind and waves, can temporarily raise tides above predicted tide levels. Tide height is measured for navigation and for storm impact purposes. Tidal measurements are used to identify and record, extreme value statistics for ocean tide levels. Using these statistics, experts can establish a return period, or periodicity, for these extreme tide levels. These same measured tide levels are also used to calculate various tidal data (e.g. Mean High Water. See below discussion of definitions).

Sea-level rise policy language is being incorporated into the LCP update to adapt to sea level rise and its effect on coastal hazards. In order to do this, the LCP will identify appropriate threshold conditions, or triggering events, for when it is appropriate, or essential to implement certain LCP policies. A review of factors that influence ocean water levels now, over decades, and even over thousands of years, is part of the essential background.

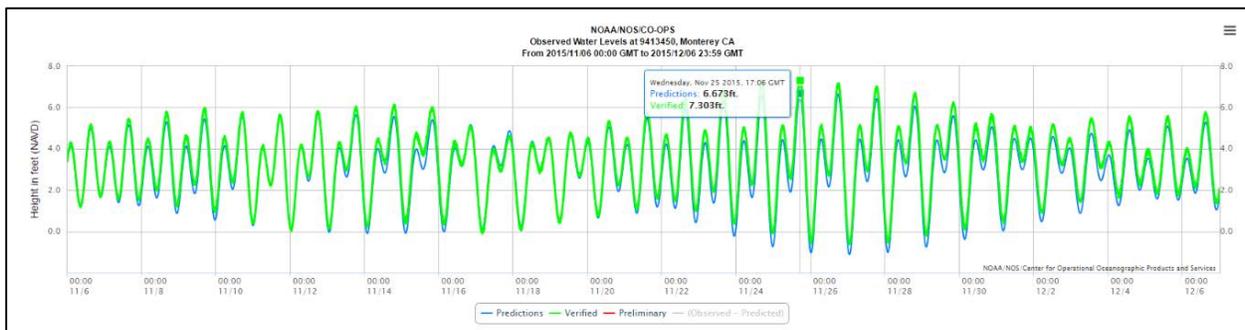
**Daily water levels** – storm events, waves, precipitation, and winds all affect the ocean water surface, and affect the measurements recorded at the Monterey Tide gage (NOAA Station #9413450).

These, and, other coastal processes, interact with the tide and are often called storm surge, or non-tidal residuals. An example, shown in Figure 1 from December 11<sup>th</sup>, 2015, during a major wave event, shows evidence of a substantial storm surge that elevated ocean water levels well above predicted tide levels.



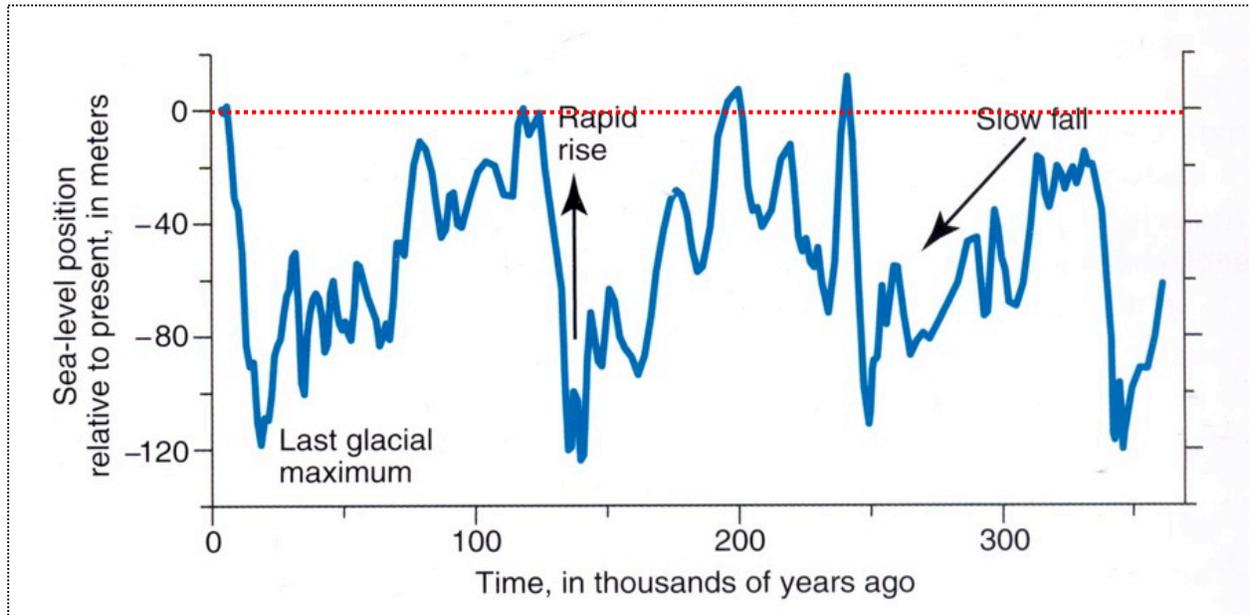
**Figure 1. Verified versus predicted water levels during a storm event showing ~1.1' exceedance of water levels during a large wave event. (Source: NOAA tides and currents)**

**El Niños** - Other climate cycles, such as El Niños, also raise ocean water levels for months at a time. Figure 2 below shows some verified-versus-predicted tide levels. The actual levels exceeded predicted levels by about 8 inches. This was a result of the thermal expansion (warm water takes up more volume) associated with the El Niño ocean warming. Observed water levels at the Monterey Tide gage during the 2015/2016 El Niño showed a 6 to 12 inch increase, which has lasted roughly from September 2015 and into June 2016.



**Figure 2 showing at least 30 days of measured tides exceeding the predicted tides by at least 6 inches. (Source: NOAA tides and currents)**

**Sea Level Rise** - Sea level rise over time will increase the ocean levels and the resulting tides. Much of the sea level changes in the geologic past was caused by cycles in the earth's rotation, the orbit and its tilt that are responsible for the ice ages. Figure 3 shows the last 350,000 years of sea levels based on geologic evidence (i.e. deep sea sediment cores, tree rings, corals, etc). The ocean levels have varied dramatically from being close to 400 feet lower (when the shoreline was out near the continental shelf) to being 15 feet higher.



**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:

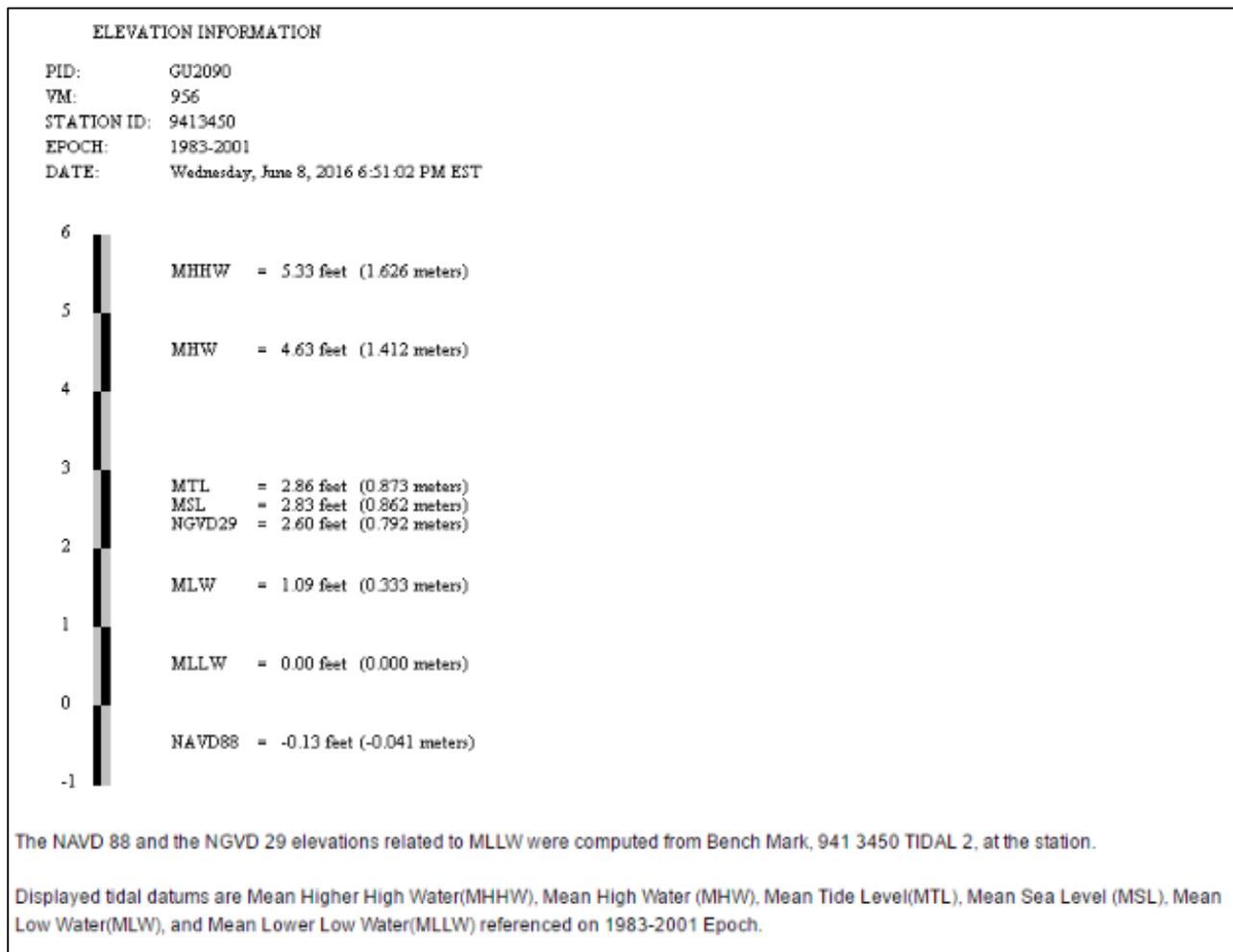
**Geodetic Datum:** a reference elevation determined by surveying in known locations on the ground. The North American Vertical Datum of 1988 (NAVD88) was affirmed as the official vertical datum in the Continental U.S. and Alaska in 1993. This Datum is actively maintained with ongoing measurements and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

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.**

## 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.

Monterey Bay

Pacific Ocean

Legend

- Parcels
- Buildings \*
- Pacific Grove Boundary
- 0-20 Foot Contours



0 0.0425 0.085 0.17 Miles

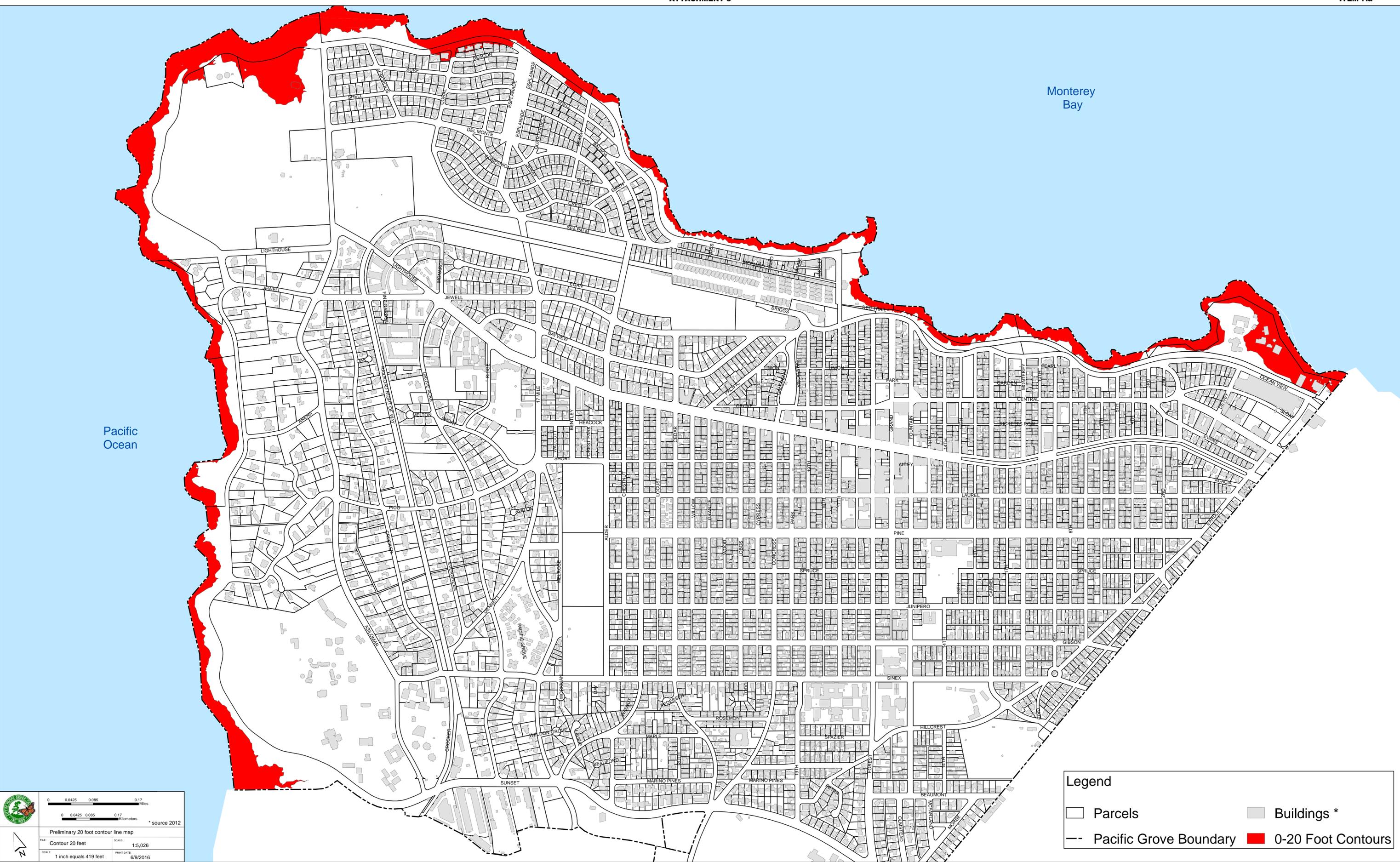
0 0.0425 0.085 0.17 Kilometers

\* source 2012

Preliminary 20 foot contour line map

FILE: Contour 20 feet SCALE: 1:5,026

SCALE: 1 inch equals 419 feet PRINT DATE: 6/9/2016



**NOTES on Third Draft IP dated 6/1/2016**

**Saved from 1\_29\_2016 clean version**

**Zone district sections re-located to end of the document and sections re-numbered without tracked changes**

**(Chapter Numbers and internal number references are shown in tracked changes)**

**Text changes tracked**

**Changes after 5/17 marked RJ5\_25**

**Includes changes from MB comments from February. Includes verbal CCC comments from meeting on 5\_18\_2016.**

**Reflects LUP changes submitted by CCC through 3\_31\_2016  
(highlighted yellow)**

**Written CCC comments from 5\_18\_2016 meeting not yet received**

**Chapter 23.90  
LOCAL COASTAL PROGRAM IMPLEMENTATION**

**23.90.010 Purpose and General Provisions of the Coastal Implementation Plan**

(a) 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.

(c) Local Coastal Program Adoption. This Chapter establishes the City of Pacific Grove Coastal Implementation Plan, ~~servicing to carry out the policies of the Land Use Plan representing, in conjunction with the other applicable Chapters of Title 23 PGM, the coastal zoning ordinance, 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.~~

**Comment [KK1]:** Similar language to LUP 1.5. Seems more applicable here.

(d) Coastal Zoning Districts. Zoning districts are hereby established within the City's Coastal Zone and the allowable uses and development standards are included in ~~Chapters 23.91 through 23.100,~~ which together with this Chapter constitute the Coastal Implementation Plan. Coastal Zone districts are differentiated by the designation "(CZ)." ~~The standards presented in these Chapters, as well as regulations presented in other Titles and Chapters of the Municipal Code not specifically included within the Coastal Implementation Plan, shall be effective as applicable, inasmuch as those regulations do not conflict with the Land Use Plan or this Implementation Plan. For example, the City's regulations concerning signs and vacation rentals apply within both inland areas and the Coastal Zone, but any conflicting provisions in the Land Use Plan or this Implementation Plan would have force within the City's Coastal Zone.~~

**Comment [KK2]:** I think it would be easier if we include everything within 23.90. That way the entire IP consists of one "chapter".

The following Land Use Plan land use designations and corresponding zoning districts are within the City's Coastal Zone. ~~The Chapter establishes A~~allowable land uses, permit requirements, and development standards, including height limitations and setbacks from property lines, ~~are established~~ for each zoning district in the City's Coastal Zone ~~in the PGM sections listed~~. 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, R-1-B-4
MDR 8-10 (MHP) Medium Density Residential for Mobile Home Park	MH
MDR 8-10 Medium Density Residential	R-3, R-3-M
MHD 10-20 Medium-High Density Residential	R-4
V-A Visitor Accommodation	R-3-M
V-C Visitor Commercial	C-1, C-V, C-V-ATC, R-1, R-2, R-3-M

SSC Sunset Service Commercial	SSC
P Professional	R-4
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 zoning overlay are shown on the Coastal Zoning Map.

(f) The City shall work with other agencies as appropriate to implement the Local Coastal Program.

~~(g) Conflict with Other Provisions. If there is a conflict between a provision of the Implementation Plan and a provision of the General Plan, or any other City adopted plan, resolution, municipal code section or ordinance, the regulations outlined in the Implementation Plan shall prevail.~~

Comment [KK3]: This is already stated above.

(h) 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.

(i) 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.

(j) 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.

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.

(k) 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 Local Coastal Program, 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.

(l) 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.

(m) 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.

Comment [KK4]: We'll check with our legal dept on this language.

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". Structures that are customarily incidental, accessory 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:

(a) Parking facilities shall be solely for the parking of no more than two cars;

(b) Storage facilities shall be a small, low-cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"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.

Comment [KK5]: Make sure all definitions from the LUP are included here. Also, we need definitions for terms like "height", "floor area", "lot coverage", etc.

“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).

## B Definitions

“Base Flood”. means a flood having a one 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 ~~is~~ 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.

**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, whether due to natural causes or as a result of human activity.

“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 one of the following two parameters:

- a) the toe is now or was historically (generally within the last 200 years) subject to marine erosion.
- b) 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 sea to be able to function at all, ~~such as~~ potentially including an aquarium or marine research center,

“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 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. ~~A Coastal Development Permit is an umbrella permit inclusive of any other administrative or discretionary permit issued by the City within the Coastal Zone.~~

“Coastal Related Use” (“Coastal-Related Development”). Any use that is dependent on a coastal-dependent development or use.

“Coastal Resources”. Coastal resources include ~~buty 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 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. Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of the City of Pacific Grove’s LUP component of its LCP first took effect (i.e. June 7, 1989), and such cumulative changes of 50% or more of major structural components shall constitute demolition.~~

Comment [KK6]: Demolition is simply to tear down, while the 50% alteration rule is the definition of redevelopment.

-Refer also to the definition of Historic Structure Demolition.

“Development”. The term “development” is a term defined in ~~the~~ Coastal Act [Section 30106](#) and is synonymous with “new development.” The term is broadly defined to include (among others) proposed construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters. Specifically, in compliance with [Coastal Act](#) (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; 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; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. See also “Redevelopment.”

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”. ~~Any natural area of biological significance~~ 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.

!

**F Definitions**

“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.

**H Definitions**

“Hazard”. See definition of “Coastal Hazard”.

“Historic Structure Demolition”. All changes to the exterior of a historic building, including but not limited to moving or removing windows, doorways, walls, or other structural features, if such changes alter more than 25 percent of the surface of all exterior walls facing a public street or streets, and/or if these changes alter more than 50 percent of the total lateral length of exterior walls, including porches and other projections of the building within a 24 month period with the exception of maintenance and repair.

**Comment [KK7]:** Is there a definition of “historic structure”?

**I Definitions**

~~“Inundation Area”. That area projected to be inundated as a result of sea level rise, based on a rise of three feet above the currently mapped FEMA base flood elevation for V-zone and AE-zone (based on North American Vertical Datum of 1988 (NAVD-88), which is approximate to NOAA’s mean lower low water (MLLW), which is the average height of the lowest tide recorded at a tide station each day during the recording period). The area below 20 feet above the current mean high tide line is considered vulnerable to tidal action.~~

**Comment [KK8]:** I’d prefer we delete this, as it’s too rigid for what constitutes inundation.

**M Definitions**

“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).

**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”. A structure or use that is non-conforming if it was legally permitted in conformance with all applicable laws, codes and standards 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

"Projected Inundation Level". The mean elevation of dry land becoming permanently drowned or submerged, such as from anticipated sea level rise due to an increase in the total mass and density of water under global warming conditions.

"Projected Sea Level". Anticipated mean sea level at some defined future moment in time.

~~"Protected Public View". Coastal areas, which due to their scenic and visual quality, must be considered and protected as a resource of public importance. As identified in the Public Resources Code Section 30250-30255, "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."~~

**Comment [KK9]:** Let's just insert the LUP's definition of "public view": Views as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and water used for recreational purposes.

"Public Access". The right or privilege of citizens to visit an area or resource.

R Definitions

"Redevelopment". A non-historic structure shall be considered redeveloped, whereby the entire structure and all development on the site must be made to conform with all applicable Local Coastal Program policies and standards, when such development consists of:

**Comment [KK10]:** We should discuss how to treat historic structures.

1. Alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of the major structural components (including exterior walls, floor and roof structure, and foundation) of such development.
2. Additions and alterations to such development that lead to more than ~~or~~ a 50% increase in floor area for the development.

Changes to floor area and individual major structural components are measured cumulatively over time from the date that the Local Coastal Program's Land Use Plan component first took effect (i.e., June 7, 1989). Refer also to the definition of demolition. For historic structures, refer to the definition of Historic Building Demolition.

"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*).

"Sensitive Coastal Resource Areas". ~~These identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity~~An area in which the coastal resources, including scenic qualities and the views of scenic landscapes and/or biological resources are considered especially valuable (i.e. the Asilomar Dunes Residential Area and Asilomar Conference Grounds).

"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)

“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 Revetment, Seawall).

“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.

#### 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.

“Visually Incongruous”. Describes an element of the visual landscape not in keeping with the visual character of surrounding objects or views and thereby drawing unwanted attention or distracting from or degrading the visual character of surrounding areas.

“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”. 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, bogs, and fens, and 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.

### **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](#)

**Comment [KK11]:** The numbering here is from a different template, but this section describes CDP requirements consistent with our regulations and the Coastal Act. We should use this moving forward.

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).

#### **17.32.020 Coastal Permit Requirements**

- A. Permit Required.** All activities that constitute development within the coastal zone require a coastal permit except as specified in Section 17.32.040 (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. Change in the intensity of use of water, or access thereto;
  6. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility;
- B.** The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973.
- C. Review Authority.**
1. The Planning Commission shall take action on all coastal permit applications (except as provided for in Section 17.32.070).
  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 permit shall be reviewed by the City pursuant to an application for a new coastal permit, provided that the Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission-issued permit.
- D. 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 conflicts with this chapter. Discretionary approvals become effective only after a coastal permit is approved as required by this chapter.
- E. Legal Development and Permitting Processes.** Development that legally occurred prior to the effective date of the Coastal Act of 1976 (or the Coastal Initiative of 1972, whichever is applicable) is considered lawfully established development. Improvements, repair, modification, or additions subject to such existing development requires a coastal permit in accordance with the provisions of this chapter. The coastal permit may be approved if the proposed development is consistent with the policies and standards of the City's LCP.
- F. 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 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.

### **17.32.030 Coastal Permit Exemptions**

The following projects are exempt from the requirement to obtain a coastal 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, but not including guest houses or self-contained residential units. 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. 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 ten percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
5. In areas having a critically short water supply as declared by resolution of the Coastal Commission, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.
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. In areas having a critically short water supply as declared by resolution of the Coastal Commission construction of major water-using development such as swimming pools, or construction or extension of landscape irrigation systems.
  6. 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.
  7. Any improvement to a structure which changes the intensity of use of the structure.
  8. 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 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 twelve 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. 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 by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. 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. Conversion of Existing Multi-Unit Residential Structures.** The conversion of any existing multi-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this chapter, no coastal permit is required for that

improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a mult-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, is be considered a time-share project, estate, or use for purposes of this paragraph.

**G. Temporary Events.** Temporary events as defined in this section and which meet all of the following criteria:

1. The event will not occur between the Saturday of Memorial Day weekend through Labor Day, or if proposed in this period will be of less than one day 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.

**H. 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.

**17.32.040 Challenges to City Determinations**

The determination of whether a development is exempt, nonappealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Community Development 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 Community Development Director has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, nonappealable, or appealable:

- (A) The Community Development 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, nonappealable).

(B) If the determination of the local government is challenged by the applicant or an interested person, or if the Community Development Director wishes to have a Commission determination as to the appropriate designation, the Community Development Director shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion:

(C) The Executive Director shall, within two 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, nonappealable or appealable:

(D) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the Community Development 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.

#### **17.32.050 Application Submittal**

A. Coastal 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 17.32.080 (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, and all contiguous properties under the same ownership. 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. Application for a coastal permit shall be made concurrently with application for any other permits or approvals required by the Zoning Code.

C. 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 17.32.050. The determination shall be sent to the applicant, the Coastal Commission, and any known interested parties.

#### **17.32.060 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 one 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, 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 17.32.070(A)(2).
10. All procedures for challenge and appeal associated with the type of application being considered.

**D. Renoticing 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 renoticed 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 renoticing 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.

#### **17.32.070 Findings for Approval**

To approve a coastal permit, the review authority shall make all of the following findings:

- A.** The project is consistent with the General Plan, the LUP, and the Local Coastal Implementation Program.
- B.** The project maintains public views between the sea and the first public roadway parallel to the sea.
- C.** The project protects vegetation, natural habitats and natural resources consistent with LCP.
- D.** 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.** The project maintains public access to the coast along any coastline as set forth in the LCP.
- F.** The project supports the LCP goal of providing visitor-serving needs as appropriate.
- G.** The project is consistent with the LCP goal of encouraging appropriate coastal development uses.
- H.** The proposed development protects and where feasible enhances coastal resources.

**17.32.080 Notice of Final Action**

The City's action on a coastal permit shall become final when all local rights of appeal have been exhausted per Section 17.32.100. Within seven 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 as defined in Section 17.32.100 (Appeals).

**17.32.090 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. An appeal shall be submitted in writing within seven (7) 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 one 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 two 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.

#### **17.32.100 Permit Issuance**

##### **A. Effective Date of a Coastal Permit.**

1. In areas outside the Coastal Commission appeal area, coastal permits shall become effective seven 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 ten working days if no appeal has been filed. The ten-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 two 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 two-year period. Such extensions shall be considered amendments for purpose of notice and appeal to the Coastal Commission.

**C. Revocation of Permits.** Where one 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 twelve 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.

#### **17.32.110 Emergency Permits**

- A. Purpose.** Emergency coastal permits may be granted at the discretion of the Community Development 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 Community Development 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 Community Development 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 Community Development 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 Community Development 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 Community Development Director, not to exceed 30 days.

J. Reporting of Emergency Permits. The Community Development Director shall report emergency permits to the Coastal Commission and to the City Council and Planning Commission.

#### 17.32.120 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.

#### ~~–Exemptions from Coastal Development Permit Requirements~~

~~(a) A Coastal Development Permit is not required for the following activities:~~

~~(1) Projects fully outside of the Coastal Zone.~~

~~(2) New single family residences and improvements to single family residences; provided development or improvement do not occur on or within 100 feet of environmentally sensitive habitat, within a scenic, natural hazards, or biological resources overlay district, do not conflict with Land Use Plan policies, do not involve the expansion or construction of water wells or septic systems, or otherwise pose the potential for adverse effects on coastal access or coastal resources.~~

~~(3) Improvements to any structure other than a single family residence or a public works facility; provided development or improvement do not occur on or within 100 feet of environmentally sensitive habitat, within a scenic, natural hazards, or biological resources overlay district, do not conflict with Land Use Plan policies, do not involve the expansion or construction of water wells or septic systems, or otherwise pose the potential for adverse effects on coastal access or coastal resources.~~

~~(4) 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.~~

~~(5) 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; provided, however, that if the City determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, as required under California Code of Regulation Section 13252 it shall require that a permit be obtained pursuant to this chapter.~~

~~(6) Any category of development, or any category of development within a specifically defined geographic area, that the City, after public hearing, and as approved by the Coastal Commission has found that there is no potential for any significant adverse effect, either~~

~~individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.~~

~~(7) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.~~

~~(8) The replacement of any structure, other than a public works facility, destroyed by a disaster. 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 by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.~~

~~(9) Interior alterations that do not increase the number of hotel/motel rooms, number of residential units, or the gross floor area within the structure, or change the approved use of the structure.~~

~~(10) Categorical exclusions. Projects specifically designated as categorically excluded from the requirement for a Coastal Development Permit by Public Resources Code §30610(d) and (f) are exempt from Coastal Development Permit requirements. The Community and Economic Development Director shall maintain a list of projects determined to be categorically excluded from the requirements of this section for a Coastal Development Permit. The list shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Community and Economic Development Director's determination.~~

~~(11) Temporary uses and events and associated temporary structures occurring and installed outside the summer season, after Labor Day weekend and before Memorial Day weekend, or lasting less than 24 hours during the summer season. A Coastal Development Permit will be required for any temporary event that occupies all of a sandy coastal beach to the exclusion of the general public, and/or charges an admission or seating fee. Permits otherwise required for use of public spaces will be required in any case.~~

~~(12) Projects for which the California Coastal Commission or another state agency or federal agency reserves exclusive approval authority, or State and federal agency projects not subject to local permitting authority.~~

~~(b) Nothing in this section shall eliminate the requirements for obtaining grading, building, and/or other construction permits prior to starting any work.~~

~~(c) The City shall not grant an exemption if a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, cultural resources, historical resources, or public views to and along the shoreline or highly scenic areas;~~

### **23.90.040 – Coastal Emergency Permits**

~~(a) Purpose. This section provides procedures for the issuance of emergency permits in compliance with the Coastal Act of 1976.~~

~~(b) Applicability. In the event of an emergency, the Community and Economic Development Director may issue a permit to authorize emergency work in compliance with this section, Public Resources Code §30624, and the California Code of Regulations §13329. The Director shall not issue an emergency permit for any work to be conducted on tidelands, submerged lands, or on public trust~~

lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission staff. Emergency Coastal Development Permits shall authorize only the minimum necessary to stabilize the emergency. In addition, emergency development requires the subsequent processing of a standard Coastal Development Permit application for any work authorized on an emergency basis by these procedures.

(c) Application. An application for an emergency permit shall be filed with the Community and Economic Development Director in writing, if time allows, or in person or by telephone if time does not allow.

(d) Required information. The applicant shall report to the Community and Economic Development Director the following information, either during or as soon after the emergency as possible:

- (1) The nature and location of the emergency;
- (2) The cause of the emergency, insofar as this can be established;
- (3) The remedial, protective, or preventative work required to deal with the emergency; and
- (4) The circumstances during the emergency that appeared to justify the courses of action taken, including the probable consequences of failing to take action.
- (5) Identification of options for addressing the coastal emergency, including the least environmentally damaging alternative.

(e) Verification of emergency. The Community and Economic Development Director shall verify the facts, including the existence and nature of the emergency, as soon as time allows.

(f) Notice. The Community and Economic Development Director shall provide public notice of the proposed emergency work, with the extent and type of notice determined on the basis of the nature of the emergency.

(g) Emergency permit approval. The decision to issue an emergency permit is at the sole discretion of the Community and Economic Development Director, provided that subsequent land use, building, and grading permits required for the project shall comply with all applicable provisions of these regulations. The Community and Economic Development Director may grant an emergency permit if an emergency exists as defined in Article 6, and if the Community and Economic Development Director first finds that:

- (1) An emergency exists that requires action more quickly than permitted by the procedures of these regulations for the permits that would otherwise be required, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit;
- (2) Public comment on the proposed emergency action has been reviewed, if time allows; and
- (3) The work proposed would be consistent with the requirements of the certified Local Coastal Program.

(h) Emergency permit contents. If granted, the permit shall be subject to reasonable terms and conditions, including:

- (1) Language indicating that the work accomplished under an emergency permit is considered temporary and may be required to be removed unless a regular Coastal Development Permit is issued for the work;
- (2) An expiration date for the emergency permit; and

~~(3) A condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit.~~

~~(i) Expiration. An emergency permit shall expire and become void within seven days of issuance if it is not exercised, or if the emergency ceases to exist.~~

~~(j) Report to City Council. For information only, the Community and Economic Development Director shall provide the City Council with a written report describing the nature of the emergency and the work involved at the City Council's first scheduled meeting after the emergency permit has been issued. Copies of the report shall be available at the meeting and shall be mailed to the Executive Director of the Coastal Commission and to all persons who have requested this notification in writing.~~

~~(k) Normal permits required. Within 30 days of the date of issuance of the emergency permit, the applicant shall apply for a Coastal Development Permit and all land use permits required by these regulations, and any other permits required by the Municipal Code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with the City's normal procedures.~~

**~~23.90.050 Coastal Development Permits.~~**

~~(a) The purpose of this section is to establish the process for the review of all development within the City of Pacific Grove's Coastal Zone to ensure that development projects are consistent with the intent and requirements of the California Coastal Act of 1976 (Public Resources Code section 30000, et seq.) and the California Code of Regulations, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 17 and the City's Local Coastal Land Use Plan, and to ensure timely review and action on proposed projects, through issuance of Coastal Development Permits.~~

~~(b) Authority to Require and Issue Coastal Development Permits. The City issues Coastal Development Permits pursuant to the authority contained in Public Resources Code §30000 et seq. (Coastal Act) and Title 14, Division 5.5 of the California Code of Regulations. Persons wishing to undertake development in the Coastal Zone shall obtain permits as shown in Table 23.90.050:~~

**Table 23.90.050**

**Types of City Review, Applications, and Roles of City Review Authorities**

<del>Roles of Review Authorities<sup>1</sup></del>							
<del>Type of Permit Application</del>	<del>Chief Planner</del>	<del>ZA</del>	<del>SPRC</del>	<del>ARB</del>	<del>HRG</del>	<del>PG</del>	<del>CC</del>
<del>ARB = Architectural Review Board, CC = City Council, HRC = Historic Resources Committee, HRI = Historic Resources Inventory, LCP = Local Coastal Program, PC = Planning Commission, PGMC = Pacific Grove Municipal Code Section, SPRC = Site Plan Review Committee, and ZA = Zoning Administrator.</del>							
<del><b>Counter Review:</b> Recommended preliminary staff review of projects to determine compliance with zoning code, need for further permit applications, or determination of which track below best suits the situation.</del>							
<del><b>Counter Review and Determination:</b> Required chief planner review of specific projects or land uses in order to</del>							

**Table 23.90.050**  
**Types of City Review, Applications, and Roles of City Review Authorities**

Type of Permit Application	Roles of Review Authorities <sup>1</sup>						
	Chief Planner	ZA	SPRC	ARB	HRG	PG	CC
verify compliance with zoning standards.							
<b>Staff Approvals:</b> For timely approval of permits for the following projects and uses:							
Admin. architectural permit — not on HRI	Decision <sup>2</sup>	Hearing/ Decision	-	Appeal <sup>5</sup>	-	-	Appeal <sup>5</sup>
Admin. architectural permit — on HRI	Decision <sup>2,3</sup>	-	-	Hearing/ Decision	-	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Architectural design change — not on HRI	Decision <sup>2</sup>	Hearing/ Decision	-	Appeal <sup>6</sup>	-	-	Appeal <sup>5</sup>
Architectural design change — on HRI	Decision <sup>2,3</sup>	-	-	Hearing/ Decision	-	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Lot merger	Decision	Hearing/ Decision	-	-	-	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Admin. sign permit	Decision	Hearing/ Decision	-	Appeal <sup>6</sup>	-	-	Appeal <sup>5</sup>
Admin. use permit and admin. use permit amendments <sup>2</sup>	Decision <sup>2</sup>	Hearing/ Decision	-	-	-	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Admin. variance and admin. variance amendments	Decision <sup>2</sup>	Hearing/ Decision	-	-	-	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Permitting of undocumented dwelling units	Decision <sup>2</sup>	Hearing/ Decision	-	-	-	Appeal <sup>5</sup>	Appeal <sup>5</sup>

**Table 23.90.050**  
**Types of City Review, Applications, and Roles of City Review Authorities**

Type of Permit Application	Roles of Review Authorities <sup>1</sup>						
	Chief Planner	ZA	SPRC	ARB	HRG	PG	CC
<b>Zoning Administrator:</b> For the following applications:							
Interpretations of permitted use lists	-	Decision <sup>6</sup>	-	-	-	Appeal	Appeal
Historic relocation permit—on site	-	Decision <sup>6</sup>	-	-	-	Appeal	Appeal
Parcel map	-	Decision <sup>6</sup>	-	-	-	Appeal	Appeal
<b>City Arborist:</b> For the following applications:							
Protected tree pruning or removal	Decision <sup>2</sup>	Appeal					
<b>Site Plan Review Committee:</b> For the following approvals:							
Lot line adjustment	-	-	Decision	-	-	Appeal	Appeal
Site plan review (multifamily/commercial/industrial projects only)	-	-	Review and Comment	-	-	-	-
<b>Architectural Review Board:</b> For the following applications:							
Architectural permit for new construction, major alteration, or demolition/reconstruction— <del>not on HRI</del>	-	-	-	Decision	-	Appeal	Appeal
Architectural permit for major alteration— <del>on HRI</del>	-	-	-	Decision	-	Appeal	Appeal

**Table 23.90.050**  
**Types of City Review, Applications, and Roles of City Review Authorities**

Type of Permit Application	Roles of Review Authorities <sup>1</sup>						
	Chief Planner	ZA	SPRC	ARB	HRG	PG	CG
Historic preservation permit	-	-	-	Decision	-	Appeal	Appeal
Historic demolition permit	-	-	-	Decision	-	Appeal	Appeal
Historic relocation permit – off-site	-	-	-	Decision	-	Appeal	Appeal
Sign permit	-	-	-	Decision	-	Appeal	Appeal
<b>Historic Resources Committee:</b> For the following applications:							
Historic determination	-	-	-	-	Decision	Appeal	Appeal
Initial historic screening request	Decision	-	-	-	Recommend	-	-
<b>Planning Commission:</b> For the following applications:							
Use permit and use permit amendments	-	-	-	-	-	Decision	Appeal
Variance and variance amendments	-	-	-	-	-	Decision	Appeal
Tentative tract map	-	-	-	-	-	Decision	Appeal
Final tract map	-	-	-	-	-	Decision	Appeal
<b>Administrative and Amendments:</b> For legislative actions and code interpretations (other than interpretations for permitted use lists), the following applies. At the conclusion of any public hearing on a proposed amendment to the general plan, local coastal program land use plan, zoning text, zoning map, or other provision of the local coastal program, a development agreement, or a specific plan, the planning commission shall forward a recommendation, including all required findings, to the council for final action. Following the hearing, a copy of the planning							

**Table 23.90.050**  
**Types of City Review, Applications, and Roles of City Review Authorities**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Chief Planner	ZA	SPRC	ARB	HRG	PC	CC
commission's recommendation shall be mailed to the applicant at the address shown on the application. [Ord. 11-001 § 2, 2011].:							
General plan amendments	-	-	-	-	-	Recommend	Decision
LCP amendments	-	-	-	-	-	Recommend	Decision
Zoning text amendments	-	-	-	-	-	Recommend	Decision
Zoning map amendments	-	-	-	-	-	Recommend	Decision
Interpretations of code	Decision <sup>4</sup>	-	-	-	-	Appeal	Appeal

Notes:

1. ——— “Decision” means that the review authority makes the decision on the matter; “hearing” means that the review authority holds a hearing and renders a decision only if requested in response to a notice.; “appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body; “recommend” means that the review authority makes a recommendation to a higher decision-making body.
2. ——— The chief planner (Community and Economic Development Director or designee) may defer action and refer the item to the hearing authority for decision. For tree permits, the chief planner defers to the city arborist.
3. ——— If an administrative architectural permit or an architectural design change is accompanied by a historic preservation permit, both applications shall be reviewed concurrently by the architectural review board.
4. ——— The chief planner may defer action and refer the item to the first appeal authority for decision.
5. ——— Appeal authority may review matter only if the hearing authority held a public hearing and rendered a decision.
6. ——— The zoning administrator may defer action and refer the item to the first appeal authority for decision.
7. ——— Administrative use permits are broken down into major and minor categories, to reflect the reduced staff time required and lower corresponding fee for projects in the minor category. [Ord. 13-005 § 3, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

~~Coastal Development Permits shall be required for any administrative and discretionary approvals, including:~~

- ~~(1) Allowable uses and structures. Coastal Development Permit approval shall be required for all proposed uses and structures allowed in the applicable zoning district for which a building permit is required, and for any proposed subdivision.~~
- ~~(2) Exterior alterations to structures subject to conditions of approval in an earlier permit issued by the City or Coastal Commission;~~
- ~~(3) Changes in use or improvements which significantly increase the intensity of use of the structure, as determined by the Community and Economic Development Director;~~
- ~~(4) Any improvements in conjunction with the conversion of a structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion;~~
- ~~(5) Any exterior alteration, addition to or demolition of any designated historic structure that would require a building permit, except maintenance or repair to restore the structure to its original architectural character shall not require a Coastal Development Permit.~~
- ~~(6) Demolition of residential, commercial, and other principal structures located on or adjacent to a coastal beach; or within 100 feet of the top edge of a coastal bluff, or wetland or stream; or in a sensitive coastal overlay zone; or in environmentally sensitive areas determined by the Community and Economic Development Director.~~
- ~~(7) Landform alterations involving removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by the Land Use Plan as a land habitat of extreme, high, or moderate sensitivity.~~
- ~~(8) Reconstruction of buildings if damaged or destroyed by natural disaster or as a result of an emergency to the extent that reconstruction constitutes redevelopment.~~
- ~~(9) Any proposed improvement to a house that results in an increase in building height.~~
- ~~(10) Shoreline structures or improvements to any structure on a beach, wetland, stream, or seaward of the mean high waterline as established by the U.S. Coast and Geodetic Survey, and for repair and maintenance activities involving seawalls and similar shoreline structures.~~
- ~~(11) Major water-using development not essential to residential use, such as swimming pools or extension of landscape irrigation systems, when located in an area having a critically short water supply as declared by resolution of a state agency or regional water agency.~~
- ~~(12) The addition of parking meters for public parking.~~

~~(c) Authority to Approve Coastal Development Permits. Except as otherwise prescribed in this Chapter, the authority for approval of Coastal Development Permits is established in Table 23.90.050.~~

### **23.90.060 – Concurrent Permit Processing**

~~When a single project incorporates different land uses or features so that these regulations require two or more permit applications, the Community and Economic Development Director may determine that all of the applications shall be reviewed, and approved or disapproved, by the highest level review authority prescribed by Table 23.90.050 to any of the required applications. The City shall issue a~~

~~Coastal Development Permit that is an umbrella permit inclusive of related city-issued development permits.~~

~~Project's that require the approval of the Architectural Review Board, Historical Resources Committee, or any other such advisory board, commission or committee, shall conduct a hearing and recommend to the permitting authority if the findings for a coastal development permit contained herein, can be made.~~

### **~~23.90.070 Application Requirements~~**

~~(a) The City Council shall establish a schedule of fees for full City cost recovery for the processing of land use permits and other matters pertaining to these regulations. The City Council may change the schedule of fees from time to time.~~

~~(b) Land use permit applications shall be filed with the Community and Economic Development Department using the forms provided by the Department. Applications shall include all necessary fees and deposits, and all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required for the approval being requested.~~

~~(c) Following submittal of an application, the Community and Economic Development Director or designee shall review the application for completeness. Within 30 calendar days from submittal, the Director or designee shall notify the applicant in writing of which parts of the application are incomplete and describe the specific materials needed to complete the application. Not later than 30 days after receipt of all of the requested materials, the Community and Economic Development Director or designee shall determine whether the submittal of the requested materials is complete and transmit that determination to the applicant. If no determination of completeness is provided to the applicant within 30 days of submittal, the application will be deemed complete. An application for a Coastal Development Permit shall not be determined to be complete and shall not be filed until the applicable requirements of this Chapter have been met. Until such application is determined to be complete by the Community and Economic Development Director or designee and has been reviewed in accordance with the applicable CEQA Guidelines and the California Coastal Act, no action shall be taken on it by the Community and Economic Development Department.~~

~~(d) The City shall not deem complete an application for development on a lot or parcel or portion thereof which is the subject of a pending Coastal Commission action for inclusion in the Coastal Zone pursuant to Public Resources Code §30403(b), until such time as a determination has been made regarding the Coastal Zone boundary amendment.~~

### **~~23.90.080 Compliance with Development Standards, Zoning Districts, and Overlay Districts~~**

~~Compliance with the development standards and other zoning regulations applicable to the zoning district and/or overlay districts in which the site is located, shall be required in accordance with Section 23.90.040.~~

### **~~23.90.090 Variances and Non-conformance~~**

~~Variances from the development standards of these regulations shall be made only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of these regulations denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts and a finding that without such variance and non-conformance the property owner will be deprived a reasonable and beneficial use of the owner's land. Variances shall not be issued when significant~~

~~adverse effects on coastal resources, including biological and marine resources, public access, and scenic resources would occur as a result.~~

### **23.90.100 Noticing Requirements**

~~(a) When a public hearing is required for a Coastal Development Permit, the public shall be provided notice of the hearing as required by this section.~~

~~(1) Contents of Notice. Notice of a public hearing shall include:~~

~~(A) Hearing Information. The date, time, and place of the hearing and the name of the hearing body; a brief description of the city's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the department, where an interested person could call or visit to obtain additional information;~~

~~(B) Project Information. The date of filing of the application and the name of the applicant; the city's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;~~

~~(C) Statement on Environmental Document. If a proposed negative declaration or final environmental impact report has been prepared for the project in compliance with the City's CEQA guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed negative declaration or certification of the final environmental impact report; and~~

~~(D) Coastal Zone Information. A statement that the proposed development is within the Coastal Zone.~~

~~(2) Method of Notice Distribution. Notice of a public hearing required by this section shall be given as follows:~~

~~(A) Publication. Notice shall be published at least once in a newspaper of general circulation in the city at least 10 days before the hearing.~~

~~(B) Mailing. Notice shall be mailed or delivered at least 10 days before the hearing to the following:~~

~~(i) Owner(s) of Proposed Site. The owner(s) of the property being considered in the application, or the owner's agent, and the applicant;~~

~~(ii) Local Agencies. Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;~~

~~(iii) Affected Owners. Owners of all real property as shown on the latest county equalized assessment roll, within a radius of 300 feet of the exterior boundaries of the site that is the subject of the hearing; and any other person whose property might, in the judgment of the chief planner, be affected by the proposed project;~~

~~(iv) Persons Requesting Notice. Any person who has filed a written request for notice with the department and has paid the required fee for the notice; and~~

~~(v) Coastal Commission. The Coastal Commission.~~

~~(C) Posting. The Community and Economic Development Department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.~~

~~(D) Additional Notice. In addition to the types of notice required above, the Community and Economic Development Department may provide additional notice as the chief planner determines necessary or desirable, and may consult with the planning commission for advice. [Ord. 12-005 § 5, 2012; Ord. 11-001 § 2, 2011].~~

~~(b) Administrative Coastal Development Permits shall be noticed in accordance with this section.~~

~~(1) The contents of a notice of an administrative Coastal Development Permit decision shall be as provided in subsection (a)(1).~~

~~(2) A notice of administrative Coastal Development Permit decision shall be given as follows:~~

~~(A) Mailed notice for administrative Coastal Development Permits, including use permits, administrative use permit amendments, administrative variances, and administrative variance amendments shall be provided to:~~

~~(i) Owners of all property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and~~

~~(ii) Any person who has filed a written request for notice with the Community and Economic Development Department and has paid the required fee for the notice.~~

~~(B) Mailed notice for administrative Coastal Development Permits for architectural approvals, architectural design changes, lot mergers, administrative sign approvals, and permitting of undocumented dwelling units shall be provided to:~~

~~(i) Owners of all property abutting the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and~~

~~(ii) Any person who has filed a written request for notice with the department and has paid the required fee for the notice.~~

~~(C) Posting. The Community and Economic Development Department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.~~

~~(D) Timeline. The notice shall be mailed and posted no later than 15 days following the submittal of a complete application to the department and at least 10 days before an action by the chief planner to approve an administrative Coastal Development Permit.~~

~~(E) Duration of Posting. The notice shall be continuously posted from the date required by subsection (D) of this section until the effective date of the chief planner's~~

~~decision to approve, or approve with conditions, the administrative Coastal Development Permit.~~

~~(F) Request for Hearing. If a written request is received by the Community and Economic Development Department within the 10-day noticing period before final approval of the Coastal Development Permit, a public hearing will be held by the hearing authority, pursuant to the noticing requirements of PGMC 23.90.100(a) if it pertains to an administrative Coastal Development Permit for a use permit or variance. [Ord. 13-005 § 4, 2013; Ord. 11-001 § 2, 2011].~~

~~(c) Notice of public hearings for Coastal Development Permits for architectural approvals shall be given as required by this section.~~

~~(1) Contents of Notice. The contents of the notice shall be as provided in subsection (a)(1).~~

~~(2) Method of Notice Distribution. A notice shall be given as follows:~~

~~(A) Mailed Notice. Mailed notice shall be provided to:~~

~~(i) Owners of all property abutting the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and~~

~~(ii) Any person who has filed a written request for notice with the Community and Economic Development Department and has paid the required fee for the notice.~~

~~(B) Posting. The Community and Economic Development Department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.~~

~~(C) Timeline. The notice shall be mailed and posted no later than 15 days following the submittal of a complete application to the department and seven days before the scheduled date of the initial review by the Architectural Review Board or Zoning Administrator, including conceptual review.~~

~~(D) Duration of Posting. The notice shall be continuously posted from the date required by subsection (C) of this section, until 10 days following action by the Architectural Review Board or Zoning Administrator. [Ord. 12-005 § 5, 2012; Ord. 11-001 § 2, 2011].~~

~~(d) Notice of public meetings for the site plan review committee, and for all site review meetings for boards and commissions, shall be given as follows:~~

~~(1) Posted Notice. The Community and Economic Development Department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street. The notice shall be posted on the site a minimum of three business days before a scheduled public meeting. [Ord. 11-001 § 2, 2011].~~

**23.90.110 Hearing Requirements**

~~When a public hearing is required, the recommending body and the body with approval authority shall conduct public hearings on the application. Hearings shall be held at the date, time, and place described in the public notice required by this chapter. Any hearing may be continued if needed; provided, that before the adjournment or recess of the hearing, a clear public announcement is made specifying the date, time, and place to which the hearing will be continued. [Ord. 11-001 § 2, 2011]. A non-hearing Coastal Development Permit application shall be approved or denied by the Director. A Coastal Development Permit application that is required by this section to have a public hearing shall be approved, modified, or denied by the Planning Commission and City Council, as applicable and as prescribed in Table 23.90.050.~~

**23.90.120 Findings**

~~(a) The review authority shall approve a Coastal Development Permit only when it first makes findings of fact establishing that the project conforms to the requirements and objectives of the Local Coastal Program. The findings shall reference applicable policies of the Local Coastal Program where appropriate.~~

~~(b) A project may be approved or conditionally approved only if the approval authority makes all of the findings listed below:~~

~~(1) The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the City.~~

~~(2) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Chapter and any zoning violation abatement costs have been paid.~~

~~(3) For projects located between the sea and the first public road or body of water, the proposed project conforms to the public access and public recreation policies of Chapter 3 of the the California Coastal Act of 1976.~~

~~(4) The proposed development is in conformance with plans, policies, regulations, and requirements of the certified Land Use Plan and complies with all regulations of the Certified Implementation Program. Specific findings shall be made with respect to the following:~~

~~(A) The project is designed to protect vegetation, natural habitats, and natural resources consistent with the Local Coastal Program.~~

~~(B) The design, location, size, and operating characteristics of the project are consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Program.~~

~~(C) The project maintains public access to the coast as set forth in the Local Coastal Program and the proposed coastal development does not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.~~

~~(D) The project is consistent with the Local Coastal Program goal of accommodating visitor serving needs as appropriate.~~

~~(E) The project is consistent with the Local Coastal Program goal of encouraging coastal dependent and coastal related development and uses as appropriate.~~

~~(F) The project is designed to protect, and where feasible, enhance coastal resources including marine, water, recreational, cultural, scenic resources and special communities and neighborhoods. (G) The project is sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas and parks and recreation, and is compatible with the continuance of those habitat and recreation areas.~~

~~(H) The project is located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, and with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.~~

~~(I) The project is 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.~~

~~(J) The project is subordinated to the character of its setting, and is designed to protect the visual quality of highly scenic areas.~~

~~(K) The project has been designed to minimize risks to life and property in areas of high geologic, flood, and fire hazard; and, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.~~

~~(L) The project will not result in adverse impacts to marine resources and quality of coastal waters, wetlands, streams, in and adjacent to, areas of special biological or economic significance, or areas where the healthy populations of all species of marine organisms that important for long term productivity commercial, recreational, scientific, and educational purposes.~~

~~(M) The project will not result in the loss of affordable visitor and recreational facilities.~~

### **23.90.130 Conditions of Approval**

~~(a) In approving a Coastal Development Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.~~

~~(b) Approval of a Coastal Development Permit shall be subject to conditions as necessary to ensure conformance with, and implementation of, the certified Local Coastal Program. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any subdivision or other land division, such conditions shall be imposed at the time of the subdivision or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission. Modification and resubmittal of project plans, drawings, and specifications, preparation of additional plans, or recordation of documents may be required to ensure conformance with the Local Coastal Program. When modifications and resubmittal of plans, additional plans, or recorded documents are required, issuance of the permit shall be deferred for a sufficient period of time to allow the Director or designee to determine whether the modified project, the additional plans, or the recorded documents comply with the conditions of approval of the permit.~~

**23.90.140 Effective Date of Permits**

(a) The approval of a Coastal Development Permit for a project that is not appealable to the Coastal Commission shall become effective on the 11<sup>th</sup> day following the date of application approval by the appropriate review authority, where no appeal of the review authority's action has been filed within 10 days of the date of the decision.

(b) The approval of a Coastal Development Permit for a project that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission 10 working day appeal period which begins the day after the receipt by the Central Coast office of the California Coastal Commission of adequate notice of final action required by Section 23.90.150, and where no appeal of the review authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where no local appeal has been filed within 10 days of the date of the decision.

**23.90.150 Final Local Action Notice**

(a) For all Coastal Development Permits, a final action notice shall be prepared that describes the approved development (including all supporting findings, conditions, approved project plans, applicable technical reports, etc.) and the process by which it was approved, and information on appeal procedures, including local appeals as well as appeals to the Coastal Commission. Within seven calendar days of the end of the appeal period following final City action on a Coastal Development Permit, the City shall provide such notice of its action by first class mail to the Coastal Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the Community and Economic Development Department. The City's action on a Coastal Development Permit shall not be considered final until all rights of appeal have been exhausted.

(b) For Coastal Development Permits administratively approved without benefit of a public hearing, all persons receiving notice or requesting such notice shall be notified in writing of the issuance of a Coastal Development Permit pursuant to Section 23.90.100 PGMC.

**23.90.160 Permit Amendments**

Upon application by the permittee, a Coastal Development Permit may be amended. Application for an amendment shall be accomplished in the same manner specified by this Chapter for the initial application of the Coastal Development Permit. All sections of this Chapter dealing with the specific type of Coastal Development Permit shall apply to permit amendments.

**23.90.170 Revocation**

Where one or more of the conditions of a Coastal Development Permit have not been, or are not being, complied with, or when a Coastal Development Permit was granted on the basis of false material information, the Community and Economic Development Director may revoke or modify the Coastal Development Permit following a public hearing before the Planning Commission, or City Council if the City Council issued the Coastal Development Permit. Notice of such hearing shall be the same as would be required for a new Coastal Development Permit.

**23.90.180 Expiration of Coastal Development Permit**

Unless the permit states otherwise, a Coastal Development Permit shall expire two years from its date of approval if the development has not commenced during that time. The approving authority may grant an extension of one year for due cause. Extensions shall be requested in writing by the Applicant or authorized agent prior to expiration of the two-year period. Such extensions shall be considered

~~amendments for purpose of notice and appeal to the Coastal Commission. The life of a Coastal Development Permit will be stayed during an appeal process.~~

### ~~23.90.190 Local Appeals~~

~~Determinations and actions that may be appealed, and the authority to act upon an appeal, shall be as follows:~~

~~(a) Staff Determinations. The following determinations and actions of the chief planner and Community and Economic Development Department staff may be appealed to the Planning Commission and then to the City Council, except as provided in subsection (a)(5) of this section:~~

- ~~(1) Counter review and determinations by staff.~~
- ~~(2) Determinations on the meaning or applicability of these regulations that are believed to be in error, and cannot be resolved with staff.~~
- ~~(3) Any determination that a permit application or information submitted with the application is incomplete, in compliance with state law (Government Code Section 65943).~~
- ~~(4) Any enforcement action.~~
- ~~(5) Determinations of the city manager, involving interpretations of the code, but such an appeal shall be heard by the City Council only.~~

~~(b) Decisions of Review Authorities. Appeal authorities are identified in Table 23.90.050. Generally, decisions of the zoning administrator, site plan review committee, architectural review board, and historic resources committee may be appealed to the planning commission, and decisions of the planning commission may be appealed to the council. When a single project requires two or more permit applications, any appeal of the project shall go to the higher-level appeal authority among these permits. The decision of the council shall be final. [Ord. 11-001 § 2, 2011].~~

~~(c) Who May File an Appeal. An appeal may be filed by:~~

- ~~(1) Any person affected by an administrative determination or action by the Community and Economic Development Department.~~
- ~~(2) In the case of a Coastal Development Permit or hearing decision described in PGMC 23.90.100, by anyone who, in person or through an authorized representative, appeared at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns before the hearing.~~

~~(d) Timing and Form of Appeal. All appeals shall be submitted in writing on a city application and shall specifically state the pertinent facts of the case and the basis for the appeal.~~

- ~~(1) Appeals shall be filed in the community development department or, in the case of appeals of planning commission actions, in the office of the City Clerk, within 10 days following the final date of the determination or action being appealed.~~
- ~~(2) Appeals shall be accompanied by the filing fee set by the city's adopted schedule of fees, which is available in the community development department and on the City's website.~~

~~(e) Scope of Appeals. An appeal of a decision on a Coastal Development Permit listed in Table 23.90.050 shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not generally known at the time of the decision that is being appealed. [Ord. 11-001 § 2, 2011].~~

~~(f) The City Council may call up for review any action or decision of the planning commission or any other review authority, and make its own decision on the action or matter. The Architectural Review Board and Planning Commission have the authority to call up certain actions or decisions of any review body for which they are the appeal authority, in accordance with Table 23.90.050.~~

~~(g) Notwithstanding any time limits otherwise prescribed in this code for appeal, the call-up authority shall always have until its next regularly scheduled meeting, following an action, to decide to call up the action or matter for review.~~

~~(h) In the case of the City Council, Planning Commission, and Architectural Review Board, the vote of three members shall suffice to call up an action or matter for review. At the time a matter or action is called for review, each member voting for review shall make a brief statement of the grounds for his or her vote. [Ord. 11-001 § 2, 2011].~~

~~(i) Scheduling of Hearing. After an appeal or call up for review has been received, in compliance with PGMC 23.74.030 and 23.74.040, the matter shall be placed on the next available agenda of the appeal authority or body calling up the item.~~

~~(j) Notification of Applicant. Within one business day of receipt of an appeal or decision to call up a matter, staff shall attempt to notify the applicant.~~

~~(k) Joining an Appeal. Only those persons who file an appeal within the time limit established by PGMC 23.74.030(b) shall be considered appellants. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with PGMC 23.74.030(b). No person shall be allowed to join an appeal after the expiration of the time limit for appeals.~~

~~(l) Action and Findings. The appeal authority shall conduct a de novo public hearing in compliance with 23.90.100 and 23.90.110 PGMC. At the hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal or call up, in addition to the specific grounds identified in the appeal.~~

~~(1) The appeal authority may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal or call up, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal or call up, and verify the compliance or non-compliance of the subject of the appeal or call up with these regulations. Prior to approving a permit or other action, the applicable findings in Chapter 23.70 PGMC (Community Development Permit Review Authorities and Procedures) shall be made.~~

~~(2) When reviewing a decision on a community development permit, the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal or call up.~~

~~(m) Effective Date of Appeal or Call-Up Decisions. A decision by any appeal authority other than the council is effective on the eleventh day after the decision, if no appeal to the decision has been filed, or until the next regularly scheduled meeting, of any body with call-up authority, whichever date is later. Because a decision by the council is final, it is effective as of the date of the decision, unless the council specifies an alternative date.~~

~~(n) Appeal Authority Also Refers to Call-Ups. All references to appeal authority in this section shall include the body calling up a matter for review. [Ord. 11-001 § 2, 2011].~~

### **23.90.200 Appeal to Coastal Commission**

~~(a) Any approval decision by the City on a Coastal Development Permit, or any approval or denial decision by the City on a Coastal Development Permit for a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility;~~

may be appealed by an aggrieved person or any two members of the Coastal Commission to the Coastal Commission.

(b) Appeals to the Coastal Commission are limited to actions on 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 tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the City not included within paragraph (1) above 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) above that are located in a sensitive coastal resource area (i.e. the Asilomar Dunes Residential Area).

(4) Any development which constitutes a major public works project or a major energy facility.

(c) Within 10 working days of Coastal Commission receipt of the notice of final Coastal Development Permit action, an appealable Coastal Development Permit may be appealed to the Coastal Commission by an aggrieved person who has exhausted local appeals or by any two members of the Coastal Commission.

(d) For appealable Coastal Development Permits, an appellant shall be deemed to have exhausted local appeals and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the appellate bodies identified in this Chapter except that exhaustion of all local appeals shall not be required if any of the following occur:

(1) The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the Coastal Zone, in this Chapter.

(2) 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.

(3) 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 Chapter.

(4) The City charges an appeal fee for the filing or processing of appeals.

### **23.90.210. Shoreline Protective Structures.**

In order to protect littoral geologic processes and the visual qualities of sea bluffs in the City's Coastal Zone, City implements the following regulations:

(a) 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.

(b) New development, (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.

**Comment [KK12]:** I would delete this whole section, and just include all of the SPD standards from the Hazards LUP chapter in the next section hazards.

~~(c) 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.~~

~~(d) Non-structural shoreline protective strategies, including retreat of development (including public improvements and facilities), shall be used to the greatest extent possible.~~

~~(e) Existing shoreline protective structures may be repaired and maintained if non-engineering approaches are determined to be infeasible, based on evaluation of the following:~~

- ~~(1) the continued need for the structure, including whether it is feasible to replace the structure with an alternative with fewer coastal resource impacts.~~
- ~~(2) the potential for the structure's removal to result in adverse effects on coastal resources.~~
- ~~(3) the potential for loss of coastal access if the repair, maintenance, and/or augmentation is not carried out.~~
- ~~(4) the age and condition of the existing principal structure being protected.~~
- ~~(5) the feasibility of the relocation of the existing principal structure being protected outside of the hazardous area.~~
- ~~(6) changed geologic site conditions, including but not limited to changes relative to sea level rise.~~

~~(f) New shoreline protective structures, and repairs and maintenance of existing shoreline protective structures shall adhere to the following requirements:~~

- ~~(1) There shall not be a reduction or restriction in shoreline access, excepting temporarily during construction, and an increase in public access may be required as a condition of approval.~~
- ~~(2) There shall not be an adverse effect on shoreline processes and sand supply, both locally and regionally, 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 materials that otherwise would have naturally eroded, and the loss of sand-generating bluff/shoreline material that would have entered the sand supply system absent the device.~~
- ~~(3) Erosion on adjacent locations shall not be increased.~~
- ~~(4) Vegetation, wildlife, and habitats shall be protected, both during construction and during the life of the structure.~~
- ~~(5) Any newly placed surfaces shall be colored and textured, be visually compatible with surrounding areas, and designed to reduce visual effects.~~
- ~~(6) The repair or maintenance shall not encroach seaward or laterally beyond the footprint of the shoreline protective structure already in place, unless deeper footings are required, and may extend forward of the existing wall no more than the thickness of the existing footing, and devices at the ends of the structures may be added only if required to address existing erosion or adverse littoral transport effects on adjacent or down-coast locations.~~

~~(f) As an interim measure to reduce wave overtopping onto the recreation trail and viewpoints (if relocation of these facilities is not feasible within a ten-year timeframe), the City may construct walls approximately two feet seaward of the seaward edge of the recreation trail or adjacent to the edge of~~

~~viewpoints, up to 36 inches in height, and meeting the parameters set forth in subsections (f) (1) through (f) (5), provided provisions are made for protection and passage of biological resources.~~

~~(g) When a land use that has been protected by a shoreline protective structure is removed, the associated shoreline protective structure shall also be removed and the shoreline restored to a natural condition. The landowner shall apply for a Coastal Development Permit for removal of the shoreline protective structure within six months of the determination that the shoreline protective structure is no longer needed.~~

~~(h) A Coastal Development Permit shall be required for construction, removal, or modification of any shoreline protective structure or device.~~

~~(i) 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:~~

~~(1) whether the devices can be removed and modified in light of the development proposed;~~

~~(2) whether public access can be improved; and/or~~

~~(3) 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.~~

**23.90.220 Natural Hazards and Sea Level Rise.**

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) Natural Hazards Zoning Map Overlay

(1) The City designates portions of the Coastal Zone as a Natural 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 2015, 2050, and 2100 Coastal Flooding and 2015, 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 five years.

(3) The City may initiate a request to amend the Coastal Zone boundary landward if the mean high tide line and/or cliff edge moves more than one-third of its 2016 baseline distance closer to Ocean View Boulevard between Asilomar Avenue and Sea Palm Avenue. The City shall adjust the Natural Hazards Overlay concurrently with such Coastal Zone boundary amendment.

**Comment [KK13]:** This entire section should literally repeat LUP Policies HAZ 1-17. We should use that as the starting point, and then can modify a few items accordingly, like providing more specificity about application requirements, for example.

This generally applies to all subsequent sections as well, in that we should replace with the LUP policies, and then can add some more detail if need be to those.

## (b) Administration

- (1) This section shall be administered by the Community and Economic Development Director.
- (2) This section is applicable to all structures that are located wholly or partially within the Natural Hazards Overlay.

## (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 Gage (NOAA Station 9413450).
- (5) The Community and Economic Development Director shall report annually to the City Council, providing historic sea level data and the most recent sea level rise projections.
- (6) The City Council shall, when sea level rise at the Monterey Tide Gage (NOAA Station 9413450) measures two inches over 2016 levels, declare that the City's threshold for implementation of sea level rise response has been reached,
- (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, no less frequently than every five years, and within one year of NOAA updates to the tidal datums for the Monterey Bay area, review the coastal hazards data and update the Local Coastal Program, Implementation Plan, Coastal Parks Plan, and Coastal Zoning Map as necessary.
- (10) The Community and Economic Development Director shall monitor the rate of coastal erosion at key locations within the Coastal Zone.
- (11) The Community and Economic Development Director shall confirm the very high fire hazard severity zones no less than once each three years in conjunction with triennial building code updates.

## (d) Development within Natural Hazards Overlay

- (1) The City shall only allow open space; low intensity recreational uses; 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. No new or redeveloped houses and no new habitable space may be constructed below the 20-foot elevation from current mean high tide line. 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 Community and Economic Development 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, tsunamis, or storm surges. Reports shall be required for any development for which an application is submitted after the sea level has increased two inches above 2016 levels based on the Monterey Tide Gage (NOAA Station 9413450). Development subject to tsunami shall require preparation of a tsunami readiness plan that describes design measures to protect the structure and inhabitants and describes evacuation and safety procedures and protocols.
- (7) Existing development within the Natural 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) The City shall prepare a sea level rise adaptation program in coordination with relevant local, regional, or state agencies for the purpose of protecting coastal circulation and utility infrastructure. The program shall address the need to protect coastal resources, maximize public access, and maintain adequate evacuation routes.

### 23.90.230 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 regulations:

- (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

**Comment [KK14]:** See my comments above. This whole chapter should mirror the LUP's Water and Marine resources policies 1-15.

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 23.90.230 (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 one 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;

(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, 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.
- (l) 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;
  - (3) 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;
  - (4) Restoration purposes; or
  - (5) 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 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. Permanent irrigation is not permitted on coastal bluffs. Temporary 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, such as gasoline stations, 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.

**23.90.240 Scenic Resources.**

**Comment [KK15]:** Ditto as comment above.

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, consistent with the Land Use Plan Scenic Areas Map.

**Comment [KK16]:** The overlay is the same as LUP Figure 3, yes?

(2) Those portions of the Sunset and Asilomar Dunes areas not designated on the scenic resources map shall be subject to further study 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 Table 23.90.050,

(c) The following documentation shall be provided when changes to the height or mass of the structure is proposed:

(1) Photomontage projecting the proposal into the existing site to accurate scale and showing surrounding properties; and

(2) 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.

(3) Ribbons marking any tree limbs to be removed.

**Comment [KK17]:** This is a good example of an application requirement that we may want to keep. Basically, each chapter would start with all of the LUP's policies, and then include things like this that describe how to achieve and implement those policies.

(d) The City shall maintain and update the Coastal Parks Plan as a component of its approved Local Coastal Program, including updates in regard to scenic resources and views.

(e) View Protection within the Scenic Resources Overlay

(1) The following public views are protected:

- (A) Onshore public views from coastal waters or points of land;
- (B) Onshore public views of coastal bluffs and dunes;
- (C) Off-shore public views of water from public streets, paths, parks, or open space; and
- (D) Views of dunes, coastal open space areas, and associated vegetation from public streets, paths, parks, open space or the ocean.

(2) The following are considered adverse effects on scenic public views:

- (A) Excess lighting or glare that is visually incongruous with the setting the coastal bluff or coastal open space;
- (B) Structures or utilities that are visually incongruous with the setting, including the coastal bluff or coastal open space;
- (C) Structures or utilities that are visually incongruous with, or distract from views of, adjacent natural areas or the ocean.
- (D) Removal of mature trees and significant plant materials that are part of the sand dune, coastal bluffs, and forested areas; and
- (E) 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 shall be protected for vantage points between three and ten feet above the ground surface or any walking surface that is elevated above the ground surface.
- (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 on lands seaward of public viewing areas.

(5) In certain cases the environmental review or coastal 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. 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.

## (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 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 Community and Economic Development 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 four feet, and not to comprise more than five 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 views.
- (7) Height reductions, increased setbacks, design modifications, and lot coverage reductions from applicable zoning district development standards may be required 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.
- (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.
- (12) Development shall be considered visually incongruous if it the predominant colors, textures, or reflective materials cause it to stand out from surrounding built and natural features; if the height is more than 25 percent greater than that of the averaged maximum height of buildings on parcels within 150 feet; or if the exterior-visible lighting is more than 25 percent brighter than the average of buildings on parcels within 150 feet. On street blocks with a coherent and distinctive architectural style, development in a distinctly different style shall be considered visually incongruous.
- (13) A site-specific analysis may be required to determine and quantify the impact of the proposed development upon 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 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.

**Comment [RJ18]:** Illustration?

(14) No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not obstruct public views to the ocean and natural shoreline features.

(15) 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.

(g) Lighting and Reflection

(1) New or replacement lighting 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 or downward fixtures shall be used on buildings to minimize off-site visibility and light spill. Ambient lighting shall average no greater than 0.2 foot candles and movement and activity-oriented outdoor lighting should not normally exceed an average of 0.5 foot candles or a maximum of 3.0 foot candles, measured on the illuminated surface. Residential illumination shall not exceed 1.0 foot candles.

(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 four feet tall and with the lighting aimed away 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 for any project with more than 1,000 square feet of impervious area or affecting landforms and landscaping. Landscaping shall be included in the evaluation of effects of development on protected public views.

(2) 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 three 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.

(3) 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.

(4) Landscaping shall be designed and utilized to ensure that buildings blend into the natural surroundings to the greatest extent.

(5) Landscaping shall use plants native to the general region and selected for tolerance of drought and compatibility with the natural landscape.

**23.90.250 Biological Resources and Environmentally Sensitive Habitat Areas.**

**Comment [KK19]:** Same as above. This section should mirror the LUP's Bio policies, and then offer a few additional details on required bio reports.

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 23.90.230 PGMC.

(b) Trees and urban forest resources shall be protected in compliance with PGMC 23.90.260.

(c) Monarch butterflies shall be protected. It is declared to be unlawful for any person to molest or interfere with, in any way, the peaceful occupancy of the monarch butterflies on their annual visit to the city of Pacific Grove, and during the entire time they remain within the corporate limits of the city, in whatever spot they may choose to stop in; provided, however, that if said butterflies should at any time swarm in, upon or near the private dwelling house or other buildings of a citizen of the city of Pacific Grove in such a way as to interfere with the occupancy and use of said dwelling and/or other buildings, that said butterflies may be removed, if possible, to another location upon the application of said citizen to the chief of police. [Ord. 210 N.S. § 8-3060, 1952].

**(d) Habitat Sensitivity Zoning Map Overlay**

**Comment [RJ 5\_2520]:** Do we want this back in???

(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.

(3) Protected habitats and plant and animal species shall be reviewed by the Community and Economic Development Director at least once each three 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 pervious 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 eight 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, and shall be submitted to the Pacific Grove Museum of Natural History and the Department of Fish and Wildlife for comments prior to final acceptance by the Community and Economic Development 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.

(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.

(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 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 but allow entry for scientific research restoration purposes.

(19) A buffer of at least 100 feet in width, in which no new development shall be permitted, shall be provided adjacent to wetlands.

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

(21) The City shall prioritize removal of obtrusive fencing within the Asilomar Dunes Residential Area (R-1-B-4 zoning district).

(22) 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) Site coverage (including driveways, accessory buildings and other paved areas) shall be reduced from the maximum coverage allowed for the zone district, to the extent necessary to ensure protection of Menzies' wallflower, Tidestrom's lupine, or other rare or endangered species or supporting habitat determined to be present on the site;

(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;

(C) Development and redevelopment on a site shall consolidate improvements to the greatest extent feasible and discontinuous or non-contiguous development within a site shall not be allowed, in order to retain the largest possible contiguous habitat area; and

(D) If development will disturb dune habitat supporting or potentially supporting Menzies' wallflower, Tidestrom's lupine or other rare or endangered species, or the forest front zone along Asilomar Avenue south of Pico Avenue, that portion of the property beyond the approved building site shall be protected by a written agreement, deed restriction or conservation easement granted to an appropriate public agency or conservation foundation. These shall include provisions which guarantee maintenance of remaining dune habitat in a natural state in perpetuity, provide for restoration of native dune plants under an approved habitat restoration, enhancement, and protection plan, provide for long-term monitoring of rare and endangered plants and maintenance of supporting dune or forest habitat, and restrict fencing to the minimum necessary to protect native plants, would not impact public views, and allow for free passage of native wildlife and sand.

**2:1 RATIO or REFINEMENT of this program??**

(2) Sidewalks shall not be required as a condition of approval 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. Boardwalks are preferred over concrete or asphalt if sidewalks are permitted. .

(3) 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.

(4) Forest resources on the Asilomar State Beach and Conference Grounds, Asilomar Dunes Residential Area (R-1-B-4 zoning district), and the O zoning district shall be retained and all new development shall be restricted to existing building envelopes or outside the forest-front area, and a program 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.

(5) The City shall coordinate with other public agencies and/or land trusts in the acquisition of any undeveloped private parcels west of Sunset Drive between the Asilomar State Beach and the Lighthouse Reservation for protection of the outstanding scenic qualities and the potential for habitat restoration on those parcels.

(6) 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 nectaring and feeding sources.

(7) Crespi Pond and the Majella Slough riparian areas shall be considered environmentally sensitive habitat, and only habitat maintenance activities are allowed. Protect these areas from any polluted runoff or other disturbances to waterfowl habitat. Allow carefully controlled dredging of Crespi Pond in order to prevent loss of this important wetland through eutrophication and sedimentation as approved by the City Council. (8) On the former Southern 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. (9) In restoration efforts, include consideration of habitat for black legless lizard.

(10) 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.

(11) 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.

(12) 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 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.

(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.

(H) Install signage to discourage feeding of wildlife with specific reference to Gulls, Corbids (Crows), and ground squirrels. Install Corbid proof trashcans near picnic areas and food establishments.

(I) Utilize humane means of control not harmful to other wildlife if ground squirrel population control is required to prevent erosion.

(13) For new development on legal lots of record over one-half acre in the Asilomar Dunes Residential Area (R-1-B-4 zoning district), maximum lot coverage shall be limited to 15% of the total lot area. For new development on legal lots of record that are one-half acre or less, maximum lot coverage shall be limited to a maximum of 15% of the minimum lot area (i.e. 3,267 square feet allowed on a one-half acre lot) or 20% of the total lot area, whichever is less, provided that an additional offsetting area of dune adjacent to the site (including in the adjacent right-of-way) equal to at least 5% of the total lot area will be restored/enhanced, maintained, and permanently protected (see below). 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 coverage. 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. All other areas of the lot 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.

(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.

(A) 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.

(B) 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.

(C) 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.

(D) Development shall be located on the least environmentally sensitive 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. As feasible, visual impacts shall be minimized.

(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 the alteration of 50 percent or more of the major structural components (including exterior walls, floor and roof structure, and foundation) measured cumulatively taking into consideration previous alterations approved on or after June 7, 1989 shall require that all development on the site be brought into conformance with Local Coastal Program.

(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 for approval by the Community and Economic Development Director.

(15) Re-development on the National Oceanic and Atmospheric Administration site on Lighthouse Avenue shall be required to maximize dune habitat restoration and preservation. The building footprint may be relocated if relocation results in greater habitat continuity, and the currently disturbed area is restored. 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.
- (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 septic systems and 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. allowed .
- (h) Development Standards for Moderate Habitat Sensitivity Areas.
- (1) Development in environmentally sensitive habitat shall require biological protections as part of the permit required under Table 23.90.050.
- (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 four feet in height and set ten 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.

(i) Development Standards Outside the Habitat Sensitivity Area Overlay

Biological assessments are not required unless evidence readily available to the City suggests probable presence of biological resources. A pre-construction bird survey shall be required if construction commences between February 1 and September 1, in which case a qualified biologist shall be retained to determine if nesting bird substrate is available, which could include buildings, old fence posts and snags, ornamental landscaping, and bare ground. If mature trees are present on the site greater than six inches in diameter, and if construction is to take place between January and September, a qualified biologist shall be consulted to determine if suitable habitat is present for nesting owls, and if present, surveys shall be conducted for nesting owls. A qualified biologist shall access the site to determine if bat surveys are required.

**23.90.260 Trees**

The entire community benefits from a healthy and full tree canopy and root system. The City of Pacific Grove shall strive to achieve a 25-year city-wide canopy cover target to maintain the existing canopy cover with the goal of a total canopy cover of 33 percent. The City shall develop and implement programs to maximize opportunities for the planting of public trees. The City shall encourage reporting on the removal of non-protected trees to track changes in the overall canopy coverage. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

- (a) Five categories of trees are protected as specified below:

**Comment [KK21]:** This could be truncated by listing the applicable LUP tree policies and then defining what constitutes "major vegetation".

(1) Native Trees. All Gowen cypress, regardless of size; all coast live oak, Monterey cypress, shore pine, Torrey pine, and Monterey pine six inches or greater in trunk diameter, measured at 54 inches above native grade.

(2) All Other Private Trees. In addition to subsection (a)(1) of this section, all other trees on private property, regardless of species, 12 inches or greater in trunk diameter, measured at 54 inches above native grade.

(3) Monarch Butterfly Habitat Trees. All trees in or within 100 yards of designated Monarch sanctuaries, serving as official Pacific Grove Monarch butterfly over-wintering sites, or sites identified as Monarch butterfly habitat in a biological resources assessment prepared in accordance with PGMC 23.90.250 (e).

(4) Public Trees. All trees on public property six inches or greater in trunk diameter, measured at 54 inches above native grade, and all street trees, regardless of size.

(5) Designated Trees. All trees that are otherwise protected and will be impacted as a result of development, both proposed for pruning or removal and where the development will impact the critical root zone of the tree that requires protection during construction, and all trees otherwise identified – during development or otherwise – for special protection by the property owner. Trees that are proposed to be removed as part of a development project shall be processed as part of the community development permit application and approval process as provided in Table 23.90.050.

(b) Nothing in this title limits or modifies the existing authority of the City to require trees not covered by this title to be identified, retained, protected, and/or planted as conditions of the approval of development. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(c) The City, its residents, and its property owners benefit by having the right tree planted in the right place. Native trees are preferred, where feasible. Trees to be planted should be selected from a list of appropriate landscape trees for Pacific Grove, whenever possible. The planting and maintenance of protected trees shall be in accordance with the City's Urban Forestry Standards.

(d) 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. Street tree plantings shall be considered first from the viewpoint of the people passing on or using the streets, the benefits to storm water management, the extension of pavement life due to the shade they provide, the adjacent property owner, and from the other broader community benefits. Of secondary consideration is the enhancement, embellishment, or other benefit of the properties abutting the street or public property. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(e) Substantial pruning or removal of any protected tree requires a permit, as described in Table 23.90.050, except in an emergency. All such work shall be done under the direction of the City arborist. A tree that serves as part of a windbreak system, or assists in storm water drainage or the avoidance of soil erosion, or serves as a component of a wildlife habitat, is to be preserved if feasible. Acceptable criteria for substantial pruning or removal of any protected tree are as follows:

(1) The tree risk assessment level is "high" or "extreme" and there are not more cost-effective remedial solutions.

(2) The tree is causing or is projected to cause significant damage to hardscape (house foundations, driveways, retaining walls, patios, etc.), utility service lines, or infrastructure (sidewalk, curb, storm drain, street, etc.) and there are not more cost-effective remedial solutions.

(3) The tree is within the fuel management zone around an occupancy, or is within a Very High Fire Hazard Severity Zone, as defined by the California Department of Forestry and Fire Protection, and such work is necessary to reduce the risks due to wildfire (see the Urban Forestry Standards, Flammable Fuel Management).

(4) The tree is determined to be a nuisance and there are not more cost-effective remedial solutions.

The application for removal of one or more protected trees shall include a written tree report, as specified in the Urban Forestry Standards. The tree report shall be prepared for the applicant by a qualified professional and shall be submitted to the City to provide accurate information and a professional opinion regarding the condition, welfare, maintenance, preservation, and value of a protected tree. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012]. The City arborist may determine that a tree report is not necessary if the tree should be removed because it is dead, is high-risk, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

Unless authorized by permit, no person shall:

(1) Remove, top, or in any way damage, destroy, injure, or mutilate a public tree.

(2) Fasten any sign, wire, or injurious material to any public tree.

(3) Excavate any ditch or tunnel, or place concrete or other pavement, within the critical root zone of any public tree. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(f) A permit is not required for pruning of less than 25 percent of the live branches of the entire tree within a 12-month period; and/or cutting or removal of any live limb with a diameter less than six inches or a circumference less than 19 inches at any point on such limb, or cutting or removal of roots less than four inches in diameter. However, no protected tree shall be pruned to an extent that destroys its identity as a tree, unless conditions for removal exist and the tree is to remain as a snag for the purpose of wildlife habitat.

(g) Pruning or removal of Monarch butterfly habitat trees shall be prohibited except as prescribed in the approved Monarch sanctuary habitat management plan or upon a finding by the City Council that such is necessary for proper maintenance of the site or for public health, safety, or welfare. Pruning or removal of trees within 100 yards of any boundary of a Monarch sanctuary shall be prohibited during the months of October through April unless deemed necessary by the city arborist and confirmed by the public works director for public health, safety, or welfare. Any person aggrieved by or objecting to any exercise of authority by the Public Works Director under this section shall have the right of appeal to the City Council.

(h) New development within the scenic forest-front area along Asilomar Avenue shall be designed to avoid loss of native Monterey pine and oak forest, and to retain public views towards the inland face of the high dunes. Within the coastal parks, the planting of Monterey pine and Monterey cypress are encouraged to maintain the existing scenic values.

**Comment [B022]:** There should be a policy that the planting of any trees within ESHA is only allowed in accordance with an approved restoration plans.

(i) A protected tree shall not be substantially pruned or removed for the purpose of securing or improving a view, for acquiring more sunlight or air, or to reduce organic litter, unless the tree is to be replaced, subject to conditions determined by the City arborist. The City shall strive to preserve view corridors, as defined in the Land Use Plan, through the maintenance and pruning of public trees and by encouraging private property owners to maintain and prune their trees.

(j) A protected tree shall not be removed solely because it is diseased if the disease is readily curable or is not spreading. In cases where an applicant for a tree permit feels that the tree is diseased, the City arborist may require an analysis of the Tree to determine the type, extent, and degree to which the disease directly affects the tree. Such testing shall be performed by an independent expert chosen by

agreement of the applicant and City arborist. Cost of the analysis shall be borne by the applicant. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(k) Tree pruning and removal activities shall take place outside the nesting periods of listed threatened, endangered, or special status species as specified by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Upon the discovering of any large nest, property owners and contractors shall consult the city arborist or a qualified biologist for appropriate pruning and removal times, best management practices, and inspections to ensure wildlife protection measures are being followed. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(l) Removal of any protected tree on a property that will continue to meet the canopy coverage goals in this chapter after the Removal shall not require replacement. For the removal of all other protected trees, whether living or dead, as well as in those cases where the tree is being left as a snag, one replacement tree shall be required for each protected tree removed.

Replacement trees shall be of a suitable species and planted in a suitable location, as agreed to by the City arborist and the property owner. If agreement cannot be reached, the beautification and natural resources commission will determine the matter. Owners are encouraged to select replacement Trees from the approved list identified in the Landscape Trees for Pacific Grove. Invasive trees will not be approved. For upper canopy trees on lots with available landscape area in excess of 2,000 square feet, at least half of all replacement trees shall be native trees.

The City arborist or designee shall inspect replacement trees during the first two years after planting to monitor survivability and growth progress. Dead trees or trees in an irreversible decline shall be replaced by the property owner at the owner's expense. A new species and replacement planting location may be agreed to at that time. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(m) The desired overall nature and scope of tree canopy to achieve a mixed, healthy urban forest is as follows:

(1) Residential Properties. The canopy coverage goal for Trees on residential properties shall be based on the available landscape area, if feasible, as follows:

Available Landscape Area	Upper Canopy Trees	Lower Canopy Trees
Up to 2,000 square feet	0 – 1	1 – 2
2,001 – 3,000 square feet	2	2 – 3
3,001 – 4,000 square feet	3	3 – 4
Over 4,000 square feet	Variable	Variable

On residential properties where the number of trees after proposed removal(s) would exceed the canopy coverage goals above, no replacement tree(s) shall be required.

(2) Commercial and Governmental Properties. One tree per 30 feet of frontage, with a minimum of two trees, if space is available. In parks and open space, the City shall strive to achieve at least 33 percent canopy coverage, where appropriate.

(3) Parking Lots. Thirty-three percent of paved parking lots shall be shaded with tree canopies, and in conjunction with low impact development landscaping for storm water management. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(n) While the overall canopy coverage standards shall serve as the community-wide desired levels of forest cover, the appropriate configuration (number, size, species, and placement) for a given parcel

will depend on a series of interrelated factors, as determined by the City arborist. In some circumstances, crowding or other physical constraints make it impossible or undesirable to replace a protected tree on site to meet the desired coverage levels.

- (1) Neighborhood, zoning district, and parcel objectives and aesthetics;
- (2) Existing canopy coverage on the lot;
- (3) Adjacent properties and land uses;
- (d) Size and location of structures;
- (5) Existing infrastructure and potential for adverse impacts;
- (6) Topography and soil conditions;
- (7) Storm water management and erosion prevention;
- (8) Windbreak potential;
- (9) ~~Public~~ Viewshed protection;
- (10) Wildlife habitat protection;
- (11) Long-term health potential of the replacement Tree. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(o) For replacement of Native trees and Monarch butterfly trees, or removal of a public tree if initiated by a private party, a fee established by resolution of the City Council shall be paid to the City of Pacific Grove and deposited into the Community Tree Program Fund. As established by the adopted fee schedule, a sum of money (an in-lieu fee) will be deposited in the Community Tree Program Fund, to be used solely for the planting and maintenance of trees on City property. Payment of in-lieu fees cannot be made as an alternative to replacement on site unless findings can be made that the tree replacement planting is not feasible. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(p) All permit applications for designated trees associated with development shall be processed as a component of the Coastal Development Permit, and through the appropriate review authority as shown in Table 23.90.050. During the development process, a tree resource assessment shall be performed by a qualified professional, if deemed necessary by the city arborist, in accordance with the Urban Forestry Standards. This qualified professional will be designated the project arborist for the duration of the project. All costs associated with the project arborist shall be borne by the applicant.

The development shall preserve, or mitigate for, the maximum number of suitable individual trees that exist on the site pre-development in accordance with the desired canopy, and shall identify any designated trees that would be removed as a result of development. Designated trees shall be replaced as required by this title.

If replacement of designated trees is not feasible, a sum of money (an in-lieu fee), to be assessed at the time of a building permit, shall be deposited into the Community Tree Program Fund. The in-lieu fee amount for trees removed as a result of development shall consider the value of the tree using the most recent edition of the Guide for Plant Appraisal published by Council of Tree and Landscape Appraisers or comparable guide established by the International Society of Arboriculture, the remaining canopy coverage on the property, and appropriate variation for individual situations. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(q) Prior to issuance of a planning or building permit, the city arborist shall review grading, drainage, utility, building, and landscape plans to determine impacts to individual trees, as described in the Urban Forestry Standards. Conditions of approval, minimum tree protection standards during construction, or other necessary mitigation requirements for designated trees removed due to construction impacts shall be determined.

(r) All critical root zone specifications recommended by the city arborist through review of planning or building permits shall be conditions of project approval and delineated on construction drawings for the building permit. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(s) A tree with: (a) one or more defects (e.g., disease, significant lean, large cracks, a shallow root system); and (b) one or more targets (e.g., a use area or structure that would be struck or otherwise damaged in the event the tree fell) imposes risks upon the community; or (c) because of age, is nearing mortality. Risk levels shall be determined using the International Society of Arboriculture (ISA) Hazard Tree Evaluation rating system, as detailed in the Urban Forestry Standards.

Protected trees in the moderate risk category, with a potential failure rating of six to eight, shall be monitored by the property owner at least annually, as well as upon any significant change in condition. Actions should be considered that will ameliorate the risk and that may extend the life of the tree. The property owner shall develop a course of action for any protected tree in the High-Risk category, with a potential failure rating of nine or higher. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

When a protected tree is assessed as high-risk, the actions taken shall be those that remove the risk while imposing the least impact on the tree. Such actions may involve removing a critical limb, drastically reducing the tree's overall height, or removing the tree. If the situation is an emergency, such that the tree would be given a potential failure rating of 12, extreme, immediate action is necessary, including, for example, cordoning off the area, to ameliorate the risk, until the appropriate work can be completed. No notice shall be required for Emergency Tree Removal. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(t) A Tree meeting one or more of the following criteria may be determined to be a public nuisance:

- (1) Containing one or more limbs that obscure and impair the view of passing motorists, cyclists, or pedestrians so as to create a safety hazard;
- (2) Limiting access to a fire hydrant or other facility necessary for public safety;
- (3) Being irretrievably infested or infected with insect, borer, pest or disease that results in mortality, and that may infect or attack adjacent Trees, which cannot be preventatively treated;
- (4) Being infected with pitch canker and having crown damage that exceeds 50 percent of total canopy volume, or has other crown damage exceeding 50 percent;
- (5) Imposing a detriment to or crowding an adjacent protected tree;
- (6) Being of an invasive species as identified by Landscape Trees for Pacific Grove, the California Invasive Plant Council, or the California Invasive Species Advisory Committee;
- (7) Such other conditions as agreed to by the City arborist and the property owner. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(u) The property owner is responsible for addressing the nuisance, using appropriate techniques; if the tree is a protected tree, the owner shall follow the process in Table 23.90.050. When a tree imposing a nuisance exists, for which the owner is not taking the appropriate action, the City arborist may give written notice thereof to the property owner, in accordance with the city's standard noticing requirements. Such notice shall describe the condition, state the work necessary to remedy the condition, and shall specify the time within which the work is to be performed. After the giving of such

notice a copy shall be conspicuously posted on the property upon which such public nuisance is alleged to exist. If, at the end of the time specified, such work has not been performed, the City may perform such work, and the cost thereof shall constitute a charge against such owner, and, if unpaid within 90 days of notice, shall be proposed to the City Council as a lien on such property. [Ord. 13-013 § 3, 2013; Ord. 12-017 § 6, 2012].

(v) All trees, plants, and shrubs when infected by any insect, borer, pest or disease, threatening the life of the same, or which by reason of such infection endanger the life, growth, or healthful existence of other trees, plants, or shrubs not so infected, may be declared to be a public nuisance by the City Manager, and thereafter abated as in this chapter provided. Any tree liable to menace life or property is hereby included in the above. [Ord. 02-13 § 1, 2002]. Whenever any such tree, plant or shrub so infected is located on any street, lane, alley or public place, it shall be the duty of the City Manager to order the same destroyed. [Ord. 02-13 § 1, 2002]. Whenever any such tree, plant or shrub so infected is located in or upon private property, the City Manager may declare the same to be a public nuisance, and shall give written notice thereof to the property owner in accordance with the City's standard noticing requirements.. [Ord. 02-13 § 1, 2002].

The notice to abate shall refer to the premises on which such public nuisance is alleged to exist, by lot and block number, or other appropriate description. After the giving of such notice a copy shall be conspicuously posted on the property upon which such public nuisance is alleged to exist; such notice to be in letters not less than one inch in height and substantially in the following form:

NOTICE TO ABATE PUBLIC NUISANCE

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City Manager declared that trees, plants, or shrubs, infected by insects, borers, pests, or diseases, threatening the life of the same, and which by reason of such infection endanger the life or growth or healthful existence of other trees, plants or shrubs, within the city, or any other reason menacing life or property, are located upon the following described premises therein, to wit: \_\_\_\_\_: and that the same constitute a public nuisance which must be abated by the removal of the same, otherwise they will be removed and the nuisance abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and land from which any such infected trees, plants, or shrubs are removed or danger abated, and such cost will constitute a lien upon such lots or lands until paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Manager of the City of Pacific Grove.

[Ord. 02-13 § 1, 2002].

If such owner has not abated said nuisance within 10 days from the date of deposit of such notice in the post office, it shall be the duty of the City Manager to cause such nuisance to be abated, in which case the City Manager shall make out a verified statement of the expense incurred by him or her in abating such nuisance, and place the same on file with the City Clerk. The City Clerk shall thereupon cause an entry to be made on the tax roll opposite the description of the property, as follows: "Abating public nuisance, \$\_\_\_\_\_" filling in the amount of the expense in each particular case and the tax collector shall cause a corresponding entry to be made on the tax bill for the said property, and thereafter before any further payment shall be received for any tax or for the redemption of said property, the cost of abating such nuisance shall first be paid. [Ord. 02-13 § 1, 2002].

23.90.270 Community Design

Refer also to Section 23.90.240 and Section 23.90.280.

Comment [KK23]: Ditto.

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) Structures shall be sited to minimize alteration of natural dune topography. Restoration of on-site disturbed dunes is mandatory as an element in the siting, design and construction of a proposed structure.

(b) 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.

(c) Building height shall be measured as the distance above natural grade within the foundation perimeter, prior to grading or other development. Stepped buildings may be required on sloped parcels.

(d) Earth tone color schemes shall be utilized, and other design features incorporated that assist in subordinating the structure to the natural setting.

(e) Prior to approval of bed and breakfast inns, the City shall find that the use will:

- (1) Maintain the residential character of the neighborhood;
- (2) Result in no significant increase in traffic over that of residential use of the site;
- (3) Not result in significant commercial truck traffic; and
- (4) Not result in a significant noise increase in the neighborhood.

(f)

(g) Non-conforming uses.

(1) In the event a dwelling is destroyed by fire or other natural causes, the dwelling would be allowed to be rebuilt as it existed prior to the destruction if the redevelopment threshold is not exceeded.

(2) Repair and maintenance of nonconforming structures that does not trigger the redevelopment threshold, shall not extend beyond the development footprint already existing and shall appropriately mitigate for nonconformance.

(h) No subdivision is permitted in the Asilomar Dunes Residential Area (R-1-B-4 zoning district). The 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 one-half acre.

(i) Commercial development shall be of a scale, bulk, and architectural character compatible with the community character. Signs shall not detract from the area's scenic qualities.

(j) 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.

(k) Signs

(1) Signs shall not be placed such that protected views are obscured or so frequently that the landscaped is cluttered. In general, signs should be scaled for pedestrians within open space areas.

- (2) Illuminated signs shall not result in light levels exceeding standards for ambient lighting.
- (3) New freestanding commercial signs are prohibited.
- (4) Signs for bed and breakfast inns shall be consistent with the building architecture, and not exceed 12 square feet in area.
- (5) Signs that result in reductions, restrictions, or limitations of public access shall require a Coastal Development Permit.

**(6) 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. 23.90.280 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 one 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) If the archeological report determines that subsurface investigation is required, the subsurface investigation shall be completed prior to project approval.
- (e) If recommended by the archeological report, an archeological monitor shall be present during grading activities.

**Comment [KK24]:** This could be a good spot to include protections for historic structures when they redevelop.

(f) If archaeological resources, midden soil, cultural features, or other potentially significant cultural resources are discovered on the site during grading or construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Measures could include recovery of significant cultural materials and professional analysis based on the types and quantities of those materials recovered, (which might include analysis of lithic artifacts and materials, radiocarbon dating of shell fragments, bead analysis, faunal analysis, etc. Cultural materials recovered, other than those directly associated with Native American burials, should be curated in the public domain at a suitable research facility.

(g) If human remains are discovered on the site during grading or construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Monterey County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most-likely descendent from the deceased Native American. The most-likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code §5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most-likely descendent or the most-likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(h) Historic resources, buildings of at least 50 years of age, shall be evaluated in accordance with the following criteria when determining if alterations or demolition will be approved:

- (1) Whether the structure has significant character, interest, or value as part of the development, heritage or cultural characteristics of the City of Pacific Grove, the state of California, or the United States;
- (2) Whether it is the site of a significant historic event;
- (3) Whether it is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the City of Pacific Grove;
- (4) Whether it is a particularly good example of a period or style;
- (5) Whether it is one of the few remaining examples in the City of Pacific Grove possessing distinguishing characteristics of an architectural type or specimen;
- (6) Whether it is a notable work of an architect or master builder whose individual work has significantly influenced the development of the City of Pacific Grove;
- (7) Whether it embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation;
- (8) Whether it has a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or of the City of Pacific Grove;
- (9) Whether it retains the integrity of the original design;
- (10) Whether it contributes to the architectural aesthetics and continuity of the street;

(11) Whether it is located within a geographically definable area possessing a concentration of historic properties which visually contribute to each other and are unified aesthetically.

(12) Whether it contributes significantly to the architectural or historic character of a special community [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

(i) New development and exterior modification of buildings within the Pacific Grove Retreat, Mermaid Lane, and Asilomar Conference Grounds shall conform to the predominant architectural character and current building scale of the area. Original building lines shall be maintained to the greatest extent feasible, and alteration shall conform to the Secretary of the Interior standards for historic resources. Structures not currently conforming to the predominant architectural character shall be made to conform if alterations exceed the threshold for redevelopment.

(j) Public works projects within the Pacific Grove Retreat, Mermaid Lane, and Asilomar Conference Grounds shall be consistent with maintaining the current scale and character of the area.

(k) 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.

(l) Demolition permits for accessory buildings matching the historic style and architecture of the principal house shall require a Historic Demolition Permit.

(m) The City shall maintain a current list of historic resources within the Coastal Zone.

(n) For new projects that include demolition or alterations to listed historical resources, an Historical Assessment. For properties listed on the National Register of Historic Places or California a Register of Historical Resources a Historical Resource Technical Report shall be prepared by a qualified professional 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.

(o) 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).

(p) The City Building Official shall use the California Historic Building Code (California Code of Regulations, Title 24, Part 8) when reviewing the building permit for listed historical structures.

(q) The City shall consider pursuit of Certified Local Government status, and historic district designation as appropriate.

#### **23.90.290 Public Infrastructure.**

Comment [KK25]: Ditto.

(a) 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.

(b) 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 three feet beyond bluff face. Storm water outfalls shall be consolidated when feasible, and no net increase in the number of outfalls shall be allowed.

(c) The City shall maintain and update its list of water allocations, and 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.

(d) The use of water conserving fixtures and water conserving landscaping shall be required whenever work is permitted by the City. 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.

**Comment [BO26]:** This is unclear whether it applies only to City projects or all projects.

(e) The City shall strive to maintain the existing street and trail network and protect it from sea level rise. Improvements to the existing network shall include, as funding permits, Ocean View Boulevard/First Street, Sunset Drive/Asilomar Avenue/ and the recreation trail extension. Newly built facilities shall be set back beyond the projected reach of bluff erosion during the anticipated lifespan of the facility.

(f) Public works and private construction projects that result in reduction of traffic capacity during peak summer months or for more than one week shall require approval of a temporary traffic handling plan.

(g) 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.

(h) 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.

(i) 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.

(j) Adequate automobile and bicycle parking shall be provided for all development projects.

### **23.90.300 Parks, Recreation, and Public Access.**

**Comment [KK27]:** Ditto.

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, one 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 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 along the Union Pacific 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 in the vicinity of the mobile home park and the golf course, and use of "privacy buffer areas" adjacent to residential neighborhoods.
- (6) Planning Area VI: on state-owned lands west of Sunset Drive reduce habitat damage by vehicles and to reduce conflicts with pedestrians/bicyclists;(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 areas;
- (9) Consider relocation or renovation of parking areas to reduce erosion; and
- (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 four 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 if walkways and five feet if 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.
- (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:

(1) Encouraging new visitor-serving development to design a self-directed program or solution for providing low-cost overnight stays;

(2) The City not requiring that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; and

(3) The City shall not establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

(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 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.

**Chapter 23.91**

**R-1 (CZ) DISTRICT AND R-1-B (CZ) COMBINED DISTRICTS**

Sections:

[23.91.010 Generally.](#)

[23.91.020 Uses permitted.](#)

[23.91.025 Use permit.](#)

[23.91.030 Mobile homes.](#)

**Comment [RJ28]:** Moved here from front without Tracked Changes. Chapter number shows in tracked changes to preserve history of change

**Comment [KK29]:** As described previously, I think it would be better if everything were in Chapter 23.90. That way the entire IP would be in one chapter.

**Comment [RJ30]:** These numbers changed without Tracked Changes to keep document cleaner.

**23.91.035 Building height limit.****23.91.040 Allowed building coverage.****23.91.045 Allowed site coverage.****23.91.050 Allowed gross floor area.****23.91.060 Yards required – Garage openings – Architectural feature projections.****23.91.070 Parking standards and driveway length.****23.91.080 Building site area required.****23.91.090 R-1-B-4 (CZ) districts.****23.91.010 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].

**23.91.020 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.

- (a) Single-family dwellings.
- (b) Accessory buildings and structures.
- (c) Accessory uses normally incidental to single-family residences. (This shall be construed as prohibiting any commercial or industrial use.)
- (d) Second units, except in the Asilomar Dunes Residential Area (R-1-B-4 zoning district).
- (e) 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:
  - (1) No employee other than members of the family inhabiting the on-site dwelling shall be permitted.
  - (2) No industrial or heavy commercial machinery shall be employed.
  - (3) The business shall not generate pedestrian or vehicular traffic.
  - (4) 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.
  - (5) No more than one room in the dwelling shall be employed for the business.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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].

(f) scenic reserves and natural habitat reserves.

**23.91.025 Use permit.**

A use permit and Coastal Development Permit shall be required with respect to any new structure or addition to a structure which is or has a detached or semidetached room exceeding 100 square feet in area and which has any of the following characteristics:

(a) The room has no interior access to the other rooms in the structure or on the building site;

(b) The room is accessible only by an exterior staircase;

(c) The room is to be equipped with a trap and/or sink in addition to and remote from the kitchen on the same building site.

The permit application may be denied, among all other legitimate reasons for denial, where the design of the structure or the addition readily lends itself to multiple dwelling use. [Ord. 96-14 § 4, 1996; Ord. 1418 N.S. § 2, 1984; Ord. 885 N.S. § 1, 1976].

**Comment [KK31]:** We could delete this as it relates to use permits and not CDPs.

**23.91.030 Mobile homes.**

A mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) may be installed on a foundation system pursuant to Health and Safety Code §18551 on any building site in the R-1-B-3 (CZ) or R-1-B-4 (CZ) district which is 3,600 square feet or less in area, provided it complies with all other requirements of this title and the Local Coastal Program. [Ord. 1276 N.S. § 1, 1981].

**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.

**23.91.040 Allowed building coverage.**

**Comment [KK32]:** Need definition of this, site coverage, and floor area.

Maximum building coverage is:

- (a) Sites up to and including 4,000 square feet in size: 45 percent.
- (b) 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].

**(c) Sites in the R-1-B-4 (CZ) district, no greater than the site coverage. 23.91.045 Allowed site coverage.**

- (a) 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].
- (b) 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. See PGMC 23.90.250(f)(3).

**23.91.050 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 23.91.050**

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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.91.050**

<b>Lot Size</b>	<b>Floor Area</b>
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].

**23.91.060 Yards required – Garage openings – Architectural feature projections.**

(a) Front Yards.

(1) Front Yards in the R-1 (CZ) district Minimum of 15 feet.

(2) 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 R-1-B-4 (CZ), 75 feet from Sunset Drive, which area shall be included within a scenic easement.

(b) Side Yards.

(1) Side Yards for Interior Sites. Ten percent of site width, with minimum of three 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 three feet required on each side; maximum required on each side is 10 feet.

(2) Side Yards for Corner Sites. The side yard abutting the street shall be 20 percent of site width, but need not exceed 10 feet.

(c) Rear Yards

(1) Rear Yards in R-1 (CZ) district. Minimum of 10 feet.

(2) 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.

(3) Rear Yards in R-1-B-4 (CZ) district. Minimum 20 feet.

(d) 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.

(e) Garage Openings. Any garage or carport opening facing a street shall be set back an additional five feet.

(f) Projection of Architectural Features. Architectural features such as cornices, eaves, canopies, and windows that do not increase floor area may extend no more than three feet into any required yard but in no case closer than three feet to any property line. [Ord. 00-15 § 6, 2000; Ord. 96-14 § 9, 1996].

**23.91.070 Parking standards and driveway length.**

(a) The number and sort of off-street parking shall be as follows in the R-1 (CZ), R-1-B-2 (CZ), and R-1-B-3 (CZ) district: two covered spaces [Ord. 96-14 § 15, 1996].

(b) The number and sort of off-street parking shall be as follows in the R-1-B-4 (CZ) district:

Lot Size (Square Feet)	Off-Street Parking Required
Through 2,699	None required
2,700 and larger	1 covered and 1 uncovered

(c) A driveway at least 20 feet in length may serve as a required uncovered space. [Ord. 00-15 § 7, 2000; Ord. 96-14 § 10, 1996].

**23.91.080 Building site area required.**

(a) Area and Width.

(1) 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.

(2) 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.

(3) 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.

(4) For each dwelling in the R-1-B-4 (CZ) district, a minimum of one half acre and a minimum width of 100 feet shall be required. In the R-1-B-4 district, 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 views, unless natural hazard or biological resources constraints require development in areas where protected public views would be affected.

(b) Except as provided by PGMC 23.91.020, in no case shall there be more than one single-family dwelling on a building site. [Ord. 96-14 § 11, 1996].

**23.91.090 R-1-B-4 (CZ) districts.**

(a) The following regulations shall apply in all R-1-B-4 (CZ) combined district.

(1) Accessory structures and fences are prohibited.

(2) Earth tone colors are required for all exterior materials.

(3) Other restrictions as may be imposed by Chapter 23.90 PGMC including but not limited to biological studies, and archeological studies.

(b) All structures, including additions to structures, shall first be approved by the Architectural Review Board. [Ord. 12-003 § 3, 2012; Ord. 96-14 § 16, 1996].

**Chapter 23.92  
R-3 (CZ) DISTRICTS**

Sections:

[23.92.010 Generally.](#)

[23.92.020 Uses permitted.](#)

[23.92.030 Building height limit.](#)

[23.92.040 Building site area required.](#)

[23.92.050 Allowed building coverage.](#)

[23.92.051 Allowed site coverage.](#)

[23.92.060 Yards required.](#)

[23.92.070 Garbage areas.](#)

**23.92.010 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].

**23.92.020 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.

- (a) Single- or two-family dwellings;
- (b) Second units;
- (c) Multiple dwellings, apartment houses and dwelling groups, subject to first securing a use permit and Coastal Development Permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site; or
  - (2) 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.
- (d) Rooming or boarding houses, subject to first securing a use permit and Coastal Development Permit;
- (e) Accessory uses and buildings normally incidental to any in this section. [Ord. 03-08 §§ 4, 5, 2003; Ord. 811 N.S., 1974; Ord. 795 N.S., 1974; Ord. 720 N.S. §§ 9, 10, 1972; Ord. 532 N.S. § 5, 1966; Ord. 453 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].

**23.92.030 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].

**23.92.040 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].

**23.92.050 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].

**23.92.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 5, 2012].

**23.92.060 Yards required.**

(a) 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. Fifty 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.

(b) Side Yards. Side yards shall be 10 percent of lot width with a minimum requirement of three 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.

(c) Rear Yards. Rear yards, excluding eaves, shall have the following minimums:

- (1) One-story building: five feet.
- (2) Two-story building: eight feet.
- (3) Three-story building: 10 feet.
- (4) Where a rear yard fronts on a street, the minimum rear yard shall be 12 feet.

(d) Special Yards and Distances Between Buildings.

- (1) Distance between any buildings, which shall be free from the encroachment of overhanging eaves, shall be a minimum of eight feet. For buildings of three stories, the minimum shall be increased to 10 feet and for buildings of four stories or more the minimums shall be increased to 12 feet.
- (2) Side yards providing access to single-row dwelling group: minimum 12 feet.
- (3) Inner court providing access to double-row dwelling group: minimum 20 feet.

(e) Open Yard. Open yard required shall be 200 square feet per unit for all construction of five units or more.

(f) Decks, Porches and Parking Spaces. Decks and open porches over three feet above grade may project or extend four feet over a required yard area, but not closer than three 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].

**23.92.070 Garbage areas.**

Where there are three 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 five 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].

**Chapter 23.93  
R-3-P.G.R. (CZ) DISTRICT**

Sections:

[23.93.010 Generally.](#)

[23.93.020 Permitted uses.](#)

[23.93.030 Building site area required.](#)[23.93.040 Building height limit.](#)[23.93.050 Allowed building coverage.](#)[23.93.051 Allowed site coverage.](#)[23.93.060 Allowed gross floor area.](#)[23.93.070 Yard requirements.](#)[23.93.080 Garbage/recycling areas.](#)~~[23.93.090 Off-street parking.](#)~~~~[23.93.040 Generally.](#)~~

The regulations in this chapter shall apply in the R-3-P.G.R. (CZ) district and shall be subject to the other applicable provisions of the PGMC. [Ord. 98-05 § 1, 1998].

[23.93.090 Off-street parking.](#)[23.93.010 Generally.](#)**23.93.020 Permitted uses.**

(a) All of the uses permitted and prescribed for the R-3 (CZ) district at PGMC [23.92.020](#) 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.

(b) 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].

**23.93.030 Building site area required.**

(a) Except as provided in subsections (b) and (c) of this section, building site area shall be as set out in PGMC [23.92.040](#).

(b) The minimum land area for each unit other than bed and breakfast units shall be 2,200 square feet.

(c) Any parcel which has the following characteristics shall constitute a separate building site for future building purposes:

- (1) It has, prior to March 15, 1986, been designated on the assessor's map as a separate parcel.
- (2) 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.
- (3) It has been unimproved with any building or structure for a minimum of five years immediately preceding March 15, 1986.
- (4) It has access to a public street.
- (5) Its transfer will not create additional aspects of nonconformity to this title.
- (6) It has received all necessary Coastal Development Permits.

(d) Development of parcels qualifying as building site pursuant to subsection (c) of this section shall, at a minimum, be subject to the following:

- (1) A use permit shall be first secured in each case.
- (2) Any required Coastal Development Permit shall be secured in each case.
- (3) Architectural review board approval shall be required.
- (4) 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].

**23.93.040 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].

**23.93.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

**23.93.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 6, 2012].

**23.93.060 Allowed gross floor area.**

Maximum gross floor area is as follows:

**Table 23.93.060  
– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
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
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

**Table 23.93.060  
– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
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

**Table 23.93.060  
– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
5,600	3,033
5,700	3,050
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

**Table 23.93.060  
– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
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
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

Table 23.93.060  
– Maximum Gross Floor Area\*

Lot Size	Floor Area
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].

**23.93.070 Yard requirements.**

(a) The minimum front yard shall be eight feet; however, to encourage architectural variety in footprint and massing, the front yard may be reduced to no less than four feet for up to 50 percent of the front of the building.

(b) 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 three 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 three feet required on each side, maximum required on either side 10 feet.

(c) Rear yards shall have the following minimums:

- (1) One story building: five feet.
- (2) Two story building: eight feet.
- (3) Three story building: 10 feet.
- (4) Where a rear yard abuts a street: 12 feet.

(d) Open Yard. Open yard required shall be 200 square feet per unit for all construction of five units or more.

(e) Decks and Porches. Decks and open porches over three feet above grade may project or extend four feet over a required yard area, but not closer than three feet to the property line. [Ord. 98-05 § 1, 1998].

23.93.080 Garbage/recycling areas.

Where there are three 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 five 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].

23.93.090 Off-street parking.

Storage or parking space to be provided, and driveway requirements, shall be as follows:

(a) 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.

(b) Multifamily Units. One and one-half spaces/unit having less than two bedrooms; two spaces for all other units. One space/unit must be in a garage or carport.

(c) 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.

(d) 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].

<sup>1</sup> Editor's Note: Prior ordinance history includes Ord. 1166 and part of Ord. 1331.

Chapter 23.94  
R-3-P.G.B. (CZ) DISTRICT

Sections:

[23.94.010 Purpose and description.](#)

[23.94.020 Uses permitted.](#)

**Comment [RJ33]:** This is exclusively Coastal Zone – Chapter 23.57 should be deleted

**23.94.030 Building height limits.****23.94.040 Building site area required.****23.94.050 Allowed building coverage.****23.94.051 Allowed site coverage.****23.94.060 Yards required.****23.94.070 Architectural approval.****23.94.010 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].

**23.94.020 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.

- (a) Single-family dwellings:
- (b) Duplexes, multiple-family dwellings, apartment houses and dwelling groups;
- (c) 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].

**23.94.030 Building height limits.**

The maximum height of main buildings shall be 25 feet and limited to two stories. [Ord. 00-18 § 9, 2000; Ord. 754 N.S. § 1, 1973].

**23.94.040 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:

- (a) 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;
- (b) Between Mermaid Avenue and Ocean View Boulevard (Blocks 242, 243, 244 and 246), 2,500 square feet.

In order to install more than one 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].

**23.94.050 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].

**23.94.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 10, 2012].

**23.94.060 Yards required.**

(a) Front Yard. The minimum front yard shall be eight feet along Mermaid Avenue and 12 feet along Ocean View Boulevard.

(b) Side Yard. Side yards shall be 10 percent of the lot width, with a minimum requirement of three feet and a maximum of 10 feet.

(c) Rear Yard. Rear yards shall be five feet for one-story structures and eight feet for two-story structures.

When a rear yard abuts a street, the front yard setback for the street shall also be the rear yard setback.

(d) Special Yards and Distances Between Buildings. The regulations prescribed by PGMC [23.92.060\(d\)](#) shall apply to the R-3-P.G.B. (CZ) district.

(e) Decks and Porches. The regulations prescribed generally by the PGMC shall apply to the R-3-P.G.B. (CZ) district.

(f) Parking. The parking regulations prescribed generally by the PGMC shall apply to the R-3-P.G.B. (CZ) district.

(g) 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].

**23.94.070 Architectural approval.**

Architectural approval shall apply to all structures erected or remodeled in the zone. [Ord. 754 N.S. § 1, 1973].

**Chapter 23.95  
R-3-M (CZ) DISTRICTS**

Sections:

**[23.95.010 Regulations generally.](#)**

[23.95.020 Uses permitted.](#)[23.95.030 Regulations for R-3-M \(CZ\) uses.](#)[23.95.035 Special regulations for motels and hotels built prior to 1986.](#)[23.95.040 Statement of intent.](#)[23.95.050 Other provisions.](#)[23.95.060 Amendment.](#)**23.95.010 Regulations generally.**

The regulations in this chapter shall apply in the R-3-M. (CZ) district and shall be subject to the other applicable provisions of the PGMC.

(a) The R-3-M (CZ) district is defined as those areas so designated on the official Coastal Zoning map of the city of Pacific Grove. Said districts may be classified by the City Council to other residential zones, where already developed with uses permitted in those districts, subject to Coastal Commission approval, but no new R-3-M (CZ) districts shall be created.

(b) Motel and hotel uses shall be restricted to the R-3-M (CZ) district, including any uses accessory or ancillary to a motel. The ordinance codified in this section shall also apply to any use described in PGMC [23.95.020](#) proposed for the construction or expansion in any R-3-M (CZ) district, including uses accessory or ancillary to such use. [Ord. 1536 N.S. § 2, 1986].

**23.95.020 Uses permitted.**

The following uses are permitted in the R-3-M (CZ) districts. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.

(a) Any use permitted in the R-3 (CZ) district, subject to obtaining a use permit for any use for which such is required in an R-3 (CZ) district;

(b) Motels, subject to first securing a use permit in each case;

(c) Hotels, subject to first securing a use permit in each case;

(d) Adult communities, retirement homes and rest homes, subject to first securing a use permit in each case. [Ord. 575 N.S., 1967; Ord. 453 N.S., 1964; Ord. 263 N.S., 1955; Ord. 210 N.S. § 11-139(1)(a), 1952].

**23.95.030 Regulations for R-3-M (CZ) uses.**

(a) A minimum of 2,500 square feet of land shall be required for each family unit and each motel or hotel unit. For other uses described in PGMC [23.95.020](#)(d), the Planning Commission and/or City Council shall determine the amount of land area per occupied unit by judging its similarity to a family unit or motel unit in actual use and impact, including impact to coastal resources. For example, a rest home affording separate apartments and parking facilities would be judged a family unit; a hotel which offers amenities identical or substantially similar to a motel would be judged a motel. In no event shall less than 2,000 square feet per occupied unit be allowed, for any PGMC [23.95.020](#)(d) use.

(b) A minimum setback of 20 feet shall be required for all structures in a R-3-M (CZ) development which abut R-1 (including R-1-B-3 and R-1-B-4), R-H, or R-2 property, including streets abutting same, whether said property is within or outside the Coastal Zone. The setback shall be 10 feet for commercial or other R-3-M (CZ) developments or districts. Eave projections may extend up to three feet into any required yard, but in no case may be closer than three feet to any property line.

(c) The height of the structures shall not exceed 25 feet nor two stories above grade. The height shall be one story above grade and not more than 18 feet where the R-3-M (CZ) property, or any portion thereof, is within 200 feet of any portion of any property zoned R-1 (including R-1-B-3 and R-1-B-4), R-H, or R-2, whether said property is within or outside the Coastal Zone.

(d) The Architectural Review Board, the Planning Commission and/or the City Council shall require the configuration and layout of structures so as to assure that residential areas are not impacted by guest activities such as registration, parking, food and beverage services. Said bodies shall require a design which blends with the residential neighborhood and minimizes the nonresidential impact and use. Appropriate landscaping shall be required throughout the site. Setback areas shall be landscaped and shall not be used for automobile parking, or storage of any kind. Access to the site, where feasible, shall be from a street and/or driveway which does not abut said residential areas.

(e) Wood-burning fireplaces and wood-burning heaters shall be limited to the rate of six per acre, and any additional fireplaces shall be limited to natural gas fireplace inserts.

(f) Any use permit for new construction or other activity resulting in an increase in the number of units or the amount of floor space shall expire one year from its issuance unless construction of the project for which the permit was issued is substantially complete.

(g) Uses which do not conform hereto as of the date of publication of the notice of intention to circulate the petition for the ordinance codified in this section may continue if legally installed prior thereto. Any expansion or alteration of such nonconforming use constituting redevelopment shall require complete compliance herewith for the entire use. The conversion of sliding doors to swinging doors, and similar changes, are not considered an expansion or alteration.

(h) Variances and/or exceptions hereto shall not be granted, except upon strict compliance with state and local law governing such. No variance or exception shall be granted on the basis of failure of opposition thereto.

(i) Any R-3-M (CZ) district property shall be deemed to be upon a street which abuts or abutting to R-1, R-H, or R-2 property, whenever any part of the R-3-M (CZ) property is within 20 feet of the abutting street or the R-1, R-H or R-2 property. [Amended by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.1, 2011; Ord. 1536 N.S. § 3, 1986].

#### **23.95.035 Special regulations for motels and hotels built prior to 1986.**

This section modifies the development standards in PGMC [23.95.030](#) for R-3-M (CZ) motels and hotels built prior to the adoption of Ordinance No. 1536, in order to enable and encourage hoteliers to upgrade and modernize their businesses to stay competitive. Where this section differs from PGMC [23.95.030](#), the provisions of this section shall take precedence. Where this section is silent on a provision that is in PGMC [23.95.030](#), the provision in PGMC [23.95.030](#) shall apply.

(a) Motels and hotels built prior to 1986 are categorized into groups and are allowed additional guest units over the number of permitted guest units, as of the effective date of this section, as follows:

# ATTACHMENT 4

# ITEM 7.a

City of Pacific Grove

*LCP Implementing Ordinances*

**New Guest Units Allowed for Motels and Hotels Built Prior to 1986**

**Comment [RJ34]:** Corresponding changes should be made to Chapter 23.52.

Address	Permitted Guest Units as of Effective Date of This Section	Additional Guest Units Allowed over Permitted Guest Units in Column to Left
<b>Group A<sup>1</sup></b>		
800 Asilomar Avenue	54	11
221 Asilomar Avenue	18	1
<b>Group C<sup>2</sup></b>		
635 Ocean View Boulevard	60	0
625 Ocean View Boulevard	52	0

**Comment [RJ35]:** For consistency with 23.52, keep A and C references as is

<sup>1</sup> Group A – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is less than 170 percent of the 1:2,500 density ratio in PGMC [23.95.030\(a\)](#). Motels and

hotels in Group A may construct additional guest units or ancillary facilities by conversion of buildings or by new construction.

<sup>2</sup> Group C – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is greater than 250 percent of the 1:2,500 density ratio in PGMC [23.95.030\(a\)](#). Motels and hotels in Group C may not construct any additional guest units.

(b) For motels and hotels in Group A, each new guest unit shall be a maximum size of 360 square feet. Since new guest units in Group B motels and hotels must be created by conversion of buildings, they may conceivably be greater than 360 square feet in size. No existing guest unit that is less than 360 square feet, as of the effective date of this section, may be enlarged to exceed 360 square feet in size. No existing guest unit that is 360 square feet or more in size, as of the effective date of this section, shall be enlarged.

(c) Motels and hotels in Group A may use up to three of the additional guest units allowed to instead create a new ancillary facility (e.g., meeting space, dining room, fitness facility), with a maximum size of 1,080 square feet (or 360 square feet for each additional guest unit substituted). Motels and hotels in Group C may create new ancillary facilities only through conversion of buildings and are not limited in size.

(d) For motels and hotels in Group A, the setback requirements of PGMC [23.95.030\(b\)](#) shall also apply to new guest units or new ancillary facilities that abut any public street or any single-family residence.

(e) For motels and hotels in Group A, building height is two stories and not more than 25 feet for new guest units that are at least 50 feet from any property zoned R-1, R-H, or R-2, any public street, and any single-family residence. Building height is one story and not more than 18 feet for new guest units that are at least 20 feet from any property zoned R-1, R-H, or R-2, any public street, and any single-family residence. For property lines of Group A motels and hotels that do not abut any property zoned R-1, R-H, or R-2, a public street, nor single-family residence, building height for new guest units may be two stories and up to 25 feet within 10 feet of the property line. New ancillary facilities in Group A motels and hotels may be one story, with a maximum building height of 18 feet.

(f) For motels and hotels in Group A, the following additional requirements apply to new construction or conversion of buildings:

(1) A use permit approval is required. As part of this review, the planning commission may impose specific standards pertaining to building design (e.g., building mass, bulk, height, and wall articulation), outdoor lighting, driveway locations, parking areas, landscaping, signs, street dedication, and related public improvements, upon finding that such requirements are necessary to meet the intent of the R-3-M (CZ) district.

(2) No outdoor living areas are allowed within setbacks abutting residential zones or residential uses. This includes balconies, decks, open porches, patios, or similar outdoor guest activity areas.

(3) Existing landscaping requirements in PGMC 23. 295.030 are expanded to require that within setback areas adjacent to the new development or building conversion, especially abutting residential zones and residential uses, plantings include numerous trees, shrubs and plants that will reduce visual and noise impacts of the motel or hotel use on adjacent properties.

(4) New guest units do not have to be built at one time, but may be developed in phases.

(5) All other R-3-M (CZ) standards shall apply including, but not limited to, parking and building coverage. New guest units and ancillary facilities must have available water.

(g) For motels and hotels in Groups A or C, a nonconforming building damaged or destroyed by catastrophic event or demolished under any other circumstance may be rebuilt to the condition or

configuration of the building that existed immediately prior to the event or demolition. While reconstruction to pre-existing conditions is allowed, elimination of nonconformities is required. Reconstructed one-story buildings may be built to a maximum height of 18 feet, regardless of the pre-existing building height.

(h) For motels and hotels in Groups A and C, exterior remodeling within the footprint of a nonconforming building may retain existing nonconformities as long as the remodel does not rise to the level of redevelopment and does not:

- (1) Extend or expand an existing nonconformity or the size of the structure;
- (2) Add any new nonconformity; or
- (3) Adversely affect the privacy of adjacent residential-zoned property or residential uses.

(i) No other reconstruction or remodeling may take place, beyond what is allowed in this section for motels and hotels in Groups A and C, without bringing the entire property into conformance with current development standards for the zoning district. [Added by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.2, 2011].

#### **23.95.040 Statement of intent.**

It is the intention of the ordinance codified in this section to preserve the essential residential character of the city, and the residential appearance of the city, and to prevent the adverse impacts of such from developments in the R-3-M (CZ) districts. [Ord. 1536 N.S. § 4, 1986].

#### **23.95.050 Other provisions.**

Regulations found in this chapter are subject to the provisions of Chapter [23.92](#) PGMC, unless there is a conflict, in which event the regulations found in this chapter shall prevail. [Ord. 1536 N.S. § 5, 1986].

#### **23.95.060 Amendment.**

PGMC [23.95.010](#), [23.95.030](#), [23.95.035](#) and [23.95.040](#) shall not be repealed or amended except by a vote of the people. [Amended by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.3, 2011; Ord. 1536 N.S. § 6, 1986].

### **Chapter 23.96 R-4 (CZ) DISTRICT**

Sections:

[23.96.010 Generally.](#)

[23.96.020 Uses permitted.](#)

[23.96.030 Building height limit – Site area – Lot coverage – Yards.](#)

#### **23.96.010 Generally.**

The regulations found in this chapter shall apply in all R-4 (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(1), 1952].

**23.96.020 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.

- (a) Single- or two-family dwellings;
- (b) Second units;
- (c) Multiple dwellings, apartment houses, subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site, or
  - (2) Additions or structural alterations are made to a structure already existing.
- (d) Rooming or boarding houses, subject to first securing a use permit;
- (e) Dwelling groups subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site, or
  - (2) 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 one building site.
- (f) 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;
- (g) Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;
- (h) Accessory uses and buildings normally incidental to any of the above;
- (i) Professional uses in other categories than described in subsection (f) of this section, which are found by the community development 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;
- (j) 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].

**23.96.030 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 [23.92.030](#) through [23.92.060](#). [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

**Chapter 23.97  
M-H (CZ) DISTRICTS**

Sections:

[23.97.010 Uses permitted.](#)

[23.97.020 Minimum lot size.](#)

[23.97.030 Density.](#)

[23.97.040 General requirements.](#)

**23.97.010 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.

- (a) Any residential use permitted in the respective district with which the M-H (CZ) district is combined;
- (b) 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].

**23.97.020 Minimum lot size.**

The minimum lot size in one 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].

**23.97.030 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].

**23.97.040 General requirements.**

- (a) Each use in an M-H (CZ) district shall be considered as being part of a planned unit development.
- (b) The site, recreational facilities, and maintenance plans for the project shall be approved by the planning commission.
- (c) A landscape plan for the entire project shall be approved by the architectural review board.
- (d) 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.
- (e) Maximum building coverage on all sites is 40 percent.

**Comment [RJ36]:** MH is exclusive to CZ – Chapter 23.30 can be deleted.

- (f) All utilities on the lot shall be undergrounded and the meter location shall be approved by the site plan review committee.
- (g) Architectural approval shall be required.
- (h) Maximum site coverage on all sites is 60 percent.
- (i) 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].

### Chapter 23.98 COMMERCIAL (CZ) ZONING DISTRICTS

Sections:

[23.98.010 Purpose.](#)

[23.98.020 Commercial \(CZ\) zoning districts.](#)

[23.98.030 Commercial \(CZ\) zoning districts allowable land uses and permit requirements.](#)

[23.98.040 Commercial \(CZ\) zoning districts development standards.](#)

#### 23.98.010 Purpose.

This chapter 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].

#### 23.98.020 Commercial (CZ) zoning districts.

- (a) Light Commercial (C-1). The C-1 (CZ) zoning district provides for neighborhood scale and locally oriented retail, service, and office uses.
- (b) Light Commercial and Hotel (C-1-T). The C-1-T zoning district was enacted by citizen initiative, and the standards of the district are included in the applicable sections of this chapter without modification from the initiative.
- (1) Intent of District. The intent of the C-1-T district as described by the initiative is as follows:

(A) It is the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in the C-1 district of this code, as said district may be from time to time amended by the council. The people have determined that the area of downtown defined by subsection (b)(2) of this section is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter [23.52](#) PGMC, shall remain unchanged and in full force and effect.

(B) It is also the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to provide for an exception to the strict regulations governing condominium development at Chapter [23.45](#) PGMC, said section enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined in subsection (b)(2) of this section is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter [23.45](#) PGMC. Further, except as modified by this chapter, the provisions of Chapter [23.45](#) PGMC shall remain unchanged and in full force and effect.

**Comment [KK37]:** We'll discuss this with our legal folks.

- (2) Boundaries of District. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.
- (3) Amendment. No provision of the C-1-T zoning district shall be repealed or amended except by a vote of the people.
- (c) Downtown Commercial (C-D). The C-D zoning district is intended to provide for a range of uses including retail, restaurants, services, entertainment, and upper floor residential, and other compatible uses which enhance the vitality and character of the city's historic commercial core.
- (d) Forest Hill Commercial (C-FH). The C-FH zoning district serves as an entrance to the city, offering a variety of commercial and service uses while respecting nearby residential uses.
- (e) 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.
- (b) 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.
- (c) 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.
- (d) Visitor Commercial – American Tin Cannery (C-V-ATC). The C-A-ATC (CZ) zoning district allows visitor serving uses including retail sales, commercial services, institutional uses oriented to tourism, and overnight accommodations.
- (e) 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].

**23.98.030 Commercial (CZ) zoning districts allowable land uses and permit requirements.**

The uses shown in Table 23.98.030 are permitted in the commercial (CZ) zoning districts as noted. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.

**Comment [KK38]:** We'll want to add some specific provisions to this zoning designation, particularly with respect to low-cost accommodations, public views, and public services.

Key to Zoning District Symbols					
C-1	Light Commercial			C-V-A	Visitor Commercial – Accommodation
		C-2	Heavy Commercial	SSC	Sunset Service Commercial
		C-V	Visitor Commercial	C-V-ATC	Visitor Commercial – American Tin Cannery
P = Permitted use; counter review and determination required; Coastal Development Permit required if new construction is part of approval			UP = Use permit and Coastal Development Permit required		
AUP = Administrative use permit and Coastal Development Permit			-- = Use not allowed		

**Comment [RJ39]:** These will need to be re-ordered per list above (a through e) when the tracked changes are accepted.

**Comment [KK40]:** Why don't you just allow a hotel and similar visitor-serving commercial uses here, as opposed to a school, for example?

**ATTACHMENT 4**

**ITEM 7.a**

required	
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**Table 23.98.030 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>	SSC	C-V-ATC
<b>Industry, Manufacturing and Processing</b>									
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>

**Comment [RJ41]:** These will need to be re-ordered per list above when tracked changes are accepted.

**Comment [RJ42]:** Columns should be re-sized after changes are accepted

**Table 23.98.030 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>	SSC	C-V-ATC
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>
Residential										
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				--
Multifamily dwelling										
7 or fewer units		P				P	--	P	UP	--
8 or more units		UP				UP	--	UP	UP	--
Residential care										
Housing 6 or fewer persons		P				P	--	UP	UP	--
Housing 7 or more persons		UP				UP	--	UP	UP	--

**Comment [RJ41]:** These will need to be re-ordered per list above when tracked changes are accepted.

**Table 23.98.030 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>	SSC	C-V-ATC
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	--	P	UP
Flea market	UP				UP	UP	--	P	UP
Micro-brewery	--				UP	UP	UP	P	UP
Pub or sports bar with food service	AUP <sup>2</sup>				AUP <sup>3</sup>	AUP <sup>2</sup>	UP	P	AUP <sup>2</sup>
<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	AUP <sup>2</sup>				AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>2</sup>

**Comment [RJ41]:** These will need to be re-ordered per list above when tracked changes are accepted.

**Table 23.98.030 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>	SSC	C-V-ATC
sales						
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>	--	UP	AUP <sup>2</sup>
Auction houses	P	UP	--	--	P	--
Automobile rental	P	UP	UP	--	P	UP
Bail bonds	P	UP	--	--	P	--
Blood, plasma, tissue donation	P	UP	--	--	P	--
Body piercing/tattoo parlor	P	UP	UP	--	P	UP
Check cashing stores	--	UP	--	--	--	--
Dollar/99 cent stores	--	UP	UP	--	--	UP
Electric cigarette/e-vapor	P	UP	UP	--	P	UP
Gold and silver exchange stores	P	UP	UP	--	P	UP
Kennels or pet boarding**	P	UP	UP	--	P	UP
Pawn shops	P	UP	UP	--	P	UP
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	UP

**Comment [RJ41]:** These will need to be re-ordered per list above when tracked changes are accepted.

**Table 23.98.030 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>	SSC	C-V-ATC
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>3</sup>	AUP <sup>2</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>3</sup>	AUP <sup>2</sup>
Wine tasting room	AUP <sup>2</sup>				AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</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>3</sup>	AUP <sup>2</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>3</sup>	P <sup>2</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>3</sup>	AUP <sup>2</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>3</sup>	P <sup>2</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>3</sup>	AUP <sup>2</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>	--	P	AUP <sup>3</sup>

**Comment [RJ41]:** These will need to be re-ordered per list above when tracked changes are accepted.

**Table 23.98.030 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>	SSC	C-V-ATC
Lodging										
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>3</sup>	AUP <sup>2</sup>
Hotel or motel		--				--	UP <sup>7</sup>	UP <sup>7</sup>	-- <sup>7</sup>	UP <sup>7</sup>
Medical service										
Ambulance service		UP				UP	UP	--	UP	UP
Clinic or lab		P <sup>2</sup>				UP <sup>3</sup>	UP <sup>2</sup>	--	P <sup>3</sup>	UP <sup>2</sup>
Medical office		P <sup>2</sup>				UP <sup>3</sup>	UP <sup>2</sup>	--	P <sup>3</sup>	UP <sup>2</sup>
Hospital		UP				UP	--	--	UP	--
Mortuary or funeral home		UP				UP	--	--	UP	--
Office, business or professional		P <sup>2</sup>				UP <sup>3</sup>	UP	--	P <sup>2</sup>	UP
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>	--	P <sup>3</sup>	UP <sup>2</sup>
Transportation and Infrastructure										
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

**Comment [RJ41]:** These will need to be re-ordered per list above when tracked changes are accepted.

**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 one 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 six 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 subject to voter-approved change in zoning regulations.

\*\*When not associated with a veterinary clinic.

[Ord. 15-013 § 4, 2015; Ord. 13-003 § 2, 2013].

**23.98.040 Commercial (CZ) zoning districts development standards.**

(a) Development within the commercial (CZ) zoning districts shall conform to the requirements presented in Table 23.98.040. 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 23.98.040 Commercial and Industrial Zoning Districts Development Standards**

	C-1			C-V-ATC	C-V/C-V-A	SSC
<b>Building Placement Requirements</b>						
Setbacks <sup>1</sup>						

**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

Table 23.98.040 Commercial and Industrial Zoning Districts Development Standards

	C-1			C-V-ATC	C-V/C-V-A	SSC
Front, min. (max.)	0'			0'	0'	0'
Side (min.), except:	0'			0'	0'	0'
Side adjacent to residential zone	5'			10'	10'	10'
Rear (min.), except:	0'			0'	0'	0'
Rear adjacent to residential zone including streets abutting same	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'
<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' with max. site coverage of 75%; 30' with max. site coverage of 90% and 15 feet for accessory structures	25 feet in C-V-A; 40' in C-V with max. site coverage of 75%; 30' with max. site coverage of 90%; except, 18 feet within 200 feet of R-1, R-H, or R-2. and 15 feet for accessory structures	40'
Site coverage (max.) <sup>3</sup>	75 – 90%, depending on building height			75 – 90%, depending on building height	Maximum 50% in C-V-A; 75 – 90% in C-V, depending on building height	90%

**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

**Comment [KK45]:** This seems very high for this area.

**Comment [RJ 5\_2544]:** MB suggests 90% for C-V-A

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].

## Chapter 23.99 O (CZ) DISTRICT

Sections:

[23.99.010 Generally.](#)

[23.99.020 Uses permitted.](#)

[23.99.025 Signs.](#)

[23.99.030 Rezoning restriction.](#)

### 23.99.010 Generally.

The purpose of this district is to provide a special zone for those areas which are set aside for scenic vistas, forest preserves, public recreational, waterfront, or beach areas, public parks, or similar open space. [Ord. 569 N.S., 1967].

### 23.99.020 Uses permitted.

The following uses are permitted in an O (CZ) district. A Coastal Development Permit shall be obtained for any development not exempted from that requirement in PGMC 23.90.030.

- (a) Recreation areas, wildlife preserves, forest preserves, and waterfront areas;
- (b) Parks, playgrounds, public or civic buildings, structures, utilities, and parking facilities, pertinent and compatible with open land usages, subject to first securing a use permit in each case.
- (c) On the former railroad right-of-way, exclusive of the segments within the golf course, recreational trail shall be the principal use.
- (d) limited visitor serving commercial uses within structures already existing in parks.
- (e) at Lighthouse Reservation, coastal-related institutional and military structures already existing, and low-intensity coastal-related recreation compatible with protection of designated natural and biotic resources, including Crespi Pond, sand dunes, and existing stands of Monterey pines.
- (f) golf and appurtenant uses within the municipal golf course.
- (g) short-term special events subject to 23.90.030 and 23.90.290 PGMC.

[Ord. 1676 N.S. § 1, 1989; Ord. 569 N.S., 1967].

### 23.99.025 Signs.

Signs, appurtenant to any permitted use, shall be allowed, provided the signs are subordinate to the character of the surrounding area. Signs shall be subject to first securing a sign permit from the architectural review board and a Coastal Development Permit in each case, except as follows:

- (a) A sign permit shall not be required for signs posted by a governmental agency for health and safety purposes.

(b) A sign permit shall not be required for signs posted by the city or at the direction of any other governmental agency so long as such signs are under 15 square feet in area and no more than four feet in height.

(c) Any commercial sign shall require a use permit from the Planning Commission and design approval from the Architectural Review Board; provided, commercial signs posted by the City shall require only City Council approval. [Ord. 1676 N.S. § 2, 1989].

### 23.99.030 Rezoning restriction.

All property within the City zoned O (CZ) as of July 14, 1986, shall remain zoned O (CZ) until such time that an ordinance to change the zoning is approved by the voters. [Ord. 1555 N.S. § 1, 1986].

## Chapter 23.100 U (CZ) DISTRICTS

Sections:

[23.100.010 Generally.](#)

[23.100.020 Uses permitted.](#)

[23.100.025 Signs.](#)

[23.100.030 Building height limit – Site area – Yards.](#)

[23.100.040 Rezoning restriction.](#)

### 23.100.010 Generally.

The regulations found in this chapter shall apply in all unclassified or U (CZ) districts and shall be subject to the generally applicable provisions of the PGMC. [Ord. 210 N.S. § 11-137(1), 1952].

### 23.100.020 Uses permitted.

The following uses 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.

(a) Public parks, playgrounds, schools, recreation areas, public or civic buildings, subject to first securing a use permit and Coastal Development Permit in each case;

(b) 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.

(c) 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.

**Comment [KK46]:** Would be good to cross-reference other sections that have specific standards for each of these sites.

[Ord. 1676 N.S. § 4, 1989; Ord. 210 N.S. § 11-137(1)(a), 1952].

**23.100.025 Signs.**

Signs, appurtenant to any permitted use, shall be allowed, provided the signs are subordinate to the character of the surrounding area. Signs shall be subject to first securing a sign permit from the architectural review board and a Coastal Development Permit in each case, except as follows:

(a) A sign permit shall not be required for signs posted by a governmental agency for health and safety purposes.

(b) A sign permit shall not be required for signs posted by the city or at the direction of any other governmental agency so long as such signs are under 15 square feet in area and no more than four feet in height.

(c) Any commercial sign shall require a use permit from the Planning Commission and design approval from the Architectural Review Board; provided, commercial signs posted by the City shall require only City Council approval. [Ord. 1676 N.S. § 4, 1989].

**23.100.030 Building height limit – Site area – Yards.**

Building height limits, building site area required and yards required shall be as specified in the use permit. [Ord. 210 N.S. § 11-137(1)(b), 1952].

**23.100.040 Rezoning restriction.**

All property within the City zoned U (CZ) as of July 14, 1986, shall remain zoned U (CZ) until such time that an ordinance to change the zoning is approved by the voters. [Ord. 1555 N.S. § 2, 1986].

**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:

(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(2) 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 an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.

For purposes of this definition, an exterior wall is considered to be altered, demolished, renovated, and/or replaced when any of the following occur either above or below grade:

- (a) Both exterior cladding and framing systems are altered in a manner that requires removal and replacement of those cladding and framing systems.
- (b) Existing support for the wall is temporarily or permanently removed such that any portion of the remaining floors, roof, ceiling, or other building elements supported by the wall cannot remain freestanding without supplemental support.
- (c) Additional reinforcement is needed for any remaining portions of the wall and cladding to provide structural support (e.g. addition of beams, addition of shear walls, placement of new studs whether alone or alongside the existing/retained studs).

The floor and roof structure is considered to be altered, demolished, renovated, and/or replaced when any of the following occur:

- (a) The roof and/or floor framing is altered in a manner that requires removal and replacement of roof or floor structural framing system elements (e.g. trusses, joists, rafters).
- (b) The roof and/or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).

The foundation is considered to be altered, demolished, renovated, and/or replaced when any such work is performed on the following:

- (a) Structural slabs, pier and posts, caissons and grade beams, and/or perimeter foundations, measured as follows: slab foundation by horizontal surface area;

## **ATTACHMENT 5**

## **ITEM 7.a**

pier/posts and caisson/grade beam foundation by the number of piers, posts, caissons, and/or grade beams.

Major structural components shall not include roof coverings; filling-in of existing window and door openings; replacement of glass in existing window openings; replacement of window and door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; exterior siding; doors; window glazing; decks; chimneys; and interior elements including but not limited to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.

