



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

**AGENDA REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Anastazia Aziz, AICP, Senior Planner  
Mark Brodeur, Director of Community and Economic Development  
**MEETING DATE:** June 29, 2016  
**SUBJECT:** Local Coastal Program - Land Use Plan and Implementation Plan  
**CEQA STATUS** Statutory Exemption, CEQA Guidelines Section 15265

**RECOMMENDATION**

Receive as information.

**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 public workshops, meetings, presentations at various City Boards, Committees, and Commissions, work sessions with the Planning Commission, and joint sessions with Council.

Pacific Grove's [Coastal Zone](#) (map attached) extends along the coast from the City of Monterey to Pebble Beach and encompasses a diversity of natural and built resources including many sandy beaches, a recreation trail, archeological sites, a golf course, the Asilomar Dunes area, the Retreat Area endangered and special status species, and many historic resources including the oldest continuously operating lighthouse on the west coast.

**What is a certified Local Coastal Program?**

Local Coastal Programs are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the California Coastal Commission. The Local Coastal Programs specify appropriate location, type, and scale of new or changed uses of land and water. Each Local Coastal Program includes a **Land Use Plan**, which outlines policies, and an **Implementation Plan**, which outlines the zoning regulations and permitting processes. Approval of a Local Coastal Program by the Coastal Commission allows a city such as Pacific Grove to issue most permits within the zone without further review by the Coastal Commission. This authority provides greater flexibility, certainty and timeliness for issuance of coastal zone permits, including those required for City activities.

**Land Use Plan**

The Land Use Plan details the types, locations and intensity of land uses, and resource protection and development policies within the Coastal Zone. A draft Land Use Plan was released in May 2015 and subsequently revised in January 2016 and May 2016. Additional changes to the Land Use Plan were proposed at the June 1 and June 2, 2016 Planning Commission meeting and were most recently discussed at the June 16, 2016 meeting.

### **Implementation Plan**

An effective Implementation Plan ensures (through regulation) 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.

### **Coastal Commission's permitting role once the Local Coastal Program is certified**

After a Local Coastal Program is approved, the Coastal Commission's permitting authority over most new development will be transferred to the City of Pacific Grove. The City's Community & Economic Development Department will apply the requirements of the Local Coastal Program, both the Land Use Plan and the Implementation Plan, when reviewing proposed developments.

The Coastal Commission will retain permanent permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands. The Coastal Commission will also act on appeals for certain Pacific Grove's coastal permit decisions. The Commission reviews and approves any amendments to previously certified Local Coastal Programs. The Coastal Commission is the appeal body for certain types of Coastal Development permits.

### **Importance of Local Decisions**

A Local Coastal Program allows the City of Pacific Grove to govern decisions that determine the conservation and use of coastal resources. Property owners and residents will no longer be subject to a separate Coastal Commission permit process, will no longer need to travel throughout the State to meet with Coastal Commission staff, nor attend Coastal Commission hearings, unless a permit is appealed.

There are two key purposes for this update effort. Firstly, to bring the plan current to present needs. This provides the community and stakeholders the opportunity to reevaluate all of the significant principles that guide land use in the Coastal Zone. Secondly, once the City's Local Coastal Program is certified by the Coastal Commission, the Coastal Commission will delegate approval authority for land use applications to the City of Pacific Grove.

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.

### **Coastal Development Permits**

The Implementation Plan focuses on the review and issuance of Coastal Development Permits. Coastal Development Permits are required for certain project types, such as those that are defined as either development or redevelopment. Coastal Development Permits are also required for projects within specific areas of the coastal zone, such as those located in the Asilomar Dunes Environmentally Sensitive Habitat Area. 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. Coastal Commission staff has suggested changes to the permitting section of the Implementation Plan to simplify the process and clarify when Coastal Development Permits are required.

Over the past 27 years, property owners have applied for a Coastal Development Permit through the Coastal Commission 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.***

Applications for Coastal Development Permits must be accompanied by supporting technical documents such as a 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, specific findings must be made, such as that the development will not adversely impact coastal resources, public access or public recreation opportunities. If these findings cannot be made and if the technical studies do not support the findings, the permit may be denied. The following table summarizes the current process for Coastal Development Permit review and that proposed under the 2016 LCP Implementation Plan.

### Coastal Development Permit Process

	<b>Current Process</b>	<b>Certified Process</b>
<b>Governing Documents for Proposed Projects in Coastal Zone for Coastal Development Permitting</b>	Coastal Act & 1989 Land Use Plan	2016 Certified Local Coastal Program
<b>Permitting Bodies</b>	<b>City</b> – Architectural or Use Permits & Building Permits <b>Coastal Commission</b> – Coastal Development Permits	<b>City</b> – Architectural or Use Permits & Coastal Development Permits & Building Permits
<b>Approximate Permit Process Time</b>	<b>City Planning Permits:</b> 4-12 weeks <b>Coastal Development Permit</b> – 8-16 weeks <b>City Building Permits</b> – 1-4 weeks	<b>Joint City and Coastal Development Permit:</b> 4-12 weeks <b>City Building Permits:</b> 1-4 weeks
<b>Fees</b>	<b>City Planning Permit Fees:</b> Architectural Permit \$3,010  <b>Coastal Development Permit Fee:</b> Up to \$8,310 for single-family and up to \$277,000 for commercial	<b>City fees</b> – 20% surcharge for Coastal Development Permits. Up to approximately \$3,600 for a Joint Coastal Development and Architectural Permit.

### DISCUSSION

The Planning Commission will be continuing its review of the Local Coastal Program on July 7, 2016. The following issues remain the subject of discussion at the Commission, and will then be considered by the City Council.

## **1. Coastal Access and Armoring**

One of the primary tenets of the Coastal Act is public access to the coastline. The City of Pacific Grove provides exceptional public access to the City's coastline. The entire coast, with the exception of Hopkins Marine Lab and two residences out in the Asilomar Dunes neighborhood, is publicly accessible. The accessibility of the coast, from where the City's recreation trail begins at the City of Monterey border, to Asilomar Beach is a beloved aspect of the City by both residents and visitors alike and is a shining example of accessibility enshrined in the Coastal Act.

As part of the Local Coastal Program Update, the City was required to generate new hazard maps that included threats from sea level rise. The map, as shown in Figure 2 of the Land Use Plan, illustrates potential erosion and flood threats in 2025, 2050 and 2100. The intent of climate change policies in the Land Use Plan is to recognize the probable impact of climate change, including sea level rise, and to include policies to address potential impacts.

The City's coastal park and trail system is threatened by sea level rise. Coastal staff recognize this paradoxical issue - how to best preserve the City's exceptional coastal access, while also addressing sea level rise. A combination of techniques can be used, primarily armoring, both hard (walls and rip rap) and soft armoring (sand bags), and retreat or realignment.

New seawalls or revetments, where they protect public coastal access are an option for areas where relocation would be difficult. For example, there are stretches of the recreation trail that would be extremely difficult to relocate and the same can be said of portions of Ocean View Boulevard. If the street were to be closed, public access to the shoreline would be cut off. This would not only undermine the Coastal Act, but would also change the nature and character of the City, one of the primary characteristics being access to the coast and beaches.

Relocating or retrofitting sections of coastal trails is an option for certain portions of the City's coast. For example, the City's municipal golf course in the vicinity of Pt. Pinos may provide opportunities to examine how to best relocate Ocean View Boulevard and the recreational trail. Staff recommends using a variety of tools, including armoring and retreat, to continue to provide public access to the City's coastline.

## **2. Redevelopment Definition**

For the past 27 years, projects in the Coastal Zone have complied with the Coastal Commission's broad definition of "development" derived from the [Coastal Act Section 30106](#), and "redevelopment" derived from the [California Code of Regulations S. 13252.b](#). Coastal staff have further clarified the definition of redevelopment to mean replacement of 50% or more of major structural components. Major structural improvements include exterior walls, floor and roof structure and foundation. Exterior siding, non-structural interior walls, or filling in of existing window or door openings is excluded from the 50% calculation.

To compare, the City has a similar but more restrictive definition applied to the structures listed on the City's Historic Resources Inventory. In this case, per Section 23.76.020 if **more than 25%** of the structures' exterior wall facing a street is demolished or altered, the structure is considered demolished and a significant and unavoidable impact under CEQA. As a result, all permit applications for changes to historic structures carefully craft their scope of work to alter less than 25% of the exterior walls facing a public street.

Staff recommends accepting the Coastal staff's definition of redevelopment and to continue to clarify what constitutes major structural components. Alteration of 50% of exterior walls is a common parameter used to determine "redevelopment" and many projects are crafted to alter less than 50% in order to avoid being classified as "redevelopment."

**3. *Fencing in the Asilomar Dunes Neighborhood***

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

There are currently a number of additional development restrictions governing this area, including limitations on fencing to reduce impacts on public views, and allow for free passage of native wildlife and seeds. Coastal Commission staff has been interpreting this policy to mean no on-site fencing. The Coastal Commission has historically been conditioning new development in this area to remove existing perimeter fencing and any other on-site fencing.

City staff proposes to allow new perimeter fencing that is limited to minimal symbolic fencing such as a split rail fence, that is necessary to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. Staff also proposes to allow enclosure of up to 5% of lot area that may be used as proximate outdoor living space.

**4. *Subdivision in the Asilomar Dunes Neighborhood***

Additionally, the current Local Coastal Program specifies that new subdivisions within the Asilomar Dunes shall be allowed only where potential adverse impacts to environmentally sensitive habitats can be prevented. Minimum lot sizes, for new subdivision, in the Asilomar Dunes range from half to one acre depending on location, and approximately six parcels are large enough to be subdivided. Historically, the Coastal Commission has denied subdivision applications in this area because the proposed subdivision would adversely impact environmentally sensitive habitats.

City staff proposes to allow subdivisions for resource dependent or conservation uses. By doing so, a subdivision would still be permitted; however, the uses of the new lots would be limited to passive uses such as trail development.

**5. *American Tin Cannery Floor Area Ratio***

The recent passage of Measure X approved re-zoning the American Tin Cannery site and added hotel use to the list of allowed uses. 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. Public Views**

Public views of Pacific Grove’s beaches, surf, sand, are one of the City’s defining characteristics and are beloved by residents and visitors. In the Coastal Zone, scenic views both seaward and landward views along public right of ways are designated scenic.

The Land Use Plan and Implementing Ordinances contain policies and development standards including heights, setbacks, parking and other standards regulating building envelope parameters. In designated scenic areas, new development may not infringe on existing public views and should strive to enhance them. Staff recommends supporting policies that preserve public views and to continue to work on clarifying and communicating what constitutes a public view.

**Adoption Timeline**

The timeline for Local Coastal Program review and adoption has been further revised as follows:

**2016 Local Coastal Program Revised Adoption Timeline**

Activity	Date
City Council Local Coastal Program Update	June 29, 2016
Planning Commission Hearing	July 7, 2016
Council Hearing	August/September 2016
Coastal Commission Hearing	TBD, tentatively November 2016
Council Adoption of Certified Local Coastal Program	TBD

Note: Timeline subject to change - 06/29/16

RESPECTFULLY SUBMITTED:



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Senior Planner

REVIEWED BY:



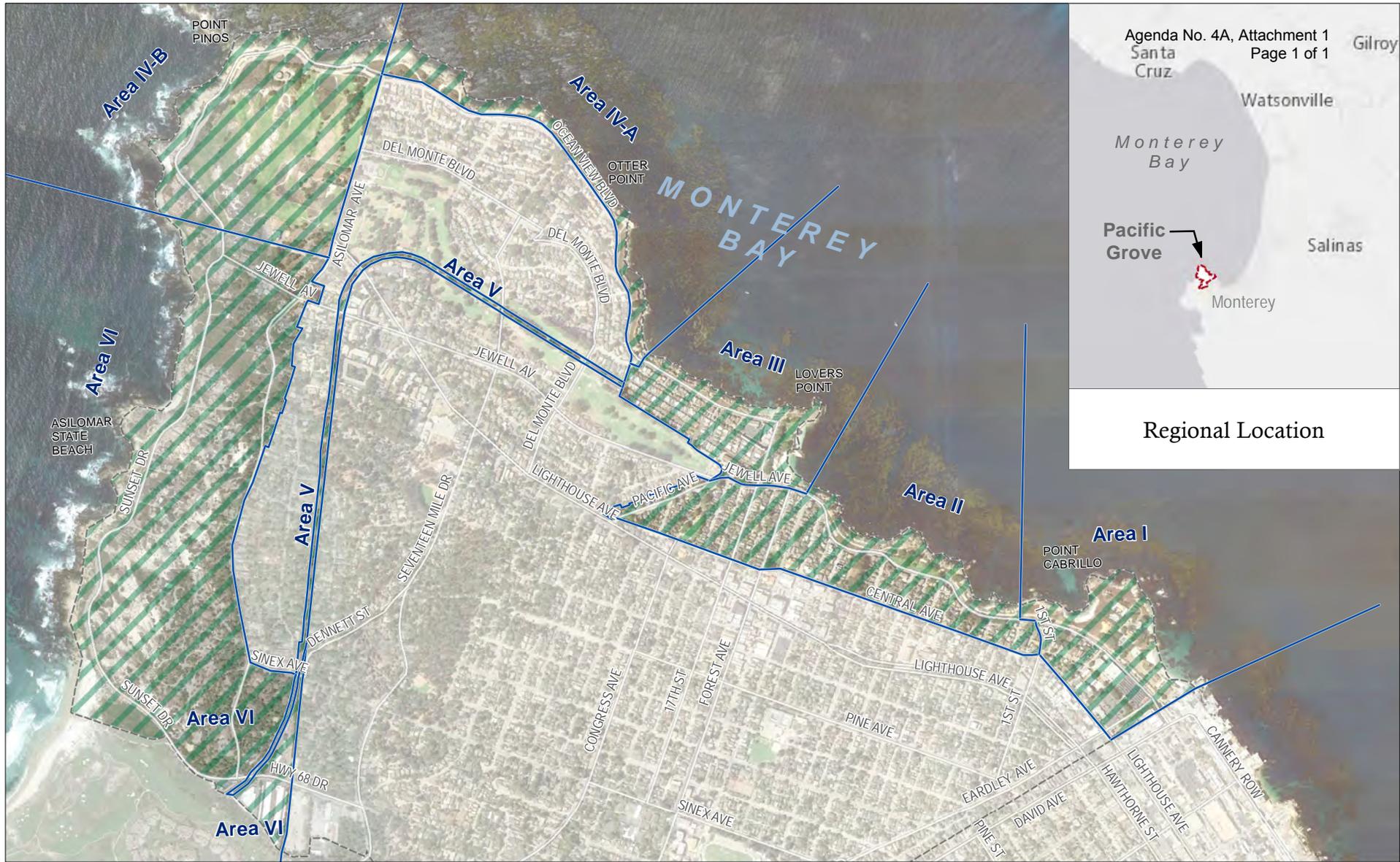
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Mark Brodeur, Director,  
Community and Economic Development Dept.

ATTACHMENTS:

1. Coastal Zoning Map

Regional Location



0 1800 feet

**Legend**

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

Source: City of Pacific Grove, Google Earth 2013



Figure 1  
**Pacific Grove Coastal Zone**  
Pacific Grove Vulnerability Assessment