RESOLUTION NO. 20-001

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION RESOLUTION OF CERTIFICATION, INCLUDING THE SUGGESTED LOCAL COASTAL PROGRAM MODIFICATIONS, AND ACCEPTING AND AGREEING TO THE MODIFICATIONS AND ADOPTING THE LOCAL COASTAL PROGRAM

FINDINGS

1. A Local Coastal Program (LCP) is comprised of a certified Land Use Plan (LUP) and Implementation Plan (IP). This LCP, once formally adopted and certified by the City of Pacific Grove (City), will replace the 1989 certified LUP and constitute the City's first IP. When a certified LCP is in effect, coastal development permitting authority transfers to the City. The proposed LCP is the culmination of a thorough public engagement and review process coupled with extensive consultation with other public agencies, especially the California Coastal Commission (CCC).

2. The City has an LUP that was certified in 1989, but does not yet have a certified IP.

3. In April 2014, the CCC awarded the City a grant in the amount of $130,000. The goal of the grant was to develop an updated LCP in conformance with the California Coastal Act (Coastal Act), which reflects current circumstances and new scientific information, including new understandings and concern for the effects of climate change. The City augmented the grant with additional City funds.

4. The LCP incorporates guidance provided in the CCC' Sea Level Rise Policy Guidance document, the CCC Land Use Plan Update Guidance document, and gained through public outreach.

5. The City conducted various outreach methods and venues to engage the community in developing the LCP including but not limited to: a Local Coastal Program webpage; community meetings and workshops, presentations at local high schools and other educational institutions, multiple Planning Commission and Council meetings, an email distribution list, and an online survey.

6. A series of stakeholder community meetings commenced in November 2014 to solicit community comments and included coastal walks, archeology talks, and Environmentally Sensitive Habitat Areas (ESHA) tours at Asilomar State Park. Two well publicized Community Workshops were held in October 2015 and February 2016. In addition, a

joint meeting of the City's Planning Commission with the City of Monterey Planning Commission on Sea Level Rise was held in October 2015. A Community meeting was held in October 2018. Noticed Planning Commission meetings were held in June and November 2016 and January 2018. Planning Commission recommendations were received and considered by Council and noticed Council meetings were held in June 2016, February 2017 and November 2018.

7. On November 28, 2018 the City Council adopted an updated LCP and authorized its submission to the CCC for certification.

8. The CCC held public hearings on July 11, 2019 and September 11, 2019 and adopted an LCP with suggested modifications to both the LUP and IP on November 15, 2019. The modified LCP conforms to the Coastal Act requirements.

9. The IP implements the policies in the LUP in conformance with the Coastal Act.

10. The City intends to carry out the LCP in a manner fully in conformity with the Coastal Act.

11. In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP.

12. The LCP does not take effect until City acceptance of the modifications is reported to the CCC.

NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE FINDS, ORDERS, AND RESOLVES AS FOLLOWS:

1. The City Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The City Council certifies that the LCP is intended to be carried out in a manner fully in conformity with the Coastal Act.

3. The City Council acknowledges receipt of the CCC resolution of certification, including the modification, attached hereto as Exhibit A, and incorporated by reference.

4. The City Council accepts and agrees to the suggested modifications and adopts the LCP as attached to this Resolution as Exhibit B, which by this reference is incorporated in its entirety.

5. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of January 2020, by the following vote:

AYES: Mayor Pro Tem Huitt, Councilmembers Garfield, McAdams, Smith and Tomlinson.

NOES: Mayor Peake and Councilmember Amelio.

ABSENT: None.

APPROVED:

Bill Peake

BILL PEAKE, Mayor

ATTEST:

Sandra Kandell

SANDRA KANDELL, City Clerk
Dated: January 23, 2020

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

ATTACHMENTS

A. CCC Resolution of Certification
B. CCC approved Local Coastal Program November 2019

Attachment A

CCC Resolution of Certification

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

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F8a

Prepared November 1, 2019 (for November 15, 2019 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director
Kevin Kahn, Central Coast District Supervisor
Brian O'Neill, Central Coast District Coastal Planner

Subject: City of Pacific Grove Local Coastal Program Amendment Number LCP-3-PGR-18-0093-1 (LUP Update and IP Certification)

SUMMARY OF STAFF RECOMMENDATION

The City of Pacific Grove is proposing to completely update its Land Use Plan (LUP), originally certified in 1989, and is proposing an LCP Implementation Plan (IP) for the first time, which would result in a complete certified LCP for the first time for the City of Pacific Grove and the transfer of review authority for most types of coastal development permits (CDPs) to the City. The proposed newly completed LCP represents a comprehensive update that essentially replaces the majority of the 1989 LUP's original land use regulatory policies and programs. Although the broad goals of the 1989 LUP generally remain applicable (including the protection of Pacific Grove's unique public shoreline and small town character), the proposed LCP contains numerous updated and new policies, including to address a variety of coastal resource issues not covered in the 1989 LUP, as well as to reflect new understandings and improved planning techniques regarding various coastal resource concerns (including related to sea level rise, flood and hazard abatement, environmentally sensitive habitat areas (ESHA), wetland protection, water quality enhancement, and tribal/archaeological protections).

The City has put forth a considerable effort over the past several years to solicit public input and prepare and submit the proposed LUP update and the new IP, including with substantial grant funding from the Commission, and City staff has worked closely with Commission staff on all aspects of the proposed LCP throughout the entire process. Overall, the proposed LCP constitutes a far more comprehensive, detailed, and robust plan than the City's currently certified 1989 LUP (which is used as guidance, with Chapter 3 serving as the standard of review since the Commission handles CDP applications in Pacific Grove in the absence of a fully certified LCP), and will result in better coastal resource protection overall when implemented in the City. Most of the suggested modifications are best understood as refinements to an already protective set of proposed policies and standards that will help aid in better coastal resource management implementation as justified under the Coastal Act.

The most substantive of the suggested modifications pertain to the development standards governing the Asilomar Dunes area, where a residential neighborhood that was originally subdivided and partially developed prior to the enactment of the Coastal Act within coastal dune ESHA poses unique issues that must be addressed, including balancing competing Coastal Act provisions that preclude any residential development within ESHA, on the one hand, with those that require avoidance of unconstitutional takings of private property in implementing the Coastal Act on the other. The Commission well understands this balance having been implementing a CDP program in these dunes for almost 50 years.

When the Commission first heard the proposed LCP this past July,[1] and although Commission and City staff were in agreement on the overwhelming majority of the suggested modifications at that time, there remained a small handful of disagreements related to Asilomar Dunes standards, and these same issues were echoed by a number of public speakers. After taking public testimony and listening to the City's concerns, the Commission voted to defer taking an action on the LCP to a future hearing, thus affording Commission and City staffs some more time to attempt to amicably resolve identified issues and any disagreements, with the goal of addressing the issues raised via reaching agreement, or at the least further narrowing disagreements.

Toward that end, Commission and City staffs engaged in discussions focused on the five specific desired changes that the City had identified, all centered around how to treat the 75 or so existing residences in the Asilomar Dunes area, including how to govern potential future nonconformities with respect to the new LCP policies. These were the same types of issues were also the ones raised by public speakers in July. The City's biggest concern was regarding the date to be used for measuring cumulative alterations for purposes of identifying when the 50% alteration threshold was reached that would require bringing the development into full LCP conformance, where staff had recommended using January 1, 1977[2] and the City strongly preferred using the date of LCP certification.[3] Each of the City's other four identified issues were essentially tied to issues emanating from the measurement date. Because both Commission and City staff agreed that reaching LCP conformance for development in the dunes was an appropriate LCP goal, the disagreement essentially boiled down to one of how soon that would be required (where measuring since 1977 would generally be considered to make it occur more rapidly).

Ultimately, Commission and City staffs came to agreement, whereby the beginning date for measuring cumulative alterations for Asilomar Dunes LCP compliance would be the date of LCP certification, and that that change resolved the other four identified City issues. As such, **City staff indicates they are currently in agreement with all of the suggested modifications as currently proposed by Commission staff.**

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[1] See https://documents.coastal.ca.gov/reports/2019/7/th11a/th11a-7-2019-report.pdf for the July 2019 staff report.

[2] Because January 1, 1977 was the effective date of the Coastal Act, and the Commission has been using that date for measuring cumulative alterations in the Asilomar Dunes for determining whether development was to be treated as a replacement structure requiring it to be brought into conformance as part of its CDP program in the Asilomar Dunes since then.

[3] Preferring the simplicity of applying the standards moving forward, and arguing that it was a matter of fairness given the new LCP would introduce new rules (albeit, refinements of the rules that have been implemented by the Commission for decades, including relative to the 1989 LUP, but new/different rules nonetheless).

Commission staff believes that such a compromise is appropriate in this case; including given that the nature of Asilomar Dunes residential development under the Commission's long program has been that the alteration threshold is rarely a question, and the Commission has historically seen full demolition/rebuilds and/or brand new houses on vacant lots. That is not to say that that will necessarily be the case under the LCP moving forward, but it provides relative context, and the compromise appropriately addresses legitimate City and resident concerns, and provides a 'fresh start' based on when the policies go into effect, including constructive notice to all parties who may pursue development in the dunes after LCP certification, of what is required there.

Thus, as proposed and as suggested to be modified by staff, the LCP includes a fair and robust regulatory program to guide residential development within this sensitive coastal dune habitat in a manner most consistent with the Coastal Act, and offers a chance to realize meaningful dune restoration and preservation while still allowing for reasonable residential use as was anticipated for this area prior to the enactment of the Coastal Act. Further, the remainder of the LCP with the suggested modifications provides a robust and appropriate set of rules to implement the Coastal Act through the LCP in light of the unique and special attributes of Pacific Grove.

In conclusion, Commission and City staffs have worked extensively and collaboratively to together craft a Coastal Act-consistent LCP that should ably guide development and protect coastal resources in this special seaside community. Again, City staff indicates they are in agreement with Commission staff's suggested modifications, and staff recommends that the Commission approve the LUP update and the IP certification pursuant to those modifications. This will require the Commission to *deny* both the LUP amendment and the IP as submitted, and then *approve* the LUP amendment and the IP if modified as recommended by staff to incorporate the suggested modifications. The motions to accomplish this are found on pages 5 and 6 below.

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EXHIBITS
Exhibit 1: Location Maps
Exhibit 2: Photos of the Pacific Grove Coastal Zone Area
Exhibit 3: Proposed LUP and IP with suggested modifications in strike-through and underline

CORRESPONDENCE[4]

[4] Showing correspondence received since the July 2019 Commission hearing on this matter. For prior correspondence, see July 2019 Correspondence and July 2019 Ex Part Communications.

I. MOTIONS AND RESOLUTIONS

Staff is recommending that the Commission approve the LCP with suggested modifications. The Commission needs to take four separate actions, two on the LUP and two on the IP, to effectuate this recommendation.

1. Deny the LUP Amendment as Submitted

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the LUP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

> ***Motion 1:*** *I move that the Commission certify Land Use Plan Amendment LCP-3-PGR-18-0093-1 as submitted by the City of Pacific Grove, and I recommend a no vote.*
>
> ***Resolution 1:*** *The Commission hereby denies certification of Land Use Plan Amendment LCP-3-PGR-18-0093-1 as submitted by the City of Pacific Grove and adopts the findings set forth below on the grounds that the land use plan amendment as proposed does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

2. Certify the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

> ***Motion 2:*** *I move that the Commission certify Land Use Plan Amendment LCP-3-PGR-18-0093-1 for the City of Pacific Grove if it is modified as suggested in this staff report, and I recommend a yes vote.*
>
> ***Resolution 2:*** *The Commission hereby certifies Land Use Plan Amendment LCP-3-PGR-18-0093-1 for the City of Pacific Grove if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.*

3. Deny the IP as Submitted

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in rejection of the IP and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

> ***Motion 3:*** *I move that the Commission reject Implementation Plan LCP-3-PGR-18-0093-1 as submitted by the City of Pacific Grove. I recommend a yes vote.*
>
> ***Resolution 3:*** *The Commission hereby denies certification of the Implementation Plan submitted by the City of Pacific Grove and adopts the findings set forth below on grounds that the Implementation Plan as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.*

4. Certify the IP with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in certification of the IP with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

> ***Motion 4:*** *I move that the Commission certify Implementation Plan LCP-3-PGR-18-0093-1 for the City of Pacific Grove if it is modified as suggested in this staff report. I recommend a yes vote.*
>
> ***Resolution 4:*** *The Commission hereby certifies the Implementation Plan for the City of Pacific Grove if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

II. SUGGESTED MODIFICATIONS

The Commission suggests that the following changes to the submitted City of Pacific Grove Land Use Plan amendment and Implementation Plan are necessary to make the requisite Coastal Act and LUP findings. If the City accepts the suggested modifications within six months of Commission action (i.e., by May 15, 2020), by formal resolution of the City Council, the City's Local Coastal Program will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished. Please see **Exhibit 3** for the suggested modifications to the City of Pacific Grove LUP amendment and IP.

III. FINDINGS AND DECLARATIONS

A. BACKGROUND AND HISTORY OF THE PACIFIC GROVE LCP

Certification of the LUP in 1989 was the end result of a lengthy land use planning effort. Initially, the City requested that the Commission prepare the LCP for the City, and that effort concluded in 1980. However, the City declined to adopt the recommended LCP and began its own planning effort in 1983. That effort produced several iterations that eventually culminated with an LUP submittal and Commission approval with modifications in 1988, and Commission certification of the LUP in 1989 (following local government acceptance of the Commission's approval with modifications). Planning efforts to develop an IP and reach full LCP certification began immediately after the 1989 LUP certification, but that effort stalled after several years of various draft versions that never yielded an IP submittal. Another concerted effort to establish an IP began in 2000, which again failed to result in an IP submittal. Thus, the Commission has retained coastal permitting authority over Pacific Grove since adoption of the Coastal Act, with the certified 1989 LUP being used as persuasive guidance. The City did submit, and the Commission certified, an LUP amendment in 1998 that added the "Coastal Parks Plan" as an element of the 1989 LUP, which provides guidelines and goals for development within the City's extensive coastal parklands. The current LCP amendment proposal is the first LUP amendment since the 1998 Coastal Parks Plan and the first ever IP submittal which would, if certified, would create a fully Commission-certified LCP and vest primary coastal permitting authority with the City for the first time.

The present LUP amendment/IP certification submittal was filed as complete on May 9, 2019. The amendment was brought to the Commission's July 2019 hearing for certification, but, after public testimony, was continued to a future hearing date in order for Commission staff and City staff to further discuss certain issues primarily related to development parameters in the Asilomar Dunes Residential Area. On September 11, 2019, the Commission approved a one-year extension of the time limit for Commission action on the LUP amendment and IP Certification submittal. The one-year extension resulted in a new deadline for Commission action of September 17, 2020.

B. COASTAL HAZARDS

Section 30253 of the Coastal Act requires minimization of risks to new development from coastal hazards, including the need for new development to ensure long-term structural integrity, minimize future risk, and to avoid landform-altering protective devices along bluffs and cliffs:

> ***Section 30253.*** *New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) 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.*

Coastal Act Section 30235 addresses the use of shoreline armoring:

> ***Section 30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Coastal Act Sections 30253 and 30235 acknowledge that seawalls, revetments, cliff retaining walls, groins, and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, under Section 30235 shoreline protective devices are required to be allowed only to serve a coastal-dependent use, or to protect existing (not new) structures or public beaches in danger of erosion (subject to the requirement that adverse impacts to local shoreline sand supply are mitigated or eliminated, and per other Coastal Act sections that other coastal resource impacts are also addressed). In other words, new, non-coastal-dependent development are not obligated shoreline protective devices in their proposed siting and design, and instead should be located safe from coastal hazards threat without reliance on such devices. The Coastal Act provides these limitations because shoreline protective devices can have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on- and offsite, ultimately resulting in the loss of beaches.

As such, for consistency with the above Coastal Act policies, the LCP must, at a minimum, include the following: policies that require development to be safe from coastal hazards risk, including as these hazards may be exacerbated in the future due to climate change and sea level rise; policies that specify which uses are potentially allowed shoreline protective devices, namely coastal-dependent development and other development that was existing prior to the Coastal Act's effective date (i.e., January 1, 1977); and, for such development allowed shoreline protection, specify the requirements and mitigation measures needed to ensure resultant coastal resource impacts, including with respect to the impact on sand supply and public access and recreation from loss/manipulation of beaches and bluffs, are mitigated.

Background

The Pacific Grove coastal zone is unique in that much of the immediate shoreline is in public

ownership (owned by either the City or State Parks) and the vast majority of development between the sea and the first public road is related to public access (e.g., a recreational trail), public recreation, public infrastructure (e.g., roads, parking areas, public services infrastructure including water pipelines), and coastal-dependent development (i.e., certain elements of Hopkins Marine Station, which is a marine research institution owned and operated by Stanford University)). In fact, in terms of non-coastal-dependent private oceanfront uses, there are only two residential structures, both of which are located within the Asilomar Dunes area seaward of the first public road (Sunset Drive). Pacific Grove's shoreline is also unique in that much of its northern-facing shoreline along Ocean View Boulevard upcoast from Point Pinos is largely made up of relatively erosion-resistant granitic rock with only small stretches of sandy beaches. The granite base is overlain with marine terrace deposits between two and twelve feet thick and occasionally with manmade fill, which are both much more susceptible to erosion forces. The City maintains a continuous blufftop recreational trail, and parklands along the entire immediate shoreline area between the sea and the first public road, which range anywhere between a few feet and several hundred feet wide. And downcoast from Point Pinos is State Parks' Asilomar State Beach with dunes, broad sandy beaches, tidepools, and a continuous trail, some of which is made up of a boardwalk. Due to the relative abundance of public blufftop parks and the relative scarcity of sandy beach (particularly on the north side of the City), the main public access and recreational opportunities are related to activities such as walking and biking along the recreational trail, as well as taking in the sights, sounds, and smells of the ocean, natural habitats, and abundant wildlife.

As part of the LCP Update process, the City completed a Climate Change and Vulnerability Assessment in 2015 that helped identify potential coastal hazards and identify potential resources that may be subject to such hazards (see Appendix A). In addition to potential threats from erosion and wave attack, the report also found that certain areas of the City may also be under threat from floods and tsunamis. Although granitic rock is relatively erosion resistant, localized erosion "hot spots" and large sudden fractures have periodically been identified. As a result, portions of the City's Recreational Trail and parkland along Ocean View Boulevard are already protected to varying degrees with both pre- and post-Coastal Act shoreline armoring structures, including shoreline protection devices permitted by the Coastal Commission in recent years (e.g., CDP 3-17-0335, which authorized a small bluff retention device to shore up an erosion "hotspot" and protect the trail and parkland). The City has already taken steps to develop long-range plans to deal with erosion issues, including a plan that would relocate inland several segments of the recreational trail around the Point Pinos Lighthouse Reservation as a short-term adaptation strategy, which was approved as a CDP waiver by the Commission in April 2018 (CDP 3-18-0037-W). That plan also identified a long-term strategy that would convert Ocean View Boulevard in this location into a two-way bike and pedestrian pathway, redirecting automobile traffic around the Point Pinos area via Asilomar Avenue and Lighthouse Avenue. The City has also begun a similar larger-scale effort to develop appropriate adaptation strategies into a Shoreline Management Plan for the rest of the City-owned areas of the immediate shoreline. Thus, the City has taken coastal hazards and shoreline armoring issues seriously, including because its shoreline is its most critical publicly-owned asset, and has developed forward-thinking ideas for how to manage it both now and into the future. These ideas have been encapsulated into the proposed LCP, as described below.

Land Use Plan Update Analysis

The proposed LUP includes policies that can be grouped into three categories: 1) policies that require additional long-term planning and continuous study of coastal hazards issues affecting the City, the results of which may warrant future amendment of the LCP (i.e., meant to ensure the LCP is a "living and breathing" document to be updated as new information is known); 2) policies that require new development to be safe from coastal hazards risk; and 3) policies that specify which types of uses are and are not allowed shoreline armoring, and the coastal resource protection requirements for such allowable armoring to mitigate impacts.

First, with respect to additional long-term planning, the proposed LUP generally recognizes the potential threats from coastal hazards, including the impacts from climate change and sea level rise. The LUP also generally acknowledges that information regarding potential hazards will continue to evolve as time progresses and that planning efforts to deal with these issues will need to continue long after this LCP is certified. Thus the proposed LCP includes a series of policies that commit the City to additional research and hazards policy refinement over time, including those that ensure the City will continue to gather information regarding potential hazards, will periodically update the LCP to better address such hazards, will continuously monitor sea level rise and associated impacts, and will act in coordination with appropriate stakeholders (e.g. City of Monterey, County of Monterey, state and federal natural resources agencies, private landowners, etc.) in order to address regional and interjurisdictional hazards issues (see Policies HAZ-1 to HAZ-16 beginning on page 38 of **Exhibit 3**). The LUP also includes a policy that commits the City to finalize a Shoreline Management Plan that identifies specific prescriptions for the unique sub-geographies and issues for the entire shoreline, including to guide where along the immediate shoreline area it makes the most sense to allow for limited shoreline armoring or to allow for managed retreat so as to address coastal hazards and maximize public access, while limiting potential impacts of such access on erosion by maintaining and directing the public toward formal accessways. While these policies are generally consistent with planning suggestions provided in the Commission's adopted Sea Level Rise Guidance document, two small minor modifications (see pages 38 and 39 of **Exhibit 3**) are necessary to ensure that the City's evaluations take into consideration multiple sea-level-rise scenarios and to make explicit that the Shoreline Management Plan must include the general parameters for addressing hazards set forth in Policy HAZ-2. As modified, the LUP policies related to future planning requirements ensure that future development is consistent with Coastal Act requirements regarding coastal hazards.

Next, with respect to siting new development in safe locations and minimizing hazards risk, the proposed LCP requires proposed development in potentially hazardous areas to evaluate potential hazards risks on a site-specific basis so as to ensure that development is sited and designed to minimize coastal hazards risk. The LUP generally mirrors the language of Coastal Act Section 30253 in this regard and is therefore consistent with this policy. As an additional precaution, and carried over from the existing certified LUP, the proposed LUP also prohibits certain types of development (i.e., development that is not the following: coastal dependent or coastal related, open space, low-intensity public recreational access facilities and uses, public infrastructure, or allowable shoreline armoring) below the 20-foot elevation line, which has been identified as particularly hazardous, including through the City's prepared Vulnerability Assessment. Although generally consistent with the Coastal Act, this policy could, unintentionally, be read to allow all types of new public infrastructure along the shoreline,

including major new critical infrastructure such as lift stations or wastewater treatment facilities in hazardous locations, which would not ensure consistency with respect to coastal hazards for such critical public infrastructure. The City indicates this is not the intent; rather, it is to allow for certain minor infrastructure, including existing City pipelines that may need to be located close to the shoreline, to potentially remain there. To clarify this, a modification prohibiting new large infrastructure development in hazardous areas is necessary in order to minimize risks as required by the Coastal Act – see page 41 of Exhibit 3.

Finally, the LUP also includes policies that address both existing and future shoreline protective devices, including specifying the types of development potentially allowed coastal armoring. The Coastal Act limits mandatory allowance for new shoreline protective devices to those that are necessary to protect existing structures (i.e., structures built before the Coastal Act's operative date of January 1, 1977 and that have not been redeveloped since), coastal-dependent development, and public beaches from erosion. As mentioned earlier, Pacific Grove's shoreline composition is unique because it mostly consists of publicly-owned parkland, with a few sites devoted to coastal-dependent marine research, and only two privately-owned residential parcels (see photos in **Exhibit 2**). Because of this, the City's shoreline consists almost entirely of a public pathway, public parklands, public infrastructure, public recreational facilities, and a public roadway that were all developed and in existence prior to the passage of the Coastal Act. Therefore, per Coastal Act Section 30235, the City defines all of the publicly-owned sections of the shoreline (i.e., all of the City's paths, roads, and infrastructure) as an "existing structure" that is *potentially* eligible for protection by shoreline armoring devices. Although it is true that discrete segments of the City's shoreline parks and pathways may have been reconfigured or realigned at one time or another since the operative 1977 Coastal Act date, such modifications along small, discrete segments of the City's shoreline do not alter the fundamental reality that the City's continuous shoreline infrastructure as a whole has been extant and operating for public use and enjoyment since before the Coastal Act and is an existing structure that is not only eligible but in some cases warrants protection because it provides the main public access and recreational opportunities within the City, as explained above. In addition to specifying the City's shoreline infrastructure as potentially eligible for shoreline armoring, the proposed policies also address the coastal-dependent structures and uses at Hopkins Marine Station, particularly those that are needed for marine research. While certain facilities within Hopkins Marine Station are coastal dependent because they must be located adjacent to the sea in order to function (e.g., boat launches and marine research equipment), other development does not necessarily qualify as coastal dependent because it could be located anywhere and does not depend on a coastal location to provide functionality (e.g. parking lots and general office buildings). The LUP thus allows armoring for coastal-dependent development at Hopkins Marine Station in conformance with Section 30235. The only other type of development along Pacific Grove's shoreline is the two private residences along Sunset Drive. Both of these residences were either constructed (see CDP 3-96-102 (Page)) or completely redeveloped (see CDP 3-01-091 (Wilde)) after the passage of the Coastal Act and are therefore are not entitled to armoring, and the LUP states as much.

Based on all of this, rather than just mirroring Section 30235's language about "existing structures" and "coastal dependent development" potentially entitled to armoring, since these two types of development are already *specifically* identified within the scope of the City's coastal zone, the City more directly defined which uses meet these criteria and thus specified in the policies which uses are allowed armoring and which are not. In other words, the LUP recognizes

the uniqueness of Pacific Grove's shoreline and allows armoring for certain categories of development already determined to be existing (i.e., public recreational facilities (e.g., public parks trails, and paths) and public infrastructure (e.g., public roads, sidewalks, and public utilities)) and for certain development at Hopkins Marine Station that is coastal dependent; while prohibiting armoring for categories of development already determined not be entitled to armoring (i.e., private residential development). The City's proposed LUP is therefore consistent with the requirements of Coastal Act sections 30235 and 30253 in this regard.

In addition to LUP policies regarding what type of development is eligible for shoreline armoring, the LUP also includes a series of policies to determine when armoring will be allowed, how armoring should be designed, and how to appropriately mitigate armoring's impacts. The LUP states that armoring shall only be allowed when a site-specific analysis determines there is development in critical danger from erosion and armoring is the least environmentally damaging alternative. Thus, even for the types of development that are potentially allowed armoring, such allowance is not an entitlement, but rather must still be found to be the most feasible alternative through a robust alternatives analysis, including evaluation of managed retreat further inland to avoid armoring and its impacts. The LUP also requires armoring devices to protect and enhance public views; minimize alteration of, and be visually subordinate to, the natural character of the shoreline; avoid impacts to archeological resources; and protect other coastal resources as much as possible. The policies also require mitigation for the impact of proposed armoring devices, including impacts from the device's physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline would have otherwise naturally eroded, and the loss of sand-generating bluff/shoreline materials that would have entered the sand supply system absent the device. Minor modifications to this policy (see page 43 of **Exhibit 3**) are necessary to state that mitigation shall initially be determined on a 20-year basis, due to the difficulty in determining long-term impacts from shoreline armoring beyond the initial 20-year threshold. Retention of shoreline armoring devices beyond the initial 20 years of authorization require additional consideration and evaluation of impacts beyond the initial 20 years, including potentially the need for any additional mitigation for new or unmitigated impacts going forward.

Finally, proposed LUP policies also address existing legally-established shoreline armoring devices, including requirements to replace or augment existing devices in order to minimize ongoing impacts, or to remove such devices entirely if determined not to be necessary to protect development. Although these policies form a robust program for controlling and mitigating for shoreline armoring for the protection of coastal resources, one small modification[5] (see page 41 of **Exhibit 3**) is required in order to specify that "critical danger from erosion" means that development will be unsafe for use within two years, which is generally consonant with past Commission actions.

In conclusion, the proposed LUP includes a robust policy framework that responds to the unique geography and issues facing Pacific Grove's shoreline, one that is almost entirely composed of public parkland and public infrastructure that pre-dates the Coastal Act, along with certain

[5] Commission staff has also suggested modifications to the order and arrangement of the proposed hazards policies for greater clarity and ease of use, as noted in the comment on page 40 of Exhibit 3. These are simply for clarity and readability, and do not substantively change the policies.

coastal-dependent uses at Hopkins Marine Station. Since these are the types of uses Coastal Act Section 30235 specifies may be eligible for armoring, instead of just repeating 30235's language, the LCP proactively defines which uses are "existing," namely public access and recreational uses and other public infrastructure, and which types of development are coastal dependent. In addition, since only two shoreline parcels are privately owned, and both with residences built or rebuilt since 1977, the LUP specifically states that such uses are not eligible for armoring. The LUP is thus directive and proactive regarding which uses are potentially allowed armoring and which are not, consistent with the Coastal Act. And the term "potentially" is an important qualification to the allowance for shoreline armoring, since the LUP still requires any proposed armoring to go through a robust alternatives analysis to evaluate non-armoring options, including the relocation inland alternative. These types of issues will also be more holistically and comprehensively evaluated through the required Shoreline Management Plan, which will give the City and the public an opportunity to more effectively plan the City's waterfront future, including where it makes the most sense to armor and where to retreat so as to maximize public access and recreation in this critically important location. In sum, as modified, the proposed policies are robust, mirror the Commission's own best practices, and are consistent with the Coastal Act.

Implementation Plan Analysis

The submitted IP includes requirements necessary to carry out these LUP policies (as proposed to be amended), including the specific information that proposed development must submit during the CDP application review process to determine and ensure that a proposed project minimizes risks from coastal hazards as required of the LUP. Specifically, applications for development that is potentially subject to coastal hazards must complete an "Initial Hazards Assessment" to determine whether the proposed project may be subject to coastal hazards over its lifetime. If the Initial Hazards Assessment determines that the development may be subject to such hazards, a complete "Coastal Hazards Report" that identifies, analyzes, and mitigates for the identified hazards is required. The proposed IP also includes a number of application requirements when shoreline armoring is proposed, including an analysis of the permitting history to ensure the armoring is legally established, identification of the hazards and coastal processes applicable to the site, a full alternatives analysis to determine if there are less environmentally damaging alternatives, an impact analysis that identifies all potential environmental and public access impacts, a mitigation plan that identifies potential public access improvements that can be made to offset the identified impacts, and a maintenance and monitoring plan to ensure that the shoreline armoring device is maintained in its approved state for as long as the existence of the armoring is necessary. Finally, with respect to Hopkins Marine Station, the IP includes language encouraging the development of a long-range planning document that is designed to address coastal hazards at this particular site.

In short, the LCP is set up in such a manner that the detailed regulatory policies for specific issue areas are specified in the LUP, and the IP carries out those policies by cross-referencing back to them and specifying the application requirements and other triggers needed for their implementation. In other words, generally speaking, the IP does not include new policies, but rather reiterates the ones already articulated in the LUP. For example, with respect to coastal hazards, the LUP includes policies that require new development to be safe from coastal hazards risk, specifies the types of development potentially allowed shoreline protective devices, and lists the requirements, including in terms of requisite mitigation, for such devices. The IP carries

these requirements out by, among other things, requiring a coastal hazards analysis through the CDP application review process to ensure conformance with the LUP's directive policies. As such, the IP is consistent with and adequate to carry out the LUP.

C. Wetlands and Environmentally Sensitive Habitat Areas

The following sections of the Coastal Act pertain to preservation and enhancement of coastal waters, wetlands, and environmentally sensitive habitat areas (ESHAs):

> ***Section 30107.5.*** *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*
>
> ***Section 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
>
> ***Section 30240.*** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Additionally, Section 30233, in relevant part, provides wetland protection as follows:

> ***Section 30233.***
>
> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: …*
>
> *(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreation.*
>
> *(4) 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.*

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) 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 such purposes to appropriate beaches or into suitable long shore current systems.

(c) 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. …

Background

The above Coastal Act policies emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA, and stress that development within or adjacent to such areas is only allowed for a very limited number of uses and under exacting criteria as specified in each applicable provision to protect these resources from degradation. Factors that have the potential to affect the viability and stability of natural systems relevant to each applicable provision include alteration in drainage systems, sedimentation and erosion, obstacles to proper water circulation, grading/dredging, filling of coastal waters, construction impacts, and incompatible uses. The proposed LUP policies can only be found consistent with the above-cited Coastal Act policies provided these concerns are all properly countenanced.

The proposed LUP's ESHA policies can generally be broken into two sections. The first section includes general biological resource policies that are broadly applicable throughout the City, both to known and designated ESHA (e.g., Crespi Pond and Majella Slough, coastal sand dunes, etc.) and to ESHA that has yet to be identified. The second section includes policies that exclusively pertain to development within the Asilomar Dunes Residential Area, where a residential neighborhood subdivided prior to the Coastal Act entirely within dune ESHA poses unique development issues that must be addressed via neighborhood-specific policies.

Pacific Grove Biological Resources

In addition to the sand dunes and associated species described in more detail below, the City and its offshore areas contain a wide variety of significant flora and fauna that add to the unique and special qualities of the City. Characteristic flora includes Monterey pine, Monterey cypress, and Coast live oak woodlands and their associated understory plants. Characteristic fauna include monarch butterfly, black legless lizard, black-tailed deer, harbor seals, southern sea otter, humpback whale, gray whale, brown pelican, Brandt's cormorant, double-crested and pelagic cormorants, and the black oystercatcher. A particular concern with the protection of these species, particularly along the City's blufftop parklands and at Hopkins Marine Station, is balancing the protection of biological resources while still maximizing public access. The Commission has approved certain limitations on access in the past in order to protect certain sensitive resources as a countervailing policy consideration, such as the construction of

temporary fencing to protect harbor seals during pupping season. Some limitations on access, specifically the extensive fencing at Hopkins Marine Station, pre-date the Coastal Act and have thus never received formal Commission approval (see also "Public Access and Recreation" Section below).

The City also contains habitats, in addition to sand dunes, that were categorically defined in the 1989 LUP as ESHA, and the current proposed LUP policies bring those designations forward. Specifically, Crespi Pond and Majella Slough are two ecologically significant wetland habitats that provide important nesting and foraging habitat for both resident and migratory species, and the LUP calls them out as types of ESHA. Riparian habitat within the City is limited, although some areas around Majella Slough and areas around Greenwood Park would likely qualify as stream/riparian habitat based on a fact-specific determination, which also is a type of ESHA per this LUP. See **Exhibit 2** for the locations of these areas.

Asilomar Dunes Complex

Coastal sand dunes constitute one of the most geographically constrained habitats in California. They only form in certain conditions of sand supply in tandem with wind energy and direction. Dunes are a dynamic habitat subject to extremes of physical disturbance, drying, and salt spray, and support a unique suite of plant and animal species adapted to such harsh conditions. Many characteristic dune species are becoming increasingly uncommon. Even where degraded, the Coastal Commission has found this important and vulnerable habitat to be ESHA due to the rarity of the physical habitat and its important ecosystem functions, including that of supporting sensitive species.

The Asilomar Dunes complex is an environmentally sensitive habitat area extending several miles along the northwestern edge of the Monterey Peninsula. Specifically, the Asilomar Dunes complex extends from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area of unincorporated Monterey County (see **Exhibits 1 and 2**). Within Pacific Grove, this dunes complex extends through two protected areas, the Lighthouse Reservation area and Asilomar State Beach, which sandwich a dune-residential community. Although this dune-residential area is often described as Asilomar Dunes more broadly, it is only a part of the larger Asilomar Dunes complex.[6]

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. While a number of preservation and restoration efforts have been undertaken (most notably at the Spanish Bay Resort, Asilomar State Beach, and in connection with previously approved residential developments on private lots), much of the Asilomar Dunes complex

[6] The Pacific Grove Asilomar Dunes Residential Area is located between Lighthouse Avenue and State Parks' Asilomar Conference Grounds, and between inland Asilomar Avenue and the Asilomar State Beach shoreline.

remains in a degraded state. Even so, it remains a valuable habitat area because it supports certain rare and/or endangered plants and animals that are characteristic of this environmentally sensitive and rare habitat.

The Asilomar Dunes complex includes up to ten plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tidestrom's lupine, which all have been reduced to very low population levels through habitat loss and are Federally-listed endangered species. Additionally, the native dune vegetation in the Asilomar Dunes includes other dune species that play a special role in the ecosystem; for example, the bush lupine, which provides shelter for the rare black legless lizard, and the coast buckwheat, which hosts the endangered Smith's blue butterfly. Native Monterey pine trees that comprise the forest-front (i.e., an area where the central dune scrub plant community intersects with and transitions to the native Monterey pine forest community) serve to minimize environmental stresses to the interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind, and are considered critical in maintaining the stability of the landward extent of the sand dunes. Because of these unique biological and geological characteristics of the Asilomar Dunes, the Commission has a long history of identifying all properties in the Asilomar Dunes area with these dune system features, both in the City of Pacific Grove and Monterey County, as being located within ESHA, including through the 1989 Pacific Grove LUP. Based on this understanding, the Pacific Grove 1989 LUP certified by the Commission included a variety of policies that were designed to protect this identified dune ESHA.

Asilomar Dunes Residential Area

The residential zoning of the existing parcels in the Asilomar Dunes Residential Area (see **Exhibit 1**) pre-dates the Coastal Act, including Section 30240, the purpose of which is to protect environmentally sensitive habitat areas by only allowing uses dependent on the resource (i.e., "resource-dependent uses") within them, and only when such resource-dependent uses are sited and designed in a manner that will not significantly disrupt habitat values. Ordinarily the Coastal Act flatly prohibits residential uses in ESHA (because residential development is not a resource-dependent use), absent a need to comply with Section 30010 in order to avoid an unconstitutional taking of private property. Although landowners have no vested right in existing or anticipated zoning,[7] in implementing the Coastal Act the Commission is sensitive to land use decisions and circumstances that predate enactment of the Act, as well as other relevant legal considerations, such as constitutional property rights. Construction of a single-family dwelling within ESHA would normally be completely incompatible with the requirements of Coastal Act Section 30240, which expressly states that "only uses dependent on [ESHA] resources shall be allowed within those areas." Still, considering that the Asilomar neighborhood was subdivided and designated for residential use via the City's land use and zoning designations prior to passage of the Coastal Act, and further considering that the Commission must allow *some* economically-beneficial use of such properties to avoid an unconstitutional taking of private property without compensation, the Commission originally certified the LUP in 1989 to allow for limited single-family, low-density residential dwellings pursuant to exacting criteria.

[7] See *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 796.

With respect to such "takings approvals," the Commission has over the years approved many single-family dwellings on existing legally subdivided properties subject to a comprehensive regulatory program dictating precise development and dune restoration standards set forth in the 1989 certified LUP (e.g., allowing up to 15 or 20% dune coverage for residential development depending on parcel size, requiring restoration and the permanent protection of the remaining 80 or 85% of dune resources, requiring additional restoration at a 2:1 ratio for direct dune coverage, prohibiting fencing and other accessory structures, allowing for up to 5% of dune area for outside use, and limiting building heights to 18 or 25 feet depending on distance to Sunset Drive, etc.). These requirements, particularly related to coverage limits and restoration/protection requirements for the remaining dune areas, has been an important component of the Commission's Asilomar Dunes program, including because they protect dune resources as much as possible while still providing a means to allow residential use, thereby essentially balancing Section 30240's ESHA requirements with 30010's regulatory taking requirements. The Commission's program has also helped to bring greater certainty to the public and property owners in the Asilomar area. At the same time, the entire program is premised on avoiding takings, and is *not* premised on facilitating residential development beyond that in dune ESHA where the Coastal Act would otherwise direct that such development is prohibited. This context, namely, that this is not an inland residential subdivision but rather sensitive coastal dune ESHA where residential development is not normally allowed pursuant to the Coastal Act but for to address an unconstitutional taking of private property, is an important lens through which to review and understand these policies.

The impacts of residential use on ESHA are varied. First and foremost is the direct loss of dune ESHA that occurs due to the residential development footprint that is potentially allowed on each of the existing parcels. The Asilomar Dunes Residential Area, an area of approximately 60 acres, is divided into about 95 lots and is currently developed with approximately 75 dwellings. As indicated above, the Commission has limited such direct loss of dune ESHA through coverage limitations in its permitting efforts, but it is still a loss of dune ESHA. Despite such coverage by residential development, the Asilomar Dunes Residential Area still contains some of the best remaining examples of the original Asilomar Dunes landform and flora. While past Commission approvals have typically required proposed structures to avoid individual occurrences of endangered plant species,[8] development necessarily limits the available space and habitat for such plants and also the potential seed banks of such species (rather than simply just expressed above-ground plants) to occupy. The Commission's program has required these kinds of direct loss impacts to be offset at a 2:1 ratio.

The other significant onsite impacts to ESHA are due to the location of existing residential uses immediately adjacent to the remaining habitat, without any buffers. To implement Coastal Act Section 30240, the Commission has required not only avoidance of ESHA but also the use of buffers to minimize the disruption of habitats from non-compatible uses. This protective management measure is expressly supported by subsection (b) of Coastal Act Section 30240.

[8] This does not account for potential seed bank present below the surface of the dunes on the site, but rather is focused on individual expressed above-ground plants. Given the shifting nature of these types of dunes, including shifting seed banks etc., it is generally presumed that expressed individuals indicate that seed stock for these species is present in the general area, and that the "habitat" for these species is not necessarily confined to individual expressed occurrences. That said, in past approvals the Commission has only required avoidance of locations of individual sensitive plants that are identified on a site.

Such "indirect" impacts include light and noise; shading of dune habitat; the potential introduction of nonnative plants and invasive plant species; direct disturbance of habitat from residentially-related activities; and potential impacts on flora and fauna from domestic animals. In the case of dune habitat, the presence of residential development also results in a general impact to the ecological functioning of the dune system, including fragmentation of habitat and the prevention of sand movement that is an ongoing feature of dune habitat systems. If residential development is allowed to persist in the Asilomar Dunes Residential Area, such indirect impacts are generally unavoidable because there is no feasible location that would provide a buffer to ESHA or avoid habitat fragmentation. Though unavoidable, it is still critical to make every effort to site and design any allowed development to maximize dune ESHA protection and to limit such impacts as much as possible. This is another fundamental tenet that needs to be respected and understood in relation to proposed LUP policies.

There are also dune impacts that are detrimental to dune resources from even seemingly minor residential remodeling projects within existing residential footprints. Although such development may not lead to additional dune coverage per se, such projects help to perpetuate excessive residential development in ESHA when that is not allowed by the Coastal Act, and these types of projects must be understood in the same context as described above. These types of projects also have impacts that are not inconsequential, and include construction impacts, increased lifespan and associated direct impacts for existing structures, as well as the potential for such structures to accommodate greater intensities of use (e.g., additional residents) and therefore additional residential impacts from increased light, noise, cars, and other residential activities. Particularly where there is an existing home that already provides for reasonable economic use of a property, there is an argument to prohibit any and all new development (other than ordinary repair and maintenance) because approval of such projects are not necessary to avoid an unconstitutional taking of private property, and will inevitably lead to an increase of adverse effects to dune ESHA, contrary to the high standard of protection for ESHA habitat values afforded under Section 30240 of the Coastal Act.

The cumulative impacts of additional residential development throughout the Asilomar Dunes Residential Area, including new development, redevelopment, and remodels to existing development, will have a substantial adverse impact on the unique ecology of the Asilomar Dunes because each loss of and impact to natural habitat areas within the Asilomar Dunes formation contributes to the overall degradation of this finite and extremely scarce coastal resource. This cumulative impact includes direct loss of habitat, increased fragmentation and interference with ecological processes, and intensified impacts from expanded and intensified residential development immediately within the dunes system.

Some of the impacts could perhaps be reduced, for example by making the home design more compact (smaller) in order to minimize coverage and maximize adjacent contiguous habitat. However, the overall impacts of the existing residential use on the dune system cannot be *fully* eliminated without entirely eliminating and prohibiting such residential uses, and requiring their removal over time. The Commission has not chosen that path in the past in order to avoid the potential of an unconstitutional taking of private property, and instead has applied a program that allows for residential use in the Asilomar Dunes Residential Area provided it is limited and low intensity, and provided it includes offsetting dune habitat improvements and protections to ensure consistency to the maximum extent possible of the Coastal Act's ESHA policies.

LCP Land Use Plan Analysis

As described above, the proposed LUP can only be approved if it is found consistent with the Coastal Act. The following analysis determines that the LUP can be found consistent with the Coastal Act if it is modified as suggested by the Commission.

General ESHA Policies

As explained above, the proposed LUP includes a section that is generally applicable to biological resources located throughout the City's coastal zone, as well as a section that is specific to the Asilomar Dunes Residential Area. With respect to the "general" section, the LUP includes an appropriate definition of what constitutes ESHA, describes the specific known habitats that constitute ESHA within the City, and includes general policies that mirror the language of the Coastal Act ESHA protection policies. See pages 66-71 of **Exhibit 3** for the proposed general ESHA policies.

Notably, while the LUP designates wetlands and streams as types of ESHA, it also makes clear that the more specific policies that apply to them are unique and specific to these habitat types as required by the Coastal Act (and thus are not generally applicable to other types of ESHA; likewise, to the extent the ESHA policies specific to wetlands and streams conflict with the more general ESHA policies, the ESHA policies specific to wetlands and streams shall take precedence over the more general ESHA policies in the case of a wetland or stream). Namely, the LUP includes specific protections and allowed uses within wetlands and streams consistent with Coastal Act Sections 30233 and 30236, respectively. For other types of ESHA, the LUP identifies appropriate minimum development buffers, requires project-specific habitat assessments, and limits all uses within ESHA to those that are dependent on the resource. The LUP also includes specific protections for sensitive animal species known to occur within the City, such as monarch butterflies, black legless lizards, harbor seals during pupping season, and black oystercatchers. The LUP also addresses the protection of existing trees, requires CDP approval for the removal of certain trees, prohibits the planting of invasive plant species, and requires landscaping plans to include vegetation that is appropriate for that particular area. However, the proposed LUP does not include a policy to specifically require a CDP for proposed restrictions to coastal access intended for the protection of biological resources (e.g., harbor seals during pupping season). Thus, a modification is needed to add such a policy to the LUP, which also requires that any limits to access are reduced as much as possible through the use of the use of informational signage or other educational outreach, symbolic barriers such as cable-and-post fencing, allowing limited hours for access that is led by volunteers, or (as a last resort) limiting physical access while maintaining visual access. See page 70 of **Exhibit 3** for this suggested modification.

Finally, the proposed LUP also includes policies related to specific biologically significant locations. For example, the LUP includes a policy that specifically requires the removal of invasive species (primarily ice plant) at Hopkins Marine Station, and also requires the restoration of native plant communities at the site and the removal of unnecessary fencing (see page 70 of **Exhibit 3**). A modification to include a policy that requires similar outcomes at the NOAA site is also warranted (see page 70 of **Exhibit 3**). As proposed, the LUP includes policies specific to the Asilomar State Beach and the nearby Conference Grounds to allow for redevelopment of these

visitor-serving facilities, with a slight suggested modification to ensure that the most sensitive habitat areas are protected (see page 77 of **Exhibit 3**).

If modified as described above, the Pacific Grove LUP would include a comprehensive and appropriate set of policies to meet the goals of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA (outside of the Asilomar Dunes Residential Area) consistent with the above-cited policies of the Coastal Act.

Asilomar Dunes Residential Area LUP Policies
As described above, the Asilomar Dunes Residential Area (ADRA) includes some 95 residential parcels subdivided prior to enactment of the Coastal Act that are located within sensitive coastal dune habitat that the Commission and the City consider to be entirely ESHA. Continued residential development will have a series of direct, indirect, and cumulative impacts to dune ESHA that cannot be completely avoided or eliminated. Thus the Commission also has a long history of protecting the Asilomar Dunes system ESHA through various development requirements that attempt to strike a balance between maximum dune habitat protection and allowance of reasonable residential use on the pre-existing subdivided parcels in the Asilomar area to avoid an unconstitutional taking of private property.

ADRA LUP Policies Generally
While much of the proposed LUP policies and suggested modifications simply carry forth the same dune protection and development parameters that the Commission has implemented within the Asilomar Dunes Residential Area since the passage of the Coastal Act and certification of the 1989 LUP, a series of clarifications and adjustments to the prior dune protection and development parameters are needed in order to better address certain deficiencies, ambiguities, and loopholes in the existing policies in relation to maximum protection of sand dune ESHA as required under the Coastal Act, which the Commission has been able to identify through many years of experience in processing applications for development within the Asilomar Dunes Residential Area. Suggested modifications are therefore necessary to ensure that the overall approach with respect to allowable development standards within Asilomar Dunes (recognizing the unique situation where an entire residential area is within ESHA) better achieve consistency with Coastal Act ESHA protections to the maximum extent possible relative to the current development standards set forth in the 1989 LUP. In other words, while recognizing that the City must allow *some* residential development within the Asilomar Dunes neighborhood in order to avoid an unconstitutional taking of private property, the development standards within the 1989 LUP can and should be updated to better ensure protection of ESHA, as required by Section 30240 of the Coastal Act, in light of current understandings and based on the Commission's experience in the Asilomar Dunes Residential Area, including to help clarify applicable standards, and also ultimately to better protect ESHA. This is so because the proposed modifications herein also reflect a better understanding – thirty years after the initial development standards within Asilomar Dunes were certified in 1989 – of the sensitivity of dune resources specific to this area based on the most current science and environmental analysis, and the need to interpret the resource-dependent requirements of Section 30240 consistent with subsequent jurisprudence that informs how development in ESHA, including as implemented

through LCP policies, is required to be understood.[9] Finally, the proposed LUP and suggested modifications are also designed to make the policies as clear and straightforward as possible to address ease of application by both members of the public and the City as it implements these standards, which will also help prevent potential unforeseen loopholes that would lead to additional adverse ESHA impacts. See pages 71-76 of **Exhibit 3** for the proposed policies that address development within the Asilomar Dunes Residential Area and for the suggested modifications to them.

Again, as proposed, the LUP includes appropriate policies that are designed to limit overall development potential throughout the Asilomar Dunes Residential Area generally and to protect dune resources in a taking context. These policies include a prohibition on subdivisions, sidewalks, and detached second units. Additionally, the proposed LUP recognizes that the Asilomar Dunes Residential Area is a "sensitive coastal resource area," which means that, upon certification of the LCP, all City-approved CDPs for development in this area will be appealable to the Commission. However, certain modifications are necessary to some unresolved issues, as described below.

Asilomar Dunes Residential Area LUP Policies Regarding Coverage
The proposed LUP generally continues the 1989 LUP requirement that all residential development within the Asilomar Dunes Residential Area must be limited to a maximum of 15 percent of the total lot area, which is designated the "Primary Coverage Area." While the existing 1989 LUP includes exceptions to that general principle by allowing for up to 20% coverage for parcels less than half an acre in size, the proposed LUP eliminates this 20% coverage exception so as to ensure clarity and ease of implementation and to ensure that dune resource protection is maximized and that all parcels are treated equally and are subject to the same 15 percent coverage requirement. Additionally, to ensure consistency with the 15 percent coverage limitation, the proposed LUP states that any area of the lot that is not directly covered by development but instead is committed to non-dune use through siting and design (e.g. cantilevering development directly over dunes, the use of stepping stones and other pathways) will also count towards coverage. The proposed policy excludes eaves from counting as coverage, but a modification is necessary to limit this exception and specify that only roof eaves three feet or less are exempt (see page 72 of **Exhibit 3** for this modification).

Asilomar Dunes Residential Area LUP Policies Regarding Driveway Coverage
The City proposes to exempt certain driveways from the Primary Coverage Area calculation (i.e., they would not count toward the maximum 15% allowed coverage), namely all driveway areas within the required front yard setback (i.e., 75 feet for lots fronting Sunset Drive and 20 feet for all other areas) and further driveway exemptions for additional setbacks if determined to be necessary to protect coastal resources (see page 74 of **Exhibit 3** for the proposed exemptions). In short, under the City's proposal, residential development would be allowed 15% dune ESHA coverage *plus* an additional 200 square feet to 750 square feet of dune ESHA coverage for driveway coverage (assuming a 10-foot wide driveway), and possibly more if the City required a

[9] See, for example, *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493 ("*Bolsa Chica*") and *McAllister v. Coastal Commission* (2009) 169 Cal.App.4th 912 ("*McAllister*"). Bolsa Chica was decided approximately 10 years after the development standards within Asilomar Dunes were established within the 1989 LUP, and McAllister 20 years later.

larger setback (and thus a longer driveway). For a half-acre lot, where the 15% maximum dune ESHA coverage is 3,267 square feet, the proposed driveway exemption *increases* dune coverage by 6% to 23%. A suggested modification would delete this exemption and instead include all driveways in the 15% coverage limit, including for both clarity and ease of implementation purposes (i.e., fewer exceptions ensures more consistent administration) and to incentivize smaller and more efficient driveways/carports to reduce dune conversion impacts.

Asilomar Dunes Residential Area LUP Policies Regarding Outdoor Use Areas
The existing certified LUP also includes allowances for outdoor development, which have been difficult to interpret and equally difficult to enforce, including because of restrictions on fencing so as to protect dune visual and habitat resources. For clarity, to ensure all properties are treated equally, to clearly delineate between dune habitat and areas where outdoor residential uses are allowed, and to address homeowners' concerns for a modest amount of fenced-in outdoor space for the safety of children and pets, the proposed LUP allows for a maximum of 750 square feet of "Outdoor Use Area." This area will provide for uncovered dune space where residential activities can take place and where fencing may be used to delineate the Outdoor Use Area, provided that any proposed fencing is visually unobtrusive and allows for free passage of sand, seeds, and wildlife. (Proposed policies and suggested modifications related to fencing generally, as well as structural height, are discussed in greater detail in the "Visual Resources" section below). As proposed, the Outdoor Use Area can be increased above 750 square feet if the Primary Coverage Area is reduced an equivalent amount. The Commission concurs that this outdoor use area construct balances allowance for a reasonable economically beneficial residential use while still ensuring protection of sand dune ESHA (since the limited outdoor use area will result in less significant, intensive, and permanent impacts than structural residential development coverage), included based on lessons learned from past development cases in the Asilomar Dunes Residential Area.

Asilomar Dunes Residential Area LUP Policies Regarding Conformance Criteria
Although as part of Asilomar Dunes residential development approvals the Commission has in the past required all areas outside of the approved residential development envelope to be restored, enhanced, maintained, and permanently protected as natural dune habitat in perpetuity (in order to offset the dune impacts of the approved development), and the existing certified LUP also requires this, the proposed LUP does not specifically require such mitigation. Thus a modification is needed to ensure that dune impacts are offset and that all areas on a parcel located outside of the approved Residential Development Envelope (consisting of the Primary Coverage Area and Outdoor Use Area) are restored to dune habitat and permanently protected through a deed restriction or similar legal restriction. This would equate to 85% (minus 750 square feet for the Outdoor Use Area) of the property being restored and retained as dune habitat. See page 72 of **Exhibit 3** for this modification.

Specifically, and consistent with past Commission CDP actions over the past 40 plus years to apply the development parameters described above, the suggested modifications to LUP Policy BIO-24 require that new residential development on vacant lots must include restoration of all areas of the lot outside the Residential Development Envelope and require that the restored areas be permanently protected through a deed restriction or other similar restriction. These suggested modification provisions simply carry forward the Commission's past consistent approach on this

point to residential development within Asilomar Dunes ESHA in that regard into the new LCP (i.e., there are dozens of past Commission CDP cases where this was the outcome).

The nexus for requiring restoration and permanent protection of remaining areas of the parcel in such cases (i.e., per the ADRA development standards (as reflected in the 1989 LUP standards as well as currently in LUP Policy BIO-24)) is based on this dune ESHA context and dune ESHA impacts, and the proposed provisions and modifications are designed to be consistent with takings law and to obviate the need for case-by-case determinations. Moreover, the approach set forth in LUP Policy BIO-24 as proposed to be modified is entirely consistent with, and *not* a departure from, the approach set forth in the 1989 LUP standards which the City, the Commission, and homeowners within the ADRA have understood as applying to residential development within Asilomar Dunes over the last 40 plus years.

Additionally, while the policy above applies to new development on vacant lots, there may be proposed development affecting existing structures in the ADRA where the proposed development is so extensive that it renders the house essentially new (i.e., redeveloped). On this point, there will be projects where alterations to an existing structure are so extensive that they go beyond mere repair and maintenance, such that the structure should be considered a "new structure" that must conform to all current applicable LUP policies. This determination stems from Coastal Act Section 30610(d) (which relates to repair and maintenance) and implementing regulation Section 13252(b), which states that replacement of 50% or more of a structure does not constitute repair and maintenance, but rather constitutes a replacement structure that must be addressed through the CDP process for consistency with the Coastal Act. Modifications to the proposed LUP are necessary to clarify when a modified structure is considered such that the 'new structure' is required to conform with all LCP policies, and to provide explicit guidance on how to calculate the 50% replacement threshold for purposes of determining when such structures must be considered new/redeveloped and brought into full conformance with all current LCP policies. See pages 75 and 76 of **Exhibit 3** for these modifications.

Specifically, the suggested modifications explain that: only alterations to major structural components (e.g. roof, foundation, and structural walls, both interior and exterior) count toward the 50% threshold; alterations are not additive between structural components; and alterations are cumulative over time from the date of LCP certification.

With respect to the structural components that should count toward the conformance threshold, the Commission finds that any major structural component should be counted, including internal structural components. Alteration of any major structural component, whether interior or exterior, is identical in terms of its effect on prolonging the life of a nonconforming structure. Not including interior structural walls or foundations in the calculation of the LCP conformance threshold will allow for nonconforming development to continue beyond the "normal" life of said nonconforming development, which will simply prolong the unmitigated adverse impacts to dune ESHA. Removing interior walls and foundations from counting towards the conformance threshold will only prolong the life of nonconforming structures and will ensure the persistence of inappropriate and excessive residential uses in dune ESHA that exceed the percentages allowed by the current Residential Development Envelope standards.

The Commission thus makes suggested modifications to ensure that all structural changes count

towards determining when a project must conform to current LCP standards, including because the whole concept of allowing residential development in the dune ESHA is premised on allowing it provided it meets these standards and thus appropriately mitigates for the fact that it is in dune ESHA and otherwise not allowed but for unconstitutional takings concerns.

With respect to the date for calculating cumulative alterations towards required conformance in Asilomar Dunes residential cases, as noted above, the suggested modification uses the date of LCP certification (when these specific standards go into effect) for when to start calculating cumulative alterations. While arguments can be made that the date should be January 1, 1977, the date the Coastal Act went into effect,[10] it is also true that the standards as specified in this LCP have changed over time (including in relation to the aforementioned 1989 LUP standards related to lot coverage, structure heights, and others). Thus, as a matter of fairness, including not to retroactively count alterations against the 50% conformance threshold that were approved by the Commission as consistent with the standards in effect at that time but not to today's LCP standards, and to ensure that all residents understand and are governed by the same set of standards moving forward, the Commission finds that using date of LCP certification is appropriate in this case.[11] See pages 75 and 76 of **Exhibit 3** for this modification.

Finally, the proposed LUP does not address applications for development on nonconforming properties in the Asilomar Dunes Residential Area where the proposed development does not reach the threshold for LCP conformance. These projects have dune impacts, including construction impacts, increased lifespan and associated direct impacts for existing structures, as

[10] Including because: 1) this is the date that Commission staff has used and currently uses when evaluating this very question for proposed projects in the Asilomar Dunes Residential Area; and 2) passage of the Coastal Act itself, and in particular Section 30610(d), provided notice to homeowners in the coastal zone that additional land use rules and regulations would be applicable to their properties; and 3) it would expedite the conformance of these residential properties to current LCP policies and thus the associated dune protection and restoration requirements as compelled by the Coastal Act.

[11] Use of the LCP certification date, as opposed to the effective date of the Coastal Act, here for the purpose of calculating cumulative alterations can be distinguished from other situations, particularly with respect to shoreline armoring and coastal hazards. First, CCR Section 13252(b) generally distinguishes repair and maintenance activities versus a replacement structure, which broadly applies to any structures irrespective of when the structure was built. In other words, Coastal Act Section 30610(d) and CCR Section 13252(b) provide direction for when to consider proposed development to be repair and maintenance versus a new replacement structure that must be evaluated for full conformance, even components of which that may have been present before the proposal. This concept is equally applicable in the armoring circumstance as it is in the ESHA circumstance as a matter of identifying a threshold. However, and second, because Coastal Act Section 30235 specifically utilizes the term "existing structures," and the effective date of this section was January 1, 1977 (the effective date of the Coastal Act), the Commission understands the intent of this section to make a clear distinction between pre-Coastal Act structures and structures erected after the passage of the Coastal Act in terms of applicability of Section 30235. Third, as explained above, utilizing the LCP certification date here is appropriate because the Asilomar development standards have changed over time (so using the date of LCP certification is a matter of fairness to affected homeowners going forward), while Coastal Act Section 30235 has been effective and remains unchanged since January 1, 1977, thus putting potentially affected homeowners on notice as to the scope and applicability of the provision since the effective date of the Coastal Act. In other words, a strong textual statutory basis (i.e., "existing structures" as used in Section 30235) exists for applying the January 1, 1977 date with respect to applicants seeking shoreline protection for development, whereas, as demonstrated through the discussion above, there are other reasons justifying the Commission's use of its discretion to apply the LCP certification date for purposes of determining when a structure has reached the threshold for LCP compliance in the Asilomar Dunes.

well as the potential for such structures to accommodate greater intensities of use (e.g., additional residents) and therefore additional residential impacts from increased light, noise, cars, and other residential activities. Suggested modifications require that such applications shall only be approved if: there is no new dune coverage; the portions of the property outside of the Primary Coverage Area are restored to dune habitat and permanently protected through a deed restriction or similar legal restriction, and; an offsetting area of dune located off of the project site is restored, which when added to the onsite restoration will equal 85 percent of the total project site lot area. (The latter two suggested modifications are the same as for new development proposed within the Asilomar Dunes Residential Area, and are justified for the same reasons that sand dune ESHA outside of the Residential Development Envelope must be permanently protected to the extent that it is not already secured by virtue of the continuance of the existing residential development, regardless of whether the extent of the development exceeds the LCP conformance threshold or not.) The suggested modification therefore allows property owners of nonconforming[12] structures to remodel their homes if all impacts are appropriately mitigated.[13] See page 76 of **Exhibit 3** for this modification.

If modified as described above, the Pacific Grove LUP would include a comprehensive and appropriate set of policies that are as consistent as possible with the above-cited policies of the Coastal Act in terms of protecting and enhancing dune ESHA resources, while allowing for reasonable economic use of properties within the Asilomar Dunes Residential Area in order to avoid a taking of private property.

LCP Implementation Plan Analysis

As described above, the proposed IP can only be approved if it is consistent with and adequate to carry out the LUP, as modified, as described above. The following analysis determines that the IP can be found consistent with and adequate to carry out the LUP if it is modified as suggested by the Commission. The above LUP analysis is incorporated herein by reference.

General ESHA IP Requirements

The submitted IP includes requirements necessary to carry out the general LUP ESHA policies, including the specific information that proposed development must submit in order to determine

[12] And for existing conforming structures, the suggested modification allows their alteration so long as the total site coverage remains at or below the maximum Residential Development Envelope coverage allowed per the LCP; 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, if feasible, made less fragmented; all remaining dune habitat is restored and permanently protected; no sensitive plants are disturbed; all areas of new coverage are mitigated at a ratio of 2:1.

[13] Although a landowner with a nonconforming structure may ultimately end up restoring more than 85% of the total project site lot (via onsite and offsite mitigation) if the landowner remodels (thus having to offset dune restoration equal to 85% of total project site lot via onsite *and offsite* mitigation) *and then* reaches the LCP conformance threshold (thus having to reduce Primary Coverage Area and restoring 85% of the project site lot onsite), whereas a landowner with a nonconforming structure who simply redevelops upon certification of the new LCP policies would only have to restore 85% of the project site lot onsite, this differential outcome is justified under the Coastal Act because remodeling of a nonconforming structure *perpetuates* Coastal Act ESHA inconsistencies in a manner that a redeveloped, LCP-conforming structure does not. Thus, it is reasonable for a minor-remodeled nonconforming structure which *later* redevelops and conforms to the LCP to have to mitigate for more ESHA impacts than a nonconforming structure that immediately redevelops to conform to the LCP, in order to account for the additional time of adverse impacts to ESHA resulting from prolongation of the nonconforming structure.

and ensure that a proposed project adequately protects ESHA and other biological resources. Specifically, applications for development that have the potential to impact biological resources, either temporarily or permanently, must submit a Biological Assessment that identifies existing resources, describes all natural features of the site, discusses potential impacts from the proposed development, and identifies avoidance and mitigation measures to eliminate, reduce, and offset those impacts. Additionally, proposed projects must also include a Construction Mitigation and Monitoring Plan to identify and eliminate potential temporary impacts related to project construction. See pages 147-148 of **Exhibit 3** for the proposed general IP ESHA requirements.

Asilomar Dunes Residential Area IP Requirements
The submitted IP includes requirements to carry out the Asilomar Dunes Residential Area LUP policies, including the specific information that proposed development must submit in order to determine and ensure that a proposed project adequately protects ESHA resources. Specifically, all applications for development in Asilomar Dunes Residential Area are required to undertake a Biological Assessment that identifies existing resources, describes all natural features of the site, discusses potential impacts from the proposed development, and identifies avoidance and mitigation measures to eliminate, reduce, and offset those impacts. Additionally, proposed projects must also include a Dune Restoration Plan that includes the provisions for adequately restoring, maintaining, and monitoring dune habitat on site, as well as an offsite mitigation plan when required. Projects must also include a Construction Mitigation and Monitoring Plan to identify and eliminate potential temporary impacts related to project construction, a Grading Plan that restores natural dune contours, and a Post-Construction Runoff Plan that avoids runoff impacts to the dunes. However, in order for the IP to be implemented consistent with the LUP as modified above, suggested modifications to the IP are necessary to mirror the modifications to the LUP for the same reasons as articulated in the above LUP findings. In addition, suggested modifications are also necessary to provide conformity with the LUP's conformance requirement threshold in the Asilomar Dunes Residential Area, as suggested to be modified, including regarding what constitutes an "alteration" to a particular structural component. See pages 151-153 of **Exhibit 3** for these modifications.

As modified, the proposed IP is consistent with and adequate to carry out the LUP's ESHA protection policies (as suggested to be modified).

D. WATER QUALITY AND MARINE RESOURCES

The following sections of the Coastal Act pertain to the protection, maintenance, and enhancement of coastal waters and marine resources:

> ***Section 30230.*** *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
>
> ***Section 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine*

organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Background

There are a variety of significant ocean and inland water and marine resources in Pacific Grove. The offshore waters are currently protected by a series of federal and state regulations that have been established through several designations, including the federally designated Monterey Bay National Marine Sanctuary (Sanctuary) that encompasses all offshore waters; the California Coastal National Monument that includes all offshore rocks and islands exposed above mean high tide; three designated State Marine Protected Areas (i.e. Asilomar State Marine Reserve, Pacific Grove Marine Gardens State Marine Conservation Area, and Lovers Point-Julia Platt State Marine Reserve); and State Water Resources Control Board (SWRCB)-designated Areas of Special Biological Significance (ASBS) that includes 3.2 miles of coast from the City's border with Monterey to Asilomar Avenue**.** Although the City has made great strides in implementing a variety of projects and measures to protect water quality, potential significant pollution sources still exist and include urban runoff, erosion, pesticide use, and potential contamination from the failure of existing infrastructure. In addition to offshore waters, Pacific Grove also includes two significant wetland habitats: Majella Slough, which is located near the border of Del Monte Forest; and Crespi Pond, which is located within the Point Pinos Lighthouse Reserve. See **Exhibits 1 and 2** for the locations of the areas mentioned in this paragraph.

Pacific Grove lies within multiple watersheds that include runoff that originates within the cities of Pacific Grove and Monterey. This urban runoff flows via storm drains to multiple outfalls that flow into the Pacific Ocean and the Sanctuary. Pacific Grove maintains approximately 34 outfalls of varying sizes, with the majority of those outfalls flowing into the ASBS between the border of the City of Monterey and Point Pinos. Additionally, this area includes Lovers Point Beach and park, which is a very popular public recreational access area where beach advisories for high levels of bacteria are not uncommon. Maintaining and restoring water quality throughout the Pacific Grove's watersheds, and Pacific Grove's urban landscape in particular, is necessary to protect coastal waters and marine resources, as well as public recreational access.

The Commission's jurisdiction regarding protection of water quality and marine resources broadly overlaps with the responsibility for regulating non-point source water pollution in the coastal zone by the SWRCB and the coastal Regional Water Quality Control Boards (RWQCBs), which are responsible for implementing the requirements of National Pollution Discharge Elimination System (NPDES) that is developed and overseen by the United States Environmental Protection Agency (EPA). Management measures and practices are directed at reducing the volume and the harmful effects of polluted runoff entering Central Coast waterways, lakes, and beaches. These measures are best implemented at the local planning level, since they can be most effective during the design stage of development. All participating local governments, including the City of Pacific Grove, are required to implement these measures and coordinate with the SWRCB and the RWQCB.

The Commission and the Central Coast RWQCB are both working to protect water quality in the southern Monterey Bay area, including Pacific Grove, although each has different, but supportive, authorities and responsibilities in that effort. The Commission has primary responsibility for protecting many coastal resources, including water quality, from the impacts of development in the coastal zone. The SWRCB and RWQCBs have primary responsibility for regulating discharges that may impact waters of the state through issuance of discharge permits, investigating water quality impacts, monitoring discharges, setting water quality standards and taking enforcement actions where standards are violated.

Land Use Plan Update Analysis

The City's LUP update submittal includes a variety of important policies to address water quality issues (see pages 46-49 of **Exhibit 3**). These include policies to: work collaboratively with relevant agencies to reduce pollutants; regulate illegal discharges and reduce the use of potential pollutants such as pesticides and herbicides; maintain, enhance, and restore marine resources and the biological productivity of coastal waters; and so forth. The proposed LUP update also includes water quality protections specific to wetlands, including prohibitions on the alteration of wetlands except for essential restoration and enhancement activities. The submitted LUP update also addresses existing outfalls, including a prohibition on a net increase of existing outfalls and a requirement to pursue opportunities to consolidate and reduce the overall number of outfalls.

The submitted LUP update also includes general development policies that require the protection of natural drainage systems, site planning to address drainage and polluted runoff, minimization of impervious surfaces; and the use of Best Management Practices (BMPs). Specific standards include requirements to: design post-construction BMPs to infiltrate and/or treat storm runoff; minimize impervious surfaces; implement Low Impact Development (LID) design techniques; and more stringent requirements for developments of particular water quality concern, such as gas stations or other industrial development.

The submitted IP includes requirements necessary to carry out these LUP policies, including the specific information that proposed development must submit in order to determine whether a proposed project meets the LUP's water quality protection standards. Specifically, applications for development that have the potential to impact water quality must submit a Construction Plan that adequately addresses any potential temporary impacts during construction (e.g. temporary erosion sediment controls and other BMPs) and a Post-Development Runoff Plan that adequately addresses potential long-term impacts from stormwater runoff (e.g. identification of potential pollutants, description of LID components, and quantification of impervious surfaces).

The Commission recognizes that new development in Pacific Grove has the potential to adversely impact coastal water quality through the removal of native vegetation; an increase in impervious surfaces that could lead to an increase in runoff, erosion, and sedimentation; and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources into coastal waters. Coastal Act Sections 30230 and 30231 require that coastal water quality be protected through policies that manage these types of new development impacts.

In particular, new development and redevelopment often results in an increase in impervious surfaces, which in turn decreases the infiltrative function and capacity of existing permeable land on project sites. A reduction in permeable surfaces can lead to an increase in the volume and

velocity of storm water runoff that can be expected to leave the development site. Pollutants commonly found in runoff associated with new development include: petroleum hydrocarbons such as oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter and organic matter; fertilizers, herbicides, and pesticides from household gardening, golf courses, or more intensive agricultural land use; nutrients from wastewater discharge, animal waste and crop residue; and bacteria and pathogens from wastewater discharge and animal waste.

The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sub-lethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery.

These impacts reduce the biological productivity and the quality of coastal waters, wetlands, and lakes, and can have adverse impacts on human health. They are particularly important to manage because of the City's extensive marine resources, such as the Sanctuary, as well as significant public access areas where impacted coastal waters may also pose a risk to human health. Thus, maintaining permeable surfaces and managing runoff onsite are critical tools to reduce and limit the impacts of pollutant runoff.

As summarized above, Pacific Grove's submitted LUP update contains a comprehensive set of water quality policies designed to protect and enhance water quality and the beneficial uses of local coastal waters from adverse impacts related to land development. These policies provide for the protection and enhancement of water quality and further provide for the beneficial uses of local coastal waters, which will protect against adverse impacts related to land development, consistent with Coastal Act Sections 30230 and 30231. Specifically, the proposed LUP update includes policies that adequately require development and redevelopment to reduce sources of and/or treat pollution before it enters the storm drain system and ultimately the City's coastal waterways. These policies further direct the City to seek opportunities to consolidate and/or eliminate beach discharge facilities and outfalls where possible to improve the biological productivity and quality of coastal waters of the Sanctuary, consistent with Coastal Act Sections 30230 and 30231. However, one minor modification is required to ensure that development is designed to adequately address runoff. Specifically, the LUP update as submitted relies solely on NPDES regulations for addressing runoff, which may be changed by the EPA and/or the RWQCB without Commission input. Although NPDES requirements are often adequate to meet Coastal Act standards, a modification (see page 47 of **Exhibit 3**) is necessary to make clear that NPDES requirements are the minimum water quality standards that development must meet, and that additional water quality protections, including through the coastal permitting process, may be necessary to adequately protect coastal waters as required by Coastal Act Sections 30230 and 30231.

If modified as described above, the Pacific Grove LUP update would include a comprehensive

and appropriate set of policies that ensure the enhancement and the protection of coastal water quality, consistent with Coastal Act Sections 30230 and 30231.

Implementation Plan Analysis

As previously described, the LCP is set up in such a manner that the detailed regulatory policies for specific issue areas such as water quality are specified in the LUP, and the IP carries out those policies by cross-referencing back to them and specifying the application requirements and other triggers needed for their implementation. In other words, generally speaking, the IP includes standards that implement the policies of the LUP. The IP carries out these policies by requiring projects that have the potential to impact water quality, either temporarily or permanently, to submit a Construction Plan that identifies all areas of construction and potential contaminants, includes appropriate erosion and sediment controls to be implemented, and identifies all other appropriate BMPs that will be incorporated into the project. Applicants are also required to submit a Post-Development Runoff Plan that limits impervious surfaces, describes LID features, and describes permanent BMPs that will be maintained in order to protect water quality over the life of the development. As such, the IP is consistent with and adequate to carry out the LUP.

E. Cultural and Archeological Resources

The following section of the Coastal Act includes protections for cultural, archeological, and special communities.

> ***Section 30244.*** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*
>
> ***Section 30253.*** *New development shall do all of the following: (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The entire Pacific Grove Coastal Zone is considered and designated as an Archaeologically Sensitive Area in the 1989 LUP. Various surveys of Monterey County found multiple archaeological sites within Pacific Grove, including the existence of a 4,000-year old village site. More recent studies also indicate the likelihood of prehistoric cultural resources. Although potential resources exist throughout the entire coastal zone, the undeveloped parklands along the bluff and the Asilomar Dunes complex are the most sensitive, as these areas have been subjected to relatively less disturbance than the residential neighborhoods on the north end of the Coastal Zone.

With respect to archeological resources in particular, the Monterey Bay region is currently represented by the Ohlone/Costanoan-Esselen Nation (OCEN), which is comprised of over 600 enrolled tribal members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission (Carmel) and/or Costanoan Mission Indian descent. Many descendants of these tribes still live on the Monterey Peninsula.

In terms of historical resources, Pacific Grove has a rich history with origins as a religious retreat, referred to as the "Pacific Grove Retreat." A unique feature of this early development is the small lots there were originally designed for seasonal use. The unique architectural and visual character of the Pacific Grove Retreat is due to its historic origins as a 19th century coastal Methodist coastal retreat and concentration of early structures that have survived. Over half of the structures in the Coastal Zone portion of the Pacific Grove Retreat are identified in the City's Historic Resources Inventory. The area between Pacific Street and Grand Avenue is particularly rich in historic buildings and possesses a significant concentration and continuity of sites. There are numerous historical features throughout the City in addition to the Retreat area, including the Asilomar Beach and Conference Grounds that has been designated a National Historical District. See **Exhibits 1 and 2** for the location of these areas.

Land Use Plan Update Analysis

The LUP update addresses the protection of cultural, archeological, and historical resources in a number of ways (see pages 94-101 of **Exhibit 3**). Figure 7 on page 92 of **Exhibit 3** identifies the Coastal Zone as an archeologically sensitive area and Figure 6 on page 80 of **Exhibit 3** points out the Pacific Grove Retreat Area, which the LUP designates as a "Special Community" that deserves special protections.

The LUP includes policies designed to identify, protect, and mitigate for impacts to archeological and cultural resources. The LUP includes policies that require the City to conduct tribal consultations; ensure the protection, preservation, and proper disposition of archeological resources; require development to prepare an archeological report that identifies and mitigates for potential impacts; and a policy to ensure that the City will update is inventory of significant resources and their potential vulnerability to climate change. In order to provide more specificity and better reflect the Coastal Commission's Tribal Consultation Policy that was adopted in August 2018, modifications are necessary to ensure that the City consults with all federally-recognized tribes and California-recognized tribes, including OCEN. Additionally, modifications are necessary to make clear that tribal concerns are considered to the maximum extent feasible prior to taking any actions on proposed development. See page 94 of **Exhibit 3** for the suggested modifications. As modified, the LUP is consistent with the requirements of Coastal Act section 30244.

The LUP also includes policies designed to identify, maintain, enhance, and protect historical resources throughout the City. The LUP includes directives for the City to implement various programs and efforts to protect historical resources. Specifically, the LUP states that the City will implement loan programs to assist homeowners in maintaining historic homes; maintain and update an inventory of historic resources; and engage citizens and groups in historic preservation efforts. Additionally, the LUP requires the City to conduct design review and requires an evaluation of structures for historical significance for any structure 50 years or older in the Pacific Grove Retreat Area. Finally, the LUP requires development of structures of historical significance to retain the lines of original designs as much as possible and requires compliance with federal historical resource protection standards. Finally, due to the relatively small lots within the Pacific Grove Retreat Area that make this area a Special Community and to encourage the rehabilitation, repair, and maintenance of existing historic structures, policies DES-7 and DES-8 (see page 83 of **Exhibit 3**) allow for nonconforming historic resources within the Pacific

Grove Retreat Area to seek relief from current design standards (e.g. building height, setbacks, lot coverage) if determined to be necessary to protect the historicity of the structure. As proposed, the LUP is consistent with the Coastal Act with respect to the protection of the unique qualities that make the Pacific Grove Retreat Area a Special Community and is adequate to protect historic resources generally.

Implementation Plan Analysis
The submitted IP includes requirements necessary to carry out these LUP policies, including the specific information that proposed development must submit in order to determine and ensure that a proposed project is consistent with the cultural, archeological, and historical resource protection policies of the LUP. Specifically, applications for development that may impact archeological resources must include an Archeological Report that reviews relevant information regarding the area, documents efforts of tribal consultations, describes findings of archeological reconnaissance, discusses potential adverse impacts, and recommends appropriate mitigation to protect significant archeological resources. Applications for development that may impact historical resources must submit a Historic Resources Report that describes the potential resources on site, discusses potential impacts, describes how impacts may be minimized, and explores alternative designs and how they relate to existing historic resources. As such, the IP includes appropriate requirements in order to adequately carry out the cultural, archeological, and historical identified in the LUP, as modified.

F. Land Use and Development

The following sections of the Coastal Act guide land use and development locations and intensities:

> ***Section 30221.*** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*
>
> ***Section 30222.*** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*
>
> ***Section 30223.*** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*
>
> ***Section 30250(a).*** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

> ***Section 30252.*** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Background

The City of Pacific Grove's coastal zone encompasses approximately 458 acres of land, which extends from the border of the City of Monterey to the Del Monte Forest. The inland extent of the coastal zone varies widely and includes areas of remnant sand dunes, residential neighborhoods, and the narrow former railroad right-of-way that cuts through the middle of the City. As defined in the 1989 certified LUP, the City's coastal zone is segmented into one Coastal Zone planning area and five subareas: Area I, which includes both commercial and residential areas; Area II, which is largely residential; Area III, which includes Lovers Point Park, hotel and commercial uses, a senior living facility, a mobile home park, and some additional residential development; Area IV, which is largely public parkland; Area V, which is the railroad right-of-way, and; Area VI, which includes most of the remnant sand dunes, the Asilomar Dunes Residential Area, the Asilomar Dunes Conference Grounds, and the Sunset Service Commercial District. A map of the City's coastal zone, subareas and corresponding land use designations are graphically represented on Figure 6 of the proposed LUP (see page 3 of **Exhibit 1** and page 80 of **Exhibit 3**).

Land Use Plan Update Analysis

The proposed LUP update's sections and policies focus on the land use constraints and opportunities in each coastal zone planning area, as well as the appropriate location and intensity of new development, and ways to assure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed LUP includes a map (Figure 6) and associated text that designate land use categories throughout the City, consistent with the Coastal Act's mandate to indicate the kinds, locations, and intensities of land use (see pages 85-90 of **Exhibit 3**). Most of the proposed land use designations reflect existing uses in each of the five subareas and apply the same land use designations to these subareas that were included in the 1989 certified Land Use Plan. In general, the proposed LUP designates much of the City's blufftop areas and areas of former sand dunes for parks and open space, with the exception of the Asilomar Dunes Residential Area where limited residential development must be allowed as explained in the "ESHA" Section above. Existing hotel sites are designated exclusively for visitor-accommodations uses, and hotel uses are also allowed at the American Tin Cannery Site and within the Sunset Service Commercial area. The railroad right-of-way is designated exclusively for the development of a recreational trail corridor in order to connect Lovers Point to nearby Spanish Bay (located in unincorporated Monterey County) (see **Exhibit 2** for all of these locations). Residential uses are limited to the

areas already utilized for such purposes. Thus, except for the current lack of water described in the "Public Services/Water Supply" Section below, the proposed intensity of and locations of development is generally consistent with Coastal Act Section 30250(a), which requires that development be concentrated in urban areas with available services.

There is one concern, however, regarding language in the proposed LUP that states that "no uses within the Sunset Service Commercial district shall be considered a higher priority than other uses" (see page 88 of **Exhibit 3**). Coastal Act Section 30222 clearly states that visitor-serving uses are generally more favorable and of a higher priority than general commercial or industrial uses, particularly for oceanfront lands. While both visitor-serving and general commercial uses are allowed in the Sunset Service Commercial district in the proposed LUP, to ensure full Coastal Act consistency the language that states that all uses are to be considered the same priority must be deleted (see the suggested modification on page 88 of **Exhibit 3**). This is particularly critical due to the Sunset Service Commercial district's location near significant public access and recreational facilities such as the California Coastal Trail, Asilomar State Beach, Asilomar Conference Grounds in Pacific Grove, and the Rip Van Winkle Open Space, Spanish Bay, and the trails of Del Monte Forest in adjacent unincorporated Monterey County. While maintaining the existing uses and family-owned businesses in the Sunset Service Commercial district may be desirable, due consideration for higher-priority visitor-serving uses in this subarea should be given in the future.

Finally, one minor but crucial modification regarding development standards such as heights, setbacks, density, etc. is needed to clarify that all such standards represent the maximum limit (or minimum for setbacks) of what may be approved. In other words, all specified maximum buildout numbers (or minimum buildout numbers) do not represent development entitlements that must be automatically granted. The specifics of every project must be analyzed to ensure that coastal resources are protected on a case-by-case basis. Accordingly, a modification is needed to clearly state that maximums must be reduced (or minimums increased) if needed to protect and enhance relevant coastal resources on a project specific basis considering the facts presented. See page 85 of **Exhibit 3** for this suggested modification. As modified, the proposed LUP update will provide appropriate land use and development policies, consistent with the above-cited Coastal Act Sections.

Implementation Plan Analysis

The submitted IP includes requirements necessary to carry out the LUP policies, as modified, including the specific information that an applicant must submit in order to determine and ensure that a proposed project is consistent with the land use designations and policy requirements of the LUP. Specifically, applications for development must include plans that clearly show the project's consistency with all coverage, height, parking, and setback requirements. The application must also include a "Coastal Community Character Assessment" to demonstrate that the proposed development fits in with the scale and character of all development on parcels located within 150 feet of the proposed project. The IP also includes information requirements specific to certain sites of particular significance, such as Hopkins Marine Station and Asilomar Conference Grounds, to ensure that development at those specific locations address the unique needs and issues related to those sites. As such, the IP includes appropriate requirements to adequately carry out the kinds, intensities, and densities of uses identified in the LUP, as modified.

G. VISUAL RESOURCES

Section 30251 of the Coastal Act provides for the protection and enhancement of coastal visual resources and states:

> ***Section 30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Background

The City includes significant and extensive scenic and visual resources of public importance. Two scenic roadways, Sunset Drive and Ocean View Boulevard, as well as the recreational trail, provide extraordinary views of the Monterey Bay and the City's blufftop parklands. Inland of the roadways and trail are sweeping views of coastal dunes, as well as views of the City's unique historical cottages. Many residential streets, particularly between 1st Street and 17th Street, are oriented to provide ocean views to motorists and pedestrians traveling from inland locations toward the ocean. Moreover, those recreating on the ocean (e.g. kayakers, boaters, surfers, etc.) enjoy inland views of the bluffs, dunes, and the unique residential landscape, which are also valuable coastal resources that must be protected. See **Exhibit 1** for a map of these locations and **Exhibit 2** for area photos.

That said, there are also areas of the City where the visual landscape is degraded and could be restored as called for in Section 30251 of the Coastal Act. Specifically, significant areas of pre-coastal riprap and other unnatural looking shoreline armoring that detracts from the natural bluff landscape are located throughout the City. Large areas of nonnative and invasive plants exist on both public parkland and private property. Various elements of the Recreational Trail could be improved to restore its scenic quality, including providing appropriate screening for lift station infrastructure, trash receptacles, and parking areas, as well as efforts to consolidate and limit regulatory signage. Significant fencing, both permitted and unpermitted, is present throughout the City and detracts from the natural visual landscape. Fencing is particularly prevalent and problematic in natural dune areas and along the bluffs where manmade features should be limited and, at the very least, be minimized and designed to blend into the natural environment.

Land Use Plan Update Analysis

The LUP update addresses the protection of views of Monterey Bay, bluffs, and dunes in a number of ways (see pages 54-56 of **Exhibit 3**). The LUP also includes a map (Figure 4) on page 53 of **Exhibit 3** identifies important view corridors from residential streets and also designates certain areas as scenic, including all areas seaward of Ocean View Boulevard and Sunset Drive. The LUP update includes a section that is focused entirely on policies necessary to protect scenic and visual resources, including by identifying certain areas in the City as scenic, and affording those areas special protections. These policies include requirements for development to: minimize the alteration of natural landforms, locate new utilities underground, provide

appropriate screening and native plantings, ensure that structures (including fences) are subordinate to and blend into the natural environment, retain visually important trees, and site and design structures to protect existing views. The LUP also includes other policies throughout the document that protect public views within the context of protecting another coastal resource. For example, Policy HAZ-13 (page 41 of **Exhibit 3**) requires new shoreline protective devices to minimize the alteration of and be designed to blend into natural landforms, while Policy HAZ-12 (page 41 of **Exhibit 3**) requires replacement or augmentation of existing armoring to mitigate visual impacts. Policy DES-4 (page 83 of **Exhibit 3**) requires height and setback limitations in scenic areas, and Policy DES-6 (page 83 of **Exhibit 3**) requires that exterior lighting limit offsite glare.

However, the proposed LUP update does not provide full protection for visual resources associated with dunes, does not address potential impacts from commercial signs, and does not adequately address specific visually degraded areas, including Hopkins Marine Station facilities and the National Oceanic and Atmospheric Administration (NOAA) site on Lighthouse Avenue. As such, the proposed LUP update falls short of achieving full consistency with Coastal Act Section 30251 and thus modifications must be made to ensure LUP conformance with this policy.

With respect to the dune landscape, Figure 4 highlights certain important views throughout the City, but fails to identify the Asilomar Dunes Residential Area as a protected scenic area. The unique natural dune landscape, as explained in more detail above, is an extremely rare and important visual resource that must be afforded special protection. Thus Figure 4 must be modified to specifically designate this area as "scenic." Additionally, the LUP proposes to increase the height limit on structures in the dunes along Sunset Drive from 18 feet (which is the height limit in the currently certified 1989 LUP) to 20 feet. This will lead to larger homes in the most visually prominent and sensitive area of the dunes, which is not consistent with Coastal Act Section 30250 (relative to the status quo) and must be modified. Moreover, the LUP as proposed only limits structures to 20 feet in height on parcels that share a common boundary with Sunset Drive; under the proposed LUP, structures in the Asilomar Dunes that do not share a common boundary with Sunset Drive are allowed a height up to 25 feet. However, the purpose of the currently certified 18-foot height limitation along Sunset Drive is to protect dune views as seen from Sunset Drive and the recreational trail, and to ensure that structures visible from these designated scenic viewing areas appropriately blend into, and are subordinate to, the natural dune landscape. Thus the structures themselves, not the parcels on which the structures sit, are the target of the height limitation. There are many structures that would be clearly visible from Sunset Drive and the Recreational Trail even though the parcel itself does not share a common boundary with Sunset Drive, particularly if those structures were allowed to reach heights of 25 feet. Thus in order to protect the visual aesthetic of the natural dune landscape as seen from these important public viewing areas, a suggested modification retains the existing 18-foot height limit for all structures in the dunes that are visible from Sunset Drive and the recreational trail. Additionally, fencing within the dunes (other than fencing that is needed to delineate approved Outdoor Use Areas from dune habitat areas – see "ESHA" section above) must be minimized and limited solely to fencing that is necessary to protect the dunes. Fencing that is solely used to delineate property line boundaries, provide additional privacy, or for decorative purposes is inappropriate and antithetical to the natural dune aesthetic and is also inconsistent with Section 30251 of the Coastal Act, and thus should be prohibited. The various purposes for such fencing

identified above do not justify causing significant adverse impacts to the natural dune landscape as a significant visual coastal resource. Thus LUP modifications to designate the Asilomar Dunes Residential Area as scenic, limit the height of structures visible from Sunset Drive and the recreational trail, and prohibit most fencing unless necessary to protect dune habitat are necessary to achieve full Coastal Act consistency. See pages 73 and 74 of **Exhibit 3** for these suggested modifications.

Additionally, both Hopkins Marine Station and the NOAA site on Lighthouse Avenue are two visually prominent areas that currently contain numerous elements that degrade the natural landscape, which should be enhanced where possible as called for by the Coastal Act. Specifically, both sites include widespread areas of invasive plants and extensive chain link fencing, both of which adversely impact dune and ocean views. The aesthetic of both sites could be substantially enhanced visually through the removal of invasive plants and restoration with native dune species, as well as by minimizing fencing as much as possible. Replacement fencing, if deemed necessary, must be replaced with fencing that blends better into the natural environment in these sensitive coastal areas. Policies to address these specific sites are therefore necessary and are included in the proposed LUP (see page 70 of **Exhibit 3**).

With respect to other areas of the City, particularly areas inland of Ocean View Boulevard and the Pacific Grove Retreat Area, these areas primarily consist of relatively densely developed neighborhoods located inland of the Recreational Trail. Views from the Recreational Trail would be generally seaward in these areas, and away from the residential development. Therefore less restrictive standards for the protection of coastal visual resources, and minor exceptions to height limits in these areas as proposed can be considered appropriate, but modifications are necessary to allow such exceptions only if public views are protected (see pages 82 and 83 of **Exhibit 3**). Additionally, the LUP as proposed does not include any policies that specifically address commercial signs, which have the potential to impact public views, particularly the commercial areas in and around Lovers Point Park. Thus a modification to ensure that any commercial signs are sited and designed to protect scenic qualities is appropriate – see page 82 of **Exhibit 3**. As modified, the proposed LUP update will protect the scenic views and visual resources of Pacific Grove's parks, beaches, dunes, and open space areas, consistent with Coastal Act Section 30251.

Implementation Plan Analysis

The submitted IP includes requirements necessary to carry out the visual resource protection LUP policies (as proposed to be modified), including the specific information that proposed development must submit in order to determine and ensure that a proposed project protects scenic and visual resources as required by the LUP. Specifically, any application for development that has the potential to impact public views must submit a site-specific visual resource analysis that identifies existing views and provide visual simulations of the proposed project, an exterior lighting plan that identifies and minimizes all proposed lighting features, and a landscaping plan that utilizes drought-tolerant plants that are appropriate for the area. Two minor IP modifications are necessary to fully ensure the LUP policies are appropriately carried out. First, the definition of "building height" does not specify that height shall be measured from the existing grade that has been legally established, which could potentially lead to site grading in order to benefit from an altered site elevation. Second, the site-specific visual analysis does not specifically state that an applicant may be required to develop visual simulations, erect story poles, or analyze surrounding development if the City determines that this information is

necessary to understand the visual impact of a particular development. Accordingly, modifications are necessary to explicitly state that building height is measured from legally established existing grade, and to require additional visual impact information if deemed necessary (see pages 145 and 146 of **Exhibit 3**). As modified, the proposed IP is adequate to carry out the visual and scenic resource protections of the LUP, as amended.

H. Public Access and Recreation

The following sections of the Coastal Act are among those that provide for the preservation and enhancement of public access and recreation in the coastal zone.

> ***Section 30210.*** *In carrying out the requirement of Section 24 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*
>
> ***Section 30211.*** *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.*
>
> ***Section 30212(a).*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected. 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.*
>
> ***Section 30214(a).*** *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and*

encourage the use of volunteer programs.

The following sections of the Coastal Act are among those that pertain to the protection, enhancement, and provision of recreational opportunities:

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221. *Oceanfront land suitable for recreational uses shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for the area.*

Section 30212.5 *Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against impacts - social and otherwise - of overcrowding or overuse by the public of any single area.*

Section 30224. *Increased recreational boating use of coastal waters shall be encouraged in accordance with this division by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Background

The City's Coastal Zone contains an expansive network of trails, bike paths, parkland, beaches, and vertical accessways that provide a wide range of public access and recreational opportunities for both local residents and visitors. Among these features include the extremely popular sandy beaches at Lovers Point and Asilomar State Beach. Various rocky outcroppings and tidepools provide great wildlife viewing, including at the recently restored Great Tidepool Site. Caledonia, Jewell, and Greenwood Parks provide important additional greenspace within the residential neighborhoods, and the Point Pinos Reservation Grounds provide access to the historic lighthouse, nearby trails, and a public golf course. The Asilomar State Conference Grounds provides public dune trails, lower-cost overnight lodging, and an important community center capable of hosting a variety of events and conferences. Perhaps the City's most defining feature, however, is the extensive network of trails, benches, overlooks, interpretive signs, and open space along the largely publicly-owned blufftop that stretches the entire length of the City's shoreline from the City of Monterey border to the Del Monte Forest. This trail network is a jewel of the California Coastal Trail. Other important features of the Pacific Grove shoreline include

the relative abundance of free public parking, public restrooms that are available at Lovers Point and Crespi Pond, and visitor-serving amenities such as restaurants, a children's pool, and recreational equipment rentals at Lovers Point, not to mention access to rocky outcrops and sandy beaches. See **Exhibits 1 and 2** for the sites mentioned in this paragraph.

The City faces various challenges with respect to maximizing, maintaining, and retaining existing public access and recreational opportunities. Specifically, ongoing coastal erosion threatens the existing trail network and associated public access amenities, including parking areas. Moreover, conflicts exist between maintaining and maximizing public access while still providing for the protection of sensitive biological resources in certain areas. Additionally, there are areas within the City where public access and recreational opportunities could be enhanced. Specifically, additional visual and physical access should be established at Hopkins Marine Station as this development currently interferes with access to the shoreline (see **Exhibits 1 and 2**), while still providing for the research needs of that facility. Likewise, trail improvements could be made at certain pinch points, notably near Crespi pond and Esplanade Park, where trail users are often forced to walk in the street. A separate and paved bike path is available from the City of Monterey border to Lovers Point, but bike path improvements, or at a minimum bike lanes, should be provided along the shoreline through the rest of the City. Finally, the City's Coastal Zone also specifically includes the railroad right-of-way with the potential for reuse as a public recreational trail that could, with some improvement, provide access through the heart of the City.

Land Use Plan Update Analysis

The proposed LUP update includes, among other things, the goals, objectives, and policies designed to protect, maintain, and improve a multitude of public access and recreational opportunities along the Pacific Grove shoreline and its parks (see pages 119-122 of **Exhibit 3**). With respect to public access and recreation, the proposed LUP update includes policies that are generally consistent with Coastal Act Sections 30210, 30211, 30212, 30212.5, 30213, 30214, 30220, and 30221.

The proposed LUP update policies identify and designate many of the areas discussed above (e.g. the recreational trail, Asilomar State Beach, Point Pinos Lighthouse Grounds, etc.) as open space recreational areas where only low-intensity public recreational and other appropriate ancillary uses are allowed. The proposed policies within the Public Access and Recreation section of the LUP specifically require a continuous coastal accessway to be maintained to the maximum extent feasible and require the City to consider improvements to access, particularly non-automotive access, in all CDP applications for development near trails, beaches, or open space. The proposed LUP update also contains policies encouraging a trail within the railroad right-of-way that would connect Lovers Point and Spanish Bay (located just downcoast of the City in unincorporated Monterey County), and prohibiting development that would obstruct such a trail (which includes the existing public access trail located between the Fish Wise restaurant and Pacific Grove Self Storage building, that has been utilized by members of the public for decades). The proposed LUP also includes policies encouraging "Complete Streets," meaning maintenance of a continuous bike path along the City's shoreline, provisions requiring bike racks, maintenance of existing public parking areas, etc.

Despite the relative abundance of free public parking throughout the City, the popularity of

Lovers Point Park with tourists and visitors often leads to a relative scarcity of parking in this particular area. Additionally, due to existing commercial uses and the park's relative proximity to the City's downtown business district (located outside of the Coastal Zone), parking is often limited and can lead to the decreased public access opportunities when visitors are unable to find parking. In order to increase visitor turnover and allow access to a greater number of visitors, as well as to discourage overuse of Lovers Point and encourage the public to utilize other areas of the City's parklands, the City has considered implementing metered parking. While paid parking (or other parking restrictions) may sometimes discourage access, in this particular case paid parking in the area between Forest Avenue and Sea Palm Avenue during peak use hours may be appropriate due to the relative abundance of free parking elsewhere along the coast, as long as parking fees are solely utilized to provide public access improvements elsewhere. The proposed LUP update makes it clear that if the City wishes to institute any parking restrictions in the Coastal Zone (including a paid parking program), a CDP is required and must be limited in scope as explained above (see page 122 of **Exhibit 3**).

As summarized above, Pacific Grove's submitted LUP contains a comprehensive set of policies designed to protect, maintain, and maximize public access and recreational opportunities throughout the City, consistent with the Coastal Act's public access and recreation policies. However, one minor modification is required to ensure that it is clear that any development that impacts access, including changes to hours, types, or location of existing access (including parking), requires a CDP (see pages 69 and 70 of **Exhibit 3**). As modified, the proposed LUP public access and recreation policies are consistent with above-cited public access and recreation policies of the Coastal Act.

Implementation Plan Analysis

The LCP is set up in such a manner that the detailed regulatory policies for specific issue areas, such as public access and recreation, are specified in the LUP, and the IP carries out those policies by cross-referencing back to them and specifying the application requirements and other triggers needed for their implementation. In other words, generally speaking, the IP includes appropriate standards to implement the policies articulated in the LUP. The submitted IP includes requirements necessary to carry out the LUP's public access and recreation policies, including the specific information that proposed development must submit in order to determine and ensure that a proposed project maximizes public access as required by the LUP. For example, any application for development that has the potential to impact public access, either temporarily or permanently, must submit a Public Access Plan that identifies existing access and recreational opportunities, analyzes impacts to such access, and provides mitigation in order to reduce or offset those impacts. As such, and as proposed, the IP is consistent with and adequate to carry out the LUP, as amended.

I. LOW-COST VISITOR ACCOMMODATIONS

In addition to the public access and recreation policies cited above, the following section of the Coastal Act addresses the specific need for lower-cost visitor and recreational facilities:

> ***Section 30213*** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Neither the commission nor any regional commission shall either: (1) require 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; or (2) establish or approve any method for the identification of low and moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Background

A critical aspect of the Coastal Act's public access policies is the protection and provision of lower-cost overnight visitor accommodations. Although spending a day at the beach, viewing wildlife, or walking the coastal trail is inherently a low- or no-cost venture, the ability to stay overnight at a reasonable cost is a huge barrier for the vast majority of the public, particularly families, who do not live near the coast. This is particularly critical for lower-income families that do not have equal access to recreational opportunities along California's coast in this respect. Generally, there is a significant lack of lower-cost overnight accommodations along the coast, particularly hotel rooms, and new overnight accommodations projects are often higher cost.

However, Pacific Grove is unique in that the City maintains several lower-cost accommodations options, including the Asilomar Conference Grounds, several moderately-priced inns and motels, and several small bed-and-breakfast lodging establishments. Protection of these existing lower-cost options is critical. Additionally, new high-cost hotel development within the City is possible, particularly at the American Tin Cannery site in the near term and possible future endeavors within the Sunset Service Commercial district (see **Exhibits 1 and 2** for these locations).

Moreover, utilizing the existing residential areas for short-term rentals (STRs) can provide lower-cost options, particularly for families or large groups that typically would need to rent several hotel rooms in order to accommodate a greater number of guests. The City of Pacific Grove has developed an STR ordinance, although that ordinance has never been submitted or approved by the Commission, and thus is not in effect in the City's Coastal Zone. Because changes to regulatory rules regarding STRs is a change in the intensity of use and access to the coast, such regulations constitute development and must be approved by the Commission either through the LCP or CDP context to be legally enforceable. Thus, the current STR landscape within Pacific Grove is that STRs are an allowed, and largely unregulated, residential use throughout the Coastal Zone. While the City has the authority to require ministerial permits, such as a business license, and collect taxes on STRs, the City cannot deny residents within the coastal zone the ability to utilize their home as an STR based on the provisions of its current ordinance unless and until the City submits, and the Commission approves, an LCP amendment (or standalone CDP) to regulate STRs in the Coastal Zone.

Land Use Plan Update Analysis

The proposed new language in the LUP update acknowledges the need to provide lower-cost visitor-serving facilities, particularly overnight accommodations. The LUP includes policies that protect existing lower-cost accommodations and require new high-cost accommodations to mitigate for impacts to the availability of lower- and moderate-cost accommodations on a project-specific basis. Finally, the LUP recognizes that STRs play a critical role in providing

lower-cost accommodations and specifically allows for such rentals as long as STRs do not unduly burden residential neighborhoods. These policies (see page 122 of **Exhibit 3**) will ensure that the existing lower-cost facilities are not adversely affected, and that new high-cost development appropriately mitigates for potential impacts, consistent with the intent of Coastal Act Section 30213. However, one minor modification is necessary to ensure that overnight accommodations are not inappropriately converted to residential or any other type of use that would not be available to the general public. Thus, a modification is proposed to reserve all overnight accommodations for transient use only (i.e., 30 days or less – see page 122 of **Exhibit 3**). As modified, the proposed LUP update is consistent with Coastal Act Section 30213.

Implementation Plan Analysis

Although the submitted IP includes some requirements to carry out the LUP's low-cost visitor accommodation policies, the IP is not specific enough to adequately address this critical issue. Modifications are necessary to ensure that existing lower-cost accommodations are protected, and that new high-cost accommodations either include lower-cost options, when appropriate, or otherwise provide appropriate mitigation. With respect to new high-cost accommodations, the proposed IP includes requirements to analyze the feasibility of providing lower-cost accommodations onsite. Modifications are necessary to include in the analysis whether certain amenities designed to serve as a lower-cost option for families (e.g. additional beds, kitchen facilities, suites, etc.) can be provided, which could ultimately make a seemingly moderate-cost room with respect to price actually serve as a lower-cost option considered more holistically. Modifications are also necessary to identify with greater specificity the mitigation that projects must provide when either replacing existing lower-cost accommodations (i.e. replacement with high-cost units requires a one-to-one replacement while replacement with moderate-cost units requires mitigation commensurate with the impact, depending on the amenities provided and final cost) or when proposing new high-cost units (maximize number of lower-cost units provided with a minimum of an equivalent of 25% of the number of high-cost units). The IP strongly encourages lower-cost units to be provided on- or offsite, but also provides the option for projects to pay an equivalent in-lieu fee. Modifications are also necessary to establish an in-lieu fee program that requires the City to manage funds exclusively for the development of lower-cost accommodations that are available to the general public.

The suggested modifications provide the floor for low-cost mitigation and allow the City discretion to require *more* lower-cost units. The Commission has in the past typically required mitigation for *at least* 25% of new higher cost rooms created, including through prior LCP policies as well as in individual projects.[14] The Commission thus, as a matter of policy, has sought to ensure that new overnight accommodations in the coastal zone provide at least 25% lower-cost accommodations to help maximize public access and recreational opportunities, and particularly lower-cost opportunities, as required by the Coastal Act. Requiring provision of lower-cost accommodations has ensured that, even as the trend toward higher-cost hotel rooms in the coastal zone continues, *some* lower-cost overnight accommodations have been provided to mitigate for the impacts of said higher-cost overnight accommodations. Despite that effort, the Commission has still found that the supply of lower-cost accommodations typically does not

[14] See for example Newport Beach LUP Amendment NPB-MAJ-1-07; CDP A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC); CDP 5-13-0717(1429 Hermosa, LLC); CDP 5-15 -0030 (Sunshine Enterprises, LP); and CDP 3-16-0287 (Front Street Cottages).

come close to meeting the need and demand for such accommodations to provide those of lesser means the opportunity to stay at the coast. Thus here, consistent with past Commission actions and guidance, as justified by the Coastal Act, the suggested modifications to require mitigation for at least 25% of new rooms created is appropriate and allows the City the discretion to require more. See pages 160-162 of **Exhibit 3** for these suggested modifications.

Correspondence was received at the July Commission hearing that raised issues with a particular hotel project that has been proposed at the American Tin Cannery site, an area on the inland side of Ocean View Boulevard near the border of Pacific Grove and the City of Monterey just downcoast of the Monterey Bay Aquarium. Specifically, the correspondence stated that the proposed project is controversial and the LCP should be postponed until more information is known about the project. However, the LCP sets forth the parameters for which future development must meet and determining specific details of a particular project during the LCP phase is premature. The LCP as proposed includes development standards for all overnight accommodation projects with regard to height, parking, setbacks, etc. at that site, and the LCP also includes specific requirements for determining appropriate lower-cost visitor accommodations mitigation for hotel projects specifically. Any future project at the American Tin Cannery site will need to meet these LCP standards.

With respect to STRs, the IP specifies that STRs are an allowed residential use, but the proposed IP does not include the operational standards necessary to ensure that STRs do not unduly burden residential neighborhoods, which can lead to unnecessary and avoidable conflicts with neighbors. Thus, modifications are necessary in order to add appropriate standards to regulate STRs. The City has subsequently requested that the parameters set forth in their existing STR ordinance, which has not yet been approved by the Commission and is therefore not yet legally enforceable in the Coastal Zone, be included in this LCP update. These requirements include a number of appropriate standards that help minimize the impact of STRs on residential neighborhoods, including limiting the number of STRs to one per parcel, prohibiting STRs from being utilized for commercial functions (such as auctions, weddings, temporary events, etc.); limiting the number of persons allowed in each STR; and parking standards for STRs.

Moreover, a limit to the density of STRs in the Coastal Zone is also necessary in order to protect the residential character of neighborhoods. Currently, approximately 60 STRs exist inside the Coastal Zone. The City proposes to implement a 55-foot “zone of exclusion,” where no STR can be located within 55 feet of an existing STR. In more densely built residential neighborhoods, the 55-foot exclusion zone would translate to an STR being allowed every third house on a particular block. The zone of exclusion will help limit overall STR density and ensure that one particular area will not be overwhelmed with STRs and potentially lose its residential character, while still allowing for a reasonable number of STRs throughout the Coastal Zone. See page 162 of **Exhibit 3** for these suggested modifications.

As modified, the proposed IP is consistent with and adequate to carry out the low-cost visitor accommodations policies of the LUP, as amended.

J. PUBLIC SERVICES/WATER SUPPLY

The following sections of the Coastal Act are among those that pertain to the management of available water supplies:

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.*

Water Supply Background

Following severe drought conditions in the late 1970's, the Monterey Peninsula Water Management District (MPWMD) was formed to regulate water resources on the Monterey Peninsula. The MPWMD regulates the collection, storage, distribution and delivery of water within the 170-square-mile area of the district. Currently, all of the water used within the MPWMD comes from the following sources: the Carmel River, wells in the Carmel Valley, and the Seaside Groundwater Basin. The MPWMD allocates water from these sources to various water companies and smaller local jurisdictions, including the City of Pacific Grove.

The largest water distribution system in the Monterey Peninsula is operated by the California-American Water Company (Cal-Am), which provides water to nearly 95 percent of the 112,000 residents in the MPWMD. Cal-Am provides the vast majority of its water to its users through groundwater extractions and diversions from the Carmel River, including via the Los Padres Dam. Adverse impacts on the Carmel River from Cal-Am water withdrawals have been well documented[15] and are discussed in further detail below. The River, which lies within the approximate 250-square-mile Carmel River watershed, flows 35 miles northwest from the Ventana wilderness in Big Sur to the Pacific Ocean. Surface diversions and withdrawals from the River's alluvial aquifer have had significant impacts on riparian habitat and associated species, particularly in the River's lower reaches.[16] This includes adverse impacts to two federally threatened species, California red-legged frog (*Rana draytonii*), listed as federally-threatened in

[15] See, e.g. 2005 Watershed Assessment and Action Plan for the Carmel River, Carmel River Watershed Conservancy; The Carmel River Watershed Assessment and Action Plan 2016 (update to the 2005 Plan).

[16] See, for example, Instream Flow Needs for Steelhead in the Carmel River: Bypass flow recommendations for water supply projects using Carmel River Waters, National Marine Fisheries Service, June 3, 2002.

1996, and steelhead (*Oncorhynchus mykiss*), listed as federally-endangered in 1997. In particular, water diversions and withdrawals reduce the stream flows that support steelhead habitat and the production of juvenile fish, especially during dry seasons.

In 1995 the State Water Resources Control Board (SWRCB) issued Order 95-10, in response to complaints alleging that Cal-Am did not have a legal right to divert water from the River and that the diversions were having an adverse effect on the public trust resources of the River. The SWRCB found that Cal-Am has a legal right only to withdraw about 3,376 acre-feet per year (afy), and that the Cal-Am diversions were having an adverse effect on the lower riparian corridor of the River, the wildlife that depend on this habitat, and the steelhead and other fish inhabiting the River. SWRCB thus ordered Cal-Am to extract no more than a maximum of 11,285 afy from the River, and to implement measures to minimize harm to public trust resources and to reduce withdrawals. Existing withdrawals continue to have adverse effects on the coastal resources of the River, and it has not been determined what the "safe yield" of the Carmel River might be so as to assure protection of the River's habitat resources.[17]

In October 2009, SWRCB issued Order WR2009-0060, which prescribes a series of additional cutbacks to Cal-Am's pumping from Carmel River from 2010 through December 31, 2016. Specifically, it includes a schedule for Cal-Am to reduce diversions from the Carmel River, bans new water service connections, bans increased use of water at existing service connections resulting from a change in zoning or use, and establishes a requirement to build smaller near-term water supply projects. Although Cal-Am failed to cease its illegal diversions by the end of 2016, SWRCB issued Order WR2016-0016 that extended to deadline until December 31, 2021 due to Cal-Am's efforts to reduce its unlawful diversions and implement a variety of fish conservation and habitat restoration projects. The Order also recognizes that various agencies and stakeholders are actively pursuing alternative water supply projects, including desalination project options, groundwater recharge, conservation, and other options for the Monterey Peninsula, so that withdrawals from the Carmel River could be reduced or perhaps even be eliminated over time. However, although some of these projects have come to fruition, there have been significant challenges in identifying an acceptable project for all stakeholders, including one that could be successfully permitted by state and local entities.[18]

Given the state of both the Carmel River and the Seaside Basin (which is overdrafted) and the current SWRCB Orders, there is little or no water on the Monterey Peninsula to allocate for new development. Consequently, Pacific Grove (as well as Monterey County and the other cities within Cal-Am's service area) maintains a waiting list for new water connections. At this time, there is no definite timeline for a new supply of water. Cal-Am and the MPWMD are currently searching for additional water supplies and possible alternative strategies include implementation

[17] Neither Cal-Am's legal right (3,376 afy) nor the Order 95-10 maximum (11,285 afy) is meant to imply safe yield.

[18] In addition, the City of Pacific Grove has recently completed the Pacific Grove Local Water project, which is a water recycling facility that is designed to provide 125 acre-feet per year of non-potable water for irrigating the City of Pacific Grove's 18-hole golf course and parkland. The facility includes headworks/influent screening, biological treatment with a suspended growth/activated sludge process, membrane separation, UV disinfection, chlorine addition, recycled water storage utilizing the refurbished Point Pinos concrete tanks and a recycled water distribution pump station, along with ancillary improvements. The facility features advanced noise and odor controls, and has an architectural design that blends in with the surrounding community.

of groundwater injection (e.g., storage of excess water from the Carmel River in the Seaside Coastal Basin during winter months), desalinization of seawater, wastewater recycling (i.e., using reclaimed wastewater for irrigation purposes and/or groundwater injection), and additional water conservation efforts that include retrofitting or replacing water-using appliances and fixtures and drought-resistant landscaping.

Given that water is an important coastal resource, especially within the Monterey Peninsula area where water supplies are extremely limited, it is vitally important that the LUP contains policies that adequately regulate development to protect water resources. These policies must be consistent with Coastal Act policies requiring that new urban development be located in urban areas with adequate public services, and that give priority to certain types of development when public services are limited.

Wastewater Background

Wastewater treatment and disposal for Pacific Grove is provided by the Monterey One Water treatment plant (formerly the Monterey Regional Water Pollution Control Agency). The treatment plant is located two miles north of the town of Marina. Each day 21 million gallons of wastewater is processed at the plant; total plant capacity is approximately 30 million gallons per day (mgd) and the plant currently processes approximately 18.5 mgd. Additionally, Monterey One Water operates a water recycling facility and manages the distribution system under contract from the Monterey County Water Resources Agency. Sixty percent of incoming wastewater is recycled. In recent years, as much as four billion gallons of water has been delivered to farmers in the Northern Salinas Valley annually.

Land Use Plan Update Analysis

The proposed new language in the LUP update acknowledges the resource problems with the Cal-Am water supplies on the Monterey Peninsula, including the adverse impacts on resources due to Carmel River and Seaside Basin withdrawals, and subsequent SWRCB actions to curb such problems. In addition, it is imperative that projects not rely on unsustainable sources of water, such as increased groundwater from a particularly wet year, which may lead to other coastal resource impacts. As such, the proposed LUP requires new development to clearly demonstrate that there is an adequate, long-term, and sustainable water supply to serve the proposed development. In addition, the LUP requires the City to reserve a sufficient quantity of water, if available, to serve Coastal Act priority uses, including coastal-dependent, public access, and visitor-serving uses. This proposed new policy ensures not only that scarce water should be allotted to coastal priority uses, but that water allotments should also avoid adverse effects on coastal resources. Additionally, the LUP contains policies that require development to include water-conserving measures to offset additional water use as much as possible. Finally, the LUP contains policies to encourage the City to: pursue water-saving measures, utilize reclaimed wastewater, develop new sources of water, and design its infrastructure to be resilient from impacts due to sea level rise and other coastal hazards to ensure future water security. See pages 104-110 of **Exhibit 3** for the proposed policies. These policies will ensure that the existing resource impacts associated with the Cal-Am water supply are addressed, consistent with the intent of Coastal Act Sections 30250(a) and 30254.

The LUP also includes new language regarding current wastewater collection, conveyance, and treatment, and adds explicit policies that require development to demonstrate/verify that adequate wastewater services are available to support the proposed development, including an analysis of alternatives to demonstrate adequate wastewater treatment capacity. Accordingly, the proposed LUP wastewater policies are consistent with Coastal Act Sections 30250(a) and 30254 regarding public services requirements because they ensure that development must show that it will be served by adequate wastewater treatment capacities before it can be approved.

Finally, the proposed LUP includes policies designed to improve transportation and circulation, both motorized and non-motorized, through the City's coastal zone. These policies include a provision encouraging "Complete Streets" (meaning maintenance of a continuous bike path along the City's shoreline), increasing public transit options, maintaining a continuous bike path, utilizing the railroad right-of-way as a continuous recreational trail, requiring new development to provide bike racks, and preventing project to offset temporary construction related traffic impacts. These proposed new policies will ensure that future development will not lead to additional circulation impacts or concerns. As proposed, the LUP is consistent with Coastal Act Sections 30250(a) and 30254 regarding circulation and transportation.

Implementation Plan Analysis

The submitted IP also includes requirements necessary to carry out these LUP policies, including the specific information that proposed development must submit in order to determine and ensure that a proposed project will not adversely impact public infrastructure. Specifically, applications for development that has the potential to impact public infrastructure must submit a Water Supply and Conservation Plan that includes documentation that there are adequate public services, including both water and wastewater service, to serve the proposed development and includes a water conservation plan that identifies and maximizes the water-conserving fixtures, equipment, and landscaping that will be incorporated into the project. Regarding transportation, the submitted IP also requires proposed development to submit information to ensure that projects will not adversely impact traffic and circulation, including submitting plans that provide for adequate parking and temporary traffic handling plans for construction impacts. As proposed, the City's IP is consistent with and adequate to carry out the water supply, wastewater supply, and transportation policies of the LUP, as amended.

K. INTERPRETIVE GUIDANCE

Suggested modifications are also included to help clarify how certain terms should be interpreted. Specifically, suggested modification are included to state that the terms "should" and "may" should be interpreted as mandatory, unless there is a compelling reason to do otherwise. Staff believes that such interpretive guidance is necessary and helpful to provide the City with the discretion to require such discretionary standards. For example, LUP Policy BIO-24 states that development within Asilomar dunes "should" be clustered. LUP Policy DES-8 states that lighting along walkways "should" be mounted on low bollards or ground buttons. In both examples staff believes that requiring such standards in most cases would be appropriate and thus should be required absent some other compelling reason, and that the suggested modifications provide the appropriate direction to understand how to make such determinations.

Without the suggested interpretive language stating that the language is mandatory in most cases (absent some other compelling reason), the City may not interpret and apply the language in a consistent manner, and may choose to not apply it for unspecified reasons. Both examples also recognize that there may be valid reasons not to apply the standards in specific cases, such as if clustering development would cause development to be located in areas that contain sensitive species or low lighting would create a safety hazard. The suggested guidance still allows the City discretion to provide for deviations from certain policies in specific cases, but simply requires the City to find a valid reason to do so.

L. CDP REQUIREMENTS, PROCEDURES, AND ANALYSIS OF PROPOSED IP

The Commission may only reject a proposed IP submittal if it does not conform with or is inadequate to carry out the Land Use Plan (Section 30513). When the Commission is considering both an LUP and an IP amendment at the same hearing, and the Commission approves the LUP amendment, the standard of review is whether the IP conforms with and is adequate to carry out the newly certified LUP.

In this case and as explained in more detail in the sections above, the proposed IP elements are similar to the proposed LUP, with the exception of several implementing standards that are not in the LUP, including the necessary findings, application requirements, and specific reports that must be included when applying for and processing a CDP (for ESHA, wetlands, hazards, public viewshed identification, archaeological resources, public access management, etc.). Although IP documents often include separate zoning requirements, in this case the LUP includes robust and detailed land use designation policies and standards that are adequate to address issues that typically would need greater specificity in IP zoning ordinances. Additionally, the City's current municipal code ordinance is subject to certain voter initiatives that are inconsistent with the 1989 LUP's land use designations and the land use designations as currently proposed. For example, the City's municipal code ordinance allows for residential uses in areas of the City that are currently designated exclusively for visitor-serving and visitor-accommodation uses. If the existing code were included in the IP, the zoning ordinance could not be found consistent with the LUP and the City would be unable to modify certain sections of the zoning ordinance without a vote of the people. Therefore, if a modified zoning ordinance were included in the LCP, the LCP likely could not be fully certified without a public vote.

Thus the most feasible option for full certification is to utilize the proposed land use designations and keep the City's existing municipal code outside of the LCP context. In other words, projects proposed within the coastal zone would be subject to both LCP requirements for the issuance of CDPs and municipal code requirements for other local discretionary permit purposes, much the same way projects have been analyzed since the Coastal Act was passed (except that such projects were subject to Coastal Act Chapter 3 requirements, rather than LCP requirements since the City has no certified LCP yet). The City has previously analyzed projects for municipal code consistency when issuing local permits and the Commission has analyzed projects for Coastal Act and LUP consistency when issuing CDPs. The main difference moving forward is that the City would now be responsible for ensuring consistency when issuing both local permits and CDPs.

The only remaining issue is the adequacy of the implementing details in the IP with respect to CDP procedures and requirements. The IP as proposed is largely consistent with the procedures, requirements, and CDP exemptions detailed in the Coastal Act and its implementing regulations. Minor modifications to ensure full consistency with respect to CDP exemptions, required public notice, ensuring the Commission's Executive Director concurs with proposed de minimis CDP waivers, and clarifying the Commission's continued role in enforcing the requirements of LCP and Coastal Act are necessary. A suggested modification regarding the replacement of structures destroyed by natural disasters make clear that replacement of a structure *that does not conform to all LCP policies* is not exempt from CDP requirements. The suggested modification is necessary to ensure consistency with Coastal Act Section 30610 and Section 13252 of the Commission's regulations which state the same thing. The suggested modification does not state that replacement of such structures is prohibited (or that a CDP is required to replace a LCP conforming structure which is destroyed by a natural disaster), but simply states that a CDP is required, as is specified by the Coastal Act for such situations. See pages 123, 128-138 of **Exhibit 3** for the proposed modifications.

Because the proposed IP, as modified, mostly mirrors the proposed LUP update, it does not raise issues of consistency with the new LUP as amended. The additional standards included in the IP are intended to add detail and specificity that will guide implementation of the policies in the LUP, and will include the procedures for processing CDPs. In other words, the proposed IP, if modified as suggested, does not introduce any standards or requirements that are different and/or that did not emanate from the new LUP as amended. As such, the IP, if modified as suggested, is in conformance with and adequate to carry out the new LUP as amended.

M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are *not* required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City, acting as lead CEQA agency, found the proposed LUP amendment and IP submittal to be statutorily exempt (under Public Resources Code 21080.5 for the development of a state agency required regulatory program)

The Coastal Commission is *not* exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, including relating to coastal hazards, biological resources and environmentally sensitive habitat areas, water quality and marine resources, land uses and development standards, archeological and historic resources, visual and scenic resources, public services and circulation, and public access and recreation. All above findings are incorporated herein in their entirety by reference. The Commission concludes that approval of the proposed

LUP amendment and proposed IP with the modifications suggested is not expected to result in any significant adverse environmental effects, including as those terms are understood in CEQA. Thus, it is unnecessary for the Commission to suggest additional modifications (including through alternatives and/or mitigation measures) as there are no additional significant adverse environmental effects due to approval of the proposed LUP amendment and proposed IP as suggested to be modified that would necessitate such changes.

The Commission has included suggested modifications to the LUP Amendment and IP submittal that would ensure that they are each consistent with Coastal Act requirements. There are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed LUP amendment and IP submittal, if modified as suggested, will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS[19]

- *Final Background Report - Pacific Grove Local Coastal Program Update*, EMC Planning. January 12, 2015.
- *City of Pacific Grove Climate Change Vulnerability Assessment*, EMC Planning. January 12, 2015.

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- City of Pacific Grove
- National Oceanic and Atmospheric Administration - Monterey Bay Marine Sanctuary
- Bureau of Land Management – Central Coast Field Office
- California State Parks – Asilomar State Beach and Conference Grounds
- Ohlone/Costanoan-Esselen Nation
- Stanford University and Hopkins Marine Station
- Monterey Bay Aquarium
- Monterey Audubon Society
- Asilomar Dunes Neighborhood Association
- Hayward Lumber
- Cannery Row Company
- First Carbon Solutions
- Comstock Homes

[19] These documents are available for review in the Commission's Central Coast District office.

Attachment B

CCC-approved Local Coastal Program

November 2019

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1.0

INTRODUCTION

1.1 PACIFIC GROVE LAND USE PLAN

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

The Local Coastal Program (LCP) governs land use and development in the Pacific Grove Coastal Zone. The LCP takes effect after the California Coastal Commission certifies that this Land Use Plan conforms to the requirements of Chapter 3 of the California Coastal Act and that the accompanying Implementation Plan conforms with and carries out the provisions of the Land Use Plan. After certification, the LCP becomes the legally binding standard of review for evaluating Coastal Development Permit applications for development within most of the Pacific Grove Coastal Zone. It also becomes the coastal element of the Pacific Grove General Plan.

Pacific Grove's Coastal Zone is comprised of approximately 458 acres of land as shown on Figure 1, Coastal Zone and Planning Areas. The Coastal Zone also extends offshore three nautical miles from the mean high tide line, and the Coastal Commission retains jurisdiction in that area. With minor exceptions, development within that zone requires issuance of a Coastal Development Permit. Development

includes activities such as the construction of buildings, divisions of land, and some uses of land that change the intensity of use or public access to coastal waters. The Coastal Act can be found at §30000 et seq. of the California Public Resources Code.

The Coastal Commission certified the predecessor of this Land Use Plan, Pacific Grove's 1989 Coastal Land Use Plan; however, Pacific Grove had not previously finalized or received certification of an Implementation Plan. Therefore, the City lacked a completed Local Coastal Program, and permitting authority under the Coastal Act in Pacific Grove's Coastal Zone remained with the Coastal Commission.

1.2 California Coastal Act

In 1972 California voters approved a ballot initiative known as Proposition 20 ("The Coastal Initiative"), establishing the California Coastal Commission and six regional commissions. The charge of these commissions was to implement state policies in the Coastal Zone through the exercise of permit authority. Concurrently, the commissions were to prepare a comprehensive Coastal Plan "to preserve, protect, and where possible, to restore the resources of the Coastal Zone for the enjoyment of the current and succeeding generations." The Coastal Plan, completed in late 1975, served as the basis for permanent coastal legislation.

The permanent coastal legislation was initiated in 1976 when the state legislature passed the California Coastal Act of 1976 (Coastal Act). The Coastal Act requires each coastal city and county to prepare a Local Coastal Program that establishes the kind, location, and intensity of land and water uses appropriate to its portion of the Coastal Zone and consistent with state coastal policies, as well as the resource protection standards that such development must meet. In this way, the Coastal Act creates a partnership between local government and the state Legislature to implement broad state policies in the precise manner adopted by the local government and certified by the Coastal Commission. The Coastal Act is part of the state's Public Resources Code, beginning at §30000. Local Coastal Program policies and standards are intended to reflect and carry out the broad coastal resources planning and management policies contained in Chapter 3 of the Coastal Act (Public Resources Code §30200). The basic goals of the Coastal Act, as stated in Public Resources Code §30001.5, are to:

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

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

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

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

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

~~In carrying out its policies, the Coastal Act requires that "conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." (Public Resources Code section 30007.5) Further clarification of conflict resolution as it applies to issues of access versus natural resources protection is found in the following section:~~

~~CALIFORNIA COASTAL ACT SECTION 30214~~

~~(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:~~

~~(1) Topographic and geologic site characteristics.~~

~~(2) The capacity of the site to sustain use and at what level of intensity.~~

~~(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.~~

Figure 1: Coastal Zone and Planning Areas

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
Coastal Zone and Planning Areas

City of Pacific Grove Land Use Plan

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

1.3 Pacific Grove Local Coastal Program

A central feature of the Coastal Act is the transfer to local governments of most permitting authority vested in the Coastal Commission by the Coastal Act until adoption and certification of a Local Coastal Program. The Local Coastal Program consists of a local government's land use plans, zoning ordinance, zoning district maps, other ordinances, and implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act at the local level. Each Local Coastal Program will reflect the coastal issues and concerns of the local jurisdiction and must be consistent with the statewide policies of the Coastal Act. The adopted and certified Local Coastal Program becomes the legal standard of review for the issuance of Coastal Development Permits within the City's Coastal Zone. Certification by the Coastal Commission will result in the transfer of the primary authority to issue Coastal Development Permits to the local government, with the Coastal Commission retaining jurisdiction on appeal within designated appealable areas, as well as retaining permit issuing authority over development within tidelands, submerged lands, and public trust lands, whether filled or unfilled, and out to a distance of 3 nautical miles from the mean high tide line.

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

An LCP consists of two parts, a Land Use Plan and Local Implementation Plan.

1.3.1 Land Use Plan

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

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

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

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

1.3.2 Implementation Plan/Zoning Ordinance

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

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

The Implementation Plan includes relevant portions of the zoning code applicable to the Coastal Zone and other programs needed to carry out the goals, policies, and land use designations of the Land Use Plan. The document lists allowable land uses for each land use designation~~zoning district~~, implements appropriate height, mass, and setback requirements for development, and specifies the coastal resources protection standards that allowable development must meet, all of which must be based upon Land Use Plan policies. ~~The Implementation Plan also contains~~

~~zoning maps that show which zoning rules apply to each lot.~~ In addition, it contains procedural requirements that govern the types of projects requiring a Coastal Development Permit, how a Coastal Development Permit can be obtained, and the opportunities for public participation in Coastal Development Permit review. The City of Pacific Grove's Implementation Plan is found in Chapter 23.90 of the Pacific Grove Municipal Code.

1.3.3 Coastal Parks Plan

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

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

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

Photo by Jean Anton 2015

1.4 Land Use Plan Organization and Supporting Documents

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

- Natural Systems and Resource Management
- Built Environment

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

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

Two reports were prepared to support the Land Use Plan in 2015, the *Final Background Report – Pacific Grove Local Coastal Program Update* (Appendix A) and the *Final City of Pacific Grove Climate Change Vulnerability Assessment* (Appendix B). Reports previously prepared for the City regarding archaeological resources, biological resources, and traffic and parking were also utilized to help inform Land Use Plan policy development. These documents are on file for review at the City of Pacific Grove Community and Economic Development Department and the Pacific Grove Public Library.

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

Additionally, any interpretation of its policies must be consistent with the coastal resources planning and management policies of the Coastal Act. Furthermore, the following rules of interpretation shall apply:

1. When used in the Land Use Plan, the words "shall," "must," "will," "is to," and "are to" are always mandatory;

2. "Should" and "may" are mandatory, unless there is a compelling reason to do otherwise; and

3. "Including" means ". . . including but not limited to. . ."

1.5 Relationship of the Local Coastal Program to Other Plans and Laws

The Local Coastal Program is an element of the Pacific Grove General Plan. Within the Coastal Zone area of the City, the Local Coastal Program shall take precedence over the General Plan and its other elements where policies conflict. When the Local Coastal Program is silent, such as concerning the subject of noise, appropriate elements of the General Plan are in force, but shall not be used as a standard of review for Coastal Development Permits. In reviewing or carrying out projects outside the Coastal Zone, the City will consider the effect of such projects or actions on Coastal Zone resources in order to ensure that the policies of the Local Coastal Program are achieved.

1.5.1 Citizen Initiatives Affecting Planning

Several provisions have become part of the City's Zoning Ordinance through the initiative process that affect the Coastal Zone. Many initiatives have been passed since 1948 that restrict certain types of multiple-unit developments, the development of motels and hotels, the use of George Washington Park, and the rezoning of land zoned either Unclassified "U" or Open Space "O". While these types of citizen initiative restrictions are not a part of the Local Coastal Program and shall not be used as a standard of review for coastal development permits, the City may be bound by such restrictions when issuing other discretionary local permits, such as a use permit. ~~Citizen initiatives affect the O, U, R-3-M and C-V-ATC zoning districts within the Coastal Zone While zoning districts and their standards are typically included in Local Coastal Program Implementation Plans, they will not be included herein due to potential inconsistencies between the standards included in the initiatives and the policies of the Land Use Plan.~~

~~The Coastal Act Section 30513 requires that Implementation Plans conform with, and be adequate to carry out, the provisions of the Land Use Plan. The zoning districts bound by citizen initiatives contain inconsistencies with various land use designations and provisions in the Land Use Plan. For example, the *Visitor Commercial* land use designations allows for commercial uses that serve coastal visitors, but does not allow for residential uses in the Coastal Zone. In Pacific Grove, certain properties currently developed with motels are zoned *R-3-M (Multi-Family Residential/Motel)* and designated *Visitor Commercial* in the Land Use Plan. The *R-3-M* zoning district allows residential uses which are inconsistent with the corresponding Land Use Plan designation of *Visitor Commercial* and therefore cannot be found consistent with the Coastal Act. To address this inconsistency issue between the Land Use Plan and the Implementation Plan, zoning districts are omitted from the Implementation Plan and Community Design standards are used instead. By doing so, the will of the voters is preserved, and the Land Use Plan and Implementation Plan may be found consistent and in conformance with the Coastal Act.~~

1.6 Relationship of Citizen Volunteer Groups to This Land Use Plan

Since its incorporation in 1889, Pacific Grove has been a city of citizen volunteers dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. Citizens volunteer to serve on the City's boards, committees, and commissions, often with coastal stewardship as a goal. Citizens also support local organizations dedicated to preservation of the City's natural and developed resources, such as the Pacific Grove Museum of Natural History established in 1883, is renowned for its tradition of hands-on science education and nature preservation for the central coast of California, and the Heritage Society of Pacific Grove, formed in 1975 fosters an appreciation of the city's historical and architectural resources through preservation activities and public education. The Heritage Society assists the City in evaluating properties for their historical qualities

1.6.1 Monitoring Birdlife

City volunteers assist in carrying out the goal of maintaining and restoring the overall quality of the Coastal Zone environment. This includes a multi-year project of monitoring Black Oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community. Black Oystercatchers are shorebirds that are dependent on rocky intertidal shorelines, and they inhabit Pacific Grove's intertidal zone. They have nesting territories along the full length of the coastline and are permanent residents during the entire year with no regular

migration. Black Oystercatchers nest on rocky islands falling under the jurisdiction of the Bureau of Land Management, and also on the shore side rocky coast within the City's jurisdiction, where they are impacted by human use and potential rising sea levels.

The City has partnered with the Audubon Society and the Bureau of Land Management to boost Black Oystercatcher monitoring by volunteers who first undergo training in the specifics of collecting data about these birds. The volunteers also collaborate with the U.S. Fish and Wildlife Service which initiated a major effort to identify the distribution and abundance of Black Oystercatchers, determine their reproductive success, and assess habitat and habitat threats in order to determine recommended actions for the long-term success of the California population. The Black Oystercatcher was selected as a U.S. Fish and Wildlife Service Focus Species for priority conservation action because of its small population size, restricted habitat, and threats to its habitat from human and natural factors. The monitoring efforts also benefit other birdlife such as Black Turnstone, Surfbird, and Wandering Tattler through proactive coastal stewardship, which furthers numerous biological resources and environmentally sensitive habitat policies in this Land Use Plan.

An adult Black Oystercatcher with its two chicks in the harbor seal rookery at Hopkins Marine Station. The Black Oystercatcher is a charismatic bird that feeds and nests on the shores of Pacific Grove. Pairs establish territories that they defend vigorously. Pacific Grove citizen volunteers monitor their nesting success after being trained in a program coordinated by the Pacific Grove Museum of Natural History. Photo by Kim Worrell

1.6.2 Marine Mammals

Pacific Grove's location at the southwest tip of Monterey Bay provides the opportunity to observe a variety of resident and migratory marine mammals from the shoreline or from boats. Humpback whales, Gray whales, dolphins, Southern sea otters, sea lions and Harbor seals are the most common sightings. Blue whales and Orcas also visit the area waters. A year-round

colony of harbor seals located at a pocket beach and cove on the southwest side of Cabrillo Point, the site of Hopkins Marine Station, is one of the most popular natural marine resources.

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

1.6.3 Point Pinos Lighthouse

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

1.6.4 Monitoring Water Quality

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

1.6.5 Intertidal Zone Monitoring

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

CSU Monterey Bay students monitoring the intertidal in the LiMPETS program at Point Pinos. Photo by John Pearse.

1.7 Former Pacific Grove Mayor Julia Platt the Embodiment of the Spirit of This Land Use Plan

Pacific Grove is proud to carry on the legacy of Dr. Julia Platt, a legacy that goes back to 1899 when Dr. Platt arrived in Pacific Grove. Dr. Platt, then 42 years old, settled in Pacific Grove and worked tirelessly to improve the community by beautifying and providing access to the City's coast and protecting it from commercial overfishing and pollution. She opened up Lovers Point

beach to the public, established Lovers Point Park, and provided the still unused plans for a park on the shore of Ocean View Boulevard between Asilomar and Acropolis Avenues. Her plan is included in the 2012 Point Pinos Trail Project. The plan was created by volunteer members of the Coastal Trail Improvement Subcommittee of the Pacific Grove Recreation Board, Historic Resources Committee, and Traffic Safety Commission.

As mayor from 1930 to 1932, Dr. Platt was instrumental in establishing in 1931 the Pacific Grove Marine Gardens and the Hopkins Marine Life Refuge offshore of today's Coastal Zone Areas I to IV-A. Today, three State Marine Protected Areas adjoin the coast of Pacific Grove:

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

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

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

From Monterey Public Library, History Room Archive.

1.8 Pacific Grove Coastal Zone

For Coastal Act purposes, the Coastal Zone is the geographic area in which the policies of the Coastal Act apply. It is defined by Public Resources Code §30103 and is shown on a set of maps prepared and certified by the California Coastal Commission. The Coastal Zone extends

offshore three nautical miles from the mean high tide line, and the Coastal Commission retains jurisdiction in that area. The Coastal Zone also extends landward a variable distance, and changes to its boundary are made only by the state legislature, except for certain minor adjustments.

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

Bureau of Land Management (BLM) managed lands of the California Coastal National Monument are located within the Coastal Zone off the shore of Pacific Grove as shown on Figure 2, Protected Areas. President Clinton established the California Coastal National Monument by Presidential Proclamation No. 7264 on January 11, 2000 under the authority of the Antiquities Act (16 U.S.C. 431-433). This national monument includes all rocks, small islands, exposed reefs, and pinnacles above water at mean high tide off-shore of Pacific Grove.

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

Figure 2: Protected Areas

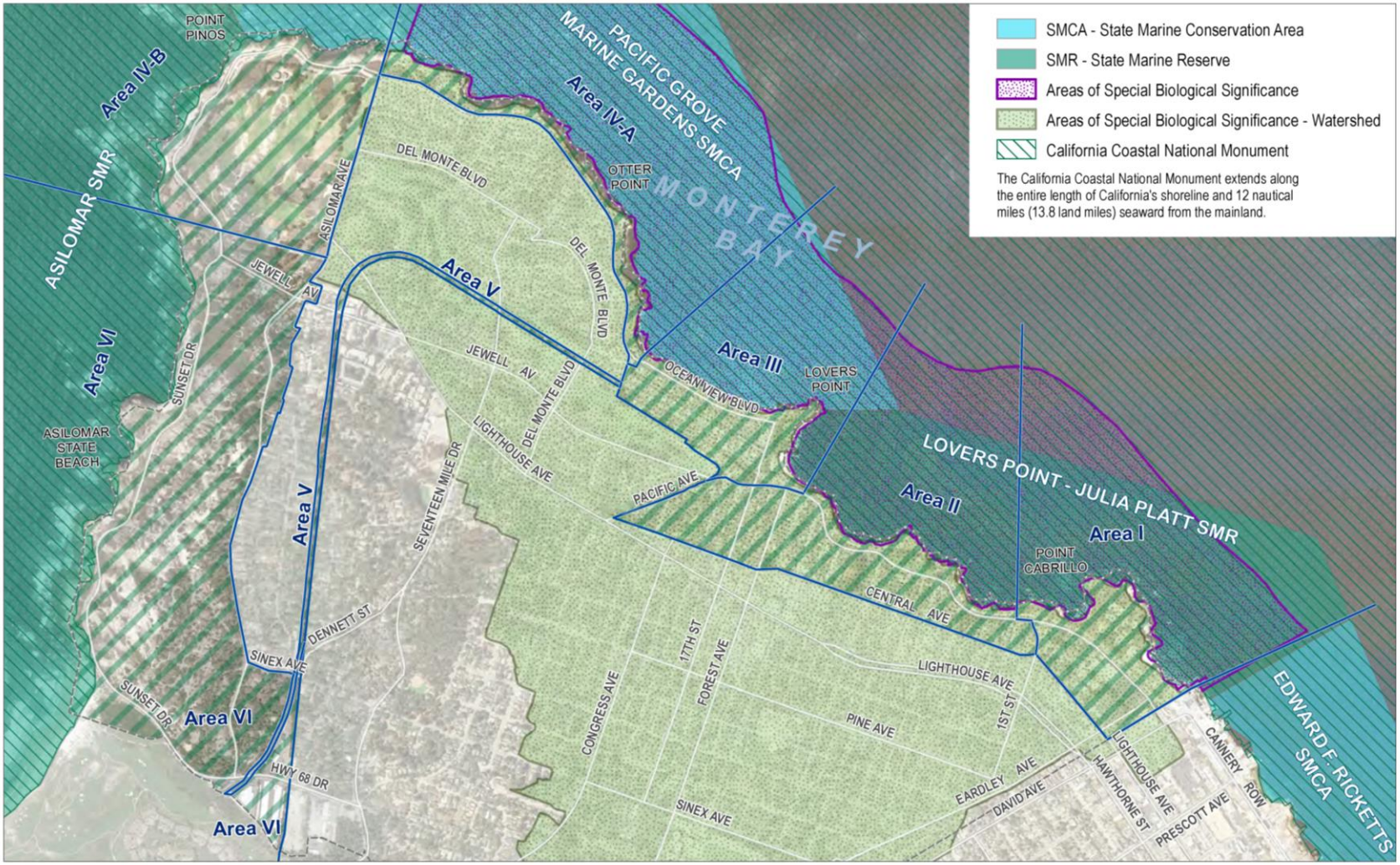


Figure 2

Protected Areas

City of Pacific Grove Land Use Plan

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

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

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

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

1.9 Coastal Development Permits

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

Review and Appellate Authority

The permitting process under a certified Local Coastal Program enables the City to issue Coastal Development Permits per review authority procedures offset forth in the Implementation Plan. The Coastal Commission has appellate authority in certain areas and for certain types of development. In general, the Coastal Commission requires that all opportunities for local appeal be exhausted, prior to filing an appeal with the Coastal Commission unless the City charges an appeal fee, in which case an appellant may file an appeal of an approval directly with the Coastal Commission. Any policy in the Local Coastal Program that refers to the City or otherwise conveys discretionary authority to the City would also be applicable to the Coastal Commission when taking an action on a Coastal Development Permit that has been appealed.

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

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

1.10 Terminology Used in the Land Use Plan

The following terms are used in this Land Use Plan:

- **Armor:** To fortify a structure or topographical feature to protect it from the effects of wave action, erosion and other natural forces (e.g., constructing a wall to armor the base of a sea cliff), or to construct a feature (e.g., a seawall, dike, or levee) to protect other resources (e.g., development or agricultural land) from flooding, erosion, or other hazards. The term

soft armoring refers to a non-permanent, relatively short-term armoring (e.g., temporary sand bags, vegetated berms).

- **Best Management Practices (BMPs):** The methods, measures, and practices selected and designed to reduce or eliminate pollutants in storm water runoff, and/or to minimize changes in runoff flow characteristics resulting from development.
- **Clustered development:** The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.
- **Coastal Act:** The California Coastal Act of 1976, California Public Resources Code §30000 et seq., as amended.
- **Coastal Dependent Use:** Any development, or use that requires a site on, or adjacent to, the ocean to function.
- **Coastal hazard:** Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, coastal flooding, landslides, bluff and geologic instability, and the interaction of same, and all as impacted by sea level rise.
- **Coastal Development Permit:** A permit granted for development undertaken on land or in water in the Coastal Zone in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development of a specific use on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable), subject to compliance with any conditions of approval imposed on the permit.
- **Coastal resources:** A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including the ocean, beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual resources. Coastal resources also include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal-related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.), and their related corridors, water bodies (e.g. wetlands, estuaries, lakes, etc.), and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.
- **Coastal Zone:** That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in

Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with §66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

- **Designated:** Officially assigned a specified status or ascribed a specified name or quality to.
- **Development:** The term "development" is defined in the Coastal Act and is synonymous with "new development." The term is broadly defined to include (among others) proposed construction of buildings, or divisions of land. Specifically, in compliance with Public Resources Code §30106, "development" means "on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting."
- **Environmentally Sensitive Habitat Area (ESHA):** Any area of land or water in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resource Code §30107.5).
- **Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

- **Implementation Plan (IP):** Includes coastal resource protection standards that conform with and carry out the Land Use Plan. Effective standards and procedures ensure that the objectives of the Land Use Plan are achieved.

- **Land Use:** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

- **Land Use Plan (LUP):** The Land Use Plan is defined as "the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions." (Public Resource Code §30108.5)

- **Local Coastal Program (LCP):** An LCP is a program for the use of property within the Coastal Zone. An LCP includes "the Land Use Plan, land use regulation maps, and specific implementing regulations such as coastal resource protection standards, which have been adopted by the local government and certified by the California Coastal Commission to implement the provisions and policies of the Coastal Act by the local governments." (Public Resource Code §30108.6).

- **Major energy facility:** Any energy facility as defined by Public Resources Code §30107 and Title 14 California Code of Regulations Section 13012, and exceeding $277,033 ~~one hundred thousand dollars~~ in estimated cost of construction as of 2019 with annual increases in accordance with the Engineering News Record Construction Cost Index.

- **Major public works project:** Any public works project as defined by Public Resources Code Section 30114 and Title 14 California Code of Regulations §13012 and exceeding $277,033 ~~one hundred thousand dollars~~ in estimated cost of construction as of 2019 with annual increases in accordance with the Engineering News Record Construction Cost Index.

- **Major structural components:** The components that hold a structure upright, including the foundation, floor framing, exterior wall framing and roof framing of a structure.

- **Major vegetation:** Within Pacific Grove, major vegetation includes ~~A~~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, and native vegetation of any kind within Environmentally Sensitive Habitat Areas.

- **Mean High Tide Line**: The statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations

covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to mean value by comparison with observations made at some suitable located control tide station.

- **Mean Sea Level**: The 19-year average height of the surface of the sea for all stages of the tide, usually determined from hourly height readings (see National Geodetic Vertical Datum of 1929).

- **National Geodetic Vertical Datum of 1929 (NVGD)**: A fixed reference for elevations, equivalent to the 1929 Mean Sea Level Datum. The geodetic is fixed and does not take into account the changing stands of sea level. NGVD should not be confused with mean sea level.

- **Non-conforming structure (outside of Asilomar Dunes Residential Area):** A structure that was lawfully erected, but which does not currently conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of the LCP or by reason of annexation of territory to the City or by natural changes to the landscape or landform such as erosion.

- **Non-conforming use (outside of Asilomar Dunes Residential Area):** An ongoing use of a structure or land that was lawfully established and maintained according to land use requirements that were in effect when the use was initiated, but which does not currently conform to the use regulations or required conditions for the land use designation in which it is located. Each of the following constitutes a non-conforming use:

  - The use is specifically prohibited or is not identified and interpreted to be a permitted or conditionally permitted use of the land use designation in which the use is located.

  - The use does not provide the number of parking spaces currently required, but provides the number of spaces required when the use was first lawfully established.

  - The use does not have an entitlement required to establish the existing use, where the use was established before the requirement was enacted.

- **Non-conforming Asilomar residential development:** Residential development on parcels within the Asilomar Dunes Residential Area that was legally permitted and in conformance with all applicable laws in effect at that time, but does not currently conform with all applicable current Asilomar Dunes Residential Area LCP policies and standards.

- **Pacific Grove Retreat or "Retreat":** The area located between Pacific Avenue to the west and Dewey Avenue at the east, and north of Central Avenue. The boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone.

- **Public access:** The right or privilege of citizens to visit or view an area or resource.

- **Public scenic view area:** An area, ~~seaward of the first public road~~including ~~-~~as mapped on Figure 4, that provides the public at large with views of the beach and ocean, coastline, dunes and other unique natural features or areas.

- **Public scenic view point:** A location along public highways, roads, street ends, beaches, parks, coastal trails and accessways, including as mapped on Figure 4, that provides the public at large with views of the beach and ocean, coastline, dunes and other unique natural features or areas.

~~- **Redevelopment Conformance Trigger:** For development located within potentially hazardous shoreline areas or sensitive habitat areas, a structure shall be considered redeveloped, whereby the entire structure and all development on the site must be made to conform with all applicable LCP policies, when such development consists of:~~

~~Alteration of 50% or more of the major exterior structural components, including walls and roof structure of such development. (Replacement of structural components required to bring existing structures up to current building code shall not count toward the calculation of alterations.)~~

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

~~Alterations are not additive between individual major exterior structural components, whereby the percentage of alteration of one type of structural component (e.g. roof) shall not be added to the percentage of alteration of another type of structural component (e.g. exterior wall framing) when calculating the percentage of total alteration. Alterations to individual major exterior structural components are cumulative over time from the date of certification of the LCP.~~

~~Development that does not meet the Redevelopment Conformance Trigger shall be subject to the rules in effect in the municipal code. Ordinary maintenance and repair is exempt.~~

- **Sea Level Rise:** Gradual and long-term elevation of sea level can change, both globally and locally, due to (a) changes in the shape of the ocean basins, (b) changes in the total mass of water and (c) changes in water density. Factors leading to sea level rise under global warming include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean measured over time at established/representative local

tidal gauges relative to the land, which might be due to ocean rise and/or land level subsidence.

- **Sensitive coastal resource areas:** An area in which the coastal resources, including scenic qualities and the views of scenic landscapes, and/or biological resources, are considered especially valuable.

- **Shoreline protective device:** Constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads built in a way that ~~for the purpose of~~ protects~~ing~~ land or structures or other features against sea level rise, erosional forces and other coastal hazards.

- **Significant environmental impact (significant adverse impact on the environment):** A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, 14 California Code of Regulations §15382).

- **Special Community:** An area that due to its unique characteristics is an important resource to the community and make the area a popular destination for visitors consistent with the intent of Public Resource Code §30253(e).

  - **Stream**: ~~A natural watercourse~~ Any stream mapped by USGS.~~designated by a solid blue line or other symbol on the USGS 7.5 minute quadrangle series map.~~ The bank of the stream shall be field verified and generally defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel~~upward slope at the outer line of the stream channel~~ which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measures from the line closest to the stream where riparian vegetation is permanently established.

- **Tide**: The periodic rising and falling of the water that result from gravitational attraction of the moon and sun, and other astronomical bodies, acting upon the rotating earth. The California coast has a mixed tidal occurrence, with two daily high tides of different elevations and two daily low tides, also of different elevations. Other tidal regimes are diurnal tides, with only one high and one low tide daily, and semidiurnal, with two high and two low tides daily, with comparatively little daily inequality between each high or each low tide level.

- **Tidelands:** All lands which are located between the lines of mean high tide and mean low tide.

- **Wetland:** Defined by §30121 of the Coastal Act as "lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." The definition of wetland is further detailed by §13577 (b)(1) of the California Code of Regulations as land where "the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats."

2.0

Natural Systems and Resource Management

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

1. Coastal Hazards (HAZ);
2. Water and Marine Resources (MAR);
3. Scenic Resources (SCE); and

4. Biological Resources and Environmentally Sensitive Habitat Areas (BIO).

2.1 COASTAL HAZARDS (HAZ)

2.1.1 Background – Coastal Hazards and Sea Level Rise

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

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

The geologic foundation of the entire Monterey Peninsula is a granitic rock called granodiorite overlain by marine terrace deposits. The marine terrace deposits are typically between 2 and 12 feet thick and capped by topsoil. The marine terrace deposits general consist of uncemented, friable, thinly laminate to thickly bedded silty very fine to coarse grained sand with pebbles and cobbles. The upper six inches to four feet of the marine terrace deposits are dark brown and clay rich due to topsoil. The base is generally marked in spots by a cobble and pebble rich deposit where the terrace deposits rest on top of the wave-cut platform. The contact between the granodiorite rock and marine terrace deposits typically has a seaward gradient. The terrace deposits exposed in the upper bluff are extremely erodible and unstable. When ocean wave run up impacts the terrace deposits, they erode, particularly near the base. That process undermines the terrace deposits and the upper terrace deposits slump downward onto the bedrock platform.

The granodiorite rock is sturdy in earthquakes, resists waves, and generally breaks up into sand and gravel rather than mud so the water is clear. The upper portion of the granite is highly weathered and portions are prone to erosion. At depth the granite is less weathered and is very erosion resistant. Pacific Grove's Coastal Zone also includes areas of sand dune on the Asilomar coast, and marine terrace deposits along both the bay and ocean shores. There are rock bluffs

consisting of bedrock that is slowly eroding and decomposing, which separates the exposed rocky shore and beaches from the coastal terrace and dune landforms immediately inland. There are also rock outcrops and promontories, boulders, offshore sea stacks, and a string of islets off of point Pinos, all of which contribute to an extraordinarily scenic coastline. The granodiorite erodes very slowly, replenishing the sand supply which is not fed by the littoral drift that disperses into other beaches on the southern shore of Monterey Bay.

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

The exposed granite rock mass at the Pacific Grove shoreline is generally erosion-resistant, except for localized erosion where wave action at faults can break the rock. This fracturing is minimal both on the City's northeast shoreline along Monterey Bay, due to its orientation away from the predominantly northwest direction of the waves; and on the Asilomar coastline along the open ocean, due to the many off-shore reefs that dissipate the wave energy. The most rapid erosion along the shoreline has occurred in the natural coastal terrace deposits and midden, and various areas of rock and soil fill. A combination of ground squirrel and other animal activities; wave and tidal action; stormwater runoff and heavy pedestrian use has resulted in localized shoreline erosion sometimes affecting trails, bluffs, parking lots, and even the road. The City has historically sought to remedy this problem through a sea wall and rip rap revetment construction program and other shoreline armoring. As a result, the natural and scenic 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 the Monterey Bay Aquarium at the City's eastern boundary.

While bluff erosion along the Pacific Grove shoreline has generally been a localized problem, the winter storms of 1982-83 resulted in extensive damage. Rip rap revetments were washed out, storm drains were damaged, and parking areas were destroyed by the strong waves from these storms. Except for Hopkins Marine Station, a portion of the Monterey Bay Aquarium, two single family residences, and sewer pumping stations, the immediate shoreline area is used predominately for open space recreational purposes.

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

The Herald

FLOODS BUT NO BLACKOUTS

Chao is Labor choice

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

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

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

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

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

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

The best available and most recent scientific information with respect to the effects of long-range sea level rise, including the coastal hazards analysis identified in the *Background Report* and *Climate Change and Vulnerability Analysis*, must be considered in the preparation of findings and recommendations for all geologic, geotechnical, hydrologic, and engineering investigations. Furthermore, the City will continue to consider the findings of future scientific studies that increase and refine the body of knowledge regarding potential sea level rise and coastal hazards in Pacific Grove and along the Monterey Bay, and possible responses to it. Additionally, the City may utilize the variety of academic institutions and non-governmental organizations in the region with expertise in climate change such as the University of California Santa Cruz, California State University Monterey Bay, Naval Postgraduate School, Middlebury Institute for International Studies at Monterey, Stanford-Hopkins Marine Station, Stanford-Center for Ocean Solutions, the Nature Conservancy, and the Monterey Bay Aquarium, to assist the City with data collection and research regarding the potential impacts of climate change and possible adaptation responses. Also, data from the Monterey Tide Gauge (NOAA Station 9413450) which was installed in 1973 can be utilized to report local sea levels and track sea level rise.

2.1.2 Coastal Act Policies – Coastal Hazards and Sea Level Rise

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

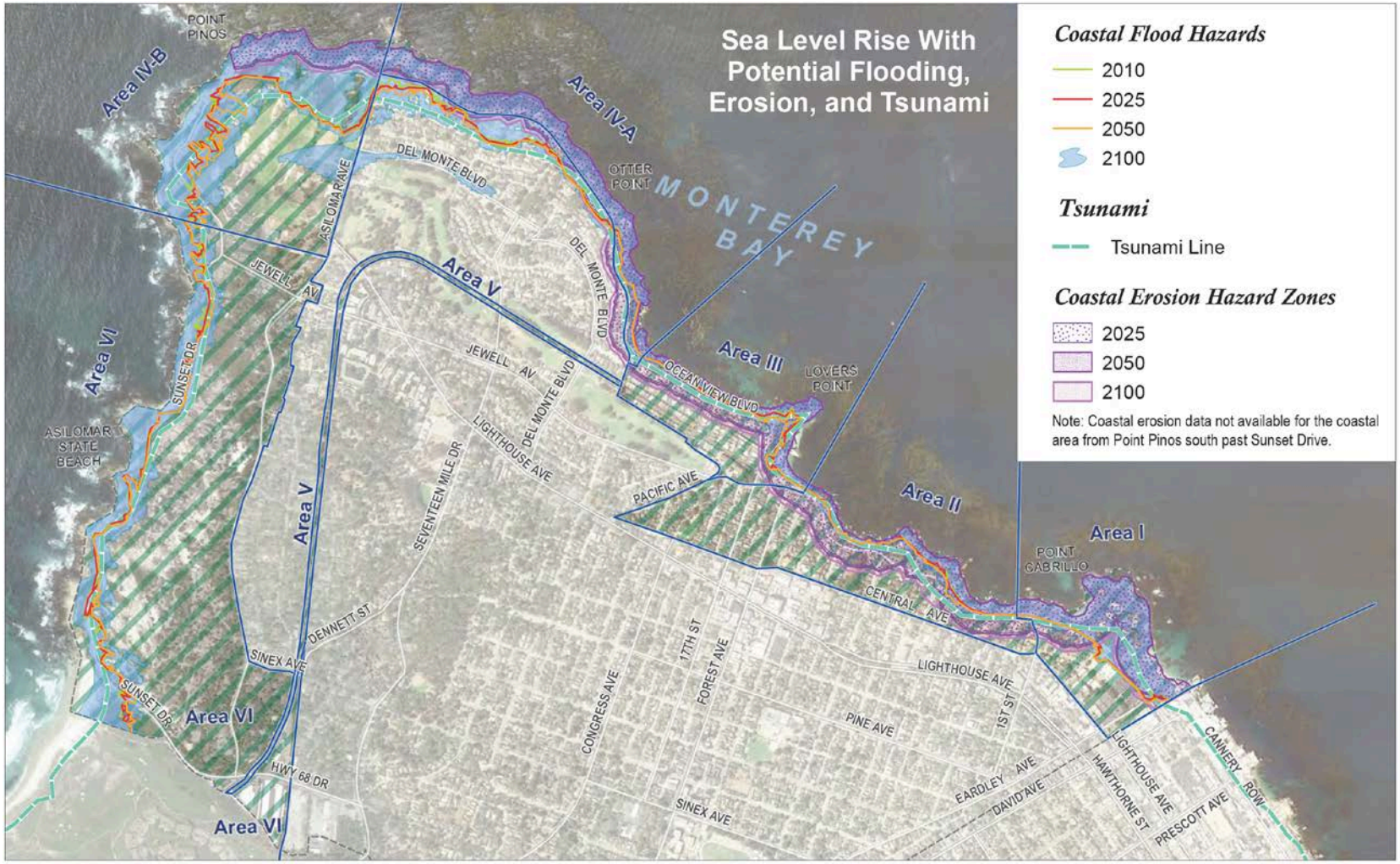
1. Use of best available science to guide decisions;
2. Minimization of coastal hazards through planning and development standards;
3. Maximization of protection of public access, recreation, public views and other coastal resources; and
4. Maximization of agency coordination and public participation.

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

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

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

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



City of Pacific Grove Land Use Plan

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

The Pacific Grove General Plan commits ocean front lands to open space and recreational uses. The combination of public ownership and existing City policies and ordinances severely limit physical structures on the immediate shoreline area. The effect of the policies and public ownership along the shoreline is to help reduce the risks to life and property from storm and tsunami hazards and bluff erosion. However, certain policy areas, such as the effect of the construction of shoreline protective devices, among others, are not specifically covered by the Pacific Grove General Plan and are addressed in this Land Use Plan, the Implementation Plan, and the future Shoreline Management Plan. 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 limited situations and only when all coastal resource impacts are appropriately and proportionately mitigated, consistent with this Section.

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

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

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

Tsunami Hazard Zone Sign. Photo Credit: www.NOAA.gov

HAZ-1. The City will continue to gather information on the effects of sea level rise and other coastal hazards on Pacific Grove's shoreline, including identifying vulnerable areas, structures, facilities, and resources, specifically areas with priority uses such as public access and recreation resources, Environmentally Sensitive Habitat Areas, and existing and planned sites for public infrastructure. Updates to the LCP, including through any vulnerability assessment, shall use the best available science, including the best available scientific estimates of expected sea level rise and potential resultant impacts. The information gathered should address multiple time frame horizons (e.g. 2025, 2050, and 2100) and sea level rise scenarios, -as appropriate and feasible.

HAZ-2. Based on the information gathered over time per Policy HAZ-1, the City will conduct an evaluation at least every 10 years (and in response to significant storm events resulting in erosion) as to whether additional policies and other actions for inclusion in the LCP are necessary in order to better address the impacts of sea level rise and other coastal hazards, particularly those related to erosion.

As applicable, such periodic evaluations may result in LCP changes to hazard policies designed to:

a. require relocation of existing or planned development, including development already protected by shoreline protective devices, to safer locations or higher elevations 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 Areas;

d. update standards for determining erosion rates;

e. ensure long term protection of the function and connectivity of existing public recreational access facilities and resources; and

f. require modifications to existing shoreline protective devices to ensure that such devices are meeting then-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.

HAZ-3. The City will monitor sea level rise and request changes to the Coastal Zone boundary, as appropriate and feasible. The City will minimize the need for construction of new shoreline protective devices through management and, where necessary, restoration of the coastal park lands, including control of pedestrian use, parking, and ground squirrel and other rodent, vermin, or animal activities.

HAZ-4. The City will 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 will 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. New development subject to tsunami hazards shall prepare a tsunami preparedness plan that describes evacuation procedures and other protocols for addressing a potential tsunami event.

HAZ-5. The City will endeavor to coordinate planning and management of the coastal park lands with adjacent jurisdictions and other public agencies such as the City of Monterey, Monterey County, State Water Resources Control Board, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Parks and Recreation, the California Department of Fish and Wildlife, the United States Coast Guard, and the California State Lands Commission, which has decision-making authority on policies that affect land below the mean high tide line. The City should also coordinate planning and management of the coastal park lands on its downcoast borders with the Pebble Beach Company and other large private landowners, where feasible.

HAZ-6. The City will prepare a Shoreline Management Plan (SMP), consistent with the ~~to~~parameters set forth in HAZ-2, to ~~identify the manner in which continuous Recreation Trail access can be provided~~ evaluate potential actions to guide the management of public parklands along the shoreline while considering the effects of sea level rise, best protecting coastal resources, as well as circulation and utility

infrastructure. The SMP, when approved by the Coastal Commission, will function as a tool to help maximize public access, and protect coastal resources along the City's shoreline.

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

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

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

HAZ-10. New 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 (any development or use that requires a site on, or adjacent to, the sea to be able to function such as Hopkins Marine Station) shall be sited and designed in such a way as to limit potential impacts to coastal resources over their lifetime. See also Policy HAZ-15.

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

1. The development shall to the maximum extent feasible be sited and designed to be removable without significant damage to shoreline and/or bluff areas.

2. The development shall only be allowed when it will not cause, expand, or accelerate instability of a bluff.

HAZ-11. In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium, coastal dependent ~~and coastal related~~ development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop. Costs for relocation shall be borne by the property owner. Regardless, no new major critical public infrastructure (e.g., new water/wastewater treatment facilities) shall be allowed seaward of Ocean View Boulevard or Sunset Drive. To the maximum extent feasible, existing major critical public infrastructure shall be relocated outside of this area.

HAZ-12. Development proposed in potential hazard areas, including but not limited to those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site specific hazards report prepared by a qualified geologist/engineer is required, the purpose of which is to ensure that such development can be built in a manner consistent with applicable LCP coastal hazards policies.

HAZ-13. Repair and maintenance of existing legally established shoreline protective devices (including restacking dislodged rock rip-rap in revetments within the approved revetment profile and texturing/contouring a vertical seawall per the approved surface treatment, but not including replacement, augmentation, addition or expansion) shall only be allowed if the shoreline protective device is required to protect public infrastructure, public recreational access facilities, and coastal-dependent development in critical danger from erosion (i.e., when a site-specific analysis determines the development would be unsafe to use or occupy within two years). If it is not so required, then the shoreline protective device shall be removed and the affected area restored. Any such allowable repair and maintenance projects shall include measures to address and mitigate for any coastal resource impacts the device is having, including with respect to public views and public recreational access.

HAZ-14. New shoreline protective device development (including replacement, augmentation, addition and expansion associated with an existing device) shall only be allowed where required to protect public recreational facilities (e.g., public parks trails, and paths), public infrastructure (e.g., public roads, sidewalks, and public utilities), and coastal-dependent development (e.g., certain Hopkins Marine Station development) in imminent danger from erosion. Such devices shall only be utilized if no other feasible, less environmentally damaging alternative is available, such as relocation, beach nourishment, non-structural drainage and native landscape improvements, or other similar non-structural options. Such non-structural options shall be used and prioritized wherever possible to protect coastal resources, including coastal habitats, public recreational uses, and public access to the coast.

Where such non-structural options are not feasible in whole or in part, soft structural alternatives (e.g., sand bags, vegetation, etc.) shall be used and prioritized wherever possible before more significant shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, and piers/caisson foundation systems). Shoreline protective devices shall not be constructed to protect non-coastal-dependent development, other than public recreational facilities and public infrastructure that do not otherwise constitute coastal-dependent development, or 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.

HAZ-15. New shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum extent feasible, including through eliminating or mitigating all adverse impacts on local shoreline sand supply (including sand and beach area that are lost through the shoreline protective device's physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline would have otherwise naturally eroded, and the loss of sand-generating bluff/shoreline materials that would have entered the sand supply system absent the device); protecting and enhancing public recreational access; protecting and enhancing public views; minimizing alteration of, and be visually subordinate to, the natural character of the shoreline; avoiding impacts to archeological resources; and protecting other coastal resources as much as possible.

Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-

year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources, including potential removal.

HAZ-16. When ~~new~~ development is proposed, property owners with any structures that are associated with and/or protected by existing shoreline protective devices shall be required to provide an assessment of the continued efficacy of such devices, including an evaluation of whether the devices can be removed or modified (and affected areas restored to natural conditions) in light of the development proposed (e.g., if the development is being relocated inland) to better protect coastal resources, in terms of public recreational access resources, while still providing necessary coastal hazard protection. If the assessment indicates that they can be so removed or modified, including if the assessment indicates that there is greater coastal resource benefit to removal or modification of the shoreline protective device, then the removal or modification shall be required as a condition of any approval for the development. In all cases, shoreline protective devices shall only be authorized until the time when the qualifying development that is protected by such a device is no longer present and/or no longer requires armoring.

2.2 Water and Marine Resources (MAR)

2.2.1 Background – Water and Marine Resources

Pacific Grove's water and marine resources include the rocky intertidal and subtidal areas of the coastline interspersed with sandy beaches and coastal bluffs, all of which provide diverse and highly valued public coastal habitats. The City's shoreline includes natural habitats such as beaches, tide pools, rock formations and offshore kelp forests. The rocky intertidal area between the high and low tide lines, as well as the offshore kelp forests and nearshore waters of the Monterey Peninsula, are among the most diverse and species rich of any habitat in the world. This is a result of the conditions along the Pacific Grove coast, including but not limited to early morning or late afternoon tides, moderate weather, foggy skies, nutrient-rich upwelling water, hard rock, and coarse sand. Pacific Grove's water and marine resources have attracted the University of California, Berkeley, and Stanford University to establish marine laboratories here in the 19th century, and Edward Ricketts, now considered the preeminent marine biologist of his time, to establish his collecting business in Pacific Grove in the early 20th century. World class

marine biological research continues in Pacific Grove at Stanford Hopkins Marine Station, and the intertidal areas around Point Pinos in particular continue to attract classes from K-12 through colleges and universities. Pacific Grove's intertidal, in fact, is very special and unique to Pacific Grove. American politician and conservationist Julia Platt recognized that when she was mayor in the early 1930s and successfully established the Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Refuge.

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

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

In addition, the tidelands grant to the City from the State of California, approved by the Governor James Rolph on June 9, 1931, prohibits use of those tidelands for "commercial, industrial or revenue producing uses or purposes" although use of the tidelands for "boat and yacht harbors, boating and yachting, swimming tanks, and other like and kindred purposes" is allowed.

In March 2012, the State Water Resources Control Board adopted a statewide General Exception to permit storm water discharges to the Area of Special Biological Significance, with Special Protections. The Pacific Grove Area of Special Biological Significance is one of 34 state-designated Areas of Special Biological Significance in near shore waters along the California coast. Areas of Special Biological Significance are a subset of state water quality protection areas in the ocean along California's coast that require special protection per the *California Marine Managed Areas Improvement Act*. Their protection is promulgated by the State Water Resources Control Board through the *California Ocean Plan*. The *Ocean Plan* prohibits the discharge of waste to a designated Area of Special Biological Significance. Special Protections have also been adopted by the State Water Resources Control Board as part of the statewide National Pollutant Discharge Elimination System storm water permit that applies in Pacific Grove. The City completed a Compliance Plan, in 2016, which addresses implementation of structural and non-structural controls to reduce pollutant loads to the Area of Special Biological Significance.

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

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

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

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

2.2.2 Coastal Act Policies – Water and Marine Resources

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

waters, such as polluted runoff, wastewater discharges, etc., and spillage of hazardous substances is also required (Public Resources Code §30232 and 30233).

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

2.2.3 General Plan and Other Policies – Water and Marine Resources

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

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

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

2.2.4 Land Use Plan Policies – Water and Marine Resources

Refer also to the Storm Drainage policies in §3.4.8.

MAR-1. Protect the City of Pacific Grove's marine, coastal and tideland resources, including the waters and habitats of the Pacific Grove Area of Special Biological Significance, California State Marine Reserves and State Marine Conservation Areas, the Monterey Bay National Marine Sanctuary, and the California Coastal National Monument, all of which are vital to the community's environmental, economy and special character. The City will continue to work with the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the Bureau of Land Management in developing and maintaining a coordinated approach for enforcing federal, state, and local regulations protecting these unique areas.

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

MAR-3. To reduce the potential for degradation or impairment of water quality, including the Pacific Grove Marine Gardens State Marine Conservation Area and Area of Special Biological Significance, the City will 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.
- Development shall include specific measures to help reduce potential pollutants and water quality impairment, including controlling the disposal of chemicals and hazardous materials, controlling the use of pesticides and herbicides, maintaining existing storm water capture programs, applying low impact development designs and requiring on-site retention and/or reuse of runoff.
- The City will utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property and encourage this practice on private property.
- Drainage plans and erosion, sediment and pollution control measures shall be required as conditions of approval of every application for new development that has the potential to impair water quality.
- Development that has the potential for water quality impairment shall, at a minimum, be designed to meet National Pollutant Discharge Elimination System stormwater runoff requirements.
- Construction phase storm water pollutant controls shall be required for development that has the potential for water quality impairment, 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.

MAR-4. The City will endeavor to work with the Pacific Grove Natural History Museum, California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, National Oceanic and Atmospheric Administration, and Bureau of Land Management to maintain information and interpretation programs to increase public awareness of the valuable marine resources and habitat in the marine reserves and conservation areas, the Sanctuary, National Monument, and Area of Special Biological Significance.

MAR-5. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to species and areas of special biological significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

MAR-6. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protection riparian habitats, and minimizing alteration of natural streams.

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

MAR-8. Plan, site, and design development in a manner that maintains or enhances on-site infiltration, reduces runoff, minimizes the transport of pollutants in runoff generated from the development, and recharges groundwater. Runoff shall be appropriately collected, filtered, and treated by Best Management Practices (BMPs) to minimize pollutant loading to the maximum degree feasible.

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

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

2.3 Scenic Resources (SCE)

2.3.1 Background – Scenic Resources

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

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

Lighthouse Reservation, Point Pinos Lighthouse, a portion of the city's golf course, and a rocky intertidal shoreline are located west of Asilomar Avenue and north of Lighthouse Avenue. A recreation trail along the shoreline connecting Perkins Park to the east with Asilomar State Beach to the south is in the early development stages. The rocky islets jutting out to the northwest are part of the California Coastal National Monument. They are surrounded with dramatic, algal-covered intertidal rocks, and tidepools that draw visitors from around the world. The Great Tidepool, located on the southwest corner of Lighthouse Reservation, is a significant site because it is central to the data Ed Ricketts collected when developing his ideas about ecology, habitats and in writing his world famous text *Between Pacific Tides*.

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

Public views inland from Sunset Drive toward the dunes and forest-front zone are a valuable scenic resource. Careful siting and design help to provide compliance with the biological resources, scenic and visual resources, and community character and design policies of this Land Use Plan. The Asilomar Dune's unique visual and biological characteristics are an important resource to the community and make the area a popular destination for visitors. As such, the Asilomar Dunes is considered a "special community" within the context of Resources Code §30253(e). Policies are included in this Land Use Plan while specific development standards, such as residential design standards, height limits, and landscape treatments are included in the Implementation Plan, to ensure the area's unique characteristics and spectacular public views are protected consistent with provisions of the Coastal Act.

Retention and protection of public views to the maximum extent possible is of major importance, because of the visual access to coastal waters and coastal resources they provide.

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

Pacific Grove Coast. Photo credit Doug Brown.

2.3.2 Coastal Act Policies – Scenic Resources

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

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

2.3.3 General Plan and Other Policies – Scenic Resources

The Pacific Grove General Plan designates most shorefront lands for open space. Natural Resources Element Goal 3 is to preserve public visual access to the ocean. Urban Design and Structure Element Goal 2 calls for the enhancement of the relationship between the City and the Pacific Ocean and Monterey Bay. However, to a great extent, the Pacific Grove General Plan relies on more detailed policy in the Local Coastal Program to protect and preserve coastal open space lands and public viewsheds, including from encroaching urban development that might harm natural resources or diminish coastal views.

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

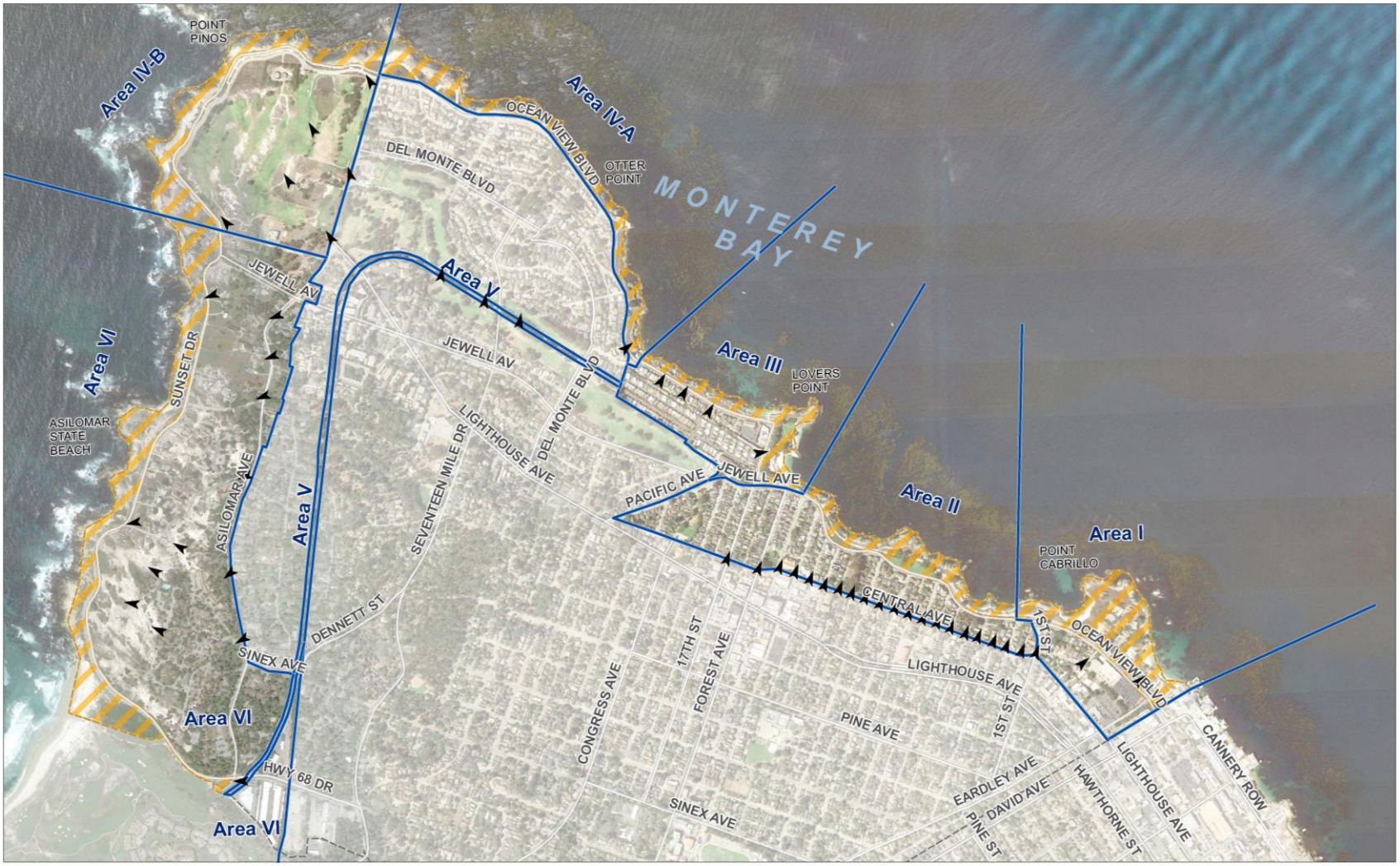
The Land Use Plan policies on scenic resources that follow supplement existing City policies and regulations by providing for:

- Designation of "scenic areas"

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

Suggested Modification: Designate Asilomar Dunes Residential Area as Scenic View Area. Delete "Seaward of First Public Road" in Legend.

Figure 4: Scenic Areas



0 1800 feet

Legend

- Coastal Zone Boundaries
- City of Pacific Grove
- Scenic View Areas - Seaward of First Public Road
- Scenic View Points

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

Figure 4

Scenic Areas

City of Pacific Grove Land Use Plan

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

2.3.4 Land Use Plan Policies – Scenic Resources

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

SCE-1. Public views to and along the shoreline shall be protected and enhanced, and alteration of natural landforms shall be minimized.

SCE-2. Preserving and enhancing the scenic qualities of the Coastal Zone is a priority in all City actions and decisions. Development that could adversely impact public views and scenic coastal areas shall only be allowed where it protects, preserves, and, if feasible, enhances such scenic and visual qualities.

SCE-3. Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses or are locally important historic areas.

SCE-4. The portion of Pacific Grove's Coastal Zone designated as having special scenic significance (i.e. scenic public view areas or scenic public view points) includes all areas designated on Figure 4 Scenic Areas, including all public view areas along Pacific Grove's shoreline; areas seaward of Ocean View Boulevard and Sunset Drive; Lighthouse Reservation lands and Point Pinos Lighthouse; Asilomar Conference Ground dune lands visible from Sunset Drive; the Asilomar Dunes residential area; lands fronting the east side of Sunset Drive and the forest-front zone between Asilomar Avenue and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue); public street ends along Central Avenue and other areas in which future study may support special scenic significance designation. The City will consider and protect the visual quality of these special scenic areas as a resource of public importance.

SCE-5. The City will designate scenic areas of the Coastal Zone, including those areas described in Policy SCE-3, as areas having special scenic significance requiring the

imposition of project-specific development standards designed to protect these scenic areas (refer to Figure 4, Scenic Areas).

Development standards for such special scenic significance areas shall include, but not be limited to, special siting and design criteria including height and story limitations, bulk and scale limitations, screening and landscaping requirements, natural materials and color requirements, minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces, requirements to prepare landscaping plans utilizing drought tolerant and native plants that protect and enhance scenic resources; minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas. Clustering to maximize open space views may also be considered.

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

SCE-6. All new utilities shall be located underground or outside of public view.

SCE-7. Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect such public views.

SCE-8. The City will encourage redevelopment, rehabilitation, or relocation of existing structures in scenic view areas to improve visual appearance and to attract visitors to the City's coastline.

SCE-9. Trees that are a visually integral part of the coastline and contribute to the scenic views in the Coastal Zone shall be protected or, when necessary to remove, including due to disease or danger to existing structures, replanted to ensure their continued scenic utility.

SCE-10. The scenic native forest within Asilomar Conference Grounds, along Asilomar Avenue, and within the Union Pacific railroad right-of-way, shall be protected and retained, to the maximum feasible degree, consistent with the uses allowed by the

Land Use Plan. Development shall mitigate for any impacts to the native forest, including through a required reforestation plan to propagate and plant seedlings of pine using local seeds to regenerate the pine forest in coordination with Asilomar State Park. In considering potential development projects, siting and design shall be required to minimize to the extent feasible the removal of trees and understory vegetation and damage to soil resources. Siting, design, and land use concepts that minimize removal and damage should be applied and are preferred. Retained trees that are located close to construction areas shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate and necessary to protect the well-being of the retained trees.

SCE-11. Permanent open space may be achieved through dedication of scenic conservation easements by property owners or by acquisition of fee title or development rights by the City, another governmental entity, or by a private foundation. Public access, such as designated trails, of these open space areas shall be encouraged if it does not negatively impact habitat or public views. The City encourages assistance from the state or suitable foundations in the acquisition of these important areas.

SCE-12. Site location and development of wireless telecommunication facilities shall preserve the visual character and aesthetic values of the site and surrounding land uses and shall not significantly impact public scenic views. Attaching wireless equipment to existing structures, camouflaging, co-location and undergrounding equipment is encouraged. Unless inconsistent with federal or other applicable law, wireless telecommunications facilities shall be prohibited seaward of Sunset Drive and Ocean View Boulevard.

2.4 Biological Resources and Environmentally Sensitive Habitat Areas (BIO)

2.4.1 Background – Biological Resources and Environmentally Sensitive Habitat Areas

Environmentally Sensitive Habitat and Biological Sensitivity

Coastal Act §30107.5 defines Environmentally Sensitive Habitat Area as "…any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The Pacific Grove Coastal Zone supports a wealth and diversity of environmentally sensitive habitats. Many of these, especially in the marine environment, are in an essentially undisturbed condition yet are endangered by changes in land use or offshore activities. Terrestrial habitats range from those that have undergone complete conversion to urban use, to those in largely natural condition that benefit from active conservation management. Sensitive habitats receive protection under specific laws that guide local, state, and federal agencies. Regulations such as sections of the Fish and Game Code, the Federal Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Federal Endangered Species Act of 1973 help to protect sensitive marine resources. Wildlife habitats are protected when located in legally designated areas such as the State's Marine Protected Areas, and rare and endangered plants are singled out for preservation under State and Federal legislation. Examples of such legally designated areas include Areas of Special Biological Significance (ASBS) identified by the State Water Resources Control Board; State Marine Protected Areas; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-outs, breeding and nesting area; education, research and wildlife reserves; near shore reefs; tide pools; sea caves; islets and offshore rocks; kelp forests; indigenous dune plant habitats; riparian habitats Monarch butterfly mass overwintering sites; and forest areas. Environmentally Sensitive Habitat Area can include several types of sensitive habitats, which_require careful management to protect native resident and migratory species. Sensitive habitats and species include the following:

- Coastal bluff, which provides habitat for species such as Menzies' wallflower (*Erysimum menziesii* and sub-species);
- Coastal sand dunes and sand dune areas such as the Asilomar Dunes, which are themselves a scarce and rare resource and also provide habitat for such species as black

legless lizard (*Aniella pulchra nigra*), Menzies' wallflower, Monterey spineflower (*Chorizanthe pungens*), and Tidestrom's lupine (*Lupinus tidestromii*) and other listed species;

- Native Monterey pine forest which includes large stands of trees (often in association with sand dunes, a lower canopy dominated by Coast live oak, understory forest species and ground cover of low herbaceous plants) that extend into Pacific Grove from the Del Monte Forest represent one of only four places on earth where such native Monterey pine forest exists, and also provide habitat for such species as Monarch butterfly (*Danaus plexippus*);
- Wetlands and waterways features as defined by Coastal Act §30121, including Majella Slough or the coastal brackish marsh Majella Creek Marsh, which provides valuable riparian habitat within the Asilomar State Beach and Conference Grounds. Crespi Pond is another wetland which supports a significant patch of dense freshwater marsh vegetation dominated by broad-leaved cattail and California bulrush, and which also provides foraging and nesting habitat for local and migratory birds as well as other native species. Crespi Pond is part of the City-designated Lighthouse Reservation and golf course, identified as an area of Scientific and Ecological Significance; and
- Intertidal and subtidal areas including kelp forests which provide habitat for numerous plants, invertebrates, and fishes.

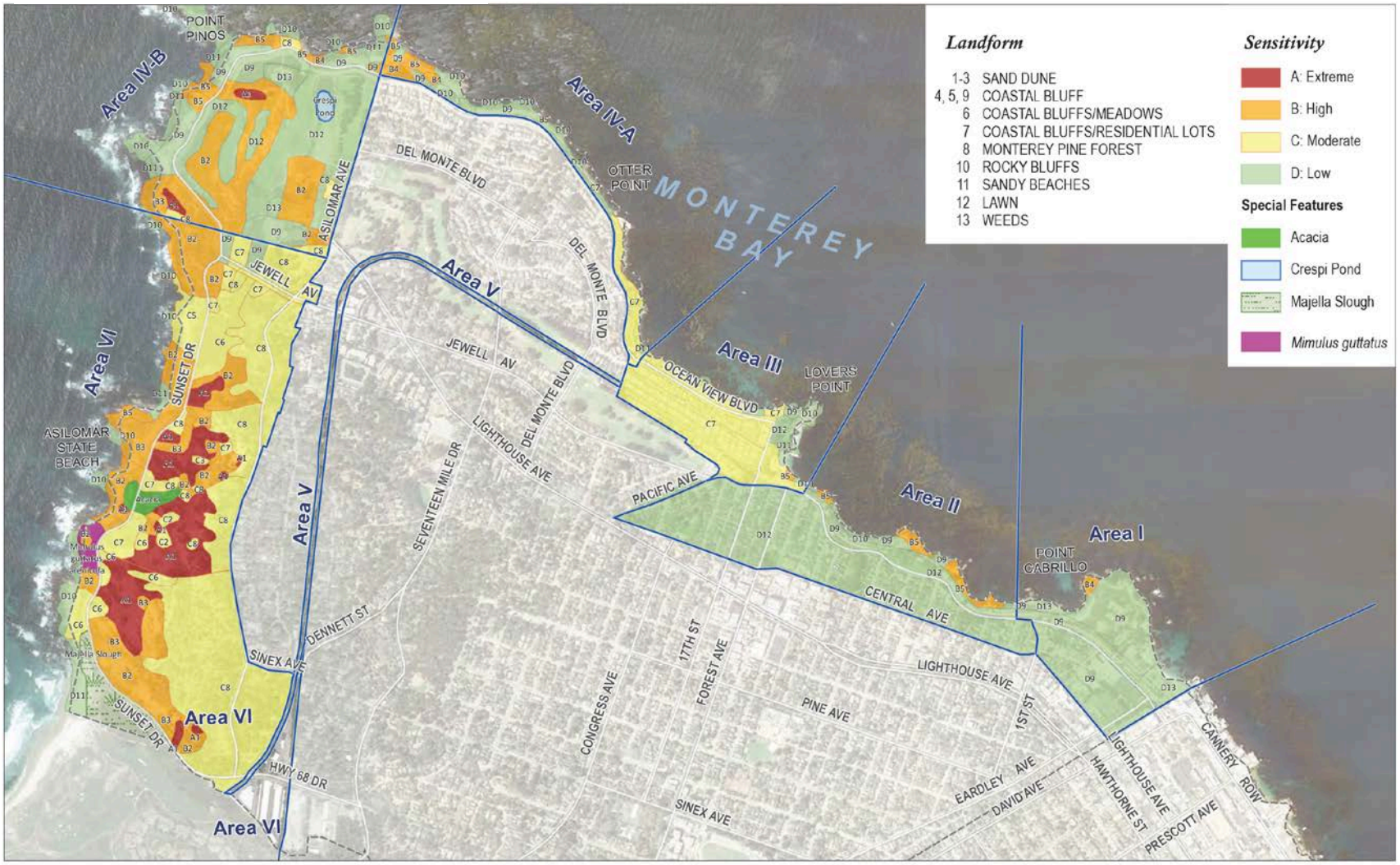
Other types of Environmentally Sensitive Habitat Areas, that are not yet known, may also be determined within the Coastal Zone based upon new information. For example, the United States Fish and Wildlife Service or California Department of Fish and Wildlife may identify and protect a new species that is dependent upon habitat types found within the Coastal Zone. Environmentally Sensitive Habitat Areas are most likely to be found within the extreme, high, and moderate sensitivity areas identified in Figure 5, Land Habitat Sensitivity Map, which shows the areas of special biological significance. However, Environmentally Sensitive Habitat Areas may be found anywhere in the City, and it is incumbent upon the development review process to provide appropriate means of identifying

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

and protecting such resources, whether known or currently mapped or not. A biological resources study is necessary to verify if habitat in a particular location qualifies as Environmentally Sensitive Habitat Area.

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

Figure 5: Land Habitat Sensitivity Map



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

Asilomar Dunes Residential Area

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

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

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

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

Characteristic Flora and Fauna

The City has several flora and fauna that play a significant part in the visual and cultural identity of the City. Characteristic flora include rosy ice plant (*Drosanthemum floribundum*), and several trees: Monterey pine (*Pinus radiata*), and Monterey cypress (*Cupressus macrocarpa*) and Coast Live Oak (*Quercus agrifolia*). Characteristic fauna include Monarch butterfly, Black-tailed deer (*Odocoileus hemionus*), Harbor seals (*Phoca vitulina richardii*), Southern sea otter *(Enhydra lutris nereis)*, Humpback whale (*Megaptera novaeangliae*), Gray whale (*Eschrichtius robustus*), Brown Pelican *(Pelecanus occidentalis)*, Brandt's Cormorant *(Phalacrocorax penicillatus)*, Double-crested Cormorant (*Phalacrocorax auritus*) and Pelagic Cormorant (*Phalacrocorax pelagicus*) and Black Oystercatcher (*Haematopus bachmani*). Refer to Chapter 2.2 for discussion and policies regarding Water and Marine Resources.

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

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

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

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

The Natural Resources Element states the preservation of open space areas as a principal objective. Natural Resources Element Policy 12 recommends the City develop methods to

maintain endangered species within the Asilomar Dunes neighborhood, Asilomar State Beach and Conference Grounds, the lighthouse, the Pacific Grove shoreline, and other appropriate areas. The Lighthouse Reservation, Golf Course, and adjacent shoreline areas are owned by the City. The remainder of the immediate shoreline area, with two exceptions of privately owned areas, is park land owned and managed by the California Department of Parks and Recreation.

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

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

Asilomar Dunes Residential Area

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

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge

of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. While a number of preservation and restoration efforts have been undertaken, most notably at the Spanish Bay Resort in Pebble Beach, Asilomar State Beach, and in connection with previously approved residential developments on private lots, much of the Asilomar Dunes complex remains in a degraded state. Even so, it remains a valuable habitat area because it supports certain plants and animals characteristic of this environmentally sensitive habitat that are themselves rare or endangered.

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

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

Development of a single residence on each existing vacant parcels of record could result in approximately a dozen additional units or new homes in the Asilomar Dunes if these parcels are

all legal and are not otherwise put to open space uses such as being acquired by State Parks. There are approximately 70 existing single-family residences in the Asilomar Dunes Residential Area now.

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

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

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

permits, including habitat maintenance requirements and deed restrictions that limit residential development on those lots in perpetuity.

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

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

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

Flora and Fauna

BIO-1. Environmentally Sensitive Habitat Areas, or "ESHAs," are defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In Pacific Grove these areas include, but are not limited to, dune, wetland, streams, coastal bluff, sandy and rocky beaches, intertidal and subtidal zones, tide pools, kelp forests, offshore reefs, rocks, and islets, and rookery areas.

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

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

Notwithstanding, one house may be constructed on legal lots of record within the Asilomar Dunes Residential Area provided that the development area is limited in

size and located in the portion of the lot that results in the least impact on sensitive habitat.

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

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

BIO-4. Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats and protect wetlands against significant disruption of habitat values. The only allowed uses within wetlands shall be those specified in Coastal Act §30233 (see also MAR-2). Development shall be set back from wetlands a minimum of 100 feet. A wider buffer may be required based on the results of a site assessment that finds a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. Existing development may be redeveloped provided it does not create new impacts nor increase impacts to wetlands.

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

a. The area extending 50 feet from the outer edge of the riparian vegetation (measured perpendicularly from the direction of the stream itself); or

b. The area extending 100 feet from the top of the stream bank (measured perpendicularly from the direction of the stream itself); or

c. Wider setback distances as recommended by a site-specific biological site assessment.

BIO-6. Invasive non-native plants, such as Pampas grass, Acacia, Genista, and non-native ice plant, pose a threat to the indigenous plant community and are prohibited in any landscaping plan. ~~Non-native species shall be prohibited, shall be required to be removed, and shall not be allowed to persist in Environmentally Sensitive Habitat Areas, including in the Asilomar Dunes complex. In the Asilomar Dunes, native dunes and dune flora and fauna shall be protected, and where feasible reestablished including rare and endangered species, to the maximum extent feasible. Information on plant propagation and dune, dune flora and dune fauna care shall be provided to property owners of property located within dune resources. Landscaping with non-native plants shall be limited to Immediate Outdoor Living Space adjacent to proposed development as defined in BIO-22.~~

BIO-7. The City will preserve its character-defining flora and fauna, such as rosy ice plant (*Drosanthemum floribundum*), Monterey pine, Monterey cypress, Coast Live Oak, Monarch butterfly, Harbor seal, Southern Sea Otter, Humpback and Gray Whale and Black Oystercatcher.

BIO-8. ~~The City will~~Development shall protect habitats for the overwintering Monarch butterfly population in Pacific Grove. The City will ~~and~~ encourage the planting and preservation of vegetation useful to all life stages of the Monarch butterfly, including the planting and preservation of native plants, and will ensure that any new development within the Coastal Zone in proximity to trees or vegetation used by butterflies throughout their life cycle will not adversely affect the butterflies or their habitat.

BIO-9. The City will work with Pacific Grove residents, members of the Pacific Grove Museum of Natural History, the California Native Plant Society, and the California Department of Parks and Recreation in efforts to:

a. Protect, maintain, and enhance the habitat areas of Menzies' wallflower and Tidestrom's lupine;

b. Propagate rare and endangered plants such as Menzies' wallflower, Monterey spineflower, and Tidestrom's lupine and any others that may become endangered or rare, for use in dune restoration/enhancement projects;

c. Identify and educate the public about rare and endangered plants; and

d. Develop methods of maintaining these and other native dune plants within Asilomar Dunes, Asilomar State Beach and Conference Grounds, and other appropriate areas.

BIO-10. ~~The City will~~Development shall be designed to protect the black legless lizard and its habitat.

BIO-11. The City will implement seal pupping protection measures, including installation of split-rail fencing, installation of temporary "no climb" wood lattice fencing or other alternative that provides visual access, and educational signage if found necessary to prevent harm or harassment of harbor seals during the spring pupping season generally February through May, at various locations along the Pacific Grove shoreline east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail. Impacts to public access from such measures shall be minimized. In addition, the City may use trained volunteer docents, including National Oceanic and Atmospheric Administration trained Bay Net volunteer docents when available, to educate and engage the public on the activities of the seals, and to monitor and document all activities in the vicinity of the program, including any unauthorized human interruptions.

BIO-12. The City will protect Black Oystercatchers and their rocky intertidal habitat along the City's shoreline. The City shall work in cooperation with the California Central Coast Black Oystercatcher Monitoring Project or its successor, the Pacific Grove Museum of Natural History, Monterey Audubon Society, and other appropriate entities and research efforts, to implement identified conservation measures necessary to carry out this policy. The California Central Coast Black Oystercatcher Monitoring Project, which monitors and assesses Black Oystercatcher populations and breeding success, is developing specific conservation measures, and will coordinate with the City, California Coastal National Monument/BLM, and California Department of Parks and Recreation at Asilomar as appropriate to their respective jurisdictional authority.

Protective measures shall include an education program, using interpretive signage, outreach material, and docents to promote public understanding of the sensitive nature of the Black Oystercatcher habitat and the importance of not disturbing breeding pairs. ~~During the breeding season, from March into September, t~~The California Central Coast Black Oystercatcher Monitoring Project coordinators or their designees may seek permission from the appropriate landowner (e.g., City of Pacific Grove, California State Parks, Bureau of Land Management, etc.) to apply

for a Coastal Development Permit on the landowners behalf to place temporary signage, physical barriers, and wildlife monitoring cameras where appropriate, at vulnerable nesting areas during the breeding season (March into September) to help reduce disturbance. Impacts to public access from such measures shall be minimized.

BIO-13. Any conservation measures intended to protect habitats or species that could reduce public coastal access, including barriers or signs limiting or restricting use of existing lateral and/or vertical accessways, shall require a Coastal Development Permit, and shall include appropriate mitigation measures to reduce any access impacts as much as possible while still achieving the primary conservation goal.

BIO-14. The City will encourage native, drought resistant vegetation and species compatible with the scale and character of current vegetation within the Coastal Zone.

BIO-15. The City will continue to encourage the Hopkins Marine Station to remove exotic plants, restore a native bluff plant community, and reduce erosion on the rocky outcrop. Any new development or redevelopment at Hopkins shall include a landscape plan that effectively utilizes native vegetation to reduce erosion.

BIO-16. 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.

BIO-17. Careful management practices shall be in place to responsibly relocate mountain lions that occasionally prey on deer, coyotes that prey on domestic animals, and bears who may venture into the community to forage in garbage cans. The University of California Santa Cruz's Puma Project can assist with mountain lion relocation, along with the California Department of Fish and Wildlife.

BIO-18. The City will maintain and enhance the Monterey pine and cypress stands, Coast live oak and canopy within the Coastal Zone to the maximum extent feasible, taking care that new plantings do not adversely affect public views. This program should continue to be updated periodically with a complete inventory of the trees within the Coastal Zone to determine the age of the trees, disease, if any, and the needs for continued reforestation in the City. The City's 2015 Tree Inventory shall be included as a guiding resource. Best Management Practices for protecting the Critical Root Zone of trees designated for preservation will be carried out.

BIO-19. Within Pacific Grove, ~~C~~certain trees and native vegetation within Environmentally Sensitive Habitat Areas are considered "major vegetation," where the removal of which constitutes development that requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees, including all

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

Asilomar Dunes Residential Area

BIO-20. Limited residential development may occur in Environmentally Sensitive Habitat Areas in the Asilomar Dunes Residential Area. Development in the Asilomar Dunes Residential Area shall be carefully sited and designed to ensure maximum protection of: dunes, including with respect to sensitive species and including degraded dunes, the native oak and Monterey pine forests which stabilize the inland edge of the high dunes along Asilomar Avenue southwards from the vicinity of its intersection with Pico Avenue; and public views, particularly views from along the first public road and the California Coastal Trail.

BIO-21. Development within the Asilomar Dunes Residential Area shall require habitat assessment in all cases. In addition to habitat assessment requirements more generally, such assessments associated with the Asilomar Dunes Residential Area shall identify measures to be applied that maximize protection of dunes, other habitats, and public views.

BIO-22. Within the Asilomar Dunes Residential Area contiguous areas of undisturbed dunes shall be maintained and reestablished, wherever feasible, to help protect Environmentally Sensitive Habitat Areas and associated habitat values. Clustering of development, including in relation to development on adjacent lots, is required if it results in larger contiguous open space and Environmentally Sensitive Habitat Areas and/or better protects public views. Development adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to keep development intensity as low as possible including through application of applicable planning criteria (e.g., related to drainage design, roadway design, and public safety) and coastal resource protection requirements.

BIO-23. The City will focus preservation efforts, including seeking and applying funds to purchase vacant parcels in Asilomar Dunes, in order to permanently preserve this area as much as possible as open space.

BIO-24. Development in the Asilomar Dunes Residential Area that consists of new development on vacant parcels or development that must conform to all LCP requirements according to BIO-29 shall be sited and designed to avoid and limit impacts on dune habitat and visual landscapes as much as possible, including avoiding development antithetical to the open space dune environment. Policies limit residential development in this area in order to maximize protection of sensitive dune habitat and scenic public view areas. Residential development is limited to be subservient to the overall dune aesthetic. These standards shall be met through application of all of the following:

a. Residential development within the Asilomar Dunes Residential Area shall be confined within a Residential Development Envelope. The Residential Development Envelope shall consist of the Primary Coverage Area (as described in subsection (b) below) and the Outside Use Area (as described in subsection (c) below). For purposes of all Asilomar Dunes Residential Area policies, "cover" and "coverage" and other like terms shall mean any development/use that is not open sand dune area devoted to dune habitat.

b. The Primary Coverage Area shall be limited to 15 percent of the total lot area. For purposes of calculating the Primary Coverage Area, residential buildings and garages (excluding only roof eaves and similar architectural features that do not extend more than three feet over any dune area), driveways, ~~(excluding required setback area),~~ patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. When calculating coverage, areas of dune that are not completely covered, but that are committed to non-dune use through siting and design of proposed development (e.g., areas between stepping stone pathways, areas between pathways and the house, etc.) shall also count as coverage.

c. The Outdoor Use Area shall be limited to a maximum of 750 square feet per lot; shall be located immediately contiguous to the Primary Coverage Area; and shall be otherwise sited and designed to maximize dune protection on and off the site. The only purpose of the Outdoor Use Area shall be to provide an area of dune within which typical outdoor residential activities can take place (e.g., BBQs, lounge chairs, etc.). The Outdoor Use Area may include an unobtrusive perimeter fence, provided that such fencing shall be limited to a maximum of six (6) feet in height as measured from existing grade and shall allow for free passage of sand, seeds, and wildlife. The Outdoor Use Area may be increased above the 750 square-foot maximum if the Primary Coverage Area is reduced an equivalent amount.

d. As a condition of coastal development permit approval, all other areas of the lot outside of the Residential Development Envelope 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 or other similar legal restriction adhering to the property (i.e., a conservation easement, etc.) designed to limit allowed development, use, and activities in perpetuity to those associated with dune restoration, enhancement and protection.

e. Fencing and other such barriers shall be prohibited in the Asilomar Dunes Residential Area, with the exception of 1) Outdoor Use Area perimeter fencing discussed in subsection (c) and 2) when proven to be more protective of the dune habitat and visual landscape than the prohibition. Fencing, other than Outdoor Use Area perimeter fencing, –shall be limited to minimal symbolic fencing (e.g. post and single-cable fencing) that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. visually unobtrusive/permeable and limited to a maximum of six (6) feet in height as measured from existing grade. Fencing shall not impact free movement of sand, free passage of native plant seed, and continued wildlife movement. Fencing shall be constructed of wood or natural materials with sufficient openings above the ground to allow for the passage of small mammals or other small wildlife.

ef. 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.

fg. Detached Ssecond residential units and all other detached accessory structures shall be prohibited.

Accessory dwelling units which are attached to, or contained within, the primary residence may be allowed if they do not result in additional adverse impacts to sensitive resources and overall site coverage on the lot does not exceed the maximum coverage requirements stated in BIO-243 (a) and (b).

~~g~~h. Development should be clustered, including in relation to adjacent development, to maximize continuous dune areas as much as possible, including through such means as shared driveways, which are encouraged.

i. The front setback on Sunset Drive shall be a minimum of 75 feet. The front setback in all other areas shall be 20 feet. All new ~~structures~~ development shall meet these setback requirements ~~be set back from Sunset Drive at least 75 feet~~ with the exception of driveways and mailboxes/address signs, which shall be sited and designed to limit their visibility as much as possible. Driveway coverage shall be limited to the minimum necessary to provide required vehicular access.

~~Driveway coverage in the setback area shall be excluded from lot coverage calculation.~~

~~Driveways that exceed the setback area will not count towards Primary Coverage Area if the project demonstrates a greater setback is necessary to protect biological resources, scenic views or archeological resources.~~

j. Development shall minimize exterior lighting that is publicly visible, including avoiding light spill into dune areas, and development shall limit glares (e.g., from windows and reflective surfaces), to the extent practicable.

k. 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.

l. Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.

m. Development shall 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 public dune viewshed. ~~New d~~Development on parcels that are visible from ~~that abut~~ Sunset Drive or the recreational trail shall be limited to ~~20~~ 18 feet in height ~~at the most~~ and shall appear as ~~(~~one story~~)~~ as seen from Sunset Drive or the recreational trail~~in height~~.

~~New d~~Development on a~~A~~ll other parcels shall be ~~allowed up~~limited to 25 feet in height ~~at the most~~ (and can appear as/be two stories) so long as impacts to public views of scenic dune resources are minimized.

n. Sidewalks shall be prohibited in the Asilomar Dunes Residential Area. Pedestrian and universal access mobility improvements shall be limited to boardwalks that are sited and designed to best protect dune resources and public views, and to best integrate into existing and planned public recreational access systems.

BIO-25. In addition to the restoration requirements specified in Policy BIO-24(d) and (f), all ~~A~~areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes Residential Area shall be required to be mitigated on a 2:1 square foot basis by providing for off-site restoration or enhancement of degraded dune areas in the Asilomar Dunes area. ~~Where on-site restoration does not fully mitigate the impact the~~This requirement may be addressed through offsite restoration/enhancement and/or proportionate contributions to the City's Environmental Assessment Fund provided such funds are used exclusively for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area.

BIO-26. In order to maintain existing low densities necessary to protect coastal scenic and habitat resources, subdivisions shall be prohibited~~, except where the purpose is solely to allow for dune restoration and other conservation uses on the entirety of such newly created parcel. Newly subdivided lots may be offered for sale for conservation purposes. The minimum parcel size for new subdivisions is one-half acre for properties fronting on Asilomar Avenue north of Pico Avenue, and one acre for all other areas within Asilomar Dunes.~~ .

BIO-27. The City will prioritize restoring, enhancing, and maintaining dune areas in the right-of-way to the maximum degree feasible, including through use of the City's Environmental Assessment Fund targeting areas most in need and within most significant public viewsheds.

BIO-28. The City will endeavor to work with the Coastal Commission to diligently enforce dune habitat and visual resource requirements and restrictions that apply to existing development in the Asilomar Dunes Residential Area, including actively evaluating and ensuring compliance with Coastal Development Permit requirements to ensure that dune and visual resources are appropriately mitigated and protected as required.

BIO-29. Development associated with existing legal non-conforming ~~habitable~~ Asilomar residential development ~~structures in the Asilomar Dunes Residential Area that~~

~~results in demolition and new construction or redevelopment triggering conformance (see "Redevelopment Conformance Trigger")~~ shall require that all ~~structures~~ development on the site be brought into conformance with the LCP requirements, including with respect to lot coverage and dune restoration/protection requirements, if such development consists of either: 1) alteration of 50% or more of one or more of the residential development's major structural components (each measured separately) ; or 2) alteration to such residential development that leads to a 50% or more increase in floor area; where all such alterations are measured cumulatively from [the date of the Commission's certification of this LCP]. Alterations that do not affect major structural components and do not increase floor area do not count towards the above conformance threshold. 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.

Development associated with non-conforming Asilomar residential development that does not reach the above conformance thresholds shall only be allowed if coverage remains the same or is reduced; there is no new coverage of existing dune habitat (whether degraded or not); all remaining dune habitat on the site is restored and permanently protected; and an offsetting area of offsite dune habitat is restored and maintained such that the total area that will be restored (i.e. on and offsite) is equal to at least 85% of the total lot area.

BIO-30. Development associated with conforming Asilomar residential development shall only be allowed if the total site coverage remains at or below the maximum Residential Development Envelope coverage allowed per the LCP; 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, if feasible, made less fragmented; all remaining dune habitat is restored and permanently protected; no sensitive plants are disturbed; all areas of new coverage are mitigated at a ratio of 2:1.

Asilomar State Beach and Conference Grounds

BIO-31. The City will support, as appropriate, California Department of Parks and Recreation's dune protection efforts at Asilomar State Beach and Conference Grounds, including those efforts designed to:

a. Implement a dune restoration program including restricting public access, if necessary, in the northern portion of the Asilomar State Beach and Conference Grounds to protect the habitat of rare and endangered dune plants;

b. Undertake dune stabilization programs on the central and southern dunes, including planting of native vegetation and contain or direct recreational activities to well-defined areas;

c. Ensure that expanded or replacement facilities in dune areas and in the sensitive forest-front transition zone adjacent to the sand dunes are restricted to the existing coverage footprints, building envelopes, or outside of dune areas and the forest-front zone if possible, and if not possible located outside of the most sensitive areas;

d. Maintain the native forest of Asilomar State Beach and Conference Grounds and; where necessary, utilize plantings of nursery stock pine trees grown from site-specific stock; and

f. Preserve and protect the Majella Slough on state property south of Sunset Drive from human intrusion.

3.0

BUILT ENVIRONMENT

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

1. Community Design (DES)
2. Land Uses and Designations (LUD)

3. Cultural Resources (CRS)
4. Public Infrastructure (INF)
5. Parks, Recreation, and Public Access (PRA)

3.1 Community Design (DES)

3.1.1 Background – Community Design

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

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

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

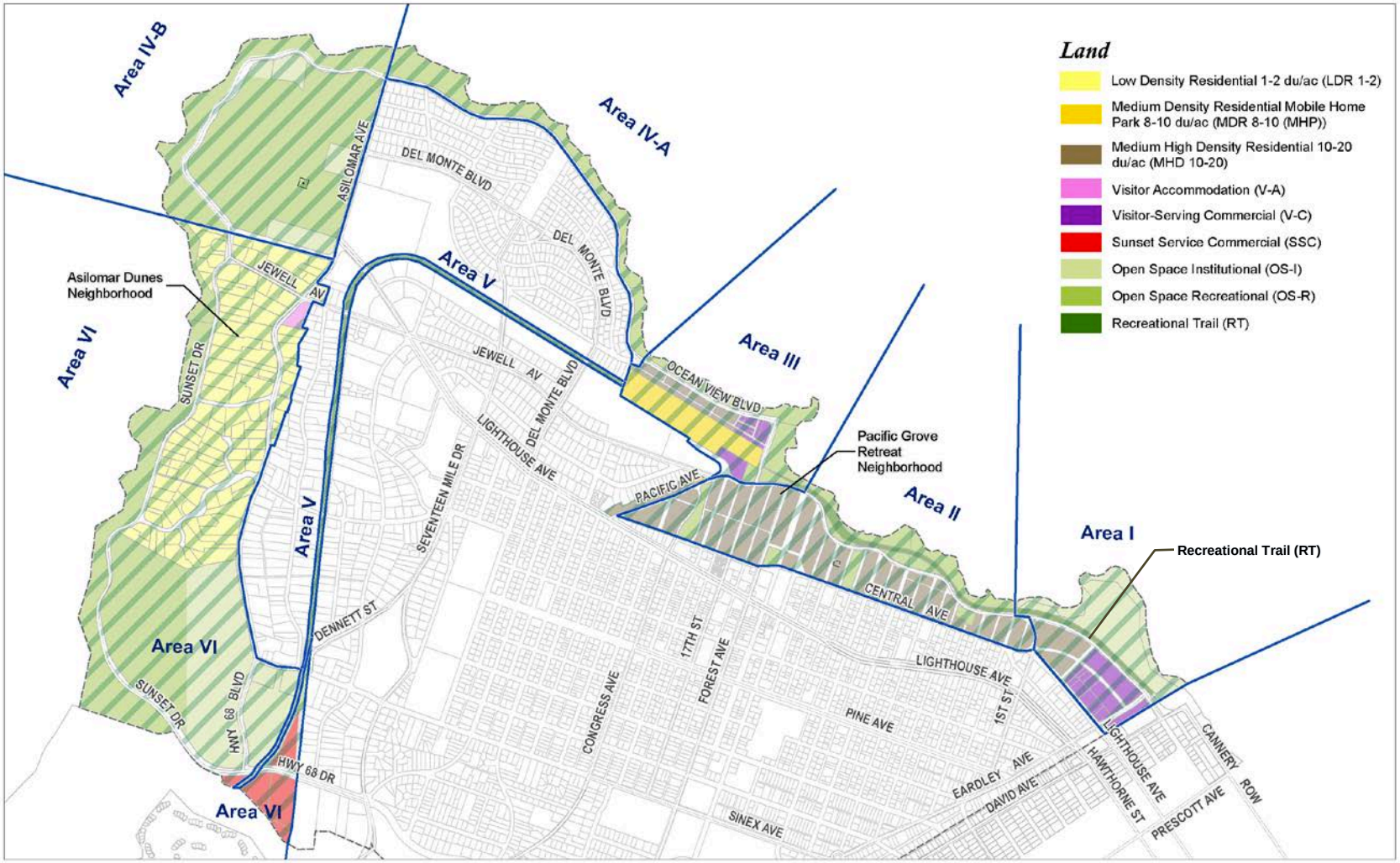
Nearly continuous unobstructed views of the sea are possible along the Pacific Grove shoreline. Few structures exist seaward of Ocean View Boulevard or Sunset Drive; with the exception of the inland Sunset Service Commercial Area where structures are built on both sides of Sunset

Drive. The inland side of Ocean View Boulevard, east of Asilomar Avenue is essentially "built out" and has assumed a residential character. West of Asilomar Avenue, the inland view from Ocean View Boulevard is predominantly open space consisting of a golf course at Lighthouse Reservation. The few structures present, the City and United States Coast Guard facilities, are situated some distance from Ocean View Boulevard.

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

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

Figure 6: Coastal Zone Land Use Designations



Source: City of Pacific Grove 2014, Google Earth 2013

Figure 6

Coastal Zone Land Use Designations

City of Pacific Grove Land Use Plan

3.1.2 Coastal Act Policies – Community Design

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

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

3.1.3 General Plan and Other Policies – Community Design

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

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

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

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

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

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

3.1.4 Land Use Plan Policies – Community Design

Refer also to the Scenic Resources policies in §2.3.4.

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

DES-2. Residential densities, except for allowable second units, shall not exceed those specified on the Land Use Designations figure.

All residential development shall be ~~low scale and limited heights.~~ sited and designed to be low scale, provide appropriate building articulation, and to avoid dominating blue water ocean views or domineering over other development in the adjacent vicinity. Building heights shall be limited to 25 feet in height, except that residential development within Areas I and II in Figure 6 may be allowed up to a maximum of 30 feet so long as public views are not significantly impacted.

In the Asilomar Dunes Residential Area, development within lots that ~~abut~~ are visible from Sunset Drive or the recreational trail shall be limited ~~to one story in appearance and 20 feet~~ to a maximum of 18 feet in height and shall appear as one story from Sunset Drive or the recreational trail, with development allowed at up to two stories and a maximum of 25 feet in height on ~~within~~ all other lots in the area so long as dune visual resources are protected consistent with the LUP.

DES-3. The height limit for commercial development in Land Use Plan Areas I and III will vary, but in no case shall structures be more than 40 feet high ~~(exceptions allowed for mechanical appurtenances with screening)~~. Minor exceptions to such height limit may be allowed for mechanical appurtenances that do not impact public views. Detached commercial signs shall be of a size, location, and appearance such that

they do not detract from the area's scenic qualities and cause visual clutter and blight.

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

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

Hopkins Marine Station shall be encouraged to remove exotic plants and restore a native bluff plant community, and consider the removal of any exposed chain link fence. These outcomes shall be required through conditions of approval associated with development at Hopkins Marine Station that impacts or involves these features.

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

DES-7. Legally established non-conforming structures (outside of the Asilomar Dunes Residential Area) may be maintained, repaired, redeveloped and expanded so long as the degree of any non-compliance is not increased. ~~Structures located within potentially hazardous shoreline areas or sensitive habitat areas may not be redeveloped (see "Redevelopment Conformance Trigger") unless the entire structure is brought into compliance with all applicable LCP policies.~~ Notwithstanding, historic resources within the Pacific Grove Retreat area may seek relief from standards to protect and maintain their historicity with a finding that such relief protects coastal resources.

DES-8. Exceptions to the height limit may be allowed if found necessary as a hazard adaptation response to accommodate and elevate ~~designated~~ historic structures within the Pacific Grove Retreat area, provided that public views are protected to the maximum extent feasible.

3.2 Land Uses and Designations (LUD)

3.2.1 Background – Land Uses and Designations

Priority land uses, as defined by the Coastal Act, include recreation and visitor-serving and coastal-dependent uses. Coastal-dependent uses in Pacific Grove include portions of the Hopkins Marine Station facilities at Point Cabrillo, the United States Coast Guard and former National Oceanic and Atmospheric Administration Southwest Fisheries Center facilities at Point Pinos, and the Monterey Bay Aquarium (partially within city limits).

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

A paved multi-use Recreational Trail stretches from the Monterey Bay Aquarium area to Lovers Point. From Lovers Point the railroad-right-of-way is blocked by existing development in several places and goes through the golf course where there may be conflicts. From the golf course to City limits by Spanish Bay, the railroad-right of-way is used and needs to be further developed and acquired. A bike route extends along Ocean View Boulevard from Lovers Point to Spanish Bay.. An interpretive sign program at popular visitor destinations within the Coastal Zone could further enhance the visitor's shoreline experience.

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

3.2.2 Coastal Act Policies – Land Uses and Designations

Coastal Act policies related to priority uses require that Coastal Zone waters and oceanfront land suitable for recreational use be protected for recreational use and development. Additionally, visitor-serving and commercial recreational facilities are given priority on suitable private lands over private residential, general industrial, or general commercial development, but not over

agriculture or coastal-dependent industry, and that upland areas necessary to support coastal recreational uses be reserved, where feasible, for such uses (Public Resources Code §§30220-30223). Coastal-dependent uses are given further preference (Public Resources Code §30254). The Coastal Act also requires that lower cost visitor and recreational facilities be protected, encouraged and, where feasible, provided, and gives preference to development providing public recreational opportunities (Public Resources Code §30213). Additional policies address the location and amount of recreation or public facilities development to mitigate against the impacts of overcrowding or overuse ((Public Resources Code §§30212.5, 30250(c) and 30252(6)).

3.2.3 General Plan and Other Policies – Land Uses and Designations

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

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

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

3.2.4 Land Use Plan Policies – Land Uses and Designations

LUD-1. Protection of sensitive habitats, natural landforms, scenic resources, and other coastal resources is a priority in all City actions and decisions, and all development standards (including with respect to height, setback, density, lot coverage, etc.) shall be interpreted as maximums (or minimums) that shall be reduced (or increased) ~~in such a manner~~ so as to protect and enhance such resources to the maximum extent feasible. Development shall only be authorized when the proposed use is allowed per the applicable land use designation, and when it meets all applicable Local Coastal Program policies and standards.

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

LUD-2. In addition to all applicable Land Use Plan policies, the specific standards for development at the American Tin Cannery building/property located in Assessor Parcels (APN) 006-231-001, 006-234-004, 006-234-005, and the portion of Sloat Avenue between Eardley Avenue and Dewey Avenue (C-V-ATC zoning district) can be found in the Implementation Plan.

LUD-3. The Land Use Plan Designations figure shall officially designate land uses for the Coastal Zone, according to the following land use designations ((NOTE: numbers note maximum dwelling units per acre (e.g., LDR 1-2 means a maximum of one to two dwelling units per acre)):

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

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

Permitted Residential Uses

LUD-4. Allowed uses for Coastal Zone areas designated LDR 1-2:

a. single-family residences;

b. scenic reserves;

c. natural habitat reserves;

d. guest/auxiliary/second housing units up to the permitted densities, except detached units within the Asilomar Dunes Residential Area are prohibited; and

e. uses accessory to the above listed uses.

LUD-5. Allowed uses for Coastal Zone areas designated MDR 8-10 (MHP):

a. mobile homes; and

b. uses accessory to the above listed uses.

LUD-6. Allowed uses for Coastal Zone areas designated MHD 10-20:

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

h. uses accessory to the above listed uses.

Permitted Visitor Uses

LUD-7. Allowed uses for Coastal Zone areas designated V-A:

a. overnight lodging facilities;

b. bed and breakfast facilities;

c. limited appurtenant eating establishments and shops where appropriate;

d. visitor-serving commercial and retail uses; and

e. uses accessory to the above listed uses.

LUD-8. Allowed uses for Coastal Zone areas designated V-C:

a. overnight lodging facilities and appurtenant uses;

b. eating and drinking establishments;

c. visitor-serving retail, service commercial (e.g., banks, grocery stores and gas stations), and event venues;

d. institutional uses oriented to tourism;

e. public and private parking facilities; and

f. uses accessory to the above listed uses.

LUD-9. Allowed uses for the Coastal Zone areas designated SSC:

a. heavy commercial uses such as lumber yards, building supply centers, home and design centers, business service centers, hardware stores, and indoor and outdoor storage facilities;

b. industrial uses such as fabrication and light manufacturing;

c. retail and services uses;

d. offices;

e. uses allowed in the areas designated V-C;

f. uses accessory to the above listed uses.

~~Within areas designated SSC in the Coastal Zone, no allowable use shall be considered a higher priority than another.~~

Permitted Open Space Uses

LUD-10. Allowed uses for Coastal Zone areas designated OS-R:

a. low-intensity recreational and educational activities such as walking, nature study, photography and scenic viewing, and temporary events at Lovers Point;

b. facilities to access the water for recreational and educational activities such as diving, small craft boating, fishing, and swimming;

c. within the municipal golf course only, continued use as a public golfing facility; and

d. facilities for non-motorized modes of transportation including designated bike paths, bike lanes, and trails.

Other uses for Coastal Zone areas designated OS-R are limited to visitor-serving commercial uses that are incidental to and in support of public recreation, provided that such uses do not adversely affect coastal access or other coastal resources. Proposed uses and associated landscape plantings, signs, utilities, and other related

development shall not obstruct or interfere with public views of the ocean or bay from Ocean View Boulevard, Sunset Drive, Lighthouse Reservation lands, or the Asilomar State Beach and Conference Grounds. The proposed uses shall meet all of the following criteria:

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

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

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

LUD-11. Allowed uses for Coastal Zone areas designated OS-I:

a. Asilomar Conference Grounds: overnight accommodations, conference facilities, low-intensity coastal-related recreation, and very limited public recreational access to protect coastal habitat to the extent compatible with protection of designated natural and biotic resource areas.

b. Hopkins Marine Station and NOAA facility: coastal-dependent marine research and educational activities, aquaculture, and coastal-dependent recreation and

public recreational access that is compatible with maintenance of coastal-dependent scientific and educational uses.

c. Monterey Bay Aquarium: coastal-dependent marine research, educational and recreational activities and facilities, aquaculture, and public recreational access.

d. Lighthouse Reservation: existing coastal-related institutional and military structures, low-intensity coastal-related recreation, and public recreational access compatible with protection of designated natural and biotic resources, including Crespi Pond, sand dunes and existing stands of Monterey pines.

e. Critical infrastructure consistent with Local Coastal Program policies regarding coastal hazards and sea level rise.

LUD-12. Allowed uses for Coastal Zone areas designated RT:

a. Monterey Peninsula Recreation Trail bicycle and pedestrian path; and

b. appurtenant public recreational uses; and

c. uses accessory to the above listed uses.

3.3 Cultural Resources (CRS)

3.3.1 Background – Archaeological Resources

Native American Period (Pre-1500)

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

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

The Ohlone linguistic group inhabited ancestral lands ranging from San Francisco Bay to Big Sur and numbered at least 15,000 before European contact. The Ohlone Costanoan Esselen

Nation represents at least 19 villages of native peoples from the Monterey Peninsula and regions to the south. Archaeological resources are located throughout the Coastal Zone.

Figure 7: Archaeologically Sensitive Area

0 1800 feet

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

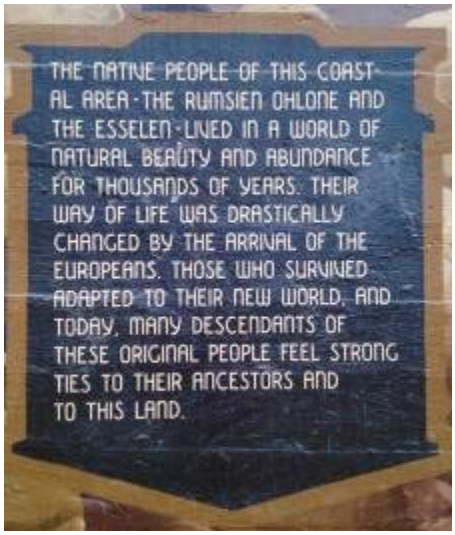
Source: City of Pacific Grove 1989, Google Earth 2013

Figure 7
Archaeologically Sensitive Area

City of Pacific Grove Land Use Plan

3.3.2 Coastal Act Policies – Archaeological Resources

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



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

3.3.3 General Plan and Other Policies – Archaeological Resources

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

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

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

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

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

3.3.4 Land Use Plan Policies – Archaeological Resources

CRS-1. The City will conduct consultations with ~~the tribe officially recognized~~ any federally-recognized California tribal government listed on the most recent notice of the United States Federal Register and any non-federally recognized California tribe listed on the California Tribal Consultation List maintained by the California Native American Heritage Commission that identifies as native to the Monterey Peninsula, including the Ohlone Costanoan Esselen Nation, in accordance with state law.

CRS-2. The City will ensure the protection, preservation, and proper disposition of archaeological resources within the Coastal Zone by assessing the potential impact of proposed development and ensuring, to the maximum extent feasible, that tribal concerns are considered before actions on proposed development are taken and that such impacts are avoided, minimized, or mitigated in conformity with the Coastal Act and other applicable legal requirements~~by following a City protocol~~.

CRS-3. The City will assist developers and landowners by providing early identification of sensitive sites so that archaeological resources can be considered and protected during the early phases of project design. The City ~~will~~ shall require new development to prepare an archaeological report by a qualified professional and, where appropriate, shall require mitigation measures to adequately protect and preserve potential archeological resources.

CRS-4. The City will update the background information for all archaeological sites identified within the Coastal Zone to develop a current assessment of the resources' potential historical significance and evaluate their vulnerability to climate change, including those sites recommended or determined to be eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources; and conduct the further research needed in order to determine the present condition of each site and to make an assessment of their potential eligibility for listing on either register, and therefore, their potential historical importance.

3.3.5 Background – Historic Resources

Pacific Grove is a small coastal town located at the tip of the Monterey peninsula adjacent to the Pacific Ocean and Monterey Bay. It is defined by a unique combination of natural features, rich history and traditional neighborhoods that create a special place for its residents and attracts visitors from around the world. It is part of the rocky shoreline of Central California with accessible pocket beaches and is framed by Monterey Pines and Cypress trees in a backdrop of rising ridge lines that result in a spectacular relationship of forest and sea.

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

The Spanish Period

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

The Mexican Period

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

Post Mexican-American War

The war ended in in 1848. In 1849, California was admitted into the United States and the Point Pinos Station was constructed in 1854 on U. S. government land. It is the oldest structure in Pacific Grove and continues to operate to this day. During that period of transition, Chinese immigrants built a small fishing village for about 500 people in a small sheltered cove west of Alones Point that was occupied from approximately 1850-1906. At the turn of the century there were increasing demands from the residents to remove the Chinese Fishing Village for a variety of reasons, some driven by ethnic prejudice and others that were economic. In 1905, the Pacific Improvement Company, owners of the land, gave notice to the fishing village leaseholders that their leases would not be renewed. A devastating fire erupted on May 16, 1906 destroying the village and the Pacific Improvement Company, owners of the property, did not rebuild the structures. After a brief stand-off, the former residents of the village moved to Cannery Row when a property owner, J.B. McAbee offered a twenty-year lease on his beach.[1] .

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

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

[1] City of Pacific Grove Final Historic Context Statement, October 31, 2011, Page and Turnbull, pages 127-130.

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

Pacific Grove Retreat

The historic Pacific Grove Retreat (Retreat) is partially located in the Coastal Zone. Within the Coastal Zone, the Retreat is bounded by Pacific Avenue to the west, Dewey Avenue to the east, and Central Avenue to the south. Outside of the Coastal Zone, the Retreat boundaries extend to Lighthouse Avenue to the south. Due to the Retreat's unique historic, architectural, and scenic characteristics the area is an important resource to the community and draws many visitors. As such, the area of the Retreat within the Coastal Zone is considered a "special community" within the context of Coastal Act §30253(e) and policies included in this Land Use Plan ensure the area is protected.

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

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

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

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

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

Historic Structures and Other Resources

At Asilomar State Beach and Conference Grounds, historic and architectural resources are found in the eleven buildings (circa 1913) designed in the American Arts and Crafts Movement genre by the pioneering California woman architect Julia Morgan. The Julia Morgan buildings at Asilomar State Beach and Conference Grounds and the land between them have been designated as a National Landmark District, which is the highest level of recognition for a cultural resource in the United States.

The renowned Hopkins Marine Station of Stanford built at Cabrillo Point in 1917 near the Monterey Boat Works factory (circa 1916), was originally built at Lovers Point in 1892 as the Hopkins Seaside Laboratory, and was the first marine science research facility on the California coast.

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

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

3.3.6 Coastal Act Policies – Historic Resources

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

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

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

Public Resource Code § 30253.e states new development shall "Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses."

3.3.7 General Plan and Other Policies – Historic Resources

In the past, the City took steps to protect historic resources including the Pacific Grove Retreat. Among these are:

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

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

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

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

3.3.8 Land Use Plan Policies – Historic Resources

CRS-5. The Pacific Grove Retreat's unique characteristic and architectural heritage contribute to the aesthetic, social, and economic well-being of the community, both for residents and visitors. The City will encourage the protection, maintenance, and enhancement of the unique historical, architectural, siting and visual characteristics of the Pacific Grove Retreat. Prior to any City review or regulatory action, all structures within the Retreat area constructed 50 years ago or more shall be evaluated for local historic significance. Historic resources in the Retreat area may seek relief from standards pursuant to DES-6.

CRS-6. All proposed development actions, including City public works projects, shall be consistent with maintaining the current scale and character of the Pacific Grove Retreat.

CRS-7. Rehabilitation, reconstruction, remodeling, or exterior modification of existing structures with historic or architectural significance in the Pacific Grove Retreat, and other neighborhoods in the Coastal Zone, shall relate to or retain the lines of the original design as much as possible and alterations shall provide evidence of substantial compliance to the Secretary of the Interior standards for historic resources.

CRS-8. Design review shall be required as part of the Coastal Development process in order to maintain historical continuity and visual harmony of new development within the Pacific Grove Retreat and other neighborhoods in the Coastal Zone.

CRS-9. In order to protect historic structures, unwarranted demolition shall be avoided by implementing standards for demolition.

CRS-10. The City will continue its ongoing programs of citizen involvement in carrying out its historic preservation policies and programs.

CRS-11. The City will continue to implement the Housing Rehabilitation Loan Program, and any other similar future programs, to assist property owners in the maintenance of structures in the Pacific Grove Retreat and other historical properties in good condition in order to retard physical deterioration. Possible approaches will include incentives, code enforcement, award programs, rehabilitation programs, and use of the California State Historic Building Code

CRS-12. Other historic or architecturally unique structures, including the Julia Morgan structures at Asilomar State Beach and Conference Grounds, shall be protected and maintained to the fullest extent possible. In order to preserve structures designed by Julia Morgan at the Asilomar State Beach and Conference Grounds, the City will encourage the State Historian to consult with the City on design review prior to any proposed exterior alterations.

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

3.4 Public Infrastructure (INF)

3.4.1 Background – Water Supply, Conservation, and Wastewater

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

Pacific Grove obtains its water supply from surface water in Carmel Valley and from groundwater resources in the Carmel Valley and Seaside Groundwater Basins. Withdrawals from the Carmel Valley are governed by the State Water Resources Control Board and

implemented by the Monterey Peninsula Water Management District. The Seaside Groundwater Basin is adjudicated and overseen by the Seaside Groundwater Basin Watermaster.

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

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

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

The City has significant wastewater infrastructure potentially at risk under combined sea level rise and coastal storm flooding, but duplication of this infrastructure would be infeasible at the current time and relocation to higher elevations would be difficult to accomplish. Phased and prioritized relocation of sewer lines would be more feasible to accomplish and could potentially be coordinated with long-term system maintenance or capital investment. A plan that took into

account age and condition of the infrastructure, capacity and functionality of the infrastructure, and susceptibility to damage, would need to be developed in order to establish priorities for system relocation. Measures to safeguard against inundation damage to critical pump station facilities might be necessary as a short-term approach.

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

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

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

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

The City has completed a Local Water Project. The City Council updated City ordinances and policies allocating new water into one of the City's four potable water reserve categories, commercial, residential, governmental and community. Policies are needed to ensure that a portion of the water available to the City for new development is reserved for priority uses within the Coastal Zone such as public recreation, coastal-related commercial recreation, coastal-related visitor-serving facilities, and coastal-dependent industry. Non-priority uses like residential and general commercial uses within the Coastal Zone would then compete with the uses outside the Coastal Zone for the unreserved water available to the City for development.

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

- Reservation of a portion of the City's available water supply for Coastal Act priority use development;
- Permitting new development only when there is adequate existing and long-term water supply to serve the development;

- Using reclaimed wastewater and captured runoff for irrigation and other beneficial uses where feasible; and
- Encouraging native low-water /drought resistant landscaping; to be planted in new development projects in order to conserve water, and require drip or micro-spray irrigation systems for both temporary and permanent irrigation.

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

INF-1. The City Council shall annually review the City's water allocation regulations and procedures, and the status of the City's water reserves. To the maximum extent feasible, the City will reserve a sufficient quantity of water to accommodate coastal priority uses designated by the Land Use Plan (i.e. public access and recreational uses and visitor-serving uses) from its allotted water supply. This allocation shall include considerations of constrained and unconstrained water demand, taking into account sources and timing of new water supply, as well as the City's overall land use and economic policies.

INF-2. Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate existing water allocation and sustainable long-term water supply. Individual private water systems, except for rainwater collection are prohibited.

INF-3. Recycled wastewater shall be used as much as possible to irrigate the Municipal Golf course, the City cemetery, and other landscaping areas, to the extent recycled water is reasonably available for such purpose.

INF-4. Wastewater disposal systems which minimize or eliminate marine resource pollution, and which provide for reclamation of wastewater for reuse, shall be encouraged.

INF-5. Development shall only be approved if it is first clearly demonstrated that the additional wastewater discharge associated with such development will not significantly adversely impact coastal resources, including marine resources. New development, including redeveloped structures, shall connect to the public wastewater treatment system.

INF-6. When considering new development or redevelopment/renovation projects, the City will consider the existing property domestic water allocation, the potential for on-site conservation and capture, and available City supplemental water as part of the water allocation.

INF-7. The City will continue to pursue the development of sustainable water supplies and develop new infrastructure, to the extent feasible, within locations not susceptible to coastal hazards.

INF-8. The City will maximize potential sources of new water by utilizing, where feasible, reclaimed wastewater and captured runoff for open-space irrigation. Development approval shall, as appropriate, include dual piping systems designed to allow for use of reclaimed water for irrigation and toilets in the future.

INF-9. New or expanded water or wastewater facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the Land Use Plan.

INF-10. The City will consider the relocation of critical water and wastewater infrastructure, as necessary and feasible, to protect those services from the effects of sea level rise and other coastal hazards.

INF-11. The City will encourage water conservation measures for new development to the greatest possible extent including, but not limited to, the use of water conservation fixtures and equipment including but not limited to high-efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, etc., off-set of proposed water use, drip or microspray irrigation, storm water capture, greywater collection and reuse and native drought resistant landscaping.

3.4.5 Background – Storm Drainage

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

In all cases, striving for appropriate filtration and treatment of storm water runoff prior to discharge is a priority of the City.

3.4.6 Coastal Act Policies – Storm Drainage

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

3.4.7 General Plan and Other Policies – Storm Drainage

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

3.4.8 Land Use Plan Policies – Storm Drainage

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

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

INF-13. The City will implement, where feasible, "best management practices" (BMPs) in parking areas near the coast to capture sediments and other pollutants, to filter and

treat runoff prior to discharge, and to incorporate water quality protection features, such as Low Impact Development designs, into new or upgraded storm water system facilities and adjacent areas.

3.4.9 Background – Transportation

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

A *Pacific Grove LCP Transportation Analysis* prepared by Hatch Mott MacDonald and included in the Local Coastal Program Background Report, found that traffic volumes, as well as tourist and recreation activity, are expected to increase about 20 percent over the next 25 year period. The analysis indicates that for the most part, traffic increases of 20 percent would not be expected to result in significant impacts to traffic operations in the Coastal Zone through 2035. That is not to say that such conclusion will be assured, and it is incumbent on the City to ensure that new development is analyzed for its potential to adversely impact circulation in accordance with the California Environmental Quality Act. The following paragraphs summarize facilities that are explained in more detail in Appendix A.

Transit Service

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

Bicycle Facilities

The Coastal Zone contains the southernmost section of the Monterey Bay Sanctuary Scenic Trail. The Monterey Bay Sanctuary Scenic Trail provides a public trail along the shoreline of the Monterey Bay National Marine Sanctuary, extending between Pacific Grove and Marina, with planned extension into Santa Cruz County. The segment of the Monterey Bay Sanctuary Scenic

Trail in Pacific Grove extends between the easterly City limits near Eardley Avenue to Ocean View Boulevard at Lovers Point. It has a paved portion (a Class I Bike Path which is separated from vehicle travel lanes) and an adjacent gravel path designated for pedestrians. The path varies in width from 10 feet to 22 feet. Bicyclists, pedestrians, and surreys share the path. Ocean View Boulevard extending from Eardley Avenue to Asilomar Avenue is a Class III bikeway. A Class III bikeway consists of a shared right-of-way with vehicles in a travel lane. Ocean View Boulevard-Sunset Drive, between Asilomar Avenue and Seventeen Mile Drive, is striped with Class II bike lanes. A Class II bikeway provides a striped bike lane on the outside of each vehicle travel lane.

Pedestrian Facilities

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

Parking

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

3.4.10 Coastal Act Policies – Transportation

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

3.4.11 General Plan and Other Policies – Transportation

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

3.4.12 Land Use Plan Policies – Transportation

INF-14 The City will seek to make "complete streets" improvements to the existing circulation system serving the Coastal Zone for expanded use by all users including pedestrians, bicyclists and transit passengers of all ages and abilities, as well as trucks, buses and automobiles.

INF-15 Asilomar Avenue shall remain a City thoroughfare providing access to Asilomar Conference Grounds and an alternate coastal access route between Highway 68 and Ocean View Boulevard.

INF 16 The City will require a construction phase traffic control plan for new development that has the potential to disrupt circulation on arterial or collector streets.

INF-17 Transit service and other means of transportation should be increased, where feasible, as a means of providing access for residents without automobiles, increasing the efficient use of coastal access roads, and as an approach to minimize adverse effects from special event traffic.

INF-18 The designation of a continuous bicycle route along Ocean View Boulevard and Sunset Drive, extending from the existing bike route sign at Eardley Avenue and Ocean View Boulevard to the south end of Asilomar State Beach, shall be retained, and shall be extended to the Seventeen Mile Drive intersection. The City will seek to upgrade this segment to a Class I bicycle path on the seaward side of the road preferably, or to a Class II or III bicycle lane if a Class I bicycle route is infeasible due to siting constraints.

INF-19 New development near popular visitor destinations shall be required to provide bicycle racks to encourage bicycle use.

INF-20 The City will continue to pursue acquisition of the Union Pacific railroad right-of-way, or an alternative route where acquisition is not feasible, to help provide for continued and enhanced recreational trail/open space use.

INF-21 The City will connect the Recreational Trail between Lovers Point to Asilomar State Beach and Spanish Bay.

INF-22 New development in the Coastal Zone shall include adequate off-street parking to minimize the disruption of significant coastal access routes. All traffic impacts associated with new development shall be mitigated appropriately.

INF-23 The City will improve, relocate, or appropriately manage parking pull-outs along Ocean View Boulevard east of Asilomar Avenue, for the purpose of restoration and protection of "edge" areas and prevention of erosion, consistent with protection of sensitive habitats and encourage walking with the addition of a formal trail that would reduce vehicle and pedestrian conflicts.

INF-24 The City will coordinate with relevant local, state, or regional, transportation agencies to study the effects of coastal hazards and sea level rise and the City will prepare a Shoreline Management Plan (SMP) that identifies adaptation strategies that could be used to address the specific vulnerabilities of public parkland along the shoreline ~~the Recreation Trail~~ and associated infrastructure. The SMP will evaluate the need to protect coastal resources, and maximize public access as sea level rises, and shall include various options for relocating or protecting circulation facilities in the Coastal Zone, including trails, streets, and bicycle lanes in a way that achieves these goals.

3.5 PARKS, RECREATION, AND PUBLIC ACCESS (PRA)

3.5.1 Background – Parks, Recreation, and Public Access

Public access is one of the major goals of the Coastal Act. The Coastal Act states that "each local coastal program…shall contain a specific public access component to assure that maximum public access to the coast and public recreation is provided" (Public Resources Code §30500). This section focuses on opportunities to preserve, provide, and enhance public access to the unique and diverse features of the City's shoreline. Parks front the shoreline for most of the Coastal Zone. The City owns four shoreline parks comprising over 23 acres, and additional parkland is owned by the California Department of Parks and Recreation. There is unprecedented public coastal access throughout Pacific Grove's Coastal Zone. See Figure 8.

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

1. **Shoreline Access** is the provision of pedestrian access and other forms of universal access including bicycle, stroller, etc. from a public thoroughfare to and along the shoreline.

2. **Lateral Accessway** is an area of land providing public access along the edge and parallel to the shoreline either along the beach or coastal blufftop trail where access along the beach is not available.

3. **Vertical Accessway** is an area of land providing a connection between the first public road, trail, or use area nearest the sea, or a lateral accessway, and the immediate shoreline, beach, publicly-owned tidelands, and ocean. In cases of steep grades changes, it may include stairs or ramps to access the water's edge and beaches.

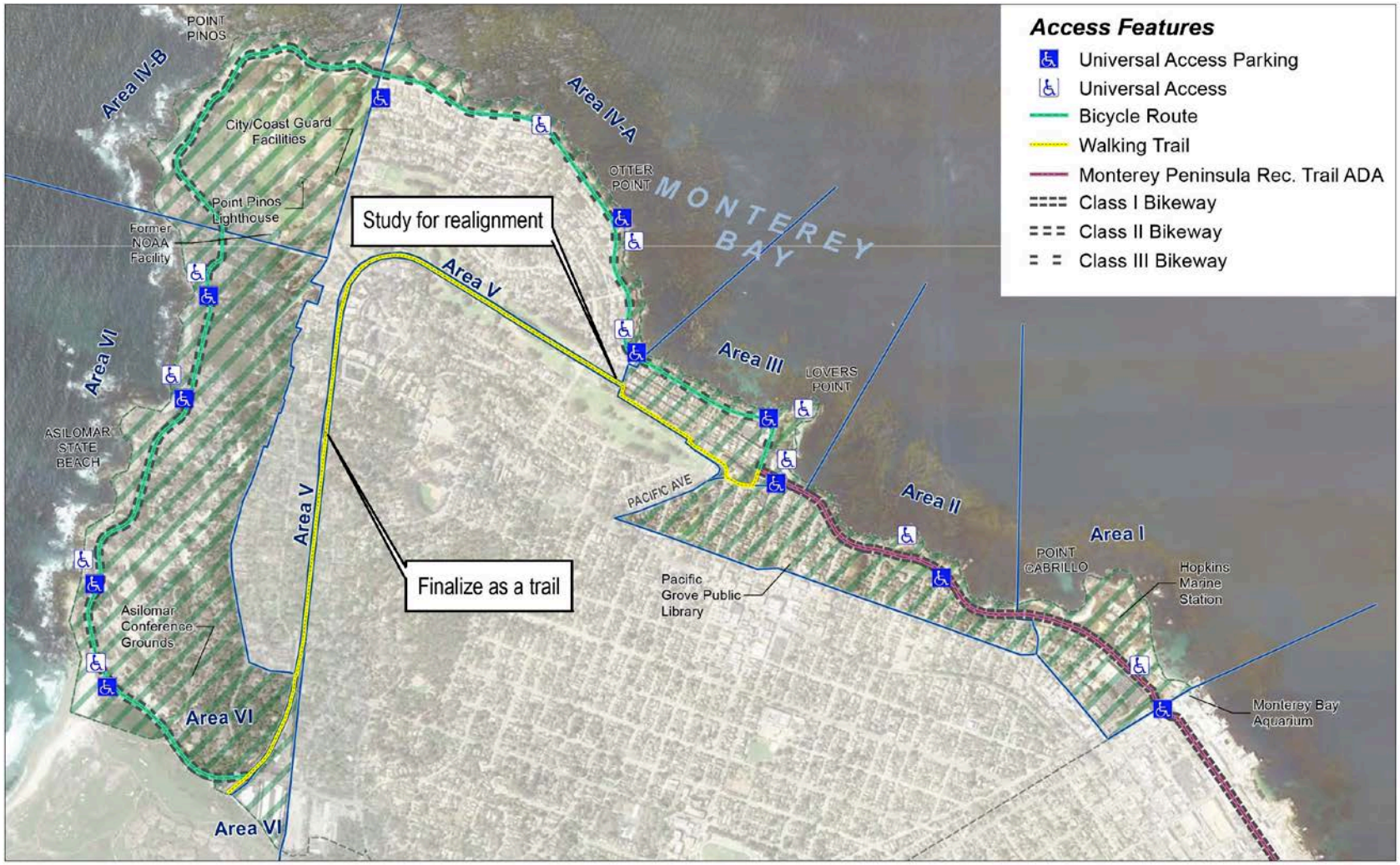
The following discussion describes the major lateral and vertical access areas, and areas providing visual access to coastal waters. Key features described are shown on Figure 8, Coastal Parks, Trails, and Resources.

Area I: Point Cabrillo

The Monterey Bay Aquarium occupies Point Alones on the eastern shore of Pacific Grove. The aquarium is separated from Stanford University's Hopkins Marine Station by a 10-feet wide trail connecting the Recreational Trail with visual access overlooking the sandy beach (Fisher Beach) and offshore kelp forests. Most of the buildings of Hopkins Marine Station are distributed on Point Cabrillo, west of Point Alones. All of the property of Hopkins Marine Station is fenced, and public access is limited to facilitate long-term monitoring and experimental studies in the rocky intertidal area around Point Cabrillo. The fence serves as a barrier between the City's

Recreational Trail and the sensitive bluff habitat and marine mammal habitat on Stanford University's property. A second small beach, Agassiz Beach on the eastern side of Point Cabrillo, provides access to the offshore kelp forests for Stanford's divers and small boats. On the western side of Point Cabrillo, a third small beach, West Beach is used by harbor seals to haul out and as the major rookery. The harbor seals, which are present throughout the year, are visible through the black chain-link fence along the Recreational Trail that parallels Ocean View Boulevard. The Hopkins Marine Station property extends westward along the coast to the junction of Third Street and Ocean View Boulevard.

Figure 8: Coastal Parks, Trails, and Resources



0 1800 feet

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

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

Figure 8
Coastal Parks, Trails, and Resources

City of Pacific Grove Land Use Plan

Vertical access to the shoreline at the ~~west~~ east end of the Hopkins Marine Station property is provided by an easement required by the City in connection with re-subdivision of a portion of the Hopkins Marine Station property. It is connected to Ocean View Boulevard via a 10 foot wide strip which has been deeded to the City from the former Southern Pacific railroad.

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

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

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

Area II: Pacific Grove Retreat

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

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

Area III: Lovers Point

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

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

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

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

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

Area IV-A: Ocean View Area

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

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

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

Area IV-B: Point Pinos

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

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

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

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

Area V: Union Pacific Railroad

In 1982, a joint powers agency consisting of the cities of Pacific Grove and Monterey, together with the Monterey Peninsula Regional Park District acquired the portion of the abandoned

Union Pacific railroad right-of-way between Custom House Plaza in Monterey and Lovers Point. In 1984, the portion of the right-of-way between the Monterey Bay Aquarium and Lovers Point was developed as a designated Recreational Trail for pedestrians and cyclists. The remainder of the right-of-way was not purchased at the time.

The former right-of-way at the mobile home park is now privately owned and inaccessible. The route of the right-of-way from the mobile home park at Lovers Point passes through the City golf course and then through areas developed with single- and multi-family homes and motels. Limited ocean views are available from the right-of-way. Access to the right-of-way is provided at the various road intersections with the former railroad tracks from Del Monte Boulevard to Pico Avenue. However, because the right-of way is now privately owned at the mobile home park and also passes though the golf course, the City should study the realignment of this proposed trail system to connect Lovers Point to Asilomar and Spanish Bay, ideally along the coastline.

Area VI: Asilomar

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRA-4. The City will update the Coastal Parks Plan for inclusion in the Local Coastal Program, for ~~the~~ all public parks within Pacific Grove's coastal zone~~parklands~~, including the Lighthouse Reservation. The purpose of the Coastal Parks Plan, including as it relates to shoreline access is to:

a. Provide improved and enhanced accessways and control unrestricted parking by use of appropriate barriers or other means, consistent with the visual resource and public access protection policies of this plan;

b. Improve the existing sign program to include interpretive information pertaining to public safety, public access, protection of sensitive habitats, and special natural or man-made features;

c. By regulating public use and access to the shoreline, prevent overuse and damage to biological, cultural, geological, and visual resources by developing regulations concerning maximum public usage; and

d. Provide standards for maintenance, management, and development of the City's coastal parklands in a manner consistent with the Resource Management policies of the Land Use Plan.

e. Implement the Coastal Commission approved Shoreline Management Plan in conformance with Policy Haz-6.

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

a. Planning Area I: Encourage Hopkins Marine Station to maintain a low profile, low visibility fence or barrier that is sited and designed to limit public view degradation as much as possible. Pursue opportunities to provide lateral and vertical access along the Hopkins shoreline as much as possible without negatively impacting the habitat or the scientific mission of the Station. Encourage enhanced visitor and public access, circulation and parking at the American Tin Cannery building and property;

b. Planning Area II: provide well-defined trails along the bluffs with stairways to provide access to the water and direct recreation to Berwick Park, but balance the need to protect Environmentally Sensitive Habitat Areas;

c. Planning Areas III and IV: create formal trail network and restore native vegetation and reduce erosion by directing pedestrians to beach stairways along the coast.

d. Planning Area IV: clearly define parking areas from 17 Mile Drive west to protect bluff vegetation and reduce erosion, while maximizing public coastal access, and seek means to reduce conflicts between automobile and pedestrians and cyclists (e.g., ingress/egress direction, etc.);

e. Planning Area VI: on state-owned lands west of Sunset Drive, reduce habitat damage by vehicles and reduce conflicts with pedestrians/bicyclists;

f. Planning Areas I, II, III, IV and VI: develop an accessways maintenance program for all existing and new shoreline accessways;

g. Planning Area V: Study potential recreation trail realignment between Lovers Point Park and Lighthouse Ave.;

h. Consider relocation or renovation of parking areas to reduce erosion and delineate specific tour bus pullout areas and tour bus parking elsewhere should be prohibited; and

i. Develop adaptation strategies for the potential of higher storm waves, erosion, and other coastal hazards due to anticipated sea level rise. Strategies may include considering the addition of natural granite boulders to the shore area in key locations to dissipate wave energy; a plan for relocation of stair wells and access trails, points and signage, etc.; or other strategies that protect/preserve public access and recreation opportunities.

PRA-6. Excessive signs and other visually intrusive landscape features shall be avoided.

PRA-7. The City will encourage the State to continue to implement the Resource Management Plan for Asilomar State Beach and Conference Grounds to the extent its implementation is consistent with the Local Coastal Program and the Coastal Act and to include provisions for designated accessways which are both safe and non-disruptive of sensitive habitats.

PRA-8. Development with the potential to impact public access, whether during construction or after, shall develop a Public Access Management Plan designed to identify and limit impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Plans associated with

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

PRA-9. New development shall ensure that public access opportunities are maximized, including though offsetting any temporary (e.g., during construction) and potential permanent impacts to public access (including in terms of increased traffic leading to impacts to public access use of the City's circulation system) appropriately and proportionally. Development shall provide for public access enhancements and improvements as much as possible, including in terms of providing public access use areas in private development projects (e.g., visitor serving development) as appropriate. Development that does not meet these requirements shall be denied.

PRA-10. The City may seek a Coastal Development Permit to establish paid public parking spaces with reasonable rates in appropriate places, including in areas unencumbered by existing Coastal Development Permits, in order to establish a dedicated funding source to improve and enhance coastal access.

PRA-11 Lower cost visitor-serving facilities, including overnight accommodations and public recreational opportunities, shall be provided and encouraged. Existing lower-cost accommodations shall be protected and maintained. Overnight accommodations are reserved for transient uses only (30 days or less).

PRA- 12 New development shall avoid adverse impacts to the availability and provision of lower and moderate cost visitor accommodations in the City. If new development would result in a decrease in the available supply of existing lower cost visitor accommodations, or would fail to provide a range of affordability, or fail to use land suitable for lower cost accommodations for that purpose, mitigation shall be required as determined by a project-specific impact analysis.

PRA-13 Short term vacation rentals are considered a lower cost visitor accommodation and are permitted in the coastal zone so long as such rentals do not adversely impact coastal resources or unduly burden residential neighborhoods.

Chapter 23.90

LOCAL COASTAL PROGRAM COASTAL IMPLEMENTATION PLAN

23.90.010 Purpose and General Provisions of the Coastal Implementation Plan

A. Purpose. The purpose of this Chapter is to implement the City of Pacific Grove Local Coastal Program (LCP) Land Use Plan (LUP), 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 Coastal Implementation Plan. This Chapter is the City of Pacific Grove LCP Coastal Implementation Plan (IP), serving to carry out the policies of the LCP LUP, including providing the requirements for issuance of Coastal Development Permits (CDPs). This Chapter is a component of the City of Pacific Grove LCP. In case of conflict with any other applicable non-LCP City policies or regulations, the IP and LUP shall take precedence, with the LUP taking precedence if there are conflicts between the LUP and the IP. Where the IP and LUP 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 CDPs.

D. Agency Coordination. The City will work with other agencies as appropriate to implement the LCP.

E. LCP Violations. The City is the primary enforcement entity for development within its jurisdiction and will investigate and prosecute development activity that occurs within the Coastal Zone without a coastal development permit pursuant to the requirements of this LCP and other violations of the Coastal Act. The City will work to resolve violations of this LCP in a timely manner, including through the use of appropriate enforcement actions. The City may request that the Coastal Commission assist with, or assume primary responsibility for, resolving violations of this LCP. The Commission may request that the City act to resolve violations of this LCP. However, if the City declines to act or does not act in a timely manner, the Coastal Commission may enforce the requirements of this LCP through its own enforcement actions pursuant to Coastal Act Sections 30809 and 30810.

F. 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.

G. Jurisdiction. The City's jurisdiction over CDPs does not include tidelands, submerged lands, and public trust lands as described in Public Resources Code Section 30519(b) and described as areas of California Coastal Commission CDP Jurisdiction, including as illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map, as may from time to time be amended.

H. Coastal Commission CDPs. The Coastal Commission retains authority over CDPs approved and/or issued by the Coastal Commission prior to certification of this LCP, including with respect to condition compliance and amendments. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued CDP, the applicant shall apply to the Coastal Commission for a CDP amendment, unless the Commission's Executive Director determines that such development or modification is not inconsistent with and will not change the relevant terms and conditions underlying the CDP, in which case the application can be processed by the City.

I. Incomplete Applications at Certification. Any proposed development within the City's Coastal Zone that is subject to the City's jurisdiction upon certification of the LCP, but for which a complete CDP application has not been filed with the Coastal Commission prior to certification of the LCP, shall be submitted instead to the City through an application pursuant to the certified LCP. The standard for review for such an application shall be the requirements of the certified LCP. A refund of application fees paid to the Coastal

Commission shall only be due if no significant staff review time has been expended on the original application.

J. Complete Applications at Certification. Any proposed development within the City's Coastal Zone that is subject to the City's jurisdiction upon certification of the LCP for which a complete CDP application has been filed with the Coastal Commission prior to certification of the LCP may, at the option of the applicant, remain with the Coastal Commission for completion of review. 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 the certified LCP. In either case, the standard of review for any such application shall be the LCP. A refund of application fees paid to the Coastal Commission for a withdrawn application shall only be due if no significant staff review time has been expended on the withdrawn application.

K. Coastal Resource Protection. The LCP shall be interpreted to accomplish the purposes of and carry out the objectives of the California Coastal Act, including in terms of best protecting coastal resources. Site specific biological resources, archaeological, visual, geologic, water quality, coastal hazards, and other coastal resource protection constraints may limit development to less than the maximum development potential listed for the LCP's zoning districts.

L. LCP. The City of Pacific Grove LCP is made up of its LUP and this IP.

23.90.020 Definitions

The following terms are used in this Implementation Plan. See also the definitions listed in Land Use Plan Section 1.10.

A.

"**Accessory structure**" ("accessory building") means structures that are customarily incidental to, related to and clearly subordinate to principal allowed uses and structures located on the same premises, such as parking facilities, restrooms, etc.

"**Accessory use**" Means 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.

B.

"**Best Available Science**" refers to current, generally accepted, data-driven information, as refined to be most applicable to the local circumstances and conditions, and considering a range of plausible impacts based on multiple time scales, emissions scenarios, or other factors developed to inform further decision-making regarding the range of impacts and vulnerabilities.

C.

"**Coastal beach**" (or beach) means the sandy area between the low tide and the first line of terrestrial vegetation or development or the toe of an adjacent coastal bluff or seawall, whichever is the most landward.

"**Coastal Bluff**" (**Bluff or Cliff**) means a landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting one of the following two parameters:

1. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.

2. The toe of which lies within an area otherwise identified in Public Resources Code §30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or sea cliff. 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 step like 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 Related Use**" or "**Coastal-Related Development**" refers to any use that is dependent on a coastal-dependent development or use.

D.

"**Director"** refers to the City of Pacific Grove Community and Economic Development Director and his or her designee.

F.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

"Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed on land or in a submerged area.

"First Public Road Paralleling the Sea" means that road nearest to the sea, as defined in Section 30115 of the Public Resources Code, which:

(a) Is lawfully open to uninterrupted public use and is suitable for such use;

(b) Is publicly maintained;

(c) Is an improved, all-weather road open to motor vehicle traffic in at least one direction;

(d) Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

(e) Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

"**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.

"Height" means the vertical distance measured between legally established existing grade and the top-most portion of development above existing grade, unless otherwise specified.

"**Historic resource**"" means any object, building, structure, site, area or place which is at least 50 years old and is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of the City of Pacific Grove and/or California and/or the United States.

L.

"**Lodging"** includes the following:

1. "**Vacation rental**" or "**short term rental**" mean the use of a residential structure or a portion of a residential structure for short-term transient use where food is not provided.

2. "**Bed and breakfast inn**" means the use of a residential property for commercial lodging purposes where there are at least eight rooms available to guests and where the principal buildings were constructed at least 75 years prior to the date of application for the use.

3. "**Hotel**" means the use of a commercial structure for commercial lodging purposes which is occupied or intended or designed for occupancy for short term, temporary or impermanent lodging or sleeping purposes, where food, parking, or other amenities customarily associated with hotels are provided, and where most rooms are accessed from within the hotel and not from separate entrances.

4. "**Motel**" means the use of a commercial structure or group of structures on the same parcel for commercial lodging purposes which is occupied or intended or designed for occupancy for short term, temporary or impermanent lodging or sleeping purposes, where food, parking, or other amenities customarily associated with motels are provided, and where most rooms are accessed from individual entrances from the outside.

5. "**Automobile court, cottage court, or motor lodge**" means a motel that is used primarily for the accommodation of transient automobile travelers for which enhanced automobile facilities are included.

"**Lot Width**" means that dimension of a lot which fronts on a street. In the case of frontage on more than one street, it refers to the lesser of the two dimensions.

~~**N.**~~

~~**"Non-conforming structure"** means a structure that was lawfully erected, but which does not currently conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of the IP or by reason of annexation of territory to the City or by natural changes to the landscape or landform such as erosion.~~

~~**"Non-conforming use"** means an ongoing use of a structure or land that was lawfully established and maintained according to land use requirements that were in effect when the use was initiated, but which does not currently conform to the use regulations or required conditions for the land use designation in which it is located. Each of the following constitutes a non-conforming use:~~

- ~~The use is specifically prohibited or is not identified and interpreted to be a permitted or conditionally permitted use of the land use designation in which the use is located.~~
- ~~The use does not provide the number of parking spaces currently required, but provides the number of spaces required when the use was first lawfully established.~~
- ~~The use does not have an entitlement required to establish the existing use, where the use was established before the requirement was enacted.~~

P.

"**Person**" means any individual, organization, partnership, limited liability company, or other business association or cooperation, including any utility, and any federal, state, local government, or special district or any agency thereof.

"**Plate line**" means the top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this

definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this section.

R.

~~**"Redevelopment Conformance Trigger"** For development located within potentially hazardous shoreline areas or sensitive habitat areas, a structure shall be considered redeveloped, whereby the entire structure and all development on the site must be made to conform with all applicable LCP policies, when such development consists of:~~

~~A. Alteration of 50% or more of the major exterior structural components, including walls and roof structure of such development. (Replacement of structural components required to bring existing structures up to current building code shall not count toward the calculation of alterations.)~~
~~B. Additions and alterations to such development that lead to more than a 50% increase in floor area for the development.~~

~~Alterations are not additive between individual major structural components, whereby the percentage of alteration of one type of structural component (e.g. roof) shall not be added to the percentage of alteration of another type of structural component (e.g. exterior wall framing) when calculating the percentage of total alteration. Alterations to individual major structural components are cumulative over time from the date of certification of the LCP.~~

~~Development that does not meet the Redevelopment Conformance Trigger shall be subject to the rules in effect in the municipal code. Ordinary maintenance and repair is exempt.~~

"**Revetment**" is a type of shoreline protective device typically consisting of 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.

"**Reviewing Authority**" means the authority with the responsibility to review, approve, or deny coastal development permits (i.e. the City Planning Commission, the City Council, or the Coastal Commission).

"**Riprap**" means a type of shoreline protective device consisting of a protective layer or facing of rock, concrete blocks or quarry stone, placed to prevent erosion, scour, or sloughing of an embankment or bluff or to protect development.

S.

"**Sea**" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

~~"**Stream**" means any stream mapped by the United States Geological Survey on the 7.5 minute quadrangle series, and/or in the National Hydrographic Dataset. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. For purposes of this LCP, channelized streams not having significant habitat value are not considered a "stream."~~

"**Structure**" means any development constructed or erected with a fixed location on or in the ground, or attached to something with a fixed location on or in the ground. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

"**Submerged Lands**" means lands which lie below the line of mean low tide.

V.

"Vernal Pools" are seasonal depressional wetlands that occur under the Mediterranean climate conditions of the California coast and in glaciated areas of northeastern and mid-western states. They are covered by shallow water for variable periods of time from winter to spring, but may be completely dry for most of the summer and fall. These wetlands range in size and are usually found in a gently sloping plain of grassland.

W.

"Waiver for De Minimis Development" means a waiver of coastal development permit requirements for development in the Coastal Zone.

"**Wireless telecommunications facility**" means antennas and towers, either individually or together, and associated equipment and structures used for wireless telecommunications purposes. Includes commercial radio, television antennas, and commercial communication transmitters or towers.

23.90.030 Coastal Development Permit Processing Procedures

This section provides procedures for coastal development permit (CDP) application processing, filing, review, noticing, and action for development in the City of Pacific Grove's CDP jurisdiction within the Coastal Zone.

A. CDP Required. All development, as defined in Coastal Act Section 30106, within the coastal zone requires a CDP except as specified in Sections 23.90.040 and 23.90.045 (CDP Exemptions and Waivers for DeMinimis Development).

B. Reviewing Authority. The Planning Commission shall take initial action on all CDP applications (except as provided for in Section 23.90.040). Certain Planning Commission decisions can be appealed to the City Council or referred directly to the City Council upon its request, where the City Council becomes the reviewing authority. Certain City Council decisions can be appealed to the Coastal Commission, where the Coastal Commission becomes the reviewing authority, all as described in Section 23.90.100

C. Additional Permits. The review of a CDP application shall be processed concurrently with any other discretionary permit applications required by the City. Any such discretionary approvals become effective only after a CDP is approved as required by this chapter and so long as they are consistent with the CDP terms and conditions. The City may not grant any discretionary approval for a proposed project that conflicts with this chapter.

D. Unpermitted Development and Permitting Processes. Development that occurred after the effective date of the Coastal Act of 1976 (i.e., January 1, 1977) or after the Coastal Initiative of 1972 (February 1, 1973), whichever is applicable, and that did not receive a CDP or was not otherwise authorized under the Coastal Act/Coastal Initiative, is not lawfully established or authorized development ("unpermitted development"). In addition, development inconsistent with the terms and conditions of an approved CDP is also not lawfully established or authorized development. Both categories of unpermitted development shall be the subject of this IP's enforcement section, which may include Coastal Commission enforcement as well (see Section 23.90.010 (E)). If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through retention of all or part of same if it can be approved as LCP consistent, or through removal and restoration of affected areas.

23.90.040 CDP Exemptions

In accordance with Coastal Act Section 30610 and Title 14 of the California Code of Regulations (CCR) Sections 13250, 13252, and 13253, all of which govern here in the case of conflicts or questions of interpretation, ~~T~~the following projects are exempt from the requirement to obtain a CDP:

A. Existing Single-Family Residences. Improvements to an existing single-family residence, including fixtures and structures directly attached to a residence, landscaping, and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds. This exemption **does not** include:

1. Improvements to a single-family residence if the residence or any 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 (i.e., those areas designated in LUP Figure 4: Scenic Areas), or within 50 feet of the edge of a coastal bluff.

2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.

3. The expansion or construction of water wells or septic systems.

4. Guest houses or self-contained residential units.

5. On property not included in Subparagraph A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated in LUP Figure 4: Scenic Areas map, when one of the following circumstances apply:

   a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or

   b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or

   c. An increase in height by more than 10 percent of an existing structure; or

   d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; and/or

   e. Development that includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

6. Any improvement to a single-family residence where the coastal development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal development permit or a CDP amendment or some other type of coastal authorization (e.g., a CDP waiver).

B. Other Existing Structures. 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 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

(i.e., those areas designated as Scenic View Areas in LUP Figure 4); 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 in LUP Figure 4: Scenic Areas map, 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;

    d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; or

    e. Development includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

5. Any improvement to a structure which changes the intensity of use of the structure.

6. 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.

7. Any improvement to a structure where the coastal development permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal development permit or a CDP amendment or some other type of coastal authorization (e.g., a CDP waiver).

C. Repair or Maintenance Activities. 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;

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;

e. 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

f. 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.

2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area (including in the Asilomar Dunes Residential Area or the 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 either of the following:

   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~~ outside of the perimeter of the existing development~~.

3. Those activities specifically described as exempt from CDP requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 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, in which case the 1978 document exemptions do not apply.

4. 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 development permit.

D. Replacement of Destroyed Structures. The replacement of any legally established structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable LCP 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 measured 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.

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

1. Are not held between Memorial Day weekend and Labor Day weekend, or if proposed in this period will be of less than two weeks in duration including setup and take-down; and

2. Does not ~~O~~occupy all or a portion of a sandy beach or park 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, subject to the procedure in Section 23.90.050, 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 development permit to address and monitor associated impacts to coastal resources.

F. Emergency Work. Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

23.90.045 Waivers of De Minimis Development

A. Authority. The Director may issue a written waiver from coastal development permit requirements of this chapter for any development that is de minimis.

B. Determination of Applicability. A proposed development is de minimis if the Director determines, based on a review of an application for a coastal development permit, that the development satisfies all of the following requirements:

1. The proposed development is within the coastal zone; the development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission; and ~~not located within an appeal area and~~ not within an area where the Coastal Commission retains permit jurisdiction and no local public hearing is required.

2. The proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the certified Local Coastal Program.

The determination shall be made in writing and based upon factual evidence.

C. Applicability. The Director may consider the following types of development for possible permit waivers:

1. Projects that would have been placed on the consent calendar of the City Council agenda without special conditions;

2. Projects fully consistent with the certified LCP and for which all applicable policies of the LCP are objective in nature, such that staff does not have to exercise its judgment as to satisfaction of subjective criteria; and

3. Projects located in areas where similar projects have been approved as a routine matter without conditions or opposition.

The following projects will not be considered for possible waivers:

1. Projects that involve questions as to conformity with the certified LCP, or that may result in potential impacts on coastal resources and public access;

2. Projects with known opposition or probable public controversy; and

3. Projects that involve divisions of land including condominiums.

D. Public Notice. If, upon review of the coastal development permit application, the Director determines that the development is de minimis, the applicant shall post public notice of the de minimis waiver on the property for at least ~~seven calendar~~ten working days prior to the final decision granting the waiver. Notice of intent to issue a de minimis waiver shall also be made to all persons who have requested to be on the mailing list for that development project or site or for coastal decisions within the local jurisdiction, to all property owners and residents within three hundred (300) feet of the perimeters of the parcel on which the development is proposed, to each local agency expected to provide essential facilities or services to the project, and all agencies for which an approval for the proposed development may be required~~the Coastal Commission and to persons known to be interested in the proposed development~~ within ten ~~(10)~~working ~~calendar~~ days ~~of accepting an application for a de minimis waiver or at least seven calendar days~~ prior to the decision on the application. The Director shall provide notice, by first class mail, of pending waiver of permit requirements. ~~This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site or for coastal decisions within the local jurisdiction, to all property owners and residents within three hundred (300) feet of the perimeters of the parcel on which the development is proposed, and to the Coastal Commission.~~

E. Content of Public Notice. The notice shall contain the following information:

1. A general description of the proposed project and location;

2. A statement that the development is within the coastal zone;

3. The date of filing of the application and the name of the applicant;

4. The number assigned to the application;

5. The date at which the waiver may become effective;

6. The general procedure concerning the submission of public comments either in writing or orally prior to the decision; and

7. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

F. Executive Director Determination. The Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a City public hearing (see subsection G below). If the Executive Director notifies the Community Development Director that a waiver should not be issued prior to the waiver being reported, the applicant shall be required to obtain a Coastal Development Permit if the applicant wishes to proceed with the development.

G. Review and Concurrence. The Director's determination to issue a waiver shall be subject to review and concurrence by the decision makers (i.e. Planning Commission or City Council, as applicable). The Director shall not issue a waiver until the public comment period, including at a minimum through and including the required reporting of the waiver at a public hearing, has expired. At such public hearing, the public shall have the opportunity to testify and otherwise participate in a hearing on the waiver. If two or more decision makers object to the waiver, the waiver shall not be issued and, instead, an application for a Coastal Development Permit shall be required and processed in accordance with the provisions of this chapter. Otherwise, the waiver shall be deemed approved, effective, and issued the day of the public hearing. In addition to the noticing requirements above, within seven calendar days of effective date of a waiver, the Community Development Director shall send a Notice of Final Action as specified in Section 23.90.090.

H. Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not exercised by substantial ground altering physical development within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular Coastal Development Permit shall be required for the development.

~~The Director shall report to the Planning Commission at its next available public meeting those projects for which waivers are proposed, with sufficient description to give notice of the proposed development to the Planning Commission. A list of waivers issued by the Director shall be available for public inspection at the public counter of the Community and Economic Development Department and at the Planning Commission meeting during which any waivers are reported. A waiver shall not take effect until after the Director makes his/her report to the Planning Commission. If the Planning Commission finds that substantial evidence supports a fair argument that one or more of the criteria for a waiver is not satisfied, such issuance shall not be effective and, instead, the application for a coastal development permit shall be processed in accordance with the coastal development permit provisions of this chapter.~~

23.90.050 City CDP Determinations

The determination of whether a development is exempt, waivable, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Director at the time the coastal permit application for development is submitted or as soon thereafter as practical, 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 provisions that support the determination.

Where an applicant, interested person, the Coastal Commission's Executive Director, or the Director has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, non-appealable, or appealable:

A. City Determination. The Director shall make his or her determination as to what type of development is being proposed and shall inform the applicant, interested parties, and the Coastal Commission in writing of the notice and hearing requirements for that particular development (i.e., exempt, appealable, non-appealable).

B. Challenge to City Determination. If the determination of the Director is challenged by the applicant, the Coastal Commission's Executive Director, or an interested person, or if the Director wishes to have a Coastal Commission determination as to the appropriate designation, the Director shall notify the Commission's Central Coast District office of the dispute/question and shall request an Executive Director's opinion.

C. Coastal Commission Determination. The Executive Director shall within 10 working days of the request provide his or her opinion in writing to the City, the applicant, and any other known interested parties. There are three possible outcomes:

1. If the Executive Director agrees with the City's determination, then the City's determination shall be final and shall apply to the proposed development.

2. If the Executive Director disagrees with the City's determination, and the City accepts the Executive Director's opinion, then the review and permit procedures associated with the Executive Director's opinion shall apply to the proposed development.

3. If the Executive Director disagrees with the City's determination, ~~the City may request that~~ the matter shall be set for public hearing before the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.

23.90.060 CDP Application Submittal

A. Contents. Coastal development permit application submittals must include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 23.90.080 (Findings for Approval). The application and accompanying materials shall be filed with the City before or concurrent with application for any other required City permits for the proposed project. The CDP 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, including a clear depiction of all existing conditions and development on the site, and all proposed development;

2. Documentation of the applicant's legal interest in all the property upon which development is proposed, including properties crossed or affected by construction. The area subject to the CDP application may include 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. Documentation of any prior CDPs or other coastal authorizations on the property, including any restrictions from permit conditions, deed restrictions, easements, and any other encumbrances affecting allowable development and use on the property;

4. All restrictions that apply to the property, including copies of the legal documents, and site plans noting where such restrictions apply;

5. A description of any unpermitted development on the site, including any violations of existing CDP terms and conditions, and provisions for resolving all permitting and coastal resource issues associated with the unpermitted development (see also Section 23.90.030 (P);

6. 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

7. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas or in relation to the specific issues raised by the application.

~~7.~~8. Any applicable permit fees made payable to the City Clerk.

B. Concurrent Permit Application. The application for a CDP shall be made concurrently with application for any other non-CDP permits or approvals required by the City.

23.90.070 CDP Application Public Notice and Hearing

A. Public Hearing Requirements. All Planning Commission and City Council actions on CDP applications that are not issued a written waiver from coastal development permit requirements under Section 23.90.045 shall require a public hearing.

B. Noticing. CDP application actions shall be noticed at least ten (10) days prior to the required public hearing on the proposed project by posting notice at the proposed development site 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), and by mailing notice to:

1. The owner(s) and 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, etc.) 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 and all occupants 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 (e.g., USFWS, CDFW, RWQCB, etc.), including the State Lands Commission when an application for a CDP is submitted to the City on property that is potentially subject to the public trust;

6. All known interested parties; and

7. The Coastal Commission.

For development determined to be of Citywide interest, as determined by the Director, legal notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

C. Contents 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 CDP;

2. The date of filing of the application;

3. The name of the applicants and the applicants' agents;

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 CDP application, as well as the system of appeal for any actions taken; and

~~9. If a public hearing is proposed to be waived for minor development, a description of the public hearing waiver process as provided in Section 23.90.070(A)(2); and~~

~~10.~~9. All procedures for challenge and appeal associated with the type of application being considered.

D. Re-noticing required. If a decision on a CDP is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this Section. If a decision on a CDP is continued to a specific date and time within 30 days of the first hearing, then no re-noticing is required.

23.90.080 Required Findings for CDP Approval

To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all of the following findings, that themselves shall be based upon substantial evidence:

A. LCP Consistency. The project is consistent with the LCP.

B. Public Views. The project protects or enhances public views.

C. Habitat Protection. The project protects vegetation, natural habitats and natural resources consistent with LCP.

D. Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.

E. Coastal Access. The project protects or enhances public access to and along the coast.

F. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.

G. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.

H. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

23.90.090 Notices of City's Final Action on CDPs

The City's decision on a CDP shall become final when all local rights of appeal have been exhausted per Section 23.90.100. Within ten (10) calendar days of a final action on a CDP application, the City shall provide notice of such 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 sent to all parties shall at a minimum include a cover sheet or memo summarizing the relevant action information, and the notice sent to the Coastal Commission shall include that cover sheet/memo, as well as additional supporting materials that further explain and define the action taken, as follows:

1. **Cover Sheet/Memo**: The cover sheet/memo shall be dated and shall clearly identify at a minimum the following information:
   a. All project applicants and project representatives and their address and other contact information.
   b. Project description and location.
   c. City decision making body, City decision, and date of decision.
   d. All local appeal periods and disposition of any local appeals filed.
   e. Whether the City decision is appealable to the Coastal Commission, the reason why it is or isn't appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.
   f. A list of all additional supporting materials provided to the Coastal Commission (see below).
   g. All recipients of the notice.

2. **Additional Supporting Materials to the Coastal Commission**: The additional supporting materials shall include at a minimum the following information:
   a. The final adopted findings and final adopted conditions.
   b. The final staff report.
   c. The approved project plans.
   d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geologic reports. biological reports, etc.), correspondence, etc.

If the Coastal Commission does not notify the City in writing of any deficiency in such notice of final action within ~~two~~ five calendar ~~working~~ days of its filing, the notice of final action will be deemed filed for the purposes of this IP as of the date of the notice.

23.90.100 Appeals of CDP Decisions

A. Appeals to the City Council. All Planning Commission decisions on CDPs may be appealed by an aggrieved person to the City Council. An aggrieved person is any person who, in person or through a

representative, appeared at the Planning Commission's 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. An aggrieved person includes the applicant for a CDP.

B. City Council Appeal Submittal. An appeal must be submitted in writing within ten (10) calendar days of the date of the Planning Commission decision. The appeal shall state the pertinent facts and the basis for the appeal, and shall be filed with applicable fees to 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 before the City Council. Notice of the hearing shall be provided in the same form as is required for consideration of the initial CDP application. Any party may appear and be heard regarding the appeal. The City Council's hearing is de novo and the City Council may consider any issue involving CDP. The City Council is not limited to the specific grounds for the appeal. The City Council may:

    a. Affirm, affirm in part, or reverse the action or decision that is the subject of the appeal, based upon findings of fact. 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. Modify or delete conditions and adopt additional conditions of approval; and

    c. Disapprove a CDP approved by the Planning Commission, even if the appellant only requested modification or elimination of one or more conditions of approval.

2. At its discretion, the City Council may refer the matter back to the Planning Commission for further consideration, where such hearing shall be noticed and conducted in the same manner as for the initial consideration of the application.

C. Appeals to the Coastal Commission.

1. In accordance with Coastal Act Section 30603, any City CDP approval in the following geographic areas 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., in the Asilomar Dunes Residential Area or the Asilomar Conference Grounds).

2. In accordance with Coastal Act Section 30603, any City CDP approval or denial for a major public works project (including a publicly financed recreational facility or a special district development) or a major energy facility may be appealed to the Coastal Commission.

3. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission, and must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a non-deficient notice of final action.

4. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals from the Planning Commission to the City Council, except that exhaustion of City Council appeals is not required if any of the following occur:

    a. The City requires an appellant to appeal to a body other than the City Council;

b. An appellant was denied the right of the appeal by a City ordinance that restricts the class of persons who may appeal a local decision other than as provided in this IP.

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 to the City Council.

23.90.110 Coastal Development Permits (CDP)

A. CDP Effective Date.

1. For CDP decisions that are not appealable to the Coastal Commission, CDPs shall become effective once the City's non-deficient Notice of Final Action per Section 23.90.090 has been received by the Commission.

2. For CDP decisions that are appealable to the Coastal Commission, CDPs shall become effective either (a) after the Coastal Commission's 10 working day appeal period has run with no valid appeal being filed, or (b) following Coastal Commission final action on an appeal, subject to any terms and conditions of such action.

B. CDP Expiration. A CDP not exercised by substantial ground altering physical development within two (2) years of the date of its approval shall expire and become void, unless an extension of the expiration deadline is approved. Such extension shall only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). In such cases where an extension is not granted, the CDP shall be considered expired and the applicant shall be required to reapply for a CDP. Any extension request shall be in writing by the applicant or authorized agent and received by the City prior to expiration of the two-year period. No CDP extension request may be considered if received after its expiration. Extensions shall be considered CDP amendments for purpose of notice and appeal to the Coastal Commission.

C. CDP Amendment. An applicant may request a CDP amendment by filing an application to amend the CDP pursuant to the requirements of this chapter that apply to new CDP applications. Any amendment approved for development in the coastal zone shall be required to be found consistent with all applicable Local Coastal Program requirements, including with regards to requirements of jurisdiction, hearings, notices and findings for approval, in the same way as new CDPs. Any CDP amendment shall be processed as appealable to the Coastal Commission if the base coastal permit was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.

D. CDP Revocation. Where one or more of the terms and conditions of a CDP have not been, or are not being, complied with, or when a CDP was granted on the basis of false material information, the Planning Commission or City Council may revoke or modify the CDP following public hearing. Notice of such hearing shall be the same as would be required for a new CDP.

E. CDP Application Resubmittals. For a period of twelve (12) months following the denial of a CDP, the City shall not accept an application for the same or substantially similar proposed project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

23.90.120 Emergency CDPs

Emergency CDPs may be granted at the discretion of the Director (or a local official designated by the City Council) for projects normally requiring CDP approval. To be eligible for an emergency CDP, an emergency must exist (defined for this purpose as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services), including when necessary to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident or other cases of emergency. The emergency CDP process is intended to

allow for emergency situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging manner.

A. Application. Application for an emergency CDP 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.

B. 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 address the emergency.
5. If reported after the fact, the circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.
6. All available technical reports and project plans.

C. Verification of Facts. The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows. The Director may request, at the Applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet the criteria for granting permit. The Director shall consult with the Coastal Commission as time allows.

D. Public Notice. If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.

E. Criteria for Granting Emergency CDP. The Director may grant an emergency CDP upon making all of the following findings, that themselves shall be based upon clear supporting evidence and analysis:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary CDPs.
2. The development can and will be completed within thirty days unless otherwise specified by the terms of the Emergency CDP.
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.
5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.

F. Conditions for Granting Emergency CDP. The Director may attach reasonable terms and conditions to the granting of an emergency CDP, including an expiration date and the necessity for submittal of a regular CDP application by a specified date. At a minimum, all emergency CDPs shall include the following conditions:

1. The emergency CDP shall be voided if the approved activity is not exercised within thirty (30) days of issuance of the emergency CDP.

2. The emergency CDP shall expire sixty (60) days following its issuance. The Director may extend an emergency CDP for an additional sixty (60) days for good cause including but not limited to the fact that a regular CDP application is on file.

3. Any work completed outside of these time periods requires a regular CDP approval unless an extension is granted by the City.

4. The emergency development authorized by the emergency CDP is only temporary, and can only be allowed to remain provided a regular CDP is obtained to recognize it. Absent a regular CDP, the emergency development shall be removed and the affected area restored to pre-emergency conditions or better within six (6) months of emergency CDP issuance.

5. Within 30 days of completion of construction authorized by the emergency CDP, site plans and cross sections shall be submitted clearly identifying all development completed under the emergency CDP (comparing any previously permitted condition to both the emergency condition and to the post-work condition), along with a narrative description of all emergency development activities undertaken pursuant to the emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by the emergency CDP is complete shall also be provided.

G. Application for Regular CDP. Upon the issuance of an emergency CDP, the applicant shall submit a completed CDP application and any required technical reports within a time specified by the Director, not to exceed ninety (90) days. All emergency development approved pursuant to this section is considered temporary and must be removed and the area restored if the development is not recognized by a regular CDP within six (6) months of the date of the emergency CDP issuance, unless the Director authorizes an extension of time for good cause.

H. Reporting of Emergency CDPs. The Director shall report emergency CDPs issued to the Coastal Commission and to the City Council and Planning Commission. The emergency CDP shall be scheduled on the agenda of the City Council at its first scheduled meeting after that emergency CDP has been issued.

23.90.130 Coastal Resource Protection Standards.

The following sections (Sections 23.90.140 through 23.90.220) serve to implement the policies of the LCP's LUP as they relate to specific topics, including by describing application requirements, technical reports, and required findings. The following topics are covered below:

- Section 23.90.140: Coastal Hazards
- Section 23.90.150: Water Quality and Marine Resources
- Section 23.90.160: Scenic Resources
- Section 23.90.170: Biological Resources and/or Environmentally Sensitive Habitat Areas
- Section 23.90.180: Community Design
- Section 23.90.190: Land Uses and Designations
- Section 23.90.200: Cultural Resources
- Section 23.90.210: Public Infrastructure
- Section 23.90.220: Parks, Recreation, and Public Access

23.90.140 Coastal Hazards.

A. In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Coastal Hazards policies and the following requirements.

B. **Applications for All Development Potentially Subject to Coastal Hazards**.

1. **Initial Coastal Hazards Assessment**. The applicant shall submit an initial site assessment screening to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). The screening shall include a review of CDPs issued or applied for at the subject site and immediate vicinity, technical reports, resource maps, aerial photographs, site inspection, and the LCP's coastal hazard map in LUP Figure 3. Maps can be used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science.

2. **Coastal Hazards Report**. Where the initial site assessment reveals that the proposed development is located on or seaward of Ocean View Boulevard or Sunset Drive, mapped within LUP Figure 3, and/or otherwise may be subject to coastal hazards over the next 75 years, a site specific Coastal Hazards Report (Report) shall be prepared. The Report shall at a minimum provide for:

   i. **Purpose**. The Report shall be prepared by a qualified geologist/engineer and shall identify the potential impacts of 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. The Report shall recommend any mitigation measures or modifications to the project that are needed to ensure that the project is consistent with all applicable Land Use Plan Coastal Hazards policies.

   ii. **Content**. The Report shall, at a minimum, contain the following sections:
      - Summary
      - Geology of the Project Area
      - Wave, Tide, and Current Trends
      - Erosion Trends and Episodes in Project Area
      - Seasonal Beach Profiles and Trends
      - Impacts from Coastal Hazards on the Proposed Project
      - Description of Project Alternatives to Avoid/Minimize Coastal Hazard Impacts
      - Mitigation of Coastal Hazard Impacts
      - Conclusions and Recommendations
      - Coordination with Other Agencies, Groups, or Consultants
      - Report Preparer's Qualifications
      - References

   iii. **Coastal Hazards Analysis**. The Report shall at a minimum document the following:
      a. Regional and local geologic setting, including topography, natural landforms, soil/rock types, thickness of soil or depth to bedrock, and other relevant properties such as erosion potential.
      b. Information about potential coastal hazards at the site, including normal and maximum tidal surges, wave conditions (including maximum expected wave height and frequency/magnitude of wave/tidal surge), storm conditions (including storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event).
      c. Long-term average annual erosion rates, based on photogrammetric analysis, LiDAR data, and peer reviewed studies and reports, etc., quantified in distance per year (e.g., 6" per year). The long-term average annual erosion rate should be broken down separately for any differing geologic units (e.g., erosion for the upper bluff terrace deposits may differ from erosion for a harder lower bluff substrate) to the extent that these long-term rates differ.
      d. Episodic or rapid erosion, based on recent observations from the project site or nearby areas of comparable geology
      e. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage).
      f. For coastal bluffs, quantitative slope stability analyses (including a description of the factors of safety for the site and structures on it, and a breakdowns, as appropriate, for the factors of safety applying to the full bluff profile.

g. Expectations for the near-term (3 to 5 years) changes to the site, considering current erosion and related conditions (including wave and storm conditions)
h. Expectations for longer term changes, including the effects of sea level rise.
i. Effect of the proposed development (including siting and design of structures, septic system, landscaping, drainage, and grading) and impacts of construction activity on the stability of the site and the adjacent area.

iv. **Mitigation of Coastal Hazards Analysis**. The Report shall include a detailed analysis of alternative options to avoid identified erosion/site stability hazards, including non-armoring alternatives. At a minimum the analysis shall include

a. Evaluation of alternatives including avoiding proposed development; relocation of any threatened structures, including an analysis of any technical feasibility questions and an estimate of expected costs to be borne by the property owner to relocate; partial removal of threatened elements, again with a clear analysis and estimate of how this would be accomplished; and site drainage controls and native plant revegetation.
b. Expectations on the degree of protection for each alternative must be provided, including an estimate of the number of years of stability provided to the structure or development being protected (absent additional armoring or other measures) associated with each option.
c. A combination of different alternatives should be considered when appropriate, such as for example, vegetation, surface water controls and periodic nourishment; or the use of incremental responses tied to identified triggers.
d. Identification of potential mitigation measures to address identified coastal resource impacts in each case.

C. **Applications for Shoreline Protective Devices**.

1. In addition to the measures listed above, applications for shoreline protective devices shall be accompanied by the following information:

i. **Permit History**. A description of the permitting history of the structure (and associated development) for which the proposed shoreline protective device is sought, as well as the permitting history for any existing device protecting the structure. Such history shall identify the date of the structure's (and device's, if applicable) construction, their configuration at that time, any subsequent projects that altered their initial installation configuration, and any associated coastal development permits. All coastal development permits authorizing such development since 1972 must be identified.

ii. **Coastal Hazards Threat**. Information about the degree of the coastal hazards threat and risk to the existing structure that is warranting the proposed project (i.e., identification of the problem). The analysis shall include supporting geotechnical information including normal and maximum tidal surges, wave conditions (including maximum expected wave height), storm conditions, the effects of future sea level rise within the expected lifetime of the project based on the best available climate science, erosion rates with/without the device, and other applicable coastal processes at this location and the larger area.

iii. **Coastal Processes**. A wave uprush study describing the device's design wave height, maximum expected wave height, frequency of overtopping, and normal and maximum tidal ranges. The conditions that shall be considered in the wave uprush study are: 1) a seasonally eroded beach combined with long-term erosion; 2) high tide conditions, combined with long-term projections for sea level rise; 3) storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event. The study shall also document the effect of the device on adjoining property, the potential/effect of scouring at the device's base, and design life/maintenance provisions.

iv. **Alternatives Analysis**. An alternatives analysis of potential options that could be used to achieve the project goals while maximizing the value of the shoreline (e.g., aesthetic, recreational/access, habitat). These alternatives may include (but are not limited to) the use of "soft" protective strategies such as beach nourishment or stabilization using vegetation,

"managed retreat" strategies, and a "no action" option. The descriptions of these alternatives shall include expected lifespans, reasons why they may or may not be feasible (e.g., engineering, site specific wave and shoreline conditions, economics, etc.), and information about the environmental impacts of the feasible alternatives.

v. **Visual Simulations**. Visual simulations of the proposed project (and all identified alternatives) from public vantage points, including from along Ocean View Boulevard, Sunset Drive, and the public pedestrian Recreational Trail.

vi. **Impact Analysis**. Sand supply and public access impact analysis that describes the following over a 20 year period:

a. The loss of any existing public trails or accessways.
b. The loss of the public beach area on which the device is located;
c. The loss of public beach area that will result when the back-beach or bluff location is fixed on an eroding shoreline;
d. The amount of material that would have entered the sand supply system if the back-beach or bluff were to erode naturally.

vii. **Mitigation Plan**. The mitigation plan shall identify potential public access improvements within the vicinity of the proposed shoreline protective device that are commensurate with the sand supply and public access impacts identified in the Impact Analysis described above. Such improvements may include new or restored vertical or lateral beach accessways, long-term beach nourishment programs, or other public access and recreation improvements. The mitigation plan shall require installation of any public access improvements within 6 months of construction of the shoreline protective device.

viii. **Maintenance and Monitoring Plan**. The Maintenance and Monitoring Plan shall include ongoing monitoring of the shoreline protective device and related improvements and describe any future maintenance. The Plan must acknowledge and agree on behalf of the Applicant and all successors and assigns that it is Applicant's responsibility to (a) maintain the approved protective device and any required mitigation in a structurally sound manner and in their approved states, including that the color, texture and undulations of the surfaces shall be maintained throughout the life of the device; (b) retrieve any failing portion of the permitted device or related improvements that might otherwise substantially impair the aesthetic qualities of the area; and (c) annually or more often inspect the development for signs of failure or displaced structural components.

23.90.150 Water Quality and Marine Resources.

A. In order to protect water quality and marine resources in the City's coastal zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Water Quality and Marine Resources policies and the following requirements.

B. **Applications for Development**. The applicant shall submit a water quality assessment for all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have both a Construction Plan which addresses temporary (i.e., during construction) and a Post-Development Runoff Plan which addresses permanent (i.e., post construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems, and watercourses, and to minimize increases in stormwater runoff volume and rate.

1. **Construction Plan**. The Construction Plan shall, at a minimum, include the following:

i. Identification of the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access and ocean resources, including by using inland areas for staging and storing construction equipment and materials as feasible.

ii. Specification of the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas), and including verification that

equipment operation and equipment and material storage will not significantly degrade public views during construction to the maximum extent feasible.

iii. Identification of the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum the following: (1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff or sediment from discharging to the ocean; (2) equipment washing, refueling, and/or servicing shall take place at least 100 feet from the coastal waters. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

iv. The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

v. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

2. **Post-Development Runoff Plan**. The Post-Development Runoff Plan shall, at a minimum, include the following:

i. Quantification of impervious surface area, including any changes in impervious area.

ii. Identification of pollutants potentially generated and hydrologic characterization, including direction and location of runoff.

iii. Description of Low Impact Development strategies including protection and restoration of natural hydrological features; preservation and enhancement of non-invasive vegetation; maintaining or enhancing on-site filtration; minimizing impervious surfaces; disconnecting impervious surfaces from storm drain system.

iv. Use of alternative BMPs where on-site filtration is not feasible including use of green roofs; directing runoff to off-site infiltration facility; harvesting rooftop runoff for use that drains to sanitary sewer system.

v. Identification of all post-development structural BMPs, stormwater conveyances and discharges, structures, and pavements, including calculations for sizing BMPs using design storm standard.

vi. Use of source control BMPs in all development. BMP installation or implementation schedule.

vii. Description of BMP management including operations and maintenance, inspection, and training.

23.90.160 Scenic Resources

A. In order to enhance public views and the scenic qualities of the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Scenic Resources policies and the following requirements.

B. **Applications for Development in Scenic Areas**. The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all

development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:

1. **Site-specific Visual Analysis**. At a minimum, the visual analysis shall include the following:
   i. A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before and after public views of and towards the ocean.
   ii. Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.
   iii. When trees defined as major vegetation are proposed for removal, ribbons showing the location of the removal must be installed.
   iv. Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the City's overall architectural character and do not cause the project to stand out from surrounding built and natural features.
   ~~iv.~~ v. Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts.

2. **Exterior Lighting Plan**. Where exterior lighting is proposed, a plan showing the location, types, and intensity of the proposed lights is required. At a minimum, the exterior lighting plan must include the following:
   i. Lighting that is 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.
   ii. Lighting that is minimally visible from coastal beaches and bluffs, and off-shore locations.
   iii. Lighting that uses cut-off, shielded, or downward fixtures (i.e., the bulb is not directly visible) and is restricted to 60 watts (incandescent) or equivalent (15 watt fluorescent or 7.5 watt LED)
   iv. Lighting that does not blink or flash unless required for navigation, safety, or similar purposes.
   v. Unless shielded from the coast by buildings or vegetation, trail lighting that is mounted on bollards no greater than 4 feet tall and with the lighting shielded from the coast.
   vi. Anti-reflective window glazing, awnings, or other anti-glare methods on south- and west-facing elevations and those elevations visible from public view points.

3. **Landscaping Plan**. For projects that include landscaping that may impact public views, a plan showing the type, location, and mature height of all trees and shrubs shall be required. At a minimum, the Landscaping Plan must include the following:
   i. Landscaping maintenance requirements that ensure, during both the growing stage and at maturity, plantings will not significantly encroach into a public view corridor or significantly obstruct public views to and of the ocean and shoreline areas.
   ii. New plantings adjacent to public areas from which ocean views are available are designed to preserve those public views. Hedge plantings must not exceed 3 feet in height, and shrubs shall be spaced or clustered to enhance views.
   iii. Trees that contribute to the scenic coastal character are 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.
   iv. Where development will occur within a forested area, a reforestation plan and/or tree protection plan to ensure appropriate tree replacement or protection from damage.
   v. Landscaping that blends into the natural surroundings to the greatest extent.
   vi. Landscaping with plants native to the general region and selected for tolerance of drought and compatibility with the natural landscape, with an exception to allow Magic Carpet rosy ice plant (*Drosanthemum floribundum*) at Perkins Park.

23.90.170 Biological Resources and/or Environmentally Sensitive Habitat Areas

A. In order to protect biological resources in the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Biological

Resources and/or Environmentally Sensitive Habitat Area (ESHA) policies and standards and the following requirements.

B. Applications for Development potentially affecting biological resources and/or ESHA.

1. **Initial Site Assessment**. The applicant shall submit an initial site assessment with CDP applications potentially affecting biological resources or ESHA to determine whether the site may contain such resources. The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the LCP's biological resource maps in Figure 5. Maps can be used as a resource for identification of biological resource areas; however, absence of mapping cannot alone be considered absence of resource, and local site conditions must be examined at the time of coastal permit application using the best available science.

2. **Biological Assessment.** If the initial site assessment reveals the potential presence of ESHA within 100 feet of any portion of the proposed development, a biological assessment conducted by a qualified biologist shall be required. The City may require independent peer review of a biological assessment prepared by an applicant, at the applicant's expense. At a minimum, the biological assessment shall include the following:
    i. Date of site visit(s), description of study methods, and description of the biological conditions observed on the site and in the surrounding area;
    ii. Discussion of potential for occurrence of and map identifying the location of any special-status species, including all species included within United States Fish and Wildlife Service Endangered Species lists and programs, California Department of Fish and Wildlife's California Natural Diversity Database, and the California Native Plant Society Inventory of Rare and Endangered Plants on both the site, as well as within the 8 surrounding quadrangles of the United States Geological Survey quadrangle in which the site is located;
    iii. List of dominant plant species on the parcel, including location, species, girth, height, and condition of protected trees;
    iv. 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;
    v. Discussion of potential adverse impacts of proposed project's on biological resources;
    vi. Recommendations for further biological surveys, if deemed to be necessary for state and/or federal regulatory compliance; and
    vii. Recommended mitigation, minimization, 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. **Construction Mitigation and Monitoring Plan**. A Construction mitigation and monitoring plan shall be required for all development projects that, according to a biological assessment, may have the potential to adversely impact biological resources during construction. Based upon site specific resources, the construction mitigation and monitoring plan may require the following: preconstruction biological surveys; biological monitors; preconstruction worker education; limitations on staging and stockpile areas; appropriate buffers and temporary protective barriers; seasonal restrictions; and any other requirement necessary to protect biological resources.

C. Applications for Development in the Asilomar Dunes Residential Area. In addition to the Biological Assessment and Construction Mitigation and Monitoring Plan described above, the following documentation and requirements shall be provided for all CDP applications within the Asilomar Dunes Residential Area:

1. **Land Survey**. A site survey conducted by a licensed professional land surveyor to confirm the size of the lot. The survey shall also document coverage calculations for the Primary Coverage Area, Outdoor Use Area, and protected dune area. All coverage calculations shall be provided and broken down by classification and accompanied by a site plan illustration keyed to each sub-type in closed polygon format.

2. **Dune Restoration Plan**. The Dune Restoration Plan shall provide for dune and related habitat enhancement for all areas outside the Residential Coverage Area, including on any City right-of-way adjacent to the project site. The dune restoration plan shall include:
   i. Final contours of the site, after project grading, necessary to support dune restoration and development screening, shall be identified.
   ii. Landscape and irrigation parameters that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance. All plants used on site shall be native species from local stock appropriate to the Asilomar Dunes planning area. Non-native and invasive plant species shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All plant materials shall be selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The restoration plan shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas. All restored areas shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.
   iii. All required plantings shall be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the restoration plan.
   iv. Installation of all plants shall be completed prior to occupancy of the residence. At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently on the recommendation of the biologist, to identify and correct any restoration and maintenance issues.
   v. Five years from the date of initial planting under the restoration plan, and every ten years thereafter, the Permittee or her successors in interest shall submit a restoration monitoring report prepared by a qualified specialist that certifies that the on-site restoration is in conformance with the approved restoration plan, along with photographic documentation of plant species and plant coverage.
   vi. If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified in the restoration plan, the Permittee, or her successors in interest, shall submit a revised or supplemental restoration plan for review and approval. The revised restoration plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. **Grading Plan**. A grading plan shall be required for all projects that include grading. The plan shall limit all grading activities to the Residential Coverage Area described in Section D(b) and any areas necessary to complete septic removal and sewer installation with one exception: sand to be excavated to accommodate the development may be placed outside of the Residential Coverage Area, pursuant to the approved dune restoration plan described in Section (D)(c) above, in a manner that replicates surrounding natural dune forms, provided that it is free of impurities or previously imported soil or fill material. The grading plan shall be accompanied by a determination by a qualified biologist or landscape professional that the placement of sand or changes to existing site contours outside of the Residential Coverage Area, will support and enhance the restoration of natural habitat values, including avoiding direct impacts to sensitive plants. Any excess sands not used in conjunction with the native habitat restoration shall be made available for use within the Asilomar Dunes area of Pacific Grove.

4. **Post-Construction Runoff**. A post-construction runoff plan, as described in Section 23.90.150 above, shall be completed in conjunction with the Dune Restoration Plan described in Section (D)(c) above and the project biologist to determine the best suited location for percolation pits and drain systems to avoid any adverse impacts on native dune restoration activities.

5. **Offsite Dune Habitat Restoration Requirement**. An offsite dune habitat restoration plan shall be required for any project that includes new dune coverage. The offsite dune habitat restoration plan shall provide for restoration of dune habitat within the Asilomar Dunes system at the ratio of 2:1 mitigation. In lieu of providing for restoration of offsite dune habitat, the plan may be submitted with evidence that a dune restoration payment has been deposited into an interest-bearing account to be established and managed by one of the following entities: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation, for the sole purpose of financing dune habitat

restoration and maintenance within the Asilomar Dunes system. The amount of the payment shall be equivalent to the current cost of dune restoration on a per square-foot basis. All of the funds and any accrued interest shall be used for the above-stated purpose within ten years of the funds being deposited into the account. Any portion of the funds that remains after ten years shall be donated to one or more of the State Parks units located in the vicinity of the Monterey peninsula, for the purpose of restoring and maintaining dune habitat.

23.90.180 Coastal Community Design

A. Objectives. In order to protect and maintain the City's unique natural setting and character, to promote orderly development, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable LUP Community Design policies and the following design standards. All standards (including with respect to height, setbacks, density, coverage, etc.) shall be interpreted as maximums (or minimums) that shall be reduced (or increased as applicable) to protect and enhance such resources and meet LCP objectives to the maximum extent feasible. Protection of coastal resources shall be a priority in all City actions and decisions, and development must conform to all applicable LCP policies related to hazards, water and marine resources, scenic resources, biological resources and environmentally sensitive habitat areas, cultural resources, and public access and recreation in addition to the following community design requirements.

B. Land Use Designations. In order to protect priority land uses as defined by the Coastal Act, including recreation and visitor-serving and coastal-dependent uses for both Pacific Grove residents and visitors, development shall conform with all applicable Land Use Plan Land Uses and Designations policies and standards. For purposes of this Implementation Plan, all Land Use Designations shall be consistent with the LUP Land Use Designations and graphic containing the following:

a. Low Density Residential 1-2 DU/AC),

b. Mobile Home Park 8-10 DU/AC,

c. Medium High Density Residential 10-20 DU/AC

d. Visitor-Accommodation

e. Visitor-Serving Commercial

f. Sunset Service Commercial

g. Open Space Institutional

h. Open Space Recreational

i. Recreation Trail

C. Design standards for each Land Use Designation are contained in the section below.

1. **Coastal Community Character Assessment**. The applicant shall submit an assessment of the development proposal showing its characteristics in relation to the character of the existing surrounding and nearby built and natural environment. Where the assessment indicates that the proposed project is potentially out of character with the surrounding or nearby environment, the applicant shall provide an expanded assessment that extends out at least to all parcels within at least 150 feet of the project site. The expanded assessment shall include any relevant information deemed necessary by the City to determine whether the proposed development is consistent with community character, which may include an evaluation and comparison of building heights, square footage, setbacks, lighting, lot sizes, lot coverage, landscaping, open space, or other features of the built and natural environment on parcels within 150 feet of the project site, or further if required by the City. All such assessments shall include a discussion of a range of design alternatives that could be utilized to achieve consistency with established community character in the area.

2. **Residential Design Standards**. In addition to all other applicable LCP policies, the following design standards for development within Low Density Residential, Medium Density Residential, Medium Density Residential Mobile Home Park, and Medium High Density Residential LUP land use designations (excluding the Asilomar Dunes Residential Area) shall apply:

   a. Coverage. Building and other site coverage shall be limited to the degree necessary to protect and maintain existing public views, maintain adequate open space to preserve small-scale visual landscapes, protect water quality (including by limiting impervious surfaces), and maintain community character, including thorough requirements for compact design, pervious materials, and maximized landscaping and open space. In no case shall building coverage exceed 50 percent of total lot area, and in no case shall site coverage exceed 60 percent of total lot area.

   b. Heights and Articulation. Building and other structure heights shall be limited to the degree necessary to maintain existing public views, pedestrian scale, and community character. For properties in the Low Density Residential, Medium Density Residential, and Medium Density Residential Mobile Home Park land use designations, structures shall not exceed 25 feet as measured from legally established existing grade. For properties located in the Medium High Density Residential land use designation, structures shall not exceed 25~~30~~ feet and the top plate line shall not exceed 24 feet as measured from legally established existing grade, except that residential development within Areas I and II in Figure 6 of the LUP may be allowed up to a maximum of 30 feet so long as public views are not significantly impacted. All heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are maintained. For development that fronts on and/or is visible from Ocean View Boulevard or the Recreational Trail, story step-backs and building articulation shall be required to ensure that buildings and other structures do not dominate blue water ocean views from public vantage points, do not domineer over the public space, and do not appear as large, unarticulated flat planes.

Exceptions to height limits may be allowed if deemed necessary as a hazard adaptation response to accommodate designated historic structures.

c. **Off-Street Parking**. Off-street parking spaces shall be required in the number necessary to ensure that residential parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity. In any case, for lots 2,701 square feet or greater, no less than one off-street parking space shall be required. For lots less than 2,700 square feet, off-street parking requirements may be waived so long as residential parking needs do not conflict with parking for public coastal access. Multi-family units shall have at no less than 1.5 spaces per unit.

d. **Setbacks**. Setbacks from streets and property lines shall be applied in a manner designed to protect existing public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character. For lots fronting Ocean View Boulevard, in no case shall front setbacks be less than 15 feet. For all other lots, in no case shall front setbacks be less than 8 feet.

e. **Other**. Residential development shall be sited and designed to maintain public views and community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.

3. **Asilomar Dunes Residential Area Design Standards**. In addition to all other applicable LCP policies, the following design standards for development within the LUP's Asilomar Dunes Residential Area shall apply:

4. **Asilomar Dunes Residential Area Design Standards**. In addition to all other applicable LCP policies, the following design standards for development within the LUP's Asilomar Dunes Residential Area shall apply:

a. **Residential Development Envelope**. Residential development within the Asilomar Dunes Residential Area shall be confined within a Residential Development Envelope. The Residential Development Envelope shall consist of the Primary Coverage Area (as described in subsection (b) below) and the Outside Use Area (as described in subsection (c) below). For purposes of all Asilomar Dunes Residential Area policies, "cover" and "coverage" and other like terms shall mean any development/use that is not open sand dune area devoted to dune habitat.

b. **Primary Coverage Area**. The Primary Coverage Area shall be limited to 15 percent of the total lot area. For purposes of calculating the Primary Coverage Area, residential buildings and garages (excluding only roof eaves and similar architectural features that do not extend more than three feet over any dune area~~excluding eaves~~), driveways ~~(excluding required setback area)~~, patios, decks, and any other features that cover dune areas shall count as lot coverage for properties within the Asilomar Dunes Residential Area. When calculating coverage, areas of dune that are not completely covered, but that are committed to non-dune use through siting and design of proposed development (e.g., areas between stepping stone pathways, areas between pathways and the house, etc.) shall also count as coverage.

c. **Outdoor Use Area.** The Outdoor Use Area shall be limited to a maximum of 750 square feet per lot; shall be located immediately contiguous to the Primary Coverage Area; and shall be otherwise sited and designed to maximize dune protection on and off the site. The only purpose of the Outdoor Use Area shall be to provide an area of dune within which typical outdoor residential activities can take place (e.g., BBQs, lounge chairs, etc.). The Outdoor Use Area may include an unobtrusive perimeter fence, provided that such fencing shall be limited to a maximum of six (6) feet in height as measured from existing grade and shall allow for free passage of sand, seeds, and wildlife. The Outdoor Use Area may be increased above the 750 square-foot maximum if the Primary Coverage Area is reduced an equivalent amount.

~~c.~~d. **Restoration and Protection.** As a condition of coastal development permit approval, all other areas of the lot outside of the Residential Development Envelope 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 or other similar legal restriction adhering to the property (i.e., a conservation easement, etc.) designed to limit allowed development, use, and activities in perpetuity to those associated with dune restoration, enhancement and protection.

~~d.~~e. **Fencing.** Fencing and other such barriers shall be prohibited in the Asilomar Dunes Residential Area, with the exception of 1) Outdoor Use Area perimeter fencing discussed in subsection (c) and 2) when proven to be more protective of the dune habitat and visual landscape than the prohibition. Fencing~~-~~, other than Outdoor Use Area perimeter fencing, shall be limited to minimal symbolic fencing (e.g. post and single-cable fencing) that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife.~~shall be visually unobtrusive/permeable and limited to a maximum of six (6) feet in height as measured from existing grade. Fencing shall not impact free movement of sand, free passage of native plant seed, and continued wildlife movement. Fencing shall be constructed of wood or natural materials with sufficient openings above the ground to allow for the passage of small mammals or other small wildlife~~.

~~e.~~f. **Heights and Articulation**. Building and other structure heights shall be limited to the degree necessary to maintain public views of the dunes and ocean, maintain pedestrian scale, and maintain Asilomar Dunes character. Development that is visible from ~~abuts~~ Sunset Drive or the recreational trail shall not exceed ~~20~~ 18 feet in height above legally established existing grade, and shall be designed to appear as one story from Sunset Drive or the recreational trail ~~Sunset Drive~~. Development on all other parcels shall not exceed 25 feet in height above legally established existing grade, and may be designed to appear as one or two stories, as long as impacts to public dune views are minimized to the maximum degree feasible.

~~f.~~g. **Off-Street Parking**. Off-street parking spaces shall be required in the number necessary to ensure that residential parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity. In any case, all such off-street parking shall only be accommodated within an enclosed and attached garage, and driveways shall be sited and designed to provide as direct of access to the garage as possible.

~~g.~~h. **Setbacks**. Setbacks from streets and property lines shall be applied in a manner designed to maintain public views of the dunes and ocean from public vantage points. The setbacks are necessary to maintain pedestrian scale, and maintain Asilomar Dunes character. All such setbacks shall take into account development on adjacent properties and shall be applied in a manner that maximizes dune contiguity overall. Setbacks shall be increased, or in some cases, decreased to the degree necessary to protect dunes and sensitive species, maintain public views, maintain open space, and be compatible with Asilomar Dunes character. Development shall be set back from Sunset Drive at least 75 feet, with the exception of driveways and mailboxes/address signs, which shall be sited and designed to limit their visibility as much as possible. For all other development, in no case shall street setbacks be less than 15 feet.

i. **Accessory Structures**. Detached accessory structures (e.g., garages, carports, sheds, gazebos, etc.) are prohibited; all accessory structures must be attached to and/or be a part of the main residence.

~~h.~~j. **Off-site mitigation.** In addition to the restoration requirements specified above, all areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes Residential Area shall be required to be mitigated on a 2:1 square foot basis by providing for off-site restoration or enhancement of degraded dune areas in the Asilomar Dunes area. This requirement may be addressed through offsite restoration/enhancement and/or proportionate contributions to the City's Environmental Assessment Fund provided such funds are used only for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area. 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.

k. **Subdivisions**. In order to maintain existing low densities necessary to protect coastal scenic and habitat resources, subdivisions which create additional building lots shall be prohibited~~ unless a full conservation easement, or similar legal instrument, is placed on the entirety of the new parcel~~.

l. **Nonconforming development.** Development associated with existing legal non-conforming residential development in the Asilomar Dunes Residential Area shall require that all development on the site be brought into conformance with LCP requirements, including with respect to lot coverage and dune restoration/protection requirements, if such development consists of either: 1) alteration of 50% or more of one or more of the residential development's major structural components (each measured separately) ; or 2) alteration to such residential development that leads to a 50% or more increase in floor area; where all such alterations are measured cumulatively over time from [the date of the Commission's certification of this LCP]. . Alterations that do not affect major structural components and do not increase floor area do not count towards the above conformance threshold.

Development associated with existing legal non-conforming residential development in the Asilomar Dunes Residential Area that does not reach the above conformance thresholds shall only be allowed if coverage remains the same or is reduced; there is no new coverage of existing dune habitat (whether degraded or not); all remaining dune habitat on the site is restored and permanently protected; and an offsetting area of offsite dune habitat is restored and maintained such that the total area that will be restored (i.e. on and offsite) is equal to at least 85% of the total lot area.

m. **Conforming Development.** Development associated with conforming Asilomar residential development shall only be allowed if the total site coverage remains at or below the maximum Residential Development Envelope coverage allowed per the LCP; 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, if feasible, made less fragmented; all remaining dune habitat is restored and permanently protected; no sensitive plants are disturbed; all areas of new coverage are mitigated at a ratio of 2:1.

~~i.~~n. **Other**. Asilomar Dunes residential development shall be sited and designed to maintain public views of the dunes and ocean from public vantage points, maintain pedestrian scale, and maintain Asilomar Dunes character, including through siting and design that respects dune landforms, quality design, architectural articulation (including varied offsets and projections), low-slung structures that are subordinate to the dune setting and aesthetic, quality exterior materials, and dune restoration and enhancement that respects and emphasize open space and the natural setting.

5. **Visitor-Serving, Visitor-Accommodation and Sunset Service Commercial Design Standards**. In addition to all other applicable LCP policies, the following design standards for development within the Visitor-Serving, Visitor-Accommodation and Sunset Service Commercial LUP land use designations shall apply:

   a. **Coverage**. Building and other site coverages shall be limited to the degree necessary to maintain public views, maintain adequate open space to preserve small-scale visual landscapes, maintain water quality (including by limiting impervious surfaces), and maintain community character, including through requirements for compact design, pervious materials, and maximized landscaping and open space. In no case shall site coverage exceed 90 percent of total lot area. To the extent possible, any space remaining uncovered should be accumulated to maximize positive visual impacts and usability.

   b. **Heights and Articulation**. Building and other structure heights shall be limited to the degree necessary to maintain public views, maintain pedestrian scale, and maintain community character. In no case shall building and other structures exceed 40 feet as measured from existing grade, and all such heights shall be reduced as necessary to ensure to the maximum extent feasible that existing blue water views from public vantage points are predominantly maintained. For new development that fronts on and/or is visible from Ocean View Boulevard or the Ocean View Boulevard Recreational Trail, story step-backs and building articulation shall be

required to ensure that buildings and other structures do not dominate blue water ocean views, do not domineer over the public space, and do not appear as large flat planes.

c. **Off-street Parking**. Off-street parking spaces for new development shall be required in the number necessary to ensure that both customer and employee parking needs are provided on-site and does not conflict with public coastal access parking needs. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity.

d. **Setbacks**. Setbacks from streets and property lines shall be applied in a manner designed to maintain public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character. Where not occupied by structures, landscaping shall be placed in the front 8 feet of the project site. Adjacent to residential uses, 10 foot setbacks shall be implemented.

e. **Public Access**. New development shall ensure that existing public accessways are retained and enhanced with appropriate public access signage and amenities.

f. **Other**. All new development shall be sited and designed to maintain public views and community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.

g. **American Tin Cannery Site**. In addition to the standards in subsections a-f above, the following additional design standards apply to new development at the American Tin Cannery Site located seaward of Sloat Avenue between Eardley Avenue and Dewey Avenue:

i. **Coverage**. Site coverage may only be allowed up to 90 percent of the total site area if the project includes consistent public amenities that enhance public access (e.g., restrooms, bicycle racks, seating areas, sidewalk and roadway access improvements on- and off-site, etc.) beyond that which is required by the LCP for compliance with other requirements. Otherwise, site coverage may be decreased if substantial public coastal access amenities are not incorporated into the project.

ii. Minor exceptions to height limits may be allowed for ~~M~~mechanical appurtenances ~~may be permitted in excess of height limits~~ up to an additional eight (8) feet provided that no public views are significantly impacted ~~unreasonably obstructed~~ and the equipment is appropriately screened.

6. **Open Space Recreational Design Standards**. In addition to all other applicable LCP policies, the following design standards for development within the Ocean View Boulevard and Sunset Drive right-of-ways, and the Open Space Recreational and Open Space Institutional LUP land use designations shall apply:

a. **Structures and Coverage**. Structures and coverage shall be minimized and allowed only for development that enhances public access and recreational uses or is necessary to provide essential public services. Commercial uses shall be restricted to existing or restored structures without the construction of new structures or the expansion of existing structures. All development shall stay within areas of existing coverage to the maximum extent feasible and shall be sited and designed to maintain public views, protect public views to and along the ocean, maintain and enhance open space, limit impervious surfaces, and maintain community character. Utility and related infrastructure shall be sited underground if possible, and shall be screened from view and otherwise camouflaged if unavoidably sited above-ground.

b. **Heights and Articulation**. Building and other structure heights shall be limited to the degree necessary to maintain public views, pedestrian scale, and community character. In no case shall the height of new structures exceed 25 feet.

c. **Public Access**. Development shall be sited and designed to ensure that public access to public lands and the Pacific Ocean is maximized as much as possible, and restrictions on access shall

only be considered when required to protect access areas, including associated native flora and fauna, from overuse. Any allowable restrictions on public access shall be minimized and shall be offset (e.g., through opening up additional access areas) to the maximum extent possible.

d. **Public Parking**. Development shall be sited and designed to maintain or enhance public parking, including the number of available public parking spaces, to the maximum extent feasible.

e. **Landscaping**. Development shall minimize the removal of existing native vegetation, and shall provide for landscaping improvements that include removal of non-native and/or invasive species, and plantings of noninvasive native plants in a manner sited and designed to enhance coastal habitats and public views.

f. **Other**. All development shall be sited and designed to maintain public views and maintain community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.

g. **Design Standards for Asilomar Conference Grounds and Asilomar State Beach**. The general standards listed above in subsection a-f above are not applicable. The following specific standards for development apply within the Asilomar Conference Grounds and Asilomar State Beach:

i. **Coverage**. Building and other site coverage within the Asilomar Conference Grounds and Asilomar State Beach shall be minimized to the maximum extent feasible. All new and expanded facilities shall be restricted to existing areas of coverage if possible, and where not possible shall be located outside of the most sensitive areas. New coverage areas shall not be located further seaward than the general edge of the existing main developed areas at Asilomar Conference Grounds (e.g., the general seaward edge roughly running along the Grand Cypress Meadow, Parking Lot L, and the Surf, Sand, Seascape, and Sanderling buildings). All areas of new coverage shall be offset on at least a 3:1 basis by the removal and restoration of areas of existing coverage elsewhere within the Asilomar Conference Grounds and/or State Beach and/or elsewhere within the Asilomar Dunes area, with a preference for locations as near as possible to the area of impact unless other areas would provide more resource improvement overall (e.g., due to restoration priorities, contiguity with other resource areas, coordination with other restoration efforts, etc.). Where such restoration does not fully mitigate the impact and there are no other appropriate areas to restore, the requirement may be addressed through 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. All development shall be limited to the degree necessary to protect dunes and sensitive species, maintain public views (including public views to and along the ocean and shoreline), maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain site and Asilomar Dunes character.

ii. **Heights**. Building and other structure heights shall be limited as necessary to maintain public views, maintain pedestrian scale, and be consistent with site and Asilomar Dunes character. In no case shall the height of new buildings exceed 25 feet. Restored, replacement, or expanded buildings shall be limited to existing building heights. Maximum building heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are maintained or enhanced as much as possible.

iii. **Parking**. Development shall be required to maintain or enhance public parking, including the number of available spaces, to the maximum extent feasible. Reductions in parking shall only be approved if it is determined that adequate parking is provided in other locations within the Conference Grounds.

iv. **Public Access**. Development shall be sited and designed to ensure that existing public access and recreation areas remain open and available to the public unless limitations on such access is necessary to protect dunes and the habitat of rare and endangered species from overuse.

v. **Landscaping**. Development shall minimize the removal of existing native vegetation and forest. Development shall provide for landscaping improvements that include removal of non-native and invasive species, and plantings of noninvasive native plants, including plantings of nursery stock trees grown from site-specific stock.

vi. **Other.** All development shall be sited and designed to maintain public views of the dunes and ocean, maintain pedestrian scale, and maintain Asilomar Dunes character, including through siting and design that respects dune landforms, quality design, architectural articulation (including varied offsets and projections), low-slung structures that are subordinate to the dune setting and aesthetic, quality exterior materials, and dune restoration and enhancement that respects and emphasize open space and the natural setting.

vii. **Management Plan**. State Parks shall coordinate with the City and other stakeholders (e.g., Coastal Commission, Monterey County, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Fish and Wildlife, the California State Lands Commission, Pebble Beach Company, etc.) to develop a comprehensive management plan to guide future use, management, and development of the Asilomar Conference Grounds and Asilomar State Beach. The management plan shall develop options for addressing coastal hazards, preserving historic structures, restoring and protecting native forest and dune habitat, removing and controlling nonnative and/or invasive vegetation utilizing integrated pest management methods, and enhancing and maximizing public access and recreational opportunities on the site.

h. **Design Standards for Hopkins Marine Station**. The general standards listed above in subsection a-f above are not applicable. The following specific standards for development apply within the Hopkins Marine Station located seaward of Ocean View Boulevard between Eardley Avenue and Third Street shall apply:

i. **Coverage**. Building and other coverage within Hopkins Marine Station shall be limited to the degree necessary to maintain public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, protect water quality (including by limiting impervious surfaces), and maintain community character, including through requirements for compact design, pervious materials, and maximized landscaping and open space. All new and expanded facilities shall be restricted to existing areas of coverage if possible, and where not possible shall be located inland of the existing main developed areas and outside of the most sensitive areas. New coverage shall be offset on at least a 1:1 basis with the removal of coverage and restoration of those areas elsewhere within Hopkins Marine Station. All development shall be limited to the degree necessary to protect sensitive species, maintain public views, maintain adequate open space to preserve small-scale visual landscape, and maintain site and community character.

ii. **Heights and Articulation**. Building and other structure heights shall be limited to the degree necessary to maintain public views to and along the ocean and shoreline, maintain pedestrian scale, and maintain site and community character. To preserve public views, new development shall be sited and designed in a manner that maintains view corridors to the water and does not extend above the silhouette of existing buildings. New development shall not exceed the maximum height of the Agassiz building~~ as viewed from public vantage points~~. Exceptions to the height limit may be allowed if deemed necessary as a hazard adaptation response to accommodate designated historic structures, to protect environmentally and culturally sensitive areas, and/or to maintain existing public views while ensuring Hopkins Marine Station's educational and research mission.

iii. **Off-street Parking**. Off-street parking spaces shall be required in the number necessary to ensure that parking needs ~~are provided on-site and~~ do not conflict with public parking needs, including for public coastal access. Development shall be required to maintain existing on-site parking spaces, and reductions in on-site parking shall only be approved if it is determined that adequate parking is provided in other locations ~~within Hopkins Marine Station,~~ and such reductions do not impact public parking spaces off-site.

iv. **Setbacks**. Setbacks shall be applied in a manner designed to maintain public views to and along the ocean, avoid hazardous areas, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain site and community character.

v. **Public Access**. Significant development (e.g. replacement of 50% or more of existing development on the site on an individual or cumulative basis or construction of substantial new structures) shall be required to provide enhanced vertical, lateral, and/or visual public access. Enhanced lateral and vertical access includes, but is not limited to, providing a means for the general public to access the immediate shoreline in a way that maximizes public utility while protecting sensitive coastal resources and do not conflict with the educational and research mission of the Hopkins Marine Station. Enhanced visual access includes, but is not limited to, removal of the existing chain-link property line fence along Ocean View Boulevard and other visual barriers to the shoreline and ocean, and, if some form of fencing/barrier is found to be necessary, replacement with one that is low-profile, protects wildlife, and can blend seamlessly into the surrounding viewshed. Any such replacement fencing/barrier must provide comparable protection of harbor seals from human activities as the existing chain-link fence.

vi. **Landscaping**. Development shall minimize the removal of existing native vegetation. Development shall provide for landscaping improvements that include removal of nonnative and/or invasive species, and plantings of noninvasive native plants, where revegetation can occur without adverse impacts to archaeological resources.

vii. **Other**. All development shall be sited and designed to maintain public views of the shoreline and ocean, maintain pedestrian scale, and maintain site and community character, including through siting and design that respects the natural landforms, quality design, architectural articulation (including varied offsets and projections), low-slung structures that are subordinate to the shoreline setting and aesthetic, quality exterior materials, and other means that respects and emphasizes open space and the natural setting.

viii. **Management Plan**. Hopkins Marine Station shall coordinate with the City to develop a comprehensive management plan to guide future use, management and development of the entire site. The management plan shall develop options to address coastal hazards, to restore and protect native habitat, to remove and control nonnative and/or invasive vegetation utilizing integrated pest management methods, and to provide increased and enhanced public vertical, lateral, and visual access to the site, shoreline and ocean. The plan shall require a CDP and be periodically reviewed and updated at least once every 10 years.

23.90.200 Cultural Resources

A. In order to protect the City's archaeological and historic resources, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable LUP Cultural Resources policies and the following requirements.

B. **Applications for Development Potentially Affecting Cultural Resources**. The following documentation and requirements shall be provided for all CDP applications that may impact Cultural Resources:

a. **Archeological Report**. Due to the archeological sensitivity of the entire Pacific Grove Coastal Zone, an archeological report for projects that include soil disturbance shall be prepared by a qualified archeologist prior to approval of the project. Landscaping that does not involve construction of structures or changes to the site contours greater than 1 foot, is exempt from this requirement. At a minimum, the archeological report shall include the following:
   i. Site information including location, parcel number, address, owner, applicant, parcel size, location of structures or improvements, and applicable maps;
   ii. Review of relevant scientific literature or past archeological reports describing archeological resources on the site or on adjacent lands;
   iii. Searches of the California Historical Resources Information System and Native American Heritage Commission Sacred Lands File;

iv. Documentation of consultation with appropriate tribes as required by state law;
v. Date and findings of a preliminary archaeological reconnaissance;
vi. Discussion of potential adverse impacts on archaeological resources;
vii. Recommendations for further archaeological surveys, if deemed to be necessary; and
viii. 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.

b. **Historic Resources Report**. For new projects that include demolition or alterations to potential historical resources, a Historical Assessment Report prepared by a qualified professional is required prior to approval of the project. The lead author must meet the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) in history or architectural history. At a minimum, the Historical Assessment Report shall include the following:
   i. Detailed description of the historical resources at the project site.
   ii. Discussion of potential adverse impacts on historical resources from the project.
   iii. Recommended mitigation, minimization, and/or avoidance measures to protect historical resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the historical resources on the site and alternative design impacts compare to those of the project

23.90.210 Public Infrastructure.

A. In order to protect and provide public infrastructure within the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Public Infrastructure policies and the following requirements.

B. Applications for Development potentially Affecting Public Infrastructure. The following documentation and requirements shall be provided for the following applications:

a. **Water Supply and Conservation Plan**. For projects that will cause an increase in water use over existing uses, a Water Supply and Conservation Plan is required. At a minimum, the plan must include the following:
   i. Documentation confirming that the development will be served by an adequate existing water allocation and sustainable long-term water supply.
   ii. Water conservation plan that maximizes the use of water conservation fixtures, equipment, and landscaping. Water conservation features may include, but are not limited to, high-efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, on-demand hot water heaters, high-efficiency low-flow toilets, xeriscape landscaping, drought tolerant plants, and reclaimed water and captured storm water for irrigation,

b. **Temporary Traffic Handling Plan**. For public works and private construction projects that result in reduction of traffic capacity during peak summer months, for more than 1 week, or for special events that result in an increase in traffic of 25 percent or more over average hourly traffic volumes, a temporary traffic handling plan is required. At a minimum, the plan must include the following:
   i. Identification, timing, and duration of all traffic, parking, and pedestrian walkway closures.
   ii. Identification of alternative routes for vehicular and pedestrian traffic. The plan shall ensure that public access to coast and adequate public parking is maintained.
   iii. For special events that result in an increase in traffic of more than 35 percent over average hourly traffic volumes, the plan shall include shuttles from off-site parking areas and bicycle parking services.

23.90.220 Parks, Recreation, and Public Access.

A. In order to protect the public's access to the Coastal Zone including for recreation, tourism and appreciation and study of the natural environment, and to maintain consistency with the LCP's Land Use

Plan (LUP), development shall conform to all applicable Land Use Plan Parks, Recreation, and Public Access policies and the following requirements.

B. Applications for Development potentially affecting public access. The following documentation and requirements shall be provided for the following applications:

a. **Paid Public Parking Program**. The establishment of a paid public parking program or changes to an existing program (e.g. changes in hours, locations, rates, etc.) shall require a CDP. At a minimum, applications must include the following:
   i. Identification of the location, hours, and rates of paid public parking.
   ii. Analysis of potential impacts of paid parking on coastal access; including the availability of free parking at other locations coastal locations, alternative access opportunities such as bike lanes and public transit.
   iii. Establishment of a dedicated fund where all parking fees will be held and utilized solely to improve and enhance coastal access and recreation opportunities.

b. **Temporary Public Access Impacts**. Development that has the potential to temporarily impacts coastal access, including construction impacts or the temporary placement of any sign that could reduce public coastal access, shall require a CDP and development of a Public Access Management Plan. At a minimum, the plan must include the following:
   i. Identification of the locations, times, and types of closures and/or limitations to existing public access and/or recreational opportunities.
   ii. Documentation regarding the necessity of any closures and/or limitations (e.g. avoid
   iii. Mitigation measures to avoid and/or limit impacts to public access including avoidance of peak use times (typically weekends and Memorial Day to Labor Day), minimizing road and trail closures by using phased construction schedules and use of private areas for staging, and providing alternative access through the creation of temporary accessways or placement of alternative access signage.
   iv. Temporary events shall also include additional strategies to avoid impacts to public parking and access, including use of traffic handlers, parking attendants, shuttles from off-site locations, bike valet programs, and/or directional/parking signs.

c. **Permanent Public Access Impacts**. Development that has the potential to permanently impact coastal access, including in terms of limitations of use hours, limitations on particular recreational activities, or increased traffic leading to impacts to public access use of the City's circulation system, shall require development of a Public Access Management Plan. At a minimum, the plan must include the following:
   i. Identification of the locations, times, and types of all closures and/or limitations to existing public access and/or recreational opportunities.
   ii. Documentation regarding the necessity of any closures and/or limitations (e.g. avoid overuse, protects biological resources, maintain water quality, etc.).
   iii. Analysis of potential impacts to coastal access; including the availability of alternative access and recreation opportunities at other coastal locations.
   iv. Mitigation measures to avoid and/or offset impacts to public access, including providing additional and/or enhanced public access improvements in other locations and/or additional low-cost recreational opportunities.
   v. Private development projects (e.g. visitor serving development) shall provide for public access enhancements and improvements both on and off-site as much as possible.

C. Lower-Cost Visitor Accommodations. Protection of Low Cost Visitor Accommodations.

a. **Low, Moderate, and High Cost Visitor Accommodations Defined.** For purposes of this subsection, visitor accommodations shall be defined as low, moderate, or high cost as follows:
   i. Low Cost. The annual average daily room rate of all economy hotels and motels in the City of Pacific Grove market area that have room rates that are equal to or below the Statewide average daily room rate or lower. Economy hotels and motels are AAA-rated one or two diamond hotels, or equivalent.
   ii. Moderate Cost. The average daily room rate is between low cost and high cost.
   iii. High Cost. The average daily room rate is one hundred twenty (120) percent of the Statewide average daily room rate or greater.

b. **Feasibility Analysis Required**. An analysis of the feasibility of providing lower cost visitor accommodations shall be required for any application involving the expansion, reduction, redevelopment, demolition, conversion, closure, ~~or c~~cessation, or new development ~~-~~of any project involving visitor overnight accommodations, with the exception of short-term rental lodging that is within residential units. If the proposed rates are not lower cost, the feasibility study shall explain why providing lower cost accommodations as part of the project is not feasible, or whether the proposed project includes amenities that would serve as a lower cost option for families (e.g. additional beds per unit, suite facilities, kitchen facilities, etc.). This explanation shall address the land value; development costs; a breakdown of the estimated annual revenues (including average daily rate and occupancy rates); a breakdown of the estimated operating costs; and any other information necessary to address the feasibility of providing lower cost accommodations on site. The feasibility analysis shall be prepared at the applicant's expense.

~~b.~~c. **In-Lieu Fee Program**. Specific detailed information regarding calculation and use of any required in-lieu fees as part of a mitigation program for project impacts to the availability of lower cost visitor accommodations within the City shall be included as a condition of approval of the Coastal Development Permit for the visitor accommodations. Fees shall be adequate to cover the cost of mitigation proportionate to the impact of the development for which the CDP is issued. All in-lieu fee payments shall be deposited into a fund established by the City which shall be in an interest bearing account and shall only be used for the provision of new lower-cost overnight accommodations, within the City. Funds may be used for activities including land acquisition, construction, and/or renovation that will result in additional lower-cost visitor accommodations, as well as permitting costs. The specific lower-cost requirements for any project funded by the in-lieu fee program shall be determined through the Coastal Development Permit process of the in-lieu fee funded project.

~~c~~d. **Impact Analysis Required**. An analysis of a development's impact on the availability of lower cost overnight visitor accommodations in the City shall be required for any application involving:

i. The expansion, reduction, redevelopment, demolition, conversion, closure, or cessation of any project involving overnight visitor accommodations, with the exception of short-term lodging that is within residential units; or

ii. New or limited use overnight visitor accommodations, including timeshares, fractional ownership, or condominium-hotels.

The impact analysis shall be prepared at the applicant's expense.

~~d~~e. **Impact Defined**. The proposed development would result in any loss ~~significant decrease~~ in the available supply of existing lower cost visitor accommodations, or would fail to provide lower costs rooms where new accommodations are proposed~~a reasonable range of affordability~~, or fail to use land suitable for lower cost accommodations for that purpose.

~~e~~f. **Mitigation**. If the review authority determines that the development will impact existing lower cost visitor-serving accommodations, or provide only high or moderate cost visitor accommodations or limited use overnight visitor accommodations such as timeshares, fractional ownership and condominium-hotels, then mitigation commensurate with the impact shall be provided as follows~~by one of more or the following~~:

i. Where development proposes to remove existing lower cost accommodations or replace existing lower cost accommodations with high cost accommodations, ~~i.R~~replacement of the lost low cost rooms ~~lost~~ shall be maximized and provided at least on a one-to-one ratio either on site or a suitable off-site location within the City. Where development proposes to remove existing lower cost accommodations or replace existing lower cost accommodations with moderate cost accommodations replacement of lost low cost rooms shall be maximized and provided at a ratio commensurate with the identified impact, taking into consideration the proposed cost increase and any additional amenities that would be provided to serve as a lower-cost option for families. Replacement shall prioritize providing for lower cost accommodations on-site where feasible; where on-site provision is not feasible, off-site provision shall be completed and ready for use prior to occupancy of the new development, as feasible.

ii. Where development proposes to provide for new higher cost accommodations, the number of lower cost accommodations provided shall be maximized. At a minimum,

the number of low cost units shall be equivalent of 25% of the number of high cost accommodations.

iii. Where it is not feasible to provide all lower cost accommodations as required on-site, an equivalent combination of on-site, off-site, and payment of an in-lieu fee, as described under the In-Lieu Fee Program above, commensurate with the impact shall be provided.

~~i. Payment of an in-lieu fee commensurate with the impact shall be required;~~

~~Programmatic components that provide low cost overnight accommodations; or~~

~~Other form of mitigation addressing cost of stay.~~

~~The review authority may authorize deviations from development standards that provide economic incentives to the development to maintain affordability.~~

~~f. **In-Lieu Fee Program.** Specific detailed information regarding calculation and use of any required in-lieu fees as part of a mitigation program shall be included as a condition of approval of the Coastal Development Permit for the visitor accommodations.~~

g. **Rate Control and Income Eligibility Requirements Prohibited**. In no event shall a development as mitigation be required:

i. To provide overnight room rental be fixed at an amount certain; or

ii. To establish 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.

h. **Protection of Short-Term Rentals ~~Program~~ (Short Term Lodging)**. Most short-term lodging units meet the low cost definition when maximum occupancy is taken into account. Short-term lodgings can accommodate more people than a typical hotel room. They also provide full-sized, equipped kitchens allowing families or larger groups to reduce the overall cost of a visit by allowing them to prepare meals as an alternative to dining out. The City ~~may~~ shall continue to allow ~~permit~~ short-term lodgings in residential units as a means of providing lower cost overnight visitor accommodations while continuing to prevent conditions leading to increased demand for City services and adverse impacts in residential areas and coastal resources. Short Term Rentals shall be subject to the following standards:

i. Short Terms Rentals shall be limited to one per legal parcel and 55-foot zone of exclusion. The zone of exclusion is the distance of 55 lineal feet from an existing short term rental parcel boundary.

ii. Short Term Rentals shall not be used for auctions, commercial functions, or other similar events.

iii. Overnight occupants (aged 18 or older) are limited to two persons per bedroom, plus one additional person per site. The maximum number of day time (non-overnight) occupants is limited to 1.5 times the number of overnight occupants. Occupants of Short Term Rentals shall have access to any on-site parking, if available.