



Development in the Coastal Zone

Information Bulletin No. 17

All development in the Coastal zone is regulated by the City's [Local Coastal Program \(LCP\)](#) which was certified by the Coastal Commission in March 2020. The LCP consists of the Land Use Plan (LUP) and the Implementation Plan (IP). The LUP is an element of the City's General Plan and the IP is a chapter in the City's municipal code which addresses the standards and zoning requirements for all development.

Frequently Asked Questions (FAQ)

1. What is a CDP?

A CDP is a discretionary permit for development within the Coastal Zone. Development is broadly defined by the Coastal Act ([PRC § 30106](#)) and includes, among other things:

...The placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, including lot splits; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

As indicated in the City's adopted Local Coastal Program (LCP), the Planning Commission is the review authority for CDPs.

2. Are there exemptions to CDP requirements?

Pursuant to Coastal Act § 30610 and the City's LCP, the following projects are exempt from the requirements to obtain a CDP:

- A. Interior improvements to existing single-family residences that do not result in an intensification or expansion of use (ex. lowering existing kitchen or bathroom counter to accommodate a wheelchair does not require a CDP, etc.);
- B. Improvements to other existing structures;
- C. Repair or maintenance activities (ex. the *in-kind* replacement of existing horizontal wood siding for new siding that matches the old in size, finish, and reveal does not require a CDP, etc.) ;
- D. Replacement of destroyed structures (in compliance with § 23.90.040.D and, within the Asilomar Dunes Residential Area, § 23.90.180.4.I, of the LCP); and
- E. Temporary events.

There are a variety of **exceptions** to these exemptions which apply to projects within Environmentally Sensitive Habitat Areas (ESHA) like the Asilomar Dunes Residential Area, projects that occur within a specified distance from an ESHA, certain public works projects, etc.

In accordance to § 23.90.040 of the IP, staff will make a determination at the time of application submittal as to whether or not the project is exempt from a CDP.

3. Do Building Permits Trigger a CDP?

Building Permits for work that is considered "Development", as defined in 1) above, will trigger a CDP, unless the activity is found to be exempt per 2) above. As with all building permits for new construction or exterior changes to existing buildings, the Building Department will circulate plans to the Planning Department for consistency with zoning. Generally, no Planning permits are required for re-roofing, plumbing and electrical upgrades, minor interior tenant improvements and other minor improvements that do not effect major structural components as defined in § 1.10 of the Land Use Plan (LUP).

4. What is a CDP Waiver?

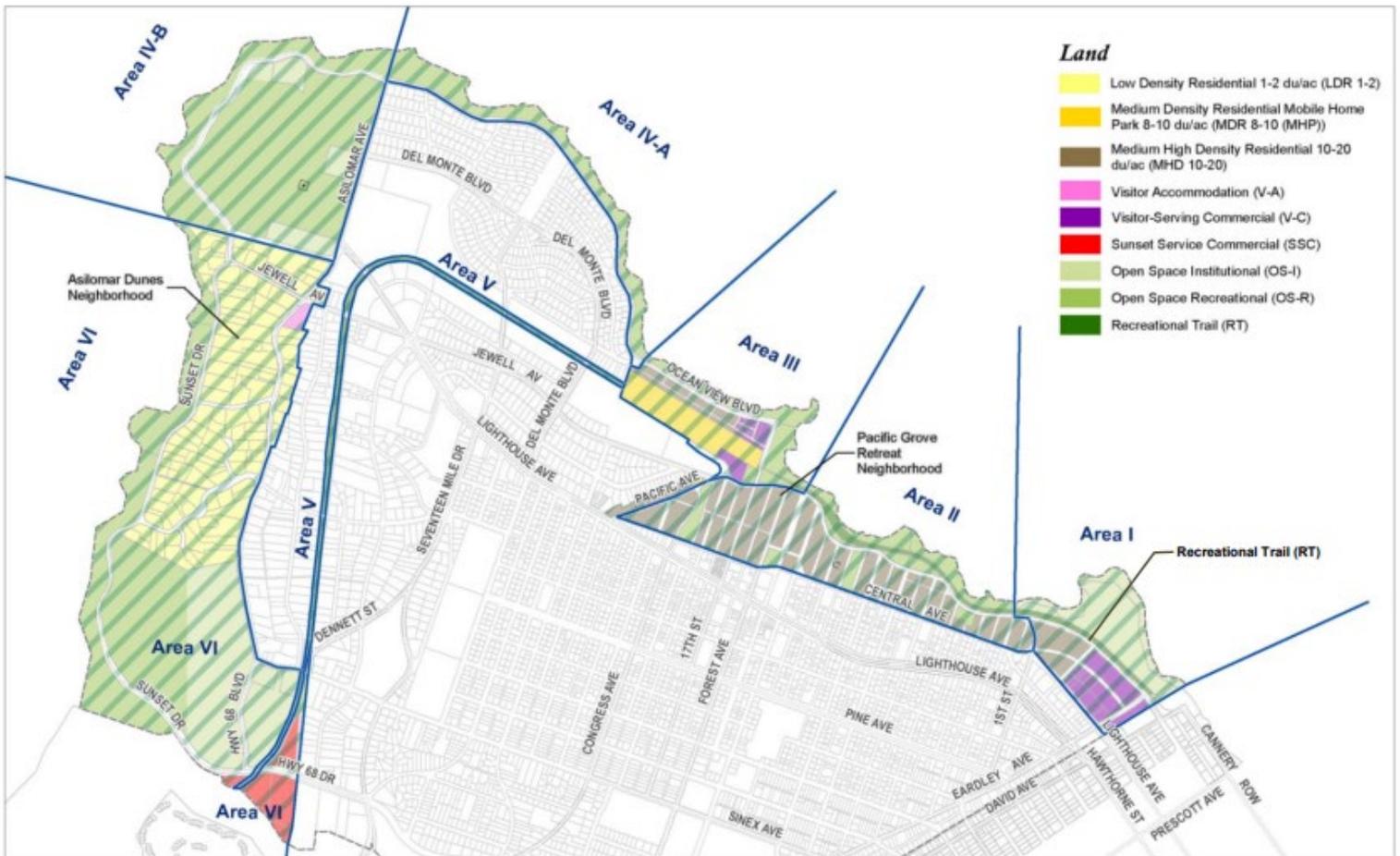
If a project is not exempt from CDP requirements and a complete CDP application has been submitted, the City's Community Development Director (Director) or designee will review the application to see if the issuance of a *De Minimis Waiver* (waiver) is warranted. The procedures for the issuance of waivers can be found in § 23.90.045 of the LCP's Implementation Plan (IP). Waivers require public notice, concurrence of applicability by the Executive Director of the Coastal Commission, and review and concurrence by the Planning Commission. The same application materials, including fees, are required for the waiver as for a full CDP.

5. What and Where is the Appeal Jurisdiction?

The City's LCP includes an appeal area map prepared for the City by the Coastal Commission that geographically indicates the automatic appeal jurisdiction. Within this area, the Coastal Commission retains the right to appeal any CDP authorized by the City. Please review the Appeal map on the City's [website](#).

6. Is there a map of the Environmentally Sensitive Habitat Areas (ESHA) in the City?

No, but the *Land Habitat Sensitivity Map* (Fig. 5 in the LCP) shows areas of special biological significance and should be used by a developer's professional biologist and/or botanist in the preparation of project-specific reports to identify and properly protect ESHA resources. Sensitive resources can be found anywhere in the City and it is incumbent on the development review process, on a case-by-case basis, to identify and protect them wherever they are located.



Source: City of Pacific Grove 2014, Google Earth 2013

Figure 6
Coastal Zone Land Use Designations

City of Pacific Grove Land Use Plan