

## Chapter 23.12 DISTRICTS

Sections:

- 23.12.010 Districts listed.
- 23.12.020 Districts established by zoning map.
- 23.12.030 Compliance required.
- 23.12.040 Applicability to governmental units.

### **23.12.010 Districts listed.**

The overall districts established are as follows:

- (a) Single-family residential district or R-1 district.
- (b) Restricted duplex residential district or R-2 district.
- (c) Multiple-family residential district or R-3 district.
- (d) Multiple-family residential district or R-4 district.
- (e) Light commercial district or C-1 district.
- (f) Light commercial district and hotel or C-1-T district.
- (g) Downtown commercial district or C-D district.
- (h) Forest Hill commercial district or C-FH district.
- (i) Heavy commercial district or C-2 district.
- (j) Visitor commercial district or C-V district.
- (k) Visitor commercial – accommodations district or C-V-A district.
- (l) Sunset Service Commercial district or SSC district.
- (m) Restricted industrial district or I district.
- (n) Open space or O district.
- (o) Unclassified or U district.
- (p) Combining or B district.
- (q) Motel district or R-3-M district.
- (r) Combining or H district.

[Ord. 13-003 § 15, 2013; Ord. 09-005 § 32, 2009; Ord. 685 N.S. § 2, 1971; Ord. 387 N.S., 1962; Ord. 210 N.S. § 11-121(1), 1952].

### **23.12.020 Districts established by zoning map.**

The designations, locations and boundaries of the zoning districts referred to in this title are established by and delineated upon the map entitled "Zoning Map, City of Pacific Grove, California," dated January, 1987, which map is hereby adopted by reference and made a public document filed in the office of the community development director. The map hereby adopted supersedes the map, and amendments thereto, adopted by Ordinance No. 387 N.S. The map hereby adopted does not amend the zone designations of any property, rather it accurately exhibits the zone district designations of properties within the city at the time of adoption.

Amendments to the map hereby adopted shall be effected by ordinance, and such amendments shall become a part of this title by reference. Such amending ordinances shall be listed in the Table of Ordinances and entitled "Rezoned property (Special)."

Copies of the zoning map hereby adopted may be purchased in the office of the community development director. [Ord. 1574 N.S., 1987; Ord. 387 N.S., 1962; Ord. 210 N.S. § 11-121(2), 1952].

### **23.12.030 Compliance required.**

No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with this title and all ordinances, laws and maps referred to herein. [Ord. 210 N.S. § 11-121(3), 1952].

### **23.12.040 Applicability to governmental units.**

Provisions of this chapter shall also apply to all cities, counties, districts and to the state and federal government or any agency of such governmental units. [Ord. 210 N.S. § 11-121(4), 1952].

## **Chapter 23.16 R-1 DISTRICT AND R-1-B COMBINED DISTRICTS**

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**23.16.090 R-1-B-2 districts.**

**23.16.100 R-1-B-3 districts.**

**23.16.110 R-1-B-4 districts.**

**23.16.010 Generally.**

The regulations in this chapter shall apply in all R-1 districts, and shall be subject to the provisions of Chapter [23.64](#) PGMC unless the provisions of this chapter are in conflict with said Chapter [23.64](#) PGMC, in which event the provisions of this chapter shall prevail. [Ord. 96-14 § 3, 1996; Ord. 210 N.S. § 11-131(1), 1952].

**23.16.020 Uses permitted.**

The following uses are permitted in the R-1 district:

- (a) Single-family dwellings.
- (b) Accessory buildings and structures.
- (c) Accessory uses normally incidental to single-family residences. (This shall be construed as prohibiting any commercial or industrial use.)
- (d) Second units as permitted by Chapter [23.80](#) PGMC.
- (e) Home business provided that the following businesses shall not be allowed: food handling, processing or packing for gain; harboring, training or raising of dogs, cats, birds or other animals for gain; repairs of any nature, including automobile and/or body and fender repair. Home businesses shall be subject to the following limitations:

- (1) No employee other than members of the family inhabiting the on-site dwelling shall be permitted.
- (2) No industrial or heavy commercial machinery shall be employed.
- (3) The business shall not generate pedestrian or vehicular traffic.
- (4) Commercial vehicles shall not be used for delivery of materials to or from the premises, and no trucks advertising the business shall be employed in the business, except that a contractor's name, telephone number and state license number may be indicated.
- (5) No more than one room in the dwelling shall be employed for the business.
- (6) In no manner shall the appearance of the structure or the operation of the business give any indication to the exterior by odor, construction materials, lighting, signs, sounds, noises or vibrations that the site is used for other than residential purposes.
- (7) The business shall not require the installation of utility service in excess of normal dwelling requirements or place a load on garbage, sewer or community facilities beyond normal dwelling requirements.

(8) No goods shall be sold on the premises. Supplies necessary to the business, and finished products produced by the business, may be retained in the room used for the business.

(9) No advertising of any nature shall be permitted, except that a name and telephone number, but no address, may be indicated in a telephone listing, business card or stationery.

(10) All persons conducting such business shall obtain all required business licenses and permits. Possession of such license or permit shall not excuse compliance with this subsection. [Ord. 03-08 § 2, 2003; Ord. 00-18 § 3, 2000; Ord. 98-14 § 1, 1998; Ord. 96-14 § 12, 1996; Ord. 1848 N.S. § 3, 1992; Ord. 1765 N.S. § 15, 1991; Ord. 1327 N.S. § 2, 1983; Ord. 1306 N.S. § 1, 1982; Ord. 869 N.S. § 1, 1975; Ord. 811 N.S., 1974; Ord. 551 N.S. § 5, 1966; Ord. 532 N.S. §§ 1, 2, 1966; Ord. 523 N.S. § 2, 1965; Ord. 210 N.S. § 11-131(1)(a), 1952].

### **23.16.021 Use permit.**

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

- (a) The room has no interior access to the other rooms in the structure or on the building site;
- (b) The room is accessible only by an exterior staircase;
- (c) The room is to be equipped with a trap and/or sink in addition to and remote from the kitchen on the same building site.

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

### **23.16.025 Mobile homes.**

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

### **23.16.030 Building height limit.**

The maximum height of main buildings shall be 25 feet. [Ord. 00-18 § 4, 2000; Ord. 00-15 § 3, 2000; Ord. 96-14 § 6, 1996].

### **23.16.040 Allowed building coverage.**

Maximum building coverage is:

- (a) Sites up to and including 4,000 square feet in size: 45 percent.
- (b) Sites greater than 4,000 square feet in size: 40 percent. [Ord. 12-003 § 3, 2012; Ord. 00-15 § 4, 2000; Ord. 96-14 § 7, 1996].

**23.16.041 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 3, 2012].

**23.16.050 Allowed gross floor area.**

Maximum gross floor area is as follows:

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
1,000	550
1,100	605
1,200	660
1,300	715
1,400	770
1,500	825
1,600	880
1,700	935
1,800	990
1,900	1,045
2,000	1,100
2,100	1,155
2,200	1,210
2,300	1,265
2,400	1,320
2,500	1,375
2,600	1,430
2,700	1,485
2,800	1,540

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
2,900	1,595
3,000	1,650
3,100	1,705
3,200	1,760
3,300	1,815
3,400	1,870
3,500	1,925
3,600	1,980
3,700	2,035
3,800	2,090
3,900	2,145
4,000	2,200
4,100	2,235
4,200	2,269
4,300	2,304
4,400	2,338
4,500	2,373
4,600	2,407
4,700	2,442
4,800	2,476
4,900	2,511
5,000	2,545
5,100	2,580

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
5,200	2,614
5,300	2,649
5,400	2,683
5,500	2,718
5,600	2,752
5,700	2,787
5,800	2,821
5,900	2,856
6,000	2,890
6,100	2,925
6,200	2,959
6,300	2,994
6,400	3,028
6,500	3,063
6,600	3,097
6,700	3,132
6,800	3,166
6,900	3,201
7,000	3,235
7,100	3,270
7,200	3,304
7,300	3,339
7,400	3,373

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
7,500	3,408
7,600	3,442
7,700	3,477
7,800	3,511
7,900	3,546
8,000	3,580
8,100	3,596
8,200	3,611
8,300	3,627
8,400	3,642
8,500	3,658
8,600	3,673
8,700	3,689
8,800	3,704
8,900	3,720
9,000	3,735
9,100	3,751
9,200	3,766
9,300	3,782
9,400	3,797
9,500	3,813
9,600	3,828
9,700	3,844



**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
9,800	3,859
9,900	3,875
10,000	3,890
10,100	3,906
10,200	3,921
10,300	3,937
10,400	3,952
10,500	3,968
10,600	3,983
10,700	3,999
10,800	4,014
10,900	4,030
11,000	4,045
11,100	4,061
11,200	4,076
11,300	4,092
11,400	4,107
11,500	4,123
11,600	4,138
11,700	4,154
11,800	4,169
11,900	4,185
12,000	4,200

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
12,100	4,216
12,200	4,231
12,300	4,247
12,400	4,262
12,500	4,278
12,600	4,293
12,700	4,309
12,800	4,324
12,900	4,340
13,000	4,355
13,100	4,371
13,200	4,386
13,300	4,402
13,400	4,417
13,500	4,433
13,600	4,448
13,700	4,464
13,800	4,479
13,900	4,495
14,000	4,510
14,100	4,526
14,200	4,541
14,300	4,557

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
14,400	4,572
14,500	4,588
14,600	4,603
14,700	4,619
14,800	4,634
14,900	4,650
15,000	4,665
15,100	4,681
15,200	4,696
15,300	4,712
15,400	4,727
15,500	4,743
15,600	4,758
15,700	4,774
15,800	4,789
15,900	4,805
16,000	4,820
16,100	4,836
16,200	4,851
16,300	4,867
16,400	4,882
16,500	4,898
16,600	4,913

**Table 23.16.050**

<b>Lot Size</b>	<b>Floor Area</b>
16,700	4,929
16,800	4,944
16,900	4,960
17,000	4,975
17,100	4,991
17,200	5,006
17,300	5,022
17,400	5,037
17,500	5,053
17,600	5,068
17,700	5,084
17,800	5,099
17,900	5,115
18,000	5,130
18,100	5,146
18,200	5,161
18,300	5,177
18,400	5,192
18,500	5,208
18,600	5,223
18,700	5,239
18,800	5,254
18,900	5,270

**Table 23.16.050**

Lot Size	Floor Area
19,000	5,285
20,000	5,440
21,000	5,595
22,000	5,750
23,000	5,905
24,000 and larger	6,000

[Ord. 12-003 § 3, 2012; Ord. 00-15 § 5, 2000; Ord. 96-14 § 8, 1996].

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

(a) Front Yards. Minimum of 15 feet.

(b)(1) Side Yards for Interior Sites. Ten percent of site width, with minimum of three feet and maximum required 10 feet. Exception: with a use permit, the total of side yards may be 20 percent of site width with a minimum three feet required on each side; maximum required on each side is 10 feet.

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

(c) Rear Yards. Minimum of 10 feet; provided, that a rear yard fronting on a street shall be a minimum of 15 feet.

(d) Garage Openings. Any garage or carport opening facing a street shall be set back 20 feet. The setback on any public way which is less than 16 feet in width shall be 10 feet.

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

**23.16.070 Parking standards and driveway length.**

(a) The number and sort of off-street parking shall be as follows:

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

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

### **23.16.080 Building site area required.**

(a) For each dwelling, a minimum of 4,000 square feet and a minimum width of 40 feet on interior lots shall be required. A minimum of 5,000 square feet and a minimum width of 50 feet shall be required on corner lots.

(b) Exceptions. The following are exceptions to the requirements set out in subsection (a) of this section:

(1) In the subdivisions designated as additions to the Pacific Grove Retreat, where lot sizes, as legally and originally subdivided, are 30 feet by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said original subdivision.

(2) In the Del Monte Park Tract, and in the Mill Meadow Subdivision, the minimum lot size for corner lots shall be 4,500 square feet with a minimum width of 40 feet, but only as to those lots which were legally subdivided prior to the annexation to the city of the Del Monte Park Tract.

(3) In the Forest Park Tract Subdivision, the minimum lot size shall be 3,600 square feet with a minimum width of 60 feet.

(c) Except as provided by PGMC 23.16.020, in no case shall there be more than one single-family dwelling on a building site. [Ord. 96-14 § 11, 1996].

### **23.16.090 R-1-B-2 districts.**

(a) The regulations in this section shall apply in all R-1-B-2 combined districts.

(b) Except as provided in subsection (c) of this section all regulations and provisions set out in PGMC [23.16.010](#) through [23.16.070](#), inclusive, shall apply in the R-1-B-2 combined districts.

(c) Exceptions.

(1) Building site area required: for each dwelling, a minimum 6,000 square feet and a minimum width of 60 feet shall be required.

(2) Front yard setback required: minimum 20 feet.

(3) Rear yard setback required: 20 percent of lot depth with a minimum requirement of 20 feet and a maximum required of 25 feet.

(4) Parking standards: two covered spaces required. [Ord. 96-14 § 14, 1996].

### **23.16.100 R-1-B-3 districts.**

(a) The regulations in this section shall apply in all R-1-B-3 combined districts.

(b) Except as provided in subsection (c) of this section, immediately below, all regulations and provisions set out in PGMC [23.16.010](#) through [23.16.070](#), inclusive, shall apply in the R-1-B-3 combined districts.

(c) Exceptions.

- (1) Building site area required: for each dwelling, a minimum 10,000 square feet and a minimum width of 70 feet shall be required.
- (2) Front yard setback required: minimum 20 feet.
- (3) Rear yard setback required: 20 percent of lot depth with a minimum requirement of 20 feet and a maximum required of 25 feet.
- (4) Parking standards: two covered spaces required. [Ord. 96-14 § 15, 1996].

### **23.16.110 R-1-B-4 districts.**

(a) The regulations in this section shall apply in all R-1-B-4 combined districts. Where standards set forth in the local coastal program land use plan and the standards contained in this section or in any other provisions of this title are in conflict, the standards in the local coastal program (LCP) land use plan (LUP) shall prevail.

(b) Except as provided in subsection (c) of this section all regulations and provisions set out in PGMC [23.16.010](#) through [23.16.070](#), inclusive, shall apply in the R-1-B-4 combined districts.

(c) Exceptions.

- (1) Building site area required: for each dwelling, a minimum 20,000 square feet and a minimum width of 100 feet shall be required.
- (2) Front yard setback required: minimum 20 feet; 75 feet from Sunset Drive, which area shall be included within a scenic easement;
- (3) Side yards required: minimum 10 percent of lot width, with maximum required 10 feet.
- (4) Rear yard setback required: minimum 20 feet.
- (5) Height limit shall be 18 feet for all buildings for structures fronting Sunset Drive. Height limit shall be 25 feet for all buildings in other areas.
- (6) Accessory structures and fences are prohibited.
- (7) Earth tone colors are required for all exterior materials.
- (6) Other restrictions as may be imposed by Chapter 23.90 including but not limited to biological studies, and archeological studies,

(d) All structures, including additions to existing structures, shall first be approved by the architectural review board. [Ord. 12-003 § 3, 2012; Ord. 96-14 § 16, 1996].

## **Chapter 23.24 R-3 DISTRICTS**

Sections:

[23.24.010](#) **Generally.**

[23.24.020](#) **Uses permitted.**

[23.24.030](#) **Building height limit.**

**23.24.040 Building site area required.****23.24.050 Allowed building coverage.****23.24.051 Allowed site coverage.****23.24.060 Yards required.****23.24.070 Garbage areas.****23.24.010 Generally.**

The regulations found in this chapter shall apply to all R-3 districts and shall be subject to the provisions of Chapter [23.64](#) PGMC. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].

**23.24.020 Uses permitted.**

The following uses shall be permitted in the R-3 district:

- (a) Single- or two-family dwellings;
- (b) Second units as permitted by Chapter [23.80](#) PGMC;
- (c) Multiple dwellings, apartment houses and dwelling groups, subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site; or
  - (2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site.
- (d) Rooming or boarding houses, subject to first securing a use permit;
- (e) Accessory uses and buildings normally incidental to any in this section. [Ord. 03-08 §§ 4, 5, 2003; Ord. 811 N.S., 1974; Ord. 795 N.S., 1974; Ord. 720 N.S. §§ 9, 10, 1972; Ord. 532 N.S. § 5, 1966; Ord. 453 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].

**23.24.030 Building height limit.**

The maximum height of main buildings shall be 30 feet. [Ord. 00-18 § 6, 2000; Ord. 1141 N.S. § 3, 1979; Ord. 720 N.S. § 3, 1972; Ord. 210 N.S. § 11-133(1)(b), 1952].

**23.24.040 Building site area required.**

For each building, or group of buildings, a minimum of 4,000 square feet and minimum width of 40 feet shall be required on interior lots. A minimum of 6,000 square feet and a minimum width of 60 feet shall be required on corner lots. In the subdivisions designated as additions to Pacific Grove Retreat and in the Pacific Grove Retreat, where the lot sizes, as legally subdivided, are 30 by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said subdivisions. Nothing contained herein shall authorize such smaller minimum lot sizes for any future subdivisions.

For each family unit in any building or group of buildings, a minimum of 1,500 square feet of land area shall be required. [Ord. 1260 N.S. § 2, 1981; Ord. 720 N.S. § 1, 1972; Ord. 210 N.S. § 11-133(1)(c), 1952].



**23.24.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 5, 2012; Ord. 1193 N.S. § 2, 1980; Ord. 720 N.S. § 8, 1972; Ord. 593 N.S., 1968; Ord. 210 N.S. § 11-133(1)(d), 1952].

**23.24.051 Allowed site coverage.**

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

**23.24.060 Yards required.**

(a) Front Yards. The minimum required front yard shall be 12 feet. Driveways shall not occupy more than 40 percent of the street frontage, and on a corner lot, the combined coverage on all frontages shall not exceed 25 percent of the total street frontage. Fifty percent of the front yard area shall be landscaped. Such areas shall not be surfaced, covered, enclosed or treated in such a manner as to make it impossible or impractical to establish and maintain landscaping and gardening thereon. The area must be rectangular or composed of a series of rectangles not less than 10 feet in width.

(b) Side Yards. Side yards shall be 10 percent of lot width with a minimum requirement of three feet and a maximum of 10 feet; provided, however, on corner lots, the side yard abutting the street shall be 20 percent of the width of the lot, but need not exceed 10 feet.

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

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

(d) Special Yards and Distances Between Buildings.

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

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

(f) Decks, Porches and Parking Spaces. Decks and open porches over three feet above grade may project or extend four feet over a required yard area, but not closer than three feet to the property line and no closer to other buildings than the minimums set forth in subsection (d) of this section. Parking spaces in excess of the required space for each family unit may project into the rear yard area set forth in subsection (c) of this section. [Ord. 720 N.S. § 6, 1972; Ord. 593 N.S., 1968; Ord. 532 N.S. § 6, 1966; Ord. 478 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(e), 1952].

**23.24.070 Garbage areas.**

Where there are three or more units, garbage areas for holding of garbage or refuse shall be constructed with a concrete floor and curb. The area shall be enclosed by a view-obscuring wall or fence designed in harmony with the building design. The enclosure shall be not less than five feet in height and equipped with a self-closing gate or door. Trash area shall have access to a driveway or public way. [Ord. 720 N.S. § 14, 1972].

**Chapter 23.26  
R-3-P.G.R. DISTRICT**

Sections:

**[23.26.010 Generally.](#)****[23.26.020 Permitted uses.](#)****[23.26.030 Building site area required.](#)****[23.26.040 Building height limit.](#)****[23.26.050 Allowed building coverage.](#)****[23.26.051 Allowed site coverage.](#)****[23.26.060 Allowed gross floor area.](#)****[23.26.070 Yard requirements.](#)****[23.26.080 Garbage/recycling areas.](#)****[23.26.090 Off-street parking.](#)****23.26.010 Generally.**

The regulations in this chapter shall apply in the R-3-P.G.R. district and shall be subject to the provisions of Chapter [23.64](#) PGMC unless the provisions of this chapter are in conflict with said Chapter [23.64](#) PGMC, in which event the provisions of this chapter shall prevail. [Ord. 98-05 § 1, 1998].

**23.26.020 Permitted uses.**

(a) All of the uses permitted and prescribed for the R-3 district at PGMC [23.24.020](#) shall apply in the R-3-P.G.R. district.

(b) In addition, bed and breakfast inns are permitted, subject to first securing a use permit.

The city council shall have the authority to set forth, by resolution, standards for bed and breakfast inns including, but not necessarily limited to: the number of visitors who may be accommodated; the amount and the type of signing to be provided; the length of permissible stay; the type of cooking and dining facilities to be provided; the amount of parking to be provided; and any similar standard necessary to protect the neighborhood from unreasonable changes in character. Provided however, that in no case shall the number of rooms be less than eight, excluding the primary residence of the owner or manager. The setting of such standards shall in no way limit the authority or the ability of the planning commission to impose such conditions as may be deemed appropriate upon any use permit granted for bed and breakfast use. [Ord. 98-05 § 1, 1998].

**23.26.030 Building site area required.**

(a) Except as provided in subsections (b) and (c) of this section, building site area shall be as set out in PGMC [23.24.040](#).

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

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

(1) It has, prior to March 15, 1986, been designated on the assessor's map as a separate parcel.

(2) It has at least 1,800 square feet, but not more than 3,600 square feet, and is not part of a larger building site.

(3) It has been unimproved with any building or structure for a minimum of five years immediately preceding March 15, 1986.

(4) It has access to a public street.

(5) Its transfer will not create additional aspects of nonconformity to this title.

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

(1) A use permit shall be first secured in each case.

(2) Architectural review board approval shall be required.

(3) Any construction shall conform to the requirements with respect to separate parcels in the R-3-P.G.R. district; however, in considering a use permit application the planning commission is authorized to prescribe requirements other than those prescribed by PGMC 23.26.670 where it finds that the qualification of PGMC 23.72.090 apply to the land, building or use. [Ord. 98-05 § 1, 1998].

**23.26.040 Building height limit.**

The maximum height of main buildings shall be 30 feet; provided, the maximum height of the top plate shall be no more than 24 feet. [Ord. 00-18 § 7, 2000; Ord. 98-05 § 1, 1998].

**23.26.050 Allowed building coverage.**

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

**23.26.051 Allowed site coverage.**

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

**23.26.060 Allowed gross floor area.**

Maximum gross floor area is as follows:

**Table 23.26.060**  
**– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
1,000	833
1,100	917
1,200	1,000
1,300	1,083
1,400	1,167
1,500	1,250
1,600	1,333
1,700	1,417
1,800	1,500
1,900	1,556
2,000	1,611
2,100	1,667
2,200	1,722
2,300	1,778
2,400	1,833
2,500	1,889
2,600	1,944
2,700	2,000
2,800	2,044
2,900	2,089
3,000	2,133
3,100	2,178
3,200	2,222

**Table 23.26.060**  
**– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
3,300	2,267
3,400	2,311
3,500	2,356
3,600	2,400
3,700	2,433
3,800	2,467
3,900	2,500
4,000	2,533
4,100	2,567
4,200	2,600
4,300	2,633
4,400	2,667
4,500	2,700
4,600	2,733
4,700	2,767
4,800	2,800
4,900	2,833
5,000	2,867
5,100	2,900
5,200	2,933
5,300	2,967
5,400	3,000
5,500	3,017

**Table 23.26.060**  
**– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
5,600	3,033
5,700	3,050
5,800	3,066
5,900	3,083
6,000	3,099
6,100	3,116
6,200	3,132
6,300	3,149
6,400	3,165
6,500	3,182
6,600	3,198
6,700	3,215
6,800	3,231
6,900	3,248
7,000	3,264
7,100	3,281
7,200	3,297
7,300	3,314
7,400	3,330
7,500	3,347
7,600	3,363
7,700	3,380
7,800	3,396

**Table 23.26.060**  
**– Maximum Gross Floor Area\***

<b>Lot Size</b>	<b>Floor Area</b>
7,900	3,413
8,000	3,429
8,100	3,446
8,200	3,462
8,300	3,479
8,400	3,495
8,500	3,512
8,600	3,528
8,700	3,545
8,800	3,561
8,900	3,578
9,000	3,594
10,000	3,759
11,000	3,924
12,000	4,089
13,000	4,254
14,000	4,419
15,000	4,584
16,000	4,749
17,000	4,914
18,000	5,079
19,000	5,244
20,000	5,409

**Table 23.26.060**  
**– Maximum Gross Floor Area\***

Lot Size	Floor Area
21,000	5,574
22,000	5,739
23,000	5,904
24,000	6,069
25,000	6,234
26,000	6,399
27,000	6,564
28,000	6,729

\* Note: For every 1,000 square feet above 28,000, add 165 square feet of floor area.

[Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

### **23.26.070 Yard requirements.**

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

(b) The minimum side yards shall be 10 percent of lot width, and 20 percent of lot width for side yards abutting the street on corner lots; provided, that the minimum allowable side yard shall be three feet, and the maximum required side yard shall be 10 feet.

Exception: With a use permit, the total of side yards may be 20 percent of lot width with a minimum three feet required on each side, maximum required on either side 10 feet.

(c) Rear yards shall have the following minimums:

(1) One story building: five feet.

(2) Two story building: eight feet.

(3) Three story building: 10 feet.

(4) Where a rear yard abuts a street: 12 feet.

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

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



**23.26.080 Garbage/recycling areas.**

Where there are three or more units, garbage/recycling areas for holding of garbage or recyclable materials shall be provided. The garbage/recycling area shall be enclosed by a view-obscuring wall or fence designed in harmony with the building design. The enclosure shall be not less than five feet in height and equipped with a self-closing gate or door. Garbage/recycling area shall have access to a driveway or public way. Placement and design of the garbage/recycling areas shall be approved by the public works director and the architectural review board prior to issuance of a building permit. Garbage/recycling areas shall be maintained in a sanitary condition, free of graffiti and in good repair. [Ord. 98-05 § 1, 1998].

**23.26.090 Off-street parking.**

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

(a) Single-family dwellings:

Lot Size	Off-Street Parking Required
To and including 2,699 square feet	None
Larger than 2,699 to 4,000	1 covered and 1 uncovered*
Larger than 4,000	2 covered

\* A driveway at least 20 feet in length may serve as a required uncovered space.

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

(c) The distance from a property line to the garage or carport opening shall be a minimum of 20 feet; provided, that a shorter driveway may be approved through the use permit process.

(d) Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit. [Ord. 98-05 § 1, 1998].

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Editor's Note: Prior ordinance history includes Ord. 1166 and part of Ord. 1331.

**Chapter 23.28  
R-4 DISTRICT**

Sections:

**23.28.010 Generally.**

**23.28.020 Uses permitted.****23.28.030 Building height limit – Site area – Lot coverage – Yards.****23.28.010 Generally.**

The regulations found in this chapter shall apply in all R-4 districts and shall be subject to the provisions of Chapter [23.64](#) PGMC. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1), 1952].

**23.28.020 Uses permitted.**

The following uses shall be permitted in the R-4 district:

- (a) Single- or two-family dwellings;
- (b) Second units as permitted by Chapter [23.80](#) PGMC;
- (c) Multiple dwellings, apartment houses, subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site, or
  - (2) Additions or structural alterations are made to an existing structure.
- (d) Rooming or boarding houses, subject to first securing a use permit;
- (e) Dwelling groups subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site, or
  - (2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site.
- (f) Professional uses allowed are: accountants, advertisers, appraisers, architects, assayers, attorneys, beauty shops, building designers, chiropractors, chiropodists, clinical laboratories, collection agencies, contractors (no warehousing of material), dental laboratories, detective agencies, dentists, geologists, insurance adjusters, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance offices, land surveyors, medical doctors, medical laboratories, oculists, opticians, optometrists, osteopaths, physical therapists, podiatrists, private detectives, professional engineers, psychologists, real estate offices, secretary services and telephone answering services, subject to first securing a use permit;
- (g) Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;
- (h) Accessory uses and buildings normally incidental to any of the above;
- (i) Professional uses in other categories than described in subsection (f) of this section, which are found by the community development director to be similar in nature, as regards size, activity, and impact, as the professions listed in said subsection (f) of this section, subject to first securing a use permit in each case;
- (j) Bed and breakfast inns, subject to first securing a use permit. Standards adopted by resolution of the council for bed and breakfast inn use in the R-3-P.G.R. district shall apply as well to that use in the R-4 district. The setting of such standards shall in no way limit the authority or ability of the planning

commission to impose such conditions as may be deemed appropriate upon any use permit granted. [Ord. 03-08 §§ 6, 7, 2003; Ord. 1418 N.S. § 3, 1984; Ord. 1417 N.S., 1984; Ord. 1307 N.S. § 1, 1982; Ord. 936 N.S. § 1, 1977; Ord. 811 N.S., 1974; Ord. 795 N.S., 1974; Ord. 720 N.S. §§ 11, 12, 1972; Ord. 532 N.S. § 7, 1966; Ord. 506 N.S., 1965; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1), 1952].

### **23.28.030 Building height limit – Site area – Lot coverage – Yards.**

Regulations for building height limit, building site area required, percentage of lot coverage, and yards required shall be those regulations set forth in PGMC [23.24.030](#) through [23.24.060](#). [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

## **Chapter 23.30 M-H DISTRICTS**

Sections:

### **[23.30.010 Uses permitted.](#)**

### **[23.30.020 Minimum lot size.](#)**

### **[23.30.030 Density.](#)**

### **[23.30.040 General requirements.](#)**

#### **23.30.010 Uses permitted.**

The following uses are permitted in the M-H district:

- (a) Any residential use permitted in the respective district with which the M-H district is combined;
- (b) Mobile home parks for residential purposes subject to first obtaining a use permit. [Ord. 853 N.S. § 1, 1975].

#### **23.30.020 Minimum lot size.**

The minimum lot size in one ownership on which a mobile home park may be constructed in this district is 10 acres, with a minimum lot width of 200 feet. [Ord. 853 N.S. § 1, 1975].

#### **23.30.030 Density.**

The total number of living units permitted in the M-H district shall not be greater than 10 units per acre. [Ord. 853 N.S. § 1, 1975].

#### **23.30.040 General requirements.**

- (a) Each use in an M-H district shall be considered as being part of a planned unit development.
- (b) The site, recreational facilities, and maintenance plans for the project shall be approved by the planning commission.
- (c) A landscape plan for the entire project shall be approved by the architectural review board.

(d) Yards shall be a minimum of 20 feet; however, in considering an application for a use permit, the planning commission is authorized to prescribe other requirements where it finds that the qualifications of PGMC 23.72.090 apply to the land, building or use.

(e) Maximum building coverage on all sites is 40 percent.

(f) All utilities on the lot shall be undergrounded and the meter location shall be approved by the site plan review committee.

(g) Architectural approval shall be required as prescribed in Chapter [23.73](#) PGMC.

(h) Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 7, 2012; Ord. 853 N.S. § 1, 1975].

## Chapter 23.31 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

[23.31.010 Purpose.](#)

[23.31.020 Commercial and industrial zoning districts.](#)

[23.31.030 Commercial and industrial zoning districts allowable land uses and permit requirements.](#)

[23.31.040 Commercial and industrial zoning districts development standards.](#)

### **23.31.010 Purpose.**

This chapter lists the commercial and industrial zoning districts as established by PGMC [23.12.010](#) and establishes the development standards and types of land uses permitted in each commercial and industrial zoning district. [Ord. 13-003 § 2, 2013].

### **23.31.020 Commercial and industrial zoning districts.**

(a) Light Commercial (C-1). The C-1 zoning district provides for neighborhood scale and locally oriented retail, service, and office uses.

(b) Light Commercial and Hotel (C-1-T). The C-1-T zoning district was enacted by citizen initiative, and the standards of the district are included in the applicable sections of this chapter without modification from the initiative.

(1) Intent of District. The intent of the C-1-T district as described by the initiative is as follows:

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

(B) It is also the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to provide for an exception to the strict regulations governing condominium development at Chapter [23.45](#) PGMC, said section enacted by the people at an election held in the city on

November 2, 1982. The people have determined that the area of the downtown defined in subsection (b)(2) of this section is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter [23.45](#) PGMC. Further, except as modified by this chapter, the provisions of Chapter [23.45](#) PGMC shall remain unchanged and in full force and effect.

(2) Boundaries of District. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

(3) Amendment. No provision of the C-1-T zoning district shall be repealed or amended except by a vote of the people.

(c) Downtown Commercial (C-D). The C-D zoning district is intended to provide for a range of uses including retail, restaurants, services, entertainment, and upper floor residential, and other compatible uses which enhance the vitality and character of the city’s historic commercial core.

(d) Forest Hill Commercial (C-FH). The C-FH zoning district serves as an entrance to the city, offering a variety of commercial and service uses while respecting nearby residential uses.

(e) Heavy Commercial (C-2). The C-2 zoning district is applied to areas of the city that are appropriate for service commercial and light manufacturing uses, which may involve outdoor storage or activity areas.

(f) Visitor Commercial (C-V). The C-V zoning district is applied to areas of the city appropriate for retail sales, commercial services, and institutional uses oriented to tourism.

(g) Visitor Commercial - Accommodation (C-V-A). The C-V-A zoning district allows visitor serving uses restricted to overnight accommodations, as well as residential uses.

(h) Sunset Service Commercial (SSC). The SSC zoning district allows for a variety of industrial, heavy commercial, retail and office uses, as well as visitor serving uses.

(i) Restricted Industrial (I). The I zoning district is applied to areas of the city that are appropriate for service commercial and light manufacturing uses, which may involve outdoor storage or activity areas. [Ord. 13-003 § 2, 2013].

**23.31.030 Commercial and industrial zoning districts allowable land uses and permit requirements.**

Key to Zoning District Symbols					
<b>C-1</b>	Light Commercial	<b>C-FH</b>	Forest Hill Commercial	<b>C-V-A</b>	Visitor Commercial – Accommodation
<b>C-1-T</b>	Light Commercial and Hotel	<b>C-2</b>	Heavy Commercial	<b>SSC</b>	Sunset Service Commercial
<b>C-D</b>	Downtown Commercial	<b>C-V</b>	Visitor Commercial	<b>I</b>	Restricted Industrial
<b>P</b> = Permitted use; counter review and determination required (see PGMC <a href="#">23.70.020</a> )				<b>UP</b> = Use permit required (see PGMC <a href="#">23.70.080</a> )	
<b>AUP</b> = Administrative use permit required (see PGMC <a href="#">23.70.030</a> )				-- = Use not allowed	

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
Industry, Manufacturing and Processing										
Contract construction – no outdoor storage		P <sup>2</sup>	P <sup>2</sup>	--	P <sup>2</sup>	P <sup>3,4</sup>	--	--	P <sup>3</sup>	P <sup>3</sup>
Contract construction – outdoor storage		--	--	--	--	P <sup>3,4</sup>	--	--	UP	UP
Construction, large-scale equipment sales and rental		--	--	--	--	P <sup>3,4</sup>	--	--	UP	UP
Industrial, light		UP	UP	--	UP	AUP <sup>3,4</sup>	--	--	AUP <sup>3,4</sup>	AUP <sup>3,4</sup>
Recycling facility		UP	UP	--	UP	UP	UP	--	UP	UP
Research and development facility		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>3</sup>	AUP <sup>3</sup>
Storage – self-storage facility		--	--	--	--	AUP <sup>3</sup>	--	--	AUP <sup>3</sup>	AUP <sup>3</sup>
Warehousing, wholesaling and distribution		--	--	--	--	P <sup>3</sup>	--	--	P <sup>3</sup>	P <sup>3</sup>
Recreation, Education and Public Assembly										
Commercial recreation facility – indoor (≤ 10,000 sf)	7.08, 7.12, <a href="#">23.64.035</a>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>3</sup>	P <sup>3</sup>
Commercial recreation facility – outdoor		AUP <sup>2</sup>	AUP <sup>2</sup>	--	--	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>3</sup>	AUP <sup>3</sup>
Community garden		AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	--	--
Health/fitness studio (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>3</sup>	P <sup>3</sup>
Meeting facility, public or private (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P	P	P <sup>3</sup>	P <sup>3</sup>
Park, playground (public)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>3</sup>

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
Public or quasi-public facility (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>3</sup>
School, specialty (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	--	--
Theater or auditorium (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>3</sup>	P <sup>3</sup>
Residential										
Accessory building or structure		P	P	P	P	P	P	P	P	UP
Condominium		UP	UP <sup>6</sup>	UP	UP	UP	--	UP	UP	UP
Duplex		P	P	P	P	P	--	P	UP	UP
Dwelling group		UP	UP	UP	UP	UP	--	UP	UP	UP
Home business	23.16	P	P	P	P	P	--	P	UP	UP
Large family day care home		UP	UP	UP	UP	UP	--	UP	UP	--
Mixed-use (residential above or behind commercial)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	--	UP	P <sup>2</sup>	--
Mobile home park		--	--	--	--	UP	--	--	UP	UP
Multifamily dwelling										
7 or fewer units	<a href="#">23.28.020</a>	P	P	P	P	P	--	P	UP	UP
8 or more units	<a href="#">23.28.020</a>	UP	UP	UP	UP	UP	--	UP	UP	UP
Residential care										
Housing 6 or fewer persons		P	P	P	P	P	--	UP	UP	UP
Housing 7 or more persons		UP	UP	UP	UP	UP	--	UP	UP	UP

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
Rooming and boarding house		UP	UP	UP	UP	UP	--	UP	UP	UP
Second unit	23.80	P	P	P	P	P	--	P	UP	UP
Single-family dwelling		P	P	P	P	P	--	UP	UP	UP
Retail Sales										
Automobile/vehicle sales and rental		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	AUP <sup>2</sup>	AUP <sup>3</sup>
Automobile/vehicle service station		AUP <sup>2</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	AUP <sup>2</sup>	AUP <sup>3</sup>
Bar/tavern/nightclub		--	--	--	--	--	UP	UP	UP	--
Brew pub with food service	<a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	P	AUP <sup>2</sup>	--
Farmers market		UP	UP	UP	UP	UP	UP	--	UP	--
Flea market		UP	UP	UP	UP	UP	UP	--	UP	--
Micro-brewery	<a href="#">23.64.290</a>	--	--	--	UP	UP	UP	UP	UP	UP
Pub or sports bar with food service	<a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>2</sup>	--
Restaurant, general and formula general										
w/ no alcohol sales	<a href="#">23.64.134</a>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	--
w/ alcohol sales	<a href="#">23.64.134</a> , <a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP <sup>2</sup>	AUP <sup>2</sup>	--
Restaurant, specialty (not formula)										
w/ no alcohol sales	<a href="#">23.64.134</a> ; if formula, see also <a href="#">23.64.115</a>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	--
w/ beer and wine sales	<a href="#">23.64.134</a> ,	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP	AUP <sup>2</sup>	--



**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
only	<a href="#">23.64.290</a> ; if formula, see also <a href="#">23.64.115</a>									
Restaurant, fast food (not formula) – w/ no alcohol sales	<a href="#">23.64.134</a> ; if formula, see also <a href="#">23.64.115</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	--
Restaurant, drive-in/drive-through (not formula) – w/ no alcohol sales	<a href="#">23.64.134</a> ; if formula, see also <a href="#">23.64.115</a>	--	--	--	UP	--	--	--	--	--
Retail – general, except the following:		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P	P <sup>2</sup>	UP
Adult-oriented sales		UP <sup>7</sup>	UP <sup>7</sup>	--	UP <sup>7</sup>	--	--	--	--	--
Alcoholic beverage sales		UP	UP	UP	UP	UP	AUP <sup>2</sup>	--	UP	--
Auction houses		P	--	--	P	P	--	--	P	P
Automobile rental		P	--	--	P	P	UP	--	P	P
Bail bonds		P	--	--	P	P	--	--	P	P
Blood, plasma, tissue donation		P	--	--	P	P	--	--	P	P
Body piercing/tattoo parlor		P	--	--	P	P	UP	--	P	P
Check cashing stores		--	--	--	P	P	--	--	--	P
Dollar/99 cent stores		--	--	--	P	P	UP	--	--	P
Electric cigarette/e-vapor		P	--	--	P	P	UP	--	P	P
Gold and silver exchange stores		P	--	--	P	P	UP	--	P	P
Kennels or pet boarding**		P	--	--	P	P	UP	--	P	P
Pawn shops		P	--	--	P	P	UP	--	P	P

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
Recreational vehicle sales		P	--	--	P	P	--	--	P	P
Meeting halls or places of assembly		P	--	--	P	P	P	--	P	P
Tire sales and repair		P	--	--	P	P	UP	--	P	P
Businesses from which minors excluded by law or owner		UP	UP	UP	UP	UP	UP	--	UP	--
Floor area over 10,000 sf		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>3</sup>
Operating between 12:00 a.m. and 7:00 a.m.		UP	UP	UP	UP	UP	UP	UP	UP	UP
Outdoor storage or displays		AUP	AUP	AUP	AUP	AUP <sup>1</sup>	AUP	--	AUP <sup>1</sup>	AUP <sup>1</sup>
Retail – restricted		UP	UP	--	UP	UP	UP	UP	UP	UP
Wine bar	<a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>3</sup>
Wine tasting room	<a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>3</sup>
Services										
Animal keeping/training facilities or veterinary service		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>3</sup>	AUP <sup>3</sup>
Automobile/vehicle repair		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	AUP <sup>3</sup>	AUP <sup>3</sup>
Bank or financial service, except the following:		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--	P <sup>3</sup>	P <sup>3</sup>
Floor area over 10,000 sf at street level		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>3</sup>
w/ drive-through		UP	UP	--	UP	UP	UP	--	UP	UP
Business support service		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--	P <sup>3</sup>	P <sup>3</sup>
Car wash and detailing		AUP <sup>2</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	AUP <sup>3</sup>	AUP <sup>3</sup>

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
Catering and events	<a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	UP	AUP <sup>2</sup>	P	AUP <sup>3</sup>	UP
Equipment/appliance rental and repair		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	--	--	AUP <sup>3</sup>	AUP <sup>3</sup>
Laundry or dry cleaning service		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--	AUP <sup>3</sup>	AUP <sup>3</sup>
Lodging										
Bed and breakfast inn –w/ beer and wine sales only	<a href="#">23.64.290</a>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	UP	AUP <sup>3</sup>	AUP <sup>3</sup>
Hotel or motel	<a href="#">23.64.290</a>	--	UP <sup>8</sup>	--	--	--	UP <sup>9</sup>	UP <sup>9</sup>	-- <sup>9</sup>	--
Medical service										
Ambulance service		UP	UP	--	UP	UP	UP	--	UP	UP
Clinic or lab		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	UP <sup>2</sup>	--	P <sup>3</sup>	P <sup>3</sup>
Medical office		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	UP <sup>2</sup>	--	P <sup>3</sup>	P <sup>3</sup>
Hospital		UP	UP	--	--	UP	--	--	UP	UP
Mortuary or funeral home		UP	UP	--	UP	UP	--	--	UP	UP
Office, business or professional		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	UP	--	P <sup>2</sup>	UP
Personal service	7.06	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--	P <sup>2</sup>	UP
Personal service – restricted		UP	UP	UP	UP	UP	UP	--	UP	UP
Printing or creative service		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	UP <sup>2</sup>	--	P <sup>3</sup>	P <sup>3</sup>
Transportation and Infrastructure										
Parking facility		UP	UP	UP	UP	UP	UP	UP	UP	UP
Public utility		UP	UP	UP	UP	UP	UP	UP	UP	UP

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	C-V-A <sup>1</sup>	SSC	I
Radio or television station		UP	UP	UP	UP	UP	UP	UP	UP	UP
Taxi service	7.16	UP	UP	UP	UP	UP	UP	UP	UP	UP
Transit center		UP	UP	UP	UP	UP	UP	UP	UP	UP
Wireless telecommunication facility		UP	UP	UP	UP	UP	UP	UP	UP	UP

**End Notes:**

1. No merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building, except as specifically permitted for retail uses under an administrative use permit. Temporary administrative use permits, good for not over 30 days, may be granted, pursuant to PGMC [23.70.030\(b\)\(7\)](#), for temporary outdoor sales events of new merchandise by merchants holding use permits or otherwise qualified to operate within the applicable district; provided, that such outdoor sales are operated in conjunction with their established retail operations, and for Christmas tree sales, or other sales on private property, connected with festivals or holidays.

2. The permit type specified in this table applies to any new or enlarged commercial use which totals 10,000 square feet or less of interior floor space. An administrative use permit is required for any new or enlarged commercial use which results in either the use of more than one structure on a building site or a total of more than 10,000 square feet of interior floor space. A use permit is required where any new or enlarged commercial use exceeds 25,000 square feet in interior floor space.

3. A use permit is required for any new building or addition which adds more than 25,000 square feet of interior floor space or which results in a building having more than 40 feet in height.

4. Such uses may be granted subject to a use permit, when conducted within a building or enclosed by a fence, subject to architectural approval by the appropriate review authority for design and landscaping pursuant to Chapter [23.70](#) PGMC; and provided, that said fence and landscaping shall be of sufficient height and screening capacity to prevent the view thereof from any adjacent street or sidewalk.

5. Community gardens on vacant lots may be permitted by administrative use permit, pursuant to PGMC [23.70.030\(b\)\(7\)](#), and shall be reviewable every six months and subject to such conditions as the administrative use permit may prescribe. The application shall be accompanied by a written agreement by the owner to grant the city a lien for any cost incurred by the city in restoring such property to its condition prior to such use, in the event the owner fails to make such restoration after such use ceases.

6. Condominium use shall be allowed, subject to first securing a use permit in each case, and subject to the building height, site coverage, and yard requirements of this chapter. The provisions of Chapter [23.45](#) PGMC shall not apply to development of condominiums in the C-1-T district. The council shall, by ordinance, establish standards, conditions and other regulations to govern the development of condominiums in the C-1-T district. Until and unless such standards, conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development. See also PGMC [23.31.020\(b\)\(1\)\(B\)](#).

7. Adult-oriented sales may comprise no more than 25 percent of floor area or stock-in-trade of a general retail business, must be located in the rear of the general retail business, and must not be visible from the exterior of the general retail business.

8. Hotel uses shall be allowed, subject to first securing a use permit in each case, and subject to the building height, site coverage, and yard requirements of this chapter. All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings. Required parking, if any, may be located on or off site, the location to be designated by the use permit. See also PGMC [23.31.020\(b\)\(1\)\(A\)](#).

9. Hotel use requires voter approval to permit the use and shall be obtained prior to submitting an application for a Use Permit. Hotel use in SSC subject to voter-approved change in zoning regulations.

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

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

**23.31.040 Commercial and industrial zoning districts development standards.**

**Table 23.31.040 Commercial and Industrial Zoning Districts Development Standards**

	C-1/C-1-T	C-D	C-FH <sup>1</sup>	C-2	C-V/C-V-A	I/SSC
<b>Building Placement Requirements</b>						
Setbacks <sup>2</sup>						
Front, min. (max.)	0'	0'	0' (20')	0'	0'	0'
Side (min.), except:	0'	0'	0'	0'	0'	0'
Adjacent to residential zone	5'	5'	5'	5'	10'	10'
Rear (min.), except:	0'	0'	10'	0'	0'	0'
Adjacent to residential zone including streets abutting same	5'	5'	10'	5'	10' abutting R-3, R-3-M, R-4, and 20 feet abutting other residential districts.	10'
<b>Building Form Requirements</b>						
Building height (max.) <sup>3</sup>	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	35'	40'	25 feet in C-V-A; 40' in C-V with max. site coverage of	40'

**Table 23.31.040 Commercial and Industrial Zoning Districts Development Standards**

	C-1/C-1-T	C-D	C-FH <sup>1</sup>	C-2	C-V/C-V-A	I/SSC
					75%; 30' with max. site coverage of 90%; except, 18 feet within 200 feet of R-1, R-H, or R-2. and 15 feet for accessory structures	
Site coverage (max.) <sup>4</sup>	75 – 90%, depending on building height	75 – 90%, depending on building height	75%	90%	Maximum 50% in C-V-A; 75 – 90% in C-V, depending on building height	90%
<b>Density Requirements</b>						
Number of dwellings per parcel	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre. <sup>5,6</sup>				N/A	Max. allowed by the GP residential land use category nearest to the site, up to 30 units per net acre. <sup>6</sup>
Floor area ratio	Max. allowed by the general plan					
<b>Lot Requirements</b>						
Lot area for new parcels (min.) <sup>7</sup>	2,000 sf					
<b>Other Requirements</b>						
Landscaping	See PGMC <a href="#">23.64.195</a>					
Parking	See PGMC <a href="#">23.64.190</a>					
Signs	See Chapter <a href="#">20.04</a> PGMC					

**End Notes:**

1. Refer to the Forest Hill specific plan for additional development regulations and guidelines including site planning, circulation and parking, resource protection, signs, lighting, and landscaping.
2. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the setback standards in PGMC [23.24.060](#) shall apply.
3. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building height standards in PGMC [23.24.030](#) shall apply. Within the C-2 and I districts, a use permit is required in order to exceed the 40-foot building height limit.
4. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building coverage and site coverage standards in PGMC [23.24.050](#) and [23.24.051](#), respectively, shall apply.
5. Twenty-five units maximum in the C-1-T district. See also PGMC [23.31.020](#)(b)(3).
6. Except as provided in End Note #5 above, higher residential densities are allowed if a finding can be made that the project furthers the goals of the general plan.
7. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building site area standards in PGMC [23.24.040](#) shall apply.

[Ord. 13-003 § 2, 2013].

## Chapter 23.42 O DISTRICT

Sections:

[23.42.010 Generally.](#)

[23.42.020 Uses permitted.](#)

[23.42.025 Signs.](#)

[23.42.030 Rezoning restriction.](#)

### **23.42.010 Generally.**

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

### **23.42.020 Uses permitted.**

The following uses are permitted in an O district:

- (a) Recreation areas, wildlife preserves, forest preserves, and waterfront areas;

(b) Parks, playgrounds, public or civic buildings, structures, utilities, and parking facilities, pertinent and compatible with open land usages, subject to first securing a use permit in each case.

(c) On the former railroad right-of-way, exclusive of the segments within the golf course, recreational trail shall be the principal use.

(d) limited visitor serving commercial uses within existing structures in parks.

(e) at Asilomar Conference Grounds, overnight accommodations, conference facilities, low-intensity coastal-related recreation to the extent compatible with protection of designated natural and biotic resource areas.

(f) at Lighthouse Reservation, existing coastal-related institutional and military structures, and low-intensity coastal-related recreation compatible with protection of designated natural and biotic resources, including Crespi Pond, sand dunes, and existing stands of Monterey pines.

(g) golf and appurtenant uses within the municipal golf course. [Ord. 1676 N.S. § 1, 1989; Ord. 569 N.S., 1967].

### **23.42.025 Signs.**

Signs, appurtenant to any permitted use, shall be allowed, subject to first securing a sign permit from the architectural review board in each case, except as follows:

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

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

(c) Any commercial sign shall require a use permit from the planning commission and design approval from the architectural review board; provided, commercial signs posted by the city shall require only city council approval. [Ord. 1676 N.S. § 2, 1989].

### **23.42.030 Rezoning restriction.**

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

## **Chapter 23.44 U DISTRICTS**

Sections:

[23.44.010 Generally.](#)

[23.44.020 Uses permitted.](#)

[23.44.025 Signs.](#)

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

[23.44.040 Rezoning restriction.](#)



**23.44.010 Generally.**

The regulations found in this chapter shall apply in all unclassified or U districts and shall be subject to the provisions of Chapter [23.64](#) PGMC. [Ord. 210 N.S. § 11-137(1), 1952].

**23.44.020 Uses permitted.**

The following uses are permitted in the U district:

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

(b) at Hopkins Marine Station, coastal-dependent marine research and educational activities, aquaculture, and coastal-dependent recreation that is compatible with maintenance of coastal-dependent scientific and educational uses.

(c) Other uses may be permitted in newly annexed territory, pending precise zoning, provided a use permit is first secured in each case. [Ord. 1676 N.S. § 4, 1989; Ord. 210 N.S. § 11-137(1)(a), 1952].

**23.44.025 Signs.**

Signs, appurtenant to any permitted use, shall be allowed, subject to first securing a sign permit from the architectural review board in each case, except as follows:

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

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

(c) Any commercial sign shall require a use permit from the planning commission and design approval from the architectural review board; provided, commercial signs posted by the city shall require only city council approval. [Ord. 1676 N.S. § 4, 1989].

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

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

**23.44.040 Rezoning restriction.**

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

**Chapter 23.52  
R-3-M DISTRICTS**

Sections:

[23.52.010 Regulations generally.](#)

[23.52.020 Uses permitted.](#)

[23.52.030 Regulations for R-3-M uses.](#)

[23.52.035 Special regulations for motels and hotels built prior to 1986.](#)

[23.52.040 Statement of intent.](#)

[23.52.050 Other provisions.](#)

[23.52.060 Amendment.](#)

**23.52.010 Regulations generally.**

Effective the date of the adoption of the ordinance codified in this section by the city council or by the voters of the city of Pacific Grove, the regulations of the ordinance codified in this section shall apply in the R-3-M district in lieu of any ordinance or resolution to the contrary:

(a) The R-3-M district is defined as those areas so designated on the official zoning map of the city of Pacific Grove referred to in PGMC [23.12.020](#). Said districts may be classified by the city council to R-1, R-H, or R-2, where already developed as such, but no new R-3-M districts shall be created.

(b) Motel and hotel uses shall be restricted to the R-3-M district, including any uses accessory or ancillary to a motel. The ordinance codified in this section shall also apply to any use described in PGMC [23.52.020](#) proposed for the construction or expansion in any R-3-M district, including uses accessory or ancillary to such use. [Ord. 1536 N.S. § 2, 1986].

**23.52.020 Uses permitted.**

The following uses are permitted in the R-3-M districts:

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

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

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

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

**23.52.030 Regulations for R-3-M uses.**

(a) A minimum of 2,500 square feet of land shall be required for each family unit and each motel or hotel unit. For other uses described in PGMC [23.52.020](#)(d), the planning commission and/or city council shall determine the amount of land area per occupied unit by judging its similarity to a family unit or motel unit in actual use and impact. For example, a rest home affording separate apartments and parking facilities would be judged a family unit; a hotel which offers amenities identical or substantially similar to a motel would be judged a motel. In no event shall less than 2,000 square feet per occupied unit be allowed, for any PGMC [23.52.020](#)(d) use.

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

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

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

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

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

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

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

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

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

This section modifies the development standards in PGMC [23.52.030](#) for R-3-M motels and hotels built prior to the adoption of Ordinance No. 1536, in order to enable and encourage hoteliers to upgrade and modernize their businesses to stay competitive. Where this section differs from PGMC [23.52.030](#), the provisions of this section shall take precedence. Where this section is silent on a provision that is in PGMC [23.52.030](#), the provision in PGMC [23.52.030](#) shall apply.

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

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

Address	Permitted Guest Units as of Effective Date of This Section	Additional Guest Units Allowed over Permitted Guest Units in Column to Left
<b>Group A<sup>1</sup></b>		
569 Asilomar Avenue	16	3

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

<b>Address</b>	<b>Permitted Guest Units as of Effective Date of This Section</b>	<b>Additional Guest Units Allowed over Permitted Guest Units in Column to Left</b>
1095 Lighthouse Avenue	10	2
800 Asilomar Avenue	54	11
221 Asilomar Avenue	18	1
1073 Lighthouse Avenue	27	5
701 – 709 Asilomar Avenue	28	6
775 Asilomar Avenue	18	4
1100 Lighthouse Avenue	38	8
1101 Lighthouse Avenue	33	7
<b>Group B<sup>2</sup></b>		
1111 Lighthouse Avenue	49	10
740 – 750 Crocker Avenue	49	3
650 Dennett Street	31	6
1150 Lighthouse Avenue	66	6
1140 Lighthouse Avenue	37	3
133 Asilomar Avenue	19	4
<b>Group C<sup>3</sup></b>		
635 Ocean View Boulevard	60	0
625 Ocean View Boulevard	52	0
1038 Lighthouse Avenue	24	0

<sup>1</sup> Group A – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is less than 170 percent of the 1:2,500 density ratio in PGMC [23.52.030\(a\)](#). Motels and hotels in Group A may construct additional guest units or ancillary facilities by conversion of existing buildings or by new construction.

<sup>2</sup> Group B – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is greater than 170 percent, but less than 250 percent, of the 1:2,500 density ratio in PGMC [23.52.030\(a\)](#). Motels and hotels in Group B may construct additional guest units or ancillary facilities by conversion of existing buildings only.

<sup>3</sup> Group C – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is greater than 250 percent of the 1:2,500 density ratio in PGMC [23.52.030\(a\)](#). Motels and hotels in Group C may not construct any additional guest units.

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

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

(d) For motels and hotels in Group A, the setback requirements of PGMC [23.52.030\(b\)](#) shall also apply to new guest units or new ancillary facilities that abut any public street or any single-family residence.

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

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

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

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

(3) Existing landscaping requirements in PGMC [23.52.030](#) are expanded to require that within setback areas adjacent to the new development or building conversion, especially abutting residential zones and residential uses, plantings include numerous trees, shrubs and plants that will reduce visual and noise impacts of the motel or hotel use on adjacent properties.

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

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

(g) For motels and hotels in Groups A, B and C, a nonconforming building damaged or destroyed by catastrophic event or demolished under any other circumstance may be rebuilt to the condition or configuration of the building that existed immediately prior to the event or demolition, as long as the reconstruction is carried out in a manner consistent with PGMC [23.68.040](#). While reconstruction to pre-existing conditions is allowed, elimination of nonconformities is encouraged. Reconstructed one-story buildings may be built to a maximum height of 18 feet, regardless of the pre-existing building height.

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

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

(i) No other reconstruction or remodeling may take place, beyond what is allowed in this section for motels and hotels in Groups A, B and C, without bringing the entire property into conformance with PGMC [23.52.030](#). [Added by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.2, 2011].

### **23.52.040 Statement of intent.**

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

### **23.52.050 Other provisions.**

Regulations found in this chapter are subject to the provisions of Chapter [23.24](#) PGMC, unless there is a conflict, in which event the regulations found in this chapter shall prevail. [Ord. 1536 N.S. § 5, 1986].

### **23.52.060 Amendment.**

PGMC [23.52.010](#), [23.52.030](#), [23.52.035](#) and [23.52.040](#) shall not be repealed or amended except by a vote of the people. [Amended by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.3, 2011; Ord. 1536 N.S. § 6, 1986].

## **Chapter 23.57 R-3-P.G.B. DISTRICT**

Sections:

[23.57.010 Purpose and description.](#)

[23.57.020 Uses permitted.](#)

[23.57.030 Building height limits.](#)

[23.57.040 Building site area required.](#)

[23.57.050 Allowed building coverage.](#)

[23.57.051 Allowed site coverage.](#)

[23.57.060 Yards required.](#)

[23.57.070 Architectural approval.](#)

**23.57.010 Purpose and description.**

The council declares that the portion of the Pacific Grove Beach Tract bounded by Lorelei Street on the east, Ocean View Boulevard on the north, Sea Palm Avenue on the west, and the southerly property line of property on the south side of Mermaid Avenue on the south is an architecturally unique neighborhood of the city of Pacific Grove; that said neighborhood is characterized by its small lots, spaces and massing which has resulted in a village-like setting; and that it is the intention of the council to resolve the unique problems of said neighborhood through the regulations of this chapter. Said district shall be known as the R-3-P.G.B. district. [Ord. 754 N.S. § 1, 1973].

**23.57.020 Uses permitted.**

The following uses are permitted in the R-3-P.G.B. district, subject to first securing architectural approval and a use permit:

(a) Single-family dwellings:

(b) Duplexes, multiple-family dwellings, apartment houses and dwelling groups;

(c) Accessory uses and buildings normally incidental to any of the above. [Ord. 1418 N.S. § 5, 1984; Ord. 811 N.S., 1974; Ord. 754 N.S. § 1, 1973].

**23.57.030 Building height limits.**

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

**23.57.040 Building site area required.**

The minimum building site area for each building or group of buildings and minimum width which shall be required are as follows:

(a) On the southerly side of Mermaid Avenue (Lots 19 through 31 of Block 241 and Lots 1 through 45 of Block 245), 1,760 square feet with a minimum width of 44 feet;

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

In order to install more than one dwelling unit on a building site, there shall be a minimum of 2,500 square feet of land in the building site for each dwelling unit. [Ord. 1115 N.S. § 1, 1979; Ord. 754 N.S. § 1, 1973].

**23.57.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 10, 2012; Ord. 1307 N.S. § 3, 1982; Ord. 754 N.S. § 1, 1973].

**23.57.051 Allowed site coverage.**

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

**23.57.060 Yards required.**

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

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

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

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

(d) Special Yards and Distances Between Buildings. The regulations prescribed by PGMC [23.24.060](#)(d) shall apply to the R-3-P.G.B. district.

(e) Decks and Porches. The regulations prescribed by PGMC 23.24.060(f), as said regulations pertain to decks and porches, shall apply to the R-3-P.G.B. district.

(f) Parking. The regulations prescribed by PGMC [23.64.190](#) shall apply to the R-3-P.G.B. district.

(g) In considering any application for a use permit, the planning commission is authorized to prescribe requirements other than prescribed by subsections (b), (c), (d) and (e) of this section where it finds that the qualifications of PGMC 23.72.090 apply to the land, building or use, or if the lot involved is a permitted building site by virtue of PGMC [23.64.140](#). [Ord. 1418 N.S. § 6, 1984; Ord. 754 N.S. § 1, 1973].

**23.57.070 Architectural approval.**

Architectural approval pursuant to Chapter [23.73](#) PGMC shall apply to all structures erected or remodeled in the zone. [Ord. 754 N.S. § 1, 1973].

## Chapter 23.90 LOCAL COASTAL PROGRAM IMPLEMENTATION

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

(a) The purpose of this Chapter is to implement the City of Pacific Grove Local Coastal Program, in accordance with the requirements of the California Coastal Act of 1976.

(b) Applicability. The regulations found in this chapter shall apply to all areas of the City of Pacific Grove located within the Coastal Zone as established by the State Legislature.

(c) Local Coastal Program Adoption. This Chapter establishes the City of Pacific Grove Coastal Implementation Plan representing, in conjunction with the other applicable Chapters of Title 23 PGMC, the coastal zoning ordinance, and establishing the requirements for issuance of Coastal Permits.



(d) Coastal Zoning Districts and Relationship to Other Provisions of the Municipal Code. Land and development within the zoning districts established by Chapter 23.12 PGMC, which is located within the Coastal Zone, shall be subject to the additional regulation of this Chapter.

(e) Coastal Zoning Overlays. The City establishes zoning overlays within this Chapter to protect valuable coastal resources, and land and development located within the overlay areas shall be subject to the additional regulation of this Chapter.

(f) The Coastal Parks Plan is incorporated by reference. In the event of conflicts between the provisions of this Chapter and the Coastal Parks Plan, the most recently adopted provision shall have force.

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

(h) Conflict with Other Provisions. If there is a conflict between a provision of this Chapter and a provision of the General Plan, or any other City-adopted plan, resolution, or ordinance not included in this Title, the regulations outlined in this Chapter shall prevail.

(i) 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.

(j) Jurisdiction. The City's jurisdiction over Coastal Development Permits does not include tidelands, submerged lands, and public trust lands as described in 30519(b) of the Public Resources Code and described as areas of Coastal Commission Permit Jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.

(k) The Commission retains authority over coastal development permits issued by the Commission, including condition compliance. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Commission-issued coastal development permit, either prior to certification of the LCP, or through a de novo action on an appeal of a City-approved coastal development permit and the permit has not expired or been forfeited, the applicant shall apply to the City for the coastal development permit except for:

(1) Requests for extension, reconsideration, and revocation of the Commission-issued permits;

(2) Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement, or any restriction/limitation or other mitigation incorporated through the project description by the permittee of a Commission issued coastal permit.

In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Commission-issued coastal development permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166.

(l) Any proposed development within the coastal zone that is subject to the City's jurisdiction upon certification of the LCP and that the City preliminarily approved before effective certification of the Pacific Grove Local Coastal Program, but for which a complete application has not been filed with the Coastal Commission for approval, shall be resubmitted to the City through an application pursuant to this Certified Local Coastal Program. The standard for review for such an application shall be the requirements of this Certified Local Coastal Program. Any application fee paid to the Coastal Commission shall be refunded to the applicant.

(m) Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which a complete application has been filed complete with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review.

(1) Coastal Commission review of any such application shall determine consistency with the Certified Local Coastal Program. Projects which elect to obtain a coastal development permit from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in Section 13.10.2 (B) of the Pacific Grove IP above.

(2) Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the City through an application pursuant to the requirements of this Certified Local Coastal Program. The standard of review for such an application shall be the requirements of this Certified Local Coastal Program.

(3). Upon effective certification of a Local Coastal Program, except as provided under (1) and (2) of this subsection, no applications for development shall be accepted by the Coastal Commission for development within the certified area.

## 23.90.020 Definitions

### A. Definitions

“Accessory structure”. Structures that are accessory to principal allowed uses and structures, such as parking facilities, restrooms, etc. As defined in Section 11.97.030 PGMC means a structure that is either:

(a) Solely for the parking of no more than two cars;

(b) A small, low-cost shed for limited storage, less than 150 square feet and \$1,500 in value. that are accessory to principal allowed uses and structures, such as parking facilities, restrooms, etc.

“Adverse Effect” (on environmentally sensitive habitat). Any significant disruption of the habitat values, any significant degradation of habitat areas, and anything incompatible with the continuance of environmentally sensitive habitat.

“Adverse Effect” (on visual resources). Development that impacts views to and along the ocean and scenic coastal areas from public viewing points, alters natural landforms, and/or conflicts with the character of surrounding areas.

“Adverse Effect” (on wetland). Development in a wetland that is not an allowed use in a wetland and/or development which would degrade the ability of a wetland or marine resource to sustain and maintain its biological productivity (healthy populations of all species of marine organisms) and ability to provide a long-term commercial, recreational, scientific, and educational purpose.

“Appeal Area” (“Appealable Coastal Permit”). After certification of the Local Coastal Program, an action taken by the City on a Coastal Permit application may be appealed to the California Coastal Commission for only the following types of developments:

1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

2. Developments approved by the City not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

3. Developments approved by the City not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

4. Any development which constitutes a major public works project or a major energy facility as defined in this Chapter. The phrase "major public works" or a "major energy facility" as used in

Public Resources Code Sec. 30603(a)(5) and in these regulations shall mean: any proposed public works project or energy facility, as defined by Section 13012 of the Coastal Commission Regulations and the Coastal Act.

“Armor”. To fortify a topographical feature to protect it from erosion (e.g., constructing a wall to armor the base of a sea cliff), or to construct a feature (e.g., a seawall, dike, or levee) to protect other resources (e.g., development or agricultural land) from flooding, erosion, or other hazards.

## **B Definitions**

Best Management Practices (BMPs). The methods, measures, and practices selected and designed to reduce or eliminate pollutants in runoff, and/or to minimize changes in runoff flow characteristics resulting from development.

“Biological Sensitivity Area” A part of the natural environment, typically qualifying as environmentally sensitive habitat, with heightened vulnerability to negative and/or stressful influences on biological resources and designated as “extreme,” “high,” or moderate on the Land Use Plan map.

## **C Definitions**

“Climate Change”. Any long-term change in average climate conditions in a place or region, whether due to natural causes or as a result of human activity.

“Coastal Bluff” (or Cliff). A scarp or steep face of rock, weathered rock, sediment and/or soil resulting from erosion, faulting, folding or excavation of the land mass. The cliff or bluff may be a simple planar or curved surface or it may be step-like in section. For purposes of this Coastal Implementation Ordinance (based on the Statewide Interpretive Guidelines), “cliff” or “bluff” is limited to those features having vertical relief of ten feet or more and “seacliff” is a cliff whose toe is, or may be, subject to marine erosion.

“Coastal Dependent Use”. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

“Coastal Hazard”. Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same.

“Coastal Permit”. A permit granted in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development and a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit. Any administrative or discretionary permit issued by the City within the Coastal Zone is considered a Coastal Permit.

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

“Coastal Resources”. A general term used throughout the Guidance to refer to those resources addressed in Chapter 3 of the California Coastal Act, including beaches, wetlands, agricultural lands, and other coastal habitats; coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual qualities.

“Coastal Zone”. That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco

Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

#### **D Definitions**

“Demolition” Structures not currently conforming to the predominant architectural character shall conform if more than 50 percent of the structural walls are affected by a renovation or are destroyed.

“Development” In compliance with Public Resources Code Section 30106, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. New development is any development after the effective date of these regulations.

#### **E Definitions**

“Emergency Work”. Construction or repairs required in response to a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

“Environmentally Sensitive Habitat”. A natural area of biological significance in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

#### **F Definitions**

“Flood” (or “Flooding”). Refers to normally dry land becoming temporarily covered in water, either periodically (e.g., tidal flooding) or episodically (e.g., storm or tsunami flooding).

#### **H Definitions**

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

#### **M Definitions**

“Marine Resource”. A living marine species potentially or presently subject to exploitation by humans for food or the production of other products of value or use.

“Mean High Tide Line”. The ambulatory line on the beach (contour lines) represented by the intersection of the beach face and the elevation represented by the average of all high tides (higher high tides and lower high tides) occurring over a 19-year period. The mean high tide elevation should be represented by the most recent 19-year tidal epoch as established by the National Ocean Service.

“Mean Sea Level”. The average relative sea level over a period, such as a month or a year, long enough to average out transients such as waves and tides. Relative sea level is sea level measured by a tide gauge with respect to the land upon which it is situated.

**N Definitions**

“Natural Hazard Area”. A zone subject to naturally occurring events that may have a negative effect on people or the environment.

“Natural Hazards Overlay”. A special district identified for the application of guidelines and standards in order to protect citizens and property from anticipated naturally occurring events.

**P Definitions**

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

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

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

**R Definitions**

“Revetment”. A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. (See also Seawall, Shoreline protective devices).

**S Definitions**

“Sand Dune Scrub”. Vegetation dominated by low, woody plants found on ridges of sand created by wind.

“Scenic Sensitivity Area”. Highly scenic areas from public viewing points.(see also *Sensitive Coastal Resource Areas*).

“Sensitive Coastal Resource Areas”. Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. “Sensitive coastal resource areas” include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas from public viewing points.
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
- (e) Special communities or neighborhoods which are significant visitor destination areas.
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
- (g) Areas where divisions of land could substantially impair or restrict coastal access.

“Sea Level Rise”. Gradual and long-term elevation of sea level can change, both globally and locally, due to (a) changes in the shape of the ocean basins, (b) changes in the total mass of water and (c) changes in water density. Factors leading to sea level rise under global warming include both

increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean relative to the land, which might be due to ocean rise and/or land level subsidence.

“Seawall”. A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also Revetment, Shoreline protective devices)

“Sensitive Coastal Resource Areas”. An area in which the scenic qualities and the views of scenic landscapes are considered especially valuable.

“Shoreline Protective Device”. A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards. (See also Revetment, Seawall).

## V Definitions

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

“Vulnerability Assessment”. A practice that identifies who and what is exposed and sensitive to change, and how a given system is able to cope with extremes and change. It considers the factors that expose and make people or the environment susceptible to harm. Vulnerability assessments also explore natural and financial resources available to cope and adapt to change, including the ability to self-protect, external coping mechanisms, support networks, and so on.

## W Definitions

“Wetland”. Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, bogs, and fens. Wetlands are identified consistent with Coastal Commission standards.

## 23.90.030 - Exemptions from Coastal Permit Requirements

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

- (1) Projects outside of the Coastal Zone.
- (2) Interior alterations that do not increase the number of rooms or the gross floor area within the structure, or change the approved use of the structure.
- (3) The following exterior alterations, improvements, and additions to existing structures, except within the R-1-B-4 zoning district:
  - (A) Fixtures and other structures, including decks, directly attached to the structure;
  - (B) Residential accessory uses on the same site as an approved residential use, including garages, swimming pools, fences, and storage sheds; but not including guest houses over 400 square feet or self-contained residential units;
  - (C) Landscaping on the lot; and

(4) Repair and maintenance. A Coastal Permit shall not be required for repair and maintenance activities that:

(A) Do not involve the repair, maintenance, or construction of a shoreline protective structure;

(B) Do not result in any change in the approved land use of the site or structure;

(C) Do not result in an addition to or enlargement/expansion of the land use and/or structure; and

(D) Employ the same or visually similar materials and design as the original construction.

(5) Subdivisions related to Recreational Land Purchases. A Coastal Permit shall not be required for Tentative Maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Section 30106 of the Coastal Act.

(6) Conversion of an existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no CDP shall be required for that improvement on the basis that it is to be made in connection with any exempt conversion pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(7) Development proceeding in reliance on an earlier issued valid permit.

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

(7) Temporary structures and uses consistent with conservation and cultural resource regulations, not conflicting with public access and access policies, and in use for six months or less within a 12-month period. Special events shall be evaluated for exclusion status by the City, pursuant to Coastal Commission Guidelines for Exclusion of Temporary Events from Coastal Commission Permit Requirements (adopted May 12, 1994), in consultation with the Director or designee, who shall retain exclusive review authority if it is determined that there are potentially significant adverse impacts on coastal resources. Temporary events must meet the following criteria:

(A) The event will be of less than ten days in duration including setup and take-down; and

(B) 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

(C) The proposed event has been reviewed in advance by the City and it has been determined that 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; and the event has not previously required a coastal permit to address and monitor associated impacts to coastal resources.

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

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

(c) The City shall not grant an exemption if a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

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

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

(b) Applicability. In the event of an emergency, the Director may issue a permit to authorize emergency work in compliance with this section, Section 30624 of the Coastal Act, and the California Code of Regulations Section 13329. The Director shall not issue an emergency permit for any work to be conducted on tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission.

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

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

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

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

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

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

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



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

- (1) Language indicating that the work accomplished under an emergency permit is considered temporary unless a regular permit is issued for the work;
- (2) An expiration date for the emergency permit; and
- (3) A condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit.

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

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

(k) Normal permits required. Within 30 days of the date of issuance of the emergency permit, the applicant shall apply for all land use permits required by these regulations, and any other permits required by the Municipal Code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 23.88 PGMC.

### **23.90.050 Coastal Permits.**

(a) The purpose of this section is to establish the process for the review of all development within the City of Pacific Grove's coastal zone to ensure that development projects are consistent with the intent and requirements of the California Coastal Act and the City's Local Coastal Land Use Plan, and to ensure timely review and action on proposed projects, through issuance of Coastal Permits.

(b) Authority to Require and Issue Coastal Permits. The City issues coastal permits pursuant to the authority contained in Public Resources Code Sections 30000 et seq. (Coastal Act) and Title 14, Division 5.5 of the California Code of Regulations. Persons wishing to undertake development in the Coastal Zone shall obtain permits as established in Chapter 23.70 and Chapter 23.72 PGMC. Permits issued under Chapter 23.70 and Chapter 23.72 PGMC shall constitute coastal permits for projects located within the Coastal Zone. Notwithstanding exceptions allowed by Section 23.90.050 PGMC, coastal permits shall be required for any administrative and discretionary approvals, including:

- (1) Allowable uses and structures. Coastal Permit approval shall be required for all proposed uses and structures allowed in the applicable zoning district for which a building permit is required, and for any proposed subdivision.
- (2) Alterations to existing structures subject to conditions of approval in an earlier permit issued by the City or Coastal Commission;
- (3) Changes in use or improvements which increases the intensity of use of the structure, as determined by the Director;
- (4) Any improvements in conjunction with the conversion of an existing structure from a multi-family residential rental or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion;

- (5) Any alteration, addition to or demolition of any designated historic structure, or structure within a designated historic area that would require a building permit, except maintenance or repair to restore the structure to its original architectural character shall not require a Coastal Permit.
- (6) Demolition of existing residential, commercial and other principal structures located in environmentally sensitive areas determined by the Director.
- (7) Landform alterations involving removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by the Land Use Plan as a land habitat of extreme, high, or moderate sensitivity.
- (8) Reconstruction of buildings if damaged or destroyed by natural disaster or as a result of an emergency to the extent that 50 percent or more of the structure walls require replacement, or if the interior floor area of the new structure exceeds that of the destroyed structure by more than 10 percent.
- (9) Any proposed improvement to an existing house that results in an increase in building height.
- (10) Shoreline structures or improvements to any structure on a beach, wetland, stream or seaward of the mean high waterline as established by the U.S. Coast and Geodetic Survey, and for repair and maintenance activities involving seawalls and similar shoreline structures.
- (11) Major water-using development not essential to residential use, such as swimming pools or extension of landscape irrigation systems, when located in an area having a critically short water supply as declared by resolution of a state agency or regional water agency.

(c) Authority to Approve Coastal Permits. Except as otherwise prescribed in this Chapter, the authority for approval of coastal permits is established in Chapter 23.70 PGMC.

### **23.90.060 - Concurrent Permit Processing**

When a single project incorporates different land uses or features so that these regulations require two or more permit applications, the Director may determine that all of the applications shall be reviewed, and approved or disapproved, by the highest level review authority prescribed by Chapter 23.70 PGMC to any of the required applications.

### **23.90.070 Application Requirements**

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

(b) Land use permit applications shall be filed with the Department using the forms provided by the Department. Applications shall include all necessary fees and deposits, and all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required by Chapter 23.82 (Permit Approval or Disapproval) for the approval being requested.

(c) Following submittal of an application, the Director or designee shall review the application for completeness. Within 30 calendar days from submittal, the Director or designee shall notify the applicant in writing of which parts of the application are incomplete and describe the specific materials needed to complete the application. Not later than 30 days after receipt of all of the requested

materials, the Director or designee shall determine whether the submittal of the requested materials is complete and transmit that determination to the applicant. If no determination of completeness is provided to the applicant within 30 days of submittal, the application will be deemed complete. An application for a CDP shall not be determined to be complete and shall not be filed until and unless the applicable requirements of this Chapter have been met. Until such application is determined to be complete by the Director or designee and has been reviewed in accordance with the applicable CEQA Guidelines and the California Coastal Act, no action shall be taken on it by the Community and Economic Development Department.

(d) The City shall not accept for filing an application for development on a lot or parcel or portion thereof which is the subject of a pending proposal for an adjustment to the boundary of the coastal zone pursuant to Public Resources Code Section 30103(b) of the Coastal Act.

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

Compliance with the development standards and other zoning regulations applicable to the zoning district and/or overlay districts in which the site is located, shall be required in accordance with Section 23.90.010.

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

Variances from the development standards of these regulations shall be made only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of these regulations denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Variances shall not be issued when significant adverse effects on coastal resources, including biological and marine resources, public access, and scenic resources would occur as a result.

### **23.90.100 Noticing Requirements**

When a public hearing is required, noticing shall occur in accordance with Chapter 23.86 PGMC.

### **23.90.110 Hearing Requirements**

When a public hearing is required, the recommending body and the body with approval authority shall conduct public hearings on the application in accordance with Chapter 23.86 PGMC. A non-hearing Coastal Permit application shall be approved or denied by the Director. A Coastal Permit application that is required by this Section to have a public hearing shall be approved or denied by the Commission or Council, as applicable.

### **23.90.120 Findings**

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

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

- (1) The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals,

comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the City.

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

(3) The proposed project conforms to the public access and public recreation policies of the Coastal Act.

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

(A) The project is designed to protect vegetation, natural habitats, and natural resources consistent with the Land Use Plan.

(B) The design, location, size, and operating characteristics of the project are consistent with any applicable design plans and/or area plans incorporated into the Land Use Plan.

(C) The project maintains public access to the coast as set forth in the Land Use Plan.

(D) The project is consistent with the Land Use Plan goal of accommodating visitor-serving needs as appropriate.

(E) The project is consistent with the Land Use Plan goal of encouraging coastal dependent and coastal related development and uses as appropriate.

(F) The project is designed to protect, and where feasible, enhance coastal resources.

### **23.90.130 Conditions of Approval**

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

(b) Approval of a Coastal Permit shall be subject to conditions as necessary to ensure conformance with, and implementation of, the certified Land Use Plan. Modification and resubmittal of project plans, drawings, and specifications, preparation of additional plans, or recordation of documents may be required to ensure conformance with the Land Use Plan. When modifications and resubmittal of plans, additional plans, or recorded documents are required, issuance of the permit shall be deferred for a sufficient period of time to allow the Director or designee to determine whether the modified project, the additional plans, or the recorded documents comply with the conditions of approval of the permit.

### **23.90.140 Effective Date of Permits**

(a) The approval of a land use permit for a project that is not appealable to the Coastal Commission shall become effective on the 11<sup>th</sup> day following the date of application approval by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 23.74 PGMC.

(b) The approval of a land use permit for a project that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission 10 working day appeal period which begins the day after the receipt by the Central Coast office of the California Coastal Commission of adequate notice of final action required by Section 23.90.140, and where no appeal of the review

authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where no local appeal has been filed within 10 days of the date of the decision by the review authority in compliance with Chapter 23.74 PGMC.

### **23.90.150 Final Local Action Notice**

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

(b) For Coastal Permits administratively approved without benefit of a public hearing, all persons receiving notice or requesting such notice shall be notified in writing of the issuance of a Coastal Permit pursuant to Section 1.12.010 PGMC.

### **23.90.160 Permit Amendments**

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

### **23.90.170 Revocation**

Where one or more of the conditions of a Coastal Permit have not been, or are not being, complied with, or when a Coastal Permit was granted on the basis of false material information, the Approval Authority may revoke or modify the Coastal Permit following a public hearing. Notice of such hearing shall be the same as would be required for a new Coastal Permit.

### **23.90.180 Expiration of Coastal Development Permit**

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

### **23.90.190 Local Appeals**

Local appeals shall be filed in accordance with Chapter 23.74 PGMC.

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

(a) Any approval decision by the City on a Coastal Permit, or any approval or denial decision by the City on a Coastal Permit for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility, may be appealed by an aggrieved person or any two members of the Coastal Commission to the Coastal Commission.

(b) Appeals to the Coastal Commission are limited to actions on the following types of developments:

(1) Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the City not included within paragraph (1) above that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the City not included within paragraph (1) or (2) above that are located in a sensitive coastal resource area.

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

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

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

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

(2) An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.

(3) An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this Chapter.

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

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

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

(a) The City shall maintain and update the Coastal Parks Plan as component of its approved Local Coastal Program Land Use Plan, including updates in regard to shoreline protective structures and alternatives to shoreline protective structures.

(b) New development, (including new public improvements and facilities) shall not include new shoreline protective structures and shall include a "no future armoring" condition, as well as a "removal and restoration" condition should the development become endangered by ongoing wave action or sea level rise.

(c) New or extended shoreline protective devices shall be constructed only for the protection of existing public coastal uses such as parks, trails, and utilities, existing institutional uses, and existing houses.

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

(e) Existing shoreline protective structures may be repaired and maintained if non-engineering approaches are determined to be infeasible. Repairs and maintenance shall adhere to the following requirements:

- (1) There shall not be a reduction or restriction in shoreline access, excepting temporarily during construction, and an increase in public access may be required as a condition of approval.
- (2) There shall not be an adverse effect on shoreline processes and sand supply, both locally and regionally.
- (3) Erosion on adjacent locations shall not be increased.
- (4) Vegetation, wildlife, habitats shall be protected,
- (5) Any newly placed surfaces shall be colored and textured to reduce visual effects.
- (6) The repair or maintenance shall not encroach beyond the existing structure, unless deeper footings are required, and may extend forward of the existing wall no more than the thickness of the existing footing, and devices at the ends of the structures may be added if required to address existing erosion effects on adjacent locations.

(f) As an interim measure to reduce wave overtopping onto the recreation trail and viewpoints, the City may construct bluff-top walls up to 36 inches in height, and meeting the parameters set forth in subsections (c) (1) through (c) (5), provided provisions are made for biological resources in accordance with section 23.90.080 (f) (7) (C).

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

In order to protect life and property from hazards associated with sea level rise, tidal inundation, tsunamis, and shoreline land erosion, the City implements the following regulations:

(a) Natural Hazards Zoning Map Overlay

- (1) The City designates portions of the Coastal Zone as a Natural Hazards Overlay on the City's zoning map, consistent with the year 2100 hazard areas illustrated on the Land Use Plan Potential Sea Level Rise Hazard Map.
- (2) The City shall study areas of its Coastal Zone for which no erosion hazard data exists, and if warranted based on that information, adjust the Natural Hazards Overlay boundary.
- (3) The City shall monitor changes in sea level, and if warranted based on that information, adjust the Natural Hazards Overlay boundary.
- (4) The City may initiate a request to amend the Coastal Zone boundary if the mean high tide line moves more than one-third of its 2016 baseline distance closer to Ocean View Boulevard between Asilomar Avenue and Sea Palm Avenue. The City shall adjust the Natural Hazards Overlay concurrently with such Coastal Zone boundary amendment.

(b) Administration

- (1) This section shall be administered by the Floodplain Administrator, as designated in Section 11.97.050 PGMC.
- (2) This section is applicable to all structures that are located wholly or partially within the Natural Hazards Overlay.

(c) Hazards Data and Monitoring. The City shall maintain and update the Coastal Parks Plan as component of its approved Local Coastal Program Land Use Plan, including updates in regard to shoreline and bluff erosion, and sea level rise and related effects.

- (1) The City shall establish a projected inundation elevation based on elevation above projected sea level, which shall be adopted as a local amendment to the building codes effective on or after January 1, 2020.
- (2) The Building Official shall prepare local amendments to the building code to implement the provisions of this section, and the City Council shall adopt the amendments as part of its adoption of the building codes as set forth in section 18.04.010 PGM.C.
- (3) The City shall install emergency response and warning signage within the Natural Hazards Overlay. Signs shall provide information on tsunami and/or other coastal wave hazards and provide direction for evacuation.
- (4) The City shall work with local research institutions such as Hopkins Marine Laboratory, Monterey Bay Aquarium, and Center for Ocean Solutions to obtain annual sea level readings.
- (5) The City shall seek funding sources and partner agencies for data collection and implementation of hazards mitigation projects. The City shall strive to include implementation strategies as part of a Hazards Mitigation Plan to qualify for Federal Emergency Hazards Mitigation funds.

(d) Development within Natural Hazards Overlay

(1) Applications submitted on or after January 1, 2020 for development on parcels located within the Natural Hazards Overlay shall include the following data:

- (A) The distance of nearest point of the parcel to the shoreline;
- (B) The elevation of the parcel above mean sea level. For sloped parcels, contour intervals of not more than five feet and of not more than two feet where the grade of the land is less than five percent. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design or hazard conditions. Contours shall be labeled in feet above mean sea level;
- (C) The approximate location of all areas within the parcel subject to tidal inundation based on the City's projected inundation elevation;
- (D) The approximate location of all areas within the parcel subject to coastal erosion;
- (E) A geologic soils report prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, unless the community development department determines that, due to the knowledge such department has as to the soil qualities of the soil of such parcel, no preliminary analysis is necessary;

(2) The following design standards for remodeling of existing development within the Natural Hazards Overlay shall be observed for applications submitted on or after January 1, 2020:

- (A) Newly established habitable space shall have a floor elevation at least one foot above projected inundation elevation;
- (B) Existing habitable space with a floor elevation less than one foot above projected inundation elevation shall include a wall reinforced to provide improved wave impact resistance and exterior portions of the wall less than one foot above projected inundation elevation shall be constructed of flood-resistant materials;



(C) Egress from all habitable rooms with floor elevations less than one foot above projected inundation elevation shall be provided to a location at least one foot above the projected inundation elevation.

(3) The following design specifications for new development within the Natural Hazards Overlay shall be observed for applications submitted on or after January 1, 2020:

(A) One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least potential for impacts from natural hazards.

(B) All habitable space shall have a floor elevation at least one foot above projected inundation elevation;

(C) Structures shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(D) Exterior walls within ten feet vertical of the projected inundation elevation shall be constructed of flood-resistant materials;

(E) Windows on seaward-facing walls within ten feet vertical of the projected inundation elevation shall include tempered glass and storm shutters.

(F) Utility equipment shall be placed outside potential inundation areas or be resistant to flood damage for areas below the projected inundation elevation;

(G) Structures with fully enclosed areas below the lowest habitable floor that are usable solely for parking of vehicles, building access, or storage, may be constructed at the projected inundation elevation, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must be certified by a registered civil engineer or architect or meet the following minimum criteria:

(i) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to inundation;

(ii) The bottom of all openings shall be no higher than one foot above grade;

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood water; and

(iv) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter.

(H) Residential garages and low cost accessory structures, as defined in Section 11.97.030 PGMC, appurtenant to a principal use on a parcel, may be constructed at the projected inundation elevation. A garage attached to a residential structure, constructed with the garage floor slab at projected inundation elevation must be constructed with flood-resistant material and must be designed to allow for the automatic entry of flood waters in accordance with subsection (d) (3) ( F) of this section.

(I) The provisions of Section 11.97.120 PGMC shall apply.

(J) A safe haven engineered to withstand tsunami forces and sized to accommodate normal building occupancy load shall be provided. In institutional buildings and commercial or other buildings open to public use, the safe haven shall be available to the public for emergency refuge during a tsunami.

(4) Existing development within the Natural Hazards Overlay shall be maintained or removed. Property owners shall be responsible for demolition of and removal of debris from, structures that have been condemned as in danger of destruction from natural hazards.

### **23.90.230 Water and Marine Resources.**

In order to protect water quality and marine resources in the City's Coastal Zone, the City implements the following regulations:

(a) Discharges of water shall be in compliance with Chapter 9.30 PGMC.

(b) The City shall maintain and update the Coastal Parks Plan as component of its approved Local Coastal Program Land Use Plan, including updates in regard to water quality and marine resources,

(b) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of the Coastal Act, only 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:

(1) Maintenance of existing coastal-dependent industrial, commercial, or institutional facilities;

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, maintenance of existing boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;

(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) Restoration purposes; or

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

(c) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(d) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife shall be limited to very minor incidental public facilities, restorative measures, nature study, if otherwise in accordance with this section.

(e) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to

minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

(f) Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to

(1) Necessary water supply projects;

(2) Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or

(3) Developments where the primary function is the improvement of fish and wildlife habitat.

(g) Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.

(h) Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.

(i) If preservative-treated wood is used within 300 feet of coastal waters, implement appropriate treatment, storage, and construction practices for preservative-treated wood; at a minimum, those standards identified by the American Wood Protection Association.

(j) Plan, site, and design development to protect and, where feasible, restore natural hydrologic features that provide storm water infiltration, treatment, storage, or conveyance.

(k) Plan, site, and design development to preserve or enhance non-invasive vegetation, in order to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

(l) Plan, site, and design development to maintain or enhance on-site collection for reuse or infiltration of runoff, where appropriate and feasible, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff, retain dry-weather runoff on-site, and minimize transport of pollutants.

(m) Plan, site, and design development to minimize the installation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), in order to reduce runoff. Where feasible, increase the area of pervious surfaces in re-development. Minimize directly-connected impervious areas, which are areas covered by a building, impermeable pavement, or other impervious surfaces that drain directly into the storm drain system without first flowing across permeable areas (such as vegetative landscaping or permeable pavement). Convey runoff from impervious surfaces into permeable areas in a non-erosive manner.

(n) Development shall be planned, sited, and designed to minimize discharges of dry weather runoff to coastal waters, to the maximum extent feasible.

(o) Development shall be planned, sited, and designed to avoid discharging concentrated flows of storm water or dry weather runoff through storm water outfalls directly into coastal waters, intertidal areas, beaches, bluffs, or stream banks. Protective measures shall be used to prevent erosion at storm water outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion from concentrated runoff flows.

(p) A parking lot over 5,000 square feet in area shall be designed to minimize impervious surfaces, and to treat and/or infiltrate runoff before it reaches coastal waters or the storm drain system so that heavy metals, oil and grease, and polycyclic aromatic hydrocarbon pollutants on parking lot surfaces will not enter coastal waters.

(q) The City shall utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property.

### **23.90.240 Scenic Resources.**

In order to protect the scenic resources and scenic public views of the City's Coastal Zone, the City implements the following regulations:

(a) Scenic Resources Zoning Map Overlay

(1) The City designates portions of the Coastal Zone as a Scenic Resources Overlay on the City's zoning map, consistent with the Land Use Plan Scenic Areas Map.

(2) Those portions of the Sunset, Asilomar Dunes, and golf course areas not designated on the scenic resources map shall be subject to further study to determine if they should be added to the Scenic Resources Overlay.

(b) Authority

(1) The Architectural Review Board shall be a recommending body to the Planning Commission and/or City Council regarding issues relating to scenic resources.

(2) The Architectural Review Board shall be the deciding body regarding lighting and landscaping proposals that are not part of a larger proposal.

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

(d) View Protection within the Scenic Resources Overlay

(1) The following views are protected:

(A) Onshore public views from coastal waters or points of land;

(B) Onshore public views of coastal bluffs and dunes;

(C) Existing off-shore public views of water from public streets, paths, parks, or open space; and

(D) Existing public views of dunes, coastal open space areas, and associated vegetation from public streets, paths, parks, or open space.

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

(A) Excess lighting or glare that is visually incongruous with the setting the coastal bluff or coastal open space;

(B) Structures or utilities that are visually incongruous with the setting, including the coastal bluff or coastal open space;

(C) Structures and/or landscaping obscuring more than 25 percent of the existing view of water or coastal open space and associated vegetation;

(D) Structures and/or landscaping obscuring more than 75 percent of the total view of water or coastal open space and associated vegetation, that would exist absent any development on the development parcel(s);

(E) Structures or utilities that are visually incongruous with, or distract from views of, adjacent natural areas.

(3) Evaluation and measurement of public views shall be based on the following parameters:

(A) Views from public streets or paths shall be protected for vantage points between three and ten feet above the ground surface or any walking surface that is elevated above the ground surface.

(B) Views from public streets or paths shall be evaluated for the entire public frontage of the parcel(s). The horizontal extent of the view shall be a line following the side property line, or for irregular sites, extending to the widest point of the parcel(s).

(C) Onshore public views shall take into account the entirety of the development site and any areas in the foreground or background that could be obscured to any extent.

(4) In accordance with the City's objective to retain the maximum amount of open space possible on lands seaward of viewing areas, the City shall seek assistance in securing scenic conservation easements, and a reduction of development potential through public acquisition of vacant private parcels on lands seaward of viewing areas.

(5) In certain cases the environmental review or coastal permit process may reveal an undeveloped private parcel which includes scenic public views of forest and dunes westerly of Asilomar Avenue. Often, such parcels can be developed without significantly impairing these special qualities. However, where significant impairment is unavoidable, or where it is not feasible to develop the parcel in conformance with these policies, then acquisition and preservation by a charitable trust or public agency will be supported.

(e) Standards for Development within the Scenic Resources Overlay

(1) New development and exterior structural alterations to existing development shall require City design review approval.

(2) New development, including boardwalks within the Asilomar Conference Grounds visible from Sunset Drive, shall be subordinate to the open space character of the area.

(3) Structures shall be sited to minimize alteration of natural dune topography.

(4) New development shall compliment the open space character of the area. Development shall use primarily low-reflective materials with primarily earth tone colors in a range similar to predominant natural vegetation.

(5) New development shall be restricted in height according to the requirements of the zoning district in which it is located, and, notwithstanding Section 23.64.120 and Section 23.64.130 PGMC, shall not be allowed any exceptions to the height limits. Height may be further limited to preserve protected public views.

(6) The location of proposed structures or alterations relative to view public corridors, height, and bulk will be considered in determining if new development will preserve scenic qualities and protect views.

(7) Height reductions, setbacks, lot coverage reductions, and view shed easements may be employed to preserve protected public views.

(8) Utility service lines feeding new structures shall be undergrounded.

(9) New utility distribution lines shall be undergrounded whenever feasible.

(10) One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected views, unless natural hazard or biological resources constraints require development in areas where protected public views would be affected.

(11) The siting of structures shall use existing topography or vegetation to provide maximum screening from public views, and minimize the obstruction of or intrusion upon public views

(12) Development shall be considered visually incongruous if it the predominant colors, textures, or reflective materials cause it to stand out from surrounding built and natural features; if the height is more than twice that of the averaged maximum height of buildings on parcels within 75 feet; or if the exterior-visible lighting is more than 25 percent brighter than the average of buildings on parcels within 75 feet. On street blocks with a coherent and distinctive architectural style, development in a distinctly different style shall be considered visually incongruous.

(f) Lighting and Reflection

(1) New or replacement lighting shall be designed to minimize light spill into natural areas.

(2) New or replacement lighting shall be designed to minimize visibility from off-shore locations.

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

(4) Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.

(5) Unless shielded from the coast by buildings or vegetation, trail lighting shall be mounted on bollards no greater than four feet tall and with the lighting aimed away from the coast.

(6) New construction over 10,000 square feet of floor area shall incorporate anti-reflective window glazing on south- and west-facing elevations visible from public view points.

(g) Signs

(1) Signs shall not be placed such that protected views are obscured.

(2) Illuminated signs shall not result in light levels exceeding standards for ambient lighting.

(3) New freestanding commercial signs are prohibited.

(h) Trees and Landscaping

(5) New development shall require approval of a Landscaping Plan by the Architectural Review Board for any project affecting landforms and landscaping. Landscaping shall be included in the evaluation of effects of development on public views.

New development within the scenic forest-front area along Asilomar Avenue shall be designed to avoid loss of native Monterey pine and oak forest, and to retain public views towards the inland face of the high dunes.

To protect the scenic forest-front area along Asilomar Avenue southwards from the Pico Avenue intersection, the City will support appropriate measures to preserve vacant parcels and divisible portions of large parcels, through acquisition, dedication of scenic conservation easements, and/or other appropriate measures which would protect public views without loss of environmentally sensitive habitat.

New plantings adjacent to public areas from which sea views are available, shall be designed to preserve those public views. Notwithstanding Section 23.64.130 PGMC, hedge plantings shall not exceed three feet in height, and shrubs shall be spaced or clustered to permit views.

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

In order to protect biological resources in the City's Coastal Zone, the City implements the following regulations for new or altered uses:

(a) Marine biological resources shall be protected in compliance with Chapter 14.04 PGMC.

(b) Trees and urban forest resources shall be protected in compliance with Title 12 PGMC.

(c) Monarch butterflies shall be protected in compliance with Chapter 11.48 PGMC.

(d) The City shall maintain and update the Coastal Parks Plan as a component of its approved Local Coastal Program Land Use Plan, including updates in regard to biological resources and environmentally sensitive habitat,

(e) Habitat Sensitivity Zoning Map Overlay

(1) The City designates portions of the Coastal Zone as a Habitat Sensitivity Overlay on the City's zoning map, consistent with the Land Use Plan Land Habitat Sensitivity Map extreme, high, and moderate habitat sensitivity areas.

(2) Low habitat sensitivity areas, as shown on the Land Use Plan land habitat sensitivity map are located outside the Habitat Sensitivity Overlay area.

(3) Protected habitats and plant and animal species shall be reviewed at least once each three years, and the Habitat Sensitivity Area Overlay adjusted as warranted. Determinations of sensitivity level shall consider federal and state protection status of species and their habitat dependence.

(e) General Development Standards for the Habitat Sensitivity Overlay

(1) A biological assessment shall be conducted at applicant's expense by a qualified biologist for any development that disturbs previous areas or results in the disturbance or removal of vegetation, unless exempted by the City for any of the following reasons:

(A) Based on a review of site conditions, the City may exempt a project from the biological assessment if no sensitive biological communities, U.S. Fish and Wildlife Service-designated critical habitat areas, or potential wildlife corridors are mapped or observed on or within 150 feet of the site; no protected trees or natural woodlands are located on or within 150 feet of the site; and no undeveloped natural lands, recognizable wetlands, or hydrological features (e.g., creeks, streams, or lakes) are located on or within 150 feet of the site.

(B) Based on review of the proposed project or activity, the City may exempt a project from the biological assessment if the project characteristics indicate that there is no potential for the project to adversely affect biological resources.

(C) Emergency projects and/or public safety projects, such as response to fire or flooding, are exempt. However, a follow-up biological study may be required at the discretion of the City.

(2) A biological assessment shall include the following information:

(A) California Department of Fish and Wildlife's California Natural Diversity Database and the California Native Plant Society Inventory of Rare and Endangered Plants for the United States Geological Survey quadrangle in which the site is located, along with the eight surrounding quadrangles, and review of United States Fish and Wildlife Service Endangered Species lists and programs;

(D) Lists of potentially occurring special-status species in the project vicinity based on the sources listed in subsection (C);

(E) Identification of applicable policies from the General Plan and Land Use Plan;

(F) Date of site visit(s), description of study methods, and description of the biological conditions observed on the site and in the surrounding area;

(G) List of dominant plant species on the parcel, including location, species, girth, height, and condition of protected trees;

(H) 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;

(I) Discussion of potential for occurrence of special-status species on the site and map identifying the location of any special-status species observed on the site;

(J) Description and results of any protocol surveys conducted;

(K) Identification and map of any environmentally sensitive habitat on the site;

(L) Discussion of the project's consistency with applicable policies from the General Plan and Land Use Plan;

(M) Discussion of potential adverse impacts on biological resources;

(N) Recommendations for further biological surveys, if deemed to be necessary for state and/or federal regulatory compliance; and



- (O) Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant biological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the biological resources on the site and alternative design impacts compare to those of the project.
- (3) The City may require independent peer review of a biological assessment prepared by an applicant, at the applicant's expense.
- (4) Identification of an area as environmentally sensitive habitat shall be based on field conditions as documented in the biological resources assessment.
- (5) To the extent feasible, development shall be located on the portion of a parcel that has the least effect on biological resources, and the most intensive development shall be located as far from sensitive biological resources as feasible.
- (6) Development in environmentally sensitive habitat shall be limited to resource-dependent uses, except for limited residential development on existing vacant lots of record in the Asilomar Dunes Residential Area.
- (7) When a biological assessment identifies environmentally sensitive habitat and/or habitat with the potential for rare plants on a site, a botanical survey shall be conducted.
- (8) A botanic survey shall be conducted during the appropriate flowering season for each rare plant species potentially present; and shall be submitted to the Pacific Grove Museum of Natural History and the Department of Fish and Wildlife for comments prior to final acceptance by the Community Development Director.
- (9) The alteration of natural land forms and dune destabilization by development shall be minimized, as demonstrated by detailed grading plans which shall be submitted to the City before approval of a project. If a site is essentially level, this requirement may be waived.
- (10) For any site where development will disturb existing or potential native dune plant habitat or other environmentally sensitive habitat, a landscaping plan shall be prepared and submitted to the City for approval prior to construction. Only plants locally native to dune or other environmentally sensitive habitat should be used for landscaping outside approved development envelopes. Within the coastal parks, the planting of Monterey pine and Monterey cypress are encouraged to maintain the existing scenic values.
- (11) Invasive non-native plants listed by the Monterey County Office of the Agricultural Commissioner, and non-native ice plants, pose a threat to the native plant community, and shall not be planted.
- (12) Utility connections shall be installed in a single corridor if possible, and should avoid surface disturbance of areas identified as environmentally sensitive habitat.
- (13) Areas identified as environmentally sensitive habitat shall be protected under easements, deed restrictions, or other legally binding agreements, which shall be approved as part of the conditional use permit, and recorded prior to commencement of construction.
- (14) No subdivision shall be permitted on parcels containing environmentally sensitive habitat.
- (15) No auxiliary units or guest units shall be permitted on parcels containing environmentally sensitive habitat.
- (16) Signs, communications towers, and utilities shall not be permitted in environmentally sensitive habitat.

(17) In certain cases the environmental review or coastal permit process may reveal an undeveloped private parcel which has an exceptional concentration of rare dune plants. Often, such parcels can be developed without significantly impairing these special qualities. However, where significant impairment is unavoidable, or where it is not feasible to develop the parcel in conformance with these policies, then acquisition and preservation by a charitable trust or public agency will be supported.

(f) Site- and Species-specific Development Standards for the Habitat Sensitivity Overlay

(1) No development on a parcel containing environmentally sensitive habitat shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur. In order that the City can make the required findings of no significant disruption, the specific requirements listed below shall apply:

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

(B) During construction of new development, habitat areas containing Menzies' wallflowers or Tidestrom's lupines or other rare and endangered species shall be protected from disturbance. Temporary wire mesh fencing shall be placed around the habitat prior to construction and the protected area shall not be used by workers or machinery or for storage of materials. Compliance inspection(s) will be made during the construction phase; and

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

(2) Sidewalks shall not be required as a condition of approval in the Asilomar Dunes unless the City makes a finding that sidewalks are necessary for public safety where heavy automobile traffic presents substantial hazards to pedestrians, no reasonable alternative exists and no significant loss of environmentally sensitive habitat would result.

(3) A management and restoration plan shall be established by the City and/or California Department of Parks and Recreation for the dune areas within the Asilomar Dunes.

(4) Forest resources on the Asilomar Conference Grounds and Asilomar Dunes area shall be retained to the extent possible, and a program established to propagate pine trees from local sources within Pacific Grove. This may be most effectively accomplished by coordination with the Asilomar Dunes restoration planning after assessment of the species and sizes of trees appropriate for anticipated replanting efforts.

The Asilomar State Beach and Conference Grounds shall implement a dune stabilization program, including limiting public access through the northern dunes, planting of native vegetation, and restricting development to existing footprints near the forest areas.

- (5) The undeveloped private parcels west of Sunset Drive between the Asilomar State Beach and the Lighthouse Reservation should be acquired by a public agency for protection of their outstanding scenic qualities and their potential for habitat restoration.
- (6) In the Lighthouse Reservation and Golf Course area, areas of extreme sensitivity should be protected by implementing the following measures:
- (A) Prevent further trampling by installing low fencing where necessary;
  - (B) Do not allow machinery in the dune area;
  - (C) Apply irrigation only on turf, not on the sand;
  - (D) Continue to eliminate exotics and restore native dune plants on the Lighthouse Grounds; and
  - (E) Plant species in suitable areas which will enhance the overwintering habitat of the Monarch butterfly, by providing additional nectaring and feeding sources. Habitat enhancement will be done in coordination with the Pacific Grove Museum of Natural History and the Monarch Butterfly Sanctuary.
- (7) Crespi Pond and the Majella Slough riparian areas shall be considered environmentally sensitive habitat, and only habitat maintenance activities are allowed. Protect these areas from any polluted runoff or other disturbances to waterfowl habitat. Allow carefully controlled dredging of Crespi Pond in order to prevent loss of this important wetland through eutrophication and sedimentation as approved by the City Council upon a recommendation from the Crespi Pond Technical Advisory Committee.
- (8) On the former Southern Pacific railroad right-of-way between Del Monte Boulevard and Sunset Drive, pampas grass should be eliminated at the southwest end. Landscaping should be compatible with the type of habitat through which the former railroad corridor passes and utilize native plants where that is the predominant adjacent vegetation type. Identify and protect Monarch butterfly overwintering sites, buffer trees, nectaring, and feeding areas within and adjacent to the former railroad route. Where developed for recreational trail, municipal golf course, or other uses, qualified biologists shall first identify such Monarch butterfly habitat. The project shall then be designed to avoid any significant disruption of the identified Monarch butterfly habitat, and where appropriate, the right-of-way shall be landscaped and permanently managed to enhance the habitat of this species. Habitat enhancement will be done in coordination with the Pacific Grove Museum of Natural History and the Monarch Butterfly Sanctuary.
- (9) In restoration efforts, include consideration of habitat for black legless lizard.
- (10) Establish a program for the conservation of black oystercatcher and its habitat, including protections for active nests in coordination with the local black oystercatcher working group and other stakeholders such as Audubon Society, Point Blue Conservation Science, and the Pacific Grove Museum of Natural History
- (11) Humanely relocate mountain lions, bears, and other large predatory mammals that enter the Coastal Zone.
- (10) Protection of Biological Resources seaward of Sunset Drive and Ocean View Avenue.
- (A) Public access along the bluffs and shoreline shall be restricted to established trails.
  - (B) Public access areas adjacent to the bluffs should be clearly defined to protect bluff vegetation and reduce erosion.

(C) Fencing used to demark trails and control public access shall be designed with wildlife friendly characteristics and be reviewed and approved by a qualified biologist. The fence design should allow safe passage of traveling animals and dispersal of seeds, provide visibility to flying birds, avoid trapping wildlife on roads, and deter human foot traffic in sensitive areas. At a minimum, fencing shall be no more than 42 inches high, leave at least 12 inches between the top two rails/wires, and leave 16 inches between the ground and the first rail/wire, avoid the use of barbed wire, and be readily visible to flying birds/traveling mammals. Walls shall provide a means of passage.

(D) Trails shall be designed and maintained to minimize erosion.

(E) If parking areas or trails are re-configured, disturbed areas shall be revegetated.

(F) The extent of existing non-native plantings shall not be expanded, and all new or replacement plantings shall be species native to the natural habitat of the site, but allowing for replacement of Monterey pine, Monterey cypress, and coast live oak trees with the same, and for the retention of snags as wildlife habitat if public safety is not endangered.

(G) Existing native bluff plant communities shall be protected (with barriers if appropriate), and enlarged where ice plant or other non-native plantings die back.

(H) Install signage to discourage feeding of wildlife.

(I) Utilize humane means of control if ground squirrel population control is required to prevent erosion.

(g) Development Standards for Extreme and High Habitat Sensitivity Areas.

(1) Development in or within 100 feet of environmentally sensitive habitat shall require biological protections as part of the architectural permit.

(2) These standards shall apply within the R-1-B-4 zoning district regardless of habitat sensitivity level.

(3) Development on parcels containing or within 100 feet of environmentally sensitive habitats, shall be permitted only where the City can make a finding that development will not have a significant adverse impact on the habitat's long-term maintenance or the long-term sustainability of biological resources. Development shall only be approved where measures are implemented to ensure the long-term maintenance of the habitat and minimize habitat loss and disturbance. These measures could include but are not limited to:

(A) Limitations on building footprint size;

(B) Limitations on paved areas, decks, non-native landscaping, and other appurtenant features;

(C) Restrictions on exterior lighting;

(D) Restrictions on property line fencing; and

(E) Siting requirements to consolidate development on the parcel or by utilizing adjacent parcels to consolidate development into adjacent areas of those parcels with the intent of maintaining larger contiguous areas of habitat.

(4) One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected biological resources, unless natural hazard constraints require development in areas where protected biological resources would be affected.

(5) Preconstruction surveys for protected species identified in the biological assessment as potentially occurring shall be conducted.

(6) Protocol biological surveys shall be conducted if required by the biological assessment.

(7) Development shall be planned, sited, and designed to protect environmentally sensitive habitat from disruption of habitat values resulting from the discharge of storm water or dry weather flows.

(8) Degraded habitat on the parcel shall be restored concurrent with development.

(9) Existing development footprints shall not be expanded; however, the footprint may be relocated within the site if there is a benefit to overall biological conservation.

(10) For parcels containing environmentally sensitive habitat, maximum aggregate lot coverage for new development shall be 15 percent of the total lot area. For purposes of calculating lot coverage, residential building, driveways, patios, decks (except decks designed not to interfere with passage of water and light to dune surface below) and any other features which eliminate a potential native plant habitat will be counted toward lot coverage. However, a driveway area up to 12 feet in width the length of the front setback shall not be considered as coverage if surfaced by a pervious material. Buried features, such as septic systems and utility connections which are consistent with the restoration and maintenance of native plant habitats, need not be counted as coverage. The siting of each new development and the expected area of disturbance around each residence shall be individually reviewed by the City, with due consideration given to the minimization of dune destabilization and disturbance to endangered plants and their habitat. In special cases, up to 20 percent aggregate lot coverage may be allowed as a conditional use if the City specifically finds that:

(A) An offsetting area of native dune plant habitat will be restored and maintained adjacent to the site, such that the total area which will be preserved, restored and permanently maintained under conservation easement or similar enforceable legal instrument, is equal to at least 80% of the total area of the site; and,

(B) The additional site coverage is essential for protecting public views (i.e., by maximizing front setback in the case of parcels facing Sunset Drive), or for avoiding hardships in the case of existing parcels of one-half acre or less which would otherwise suffer in comparison to adjacent similarly-sized developed parcels.

(h) Development Standards for Moderate Habitat Sensitivity Areas.

(1) Development in environmentally sensitive habitat shall require biological protections as part of the permit required under 23.70 PGMC.

(2) Development within the R-1-B-4 zoning district shall be subject to the standards for High Habitat Sensitivity Areas.

(3) Development in environmentally sensitive habitats shall be permitted only where the City can make a finding that development will not have a significant adverse impact on the habitat's long-term maintenance or the long-term sustainability of biological resources. Development shall only be approved where measures are implemented to ensure the long-term maintenance of the habitat and minimize habitat loss and disturbance. These measures could include but are not limited to:

- (A) Limitations on building footprint size;
  - (B) Limitations on paved areas, decks, non-native landscaping, and other appurtenant features;
  - (C) Restrictions on exterior lighting;
  - (D) Restrictions on property line fencing; and
  - (E) Siting requirements to consolidate development on adjacent parcels into adjacent areas of those parcels and maintain larger contiguous areas of habitat.
- (4) One house may be constructed on a legal lot of record provided that the development area is limited in size and located in the portion of the lot that results in the least impact on protected biological resources, unless natural hazard constraints require development in areas where protected biological resources would be affected.
- (5) Preconstruction surveys for protected species identified in the biological assessment as potentially occurring shall be conducted.
- (6) Protocol biological surveys shall be conducted if required by the biological assessment.
- (7) Development shall be planned, sited, and designed to protect environmentally sensitive habitat from disruption of habitat values resulting from the discharge of storm water or dry weather flows.

(i) Development Standards Outside the Habitat Sensitivity Area Overlay

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

### **23.90.260 Community Design**

Refer also to Section 23.90.240.

- (a) Structures shall be sited to minimize alteration of natural dune topography. Restoration of disturbed dunes is mandatory as an element in the siting, design and construction of a proposed structure.
- (b) Exterior façade maintenance and improvement is encouraged, and shall be compatible with development on adjacent blocks and the City's overall architectural character.
- (b) Building height shall be measured as the distance above natural grade within the foundation perimeter, prior to grading or other development. Stepped buildings may be required on sloped parcels.
- (c) Earth tone color schemes shall be utilized, and other design features incorporated that assist in subordinating the structure to the natural setting.
- (d) Prior to approval of bed and breakfast inns, the City shall find that the use will:

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

(e) Signs for bed and breakfast inns shall be consistent with the building architecture, and not exceed 12 square feet in area.

(f) Non-conforming uses.

(1) In the event a dwelling is destroyed by fire or other natural causes, the dwelling would be allowed to be rebuilt as it existed prior to the destruction if less than 50 percent of structural walls were destroyed, except as may be required elsewhere in the Title.

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

(g) No subdivision is permitted in the R-1-B-4 zoning district.

(h) Where subdivision is permitted, the minimum parcel size for new land subdivisions shall be:

- (1) one-half acre (0.5 acre) for properties fronting on Asilomar Avenue north of Pico Avenue; and
- (2) one acre (1 acre) for other areas of Asilomar Dunes or lots of record.

**23.90.270 Land Uses and Designations.**

(a) The following Land Use Plan and zoning districts are within the Coastal Zone. Allowable land uses, permit requirements, development standards, including height limitations and setbacks from property lines are established for each zoning district in the Coastal Zone in the PGMC sections listed.

Land Use Plan Designation	Zoning District (s)	PGMC
LDR 1-2 Low Density Residential	R-1, R-1-B-4	Chapter 23.16
MDR 8-10 (MHP) Medium Density Residential for Mobile Home Park	MH	Chapter 23.30
MDR 8-10 Medium Density Residential	R-3, R-3-M	Chapter 23.24
MHD 10-20 Medium-High Density Residential	R-4	Chapter 23.28
V-A Visitor Accommodation	R-3-M	Chapter 23.52
V-C Visitor Commercial	C-V, R-1, R-2, R-3-M	Chapter 23.31 Chapter 23.52
SSC Sunset Service Commercial	SSC	Chapter 23.31

P Professional	R-4	Chapter 23.28
OS-I Open Space Institutional	O, U	Chapter 23.42 Chapter 23.44
OS-R Open Space Recreational	O	Chapter 23.42
RT Recreational Trail	O	Chapter 23.42

(b) Site specific biological resources, archaeological, visual, geologic, water quality, and hazards constraints may limit development to less than the development potential listed for the zoning districts.

**23.90.280 Cultural Resources.**

In order to protect the City’s archaeological and historic resources, the City adopts the following regulations:

(a) All locations within the Coastal Zone are designated as areas of high archeological sensitivity.

(b) For projects that include soil disturbance, an archeological report prepared by a qualified archeologist shall be prepared prior to approval of the project. Landscaping and gardening that does not involve construction of structures or changes to the site contours greater than one foot, is exempt from this requirement.

(c) The archeological report shall include the following information:

- (1) Site information including location, parcel number, address, owner, applicant, parcel size, existing structures or improvements, and applicable maps;
- (2) Review of relevant scientific literature or past archeological reports describing archeological resources on the site or on adjacent lands;
- (3) Searches of the California Historical Resources Information System and Native American Heritage Commission Sacred Lands File;
- (4) Documentation of consultation with appropriate tribes as required by state law;
- (5) Date and findings of a preliminary archeological reconnaissance;
- (6) Discussion of potential adverse impacts on biological resources;
- (7) Recommendations for further archeological surveys, if deemed to be necessary; and
- (8) Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant archeological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the archeological resources on the site and alternative design impacts compare to those of the project.

(d) If the archeological report determines that subsurface investigation is required, the subsurface investigation shall be completed prior to project approval.

(e) If recommended by the archeological report, an archeological monitor shall be present during grading activities.



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

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

(h) Historic resources shall be protected in compliance with Chapter 23.76 PGMC.

(i) New buildings and exterior modification of buildings within the Pacific Grove Retreat shall conform to the predominant architectural character and current building scale of the area. Original building lines shall be maintained to the greatest extent feasible, and alteration shall conform to the Secretary of the Interior standards for historic resources. Structures not currently conforming to the predominant architectural character shall conform if more than 50 percent of the structural walls are affected by a renovation or are destroyed.

(j) Public works projects within the Pacific Grove Retreat shall be consistent with maintaining the current scale and character of the area.

(k) Historic or architecturally unique structures throughout the Coastal Zone shall be maintained to the fullest extent possible. The City will encourage preservation and, to the extent feasible, facilitate funding or grants for preservation.

(l) Demolition permits for accessory buildings matching the historic style and architecture of the principal house shall require review of the Architectural Review Board.

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

### **23.90.290 Public Infrastructure.**

(a) When utility lines within the projected inundation area are replaced, or new lines installed, the lines shall be located outside the projected inundation area to the extent feasible. New or replacement installations of critical utility equipment shall not be allowed within the projected inundation area unless they are protected from inundation. Lines shall be sized to accommodate existing or planned growth. New or replacement electrical lines shall be undergrounded.

- (b) Storm water outfalls shall be placed at the location determined most suitable and feasible. Terminations of outfalls shall be allowed below mean high tide line only when the outfall design accommodates such location. Terminations of outfalls above mean high tide line shall be flush to (or recessed into if feasible) the bluff face, and shall be retreated when they extend unsupported more than five feet beyond bluff face.
- (c) The City shall maintain and update its list of water allocations, and prioritize coastal-dependent uses for water allocations within the Coastal Zone.
- (d) The use of water conserving fixtures and water conserving landscaping shall be required whenever work is permitted by the City. The use of reclaimed water and captured storm water shall be used for irrigation to the greatest extent feasible.
- (e) The City shall strive to maintain the existing street and trail network and protect it from sea level rise. Improvements to the existing network shall include, as funding permits, Ocean View Boulevard/First Street, Sunset Drive/Asilomar Avenue/ and the recreation trail extension.
- (c) Public works and private construction projects that result in reduction of traffic capacity for more than one week shall require approval of a temporary traffic handling plan.
- (d) Special events that result in an increase in traffic of more than 25 percent over average hourly traffic volumes shall require approval of a temporary traffic handling plan.
- (e) Special events that result in an increase in traffic of more than 35 percent over average hourly traffic volumes shall require shuttles.
- (f) The Coastal Parks Plan, when updated, shall include requirements for complete streets to serve transit, bicycles, and pedestrians, including the provision of bicycle lanes, walking paths, and accommodation for transit stops along Ocean View Boulevard and Sunset Drive.
- (g) Adequate automobile and bicycle parking shall be provided for all development projects.

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

In order to protect the public's access to the Coastal Zone for recreation, scenic views, and appreciation and study of the natural environment, the City adopts the following regulations:

- (a) The Coastal Parks Plan is incorporated herein by reference as part of the City's Local Coastal Program, and shall be updated by the City from time to time, consistent with the policies of the Land Use Plan and the Coastal Act. The Coastal Parks Plan shall include trail standards, including bicycle path standards consistent with the Caltrans Highway Design Manual. The Coastal Parks Plan shall include provisions for the following:
- (1) Planning Area I: Encourage Hopkins Marine Station to maintain a low profile, visually unobtrusive fence. Encourage enhanced visitor/public access, circulation and parking at the American Tin Cannery building/property;
  - (2) Planning Area II: provide well-defined trails along the bluffs with stairways to provide access to the water and direct recreation to Berwick Park, but balance the need to protect Environmentally Sensitive Habitat Areas;
  - (3) Planning Areas III and IV: maintain existing trails and vegetation and reduce erosion by directing pedestrians to beach stairways along the coast. Create an alternative alignment for the proposed recreation trail extension from Lovers Point to Asilomar and Spanish Bay;

(4) Planning Area IV: clearly define parking areas from 17 Mile Drive west to protect bluff vegetation and reduce erosion and provide ingress-egress directional arrows at parking areas to reduce conflicts between automobile and pedestrians/cyclists;

(5) Planning Area VI: on state-owned lands west of Sunset Drive, encourage the delineation of parking areas to reduce habitat damage by vehicles and to reduce conflicts with pedestrians/bicyclists;

(6) Planning Areas I, II, III, IV and VI: develop an accessways maintenance program for all existing and new shoreline accessways;

(7) Delineate specific tour bus pullout areas;

(8) Consider relocation or renovation of parking areas to reduce erosion; and

(9) Develop adaptation strategies for the potential of higher storm waves and erosion due to anticipated sea level rise and other climate changes. Strategies may include the addition of natural stones to the shore area in key locations to dissipate wave energy; a plan for relocation of stair wells and access trails, points and signage, etc.; or other strategies that protect/preserve public access and recreation opportunities.

b) The City shall provide the maximum access to public lands in the coastal bluffs and immediate shoreline, within the constraints of protecting public rights, rights of private property owners, and natural resource areas from overuse.

(1) The City shall conspicuously post signs identifying coastal access trails and points.

(2) The City shall provide a variety of access opportunities, including trails to the water, overlooks, and recreational paths.

(3) The City shall provide access, consistent with safety needs, during daylight hours as well as limited access after dusk and before dawn on the coastal trail and former railroad right-of-way.

(4) Where feasible, given topographical constraints, the City shall provide access to persons with physical disabilities.

(5) The City shall distribute public facilities and parking facilities, including bicycle parking, throughout the Coastal Zone to minimize overuse and crowding.

(6) New or renovated parking along Sunset Drive and Ocean View Drive shall be located only on less biologically sensitive locations to the inland side of the street, and pedestrian crossings provided.

(c) The City shall permit maximum access to recreational opportunities, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(1) The City shall pursue extension of the recreation trail along the railroad right-of-way, or a similar alignment, to connect Lover's Point to the vicinity of Asilomar State Conference Grounds. A study shall be conducted to determine the best trail alignment in the vicinity of the mobile home park and the golf course.

(2) The City shall obtain fee title or easements as necessary for right-of-way for the trail extension.

(3) Pedestrian trail width may be reduced to four feet where the habitat is considered fragile and where damage to dune vegetation and in particular rare and endangered flora is likely to result with wider trails. These requirements may be satisfied as follows:

(A) Point Cabrillo: dedication and construction of vertical accessways at locations shown on Figure 5, Shoreline Access Map;

(B) Asilomar Dunes: dedication of blufftop lateral access easement to an appropriate public agency or private conservation foundation, where private residential use could otherwise impair such access; and

(C) Sunset-Crocker Commercial District: installation of sidewalks and bike lanes where parcels designated Commercial and Visitor Accommodation front on Sunset Drive.

(4) Public vertical access easements to the ocean shall have the following minimum widths:

(A) 10 feet if walkways and five feet if stairways-to the shoreline; and

(B) at least 10 feet and generally no more than 25 feet-inland from the mean high tide line.

(5) Commercial services complimentary to recreational use shall continue at Lover's Point Park.

(6) Only water-dependent recreational activities shall be allowed at the immediate shoreline.

(7) The City shall include bicycle and pedestrian accommodations in any road construction projects along Ocean View Boulevard, including a continuous pedestrian pathway or sidewalk to the seaward side of Ocean View Boulevard from Lover's Point Park to the south end of Asilomar State Beach. In providing bicycle and pedestrian access, the City will endeavor to maintain the overall existing parking capacity along Ocean View Boulevard.

(d) The City shall permit maximum access to overnight accommodations, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(e) The City shall allow and promote a variety of accommodation types in order to serve as many cost ranges as possible by:

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

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

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

(f) Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

(g) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects.

(1) Access need not be provided where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or where adequate access exists nearby.

(2) Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(h) Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.