



# NOTICE OF PUBLIC HEARING

## CITY OF PACIFIC GROVE

### PLANNING COMMISSION

#### SPECIAL MEETING AGENDA

6:00 p.m., Thursday, January 11, 2018  
Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

*Copies of the agenda packet, and materials related to an item on the agenda submitted after distribution of the agenda packet, are available for review at the Pacific Grove Library located at 550 Central Avenue; the CDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at [www.cityofpacificgrove.org/pc](http://www.cityofpacificgrove.org/pc). Recordings of the meetings are available upon request. Materials can also be requested of staff during the PC hearing. Structures listed on the City's Historic Resources Inventory are denoted on the agenda with a "(HRI)" next to their project address.*

**1. Call to Order - 6:00 p.m.**

**2. Roll Call**

Commissioners: Robin Aeschliman, Bill Bluhm (Vice-Chair), Jeanne Byrne, Mark Chakwin (Secretary), William Fredrickson (Chair), Steven Lilley, Donald Murphy.

**3. Approval of Agenda**

**4. Approval of Minutes**

**5. Public Comments**

**a. Written Communications**

*Communications relevant to PC jurisdiction, but not related to a matter on this agenda, are attached under this agenda item.*

**b. Oral Communications**

*Comments from the audience will not receive PC action. Comments must deal with matters subject to the jurisdiction of the PC and will be limited to three minutes. Comments regarding agenda items shall be heard at the time such items are called. Whenever possible, letters should be submitted to the PC in advance of the meeting.*

**6. Consent Agenda**

None.

**7. Regular Agenda**

**a. Description:** Local Coastal Program Update - Draft Implementation Plan

**CEQA Status:** Statutory Exemption, CEQA Guidelines Section 15265, Adoption of Coastal Plans and Programs

**Staff Reference:** Anastazia Aziz, AICP, Principal Planner & Mark Brodeur, Director of Community and Economic Development

**Recommendation:** Recommend to City Council adoption of the California Coastal Commission's November 17, 2017 Local Coastal Program - Implementation Plan, with modifications to critical issues

## 8. Presentations

None.

## 9. Reports of PC Subcommittees

*Subcommittees of the PC will provide a summary report of their recent activities.*

## 10. Reports of PC Members

*PC members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, a majority of PC members may provide a referral to staff for factual information, request staff to report back to the body at a subsequent meeting concerning an PC-related matter, or direct staff to place a matter of business on a future agenda (G.C. 54954.2(a)(2)).*

## 11. Reports of Council Liaison

## 12. Staff Announcements

## 13. Adjournment

*The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of devices are available to assist those who are deaf or hard of hearing.*

### GENERAL NOTICE

- Please note that Section 65009(b)(2) of the California Government Code provides that legal challenges to the City's action on a project may be limited to only those issues raised in testimony during the public hearing process. PC will not consider any new items after 9:00 p.m. Any items remaining on the agenda will be continued either to the next regular meeting or to a special meeting at the discretion of PC. This meeting is open to the public and all interested persons are welcome to attend.

### NOTICE TO APPLICANTS

- **Appearance by Applicant/Representative:** Applicants or their representatives must be present at the meeting for which their item, including those items on the Consent Agenda, is scheduled. If unable to attend, the applicant must submit a written request for continuance prior to the meeting. The item may be denied if continuance is not requested.
- **Submittal of Written Communications:** In order to receive due consideration by the Planning Commission, written communications pertaining to agenda items should be submitted to the Community and Economic Development Department by **9 A.M. the day prior to the meeting**. Materials submitted subsequent to that time, or directly to the Planning Commission at the meeting, may, at the Commission's discretion; result in a continuance of the item.
- **Appeals and Appeal Period:** Decisions rendered by the Planning Commission may be appealed to the City Council using a form available at the Community and Economic Development Department. The appeal form, plus an appeal fee, must be filed within 10 days of the action being appealed. The aforementioned appeal period notwithstanding, the City Council reserves the right to call up for review Planning Commission decisions until its next regularly scheduled meeting. No building permit pertaining to a Planning Commission action may be issued until the appeal period has passed.
- **Judicial Time Limits:** This serves as written notice that Pacific Grove Municipal Code (PGMC) §1.20.010 incorporates §1094.6 of the Code of Civil Procedure of the State of California and provides a ninety-day limitation for judicial review of any final administrative decision by the council, or any board, commissioner, or officer of the city.



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

**AGENDA REPORT**

**TO:** Chair Fredrickson and Members of the Planning Commission

**FROM:** Anastazia Aziz, AICP, Principal Planner  
Mark Brodeur, Director of Community and Economic Development

**MEETING DATE:** January 11, 2018

**SUBJECT:** Local Coastal Program Update – Draft Implementation Plan

**CEQA STATUS** Statutory Exemption, CEQA Guidelines Section 15265, Adoption of Coastal Plans and Programs

**RECOMMENDATION**

Recommend to City Council adoption of the California Coastal Commission’s November 17, 2017 Local Coastal Program - Implementation Plan, with modifications to critical issues.

**BACKGROUND**

The [Local Coastal Program Update](#) was initiated in April 2014 when the California Coastal Commission (CCC) awarded a grant of \$130,000 to assist the City in achieving Local Coastal Program certification. There are two overriding purposes for this effort. First, to bring the 1989 Land Use Plan current, providing the community and other stakeholders the opportunity to reassess all of the key principles that guide land use in the City’s Coastal Zone, including sea level rise hazards. And second, once the program is certified by the Coastal Commission, to facilitate the review and approval of coastal development permits by the City, as the Coastal Commission will delegate authority for those functions to the City.

The Planning Commission discussed the Land Use Plan (LUP) and Implementation Plan (IP) in full and recommended the Local Coastal Program for Council discussion and approval on December 8, 2016. Council discussed or received updates on the Local Coastal Program in 2017 including March 1, April 2, August 2 and September 20. Council made several recommended changes to the Land Use Plan in Spring 2017 and the revised Land Use Plan was provided to Coastal Commission staff. The Planning Commission had updates on the process at various meetings including a full update recently on October 19, 2017 and December 7, 2017.

**DISCUSSION**

The City received completed California Coastal Commission (CCC) staff [Implementation Plan](#) (IP) comments, including the Community Design and Public Access and Infrastructure sections in November. Many sections have been either truncated (definitions removed to eliminate redundancy with the LUP) or removed and replaced altogether.

Several outstanding issues that the City was working towards resolution on have made significant progress. An overview of the key components is provided below.

## Implementation Plan

Coastal Commission staff made a substantial structural change to the IP. CCC staff eliminated the zoning districts within the IP and replaced the content with general Community Design standards. These standards apply to development proposals within the coastal zone that require a Coastal Development Permit. A “Community Character Assessment” would assess the proposal and show the characteristics in relation to the character of the existing surroundings. Community and Economic Development staff concur that removing the City’s Zoning Code from the Coastal IP documents is a step in the right direction. The revised Coastal Commission IP document better focuses on coastal development permit procedures and coastal resource protection standards. Comparison tables of the design standards between the City’s Zoning Code and the Community Design Standards, including height, setbacks, density, coverage, parking, are shown in Attachment 1.

The City’s Zoning Districts in Title 23 will continue to be used for City permits, such as Architectural Permits or Use Permits in the coastal zone. If a Coastal Development permit is also required because the project meets the definition of “development” or “redevelopment” per the Local Coastal Program, the coastal protection standards and Community Design Standards would form the basis of evaluation criteria and Coastal Development permit findings. This is, in fact, similar to how the City currently functions in that there is no specific coastal zoning. Where there is conflict, it is recommended *the more restrictive* of the two standards would apply. For instance, in the R3-PGR zoning district, two covered parking spaces are required per City Code Title 23, but two off-site, either covered or uncovered, are required by the IP Residential Community Design standards. In this type of situation, staff would require two covered spaces unless unique circumstances would allow for a variance and relief from covered parking.

## Ongoing Issues

A clean copy of the November 2017 Coastal Commission staff recommended [Land Use Plan](#) is posted on the Local Coastal Program website. Staff recommends continued dialogue with CCC staff and submission of the City’s proposed language for both the Land Use Plan and Implementation Plan on the key critical issues as discussed at length by both Planning Commission and Council; namely the definition of redevelopment, hazard policies related to armoring, adaptation and retreat, Asilomar Dunes development standards and legal non-conforming. The critical issues are compared on Attachment 2.

## Next Steps

Staff will bring forward the LUP and IP to Council for adoption. Subsequently the documents will be submitted to the Coastal Commission for certification. The timeline has been revised as follows:

### 2017 Local Coastal Program Revised Adoption Timeline

Activity	Date
Planning Commission	January 11, 2017 and January 18, 2018 if necessary
City Council Local Coastal Program Hearing	February 7, 2018
Submit to Coastal Commission	February 2018
Coastal Commission Hearing	TBD
Council Adoption of Certified Local Coastal Program	TBD

Note: Timeline subject to change

## FICAL IMPACTS

No change.

**CITY COUNCIL GOAL**

This agenda item is consistent with City Council Goal #5 – Environment – Preserve the community’s unique natural assets and resources through appropriate environmental stewardship. The Local Coastal Program is a key strategy to fulfill this goal.

**ATTACHMENTS**

1. IP Zoning District and Community Design Comparison Tables
2. Continued Ongoing Issues
3. [November 2017 CCC Implementation Plan](#)
4. [November 2017 CCC Land Use Plan](#)

RESPECTFULLY SUBMITTED:

*Anastazia Aziz*

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Anastazia Aziz, AICP  
Principal Planner



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Mark J. Brodeur, Director  
Community and Economic Development Dept.

# Asilomar Dunes Community Design Comparison

	2017 PC/Council	CCC Community Design
<b>Site Coverage</b>		
½ acre or more	15% +5% or 1,000 sq. ft whichever is lesser for outdoor use	15% + 500 sq. ft. for outdoor use
½ acre of less	20% + 5% or 1,000 sq. ft. whichever is lesser for outdoor use	15% + 500 sq. ft. for outdoor use
<b>Maximum Height</b>		
Sunset Dr	20 ft	18 ft
Other areas	25 ft	25 ft
<b>Parking</b>	2 covered	Unspecified
<b>Setbacks</b>		
<b>Front</b>		
Sunset Dr	75 ft (exempt from coverage)	75 ft.
Other	20 ft (exempt from coverage)	15 ft
Rear	20 ft	Unspecified
Side	10% of lot width 20% for corner lots	Unspecified
<b>Accessory Structures</b>	Prohibited	Prohibited
<b>Fencing</b>	Permitted for Outdoor Areas and Perimeter fencing	<b>Permitted for Outdoor Areas</b> Perimeter prohibited

# Sunset Service Commercial (SSC) Area

	SSC - PC/Council 2017	CCC Community Design
<b>Site Coverage</b>	90%	90%
<b>Maximum Height</b>	40'	40' (reduce height to minimizing tree canopy silhouetting).
<b>Parking</b>	Varies – subject to PC	Varies – subject to PC
<b>Setbacks</b>		
<b>Front</b>	0'	8'
<b>Rear</b>	0' 10' adjacent to residential zone	Maintain community character, enhance public views and open space and pedestrian scale
<b>Side</b>	0' 10' adjacent to residential zone	Maintain community character, enhance public views and open space and pedestrian scale
<b>FAR</b>	1.3	None

# American Tin Cannery

	2017 PC/Council	CCC Community Design
<b>Site Coverage</b>	75 - 90%	80-90%
<b>Maximum Height</b>	40 - 30 ft.	40 ft
<b>Parking</b>	Unspecified	Unspecified
<b>Setbacks</b>		
<b>Front</b>	0 ft.	8ft.
<b>Rear</b>	0 ft. 10' next to R-3, R-3-M, R-4 20' to other residential	Maintain community character, enhance public views and open space and pedestrian scale
<b>Side</b>	0 ft. 10 ft next to residential	Maintain community character, enhance public views and open space and pedestrian scale
<b>FAR</b>	2.4	<b>None</b>

# Residential

	2017 PC/Council (varies between CZ zoning districts)	CCC Community Design
<b>Building Coverage</b>	40-50%	50%
<b>Site Coverage</b>	60%	60%
<b>Maximum Height</b>	25 ft.-30ft	25 ft.
<b>Gross Floor Area</b>	Varies per lot size up to 6,729 sq. ft.	None
<b>1,800 sq. ft or less</b>	Zero One covered	None
<b>1801-2699</b>	One uncovered and one uncovered	Unspecified
<b>2,700 sq. ft</b>	One covered and one uncovered Two covered Multi-family 1.5-2 spaces per unit	Two off-street
<b>Setbacks</b>		
<b>Front</b>		
<b>OVB</b>	12 ft.	15 ft.
<b>Other</b>	8-15 ft.	Unspecified
<b>Rear</b>	5-20 ft.	Unspecified
<b>Side</b>	10% of lot width, 20% for corner	Unspecified
<b>Accessory Structures</b>	Permitted	Permitted

# Hopkins Marine Station

	2017 PC/Council	CCC Community Design
<b>Site Coverage</b>	Unspecified	Unspecified
<b>Maximum Height</b>	Unspecified	25 ft.
<b>Parking</b>	Unspecified	Unspecified
<b>Setbacks</b>		
<b>Front</b>	Unspecified	Unspecified
<b>Rear</b>	Unspecified	Unspecified
<b>Side</b>	Unspecified	Unspecified
<b>FAR</b>	0.2 (General Plan)	None

# Open Space Recreational

	2017 PC/Council	CCC Community Design
<b>Site Coverage</b>	Unspecified	Unspecified
<b>Maximum Height</b>	Unspecified	25 ft.
<b>Parking</b>	Unspecified	Unspecified
<b>Setbacks</b>		
<b>Front</b>	Unspecified	Unspecified
<b>Rear</b>	Unspecified	Unspecified
<b>Side</b>	Unspecified	Unspecified
<b>FAR</b>	0.2 (General Plan)	None

Issue	City Land Use Plan	CCC Land Use Plan
<b>Redevelopment definition</b>	A structure shall be considered redeveloped, when such development consists of alteration of 50% or more of the major structural components, including exterior walls and roof structure of such development. Piece-mealing projects with the intent of evading this definition shall be prohibited.	<p>A structure shall be considered redeveloped, whereby the entire structure and all development on the site must be made to conform with all applicable LCP policies, when such development consists of:</p> <ul style="list-style-type: none"> <li>• Alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of the major structural components (including exterior walls, floor and roof structure, and foundation, of such development.</li> <li>• Additions and alterations to such development that lead to more than a 50% increase in floor area for the development.</li> </ul> <p>Changes to floor area and individual major structural components are measured cumulatively over time from the date that the LCP's LUP component first took effect (i.e., June 7, 1989).</p> <p><b><i>To qualify for a CDP exemption</i></b> Changes to floor area and height are measures cumulatively over time from the date of the Coastal Act (i.e. January 1, 1977).</p>
<b>Hazard policies</b>	Allow armoring, adaptation and retreat.	Strong emphasis on retreat and possible prohibition of future armoring as part of coastal development permits.
<b>Asilomar Dunes</b>	See Attachment 1 for overview Subdivisions shall be prohibited, except where the purpose is solely to allow for dune restoration and other conservation uses	See Attachment 1 for overview- Subdivisions shall be prohibited
<b>Legal non-conforming</b>	If trigger definition of redevelopment, entire structure must comply with all applicable laws. Allow legal non-conformities in Retreat with Historic Preservation Permit.	If trigger definition of redevelopment, entire structure must comply with all applicable laws. Non-conforming setbacks in the Retreat may be allowed if the setback nonconformity is not increased (i.e. if the structure maintains its existing footprint, or if it reduces its setback nonconformity) and with a finding that such relief protects coastal resources.

**A. Chapter 23.90**  
**LOCAL COASTAL PROGRAM COASTAL IMPLEMENTATION PLAN**

**1. 23.90.010 Purpose and General Provisions of the Coastal Implementation Plan**

- A. Purpose.** The purpose of this Chapter is to implement the City of Pacific Grove Local Coastal Program (LCP) Land Use Plan (LUP), in accordance with the requirements of the California Coastal Act of 1976.
- B. Applicability.** The regulations found in this chapter shall apply to all areas of the City of Pacific Grove located within the Coastal Zone as established by the State Legislature.
- C. Local Coastal Program Coastal Implementation Plan.** This Chapter is the City of Pacific Grove LCP Coastal Implementation Plan (CIP), serving to carry out the policies of the LCP LUP, including providing the requirements for issuance of Coastal Development Permits (CDPs, or coastal permits). This Chapter is a component of the City of Pacific Grove LCP. In case of conflict with any other applicable non-LCP City policies or regulations, the CIP and LUP shall take precedence, with the LUP taking precedence if there are conflicts between the LUP and the CIP. Where the CIP and LUP are silent, other City policies and regulations shall be in force, but in no case shall such policies and regulations be used as a standard of review for CDPs.
- D. Agency Coordination.** The City shall work with other agencies as appropriate, particularly the Coastal Commission, to implement the LCP.
- E. LCP Violations.** The City shall actively investigate and prosecute any development activity that occurs within the Coastal Zone without a coastal development permit pursuant to the requirements of this LCP. The City shall work to resolve any alleged violations of this LCP in a timely manner, including through the use of appropriate enforcement actions. If the City does not act to resolve violations of this LCP in a timely manner, the Coastal Commission retains the authority to enforce the requirements of this LCP through its own enforcement actions pursuant to Coastal Act Sections 30809 and 30810.
- F. Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or other portion of this Chapter is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the Chapter.
- G. Jurisdiction.** The City's jurisdiction over CDPs does not include tidelands, submerged lands, and public trust lands as described in Public Resources Code Section 30519(b) and described as areas of California Coastal Commission CDP Jurisdiction, including as illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map, as may from time to time be amended.
- H. Coastal Commission CDPs.** The Coastal Commission retains authority over CDPs approved and/or issued by the Coastal Commission prior to certification of this LCP, including with respect to condition compliance and amendments. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued CDP, the applicant shall apply to the Coastal Commission for a CDP amendment, unless the Commission's Executive Director determines that such development or modification is not inconsistent with and will not change the relevant terms and conditions underlying the CDP, in which case the application can be processed by the City.

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- I. Incomplete Applications at Certification.** Any proposed development within the City's Coastal Zone that is subject to the City's jurisdiction upon certification of the LCP, but for which a complete CDP application has not been filed with the Coastal Commission prior to certification of the LCP, shall be submitted instead to the City through an application pursuant to the certified LCP. The standard for review for such an application shall be the requirements of the certified LCP. A refund of application fees paid to the Coastal Commission shall only be due if no significant staff review time has been expended on the original application.
- J. Complete Applications at Certification.** Any proposed development within the City's Coastal Zone that is subject to the City's jurisdiction upon certification of the LCP for which a complete CDP application has been filed with the Coastal Commission prior to certification of the LCP may, at the option of the applicant, remain with the Coastal Commission for completion of review. Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the City through an application pursuant to the requirements of the certified LCP. In either case, the standard of review for any such application shall be the LCP. A refund of application fees paid to the Coastal Commission for a withdrawn application shall only be due if no significant staff review time has been expended on the withdrawn application.
- K. Coastal Resource Protection.** The LCP, including this CIP, shall be interpreted and liberally construed to accomplish the purposes of and carry out the objectives of the California Coastal Act, including in terms of best protecting coastal resources. Site specific biological resources, archaeological, visual, geologic, water quality, coastal hazards, and other coastal resource protection constraints may limit development to less than the maximum development potential listed for the LCP's zoning districts.
- L. LCP.** The City of Pacific Grove LCP is made up of its LUP and this CIP.

## 2. 23.90.020 Definitions

### A. Definitions. See also the definitions listed in LUP Section 1.10.

"Accessory structure" ("accessory building"). Structures that are customarily incidental to, related to, and clearly subordinate to principal allowed uses and structures located on the same premises, such as parking facilities, restrooms, etc.

"Accessory use". A use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a primary use of the land or building located on the same premises.

### B. Definitions. See also the definitions listed in LUP Section 1.10.

"Best Available Science". The most current, generally accepted, data-driven information, as refined to be most applicable to the local circumstances and conditions, and considering a range of plausible impacts based on multiple time scales, emissions scenarios, or other factors developed to inform further decision-making regarding the range of impacts and vulnerabilities.

### C. Definitions. See also the definitions listed in LUP Section 1.10.

"Coastal beach" (or beach) means the sandy area between the low tide and the first line of terrestrial vegetation or development or the toe of an adjacent coastal bluff or seawall, whichever is the most landward.

“Coastal Bluff” (Bluff or Cliff). A landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting 1 of the following 2 parameters:

1. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.
2. The toe of which lies within an area otherwise identified in Public Resources Code §30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

“Coverage”. For the Asilomar Dunes Residential Area, see xxx. Except within the Asilomar Dunes Residential Area, the following terms related to coverage are applicable:

1. “Building coverage” means the portion of a development site that is covered by the fully enclosed portion of all buildings larger than 120 square feet, as well as by open carports. Building coverage is expressed as a percentage relative to the total lot area. In determining building coverage, the following shall not be counted: eaves and/or cantilevered portions of buildings, decks, open porches, and open stairways and landings.
2. “Site Coverage”. The sum of building coverage plus areas covered by impervious surfaces. Site coverage is expressed as a percentage relative to total lot area.
  - a. In determining site coverage, the following shall be counted:
    - i. Sand-set bricks and/or pavers, paving and/or flagstones, asphalt, concrete, mortared brick and stone, and decomposed granite;
    - ii. Open porches; and
    - iii. All accessory structures and buildings not already counted towards building coverage.
  - b. In determining site coverage, the following shall not be counted:
    - i. Four hundred square feet of any driveway, except for portions that serve as required parking space(s) or which occupy a required side yard;
    - ii. Sixty square feet of walkway, stoop, landing, stairway and/or steps in the front yard on building sites which are 50 feet or more in width;
    - iii. Turf block driveways and walkways and other pervious surfaces, unless covered; and eaves and/or cantilevered portions of buildings.

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

**D. Definitions. See also the definitions listed in LUP Section 1.10.**

“Demolition”. To tear down or remove.

See also “Redevelopment.”

“Director”: The City of Pacific Grove Community and Economic Development Director.

**E. Definitions. See also the definitions listed in LUP Section 1.10.****F. Definitions. See also the definitions listed in LUP Section 1.10.**

Fill. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed on land or in a submerged area.

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

“Floor area”. See “Gross Floor Area.”

**G. Definitions. See also the definitions listed in LUP Section 1.10.**

“Gross floor area” means the total enclosed areas of all floors of buildings, plus carports, where the ceiling is at least 7 feet tall. In calculating gross floor area, buildings shall be measured to the outside surface of exterior walls, and carports to the outside surfaces of supporting posts. Gross floor area is expressed in square feet.

1. In determining gross floor area, the following shall be counted:
  - a. Covered and fully enclosed porches, regardless of whether conditioned/unconditioned; and
  - b. Mezzanines, hallways, breezeways, and corridors.
2. In determining gross floor area, the following shall not be counted:
  - a. Accessory structures less than or equal to 120 square feet;
  - b. Covered open, or partially open, porches;
  - c. Those portions of cellars/basements where the ceiling is not more than 2 feet above finish grade at any point;
  - d. Eaves and/or cantilevered portions of buildings;
  - e. Garden structures.
3. In determining gross floor area, the following provisions shall also apply:

- a. Areas with an interior finished height that is greater than 16 feet shall be counted twice, with the exception of interior stairways that are less than than 8 feet wide.
- b. If required covered parking is not provided, the allowed gross floor area shall be reduced by the equivalent square footage

**H. Definitions. See also the definitions listed in LUP Section 1.10.**

“Height” means the vertical distance measured between natural grade and the top-most portion of development above natural grade, unless otherwise specified.

“Historic resources inventory” means:

1. The list of existing structures initiated in 1978 through a matching grant from the State Office of Historic Preservation and adopted by the city of Pacific Grove. The list was updated by the Heritage Society and the city of Pacific Grove to include structures built prior to 1927; and
2. Other properties determined by the historic resources committee or the Reviewing Authority to be of architectural and/or historical significance.

**I. Definitions. See also the definitions listed in LUP Section 1.10.**

**L. Definitions. See also the definitions listed in LUP Section 1.10.**

“Lodging”.

1. “Vacation rental” or “short term rental” mean the use of a residence or a portion of a residence for short-term transient use where food is not provided.
2. “Bed and breakfast inn” means the use of a residence for commercial lodging purposes where food is provided.
3. “Hotel” means the use of a commercial structure for commercial lodging purposes where food, parking, and other amenities customarily associated with hotels are provided, and where most rooms are accessed from within the hotel and not from separate entrances.
4. “Motel” means the use of a commercial structure for commercial lodging purposes where food, parking, and other amenities customarily associated with motels are provided, and where most rooms are accessed from separate entrances.
5. “Automobile court, cottage court, or motor lodge” means a motel that is used primarily for the accommodation of transient automobile travelers for which enhanced automobile facilities are included.

“Lot Width” means that dimension of a lot which fronts on a street. In the case of frontage on more than 1 street, it refers to the lesser of the 2 dimensions.

**M. Definitions. See also the definitions listed in LUP Section 1.10.**

**N. Definitions. See also the definitions listed in LUP Section 1.10.**

**P. Definitions. See also the definitions listed in LUP Section 1.10.**

“Person” means any individual, organization, partnership, limited liability company, or other business association or cooperation, including any utility, and any federal, state, local government, or special district or any agency thereof.

**R. Definitions. See also the definitions listed in LUP Section 1.10.**

“Revetment” means an engineered set of large rocks piled atop one another, typically as a response to erosion by tide and wave action and currents.

“Reviewing Authority” means the authority with the responsibility to review, approve, or deny coastal development permits and Local Coastal Program amendments (i.e. the City Planning Commission, the City Council, and the Coastal Commission).

**S. Definitions. See also the definitions listed in LUP Section 1.10.**

“Sea” means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

“Stream” means any stream mapped by the United States Geological Survey on the 7.5 minute quadrangle series, and/or in the National Hydrographic Dataset. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. For purposes of this section, channelized streams not having significant habitat value should not be considered.

“Site Coverage”, see Coverage.

“Structure” means any development constructed or erected with a fixed location on or in the ground, or attached to something with a fixed location on or in the ground. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

“Submerged Lands” means lands which lie below the line of mean low tide.

**T. Definitions. See also the definitions listed in LUP Section 1.10.**

**V. Definitions. See also the definitions listed in LUP Section 1.10.**

**W. Definitions**

“Wireless telecommunications facility” means antennas and towers, either individually or together, and associated equipment and structures used for wireless telecommunications purposes. Includes commercial radio, television antennas, and commercial communication transmitters or towers.

**3. 23.90.030 Coastal Development Permit Processing Procedures**

This section provides procedures for coastal development permit (CDP) application processing, filing, review, noticing, and action for development in the City of Pacific Grove’s CDP jurisdiction within the Coastal Zone.

- M. CDP Required.** All development, as defined in the LUP and Coastal Act Section 30106, within the coastal zone requires a CDP except as specified in Section 23.90.040 (Coastal Permit Exemptions).
- N. Reviewing Authority.** The Planning Commission shall take initial action on all CDP applications (except as provided for in Section 23.90.040). Certain Planning Commission decisions can be appealed to the City Council or referred directly to the City Council upon its request, where the City Council becomes the reviewing authority. Certain City Council decisions can be appealed to the Coastal Commission, where the Coastal Commission becomes the reviewing authority, all as described in Section 23.90.100
- O. Additional Permits.** The review of a CDP application shall be processed concurrently with any other discretionary permit applications required by the City. The City may not grant any discretionary approval for a proposed project that conflicts with this chapter, and any such discretionary approvals become effective only after a CDP is approved as required by this chapter and so long as they are consistent with the CDP terms and conditions.
- P. Unpermitted Development and Permitting Processes.** Development that occurred after the effective date of the Coastal Act of 1976 (i.e., January 1, 1977), or after the Coastal Initiative of 1972 (February 1, 1973), whichever is applicable, and that did not receive a CDP or was not otherwise authorized under the Coastal Act/Coastal Initiative, is not lawfully established or authorized development (“unpermitted development”). In addition, development inconsistent with the terms and conditions of an approved CDP is also not lawfully established or authorized development. Both categories of unpermitted development shall be the subject of this CIP’s enforcement section, which may include Coastal Commission enforcement as well (see Section 21.90.010 (E)). If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through retention of all or part of same if it can be approved as LCP consistent, or through removal and restoration of affected areas

**4. 23.90.040 CDP Exemptions**

The following projects are exempt from the requirement to obtain a CDP:

- A. Existing Single-Family Residences.** In accordance with Coastal Act Section 30610(a) and Title 14 of the California Code of Regulations (CCR) Section 13250, both of which govern here in the case of conflicts or questions of interpretation, improvements to an existing single-family residence, including fixtures and

structures directly attached to a residence, landscaping, and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds. This exemption **does not** include:

1. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area including all improvements within the Asilomar Dunes Residential Area and Asilomar Conference Grounds, in an area designated highly scenic in the LCP (i.e., those areas designated in LUP Figure 4: Scenic Areas), or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. Guest houses or self-contained residential units.
5. On property not included in Subparagraph A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated in LUP Figure 4: Scenic Areas map, when one of the following circumstances apply:
  - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or
  - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
  - c. An increase in height by more than 10 percent of an existing structure or
  - d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; and/or
  - e. Development includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

Changes to floor area and height are measured cumulatively over time from the date the CDP exemption was established by the Coastal Act (i.e., January 1, 1977).

6. Any improvement to a single-family residence where the coastal permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal permit or a CDP amendment or some other type of coastal authorization (e.g., a CDP waiver).

**B. Other Existing Structures.** In accordance with Coastal Act Section 30610(b) and CCR Section 13253, both of which govern here in the case of conflicts or questions of interpretation, improvements to an existing structure, other than a single-family residence or public works facility, including landscaping and fixtures and other structures directly attached to the structure. This exemption **does not** include:

1. Improvements to a structure if the structure and/or improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high-tide line; in an area designated highly scenic in the LCP (i.e., those areas designated in LUP Figure 4: Scenic Areas); or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in subparagraph B.1 above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated in LUP Figure 4: Scenic Areas map, when one of the following circumstances apply:
  - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;
  - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section;
  - c. An increase in height by more than 10 percent of an existing structure;
  - a. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; and/or
  - d. Development includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

Changes to floor area and height are measured cumulatively over time from the date that the CDP exemption was established by the Coastal Act (i.e., January 1, 1977).

5. Any improvement to a structure which changes the intensity of use of the structure.
  6. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.
  7. Any improvement to a structure where the coastal permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a coastal permit or a CDP amendment or some other type of coastal authorization (e.g., a CDP waiver).
- C. Repair or Maintenance Activities.** In accordance with Coastal Act Section 30610(d) and CCR Section 13252, both of which govern here in the case of conflicts or questions of interpretation, repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. This exemption **does not** include:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
  - a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
  - b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
  - c. The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind; or
  - d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams.
  - e. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or
  - f. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area (including in the Asilomar Dunes Residential Area or the Asilomar Conference Grounds), any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
  - a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
  - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
3. Those activities specifically described as exempt from CDP requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views to the ocean, in which case the 1978 document exemptions do not apply.
4. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure that is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a coastal permit.

- D. Replacement of Destroyed Structures.** The replacement of any legally established structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable LCP requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; “bulk” means total interior cubic volume as measured from the exterior surface of the structure; and “structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.
- E. Temporary Events.** Temporary events as defined in this section and which meet all of the following criteria:
1. Will be of less than 2 days in duration including setup and take-down; and
  2. The event will not occupy any portion of a publicly or privately owned sandy beach or park area, public pier, public beach parking area and there is no potential for adverse effect on sensitive coastal resources; and
  3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and
  4. The proposed event has been reviewed in advance by the City and it has been determined that it meets the following criteria:
    - a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other development or temporary events scheduled before or after the particular event;
    - b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources;
    - c. The event has not previously required a coastal permit to address and monitor associated impacts to coastal resources.
- F. Emergency Work.** Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

#### 5. **23.90.050 Challenges to City CDP Determinations**

The determination of whether a development is exempt, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Director at the time the coastal permit application for development is submitted or as soon thereafter as possible, and in all cases prior to the application being

deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any provisions that support the determination.

Where an applicant, interested person, the Coastal Commission's Executive Director, or the Director has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, non-appealable, or appealable:

- G. City Determination.** The Director shall make its determination as to what type of development is being proposed and shall inform the applicant, interested parties, and the Coastal Commission in writing of the notice and hearing requirements for that particular development (i.e., exempt, appealable, non-appealable).
- H. Challenge to City Determination.** If the determination of the Director is challenged by the applicant, the Coastal Commission's Executive Director, or an interested person, or if the Director wishes to have a Coastal Commission determination as to the appropriate designation, the Director shall notify the Commission's Central Coast District office of the dispute/question and shall request an Executive Director's opinion.
- I. Coastal Commission Determination.** The Executive Director shall provide his or her opinion to the City, the applicant, and any other known interested parties as soon as possible. There are three possible outcomes:
  1. If the Executive Director agrees with the City's determination, then the City's determination shall be final and shall apply to the proposed development.
  2. If the Executive Director disagrees with the City's determination, and the City then agrees with the Executive Director's opinion, then the review and permit procedures associated with the Executive Director's opinion shall apply to the proposed development.
  3. If the Executive Director disagrees with the City's determination, and the City disagrees with the Executive Director's opinion, then the matter shall be set for public hearing for the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.

#### 6. **23.90.060 CDP Application Submittal**

- J. Contents.** Coastal development permit application submittals shall include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 23.90.080 (Findings for Approval). The application and accompanying materials shall be filed with the City before or concurrent with an application for any other required City permits for the proposed project. The CDP application shall include, at a minimum:
  1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program, including a clear depiction of all existing conditions and development on the site, and all proposed development;

2. Documentation of the applicant's legal interest in all the property upon which development is proposed to be performed, including properties crossed and/or affected by construction. The area subject to the CDP application may include contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships;
3. Documentation of any prior CDPs or other coastal authorizations on the property, including any restrictions from permit conditions, deed restrictions, easements, and any other encumbrances affecting allowable development and use on the property;
4. All restrictions that apply to the property, including copies of the legal documents, and site plans noting where such restrictions apply;
5. A description of any unpermitted development on the site, including any violations of existing CDP terms and conditions, and provisions for resolving all permitting and coastal resource issues associated with the unpermitted development (see also Section 23.90.030 (P));
6. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application; and
7. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas or in relation to the specific issues raised by the application.

**K. Concurrent with other permits.** The application for a CDP shall be made concurrently with application for any other non-CDP permits or approvals required by the City.

**L. City Determination.** At time of submittal of CDP application, the City shall make a determination of whether the development is exempted, appealable, or non-appealable in accordance with Section 23.90.050. The determination shall be sent to the applicant, the Coastal Commission, and any known interested parties.

#### **7. 23.90.070 CDP Application Public Notice and Hearing**

1. **Public Hearing Requirements.** All Planning Commission and/or the City Council review and action on CDP applications shall require public hearings at the, except that the City may waive the public hearing requirement for development that qualifies as "minor development", which is development that satisfies all of the following requirements:
  - a. The development is consistent with the LCP;
  - b. The development requires no discretionary approvals other than a CDP; and
  - c. The development has no potential for adverse effects either individually or cumulatively on coastal resources, including public access to and along the shoreline and coast.

The City may waive the public hearing requirement for such minor development only if:

- d. Notice is sent to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice;
- e. The notice provides information on how an interested party can request that a public hearing is held, and discloses that the failure by a person to request a public hearing may result in the loss of that person's ability to appeal a City action on the item to the Coastal Commission; and
- f. No request for a public hearing is received within fifteen working days from the date the notice was sent.

**M. Noticing.** CDP applications shall be noticed at least 10 days prior (15 working days for minor development applications) to the required public hearing on the proposed project by posting notice at the proposed development site in at least one location that is conspicuously visible to the general public (and as many locations as necessary to ensure that the public is appropriately provided notice), and by mailing notice to:

- 1. The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
- 2. Each local agency expected to provide essential facilities or services to the project;
- 3. Any person who has filed a request for notice (e.g., for the site, for the particular development, for the type of development, development in general, etc.) with the Director;
- 4. All owners and all occupants of parcels of real property located within 100 feet (not including roads) of the perimeter of the real properties on which the development is proposed, but at a minimum all owners and all occupants of real property adjacent to the properties on which the development is proposed;
- 5. All agencies for which an approval for the proposed development may be required (e.g., USFWS, CDFW, RWQCB, etc.), including the State Lands Commission when an application for a Coastal Permit is submitted to the City on property that is potentially subject to the public trust;
- 6. All known interested parties; and
- 7. The Coastal Commission.

For other than minor development notices, legal notice shall also be published at least once in a local newspaper of general circulation in the County.

The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

**C. Content of notice.** The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

- 8. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a CDP;

9. The date of filing of the application;
10. The name of the applicants and the applicants' agents;
11. The number assigned to the application;
12. A description of the proposed project and its location;
13. A determination of whether the project is appealable to the Coastal Commission;
14. The date, time and place of the hearing and/or decision on the application;
15. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the CDP application, as well as the system of appeal for any actions taken;
16. If a public hearing is proposed to be waived for minor development, a description of the public hearing waiver process as provided in Section 23.90.070(A)(2); and
17. All procedures for challenge and appeal associated with the type of application being considered.

- D. Re-noticing required.** If a decision on a CDP is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this Section. If a decision on a Coastal Permit is continued to a specific date and time within 30 days of the first hearing, then no re-noticing is required.

#### **8. 23.90.080 Required Findings for CDP Approval**

To approve a CDP, the review authority shall find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all of the following findings, that themselves shall be based upon clear supporting evidence and analysis:

- N. LCP Consistency.** The project is consistent with the LCP LUP and CIP.
- O. Public Views.** The project protects and/or enhances public views.
- P. Habitat Protection.** The project protects vegetation, natural habitats and natural resources consistent with LCP.
- Q. Design Consistency.** The design, location, size, and operating characteristics of the proposed development is consistent with any applicable LCP design requirements, including design plans and/or area plans incorporated into the LCP.
- R. Coastal Access.** The project protects and/or enhances public access to and along the coast.
- S. Visitor Serving.** The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.

**T. Appropriate Use.** The project is consistent with the allowed LCP uses associated with the property.

**U. Coastal Resources.** The proposed development protects and/or enhances coastal resources.

**9. 23.90.090 Notices of City's Final Action on CDPs**

The City's decision on a CDP shall become final when all local rights of appeal have been exhausted per Section 23.90.100. Within 10 calendar days of a final decision on a CDP application, the City shall provide notice of such action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the City. The notice sent all parties shall at a minimum include a cover sheet or memo summarizing the relevant action information, and the notice sent to the Coastal Commission shall include that cover sheet/memo as well as additional supporting materials that further explain and define the action taken, as follows:

1. Cover Sheet/Memo: The cover sheet/memo shall be dated and shall clearly identify at a minimum the following information:
  - a. All project applicants and project representatives and their address and other contact information.
  - b. Project description and location.
  - c. City decision making body, City decision, and date of decision.
  - d. All local appeal periods and disposition of any local appeals filed.
  - e. Whether the City decision is appealable to the Coastal Commission, the reason why it is or isn't appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.
  - f. A list of all additional supporting materials provided to the Coastal Commission (see below).
  - g. All recipients of the notice.
2. Additional Supporting Materials to the Coastal Commission: The additional supporting materials shall include at a minimum the following information:
  - a. The final adopted findings and final adopted conditions.
  - b. The final adopted staff report.
  - c. The approved project plans.
  - d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geologic reports, biological reports, etc.), correspondence, etc.

**10. 23.90.100 Appeals of CDP Decisions**

**V. Appeals to the City Council.** All Planning Commission decisions on CDPs may be appealed by an aggrieved person to the City Council. An aggrieved person is any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action appealed, or

who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. An aggrieved Person includes the applicant for a CDP.

**W. City Council Appeal Submittal.** An appeal shall be submitted in writing within 10 calendar days of the date of the Planning Commission decision. The appeal shall state the pertinent facts and the basis for the appeal, and shall be filed with the City Clerk.

1. When an appeal is filed, the Director shall prepare a report on the matter and schedule the matter for a public hearing by the City Council. Notice of the hearing shall be provided in the same form as is required for consideration of the initial CDP application, and the hearing shall be conducted. Any interested party may appear and be heard regarding the appeal. At the hearing, the City Council may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. The City Council may:
  - a. Affirm, affirm in part, or reverse the action or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the LCP;
  - b. Modify and/or delete Planning Commission conditions and/or adopt additional conditions of approval; and
  - c. Disapprove a CDP approved by the Planning Commission, even if the appellant only requested modification or elimination of 1 or more conditions of approval.
2. If new or different evidence is presented on appeal, or if other significant issues are raised such that a Planning Commission hearing is appropriate, the City Council may refer the matter back to the Planning Commission for further consideration, where such hearing shall be noticed and conducted in the same manner as for the initial consideration of the application.

**X. Appeals to the Coastal Commission.**

1. In accordance with Coastal Act Section 30603, any City CDP approval in the following geographic areas may be appealed to the Coastal Commission:
  - a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
  - b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
  - c. Projects in a sensitive coastal resource area (i.e., in the Asilomar Dunes Residential Area or the Asilomar Conference Grounds).
2. In accordance with Coastal Act Section 30603, any City CDP approval or denial for a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility may be appealed to the Coastal Commission.

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3. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission, and must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a non-deficient notice of final action.
  4. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals from the Planning Commission to the City Council, except that exhaustion of City Council appeals is not required if any of the following occur:
    - a. The City requires an appellant to appeal to a body other than the City Council;
    - b. An appellant was denied the right of the appeal by a City ordinance that restricts the class of persons who may appeal a local decision.
    - c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this title.
    - d. The City required an appeal fee for the filing or processing of the appeal to the City Council.

**11. 23.90.110 CDPs**

**Y. CDP Effective Date.**

1. For CDP decisions that are not appealable to the Coastal Commission, CDPs shall become effective once the City's non-deficient Notice of Final Action per Section 23.90.090 has been received by the Commission.
2. For CDP decisions that are appealable to the Coastal Commission, CDPs shall become effective either (a) after the Coastal Commission's 10 working day appeal period has run with no valid appeal being filed, or (b) following Coastal Commission final action on an appeal, subject to any terms and conditions of such action.

**Z. CDP Expiration.** A CDP not exercised (i.e., requiring substantial ground altering physical development to be considered exercised) within two years of the date of its approval shall expire and become void, unless an extension of the expiration deadline is approved. Such extension shall only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). In such cases where an extension is not granted, the CDP shall be considered expired and the applicant shall be required to reapply for a CDP. Any extension request shall be in writing by the applicant or authorized agent prior to expiration of the 2-year period (and if received after the expiration, shall not be considered). Such extensions shall be considered CDP amendments for purpose of notice and appeal to the Coastal Commission.

**AA. CDP Amendment.** An applicant may request a CDP amendment by filing an application to amend the CDP pursuant to the requirements of this chapter that apply to new CDP applications. Any amendment approved for development in the coastal zone shall be required to be found consistent with all applicable Local Coastal Program requirements, including with regards to requirements of jurisdiction, hearings, notices and findings for approval, in the same way as new CDPs. Any CDP amendment shall be processed as appealable to the Coastal Commission if the base coastal permit was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.

**BB. CDP Revocation.** Where one or more of the terms and conditions of a CDP have not been, or are not being, complied with, or when a CDP was granted on the basis of false material information, the Planning Commission or City Council may revoke or modify the CDP following public hearing. Notice of such hearing shall be the same as would be required for a new CDP.

**CC. CDP Application Resubmittals.** For a period of 12 months following the denial or revocation of a CDP, the City shall not accept an application for the same or substantially similar proposed project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

**12. 23.90.120 Emergency CDPs**

Emergency CDPs may be granted at the discretion of the Director (or a local official designated by the City Council) for projects normally requiring CDP approval. To be eligible for an emergency CDP, an emergency must exist (defined for this purpose as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services), including when necessary to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident. The emergency CDP process is intended to allow for emergency situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging manner.

**DD. Application.** Application for an emergency CDP shall be made to the City by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an emergency permit.

**EE. Required Information.** The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:

1. The nature of the emergency.
2. The cause of the emergency, insofar as this can be established.
3. The location of the emergency.
4. The remedial, protective, or preventive work required to address the emergency.
5. If reported after the fact, the circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.
6. All available technical reports and project plans.

**FF. Verification of Facts.** The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows. The Director may request, at the Applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet the criteria for granting permit. The Director shall consult with the Coastal Commission as time allows.

**GG. Public Notice.** If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.

**HH. Criteria for Granting Emergency CDP.** The Director may grant an emergency CDP upon making all of the following findings, that themselves shall be based upon clear supporting evidence and analysis:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary CDPs.
2. The development can and will be completed within thirty days unless otherwise specified by the terms of the Emergency CDP.
3. Public comment on the proposed emergency action has been reviewed if time allows.
4. The work proposed would be consistent with the requirements of the certified LCP.
5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.

**II. Conditions for Granting Emergency CDP.** The Director may attach reasonable terms and conditions to the granting of an emergency CDP, including an expiration date and the necessity for a regular CDP application by a specified date. At a minimum, all emergency CDPs shall include the following conditions:

1. The emergency CDP shall be voided if the approved activity is not exercised within 30 days of issuance of the emergency CDP.
2. The emergency CDP shall expire 60 days following its issuance. Any work completed outside of these time periods requires a regular CDP approval unless an extension is granted by the City.
3. The emergency development authorized by the emergency CDP is only temporary, and can only be allowed to remain provided a regular CDP is obtained to recognize it. Absent a regular CDP, the emergency development shall be removed and the affected area restored to pre-emergency conditions or better within 6 months of emergency CDP issuance.
4. Within 30 days of completion of construction authorized by the emergency CDP, site plans and cross sections shall be submitted clearly identifying all development completed under the emergency CDP (comparing any previously permitted condition to both the emergency condition and to the post-work condition), along with a narrative description of all emergency development activities undertaken pursuant to the emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by the emergency CDP is complete shall also be provided.

**JJ. Application for Regular CDP.** Upon the issuance of an emergency CDP, the applicant shall submit a completed CDP application and any required technical reports within a time specified by the Director, not to exceed 30 days. All emergency development approved pursuant to this section is considered temporary and must be removed and the area restored if the development is not recognized by a regular CDP within 6 months of the date of the emergency CDP issuance, unless the Director authorizes an extension of time for good cause.

**KK. Reporting of Emergency CDPs.** The Director shall report emergency CDPs issued to the Coastal Commission and to the City Council and Planning Commission. The emergency CDP shall be scheduled

on the agenda of the City Council at its first scheduled meeting after that emergency CDP has been issued.

### **23.90.135 Coastal Resource Protection Standards.**

- **The following sections (Sections 23.90.140 through 23.90.220) serve to implement the policies of the LCP's LUP as they relate to specific topics, including by describing application requirements, technical reports, and required findings. The following topics are covered below:**
- **Section 23.90.140: Coastal Hazards**
- **Section 23.90.150: Water Quality and Marine Resources**
- **Section 23.90.160: Scenic Resources**
- **Section 23.90.170: Biological Resources and/or Environmentally Sensitive Habitat Areas**
- **Section 23.90.180: Community Design**
- **Section 23.90.190: Land Uses and Designations**
- **Section 23.90.200: Cultural Resources**
- **Section 23.90.210: Public Infrastructure**
- **Section 23.90.220: Parks, Recreation, and Public Access**

### **23.90.140 Coastal Hazards.**

- A. In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable Land Use Plan Coastal Hazards policies and the following requirements.
- B. Applications for All Development Potentially Subject to Coastal Hazards.
  1. Initial Coastal Hazards Assessment. The applicant shall submit an initial site assessment screening of all Coastal Permit applications to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the LCP's coastal hazard map in LUP Figure 3. Maps can be used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science.
  2. Coastal Hazards Report. Where the initial site assessment reveals that the proposed development is located on or seaward of Ocean View Boulevard or Sunset Drive, mapped within LUP Figure 3, and/or otherwise may be subject to coastal hazards over the next 75 years, a site specific Coastal Hazards Report (Report) shall be prepared. The Report shall at a minimum provide for:
    - i. Purpose. The Report shall be prepared by a qualified geologist/engineer and shall identify the potential impacts of erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. The report shall recommend any mitigation measures or modifications to the project that are needed to ensure that the project is consistent with all applicable Land Use Plan Coastal Hazards policies.
    - ii. Content. The report shall, at a minimum, contain the following sections:
      - Summary
      - Geology of the Project Area
      - Wave, Tide, and Current Trends
      - Erosion Trends and Episodes in Project Area
      - Seasonal Beach Profiles and Trends

- 
- Impacts from Coastal Hazards on the Proposed Project
  - Description of Project Alternatives to Avoid/Minimize Coastal Hazard Impacts
  - Mitigation of Coastal Hazard Impacts
  - Conclusions and Recommendations
  - Coordination with Other Agencies, Groups, or Consultants
  - Report Preparer's Qualifications
  - References
- iii. Coastal Hazards Analysis. The report shall at a minimum document the following:
1. Regional and local geologic setting, including topography, natural landforms, soil/rock types, thickness of soil or depth to bedrock, and other relevant properties such as erosion potential.
  2. Information about potential coastal hazards at the site, including normal and maximum tidal surges, wave conditions (including maximum expected wave height and frequency/magnitude of wave/tidal surge), storm conditions (including storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event).
  3. Long-term average annual erosion rates, based on photogrammetric analysis, LiDAR data, peer reviewed studies and reports, etc., quantified in distance per year (e.g., 6" per year). The long-term average annual erosion rate should be broken down separately for any differing geologic units (e.g., erosion for the upper bluff terrace deposits may differ from erosion for a harder lower bluff substrate) to the extent that these long-term rates differ.
  4. Episodic or rapid erosion, based on recent observations from the project site or nearby areas of comparable geology
  5. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage).
  6. For coastal bluffs, quantitative slope stability analyses (including a description of the factors of safety for the site and structures on it, and a breakdowns, as appropriate, for the factors of safety applying to the full bluff profile.
  7. Expectations for the near-term (3 to 5 years) changes to the site, considering current erosion and related conditions (including wave and storm conditions) Expectations for longer term changes, including the effects of sea level rise.
  8. Effect of the proposed development (including siting and design of structures, septic system, landscaping, drainage, and grading) and impacts of construction activity on the stability of the site and the adjacent area.
- iv. Mitigation of Coastal Hazards Analysis. The report shall include a detailed analysis of alternative options to avoid identified erosion/site stability hazards, including non-armoring alternatives. At a minimum the analysis shall include
1. Evaluation of alternatives including avoiding proposed development; relocation of any threatened structures, including an analysis of any technical feasibility questions and an estimate of expected costs to relocate; partial removal of threatened elements, again with a clear analysis and estimate of how this would be accomplished; and site drainage controls and native plant revegetation.
  2. Expectations on the degree of protection for each alternative must be provided, including an estimate of the number of years of stability provided to the structure or development being protected (absent additional armoring or other measures) associated with each option.

3. A combination of different alternatives should be considered when appropriate, such as for example, vegetation, surface water controls and periodic nourishment; or the use of incremental responses tied to identified triggers.
4. Identification of potential mitigation measures to address identified coastal resource impacts in each case

C. Applications for Shoreline Protective Devices.

1. In addition to the measures listed above, applications for shoreline protective devices shall be accompanied by the following information:
  - i. Permit History. A description of the permitting history of the structure (and associated development) for which the proposed shoreline protective device is sought, as well as the permitting history for any existing device protecting the structure. Such history shall identify the date of the structure's (and device's, if applicable) construction, their configuration at that time, any subsequent projects that altered their initial installation configuration, and any associated coastal development permits. All coastal development permits authorizing such development since 1972 must be identified.
  - ii. Coastal Hazards Threat. Information about the degree of the coastal hazards threat and risk to the existing structure that is warranting the proposed project (i.e., identification of the problem). The analysis shall include supporting geotechnical information including normal and maximum tidal surges, wave conditions (including maximum expected wave height), storm conditions, the effects of future sea level rise within the expected lifetime of the project based on the best available climate science, erosion rates with/without the device, and other applicable coastal processes at this location and the larger area.
  - iii. Coastal Processes. A wave uprush study describing the device's design wave height, maximum expected wave height, frequency of overtopping, and normal and maximum tidal ranges. The conditions that shall be considered in the wave uprush study are: 1) a seasonally eroded beach combined with long-term erosion; 2) high tide conditions, combined with long-term projections for sea level rise; 3) storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event. The study shall also document the effect of the device on adjoining property, the potential/effect of scouring at the device's base, and design life/maintenance provisions.
  - iv. Alternatives Analysis. An alternatives analysis of potential options that could be used to achieve the project goals while maximizing the value of the shoreline (e.g., aesthetic, recreational/access, habitat). These alternatives may include (but are not limited to) the use of "soft" protective strategies such as beach nourishment or stabilization using vegetation, "managed retreat" strategies, and a "no action" option. The descriptions of these alternatives shall include expected lifespans, reasons why they may or may not be feasible (e.g., engineering, site specific wave and shoreline conditions, economics, etc.), and information about the environmental impacts of the feasible alternatives.
  - v. Visual Simulations. Visual simulations of the proposed project (and all identified alternatives) from public vantage points, including from along Ocean View Boulevard, Sunset Drive, and the public pedestrian recreational trail.
  - vi. Impact Analysis. Sand supply and public access impact analysis that describes the following over a 20 year period:
    1. The loss of any existing public trails or accessways.
    2. The loss of the public beach area on which the device is located;
    3. The loss of public beach area that will result when the back-beach or bluff location is fixed on an eroding shoreline;

4. The amount of material that would have entered the sand supply system if the back-beach or bluff were to erode naturally.
- vii. Mitigation Plan. The mitigation plan shall identify public access improvements within the vicinity of the proposed shoreline protective device that are commensurate with the sand supply and public access impacts identified in the Impact Analysis described above. Such improvements may include new or restored vertical or lateral beach accessways, long-term beach nourishment programs, or other public access and recreation improvements. The mitigation plan shall require installation of any public access improvements within 6 months of construction of the shoreline protective device.
- viii. Maintenance and Monitoring Plan. The Maintenance and Monitoring Plan shall include ongoing monitoring of the shoreline protective device and related improvements and describe any future maintenance. The Plan must acknowledge and agree on behalf of the Applicant and all successors and assigns that it is Applicant's responsibility to: (a) maintain the approved protective device and any required mitigation in a structurally sound manner and in their approved states, including that the color, texture and undulations of the surfaces shall be maintained throughout the life of the device; (b) retrieve any failing portion of the permitted device or related improvements that might otherwise substantially impair the aesthetic qualities of the area; and (c) annually or more often inspect the development for signs of failure and/or displaced structural components.

#### **23.90.150 Water Quality and Marine Resources.**

- A. In order to protect water quality and marine resources in the City's coastal zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable Land Use Plan Water Quality and Marine Resources policies and the following requirements.
- B. Applications for Development. The applicant shall submit a water quality assessment for all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have both a Construction Plan which addresses temporary (i.e., during construction) and a Post-Development Runoff Plan which addresses permanent (i.e., post construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems, and watercourses, and to minimize increases in stormwater runoff volume and rate.
  1. Construction Plan. The Construction Plan shall, at a minimum, include the following:
    - i. Identification of the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access and ocean resources, including by using inland areas for staging and storing construction equipment and materials as feasible.
    - ii. Specification of the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not significantly degrade public views during construction to the maximum extent feasible.
    - iii. Identification of the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum the following: (1) silt fences, straw wattles, or

equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the ocean; (2) equipment washing, refueling, and/or servicing shall take place at least 100 feet from the coastal waters. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

- iv. The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
  - v. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
2. Post-Development Runoff Plan. The Post-Development Runoff Plan shall, at a minimum, include the following:
- i. Quantification of impervious surface area, including any changes in impervious area.
  - ii. Identification of pollutants potentially generated and hydrologic characterization, including direction and location of runoff.
  - iii. Description of Low Impact Development strategies including protection and restoration of natural hydrological features; preservation and enhancement of non-invasive vegetation; maintaining or enhancing on-site filtration; minimizing impervious surfaces; disconnecting impervious surfaces from storm drain system.
  - iv. Use of alternative BMPs where on-site filtration is not feasible including use of green roofs; directing runoff to off-site infiltration facility; harvesting rooftop runoff for use that drains to sanitary sewer system.
  - v. Identification of all post-development structural BMPs, stormwater conveyances and discharges, structures, and pavements, including calculations for sizing BMPs using design storm standard.
  - vi. Use of source control BMPs in all development. BMP installation or implementation schedule.
  - vii. Description of BMP management including operations and maintenance, inspection, and training.

### 23.90.160 Scenic Resources

- A. In order to enhance public views and the scenic qualities of the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable Land Use Plan Scenic Resources policies and the following requirements.
- B. Applications for Development in Scenic Areas. The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:
1. Site-specific Visual Analysis. At a minimum, the visual analysis shall include the following:
    - i. A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before and after public views of and towards the ocean.
    - ii. Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.
    - iii. Documentation to confirm that the proposed height is not significantly greater (i.e., more than 25 percent) than the heights of existing buildings within 150 feet of the proposed structure.
    - iv. Story poles and netting showing proposed ridgelines must be installed no later than project notices are posted, and remaining until appeals periods have passed and final actions rendered (including staying in place through Coastal Commission appeals if necessary). Visual simulations may also be required to help identify potential visual impacts.
    - v. When tree limbs are proposed for removal, ribbons showing the location of the removal must be installed.
    - vi. Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the City's overall architectural character and do not cause the project to stand out from surrounding built and natural features.
  2. Exterior Lighting Plan. Where exterior lighting is proposed, a plan showing the location, types, and intensity of the proposed lights is required. At a minimum, the exterior lighting plan must include the following:
    - i. Lighting that is designed to minimize light spill into natural areas by using cut-off fixtures, directing light to the ground, and not flooding the site with light.
    - ii. Lighting that is minimally visible from coastal beaches and bluffs, and off-shore locations.
    - iii. Lighting that uses cut-off, shielded, or downward fixtures (i.e., the bulb is not directly visible) and is restricted to 60 watts (incandescent) or equivalent (15 watt fluorescent or 7.5 watt LED)
    - iv. Lighting that does not blink or flash unless required for navigation, safety, or similar purposes.
    - v. Unless shielded from the coast by buildings or vegetation, trail lighting that is mounted on bollards no greater than 4 feet tall and with the lighting shielded from the coast.
    - vi. Anti-reflective window glazing, awnings, or other anti-glare methods on south- and west-facing elevations and those elevations visible from public view points.
  3. Landscaping Plan. For projects that include landscaping that may impact public views, a plan showing the type, location, and mature height of all trees and shrubs shall be required. At a minimum, the Landscaping Plan must include the following:
    - i. Landscaping maintenance requirements that ensure, during both the growing stage and at maturity, plantings will not significantly encroach into a public view corridor or significantly obstruct public views to and of the ocean and shoreline areas.

- ii. New plantings adjacent to public areas from which ocean views are available are designed to preserve those public views. Hedge plantings must not exceed 3 feet in height, and shrubs shall be spaced or clustered to enhance views.
- iii. Trees that contribute to the scenic coastal character are retained, including trees along the shoreline and at Asilomar Conference Grounds. If removed, for example, due to disease or for public safety, these trees shall be replaced with an appropriate native species.
- iv. Where development will occur within a forested area, a reforestation plan and/or tree protection plan to ensure appropriate tree replacement or protection from damage.
- v. Landscaping that blends into the natural surroundings to the greatest extent.
- vi. Landscaping with plants native to the general region and selected for tolerance of drought and compatibility with the natural landscape, with an exception to allow Magic Carpet rosy ice plant (*Drosanthemum floribundum*) at Perkins Park.

### **23.90.170 Biological Resources and/or Environmentally Sensitive Habitat Areas**

- A. In order to protect biological resources in the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable Land Use Plan Biological Resources and/or Environmentally Sensitive Habitat Area (ESHA) policies and standards and the following requirements.
- B. Applications for Development potentially affecting biological resources and/or ESHA.
  - 1. Initial Site Assessment. The applicant shall submit an initial site assessment with CDP applications potentially affecting biological resources and/or ESHA to determine whether the site may contain such resources. The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the LCP's biological resource maps in Figure 5. Maps can be used as a resource for identification of biological resource areas; however, absence of mapping cannot alone be considered absence of resource, and local site conditions must be examined at the time of coastal permit application using the best available science.
  - 2. Biological Assessment. If the initial site assessment reveals the potential presence of ESHA within 100 feet of any portion of the proposed development, a biological assessment conducted by a qualified biologist shall be required. The City may require independent peer review of a biological assessment prepared by an applicant, at the applicant's expense. At a minimum, the biological assessment shall include the following:
    - i. Date of site visit(s), description of study methods, and description of the biological conditions observed on the site and in the surrounding area;
    - ii. Discussion of potential for occurrence of and map identifying the location of any special-status species, including all species included within United States Fish and Wildlife Service Endangered Species lists and programs, California Department of Fish and Wildlife's California Natural Diversity Database, and/or the California Native Plant Society Inventory of Rare and Endangered Plants on both the site, as well as within the 8 surrounding quadrangles of the United States Geological Survey quadrangle in which the site is located;
    - iii. List of dominant plant species on the parcel, including location, species, girth, height, and condition of protected trees;
    - iv. Description of natural features, plant communities, wildlife habitats, and special environmental features of the site or region, and assessment of special-status natural communities; wetlands, and wildlife movement corridors found on the site or potentially affected by the project;
    - v. Discussion of potential adverse impacts of proposed project's on biological resources;

- vi. Recommendations for further biological surveys, if deemed to be necessary for state and/or federal regulatory compliance; and
    - vii. Recommended mitigation, minimization, 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. Construction Mitigation and Monitoring Plan. A construction mitigation and monitoring plan shall be required for all development projects that, according to a biological assessment, may have the potential to adversely impact biological resources during construction. Based upon site specific resources, the construction mitigation and monitoring plan may require the following: preconstruction biological surveys; biological monitors; preconstruction worker education; limitations on staging and stockpile areas; appropriate buffers and temporary protective barriers; seasonal restrictions; and any other requirement necessary to protect biological resources.
- C. Applications for Development in the Asilomar Dunes Residential Area. In addition to the Biological Assessment and Construction Mitigation and Monitoring Plan described above, the following documentation and requirements shall be provided for all CDP applications within the Asilomar Dunes Residential Area:
  1. Land Survey. A site survey conducted by a licensed professional land surveyor to confirm the size of the lot. The survey shall also document coverage calculations for the Primary Coverage Area, Outdoor Use Area, and protected dune area. All coverage calculations shall be provided and broken down by classification and accompanied by a site plan illustration keyed to each sub-type in closed polygon format.
  2. Dune Restoration Plan. The Dune Restoration Plan shall provide for dune and related habitat enhancement for all areas outside the Residential Coverage Area, including on any City right-of-way adjacent to the project site. The dune restoration plan shall include:
    - i. Final contours of the site, after project grading, necessary to support dune restoration and development screening, shall be identified.
    - ii. Landscape and irrigation parameters that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance. All plants used on site shall be native species from local stock appropriate to the Asilomar Dunes planning area. Non-native and invasive plant species shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All plant materials shall be selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The restoration plan shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas. All restored areas shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition
    - iii. All required plantings shall be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the restoration plan.
    - iv. Installation of all plants shall be completed prior to occupancy of the residence. At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently on the recommendation of the biologist, to identify and correct any restoration and maintenance issues.
    - v. Five years from the date of initial planting under the restoration plan, and every ten years thereafter, the Permittee or her successors in interest shall submit a restoration

monitoring report prepared by a qualified specialist that certifies that the on-site restoration is in conformance with the approved restoration plan, along with photographic documentation of plant species and plant coverage.

- vi. If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified in the restoration plan, the Permittee, or her successors in interest, shall submit a revised or supplemental restoration plan for review and approval. The revised restoration plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.
3. Grading Plan. A grading plan shall be required for all projects that include grading. The plan shall limit all grading activities to the Residential Coverage Area described in Section D(b) and any areas necessary to complete septic removal and sewer installation with one exception: sand to be excavated to accommodate the development may be placed outside of the Residential Coverage Area, pursuant to the approved dune restoration plan described in Section (D)(c) above, in a manner that replicates surrounding natural dune forms, provided that it is free of impurities or previously imported soil or fill material. The grading plan shall be accompanied by a determination by a qualified biologist or landscape professional that the placement of sand or changes to existing site contours outside of the Residential Coverage Area, will support and enhance the restoration of natural habitat values, including avoiding direct impacts to sensitive plants. Any excess sands not used in conjunction with the native habitat restoration shall be made available for use within the Asilomar Dunes area of Pacific Grove.
4. Post-Construction Runoff. A post-construction runoff plan, as described in Section 23.90.150 above, shall be completed in conjunction with the Dune Restoration Plan described in Section (D)(c) above and the project biologist to determine the best suited location for percolation pits and drain systems to avoid any adverse impacts on native dune restoration activities.
5. Offsite Dune Habitat Restoration Requirement. An offsite dune habitat restoration plan shall be required for any project that includes new dune coverage. The offsite dune habitat restoration plan shall provide for restoration of dune habitat within the Asilomar Dunes system at the ratio of 2:1 mitigation. In lieu of providing for restoration of offsite dune habitat, the plan may be submitted with evidence that a dune restoration payment has been deposited into an interest-bearing account to be established and managed by one of the following entities: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation, for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. The amount of the payment shall be equivalent to the current cost of dune restoration on a per square-foot basis. All of the funds and any accrued interest shall be used for the above-stated purpose within ten years of the funds being deposited into the account. Any portion of the funds that remains after ten years shall be donated to one or more of the State Parks units located in the vicinity of the Monterey peninsula, for the purpose of restoring and maintaining dune habitat.

### **23.90.180 Community Design**

- A. Objectives. In order to protect and maintain the City's unique natural setting and character, to promote orderly development, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable LUP Community Design policies and the following design standards. All standards (including with respect to height, setbacks, density, coverage, etc.) shall be interpreted as maximums (or minimums) that shall be reduced (or increased as applicable) to protect and enhance such resources and meet LCP objectives to the maximum extent feasible. Protection of coastal resources shall be a priority in all City actions and decisions, and development must conform to all applicable LCP policies

related to hazards, water and marine resources, scenic resources, biological resources and environmentally sensitive habitat areas, cultural resources, and public access and recreation in addition to the following community design requirements.

- B. **Community Character Assessment.** The applicant shall submit an assessment of the development proposal showing its characteristics in relation to the character of the existing surrounding and nearby built and natural environment. Where the assessment indicates that the proposed project is potentially out of character with the surrounding or nearby environment, the applicant shall provide an expanded assessment that extends out at least to all parcels within at least 150 feet of the project site. The expanded assessment shall include any relevant information deemed necessary by the City to determine whether the proposed development is consistent with community character, which may include an evaluation and comparison of building heights, square footage, setbacks, lighting, lot coverage, landscaping, open space, or other features of the built and natural environment on parcels within 150 feet of the project site, or further if required by the City. All such assessments shall include a discussion of a range of design alternatives that could be utilized to achieve consistency with established community character in the area.
- C. **Residential Design Standards.** In addition to all other applicable LCP policies, the following design standards for development within Low Density Residential, Medium Density Residential, Medium Density Residential Mobile Home Park, and Medium High Density Residential LUP land use designations (excluding the Asilomar Dunes Residential Area) shall apply:
- a. **Coverage.** Building and other site coverage shall be limited to the degree necessary to enhance public views, maintain adequate open space to preserve small-scale visual landscapes, protect water quality (including by limiting impervious surfaces), and maintain community character, including through requirements for compact design, pervious materials, and maximized landscaping and open space. In no case shall building coverage exceed 50 percent of total lot area, and in no case shall site coverage exceed 60 percent of total lot area.
  - b. **Heights and Articulation.** Building and other structure heights shall be limited to the degree necessary to enhance public views, maintain pedestrian scale, and maintain community character. In no case shall building and other structures exceed 25 feet as measured from existing natural grade, and all such heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are predominantly maintained or enhanced. For development that fronts on and/or is visible from Ocean View Boulevard or the Recreational Trail, story step-backs and building articulation shall be required to ensure that buildings and other structures do not dominate blue water ocean views, do not domineer over the public space, and do not appear as large flat planes.
  - c. **Off-Street Parking.** Off-street parking spaces shall be required in the number necessary to ensure that residential parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity. In any case, for lots 2,700 square feet or greater, no less than two off-street parking spaces shall be required. For lots less than 1,800 square feet, off-street parking requirements may be waived so long as residential parking needs do not conflict with parking for public coastal access.
  - d. **Setbacks.** Setbacks from streets and property lines shall be applied in a manner designed to enhance public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character. For lots fronting Ocean View Boulevard, in no case shall front setbacks be less than 15 feet. For all other lots, in no case shall front setbacks be less than 8 feet.

- e. Other. Residential development shall be sited and designed to enhance public views and maintain community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.
- D. Asilomar Dunes Residential Area Design Standards. In addition to all other applicable LCP policies, the following design standards for development within the LUP's Asilomar Dunes Residential Area shall apply:
- a. Primary Coverage Area. Primary Coverage Areas shall be reduced to the degree necessary to protect sensitive habitat areas and/or other coastal resources. In no case shall the Primary Coverage Area exceed 15 percent of the total lot area. For purposes of calculating the Primary Coverage Area, residential buildings, garages, driveways, patios, decks, paths, stepping stones and any other feature that covers dune areas shall count as coverage. For cantilevered structures and eaves, coverage shall include all dune areas directly below the cantilevered structure or eave. For stepping stones and similar pathways, coverage shall include all dune areas between stones/steppers (i.e., as if the stones were a continuous path) and shall be calculated as 3 feet wide unless the stones/steppers are actually wider, in which case the wider distance shall be used. Dune areas that are entirely enclosed or surrounded on three sides by development shall count as coverage. Any other area of dune that is not completely covered, but committed to non-dune use through siting and design of proposed development, shall also count as coverage.
  - b. Outdoor Use Area. Outdoor Use Areas shall be reduced to the degree necessary to protect sensitive habitat areas and/or other coastal resources. The Outdoor Use Area shall be limited to a maximum of 500 square feet per lot; shall be located immediately contiguous to the Primary Coverage Area; and shall be otherwise sited and designed to maximize dune protection on and off the site. The only purpose of the Outdoor Use Area shall be to provide an area of open dune within which typical outdoor residential activities can take place (e.g., BBQs, lounge chairs, etc.). The Outdoor Use Area may include a perimeter fence, provided that such fencing shall be limited to a maximum of six feet in height as measured from grade and shall be visually unobtrusive. The Outdoor Use Area may be increased above the 500 square-foot maximum if the Primary Coverage Area is reduced an equivalent amount.
  - c. Dune Restoration Area. All portions of the lot outside the Primary Coverage and Outdoor Use Areas shall be restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration/enhancement and protection. All dune restoration, enhancement, and protection areas shall be covered by both a dune restoration, enhancement and protection plan prepared by a qualified dune restoration professional, as well as a deed restriction or other similar legal restriction adhering to the property (i.e., a conservation easement, etc.) designed to limit allowed development, use, and activities to that associated with dune restoration, enhancement and protection.
  - d. Heights and Articulation. Building and other structure heights shall be limited to the degree necessary to enhance public views of the dunes and ocean, maintain pedestrian scale, and maintain Asilomar Dunes character. Development that would be visible from Sunset Drive shall not exceed 18 feet in height above existing natural grade, and shall be designed to appear as one story from Sunset Drive. Development on all other parcels shall not exceed 25 feet in height above existing natural grade, and may be designed to appear as one or two stories, as long as impacts to public dune views are minimized to the maximum degree feasible.
  - e. Off-Street Parking. Off-street parking spaces shall be required in the number necessary to ensure that residential parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Factors to consider when determining off-street parking requirements include

- the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity. In any case, all such off-street parking shall only be accommodated within an enclosed and attached garage, and driveways shall be sited and designed to provide as direct of access to the garage as possible, and not to provide for occasional or longer term parking needs.
- f. **Setbacks.** Setbacks from streets and property lines shall be applied in a manner designed to enhance public views of the dunes and ocean, maintain pedestrian scale, and maintain Asilomar Dunes character. All such setbacks shall take into account development on adjacent properties and shall be applied in a manner that maximizes dune contiguity overall. Setbacks shall be increased to the degree necessary to protect dunes and sensitive species, enhance public views, maintain open space, and be compatible with Asilomar Dunes character. Development shall be set back from Sunset Drive at least 75 feet, with the exception of driveways and mailboxes/address signs, which shall be sited and designed to limit their visibility as much as possible. For all other development, in no case shall street setbacks be less than 15 feet.
  - g. **Accessory Structures.** Detached accessory structures (e.g., garages, carports, sheds, gazebos, etc.) are prohibited; all accessory structures must be attached to and/or be a part of the main residence.
  - h. **Subdivisions.** In order to maintain existing low densities necessary to protect coastal scenic and habitat resources, subdivisions shall be prohibited.
  - i. **Other.** Asilomar Dunes residential development shall be sited and designed to enhance public views of the dunes and ocean, maintain pedestrian scale, and maintain Asilomar Dunes character, including through siting and design that respects dune landforms, quality design, architectural articulation (including varied offsets and projections), low-slung structures that are subordinate to the dune setting and aesthetic, quality exterior materials, and dune restoration and enhancement that respects and emphasize open space and the natural setting.
- E. **Visitor Commercial and Sunset Service Commercial Design Standards.** In addition to all other applicable LCP policies, the following design standards for development within Visitor Serving and Sunset Service Commercial LUP land use designations shall apply:
- a. **Coverage.** Building and other site coverages shall be limited to the degree necessary to enhance public views, maintain adequate open space to preserve small-scale visual landscapes, protect water quality (including by limiting impervious surfaces), and maintain community character, including through requirements for compact design, pervious materials, and maximized landscaping and open space. In no case shall site coverage exceed 90 percent of total lot area.
  - b. **Heights and Articulation.** Building and other structure heights shall be limited to the degree necessary to enhance public views, maintain pedestrian scale, and maintain community character. In no case shall building and other structures exceed 40 feet as measured from existing natural grade, and all such heights shall be reduced as necessary to ensure to the maximum extent feasible that existing blue water views from public vantage points are predominantly maintained or enhanced. For development that fronts on and/or is visible from Ocean View Boulevard or the Recreational Trail, story step-backs and building articulation shall be required to ensure that buildings and other structures do not dominate blue water ocean views, do not domineer over the public space, and do not appear as large flat planes. Within the Sunset Service Commercial area, heights shall be reduced as necessary to avoid structures silhouetting above the tree canopy.
  - c. **Off-street Parking.** Off-street parking spaces shall be required in the number necessary to ensure that both customer and employee parking needs are provided on-site and do not conflict with public coastal

- access parking needs. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity.
- d. **Setbacks.** Setbacks from streets and property lines shall be applied in a manner designed to enhance public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character. In no case shall front setbacks be less than 8 feet.
  - e. **Public Access.** Development within the Sunset Service Commercial district shall ensure that existing public accessways are retained and enhanced with appropriate public access signage and amenities.
  - f. **Other.** All development shall be sited and designed to enhance public views and maintain community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.
- F. **Visitor Accommodation Design Standards.** In addition to all other applicable LCP policies, the following design standards for development within Visitor Accommodation LUP land use designation shall apply:
- a. **Coverage.** Building and other site coverages shall be limited to the degree necessary to enhance public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, protect water quality (including by limiting impervious surfaces), and maintain community character, including through requirements for compact design, pervious materials, and maximized landscaping and open space. In no case shall site coverage exceed 90 percent of total lot area.
  - b. **Heights and Articulation.** Building and other structure heights shall be limited to the degree necessary to enhance public views, maintain pedestrian scale, and maintain community character. In no case shall building and other structures exceed 40 feet as measured from existing natural grade, and all such heights shall be reduced as necessary to ensure to the maximum extent feasible that existing blue water views from public vantage points are predominantly maintained or enhanced. For development that fronts on and/or is visible from Ocean View Boulevard or the Recreational Trail, story step-backs and building articulation shall be required to ensure that buildings and other structures do not dominate blue water ocean views, do not domineer over the public space, and do not appear as large flat planes.
  - c. **Off-street Parking.** Off-street parking spaces shall be required in the number necessary to ensure that both guest and employee parking needs are provided on-site and do not conflict within public coastal access parking needs. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity. In no case shall less than one off-street parking space per four guest rooms be required.
  - d. **Setbacks.** Setbacks from streets and property lines shall applied in a manner designed to enhance public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character. In no case shall front setbacks be less than 8 feet.
  - e. **Other.** All development shall be sited and designed to enhance public views and maintain community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.

- f. American Tin Cannery Site. In addition to the standards in subsections a-e above, the following additional design standards apply to the American Tin Cannery Site located seaward of Sloat Avenue between Eardley Avenue and Dewey Avenue:
- i. Coverage. Site coverage may only be allowed up to 90 percent of the total site area if the project includes extensive public amenities (e.g., restrooms, information displays, seating areas, public access improvements on- and off-site, etc.) beyond that which is required by the LCP for other reasons. Otherwise, site coverage shall not exceed 80 percent of the total lot area.
  - ii. Lower-Cost Visitor Accommodations. At least 25% of any overnight units shall be provided and designated as lower-cost units (i.e., rates equal to or lower than the average daily peak rate (generally July and August) of hotels and motels within Monterey County that are below the average daily rates of hotels and motels across the entire State of California, if applicable, or rates equal to or lower than the average daily rates of hotels and motels across the entire State of California; whichever is less), where such requirement may also be satisfied off-site provided such units are located a similar distance from shoreline amenities and/or through in payment of a mitigation fee adequate to allow for such units and associated amenities to be developed (including land purchase and construction costs).
- G. Open Space Recreational Design Standards. In addition to all other applicable LCP policies, the following design standards for development within the Ocean View Boulevard and Sunset Drive right-of-ways, and the Open Space Recreational and Open Space Institutional LUP land use designations shall apply:
- a. Structures and Coverage. Structures and coverage shall be minimized and allowed only for development that enhances public access and recreational uses or is necessary to provide essential public services. Commercial uses shall be restricted to existing or restored structures without the construction of new structures or the expansion of existing structures. All development shall stay within areas of existing coverage to the maximum extent feasible and shall be sited and designed to enhance public views, protect public views to and along the ocean, maintain and enhance open space, limit impervious surfaces, and maintain community character. Utility and related infrastructure shall be sited underground if possible, and shall be screened from view and otherwise camouflaged if unavoidably sited above-ground.
  - b. Heights and Articulation. Building and other structure heights shall be limited to the degree necessary to enhance public views, maintain pedestrian scale, and maintain community character. In no case shall the height of new structures exceed 25 feet.
  - c. Public Access. Development shall be sited and designed to ensure that public access to public lands and the Pacific Ocean is maximized as much as possible, and restrictions on access shall only be considered when required to protect access areas, including associated native flora and fauna, from overuse. Any allowable restrictions on public access shall be minimized and shall be offset (e.g., through opening up additional access areas) to the maximum extent possible.
  - d. Public Parking. Development shall be sited and designed to maintain or enhance public parking, including the number of available public parking spaces, to the maximum extent feasible.
  - e. Landscaping. Development shall minimize the removal of existing native vegetation, and shall provide for landscaping improvements that include removal of non-native and/or invasive species, and plantings of noninvasive native plants in a manner sited and designed to enhance coastal habitats and public views.

- f. Other. All development shall be sited and designed to enhance public views and maintain community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.
- g. Design Standards for Asilomar Conference Grounds and Asilomar State Beach. The general standards listed above in subsection a-f above are not applicable. The following specific standards for development apply within the Asilomar Conference Grounds and Asilomar State Beach:
  - 1. Coverage. Building and other site coverage within the Asilomar Conference Grounds and Asilomar State Beach shall be minimized to the maximum extent feasible. All new and expanded facilities shall be restricted to existing areas of coverage if possible, and where not possible shall be located outside of the most sensitive areas. New coverage areas shall not be located further seaward than the general edge of the existing main developed areas at Asilomar Conference Grounds (e.g., the general seaward edge roughly running along the Grand Cypress Meadow, Parking Lot L, and the Surf, Sand, Seascape, and Sanderling buildings). All areas of new coverage shall be offset on at least a 3:1 basis by the removal and restoration of areas of existing coverage elsewhere within the Asilomar Conference Grounds and/or State Beach and/or elsewhere within the Asilomar Dunes area, with a preference for locations as near as possible to the area of impact unless other areas would provide more resource improvement overall (e.g., due to restoration priorities, contiguity with other resource areas, coordination with other restoration efforts, etc). Where such restoration does not fully mitigate the impact and there are no other appropriate areas to restore, the requirement may be addressed through proportionate contributions to the City's Environmental Assessment Fund provided such funds are used for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area. All development shall be limited to the degree necessary to protect dunes and sensitive species, enhance public views (including public views to and along the ocean and shoreline), maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain site and Asilomar Dunes character.
  - 2. Heights. Building and other structure heights shall be limited as necessary to enhance public views, maintain pedestrian scale, and be consistent with site and Asilomar Dunes character. In no case shall the height of new buildings exceed 25 feet. Restored, replacement, or expanded buildings shall be limited to existing building heights. Maximum building heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are maintained or enhanced as much as possible.
  - 3. Parking. Development shall be required to maintain or enhance public parking, including the number of available spaces, to the maximum extent feasible. Reductions in parking shall only be approved if it is determined that adequate parking is provided in other locations within the Conference Grounds.
  - 4. Public Access. Development shall be sited and designed to ensure that existing public access and recreation areas remain open and available to the public unless limitations on such access is necessary to protect dunes and the habitat of rare and endangered species from overuse.
  - 5. Landscaping. Development shall minimize the removal of existing native vegetation and forest. Development shall provide for landscaping improvements that include removal of non-native and invasive species, and plantings of noninvasive native plants, including plantings of nursery stock pine trees grown from site-specific stock.

6. Other. All development shall be sited and designed to enhance public views of the dunes and ocean, maintain pedestrian scale, and maintain Asilomar Dunes character, including through siting and design that respects dune landforms, quality design, architectural articulation (including varied offsets and projections), low-slung structures that are subordinate to the dune setting and aesthetic, quality exterior materials, and dune restoration and enhancement that respects and emphasize open space and the natural setting.
7. Management Plan. State Parks shall coordinate with the City and other stakeholders (e.g., Coastal Commission, Monterey County, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Fish and Wildlife, the California State Lands Commission, Pebble Beach Company, etc.) to develop a comprehensive management plan to guide future use, management, and development of the Asilomar Conference Grounds and Asilomar State Beach. The management plan shall develop options for addressing coastal hazards, preserving historic structures, restoring and protecting native forest and dune habitat, removing and controlling nonnative and/or invasive vegetation utilizing integrated pest management methods, and enhancing and maximizing public access and recreational opportunities on the site.
- h. Design Standards for Hopkins Marine Station. The general standards listed above in subsection a-f above are not applicable. The following specific standards for development apply within the Hopkins Marine Station located seaward of Ocean View Boulevard between Eardley Avenue and Third Street shall apply:
  1. Coverage. Building and other coverage within Hopkins Marine Station shall be limited to the degree necessary to enhance public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, protect water quality (including by limiting impervious surfaces), and maintain community character, including through requirements for compact design, pervious materials, and maximized landscaping and open space. All new and expanded facilities shall be restricted to existing areas of coverage if possible, and where not possible shall be located inland of the existing main developed areas and outside of the most sensitive areas. New coverage shall be offset on at least a 1:1 basis with the removal of coverage and restoration of those areas elsewhere within Hopkins Marine Station. All development shall be limited to the degree necessary to protect sensitive species, enhance public views, maintain adequate open space to preserve small-scale visual landscape, and maintain site and community character.
  2. Heights and Articulation. Building and other structure heights shall be limited to the degree necessary to enhance public views, protect public views to and along the ocean and shoreline, maintain pedestrian scale, and maintain site and community character. In no case shall buildings and other structures exceed 25 feet as measured from existing natural grade, and all such heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are predominantly maintained or enhanced as much as possible.
  3. Off-street Parking. Off-street parking spaces shall be required in the number necessary to ensure that parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Development shall be required to maintain existing on-site parking spaces, and reductions in on-site parking shall only be approved if it is determined that adequate parking is provided in other locations within Hopkins Marine Station, and such reductions do not impact public parking spaces off-site.

4. **Setbacks.** Setbacks shall be applied in a manner designed to enhance public views, protect public views to and along the ocean, avoid hazardous areas, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain site and community character.
5. **Public Access.** Significant development (e.g. replacement of 50% or more of existing development on the site on an individual or cumulative basis or construction of substantial new structures) shall be required to provide enhanced vertical, lateral, and/or visual public access. Enhanced lateral and vertical access includes providing a means for the general public to access the immediate shoreline in a way that maximizes public utility. Enhanced visual access includes removal of the existing chain-link property line fence along Ocean View Boulevard and other visual barriers to the shoreline and ocean, and, if some form of fencing/barrier is found to be necessary, replacement with one that is low-profile and can blend seamlessly into the surrounding viewshed.
6. **Landscaping.** Development shall minimize the removal of existing native vegetation. Development shall provide for landscaping improvements that include removal of nonnative and/or invasive species, and plantings of noninvasive native plants.
7. **Other.** All development shall be sited and designed to enhance public views of the shoreline and ocean, maintain pedestrian scale, and maintain site and community character, including through siting and design that respects the natural landforms, quality design, architectural articulation (including varied offsets and projections), low-slung structures that are subordinate to the shoreline setting and aesthetic, quality exterior materials, and other means that respects and emphasize open space and the natural setting.
8. **Management Plan.** Hopkins Marine Station shall coordinate with the City and other stakeholders (e.g., Coastal Commission, City of Monterey, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Fish and Wildlife, the California State Lands Commission, Monterey Bay Aquarium, etc.) to develop a comprehensive management plan to guide future use, management and development of the entire site. The management plan shall develop options to address coastal hazards, to restore and protect native habitat, to remove and control nonnative and/or invasive vegetation utilizing integrated pest management methods, and to provide increased and enhanced public vertical, lateral, and visual access to the site, shoreline and ocean.

### **23.90.190 Land Uses and Designations**

- A. In order to protect priority land uses as defined by the Coastal Act, including recreation and visitor-serving and coastal-dependent uses for both Pacific Grove residents and visitors, development shall conform with all applicable Land Use Plan Land Uses and Designations policies and standards.

### **23.90.200 Cultural Resources**

- A. In order to protect the City's archaeological and historic resources, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable LUP Cultural Resources policies and the following requirements.
- B. Applications for Development Potentially Affecting Cultural Resources. The following documentation and requirements shall be provided for all coastal permit applications that may impact Cultural Resources:

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- a. Archeological Report. Due to the archeological sensitivity of the entire Pacific Grove Coastal Zone, an archeological report for projects that include soil disturbance shall be prepared by a qualified archeologist prior to approval of the project. Landscaping that does not involve construction of structures or changes to the site contours greater than 1 foot, is exempt from this requirement. At a minimum, the archeological report shall include the following:
    - i. Site information including location, parcel number, address, owner, applicant, parcel size, location of structures or improvements, and applicable maps;
    - ii. Review of relevant scientific literature or past archeological reports describing archeological resources on the site or on adjacent lands;
    - iii. Searches of the California Historical Resources Information System and Native American Heritage Commission Sacred Lands File;
    - iv. Documentation of consultation with appropriate tribes as required by state law;
    - v. Date and findings of a preliminary archaeological reconnaissance;
    - vi. Discussion of potential adverse impacts on archaeological resources;
    - vii. Recommendations for further archaeological surveys, if deemed to be necessary; and
    - viii. Recommended mitigation, minimization, and/or avoidance measures to compensate for potential impacts to significant archeological resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the archaeological resources on the site and alternative design impacts compare to those of the project.
  - b. Historic Resources Report. For new projects that include demolition or alterations to potential historical resources, a Historical Assessment Report prepared by a qualified professional is required prior to approval of the project. The lead author must meet the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) in history or architectural history. At a minimum, the Historical Assessment Report shall include the following:
    - i. Detailed description of the historical resources at the project site.
    - ii. Discussion of potential adverse impacts on historical resources from the project.
    - iii. Recommended mitigation, minimization, and/or avoidance measures to protect historical resources, including description of alternative designs for the proposed project (if any are proposed) and how alternative designs relate to the historical resources on the site and alternative design impacts compare to those of the project

### **23.90.210 Public Infrastructure.**

- A. In order to protect and provide public infrastructure within the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable Land Use Plan Public Infrastructure policies and the following requirements.
- B. Applications for Development potentially Affecting Public Infrastructure. The following documentation and requirements shall be provided for the following applications:
  - a. Water Supply and Conservation Plan. For projects that will cause an increase in water use over existing uses, a Water Supply and Conservation Plan is required. At a minimum, the plan must include the following:
    - i. Documentation confirming that the development will be served by an adequate existing water allocation and sustainable long-term water supply.
    - ii. Water conservation plan that maximizes the use of water conservation fixtures, equipment, and landscaping. Water conservation features may include, but are not limited to, high-efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, on-demand hot water

- heaters, high-efficiency low-flow toilets, xeriscape landscaping, drought tolerant plants, and reclaimed water and captured storm water for irrigation,
- b. Temporary Traffic Handling Plan. For public works and private construction projects that result in reduction of traffic capacity during peak summer months, for more than 1 week, or for special events that result in an increase in traffic of 25 percent or more over average hourly traffic volumes, a temporary traffic handling plan is required. At a minimum, the plan must include the following:
    - i. Identification, timing, and duration of all traffic, parking, and pedestrian walkway closures.
    - ii. Identification of alternative routes for vehicular and pedestrian traffic. The plan shall ensure that public access to coast and adequate public parking is maintained.
    - iii. For special events that result in an increase in traffic of more than 35 percent over average hourly traffic volumes, the plan shall include shuttles from off-site parking areas and bicycle parking services.

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

- A. In order to protect the public's access to the Coastal Zone including for recreation, views, and appreciation and study of the natural environment, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform with all applicable Land Use Plan Parks, Recreation, and Public Access policies and the following requirements.
- B. Applications for Development potentially affecting public access. The following documentation and requirements shall be provided for the following applications:
  - a. Paid Public Parking Program. The establishment of a paid public parking program or changes to an existing program (e.g. changes in hours, locations, rates, etc.) shall require a CDP. At a minimum, applications must include the following:
    - i. Identification of the location, hours, and rates of paid public parking.
    - ii. Analysis of potential impacts of paid parking on coastal access; including the availability of free parking at other locations coastal locations, alternative access opportunities such as bike lanes and public transit.
    - iii. Establishment of a dedicated fund where all parking fees will be held and utilized solely to improve and enhance coastal access and recreation opportunities.
  - b. Temporary Public Access Impacts. Development that has the potential to temporarily impacts coastal access, including construction impacts or the temporary placement of any sign that could reduce public coastal access, shall require a CDP and development of a Public Access Management Plan. At a minimum, the plan must include the following:
    - i. Identification of the locations, times, and types of closures and/or limitations to existing public access and/or recreational opportunities.
    - ii. Documentation regarding the necessity of any closures and/or limitations (e.g. avoid
    - iii. Mitigation measures to avoid and/or limit impacts to public access including avoidance of peak use times (typically weekends and Memorial Day to Labor Day), minimizing road and trail closures by using phased construction schedules and use of private areas for staging, and providing alternative access through the creation of temporary accessways or placement of alternative access signage.
    - iv. Temporary events shall also include additional strategies to avoid impacts to public parking and access, including use of traffic handlers, parking attendants, shuttles from off-site locations, bike valet programs, and/or directional/parking signs.
  - c. Permanent Public Access Impacts. Development that has the potential to permanently impact coastal access, including in terms of limitations of use hours, limitations on particular recreational activities, or increased traffic leading to impacts to public access use of the City's circulation system, shall require development of a Public Access Management Plan. At a minimum, the plan must include the following:

- i. Identification of the locations, times, and types of all closures and/or limitations to existing public access and/or recreational opportunities.
- ii. Documentation regarding the necessity of any closures and/or limitations (e.g. avoid overuse, protect biological resources, maintain water quality, etc.).
- iii. Analysis of potential impacts to coastal access; including the availability of alternative access and recreation opportunities at other coastal locations.
- iv. Mitigation measures to avoid and/or offset impacts to public access, including providing additional and/or enhanced public access improvements in other locations and/or additional low-cost recreational opportunities.
- v. Private development projects (e.g. visitor serving development) shall provide for public access enhancements and improvements both on and off-site as much as possible.

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**Appendices**

- Appendix A Final Background Report – Pacific Grove Local Coastal Program Update
- Appendix B Final City of Pacific Grove Climate Change Vulnerability Assessment
- Appendix C Coastal Parks Plan

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**1.0**

**INTRODUCTION**

**1.1 PACIFIC GROVE LAND USE PLAN**

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

The Local Coastal Program governs land use and development in the Pacific Grove Coastal Zone. However, before that can occur, the California Coastal Commission must certify that this Land Use Plan conforms to the requirements of Chapter 3 of the California Coastal Act and that the accompanying Implementation Plan conforms with, and carries out the provisions of the Land Use Plan. After the certifications occur, the adopted and certified Local Coastal Program becomes the legally binding standard of review for issuing Coastal Development Permits for

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development within most of the Pacific Grove Coastal Zone. It also becomes the coastal element of the Pacific Grove General Plan.

Pacific Grove's Coastal Zone is comprised of approximately 458 acres of land as shown on Figure 1: Coastal Zone and Planning Areas and extends sea ward to the State's outer limit of jurisdiction. With minor exceptions, development within that zone requires issuance of a Coastal Development Permit. Development includes activities such as the construction of buildings, divisions of land, and activities that change the intensity of land use or public access to coastal waters. The Coastal Act can be found at §30000 et seq. of the California Public Resources Code.

The Coastal Commission certified the predecessor of this Land Use Plan, Pacific Grove's 1989 Coastal Land Use Plan; however, Pacific Grove never finalized or received certification of an Implementation Plan. Therefore, the City lacked a completed Local Coastal Program, and jurisdiction over Pacific Grove's Coastal Zone remained with the Coastal Commission.

## 1.2 CALIFORNIA COASTAL ACT

Until 1972, land use in the California coastal area was regulated by local governments under the provisions of State Planning and Zoning Law, the same way that land use outside the Coastal Zone is still regulated. However, the general election of November 1972 changed that when California voters approved a ballot initiative known as Proposition 20 ("The Coastal Initiative"), establishing the California Coastal Commission and six regional commissions. The charge of these commissions was to manage the Coastal Zone as a resource of statewide interest through the exercise of permit authority. Concurrently, the commissions were to prepare a comprehensive Coastal Plan "to preserve, protect, and where possible, to restore the resources of the Coastal Zone for the enjoyment of the current and succeeding generations." The Coastal Plan, completed in late 1975, served as the basis for permanent coastal legislation.

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

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- a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
- b) Assure orderly, balanced utilization and conservation of the Coastal Zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast, and maximize public recreation opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Ensure priority for coastal-dependent development and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

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Figure 1: Coastal Zone and Planning Areas



0 1800 feet

**Legend**

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

Source: City of Pacific Grove, Google Earth 2013

**Coastal Zone and Planning Areas**

City of Pacific Grove Land Use Plan

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

### 1.3 PACIFIC GROVE LOCAL COASTAL PROGRAM

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

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

#### 1.3.1 Land Use Plan

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

. . . relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location,

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and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions. (Public Resources Code §30108.5)

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



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

### 1.3.2 Implementation Plan/Zoning Ordinance

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

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

The Implementation Plan includes relevant portions of the zoning code applicable to the Coastal Zone and other programs needed to carry out the goals, policies, and land use designations of the Land Use Plan. The document lists allowable land uses for each zoning district, implements appropriate height, mass, and setback requirements for development, and specifies the coastal resources protection standards that allowable development must meet, all of which must be based upon Land Use Plan policies. The Implementation Plan also contains zoning maps that show which zoning rules apply to each lot. In addition, it contains procedural requirements that govern the types of projects requiring a Coastal Development Permit, how a Coastal

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Development Permit can be obtained, and the opportunities for public participation in Coastal Development Permit review. The City of Pacific Grove's Implementation Plan is found in Chapter 23.90 of the Pacific Grove Municipal Code.

### 1.3.3 Coastal Parks Plan

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

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



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

*Photo by Jean Anton 2015*

## 1.4 LAND USE PLAN ORGANIZATION AND SUPPORTING DOCUMENTS

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

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- Natural Systems and Resource Management
- Built Environment

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

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

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

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

1. When used in the Land Use Plan, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory;
2. “Should” and “may” are mandatory, unless there is a compelling reason to do otherwise; and

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3. “Including” means “. . . including but not limited to. . .”

## 1.5 RELATIONSHIP OF THE LOCAL COASTAL PROGRAM TO OTHER PLANS AND LAWS

The Local Coastal Program is an element of the Pacific Grove General Plan. Additionally, any interpretation of its policies must be consistent with the coastal resources planning and management policies of the Coastal Act.

Within the Coastal Zone area of the City, the Local Coastal Program shall take precedence over the General Plan and its other elements where policies conflict. When the Local Coastal Program is silent, such as concerning the subject of noise, appropriate elements of the General Plan are in force. In reviewing or carrying out projects outside the Coastal Zone, the City will consider the effect of such projects or actions on Coastal Zone resources in order to ensure that the policies of the Local Coastal Program are achieved.

### 1.5.1 Citizen Initiatives Affecting Planning

Several provisions have become part of the City’s Zoning Ordinance through the initiative process that affect the Coastal Zone. Many initiatives have been passed since 1948 that restrict certain types of multiple-unit developments, the development of motels and hotels, the use of George Washington Park, and the rezoning of land zoned either Unclassified “U” or Open Space “O”. Citizen initiatives affect the O, U, R-3-M and C-V-ATC zoning district within the Coastal Zone.

## 1.6 RELATIONSHIP OF CITIZEN VOLUNTEER GROUPS TO THIS LAND USE PLAN

Since its founding in 1875 as a seaside resort, Pacific Grove has been a city of citizen volunteers dedicated to protection and maintenance of the unique natural and developed resources in the Coastal Zone. The Pacific Grove Natural History Museum, established in 1883, is renowned for its tradition of hands-on science education and nature preservation for the central coast of California. The Heritage Society of Pacific Grove, formed in 1975 fosters an appreciation of the city’s historical and architectural resources through preservation activities and public education.

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Citizen volunteers serve on the City's boards, committees and commissions, often with coastal stewardship as a goal. Below are a few recent examples:

### 1.6.1 Monitoring Birdlife

Citizen volunteers assist in carrying out the Coastal Act goal of maintaining and restoring the overall quality of the Coastal Zone environment. This includes a multi-year project of monitoring Black Oystercatchers, a keystone species and indicator of the overall health of the rocky intertidal community. Black Oystercatchers are shorebirds that are dependent on rocky intertidal shorelines, and they inhabit Pacific Grove's intertidal zone. They have nesting territories along the full length of the coastline, and are permanent residents during the entire year with no regular migration. Black Oystercatchers nest on rocky islands falling under the jurisdiction of the Bureau of Land Management, and also on the shore-side rocky coast within the City's jurisdiction, where they are impacted by human use and potential rising sea levels.

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

### 1.6.2 Marine Mammals

Pacific Grove's location at the southwest tip of Monterey Bay provides the opportunity to observe a variety of resident and migratory marine mammals from the shoreline or from boats. Humpback whales, Gray whales, dolphins, Southern sea otters, sea lions and Harbor seals are the most common sightings. Blue whales and Orcas also visit the area waters. A year-round colony of Harbor seals located at a pocket beach and cover on the southwest side of Cabrillo Point, the site of Hopkins Marine Station, is one of the most popular natural marine resources.

Volunteers assist in educating and informing the public about the harbor seals. The thousands of residents and visitors who hike and bicycle on Pacific Grove's shoreline recreation trail

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encounter volunteer members from Bay Net, a volunteer group started by the Monterey Bay National Marine Sanctuary in 1995. These volunteers deepen public understanding by explaining harbor seals hauling out activity and pupping on the beaches, particularly the rookery adjoining Hopkins Marine Station. About 15 Bay Net member volunteers are active at any one time. They advance the Coastal Act goal of an educated and informed citizenry that protects the Coastal Zone's finite natural resources.

### 1.6.3 Point Pinos Lighthouse

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

### 1.6.4 Monitoring Water Quality

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

### 1.6.5. Intertidal Zone Monitoring

Pacific Grove's rocky intertidal areas with their tide pools, and the offshore kelp forests, are among the most diverse and species-rich habitats in the world. They have been protected here since the City's first marine refuge was created in 1931, and State Marine Protected Areas now

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extend along the entire Coastline within the city boundaries. The rocky intertidal areas are popular for both recreational exploration and scientific research. Students in the Hopkins Marine Station's Marine Life Observatory program study and monitor marine life all along Pacific Grove's coast. The Pacific Grove Museum of Natural History coordinates a citizen science program, LiMPETS (Long-term Monitoring Program and Experiential Training for Students), that provides hands-on monitoring experiences empowering middle and high school students and teachers as ocean stewards while tracking changes along the coast. In addition, students and researchers at the University of California, Santa Cruz's PISCO program (Partnership for Interdisciplinary Studies of Coastal Oceans) now monitor both the rocky intertidal and the kelp forests of Pacific Grove.



*The Black Oystercatcher is a charismatic bird that feeds and nests on the shores of Pacific Grove. Pairs establish territories that they defend vigorously. Pacific Grove citizen volunteers monitor their nesting success after being trained in a program coordinated by the Pacific Grove Museum of Natural History.*

*Photo by Kim Worrell*

## 1.7 FORMER PACIFIC GROVE MAYOR JULIA PLATT THE EMBODIMENT OF THE SPIRIT OF THIS LAND USE PLAN

Pacific Grove is proud to carry on the legacy of Dr. Julia Platt, a legacy that goes back to 1899 when Dr. Platt arrived in Pacific Grove. Dr. Platt, then 42 years old, settled in Pacific Grove and worked tirelessly to improve the community by beautifying and providing access to the City's coast and protecting it from commercial overfishing and pollution. She opened up Lovers Point beach to the public, established Lovers Point Park, and provided the still unused plans for a park on the shore of Ocean View Boulevard between Asilomar and Acropolis Avenues. Her plan is included in the 2012 Point Pinos Trail Project. The plan was created by volunteer members of the Coastal Trail Improvement Subcommittee of the Pacific Grove Recreation Board, Historic Resources Committee, and Traffic Safety Commission.

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

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

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



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

*From Monterey Public Library, History Room Archive.*

### 1.8 PACIFIC GROVE COASTAL ZONE

For Coastal Act purposes, the Coastal Zone is the geographic area which the policies of the Coastal Act apply. It is defined by Public Resources Code §30103 and is shown on a set of maps prepared and certified by the California Coastal Commission. The Coastal Zone extends landward a variable distance, depending on topography, and other factors, and changes to its boundary are made only by the state legislature, except for certain minor adjustments.

Pacific Grove's Coastal Zone encompasses approximately 458 acres of land, and the adjacent waters of Monterey Bay and the Pacific Ocean extending seaward to the State's outer limit of jurisdiction, as shown in Figure 1: Coastal Zone and Planning Areas. It extends approximately

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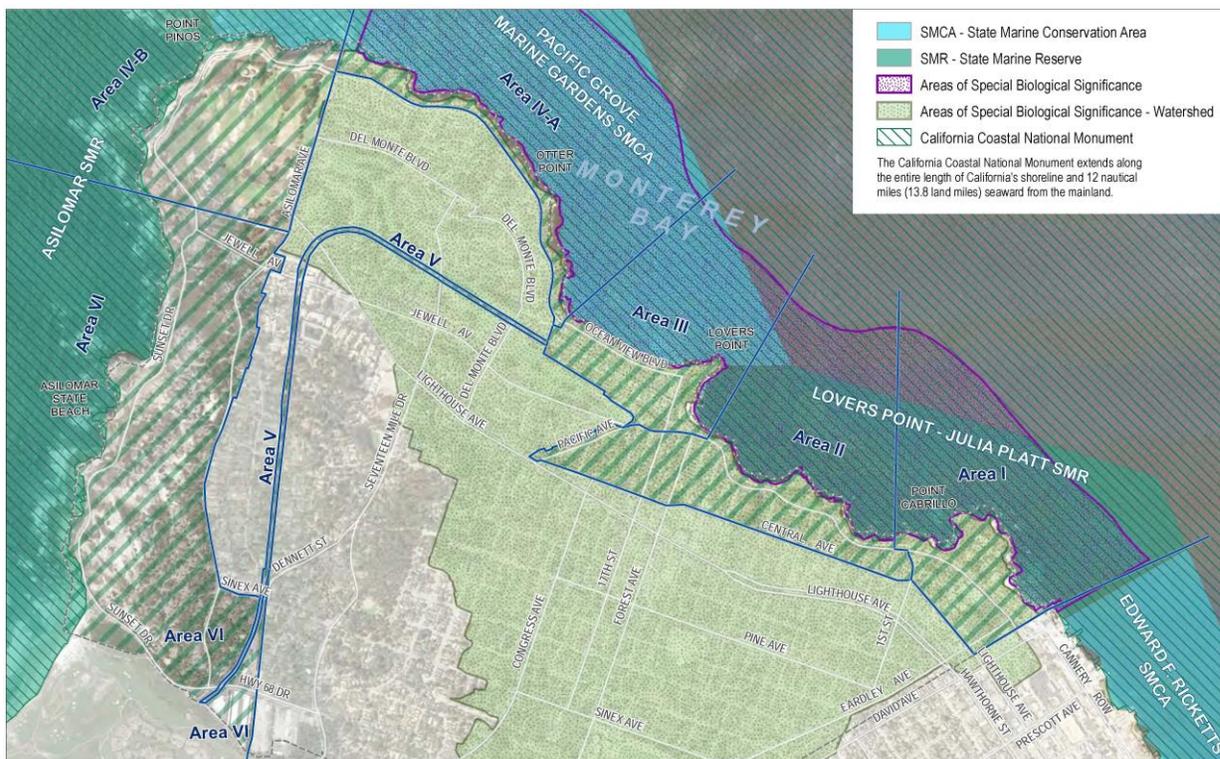
5.4 miles along the shoreline from the Monterey Bay Aquarium located at the City's northeastern city limits abutting the City of Monterey, to the City's southwestern city limits abutting the Del Monte Forest area, including the community of Pebble Beach, located in unincorporated Monterey County. Pacific Grove's Coastal Zone was historically much larger, but, in 1979 the California legislature removed approximately 300 acres from Pacific Grove's Coastal Zone in the area known as the Beach Tract (see Public Resources Code §30160 (e)).

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

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

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Figure 2: Protected Areas



SMCA - State Marine Conservation Area  
 SMR - State Marine Reserve  
 Areas of Special Biological Significance  
 Areas of Special Biological Significance - Watershed  
 California Coastal National Monument  
 The California Coastal National Monument extends along the entire length of California's shoreline and 12 nautical miles (13.8 land miles) seaward from the mainland.



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

Source: City of Pacific Grove, Google Earth 2013

Protected Areas  
 City of Pacific Grove Land Use Plan

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

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

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

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

### 1.9 COASTAL DEVELOPMENT PERMITS

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

#### [Review and Appellate Authority](#)

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The permitting process under a certified Local Coastal Program will enable the City to issue Coastal Development Permits per review authority procedures developed as a part of the Implementation Plan. The Coastal Commission maintains appellate authority in certain areas and for certain types of development. In general, the Coastal Commission requires that all opportunities for local appeal be exhausted, prior to filing an appeal with the Coastal Commission. If a City charges an appeals fee an appellant may file an appeal directly with the Coastal Commission.

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

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

### 1.10 TERMINOLOGY USED IN THE LAND USE PLAN

The following terms are used in this Land Use Plan:

- **Armor:** To fortify a 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. The term soft armoring refers to a non-permanent, relatively short-term armoring (e.g., temporary sand bags, vegetated berms).
- **Best Management Practices (BMPs):** The methods, measures, and practices selected and designed to reduce or eliminate pollutants in storm water runoff, and/or to minimize changes in runoff flow characteristics resulting from development.

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- **Clustered development:** The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.
- **Coastal Act:** The California Coastal Act of 1976, California Public Resources Code §30000 et seq., as amended.
- **Coastal Dependent Use:** Any development, or use that requires a site on, or adjacent to, the ocean to function.
- **Coastal hazard:** Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, coastal flooding, landslides, bluff and geologic instability, and the interaction of same, and all as impacted by sea level rise.
- **Coastal Development Permit:** A permit granted for development undertaken on land or in water in the Coastal Zone in compliance with the California Coastal Act and the Local Coastal Program, and which authorizes development of a specific use on a specific site when found to be consistent with the policies and standards of the Local Coastal Program (and Coastal Act if applicable), subject to compliance with any conditions of approval imposed on the permit.
- **Coastal resources:** A general term used to refer to those resources addressed in Chapter 3 of the California Coastal Act, including the ocean, beaches, wetlands, agricultural lands, and other coastal habitats; certain types of coastal development; public access and recreation opportunities; cultural, archaeological, and paleontological resources; and scenic and visual resources. Coastal resources also include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), lower cost visitor serving facilities (including lower cost accommodations), coastal-dependent and coastal-related uses, public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.), and their related corridors, water bodies (e.g. wetlands, estuaries, lakes, etc.), and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands and archeological and paleontological resources.
- **Coastal Zone:** That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than

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1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with §66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

- **Designated:** Officially assigned a specified status or ascribed a specified name or quality to.
- **Development:** The term “development” is defined in the Coastal Act and is synonymous with “new development.” The term is broadly defined to include (among others) proposed construction of buildings, or divisions of land. Specifically, in compliance with Public Resources Code §30106, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access to water; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. See also “Redevelopment.”
- **Environmentally Sensitive Habitat Area (ESHA):** Any area of land or water in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resource Code §30107.5).
- **Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- **Implementation Plan (IP):** Includes land use zoning and other implementing ordinances that conform with and carry out the Land Use Plan. Effective zoning ordinances and procedures ensure that the objectives of the Land Use Plan are achieved.
- **Land Use:** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.
- **Land Use Plan (LUP):** The Land Use Plan is defined as the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to

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indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Public Resource Code §30108.5)

- **Local Coastal Program (LCP):** An LCP is defined as “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level” (Public Resource Code §30108.6)
- **Major energy facility:** Any energy facility as defined by Public Resources Code §30107 and Title 14 California Code of Regulations Section 13012, and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.
- **Major public works project:** Any public works project as defined by Public Resources Code Section 30114 and Title 14 California Code of Regulations §13012 and exceeding one hundred thousand dollars in estimated cost of construction with annual increases in accordance with the Engineering News Record Construction Cost Index.
- **Major structural components:** The components that hold a structure upright, including the foundation, floor framing, exterior wall framing and roof framing of a structure.
- **Major vegetation:** All Gowen Cypress regardless of size; Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, Monterey Pine six (6) inches or greater in trunk diameter measured 54 inches above grade.
- **Non-conforming structure/use (legal non-conforming structure/use):** A structure or use that was legally permitted in conformance with all applicable laws in effect at that time, but does not currently conform with all applicable current Local Coastal Program policies and standards.
- **Pacific Grove Retreat or “Retreat”:** The area located between Pacific Avenue to the west and Dewey Avenue at the east, and north of Central Avenue. The boundaries extend to Lighthouse Avenue beyond the designated Coastal Zone.
- **Public access:** The right or privilege of citizens to visit or view an area or resource.
- **Public Scenic view or public views:** Public views are those as seen from public viewing areas. A public scenic view is a special type of public view that includes those areas identified as scenic areas as mapped on the LCP Land Use Plan maps. See also “Public viewing area” and “scenic vista.”

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- **Public viewing area:** A location along public highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters, including those that provide views of the beach and ocean, coastline, dunes and other unique natural features or areas. See also “Public scenic view” and “Scenic vista.”
- **Redevelopment:** A structure shall be considered redeveloped, whereby the entire structure and all development on the site must be made to conform with all applicable LCP policies, when such development consists of:
  - 1) Alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of the major structural components (including exterior walls, floor and roof structure, and foundation, of such development.
  - 2) Additions and alterations to such development that lead to more than a 50% increase in floor area for the development.

Changes to floor area and individual major structural components are measured cumulatively over time from the date that the LCP’s LUP component first took effect (i.e., June 7, 1989).

- **Scenic Vista:** A viewpoint that provides expansive views of a highly valued landscape. See also “Public scenic view”.
- **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 coastal resources, including scenic qualities and the views of scenic landscapes, and/or biological resources, are considered especially valuable.
- **Shall:** Denotes a requirement that is mandatory whenever the criterion for conformance with the specification requires that there be no deviation.

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- **Shoreline protective device:** A broad term for constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, deep piers/caissons, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from erosion and other hazards. (See also seawall).
- **Should:** Denotes a requirement that is mandatory, unless there is a compelling reason for noncompliance.. When used as an auxiliary verb, it expresses “a conditional or contingent act or state ... or moral obligation.”
- **Significant environmental impact (significant adverse impact on the environment):** A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, 14 California Code of Regulations §15382).
- **Social well-being:** Social well-being is an end state in which basic human needs (water, food, shelter) are met and people are able to coexist peacefully in communities with opportunities for advancement.
- **Special Community:** An area that due to its unique characteristics are an important resource to the community and make the area a popular destination for visitors consistent with the intent of Public Resource Code §30253(e).
- **Tidelands:** All lands which are located between the lines of mean high tide and mean low tide.
- **Wetland:** Defined by §30121 of the Coastal Act as lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. The definition of wetland is further detailed by §13577 (b)(1) of the California Code of Regulations as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****2.0****NATURAL SYSTEMS AND  
RESOURCE MANAGEMENT**

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

1. Coastal Hazards (HAZ);
2. Water and Marine Resources (MAR);
3. Scenic Resources (SCE); and
4. Biological Resources and Environmentally Sensitive Habitat Areas (BIO).

**2.1 COASTAL HAZARDS (HAZ)****2.1.1 Background – Coastal Hazards and Sea Level Rise**

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

Among the most significant natural hazards along the Pacific Grove coastline are large winter storms and waves, and ongoing bluff and shoreline erosion. Impacts associated with storms, waves and erosion have fallen disproportionately on the built environment and natural systems

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at the ocean-land interface. In addition, the Hopkins Marine Station has long been listed as being particularly vulnerable to tsunamis. The City's *2015 Climate Change and Vulnerability Analysis* outlines many of these challenges but indicates that tsunamis have a relatively lower potential for damage to life and property due to the configuration of Monterey Bay and orientation of the Pacific Grove Coastline.

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

The granodiorite rock is sturdy in earthquakes, resists waves, and generally breaks up into sand and gravel rather than mud so the water is clear. The upper portion of the granite is highly weathered and portions are prone to erosion. At depth the granite is less weathered and is very erosion resistant. Pacific Grove's Coastal Zone also includes areas of sand dune on the Asilomar coast, and marine terrace deposits along both the bay and ocean shores. There are rock bluffs consisting of bedrock that is slowly eroding and decomposing, which separates the exposed rocky shore and beaches from the coastal terrace and dune landforms immediately inland. There are also rock outcrops and promontories, boulders, offshore sea stacks, and a string of islets off of point Pinos, all of which contribute to an extraordinarily scenic coastline. The granodiorite erodes very slowly, replenishing the sand supply which is not fed by the littoral drift that disperses into other beaches on the southern shore of Monterey Bay.

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

The exposed granite rock mass at the Pacific Grove shoreline is generally erosion-resistant, except for localized erosion where wave action at faults can break the rock. This fracturing is minimal both on the City's northeast shoreline along Monterey Bay, due to its orientation away from the predominantly northwest direction of the waves; and on the Asilomar coastline along

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the open ocean, due to the many off-shore reefs that dissipate the wave energy. The most rapid erosion along the shoreline has occurred in the natural coastal terrace deposits and midden, and various areas of rock and soil fill. This erosion is caused by a combination of ground squirrel and other animal activities; wave and tidal action; stormwater runoff and heavy pedestrian use has resulted in localized shoreline erosion sometimes affecting trails, parking lots, and even the road. The City has historically sought to remedy this problem through a sea wall construction program and some shoreline armoring. As a result, the natural character of the Bay shoreline within the City has been altered to some extent by shoreline armoring that has been installed between Point Pinos and the Monterey Bay Aquarium at the City’s eastern boundary.

While bluff erosion along the Pacific Grove shoreline has generally been a localized problem, the winter storms of 1982-83 resulted in extensive damage. Riprapping washed out, storm drains were damaged, and parking areas were destroyed by the strong waves from these storms. However, except for riprapping and sea walls which extend east of Point Cabrillo all the way to the eastern boundary of the City, including a portion of the Monterey Bay Aquarium, the immediate shoreline area is used predominately for open space recreational purposes.



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

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

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

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

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

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

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

The best available and most recent scientific information with respect to the effects of long-range sea level rise, including the coastal hazards analysis identified in the *Background Report* and

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

### 2.1.2 Coastal Act Policies – Coastal Hazards and Sea Level Rise

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

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

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

1. Prevent degrading impacts to Environmentally Sensitive Habitat Areas (Public Resources Code §30240);
2. Mitigate adverse impacts to archeological resources (Public Resources Code §30244);

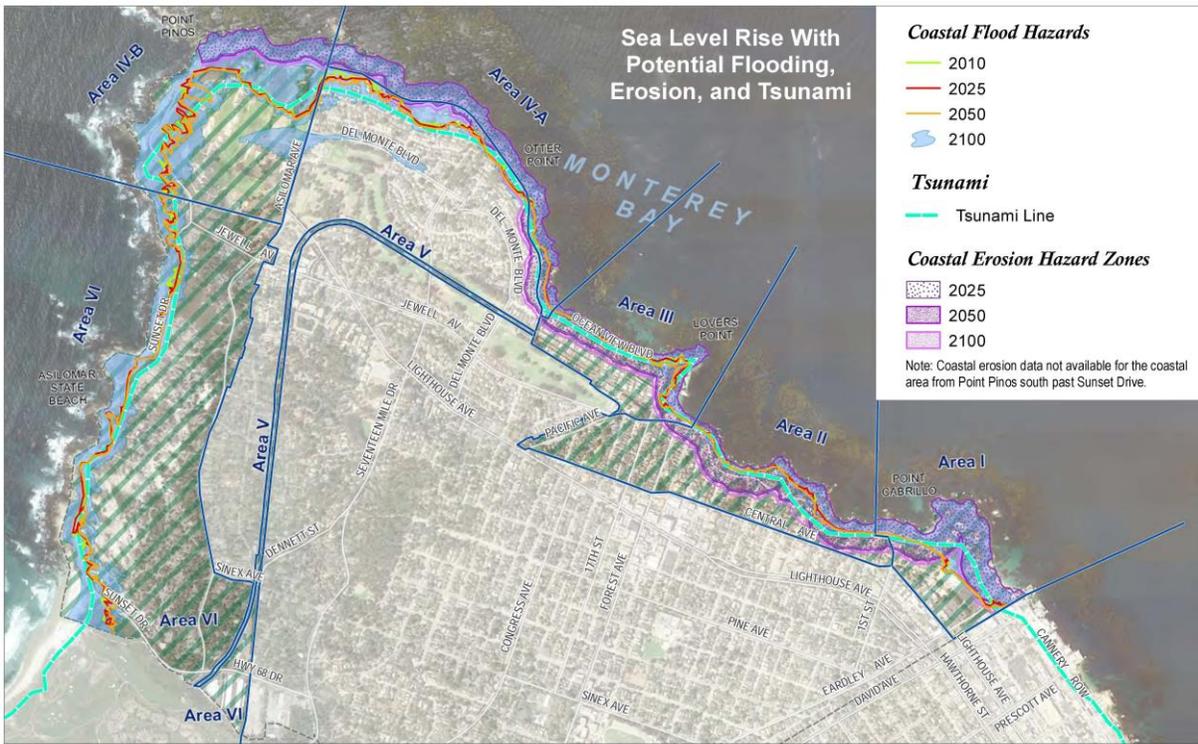
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3. Protect ocean views, minimize the alteration of natural land forms, and be visually compatible with and subordinate to the surrounding character of the area (Public Resources Code §30251); and
4. Provide, and not interfere with, maximum public recreational access to and along the shoreline (Public Resources Code §§30210, 30211 and 30212).

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

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



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

Source: Pacific Institute 2009, City of Pacific Grove, Google Earth 2013

**Areas of Potential Sea Level Rise Hazard**

City of Pacific Grove Land Use Plan

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****2.1.3 General Plan and Other Policies – Coastal Hazards and Sea Level Rise**

The Pacific Grove General Plan commits ocean front lands to open space and recreational uses. The combination of public ownership and existing City policies and ordinances severely limit further structural use of the immediate shoreline area. The effect of the policies and public ownership along the shoreline is to help reduce the risks to life and property from storm and tsunami hazards and bluff erosion. However, certain policy areas, such as the effect of the construction of shoreline protective devices, among others, are not specifically covered by the Pacific Grove General Plan, and require strengthening and further implementation in this Land Use Plan, the Implementation Plan, and the future *Coastal Parks Plan*.

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

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

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



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

- HAZ-1.** The City shall continue to gather information on the effects of sea level rise and other coastal hazards on Pacific Grove's shoreline, including identifying the most

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vulnerable areas, structures, facilities, and resources, specifically areas with priority uses such as public access and recreation resources, Environmentally Sensitive Habitat Areas, and existing and planned sites for public infrastructure. Updates to the LCP, including updates to the Coastal Parks Plan and through any vulnerability assessment, shall use the best available science, including the best available scientific estimates of expected sea level rise and potential resultant impacts. The information gathered should address multiple time frame horizons (e.g., 2025, 2050, and 2100) as well as multiple sea level rise scenarios, as appropriate and feasible.

**HAZ-2.** Based on the information gathered over time per Policy HAZ-1, and/or when the mean high water tidal datum has risen 3 inches on average for an entire year above the National Ocean Service updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge (NOAA Station 9413450) adopted by the National Ocean Service, the City shall evaluate whether additional policies and other actions for inclusion in the Local Coastal Program are necessary in order to better address the impacts of sea level rise and other coastal hazards, particularly those related to erosion.

As applicable, such periodic evaluations may result in Local Coastal Program changes to hazard policies designed to:

- a. require relocation of existing or planned development, including development already protected by shoreline protective devices, to safer locations and restoring shoreline areas to natural conditions if feasible, including working with entities that plan or operate infrastructure;
- b. modify allowable land uses in hazardous areas, and modify siting and design standards for development, to avoid and minimize risks and better protect coastal resources;
- c. better protect wetlands and Environmentally Sensitive Habitat Areas;
- d. update standards for determining erosion rates;
- e. ensure long term protection of the function and connectivity of existing public recreational access facilities and resources; and
- f. require modifications to existing shoreline protective devices to ensure that such devices are meeting current standards and are functioning in a way that has the least impact on coastal resources as possible, including evaluation of possible removal and shoreline restoration.

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- HAZ-3.** The City shall monitor sea level rise and request changes to the Coastal Zone boundary, as appropriate and feasible. The City shall minimize the need for construction of new shoreline protective devices through management and, where necessary, restoration of the coastal park lands, including control of pedestrian use, parking, and ground squirrel and other rodent, vermin, or animal activities.
- HAZ-4.** The City shall maintain a warning system and procedures for protection of life and property in coastal areas that are subject to storm and tsunami hazard, including informing visitors to the shoreline of the potential danger of large waves, and shall coordinate closely with the Monterey County Office of Emergency Services on the implementation and future amendment of the Monterey County Multi-jurisdictional Hazard Mitigation Plan. Development subject to tsunami hazards shall prepare a tsunami preparedness plan that describes evacuation procedures and other protocols for addressing a potential tsunami event.
- HAZ-5.** The City should coordinate planning and management of the coastal park lands with adjacent jurisdictions and other public agencies such as the City of Monterey, Monterey County, State Water Resources Control Board, National Oceanic and Atmospheric Association (Monterey Bay Sanctuary), Bureau of Land Management (California Coastal National Monument), the California Department of Parks and Recreation, the California Department of Fish and Wildlife, the United States Coast Guard, and the California State Lands Commission, which has decision-making authority on policies that affect land below the mean high tide line. The City should also coordinate planning and management of the coastal park lands on its downcoast borders with the Pebble Beach Company and other large private landowners, where feasible.
- HAZ-6.** The Coastal Parks Plan, when updated and approved by the Coastal Commission as an amendment to the Local Coastal Program, shall function as a tool to help implement coastal protections, maximize public access, and protect coastal resources along the City's shoreline. The City shall prepare a sea level rise adaptation program in coordination with relevant local, regional, and/or state agencies for the purpose of protecting coastal resources, as well as coastal circulation and utility infrastructure as part of the Coastal Parks Plan update. The sea level rise adaptation program shall address the need to protect coastal resources, maximize public access, and maintain adequate evacuation routes. Possible adaptation strategies could include but are not limited to:
1. Require existing or planned development, including development already protected by shoreline protective devices, to relocate to safer locations within

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the Coastal Zone, and restore shoreline areas to natural conditions if feasible, including working with entities that plan or operate infrastructure;

2. Modify land uses allowed in hazardous areas, and modify siting and design standards for development, in order to avoid and minimize risks and better protect coastal resources;
3. Protection of wetlands and Environmentally Sensitive Habitat Area;
4. Update standards for determining erosion rates;
5. Realignment and elevation to ensure long term protection of the function and connectivity of existing public access and recreation resources; and
6. Require modifications to existing shoreline protective devices to ensure that such devices are meeting current standards and are functioning in a way that has the least impact on coastal resources as possible, including evaluation of possible removal and shoreline restoration

The Coastal Parks Plan may be amended from time to time, as appropriate, by the City Council, and adopted by the Coastal Commission through the Local Coastal Program amendment process.

- HAZ-7.** The City shall strive to minimize erosion of the shoreline by directing people to use public access pathways and stairways. The City shall coordinate public recreation and access points with the Bureau of Land Management to ensure that public access use is designed to mitigate adverse impacts to the California Coastal National Monument and its geological, biological, cultural, and visual resources.
- HAZ-8.** Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in critical danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.
- HAZ-9.** Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in

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relation to sea level rise, over the life of the development. Development shall be prohibited from using or requiring shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, and piers/caisson foundation systems) at any point during the development's life. As a condition of approval for all coastal development that at some point during its lifetime may be subject to coastal hazards the Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazards, acknowledging that shoreline protective devices are prohibited to protect such development, waiving any right that may exist to construct such devices, and agreeing to remove threatened development and restore affected areas if necessary in the future subject to the requirement to prepare a removal and restoration plan, all of which shall also be added as conditions of any approval.

- HAZ-10.** Public recreational access facilities (e.g., public parks, trails, and paths), public infrastructure (e.g., public roads, sidewalks, and public utilities), and coastal-dependent development (any development or use that requires a site on, or adjacent to, the sea to be able to function such as Hopkins Marine Station) shall be sited and designed in such a way as to limit potential impacts to coastal resources over their lifetime. See also Policy HAZ-15.

In addition, whenever possible, such development shall address existing related facilities and or infrastructure adjacent to the project area, and shall include modifications to such facilities or infrastructure if feasible in order to better protect coastal resources. For example, a public recreational trail project should evaluate whether modifications to related or nearby stormwater or sewer infrastructure are feasible to better address coastal hazards and better protect coastal resources.

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

1. The development shall, to the maximum extent feasible, be sited and designed to be removable without significant damage to shoreline and/or bluff areas.
2. The development shall only be allowed when it will not cause, expand, or accelerate instability of a bluff.

Regardless, no new major critical public infrastructure (e.g., water/wastewater treatment facilities) shall be allowed seaward of Ocean View Boulevard or Sunset Drive. To the maximum extent feasible, existing major critical public infrastructure shall be relocated outside of this area.

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**HAZ-11.** In order to minimize potential damage to life and property from coastal hazards, development and the use of land below the 20-foot elevation (as measured from mean high tide) shall be limited to coastal dependent and coastal related development, open space, low intensity public recreational access facilities and uses, public infrastructure, allowable shoreline armoring and coastal access facilities, and, at Lovers Point, Hopkins Marine Station, and Monterey Bay Aquarium, coastal dependent and coastal related development. Other legally established existing development and uses below the 20-foot elevation may remain, but shall be relocated above the 20-foot elevation (or simply removed) should it become threatened by coastal hazards or should they redevelop.

**HAZ-12.** Development proposed in potential hazard areas, including those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site specific hazards report prepared by a qualified geologist/engineer is required, the purpose of which is to ensure that such development can be built in a manner consistent with applicable Local Coastal Program coastal hazards policies.

Regardless, development proposed in or near potential hazard areas shall conduct a site specific hazards study when the mean high water tidal datum has risen three (3) inches on average for an entire year above the updated 2020 tidal epoch mean high water level at the Monterey Tide Gauge NOAA Station 9413450 adopted by the National Ocean Service. See also Policy HAZ-2 for policy regarding the City's periodic evaluation of Land Use Plan policies related to sea level rise.

**HAZ-13.** The Pacific Grove shoreline is an irreplaceable resource and its preservation as a natural living shoreline is a matter of great public importance. Therefore, the intent of the Local Coastal Program is to ensure that shoreline protective devices and other shoreline altering development are only utilized in very rare situations and only when all coastal resource impacts are appropriately and proportionately mitigated, including consistent with Policies HAZ-14, HAZ-15, HAZ-16, and HAZ-17.

**HAZ-14.** Repair and maintenance of existing legally established shoreline protective devices (including restacking dislodged rock rip-rap in revetments within the approved revetment profile and texturing/contouring a vertical seawall per the approved surface treatment, but not including replacement, augmentation, addition or expansion) shall only be allowed if the shoreline protective device is required to protect public infrastructure, public recreational access facilities, and coastal-dependent development in critical danger from erosion (i.e., when the development

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would be unsafe to use or occupy within two or three years). If it is not so required, then the shoreline protective device shall be removed and the affected area restored. Any such allowable repair and maintenance projects shall include measures to address and mitigate for any coastal resource impacts the device is having, including with respect to public views and public recreational access.

- HAZ-15.** New shoreline protective device development (including replacement, augmentation, addition and expansion associated with an existing device) shall only be allowed where required to protect public recreational facilities (e.g., public parks, trails, and paths), public infrastructure (e.g., public roads, sidewalks, and public utilities), and coastal-dependent development (e.g., certain Hopkins Marine Station development) in critical danger from erosion (i.e., when the development would be unsafe to use or occupy within two or three years). Such devices shall only be utilized if no other feasible, less environmentally damaging alternative, including removal or relocation away from such hazards, beach nourishment, non-structural drainage and native landscape improvements, or other similar non-structural options can be used to address erosion hazards. Such non-structural options shall be used and prioritized wherever possible to protect coastal resources, including coastal habitats, public recreational uses, and public access to the coast.

Where such non-structural options are not feasible in whole or in part, soft structural alternatives (e.g., sand bags, vegetation, etc.) shall be used and prioritized wherever possible before more significant shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, and piers/caisson foundation systems). Shoreline protective devices shall not be constructed to protect non-coastal-dependent private coastal development, or where other measures can adequately mitigate erosion hazards. All construction associated with shoreline protective devices and repair or maintenance or augmentation of existing protection devices shall be designed to eliminate or mitigate adverse impacts to the California Coastal National Monument and its geological, biological, cultural and visual resources.

- HAZ-16.** New shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum extent feasible, including through: eliminating or mitigating all adverse impacts on local shoreline sand supply (including sand and beach area that are lost through the shoreline protective device's physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline would have otherwise naturally eroded, and the loss of sand-generating bluff/shoreline materials that would have entered the sand supply system absent the device); protecting and enhancing public recreational access; protecting and enhancing public views; minimizing alteration of, and being

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visually subordinate to, the natural character of the shoreline; avoiding impacts to archeological resources; and protecting other coastal resources as much as possible. Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

- HAZ-17.** Development that is associated with and/or protected by existing shoreline protective devices shall be required to provide an assessment of the continued efficacy of such devices, including an evaluation of whether the devices can be removed or modified (and affected areas restored to natural conditions) in light of the development proposed (e.g., if the development is being relocated inland) to better protect coastal resources, including critically in terms of public recreational access resources, while still providing necessary coastal hazard protection. If the assessment indicates that they can be so removed or modified, including if the assessment indicates that there is greater coastal resource benefit to removal or modification of the shoreline protective device, then the removal or modification shall be required as a condition of any approval for the development. In all cases, shoreline protective devices shall only be authorized until the time when the qualifying development that is protected by such a device is no longer present and/or no longer requires armoring.

## 2.2 WATER AND MARINE RESOURCES (MAR)

### 2.2.1 Background – Water and Marine Resources

Pacific Grove's water and marine resources include the rocky intertidal and subtidal areas of the coastline interspersed with sandy beaches and coastal bluffs, all of which provide diverse and highly valued public coastal habitats. The City's shoreline includes natural habitats such as beaches, tide pools, rock formations and offshore kelp forests. The rocky intertidal area between the high and low tide lines, as well as the offshore kelp forests and nearshore waters of the Monterey Peninsula, are among the most diverse and species rich of any habitat in the world. This is a result of the conditions along the Pacific Grove coast, including but not limited to early

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morning or late afternoon tides, moderate weather, foggy skies, nutrient-rich upwelling water, hard rock, and coarse sand. Pacific Grove's water and marine resources have attracted the University of California, Berkeley, and Stanford University to establish marine laboratories here in the 19<sup>th</sup> century, and Edward Ricketts, now considered the preeminent marine biologist of his time, to establish his collecting business in Pacific Grove in the early 20<sup>th</sup> century. World class marine biological research continues in Pacific Grove at Stanford Hopkins Marine Station, and the intertidal areas around Point Pinos in particular continue to attract classes from K-12 through colleges and universities. Pacific Grove's intertidal, in fact, is very special and unique to Pacific Grove. American politician and conservationist Julia Platt recognized that when she was mayor in the early 1930s and successfully established the Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Refuge.

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

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

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

In March 2012, the State Water Resources Control Board adopted a statewide General Exception to permit storm water discharges to the Area of Special Biological Significance, with Special Protections. The Pacific Grove Area of Special Biological Significance is one of 34 state-designated Areas of Special Biological Significance in near shore waters along the California coast. Areas of Special Biological Significance are a subset of state water quality protection areas in the ocean along California's coast that require special protection per the *California Marine Managed Areas Improvement Act*. Their protection is promulgated by the State Water Resources Control Board through the *California Ocean Plan*. The *Ocean Plan* prohibits the discharge of waste

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to a designated Area of Special Biological Significance. Special Protections have also been adopted by the State Water Resources Control Board as part of the statewide National Pollutant Discharge Elimination System storm water permit that applies in Pacific Grove. The City is currently working on drafting the compliance plan, which is anticipated for completion in Fall 2016, and must describe how structural and non-structural controls are being implemented to reduce pollutant loads to the Area of Special Biological Significance.

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

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



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

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

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### 2.2.2 Coastal Act Policies – Water and Marine Resources

Coastal Act policies relating to marine resources require that these resources be maintained, enhanced and, where feasible, restored; that areas of special biological significance be given special protection; and that development be sited and designed in such a way as to protect the biological productivity of coastal waters and to maintain healthy populations of species (Public Resources Code §30230 and 30231). Control over specific types of adverse impacts on coastal waters, such as polluted runoff, wastewater discharges, etc., and spillage of hazardous substances is also required (Public Resources Code §30232 and 30233).

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

### 2.2.3 General Plan and Other Policies – Water and Marine Resources

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

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

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

### 2.2.4 Land Use Plan Policies – Water and Marine Resources

Refer also to the Storm Drainage policies in §3.4.8.

**MAR-1.** The City shall continue to work with the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the Bureau of

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Land Management in developing and maintaining a coordinated approach for enforcing federal, state, and local regulations protecting the marine reserves and conservation area, the Sanctuary, California Coastal National Monument, and Areas of Special Biological Significance.

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

**MAR-3.** To reduce the potential for degradation or impairment of water quality, including the Pacific Grove Marine Gardens State Marine Conservation Area and Area of Special Biological Significance, the City shall continue to investigate and implement new measures to reduce potential pollutants in storm water and irrigation runoff and require the following:

- No diking, filling, dredging, or other uses inconsistent with the terms of the grant of tidal protection from the State of California or Coastal Act Policy 30233 shall be allowed in the City's tidelands.
- To the maximum extent feasible, development shall include specific measures to help reduce potential pollutants and water quality impairment, including controlling the disposal of chemicals and hazardous materials, controlling the use of pesticides and herbicides, maintaining existing storm water capture programs, applying low impact development designs and requiring on-site retention and/or reuse of runoff. The City shall utilize ecologically responsible pest control methods and integrated pest management to the extent feasible on public property and encourage this practice on private property.
- Drainage plans and erosion, sediment and pollution control measures shall be required as conditions of approval of every application for new development that has the potential to impair water quality.

Construction phase storm water pollutant controls shall be required for development that has the potential for water quality impairment, including erosion controls, sediment traps and filtering of off-site storm water flows, capture of site-

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generated pollutant sources, street sweeping of dirt tracked off-site, litter control, post-construction monitoring, and other best management practices. Construction-phase water quality impacts shall be avoided by minimizing the disturbed area, phasing grading activities, implementing soil stabilization and pollution prevention measures, and preventing unnecessary soil compaction. ■

Development that has the potential for water quality impairment shall, at a minimum, be designed to meet National Pollutant Discharge Elimination System stormwater runoff requirements.

- MAR-4.** The City should work with the Pacific Grove Natural History Museum, California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, National Oceanic and Atmospheric Administration, and Bureau of Land Management to maintain information and interpretation programs to increase public awareness of the valuable marine resources and habitat in the marine reserves and conservation areas, the Sanctuary, National Monument, and Area of Special Biological Significance.
- MAR-5.** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to species and areas of special biological significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
- MAR-6.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protection riparian habitats, and minimizing alteration of natural streams.
- MAR-7.** Development shall minimize new impervious surfaces, especially impervious areas directly connected to water and marine resources, and, where feasible, increase the area of pervious surfaces in re-development to reduce runoff.
- MAR-8.** Plan, site, and design development in a manner that maintains or enhances on-site infiltration, reduces runoff, minimizes the transport of pollutants in runoff generated from the development, and recharges groundwater. Development shall ensure that

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runoff is appropriately collected, filtered, and treated by Best Management Practices (BMPs) to minimize pollutant loading to the maximum degree feasible.

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



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

## 2.3 SCENIC RESOURCES (SCE)

### 2.3.1 Background – Scenic Resources

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

The City’s scenic resources are publicly visible from not only areas in the City’s Coastal Zone but also from areas on Monterey Bay, across the bay, and from some locations along Highway 1. Few structures exist seaward of Ocean View Boulevard or Sunset Drive, and most of the shoreline is in public ownership with public access provided in many areas by a heavily-used recreation trail along a major portion of the coastline. Pacific Grove’s scenic coastline is a

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significant draw for tourists. [Figure 4: Scenic Areas](#), shows the areas designated by the City as having special scenic significance.

Lighthouse Reservation, Point Pinos Lighthouse, a portion of the city's golf course, and a rocky intertidal shoreline are located west of Asilomar Avenue and north of Lighthouse Avenue. A recreation trail along the shoreline connecting Perkins Point to the east with Asilomar State Beach to the south is in the early development stages. The rocky islets jutting out to the northwest are part of the California Coastal National Monument. They are surrounded with dramatic, algal-covered intertidal rocks, and tidepools that draw visitors from around the world. The Great Tide Pool, made famous by John Steinbeck's "Cannery Row," is on the southwestern corner of Lighthouse Reservation.

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

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

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

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

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*Pacific Grove Coast. Photo credit Doug Brown.*

### 2.3.2 Coastal Act Policies – Scenic Resources

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

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

### 2.3.3 General Plan and Other Policies – Scenic Resources

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

Figure 4, *Scenic Areas*, shows the areas designated by the City as having special scenic significance; however, it is also the policy of the City to consider and protect the visual quality of all scenic areas that are part of the public viewshed, whether designated or not, as a resource of public importance. The portion of Pacific Grove’s Coastal Zone designated scenic includes: all public view areas along Pacific Grove’s shoreline; all areas seaward of Ocean View Boulevard and Sunset Drive as shown on Figure 4, *Scenic Areas*; Lighthouse Reservation lands; Asilomar Conference Ground dune lands visible from Sunset Drive; lands fronting on the east side of

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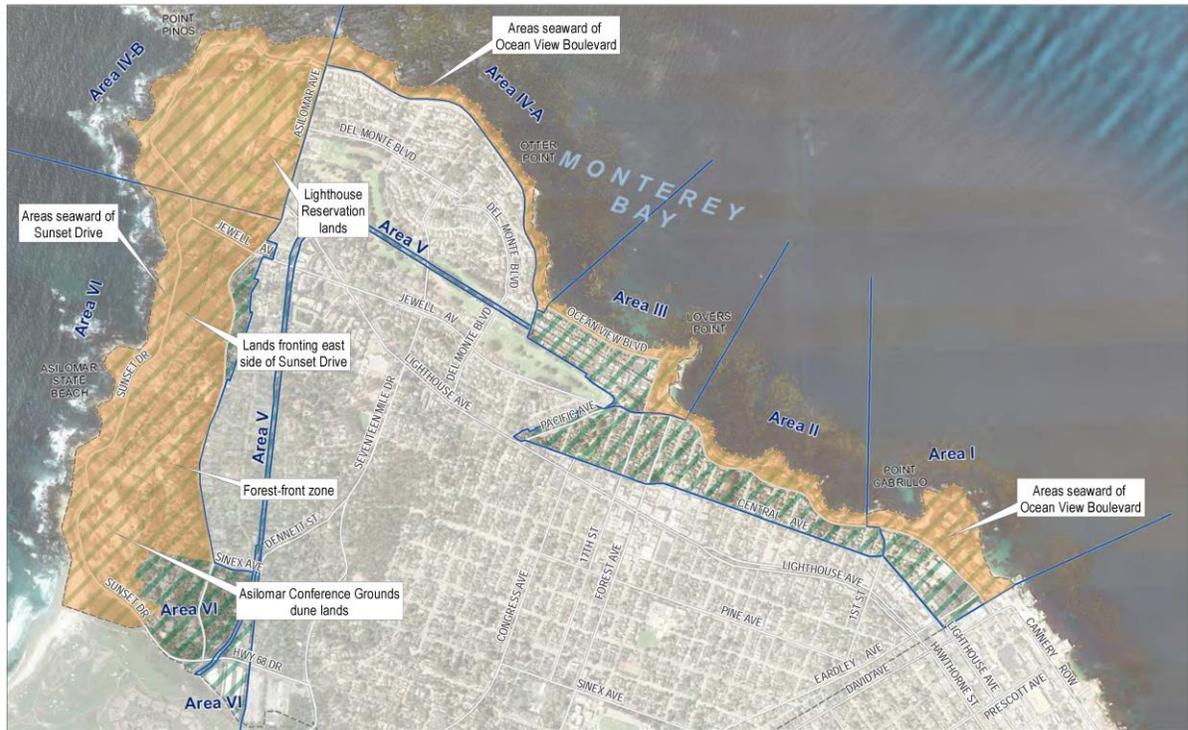
Sunset Drive; the Asilomar Dunes residential area, and the forest-front zone between Asilomar Boulevard and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue).

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

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

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Figure 4: Scenic Areas



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

Source: City of Pacific Grove, Google Earth 2013

Scenic Areas

City of Pacific Grove Land Use Plan

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****Preservation and enhancement of the public coastal views from inland locations;**

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

**2.3.4 Land Use Plan Policies – Scenic Resources**

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

**SCE-1.** Enhancing all public views and the scenic qualities of the Coastal Zone shall be a priority in all City actions and decisions. Development shall only be allowed with a finding that it protects, preserves, and enhances the Coastal Zone’s scenic and visual qualities.

**SCE-2.** Public views to and along the ocean and scenic coastal areas shall be protected and enhanced, and alteration of natural landforms shall be minimized.

**SCE-3.** The portion of Pacific Grove’s Coastal Zone designated as having special scenic significance (i.e. scenic public views) includes all areas designated on Figure 4: Scenic Areas, including: all public view areas along Pacific Grove’s shoreline; areas seaward of Ocean View Boulevard and Sunset Drive; Lighthouse Reservation lands; Asilomar Conference Ground dune lands visible from Sunset Drive; the Asilomar Dunes residential area; lands fronting the east side of Sunset Drive; and the forest-front zone between Asilomar Avenue and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue); and other areas in which future study may support special scenic significance designation. The City shall consider and protect the visual quality of these special scenic areas as a resource of public importance.

**SCE-4.**

In order to protect and enhance visual qualities within scenic public views pursuant to SCE-3, particularly public views of the ocean, additional development standards shall include, but not be limited to, special siting and design criteria including avoiding accessory development such as fences from public view as much as possible, height and story limitations, bulk and scale limitations, screening and

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landscaping requirements, natural materials and color requirements, minimizing lighting that spills into nighttime public views, avoiding glares from windows and reflective surfaces, requirements to prepare landscaping plans utilizing drought tolerant and native plants that protect and enhance scenic resources; minimizing land coverage, grading, and structure height; and maximizing setbacks from adjacent open space areas. Clustering to maximize open space views may also be considered.

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

- SCE-5.** All new utilities shall be located underground or outside of public view.
- SCE-6.** Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect such public views.
- SCE-7.** The City shall encourage redevelopment, rehabilitation, or relocation of existing structures to improve visual appearance and to attract visitors to the City's coastline.
- SCE-8.** Trees that are a visually integral part of the coastline and contribute to the scenic views in the Coastal Zone shall be protected or, when necessary to remove, including due to disease or danger to existing structures, replanted to ensure their continued scenic utility.
- SCE-9.** The scenic native forest within Asilomar Conference Grounds, along Asilomar Avenue, and within the Union Pacific Railroad right-of-way, shall be retained, to the maximum feasible degree, consistent with the uses allowed by the Land Use Plan. Development shall mitigate for any impacts to the native forest, including through a required reforestation plan to propagate and plant seedlings of pine using local seeds to regenerate the pine forest in coordination with Asilomar State Park. In considering potential development projects, siting and design shall be required to minimize to the extent feasible the removal of trees and understory vegetation and damage to soil resources. Siting, design, and land use concepts that minimize removal and damage

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- should be applied and are preferred. Retained trees that are located close to construction areas shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate and necessary to protect the well-being of the retained trees.
- SCE-10.** Permanent open space may be achieved through dedication of scenic conservation easements by property owners or by acquisition of fee title or development rights by the City, another governmental entity, or by a private foundation. Public access, such as designated trails, of these open space areas shall be encouraged if it does not negatively impact habitat or public views. The City encourages assistance from the state or suitable foundations in the acquisition of these important areas.
- SCE-11.** Site location and development of wireless telecommunication facilities shall preserve the visual character and aesthetic values of the site and surrounding land uses and shall not significantly impact public views. Attaching wireless equipment to existing structures, camouflaging, co-location, and undergrounding equipment is encouraged whenever possible. Unless inconsistent with Federal law, wireless telecommunications facilities shall be prohibited seaward of Sunset Drive and Ocean View Boulevard.

## 2.4 BIOLOGICAL RESOURCES AND ENVIRONMENTALLY SENSITIVE HABITAT AREAS (BIO)

### 2.4.1 Background – Biological Resources and Environmentally Sensitive Habitat Areas

#### *Environmentally Sensitive Habitat and Biological Sensitivity*

Coastal Act §30107.5 defines Environmentally Sensitive Habitat Area as “...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” The Pacific Grove Coastal Zone supports a wealth and diversity of environmentally sensitive habitats. Some sensitive habitats receive protection under current laws that guide local, state, and federal agencies. Regulations such as sections of the Fish and Game

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Code, the Federal Migratory Bird Act, the Marine Mammal Protection Act, and the Federal Endangered Species Act of 1973 help to protect sensitive marine resources. Wildlife habitats are protected when located in legally designated areas such as the State's Marine Protected Areas, and rare and endangered plants are singled out for preservation under State and Federal legislation. Examples of such legally designated areas include Areas of Special Biological Significance (ASBS) identified by the State Water Resources Control Board; State Marine Protected Areas; rare and endangered species habitat; all coastal wetlands and lagoons; all marine wildlife haul-outs, breeding and nesting area; education, research and wildlife reserves; near shore reefs; tide pools; sea caves; islets and offshore rocks; kelp forests; indigenous dune plant habitats; riparian habitats Monarch butterfly mass overwintering sites; and forest areas. For coastal land biological resources, Environmentally Sensitive Habitat Area can include several types of sensitive habitats, such as:

- Coastal bluff which provides habitat for species such as Menzies' wallflower (*Erysimum menziesii* and sub-species);
- Coastal sand dunes and sand dune areas such as the Asilomar Dunes, which are themselves a scarce and rare resource and also provide habitat for such species as black legless lizard (*Aniella pulchra nigra*), Menzies' wallflower, Monterey spineflower (*Chorizanthe pungens*), and Tidestrom's lupine (*Lupinus tidestromii*) and other listed species;
- Native Monterey pine forest which includes large stands of trees (often in association with sand dunes, understory species and ground cover of low herbaceous plants) that extend into Pacific Grove from the Del Monte Forest represent one of only four places on earth where such native Monterey pine forest exists, and also provide habitat for such species as Monarch butterfly (*Danaus plexippus*);
- Wetlands and waterways features as defined by Coastal Act §30121, including Majella Slough or the coastal brackish marsh Majella Creek Marsh, which provides valuable riparian habitat within the Asilomar State Beach and Conference Grounds. Crespi Pond is another wetland which supports a significant patch of dense freshwater marsh vegetation dominated by broad-leaved cattail and California bulrush, and which also provides foraging and nesting habitat for local and migratory birds as well as other native species. Crespi Pond is part of the City-designated Lighthouse Reservation and golf course, identified as an area of Scientific and Ecological Significance; and
- Intertidal and subtidal areas including kelp forests which provide habitat for numerous plants, invertebrates, and fishes.

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Other types of Environmentally Sensitive Habitat Areas, that are not yet known, may also be determined within the Coastal Zone based upon new information. For example, the United States Fish and Wildlife Service or California Department of Fish and Wildlife may identify and protect a new species that is dependent upon habitat types found within the Coastal Zone. Environmentally Sensitive Habitat Areas are most likely to be found within the extreme, high, and moderate sensitivity areas identified in [Figure 5, Land Habitat Sensitivity Map](#), which shows the areas of special biological significance. However, Environmentally Sensitive Habitat Areas may be found anywhere in the City, and it is incumbent upon the development review process to provide appropriate means of identifying and protecting such resources, whether known or currently mapped or not. A biological resources study is necessary to verify if habitat in a particular location qualifies as Environmentally Sensitive Habitat Area.

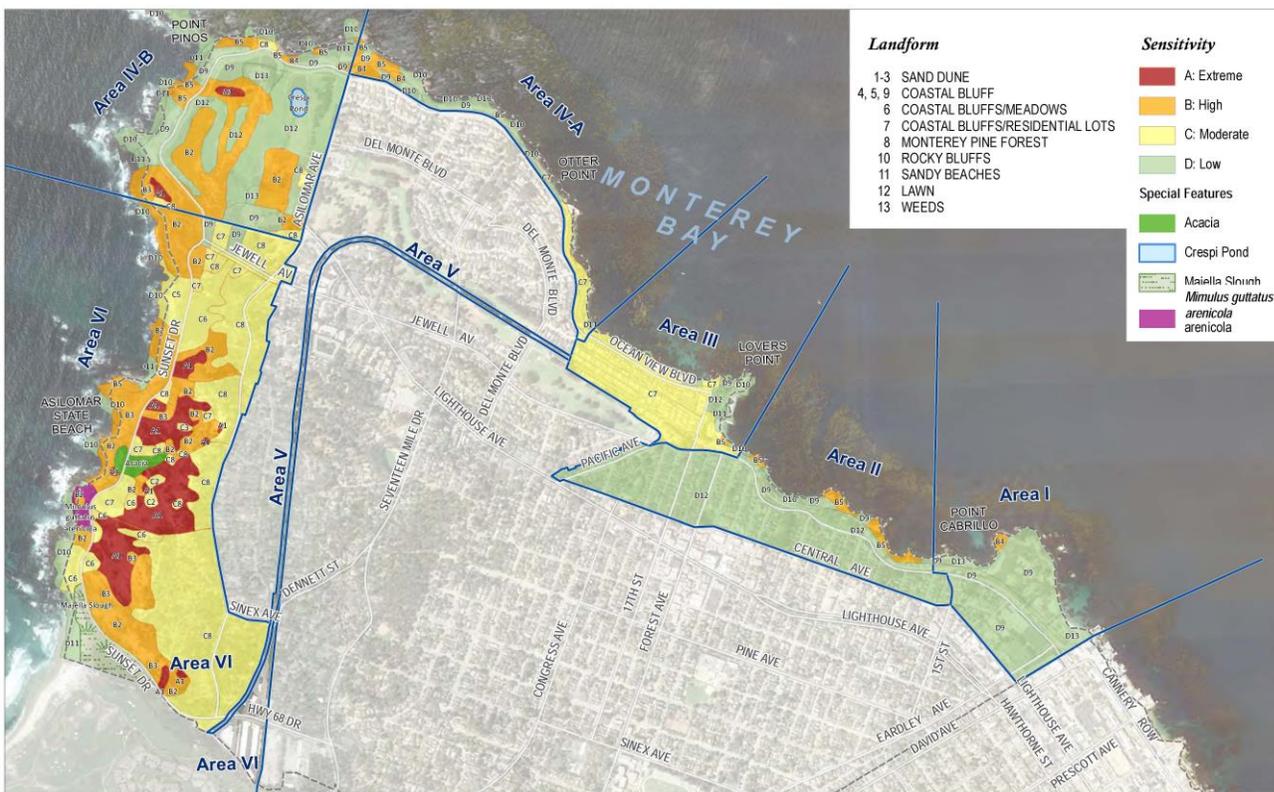
The shoreline pine forest sand dune association and the pine eucalyptus forest provide overwintering habitat of the Monarch butterfly. The principal Monarch butterfly clustering sites in Pacific Grove are located very near, but not within the Coastal Zone, in the vicinity of the Butterfly Grove Inn and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



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

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Figure 5: Land Habitat Sensitivity Map



**Legend**  
 — Planning Area Boundaries  
 □ City of Pacific Grove  
 — Major Roads

Source: City of Pacific Grove, Google Earth 2013

Figure 4  
 Land Habitat Sensitivity Map

City of Pacific Grove Land Use Plan

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

**Asilomar Dunes Residential Area**

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

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

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

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

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY*****Characteristic Flora and Fauna***

The City has several flora and fauna that play a significant part in the visual and cultural identity of the City. Characteristic flora include rosy ice plant (*Drosanthemum floribundum*), and several trees: Monterey pine (*Pinus radiata*), and Monterey cypress (*Cupressus macrocarpa*) and Coast Live Oak (*Quercus agrifolia*). Characteristic fauna include monarch butterflies, black-tailed deer, harbor seals (*Phoca vitulina richardii*), Southern sea otter, Humpback and Gray whale, Brown Pelican, Cormorant (Brandt's, Double-crested and Pelagic) and Black Oystercatcher (*Haematopus bachmani*). Refer to §2.2 of this Land Use Plan for discussion and policies regarding marine resources.

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

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

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

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

The Natural Resources Element states the preservation of open space areas as a principal objective. Natural Resources Element Policy 12 recommends the City develop methods to maintain endangered species within the Asilomar Dunes neighborhood, Asilomar State Beach and Conference Grounds, the lighthouse, the Pacific Grove shoreline, and other appropriate

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areas. The Lighthouse Reservation, Golf Course, and adjacent shoreline areas are owned by the City. The remainder of the immediate shoreline area, with two exceptions of privately owned areas, is park land owned and managed by the California Department of Parks and Recreation.

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



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

### ***Asilomar Dunes Residential Area***

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

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the

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

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

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

Development of a single residence on each existing vacant parcels of record could result in approximately a dozen additional units or new homes in the Asilomar Dunes if these parcels are all legal and are not otherwise put to open space uses such as being acquired by State Parks.

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There are approximately 70 existing single-family residences in the Asilomar Dunes Residential Area now.

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

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

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

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

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

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

*Flora and Fauna*

**BIO-1.** Environmentally Sensitive Habitat Areas, or “ESHAs,” are defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In Pacific Grove these areas include, but are not limited to, dune, wetland, streams, beaches, tidal areas and rookery areas.

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

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

Notwithstanding, one house may be constructed on legal lots of record within the Asilomar Dunes Residential Area provided that the development area is limited in size and located in the portion of the lot that results in the least impact on sensitive habitat.

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

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

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protect the Environmentally Sensitive Habitat Area resource as required by the Local Coastal Program.

- BIO-4.** Preserve and maintain wetlands in the Coastal Zone as productive wildlife habitats and protect wetlands against significant disruption of habitat values. The only allowed uses within wetlands shall be those specified in Coastal Act §30233 (see also MAR-3). Development shall be set back from wetlands a minimum of 100 feet. A wider buffer may be required based on the results of a site assessment that finds a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. Existing development may be redeveloped provided it does not create new impacts nor increase impacts to wetlands.
- BIO-5.** Preserve and maintain coastal streams, and limit development within streams to those specifically allowed per Coastal Act §30236. Development shall be set back from streams through buffers of a sufficient width to protect streams from the impacts of adjacent uses, including impacts from construction and post-construction activities, and such buffers shall be maintained in a natural condition. The only development and uses allowed within the buffer are those that help to protect stream resources, such as plantings for screening, buffering and habitat continuity/enhancement. The buffer shall be the following, whichever is wider on both sides of the stream:
- a. The area extending 50 feet from the outer edge of the riparian vegetation (measured perpendicularly from the direction of the stream itself); or
  - b. The area extending 100 feet from the top of the stream bank (measured perpendicularly from the direction of the stream itself); or
  - c. Wider setback distances as recommended by a site-specific biological site assessment.
- BIO-6.** Non-native species shall be prohibited, shall be required to be removed, and shall not be allowed to persist in Environmentally Sensitive Habitat Areas, including in the Asilomar Dunes complex. In the Asilomar Dunes, native dunes and dune flora and fauna shall be protected, and where feasible reestablished including rare and endangered species, to the maximum extent feasible. Information on plant propagation and dune, dune flora and dune fauna care shall be provided to property owners of property located within dune resources.

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- BIO-7.** The City shall preserve its character-defining flora and fauna, such as rosy ice plant (*Drosanthemum floribundum*), Monterey pine, Monterey cypress, Coast Live Oak, Monarch butterfly, harbor seal, and Black Oystercatcher.
- BIO-8.** The City shall protect habitats for the overwintering Monarch butterfly population in Pacific Grove and encourage the planting and preservation of vegetation useful to all life stages of the Monarch butterfly, including the planting and preservation of native plants, and will ensure that any new development within the Coastal Zone in proximity to trees or vegetation used by butterflies throughout their life cycle will not adversely affect the butterflies or their habitat.
- BIO-9.** The City shall work with Pacific Grove residents, members of the Pacific Grove Museum of Natural History, the California Native Plant Society, and the California Department of Parks and Recreation in efforts to:
- a. Protect, maintain, and enhance the habitat areas of Menzies' wallflower and Tidestrom's lupine;
  - b. Propagate rare and endangered plants such as Menzies' wallflower, Monterey spineflower, and Tidestrom's lupine and any others that may become endangered or rare, for use in dune restoration/enhancement projects;
  - c. Identify and educate the public about rare and endangered plants; and
  - d. Develop methods of maintaining these and other native dune plants within Asilomar Dunes, Asilomar State Beach and Conference Grounds, and other appropriate areas.
- BIO-10.** The City shall protect, where feasible, the black legless lizard and its habitat.
- BIO-11.** The City shall implement seal pupping protection measures, including installation of split-rail fencing, installation of temporary "no climb" wood lattice fencing or other alternative that provides visual access, and educational signage if found necessary to prevent harm or harassment of harbor seals during the spring pupping season generally February through May, at various locations along the Pacific Grove shoreline east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail. Impacts to public access from such measures shall be minimized. In addition, the City could use trained volunteer docents, including National Oceanic and Atmospheric Administration trained Bay Net volunteer docents when available, to educate and engage the public on the activities of the seals, and to monitor and document all activities in the vicinity of the program, including any unauthorized human interruptions.

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- BIO-12.** The City shall continue to encourage the Hopkins Marine Station to remove exotic plants, restore a native bluff plant community, and reduce erosion on the rocky outcrop. Any new development or redevelopment at Hopkins shall include a landscape plan that effectively utilizes native vegetation to reduce erosion.
- BIO-13.** The City shall encourage native, drought resistant vegetation and species compatible with the scale and character of current vegetation within the Coastal Zone.
- BIO-14.** The City shall develop a joint Black Oystercatcher management plan with State Parks and Black Oystercatcher research organizations and agencies. The management plan shall include an education program such as interpretative signage for public understanding of the sensitive nature of the Black Oystercatcher habitat and the importance of not disturbing nesting Black Oystercatchers. During the nesting season, March through August, areas may need to be closed to promote Black Oystercatcher fledgling success. Impacts to public access shall be minimized during such closures.
- BIO-15.** Careful management practices shall be in place to responsibly relocate mountain lions that occasionally prey on deer, coyotes that prey on domestic animals, and bears who may venture into the community to forage in garbage cans. The University of California Santa Cruz's Puma Project can assist with mountain lion relocation, along with the California Department of Fish and Wildlife.
- BIO-16.** The City shall maintain and enhance the Monterey pine and cypress stands and canopy within the Coastal Zone to the maximum extent feasible, taking care that new plantings do not adversely affect public views. This program should continue to be updated periodically with a complete inventory of the trees within the Coastal Zone to determine the age of the trees, disease, if any, and the needs for continued reforestation in the City. The City's 2015 Tree Inventory shall be included as a guiding resource.
- BIO-17.** Certain trees are "major vegetation," where the removal of which constitutes development and requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all native trees including all Gowen Cypress regardless of size, Coast Live Oak, Monterey Cypress, Shore Pine, Torrey Pine, and Monterey Pine six (6) inches or greater in trunk diameter when measured at 54 inches above grade. New tree planting shall be an on-going effort in order to replace diseased and dead Monterey pine, Monterey cypress and coast live oak trees, taking care that new plantings do not adversely affect public views. Replanting of a tree as replacement of an existing tree is required. Dead trees (snags) on City property

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within the Coastal Zone should be retained, where possible, to provide habitat, including for cavity-nesting birds.

***Asilomar Dunes Residential Area***

- BIO-18.** Limited residential development may occur in Environmentally Sensitive Habitat Areas in the Asilomar Dunes Residential Area. Development in the Asilomar Dunes Residential Area shall be carefully sited and designed to ensure maximum protection of: dunes, including with respect to sensitive species and including degraded dunes; the native oak and Monterey pine forests, which stabilize the inland edge of the high dunes along Asilomar Avenue southwards from the vicinity of its intersection with Pico Avenue; and public views, particularly views from Sunset Drive and the California Coastal Trail.
- BIO-19.** Development within the Asilomar Dunes Residential Area shall require habitat assessment in all cases. In addition to habitat assessment requirements more generally, such assessments associated with the Asilomar Dunes Residential Area shall identify measures to be applied that maximize protection of dunes, other habitats, and public views.
- BIO-20.** Within the Asilomar Dunes Residential Area contiguous areas of undisturbed dunes shall be maintained (and reestablished, wherever feasible) to help protect Environmentally Sensitive Habitat Areas and associated habitat values, and to help protect public views. Clustering of development, including in relation to development on adjacent lots, is required if it results in larger contiguous open space and Environmentally Sensitive Habitat Areas and/or better protects public views. Development adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to keep development intensity as low as possible, including through application of applicable planning criteria (e.g., related to drainage design, roadway design, and public safety) and coastal resource protection requirements.
- BIO-21.** The City shall focus its preservation efforts, including seeking and applying funds to purchase vacant parcels in Asilomar Dunes, in order to permanently preserve this area as much as possible as open space.
- BIO-22.** Development in the Asilomar Dunes Residential Area shall be sited and designed to avoid and limit impacts on dune habitat and visual landscapes as much as possible, including avoiding development antithetical to the open space dune environment. Policies limit residential development in this area in order to maximize protection of sensitive dune habitat and scenic vistas. Residential development is limited to be

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subservient to the overall dune aesthetic. These standards shall be met through application of all of the following:

- a. Residential development within the Asilomar Dunes Residential Area shall be confined within a Residential Development Envelope. The Residential Development Envelope shall consist of the Primary Coverage Area (as described in subsection (b) below) and the Outside Use Area (as described in subsection (c) below). For purposes of all Asilomar Dunes Residential Area policies, “cover” and “coverage” and other like terms shall mean any development/use that is not open sand dune area devoted to dune habitat and public view open space purposes.
- b. The Primary Coverage Area shall be limited to a maximum of 15 percent of the total lot area. For purposes of calculating the Primary Coverage Area, residential buildings, garages, driveways, patios, decks, paths, stepping stones and any other features that cover (including cantilevering over) dune areas shall count as coverage for properties within the Asilomar Dunes Residential Area. When calculating coverage, areas of dune that are not completely covered but that are committed to non-dune use through siting and design of proposed development (e.g., areas between stepping stone pathways, areas between pathways and the house, etc.) shall also count as coverage.
- c. The Outdoor Use Area shall be limited to a maximum of 500 square feet per lot; shall be located immediately contiguous to the Primary Coverage Area; and shall be otherwise sited and designed to maximize dune protection on and off the site. The only purpose of the Outdoor Use Area shall be to provide an area of dune within which typical outdoor residential activities can take place (e.g., BBQs, lounge chairs, etc.). The Outdoor Use Area may include an unobtrusive perimeter fence, provided that such fencing shall be limited to a maximum of six feet in height as measured from existing natural grade and shall allow for free passage of sand, seeds, and wildlife. The Outdoor Use Area may be increased above the 500 square-foot maximum if the Primary Coverage Area is reduced an equivalent amount.
- d. All other areas of the lot outside of the Residential Development Envelope shall be restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration/enhancement and protection. All dune restoration, enhancement, and protection areas shall be covered by both a dune restoration, enhancement and protection plan prepared by a qualified dune restoration professional, as well as a deed restriction or other similar legal restriction adhering to the property (i.e., a conservation easement, etc.) designed to limit allowed development, use, and activities to those associated with dune restoration, enhancement and protection.

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- e. Fencing and other such barriers shall be prohibited, with the exception of Outdoor Use Area fencing, absent a conclusive showing that such fencing and barriers are more protective of the dune habitat and visual landscape than the prohibition. Allowed non-Outdoor Use Area fences and barriers shall be limited to minimal symbolic fencing that is required to protect native dune habitat and allows for free passage of sand, seeds, and wildlife. As feasible, the City shall seek to maintain unfenced contiguous areas in the Asilomar Dunes (including through removal of such fencing on City-owned properties as feasible, including as projects in these areas are contemplated) to allow for better dune contiguity, wildlife movement, native seed dispersal and visual consistency.
- f. Development shall only be approved if the area in the public right-of-way between the lot frontage and the paved portion of the road is also restored/enhanced and maintained in a natural dune condition within which the only allowed development, use, and activities are those associated with dune restoration, enhancement and protection.
- g. Second residential units and other detached accessory structures shall be prohibited.
- h. Development shall be clustered, including in relation to adjacent development, to maximize continuous dune areas as much as possible, including through such means as shared driveways, which are encouraged.
- i. The front setback on Sunset Drive shall be 75 feet. All new structures shall be set back from Sunset Drive at least 75 feet, with the exception of driveways and mailboxes/address signs, which shall be sited and designed to limit their visibility as much as possible.
- j. Development shall minimize lighting that is publicly visible, including avoiding light spill into dune areas, and development shall limit glares (e.g., from windows and reflective surfaces) as much as possible.
- k. Development shall be located on the least environmentally sensitive and least visually prominent portion of the site, and shall be limited in size and scale to be as integrated and consistent with the dune landscape as possible.
- l. Development shall use natural materials and hues that integrate and blend with the dune landscape as much as possible.
- m. Development shall incorporate landscape screening through dune restoration (including using dune hummocks and depressions) and native landscaping in such a way as to minimize impacts on the public dune viewshed. New development on

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parcels where a residence would be visible from Sunset Drive shall be limited to a maximum of 18 feet in height above existing natural grade, and shall be designed to appear as one story from Sunset Drive. All other development shall be limited to a maximum of 25 feet in height above existing natural grade, and may be designed to appear as one or two stories, so long as impacts to public dune views are minimized.

- n. Development at the National Oceanic and Atmospheric Administration site on Lighthouse Avenue shall be required to maximize restoration and preservation of dune habitat, including through reductions in site coverage and removal of fencing.
  - o. Sidewalks shall be prohibited in the Asilomar Dunes Residential Area. Pedestrian and universal access mobility improvements shall be limited to boardwalks that are sited and designed to best protect dune resources and public views, and to best integrate into existing and planned public recreational access systems.
- BIO-23.** Areas of new dune coverage associated with development on legal lots of record in the Asilomar Dunes Residential Area shall be required to be mitigated on a 2:1 square foot basis by providing for off-site restoration and/or enhancement of degraded dune areas in the Asilomar Dunes area. Such 2:1 mitigation may be addressed through offsite restoration/enhancement and/or proportionate contributions to the City's Environmental Assessment Fund provided such funds are used for dune restoration, enhancement, and protection efforts in the Asilomar Dunes area.
- BIO-24.** In order to maintain existing low densities necessary to protect coastal scenic and habitat resources, subdivisions shall be prohibited. Lot combinations are permissible.
- BIO-25.** The City shall prioritize restoring, enhancing, and maintaining dune areas in the right-of-way to the maximum degree feasible, including through use of the City's Environmental Assessment Fund targeting areas most in need and within most significant public viewsheds. The City shall also prioritize removal of obtrusive and nonconforming fencing (see also fencing requirements of Policy BIO-22) and non-native vegetation in the Asilomar Dunes area wherever feasible (e.g., through code compliance efforts and when considering public or private development proposals in the dunes).
- BIO-26.** The City shall work with the Coastal Commission to diligently enforce dune habitat and visual resource requirements and restrictions that apply to existing development in the Asilomar Dunes Residential Area, including actively evaluating and ensuring compliance with Coastal Development Permit requirements to ensure that dune and visual resources are appropriately mitigated and protected as required.

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**BIO-27.** Development associated with existing legal non-conforming residential development in the Asilomar Dunes Residential Area that:

- Results in redevelopment (as defined in LUP Section 1.10) shall require that all development on the site be brought into conformance with the Local Coastal Program requirements, including with respect to Residential Development Envelope standards and dune restoration/protection requirements. Such redevelopment shall be located roughly in the same location as the existing development, unless a different location would be more protective of dune resources and public views.
- Does not result in redevelopment shall only be allowed if the Residential Development Envelope remains the same or is reduced; there is no new coverage of existing dune habitat (whether degraded or not); all remaining dune habitat is restored and permanently protected; and an offsetting area of offsite dune habitat will be restored and maintained such that the total area that will be restored (i.e. on and offsite) is equal to at least 85% of the total lot area.

**BIO-28.** Development associated with existing legal conforming residential development in the Asilomar Dunes Residential Area that:

- Equals the Residential Development Envelope limit shall only be allowed if there is no new coverage of existing dune habitat (whether degraded or not); all remaining dune habitat is restored and permanently protected; no sensitive plants are disturbed; and all such development otherwise meets applicable siting and design requirements of Policy BIO-22.
- Is below the Residential Development Envelope limit shall only be allowed if the total site coverage remains at or below the maximum Residential Development Envelope coverage allowed; new coverage is located immediately adjacent to existing coverage areas and in the least sensitive area of the lot in terms of dune resources and public views; contiguous areas of dune habitat are not fragmented and, if feasible, made even less fragmented; all remaining dune habitat is restored and permanently protected; no sensitive plants are disturbed; all areas of new coverage are mitigated at a ratio of 2:1; and all such development otherwise meets applicable siting and design requirements of Policy BIO-22.

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*Asilomar State Beach and Conference Grounds*

- BIO-29.** The City shall support California Department of Parks and Recreation's dune protection efforts at Asilomar State Beach and Conference Grounds, including those efforts designed to:
- a. Implement a dune restoration program including limiting public access, if necessary, in the northern portion of the Asilomar State Beach and Conference Grounds to protect the habitat of rare and endangered dune plants;
  - b. Undertake dune stabilization programs on the central and southern dunes, including planting of native vegetation and contain or direct recreational activities to well-defined areas;
  - c. Ensure that expanded or replacement facilities in dune areas and in the sensitive forest-front transition zone adjacent to the sand dunes are restricted to the existing coverage footprints, building envelopes, or outside of dune areas and the forest-front zone;
  - d. Maintain the native forest of Asilomar State Beach and Conference Grounds and; where necessary, utilize plantings of nursery stock pine trees grown from site-specific stock; and
  - f. Preserve and protect the Majella Slough, on state property south of Sunset Drive, from human intrusion.

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.0****BUILT ENVIRONMENT**

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

1. Community Design (DES)
2. Land Uses and Designations (LUD)
3. Cultural Resources (CRS)
4. Public Infrastructure (INF)
5. Parks, Recreation, and Public Access (PRA)

### **3.1 COMMUNITY DESIGN (DES)**

#### **3.1.1 Background – Community Design**

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

With the annexation of the Asilomar Dunes area in 1980, the City assumed new land use planning responsibilities. The location in a scenic coastal area and on sand dunes supporting

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several rare and endangered plants and animals requires the City to provide and adhere to strict land use regulations for future development in this area. These land use planning issues are specifically addressed by the Coastal Act, and implemented in the Land Use Plan's Biological Resources and Environmentally Sensitive Habitat Areas chapter.

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

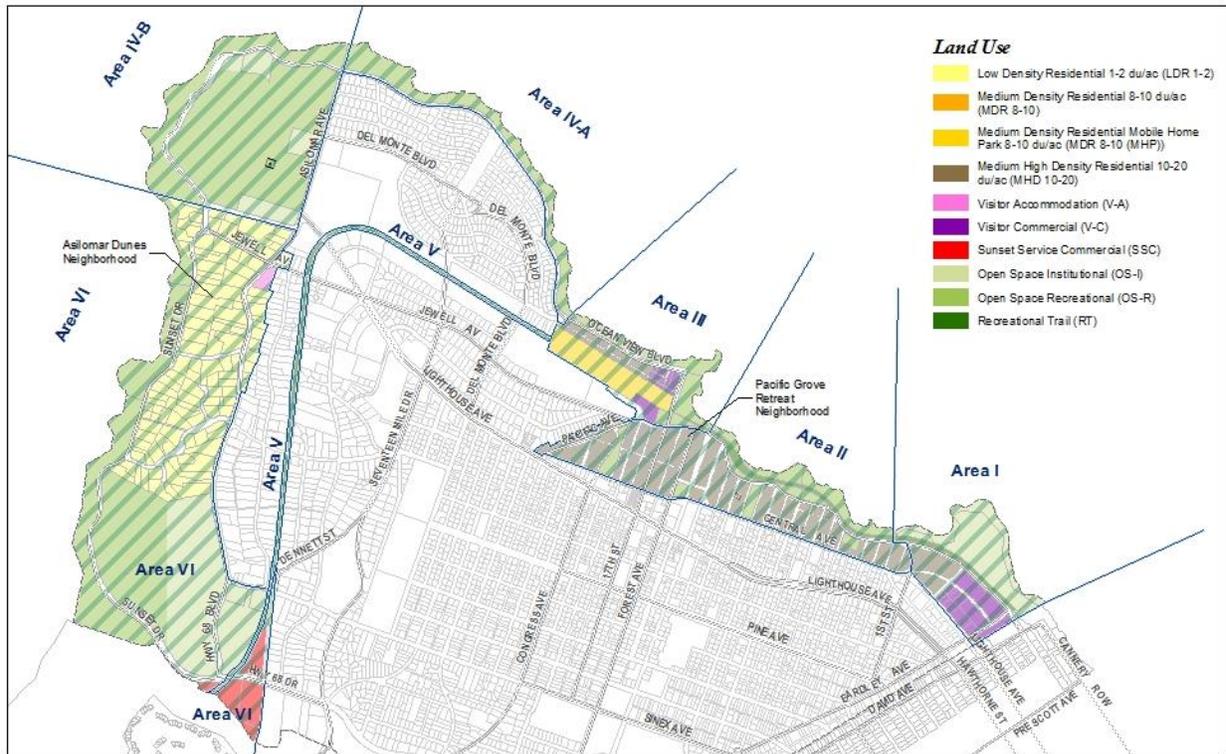
Nearly continuous unobstructed views of the sea are possible along the Pacific Grove shoreline. Few structures exist seaward of Ocean View Boulevard or Sunset Drive; with the exception of the inland Sunset Service Commercial Area where structures are built on both sides of Sunset Drive. The inland side of Ocean View Boulevard, east of Asilomar Avenue is essentially "built out" and has assumed a residential character. West of Asilomar Avenue, the inland view from Ocean View Boulevard is predominantly open space consisting of a golf course at Lighthouse Reservation. The few structures present, the City and United States Coast Guard facilities, are situated some distance from Ocean View Boulevard.

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

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

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Figure 1: Coastal Zone Land Use Designations



**Coastal Zone Land Use Designations**

City of Pacific Grove Land Use Plan

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.1.2 Coastal Act Policies - Community Design**

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

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

**3.1.3 General Plan and Other Policies – Community Design**

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

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

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

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

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

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

### 3.1.4 Land Use Plan Policies – Community Design

Refer also to the Scenic Resources policies in §2.3.4.

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

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

All development shall be of low scale and limited to a maximum of two stories and 25 feet in height. However, for commercial development in Land Use Plan Areas I and III, the limit will vary but in no case shall it be more than a maximum of three stories and 40 feet high.

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

All development fronting and/or visible from Sunset Drive, Ocean View Boulevard, and/or the pedestrian recreational trails seaward of these roads shall, when seen from these areas, be subordinate to and not dominate blue water ocean views, not appear as a vertical wall (including through necessary setbacks, story step-backs, and building articulation), and not domineer over other development in the adjacent vicinity.

Height shall be measured as the distance above natural grade within the foundation perimeter, prior to grading or other development.

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**DES-3.** Development standards for scenic areas, including those identified in Figure 4, shall minimize land coverage, grading, and structure height, and provide for setbacks from adjacent public open space areas.

**DES-x.** Development, to the maximum extent feasible, shall not interfere with blue water public views of the ocean and bay.

**DES-4.** Preserve the existing residential, small-scale, commercial and visitor-serving recreational character in the Coastal Zone where such character appropriately embodies and provides the type of low-key and small-scale character desired by this Land Use Plan. Encourage redevelopment or renovation of existing structures when needed to improve the quality of design and attract visitors to the Coastal Zone.

Require commercial signs to be of a size, location, and appearance so they do not detract from the area's scenic qualities and cause visual clutter and blight, and require utilities to be placed underground or away from public view. New development, and renovation or expansion of existing development, shall be designed to be consistent with the community character, to protect scenic resources, and incorporate climate adaptation measures as appropriate.

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

Hopkins Marine Station shall be encouraged to remove exotic plants and restore a native bluff plant community, and consider the removal of any exposed chain link fence. The City shall provide for these outcomes through conditions of approval associated with development at Hopkins Marine Station.

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

**DES-7.** Legally established non-conforming structures may be maintained, repaired, and continued so long as the degree of any existing zoning non-compliance is not increased. Structures may not be redeveloped (i.e., redevelopment) unless the entire structure is brought into compliance with all applicable Local Coastal Program

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policies. Notwithstanding, cottages in the Retreat area, including if redeveloped, may seek relief from setback standards to protect and maintain their historicity, but only if the setback nonconformity is not increased (i.e. if the structure maintains its existing footprint, or if it reduces its setback nonconformity) and with a finding that such relief protects coastal resources.

## 3.2 LAND USES AND DESIGNATIONS (LUD)

### 3.2.1 Background – Land Uses and Designations

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

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

A paved multi-use recreational trail stretches from the Monterey Bay Aquarium area to Lovers Point. From Lovers Point the railroad-right-of-way is blocked in several places and goes through the golf course where there may be conflicts. From the golf course to City limits by Spanish Bay, the railroad-right of-way is used and needs to be further developed and acquired. A bike route extends along Ocean View Boulevard from Lovers Point to Spanish Bay. The portion of the Union Pacific Railroad right-of-way which extends from Del Monte Boulevard to the City limit by Spanish Bay is being considered for acquisition and development of a recreational trail consistent with the operation of the golf course. An interpretive sign program at popular visitor destinations within the Coastal Zone could further enhance the visitor's shoreline experience.

Concentrations of visitor-oriented commercial facilities within the Coastal Zone are located at Lovers Point and near Cannery Row. In addition to overnight accommodations and dining facilities available at the Asilomar State Beach and Conference Grounds, there are privately-

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operated motels, and restaurants. Other existing recreation and visitor-serving facilities include the municipal golf course and the Lighthouse Museum at Lighthouse Reservation.

### 3.2.2 Coastal Act Policies – Land Uses and Designations

Coastal Act policies related to priority uses require that Coastal Zone waters and oceanfront land suitable for recreational use be protected for recreational use and development. Additionally visitor-serving and commercial recreational facilities are given priority on suitable private lands over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry, and that upland areas necessary to support coastal recreational uses be reserved, where feasible, for such uses (Public Resources Code §§30220-30223). Coastal-dependent uses are given further preference (Public Resources Code §30254). The Coastal Act also requires that lower cost visitor and recreational facilities be protected, encouraged and, where feasible, provided, and gives preference to development providing public recreational opportunities (Public Resources Code §30213). Additional policies address the location and amount of recreation or public facilities development to mitigate against the impacts of overcrowding or overuse ((Public Resources Code §§30212.5, 30250(c) and 30252(6)).

### 3.2.3 General Plan and Other Policies – Land Uses and Designations

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

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

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

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.2.4 Land Use Plan Policies – Land Uses and Designations**

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

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

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

**LUD-3.** All accommodation units shall be for transient use only (i.e., occupancy of such units shall be for a period not to exceed 30 days). To the maximum extent feasible, overnight lodging facilities shall be encouraged to scale back building boundaries on site edges, select appropriate architecture, and/or limit heights to better transition to the residential neighborhood, and contribute to the upkeep of the adjacent neighborhoods. Lower-cost visitor-serving facilities, including visitor accommodations and public recreational opportunities, shall be protected and encouraged. Existing lower-cost accommodations shall be protected, and new accommodations shall designate a component of their units as lower-cost accommodations or establish or improve off-site accommodations in the Coastal Zone that meet the lower-cost need.

**LUD-4.** The Land Use Plan Designations figure shall officially designate land uses for the Coastal Zone, according to the following land use designations ((NOTE: numbers note maximum dwelling units per acre (e.g., LDR 1-2 means a maximum of one to two dwelling units per acre)):

LDR 1-2                      Low Density Residential

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MDR 8-10 (MHP) Medium Density Residential for Mobile Home Park

MDR 8-10 Medium Density Residential

MHD 10-20 Medium-High Density Residential

V-A Visitor Accommodation

V-C Visitor Commercial

SSC Sunset Service Commercial

OS-I Open Space Institutional

OS-R Open Space Recreational

RT Recreational Trail

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

***Permitted Residential Uses***

**LUD-5.** Allowed uses for Coastal Zone areas designated LDR 1-2 include:

- a. single-family residences;
- b. scenic reserves;
- c. natural habitat reserves;
- d. guest/auxiliary/second housing units up to the permitted densities, except within the Asilomar Dunes Residential Area; and
- e. uses accessory to the above listed uses.

**LUD-6.** Allowed uses for Coastal Zone areas designated MDR 8-10 (MHP) include:

- a. mobile homes; and
- b. uses accessory to the above listed uses.

**LUD-7.** Allowed uses for Coastal Zone areas designated MDR 8-10 include:

- a. single-family residences;
- b. multi-family residential units;
- c. guest/auxiliary/second housing units up to the permitted densities;
- d. boarding houses;

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- e. bed and breakfast facilities in locations zoned R-3-P.G.R; and
- f. uses accessory to the above listed uses.

**LUD-8.** Allowed uses for Coastal Zone areas designated MHD 10-20 include:

- a. single-family residences;
- b. multi-family residential units;
- c. guest/auxiliary/second housing units at the permitted densities;
- d. boarding houses;
- e. professional office uses;
- f. assembly halls; and
- g. bed and breakfast facilities; and
- h. uses accessory to the above listed uses.

***Permitted Visitor Uses***

**LUD-9.** Allowed uses for Coastal Zone areas designated V-A include:

- a. overnight lodging facilities;
- b. bed and breakfast facilities;
- c. limited appurtenant eating establishments and shops where appropriate;
- d. Visitor-serving commercial and retail uses; and
- e. Uses accessory to the above listed uses.

**LUD-10.** Allowed uses for Coastal Zone areas designated V-C include:

- a. overnight lodging facilities and appurtenant uses;
- b. eating and drinking establishments;
- c. visitor-serving retail, service commercial (e.g., banks, grocery stores and gas stations), and event venues;
- d. institutional uses oriented to tourism;
- e. public and private parking facilities; and
- f. uses accessory to the above listed uses.

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**LUD-11.** Allowed uses for the Coastal Zone areas designated SSC include:

- a. heavy commercial uses such as lumber yards, building supply centers, home and design centers, business service centers, hardware stores, and indoor and outdoor storage facilities;
- b. industrial uses such as fabrication and light manufacturing;
- c. retail and services uses;
- d. offices;
- e. uses allowed in the areas designated V-C;
- f. uses accessory to the above listed uses.

***Permitted Open Space Uses***

**LUD-12.** Allowed uses for Coastal Zone areas designated OS-R include:

- a. low-intensity recreational and educational activities such as walking, nature study, photography and scenic viewing, and temporary events at Lovers Point;
- b. facilities to access the water for recreational and educational activities such as diving, small craft boating, fishing, and swimming;
- c. within the municipal golf course only, continued use as a public golfing facility; and
- d. facilities for non-motorized modes of transportation including designated bike paths, bike lanes, and trails.

Other uses for Coastal Zone areas designated OS-R are limited to visitor-serving commercial uses that are incidental to and in support of public recreation, provided that such uses do not adversely affect coastal access or other coastal resources. Proposed uses and associated landscape plantings, signs, utilities, and other related development shall not obstruct or interfere with public views of the ocean or bay from Ocean View Boulevard, Sunset Drive, Lighthouse Reservation lands, or the Asilomar State Beach and Conference Grounds. The proposed uses shall meet all of the following criteria:

- the use supports, facilitates, and enhances recreational use and enjoyment of OS-R areas;

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

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

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

**LUD-13.** Allowed uses for Coastal Zone areas designated OS-I include:

- a. Asilomar Conference Grounds: overnight accommodations, conference facilities, low-intensity coastal-related recreation, and very limited public recreational access to protect coastal habitat to the extent compatible with protection of designated natural and biotic resource areas.
- b. Hopkins Marine Station and NOAA facility: coastal-dependent marine research and educational activities, aquaculture, and coastal-dependent recreation and public recreational access that is compatible with maintenance of coastal-dependent scientific and educational uses.
- c. Monterey Bay Aquarium: coastal-dependent marine research, educational and recreational activities and facilities, aquaculture, and public recreational access.
- d. Lighthouse Reservation: existing coastal-related institutional and military structures, low-intensity coastal-related recreation, and public recreational

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access compatible with protection of designated natural and biotic resources, including Crespi Pond, sand dunes and existing stands of Monterey pines.

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

**LUD-14.** Allowed uses for Coastal Zone areas designated RT include:

- a. Monterey Peninsula Recreation Trail bicycle and pedestrian path; and
- b. appurtenant public recreational uses; and
- c. uses accessory to the above listed uses.

**LUD-15.** The City encourages a range of accommodation types, including lower-cost visitor accommodations, public recreational opportunities, and short-term vacation rentals, so long as such rentals do not adversely impact coastal resources or unduly burden residential neighborhoods.

### 3.3 CULTURAL RESOURCES (CRS)

#### 3.3.1 Background – Archaeological Resources

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

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

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

The Ohlone linguistic group inhabited ancestral lands ranging from San Francisco Bay to Big Sur and numbered at least 15,000 before European contact. The Ohlone Costanoan Esselen Nation represents at least 19 villages of native peoples from the Monterey Peninsula and regions to the south. Archaeological resources are located throughout the Coastal Zone.

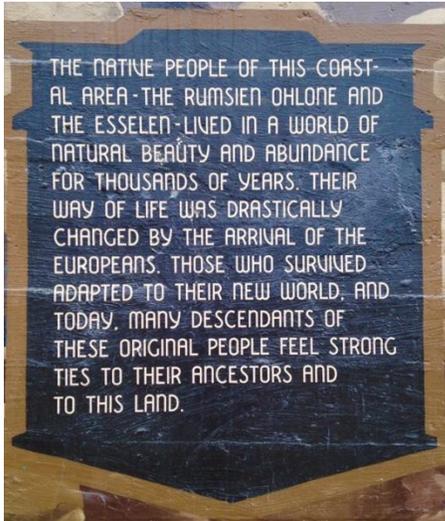
Figure 2: Archaeologically Sensitive Area



Figure 6  
 Archaeologically Sensitive Area  
 City of Pacific Grove Land Use Plan

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.3.2 Coastal Act Policies - Archaeological Resources**

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



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

**3.3.3 General Plan and Other Policies – Archaeological Resources**

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

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

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

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

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

### 3.3.4 Land Use Plan Policies – Archaeological Resources

- CRS-1.** The City shall conduct consultations with the tribe officially recognized as native to the Monterey Peninsula, the Ohlone Costanoan Esselen Nation, in accordance with state law.
- CRS-2.** The City shall ensure the protection, preservation, and proper disposition of archaeological resources within the Coastal Zone.
- CRS-3.** The City shall assist developers and landowners by providing early identification of sensitive sites so that archaeological resources can be considered and protected during the early phases of project design. The City shall require new development to prepare an archaeological report by a qualified professional and, where appropriate, shall require mitigation measures to adequately protect and preserve potential archeological resources.
- CRS-4.** The City shall update the background information for all archaeological sites identified within the Coastal Zone to develop a current assessment of the resources' potential historical significance and evaluate their vulnerability to climate change, including those sites recommended or determined to be eligible for listing in either the National Register of Historic Places or the California Register of Historic Resources; and conduct the further research needed in order to determine the present condition of each site and to make an assessment of their potential eligibility for listing on either register, and therefore, their potential historical importance.

### 3.3.5 Background – Historic Resources

Pacific Grove is a small coastal town located at the tip of the Monterey peninsula adjacent to the Pacific Ocean and Monterey Bay. It is defined by a unique combination of natural features, rich history and traditional neighborhoods that create a special place for its residents and attracts visitors from around the world. It is part of the rocky shoreline of Central California with

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accessible pocket beaches and is framed by Monterey Pines and Cypress trees in a backdrop of rising ridge lines that result in a spectacular relationship of forest and sea.

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

***The Spanish Period***

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

***The Mexican Period***

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

***Post Mexican-American War***

The war ended in in 1848. In 1849, California was admitted into the United States and the Point Pinos Station was constructed in 1854 on U. S. government land. It is the oldest structure in Pacific Grove and continues to operate to this day. During that period of transition, Chinese

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immigrants built a small fishing village for about 500 people in a small sheltered cove west of Alones Point that was occupied from approximately 1850-1906. It was abandoned due to overfishing within a few years when the fishermen moved to Point Lobos south of Carmel.



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

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

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

### ***Pacific Grove Retreat***

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

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within the context of Coastal Act §30253(e) and policies included in this Land Use Plan ensure the area is protected.

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

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

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

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

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

### ***Historic Structures and Other Resources***

At Asilomar State Beach and Conference Grounds, historic and architectural resources are found in the eleven buildings (circa 1913) designed in the American Arts and Crafts Movement genre by the pioneering California woman architect Julia Morgan. The Julia Morgan buildings at Asilomar State Beach and Conference Grounds and the land between them have been

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designated as a National Landmark District, which is the highest level of recognition for a cultural resource in the United States.

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

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

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

### 3.3.6 Coastal Act Policies – Historic Resources

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

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

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

Public Resource Code § 30253.e states new development shall

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“Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.”

### 3.3.7 General Plan and Other Policies – Historic Resources

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

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

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

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

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

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.3.7 Land Use Plan Policies – Historic Resources**

- CRS-5.** The Pacific Grove Retreat’s unique characteristic and architectural heritage contribute to the aesthetic, social, and economic well-being of the community, both for residents and visitors.. The City shall encourage the protection, maintenance, and enhancement of the unique historical, architectural, siting and visual characteristics of the Pacific Grove Retreat. Cottages in the Retreat area, including if redeveloped, may seek relief from setback standards to protect and maintain their historicity, but only if the setback nonconformity is not increased (i.e. if the structure maintains its existing footprint, or if it reduces its setback nonconformity) and with a finding that such relief protects coastal resources. Prior to any City review or regulatory action, all structures within the Retreat area constructed 50 years ago or more shall be evaluated for local historic significance. **CRS-6.** All proposed development actions, including City public works projects, shall be consistent with maintaining the current scale and character of the Pacific Grove Retreat.
- CRS-7.** Rehabilitation, reconstruction, remodeling, or exterior modification of existing structures with historic or architectural significance in the Pacific Grove Retreat, and other neighborhoods in the Coastal Zone, shall relate to or retain the lines of the original design as much as possible and alterations shall provide evidence of substantial compliance to the Secretary of the Interior standards for historic resources.
- CRS-8.** Design review shall be required as part of the Coastal Development process in order to maintain historical continuity and visual harmony of new development within the Pacific Grove Retreat and other neighborhoods in the Coastal Zone.
- CRS-9.** In order to protect historic structures, unwarranted demolition shall be avoided by implementing standards for demolition.
- CRS-10.** The City shall continue its ongoing programs of citizen involvement in carrying out its historic preservation policies and programs.
- CRS-11.** The City shall continue to implement the Housing Rehabilitation Loan Program, and any other similar future programs, to assist property owners in the maintenance of structures in the Pacific Grove Retreat and other historical properties in good condition in order to retard physical deterioration. Possible approaches will include incentives, code enforcement, award programs, rehabilitation programs, and use of the California State Historic Building Code

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- CRS-12.** Other historic or architecturally unique structures, including the Julia Morgan structures at Asilomar State Beach and Conference Grounds, shall be protected and maintained to the fullest extent possible. In order to preserve structures designed by Julia Morgan at the Asilomar State Beach and Conference Grounds, the City shall encourage the State Historian to consult with the City on design review prior to any proposed exterior alterations.
- CRS-13.** The City shall maintain and update the Historic Resources Inventory, with assistance from professional consultants and the Heritage Society of Pacific Grove, to provide a current description of the historic and visual character of the Pacific Grove Retreat and of the other historical neighborhoods in the Coastal Zone.

## 3.4 PUBLIC INFRASTRUCTURE (INF)

### 3.4.1 Background – Water Supply, Conservation, and Wastewater

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

Pacific Grove obtains its water supply from surface water in Carmel Valley and from groundwater resources in the Carmel Valley and Seaside Groundwater Basins. Withdrawals from the Carmel Valley are governed by the State Water Resources Control Board and implemented by the Monterey Peninsula Water Management District. The Seaside Groundwater Basin is adjudicated and overseen by the Seaside Groundwater Basin Watermaster.

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

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decommissioned wastewater treatment plant back online to use treated water to irrigate the municipal golf course, cemetery, and other uses in lieu of potable water.

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

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

The City has significant wastewater infrastructure potentially at risk under combined sea level rise and coastal storm flooding, but duplication of this infrastructure would be infeasible at the current time and relocation to higher elevations would be difficult to accomplish. Phased and prioritized relocation of sewer lines would be more feasible to accomplish and could potentially be coordinated with long-term system maintenance or capital investment. A plan that took into account age and condition of the infrastructure, capacity and functionality of the infrastructure, and susceptibility to damage, would need to be developed in order to establish priorities for system relocation. Measures to safeguard against inundation damage to critical pump station facilities might be necessary as a short-term approach.

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

The Coastal Act limits expansion of new public works facilities to those improvements necessary to accommodate planned development or uses permitted by the Coastal Act. Where existing or planned public works can accommodate only a limited amount of new development, priority is

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given to recreation, coastal-dependent land uses, essential public services, and basic industries vital to the economic health of the region, state, or nation (Public Resources Code §30254).

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

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

The City has embarked on a Local Water Project. When the project is complete and new local domestic potable water becomes available, the City Council will be tasked with allocating new water into one of the City’s four potable water reserve categories, commercial, residential, governmental and community. Policies are needed to ensure that a portion of the water available to the City for new development is reserved for priority uses within the Coastal Zone such as public recreation, coastal-related commercial recreation, coastal-related visitor-serving facilities, and coastal-dependent industry. Non-priority uses like residential and general commercial uses within the Coastal Zone would then compete with the uses outside the Coastal Zone for the unreserved water available to the City for development.

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

- Reservation of a portion of the City’s available water supply for Coastal Act priority use development;
- Permitting new development only when there is adequate existing and long-term water supply to serve the development;
- Using reclaimed wastewater and captured runoff for irrigation and other beneficial uses where feasible; and
- Encouraging native low-water /drought resistant landscaping; to be planted in new development projects in order to conserve water, and require drip or micro-spray irrigation systems for both temporary and permanent irrigation.

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.4.4 Land Use Plan Policies – Water Supply, Conservation, and Wastewater**

- INF-1.** The City Council shall annually review the City’s water allocation regulations and procedures, and the status of the City’s water reserves. To the maximum extent feasible, the City shall reserve a sufficient quantity of water to accommodate coastal priority uses designated by the Land Use Plan (i.e. public access and recreational uses and visitor-serving uses) from its allotted water supply. This allocation shall include considerations of constrained and unconstrained water demand, taking into account sources and timing of new water supply, as well as the City’s overall land use and economic policies.
- INF-2.** Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate existing water allocation and sustainable long-term water supply. Individual private water systems, except for rainwater collection are prohibited.
- INF-3.** Recycled wastewater shall be used as much as possible to irrigate the Municipal Golf course, the City cemetery, and other landscaping areas, to the extent recycled water is reasonably available for such purpose.
- INF-4.** Wastewater disposal systems which minimize or eliminate marine resource pollution, and which provide for reclamation of wastewater for reuse, shall be encouraged.
- INF-5.** Development shall only be approved if it is first clearly demonstrated that the additional wastewater discharge associated with such development will not significantly adversely impact coastal resources, including marine resources. New development, including redeveloped structures, shall connect to the public wastewater treatment system.
- INF-6.** When considering new development or redevelopment/renovation projects, the City shall consider the existing property domestic water allocation, the potential for on-site conservation and capture, and available City supplemental water as part of the water allocation.
- INF-7.** The City shall continue to pursue the development of sustainable water supplies and develop new infrastructure to the extent feasible, within locations not susceptible to coastal hazards.
- INF-8.** The City shall maximize potential sources of new water by utilizing, where feasible, reclaimed wastewater and captured runoff for open-space irrigation. Development

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approval shall, as appropriate, include dual piping systems designed to allow for use of reclaimed water for irrigation and toilets in the future.

- INF-9.** New or expanded water or wastewater facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the Land Use Plan.
- INF-10.** The City shall consider the relocation of critical water and wastewater infrastructure, as necessary and feasible, to protect those services from the effects of sea level rise and other coastal hazards.
- INF-11.** The City shall encourage water conservation measures for new development to the greatest possible extent including, but not limited to, the use of water conservation fixtures and equipment including but not limited to high-efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, etc., off-set of proposed water use, drip or microspray irrigation, storm water capture, greywater collection and reuse and native drought resistant landscaping.

### 3.4.5 Background – Storm Drainage

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

### 3.4.6 Coastal Act Policies – Storm Drainage

The Coastal Act does not specifically address urban storm drainage systems. For flood control to protect existing development or public safety, channelization and other structures are permitted

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if no feasible alternatives exist (Public Resources Code §30236). The Coastal Act does require that marine resources and other waterbodies be protected against degradation, and thus issues associated with pollutants in runoff are important Coastal Act considerations (e.g., Public Resources Code §§30230, 302310, 30233 and 30240).

### 3.4.7 General Plan and Other Policies – Storm Drainage

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

### 3.4.8 Land Use Plan Policies – Storm Drainage

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

- INF-12.** In order to minimize impacts from coastal hazards as well as to avoid impacts to water quality, public access, and scenic and visual resources, there shall be no net increase in beach outfalls and the City shall seek and pursue opportunities to consolidate and/or eliminate reliance on storm water outfalls that convey storm water onto the beach and/or into Monterey Bay or Pacific Ocean. Outfalls that are below sea level, or are likely to be below sea level with sea level rise and/or high storm tides, shall be designed to prevent the entry of sea water and sand to the extent practical, and shall be regularly monitored and maintained to avoid marine resource degradation. Further, outfalls shall be sited and designed, to minimize public view impacts including as seen from the beach and other shoreline public viewing areas as much as possible, including through concealing, screening, and camouflaging outfalls, and through the use of natural storm and energy dissipaters to reduce erosion and improve visual appearance.
- INF-13.** The City shall implement, where feasible, “best management practices” (BMPs) in parking areas near the coast to capture sediments and other pollutants, to filter and treat runoff prior to discharge, and to incorporate water quality protection features, such as Low Impact Development designs, into new or upgraded storm water system facilities and adjacent areas.

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.4.9 Background – Transportation**

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

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

***Transit Service***

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

***Bicycle Facilities***

The Coastal Zone contains the southernmost section of the Monterey Bay Sanctuary Scenic Trail. The Monterey Bay Sanctuary Scenic Trail provides a public trail along the shoreline of the Monterey Bay National Marine Sanctuary, extending between Pacific Grove and Marina, with planned extension into Santa Cruz County. The segment of the Monterey Bay Sanctuary Scenic Trail in Pacific Grove extends between the easterly City limits near Eardley Avenue to Ocean View Boulevard at Lovers Point. It has a paved portion (a Class I Bike Path which is separated from vehicle travel lanes) and an adjacent gravel path designated for pedestrians. The path varies in width from 10 feet to 22 feet. Bicyclists, pedestrians, and surreys share the path. Ocean View

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Boulevard extending from Eardley Avenue to Asilomar Avenue is a Class III bikeway. A Class III bikeway consists of a shared right-of-way with vehicles in a travel lane. Ocean View Boulevard-Sunset Drive, between Asilomar Avenue and Seventeen Mile Drive, is striped with Class II bike lanes. A Class II bikeway provides a striped bike lane on the outside of each vehicle travel lane.

***Pedestrian Facilities***

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

***Parking***

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

**3.4.10 Coastal Act Policies – Transportation**

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

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of new public works facilities to those improvements necessary to accommodate new development or uses permitted by the Coastal Act (Public Resources Code §30254).

**3.4.11 General Plan and Other Policies – Transportation**

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

**3.4.12 Land Use Plan Policies – Transportation**

- INF-14** The City shall seek to make “complete streets” improvements to the existing circulation system serving the Coastal Zone for expanded use by all users including pedestrians, bicyclists and transit passengers of all ages and abilities, as well as trucks, buses and automobiles. Utilize one-way streets, where appropriate, bulb-outs and other methods, to encourage “complete streets.”
- INF-15** Asilomar Avenue shall remain a City thoroughfare providing access to Asilomar Conference Grounds and an alternate coastal access route between Highway 68 and Ocean View Boulevard.
- INF 16** The City shall require a construction phase traffic control plan for new development that has the potential to disrupt circulation on arterial or collector streets.
- INF-17** Transit service and other means of transportation should be increased, where feasible, as a means of providing access for residents without automobiles, increasing the efficient use of coastal access roads, and as an approach to minimize adverse effects from special event traffic.
- INF-18** The designation of a continuous bicycle route along Ocean View Boulevard and Sunset Drive, extending from the existing bike route sign at Eardley Avenue and Ocean View Boulevard to the south end of Asilomar State Beach, shall be retained, and shall be extended to the Seventeen Mile Drive intersection. The City shall seek

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to upgrade this segment to a Class I bicycle path on the seaward side preferably, or Class II bicycle lanes if a Class I bicycle route is infeasible.

- INF-19** New development near popular visitor destinations shall be required to provide bicycle racks to encourage bicycle use.
- INF-20** The City shall continue to pursue acquisition of the abandoned Union Pacific Railroad right-of-way, or an alternative route where acquisition is not feasible, to help provide for continued and enhanced recreational trail/open space use.
- INF-21** The City shall connect the recreation trail between Cannery Row and Lovers Point to Asilomar State Beach and Spanish Bay.
- INF-22** New development in the Coastal Zone shall include adequate off-street parking to minimize the disruption of significant coastal access routes. All traffic impacts associated with new development shall be mitigated appropriately.
- INF-23** The City shall improve, relocate, or appropriately manage parking pull-outs along Ocean View Boulevard east of Asilomar Avenue, for the purpose of restoration and protection of “edge” areas and prevention of erosion, consistent with protection of sensitive habitats and encourage walking with the addition of a formal trail that would reduce vehicle and pedestrian conflicts.
- INF-24** The City shall coordinate with relevant local, state, or regional, transportation agencies to study the effects coastal hazards and sea level rise and the City shall prepare a Sea Level Rise Adaptation Program as a part of the Coastal Parks Plan that identifies adaptation strategies that could be used to address the specific vulnerabilities identified in the City of Pacific Grove Climate Change Vulnerability Assessment of 2015 and any future studies. The Program shall address the need to protect coastal resources, maximize public access, and maintain adequate evacuation routes, including Highway 68, as sea level rises, and shall include various options for relocating or protecting circulation facilities in the Coastal Zone, including trails, streets, and bicycle lanes in a way that achieves these goals.

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### 3.5 PARKS, RECREATION, AND PUBLIC ACCESS (PRA)

#### 3.5.1 Background – Parks, Recreation, and Public Access

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

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

1. **Shoreline Access** is the provision of pedestrian access and other forms of universal access including bicycle, stroller, etc. from a public thoroughfare to and along the shoreline.
2. **Lateral Accessway** is an area of land providing public access along the edge and parallel to the shoreline either along the beach or coastal blufftop trail where access along the beach is not available.
3. **Vertical Accessway** is an area of land providing a connection between the first public road, trail, or use area nearest the sea, or a lateral accessway, and the immediate shoreline, beach, publicly-owned tidelands, and ocean. In cases of steep grades changes, it may include stairs or ramps to access the water’s edge and beaches.

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

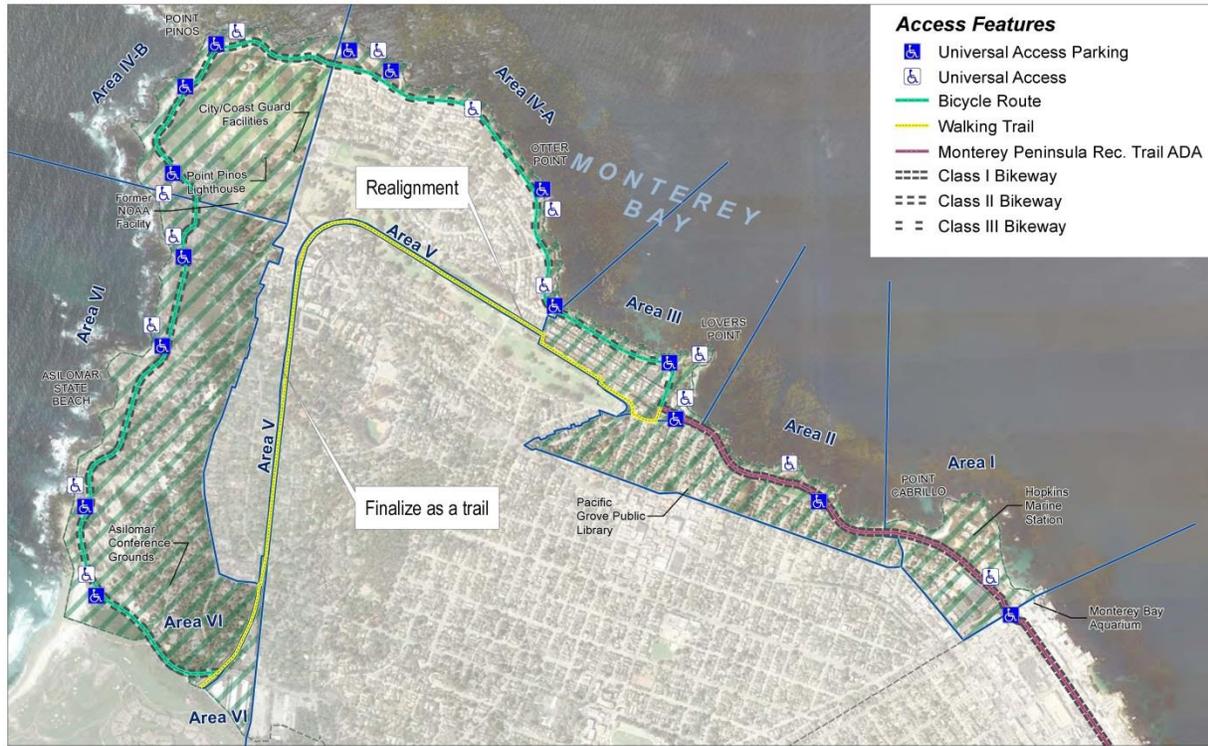
#### ***Area I: Point Cabrillo***

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

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the City's recreational trail and the sensitive bluff habitat and beach mammal habitat on Stanford University's property. Of the three beaches within the Stanford University's Hopkins Marine Station property, there is limited public access to the southern beach, also referred to as Fisher Beach. A small beach, Agassiz Beach on the eastern side of Point Cabrillo, provides access to the offshore kelp forests for divers and small boats. On the western side of Point Cabrillo, a small beach, West Beach is used by harbor seals to haul out and as a rookery. The harbor seals, which are present throughout the year, are visible through the black chain-link fence along the recreational trail that parallels Ocean View Boulevard. The Hopkins Marine Station property extends westward along the coast to the junction of Third Street and Ocean View Boulevard.

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 Figure 3: Coastal Parks, Trails, and Resources



**Coastal Parks, Trails, and Resources**  
 City of Pacific Grove Land Use Plan

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

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

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

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

### ***Area II: Pacific Grove Retreat***

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

The Union Pacific Railroad right-of-way is currently a recreation trail along its entire stretch through this area. Access to the path is available through Berwick Park and, near 13th Street. Parking along either side of Ocean View Boulevard is available throughout Area II. From Central Avenue there are clear bay views along many of the local streets. The view down Grand Avenue of the rocks at Lovers Point is especially impressive. Along Ocean View Boulevard, continuous views of the bay are available. The undeveloped bluffs and headlands afford fine views of Lovers Point and Monterey.

### ***Area III: Lovers Point***

The Lovers Point area contains three beaches – one on either side of the pier, and one just west of the point itself. Stairways have been developed to serve all three beaches, and are connected by

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walkways and sidewalks on the blufftop. The beaches are utilized by sunbathers, picnickers, and divers. Universal access is available to the pier and to the beach south of the pier.

A path system commences at Lovers Point and continues westward to Perkins Park. Benches are located along the paths at several locations west of 17<sup>th</sup> Street. Small steps at the Ocean View Boulevard curb line provide direct access to the paths. Maintenance of the trails and vegetation has resulted in little danger to the blufftop habitat; however, erosion potential could be reduced by directing pedestrians to beach stairways. Access to the pedestrian path on the old railroad right-of-way is available from the parking lot at the foot of Forest Avenue and 16<sup>th</sup> Street.

On-street parking spaces are available on 17<sup>th</sup> Street, on the north side of Ocean View Boulevard between Grand Avenue and 17<sup>th</sup> Street, and on the north side of Ocean View Boulevard. Besides the on-street parking spaces, a parking lot is located at the Ocean View Boulevard/17<sup>th</sup> Street intersection. Some parking spaces in this lot are designated for universal access. This parking lot is located at the westerly terminus of the Monterey Bay Sanctuary Scenic Trail.

In addition, a small parking lot with a two-hour time limitation that contains 17 diagonal, curbside and interior parking spaces is located on the outside of the roadway curve between 17<sup>th</sup> Street and Ocean View Boulevard. Two of the spaces in this parking area are designated for use by universal access. A universal access curb ramp located between these two spaces provides access to a pedestrian trail that connects to Lovers Point Park and overlooks the shore land area.

Views of the bay are generally continuous along Ocean View Boulevard. Lovers Point Park and Perkins Park provide numerous prime bay vantage points for the pedestrian. Bay views are also available to guests of multi-level motels along Ocean View Boulevard.

***Area IV-A: Ocean View Area***

A continuous path network runs the length of this portion of Perkins Park, from Lovers Point to Asilomar Avenues, providing a blufftop pedestrian link between Areas III and IV B. Numerous benches are located along the paths.

At four points (near the foot of Coral Street, Beach Street, Shell Avenue, and Palm Avenue) stairways provide vertical access to small beaches. Currently, free parking is unrestricted in this area. Pullouts on the bay side of Ocean View located at: 1) Sea Palm Avenue between Beach Street and Shell Avenue; 2) Otter Point between Acropolis and Coral Streets; and 3) between Asilomar Avenue and Acropolis Street provide additional parking. Picnic facilities are located at the Asilomar/Acropolis pullout.

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There is a Class III, or shared right-of-way bicycle route in this area. Unrestricted bay views are available from Ocean View Boulevard, and from the paths and auto pullout areas in Perkins Park. Otter Point affords a popular vantage point for viewing the bay.

### *Area IV-B: Point Pinos*

In this area, owned by the City and the United States Government, an informal path continues from the west end of Perkins Park, westward along the headlands and then southward to the last Ocean View Boulevard pullout, near the 18th hole of the municipal golf course. Pedestrian access to the beaches is through informal paths. Unmanaged pedestrian access in the headlands area has resulted in considerable trampling of vegetation.

Parking pullout areas are protected by rip rap and pullouts vary in design, with some vehicles parked at the very edge of the headlands. Impacts to the bluff vegetation and resulting erosion are evident in several areas due to parking. Vehicle parking also occurs on the shoulder of Ocean View Boulevard, adjacent to the dunes. Inland of Ocean View, parking is available on the Lighthouse grounds, and also on Asilomar Avenue at the entrance to the Lighthouse grounds. There are no parking restrictions in Area IV.

Signs stating “Marine Refuge” are located at the Ocean View Boulevard pullout at the foot of Asilomar Avenue, and on Ocean View at the foot of Lighthouse Avenue. Three informational signs concerning sensitive habitat for Black Oystercatchers and marine mammals have been placed within the Point Pinos area by the Bureau of Land Management’s California Coastal National Monument. The California Coastal National Monument rocks, exposed reefs, islands, and pinnacles are managed to protect biological, geological, cultural and visual resources. Signs prohibiting water contact activities and climbing on the Point Pinos rocky headlands are located on the beach opposite the former location of the United States Coast Guard fog horn that was removed in 2011. Visitor-directional signs are located at the Asilomar/Lighthouse Avenues intersection, and directly in front of the lighthouse entrance on Asilomar Avenue. Unrestricted bay and ocean views are available from Ocean View Boulevard, as well as from the Asilomar/Lighthouse Avenues intersection at the southeast corner of Area IV.

The former National Oceanic and Atmospheric Administration Southwest Fisheries Center facility at Point Pinos includes an exterior mural designed by Ray Troll entitled “Green Seas/Blue Seas: The California Current, Climate Change and Sustainable Fisheries” that depicts a century of history of the fisheries and fishing industry in Monterey Bay.

### *Area V: Union Pacific Railroad*

In 1982, a joint powers agency consisting of the cities of Pacific Grove and Monterey, together with the Monterey Peninsula Regional Park District acquired the portion of the abandoned Union Pacific

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Railroad right-of-way between Custom House Plaza in Monterey and Lovers Point. In 1984, the portion of the right-of-way between the Monterey Bay Aquarium and Lovers Point was developed as a recreational trail for pedestrians and cyclists. The remainder of the right-of-way was not purchased at the time.

The former right-of-way at the mobile home park is now privately owned. The route of the right-of-way from the mobile home park at Lovers Point passes through the City golf course and then through areas developed with single- and multi-family homes and motels. No ocean views are available from the right-of-way. Access to the right-of-way is provided at the various road intersections with the former railroad tracks, from Del Monte Boulevard to Pico Avenue. However, because the right-of-way is now privately owned at the mobile home park and also passes through the golf course, the City should study the realignment of this proposed trail system to connect Lovers Point to Asilomar and Spanish Bay ideally along the coastline.

***Area VI: Asilomar***

Dunes within the Asilomar State Beach and Conference Grounds are continually subject to moderate or heavy recreational use, depending on location. Interpretive signs have been used with limited success to guide people away from sensitive areas. A striped pedestrian way crosses Sunset Drive.

Development of the proposed recreational trail along the railroad right-of-way would provide an additional access opportunity. The only public parking facilities in the area are those at the Asilomar State Beach and Conference Grounds, including along the road. There are no restrictions on street-side parking in Area VI. Visitor-directional signs are located at the Asilomar Avenue intersections with Sinex Avenue and with Sunset Drive. There is an on-street bike lane at Asilomar along Sunset Drive out to Highway 68.

With the exception of the Sunset Service Area, any new development within this area will be on the inland side of Sunset Drive. Consequently, there is no possibility for development to interfere with ocean views from the portion of the road north of the Sunset Service Area. The Asilomar State Beach and Conference Grounds' dune areas adjacent to Sunset Drive possess considerable visual interest, and should be protected.

Asilomar State Beach makes up the majority of this planning area's shoreline lands. Two single-family residences are situated between the northern boundary of the State Beach and the southern boundary of Point Pinos' open shorefront lands. Lateral access is provided across both of these properties, providing for a continuous public trail connection between the Lighthouse Reservation shoreline area and Asilomar State Park shoreline area on either side of the residences, respectively. A continuous trail network, providing both lateral and vertical access opportunities, extends the length of the State Beach property.

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There are no designated public parking facilities within Area VI. Currently public vehicle parking occurs on the shoulders and pullouts along Sunset Drive, with the heaviest concentrations occurring south of Pico Avenue. There are no restrictions on parking, other than overnight parking. For a considerable distance, large rocks have been placed along the east side of Sunset Drive to prevent automobile intrusion onto State park property. Signs identifying the State Beach, warning of rip current hazards, and prohibiting camping and unleashed dogs are located at frequent intervals along Sunset Drive.

Continuous unobstructed ocean views are available from Sunset Drive, except at the two residences opposite Jewell Avenue and in the area of the Sunset Service area. Remaining undeveloped dune lands in the Asilomar dunes area, on the inland side of Sunset Drive, serve to lessen the contrast between existing development and the undisturbed open space of Asilomar State Beach and Asilomar Conference Grounds. Maximum retention of open areas within the Asilomar dunes will help protect the visual qualities of this area.

### 3.5.2 Coastal Act Policies – Parks, Recreation, and Public Access

The Coastal Act requires that each Local Coastal Program contain a public access component (Public Resources Code §30500(a)). Other Coastal Act policies address public access, specifically requiring that any development occurring within the Coastal Zone shall not interfere with the public's right of access. In addition, new development must provide access from the nearest public road to the shoreline so long as it is not inconsistent with public safety, military security needs, or protection of fragile coastal resources (Public Resource Code §§30210 through 30212).

Public facilities shall be distributed throughout an area in order to mitigate against impacts of overcrowding or overuse of any single area. In addition, new public works facilities must accommodate needs generated by development consistent with the provisions of the Coastal Act (Public Resources Code §§30212.5, 30252, and 30254).

### 3.5.3 General Plan and Other Policies – Parks, Recreation, and Public Access

The Pacific Grove General Plan Parks and Recreation Element contains numerous policies and recommendations regarding preservation of open space lands for the purpose of providing outdoor recreation. The Land Use Plan provides specific policies or recommendations regarding the provision of public access to the shoreline. The Land Use Plan policies on parks, recreation, and public access that follow supplement existing City policies and regulations by providing for specifics on coastal access and recreation.

**COASTAL COMMISSION NOVEMBER 2017 LUP EDITS - CLEAN COPY****3.5.4 Land Use Plan Policies – Parks, Recreation, and Public Access**

- PRA-1.** The City shall strive to provide safe and adequate access to and along the City's shoreline and other points of public interest. The City shall, to the maximum extent feasible, maintain a continuous pedestrian coastal trail, the length of the City's Coastal Zone, seaward of Ocean View Boulevard/Sunset Drive. The City shall adopt trail design standards, including width, pitch, surface condition, erosion control, proximity to the mean high tide line, and potential effects of sea level rise, including but not limited to temporary flooding, storm waves, erosion, and permanent inundation, when carrying out trail maintenance and/or upgrade activities. The City shall also take into consideration designs and mitigations of potential adverse impacts to the California Coastal National Monument resources from public use and access. All public access trails and related development shall be sited and designed to effectively integrate into the natural shoreline aesthetic as much as possible.
- PRA-2.** The City shall enhance access to its shoreline, while maintaining the Coastal Zone's unique character, by reducing the impact of automobiles. This shall be accomplished, in part, by encouraging use of public transit within the Coastal Zone, and by providing non-vehicular Coastal Zone access opportunities for bicycles and pedestrians. When considering a Coastal Development Permit application for any development that could reduce or degrade public parking opportunities near beach access points, shoreline trails, or parklands, including any changes in parking timing and availability, evaluate the potential impact on public coastal access, and ensure existing levels of public access are maintained, including through ensuring that alternative access opportunities, including bike lanes and parking, pedestrian trails, and relocated vehicular parking spaces, are provided so as to fully mitigate any potential negative impacts and maximize access opportunities. Any revenue from fee-based parking programs within the Coastal Zone shall only be used to fund public access improvements within the Coastal Zone.
- PRA-3.** Any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, shall require a Coastal Development Permit. Appropriate signing should be considered for popular visitor destinations and access points in conjunction with other sign programs under coastal access and habitat protection policies. However, excessive signs and other visually intrusive landscape features shall be avoided. The City shall develop a coordinated sign program for the City's shoreline area to ensure consistency of information and presentation, and to ensure that such signs effectively integrate into the shoreline with the least amount of impact to public views.

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- PRA-4.** The City shall update the Coastal Parks Plan for inclusion in the Local Coastal Program, for the Pacific Grove coastal parklands, including the Lighthouse Reservation. The purpose of the Coastal Parks Plan as it relates to shoreline access is to:
- a. Provide improved and enhanced accessways and control unrestricted parking by use of appropriate barriers or other means, consistent with the visual resource and public access protection policies of this plan;
  - b. Improve the existing sign program to include interpretive information pertaining to public safety, public access, protection of sensitive habitats, and special natural or man-made features;
  - c. By regulating public use and access to the shoreline, prevent overuse and damage to biological, cultural, geological, and visual resources by developing regulations concerning maximum public usage; and
  - d. Provide standards for maintenance, management, and development of the City's coastal parklands in a manner consistent with the Resource Management policies of the Land Use Plan.
- PRA-5.** As part of the planning process for any updates to the Coastal Parks Plan, and/or as part of the Coastal Development Permit review process for any development within the Planning Areas identified below, the City shall analyze the potential impacts of coastal hazards and sea level rise, and identify opportunities to ensure continued public access over time. The City shall also consider the following opportunities:
- a. Planning Area I: Encourage Hopkins Marine Station to maintain a low profile, low visibility fence or barrier that is sited and designed to limit public view degradation as much as possible. Pursue opportunities to provide lateral and vertical access along the Hopkins shoreline as much as possible without negatively impacting the habitat or the scientific mission of the Station. Encourage enhanced visitor and public access, circulation and parking at the American Tin Cannery building and property;
  - b. Planning Area II: provide well-defined trails along the bluffs with stairways to provide access to the water and direct recreation to Berwick Park, but balance the need to protect Environmentally Sensitive Habitat Areas;
  - c. Planning Areas III and IV: create formal trail network and restore native vegetation and reduce erosion by directing pedestrians to beach stairways along the coast. Create an alternative alignment for the proposed recreation trail extension from

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Lovers Point to Asilomar and Spanish Bay, to the degree this provides better and more maximum public access;

- d. Planning Area IV: clearly define parking areas from 17 Mile Drive west to protect bluff vegetation and reduce erosion, while maximizing public coastal access, and seek means to reduce conflicts between automobile and pedestrians and cyclists (e.g., ingress/egress direction, etc.);
  - e. Planning Area VI: on state-owned lands west of Sunset Drive, reduce habitat damage by vehicles and reduce conflicts with pedestrians/bicyclists;
  - f. Planning Areas I, II, III, IV and VI: develop an accessways maintenance program for all existing and new shoreline accessways;
  - g. Planning Area V: Study potential recreation trail realignment between Lovers Point Park and Lighthouse Ave.;
  - h. Consider relocation or renovation of parking areas to reduce erosion and delineate specific tour bus pullout areas and tour bus parking elsewhere should be prohibited; and
  - i. Develop adaptation strategies for the potential of higher storm waves, erosion, and other coastal hazards due to anticipated sea level rise. Strategies may include considering the addition of natural granite boulders to the shore area in key locations to dissipate wave energy; a plan for relocation of stair wells and access trails, points and signage, etc.; or other strategies that protect/preserve public access and recreation opportunities.
- PRA-6.** Excessive signs and other visually intrusive landscape features shall be avoided.
- PRA-7.** The City shall encourage the State to continue to implement the Resource Management Plan for Asilomar State Beach and Conference Grounds to the extent its implementation is consistent with the Local Coastal Program and the Coastal Act and to include provisions for designated accessways which are both safe and non-disruptive of sensitive habitats.
- PRA-8.** Development with the potential to impact public access, whether during construction or after, shall develop a Public Access Management Plan designed to identify and limit impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times, minimize road and trail closures, identify alternative access routes, and provide for public safety. Plans associated with temporary events shall

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include additional strategies to avoid impacts to parking and access, including, but not limited to, the use of shuttles to off-site parking locations and bike valet programs.

**PRA-9.** New development shall ensure that public access opportunities are maximized, including though offsetting any temporary (e.g., during construction) and potential permanent impacts to public access (including in terms of increased traffic leading to impacts to public access use of the City's circulation system) appropriately and proportionally. Development shall provide for public access enhancements and improvements as much as possible, including in terms of providing public access use areas in private development projects (e.g., visitor serving development) as appropriate. Development that does not meet these requirements shall be denied.

**PRA-10.** The City may seek a Coastal Development Permit to establish paid public parking spaces with reasonable rates in appropriate places, including in areas unencumbered by existing Coastal Development Permits, in order to establish a dedicated funding source to improve and enhance coastal access.