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Filed: 3/7/2012
180th Day: 9/3/2012
Staff: J.Manna-SF
Staff Report: 7/19/2012
Hearing Date: 8/10/2012

STAFF REPORT: CDP AMENDMENT

Application No.: 3-04-027-A3

Applicant: City of Pacific Grove

Agent: Thomas Frutchey

Location: Sloat Avenue and Ocean View Boulevard, between 1st Street and Dewey Avenue, Pacific Grove, Monterey County.

Project Description: Implement a 2-hour time restricted public parking program for 31 parking spaces on Sloat Avenue and Ocean View Boulevard between 1st Street and Dewey Avenue in Pacific Grove, and implement a preferential residential permit parking program that allows residents to park in these spaces for an unlimited period of time.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Coastal development permit (CDP) 3-04-027, as currently amended, authorizes a metered

parking program in a portion of Pacific Grove immediately adjacent to the City of Monterey city limits along the shoreline and near the Monterey Bay Aquarium (in the City of Monterey) and the American Tin Cannery (in the City of Pacific Grove). As mitigation for the public recreational access impacts of the metered parking program, CDP 3-04-027 required all public parking impediments along the Pacific Grove shoreline to be removed between the approved metered parking program west to Lover's Point, and specifically required that all preferential residential permit parking programs along and adjacent to Ocean View Boulevard be removed as well. To date, such impediments and restrictions have been removed, and parking is free and unrestricted along Ocean View Boulevard between the metered parking program and Lover's Point as required by the Commission.

The City of Pacific Grove is now seeking approval for an amendment to the CDP to implement a parking program on Sloat Avenue and Ocean View Boulevard between 1st Street and Dewey Avenue, in the Dewey Avenue neighborhood and along the shoreline of Pacific Grove immediately downcoast of the previously authorized metered parking program. The new proposed program would apply parking restrictions to 31 parking spaces, 15 spaces on Sloat Avenue and 16 spaces on Ocean View Boulevard. The parking restrictions would include a 2-hour time limit for public parking any day any time, while allowing residential permit holders to park all day any day. Although the portion of the proposed amendment affecting the Ocean View Boulevard parking spaces (which are currently required to be unrestricted) would be considered a weakening amendment requiring that it be rejected (per the Commission's regulations), the City provided newly discovered material information relative to parking use practices to allow for its consideration (as accounted for by the regulations as well). Specifically, the City provided a study on parking use along the affected streets indicating that it is possible that the spaces are being dominated by employees working on Cannery Row, as opposed to general public access parking, as was the Commission's intent.

The City of Pacific Grove has a certified Land Use Plan (LUP), but the Implementation Plan has not yet been certified. Therefore, the Commission retains CDP jurisdiction over this project, and the standard of review is Chapter 3 of the Coastal Act, with the LUP as non-binding guidance.

The City has identified a need for the restrictions set forth in the parking program to address the long-term parking impacts by employees of Cannery Row businesses, and most specifically of the Monterey Bay Aquarium, located just a quarter-mile away ([Exhibit 1](#) illustrates the location of the parking spaces in question relative to Cannery Row and the Aquarium). A survey of individuals parking in the Dewey Avenue neighborhood and along Ocean View Boulevard, conducted by the City, found a disproportionate use of the spaces by Cannery Row and Aquarium employees for extended periods of time. The City would like to implement the parking program to protect residents from parking conflicts and protect the public's access to Pacific Grove's coastal zone. The City believes that the parking program as designed would still allow the public to recreate in the area while deterring the long-term use of the spaces by Cannery Row and Aquarium staff.

Staff believes that the City's data indicates that employee use of the parking spaces in question is affecting the public's ability to visit the coastal zone by inappropriately tying up the parking spaces. And although there may be different time delimitations that could be applied (e.g., 4-hours), a 2-hour restriction seems appropriate at this location, as it allows a good amount of time (consistent in duration to data from the City's survey on this point) for enjoying Pacific Grove's

shoreline recreational trail, as well as nearby shops, restaurants, and other visitor serving destinations, while at the same time leaving the rest of the required unrestricted parking spaces along Ocean View Boulevard unrestricted and available for general public use, as required by the base CDP. It should help promote turnover for public access parking at this transition zone between the bustling Cannery Row/American Tin Cannery commercial area and the lower key recreational trail area extending downcoast. In that sense, the 2-hour spaces provide a buffer of sorts between the Cannery Row and metered parking area and the unrestricted spaces extending toward Lover's Point.

However, the proposed residential preferential component of the parking program raises inconsistencies with Coastal Act public access and recreation policies that require and protect maximum public access and the provision of lower cost visitor and recreational facilities because it allows residents preferential access at all times and without time limit to the spaces in question, displacing the general public, and defeating the purpose of applying the 2-hour limitation in the first place. There is no evidence to date from the City that supports the claim that the preferential resident parking portion of the proposed project is needed to prevent parking conflicts. As observed by Commission staff, access to off street parking options in the form of driveways and/or garages provides adequate parking to serve residents in the neighborhood. Preferential parking effectively usurps public streets for private use, and cannot be found consistent with the public access and recreation policies of the Coastal Act.

Thus, staff is recommending approval of a modified program, where **special condition 1**, allows for the 2-hour limitation on the parking spaces in question, but eliminates the preferential residential parking component of it. Further, staff is recommending that the 2-hour limitation apply between 9am and 6pm, consistent with other 2-hour parking areas within the City (i.e., at Lover's Point) and the City's survey results (showing this to be the main time when general public use conflicts with employee use), and so as not to penalize early morning and evening public access users and residents and their guests when parking demand is lower and time-limit restrictions unwarranted. As conditioned, staff recommends **approval** of the CDP amendment application. The motion is found on page 5 below.

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EXHIBITS

[Exhibit 1 - Proposed Parking Program Location](#)

[Exhibit 2 - Map of Pacific Grove and Proposed Project Area](#)

[Exhibit 2 - City Parking Survey](#)

[Exhibit 3 - City Parking Survey Results](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Amendment 3-04-027-A3 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit Amendment 3-04-027-A3 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special condition:

1. **Modified Parking Program:** PRIOR TO THE IMPLEMENTATION OF THE PARKING PROGRAM, the Permittee shall submit two copies of a modified parking program plan to the Executive Director for review and approval that: (a) eliminates the preferential residential permit parking portion of the program; and (b) allows 2-hour parking between the hours of 9am and 6pm, and unrestricted parking otherwise. The plan shall include a graphic depiction of the signs to be used to implement the program, and shall include a clear description of other implementation mechanisms (e.g., methods for enforcing the 2-hour limit, etc.). The Permittee shall undertake development in accordance with the approved parking program plan.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Pacific Grove is located on the southern tip of Monterey Bay approximately 100 miles south of San Francisco and is bounded by the City of Monterey (upcoast), the Del Monte Forest area of Monterey County (downcoast) and the Pacific Ocean and Monterey Bay ([Exhibit 2](#)). The Point Cabrillo planning area, as it is called in the certified Land Use Plan (LUP), is one of the most popular visitor-serving destinations on the Monterey Peninsula. The big draw to this location is the world-renowned Monterey Bay Aquarium. Located at the west end of Cannery Row and contiguous with the Monterey-Pacific Grove city limit, the Monterey Bay Aquarium boasts over 1.8 million visitors annually and was recently awarded the distinction of the nation's No. 3 top-rated family attraction.¹ In addition to the Aquarium, the historic Cannery Row offers shopping at a number of retail venues, culinary treats at its distinctive restaurants, a multitude of visitor serving lodging accommodations, and an eclectic system of public accessways winding along the shoreline and in and around the built environment. Similarly, on the City of Pacific Grove side of the city limit just upcoast of the Aquarium lies the American Tin Cannery complex and its multitude of shops and visitor attractions.

The proposed parking program is located near a "trailhead" to the City's recreational pedestrian and bicycle path that meanders along the City shoreline downcoast of Cannery Row and the Aquarium along the entire length of the City, offering sweeping views of Monterey Bay, offshore granite rock formations, and pocket cove beaches, as well as glimpses of near-shore

¹ By Zagat Survey U.S. Family Travel Guide.

marine life. Ocean View Boulevard, the first through public road, meanders similarly just inland of the Pacific Grove recreational trail.

In September 2004, the Coastal Commission approved a temporary 5-year coastal development permit, CDP 3-04-027, authorizing (after-the-fact)² the temporary operation of a metered parking program together with the physical installation of 100 parking meters, signs, and related development within the first two blocks of the shoreline adjacent to the American Tin Cannery and the Hopkins Marine Station (located just downcoast of the Aquarium). Prior to the metered parking program and the Commission's action on the CDP, parking on the streets to be metered was time restricted (i.e., 2-hour parking), but parking was free. In 2009, the CDP was amended (CPD 3-04-027-A1) to allow the continuation of the metered parking program indefinitely but with a special condition that all existing parking along Ocean View Boulevard between Dewey Avenue and Fountain Avenue remain free and unrestricted for the life of the project, except for those existing restrictions that had been legally permitted and in existence prior to the date of approval of CDP 3-04-027.

At the time of the approval of CDP 3-04-027 (and subsequent amendment CDP 3-04-027-A1), a preferential residential parking program was operating in the Dewey Avenue neighborhood, in place since 1984. As these restrictions were put in place after Proposition 20 (the Coastal Initiative) and the Coastal Act,³ such restrictions were considered unpermitted, and were required to be removed by CDP amendment 3-04-027-A1. Instead of removing the preferential residential parking program as required by the amended CDP, the City submitted another amendment in 2010 seeking to approve and recognize the preferential parking program (CDP amendment 3-04-027-A2). Pursuant to California Code of Regulations (CCR) Section 13166, the Executive Director rejected the proposed amendment because it lessened and avoided the intended effect of the Commission's approval, which had, among other things, specifically required elimination of the preferential program. Ultimately, the City withdrew amendment application 3-04-027-A2, and proceeded to develop the parking use information submitted with the current application as a means of allowing Commission consideration of it under CCR Section 13166.

On March 20, 2011 the City discontinued enforcement of the residential preferential permit parking program by bagging the signs in order to submit a stand-alone CDP amendment application for a modified parking program that could be reviewed on its own merits. Through this application, the City of Pacific Grove is seeking approval for a CDP amendment to implement a parking program in the Dewey Avenue neighborhood on Sloat Avenue and Ocean View Boulevard between 1st Street and Dewey Avenue. The parking program would apply parking restrictions to 31 parking spaces, 15 spaces on Sloat Avenue and 16 spaces on Ocean View Boulevard. The parking restrictions would include a 2-hour time limit for public parking any day any time, and would allow preferential parking for residential permit holders who would be allowed to park all day any day.

² The City had originally installed the meters in 2003 without benefit of a CDP.

³ Coastal permits have been required in this area going back to February 1973 pursuant to Proposition 20.

The City indicates that there are currently about 900 free unrestricted parking spaces in Pacific Grove along Ocean View Boulevard and Sunset Drive. The City of Pacific Grove LUP identifies parking in the Point Cabrillo area to serve the American Tim Cannery but does not identify parking facilities in this area specifically to serve the Aquarium. The City has provided new evidence from a survey conducted in the Dewey Avenue neighborhood that the parking is being disproportionately utilized by Cannery Row employees, and most specifically by Monterey Bay Aquarium staff, volunteers, and docents (see **Exhibits 3 and 4**). The City indicates that the parking program has been designed to protect residents from parking conflicts and to allow the general public to park for up to 2-hours, enabling them to either visit Pacific Grove's shoreline or local attractions while deterring the long-term use of the spaces by employees of the Aquarium.

B. PUBLIC ACCESS AND RECREATION

Coastal Act Sections 30210, 30211, and 30213 specifically protect public recreational access, including parking access. In particular:

***Section 30210:** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211:** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

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

Coastal Act Section 30240(b) also protects parks and recreation areas, such as the adjacent recreational trail along the Pacific Grove shoreline. Section 30240(b) states, in applicable part:

***Section 30240(b):** Development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those recreation areas.*

The City's LUP also provides guidance to the Commission as it considers proposals for development in the Point Cabrillo area. With regards to public recreational access, the LUP contains the following relevant policies:

***4.2.4.1:** The City shall enhance access to its shoreline, while maintaining the coastal zone's unique character, by reducing the impact of the automobile. This will be accomplished, in part, by encouraging use of the bus system lines within*

the coastal zone, and by providing non-vehicular coastal access opportunities in the form of pedestrian/bicycle paths.

5.4.2: The City shall coordinate shoreline access planning with the City of Monterey...

5.4.4: 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 transportation within the coastal zone, and by providing non-vehicular coastal zone access opportunities.

The cited Coastal Act policies make clear that maximum recreational access must be provided. Those policies also require that lower cost visitor and recreational facilities be protected and, where feasible, provided, and require that adjacent park and recreation areas, like the City's recreational trail, be protected from the effects of adjacent development. The area of the proposed parking program is a popular parking area for visitors to the Pacific Grove shoreline, Monterey Bay Aquarium, and Cannery Row, as it is in close proximity to all three visitor destinations and related activities.

Recent trends in parking regulations raise concerns about the cumulative impacts of individual projects on the ability of the public to park and access the shoreline. It is important, therefore, that the effect of this parking program be evaluated within the context of the larger pattern of parking regulation at this prime visitor destination. Over time, the establishment of various parking regulations in both Pacific Grove and Monterey has led to a diminishing number of free, unrestricted parking spaces. Although the Commission has taken care to ensure Ocean View parking is protected as free and unrestricted through the base CDP in this case, elsewhere along the shoreline in Pacific Grove and Monterey there are a multitude of parking regulations (including time limits, metered parking, residential permit parking, and overnight parking bans) that limit the public's ability to freely access the coast. As this trend continues, it is increasingly more difficult to conclude that additional parking regulations are consistent with the Coastal Act requirement of maximizing public access.

However, as the City points out, the Dewey Avenue neighborhood is subject to parking not only by visitors accessing the coastline but also employees of local businesses, and most specifically employees of the nearby Monterey Bay Aquarium. As noted in the project description, there are approximately 1.8 million visitors to the Aquarium and Cannery Row annually. The Monterey Bay Aquarium employs roughly 450 full-time employees and nearly 1,000 part-time volunteers. The nearby retail stores, restaurants, and hotels together employ hundreds more. Employees of these businesses must somehow obtain transportation to work. Many of them choose to drive their automobiles and, with the exception of the American Tin Cannery located in Pacific Grove, these employers do not generally provide parking for their employees. Thus, these employees must seek convenient and affordable parking. Since the City of Monterey does not provide any

free, unrestricted parking within several blocks of Cannery Row,⁴ a significant number of these individuals are likely parking in Pacific Grove where there are fewer restrictions.

The City had been operating an unpermitted preferential residential parking program in the Dewey Avenue neighborhood since 1984, but discontinued the operation of this parking program on March 10, 2011. The City conducted an independent survey from October 2011 to January 2012 to provide evidence that parking spaces in the Dewey Avenue neighborhood and along Ocean View Boulevard, when unrestricted, are disproportionately being used by Cannery Row and Monterey Bay Aquarium staff for extended periods of time throughout the day, and by doing so limiting the number of spaces available to the general public to visit the coastal zone. The Pacific Grove survey ([Exhibit 3](#)) and methodology was approved by Commission staff prior to its implementation. The survey was conducted on a weekday and weekend day in the peak and off-peak season from sunrise to sunset. Conclusions drawn from the survey to support the City's claim include:

- Of 174 individuals parking in the neighborhood, 31% were Monterey Bay Aquarium employees or volunteers, the largest group, while 20% were coastal visitors, and 10% were local residents or guests.
- Employees and volunteers of Monterey Bay Aquarium parked for the longest period of time, an average of 8 hours for employees and 5 hours for volunteers.
- Employees and volunteers of Monterey Bay Aquarium arrived earlier in the morning (7am to 9am), while coastal visitors arrived later (between 9am and 10am).
- Individuals visiting the coastal area parked on average a little over an hour.

[Exhibit 4](#) illustrates the length and time of individuals parking on Ocean View Boulevard between Dewey Avenue and 1st Street, on Saturday, January 7, 2012, as surveyed by the City.

Conclusions drawn from the information gathered through the survey suggests parking in the area is in fact being disproportionately utilized by Monterey Bay Aquarium staff, volunteers, and docents. The parking program proposed by the City is designed to allow the general public to park for up to 2-hours enabling them to either visit Pacific Grove's shoreline or nearby businesses and attractions but deter longer term use of the spaces by employees of the Aquarium. The parking program would serve to maintain and maximize public access by allowing a greater rate of turnover for these spaces and limiting them from being tied up all day by long-term parkers. And although there may be different time delimitations that could be applied (e.g., 4-hours), a 2-hour restriction seems appropriate at this location as it allows a good amount of time (consistent with the time observed for such users in the City's survey) for enjoying Pacific Grove's shoreline recreational trail, as well as nearby shops, restaurants, and other visitor serving destinations, while leaving the rest of the required unrestricted parking spaces along Ocean View unrestricted and available for general public use. It should help promote turnover for public access parking at this transition zone between the bustling Cannery Row/American Tin Cannery commercial area and the lower key recreational trail area extending downcoast. In that sense, the

⁴ These areas are all outside of the coastal zone, which includes only Cannery Row itself in that area of Monterey.

2-hour spaces provide a buffer of sorts between the Cannery Row and metered parking area and the unrestricted spaces extending toward Lover's Point. While frequently parking restrictions are inconsistent with the public access and recreation policies of the Coastal Act, in this case, the time restrictions may serve to maximize public access by allowing for greater parking turnover at this prime visitor destination.

However, the proposed residential preferential component of the parking program raises inconsistencies with Coastal Act public access and recreation policies that require and protect maximum public access and the provision of lower cost visitor and recreational facilities because it allows residents preferential access at all times and without time limit to the spaces in question, displacing the general public, and defeating the purpose of applying the 2-hour limitation in the first place. In other locations where potential resident-visitor user conflicts have been identified, the Commission has acted to require restrictions that are applicable to all users equally. There is no evidence to date from the City that supports the claim that preferential resident parking is needed to prevent parking conflicts. As confirmed through a site visit by Commission staff to the neighborhood, there is adequate parking to serve residential use as all residents have access to off street parking in the form of driveways and/or garages. Preferential parking effectively usurps public streets for private use, and cannot be found consistent with the public access and recreation policies of the Coastal Act. Thus, this part of the program must be eliminated for consistency with the Coastal Act (see **Special Condition 1**).

Finally, enforcement of time restricted parking all day every day could have impacts on residents and their guests and the general public in utilizing the spaces during the early morning and evening hours when demand is lower. There is no evidence to suggest that there is a parking problem during these times that would suggest such time limits would be necessary or appropriate then. Such a time limitation during these hours would restrict public access inconsistent with the Coastal Act, and cannot be approved. To avoid these impacts, the 2-hour limitation is only appropriate during the day. There are a number of ways to identify the appropriate cutoff times, but given that other time-delimited parking areas in Pacific Grove are applied between 9am and 6pm, and given that this is also the period of time that the City's survey suggests the conflicts between employee parking and public access parking are occurring (i.e., employees arriving between 7am and 9am and staying about 8 hours, and public access users arriving around 9am), the 9am and 6pm period is the most appropriate time period in which to limit the duration of parking (see **Special Condition 1**). This will serve to facilitate general public access and resident/guest use during early morning hours and during the evening for longer periods of time, while still deterring Aquarium employees from parking during the work day.

As conditioned to eliminate the preferential parking component and to limit the duration of the 2-hour parking period to 9am and 6pm, the project can be found consistent with the public access and recreation policies of the Coastal Act.

C. LOCAL COASTAL PROGRAMS

Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be

issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested that the Coastal Commission prepare its LCP. However, the draft LCP was rejected by the City in 1981, and the City began its own coastal planning effort. The City's LUP was certified on January 10, 1991, and the City is currently formulating implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. At this time, however, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.

The LUP contains various policies that are relevant to the public recreational access issues raised by this permit application (see previous findings). The approval with conditions in this case is consistent with these policies, and consistent with the Coastal Act that will be the standard of review for any updated LUP policies, and thus it will not frustrate or prejudice future LCP planning efforts of the City.

Therefore, as conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effects which the activity may have on the environment.

The City of Pacific Grove, as the lead CEQA agency, found the project to be exempt under CEQA. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant

environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



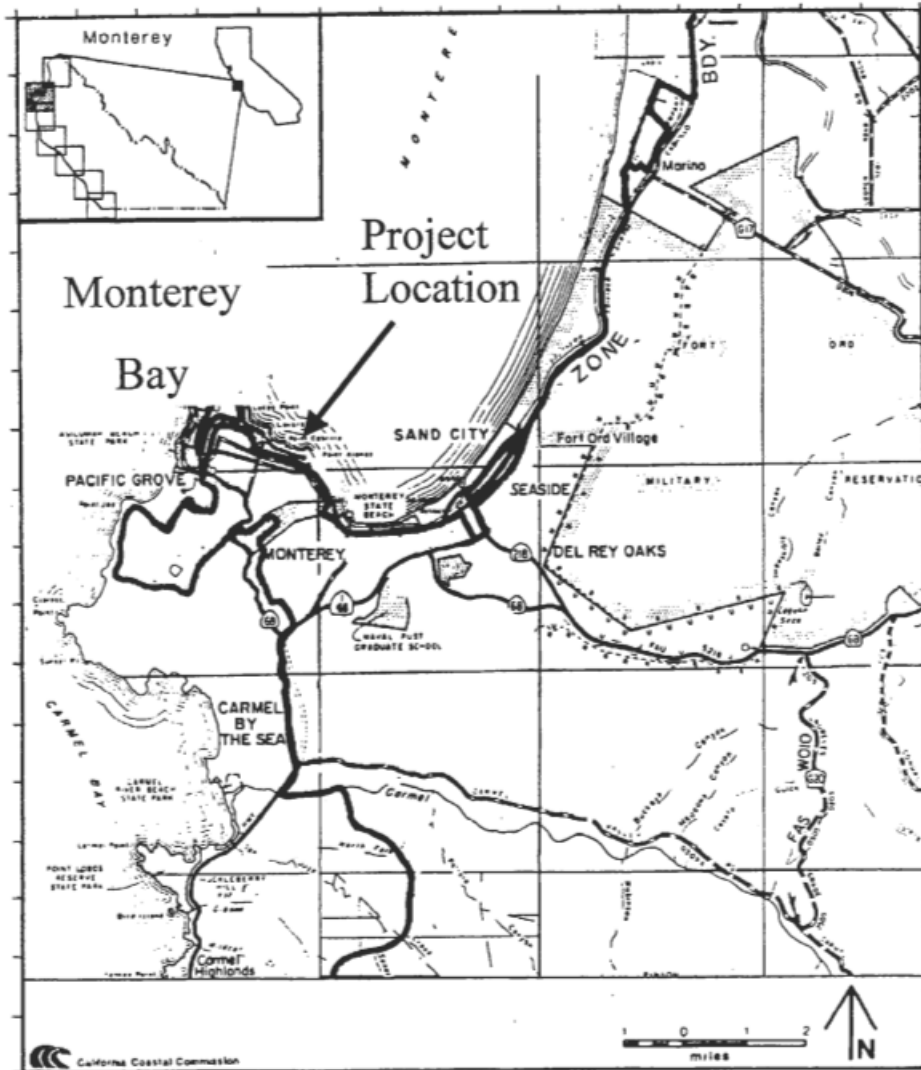


Exhibit C Length of Stay Illustration

Ocean View (between Dewey and 1st) • Saturday, January 7, 2012



LEGEND

- Local resident or rental house occupant
- Monterey Bay Aquarium (visitor)
- Monterey Bay Aquarium (employee or docent)
- Coastal visitor/recreation trail user
- Other (e.g., American Tin Cannery visitor, Cannery Row visitor)

Exhibit 4 (3-04-027-A3)