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Staff: Brian O'Neill - SC
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Hearing Date: 7/12/2018

STAFF REPORT: CDP HEARING

Application Number: 3-18-0493

Applicant: City of Pacific Grove

Project Location: Pacific Grove Municipal Golf Links inland of Ocean View Boulevard and just west of Asilomar Avenue in the City of Pacific Grove (APN 007-011-006-000).

Project Description: Annual auto auction event, including related temporary event facilities and activities, for five years at the Pacific Grove Municipal Golf Links.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Pacific Grove proposes to hold a temporary auto auction event at the Pacific Grove Golf Links located at Point Pinos in the City of Pacific Grove one time a year in the late summer for five years, starting in August 2018. The event includes the installation of two temporary tents on the 18th hole to accommodate approximately 80 vehicles offered for auction, temporary restroom facilities, parking for the event on the 16th hole, and related event development. The Applicant estimates that 500 guests would attend the main event, which would begin about 5 pm and end at about 9:30 pm, with the first event taking place on August 23, 2018. In addition, private auto viewings will be offered for two days prior to the main auction, which the Applicant states would involve no more than 30 people at any given time. The City estimates that the entire event, including setup and breakdown before and after, would occur over approximately twelve days. The City indicates that the event should have negligible coastal resource impacts.

Opponents of the event primarily raise potential public recreational access and habitat issues as reasons why the event should not take place. Staff believes that the event is limited in nature and will not lead to any significant coastal resource problems, including via conditions of approval to ensure that is the case.

In terms of public recreational access, the event would mean that the 16th and 18th holes of the golf course are closed to play for one day, but no public streets will be closed and the City intends to use the 16th hole of the golf course for event parking. In addition, free valet parking would be available onsite and for the 2018 event the Pacific Grove Chamber of Commerce is providing free shuttle buses from local hotels to further limit the potential for event parking to disrupt general public access parking. "No Event Parking" signs would be placed along Ocean Boulevard public parking areas to ensure that coastal access areas are maintained for public use. With conditions of approval to require submission of a traffic and parking plan identifying such measures, including showing the location and type of all directional signage and including requirements to ensure that all coastal access parking areas remain available to the public, the project as conditioned can be found consistent with the Coastal Act's public access and recreation policies.

In terms of habitat resources, the event will take place within developed areas of the Pacific Grove Municipal Golf Links. The Golf Links is a very popular public golf course that is almost 100 years old, and it runs in and around the historic Point Pinos Lighthouse, the oldest remaining lighthouse on the west coast. Much of the area used for the golf course was historically dune, and the golf course reflects this prior landform by weaving in and out of dunes, including around restoration areas and also Crespi Pond, a freshwater wetland located on the portion of the course nearest the ocean. The golf course is thus in a natural setting with certain habitat considerations, but is also subject to active recreational pursuits, including some 60,000 rounds of golf per year. The Applicant proposes to avoid habitat areas (with a 250-foot buffer from Crespi Pond and a 50-foot buffer from dunes). Special conditions require the placement of exclusionary fencing to maintain appropriate buffers during the event and the use of monitors to ensure that guests, City staff, or cars do not enter any such buffers or sensitive areas. Special conditions also require submission of a lighting and sound plan to ensure that noise is kept at an appropriate level and that light does not spill into habitat areas in a manner that would adversely affect habitat. To ensure that such mitigation measures are properly implemented, approval of the project is conditioned to require submission of pre-event photographs of the protection measures and a post-event report detailing the success of the mitigation measures and recommendations for future events. With these requirements, the proposed annual event can be found consistent with the Coastal Act's habitat protection policies.

Other conditions are included to account for subsequent year's events, including requirements for annual event plans for Executive Director review and approval. The City is in agreement with the proposed special conditions. As conditioned, the project can be found consistent with the Coastal Act, and staff recommends **approval** of the CDP. The motion and resolution are found on page 4 below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS.....	4
III.SPECIAL CONDITIONS	5
IV.FINDINGS AND DECLARATIONS	7
A. PROJECT DESCRIPTION AND LOCATION.....	7
B. STANDARD OF REVIEW	7
C. ESHA	7
D. PUBLIC ACCESS AND RECREATION	10
E. VISUAL RESOURCES.....	11
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	12

APPENDICES

Appendix A – Substantive File Documents

Appendix B – Staff Contact with Agencies and Groups

EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Project Area Photos

Exhibit 3 – Proposed Event Parameters

CORRESPONDENCE

EX PARTE COMMUNICATION

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission **approve** Coastal Development Permit Number 3-18-0493 pursuant to the staff recommendation, and I recommend a **yes** vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-18-0493 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. 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 conditions:

1. **Event Plans.** AT LEAST THIRTY DAYS PRIOR TO EACH YEAR'S EVENT, the Permittee shall submit two sets of event plans for the Executive Director's review and written approval. The event plans shall be in substantial conformance with the proposed plans (prepared by the City of Pacific Grove and dated received in the Coastal Commission's Central Coast District Office on May 28, 2018; see Exhibit 3), but shall be modified and supplemented as follows:
 - a. **Habitat Buffers.** All measures to be used to protect wetland and dune areas from adverse impacts during the event (including during event setup and breakdown) shall be clearly identified, including on site plans as well as elevations or other materials that describe such measures (e.g., photographs, brochures, etc.). At a minimum, such measures shall include exclusionary fencing and related protection measures as appropriate (e.g., straw wattles in areas where runoff could occur) designed to create a buffer of at least 250 feet from Crespi Pond and 50 feet from any dune areas, where no event related activities may occur. During the main event City staff shall maintain the protection measures and ensure that no event guests, staff, or other persons enter the required buffer areas.
 - b. **Traffic and Parking Control.** All measures to be used to control traffic and parking to protect public access use areas from adverse impacts during the event (including during event setup and breakdown) shall be clearly identified. All signs to be used to control traffic and parking during the event shall be identified at the least by the type, location, and design. At a minimum, such measures shall include free valet parking, traffic controllers at the junction of Asilomar Avenue and Ocean Boulevard, and "No Event Parking" signs at all public parking areas along Ocean View Boulevard between Coral Street and Lighthouse Avenue. No event parking shall be allowed at the Point Pinos Lighthouse parking lot between the hours of 1 pm and 4 pm Thursday through Monday, and no public streets shall be closed to accommodate the event.
 - c. **Lighting Limitations.** All lighting associated with the event (including during event setup and breakdown) shall be clearly identified. Lighting details shall at a minimum include a written and graphic description identifying the type, number, location, lumens, and hours of use of all lights to be used during an event. Exterior lighting shall be limited to the minimum necessary for public safety and allowed only during the evening of the main auction event. All lights shall be directed downward and lighting shall not spill into any dune or wetland habitat areas. All exterior lighting shall be turned off as soon as the last event guest departs or 10:30 pm, whichever is earlier.
 - d. **Amplification Limitations.** All amplified sound associated with the event (including during event setup and breakdown) shall be clearly identified. Amplified sound details shall at a minimum include a narrative detailing the hours, decibels, and equipment that will be used for sound amplification during the event. Sound shall not surpass 60 decibels as measured from the edge of wetland and dune areas, and project materials shall be submitted with enough information to verify compliance with this standard. Sound amplification shall be prohibited outside of the event tents, and amplified sound shall be prohibited past 10 pm.

All requirements above and all requirements of each year's approved Event Plans shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and each year's approved Event Plans unless the Commission amends this CDP or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

- 2. Pre- and Post-Event Monitoring.** AT LEAST THREE DAYS PRIOR TO THE START OF EACH YEAR'S EVENT, the Permittee shall submit to the Executive Director photographic evidence that all exclusionary fencing and related protection measures identified for that year's approved Event Plans (see Special Condition 1) have been properly installed. WITHIN 30 DAYS AFTER THE CONCLUSION OF EACH YEAR'S EVENT, the Permittee shall submit a report that describes that year's event, including a description of any issues encountered in terms of ensuring compliance with that year's approved Event Plans. The report shall include photographs that show the parking areas, tents, restrooms, lights, exclusionary fencing, and related measures identified in Special Condition 1 taken before, during and after the event that are accompanied by a site plan that notes photographic locations and orientation. The report shall also provide a description of any incidents that occurred during the event (including during event setup and breakdown) that had the potential to be inconsistent with that year's approved Event Plans, including any incursions into required buffer areas by event guests, staff, or other persons (or cars), spills, or other activities that may have impacted habitat resources. The report shall also include any recommendations for additional mitigation measures that may be necessary for future events.
- 3. Minor Modifications.** Minor adjustments to the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. Any modifications not deemed reasonable or necessary or that may adversely impact coastal resources shall not constitute authorized development under this CDP unless and until the Commission amends this CDP to allow same.
- 4. Duration.** This CDP authorizes the proposed auto auction event, subject to the above terms and conditions, to take place one time each year in the late summer of 2018, 2019, 2020, 2021, and 2022, and this CDP expires following the 2022 event. Additional events past that time will require a CDP amendment or a separate CDP. If, in the opinion of the Executive Director, post-event monitoring or other information indicates that development inconsistent with the CDP is occurring or has occurred, the Executive Director may bring the CDP to the Commission for possible modification to its duration or its other terms prior to its expiration following the 2022 event.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The City of Pacific Grove is proposing a one day auto auction event in the late summer annually for five years (i.e., 2018 to 2022, inclusive) at the Pacific Grove Municipal Golf Links near Point Pinos, an area bounded by Ocean View Boulevard, Asilomar Avenue, and Lighthouse Avenue. This year's event would take place on Thursday, August 23, 2018, with the auction itself starting at about 5 pm and ending about 9:30 pm. Private auto viewings would also be held at the golf course during normal business hours for two days prior to the main event. The City estimates that the entire event, including setup and breakdown, would occur over approximately twelve days. The project includes installation of one 120-foot by 200-foot tent and one 140-foot by 80-foot tent to accommodate approximately 80 auction cars, and also includes the placement of temporary restroom trailers directly adjacent to the tents on the 18th hole. The 16th hole would be used for parking during the main event, and the Clubhouse parking lot would be used during the private viewings. The City estimates that 500 guests are expected to attend the main event.

Free valet parking would be available onsite, and for the 2018 event the Pacific Grove Chamber of Commerce will provide free shuttle buses from local hotels to the event and back. Directional signage would be strategically placed to help guide traffic, and City of Pacific Grove Police Department officers would otherwise direct traffic at the intersection of Ocean View Boulevard and Asilomar Avenue. The City also proposes to install temporary exclusionary fencing around the event to prevent guests and cars from entering defined buffers around habitat areas. Staff from the City of Pacific Grove would monitor the event to ensure that such buffers are maintained at all times.

Please refer to **Exhibit 1** for a map of the project location and **Exhibit 2** for photo of the project site and **Exhibit 3** for the City's proposed project parameters.

B. STANDARD OF REVIEW

The Pacific Grove Municipal Golf Links is located within the coastal zone, but the City does not have a certified Local Coastal Program (LCP). The City's Land Use Plan (LUP) was certified in 1991, but the zoning or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently in the process of updating its LUP and developing an IP. Because the City does not yet have a certified LCP, applicants for coastal zone development must apply to the Coastal Commission directly for coastal development permits (CDPs). Although the certified LUP can provide guidance during the review of such applications, the standard of review is the Coastal Act.

C. ESHA

Applicable Policies

The Coastal Act defines environmentally sensitive habitat areas, or ESHA, and requires protection of such areas. Applicable policies include:

Section 30107.5. *“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Similarly, the certified LUP includes a complementary policy that addresses this area:

LUP Policy 2.3.5.2.d.3. *In the Lighthouse Reservation and Golf Course area, areas of extreme sensitivity (A-1 on the Habitat Sensitivity Map) should be protected from further trampling by a low mesh fence. Do not allow machinery in the dune area. Apply irrigation only on turf, not on the sand. Continue to eliminate exotics and restore native dune plants on the Lighthouse Grounds. In suitable areas, plant species, which will enhance the overwintering habitat of the Monarch butterfly, by providing additional nectaring and feeding sources. Protect Crespi Pond from any polluted runoff or other disturbances to its waterfowl habitat.*

Consistency Analysis

The proposed annual event would be located entirely within a small portion of a developed golf course located inland of Ocean View Boulevard in Pacific Grove (see **Exhibit 1** for a location map and an aerial photo of the site and **Exhibit 2** for photos of the site). The Pacific Grove Municipal Golf Links is a very popular public golf course that is almost 100 years old, and it runs in and around the historic Point Pinos Lighthouse, the oldest remaining lighthouse on the west coast. Much of the area used for the golf course was historically dune, and the golf course reflects this prior landform by weaving in and out of dunes, including around restoration areas and also Crespi Pond, a freshwater wetland located on the portion of the golf course nearest the ocean. The golf course is thus in a natural setting with certain habitat considerations, but is also subject to active recreational pursuits, including some 60,000 rounds of golf per year.

In terms of Crespi Pond, this pond is a small wetland tucked between the 17th tee and the 17th green (i.e., golfers hit over the pond) that is immediately adjacent to Ocean View Boulevard near the ocean. Crespi Pond provides a stopping place for migrating bird species including terns, gulls, many species of ducks, and Canada geese; and numerous birds species continue to be sighted here by local birders. The LUP specifically designates Crespi Pond as ESHA. At the same time, Crespi Pond has been used as a water hazard feature of the 17th hole before the passage of the Coastal Act, and it is subject to daily impacts from golf use as well as light, noise, and other impacts from cars and travelers on Ocean View Boulevard. In other words, Crespi Pond is a protected wetland resource, but it is also within (and a part of) a developed golf course, and must be understood in that context as well.

The dunes at Point Pinos are part of the larger Asilomar Dunes complex, which includes up to ten plant species and one animal species of special concern that have evolved and adapted to the

desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tidestrom's lupine, which all have been reduced to very low population levels through habitat loss and are Federally-listed endangered species. Because of these unique biological and geological characteristics, the Commission has a long history of identifying coastal dunes within the Asilomar Dunes complex as ESHA. Again, the golf course was installed in these dunes some 100 years ago, and has been operating since that time. Thus, much of the area has been transitioned to turf (well before the Coastal Act), but dune remnants and some larger dune areas are still present. These remnant and larger dune areas are impacted on a daily basis due to their location within an active recreational golf course that predates the Coastal Act and are subject to a fair amount of trampling by golf course users, but these areas still support dune vegetation and provide valuable habitat to sensitive species.

Coastal Act Section 30240 prohibits non-resource dependent uses within ESHA and protects such areas from significant disruption.¹ Additionally, Coastal Act Section 30240 states that development in areas adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade those areas and must be compatible with the continuance of those areas. The LUP specifically prohibits machinery from entering the dune areas of the golf course and protects Crespi Pond from disturbances. All of the proposed temporary event facilities and related use areas would be located entirely within the developed areas of the golf course that consist entirely of ornamental lawn surfaces and golf cart pathways. Although the event would not take place directly within ESHA areas, which are already subject to some amount of impact due to their close proximity to Ocean View Boulevard and recreational uses related to the golf course, the event does have the potential to disturb Crespi Pond and the dunes due to the large number of guests and cars that are anticipated to be at the site at the same time, as well as ancillary impacts from any increased noise and light attributable to the event that may impact the wildlife that inhabit these areas.

The City proposes to institute a 250-foot buffer from Crespi Pond and a 50-foot buffer from all dune areas for event-related development and activities,² but does not provide specifics on the how these areas will be protected. **Special Condition 1(a)** requires the City to submit an updated event plan that includes details on such proposed buffers, including with respect to installing exclusionary fencing and related protection measures as appropriate (e.g., straw wattles in areas where runoff could occur) to help ensure that no event guests, staff or vehicles enter the buffer area and to protect these areas from potential runoff. Additionally, the plan would require City staff to be on hand to monitor the event and ensure that the habitat protection measures are maintained throughout the event. To ensure that these protections are installed prior to the event, **Special Condition 2** requires the City to send photographic evidence of the installation of these

¹ Although golf course uses are non-resource dependent and would thus typically be prohibited within ESHA, as stated above the golf course has been in existence for over 100 years and such uses pre-date passage of the Coastal Act.

² The proposed buffers are applicable solely to the facilities and activities related to the auto event. The buffers are not applicable to existing development and activities that are already located within the buffers. Specifically, a golf cart path, Ocean View Boulevard, and an existing parking lot and bathroom are located 10 feet, 20 feet, and 150 feet from Crespi Pond, respectively. Golf Cart paths are located immediately adjacent to and within existing dune areas. Thus, normal traffic and recreational uses related to the golf course occur immediately adjacent to, and (in the case of pre-Coastal Act activities) within these ESHA areas.

protective devices at least three days prior to the event. To ensure that the habitat protection measures are maintained throughout the event and that these measures are adequate to protect habitat areas during future events, **Special Condition 2** also requires the City to submit a post-monitoring report with photographs of the measures taken before, during and after the event, a description of any incursions into the buffer areas, and recommendations for any additional measures that may be necessary for future year's events.

With respect to potential disturbances from light and noise, the City has stated that lighting would not spill into the habitat areas and noise would be kept within the limits allowed under the City's noise ordinance. However, the City has not submitted detailed information regarding the type of lighting or sound that would be used. To ensure that lighting does not impact any habitat areas, **Special Condition 1(c)** requires the City to submit details on the number, location, type, and brightness of the lights to be used. This condition further limits lighting to only the evening of the main event and the minimum necessary to protect public safety, requires all lights to be down-lit and facing away from habitat areas, and prohibits all lighting after 10 pm. To ensure that sound does not impact any habitat areas, **Special Condition 1(d)** requires the City to submit details on the type of amplification equipment to be used and the expected decibel levels. This condition further limits amplified sound to the evening of the main event, requires all amplification equipment to be located within the event tents, prohibits amplified sound after 10 pm, and prohibits sound above 60 decibels as measured from the edge of habitat areas.

As conditioned to require habitat buffers, and to limit light and sound from the event, the project is sited and designed to ensure that any impacts from the events will not significantly degrade ESHA, and to be compatible with the continuance of ESHA. Therefore the project is consistent with the Coastal Act ESHA policies cited above.

D. PUBLIC ACCESS AND RECREATION

Coastal Act Sections 30210 through 30213, 30221 and 30223 specifically protect public access and recreation. 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. ...*

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

is already adequately provided for in the area.

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

These overlapping policies clearly protect access to and along the shoreline and to offshore waters for public access and recreation purposes, particularly free and low-cost access. The proposed event is located inland of the first public road, but is directly adjacent to a popular segment of the California Coastal Trail and associated public parking areas (see **Exhibit 1**). The event would take place within the Pacific Grove Municipal Golf Course, which the LUP describes as an area “operated by the City for public park purposes” and designates for Open Space Recreational uses, which allows for low-intensity recreational uses. The City anticipates approximately 500 guests would attend the main event, which is open to the general public for a fee of \$35. The City proposes to utilize the 16th green for parking and would provide free valet parking and free shuttles from area hotels.

The proposed event offers a recreational opportunity to the general public for a fee, much in the same way the golf course currently provides recreational opportunities for the paying public. The golf course would remain operational throughout most of the event setup and breakdown, albeit with a shortened 18th hole and limited hole closures the evening of the main event. The proposed event is consistent with the designation of the area as a public park and should not substantially interfere with golf course operations. Thus the event is consistent with the Coastal Act requirements encouraging recreational uses and LUP land use policies.

Although the main event is only one day and is located inland of the first public road, the event does have the potential to temporarily adversely impact traffic and parking for members of the public attempting to access the coast, particularly the popular section of the California Coastal trail and associated parking areas located directly adjacent to the event. In order to minimize impacts from traffic related to the event, **Special Condition 1(b)** formalizes the City’s plans to use the 16th green of the golf course as a parking area and to provide free valet parking. For the 2018 event, free shuttle buses will be provided from local hotels to the event and back to further reduce parking and traffic demand. **Special Condition 1(b)** further requires the City to submit a revised traffic control plan that shows the location and types of signs that would be used to direct traffic and parking during the event, including a requirement to install “No Event Parking” signs in all public parking areas along Ocean View Boulevard between Coral Street and Lighthouse Avenue. This condition also prohibits the closure of public streets for the event and prohibits event parking at the public lot for visitors of the Point Pinos Lighthouse museum during the hours the lighthouse is open. As conditioned to minimize impacts related to event traffic and parking, the project is consistent with the Coastal Act access and recreation policies cited above.

E. VISUAL RESOURCES

Coastal Act Section 30251 states:

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize*

the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project is located inland of the first public road and within a developed golf course (see **Exhibit 1**). The events would include the installation of two tents for a maximum of twelve days. The project does not include the construction of any permanent structures.

The proposed event is located inland Ocean View Boulevard and thus would not impact public views of the ocean from the California Coastal Trail or Ocean View Boulevard. The temporary tents would be located between Asilomar Avenue and a stand of Cypress trees, which would obscure the tents from view from all public viewing areas except from those traveling on Asilomar Avenue and golfers on the 18th hole (see **Exhibit 2**). However, a public viewing corridor down Asilomar Avenue to the ocean would still be maintained. Thus any visual impacts would be relatively minor and temporary in nature. Thus the Commission finds the project consistent with the above-cited Coastal Act public viewshed policies.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP 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 effect that the activity may have on the environment.

The City of Pacific Grove, acting as the CEQA lead agency, adopted a Mitigated Negative Declaration that encompassed the proposed project on May 2, 2018. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. (14 CCR § 15251(c).) The preceding CDP findings discuss the relevant coastal resource issues with the proposal related to potential habitat, public recreational access, and visual impacts, and the CDP conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, 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)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS³

- *Auto Auctions at Pacific Grove Municipal Golf Course Final Adopted Initial Study and Mitigated Negative Declaration.* City of Pacific Grove. May 2, 2018.

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- City of Pacific Grove

³ These documents are available for review in the Commission's Central Coast District office.