

RECORD PACKET COPY

WD
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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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HEARING IMPAIRED: (415) 904-5200

Filed: 07/26/96
49th Day: 09/13/96
180th Day: 01/22/97
Staff: J. Sheele/cm
Staff Report: 09/22/96 1814P
Hearing Date: 09/12/96
Commission Action:



STAFF REPORT: CONSENT CALENDAR

TH 5C

APPLICATION NO.: 3-96-83

APPLICANT: JOHN AND JOAN GREENE AGENT: Augustine Acuna

PROJECT LOCATION: Forest Road, between 7th and Mountain View Avenues, City of Carmel, Monterey County, APN 010-042-006

PROJECT DESCRIPTION: Construction of a guest house.

Lot area:	6,000 sq. ft.
Proposed Building coverage:	367 sq. ft.
Existing Pavement coverage:	258 sq. ft.
Landscape coverage:	3,358 sq. ft.
Parking spaces:	2
Zoning:	Residential
Plan designation:	Residential, 2-12 units/acre
Project density:	7 units/acre
Ht abv fin grade:	± 13 feet

LOCAL APPROVALS RECEIVED: Design Review, Use Permit and Variance (for parking within front yard setback). CEQA - Categoricaly exempt.

SUBSTANTIVE FILE DOCUMENTS: Carmel Local Coastal Program Land Use Plan.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached Exhibit A.

III. Special Conditions.

1. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit the following for review and approval by the Executive Director:

A recorded deed restriction stating, "The guest house shall be without kitchen or cooking facilities and shall not be separately rented, let or leased whether the compensation be direct or indirect."

2. Any change in use (kitchen addition) shall require prior review and approval by the Coastal Commission.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Background

The proposed development consists of the construction of a guest house. The site is located on the west side of Forest Road between 7th and Mountain View Avenues in the City of Carmel. A variance was granted by the City's Planning Commission to allow a second parking space for the proposed project to encroach into the front yard setback. The proposed guest house is 367 square feet in size. It contains a bathroom. No kitchen facilities are proposed.

The majority of residential development, including the construction of or addition to a single-family dwelling, is exempt from coastal permit requirements under the Categorical Exclusion for the City of Carmel. However, the construction of a guest house is not exempt under the exclusion because it is a conditional use in a residential area.

2. Land Use Plan/Development Patterns

Section 30250(a) of the Coastal Act requires that new development not individually or cumulatively have significant adverse impacts on coastal resources. Separate and independent living units on all lots of this size would cumulatively have adverse impacts on coastal resources and public services similar to those associated with land divisions.

The Land Use Plan for the City of Carmel has been approved by the Commission and adopted by the City. The LUP designates the subject site as residential. It is not within an area of known archaeological significance as defined in the LUP.

The living area of the proposed guest house is 367 square feet. The guest house is a detached structure and contains a bathroom; however, no kitchen facilities are proposed.

The Carmel City LUP has no policies regarding guest houses or second units. A major concern both at the adoption of the Exclusion (#E-77-13), and for the future certification of any implementation plan for the Local Coastal Program (LCP) is the availability of sewer and water capacity for future development. The findings for approval of the exclusion anticipated that there would be sufficient sewer and water capacity to serve the City's potential buildout. These capacities were based upon the existing zoning of the exclusion area during the period of time required to prepare and certify an LCP for Carmel.

Guest houses are not considered full time residential structures, and therefore do not increase the residential density. The City of Carmel's ordinance (1310.03) states that guesthouses may not contain food preparation facilities; however, the City did not place restrictions on this use permit regarding the rental or lease of the guesthouse. In consideration of limited sewer and water capacities, it is appropriate to require the recording of restrictions to assure continued use as an accessory structure in conformance with Coastal Commission and City of Carmel approval.

A condition of this approval requires a deed restriction that prohibits the installation of cooking facilities and does not allow separate rental or lease. Such changes will require separate review from the Coastal Commission and may be appropriate upon Commission approval of the City's Implementation Plan. This condition is consistent with previous Commission approvals for guest house projects in this area. It is appropriate to require evidence of condition compliance prior to transmittal of the permit.

Therefore, as proposed and conditioned to remain a single family dwelling for the purposes of the Coastal Act, the project does not represent an increase in residential density and is consistent with Coastal Act and LUP development policies.

3. CEQA/LCP

The proposed project is categorically exempt from CEQA requirements. As conditioned, the project will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

As conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and with the approved LUP and will not prejudice the ability of the City to prepare and implement their Local Coastal Program.

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

EXHIBIT NO. A

APPLICATION NO.

3-96-83

Standard Conditions



California Coastal Commission

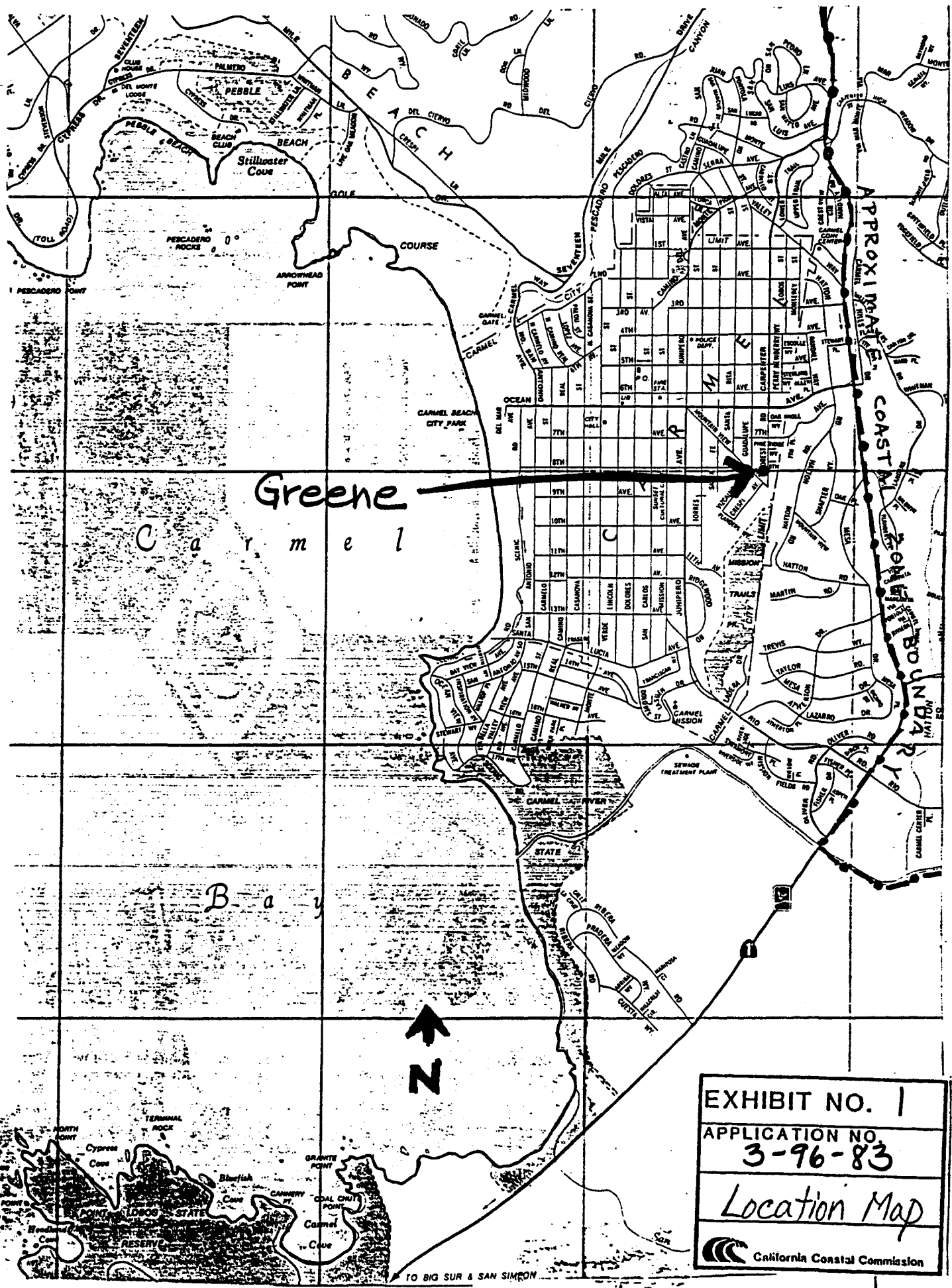
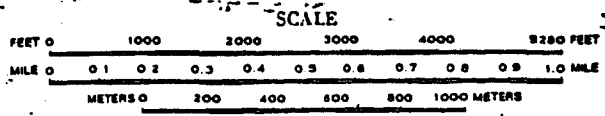


EXHIBIT NO. 1
 APPLICATION NO
 3-96-83
 Location Map
 California Coastal Commission



CARMEL - PT. LOBOS

