

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th19a**June 19, 2003 (for July 10, 2003 Hearing)**

RECORD PACKET COPY

To: Coastal Commissioners and Interested Persons**From:** Diane Landry, Central Coast District Manager
Mike Watson, Coastal Planner**Subject: Certification Review for the City of Carmel-by-the-Sea Local Coastal Program, Land Use Plan Re-Submittal (CML-LUP-SUB-R3)**

At the March 2003 meeting in San Luis Obispo, the Coastal Commission approved, with suggested modifications, the City of Carmel-by-the-Sea Local Coastal Program (LCP) Land Use Plan 3rd re-submittal. The Plan includes policies designed to ensure that Carmel's unique community character is preserved. In addition, the Plan protects and enhances public access and recreation opportunities within the City, maintains visitor-serving amenities, addresses shoreline hazards and water quality, and provides protection of environmentally sensitive habitat areas.

By action taken June 3, 2003, the City of Carmel-by-the-Sea adopted the Land Use Plan text as directed by the Commission's suggested modifications, verbatim. There was, however, one edit made by the City to clear up an inconsistency discovered in the text of the LUP. Land Use Plan policy P5-59 prohibits the removal of any *live* Monterey pine trees, whereas several other policies (P1-45, P1-46, & P5-60) extend this prohibition only to trees determined to be *significant* by the City Forester. Staff notes that the intent of LUP policy P5-59 is to protect those trees determined to be significant and thus, the edit is necessary for LUP consistency.

The Executive Director has determined that the actions taken by the City are legally adequate and that the LUP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LUP be certified. If the Commission concurs, the LUP will be certified as of today's date (i.e., July 10, 2003), and notification of this certification and Commission concurrence will be forwarded to the City on July 11, 2003 (see exhibit 1 for draft notification).

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Carmel-by-the-Sea to accept the Commission's suggested modifications for CML-LUP-SUB-R3 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Carmel-by-the-Sea Land Use Plan as directed by the Commission's approval with suggested modifications of CML-LUP-SUB-R3; the LUP will be certified as of today's date (i.e., July 10, 2003). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit 1: Draft letter to the City of Carmel-by-the-Sea Mayor, Sue McCloud

Exhibit 2: Staff Report and Resolution of City's Acceptance of the Coastal Commission's Suggested LUP Modifications

**California Coastal Commission****July 10, 2003 Meeting in Petaluma**

CML-LUP-SUB-R3 Carmel Land Use Plan ED certification stfprt 7.10.2003.doc

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**June 19, 2003**

Mayor Sue McCloud
City of Carmel-by-the-Sea
Box CC
Carmel-by-the-Sea, CA 93921

Subject: *Certification Review for the City of Carmel-by-the-Sea Local Coastal Program, Land Use Plan Re-Submittal (CML-LUP-SUB-R3)*

Dear Mayor McCloud,

We have reviewed the City of Carmel-by-the-Sea City Council Resolution Number 2003-73 adopted by the Council on June 3, 2003. By that action, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Land Use Plan re-Submittal (CML-LUP-SUB-R3) and incorporated the Commission's suggested modifications into the City's LUP.

I have determined, and the Commission has concurred, that the City's action with respect to CML-LUP-SUB-R3 is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's July 10, 2003 meeting in Petaluma. As a result, the City's Land Use Plan is certified as of July 10, 2003 and is now in effect.

If you have any questions, please contact Mike Watson of my staff at (831) 427-4898.

Sincerely,

Peter Douglas
Executive Director
California Coastal Commission

DRAFT

Diane Landry
District Manager
Central Coast District Office

Cc: Karen Crouch, City Clerk Carmel-by-the-Sea
Christi di Iorio, Planning Director, Department of Community Planning and Building

CCC Exhibit 1
(page 1 of 1 pages)

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

MEMORANDUM

TO: MAYOR MC CLOUD AND CITY COUNCIL MEMBERS

THROUGH: RICH GUILLEN, CITY ADMINISTRATOR

FROM: BRIAN ROSETH, PRINCIPAL PLANNER

THROUGH: CHRISTI DI IORIO, DIRECTOR

DATE: 3 JUNE 2003

SUBJECT: CONSIDERATION OF RESOLUTION NO. 2003-73 ADOPTING AN
AMENDMENT TO THE GENERAL PLAN INCORPORATING AND
ADOPTING THE LOCAL COASTAL LAND USE PLAN

RECOMMENDATION

Adopt Resolution No. 2003-73

BACKGROUND

The California Coastal Act requires each coastal city and county to develop a Local Coastal Program consisting of two parts: a Coastal Land Use Plan and a Coastal Implementation Plan. These plans are intended to implement the policies of the Coastal Act at the local level. Development of these plans has been a top priority of Carmel-by-the-Sea for the past several years. On 6 March 2003 the California Coastal Commission approved the City's draft Coastal Land Use Plan (LUP). The City has six months from that date to adopt the LUP and make all of the Coastal Commission's required edits. Proposed Resolution No. 2003-73 will make these edits, adopt the LUP, incorporate it into the City's General Plan and forward the document to the California Coastal Commission for final certification. This will complete the LUP process. The Implementation Plan will follow later this year.

The City developed the LUP to become part of the General Plan. Indeed, many of the policies in the LUP originally came from the General Plan. Merging both plans into a single document will help ensure that all City policies remain internally consistent and improve implementation. Amending the General Plan requires a public hearing by the Planning Commission and by the City Council. Given the scope of this General Plan

amendment, the proposed draft also was circulated to the Forest, Parks and Beach Commission, the Historic Preservation Committee and the Design Review Board. Each of these advisory bodies was apprised of the contents of the proposed Plan. Both the Planning Commission and the Forest, Parks and Beach Commission recommend adoption of the General Plan amendment by the City Council (see attached Minutes).

PROPOSED GENERAL PLAN AMENDMENT

Attached to the proposed Resolution is a draft of the General Plan merged with the Coastal Land Use Plan. This merged document includes all General Plan Elements except the Housing Element (to be updated/adopted in summer). New text added to the General Plan is shown underlined. Most of this new text results from merging the LUP into the General Plan. Existing text to be deleted from the General Plan is shown crossed-out. Most of these deletions remove or relocate existing General Plan text or policies that are redundant to the merged LUP text or policies. In some cases staff deleted General Plan text, policies or maps, or added new text to improve the flow of the narrative, avoid internal inconsistencies or to remove grossly outdated/inaccurate text.

In the future it will be vitally important to distinguish any text or policy that is part of the LUP from other text and policies in the General Plan. The City *cannot* make future amendments to text or policies that are part of the approved LUP without Coastal Commission authorization. However, the City Council *can* make future non-LUP amendments without Coastal Commission review. Therefore, staff has placed a 'flag' after every LUP paragraph and every LUP policy using the letters, "LUP", in parenthesis. This flag will become more important next year when the City begins the General Plan update process.

In preparing this draft document staff discovered one LUP policy related to trees that was inconsistent with several other LUP policies. Policy P4-59 prohibits the removal of any live Monterey pine whereas several other policies (P1-45, P4-60, P4-68 and P4-69) envision this prohibition extending only to trees classified as significant by the City Forester. Therefore, staff has modified P4-59 in the LUP to be consistent with the other policies. Coastal staff concurs that this edit is appropriate and will not constitute a substantive amendment requiring a new hearing.

A second area of potential conflict occurs between the water policies of the LUP and the existing policies and text of the Housing Element. The LUP recognizes water as a limiting resource and establishes controls that prohibit the filing of applications for development if there is not sufficient water to serve the project (see policy P1-124).

This conflicts with the existing Housing Element policy P3-30 that allows projects containing affordable housing to be filed and processed even during water moratoria. The LUP also establishes coastal-related uses as one of the top priority uses for Carmel and requires that water be allocated accordingly. This may conflict with some text in the Housing Element. To resolve these conflicts amendments to Housing Element policy P3-30 and supporting text are included in the draft General Plan/LUP document. All other portions of the existing Housing Element are retained but are not reproduced in the draft document.

EFFECT OF ADOPTION

Resolution No. 2003-73 makes the General Plan amendment effective immediately upon adoption of the LUP by the California Coastal Commission. Once the amendment takes effect all decisions of the City Council, Commissions, Boards, Committees and staff will need to be consistent with the policies of the General Plan/LUP.

RECEIVED

JUN 05 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

RESOLUTION NO. 2003-73

**A RESOLUTION ADOPTING AN AMENDMENT TO THE GENERAL PLAN
INCORPORATING AND ADOPTING THE COASTAL LAND USE PLAN**

WHEREAS, the California Coastal Act requires each coastal city and county to prepare a Local Coastal Program consisting of a Coastal Land Use Plan and a Coastal Implementation Plan; and

WHEREAS, the City of Carmel-by-the-Sea prepared and submitted a draft Coastal Land Use Plan in 2001 following an intensive public input and review process; and

WHEREAS, the draft Coastal Land Use Plan was based, in part, on existing policies contained in the General Plan; and

WHEREAS, discussions between the City and the California Coastal Commission resulted in modifications to the draft Coastal Land Use Plan to better reflect the policies contained in Chapter 3 of the Coastal Act; and

WHEREAS, on 6 March 2003 the California Coastal Commission approved the revised Coastal Land Use Plan pending adoption by the City Council and final approval by the Coastal Commission; and

WHEREAS, in order to adopt the revised Coastal Land Use Plan the City's General Plan needs to be modified to achieve consistency with the policies contained in the Coastal Land Use Plan; and

WHEREAS, the most effective way to achieve consistency and to facilitate implementation of both plans is to consolidate them into a single General Plan/Coastal Land Use Plan document; and

WHEREAS, the proposed amendment to the General Plan was reviewed by the Forest and Beach Commission, the Design Review Board and the Historic Preservation Committee; and

WHEREAS, on 21 May 2003 the Planning Commission reviewed the proposed amendment to the General Plan and the final revisions to the Coastal

Land Use Plan at a public hearing and adopted Resolution No. 2003-01 recommending adoption of the General Plan amendment and Coastal Land Use Plan by the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES RESOLVE AS FOLLOWS:

1. To adopt the attached amendments to the City's General Plan, incorporating and adopting the Coastal Land Use Plan in fulfillment of the City's requirements under the California Coastal Act.
2. To establish the effective date for this General Plan amendment as occurring immediately upon approval of the Coastal Land Use Plan by the California Coastal Commission.
3. To forward this Resolution and the attached General Plan/Coastal Land Use Plan to the California Coastal Commission with a request for certification.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of June, 2003 by the following roll call vote:

AYES: COUNCIL MEMBERS: Ely, Hazdovac, Livingston, Rose, McCloud

NOES: COUNCIL MEMBERS: None


ABSENT: COUNCIL MEMBERS: None

SIGNED



Sue McCloud, Mayor

ATTEST:


Karen Crouch, City Clerk