

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



RECORD PACKET COPY

Th 5a

September 23, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Mike Watson, Coastal Planner

SUBJECT: **CITY OF CARMEL-BY-THE-SEA LCP IMPLEMENTATION PLAN CML-IP-SUB-R2 CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of Carmel-by-the-Sea accepting the Commission's certification of LCP Implementation Plan with modifications No. CML-IP-SUB-R2 is legally adequate. For Commission review at the meeting of October x, 2004 in San Diego.

A. BACKGROUND

At the February 20, 2004 meeting in La Jolla, the Coastal Commission approved, with suggested modifications, the City of Carmel-by-the-Sea Local Coastal Program (LCP) Implementation Plan 2nd re-submittal. An extension of the six month time limit for accepting the modifications was approved by the Commission at the August 11, 2004 Commission meeting. The Land Use Plan (previously certified) and Implementation Plan include policies and ordinances designed to ensure that Carmel's unique community character is preserved. In addition, the Implementation Plan establishes the specific standards and guidelines needed to carry out the intent of the stated Land Use Plan policies and goals of preserving community character and maintaining the urban forest, providing public access and visitor-serving recreational opportunities; addressing shoreline hazards, and protecting water quality throughout the City. Most significantly, the Implementation Plan establishes the framework for preserving historic cottages and dwellings and requires the creation and recordation of a historic resources inventory, a central issue of previous attempts at certification.

By action taken April 6, 2004 the City of Carmel-by-the-Sea adopted the Implementation Plan text as modified by the Commission. Please see Exhibit A. By action on a companion resolution on October 5, 2004, the City will agree to issue coastal permits for the City of Carmel. Assuming this resolution is passed by the Council, it will be included in the Central Coast District Director's Report for October. This action follows the April action by the City, which did not



California Coastal Commission
October 14, 2004 Meeting in San Diego

Staff: MW Approved by: *DSL*

specify a date certain for accepting permitting authority as required by Sec. 13544(a) of the Commission's Regulations. The Land Use portion of the Carmel LCP was certified on February 20, 2004.

B. EFFECTIVE CERTIFICATION

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the Carmel Local Coastal Plan to become effective, the Executive Director must determine that the City's actions are legally adequate and report that determination to the Commission. The Executive Director has determined that the actions taken by the City are legally adequate and that the IP should be certified. The Executive Director further recommends that the Commission concur with this determination and that the IP be certified. Since the LUP has been previously certified, certification of the IP will result in the City having a certified LCP as of this date. Unless the Commission objects to the determination, the certification of Carmel-by-the-Sea LCP Implementation Plan re-submittal No. CML-IP-SUB-R2 shall become effective as will the Carmel LCP.

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of Carmel-by-the-Sea accepting the Commission's certification of Carmel-by-the-Sea LCP Implementation Plan re-submittal No. CML-IP-SUB-R2 is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.



CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2004-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ADOPTING A LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN.

WHEREAS, the City Council established a goal of completing the Local Coastal Program to fulfill its requirements under the California Coastal Act and to restore permitting authority to the City; and

WHEREAS, the City engaged in an extensive public notice, public outreach and public meeting program to encourage broad and sustained participation by the public including the mailing of two newsletters to all property owners City-wide, several additional City-wide mailings of public notices and publication of display ads in the local newspaper; and

WHEREAS, the Planning Commission held public meetings over a four year period on policies, ordinances, and guidelines that maintain the character of the community and each of these documents is part of the proposed Local Coastal Program; and

WHEREAS, the Planning Commission, the Design Review Board, the Forest and Beach Commission and the Historic Preservation Committee have all provided input on the contents of the Coastal Implementation Plan; and

WHEREAS, the preparation of a Local Coastal Program is exempt from environmental review pursuant to the California Environmental Quality Act Section 15265 but, whereas the Implementation Plan also includes Zoning Code amendments not specifically related to Coastal Plan implementation, the City did complete an Environmental Initial Study and adopted a Negative Declaration with City Council Resolution No. 2003-116; and

WHEREAS, the California Coastal Commission considered the City's submitted draft Coastal Implementation Plan at a public hearing in March 2004 and voted to approve the document if 118 specific modifications were made; and

WHEREAS, the City has incorporated all changes specified by the California Coastal Commission and on 24 March 2004 the Planning Commission conducted a noticed public hearing on the final documents; and

WHEREAS, the Planning Commission found that the revised draft Coastal Implementation Plan, including the Zoning Code and all supporting appendices, is consistent with the City's General Plan and Coastal Land Use Plan and adoption of these documents will promote the health, safety and welfare of the City.

EXHIBIT A

Resolution No. 2004-30

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

1. To adopt the Carmel Zoning Code (Title 17 of the Municipal Code, as amended by Ordinance No. 2004-1), as part of the City's Coastal Implementation Plan.
2. To adopt the following Coastal Implementation Plan appendices:
 - a. Appendix A: Shoreline Management Plan
 - b. Appendix B: Significant Tree Evaluation Worksheet
 - c. Appendix C: Residential Design Guidelines—Concept Review
 - d. Appendix D: Residential Design Guidelines—Final Details Review
 - e. Appendix E: Commercial Design Guidelines
 - f. Appendix F: Public Way Design Guidelines
 - g. Appendix G: Archaeological Resource Management Reports (ARMR):
Recommended Contents and Format
 - h. Appendix H: Storm Water Standards and Programs
 - i. Appendix I: Secretary of Interior's Standards for Rehabilitation of Historic Buildings
3. To adopt the 2002 edition of the North American Industry Classification System (NAICS) as specified and as modified in the Zoning Code/Implementation Plan, said adoption to take effect upon the effective date of the Ordinance amending the Zoning Code.
4. To adopt a revised Zoning Map as maintained by the Department of Community Planning and Building.
5. To direct staff to forward the adopted Coastal Implementation Plan to the California Coastal Commission for final certification.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA on this 6th day of April 2004 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

CALIFORNIA COASTAL COMMISSION

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



October 15, 2004

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, Implementation Plan Re-Submittal (CML-IP-SUB-R2)***

Dear Mayor McCloud,

We have reviewed the City of Carmel-by-the-Sea City Council Resolution Number 2004-30 adopted by the Council on April 6, 2003. By that action, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Implementation Plan re-Submittal (CML-IP-SUB-R2) and incorporated the Commission's suggested modifications into the City's Implementation Plan. The City also agreed to issue coastal development permits for the City of Carmel upon certification of the LCP pursuant to a resolution adopted on October 5, 2004.

I have determined, and the Commission has concurred, that the City's action with respect to CML-IP-SUB-R2 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 October 14, 2004 meeting in San Diego. As a result, the City's Implementation Plan and thus, the City's LCP, is certified as of October 14, 2004 and is now in effect.

Congratulations on the successful completion of your Local Coastal Plan. If you have any questions, please contact Mike Watson of my staff at (831) 427-4898.

Sincerely,

Peter Douglas
Executive Director
California Coastal Commission

cc: Karen Crouch, City Clerk Carmel-by-the-Sea

