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February 4, 2004

TO: Commissioners and Interested Parties

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

RECORD PACKET COPY

SUBJECT: **City of Carmel-by-the-Sea: Implementation Plan Re-submittal.** For public hearing and Commission action at its meeting of February 20, 2004 to be held in La Jolla at the Lodge at Torrey Pines, 11480 North Torrey Pines Road, La Jolla, CA 92037.

SYNOPSIS

Description of Submittal

This is the Executive Director's Staff Report and Recommendation on the City of Carmel-by-the-Sea Local Coastal Program (LCP) Implementation Plan (IP). This is the second re-submittal of the Implementation plan. The current submittal is an entirely new compilation of the City's Municipal Code Ordinances developed over the past few years and consisting of 32 Chapters and 8 Appendices. It was submitted on September 25, 2003, but was not filed until January 2, 2004 after all requisite supporting documentation was received. Coastal staff has worked closely with the staff of the City on issues raised by the submittal and has narrowed the scope of unresolved items to just a few. The standard of review for the Implementation Plan is the City's certified Land Use Plan approved by the Commission on March 6, 2003.

Summary of Staff Recommendation

Staff recommends that the Commission hold a public hearing and take the following actions for the City of Carmel-by-the-Sea Implementation Plan: staff recommends denial of the Implementation Plan as re-submitted; staff further recommends approval of the IP if the re-submittal is modified. The City has six months to accept the modifications from the time of action or the re-submittal stands denied.

The recommendation for denial of the IP is based on inconsistencies and/or inadequacies of the re-submittal to carry out the intent of the certified Land Use Plan particularly as they relate to preservation of historic resources, polluted runoff and water quality issues, shoreline management, providing for public access and recreation, and other coastal resource related issues. The recommendation for certification of the IP contains Recommended Modifications to address each of the noted deficiencies as discussed in the chapters below.

Meetings between Commission and City staff have resulted in the provisional acceptance the majority of modifications. The City has agreed to all but a few of the Modifications including those involving the shoreline management and maintenance plan, the definitions of demolition and rebuild, and tree worksheet evaluation.

Summary of Issues

Community Character / Historic Preservation

The submitted IP contains numerous standards and ordinances designed to ensure that Carmel's unique community character is retained. In particular, the IP includes strong residential and commercial design review standards and the newly created historic preservation element. Nontheless, the IP is missing certain requirements that are needed to effectively implement LUP policies, particularly concerning the protection of historic resources. Therefore, staff recommends that modifications be adopted to bring the IP into conformance with the certified land use plan. Modifications include clarifying standards to assure that historic resources are not demolished or otherwise altered in a way to adversely impact their historic character. In addition, modifications are needed to assure that the Historic Resources Board is involved in all aspects of administering the Historic Preservation Program. Modifications also create a Conservation District within the Commercial Core of the downtown to preserve the design context of the many historic buildings residing in this area and require consistency with the Secretary of Interior standard for any changes to historic resources within the City. Finally, a modification is required that formally adopts the results of the City's Historic Resources Survey identifying historic resources within the City.

Base Zoning and Overlay Plan Districts

A large part of the submitted IP is devoted to establishing the base zoning and overlay plan district rules and ordinances. These include the standards and regulations for site development and building standards, design guidelines and land use regulations. It covers development in the residential and commercial districts as well as project proposals in the beach, park, and community plan district overlays. Though the submitted ordinance is fairly comprehensive, staff has identified modifications that are necessary to bring the document into conformance with the certified LUP. As submitted, the Implementation Plan is inadequate to carry out the intent of the City's land use plan.

In particular, staff has recommended modifications on establishing limits on site coverage, and the requirements for coastal development permit review. There are modifications to the established general regulations, design review rules, and the standards /limits on development within the City's residential and commercial base zoning and overlay districts. Other specific recommendations apply to the beach overlay district and public access rules along the City's beach. Staff has recommended modifications requiring additional parking on privately developed lots fronting Carmel Beach, expanding the beach overlay district to be coterminous with the Commission appeal jurisdiction. These are needed to alleviate any parking conflicts along Scenic Road and to ensure consistency in processing appealable permits within the beach overlay district. As modified, the Implementation Plan is consistent with and adequate to implement the policies of the certified land use plan.

General Provisions Applying in All Districts

This sections includes general provisions and rules that apply in all districts including standards for landscaping, non-conforming uses and buildings, off-street parking, signs, subdivision and lot-line adjustments, storm water quality, telecommunications, trees and shrubs, and water management. With the exception of the storm water quality element, the various chapters required only minor changes to bring them into conformance with the certified LUP. A minor modification is recommended to the chapter on Lot-line Adjustments that prohibits lot-line adjustments or subdivision of illegal lots, and requires a complete chain of title or other evidence prior to subdivision of legal lots. Staff also recommends a minor modification to the City's landscape chapter prohibiting the use of invasive, non-native plants, and another modification prohibiting the placement of a "No Trespassing" sign within 20 feet of a public access or recreational area. The most significant modification is to the City's Storm Water Utility Ordinance. Commission staff reviewed the submitted element and determined that it was inadequate to implement the certified land use plan. After consultation with City staff, a new storm water element was drafted and included as a new chapter to the Implementation Plan submittal. The new element contains recommendations designed to avoid and/or minimize the introduction of polluted runoff into coastal waters. It includes site design, source control, and treatment control measures and best management practices aimed reducing pollutant loads associated with residential and commercial development. The modification will help the City attain its water quality goals and is adequate to carryout the intent of certified LUP.

Process and Authorities

This section deals with permit procedures, appeals, restricted uses, design review, environmental review, amendments, findings, and enforcement. As submitted, the IP document needed significant modification particularly with respect to permit procedures and appeals. The modifications were necessary to establish the process for review of development within the coastal zone and to ensure that the development is consistent with the Local Coastal Program and the Coastal Act. Modifications were also necessary to identify which development is subject to CDP review and those that are subject to review by the City or the Commission. Another modification was required to identify the categories of development, which are exempted from the coastal development permit process pursuant to section 30610 of the Coastal Act.

With respect to appeals, several minor modifications were needed, including a change that establishes the grounds for appeal of any development and limits them to an allegation that the approved project does not conform to the certified LCP or the public access policies of the Coastal Act.

General Terms and Definitions

The final chapter of the submitted IP is the list of terms and definitions. Staff is making a few recommended modifications to this section, including adding the terms "coastal plan," "ESHA," and "feasible." In addition, staff is recommending modifications to the definitions of "site coverage," "rebuild," and "demolition." The change to site coverage is necessary to eliminate decomposed granite from the list of materials that are truly permeable. The recommended

modification to the demolition definition is necessary to bring the definition into conformance with the past Commission practice and to assure the protection of community character, consistent with the LUP. The City's submittal defines demolition as the complete removal of a structure or dwelling. Prior to this change, the City and Commission have been operating under a categorical exclusion order (E-77-13) which at that time that it was approved, defined demolition as the removal of 50% or more of the exterior, structural elements, roof, or foundation of an existing building or dwelling. Weakening of this standard could have broad ranging effects on historic and non-historic buildings alike.

Other Issues

Two other issue areas of note are the Shoreline Management Plan (Appendix A) and the City's Tree Evaluation Worksheet (Appendix B). Staff recommended modifications in the Implementation Plan appendices as necessary to require coastal development permits for development along the shoreline, strengthen the application requirements for CDPs, and establish jurisdiction over development at the base of the bluff and on the beach. Staff also suggested modifications to Appendix B to lower the requirement for establishing tree significance. As so modified, the Implementation Plan is consistent with and adequate to carryout the intent of the certified LUP.

Public Participation Summary

The noted issues and others of more local concern were debated in many public forums. The City has provided a detailed summary of public participation available for review at the Commission offices. As described, the Implementation Plan is a compilation of the City's municipal code ordinances and other standards required to effectuate the certified Land Use Plan. There have been numerous opportunities to debate these issues at the City, although staff has received written correspondence requesting that the Commission hearing to be postponed to March 2004 in Monterey. See attached Exhibit 1.

Additional Information

For further information on the Implementation Plan or the staff report, contact Mike Watson at (831) 427-4863. Correspondence should be sent to the Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060.

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Exhibits

Exhibit 1: Written Correspondence re: Implementation Plan

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolutions:

RESOLUTION I. (RESOLUTION TO DENY CERTIFICATION OF THE IMPLMENTATION PROGRAM AS SUBMITTED)

MOTION I: *I move that the Commission reject the Implementation Program for the City of Carmel-by-the-Sea as submitted.*

STAFF RECOMMENDATION OF REJECTION:

*Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.*

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the City of Carmel-by-the-Sea and adopts the findings set forth below on grounds that the Implementation Program as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

RESOLUTION II. (RESOLUTION TO CERTIFY THE IMPLMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS)

MOTION II: *I move that the Commission certify the Implementation Program for the City of Carmel-by-the-Sea if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

*Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.*

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program for the City of Carmel-by-the-Sea if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program if modified as suggested 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 Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission suggests that the following changes to the submitted City of Carmel-by-the-Sea Implementation Plan are necessary to make the requisite findings. If the local government accepts the suggested modifications within six months of Commission action, by formal resolution of the City Council, the Implementation Plan will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

CHAPTER 17.2: Title Components, Zoning Districts, General Rules

Modification #1. Revise Section 17.2.6 as follows:

An application for any permit, license, or approval submitted pursuant to this title shall not be accepted as complete for processing unless it is consistent with the land use designation described in the General Plan and the Coastal Land Use Plan. <u>However, the concurrent filing of a permit or license with a General Plan/Land Use Plan amendment</u>

application and/or and amendment to the Zoning Code/Implementation Plan shall be allowed. In such cases, the permit or license application(s) shall be considered incomplete for purposes of implementing the Permit Streamlining Act until final action has been taken on the amendment(s) to the General Plan / Land Use Plan / Zoning Ordinance / Implementation Plan. ~~However, the concurrent filing of a General Plan amendment application with an amendment to the zoning district or he provisions of this title shall be allowed~~. In any case, where there is a conflict between this title and the General Plan and Coastal Land Use Plan, the General Plan and the Coastal Land Use Plan shall prevail.

Modification #2. Revise Section 17.2.9 A as follows:

Except as otherwise provided herein and by applicable State or Federal law, the regulations of this title and requirements and conditions imposed pursuant to this title shall ~~not~~ supersede ~~any~~ all other regulations or requirements adopted or imposed by the City of Carmel by the Sea City Council, any board, commission, or department of the City of Carmel by the Sea, or any other local, state, or federal agency that has jurisdiction by law over uses and development authorized by this title. All uses authorized by this title shall comply with all other such regulations and requirements. ~~Where two or more ordinances regulate the same use or activity, the more restrictive ordinance shall apply.~~ In the event of a conflict between the regulations of this title and any other regulations or requirements adopted or imposed by the City of Carmel by the Sea or by any of the boards, commissions or departments, the regulations imposed pursuant to this title shall take precedence. In the event of a conflict between the regulations of this Title and the General Plan/Land Use Plan, the latter shall take precedence.

Modification #3. Revise Section 17.2.10 as follows:

Any building or structure for which a Coastal Development Permit and a Building Permit have ~~has~~ been issued prior to the effective date of this title, or any amendment to this title, may be completed and used in accordance with the plans, specifications, conditions and other permits on which said Coastal Development Permit and Building Permit ~~was~~ were granted, as long as the Coastal Development Permit has not expired before construction has begun and construction is commenced within one (1) year after issuance of the Building Permit and diligently pursued to completion as determined by the Building Official. No extensions of time shall be granted for commencement of construction if any provision of this title has been amended so as to make the building, structure or permits non-conforming to the provisions of this title.

CHAPTER 17.10: R-1 District Design Regulation

Modification #4. Revise Section 17.10.2 E as follows:

Certificates of Compliance. Any person owning real property or vendee pursuant to a contract of sale of real property may request, and a local agency shall determine, whether the real property complies with all applicable City ordinances and the Subdivision Map Act regarding the formation of legal lots. Upon finding that a parcel complies with the requirements for a legal lot under the Subdivision map Act and local ordinances adopted

pursuant to formation of legal lots, the Department of Community Planning and Building shall issue for recordation a certificate of compliance. If the Department determines that the property does not comply with applicable State and City requirements. The Director may impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest. Upon making a determination of non-compliance and establishing conditions, the City shall cause a conditional certificate of compliance to be filed for recordation with the County recorder. In addition, the lot configuration described in the conditional certificate of compliance shall be subject to the coastal development permit requirements of section 17.52 of this LCP. Furthermore, any lot configuration described in a [unconditional] certificate of compliance shall be subject to the CDP requirements of the LCP (Section 17.52) if the division of land that created that configuration occurred subsequent to January 1, 1977 or February 1, 1973 in the case of a division subject to Prop. 20). Compliance with these conditions shall be required prior to City action on any permit for development of the parcel except as otherwise provided in this Section.

Modification #5. Revise Section 17.10.3.B.2 and 17.10.3.B.2(a)ii) as follows:

~~**Maximum**~~ **Site Coverage**. ~~10 percent of the site area. At least 50 percent of all site coverage shall be permeable or semi-permeable.~~ Impermeable site coverage, as defined in section 17.70, shall be limited to a maximum of 22% of the base floor area allowed for the site (Note: on a 4,000 sq. ft. site this equals 396 sq. ft. or 10% of the site).

a. Exemptions.

ii. ~~Driveways and Walkways. A single driveway up to 9 feet in width and a single walkway up to 4 feet in width, the combined area of which do not exceed 500 square feet, are exempt from site coverage limits if made of semi-permeable or full permeable materials. Such walkways shall connect the home entrance with either the driveway or a front or side property line facing a street. Front walkways shall not be permitted to encroach into the right-of-way and shall either connect with the driveway on site or shall stop at the property line, as shown in Figure II-4.~~ **Additional Site Coverage for Driveways**. If at least 50% of all site coverage on the property is made of permeable or semi-permeable materials, an additional amount of site coverage of up to 4% of the site area may be allowed for use in a single driveway of up to nine feet (9') in width. ~~Driveway paving materials may encroach into unimproved rights-of-way between the property line and the street.~~

Modification #6. Add Section 17.10.8 as follows:

17.10.8 Additional Use Regulations

Development, as defined in section 17.70 of the LCP, shall not interfere with the public's right of access to the sea by eliminating free public beach parking along San Antonio Avenue between 2nd Avenue and Santa Lucia or along any street rights of way west of San Antonio.

Modification #7. Revise Section 17.14.11 as follows:

To assist in the design and review process, the City Council has adopted Commercial Design Guidelines. Proposed projects need not strictly comply with every guideline to be approved but deviations should be minor and reasonably related to good design principles and site conditions. When a proposed project involves construction of a new building or the replacement, significant enlargement, or modification of an existing building, applicants are encouraged, first, to consult the Design Guidelines an then to prepare and submit conceptual or preliminary drawings for review by the Design Review Board or Planning Commission. This preliminary review can promote communication between project applicants and the City's staff and decision-makers, facilitating an understanding of applicable design regulations and avoiding unnecessary expenditures in detailed plans. Development of single family residences in the RC district shall be consistent with the standards and criteria identified in Chapter 17.10: R-1 District Design Regulations.

CHAPTER 17.20: Overlay Districts

Modification #8. Revise Section 17.20.14: Boundaries of the Beach Overlay District as follows:

Beach and Riparian Overlay District

~~This~~ The Beach and Riparian Overlay district shall be coterminous with the California Coastal Commission's coastal development permit appeal jurisdiction and shall include all public and private property, wholly or in part, within the boundaries of the appeal jurisdiction identified in section 17.54.2 A & B of this Chapter. ~~apply to the entire area from the mean high tide eastward to the limit of all private property fronting on either side of the first public road inland from the beach.~~ The specific boundaries of the Beach and Riparian Overlay district are shown schematically on Figures III-11 and III-12. [REVISE AS NEEDED] A definitive listing of all affected private property is included with each figure. [REVISE AS NEEDED] ~~All public property within the boundary described above is also included within the district.~~

Modification #9. Revise Section 17.20.15: Coastal Development Permit Required as follows:

Unless exempted by Section 17.52.6: Development Excluded from Coastal Permit Requirements, all new ~~construction, additions, design alterations or changes in land use in the Beach Overlay District~~ development, as defined by 17.70, shall require a ~~use permit which shall constitute a~~ Coastal Development Permit, in addition to any other permits(s) required by law. Development undertaken pursuant to such a permit shall conform to the plans, specifications, terms, and conditions approved in granting the permit. Notice, hearing and appeal procedures shall be established in Chapter 17.52: Permit Procedures and Chapter 17.54: Appeals of this Title.

Modification #10. Revise Section 17.20.16: Permit Standards as follows:

The following standards shall be used by the ~~Planning Commission~~ decision making bodies in approving or denying a Coastal Development Permit in the Beach and Riparian Overlay District. In the list below, items A, B, C, E, I, J, K and P apply to all properties in the Overlay District and items D, F, G, H, L, M, N, O, Q and R apply to only those properties west of Carmelo or North San Antonio Avenue. No building permit for any development, as defined in section 17.70, including but not limited to new construction, additions, exterior alterations or change in land use shall be approved unless a Coastal Development Permit is approved taking into consideration all of the following as may be appropriate to the scope of the project:

B. Location. All ~~proposed construction~~ development shall be located and designed to avoid conflict with recreational use of any adjacent public property or conflict with coastal resources.

C. Design Compatibility. All ~~proposed construction~~ development shall be compatible in design with existing buildings in the area for the purpose of protecting the neighborhood character and consistent with the R-1 design guidelines established in 17.10 with the exception of specific standards called out in 17.20 herein.

D. Access. Development shall not interfere with the public's right of access to the sea. Potential public right of access shall be reviewed on the property and, where, appropriate, made a condition in the permit.

K. Drainage. A drainage system shall be provided for ~~the project~~ all new development to prevent ~~undue~~ erosion, ~~and excess water running from the site onto the beach or endangering coastal protective structures or coastal access structures as determined by the Building Official~~ minimize runoff, infiltrate and filter stormwater prior to conveyance off-site.

M. Prohibition on Private Development Needing Protection. ~~Proposed~~ New development ~~of private property~~ shall not be approved where ~~the City determines~~ geologic evidence concludes that shoreline protective structures will be necessary to protect the new structures at the time of development, or within 100 years of development.

O.2 Use of Bluff Retreat Setbacks. No development except public access pathways, public restrooms, stairways and associated public recreational or infrastructure facilities shall be permitted within the bluff retreat setbacks identified in site-specific geologic reports.

R. Parking. On sites of 6,000 square feet or greater, two on-site parking spaces per primary dwelling unit shall be provided for all new residential development in the Beach and Riparian Overlay District. One of these spaces may be established as an

uncovered tandem space within the front or sideyard setback located on the driveway in front of a garage or carport or elsewhere on the property where parking is allowed by the underlying zoning district.

Modification #11. Revise Section 17.20.17: Application Content as follows:

A. Erosion Control Plan. All development permit applications involving substantial alterations to existing buildings or site design, or construction of new buildings on ocean-fronting parcels shall include a site-specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible. New development that (1) increases site coverage by more than 2% of the site area or (2) involves grading that will affect drainage patterns on or off-site or (3) involves either a rebuild or construction of a new building or shoreline structure shall include a site specific erosion control plan that includes controls on grading (i.e, timing and amounts), best management practices for staging, storage, and disposal of construction materials, design specifications of sedimentation basins, and landscaping / re-vegetation of graded or disturbed areas. New development shall further include a site-specific polluted runoff control plan that demonstrates how runoff will be diverted from impermeable surfaces onto permeable areas of the property in a non-erosive manner to filter and infiltrate stormwater prior to conveyance offsite.

Modification #12. Revise Section 17.20.18 A: Protection of Existing Coastal Access as follows:

A. Protection of Existing Coastal Access. Development may not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation. Development shall not interfere with the public's right of access to the sea by eliminating free public beach parking along Scenic Road, the Del Mar parking lot, and San Antonio Avenue from 2nd Avenue to Santa Lucia Avenue, or any street right of ways west of San Antonio.

13. Revise Section 17.20.19: Shoreline Protection as follows:

B. Drainage Devices. New drainage devices extending over the bluff face shall not be permitted. Repair and maintenance shall be allowed for existing devices serving existing facilities. Construction of new dwellings and rebuilds of existing dwellings shall require abatement of existing private drainage devices that extend over the bluff face and all excess drainage shall be diverted from impermeable surfaces onto permeable areas of the property in a non-erosive manner to filter and infiltrate storm water prior to conveyance to the City's Municipal drainage facilities. ~~if the property can be drained away from the bluff face.~~ All new drainage structures shall be constructed so that drainage water will not spill over or onto the bluff face. ~~Drain pipes shall be allowed only where no less environmentally damaging drain system is feasible, and drain pipes are designed and placed to minimize impacts to the bluff face, toe of bluff, and beach.~~

C. Shoreline Protective Structures. Shoreline protective structures ~~limited to sea walls, engineered revetments,~~ may be ~~allowed with Coastal development~~ permitted ~~approval,~~ only when the review authority determines that the structure is:

5. Designed to ~~preserve lateral~~ avoid or minimize, if avoidance is infeasible, impacts on beach access, ~~where feasible~~;

Modification #14. Revise Section 17.20.22 D.2: Report Contents as follows:

The biological resources report shall:

a. Prepare a biological survey of the site that includes identification of sensitive resources, the habitat values, and the location of sensitive resources. The report shall also evaluate the impact that existing and proposed development may have on the habitat, including whether the existing and proposed development will result in a significant disruption of habitat values. The report shall identify feasible alternatives to avoid disrupting the habitat values. If avoidance is not possible, mitigation measures shall be identified that protect the resource from disturbance or degradation, ~~if such mitigation measures exist~~, and a program for monitoring and evaluating the effectiveness of the mitigation measures.

Modification #15. Revise Section 17.20.22 E: General Development Standards as follows:

1. *Performance Standards.* All development adjacent to or within an ESHA shall comply with the following requirements.

a. New development shall be designed, sited, constructed, and maintained so as to ~~not significantly~~ avoid or minimize, if avoidance is not feasible, disruption of the habitat values in the ESHA.

Modification #16. Add the following text on Page III-5 under heading CHAPTER 17.20 OVERLAY DISTRICTS:

Article VII: Downtown Conservation District

Modification #17. Add the following text on page III-43:

Article VII: Downtown Conservation District

Sections:

17.20.26 Purpose.

17.20.27 Boundaries of Downtown Conservation District

17.20.28 Procedures and Criteria for Review

17.20.26 Purpose

The City recognizes that Ocean Avenue and the commercial properties that surround this corridor contain some of the most memorable and important commercial buildings in Carmel. The design character and ambience created by these buildings are an essential part of the Carmel experience and critically important to the economy of the City. This area also has one of the highest concentrations of historic buildings in the City. The purpose of the Downtown Conservation District is to protect the historic resources and the general design context that surrounds them and to implement the following General Plan/Local Coastal Land Use Plan policies:

A. Recognize the qualities and attributes that make up the unique architectural character of Carmel. Retain these qualities in existing buildings and encourage the use of them in new structures. (LUP Goal G1-3)

B. Protect the special and unique character of Ocean Avenue and the surrounding commercial area. Ensure, through the administration of land use and design regulations, that the architecture, landscape, scale and ambience of this area are maintained. (LUP Policy P1-63)

C. Retain the scale and variety of design established in the retail core when considering changes to buildings that are not historic. Protect, preserve and rehabilitate historic commercial architecture that represents the character, ambience and established design context of the commercial area. (LUP policy P1-66)

17.20.27 Boundaries of the Downtown Conservation District.

The boundaries of the Downtown Conservation District are shown on Figure III-13. A definitive listing of all affected properties is included with Figure III-13.

17.20.28 Procedures and Criteria for Review.

The following procedures shall apply to all applications for demolitions, rebuilds, exterior alterations and additions to building sites located in the Downtown Conservation District.

A. **Historic Resources**. Projects affecting any historic resource shall require approval by the Historic Preservation Board consistent with Chapter 17.32. In its review, the Board shall apply the Secretary of Interior's Standards and shall adopt the following findings:

1. The historic character of the property will be retained and preserved. Distinctive materials, features, spaces, and spatial relationships that characterize the property will be preserved.

2. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will be preserved.

3. The new work shall be subtly differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

4. The proposed development is consistent with the established design context of the Conservation District and will not adversely affect any historic resources on the project site or on adjacent sites.

Following action by the Historic Resources Board, the project shall then be scheduled for final review by the Planning Commission or Design Review Board consistent with Chapter 17.58.

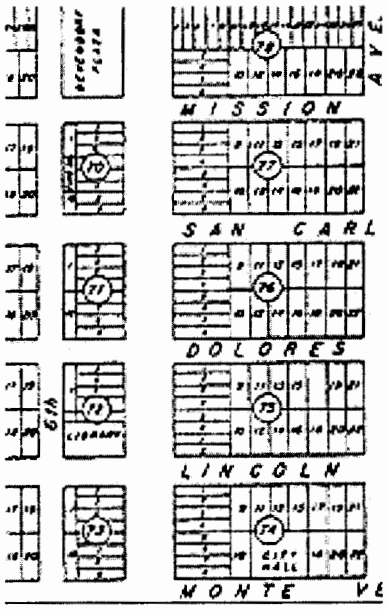
B. **Non-Historic Properties**. Projects affecting properties determined not to be historic shall require a review and recommendation from the Historic Preservation Board prior to review and final action by the Planning Commission, Design Review Board or the Planning Director. The purpose of this review shall be limited to advising the decision-making body on (1) the project's consistency with the established design context of Ocean Avenue and the surrounding commercial area and (2) identifying any potential impacts on nearby historic resources. The following findings shall be used by the Board in making its recommendations:

1. All proposed new development shall not exceed the greater of the base floor area ratio requirements identified in section 17.14.14 or the existing floor area of the site.

2. The proposed development is consistent with the established design context of the Conservation District and will not adversely affect any historic resources on the project site or on adjacent sites.

Figure III-13 Downtown Conservation District

Junipero



Downtown Conservation District: Those building sites that include all or portions of the following lots:

Block	Lots
54	17 - 20
55	19 - 22
56	19 - 22
57	17 - 20
58	18, 20, 25, 26
70	All lots
71	All lots
72	All lots
73	All lots
74	All lots
75	All lots
76	All lots
77	All lots
78	All lots (street frontages only)

CHAPTER 17.22: Community Plan Districts

Modification #18. Revise Section 17.22.6 Status of Community Plans as follows:

A. ~~A community Plan (CP) shall be effective on the same date as the ordinance creating the CP district. The City Council may impose dates and terms upon which a Community Plan (CP) will expire, although establishment of expiration dates and terms is not required. Expiration of a Community Plan (CP) voids the CP district and causes the property to revert to the zoning map designation preceding the amendment to the CP district or to a zoning designation approved by the City Council, consistent with the General Plan land use designation for the plan area.~~ After City Council adoption of a Community Plan or Specific Plan, an amendment to the City's certified Local Coastal Program shall be submitted to the California Coastal Commission pursuant to Public Resource Code Section 30515. The City may submit a proposed amendment either as an amendment that will take effect automatically upon Coastal Commission approval, or as an amendment that will require formal City Council adoption after Coastal Commission approval.

CHAPTER 17.30: Demolitions

Modification #19. Revise Section 17.30.1 Demolition of Structures as follows:

Chapter 17.30 Demolition of ~~Structures~~ Buildings

Sections:

17.30.1 Demolition of ~~Structures~~ Buildings.

17.30.2 Conversion or Demolition of Affordable Housing.

17.30.1 Demolition or Rebuilding of ~~Structures~~ Buildings.

Except when required for the emergency protection of public health or safety as determined by the City Administrator in consultation with the Building Official, no permit authorizing the demolition or rebuilding of any ~~structure or~~ building within any district shall be issued until reviewed by the Planning Commission or Design Review Board in accordance with the findings established in Section 17.64.7: *Demolition and Conversion of Residential Structures* (if applicable). No permit for Demolition or Rebuilding shall be approved without the concurrent review and approval of replacement construction for the site. If the structure or site is identified as an historic resource ~~in the Carmel Inventory~~ ~~the~~ demolition is prohibited except when approved by the Historic Resources Board and the Planning Commission consistent with the findings established in section 17.64.5. ~~shall be the decision-making body for the demolition permit and for~~ A~~a~~ll related land use, design review and environmental review approvals and the processes established in Chapter 17.32: Historic Preservation, also shall be followed. The demolition, rebuilding or relocation of any structure shall require a coastal development permit.

Modification #20. Add the following section to Chapter 17.30:

17.30.3 Minimum Standards. Applications for demolition of any structure(s) that would cause there to be two (2) or more potential building sites, shall include submittal of substantial evidence (e.g., a review of City records, parcel-related documents filed at the Monterey County Recorder's office, chain of title documents, etc.) demonstrating the existence of two (2) or more legal lots of record that will meet City standards for building sites. Applications that proposed the merger of all underlying lots are exempt from this requirement.

CHAPTER 17.32: Historic Preservation

Modification #21. Revise Section 17.32.1 Purpose as follows:

The purpose of the historic preservation ordinance is to establish standards, procedures and regulations to promote identification, ~~and~~ preservation, and enhancement of historic resources including buildings, structures, objects, sites, districts and archaeological resources that represent the unique architectural, cultural, historic and prehistoric identity of Carmel-by-the-Sea, by:

A. Establishing a Historic Resources Board with powers and duties to administer the City's Historic Preservation Program.

B. Maintaining an inventory of historic resources.

C. Identifying and protecting archaeological resources.

D. Protecting the design character and context of the residential and commercial areas by maintenance of an appropriate setting for historic resources.

E. Participating in Federal and State preservation processes and programs.

F. Becoming a certified local government.

G. Incorporating historic preservation principles into the City's project review process, consistent with State and Federal standards, criteria, and practices.

H. Avoiding and minimizing potential impacts on historic resources when developing and enforcing land use, design review, zoning, fire code, environmental review and other City regulations.

I. Pursuing and supporting the use of appropriate capital, Federal, State and local private grants, loans, tax credits and tax relief.

J. Providing financial, technical and legal assistance programs to encourage and assist with rehabilitation and maintenance of historic resources.

Modification #22 Revise Section 17.32.2.B.4 Historic Resources Board as follows:

4. If professional members with the required expertise cannot be found, the City Council may substitute one or more additional public members with a demonstrated interest ing historic preservation.

Modification #23 Revise Section 17.32.3 Duties and Powers of the Historic Resources Board as follows:

The Historic Resources Board, established in accordance with the provisions in Title 2.24, shall have the following duties, powers and responsibilities:

A. To administer the Historic Preservation Program pursuant to Title 17, Chapter 32.

B. To review, and approve, deny or approve with conditions, Determinations of Consistency with the Secretary of Interior's Standards for all major alterations involving historic resources.

C. To administer the Carmel Inventory and Register.

D. To approve or deny requests submitted by owners of identified historic resources to ~~designate historic resources and thereby~~ place the resources on the Carmel Register.

E. To approve or deny requests to remove resources from the Carmel Inventory and/or the Carmel Register.

F. To advise the Planning Commission and the City Council on amendments to the Historic Context Statement, Historic Preservation Ordinance and the provisions of the General Plan related to historic resources.

G. To advise the Planning Commission and the City Council on the establishment of Historic Districts.

H. To advise the City Council on becoming a Certified Local Government for purposes of Historic Preservation.

I. To advise the Planning Commission on the adequacy of environmental documents involving potential impacts to identified historic resources.

J. To advise the City Council on proposed Mills Act contracts and proposed tax credit applications.

K. To hear appeals of actions by Staff to approve or deny Determinations of Consistency for minor alterations and/or Track One projects affecting historic resources.

L. To hear appeals of any administrative determination that a property is not eligible for the Carmel Inventory and to reverse where necessary such determinations, thereby placing such properties on the Inventory.

M. To develop historic resource interpretive programs that will foster greater understanding of, and appreciation for, historic resources, including Carmel's origins and history.

N. To review and advise the City Council on periodically updating the Historic Context Statement.

Modification #24. Revise Section 17.32.4 and 17.32.4A,B,C,F Eligibility Criteria for the Carmel Inventory. As follows, add new sections G and H:

The following types of resources are to be included in the Carmel Inventory: individual properties, historic districts, and archeological resources. Historic districts may consist of multiple properties that are united geographically and located with a defined boundary, or isolated properties that do not share a geographic boundary but are united by a common theme (also known as a "thematic grouping"). The Director and the Historic Resources Board, based on recommendations of ~~in coordination with~~ qualified professionals shall use the following criteria in making determinations on the eligibility of properties for the Carmel Inventory. To be eligible for the Carmel Inventory, historic resources:

B. Shall retain substantial integrity. ~~A property may be potentially significant under one or more of the above California Register criteria, however, if it does not substantially retain integrity, it shall not be included in the Inventory or considered an historic resource~~. Integrity (association, feeling, setting location, design,

materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early records and photographs, or other substantial evidence (e.g. literature review, Sanborn maps, architectural files, land records) and/or by physical inspection by a qualified professional. Integrity shall be assessed by (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance, and (4) determining which aspects of integrity are vital if the property is to qualify as a resource (see National Register of Historic Resources, Bulletin #15).

C. Should be a minimum of 50 years of age and Shall meet at least one of the four criteria for listing in the California Register at a national or statewide level of significance (primary resource) or at a regional or local level of significance (local resource) per CEQA Guidelines Section 15064.5(a)(3):

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Is associated with the lives of persons important to local, California or National history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values, or;
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the Nation.

F. All properties included in the Inventory as of the date of final certification of the LCP, are hereby included in the Carmel Historic Resource Inventory unless removed by the Historic Resources Board pursuant to 17.32.7D. Recordation and notice of the inclusion of these resources in the Inventory shall be provided pursuant to 17.32.7C. All subsequently identified Historic Resources shall be added to the Carmel Historic Resource Inventory and reported to the Historic Resources Board.

G. Any interested parties or organizations may submit to the City, requests or applications for identification of historic resources to be included in the Inventory. The City shall process such requests or applications within 60 days, consistent with the procedures established in this Chapter.

H. A resource less than fifty (50) years old may be eligible if it is of exceptional importance to the City, State, or Nation based on its unusually strong contribution to history, architecture, engineering or culture, or because it is an integral part of an historic district.

Modification #25. Revise Section 17.32.5.B Alteration of Property as follows:

B. No application for property development shall be deemed complete unless it includes a~~n~~ ~~Administrative~~ Determination that the property is either eligible or ineligible for the Carmel Inventory. For properties where eligibility has not yet been established, the Department shall initiate the process for determining eligibility upon the filing of any application for property development.

Modification #26. Revise and add to Section 17.32.6 Determining Eligibility for the Carmel Inventory as follows:

A. Historic Context Statement.

1. The City shall maintain an Historic Context Statement.
2. The purpose of the Historic Context Statement is to establish a baseline of information against which the potential historic significance of a property is evaluated. "The significance of a historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear." (National Register Bulletin: "How to Apply the National Register Criteria For Evaluation," p. 7). However, exclusion of a resource type from the context statement shall not preclude a finding of historical significance by a qualified professional.
3. The Historic Context Statement shall be updated at least every five years. Updates shall be submitted to the California Coastal Commission as LCP amendments.
4. Staff may, as part of any updates to the Historic Context Statement, require that a reconnaissance survey be conducted by a qualified professional.

B. Initial Assessment of Historic Significance.

3. If, based on the initial assessment, the property is determined to be ineligible for the Inventory, is outside the Archaeological Overlay Zone, and no evidence of archaeological resources is present, then no further action is required except as otherwise stated below, and the Department shall issue a finding Determination of Ineligibility consistent with 17.32.6.D, below. ~~All Determinations of Ineligibility shall be provided to anyone who has requested a copy of such determinations and shall be transmitted to members of the Historic Resources Board before a project is calendared for design review. Determinations of Ineligibility made by the Department may be appealed to the Board as established in section 17.32.18.~~

C. Intensive Survey.

2. If the intensive survey determines that the property is ineligible for the Inventory, then all provisions of section 17.32.6.D shall apply. ~~no further action is required and the Department shall issue a finding of ineligibility. All determinations of ineligibility shall be provided to anyone who has requested a copy of such determinations, and shall be transmitted to members of the Historic Resources Board before a project is calendared for design review. Determinations of ineligibility made by the Department may be appealed to the Historic Resources Board as established in section 17.32.18. Determinations of ineligibility shall not be final until all appeal processes have run~~.

D. Determinations of Ineligibility.

1. Upon making a determination that a property does not qualify for the Carmel Inventory, the City shall issue a Determination of Ineligibility. Each Determination of Ineligibility shall include the street location, the block and lot identification, age of structure, and a statement as to why the property is not eligible for the Carmel Inventory.

2. All Determinations of Ineligibility shall be (a) provided to anyone who has requested a copy of such determinations, ~~shall be~~ (b) transmitted to members of the Historic Resources Board and (c) made available for public review during normal business hours at City Hall for ten days. ~~before a project is calendared for design review~~. Upon receipt, any member of the Historic Resources Board may call a Determination of Ineligibility up for review by the Board by filing a written request with the Department during the appeal period.

3. Determinations of Ineligibility made by the Department may be appealed to the Historic Resources Board by any aggrieved person as established in section 17.32.18. Determinations of Ineligibility shall not be final until all appeal processes have run. The appeal period for Determinations of Ineligibility shall be 10 days from the date the decision was circulated and made available for public review as established above.

4. Determinations of Ineligibility shall be valid for a period of five years from the date of issuance except in the following circumstances:

   a. Determinations of Ineligibility for properties developed less than fifty years prior to the Determination, but more than 45 years prior to the Determination, and which are ineligible for the Carmel Inventory primarily due to insufficient age shall be valid only until the building, structure or object reaches the age of fifty years.

E. Archaeological Resources.

3. Phase II Report: Testing. If the Phase 1 Report concludes that the property does or may contain archeological resources, then a Phase II Report shall be prepared by a qualified professional, in consultation with appropriate Native American representative(s) in order to identify appropriate mitigation measures (e.g. monitoring, avoidance, capping, documentation, recovery, etc.).

4. Phase III Report: Recovery. If the Phase II Report concludes that recovery is the appropriate mitigation then a Phase III Report shall be prepared by a qualified professional in consultation with appropriate Native American representative(s).

6. Archaeological reports shall be conducted under contract to the City, at the property owner's expense. The property owner shall provide access to the site and interior of any building or structure thereupon at a mutually agreed time. All recovered artifacts shall become the property of the City for use in research, interpretation and/or transmittal to appropriate entities ~~agencies~~.

Modification #27. Revise Section 17.32.7A and D(2) Maintaining the Inventory as follows:

A. Eligibility for the Carmel Inventory shall be established in conformance with the criteria and procedures in Sections 17.32.4: Eligibility Criteria for the Carmel Inventory, and 17.32.6: Determining Eligibility for the Carmel Inventory. Properties determined to be eligible by an Administrative Determination, or by the Historic Resources Board on appeal, shall become part of the Inventory upon completion of an inventory form documenting the resource and issuance of an Administrative Determination ~~finding~~ by the Department or adoption of a finding by the Board that the property meets the criteria for historic resources.

D. Removal of Resources from Inventory.

2. An Historic Resource in the Carmel Inventory shall be presumed historically significant and shall not be removed unless substantial evidence demonstrates that it is not an historic resource. Any decision to remove a resource from the Inventory shall require a public hearing by the Historic Resources Board and shall be based on a recommendation by a qualified professional. Substantial evidence shall include, but is not limited to:

Modification #28. Revise Section 17.32.8A and B Qualifications of Professional Consultants as follows:

A. City List of Pre-Approved Professional Consultants. The City shall maintain a list of ~~pre-approved~~ state-certified qualified professionals capable of performing surveys, evaluating projects for consistency with the Secretary's Standards, assisting Staff and the Historic Resources Board with the preparation of Determinations of Consistency, evaluating the impact of projects on historic resources and developing mitigation measures, evaluating compliance with the State Historic Building Code, and preparing Historic Context Statement updates.

B. Work to Be Done Under City Contract. The work of the qualified professionals shall be conducted under contract to the City. If the need for the work is the result of an application, the work shall be performed at the applicant's expense. If the work is the result of a City project or general request of the public pursuant to 17.32.4 (G), the work shall be performed at the City's expense.

Modification #29. Revise Section 17.32.9.B.1 Carmel Register of Historic Resources.

B. Historic Districts.

1. Historic districts may be considered for inclusion in the Carmel Register at the request of a property owner, within the proposed district, or as initiated by the Historic Resources Board, or the City Council if the district meets the criteria for inclusion in the Carmel Inventory. After preparation of explanatory and supporting material by the City or other interested party, the ~~The~~ City shall notify owners of contributing properties within the proposed historic district of the request for consideration of listing-and shall provide owners an opportunity and time frame in which to file a notice of objection to listing. Such objection shall take the form of a notarized letter certifying that (1) the party is the sole or partial owner of a contributing resource and (2) the party objects to listing on the Register. No action on listing of a historic district in the Register shall be taken if owners of more than 50% of the contributing resources within the district file an objection to listing.

Modification #30. Revise Section 17.32.12 Alteration of Historic Resources as follows:

A. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any historic resource without first obtaining a Determination of Consistency with the Secretary's Standards, complying with the requirements of the CEQA, and obtaining a building permit or other applicable

permit from the City. Demolition of structures identified as historic resources on the Carmel Inventory is prohibited except as provided in section ~~17.32.2~~ 17.30.1. The alteration of any structure identified as an historic resource on the Carmel Inventory in a manner that is inconsistent with the Secretary's Standards is prohibited unless one or more of the findings established in section 17.64.5 is adopted.

B. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or any exterior architectural feature in or on any historic resource that does not involve a change in design, materials, or external appearance thereof, nor does this Chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Department certifies to the Historic Resources Board that such action is required for the public safety due to an unsafe or dangerous condition and cannot be remedied under the California Historical Building Code.

C. Duty to Keep in Good Repair. The owner, occupant or any other person in actual charge of a historic resource shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent the deterioration and decay of any exterior improvement or exterior architectural features.

D. Alterations~~,~~ or relocations ~~or demolitions~~, which are the subject of a tax credit certification application shall be submitted to the Board for informational purposes. The Board shall have the option to submit comments on the application to the appropriate state or federal reviewing agency.

Modification #31. Revise Section 17.32.13.A and C Design Study, Building Permit or Other Application for Alteration of Property as follows:

A. Upon submittal of a design study, building permit or other application for alteration of the property, the City shall determine if the subject property contains historic resources and is therefore eligible for the Carmel Inventory of Historic Resources.

1. Properties that are already known to contain historic resources are included in the Inventory.
2. Properties that are known not to contain historic resources are those that have been subject to an initial assessment or intensive survey and received a ~~finding~~ Determination of Ineligibility pursuant to this Chapter. A ~~finding~~ Determination of Ineligibility issued by the Department within five (5) years of the date of the application shall constitute a showing that the property is not an historic resource. The Department, shall have the discretion to accept ~~findings~~ Determinations of Ineligibility that are older than five (5) years, if there have been no changes to the Historic Context Statement or other demonstrated changes in circumstance that are applicable to the subject and if there is no substantial new evidence available that would affect the Determination.

3. If a property is not included in the Inventory and has not been subject to a previous site assessment or survey, the City shall require that the procedures for the identification of historic resources be followed, prior to determining whether a Determination of Consistency, pursuant to this chapter, is required for the project.

C. No application shall be deemed complete without either documentation of eligibility (inclusion in the Inventory) or ineligibility (finding of ineligibility). If it is determined that the subject property contains historic resources, the applicant shall be required to obtain a Determination of Consistency with the Secretary of the Interior Standards for the Treatment of Historic Properties from the Historic Resources Board as part of the project review process.

Modification #32. Revise Sections 17.32.14A and B Determination of Consistency with the Secretary's Standards as follows:

A. All major and minor alterations to historic resources shall require a Determination of Consistency with the Secretary's Standards. The Department shall make Consistency Determinations for minor alterations. Staff ~~may~~ shall retain a qualified professional, when necessary, to assist in making the Determination.

B. Consistency Determinations for major alterations shall require an evaluation by a qualified professional and review and approval by the Historic Resources Board. Qualified professionals retained by the City to evaluate proposed alterations to historic resources shall be at the applicant's expense. The Department shall determine whether the proposed project constitutes a minor or major alteration.

Modification #33. Revise Section 17.32.15A(2) and B Historic Evaluation Process for Minor Alterations as follows:

A. For the purposes of evaluating alterations to historic resources the following shall constitute minor alterations:

2. Maintenance, repair, restoration or in kind replacement of severely deteriorated component features.

B. Staff shall issue a Determination of Consistency for minor alterations that comply with the Secretary's Standards. For all projects that include items #11, #12, #13 and #14(a or b), staff shall consult with a qualified professional prior to making a determination of consistency. In approving minor alterations, staff shall ensure that integrity of the resource is maintained, that all character defining features are maintained and that no change will be authorized that would diminish the historic resource value or result in a subsequent determination that the resource is no longer eligible for the Carmel Inventory. Staff may prepare and process a Categorical Exemption under the proposed alteration. The Department shall then

cause the processing of the permit application to continue pursuant to standard City practices. Minor alterations that are found not to comply with the Secretary's Standards shall be considered and processed as major alterations requiring an evaluation by a qualified professional and final action by the Board.

Modification #34. Revise Section 17.32.16.B.1(a) Historic Evaluation Process for Major Alterations as follows:

B. Determinations of Consistency for major alterations shall be prepared by a qualified professional and shall be supported by written documentation that (1) identifies which of the Secretary's Standards are applicable to the project, (2) reviews the proposed project and (3) explains the basis of the determination.

1. If a proposed major alteration is found by the qualified professional to be consistent with the Secretary's Standards, the project shall be presumed to be consistent for purposes of making a preliminary determination regarding any required environmental documentation and Staff shall forward the application and evaluation to the Board for action.

   a. If the Board concurs with the evaluation the Board shall issue a Determination of Consistency and adopt any appropriate conditions of approval. Any finding of compliance by the Board shall be supported by substantial evidence.

Modification #35. Revise Sections 17.32.17A,C,D ~~Approval of~~ Projects That Adversely Impact Historic Resources as follows:

A. No permit authorizing significant adverse impacts to an historic resource inconsistent with the Secretary's standards shall be issued unless necessary to address a public health and safety emergency as provided in section 17.30.~~2~~ 1 or until completion of the Environmental Impact Report (EIR) process and adoption of one or more of the findings in section 17.64.5. Preparation of an EIR for such projects shall include a review of project alternatives and/or mitigation measures that would achieve consistency with the Secretary's Standards, including consideration of the "no project" alternative. ~~and fulfill all or most of the project objectives to the extent feasible~~. The EIR also shall include an analysis of the feasibility of each alternative.

C. Except as authorized by the City Administrator consistent with section 17.30.~~2~~1, approval of a permit to demolish or alter an historic resource that will cause significant adverse impacts to the resource shall incorporate conditions of approval deemed appropriate by the ~~decision-making body~~ Historic Resources Board or Planning Commission which may include any of the following:

1. Documentation may be required of any resource in the Inventory to be demolished and/or for the property as a whole;

2. Design review for compliance with the Secretary's Standards may be required for any subsequent development on the property. With respect to demolition of a resources located within a district, the City shall take into account the importance of the affected resource to the integrity of the district, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to the district's character; require retention or reconstruction of one or more building features; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to or otherwise support the character and context of the district.
3. Suspension of the issuance of the demolition permit for one hundred and eighty (180) days to allow time to take such steps as the City deems necessary to preserve or rehabilitate the structure concerned. Such steps may include consultation with civic groups, public agencies and interested citizens, exploration of the possibility of moving the resource proposed for demolition, and exploration of the possible acquisition of the property by public and private agencies. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocated the resource, and makes a bona fide offer to purchase the property or resource at fair market value, as determined by appraisal, within the time established by this section.

D. No permit to demolish an historic resource shall be issued without the concurrent issuance of a building permit for a replacement structure or project for the property involved <u>unless necessary to address a public health and safety emergency</u>.

Modification #36. Revise Section 17.32.18.A and E Appeals as follows:

A. The issuance of a Finding of Ineligibility for the Inventory may be appealed to the <u>Historic Resources</u> Board, in accordance with standard City appeals procedures <u>as established in sections 17.32.6 and 17.54.4B</u>.

B. The denial of a Determination of Consistency for any minor alteration to an historic resource may be appealed to the <u>Historic Resources</u> Board, in accordance with standard City appeals procedures <u>as established in section 17.54.4.B.</u>

C. Denials of Determinations of Consistency for major alteration of historic resources may be appealed to the City Council, in accordance with standard City appeals procedures <u>as established in section 17.54.4.B.</u>

D. Denials of permits for the demolition, alteration, or relocation of a resource in the Inventory or new construction on a property included in the Inventory may be appealed to the City Council, in accordance with standard City appeals procedures <u>as established in section 17.54.4.B.</u>

E. If the Planning Commission determines a permit should not be issued for the demolition, alteration, or relocation of a resource in the Inventory or new construction on a property included in the Inventory, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project that addresses the original reasons for denial.

Modification #37. Revise Section 17.32.19.C Enforcement and Penalties as follows:

C. Civil Penalties. Any person who alters, relocates, or demolishes an historic resource in violation of this Title shall be subject to an administrative penalty of up to $250,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the historic resource to its appearance, condition or setting prior to the violation, or shall be subject to one of the following limitations on the use of the property.

1. All subsequent development shall be limited to floor area, volume, coverage and height limits equal to 75% of the limits applicable to the property prior to the violation; or
2. The property shall be ineligible for issuance of any building permits and shall be precluded from development for a period of up to ten (10) years.

Modification #38. Revise Section 17.32.23.W and add new Sections DD and EE Definitions as follows:

W. "Qualified Professional" shall mean a person meeting the qualifications established by the State Historic Preservation Office OHP (i.e. Secretary of the Interior's Professional Qualification Standards (48 FR 4716-01 and 36 CFR Part 61, Appendix A)) and approved by the Department. A qualified professional shall also be state-certified by OHP and meet the minimum requirements in history, archaeology, architectural history, or historic architecture for the type of potential historic resource being surveyed. For archaeological resources, a qualified professional shall mean a "Registered Professional Archaeologist (or RPA).

DD. "In-kind replacement" is defined as the "replacement of existing deteriorated building elements in such a manner as to match the original design using identical materials, forms and finishes as used in the original design, to the extent feasible, consistent with the Secretary of Interior's Standards."

EE. "Feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Modification #39. Add Appendix as follows: Add the Secretary of Interior's Standards and Guidelines as an appendix to the Implementation Plan. (The Secretary of the Interior's Standard for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, NPS)).

CHAPTER 17.34: Landscaping

Modification #40. Revise Section 17.34.1 as follows:

17.34.1 Purpose.

The purpose of this chapter is to protect and enhance Carmel-by-the-Sea's dominant Monterey pine urbanized forest and landscaped amenities. It is also the purpose of this chapter to provide for water conservation, and protect environmentally sensitive habitat areas from degradation by providing for the restoration of native vegetation in and around these areas.

Modification #41. Revise Section 17.34.4.C3 as follows:

17.34.4 Plan Requirements.

All new development or substantial alteration of existing development shall require submittal and approval of a Forest Enhancement and Management Plan and a Landscape Plan. ...

C. Forest Enhancement and Maintenance Plan. Following the preparation of a preliminary site assessment, applicants shall submit a Forest Enhancement and Maintenance Plan which shall:...

3. Minimize the extent of the excavation and fill on a site to avoid adverse impacts on trees, consistent with Chapter 17.48, Tree and Shrub Maintenance and Protection, and to ensure that new development follows the natural contours of the site.

Modification #42. Revise Section 17.34.6 as follows:

17.34.6 General Landscaping Standards.

A. Plant Selection.

1. Landscape designs shall use plant species similar in character to those species established along the block and on adjoining properties except that use of invasive species is prohibited.
2. A minimum of 75 percent of new plant materials on a site shall be native plants and/~~or non-invasive~~ drought tolerant plants determined by the City Forester.

CHAPTER 17.36: Non-Conforming Uses

Modification #43. Revise Section 17.64.13 as follows:

Section 17.64.13 Nonconforming Structure - Reconstruction of a Structure More Than 75 Percent Destroyed.

The following special findings are required for reconstruction of a nonconforming structure destroyed by more than 75 percent of the value of the structure from fire, explosion, acts of God, or act of the public enemy:

B. That based on plans and evidence submitted to the Planning Commission, the size, architecture and design of the reconstructed structure is not appreciably changed from the way it existed before it was destroyed;

CHAPTER 17.38: Parking

Modification #44. Revise Section 17.38.2 as follows:

17.38.2 General Requirements

The table in subsection (A) herein below establishes the minimum parking requirements for all uses, projects, developments and redevelopments. New projects or developments shall only be allowed when meeting all parking requirements of this chapter and the requirements of any use permit, subdivision approval or specific plan applicable to the property. Proposed uses within existing buildings may replace existing uses as long as any existing parking deficiencies on the property are not increased by the replacement. Proposed additions of floor area, new shops or dwelling units, or other similar changes in land use resulting in a net increase in parking requirements, as set forth in this chapter, shall provide all required parking generated by the new activities on the site.

Whenever a proposed activity requires the provision of additional parking spaces, the City shall establish a record for the property listing the number of spaces required by the proposed change and the manner in which the increased parking requirements has been satisfied. Required off-street parking may be satisfied by providing parking on- or off-site, unless otherwise prohibited in this chapter. To avoid double-counting, spaces used to satisfy the parking requirements of one property development shall not be used by another property development to satisfy its parking requirements.

Any proposed new building, or any substantial replacement or reconstruction or rebuilding of an existing building, as defined in section 17.70.2, shall provide all parking required by the provisions of this chapter. Replacement or reconstruction shall be deemed substantial if the value of the new construction equals or exceeds 50 percent of the construction value of the existing building.

Modification #45. Add the following new standard 17.38.6:

17.38.6 Parking Programs

Enactment and/or implementation of any parking program that has the potential to limit or restrict free public parking within the City shall require a coastal development permit.

CHAPTER 17.40: Signs

Modification #46. Modify the Standards for Permitted Residential Signs table in Section 17.40.6 as follows:

STANDARDS FOR PERMITTED RESIDENTIAL SIGNS						
Type of Sign	Number	Size	Letter Size	Location	Material	Information
House/ Occupant Name	One	Two square feet	No limit	Private property	Natural and permanent material required	House or occupant name
No Soliciting/ No Handbills/ No Trespassing	One each	2" x 12"	N/A	- Private property - Only at property line, front gate, front door or entry point. - "No Trespassing" signs shall be prohibited within 20 feet of a public access point or recreational area.	Permanent material required	No soliciting/ no handbills
Home Business	One	One square foot	No limit	Private property	Natural and permanent materials required	Business name on city business license

CHAPTER 17.42: Storm Water Quality

Modification #47. Revise Section 17.42.2 D.1b as follows:

b. New Development and Redevelopment.

The City ~~may~~ shall ~~adopt requirements identifying~~ require appropriate best management practices to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants as defined by Chapter 17.43. The City shall incorporate these requirements in any land use entitlement and construction or

building-related permit to be issued for ~~the~~ development or redevelopment and the Planning Director shall administer, implement, and enforce the provisions of Chapter 17.43.

Modification #48. Add the following text to Section 17.42.2 D2 as follows:

Watercourse Protection. Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, stagnant pools of water and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse to the extent required by the Director of Public Works. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines to protect against erosion and degradation of the watercourse on-site and downstream. Property owner shall select "Soft Engineered" techniques when possible for maintaining and stabilizing stream banks.

CHAPTER 17.43: New Water Quality Protection Ordinance

Modification #49. Replace existing reserved Chapter 17.43 with the following:

CHAPTER 17.43 – WATER QUALITY PROTECTION ORDINANCE

17.43.1 PURPOSE AND INTENT

The purpose of this Chapter is to protect and enhance coastal waters within the City of Carmel in accordance with the policies of the City's Local Coastal Plan (§O5-45 & O5-46), Sections 30230, 30231, 30232 and 30240 of the California Coastal Act, and the City's Phase II NPDES permit requirements. To implement the certified Land Use Plan, application submittal requirements, development standards, and other measures are provided to ensure that permitted development shall be sited and designed to conserve natural drainage features and vegetation, minimize the introduction of pollutants into coastal waters to the maximum extent practicable, limit the discharge of stormwater runoff, and protect the overall quality of coastal waters and resources.

The intent of this Chapter is to address the following principles:

All development shall be evaluated by the Planning Director or his/her designee for potential adverse impacts to water quality and applicants should consider Site Design,

Source Control and Treatment Control BMPs in order to minimize polluted runoff and water quality impacts resulting from the development. Site Design BMPs reduce the need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the amount of Treatment Control BMPs needed for a development. Therefore, BMPs should be incorporated into the project design in the following progression:

- Site Design BMPs
- Source Control BMPs
- Treatment Control BMPs

All development shall be designed to minimize the introduction of pollutants that may result in water quality impacts. Projects should be designed to control post-development peak runoff rates and average volumes to maintain or reduce pre-development downstream erosion rates. These objectives can be accomplished through the creation of a hydrologically functional project design that strives to mimic the existing natural hydrologic regime and by achieving the following goals:

- Maintain and use existing natural drainage courses and vegetation
- Conserve natural resources and areas by clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition
- Minimize the amount of directly connected impervious surface and total area of impervious surface
- Incorporate or connect to existing on-site retention and infiltration measures
- Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces to reduce the amount of storm water leaving the site
- Minimize clearing and grading

Incorporating these goals and principles into the project design will help to minimize the introduction of pollutants to the site and decrease the amount of polluted runoff leaving the site, resulting in the overall objective of water quality protection. Sections 17.43.3B & C and 17.43.6 of the Carmel IP describe the requirements and process for implementing BMPs into development and provide examples of types of BMPs to incorporate.

Non-structural BMPs are preventative actions that involve management and source controls such as protecting and restoring sensitive areas such as wetlands and riparian corridors, maintaining and/or increasing open space, providing buffers along sensitive water bodies, minimizing impervious surfaces and directly connected impervious areas, and minimizing disturbance of soils and vegetation. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. In many cases combinations of non-structural and structural measures will be required to reduce water quality impacts.

Non-structural and structural BMPs most applicable to the development projects are included in " A Planner's Guide to Conditions of Approval and Standard Mitigation Measures". Additional guidance on best management practices is available from the State, the EPA and from other sources such as BASMAA "Starting at the Source". Storm water technologies are constantly being improved, and staff and developers must be responsive to any changes, developments or improvements in control technologies.

17.43.2 APPLICABILITY

All properties within the City of Carmel are located within the coastal zone as defined in the California Coastal Act and are subject to the policies, standards and provisions contained in the certified LCP that may apply. Where any standard provided in this Chapter conflicts with any other policy or standard contained in the City's General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the certified Carmel LCP, and it is not possible for the development to comply with both the Carmel LCP and other plans, resolutions or ordinances, the policies, standards or provisions of the LCP shall take precedence consistent with the hierarchy established in section 17.2.9.

17.43.3 APPLICATION SUBMITTAL REQUIREMENTS

For all projects requiring implementation of an Erosion and Drainage Control Plan (§17.43.3A), Water Quality Mitigation Plan (§17.43.3.D), or Storm Water Management Plan the following information shall be submitted with an application for a Coastal Development Permit according to the requirements listed below.

17.43.3A Construction Phase Requirements: Erosion and Drainage Control Plan

Erosion and Drainage Control Plan.

All development permit applications involving alterations to existing buildings or site design, or construction of new buildings that meet the criteria below shall include a site-specific erosion and drainage control plan. Plans shall be required for new development that (1) increases site coverage by more than 5% of the site area or (2) involves grading that will affect drainage patterns on or off the site or (3) involves either a rebuild or construction of a new building.

The erosion and drainage control plan shall include a site specific erosion control plan that includes controls on grading (i.e. timing and amounts), best management practice for staging, storage, and disposal of construction materials, design specification of sedimentation basins and landscaping / re-vegetation of graded or disturbed areas. The plans shall also include as site specific polluted runoff control plan that demonstrates how runoff will be diverted from impermeable surfaces into permeable areas of the property in a non-erosive manner and filter and infiltrate stormwater prior to conveyance off site.

17.43.3B Post Construction Phase Requirements: Site design and source control measures

Post construction plans detailing how storm water and polluted runoff will be managed or mitigated should be included in the design of all projects that require an Erosion and Drainage Control Plan (§17.43.3A). Project submittals shall include details regarding how the project will use appropriate Site Design and Source Control BMPs to minimize adverse effects of the project on water quality.

For development which does not mitigate impacts to water quality using Site Design and Source Control measures and for certain special categories of development (see 17.43.3D of the Carmel IP below) a Water Quality Mitigation Plan will be required showing how Treatment Control (or Structural) BMPs will be used (in addition to Site Design and Source Control BMPs) to minimize the discharge of polluted runoff from the project.

All development that requires an Erosion and Drainage Control Plan shall require the implementation of appropriate Site Design and Source Control BMPs from 17.43.3C of the Carmel IP and Appendix I to minimize post-construction polluted runoff. The project plans submitted with the permit application should also specify any Treatment Control or Structural BMPs that the applicant elects to include in the development to minimize post-construction polluted runoff, and include the operation and maintenance plans for these BMPs.

The following information should be included in the submitted design plans:

- Site design and source control BMPs that will be implemented to minimize post-construction polluted runoff (see 17.43.6 of the Carmel IP)
- Drainage improvements (e.g., locations of infiltration basins)
- Potential flow paths where erosion may occur after construction
- Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements
- Storm drain pollution prevention measures including all construction elements and Best Management Practices (BMPs) to address the following goals in connection with both construction and long-term operation of the site:

  a. Maximize on-site retention and infiltration measures including directing rooftop runoff to permeable areas rather than driveways

b. Maximize, to the extent practicable, the percentage of permeable surfaces and limit directly connected impervious areas in order to allow more percolation of runoff into the ground

17.43.6C Less than Significant Impacts

The following land uses and projects are generally presumed to have a less than significant project-specific water quality impact. These include:

- Redevelopment projects that reduce the amount of impervious surfaces on the site, do not change the land use or potential pollutants and are not one of the categories of development requiring a WQMP;

- New development and redevelopment projects that incorporate into the project design construction BMPs for erosion, sediment and construction waste control and incorporate post-construction BMPs to protect sensitive riparian or wetland resources, reduce the quantity of runoff, and treat runoff generated by the project to pre-project levels.

17.43.3.D Post Construction Phase Requirements: Water Quality Mitigation Plan

Plans detailing how stormwater and polluted runoff will be managed or mitigated will be required for all projects that require an Erosion and Drainage Control Plan. The basic design elements for all projects (see 17.43.3B above) will demonstrate how the project will use appropriate Site Design and Source Control BMPs to minimize adverse effects of the project on water quality. For certain categories of development a Water Quality Mitigation Plan will be required showing how Treatment Control (or Structural) BMPs will be used (in addition to Site Design and Source Control BMPs) to minimize the discharge of polluted runoff from the project.

A Water Quality Mitigation Plan (WQMP) shall be required for all development that requires Erosion and Drainage Control Plan and either fails to address water quality impact using Site Design and Source Control Measures or is in a category of development identified below. In addition to the Site Design and Source Control BMPs required for a Storm Water Management Plan, the WQMP shall include Treatment Control (or Structural) BMPs identified in Appendix I to minimize post-construction polluted runoff. The WQMP shall also include the operation and maintenance plans for these BMPs.

17.43.3E Special Categories of Development

A WQMP shall be required for projects that fall into one or more of the following categories of development and are not able to meet the appropriate treatment controls

for the specific pollutants associated with those development types (Appendix J) as part of the design:

- Industrial/commercial development
- Restaurants
- Retail gasoline outlets /Automotive service facilities
- Parking lots (5,000 square feet or more of impervious surface area or with 25 or more parking spaces)/ Outdoor storage areas
- Projects that discharge to an ESA or coastal water[1]

17.43.3F Contents of a Water Quality Mitigation Plan

The WQMP shall be certified by a California Registered Civil Engineer or Licensed Architect and approved by the City's Department of Public Works or the City Engineer. The following information shall be included in a WQMP:

- Site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff (see 17.43.6A and 17.43.6B)
- Pre-development peak runoff rate and average volume
- Drainage improvements (e.g., locations of diversions/conveyances for upstream runoff)
- Potential flow paths where erosion may occur after construction
- Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements

[1] Environmentally Sensitive Areas: All development and redevelopment located within or directly adjacent to or discharging directly to an environmentally sensitive area (where discharges from the development or redevelopment will enter receiving waters within the environmentally sensitive area). "Directly adjacent" means situated within 200 feet of the environmentally sensitive area. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands

- Measures to treat, infiltrate, and/or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gullying on or downslope of the subject parcel, the need for upgrades to municipal stormdrain systems, discharge of pollutants (e.g., oil, heavy metals, toxics) to coastal waters, or other potentially adverse impacts. Such measures may include, but are not limited to, the use of structures (alone or in combination) such as biofilters and grasses waterways, on-site desilting basins, detention ponds, dry wells, etc.

- Where post-construction treatment controls are required, information describing how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The term "treatment" includes physical, biological and chemical processes such as filtration, the use of bio-swales, detention and retention ponds and adsorption media. The actual type of treatment should be linked to the pollutants generated by the development as indicated in Appendix J.

- A long-term plan and schedule for the monitoring and maintenance of all drainage-control devices. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.

The Public Works Director, the City Engineer, or his/her designee, who reviews drainage plans shall determine if the development post-development BMPs require efficacy monitoring and shall approve the monitoring program.

17.43.3G CEQA

Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act or § 17.42 of the IP.

17.43.4 BMP MAINTENANCE AND CONDITIONS OF TRANSFER

All applicants shall provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and conditional use permits. Verification at a minimum shall include:

- The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
- A signed statement from the public entity assuming responsibility for Structural and Treatment Control BMP maintenance and that it meets all local agency design standards; or
- Written conditions in the sales or lease agreement, which require the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
- Written text in project conditions, covenants, and restrictions (CCRs) for residential properties assigning maintenance responsibilities to the Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or
- Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural and Treatment Control BMPs

17.43.5 WATER QUALITY CHECKLIST

A water quality checklist will be developed by the City and used to supplement the CEQA checklist in the permit review process to assess potential water quality impacts and appropriate mitigation measures.

17.43.6 DEVELOPMENT STANDARDS

17.43.6A BMP Requirements and Implementation

All development shall be evaluated for potential adverse impacts to water quality and the applicant shall consider Site Design, Source Control and Treatment Control BMPs in order to minimize polluted runoff and water quality impacts resulting from the development. A SWMP requires the implementation of Site Design and Source Control BMPs, as specified in 17.43.3B of the Carmel IP, and a WQMP requires the implementation of Site Design, Source Control and Treatment Control BMPs, as specified in 17.43.3C of the Carmel IP. In order to maximize the reduction of water quality impacts, BMPs should be incorporated into the project design in the following progression: (1) Site Design BMPs, (2) Source Control BMPs, and (3) Treatment Control BMPs. Examples of these BMPs can be found in Section 17.43.7 and Appendix I of the Carmel LIP.

17.43.5B BMP Selection Process.

In selecting BMPs to incorporate into the project design, the applicant should first identify the pollutants of concern that are anticipated to be generated as a result of the development. Table 1 in Appendix J should be used as a guide in identifying these pollutants of concern. Pollutants generated by the development that exhibit one or more of the following characteristics shall be considered primary pollutants of concern:

- Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water
- Elevated levels of the pollutant are found in water or sediments of a receiving water and /or have the potential to be toxic to or bioaccumulate in organisms therein
- Inputs of the pollutant are at a level high enough to be considered potentially toxic

Site Design and Source Control BMPs are required based on pollutants commonly associated with the project type, as identified in Table 1. BMPs that minimize the identified pollutants of concern may be selected from the examples in Appendix I and Section 17.43.7 of the Carmel IP, targeting primary pollutants of concern first. In the event that the implementation of a BMP listed in Appendix I or Section 17.43.7 of the Carmel IP is determined to be infeasible at any site, the implementation of other BMPs that will achieve the equivalent reduction of pollutants shall be required.

Treatment Control BMPs should be selected using the matrix in Table 3 in Appendix J as guidance to determine the removal efficiency of the BMP for the pollutants of concern for that project. Treatment Control BMPs that maximize pollutant removal for the identified primary pollutants of concern should receive priority for BMP selection, followed by BMPs that maximize pollutant removal for all other pollutants of concern identified for the project. The most effective combination of BMPs for polluted runoff control that results in the most efficient reduction of pollutants shall be implemented. The applicant may select from the list of BMPs in Appendix I. In the event that the implementation of a BMP listed in Appendix I is determined to be infeasible at any site, the implementation of other BMPs that will achieve the equivalent reduction of pollutants shall be required.

17.43.6C Sizing of Treatment Control BMPs

Where post-construction treatment controls are required, the BMPs (or suites of BMPs) shall be designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event[2] for volume-

[2] Considering the long-run records of local storm events in a 24-hour period, the 85th percentile event would be larger than or equal to 85% of the storms. The 85th percentile storm can be determined by reviewing local precipitation data or relying on estimates by other regulatory agencies. For example, the Los Angeles Regional

based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

The term "treatment" includes physical, biological and chemical processes such as filtration, the use of bio-swales, detention and retention ponds and adsorption media. The actual type of treatment should be suited to the pollutants generated by the development as indicated in Appendix J.

17.43.6D Development on Steep Slopes

Soils shall be stabilized and infiltration practices incorporated during the development of roads, bridges, culverts and outfalls to prevent stream bank or hillside erosion. Project plans must include the following BMPs to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff:

- Convey runoff safely from the tops of slopes and stabilize disturbed slopes
- Utilize existing natural drainage systems to the maximum extent feasible
- Control and minimize excess flow to natural drainage systems to the maximum extent feasible
- Stabilize permanent channel crossings using "soft engineering" practices when possible
- Vegetate slopes with native or drought tolerant vegetation

Additional measures to prevent downstream erosion, such as cisterns, infiltration pits and/or contour drainage outlets that disperse water back to sheet flow, shall be implemented for projects discharging onto slopes greater than 10 percent.

17.43.6E Cumulative Impacts

Because of the city's designation under the Phase II NPDES regulations, all discretionary projects (except those that do not result in a physical change to the environment) within the urbanized area whose contributions are cumulatively considerable must implement one or more best management practices to reduce their contribution to the cumulative impact.

17.43.7 DEVELOPMENT-SPECIFIC DESIGN STANDARDS

Water Quality Control Board has determined that 0.75 inch is an adequate estimate of the 85th percentile, 24-hour storm event for typical municipal land uses within its jurisdiction.

17.43.7A Commercial Development

Commercial development shall be designed to control the runoff of pollutants from structures, parking and loading areas. The following measures shall be implemented to minimize the impacts of commercial development on water quality.

Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

Properly Design Repair/Maintenance Bays

Oil and grease, solvents, car battery acid, coolant, and gasoline from repair and maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:

- Repair/ maintenance bays must be indoors or designed in such a way that doesn't allow storm water runoff or contact with storm water runoff.
- Design a repair/maintenance bay drainage system to capture all washwater, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. Obtain an Industrial Waste Discharge Permit if required.

Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area must be:

- Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer.

Properly Design Parking Areas

Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor vehicles.

These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:

- Reduce impervious surface land coverage of parking areas.
- Infiltrate runoff before it reaches storm drain system.
- Treat runoff before it reaches storm drain system.

Parking lots may also accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks. To minimize impacts to water quality, the following measures are required:

- Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used (e.g. lots with 25 or more parking spaces, performing arts parking lots, shopping malls, or grocery stores).
- Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

17.43.7B Restaurants

Restaurants shall be designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system. The following measures shall be implemented to minimize the impacts of restaurants on water quality.

Properly Design Equipment/Accessory Wash Areas

The activity of outdoor equipment/accessory washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for the washing/steam cleaning of equipment and accessories. This area must be:

- Self contained, equipped with a grease trap, and properly connected to a sanitary sewer.
- If the wash area is to be located outdoors, it must be covered, paved, have secondary containment and be connected to the sanitary sewer.

17.43.7C Gasoline Stations and Automotive Repair Facilities

Gasoline stations and automotive repair facilities shall be designed to minimize runoff of oil and grease, solvents, car battery acid, coolant and gasoline to stormwater system.

The following measures shall be implemented to minimize the impacts of gasoline stations, and automotive repair facilities on water quality.

Properly Design Fueling Areas

Fueling areas have the potential to contribute oil and grease, solvents, car battery acid, coolant, and gasoline to the storm water conveyance system. Therefore, design plans for fueling areas must include the following:

- The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade break. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area. As an alternative, the site must be served by an oil/water separator or other source or treatment control BMP's that will achieve equivalent mitigation.

- The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.

- The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.

- At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

Properly Design Repair/Maintenance Bays

Oils and grease, solvents, car battery acid, coolant, and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:

- Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water run-on or contact with storm water runoff.

- Design a repair/maintenance bay drainage system to capture all wash-water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. Obtain an Industrial Waste Discharge Permit if required.

Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area must be:

- Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer or to a permit disposal facility.

Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.

- Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

17.43.7D Outdoor Material Storage Areas

Outdoor material storage areas refer to storage areas or storage facilities used solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Outdoor material storage areas shall be designed to prevent stormwater contamination from stored materials. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following measures are required:

- Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as a cabinet, shed or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.

- The storage areas must be paved and sufficiently impervious to contain leaks and spills.

- The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

17.43.7E Trash Storage Areas

A trash storage area refers to an area where a trash receptacle or receptacles are located for use as a repository for solid wastes. Loose trash and debris can be easily transported by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. Trash storage areas shall be designed to prevent stormwater contamination by loose trash and debris. All trash container areas must meet the following requirements (individual family residences are exempt from these requirements):

- Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).

- Trash container areas must be screened or walled to prevent off-site transport of trash.

17.43.8A Single Family Residential

To mitigate the increased runoff rates from Single Family Residences due to new impervious surfaces, new and remodel projects which need an Erosion and Drainage Control Plan shall include design elements which accommodate onsite percolation, retention or collection of storm water runoff such that the peak runoff rate after development either meets the 85th percentile storm event criterion or does not exceed predevelopment runoff levels to the maximum extent practicable. BMPs (including those outlined in the California Storm Water Best Management Practice Handbooks) which may achieve this objective fit into these categories:

- Minimizing Impervious Areas
- Increase Rainfall Infiltration
- Minimize Directly Connected Impervious Areas (DCIAs)

Appendix I

STORM WATER BEST MANAGEMENT PRACTICES

The following are a list of BMPs that may be used to minimize or prevent the introduction of pollutants of concern that may result in significant impacts to receiving waters. Other BMPs approved by the City as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs must comply with local zoning and building codes and other applicable regulations.

Site Design BMPs

Minimizing Impervious Areas

- Reduce sidewalk widths where it is practicable
- Incorporate landscaped buffer areas between sidewalks and streets.
- Design residential streets for the minimum required pavement widths
- Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
- Use open space development that incorporates smaller lot sizes
- Increase building density while decreasing the building footprint
- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together
- Reduce overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spillover parking areas

Increase Rainfall Infiltration

- Use permeable materials for private sidewalks, driveways, parking lots, and interior roadway surfaces (examples: hybrid lots, parking groves, permeable overflow parking, etc.)

- Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the urban runoff conveyance system

Maximize Rainfall Interception

- Maximizing canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs

Minimize Directly Connected Impervious Areas (DCIAs)

- Draining rooftops into adjacent landscaping prior to discharging to the storm drain
- Draining parking lots into landscape areas co-designed as biofiltration areas
- Draining roads, sidewalks, and impervious trails into adjacent landscaping

Slope and Channel Protection

- Use of existing natural drainage systems to the maximum extent feasible
- Stabilized permanent channel crossings
- Planting native or drought tolerant vegetation on slopes
- Energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels

Maximize Rainfall Interception

- Cisterns
- Foundation planting

Increase Rainfall Infiltration

- Dry wells

Source Control BMPs

- Storm drain system stenciling and signage
- Regular street and parking lot sweeping
- Outdoor material and trash storage area designed to reduce or control rainfall runoff
- Efficient irrigation system

Treatment Control BMPs

Biofilters

- Grass swale
- Grass strip
- Wetland vegetation swale
- Bioretention

Detention Basins

- Extended/dry detention basin with grass lining
- Extended/dry detention basin with impervious lining

Infiltration Basins

- Infiltration basin
- Infiltration trench
- Porous asphalt
- Porous concrete
- Porous modular concrete block

Wet Ponds and Wetlands

- Wet pond (permanent pool)
- Constructed wetland

Drainage Inserts

- Oil/Water separator
- Catch basin insert
- Storm drain inserts
- Catch basin screens

Filtration Systems

- Media filtration
- Sand filtration

Hydrodynamic Separation Systems

- Swirl Concentrator
- Cyclone Separator

Appendix J

BMP IMPLEMENTATION TABLES

Table 1. Anticipated and Potential Pollutants Generated by Land Use Type

	General Pollutant Categories								
Priority Project Categories	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Development	X	X			X	X	X	X	X
Attached Residential Development	X	X			X	P(1)	P(2)	P	X
Commercial Development >100,000 ft^2	P(1)	P(1)		P(2)	X	P(5)	X	P(3)	P(5)
Automotive service facilities			X	X(4)(5)	X		X		
Retail Gasoline Outlets			X	X(4)(5)	X		X		
Restaurants					X	X	X	X	
Hillside development	X	X			X	X	X		X
Parking Lots	P(1)	P(1)	X		X	P(1)	X		P(1)
Streets, Highways & Freeways	X	P(1)	X	X(4)	X	P(5)	X		

X = anticipated
P = potential
(1) A potential pollutant if landscaping exists on-site
(2) A potential pollutant if the project includes uncovered parking areas
(3) A potential pollutant if land use involves food or animal waste products
(4) Including petroleum hydrocarbons
(5) Including solvents

Table 2. Site Design and Source Control BMP Selection Matrix

	Specific Areas for Implementation of Site Design and Source Control BMPs													
Priority Project Categories	Private Roads	Residential Driveways & Guest Parking	Loading/Unloading Dock Areas	Repair/Maintenance Bays	Vehicle Wash Areas	Outdoor Processing Areas	Equipment Wash Areas	Parking Areas	Roadways	Fueling Areas	Hillside Landscaping	Outdoor Material Storage Areas	Trash Storage Areas	Pools and Spas
Detached Residential Development	R	R									R			R
Attached Residential Development	R												R	R
Commercial Development >100,000 ft^2			R	R	R	R						R	R	
Automotive service facilities			R	R	R		R			R		R	R	
Retail Gasoline Outlets			R	R	R		R			R		R	R	
Restaurants			R				R					R	R	
Hillside development	R										R			
Parking Lots								R					R	
Streets, Highways & Freeways									R					

R = Required – minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs

Table 3. Treatment Control BMP Selection Matrix(1)

Pollutant of Concern	***Treatment Control BMP Categories***						
	Biofilters	Detention Basins	Infiltration Basins(2)	Wet Ponds or Wetlands	Drainage Inserts	Filtration	Hydrodynamic Separator Systems(3)
Sediment	M	H	H	H	L	H	M
Nutrients	L	M	M	M	L	M	L
Heavy Metals	M	M	M	H	L	H	L
Organic Compounds	U	U	U	U	L	M	L
Trash & Debris	L	H	U	U	M	H	M
Oxygen Demanding Substances	L	M	M	M	L	M	L
Bacteria	U	U	H	U	L	M	L
Oil & Grease	M	M	U	U	L	H	L
Pesticides	U	U	U	U	L	U	L

(1) The City is encouraged to periodically assess the performance characteristics of many of these BMPs to update this table.
(2) Including trenches and porous pavement
(3) Also known as hydrodynamic devices and baffle boxes

L: Low removal efficiency
M: Medium removal efficiency
H: High removal efficiency
U: Unknown removal efficiency

Sources: *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (1993), *National Stormwater Best Management Practices Database* (2001), *and Guide for BMP Selection in Urban Developed Areas* (2001).

CHAPTER 17.44: Subdivisions and Lot-Line Adjustments

Modification #50. Add the following filing requirement to Section 17.44.2A:

Section 17.44.2.A.8 A complete chain of title or other evidence that the lot to be subdivided or lots to be adjusted are legal parcels if requested by the Director of the Department of Community Planning and Building.

Modification #51. Revise Section 17.44.3A as follows:

Section 17.44.3.A. Only legal lots may be subdivided or the subject of a lot line adjustment. No subdivision or lot line adjustment shall be approved which increases or creates a zoning non-conformity or is inconsistent with the policies of the certified Local Coastal Land Use Plan. All lots and sites created shall comply with minimum standards established for the zoning district in which the property is located and with any other relevant requirements of the certified Local Coastal Implementation Plan.

Modification #52. Revise Section 17.44.4 as follows:

Section 17.44.4

Applications for lot line adjustments or the filing of merger documents resulting in the consolidation or merger of existing legal lots of record, or consolidating or merging combinations of existing lots and lot fragments, to create larger whole lots of record in the R-1 District may be approved by the Director of Community Planning and Building. All other applications for subdivisions and lot line adjustments shall require review for approval by the Planning Commission. Applications for subdivisions and lot line adjustments ~~resulting in the creation of additional lots of record or additional parcels, including condominiums~~ shall require a coastal development permit. The City shall follow all applicable procedures in the Subdivision map Act when processing any application for subdivision or lot line adjustment.

CHAPTER 17.48: Trees and Shrubs

Modification #53. Revise Section 17.48.3: Exemptions as follows:

17.48.3

The City is exempt from the provisions of Chapter 12 (commencing with Public Resources Code Section 25980), Division 15 of the Public Resources Code which chapter is known as the "Solar Shade Control Act." The provisions of ~~this chapter~~ the Solar Shade Control Act also shall not apply to the cutting or trimming of trees or shrubs in the following circumstances:

Modification #54. Revise Section 17.48.6B as follows:

B. Removal without Posting. In exceptional circumstances in which it would cause substantial physical property damage ~~loss~~ or danger to delay removal until the Forest and Beach Commission's next meeting, the City Forester may approve removal without the required posting, providing such approval unquestionably conforms to the policy and the practice of the Forest and Beach Commission. The Forester will report permit actions at the next meeting of the Forest and Beach Commission.

Modification #55. Revise Section 17.48.7 as follows:

17.48.7 Findings Required for Significant Trees.

B. Related to Construction. Removal of significant trees to facilitate construction or development is prohibited unless one of the two following findings is met:

2. That the following four conditions exist

a. The issuance of a variance for development in one or more setbacks has been considered and would not provide a remedy or would be inappropriate due to a significant overriding inconsistency with another policy or ordinance of the LCP; and

Modification #56. Revise Section 17.48.8 as follows:

17.48.8 Tree Removal and Replacement.

A. Tree Replacement. When tree replacement is required by this Chapter, the following requirements apply.

3. Tree Species. Replacement trees shall be the same species as the removed tree or another species listed on the Tree Species List and as approved by the City Forester except that particular emphasis shall be placed on maintaining a significant population of native Monterey pine and coast live oaks on a City-wide basis. Replacement Monterey pine trees shall be of local genetic stock.

Modification #57. Revise Section 17.48.14 as follows:

17.48.14 Administration

A. Responsibility of the City Forester.

2. Enforcement of Code. The City Forester shall:

a. Supervise all tree cutting or pruning for which a permit has been granted.

b. Cause to be removed all dead trees or shrubs from public property (excluding Monterey Pine ESHA in Pescadero Canyon and Mission Trails Park) except in circumstances where all of the following conditions apply:

CHAPTER 17.52 Permit Procedures

Modification #58. Add the following Section to Chapter 17.52:

PURPOSE

The purpose and intent of this Chapter is to establish the procedures and authorities for review of permits required by this Title to ensure consistency with the City's General

Plan and zoning standards. It is also the purpose of this Chapter to establish the process for the review of all development within the coastal zone of the City of Carmel by the Sea to ensure that it will be consistent with the provisions of the City of Carmel by the Sea's Local Coastal Program, the California Coastal Act and the California Code of Regulations Title 14 Division 5.5.

Modification #59. Add the following Section to Chapter 17.52

PERMIT REQUIRED.

A. Except as otherwise provided in this Chapter, any person wishing to undertake any development in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this Chapter. Development undertaken pursuant to a coastal development permit shall conform to the plans, specification, terms and conditions of the permit. The requirements for obtaining a coastal development permit shall be in addition to requirements to obtain any other permits or approvals required by other city ordinances or codes or from any state, regional or local agency.

B. The review of a Coastal Development Permit application may be combined with and/or processed concurrently with the review of any other discretionary permit application required by other City ordinances.

C. All development proposed or undertaken on tidelands, submerged lands or on public trust lands, whether filled or unfilled shall require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission, in addition to other permits or approvals required by the City.

D. Where a proposed project straddles the boundaries of the City of Carmel by the Sea and another local jurisdiction or where a proposed project straddles the boundaries of the City's Coastal Development Permit jurisdiction area and the Coastal Commission's retained jurisdiction area, the applicant shall obtain separate Coastal Development Permits from each jurisdiction.

Modification #60. Add the following Section to Chapter 17.52

PROCEDURES FOR RECORDATION OF LEGAL DOCUMENTS

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements to or along the shoreline shall be subject to one of the following procedures:

A. The executive director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for shoreline public access and conservation/open space easements.

1. Upon completion of permit review by the City and prior to the issuance of the permit, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;

2. Upon receipt of the documents from the City the executive director of the Coastal Commission shall notify the City of the receipt date and shall then have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;

3. The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period;

4. If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or

B. If the City requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the requirements of 14 Cal. Code of Regulations, section 13574(b) are met. If this authority is delegated, upon completion of the recordation of the documents, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the shoreline public access and open space conditions to the Executive Director of the Commission.

Modification #61. Revise Section 17.52.2.A as follows:

Section 17.52.2 A: Development Applications.

A. Applications. Any development as defined in Section 17.70.2 and not otherwise exempt, and all other activities subject to discretionary review and approval as established by this title shall require the filing of an application with the Director using forms and containing information as required by the City. Such application shall be accompanied by required fees as established by resolution of the City Council. Decision-making bodies established by the City may initiate a proceeding leading to the issuance of a permit, and in such case no fee shall be required

Modification #62. Revise Section 17.52.2 D as follows:

Section 17.52. 2.D.3 Permit Streamlining

The preparation and certification of the final Environmental Impact Report (EIR) for projects that are subject to environmental review or for which an EIR is needed, shall be completed within one year of the date that an application is accepted as complete. Upon the mutual consent of the Director and the project sponsor, this one-year time limit may be extended once for a period of not more than 90 days pursuant to CEQA Guidelines Section 15108. City action on such projects shall be completed within 180 days of the certification of the EIR unless the time for preparation of the EIR has been extended, in that case, city action is required within 90 days of certification.

Modification #63. Revise Section 17.52.3.E as follows:

Section 17.52.3.E: Duties and Powers of the Director.

To determine applicable categories for the processing of development applications including whether a project is subject to requirements for development permits, and if so, whether the permit is appealable to the Coastal Commission. The Director's determination of coastal development permit category may be appealed in compliance with ~~Chapter 17.52: Appeals, and~~ California Code of Regulations Section 13569.

Modification #64. Revise Section 17.52.6 as follows:

~~Section 17.52.6 Development Excluded from Coastal Permit Requirements.~~

~~Pursuant to Section 30610 of the California Coastal Act and Title 14, Chapter 6, Subchapter 5 of the California Code of Regulations, the following forms of development are excluded from the coastal permit requirements of this chapter. Any determination that a project is excluded from coastal development permit requirements shall comply with Section 17.52.6: Development Excluded from Coastal Permit Requirements. Nonetheless, the City shall notify the California Coastal Commission of any discretionary development permit it issues for excluded forms of development in accordance with Section 17.52.14: Notice of Non-Appealable Development, of this Chapter.~~

~~Improvements to Existing Structures or Site Designs Not Located in the Beach or ESHA Overlay Districts. Improvements to existing structures or site designs not located in the Beach or ESHA Overlay District shall not require a coastal development permit, provided all the following requirements are met.~~

~~The structure or improvement is not located on a beach, in a wetland, seaward of the mean high tide line, or within a designated environmentally sensitive habitat area.~~

~~The improvement does not include any significant alteration of landforms as determined by the Director nor involve the removal of significant vegetation as determined by the City Forester.~~

~~The improvement qualifies for an administrative permit issued by the Director (per CMC Chapter 17.34) and is fully consistent with adopted Commercial, Residential and/or Public Way Design Guidelines applicable to the project.~~

~~The project does not involve alterations to, or demolition of, a historic resource that is included in the Carmel Inventory, that would be inconsistent with the Secretary of the Interior's Standards.~~

~~The project does not require issuance of, or amendment to, a conditional use permit for:~~

~~Expansion, reconstruction or relocation of any motel;~~

~~Expansion of any commercial building in the CC, SC, RC or R-4 Districts per Section 17.12.3: Demolition and Rebuilding of Structures; or~~

~~Approval of any subdivision or lot line adjustment resulting in the creation of additional parcels, additional building sites or potential additional building site.~~

~~The improvement does not involve the expansion or construction of water wells or septic systems.~~

~~The project does not involve any increase in capacity of any public works facility nor the widening or realignment of any street.~~

~~A previous coastal development permit issued for the property does not require a new coastal development permit for the proposed improvement.~~

~~Minor Improvements to Existing Structures and Site Designs within the Beach or ESHA Overlay Districts.~~

~~Minor improvements to existing structures and site designs located within the Beach Overlay District or the ESHA Overlay District shall not require a coastal development permit, provided that all requirements in subsection 17.52.6.A (1) through (5) are met and all the following additional requirements are met.~~

~~The improvement involves less than a 10-percent increase in existing floor area and/or less than a 10-percent increase in existing height. In no case shall this language be construed to allow increases in floor area or height that exceed the maximum allowed by residential development regulations contained in this Title.~~

~~An excluded improvement has not previously been undertaken after December 2003 that resulted in an increase in floor area or building height, or if such an excluded improvement has taken place, the combined total increase in interior floor area and/or building height does not exceed 10 percent of the original structure as it existed prior to the first excluded improvement. In no case shall this language be construed to allow increases in floor area or height that exceed the maximum allowed by residential and commercial development regulations contained in this Title.~~

~~Repair or Maintenance Activities.~~

~~Public and private repair and/or maintenance activities, except activities specified in subsection G: Replacement of Structures Destroyed by Disaster, that do not result in an addition to, or enlargement or expansion of, the object of those repair and maintenance activities, shall not require a coastal development permit, provided all the following requirements are met.~~

~~The activity does not include repair or maintenance of a seawall, revetment, bluff retaining wall, culvert, outfall, or similar shoreline work that involves:~~

~~Repair or maintenance involving substantial alteration of the foundation of the protective work;~~

~~The placement of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;~~

~~The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind, color or appearance; and~~

~~The presence of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or with 30 feet of coastal waters or streams.~~

~~The activity does not include any repair or maintenance to facilities, structures, or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 30 feet of coastal waters or streams, that include:~~

~~The placement or removal of rip-rap, rocks, sand, or other beach materials or any other form of solid materials; and~~

~~The presence of mechanized equipment or construction materials.~~

~~Yearly Maintenance of Carmel Beach Sand.~~

~~Pursuant to California Code of Regulations Section 13252 (c), and the certified LUP, the yearly maintenance of Carmel Beach to redistribute sand and cover protective structures with sand using mechanized equipment shall not require a coastal development permit.~~

~~Planned Maintenance of Mission Trails Nature Preserve.~~

~~Maintenance, repair and improvement activities specified in the adopted Mission Trails Nature Preserve Master Plan shall not require a coastal development permit.~~

~~Utility Connections.~~

~~The installation, testing, and placement in service or the replacement of, any necessary utility connection between an existing service facility and any development approved pursuant to this subdivision, shall not require a coastal development permit.~~

~~Replacement of Structures Destroyed by Disaster.~~

~~The replacement of any structure, other than a public works facility, destroyed by a disaster shall not require a coastal development permit, provided the following requirements are met:~~

~~The replacement structure conforms to all applicable zoning requirements;~~

~~The use of the replacement structure is the same as the destroyed structure;~~

~~The replacement structure does not exceed either floor area, height, or bulk of the destroyed structure by more than 10 percent; and~~

~~The replacement structure is sited in the same location on the affected property as the destroyed structure.~~

~~Temporary Events.~~

~~Except as provided below, temporary events shall not require a coastal development permit unless the temporary event meets all of the following criteria:~~

~~The event is held between Memorial Day and Labor Day;~~

~~The event will occupy more than two blocks of sandy beach area; and~~

~~The event involves a charge for general public admission or seating.~~

~~The Director may also exclude from coastal development permit requirements, temporary events meeting the criteria of Section 17.52.6.H (1) when:~~

~~The event is one day or less in duration; or~~

~~The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.~~

~~The Director, or the Commission through direction to the Director, may determine that a temporary event shall be subject to Commission review and Coastal Development Permit requirements, even if the criteria in Section 17.52.6.H (2) are not met, if the Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:~~

~~The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;~~

~~The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; and~~

~~The event is scheduled between Memorial Day weekend and Labor Day and would significantly impact public use or access to coastal waters.~~

~~Sign Installations and Modifications to Existing Signs.~~

~~The installation of new or replacement signs and modifications to existing signs shall not require a coastal development permit, provided the sign meets the requirements of the City of Carmel-by-the-Sea's Sign Ordinance and/or the certified Coastal Land Use Plan.~~

~~Public Signs Located in Public Rights-of-Way.~~

~~Public signs located in public rights-of-way shall not require a coastal development permit.~~

~~Subdivisions.~~

~~Tentative maps brought about in connection with the purchase of land by a public agency for recreational purposes that are consistent with Section 30106 of the Coastal Act shall not require a coastal development permit.~~

~~Lot Line Adjustments.~~

~~Lot line adjustments not resulting in a net increase in the number of building sites or potential building sites shall not require a coastal development permit. The filing of merger documents to merge lots of record or to merge lots and lot fragments into larger whole lots of record in any R-1 District shall not require a coastal development permit.~~

~~Conditional Use Permits.~~

~~The issuance of conditional use permits shall not require a coastal development permit unless the permit involves one or more of the following:~~

~~Alteration of any nonconforming use or nonconforming structure;~~

~~Expansion, reconstruction or relocation of any motel; and/or~~

~~Expansion of any commercial building in the CC, SC, RC or R-4 Districts per section 17.14.5.D: Regulations Applied in All Commercial Districts.~~

~~Projects for which Local Permits Were Approved Prior to Certification of the Coastal Implementation Plan and Zoning Ordinance.~~

~~Projects for which local permits were approved after January 1, 1999, but prior to certification of the Coastal Implementation Plan, and which now require a Coastal Development Permit may, at the discretion of the Director, be excluded from the permit requirements of this Chapter, provided the Director takes the following actions:~~

~~Grants a permit renewal and time extension for the project pursuant to Section 17.52.15.C: Time Extensions; and~~

~~Determines that the project is in full compliance with all applicable policies and standards contained in the Carmel-by-the-Sea certified Local Coastal Program.~~

17.52.6 EXEMPTIONS.

This section provides a list of classes and types of development that do not require a Coastal Development Permit. Each exemption in this list also contains limits that specify when the exemption does not apply. The following projects are exempt from the requirement to obtain a Coastal Development Permit.

A. Categorically Excluded Development.

Projects or activities specifically identified in a Categorical Exclusion Order certified by the California Coastal Commission consistent with Public Resources Code 30610(e) are exempt from Coastal Development Permit requirements.

B. Improvements to Existing Single-Family Residences:

Except as provided below in subsection-D, improvements to existing single-family residences are exempt from Coastal Development Permit requirements except as noted below in (D). For purposes of this section, the terms "Improvements to existing single-family residences" includes all fixtures and structures directly attached to the residence and those structures normally associated with a single family residence, such as garages, swimming pools, fences, storage sheds and landscaping. Unless specified in a Categorical Exclusion Order as described in (A) above, this exemption for single-family residences shall not apply to establishment of any Guest House or any Class III Subordinate Unit, nor shall any of the classes or types of development identified in subsection-D be exempt from permit requirements.

C. Other Improvements.

Except as provided below in subsection-D, improvements to any structure other than a single-family residence or a public works facility are exempt from Coastal Development

Permit requirements. For purposes of this section, where there is an existing structure, all fixtures and other structures directly attached to the structure and all landscaping shall be considered a part of that structure.

D. Limits on Exemptions for Single-Family Residences and Other Improvements. Except as may be addressed in 17.52.6.A, the following are not exempt from permit requirements.

1. Improvements to a structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.

2. On property not included in subsection (1) above that is located within those portions of the Beach and Riparian Overlay District that are west of North San Antonio Avenue or west of Carmelo Street;

3. Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

4. The expansion or construction of water wells or septic systems;

5. In areas which the City or Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use, including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system or other improvement or activity inconsistent with the City's Water Management Plan (Chapter 17.50).

6. On property located in significant scenic resources areas City-wide as designated by the City or Coastal Commission, any improvement that would:

a. result in an increase of 10 percent or more of internal floor area of an existing structure or

b. result in an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section or Public Resources Code section 30610(a), or

c. result in an increase in height of an existing structure by more than 10 percent and/or

d. would add any significant non-attached structure such as garages, fences, shoreline protective works or docks.

7. Any improvement where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or City indicated that any future improvements would require a Coastal Development Permit.

17.52.6 D.Repair and Maintenance Activities.

Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. The exemption provided in this section shall not apply to the following extraordinary methods of repair and maintenance which require a coastal development permit because they involve a risk of adverse environmental impact:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective works;

c. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

a. The dredging of 100,000 cubic yards or more within a twelve (12) month period;

b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the City or the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a

coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

a. The placement or removal, whether temporary or permanent, of loose rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

4. All repair and maintenance activities that are not exempt shall be subject to the LCP permit regulations, including but not limited to the regulations governing administrative and emergency permits. The provisions of Section 17.52.6.C) shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

5. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, (as measured by 50% of the exterior walls), seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

17.52.6.E Utility Connections.

The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development which has been granted a valid Coastal Development Permit; provided, however, that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

17.52.6.F Structures Destroyed by Natural Disaster.

The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;

2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and

3. It is sited in the same location on the affected property as the destroyed structure.

As used in this section, "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

17.52.6.G Repair, Maintenance and Utility Hook-Up Exclusions.

Repair and maintenance activities, specifically described in the document adopted by the Coastal Commission on September 5, 1978 titled "Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements" unless the proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands or public views to the ocean.

17.52.6.H Temporary Event.

Temporary events as defined in this ordinance and which meet all of the criteria in 1-4

1. The event will not occur between Memorial Day weekend and Labor Day or if proposed in this period will be of less than one day in duration including set-up and take-down; and

2. The event will not occupy any portion of a publicly or privately owned sandy beach or park area; public pier, public beach parking areas or the location is remote with minimal demand for public use, and there is no potential for adverse effect of sensitive coastal resources; and

3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or, if a fee is charged, it is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use.

4. The proposed event has been reviewed in advance by the Planning Director and the Director determined that it meets the following criteria:

a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other temporary events scheduled before or after the particular event;

b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in this ordinance;

c. The event has not previously required a coastal development permit to address and monitor associated impacts to coastal resources. For all other proposed temporary events, a coastal development permit must be obtained prior to the event.

17.52.6.I Record of Permit Exemptions

The Planning Director shall maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement for a Coastal Development Permit pursuant to this Chapter. This record shall be available for

review by members of the public and and representatives of the California Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project and why the project is exempt.

Modification #65. Revise Section 17.52.7 Public Hearings, as follows:

17.52.7.C.Procedure for Waiver.

A public hearing for a project requiring an appealable coastal development permit may be waived for minor development if both of the following occur:

1. Public notice shall be provided of the pending application consistent with Section 17.52.~~14~~-13: Notice of ~~Non~~-Appealable Development, and including notice that no hearing will be held unless one is requested in writing; and
2. No request for public hearing is received by the City within ~~10 calendar~~ 15 working days from the date of the City sending the notice

Modification #66. Revise Section 17.52.8: Final City Action on Coastal Development Permits as follows:

Section 17.52.8.A: Notice of Final City Action. Within seven (7) calendar days of a Council decision on a permit, or at the close of the local appeal period (for example, from the Planning Commission to the Council) and all local appeals have been exhausted and meeting the requirements of subsection B, the City shall notify the following of its action by first class mail:

Modification #67. Add new Section 17.52.8D on " Contents of Final Local Action Notice" as follows;

D. Contents of Final Local Action Notice: The notice shall, at a minimum, include the following:

1. Cover Letter. A cover letter that includes:

    (a) Final Action. Clear statement that the notice package is a notice of final City action on a coastal development permit application;
    (b) Application/Permit Number. All City application and permit numbers assigned to the approved or denied development;
    (c) Interested Parties. Name and address of the applicant(s), property owner(s), applicant and/or property owner representative(s) (if any), and person(s) to whom the notice was sent upon request;
    (d) Project Information. A clear description of the approved or denied development and its location (including, at a minimum, the street address/location and all Assessor Parcel Numbers);

(e) City Action. The date of the City decision, the decision that was made and the City body making the decision.

(f) Appeal Information. Indication of whether the City decision is appealable to the Coastal Commission, and, if so, procedures for appeal of the City decision to the Coastal Commission;

(g) List of Attachments. A list of all attachments included with the notice (e.g., Adopted Findings, other staff reports, CEQA documents, etc.); and City Contact.

2. Attachments. Copies of the following:

(a) Adopted City Documents. The adopted staff report, adopted findings, adopted conditions and clear indication that the copies are the adopted version.

(b) Plans. Clear site plans and elevations of the approved or denied development;

(c) CEQA Documents, if not previously sent to the Commission.

Modification #68. Revise Section 17.52.13 Notice of Public Hearing, as follows:

17.52.13: Notice of Public Hearing.

When a land use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter. This section shall also constitute the noticing provisions for actions on Coastal Development Permits that are appealable to the Coastal Commission.

A. Contents of Notice. Notice of a public hearing shall include:

1. Hearing Information. The date, time, and place of the hearing and the name of the hearing body; the phone number and street location of the Department, where an interested person could call or visit to obtain additional information.
2. Project Information. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.
3. Statement on Environmental Document. If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the City's CEQA Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.

B. Distribution of Notice: At least 10 calendar days prior to the first public hearing on any residential design study, lot line adjustment, use permit, variance or any other equivalent development application requiring a formal public hearing or action that is appealable to the Coastal Commission, the Director shall cause notice to be provided by first-class mail or by hand delivery for the pending development application to all of the following:

1. Owners of the subject real property, or the owners' duly authorized agent, and the project applicant;
2. All persons who have requested to be on the mailing list for the subject hearings and who have paid for the mailing of such notice;
3. The California Coastal Commission;
4. All owners of real property, as identified on the last equalized property tax assessment roll within 300 feet and all occupants within 100 feet of the perimeter of the parcel for which a ~~lot line adjustment, subdivision, variance, use permit~~ or coastal permit is sought;
5. All owners of real property as identified on the last equalized property tax assessment roll within 100 feet of the perimeter of the parcel for which a design study permit is sought and a Coastal Development Permit is not applicable; and
6. ~~All current occupants of properties contiguous to the parcel on which the development is proposed.~~ A statement that the development is within the coastal zone
7. The system for local and Coastal Commission appeals, including any City fees charged for appeals.

Modification #69. Revise Section 17.52.14 Notice of Non- Appealable Development as follows:

Section 17.52.14, Notice of Non-Appealable Development.

The California Code of Regulations, Title 14, Section 13568b, requires that all development within the Coastal Zone (except development that is categorically excluded) must receive public notice, regardless of whether these regulations require a public hearing, before the development can be approved or disapproved. This Section provides notice requirements for projects which are (a) not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603, ~~and~~ (b) not categorically excluded and (c) do not require a public hearing.

A. Distribution of Notice. Within 10 days of accepting a permit application for a non-appealable development, or at least 10 days before the City's decision on the application, the City shall provide notice, by first-class mail or by hand delivery, of the pending development approval, to:

1. All persons who have requested to be on the mailing list for the particular project or for decisions by the City;

2. All owners of real property as shown on the latest County equalized assessment roll, and residents, within a radius of 100 feet of the exterior boundaries of the parcel involved in the application; and
3. The Coastal Commission.

B. Content of Notice. The notice shall contain the information required for public notices in Section 17.52.13.A above, and the following:

1. The date the application will be acted upon by the City's review authority;
2. The City's general procedure concerning the submission of public comments either in writing or orally before the decision is rendered; and
3. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.
4. A statement that the development is within the coastal zone.
5. The date of filing of the application and the name of the applicant.
6. The number assigned to the application.
7. A description of the development and its location.

Modification #70. Add the following Section to 17.52.14 Notice of Non-Appealable Developments that Require a Public Hearing as follows:

Notice of Non-Appealable Developments that Require a Public Hearing

A. Notice of an application for a coastal development permit that is not appealable but that requires a public hearing under local ordinance shall be provided as follows:

Within ten (10) calendar days prior to the City's hearing on the application, notice, consistent with the provisions of 17.52.14 B shall be provided as follows:

1. If the matter is heard by the Planning Commission, notice shall be published in a newspaper of general circulation;
2. Notice by first class mail to any person who has filed a written request to be on the mailing list for that development project or for coastal decisions within the City;
3. Notice by first class mail to all property owners within 300 feet of the proposed project
4. Notice by first class mail or by hand delivery to occupants within 100 feet of the proposed project;
5. Notice by first class mail to the Central Coast District of the Coastal Commission.

CHAPTER 17.54: Appeals

Modification #71. Add the following Section to 17.54.1 Conclusive Decision-Appeal Period as follows:

Section 17.54.1

A. The findings and actions of the City Forester shall be final and conclusive from and after the date of final action unless an appeal is filed with the Forest and Beach Commission pursuant to Section 17.54.4.A: Appeals to the Forest and Beach Commission or with the Coastal Commission pursuant to Section 17.54.5.

B. The findings and actions of the Historic Resources Board shall be final and conclusive from and after the date of final action unless an appeal is filed with the City Council or the Coastal Commission pursuant to Section 17.54.4.B and the provisions in this chapter.

C. The findings and actions of the Planning Commission and the Design Review Board shall be final and conclusive from and after the date of final action unless an appeal is filed with the City Council pursuant to Section 17.54.4.B: Appeals to the City Council or with the Coastal Commission pursuant to Section 17.54.5.

D. The findings and actions of the City Council shall be final and conclusive from and after the date of final action unless an appeal is filed with the California Coastal Commission pursuant to Section 17.54.4.C: Appeals to the Coastal Commission.

E. The findings and actions of the Planning Director shall be final and conclusive from and after the date of final action unless an appeal is filed with the Planning Commission Secretary pursuant to 17.54.4: Appeals to the Planning Commission or Historic Resources Board, or with the Coastal Commission pursuant to 17.54.5.

Modification #72. Revise Section 17.54.3 Grounds for Appeal on a Coastal Development Permit as follows:

17.54.3 Grounds for Appeal on a Coastal Development Permit

The grounds for appeals pursuant to Section 17.54.2.A shall be limited to ~~one or more of~~ the following:

A. ~~The development fails to provide adequate physical access to the Coast or interferes with existing access as set forth in the City's certified Local Coastal Program.~~ The grounds for appeal for any development approved described in Section 17.54.2. A, B, C and D shall be limited to an allegation that the development does not conform to the City's certified Local Coastal Program or the public access policies set forth in the Coastal Act.

B. ~~The development fails to protect public views from any public road or from a recreational area to, and along, the coast as identified and set forth in the City's certified Local Coastal Program.~~ The grounds for an appeal of a denial of any development described in Section 17.54.2.D shall be limited to an allegation that the development conforms to the standards set forth in the City's certified Local Coastal Program and the public access policies set forth in the Coastal Act.

~~C. The development is not compatible with the level and scale of development identified for the site or area in the City's certified Local Coastal Program.~~

~~D. The development may significantly and adversely alter existing natural landforms.~~

~~E. The development does not comply with shoreline erosion policies as established in the City's certified Local Coastal Program.~~

~~The grounds for appeal for any development reviewed pursuant to Section 17.54.2.B, C and D shall be limited to an allegation that the development does not conform to the City's certified Local Coastal Program.~~

Modification #73. Revise Section 17.54.4.A. Appeals to the Forest and Beach Commission as follows:

A. Appeals to the Forest and Beach Commission or the Planning Commission.

Decisions ~~to approve or deny projects~~ made by the City Forester may be appealed to the Forest and Beach Commission by filing a written notice of appeal ~~in writing~~ with the Forest and Beach Commission Secretary. Decisions made by the Planning Director may be appealed to the Planning Commission by filing a written notice of appeal with the Planning Commission Secretary. All valid appeals shall be filed within ten calendar days of the date of action and shall include any ~~paying the~~ required filing fees as established by City Council Resolution.

1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.

2. Within ten working days after receipt of a valid appeal the applicable ~~Planning~~ commission secretary shall set a date for public hearing at which the applicable ~~Planning~~ commission shall consider the appeal. All appeals shall be heard within 60 days of the close of the appeal period.

~~3. In no case shall a decision of the City Forester, Parks and Beaches be ripe for appeal to the California Coastal Commission until after the exhaustion of all local appeals processes, including appeal to the Carmel-by-the-Sea City Council.~~

Modification #74. Delete Section 17.54.4.B.3 Appeals to the City Council as follows:

B. Appeals to the City Council

~~3. In no case shall a decision of the Planning Commission, Design Review Board, Forest and Beach Commission or Historic Resources Board be ripe for appeal to the California Coastal Commission until after the exhaustion of all local appeals processes, including appeal to the City Council.~~

Modification #75. Revise Section 17.54.4.C, Appeals to the Coastal Commission as follows:

17.54.4.C Appeals to the Coastal Commission.

The approval of an application for a project that is appealable to the Coastal Commission shall become effective at 5:00PM on the tenth (10th) working day following receipt by the Central Coast office of the California Coastal Commission of an adequate ~~the~~ Notice of Final City Action by the Executive Director of the California Coastal Commission, unless an appeal to the ~~City Council~~ Coastal Commission is filed during this period. The applicant or any aggrieved person shall first be required to exhaust local administrative remedies and appeals before appealing to the California Coastal Commission pursuant to Section 17.54.4.A or 17.54.4.B above, except as provided for in Section 17.54.5 below. Any appeal to the Coastal Commission must contain the following information:

1. The name and address of the permit applicant and appellant;
2. The date of the local government action;
3. A description of the development;
4. The name of the governing body having jurisdiction of the project area;
5. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;
6. The names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;
7. The specific grounds for appeal;
8. A statement of facts upon which the appeal is based; and
9. A summary of the substantial issues raised by the appeal.

Any appeal of a final City action on a Coastal Development permit shall be made to the Coastal Commission's Central District Office. ~~in person or by first class mail.~~ The appellant shall also notify the applicant(s), any persons known to be interested in the application and the City of the filing of the appeal. In addition, the City shall be provided with a copy of the appeal by the appellant. Unwarranted failure to perform such

notification may be grounds for dismissal of the appeal by the Coastal Commission. The Coastal Commission shall notify the City by mail and by telephone within 24 hours of the receipt of any such appeal.

Modification #76. Add New Section 17.54.4D as follows:

17.54.4.D Appeals to the Historic Resources Board.

A. Determinations of Ineligibility, and decisions on projects made pursuant to the procedures and standards contained in Chapter 17.32 made by the Planning Director may be appealed to the Historic Resources Board by any aggrieved person by filing a written notice of appeal with the Board Secretary. All valid appeals shall be filed within ten calendar days of the date of action and shall include any required filing fees as established by City Council Resolution.

1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.

2. Within ten working days after receipt of a valid appeal the applicable commission secretary shall set a date for public hearing at which the applicable commission shall consider the appeal. All appeals shall be heard within 60 days of the close of the appeal period.

Modification #77. Revise Section 17.54.8, Appeals as follows:

17.54.8 Appeals

A. Appeals of Decisions on Permits. Any decision to approve, deny or conditionally approve any permit made by the Director, the City Forester, the Planning Commission, or the Design Review Board or the Historic Resources Board may be appealed by any ~~person who considers himself/herself an~~ aggrieved party ~~and who so states under oath in the notice of the appeal~~. Coastal Commissioners may appeal these decisions pursuant to Section 17.54.2 and 17.54.5.

B. Appeals of Final Local Decisions on Coastal Development Permits ~~by the City Council.~~

Any aggrieved person, including the applicant, or any two members of the California Coastal Commission, ~~or the Executive Director of the California Coastal Commission~~ may file an appeal of the final ~~C~~ city ~~Council~~ action on a Coastal Development Permit consistent with the provisions of this Chapter.

Modification #78. Add the following definition to Section 17.70.2 Definitions as follows:

Aggrieved Person. An "aggrieved person" means any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his/her concerns or who for good cause was unable to do either (i.e. defective notice). "Aggrieved person" includes the applicant for a permit .

CHAPTER 17.56: Restricted Commercial Uses

Modification #79. Revise Section 17.56 as follows:

17.56.6 A. Abandonment and Re-Establishment of Motel Units

9. Requests for conversion or demolition of hotel/motel units shall be contingent upon a finding that the existing number of hotel/motel units available for transient occupancy has not significantly diminished from the established limit identified in Table V-A: Limitations on Restricted Commercial Uses. Should the total number of hotel/motel units that have been converted, demolished or abandoned and are therefore available for re-establishment under the cap reach 50, any additional requests for conversion or demolition of hotel/motel units shall (1) be required to be offset one-for-one elsewhere in the City and (2) shall be contingent upon a finding that the balance between visitor-serving, commercial, and residential land uses is maintained.

CHAPTER 17.58: Design Review

Modification #80. Revise Sections 17.58.1 and 17.58.2 as follows:

17.58.1 Purpose and Applicability

B. Applicability. Design review is required for (1) specified physical improvements as established throughout this Title, (2) ~~site~~ new development as defined in 17.70, and any substantial alterations, rebuilding, rehabilitation, new construction, exterior alterations, additions, signs, exterior lighting and landscaping associated with such construction, alterations or additions set forth in this ~~chapter~~ Title.

17.58.2 General Requirements and Responsibilities

B. Coordination of Review Bodies. For any proposed major alteration affecting an historic resource in the commercial and R-4 districts, the Director shall schedule a review of the project plans by the Historic Resources Board for a determination of consistency with the

Secretary of Interior's standards. If the site assessment shows that trees will be affected by the project, the Director shall forward the plans to the City Forester for processing.

Any reviews by the Forest and Beach Commission and/or Historic Resources Board that are required for a project shall occur prior to consideration of the project by the Director, Design Review Board or the Planning Commission. The procedures established in Chapter 17.32: Historic Preservation, shall be followed if the project would affect a historic resource or if it is unknown whether the property contains a historic resource.

D. Design Review Responsibilities. The Planning Commission shall conduct design review for all projects that require a Use Permit, Variance, Subdivision, Lot Line Adjustment or other land use permit and for all projects subject to environmental review. Design review for all other projects shall be conducted by the Design Review Board or the Director pursuant to the specific requirements of this chapter. The Director may require Design Review Board or Planning Commission to review for any application that raises new policy issues or presents unusual circumstances not addressed by adopted policies, guidelines, or review criteria.

Modification #81. Revise Section 17.58.3A2 and add 17.58.3.A.3 Commercial Design Review, Track One as follows:

17.58.3 Commercial Design Review

A. Commercial District Track One Design Review. The Director may approve Track One applications for design changes in all commercial zoning districts and the R-4 District based on a determination that such projects comply with the Zoning Ordinance and all applicable Commercial Design Guidelines and public way design guidelines.

1. *Applicability.* The following projects may be approved with Commercial Design Review Track One Design Review in the CC, SC, RC, and R-4 Districts:

2. *Procedures.* Within 30 days of the receipt of a complete application for a Commercial Administrative Permit, the Director shall review the proposed project for compliance with the standards and regulations of the CMC, the Coastal Implementation Plan, General Plan policies, Commercial Design Guidelines, Public Way Improvement Design Guidelines, and other applicable adopted design criteria. The Director may approve the application if all zoning standards are met and the project is consistent with all design guidelines. The Director shall refer for action by the Design Review Board any application for a project that does not comply with applicable adopted design guidelines and design criteria. Any proposed storefront remodels/alteration to a structure located within the Downtown Conservation District shall be reviewed by the Historic Preservation Board. The Director shall deny any application for a Commercial Track One Permit that does not comply with the CMC, the Coastal Implementation Plan, or the General Plan/Coastal Land Use Plan.

3. *Limits.* Track One review for projects involving historic structures or dwellings shall be limited to minor alterations pursuant to 17.32.15 of the LCP.

Modification #82. Revise Section 17.58.3B2: Commercial Design Review, Track Two as follows:

B. Commercial District Track Two Design Review

2. *Procedures.* Within 30 days of the receipt of a complete application proposing substantial design changes in any commercial zoning district or the R-4 District, the Director shall review the project for compliance with the standards and regulations of the CMC, General Plan policies, the Coastal Implementation Plan, and the Commercial Design Guidelines. Applications subject to design review pursuant to this section shall not require a public hearing unless the project involves a historic structure or dwelling, requires a Use Permit, Variance, Subdivision, Lot Line Adjustment, appealable Coastal Development permit, or other land use permit that requires a hearing in accord with the provisions of this title or State law. All Track Two projects shall be subject to the CDP requirements of the LCP and ~~A~~ a Track Two design review approval shall constitute a coastal development permit for any project subject to review under this section. Projects involving historic resources shall require a determination of consistency pursuant to 17.32.14.

Modification #83. Revise Section 17.58.4A as follows:

17.58.4 Residential Design Review.

A. Residential District Track One Design Review.

1. *Applicability.* Applications eligible for Track One review are limited to the following projects, subject to the restrictions in sub-section A.2 below:

a. Exterior alterations and additions that do not increase existing floor area by more than ~~15~~ 10 percent;

2. Restrictions. Track One review shall be limited to projects that:

d. Have not been the subject of a previous addition to a structure or dwelling pursuant to this section;

e. Do not increase the height of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works, etc. by more than 10%;

f. Are sited and designed to protect views to and along the ocean and scenic coastal areas;

3. *Procedures.*

a. The Director shall deny any proposed project that does not comply with the Zoning Ordinance/Coastal Implementation Plan or the General Plan/Coastal Land Use Plan. The Planning Director shall also require Track Two Design Review for all projects

that are not visually compatible with the character of the surrounding area or those that do not minimize grading and landform alteration.

Modification #84. Revise Section 17.58.4B Residential Track Two Design Study as follows:

B. **Residential Track Two Design Study.**
Track Two is a discretionary review process for projects that require a public hearing. Projects that require a demolition permit, Use Permit, Variance, or other land use permit or environmental review shall be reviewed by the Planning Commission. The Design Review Board shall take action on all other projects that require Track Two review. All Track Two projects are subject to the coastal development permit requirements of the certified LCP, and a Track Two Design Study approval shall constitute a coastal development permit. All Track Two projects shall require public notice and a hearing pursuant to Section 17.52.13: Notice of Public Hearing.

2. Procedures.

Step One: Preliminary Site Assessment:

a. *Applicability.* A Preliminary Site Assessment shall be conducted prior to the submission of design concept plans for the following:

i. All new construction, ~~and~~ rebuilding, and grading over 25 cubic yards;

ii. Residential additions that increase building coverage by more than 200 square feet or ~~15~~ 10 percent; and
iv. Any project involving tree removal or requiring significant cuts to the roots or limbs of any tree classified by the City Forester as "significant" or "moderately significant."

Modification #85. Revise Section 17.58.4B.2.(b) and add new Section 17.58.4.B.2(f) as follows:

Step One: Preliminary Site Assessment:

b. *Submittal Requirements.* The applicant shall submit two copies of a topographic survey prepared by a licensed surveyor or a civil engineer prior to submittal of design plans for design review. The survey shall document property boundaries, topographic contours, the location of all trees over two inches DBH, the outline of all existing structures on the property, the location of any easements, existing access, the edge of pavement for all adjoining streets and all existing areas of site coverage. The survey shall be reviewed with the applicant and/or representative in the field by the City Forester and by the Director. Where topography, soil conditions, street configuration or other factors might require unusual drainage solutions, the City Forester or the Director may call in the Public Works

Director for additional review and advice. In addition, the applicant shall deposit with the City an amount adequate to pay for a historic evaluation of any structure, dwelling, or property involved that is at least 50 years or greater in age and for which a Determination of Eligibility / Ineligibility for the Carmel Inventory has not yet been made or is out of date.

f. Historic Resource Review. For structures or dwellings 50 years of age or older, planning staff or a qualified professional shall compare and evaluate the existing condition of any structure or dwelling with the original building plans, early photographs, and other substantial evidence (i.e., literature review, architectural files, land records, and Sanborn maps). In addition staff shall:

i. Identify the architectural style, period, age, and significant features of the structure or dwelling;

ii. Identify any significant alterations to the structure or dwelling and those changes that are merely cosmetic;

iii. Note the spatial relationship to notable site features and adjacent properties; and

iv. Identify any heritage trees growing on the site or in the public right of way.

Structures or dwellings found ineligible for historic designation shall be reported to the Historic Resources Board in accordance with 17.32.6 C.2 and shall follow through the design concept and final details review process pursuant to 17.58.4. Structures or dwellings found to be eligible for historic designation shall be reported to the Historic Resources Board and require further investigation by a qualified professional pursuant to 17.32.6.

Modification #86. Revise Section 17.58.4B and add new Section ii as follows:

Step Two: Design Concept Review:

a. *Submittal Requirements.* The applicant shall prepare design concept plans including "stick" drawings showing building placement, building form, heights, setbacks, access, approximate placement of windows, decks and balconies, ~~required~~ proposed tree removals, rough grading, site coverage and floor area.

b. *Design Review Board or Planning Commission Review.*

i. The Design Review Board or Planning Commission shall review the proposed site design, basic massing, and other elements of the design concept for compliance with the City's Design Concept Guidelines and the findings required in Section 17.64.8.A: Design

Study Approval. At the conclusion of this review the DRB or PC shall either (1) accept the design concept as submitted, (2) provisionally accept the design concept and provide direction to the applicant on plan revisions necessary to achieve compliance with the design guidelines and/or zoning standards, or (3) continue design concept for preparation of a new design concept if it is substantially out of compliance with the zoning standards or the design guidelines. Applicants unwilling to make the revisions directed by the DRB/PC in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted.

ii. Projects involving a historic resource shall require a determination of consistency pursuant to 17.32.14. All project approvals shall be consistent with the Secretary of Interior's Standards for the rehabilitation of historic structures or dwellings except as provided in 17.30.1. Following action by the Historic Preservation Board, the project shall be scheduled for design concept and final details review by the Planning Commission or the Design Review Board consistent with this chapter.

Modification #87. Revise Section 17.58.4B as follows:

Step Three: Final Details Review

a. *Final Action.* The Board or Commission shall take final action on the application after the applicant submits the final design plans for review consistent with the City's Final Design Details Guidelines and the findings required in Section 17.64.8.B: Design Study Approval. For projects involving additions or alterations to historic ~~properties~~ resources or or limited changes to ~~existing~~ non-historic structures, the Director may authorize concept review and final details review to occur at the same meeting.

Modification #88. Add new Section D to 17.58.5 Conditions of Approval as follows:
In approving any application for design review, the decision-making authority may impose any conditions deemed necessary to:

D. Require mitigation for unavoidable impacts resulting from the development.

Modification #89. Revise Section 17.58.6 Findings Required.

A. Authority. The Director, the Design Review Board, Historic Preservation Board, or the Planning Commission, as applicable to the project, shall have the authority to approve, approve with modifications and/or conditions, or deny an application for design review based on written findings stating the reasons for the action. Findings shall be based on information in the record.

B. Findings for Design Review Approval. Before approving an application for design review in any district, the Director, the Design Review Board, Historic Preservation Board, or the Planning Commission shall find that the final design plans:

D. Findings Required for Approval of Deviations from Design Guidelines. In addition to any other findings required by this code, before approving any project in the Single Family Residential (R-1) District that deviates from the City's applicable adopted Design Guidelines, the Director, Design Review Board, Historic Preservation Board, or the Planning Commission shall adopt specific findings based on information in the record to show how the proposed deviation from the Design Guidelines achieves all of the applicable design objectives of Section 17.58.1: Purpose and Applicability, as well as, or better than, would be achieved by adherence to the adopted Design Guidelines:

Modification #90. Revise Section 17.58.7 Enforcement as follows:
No building or grading permit shall be issued until the Applicant submits a final site plan and building permit plans showing any changes required as a condition of design review approval. Staff shall review all building permit applications for projects subject to design review for compliance with approved design review plans and any conditions of approval. The Director may refer building permit plans to the Design Review Board or the Planning Commission for a determination of compliance with conditions of approval. After determining that the site plan and building plans comply with all conditions of approval, the Director shall forward copies of the approved plans to the Building Official. All future development shall comply with the approved building permit plans unless modifications or changes are approved pursuant to the requirements of this code. Failure to comply with the conditions of approval may result in enforcement proceedings and penalties levied against the applicant and his/her assigns pursuant to section 17.66.

CHAPTER 17.62: Reclassifications and Amendments

Modification #91. Add the following text to section 17.62.6: Amendments to the Local Coastal Program:

A. Contents of LCP Amendment Submittal

The LCP amendment submittal shall include at a minimum:

(1) A summary of the measure taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP amendment process; a listing of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP amendment; and copies or summaries of significant comments received and of the local government or governing authority's response to the comments.

(2) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible. An amendment to a land use plan shall include, where applicable, a readily identifiable public access component.

(3) A discussion of the amendment's relationship to and effect on the other sections of the certified LCP.

(4) An analysis of the potential significant adverse cumulative impacts on coastal resources and access of exsting and potentially allowable development proposed in the LCP.

(5 Any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP.

(6) An indication of the zoning measures that will be used to carry out the amendment to the land use plan (unless submitted at the same time as the amendment to the land use plan).

CHAPTER 17.64: Findings

Modification #92. Add the following section to Chapter 17.64 Findings:

Coastal Development Permits
All decisions on coastal development permits shall be accompanied by written findings:

A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel by the Sea Local Coastal Program; and

B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Modification #93. Revise Section 17.64.5 as follows:

17.64.5 Adverse Impacts to Historic Resources

The following special findings are required for approval of any permit that will authorize significant adverse impacts inconsistent with the Secretary's standards to any historic resource:

A. There is an immediate need to address a public health and safety emergency, ~~Specific economic, legal, social, technological, or other benefits of the proposed project outweighs the unavoidable adverse impacts of the project; and~~ or

B. That, as determined through the environmental review process, there are no feasible alternatives consistent with the Secretary's standards that would achieve at least one-third of the base floor area allowed by the zoning applicable to the site. ~~There are specific facts and circumstances documented in the record and referenced in subsequent findings, that are not of the applicant's own makings, which establishes that there are no feasible alternatives or mitigation measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property.~~

Modification #94. Revise and Add the following to Section 17.64.8A as follows:

4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of window doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.

6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan~~./coastal land use plan~~

7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings and structures are setback a minimum of 6 feet from significant trees.

CHAPTER 17.66: Enforcement

Modification #95. Add the following new Section 17.66.6: Enforcement and Penalties as follows:

A. In addition to all other available remedies, the City may seek to enforce the provisions of the LCP and the Coastal Act pursuant to the provisions of the Public Resources Code section 30800- 30822.

B. Any person who performs or undertakes development in violation of the LCP or inconsistent with any Coastal Development Permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code Section 30820.

C. Pursuant to Public Resources Code section 30811, the Planning Director may, after a public hearing, order restoration of a site if it is found that the development has occurred

without a coastal development permit from the appropriate authority, the development is inconsistent with the Coastal Act, and the development is causing continuing resource damage. Pursuant to Public Resources Code section 30821.6, any person who intentionally or negligently violates a restoration order may be civilly liable for a penalty for each day in which the violation persists.

CHAPTER 17.70: Definitions

Modification #96. Add the following definitions and revise as follows:

Chapter 17.70.2: Definitions

Coastal Plan. "Coastal Plan" means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

Coverage, Site. The total ground area of a site occupied by materials or improvements that cover the natural soil but which are outside the perimeter of structures that count as floor area. Site coverage includes:

A. Fully permeable materials including gravel, ~~decomposed granite,~~ spaced decking and exterior stairs. However, shredded bark, wood chips and similar materials used as mulch within fully landscaped areas are not counted as site coverage.

C. Impermeable materials including asphalt, concrete, mortared brick and stone, decomposed granite, unspaced decking and balconies at any level, garden walls, solariums, bridges, sheds not counted as floor area, ponds, hot tubs and swimming pools.

ESHA. "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats area 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 development.

Feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Rebuilding. The act of reconstructing portions of an existing building or structure or making extensive repairs or modifications to an existing building or structure if such changes affect fifty percent (50%) or more of (1) both the structural framing and cladding or exterior walls, or (2) both the structural framing and covering of the roof. ~~Rebuilding includes, but is not limited to the removal or takedown from any building or structure of 50% or more of both the structural framing and cladding or exteriors walls or 50% or more of both the structural framing and covering of the roof.~~

When determining whether a building or structure is being rebuilt the following applies:

A. The non-conforming portions of any wall or roof is counted as removed or taken down, even when retention of these portions is proposed.
B. Exterior walls retained at 10 feet or less in length are counted as removed or taken down.
C. Roof areas measuring 100 square feet or less in area are counted as removed or taken down.

Demolition. The act or process of ~~omplete destruction and~~ removing~~al~~ or taking ~~e~~down the ~~of all~~ above ground framing or structural elements and/or~~all~~ exterior cladding of a building or structure including ~~all~~ roof framing and roof covering, and ~~all~~ exterior wall framing and wall cladding, if such changes demolish fifty percent (50%) or more of the identified components within a twenty-four (24) month period. When determining whether a building or structure is demolished, the following applies:

A. The non-conforming portions of any wall or roof is counted as removed or taken down, even when retention of these portions is proposed.
B. Exterior walls retained at 10 feet or less in length are counted as removed or taken down.
C. Roof areas measuring 100 square feet or less in area are counted as removed or taken down.

Substantial Alteration. Any visual change, exterior design modification or addition to a building, structure, or site design, including but not limited to changes in architectural style or details, or changes in exterior materials, paving or decks that does not meet the definition of a demolition or a rebuild, or does not comply with adopted Design Objectives and/or Design Guidelines or does not qualify for Track One design review.

APPENDIX A: Shoreline Management

Modification #97. Revise Appendix A: Shoreline Management Plan as follows:

Throughout the document the term "Coastal Permit" is used. This should be modified to read "Coastal Development Permit."

Modification #98. Add the following text on page 1-5, prior to Section 1.2:

Chapter 1: Introduction: A Shoreline to be Managed.

In the case of development review, it is important to note that the majority of the actual beach and base of the bluff area at Carmel Beach (including the revetments and the seawalls) is located within the California Coastal Commission's retained coastal permitting jurisdiction. Because of this, the standard of review for development in this area is the Coastal Act. In those cases, the General Plan/Implementation Plan can and will provide non-binding guidance to the Commission in making permitting decisions, but the decisions will be based on the policies of the Coastal Act.

Modification #99. Add the following to page 9 - 5 of the Shoreline Management Plan:

Chapter 9.2: Shoreline Maintenance and Emergency Action Response Plan

As noted in Chapter One, the majority of the actual beach and base of the bluff area at Carmel Beach (including the revetments and the seawalls) is located within the California Coastal Commission's retained coastal permitting jurisdiction. As a result, the majority of development associated with this emergency action response plan will require a coastal development permit from the Coastal Commission. The City intends to submit a coastal development permit application to the Commission by June 2004 for routine long-term maintenance activities in the beach area (e.g., revetment, seawall, and stairway maintenance), and will continue to coordinate with the Commission on non-routine development (e.g., emergencies and new structures), including by obtaining emergency permits from the Commission as necessary.

Modification #100. Add to the second paragraph text on page 9 – 17 of the SMP as follows:

Chapter 9.4 Shoreline Inspection and Maintenance Checklist

Throughout the checklist below, specific items that typically require a coastal development permit are identified. Items not so identified generally do not require a coastal development permit. For proposed development in the shoreline area, both the City Planning Director and the Coastal Commission should be contacted for a determination of what development does and does not require a coastal permit, and from which entity. ~~Whenever there is doubt, the Planning Director shall determine the need for a permit.~~ The City shall submit a coastal development permit application to the California Coastal Commission by June 2004 to implement the inspection and maintenance activities identified within.

Modification #101. Add the following on Page III-29 of the IP:

17.20.17 D. Shoreline Armoring Alternatives Analysis. Applicants shall submit a complete evaluation of a reasonable range of potential alternatives including 1) project alternatives that will avoid the need for armoring, including, but not limited to, relocation of the threatened (infra)structure(s) away from danger, 2) various armor solutions (e.g., vertical seawalls), 3) "soft"

options, and 4) the no project alternative. The evaluation shall identify the environmentally least damaging feasible alternative that provides effective protection of existing development and minimizes impacts on public access, recreation, scenic resources, and sand supply.

Modification #102. Add the following on Page III-29 of the IP:

17.20.17.E Shoreline Armoring Construction Plan. Applicants shall submit a Construction Plan that identifies the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. Construction and staging zones shall be limited to the minimum area required to implement the approved project, and to minimize construction encroachment on the beach and intertidal areas, among other ways by using blufftop areas for staging and storing construction equipment and materials. The Construction Plan shall also identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality.

Modification #103. Add the following to Appendix A: Shoreline Inspection Checklist and on Page III-35 of the IP:

17.20.20.O Sand Grooming. The City shall undertake sand grooming activities to camouflage existing revetments and accommodate public access in accordance with the following provisions:

(a) All sand grooming activities shall be completed prior to Memorial Day, or as soon after as possible, and shall be timed and conducted in a manner that minimizes impacts to beach recreation.

(b) Sand grooming shall only take place if there is enough sand available to cover the existing revetments without diminishing the area of beach available for public access and recreation.

(c) Bulldozed areas shall be smoothed over at the end of each day to prevent creation of large sand berms that restrict or interfere with public access along Carmel's beach. The City shall avoid over-excavating the beach berm, and use the minimal amount of sand necessary to cover existing revetments.

(d) The City shall provide adequate personnel, and, where necessary, install temporary construction fencing, to protect public safety and minimize impacts to recreation during beach grooming activities.

(e) All construction equipment and temporary fencing shall be removed from the beach daily, and immediately upon completion of beach grooming events.

Modify the existing text on page 9 – 18 of the SMP as follows:

Sand Redistribution
Inspection and Maintenance Issues:

- Conduct sand redistribution ~~during late May/early June.~~ consistent with 17.20.20.O. NOTE: The sand redistribution program requires ~~renewal of~~ a Coastal Development Permit ~~every five years beginning in 2005~~.

- Cover revetment with ~~at least three feet of sand~~ the minimum amount of sand necessary to cover existing revetments.

Modification #104. Add the following to page 8 – 14 of the Shoreline Management Plan and 17.20.19 of the IP:

Chapter 8: Carmel Shoreline Management Programs

17.20.19 E. Shoreline Armoring Maintenance and Monitoring.
(1) Monitoring. The Permittee shall ensure that the condition and performance of existing seawalls and revetments are regularly monitored by a licensed civil engineer with experience in coastal structures and processes. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact its future performance, and identify any structural damage requiring repair to maintain the as-built revetment profile.

At a minimum, annual monitoring reports shall be prepared by a licensed civil engineer with experience in coastal structures and processes and shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the existing revetment or the bedrock benches adjacent to and below it. All monitoring reports shall include photos of the structures and surrounding areas taken during low sand elevations in the winter months.

(2) Maintenance Activities. It is the Permittee's responsibility to maintain any shoreline armoring structures and all irrigation, drainage, and vegetation in a structurally sound manner and its approved state until such a time that the seawalls and/or revetments are removed or replaced. At a minimum, the permittee shall:

(a) Rock Retrieval. Any rocks that move seaward of the as-built seawall and/or revetments shall be immediately retrieved and either: (1) restacked within the approved rock slope profile inland of the seawall; or (2) removed off the beach to a suitable disposal location. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).

(b) Debris Removal. The Permittee shall remove all materials and/or debris that may fall from the blufftop area inland of the seawall onto the beach below.

(c) Landscaping and Drainage Maintenance. The permitee shall maintain all upper bluff drainage, vegetation, and/or irrigation elements above seawalls and/or revetments.

Modify the text on page 9 – 8 of the SMP as follows:

2. During Storm Season

- Inspect exposed revetments for signs of loose, perched, or migrating boulders.

ACTION: Any rock or boulders found to be loose or unstable or to have migrated away from any existing seawall or ~~the~~ revetment ~~base~~ should be ~~corrected~~ retrieved immediately and either restacked within the approved rock slope or removed from the beach to a suitable disposal location. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline. If immediate repairs are not possible, document conditions photographically and schedule repairs as soon as possible.

Modify the text on page 9 – 10 of the SMP as follows:

2. Rock Revetments
All existing revetment along the Carmel shoreline include a keyway excavated into the underlying bedrock. Because the bedrock is relatively "soft" the keyway is vulnerable to damage, resulting in rock migration. Depending upon conditions, ~~two~~ three modes of repair should be considered:

1) A deeper keyway could be cut at the original location. Overlying rocks would have to be moved, then replaced after the toe rocks are re-installed; or

2) ~~A new keyway could be cut seaward of the original keyway. This option would be the easiest and least expensive method of repair, but would require the use of additional rocks and consume more beach area. Care should be taken to ensure that the slope of any revetment is not too shallow, creating a ramp or platform that facilitates wave run up or overtopping.~~ Repair existing keyway. Requires moving and replacing overlying rock, similar to 1 above.

3) Replace existing revetment with a vertical seawall.

Modify the existing text on page 9 – 17 as follows:

Revetments
Inspection and Maintenance Issues:

- Reposition migrating, perched, and/or loose boulders to maintain revetment's design slope. *NOTES: Pay special attention to the revetment protecting the Ocean Avenue storm water outfall. ~~A Coastal Permit is required if the repair work is extensive, widespread, requires closure of Scenic Road or would extend the revetment westward and diminish beach area.~~ See section 9.4 for coastal permitting requirements.

- Rebuild revetment if the shape has been significantly altered. NOTE: Rebuilding a revetment requires a coastal permit and an evaluation of all reasonable alternatives to shoreline armoring including replacement with vertical seawalls and consideration of "soft" options.

- ~~Ensure coverage with at least three feet of sand during sand redistribution program.~~ Camouflage existing revetments with sand pursuant to the provisions in 17.20.20.O.

Sand grooming shall avoid over-excavating the beach berm and use the minimum amount of sand necessary to cover existing revetments.

- Post signs to warn of dangerous conditions when revetments are exposed.
- Repair "boundary" erosion (at top and sides of revetments). Consider adding additional armor stones or other alternatives. See the Introduction section for coastal permitting requirements.
- Maintenance and Monitoring of shoreline structures shall be carried out consistent with section 17.20.19.E.

Modify the existing text on page 9 – 18 of the SMP as follows:

Seawalls and Retaining Walls
Inspection and Maintenance Issues:

- Retrieve loose rock from failed seawalls during periods of low tide and low sand elevation.
- Maintenance and Monitoring of shoreline structures shall be carried out consistent with section 17.20.19.E.

Modification #105. Modify the text on page 9 – 6 of the SMP as follows:
2. During Storm Season

- Inspect all storm drains, gutters, grates, manholes, drop inlets, culverts, and outfalls for plugs and damage, which may interfere with water drainage systems from 4th Avenue to Martin.

ACTION: ~~Clean as necessary~~ All components of the Storm Drain System (including all storm drains, gutters, grates, manholes, drop inlets, culverts, and outfalls) shall be inspected on a regular basis and shall be maintained at least twice yearly: (1) between October 1st and October 15th; and (2) between April 15th and May 1st. Such maintenance shall include clean-out, repair, and/or replacement as necessary to ensure that the Storm Drain System effectively filters and treats runoff to remove typical urban runoff pollutants. (SEE SMP Fig. 8)

Modify the existing text on page 9 – 21 of the SMP as follows:

Storm Water System
Inspection and Maintenance Issues:

- Clear debris from all storm water inlets, grates, CDS Units, and pipes prior to each storm event. All components of the Storm Drain System (including all storm drains, gutters, grates, manholes, drop inlets, culverts, and outfalls) shall be inspected on a regular

baisis and shall be maintained at least twice yearly: (1) between October 1st and October 15th; and (2) between April 15th and May 1st. Such maintenance shall include clean-out, repair, and/or replacement as necessary to ensure that the Storm Drain System effectively filters and treats runoff to remove typical urban runoff pollutants.

- Modify storm drain outfalls where drainage causes shoreline erosion using boulders or other suitable material to diffuse the force of discharging water. Repair separated outfall pipe sections. NOTE: Pay special attention to Fourth Avenue perched outfall, wall, attached guardrails and pipe. Placement of any material including boulder at the toe of the bluff or on the beach requires a coastal development permit.

Modification #106. Add the following text on Page 3-17 of the Shoreline Management Plan:

Chapter 3: Access to the Carmel Shoreline

Development shall not interfere with the public's right of access to the sea.

Add the following on Page 5-6 before O4-10:
Chapter 5: Recreational Activities and Events

Restrictions on parking and traffic along Scenic Road, the Del Mar parking lot, San Antonio and the public right-of-ways west of San Antonio shall require a coastal development permit.

Modification #107. Add the following adopted LUP policy language on page 4-17 of the SMP to the policy objective O4-6 excerpt as follows:

Limit development along the Carmel shoreline to facilities that support passive and active recreational activities, beach access, bluff protection and protection of infrastructure. Bluff protection and protection of infrastructure shall be permitted only when required to protect existing structures that are in danger from erosion.

Modification #108. Add the following to Page III-35 of the IP:

17.20.20P. Retain the current portable second restroom facility at Santa Lucia Avenue. Encourage construction of one or more permanent restrooms south of Eighth Avenue, including consideration of a permanent restroom at the portable restroom location at Santa Lucia Avenue. Prohibit removal of the Santa Lucia portable restroom unless adequate permanent restroom facilities have been constructed south of Eighth Avenue.

Modification #109. Modify text on page 4 – 2 as follows:

Chapter 4: The Carmel Shoreline Landscape

North Dunes
The North Dunes represents one of the City's ~~only~~ most significant native coastal biotic communities.

Modification #110. Delete the following from the palette of Approved Carmel Beach Bluff Pathway Plants on page 4 – 6 of Appendix A:

~~*Myoporum laetm* NCN~~

Modification #111. Modify the text on page 9 – 6 of the SMP as follows:

1. Before Storm Season

- Inspect bluffs vegetated by overhanging ice plant which becomes laden with water during storms and can cause saturated bluff soils to slump.

ACTION
Overhanging ice plant should be ~~trimmed before each storm season~~ removed and replaced with non-invasive native plants. ~~Consider replacing some sites with alternative species.~~

Modification #112. Modify the existing text on page 9 – 20 of the SMP as follows:

Beach Accessways
Inspection and Maintenance Issues:
Vegetation

- Re-establish approved vegetation on barren slopes.
- ~~Trim~~ Remove acacia and *Myoporum* ~~to prevent encroachment into shoreline viewsheds~~.
- Remove ice plant ~~that competes with blufftop landscaping~~.

Modification #113. Modify the existing text on page 9 – 22 of the SMP as follows:

Landscape

Inspection and Maintenance Issues:
Landscape Design Plan

- Review the approved landscape plan, its design features and intended purposes with the City's shoreline maintenance staff.

- Update and document changes to the landscape plan on a regular basis. The landscape palette shall include only native, non-invasive and drought-tolerant plants.

- Remove invasive and non-native plant species and replant with appropriate non-invasive native plants where new plants are: (1) from the approved SMP Table 2 plant list for the areas inland of the sandy beach; (2) dune species endemic to the Carmel Beach area for areas on sandy beach; and (3) riparian and wetland species native to Pescadero Creek for the Pescadero Creek area."

Tree Trimming and Shrub Pruning

- ~~Trim and thin~~ Remove acacia thickets to protect coastal views, deter transient activities, and prevent encroachment onto other plant habitats.

Aggressive, Invasive Exotic Plants

- ~~Seize opportunities to~~ Eliminate ice plant or acacia on or near bluff top; replace with species from the approved plant list that complement landscape.

Modification #114. Add the following on Page 6 – 3 before 6.2.2: Coastal Bluff and Dune Erosion:

Chapter 6: Carmel Shoreline Erosion and Response

Passive Erosion

Experts generally agree that where the shoreline is eroding and armoring is installed, armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline fronted by a beach, the beach will be present as long as some sand is supplied to the shoreline and the beach is not submerged by sea level rise. As erosion proceeds, the beach also retreats. This process stops, however, when the retreating shoreline comes to a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, shoreline retreat in front of the armor stops. Eventually, the shoreline fronting the armor protrudes into the water, with the mean high tide line fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor.

In addition, sea level has been rising slightly for many years. In the Carmel Beach area, the trend for sea level rise for the past 25 years has been an increase resulting in a 100 year rate of nearly 1 foot per 100 years.[3] Also, there is a growing body of evidence that there has been a slight increase in global temperature and that an acceleration in the rate of sea level can be expected to accompany this increase in temperature. Some shoreline experts have indicated that sea levels could rise as much 3 feet by the year

[3] NOAA, National Ocean Service.

2100.[4] Mean water level affects shoreline erosion several ways and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. On a relatively flat beach with a slope of 40:1, every inch of sea level rise will result in a 40-inch landward movement of the ocean/beach interface.[5] This, too, leads to loss of the beach as a direct result of the armor. These effects are also known as "passive erosion."

Modify the following text on Page 6 – 3:

6.2.2: Coastal Bluff and Dune Erosion
~~All~~ Coastal bluff erosion is both ongoing (i.e., long-term) and episodic. Unlike the beach sand, Carmel's coastal bluffs cannot easily be replenished by natural cycles.

Modify the following text on Page 6 – 4:

The best-documented episodic erosion of Carmel's coastal bluffs occurred during the El Nino storms of 1982/83.

Modification #115. Modify the text on page 9 – 11 of the SMP as follows:

4. Unconsolidated Material

Both the white sand beach and the fill materials will need replacement from time to time. During early summer, the Forest, Parks, and Beach Department has been responsible for contracting the City's sand redistribution program. This program involves the movement of sand from the lower beach to cover rock revetments along the upper beach and bluffs. Sand redistribution helps replace sand dragged downslope by numerous beach visitors and camouflages unsightly shoreline revetments. This activity also introduces temporary public access impacts and could lead to a disruption of shoreline habitat and loss of beach sand. ~~At present there is no practical means to replenish Carmel's white sand. Because sand from other locations will have a noticeably different appearance and texture, the importing of "outside" sand is not recommended.~~

~~While the bulldozing of beach sand during spring has not caused any noticeable problems over the past 40 years, the wintertime redistribution of this sand is not recommended. During the winter, beach sand helps absorb and buffer against the severe storm wave impact and run-up. If~~

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4 Gary Griggs, as quoted in "Living on the Edge; a saga of seawalls, who wants them, who doesn't, and the fate of California's disappearing coastline" by Bruce Willey (in the "Good Times, " February 27 – March 5, 2003 issue). Mr. Griggs is quoted as also indicating that some estimates show that it will be higher than three feet, some lower, but that the three feet rise by 2100 is "probably the median."

5 In other words, a one-inch rise in sea level can result in over 3 landward feet of dry sandy beach loss. For the 3 feet rise estimated by 2100, that would translate into a 120 foot landward movement of the wet-dry intersection on a beach sloped at 40:1.

~~beach sand was bulldozed farther onshore, incoming storm waves would strike the shore with more energy possibly causing greater erosive damage.~~

The City is monitoring beach profiles to better understand what, if any, impact its sand redistribution program is having on beach sand. If the results of the City's beach monitoring program indicate that the beach has been losing sand over time, the City is prepared to investigate options for beach nourishment using offshore deposits or other sources that match Carmel Beach sand to replenish the beach and protect its width.

Modification #116. Add to the text on page 9 – 14 of the SMP as follows:

Chapter 9.3 Beach Emergency Closure Plan

The role of the BEAC is to assess the information and circumstances causing concern for the public and possible beach closure. Typical sources of information or agencies BEAC might consult include but are not limited to any of the following:

California Coastal Commission.....831/ 427-4863

Add to the text on page 9 – 15 of the SMP as follows:

ACTIVATION:
If in the opinion of the BEAC the beach or parts of the beach should be temporarily closed in the interest of public safety, health, and welfare...

4. Notify the Central Coast Office of the California Coastal Commission of recommendation of the BEAC to close the beach prior to action being taken by the City to preserve public safety, health, and welfare. If it is not possible to contact the Coastal Commission prior to action, then the City shall contact the Coastal Commission immediately following action.

APPENDIX B: Tree Worksheet

Modification #117. Revise Appendix B: Significant Tree Evaluation Worksheet as follows:

Part One: Initial Screening

A. Does the tree pose an ~~above-normal potential risk~~ immediate threat to life or property?

YES ___ NO ___

Describe in detail the nature of the threat.

_____

_____

_____

Any tree that has structural impairment that is likely to cause it to fail should be marked as unsafe and the tree should be removed. Trees that have limited and specific defects that can be remedied with selective pruning or other mitigation should be marked as safe and specific recommendations should be given to the owner for tree care. Such trees may still be assessed for significance.

Part Two: Assessment for tree significance

B. Is the tree one of the following native species identified on the Carmel-by-the-Sea recommended tree list?
[No change recommended to this section]

C. Does the tree meet the minimum size criteria for significance?
[No change recommended to this section]

For each of the criteria below assign points as shown to assess the tree. To be considered significant or moderately significant, a tree must achieve a minimum score ~~of 1 point in each of these categories and must achieve a total score of at least 6~~ as shown in Part Three below. ~~If any criteria score is zero the assessment may stop as the tree cannot qualify as significant.~~

D. **[No change recommended to this section]**
E. **[No change recommended to this section]**
F. **[No change recommended to this section]**
G. **[No change recommended to this section]**

Part Three: ~~Final Assessment~~ Tree Score and Final Evaluation

Total Score from Part Two: _____

Significant Trees

Meets size and species criteria *and* rates the following score on the tree assessment survey:
4 or > points; or
Is not one of the listed species *but* rates the following score on the tree assessment survey:
7 or > points

Moderately Significant Trees

Meets size and species criteria *and* rates the following score on the tree assessment survey:

2 – 3 points; or
Is not one of the listed species *but* rates the following score on the tree assessment survey:
4 – 6 points

Insignificant Trees

Does not meet size and species criteria or if it does meet size and species criteria, rates the following score of the tree assessment survey:
0 – 1 point; or
Is not one of the listed species and rates the following score on the tree assessment survey:
0 – 3 points.

C. Are there any other factors that would disqualify a tree from a determination of significance? (Explain any 'yes' answer)*

YES ___ NO ___

_____

_____

_____

*Findings to be included in Staff Report.

Conclusion:

Does this tree qualify as a significant tree? YES ___ NO ___

Does this tree qualify as a moderately significant tree? YES ___ NO ___

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

Carmel Implementation Plan Chapter 17.2 Title, Components and Purposes

This introductory chapter of the Carmel Implementation Plan sets out the "ground rules " for the zoning ordinance by describing the purpose for the various governing ordinances, the organization and authority for the document, activities that are unlawful and a number of regulations relevant to procedural and substantive requirements for actions on permit applications. The chapter is generally well written and presents the information in a logical and easily understood manner. There are, however, a few sections that may present procedural problems in the future or are inconsistent with the certification requirements of the Coastal Act or companion regulations (CCR Title 14, Division 5.5, Section 13001 et seq.) These inconsistencies are discussed in the following paragraphs.

Section 17.2.6 requires that applications for permits not be filed unless the proposed project is consistent with the land use designation assigned to the site in the Land Use Plan. The ordinance, however, provides for an exception to this requirement if an application to amend the Coastal Plan is filed concurrently with the permit application that proposes an inconsistent use. This exception may present procedural problems for the City because permit applications and LCP amendments usually have different time frames for processing. Permit applications are subject to the Permit Streamlining Act and must be acted upon within 270 days (180 days plus one, 90 day maximum extension) of filing or completion of an EIR if one is required. Amendments to the LCP are not subject to the Permit Streamlining Act and can take significantly longer to be processed because they must first go through local hearings which take a minimum of six weeks (CCR Title 14 Section 13515 (c) and in reality usually take longer. Locally approved amendments must then be submitted to, and approved by, the Coastal Commission, a process that can, and often does, take several months. If the Commission approves the amendment, it must then be returned to the City for final action and then back to the Commission for final certification. This process usually requires another couple of months, particularly if modifications to the original amendment have been added. Given this situation, it is entirely possible that the City would find itself in the position of having to act on the permit application that is inconsistent with the LCP long before the amendment that might allow the project to be found consistent has been certified.

As proposed, this section of the Carmel Implementation Plan is inconsistent with the statutory requirement that the Implementation Plan is adequate to carry out the provisions of the Land Use Plan because it has the potential to allow development that is inconsistent with the Land Use Plan to be approved in order to comply with the requirements of the Permit Streamlining Act. If modified to delete this exception, thus requiring that any needed LCP amendments be obtained prior to filing otherwise inconsistent permit applications, the section will be adequate to carry out the Land Use Plan policies and designations. (Please see Suggested Modification One).

Section 17.2.9 A of the ordinance provides that any of the regulations in the Zoning Code shall not supersede any other regulations or requirements that may be adopted by the City or any other local, state or federal agency that may have jurisdiction over development authorized by the Implementation Plan. This section presents a basic conflict with the concept of a local coastal plan. The statutory scheme laid out in the Coastal Act returns Coastal Permit authority to local jurisdictions if an LCP, which provides the rules for approving CDP's, is certified by the Coastal Commission. This certified plan thus represents the cooperative effort of both the City and the Commission to establish a mutually agreed upon set of policies, land use designations and ordinances to govern development in the coastal zone. Any changes or additions to the plan likewise require the approval of both the City and the Commission. (PRC Section 30514, CCR Title 14 Section 13555.) The effect of this state and local partnership between the City and the Commission is to have one set of rules, and only one set, that apply to all development in the coastal zone. Stated differently, only those rules relevant to the processing of CDP's that are certified by the Coastal Commission are effective. The proposal that other rules relevant to development in the coastal zone may be enacted by the City or others outside of this process and would not be superseded by the certified LCP requirements is thus anti-ethical to the legislative direction on the function of Local Coastal Plans, does not serve to carry out the provisions of the Land Use Plan and in fact, could have quite the opposite effect. This is not to

say that local jurisdictions cannot have regulations apart from those included in their Local Coastal Plans. Many local regulations such as the requirement for business licenses, the keeping of pets and the like are not included in LCP's because they are not relevant to the regulation of land use in the coastal zone. Section 17.2.9 A is problematic because it seems to allow for any regulations to be adopted unilaterally, even those that cover the same subject matter and may conflict with certified land use policies and implementing ordinances. This section must, therefore be deleted from the Implementation Plan. (Please see Modification Two)

Section 17.2.10 provides that any building for which a building permit has been issued prior to the effective date of the ordinance can be completed as long as construction commences within one year and is diligently pursued. The Coastal Act requires that all new development in the coastal zone, unless specifically exempt from the permit requirement, must be authorized by the issuance of a Coastal Development Permit, either by the Commission or by the local government pursuant to a certified LCP. In order to clarify that a Coastal Development Permit as well as a building permit is required for construction, this section should be modified to state that a valid Coastal Development Permit and a building permit are needed. (Please see Modification Three)

Carmel Implementation Plan Chapter 17. 4: Zoning Districts Established

This section of the Implementation Plan establishes ten basic zone districts (two residential, three commercial and five public/quasi public districts), five overlay zone districts (Archaeological, Park, Beach, Environmentally Sensitive Habitat and County annexed lots) and a zoning map for the City. The specific requirements for these zone districts are found elsewhere in the document. All property in the City is assigned to a zone district, The zone districts portrayed in the zoning map are (check when map comes in) consistent with the land use designations shown on the certified Land Use Plan map. This section of the Implementation Plan is, therefore consistent with, and adequate to carry out the policies and land use designations of the Land Use Plan and can be approved as submitted.

Carmel Implementation Plan Chapter 17.6 : General Rules

This section of the Zoning Ordinance lays out the rules for how language used in the zoning ordinance is to be construed (i.e the word "and" indicates that all connected words or provisions shall apply), how various measurements (lot grades, building volumes, building areas, building heights etc,) shall be made and how zoning boundary determinations are made. The text describing how to make the various determinations and measurements is well written and augmented by useful graphics. The provisions for measuring buildings, coverage, and lot areas are consistent with the policies relevant to the construction of new commercial and residential development in the land use plan as are the rules for making determinations regarding zone district boundaries and the meaning of terms used in the ordinance. This section is, as submitted, consistent with, and adequate to carry out the policies and land use designations of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.8: Residential Zoning Districts

Chapter 17.8 of the Carmel Implementation Plan identifies the four basic zoning districts within the city. It outlines the specific purposes of each zoning district, prescribes the principally permitted and conditionally permitted land uses within each zone, establishes specific limitations for each zone, and imposes the list of prohibited uses. A number of non-residential conditional uses are permitted in identified overlay zones and are generally subject to pre-existing, quasi-public uses such as senior care facilities, religious facilities, and community centers. The zoning rules are organized by district in an easy-to-reference table and appear adequate to carry out the intent of relevant Land Use Plan policies.

Carmel Implementation Plan Chapter 17.10: R-1 District Design Regulations

This chapter more specifically describes the purpose and standards of the low density residential (R-1) district including dimensional standards for lot size and building sites, site development and building standards, development in a floodplain, lot mergers, review of plans, and residential design guidelines. Much of the language devoted to the purpose of the district as well as the rules for establishing minimum lot size and development density has already been evaluated and subsequently certified as part of the City's Coastal Land Use Plan. One issue area not covered in the evaluation and certification of the LUP but that in this instance appears to conflict with the policies and goals of the Land Use Plan are the standards for establishing maximum site coverage.

Section 17.10.2E of the Implementation Plan requires that prior to the sale of real property, a determination be made that the creation of the real property complies with all applicable City ordinances and the Subdivision Map Act in effect at the time of its creation. Those properties that complied with the requirements for a legal lot under local and state law, shall be issued a Certificate of Compliance. Those that did not comply with the legal requirements may be given conditional certificates of compliance, the condition of which must be satisfied prior to any action on any permit for development of the parcel. The relevant LUP policies require the adoption of standards for subdivision and creation of new lots to protect the existing subdivision and development patterns in the village and to minimize the impacts of any lot-line adjustments and subdivisions on coastal resources. These activities meet the Coastal Act definition of development and as such require the issuance of a coastal development permit. Thus, any property that did not comply with the applicable ordinances of the City or the provisions of the Subdivision Map Act at the time of its creation, shall be required to obtain a Coastal Development Permit. The City's implementing ordinance is inadequate in this respect and requires a modification to bring it into conformance with the underlying land use plan policies and state law. See Recommended Modification 4.

Section 17.10.3 B.2 of the City's Implementation Plan establishes maximum site coverage at 10% of the site area. Site coverage, as defined by the IP, is the total ground area of the site occupied by materials or improvements that covers the soil but which is outside the perimeter of primary structures that count as floor area. This includes fully permeable materials such as gravel, spaced decking, and exterior stairs, but excludes bark, wood chips, and mulch, which are not counted as site coverage. The City's definition also includes semi-permeable and

impermeable materials such as sand-set bricks or pavers, concrete, and asphalt as site coverage. Subsection a. ii of the City's standard further provides a site coverage exemption for driveways and walkways up to an additional 500 square feet if made from semi-permeable or fully permeable materials. The exemption applies to any lot regardless of size and is inconsistent with the policies of the Land Use Plan for the reasons discussed in the following paragraphs.

The purpose of placing a limit on site coverage is to minimize the amount of storm water runoff created by impermeable surfaces and secondly to provide an adequate amount of unimproved open space for natural forest regeneration. Carmel's citywide storm water drainage system relies in large part on natural drainages and the unimproved portions of its forested landscape to absorb, filter, and ultimately convey storm water to Carmel Bay. As redevelopment of the City's older housing stock continues, these natural drainages and the once abundant amount of open space are being replaced with more homes, larger in size, and with correspondingly larger amounts of non-structural site coverage. In order to stem the potential rising tide of adverse water quality impacts associated with increased development of the community, the City adopted land use plan policies that place a limit on the amount of site coverage. LUP policy P1-49 limits total site coverage (structural and other impermeable coverage) on 4,000 square foot lots to 55% (2700 sq. ft.) of the site. Policy P1-48 requires that maximum limits on site coverage and floor area be established as well as provisions for a smaller ratio of allowable coverage and floor area on larger sites to preserve open space. There are also ancillary water quality policies in the certified LUP (P5-195 and P5-208) that require new development to minimize impervious surfaces, infiltrate runoff through the soil, and efficiently manage storm water runoff. Complimentary forest management policies address site coverage impacts on the urbanized forest (P5-69, P5-60, and P5-64) and require new development to avoid encroachment within the root protection zone, be sited and designed to avoid or minimize significant adverse effects to the City's Monterey pine and coast live oak forest, and prohibit placement of impermeable surfaces within six feet of significant trees.

As proposed, zoning standard 17.10.3.B.2 does not prescribe smaller site coverage ratios on lots greater than 4,000 square feet as required by P1-48. It allows as much as 67.5% (2700 sq. ft.) of a standard 4,000 square foot lot to be covered with improvements, exceeding the 55% site coverage standard required by P1-49. And it is not consistent with the water quality and forest management policies that require new development to minimize site coverage to benefit water quality in Carmel Bay and the City's notable Monterey pine forest. Therefore, this section of the Carmel Implementation Plan is inconsistent with the statutory requirement that the IP be adequate to carry out the provisions of the certified Land Use Plan. If modified to reduce site coverage requirements on lots greater than 4,000 square feet and to scale-back the exemption for driveways (item a.ii.) on standard 4,000 square foot lots, the section will be adequate to carry out the intent of the LUP policies. Please see Recommended Modification 5.

Carmel Implementation Plan Chapter 17.12: R-4 District Design Guidelines

Chapter 17.12 defines the site development and building standards in the higher density (R-4) district. Under the base density, up to 33 apartment units or condominiums per acre are

allowed, with another 11 units per acre granted as a bonus for low income and senior housing. There are approximately twenty-five R-4 zoned lots within the City of Carmel, which provide affordable housing, though this district is somewhat under utilized. Staff anticipates redevelopment of these sites as the City moves to meet its low-cost and senior assisted state housing obligations. As submitted, Chapter 17.12 is consistent with adequate to carry out the intent of the policies and land use designations of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.14: Commercial Zoning District

This chapter defines the City's commercial zones and prescribes the land use regulations for each of the commercially zoned districts –central commercial, service commercial, and residential/limited commercial. The type and intensity of land use is laid-out is an easily decipherable schedule. Chapter 17.14 also more specifically describes the standards for design review, building coverage, floor area ratio, heights, setbacks, open space, landscaping, and parking. Though these standards may be adequate for commercial development within the commercial districts, they do not provide adequate guidance for residentially related development within the residential/limited commercial district.

The residential/limited commercial (RC) district is intended to be a transition/buffer zone between the intense uses of the City's commercial core and the less intense activity of the residential neighborhoods that surround it. A mix of development types is allowed in the RC district including commercial and permanent residential uses, though the development standards appear to be oriented more towards "mixed-use" development, which would allow for a much more intense use of a site than is customary for residential development elsewhere in the village. As such, there is the potential for residential development in the transition zone that would be out-of-character with the setting of the established character of RC district and the adjacent residential neighborhoods. For example, the maximum building coverage and floor area ratio for single-family residences on standard 4,000 square foot lots in the R-1 district is 45% or 1,800 square feet. By comparison, the allowable standard in the RC district is 70%. The City's standards would thus permit a single family home to be constructed on the same size lot (i.e., 4,000 s.f.) that is 2,800 square feet in size in the RC District.

The City's certified LUP contains policies (O1-10 and P1-59) that require the application of design standards to protect the established character of the transition zone. Yet, as proposed, the Implementation Plan does not adequately set standards for residential development in the residential/limited commercial district that is consistent with the intent of the certified Land Use Plan. Thus, in order to bring the IP into conformance with the LUP, the Commission recommends modification seven (7) requiring new residential development within the residential/limited commercial district to follow the residential design guidelines and the development standards identified in R-1 district (Chapter 17.10). Only as modified, shall Chapter 17.14 be found adequate to carry out the Land Use Plan policies. Please see Modification 7.

Secondly, the land use standards identified in 17.14 allow for an intensification of development in the City's commercial core, including Ocean Avenue between Mission and Monte Verde. This area was identified in the 2001 Final Report: Historic Resources Survey prepared by Kent

Seavey as having a significant number of potential contributing structures. The commercial core is also the most recognizable district in Carmel, it retains some the oldest structures in town, and it is the first thing people see as they exit highway one and make their way down through the village. The certified Land Use Plan specifically requires that the unique character and the established design context of Ocean Avenue as represented by size, scale, and architecture be protected.

> *P1-63. Protect the special and unique character of Ocean Avenue and the surrounding commercial area. Ensure, through the administration of land use and design regulations, that the architecture, landscape, scale and ambience of this area is maintained.*
> *P1-66. Retain the scale and variety of design established in the retail core when considering changes to buildings that are not historic. Protect, preserve and rehabilitate historic commercial architecture that represents the character, ambience and established design context of the commercial area.*

In order to protect the unique and historic character of Ocean Avenue as required by the LUP and retain the scale and established design of the commercial core, the Commission is recommending a modification to provide additional review and oversight of development within the Commercial Core by creating a Downtown Conservation District. This concept along with the suggested modification is more fully outlined in Chapter 17.20 findings below. With the above recommended modification #17 and those identified in Chapter 17.20, the City's Implementation Plan is adequate to carry out the policies of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.18: Public and Quasi-Public Districts

Chapter 17.18 of the Implementation Plan establishes two public and quasi-public zoning districts within the City, including Parks and Recreation Districts and Cultural and Community Districts. Similar to Chapter 17.8 above, this chapter identifies the allowable uses for the City's parklands, theatres, senior housing centers, museums, etc., and also includes the specific requirements for development in the Theatrical District and Senior Citizen Facility District. In order to maintain the residential character and design of structures constructed in the Theatrical district, the residential development standards of Chapter 17.10 are incorporated by reference. A table of more specific development standards applicable to the Senior Citizen Facility District are outlined as well. This chapter of the Implementation Plan covers the gamut of public and quasi-public uses in existence throughout the City and is adequate to carry out the intent of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.20: Overlay Districts

Chapter 17.20 of the Carmel Implementation Plan identifies five overlay zoning districts within the city and includes specific provisions for protecting the unique qualities of each district. The identified overlay districts are an Archaeological Significant (AS), Park (PO), Beach,

Environmentally Sensitive Habitat Area, and Annexed County Lots overlay district. Each overlay designation prescribes the principal boundaries and minimum standards permitted for new development. For instance, a Phase I archaeological survey is required for all new development proposed in the AS district. Good site design, a drainage plan, height restrictions, and limits on tree removal are required and imposed on new development in the Park overlay district. In both the Archaeological and Park overlay district chapters, the rules are straightforward and adequate to carry out the corresponding LUP policies and goals.

With respect to the City's implementing measures for the Beach Overlay district there are a few areas where the implementing mechanisms need to be strengthened to fully comply with the underlying LUP goals. In Section 17.20.15 Coastal Development Permit Required, the City describes development as construction, additions, design alterations, or changes in land use. Though these activities typically do trigger the need for a CDP, they are not the only activities, which may occur in the Beach Overlay District that trigger the need for a CDP. Thus, the Commission is recommending that the language be changed to simply state that all new "development" requires a CDP. (Please see suggested Modification 9). The definition of development included in the General Terms section of the IP mirrors the Coastal Act definition and thus is adequate to capture all potential development activities. Similarly, in section 17.20.16 Permit Standards, the City's standard refers to development as "proposed construction." It follows from the text of the chapter that it is development that is subject to permit standards, not just proposed construction. Thus, we are also recommending that the language be changed to reflect this.

With respect to more specific requirements of the Permit Standards, the City's stated ordinance is too vague to provide any meaningful guidance or direction for the protection of coastal resources. The standard as written states that "all proposed construction (development) shall be compatible in design with existing buildings in the area for the purpose of protecting the neighborhood character." With the exception of the beach and bluff top pedestrian path, a large portion of the Beach Overlay is residentially zoned R-1 –low density residential. The City's has adopted and the Commission certified, a plethora of Land Use Plan policies and standards protecting the character of this unique area. Thus, it is inadequate for the Implementation Plan to simply state that all construction be compatible in design with existing buildings when there are specific standards for residentially related development already established and contained in the IP. The Commission is recommending that the standard be changed to require compatibility with the R-1 design standards exhibited in Chapter 17.10 above. See modification 10C below.

There are additional areas of the Beach Overlay, Permit Standards that do not fully comply with the directives of the certified Land Use Plan specifically with respect to erosion control plans, drainage requirements and devices, prohibitions on private development needing shoreline armoring, and public access (i.e., beach parking). The Commission believes that additional clarification is needed for the standards to adequately carry out the intent of the corresponding LUP policies. Those changes are likewise shown in recommended modification 10.

During the evaluation of the City's Land Use Plan, the City indicated that there were user conflicts between residents and visitors associated with beach parking along Scenic Road. The conflicts were used as a rationale for implementing a preferential parking program designed to

allow residents and their guest's exclusive use of the 200+ public parking spaces along Scenic Road and the Del Mar parking lot during the evening. The City maintained that the beach-fronting homes did not have adequate parking for the owners and their guests and that it would be inequitable to require them to park too far from their intended destination. The City's Land Use Plan policies (O2-4, P4-43, P4-44) require all new development to provide sufficient off-street parking and likewise require the City to develop a plan to retain free public beach parking and the public's ability to access the beach. The submitted IP does not however contain any specific standards protecting public beach parking or requiring any additional parking for private development along Scenic Road.

> O2-4 *Require that all new developments provide sufficient off-street parking facilities.*
>
> P4-43 *Continue to regulate beach parking using time limits. Retain beach parking as a free resource to the public facilitating access for all. Keep public spaces along the Beach Bluff Pathway small, intimate and dispersed to avoid large congregations of people that would disturb nearby residents.*
>
> P4-44 *Provide convenient and free public beach parking from 5:00 am until 12:00 midnight daily. Parking outside of these hours along Scenic Road and the Del Mar Parking lot shall be limited to residents and guests with a resident's parking permit.*

As such, modifications are proposed that would require all future private development within the Beach Overlay District to provide two on-site parking spaces and not disrupt the existing configuration of free public parking along Scenic Road, San Antonio Avenue, and various other street ends. As so modified, the IP will be adequate to carry out the intent of the certified LUP. (Please see suggested Modification's 10R & 12).

The final Beach Overlay comment has to do with the established boundaries and rules for development within this district. After certification, the Commission's appeal jurisdiction in many instances would extend beyond the boundaries of the identified Beach Overlay District. Not only will this require different standards to be applied to development within the appeal area, it will also add complexity to processing applications for development and any subsequent appeals. To eliminate any confusion and simplify procedures, the Commission is recommending that the Beach Overlay District be co-terminus with the Commission's appeals jurisdiction. Please see recommended modification 8.

This chapter also provides more specific guidance on development in and adjacent to environmentally sensitive habitat areas with the ESHA overlay zone. It establishes the rules for development, application requirements, acceptable qualifications of competent biologists, and the necessary contents of biological surveys. In general, the implementing ordinance is thorough and adequate to carry out the intent of the certified Land Use Plan. Though, just as it was with the Beach Overlay standards, additional clarification and sharpening of the standard is needed for it to be adequate. The ordinance requires a biological resource report that evaluates the impacts of proposed new development on the habitat values as well as proposed mitigation for any disruption or degradation of those habitat values, but does not specifically call for mapping of resources. In order to carry out the intent of the LUP, the standard should require site-specific mapping of sensitive resources prior to evaluating impacts and proposing

mitigation. The Commission has recommended a modification to the implementation standards that will bring it into conformance with the certified LCP. As modified, the implementing should be adequate to carry out the intent of the LUP. Please see Modifications 14 & 15 below.

Lastly, the Commission believes that given the guidance in the City's certified LUP regarding the special character of the Commercial Zoning district and the importance of retaining historic resources in the City's Commercial Core, a Downtown Conservation District should be established. Chapter 17.14 of the IP spells out the requirements for development within the Commercial Core, which without proposed modifications, could lead to significant alteration of the most recognizable area of the village. As noted in the findings of that chapter, the commercial core area along Ocean Avenue between Junipero and Monte Verde has one of the greatest concentrations of historic buildings in the City's small one square mile limits. The City's 2001 Historic Resources Survey identified this area as a good candidate for the creation of a historic district to preserve and showcase turn-of-the-century development in Carmel. The City's Land Use Plan policies also point to the unique character of the Ocean Avenue corridor and require it to be protected. Though, one method of preserving the established character of this area is through design regulations, it would be difficult to implement a single floor area or density standard for this area because of the varied size and scale of the existing eclectic architecture (i.e., it would create a lot of non-conformities). As an alternative, adoption of a building standard that encompasses a large percentage of existing development such as the City's recommended base floor area ratio could be combined with the creation of an overlay district to provide an additional level of review for the protection of the City's downtown historic resources. Under this scenario, all proposed alterations to both historic and non-historic buildings would require an evaluation and approval by the City's Historic Resources Board for consistency with the established design character of the downtown core. This added measure of discretionary review would ensure that the fabric of the City's historic downtown would remain intact.

Thus, in order to protect the unique character of Ocean Avenue and retain the scale and established design of the commercial core, the Commission is recommending modification's 16 and 17. These modifications establish the creation of a downtown conservation district, outlines its purpose, and establishes minimum standards for development. As so modified, Chapter 17.20 of the City's Implementation Plan is adequate to carry out the policies of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.22: Community Plan Districts and Specific Plans

Chapter 17.22 is reserved for the creation of Community Planning Districts and Specific Plans. Though there aren't any specific districts outlined, the chapter defines the procedures for establishing districts based on community-wide goals and provides a mechanism for administering the plans. As correctly stated in the ordinance, establishment of a Community Planning District or Special Plans requires both Planning Commission and City Council action. The ordinance is lacking, however, an LCP amendment requirement to formally certify the change in zoning overlay. Recommended modification 18 addresses this deficiency.

Carmel Implementation Plan Chapter 17.28: General Site Regulations

Chapter 17.28 defines the general site regulations and standards for a variety activities in the City of Carmel. It establishes time limits for the use of noisy mechanized equipment, prohibits timeshare rentals within the village, and lists the City's regulations for climbing trees, composting, picnicking and camping, and burying waste within the city limits. It is very specific and adequate to carry out the intent of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.30: Demolitions of Structures

Chapter 17.30 of the implementation plan establishes the rules for demolitions of structures and dwellings within the City. The standard addresses LUP policies related to the protection of community character by prohibiting demolitions of historic dwellings unless it is necessary to eliminate an immediate threat to public health and safety or where the prohibition would result in a taking of private property. This aspect of demolitions is more fully discussed in the Historic Preservation findings below. (Please see Chapter 17.32: Historic Preservation).

With respect to demolitions of non-historic resources, the Implementation Plan standard requires that an approval of demolition be accompanied by a concurrent approval for a replacement structure or dwelling. The LUP also contains policies that prohibit the creation of land use and design non-conformities through the creation of building sites (P1-36). It is Commission staff's experience that requests for demolitions of a single structure are often accompanied by development proposals for two or more structures on two or more building sites –sometimes when there is only one single lot of record. In order to ensure that there are actual legal lots of record and bring the implementation plan into conformance with the LUP policies, the Commission is recommending a modification that requires substantial evidence be submitted by the applicant or owner demonstrating the existence of two or more legal lots of record. As modified, the IP is adequate to carry out the intent of the underlying LUP policies. See recommended modification 20.

Carmel Implementation Plan Chapters 17.30 Demolition and17.32: Historic Preservation

These chapters provide standards for protecting historic resources in the City. The standards address LUP policies related to the protection of community character pursuant to Coastal Act section 30253. Historic preservation is a central component of the LCP. The LUP includes a broad array of policies that provide for the identification, preservation and enhancement of historic resources, including buildings, structures, objects, sites, districts and archaeological resources that represent the unique architectural, cultural, historic and prehistoric identity of Carmel-by-the-Sea. This includes policies to maintain an Inventory of resources (O1-14 and associated policies); incorporating historic preservation into the City's project review (O1-17 and

associated policies); and identifying and protecting archeological resources (O1-18 and associated policies). The LUP also provides for the establishment of a Historic Resources Board to administer the City's Historic Resources Program (P1-90).

Although the submitted ordinance is generally in conformance with and adequate to carry out the Land Use Plan, a few modifications are necessary to assure complete and clear conformance with the LUP requirements. First, the most important modifications are changes to the ordinances to assure protection of identified historic resources. LUP Policy P1-104 establishes two basic standards: (1) it prohibits the demolition of historic resources; and (2) it prohibits changes to historic resources that are inconsistent with the Secretary of Interior's Standards and Guidelines for historic preservation. As submitted, the IP ordinances do not adequately circumscribe proposed demolition and alteration of historic resources, as required by P1-104. In particular, as written the IP potentially conflates these two standards, which inappropriately appears to qualify the clear prohibition of the demolition of historic resources with more general "override" language to allow demolition in certain circumstances. Suggested modifications to the demolition ordinance and the ordinances related to the review of proposed alterations in part are necessary to maintain the distinction between the two distinct prohibitions that is in the certified LUP (Modification 19)

More fundamentally, with respect to the issue of proposed *demolition* of an historic resource, *preservation* of historic resources is the fundamental purpose of Historic Preservation Programs and the Secretary of Interior's standards in general, and LUP policy P1-104 in particular. Thus, demolitions must be strictly limited. There are only two "overriding" circumstances where demolition of an identified historic resource is appropriate (notwithstanding the specific LUP prohibition). The first circumstance is where there is a legitimate and identified immediate threat to public health and safety. The second situation, as with all regulatory prohibitions, is where the prohibition of the demolition of a historic resource would potentially cause a taking of private property. Both of these circumstances are contemplated by the Coastal Act, which recognizes the power of Cities and Counties to abate nuisances and the potential need for immediate response to threats to life and property (Coastal Act Sections 30005(b) and 30611); and which precludes the Commission and local governments acting pursuant to the Coastal Act from taking private property (30010).

As submitted the IP includes overly broad standards that would allow for overriding the demolition prohibition of the LUP, including a general recognition of "specific economic, legal, social, technological, or other benefits of the proposed project," as well as an allowance for a "reasonable economic return" from a property to the property owner, which do not necessarily equate to the standard of "avoiding a taking" contemplated in the Coastal Act when applied in a particular circumstance. In order to limit the proposed demolition of a historic resource to the two allowable circumstances, the general qualifying language must be struck. In addition, the general reference to providing for "reasonable economic beneficial use" and "economic return" must be modified to effectively clarify that in most situations in Carmel, maintaining an existing identified historic resource by prohibiting its demolition will still provide a feasible and reasonable economic use of the property that would not raise a concern under Takings jurisprudence.

For example, in the case of the typical historic residential building in Carmel, unless the building has been deemed a public health and safety emergency that requires its demolition, it most likely would be either habitable to begin with, or able to be renovated or rehabilitated to a habitable state without changing its fundamental historic character (see discussion below also). In either case, therefore, there will be feasible options available to maintain the existing historic resource as is, either by doing nothing, or by repairing and rehabilitating the structure.[6]

The City also has experience delimiting a "regulatory floor" above which it has implicitly determined that a reasonable economic use is available and feasible on residentially-zoned properties. In the City's tree protection ordinance, for example, the City has effectively generally defined a reasonable economic use as a development that achieves "at least one-third of the base floor area allowed by the zoning applicable to the site" (see 17.48.7(B)). In the case of the typical 4000 square foot, this equates to a 600 square foot residential structure, which is one third of the allowed 1800 square foot building allowed. In other words, the tree protection standards that require preservation of significant trees must be met by a property owner as long as it is feasible to construct a house of at least 600 square feet on the site. A similar approach in the Historic Preservation ordinance will facilitate the City's need to communicate clear regulatory standards and expectations for the protection of identified historic resources. In short, for the typical 4000 square foot lot in Carmel, the IP will establish a clear and general expectation that demolition of an historic resource is only appropriate in those rare circumstances where a public health and safety need is presented, or where it is not feasible to maintain or rehabilitate a building greater than 600 square feet.[7]

The remoteness that the "no demolition" standard will raise any significant conflict is underscored by the high likelihood that there will be feasible alternatives available for expanding the residential use of lots that have identified historic buildings. That is, the IP will allow for the alteration of existing historic resources consistent with the Secretary of Interior's standards for preserving and rehabilitating historic buildings. This generally means that additions, renovations, and other alterations must preserve and be compatible with the character-defining elements of the historic house. It generally does not mean that additions or alternations would be disallowed, only that they would need to be designed in a way that is consistent with preserving the existing historic resource. Thus, for those properties where a very small historic building must be maintained pursuant to P1-104, expanded residential use on the property will more than likely be available (and be allowed by P1-104) through careful designs consistent with the general rules of redevelopment of historic buildings. Therefore, if modified to clarify the standards for demolition and alternation of historic resources, this aspect of the IP is consistent with, and adequate to carry out the LUP.

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[6] It is generally feasible, of course, to continue living in a habitable residential structure. Rehabilitation will also generally be feasible and in the theoretical case where repairs are so great as to be prohibitively expensive and thus not feasible, it would most likely be questionable as to whether the structure had sufficient integrity to qualify any longer as a historic resource. This situation, too, is unlikely to occur as the City has proposed standards in the LCP to guard against neglect, intentional or otherwise, of historic buildings.

[7] This discussion is not meant to imply that a Constitutional takings claim could not nonetheless be made in any particular circumstance, even if the ordinance requirement could be met.

Beyond the necessary clarifications related to LUP policy P1-104, numerous other minor modifications are needed to assure complete consistency with the LUP. These include:

- Modifications to assure that the Historic Resources Board is involved in all aspects of administering the Historic Preservation Program, as required by the LUP, including the ability to appeal staff level determinations of eligibility for the Historic Resources inventory, and review of proposals to alter historic resources. As modified, the general process of resource protection will rely on expert determinations in the first instance to identify resources, in order to facilitate the protection of resources; but the removal of resources will require a full Board hearing. The Board will be directly involved with the review of proposed alterations to historic resources. The IP standards do need to be modified, though, so that the burden of proof is on the applicant to show how the proposed changes are consistent with the Secretary of Interior's standards, as required by LUP policy P1-104.

- Minor modifications to assure consistency with the LUP requirements to use State and Federal Standards for Historic Preservation as a general framework, including a requirement that qualified professionals be certified pursuant to state standards; clarifying that historic buildings, not all structures, are the primary focus of the demolition prohibition; and adding the Secretary of Interior Guidelines as a appendix to the IP so that the standards for preservation and rehabilitation are well understood by the public.

- Modifications to allow other interested parties to nominate resources for inclusion in the Inventory outside of the typical development review process, based on recommendations of a qualified professional. In addition, the potential civil penalty for violation of the historic preservation requirements should be increased to provide a meaningful financial incentive to adhere to the rules of preservation. Without these modifications, protection of historic resources would not be maximized as required by the LUP.

- Modifications to provide implementation detail for inclusion of Historic Districts, not only buildings, in the Inventory, including review by the Historic Resources Board; and standards for evaluation that extend the substantive criteria of LUP for identifying resources to the District context.

- Minor modifications to clarify the correct application of the "integrity" standard for evaluation of potential historic resources, consistent with the LUP.

- Addition of an IP requirement to assure inclusion of all resources currently surveyed and evaluated, in the Carmel Inventory, consistent with LUP P1-84. Upon certification these resources will immediately fall under the protection of the Historic Preservation ordinance. The issue of actually identifying historic resources was a primary point of contention in the original failed effort of the Commission and the City to certify the LCP. In an effort to resolve this issue, the City has been undertaking a comprehensive and updated survey of historic resources and is close to completing the first official Inventory. As of December 16, 2003, the City had identified approximately 190 historic resources

for the Inventory (received by the Commission on December 18, 2003). Each resource on the list has been evaluated by a qualified professional, and summarized on official Department of Parks and Recreation forms. This preliminary list is being reviewed and will be finalized prior to final certification of the LCP. It is possible that some resources initially identified will not be on the finalized Inventory, and that additional resources will have been added since the December version. It also should be noted that the Inventory is meant to be a living document, and presumably new resources will be added as they are identified through the development review and public nomination processes.

- Modification to assure the regular update of the Historic Context Statement, consistent with LUP P1-85. This statement provides the primary framework for evaluating historic resources in Carmel. It is important that it be updated regularly to assure protection of newly recognized historic buildings and other aspects of Carmel's community character.

- Modifications to provide for consultation with Native American representatives when managing archeological resources, to assure adequate representation in the development review and mitigation process.

- Addition of definitions of "in-kind replacement" and "feasible" to assure that the historic resources are fully protected in the development review process as required by LUP policy P1-104.

Overall, as modified, the Implementation Plan is adequate to carry out the protection of historic resources consistent with the Secretary of Interior standards and the requirements of the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.34: Landscaping

This chapter provides standards for landscaping within the City. The standards generally address landscaping concerns related to protection of community character, water conservation, and protection of environmentally sensitive habitat. In addition to the general ESHA, community character, and infrastructure policies of the LUP, the most directly relevant LUP policies are:

> P5-159 *Maintain and enhance the resource value of environmentally sensitive habitat areas in consultation with a qualified biologist and in coordination with the California Department of Fish and Game. Remove any non-native, invasive vegetation from sensitive habitats.*
>
> O5-37 *Reduce the introduction and spread of invasive horticultural species into and within identified ESHAs. Encourage a volunteer program of citizens and property owner to participate in maintenance and enhancement of sensitive habitats. Develop a stewardship program based on the premise that resource management is a cooperative effort between the City and its citizens.*

P1-121 *Use appropriate vegetation for all public rights-of-ways. Require drought-tolerant plants for at least 75% of the commercial and residential landscaping on each development site. Require the use of native plants and/or non-invasive droght-tolerant plants adapted to the Central Coast environment in all landscape plans for new development.*

P1-50 *Establish landscape standards to preserve the urban forest of Monterey pines, Monterey Cypress, Redwoods, and Coast live oaks and encourage informal gardens using native vegetation to maintain the natural character of open spaces in the residential areas.*

The submitted ordinance is generally in conformance with and adequate to carry out the Land Use Plan with minor exceptions. First, inasmuch as water supply and conservation is a significant issue for the Monterey Peninsula and Carmel, the purpose of the landscaping ordinance should be modified to recognize this (Modification 40). Second, the requirement for a Forest Enhancement and Maintenance Plan and standards of review should cross reference the Tree and Shrub ordinance to assure consistency with those requirements (Modification 41). Third, the ordinance should clarify that invasive species are prohibited in landscaping in order to implement the LUP policies cited above (Modification 42). With these minor modifications the Landscaping Ordinance is in conformity with and adequate to carry out the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.36: Nonconforming Uses and Buildings

This Chapter of the Zoning Ordinance addresses lawful nonconforming uses and structures. All modern zoning ordinances provide procedures for the regulation of nonconforming land uses and structures because as zoning and planning requirements change over time, uses and structures that were either established before there were regulations or were once consistent with the relevant regulations become inconsistent, and thus "nonconforming" with current standards. It should be noted that nonconforming use and structure ordinances are only applicable to structures and uses that were initially lawfully established. These ordinances are not used to legitimize development that was illegally established in violation of existing regulations.

An example of a legal nonconforming use is the existing, small, corner grocery store that was established in a residential neighborhood long before the geographic area was zoned exclusively for single family residential use. Local planning authorities have two choices when confronted with this situation. One option is to make the grocery store "conforming" by "spot zoning" the grocery store site into a commercial zone district that allows grocery stores. In many instances however, the local planning authority will not want to retain a commercial use in a residential area indefinitely and would prefer to see the site ultimately be developed in a use (i.e., residential, in this example) that is consistent with surrounding development. In this case,

the local jurisdiction will not " spot zone" to commercial but can still balance the investment and expectation of the grocery store owner with the planning goal of homogeneous development by allowing the existing use to be retained as a "nonconforming use" in a residential zone district. Typically, nonconforming uses may be retained, but not expanded, until they are abandoned or otherwise replaced with a conforming use (in this example, a single family home). Nonconforming uses may be sold, but if the use is abandoned for a sufficient length of time, usually six months to a year, they cannot be reestablished. Some zoning ordinances provide for an "amortization" period after which the nonconforming use must be discontinued.

An example of a nonconforming structure would be the single family home that was built in 1920 and does not meet current front yard setbacks and height limits for the residential zone in which it is located. In this instance, the land use, residential, conforms to the zoning ordinance but the actual home does not because it encroaches into what is now the front yard set back and exceeds the maximum height allowed by the current district regulations for the R-1 zone. As with nonconforming uses, most zoning ordinances, provide regulations relevant to nonconforming structures that balance the needs of the homeowner to maintain the home without making immediate renovations to bring the structure into conformance and the needs of the community to ultimately achieve the planning goals for the area. Typically, ordinances allow nonconforming structures to be maintained and, in some instances, to be expanded and remodeled if the expansion or remodel does not increase the nonconformity with applicable zoning regulations. Using the example of the 1920 house, most nonconforming ordinances would allow a modest addition to the home as long as the addition did not exceed height requirements, encroach into set backs, cause the home to exceed authorized site coverage or fail to be consistent with any other zoning or planning requirements (i.e., location in ESHA, tree removal etc.) Likewise, modest remodel projects will also be permitted. If, however, extensive remodeling/additions (generally defined as 25-50% of the value of the structure) or demolition are proposed, most nonconforming ordinances will require that the entire structure be brought into conformity with current planning requirements, although many ordinances will, under certain circumstances, allow the reconstruction of a nonconforming structure as it existed if it is destroyed by an Act of God (earthquake, flood etc.) or other disaster.

The City of Carmel's proposed nonconforming use and structure ordinance is well written and consistent with similar well-crafted ordinances from other jurisdictions. The City regulations are, with one small exception, clearly laid out and provide an equitable balance between the expectations of the owners of nonconforming uses and structures and the desire of the City to fully implement their General Plan/ Land Use Plan and Ordinances. Furthermore, the City's proposed ordinance recognizes that some nonconforming uses and structures are great contributors to the character of the City and thus special efforts are made to accommodate their retention. The only modification that the Commission suggests is to Section 17.64.13, which is referenced in Section 17.36.4 B. Destruction and Reconstruction of Nonconforming Buildings and is directed to allowing the reconstruction of nonconforming buildings, presumably because they contribute to the character of the community. Section 17.34.6 B allows the reconstruction of nonconforming structures that have been at least 75% destroyed by fire or some other disaster if a use permit is obtained and if the Findings detailed in Section 17.64.13 can be made. The thrust of the Findings required by this section of the ordinance is to ensure that reconstructed nonconforming structures will generally be the same as the structure that was destroyed,

although conformance with modern building codes may be required. Section 17.64.13 B provides that the architecture and design of the reconstructed structure shall not be appreciably changed from the original. In order to carry out the goal of retaining the desirable character of the destroyed structure, size of the reconstructed structure must also be considered. The Commission therefore suggests that Section 17.64.13 B be modified to add "size" as a factor in making the required findings. If modified as suggested, the Nonconforming Uses and Buildings Ordinance of the Implementation Plan will be adequate to carry out the policies of the Land Use Plan that protect the special community character of the City of Carmel. (Please See Suggested Modification 43).

Carmel Implementation Plan Chapter 17.38: Off-Street Parking Requirements

The purpose of this chapter is to provide the standards for off-street parking in the City's commercially zoned areas. It identifies the parking requirements for all uses, projects, developments, and redevelopments. In addition to establishing the minimum parking requirements, the chapter also includes the design standards for surface and underground parking as well as the exceptions to the standards and authorization of parking in-lieu fee when on-site parking is not practical or possible. The chapter is well written and with the exception of the following two recommended modifications, adequate to carry out the intent of the certified Land Use Plan.

As noted in the "General Requirements" section, most types of development are subject to the off-street parking standards identified in this section. However, the implementation plan standard also includes a qualification that may narrow the applicability of the off-street parking requirements. Land Use Plan policy O2-4 requires that "all new development provide sufficient off-street parking." As submitted, the implementation plan would limit the applicability of the program to new buildings or substantial replacement/reconstruction of existing buildings that equals or exceeds 50% of the construction value of the existing building. The 50% of value qualification for substantial replacement /reconstruction does not meet the intent of the LUP policy. Likewise, the new building requirement is too narrow and would not capture all potential development. Thus, the Commission is recommending a modification to include rebuilding as defined in section 17.70 of the implementation plan as adequate to carry out the intent of the stated LUP policy. Please see recommended modification 44.

Secondly, the Coastal Act definition of development encompasses many different types of activities including those that change the intensity of use of land such as parking programs. All activities that constitute development require a coastal development permit. Moreover, the certified land use plan requires that low cost visitor-serving amenities be protected, encouraged, and where feasible, provided. Carmel is one of the Central Coast's top visitor serving destinations and parking demand in the village often outstrips supply. Inasmuch as free public parking can be considered a visitor-serving amenity, any proposed changes to the parking configuration in the streets and neighborhoods surrounding the City's busy commercial districts, shall require a coastal development permit. There is no such stated requirement or guideline in the Implementation Plan and so a recommended modification is proposed to address this. As

modified, Implementation Plan chapter 17.38 is adequate to carry out the intent of the certified Land Use Plan. See recommended modification 45.

Carmel Implementation Plan Chapter 17.40: Signs

The City has adopted rigorous standards for the design and placement of signs both in the Commercial and Residentially zoned districts. Signs are essential to the village character. The City has no street numbering system in the residential district and so signs provide a way to identify residences. Signs in the commercial district identify the many shops and boutiques that line the City's busy commercial district streets and courtyards. The purpose of the City's standards is to avoid unsightly and unnecessary cluttering of random signs. The ordinance establishes a process for obtaining review and approval of signs and gives prospective applicants some guidelines for creating an acceptable (by Carmel standards) sign. With one small exception, the chapter does not conflict with any land use policy and is in fact adequate to carry out the intent of the LUP.

Under the standards for permitting residential signs, the City's allows a "No Trespassing" sign to be erected at the property line, front gate, front door or entry point. In order to avoid any potential confusion/ conflict with respect to provision of public access in recreational areas, the Commission is recommending a further qualification that prohibits erection of No Trespassing signs within 20 feet of a public access point or recreational area. As so modified, the Implementation Plan is adequate to carry out the intent of the certified Land Use Plan. Please see suggested Modification 46.

Carmel Implementation Plan Chapter 17.42: Storm Water Quality

The City of Carmel lies within the Carmel River Watershed. Numerous coastal creeks drain from this watershed into the Pacific Ocean and Carmel Bay, where popular public recreation areas exist. The California Ocean Plan designates Carmel Bay as an Area of Special Biological Significance (ASBS) from Pescadero Point to Granite Point. ASBSs are areas designated by the State Water Resources Control Board that require protection of species or biological communities to the extent that alteration of natural water quality is undesirable. Maintaining and restoring water quality throughout the Carmel watershed is necessary to protect these sensitive coastal resources.

The Commission shares responsibility for regulating nonpoint source water pollution in the Coastal Zone of California with State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB have been co-leads in developing and implementing the January 2000 Plan for California's Nonpoint Source Pollution Control Program (Plan), which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. Some of these management measures and practices are best implemented at the local planning level, since they can be most cost effective during the design stage of development.

The Commission and the Central Coast Regional Water Quality Control Board (RWQCB) are both working to protect water quality in the Carmel area. The Commission has primary responsibility for protecting coastal resources, including water quality, from the impacts of development in the coastal zone. The SWRCB and RWQCBs have primary responsibility for regulating discharges that may impact waters of the state through writing discharge permits, investigating water quality impacts, monitoring discharges, setting water quality standards and taking enforcement actions where standards are violated. Given the common goal of clean coastal water quality, there are many issues where the authorities of these agencies overlap. For example, based on the need to regulate land use in order to protect water quality, the Central Coast RWQCB has provided guidance and comments on the development of the Monterey Peninsula Phase II Stormwater Permit (Phase II Permit) for land use development that may impact water quality. The Carmel LCP reflects this guidance with some modifications due to site-specific conditions in Carmel and the additional requirements of the Coastal Act.

Commission staff has worked closely with the Central Coast RWQCB to ensure that Water Quality Provisions within Coastal Development Permits and Local Coastal Plans are supportive and complimentary to Phase II permit requirements. The proposed addition of Chapter 17.43 to the Carmel LCP reflects the coordinated efforts to link Coastal Commission Local Coastal Planning responsibilities with RWQCB discharge requirements. Specifically, Chapter 17.43 supports the implementation of the design standards outlined in Attachment 4 of the Phase II Permit, including adopting development-specific design standards (17.43.7), sizing of treatment controls (17.43.6C), and protection of slopes and natural drainage areas (17.43.6D & 17.43.3B).

Two important differences do exist between the Carmel Water Quality Protection Ordinance Chapter 17.42 and the activities required for the Phase II NPDES permit. First, Attachment 4 of the Phase II Permit requires the Design Standards to be followed for "discretionary development" projects within one of seven categories. [8] The Carmel Water Quality Protection Ordinance Chapter 17.43, similarly defines "Development-Specific Design Standards" (17.43.7) where additional water quality design elements must be applied. However, unlike Attachment 4 of the Phase II NPDES permit, Chapter 17.43 identifies a minimum set of Site Design and Source Control measures which should be integrated into all development regardless of size. This distinction is important for two reasons, 1) it reflects the special significance of coastal development on coastal water quality and supports the premise that all development has the potential to impact water quality but can be mitigated using simple cost effective site design principles (e.g., limiting impervious surfaces, maximizing on-site infiltration), and 2) in Carmel, most future development will be redevelopment projects which would not be addressed by any of the 7 discretionary development project types.

[8] Development categories which trigger the use of the Attachment 4 Design Standards include 1) Single-Family Hillside Residences, 2) 100,000 Square Foot Commercial Developments, 3) Automotive Repair Shops, 4) Retail Gasoline Outlets, 5) Restaurants, 6) Home Subdivisions with 10 or more housing units, 7) Parking lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to stormwater runoff.

The second important difference between the requirements outlined in the Carmel Water Quality Protection Ordinance Chapter 17.42 and the requirements of the pending Phase II permit for Carmel is that based on criteria adopted by the State Water Resources Control Board, Carmel initially does not have to comply with Attachment 4 of the Phase II Permit. During the first 5 years of the Phase II program the SWRCB has required only municipalities subject to high growth or serving populations of at least 50,000 people to comply with Attachment 4. Municipalities like Carmel are still required under Phase II to have a "Post Construction Storm Water Management" program, however the specific requirements are not well defined.

The development requirements for the protection of water quality within the Water Quality Protection Ordinance exceed those being required in the City of Carmel's initial Phase II permit submittal. However, all municipalities are required under Phase II of the federal stormwater regulations to "Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. For those Small MS4s described in Supplemental Provision E below, the requirements must at lease include the design standards contained in Attachment 4...". The Water Quality Protection Ordinance meets this definition. The SWRCB addresses conflicts between the Phase II permits and local ordinances by stating, "Those that must comply with Attachment 4 shall have a program that is at least as stringent as that contained in the Design Standards in Attachment 4." [9] While Chapter 17.43 exceeds the initial requirements of the Carmel Phase II Permit, the Chapter is consistent with Attachment 4 and meets the objectives described in the Carmel LUP.

a. Land Use Plan Policies

The Commission recognizes that new development in the Carmel area has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states that:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

New development often results in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on project sites. The reduction in

[9] Phase II Small MS4 General Permit Questions and Answer Document (http://www.swrcb.ca.gov/stormwtr/smallms4faq.html)

permeable surface therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. The cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology. Additionally, runoff from impervious surfaces results in increased erosion and sedimentation.

Further, pollutants commonly found in runoff associated with new development include:

- petroleum hydrocarbons such as oil and grease from vehicles;
- heavy metals;
- synthetic organic chemicals including paint and household cleaners;
- soap and dirt from washing vehicles;
- dirt and vegetation from yard maintenance;
- litter and organic matter;
- fertilizers, herbicides, and pesticides from household gardening or more intensive agricultural land use;
- nutrients from wastewater discharge, animal waste and crop residue; and
- bacteria and pathogens from wastewater discharge and animal waste.

The discharge of these pollutants to coastal waters can cause cumulative impacts such as:

- eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size;
- excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species;
- disruptions to the reproductive cycle of aquatic species;
- acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and
- human diseases such as hepatitis and dysentery.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health.

The goal of the LUP water quality policies is to protect and enhance water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development. The objectives of the policies are three-fold:

- Protect, enhance and restore wetlands, streams, and groundwater recharge areas.

- Promote the elimination of pollutant discharge, including nonpoint source pollution, into the City's waters from new construction and development through site planning, environmental review and mitigation, and permit conditions of approval.
- Promote Best Management Practices to limit water quality impacts from existing development, including septic system maintenance and City services.

The LUP contains several policies to meet the goal of protecting and enhancing water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development. Several policies provide specifically for the requirement of Best Management Practices (BMPs) related to siting and design of the project, the construction phase of the project, and the post-construction phase of the project. The water quality policies in the LUP (G5-7) include requirements for the siting, design, and maintenance of new development to prevent or minimize impacts to water quality. Additional policies (O5-46) require Best Management Practices to mitigate any impacts which cannot be controlled using site design and source control methods.

These policies contained in the Carmel LUP provide for the protection and enhancement of water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development.

b. Local Implementation Plan Provisions

The Carmel Implementation Plan Chapter 17.42 (Stormwater Quality and Utility) identifies the methods by which the city will implement a Stormwater protection program. This section sets up the mechanisms the city will undertake to protect water quality "from entering the storm drain system." The section outlines the activities under the authority of the Public Works Director that are necessary to maintain the City's stormwater and drainage infrastructure and provides the director the authority to enforce those provisions when violated.

Chapter 17.42 identifies the City's authority to review new development and determine if Best Management Practices are necessary to "control the volume rate and potential pollutant load" of stormwater runoff from new and redevelopment projects. However, there is no process for the review of site design and source control BMP as required by Section O5-46 of the LUP for all development. In addition, there are no guidelines on how to determine if BMPs are necessary or what criteria will be used to determine if water quality has been protected.

> O5-46 *Use alternative buildings designs, which improve filtration of water through landscaping and natural areas. Ensure that all development includes appropriate water quality Best Management Practices.*

Under state planning law and the California Environmental Quality Act (CEQA), the planning department is responsible for evaluating new development and redevelopment projects,

therefore Planning has a key role in implementing Post-construction runoff control measures[10] and the water quality protection procedures within the LCP. To meet the objectives of sections G5-7, O5-46, and P5-194 of the LUP, the Implementation Plan must be expanded significantly and the review of "new development and redevelopment" (Chapter 17.42 Subsection 2.D.1.b) should be placed under the authority of the Planning Director. See recommended modification 30.

> G5-7 *Minimize Storm Runoff.*
>
> P5-194 *Integrate storm water quality protection into construction and post-construction activities at all development sites. Evaluate the ability of each site to detain storm water runoff and require incorporation of detention facilities or other controls as appropriate. As part of site approval or as a condition of a tentative map, require permanent storm water pollution control measures or systems and an ongoing maintenance program, as necessary.*

With the suggested modification (Mod # 49), the Water Quality Protection Ordinance (Chapter 17.43) will ensure that all development is evaluated for potential adverse impacts to water quality and meet the objectives of sections G5-7, O5-46 & P5-194 of the LUP. The Water Quality Protection Ordinance defines what activities new development must undertake to protect water quality and outlines what applicants should consider regarding Site Design, Source Control and Treatment Control BMPs in order to prevent polluted runoff and water quality impacts.

Chapter 17.43 requires the development and submittal of water quality plans that incorporate site design modifications and BMPs designed to prevent or minimize impacts to water quality. There are two plans outlined in this ordinance with specific objectives for the protection of water quality. Plans detailing how stormwater and polluted runoff will be managed or mitigated will be required for all projects that require an Erosion and Drainage Control Plan. The basic design elements for all projects will demonstrate how the project will use appropriate Site Design and Source Control BMPs to minimize adverse effects of the project on water quality. For certain categories of development a Water Quality Mitigation Plan will be required showing how Treatment Control (or Structural) BMPs will be used (in addition to Site Design and Source Control BMPs) to minimize the discharge of polluted runoff from the project. Projects which fail to adequately protect water quality using site design and source control BMPs shall be required to complete a Water Quality Mitigation Plan

The Water Quality Protection Ordinance also provides Development Standards, which specify BMP selection methods and sizing criteria, requirements for development on steep slopes, and standards related to specific types of development (i.e., commercial, restaurants, etc.).

[10] County of Santa Barbara Storm Water Management Program 2003

These plans, developments standards, and other provisions of the Water Quality Protection Ordinance are necessary to implement the water quality policies of the LUP. The implementation of this ordinance will ensure that all development is evaluated for potential adverse impacts to water quality and that applicants consider Site Design, Source Control and Treatment Control BMPs in order to prevent polluted runoff and water quality impacts resulting from the development. The Commission staff finds that with the addition of the provisions of Chapter 17.43, the Carmel IP will conform to and be adequate to carry out the water quality protection policies of the Carmel LUP.

Carmel Implementation Plan Chapter 17.44: Subdivision and Lot-Line Adjustments

This section of the Carmel Implementation Plan contains the regulations for new land divisions and lot line adjustments between existing lots of record. The subdivision of the City was largely completed during the first part of the last century and thus there are very few parcels large enough to be further divided. Lot line adjustments do however occur with some frequency as old parcel lines are revised to accommodate new ownerships and new development. The basic regulations governing land divisions and lot line adjustments are found in the Subdivision Map Act (Government Code Section 66410 et seq.) Local jurisdictions may augment the provisions of the statute for local implementation but may not provide contrary direction. The Carmel ordinance is consistent with this limitation as it adds requirements for the contents of an application for a land division or lot line adjustment (Section 17.44.2), a hearing process (17.44.4 and 5) and standards for reviewing applications (Section 17.44.3.).

Section 17.44.2 sets out the requirements for submitting an application to divide or adjust land. With one exception, these requirements are complete and will ensure that adequate information for a thorough analysis of the proposal is provided. The inclusion of a requirement to identify all easements, deed restrictions or other instruments controlling the use, rights or ownership of the subject property is particularly useful and ensures that earlier limitations on property to protect open space, archaeological resources, public access and the like will not be overlooked in the review of the project. One important bit of documentation is, however, missing from the list of filing requirements. Because only legal parcels may be divided or adjusted, the application filing requirements should also include evidence that the parcel or parcels that are the subject of the proposed adjustment or division were legally created. With this addition, this portion of the ordinance will be adequate to carry out the policies of the land use plan and be consistent with the requirements of the map Act. (Please see Suggested Modification 50).

Section 17.44.3 lays out the standards and criteria by which proposals for new land divisions and lot line adjustments are evaluated. Section 17. 44.3 A requires that subdivisions and lot line adjustments must not increase or create a zoning non-conformity and must meet the *minimum* standards established for the zoning district in which the property is located. Land divisions and lot line adjustments in the Coastal Zone must not only meet minimum zoning district standards such as parcel size but because they are development as defined in the Coastal Act, they must also be consistent with the all of the policies and implementing ordinances of the certified Local Coastal Plan. Suggested Modification 51 adds this requirement to Section 17.44.3 A. As

modified this section of the implementation plan is adequate to carry out the requirements of the land use plan. The Section must also be modified to affirm that only legal lots may be further subdivided or adjusted. (Please see Suggested Modification 51)

Section 17.44.4 addresses the approval process for land divisions and lot line adjustments. This section requires that all land divisions and lot line adjustments that result in an additional buildable parcel must obtain Coastal Development Permits inferring that other divisions and lot line adjustments need not be subject to the Coastal Development Permit process. The Coastal Act, in Public Resources Code Section 30106 defines "all divisions of land" (except those for public recreation purposes) and " lot line adjustments" as development. PRC Code Section 30600(a) requires that all new development proposed in the Coastal Zone obtain a Coastal Development Permit. The Land Use Plan provides policies for the regulation of all new development in the City. It is therefore necessary that all new development undertaken pursuant to the certified LCP obtain a Coastal Development Permit unless it is exempt under one of the subsections of PRC 30610. Land divisions and lot line adjustment, even those that do not result in an additional buildable lots, are not among these statutory exemptions and thus are subject to the permit requirement. If Section 17.44.4 is revised to eliminate the exemption for certain land divisions and lot line adjustments, then this portion of the ordinance will be adequate to carry out he provisions of the Land Use Plan and will be consistent with the permit requirements of the Coastal Act. (Please see Suggested Modification 52)

Carmel Implementation Plan Chapter 17.48: Trees and Shrubs.

This chapter provides standards for protecting trees and shrubs within the City. The standards generally address the need to preserve the natural beauty of the City's urbanized forest, and maintain the extent and health of the dominant Monterey Pine forest. The LUP protects trees and the urban forest character of Carmel through a wide variety of community character and urban forest protection policies, including the establishment of a Forest and Beach Commission and a City Forester position to regulate tree removal. Some of the most important LUP policies include:

> P1-27 *Continue to ensure that development, whether commercial or residential, does not diminish the village character by excessively blocking important public or private views and disturbing natural topography, mature trees, or native growth.*
>
> P1-44 *Prohibit the removal of significant trees (as determined by the City Forester) unless it would prevent a reasonable economic use of the site or pose a threat to health and safety. Locate buildings and other site structures to avoid removal and pruning and otherwise minimize damage to existing significant trees. Avoid impacts to trees by avoiding/ minimizing impacts to the root protection zone identified by the City Forester during the preliminary site assessment. Establish continuity of landscape elements throughout each neighborhood. Replace trees removed for construction with appropriate trees of the urbanized forest. Require that they be nurtured until well established.*

P1-45 All demolitions, rebuilds, remodels, and substantial alterations shall be consistent with the following findings: *The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings and structures will be setback a minimum of 6 feet from significant trees.*

P5-58 *Maintain, restore and enhance a predominantly indigenous forest of native Monterey pines and coast live oaks.*

P5-59 *Avoid encroachment within the root protection zone of significant trees. Removal of significant live Monterey pine trees to facilitate residential development is prohibited unless necessary to provide a viable economic use or protect public health and safety.*

P5-64 *New development shall be sited and designed to avoid or minimize significant adverse effects to the forest. Avoid projects that significantly increase building footprint to the detriment of trees. No grading, compaction of soils, construction of building walls or placement of impermeable surfaces within six feet of trees classified as significant shall be permitted.*

The submitted ordinance is generally in conformance with and adequate to carry out the Land Use Plan. This includes ordinances prohibiting the removal of significant trees (17.48.7B) and requiring that all "compaction of soils, construction of building walls, or placement of impermeable surfaces" be setback a minimum of six feet from all significant trees (17.48.11A (3)). However, a few minor modifications are necessary to address the LUP requirements. First, a minor, non-substantive language clarification is need to section 17.48.3 concerning "exemptions" to avoid confusion in implementation. Second, in addition to allowing removal of trees that pose a danger to human health, the section addressing the removal of trees without adequate posting needs to be clarified so that only a threat to physical property from trees, not simply a "loss," is a basis for such removal (Modification 54).

Third, the standards addressing removal of significant trees (17.48.7) need to be clarified through minor grammatical change that the land area within six feet of a significant tree is to be included in the assessment of whether sufficient space exists on a residential building site. That is, even though the general LUP rule is that no development should occur within six feet of a significant tree, this area should nonetheless be considered for development, short of removing a tree, if there is no way otherwise to avoid a takings of private property, and if such encroachment is appropriately mitigated (other sections of the ordinance provide for this). In addition, in the same section, the finding that use of a variance to avoid tree removal is "inappropriate" needs to be qualified so that it is clear that this means only significant inconsistencies with other requirements of the LCP would potentially override the need to protect significant trees (Modification 55).

Fourth, the policy for replacement of trees needs to be amended to assure that a significant population of native Monterey pine and coast live oaks are maintained on a City-wide basis, consistent with the LUP requirements, and to assure that only native Monterey pine stock is used. Genetic contamination of the native Monterey pine population on the Monterey peninsula is an on-going concern, and special attention needs to be paid to not importing non-native stock into the area (Modification 56).

Finally, the submitted ordinance directs the City Forester to remove all dead trees and shrubs from public property. While this may be generally appropriate, the Monterey pine ESHA areas in Pescadero Canyon and Mission Trails Park need to be excluded from this general directive. It may be important to leave dead and dying trees in these protected areas in order to maintain and protect the natural functioning of these ESHAs. Other ESHA protection policies, or if necessary, public nuisance sections of the Tree and Shrub ordinance, are the appropriate policies to govern tree removal in ESHA (Modification 57). With these minor modifications the Tree and Shrub ordinance is in conformity with and adequate to carry out the certified Land Use Plan.

Carmel Implementation Plan Chapter 17.52 Permit Procedures

Chapter 17.52 of the Carmel Implementation Plan is the section of the zoning ordinance that provides the regulations for processing Coastal Development Permits in the City and also describes the various exemptions from the Coastal Development Permit (CDP) requirement as stated in the Coastal Act and the Commission's regulations. Local Coastal Plan permit and exemption procedures must be consistent with the permit and exemption provisions of the Coastal Act (Public Resources Code Section 30000 et seq.) and the companion regulations (California Code of Regulations, Title 14, Division 5.5 ,Section 13001 et seq.) Although many other sections of the statute and the regulations apply to the permit process, Sections 13560 through 13574 of the Commission's regulations offer specific guidance on the minimum requirements for local CDP procedures and Sections 13250 through 13253 specifically address the exemptions to the CDP requirement found in the Coastal Act. In general, the Carmel ordinance is consistent with the parallel provisions in the Coastal Act and the regulations, however, in some instances needed provisions are missing, others are mis-stated and some of the proposed exemptions are not included in those allowed under the terms of the Coastal Act.

Chapter 17.52: Description of the Sections: This portion of the ordinance outlines the various topics included in this chapter (Public Hearings, Use Permits etc.) Most of the items that are typically included in an ordinance dealing with permit procedures are included, however, a few key provisions are missing. As proposed, the ordinance does not state a purpose, does not describe the requirement for CDPs and does not provide for Commission review of certain easements. The purpose section of an ordinance is important because it states the reason for the particular section, in this case, the purpose is to provide the regulations for processing CDP's in a manner that carries out the intent of the City's LCP. Provisions for the requirement for a CDP is needed because they define the type of development that needs a CDP, the City's jurisdiction over CDP's, and when a CDP must be issued by the Coastal Commission rather than the City. Finally, the Commission regulations provide for review of public access and open

space or conservation easements attached to locally approved CDP's by the Executive Director of the Coastal Commission (CCR 13574). As revised to include these provisions, the "Description of the Sections of Chapter 17.52 " will be adequate to carry out the policies of the land use plan and with the applicable Commission regulations for the content of Implementation Plans. (Please see Suggested Modifications 58, 59, and 60)

Chapter 17.52.2: Development Applications : Section 17.52.2 A of the ordinance requires "any development activity subject to discretionary review and approval" must file an application seeking that approval. The term that triggers the need for a permit, "activity subject to discretionary review" is not defined and may not include all development as defined in the Coastal Act. In order to avoid confusion and ensure consistency with the Coastal Act requirement that in order to certify and transfer CDP authority to a local jurisdiction, the jurisdiction must agree to process CDP's for all coastal development that is subject to the permit requirement, this section must be modified to state that any development, as defined in Section 17.70.2, that is not otherwise exempt from the CDP requirement must apply for a permit. As modified, this section is consistent with the requirements of the Coastal Act for processing new development and is, thus, adequate to carry out the policies of the certified Land Use Plan. (Please See Suggested Modification 61)

Section 17.52.2.D of the ordinance outlines the time limits for processing permits under the Permit Streamlining Act. It is appropriate to include this information in the ordinance because a Coastal Development Permit is considered a " development permit" under the PSA thus triggering the time limits set out in that statute. Failure to meet the time limits laid out in the PSA may result in loss of jurisdiction over a project and the automatic approval of a project. Sections 17.52 D (1) and (2) accurately summarize the PSA provisions for filing of applications and mandatory action time limits for projects that are either exempt from CEQA or subject to a Negative Declaration. Section 17.52.D (3) however purports to limit the amount of time it can take to prepare an Environmental Impact Report but does not state how much time the City has to act on a project once the EIR has been prepared and certified. The PSA provides that once the EIR is certified, then the local jurisdiction must act on the project within 180 days unless the time for preparation has been extended. If the one year time limit for the preparation and certification of an EIR has been extended (the maximum extension is 90 days) the City must act on the project within 90 days of certification of the EIR. (Government Code Section 65950(a)(1)) Therefore, in order to observe the action time limits for development for which an EIR has been required so as to avoid losing jurisdiction, this section of the ordinance must be revised. Please see Suggested Modification 62 to 17.52.2.D to require action on a project within 180 (or 90) days of certification of its EIR .

Section 17.52.3 Duties and Powers of the Director: This section of the zoning ordinance details the duties and responsibilities of the City Planning Director. Section 17.52.3 E states that one of the duties of the Director is to determine the applicable procedural path for a proposed project and whether the project is appeallable to the Coastal Commission. This section provides an appeal process for the Director's determinations regarding Coastal Development Permits by stating that the decision may be "appealed in compliance with Chapter 17.52 Appeals and California Code of Regulations Section 13569." Chapter 17.54 rather than 17.52 deals with

appeals but does not contain any specific direction for appealing these types of decisions regarding how a permit will be processed and thus it is unclear why it is referenced in this section. The reference to CCR Title 14 Section 13569 is appropriate because that regulation contains a specific procedure for challenging a determination on how to treat an action on a CDP for processing purposes. If revised to delete the ambiguous reference to 17.52 Appeals, this section of the ordinance will provide a clear process for resolving challenges to the Director's decision and will be adequate to carry out the policies of the certified Land Use Plan in the event of a dispute. Please see Suggested Modification 63.

Section 17.52.6 Development Excluded from Coastal Permit Requirements The Coastal Act (PRC 30610 and 30106) and the Regulations CCR 14 Sections 13250 through 13253 exempt certain types of development from the Coastal Development Permit requirement. Development exempted from this requirement is minor in nature and, as limited in the regulations, has virtually no potential for causing any adverse impacts on coastal resources. The Carmel Implementation Plan therefore appropriately includes a section to provide for these exemptions, however in some instances the exemptions do not completely parallel those allowed in the Coastal Act and by the Commission Regulations. If revised to be consistent with the exemptions allowed by the statute and companion regulations then the section will be adequate to carry out the certified Land Use Plan by ensuring that all development that is not specifically exempted will be processed as a CDP. Please see Suggested Modification 64. The Commission notes that if the City would like to exempt development that falls outside the exemptions in the Coastal Act, the Council may wish to pursue a Categorical Exclusion for these types of projects as the current Categorical Exemption will expire upon certification of the LCP (CCR 14 Section 13249 (b)).

Section 17.52.7 Public Hearings: This section of the ordinance generally requires that all development proposals that are appeallable to the Coastal Commission must be the subject of a public hearing. An exception is made for projects that are consistent with the LCP, require only an administrative approval and will not either individually or cumulatively result in adverse impacts on coastal resources. Consistent with Section 30624.9 of the Coastal Act, public hearings for these types of projects can be waived if no member of the public, after proper notice, requests a hearing. The Carmel ordinance is mostly consistent with the provisions of the Coastal Act, however, the notice provision (17.52.7.C.1) for projects of this type fails to meet minimum standards because it relies on the noticing requirements for Non-Appeallable development (Section 17.52.14). The fact that some appeallable development may avoid the requirement for a public hearing does not make the development non-appeallable and therefore notice for all appeallable development must be according to Section 17.52.13 which outlines notice requirements for appeallable projects. As revised to provide for the correct notice procedure, this section of the ordinance is consistent with Coastal Act provisions and will be adequate to carry out the certified Land Use Plan. Please see Suggested Modification 65)

Section 17.52.7.C. 2 which states "No request for public hearing is received by the City within 10 calendar days from the date of the City sending the notice" (emphasis added) must also be revised because it is inconsistent with the statutory provisions for waiving the hearing requirement which provide a different time period as follows PRC Section 30624.9 (b) (2) as follows; " No request for a public hearing is received by the local government within 15 working

days of sending the notice pursuant to paragraph (1). (emphasis added) . Please see Suggested Modification 65.

Section 17.52.8: Final City Action on Coastal Development Permits: This section of the ordinance outlines the procedure for notice from the City to the Coastal Commission and interested parties of the City's final action on a CDP and also provides for notice in the event the City fails to act on a CDP within the time limits of the Permit Streamlining Act. This section is generally consistent with the applicable requirements but Section 17.52.8 A should be clarified to state that the City will not notify the Commission of their final action until all local appeals or appeal periods have been exhausted as required by CCR 14 Section 13570. This clarification is needed in order to avoid the confusion of having the Commission start an appeal period on an item that is subsequently appealed locally. The section should also be revised to include a description of he contents of the notice of final local action pursuant to CCR14 13571. With these small revisions, this section is consistent with the Coastal Act and Commission regulations for the orderly notice of final local actions on a CDP. Please see Suggested Modifications 66 and 67.

Section 17.52.13 Notice of Public Hearing: This section of the ordinance provides the noticing regulations for permit items that require a public hearing. Although not stated in the section, these requirements will also apply to appealable CDP's. A clarification to this effect should be added as the Commissions regulations require local governments to have specific notice for this type of development (CCR Title 14 Section 13565 gives the minimum requirements). Please see Suggested Modification 50. Section 17.52.13.A.2 "Contents of Notice" is deficient because it does not provide for a statement that the project is in the Coastal Zone, does not outline the procedures for filing local or Coastal Commission appeals and does not specify whether any local appeal fee is charged as required by Section 13565 (1) and (7) of the Commission's regulations for local notice. The ordinance is also inconsistent with Section 13565 regarding who is noticed. The regulations require that all property owners and occupants within 100' of the perimeter of the subject parcel must receive notice. The City ordinance limits notice to occupants to only those who occupy parcels contiguous to the subject property. (Section 17.52.13.B.6) If revised to include all required information in the notice and to provide notice to occupants consistent with the regulations, this section of the ordinance will be consistent with the applicable requirements. Please see Suggested Modifications 68.

Section 17.52.14 Notice of Non Appealable Development: This section of the ordinance provides the notice requirements for projects that are not appealable to the Coastal Commission and may, or may not, be subject to a public hearing. As with the previous section on notice of appealable items, this portion of the ordinance is inconsistent with the minimum standards found in section 13568 of the Commission regulations. Section 13568 (a) (1) (3) and (6) require that notice shall be published in the newspaper if the item is to be heard by the Planning Commission, notice shall be given to property owners within 300' of the subject property and the notice shall contain a statement that the project is in the Coastal Zone. If the Carmel ordinance is revised to include these provisions then it will be consistent with the regulations cited above. Please see Suggested Modification 69. The Commission's regulations also outline the contents required in a notice of non-appealable coastal development (CCR 13568 (b)). The Carmel

ordinance relevant to the content of the notice is missing a statement of the general procedure of the local government concerning the submission of public comments (136568 (b) (6)) and a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision (13568 (b) (7)). If revised to include these statements, the ordinance will be consistent with the minimum standards for notice laid out in the Commission's regulations. Please see Suggested Modification 70.

Section 17.52.17; Emergency Coastal Permits This section of the ordinance authorizes the City Planning Director to issue emergency CDP's. It closely follows the format of the Commission's regulations on this subject and is consistent with the provisions for emergency permits found in the Coastal Act and regulations. The definition of "emergency" is the same found in section 13009 of the Commission's regulations. The Commission notes that the authority of the Planning Director to issue emergency permits does not extend to the authority to waive permit requirements for certain types of emergencies as laid out in Section 30611 of the Coastal Act. That authority remains with the Executive Director of the Coastal Commission.

Carmel Implementation Plan Chapter 17.54 Appeals

Section 17.54 Appeals This Chapter of the ordinance provides for a local appeal process and for appeals to the Coastal Commission.

Section 17.54.1 identifies the appellate bodies within the City and to the Coastal Commission and requires appellants to observe the correct hierarchy of hearing bodies. For example, appeals of actions of the City Forester on an appealable CDP are made to the Forest and Beach Commission, appeals of the Forest and Beach Commission are made to the City Council, and then on to the Coastal Commission. This requirement that all local appeal options be exhausted before going to the Coastal Commission is an acceptable practice unless an appeal fee is charged. According to the Coastal Commission regulations, if a fee is charged as is the case with the City of Carmel, then a qualified appellant has the option of appealing directly to the Coastal Commission (CCR 14 Section 13573). Although this provision is stated elsewhere in the Appeals Chapter, (Section 17.54.5 D), the mandatory language of 17. 54.1 appears to require that all local appeal avenues must be taken before an item can be appealed to the Coastal Commission. If a reference to Section 17.54.5 D is added to 17.54.1 then the appearance of a conflict in requirements for appeals will be resolved and this section will be consistent with the regulations. Please see Suggested Modification 71.

Section 17.54.2 of the ordinance correctly states the types and locations of projects that may be appealed to the Coastal Commission. Section 17.54.3 of the ordinance states the grounds on which an appeal of a Coastal Development Permit must be made. The grounds stated are from an earlier version of the Coastal Act that has since been revised. The new basis for appeal is simply conformance, or lack thereof, with the certified Local Coastal Plan and the public access policies of the Coastal Act. If revised to update the grounds for appeal, this section will be consistent with the relevant provisions of section 30603 of the Coastal Act. Please see Suggested Modification 72)

Section 17.54.4 of the ordinance provides the rules for filing appeals with the various appellate bodies.

Sections 17.54.4 A 3 and 17.54.4 B 3 state that " in no case shall a decision.....be ripe for appeal to the Coastal Commission until after the exhaustion of all local appeal processes...". As discussed earlier, this statement conflicts with both the Commission's regulations and with section 17.54.5 D of the City's ordinance that allow appellants the option to appeal directly to the Coastal Commission when a fee is charged to pursue a local appeal. If revised to delete this statement, then the ordinance sections will be internally consistent and consistent with Section 13111 of the Commission's regulations. Please see Suggested Modifications 73 and 74.

Section 17.54.4 C outlines the process for appealing items to the Coastal Commission and is generally consistent with the Commission's regulations relevant to this procedure. A few clarifications and revisions are, however, needed for full consistency. Subsection C states that the local approval of a project will be effective on the 10th working day after the Commission has received notice from the City and a local appeal has not been filed. To avoid confusion about the end of the appeal period, this statement should be revised to indicate that the appeal period ends at the close of business, 5:00 PM on the 10th working day after receipt of an adequate local notice per sections 13570 and 13571 of the Commissions regulations. The statement regarding local appeals should be deleted because all local appeals must be exhausted before a final local action notice can be sent to the Commission (CCR, Title 14 Section 13570). Please see Suggested Modification 75. This section also limits the method by which appeals can be submitted to the Commission to personal delivery to the Commission office or sending by first class mail. The Commissions regulations do not specify how appeals are received (CCR 13111(b)) and thus the limitations imposed by the City's ordinance are inconsistent with this regulation.

Section 17.54.8 Appeals: This section of the ordinance identifies the parties who are eligible to lodge an appeal. For decisions of the Planning Director, the City Forester, The Planning Commission, the Design Review Board and the Historic Resources Board, any aggrieved party, who so states under oath, may appeal the decision. (17.54.8A) The ordinance does not however define an "aggrieved " party and the requirement to state one's status under oath appears onerous and is not required by the Commission's regulations governing appeals. If revised to include a definition of an "aggrieved" party, specifically identify the Applicant as having standing to appeal and delete the requirements for oaths, Section 17.54.8A will be consistent with the applicable regulations. Please see Suggested Modification 78.

Subsection B relevant to appeals of City Council decisions, states that "any person, including the Applicant, any two members of the Coastal Commission, or the Executive Director of the California Coastal Commission may file an appeal of City Council action." This provision is at odds with the requirements of the Coastal Act and the Commission's regulations which limit appellants to aggrieved parties as defined in PRC Section 30801, the Applicant and any two

members of the Coastal Commission. If revised to mirror these limitations, the section will be consistent with the cited requirements. Please see Suggested Modification 77.

Carmel Implementation Plan Chapter 17.56 Restricted Commercial Uses

In order to preserve the primarily residential village character of Carmel, Chapter 17.56 establishes numeric and size limitations for certain restricted commercial uses consistent with the underlying land use designations. The ordinance also lays out the rules for establishment, cessation, and abandonment of restricted uses. Along with jewelry stores, restaurants, and coffee houses, the City has established a limit on the number of visitor-serving hotel/motel units. The number is based on the existing mix of visitor-serving rooms and residential homes in the village. The City's certified Land Use Plan requires the City to maintain the existing balance between these uses and to establish standards that support the improvement/replacement of existing motel facilities and to enhance the aesthetic character of these uses (O4-11). The LUP also requires the City to periodically evaluate whether an appropriate balance of land uses is being maintained (P4-58). It appears from review of the ordinance, that the restricted commercial use standards are adequate to carry out the intent of the LUP policies with the possible exception of having an implementing mechanism for re-evaluating the appropriate balance of land uses. Carmel is an extremely popular visitor-serving destination and thus, it is imperative that the mix of residential to visitor serving uses be maintained. The Commission is therefore recommending a modification to the City's Implementation Plan designed to evaluate the mix of land uses and take necessary steps to preserve the existing balance of uses. As so modified, the Chapter 17.56 of the Implementation Plan is adequate to carry out the intent of the certified LUP. (Please see suggested Modification 79).

Carmel Implementation Plan Chapter 17.58 Design Review

This chapter establishes the standards and procedures for conducting design review and is applicable to development within the City's residential and commercial districts. As proposed, the chapter identifies the filing requirements and submittal standards, coordination of review, noticing requirements, and design review responsibilities. It establishes a two-track design review process, which provides for expedited review of non-discretionary requests and a more thorough evaluation of discretionary items. Examples of the types of development applicable to each design review track are listed for easy reference and the bulk of the chapter is dedicated to residential design review since there are far fewer commercial sites and the vast majority of them already developed.

As envisioned, most track two developments would require a preliminary site assessment by a city planner and forester that would provide the project applicant with site-specific information to be considered when designing the project as well as to aid City planners during project review. The next step in the design review process is the design concept review. A design concept plan is submitted by the applicant for review by either the Design Review Board or Planning Commission. These review bodies evaluate each project for compliance with the City's Design Guidelines (IP Appendix C) and consistency with the General Plan, Local Coastal Program, and

all applicable provisions of the zoning code. Once an applicant has received a design review approval, the third and final step of the process is initiated. Step three is the final details review which centers mainly on the exterior treatment of the structure. A final details design plan is submitted by the applicant to the assigned review board for review and approval of the "finishing touches." Once again the Board or Commission evaluates each project for consistency with the City's Final Design Details guidelines (IP Appendix D). In addition to evaluating the project for consistency with the applicable design concept and final details standards, the assigned review board is required to make findings for project compliance with the City's more general policies/standards. Prior to receiving final design review approval, specific findings must be made. The chapter concludes with the City's enforcement title that requires development to proceed in compliance with the granted approvals. Any deviations or modifications must be approved pursuant to the requirements of the chapter.

As submitted, chapter 17.58 outlines a well-thought out process for negotiating the City's design review procedures. The process should work smoothly for most development that can be envisioned in the commercial and residential districts. As a result, the Commission is not proposing any significant changes to the design review framework, but instead recommending appropriate modifications to address the review process for historic resources. This includes expanding the purview of the City's Historic Resource Board to include review and approval of changes affecting historic resource as well as making recommendations to the Planning Commission and Design Review Board for projects that do not involve a historic resource within the City's newly created Downtown Conservation District. The creation of the Downtown Conservation District along with the additional review and oversight by the HRB is intended to distinguish the unique character and attributes while protecting the general design context of the downtown's historic commercial properties.

The first suggested modifications deal with the applicability of design review and the general requirements and responsibilities of the various review bodies. These modifications establish that design review is required for all new development, and/or for those projects that require a coastal development permit. See Recommended Modification 80.

Recommended Modification 81 routes all proposed remodels and alterations in the Downtown Conservation District through the Historic Resources Board to ensure that any approved changes are in keeping with the character of the area. Certified Land Use Plan policy P1-63 requires that the special and unique character of Ocean Avenue be protected. The LUP also requires the City to protect and preserve the historic architecture that represents the character, ambiance and established design context of the commercial area (P1-66), as well as, to retain the scale and variety of design in the retail core when considering changes to non-historic buildings. Taken together, the City is obligated to prevent any changes which may adversely affect the unique character as expressed by scale, variety of design, historic and non-historic architecture in the commercial core (i.e., Downtown Conservation District). Storefront remodels/alterations have the potential to alter the character of the commercial core and thus, an administrative approval may not be adequate to address these impacts. As submitted, the IP standards are not adequate to carryout the intent of the referenced LUP policies. To address this, the Commission is recommending modifications limiting alterations of historic resources

under the Track One Design Review process to minor alterations as defined in 17.32.15 and to require review of any storefront changes within the Downtown Conservation District by the Historic Resources Board. As modified, the Implementation Plan standards are adequate to carryout the intent of the LUP. See Recommended Modification 81.

Third, with respect to Track Two Commercial Design Review projects, the Commission is recommending minor edits to clarify that all development as defined in chapter 17.70 is subject to the coastal development permit requirements of the LCP and again requiring that all projects involving historic resources be subject to review by the Historic Preservation Board. See Recommended Modification 82.

With respect to residential design review, the submitted Implementation Plan allows Track One (ministerial) review for many types of development in the R-1 district including expanding the floor area of existing homes up to 15%. This allowance is intended to provide homeowners and builders with the flexibility to expand residences without having to negotiate the more lengthy Track Two review process. Though this standard is well intended, it may not provide the level of review necessary to protect the unique natural and built environment for which Carmel is well known. As such, expansion of floor area under Track One review may not be adequate to carry out the intentions of the policies developed in the certified land use plan. The LUP contains a whole host of policies designed to protect the character of the community. Policy P1-37 requires design review for exterior remodels that significantly affects the character or appearance of structures and sites in the R-1 district. Other policies are geared towards maintaining simplicity and modesty of design, coordinating open space, providing visual relief between buildings, protecting coastal waters, avoiding out-of-scale development, and maintaining privacy and solar access (P1-40, P1-41, P1-46, O5-43, O5-44, P1-51) to name a few. As submitted, the implementation plan standard would not prevent a significant disruption of the character elements identified in the certified land use plan. The Commission is therefore recommending that Section 17.58.4.A.1.a be modified to limit Track One Design Review of residential projects that expand the footprint or height of a structure to 10% or less above existing conditions and likewise limit the number of times a structure may be altered under this section to once only. See Recommended Modification 83. In addition, for projects that do meet the criteria for Track One review, the recommended modification also grants the Planning Commission the discretion to require Track Two Design Review if the project does not comply with other LUP goals such as maintaining visually compatibility with the surrounding area and minimizing grading and landform alteration.

Recommended Modification 84 is needed to clarify the applicability of when a site assessment is required for Track Two Design Review of residential projects. As submitted, the preliminary site assessment is required for new construction and rebuilding, though there are other development activities such as alterations to structures or dwellings that have the potential to adversely affect the built and natural environment. Land Use Plan policy P1-42 specifically requires a site assessment for all new development that expands the footprint or involves a second story addition. P1-44 requires that impacts to trees be avoided by minimizing impacts to the root protection zone identified during the initial site assessment. Thus, Recommended Modification 84 qualifies the list of identified development activities that require a site

assessment to include expansion of the footprint of any structure by 10% or greater or 200 square feet whichever is greater. Site assessment is extended to projects that propose grading of 25 cubic yards or more and any development requiring the removal of trees. These modifications will prevent changes that may result in the loss of residential character or exacerbate erosion and runoff or adversely impact significant trees. Also, since the Design Concept and Final Details review are largely dependent upon an initial site assessment, it will provide both the applicant and the planner(s) with the underlying information necessary to thoughtfully design residences that are compatible with the character of the neighborhood. Please see Recommended Modification 84.

As noted above, the City's design review process for Track Two projects relies primarily on a site assessment to identify the existing characteristics of the site and neighborhood, public way, historic resources, and forest landscape. The Implementation Plan identifies specific criteria for evaluating the forest and trees on a project site as well as the landscaping and design characteristics within the public right-of-ways. And though, the certified LUP (P1-44) requires that a that the site assessment also include investigation of all potential historic resources, the survey criteria for documenting said resources has not been fleshed out. Recommended Modification 85 establishes the criteria for the initial site assessment by planning staff and generally outlines the subsequent steps for notice to the Historic Resources Board and further review and historic determination by a qualified professional. So that the City should not bear the cost of consulting with state-certified qualified professionals, modification 67 also requires applicant's to submit a filing fee adequate to cover the cost of any required historic investigation prepared by a qualified professional.

Recommended Modification 86 provides additional guidance to the Design Review process for project involving historic resources. Any changes to historic resources must be carried out in accordance with the Secretary of Interior Standards for rehabilitation of historic structures. All approved changes must be accompanied by a determination of consistency pursuant to the Historic Preservation Section 17.32.14. Modification 89 is effectively implements similar modifications required by the Historic Preservation element of the Implementation Plan.

The final two recommended modifications are necessary to require mitigation for unavoidable impacts resulting from development and to allow the City to levy fines for failure to comply with conditions of approval projects. Please see Recommended Modification 88.

As submitted, the City's Design Review standards are inadequate to carry out the intent of the certified Land Use Plan. Only as modified can Chapter 17.58: Design Review be found consistent with and adequate to implement the policies of the certified LUP.

Carmel Implementation Plan Chapter 17.62 Reclassifications and Amendments

This chapter establishes a process for review and adoption of the City's General Plan, Zoning Ordinances, Local Coastal Plan, and specific plans, and for the review and adoption of

amendments to said documents. The chapter outlines the steps required to initiate amendments and changes, a brief overview of the evaluation process, and noticing requirements. With respect to amendments to the Local Coastal Program, though LCP amendments are allowed, the ordinance does not provide any guidance/filing requirements for making a formal LCP amendment. The Commission recommends Modification 91 that provides the minimum filing requirements for all LCP amendments to the certified LCP. As modified, Chapter 17.62 is adequate to carry out the intent of the certified land use plan.

Carmel Implementation Plan Chapter 17.64 Findings

This is the section of the Carmel Implementation Plan that describe the contents of required findings for various City actions on permit items (use permits, variances, residential development etc.) With the lone exception for Design Concept approval for proposed residential development that requires a finding that the approval is consistent with the " *coastal Land use plan*", the various sections do not mention conformance with the certified LCP and as, appropriate, with the Public Access Policies of the Coastal Act as required by CCR 14 13570. Because all of the various developments, for which separate findings are required, must also obtain Coastal Development Permits, deletion of the one, incomplete reference in 17.64.8 A.6 and a modification to add findings for Coastal Development Permits will satisfactorily address this omission. Please see Suggested Modification 92.

This section also includes the required findings to allow adverse changes/impacts to historic resources. Though demolition of historic resources is prohibited (see section 17.30.1), policy P1-104 will allow alterations of historic resources that are not consistent with the Secretary's standards, if it is determined through environmental review that there are no feasible alternatives that are consistent with the Secretary of Interior Standards. As submitted by the City, adverse impacts to historic resource may be permitted if either 1) there are economic, legal, social, technical, or other benefits of the proposed project that outweigh the unavoidable adverse impacts; and 2) there are no feasible alternatives or mitigation measures that will enable the property owner to make a reasonable economic use of or return on the property. The land use plan policies do not identify project benefits or reasonable economic use as factors in determining whether a significant adverse impact to historic resources may be allowed. Thus, the Commission is recommending that it be removed from consideration. See suggested Modification 93.

This section of the ordinance has also been modified through the review of other chapters of the zoning ordinance. For example, the Findings required for the reconstruction of non conforming structure (17.64.13) was modified as part of the analysis of the Chapter on Non Conforming Uses and Structures (17.36).

Finally, a recommended modification was added to include specific finding language required by Land Use Plan policy P1-45 for design study approval. Please see Modification 94.

Carmel Implementation Plan Chapter 17.66 Enforcement

This chapter of the submitted Implementation Plan identifies the City's standards for inspections, nuisance abatement, violations, and revocation of permits. The City reserves the right to make inspections and enforce the provisions of the planning and zoning code including ordering an abatement of public nuisance and hazards. Violations of this title could result in arrest or issuance of a citation for an infraction or misdemeanor. The City also retains the right to hold a public hearing for revocation of any permit. Since it was not explicitly stated, suggested modification 95 allows the City to enforce the provisions of the LCP and the Coastal Act pursuant to the provisions of the Public Resources Code section 30800 – 30822 in addition to all other available remedies. Any person who performs or undertakes development in violation of the LCP or inconsistent with any coastal development permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code Section 30820.

Carmel Implementation Plan Chapter 17.70 Definitions

Chapter 17.70 of the City's Implementation Plan is the definitions of terms used throughout the ordinance. Staff has suggested seven modifications to either revise or add terminology that it warrants are necessary to provide clarity in interpreting the standards and ordinances contained herein. Recommended Modification 96 includes new definitions for "coastal plan," "Environmentally Sensitive Habitat Area (ESHA)," and "feasible." These terms are used throughout the ordinance and la definition is needed to provide consistency in their use. The remaining terms, "site coverage," "rebuild," "demolition," and "substantial alteration" are already provided in the definitions but require a measure of revision to bring them in-line with common use and interpretation. For instance, as submitted, decomposed granite was listed under the definition of "permeable" site coverage. After consultation with the Commission's Water Quality unit, it was determined that decomposed granite belonged in the category of materials that are "impermeable." The definition of substantial alteration seemed so broad as to encompass even the smallest visual change or exterior design modification. Furthermore, the definition as provided, conflicted with the definition provided under Alterations, which states that substantial alterations are those alterations for which discretionary approval is required. Thus, the modification suggested by staff adopts this later interpretation, which narrows the scope of substantial alterations to more significant changes while also eliminating the inconsistency between the two definitions.

The Implementation Plan definition of "demolition" represents a significant departure from the definition the Commission has been working under and that which was adopted in Commission's Categorical Exclusion Order E-77-13. In essence, the new definition is the complete obliteration or removal of all above ground materials –a sort of scorched earth approach. This interpretation could lead to the loss of a significant number of historic resources and adversely impact the City's efforts to preserve historic resources and the character of the community. As identified in Land Use Plan policy P1-104, demolition of historic resources are prohibited. Section 17.30 of this ordinance, provides for demolition of historic resources only when required to preserved public health and safety. However, as currently defined, all but one short linear section of wall could be removed and it would not be considered a demolition. Under

the exclusion order (E-77-13), removal or obliteration of 50% or more of a building or structure qualifies as a demolition. Many other localities also define demolition as something less than complete removal or obliteration. Thus, in order to bring the City's ordinance into conformance with the certified land use plan, recommended modification 75 revises the definition of demolition to be the removal of 50% or more of the exterior materials or framing within a 24 month period. It also qualifies that wall segments left which are less than 10 linear feet in length are considered removed as are roof segments measuring less than 100 square feet in area. Only as modified, can the Implementation Plan definitions be found consistent with and adequate to carry out the intent of the certified Land Use Plan.

Similarly, a recommended modification is needed to re-define what is called, "rebuilding." Rebuilding is a euphemistic term that encompasses demolition. As submitted, it is making extensive repairs or modifications (i.e., 50% - 100%) to an existing building or structure and includes "the removal or takedown from any building or structure of 50% or more of both the structural framing and cladding of exterior walls or 50% or more of both the structural framing and covering of the roof." Aside from having the same problems associated with the current proposed definition of demolition, rebuilding has a somewhat altogether different connotation. Whereas demolition implies a *destructive* activity, rebuilding implies a *constructive* activity. The proposed definition of rebuild includes both and is therefore confusing. Thus, in order to clear up the confusion and bring the definition into compliance with the LUP (see demolition discussion above), the recommended modification deletes the reference to removing materials and narrows the scope of rebuild to simply constructive activities. As modified, the definition is adequate to carry out the intent of the certified land use plan.

Carmel Implementation Plan Appendix A: Shoreline Management

Appendix A is the City's Shoreline Management Plan (SMP) and its emergency action response plan. The SMP is a specific plan related to the shoreline, including policies related to hazards, access and recreations, and other coastal resource issue areas associated with western edge of the village, seaward of the first public road. The SMP includes background information on both the natural resources and manmade improvements along the Carmel shoreline in addition to policies designed to manage, maintain, and preserve it for future generations. Though the background data provides an initial assessment of the existing shoreline condition, additional analysis is needed to further identify and understand shoreline processes in the area, and the impacts of the City's ongoing management and maintenance practices. This is particularly true as the SMP relates to the emergency action response plan which appears to pre-authorize development outside the coastal permit process.

For example, the City's Emergency Action Response Plan identifies a number of shoreline activities that typically require coastal development review and approval, which have the potential for significant adverse impacts including introducing additional fill, concrete grout, and boulders to existing vertical seawalls, placement of additional armor-stones to diffuse runoff from storm drain outfalls, and/or construction of revetments.

- *Inspect bluff areas directly below storm drain outfalls for damage (slumping, liquefaction) caused by defective drainpipes.*

  ACTION

  If damage is detected, install armor stone to diffuse drainage and make necessary drain system repairs as soon as practical.

- *Inspect the top and ends of each seawall for signs of erosion at the bluff/wall boundary.*

  ACTION

  When identified, eroded areas should be repaired with fill, concrete grout, boulders, or other appropriate materials complementary to the structure being repaired.

- *Inspect fill areas along the upper shoreline bluff, the tops of masonry walls (10th, 13th, Santa Lucia to Martin Way) for signs of soil fractures, cracks, developing hollows, or soil subsidence. Monitoring should be performed visually by walking the bluffs above the seawalls and along the Pathway and beach access stairways.*

  ACTION

  If necessary, voids should be filled with additional compacted clean fill material or sand. Slumps should be excavated and an engineered revetment constructed and covered with compacted fill, contoured, and landscaped.

Though the activities contained in the Emergency Action Response Plan may be appropriate in limited circumstances, they nonetheless represent development for which a coastal development permit is required. Furthermore, it is important to note that the majority of the shoreline along Carmel beach and the base of bluffs are located within the Commission's retained permitting jurisdiction. Thus, prior to undertaking these types of activities, a Coastal Development Permit must be obtained from the Commission. To the extent that the envisioned maintenance and repair work lies within the Commission's retained permitting jurisdiction, the standard of review for such projects will be the Coastal Act. As noted above, the ordinance appears to pre-authorize development outside the coastal permitting process. Therefore, modifications are needed to clearly indicate that a CDP is required and to assert permitting jurisdiction for projects located on the beach and the base of the bluff. Please see modifications 98, 99, and 100.

In many respects, the SMP is akin to the City's land use plan document. As noted above, the Shoreline Management Plan provides the broad policy guidance for managing and maintaining the area west of Scenic Road and North San Antonio. The majority of the policies related to shoreline development in the City's land use plan are repeated in the SMP as they apply to public access and recreation, parking, shoreline maintenance and armoring, sand grooming, etc. In that sense, the SMP is a very good document. The shoreline management document, however, does not contain any implementing ordinances that carry out the intent of the broad policy statements.

For instance, the certified land use plan (and SMP) requires a complete and careful evaluation of alternatives when revetments are substantially rebuilt (P5-5) or new shoreline armoring is

contemplated (P5-6). Likewise, LUP policy P5-13 requires retrieval of any rock that migrates from seaward of the as-built revetment or seawall. Though there is broad guidance in the form of policy statements in both the LUP and the Shoreline Management Plan for a wide range of activities, there are no standards in the submitted ordinance implementing these policies. The same is true for submittal of construction and polluted runoff control plans, standards for sand grooming activities, appropriate storm drain maintenance standards, and shoreline armoring maintenance and monitoring standards. As submitted, the Implementation Plan is inadequate to carry out the intent of the certified land use plan / shoreline management plan. Thus, staff is recommending modifications to the ordinances that implement the certified LUP policies. These recommended modifications require the submittal of a shoreline armoring alternatives analysis and construction plan. They require the City to implement best management practices for sand grooming activities, storm drain maintenance, and maintenance of existing shoreline armoring. See modifications 101 - 105.

Beyond the necessary modifications to implement the certified land use plan and shoreline management plan policies listed above, there are numerous other minor modifications that are needed to assure complete consistency with the certified LUP. These include:

- Modifications to the Shoreline Management Plan policies that restate the adopted LUP policies such as the requirement that development not interfere with the public's right to access of the sea, or that bluff protection be permitted only when required to protect existing structures in danger from erosion and finally, that the existing second restroom at Santa Lucia Avenue be retained until a second permanent facility be constructed. The SMP modifications are necessary to be consistent with the certified LUP. See modifications 106 – 108.
- Minor modifications to the background text of the document that accurately defines the habitat values along Carmel Beach. The SMP identifies the North Dunes area as "the only significant native coastal biotic community" along Carmel beach. However, information provided by the City suggests that the mouth of Pescadero Creek also includes significant sensitive habitat including riparian forest and wet meadow along its banks. The recommended modification clarifies the City's position to state that the North Dunes is "one of the most significant native coastal biotic communities". See Modification 109.
- A minor modification to eliminate invasive species from the City's shoreline landscape and approved beach bluff pathway plant palette. Certified LUP policy P5-29 prohibits planting and requires control of spreading of invasive non-native plants. Policy P5-30 requires the City to improve the habitat values for California black legless lizard. Policy P5-28 requires dune habitat to be restored for Tidestrom' lupine and other native dune plants. The City's approved plant palette includes myoporum laetum (no common name) which the California Exotic Pest Plant Council has identified as an invasive species. Modification j requires that it be removed from the City's palette. Cal-EPPC also identifies ice plant and various species of acacia as being invasive. The SMP includes policies that require trimming and control of these species, however this is inadequate to carry out the intent of the certified policies requiring habitat restoration. Modifications 110

- 113 require these species to be removed and replaced with native, non-invasive, drought tolerant species.

- Minor modifications to the background text on shoreline erosion and coastal processes that acknowledges episodic erosion events and the ongoing threat from passive erosion and sea level rise. See Modification 114.
- A minor modification to the SMP background on beach sand and the City's sand grooming activities to implement the land use plan policies which requires the City to investigate options for sand replenishment should it discover through monitoring that the beach is diminishing. Modification 115.
- Minor modifications to require the Commission be noticed when the beach is closed to protect safety, health, and welfare. See modification 116

As modified, the Implementation Plan is adequate to carry out the requirements of the certified land use plan.

Carmel Implementation Plan Appendix B: Significant Tree Evaluation Worksheet

Appendix B is the City's significant tree evaluation worksheet that is used to determine which trees can be considered significant by the City Forester. The City's certified land use plan contains several policies designed to preserve and enhance the predominantly Monterey pine and Coast live oak forest. As noted in the LUP, the forest may be *the* defining element of the City's unique character. Roads wind around it, homes are nestled in it, and everything "Carmel" attains its sense of place from it.

In order to preserve this sense of place, the certified land use plan policies (P1-43, P1-44, P1-45) prohibit the removal of significant native species (Monterey pine, coast live oak, Monterey cypress) as defined by the City Forester, unless it is necessary to prevent a takings of private property or to preserve public health and safety. In the findings above, Chapter 17.48: Trees and Shrubs defined the criteria and standards for removal of significant trees, consistent with the LUP policies, though the issue of tree significance was not addressed. Appendix B: Tree Evaluation Worksheet is used by the City Forester to essentially determine "significance." The worksheet includes a series of questions and scoring criteria to assess significance. This includes an initial judgment about whether the tree is a threat to public safety and health and whether it meets minimum size and species criteria. Assuming a tree is not a threat and is a native species of sufficient size, the forester reviews the tree for more qualitative aspects. Depending upon the scoring, a tree may be classified as significant, moderately significant, or insignificant –the implication being that insignificant trees can be removed without any additional consideration, moderately significant trees can be removed with approval of the Forest and Beach Commission, and significant trees prohibited from removal. Though the approach appears to be reasonable, the scoring and standard for tree significance sets the bar too high. That is, the standard for significance limits attainment to only the best examples of trees. This clearly is not the intent of certified land use plan policies.

There are nearly 60 LUP policies requiring the City to protect, preserve, conserve, avoid disturbance, plant, monitor, and maintain the health of the forest. For example, some of the LUP policies state:

- G5-3 *Protect, conserve and enhance the unique natural beauty and irreplaceable natural resources of Carmel…*
- P5-59 *Avoid encroachment within the root protection zone of significant trees. Removal of significant live Monterey pine trees to facilitate residential development is prohibited unless necessary to provide a reasonable economic use or protect public health and safety.*
- G5-4 *Preserve and enhance the City's legacy of an urbanized forest of predominantly Monterey pine and coast live oak, and Monterey Cypress.*
- P5-61 *Promote natural regeneration of the forest and retention of seedlings by maintaining natural ground surfaces.*
- P5-80 *Plant native Monterey pine seedlings of different genotypes to maximize resistance to diseases and make these seedlings available to the public.*
- P5-64 *New development shall be sited and designed to avoid or minimize significant adverse effects to the forest. Avoid projects that significantly increase building footprint to the detriment of trees. No grading, compaction of soils, construction of building walls or placement of impermeable surfaces within six feet of trees classified as significant shall be permitted.*

Staff has recommended modification 117 that adjusts the scoring criteria for determining tree significance to be more inclusive of existing stock of Monterey pine and coast live oak. This is based on the notion that a living, growing, reproducing tree of native species and minimal size is significant. This is particularly true for a species such as Monterey pine, which are under a tremendous threat from extinction due to a reduction in habitat, disease, and limited genetic diversity. Lowering the scale for determining significance is also consistent with the intent of the certified land use plan policies.

Exhibit 1

Written Correspondence

Carmel-by-the-Sea
Local Coastal Program Implementation Plan

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DEC 1 5 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

20 November 2003

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair
SUBJECT: Rescheduling of Carmel I.P. Hearing

Scheduling of the hearing on Carmel's Implementation Plan for February in La Jolla disenfranchises the large number of citizens who wish to participate in such a meeting. It is far too expensive and, in addition, arbitrary for this important meeting to be held in La Jolla instead of in Monterey where all who wish to could easily attend.

The majority of the comments expressed at public hearings in Carmel have been largely ignored by the City Council. The final document does not represent the desires of many Carmelites, and potentially would leave us without the protections we have had under the Coastal Commission.

Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely, Charis Buckminster

signed by: Charis Buckminster
address: Box 4443 Carmel CA 93921
telephone: (831) 625-0818

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

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DEC 1 8 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

20 November 2003

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Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely,

signed by: Robin Vaughan
address: 26305 Dolores ST - 93923
telephone: 624-3770

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

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DEC 1 2 2003

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Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely, Theresa A. Hvassman

signed by: Theresa A. Hvassman
address: 26022 Carmel Knolls Drive Carmel, CA 93923
telephone: (831) 625-6434

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

MEMO

TO: Mike Reilly, Chair of the Coastal Commission
Peter Douglas, Director

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DEC 1 6 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Rescheduling of Carmel I.P. Hearing

DATE: 12/11/03

Scheduling of the Hearing on Carmel's I.P. in February in La Jolla, disenfranchises the large number of Carmelites who wish to attend such a meeting and participate. It is far too expensive and, in addition, arbitrary for this meeting to be held in La Jolla instead of at the Monterey meeting in March, which could be available to all from Carmel who wish to attend.

The majority of the comments expressed at public hearings in Carmel by the City Council, have been largely ignored. The final document we have seen does not represent the desires of many citizens who live in Carmel, and potentially it would leave us without the protection we have had under the Coastal Commission.

Please, at least, let us be heard and change the meeting back to March in Monterey. Thank you very much for your consideration.

Sincerely,

Larry Rodocker

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

3 December 2003

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair

SUBJECT: Carmel I. P. Hearing

Why do you schedule a hearing on Carmel's Implementation Plan in La Jolla rather than at your Monterey meeting in March?

Not only is it expensive, but inconvenient, for Carmel people to have to travel to La Jolla to attend this meeting and be heard. it appears that the Commission is pursuing a policy of discouraging public participation in its deliberations. It should be the opposite!

Please reschedule the hearing of the Carmel Implementation Plan to you March meeting in Monterey.

Sincerely

R. T. Tober

Ralph Tober
P.O. Box 1603
Carmel CA 93921

831.625.5638

Charles
Don't think I ever sent this to you. See bel it

September 26, 2003

Ms. Christi Di Iorio, Director
Community Planning & Building
City of Carmel-by-the-Sea
P. O. Drawer G
Carmel CA 93921

Dear Ms. Di Iorio:

I have reviewed the City's Historic Preservation Ordinance, part of the implementation plan for its approved Local Coastal Program.

As a former State Historic Preservation Officer (SHPO) and member of Carmel's Historic Preservation Committee, I was hopeful that the document would meet the goals for an exemplary ordinance, as outlined by the current SHPO, Dr. Knox Mellon, and I, during the City's environmental review process during the past two years.

I believe that the Ordinance, as revised, meets those goals. It spells out a clearly defined process that will allow for the identification, registration, and preservation of worthy historic properties. The proposed five member Historic Resources Board meets the national standards and will provide the City with objectivity and professional advice to ensure that the program is fully accepted by the public. Finally, the identification and designation of historic resources, as contributors to potential historic districts, provides the means to educate residents and visitors about Carmel's unique heritage.

Thank you for the opportunity to review the City's Ordinance. I wish you success in implementing a vital historic preservation program.

Sincerely yours,

Kathryn Gualtieri

Kathryn Gualtieri

cc: Dr. Knox Mellon

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CENTRAL COAST AREA

DEC. 1, 2003
~~20 November 2003~~

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair
SUBJECT: Rescheduling of Carmel I.P. Hearing

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The majority of the comments expressed at public hearings in Carmel have been largely ignored by the City Council. The final document does not represent the desires of many Carmelites, and potentially would leave us without the protections we have had under the Coastal Commission.

Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely,

signed by:
address:
telephone:

John C. Kerby-Miller
P.O. Box 974
Carmel, CA 93921-0974
624-4385

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

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NOV 2 6 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

20 November 2003

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Peter Douglas, Director
Mike Reilly, Chair
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Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely, Susan M. Davis

signed by: SUSAN M DAVIS
address: 26282 MESA PL., CARMEL, CA 93923
telephone (831) 625-2493

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

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Sincerely,

signed by: April McMillan
address: P.O. Box 6605
telephone: Carmel 93921
831-624-3714

Ms. April McMillan
PO Box 6605
Carmel, CA 93921-6605

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 30, 2003
PO Box 3056
Carmel, Ca. 93921

To: California Coastal Commission
Peter Douglas, Director
Mike Reilly, chair

Re: Re-scheduling of Carmel's I.P. Hearing

Help!
Please reschedule the hearing on Carmel's Implimentation Plan to a more convenient location than La Jolla. Those of us who are trying so hard to preserve the character of our special village are NOT in agreement with the Plan, and have spoken at Council and special meetings to no avail. It does not reflect the ideas of a majority of Carmel's citizenry. Please re-schedule to Monterey! — So that more can attend!
The California Coastal Commission — you — are the only protection we have!
La Jolla, NO! Monterey, Si! PLEASE.

Sincerely
Claudene Van Vleet
831-624-8170

C.C. Charles Lester

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DEC 01 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 25,2003

Dear Commissioners,

I wish to register my concern regarding your decision to have the meeting about Carmel's Implementation Plan held in La Jolla in February. The next meeting is in Monterey in March and provides a chance for inclusion by more Carmel citizens in this aggenda which will affect out village in so many important ways. Why can't you have the meeting just one month later and enable Carmelites to see the Commission accessible and open to all citizens of our community? This is an opportunity for you to encourage more citizen involvement, the real mark of open government. Please postpone Carmel's Implementation Plan until March in Monterey.

Very Sincerely,

Suzanne Arnold

Suzanne Arnold
P.O. Box 2875
Carmel-by-the-Sea
Ca. 93921

November 25, 2003

Dear California Coastal Commissioners,

I am very concerned about being essentially excluded from the opportunity to attend the hearing on Carmel's Implementation Plan scheduled for mid February in San Diego. Since this commission will meet in March, only one month later, in Monterey, it would seem that this date and location is a "no-brainer" in the interest of fairness to the citizens of Carmel who will be affected by the implementation of the ordinances and who are unable to travel the 7+ hours to get to La Jolla.

Sincerely,

Richard D. Arnold
P.O BOX 2875
(Torres 10 S.W. of 10th)
Carmel by the Sea, Ca. 93921
831-626 4042

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COASTAL COMMISSION
CENTRAL COAST AREA

20 November 2003

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair
SUBJECT: Rescheduling of Carmel I.P. Hearing

Scheduling of the hearing on Carmel's Implementation Plan for February in La Jolla disenfranchises the large number of citizens who wish to participate in such a meeting. It is far too expensive and, in addition, arbitrary for this important meeting to be held in La Jolla instead of in Monterey where all who wish to could easily attend.

The majority of the comments expressed at public hearings in Carmel have been largely ignored by the City Council. The final document does not represent the desires of many Carmelites, and potentially would leave us without the protections we have had under the Coastal Commission.

Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely,

signed by: Harriet Shannon
address: 3488 Lazaro Rd., Carmel 93923
telephone: 831-624-7126

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

Mr. & Mrs. Clive H. Rayne
3850 Rio Rd. Apt. 84
Carmel, CA 93923

20 November 2003

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair
SUBJECT: Rescheduling of Carmel I.P. Hearing

Scheduling of the hearing on Carmel's Implementation Plan for February in La Jolla disenfranchises the large number of citizens who wish to participate in such a meeting. It is far too expensive and, in addition, arbitrary for this important meeting to be held in La Jolla instead of in Monterey where all who wish to could easily attend.

The majority of the comments expressed at public hearings in Carmel have been largely ignored by the City Council. The final document does not represent the desires of many Carmelites, and potentially would leave us without the protections we have had under the Coastal Commission.

Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely,

Mr. & Mrs. Clive Rayne
3850 Rio Rd Apt 84
Carmel, CA 93923-8624

signed by: Clive Rayne Kathryn J. Rayne
address: 3850 RIO ROAD, UNIT #84, CARMEL CA. 93923
telephone: (831) 624-6751 (FAX)(831) 624-5657

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

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CALIFORNIA
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20 November 2003

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair
SUBJECT: Rescheduling of Carmel I.P. Hearing

Scheduling of the hearing on Carmel's Implementation Plan for February in La Jolla disenfranchises the large number of citizens who wish to participate in such a meeting. It is far too expensive and, in addition, arbitrary for this important meeting to be held in La Jolla instead of in Monterey where all who wish to could easily attend.

The majority of the comments expressed at public hearings in Carmel have been largely ignored by the City Council. The final document does not represent the desires of many Carmelites, and potentially would leave us without the protections we have had under the Coastal Commission.

Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely, Lois J Roberts

signed by:
address: 24694 Upper Trail
Carmel Ca 93923
telephone: 831-625-5635

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

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NOV 24 2003
CALIFORNIA
COASTAL COMMISSION

Dianne Brun
P.O. Box O-1
Carmel, CA, 93921
PH. (831) 625-5562
FAX (831) 625-0862

November 24, 2003

Mr. Mike Watson
California Coastal Commission
FAX (831) 427-4877

Re: Hearing of Carmel's Implementation Plan

Mr. Watson,

I am one of many that are discovering that the Carmel Implementation Plan hearing will be held in La Jolla in February when the commission will meet in Monterey one month later.

There are a great many citizens who would like to attend the meeting concerning our village so I hope there is a chance the hearing could be moved to March in Monterey. This of course would be plain and simple "Good Old Common Sense!"

Thank you for your consideration in this matter.

Very Sincerely,

Dianne Brun

Dianne Brun

cc: Peter Douglas
Mike Reilly

Sat, Nov 22, 2003 3:24 PM

From: Barbara T. Livingston <barbaratlivingston@earthlink.net>
To: <chlaney@redshift.com>
Date: Saturday, November 22, 2003 3:24 PM
Subject: Re: Fax to Coastal Commission

---

on 11/22/03 8:34 AM, CH Laney at chlaney@redshift.com wrote:

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COASTAL COMMISSION
CENTRAL COAST AREA

TO: Mr. Mike Watson

California Coastal Commission

FAX: 427-4877

FROM: Francyne Laney

(831) 624-3130 Phone & Fax

DATE: November 22, 2003

RE: Carmel's Implementation Plan Hearing

We are very concerned that this hearing is scheduled for February 2004 in La Jolla, which will make it extremely difficult for Carmel residents to attend and participate. Please consider moving this item to the March agenda in Monterey, which would make it cost efficient for Carmel city staff and certainly more convenient for residents to attend and provide input.

Thank you.

Francyne Laney

P. O. Box 1582

Carmel, California 93921

cc: Peter Douglas
Mike Reilly

To: Mike Watson, Coastal Commission
From: Monte Miller
Subject: Location of the hearing on Carmels Coastal Plan
Date: 25 November, 2003

I and my wife who are residents of Carmel have attended most of the hearings on our Coastal Plan that were held in Monterey, San Francisco, and in San Luis Obispo. We were glad to have the opportunity to address the Coastal Commission with our concerns, which often disagreed with our city governments positions (topics such as: historical preservation and size of our houses). You all are our last resort to protect our community against the forces of unlimited development with little regard for historical properties.

To have the meeting in San Diego to discuss our Plan will minimize our ability to express contrary views to that of our Mayor and majority of the City Council. We had large groups of Carmel citizens attend the meetings mentioned above because they were within a few easy hours of travel from Carmel by plane, train, or car.

Please don't defranchise the citizens of Carmel who wish to state their opinions about the Plan. We would appreciate a reschedule to Monterey in March if at all possible. Thanks for your consideration

Monte Miller Roberta Miller

POB 3085, Carmel, CA 93921 831.620-0532
On Torres 7 S/W of 10th Ave, Carmel (residence)

Michael Watson

From: SebViz2cbts@aol.com
Sent: Tuesday, November 25, 2003 7:03 AM
To: governor@governor.ca.gov
Cc: SebViz2cbts@aol.com
Subject: CALIFORNIA COASTAL COMMISSION AGENDA ITEM ON CARMEL'S LIP

L. A. PATERSON
P.O. BOX 1654
CARMEL-BY-THE-SEA, CA. 93921

25 November 2003

Dear Governor Schwarzenegger:

I am writing to request that you personally look into and intervene to change a recent decision by California Coastal Commission Chairman MIke Reilly to schedule Carmel-by-the-Sea's Implementation Plan (final part of the City's Local Coastal Plan) on the February 2004 agenda in La Jolla, Ca. It is my understanding that Carmel-by-the-Sea Mayor Sue McCloud and California Coastal Commissioner Dave Potter pressured California Coastal Commission Chairman Mike Reilly and Director of the Coastal Commission Peter Douglas to schedule it for February 2004 to purposely discourage the public from participating at the meeting, as it is a hardship to travel such a great distance to attend the meeting in La Jolla. Ergo, I am asking for the common sense solution; change the date of Carmel's Implementation Plan from the February 2004 agenda to the March 2004 agenda in Monterey, a nearby city.

In closing, I, along with the majority of California voters, elected you as our new Governor because we believed you would make the right decisions for all Californians. These blatant political shenanigans insult not only Carmelites interested in participating in the process by attending the meeting, but all Californians and further erode public confidence in the California Coastal Commission.

Thank you for your time and attention to my concern.

Sincerely,

Ms. L. A. Paterson

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CENTRAL COAST AREA

Margaret L. Purchase
P.O. Box 4393
Carmel, CA 93921
Telephone & Fax (831) 624-8442

November 24, 2003

Mr. Mike Watson
California Coastal Commission
Fax: 427-4877

Re: Carmel's Implementation Plan

Dear Mr. Watson:

As a resident of Carmel who has attended and spoken at several of the Commissions hearings regarding our Local Coastal Plan I would like to ask that the Commission reconsider their plan to hold Carmel's Implementation Plan hearing in La Jolla. To have the hearing at such a great distance from Carmel seems a bit unfair, especially since the Commission will be meeting in Monterey in March.

Many Carmel residents would like to attend this hearing but the expense and time involved in a trip to La Jolla would make it impossible for most of those who would like to have their voices heard. As a concerned citizen of Carmel I urge you to reconsider and move the meeting to Monterey in March.

Thank you for your attention to this matter.

Sincerely,

Margaret L. Purchase

Margaret L. Purchase

Dianne Brun
P.O. Box O-1
Carmel, CA, 93921
PH. (831) 625-5562
FAX (831) 625-0862

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COASTAL COMMISSION
CENTRAL COAST AREA

November 24, 2003

Mr. Mike Watson
California Coastal Commission
FAX (831) 427-4877

Re: Hearing of Carmel's Implementation Plan

Mr. Watson,

I am one of many that are discovering that the Carmel Implementation Plan hearing will be held in La Jolla in February when the commission will meet in Monterey one month later.

There are a great many citizens who would like to attend the meeting concerning our village so I hope there is a chance the hearing could be moved to March in Monterey. This of course would be plain and simple "Good Old Common Sense!"

Thank you for your consideration in this matter.

Very Sincerely,

Dianne Brun

Dianne Brun

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CENTRAL COAST AREA

Mike Watson
cc: Peter Douglas
Mike Reilly
Re: Hearing of Carmel's Implementation Plan

Dear Mike,

Myself and many Carmel residents are stunned over the change of the Coastal Commission meeting place to San Diego (a days trip from Carmel). Carmel's Implementation plan is so important to its residents that moving it closer is a necessity. We hereby request you to reconsider the idea of San Diego and move it to Monterey, where we understand , you will be in March anyway.

Thank you for considering our request.

Sincerely,

Shirley Humann

Shirley Humann

PO Box 1565
Carmel, Ca 93921

Nov. 20, 2003

Alison Cathro
ALISON CATHRO
P.O. BOX 1008
CARMEL, CA. 93921

Nina L. Bayer
NINA L. BAYER
P.O. BOX 5484
Carmel, Ca 93921

M.F. Williams
M.F. Williams
P.O. Box 1852
Carmel, CA, 93921

Sally S. Williams
SALLY S. WILLIAMS
P.O. BOX 1852
Carmel by the Sea, Ca 93921

ENID THOMPSON SALES
3206 SERRA AVENUE
CARMEL, CA 93923

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COASTAL COMMISSION
CENTRAL COAST AREA

MEMO

TO: Mike Reilly, Chair
Peter Douglas, Director
FROM: Enid Sales
RE: Hearing date for Implementation Plan for Carmel
DATE 11/20/03

It is my understanding that the date of the hearing for the Carmel I.P. is scheduled for February in La Jolla. As you know this is a critical matter for our community and a large group of citizens are concerned about the present submission and wish to participate in its evaluation.. However, it is very costly and difficult for these people to go down as far as La Jolla. It seems far more equitable for this meeting to be held in March in Monterey at the regular meeting time.

Items of particular interest to us are Historic Preservation, soil erosion, commercial district, and more. Citizen input was not adequately considered at public hearings in Carmel so our last opportunity will be before the Coastal Commission Therefore please reschedule this discussion for the March Meeting so that Carmel's deeply concerned citizenry can participate. Thank you.

Enid Sales
Enid Sales

cc Charles Lester

November 22, 2003

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COASTAL COMMISSION
CENTRAL COAST AREA

TO: Mike Watson
CC: Peter Douglas and Mike Reilly
Re: Hearing of Carmel's Implementation Plan

Dear Mike:

I was notified that the Coastal Commission will be hearing Carmel's Implementation Plan down in the San Diego area in February. Since the Commission is coming to Monterey in March anyway, please see if you can't talk to whoever does the scheduling and have the Implementation Plan heard at that time instead. It is a real hardship for some of us to make that trip down to San Diego and we would really like our concerns heard.

I hope for the best!

Thanks, Mike.

Anne Bell,
Longtime resident and
Former Chair of Carmel's
Historic Preservation Committee

Council Member Barbara T. Livingston
P.O. Box CC
Carmel-by-the-Sea, CA. 93921
Telephone: 831/626-1610
Fax: 831/620-1283
e-mail: barbaratlivingston@earthlink.net

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NOV 1 9 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

16 November 2003

TO: Mike Watson
RE: Hearing of Carmel's Implementation Plan

Dear Mike,

Many of us were quite surprised to learn that the hearing on Carmel's Implementation Plan will be held in San Diego in February. This is quite a haul for those of us who are interested in attending the meeting. In fact, the distance makes our presence there totally out of the question. We have to ask ourselves why the Carmel hearing could not be scheduled for March when the Coastal Commission meets at the Monterey Hyatt. We know that it was originally planned for December in San Francisco. Even that location is doable. But as long as it is being postponed to the new year, one more month surely would not make a difference.

Please contact Commission Chair Mike Reilly or whoever has made this decision, and let him/them know that a significant number of Carmel citizens wish to attend the Coastal meeting but the expense and time of traveling to San Diego would preclude this possibility.

Thank you very much, Mike.

All best regards,

Barbara

Linda Anderson
Post Office Box 5067
Carmel, CA 93921
Telephone ((831) 624-3208
Fax (831) 626-6201
e-mail lcander@pacbell.net

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COASTAL COMMISSION
CENTRAL COAST AREA

18 November 2003

Mr. Mike Watson
California Coastal commission
Fax: 427-4877

Dear Mr. Watson:

I am very concerned, disappointed and, actually, horrified that the hearing for Carmel's Implementation Plan will take place away from Monterey County. This is especially strange inasmuch as you will be meeting in March in Monterey.

The feeling of many is that our mayor has used her influence to keep this away from Monterey because of our April election. She is also using that influence to keep any and all items of any controversy off of our City Council agendas.

In my opinion, it is the right of citizens to be able to follow and comment upon the actions of their government. To make it expensive and time consuming, i.e., traveling to La Jolla, when you could easily schedule the meeting in Monterey is outrageous. I do not think that pressure by one person and, probably, the city administrator, who follows her lead, is cause to disenfranchise the many people in Carmel who are extremely interested in the issued involved in the I.P.

I hope that you will reconsider this decision.

Thank you.

Sincerely yours,

Linda Anderson

Linda Anderson

P.O. BOX 2353
CARMEL, CALIFORNIA 93921

Mike Watson
California Coastal Commission

Re: Carmel Implementation Plan

Dear Mr. Watson:

I understand that the Coastal Commission has scheduled the hearing on the Implementation Plan of the Carmel LCP for February in La Jolla. This will make it difficult for Carmel citizens to speak, who have concerns about the Plan that the City of Carmel will introduce. Many Carmelites are concerned about the Historic Preservation Committee, Shoreline erosion control, the size homes that will be permitted on a standard lot etc.

I urge that the hearing be rescheduled for March, when the Coastal Commission will be meeting in Monterey. This makes much more sense because it will allow people to express their views on the implementation plan.

Thank you,

Richard Dalsemer
831/277-9941
dalsemers@msn.com

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

20 November 2003

TO: California Coastal Commission
Peter Douglas, Director
Mike Reilly, Chair
SUBJECT: Rescheduling of Carmel I.P. Hearing

Scheduling of the hearing on Carmel's Implementation Plan for February in La Jolla disenfranchises the large number of citizens who wish to participate in such a meeting. It is far too expensive and, in addition, arbitrary for this important meeting to be held in La Jolla instead of in Monterey where all who wish to could easily attend.

The majority of the comments expressed at public hearings in Carmel have been largely ignored by the City Council. The final document does not represent the desires of many Carmelites, and potentially would leave us without the protections we have had under the Coastal Commission.

Please let us be heard. Change the meeting to March in Monterey. Thank you very much.

Sincerely,

signed by: MIKE BROWN
address: P.O. Box 5372, CARMEL, CAL. 93921
telephone: (831) 625-2299 (office)

cc: Charles Lester

Please send this letter to the Coastal Commission:
FAX: 427-4877
MAIL: 725 Front St., #300, Santa Cruz 95060

F5c

CITY OF CARMEL-BY-THE-SEA

LOCAL COASTAL PROGRAM

IMPLEMENTATION PLAN

Revised Submittal

18 September 2003

City of Carmel-by-the-Sea

Local Coastal Program

Coastal Implementation Plan

Commission Review Draft

Forwarded to the California Coastal Commission
By Resolution No. 2003-117.
Carmel-by-the-Sea City Council
On September 18, 2003.

Prepared for:
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel-by-the-Sea, CA 93921
Contact: Brian Roseth, Principal Planner
Phone: (831) 620-2010

Prepared by:
Dyett & Bhatia
755 Sansome St. Ste 400
San Francisco, CA 94111
Phone: (415) 956-4300
Fax: (415) 956-7315
E-mail: info@dyettandbhatia.com

Mayor and City Council

Sue McCloud, Mayor

Richard M. Ely

Paula Hazdovac

Barbara Livingston

Gerard Rose

Planning Commission

Willard L. Strid, Chair

Robin S. Wilson

Alan Hewer

Julie Culver

Mike Cunningham

City Staff

Rich Guillen, City Administrator

Greg D'Ambrosio, Asst. City Administrator

Christine Di Iorio, Community Planning and Building Director

Brian Roseth, Principal Planner

Mike Branson, City Forester

Jim Cullem, Public Works Director

Consultant[1]

Dyett & Bhatia, Urban and Regional Planners

---

[1] Consultants for prior draft: EMC Planning Group and Crawford, Multari and Star.

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DIVISION I: GENERAL REGULATIONS

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Chapter 17.6 General Rules

Chapter 17.1 (RESERVED)

Chapter 17.2 Title, Components and Purposes

Sections:

17.2.1 Preamble.
17.2.2 Title and Authority.
17.2.3 Purpose.
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17.2.5 General Rules of Applicability.
17.2.6 Consistency with the General Plan and the Costal Land Use Plan.
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17.2.9 Relationship to Other Regulations and Requirements.
17.2.10 Buildings Under Construction.
17.2.11 Severability.
17.2.12 Fees.
17.2.13 Amendments Affecting Pending Applications.

17.2.1 Preamble.

The City of Carmel-by-the-Sea is hereby determined to be primarily, essentially and predominantly a residential City wherein business and commerce have in the past, are now, and are proposed to be in the future subordinated to its residential character and that said determination is made having in mind the history and the development of said City, its growth and the causes thereof, and also its geographical and topographical aspects, together with its near proximity to the cities of Pacific Grove and Monterey, and the businesses, industries, trades, callings and professions in existence and permissible therein.

17.2.2 Title and Authority.

This title of the City of Carmel-by-the-Sea Municipal Code shall be known and cited as the "Carmel-by-the-Sea Zoning Ordinance and Coastal Zone Implementation Plan, or "Zoning Ordinance." This title is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code, Division 20 of the Public Resources Code (California Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

17.2.3 Purpose.

The purpose of this title is to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare and to implement the policies of the City of Carmel-by-the-Sea's General Plan and Coastal Land Use Plan. More specifically, this title is intended to:

A. Provide a precise guide for the physical development of the city in order to preserve the residential village character of the city and perpetuate a balance of land uses that are compatible with local resources and the environment;

B. Conserve and enhance the City's architectural, historical, cultural and natural resources, including the scenic quality of Carmel as a coastal community; and

C. Preserve the traditional characteristics of scale, site design and sensitivity to neighboring sites in all districts; encourage construction that is diverse and innovative in design yet compatible with Carmel's forest setting and natural environment.

17.2.4 Organization.

A. **Structure of Regulations.** This title consists of six divisions:

1. Division I: General Provisions
2. Division II: Base Zoning Districts
3. Division III: Overlay Districts and Community Plan Districts
4. Division IV: Provisions Applying in All or Several Districts
5. Division V: Processes and Authorities
6. Division VI: Classifications, Terms and Definitions

B. **Regulations**. Four types of zoning regulations control the use and development of property:

1. ***Administrative Regulations***. These regulations contain detailed procedures for the administration of this Zoning Ordinance and enforcement of zoning regulations, including rules for of construction of language, rules for measurement, and rules for

interpretation. Administrative regulations are contained in Division V.

2. ***Land Use Regulations.*** These regulations govern land uses permitted, those permitted with certain limitations, conditionally permitted, or prohibited in each zoning district and includes special requirements, if any, applicable to temporary and specific uses. Land use regulations for base zoning districts are in Division II of this title. Land use regulations for overlay districts and for community plan districts are in Division III. Certain regulations applicable in all or several districts are in Division IV.

3. ***Development Regulations.*** These regulations control the height, bulk, location, and appearance of structures and the physical layout of property. Development regulations for base zoning districts are in Division II of this title; development regulations for overlay districts are in Division III. Certain development regulations applicable in more than one class of base or overlay districts are in Division IV. These include standards for specific uses and structures, regulations for historic preservation, landscaping, off-street parking and loading, nonconforming buildings and uses, signs, storm water quality and utility, and subdivisions and lot line adjustments, telecommunications and wireless facilities, tree and shrub maintenance and protection, and water management programs.

4. Division VI includes a summary list, with cross-references, of definitions for terms used in the Zoning Ordinance and use classifications.

C. **Graphic Illustrations**. The illustrations are included for the purposes of explanation and clarification. Where a graphic is in conflict with the text or provisions of this title, the text shall govern.

17.2.5 General Rules of Applicability.

A. **Applicability.** The title shall apply, to the extent permitted by law, to all property in incorporated City of Carmel-by-the-Sea, whether owned by private persons, firms, corporations, or organizations; by the United States or any of its agencies; by the State of California or any of its agencies or political subdivisions; by any county or city, including the City of Carmel-by-the-Sea; or by any authority or public

entity organized under the laws of the State of California. Any governmental agency shall be exempt from the provisions of this title only to the extent that such property may not be lawfully regulated by the City of Carmel-by-the-Sea.

B. Compliance with Regulations.

1. It shall be unlawful for any building or structure to be moved, erected, used, altered, enlarged, or rebuilt or for any use to be established or changed that does not strictly conform to the provisions of this title.

2. It shall be unlawful for any yard, open space, or land to be used for any purpose or in any way not specifically permitted by this title.

3. No department, official, or employee of the City of Carmel-by-the-Sea vested with the duty or authority to issue permits or licenses for buildings, structures, or uses subject to the requirements of this title shall issue a permit or license in conflict with the provisions of this title; any permit or license issued in conflict with any provision of this title shall be null and void. Further, no permit or license shall be issued by any department, official, or employee of the City of Carmel-by-the-Sea for any building, structure, or use subject to the requirements of this title on a parcel of land where the department official, or employee is aware that a violation of this title exists.

C. Public Nuisance. Neither the provisions of this title nor the approval of any permit required by this title shall authorize any public nuisance to be maintained on any property.

D. Compliance with Public Notice Requirements. Compliance with public notice requirements prescribed by this title or by California statutes shall be deemed sufficient notice to allow the City to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.

E. Requests for Notice. Where this chapter requires that notice be given by first class mail to "any person who has filed a written request for such notice," the request shall be filed with the Director.

F. **Conflict with Other Regulations.** Where conflict occurs between the provisions of this title and any other City code, chapter, resolution, guideline, or regulation, the more restrictive provision shall control unless otherwise specified.

G. **Relation to Prior Ordinance.** The provisions of this title supersede all prior zoning ordinances, as amended, of the City of Carmel-by-the-Sea. However, no provision of this ordinance shall validate or legalize any use or structure established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless specifically authorized by this title.

H. **Time of Approval.** All approvals granted pursuant to the provisions of this title by the Director, Design Review Board, Historic Resources Board, Planning Commission, or City Council are effective upon the granting of the permit or approval or after any time - which may be allowed by law for appeal of the permit, approval, or other action - has been completed. Where good reason exists, the effective time of approval may be modified by the permit or approval.

I. **Extension of Time for Holidays and Weekends.** If a deadline for compliance with the provisions of this title falls on a weekend or holiday, the time for performing such an act shall be extended to the next working day.

J. **Application During Local Emergency.** Pursuant to CMC Chapter 2.64, the Director or Assistant Director of Emergency Services may authorize a deviation from one or more provisions of this title during a local emergency declared and ratified under the Carmel Municipal Code. The Director or Assistant Director may authorize such deviations without notice or public hearing.

17.2.6 Consistency with the General Plan and the Coastal Land Use Plan.

A. An application for any permit, license, or approval submitted pursuant to this title shall not be accepted as complete for processing unless it is consistent with the land use designation described in the General Plan and the Coastal Land Use Plan. However, the concurrent filing of a General Plan amendment application with an amendment to a zoning district or the provisions of this title shall be allowed. In any case, where there is a conflict in regulation between this title and the

General Plan and Coastal Land Use Plan, the General Plan and Coastal Land Use Plan shall prevail.

B. Approval or issuance of any permit or license pursuant to this title shall require a determination of consistency with the Carmel General Plan and Coastal Land Use Plan, all applicable Specific Plans, and

C. Other applicable laws, titles, ordinances, codes, policies, and regulations.

D. A proposed use is consistent with all elements of the Carmel General Plan and Coastal Land Use Plan when all the following conditions exist:

1. The proposed use is compatible with the land use designation in which the use is located, as shown by the General Plan Diagram and/or as described in the text of the Land Use and Commercial Character Element of the General Plan and the Coastal Land Use Plan.

2. The proposed use is in conformance with, or would not impede implementation of, the goals and policies of the General Plan and the Coastal Land Use Plan and the intent thereof.

3. The proposed use is established and maintained in a manner consistent with all elements of the General Plan and the Coastal Land Use Plan, and all applicable provisions contained therein.

4. The proposed physical development conforms with the goals and policies of the General Plan and the Coastal Land Use Plan, including, but not limited to, such design considerations as:

    a. Providing public access, recreational use of, and views to open-space lands, while protecting natural resources;

    b. Maintaining a mix of commercial uses compatible with the character of Carmel-by-the-Sea as a residential village; and

    c. Ensuring that design considers such items as natural site features; architectural, environmental and cultural preservation; usable open space; and relationship to surrounding uses in terms of scale, siting, architectural features and neighborhood development patterns.

17.2.7 Unlawful Acts.

A. It is unlawful:

1. To use any building, structure, improvement or premises within any district for any purpose not permitted by the provisions of this title relating to the district;

2. To erect, construct, establish alter, enlarge, or move any building, structure or improvement within any of the districts which is designed, arranged or intended to be occupied or used for any purpose not permitted by the provisions of this title relating to the district;

3. To erect, construct, establish, alter, enlarge or move any building, structure or improvement or occupy any premises contrary to the regulations and limitations prescribed in this title regarding building height, building site requirements, percentage of coverage, and front, side and rear yard setbacks, or to violate the terms of a use permit;

4. To include land used as part of a building site—required for one building—in the building site for another building, if the inclusion will reduce the size of the first building site to less than the minimum amount required in this title;

5. To erect, construct, or move any building in any commercial or R-4 District unless such building will have all usable accesses onto the property or into such building at the property line at official grade as established by City ordinance. In the event that adjoining City property is not yet at official grade when a building permit is issues, access will be allowed at other than official grade. Any deviation from official grade shall be constructed so that the property owner can readily alter the access to meet official grade without cost or damage to the City and without a major alteration to the structures on private property at the time the street or sidewalk are brought to official grade; and

6. To dispose of, clean from tools, or store, any solvents, paint, plaster, adhesives, tar, concrete, or other hazardous material in a way that results in the above mentioned material coming into contact with soil anywhere in the City or being disposed of anywhere but in a legal disposal site.

B. It is unlawful for the owner, tenant, lessee or occupant of any property to permit any of the acts described in this title.

17.2.8 Violations of this Title.

Any person using any building, structure, or parcel of land in violation of any provision of this title is guilty of a misdemeanor and shall be prosecuted to the fullest extent of the law under Chapter 17.66: Enforcement, of this title.

17.2.9 Relationship to Other Regulations and Requirements.

A. The regulations of this title and requirements or conditions imposed pursuant to this title shall not supersede any other regulations or requirements adopted or imposed by the Carmel-by-the-Sea City Council, any board, commission, or department of the City of Carmel-by-the-Sea, or any other local, state, or federal agency that has jurisdiction by law over uses and development authorized by this title. All uses and development authorized by this title shall comply with all other such regulations and requirements. Where two or more ordinances regulate the same use or activity, the more restrictive ordinance shall apply.

B. In no case shall the time limit for action required by this title for any approving body exceed time limits as set forth in Government Code Section 65920 et seq., otherwise known as the Permit Streamlining Act.

C. To the extent that this Title quotes or paraphrases any State or Federal Statute for convenience and any conflict is discovered, or is created through amendment, the State or Federal Statute shall control and shall be cause for an amendment to this Title.

17.2.10 Buildings Under Construction.

Any building or structure for which a Building Permit has been issued prior to the effective date of this title, or any amendment to this title, may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, as long as construction is commenced within one (1) year after the issuance of the permit and diligently pursued to completion as determined by the Building Official. No

extensions of time shall be granted for commencement of construction if any provision of this title has been amended so as to make the building, structure or permit non-conforming to the provisions of this title.

17.2.11 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The Carmel-by-the-Sea City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

17.2.12 Fees.

The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the various applications authorized or required by this title. All fees shall be paid at the time an application is filed, and no processing shall commence until the fee is paid in full. A partial refund of fees shall be allowed according to the following schedule:

REFUND AMOUNT	PROCESSING STAGE
75%	Project/Application withdrawn before a determination that the application is complete
50%	Project/Application withdrawn after it is deemed complete but prior to any public notice, public hearing or completion and public release of any staff report.
None	Project/Application withdrawn after any public notice, public hearing or completion and public release of any staff report.

17.2.13 Amendments Affecting Pending Applications.

Actions or decisions on permits or applications shall conform to all regulations in effect on the date of the final decision, unless the adopting language of any new ordinance that changes regulations applicable to the project or permit specifies otherwise.

Chapter 17.3 (RESERVED)

Chapter 17.4 Zoning Districts Established

Sections:

17.4.1 Purpose.
17.4.2 Districts Established.
17.4.3 Residential Districts Established.
17.4.4 Commercial Districts Established.
17.4.5 Public and Quasi-Public Districts Established.
17.4.6 Overlay Districts Established.
17.4.7 Official Zoning Map.

17.4.1 Purpose.

The public health, safety, welfare, convenience and comfort in the City require that the use of private property be regulated and that districts and zones be established throughout the City, within some of which it is lawful and in others unlawful to erect, alter, or maintain certain buildings, or to make certain uses of property, and in all of which certain uses shall be prohibited.

17.4.2 Districts Established.

Every part of the City is classified into districts or zones, the designation and the regulations of which are set forth in this title. Unless otherwise shown on the official zoning map, zoning boundaries that follow a street shall run along the street centerline. In case any of the streets or alleys have been or are hereafter vacated or abandoned, the land embraced in such abandoned area shall take the district classification of the property to which it reverts. For each of such districts there are imposed certain regulations and limitations on the uses of land, the use, height and bulk of buildings and the open spaces around buildings.

17.4.3 Residential Districts Established.

The residential area is divided into two land-use districts for the purpose of providing an appropriate geographic distribution of land uses of varying intensity and community impact. The primary goal of these districts is to preserve and protect the predominantly residential character of the city by providing a balanced mix of residential densities in accordance with the

General Plan/Local Coastal Program Land Use Plan. This goal is to be achieved by:

A. Locating higher density residential uses in proximity to the village center and lower density residential uses outside of the commercial area;

B. Providing distinctly different design standards appropriate to the low-density residential uses in non-commercial areas and the higher density residential uses near the village center;

C. Encouraging residential uses in close proximity to park and open space resources; and

D. Providing for existing nonresidential uses such as churches, schools, nonprofit organizations and other quasi-public uses on existing sites.

Residential districts are established and designated as follows:

DISTRICT NAME	DESIGNATION
Single Family Residential District	R-1
Multi-Family Residential District	R-4

17.4.4 Commercial Districts Established.

The commercial area is divided into three land-use districts for the purpose of providing an appropriate geographic distribution of land uses of varying intensity and community impact. The primary goal of these districts is to preserve and protect the predominantly residential character of the city by providing a balanced mix of commercial and residential uses in accordance with the General Plan. This goal is to be achieved by:

A. Locating intense commercial activities in the core of the commercial area;

B. Providing a transition from intense uses in the commercial core to less intense uses in the residential districts;

C. Controlling the number, type and distribution of similar uses among the different districts;

D. Encouraging a mix of commercial, residential and community activities throughout the commercial area; and

E. Excluding those commercial activities which conflict with the protection of the City's residential character and unique village atmosphere, and which can be and are provided outside the City but within the region.

Commercial districts are established and designated as follows:

DISTRICT NAME	DESIGNATION
Central Commercial	CC
Service Commercial	SC
Residential and Limited Commercial	RC

17.4.5 Public and Quasi-Public Districts Established.

Five public and quasi-public land-use districts are created for the purpose of providing an appropriate geographic distribution of community services and open space. The primary goals of these districts are to preserve and protect the predominantly residential character of the city, provide community services, parks and open spaces and protect environmental resources in accordance with the General Plan/Local Coastal Program Land Use Plan. These goals are to be achieved by:

A. Locating parks and open space areas throughout the city for the convenience of residents;

B. Creating space for theaters and cultural facilities in the community to promote the arts;

C. Creating space for community centers to promote art and culture and to provide space for community functions; and,

D. Creating space for services and activities tailored to the enhancement of living for senior citizens in the community.

Public and Quasi-Public Districts are established and designated as follows:

DISTRICT NAME	DESIGNATION
Natural Parklands and Preserves District	P-1
Improved Parklands District.	P-2
Theatrical District	A-1
Community and Cultural District	A-2
Senior Citizen Facility District	A-3

17.4.6 Overlay Districts Established.

Five overlay districts are created. The primary goal of these districts is to preserve and protect the predominantly residential character of the city by protecting coastal and other important community resources in accordance with the Local Coastal Program Land Use Plan and General Plan. This goal is to be achieved by:

A. Protecting and preserving areas of archeological significance;

B. Minimizing impacts from development on sites adjacent to park and open space areas;

C. Minimizing impacts from development and uses on or near the beach area;

D. Protecting environmentally sensitive habitat areas; and

E. Preserving neighborhood subdivision patterns in areas annexed from the county.

Overlay Districts are established and designated as follows:

DISTRICT NAME	DESIGNATION
Archaeological Significance Overlay District	AS
Park Overlay District	PO
Beach Overlay District	B
Environmentally Sensitive Habitat Area Overlay District	ESHA
Annexed County Lots Overlay District	C

17.4.7 Official Zoning Map.

The boundaries of the zoning districts established by this title are not included in this title but area shown on the official Zoning Map maintained by the Planning Director. The Official Zoning Map and all notations, references, and other information shown thereon shall be as much a part of this title as if the matters and information set forth on such maps were fully described herein. Figure I-1 shows a small-scale duplicate of the Official Zoning Map.

Figure I - 1: Official Zoning Map (small-scale duplicate)

Chapter 17.5 (RESERVED)

Chapter 17.6 General Rules

Sections:

17.6.1 Rules for Construction of Language.
17.6.2 Rules of Measurement.
17.6.3 Rules for Interpretation.

17.6.1 Rules for Construction of Language.

In addition to the general provisions of this title, the following rules of construction shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.

2. "Or" indicates that the connected words or provisions may apply singly or in any combination.

3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

C. References to departments, commissions, boards, or other offices are to those of the City of Carmel-by-the-Sea unless otherwise indicated.

D. References to a public official in the City is to that person who performs the function referred to and includes a designated deputy of such official.

E. All references to days are to calendar days unless otherwise indicated.

F. Section and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

G. The words "activities" and "facilities" include any part thereof of the activity or facility.

H. "Director" means the Community Planning and Building Director or the Director's designee.

17.6.2 Rules of Measurement.

A. Purpose. This section explains how various measurements referenced in this Zoning Ordinance are to be calculated.

B. General Provisions.

1. ***Applicant Responsibility.*** For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements. These drawings shall be drawn to scale and shall be of sufficient detail to allow easy verification upon inspection by the Director.

2. ***Fractions.*** When calculations result in fractions, the results will be rounded as follows:

   a. *Minimum Requirements.* When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 lineal feet is applied to a 50-foot strip, the resulting fraction of 1.37 is rounded up to 2 required trees.

   b. *Maximum Limits.* When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum floor area limit for guesthouse is applied to a 7,500 square-foot lot, the resulting number of 422.5 is rounded down to 422 allowed square feet.

3. ***Measuring Distances.*** Distances shall be measured as follows:

   a. *Distances are Measured Horizontally.* When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

   b. *Measurements are Shortest Distance.* When measuring a required distance, such as the minimum distance between a

structure and a lot line, the measurement is made at the closest or shortest distance between the two objects. Exceptions are stated in subsection (c) below.

c. *Measurement of Vehicle Stacking or Travel Areas.* The minimum travel distance for vehicles, such as a garage-entrance setback, is measured down the center of the vehicle travel area. For example, curving driveways are measured along the center arc of the driveway.

C. Required Area for a Building Site.

1. ***Existing Buildings.*** The ground area needed for legal construction of a building at the time of construction shall be one building site. If the building could not be legally built on the same ground area at the present time, the building site shall be called a nonconforming building site.

2. ***Vacant Land.*** The land area required by the standards in the base zoning districts shall be a legal building site if the land area is a legal lot of record or if the land area was legally reconfigured in conformance with the Subdivision Map Act of the State and the provisions for subdivision or lot line adjustments established in Chapter 17.44: Subdivisions and Lot Line Adjustments.

3. ***Multiple Lots on One Building Site.*** The ground area of a building site may be comprised of more than one lot. The ground area of more than one lot may be required by existing or proposed buildings on a site pursuant Sec. 17.10.2.B of this title. Each building site must retain a ground area and setbacks consistent with all provisions of this code. Each building site must be composed of original lots of record or composed of new lots legally reconfigured from original lots in conformance with the Subdivision Map Act of the State and the provisions for subdivision or lot line adjustments established in the municipal code.

D. Determining Buildable Area. For the purposes of calculating allowable building volume and floor area, the buildable area of a lot shall be the lot area, minus the following:

1. Continuous portions of the site, occupying at least 10% of the site area, with a slope greater than 30 percent.

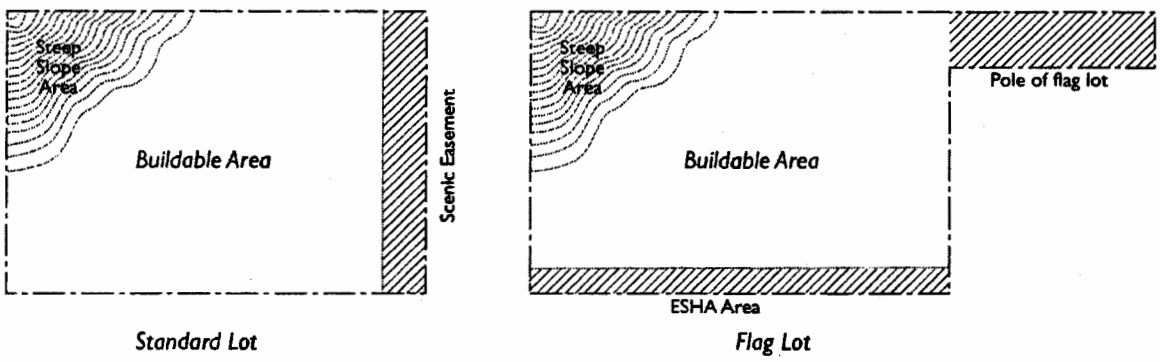
2. The "pole" of a flag lot;

3. Private access roads;

4. Those portions of a site qualifying as Environmentally Sensitive Habitat Areas (ESHA) as provided for in Article V of Chapter 17.20: Environmentally Sensitive Habitat Area Overlay District; and

5. Scenic, habitat, coastal access or conservation easements.

Figure I-2: Buildable Area



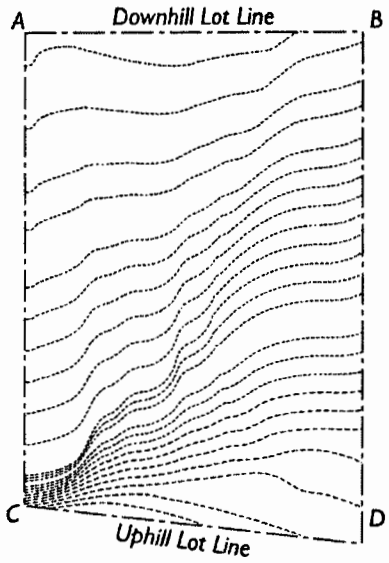
E. Average Slope.

1. ***Average Slope.*** The average slope of a lot is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two.

2. ***Average Percent of Slope.*** The ratio between vertical and horizontal distances expressed in percent, the mathematical expression of which is based upon the formula below:

   a. $$\frac{\text{Vertical Distance}}{\text{Horizontal Distance}} \times 100 = \text{Average Percent Slope}$$

Figure I-3: Average Slope



$$\frac{\text{Average elevation of downhill lot line} - \text{Average elevation of uphill lot line}}{\text{Average distance between the downhill and uphill lot lines}}$$

$$\frac{\left(\frac{A+B}{2}\right) - \left(\frac{C+D}{2}\right)}{\left(\frac{\text{Length of line } AC + \text{Length of line } BD}{2}\right)}$$

F. **Grades.** The set of elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. On developed sites, as each topographic line passes beneath a building it shall be assumed to be a straight and level line for purposes of defining existing grade. Existing grade may also be referred to as natural grade (See Figure I-4).

On sites disturbed from previous grading or excavation activities, an approximation of preexisting conditions may be used as a reference for determining average or existing grade using grades on adjacent sites, retaining walls and prior survey maps. All such grade approximations shall require the concurrence of the Department and a determination that the resulting project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography and is consistent with R-1 design objectives.

Average grade is a horizontal line approximating the ground elevation through each building on a site, used for calculating the exterior volumes of buildings. Average grade is calculated separately for each building. Average grade is calculated in four steps:

1. Plot the ground level perimeter of the building on a topographic map of the site using 1-foot contour intervals. Assign an

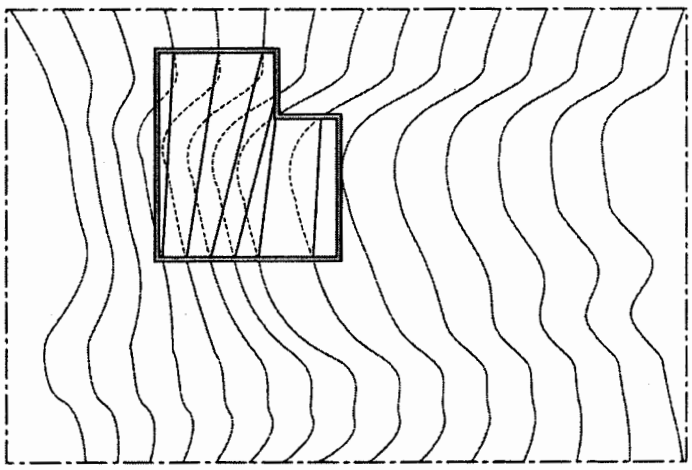
elevation of "zero" for the lowest contour line that passes through the building perimeter.

2. For each contour line that intersects the building perimeter, draw a straight line through the building that connects the point of intersection to where the same contour line emerges from the building perimeter (see Figure I-4, below).

3. For each line drawn in step #2, multiply its length by its elevation (above the "zero" contour line) and then sum all results.

4. Divide the sum from step #3 by the sum of the lengths of all lines drawn. The resulting elevation above the "zero" contour line is extended as a horizontal line through the building as average grade.

Figure I-4: Determining Average Grade and Existing Grade



Existing or natural grade is determined by topographic contours on site. Connect grades that intersect building walls with straight lines through the building and do not consider undulations in grade within the building footprint.

G. **Exterior Volume.** The maximum allowable exterior volume is calculated by multiplying a volume factor in Sec. 17.10.3.C by the allowed base floor area, subject to the following:

1. Exterior volume is expressed in cubic feet and is measured from the exterior wall and roof surfaces of each building. The exterior volume of the building shall be based on the height of

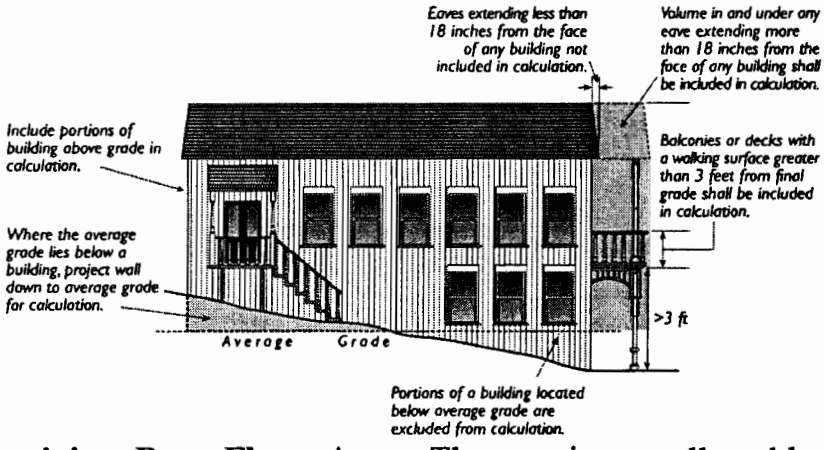
the exterior walls above both the average existing grade and the average final grade. Where the average grade line lies below a building, the exterior walls of the building are projected down to average grade to calculate its volume. Portions of a building located below average grade are excluded from exterior volume.

2. Exterior volume includes all dwellings, guesthouses, subordinate units, garages, carports, chimneys, storage sheds, projecting windows and covered porches.

3. Exterior volume also includes the volumes in and under any attached or freestanding arbor or trellis and under that portion of any roof eave extending more than 18" from the face of any building.

4. Decks or balconies with a walking surface more than three feet above final grade shall count as exterior volume as measured from the deck surface to the top of any rail or enclosing wall. Any deck or balcony with a floor level less than three feet above final grade will be excluded from the volume total.

Figure I-5: Determining Exterior Volume



H. Determining Base Floor Area. The maximum allowable base floor area shall be calculated by multiplying the buildable area of the lot by the maximum percentage presented in the development standards for each zone.

I. Determining Floor Area Ratio. The floor area ratio shall be expressed as percentage of the buildable area of the parcel of land upon which

the building rests. For above ground spaces, floor area is measured at the exterior of the enclosing walls. For basement spaces, floor area is measured at the interior of the enclosing walls.

J. **Resubdivided Corner Lots.** Resubdivided Corner Lots are those created through a lot line adjustment by reorienting a lot line ninety degrees running between two adjacent original lots of record, one of which is located at the corner of a block and the other is adjacent to the corner lot and fronting on the same street. Each lot created by this action is considered a resubdivided corner lot for purposes of establishing front setbacks.

K. **Determining Lot Coverage.** The total ground area of a lot occupied by materials or improvements that cover the natural soil but which are outside the perimeter of structures that count as floor area. Lot coverage includes:

1. Fully permeable materials including gravel, decomposed granite, spaced decking and exterior stairs. However, shredded bark, wood chips and similar materials used as mulch within fully landscaped areas are not counted as lot coverage;

2. Semi-permeable materials including sand-set bricks or pavers, garden walkways of small paving stones, and arbors; and

3. Impermeable materials including asphalt, concrete, mortared brick and stone, unspaced decking and balconies at any level, garden walls, solariums, bridges, sheds not counted as floor area, ponds, hot tubs and swimming pools.

L. **Measuring Height.**

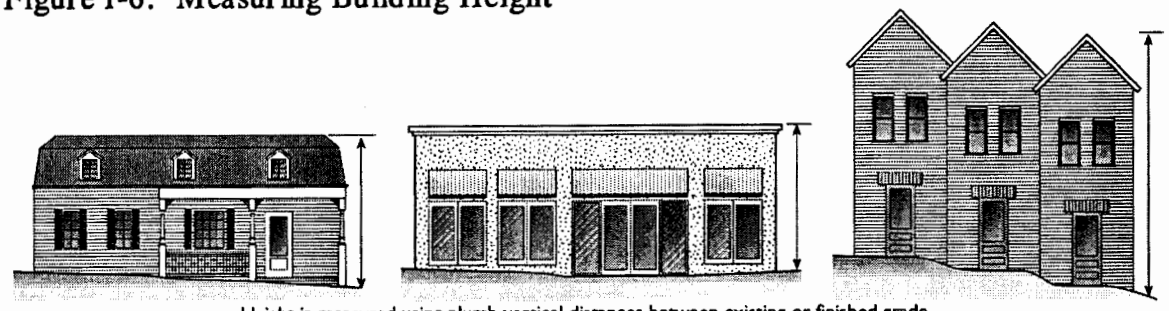
1. ***Measuring Building Height***. The height of buildings shall be measured as the plumb vertical distance from existing or finished grade (whichever is more restrictive) to the highest point on the roof.

   a. *Flat Roof.* The measurement is made to the highest point of the roof beams of the roof.

   b. *Mansard Roof.* The measurement is made to the deck line of the roof.

   c. *Pitched or Hipped Roof.* The measurement is made to the peak or gable of the roof.

Figure I-6: Measuring Building Height



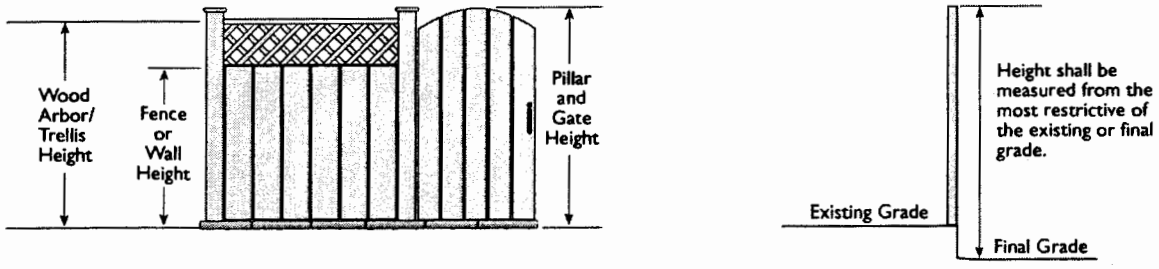
Height is measured using plumb vertical distances between existing or finished grade (whichever is most restrictive) and the highest projection on the building.

Mansard Roof *Flat Roof* *Pitched or Hipped Roof*

2. ***Measuring Height of Other Structures.*** The height of other structures, such as fences, is the vertical distance from the ground level immediately under the structure to the top of a structure. Special measurement provisions are also provided below.

   a. *Retaining Walls and Fences.* Retaining walls and fences on top of retaining walls are measured from the ground level on the lower side of the retaining wall.

Figure I-7: Retaining Walls and Fences



   b. *Decks.* Deck height is determined by measuring from the ground to the top of the floor of the deck.

M. Measuring Lot Widths and Depths .

1. ***Lot Depth.*** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most

distant point on any other lot line where there is no rear lot line.

2. ***Lot Width.*** The average horizontal distance between the side lot lines measured at right angles to the lot depth from the required front-yard setback and from the required rear-yard setback or from the rearmost point of the lot depth in cases where there is no rear lot line. The width of a nonrectangular lot shall be the mean length of the front and rear property lines.

N. Measuring Setbacks.

1. ***Front Setbacks.*** Front setbacks shall be measured from the property line adjacent to the street fronting the property. On corner lots with two street frontages, the shortest frontage shall be considered the front, regardless of where the driveway or front entry is located. See subsection O.5 for flag lot exceptions.

2. ***Rear Setbacks.*** Rear setbacks shall be measured from the property line most directly opposite the front. See subsection O.5 for flag lot exceptions.

3. ***Side Setbacks.*** Side setbacks shall be measured from the property lines not defined as front or rear.

4. ***Composite Side Setbacks.*** Composite side setbacks shall be calculated as the sum of both side setbacks. When calculating a composite side setback, any combination of the side setbacks may be used (for example a 10 foot composite side setback could be composed of 5 feet on both sides or 3 feet on one side and 7 feet on the other). Different combinations may be used at different places on the site to allow for different building shapes.

5. ***Flag Lots.*** For flag lots, the front setback applies only to the first 15 feet of the "pole" near the street. All other setbacks apply to the "flag" portion. The "flag" portion will have two "rear" setbacks - one near (and perpendicular to) the pole and the other opposite to this. Setbacks on flag lots shall be measured by excluding the access strip or easement using only the bulk of the lot.

O. **Measuring Sign Area.** In computing the maximum permissible sign area or display surface, standard mathematical formulas for known or common shapes will be used. Brackets or other appurtenances incorporating design elements that are descriptive or informative of the business use shall be included as part of the sign area.

1. ***Multi-Faced Signs***. All faces of a multi-faced sign shall be included in the calculation of area except for a double-faced hanging or monument sign, in which case only one face shall be included.

2. ***Irregularly Shaped Sign.*** The sign area shall include the smallest rectangle that wholly contains the sign.

17.6.3 Rules for Interpretation.

A. **Zoning Text.** In the implementation of this title, the Director shall determine the intent of all provisions. The determination of the Director may be appealed in accordance with the provisions of Chapter 17.54: Appeals.

B. **Zoning Map.** The following rules shall apply to zoning boundary determinations:

1. District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.

2. Where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the zoning map or by the Director or the Planning Commission. This rule shall not apply to the AS overlay district.

3. Where the AS overlay boundary divides a building site, the entire building site shall be treated as within the overlay district.

4. District boundaries shown as approximately following right-of-way lines of streets or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.

5. District boundaries shown as lying within right-of-way lines of streets, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.

6. District boundaries shown as lying at the edge of a body of water shall be construed to follow the adopted 100-year floodplain identified for the watercourse.

C. **Record of Interpretation.** The Director shall keep a record of interpretations made pursuant to this section that shall be available to the public.

Chapter 17.7 (RESERVED)

DIVISION II: BASE ZONING DISTRICTS

Chapter 17.8	Residential Zoning Districts
Chapter 17.10	R-1 District Design Regulations
Chapter 17.12	R-4 District Design Regulations
Chapter 17.14	Commercial Zoning Districts
Chapter 17.18	Public and Quasi-Public Districts

Chapter 17.8 Residential Zoning Districts

Sections:

17.8.1 Purpose.
17.8.2 Specific Purposes.
17.8.3 Districts Identified.
17.8.4 Land Use Regulations.
17.8.5 Additional Use Regulations.
17.8.6 Prohibited Uses.

17.8.1 Purpose.

The purposes of the residential zoning districts are to maintain the residential village character of the City and encourage originality, flexibility and diversity in residential design that respects the forest setting, the constraints of each site and the surrounding neighborhood.

17.8.2 Specific Purposes.

In addition to the general purpose above, the specific purposes of each of the residential districts are:

A. R - 1 Single Family Residential District.

To provide an appropriate land area for permanent single-family residential uses and structures and to enhance and maintain the residential character of the City.

B. R - 4 Multi-family Residential District.

1. To provide an appropriate location for a mix of multifamily residential dwelling units convenient to the commercial area.

2. To serve as a buffer or transitional zone between the commercial area and the single-family residential district.

17.8.3 Districts Identified.

The following table lists all blocks and lots contained within the R-4 land use district.

TABLE 17.8 – A R-4 DISTRICT BLOCKS AND LOTS	
Block	**Lots**
Block 36	Lots 12 and 14; Lots 16 through 26
Block 37	All
Block 48	Lots 1 through 13; Lot 15
Block 59	Lots 1 through 3
Block O	Lots 1 through 14

17.8.4 Land Use Regulations.

Schedule II-1 prescribes the land use regulations for the residential districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-1.

"C" designates use classifications permitted after review and approval of a Conditional Use Permit by the Planning Commission. Conditions or standards may apply to these uses, noted by the number designations and listed at the end of Schedule II-1.

These uses are subject to Division I: General Regulations and additional use regulations found in Division IV: Provisions Applying in All or Several Districts. Additional use regulations are also found in Section 17.8.5: Additional Use Regulations, of this chapter and are referenced in the Schedule. Findings for specific uses may also be required and are found in Chapter 17.64: Findings Required for Permits and Approvals, of this Title.

Use classifications are defined in Chapter 17.68: Use Classifications, and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List,

adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director's interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission by anyone aggrieved by the decision following the procedures specified in Chapter 17.54: Appeals.

II-1 LAND USE REGULATIONS FOR RESIDENTIAL DISTRICTS			
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**R-1**	**R - 4**	**Additional Regulations**
RESIDENTIAL			See Sec. 17.8.6
Single Family	P	P	See Sec. 17.8.5 (D), (G)
Subordinate Units			See Sec. 17.8.5 (F)
Class I	P	--	
Class II	P	--	
Class III	C	--	
Class IV	P	--	
Guesthouse (noncommercial)	C	--	See Sec. 17.8.5 (C)
Multi-family Dwellings			See Sec. 17.8.5 (E)
0 – 22 dwelling units/acre	--	P	
> 22 dwelling units/acre	--	C	
Senior Citizen Housing	L - 5	P	
Family Day Care			
Small Family	L - 5	P	
Large Family	--	C – 4	See Sec. 17.8.5 (B)
PUBLIC, SEMIPUBLIC AND SERVICE			
Clubs and Lodges	C - 2	C – 4	
Colleges and Trade Schools	--	L – 4	
Community Care Facility	--	L – 4	
Community Social Service Facility	C – 2	L – 4	
Day Care Centers	C - 2	C – 4	
Emergency Medical Care	--	L – 4	

II-1 LAND USE REGULATIONS FOR RESIDENTIAL DISTRICTS			
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**R-1**	**R - 4**	**Additional Regulations**
Government Offices	--	L – 4	
Hospitals and Clinics			
Clinics	--	L – 4	
Hospice Care, Limited	C – 5	L – 5	
Libraries, Public	--	L – 4	
Park and Recreation Facilities	P	P	
Community Centers	C – 2	L – 4	
Conference Facility, Small	C – 2	L – 4	
Parking Facilities, Noncommercial	C – 2	C	See Chapter 17.64: Findings
Public Safety Facility	--	P	
Religious Facilities	C – 2		
Residential Care Facilities			
Limited	L – 5	P	
Senior	--	C	
Schools, Public	C – 2	--	
Schools, Private	C - 2	P – 4	
COMMERCIAL			See Chapter 17.56: Restricted Commercial Uses
Animal Sales and Services			
Animal Grooming	--	L – 4	
Business Services	--	L – 1	
Hotels and Motels	C-3	C	
Maintenance/Repair Services	--	L – 4	
Offices	--	L – 4	
Parking Facilities, Commercial	--	C	See Chapter 17.64: Findings
Personal Improvement Services	--	L – 4	
Personal Services	--	L – 4	

II-1 LAND USE REGULATIONS FOR RESIDENTIAL DISTRICTS			
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**R-1**	**R - 4**	**Additional Regulations**
Retail Sales			
Vending Machines	--	C	
Travel Services	--	C	
Theater, Live Performance	C – 2	--	
TRANSPORTATION, COMMUNICATION AND UTILITIES			
Antennae and Transmission Towers	--	C	
AGRICULTURAL			
Nurseries	P	--	
OTHER			
Accessory Use			See Sec. 17.8.5 (A)
Nonconforming Use			See Chapter 17.36: Nonconforming Uses
Temporary Use			See Sec. 17.52.16

Specific Limitations and Conditions

1: Limited to advertising, consumer credit reporting, secretarial and court reporting, equipment maintenance and repair, personnel supply services, and non-retail computer services and repair.

2: Allowed only on existing quasi-public use sites established prior to December 1, 1980 or added as an accessory use to such existing uses.

3: Limited to existing units established prior to January 1, 1967 and/or authorized by a use permit issued between 1967 and 1990. *Note: These provisions approved by voter referendum.

4: Limited to existing commercial spaces established prior to 1993 and occupied by commercial uses continuously since that time.

5: Limited to occupancy within a single-family residence.

17.8.5 Additional Use Regulations.

A. Accessory Buildings and Structures.

1. Except as provided in Section 17.10.4: Lot Mergers, no more than two accessory structures may be constructed on each building site.

2. No accessory structure shall exceed 400 square feet in floor area except: (1) as provided for guesthouses and (2) as provided in (3) below.

3. Two accessory structures (such as a garage and a guesthouse) may be combined into a single structure as long as the combined floor area does not exceed what would be allowed for two independent structures and does not exceed 75% of the floor area of the primary structure. All accessory structures exceeding five feet in height shall count as floor area. Storage sheds of 120 square feet or less and containing no plumbing or electrical connections shall not require a building permit.

B. Family Day Care, Large Family. The following additional regulations shall apply to the operation of large family day care homes serving 7 to 12 persons.

1. ***Standards.*** All large family day care homes shall comply with all applicable state standards and requirements for family day care homes. In addition, all large family day care homes shall comply with the following standards:

   a. *Outdoor Play Area.* All outdoor play areas shall be enclosed by a natural barrier, wall, solid fence, or other solid structure at least 6 feet in height, and all outdoor play areas shall be adequately separated from driveways, streets and parking areas.

   b. *Parking and Traffic.* Adequate parking shall be provided for employees of the large family day care home and for pick-up and drop-off of children at the home in accordance with the following standards:

i. In addition to the off-street parking spaces required for the residential zone, one additional off-street parking space shall be provided per employee.

ii. Adequate space shall be available for safe pick-up and delivery of children to the day care home. This space shall be off-street, but can be in the driveway or off-street parking area.

2. ***Inspections Required.*** The Fire Department district and Building Official shall conduct an on-site inspection that includes but is not limited to:

a. Gas water heaters, to ensure proper ventilation and permanent installation that is safe from children;

b. Fire extinguishers and smoke detectors, to ensure that they meet standards established by the state fire marshal;

c. Refrigerators, to ensure that they are properly sealed shut if not in use and/or contain a locking device if in use; and

d. All potential fire and safety hazards that may endanger the children at the large family day care home.

C. **Guesthouses.** One guesthouse may be authorized on sites of 6,000 square feet or greater upon approval of a Use Permit. Guesthouses shall contain no food preparation facilities of any kind. A guesthouse on any building site of 8,000 square feet or greater may be converted to a subordinate unit (see Section 17.8.5.F). A legal subordinate unit may be converted to a guesthouse upon approval of a use permit. No site shall contain both a guesthouse and a subordinate unit except as provided under hardship conditions (see Section 17.8.5.F).

TABLE 17.8 – B MAXIMUM FLOOR AREA FOR GUESTHOUSES

Lot Type/Size	Base Size of Guesthouse	Plus Increment Based on Lot Size	Equals Maximum Floor Area
6,000 square feet or larger	400 square feet	(lot area over 6,000) x 1.5%	Allowed Size
Merged Lots of at least 8,000 square feet	500 square feet	(lot area over 6,000) x 1.5%	Allowed Size
Example:	400 square feet	(1,500 sq. ft.) x 1.5%	422 sq. ft.

7,500 Square Foot Lot			

D. Home Occupations. All home occupations require a business license. Home occupations are limited to the use of up to two rooms in a single-family dwelling by a person residing therein as the studio of an artist, writer or musician, or by a teacher of the arts having up to two pupils under instruction at any one time. For this section, the arts shall include only the following: painting, graphics, computer graphics, music, dance, drama, sculpture, writing, photography, weaving, ceramics, needlecraft, jewelry, glass and metal crafts. The Director may authorize other home occupations that:

1. Are limited to office machines such as telephone and/or computer use;

2. Do not involve deliveries more frequently than once per week;

3. Do not involve the parking, use or storage of any commercial vehicles;

4. Do not involve visits by customers, vendors, attendees, salespeople or employees of the business; and

5. Are fully contained within one or two rooms in a single family dwelling and are not located in a garage.

E. Multi-family Dwellings.

1. All multifamily residential projects shall require the preparation of an acoustical analysis and the implementation of acoustical design treatments to meet noise standards contained in Title 25 of the California Government Code.

2. All multi-family projects shall have a minimum per unit size of 400 square feet.

3. At least 25 percent of all units in a multifamily project containing more than 2 units shall be of a size between 400 square feet and 650 square feet in floor area.

F. Subordinate Units. The City has four classes of subordinate residential units as described in Chapter 17.68: Use Classifications. The following regulations apply to these specific classes.

1. ***General Standards for Class II, III and IV Subordinate Units.***

   a. Only one subordinate unit shall be allowed on any single-family building site.

   b. The subordinate unit shall comply with the minimum health and safety standards in the Uniform Housing and Building Codes and the standards for efficiency units in the Uniform Building Code (UBC) as follows:

      i. The unit shall have a minimum living area of 220 square feet.

      ii. The unit shall provide a kitchen sink, cooking appliance and refrigerator facilities, each having a clear working space of not less than 30 inches in front.

      iii. The unit shall have sufficient light and ventilation for living and kitchen use.

      iv. The unit shall provide a separate bathroom, containing a water closet, lavatory and bathtub or shower.

      v. The unit shall have electrical or gas service, water service and sewer service.

      vi. The unit shall have a minimum ceiling height of seven feet six inches.

      vii. The unit shall have heating facilities capable of maintaining a room temperature of 70 degrees at a point three feet above the floor.

   c. No nonconformities shall be created, increased, or enlarged.

   d. No detached subordinate unit shall exceed the maximum allowable size of a guesthouse.

   e. Class III and Class IV units located on sites of less than 6,000 square feet in area shall be attached to the primary dwelling.

f. All attached Class III units shall provide for future interaccessibility, and shall be designed to facilitate conversion of the unit into living space within the primary dwelling. A plan for conversion must be submitted with the application.

g. Class III units located on sites of 6,000 square feet or greater and all Class IV units may be attached or detached. Detached units shall be designed for conversion to a guesthouse. A plan for conversion must be submitted with the application.

h. All unregistered Class II, Class III, and Class IV subordinate units shall be recognized as illegal and subject to the enforcement procedures found in Division VI.

2. ***Regulations Applying to Specific Classes:***

a. *Class II:* Class II units are subject to the General Standards and Convertibility provisions of subsection 1 above and to the following:

i. The property owner shall either maintain the primary or the subordinate unit for his or her own use, or may rent or lease both dwellings. If both dwellings are rented or leased the rental or lease terms shall be at least one year.

ii. Detached subordinate units on sites of less than 6,000 square feet shall not be enlarged or increased in size.

iii. Demolition of more than 50 percent of the value of the structures on a site containing a Class II unit shall require termination of the use and removal of the unit.

b. *Class III:* Class III units are subject to the General Standards and Convertibility provisions of subsection 1 above, and the following:

i. Documentation or evidence shall be submitted to verify that a hardship exists and that granting approval of the use permit to authorize a subordinate unit is warranted. Use permits shall be issued for a specified time period based on the anticipated length of the hardship and shall be recorded with the Monterey County Recorder's Office.

ii. All use permits for Class III subordinate units shall expire upon termination of the specific hardship for which it was granted or upon reaching its time limit, whichever occurs first. Such removal or conversion shall occur within six months of permit expiration.

c. *Class IV*: Class IV units are subject to the General Standards and Convertibility provisions of subsection 1 above, and the following provisions:

i. Class IV units must meet affordable housing standards for low-income or very-low income households as defined for the Carmel area by California Statutes. Verification as affordable housing shall be supplied in a manner approved by the City.

ii. Once established, Class IV units must remain as affordable units until converted to space within the single family residential dwelling or converted to a guesthouse with a use permit per Section 17.8.5.C.

G. Single-Family Residential Dwellings. The following regulations apply to all single-family residential dwellings:

1. Not more than one dwelling unit is allowed per building site except as provided for subordinate units.

2. All portions of a single-family dwelling must have full interaccessibility, with the exception of registered subordinate units and guesthouses.

3. No single-family dwelling of substantially identical design as any existing building or any approved building shall be allowed

on any site located on the same street between the two adjoining cross streets.

4. No proposed single-family dwelling shall be approved that is of substantially similar architecture, building massing, front setback or height as any existing building, or any approved building, located immediately adjacent to the proposed project and facing the street.

17.8.6 Prohibited Uses.

Uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, hotel, resort and other transient lodging uses for remuneration, are prohibited in the residential districts, except as otherwise permitted by this code.

A. **Liability and Enforcement.** Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

B. **Infractions**. Any person who uses, or allows the use of, residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

Chapter 17.9 (RESERVED)

Chapter 17.10 R - 1 District Design Regulations

Sections:

17.10.1 Purpose and Design Objectives.
17.10.2 Dimensional Standards: Lots, Parcels, and Building Sites.
17.10.3 Site Development and Building Standards.
17.10.4 Lot Mergers.
17.10.5 Floodplain Development.
17.10.6 Residential Design Guidelines.
17.10.7 Review of Plans.

17.10.1 Purpose and Design Objectives.

The purpose of this chapter is to establish standards and requirements for physical development in the R-1 Single Family Residential District. To implement the General Plan and the Coastal Land Use Plan, these following design objectives for the R-1 District are established.

A. **The Urban Forest.** Site improvements and the public right-of-way should be designed to preserve significant trees and to perpetuate the established urban forest in each neighborhood where it exists. Each site should contribute to the urban forest or other vegetation characteristic of the neighborhood, by harboring an appropriate number and mix of trees and/or shrubs consistent with the neighborhood context and the neighborhood streetscape.

B. **Neighborhood Design.** Each site shall contribute to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping. It is intended by this objective that diversity in architecture be encouraged while preserving the broader elements of community design that characterize the streetscape within each neighborhood.

C. **Site Design.** Good site design is essential to good building design. Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the

limitations of the land and work with these limitations, rather than ignoring them or trying to override them.

D. **Mass and Bulk.** Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Large box-like buildings and buildings with large, continuous, unrelieved surfaces can appear massive. Designing building and roof planes with just a few, simple forms and keeping floor levels and plate heights close to grade help reduce mass and bulk. The use of natural materials such as wood or stone and the creative use of landscaping can also help to avoid excess mass by introducing texture, variety and screening.

E. **Scale.** Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, windows, roofs and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and shall be avoided.

F. **Boxed-in Neighbors.** Designs should preserve reasonable access to light, air and open space for surrounding properties when considered cumulatively with other buildings in the neighborhood. Designs incorporating tall or bulky building elements located near an adjoining site that is already partially boxed-in by previous development should be avoided.

G. **Privacy.** Designs should respect the privacy of neighbors. The placement of windows, doors, balconies and decks should be sensitive to similar improvements on neighboring properties.

H. **Open Space.** The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Open space is a shared community resource and some front yard open space on each site should remain visible from the street when this is consistent with the context established by neighboring sites.

I. **Landscaping.** Designs should coordinate structural elements with landscaping to achieve a pleasing overall site design. Landscaped open space on site can help enhance the urban forest, or other vegetation

characteristic of the neighborhood, by coordinating with open space on neighboring sites and roadside vegetation. Landscaping also can aid in achieving other design objectives such as breaking up mass and bulk and protecting privacy, but such use of landscaping should not substitute for good building design.

J. **Public Views.** Buildings shall be located and designed to preserve significant coastal views from the public right-of-way in conformance with Section 30251 of the California Coastal Act. The protection of public views should not prevent reasonable development of the site, yet development shall not preclude reasonable protection of any significant coastal view.

K. **Private Views.** Designs should respect views enjoyed by neighboring parcels. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed building or addition. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Buildings which substantially eliminate an existing significant view enjoyed on another parcel should be avoided.

L. **Solar Access.** Design should preserve the rights to reasonable solar access on neighboring parcels. Excessively tall buildings, particularly those near a north property line, which would block the free passage of the sun onto neighboring solar collectors or south-facing windows, should be avoided.

M. **Equity.** Design controls and conditions of approval should be reasonable and fair.

17.10.2 Dimensional Standards: Lots, Parcels and Building Sites.

A. **Legal Building Site Required.** Parcels not meeting the criteria for legal building sites shall not be issued any building permits, other than permits for repair or maintenance, until the parcel has been brought into compliance with this section. A parcel of land within the R-1 land use district shall meet one of the following standards to be considered a legal building site:

1. ***At Least 2,500 Square Feet.*** A single, independent lot of record in existence on February 4, 1948, with at least 2,500 square feet of land area that was not in the same ownership as one or more adjoining lots of record on that date; or

2. ***2,500 Square Feet or More.*** Any lot of record of 2,500 square feet or more, that on February 4, 1948 was in the same ownership as one or more adjoining lots of record and qualifies under one of the criteria below:

   a. A parcel of land in the form of a rectangle having at least 3,700 square feet, composed of 2,500-square-foot lots of record and/or portions thereof that existed on February 4, 1948, and which have been reconfigured either by a lot line adjustment or by a merger of lots in conformance with Section 17.10.4: Lot Mergers.

   b. A parcel of land in the form of a rectangle having at least 5,000 square feet, composed of two or more whole 2,500-square-foot lots of record that existed on February 4, 1948, and which has been formed by a merger of lots in conformance with Section 17.10.4: Lot Mergers.

3. ***At Least 4,000 Square Feet.*** A parcel of land having at least 4,000 square feet in area that is composed of one or more whole lots of record, or was composed of portions of lots of record but has been reconfigured through a lot line adjustment, or by a merger of lots, and recorded as one or more whole lot of record.

4. ***At Least 6,000 Square Feet.*** A parcel of land having an area of not less than 6,000 square feet which is not in the form of a rectangle conforming to the standards below:

   a. All irregularly shaped lots must contain a minimum 20-foot frontage on a public right- of-way, except for parcels of land abutting a public street which shall have a minimum frontage of 40 feet, and except for parcels of land abutting a public cul-de-sac, which shall have a minimum frontage of 30 feet.

   b. Any right-of-way used for ingress and egress to buildable portions of irregularly shaped lots shall be unobstructed and shall have a minimum width of 20 feet, and the 20-foot right-of-way shall not be considered for purposes of building site area or building site coverage.

B. Multiple Lots on One Building Site. No developed building site composed of more than one lot of record shall be reduced in size by

establishing one of the component lots as a separate site if such action would create or increase nonconformity with respect to the allowable site coverage, floor area ratio, parking, setbacks, site area or other zoning standards for any site involved.

C. **Fragment Lots.** Lot fragments are portions of lots that do not meet minimum standards for building site area. Some existing parcels and building sites contain one or more lot fragments resulting from past activities such as:

1. Lot line adjustments or subdivisions in which pre-existing lot lines, interior to the property, were not removed;

2. Private transactions involving land transfers between parties as in gifts, exchanges, deed transfers, inheritance, etc., which also left lot lines, interior to the property intact; or

3. Designated remainders not divided for the purpose of sale, lease, or financing that were not counted as a parcel for the purpose of fulfillment of requirements for subdivision improvements;

Lot fragments shall not qualify as legal building sites unless joined to whole lots or other fragments to meet minimum building site criteria for size, as established above in this Section and recorded as one or more lots of record.

D. **Steep Slope Areas.** For areas with an average slope greater than 30 percent, the minimum lot size required for new subdivisions shall increase by the following percentages:

1. ***Slopes between 30 and 40 percent.*** The minimum lot size requirements shall increase by 50 percent.

2. ***Slopes between 40 and 50 percent.*** The minimum lot size requirements shall increase by 75 percent.

3. ***Slopes greater than 50 percent.*** The minimum lot size requirements shall increase by 100 percent.

E. **Certificates of Compliance.** Any person owning real property or vendee pursuant to a contract of sale of real property may request, and a local agency shall determine, whether the real property complies with all applicable City ordinances and the Subdivision Map Act regarding the formation of legal lots. Upon finding that a parcel

complies with the requirements for legal lot under the Subdivision Map Act and local ordinances adopted pursuant to formation of legal lots, the Department of Community Planning and Building shall issue for recordation a certificate of compliance. If the Department determines that the property does not comply with applicable State and City requirements, the Director may impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest. Upon making a determination of non-compliance and establishing conditions, the City shall cause a conditional certificate of compliance to be filed for recordation with the County recorder. Compliance with these conditions shall be required prior to City action on any permit for development of the parcel except as otherwise provided in this Section.

17.10.3 Site Development and Building Standards.

A. Setbacks. Minimum building setbacks shall conform to the standards in Table 17.10-A: Setback Standards for R-1 District.

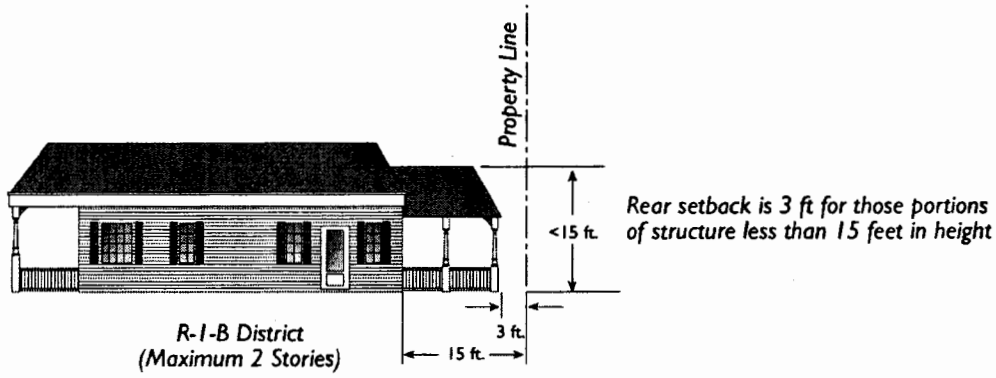
TABLE 17.10-A: SETBACK STANDARDS FOR R-1 DISTRICT

Lot Type	Front Setback (in feet)	Rear Setback* (in feet)	Side Setbacks		
			Composite** (both sides)	Minimum Setbacks (in feet)	
				Interior Side	Street Side
Interior Site	15	15	25% of Site Width	3	N/A
Corner Site	15	15	25% of Site Width	3	5
Resubdivided Corner Site	10	15	25% of Site Width	3	9
Double-Frontage Site	15	N/A	25% of Site Width	3	5 (if applicable)

* The rear setback is 3 feet for those portions of structures less than 15 feet in height.

** See Section 17.10.3.A.1 below and 17.6.2: Rules of Measurement.

Figure II-1: Rear Setback Exception



1. ***Detached Garages and Carports.*** To encourage variety and diversity in neighborhood design, detached garages and carports may be authorized by the Planning Commission or the Design Review Board within rear yard setbacks or front or side yard setbacks facing a street, subject to the following standards:

   a. *Front or Side Yard Setback Facing a Street.* The Design Review Board or Planning Commission may authorize a single-car, detached garage or carport not exceeding 12 feet in width, 250 square feet in floor area and 15 feet in height in either the front yard setback or a sideyard setback facing a street (but not both) if:

      i. At least 50 percent of the adjacent right of way is landscaped or preserved in a natural and forested condition to compensate for the loss of open space;

      ii. The proposed setback encroachment would not impact significant or moderately significant trees;

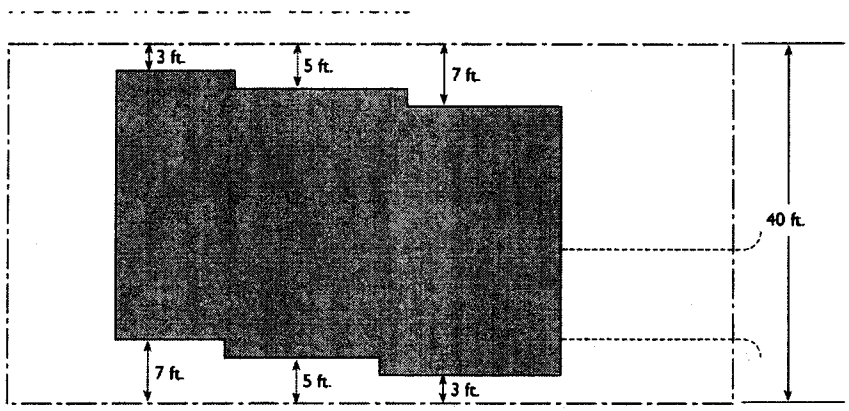
      iii. Free and safe movement of pedestrians and vehicles in adjacent right of ways is protected;

      iv. All development on site will be in scale with adjacent properties and the neighborhood context consistent with adopted design guidelines; and

      v. Placement of the garage or carport in the setback will add diversity to the neighborhood streetscape.

b. *Interior Sideyard Setback and/or Rear Setback.* Detached garages may encroach into an interior sideyard setback, rear yard setbacks, or both, if limited to 15 feet in height, the setback encroachment would not impact significant or moderately significant trees, and the garage location/design complies with Design Guidelines.

Figure II-2 Composite Sideyard Setbacks (Example Shown is an Interior Lot)



Sideyards setbacks may vary throughout the depth of the lot, but shall not be less than 3 feet on either side or equal to less than 25 percent of the lot width on both sides. The above example shows a variety of setback combinations that equal 25 percent of a 40 foot wide lot.

2. ***Setback Exceptions.*** The following table identifies allowed exceptions to setbacks in the R-1 District:

TABLE 17.10 – B: SETBACK EXCEPTIONS IN R-1 DISTRICT

Design Element	Front Setback		Rear Setback		Side Setback	
	Allowed	Limits	Allowed	Limits	Allowed	Limits
Chimneys	Yes	24 in.	No	N/A	No	N/A
Driveway	Yes	N/A	Yes	N/A	Yes	18 in.
Eaves	Yes	24 in.	Yes	18 in.	Yes	18 in.*
Entryway/ Porch	No	N/A	No	N/A	Yes	18 in. Street side only, uncovered

TABLE 17.10 – B: SETBACK EXCEPTIONS IN R-1 DISTRICT						
Fences/ Walls/Arbors	Yes	Refer to Table 17.10.G	Yes	Refer to Table 17.10.G	Yes	Refer to Table 17.10.G
Garage/ Carport	Yes	Refer to Sec.17.10.3 .A.1	Yes	Refer to Sec.17.10.3 .A.1	Yes	Interior side of corner lots only
Garbage Enclosure	No	N/A	Yes	3 ft. from property line	Yes	3 ft. from property line
Ramps	Yes	Max. 4 ft. width	Yes	Max. 4 ft. width	Yes	Max. 4 ft. width
Masonry Stoops and Stairs	No	N/A	No	N/A	Yes	First floor only
Walkway	Yes	Max. width in setback: 4 ft.	Yes	Max. width in setback: 4 ft.	Yes	Max. width in setback: 4 ft.
Window Wells	No	N/A	Yes	3 ft. from property line**	Yes	3 ft. from property line**

* Eaves shall not encroach into any minimum side-yard for more than 20 linear feet per side.

** All window wells that encroach into setbacks shall meet the minimum length, depth, and width requirements for egress and access to light.

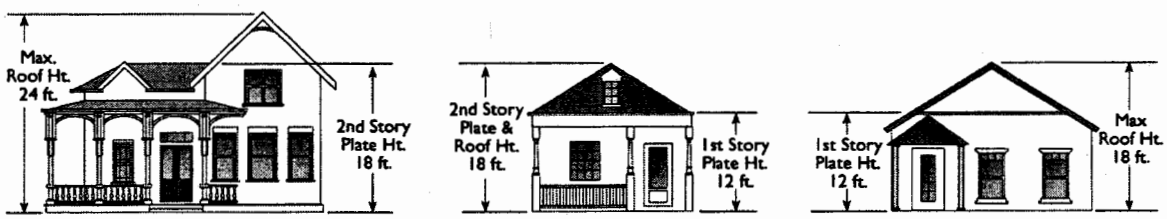
B. Height Limits. The following height standards apply to the R-1 district. Where conflicts between two or more of these standards occur, the more restrictive limits shall apply.

TABLE 17.10 – C: MAXIMUM HEIGHT STANDARDS			
	R-1 District	**R-1-B District**	**R-1-PO District**
Number of Stories Allowed	2	2	1*
Roof Height Of First Story (in feet)	18	18	18
Plate Height Of First Story (in feet)	12	12	12

TABLE 17.10 – C. MAXIMUM HEIGHT STANDARDS			
Roof Height Of Second Story (in feet)	24	18	24*
Plate Height Of Second Story (in feet)	18	18	18*

* See Section 17.20.11: Required Planning Commission Review and 17.20.12: Review Criteria.

Figure II-3 Maximum Heights



R-1 District (Maximum 2 Stories) *R-1-B District (Maximum 2 Stories)* *R-1-PO District (Maximum 1 Story)*

1. ***Chimneys.*** Fireplace chimneys and vents, including caps, shall be no higher than required by the UBC and shall not exceed four feet in height above the building height. Chimneys, vents or chimney enclosures which project above a roofline, flat deck or parapet wall shall also be subject to the following standards.

   a. *Maximum Horizontal Dimension.* Three feet and four inches. No cap or ornament shall exceed 24 inches in any horizontal dimension.

      i. Exception. Three feet and six inches for double-flue chimneys.

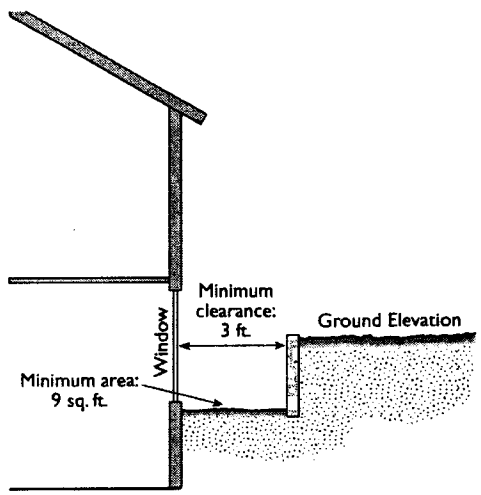
   b. Chimneys shall not contain any storage space, access openings or other uses unrelated to the vent function of the chimney.

2. ***Maximum Site Coverage.*** 10 percent of the site area. At least 50 percent of all site coverage shall be permeable or semipermeable.

a. *Exemptions.*

i. Building Projections. Structural elements that project out from building walls including oriel windows, eaves, balconies, overhangs and similar structural elements are exempt from site coverage calculations if limited to a projection of 18 inches or less. Window wells providing emergency egress shall provide at least three feet of clearance from the window opening and nine square feet in area unless otherwise determined by the Building Official. The ground area of each window well shall be fully counted as site coverage.

Figure II-4 Window Well



ii. Driveways and Walkways. A single driveway up to 9 feet in width and a single walkway up to 4 feet in width, the combined area of which do not exceed 500 square feet, are exempt from site coverage limits if made of semi-permeable or fully permeable materials. Such walkways shall connect the home entrance with either the driveway or a front or side property line facing a street. Front walkways shall not be permitted to encroach into the right-of-way and shall either connect with the driveway on site or shall stop at the property line,

as shown in Figure II-4. Driveway paving materials may encroach into unimproved right-of-way between the property line and the street.

iii. Flag Lots. The paving of private roads or the paving on the "pole" of a flag lot are exempt from site coverage limits.

b. *Nonconforming Site Coverage.* Sites not in compliance with site coverage limits shall not be authorized to increase site coverage. Sites with excess coverage may add floor area consistent with Section 17.10.C.2: Exterior Volume, only when:

i. The site complies with the R-1 District tree density provisions established in Section 17.48.8.A and all existing and new trees have sufficient space to protect the root zones and provide for new growth; and

ii. Excess site coverage will be reduced at a rate equal to two times the amount of floor area added to the site, or to an amount that complies with the site coverage limits, whichever is less.

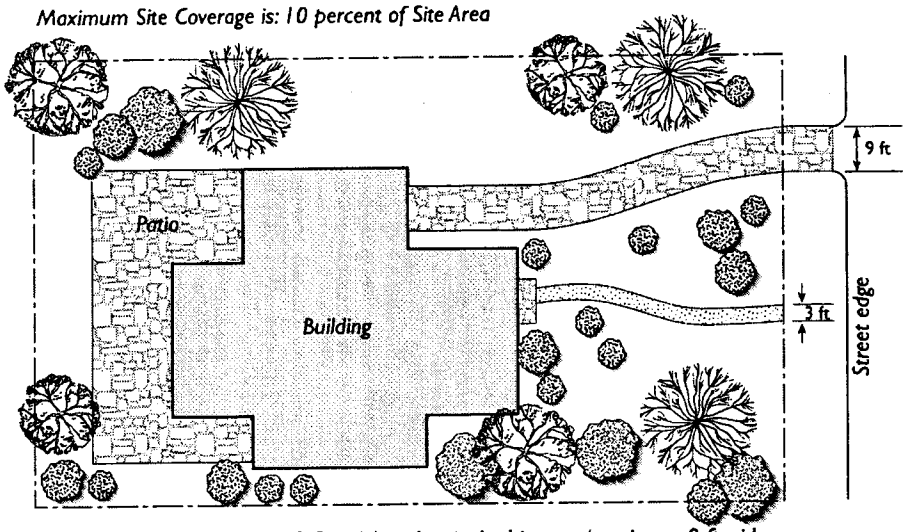
C. Floor Area Ratio and Exterior Volume.

1. ***Maximum Floor Area.*** The actual floor area that will be permitted on each site is dependent on site constraints and compliance with the Design Objectives for the R-1 District. The maximum floor area will not be achievable on sites with constraints such as slopes, significant trees, unusual shape or difficult access. For sites with an average slope greater than 30%, the maximum allowed floor area and exterior volume shall be reduced by 2% for each 1% increase in average slope above 30% up to a maximum reduction of 50% (See Section 17.6.2.D: Determining Buildable Area).

a. *Sites Less Than 4,000 Square Feet.* On sites of 4,000 square feet or less in area, the maximum base floor area shall not exceed 45 percent of the area of the building site.

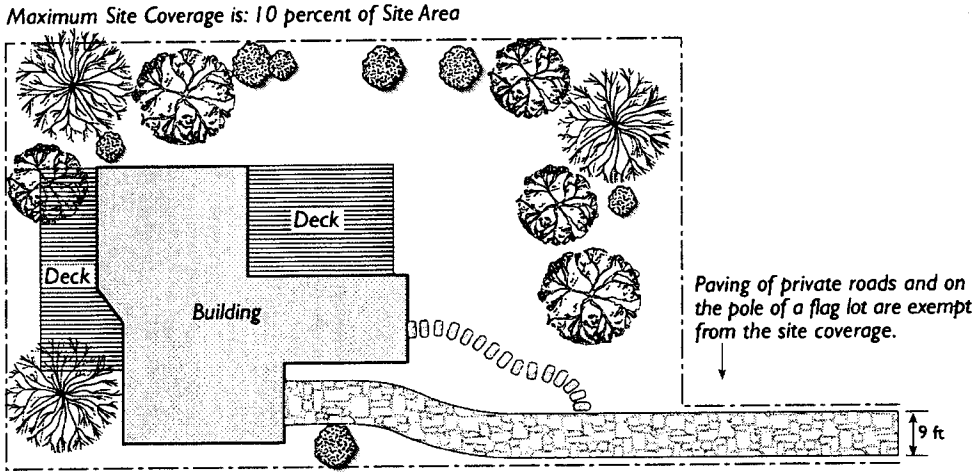
Figure II-5 Maximum Site Coverage

Maximum Site Coverage is: 10 percent of Site Area



A single walkway (maximum 3 ft wide) and a single driveway (maximum 9 ft wide and 500 square feet in area) are exempt from the site coverage.

Maximum Site Coverage is: 10 percent of Site Area



b. *Sites Between 4,000 and 10,000 Square Feet.* On sites between 4,000 square feet and 10,000 square feet, the base floor area shall be calculated as follows:

$$[\text{Building Site Area}] \times 0.45 - \frac{((\text{Sq Ft. Over } 4{,}000) \times .02)]}{1{,}000} = \text{Base Floor Area}$$

c. *Sites Larger Than 10,000 Square Feet.* For sites larger than 10,000 square feet the base floor area shall be as

stated in Table 17.10-G. For building sites of a size between two entries in the table, the base floor area shall be prorated using a straight, arithmetic projection between entries. The maximum allowed floor area on any building site 22,000 square feet or larger shall not exceed 6,000 square feet.

Table 17.10-D lists base floor area for common lot sizes.

TABLE 17.10 - D: BASE FLOOR AREA AND BONUS FLOOR AREA STANDARDS FOR TYPICAL LOTS

Site Area	Base Floor Area	Maximum Bonus Floor Area	Maximum Total Floor Area*
4,000	1,800	600	2,400
5,000	2,150	717	2,867
6,000	2,460	820	3,280
7,000	2,730	910	3,640
8,000	2,960	987	3,947
9,000	3,150	1,050	3,200
10,000	3,300	1,100	4,400
11,000	3,450	1,150	4,600
12,000	3,600	1,200	4,800
13,000	3,735	1,245	4,980
14,000	3,870	1,290	4,160
15,000	4,005	1,335	5,340
16,000	4,140	1,380	5,520
17,000	4,255	1,418	5,673
18,000	4,370	1,457	5,827
19,000	4,485	1,495	5,980

* The Maximum Total Floor Area equals the Base Floor Area plus the Bonus Floor Area. The numbers in this column would require half of the total floor area to be located in a basement.

d. *Other Provisions.*

i. Required Parking. On each site, a minimum of 200 square feet of base floor area and 2,200 cubic feet of exterior volume shall be reserved for each

required parking space whether provided by means of a garage, carport or parking pad. Inability to provide on-site parking shall not authorize more floor area or exterior volume for other purposes in lieu of parking.

ii. Unbuildable Areas. Those portions of a property that are not counted as part of the building site or that are unbuildable (i.e. exclusive easements, private roads, the "pole" of a flag lot, etc.) shall first be deducted from the site area when calculating base floor area.

iii. Interior Stairways. Interior stairways connecting a first story with a second story shall be counted as floor area on only one of the two floors the stair connects. This floor area shall be considered two-story for purposes of determining volume.

iv. Basement Incentive. Each site shall be allowed 100 square feet of floor area, located in a basement that is exempt from the floor area limit established in this section. This basement floor area shall be in addition to the allowed base floor area total.

2. ***Exterior Volume.***

a. *General Provisions.* The maximum allowable exterior volume is the total allowed base floor area for the site multiplied by the volume factors in Table 17.10-E. (See also Section 17.6.2.G: Rules of Measurement for Exterior Volume).

TABLE 17.10 – E: EXTERIOR VOLUME FACTORS FOR R-1 DISTRICT

	Maximum Exterior Volume (Cubic Feet) Per Square Foot of Floor Area)	
	One-Story Elements of the Building	Two-Story Elements of the Building
Located under a pitched or sloping roof greater than 3:12 pitch	12	11

TABLE 17.10 – E: EXTERIOR VOLUME FACTORS FOR R-1 DISTRICT		
	Maximum Exterior Volume (Cubic Feet) Per Square Foot of Floor Area)	
	One-Story Elements of the Building	Two-Story Elements of the Building
Located under a flat roofed area of the building 3:12 or less pitch	11	10

b. *Volume Option for Additions.* It is recognized that existing homes built prior to 2003 may not have been designed to comply with volume standards. For these homes the following option is available: additions of floor area, whether attached or detached, may be approved through design review without determining compliance with the exterior volume standard for the entire site. Instead, the addition(s) shall comply with the applicable volume factor (from the table above), only for the specific floor area contained in the addition(s). This option applies only to the specific location of the addition. No alteration affecting other parts of the building shall be approved through this option. Projects for which applicants have not chosen this option shall be reviewed using volume limits for the entire site.

c. *Changes in Design with Limited Affect on Volume.* The Director of Community Planning and Building may waive the requirement for a determination of total exterior volume for any changes in design if the volume being added by all of the proposed changes would not exceed 2% of the total allowed volume for the site. The cumulative total volume of changes constructed after February 6, 2003 using such waivers shall not exceed this 2% limit.

3. ***Bonus Floor Area.*** The City provides an incentive to use some of the base floor area and exterior volume in a basement. The result of this incentive is to reduce above-ground floor area and reduce exterior volume for sites awarded bonus floor area in basements. Under this incentive program, the area required for a minimal stairway from the first floor to the basement shall not

be counted as floor area on either floor the stair connects. For an example worksheet, see Bonus Basement Floor Area Worksheet.

a. *One-Story*: For each 1 square foot of the base floor area constructed in a basement and 12 cubic feet of allowed exterior volume not built above average grade, 1 additional square foot of bonus floor area may be constructed in a basement.

b. *Two-Story*: For each 1 square foot of the base floor area constructed in a basement and 11 cubic feet of allowed exterior volume not built above average grade, 1 additional square foot of bonus floor area may be constructed in a basement. (See Bonus Basement Floor Area example).

i. The limits on the amount of volume that may be built in a basement, are the defined interior ceiling height for basements and the requirement that all basement space shall be located within the perimeter established by the exterior, above-ground walls of the primary dwelling on the site. A basement shall not extend into any open space or yard area outside the building footprint without it counting as aboveground floor area.

ii. On some sites, or areas within a site, excavation may be inappropriate due to tree roots or other constraints and the bonus floor area will not be achievable. Bonus floor area is not available to sites nonconforming with respect to any floor area or parking regulation.

TABLE 17.10 - F: EXAMPLE OF BONUS FLOOR AREA CALCULATIONS*

Floor Area Above Ground	Base Floor Area in Basement	Bonus Basement Floor Area	Maximum Exterior Volume**		Total Floor Area
			One Story	Two Story	
1,800	0	0	21,600	19,800	1,800
1,600	200	200	19,200	17,600	2,000
1,500	300	300	18,000	16,500	2,100
1,400	400	400	16,800	15,400	2,200

TABLE 17.10 – F: EXAMPLE OF BONUS FLOOR AREA CALCULATIONS*					
Floor Area Above Ground	Base Floor Area in Basement	Bonus Basement Floor Area	Maximum Exterior Volume**		Total Floor Area
			One Story	Two Story	
1,300	500	500	15,600	14,300	2,300
1,200	600	600	14,400	13,200	2,400

* For 4,000 square foot site where base floor area equals 1,800 square feet

** Exterior volumes for the two-story column assume both floors are of equal size. The allowed exterior volume of a building that is partially one story and partially two stories will have a value that is between the one and two story columns and will be unique for each design based on how much is one story and how much is two story (See Bonus Basement Floor Area Worksheet).

D. Fences and Walls.

1. ***Height.*** Fences and walls meeting the standards in Table 17.10-G may be approved through Administrative Design Review. Approval of taller fences and walls require approval from the Design Review Board or Planning Commission.

TABLE 17.10 – G: MAXIMUM FENCE AND WALL HEIGHTS				
	Setback Location			
Design Element	Front Setback	Side Setback	Side Setback Facing Street	Rear Setback
Fence	4 feet*	6 feet	4 feet*	6 feet
Garden Wall	3 feet*	6 feet	3 feet*	6 feet
Retaining Wall	3 feet**	6 feet	3 feet**	6 feet
Pillars and Gates	6 feet	N/A	6 feet	N/A
Arbor/Trellis	7 feet	7 feet	7 feet	7 feet

*These limits shall not be altered through Design Review by the Design Review Board or Planning Commission.

**Up to 6 feet may be allowed for retaining walls that are not visible from the street. See section 17.10.3D(4).

2. ***Reconstruction of Nonconforming Fences and Walls.*** Existing fences and walls may be rebuilt if damaged or deteriorated without conforming to current height limits upon submittal of plans and photographs documenting existing heights and materials. The director may approve the rebuilding as long as heights are not increased.

3. ***New Fences and Walls.*** New fences and walls on corner lots shall be reviewed by the Building Official in consultation with the Police Department to ensure a safe line of sight for intersecting lanes of traffic.

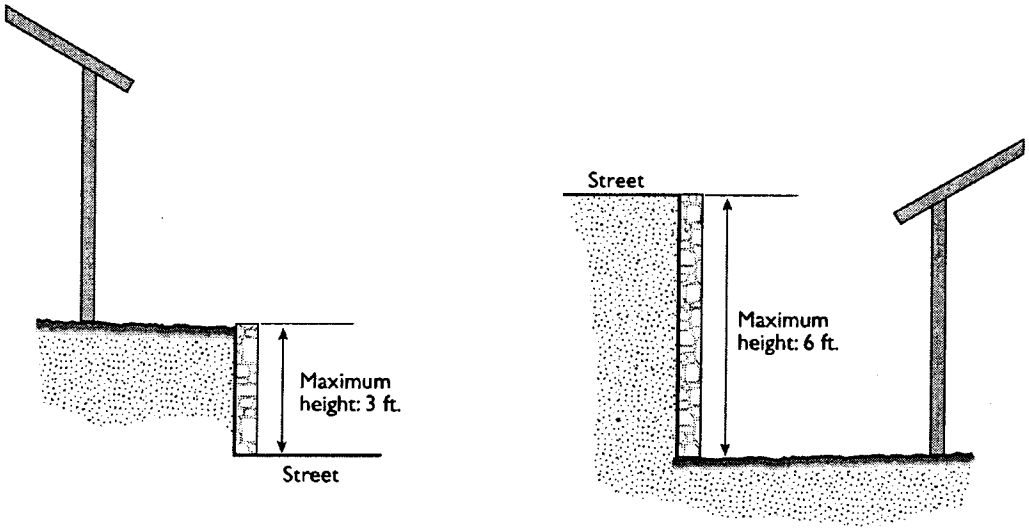
4. ***Retaining Walls.*** Retaining walls in front setbacks or side setbacks facing a street are permitted as follows:

   a. Retaining walls with the exposed face visible from the street shall have a maximum height of four feet.

   b. Retaining walls with the exposed face parallel to the street and facing the interior of the property site shall have a maximum height of six feet.

   c. Exceptions to these height limits shall require Design Review Board approval.

Figure II-6: Retaining Walls



Retaining wall with exposed face visible from street

Retaining wall with exposed face parallel to street

E. On-Site Parking Requirements. Required parking spaces shall be provided by a garage, carport or parking pad measuring at least 10 feet by 20 feet having practical ingress and egress for a vehicle. Tandem parking is allowed in this district. All required parking shall be provided on-site and shall be counted as floor area and exterior volume.

F. Required Parking Spaces.

1. ***Dwellings.*** One parking space per primary dwelling on sites of 8,000 sq. ft. or less in area. Two parking spaces per primary dwelling on sites larger than 8,000 sq. ft. in area.

2. ***Guesthouses.*** One space per guesthouse.

3. ***Subordinate Units.*** Sites with Class II subordinate units shall provide a minimum of one parking space at the time of approval. Upon enlargement or improvement of a Class II unit there shall be one parking space for each dwelling on the site including the subordinate unit. Improvements are allowed even if one or both parking spaces encroaches into a setback. Sites with Class III or IV subordinate units shall provide one parking space behind all setbacks for the unit and shall comply with all parking requirements established in Chapter 17.38: Off-Street Parking Requirements, for other development on the site.

G. Additional Requirements.

1. Parking required for conditional uses shall be established when the use permit is issued, but shall be no less than for equivalent uses in the commercial district.

2. Each required parking space shall conform to setback standards unless an exception applies. Driveways may encroach into setbacks.

3. On sites of less than 6,000 square feet, only a single-car width garage door shall face the street. Wider garage doors on such lots may be authorized if the door is integrated into the house and adjacent wall surfaces (i.e. same materials and color) or set back at least 50 percent into the depth of the lot.

4. Developed building sites not meeting parking standards shall be considered nonconforming. No building permits authorizing any demolition, rebuild, floor area addition or increase in exterior

volume exceeding 2% of allowed volume shall be issued unless one or more of the following applies:

a. The proposed plans for construction will achieve compliance with all parking standards, or

b. The building permit is for repairs only, or is for alterations involving no expansion of floor area and the valuation of the work would not exceed 25 percent of current construction costs for replacement of the building.

5. ***Outdoor Antennae.*** Except as provided in Chapter 17.46: Telecommunications and Wireless Facilities, all outdoor antennae, including satellite dishes, shall conform to the following:

a. *Maximum Number.* One antenna per building site.

b. *Maximum Height.* No part of any antenna shall exceed the height limits in the underlying land use district or overlay zone. Roof mounted antennae serving a single property are allowed if they are mounted below the ridgeline and are not visible from any street.

c. *Minimum Setbacks.* Ground-mounted antennae and support structures shall be at least three feet from any property line. No antennae or support structure shall be located in any setback facing a street.

d. *Screening.* All ground or wall mounted antennae shall be screened or camouflaged by walls, color, fences or landscaping.

17.10.4 Lot Mergers.

A. Mergers Initiated by the City. As provided for in the Subdivision Map Act of the State of California, the City may merge two or more contiguous parcels or units of land that are under the same ownership if any one of the parcels or units does not conform to the building site standards contained in this Chapter and all of the following requirements are met:

1. At least one of the parcels is undeveloped by any structure, or is developed only with one or more accessory structures, or is developed with a single structure other than an accessory structure that is also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel or unit, one or more of the following conditions exist. The parcel of unit:

   a. Is comprised of less than 5,000 square feet in area at the time of the determination of merger;

3. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation;

   a. Does not meet standards for water supply (See Chapter 17.50: Water Management Program);

   b. Has a slope in excess of 30 percent;

   c. Has no legal access adequate for vehicular and safety equipment access and maneuverability;

   d. If developed would create health or safety hazards;

   e. Is inconsistent with the General Plan Coastal Land Use Plan, or any applicable Specific Plan, other than minimum lot size or density standards.

4. ***Regulatory Merger Procedure***. The procedures for mergers shall follow the requirements established in the Subdivision Map Act of the State of California at the time of the merger.

B. Mergers Requested by Property Owners.

1. ***Merger of Sub-Standard Lots and/or Lot Fragments***. A property owner may request a merger to consolidate lots and/or lot fragments as defined by this code to create a single parcel that meets the requirements for a legal building site in the district where the property is located. Such request shall be in writing and shall be accompanied by such information as required by the Director of Community Planning and Building and a fee established by the City Council. The Director may approve a request for merger without public notice or a hearing. Approvals shall be subject to conditions necessary to

achieve compliance with the General Plan and other applicable regulations. The Director's decision may be appealed to the Planning Commission as provided for in Chapter 17.54: Appeals, and the Subdivision Map Act. Upon approval, the City shall file a determination of merger with the County recorder.

2. ***Other Owner-Initiated Mergers.*** The City encourages the merger of small lots into larger lots to promote diversity in design and housing size and to preserve open space. Two or more contiguous lots of record, each of which would individually meet the standards for development as a building site, may be merged through the filing of a voluntary merger request by the owner(s). Upon approval of such a merger by the Department of Community Planning and Building, and recording of merger documents or maps with the County recorder, the following incentives become available to the property:

   a. Allowed base floor area may be increased by three percent of site area, beyond the standard specified in Section 17.10.3.C: Floor Area Ratio and Exterior Volume. A commensurate amount of additional exterior volume also shall be allowed.

   b. Guesthouses or subordinate units may be built with 100 square feet more floor area than is specified in Sections 17.8.5.C: Guesthouses and 17.8.5.F: Subordinate Units.

   c. Up to 2.5 percent of additional site coverage is allowed if the site complies with the City's tree density standards.

   d. One additional accessory structure is allowed for a total of three accessory structures on the site.

C. **Voluntary Waiver of Subdivision Rights.** Any owner of a lot of record that is two or more times the minimum lot size for the underlying land use district may grant a permanent easement to the City, voluntarily waiving all future rights to apply for, and receive approval for, any subdivision of land to create additional building sites. Upon approval by the Department of Community Planning and Building and proper recording of easement documents with the County Recorder, the incentives established in this section for merged lots become available to the property.

17.10.5 Floodplain Development.

A. Parcels shown on Plate 2 of Floodplain Information, Carmel River, Monterey County, California, (U.S. Army Corps of Engineers, San Francisco District, May 1967), are considered to be in a floodplain.

B. Any new building or addition to an existing building located in a floodplain shall establish the first floor level at least one foot higher than the elevation of the standard project flood, or in the case of nonresidential structures, the elevation to which the building has been flood protected. Documentation verifying compliance shall be certified by a Civil Engineer registered in the State and shall accompany the building permit for the proposed construction. All elevations shown on the plans shall be referenced to mean sea level.

17.10.6 Residential Design Guidelines.

The City Council shall maintain Design Guidelines to implement the Design Objectives outlined in Section 17.10.1: Purpose and Design Objectives, above. The Planning Commission, Design Review Board, and the Department of Community Planning and Building shall use these Guidelines to review proposed construction. Designs that conflict with Municipal Code standards or which fail to achieve reasonable compliance with the adopted R-1 design objectives shall not be approved.

17.10.7 Review of Plans.

All proposed site development, exterior alterations, rebuilding, rehabilitation and new construction shall require Design Review. The dimensional standards established in this Chapter (e.g. height, setbacks, coverage, floor area) represent maximum or minimum limits and will not be achievable on every site. Design Review involves discretion and judgment regarding the appropriateness of each design within the context of site constraints and neighborhood character. See Chapter 17.58: Design Review.

Chapter 17.11 (RESERVED)

Chapter 17.12 R – 4 District Design Regulations

Sections:

17.12.1 General Regulations Applicable.
17.12.2 Site Development and Building Standards.
17.12.3 Demolition and Replacement of Structures.
17.12.4 Design Regulations.
17.12.4 Preservation of Public Viewshed.

17.12.1 General Regulations Applicable.

All general regulations in Division I: General Regulations, are applicable to the R-4 district. All regulations not specifically reserved to the CC, SC, or RC districts in Chapter 17.14: Commercial Zoning Districts, shall apply to the R-4 district.

17.12.2 Site Development and Building Standards.

A. **Maximum Number of Stories.** Buildings shall be no more than two stories.

B. **Maximum Base Density: 33 units /acre.** Each apartment unit, single-family dwelling, guest house, condominium unit, accessory unit and each commercial shop space shall be counted as a unit in determining the density of projects in the R-4 District.

> **Bonus Density.** Additional housing units may be allowed upon approval of a density bonus up to a maximum of 44 units per acre. Required findings for approval of a density bonus are established in 17.64.19. Any density bonus calculation resulting in fractional units shall be rounded up to the nearest whole unit

C. **Bonus Density.** Additional housing units may be allowed upon approval of a density bonus up to a maximum of 44 units per acre. Required findings for approval of a density bonus are established in Section 17.64.19. Any density bonus calculation resulting in fractional units shall be rounded up to the nearest whole unit.

D. Building Site Area.

1. ***Maximum.*** 20,000 square feet.

2. ***Minimum.*** 4,000 square feet.

3. ***Rental Units.*** Sites of 4,000 square feet or less in area may be developed with apartments, condominiums, or a combination of both. On sites that are greater than 4,000 square feet or more in size, at least 50 percent of all residential units on the site shall be provided as rental apartment units.

E. Distance Between Buildings. Buildings shall not be less than six feet from any other buildings on the same site.

F. Parking. All projects shall provide the minimum amount of parking required in chapter 17.38: Off-Street Parking Requirements and meet all of the requirements of that chapter and the following supplemental requirements.

1. Required parking for dwelling units must be provided on-site and the payment of fees in-lieu of parking shall not be applicable to dwelling units in this zone.

2. Underground parking provided in a basement/garage shall not be considered a story if the finished floor elevation above such basement/garage is not more than five feet above the official grade of the sidewalk in front of the structure, or structures as may face on a public street, way, place, or park.

3. Parking on every site shall be for the sole use of tenants or subtenants of the dwelling units on each site and shall not be let, sublet, rented out, leased or hired out to any persons, corporations or companies not occupying a dwelling unit and any parking provided in excess of those required by this title shall be for the occasional use of tenant or subtenant guests only. Parking for commercial sites shall be for the exclusive use of owners, employees and customers of commercial uses on each site.

4. No parking spaces shall be constructed, used or maintained within the required front yard setback lines or sideyards facing a street.

5. Surface parking on sites exceeding 6,000 square feet in area and all underground parking facilities shall provide a means on the site to allow vehicles to turn around so as to prevent a vehicle from backing onto a public street.

6. Driveways shall not exceed 14 feet in width and the driveway grade shall conform to all provisions of Section 17.14.21: Parking Design.

G. **Landscaping.** A landscaping plan shall be prepared for all new development, and substantial alteration of existing development, in the R-4 district in accord with Chapter 17.34: Landscaping.

H. **Outdoor Antennae.** Except for antennae used by Federal Communications Commission licensed ham operators or operators certified by RACES or ARES, which are excluded by these provisions, antennae erected in the R-4 land use district shall be subject to the following standards:

1. No antenna or its supporting structure shall be located in the area between the front property line and the portion of the main structure or building located closest to the front property line.

2. No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

3. All ground-mounted antennae shall be camouflaged by walls, color, fences, or landscaping. Landscaping shall be of a type and variety capable of growth within one year to a landscape screen that obscures the visibility of the antenna. The landscaping plan shall be approved by the City Forester before it is implemented.

4. No antenna shall be erected within the public viewshed as identified in Section 17.12.5: Preservation of Public Viewshed.

5. No part of any antenna shall be higher than 24 feet.

17.12.3 Demolition and Rebuilding of Structures.

A. **Residential Structures.** Demolition of structures shall be regulated in conformance with Chapter 17.30: Demolition of Structures. Existing residential land uses, lawfully established prior to the effective date of

the ordinance codified in this chapter, March 7, 1990, having a greater density of dwelling units than allowed by the standards for this district may be replaced or reconstructed at the same density upon approval of a design that complies with all current design standards applicable to the R-4 district.

B. **Commercial Structures.** No increase in commercial floor area shall be allowed on any site. Existing commercial structures containing conforming uses may be replaced by new commercial structures as long as the proposed buildings comply with all R-4 development standards and the findings found in Section 17.64.10: Increase in Commercial Floor Area, Commercial Spaces or Business.

With the exception of motel uses which may include guest rooms at both the first and second stories, all commercial uses within such newly constructed buildings shall be limited to the first floor level, at or near street grade. Lawfully established motel uses in the R-4 district shall be considered conforming upon approval of a use permit and may be remodeled or rebuilt in conformance with their authorized number of guest rooms as long as all design and parking requirements of the R-4 district are met.

17.12.4 Design Regulations.

For general design regulations applicable to the R-4 district see regulations applicable to the RC District in Chapter 14: Commercial Zoning Districts.

A. **Architectural Variety.** For developments greater than 4,000 square feet in site area the design shall reflect variety in architectural treatment and housing size. Larger sites shall coordinate the arrangement of open spaces, landscaping and buildings on the site and on adjacent sites to create a pleasant living environment with open spaces that are usable by the residents for active or passive recreational purposes and aesthetic enjoyment.

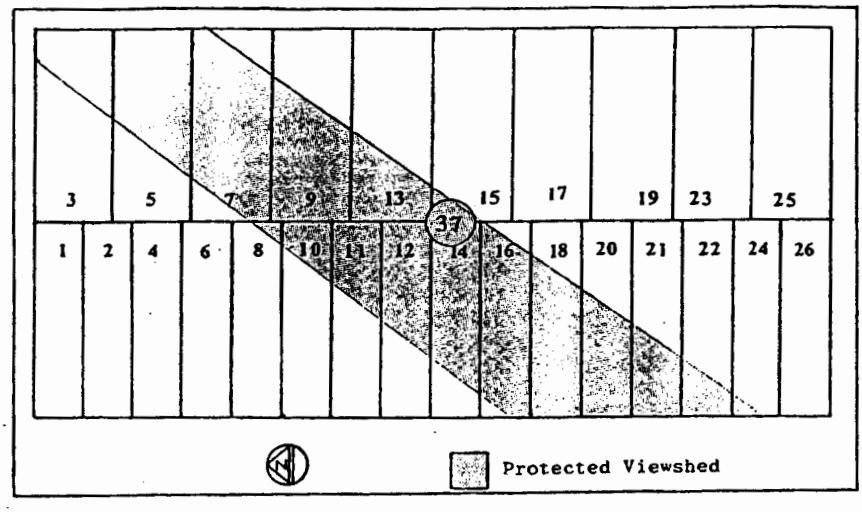
B. **Additional Design Regulations.** See standards applicable to RC District in Chapter 17.14: Commercial Zoning Districts.

C. **Design Review Required.** See Chapter 17.58: Design Review.

17.12.5 Preservation of Public Viewshed.

The significant coastal view across Block 37, Lots 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21,22, and 24 within this district shall be preserved for public benefit. All site improvements or buildings approved within the R-4 district shall be studied by the Planning Commission for their effect on this viewshed. Existing views from the intersection of Torres Street and Third Avenue and from Lots 3, 5, and 7 in Block 37 zoned as District P-Z and shown on the following illustration (Figure II-7) shall be preserved. No structure shall be approved for construction and no vegetation shall be planted or maintained within the viewshed at a height that exceeds the 350-foot contour elevation as referenced on the topographic survey dated June 1983 by Clayton B. Neill Jr. (W.O. #6415).

Figure II-7: Public Viewshed



Chapter 17.13 (RESERVED)

Chapter 17.14 Commercial Zoning Districts

Sections:

17.14.1 Purpose.
17.14.2 Districts Identified.
17.14.3 Land Use Regulations.
17.14.4 Additional Use Regulations.
17.14.5 Regulations Applied in All Commercial Districts.
17.14.6 Central Commercial (CC) Land Use District Regulations Applicable.
17.14.7 Enclosed Structures Required for All Uses - Exceptions.
17.14.8 Site Area for Multiple Dwellings, Hotels and Motels.
17.14.9 Findings - Applicability of Provisions.
17.14.10 Design Review and the Basic Review Standard.
17.14.11 Standard of Review and Design Guidelines.
17.14.12 Maximum Building Site Area.
17.14.13 Building Coverage.
17.14.14 Floor Area Ratio.
17.14.15 Building Height.
17.14.16 Setbacks in the RC and R-4 Districts.
17.14.17 Open Space Courtyards and Intra-block Walkways.
17.14.18 Landscaping.
17.14.19 Public Improvements.
17.14.20 Parking Requirements.
17.14.21 Parking Design.
17.14.22 Special Design Topics.

17.14.1 Purpose.

The specific purposes of the commercial Zoning Districts are as follows:

A. **Central Commercial District (CC).** To provide an appropriate location for a broad range of retail, residential and service uses. Uses which generate high pedestrian traffic and which do not have large

space requirements are appropriate in this district. Residential uses are appropriate on second floors of structures.

B. **Service Commercial (SC).** To provide an appropriate location for services, offices, residential and limited retail activities that primarily serve local needs. This district is intended to provide a distinct transition between the more intense activities in the CC district and the less intense activities in the districts on its periphery. Mixed uses of commercial and residential activities are appropriate throughout this district.

C. **Residential and Limited Commercial (RC).** To provide an appropriate location for permanent and transient residential uses, service and office uses, and limited retail uses that do not adversely impact the residential neighborhood. This district is intended to provide a transition and buffer between the more intense activities in the CC and SC districts and the less intense activities in the R-1 and R-4 districts.

17.14.2 Districts Identified.

Table 17.14 - A delineates all lots and blocks contained within each commercial land use district. Figure II-8 shows the location of lots and blocks in the commercial land use districts.

TABLE 17.14 – A: COMMERCIAL DISTRICT BLOCKS AND LOTS	
CC DISTRICT	
Block	**Lots**
Block 55	Lots 9, 11, 13, 15 and 17 through 20
Block 56	Lots 9 through 20
Block 57	Lots 7 and 9 through 20
Block 70	All
Block 71	All
Block 72	All
Block73	All
Block 74	Lots 1 through 4; 9, 11, 13, and North half of lots 5 through 8
Block 75	Lots 1 through 17; 19 and 21
Block 76	All

TABLE 17.14 – A: COMMERCIAL DISTRICT BLOCKS AND LOTS	
Block 77	All
Block 78	All
SC DISTRICT	
Block 49	Lots 14, 16 through 26
Block 50	Lots 13 through 20
Block 51	Lots13 through 20
Block 55	Lots1 through 8; 10, 12, 14 and 16
Block 56	Lots1 through 8
Block 57	Lots1 through 6; 8
Block 58	All
Block 90	Lots 1 through 4
Block 91	Lots 1 through 8; 10 and 12
Block 92	Lots 1, 3, 5, 7 and 9
RC DISTRICT	
Block 34	All
Block 35	All
Block 36	Lots 1 through 11, 13 and 15
Block 50	Lots 1 through 12
Block 51	Lots 1 through 12
Block 59	Lots 4 through 26
Block 68	All
Block 74	Lot 12; 14 through 22; 10; South half of lots 5 through 8
Block 75	Lots 18, 20, and 22
Block 89	All
Block 90	Lots 5 through 20
Block 91	Lots 9 and 11, 13 through 20
Block 92	Lots 10 through 20; 2, 4, 6 and 8
Block 93	Lots 1 through 6
Block A	Lots 1 through 6
Block EE	Lots 1 through 10 and south 30 feet of lot 11

Figure II-8 (To be provided by City).

17.14.3 Land Use Regulations.

Schedule II-B prescribes the land use regulations for the commercial districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-B.

"C" designates use classifications permitted after review and approval of a Conditional Use Permit by the Planning Commission. Conditions may apply to these uses, noted by the number designations and listed at the end of Schedule II-B.

These uses are subject to Division I: General Regulations and may be subject to additional use regulations found in Division IV: Provisions Applying in All or Several Districts. Additional use regulations are also found in section 17.14.4: Additional Use Regulations, of this chapter and are referenced in the Schedule. Findings for specific uses may also be required and are found in Chapter 17.64: Findings Required for Permits and Approvals, of this title.

Use classifications are defined in Chapter 17.68: Use Classifications, and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List, adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director's interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission by anyone aggrieved by the decision following the procedures specified in Chapter 17.54: Appeals.

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Commercial Districts**			**Additional Regulations**
	CC	**SC**	**RC**	
Retail				
Animal Sales and Services				
Animal Grooming	P	P	P	See Sec. 17.14.4 (C)
Animal Hospitals	--	C	--	See Sec. 17.14.4 (C)
Kennels	--	C	C	See Sec. 17.14.4 (C)
Automobile Sales and Services				See Sec. 17.14.4 (D)
Motorcycles, Mopeds & Parts	P	P	--	
Vehicle Repair	--	C	C	
Vehicle Service and Gasoline	--	C	C	See Sec. 17.14.4 (D)
Building Materials, Hardware and Garden Supplies	P	P	C	See Sec. 17.14.4 (G)
Eating and Drinking Establishments				See Chapter 17.55
Drinking Places	C	C	--	See Sec. 17.14.4 (I)
Restaurant, Full line	C	C	--	See Sec. 17.14.4 (I)
Restaurant, Specialty	C	--	--	See Sec. 17.14.4 (I)
Food and Beverage Sales				See Chapter 17.56
Convenience Market	--	L – 2	L - 2	See Sec. 17.14.4(J)(2) and (D)(2)
Food Store - Full line	C	C	C	See Sec. 17.14.4 (J)
Food Store - Specialty	C	C	--	See Sec. 17.14.4 (J)
Liquor	P	P	C	See Sec. 17.14.4 (J)
Retail Sales	P	P	--	See Chapter 17.16; See Sec. 17.14.4 (T)
Antique Shops	P	--	--	See Sec. 17.14.4 (T)
Art Galleries	P	--	--	See Sec. 17.14.4 (T)
Arts and Crafts	P	--	--	See Sec. 17.14.4 (T)
Jewelry Shops	P	--	--	See Sec. 17.14.4 (T)
Sales by Public Outcry (Auction)	--	C	C	See Sec. 17.14.4 (U)
Specialty/Theme	P	P	--	See Sec. 17.14.4 (T)
Stationery	P	P	P	See Sec. 17.14.4 (T)

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Commercial Districts**			**Additional Regulations**
	CC	**SC**	**RC**	
Thrift Shops	P	P	--	See Sec. 17.14.4 (T)
Vending Machines	C	C	C	See Sec. 17.14.4 (T)
SERVICE/OFFICE				
Banks and Other Financial Institutions	P	P	P	See Sec. 17.14.4 (F)
Automatic Teller Machines (ATM)	C	C	C	See Sec. 17.14.4(E)
Business Services	P	P	L - 1	
Commercial Recreation	P	--	--	See Sec. 17.14.4 (H)
Community Care Facility	P	P	P	
Computer Services	P	P	P	
Day Care Centers	--	C	C	
Emergency Medical Care	P	P	P	
Government Offices	P	P	P	
Hotels and Motels	C	C	C	See Chapter 17.56: Restricted Commercial Uses and Sec. 17.14.4 (M)
Hospitals and Clinics				
Hospitals		C	--	See Sec. 17.14.4 (L)
Clinics	P	P	P	See Sec. 17.14.4 (L)
Hospice Care, Limited	P	P	P	
Maintenance and Repair Services	L – 3	L – 3	L – 3	
Office				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Other	P	P	L – 4	See Sec. 17.14.4 (O)
Parking Facilities, Commercial	--	C	C	See Sec. 17.14.4 (P) and Chapter 17.64: Findings.
Personal Improvement Services	C	C	--	See Sec. 17.14.4 (Q)
Personal Services	P	P	P	
Laundry and Dry-Cleaning	C	C	C	See Sec. 17.14.4 (R)
Video Tape Rental	P	P	--	See Sec. 17.14.4 (S)

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Commercial Districts**			**Additional Regulations**
	CC	**SC**	**RC**	
Research & Development Testing Services	P	P	P	See Sec. 17.14.4 (T)
Residential Care Facilities				
General	--	C	C	
Limited	--	P	P	
Senior	--	C	C	
Travel Services	P	P	P	See Sec. 17.14.4 (V)
RESIDENTIAL/PUBLIC AND SEMIPUBLIC				
Colleges and Trade Schools	P	P	P	
Community Centers	P	P	P	
Conference Facilities, Small	P	P	P	
Community Social Service Facility	P	P	P	
Family Day Care				See Sec. 17.8.5(B)
Small Family	--	--	P	
Large Family	--	C	C	
Libraries, Public	P	P	P	
Multi-family Dwellings				See Sec. 17.14.4(N)
0 -22 dwelling units/acre	P	P	P	
22 – 33 dwelling units/acre	C	C	C	
34 – 44 dwelling units/acre	C	C	C	See Chapter 17.64: Findings.
Museums, Galleries, Gardens (noncommercial)	P	P	P	
Park and Recreation Facilities				
Individual Recreation	C	C	--	
Organized Recreation	C	--	--	
Parking Facilities, Noncommercial	--	C	C	See Chapter 17.64: Findings.
Public Safety Facility	P	P	P	
Religious Facilities	--	--	C	
Schools, Private	P	P	P	
Senior Citizen Housing	P	P	P	

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Commercial Districts**			**Additional Regulations**
	CC	**SC**	**RC**	
Single Family	P	P	P	See Sec. 17.8.5(G)
Theater, Live Performance	C	C	C	
Theater, Motion Picture	C	C	--	
Transitional Housing Facility	--	--	C	
INDUSTRIAL				
Handicraft/Custom Manufacturing	P	P	C	See Sec. 17.14.4 (K)
Industry, Limited	P	P	--	
TRANSPORTATION, COMMUNICATION AND UTILITIES				
Communication Facilities	--	--	--	
Facilities Within Buildings	P	P	C	
Utilities, Major	P	P	C	
Utilities, Minor	P	P	C	
AGRICULTURAL				
Nurseries	P	P	P	
OTHER				
Accessory Use				See Sec. 17.8.5 (A)
Nonconforming				See Chapter 17.36: Nonconforming Uses and Buildings.
Temporary				See Sec. 17.52.16.

Specific Limitations and Conditions:

L – 1: Limited to advertising, consumer credit reporting, secretarial court reporting, equipment maintenance and repair, personnel supply services, and non-retail computer services and repair.

L – 2: Allowed only as accessory use to gasoline stations and limited to a maximum of 300 square feet. No sales of alcohol are permitted. See Sec. 17.14.4(J)(2) and (D)(2).

L – 3: Any establishments with activities generating noise, odors, deliveries by large vehicles, high traffic by customers, or requiring large storage needs are not permitted.

L – 4: Limited to offices for the following categories: operators of nonresidential buildings, apartment buildings, dwellings, real estate agents and managers, and title companies.

*All uses are subject to Section 17.14.4.A and B.

17.14.4 Additional Use Regulations.

A. All Uses.

1. No new structure or modification to an existing structure shall be permitted nor shall any business license be issued that would allow the creation of publicly accessible retail space occupying fewer than 200 square feet or more than 5,000 square feet unless approved through a use permit and pursuant to the adoption of findings per Section 17.64.20: Retail Space of Less Than 200 Square Feet or Greater Than 5,000 Square Feet.

2. No timeshare projects, programs or occupancies shall be established or permitted in any zone.

3. Except in restaurants, not more than five persons in any one individually licensed business shall be engaged in the production, repair or manufacturing of goods.

4. No use shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Director or by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, noise, vibration, illumination, glare, unsightliness, dust, cinders, dirt, refuse, water-carried wastes or heavy truck traffic, or involve any hazard of fire or explosion.

B. Ancillary Uses. The following limitations shall apply to ancillary uses:

1. Ancillary uses shall be limited to no more than 10 percent of the floor area of the established primary use, and 10 percent of the window display area(s) unless otherwise specified in the notes to the use charts.

2. One ancillary use may be established in conjunction with a primary use when the ancillary use is identified as an allowed ancillary use for the primary use in the notes to the use charts appearing in this section (Section 17.14.4). Determinations of compatibility for other ancillary uses shall be made by the Director of the Department of Community Planning and Building based on the North American Industrial Classification System (NAICS) Manual and the characteristics of the proposed use. Decisions on ancillary uses may be referred to the

Planning Commission when, in the opinion of the Director, the classification or compatibility of a proposed ancillary use is unclear.

3. Requests for the establishment of more than one ancillary use with a primary use, or to establish one or more ancillary uses with a proportion of more than 10 percent of the primary use shall only be approved upon the granting of a use permit by the Planning Commission through the adoption of findings established in Section 17.64.6: Ancillary or Accessory Uses.

C. Animal Sales and Services.

1. Offices providing veterinary services to small pets only are allowed.

2. No overnight boarding of pets, except for emergency hospitalization needs, is allowed.

3. All animals in the custody of the business must be kept within buildings approved for such use, and constructed to control properly sound and odor connected with the keeping of animals.

D. Automobile Sales and Services. This category excludes sales, leasing or rental of automobiles, tractors and similar vehicles. This category also excludes car washes except hand wash, waxing and detailing businesses.

1. ***Motorcycles, Moped and Parts.***

   a. All merchandise must be contained within an enclosed building.

   b. Uses that include bicycles, mopeds or motorcycles are not allowed in a building fronting on Ocean Avenue or within 300 feet of an R-1 District.

   c. This use may be combined with apparel, sporting goods, hobbies, toys and games.

2. ***Vehicle Service and Gasoline.***

   a. Minimum setback from R-1 District: 100 feet.

b. Maximum site size: 12,000 square feet.

c. Maximum number of driveways: two, provided that together they do not exceed one-third of the frontage of any public street.

d. All equipment, operations and display of merchandise must be kept within an approved structure, except for those items directly required for the dispensing of gasoline, water, air and for the replenishment of oil.

e. The retail sale of food items is limited to a space not exceeding 300 square feet and is subject to the standards (a) and (b) for a specialty food store.

f. Sales of auto and home furnishings are prohibited in the RC district.

g. A gasoline service station may be combined with an automobile repair facility.

h. Design review is required; see Chapter 17.58: Design Review.

E. **ATMs.** Automated teller machines (ATMs) not enclosed within a building shall only be permitted when installed at a bank or savings institution as an ancillary use, unless approved as part of a specific or master plan. All ATMs are subject to specific lighting and signage standards.

F. **Banks and Other Financial Institutions.** The following uses are prohibited in the RC district: Federal Credit Agencies, Savings and Loan Associations, and Business Credit Institutions.

G. **Building Materials, Hardware, and Garden Supplies.**

1. All equipment, supplies and merchandise other than live plants and lumber must be kept within a completely enclosed structure.

2. All types of fertilizer or any chemicals must be stored in package form only.

3. Paint, glass and wallpaper stores are prohibited in the RC district.

4. Mobile home dealers are prohibited in all districts.

H. Commercial Recreation.

1. Astrologer, palm reader, phrenologist and fortuneteller uses can only occupy preexisting commercial space in the CC District that is on the second floor above street grade in space that is not located on or within 100 feet of Ocean Avenue.

2. *The following uses are prohibited*: Coin operated amusement devices, amusement parks, bathhouses, bookies, bookmakers, gambling and gaming services, and off-track betting.

I. Eating and Drinking Establishments.

1. ***All Eating and Drinking Establishments.***

   a. The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise is prohibited.

   b. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.

   c. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility

standards, and shall be available for use by both the employees and patrons of the business.

2. ***Drinking Places.***

   a. Minimum distance from another use selling distilled spirits intended for either on-site or off-site consumption: 200 feet.

   b. Allowable locations: Blocks numbered 70 through 77 inclusive, as shown on the map of Carmel-by-the-Sea.

   c. Maximum number: 3. See also Chapter 17.56: Restricted Commercial Uses.

   d. See also subsection I.1 for "All Eating and Drinking Establishments" above.

3. ***Restaurant, Full Line.***

   a. Any sale of alcoholic beverages shall be subordinate to this primary use.

   b. Drive-in, formula and fast food establishments are prohibited.

   c. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.

   d. The applications, menus and plans indicate that the business will primarily be a restaurant - full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room. If the use does not meet this standard, the standards in subsection I.2 above for "Drinking Places" shall also apply to the use.

   e. Customers shall be provided with individual menus while seated at a table or counter.

f. The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.

g. Outside seating may be allowed subject to Chapter 17.58: Design Review.

h. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all housebrand labeled Food Store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.

i. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue: 15. See also Chapter 17.56: Restricted Commercial Uses.

j. See also subsection I.1 for "All Eating and Drinking Establishments" above.

4. ***Restaurant, Specialty.***

a. Minimum size: 600 square feet

b. Minimum number of customer seats on site: 20 seats. The customer seating area must be open to patron use during all hours of operation and the use must be managed to encourage on-premises consumption of food products.

c. Sales of soup, salads and sandwiches may be allowed in an amount up to 10 percent of sales.

d. Drive-in, fast food, take-out or formula establishments are prohibited.

e. The service counter must be located within the interior of the business premises and arranged so that customers

must first pass by or through the seating area to reach the counter and patron queues will be contained within the building.

f. Outside seating may be allowed, subject to Chapter 17.58: Design Review.

g. All products sold for consumption off the premises, other than frozen desserts, must be placed in covered containers or wrappings.

h. Cooking equipment is limited to indoor stoves and ovens.

i. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue allowed: 15. See also Chapter 17.56: Restricted Commercial Uses.

j. The operator of the use shall be responsible for the clean-up of all on-site and off-site litter generated by the use including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area. A practical plan for monitoring and implementing this standard shall be submitted for review with the application for use permit, and will be adopted as a condition of approval of the use.

k. See also subsection I.1 for "All Eating and Drinking Establishments" above.

(*Note: These provisions approved by voter initiative)

J. Food and Beverage Sales

1. *All Food and Beverage Sales*

a. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a

public nuisance and without being placed on the sidewalks or other public ways.

b. Cooking equipment shall be limited to indoor stoves and ovens.

2. ***Food Store, Full Line.***

a. The use may be combined with Liquor stores in the CC and SC districts upon meeting the requirements in subsection J.4: Liquor Stores, below.

b. A delicatessen providing a broad range of bulk specialty items primarily for home or workplace consumption such as breads, cheeses, meats, prepared salads, dried goods, and limited take-out food such as sandwiches and salads may be allowed as an incidental use. Cooking equipment shall be limited to indoor stores and ovens.

c. No seating shall be provided indoors or outdoors on the site.

d. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue: 15. See also Chapter 17.56: Restricted Commercial Uses.

e. See also subsection J.1 for "All Food and Beverage Sales" above.

3. ***Food Store, Specialty.***

a. No specialty food store shall be permitted that is classified as a drive-in, fast food or formula food establishment as defined in this code.

b. All food sold for consumption off the premises shall be placed in covered containers or wrappings.

c. The use may be combined with Liquor stores and beer in the CC and SC districts upon meeting the requirements of subsection J.4 "Liquor" below.

d. Maximum number of food stores and/or restaurants within structures fronting on Ocean Avenue: 15. See also Chapter 17.56: Restricted Commercial Use.

e. See also subsection J.1 for "All Food and Beverage Sales" above.

4. *Liquor.*

a. All food merchandise sold must be pre-packaged items only and not occupy more than 10 percent of the retail or window display area.

b. Minimum distance from another use selling distilled spirits intended for either on-site or off-site consumption: 200 Feet.

c. Minimum distance from an R-1 District: 100 Feet.

d. In the RC district, liquor sales are limited to off sale beer and wine and only as an accessory use in a full-line food store.

e. See also subsection J.1 for "All Food and Beverage Sales" above.

K. Handicraft/Custom Manufacturing.

1. Only small-scale craft or artisan-oriented production of goods is allowed.

2. Maximum number of employees: 5.

L. Hospitals and Clinics. Hospitals and Medical and Dental Labs are prohibited in the RC district.

M. Hotels and Motels.

1. Hotels and motels may include minor accessory uses such as light meals and refreshments for guests only, with or without separate remuneration. If such accessory uses are available to the general public, they must be allowed uses within the underlying land use district and must meet all design, parking and land use regulations established for the use.

2. Special findings are required for use permit approval of this use (See Chapter 17.64: Findings Required for Permits and Approvals).

3. Limited to hotels, motels and inns established as of April 1988 and additional units are prohibited except as provided in Chapter 17.56: Restricted Commercial Uses.

N. Multi-family Dwellings.

1. Condominium subdivisions are limited to:

   a. Sites of 4,000 square feet or less; and

   b. Projects incorporating an equal or greater number of rental apartment units for sites larger than 4,000 square feet.

2. The minimum size of any residential unit shall be 400 square feet.

3. All multifamily projects of three or more units shall include a mix of unit sizes, and at least 25 percent of all units shall be 400 to 650 square feet in size.

O. Office, Other. No on-site printing or facilities for delivery or distribution of bulk materials or media products or equipment are permitted.

P. Parking Facilities, Commercial. Short-term or long-term commercial parking available to the general public for a fee must have a lot attendant and signage that describes the parking fees.

Q. Personal Improvement Services.

1. ***Dance Studio.***

   a. An acoustical analysis must be submitted with the application and noise attenuation measures shall be required as a condition of approval to protect the health and general welfare of nearby residential land uses.

   b. The use cannot be operated after 9:00 p.m.

R. Personal Services. Under this classification, the following specific

uses are prohibited in all districts: spas, health clubs, massage parlors, steam baths, tattoo parlors, Turkish baths, wedding chapels, and funeral services. The following additional regulations apply to laundry and dry-cleaning and to video tape rental.

1. ***Laundry and Dry-Cleaning.***

   a. Only one synthetic dry cleaning machine using nonflammable and non-explosive solvents and having a capacity of not more than 40 pounds per cycle is allowed.

   b. Low water use fixtures are required.

2. ***Video Rental.*** In the CC and SC districts only, video tape rental may be combined with book stores, camera and photo supply, stores, grocery stores, consumer electronics, sales records and tapes, and drug stores.

S. Research and Development Testing Services.

1. The use cannot expose employees or the public to hazardous materials or hazardous conditions.

2. Materials and wastes generated by the use must be disposed of in a manner that will not be injurious to public health, safety or welfare. Retail Sales

T. Retail Sales. No discount stores, manufacturers' outlet stores, catalog stores, or stores devoting more than 15 percent to the sale of second-quality, irregular or discontinued merchandise or to the liquidation of merchants' or manufacturers' stock shall be established. All retail sales shall be conducted from within a fixed place of business.

1. ***Antiques.***

   a. Antiques must be old or rare. The age of the merchandise will depend on the type of merchandise.

   b. Merchandise considered collectibles may be allowed to occupy up to 10 percent of the total retail display area including window displays.

   c. Art objects or jewelry may be allowed to occupy up to 10 percent of the total retail display area, including window displays.

2. *Apparel.*

   a. The use is limited to retail stores selling new clothing and related articles for personal wear and adornment.

   b. The use shall not allow more than 10 percent of all stock, retail or window display area devoted to jewelry.

   c. The use shall not allow more than 10 percent of all stock or retail display area to be devoted to souvenir merchandise bearing words or images representing local place names or other visitor destinations, local events or local personalities. No display of souvenir merchandise is permitted in any exterior window or door/doorway.

   d. This use may be combined with shoe stores.

3. *Art Galleries.* The use must meet at least one of the following standards:

   a. The use features a single artist representing at least 80 percent of the art for sale in the use; or

   b. The use includes a working studio that is utilized for art production by artists represented in the gallery for over half the hours the use is open.

4. *Arts and Crafts.*

   a. The use sells handcrafted merchandise for home decoration and/or furnishings within one or more of the following categories: pottery, glass, fabric, paper, wood, fiber or ceramics.

   b. The merchandise must represent unique, artisan-produced items rather than machine or mass-produced goods.

   c. The proposed merchandise must have functional and/or decorative use and not be classified as fine art.

   d. Art and/or jewelry must not occupy more than 10 percent of the display area.

5. ***Bookstore.*** Sales of souvenir-related books and maps bearing local place names shall be allowed as an ancillary use in an amount up to 10 percent of total sales within a bookstore.

6. ***Catalog and Mail Order.***

   a. The use is limited to an accessory use in conjunction with a primary retail outlet in the CC and SC land use districts.

   b. Offices of mail order houses or catalog order stores with no retail outlet are allowed in the RC district.

7. ***Clock Shops.***

   a. The use is limited to those shops offering predominantly clocks and similar timepieces and that does not display or sell jewelry.

   b. Stores that predominantly sell watches are classified as Jewelry and subject to the standards of subsection T.12 "Jewelry Shops" below.

8. ***Holiday Decoration Stores.***

   a. This use may be combined with home furnishing stores.

   b. No exterior display of any holiday decoration merchandise for sale is allowed.

9. ***Home Furniture, Furnishings and Equipment.***

   a. On sites in the SC district, on-site parking and space for unloading of delivery trucks must be provided or merchandise must be limited to items delivered in small vans or private automobiles.

   b. This use may be combined with any of the following uses in the CC and SC districts: building materials, hardware and garden supplies, or holiday decorations stores.

10. ***Jewelry Shops.***

   a. The use must provide a full line of jewelry merchandise.

b. An area of at least 10 percent of the total floor area of the business premises must be utilized and maintained for the purpose of manufacturing and repair of jewelry.

c. A craftsperson/jeweler shall be on the business premises for consultation; and available for design, repair and craftwork for at least one-half of the hours in which the store is open for business.

d. Maximum number of jewelry stores: 32. This limitation shall not apply to clock shops that do not sell or display jewelry. See also Chapter 17.56: Restricted Commercial Uses.

11. ***Merchandise Marts.*** Merchandise marts, as defined in this code, shall require a use permit, shall be subject to design review, and shall be governed by the findings established in Section 17.64.11: Merchandise Marts. The following conditions shall also apply:

a. Public entrances to each business location shall be from a common space accessible from the public way, the area of such common space to be at least five percent of the total floor area of the building or space for each separate business location, and none of the business locations shall infringe on such common open space. The common shall be dedicated to the free circulation of the public and will not include stairways, restrooms, storage spaces, or areas not accessible to the public.

b. Each business location shall have a permanent ceiling.

c. Each business location shall be separated from the common area by permanent walls, doors, and windows.

d. Each business location shall be separated from each other business location by permanent walls, and/or doors.

e. All merchandise marts shall be subject to sign regulations in Chapter 17.40: Signs, (but with the 15-foot setback provision of Section 17.40.4: Interior Signs being measured from the perimeter of the common open space).

f. Common open space within the building or space shall not be used for the display of merchandise.

g. At least four percent of the required common open space shall be used for landscaping.

12. ***Musical Instruments.*** This use may be combined with sales of records and tapes.

13. ***Souvenirs.***

    a. This use is allowed only within other primary uses as an ancillary use, with display space limited to 10 percent of the interior retail display area. When established as an ancillary use, no display of souvenir merchandise is allowed in any exterior window, door, or doorway.

    b. The type of goods sold under this category shall be related to, and compatible with, the primary use.

14. ***Sporting Goods, Bicycles, Hobbies, Toys and Games.***

    a. All merchandise must be contained within an enclosed building.

    b. These uses may be combined with each other, apparel stores and with sales of motorcycles, mopeds

    c. Uses that include motorized bicycles, mopeds or motorcycles are not allowed in buildings fronting on Ocean Avenue or within 300 feet of an R-1 district.

15. ***Stationery Stores.*** In the RC district, stationery stores are limited to uses providing a full range of paper products, office forms, office supplies, stationery, pens, pencils and writing supplies.

16. ***Used Merchandise.***

    a. The used merchandise must be sold for nonprofit purposes or as used books in a bookstore.

    b. Used merchandise cannot include automotive supplies and equipment, and building materials.

    c. Antiques, jewelry or art cannot occupy more than 10 percent of the total display area for used merchandise, including window displays.

17. ***Vending Machines.***

a. Only machines not visible from any public right-of-way and fully contained within an enclosed structure are allowed.

b. Maximum number of machines within a place of business: Two.

U. Sales by Public Outcry (Auctions)

1. ***Location.*** Requires a conditional use permit, limited to the RC and SC districts.

2. ***Use Permit Requirements.*** In each case where a conditional use permit is issued for sales by public outcry, in addition to such other conditions imposed determined to be appropriate the following conditions shall be stated upon the face of the permit:

a. The maximum capacity of customers for any one period of operation shall not be more than 50 persons;

b. Fixed permanent seats shall be provided for the maximum number of customers established in subsection (A) of this section;

c. The sales area shall be set apart or screened in order to prevent the selling activity from being seen or heard by persons outside the structure.

V. Travel Services.

1. Only office uses are allowed.

2. No storage of equipment, building materials or vehicles is permitted.

17.14.5 Regulations Applied in All Commercial Districts.

A. No existing residential dwelling unit shall be converted or demolished unless replacement housing is provided in accordance with findings established in Section 17.64.7: Demolition and Conversion of Residential Structures.

B. Any change in use that modifies the findings and conditions upon which a use permit was granted shall be a basis for revocation of, or amendment to, the use permit.

C. Conditionally permitted uses operating without a use permit that existed prior to the adoption of this code, and conditionally permitted uses operating with a use permit approved under standards or findings that have been amended since the permit was granted, shall be reviewed at the time the use changes ownership. The form and purpose of this review shall be limited to:

1. Granting a new use permit at a public hearing when the use is determined to meet all current standards for approval; or

2. When the Director of Community Planning and Building determines that a conforming use permit cannot be approved this process shall be limited to an administrative review and documentation to establish the characteristics of the use, including those listed below, as a matter of public record, to ensure that the use is not altered through the passage of time and successive ownerships. The following shall be documented:

   a. Define the use by its NAICS including any subclassifications or special characteristics;

   b. Define the size, capacity, hours of operation, and floor area of the use;

   c. Identify all non-conformities associated with the use and the structure within which it is located;

   d. Identify the characteristics of the use including but not limited to its compliance with general development regulations in subsections (A), (C), (D), (E), (I) and (J) of this section; and

   e. Identify any standards, required findings and/or standard or special conditions of approval, applicable to the use, to which the use conforms.

D. Any construction resulting in a net increase in the amount of commercial floor area shall require a conditional use permit and coastal development permit authorizing such increase. Prior to authorizing such increase, the decision-making body shall make all findings listed in Section 17.64.10: Increase in Commercial Floor

Area, Commercial Spaces or Business. The decision-making body may approve plans submitted or may approve such plans subject to specified changes or conditions.

E. Except as provided for legally established motel units in Section 17.14.4.M: Hotels and Motels, all newly constructed second story floor area, including area in new buildings, remodeled buildings and replacement, rebuilt or reconstructed buildings, shall be occupied by residential dwellings only and shall not be used for any commercial land use. Except as follows:

1. Existing floor area established at any level above the first story at or near street grade may continue to be used for occupancy by commercial land uses except for those limited to the first story by Section 17.12.3: Demolition and Rebuilding of Structures.

2. When such existing commercial space is currently occupied by a retail use, the use may be replaced by another retail use, service use or residential use allowed within the underlying land use district.

3. When such existing space is occupied by a service use, only service or residential uses shall be allowed as a replacement use.

F. No existing residential dwelling unit occupying floor space at any level above the first story in any structure shall be converted to any commercial use.

G. For uses in the RC land use district or located on any property within 300 feet of an R-1 land use district the following standards shall apply:

1. No activity shall be permitted that generates noise in excess of 55 dB at the exterior of the building or yard in which the use is conducted. No activity shall be permitted that causes in excess of 50 dB measured at the property line of any site in the vicinity of the use. Proposed activities that would generate or cause noise in excess of these levels shall require mitigation to achieve these standards or shall be prohibited. Sound measurements shall be made using a sound level meter calibrated for the A-weighted scale and shall be averaged over a 15-minute period. If the use generates or causes noise which

includes a steady whine, screech or hum, or is repetitive or percussive or contains music or speech the respective noise standards shall be reduced by five decibels.

2. Any activity requiring deliveries by vehicles wider than eight feet or vehicles of three axles or more shall provide off-street loading facilities adequate to avoid double parking on street. Such facilities shall be used to the extent feasible.

3. Proposed commercial uses that are estimated to generate more than 40 vehicle trips per day per 1,000 square feet of floor space shall be prohibited from operating before 8:00 a.m. or after 8:00 p.m. All other commercial uses shall be prohibited from operating before 6:00 a.m. or after 9:00 p.m.

17.14.6 Central Commercial (CC) District Regulations Applicable.

A. No building site shall exceed 8,000 square feet.

B. No off-street parking shall be required for apartments.

17.14.7 Enclosed Structures Required for All Uses - Exceptions.

A. All uses in all districts shall be conducted within a completely enclosed building except for:

1. Restaurants;

2. Off-street parking and loading areas;

3. Plant nurseries;

4. Christmas tree sales lots;

5. Service stations;

6. Bus depots and transit stations;

7. Taxi stands;

8. Storage of building materials and supplies in the RC district;

9. Sales of arts and handicrafts, sales of baked goods or other comestibles, and ticket, book and garden material sales by a use

permit granted by the Planning Commission under Chapter 17.52: Permit Procedures. Temporary permission may be granted by the Director of the Department of Community Planning and Building for sales that meet the criteria set forth in Section 17.52.16: Director Approved Temporary Uses, not to exceed 30 days in a single calendar year; and

10. Automated teller machines installed at a bank or savings institution as an ancillary use when:

    a. Approved with a use permit and subject to Design Review by the Planning Commission; and

    b. Located within a recess, courtyard, vestibule, parking area or other location that avoids queuing on any public way or sidewalk while maintaining public safety; and

    c. Designed to minimize light intensity visible from any public street while also minimizing atmospheric light pollution; and

    d. Designed using only incandescent, halogen or high-pressure sodium fixtures that prevent direct view of the light source from any public street or right of way through cut-offs, recessed mounts or similar means; and

    e. Designed to blend in with the architecture of the building using colors, materials and detailing compatible with adjacent wall surfaces; and

    f. Designed to avoid any internally illuminated signs, back-lighted signs or cabinet signs and with no more than 100 square inches of ATM-related signage; and

    g. The site design avoids lighting of any publicly-maintained sidewalk, street or pathway beyond a 10-foot radius of an ATM and the approved design plans include scaled, photometric analysis that can be field verified upon installation.

B. Any enclosed use must be a permitted or conditional use within the district in which such use takes place. Within the RC district only, the required enclosed structure may be substituted for by adequate fencing or screening for the concealment of stored machinery, products or

other items, when such substitution is authorized by the Planning Commission.

17.14.8 Site Area for Multiple Dwellings.

Each site used for apartments and condominiums shall have an area of land not less than the amount required to meet the allowed density established in Section 17.12.2: Site Development and Building Standards. In mixed-use projects, wherein apartments are constructed above a commercial use, the land area required for the apartments shall not be deducted when computing the allowable area for establishing the commercial use.

17.14.9 Findings -- Applicability of Provisions.

The City affirms its 1929 statement that it is essentially and predominantly a residential city with a unique commercial and multifamily residential area noted for its village character. This character arises from the variety in building designs and their modest scale, from the prevalence of contiguous street facades punctuated by frequent courtyards, and from the employment of open space and landscaping as a setting for the mix of apartments and shops within the commercial district.

Most structures built prior to 1940 consist of two story reinforced concrete or wood frame buildings in a variety of architectural styles. The oldest buildings in the district, although remodeled, retain features associated with the Italianate and other commercial styles typical of the late nineteenth and early twentieth century American "Main Street" vernacular. These include second story bay windows, double-hung sash windows, remnants of board and batten and tongue and groove siding, quoins, and paneled and glazed doors. However, it was the construction that took place under the influence of the Spanish Colonial and Tudor architectural revivals of the 1920's that left the most lasting imprint on the character of the business district. Tudor motifs of half-timbering, grouped rectangular windows, ornate brick work, oriel and bay windows, and complex roofs with multiple gables are interspersed among the Spanish stylistic trademarks of plaster exteriors and tiled roofs, of arcades, of ornate wrought iron and carved wood detailing, of colorful glazed tile for staircase risers, for dados, fountains, planters, and backsplashes, and for patios and courtyards.

This tradition of architectural diversity enhances the character of the commercial district and adds a lively sense of history to Carmel's village ambiance. Designs for new buildings and modifications to existing buildings should respect this tradition and historical context. The City has consciously

chosen architectural eclecticism and encourages originality and invention so long as the results encompass the unifying values of human scale and the use of natural materials and their role in preserving village character.

17.14.10 Design Review and the Basic Review Standard.

In order to protect the unique qualities and characteristics of the Central Commercial (CC), Service Commercial (SC) and Residential and Limited Commercial (RC) districts all exterior design changes are subject to site plan and architectural approval as prescribed in Chapter 17.58: Design Review of this Title. The basic standard of review in the commercial district is whether the project constitutes an improvement over existing conditions – not whether the project just meets minimum standards.

17.14.11 Standard of Review and Design Guidelines.

To assist in the design and review process, the City Council has adopted Commercial Design Guidelines. Proposed projects need not strictly comply with every Guideline to be approved but deviations should be minor and reasonably related to good design principles and site conditions. When a proposed project involves construction of a new building or the replacement, significant enlargement, or modification of an existing building, applicants are encouraged, first, to consult the Design Guidelines and then to prepare and submit conceptual or preliminary drawings for review by the Design Review Board or Planning Commission. This preliminary review can promote communication between project applicants and the City's staff and Decision-makers, facilitating an understanding of applicable design regulations and avoiding unnecessary expenditures in detailed plans.

17.14.12 Maximum Building Site Area.

The maximum land area used as a single building site in the CC District is 8,000 square feet, in the SC District is 12,000 square feet and in the RC District is 32,000 square feet. Development of a parcel larger than these limits requires that the land area be broken up into two or more distinctly different developments to avoid the appearance of a single large project and to maintain the small scale and village character of the City.

17.14.13 Building Coverage.

Building coverage is defined as the total ground area of a site occupied by any building or structure as measured from the outside of its surrounding

external walls or supporting members. Building coverage includes exterior structures such as stairs, arcades, bridges, permanent structural elements protruding from buildings such as overhanging balconies, oriel windows, stories which overhang a ground level story, and covered carports.

Excluded from building coverage are roof eaves extending less than 30 inches from the face of the building, awnings or covered entryways and masonry walls not greater than 6 feet in height such as wing-walls, planter walls or grade-separation retaining walls. All site area not counted as building coverage shall be considered open space.

A. **CC and SC Districts.** Building coverage in the CC and SC Districts shall be limited to 80% of the site for designs that fully implement Commercial Guidelines III A exceptions may be granted up to a maximum building coverage of 95%. No existing courtyard or intra-block walkway shall be removed. This prohibition will reduce the amount of allowable building coverage on some sites.

B. **RC District.** The maximum allowable building coverage in the RC District shall not exceed 70 percent of the total site area if the land area is 4,000 square feet or less. If the land area is more than 4,000 square feet, the allowable building coverage shall be reduced by one percent (1 percent) for each additional 2,000 square feet of site area. (For example, the allowable building coverage on a 6,000 square foot site equals 69 percent of the total site area.

Build-To Line. Within the CC and SC districts the street-facing, ground-level façade of each building shall be established on the property line or within two feet of this line for at least 70% of each street frontage of the building. Exceptions to this requirement are allowed for entrances to intrablock walkways or courtyards. The remaining 30% or less of the building not constructed at the build-to line shall be used for recessed shop entries, landscaping, building articulation or driveways. For additional guidance regarding the build-to line, please see Commercial Design Guidelines III-A (3),(5) and (6) and III-B(4)(5) found in Appendix E to this title.

17.14.14 Floor Area Ratio.

Floor area ratio is defined as the total combined area included within the surrounding exterior walls of all floor levels. Floor area includes all floor spaces used for commercial, manufacturing, residential and miscellaneous land uses including space occupied by mezzanine floors, interior walkways,

storage areas above ground, hallways, restrooms, and both interior and exterior wall thicknesses.

Excluded from floor area are the following: underground floor space within a basement, cellar or underground garage when not used for commercial purposes. Also excluded are: underground areas for noncommercial storage or parking and mechanical spaces within a building limited to vent, duct and piping shafts, and mechanical equipment rooms of the minimum size required by the Building Code.

A. **Central Commercial and Service Commercial Districts.** The basic floor area ratio allowed for one story buildings in the CC and SC Districts shall be 95 percent of the site area and for two story buildings shall be 135 percent of the site area. In addition to the basic floor area ratio, two story buildings may qualify for a maximum 15 percent bonus, which allows a floor area ratio up to 150 percent of the site area:

B. **Residential and Limited Commercial Districts.** The basic floor area ratio allowed for one-story buildings in the RC district shall be 70 percent of the site area and for two story buildings shall be 80 percent. In addition to the basic floor area ratio two story buildings may qualify for a bonus of up to 15 percent, which allows a floor area ratio of up to 95 percent of the site area.

C. **Maximum Floor Area.** No single structure shall contain more than 10,000 square feet of floor area. Interaccessibility between adjacent structures on one or more building sites by any means that allows passage between structures without first exiting to an open space area shall not be allowed if the resulting floor area contained within the combined structures would exceed 10,000 square feet of area.

D. **Floor Area Bonus.**

1. ***Affordable Housing Bonuses*** - A floor area bonus may be granted for projects in all commercial districts and the R-4 districts in the following instances:

   a. *Moderate Income.* Up to 5 percent for projects if at least 25 percent of the units in a housing project are reserved for persons of moderate income as defined by AMBAG.

b. *Low Income.* Up to 10 percent for projects if at least 20 percent of the units in a housing project are reserved for persons of low income as defined by AMBAG.

c. *Very Low Income.* Up to 15 percent for if at least 10 percent of the units in a housing project are reserved for persons of very low income as defined by AMBAG.

Approval of such projects is subject to findings in Section 17.64.19: Residential Construction at Densities Between 33 and 44 Units.

2. ***Courtyards and Intra-block Walkways Bonuses*** - A floor area bonus of up to 10 percent may be granted for projects that include a courtyard and/or intra-block walkway.

17.14.15 Building Height.

Height shall be measured from the more restrictive of existing or finished grade. Height limits established in this Chapter shall be measured as the vertical distance between any point on the grade of a building site and the highest point of any structure directly above that point on grade.

A. No building shall have more than two stories above grade. Additional underground floors, not defined as a story, may be authorized by a use permit approved by the Planning Commission when the use of these floors is expressly limited to the parking of vehicles, non-commercial storage and mechanical equipment serving the building.

B. The allowable maximum building height shall be determined primarily by the design context established by the prevailing heights of nearby structures facing the same street or intersection and within the same pedestrian field of view (i.e. generally, within 100 feet to either side of, or across the street from the proposed structure). In the CC and SC Districts the main building and roof form of all structures shall be limited to a maximum of 30 feet. In the RC and R-4 Districts the main building and roof form of all structures shall be limited to a maximum of 26 feet. Small areas not exceeding 10 percent of the proposed building coverage and occupied by special design features such as towers, steeples and ornamentation may exceed these heights if approved by the Planning Commission.

C. Building sites which face, abut or adjoin any property in the R-1 District shall be limited to a height of 24 feet.

17.14.16 Setbacks in the RC and R-4 Districts.

A. The front setback shall be measured from the property line adjacent to the street fronting the property. The rear setback shall be measured from the property line most directly opposite the front. All other property lines shall be considered sidelines. On corner lots with two street frontages the shortest frontage shall be considered the front, regardless of where the driveway or front entry are located.

B. Sites abutting or across the street from an R-4 or RC District require a front setback of at least 5 feet. Sites abutting or across the street from an R-1 District require a front setback of at least 7½ feet. Sites in other locations do not require a front setback.

C. Sites abutting an R-1 or R-4 District require a rear setback of 10 feet. Sites in other locations do not require a rear set back.

D. Sites abutting an R-4 or RC district require a sideyard setback of at least five feet along at least 50% of each side property line. The remaining 50% requires no setback unless the side faces a public street. Any site abutting an R-1 district requires a setback of five feet along the entire sideyard.

E. Setbacks required by this section shall be used primarily for landscaping.

17.14.17 Open Space Courtyards and Intra-block Walkways.

A. Open space is an open area that is free of structures and is visually accessible from public ways or walkways.

B. A courtyard is an open space on private property that is linked to an adjoining sidewalk or walkway in such a manner as to encourage public access. It must be enclosed on at least two sides by buildings and must remain open to the sky. To qualify for floor area bonus provisions the minimum width of a courtyard shall be twenty (20) feet and the minimum area shall be four hundred (400) square feet.

C. An intra-block walkway is a publicly accessible ground level pedestrian path providing a connecting route between two or more

different streets around a block. Such walkways are often coordinated with courtyards and may involve more than one property ownership to complete. To qualify for floor area bonus provisions the minimum width of an intra-block walkway shall be four (4) feet.

D. Existing courtyards and intra-block walkways are to be conserved as an essential element of the City's design character and shall not be removed. All proposals to alter the size, location or configuration of a courtyard or intra-block walkway require review by the Planning Commission. Generally, such changes shall be approved only if the Commission finds that the proposed change would be an improvement over existing conditions such as improving public access, allowing for creation of a new or better link with courtyards or walkways nearby or eliminating a safety hazard.

17.14.18 Landscaping.

Landscaping shall be provided in conjunction with development in commercial zoning districts in accordance with Chapter 17.34: Landscaping.

17.14.19 Public Improvements.

Development projects involving substantial new or replacement construction shall include improvements in the public right of way adjacent to the building site to coordinate the design of the development with the design of City streets, sidewalks, walkways and infrastructure improvements and to enhance the overall appearance of the community. (See Policy and Standards for Public Way Design).

17.14.20 Parking Requirements.

Surface parking, parking structures and driveways design shall be consistent with the provisions of Chapter 17.38: Off-Street Parking Requirements of this Title. In order to preserve the village character and pedestrian orientation of the downtown core, on-site parking within 200 feet of Ocean Avenue shall be prohibited and no site alteration shall be allowed that includes additional driveways, surface parking spaces or underground spaces within this area. Parking requirements on sites where parking is prohibited shall be satisfied through the payment of fees in-lieu of on-site parking as established in Chapter 17.38: Off-Street Parking Requirements.

17.14.21 Parking Design.

The following standards shall apply to all surface and underground parking designs:

A. The minimum size for all surface and underground parking shall be 9 feet by 20 feet for standard spaces and 8½ feet by 16 feet for compact spaces.

B. For all parking designs with parking spaces perpendicular to vehicle travel lanes, a minimum of 20 feet shall be provided for automobile back-up room behind standard spaces and 18 feet behind compact spaces. Designs shall minimize the need for multiple or complex turning movements. When angled parking is used, the minimum back-up room shall be that distance specified in the current edition of Architectural Graphic Standards.

C. Compact spaces may constitute 50 percent of the total required spaces. All spaces provided in excess of the minimum requirements may be compact spaces.

D. Driveways shall be located to preserve as much on-street curbside parking as possible. Driveways and other improvements on the property shall be designed for safe and unobstructed visibility of pedestrians and automobile traffic both on and off the site.

E. The following standards apply to the design of surface parking in addition to those required by subsections A, B, C, and D of this Section.

1. Surface parking spaces shall not be constructed within required set back areas in the RC District. Portions of rear or side setback areas may be used for back-up movements as long as the majority of the setback is landscaped.

F. The following standards apply to underground parking garages in addition to those required by subsections A, B, C, and D of this Section.

1. The maximum height of the finished floor level above an underground parking garage facing any public street, way, place or park, shall not be higher than five feet above the existing grade or the official street grade whichever measurement results in the lower height.

2. Underground parking garages may be constructed within required setbacks if significant trees will not be removed or injured and the setback can still be effectively landscaped. Underground garage designs shall provide sufficient room around the perimeter to accommodate existing and new tree root systems for all trees required as part of the project.

3. The grade of driveways providing access to underground garages shall not exceed 5 percent in the first 10 feet of the driveway slope near the street or sidewalk and shall not exceed 10 percent in the last 10 feet near the level of the garage floor. The intervening grade shall not exceed 25 percent. Driveway designs shall provide sufficient area to allow drivers to view automobile and pedestrian traffic before merging into such traffic.

4. Garages shall be ventilated to avoid the build-up of exhaust gases. When mechanical ventilation is used, noise mitigation measure shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any building openings or open space on any adjoining property nor toward any on-site or off-site open space, pathway, street, place or park accessible to the public. Venting to the roof is generally preferred. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies. To the extent possible, utility meters, vaults and connections should be located within garages or driveways and away from pedestrian walking surfaces.

17.14.22 Special Design Topics.

A. **Façade Remodels**. When facades are remodeled, the adopted Commercial Design Guidelines shall be followed so that the basic design framework of the commercial district is conserved. On buildings where consistency of architectural character has been lost through past actions the preferred design solution is to restore or establish a consistent character. In general, each building should reflect a single type of architecture expressed through consistent use of fenestration, detailing, materials and textures, body color, trim color, awnings and roofs regardless of how many businesses occupy the building. The City strongly encourages the participation of both the property owner and tenant/applicant in the design review process

to achieve this end. When plans for remodels are reviewed for approval, the reviewing body must find the following to be true:

1. The proposed modification contributes to, restores or achieves consistency of architectural character and scale when considering the building or courtyard as a whole.

2. The proposed modification does not incorporate materials, patterns or other design elements that would:

   a. Call attention to the building.

   b. Create a form of advertising or sign through architectural treatment.

   c. Would render the storefront unusable by a different business occupant without further remodeling.

   d. Create a standardized identification with a particular business use.

B. Roofing Materials.

1. Roofing materials shall be selected that are consistent with the design character of the buildings on which they are placed. Roofing materials should be consistent in color and composition on each roof plane of the building and on the roofs of each building within a single complex or courtyard.

2. All newly installed roofs shall be of noncombustible Class-A materials. Buildings determined by the City to qualify as Historic Resources may use fire treated wood roofing materials with a fire resistant underlayment assembly approved by the Building Official to meet standards for historic rehabilitation.

3. The Planning Commission may, by resolution, establish a palette of pre-approved roofing materials that shall be used for Administrative Design Review.

4. For existing roofs that do not comply with City design standards, repairs may be made using materials that match the existing roof if no more than 25 percent of the roof area is replaced on the building within any twelve-month period. If the roof area replaced exceeds 25 percent of the total roof area on a

building the work shall be considered a replacement and shall meet all current design standards.

C. Concealment of Rooftop Equipment.

1. ***Design Review.*** Rooftop mechanical equipment such as, but not limited to, heating, cooling and ventilation system equipment shall be concealed from public view. When visible, the enclosures and location of such equipment are subject to design review. Existing rooftop mechanical equipment shall be concealed or relocated out of view whenever a roof is replaced as defined in Section 17.12.430.C and when equipment is upgraded or replaced to any extent that requires issuance of a Building Permit.

2. ***Standards for Review.*** Rooftop mechanical equipment shall be restricted or shielded from view from the public right-of-way and from adjoining structures by one or more of the following means:

   a. Located on a portion of the rooftop that is not visible to the public.

   b. Located behind roof forms, parapets or screens that are compatible with the architectural character of the structure.

D. Design Regulations for Exterior Seating Associated with a Restaurant. The following standards shall be used in reviewing proposals for exterior restaurant seating:

1. The proposal shall not result in a net increase in seating capacity.

2. The seating area shall not occupy more than ten percent (10 percent) of the site area nor more than 30% of any courtyard.

3. The area in which the seating is proposed shall be fully contained on private property and shall not interfere with automobile or pedestrian traffic on any public right-of-way or through any intra-block walkway.

4. The seating area shall be demarcated by landscaping or other site features to clearly define its outer boundaries. The boundaries shall be established to preserve a sense of openness

and ease of access for pedestrian traffic. (See Appendix E: Commercial Design Guidelines).

5. Outdoor seating areas which allow visual contact and incidental communication between patrons and passersby are encouraged.

6. Physical structures that enhance comfort such as windscreens, heaters, and exterior lighting shall be shielded from view from the public right-of-way and from intra-block walkways or shall be designed to be architecturally compatible with the village character and the adjacent buildings. (See Appendix E: Commercial Design Guidelines.)

7. Hours of service to outside seating areas shall be regulated through appropriate conditions of approval to prevent impacts on uses in the vicinity.

E. **Standards for Display Cases**. Except as otherwise provided in Section 17.40.5: Other Signs Associated with a Business, for restaurant menu boxes, a display case shall meet the following standards and criteria:

1. The size and scale shall be appropriate to the surroundings and shall be designed and fabricated so as to be compatible with surrounding architecture.

2. It shall contain no more than one sign not exceeding 0.18 square feet in area (except for a menu sign) which serves to identify the owner of the display case and directs the public to the store where the merchandise is sold.

3. It shall be located on the same property as the business or courtyard to which the display case applies and shall not impede the flow of pedestrian movement.

4. It shall contain merchandise which is representative of products for sale in the business premises, excluding display of wares of another business elsewhere or merchandise not available in the store to which the display case applies.

F. **Antennae.** Except for antennae pre-empted by Federal law, antennae in the commercial districts shall be located and screened to reduce their visibility from the public right-of-way and adjacent properties. All antenna installations must be reviewed and approved through the Commercial Design Review procedures. Except as provided in

Chapter 17.46: Telecommunications and Wireless Facilities, antennae located in any commercial land use district shall conform to the following standards:

1. All ground-mounted antennae shall be required to maintain their supporting structures at least three feet from any property line.

2. All ground-mounted antennae shall be screened by walls, color, fences or landscaping. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen, which obscures the visibility of the antenna. The landscaping plan shall be approved by the City Forester before it is implemented.

3. No part of any antenna shall be higher than the maximum height allowed in the underlying land use district.

4. A maximum of one antenna shall be allowed on a building site.

5. All roof-mounted antennae are prohibited except as provided in Section 17.46.2.E: General Development Standards.

G. **Exterior Flags.** The installation of national and state flags can be an attractive and patriotic addition to the community. However, inappropriate installations can create visual clutter and a poor design relationship with surrounding buildings and can obstruct commercial signage.

1. Each building site shall be authorized to install two flags.

2. Each flag shall be limited in size to 36" x 60" or smaller. Flags displayed flush against a vertical building surface are limited to 24" x 36" or smaller.

3. Flags shall be made of woven cloth, nylon or similar fabric. Flags shall be maintained in a clean, unmodified and untorn condition.

4. Each flag shall be mounted so as not to touch anything beneath it including the ground, floor, water, merchandise, building elements, vegetation or pedestrians. All portions of each flag shall maintain a minimum clearance of seven feet (7') above any publicly accessible walkway.

5. Flags shall be mounted at a height not exceeding eighteen feet (18') above the nearest grade or adjacent walkway at any floor level. Flags mounted on a building shall not be higher than the adjacent roof eave at any point.

6. Flags shall not be placed where they would obstruct direct view of nearby business signs by pedestrians on adjacent sidewalks and walkways.

7. Flags shall be mounted in one of the following ways:

   a. At an upward angle of at least 30 degrees from horizontal by a staff attached to a vertical building surface (wall, post, etc.) so as to allow the flag(s) to hang free; or

   b. Flat against a wall or window of a building such that the short dimension of the flag forms a horizontal line and the long dimension of the flag hangs down vertically; or

   c. From a freestanding pole of not more than eighteen feet in height and of a natural color or painted in a nonmetallic and non-reflective color to blend with the hues found on adjacent buildings.

Chapter 17.15 (RESERVED)

Chapter 17.16 (RESERVED)

Chapter 17.17 (RESERVED)

Chapter 17.18 Public and Quasi-Public Districts

Article I: Park and Recreation Districts - P-1 and P-2.

Sections:

17.18.1 Purpose.
17.18.2 Districts Identified.
17.18.3 Land Use Regulations.
17.18.4 Prohibited Structures.

17.18.1 Purpose.

A. **Natural Parklands and Preserves (P-1).** The purpose of the Natural Parklands and Preserves district is to preserve publicly owned park and beachlands for the benefit and enjoyment of present and future generations, and to prevent inharmonious use of such lands and prevent the destruction of the City's beautiful natural open spaces through inappropriate development. Uses permitted shall be limited to those that maintain the property in its natural state.

B. **Improved Parklands (P-2).** The purpose of the Improved Parklands district is to provide appropriately located areas for recreation and recreational facilities needed by the residents of the City and the surrounding area. Uses permitted shall be limited to those that are permitted in the P-1 district, in addition to facilties and structures devoted to public recreation, public use, Governmental buildings and nonprofit buildings and uses.

17.18.2 Districts Identified.

Properties zoned P-1 and P-2 shall be designated by the official zoning map of the City and adopted by ordinance by the City Council.

Park	Zone	Block	Lots
Mission Trails Nature Preserve	P – 1	See Map	
Pescadero Park	P – 1	See Map	
Carmel Beach	P – 2	See Map	

Park	Zone	Block	Lots
Forest Hill Park	P – 2	12 + 155	All
Devendorf Park	P – 2	69	All
Picadilly Park	P – 2	75	18
First Murphy Park	P – 2	73	
Vista Lobos Park	P – 2	37	3,5,7
Outlands	P – 2	See Map	

17.18.3 Land Use Regulations.

Schedule II-C prescribes the land use regulations for the park and recreation districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-C.

"C" designates use classifications permitted after review and approval of a Conditional Use Permit by the Planning Commission. Conditions may apply to these uses, noted by the number designations and listed at the end of Schedule II-C.

These uses are subject to Division I: General Regulations and may be subject to additional use regulations found in Division IV: Provisions Applying in All or Several Districts. Additional use regulations are also found in section 17.18.8 of this chapter and are referenced in the Schedule. Findings for specific uses may also be required and are found in Chapter 17.64: Findings Required for Permits and Approvals of this title.

Use classifications are defined in Chapter 17.68: Use Classifications and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List, adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director's

interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission by anyone aggrieved by the decision following the procedures specified in Chapter 17.54: Appeals.

SCHEDULE II-C: PUBLIC AND QUASI-PUBLIC DISTRICTS: USE REGULATIONS			
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Park and Recreation Districts**		**Additional Regulations**
	P-1	**P-2**	
RESIDENTIAL			
Single Family	--	L – 1	See Sec. 17.8 .5(G)
Senior Citizen Housing	--	L – 1	
Family Day Care			
Small Family	--	L – 1	
Large Family	--	L – 1	See Sec. 17.8.5(B)
PUBLIC, SEMIPUBLIC AND SERVICE			
Clubs and Lodges	--	L – 1	
Community Centers			
Conference Facilities, Small	--	P – 1	
Government Offices	--	L – 1	
Museums, Galleries, Gardens (noncommercial)	P	P – 2	
Park and Recreation Facilities	P	P	
Parking Facilities, Noncommercial	--	C – 2	See Chapter 17.64: Findings.
COMMERCIAL			
Hotels and Motels	--	C – 1	See Chapter 17.56: Restricted Commercial Uses
Theater, Live Performance	--	C	
Theater, Motion Picture	--	C	
TRANSPORTATION, COMMUNICATION AND UTILITIES			
Communication Facilities			
Antennae and Transmission Towers	--	C	See Chapter 17.46

SCHEDULE II-C: PUBLIC AND QUASI-PUBLIC DISTRICTS: USE REGULATIONS			
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Park and Recreation Districts**		**Additional Regulations**
	P-1	**P-2**	
Specific Limitations and Conditions: 1: Limited to the use and maintenance of existing buildings for nonprofit organizations, governmental buildings and uses, and residential use. 2: Limited to facilities serving only park visitors and/or tenants of park buildings.			

17.18.4 Prohibited Structures.

It is unlawful to construct, erect or place any building, structure or improvement of any kind upon, over or under any part of the Carmel beach lands, as defined in this code except those determined by the City Council to be essential for public health, safety or welfare including those required for public access, public restrooms, seawalls, revetments landscaping, irrigation systems, drainage facilities, water storage, public signage, trash containers, emergency telephones, parking facilities, recreation facilities and facilities for protecting environmental resources.

Article II: Cultural and Community Districts – A-1, A -2 and A – 3.

Sections:

17.18.5 Purpose.
17.18.6 Districts Identified.
17.18.7 Land Use Regulations.
17.18.8 Additional Use Regulations.
17.18.9 Regulations Applicable to the A-3 District.
17.18.10 A-1 District Development Regulations.
17.18.11 Reversion to R-1.
17.18.12 A-3 District Development Regulations.
17.18.13 Design Review.

17.18.5 Purpose.

A. **Theatrical District (A – 1).** The purpose of this district is to provide appropriate zoning for existing theaters located amidst the R-1 land

use district. Uses permitted in this district shall be limited to those associated with the theater and performing arts.

B. **Community and Cultural Center District (A - 2).** The purpose of this district is to provide an appropriately located area for a community and cultural center. Uses permitted in this district shall be limited to those that provide cultural and community activities associated with the arts, education and recreation.

C. **Senior Citizen Facility District (A - 3).** The purpose of this district is to provide education programs, social events, recreational activities, social services and entertainment for senior citizens. The land use regulations for the A-3 senior citizens land use district are intended to ensure that land uses, facilities and activities permitted within the A-3 senior citizens land use district are consistent with the residential character of the City of Carmel-by-the-Sea and with the environmental goals, objectives and policies contained in the General Plan. Uses permitted in this district shall be those primarily for the benefit of senior citizens.

17.18.6 Districts Identified.

Table 17.18 - B delineates all lots and blocks contained within the A-1, A-2 and A-3 districts.

TABLE 17.18 – A: A-1, A-2 AND A-3 DISTRICT BLOCKS AND LOTS	
A-1 DISTRICT	
Block 85	**Lots All**
Block C, Addition No. 1	Lots 11 through 14
A-2 DISTRICT	
Block 97	All
Block 110	All
*And that portion of Ninth Avenue lying between San Carlos and Mission Streets	
A-3 DISTRICT	
Block 95	Lots 1, 2, 4, 6, 8, 10 and 12

17.18.7 Land Use Regulations.

Schedule II-D prescribes the land use regulations for the A-1, A-2 and A-3 districts. The regulations for each district are established by letter designations as follows:

> "P" designates permitted use classifications.
>
> "L" designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-D.
>
> "C" designates use classifications permitted after review and approval of a Conditional Use Permit by the Planning Commission. Conditions may apply to these uses, noted by the number designations and listed at the end of Schedule II-D.

These uses are subject to Division I: General Regulations Applying to All Districts, and may be subject to additional use regulations found in Section 17.18.8 of this chapter and referenced in the table. Special Findings for specific uses may also be required and are found in Chapter 17.64: Findings Required for Permits and approval of this title.

Use classifications are defined in Chapter 17.68: Use Classifications and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List, adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director's interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission by anyone aggrieved by the decision following the procedures specified in the Chapter 17.54: Appeals.

SCHEDULE II-D: A-1, A-2 AND A-3 DISTRICTS: USE REGULATIONS				
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Other Public Districts**			**Additional Regulations**
	A-1	**A-2**	**A-3**	
RESIDENTIAL				
Senior Citizen Housing	--	P	P	
PUBLIC, SEMIPUBLIC AND SERVICE				
Clubs and Lodges	C	P	C	
Colleges and Trade Schools	L - 1	P	--	
Community Care Facility	--	--	C	
Community Centers				
Conference Facilities, Small	P	P	C	
Community Social Service Facility	--	--	C	
Day Care Centers	--	--	C	
Government Offices	--	L - 3	--	
Museums, Galleries, Gardens (noncommercial)	--	P	C	
Park and Recreation Facilities	--	P	--	
Parking Facilities, Noncommercial	C	P	C	
Public Safety Facility	--	P	--	
COMMERCIAL				
Eating and Drinking Establishments	--	L – 3	--	
Parking Facilities, Commercial	--	C	--	
Personal Improvement Services	--	L - 2		
Retail Sales				
Arts and Crafts	--	P	--	
Vending Machines	--	L - 3	--	
Theater, Live Performance	P	P	C	
Theater, Motion Picture	P	P	--	
TRANSPORTATION, COMMUNICATION AND UTILITIES				
Communication Facilities				
Antennae and Transmission Towers	C	C	--	See Chapter 17.46.
OTHER				

SCHEDULE II-D: A-1, A-2 AND A-3 DISTRICTS: USE REGULATIONS				
P = Permitted Use **L = Limitations Apply** **C = Conditional Use Permit Required**	**Other Public Districts**			**Additional Regulations**
	A-1	**A-2**	**A-3**	
Accessory Use				See Sec. 17.18.8 (A)
Temporary Use				See Sec. 17.18.8 (A)
Specific Limitations and Conditions: L -1: Limited to schools for theater arts. L – 2: Limited to workshops and classes connected with the arts. L – 3: Only as an accessory use, when in connection with any other authorized use.				

17.18.8 Additional Use Regulations.

A. Accessory and Temporary Uses. The following are types of accessory and temporary uses allowed, subject to the requirements and standards below.

1. ***A-1 District.*** The following uses may be allowed with the issuance of a use permit and provided that they are in accord with the general purposes of the district and have had prior approval of the Carmel Cultural Commission:

   a. Concessions for snacks and nonalcoholic beverages incidental to theater performances; and

   b. Displays connected with the arts.

2. ***A-2 District.*** The following uses are permitted:

   a. Concessions for the sale of books, prints, food and nonalcoholic beverages;

   b. Concessions for the sale and consumption of alcoholic beverages when located at, and associated with, events at the Sunset Community and Cultural Center only;

   c. Displays connected with the arts; and

   d. Occasional sales or rentals of paintings and art objects by approved users.

17.18.9 Regulations Applicable to the A-3 District.

A. General Regulations.

1. Activities shall be limited to those that will not materially increase traffic, noise or parking demand in the surrounding area as determined by the Planning Commission.

2. No activity shall be allowed generating noise in excess of 60 decibels (8:00 a.m. to 6:00 p.m.) or 55 decibels (all other times) as measured at the property line of any site in the A-3 district using an A-weighted scale.

B. Prohibited Uses. Commercial uses including but not limited to retail sales, food service establishments and transient lodging facilities, but not including the serving of meals, the sale of crafts and other similar activities accessory and incidental to senior citizen facility use are prohibited in the A-3 district.

17.18.10 A-1 District Development Regulations.

In order to maintain the residential character and design of any structures built within zone A-1, the regulations established for the R-l land use district on driveway grades, site and height limitations, building coverage limitations, front yard, side yard and rear yard setbacks and design review shall apply within district A-1.

17.18.11 Reversion to R-1.

Any property zoned A-1 shall revert to its original zoning of R-l upon abandonment of its use. Discontinuance of a permitted use for a period of one year shall constitute abandonment for the purposes of this section.

17.18.12 A-3 District Development Regulations.

Development standards applicable to the A-3 district are shown in Table 17.18 - D.

TABLE 17.18 – B: A-3 DISTRICT SITE DEVELOPMENT STANDARDS	
Site Area	
Minimum	10,000 square feet
Maximum	28,000 square feet
Floor Area Ratio	40 percent of site area
Maximum Height	24 feet from existing grade
Setbacks*	
Front yard	15 feet
Side yard (first story)	3 feet
Side yard (second story)	3 feet
Rear yard (first story)	3 feet
Rear yard (second story)	15 feet
Floor Area Ratio	40 percent of site area
Minimum Landscaping	20 percent of site area
*No setback adjacent to a public street shall be less than 10 feet. For sites fronting on more than one street and for irregularly shaped lots, the Planning Commission shall establish which property lines constitute the front, side, and rear for the purpose of defining setbacks.	

17.18.13 Design Review.

Design review shall be required as set forth in Chapter 17.58: Design Review.

DIVISION III: OVERLAY AND COMMUNITY PLAN DISTRICTS

Chapter 17.20	**Overlay Districts**
Chapter 17.22	**Community Plan Districts and Specific Plans**

Chapter 17.19 (RESERVED)

Chapter 17.20 Overlay Districts

Article I: General Provisions.
Article II: AS Archaeological Significance Overlay District.
Article III: Park Overlay District.
Article IV: Beach Overlay District.
Article V: Environmentally Sensitive Habitat Area Overlay District.
Article V: Annexed County Lots Overlay District.

Article I: General Provisions.

17.20.1 Purpose and Applicability.

Overlay districts are zoning districts established by the city to carry out specific purposes. They are governed by a set of regulations that address specific subjects, such as archaeological significant resources or environmentally sensitive habitat areas. Overlay districts may be initially established by adding a specific article to Chapter 17.20: Overlay Districts, without being actually delineated on a zoning map. At a later time, when an opportunity arises to carry out the intended purposes for one or more sites that meet the criteria for designation, the City Council may adopt an ordinance amending the zoning map to delineate the boundaries of the overlay district. The provisions of the overlay district will then be combined with the provisions of the base zoning district for that site or sites to which the overlay district applies and the more restrictive provisions will govern.

Article II: AS Archaeological Significance Overlay District.

Sections:

17.20.2 Purposes.
17.20.3 Boundaries of the Archaeological Significance Overlay District.
17.20.4 Minimum Standards.
17.20.5 Additional Requirements.
17.20.6 Report Guidelines.

17.20.2 Purposes.

The purposes of the AS Archaeological Significance Overlay District are to implement the General Plan/Coastal Plan Land Use Plan and to:

A. Protect archaeological sites in Carmel that can provide evidence of the area's earliest human habitation, help to document the cultural history the City, and are often highly significant to Native American descendants as burial grounds or because of their connection to sacred traditions.

B. Provide for the designation of archeological resources and establish explicit guidance for the protection of archeological resources, especially when they are subterranean.

C. Create a clear process and standards for evaluating projects that may affect archaeological resources, and for identifying appropriate measures to mitigate the effects of such projects.

17.20.3 Boundaries of the Archaeological Significance Overlay District.

The boundaries of the AS district are shown schematically on Figures III-1 through III-6. A definitive listing of all properties affected is included with each figure.

17.20.4 Minimum Standards.

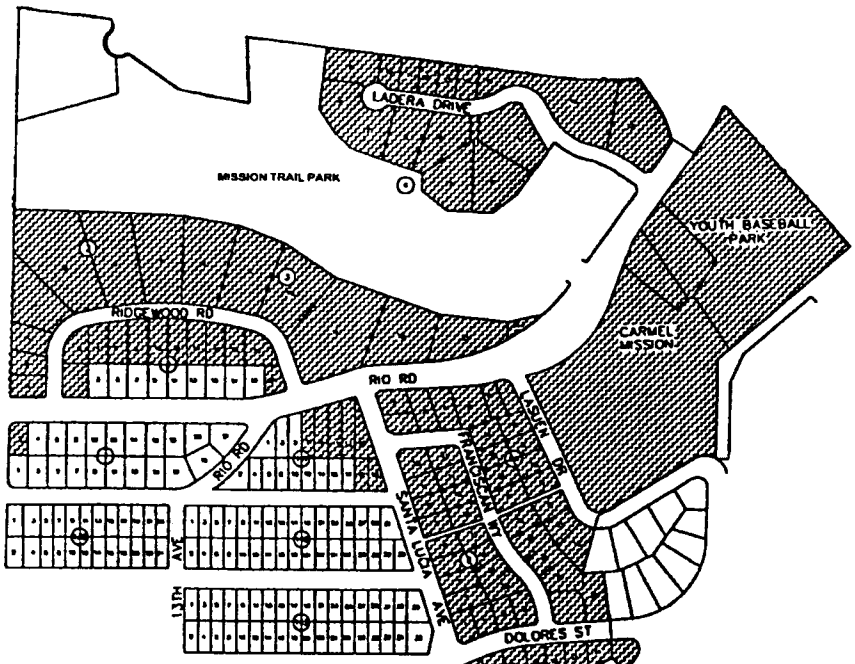
The following standards shall apply to all building sites located in the AS district or within any commercial or R-4 District.

A. Applications for new construction or additions, alterations and remodels involving excavation of undisturbed earth shall include an Archaeological Resource Management Report, prepared pursuant to the guidelines established in Chapter 17.32.6.

17.20.5 Additional Requirements.

All projects subject to this section shall be subject to the following additional requirements:

Figure III-1 Archaeological Significance



Those building sites that include any portion of the following lots:

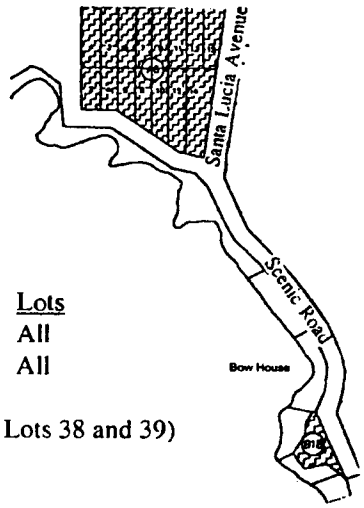
<u>Walker Tract 1</u>

Block 1	Lot 2
Block 2	Lots 1, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 and 21
Block 3	All Lots (Ridgewood Road)
Block 4	All Lots (Mission Trails Nature Preserve)

<u>Mission Tracts 1 and 3</u>

Block 3	Lots 7 and 8 (Santa Lucia)
Block 8	Lots 1 through 15
Block 9	All Lots
Block 10	Lots 1 through 14 and Lots 26 through 34

Block	Lots
A-6	All
B-18	All

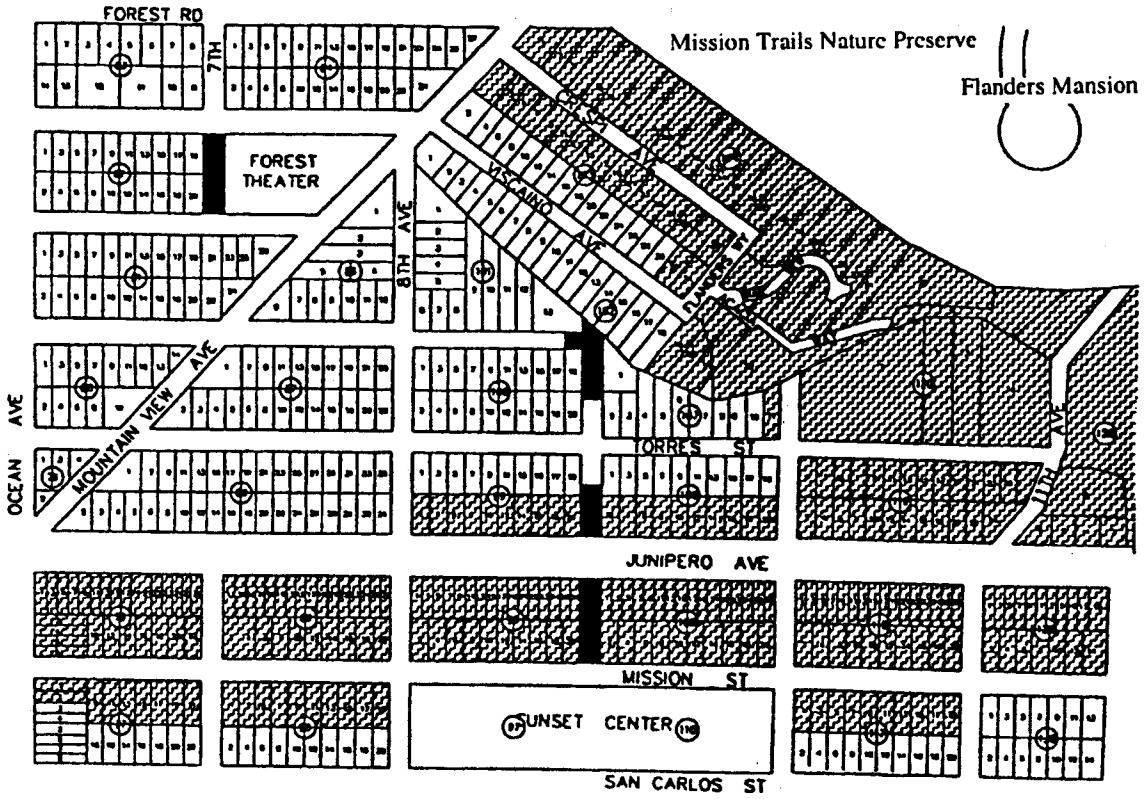


<u>Mission Tract 2</u> (Ladera Drive)
All Lots

Carmel Mission (U.S. Lots 38 and 39)

Block	Lots
140	All
141	7, 9, 11, 13, 15, 18, and 19 fronting on Rio Road, Mission Street, or Santa Lucia Avenue

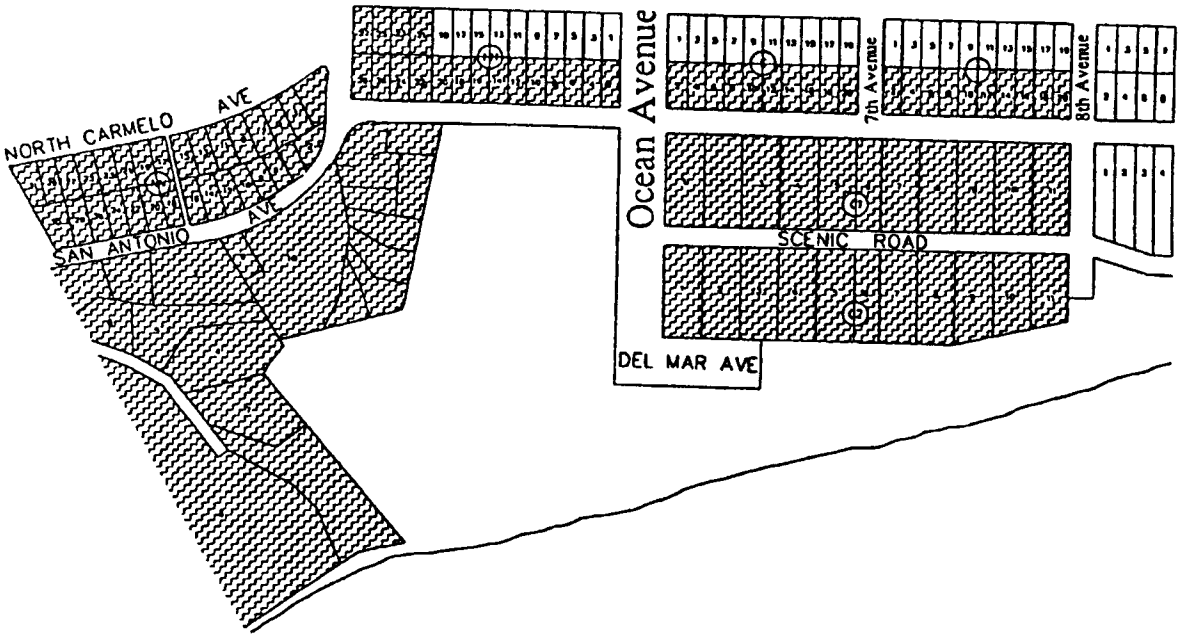
Figure III-2 Archaeological Significance



Those building sites that include any portion of the following lots:

Block	Lots
77	1, 2, 9, 11, 13, 15, 17, 19 and 21
78 and 89	All
90	1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 (all odd-numbered lots)
97 and 110	All odd-numbered lots (Sunset)
98	All
99	All even lots
102	19, 20, 21, and 22 fronting on Acacia Way
103	32, 34, and all odd-numbered lots
104	All
105	All (Mission Trails Park)
107	11
108	All even lots
109	All
117	All odd-numbered lots

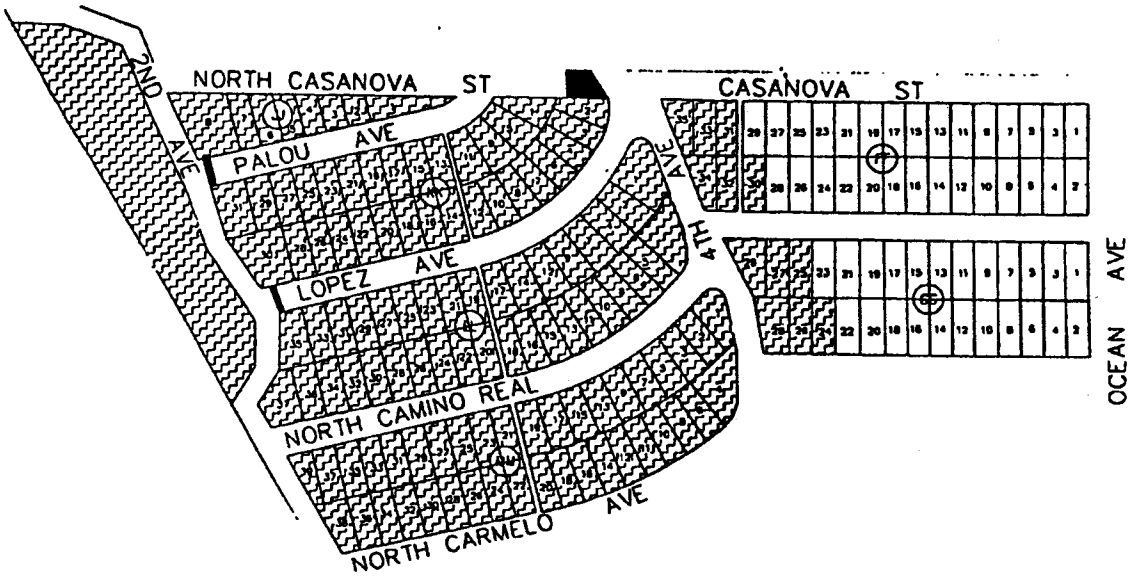
Figure III-3 Archaeological Significance



Those building sites that include any portion of the following lots:

Block	Lots
NN	All
HH	21, 23, 25, 27 and all even-numbered lots
S	All even-numbered lots
T	All even-numbered lots
C-1	All
C-2	All
Sand and Sea	All
Sand Dunes	All

Figure III-4 Archaeological Significance

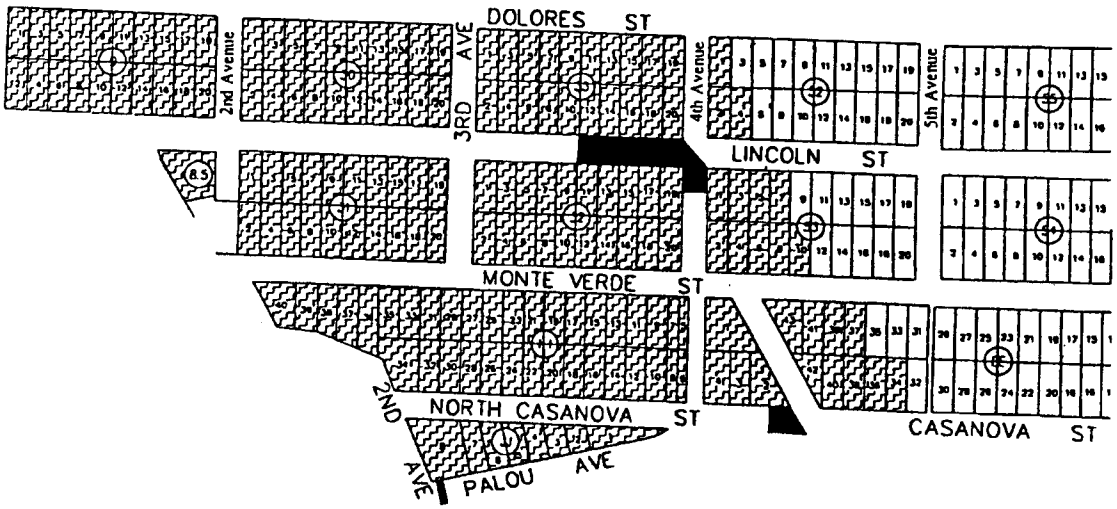


Those building sites that include any portion of the following lots:

Block	Lots
FF	30 through 35
GG	24 through 29
JJ	All
KK	All
LL	All
MM	All

Second Avenue acreage (all lots north of Second Avenue between Monte Verde Street and Camino Real)

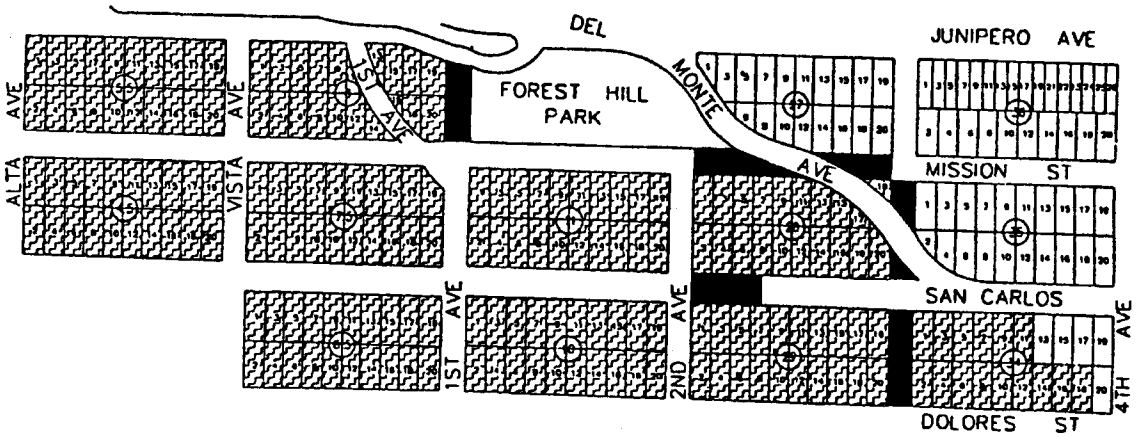
Figure III-5 Archaeological Significance



Those building sites that include any portion of the following lots:

Block	Lots
8 1/2	All
9	All
30	All
31	All
32	All
33	All
52	1, 2, and 4
53	1, 2, 3, 4, 5, 6, 7, 8 and 10
EE	34 and 36 through 43
II	All
JJ	All

Figure III-6 Archaeological Significance



Those building sites that include any portion of the following lots:

Block	Lots
4 1/2	All
5 1/2	All
6 1/2	All
7 1/2	All
8	All
10	All
11	All
12 (Forest Hill Park)	
28	All
29	All
34	1 through 12, and 14, 16, 18

(Ord. 98-10 § 1, 1998).

A. If any human remains are found at any time during construction, work shall stop and the applicant or his/her agent on the site shall immediately notify the Monterey County Coroner in compliance with applicable State requirements.

B. **Exceptions.** This section does not apply to emergency repairs that the City Administrator determines necessary to avoid disruption of existing utility service.

17.20.6 Report Guidelines.

The "*Archaeological Resource Management Reports (ARMR): Recommended Contents and Format*" (cited as the ARMR Guidelines, which were prepared by the California Office of Historic Preservation and attached as Appendix G to this title) shall be used as guidelines for preparation of reports required by this article. The Planning Commission and the Department of Community Planning and Building shall use these ARMR Guidelines to review proposed construction and mitigation for potential impacts on archaeological resources. Project plans that fail to achieve reasonable compliance with these ARMR Guidelines shall not be approved.

Article III: Park Overlay District.

Sections:

17.20.7 Specific Purposes
17.20.8 Boundaries of the Park Overlay District
17.20.9 Minimum Standards
17.20.10 Required Planning Commission Review
17.20.11 Review Criteria

17.20.7 Specific Purposes.

The specific purposes of the Park Overlay District are to implement the General Plan/Coastal Plan Land Use Plan and to ensure that development of private property adjacent to parks and open spaces is compatible with their continued enjoyment. It is the intent of these regulations to protect park resources from the visual and physical impacts that may be associated with development of private property near designated parklands, to enhance the public enjoyment of parks and to preserve the habitat values of parks.

17.20.8 Boundaries of the Park Overlay District.

The boundaries of the PO district are shown schematically on Figures IV-7 through IV-10. A definitive listing of all properties affected is included with each figure.

17.20.9 Minimum Standards.

The following standards regulating construction activity and use shall apply to all building sites located in the Park Overlay District. The provisions of the Park Overlay District shall be coordinated with the ESHA Overlay District whenever a property is located within both overlay districts.

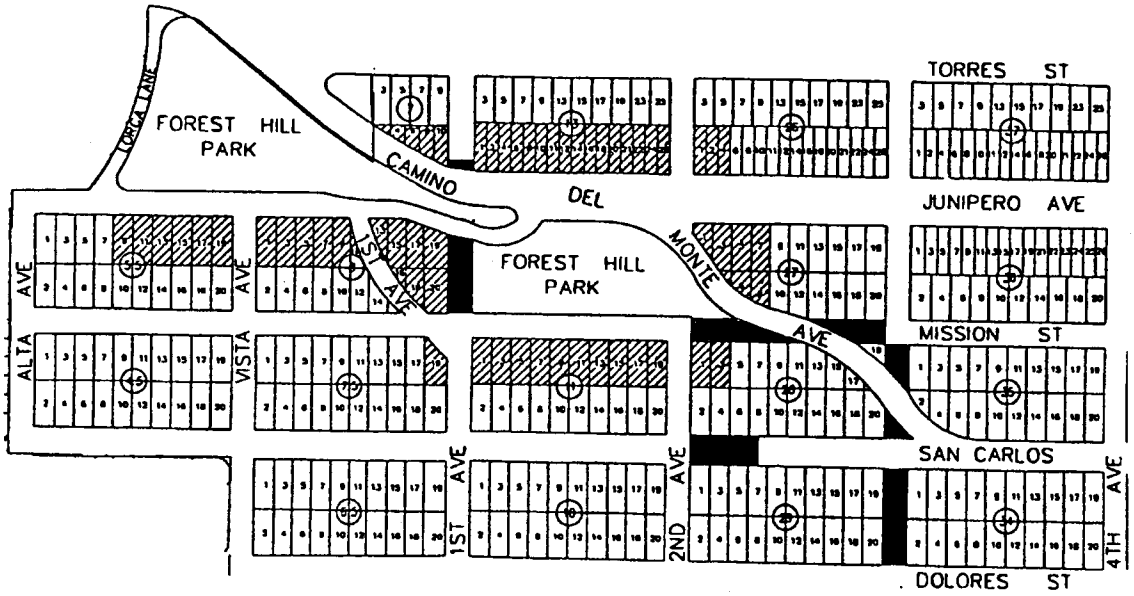
A. The site design must include a drainage plan that is adequate to prevent erosion and excess runoff as determined by the Building Official. The site shall be connected to the sanitary sewer system.

B. No tree shall be removed within the park overlay district without written approval from the City Forester regardless of whether the removal is associated with construction activities.

C. All proposed construction must maintain a setback of at least 15 feet from any property line that also constitutes a park boundary. However, this special setback shall not apply to property across the street from a park. The Planning Commission or Design Review Board may modify other setbacks through the design review process to provide flexibility for properties unreasonably restricted by this required park setback.

D. When any construction activity is proposed on a site in the park overlay district, the site design shall include a landscaping plan in accordance with Chapter 17.34: Landscaping.

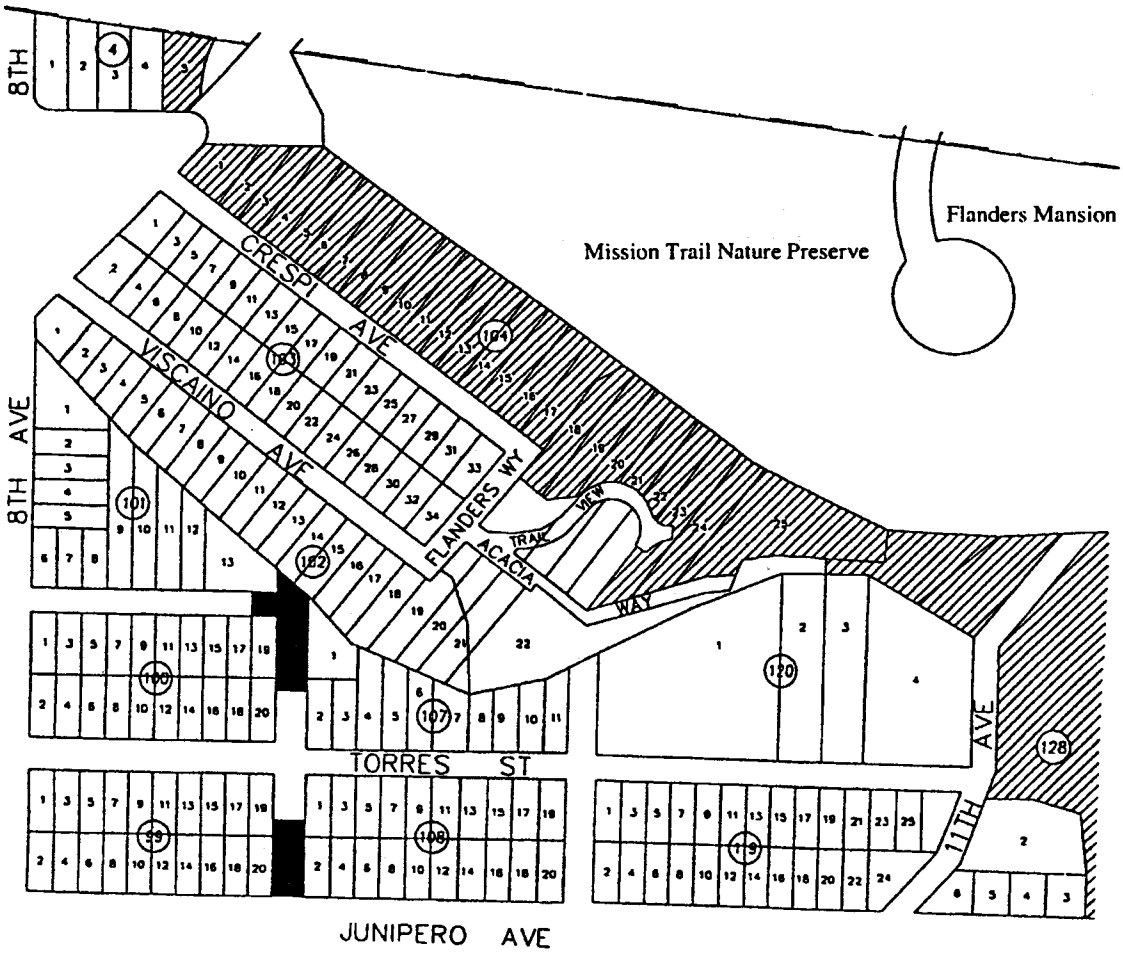
Figure III-7 Forest Hill Park



Forest Hill Park Overlay: Those building sites that include all or portions of the following lots:

Block	Lots
5 1/2	9, 11, 13, 15, 17 and 19 fronting on Junipero Avenue
7	Those portions of Lots 1, 2, 4, 6, 8, and 10 fronting on Camino Del Monte
7 1/2	19 fronting on Mission Street
8	1, 3, 5, 7, 9, 11, 13, 15, 17, 18, 19, all of 20 fronting on Junipero or First Avenues
11	All odd-numbered lots fronting on Mission Street
13	1, 2, 4, 6, 8, 10, 11, 12, 14, 16, 18, 20, 21, 22, 24 and 26 fronting on Junipero Avenue
26	1, 2, and 4 fronting on Junipero Avenue
27	1, 2, 3, 4, 5, 6, 7 and 8 fronting on Camino Del Monte
28	1 and 3 fronting on Mission Street

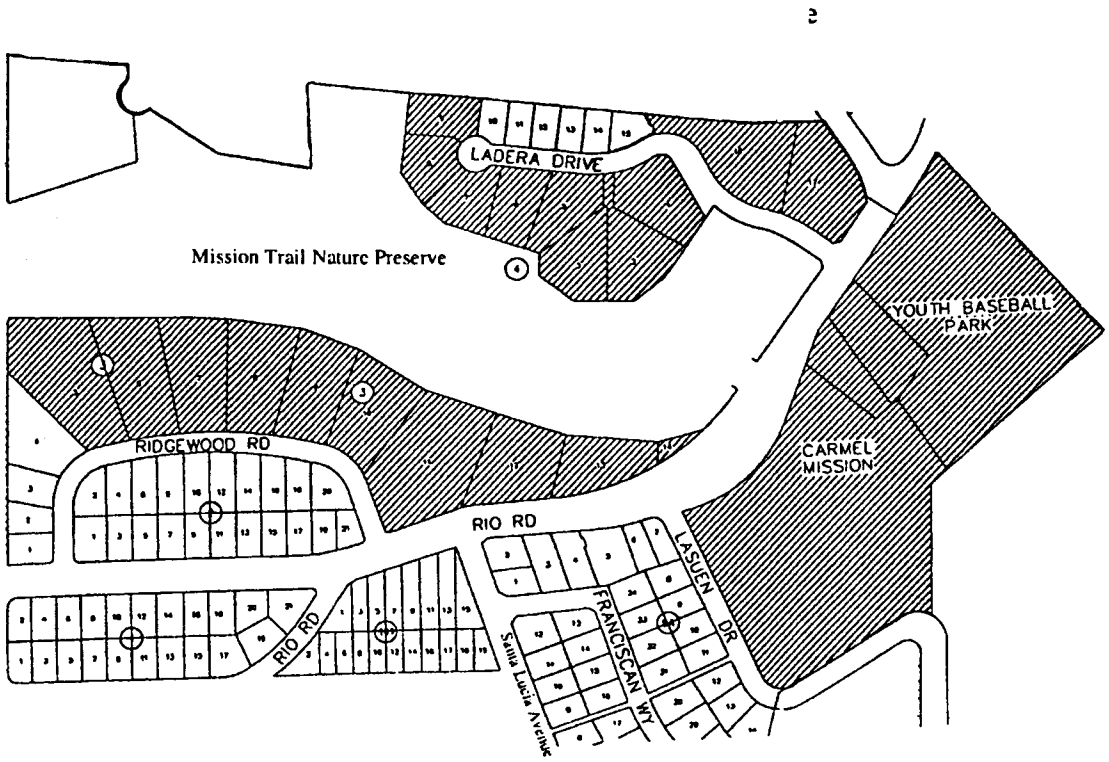
Figure III-8 Mission Train Nature Preserve



Mission Trails Nature Preserve Overlay: Those building sites that include all or portions of the following lots:

Block	Lots
4 (Paradise Park)	5
104	All lots contiguous with Mission Trail Nature Preserve
128	All lots contiguous with Mission Trail Nature Preserve

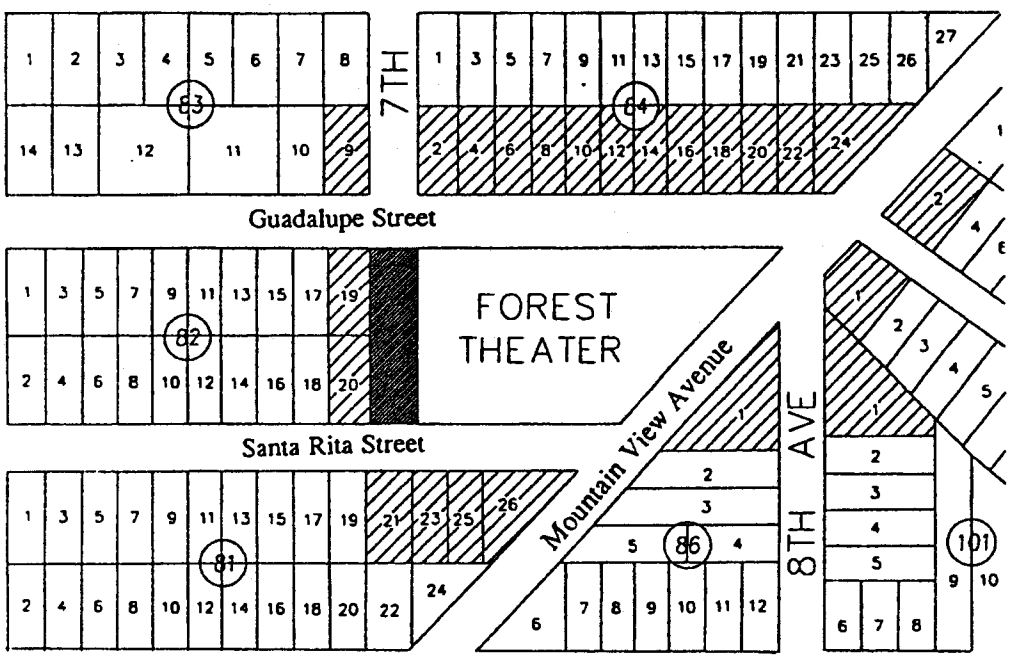
Figure III-9 Mission Trail Nature Preserve



Mission Trails Nature Preserve: Those building sites that include all or portions of the following lots:

Block	Lots
Walker Tract 1, 3 (Ridgewood Road)	5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 contiguous with Mission Trail Nature Preserve
Walker Tract 2, 4 (Ladera Drive)	1, 2, 3, 5, 6, 7, 8, 9, 16, and 17 contiguous with or across the street from Mission Trail Nature Preserve
Carmel Mission (U. S. Lots 38 and 39)	All lots across the street from Mission Trail Nature Preserve

Figure III-10 Forest Theater Park



Forest Theater Park Overlay: Those building sites that include all or portions of the following lots:

Block	Lots
81	21, 23, 25, and 26 fronting on Santa Rita Street
82	19, 20 abutting Forest Theater Park
83	9 fronting on Guadalupe Street
84	All even-numbered lots fronting on Guadalupe Street
86	1 fronting on Mountain View Avenue
101	1 adjacent to Mountain View Avenue
102	1 adjacent to Mountain View Avenue
103	2 adjacent to Mountain View Avenue

17.20.10 Required Planning Commission Review

In addition to any other reviews required by this code, the following types of projects in the park overlay district shall require Planning Commission review:

A. Projects located on nonrectangular building sites for which the Commission has not established setbacks during prior approvals;

B. Projects located on building sites larger than 8,000 square feet in area for which the Commission has not established setbacks during prior approvals and/or which do not qualify for administrative design review (track one) approval;

C. Projects of more than one story and/or taller than 18 feet in height;

D. Projects involving construction of a new dwelling unit or demolition of an existing dwelling unit; and

E. Projects that, in the opinion of the Director of Community Planning and Building, represents a substantial deviation from standard design and construction practices in the neighborhood and is not addressed by these regulations or which otherwise may be inconsistent with the purposes of this district or the General Plan.

17.20.11 Review Criteria.

Proposed projects requiring Planning Commission review as established in Section 17.20.11 above shall require approval through the Track Two design study process (see Chapter 17.58: Design Review), using the following standards prior to the issuance of any building permits.

A. Projects Exceeding the Limits on Number of Stories and/or Height. The Planning Commission may grant approval of:

1. A second story;

2. An increase in building height up to a maximum of 24 feet; and

3. Approvals granted under this section shall not violate any height limits established for the property by the underlying zoning district or any other overlay districts. In granting approval for these increases, the commission shall make the following findings:

a. That due to the topography of the site relative to the adjoining park or open space land, the proposed building would not exceed the height or bulk of an 18-foot one-story structure built on a site at the same grade as the adjoining park or that topography and height are irrelevant because of the location of the building on the site avoids view of the buildings from the park.

b. That those portions of the building visible from the park will exhibit a human scale and residential character through the use of simple building forms and natural materials that will not detract from the enjoyment of the park or open space by the public.

B. Projects Requiring Modified Setback Standards. Through the Track Two design study process, the Planning Commission may approve an adjustment of setbacks on Park Overlay District properties from those normally required in order to preserve equity in the amount of buildable area on a lot after application of the 15-foot setback from park boundaries required by Section 17.20. 10: Minimum Standards. Sites with a side lot line adjacent to parklands that cannot obtain a satisfactory modification of setbacks through this procedure may apply for a variance to reduce the width of the 15-foot setback from the park boundary. In granting requests for modified setbacks, the Planning Commission shall make the findings listed below.

1. That the total area of all setbacks is approximately equal to the area of the lot that would be contained in setbacks if the increased setback from the park established in Section 17.20.10: Minimum Standards were applied.

2. That a minimum width of at least three feet will be maintained for the full length of all setbacks.

3. That by reducing any setbacks, the proposed structure will not interfere with safe access to other properties in the neighborhood or otherwise result in damage or injury to the use of other adjoining properties.

4. That structures proposed for construction within reduced setback areas will be compatible with the residential character of the neighborhood and will exhibit a human scale without excessive building bulk or visual mass.

C. **Projects on Irregularly Shaped Lots or Lots Larger Than 8,000 Square Feet.** On those lots that are irregular in shape or that exceed 8,000 square feet in area, the Planning Commission shall establish setbacks that are appropriate for the property and that are consistent with the purposes of the PO district. Where a large lot size creates an opportunity to establish significantly increased setbacks from adjoining parklands, and the topography or shape of the site allow sufficient area to build away from the park, the Planning Commission may designate larger setbacks for the property that preserve an open space buffer adjacent to the park while providing a reasonable area to build elsewhere on the property.

D. In designating these setbacks the Commission must adopt the findings listed in Section 17.20.12. B above and the following findings:

1. That the proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.

2. That the proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.

Article IV: Beach Overlay District.

Sections:

17.20.12 Specific Purposes
17.20.13 Applicability
17.20.14 Boundaries of the Beach Overlay District
17.20.15 Coastal Development Permit Required
17.20.16 Permit Standards
17.20.17 Application Content - Additional Requirements
17.20.18 Public Access
17.20.19 Shoreline Protection
17.20.20 Regulations Incorporated from Other Titles

17.20.12 Purpose.

The purpose of the Beach Overlay District is to provide review standards applicable to public and private property development located near public

beach lands to ensure that proposed development is compatible with the public enjoyment of the City's coastal resources and with the California Coastal Act.

17.20.13 Applicability.

The regulations of this article shall apply in the Beach Overlay. The Beach Overlay District is an overlay district, which may be combined with any of the other districts specified in the municipal code. The provisions of the Beach Overlay District shall be coordinated with the ESHA Overlay District whenever a property is located within both overlay districts. The regulations of this article shall apply in addition to the regulations of any district with which the Beach Overlay District is combined. In the event of any perceived conflict between the provisions of this Article and any other provision of these regulations, this Article shall control.

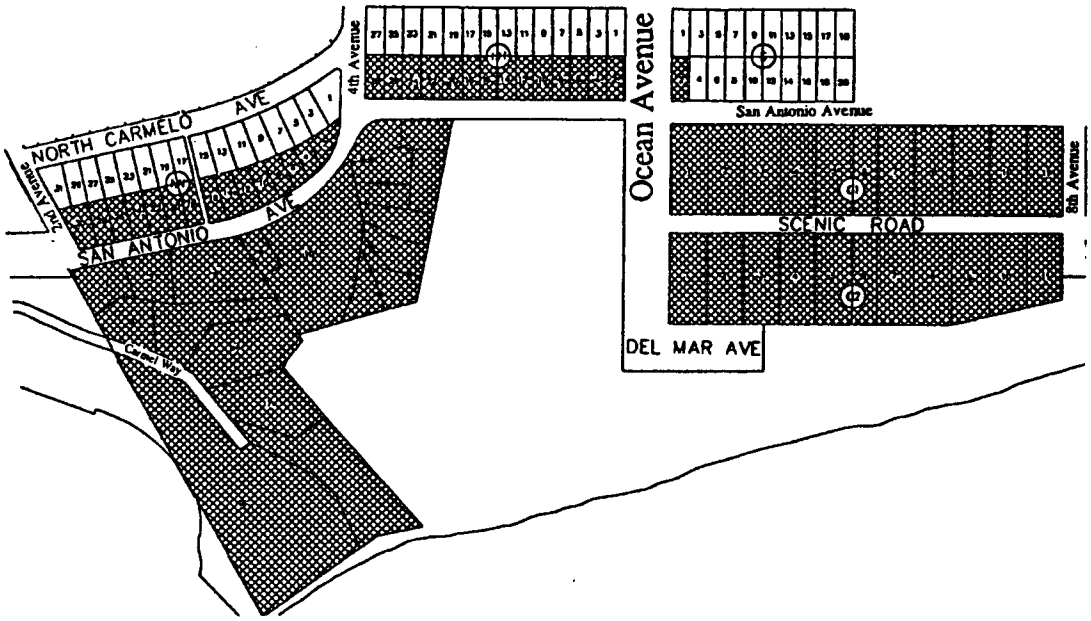
17.20.14 Boundaries of the Beach Overlay District.

This district shall apply to the entire area from the mean high tide line eastward to the limit of all private property fronting on either side of the first public road inland from the beach. The specific boundaries of the Beach Overlay district are shown schematically on Figures III-11 and III-12. A definitive listing of all affected private property is included with each figure. All public property within the boundary described above is also included within the district.

17.20.15 Coastal Development Permit Required.

Unless exempted by Section 17.52. 6: Development Excluded from Coastal Permit Requirements, all new construction, additions, design alterations or changes in land use in the Beach Overlay District shall require a use permit which shall constitute a Coastal Development Permit, in addition to any other permit(s) required by law. Development undertaken pursuant to such a permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. Notice, hearing and appeal procedures shall be established in Chapter 17.52: Permit Procedures and Chapter 17.54: Appeals of this Title.

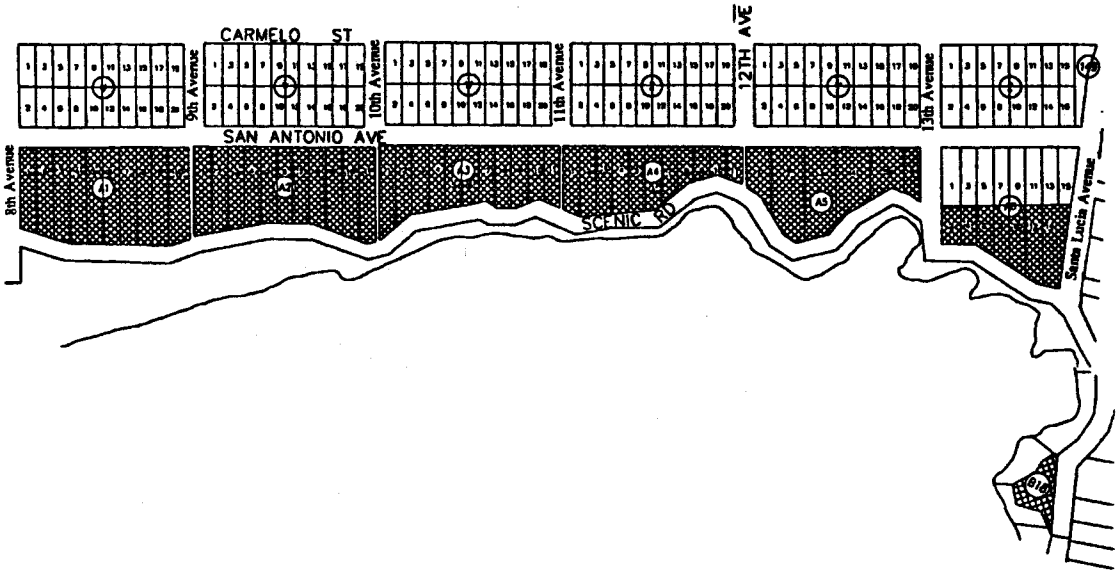
Figure III-11 Carmel Beach District



Beach Overlay District: Those building sites that include all or portions of the following lots:

Block	Lots
Sand and Sea	All
Sand Dunes	All
NN	All even-numbered lots fronting on North San Antonio Avenue
HH	All even-numbered lots fronting on North San Antonio Avenue
S	2 fronting on San Antonio Avenue
C-1	1 fronting on Ocean Avenue; 4, 5, 6, 7, 8, 9, 10, 11 fronting on Scenic Road
C-2	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 fronting on Del Mar Avenue, Scenic Road, or City Beach Lands

Figure III-12 Carmel Beach District



Beach Overlay District: Those building sites that include all or portions of the following lots:

Block	Lots
A-1	1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 fronting on Scenic Road
A-2	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 fronting on Scenic Road
A-3	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 fronting on Scenic Road
A-4	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 fronting on Scenic Road
A-5	1, 2, 3, 4, 5, and 6 fronting on Scenic Road
A-6	2, 4, 6, 8, 10, 12, and 14 fronting on Scenic Road
B-18	1

17.20.16 Permit Standards.

The following standards shall be used by the Planning Commission in approving or denying a Coastal Development Permit in the Beach Overlay District. No building permit for new construction, additions, exterior alterations or change in land use shall be approved unless a Coastal Development Permit is approved taking into consideration all of the following as may be appropriate to the scope of the project:

A. **View Protection.** 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 the surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas, while ensuring the private property owner reasonable development of the land.

B. **Location.** All proposed construction shall be located and designed to avoid conflict with recreational use of any adjacent public property or conflict with coastal resources.

C. **Design Compatibility.** All proposed construction shall be compatible in design with existing buildings in the area for the purpose of protecting the neighborhood character.

D. **Access.** Potential public right of access shall be reviewed on the property and, where appropriate, made a condition in the permit.

E. **Review of City Needs.** The property has been reviewed for potential acquisition and the review indicated the City has no need to acquire the property.

F. **Subdivision Limitations.** No further subdivision shall be approved within the Beach Overlay District. No lot line adjustments shall be approved that would result in a net increase in potential building sites.

G. **Height.** All proposed construction shall be limited to a height of 18 feet above the existing grade or finished grade whichever results in a lower height.

H. **Open Space.** On sites adjacent to the beach all buildings shall be located to preserve maximum open space on the site as viewed from the beach. Generally, a setback of at least 15 feet shall be maintained along any property line facing the beach. The Planning Commission

may at its discretion reduce any required rear, side or front yard to not less than three feet so as to preserve maximum open space on the site adjacent to the beach for public benefit.

I. **Utilities.** All utilities connecting the development to the source in the public rights of way shall be placed underground.

J. **Sewer Services.** The property shall be connected to the sanitary sewer system upon issuance of the permit. Alternatively, the Planning Commission may authorize an area-wide agreement among several adjacent properties (executed through no-protest agreements) for future connection to the sanitary sewer if the infrastructure for a single connection would place an undue burden on a single property owner.

K. **Drainage.** A drainage system shall be provided for the project to prevent undue erosion and excess water running from the site onto the beach or endangering coastal protective structures or coastal access structures as determined by the Building Official.

L. **Tree Removal.** No tree shall be removed within the beach overlay district without written approval from the City Forester regardless of whether the removal is associated with construction activities. Trees on City property shall be trimmed and/or removed only by City tree crews or under the supervision of the City Forester. Removal of dead Cypress Trees on City property in this district shall require approval by the Forest and Beach Commission. When any construction activity is proposed on a site in the beach overlay district, the site design shall include a landscaping plan consistent with the provisions of Chapter 17.34: Landscaping.

M. **Prohibition on Private Development Needing Protection.** Proposed development of private property shall not be approved where the City determines that shoreline protective structures will be necessary to protect the new structures at the time of development, or within 100 years of development.

N. **Public Structures.** Stairs, retaining walls, fences, pipelines, and similar public or quasi-public facilities located on coastal bluffs shall require a Coastal Development Permit.

O. **Setbacks.** Private development proposed on ocean-fronting parcels shall comply with the setback requirements of the applicable primary zoning district, except where a lot line is adjacent to a coastal bluff or

sand dunes, or where public access and/or recreational areas are required in compliance with these regulations. Proposed private developments shall be set back from the top of the bluff or adjacent sand dunes as provided by this subsection.

1. ***Bluff Retreat Setback Requirements.*** New structures shall be set back a sufficient distance from any bluff top to be safe from bluff erosion for a minimum of 100 years as determined by a site-specific geology report, prepared in compliance with Section 17.20.170(B) (Application Content, Geology Report); provided that in no case shall the minimum setback be less than 25 feet.

2. ***Use of Bluff Retreat Setbacks.*** No development except public access pathways, restrooms, stairways and associated public recreational or infrastructure facilities shall be permitted within the bluff retreat setbacks identified in site-specific geologic reports.

3. ***Dune, Access and Recreational Area Setbacks.*** Additional bluff top and/or dune setbacks may be required in compliance with Local Coastal Plan policies to establish a buffer from natural sand dune areas, to reduce visual intrusion on adjacent recreational areas or to accommodate public access and enjoyment of adjacent recreational areas. (See also Section 17.20.19: Public Access).

P. **Projects on Irregularly Shaped Lots or Lots Larger Than 8,000 Square Feet.** On those lots that are irregular in shape or that exceed 8,000 square feet in area, the Planning Commission shall establish setbacks that are appropriate for the property and that are consistent with the purposes of the Beach Overlay District. Where a large lot size creates an opportunity to establish significantly increased setbacks from adjoining beach lands, and the topography or shape of the site allow sufficient area to build away from the beach, the Planning Commission may designate larger setbacks for the property that preserve an open space buffer adjacent to the beach while providing a reasonable area to build elsewhere on the property.

Q. **Findings Required.** In designating beach overlay district setbacks for private property the Commission shall adopt the following findings:

1. That the combined area contained within all setbacks is at least equal to the area of the lot that would be included within

setbacks if the special beach setback established in 17.20.160(H) were applied (i.e. achieving no net loss of setback area).

2. That a minimum width of at least three feet will be maintained for the full length of all setbacks.

3. That by reducing any setbacks the proposed structure will not interfere with safe access to other properties in the neighborhood or otherwise result in damage or injury to the use of other adjoining properties.

4. That structures proposed for construction within reduced setback areas will be compatible with the residential character of the neighborhood and will exhibit a human scale without excessive building bulk or visual mass.

5. That the proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.

6. That the proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.

17.20.17 Application Content - Additional Requirements.

Permit applications for development on ocean-fronting parcels shall include the following information where applicable, in addition to all the information required by Chapter 17.52: Permit Procedures.

A. **Erosion Control Plan.** All development permit applications involving substantial alterations to existing buildings or site design, or construction of new buildings on ocean-fronting parcels shall include a site-specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible.

B. **Geology Report.** A geology report shall be required when structures are proposed within an area between the face of the bluff, and a line described on the bluff top by the intersection of a plane inclined at a

20 degree angle from horizontal, passing through the toe of the bluff or cliff, or 50 feet inland from the bluff top, whichever is greater.

C. **Preparation and Contents of Geology Report.** A required geology report shall be prepared by a qualified, licensed engineer approved by the City, and shall be submitted with the permit application for the proposed structure. The report shall consider, describe, and analyze the following:

1. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

2. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport;

3. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults;

4. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

5. Impact of construction activity on the stability of the site and adjacent area;

6. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e. g. , introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like);

7. Potential erodibility of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

8. Effects of marine erosion on the coastal bluffs;

9. Potential effects of seismic forces resulting from a maximum credible earthquake; and

10. Any other factors that might affect slope or bluff stability.

17.20.18 Public Access.

This section establishes requirements for the dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses in order to ensure public rights of access to the coast are protected as guaranteed by the California Constitution. Coastal access standards established by this section also satisfy the California Coastal Act.

A. **Protection of Existing Coastal Access.** Development may not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

B. **Access Dedication Requirements.** Proposed development and new land uses located between the ocean and the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and bluff tops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.

C. **Timing of Access Requirements.** The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. ***Dedication.*** Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. ***Construction of Improvements.*** Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

3. ***Interference with Public Use Prohibited.*** Following an offer to dedicate public access pursuant to this section; the property owner shall not interfere with use by the public of the areas

subject to the offer before and after acceptance by the responsible entity.

D. **Access Title and Guarantee.** Where public coastal accessways are required by this Section, approval of a subdivision, or land use permit for new development shall require guarantee of the access through deed restriction, or dedication of right-of-way or easement. Before approval of a land use permit or subdivision, the method and form of the access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

1. ***Deed Restriction.*** Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Planning Director.

2. ***Grant of Fee Interest or Easement.*** Shall be used when a public agency or private organization approved by the Planning Director is willing to assume ownership, maintenance and liability for the access.

3. ***Offer of Dedication.*** Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

17.20.19 Shoreline Protection.

A. **Erosion Control.** Proposed bluff top development shall be designed and constructed to incorporate appropriate erosion control measures, in compliance with the City's grading standards.

B. **Drainage Devices.** Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face. All new drainage structures shall be constructed so that drainage water will not spill over or onto the bluff face. Drain pipes shall be allowed only where no other less environmentally damaging drain system is feasible, and drain pipes are designed and placed to minimize impacts to the bluff face, toe of bluff, and beach.

C. **Shoreline Protective Structures.** Shoreline protective structures limited to sea walls, engineered revetments, may be allowed with Coastal development permit approval, only when the review authority determines that the structure is:

1. Necessary to protect existing structures, coastal-dependent uses, public beaches, public access and beach facilities in danger of erosion;

2. The least environmentally damaging feasible alternative;

3. Designed to successfully eliminate or mitigate adverse impacts on local shoreline and sand supply;

4. Designed to avoid significant intertidal or subtidal areas;

5. Designed to preserve lateral beach access, where feasible;

6. Designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of structures, colors and materials that are visually compatible to those already established; and

D. **Structures on Sandy Beach**. No permanent structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety.

17.20.20 Regulations Incorporated from Other Titles.

The following regulations apply in the Beach Overlay District.

A. **Riding on Beach.** Equestrians are allowed on the beach without restriction.

B. **Dogs on Public Beach and Park Land.** It is unlawful for the owner or person having charge of any dog to permit the dog to run at large on any City-owned beach lands or on any City-owned park lands unless the owner or person having charge is also present and in control of the dog at such time as it is running loose.

C. **Dogs on Scenic Road and The Beach Bluff Pathway.** On Scenic Road from its eastern property edge to the base of the beach embankment between Eighth Avenue and the south City limits, all dogs and other animals shall be deemed running at large within the meaning of this

chapter unless led or restrained by a chain, strap, or cord attached to their collars or harness that is actually held by a person or made fast to a stationary object.

D. **Location and Time Limits on Beach Fires.** No person, firm, corporation or other entity shall build, light, maintain, cause or permit to be built, lighted or maintained any open or outdoor fire on any public beach designated by the City after the hour of 10:00 p. m. No fires shall be permitted at anytime on the slopes leading thereto within the City. This prohibition is applicable to all that beach and slope area lying west of Scenic Road and south of Ocean Avenue to the southern City boundary. No fires shall be permitted at any time on all that beach and slope area lying west of San Antonio from Ocean Avenue to the northern City boundary. The prohibition against all fires on all the beach that lies at or below the high tide line shall extend from 10:00 p. m. on the day it commences until 7:00 a. m. the following day.

E. **Recreational Fires on Carmel Beach.** All fires on Carmel Beach shall meet the following requirements:

1. Beach fires shall be used for cooking or warmth and shall be located on that part of the City beach property which lies south of an extension of the center line of Tenth Avenue and west of a line reached by the high tide provided that all of the following conditions are met:

    a. The base of the fire shall be defined as the level at which the lowest burnable material or ash is located, and it shall be on the beach sand unless the fire is in a hibachi, charcoal grill or other like receptacle, in which case the base shall be a horizontal plane touched by the lowest burning material.

    b. The burnable material used in the fire shall not extend more than two feet above the base of the fire.

    c. Flames from the fire shall not extend into the air more than five feet from the base of the burnable material in the fire.

    d. The longest horizontal straight-line distance through the base of the fire shall not exceed four feet.

e. Flammable liquids other than charcoal starter shall not be used in any manner in connection with starting or maintaining the fire.

f. No fire shall be built, lit, or maintained on any slope or within 25 feet of any wall, vegetation or combustible material not intended to be used in the fire.

g. All flammable coals, embers or burning material shall be extinguished with sea water by the person or persons building, lighting or maintaining the fire prior to said person or persons leaving the beach.

h. The extinguished remains of all fires shall be left exposed and not covered with sand.

i. Building, lighting, maintaining or causing or permitting to build light or maintain a fire in violation of any of the above conditions shall be an infraction.

j. Penalties: Any person who shall violate any of the provisions of this chapter that necessitates the response of the Fire Department shall be guilty of an infraction punishable by a fine of not more than $50. 00 per hour or portion thereof, not to exceed $500. 00.

F. **Alcohol Prohibited on Public Beaches After 10:00 p. m.** No person may serve, possess or consume alcoholic beverages of any kind on the public beach or slopes leading thereto in the City after the hour of 10:00 p. m. This prohibition is applicable to the entire beach and slope area lying west of San Antonio Avenue as it extends to the north from Ocean Avenue, to the northern City boundary and west of Scenic Road, from Ocean Avenue to the southern City boundary. This prohibition against the possession or consumption of alcoholic beverages shall extend from 10:00 p. m. on the day it commences until 7:00 a. m. the following day.

G. **Skateboarding on Scenic Road and the Accessways Leading Thereto.** It is unlawful for any person to ride, use or operate any skateboard, bellyboard, coaster, skatewheeled coaster or similar contrivances upon Scenic Road between Eighth Avenue and Santa Lucia or upon the following accessways leading to Scenic Road from the western edge of San Antonio Street: Eighth Avenue, Ninth Avenue, Tenth Avenue, Eleventh Avenue, Twelfth Avenue and Thirteenth Avenue.

H. **Protection of Slopes and Beach Bluffs.** It is unlawful to walk over or otherwise traverse any slope or area between Scenic Road and the beach or any other public area leading to the beach when the City Council has by resolution prohibited walking over or traversing such area, and designated specific paths, steps or ways for public access to the beach, and signs have been posted at reasonable locations giving notice of the prohibition. It is unlawful to climb or walk on shoreline revetments, rip-rap or seawalls.

I. **Disturbance of Natural Resources.** Without a coastal development permit it shall be unlawful to dig and remove any beach sand, whether submerged or not, to make any excavation by tool, equipment, blasting, or other means or agency, except that this shall not prohibit the removal of driftwood or the construction of sand castles or other similar sand structures on the beach, utilizing natural materials found on the beach. This provision shall not apply to the City's annual sand movement program as described in the Shoreline Management Plan adopted as part of the certified coastal land use plan.

J. **Driving on Beaches.** No person shall drive or operate any vehicle on any beach, park, or other property owned by the City except on designated roads or parking areas unless such driving or operation is for a governmental purpose, emergency rescue work, or necessitated by authorized construction work.

K. **Percussion Instruments and Amplified Sound.** It is unlawful for any person to play percussion instruments on Scenic Road, the pathway, or the beach bluff. It is unlawful for any person to use sound amplifying equipment on the City Beach without a permit.

L. **Commercial Activity Prohibited on Carmel Beach Lands.** It is unlawful to conduct sales or undertake commercial activities on Carmel Beach, along the bluff, or in Del Mar parking area west of Scenic Road.

M. **Beach Parking Restrictions.** It is unlawful to park on Scenic Road or in the Ocean Avenue/Del Mar Parking Lot from midnight until 5:00 a. m. without a City resident's parking permit.

N. **Hay Bales.** It is unlawful to place or leave hay bales on the beach, bluffs or on the Beach Bluff Pathway.

Article V: Environmentally Sensitive Habitat Area Overlay District.

Sections:

17.20.21 Purpose.

17.20.22 Environmentally Sensitive Habitats.

17.20.21 Purpose.

The purpose of this chapter is to provide regulations to protect designated environmentally sensitive habitat areas consistent with the City of Carmel-by-the-Sea Local Coastal Program Land Use Plan and the California Coastal Act.

17.20.22 Environmentally Sensitive Habitats.

A. **General.** This section sets forth regulations for the protection and enhancement of environmentally sensitive habitat areas (ESHAs).

B. **Applicability.** The provisions of this Overlay District apply to all new development or substantial alteration of existing development proposed within designated ESHA or within ESHA buffer areas (located within 30 feet of designated ESHA). Sites that are within an ESHA or ESHA buffer area, and are subject to these overlay regulations, are mapped in the Land Use Plan of the Local Coastal Program.

C. **Permits for Development within the ESHA Overlay District.** Unless exempted by Section 17.52. 6: Development Excluded from Coastal Permit Requirements, all new construction, additions, design alterations or changes in land use in the ESHA Overlay District shall require a Coastal Development Permit in accordance with the provisions of this Title, in addition to any other permit(s) required by law. Development undertaken pursuant to such a permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. Notice, hearing and appeal procedures are established in Chapter 17.52: Permit Procedures and Chapter 17.54: Appeals, of this Title.

D. **Biological Resources Report.** A Coastal Development Permit application for development on a site that is subject to this Section shall include a biological resources report that complies with the following requirements.

1. ***Qualifications of Preparer.*** The report shall prepared by individuals qualified by education, training, or experience to draft these reports in a professional and competent manner, and who are on the City's list of consulting biologists. The Director, upon receipt of a resume demonstrating an individual's special capabilities, may authorize acceptance of additional experts. The Director's decision to accept or deny consulting biologists shall be final.

2. ***Report Contents.*** The biological resources report shall:

   a. Evaluate the impact that existing and proposed development may have on the habitat, including whether the existing and proposed development will result in a significant disruption of habitat values. The report shall identify feasible mitigation measures that protect the resource from disturbance or degradation, if such mitigation measures exist, and a program for monitoring and evaluating the effectiveness of the mitigation measures.

   b. Identify potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.

   c. Verify that proposed setbacks from ESHAs will be adequate to protect the ESHA from disturbance or degradation or recommend, where applicable, more effective setbacks. Setbacks for privately held property in Pescadero Canyon shall serve to minimize disruption of habitat values while leaving a reasonable minimum area for development of a single residential dwelling.

   d. Recommend performance criteria for re-vegetation of the site, including milestones for the reestablishment of native vegetation cover in ESHA and EHSA buffer areas affected by development. All projects involving an increase in lot coverage or tree removal shall be conditioned to provide an appropriate number and mix of native trees and/or native shrubs consistent with ESHA habitat.

e. Recommend other conditions of approval for habitat maintenance and the restoration of damaged habitats. At a minimum, other conditions shall include:

f. An agreement by the landowner to dedicate and manage steep slopes, areas adjacent to riparian resources or areas that serve as a buffer for habitat of special status species as conserved open space. Vegetation removal and slope destabilization from foot traffic should be reduced by controlling access, drainage and through appropriate site design.

i. Limitation of site development to avoid direct loss or indirect effects on native trees.

ii. Avoidance of removal of native vegetation to the fullest extent possible.

iii. Removal of invasive shrub species that can be removed without resulting in substantial erosion.

iv. Prohibition of the use of heavy equipment on intact native soils that support native vegetation important to the habitat and on steep slopes (excavation along slopes shall be conducted by hand).

E. General Development Standards.

1. ***Performance Standards.*** All development adjacent to or within an ESHA shall comply with the following requirements.

a. New development shall be designed, sited, constructed, and maintained so as to not significantly disrupt habitat values in the ESHA.

b. New development within an ESHA shall be limited to uses that are dependent upon the resource.

c. Where feasible, damaged habitats shall be restored as a condition of development approval.

d. Development shall be consistent with the biological continuance of the habitat.

2. ***Vegetation Removal.*** Existing native vegetation in the ESHA Overlay District shall not be removed unless authorized through coastal development permit approval to accommodate construction or to maintain public safety. After construction, disturbed areas shall be replanted to provide for the reestablishment of native vegetation cover to the degree specified by an approved landscaping plan prepared pursuant to Chapter 17.34: Landscaping. Existing, non-native invasive vegetation growing on private property located in the ESHA or within 30 feet of the ESHA shall be removed as part of the landscaping plan unless the decision-making body determines (a) that vegetation removal would cause unwarranted damage to ESHA resources or (b) that the difficulty of removing the invasive plants would be an excessive burden given the scope and nature of the approved development.

3. ***Exotic Landscaping.*** Landscaping in areas adjacent to ESHAs with exotic plants shall be limited to immediate outdoor living space immediately adjacent to the proposed development. Invasive non-native plants including but not limited to Pampas grass, Acacia, Genista, ivy and non-native iceplants pose a threat to indigenous plant communities and shall not be approved as part of any proposed landscaping.

4. ***Fencing.*** Fencing shall not be allowed with ESHAs; fencing adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife and shall employ design and materials determined by the City to be compatible with the visual and biological character of the habitat.

5. ***Resource Protection During Construction.*** Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or endangered plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials. Inspections for compliance shall occur prior to and during construction.

6. ***Fertilizer, Herbicide, and Other Chemical Use.*** The use and disposal of any fertilizer, herbicide, or other chemical for invasive species removal shall follow the written directions of

the manufacturer, shall comply with all conditions required by the City, and shall be accomplished in a manner that will fully protect adjacent native vegetation. In no case shall the use of fertilizer, herbicide, or other chemical be allowed within 100 feet of a riparian habitat.

F. **Streams and Riparian Vegetation.** Development adjacent to a stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of the habitat.

1. ***Limitation on Streambed Alteration.*** Channelization, dams or other substantial alteration of stream channels are limited to:

   a. Water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes.

   b. Flood control projects, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;

   c. Construction of improvements to fish and wildlife habitat; and

   d. Maintenance of existing flood control channels. Streambed alterations shall not be conducted unless consistent with all applicable provisions of the Local Coastal Program and these regulations and if applicable, permit approval from the California Department of Fish and Game, the U. S. Army Corps of Engineers, and California State Water Resources Control Board.

2. ***Riparian Setbacks.*** New development shall be setback from the upland edge of riparian vegetation a minimum of 100 feet, except as provided in subsection F.2.b., and as follows:

   a. *Permitted Uses Within the Setback.* Permitted uses are limited to passive recreation, educational (interpretive) facilities, utility lines, pipelines, drainage and flood control facilities, bridges and pedestrian trails, if the City first finds that:

i. Alternative locations and routes are infeasible or more environmentally damaging; and

ii. Adverse environmental effects are mitigated to the maximum extent feasible.

b. *Riparian Habitat Setback Adjustment.* Coastal development permit approval may include the reduction of a minimum riparian setback if the City first makes the findings required by subsection F.2. a above, and all the following findings, provided that in no case shall structures be allowed closer than 30 feet from a stream bank.

i. The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

ii. The adjustment is the minimum that would allow for the establishment of a principal permitted use.

3. ***Removal or Alteration of Riparian Vegetation.*** Proposals for the removal or alteration of riparian vegetation shall be set forth in the landscaping plan required in Chapter 17.34: Landscaping. The removal, cutting or alteration of vegetation that protects a riparian habitat shall not be permitted except:

a. For streambed alterations allowed by Subsection F.1 above;

b. Where no feasible alternative exists;

c. Where an issue of public safety exists;

d. Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists; or

e. To locate a principally permitted use on an existing lot of record where no feasible alternative exists, and the review authority first makes all the findings provided in subsections F.2.a, and F.2.b above.

G. **Required Findings.** A coastal development permit on a site that is subject to the requirements of this Section may be approved only when the review authority first finds that there will be no significant negative impact on the sensitive habitat, and the proposed development and use will be consistent with the biological continuance of the habitat, in addition to all other findings required by these regulations for the coastal development permit by Section 17.52.2: Development Applications, and Chapter 17.64: Findings Required for Permits and Approvals.

Article VI: Annexed County Lots Overlay District.

Sections:

17.20.23 Purpose.

17.20.24 Boundaries of C Overlay District.

17.20.25 Minimum Lot Size.

17.20.23 Purpose

The purpose of the Annexed County Lots Overlay District is to regulate specific residential lots annexed to the City of Carmel-by-the-Sea with the intention that the City would retain minimum lot size requirements for the lots that applied prior to annexation.

17.20.24 Boundaries of C Overlay District.

TABLE 17.20 – A: BOUNDARIES OF C OVERLAY DISTRICT

Designation	Block	Lots
R-1-C-6		
Mission Tracts No. 1 and No. 3	3	Lots 7 and 8
	8	Lots 1 through 15
	9	All Lots
Carmel Mission	All	All
Walker Tract	1	All Lots
	2	All Lots
R-1-C-10		
Mission Tract No. 2	4	Lots 10 through 15
R-1-C-20		
Walker Tract	3	Lots 1 through 14
Mission Tract No. 2	4	Lots 1-9, 16 and 17

17.20.25 Minimum Lot Size.

A number placed after the C designation in the zone name shall specify the minimum lot size requirements for lots in the C Overlay District. This number shall represent the minimum number of thousands of square feet of lot size that must be maintained in the C Overlay District. The following designations apply:

TABLE 17.20 – B: MINIMUM LOT SIZE

Minimum Lot Size	Designation
6,000 square feet	R-1-C-6
10,000 square feet	R-1-C-10
20,000 square feet	R-1-C-20

All standards and regulation of the R-1 District (except for those regulating lot size) apply to the C Overlay District.

Chapter 17.21 (RESERVED)

Chapter 17.22 Community Plan Districts and Specific Plans

Sections:

17.22.1 Purposes.
17.22.2 Land Use Regulations.
17.22.3 Development Regulations.
17.22.4 Community Plan.
17.22.5 Planning Commission and City Council Action.
17.22.6 Status of Community Plan.
17.22.7 Status of Specific Plan.
17.22.8 Zoning Map Designator.
17.22.9 Zoning Map Designation.

17.22.1 Purposes.

In addition to the general purposes listed in Chapter 17.4: Zoning Districts Established, the specific purposes of the Community Plan (CP) overlay districts are to:

A. Establish a procedure for the conservation and development of defined planning areas within the City.

B. Ensure orderly and thorough planning and review procedures that will result in quality design and conservation of Carmel's natural, cultural and historic resources.

C. Encourage conservation and improvement of community facilities, trees and open space.

D. Encourage coordinated, compatible infill development and affordable housing on sites that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

The City has prepared community plans for specific areas of the City. The CP overlay district provides a mechanism for administering these plans by requiring that all new construction, alterations and additions conform to the policies and standards contained within theses plans following adoption by the City. The term "Community Plan (CP)" includes specific plans as established by California Gov. Code Sect. 65450 *et seq.* as well as neighborhood plans and conservation plans.

17.22.2 Land Use Regulations.

No use other than an existing use shall be permitted in a CP district except in accord with an approved Community Plan (CP). Any permitted or conditional use authorized by this Title may be included in an approved Community Plan (CP), provided that use is consistent with the General Plan land use designation(s) for land within the CP district.

17.22.3 Development Regulations.

A. **Residential Unit Density.** The total number of dwelling units in a Community Plan (CP) shall not exceed the maximum density permitted in any district by the General Plan/Coastal Plan Land Use Plan (LUP) for the total area allocated to residential use.

B. **Other Regulations**. All regulations prescribed by this title apply, except as may be modified by an approved Community Plan (CP).

17.22.4 Procedure.

A. **Initiation.** Rezoning to a Community Plan (CP) District may be initiated by City staff, the Planning Commission or the City Council.

B. **Minimum Area.** The minimum area of a CP district shall be 60,000 square feet or 10 lots. Establishment of any community planning area shall require adoption of a finding that special buildings, streetscapes, neighborhood open space areas or site characteristics exist and justify including such land within a Community Plan (CP).

C. **Required Plans and Materials.** In addition to the information required for a Zoning Map amendment in Chapter 17.52: Permit Procedures, an application for CP rezoning shall be accompanied by a Draft Community Plan (CP) which will be approved by resolutions at the same time as the adoption of the ordinance establishing the specific CP District. The Community Plan (CP) shall include a text and diagram or diagrams that specify:

1. The purpose of the Community Plan (CP) and the relationship between the Community Plan (CP), the General Plan and Coastal Land Use Plan and the underlying zoning district(s).

2. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.

3. Standards and criteria by which development will proceed, and standards for conservation, development and utilization of natural and historic resources, where applicable.

4. Any deviations from the land use regulations for the underlying zoning district(s) that establish requirements for permitted, conditional, temporary and accessory uses.

5. Any deviations from development regulations for the underlying zoning district(s) that establish the physical standards for development including, but not limited to setbacks, building heights, building coverage, landscaping and parking.

6. Design criteria for all buildings and structures.

7. Plans or criteria for required facilities, infrastructure or other improvements.

8. If a Community Plan (CP) does not contain sufficient detail to allow for subsequent project construction or site improvements without further discretionary review, the Community Plan (CP) shall identify what additional discretionary review(s) are necessary.

9. Any other studies including environmental review.

D. **Review and Approval.** A Community Plan (CP) shall be reviewed and approved at the same time as consideration of the application for reclassification to a CP district. The Planning Commission shall consider the proposed plan and rezoning at a noticed public hearing and provide the City Council with a recommendation on the proposed plan and rezoning application.

E. **Effective Date and Expiration.** A Community Plan (CP) is effective thirty (30) days after adoption of the ordinance creating the CP district.

17.22.5 Planning Commission and City Council Action.

The Planning Commission shall consider an application for reclassification to a CP district as prescribed in Chapter 17.62: Reclassifications and Amendments, and shall, at the same time, consider the proposed Community Plan (CP) accompanying the application. A Commission recommendation to

reclassify land to a CP district shall be accompanied by a resolution approving a Draft Community Plan (CP).

A. **Planning Commission Action.** A recommendation for rezoning to a CP district must be accompanied by a resolution either recommending approval or conditional approval of a Community Plan (CP) and findings that:

1. The Community Plan (CP) is consistent with the General Plan, the Local Coastal Land Use Plan, adopted Design Guidelines, and other applicable policies and is compatible with surrounding development;

2. The Community Plan (CP) will enhance the potential for superior community design in comparison with the development under the base district regulations that would apply if the plan were not approved;

3. Deviations from the existing district regulations are justified by compensating benefits of the Community Plan (CP); and

4. The Community Plan (CP) has been reviewed and recommended for approval or conditional.

B. **City Council Action.** After a noticed public hearing, the City Council shall approve, modify, or reject the Planning Commission's recommendation, provided that a substantive modification not previously considered by the Commission shall be referred to the Commission for a report. Failure of the Planning Commission to report within 40 days after referral or such longer period as may be designated by the Council shall be deemed approval of the proposed modification by the Commission.

17.22.6 Status of Community Plan.

A. A Community Plan (CP) shall be effective on the same date as the ordinance creating the CP district. The City Council may impose dates and terms upon which a Community Plan (CP) will expire, although establishment of expiration dates and terms is not required. Expiration of a Community Plan (CP) voids the CP district and causes the property to revert to the zoning map designation preceding the amendment to the CP district or to a zoning designation approved by

the City Council, consistent with the General Plan land use designation for the plan area.

B. The Planning Commission may, by resolution, amend a Community Plan (CP), if it finds the amendment is consistent with the purposes of this section and with the ordinance establishing the CP district. Amendments to a Community Plan (CP) shall be considered by the Planning Commission at a public hearing with notice given as prescribed for a use permit in Chapter 17.52: Permit Procedures. The decisions of the Commission may be appealed to the City Council under the provisions of Chapter 17.54: Appeals.

17.22.7 Zoning Map Designator.

Each CP District shall be designated on the Zoning Map by the letters "CP-" followed by a number, and a table on the Zoning Map shall show for each numbered district the Community Plan (CP) name and a reference to the adopting ordinance and the resolution approving the plan.

DIVISION IV: PROVISIONS APPLYING IN ALL OR SEVERAL DISTRICTS

Chapter 17.28	General Site Regulations and Standards for Specific Uses
Chapter 17.30	Demolition of Structures
Chapter 17.32	Historic Preservation
Chapter 17.34	Landscaping
Chapter 17.36	Nonconforming Buildings and Uses
Chapter 17.38	Off-Street Parking Requirements
Chapter 17.40	Signs
Chapter 17.42	Storm Water Quality and Utility
Chapter 17.44	Subdivisions and Lot Line Adjustments
Chapter 17.46	Telecommunications and Wireless Facilities
Chapter 17.48	Tree and Shrub
Chapter 17.50	Water Management Program

Chapter 17.28 General Site Regulations and Standards for Specific Uses

Sections:

17.28.1 Timeshare Projects.
17.28.2 Noise from Electrical and Mechanical Equipment.
17.28.3 Regulations Incorporated from Other Titles.

17.28.1 Timeshare Projects.

Timeshare projects, programs and occupancies are prohibited uses within all of the zoning districts within the City.

17.28.2 Noise from Electrical and Mechanical Equipment.

The fixed installation of any electrical or mechanical equipment such as generators for electrical power, pumps for hot tubs, swimming pools, fountains or wells, heating or air conditioning systems and similar equipment shall be located, shrouded, muffled or otherwise treated to control noise to protect the use and enjoyment of neighboring properties and the public. All such installations shall be limited to a noise emission standard of 60 db or 3 db above ambient whichever is greater, as measured at the property boundary. Use of electrical power generators shall be limited to periods when electrical power from the utility is not available. During such periods generators should be run intermittently to the extent practical to minimize the disturbance of neighbors. Excessive noise from such installations shall be treated as a Class D noise per CMC Chapter 8.56.

17.28.3 Regulations Incorporated from Other Titles.

A. **Climbing Trees**. It is unlawful to climb any tree in those portions of public property designated as beach lands, Devendorf Park, and the center islands of any street, in such a manner as to injure, impair or damage the tree.

B. **Littering or Depositing of Glass, Metal, Debris, Pine Needles/Tree Debris Compostable Refuse, and Other Refuse or Wastes.** It is unlawful, without a City permit, to throw, deposit, sweep, leave or otherwise discard upon any public street, right-of-way, park, beach or

other public property anywhere within the City bottles, cans, glass, metal, plastic, petroleum substance, paint, paper, dirt, rubbish, waste articles or any other similar waste thing or substance whatsoever, whether liquid or solid, unless the deposit is made into a container specifically provided for that purpose. A fee for the scheduled pickup of pine needles/tree debris compostable refuse not exceeding one cubic yard per load, per week, shall be established by resolution of the City Council which may be amended from time to time

C. **Picnicking and Camping.** It is unlawful to picnic, camp, place tables, place chairs, eat, hang out things to dry, or do any other act connected with human habitation, on any public right-of-way, sidewalk area or in any parking area. This prohibition shall not prohibit the eating of food items customarily purchased for the purpose of eating while walking on the sidewalk, such as ice cream cones, and other hand-held, ready-to-eat items sold for consumption off the premises, and obtained and consumed incidental to walking or some other legal activity. It shall apply to eating when the eating is the primary activity. This prohibition does not prohibit the taking of picnic supplies and equipment from parked vehicles to the beach or other areas specifically designated for eating or picnicking.

D. **Camping on Public Lands.** It is unlawful for any person to camp, or to place, erect, or maintain any tents, house trailers, mobile homes, campers, or any other camping facilities of any kind whatsoever on any public property of this City. It is unlawful for any person to sleep out of doors on any public property, including City parks and beachlands, between the hours of sunset and sunrise.

E. **Burying Garbage or Waste.**

1. It is unlawful for any person to bury waste or other discarded, used or leftover substance in any alley, street, road, highway, public park or other public property or a public place in the City, or upon the beach owned by the City, except waste deposited on City property in connection with authorized municipal fill operations.

2. It is unlawful for any person to bury any garbage, refuse, rubbish, waste or any other discarded, used or leftover substance in any private property in the City without the consent of the owner thereof or after being notified by the proper authority of the City that such practice is a menace to public health.

Chapter 17.29 (RESERVED)

Chapter 17.30 Demolition of Structures

Sections:

17.30.1 Demolition of Structures.

17.30.2 Conversion or Demolition of Affordable Housing.

17.30.1 Demolition or Rebuilding of Structures.

Except when required for the emergency protection of public health or safety as determined by the City Administrator in consultation with the Building Official, no permit authorizing the demolition or rebuilding of any structure or building within any district shall be issued until reviewed by the Planning Commission or Design Review Board in accordance with the findings established in Section 17.64.7: Demolition and Conversion of Residential Structures (if applicable). No permit for Demolition or Rebuilding shall be approved without the concurrent review and approval of replacement construction for the site. If the structure or site is identified as an historic resource in the Carmel Inventory the Planning Commission shall be the decision-making body for the demolition permit and for all related land use, design review and environmental review approvals and the processes established in Chapter 17.32: Historic Preservation also shall be followed. The demolition, rebuilding or relocation of any structure shall require a coastal development permit.

17.30.2 Conversion or Demolition of Affordable Housing.

The City's jurisdiction and control of the conversion, demolition, or rebuilding of affordable housing shall be regulated under the jurisdiction and control of the Government Code of the State of California.

Chapter 17.31 (RESERVED)

Chapter 17.32 Historic Preservation

Sections:

17.32.1 Purpose.
17.32.2 Historic Resources Board.
17.32.3 Duties and Powers of the Historic Resources Board.
17.32.4 Eligibility Criteria for the Carmel Inventory.
17.32.5 Alteration of Property.
17.32.6 Determining Eligibility for the Carmel Inventory.
17.32.7 Maintaining the Inventory.
17.32.8 Qualifications of Professional Consultants.
17.32.9 Carmel Register of Historic Resources.
17.32.10 Incentives Available to Historic Resources on the Register.
17.32.11 California Historical Building Code (SHBC).
17.32.12 Alteration of Historic Resources.
17.32.13 Design Study, Building Permit or Other Application for Alterations of Property.
17.32.14 Determination of Consistency with the Secretary's Standards.
17.32.15 Historic Evaluation Process for Minor Alterations.
17.32.16 Historic Evaluation Process for Major Alterations.
17.32.17 Approval of Projects that Adversely Impact Historic Resources.
17.32.18 Appeals.
17.32.19 Enforcement and Penalties.
17.32.20 Public Safety Exceptions.
17.32.21 Maintenance and Upkeep.
17.32.22 Telecommunications Facilities.
17.32.22 Definitions.

17.32.1 Purpose.

The purpose of the historic preservation ordinance is to establish standards, procedures and regulations to promote identification and preservation of historic resources including buildings, structures, objects, sites, districts and

archaeological resources that represent the unique architectural, cultural, historic and prehistoric identity of Carmel-by-the-Sea, by:

A. Maintaining an inventory of historic resources.

B. Identifying and protecting archaeological resources.

C. Protecting the design character and context of the residential and commercial areas by maintenance of an appropriate setting for historic resources.

D. Participating in Federal and State preservation processes and programs.

E. Becoming a certified local government.

F. Incorporating historic preservation principles into the City's project review process.

G. Avoiding and minimizing potential impacts on historic resources when developing and enforcing land use, design review, zoning, fire code, environmental review and other City regulations.

H. Pursuing and supporting the use of appropriate capital, Federal, State and local private grants, loans, tax credits and tax relief.

I. Providing financial, technical and legal assistance programs to encourage and assist with rehabilitation and maintenance of historic resources.

17.32.2 Historic Resources Board.

A. Establishment. There is hereby established in the City a Historic Resources Board consisting of five (5) members with powers and duties to administer the City's Historic Preservation Program. Specific duties, responsibilities and functions of the Board are established in Title 17 of this Code.

B. Board Member Qualifications.

1. Members of the Board shall have demonstrated interest in and knowledge of architectural history, architecture, archaeology, anthropology, paleontology, architecture, historic architecture, local history or fields related to historic preservation such as

construction, planning, geography, landscape architecture, urban design, ethnography, fine arts, or real estate.

2. The Board shall be comprised of three (3) professional members, consisting of one member each, from the following combined fields: (1) history, architectural history, or urban design, (2) architecture or historic architecture, and (3) archaeology, anthropology, or paleontology. The remaining two (2) public members may represent any of the related historic preservation fields noted above.

3. All members shall be residents and electors of the City, except in the event that no resident with the requisite expertise needed for a professional member, can be found. In such case one professional member appointee may reside outside the City limits but within the Sphere of Influence. In any event, a majority of the Board shall at all times be composed of resident-electors of the City and all public members shall at all times be resident-electors.

4. If professional members with the required expertise cannot be found, the City Council may substitute one or more additional public members with a demonstrated interesting historic preservation.

C. Term.

1. Board members shall serve for a term of four (4) years. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. Appointments shall be made, where possible, prior to the beginning of the term of office, in order that the new member(s) may become familiar with the functions of the Board.

2. Terms of office for new members shall commence at the beginning of the first regular meeting in the month of October. Terms of outgoing members shall end simultaneously.

D. Board Member Appointment.

1. Members of the Historic Resources Board shall be nominated by the Mayor whose nomination shall be ratified by at least three members of the City Council. The City Clerk shall swear in the newly appointed members.

2. In the event an appointment cannot be made in a timely manner, the City Council with consent of the incumbent, may extend the incumbent's term for up to ninety (90) days. Any new appointee to a scheduled or unscheduled vacancy shall hold office until the expiration date of that position.

3. All new members shall serve at the pleasure of the City Council. Any member may be removed from the Board upon a majority vote of the City Council.

17.32.3 Duties and Powers of the Historic Resources Board.

The Historic Resources Board, established in accordance with the provisions in Title 2.24, shall have the following duties, powers and responsibilities:

A. To approve, deny or approve with conditions, Determinations of Consistency with the Secretary of Interior's Standards for all major alterations involving historic resources.

B. To approve or deny requests submitted by owners of identified historic resources to designate historic resources and thereby place the resources on the Carmel Register.

C. To approve or deny requests to remove resources from the Carmel Inventory and/or the Carmel Register.

D. To advise the Planning Commission and the City Council on amendments to the Historic Context Statement, Historic Preservation Ordinance and the provisions of the General Plan related to historic resources.

E. To advise the Planning Commission on the adequacy of environmental documents involving potential impacts to identified historic resources.

F. To advise the City Council on proposed Mills Act contracts and proposed tax credit applications.

G. To hear appeals of actions by Staff to approve or deny Determinations of Consistency for minor alterations and/or Track One projects affecting historic resources.

H. To hear appeals of any administrative determination that a property is not eligible for the Carmel Inventory.

I. To develop historic resource interpretive programs that will foster greater understanding of, and appreciation for, historic resources.

17.32.4 Eligibility Criteria for the Carmel Inventory.

The following types of resources are to be included in the Carmel Inventory: individual properties, historic districts, and archeological resources. Historic districts may consist of multiple properties that are united geographically and located with a defined boundary, or isolated properties that do not share a geographic boundary but are united by a common theme (also known as a "thematic grouping"). The Director, in coordination with qualified professionals shall use the following criteria in making determinations on the eligibility of properties for the Carmel Inventory. To be eligible for the Carmel Inventory, historic resources:

A. Should be representative of at least one theme included in the Historic Context Statement.

B. Shall retain substantial integrity. A property may be potentially significant under one or more of the above California Register criteria, however, if it does not substantially retain integrity, it shall not be included in the Inventory or considered an historic resource. Integrity (association, feeling, setting location, design, materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early records, or other substantial evidence (e.g. Sanborn maps, architectural files, land records) and/or by physical inspection by a qualified professional.

C. Shall meet at least one of the four criteria for listing in the California Register at a national or statewide level of significance (primary resource) or at a regional or local level of significance (local resource) per CEQA Guidelines Section 15064.5(a)(3):

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;

2. Is associated with the lives of persons important to local, California or National history;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values, or;

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the Nation.

D. To qualify for the Carmel Inventory, an historic resource eligible under California Register criteria #3 (item #3, above) only, should:

1. Have been designed and/or constructed by an architect, designer/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; or

2. Have been designed and/or constructed by a previously unrecognized architect, designer/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement; or

3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, design/builders or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

17.32.5 Alteration of Property.

A. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any property without first determining if the property is eligible for the Inventory.

B. No application for property development shall be deemed complete unless it includes an Administrative Determination that the property is

either eligible or ineligible for the Carmel Inventory. For properties where eligibility has not yet been established, the Department shall initiate the process for determining eligibility upon the filing of any application for property development.

C. A property owner may request a determination of eligibility prior to the filing of a development application by submitting a written request to the Department. The Department shall establish the required content and form of such requests and/or applications.

17.32.6 Determining Eligibility for the Carmel Inventory.

A. Historic Context Statement.

1. The City shall maintain an Historic Context Statement.

2. The purpose of the Historic Context Statement is to establish a baseline of information against which the potential historic significance of a property is evaluated. "The significance of a historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear." (National Register Bulletin: "How to Apply the National Register Criteria For Evaluation," p. 7). However, exclusion of a resource type from the context statement shall not preclude a finding of historical significance by a qualified professional.

3. Staff may, as part of any updates to the Historic Context Statement, require that a reconnaissance survey be conducted by a qualified professional.

B. Initial Assessment of Historic Significance.

1. Upon the filing of a preliminary site assessment application, development application, property owner request for determination or as initiated by the Department, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey.

2. The initial assessment shall include a records search and site visit. The records search shall include a review of building

permits and plans in the City's or County's files, in order to determine the age and degree of prior modification to the property. The records search shall also identify whether or not the property is located within the boundaries of any Archaeological Overlay District or Historic District, or was previously included in the Carmel Inventory or Carmel Register. During the site visit, Staff shall examine the exterior of the building or structure and it's setting in order to determine whether sufficient integrity remains to warrant additional survey work. At Staff's option, the initial assessment may be performed by a qualified professional retained by the City.

3. If, based on the initial assessment, the property is determined to be ineligible for the Inventory, is outside the Archaeological Overlay Zone, and no evidence of archaeological resources is present, then no further action is required and the Department shall issue a finding of ineligibility. All determinations of ineligibility shall be provided to anyone who has requested a copy of such determinations and shall be transmitted to members of the Historic Resources Board before a project is calendared for design review. Determinations of ineligibility made by the Department may be appealed to the Board as established in section 17.32.18.

4. If the property appears to meet the criteria for the Inventory, the Department shall order that an intensive survey of the property be conducted. All intensive surveys shall be performed by a qualified professional under contract to the City.

5. If, based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, the Department shall require an intensive survey by a qualified professional.

C. Intensive Survey.

1. If an intensive survey is required it shall include a review of original research outlining the details of the property's history, a determination of the relationship of the property to the Historic Context Statement, and a finding as to whether or not the property meets the criteria for inclusion in the Inventory. All properties determined to be historic shall be documented on a standardized inventory form as established by the State Office of Historic Preservation and shall become part of the Carmel Inventory after an Administrative Determination.

2. If the intensive survey determines that the property is ineligible for the Inventory, then no further action is required and the Department shall issue a finding of ineligibility. All findings of ineligibility shall be provided to anyone who has requested a copy of such findings and shall be transmitted to members of the Historic Resources Board before a project is submitted to the Planning Commission. Determinations of ineligibility made by the Department may be appealed to the Board as established in Section 17.32.18.

3. If the intensive survey determines that the property qualifies as an historic resource and is therefore eligible for the inventory, the survey also shall specify whether the property is a local resource or a primary resource.

   a. Primary Resources include:

      i. Resources previously listed in the National Register at the national or statewide level of significance.

      ii. Resources formally determined by the Keeper of the National Register or by SHPO as eligible for listing in the National Register at the national or statewide level of significance.

      iii. Resources identified in the survey as eligible for listing in the National Register at the national or statewide level of significance.

   b. Local Resources include Resources identified in the survey as eligible for listing in the California Register and/or for listing in the National Register at less than statewide level of significance.

      i. Regionally significant shall mean resources that are important to the history and development of the Monterey Peninsula.

      ii. Locally significant shall mean resources that are only important to the history and development of the City.

4. The intensive survey shall identify to the degree practicable:

   a. Primary, contributing, component and non-contributing features or resources.

   b. Aspects of the setting important to retaining the qualities that make the property historically significant.

D. If the property is (1) located within the Archaeological Overlay District or (2) is located within a Commercial or R-4 District, or (3) Staff determines that the site may potentially contain archaeological resources, and the project involves excavation or grading then the Department shall order that a Phase 1 Report (survey) of the property be conducted by a qualified professional to evaluate the potential for archaeological resources to be present on the property. All reports shall follow the Archeological Resources Management Report (ARMR) format.

1. ***Phase 1 Report: Archaeological Survey.*** A Phase I survey and report shall be prepared by a qualified professional and shall include a records search from the Northwest Regional Information Center, documentation of an on-site survey, archival research on the history of the property. Native American consultation(s) may also be appropriate. As part of the Phase I survey process, the Department may require preparation of a California Archaeological Inventory form (DPR 422A) and/or a California Archaeological Isolated Artifact form (DPR 422H). If the Phase 1 Report concludes that the property clearly does not contain archaeological resources, then no further action or mitigation is required and the Department shall issue a finding of ineligibility for the Inventory.

2. ***Phase II Report: Testing.*** If the Phase 1 Report concludes that the property does or may contain archeological resources, then a Phase II Report shall be prepared by a qualified professional in order to identify appropriate mitigation measures (e.g. monitoring, avoidance, capping, documentation, recovery, etc.).

3. ***Phase III Report: Recovery.*** If the Phase II Report concludes that recovery is the appropriate mitigation then a Phase III Report shall be prepared by a qualified professional.

4. A copy of each Archaeological Resources Management Report shall be forwarded to the Northwest Regional Information Center. The City shall keep confidential the specific location of archeological resources, where appropriate. A copy of any Archaeological Resources Management Report that does not identify the specific location of the resource on the property may be made public by the City.

5. Archaeological reports shall be conducted under contract to the City, at the property owner's expense. The property owner shall provide access to the site and interior of any building or structure thereupon at a mutually agreed time. All recovered artifacts shall become the property of the City for use in research, interpretation and/or transmittal to appropriate agencies.

17.32.7 Maintaining the Inventory.

A. Eligibility for the Carmel Inventory shall be established in conformance with the criteria and procedures in Sections 17.32.4: Eligibility Criteria for the Carmel Inventory, and 17.32.6: Determining Eligibility for the Carmel Inventory. Properties determined to be eligible shall become part of the Inventory upon completion of an inventory form documenting the resource and issuance of a finding by the Department that the property meets the criteria for historic resources.

B. Resources included in the Inventory shall be considered historic resources for purposes of CEQA.

C. Consistent with Public Resources Code Section 5029, Staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, the Administrative Determination that the property is an historic resource and document inclusion of the resource in the Carmel Inventory.

1. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (Inventory), and a legal description of the property.

2. A copy of the recorded resolution shall be mailed to the property owner.

3. The inclusion of a property in the Inventory is not subject to appeal. Property owners that dispute the historic significance of their property shall follow the procedures for removal of a resource from the Inventory.

D. Removal of Resources from Inventory.

1. A property owner of a resource included in the Inventory may apply to the City to have the resource removed from the Inventory.

2. An Historic Resource in the Carmel Inventory shall be presumed historically significant and shall not be removed unless substantial evidence demonstrates that it is not an historic resource. Any decision to remove a resource from the Inventory shall require a public hearing by the Board. Substantial evidence shall include, but is not limited to:

   a. An intensive survey prepared by a qualified professional under contract to the City re-evaluating whether the property is eligible for the Carmel Inventory. If the new intensive survey provides substantial evidence that the property does not meet the historic resource criteria and recommends removal from the Inventory, the survey shall document why prior survey documentation affirming that the property met the criteria for inclusion in the Inventory was inaccurate or inappropriate or otherwise is no longer valid.

   b. A finding supported by substantial evidence that any loss of integrity, from the level of integrity documented in prior survey(s), was not the result of unapproved alterations, neglect or property nuisance as established in CMC 8.64.010. If any documented losses of integrity are found to be due to unapproved alterations, neglect or property nuisance, the property owner shall be subject to the enforcement actions of this Chapter.

3. The removal of a resource from the Inventory shall require Board approval. Board actions regarding removal of a resource from the Inventory (approvals or denials), may be appealed to the City Council.

4. If the final action on the application is to approve removal, Staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record the administrative determination by the Department specifying that the property is not an historic resource and has been removed from the Inventory.

   a. The resolution shall include the name of the current property owner, the designating entity, the specific historical resources designation (Inventory), and a legal description of the property.

   b. A copy of the recorded resolution shall be mailed to the property owner.

5. Resources removed from the Inventory shall not be considered historic resources for purposes of the California Environmental Quality Act upon final City approval of the removal.

17.32.8 Qualifications of Professional Consultants.

A. **City List of Pre-Approved Professional Consultants.** The City shall maintain a list of pre-approved qualified professionals capable of performing surveys, evaluating projects for consistency with the Secretary's Standards, assisting Staff with the preparation of Determinations of Consistency, evaluating the impact of projects on historic resources and developing mitigation measures, evaluating compliance with the State Historic Building Code, and preparing Historic Context Statement updates.

B. **Work to Be Done Under City Contract.** The work of the qualified professionals shall be conducted under contract to the City. If the need for the work is the result of an application, the work shall be performed at the applicant's expense. If the work is the result of a City project, the work shall be performed at the City's expense.

C. **Conflicts of Interest.**

   1. The qualified professional shall not have performed work under contract to the applicant for a period of one year prior to authorization to proceed with the work effort by the City.

2. Any additional work performed by the qualified professional related to the subject application shall be performed under contract to the City.

17.32.9 Carmel Register of Historic Resources.

The City shall maintain a Register of Historic Resources designated by the City for public recognition and benefits. Only identified historic resources included in the Carmel Inventory are eligible for the Register.

A. Individual Resources.

1. Resources, identified as significant at a State or National level in the Inventory, shall be automatically listed in the Register.

2. Resources, identified as significant at a local or regional level in the Inventory, shall be eligible for listing in the Register only at the request of the property owner. Listing of a local resource in the Register shall be subject to approval by the Board.

3. All historic resources previously designated for listing under prior City Ordinances shall remain on the Register except as provided in section 17.32.9.C.

B. Historic Districts.

1. Historic districts may be considered for inclusion in the Carmel Register at the request of a property owner or the City if the district meets the criteria for inclusion in the Carmel Inventory. The City shall notify owners of contributing properties within the proposed historic district of the request for consideration of listing and shall provide owners an opportunity and time frame in which to file a notice of objection to listing. Such objection shall take the form of a notarized letter certifying that (1) the party is the sole or partial owner of a contributing resource and (2) the party objects to listing on the Register. No action on listing of a historic district in the Register shall be taken if owners of more than 50% of the contributing resources within the district file an objection to listing.

C. Resources Not Currently in the Inventory.

1. A property not previously surveyed, or a property previously surveyed but not included in the Inventory, may be evaluated or

re-evaluated to determine if it is eligible for the Register at the property owner's request.

2. In order to determine eligibility, the initial assessment and survey requirements of sections 17.32.4 shall be followed.

3. The property owner shall request in writing that the Department initiate an historic assessment of the property.

4. Upon completion of the survey the Department shall determine whether the property meets the criteria as an historic resource and is therefore included on the Carmel Inventory, consistent with Section 17.32.4: Eligibility Criteria for Carmel Inventory and Section 17.32.6: Determining Eligibility for the Carmel Inventory. Properties that are determined not to be historic shall not be eligible for the Inventory or the Register.

   a. Resources that qualify as primary resources shall be automatically listed in the Register.

   b. Resources determined to be local resources shall be listed in the Register, subject to Board approval.

D. Notification of Property Owners

1. Consistent with Public Resources Code Section 5029, Staff shall within ninety (90) days submit to the County Recorder for recordation, and the County Recorder shall record, a certified resolution by the Department establishing the listing in the Register.

   a. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (Inventory), and a legal description of the property.

   b. A copy of the recorded resolution shall be mailed to the property owner.

E. Removal of Resources from the Register;

1. ***Primary Resources***. A primary resource shall not be removed from the Register unless it has been previously removed from the Inventory. The removal of a primary resource from the

Register shall be subject to Board approval and may occur concurrent with removal from the Inventory.

2. ***Local Resources.*** A local resource may be removed from the Register at the request of the property owner. The removal of a resource from the Register shall be subject to Board approval.

3. ***Appeals.*** Board actions regarding removal of a resource from the Register (approvals or denials), may be appealed to the City Council.

4. Following final action approving removal, Staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, a certified resolution by the Department specifying that the property has been removed from the Register.

   a. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (Inventory), and a legal description of the property.

   b. A copy of the recorded resolution shall be mailed to the property owner.

5. To the extent feasible, as determined by the Board, benefits received as a consequence of listing on the Register shall be removed, terminated or returned to the City as appropriate to the nature of the benefit.

17.32.10 Benefits Available to Historic Resources on the Register.

The Board is authorized to develop and implement preservation incentive programs that are consistent with this Chapter. The following preservation incentives are available to owners of resources listed in the Carmel Register:

A. **Historic Plaque Program**. Historic Resources listed on the Carmel Register shall be provided with a brass plaque suitable for mounting on or near the resource. The plaque shall include the name of the resource, the date of construction, the City seal and other information appropriate for the resource as determined by the Board. In developing this program the Board shall establish criteria for uniform design, content and location.

B. Mills Act Historical Property Contracts.

1. ***Purpose.*** A Mills Act Contract under State law is an agreement between the City of Carmel and a property owner of an historic building listed on the Carmel Register. The property owner benefits from a reduction in property taxes, and the City is assured that the historic building is rehabilitated, maintained and preserved. All Mills Act contracts shall be established, processed and approved in conformance with California law.

2. ***Applicability.*** Properties in the R-1 District that have been, and will be, preserved in their historic size, form and design without significant alterations or additions are eligible for Mills Act contracts. Mills Act contracts for properties in the R-4 and Commercial Districts shall be limited to those creating new low, very low or moderate income housing through conversion of existing floor space occupied by market-rate housing or occupied by nonresidential uses. Properties that are not currently on the Register shall not be eligible for a Mills Act contract with the City.

3. ***Term of Contract.*** All Mills Act Contracts shall have a term of ten years and one year shall be added to this term annually upon each anniversary date of the contract unless one or both parties have taken action to terminate the contract. The City Administrator shall be authorized to initiate contract termination on behalf of the City based on recommendations of the Department. The Contract rights and obligations are binding upon all successive owners of the property during the life of the Contract. The property retains the lower Mills Act tax rate when the property is sold. To end a contract, either party may submit a Notice of Non-Renewal to the other party. Such Notices shall cause the Contract to terminate at the end of the then-current ten-year contract period. Cancellation of a Contract by the City due to non-compliance requires a public hearing and, if cancelled, results in the immediate termination of the Contract and a penalty equal to 12.5% of the assessed market value of the property.

4. ***Contract Requirements.*** The contract will require that the historic elements of the property are maintained in good condition. This will include a plan for maintenance and may include a program to restore deteriorated elements. All recipients of Mills Act Contracts are required to implement a

maintenance plan prepared by a qualified professional and to submit an annual report to the Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved maintenance plan. All maintenance work shall be completed in conformance with the Secretary of Interior Standards for Rehabilitation. All Mills Act contracts shall specify that the maintenance plan shall be updated at least every ten years by a qualified professional and approved by both parties.

5. ***Applications.***

   a. Staff shall make available appropriate Mills Act application materials. Applications for contracts that will commence in the following calendar year shall be submitted no later than 30 June of each year. This annual schedule provides sufficient time from receipt of application materials for a recommendation by the Board, the City Council to approve and the City Clerk to cause to be recorded approved contracts within the calendar year in which application materials are received. The contract term would begin January 1 of the year following the application.

   b. The following materials are required for a complete application:

      i. A completed application form and all filing fees as established by Resolution of the City Council

      ii. A full legal description of the property attached and labeled "Exhibit A"

      iii. A maintenance plan for the historic resource prepared by a qualified professional together with a cost estimate of the work to be done attached and labeled as "Exhibit B".

      iv. Photos of the exterior of the property attached as "Exhibit C".

6. ***Review Process.***

   a. Upon submittal of a complete application, Staff will prepare a Staff report for review by the Board. The

Board shall consider each application for a Mills Act contract and make recommendations to the City Council to approve, approve with conditions or deny the application.

b. The City Council shall, in a public hearing, consider recommendations from the Board and resolve to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs prior to December 31 of the year in which the application is received.

c. To grant approval of a Mills Act Contract the Board and City Council shall make all of the following findings:

i. The building is designated as an historic resource by the City and is listed on the Carmel Register.

ii. The proposed maintenance plan is appropriate in scope and sufficient in detail to guide long-term maintenance.

iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:

1) Comply with the Secretary's Standards, and do not affect the basic form and design of the original historic resource, and

2) Do not affect any primary elevation, and

3) Do not or alter, damage or diminish any character defining feature, and

4) Do not increase floor area on the property by more than 15% beyond the amount established in the documented original or historic design of the resource, and

5) Do not result in any second story addition to a single-story historic resource, and

6) Meets all zoning standards applicable to the location of the property.

iv. The Mills Act Contract will aid in offsetting the costs of rehabilitating and/or maintaining the historic resource and/or will offset potential losses of income that might otherwise be achieved on the property.

v. Approval of the Mills Act Contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.

d. Upon approval of a Contract by the City Council, the City Clerk shall transmit the contract, with the appropriate fee, to the County Recorder's Office. The property owner is responsible for all filing fees. After recordation, the recorded Contract shall be transmitted to the County Assessor. The Assessor calculates the exact tax savings. Property owners are required to report to the State Office of Historic Preservation that a Mills Act Contract has been completed.

C. **Parking Reductions.** On-site parking requirements for any continued occupancy, change, or intensification in use for any Register-listed resources may be waived by the Board. In granting such waivers, the Board may establish that the number of parking spaces required shall be the same as the number of spaces that exist on the property as of the effective date of listing in the Register.

D. **Nonconformities**. Existing structural nonconformities associated with a historic resource listed on the Register (e.g. setback encroachments, excess height or insufficient parking, etc.) that are essential to maintaining the integrity of the resource shall be treated as conforming for the purposes of applying Sections 17.36.3 and 17.36.4, in the review of maintenance, repair, alterations and additions. Design nonconformities shall be expanded or created only when this is found necessary to achieve consistency with the Secretary's standards.

E. **Tax Credits for Commercial Properties.** Commercial properties listed on the Carmel Register and the National Register may be eligible for federal rehabilitation tax credits.

F. **Fee Reductions.** When a property on the Register is rehabilitated in conformance with the Secretary's Standards, the City will reduce the building permit fee, applicable to the specific area of the rehabilitation, by 25%.

17.32.11 California Historical Building Code (SHBC).

A. The SHBC provides alternative regulations for the rehabilitation, preservation, restoration, or relocation of qualified historical buildings or properties. Resources in the Inventory shall be treated as qualified historical buildings or properties.

B. The SHBC shall be used for any resource in the Inventory.

17.32.12 Alteration of Historic Resources.

A. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any historic resource without first obtaining a Determination of Consistency with the Secretary's Standards, complying with the requirements of the CEQA, and obtaining a building permit or other applicable permit from the City.

B. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or any exterior architectural feature in or on any historic resource that does not involve a change in design, materials, or external appearance thereof, nor does this Chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Department certifies to the Board that such action is required for the public safety due to an unsafe or dangerous condition and cannot be remedied under the California Historical Building Code.

C. **Duty to Keep in Good Repair**. The owner, occupant or any other person in actual charge of a historic resource shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent the deterioration and decay of any exterior improvement or exterior architectural features.

D. Alterations, relocations or demolitions, which are the subject of a tax credit certification application shall be submitted to the Board for informational purposes. The Board shall have the option to submit comments on the application to the appropriate state or federal reviewing agency.

17.32.13 Design Study, Building Permit or Other Application for Alteration of Property.

A. Upon submittal of a design study, building permit or other application for alteration of the property, the City shall determine if the subject property contains historic resources and is therefore eligible for the Carmel Inventory of Historic Resources.

1. Properties that are already known to contain historic resources are included in the Inventory.

2. Properties that are known not to contain historic resources are those that have been subject to an initial assessment or survey and received a finding of ineligibility pursuant to this chapter. A finding of ineligibility issued by the Department within five (5) years of the date of the application shall constitute a showing that the property is not an historic resource. The Department, shall have the discretion to accept findings of ineligibility that are older than five (5) years, if there have been no changes to the Historic Context Statement or other demonstrated changes in circumstance that are applicable to the subject property.

3. If a property is not included in the Inventory and has not been subject to a previous site assessment or survey, the City shall require that the procedures for the identification of historic resources be followed, prior to determining whether a Determination of Consistency, pursuant to this chapter, is required for the project.

B. If the applicant has applied for, but has not completed the process of eligibility determination, the applicant may request that the property be treated as eligible for purposes of expediting the application review.

C. No application shall be deemed complete without either documentation of eligibility (inclusion in the Inventory) or ineligibility (finding of ineligibility).

D. If it is determined that the subject property contains historic resources, the applicant shall be required to obtain a Determination of Consistency with the Secretary of the Interior Standards for the Treatment of Historic Properties as part of the project review process.

17.32.14 Determination of Consistency with the Secretary's Standards.

A. All major and minor alterations to historic resources shall require a Determination of Consistency with the Secretary's Standards. The Department shall make Consistency Determinations for minor projects. Staff may retain a qualified professional to assist in making the Determination. Consistency Determinations for major alterations shall require an evaluation by a qualified professional and review and approval by the Board. Qualified professionals retained by the City to evaluate proposed alterations to historic resources shall be at the applicant's expense.

B. The Department shall determine whether the proposed project constitutes a minor or major alteration.

17.32.15 Historic Evaluation Process for Minor Alterations.

A. For the purposes of evaluating alterations to historic resources the following shall constitute minor alterations:

1. Any alteration that is not a major alteration.

2. In kind replacement of severely deteriorated component features.

3. Electrical and or plumbing work within buildings, limited to upgrading or in-kind replacement, with the exception of historic fixtures that shall be repaired.

4. Installation of mechanical equipment within a building, that does not affect the exterior of the building, visible elements of the interior, or require installation of new duct work throughout the interior.

5. Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind to match existing material and form;

6. Replacement of severely damaged or deteriorated windows when the replacement is done in-kind to match the existing materials and form.

7. Replacement of window panes in-kind or with double or triple glazing so long as the glazing is clear and untinted and the window does not alter the existing window material and form. The replacement of existing archaic or decorative glass is not included in this exclusion.

8. Repair or replacement of roofing, gutters and downspouts when replacement is done in-kind to match existing materials and form.

9. Repair or replacement of roadways, driveways and walkways when work is done in-kind to match existing material and form.

10. Repair or replacement of fencing and freestanding exterior walls when work is done in-kind to match existing materials and form.

11. Repair or replacement of signs or awnings when work is done in-kind to match existing materials and form.

12. Repair or replacement of interior stairs when work is done in-kind to match existing materials and form.

B. Repair of interior walls including plaster and dry wall to match existing walls, this can include the repair of interior cracks up to one inch wide.

C. Temporary bracing or shoring as part of stabilization.

1. Anchoring of masonry walls to floor systems so long as anchors are embedded and concealed from exterior view.

2. Reconstruction or repair of parapets, chimneys, and cornices to match existing in all material and visual aspects. Bracing and reinforcing of chimneys and fireplaces as long as bracing and

reinforcing are either concealed from exterior view or removable in the future.

3. Stabilization of foundations and the addition of foundation bolts.

4. The installation of the following seismic upgrades provided that such upgrades are not visible on the exterior or within character defining historic interiors: cross bracing on pier and post foundations; metal fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical or plumbing equipment; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters and on roofs; and the addition of seismic automatic gas shut off valves.

5. Installation of temporary, reversible barriers such as chain link fences, and polyethylene sheeting or tarps.

D. Staff shall issue a Determination of Consistency for minor alterations that comply with the Secretary's Standards. Staff may prepare and process a Categorical Exemption under the proposed alteration. The Department shall then cause the processing of the permit application to continue pursuant to standard City practices. Minor alterations that are found not to comply with the Secretary's Standards shall be considered and processed as major alterations requiring an evaluation by a qualified professional and final action by the Board.

17.32.16 Historic Evaluation Process for Major Alterations.

A. For the purposes of evaluating alterations to historic resources the following shall constitute major alterations:

1. Any minor alteration not in compliance with the Secretary's Standards

2. Substantial alterations as defined in Section 17.70.2.

3. Additions exceeding 2% of existing floor area or volume

4. Rebuilds as defined in Section 17.70.2.

5. Relocation on the same site and with the same setting or context.

6. Demolitions as defined in Section 17.70.2.

B. Determinations of Consistency for major alterations shall be prepared by a qualified professional and shall be supported by written documentation that (1) identifies which of the Secretary's Standards are applicable to the project, (2) reviews the proposed project and (3) explains the basis of the determination.

1. If a proposed major alteration is found by the qualified professional to be consistent with the Secretary's Standards, the project shall be presumed to be consistent for purposes of making a preliminary determination regarding any required environmental documentation and Staff shall forward the application and evaluation to the Board for action.

   a. If the Board concurs with the evaluation the Board shall issue a Determination of Consistency and adopt any appropriate conditions of approval.

   b. If the Board does not concur, the Board may request additional information prior to issuance of a Determination of Consistency, or may issue a finding of non-compliance with the Secretary's Standards. Any finding of non-compliance by the Board shall be supported by substantial evidence.

C. If an evaluation concludes that a proposed alteration is not consistent with the Secretary's Standards, the report shall list aspects of the project that are not consistent along with guidance for modifying the project to comply with the Secretary's Standards. The applicant shall be required to elect in writing within ten (10) days of receipt of the evaluation whether they will (a) work with the City to modify the project to conform, (b) request a mediation process, or (c) request that processing of the application proceed without modification.

1. An evaluation that concludes that a project is not consistent with the Secretary's Standards shall constitute evidence of substantial adverse impact to an historic resource. If the applicant does not choose to modify the proposed alteration to comply with the Secretary's Standards, the Department shall require preparation of an EIR as part of the environmental review process prior to issuance of any permits for the project.

2. If the applicant chooses to work to modify the proposed project to comply with the Secretary's Standards, and the required revisions would be substantial, the Deparment may require that the applicant withdraw the current permit application and resubmit the revised project as a new application.

3. Staff, with the concurrence of the applicant, may authorize the qualified professional to work with the applicant to develop a revised plan that complies with the Secretary's Standards, or may require the qualified professional to recommend conditions of approval that, if adopted and implemented, would cause the project to comply with the Secretary's Standards. This additional work shall be performed under contract to the City, at the applicant's expense. The qualified professional upon completion of consultation shall submit to the Department a summary of the results of the process.

4. If the applicant requests a mediation process and Staff concurs, the City shall retain, at the expense of the applicant, a second qualified professional to serve as an independent mediator. Parties to the mediation shall include (1) the applicant and their representatives, (2) the City as represented by the Director and (3) the original qualified professional(s) that determined that the proposed alteration does not comply with the Secretary's Standards. The mediator shall be responsible for structuring the mediation process and facilitating negotiation among the parties. The mediator shall complete an independent evaluation of the project, determine if it complies with the Secretary's Standards and, if necessary, make recommendations for modifications to achieve compliance.

   a. If all parties reach agreement that the proposed alteration is consistent with the Secretary's Standards, or reach agreement on modifications that will achieve consistency, Staff shall forward the application, evaluation, and work products of the qualified professional, along with any conditions of approval to the Board for review and approval of a Determination of Consistency.

   b. If all parties to the mediation do not reach agreement then the original determination of inconsistency shall be considered evidence of substantial adverse impact and an Environmental Impact Report shall be prepared prior to any further action on project permits.

5. Staff shall forward the application, evaluation, and work products of the qualified professional(s), along with any conditions of approval to the Board for review and approval of a Determination of Consistency.

D. If the Board issues a Determination of Consistency, the Director shall determine whether the project is eligible for a Categorical Exemption consistent with the CEQA Guidelines. Further environmental review may still be required to address other aspects of the project. The Department shall cause to be prepared the appropriate environmental documentation for the project and shall cause the processing of the permit application to continue pursuant to standard City practices.

17.32.17 Approval of Projects That Adversely Impact Historic Resources.

A. No permit authorizing significant adverse impacts to an historic resource shall be issued until completion of the Environmental Impact Report (EIR) process. Preparation of an EIR for such projects shall include a review of project alternatives and/or mitigation measures that would achieve consistency with the Secretary's Standards and fulfill all or most of the project objectives to the extent feasible. The EIR also shall include an analysis of the feasibility of each alternative.

B. Approval of any permit that will authorize significant adverse impacts to any historic resource shall require adoption of the findings found in Chapter 17.64: Findings.

C. Approval of a permit to demolish or alter an historic resource that will cause significant adverse impacts to the resource shall incorporate conditions of approval deemed appropriate by the decision-making body which may include any of the following:

1. Documentation may be required of any resource in the Inventory to be demolished and/or for the property as a whole;

2. Design review for compliance with the Secretary's Standards may be required for any subsequent development on the property. With respect to demolition of a resources located within a district, the City shall take into account the importance of the affected resource to the integrity of the district, and may: limit the size of new development to that of the existing structure; require that the scale of new development be

harmonious with other structures which contribute to the district's character; require retention or reconstruction of one or more building features; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to or otherwise support the character and context of the district.

3. Suspension of the issuance of the demolition permit for one hundred and eighty (180) days to allow time to take such steps as the City deems necessary to preserve or rehabilitate the structure concerned. Such steps may include consultation with civic groups, public agencies and interested citizens, exploration of the possibility of moving the resource proposed for demolition, and exploration of the possible acquisition of the property by public and private agencies. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocated the resource, and makes a bona fide offer to purchase the property or resource at fair market value, as determined by appraisal, within the time established by this section.

D. No permit to demolish an historic resource shall be issued without the concurrent issuance of a building permit for a replacement structure or project for the property involved.

E. Upon demolition of a resource the Department shall remove the resource from the Inventory. For resources that are substantially altered, Staff shall determine if the resource retains historic integrity. If the resource has lost integrity the Department shall remove the resource from the Inventory.

17.32.18 Appeals.

A. The issuance of a Finding of Ineligibility for the Inventory may be appealed to the Board, in accordance with standard City appeals procedures.

B. The denial of a Determination of Consistency for any minor alteration to an historic resource may be appealed to the Board, in accordance with standard City appeals procedures.

C. Denials of Determinations of Consistency for major alteration of historic resources may be appealed to the City Council, in accordance with standard City appeals procedures.

D. Denials of permits for the demolition, alteration, or relocation of a resource in the Inventory or new construction on a property included in the Inventory may be appealed to the City Council, in accordance with standard City appeals procedures.

E. If the Commission determines a permit should not be issued for the demolition, alteration, or relocation of a resource in the Inventory or new construction on a property included in the Inventory, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project that addresses the original reasons for denial.

17.32.19 Enforcement and Penalties.

A. **General.** It shall be unlawful for any person to permit or maintain violations of any of the provisions of this Title by undertaking the alternation, grading, removal, demolition or partial demolition of an historic resource without first obtaining the written approval of the City as provided in this code, or to defy any order or decision rendered by the Department, Board, Commission or Council.

B. **Criminal Penalties**. Any person who violates a requirement of this Title or fails to obey an order issued by the City or comply with conditions of approval of any certificate or permits issued under this section shall be guilty of a misdemeanor.

C. **Civil Penalties.** Any person who alters, relocates, or demolishes an historic resource in violation of this Title shall be subject to an administrative penalty of up to $25,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the historic resource to its appearance, condition or setting prior to the violation, or shall be subject to one of the following limitations on the use of the property.

1. All subsequent development shall be limited to floor area, volume, coverage and height limits equal to 75% of the limits applicable to the property prior to the violation; or

2. The property shall be ineligible for issuance of any building permits and shall be precluded from development for a period of up to ten (10) years.

D. Civil Remedies. Any action to enforce civil penalties may be brought by the City or any other interested party. These civil remedies shall be in addition to, and not in lieu of any criminal prosecution and penalty and any other remedy provided by law.

17.32.20 Public Safety Exceptions.

A. Disasters and Emergencies.

1. In the event an historic resource is damaged as a result of a disaster or emergency, such that the historic resource is rendered uninhabitable, the City shall determine the level of risk associated with temporary retention of the historic resource in a deteriorated state. To the extent feasible, the deteriorated resource shall be fenced or otherwise secured to protect the public from the threat posed by the structure, until such time as the City can determine whether feasible alternatives to demolition exist.

2. In the event of a federally declared disaster, the City shall consult with appropriate federal and state agencies to determine if assistance is available to aide in the preservation of historical resources.

17.32.21 Maintenance and Upkeep.

A. Minimum Maintenance.

1. All resources included in the Inventory shall be preserved against decay and deterioration, kept in a state of good repair and free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a historic resource by neglecting it and by permitting damage to it by weather and/or vandalism.

2. Consistent with all other state and city codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property

shall repair such building or structure if it is found to have any of the following defects.

a. Building elements so attached that they may fall and injure members of the public or property.

b. Deteriorated or inadequate foundation.

c. Defective or deteriorated flooring.

d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

e. Members of ceilings roofs, ceilings or roof supports or other horizontal members which sag, split or buckle due to defective materials or deterioration.

f. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.

g. Deteriorated, crumbling or loose exterior plaster.

h. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

i. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

j. Any fault, defect or deterioration in the building which renders it structurally unsafe or not properly watertight.

3. If the Building Official determines that a historic resource or any other property is being neglected and subject to damage from weather or vandalism, the Director and/or Building Official shall meet with the owner or other person having legal custody and control of the historic resource to discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Building Official may issue a Notice to Comply requiring the owner or other person having legal custody and control of the historic resource to take action to require corrections of defects in the subject property in order

that such historic resource may be preserved in accordance with this section.

B. Protection of Deteriorated, Vacant and Vandalized Resources.

1. The Building Official shall have the authority to issue an Order to Comply to any owner of any property included in the Inventory if the Building Official determines that the property has become subject to vandalism or constitutes a public nuisance. In such circumstances, the Building Official shall have the authority to issue any order deemed appropriate to keep the property from being further vandalized or from becoming a public nuisance including, but not limited to, ordering that the building be secured and fenced.

2. For the purposes of this provision, the property shall include the interiors and exteriors of any accessory building located on a property in the Inventory.

3. Security measures that the Building Official may order shall include, but not be limited to, the following:

   a. The installation of the maximum allowed height under this Code of chain-link perimeter fencing with top mounted, and at least one securely-locked pedestrian gate and the posting of "NO TRESPASSING" signs at regular intervals.

   b. Steel or plywood closures, with one-inch diameter air holes, installed at all doors and windows. (Sandwich panel installation shall be used so as to avoid drilling into window frames and sashes, doors, ornament or masonry units.)

   c. The removal of all debris from the premises, including but not limited to wood, paper, cans, bottles and fecal matter.

   d. Any temporary modifications required to be made to secure the building shall be reversible.

4. Any plans or proposals for work required to be performed pursuant to an Order to Comply to secure any building from bring further vandalized or from becoming a public nuisance must first be reviewed by the Department and the Building

Official to ensure that any work done to secure the building will not damage or alter the historic character of the building. This review by the Department and the Building Official shall be completed within ten (10) working days from the date any request for review is submitted. If the work to be performed includes substantial alteration, the procedures set forth in this section shall be utilized for review.

5. Nothing herein shall be interpreted to prohibit an owner from taking immediate temporary measures to secure a building from unauthorized entry.

6. It shall be unlawful for any property owner to fail to comply with any Order to Comply issued by the Building Official under this provision.

7. Additional Remedies - Notice of Intention. In addition to the remedies provided by this Code, should an owner fail to comply with Order to Comply, the City may take the necessary measures, including those authorized under this Code, to immediately secure the property against vandalism or prevent it from becoming a public nuisance. The City shall have the authority to assess the cost of performing this work as a lien against real property on which the building is located and take what ever additional action the City deems necessary to recover its costs and further secure the property and provide for its preservation. Prior to taking these measures, the City shall send a Notice of Intention to the owner.

17.32.22 Telecommunications Facilities.

A. Proposals for telecommunications facilities shall be subject to review under this section if located within a district or within the boundaries of a property included in the Inventory.

B. Co-location and use of camouflaged equipment shall be required to the extent feasible for telecommunications facilities located within a district or within the boundaries of a property included in the Inventory.

17.32.23 Definitions.

A. "Archaeological Resources Management Report (also ARMR)" shall mean the standard report format established by the Department for documentation of archaeological resources and attached as Appendix G to this title. A Phase I report, records search and on-site survey shall identify the nature of the archaeological resource (e.g. privy, foundations, midden, etc.) and its location on the property. A Phase II report shall identify appropriate mitigations and treatments (e.g. monitoring, avoidance, capping, documentation, recovery, etc.). A Phase III report addresses recovery of resources.

B. "Building" shall mean a construction created to shelter any form of human activity, use or occupancy.

C. "California Historical Building Code (also State Historical Building Code or SHBC)" shall mean Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

D. "California Register of Historical Resources (also California Register)" shall mean the inventory as required by the California Public Resources Code §5020.1 et seq. and regulations codified in the California Code of Regulations §4850 et. seq.

E. "Carmel Inventory of Historic Resources (also Carmel Inventory or Inventory)" shall mean the on-going collection of information for buildings, structures, objects, sites and districts surveyed by qualified professionals for the City and found to meet the criteria established in the City's GP/LUP. Properties included in the Inventory have been surveyed in accordance with the requirements of California Public Resources Code (PRC) §5024.1(g), are recognized as historically significant as established in PRC §5024.1(k) and therefore meet the CEQA standard for a historical resource per CEQA §21084.1 and Guidelines §15064.5(a)(2).

F. "Carmel Register of Historic Resources (also Carmel Register)" shall mean the historic resources designated by the City for public recognition and benefits. All surveyed historic resources that are significant at the National or State level are listed on the Carmel Register. All surveyed historic resources that are significant at the local or regional level may be listed on the Carmel Register upon request of the property owner and designation by the City. Properties included in the Register are part of the Carmel Inventory and meet the

CEQA standard for historical resources per CEQA §21084.1 and Guidelines §15064.5(a)(2).

G. "Certified Local Government (also CLG)" shall mean the program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq., as amended) and the subsequent participatory agreement between the City and the California Office of Historic Preservation.

H. "Character-Defining Features" shall mean a prominent or distinctive aspect, quality, physical feature or characteristic that contributes significantly to the physical character of a resource. This may include the overall shape of the structure, building or property, its materials, craftsmanship, decorative details, as well as the various aspects of its site and environment.

I. "Conservation" shall mean allowing change and new construction as long as it is consistent with an established context or character. This approach is appropriate for new buildings, remodels, façade changes and public way improvements involving non-historic resources. (GP/LUP, 57)

J. "Department" shall mean the Department of Community Planning and Building.

K. "Design Review Guidelines" shall mean the Residential Design Guidelines, Commercial Design Guidelines and Public Way Guidelines of the City and the Secretary of Interior's Standards and Guidelines.

L. "Determination of Consistency" shall mean a finding adopted by the City that the proposed new construction, addition, alteration, and/or relocation complies with all of the provisions of this Chapter and the Secretary's Standards.

M. "Historic Context Statement" shall mean the adopted Historic Context Statement that documents the historic periods, themes, events, people, architects and builders who have contributed to the cultural and developmental history of the City.

N. "Historic Resource (also Historical Resource)" shall mean a building, structure, object, site, or district that meets the criteria for the Carmel Inventory as established in the City's GP/LUP. Historic resource types include, but are not limited to:

1. "Cultural Landscape" shall mean a geographic area (including the cultural and natural resources as well as the flora and fauna therein—whether native or domestic) associated with a historic event, activity, or person exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes. (Secretary's of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes, 4.)

2. "Historic District (also District) shall mean a group of buildings, structures, sites, and objects that are united historically or aesthetically by plan or physical development that meets the criteria for the Carmel Inventory as established in Policy P1-97 of the City's GP/LUP.

3. "Local Historic Resource" shall mean an historic resource eligible for listing in the California Register due to its regional or local significance.

4. "Object" shall mean constructions that are primarily artistic in nature, relatively small in scale, and associated with a specific setting or environment. For example, the Memorial Arch at Ocean Avenue and San Carlos Street would constitute an object.

5. "Principal Feature" shall mean the most significant element or feature of an historic resource. In the case of an historic district, the district itself is the principal feature of the historic resource.

6. "Primary Historic Resource" shall mean an historic resource eligible for listing in the California Register due to its national or statewide significance. All primary resources are included in the Carmel Inventory and the Carmel Register of Historic Resources. For example, Carmel Mission, which is listed in the National Register at the statewide level of significance, is a primary resource.

7. "Archaeological Site" shall mean the location of a significant event, occupation, or activity, where the location itself possess historic, cultural, or archaeological value, regardless of the value of any existing structures. A site may include landscape

features that are significant in their own right, as well as landscape features, which contribute to the significance of adjoining resources.

O. "Imminent Threat" shall mean any condition within or affecting a structure which, in the opinion of the Building Official, would qualify a building or structure as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work are in immediate peril due to conditions affecting the building or structure. Potential hazards to persons using, or improvements within, the right-of-way may not be construed to be imminent threats solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

P. "Initial Assessment" shall mean a preliminary survey to identify whether potential historic resources exist on a property.

Q. "Integrity" shall mean the ability of an historic resource to convey its significance through retention of location, design, setting, materials, workmanship, feeling and association. (How to Apply National Register Criteria for Evaluation, 44) Integrity is based on why a property is significant. Ultimately, the question is answered by whether or not the property retains the identity for which it is significant. The steps in assessing integrity are (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance and (4) determine which aspects of integrity are vital if the property is to qualify as a resource. (GP/LUP)

R. "Intensive Survey" shall mean a review of one or more potential historic resources by a qualified professional that includes a documented site assessment, original research outlining details of property history, a determination of the relationship of the property to the Historic Context Statement, and a finding as to whether or not the property meets the criteria for the Carmel Inventory.

S. "National Register of Historic Places (also National Register)" shall mean the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and culture which is maintained by the U.S. Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National

Historic Preservation Act of 1966 (16 U.S.C. 470 *et. seq.*, 36 CFR Part 60 *et. seq.*, as amended).

T. "Preconstruction Consultation" shall mean a meeting among the applicant, project architect, contractor, City's Building Official and Department prior to commencement of approved construction.

U. "Salvage and Reuse Plan (also Implementation Plan)" shall mean a detailed list of character-defining features and building materials with annotated plans and elevations that clearly identify a methodology and extent of proposed salvage and reuse of existing character-defining features and building materials consistent with the Secretary's Standards.

V. "Qualified Professional" shall mean a person meeting the qualifications established by the State Historic Preservation Office (i.e. Secretary of the Interior's Professional Qualification Standards (48 FR 4716-01 and 36 CFR Part 61, Appendix A)) and approved by the Department. A qualified professional shall meet the minimum requirements in history, archaeology, architectural history, or historic architecture for the type of potential historic resource being surveyed. For archaeological resources, a qualified professional shall mean a "Registered Professional Archaeologist (or RPA).

W. "Reconnaissance Survey" shall mean a city-wide, district-wide or neighborhood review of sites to make a preliminary identification of potential historic resources. Reconnaissance surveys are typically performed after completing an update to the Historic Context Statement.

X. "Rehabilitation" shall mean the act or process of making possible a compatible use for a property, building or structure through repair, alterations and additions while preserving those portions or features which convey its historic, cultural or architectural values.

Y. "Secretary of the Interior's Standards for Rehabilitation (also Secretary's Standards)" shall mean the *Secretary of the Interior's Standards for Rehabilitation* (1990, 36 CFR §67.7) and the publication of the National Park Service, Preservation Assistance Division, *Guidelines for Rehabilitating Historic Buildings* (1992, NPS) and *The Secretary of the Interior's Standard for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (1995, NPS), and any subsequent publication of the Secretary's Standards by the NPS.

Z. "Survey" shall mean the act of conducting a reconnaissance or intensive survey conducted by a qualified professional to evaluate eligibility for the Carmel Inventory of Historic Resources.

AA. "Substantial Adverse Change (also significant adverse impact or effect)" in the significance of an historical resources shall mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" per CEQA Guidelines (2003) §15064.5(4)(b)(1) and any subsequent amendments thereto.

BB. "Demolition by Neglect" shall mean when a property is not maintained and is allowed to fall into a state of disrepair or property nuisance.

Chapter 17.33 (RESERVED)

Chapter 17.34 Landscaping

Sections:

17.34.1 Purpose.
17.34.2 Applicability.
17.34.3 Relation to Chapter 17.48: Tree and Shrub .
17.34.4 Plan Requirements.
17.34.5 Relation to Landscape Design Guidelines.
17.34.6 General Landscaping Standards.
17.34.7 Landscaping Standards for Residential Districts.
17.34.8 Landscaping Standards for Commercial Districts.
17.34.9 Landscaping Standards for Overlay Districts.

17.34.1 Purpose.

The purpose of this chapter is to protect and enhance Carmel-by-the-Sea's dominant Monterey pine urbanized forest and landscaped amenities. It is also the purpose of this chapter to protect environmentally sensitive habitat areas from degradation by providing for the restoration of native vegetation in and around these areas.

17.34.2 Applicability.

The provisions of this chapter shall be considered minimum standards and shall apply to all new development, or substantial alteration of existing development, proposed on private property anywhere in the City of Carmel-by-the-Sea. This chapter shall also apply to any development located in the ESHA Overlay District that will disturb existing or potential native plant habitat.

17.34.3 Relation to Chapter 17.48: Tree and Shrub.

All new landscaping shall be installed and maintained in conformance with the standards in Chapter 17.48, Tree and Shrub Maintenance and Protection.

17.34.4 Plan Requirements.

All new development or substantial alteration of existing development shall require submittal and approval of a Forest Enhancement and Management Plan and a Landscape Plan.

A. **Site Plan.** Prior to the submittal of design plans, a site plan shall be prepared by a qualified professional documenting topography, drainage features, existing trees and structures, street edge treatments, and existing conditions on adjacent properties.

B. **Preliminary Site Assessment.** Following submittal of the site plan, the City's Planning Staff and City Forester shall prepare a preliminary site assessment that includes an evaluation of the design character, streetscape attributes, potential historic resources, and forest resources of the block and neighborhood, as well as the resource constraints of the site.

C. **Forest Enhancement and Maintenance Plan.** Following the preparation of a preliminary site assessment, applicants shall submit a Forest Enhancement and Maintenance Plan which shall:

1. Address the impacts of the proposed development on the existing forest conditions of the site.

2. Recognize the constraints of the land and work within these limitations.

3. Minimize the extent of the excavation and fill on a site to avoid adverse impacts on trees and to ensure that new development follows the natural contours of the site.

D. **Landscape Plan.** Following approval of the Forest Enhancement and Maintenance Plan, a landscape plan shall be submitted in a manner and form established by the City Forester. Landscape plans shall document all proposed plantings as well as any tree removal, replacements, or relocations and shall document how new plantings will conform with the Forest Enhancement and Maintenance Plan. Landscape plans shall include the following:

1. ***Contents Required.*** Approved landscaping plans shall include a separate and simplified account of required new and replacement trees in 8½" x 11" format to allow the Director to monitor the establishment of new trees and their growth to

maturity. The account shall include a map of the location of required new and replacement trees, the date each tree was planted, and the size and species of each tree planted.

2. ***Approval Authority.*** The decision-making authority for the development permit shall also approve the landscaping plan or may delegate approval authority to the Planning Director who shall review the plan in consultation with the City Forester.

17.34.5 Relation to Landscape Design Guidelines.

All landscape plans shall be incorporate as many features recommended by the City's Residential Design Guidelines as are appropriate and feasible for the proposed project.

17.34.6 General Landscaping Standards.

A. Plant Selection.

1. Landscape designs shall use plant species similar in character to those species established along the block and on adjoining properties.

2. A minimum of 75 percent of new plant materials on a site shall be native plants and/or non-invasive drought tolerant plants determined by the City Forester.

3. Much of Carmel's forested charm comes from the informality of unplanted public rights of way. This also provides for off-street parking and adequate space for public safety vehicles to pass through the streets safely. All plants within landscaped areas on any public right-of-way adjacent to private property shall be drought tolerant and low water use predominantly native species as determined by the City Forester.

4. A minimum of 75 percent of new plant materials in all open space areas on project sites in the commercial, R-4, and R-1 districts shall be planted with drought tolerant and low water use species as determined by the City Forester.

B. Landscape Design.

1. Plant material located in areas visible from the street or other public places shall be arranged in a relaxed, informal pattern consistent with the character of the Carmel forest. Formal, unnatural arrangements shall be avoided except for focal points.

2. The use of bedding plants and exotic flowering species shall be limited to small accents at walkways, entries, or near special site features, unless otherwise approved by the City Forester.

C. Paving Materials and Design.

1. Paving materials used for driveways, patios, and walkways, shall be consistent in color and texture with native materials. Use of materials that allow for percolation of rain into the soil and reduce water run-off is encouraged.

2. Paved areas shall be designed to be small, informal, and intimate. Large, continuous areas of paving shall be avoided. Additional landscaping may be required to soften the appearance of paved areas.

D. Irrigation and Maintenance.

1. Landscaping plans for projects in any zoning district shall, where feasible, require the use of water storage devices such as cisterns or underground bladders to capture precipitation or surface runoff for landscape maintenance purposes or detention basins or berms to retain water on site for natural percolation into the soil.

2. Irrigation systems shall be designed to minimize the use of water. Landscaping irrigation systems for projects in any zoning district shall use low-output sprinkler heads and/or drip irrigation.

3. Landscaping plans for projects in any zoning district that include paved areas shall include design features such as sand-set paving and/or drainage collection and distribution systems that enhance surface water percolation.

4. Privately installed irrigation systems within a public right-of-way adjacent to private property shall require the approval of an encroachment permit.

17.34.7 Landscaping Standards for Residential Districts.

A. General Standards.

1. All properties, private and public, located in the R-1 or R-4 district shall contribute to the urbanized forest or other vegetation characteristic of the neighborhood by harboring an appropriate mix of upper and lower canopy trees and/or shrubs consistent with the neighborhood context and the neighborhood streetscape. Forested neighborhoods shall perpetuate the Monterey Pine, Monterey Cypress, Coast Live Oak or Redwood forest that predominates in the vicinity.

2. Proposed residential projects shall preserve adequate space for the growth of trees or other vegetation.

3. When the Planning Commission or Design Review Board reviews building plans for proposed projects, adequate space shall be preserved for the growth of trees or other vegetation and the Commission or Board shall ensure that such space is used for this purpose through the review and approval of landscaping plans. The purpose of this requirement is to perpetuate and enhance the established forest character throughout the district on both public and private property in each neighborhood where it exists. The proposed location of upper canopy trees shall also be studied for their impact on the protected viewshed in the R-4 District established in CMC 17.12.

B. Public Right of Way in the R-1 District.

1. Landscaping in public right of ways in the R-1 district is limited to drought-tolerant plants that are native and are consistent with the character of the Monterey Peninsula environment.

2. Plants should be natural in character and informally arranged to reflect the surrounding forest atmosphere. Landscaping shall not include bedding plants, highly colorful flowering plants and "formal plant arrangements".

3. Landscaping should consist of leafy ground covers, low shrubs and/or trees of the urbanized forest. Natural dirt right of ways

with pine needles is also permitted. Parking spaces may be defined in the unpaved right of way with landscaping.

4. Paving, gravel, boulders, logs, timbers, planters or other above-ground encroachments are prohibited, except paving for driveways. Pathways paved only with decomposed granite or other soil materials are permitted.

17.34.8 Landscaping Standards for Commercial Districts.

A. **Landscaping Requirements for all Commercial Development.** The following standards apply to all commercial districts in the City.

1. A minimum of 50 percent of the required open space on each site shall be landscaped. Landscaping may include nonliving materials such as garden benches, water features and patterned paving treatments as long as the combined total area of such plant alternatives is not used as more than 25 percent of the required landscaping on any site. All landscaping improvements shall include upper canopy trees on site and/or in the sidewalk in front of the property whenever possible.

2. Building sites contiguous to the R-1 District shall provide sufficient landscaping and trees to blend visually with open space and landscaping on adjacent sites.

B. **Landscaping Requirements for Gasoline Stations.** Landscaping shall be provided and maintained in a healthy state to give an attractive appearance to the public street along 80 percent of the street frontage not occupied by driveways. Planting shall be of a type that will provide a minimum height of four feet along no less that 60 percent of the required landscaped frontage.

C. **Landscape Requirements for Surface Parking Areas.** Building sites incorporating surface parking lots shall include at least 15 percent of the site area in landscaping. Landscaping shall be distributed along all street frontages and pedestrian walkways that are adjacent to parking areas to help screen parked automobiles from view. Plant species and/or planters should be designed to achieve a height of at least five feet above the surface of the parking lot except where this would conflict with safe visibility or good site design. Landscaping shall also be provided within the interior of surface lots to break up large expanses of paving. Parking lots with four or more vehicles shall provide interior landscaping of at least 10 square feet per vehicle.

17.34.9 Landscaping Standards for Overlay Districts.

A. Beach Overlay and Park Overlay District. The following standards apply to the Park Overlay District.

1. New native trees or other significant native vegetation shall be planted between the buildings on the site and the adjoining parklands when such vegetation would enhance the visual resources of the park by screening the buildings from public view, and when there is adequate space available to make such landscaping practical.

2. At least 75 percent of all landscaped areas on the property visible from the park shall be planted with drought tolerant and/or native species. Areas of the site adjacent to parklands shall be landscaped and designed to establish a natural transition to the parkland vegetation. Trees approved for removal shall be replaced by two or more native specimen trees listed in the Forest Management Plan preferably on-site or, if necessary, in the adjoining park as determined by the City Forester. Invasive species shall be removed if currently established.

B. ESHA Overlay District. Landscaping plans for projects in the ESHA Overlay District shall provide for native vegetation restoration consistent with performance criteria established in the biological resources report required in Section 17.20.23.D. The plan shall also be consistent with all standards set forth in Section 17.20.23: Environmentally Sensitive Habitats.

Chapter 17.35 (RESERVED)

Chapter 17.36 Nonconforming Uses and Buildings

Sections:

17.36.1 Purpose.
17.36.2 Continuation and Maintenance.
17.36.3 Alterations and Enlargements of Nonconforming Buildings and Structures.
17.36.4 Destruction and Reconstruction of Nonconforming Buildings.
17.36.5 Nonconforming Uses.
17.36.6 Abandonment of Use.

17.36.1 Purpose.

Much of Carmel's charm and uniqueness comes from the variety in design of its buildings. Many of its older buildings, although nonconforming, add to this overall charm and unique quality. The loss of such buildings could have a detrimental effect on the overall character of the City. It is the purpose of this chapter to regulate nonconforming buildings and nonconforming uses and to provide for the elimination of nonconformity, where its elimination will not have a detrimental effect on the City's unique charm and the overall village character of the City.

17.36.2 Continuation and Maintenance.

A. A building or structure that was lawfully established, but does not conform to existing zoning regulations, shall be deemed a nonconforming structure and may be used and maintained as provided in this chapter. (For structural nonconformance, see CMC Title 15 and the Uniform Building Code.)

B. Occupancies and uses lawfully established that do not conform with the current use regulations, site area requirements, or dwelling unit densities in the district where the use is located may be continued, except as otherwise provided in this Chapter.

C. Any lawfully established use, building or structure that is nonconforming solely by reason of the absence of an Administrative permit or Use Permit may be changed to a conforming use, building or structure by issuance of an appropriate administrative permit or a Use Permit, in compliance with this Title.

17.36.3 Alterations and Enlargements of Nonconforming Buildings and Structures.

A. A lawful nonconforming structure may be maintained, repaired, or altered as long as such maintenance, repair, or alteration does not increase the nonconformity and all work performed conforms to all of the requirements of this Chapter. Alterations and additions to buildings and structures subject to Chapter 17.32: Historic Preservation shall conform to the requirements of that chapter.

B. Alterations, repairs or remodeling that enlarge, extend or increase a nonconforming feature of a building shall be prohibited, except as provided in Section 17.32.11.D for historic resources.

17.36.4 Destruction and Reconstruction of Nonconforming Buildings.

A. Nonconforming buildings or structures that are damaged or destroyed by fire, explosion, acts of God, or acts of the public enemy to an extent of 75 percent or less of the value of the structure as determined by the Building Official may be reestablished to the size and extent to which it previously existed providing a building permit is obtained from the Building Official within 30 months of the date of damage or destruction and is completed in conformance with the current, applicable Uniform Building Code and City Building Ordinances.

B. Nonconforming buildings or structures that are damaged or destroyed in excess of 75 percent as indicated above may be reestablished providing a use permit is issued by the Planning Commission, based on findings in Section 17.64.13 and the plans for the project are approved by the Planning Commission.

C. It is recognized that compliance with Municipal Code Chapter 15 and the Uniform Building Codes dealing with construction may alter to some extent existing buildings. Where this occurs, such changes are subject to design review and may be made providing the design or construction is not altered in a manner that conflicts with the City's zoning standards and design guidelines and nonconformities shall not be increased.

D. The demolition of any nonconforming building or structure shall require that all new construction on the site meet all requirements for new buildings and structures.

E. The rebuilding of any building or structure shall require correction of all nonconformities in conformance with all requirements for new construction, except as provided for fences and walls in section 17.10.3.D(2).

F. The substantial alteration of any nonconforming building or structure, that includes removal of any nonconforming building element or structural element, shall require correction of that specific nonconforming building element or structural element in conformance with all requirements for new construction. The removed nonconformity shall not be rebuilt or reestablished at that location on the site or elsewhere on the site.

17.36.5 Nonconforming Uses.

A. No building that contains a nonconforming use shall be enlarged by increasing the floor area or building envelope or exterior volume. Repairs, remodeling, alterations or maintenance, in any 12-month period, shall be limited to 10 percent of the value of the building, or 10 percent of the value of the portion of the building containing the nonconforming use. The value of improvements shall be determined by the Building Official.

B. No nonconforming use may be expanded or extended into an existing portion of a building that was not previously occupied by the same nonconforming use.

C. A commercial use that is otherwise allowed within a district but is nonconforming due to noncompliance with one or more operational standards for approval (e.g. hours, type of merchandise, etc.) shall require that any replacement use comply with all operational standards for approval upon change of ownership. A use that is nonconforming due to physical or structural standards (e.g. floor area, number of parking spaces, etc.) shall not be required to conform upon change of ownership of the use.

D. A new building constructed on premises containing a nonconforming use shall only be used or occupied by a use permitted in the district in which the building is located.

E. The requirements of this section shall not apply to any building that contains a lawful nonconforming dwelling unit in any commercial or R-4 district.

17.36.6 Abandonment of Use.

Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of the code, such part of the building, structure or land shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use. Whenever a nonconforming use of a building or structure or part thereof has been discontinued for a period of six consecutive months, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the building, part of the building, structure or land thereafter shall be in conformity with the regulations of the zoning district wherein the site of the use lies.

Chapter 17.37 (RESERVED)

Chapter 17.38 Off-Street Parking Requirements

Sections:

17.38.1 Purpose.
17.38.2 General Requirements.
17.38.3 Exceptions.
17.38.4 Parking In-Lieu Fee Program.
17.38.5 Miscellaneous Regulations from Other Titles.

17.38.1 Purpose.

It is the purpose of this chapter to require off-street parking for vehicles to lessen the parking congestion on the public streets and to leave street parking available to persons making short-term visits to the commercial district for shopping, business or related activities. The provisions of this chapter are intended to:

A. Provide clear standards for parking requirements.

B. Provide parking requirements that are appropriate for specified land uses.

C. Provide for flexibility in meeting parking requirements.

D. Ensure that parking requirements are consistent with the land use goals of the community.

E. Discourage unnecessary curb cuts and the loss of street parking spaces through the construction of driveways downtown.

17.38.2 General Requirements.

The table in subsection (A) herein below establishes the minimum parking requirements for all uses, projects, developments and redevelopments. New projects or developments shall only be allowed when meeting all parking requirements of this chapter and the requirements of any use permit, subdivision approval or specific plan applicable to the property. Proposed uses within existing buildings may replace existing uses as long as any existing parking deficiencies on the property are not increased by the replacement. Proposed additions of floor area, new shops or dwelling units, or other similar changes in land use resulting in a net increase in parking

requirements, as set forth in this chapter, shall provide all required parking generated by the new activities on the site.

Whenever a proposed activity requires the provision of additional parking spaces, the City shall establish a record for the property listing the number of spaces required by the proposed change and the manner in which the increased parking requirements has been satisfied. Required off-street parking may be satisfied by providing parking on- or off-site, unless otherwise prohibited in this chapter. To avoid double-counting, spaces used to satisfy the parking requirements of one property development shall not be used by another property development to satisfy its parking requirements.

Any proposed new buildings, or any substantial replacement or reconstruction of an existing building, shall provide all parking required by the provisions of this chapter. Replacement or reconstruction shall be deemed substantial if the value of the new construction equals or exceeds 50 percent of the construction value of the existing building.

A. Explanation of Minimum Parking Table.

1. Table A establishes the minimum amount of parking required for most land uses and land use districts. The Planning Commission shall review proposed projects for their anticipated parking demand and may require additional parking through use permit conditions if substantial evidence supports the need for providing parking beyond the minimum standard.

2. When the symbol N/A appears in the table, the land use specified in that row is not an allowed use within the land use district corresponding to that column. Existing legal nonconforming uses within these N/A categories shall not be increased or enlarged in any manner that would result in a need for increased parking spaces using the "Basis for Requirement" listed in the table.

3. When evaluating parking requirements for such nonconforming uses, the parking requirement shall be the same as the maximum requirement applicable in any land use district in which the land use is allowed and for which parking is required.

B. Fractional Spaces.

1. When parking is to be physically provided on-site or off-site and a determination of the minimum required parking for the project or use results in one or more full spaces plus a fraction of an additional parking space, one full space shall be provided for the fractional space or the fractional space shall be met through fractional in-lieu payments as set forth below.

2. When parking requirements are met through the payment of in-lieu fees, or a combination of in-lieu fees and off-street parking, and a determination of the minimum required parking results in one or more full spaces plus a fraction of an additional parking space, the in-lieu payment shall include one full fee for each one full space plus a fractional fee proportional to the fractional space.

C. Minimum Off-Street Parking. It is recognized that providing parking on some sites will result in the loss of existing or potential on-street parking spaces due to the location of driveways or other improvements. Therefore, off-street parking shall only be allowed when the cumulative effect of providing such parking will result in a net gain of total parking spaces. When any determination of the minimum required parking for a project or use results in a need for only one space, and parking is being physically provided off-street, two full spaces shall be required unless the applicant can demonstrate a reconfiguration of on-street spaces, consistent with guidelines maintained by the Department of Public Works for street parking, that yields a net gain in total available parking when only one off-street space is provided.

TABLE A: MINIMUM PARKING REQUIREMENTS

Land Use	Basis for Requirement	Land Use District Parking Factors			
		CC	SC	RC	R4
Permanent Residential Use	Spaces per Unit	1	1	1.5	1.5
Affordable Housing for Moderate Low or Very Low Income	Spaces per Dwelling Unit	1/2	1/2	1/2	1/2
Senior Housing, Cooperative Housing or Group Care Facilities	Spaces per Dwelling Unit	1/3	1/3	1/3	1/3

TABLE A: MINIMUM PARKING REQUIREMENTS					
Land Use	Basis for Requirement	Land Use District Parking Factors			
		CC	SC	RC	R4
Senior Housing, Cooperative Housing or Group Care Facilities	Guest Spaces per Each Four Full Units	1	1	1	1
Nursing Home or Other Resident Care Facility	Spaces per Patient or Resident	N/A	1/3	1/3	1/3
Commercial Retail or Service Uses Not Otherwise Specified in This Table	Spaces per 600 Square Feet of Commercial Floor Area or per Business/Shop Space, Whichever is Greater	1	1	1	1
SIC 701: Hotels and Motels	Spaces per Rental Unit, Including Manager's Unit	1	1	1	1

D. Properties Located in More Than One District. For projects located on property falling within two or more land use districts with different parking standards, the parking requirement shall be determined by using the parking standards applicable to that portion of the development lying within each of the land use districts involved.

E. Design Standards. The following standards shall apply to all surface and underground parking designs:

1. ***Dimensions.***

   a. Standard Spaces: 9 feet by 19 feet

   b. Compact Spaces: 8-1/2 feet by 16 feet

   c. For all parking designs with parking spaced perpendicular to vehicle travel lanes, a minimum of 24 feet shall be provided for automobile backup room behind standard spaces and 18 feet behind compact spaces. Design shall minimize the need for multiple or complex turning movements. Where angled parking is used, the minimum backup room shall be that distance specified in the current edition of Architectural Graphic Standards.

2. ***Compact Ratio.*** Compact spaces may constitute 50 percent of the total required spaces. All spaces provided in excess of the minimum requirements may be compact spaces.

3. ***Driveways.*** Driveways shall be located to preserve as much on-street curb parking as possible. Driveways and other improvements on the property shall be designed for safe and unobstructed visibility of pedestrians and automobile traffic both on and off the site.

4. ***Design Review.*** All parking, whether on-site or off-site shall be subject to design review in conformance with Chapter 17.58: Design Review and all provisions of this chapter.

F. Surface Parking Design. The following standards apply to the design of surface parking in addition to those required by subsection (E), above:

1. ***Setbacks.*** Surface parking spaces shall not be constructed within required setback areas. Portions of rear or side setback areas may be used for backup movements as long as the majority of the setback is landscaped.

G. Underground Parking Design. The following standards apply to underground parking garages in addition to those required by subsection (E), above.

H. Standards.

1. ***Height.*** For that portion of an underground garage facing any public street, way, place or park, the maximum height of the finished floor level above an underground parking garage shall not be greater than five feet above the existing grade or the official street grade whichever measurement results in the lesser height. The maximum height of the finished floor level above an underground garage shall not be greater than eight feet above the surface of the ground adjacent to any exterior wall around the full perimeter of the garage. Garages not meeting these two standards shall be counted as a story.

2. ***Setbacks.*** Underground parking garages may be constructed within required setbacks if significant trees will not be removed or injured and the setback can still be effectively landscaped. Underground garage designs should provide sufficient room

around the perimeter to accommodate existing and new tree root systems.

3. ***Driveways.*** The grade of driveways providing access to underground garages shall not exceed five percent in the first 10 feet of the driveway slope near the entry and shall not exceed 10 percent in the last 10 feet near the level of the garage floor. The intervening grade shall not exceed 25 percent. Driveway designs shall provide sufficient area to allow drivers to view automobile and pedestrian traffic before merging into such traffic.

4. ***Ventilation and Access.*** Garages shall be ventilated to avoid the buildup of exhaust gases. When mechanical ventilation is used, noise mitigation measures shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any openings or open space on any adjoining property nor toward any on-site or off- site way, street, place or park accessible to the public. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies.

17.38.3 Exceptions.

It is recognized that some sites, due to size, shape, topography, existing buildings, the avail- ability of land suitable for parking purposes or location within specific land use districts, may have difficulty meeting all parking requirements. Therefore, the following exceptions are provided to increase the flexibility in meeting parking requirements:

A. On-Site Parking in the Central Commercial (CC) Land Use District. In contrast to the other districts within the City, on-site parking is prohibited in the central commercial (CC) land use district. This policy eliminates the need for curb cuts in sidewalks and the interference with free pedestrian traffic flow that would result from an excessive number of driveways. This policy is also intended to enhance the opportunities for creating intra-block courts and walkways between properties and buildings.

B. Use of Another Site. Parking requirements may be fulfilled by supplying the required parking on another site upon approval of a use permit. When use of another site for parking is authorized, such

parking shall be located within the commercial district on property permitting such use. The land area required to provide such parking shall be legally committed for the full life of the structure for which the parking is required. The legal commitment shall be of such a nature that it cannot be withdrawn for the life of the structure, without the consent of the City. Applicants applying for approval of a use permit authorizing the use of another site for parking purposes must demonstrate one of the following conditions:

1. The property owners of two or more adjacent properties have proposed a combined development plan to provide the required parking for their properties, in accordance with the parking standards established in this chapter, on part of the several sites involved.

2. The project site for which the parking requirement applies is 5,000 square feet or less in size and has less than 50 feet of street frontage.

3. The construction of required driveway(s) for on-site parking would result in the excessive loss of curb parking on street.

4. The topography, size, shape or peculiar conditions of the site or the existing development on the site would make the provision of on-site parking impractical.

5. The site for which parking is required is located within the central commercial (CC) land use district where on-site parking is prohibited.

C. **Parking Adjustment In-Lieu Fees.** The Planning Commission may authorize the satisfaction of parking requirements through the granting of a use permit and the payment of in-lieu fees when on-site parking is not practical or when on-site parking is prohibited by City policies. Parking adjustments shall not decrease the number of parking spaces required by this chapter. The practicality of providing parking on-site shall be evaluated by using the criteria set forth in subsection (B)(2) through (4) of this section. Standards for participation in the in- lieu fee program are established in Section 17.38.4: Parking In-Lieu Fee Program, below. Applicants for use permits authorizing the use of in-lieu fees to adjust on-site parking shall also demonstrate both of the following:

1. The parking for which the adjustment is sought is not required for serving hotel or motel uses.

2. The applicant has diligently pursued meeting the parking requirements both on-site and off-site, but has been unsuccessful in meeting the requirement, or that the site is located within the central commercial (CC) land use district where on-site parking is prohibited.

17.38.4 Parking In-Lieu Fee Program.

When parking adjustments have been authorized by the Planning Commission in conformance with Section 17.38.3.C, above, required parking may be satisfied by the payment to the City of in-lieu fees. Funds collected by the City from such payments shall be deposited in a specific fund and used by the City to acquire and/or develop off-street parking. Such parking shall be available to the public and shall be in or near the business district of the City. Funds paid to the City for in-lieu parking shall not be refundable in the event of destruction or removal of the structure or land use for which the funds were paid, but shall run with the land. The City shall maintain a record of all spaces credited to each property including all spaces paid through in-lieu fees, spaces physically provided on each property and all spaces represented by the existing parking nonconformity on each site.

A. **Payment of In-Lieu Fees.** All in-lieu parking fees shall be paid prior to the issuance of the first permit (any business license or building permit) for which the in-lieu fees are required with one exception. The only exception arises when the number of in-lieu parking spaces exceeds five, in which case at least 40 percent of the total in-lieu fees shall be paid prior to the issuance of the project permit or license and the remaining balance shall accrue interest at the prime interest rate fixed on the date the first permit or license is issued. Any fees, including interest that will be subject to such delayed payments shall be evidenced by a promissory note. This promissory note shall provide for the payment of attorney's fees and costs to the prevailing party and shall be secured by a Deed of Trust.

B. **Determination of Value of Parking In-Lieu Fees.** The amount to be charged for an in-lieu parking space shall be determined by using the current construction costs of public garages having Type I or Type II fire resistance and the regional modifier for the San Francisco area as supplied by the "Building Standards" of the International Conference of Building Officials and a factor representing land costs. Four

hundred square feet shall be used as the necessary area for a car to park and have maneuvering room with ingress and egress. The current construction costs per square foot shall be multiplied by the modifier to determine the cost per square foot to construct the parking space. The cost of constructing the parking space shall then be increased by 50 percent to reflect land cost. This total shall be the fee paid for each full in-lieu parking space. A fee reduction of 25 percent shall be allowed for parking spaces required for newly-established residential dwelling units.

17.38.5 Miscellaneous Regulations from Other Titles.

A. Unlawful Acts. It is unlawful for any person to park or permit to be parked any vehicle, pushcart or other contrivance within the City on any street, parking area, park or other public land or area within the City, under the following conditions:

1. ***Parking in Parkways.*** To park any vehicle in any park, parkway, greenbelt, planting area or sidewalk area within the City except within parking areas specifically designated as such by the City Council.

2. ***Parking on Certain Streets.*** To park or permit to be parked on any portion of Ocean Avenue west of San Antonio, Del Mar Avenue, and Scenic Road any vehicle exceeding 12,000 pounds gross weight or exceeding 20 feet in length overall, including bumpers, or exceeding seven and one-half feet in height at its highest point, except when engaged in the loading or unloading of passengers or goods as may otherwise be permitted by law.

[This subsection is a duplicate of Title 10, Section 10.32.080.]

Chapter 17.39 (RESERVED)

Chapter 17.40 Signs

Sections:

17.40.1 Purpose.
17.40.2 Permit Process.
17.40.3 Business Signs.
17.40.4 Interior Signs.
17.40.5 Other Signs Associated With a Business.
17.40.6 Residential Signs.
17.40.7 Signs of Architectural, Cultural or Historical Significance.
17.40.8 Temporary Signs.
17.40.9 Removal of Abandoned Signs.

17.40.1 Purpose.

Signs are instrumental in maintaining the City of Carmel-by-the-Sea's village character, The City has no house numbering system so residents often place signs outside their homes for identification. Business signs typically are made of wood and are oriented toward the pedestrian rather than the automobile. These residential and business signs create a unique village environment, which encourages exploration and discovery.

This chapter establishes standards and guidelines to preserve and enhance the appearance of the community as a place in which to live and work. These standards and guidelines ensure that signage is used as identification and not as advertisement or a notice-attracting device. Furthermore, these standards prevent the installation of an excessive number of signs, avoid visual clutter and eliminate hazards to pedestrians and motorists brought about by distracting signs.

The sign standards also implement the following objectives and policies of the General Plan:

O1-17: Maintain diligent control over signs and other advertising or notice-attracting facilities in order to avoid unsightly, bizarre, and/or out of scale visual impacts, including exterior lighting and lights from window displays.

P1-53 Limit the use of unnecessary or unsightly design elements such as excessive numbers of signs, nonfunctional awnings, exterior

displays, interior displays, and architectural contrivances used primarily as advertising or notice-attracting features visible from the public right-of-way.

P1-54: Prohibit business signs incorporating lights, luminous or fluorescent paints, or movement.

P1-55: Encourage the location of signs near the entrance to the businesses they serve.

P1-56: Encourage business signs that are simple in graphic design, informative of the business use, and compatible in color and design with adjoining structures.

A sign may be erected, replaced, repainted, altered, relocated or maintained only in conformance with the standards and permit procedures of this chapter. The effect of this chapter is to:

A. Establish a permit system to allow a variety of sign types in the business district and residential areas subject to the standards and permit procedures in this chapter.

B. Provide for temporary signs in limited circumstances on private property subject to the standards and permit procedures of this chapter.

C. Prohibit all signs not expressly permitted by this chapter unless authorized by specific action of the Design Review Board. Prohibited signs and displays include those which are visible from exterior areas accessible to pedestrians and which are flashing, self-illuminated, neon, phosphorescent, glossy, incorporate internal lights or movement or that include strings of small lights around doors or windows. Also prohibited are exterior signs, displays or other installation that include balloons, streamers, or other notice-attracting appendages.

17.40.2 Permit Process.

A. Administrative Approval. Upon submittal of an application, the following signs may be approved by the Director of Community Planning and Building: business signs, temporary business signs, business directories, menu boxes, take-away menu holders, real estate signs in the public right- of-way, and parking signs. In order to be approved, these signs must satisfy the purpose, objectives, and standards described in this chapter. At least once each year the

Director shall report to the Planning Commission on the business signs, directories, menu boxes and take-away menu holders that have been approved through the administrative process.

B. **Planning Commission Approval.** Signs which, in the opinion of the Director of Community Planning and Building, require exception from the standards described in this chapter shall be reviewed by the Design Review Board. The Design Review Board also shall review all business signs painted, etched or otherwise applied to glass, all signs made of plastics, fabric or imitation wood and all signs of architectural, cultural, and historical significance. The Board may grant exceptions only to the number, location and design of business signs. The following criteria must be satisfied to grant the exception:

1. ***Number.*** Additional business signs may be permitted in unusual circumstances such as, but not limited to, a business that has entrances on two different public rights-of-way.

2. ***Location.*** Signs shall clearly identify the business entrance. Signs shall be pedestrian-oriented except for gas stations and motels that are recognized by the City as predominantly vehicle-oriented business. Clutter from business signs at street frontages shall be avoided. Sign clutter along street frontages from multiple businesses within a courtyard or building shall be avoided.

3. ***Design.*** Any exceptions to design standards shall retain compatibility with the design, color, and scale of the building.

C. **No Permit Required**. The following signs on private property do not require a permit if they meet the purpose, objectives, and standards in this chapter as determined by the Director of Community Planning and Building: interior signs, alarm system identification signs, house/occupant name, no soliciting/no handbills, garage/rummage/estate sale, home business, public information signs (exit, restroom, elevator, etc.) and a variety of temporary signs as identified in this chapter. Signs which, in the opinion of the Director, are out of the ordinary or which do not meet the purpose, objectives and standards of this chapter shall be removed or referred to the Design Review Board for review.

17.40.3 Business Signs.

A. Objectives. The primary objective of sign review is to implement the objectives and policies of the General Plan by maintaining the community's village character and natural beauty. To achieve this objective, business signs shall be:

1. Informative of the business name and use. The business name shall be the primary design feature on the sign, and all logos and other graphics shall be subordinate to the business name;

2. Simple in design. Any creative graphic depictions should be related to the business use and in scale with sign text;

3. Oriented toward the pedestrian environment within the commercial district;

4. Compatible in design, color, size and scale to the business storefront, adjoining structures and surroundings; and

5. Made of permanent and natural materials such as wood, wrought iron, ceramic or stone unless otherwise approved by the Planning Commission.

B. Types of Business Signs.

1. There are four types of business signs that are allowed in the commercial district:

2. An exterior wall business sign is attached to a wall, fascia or window and only one side of the sign is visible.

3. An exterior hanging business sign hangs from a bracket mounted to a wall or overhang. Both sides of the sign are typically visible to pedestrians and contain identical designs.

4. An exterior monument business sign is freestanding and separate from adjacent buildings. This type of sign is typically mounted on a post or a solid base.

5. An interior business sign is located within the interior of a business, visible from exterior areas accessible to pedestrians,
5. nd includes the business name or an identifying portion of the business name. Business names and logos on merchandise are not considered signs.

C. Exterior Business Signs.

STANDARDS FOR ADMINISTRATIVE APPROVAL OF EXTERIOR BUSINESS SIGNS	
Item	**Standard**
Maximum Number of Business Signs	One
Maximum Letter Size	Ten inches
Maximum Area (Hanging Sign)	Three square feet
Maximum Area (Wall/Monument Sign)	Six square feet
Location	- Close as possible to the business entrance - Below eave or parapet line of building - Hanging signs shall not project more than 30" from face of building - Hanging signs shall maintain 7' vertical clearance from sidewalk for pedestrians - Monument signs shall not be mounted higher than 3' from ground
Design	- Informative of business name and use - Simple in graphic design - Compatible in design, color, size and scale with business storefront, adjoining structures and surroundings - Any graphic or pictorial representations shall be usually subordinate to the text on the sign
Material	Permanent, natural materials such as wood or lettering painted on glass, wrought iron, ceramic and stone

Note: Sign area shall be calculated as follows:

All faces of a multi-faced sign shall be included in the calculation of area except for a double-faced hanging or monument sign, in which case only one face shall be included.

For irregularly shaped signs, the area shall be that of the smallest rectangle that wholly contains the sign.

Brackets or other appurtenances incorporating design elements that are descriptive or informative of the business use will be included as part of the sign area. Also included are vacancy/no vacancy sign riders for motel/hotel signs.

D. Lighting of Exterior Signs. Businesses open to the public during hours of darkness shall be allowed limited exterior lighting to enable patrons to find and identify the business. These lights shall be turned off when the business is closed each evening.

STANDARDS FOR ADMINISTRATIVE APPROVAL OF SIGN LIGHTING		
Number	Type and Maximum Output	Design and Mounting
- One per three square feet of sign area or - One for each side of a double-faced hanging sign	- Incandescent (25 watts) - Halogen (20 watts)	- Small, bullet-type fixtures painted to match surroundings - Mounted to nearby building element (wall, eave, post, etc.) or incorporated into support bracket - Not designed or mounted so as to become part of the sign - Architecturally compatible with building or mounted to be recessed or shielded or otherwise not readily visible to pedestrians - Aimed directly toward sign but not toward eye level of pedestrian or vehicle traffic

17.40.4 Interior Signs.

A. **Interior Signs.** Those interior signs that are visible from exterior areas accessible to pedestrians and which meet the following standards are allowed without a permit. All interior signs shall be designed and lettered in a professional and attractive manner. Interior signs that do not meet these standards are prohibited.

STANDARDS FOR PERMITTED INTERIOR SIGNS					
	Number	Maximum Size (Each Sign)	Maximum Aggregate Area of Signage	Maximum Letter Size	Information
Affixed to a window	Six	N/A	100 square inches	One inch	Closed/open, hours of operation, will return, alarm, no food or drink, credit card (see note 2)
0 – 5' from the storefront	Unlimited	One square foot	Two square feet	One inch	- Unlimited content - Business name or identifying part of the business name are limited in

STANDARDS FOR PERMITTED INTERIOR SIGNS					
	Number	Maximum Size (Each Sign)	Maximum Aggregate Area of Signage	Maximum Letter Size	Information
					area to 10% or less area of each sign
5' or more beyond the storefront	Unlimited	N/A	Six square feet	Three inches	- Unlimited content - Business name or identifying part of the business name are limited in area to 10% or less of each sign

Notes:

Signs advertising general sales or closing-out sales/going out of business shall adhere to the standards for permitted interior signs and may be displayed for no more than 90 days within any 12-month period pursuant to CMC 5.20.020.

Credit card signs shall not exceed two square inches per sign and are exempt from the maximum aggregate area standards applicable to signs affixed to windows. Alarm system identification signs 144 square inches or smaller in sizes are exempt from the maximum aggregate area standards applicable to signs affixed to windows.

17.40.5 Other Signs Associated With a Business.

A. **Temporary Business Sign.** A "temporary business sign" refers to a sign temporarily approved by the City while a permanent sign is being made or is awaiting City review.

STANDARDS FOR ADMINISTRATIVE APPROVAL OF TEMPORARY BUSINESS SIGNS			
Number	Maximum Size	Removal	Information
One	Three square feet	Shall be removed upon approval of a permanent sign or upon expiration of the temporary approval	- Simple in graphic design - Limited to business name and opening date

B. **Business Directory.** A "business directory" is a permanent sign listing the names of several individual businesses located on the same property, or in the same courtyard or building.

STANDARDS FOR ADMINISTRATIVE APPROVAL OF BUSINESS DIRECTORIES				
Number	Maximum Size	Maximum Letter Size	Location	Design
One per courtyard or building	N/A	Business placards - one inch lettering	On private property	- Simple in design - Compatible in design, color, and scale with adjacent buildings

Note: Multiple businesses which share a common entry from the exterior shall be entitled to a business sign only on the interior of the building. Directories may be placed on the building exterior to identify the interior businesses.

C. **Restaurant Menu Signs.** Restaurant menu signs are allowed in two forms: contained within menu boxes (for restaurants) and take-away menus (for all food uses).

1. ***Menu Box.*** A menu box is a permanently mounted architectural element on, or immediately adjacent to, the business for displaying menus, awards, or daily specials in restaurants.

2. ***Take-Away Menu Holder.*** A take-away menu holder is a small, temporary or permanent container holding take-away menus for free distribution to the public.

STANDARDS FOR ADMINISTRATIVE APPROVAL OF RESTAURANT MENU SIGNS					
Type	Number	Maximum Size	Location	Contents	Design
Menu box	One	Four square feet	- Not affixed to door or window - At the entry	Menu identical to that being used in the restaurant, special menus, awards	- Compatible with scale, colors, and materials of storefront
Take-away menu holder		One square foot	- At the entry - Not affixed to a window	Take-away menus only	- Constructed of wood or basketry

D. **Parking Sign.** A sign that authorizes or prohibits the parking of specified vehicles on private property in the commercial (CC, SC, RC) and multifamily (R-4) districts.

STANDARDS FOR ADMINISTRATIVE APPROVAL OF PARKING SIGNS					
Number	Maximum Size	Letter Size	Location	Information	Design
One per property frontage	Two square feet	Three inches	- Private property - Installed on walls, fences, or building - Location must be reasonably visible to motorists	States parking rights on the property and cites CMC 10.32.080(H)	Compatible in design and color with storefront or building

17.40.6 Residential Signs.

A. **Residential Signs**. Residential signs are permitted without City review if the signs meet the purpose, objectives and standards listed below and in Section 17.40.1: Purpose. If the sign is not listed below or all of the standards have not been satisfied, the sign requires Planning Commission review.

STANDARDS FOR PERMITTED RESIDENTIAL SIGNS						
Type of Sign	Number	Size	Letter Size	Location	Material	Information
House/ Occupant Name	One	Two square feet	No limit	Private property	Natural and permanent material required	House or occupant name
No Soliciting/ No Handbills/ No Trespassing	One each	2" x 12"	N/A	- Private property - Only at property line, front gate, front door or entry point	Permanent material required	No soliciting/ no handbills
Home Business	One	One square foot	No limit	Private property	Natural and permanent materials required	Business name on city business license

STANDARDS FOR PLANNING COMMISSION APPROVAL OF SIGNS OF ARCHITECTURAL, CULTURAL OR HISTORICAL SIGNIFICANCE
- The sign contributes to the architectural, cultural, or historical character of the community - The sign would not create confusion to the public or to public safety officials in responding to emergencies - The sign would not adversely affect the health, safety, or welfare of the community

17.40.7 Temporary Signs.

A. Temporary Signs.

STANDARDS FOR PERMITTED TEMPORARY SIGNS						
Type of Sign	Number Allowed	Maximum Size	Maximum Letter Size	Location	Material	Information
Garage/ Yard/ Rummage / Estate Sale	One	Three square feet	Three inches	- On private property where the sale is located - Only during hours of sale not nailed to trees	Less than permanent material allowed	N/A
Charitable Organization/ Special Event	One per business	Three square feet	Three inches	N/A	Less than permanent material allowed	- Maximum display of 15 days - Displayed four times a year - Must be removed at end of event
Health, Safety, and Welfare	N/A	Minimum size needed	No limit	N/A	Less than permanent material allowed	Minimum time necessary
Construction	One per contractor, architect, or sub-	Per sign – three square feet	No limit	Private property	Permanent or less than permanent material allowed	Must have active building permit

STANDARDS FOR PERMITTED TEMPORARY SIGNS						
Type of Sign	Number Allowed	Maximum Size	Maximum Letter Size	Location	Material	Information
	contractor	Aggregate area – six square feet area				
Real Estate	One per property frontage	Three square feet (excludes support base and sign riders)	Three inches	- Only on the private property that is for sale, exchange, or rent - Refer to note 1	Less than permanent material allowed	- Limited to property that is for sale, lease, rent, or exchange - Owner or agent name, address and telephone number - Directions to property - Brochure boxes are allowed
Real Estate Sign Riders	One per real estate sign	6" tall x 24" wide	No limit	- Only on the private property that is for sale, exchange, or rent - Refer to note 1	Less than permanent material allowed	e.g., Condominiums; Do Not Disturb; By Appointment Only; For Lease; For Rent; Sale or Lease; Sale Pending; Directions (if not on real estate sign), Features

STANDARDS FOR PERMITTED TEMPORARY SIGNS						
Type of Sign	Number Allowed	Maximum Size	Maximum Letter Size	Location	Material	Information
Open House	One per property frontage	Three square feet	No limit	- Only on the private property that is for sale, exchange, or rent - Refer to note 1	Less than permanent material allowed	- Limited to open house, name of real estate company and directions to property - Only during daylight hours

Notes:

May be placed on public property only with issuance of an encroachment permit.
This permit will be authorized only when:
Trees, shrubs or structures prevent the sign from being seen on private property;
All signs shall be mounted on a four-inch by four-inch wooden post; and
Sign location is to be determined by Director of the Department of Community Planning and Building.

17.40.8 Removal of Abandoned Signs.

A. Termination of Approved Applications.

Approved applications for signs and brackets shall be considered null and void when any of the following conditions are found to exist:

1. The sign was not built or placed in strict compliance with the conditions of the approval.

2. The sign was not placed on the site, in the approved location, within 90 days from the date of approval and no extension of time has been granted by the Director of the Department of Community Planning and Building.

3. The sign refers to a business that no longer exists, whose license has lapsed, whose business name has changed, or to which for any other reason the sign no longer applies.

B. Removal of Abandoned Signs. Signs, directories, menu boxes, take-away menu holders, and supporting brackets abandoned due to a closing of a business, change in the business name, or for any other reason shall be removed by the permit holder and/or owner of the building or premises within 10 days from the date of the action that

caused the sign or supporting bracket to be abandoned. The Director of the Department of Community Planning and Building shall determine when a sign or bracket is abandoned. The decision shall be sent by certified mail to the permit holder at his last known address and to the property owner as shown on the latest County Assessor's roll. An appeal may be filed within five days of receipt of a written notice of the decision. Said notice shall include.

1. A general description of the sign or bracket;

2. That the reasonable costs of removal, as well as an administrative charge, may be assessed in accordance with local ordinance and placed as a lien on the property;

3. That the assessments can be avoided by removal of the sign or bracket within 72 hours of the date of the notice;

4. That upon a finding of abandonment, written notification and removal of a sign located in the public right-of-way, the sign shall be held by the City for 15 days and then disposed of; and

5. Where the sign may be reclaimed for an abandoned sign removed from the public right-of-way.

The cost of removal of an abandoned sign and administrative charge shall be determined by City Council resolution.

Chapter 17.41 (RESERVED)

Chapter 17.42 Storm Water Quality and Utility

Sections:

17.42.1 Purpose.
17.42.2 Urban Runoff Water Quality and Discharge Management.
17.42.3 Special Permit.
17.42.4 Discharge of Swimming Pool Wastewater.
17.42.5 Storm Water Utility.

17.42.1 Purpose.

The provisions of this Section are intended to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in compliance with the Federal Clean Water Act (33 USC 1251 et seq.), by reducing pollutants in storm water discharges to the maximum extent practicable, by prohibiting non-storm water discharges to the storm drain system, and by managing the City's storm and surface water drainage system. Requirements of this chapter shall be implemented and enforced in accordance with schedule adopted as part of the National Pollution Discharge Elimination System Phase II permit (NPDES).

17.42.2 Urban Runoff Water Quality and Discharge Management.

A. Applicability. This Section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within the City.

B. Administration.

1. ***Responsibility for Administration.*** The Public Works Director shall administer, implement, and enforce the provisions of this Section. Any powers granted to or duties of the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City.

2. ***Regulatory Consistency.*** This Section shall be construed to ensure consistency with the requirements of the Clean Water

Act and Porter-Cologne Act, and statutes and regulations that amend or supplement those Acts.

3. ***Ultimate Responsibility of Discharger.*** The requirements of this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by that person. This Section shall not create liability on the part of the City, or any agent or employee of the City, for any damages that result from any discharger's reliance on this Section or any administrative decision in compliance with this Section.

C. Discharge Prohibitions.

1. ***General Prohibition.*** No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any other discharge to the storm drain system is prohibited, except for the following.

   a. The following types of discharges will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed in a manner approved by the Director of Public Works to ensure that no potential pollutants are present, and therefore are not considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or other provisions of this section: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; de-chlorinated swimming pool discharges; street wash waters; and flows from fire fighting.

b. This prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

c. With the written concurrence of the Regional Board, the City may grant a written exemption for other specific non-storm water discharges which are not a source of pollutants to the storm drain system nor the waters of the U.S. Notwithstanding the requirements of Subsection E.1 (Authority to Inspect), the Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

2. ***Illicit Connections.*** The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

a. The Public Works Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Section to eliminate or secure approval for the connection by a specified date.

b. If, subsequent to eliminating a connection found to be in violation of this Section, the responsible person can demonstrate that an illegal discharge will no longer occur, the person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the expense of the responsible person.

3. ***Waste Disposal.*** No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any liquids, powders, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that they may cause or contribute to water pollution. Wastes deposited in proper waste receptacles for the purposes of collection are exempted from this prohibition.

4. ***Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.*** Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

D. Regulations and Requirements.

1. ***Prevention, Control, and Reduction of Storm Water Pollutants.***

   a. *Authorization to adopt and impose best management practices.* The City will adopt a Storm Water Pollution Prevention Program (SWPPP) that includes the best management practices (BMPs) for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where best management practices requirements are promulgated by the City or any Federal, State, or regional agency for any activity, operation, or facility that would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking the activity or operation, or owning or operating the facility shall comply with these requirements. The Public Works Director will report to the Council annually on the status of implementation of BMPs, the pollutants of concern to

be addressed the next year, and any new BMPs to be developed.

b. *New Development and Redevelopment*. The City may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate these requirements in any land use entitlement and construction or building-related permit to be issued for the development or redevelopment.

c. *Responsibility to Implement Best Management Practices.* Notwithstanding the presence or absence of requirements promulgated in compliance with Subsections D.1.a and D.1.b, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement best management practices to the maximum extent practicable as determined by the Director of Public Works to prevent and reduce the pollutants.

   i. The owner or operator of a commercial or industrial establishment shall provide to the maximum extent practicable protection, as determined by the Director, from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses.

   ii. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

   iii. Best management practices required by the City can be obtained from the Public Works Department or the Community Planning and Building Department.

2. ***Watercourse Protection***. Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, stagnant pools of water and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse to the extent required by the Director of Public Works. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines to protect against erosion and degradation of the watercourse on-site and downstream.

3. ***Remediation.*** Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time in compliance with Subsection F. (Enforcement).

E. Inspection and Monitoring.

1. ***Authority to Inspect.*** Whenever necessary to make an inspection to enforce any provision of this Section, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Section, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

2. ***Authority to Sample, Establish Sampling Devices, and Test.*** During any inspection in compliance with this Section, the

Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

F. Enforcement.

1. ***Violations.*** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of or failure to comply with any of the requirements of this Section shall constitute a misdemeanor. Such persons may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Section may also include written notice to the violator of this potential liability.

2. ***Notice of Violation.*** Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Section, the Public Works Director may order compliance by written notice of violation to the responsible person. The notice may require without limitation:

   a. The performance of monitoring, analyses, and reporting;

   b. The elimination of illicit connections or discharges;

   c. That violating discharges, practices, or operations shall cease and desist;

   d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

   e. Payment of compensation to cover administrative and remediation costs; and

   f. The implementation or maintenance of source control or treatment BMPs.

   g. Payment of a fine as determined by action of the City Council.

   If abatement of a violation and/or restoration of affected property is required the notice shall set forth a deadline within which remediation or restoration must be completed. The notice

shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director, with the cost of the work charged to the violator in compliance with subsection F.4 (Abatement by City).

3. ***Appeal.*** Notwithstanding the provisions of subsection F.6 (Urgency Abatement), any person receiving a Notice of Violation in compliance with subsection F.2 (Notice of Violation), may appeal the determination of the Public Works Director to the City Administrator. The notice of appeal must be received by the City Administrator within five days from the date of the Notice of Violation. Hearing on the appeal before the City Administrator or his/her designee shall take place within 15 days from the date of City's receipt of the notice of appeal. The decision of the City Administrator or designee shall be final.

4. ***Abatement by City.*** If the violation has not been corrected in compliance with the requirements in the Notice of Violation, or, in the event of an appeal in compliance with subsection E.3, within 10 days of the decision of the City Administrator upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

5. ***Charging Cost of Abatement/Liens.*** Within 30 days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the Council shall be set forth by resolution and shall be final.

   If the amount due is not paid within 10 days of the decision of the Council or the expiration of the time in which to file an appeal under this Section, the charges shall become a special

assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

6. ***Urgency Abatement.*** The Public Works Director is authorized to require immediate abatement of any violation of this Section that constitutes an immediate threat to the health, safety or well-being of the public. If the violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to the remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this Section shall not prevent City from seeking other and further relief authorized under this Section.

7. ***Compensatory Action.*** In lieu of enforcement proceedings, penalties, and remedies authorized by this Section, the Public Works Director may impose upon a violator alternative compensatory actions, including storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

8. ***Violations Deemed a Public Nuisance.*** In addition to the other enforcement processes and penalties provided by this Section, any condition caused or permitted to exist in violation of any of the provisions of this Section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a the City may take civil action to abate, enjoin, or otherwise compel the cessation of the nuisance.

17.42.3 Special Permit.

In special circumstances, the Director of Public Works may issue a permit for the regular discharge of quantities in excess of two gallons per hour when, in his/her opinion the special circumstances so justify, as in the case of sump pumps used for the removal of water from the subareas of structures.

17.42.4 Discharge of Swimming Pool Wastewater.

Swimming pool wastewater and pond water shall be disposed of as provided for by regulation of the Carmel Area Wastewater District.

17.42.5 Storm Water Utility.

A. **Utility Created.** A Storm Water Utility is created as a City enterprise to operate, maintain and fund the City's storm and surface drainage system in accordance with the authority granted to the City by Government Code Section 54725 et seq. Utility functions include, but are not limited to, permitting, operating, maintaining, planning, designing, constructing, regulating, surveying, water quality testing and inspecting storm and surface water management facilities and programs.

B. **Management of the Storm Water Utility.**

1. The Public Works Director shall serve as Director of the Utility and shall be responsible for administering and managing the operations of the storm and surface water management system in accordance with the adopted NPDES permit and/or other provisions established by the City Council.

2. The City Council may adopt storm and surface water management programs or other regulations to facilitate operation of the Utility.

C. **Fees - Collection.** The City Council may establish a Storm Water Utility fee to be charged to users of the storm and surface drainage system, in accordance with the requirements of Article XIIID of the State Constitution (Proposition 218) and any associated legislation. The basis and the amount of the fee will be established as permitted by statute. The purpose of the fee is to offset the costs of the SWPPP and implementation of BMP's to improve the quality of the storm and surface water and the expense of planning, permitting, designing, establishing, acquiring, developing, constructing or improving storm and surface water management facilities or operations, or to pay or secure the payment of any indebtedness incurred for such purpose.

The Finance Director, in accordance with provisions set forth in the resolution establishing the basis and amount of the fee, shall collect any fee imposed pursuant to this chapter. The fees may be collected directly from users, or the collection may be contracted to other

public or private utilities in conjunction with their utility bills, or to the County as part of the property tax assessment.

Chapter 17.43 (RESERVED)

Chapter 17.44 Subdivisions and Lot Line Adjustments

Sections:

17.41.1 Purpose.
17.41.2 Applications.
17.41.3 Standards and Criteria for Review.
17.41.4 Approval of Applications.
17.41.5 Appeal.

17.44.1 Purpose.

The purpose of this chapter is to ensure compliance with zoning and building laws and to provide a procedure for approving subdivisions and making lot lines adjustments consistent with the laws of the City, County and State.

17.44.2 Applications.

A. Applications for subdivisions or lot line adjustments shall be submitted to the Director of the Department of Community Planning and Building and shall include the following information plus additional information required by the City:

1. Legal description of all lots involved;

2. Names, addresses and telephone numbers of all owners of each lot, parcel or property involved;

3. Names, addresses and telephone numbers of all applicants;

4. A title search and a copy of all easements, deed restrictions or other instruments controlling use, rights or ownership of all properties involved;

5. A Tentative Record of Survey Map or a Tentative Parcel Map for subdivisions or where a proposed lot split might lead to the creation of additional building sites showing the location of all existing lot lines and all proposed lot lines, which map, when final, shall meet all the requirements for filing with the Monterey County Recorder;

6. A Zoning and Building Data Map which may be a copy of the record of survey map, drawn to scale, showing all existing buildings, all existing driveways, all proposed driveways, all proposed parking places (garages, pads, etc.), all existing fences and retaining walls, all existing decks and all existing trees having a diameter three feet above the ground of greater than three inches. This map may be provided on two separate sheets for existing conditions and proposed conditions if this would be more clear;

7. A contour map, if requested by the Director of the Department of Community Planning and Building.

B. A tentative record of survey map is required to be filed with the application in recognition of the possibility that the map will have to be changed before approval is granted. The applicant may file with the application a record of survey map ready for filing with the County Recorder but s/he does so at his own risk. The zoning and building data map is to be filed separately because the information on it is not required for a record of survey map.

17.44.3 Standards and Criteria for Review

The following conditions and standards and criteria for review shall be considered when evaluating all lot line adjustment applications:

A. No subdivision or lot line adjustment shall be approved which increases or creates a zoning nonconformity. All lots and sites created shall comply with minimum standards established for the zoning district which the property is located.

B. No subdivision or lot line adjustment shall be approved which increases or creates a zoning violation or any other kind of illegality.

C. No lot line adjustment shall be approved that could lead to the creation of an additional building site unless a parcel map is prepared. For example if the minimum lot size is 4,000 square feet and there are two adjoining lots, one of which is 7,000 square feet and another of 5,000 square feet, no lot line adjustment shall be allowed which would result in one lot of 8,000 square feet and one lot of 4,000 square feet because the newly created lot of 8,000 square feet could possibly be divided into two lots of 4,000 square feet.

D. Until there is sufficient water allocated in the City's water management program to provide for development of all existing lots of record within the City no subdivision or lot line adjustment application shall be approved that would result in the creation an additional lot of record, parcel, or building site if such creation would increase the demand for water resources.

E. Approval of a subdivision or lot line adjustment shall be conditioned upon all zoning requirements being met on all lots involved in the subdivision or lot line adjustment. The Planning Commission may expect preexisting zoning nonconformities from this requirement if compliance is determined not to be in the public interest or contrary to the General Plan.

F. If, when curing a nonconformity or illegality that would be created by a lot line adjustment, one side of a building must be moved because it is too close to the proposed new line, another side of the building which is nonconforming shall not be required to be conformed unless the building is moved, demolished, or rebuilt.

G. Lot line adjustments increasing the average length of frontage on public streets for each lot involved in the lot line adjustment shall be encouraged.

H. Lot line adjustments tending to straighten lot lines shall be encouraged.

I. Lot line adjustments tending to cause lots to be more rectangular in shape shall be encouraged.

J. Where, in the opinion of the Planning Commission, curing of existing nonconformities is deemed reasonable when considering the public health, safety and welfare as well as the financial cost, the cure of such nonconformities shall be required.

K. Other conditions may be required as the City deems reasonable and proper for the protection of the public health, safety and welfare.

L. Where a subdivision or lot line adjustment will result in or lead to the relocation of driveways or parking places on private property, the effect of such relocation on existing trees shall be taken into consideration and conditions reasonably related to the protection of existing trees and the location of driveways and parking places shall be established. No subdivision or lot line adjustment shall be approved

that would require removal of a significant tree or create a building site that would not be viable without removing one or more significant trees.

M. All subdivisions and lot line adjustments approved shall comply with the minimum lot or parcel sizes established for the zoning district where the property is located.

N. Subdivisions and lot line adjustments resulting in the creation of additional building sites shall be approved only when consistent with the general pattern of lot sizes found in the immediate neighborhood (within 300 feet of the site) and when significant vegetation and other environmental resources on the site will be protected.

O. When determined to be consistent with the General Plan/Coastal Land Use Plan, approval of subdivisions and lot line adjustments shall include easements for protection of natural resources and/or coastal resources, including but not limited to, scenic views, sensitive habitats, wetlands and coastal accessways. When establishing new lots and/or lot boundaries the decision making body shall consider the physical constraints and biological constraints of the property and ensure that there will be sufficient buildable area to allow reasonable development on each lot affected after deducting areas limited by easements, slopes and other factors.

17.44.4 Approval of Applications.

Applications for lot line adjustments or the filing of merger documents resulting in the consolidation or merger of existing lots of record, or consolidating or merging combinations of existing lots and lot fragments, to create larger whole lots of record in the R-1 District, may be approved by the Director of Community Planning and Building. All other applications for subdivisions and lot line adjustments shall require review for approval by the Planning Commission. Applications for subdivisions and lot line adjustments resulting in the creation of additional lots or record or additional parcels, including condominiums, shall require a coastal development permit. The City shall follow all applicable procedures in the Subdivision Map Act when processing any application for subdivision or lot line adjustment.

A. **Certification Letter.** The Planning Commission may request a report from the Director of Public Works and the City Forester before approving an adjustment. Upon approval of a lot line adjustment by the Planning Commission, the Director of the Department of

Community Planning and Building shall certify by letter the fact of approval. The certification letter shall be sent to the applicant. A copy of the certification letter and the final record of survey map or parcel map shall be sent by the Director of the Department of Community Planning and Building to the County Surveyor or other appropriate County official.

B. **Denial.** If the request for the subdivision or lot line adjustment is denied, the Director of the Department of Community Planning and Building shall send a denial letter to the applicant.

17.44.5 Appeal.

Appeal from a decision of the Planning Commission shall be in accordance with Chapter 17.54: Appeals of this title.

Chapter 17.45 (RESERVED)

Chapter 17.46 Telecommunications and Wireless Facilities.

Sections:

17.46.1 Purpose.
17.46.2 General Development Standards.
17.46.3 Field Strength.
17.46.4 Site Location.
17.46.5 Design Review.
17.46.6 Noncompliance with Health or Safety Standards.
17.46.7 Termination or Abandonment..

17.46.1 Purpose.

The purpose of this chapter is to establish comprehensive requirements and development standards for the siting, design, construction, maintenance and monitoring of wireless communications facilities in Carmel-by-the-Sea. The regulations contained herein are designed to promote public health, safety and community welfare, preserve the natural resources and scenic quality of Carmel-by-the-Sea and protect the health and character of the City's residential neighborhoods while encouraging managed development of telecommunications infrastructure and services throughout the City.

The provisions of this section are intended to:

A. Comply with all applicable goals, objectives and policies of the General Plan.

B. Minimize adverse aesthetic impacts associated with wireless communications facilities in all districts.

C. Comply with all Federal Communications Commission rules, regulations and standards.

D. Comply with the California Public Utilities Commission regulations and standards.

E. Protect the citizens of Carmel-by-the-Sea from the possible adverse health effects associated with exposure to high levels of radio frequency radiation.

F. Create and preserve telecommunication facilities that will serve as an important and effective part of Carmel-by-the-Sea's emergency response network.

G. Insure that the operation of new facilities will not cause interference with existing nearby facilities such that the existing facility would be required to increase its source of power or other equipment to continue proper service.

17.46.2 General Development Standards.

A. Wireless communications facilities shall be allowed within all zones except the R-l district. Such facilities shall be discouraged in open space areas, areas of extraordinary scenic quality and in the R-4 district.

B. A conditional use permit shall be required for the installation and operation of all wireless communications facilities except as provided below in subsection E. In reviewing applications for such permits, the Planning Commission shall establish reasonable conditions so as to implement the purpose, provisions and intent of this section.

C. All aboveground wireless communications facilities shall be subject to design review approval by the Planning Commission.

D. All applications for the establishment or modification of wireless communications systems shall conform to submittal standards as established by resolution of the Planning Commission. Applications shall provide sufficient information to make clear:

1. The relationship of the local wireless communications system to the regional system. This shall include the method of linkage (wireless transmission, land line) and the location of other established primary links in the regional system;

2. The service area to be covered by the local system facilities;

3. Alternatives to the proposed antennae sites including opportunities for co-location;

4. The visual impacts of the proposed local system and each local alternative site; and

5. Baseline radio field strength conditions at the frequency range of the proposed wireless communication facilities as found throughout the City prior to establishment of the proposed system.

E. The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this section:

1. A ground or building-mounted citizens band radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post does not exceed zoning district height requirements of the zoning district;

2. A ground, building, or tower-mounted antenna operated by a Federally licensed amateur radio operator as part of the Amateur Radio Service, provided, that its maximum height does not exceed the height requirements of the zoning district;

3. A ground or building mounted receive-only radio or television satellite dish, which does not exceed 18 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided, the height does not exceed the height of the ridgeline of the primary structure on said parcel and the dish is not visible from the street; and

4. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

F. All power lines and wire-based communication lines to and from a wireless communications facility shall be undergrounded.

G. Providers of telecommunications services shall ensure that emergency communications services are available to the City on a priority basis in the event of a disaster or emergency. If telecommunications systems are rendered inoperable by a disaster, providers shall work with the City's Emergency Operations Center to restore or provide substitute communications systems as quickly as possible. Telecommunications providers should not interfere with any City emergency service communications system.

17.46.3 Field Strength.

Prior to the issuance of building permits, the approved telecommunications carrier shall submit an installation test plan for approval by the Department that describes the type of testing that will be performed in order to verify that operation of the facility will remain compliant with its licensing specifications and will not create adverse frequency impacts resulting in health hazards or interference with exiting wireless facilities, network communications, computers, appliances, etc. in the vicinity. Upon activation, the approved telecommunications carrier shall submit the test results to the Department of Community Planning and Building. The City may require an approved carrier to conduct frequency testing at any time and report results to the City.

17.46.4 Site Location.

A. Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the community. Facilities shall be integrated to the maximum extent feasible into the existing characteristics of the site and surrounding area.

B. Co-location is encouraged when it will decrease visual impact.

C. Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or negatively affect important public or private views as determined by the Planning Commission. Wireless communications facilities are discouraged in the public right-of-way.

D. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.

E. Wireless communications facilities shall not be located in any required setback area of the zoning district in which it is located; all setbacks shall be measured from the base of the tower or antenna structure closest to the applicable setback line.

17.46.5 Design Review.

All wireless telecommunications systems shall be subject to design review approval by the Planning Commission. The following criteria shall be used in evaluating proposed installations:

A. **Minimum Visibility.** Opportunities for installations that preclude public view of antennae and support facilities shall be studied by the applicant as part of each application. The Planning Commission shall encourage installations that use:

1. Antennae and support equipment attached directly to existing buildings in an architectural manner that causes the equipment to be visually indistinguishable from the underlying architecture;

2. Antennae and/or equipment located behind parapet walls or on roof areas not visible to the public from adjacent areas;

3. Associated equipment (vaults, equipment rooms, utilities and equipment enclosures) that is located inside existing buildings or located underground.

B. **Approved Color.** All antennae, support facilities, ancillary buildings, towers, poles and other components of a wireless telecommunication installation that remain visible to the public shall be of a color approved by the Planning Commission. If the commission determines that the facility requires paint, it shall be initially painted with a flat paint color sample that is authorized for trial use at the site by the commission.

C. **Screening or Camouflage.** All ground mounted equipment, antennas, poles or towers shall be screened or camouflaged by existing development, topography or vegetation to the extent feasible. Additional new vegetation or other screening may be required.

D. **Required Materials.** Towers and monopoles shall be constructed of metal or other nonflammable material, unless specifically conditioned by the Planning Commission to be otherwise. Antenna and support structures shall be maintained to the satisfaction of the Public Works Director.

E. **Support Facilities.** Support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of nonflammable, non-reflective materials. Support facilities that cannot be located within existing buildings or underground shall either be located out of public view or shall be enclosed in an architecturally compatible structure on private property.

F. Monitoring. The provider/operator of each wireless telecommunications system located within the City shall be responsible for maintaining the facility in a safe manner, complying with the field strength monitoring requirements in Section 17.46.3 above, and complying with all applicable Federal, State, regional and local health and safety standards.

17.46.6 Noncompliance with Health or Safety Standards.

Upon notification of violations of any standard, the provider/operator shall have 10 calendar days to correct the violation. Failure to comply within this limit shall be cause for the revocation of the use permit authorizing the facility and cause for requiring its immediate removal. The City Building Official, City Fire Marshal and County Environmental Health Officer shall each have independent authority to require an immediate cessation of facility operations at any time if continued operations pose a significant and immediate threat to public health or safety. Any facility found to be out of compliance with standards shall, upon correction of the condition, provide adequate funds to the City to allow for separate, independent verification of compliance by a licensed professional.

17.46.7 Termination or Abandonment.

Wireless communications service providers and property owners of site containing wireless facilities shall be responsible for removing unused or abandoned equipment within six months of termination of use or abandonment. The site of any wireless communication facility shall be restored to its natural state by the provider or property owner within six months of termination of use or abandonment of wireless communications facilities on the site.

Chapter 17.47 (RESERVED)

Chapter 17.48 Trees and Shrubs

[This chapter is a duplicate of Title 12, Chapter 12.28.]

Sections:

17.48.1 Purpose.
17.48.2 Policy Statement.
17.48.3 Exemptions.
17.48.4 Emergencies.
17.48.5 Required Permits.
17.48.6 Permit Applications.
17.48.7 Findings Required for Significant Trees.
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**For statutory provisions on the planting of trees along public streets, see Streets and Highways Code § 22000 et seq; for provisions authorizing cities to declare and abate nuisances, see Government Code § 38771 et seq.*

17.48.1 Purpose.

The City Council finds that in order to preserve windbreaks, reduce soil erosion, and preserve the natural beauty of the City's urbanized forest, it is necessary to maintain the extent and health of the dominant Monterey Pine forest, along with other native tree species and adopts this chapter in the interest of public health and safety.

17.48.2 Statement of Intent.

In establishing a forest management program and adopting these regulations, the City intends to foster a vibrant and healthy mixed-specie, urbanized forest. Where tree removal is approved at the request of a property owner or occupant, another tree should be planted in a suitable location, whenever good forestry practice so dictates. It is further intended that City approval of requests for tree trimming or tree removal should be based on protecting public safety and preserving the health of the tree. The City does not trim or remove trees in order to improve the view of any person, including the applicant except to preserve a significant public view identified in the General Plan/Land Use Plan.

17.48.3 Exemptions.

The City is exempt from the provisions of Chapter 12 (commencing with Public Resources Code Section 25980), Division 15 of the Public Resources Code which chapter is known as the "Solar Shade Control Act." The provisions of this chapter also shall not apply to the cutting or trimming of trees or shrubs in the following circumstances:

A. When necessary for the construction of streets or buildings on public property;

B. When determined by the Chief of Police to be necessary for traffic safety; or

C. When ordered by the City Council.

17.48.4 Emergencies.

The requirements of the chapter may be suspended, waived, or altered by the City Forester, in the case of a natural emergency such as a windstorm, earthquake, or flood.

17.48.5 Required Permits.

A. Trees on Private Property.

1. ***Trees on Vacant Lots or Lots Planned for New Construction, Alterations, or Rebuilding.*** If remodeling, rebuilding or new construction is undertaken within six months from the cutting down of a tree, it shall be presumed that the tree was removed

for remodeling or rebuilding. On a vacant lot or any lot on which any existing building is to be altered, rebuilt or demolished and replaced, a tree removal permit shall be required for the following trees.

a. Removal, replacement, cutting down, or destruction of any tree identified on the Carmel-by-the-Sea Recommended Tree List (see LUP Appendix G: Forest Management Plan) having:

i. An average diameter of greater than two inches; or

ii. A circumference greater than six and one-fourth inches, measured at a point four and one-half feet above the ground level.

b. Any alteration of a tree that would remove:

i. Roots greater than two inches in diameter; or

ii. Live limbs greater than four inches in diameter.

2. ***Removal of Pine, Redwood, Oak, and Cypress Trees When Not Related to Construction.*** A tree removal permit shall be required for the removal, replacement, cutting down, or destruction of any pine, redwood, oak, or cypress tree having:

a. A diameter equal to or greater than four inches measured at a height 4.5 feet above the ground; or

b. A circumference greater than 19 inches.

3. ***Removal of Other Tree Species When Not Related to Construction.*** A tree removal permit shall be required for the removal, replacement, cutting down, or destruction of any species of tree capable of growing to a minimum of 25 feet in height growing on private property and having:

a. A diameter equal to or greater than 10 inches; or

b. A circumference greater than 32 inches.

B. Trees on Public Property. Any person desiring to remove or prune any portion of a tree or shrub, except Genista, growing in or upon any public street, way, park, or place within the City, or any person

desiring to cut any wood, foliage, or roots from any tree on private property when more than one-half of the basal cross-sectional area of such tree is on City property, shall file an application for a permit consistent with Section 17.48.6: Permit Applications. If, in the opinion of the City Forester, the tree or trees should be removed because of disease, infestation, or clear and present danger to persons or property, the trees shall be removed at City's expense.

17.48.6 Permit Applications.

Applications for tree removal permits shall be submitted to the City on forms provided by The City Forester. There shall be a fee for this permit as established by resolution of the City Council.

A. **Review Procedures.** Following submittal of a permit application, the City Forester shall:

1. Review all trees on the site and in the adjacent right of way. All trees shall be classified as significant, moderately significant or nonsignificant. All significant trees shall be documented by preparing a Significant Tree Evaluation Worksheet (see Appendix B to this title). The City Forester shall make a determination whether a significant tree is involved based on the evaluation in the Worksheet.

2. The classification of all trees shall be provided to the applicant. The City Forester shall place any appealed application on an agenda of the Forest and Beach Commission, which shall act as provided for in CMC 2.32.

3. The applicant may appeal a determination by filing a written notice of appeal within 10 days of the transmittal of the tree determinations. The City Forester shall give notice to the applicant of the time and date of the meeting at which the application on appeal shall be considered and of the final action by the Forest and Beach Commission.

4. ***Significant Trees.***

   a. Applications to remove significant trees are subject to the findings in Section 17.48.7.

5. *Nonsignificant Trees.*

a. *Not Related to Construction.* Approval of a permit to remove nonsignificant trees, not related to construction shall be determined by the City Forester. The City Forester's determination may be appealed to the Forest and Beach Commission consistent with the procedures in Section 17.48.6.A(3).

b. *Related to Construction.* Approval of a permit to remove nonsignificant trees that are related to construction shall be determined by the Forest and Beach Commission, based on the Commission's "Tree Removal Criteria" checklist.

B. **Removal without Posting.** In exceptional circumstances in which it would cause substantial loss or danger to delay removal until the Forest and Beach Commission's next meeting, the City Forester may approve removal without the required posting, providing such approval unquestionably conforms to the policy and the practice of the Forest and Beach Commission. The Forester will report permit actions at the next meeting of the Forest and Beach Commission.

C. **Required Reports.** The City Forester will report her/his action at the next meeting of the Forest and Beach Commission.

D. **Conditions of Approval.** The City Forester or Forest and Beach Commission may condition a permit on replacement trees being planted at a place, of a species and of a size designated by the City Forester or Forest and Beach Commission. The person requesting the permit may also be required to pay the cost of obtaining and planting the replacement trees.

E. **Permit Limitations.** Any permit granted under this chapter is nontransferable and shall expire one year from date of issuance. In the event a permit for tree removal is granted, in order to enable the applicant to carry out some project of development or improvement of her/his property, such permit shall be effective only in connection with the issuance of a valid building permit.

17.48.7 Findings Required for Significant Trees.

A. **Not Related to Construction.** When not related to construction or development, removal of significant trees is prohibited unless

authorized by the Forest and Beach Commission consistent with the following finding:

1. That the tree is causing substantial damage to a building that cannot readily be repaired or alleviated on a long-term basis, through reasonable building modifications.

B. Related to Construction. Removal of significant trees to facilitate construction or development is prohibited unless one of the two following findings is met:

1. That removal of the tree is required to protect public health or safety; or

2. That the following four conditions exist

   a. The existing site is vacant or is developed to an extent less than one-third of the base floor area allowed by the zoning applicable to the site; and

   b. The available land area of the site not occupied by significant trees (including land within six feet of the trunk of significant trees) does not adequately and practically provide space for development of at least one-third of the base floor area allowed by the zoning for the site; and

   c. The issuance of a variance for development in one or more setbacks has been considered and would not provide a remedy or would be inappropriate; and

   d. Failure to authorize removal of the tree(s) would deprive the owner of all reasonable economic use of the property.

17.48.8 Tree Removal and Replacement.

A. Tree Replacement. When tree replacement is required by this Chapter, the following requirements apply.

1. ***Location.*** Replacement trees shall be planted on site unless the City Forester recommends that replacement trees be located in the public right of way or in an adjacent park/open space area.

2. ***Tree Quantity.*** The number of replacement trees required when approving tree removals shall be based on the size of the lot, as listed in Table 17.48-A and the characteristics of the surrounding neighborhood. In some areas fewer trees or only lower canopy trees may be most appropriate.

TABLE 17.48-A: RECOMMENDED TREE DENSITIES

Lot Size (Square Feet)	*Upper Canopy Trees*	*Lower Canopy Trees*
0 – 4,000	3	1
4,001 – 6,000	4	3
6,001 – 8,000	5	4
Over 8,000	As determined by the Forest and Beach Commission	As determined by the Forest and Beach Commission

3. ***Tree Species.*** Replacement trees shall be the same species as the removed tree or another species listed on the Tree Species List and as approved by the City Forester.

4. ***Tree Quality.*** Replacement trees shall be of substantial size, caliper, and height to produce an immediate visual impact and reduce the incidence of unauthorized removal. Replacement trees shall be a minimum 24" box size except for Monterey pines which shall be a minimum 15-gallon size. Larger sizes may be required by the Forest and Beach Commission, the Planning Commission or the Design Review Board based in specific design considerations applicable to the project. The City Forester may authorize the use of smaller sizes when trees meeting these standards, or meeting specific conditions of approval, are unavailable.

5. ***Monitoring and Maintenance.*** Replacement trees shall be recorded and monitored for at least five years to ensure their establishment and growth to maturity, and may be inspected by the City to ensure adequate maintenance. Replacement trees that do not survive or are removed shall be replaced at the owners expense.

17.48.9 Prohibitions.

A. When not related to construction or development, removal of significant trees is prohibited unless authorized by the Forest and Beach Commission consistent with findings in Section 17.48.7: Findings Required for Significant Trees.

B. Removal of any significant tree as determined by the City Forester using the adopted Significant Tree Evaluation Worksheet (see Appendix B) to facilitate residential development is prohibited unless necessary to provide a viable economic use or protect public health and safety.

17.48.10 Planting Trees.

All trees shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy growth. Before planting, a tree's growth characteristics shall be considered to minimize conflicts with views, lighting, infrastructure, utilities, or signage.

A. **Planting Specifications.** Required trees may be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the rootball remains even with or slightly above the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material shall be removed when the tree is stable and established. Construction debris shall be kept clear from the planting area.

17.48.11 Protection of Trees During Construction.

For the purpose of safeguarding trees during construction, demolition or tree removal, the following conditions shall apply to all trees other than trees for which a removal permit has been issued:

A. **Protection of Existing Trees.**

1. Prior to the commencement of construction, demolition or tree removal, all trees on the building site shall be inventoried by the owner or contractor as to size, species and location on the lot, and the inventory shall be submitted on a topographical

map to the Building Official. This condition may be waived by the Building Official for tree removal and minor demolition.

2. Damage to any tree during construction, demolition or tree removal shall be immediately reported by the person causing the damage, the responsible contractor or the owner to the City Forester, and the contractor and/or owner shall treat the tree for damage in the manner specified by the City Forester.

3. Oil, gasoline, chemicals and other construction materials shall not be stored within the dripline of any tree. All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees. Grading ruts and fills around significant trees shall be limited to areas outside the root projection zone identified by the City Forester in any preliminary site assessment (see Chapter 17.58: Design Review.) Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering or ponding. No wires, signs or other similar items shall be attached to trees. Cutting and filling around the base of trees shall be done only after consultation with the City Forester, and then only to the extent authorized by the City Forester. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree, or uphill from any tree where such substance might reach the roots through a leaching process.

4. The property owner/contractor shall erect protective barricades around all trees on a private building site. These barricades shall be in place prior to the start of any construction or demolition activities. Barricades shall be upright, two-inch by four-inch planks standing a minimum of eight feet vertically, conforming to the tree, tied with wire or rope forming a maximum of one inch space between the planks. If the tree's configuration or site conditions do not lend themselves to the installation of this type barricade, the City Forester will designate alternate tree protection methods. Under certain conditions where soil compaction is probable, fences may also be required around a tree or grouping of trees. The use of recycled lumber, synthetic lumber or similar materials approved by the City Forester for tree protection is encouraged.

5. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

6. Trimming cuts shall conform to arboricultural standards and shall be made along the branch bark ridge.

7. Prior to the start of any construction or demolition activities, the property owner/contractor is required to spray or have a certified applicator spray the lower six feet of all pine tree trunks with a pesticide approved by the California Department of Food and Agriculture for the treatment of bark beetles.

8. The property owner is responsible for care of all trees that are to remain on the site. This includes the treatment of bark beetles as designated by the City Forester.

9. Failure to protect or maintain trees on construction/demolition sites is a violation of the municipal code and grounds for suspension of the building permit.

B. Protection of Trees to be Planted.

Trees required to be kept on a building site and trees required to be planted as a condition of tree-removal permit approval shall be maintained according to accepted arboricultural practices for a minimum of five years from the completion of construction or the date that the tree is planted.

1. At no time shall these trees be moved without the issuance of a valid permit.

2. Nothing contained in this section shall be deemed to replace or revoke any requirements for the safeguarding of trees found elsewhere in this municipal code or in the ordinances and procedures of the City.

17.48.12 Tree Maintenance and Trimming

A. Trees on Private Property. The property owner is responsible for the maintenance and trimming in accord with this chapter.

B. Trees Partially on Private Property. When more than one-half of the basal cross-sectional area of a tree is on private property and the

remainder on City property, the City shall not prune wood, foliage, or roots except when:

1. In the opinion of the City Forester such cutting would not threaten the survival of the tree nor endanger public health and safety, nor endanger the health and safety of the property owner; and

2. Permission has been granted by the property owner concerned.

17.48.13 Diseased Trees and Nuisances.

A. **Trees on Private Property.** Any trees, shrubs and other plants growing on private property, when infested by any insect or infected by any disease threatening the life of same, or which by reason of such infestation or infection endanger the life or growth or healthful existence of other trees, shrubs or other plants within the City not so infested or infected, or any trees determined by the City Forester to be a clear and present danger to persons or property, may be declared, by resolution of the City Council, to be a public nuisance and thereafter abated as provided for in this chapter.

B. **Trees on Public Property**. Any tree, shrub or other plant growing on City property, when infested by any insect or infected by any disease threatening the life of same, or which by reason of such infestation or infection endangers the life or growth or healthful existence of other trees, shrubs or other plants within the City not so infested or infected, or any trees determined by the City Forester to be a clear and present danger to persons or property, shall be removed as directed by the City Forester.

C. **Nuisance Abatement.** Following the City Forester declaration that a tree is diseased or a nuisance and shall be removed, the following is required.

1. ***Notice to Owner.*** Immediately upon determination by the City Forester that any tree, shrub or other plant is a nuisance, s/he shall cause a copy of this chapter to be sent by certified mail to the last address of record of the property owner concerned, together with a notice setting forth the details of the nuisance and the requirement of its abatement, advising the owner of the property that the nuisance shall be abated by the owner within 30 days if the City is not to proceed with the further steps set forth in this chapter.

2. ***Notice to City Council.*** In the event the nuisance is not abated by the property owner or her/his agent within the specified time, the City Forester shall forward to the City Clerk a request for resolution by the City Council, indicating that adequate notice has been given the property owner concerned and that the nuisance still exists.

3. ***Nuisance Hearing.*** The City Clerk shall place on the agenda of the next regular meeting of the City Council a resolution declaring diseased trees, shrubs or other plants to be a nuisance and setting a hearing thereon. The Clerk shall cause a copy of the resolution to be mailed to the property owner at least 10 days prior to such hearing.

   a. *Notice of Public Nuisance - Posting.* After the passage of such resolution, the City Forester shall cause to be conspicuously posted on the property upon which such public nuisance is alleged to exist not less than three notices headed "Notice to Abate Public Nuisance," such heading to be in letters not less than one inch in height and substantially in the following form. The notices shall be posted at least five days prior to the time for hearing objections to the abatement of such public nuisance.

4. ***Council Decision.*** At the time stated in such notices, the City Council shall hear and consider all objections, if any, to the proposed removal, and may continue the hearing from time to time. Upon the conclusion of such hearing, the City Council shall have acquired jurisdiction to proceed and perform the work or removal, and the decision of the City Council on the matter shall be final and conclusive.

5. ***Abatement of Nuisance.*** After final action has been taken by the City Council, or in case no protests or objections have been received, the City Council shall by resolution order the City Forester to abate the nuisance by having any and all trees, shrubs, or other plants infected as aforesaid removed from the premises in question, and the City Forester, her/his deputies and assistants are expressly authorized to enter upon private property for such purpose. Any property owner shall have the right to have any such trees, shrubs, or other plants removed at the property owner's expense, providing the same is done prior to the arrival of the City Forester or her/his assistants to remove the same.

NOTICE TO ABATE PUBLIC NUISANCE Notice is hereby given that on the ____ day of _____, 19__, the City Council of the City of Carmel-by-the-Sea passed a resolution declaring that certain (trees, shrubs, or other plants) located upon (description of the property) are (infested with insects, infected with disease, or are a clear and present danger to persons or property), and that the same constitute a public nuisance which must be abated by the removal of the same, otherwise they will be removed and the nuisance abated by the City, in which case the cost of such removal shall be assessed upon the property from which such (trees, shrubs, or other plants) are removed, and such cost will constitute a lien upon such property until paid. Reference is hereby made to said resolution for further particulars.

Any person objecting to the proposed removal, as aforesaid, is hereby notified to attend the meeting of said City Council to be held in the Council Chambers at

City Hall at (time) on the ____ day of _____, 19__, when such objection will be heard and given due consideration.

Dated this ___ day of _____, 19__.

City Forester

City of Carmel-by-the-Sea

6. ***Cost of Abatement.*** The City Forester shall keep an account of the cost of abating such nuisance upon each lot, piece, or parcel of land, and shall submit an itemized statement thereof to the City Council at its next subsequent meeting thereafter, and shall forthwith mail a full and correct copy of such statement to the owner or owners of such premises, if known, to the owner(s)' last known place of residence. In the event that any such owner is unknown, the statement shall be posted on the bulletin board of City Hall for one week, giving notice when such statement will be submitted to the City Council for approval.

7. ***Assessment Against Owner.*** At the time for receiving and considering such statement, the City Council shall proceed to consider the same and the objections thereto, if any, and may raise, lower, or modify the amount alleged to be due therein.

The determination of the City Council thereon, as aforesaid, shall be final and conclusive, and the amounts of the cost of abating such nuisance upon the various lots or parcels of land mentioned in the statement shall constitute special assessments against the same, respectively, upon confirmation of such statement, a full and correct copy thereof shall be delivered to the Assessor for the City, and it shall be the duty of the Assessor to add the amounts set forth in such statement and charged against any lot, piece, or parcel of land, to the amount assessed against the same for municipal taxes and assessments, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary City taxes are collected, and such special assessments shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary municipal taxes.

17.48.14 Administration

A. Responsibilities of the City Forester.

1. ***Tree Inventory.*** The City Forester shall supervise the creation and maintenance of a tree inventory for the City of Carmel-by-the-Sea. The inventory shall be updated with the results of ground inspections every year. The results of this survey shall be presented to the Forest and Beach Commission, Planning Commission and Design Review Board annually.

2. ***Enforcement of Code.*** The City Forester shall:

   a. Supervise all tree cutting or pruning for which a permit has been granted.

   b. Cause to be removed all dead trees or shrubs from public property except in circumstances where all of the following conditions apply:

      i. The dead tree is a Monterey cypress located at beach level, on or adjacent to the beach (not at street level);

      ii. The dead tree does not present a clear and present danger to persons or property or can be supported by reasonable means, thus mitigating its clear and present danger; and

iii. The Forest and Beach Commission has determined that the dead tree is of substantial aesthetic value to warrant its preservation.

c. Cause to be removed or pruned any trees or shrubs for which such removal or pruning is ordered by the Forest and Beach Commission or the City Council or is required in connection with any public works project ordered by the City Council.

d. Review and act on applications for tree pruning and removal on all trees growing on public and private property using the adopted review criteria, except:

i. Applications for tree removal or tree pruning for construction purposes (Section 17.48.8: Tree Removal and Replacement).

ii. Applications for tree removal or pruning of any tree identified by the City Forester as significant (based on its species, health, size, character, age and location) shall be reviewed by the Forest and Beach Commission.

iii. Applications that, in the opinion of the City Forester, do not conform to the review criteria may be referred to the Forest and Beach Commission for review and action.

e. Report to the Commission sites that are non-conforming with standards for permeable surface site coverage or that have unlawfully installed site coverage when owners are applying for tree removal or pruning permits.

f. Ensure that all tree removals and pruning of trees on public property located in the Beach Overlay District are conducted exclusively by City personnel or under the direction of the City Forester.

B. **Responsibility of Building Official.** It shall be the responsibility of the Building Official to inform every applicant for a building permit of the restrictions of this chapter.

C. **Notice of Forest and Beach Commission Public Hearing.** Notice of public hearing shall be posted in a conspicuous place on, or immediately adjacent to, the subject property.

D. **Field Inspections.** Unless otherwise provided in this Section, all development subject to this Section may be inspected by the City Forester for conformance with the requirements of this Chapter and the tree removal permit.

E. **Certification of Compliance.** In addition to initial field inspection and certification by the City Forester, the land owner shall submit a Certificate of Compliance, in a form approved by the Director, as a condition of issuance of a Certificate of Occupancy or Certificate of Completion. This certificate shall be prepared and signed by a certified arborist and demonstrate that all of the provisions of this Section have been met. The certification statement shall appear on the certification report.

1. ***Field Verification of Certification.*** The City Forester may elect to conduct a field inspection to verify the Certificate of Compliance.

2. ***Acceptance of Certification.*** If no field verification is conducted by City Forester within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development.

F. **Appeals.** Any appeal from a decision of the Forest and Beach Commission shall be taken by filing a notice of appeal in writing in the office of the City Clerk prior to the close of the fifth day of business following the day of action by the commission. A fee, in an amount as established from time to time by resolution of the City Council, shall be charged for filing the appeal. Any notice of appeal shall set forth the specific ground or grounds upon which the appeal is taken. The signature of at least one signer of the appeal shall be verified before a person authorized under the laws of the State of California to administer oaths.

1. ***Duties of City Clerk.*** Upon the filing of such appeal, the City Clerk shall place the appeal upon the agenda of the next regular meeting of the City Council, unless the Mayor authorizes placing the matter on the agenda of an earlier meeting.

2. ***Determination by City Council.*** At the time set for hearing the appeal, the City Council shall proceed to hear and determine the same. The hearing may be continued, at the discretion of the Council, in order to obtain further facts or hear further witnesses. After initial hearing, the City Council may set a public hearing prior to making a determination. Any determination of the City Council shall be final and conclusive and not subject to further appeal.

17.48.15 Enforcement

A. **Violations.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of any of the provisions or failure to comply with any of the mandatory requirements of this chapter shall constitute an infraction.

B. **Penalties** Any person convicted of an infraction under the provisions of such sections shall be punishable by fine only as follows: Upon a first conviction, by a fine not exceeding $250.00, and for a second conviction or any subsequent conviction within a period of one year, by a fine not exceeding $500.00.

1. Cutting, removing, or pruning of trees on public property without a permit shall be a misdemeanor.

2. In addition to the penalties provided for herein, any violation of such sections may be addressed by civil action.

C. **Suspension of Permit.** Removal of trees, pruning or root removal without a permit shall be grounds for suspension of any permits granted for construction or demolition for a period of up to 90 days, said period of time to be determined by the City Forester. During the suspension period, the property owner or her/his designee shall make application to the Forest and Beach Commission to obtain the necessary permit. Upon the review of the application, the Forest and Beach Commission:

1. May require replacement trees to be planted upon completion of construction;

2. May require an amount of money equal to the value of the lost tree(s) to be deposited in a deposit account to be used for reforestation;

3. May, in the event a tree is damaged and the City Forester determines that it may die within one year, require a sum of money equal to the tree's value to be deposited with the City in a deposit account for a period of time not exceeding one year. If the tree dies during that period the City shall use the money for restoration. The City Forester shall determine the tree's value using criteria established by the International Society of Arboriculture.

Chapter 17.49 (RESERVED)

Chapter 17.50 Water Management Program

Sections:

17.50.1 Purpose.
17.50.2 Water Conservation.
17.50.3 Allocation of Water Resources.
17.50.4 Effects of Allocations.

17.50.1 Purpose.

The City recognizes a need to conserve and manage its water resources to achieve adopted land use planning objectives. The water resources of the City are presently derived from a water allocation system implemented by the Monterey Peninsula Water Management District. It is the purpose and intent of this chapter to establish a water management program that:

A. Reduces unnecessary water consumption in existing and new development;

B. Provides a process for dedication of the City's limited water resources in new development;

C. Establishes a process for determining the broad land use categories to be served through allocations of existing and future water resources available to the City; and,

D. Implements the General Plan and Coastal Land Use Plan.

17.50.2 Water Conservation.

Water conservation is an integral part of the City's water management program. Water resources available to the City are limited. In some cases, water conservation can increase the effective supply and allow development that otherwise would not be possible. Water conservation in new development can reduce the demand from each project and thereby increase the number of projects that can be served with available resources. It is the intent of this section to establish uniform standards for water conservation and to provide guidance on the manner in which conserved water is to be used within the City's total water management program.

A. **Uniform Standards for Plumbing Fixtures.** The use of water-conserving plumbing fixtures shall be required for all new construction. All existing plumbing fixtures within any building that do not comply with the adopted standards for water conservation shall be replaced with complying fixtures upon issuance of any building permit authorizing substantial construction. Standards for water-conserving plumbing fixtures and the criteria for when such fixtures are required are established in CMC Chapter 15.28.

B. **Landscaping Standards.** It is recognized that the irrigation of plants used in landscaping can consume large quantities of water. Proper design of irrigation systems and proper selection of plant species can significantly reduce water consumption while achieving a more natural appearance in community design through the use of native plants and other species habituated to the central coast. See landscaping standards contained in Chapter 17.34: Landscaping.

17.50.3 Allocation of Water Resources

A. **Allocation.** Following a public hearing, the City Council shall establish an allocation of water resources available for increased use by adopting an allocation resolution. The resolution shall define:

1. The remaining quantity of water available to the City including any new supplies made available since adoption of the last allocation resolution;

2. A list of defined land use or project categories for which water will be made available;

3. A discrete quantity of water, expressed in acre-feet, to be allotted for each defined land use category; and

4. A discrete quantity of water to be held as unallocated reserves.

B. **Planning Commission Review and Monitoring.** Before adoption of an allocation resolution, the City Council shall consider recommendations on the appropriate distribution of water to implement the General Plan and the Local Coastal Program as determined by the Planning Commission. Each allocation resolution shall reserve at least 10% of available water resources for projects that will create new affordable housing units for moderately low, low or very low income households. Each allocation resolution also shall ensure that water is reserved for anticipated projects serving coastal

recreation, access and essential public services. The allocation resolution shall remain in effect until replaced by a subsequent resolution containing the same information, and following the same process as outlined above. The Planning Commission should review water allocations for consistency with the General Plan and the Local Coastal Program on an annual basis and forward any recommendations for change to the City Council during the last month of each calendar year.

C. **Unallocated Reserves.** Water held in unallocated reserves shall not be used for any project or land use change until transferred to a defined allocation category. Such transfers shall be made by adopting a new allocation resolution as described in subsection (A) of this section. Reserves are intended to provide a means of adjusting water allocations to respond to changing conditions and General Plan policy. If new water resources become available to the City by action of the Monterey Peninsula Water Management District, they shall be placed in unallocated reserves administratively until distributed to other categories through adoption of a new allocation resolution.

17.50.4 Effects of Allocation.

The purpose and effect of establishing categories for the allocation of water supplies are to limit access to water to those categories that are consistent with the General Plan and the Local Coastal Program. No change in land use shall be allowed through any permit or license that could result in a net increase in water use unless such change has been approved in accordance with all applicable provisions of the water management program. In determining whether a project may result in a net increase in water use the rules and regulations of the Monterey Peninsula Water Management District shall be followed.

A. **Acceptance of Applications.** The Department of Community Planning and Building shall monitor the water allocations established by resolution of the City Council (Section 17.50.3: Allocation of Water Resources). Each proposed change in land use or project for which an application is submitted shall be evaluated to determine whether its approval could result in a net increase in water use as defined by the Water Management District. Projects involving no net increase in water use or that will create new housing affordable to moderate, low or very low income households may be accepted and processed without regard to water allocations. For projects that may result in a

net increase in water use, the following procedure shall be used by the department:

1. The project shall first be classified into one or more land use categories based on the type of project. (For example, a mixed-use project would be classified into both the commercial and multifamily residential categories.)

2. An estimate shall then be made of the net increase in water use that would result from the project within each land use category.

3. If the project would require water from a land use category for which no allocation has been made, the application shall be returned to the applicant and shall not be processed.

4. If the project would require more water from a land use category than currently remains, after considering the original allocation minus all existing pre-commitments and dedications, the application shall be returned to the applicant and shall not be processed or shall be denied. An exception shall be allowed if the project would create housing affordable to moderate, low or very low income households. In such cases, the project shall be processed and then put on a waiting list until water resources become available.

5. If the project requires water and there is a sufficient supply remaining in the allocation for each category affected by the project to fully meet the anticipated demand, the application may be accepted for processing after meeting all requirements for a complete application established by the City.

6. Upon acceptance of an application as complete by the department, a pre-commitment of water resources shall be temporarily assigned to the project during processing of the application. The department shall keep a record of the remaining balance of water within each allocation category and a running total of all temporary pre-commitments and dedications to ensure that applications are not accepted for processing for which water would be unavailable upon approval. For projects that are denied or abandoned, the pre-commitment shall be terminated and the water shall be administratively restored to its original allocation category.

B. **Approval of Applications.** Once an application for a project requiring water resources has been approved, the department shall permanently reduce the remaining balance within each allocation category affected by the project and shall issue a water release to the Monterey Peninsula Water Management District authorizing a debit to the City's water allocation. This action shall terminate the temporary pre-commitment of water resources and create a permanent dedication of water resources to the project, subject to all applicable time limits established in the permit or by the municipal code.

C. **Abandonment of Dedicated Water Resources.** Upon making a determination that a water release has expired without use, or that time limits applicable to a project have expired without implementation, all water previously dedicated to a project, but not used, shall be considered abandoned. All water abandoned or not used by such unimplemented projects shall be returned to the allocation category from which it originated and shall become available for use by subsequent projects. For projects that are implemented and water demand was overestimated, any remaining, unused water shall be credited back to the City's unallocated reserve. (Ord. 93-11 § 3, 1993).

Chapter 17.51 (RESERVED)

DIVISION V: PROCESSES AND AUTHORITIES

Chapter 17.52 Permit Procedures

Chapter 17.54 Appeals

Chapter 17.56 Restricted Commercial Uses

Chapter 17.58 Design Review

Chapter 17.60 Environmental Review

Chapter 17.62 Reclassifications and Amendments

Chapter 17.64 Findings Required for Permits and Approvals

Chapter 17.66 Enforcement

Chapter 17.52 Permit Procedures

Sections:

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17.52.2 Development Applications.
17.52.3 Duties and Powers of the Director.
17.52.4 Duties and Powers of the Design Review Board.
17.52.5 Duties and Powers of the Planning Commission.
17.52.6 Development Excluded from Coastal Permit Requirements.
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17.52.14 Notice of Non Appealable Development.
17.52.15 Time Limits on Approvals and Denials.
17.52.16 Director Approved Temporary Uses.
17.52.17 Emergency Coastal Permits.

17.52.1 Designation of Planning Agency.

In order to carry out its responsibility for planning and zoning, the City Council designates the Planning Commission as the planning agency of the City. The Planning Commission shall consist of five members, residents of Carmel-by-the-Sea and appointed by the Mayor with concurrence of the City Council.

17.52.2 Development Applications.

A. **Applications.** Any development activity subject to discretionary review and approval as established by this title shall require the filing of an application with the Director using forms and containing information as required by the City. Such application shall be

accompanied by required fees as established by resolution of the City Council. Decision-making bodies established by the City may initiate a proceeding leading to the issuance of a permit, and in such case no fee shall be required.

B. **Notice to Applicant.** The Director shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.

C. **Acceptance of Application.** Upon acceptance of the application as complete, the Director shall review the application and prepare the necessary staff analysis of the proposed project, including an initial environmental review, if required. The application and the accompanying staff analysis shall then be set for review and decision by the appropriate decision-making body.

D. **Permit Streamlining.**

1. Within 30 days of the date the City receives any application for a development permit as defined by State law, the Department shall review the application to determine if it is complete and provide written notification to the applicant. As part of the review for completeness, the Director shall determine:

    a. The design review track to which the project shall be assigned;

    b. Whether a public hearing is required;

    c. Whether the project is exempt from CEQA; and

    d. Whether the project is appealable to the Coastal Commission.

2. The review of development permit applications for projects that are not subject to environmental review or for which a negative declaration has been prepared and adopted shall be completed within 60 days of the date the application is complete. However, if the applicant modifies the application, or if the applicant submits a written request for a time extension, the maximum time period for review may be extended for up to 90 additional days.

3. The preparation and certification of the final Environmental Impact Report (EIR) for projects that are subject to environmental review or for which an EIR is needed, shall be completed within one year of the date that an application is accepted as complete. Upon the mutual consent of the Director and the project sponsor, this one year time limit may be extended once for a period of not more than 90 days pursuant to CEQA Guidelines Section 15108.

17.52.3 Duties and Powers of the Director.

The Director shall be responsible for implementing the Carmel-by-the-Sea General Plan and administering Title 17, "Coastal Implementation Plan and Zoning Ordinance," of the Carmel-by-the-Sea Municipal Code. The Director shall have the following power and responsibilities:

A. To approve all administrative permits issued pursuant to Title 17.

B. To determine the applicable land use classification(s) of existing and proposed uses.

C. To issue business licenses.

D. To approve a change in use, provided the proposed use is permitted without condition.

E. To determine applicable categories for the processing of development applications including whether a project is subject to requirements for development permits, and if so, whether the permit is appealable to the Coastal Commission. The Director's determination of coastal development permit category may be appealed in compliance with Chapter 17.52: Appeals, and California Code of Regulations Section 13569.

F. To approve the merger or consolidation of lots or lots and lot fragments pursuant to Section 17.10.4: Lot Mergers.

G. To make environmental determinations regarding the use of exemptions and whether environmental review is required for discretionary permits.

H. To administer Carmel-by-the-Sea's Water Management Program.

I. To review public works projects for consistency with Carmel-by-the-Sea's General Plan and "Local Coastal Program."

J. To ensure that development is executed and completed according to the approved plans and that all permit conditions and mitigations are fully implemented and carried out in a timely manner.

K. To ensure that public notice requirements are met for deliberation on all administrative permits and all permits to be issued by the Historic Resources Board, the Design Review Board or the Planning Commission.

L. To refer any decision to an appropriate higher level, including the Historic Resources Board, the Design Review Board, the Planning Commission, or the City Council.

M. To authorize temporary uses of private property in compliance with 17.52.16: Director Approved Temporary Uses.

N. To issue emergency coastal permits in compliance with Section 17.52.17.

17.52.4 Duties and Powers of the Design Review Board.

The Design Review Board shall have the following duties and responsibilities:

A. To conduct public hearings, review evidence and act on permit applications not reserved to the Planning Commission, Historic Resources Board or to the Director.

B. To act on Commercial District Design Review applications not involving any land use permit pursuant to Section 17.58.3: Commercial Design Review.

C. To act on Residential Design Studies for projects not involving any land use permit pursuant to Section 17.58.4: Residential Design Review.

D. To act on projects subject to Coastal Permit requirements pursuant to Chapter 17.58: Design Review, when such projects are within the categories listed above.

17.52.5 Duties and Powers of the Planning Commission.

The Planning Commission as the designated planning agency of the City shall have the following power and responsibilities:

A. To develop and maintain a General Plan.

B. To develop specific plans, master plans and area plans as may be necessary or desirable.

C. To periodically, at least once each fiscal year, review the capital improvement program of the City.

D. To determine the consistency of capital improvements projects and programs with the General Plan.

E. To prepare an annual report to the City Council on the status of the General Plan and progress in its application.

F. To interpret the meaning and intent of the City's land use code.

G. To hear and render decisions on appeals of discretionary decisions made by administrative officials.

H. To review environmental impact reports and initial studies.

I. To conduct public hearings, review evidence and determine requests for use permits, variances, lot line adjustments, subdivisions, rezones and land use code amendments.

J. To act on design review and design study applications for those projects involving issuance of a land use permit.

K. To act on projects subject to coastal permit requirements when such projects are within the categories listed above.

L. To review the Water Management Plan annually.

17.52.6 Development Excluded from Coastal Permit Requirements.

Pursuant to Section 30610 of the California Coastal Act and Title 14, Chapter 6, Subchapter 5 of the California Code of Regulations, the following forms of development are excluded from the coastal permit requirements of this chapter. Any determination that a project is excluded from coastal development permit requirements shall comply with Section 17.52.6: Development Excluded from Coastal Permit Requirements. Nonetheless, the City shall notify the California Coastal Commission of any discretionary development permit it issues for excluded forms of development in accordance with Section 17.52.14: Notice of Non-Appealable Development, of this Chapter.

A. **Improvements to Existing Structures or Site Designs Not Located in the Beach or ESHA Overlay Districts.** Improvements to existing structures or site designs not located in the Beach or ESHA Overlay District shall not require a coastal development permit, provided all the following requirements are met.

1. The structure or improvement is not located on a beach, in a wetland, seaward of the mean high tide line, or within a designated environmentally sensitive habitat area.

2. The improvement does not include any significant alteration of landforms as determined by the Director nor involve the removal of significant vegetation as determined by the City Forester.

3. The improvement qualifies for an administrative permit issued by the Director (per CMC Chapter 17.34) and is fully consistent with adopted Commercial, Residential and/or Public Way Design Guidelines applicable to the project.

4. The project does not involve alterations to, or demolition of, a historic resource that is included in the Carmel Inventory, that would be inconsistent with the Secretary of the Interior's Standards.

5. The project does not require issuance of, or amendment to, a conditional use permit for:

   a. Expansion, reconstruction or relocation of any motel;

b. Expansion of any commercial building in the CC, SC, RC or R-4 Districts per Section 17.12.3: Demolition and Rebuilding of Structures; or

c. Approval of any subdivision or lot line adjustment resulting in the creation of additional parcels, additional building sites or potential additional building site.

6. The improvement does not involve the expansion or construction of water wells or septic systems.

7. The project does not involve any increase in capacity of any public works facility nor the widening or realignment of any street.

8. A previous coastal development permit issued for the property does not require a new coastal development permit for the proposed improvement.

B. **Minor Improvements to Existing Structures and Site Designs within the Beach or ESHA Overlay Districts.** Minor improvements to existing structures and site designs located within the Beach Overlay District or the ESHA Overlay District shall not require a coastal development permit, provided that all requirements in subsection 17.52.6.A (1) through (5) are met and all the following additional requirements are met.

1. The improvement involves less than a 10-percent increase in existing floor area and/or less than a 10-percent increase in existing height. In no case shall this language be construed to allow increases in floor area or height that exceed the maximum allowed by residential development regulations contained in this Title.

2. An excluded improvement has not previously been undertaken after December 2003 that resulted in an increase in floor area or building height, or if such an excluded improvement has taken place, the combined total increase in interior floor area and/or building height does not exceed 10 percent of the original structure as it existed prior to the first excluded improvement. In no case shall this language be construed to allow increases in floor area or height that exceed the maximum

allowed by residential and commercial development regulations contained in this Title.

C. **Repair or Maintenance Activities.** Public and private repair and/or maintenance activities, except activities specified in subsection G: Replacement of Structures Destroyed by Disaster, that do not result in an addition to, or enlargement or expansion of, the object of those repair and maintenance activities, shall not require a coastal development permit, provided all the following requirements are met.

1. The activity does not include repair or maintenance of a seawall, revetment, bluff retaining wall, culvert, outfall, or similar shoreline work that involves:

   a. Repair or maintenance involving substantial alteration of the foundation of the protective work;

   b. The placement of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;

   c. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind, color or appearance; and

   d. The presence of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or with 30 feet of coastal waters or streams.

2. The activity does not include any repair or maintenance to facilities, structures, or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 30 feet of coastal waters or streams, that include:

   a. The placement or removal of rip-rap, rocks, sand, or other beach materials or any other form of solid materials; and

   b. The presence of mechanized equipment or construction materials.

D. **Yearly Maintenance of Carmel Beach Sand.** Pursuant to California Code of Regulations Section 13252 (c), and the certified LUP, the yearly maintenance of Carmel Beach to redistribute sand and cover protective structures with sand using mechanized equipment shall not require a coastal development permit.

E. **Planned Maintenance of Mission Trails Nature Preserve.** Maintenance, repair and improvement activities specified in the adopted Mission Trails Nature Preserve Master Plan shall not require a coastal development permit.

F. **Utility Connections.** The installation, testing, and placement in service or the replacement of, any necessary utility connection between an existing service facility and any development approved pursuant to this subdivision, shall not require a coastal development permit.

G. **Replacement of Structures Destroyed by Disaster.** The replacement of any structure, other than a public works facility, destroyed by a disaster shall not require a coastal development permit, provided the following requirements are met:

1. The replacement structure conforms to all applicable zoning requirements;

2. The use of the replacement structure is the same as the destroyed structure;

3. The replacement structure does not exceed either floor area, height, or bulk of the destroyed structure by more than 10 percent; and

4. The replacement structure is sited in the same location on the affected property as the destroyed structure.

H. **Temporary Events.**

1. Except as provided below, temporary events shall not require a coastal development permit unless the temporary event meets all of the following criteria:

   a. The event is held between Memorial Day and Labor Day;

b. The event will occupy more than two blocks of sandy beach area; and

c. The event involves a charge for general public admission or seating.

2. The Director may also exclude from coastal development permit requirements, temporary events meeting the criteria of Section 17.52.6.H (1) when:

   a. The event is one day or less in duration; or

   b. The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

3. The Director, or the Commission through direction to the Director, may determine that a temporary event shall be subject to Commission review and Coastal Development Permit requirements, even if the criteria in Section 17.52.6.H (2) are not met, if the Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:

   a. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

   b. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; and

   c. The event is scheduled between Memorial Day weekend and Labor Day and would significantly impact public use or access to coastal waters.

I. **Sign Installations and Modifications to Existing Signs.** The installation of new or replacement signs and modifications to existing signs shall not require a coastal development permit, provided the sign meets the requirements of the City of Carmel-by-the-Sea's Sign Ordinance and/or the certified Coastal Land Use Plan.

J. **Public Signs Located in Public Rights-of-Way.** Public signs located in public rights-of-way shall not require a coastal development permit.

K. **Subdivisions.** Tentative maps brought about in connection with the purchase of land by a public agency for recreational purposes that are consistent with Section 30106 of the Coastal Act shall not require a coastal development permit.

L. **Lot Line Adjustments**. Lot line adjustments not resulting in a net increase in the number of building sites or potential building sites shall not require a coastal development permit. The filing of merger documents to merge lots of record or to merge lots and lot fragments into larger whole lots of record in any R-1 District shall not require a coastal development permit.

M. **Conditional Use Permits.** The issuance of conditional use permits shall not require a coastal development permit unless the permit involves one or more of the following:

1. Alteration of any nonconforming use or nonconforming structure;

2. Expansion, reconstruction or relocation of any motel; and/or

3. Expansion of any commercial building in the CC, SC, RC or R-4 Districts per section 17.14.5.D: Regulations Applied in All Commercial Districts.

N. **Projects for which Local Permits Were Approved Prior to Certification of the Coastal Implementation Plan and Zoning Ordinance.** Projects for which local permits were approved after January 1, 1999, but prior to certification of the Coastal Implementation Plan, and which now require a Coastal Development Permit may, at the discretion of the Director, be excluded from the permit requirements of this Chapter, provided the Director takes the following actions:

1. Grants a permit renewal and time extension for the project pursuant to Section 17.52.15.C: Time Extensions; and

2. Determines that the project is in full compliance with all applicable policies and standards contained in the Carmel-by-the-Sea certified Local Coastal Program.

17.52.7 Public Hearings.

All projects defined as appealable to the Coastal Commission by Public Resources Code Section 30603(a) shall require a public hearing except as provided in this section.

A. **Waiver of Public Hearing for Minor Development.** A waiver of a public hearing on a coastal development permit for a development that is appealable to the Coastal Commission is allowed pursuant to Public Resources Code Section 30624.9.

B. **Applicability.** When a public hearing would be required for a project solely because the project requires a coastal development permit that is appealable to the Coastal Commission and the project is consistent with the following criteria, the hearing requirement may be waived:

   1. The project is consistent with the certified Local Coastal Program;

   2. The project requires no approval other than a Track One (administrative permit) review by the Director; and

   3. The project has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Development qualifying for a waiver of a public hearing shall include alterations to property in the R-1, R-4 and Commercial District that qualify for track one (administrative permits), and public works infrastructure projects consistent with the Public Way Design Guidelines, Forest Management Plan, Shoreline Management Plan, and those involving no removal of significant trees as determined by the City Forester. Similar development determined by the Director to meet adopted administrative review criteria, shall also qualify.

C. **Procedure for Waiver.** A public hearing for a project requiring an appealable coastal development permit may be waived for minor development if both of the following occur:

1. Public notice shall be provided of the pending application consistent with Section 17.52.14: Notice of Non-Appealable Development, and including notice that no hearing will be held unless one is requested in writing; and

2. No request for public hearing is received by the City within 10 calendar days from the date of the City sending the notice.

D. **Content of Notice.** The notice shall include all information required by Section 17.52.14.B and shall also provide a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on the permit application.

17.52.8 Final City Action on Coastal Development Permits.

The following requirements apply after the City has acted on a coastal development permit application after a public hearing:

A. **Notice of Final City Action**. Within seven (7) calendar days of a Council decision on a permit, or at the close of the local appeal period (for example, from the Planning Commission to the Council) and meeting the requirements of subsection B, the City shall notify the following of its action by first class mail:

1. The Central Coast District office of the Coastal Commission; and

2. Any person who specifically requested notice of the action by submitting a self-addressed stamped envelope to the City (or, where required, who paid the fee established by the City fee Resolution to receive the notice). The notice shall include any conditions of approval and written findings and the procedures for appeal of the City decision to the Coastal Commission.

B. **Notice of Failure to Act within Permit Streamlining Limits:**

1. ***Notification by Applicant.*** If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed in compliance with Government Code Sections 65950-65957.1 shall notify, in writing, the City and the Coastal Commission of their claim that the development has been approved by operation of law. The notice shall specify the application that is claimed to be approved.

2. ***Notification by City.*** When the City determines that the time limits established by Government Code Sections 65950-65937.1 have expired, the City shall, within seven calendar days of the determination, notify any person entitled to receive notice in compliance with Subsection B.1, above, that the application has been approved by operation of law in compliance with Government Code Sections 65950-65957.1, and the application may be appealed to the Coastal Commission in compliance with California Code of Regulations Section 13110 et seq. This Section shall apply equally to a City determination that the project has been approved by operation of law, and to a judicial determination that the project has been approved by operation of law.

C. **Finality of City Action.** A City decision on a coastal development permit application shall be deemed final when:

1. The City decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and

2. All local rights of appeal to City appellate bodies have been exhausted in compliance with Section 17.54.5 (Exhaustion of Local Administrative Remedies).

17.52.9 Variances.

Only the development standards listed below shall be subject to modification through issuance of a variance:

A. Maximum site coverage and minimum open space regulations;

B. Minimum street frontage regulations;

C. Maximum height regulations;

D. Minimum front, side or rear yard setback dimensions; and

E. Minimum parking requirements.

All variances require approval by the Planning Commission. Only when the findings listed in Section 17.64.21: Variance, can be supported shall the Planning Commission grant a variance.

17.52.10 Use Permits.

When findings required in Chapter 17.64: Findings Required for Permits and Approvals, can be supported, the Planning Commission may issue use permits for the following:

A. Uses which are expressly permitted by this code upon the issuance of such a permit;

B. Extend the period during which a non-conforming use in any district may be discontinued without the property owner losing his right to reestablish such nonconforming use; provided, however, that such extension shall not exceed six months;

C. Allow the commercial extraction of natural materials;

D. Permit the use of a parcel of land having an average slope of 30 percent or greater as measured from any one property line to another to be used as a building site. Through the use permit process, the following issues shall be addressed:

1. Slope stability, both long-term and during construction;

2. Site access for occupants, vehicles and emergency response services;

3. Site drainage and erosion, both long-term and during construction;

4. Impacts from proposed grading and construction activity on soils, vegetation and environmental resources;

5. Impacts on public and private views.

E. Permit an exterior display of specific merchandise in a specific, defined area on private property in the commercial district, providing all of the following conditions exist:

1. The proposed area of merchandise display is not out of scale or incompatible with surrounding uses or with the use of adjacent open spaces, walkways or rights of way;

2. The display is adjacent to and contiguous with the specific use and is representative of the general line of merchandise;

3. The merchandise is within one or more of the following classifications:

   a. Newspaper, magazine and postcard racks;

   b. Vegetables and fruits;

   c. Pottery;

   d. Plant life, including flowers;

   e. Garden supplies and tools;

   f. Motor oil at service station sites;

   g. Straw and wicker objects; and/or

   h. Bicycles.

4. The display will not interfere with the free movement of pedestrian traffic.

F. Any sink other than kitchen sinks located in a kitchen, bar sinks located in a kitchen, dining room or family room, lavatory sinks located in a lavatory/bathroom, or laundry sinks located in a laundry room or garage;

G. Permit the use of building sites in the R-l land use district as motels when the findings established in Section 17.64.14: R-1 District - R-1 Motels, can be supported; and*

H. Permit the reconstruction, remodeling or alteration of an existing R-1 motel when the findings established in Section 17.64.15: R-1 District - Remodeling, Reconstruction and Alteration of R-1 Motels, can be supported.*

(Note: These provisions approved by voter referendum).

17.52.11 Director Procedures.

A. **Purpose.** It is the purpose of this section to set forth procedures to be followed for all projects subject to review by the Director.

B. **Public Participation**. Actions on all applications considered by the Director shall be open to written public testimony. The Director shall consider written public testimony insofar as it provides factual information related to the matter before the Director and the specific criteria established for review of the application by this title. No public hearing is required for any decision before the Director.

C. **Appeals.** All final actions of the Director may be appealed to the Planning Commission in accordance with Chapter 17.54: Appeals.

17.52.12 Planning Commission and Design Review Board Procedures.

A. **Purpose.** It is the purpose of this section to establish uniform minimum procedures to be followed by the Planning Commission and the Design Review Board for all projects subject to their review. This section shall not preclude the Commission or Board from adopting additional procedures as necessary for the completion of their duties.

B. **Permit Issuance; Review of Plans.** No building permit, license or other required permit for any structure, site development or land use

shall be issued prior to Planning Commission or Design Review Board approval if any form of Commission or Board review is required for said improvement by this code. The Director of the Department of Community Planning and Building shall ensure that development is executed and completed according to the approved plans.

C. **Conduct of Meetings**. The Planning Commission shall meet at least once each month and may establish a more frequent schedule as needed. The Design Review Board shall meet at least once each month and may establish a more frequent schedule as needed. The Commission and Board shall keep minutes of all meetings and complete records of all examinations, findings and other official actions, together with a record of all facts pertinent to the cases submitted for their approval.

D. **Public Participation**. Actions on all applications considered by the Planning Commission or the Design Review Board shall be open to public testimony. Written comments received from the public will be accepted and entered into the written record accompanying each matter considered by the Commission or the Board. The Commission or Board shall consider written and oral testimony insofar as they provide factual information related to the matter before the approval body and the specific criteria established for review of the application by this title.

E. **Decision.** Decisions of the Planning Commission and the Design Review Board shall be reached by an affirmative vote of a majority of its members present. A quorum for each approval body shall consist of three members. All Commission and Board decisions shall be based on consideration of the facts presented to it by the applicant, City staff, and members of the public and consideration of all goals, objectives, policies, criteria and standards established in City planning documents and ordinances. Unless otherwise authorized under the Municipal Code, the Commission and Board shall not have the authority to waive or modify the site development requirements of this title or the requirements of any other applicable City ordinances.

F. **Reports on Final Actions.** All actions approving or denying applications shall be made in writing and shall include all findings necessary to support said action. Approvals shall include all findings

required by the sections of the Municipal Code related to the project being approved. Approvals may be granted in whole or in part, with or without conditions necessary to assure the intent and purpose of all applicable policies, standards and guidelines.

G. **Reports and Investigations**. Reports and investigations may be required by the Planning Commission or the Design Review Board prior to approval of any project. The Commission and the Design Review Board shall have the authority to request reports or investigations from the City Forester, City Engineer, Public Works Director, Building Official, Director or other department heads or commissions in writing prior to approval of any project.

H. **Appeals**. All final actions of the Planning Commission or the Design Review Board may be appealed to the City Council in accordance with Chapter 17.54: Appeals.

17.52.13 Notice of Public Hearing.

When a land use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094 and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter.

A. **Contents of Notice.** Notice of a public hearing shall include:

1. ***Hearing Information***. The date, time, and place of the hearing and the name of the hearing body; the phone number and street location of the Department, where an interested person could call or visit to obtain additional information.

2. ***Project Information***. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.

3. ***Statement on Environmental Document***. If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the City's CEQA Guidelines, the hearing notice shall include a statement that the

hearing body will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.

B. **Distribution of Notice.** At least 10 calendar days prior to the first public hearing on any residential design study, lot line adjustment, use permit, variance or any other equivalent development application requiring a formal public hearing, the Director shall provide notice by first-class mail of the pending application for the development to all of the following:

1. Owners of the subject real property, or the owners' duly authorized agent, and the project applicant;

2. All persons who have requested to be on the mailing list for the subject hearings and who have paid for the mailing of such notice;

3. The California Coastal Commission;

4. All owners of real property, as identified on the last equalized property tax assessment roll within 300 feet of the perimeter of the parcel for which a lot line adjustment, subdivision, variance, use permit or coastal permit is sought;

5. All owners of real property as identified on the last equalized property tax assessment roll within 100 feet of the perimeter of the parcel for which a design study permit is sought; and

6. All current occupants of properties contiguous to the parcel on which the development is proposed.

C. **Measuring a Radius.** For public notice, whenever this title refers to a distance other than a "walking distance," the specified distance from a particular project shall be measured in a straight line, without regard to intervening structures or objects, perpendicular from all points along the lot lines of the subject project.

D. **Publication and Posting.** In addition to the above requirements, notice of hearing shall be published in the official newspaper of the City at least 10 days prior to such public hearing. Notice may also be posted in conspicuous places on the subject property and in other public

locations in the City. In satisfying the above notice requirements, the City may require the applicant to assist in the distribution of the notice and to bear reasonable costs associated with the administration of this section.

17.52.14 Notice of Non-Appealable Development.

The California Code of Regulations, Title 14, Section 13568b, requires that all development within the Coastal Zone (except development that is categorically excluded) must receive public notice, regardless of whether these regulations require a public hearing, before the development can be approved or disapproved. This Section provides notice requirements for projects which are not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603, and which are not categorically excluded.

A. **Distribution of Notice.** Within 10 days of accepting a permit application for a non-appealable development, or at least 10 days before the City's decision on the application, the City shall provide notice, by first-class mail, of the pending development approval, to:

1. All persons who have requested to be on the mailing list for the particular project or for decisions by the City;

2. All owners of real property as shown on the latest County equalized assessment roll, and residents, within a radius of 100 feet of the exterior boundaries of the parcel involved in the application; and

3. The Coastal Commission.

B. **Content of Notice.** The notice shall contain the information required for public notices in Section 17.52.13.A above, and the following:

1. The date the application will be acted upon by the City's review authority;

2. The City's general procedure concerning the submission of public comments either in writing or orally before the decision is rendered; and

3. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.

17.52.15 Time Limits on Approvals and Denials.

All applications approved by City staff, the Planning Commission, the Design Review Board or by the City Council on appeal have a limit on the time that the approval remains valid. Permits or other approvals granted by these approval bodies or by the Historic Resources Board that are not implemented within these time limits become void.

A. **Project Implementation.** The action required to implement a permit depends on the nature of the project for which the permit is issued. For projects requiring a new or amended business license, implementation is effected by establishing the business use authorized by the business license. For commercial business use permit, implementation is effected by signing a statement of compliance with permit conditions and establishing the use authorized by the permit. For lot line adjustments or subdivisions, implementation is affected by recording a parcel map, subdivision map or equivalent. For other approvals, implementation is effected by erecting, installing or beginning the installation of the improvement authorized by the permit as determined by the Director.

B. **General Limits.** Unless otherwise stated on the permit, or indicated as a condition of approval by the approving body, the following time limits shall apply commencing upon the date of action by the City staff, Planning Commission, Design Review Board or final City Council action:

1. Commercial design review - 18 months;

2. Commercial business use permit - six months;

3. Other commercial district use permits - 18 months;

4. Variances - 12 months;

5. Signs - three months;

6. Residential design study - 12 months;

7. Residential district use permits - 12 months;

8. Lot line adjustments - six months; and

9. Subdivisions - 24 months.

C. **Time Extensions.** The Director may grant one extension of a time limit, equal in length to the original time limit for those approvals not subject to a public hearing. Similarly, the Planning Commission, Design Review Board or Historical Preservation Board, as appropriate, may administratively grant one extension for approvals originally subject to a public hearing. If, since the date of the original approval, the conditions surrounding the original approval have changed, or the General Plan, Municipal Code or Local Coastal Plan Program has been amended in any manner which causes the approval to be inconsistent with these plans or codes, no time extension or renewal shall be granted for any approval.

D. **Denials.** Any project or application denied and not subsequently approved by the City Council on appeal shall prohibit the implementation of the specific project or activity requested in the application. No applications for substantially the same project or activity on the same property may be submitted for a period of one year following a denial unless the application contains changes to address the reason(s) for the denial of the first application, or the City's plans or ordinances have been amended to remove the cause for the original denial. Permits denied without a prejudice shall not be subject to this limitation.

17.52.16 Director Approved Temporary Uses.

Director Approved Temporary Uses may be granted in the situations described in Section 17.52.6.H above.

17.52.17 Emergency Coastal Permits.

A. **Purpose.** This Section provides procedures for the issuance of emergency permits in compliance with the Coastal Act.

B. **Applicability.** In the event of an emergency, the Director may issue a permit to authorize emergency work in compliance with this Section, The Shoreline Management Plan, Section 30624 of the Coastal Act and California Code of Regulations Section 13329. The Director shall not issue an emergency permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission.

C. **Application.** An application for an emergency permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.

D. **Required Information.** The applicant shall report to the Director the following information, either during or as soon after the emergency as possible:

1. The nature and location of the emergency;

2. The cause of the emergency, insofar as this can be established;

3. The remedial, protective, or preventative work required to deal with the emergency; and

4. The circumstances during the emergency that appeared to justify the courses of action taken, including the probable consequences of failing to take action.

E. **Verification of Emergency.** The Director shall verify the facts, including the existence and nature of the emergency, as time allows.

F. **Notice.** The Director shall provide public notice of the proposed emergency work. The extent and type of notice shall be determined by the Director based of the nature of the emergency and the work proposed.

G. **Emergency Permit Approval.** The decision to issue an emergency permit is at the sole discretion of the Director, provided that subsequent land use, building, and grading permits required for the project shall comply with all applicable provisions of these regulations. The Director may grant an emergency permit if an

emergency exists as defined in Article 6, and if the Director first finds that:

1. An emergency exists that requires action more quickly than would occur following normal permit procedures, and the emergency work can and will be completed within 30 days unless otherwise specified by the emergency permit;

2. Public comment on the proposed emergency action has been reviewed, if time allows; and

3. The work proposed would be consistent with the requirements of the certified Local Coastal Program or would not impede attainment of these requirements following completion of the emergency work.

H. **Emergency Permit Contents.** If granted, the permit shall state the basis for the findings made by the Director and shall be subject to reasonable terms and conditions, including:

1. Language indicating that the work accomplished under an emergency permit is considered temporary unless a regular permit is subsequently issued for the work;

2. An expiration date for the emergency permit; and

3. A condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit.

I. **Expiration.** An emergency permit shall expire and become void within seven days of issuance if it is not exercised, or if the emergency ceases to exist.

J. **Report to Council**. For information only, the Director shall provide the Council with a written report describing the nature of the emergency and the work involved at the Council's first regularly scheduled meeting after the emergency permit has been issued. Copies of the permit and the report shall be available at the meeting and shall be mailed to the Executive Director of the Coastal Commission and to all persons who have requested this notification in writing.

K. **Normal Permits Required.** Within 30 days of the date of issuance of the emergency permit, the applicant shall apply for all permits required by these regulations, and any other permits required by the Municipal Code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 17.66: Enforcement.

Chapter 17.53 (RESERVED)

Chapter 17.54 Appeals

Sections:

17.54.1 Conclusive Decision - Appeal Period.
17.54.2 Projects Appealable to the Coastal Commission.
17.54.3 Grounds for Appeal on a Coastal Development Permit.
17.54.4 Filing Appeals.
17.54.5 Exhaustion of Local Administrative Remedies.
17.54.6 Effect of Appeal to the Coastal Commission.
17.54.7 Coastal Commission Notice of Final Action.
17.54.8 Appealers.
17.54.9 Notice of Hearing.
17.54.10 Effect of Failure to Perfect Appeal.

17.54.1 Conclusive Decision - Appeal Period.

A. The findings and actions of the City Forester shall be final and conclusive from and after the date of final action unless an appeal is filed with the Forest and Beach Commission pursuant to Section 17.54.4.A: Appeals to the Forest and Beach Commission.

B. The findings and actions of the Historic Resources Board shall be final and conclusive from and after the date of final action unless an appeal is filed with the City Council pursuant to Section 17.54.4.B and the provisions in this chapter.

C. The findings and actions of the Planning Commission and the Design Review Board shall be final and conclusive from and after the time the applicant signs a certificate of compliance with the findings and conditions of the use permit or the date of final action on a design application unless an appeal is filed with the City Council pursuant to Section 17.54.4.B: Appeals to the City Council.

D. The findings and actions of the City Council shall be final and conclusive from and after the date of final action unless an appeal is

filed with the California Coastal Commission pursuant to Section 17.54.4.C: Appeals to the Coastal Commission.

17.54.2 Projects Appealable to the Coastal Commission.

Per Section 30603 of the Coastal Act, only the following types of development may be appealed to the Coastal Commission:

A. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

B. Developments approved by the City not included within Section 17.54.2.A above that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

C. Developments approved by the City not included in Section 17.54.2.A or B above, that are located in a sensitive coastal resource area.

D. Any development which constitutes a major public works project or a major energy facility.

17.54.3 Grounds for Appeal on a Coastal Development Permit

The grounds for appeals pursuant to Section 17.54.2.A shall be limited to one or more of the following:

A. The development fails to provide adequate physical access to the Coast or interferes with existing access as set forth in the City's certified Local Coastal Program.

B. The development fails to protect public views from any public road or from a recreational area to, and along, the coast as identified and set forth in the City's certified Local Coastal Program.

C. The development is not compatible with the level and scale of development identified for the site or area in the City's certified Local Coastal Program.

D. The development may significantly and adversely alter existing natural landforms.

E. The development does not comply with shoreline erosion policies as established in the City's certified Local Coastal Program.

The grounds for appeal for any development reviewed pursuant to Section 17.54.2.B, C and D shall be limited to an allegation that the development does not conform to the City's certified Local Coastal Program.

17.54.4 Filing Appeals.

A. **Appeals to the Forest and Beach Commission.** Decisions to approve or deny projects made by the City Forester, may be appealed to the Forest and Beach Commission by filing a notice of appeal in writing with the Forest and Beach Commission Secretary within ten calendar days of the date of action and paying the required filing fee as established by City Council Resolution.

1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the signature of the appellant.

2. Within ten working days after receipt of a valid appeal the Planning Commission Secretary shall set a date for public hearing at which the Planning Commission shall consider the appeal. All appeals shall be heard within 60 days of the close of the appeal period.

3. In no case shall a decision of the City Forester, Parks and Beaches be ripe for appeal to the California Coastal Commission until after the exhaustion of all local appeals processes, including appeal to the Carmel-by-the-Sea City Council.

B. **Appeals to the City Council.** Decisions to approve or deny projects made by the Planning Commission, Forest and Beach Commission, the Design Review Board, or the Historic Resources Board may be appealed to the City Council by filing a notice of appeal in writing in the office of the City Clerk within ten working days following the date

of action by the Decision-making Body and paying the required filing fee as established by City Council resolution.

1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the signature of the appellant.

2. Within ten working days after receipt of an appeal the City Clerk shall set a date for public hearing at which the appeal shall be considered by the City Council. All appeals shall be set for the next regular City Council meeting, unless insufficient time exists for public notice as established in Section 17.54.9: Notice of Hearing.

3. In no case shall a decision of the Planning Commission, Design Review Board, Forest and Beach Commission or Historic Resources Board be ripe for appeal to the California Coastal Commission until after the exhaustion of all local appeals processes, including appeal to the City Council.

C. **Appeals to the Coastal Commission.** The approval of an application for a project that is appealable to the Coastal Commission shall become effective on the tenth (10th) working day following receipt by the Central Coast office of the California Coastal Commission of the Notice of Final City Action by the Executive Director of the California Coastal Commission, unless an appeal to the City Council is filed during this period. The applicant or any aggrieved person shall first be required to exhaust local administrative remedies and appeals before appealing to the California Coastal Commission pursuant to Section 17.54.4.A or 17.54.4.B above, except as provided for in Section 17.54.5 below. Any appeal to the Coastal Commission must contain the following information:

1. The name and address of the permit applicant and appellant;

2. The date of the local government action;

3. A description of the development;

4. The name of the governing body having jurisdiction of the project area;

5. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;

6. The names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;

7. The specific grounds for appeal;

8. A statement of facts upon which the appeal is based; and

9. A summary of the substantial issues raised by the appeal.

Any appeal of a final City action on a Coastal Development permit shall be made to the Coastal Commission's Central District Office in person or by first class mail. The appellant shall also notify the applicant(s), any persons known to be interested in the application and the City of the filing of the appeal. In addition, the City shall be provided with a copy of the appeal by the appellant. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Coastal Commission. The Coastal Commission shall notify the City by mail and by telephone within 24 hours of the receipt of any such appeal.

17.54.5 Exhaustion of Local Administrative Remedies.

Exhaustion of all local administrative remedies shall not be required for appeals to the Coastal Commission if any of the following occur:

A. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the Coastal Zone, in the implementation section of the Local Coastal Program.

B. An appellant was denied the right of the initial local appeal by a local ordinance other than the implementation procedures of the Certified Local Coastal Program which restricts the class of persons who may appeal a local decision.

C. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this title.

D. The City charges an appeal fee for the filing or processing of a Coastal Development Permit appeal.

Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals, provided, however, that the Coastal Commission shall transmit a "Notice of Commissioners' Appeal" to the City Council. Upon receipt of such notice, the Coastal Commissioners' appeal may be suspended by the City Council pending a decision on the merits of the appeal by the Council. The City Administrator or any two council members may request a review of the appeal by notifying the City Clerk and the City Administrator shall then notify the Coastal Commission that a suspension is in effect. The council shall review the matter within 45 days of said notice to the coastal commission. If the decision of the City Council is to modify or reverse the previous decision the Coastal Commissioners shall be required to file, if necessary, a new appeal of that decision.

17.54.6 Effect of Appeal to the Coastal Commission.

Upon receipt in the Coastal Commission office of a timely, valid appeal by a qualified appellant, the Executive Director of the Commission shall notify the permit applicant and the City that the operation and effect of the Local Coastal Development Permit has been stayed pending Coastal Commission action on the appeal as required by Public Resources Code Section 30623(b). Upon receipt of a Notice of Appeal, the City shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the Executive Director of the Commission all relevant documents and materials used by the local government in its consideration of the coastal development permit application. If the Coastal Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.

17.54.7 Coastal Commission Notification of Final Action.

Within ten (10) working days of a final Coastal Commission action on an appeal from a City decision, the Coastal Commissions shall transmit notice of the action taken to the City, the applicant and the appellant.

17.54.8 Appeals.

A. **Appeals of Decisions on Permits**. Any decision to approve, deny or conditionally approve any permit made by the Director, the City Forester, the Planning Commission, or the Design Review Board or the Historic Resources Board may be appealed by any person who considers himself/herself an aggrieved party and who so states under oath in the notice of the appeal.

B. **Appeals of Decisions by the City Council**. Any person, including the applicant, any two members of the California Coastal Commission, or the Executive Director of the California Coastal Commission may file an appeal of City Council action.

17.54.9 Notice of Hearing.

A. After the time for hearing such appeal is set, as provided for in Section 17.54.4: Filing Appeals, the Planning Commission Secretary or City Clerk shall thereupon provide written notification to the appellant of the time of such hearing at least 10 calendar days prior to the date thereof.

B. Notice of the public hearing shall also be published in one newspaper of general circulation at least 10 calendar days prior to such public hearing.

17.54.10 Effect of Failure to Perfect Appeal.

If notice of appeal has not been filed in the time, form and manner provided in this chapter, it shall be mandatory for the Director of the Department of Community Planning and Building to issue the permit in accordance with the findings and determination of the original decision maker.

Chapter 17.55 (RESERVED)

Chapter 17.56 Restricted Commercial Uses.

Sections:

17.56.1 Purpose.
17.56.2 Numerical and Size Limitations Established.
17.56.3 Procedure for Establishing a Restricted Commercial Uses.
17.56.4 Temporary Cessation of Restricted Commercial Uses.
17.56.5 Exercise and Abandonment of Restricted Commercial Uses.
17.56.6 Abandonment and Re-establishment of Motel Units.

17.56.1 Purpose.

These regulations are intended to preserve Carmel's character as a residential village and perpetuate a balance of land uses that are compatible with local resources and the environment. These regulations will implement the General Plan and Coastal Land Use Plan and:

A. Maintain a mix of commercial uses that is compatible with Carmel's residential village character;

B. Promote a broad range of goods and services that avoids the dominance of any single type of use and provides a variety of options to the City's residents and visitors;

C. Encourage the development of second floor apartments above ground floor retail and service uses in the commercial district by limiting commercial uses that may generate noise, fumes, and litter;

D. Promote the establishment of unique, quality commercial uses that serve the intellectual, social, material, and day-to-day needs of the local community and visitors;

E. Protect and enhance the balanced mix of uses in the central business area, particularly along Ocean Avenue, to ensure a high quality, pedestrian oriented commercial environment providing a variety of goods and services to local residents;

F. Reduce the generation of litter and food waste in the public right-of-way by limiting the number of establishments that sell food and beverages for immediate consumption by pedestrians;

G. Provide locations for retail goods and service establishments to serve surrounding neighborhoods;

H. Discourage the type of establishments that may displace businesses that supply residents with essential goods and services;

I. Prevent development which exceeds the amount and intensity of use that is compatible with adjacent residential neighborhoods;

J. Limit the space occupied by businesses that generate high traffic and/or parking demands; and

K. Provide a transition and buffer between more intense commercial activities and less intense activities in the surrounding residential districts.

17.56.2 Numerical and Size Limitations Established.

Table V-A lists the numerical and size limitations for certain restricted uses consistent with the land use regulations for zoning districts in the City in which they may be located and the purposes of the Chapter.

TABLE V-A: LIMITATIONS ON RESTRICTED COMMERCIAL USES

Use	Limit on the Number Allowed	Other Limitations	Type of Permit Required
Jewelry Stores	32	Minimum 10% of gross floor area devoted to jewelry manufacturing and repair	Business License
Food Stores and Restaurants[1]	15 fronting on Ocean Avenue		
Full Line Food	Included in 15	No seating	Use Permit
Specialty Food	Included in 15	No seating	Use Permit
Full Line Restaurant	Included in 15	Seating required	Use Permit
Specialty Restaurant	Included in 15	Minimum 600 sq.ft. and 20 seats; soup, salad, sandwiches up to 10% of sales	Use Permit
Drinking Places	3		Use Permit
Hotels and Motels	948 units		Use Permit

[1]No drive-in, fast food, or formula food establishments are permitted.

17.56.3 Procedure for Establishing a Restricted Commercial Use.

A. **Acceptance of Applications.** The Department of Community Planning and Building (the Department) shall maintain an inventory of commercial uses subject to the numerical limitations set forth in this chapter. Each proposed change in land use or project for which an application is submitted shall be evaluated to determine whether its approval would result in a net increase in the number of establishments or units that would exceed the limitations set forth in Section 17.56.2. All applications to establish a land use subject to such limitation shall be returned to the applicant or denied if the approval of such use would exceed the limits specified in Section 17.56.2. Applications that affect but would not result in a net increase in the number of establishments subject to limitation may be accepted and processed. Numerically limited uses approved by the City shall be physically established and in operation within six month of the date of approval. Failure to establish the use shall void the approval.

B. **Reservation of Allocation.** For approvals of numerically limited uses associated with construction activity (e.g. such as when a building addition or renovation has been approved for occupancy by the use) the six month period for establishment shall be dated from issuance of a certificate of occupancy.

17.56.4 Temporary Cessation of Restricted Commercial Uses.

A. Any property or business owner who has exercised the right to establish a commercial use subject to the numerical limitations set forth in Section 17.56.2 and has continuously operated such use, since its establishment may temporarily cease operations subject to the requirements of this section and all other applicable City regulations.

B. A numerically limited use may cease operation for a period up to six months without the use being considered abandoned. Periods longer than six months shall be authorized only for construction activity as established below or for a tenant search.

C. The property owner shall submit a written request to temporarily cease operation for any period longer than 6-months without the use being deemed abandoned. Temporary cessation of a numerically limited use shall be limited to a maximum period of 12 months in the case of a vacant space for which the property owner is seeking a tenant. The property owner shall provide evidence satisfactory to the

Director that a tenant is actively and diligently being sought only for the specific use authorized. Failure to do so shall be cause for a determination of abandonment by the Director.

D. **Permit-holder Responsibilities.** During an approved cessation period the permit holder shall remain responsible for maintenance of the property in compliance with all applicable City codes.

E. **Exceptions for Repair.** Temporary cessation of a numerically limited use for any period of time exceeding six months, in order to carry out repairs or improvements shall require a written request from the property owner and approval by the Director in order to carry out repairs or improvements.

F. **No Abandonment Pressured.** Temporary cessation of a restricted commercial use in compliance with the requirements of this section shall not be deemed abandonment of such use.

17.56.5 Exercise and Abandonment of Restricted Commercial Uses.

A. **Exercise of Permit.** Unless otherwise specified as a condition of approval by the approving body, City authorization to establish a restricted commercial use shall be exercised within 6 months of the date of action by the City staff, Planning Commission, or final City Council action. If the application is subject to design review, the approval shall be exercised no later than six months from the date of completion of construction. Approval shall be deemed exercised when the use is physically established and in continuous operation.

B. **Extension of Time to Exercise.** The Director may grant one extension of a time limit for a period not to exceed six months. No time extension shall be granted for any approval if the General Plan, Municipal Code, or Local Coastal Plan Program has been amended so as to make the approval inconsistent with such plans or regulations.

C. **Abandonment of Use.** A restricted commercial use that has been discontinued for a period of six (6) consecutive months shall be considered abandoned unless the property owner has filed notice of temporary cessation as provided for in this article. Failure to maintain a valid business license shall be considered substantial evidence of abandonment, and such use shall not be reestablished unless a new application is approved as required by this chapter. Establishment of any different use in a space authorized for occupancy by a numerically limited use shall be considered an abandonment of the numerically

limited use. A determination of abandonment by the Director of Community Planning and Development may be appealed to the Planning Commission, as provided for in Section 17.56.4.

17.56.6 Abandonment and Re-Establishment of Motel Units.

A. The numerical limits on the total number of hotel/motel/inn units shall include all units located in the R-1, R-4, CC, SC and RC Districts. If any units are abandoned through demolition or conversion to other uses, these abandoned units shall become available for re-establishment at another site consistent with the following finding and upon meeting all standards applicable to hotel/motel/inn uses as established by this title.

1. The proposed use will not create a net increase the total number of lodging units beyond the numerical limits established in table 17.56-A.

2. The proposed site where the units would be re-established is not located in a single-family residential zoning district;

3. The use will be operated as a commercial business offering transient lodging for guests and visitors.

4. Upon completion, the proposed project shall include a minimum of five lodging units. No units shall contain kitchens or similar facilities for cooking food;

5. The project will provide parking for all uses on the site in compliance with the requirements of Chapter 17.38;

6. The proposed project complies with applicable commercial district regulations, including floor area, height, coverage, landscaping, signs, retaining walls and floodlighting;

7. Establishment of the lodging units will not require a debit from the city's water allocation. The proposed project will operate within its existing water entitlements.

8. If the proposed project involves a transfer of water between sites, sufficient water will remain on each site involved to provide for reasonable development (e.g. one single family

dwelling on a residentially zone site or retail/office uses on a commercially zoned site).

B. **Remodeling, Reconstruction or Alteration of Motels in Single-Family Districts.** The Planning Commission may approve a Use Permit to remodel, reconstruct, or alter a motel that was legally established in a Single-Family Residential District based on a finding that the design of the proposed project and the design and bulk of proposed structures will be compatible with the residential character of the surrounding neighborhood and the following requirements:

1. The motel was lawfully established prior to January 1, 1967 and has been continuously operated since that date.

2. The total lot coverage of all buildings shall not exceed 35 percent of the total site area based on a survey prepared by a licensed professional surveyor and submitted with the application;

3. The total floor area will not exceed the floor area that was approved subject to the original use permit that was issued to allow establishment of the motel;

4. All proposed work will conform to existing setback and height requirements applicable to the R-1 land use district. All taxes levied upon the property or due the City from any owner or operator or prior owner or operator of the motel have been paid.

5. The proposed site includes at 1,500 square feet of lot area for each lodging unit in the motel;

6. The proposed construction shall not eliminate any existing on-site parking. If the proposed construction includes reconstruction of any units, one parking space shall be provided on-site for each reconstructed lodging unit;

7. The maximum number of lodging units per building shall not exceed 10 and the total number of lodging units within the motels shall not exceed the number permitted by the original use permit granted pursuant to this subsection or the number in existence on January 1, 1967, whichever is the lesser number;

8. If the project proposes reconstruction, the Planning Commission shall only grant design review approval based on

findings that the site plan maximizes usable open space, minimizes unrelieved expanses of pavement devoted to parking and conforms in all respects to the commercial design requirements in Chapter 17.14: Commercial Zoning Districts.

9. All kitchens existing on motel sites on the date of the issuance of the use permit pursuant to this subsection shall be made to conform to all sanitation requirements and no additional kitchens may be permitted on the site. For the purposes of this section, kitchens shall mean any area for the preparation of food that meets the standards of the Uniform Building Code or the State Housing Code. No other facilities for the preparation of food shall be permitted other than kitchens;

10. Legally established incidental service uses that are being provided by the motel at the time the application is submitted but are not otherwise allowed within the land use district, will be limited to use by motel occupants only and will not be made available to the general public.

Any use permit approved pursuant to this chapter shall expire and no longer be valid if the construction authorized by the permit has not commenced within six months from the date of issuance, unless the Planning Commission approves an extension. (Note: These provisions (17.56.6.B) approved by ballot measure and not amendable without a vote of the people; Code 1975 § 1341.3).

Chapter 17.57 (RESERVED)

Chapter 17.58 Design Review

Sections:

17.58.1 Purpose and Applicability.
17.58.2 General Requirements and Responsibilities.
17.58.3 Commercial Design Review.
17.58.4 Residential Design Review.
17.58.5 Conditions of Approval.
17.58.6 Findings Required.
17.58.7 Enforcement.

17.58.1 Purpose and Applicability.

A. **Purpose.** This chapter establishes objectives, standards, and procedures for conducting design review. The intent of these regulations is to promote and maintain the City's special character as a residential village with a compact development pattern that respects and has been strongly influenced by the natural setting and is typified by a visually rich and creative mix of architectural styles. Design review is intended to encourage originality, flexibility, and diversity in design and preserve and enhance the community's existing forest character while preventing unnecessary delays in project approval. More specifically, the design review process is intended to:

1. Promote design that maintains the City's intimate and human scale and complements, rather than overrides, natural constraints;

2. Ensure that the design of new homes, residential additions, and exterior alterations preserves the traditional characteristics of scale, good site design, and sensitivity to neighboring properties;

3. Encourage the construction of residences that are diverse and innovative in design yet compatible with the City's forest setting as well as the site design and materials used in surrounding structures;

4. Promote residential design that respects the privacy, solar, access, and private views of neighboring properties;

5. Maintain a tradition of architectural diversity that enhances the character of the commercial district and adds a lively sense of history to Carmel's village ambiance by promoting commercial building design that respect these traditions; and

6. Encourage originality and invention so long as the results encompass the unifying values of human scale and the use of natural materials and their role in preserving village character and avoid out-of-scale or bizarre building forms or incompatible design.

B. **Applicability.** Design review is required for site development, substantial alternations, rebuilding, rehabilitation, new construction, exterior alterations, additions, signs, exterior lighting and landscaping associated with such construction, alterations or additions set forth in this chapter.

17.58.2 General Requirements and Responsibilities.

A. **Submittal Standards.** The Department of Community Planning and Building (the Department) shall establish uniform submittal requirements to enable a full understanding of each project, facilitate review and provide consistency in information for decision-making. Applications for projects subject to design review shall include such information as may be required by the Director. Such information may include, but is not limited to, site plans, floor plans, building sections, exterior elevations, photographs of the subject or abutting properties, perspective or axonometric drawings and/or a model, description of building materials, material and/color samples, exterior lighting, fence plans, sign, drainage plans, landscaping and irrigation plans. Applications requiring design review shall be subject to a fee schedule as established by resolution of the City Council.

B. **Coordination of Review Bodies**. For any proposed major alteration affecting an historic resource in the commercial and R-4 districts, the Director shall schedule a review of the project plans by the Historic Resources Board for a determination of consistency with the Secretary's standards. If the site assessment shows that trees will be affected by the project, the Director shall forward the plans to the City Forester for processing.

Any reviews by the Forest and Beach Commission and/or Historic Resources Board that are required for a project shall occur prior to consideration of the project by the Director, Design Review Board or the Planning Commission. The procedures established in Chapter 17.32: Historic Preservation, shall be followed if the project would affect a historic resource or if it is unknown whether the property contains a historic resource.

C. **Public Notice Requirements**. For any project that requires preparation of Preliminary Site Assessment pursuant to this section but does not require a public hearing and is not subject to the Coastal Zone notification, the Director shall post notice on the site and at City Hall at least ten (10) days before a decision.

D. **Design Review Responsibilities**. The Planning Commission shall conduct design review for all projects that require a Use Permit, Variance, and for all projects subject to environmental review. Design review for all other projects shall be conducted by the Design Review Board or the Director pursuant to the specific requirements of this chapter. The Director may require Design Review Board or Planning Commission review for any application that raises new policy issues or presents unusual circumstances not addressed by adopted policies, guidelines, or review criteria.

E. **Design Review Standards**. When conducting design review the Department, Design Review Board, or the Planning Commission shall use the design guidelines adopted by the City Council as the basis for review. The decision-making entity responsible for design review shall consider the conformance of the application to the standards set forth in and promulgated under this Title, and may either approve, deny or modify an application for design review. However, no modification may be made that is not consistent with any other requirement of this Title. Specific zoning standards and criteria are established in each zoning district overlay district, specific plan area, special district, or community plan area. These shall be coordinated with the guidelines in reviewing projects.

F. **Prerequisite for Permit Issuance**. Permits for projects and for signs that are subject to design review shall not be issued without design review approval pursuant to the requirements of this Title.

17.58.3 Commercial Design Review

The City has established two tracks for design review of projects proposing new construction, alterations, rebuilds, additions, demolitions, and other exterior design changes in the Central Commercial (CC), Service Commercial (SC) and Residential and Limited Commercial (RC) districts and the Multi-Family Residential (R-4) district. Approval of any design review application for a commercial project under this section shall require the decision-making authority to find that the proposed project represents an improvement over existing conditions. All projects approved shall comply with minimum zoning standards established by this title. However, compliance with minimum standards does not constitute a sufficient basis for project approval. Projects also shall be evaluated for compliance with the design guidelines.

A. **Commercial District Track One Design Review.** The Director may approve Track One applications for design changes in all commercial zoning districts and the R-4 District based on a determination that such projects comply with the Zoning Ordinance and all applicable Commercial Design Guidelines and public way design guidelines.

1. ***Applicability.*** The following projects may be approved with Commercial Design Review Track One Design Review in the CC, SC, RC, and R-4 Districts:

   a. Public way improvements;

   b. Storefront remodels/alterations;

   c. Landscaping;

   d. Exterior lighting;

   e. Roofing materials and rooftop equipment;

   f. Signs; and

   g. Exterior flags.

2. ***Procedures.*** Within 30 days of the receipt of a complete application for a Commercial Administrative Permit, the Director shall review the proposed project for compliance with the standards and regulations of the CMC, General Plan policies, Commercial Design Guidelines, Public Way

Improvement Design Guidelines, and other applicable adopted design criteria. The Director may approve the application if all zoning standards are met and the project is consistent with all design guidelines. The Director shall refer for action by the Design Review Board any application for a project that does not comply with applicable adopted design guidelines and design criteria. The Director shall deny any application for a Commercial Track One Permit that does not comply with the CMC or the General Plan.

B. **Commercial District Track Two Design Review**. This is a discretionary process for reviewing substantial design changes in commercial zoning districts and the R-4 District. The Planning Commission shall conduct design review under this section for any project that requires a Use Permit, Variance, or other land use permit. The Design Review Board shall conduct design review of all other projects subject to design review under this section.

1. ***Applicability.*** The requirements of this section apply to all commercial and multi-family residential projects that do not qualify for Commercial District Track One Design Review. This process also applies to all referrals from Administrative Commercial Design Review, all projects that require an initial study, Negative Declaration or EIR and to any project that requires a Use Permit, Variance, Subdivision or other land use permit including, but not limited to, the following:

   a. Construction of new buildings;

   b. Additions to existing buildings;

   c. New parking facilities; and

   d. Installation of antennae.

2. ***Procedures.*** Within 30 days of the receipt of a complete application proposing substantial design changes in any commercial zoning district or the R-4 District, the Director shall review the project for compliance with the standards and regulations of the CMC, General Plan policies, and the Commercial Design Guidelines. Applications subject to design review pursuant to this section shall not require a public hearing unless the project requires a Use Permit, Variance,

appealable Coastal Development permit, or other land use permit that requires a hearing in accord with the provisions of this title or State law. A Track Two design review approval shall constitute a coastal development permit for any project subject to review under this section.

17.58.4 Residential Design Review.

The City has established two different residential design review tracks for projects in the Single Family Residential (R-1) District.

A. **Residential District Track One Design Review.** Track One is a staff-level discretionary review for projects that do not require a Coastal Development Permit and are exempt from public hearing requirements. Staff shall review projects for compliance with all applicable zoning regulations and standards and for compliance with the Residential Design Guidelines.

1. ***Applicability.*** Applications eligible for Track One review are limited to the following projects, subject to the restrictions in sub-section A.2 below:

   a. Exterior alterations and additions that do not increase existing floor area by more than 15 percent;

   b. Changes in exterior materials of structures;

   c. Changes in site coverage and/or landscaping;

   d. Changes in windows, doors, chimneys and skylights;

   e. Fences and walls; and

   f. Minor alternations to Historic Resources per Section 17.32.150 of this Code.

2. ***Restrictions.*** Track One review shall be limited to projects that:

   a. Do not require significant cuts to the roots or limbs of any trees classified by the City Forester as "significant" or "moderately significant";

   b. Do not require the demolition, rebuilding or substantial alternation of any dwelling unit; and

c. Do not require an initial study, Negative Declaration or EIR.

3. ***Procedures.*** Within 30 days of the receipt of a complete application for design review, the Director shall review design concept plans for compliance with the standards and regulations of this Code, General Plan policies, Residential Design Review Guidelines, and other applicable adopted design criteria and may approve proposed projects that comply with all of the applicable requirements of this code and the Residential Design Guidelines.

   a. The Director shall deny any proposed project that does not comply with the Zoning Ordinance or the General Plan.

   b. Projects that comply with zoning regulations but do not comply with the Design Objectives or Residential Design Guidelines will be referred to the Design Review Board for resolution or shall be redirected into Track Two.

   c. Public notice of the Director's decision on a Track One project shall be posted at City Hall and on site for ten (10) calendar days. Any individual or entity aggrieved by the Director's decision to approve or deny a Track One Residential District Administrative Permit may file a written appeal with the Planning Commission Secretary within 10 days of the date that the notice of decision is posted.

B. Residential Track Two Design Study. Track Two is a discretionary review process for projects that require a public hearing. Projects that require a demolition permit, Use Permit, Variance, or other land use permit or environmental review shall be reviewed by the Planning Commission. The Design Review Board shall take action on all other projects that require Track Two review. All Track Two projects are subject to coastal development permit requirements, and a Track Two Design Study approval shall constitute a coastal development permit. All Track Two projects shall require public notice and a hearing pursuant to Section 17.52.13: Notice of Public Hearing.

1. ***Applicability.*** Residential District Track Two design review is for the construction of new dwellings, rebuilds, substantial alterations and other projects that comply with applicable

zoning standards and design review guidelines but do not qualify for Track One processing.

2. ***Procedures.*** Design review for Track Two projects is a three-phase process requiring: (1) preliminary site assessment, (2) design concept review and (3) final details review. The application shall not be deemed complete until the preliminary site assessment has occurred and the City has received a complete application for design concept review. When a Use Permit, Variance, or other land use permit is required, the application shall not be deemed complete until design concept review is completed and the City has received a complete application for final details review and for the applicable land use permit. The procedure for Track Two projects includes the following:

Step One: Preliminary Site Assessment:

a. *Applicability.* A Preliminary Site Assessment shall be conducted prior to the submission of design concept plans for the following:

   i. All new construction and rebuilding;

   ii. Residential additions that increase building coverage by more than 200 square feet or 15 percent; and

   iii. Any project that will require grading within six feet of any tree classified by the City Forester as "significant" or "moderately significant"; and

   iv. Any project requiring significant cuts to the roots or limbs of any tree classified by the City Forester as "significant" or "moderately significant"

b. *Submittal Requirements.* The applicant shall submit two copies of a topographic survey prepared by a licensed surveyor or a civil engineer prior to submittal of design plans for design review. The survey shall document property boundaries, topographic contours, the location of all trees over two inches DBH, the outline of all existing structures on the property, the location of any

easements, existing access, the edge of pavement for all adjoining streets and all existing areas of site coverage. The survey shall be reviewed with the applicant and/or representative in the field by the City Forester and by the Director. Where topography, soil conditions, street configuration or other factors might require unusual drainage solutions, the City Forester or the Director may call in the Public Works Director for additional review and advice.

c. *City Forester Review.* During the site visit the Forester shall review all trees on site, in the adjacent right of way, and those which significantly overhang the site from adjacent properties. The Forester shall annotate the survey regarding the following:

   i. The species, approximate drip line and state of health of each tree;

   ii. Each tree shall be classified as to its significance to the urbanized forest based on its species, health and condition, size, form, character, age and location. Classifications used shall be significant, moderately significant and not significant; and

   iii. For trees classified as significant or moderately significant the Forester also shall note important limbs that are low enough to encroach into potential building areas and areas where excavation or fill should be avoided to protect roots. Trees classified as significant shall be rated and documented using a standardized tree appraisal form.

d. *Director Review.* During the site visit, the City Planner shall annotate the survey regarding the following:

   i. Design characteristics of the public right of way including landscaping, excess paving, and access opportunities or constraints;

ii. Design patterns and context of the immediate neighborhood including number of stories, exterior materials, setbacks, and open space/landscaping features;

iii. The potential for historic resources to be present on the site;

iv. Potential view and privacy issues on neighboring lots;

v. The potential for using setback exceptions, garden levels, basements, and other features of the zoning ordinance; and

vi. Unusual grade conditions or prior excavations that may require an approximation of natural grade in planning the building or calculating heights.

e. *Survey Copies.* Upon completion of both site visits and transfer of annotations to both copies of the survey, one copy shall be returned to the applicant for use in designing the project. The other copy will be retained by the City for use in reviewing the project. In preparing design concept plans the information on the preliminary site assessment map shall be used to avoid impacts on significant trees and minimize impacts on moderately significant trees. Design concepts shall respond to site constraints and opportunities in a manner consistent with the zoning standards, General Plan, and the adopted Design Guidelines.

Step Two: Design Concept Review:

a. *Submittal Requirements.* The applicant shall prepare design concept plans including "stick" drawings showing building placement, building form, heights, setbacks, access, approximate placement of windows, decks and balconies, required tree removals, rough grading, site coverage and floor area.

b. *Design Review Board or Planning Commission Review.* Within 30 days of receiving a complete application, the

Director shall schedule the project for a hearing and review of the design concept plans by the Design Review Board or Planning Commission. Public notice shall be provided in compliance with the requirements of Section 17.42.13: Public Notice Requirements:

i. The Design Review Board or Planning Commission shall review the proposed site design, basic massing, and other elements of the design concept for compliance with the City's Design Concept Guidelines and the findings required in Section 17.64.8.A: Design Study Approval. At the conclusion of this review the DRB or PC shall either (1) accept the design concept as submitted, (2) provisionally accept the design concept and provide direction to the applicant on plan revisions necessary to achieve compliance with the design guidelines and/or zoning standards, or (3) continue design concept for preparation of a new design concept if it is substantially out of compliance with the zoning standards or the design guidelines. Applicants unwilling to make the revisions directed by the DRB/PC in a provisionally accepted concept design or continued design concept may request denial of the project so that an appeal may be filed. A denial shall not be complete until findings are adopted.

Step Three: Final Details Review

a. *Final Action.* The Board or Commission shall take final action on the application after the applicant submits the final design plans for review consistent with the City's Final Design Details Guidelines and the findings required in Section 17.64.8.B: Design Study Approval. For projects involving additions or alterations to historic properties or limited changes to historic properties or limited changes to existing structures, the Director may authorize concept review and final details review to occur at the same meeting.

3. ***Appeal.*** Any individual or entity aggrieved by the Board or Commission's decision to approve or deny a Residential Track Two Design Study Approval may file a written appeal pursuant to the requirements of Chapter 17.54: Appeals.

17.58.5 Conditions of Approval.

In approving any application for design review, the decision-making authority may impose any conditions deemed necessary to:

A. Ensure conformance with the policies of the General Plan and the Local Coastal Program;

B. Comply with all applicable provisions of this code; and

C. Implement applicable adopted design review guidelines.

The decision-making authority may not impose any condition or require any modification that is not consistent with any other requirement of the Municipal Code.

17.58.6 Findings Required.

A. **Authority.** The Director, the Design Review Board, or the Planning Commission shall approve, approve with modifications and/or conditions, or deny an application for design review based on written findings stating the reasons for the action. Findings shall be based on information in the record.

B. **Findings for Design Review Approval.** Before approving an application for design review in any district, the Director, the Design Review Board, or the Planning Commission shall find that the final design plans:

1. Conform to the applicable policies of the General Plan and the Local Coastal Program;

2. Comply with all applicable provisions of this code; and

3. Are consistent with applicable adopted design review guidelines.

C. **Additional Findings for Design Study Approval.** In addition to any other findings required by this code (See Section 17.64.8: Design Study Approval), the Design Review Board or Planning Commission shall make all of the following findings before granting design review approval in the R-1 District:

1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits, variances or exceptions consistent with the Zoning Ordinance.

2. The project contributes to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping.

3. The project is compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.

4. The project maintains the City's principles of modesty and simplicity and preserves the City's tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.

5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements and in the detailing of doors, windows, roofs and walkways.

6. Project details and materials (e.g. windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.

7. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to

provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.

8. All demolitions, rebuilds, remodels, and substantial alterations are consistent with the following findings:

   a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's Design Objectives.

   b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City's Design Guidelines related to mass and scale.

   c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.

   d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings and structures will be setback a minimum of 6 feet from significant trees.

D. **Findings Required for Approval of Deviations from Design Guidelines.** In addition to any other findings required by this code, before approving any project in the Single Family Residential (R-1) District that deviates from the City's applicable adopted Design Guidelines, the Director, Design Review Board, or the Planning Commission shall adopt specific findings based on information in the record to show how the proposed deviation from the Design Guidelines achieves all of the applicable design objectives of Section 17.58.1: Purpose and Applicability, as well as, or better than, would be achieved by adherence to the adopted Design Guidelines:

17.58.7 Enforcement.

No building or grading permit shall be issued until the Applicant submits a final site plan and building permit plans showing any changes required as a condition of design review approval. Staff shall review all building permit applications for projects subject to design review for compliance with approved design review plans and any conditions of approval. The Director may refer building permit plans to the Design Review Board or the Planning

Commission for a determination of compliance with conditions of approval. After determining that the site plan and building plans comply with all conditions of approval, the Director shall forward copies of the approved plans to the Building Official. All future development shall comply with the approved building permit plans unless modifications or changes are approved pursuant to the requirements of this code.

Chapter 17.59 (RESERVED)

Chapter 17.60 Environmental Review

Sections:

17.60.1 Purpose.
17.60.2 Incorporation of State CEQA Guidelines.
17.60.3 Coordination Responsibility.
17.60.4 Decision-Making Body Designated.
17.60.5 Environmental Determination.
17.60.6 Initial Study.
17.60.7 Negative Declaration.
17.60.8 Environmental Impact Reports.
17.60.9 Mitigation Monitoring or Reporting.
17.60.10 Fees Established.

17.60.1 Purpose.

The purpose of this chapter is to provide the City of Carmel-by-the-Sea, project applicants, and the public with the procedures to be used in administering the City's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., as amended. The procedures are intended to protect and assure that citizens of the community contribute to the preservation and the enhancement of the environment.

17.60.2 Incorporation of State CEQA Guidelines.

The full text of the State CEQA Guidelines adopted as 14 California Code of Regulations, Title 14, Section 15000, et seq. is hereby incorporated by reference into this ordinance as if fully set out herein and shall supersede any inconsistent provisions of these City environmental review procedures. Incorporation by reference shall include any revisions or amendments to CEQA or the State CEQA Guidelines and any and all definitions contained in CEQA and the State CEQA Guidelines. Incorporating CEQA and the State CEQA Guidelines by reference shall not limit the City in adopting additional implementing procedures in accordance with Section 15022 of

said guidelines, or other ordinances deemed necessary for the protection of the environment.

17.60.3 Coordination Responsibility.

It shall be the responsibility of all departments of the City to coordinate with the Department of Community Planning and Building for environmental review of any project that may be subject to the provisions of the California Environmental Quality Act (CEQA). For the purposes of this Chapter, the Department of Community Planning and Building shall hereinafter be referred to as the "Department". Coordination shall include early consultation with the Department to assure proper determination of exemptions and procedures.

17.60.4 Decision-Making Body Designated.

A. The Planning Commission shall be responsible for determining the adequacy of all negative declarations and environmental impact reports for all projects that are approved by the Planning Commission. The Planning Commission shall consider such documents at the same time that the corresponding project is considered.

B. For all projects approved by other decision-making bodies, the Planning Commission shall serve as an advisory body on the adequacy of all negative declarations and environmental impact reports. If the Planning Commission also serves as an advisory body for the approval of such projects, the environmental documents shall be considered at the same time that the corresponding project is considered, when feasible.

17.60.5 Environmental Determination.

If it is determined that a project is not exempt and is subject to CEQA, the Department shall determine within the time limits provided for in Article 8 of the CEQA Guidelines, whether the City intends to prepare an EIR or a negative declaration or use a previously prepared EIR or negative declaration, except as provided in Section 15111 of the CEQA Guidelines.

17.60.6 Initial Study.

All projects found not to be exempt from environmental review shall require an Initial Study pursuant to Article 5 of the CEQA Guidelines, to determine if the project may have a significant effect on the environment. If the Department can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

A. The Initial Study report shall be prepared in accordance with Section 15063 of the CEQA Guidelines. Thresholds of significance shall be determined based on CEQA.

B. Upon completion of an Initial Study, an environmental determination shall be made by the Department. Decisions on environmental documents shall be based on the consideration of a completed environmental questionnaire, an environmental checklist and other information generated during the initial study and public review period.

17.60.7 Negative Declaration.

A. A Negative Declaration or a mitigated negative declaration shall be prepared if the Director determines based on the initial study that the conditions of Section 15070 of the CEQA Guidelines are met. A Negative Declaration circulated for public review shall be prepared in accordance with Section 15071, and circulated pursuant to Section 15072 of the CEQA Guidelines.

B. Public review of a draft Negative Declaration or Mitigated Negative Declaration is required pursuant to Section 21091 of the Public Resources Code. Public review shall be provided pursuant to Section 15073, and within the time limits specified in Article 8 of the CEQA Guidelines.

C. Prior to approving a project, the City shall consider the Negative Declaration or Mitigated Negative Declaration, together with any comments received during the public review period. The City shall approve the Negative Declaration or Mitigated Negative Declaration if it finds, pursuant to Section 15074 of the CEQA Guidelines, that there is no substantial evidence that the project will have a significant effect on the environment.

D. Upon adoption of a negative declaration, a notice of determination shall be filed in accordance with Section 15075 of the CEQA Guidelines.

17.60.8 Environmental Impact Report (EIR).

1. ***Process.*** Upon a determination that an EIR is required, the Department shall initiate the EIR process pursuant to Article 7 of the CEQA Guidelines.

2. ***EIR Contents.*** EIRs shall contain all the information outlined in Article 9 of the CEQA Guidelines.

3. ***EIR Review.*** Review and evaluation of EIRs shall be conducted pursuant to Article 13 of the CEQA Guidelines.

17.60.9 Mitigation Monitoring or Reporting.

A. When findings are made pursuant to Section 21081(a) of the Public Resources Code, or when adopting a mitigated negative declaration pursuant to Section 21081(c) (2) of the Public Resources Code, the decision-making body shall adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

B. The monitoring program shall identify the specific actions required to implement each mitigation measure or project change, the person(s) or agency responsible for carrying out the action and the time period for reporting on implementation of the actions.

C. The monitoring program shall be administered by the Director based on the advice of qualified staff and/or consultants. Reporting shall be made in writing to the decision-making body.

D. If the decision-making body determines that any firm, person or corporation has failed to carry out the project changes or mitigation measures, the firm, person or corporation responsible is guilty of an infraction and subject to the penalties identified in this code.

17.60.10 Fees Established.

Fees for environmental review applications and monitoring programs shall be adopted by resolution of the City Council. Such fees shall be paid at the time an application is made. Copies of environmental documents will be made available to the public and may be obtained for the actual cost of reproduction.

Chapter 17.61 (RESERVED)

Chapter 17.62 Reclassifications and Amendments

Sections:

17.62.1 Purpose.
17.62.2 Initiation.
17.62.3 Evaluation.
17.62.4 Public Hearings and Notice.
17.62.5 Inapplicability to Urgency Ordinance.
17.62.6 Amendments to the Local Coastal Program.

17.62.1 Purpose.

The purpose of this chapter is to establish a local process for the review and adoption of the zoning code, specific plans, General Plan, and the Coastal Plan, and for the review and adoption of amendments to said planning documents. Should any of these local procedures conflict with statutory or constitutional requirements, they shall be considered inoperative and the process shall be as established by the City Attorney.

17.62.2 Initiation.

A. **Initiation by the City.** The City Council, Planning Commission, or the Department of Community Planning and Building may initiate a project to adopt or amend planning documents. When initiated by the City, no letter, application or fee shall be required, but all procedures for public notice, evaluation and environmental review shall apply.

B. **Initiation by Others.** Any firm, person or corporation, whether owning real property or not, may initiate the process of adoption or amendment of planning documents. To initiate this process, applicants must file a letter and application explaining the type of action requested. The Director may require additional information before the application is considered complete, including the reasons for the request, proposed text, map(s) or diagrams and other information deemed necessary for an understanding and evaluation of the request. The City Council may, by resolution, establish fees required for the processing of such applications.

17.62.3 Evaluation.

All proposed actions to adopt or amend planning documents shall be presented to the Planning Commission for review. All proposed actions to rezone land shall require a written analysis and recommendation by the planning staff. At the conclusion of Planning Commission review, recommendations shall be forwarded to the City Council as to whether the documents or amendments should be adopted, not adopted, or adopted with modifications. The City Council may establish a time limit of not less than 40 days for the commission to conclude its review. Projects initiated by others need not be forwarded to the City Council if they are withdrawn or abandoned by the initiator(s).

17.62.4 Public Hearings and Notice.

All proposed actions to adopt or amend zoning boundaries and/or specific plans shall require public notice as established in Section 17.52.13: Notice of Public Hearing of this Code.

17.62.5 Inapplicability to Urgency Ordinance.

No provision of Section 17.60.2, 17.60.3, and 17.60.3 shall apply to adoption of urgency ordinances by the City Council, which shall be governed exclusively by California statutes.

17.62.6 Amendments to the Local Coastal Program.

The certified Local Coastal Program (LCP) or any portion (Land Use Plan or relevant provisions of these regulations) may be amended by the Council in compliance with the provisions of this Chapter for General Plan, Zoning Ordinance and Zoning Map amendments; provided that an amendment to the LCP land use designations, or any Zoning Ordinance provision applicable within the Coastal Zone shall not take effect until the amendment has been certified by the Coastal Commission in compliance with the Coastal Act. Amendments to the LCP approved by the Council in compliance with this Chapter shall be prepared for submittal, filed with the Coastal Commission, processed and decided by the Coastal Commission in compliance with the Coastal Act.

Chapter 17.63 (RESERVED)

Chapter 17.64 Findings Required for Permits and Approvals

Sections:

17.64.1 General Findings Required for All Use Permits.
17.64.2 General Findings Required for Commercial Use Permits.
17.64.3 Purpose of Special Findings.
17.64.4 Above-Ground Parking Structures within 100 Feet of an R-1 Zone.
17.64.5 Adverse Impacts to Historic Resources.
17.64.6 Ancillary or Accessory Uses.
17.64.7 Demolition and Conversion of Residential Structures.
17.64.8 Design Study Approval.
17.64.9 Family Day Care, Large Family.
17.64.10 Increase in Commercial Floor Area, Commercial Spaces or Business.
17.64.11 Merchandise Marts.
17.64.12 Motels - Existing Motel Uses and the Reconstruction of Motel Buildings.
17.64.13 Nonconforming Structures - Reconstruction of Structure Destroyed by More Than 75 Percent.
17.64.14 R-l District - R-1 Motels.
17.64.15 R-1 District - Remodeling, Reconstruction or Alteration of R-l Motels.
17.64.16 R-1-PO District - Construction on Large or Irregularly Shaped Lots.
17.64.17 R-1-PO District - Increased Height or Stories.
17.64.18 R-1-PO District - Modification of Setbacks.
17.64.19 Residential Construction at Densities between 33 and 44 Units per Acre.
17.64.20 Retail Space of Less Than 200 Square Feet or Greater Than 5,000 Square Feet.
17.64.21 Variance.

17.64.1 General Findings Required for All Use Permits.

In its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No use permit shall be granted unless all of these general findings can be made:

A. That the proposed use will not be in conflict with the City's General Plan.

B. That the proposed use will comply with all zoning standards applicable to the use and zoning district.

C. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.

D. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.

E. That the proposed use will not be injurious to public health, safety or welfare.

F. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.

G. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

17.64.2 General Findings Required for Commercial Use Permits.

In addition to the general findings required for all use permits listed above, no use permit shall be granted for commercial or business uses unless all of these general findings can be made:

A. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and non-local populations.

B. That proposed use will provide adequate ingress and egress to and from the proposed location.

C. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

17.64.3 Purpose of Special Findings.

Due to their unusual nature or their potential impact on the character of the community, certain uses may require that special findings be made. In addition to the general findings required by Section 17.64.1, the following special findings for the uses identified below shall be made prior to the granting of a use permit for said uses.

17.64.4 Above-Ground Parking Structures Located Within 100 Feet of An R-1 Zone.

The following special findings are required for off-street parking in the R-1 District:

A. That the proposed parking area meets the standards for off-street parking established in Section 17.10.3.E;

B. That the parking facility is attractively landscaped and meets all requirements for a commercial parking lot contained in Section 17.12.2.F and G;

C. That the height of any parking structure will not exceed 16 feet above the official grade of the public right-of-way adjacent to the structure;

D. That the design of the parking facility is in scale and compatible with the adjoining structures and the surrounding neighborhood;

E. That the proposed improvements will not increase the amount of site coverage devoted to parking;

F. That the location of the entrances and exits will (1) minimize the impact on adjacent residential land uses, and (2) provide sufficient sight distance and separation from street intersections and other driveways to maintain vehicular and pedestrian safety;

G. That the capacity of the public streets are adequate to accommodate the vehicular traffic generated by the parking area;

H. That any proposed improvements to increase the number of parking spaces will have a corresponding benefit in reducing existing on-street parking in the adjoining residential neighborhood; and

I. That the location and intensity of proposed lighting fixtures are (1) minimal to meet the basic requirements of public safety, and (2) away from and without impact on adjacent residential structures.

17.64.5 Adverse Impacts to Historic Resources.

The following special findings are required for approval of any permit that will authorize significant adverse impacts to any historic resource:

A. Specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse impacts of the project; and

B. There are specific facts and circumstances documented in the record and referenced in subsequent findings, that are not of the applicant's own making, which establish that there are no feasible alternatives or mitigation measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property.

17.64.6 Ancillary or Accessory Uses.

The following special findings are required for approval of ancillary or accessory uses.

A. That all proposed ancillary uses are compatible with the primary use;

B. That the proposed land use, considered as a whole, appears to have the primary and ancillary uses united by a consistent theme and that the use will not exhibit a character of multiple, unrelated activities combined into one business; and

C. That the use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops.

17.64.7 Demolition and Conversion of Residential Structures.

The following special findings are required for demolition, rebuilding, or conversion of residential structures:

A. That the proposed action will not result in the conversion of any floor space occupied by residential dwelling units to nonresidential use located at any level above the first story in any commercial or R-4 zone; and

B. That the proposed action meets all requirements of the Government Code of the State of California related to affordable housing.

17.64.8 Design Study Approval.

A. **Concept Phase Approval Findings.** The following special findings are required for acceptance of the design concept for a residential design study. Project designs found to meet these findings may proceed to final design details review.

1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits or variances consistent with the zoning ordinance.

2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on site and in the public right of way that is characteristic of the neighborhood.

3. The project avoids complexity using simple building forms, a simple roof plan and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.

4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. Its height is compatible with its

site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties.

5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.

6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan/coastal land use plan.

B. Final Details Phase Approval. The following special findings are required for final approval of a residential design study application.

1. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.

2. The proposed exterior materials and their application rely on natural materials and the overall design will add to the variety and diversity along the streetscape

3. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.

4. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites and the public right of way. The design will reinforce a sense of visual continuity along the street.

17.64.9 Family Day Care, Large Family.

The following special findings are required for approval of the operation of large family day care homes serving 7 to 12 persons:

A. That the proposed use adheres to all State of California Department of Social Services requirements for large family day care centers and the standards of this subsection;

B. That the large family day care home is not within 300 feet of any other such licensed facility;

C. That the fire and building departments approve clearance for use of the residential structure as a large family day care home; and

D. The primary use of the structure is as a residence.

17.64.10 Increase in Commercial Floor Area, Commercial Spaces or Business.

The following findings are required for approval of an activity resulting in an increase in commercial floor area, commercial spaces or businesses:

A. That the proposed development has been found consistent with Chapter 17.30 related to the demolition of structures;

B. That the proposed development has been found consistent with Section 17.14.5.A, E and F, related to the demolition and conversion of residential uses;

C. That the proposed development has been found consistent with Section 17.50.4: Effects of Allocation, related to water consumption;

D. That parking will be provided to serve all new development on the site consistent with the provisions of Chapter 17.38: Off-Street Parking Requirements;

E. That all existing nonconformities on the property have been identified, that the proposal would not increase, expand or create any nonconformities, and that the proposal has been found consistent with Chapter 17.36: Nonconforming Uses and Buildings; and

F. That the approximate square foot areas devoted to residential space, commercial space, landscaping and parking have been designated for guidance in reviewing any design plans that may be necessary and that

such areas have been found consistent with Chapter 17.14: Commercial Zoning Districts.

17.64.11 Merchandise Marts.

The following special findings are required for approval of merchandise marts:

A. That the proposed use is consistent with the standards and conditions established in Section 17.14.4.T (13); and

B. That no enclosure or separate business is proposed and that the internal and external appearance of the merchandise mart will be that of one business.

17.64.12 Motels - Existing Motel Uses and the Reconstruction of Motel Buildings in Commercial and R-4 Districts.

The following special findings are required for use permits for existing motel uses and for reconstruction of motel buildings:

A. That the motel or hotel was in existence and lawfully established prior to April 1988 and has remained in operation since that time. That the proposed use will not increase the number of lodging units in existence as of that date.

B. That the proposed use will be operated as a commercial business offering transient lodging for guests and visitors. That the use will maintain living quarters occupied by a full-time manager onsite, if such occupancy was previously established as part of the use.

C. That the minimum number of units on the site is five. That, except for the manager's unit, no units shall contain kitchens or similar facilities for cooking food.

D. That, when reconstruction is involved, a site plan has been approved through the design review process that maximizes usable open space, minimizes unrelieved expanses of pavement devoted to parking and conforms in all respects to the commercial design requirements in Chapter 17.14: Commercial Zoning Districts.

E. That the use meets all parking requirements for all uses on the site established by Chapter 17.38: Off-Street Parking Requirements.

F. That incidental service uses provided by the motel, that are not otherwise allowed within the land use district, will be limited to use by motel occupants only and will not be made available to the general public.

17.64.13 Nonconforming Structure - Reconstruction of a Structure More Than 75 Percent Destroyed.

The following special findings are required for reconstruction of a nonconforming structure destroyed by more than 75 percent of the value of the structure from fire, explosion, acts of God, or act of the public enemy:

A. That the reconstruction of the structure will not increase the nonconformity of the structure from the way it existed before it was destroyed;

B. That based on plans and evidence submitted to the Planning Commission, the architecture and design of the reconstructed structure is not appreciably changed from the way it existed before it was destroyed;

C. That based on the recommendation of the City's Building Official, the reconstruction of the structure will not constitute a hazard to health and safety; and

D. That unless the structure is determined to be a significant building that could be reconstructed under the Historic Building Code or as otherwise determined by the Building Official, the structure shall meet the current Uniform Building Code.

17.64.14 R-l District - R-1 Motels.*

The following special findings are required for approval of R-l motels:

A. That the use was in existence as a motel prior to, and on, January 1, 1967;

B. That all structures conform in design and bulk with the residential character of the surrounding area;

C. That all taxes levied upon the property or due the City from any owner or operator or prior owner or operator of the motel have been paid; and

D. That the site area of the motel has been established in City records by filing a dimensional site plan prepared by a licensed professional.

*Note: These provisions approved by voter initiative.

17.64.15 R-1 District - Remodeling, Reconstruction or Alteration of R-l Motels.*

The following special findings are required for approval of remodeling, reconstruction or alteration of motels in the R-1 District:

A. That all structures are compatible with the residential character of the surrounding neighborhood;

B. That upon reconstruction, remodeling or alteration the total site coverage of all buildings shall not exceed 35 percent of the total site area;

C. That the construction will not result in an increase in floor area beyond that existing when the original use permit was issued; and

D. That the construction will conform with all setback and height requirements applicable to the R-1 District.

* Note: These provisions approved by voter initiative.

17.64.16 R-1-PO District - Construction on Large or Irregularly Shaped Lots.

The following special findings are required for approval of Construction on Large or Irregularly Shaped Lots in the R-1-PO District:

A. That the proposed setbacks afford maximum protection for the adjoining park lands for the benefit of the public while still accommodating reasonable development of the property;

B. That the proposed setbacks will not constitute a grant of special privileges to the property owner and that the increased flexibility authorized by the proposed setbacks is balanced by a larger or more appropriately designed setback from the park that will protect and/or enhance the enjoyment of the park by the public; and

C. That the proposed setbacks are designated on an approved plan attached to the permit for purposes of documentation and recordation.

17.64.17 R-1-PO District - Increased Height or Stories.

The following special findings are required for approval of increased height in the R-1-PO District.

A. That due to the topography of the site relative to the adjoining park or open space land, the proposed building will not exceed the height or bulk of a structure built on a site at the same grade as the adjoining park and in conformance with the standards in Section 17.20.10: Minimum Standards for the Park Overlay District, or that topography is irrelevant because the location of the buildings on the site avoids view of the buildings from the park;

B. That all proposed building elements exceeding 18 feet in height above grade are limited to chimneys and pitched roof structures with no more than one-half of the distance between the peak or ridge of the roof and the top plate extending above 18 feet; and

C. That those portions of the building visible from the park will exhibit a human-scale, residential character that will not detract from the enjoyment of the park or open space by the public.

17.64.18 R-1-PO District - Modification of Setbacks.

The following special findings are required for modification of setbacks in the R-1-PO District:

A. That the reduction of area of any adjusted setback(s) will not exceed the area of the lot covered by the increased setback from the park established by Section 17.20.10.D: Minimum Standards;

B. That a minimum width of at least three feet will be maintained for the full length of the setback after the adjustment;

C. That by reducing any setbacks the proposed structure will not interfere with safe access to other properties in the neighborhood or otherwise result in damage or injury to the use of other adjoining properties; and

D. That structures proposed for construction within reduced setback areas will be compatible with the residential character of the neighborhood and will exhibit a human scale without excessive building bulk, mass or unrelieved surfaces.

17.64.19 Residential Construction at Densities between 33 and 44 Units per Acre.

The following special findings are required for approval of residential construction at densities between 33 and 44 units per square acre:

A. That one of the following three standards will be met:

1. That at least 20 percent of all units on the site will be used as housing for "lower-income households" as defined by the Association of Monterey Bay Area Governments (AMBAG); or

2. That at least 10 percent of all units on the site will be used as housing for "very low-income households" as defined by AMBAG; or

3. That at least 50 percent of all dwellings units on the site will be used as housing for "Senior Citizens" as established in California Housing Statutes.

B. That the affordable housing units will be administered by a City-approved public or quasi-public agency involved in affordable housing programs, or will be verified by the City based on documentation supplied annually by the property owner.

17.64.20 Retail Space of Less than 200 Square Feet or Greater Than 5,000 Square Feet.

The following special findings are required for approval of a use permit to create a retail space of less than 200 square feet or greater than 5,000 square feet:

A. That the size of the proposed space reflects the range of retail sizes found within the immediate area and will not break the rhythm of storefronts established along the street frontage or within a courtyard as viewed by pedestrians;

B. That the proposed size is compatible with the design of the building;

C. That the size of the proposed space will not create a sense of monotony in storefront design or type of retail window display and the proposed size will reinforce the sense of discovery and vitality found along the street frontage that is engendered by frequent changes in building design, window displays and land uses;

D. That the proposed land use is compatible with the objectives and policies of the general plan and will reinforce the character of the downtown as a retail district in a residential village with unique shops and a wide variety of goods for residents and visitors; and

E. That, as conditioned, the permit authorizing this size of retail space will be limited to a specific land use and any change in land use will require either a separate use permit or conversion of the space to a size between 200 and 5,000 square feet.

17.64.21 Variance.

The following special findings are required for approval of a variance:

A. That due to special physical circumstances applicable to the property, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the zoning ordinance;

B. That the variance will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and within the same zone;

C. That the variance will not be detrimental to adjacent property or injurious to public health, safety or welfare;

D. That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation;

E. That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property; and

F. That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.

Chapter 17.65 (RESERVED)

Chapter 17.66 Enforcement

Sections:

17.66.1 Enforcing Officer.
17.66.2 Inspections.
17.66.3 Nuisances – Abatement.
17.66.4 Violation - Arrest Procedures.
17.66.5 Revocation.

17.66.1 Enforcing Officer.

The Director is responsible for the enforcement of the planning and zoning code and is authorized and empowered to act for the City in discharging such responsibility.

17.66.2 Inspections.

The Director of the Department of Community Planning and Building, or his agent, shall make such inspections as may be required to enforce the provisions of the planning and zoning code of the City.

17.66.3 Nuisances - Abatement.

Any building or structure set up, erected, built or maintained for any use of property contrary to the provisions of this planning and zoning code shall be, and the same is declared to be, unlawful and a public nuisance, and the City Attorney may, upon notice from the Director of the Department of Community Planning and Building, and shall, upon order of the City Council, immediately commence action or actions, proceeding or proceedings to abate such nuisance, and/or to remove such structure, and/or to enjoin any person from committing such nuisance in the manner provided by law.

17.66.4 Violation - Arrest Procedures.

A. **Power and Authority.** The Director of the Department of Community Planning and Building, the Building Official and the Code

Enforcement Officer, or their authorized deputies shall each have the power and authority to arrest a person, without a warrant, whenever there is reasonable cause to believe that such person has committed a violation of CMC Titles 15 or 17.

B. **Written Notice (Citation) for Infraction.** If the person arrested is believed to have committed a violation which is determined to be an infraction, said City officials shall have the authority to prepare a written notice (citation) directing such person to appear in court, and to release such person upon obtaining a written promise to appear in court on the date indicated in the citation.

C. **Written Notice (Citation) for Misdemeanor.** If the person arrested is believed to have committed a violation which is determined to be a misdemeanor, unless such person demands to be booked and taken before a magistrate, said City officials shall have the authority to prepare a written notice to appear (citation) directing such person to appear in court, and to release such person upon obtaining a written promise to appear in court on the date indicated in the citation without the need to first post bail.

17.66.5 Revocation.

A. **Revocation Hearing.** As determined by the Director of the Department of Community Planning and Building, if one or more of the conditions of approval or terms of a land use permit or variance have not been, or are not being, complied with, or where a land use permit or variance was approved on the basis of false, misleading or incomplete information, written or oral, given by the holder of such land use permit or variance, the Planning Commission shall hold a public hearing to consider revocation or modification of such land use permit or variance.

B. **Notice.** The Secretary of the Planning Commission shall cause the required notice of public hearing to be given, including mailing a copy thereof to the holder of such permit or variance. Such notice shall be given not less than 10 calendar days prior to the date of the public hearing.

C. Action of Planning Commission - Notice of Decision.

1. Following the public hearing, the Planning Commission may revoke, wholly or in part, or otherwise modify said land use permit or variance;

2. Written notice of the decision of the Planning Commission shall be mailed within three days of the date of decision to the appellant and to those persons who have requested, in writing, a copy of the decision from the Secretary of the Planning Commission.

D. Appeal. An appeal may be taken from such decision in the same manner as described in Chapter 17.54: Appeals.

Chapter 17.67 (RESERVED)

DIVISION VI: CLASSIFICATIONS, TERMS, AND DEFINITIONS

Chapter 17.68 Use Classifications

Chapter 17.70 List of Terms and Definitions

Chapter 17.68 Use Classifications

Sections:

17.68.1 Purpose.
17.68.2 Uses Not Classified.
17.68.3 Residential Use Classifications.
17.68.4 Public, Semipublic, and Service Use Classifications.
17.68.5 Commercial Use Classifications.
17.68.6 Industrial Use Classifications.
17.68.7 Transportation, Communication, and Utilities use Classification.
17.68.8 Agricultural Use Classification.
17.68.9 Other Use Classifications.

17.68.1 Purpose.

Use classifications describe one or more land uses having similar characteristics but do not list every use or activity that may belong within the classification. Sub-categories are provided for uses within a particular use classification that require specific limitations or special regulations. Division II, Base Zoning Districts and Division III, Overlay and Community Plan Districts rely on these defined use classifications and specify in separate schedules the land uses permitted, uses subject to specific limitations, and uses requiring the approval of a use permit.

17.68.2 Uses Not Classified.

Questions as to the inclusion or exclusion of a proposed use in a particular category will be determined by the Director based on an NAICS Use Categories List adopted resolution of the City Council and available at the Department of Community Planning and Building counter. The Director will make the decision based on the characteristics of the use and the Director's interpretation of the land use code, the NAICS Use Categories List, and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission in accordance with the procedures specified in Chapter 17.54: Appeals.

17.68.3 Residential Use Classifications.

Residential Housing Types.

Single Family Dwelling. One dwelling, attached or detached, located on a single building site, containing only one kitchen, designed for or used to house not more than one family -- including all domestic employees of the family -- and associated facilities for parking, living, sleeping, cooking, and eating.

Subordinate Unit. An attached or detached residential dwelling that is located on a single lot with another primary, single-family dwelling and that provides complete independent living facilities for one or more persons. These units include permanent provisions for living, sleeping, cooking and sanitation.

Class I. Subordinate units that were established prior to June 5, 1929. These units were legally established and require no permit.

Class II. Subordinate units that were established prior to April 5, 1988 and registered with the City by December 6, 1994. These units typically were built without City approval but were then legalized and brought to minimum health and safety standards through an amnesty period and registration.

Class III. Subordinate units that did not exist prior to 1988 but which may be established with a use permit for a recognized hardship resulting from the needs of an infirm or handicapped person who must live with or near a companion in separate, self-contained facilities.

Class IV. Subordinate units that did not exist prior to 1995 but which may be established on building sites of at least 8,000 square feet to provide affordable housing.

Guesthouse (noncommercial). An attached or detached residential dwelling unit without kitchen or cooking facilities, designed to be used by occupants of the dwelling to which it is accessory and their guests or servants employed on the premises. Guesthouses that are attached to the primary dwelling are not required to have interaccessibility with the primary dwelling. A detached garage containing one or more rooms used or adapted for use as human habitation will be considered a guesthouse.

Multi-family Dwelling. A building or group of buildings on a single building site that contains two or more dwellings, each with its own facilities for parking, living, sleeping, cooking, and eating. This classification includes condominiums, townhouses, and apartments.

Senior Citizen Housing. Housing provided for senior citizens as defined by the State of California (Cal. Civ. Code §51.3).

Family Day Care. A day care facility licensed by the State of California that is located in a single-family residence or other dwelling where an occupant of the residence provides care and supervision for children.

Small Facility: Provides care for 6 or fewer children.

Large Facility: Provides care for 7 to 14 children.

17.68.4 Public, Semipublic, and Service Use Classifications.

Clubs and Lodges. Private or nonprofit organizations providing meeting, recreational, or social activities primarily to members or guests. This classification includes membership organizations, social clubs, and youth centers.

Colleges and Trade Schools, Public or Private. Post-secondary institutions typically granting recognized certificates or degrees. Included are conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, art schools and management training, technical, and trade schools, but excludes instructional services offered on an individual basis, health clubs, and athletic and sports-training facilities.

Community Care Facilities. Facilities providing non-medical care and supervision of persons under license from the California State Department of Social Services. This classification excludes hospitals, residential care facilities, family day care homes, day care centers, and transitional housing.

Community Centers. Any public, private, commercial, or nonprofit facility established to provide social, educational, recreational, or cultural programs, meetings, or lectures, or similar activities. Examples include conference facilities, meeting rooms, youth centers, and senior centers. This classification includes community facilities operated in conjunction with an approved residential or commercial use that are not generally available to the public.

Conference Facilities, Small. A facility designed to accommodate fewer than 20-25 persons for multipurpose gatherings, assemblies, conferences, seminars, or recreation activities and ordinarily operated in conjunction with an approved residential or commercial use.

Community Social Service Facilities. Any noncommercial housing facility, such as homeless shelters or emergency shelters, which may also provide meals, showers, and/or laundry facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide long-term living accommodations.

Day Care Center. Establishments, not located in a dwelling, providing non-medical care for one or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, daycare centers for children or adults, and any other daycare facility licensed or certified by the State of California.

Emergency Medical Care. Facilities providing emergency medical service with no provision for continuing care.

Government Offices. Administrative, clerical, or public access offices of a government agency, including the Postal Services, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities whose primary purpose is maintenance, repair, and storage of vehicles and equipment.

Hospitals and Clinics. Facilities licensed by the California State Department of Health Services providing medical, wellness, surgical, psychiatric, or emergency medical services. This classification also includes facilities for inpatient and outpatient treatment including drug and alcohol abuse programs as well as training, research, and administrative services for patients and employees.

Hospitals. Institutions providing medical and surgical care including operating facilities and beds for patients. These establishments may include nursing, extended care, and physical therapy facilities, gift shops, retail pharmacies, employee housing, temporary housing for patient families, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors.

Clinics. Facilities other than hospitals where patients are admitted for examinations and treatment by one or more physicians. Patients are treated as outpatients and are not admitted for overnight treatment or observation. This classification also includes licensed facilities offering

substance abuse treatment, blood banks and plasma centers, and emergency medical services to outpatients.

Hospice Care, Limited. Facilities licensed by the California State Department of Health Services providing living accommodations and 24-hour primarily non-medical care and supervision for up to 6 terminally ill persons.

Libraries, Public. Non-profit establishments that maintain collections of books, journals, newspapers, music and artistic materials that are made available to the public.

Museums, Galleries, Gardens (noncommercial). Public or non-profit institutions engaged in the preservation and exhibition of objects, sites, and natural things of historical, cultural or educational value that are regularly open to the public. This classification includes museums, historical sites, aquariums, art galleries (except retail), planetariums, and zoos and botanical gardens.

Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.

> ***Individual Recreation.*** This subclassification includes spontaneous, non-organized recreation by individuals or small groups using minimal facilities and with no concession support.
>
> ***Organized Recreation***. This subclassification includes recreation by individuals, small groups, teams, or classes using such developed facilities as community centers, playing fields, courts, gymnasiums, swimming pools, and picnic facilities, and may include related food concessions.

Parking Facilities, Noncommercial. Surface lots and structures, above or below ground, used for parking motor vehicles incidental to another land use or activity on or off site.

Public Safety Facilities. Facilities for public safety and emergency services, including police, fire protection, and emergency medical services.

Religious Facilities. Facilities for religious worship, sanctuary, social services, and incidental religious education and administration, but not including private schools as defined in this section. This classification includes churches, temples, and other facilities used primarily for religious services.

Residential Care Facilities. Facilities that require or are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance. Living accommodations are shared living quarters with or without separate kitchens or bathrooms for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or nonprofit institutions.

> ***Residential Care, General.*** A residential care facility providing 24-hour nonmedical care for more than six persons in need of personal services, supervision, protection, or assistance. This classification includes hospices, board and care homes, and similar establishments that are licensed by the State of California.
>
> ***Residential Care, Limited.*** A residential care facility providing 24-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California.
>
> ***Residential Care, Senior.*** A residential care facility providing 24-hour medical or nonmedical care for more than six persons 60 years of age or older in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. This classification includes nursing homes for the elderly, life care or continuing care homes, and similar facilities licensed for residential care by the State of California.

Schools.

> ***Schools, Public.*** Facilities for primary or secondary education, including public schools and charter schools, having curricula required in the public schools of the State of California.
>
> ***Schools, Private.*** Private institutions providing primary or secondary education and having curricula comparable to that required in the public schools of the State of California.

Transitional Housing Facilities. Facilities providing sleeping accommodations, meals, showers, and laundry facilities to assist persons obtaining skills necessary for independent living in permanent housing. The term of occupancy is generally not less than two weeks nor more than two years. Specialized programs and services related to the needs of the residents may also be provided.

17.68.5 Commercial Use Classifications.

Animal Sales and Services. Retail sales and commercial services including grooming, or medical care for small animals. This classification allows 24-hour accommodation only for animals receiving emergency hospitalization and excludes kennels, dog walking, and similar pet care services not performed at a fixed location.

> ***Animal Grooming.*** Commercial establishments providing bathing and trimming services for animals.
>
> ***Animal Hospitals.*** Establishments where animals receive medical treatment. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
>
> ***Kennel.*** Facility for keeping, boarding, training, breeding, or maintaining for commercial gain four or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

Automobile Sales and Services.

> ***Motorcycles, Mopeds & Parts.*** Establishments engaged in the sale, leasing, and servicing of motorcycles and mopeds, including stores that provide parts for such vehicles.
>
> ***Vehicle Repair***. Repair of automobiles, small trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, transmission shops, wheel and brake shops, and auto glass services, but excludes body and fender shops, vehicle dismantling or salvaging, and tire retreading or recapping.
>
> ***Vehicle Service and Gasoline***. Establishments engaged in the retail sale of gasoline or diesel fuel, lubricants, parts, and accessories, including gasoline service stations; quick-service oil, tune-up, brake and muffler shops; and tire sales and installation, where repairs are made or service provided in enclosed bays, and vehicles are not ordinarily stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, towing, or repair of large moving and storage trucks or construction vehicles.

Banks and Other Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions and businesses offering check-cashing facilities.

> ***Automated Teller Machines (ATMs).*** Automated devices that perform banking or financial functions operated by the consumer, at a location either remote from the controlling financial institution or as an accessory to the financial institution's principal building.

Building Materials, Hardware and Garden Supplies. Retail sales, rental, and related services of hardware, plumbing, electrical, heating, air conditioning, building supplies, tools and equipment, plants and garden products, patio furniture, swimming pools, spas and hot tubs, lighting fixtures, kitchen and bathroom fixtures and cabinets, paint, carpeting, floor coverings, or wallpaper. This classification includes sale of fertilizer and soil products in package form.

Business Services. Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building.

Commercial Recreation. Provision of participant and spectator recreation or entertainment. This classification includes bowling alleys, golf driving ranges and miniature golf courses, tennis or racquetball courts, card rooms, and fortune telling.

Computer Services. Establishments that provide computer-related services including repair and maintenance of computers and the provision of internet or computer- related services for a fee.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food or beverages for consumption on or off the premises.

> ***Drinking Places***. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks.
>
> ***Restaurants, Full Line***. Restaurants providing a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. These restaurants provide table service to patrons of all ages who pay after eating. Takeout service may be provided.

Restaurants, Specialty. Restaurants providing a limited range of food products for immediate consumption on the site. These restaurants provide seating but are not required to provide table service or menus. Specialty restaurants provide, as a primary use, two or fewer of the following lines of foods: pastries and doughnuts, frozen desserts, candy and nuts, juices, and coffee and tea.

Food and Beverage Sales. Retail sales of food and beverages primarily for off-site consumption. Typical uses include markets, groceries, liquor stores, and retail bakeries.

Convenience Market. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, periodicals, and other household goods. This classification does not include delicatessens or specialty food shops.

Food Store-Full Line. Retail food markets, with no seating on site, providing a full range of food and grocery items including meats, poultry, produce, dairy products, and canned and dried goods for home preparation. These markets may have specialty food sales as an incidental use, such as bakeries and delicatessens.

Food Store-Specialty. Retail food markets, with no seating on the site, that provide a specialized and limited range of food items sold primarily for home preparation and consumption Examples include such uses as:

- Bakeries,
- Candy, nuts and confectionary stores,
- Meat or produce markets,
- Vitamins and health food stores,
- Cheese stores and delicatessens.

Liquor. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

Hotels and Motels. Establishments offering lodging to transient patrons for periods less than 30 days.

Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, janitorial services, pest control, or building

maintenance services. This classification excludes maintenance and repair of vehicles or boats.

Office.

> ***Office, Business and Professional.*** Offices of firms or organizations providing such professional, executive, management, or administrative services as architectural, computer software design, engineering, graphic design, interior design, real estate, insurance, investment, and legal. This classification excludes hospitals, banks, and savings and loan associations.
>
> ***Office, Medical and Dental.*** Offices of firms or organizations providing medical services, such as physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification includes medical or dental laboratories incidental to an office use but excludes clinics as defined in this section.
>
> ***Offices, Other.*** All other offices not included under business and professional offices or medical and dental offices, including nonprofit organizational offices, catalog and mail order offices, or educational offices.

Parking Facilities, Commercial. Surface lots and structures, above and below ground, offering parking to the public for a fee.

Personal Improvement Services. Establishments providing instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, diet centers, reducing salons, and fitness studios.

Personal Services. Establishments providing recurrently needed services of a personal nature. This classification includes barber and beauty shops; seamstresses, tailors, shoe repair shops, spas, health clubs, massage parlors, steam baths, tattoo parlors, Turkish baths, wedding chapels, funeral services, and additional uses classified under Subsection 812: Personal and Laundry Services of the NAICS .

> ***Laundry and Dry Cleaning.*** Establishments engaged in providing dry cleaning and laundering services including coin-operated laundry services and drop-off and pickup laundries and dry cleaners.
>
> ***Video Rental.*** Establishments primarily engaged in renting video tapes, discs and other media for viewing or reproduction in home electronic equipment.

Research, Development, and Testing Services. Establishments providing research and development facilities including laboratory services, or establishments providing photographic, analytical, or testing services. This classification does not include services that expose employees or the public to hazardous materials or conditions.

Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes bookstores, camera shops, clock shops, clothing stores, drugstores, florist shops, hobby, toys and game shops, furniture stores, luggage stores, musical instrument stores, newsstands, optical goods stores, shoe stores, souvenir stores, sporting goods stores, stationary stores, and tobacco, pipes, cigarettes, and smokers' supplies.

Antique Shops. Establishments selling collectible merchandise that is old or rare.

Art Galleries. Establishments primarily engaged in selling and displaying original and limited edition art works including paintings, graphic arts, photography, and sculpture.

Arts and Crafts. Establishments selling handcrafted merchandise for home decoration or furnishings within one or more of the following categories: pottery, glass, fabric, paper, wood, fiber or ceramics. Goods sold at these stores are unique, artisan-produced items rather than machine or mass-produced goods.

Jewelry Shops. Retail stores selling a combination of jewelry items, predominantly handcrafted, including diamonds and other precious stones mounted in precious metals, such as rings, bracelets, brooches, sterling and plated silverware, and watches.

Specialty or Theme. A retail store selling a specialized line of merchandise not otherwise defined including art and architecture supplies, candles, coins and stamps, gems, rocks and stones, telescopes, and binoculars. A theme store may combine merchandise lines from several classifications with all merchandise organized around a central concept or idea.

Thriftshops. Nonprofit organizations selling used goods normally consisting of household discards. This classification does not include such specialty stores as used bookstores, antique stores, jewelry stores, or stamp and coin collection shops.

Vending Machines. Coin, token, currency, or magnetic card-operated machines selling a variety of goods including candy, snacks, sodas, toys, and trinkets.

Theater, Live Performance. Facilities engaged in providing live spectator entertainment including musicals, operas, recitals, concerts, plays, comedy, and improvisational and puppet shows. This classification also includes lecture halls, dinner theaters, and other cultural and academic venues where live spectator entertainment is conducted.

Theater, Motion Picture. Facilities engaged in exhibiting motion pictures or videos. This classification does not include drive-in theaters.

Travel Services. Establishments providing travel information and reservations to individuals and businesses including travel agencies, transportation services, and tour operators. This classification excludes automobile rental agencies.

17.68.6 Industrial Use Classifications.

Handicraft/Custom Manufacturing. Manufacture of crafts, art, sculpture, stained glass, and similar items. Retail sales are restricted to items manufactured on the premises.

Industry, Limited. Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared materials; food and beverage manufacturing or distribution; conducting industrial or scientific research including product testing.

Indoor Commercial Storage. Storage of commercial or personal goods within an enclosed building without sales to the public.

17.68.7 Transportation, Communication, and Utilities Use Classifications.

Communication Facilities.

Antennae and Transmission Towers. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Examples of transmission towers are limited to, radio towers, television towers, telephone

exchange or microwave relay towers, and cellular telephone transmission or personal communications systems towers.

Facilities within Buildings. Includes radio, television, or recording studios and telephone switching centers; excludes antennae and transmission devices.

Utilities, Major. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, underground water and sewer lines, and recycling collection facilities.

17.68.8 Agricultural Use Classifications

Nurseries. The cultivation for sale of such horticultural specialties as flowers, shrubs, and trees. This classification includes wholesale and retail nurseries offering plants for sale.

17.68.9 Other Use Classifications

Accessory Use. A use that is specifically associated with and normally ancillary to a specified principal use.

Nonconforming Use. A use of a structure or land that was lawfully established and maintained, but that does not conform with the currently applicable use regulations for the zoning district in which the use is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

Temporary Use. A use that is permitted to operate for a specified, limited period of time.

Chapter 17.69 (RESERVED)

Chapter 17.70 List of Terms and Definitions

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17.70.2 Definitions.

The words, terms, and phrases defined in this chapter shall, for all purposes connected with this title, be construed as having the meanings respectively set forth in this chapter.

Accessory Building. A detached building that is secondary to the principal structure(s) on a site. Examples include a playhouse, woodshed, storeroom, laundry, private garage, subordinate unit, or workshop.

Accessory Use. A use that is secondary to the principal use of a building or space within a building on the same building site that serves a purpose customarily incidental to any permitted use made of the premises alone. For retail uses, an accessory use is incidental in terms of area, extent, and purpose to a primary use and in terms of display space that is occupied.

Acre, Gross. A measure of total land area of any lot including future streets, parks, and other land dedications.

Acre, Net. The gross area of a site excluding land to be dedicated for required easements for vehicles and rights of way, either public or private, or land to be dedicated for schools and parks or other facilities devoted to public use.

Adjacent. Near or close to; sometimes contiguous; neighboring.

Affordable Housing Terms.

Affordable Unit, For Rent. A unit for which the total monthly rent plus utilities for lower income households does not exceed 30 percent of 60 percent of the county median income or, for very low income households, 30 percent of 50 percent of the county median income.

Affordable Unit, For Sale. A unit for which the total monthly payment including interest, taxes, insurance, and utilities does not exceed for lower income households 30 percent of 60 percent of the county median income or, for very low income households, 30 percent of 50 percent of the county median income.

Very Low Income Households. Households with incomes that do not exceed 50 percent of the area median income, as adjusted for family size.

Low Income Households. Households with incomes ranging from 51 percent to 80 percent of the area median income, as adjusted for family size.

Moderate Income Households. Households with incomes ranging from 80 percent to 120 percent of the area median income, as adjusted for family size.

Alley. A secondary vehicular accessway through the middle of a block that provides access to the rear of building sites or to buildings.

Alteration. Any change, addition, or modification of any of the supporting members of a structure, such as bearing walls, columns, beams or girders, that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures but excludes ordinary maintenance and repairs.

Minor Alteration. Alterations that involve minor design changes and for which only an administrative permit by the Planning Director is required pursuant to Chapter 17.58: Design Review.

Substantial Alteration. Alterations that involve more substantial design changes and for which discretionary approval is required pursuant to Chapter 17.58: Design Review.

Ancillary Use. *See Accessory Use.*

Animal, Domestic. A small animal of the type generally accepted as a pet, including dog, cat, rabbit, songbird, fish, and the like, but not including chicken, duck, goose, pea fowl, goat, sheep, pig, hog or the like.

Animal, Farm. Any animal that is customarily raised on farms, including horses, cows, and any other animal customarily kept in a pen, corral, stable, or pond.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception, or both, of electromagnetic radiation waves.

> ***Amateur Radio Antenna.*** Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by Federal regulation.
>
> ***Satellite Antenna.*** Any antenna used to receive or transmit radio or television signals from orbiting communication satellites.

Automated Teller Machine (ATM). An automated device used by the public to conduct such banking and financial transactions electronically as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account. As used in this code the term ATM does not apply to retail point-of-sale transactions within a fully enclosed location.

Average Grade. *See Grade, Average.*

Average Percent of Slope. The ratio between vertical and horizontal distances expressed as a percent. *See Rules of Measurement.*

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet.

Banners. *See Sign Terms.*

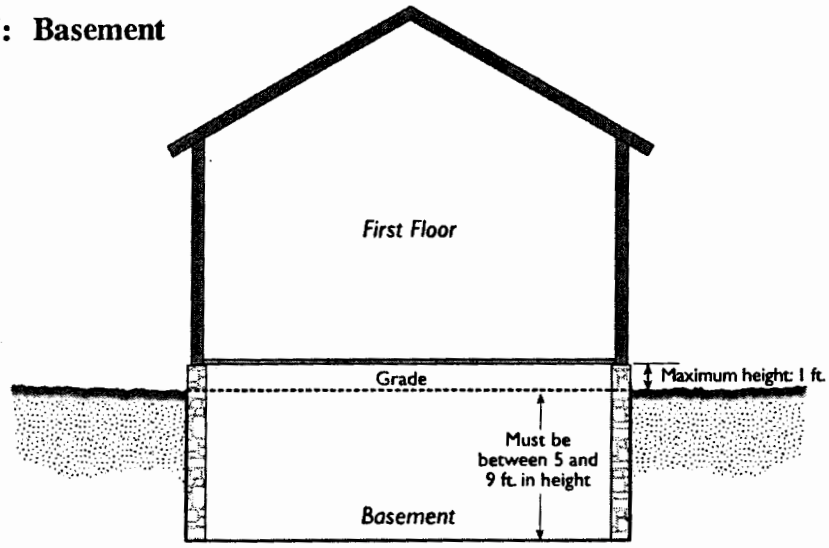
Base Density. The number of dwelling units on a particular parcel of land that is in conformance with the general plan and zoning code.

Base Floor Area. The calculated floor area allowed on a site prior to consideration of bonus floor area or adjustments to floor area based on site constraints. *See Rules of Measurement.*

Basement. An underground room or excavated space between 5 and 9 feet of interior height, finished or unfinished where the finished floor level directly

above the space is not more than one foot above both the existing or final grade. Any subgrade space where the finished floor elevation directly above the space is more than one foot above existing or finished grade shall be considered above-ground space. All areas where the finished floor elevation directly above a subgrade space is more than five feet above either existing or final grade shall also be considered a story. (Note: In calculating the floor area of a basement it may be necessary to count part of the area in a floor level as basement and part of the area in a floor level as above-ground space.) Basement spaces may be used for any residential occupancy allowed by the Uniform Building Code such as bathrooms, family rooms, hobby rooms, offices, mechanical equipment, storage and, if equipped with window wells, bedrooms.

Figure VI-I: Basement



Best Management Practices. Best Management Practices means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; the prohibition of specific activities, practices, and procedures; and such other provisions as the City determines appropriate for the control of pollutants.

Bonus Floor Area. Floor area, in addition to the floor area for a site, granted as an incentive to achieve specified design or land use objectives.

Building. A permanent structure providing shelter occupying an area of land and enclosing volume. This implies a roof supported by walls, posts, or columns. If walls entirely enclose the space within, there usually are doorways for access and windows for light. Roofs, walls, doors, and windows are essential features of buildings.

Building Terms.

> ***Buildable Area***. The portion or area of a lot or parcel of land, after subtracting such unbuildable areas of the parcel as easements, environmentally sensitive habitat areas (ESHA), or excessive slopes. *See Rules of Measurement.*
>
> ***Building Coverage***. *See Coverage, Building.*
>
> ***Building Height***. The plumb vertical distance from existing or finished grade (whichever is more restrictive) to the highest point of the roof beams of a flat roof, the deck line of a mansard roof, or the peak or gable of a pitched or hipped roof. *See Rules of Measurement.*
>
> ***Building, Principal***. A building in which the primary activities are conducted.
>
> ***Building Site***. A lot or parcel of land containing the minimum net acreage or square footage required for development as specified in the General Plan and/or Zoning Code.
>
> ***Building Value***. A value determined by the building official based on the total floor area of the building multiplied by the International Conference of Building Officials building standards valuation tables as adjusted by the local modifier adopted by the City Council.

Carmel Beachlands. All real property west of North San Antonio extending from the North City boundary south to Ocean Avenue including the western terminus of Ocean Avenue west of San Antonio, and all lands west of Scenic Road extending from the South City limits north to Ocean Avenue.

Carport. *See Parking Terms.*

Certified Arborist. An individual who has demonstrated knowledge and competency through obtainment of the current International Society of

Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto.

Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

Construction Activity. In the context of Section 17.42.2: Urban Runoff Water Quality and Discharge Management, activities subject to National Pollutant Discharge Elimination System Construction Permits. These include construction projects resulting in land disturbance of five acres or more. These activities include clearing and grubbing, grading, excavating, and demolition.

Construction Sign. *See Sign Terms.*

Cost or Value of Construction. The total cost required to construct, rebuild, repair, remodel or make an addition to an existing building and shall include all permanent work and permanent equipment, excluding landscaping.

Coverage, Building. The total ground area of a building site occupied by buildings; or the allowable percentage of a lot that may be occupied by buildings (i.e. building footprint) consistent with the General Plan or Zoning Code.

Coverage, Lot. That area of a building site occupied, or allowed to be occupied, by materials or improvements that cover the natural soil but which are outside the perimeter of structures that count as floor area or building coverage. Depending on the nature of the materials used, lot coverage may be impermeable, semipermeable or fully permeable. *See Rules of Measurement.*

Coverage, Site. The total ground area of a site occupied by materials or improvements that cover the natural soil but which are outside the perimeter of structures that count as floor area. Site coverage includes:

A. Fully permeable materials including gravel, decomposed granite, spaced decking and exterior stairs. However, shredded bark, wood chips and similar materials used as mulch within fully landscaped areas are not counted as site coverage.

B. Semi-permeable materials including sand-set bricks or pavers, garden walkways of small paving stones, and arbors.

C. Impermeable materials including asphalt, concrete, mortared brick and stone, unspaced decking and balconies at any level, garden walls, solariums, bridges, sheds not counted as floor area, ponds, hot tubs and swimming pools.

Crawl Space. An area below a building having a clearance less than adult height, but accessible by crawling. Such space is typically below the first floor and is surrounded by foundation walls or supports.

Demolition. The complete destruction and removal or takedown of all above ground framing or structural elements and all exterior cladding of a building or structure including all roof framing and roof covering, and all exterior wall framing and wall cladding.

Department. The Department of Community Planning and Building.

Deck. An open, unroofed porch or platform, either freestanding or attached to a building that is supported above grade. *See also Balcony.*

Development. In compliance with Public Resources Code Section 30106, on land, in water or under it, the placement or erection of any solid material or structure; the discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; the grading, removing, dredging, mining, or extraction of any materials; the change in the density or intensity of use of land, including subdivision in compliance with the Map Act, and any other division of land, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; the change in the intensity of use of water, or of access to water; the construction, reconstruction, demolition, or alteration in the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. New development is any development after the effective date of these regulations. As used in these regulations, "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Director. The Director of Community Planning and Building or the Director's Designer.

Discount Store. A business primarily devoted to the sale of merchandise consistently sold below normal retail prices.

Display Case. A case, cabinet, or other device having a window of glass or other transparent material, or other opening, access to which is made from other than within a structure or building.

Dripline. *See Tree Terms.*

Drive-in Business. Any primary or accessory business use in which business is transacted while the customer or consumer is seated in a motor vehicle.

Driveway. A paved or unpaved accessway used by vehicles and pedestrians for common access to a parking space, garage, dwelling, or other structure.

Double Frontage Lot. *See Lot Types.*

Dwelling, Multi-family. A building or group of buildings on a single building site that, in whole or in part, is designed for, or occupied by, members of two or more families dwelling independently of each other in separate areas or units.

Dwelling, Single Family. Any building containing one or more habitable rooms with facilities for living, sleeping, cooking, and eating.

EIR. An Environmental Impact Report as required under the California Environmental Quality Act.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Exclusive Use. A use that precludes ordinary use in the vicinity of a temporary event for public recreation, beach access, or access to coastal waters other than for or through the event itself.

Existing Grade. *See Grade, Existing.*

Exterior Volume. The total space occupied by all structures located above average grade, expressed in cubic feet and measured from the exterior wall and roof surfaces of each building. *See Rules of Measurement.*

Family. An individual or two or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

Fence. An enclosure or barrier made of wood or metal, used as a boundary, means of protection, privacy screening, or confinement, but not including walls, masonry structures, hedges, shrubs, trees, or other natural growth.

Finished Grade. *See Grade, Finished.*

Flag Lot. *See Lot Types.*

Floor. A surface that is horizontal or nearly so located within the interior of a structure which is suitable for walking or standing upon.

Floor Area. The total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site. *See Rules of Measurement.*

Floor Area Ratio (FAR). The total floor area of all buildings or structures on a building site divided by the site area. *See Rules of Measurement.*

Food Use Terms.

Drive-in Establishment. A business that (1) prepares food intended for consumption in vehicles that may or may not be parked on the site; or (2) provides for the ordering of food while the customers are seated in vehicles.

Formula Food Establishment. A business that (1) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (2) adopts a name, appearance or food presentation format that causes it to be substantially identical to another restaurant regardless of ownership or location.

Fast Food Establishment. A business where food is consumed on or off the site and food is (1) pre-made and wrapped before customers place orders, and/or (2) served with disposable tableware for on-site food consumption. A fast food establishment also exhibits two or more of the following characteristics:

1. Food is ordered from a wall menu at a service counter;

2. Food consumed on the premises is ordered while customers are standing;

3. Payment is made by customers before food is consumed;

4. The service counter is closer to an entry/exit than is the seating/dining area; and/or

5. The business interior is brightly illuminated (greater than eight candlefoot power as measured in a horizontal plane three feet above the floor).

Take-out Food Establishment. A business that offers ready-to-eat, prepared snack foods and full meals for immediate consumption off the site while patrons are walking or standing in the public right-of-way or are seated in vehicles.

Frontage, Street. The side of a lot or building site facing a street.

Garage. *See Parking Terms.*

Garden Wall. A linear, masonry structure used within a landscape to define a boundary, path, planting area or other design feature. Garden walls are exposed on both sides and do not retain soil, slopes or terraces. *(See also Retaining Wall).*

General Plan. The City of Carmel-by-the-Sea General Plan.

Grade-Related Terms. *See Rules of Measurement.*

Average Grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of buildings. Average grade is calculated separately for each building.

Existing Grade. The topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. Existing grade may also be referred to as natural grade.

Finished Grade. The topographic elevations representing the ground surface at all parts of a site not occupied by a building upon project completion. This grade follows the actual soil or paving surface around the buildings including all excavations and fills. Excluded from this definition are window wells serving basement rooms, the combined area of which do not exceed 10 percent of the floor space in the total basement area.

Street Grade. The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

Guesthouse. An accessory building, or part of a principal building, without kitchen or cooking facilities, designed to be used by members of the family occupying the dwelling to which it is accessory and their guests or servants employed on the premises. A detached garage containing one or more rooms used or adopted for use as human habitation shall be considered a guesthouse.

Hazardous Material. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code §25117).

Health, Safety, and Welfare Sign. *See Sign Terms.*

Height. The vertical distance of the dimension measured from finished grade, unless otherwise specified. *See Rules of Measurement.*

Home Business Sign. *See Sign Terms.*

Home Occupation. Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in CMC 17.16.420 (Urban Runoff Water Quality and Discharge Management).

Illicit Connection. Either:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including any conveyances that allow any non-storm water discharge including sewage, processed wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by a government agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

Impermeable Surface. A surface artificially constructed so as to prevent or largely inhibit the infiltration of rainwater or runoff into the natural soils or underlying geologic materials.

Industrial Activity. Activities subject to National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26(b) (14).

Intensity of Use. The impacts a particular use or the use in combination with other uses has on its surroundings or on its demand for services and natural resources. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services ; number of automobile trips generated by a use ; parking demand ; number of employees on a site; hours of operation ; the amount of noise, light or glare generated ; the number of persons attracted to the site, or, in eating establishments, the number of seats.

Interaccessibility.

> ***For R-1 District***. Internal access to all parts of a single-family dwelling such that all rooms are accessible without having to exit to the exterior and then re-enter through another opening and without having to pass through a garage.
>
> ***For Commercial Districts***. The ability to move between structures on the same or an adjacent building site without first exiting to an open space.

Kitchen. Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.

Landscaping. The planting and maintenance of trees, ground cover, shrubs, vines, flowers, or lawn for an aesthetic or functional purpose.

Limited Duration. A period of time which does not exceed two weeks.

Living Space. Any space interior to a building having a floor suitable for walking or standing upon and that is used or designed for use by the occupants of a building.

Loading Space. An off-street space or berth within a building or contiguous to a group of buildings for the temporary parking of a vehicle while loading or unloading merchandise or materials or people, which abuts on a street, service drive, alley, or other appropriate means of access.

Liquidation Store. A business that regularly devotes more than 15 percent of the commercial floor area to the liquidation of manufacturers' or other retailers' stocks at prices represented to be lower than normal. Also called an Outlet Store or a Seconds Store.

Lodging Unit. A room or combination of rooms used or intended to be used primarily for sleeping purposes for any consideration, whether money or other thing of value.

Lot. A designated parcel of real property established by plat, subdivision, or as otherwise permitted by law, and indicated as a separate lot upon a Final Subdivision Map, parcel map, lot line adjustment map, or record of merger filed in the Office of the County Recorder pursuant to the provisions of the California Subdivision Map Act.

Lot Area. The total area within the exterior lines of a lot excluding public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

Lot Types. *See Figure VI-II: Lot Types.*

> ***Corner Lot.*** A lot or parcel of land situated at the intersection of two or more streets, having an angle or intersection of not more than 135 degrees.
>
> ***Double Frontage Lot.*** A lot having frontage on two nonintersecting streets. Each frontage from which access is permitted shall be deemed a front lot line for purposes of establishing front yard setbacks. Such lots typically do not have a rear lot line.
>
> ***Flag Lot.*** A lot not fronting or abutting a public roadway, where access to the public roadway is limited to a narrow private right-of-way.
>
> ***Interior Lot.*** A lot not located on a street corner and lacking a side lot line adjacent to a street.

Resubdivided Corner Lots. A pair of lots each measuring approximately 50 feet by 80 feet formed by a 90 degree reorientation of an existing lot line separating two lots each measuring 40 feet by 100 feet, one of which is located at the corner of a block.

Lot Line Types.

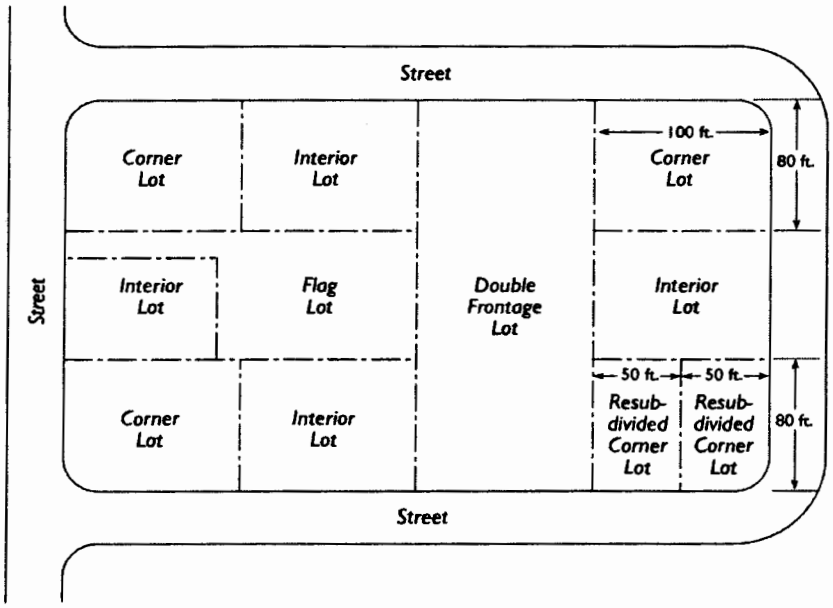
Front Lot Line. The side of a lot that abuts a public street. For corner lots, the shortest side fronting upon a street is considered the front of the lot regardless of which street is used for vehicle or pedestrian access.

Interior Lot Line. A lot line not adjacent to a street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing setbacks and measuring rear yard depth.

Side Lot Line. Any lot lines other than front lot lines or rear lot lines.

Figure VI-II: Lot Types



Lot Width. The horizontal distance between side lot lines measured along a line that is parallel to the front lot line and located the minimum exterior setback distance from the front lot line.

Manufacturers' Outlet Store. A business that regularly devotes more than 15 percent of the commercial floor area to the sale of merchandise, primarily from one or a few manufacturers, generally represented as irregular, discontinued, overstocked, or not considered by the manufacturer as disposable through normal retail channels.

Merchandise Mart. A use involving dividing a single business premises into spaces for separate businesses for the purpose of retail sales, whether or not walls are installed to separate such spaces, and where access to two or more of such spaces is from interior space or a common entry from the public way. A merchandise mart includes such other uses as stall merchandising or multiple enterprise businesses, but it does not include uses wherein concessions or separate departments are created within one store where there is only one business having the appearance of one business and only one set of books is kept for the business.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits. General, group, and individual storm water discharge permits that regulate facilities defined in Federal NPDES regulations in compliance with the Clean Water Act. These permits include General Construction Activity permits, General Industrial Activity permits, and similar permits adopted by the Central Coast Region of the California Regional Water Quality Control Board, and the State Water Resources Control Board.

Natural Feature. Any tree, plant life, water feature, or rock outcropping.

Non-permanent Structures. Include, but are not limited to, seating, perimeter fencing, vendor tents or canopies, judging stands, portable toilets, sound or video equipment, stages, platforms, movie or film sets, etc., which do not involve grading or landform alteration for installation.

Nonconforming Building or Structure. An existing building or structure that was lawfully designed, erected, or structurally altered but that does not conform with currently applicable zoning requirements prescribed for the district in which it is located.

Nonconforming Sign. *See Sign Terms.*

Nonconforming Use. *See Use, Categories Of.*

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

NPDES. National Pollutant Discharge Elimination System

Nursing Home. Any building or portion thereof, which is not a single-family dwelling or hospital, wherein five or more persons are provided with food, lodging, and personal care by any individual, his agent or his employee for any sum of money or other thing of value, and who is therefore required by the County or the State of California to be licensed or approved for such service. A nursing home shall not provide care for drug addicts, mental patients, or alcohol addict cases. A residential care home shall be considered a nursing home for the purposes of this code.

Occupancy, Change In. A discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Open House Sign. *See Sign Types.*

Open Space Types. *See also Yard.*

> ***Private Open Space***. An open area outside a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.
>
> ***Usable Open Space.*** An outdoor or fenced area on the ground or on a roof, balcony, deck, porch, or terrace designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard, and excluding any space with a dimension of less than 6 feet in any direction or an area of less than 36 square feet.
>
> ***Common Open Space***. Land not individually owned or dedicated for public use which is designed and intended for the common use or enjoyment of the residents or occupants of a development.

Ordinary Maintenance and Repair. Any work undertaken to restore any deterioration of or damage to a structure or any part thereof involving no change to materials or design.

Other Offices. An office use not otherwise defined as personal or health care services where clients visit primarily by appointment or where business is conducted by telephone. Specific uses include, but are not limited to, engineering, architectural, surveying, accounting, bookkeeping, management, and public relations.

Outdoor Storage. Storage of materials, including items for sale, lease, processing, and repair, in an area outside an enclosed building.

Outlet Store. *See Liquidation Store.*

Parking Terms.

> ***Automobile Parking.*** Parking available to the general public for a fee.
>
> ***Parking Lots.*** An off-street, surfaced, ground level open area for the temporary storage of motor vehicles. *See also Public Parking Area.*
>
> ***Parking Pad.*** A designated space located on a building site that has vehicle access to a street by means of a driveway meeting minimum dimensional standards, which is designed and used for the parking of a vehicle.
>
> ***Public Parking Area.*** An open area other than a street used for the temporary parking of automobiles by the public, whether free, for compensation, or as an accommodation for clients or customers.
>
> ***Parking Structures.*** A structure or a portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. *See also Public Parking Area.*

Patio. A courtyard adjacent to or within a building typically enclosed by buildings, arcades, or walls.

Pergola. A structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work over which climbing plants are trained to grow.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other entity, public or private.

Personal Services. Services such as those of barber, beautician, or cosmetologist; interior decorator not providing upholstery or repair services on the premises nor providing articles for sale on the premises ; photographic studio ; and studios and schools of art, music, and dance.

Place of Business. The physical location(s) within the City where the activities of a business are conducted.

Pollute. Anything that causes or contributes to pollution, which may include paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete fines); and noxious or offensive matter of any kind.

Pollution. The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

Porch. An exterior appendage to a building forming a roofed or covered approach or vestibule to a doorway.

Porte-cochere. A vehicular passageway leading through a building into an interior courtyard. Also, a porch roof projecting over a driveway at the entrance to a building and sheltering those getting in or out of vehicles.

Porter-Cologne Act. The Porter-Cologne Water Quality Control Act and as amended (California Water Code 13000 et seq.).

Preexisting. In existence prior to the effective date of this Title.

Preservation. The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure or the existing form and vegetative cover of a site.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of

this Title. This term also refers to any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Public Access Terms.

Lateral Access. Provides for public access and use along the shoreline.

Vertical Access. Provides access from the nearest public road to the shore, or perpendicular to the shore.

Rebuilding. The act of reconstructing portions of an existing building or structure or making extensive repairs or modifications to an existing building or structure. Rebuilding includes, but is not limited to the removal or takedown from any building or structure of 50% or more of both the structural framing and cladding of exterior walls or 50% or more of both the structural framing and covering of the roof.

When determining whether a building or structure is being rebuilt the following applies:

A. The nonconforming portions of any wall or roof is counted as removed or taken down, even when retention of these portions is proposed.

B. Exterior walls retained at 10 feet or less in length are counted as removed or taken down.

C. Roof areas measuring 100 square feet or less in area are counted as removed or taken down.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Remuneration. Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property.

Resale control. A resale restriction placed on inclusionary units by which the price of such units and income of the purchaser will be restricted in order to assure affordability and occupancy by lower and very low income households.

Residential Housing Types. *See also Chapter 17.68: Use Classifications.*

> *Apartment*. A room or suite of rooms, occupied or designed for occupancy as a separate dwelling unit, located in a building containing either two or more such dwelling units or containing one dwelling unit plus commercial or other uses in separate rooms or spaces, as in a mixed-use building.
>
> *Condominium*. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.
>
> *Dwelling*. A building or portion thereof which is used or designed for use exclusively for human habitation.
>
> *Group Residential*. Shared living quarters without separate kitchens or bathrooms for each room or unit, including boardinghouses, dormitories, and private residential clubs, but excluding guesthouses.

Retaining Wall. A wall or similar structural device used at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling.

Review Authority. The individual or official City body identified by these regulations as having the responsibility and authority to review, and approve or disapprove the permit applications required by these regulations. (Code 1975 § 1350.95).

School, Public or Private. An institution providing education and having curricula comparable to that required by public schools of the State of California. *See also Chapter 17.68: Use Classifications.*

Seconds Store. *See Liquidation Store.*

Senior Citizen Housing. *See Chapter 17.68: Use Classifications.*

Sensitive Coastal Resource Area. As provided by Coastal Act Section 30116, those identifiable and geographically bounded land and water areas of vital interest and sensitivity within the Coastal Zone, including special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated on Figure 2 of the Local Coastal Program Land Use Plan (Land Habitat Sensitivity Map) and archaeological sites referenced in the California

Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

Setback line. A line parallel to a corresponding lot line or building site boundary. The intervening space between a setback line and the corresponding lot line or building site boundary defines a required yard area where limits on site improvements may be established based on specific zone standards. *See also Yard Types.*

Shrub. A bushy, woody plant, usually with several permanent stems, and usually not over 10 to 15 feet high at maturity.

Sign. Any object, structure, symbol, banner, streamer, letter, number, emblem, logo, color, display, or light, or any combination thereof which is intended to or does identify, attract attention to, advertise, announce, or communicate information of any kind to the public.

Sign Terms.

Abandoned Sign. A sign that no longer applies to a business space, building, or site, due to lack of a valid business license, change of business name, or for any other reason that renders the sign not applicable to the premises involved.

Appurtenant Sign. A sign incidental, appropriate, and subordinate to a permitted use of the lot or building upon which the sign is located.

Banners. Temporary signs on public property announcing special events and conforming to standards established by policies of the City Council.

Business Sign. Any interior or exterior sign which is intended to identify the name or portions of the business name and which is viewable from any exterior area open to the public.

Charitable Organization or Special Event Sign. A temporary sign for the purpose of announcing special or infrequently held activities by an organization.

Construction Sign. A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a structure and when work is in progress on site pursuant to such permit.

Directory Sign. A collection of signs which list names of individual businesses located in a single building, courtyard, or property. Directories are located on private property at one or more entrance(s) facing or near the public right of way.

Exterior Sign. A sign which is located outside a building or premises or on a vacant property, or painted on or attached to a door, building or window, which is visible from the public right-of-way or any other exterior area open to the public.

Garage, Yard, Rummage, and Estate Sale Sign. A sign that advertises a garage, yard, rummage, or estate sale in the single-family residential (R-l) land use district or that advertises interior estate sales located in apartments or condominiums.

Health, Safety, and Welfare Sign. A temporary sign installed to protect the public health, safety, and welfare.

Home Business Sign. A sign indicating the name and use of a licensed home business in the single-family residential (R-l) land use district.

Home Occupation Sign. A sign designating a licensed home occupation being conducted at the site.

House Name Sign. A sign that by its very nature and wording identifies the specific house and takes the place of house numbers. Such a sign may include pictorial and decorative designs otherwise prohibited.

Illuminated Sign. A sign which radiates light from any internal source or is backlit and is visible from any public right-of-way or from any area open to the public.

Interior Sign. A sign located within a business premises and visible from the public right-of-way or from any area open to the public.

Name Plate. A sign indicating the name of the owner or occupant of the premises, the name by which the residence or premises is known, or the profession or occupation of the owner or occupant of the premises.

No Soliciting or No Handbills Sign. A sign indicating no soliciting or distribution of handbills.

Nonconforming Sign. Any sign that existed prior to a change in the municipal code that prohibits such signs or any sign installed without approval from the City that requires approval by the City.

Open House Sign. An open house sign advertises that a house is open for view as part of the sale or exchange of the property.

Real Estate Sign. A sign identifying that a property is for sale, lease, exchange, or rent. The purpose of this sign is to help owners in the sale of their property by providing information on the location of the property to potential buyers without impairing the appearance of the community.

Real Estate Rider. A sign attached to a real estate sign that provides additional information about the sale or the property.

Sign Area. The entire area included within the smallest rectangle that wholly contains the sign. Brackets or other appurtenances incorporating design elements that are descriptive or informative of the business use will be included as part of the rectangle measuring the sign area. Also included are vacancy or no vacancy sign riders for motel or hotel or inn signs. *See Rules of Measurement and Chapter 17.40: Signs.*

Sign Copy. Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof, that communicates advertising, identification, or notification.

Sign Height. The plumb vertical distance measured from either the lowest grade directly beneath the sign to the lowest side, edge, or element of the sign (minimum height) or from the lowest grade to the highest side, edge, or element of the sign (maximum height).

Temporary Sign. A sign or advertising display designed or intended to be displayed for a short period of time.

Site. A lot, parcel, leasehold, or other physical location that is in a single ownership or under unified control. *See also Building Site.*

Significant Tree. Any tree listed on the City Significant Tree List as maintained by the City Forester.

Specialized Retail. A retail store selling a specialized line of merchandise not otherwise defined including, art and architectural supplies; candles; coins and stamps; gems, rocks, and stones; telescopes; and binoculars.

Stationery Store. A retail store offering a full range of paper products, office forms and supplies, stationery, cards, pens, pencils, and writing supplies.

Stoop. A raised platform, sometimes roofed, approached by steps and located at an entrance to a house.

Storm Drain System. A publicly-owned facilities operated by the City by which storm water is collected or conveyed, including any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from rainstorms.

Story. A space in a building between the upper surface of any floor and either the upper surface of the next floor above, or in the case of the topmost floor, the ceiling or roof above. Those portions of a subgrade or partially subgrade living space, space used for parking, underfloor space or crawl space are counted as a story where the finished floor above such space is 5 feet or more above the final grade adjacent to any exterior wall around the perimeter of the building.

> ***Within Residential Zones.*** Those portions of excavated space not used for parking, that qualify as a basement, do not count as a story. All portions of a garage are considered a story. *See also Basement.*
>
> ***Within All Commercial Zones.*** A basement or cellar is considered a story if the finished floor level directly above such basement or cellar is more than 5 feet above the surface of the ground adjacent to any portion of any exterior wall of such structure that faces on a public street, way, place, or park.

Street. A vehicular accessway that affords means of access to a block or to abutting property, including avenue, place, way, drive, lane, road, and any other thoroughfare except an alley as defined in this chapter.

Structure. A stable assembly of parts. The term ''structure'' includes, but is not limited to, any building, deck, garage, carport, arbor, fence, wall, stairway, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Subgrade Spaces: Floor levels, crawl spaces, basements and similar areas excavated below, or partially below, existing or finished grade, whether finished or unfinished.

Subordinate Unit. *See Chapter 17.68: Use Classifications.*

Substantial Alteration. Any visual change, exterior design modification or addition to a building, structure, or site design, including but not limited to changes in architectural style or details, or changes in exterior materials, paving or decks that does not meet the definition of a demolition or a rebuild, or does not comply with adopted Design Objectives and/or Design Guidelines.

Telecommunication Terms.

> ***Building-Mounted Telecommunications Facility***. A facility constructed in two general forms, roof mounted, in which an antenna is placed on or above the roof, and facade-mounted, in which an antenna is mounted on the side of a building. Building-mounted facilities can be located on or inside various structures such as building roof or eave trim, church steeples, or other innovative locations.
>
> ***Monopole.*** A facility that consists of a single pole structure erected on the ground to support wireless communication antennas and connecting appurtenances.
>
> ***Telecommunications Facility.*** A commercial facility that transmits or receives electromagnetic signals, including antennas for cellular, enhanced specialized mobile radio (ESMR), personal communications services (PCS), microwave dishes, earth stations for satellite-based communications, and similar facilities.
>
> ***Telecommunications Facility, Co-Located.*** A facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Temporary Event. An activity or use of limited duration that constitutes development as defined in Section 301056 of the Coastal Act and involves the placement of non-permanent structures or involves the exclusive use of a beach, parkland, filled tidelands, water, streets, or parking area which is otherwise open and available for general public use.

Temporary Use. *See Temporary Event.*

Terrace. An open, often paved area, at a single level and at grade, serving as an outdoor living area.

Time-Share Definitions.

Time-Share Estate. A right of occupancy in a time-share project that is coupled with an estate in the real property.

Time-Share Use. A license or contractual or membership right of occupancy in a time-share project which is not coupled with an estate in the real property.

Time-Share Occupancy. An occupancy related to the situation wherein a purchaser receives the right or entitlement in perpetuity, for life, or for a term of years or other extended term, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), hotel or portion thereof, or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the time-share project which is involved has been divided. The right or entitlement to occupancy may attach in advance to a specific lot, parcel, unit, room(s) or portion of a hotel, or segment of real property, or may involve designation or selection of the same at a future time or times.

Time-Share Program. Any arrangement for a project whereby the use, occupancy, or possession of real property has been made subject to a time-share estate, use or, occupancy, whereby such use, occupancy, or possession circulates among purchasers of the time-share intervals according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, but not necessarily for consecutive years.

Vacation Time-Sharing Project. Any real property that is subject to a time-share program.

Time-Share Project. A project in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or, segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted for the use or occupancy periods into which the project has been divided.

Transient. A period of time less than 30 consecutive days.

Tree Terms.

Arbor. A shelter of shrubs and branches or of latticework intertwined with climbing vines.

Cutting. The detaching or separating from a protected tree any limb, branch, or root. Cutting includes pruning and trimming.

Damage. Any action undertaken foreseeably leading to the death or significant permanent injury of the tree or which places the tree in a hazardous condition or in an irreversible state of decline. This includes, but is not limited to, cutting, topping, girdling, poisoning, vandalizing, trenching or excavating within the dripline, altering the grade, paving in excess of 50 percent of the dripline, excessive watering of oak trees, and excessive pruning.

Dripline. The outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as an irregular shaped circle that follows the contour of the tree's branches as seen from overhead, or a minimum of 15 times the trunk diameter, measured 4'-6" off the ground at DBH (Diameter Breast Height).

Significant Tree. Trees that meet certain diameter requirements as specified in Chapter 17.48: Tree and Shrub, of this title.

Tree. A woody perennial plant, usually with one main stem or trunk and many-branched. It may appear to have several stems or trunks, as in certain varieties of oak. It is usually over 10 feet high at maturity.

Trellis. A frame supporting open latticework used as a screen or a support for growing vines or plants.

Underfloor Area. A space not counted as floor area located between existing or finished grade and the finished floor level of the first floor.

Use, Categories of.

Allowed Use. Any use specified within the zoning district regulations. Allowed uses may be either permitted within a zone or may require approval of a conditional use permit.

Permitted Use. Any use that is specified within the zoning district regulations, that does not require a conditional use permit.

Conditionally Permitted Use. Any use specified within the zoning district regulations as requiring a conditional use permit prior to establishment of the use.

Nonconforming Use. Any use that existed prior to a change in the municipal code that prohibits such use, or any use operating without a conditional use permit that existed prior to change in the municipal code that requires approval of a conditional use permit for such use.

Use, Change of. Any modification initiated by, or reasonable under the control of the operator of a use that:

A. Alters or has the potential to alter the impact of the use on the community;

B. Violates one or more of the conditions attached to a conditional use permit;

C. Negates or contradicts a finding related to approval of a conditional use permit;

D. Alters the size, capacity or cubical content of a use;

E. Alters the categorization of the use, as defined within the municipal code or as defined on the business license.

Veranda. A large, open porch, usually roofed and partly enclosed by a railing or by support posts, often extending across the front and sides of a house.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Wall Cladding. All exterior materials of a building, including wall surfaces, windows, doors, chimneys, etc. *See also Rebuilding and Substantial Alteration.*

Waters of the United States. Surface watercourses and water bodies as defined at 40 CFR 122.2 including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may carry water only during rains and storms and may not carry storm water at and during all times and seasons.

Window Types.

Bay Window. A window or series of windows projecting from the outer wall of a building and forming a recess within. A bay window typically runs to the floor of the room it serves and adds floor area.

Oriel Window. A window that projects 18 inches or less from an exterior wall and is elevated at least 18 inches above the finished floor to create a bench or shelf within the room it serves. An oriel window does not add floor area.

Window Well. A soil-retaining structure exterior to a building, located at a window having a sill height lower than the adjacent ground elevation.

Yard. An unoccupied space on a building site, unoccupied and unobstructed by structures from the ground upward. Required yard dimensions shall be measured between the property line of the building site and that part of the building or structure nearest to the property line.

Figure VI-III: Window Types

Yard Types. *See Rules of Measurement.*

Yard, Front. A required open space extending across the front of a building site bounded by the front property line, the side property lines, and the front setback line as required by the Zoning Code.

Yard, Rear. A required open space extending across the rear of a building site bounded by the rear property line, the side property lines, and the rear setback line as required by the Zoning Code.

Yard, Side. A required open space extending along each side property line of a building site bounded by the required front and rear setback lines and the required side setback line.

F5c

CITY OF CARMEL-BY-THE-SEA

LOCAL COASTAL PROGRAM

IMPLEMENTATION PLAN

APPENDICES

Revised Submittal

18 September 2003

APPENDIX A: Shoreline Management Plan

APPENDIX B: Significant Tree Evaluation Worksheet

APPENDIX C: Residential Design Guidelines – Concept Review

APPENDIX D: Residential Design Guidelines – Final Details Review

APPENDIX E: Commercial Design Guidelines

APPENDIX F: Public Way Design Guidelines

APPENDIX G: Archaeological Resource Management Reports (ARMR): Recommended Contents and Format

APPENDIX H: Storm Water Standards and Programs

City of Carmel-by-the-Sea

SHORELINE MANAGEMENT PLAN

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And

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City of Carmel-by-the-Sea

Revised Submittal To The
California Coastal Commission

Accepted by the City Council
September 2003

CARMEL-BY-THE-SEA

SHORELINE MANAGEMENT PLAN

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1 INTRODUCTION: A Shoreline To Be Managed

To some, the concept of managing Carmel's shoreline may seem, at first, an impossible task. So many of its characteristic features appear to be out of our control: sparkling white sands that disappear and re-appear each year, ancient dunes, bluffs, rocky promontories, and decades-old Monterey cypress that are exposed to erosion from wind and wave, a vast and powerful ocean whose sea level appears to be on the rise, and intense winter storms generated by weather patterns that seem to be less predictable than in the past.

Photo 1 – *The Carmel Shoreline*

Yet, in the face of these powerful forces, the City of Carmel-by-the-Sea has shown that it is possible to maintain, protect, and even enhance its shoreline. Over the past half century, the City has embarked on a series of projects and programs that have:

- helped protect Carmel's coastal dunes, bluffs, and Scenic Road (including its infrastructure and houses) from erosion;
- provided and maintained ample horizontal and vertical shoreline access;

- maintained a landscape of native drought-tolerant and "natural-looking" plants that protect the dunes and upper bluffs; and most important; and
- provided for the health, safety, and welfare of the residents and visitors who enjoy the City's shoreline.

1.1 MANAGEMENT OF THE CARMEL SHORELINE

1.1.1 *City Departments, Commissions, Task Forces*

For many years, management of Carmel's shoreline was the responsibility of its Department of Public Works. In 1988, the City created a separate Forestry and Beach Department that shared some of the beach maintenance responsibilities with Public Works. Then, in 1995, Forestry and Beach became the Department of Forest, Parks, and Beach, a name that more accurately reflected its mission.

Even now, responsibilities along Carmel's shoreline are still shared between the Public Works and Forest, Parks, and Beach Departments. The two departments work cooperatively on issues affecting the Carmel shoreline. They are both housed in the same building (on Junipero Avenue), and there is extensive formal and informal dialogue between the leadership of the two departments. Regular maintenance along the Beach Bluff Pathway, litter and trash pick-up from the Pathway and beach areas, maintenance of trees, landscape plants, Pathway irrigation system, beach access stairways, and restroom facilities are all performed by personnel from the Forest, Parks, and Beach Department or by City contractors. Maintenance and repairs of shoreline walls and revetments, beach access stairways and ramps, the Beach Bluff Pathway, storm drains, Scenic Road, and other structures, are the responsibility of the Department of Public Works.

The City's Forest and Beach Commission also deals with issues affecting the coastline. Members of this advisory group are appointed by the Carmel City Council. As with the department it advises, the Forest and Beach Commission grew out of the Forestry Commission in 1988.

On at least two occasions, the City Council has appointed task forces to deal with specific issues related to Carmel's shore. In response to the extraordinary damage to the City's beach bluffs and shoreline structures caused by the devastating 1982/83 El Niño storms, the Carmel Beach Rehabilitation Task Force was created in 1983. It worked with City staff and consultants to oversee structural repairs during Phase I of the Carmel Beach Rehabilitation Project. From 1984 through 1988, this Task Force assisted in Phase II: the planning and development of the Carmel Beach Bluff Pathway project.

Then, in 1996, the City Council created the Carmel Beach Master Plan Task Force. This group worked with City staff and produced the *Beach Master Plan*, which was approved by the City Council in 2000.

1.1.2 Previous Carmel Shoreline Management Documents

Over the years, three documents have provided information and direction for management of the Carmel shoreline:

Beach Bluff Pathway Landscape Plan

Between 1985 and 1988, the Carmel Beach Rehabilitation Task Force and landscape architects Royston, Hanamoto, Alley, and Abey (RHAA) of Mill Valley, California, developed the landscape design plan for the Carmel Beach Bluff Pathway.[1] Plants utilized in the design were chosen because they "fit" well with the Carmel shoreline environment; these native or "native-like" plants could thrive when exposed to salty air, coastal winds, and limited water.[2] This landscape plan and its accompanying plant list were approved by Carmel's Forestry Commission, Planning Commission, and City Council, as well as the California Coastal Commission. The plan provides the framework for the City's current shoreline landscape. Approval of coastal permits for some of Carmel's recent shoreline projects has been based, in part, on conditions specifying that the City continue to follow the RHAA landscape plan.

Shoreline Emergency Action Response Plan

In 1989, coastal biologist David Shonman and Assistant City Administrator Greg D'Ambrosio developed emergency response guidelines for dealing with damage to Carmel's beach and bluff. The *Shoreline Emergency Action Response Plan* was written primarily in the form of worksheets, describing procedures for shoreline monitoring and erosion repair. Carmel's *Beach Master Plan*, described below, recommends that the City:

> "Continue the implementation of the BEACH EMERGENCY ACTION RESPONSE PLAN[3] ... to minimize the dangers to public

[1] The Carmel Beach Bluff Pathway is detailed in the project EIR (City of Carmel-by-the-Sea. 1986. Carmel Beach Restoration Phase II Final EIR). The project's landscape plans are on file with the City Forester.

[2] The Task Force and landscape architects also chose plants whose leaves and flowers were "subdued" in color, to better match existing native coastal plants.

[3] The *Beach Emergency Action Response Plan* is now called the *Shoreline Emergency Action Response Plan*

safety and facilities that may be caused by winter storms or other natural disasters."[4]

Beach Master Plan

The *Beach Master Plan* was the City's first planning document to establish goals, objectives, and policies for the Carmel shoreline. This Plan was developed by the Beach Master Plan Task Force and amended by the Carmel Planning Commission and City Council. The *Beach Master Plan* was approved by the City Council in September 2000.

Each of these documents deals with some aspect of managing Carmel's shoreline, but no one document constitutes a complete management manual. The RHAA design plan, written more than a decade ago, has not been assiduously followed by the City. Many of the plants recommended in this City-approved landscape design have since been replaced by other species, for reasons that have never been documented. The *Beach Master Plan* omits mention of the numerous seawalls and revetments that line and support the beach bluffs. The *Shoreline Emergency Action Response Plan* only deals with conditions that might be encountered along the shoreline south of Eighth Avenue. None of these plans provides guidance regarding the level of action along the shoreline that will require review by City planners in order to conform to the Carmel LCP and State coastal law. Finally, none of these plans serves as a practical document that City staff can use for managing the shoreline.

In 2001, the City received approval from the California Coastal Commission to repair its shoreline damaged during the 1997/98 El Niño storms.[5] One of the conditions of permit approval was that the City prepare a "comprehensive shoreline management plan."

1.1.3 *Carmel Shoreline Management Plan*

This *Carmel Shoreline Management Plan* (SMP) is a response to the Coastal Commission's 2001 directive. It also responds to concerns expressed by City staff and consultants regarding the need to consolidate prior documents into a single useable plan.

[4] City of Carmel-by-the-Sea. Beach Master Plan, section (VI)(E)(OM-4). Sept. 2000.
[5] The permit was for the "Carmel Bluff and Beach Access Improvement Project" (Coastal Development Permit # 3-00-140), approved on April 13, 2001.

The *Shoreline Management Plan* is an appendix to the Carmel Local Coastal Program's Implementation Plan. It replaces the Carmel *Beach Master Plan*, while incorporating its Goals, Objectives, and Policies. It utilizes principles that guided the original Beach Bluff Pathway landscape design. It also incorporates and updates the *Shoreline Emergency Action Response Plan*, bringing it into compliance with the City's Local Coastal Program and the California Coastal Act.

The *Shoreline Management Plan* is a comprehensive document that will guide future management of the City's shoreline area, including its beaches, dunes, bluffs, landscape, and associated infrastructure. Periodically, it will be updated to reflect new ordinances, policies, plans, and information necessary for optimal management of the City's shoreline. Pertinent information from the upcoming Del Mar and North Dunes Master Plan will be added to the *Shoreline Management Plan* upon adoption.

1.2 A WORD ABOUT WORDS

This management plan deals with Carmel's beach, dunes, bluffs and bluff tops, Ocean Avenue, Del Mar, Scenic Road, adjacent streets, and pedestrian access/ drainageways. In the past, the City, its departments, commissions, task forces, documents, reports, and plans, all have used the word "beach" to refer to different parts of Carmel's coast. Sometimes "beach" has actually meant Carmel's sandy beach, but other times, it has referred to portions of the City's coastline, including its dunes, bluffs, and surrounding areas. In this management plan, "beach" specifically refers to the portions of Carmel's shoreline where sand is naturally deposited by wave action. "Dunes" refers to areas of wind-blown sand, especially landward of the beach. When referring to Carmel's coastal area in general, this management plan uses the words "coast" "shore" and "shoreline."

2 THE CARMEL SHORELINE

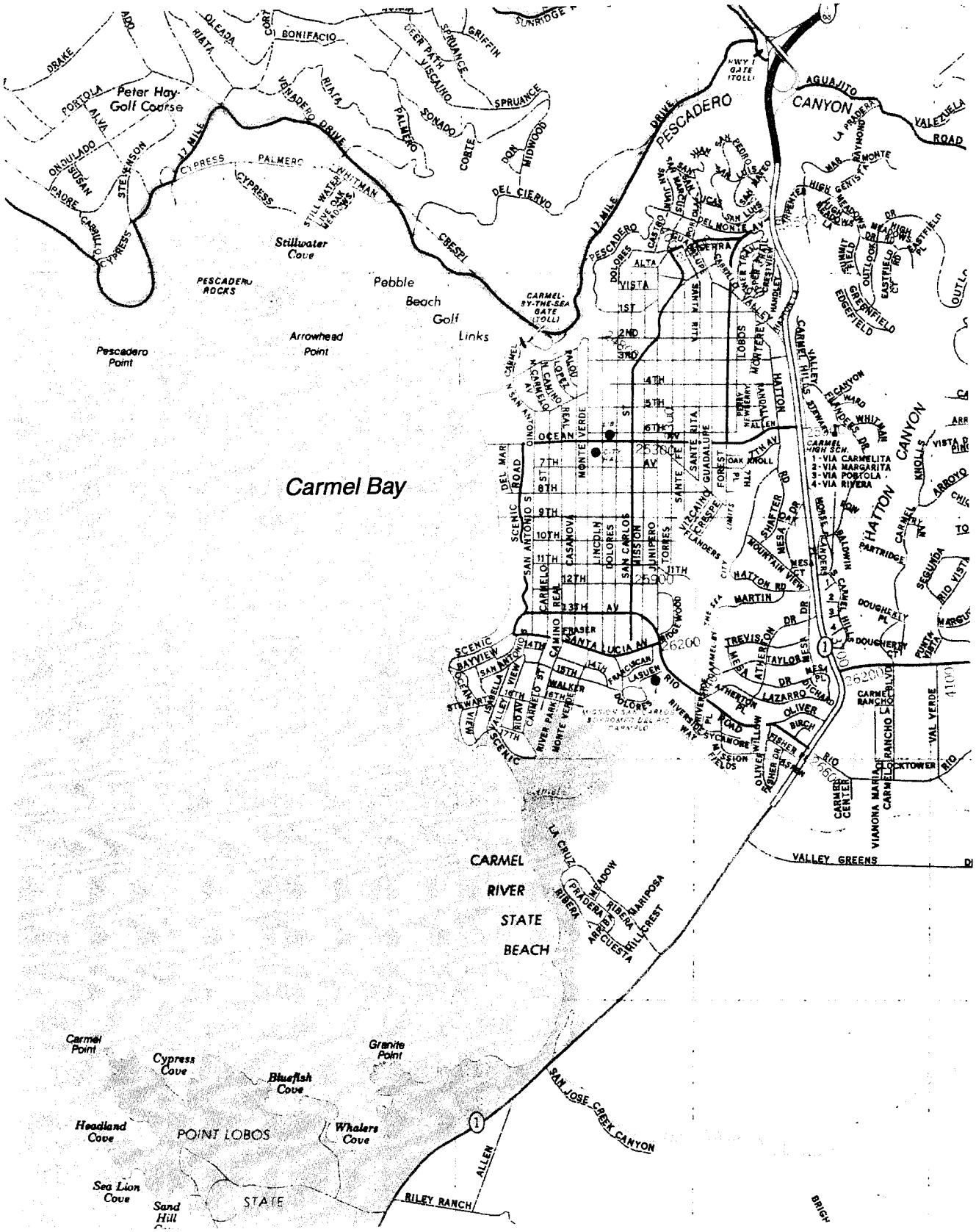
The Carmel shoreline is situated mid-point along the coast of Carmel Bay. It consists of a broad white beach that is backed by steep coastal bluffs in the far northern and southern reaches and by gently sloping dunes in the remaining portions.

Carmel's shoreline is the most dynamic of all the City's public lands. Portions of the coastline are in a state of almost constant change: the amount of sand on its beach, the shape of its dunes, the location of its coastal bluff edge and its waterline – each may fluctuate yearly, seasonally, daily, or even hourly. The natural forces that alter the Carmel shoreline also have a direct consequence on City facilities and visitor-serving amenities, on Scenic Road and its infrastructure, and on nearby private homes. The geologic, oceanographic, and meteorologic forces that have shaped, and continue to shape, Carmel's shoreline are described in detail by Simpson (1972)[6] and Johnson (1984).[7] This section of the *Carmel Shoreline Management Plan* provides an up-to-date summary of what is currently understood about the Carmel shoreline.[8]

2.1 CARMEL BAY

Carmel Bay is a 2.8 mile-wide open bay that is protected by the granitic headlands of Pescadero Point in the north and Point Lobos in the south (Fig. 1). The Bay is divided into two smaller cells, separated by Carmel Point in the middle. The City of Carmel's shoreline is located in the northern cell;[9] the southern cell[10] contains Carmel River Beach and San Jose Creek Beach ("Monastery Beach").[11] Though the two cells appear nearly contiguous, their physical features differ in important

[6] Simpson, John Page III.1972. The Geology of Carmel Bay, California. Unpublished M.S. Thesis. Naval Postgraduate School, Monterey, California. (Document on file in the "Carmel Beach Document Collection" at the Carmel-by-the-Sea City Hall.)
[7] Johnson, Rogers E. and Associates. 1984. Carmel Beach Coastal Erosion. Phase I. Final Report. Unpublished report. (Document on file in the "Carmel Beach Document Collection" at the Carmel-by-the-Sea City Hall.)
[8] An in-depth discussion of the oceanographic forces that impact the Carmel shoreline appears in Appendix 9.1.
[9] Called "Northern Carmel Bay" in Storlazzi and Field (2000)
[10] Called "Southern Carmel Bay" in Storlazzi and Field (2000)
[11] Both Carmel River Beach and San Jose Beach are part of the Carmel River State Beach.



Source: H. M. Gousha

Figure 1
Carmel Bay

ways. The northern cell is served by a single small seasonal watercourse, Pescadero Creek. The southern cell is also served by a small seasonal creek (San Jose Creek), but is dominated by the Carmel River, which delivers substantial amounts of sediment into Carmel Bay during late fall, winter, and early spring.

The southern cell is deeply etched by the Carmel Submarine Canyon,[12] which is an offshoot of the Monterey Submarine Canyon. The head of the Carmel Canyon begins just offshore of Monastery Beach, then quickly reaches a depth of 300 feet within a quarter-mile of shore. Both the Carmel River and the Carmel Canyon have significant impacts on the Bay's southern cell but do not appear to have a noticeable impact on the Carmel shoreline in the northern cell.

2.2 CARMEL BEACH

Carmel Beach is recognized as one of the world's most beautiful public beaches. It is a crescent-shaped pocket beach that extends from the upper portion of Carmel Point (sometimes referred to as Abalone Point) about one and one-quarter miles northward to Pescadero Canyon.

Like beaches everywhere, Carmel's beach is subject to periodic changes. Successful management of Carmel Beach requires an understanding of the dynamic processes that are responsible for these changes.

2.2.1 *Beach Processes*

Beaches are composed of any available material, of sufficient size and composition, which can be deposited on the shore by ocean waves. Throughout the world, beaches are made from a wide variety of materials: broken coral, mollusk shells, foraminifera tests (the shells of single-celled amoeba-like organisms), and rocks of various sizes, from boulders to cobbles to sand grains. As beach material varies in composition, it also varies in color, from the pink beaches of Bermuda (foraminifera) to the black beaches of Hawaii and Shelter Cove, California (eroded volcanic rock) to the tan sands of Monterey Bay and Big Sur to the sparkling white sands of Carmel.

Typical Beach Formation

Carmel's white sand beach is formed by processes that differ somewhat from those that generate most typical California beaches. Sands on those beaches are

[12] The Carmel Submarine Canyon is also referred to as the "Carmel Canyon" or the "Carmel Offshore Canyon."

produced by the erosion of inland mountains, hills, and fields. Erosion produces sediment that is carried by streams and rivers out to the ocean where it is sorted and distributed along the shore by wave action. The color and texture of these beaches results from the materials that have been discharged by local rivers, not just during present times, but throughout past millennia.

Once sediment has reached the coast, it is usually acted upon by two different transport mechanisms. The first, "littoral drift," is a natural process that moves sediment either upcoast or down coast, depending on the angle at which waves strike the shoreline. These waves produce a current ("longshore current") that transports sand along the shore, parallel to the beach. Sediment carried by this current can often be seen to pile up on one side of a coastal structure (e.g. a rock jetty). Along the Pacific Coast, littoral drift usually moves sediment southward, though during winter storms, the direction may be reversed.

The second mechanism is the onshore/offshore sand cycle, an annual process that typically deposits sand onto a beach during summer months and then moves that sand off the beach during winter. This occurs because waves that usually reach the shore during summer are "constructive" waves: low energy waves that pick up subtidal sand and deposit it onto the beach. Waves that reach the shore during winter, however, are usually "destructive" waves: high energy, steep waves that strike the shore with tremendous force, scouring sand from the beach. At many locations, this sand is deposited onto offshore sand bars, where it can then be re-deposited back on the beach by future summer waves.[13]

Within a coastal cell, sand will continue to be moved by the longshore current until:

- it is moved onto the land via the onshore/offshore sand cycle. There, it might either be blown farther landward by onshore winds, or returned to the ocean (and the longshore transport) by shoreline erosion; or
- it is moved by powerful storm waves into deeper water, where it will remain out of reach of the longshore transport. In some areas, sand may be transported down into a coastal submarine canyon, from which it will not likely return to the shoreline without global tectonic changes.

[13] There are exceptions to this pattern. Summer storms can generate destructive waves, and benign winter conditions can create constructive waves, but these are unusual seasonal variations.

Carmel Beach Formation

The model described above, so typical of most California beaches, does not apply to Carmel Beach. Most importantly, the City's beach is not significantly affected by river discharge. Sediment from the Salinas River, the largest river north of Carmel, does not appear to be transported around the Monterey Peninsula.[14] Pescadero Creek, at the north end of Carmel Beach, does discharge sediment into the bay at Carmel Beach, but its impact appears to be minimal. The Carmel River, whose mouth is located approximately one mile south of Carmel, releases plumes of sediment that are sometimes transported northward during winter storm periods. Griffin (1969)[15] concluded that only a very minor quantity of Carmel Beach sands (located closest to Carmel Point) might be derived from Carmel River's winter sediment discharges.

There is also no evidence that sand on Carmel Beach is affected by littoral drift. Johnson (1984) characterized Carmel Beach as a pocket beach that is "unusual because there is no significant littoral drift supplying sand from upcoast, or downcoast, in contrast to many other California beaches." Griffin (1969) describes Carmel Beach as being "effectively isolated … by Arrowhead and Carmel Points."

Carmel Beach's white sand is composed primarily of medium-sized grains of quartz and feldspar (Johnson, 1984). These minerals are characteristic of the granodioritic headlands and offshore rocks found at the western end of the Monterey Peninsula (e.g. Cypress Point, Pescadero Point, and Arrowhead Point). Geologists and oceanographers have concluded that gradual erosion of these rocky features by direct wave action is the source of Carmel Beach sand.

Once created,[16] these grains are moved onto and off of Carmel Beach by the annual onshore/offshore sand cycle. Each year, winter storm waves remove large volumes of sand from Carmel's beach. By the following summer, sand levels appear to return to their "normal" condition. During severe winters, substantial volumes of sand are removed from the beach, exposing large underlying rock formations. However, within a year or two, the beach usually appears to regain its normal sand level.

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[14] Cooper, W.S. 1967. Coastal Dunes of California. Geological Society of America Memoir 104. 131p.

[15] Griffin, Paul Adolph.1969. Heavy Mineral Investigation of Carmel Bay Beach Sands. Unpublished M.S. Thesis. Naval Postgraduate School, Monterey, California.

[16] There have been no studies that describe precisely how these grains are moved laterally within Camel Bay's northern cell. Bascom (1946) states that "sand movement (off Carmel Beach) seems to be local and within the rocky reef which lies about 1200 feet offshore" (cited by Johnson, 1984)

2.2.2 *Carmel Sand*

For most people, it is this sparkling white sand that best characterizes Carmel Beach. The fine white sand has provided the backdrop for many memorable beach-going experiences and photographs. These special sand grains are also one of the most important factors in protecting the Carmel coast from erosion. They represent the first line of defense against the onslaught of wave attack.

Unfortunately, much about Carmel's vital beach sand still remains unknown. How much new sand is created every year? How much sand is stored in offshore sand bars? How much sand has been moved out-of-reach of "constructive" waves? Has the volume of sand on Carmel Beach changed over the years – has it increased? Decreased? How has it been affected by City activities like seawall construction and sand redistribution? The answers to these questions could play a critical role in the City's response to future shoreline erosion (see Sec. 6.2).

Photo 2 – *Sand Scour and Exposed Outcrops on Carmel Beach North of Twelfth Avenue*

2.2.3 *Beach Berm and Water Ponding*

During the spring and early summer, natural beach-building processes lead to the creation of a wide sand berm that runs along the beach. Behind the berm, beach sand is at a lower level. During any season when periods of high tide occur, wave

run-up may overtop the sand berm and create ponds of seawater landward of the berm. At some locations, the ponded water can cut off access to and from the City's stairways.

During fall and early winter, heavy rains and storm-water runoff can also create beach ponds behind the berm. This also can have a detrimental effect on access.

Ponded water can also despoil Carmel's beach environment by creating a debris field, by depositing silt/mud in the pond's still water, or by harboring animal wastes that could make the ponds a health hazard.

Photo 3 – *Sand Berm and Ponded Water*

2.2.4 *Human Impacts*

Carmel Beach is one of the most frequently visited beaches in central California, and is greatly affected by human activities. Trash and garbage, littered by beach-visitors, along with storm water debris, all degrade the natural beach environment. Other material, such as coals from beach fires[17] and mud discharged from storm water outfalls (or left over from ponded water) discolor Carmel's signature white sand. These affect only limited areas and are usually remedied by the beach's annual sand cycle that deposits clean, sorted white beach sand every spring.

[17] Carmel allows fires on its beach, but their location (south of Tenth Avenue and seaward of the high tide line) and size are regulated by City ordinance: Carmel Municipal Code Section 8.32.160 (1995).

The City's annual sand redistribution program has a substantial impact on Carmel Beach. This procedure, discussed in more detail in Section 5, involves bulldozing sand from the lower beach to the upper beach. This task enables the City to compensate for sand that will be pushed downslope by summer beach visitors and covers unsightly and potentially dangerous shoreline revetments. Carmel's sand redistribution program expands and improves the public's access to Carmel Beach. The operation usually takes place during late spring/early summer and has been conducted for more than 30 years.

Since 1958, the City has built seawalls and installed engineered rock revetments at several sites along its shore. Hard shoreline protection structures have long been associated with the loss of beach sand from adjacent areas along other shorelines. Such impacts have not yet been documented at Carmel Beach. Carmel's seawalls and shoreline revetments, as well as their possible impacts, are discussed more fully in Section 6.

2.3 CARMEL BEACH BLUFFS

Coastal bluffs, rocky promontories, and coves are found at the northern end and throughout the southern half of Carmel Beach. These beach bluffs consist of sandstone bedrock overlain by deposits of siltstone and claystone, and then covered by an upper layer of partially cemented ("semi-consolidated") terrace deposits. In the north, the terrace deposits are covered with dunes of uncemented ("unconsolidated") fine-grained, wind-blown sand.

The composition of these materials is a critical factor in determining how Carmel's bluffs will respond to erosive forces. Along the shore, sandstone provides the most resistance to erosion. Siltstone, claystone, and the terrace deposits are respectively less resistant. Finally, the unconsolidated dune sands are the most vulnerable; they are even susceptible to wind ("subaerial") erosion.

Another important factor is the structure of Carmel's shoreline bedrock. According to Johnson (1984), this bedrock "has been folded, fractured, and faulted due to tectonic forces that have influenced the geology of the area for millions of years. Faults and joints in the bedrock have affected the rates of erosion and, as a consequence, the shape of the coastline." The Cypress Point Fault, which may be inactive, cuts across Carmel Bay from the northwest (at Pescadero Point) to the southeast (at Abalone Point). On the shore, Johnson describes two "strong sets of

fractures" that have allowed surf erosion to "selectively attack" specific points along Carmel's southern shore.[18]

2.3.1 *Human Impacts*

Along Carmel's shoreline bluff tops, south of Eighth Avenue, the City created a pedestrian pathway. Completed in 1988, the Beach Bluff Pathway provides a safe place for people to walk, while enjoying unmatched coastal scenery. This meandering path, built alongside Scenic Road, leads beach visitors to all beach access stairways and sand ramps located between Eighth Avenue and Martin way. The Pathway is discussed in greater detail in Section 3.

Since the 1930s, the City has built a series of beach access stairways to enable people to traverse from the bluff top to Carmel Beach. As described in Section 3, these stairways allow people to travel safely up and down the steep bluffs without damaging their fragile vegetation. Foot traffic on Carmel's beach bluffs leads to severe erosion, is unsafe, unsightly, and violates City ordinances.[19] A number of techniques are used to discourage bluff-cutting, including guardrails, plantings, boulders, driftwood log barriers and informative signs.

Nearly all of Carmel's shoreline bluffs south of Eighth Avenue are protected by seawalls, retaining walls, and engineered revetments. Beginning in the 1930's, the City has used these armored structures in response to severe erosion caused by winter storm waves.[20] Carmel's shoreline walls and revetments are discussed in more detail in Section 6.

Over the years, the City has added significant amounts of fill material to Carmel's coastal bluffs. For many years, this fill consisted of sand, dirt, dead vegetation, rocks, concrete, and other material. During the past two decades, the City has limited its use of fill material to "clean fill" from Carmel area soils. At some locations, vegetative fill material has decomposed, creating hollows just under the surface. These areas may present a potential safety hazard for anyone who walks on the beach bluffs, from City personnel who do so in performance of their duty, to citizens who do so in violation of posted City ordinances.

2.3.2 *Wildlife*

Some portions of the City's coastal bluff tops have been weakened by the actions of California ground squirrels[21] (*Spermophilus beecheyi*). These rodents are

[18] Examples of this are the Thirteenth Avenue Cove and sites north of the Santa Lucia stairway.
[19] Carmel Municipal Code Section 12.32.165B.
[20] William Askew, Jr., personal communication, 2003.
[21] Also called "Beechey Ground squirrels"

commonly found throughout most of California. Over the past 20 years, ground squirrels have become a nuisance in many parts of the Monterey Peninsula, including Carmel's shoreline bluffs. They eat a wide variety of plant parts, including leaves, stems, seeds, fruit and nuts. They have also been known to eat bird eggs and gnaw on plastic sprinkler heads, as well as a surprising variety of other objects.

Ground squirrels also cause damage to Carmel's coastal bluffs by digging extensive systems of burrows; some may extend as long 20 feet. In many areas (i.e. near Del Mar, Tenth, Twelfth to Thirteenth, and Santa Lucia Avenues), burrows are causing undermining, and could even result in collapse of the bluffs. Ground squirrels are also known carriers of several diseases, including bubonic plague.

The recent growth of Carmel's ground squirrel population has been mainly attributed to visitor feeding. These "cute" squirrels are not shy, and can often be seen "begging" for food.[22] This has led to a larger population than available natural resources can support, making these rodents susceptible to the spread of disease. Control of ground squirrel populations is discussed in more detail in Section 8.

2.4 CARMEL DUNES

The City of Carmel was originally founded on an extensive dune field (Cooper, 1967). Carmel's dunes are built from sand that was transported by wind action from the beach. These wind-blown sands have similar composition, but are finer-grained than the Carmel Beach sands.[23] Today, only two remnant sand dune areas still exist: the Del Mar Dunes and the North Dunes. These dunes were described by Jones and Stokes Associates, Inc. (1995).[24] Both dune areas, along with the Ocean Avenue/Del Mar parking lot, have been identified as a future Master Plan Area, and will soon be the subject of more extensive study ("Del Mar and North Dunes Master Plan").

[22] The areas along the Carmel shoreline where the ground squirrel problem is most prevalent are also the most popular areas for picnics and transient visitors.
[23] It is reasonable to assume that portions of these dunes were formed during a prior glacial period, when sea level was lower.
[24] Jones and Stokes Associates, Inc. 1995. Final Results of the Environmentally Sensitive Habitat Area Study Conducted for the City of Carmel-by-the-Sea. Unpublished report.

2.4.1 *North Dunes*

Carmel's largest stretch of dunes is the North Dunes. This is a 4 – 5 acre tract of substantially disturbed dunes bordered by Fourth, North San Antonio, and Ocean Avenues. This extensive area is the site of past development, including:

- a public restroom and four sand volleyball courts (near the west end of Ocean Avenue);
- two storm water outfalls and underground storm water drainage pipes; and
- a private housing development – "Sand and Sea" (near the intersection of Fourth and San Antonio Avenues).

The North Dunes are host to some exotic, invasive vegetation, but also include significant areas of native California dune plants, including one species protected by state and federal laws (described in Sec. 4).

2.4.2 *Del Mar Dunes*

The Del Mar dunes are a thin stretch of disturbed coastal sand dunes, extending from the end of Eighth Avenue north to the foot of the Ocean Avenue/Del Mar parking lot. The eastern boundary of these dunes is defined by the Ocean Avenue/Del Mar parking lot and by a line of private homes.

These dunes are physically and biologically disturbed. Erosion by high-energy waves occurred during the 1982/83 El Niño winter storms. In 1983, engineered revetments were installed beneath the Ocean Avenue storm water outfall, and seaward of the Eighth Avenue outfall and stairway. Following installation, the City restored the Del Mar dunes to their original size.[25] The seaward edge of the Del Mar Dunes is maintained during the City's sand redistribution operations.

The dunes' natural community is also significantly disturbed; it is vegetated primarily with exotic, invasive species (described in Sec. 4). This area provides an opportunity for habitat restoration consistent with sections 30240(b) and 30251 of the Coastal Act. This issue will be studied in conjunction with public access opportunities in the Del Mar and North Dunes Master Plan process.

[25] Major portions of these revetments have remained buried since their installation in 1983.

2.5 MANAGEMENT POLICIES[26]

- Pursue scientific studies that document physical processes occurring at Carmel Beach (e.g. sediment transport, sand bar dynamics and influences from the Carmel Offshore Canyon). Seek funding for such studies from governmental agencies. (P5-1)

[26] All Management Policies in this *Carmel Shoreline Management Plan* are statements of the Goals, Objectives, and Policies established in the City's Coastal Land Use Plan (approved June 2003) (adopted by the Carmel City Council on 2 June 2003; certified by California Coastal Commission on 17 July 2003).

3 ACCESS TO THE CARMEL SHORELINE

The white sand beaches, rocky promontories, and breathtaking vistas make the Carmel coast one of the most popular destinations in central California. The City of Carmel's shoreline is a 22.5-acre public park that is used by both visitors and residents alike. It is served by an extensive public access system that includes roadways, parking areas, pedestrian pathways, beach access stairs, sand ramps, and bus service.[27]

3.1 VEHICLE ACCESS TO CARMEL'S SHORELINE

Many residents and visitors use vehicles for travel to Carmel's shore. Some drive along Scenic Road and enjoy the view. Others park to watch the ocean from their vehicle. Most seek a convenient parking space and walk along the Pathway or down to the beach.

Travel on the Ocean Avenue/Del Mar parking lot loop and Scenic Road is open to all vehicles other than buses and large trucks, but the City prohibits parking of over-sized vehicles on roads near the Carmel shoreline.[28]

3.1.1 *Ocean Avenue / Del Mar and North Dunes*

The primary access to Carmel Beach is located at the lower end of the City's main street, Ocean Avenue. This is one of the few places within the City limits where the upper beach rises to meet street level.[29] Here, Ocean Avenue intersects with Del Mar, a street easement that has been abandoned and modified into a beach access parking lot.

The Ocean Avenue/Del Mar parking lot is primarily used by day-visitors to the City (Fig. 2). Parking spaces here allow convenient access right up to the edge of the sand, and to the City's main beach restroom facilities.

[27] Monterey-Salinas Transit (MST) currently brings bus passengers within two short blocks of the shoreline.
[28] This prohibition applies to any vehicle that exceeds 12,000 pounds gross weight, or 20 feet in overall length (including bumpers), or seven and one-half feet in height at its highest point. These vehicles can stop when "engaged in the loading or unloading of passengers or goods as may otherwise be permitted by law." Carmel Municipal Code, section 10.32.080G.
[29] This condition is maintained through the City's annual sand redistribution program.

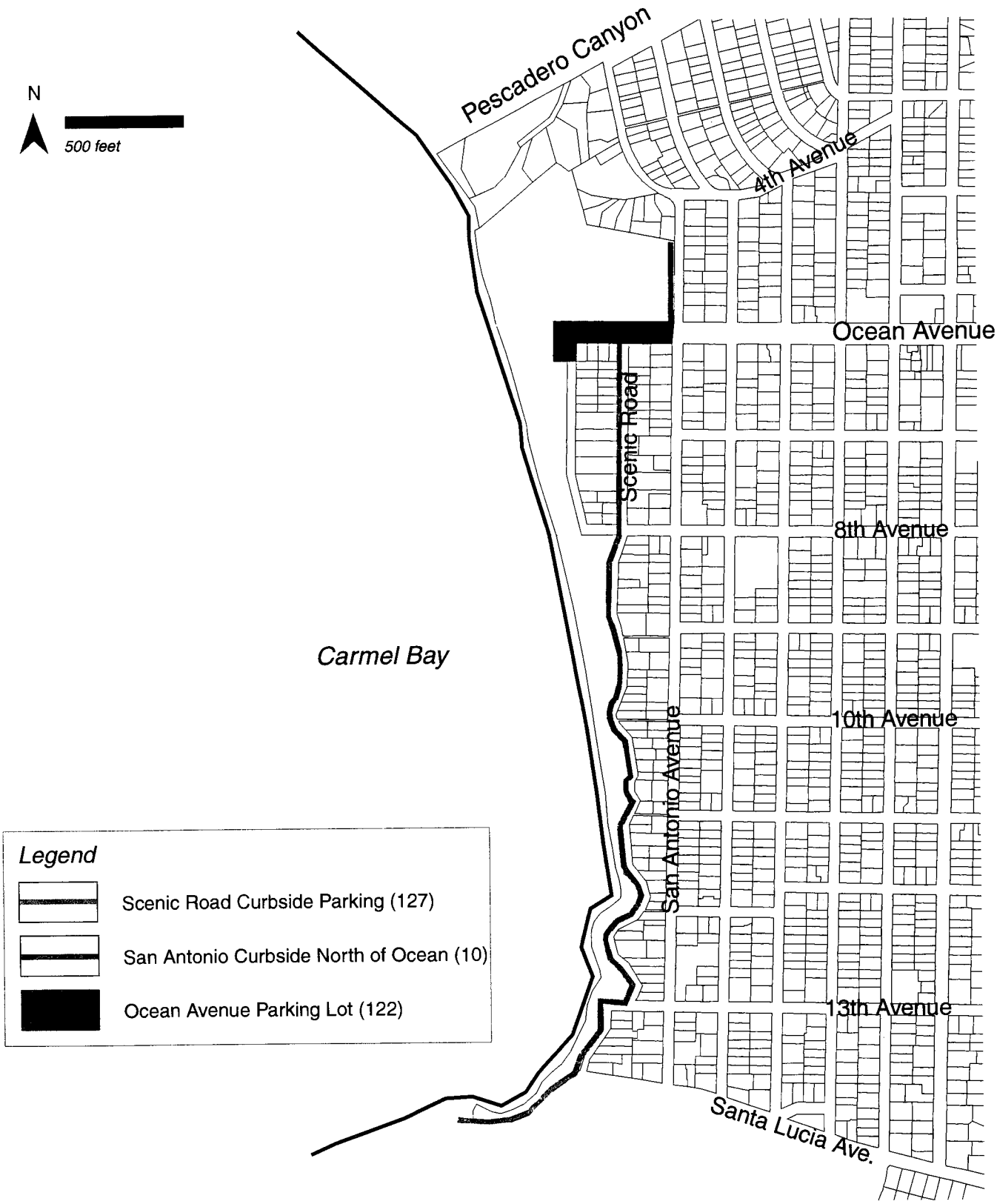


Figure 2
Shoreline Parking Resources

This lot contains spaces for 122 vehicles; four of the spaces near the City's main beach restroom are sized and marked for disabled parking. The roadway here is narrow, and movement of over-size vehicles can be difficult, especially when the parking lot at Del Mar is full.

People visiting the North Dunes can use available parking either in the Ocean Avenue/Del Mar parking lot, or along the west side of North San Antonio Avenue between Ocean Avenue and the "Sand and Sea" development (near Fourth Avenue), which has room for ten vehicles.

3.1.2 *Scenic Road*

Scenic Road is a street that truly lives up to its name. The portion that stretches between Ocean and Eighth Avenues is typical of many attractive streets in residential Carmel. But at Eighth Avenue, visitors and residents are greeted with stunning vistas of Carmel Bay, framed through tall Monterey cypress and accented by white beach sand. In many respects, the history of Scenic Road traces the history of Carmel's coastal bluff erosion, increasing public use, and the City's efforts to preserve lateral and vertical beach access.

Scenic Road winds along the bluffs above the beach and continues past the City's southern limit. The road continues to the south end of Carmel Point, in an unincorporated portion of Monterey County. When it was constructed, Scenic Road carried traffic in both directions. During the early 1960s, vehicles driving between Eighth and Santa Lucia Avenues were restricted to southbound travel. In 1988, this stretch of Scenic Road was narrowed to provide additional space for Carmel's Beach Bluff Pathway and landscape improvements while preserving ample space for curbside parking.

The portion of Scenic Road between Eighth Avenue and Martin Way provides curbside parking for many visitors to the City's shoreline. This stretch of Scenic Road has 127 parking spaces; all are adjacent to the Beach Bluff Pathway. There are two stalls located on either side of the pedestrian sand ramp, between Eighth and Ninth Avenues, which are sized and marked for disabled parking. The City has also established two passenger loading zones; one located at Eighth Avenue and the other at Eleventh Avenue.

3.1.3 *Scenic Road Neighborhood (Adjacent Streets)*

On many warm summer days, especially weekends and during special events (e.g. Great Sand Castle Contest), beach parking spills over onto neighboring streets. On

these occasions, vehicles often park along streets that intersect with Scenic Road and San Antonio Avenue: Eighth, Thirteenth, and Santa Lucia Avenues.

During the busiest periods, vehicles also park along San Antonio Avenue, Carmelo Street, and even Camino Real Street. Occupants of vehicles parked at these locations then walk a short distance to the Carmel shore along one of the Avenues between Eighth and Santa Lucia. At San Antonio Avenue, some pedestrians may use one of the four narrow pedestrian pathway/drainageways[30] between Ninth and Twelfth Avenues; these are discussed below. Vehicle access and available parking spaces are generally well dispersed. The public is afforded easy access to all parts of Carmel's shoreline and impacts are not concentrated in any one area. This is consistent with Section 30212.5 of the Coastal Act.

3.2 PEDESTRIAN ACCESS TO CARMEL'S SHORELINE

Walking is a popular way for residents and visitors to access the shore. Many enjoy walking on the Beach Bluff Pathway above the beach. Others walk from their parked vehicles, on nearby residential streets, and need a safe, convenient route to the nearest beach access (Fig. 3). In contrast to many areas along the California coast, pedestrian shoreline access in Carmel is abundant and convenient. Lateral access is continuous along the City's entire coast and, from Eighth Avenue southward; vertical access is available at intervals of one block or less.

3.2.1 *North Dunes and Del Mar Dunes*

The North Dunes and upper Carmel Beach are easily accessible to many pedestrians via North San Antonio and Ocean Avenues and the Ocean Avenue/Del Mar parking lot. This area of beach and dunes can also be reached by a pedestrian access easement, maintained by the City, which passes through the privately owned "Sand and Sea" development, near the intersection of Fourth and North San Antonio Avenues. The Fourth Avenue shoreline access easement is described in more detail in Section 3.2.5.

The Del Mar Dunes are reached from the north via the Ocean Avenue/Del Mar parking lot and from the south by the Eighth Avenue beach access stairway. Pedestrians may walk in the dunes between these two access points, but there is no improved lateral access through the dunes.

[30] These pathway/drainageways (at Ninth, Tenth, Eleventh, and Twelfth Avenues) have sometimes been referred to as "easements." They are, however, owned in fee by the City. They are recorded in *Cities and Towns* vol. 2, p. 23, as seven foot-wide "footpaths," and they connect San Antonio Avenue and Scenic Road.

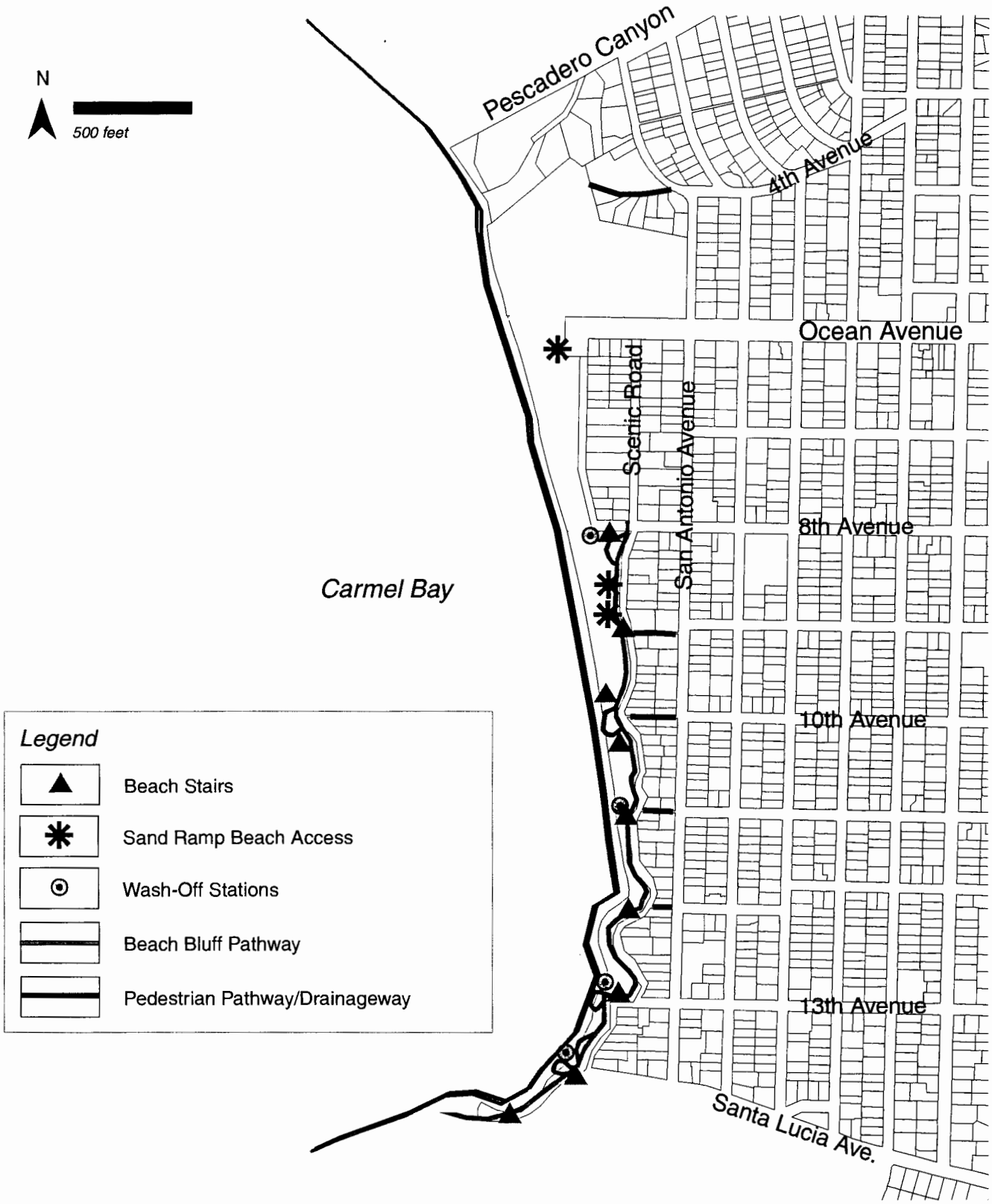


Figure 3
Public Access

The *Carmel Beach Master Plan* (2000) addressed the lack of lateral access by recommending the installation of a boardwalk in the dunes that links the "Del Mar area" with the Beach Bluff Pathway at Eighth Avenue.[31,32] Recently, the City designated the Del Mar Dunes as an Environmentally Sensitive Habitat Area (ESHA).[33] The establishment of formalized lateral access through the Del Mar Dunes could help protect them by controlling errant foot traffic, but such a development must be undertaken with great care. As noted in the *Beach Master Plan*, the City should support public activities that are "consistent with the sensitive dune environment."

Pedestrian access issues in both dune areas discussed above will be addressed through preparation of the Del Mar and North Dunes Master Plan.

3.2.2 *The Carmel Beach Bluff Pathway*

The Beach Bluff Pathway has been designed to serve pedestrians traveling along Scenic Road (Fig. 3). Before the Pathway was built, Scenic Road was a one-way, broad, busy thoroughfare that lacked a safe space for people to walk or jog. Pedestrians walking in the roadway were often forced to weave among parked cars and dodge moving vehicles.

After the 1982/83 El Niño storms, the bluffs were ravaged, storm water drainage facilities were destroyed and, in places, Scenic Road itself was threatened. At this time, there were only five narrow stairways remaining that connected Scenic Road with the beach. Impatient beach-goers often climbed on the City's coastal bluffs and trampled protective vegetation, instead of using the beach access stairways.

The City addressed these problems by installing bluff armoring and improving drainage facilities during Phase I of the Carmel Beach Rehabilitation Project. During Phase II, the City addressed access and landscape issues. Scenic Road was narrowed and a meandering Pathway was created that enabled people to enjoy the beautiful vistas of Carmel's shoreline in serenity and safety.

The 3,250 foot-long Pathway winds along the bluff top, near the seaward edge of Scenic Road. It extends from Eighth Avenue southward to the City limits, just south of Martin Way. The Pathway is built primarily of decomposed granite

[31] Carmel Beach Master Plan (2000) policy PDM-4.
[32] Consideration of lateral access through the Del Mar Dunes should include examination of various styles and materials, including boardwalks of wood or composites and pathways of decomposed granite.
[33] This was based, in part, on the biological survey of the Del Mar Dunes by Jones and Stokes (1995).

(DG),[34] and averages four to five feet in width. It was designed to provide access for people who have limited mobility or are physically disabled.

The Pathway design was jointly developed by the Carmel Beach Rehabilitation Task Force and consulting landscape designers from the firm of Royston, Hanamoto, Alley, and Abey (RHAA);[35] it was formally opened in 1988.

The Carmel Beach Bluff Pathway project has won several awards, including the American Society of Landscape Architects (ASLA) National Merit Award (1988), the ASLA Northern California Chapter Merit Award (1988), and the Garden Club of America Award for Significant Contribution to Horticulture (1991).

Photo 4 – *The Carmel Beach Bluff Pathway*

Pathway Design and Purpose

The Beach Bluff Pathway was designed to play a critical role in the City's overall plan to protect its shoreline while improving coastal access. Its design was based on five guiding principles adopted by the Task Force:

[34] Pathway material consists of 95% decomposed granite + 5% cement. The cement was tinted with Davis Concrete Color ("Mesa Buff" no. 5447), mixed dry at 2 lbs./94 lb. bag of I-II Portland Cement.

[35] The key RHAA personnel were Principal Planner Robert Royston and Associate Planner Lucille Biesbroeck.

- Restore and retain the natural, pristine beauty of Carmel Beach, which is unique in the world.
- Strive for natural, timeless design.
- Design elements so as not to intrude upon the scenic beauty; no apparent structural intrusions to mar vistas from residences, roadway, walkway, beach, etc.; maintain an uninvaded panorama of the Bay.
- Maintain the "meandering style" that is typical of Carmel (e.g., intimate, narrow, winding paths leading from the main walkway to isolated, unobtrusive resting places).
- Introduce new and innovative schemes to control behavior of people and dog traffic (e.g., guide people to accesses and encourage sitting and meeting on the beach instead of on the roadway).[36]

Guided by these principles, the designers created a Pathway that protected pedestrians and the City's vulnerable coastal bluffs by modifying where people walked, parked, and congregated along the Carmel Beach bluff top.

Pedestrian Protection

The Beach Bluff Pathway provides safe lateral access for pedestrians along the shoreline bluff top. This clearly responded to the needs of beach visitors who walk along Scenic Road (from their residences or cars) in order to reach one of the City's numerous beach access stairways or sand ramps.

The Pathway design also enhances the experience of shoreline visitors whose activities are limited to the bluff top area. These include: people whose physical condition makes walking on the beach difficult or impossible; people who prefer to sit or stand on bluffs overlooking the shore and enjoy the scenic vistas; and people who use the bluff top area for walking or running.

Finally, the Pathway provides a coastal experience during those times when conditions discourage use of the beach itself. These conditions, characteristic of the Carmel shoreline, cause many people to limit their shoreline visit to the City's coastal bluffs, instead of the beach:

- Climate – local weather conditions often include periods that range from cool and windy to wet and foggy. These conditions are most likely to occur during the period of highest public use (mid-spring through early fall). Many find these conditions are more conducive to strolls along the bluffs in warm clothes rather than the more stereotypical beach activities.

[36] City of Carmel-by-the-Sea. 1986. Carmel Beach Restoration Phase II Final EIR.

- Tides – Like most sections of the central California coast, tides at Carmel Beach range from –2.0 to +8.0 feet. Under some winter conditions, travel on the beach during high tide may be difficult or dangerous; this is especially true of the beach south of Twelfth Avenue.

- Sand Level – During severe winters, sand scour can expose massive bedrock platforms that can deter pedestrian movement along the beach.

Bluff Protection

Many facets of the Beach Bluff Pathway were designed to remedy problems caused by people who climb on Carmel's coastal bluffs. "Bluff-cutting" damages vegetation and can lead to severe erosion from storm water runoff. The Pathway landscaping includes plants, boulders, and protective wooden barriers that serve to keep people from straying onto the City's vulnerable coastal bluffs. Discreet signs along the Pathway remind people to stay off the slopes. Other signs direct pedestrians to the nearest beach accessway.

The success of the Carmel Beach Bluff Pathway can be attributed to the interplay of all its elements: pathway layout, beach accessways, landscape plants, boulders, guardrails, signs, and other amenities (discussed in detail in Sec. 4). Changes to the design of any one of these elements may impact the function of other elements and of the Pathway as a whole. Therefore proposed changes must be undertaken with great insight and care.

3.2.3 *Beach Access Stairways and Sand Ramps*

The Pathway was designed to seamlessly integrate with a series of beach access stairways and sand ramps (Fig. 3). Some of these accessways were built years earlier, and survived the 1982/83 El Niño storms. Others were built as part of the Phase II project. At present, the City has nine stairways and two sand ramps that provide access for beach visitors (see Fig. 3).

Stairways

Carmel's shoreline stairways provide the critical link in the City's beach access program. These structures enable people to travel safely from the bluff top down to the beach at nine locations, from Eighth Avenue south to Martin Way (see Table 1). The stairways are built in varying styles using a variety of materials: some are built of wood, some utilize reinforced concrete with "golden granite" facing, and some use a combination of these materials. Some

stairways carry people over irregular rock revetments, tall seawalls, or steep cliffs. At Twelfth Avenue, the stairway guides people down to a beach 50 feet below.

Yet, these stairways are the most vulnerable of the City's shoreline structures. To perform their function, they are built in "harm's way," extending out beyond the protective bluffs and walls. Over time, Carmel's beach access stairways often incur significant damage during winter storms. Some stairways have been damaged by direct wave attack while others were broken by the sheer weight of seaweed flung onto, or draped over, exposed sections.

Table 1 - **CARMEL BEACH ACCESS STAIRWAYS**

Location	Year Built	Composition and Features
Eighth Avenue	late 1930s[37]	Carmel stone and golden granite rock Includes Foot Wash-off Station
Ninth Avenue	1984	Wood beam and posts. Break-away design.
Tenth Avenue (North)	1974[38]	Wood beam and posts Break-away design
Tenth Avenue (South)	1986	Upper section: Wood beam and posts Lower section: Reinforced concrete faced with golden granite; wave deflectors at bottom
Eleventh Avenue	late 1930s	Golden granite rock with exposed aggregate treads Includes Foot Wash-off Station
Twelfth Avenue	1986	Wood beam and posts Temporary[39]
Thirteenth Avenue	late 1970s	Reinforced concrete and golden granite rock Includes Foot Wash-off Station
Santa Lucia Avenue	late 1930s	Golden granite rock and exposed aggregate treads Includes Foot Wash-off Station
Martin Way	1958/59	Upper section: Reinforced concrete faced with golden granite. Lower section: Wood beam and posts

[37] Modified in 1985/86
[38] Redesigned in 1986
[39] This temporary stairway built in the Twelfth Avenue cove is discussed in more detail in Section 3.4.1.

Photo 5 – *The Tenth Avenue (South) Stairway*

Some of the stairways constructed during the Phase II project employed the concept of "break-away" sections. On these stairways, the lowest section was built to be separate from the upper section. This design arose out of observations of stairway failures during the 1982/83 El Niño storms:

> First, waves attacked the lowest portion of a stairway, undercutting its foundation.[40] As the bottom section was destroyed, it pulled the (attached) upper portion of the stairway away from the bluff. In at least one case (Ninth Avenue stairway), loss of the upper stairway section caused massive erosion of bluff soils and toppling of two large Monterey cypress.

Understanding that Carmel's beach access stairways will always be exposed to potential wave damage, designers created new stairways whose lowest portions could separate from the upper sections. When attacked by high-energy storm waves, these sections would break cleanly away. In most cases, the upper stairway sections and the upper bluffs escape extensive damage. This greatly reduces potential repair costs as well as the threat of bluff erosion.

This concept has been tested in recent years. The lower section of the Tenth Avenue (North) stairway was severely damaged by high-energy waves during the 1997/98 El Niño winter storms; the upper section and surrounding bluffs were relatively undamaged. Within a year, the lower section was repaired and

[40] These observations apply to both wood and concrete/masonry stairways.

re-opened to public access. During the Winter of 2000/01, storm waves again damaged the lower sections of the stairways at Tenth Avenue (North) and Martin Way. The upper section and surrounding bluffs suffered only minor damage. Approved designs for these "break-away" lower sections are on-file with the City; replacement sections can be built when conditions allow.

Photo 6 – *Limited Damage to the Upper Portion of the Break-Away Stairs at Tenth Avenue (North)*

All stairways are complemented with trash/recycling container enclosures; four have foot wash-off stations (these are described in Sec. 4).

With one exception,[41] beach access stairways along the Pathway are located adjacent (or very near) to a Pathway access ramp that allows disabled access from Scenic Road. Each ramp is located within one of Scenic Road's marked crosswalks, providing Pathway access from the intersecting streets or pathway/drainageways. This creates a coordinated "access system" that leads pedestrians safely and conveniently to the beach.

[41] The exception is the Twelfth Avenue stairway, which was built approx. 100 feet west of where the Twelfth Avenue pedestrian access intersects with Scenic Road. The curb ramp is located at that intersection, within the marked crosswalk.

Sand Ramps

Along the shoreline, the City has built and/or maintained three sites where beach sand has been moved up to the street/parking level. These allow pedestrian access to and from the beach. Each also provides access to the sands of the upper beach for people who have limited mobility or who are physically disabled.[42]

The largest is located adjacent to the City's main beach parking lot at the foot of Ocean Avenue/Del Mar. This sandy area is primarily a natural formation, but its sand level is maintained by bulldozing activities during the City's sand redistribution program.

The other two sites are sand ramps that are maintained by the City's annual sand redistribution program. One ramp is located just south of Eighth Avenue and is constructed of bulldozed sand in a GEOWEB® cellular confinement system covered with a cap of compacted decomposed granite (DG). When necessary, it is used as an equipment-access ramp for maintenance and emergency vehicles.

About 40 feet south, the City has built another sand ramp. It is constructed of bulldozed sand and buried driftwood logs; it is for pedestrian use only. The buried driftwood logs help stabilize the ramp by controlling the downslope movement of sand. The logs also serve to prevent exposure of irrigation pipes and valve control wires. When these logs are not well covered by sand, they may become obstacles for pedestrians. The ramp should be regularly monitored and exposed logs should be re-covered with sand.

Each sand ramp is equipped with a concrete curb access ramp that provides accessibility for the disabled to/from Scenic Road.

3.2.4 *Pedestrian Pathway/Drainageways*

The Pathway provides pedestrians with safe access along Carmel's shoreline bluff top and directs them to the City's convenient beach access stairs and ramps. Bringing pedestrians and vehicles west to Scenic Road and the Pathway are five streets (Ocean, Eighth, Thirteenth, and Santa Lucia Avenues, and Martin Way). Four other City streets (Ninth, Tenth, Eleventh, and Twelfth Avenues) provide vehicle access only as far west as San Antonio Avenue. Here, each of these four streets becomes a narrow storm water drainageway that also doubles as a

[42] This is discussed in greater detail below.

pedestrian walkway. These pathway/drainageways can provide safe pedestrian travel only in the absence of heavy storm water runoff, which may create difficult-to-hazardous conditions for pedestrian passage.

Photo 7 – Pathway/drainageway at Ninth Avenue

3.2.5 *Pedestrian Access Easement*

The City provides public access to the northern portion of Carmel Beach with a pedestrian walkway that begins near the intersection of North San Antonio and Fourth Avenues. The eastern portion of this walkway is a paved easement across the privately-owned "Sand and Sea" development.

Pedestrian travel to, and along, this walkway is sometimes difficult. To reach the access, pedestrians must walk in the street along a narrow stretch of North San Antonio Avenue. On this section of roadway, pedestrians encounter a blind curve where fast-moving vehicles travel to and from the nearby Carmel Gate to Pebble Beach. This portion of North San Antonio Avenue lacks both convenient parking and a dedicated pedestrian lateral pathway/walkway. The entrance to this coastal access, as yet, is not adequately signed.

Once pedestrians reach the easement, they must walk across the paved "Sand and Sea" driveway. The final portion of the walkway is a dirt trail that traverses dunes and coastal bluffs before leading to the North Dunes of the Carmel shoreline (near the Fourth Avenue storm water outfall).

3.3 DISABLED ACCESS TO CARMEL'S SHORELINE

Carmel Beach is located at the base of a series of high dunes and shoreline bluffs. Public access to the beach is primarily via the parking lot at the foot of Ocean Avenue, as well as from numerous sites along Scenic Road. But from these locations, access to the tideline requires a descent that ranges between 12 and 50 feet, depending on location and season. This trek can be challenging for many beach visitors and impossible for those with limited mobility.

The City of Carmel has an abiding commitment toward making its shoreline as accessible as possible, given the existing topographic conditions. The Beach Bluff Pathway and its shoreline restroom facilities were all designed to meet existing Americans with Disabilities Act (ADA) guidelines for disabled accessibility. The City's two sand ramps,[43] as well as the sand annually bulldozed up to the Ocean Avenue/Del Mar parking lot, allow access to the upper beach for disabled persons. These three sites have been certified by the State of California as offering reasonable disabled access to the shoreline.

Carmel maintains six spaces that are sized and marked for disabled parking: four are in the main beach parking lot, at the foot of Ocean Avenue/Del Mar and two are located on either side of the sand ramp north of Ninth Avenue.

It is important to note that those features that guarantee disabled access also promote use by the numerous shoreline visitors who, while not legally classified as "disabled," are nonetheless of limited mobility. Experience has shown that their shoreline visits are enhanced by the City actions described above.

3.4 FUTURE PROJECTS

3.4.1 *Twelfth Avenue (Point) Stairway*

Many of the beach access stairways damaged during the 1982/83 El Niño storms were re-designed and rebuilt as part of the Beach Bluff Pathway project[44] in 1987/88. In 1986, while the Pathway was still in the design phase, the City built a temporary stairway in the cove near Twelfth Avenue to provide short-term "emergency" access to the beach. This wooden structure is the tallest stairway along Carmel Beach and is less integrated with the adjacent bluffs, than other beach stairways.

[43] Located: 1) just south of Eighth Avenue, and 2) just north of Ninth Avenue.
[44] Carmel Beach Rehabilitation Project Phase II

During development of the Pathway project, the Beach Task Force had planned to re-design and rebuild the damaged stairway originally located at the Twelfth Avenue point. However, installation of the temporary stairs in the cove reduced public pressure for beach access in this area and the Task Force left this project for a future time.

In recent years, this stairway has received the brunt of several high-energy winter storms. Inspections by the Department of Public Works and the City Engineer have determined that the stairway's superstructure is out of alignment and is in need of repair.

A replacement permanent stairway for the Twelfth Avenue point has been designed and proposed. It would consist of an upper section built of wood beams and posts and a lower section, along with two wave deflectors, that would be built of reinforced concrete with golden granite facing. The proposal also includes a stone patio located at the top of the bluff that would merge with the Beach Bluff Pathway. The patio would contain a trash/recycling container enclosure, benches, and a bike rack.

3.5 MANAGEMENT POLICIES

- Provide for maximum public access to, and recreational use of, the shoreline consistent with private property rights and environmental protection. (G4-1)
    - Maintain frequent and safe points of access along the beach. (O4-1)
        - Continue to provide vertical access along the Carmel shoreline at approximately one or two block intervals. (P4-2)
        - Improve and sign the vertical access at Fourth Avenue. Consider development of a pedestrian path from the foot of Jane Powers walkway to the Fourth Avenue beach access through Sand and Sea. Investigate and implement opportunities to establish or reestablish additional vertical access from North San Antonio to the beach to the extent feasible. (P4-3)
        - Periodically reestablish the sand dune at the foot of Ocean Avenue, to provide convenient beach access from the Ocean Avenue/Del Mar parking lot. Reestablish and regularly maintain a vehicle and disabled-access ramp south of Eighth Avenue. (P4-4)

- Enhance pedestrian access to the shoreline from San Antonio Avenue using existing pedestrian access easements/drainageways that connect San Antonio Avenue with Scenic Road located at Eighth, Ninth, Tenth, Eleventh, and Twelfth Avenues. Redirect surface storm water flows in these easements/drainageways to underground culverts to improve pedestrian safety, access, and aesthetics. (P4-5)

- Establish a local segment of the California Coastal Trail through Carmel-by-the-Sea by connecting existing pedestrian paths and developing new pedestrian paths or routes as required to create a continuous trail through the City. (O4-2)

  - Designate the Beach Bluff Pathway as part of the California Coastal Trail (as long as this does not require any alteration to design or use). Coordinate with Monterey County to increase public awareness of the new segment of the Trail. (P4-9)

  - Coordinate with Monterey County to establish a continuous coastal trail through Carmel that links Rio Park, Carmel Point, the Beach Bluff Pathway, and the trail network in Del Monte Forest. Support efforts by Monterey County to establish a pedestrian pathway around Carmel Point to continue the California Coastal Trail. (P4-10)

  - Establish, in coordination with the State Department of Parks and Recreation, Monterey County Regional Park District and the Monterey County Parks Department, a trail network linking the state-owned Odello land and Carmel River State Beach to the Carmel Mission, Mission Trail Nature Preserve and Beach Bluff Pathway. (P4-46)

- Develop a Master Plan for the Del Mar and North Dunes area. Upon approval, the Coastal Land Use Plan shall be amended to incorporate all elements of the Master Plan. (G4-2)

  - Appoint an ad hoc citizens committee to develop the Del Mar and North Dunes Master Plan. Address issues related to parking and circulation, access, recreation facilities, aesthetics, special events, impacts on residents and visitors and protection of environmental resources. Guide Plan development using the goals, objectives and policies of the (Coastal) Land Use Plan consistent with Coastal Act policies, for provision of public access and protection of sensitive resources. (O4-3)

- Improve pedestrian circulation between the north end of the Beach Bluff Pathway at Eighth Avenue and the beach facilities at Ocean Avenue and the Del Mar Avenue parking lot as part of the Del Mar and North Dunes Master Plan. (P4-11)

- Provide safe and adequate pedestrian access from the Carmel Gate at the North City boundary to Ocean Avenue while protecting environmental resources. (P4-12)

- Address circulation and parking problems, make the area more pedestrian/people friendly and protect the environment. (P4-15)

- Use City staff along with needed consultants (environmental restoration specialist, traffic engineer, landscape architect) to develop a plan of balanced improvement. (P4-16)

- Consider reallocating parking so it will flow in a more efficient manner. Consider a regular shuttle from downtown or from a designated parking area. (P4-17)

- Improve the pedestrian experience through the Del Mar parking area for those arriving on foot and from parked vehicles to the beach. Consider construction of boardwalks or other improvements to aid beach circulation, protect tree roots and protect the sensitive vegetation in the North Dunes area. (P4-18)

- Provide disabled access consistent with ADA requirements. Provide access that blends with the beach and allows disabled individuals the opportunity to enjoy a more natural beach experience. (P4-19)

- Provide adequate and aesthetically pleasing trash containers. (P4-20)

- Provide secure bicycle racks. (P4-21)

- Continue to support passive beach activities that are consistent with maintaining the natural beach setting. Active recreational opportunities need not be enhanced. (P4-22)

- Do not install formal picnic tables or benches. Rather, provide driftwood logs for seating. Picnicking on the beach should be conducted in a traditional manner with blankets, etc. (P4-23)

- Retain the informal atmosphere of the volleyball courts. (P4-24)

- Provide a parking program for Carmel Beach that supports convenient access without compromising aesthetics, environmental quality or residential character. (O4-8)

  - Develop a design plan for the Del Mar parking area that improves circulation, reduces congestion, enhances visual quality, and enhances community character. The redesign shall avoid or minimize any loss of parking spaces. (P4-42)

  - Continue to regulate beach parking using time limits. Retain beach parking as a free resource to the public facilitating access for all. Keep public spaces along the Beach Bluff Pathway small, intimate and dispersed to avoid large congregations of people that would disturb nearby residents. (P4-43)

  - Provide convenient and free public beach parking from 5:00 a.m. until 12:00 midnight daily. Parking outside of these hours along Scenic Road and at the Del Mar parking lot shall be limited to residents and guests with a resident's parking permit. (P4-44)

4 THE CARMEL SHORELINE LANDSCAPE

Carmel's shoreline landscape constitutes everything that people see along the shore, including the ocean, beach, dunes and bluffs, flowers, shrubs, trees, and boulders, as well as the Pathway, guardrails, beach accessways, signs, and stone walls. Even the momentary changes of weather, wildlife, people, automobiles, and other transient scenery make up the landscape mosaic of the shoreline experience.

4.1 NATURAL LANDSCAPE

During the past one hundred years, people have changed much of Carmel's natural shoreline landscape. Photographs taken in the early 20th century depict a shore covered with low native scrub plants and very few trees (Photo 8). As the City of Carmel grew, much of the shoreline was planted with flowers, shrubs, and trees from other parts of the world.

L.S. Slevin photo Pat Hathaway Photo Collection, Monterey

Photo 8 – Southern Carmel Shoreline (from 11th Ave. to Martin Way) 1908

4.1.1 Native Species and Habitats

At one time, much of what is now the City of Carmel was covered with a surprisingly diverse community of native flora and fauna. Near the shoreline, these species were able to tolerate, and even thrive in, the area's harsh coastal conditions: exposure to salt, burial by shifting sand, lack of nutrients, and blasting by sand-laden winds. Today, there remain only a few remnants of Carmel's original native shoreline community – mostly in the North Dunes.

Upper Beach

Beaches are subjected to heavy disturbance by both natural forces and human activities. As a result, they are seldom vegetated. Along Carmel's upper beach, near the Tenth Avenue (North) stairway and just south of the Eleventh Avenue stairway, are thriving stands of a native beach/dune grass (*Elymus* [= *Leymus*] *mollis*). These plants grow well in the face of the shoreline's natural challenges, but are not very tolerant of trampling. (During the late 1980s, the City planted *Elymus* along the upper beach between Eighth and Ninth Avenues, but the plants eventually succumbed to trampling.)

North Dunes

The North Dunes represent the City's only significant native coastal biotic community. Jones and Stokes (1995) found bush lupine (*Lupinus arboreus*), beach sagewort (*Artemesia pycnocephala*), pink sand verbena (*Abronia umbellata*), and mock heather (*Ericameria ericoides*) along with several other native plant species.

Of special note is the presence of Tidestrom's lupine (*Lupinus tidestromii* var. *tidestromii*), a state- and federal-listed endangered plant species. Jones and Stokes (1995) documented the first record of Tidestrom's lupine at Carmel, reporting 280 individual plants within the North Dunes ecosystem. An informal survey conducted in 2001, in conjunction with this *Carmel Shoreline Management Plan*, confirmed the presence of several hundred plants.

The North Dunes may also be inhabited by the California Black Legless Lizard (*Anniella pulchra nigra*). In 1985, 12 specimens were located in Carmel area dunes by federal wildlife biologists;[45] suitable habitat is thought to exist in portions of the North Dunes. The status of the California Black Legless Lizard

[45] Bury, B.R. 1985. Status report. *Anniella pulchra nigra* Fisher, black legless lizard (Anniellidae: Sauria) in Central California. Ecosystems Studies Section, Denver Wildlife Research Center. Fort Collins, CA. Prepared for U.S. Fish and Wildlife Service, Office of Endangered Species, Portland, OR. (cited in Jones and Stokes, 1995).

has changed since the Jones and Stokes (1995) report: This species is currently designated as a "Species of Special Concern" by the California Department of Fish and Game, but is no longer a candidate for Endangered Species listing by the federal government.

Based on the presence of Tidestrom's lupine and potential habitat for the California Black Legless Lizard, the City has designated the North Dunes as an Environmentally Sensitive Habitat Area (ESHA). This is shown on Fig. 4.

The North Dunes are also haven to several exotic invasive plant species, including acacia and Hottentot-fig ice plant (*Carpobrotus edulis*). As described below, these aggressive plants tend to overwhelm native plants, replace habitats for native coastal wildlife, and simplify coastal ecosystems. In some portions of the North Dunes, expansion of aggressive ice plant growth could eventually crowd out slower growing native species, including the endangered Tidestrom's lupine.

Protection of the North Dunes and their native habitat will be studied during the upcoming Del Mar and North Dunes Master Plan process.

Del Mar Dunes

Native plant- and wildlife habitats in the narrow Del Mar Dunes have been disturbed by occasional coastal erosion and by the growth of exotic, invasive ice plant and acacia. Jones and Stokes (1995) studied these dunes and determined that they represent potential habitat for native dune plants and animals. The Del Mar Dunes have been designated as an Environmentally Sensitive Habitat Area (ESHA); the restoration of the Del Mar Dunes native habitat would be consistent with the California Coastal Act. This area will also be part of Carmel's Del Mar and North Dunes Master Plan.

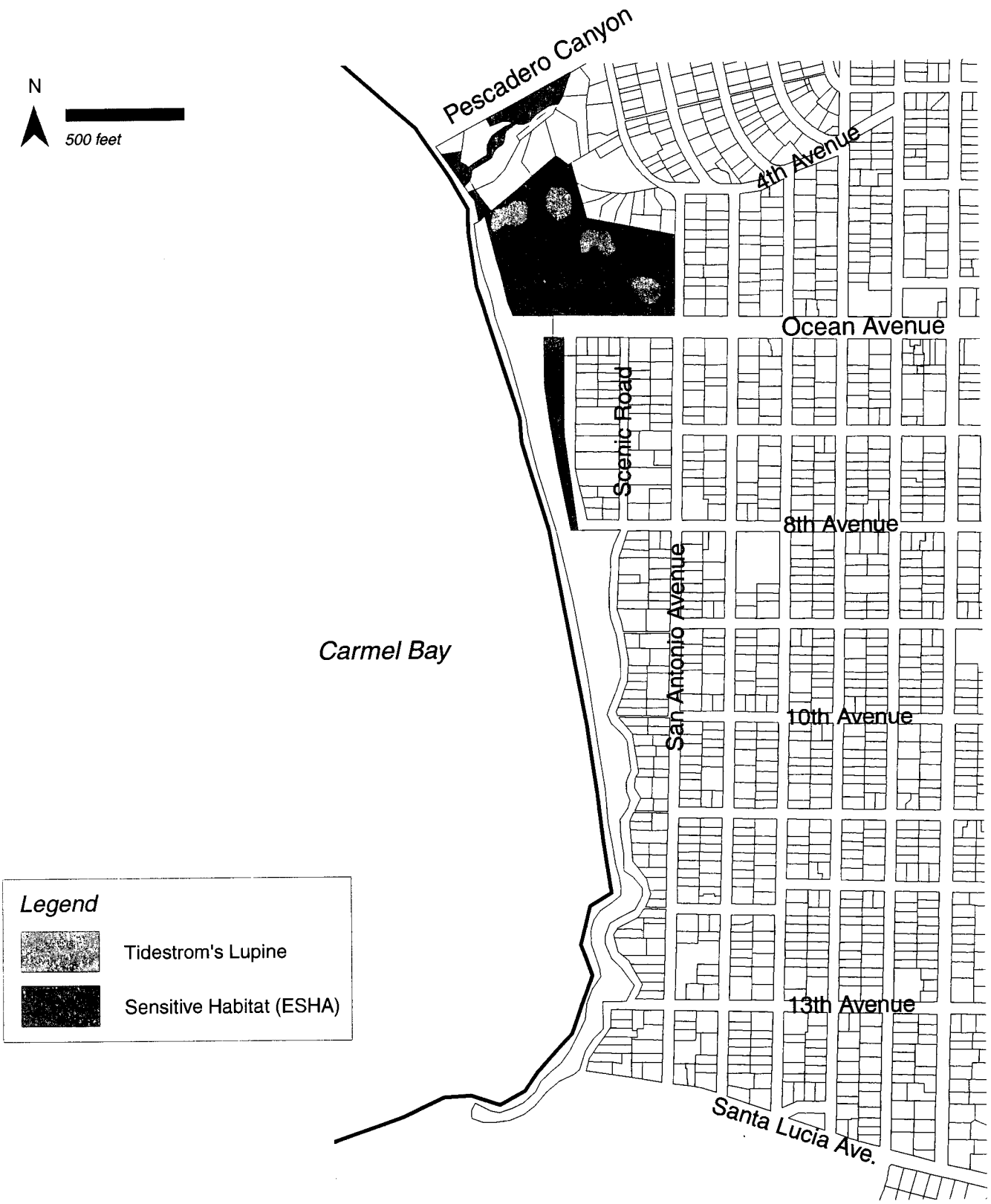


Figure 4

Environmentally Sensitive Habitat Areas

4.1.2 Horticultural and Introduced Plants

Most of the plants growing along Carmel's shoreline are native to other regions. Some were used to help stabilize the ever-changing coastal dunes. But most were introduced to serve as ornamental elements in a public or private landscape.

Upper Beach

Over the years, the stretch of upper beach extending between Pescadero Creek and Eighth Avenue has become vegetated mainly with Hottentot-fig ice plant (*C. edulis*), acacia (*Acacia* sp.), and sea rocket (*Cakile maritima*); both ice plant and acacia are exotic invasives. They grow aggressively, outcompeting, and eventually replacing, native California beach and dune plants. This produces a restrictive monoculture that can limit populations of native wildlife that are closely linked with the native plants. Sea rocket is also thought to be an introduced species, but its growth characteristics are not known to have a detrimental impact on California beach and dune communities.

North Dunes and Del Mar Dunes

The invasive exotics, Hottentot-fig ice plant and acacia, also grow in the North Dunes and Del Mar Dunes. In the past, City staff or residents purposely planted each of these species in an attempt to stabilize shifting dunes. Both species are now well established; without control, they out-compete neighboring plants and replace native wildlife habitats.

Beach Bluff Pathway

Plants growing along the remainder of Carmel's shoreline are primarily introduced horticultural species. With the exception of the ubiquitous Hottentot-fig ice plant and acacia, most other plants were introduced as part of the Beach Bluff Pathway landscape.

The original Pathway landscape plants were selected to serve two purposes: to enhance the aesthetic qualities of the Scenic Road/bluff top area, and to protect the City's fragile coastal bluffs from damage.

The palette of plants selected by the Pathway designers (landscape architects from Royston, Hanamoto, Alley, and Abey, in conjunction with the Carmel Beach Rehabilitation Task Force, City staff, and consultants) met several criteria. They were:

- tolerant of coastal conditions, especially exposure to salt spray;

- drought tolerant (or able to thrive on limited water);
- tolerant of human activity;
- suitable for erosion control;
- non-invasive;
- relatively easy to grow;
- commercially available; and
- "natural looking" (native or "native-like" - subtle in color).

The species originally selected for the Pathway landscape are listed in Table 2, below:

Table 2 – APPROVED CARMEL BEACH BLUFF PATHWAY PLANTS[46]

Large Shrubs

Arbutus unedo	Strawberry Tree
Atriplex lentiformis 'breweri'	Brewer's Saltbush
Leptospermum laevigatum 'compactum'	Australian Tea Tree
Myoporum laetum	NCN[47]
Pittosporum crassifolium	NCN
Rhus integrifolia	Lemonade Berry

Barrier Plants

Ceanothus impressus 'Joyce Coulter'	Joyce Coulter Ceanothus
Ceanothus impressus 'Julia Phelps'	Julia Phelps Ceanothus
Echium fastuosum	Pride of Madeira
Escallonia 'Newport Dwarf'	Newport Escallonia
Griselinia lucida	NCN
Pinus mugo	Mugo Pine

Color Planting

Chrysanthemum leucanthemum	Ox-Eye Daisy
Erigeron glaucus	Sea Daisy
Eschscholzia californica	California Poppy
Ferns	Ferns
Iris douglasiana	Pacific Coast Iris
Lupinus chamissonis	Lupine
Limonium perezii	Sea Lavender (Statice)

Low Shrubs

Ceanothus griseus 'horizontalis'	Carmel Creeper
Cistus skabergii	Hybrid Rockrose
Cistus ladanifer	Crimson Spot Rockrose
Lavandula angustifolia	English Lavender
Lavandula dentate	French Lavender
Ribes viburnifolium	Catalina
Santolina chamaecyparissus	Lavender Cotton
Teucreum fruticans 'compacta'	Dwarf Bush Germander

[46] These plants were part of the Beach Bluff Pathway landscape design that was approved by the Forest and Beach Commission, Planning Commission, City Council, and California Coastal Commission in 1987 (*From:* RHAA Landscape Plan for the "Carmel Beach Restoration Project.")
[47] NCN = No Common Name

This plant list[48] is a critical feature of the City's overall plan for the shoreline. As part of the Carmel Beach Rehabilitation Project, the landscape plan was approved by two City commissions,[49] the City Council, and the California Coastal Commission[50] in 1987. Over the past decade, this landscape plan has been used as a guide for the re-vegetation of the coastal bluffs and bluff tops in several shoreline repair projects.[51]

The Carmel Beach Bluff Pathway floral landscape is in need of revitalization; steps required to achieve this renewal are described in Section. 4.3.1.

4.1.3 *Shoreline Trees*

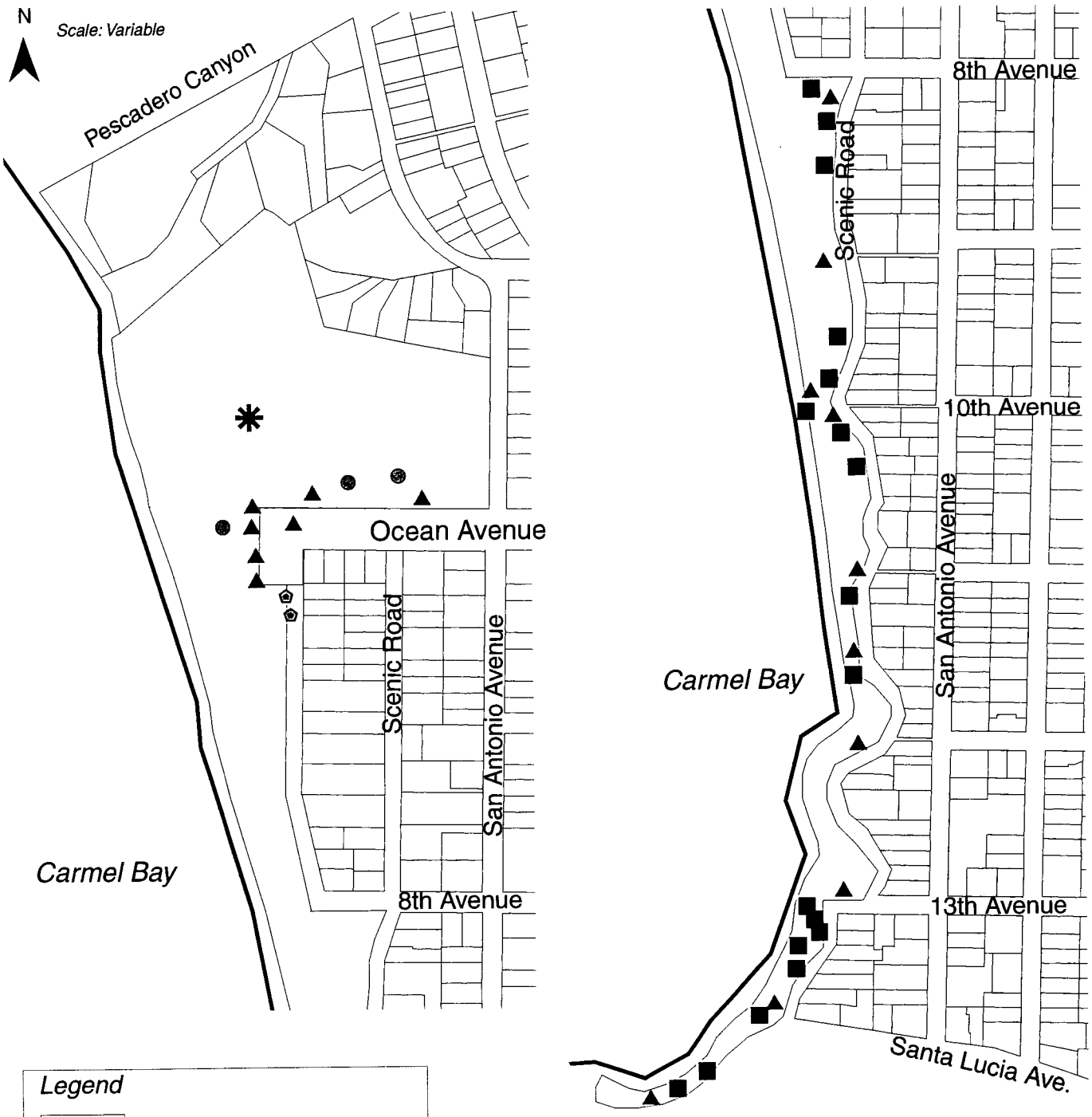
Carmel has been described as "a small village in a forest." The City's shoreline is also blessed with a large number of trees. Monterey cypress, Monterey pine, coast live oak and acacia are the most dominant and dramatic landscape features along the City's shoreline (Fig. 5).

Cypress overwhelmingly populate the bluffs, dunes and the Ocean Avenue/Del Mar parking lot area. All the Monterey cypress along our shore were planted from seedlings gathered from those native stands at Cypress Point to the north and Point Lobos across Carmel Bay to the south. These trees, some 100 strong, were planted by one of Frank Devendorf's[52] maintenance workers and his young daughter, who nurtured each for several years until established. Now, many are over a century old. Over the years, many cypress that were past their prime, declined and died. During the 1982/83 El Niño storms, 16 large cypress were lost.

Monterey cypress are the sentinels of our shoreline. Whether standing tall or twisted and gnarled, they define the transition and progression of our community's landscape. From the water's edge, past the tidal zone up to the bluffs and dunes, Monterey cypress provide the foundation for all other landscape plantings.

Monterey cypress are the primary arboreal element of the Carmel coastal landscape. Views of the beach, bluffs, and ocean through cypress boughs are a unique visual component of the City's shoreline. Plants that conflict with, or

[48] RHAA landscape plans, entitled "Carmel Beach Restoration Phase II." Copies of these plans are kept on file at the Carmel-by-the-Sea City Hall, and at the Departments of Community Planning and Building and Forest, Parks, and Beach.
[49] Forestry Commission and Planning Commission
[50] Coastal Development Permit #3-83-217-A2, approved June 9, 1987.
[51] Coastal Commission approval of the recent Carmel Bluff and Beach Access Improvement Project was based, in part, on the City's promise to follow the RHAA landscape plans when re-vegetating areas affected by the project.
[52] J. Frank Devendorf was one of Carmel's founders.



Legend

- Benches
- Stone Fire Pits
- Trash Enclosures
- Volleyball Courts (4)
- Water Storage Tanks

Figure 5
Shoreline Support Facilities

disrupt, the cypress viewshed should be carefully trimmed to avoid encroachment on this viewshed.[53]

Even in death, the Monterey cypress is a noble, majestic feature of our shoreline landscape. Its wood resists decay when other tree species have long since crumbled and returned to the soil. Over the years, those that have died have been allowed to remain as part of the scenic landscape for thousands to appreciate, photograph and paint. Only when they finally weaken and succumb to nature's constant attack are they removed from the shoreline.

The Forest, Parks and Beach Department inspects the structural integrity of all trees along the bluffs and the dunes. If a tree is determined to be a hazard and presents a clear and present danger to the public, then the Department will remove that tree and replace it. In many cases, mature trees are replaced with young seedlings germinated from local seed stock well in advance of their removal. By continuing these management practices, our forested beach lands will remain in balance.

In the North Dunes, when trees are removed, the trunk(s) should remain as part of the landscape and only those portions that would be considered a fire hazard (small limbs and branches) should be disposed. This practice would create a more interesting dune environment; one that provides shelter and protection, and aids in the dune building process.

Other tree species have established themselves in small groves in and around the North Dunes. A small stand of Monterey pines (and more seedlings) are thriving on the sands near the northern City border very close to the Fourth Avenue pedestrian access. Two groups of coast live oak are at home in the heart of the dunes just north of the Ocean Avenue parking lot; they hug the edge of the "Sand and Sea" residences near Fourth Avenue. All of these trees have germinated from seed transported there by some natural means. A lone eucalyptus, the largest in the City, dominates the North Dunes and beach parking lot entry at the corner of Ocean and N. San Antonio Avenues.

Finally, acacia grow at several locations in the City's coastal area: throughout the North Dunes, along the northern bluffs, in many pockets on the Del Mar dunes, and on shoreline bluffs south to the Santa Lucia stairway. These thickets promote landform stability by trapping sand and binding bluff soils. Conversely, acacia's aggressive growth enables it to dominate some areas of the upper beach landscape, out-competing and replacing native species, leaving less room for shoreline

[53] See Carmel Coastal Land Use Plan (approved June 2003), Policy P5-35.

visitors to enjoy. Acacia thickets have become convenient places for illegal trash disposal, and are attractive sites for transients to set up residency.

Carmel's shoreline trees and shrubs are trimmed periodically. Trimming of the massive Monterey cypress trees reduces the length and weight of upper boughs, protecting the tree from structural damage during periods of high winds; this also protects the safety of people who walk, park, or live under these trees. Trimming of acacia and *Myoporum* helps maintain coastal viewsheds and protects neighboring plant habitats from encroachment. Thinning of acacia thickets discourages transient activity and illegal trash dumping.

4.1.4 *Beach Landscape Progression*

The landscape design of the Carmel Beach Bluff Pathway affects, and is affected by, private property landscapes along Scenic Road between Eighth Avenue and Martin Way. One goal of the original Pathway design was to create a landscape link between public lands and adjacent private property. This landscape progression concept would help unify the visual experience of the shoreline. This goal has been only partially achieved. Progress in this area could result in a revitalized holistic landscape theme for the City's entire shoreline.

4.1.5 *Coastal Viewshed*

Carmel's shoreline affords extraordinary views of the ocean and coastline. Protection of this unparalleled coastal viewshed is one of the cornerstones of the City's shoreline management program. Designers of the Beach Bluff Pathway sought to avoid structures or dense plantings that conflict with the coastal viewshed. Plants that have grown tall enough to partially obscure these special views are continuously noted during independent shoreline assessments and, when necessary, are attended to by City staff and/or contractors.

The City, however, allows a limited amount of short-term coastal viewshed interference by some of the adolescent Monterey cypress trees that line the public shoreline. As described above (Sec. 4.1.2), Carmel values views of the coast through the open boughs of its Monterey cypress. When young, these trees are characterized by dense foliage. Only as they mature do Monterey cypress grow into the tall, open "sentinels of the shoreline." To achieve this valued shape, some loss of coastal viewshed must be tolerated during a tree's early years.

4.2 STRUCTURAL LANDSCAPE

The Carmel shoreline landscape is also composed of many inanimate structural elements that were designed to serve the public in myriad ways. Some are required for public safety (guardrails), others support and/or protect the shoreline and its landscape (walls and revetments, boulders, irrigation system), while still others provide important public amenities (stairways, restrooms, benches, drinking faucets) or information (signage). Though artificial, their design and construction should reflect the important role they play in the Carmel shoreline's visual landscape.[54]

4.2.1 *Guardrails*

At many locations, the City uses wooden guardrails as a barrier between the Pathway and the beach bluffs. Guardrails, in conjunction with landscape plantings and boulders, help prevent beach visitors from trampling vegetation or walking on fragile and sometimes dangerous slopes. Guardrails are substantial structures, and are usually built no higher than 30 inches. City personnel must be prepared to install additional guardrails, plants, and/or boulders, if changes in pedestrian traffic patterns threaten other less-protected areas.

4.2.2 *Walls and Revetments*

For nearly fifty years, the City has responded to erosion of its coastal bluffs by building seawalls, retaining walls, and engineered rock revetments. These structures are discussed in detail in Section 6 of this *Shoreline Management Plan.*

4.2.3 *Rocks and Boulders*

One special component of the shoreline's natural landscape is the use of rocks and boulders. All public walls along Carmel's beach and bluffs are either built from stone or from reinforced concrete that has been faced with stone.

The Eighth Avenue stairway is built of "Carmel stone," flat pieces of "soft" limestone that were quarried locally. Two patios located near Eleventh Avenue and the entries to all stone trash/recycling container enclosures are built with "Arizona sandstone," an imported "hard" stone that creates an excellent walking surface.

At most other locations, the City used locally quarried golden granite rocks. Some of the earliest shoreline walls were built with golden granite rocks and mortar.

[54] See City of Carmel Coastal Land Use Plan (approved June 2003) Policy P5-12 and P5-5.

Walls constructed after 1978 are constructed of reinforced concrete faced with golden granite. This style is used for seawalls, retaining walls, and on many stairways and trash/recycling container enclosures.

Large granite boulders are an integral part of the shoreline landscape and undeniably contribute to its aesthetic character. Boulders punctuate planting areas. They also serve as natural benches. At strategic locations, they are used to help guide pedestrian flow along the Pathway.

4.2.4 *Water Storage Tanks*

Irrigation water for the Beach Bluff Pathway landscape is supplied by an innovative system that collects spring water in two underground storage tanks. These 10,000 gallon fiberglass tanks are buried in the dunes just south of the Del Mar portion of main beach parking lot.

At this site, spring water flows continuously throughout the year. During the drought of 1978, the City recorded flows of 12 gallons per minute, and during the peak of the 1982/83 El Niño winter storms, flows of 60 gpm were recorded.

In 1985, the City installed a single underground water storage tank; three years later, a second tank was connected in series. Water from these reservoirs is now pumped through a two-inch diameter underground PVC pipe to the Pathway irrigation system controller at Eighth Avenue. From there it is piped to numerous sites along the Beach Bluff Pathway.

Water from these storage tanks is also used to fill the City's street sweeper, sidewalk-cleaner, tree-planting/watering trucks, and fire apparatus. In addition, this water could serve as an emergency back-up for water commercially supplied to the City.[55] Use of this spring water has greatly reduced both the amount and cost of Carmel's potable water consumption.

4.2.5 *Benches*

Pathway designers wanted to ensure ample places for people to sit along the bluff top and enjoy the shoreline's scenic vistas. In keeping with the project's design philosophy, they chose to build benches of a simple style, made of wood and/or stone.

[55] This spring water has been tested and found to range from pure to containing low levels of coliform bacteria. This water could easily become potable if treated using standard water purification techniques.

Some benches were fashioned from large pieces of driftwood that washed up on Carmel Beach. City personnel began setting these aside, even before the final plan had been approved. During the Pathway's construction phase, the most suitable driftwood was sanded, attached to cement plinths, and installed at strategic locations. These informal benches have become a popular design element of the Beach Bluff Pathway.

In addition to benches, the City has also placed large boulders in selected locations to be used for sitting.

4.2.6 *Signage*

Signs provide information for shoreline visitors. They identify traffic and parking regulations, give directions to nearby beach accesses, warn of hazardous conditions, and inform about City ordinances regarding alcohol use, beach fires and fragile slope protection.

Of all the topics dealt with by the Carmel Beach Rehabilitation Task Force, signage was the subject of the most intense deliberations. The final design was a compromise between notifying beach visitors of pertinent information and not causing them to be overwhelmed or the unique coastal viewshed to be disrupted.

The number of signs along the Pathway was limited by consolidating information at selected locations (e.g. signs on trash/recycling container enclosures and on "access" sign posts). All informational signs were of muted earth tones to sustain the integrity of the landscape design. To avoid unsightly rust, non-metal signs and fasteners were used. When signs were legally required to be made of metal (e.g. traffic and parking signs); they were enclosed within a wooden frame.

One type of sign purposely stands out from the others. The signs that warn of hazardous surf conditions are standard dark brown with bright yellow lettering and made of metal. They were designed by a consortium of Monterey Bay municipalities, in conjunction with the California Department of Parks and Recreation and the U.S. Coast Guard. They are placed mid-level on each beach accessway and are double-sided to be seen from both the beach and the bluff.

Over the years, the number and types of signs have gradually increased. Sign colors and locations have expanded beyond the original design and intent. At some locations, signs are now competing with the natural viewshed.

Signage is a critical part of Carmel's shoreline management program. To ensure that signs enhance, rather than detract from, the City's coastal resources, adopted policies require that signs:[56]

- provide information in a clear, accurate and concise manner;
- are visible to the public without detracting from protected coastal viewsheds;
- are consistent in design style, use of color and materials;
- are efficiently used, limiting overall numbers and avoiding a cluttered appearance; and
- reflect the aesthetic sensitivities of the Carmel community.

4.2.7 Shoreline Amenities/Recreational Support Facilities

The shoreline landscape also contains many elements that serve those who walk, run, or play throughout the Carmel shoreline area (Fig. 6).

Beach Access Stairways

The stairways that provide public access to and from Carmel Beach are discussed in Section 3.

Restrooms

Carmel's shoreline visitors are served by restroom facilities located at nearly opposite ends of Scenic Road (Fig. 7). The main restroom is sited at the foot of Ocean Avenue, adjacent to the City's primary beach parking lot. This facility contains separate restrooms for men and women. Each is complete with running water, sinks, and appropriate toilet facilities. The women's side also includes a fenced privacy area for changing clothes.

The outside of this facility is faced with golden granite stone, and its appearance fits well with other structures along the City's coastline. The inside of the restroom was designed to facilitate cleaning, including gently sloping floors and drains for easy cleaning. This facility meets ADA requirements for disabled accessibility.

In 1995, the City established temporary restroom facilities at "Lloyd Point," near Santa Lucia Avenue. These facilities consist of two portable toilets screened by a few Monterey cypress trees and a wooden fence. Both facilities may be used by men and women; one provides accessibility to the physically

[56] The City of Carmel plans to implement a comprehensive shoreline area sign program once its Local Coastal Program has been certified.

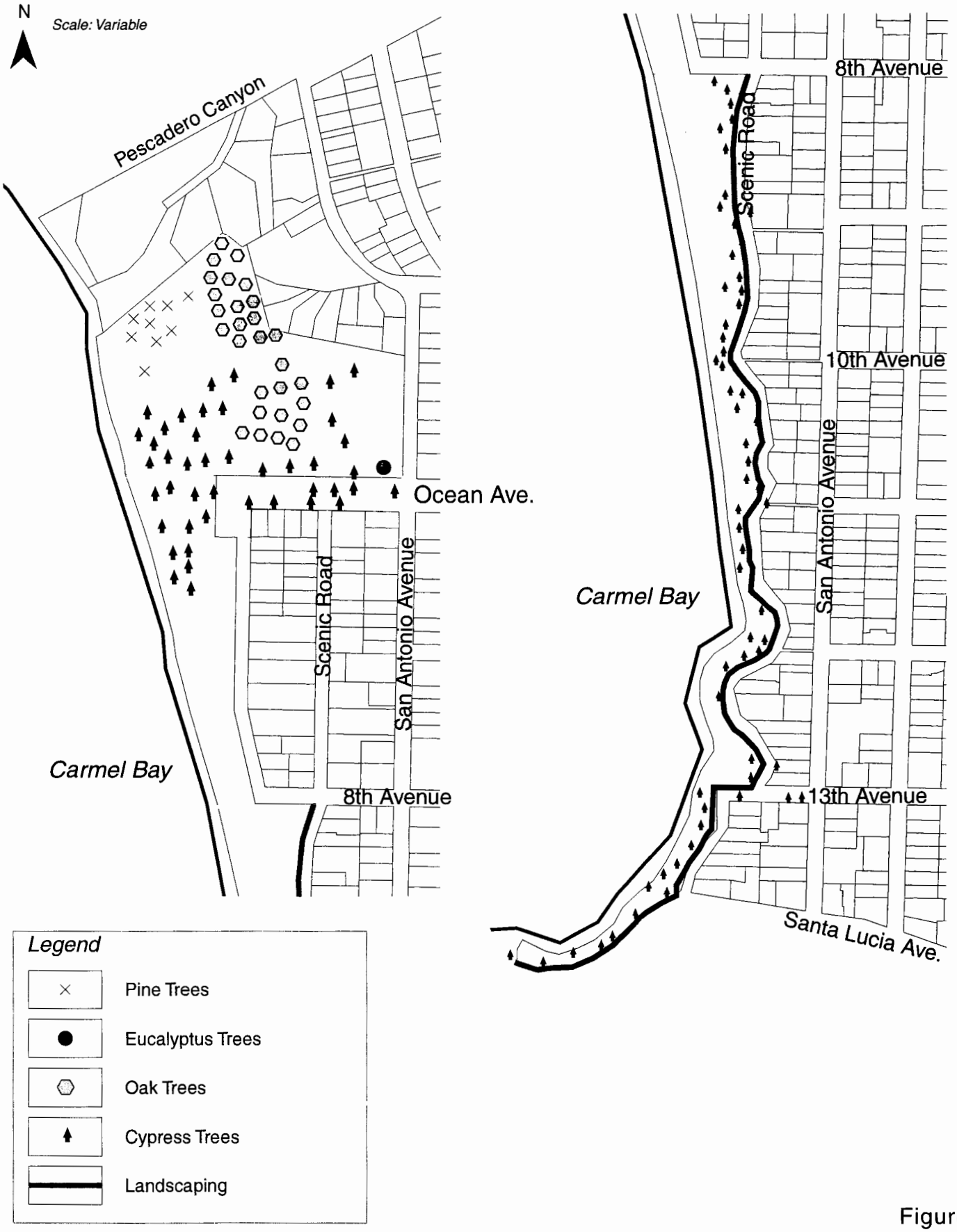


Figure 6

Shoreline Public Trees and Landscaping

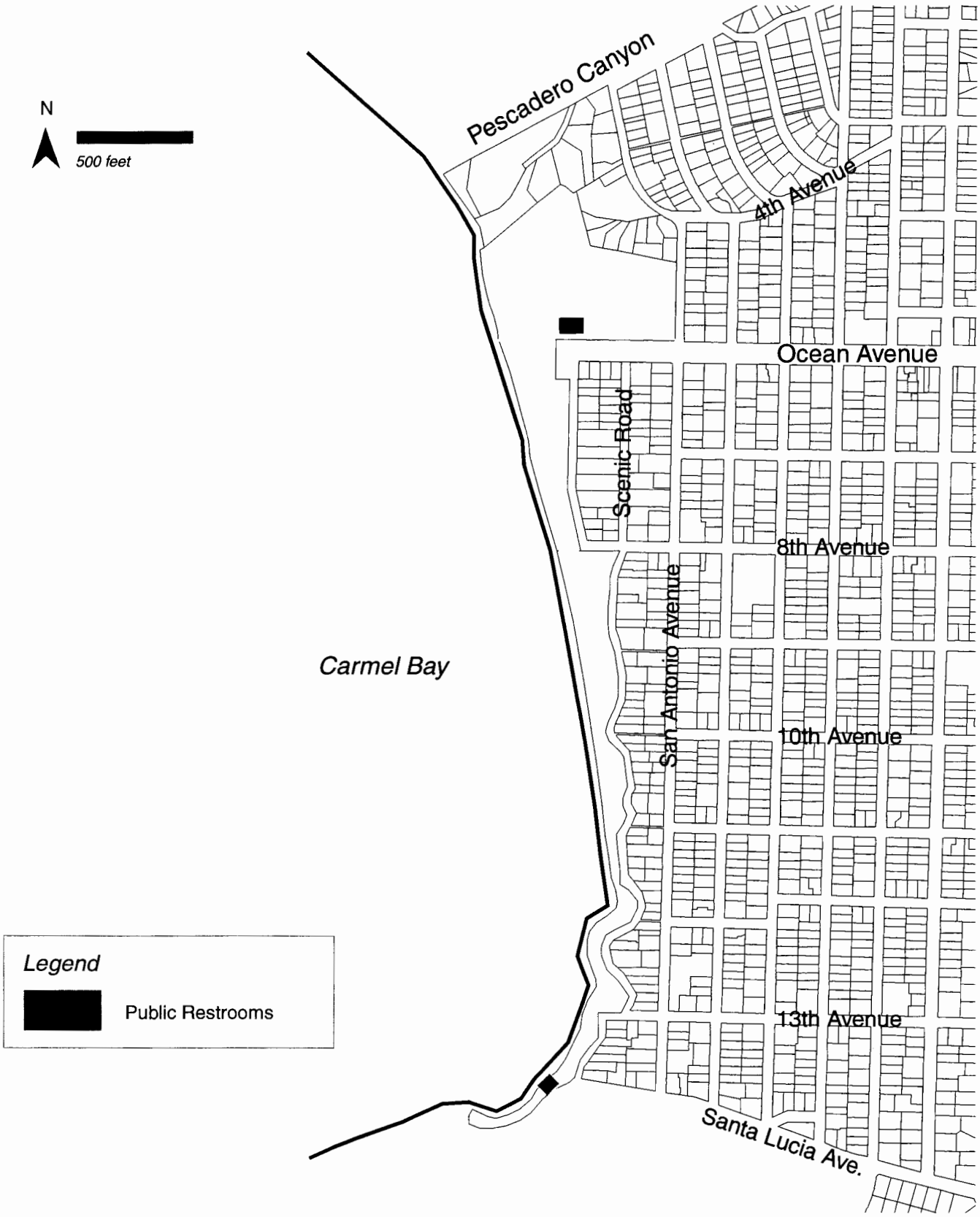


Figure 7
Public Restoom Facilities

disabled. Both facilities have water containers for hand-washing. These restroom facilities are serviced by a private company under contract to the City.

Foot Wash-Off Stations

The City has installed foot wash-off stations at four beach access stairways (Eighth,[57] Eleventh, Thirteenth, and Santa Lucia Avenues). Each supplies potable water for rinsing sand and watering pets. All wash-off stations consist of a concrete floor (with drain)[58] surrounded by low granite-faced walls; each is served by a self-closing faucet.

Drinking Fountains

Drinking fountains are located at the main beach restroom (Ocean Avenue) and at the top of the Thirteenth Avenue stairway. Each draws from the City's commercial water source.

Trash/Recycling Containers and Enclosures

Throughout the Carmel shoreline area, the City has built enclosures for its trash and recycling containers. These enclosures serve many purposes:

- They screen the containers from public view;
- They protect the containers from being knocked over;
- They are located at sites easily accessible to the City's trash disposal contractors;
- They are easily cleaned by City maintenance personnel; and
- They serve as appropriate sites for posting beach informational signs.

At present, there are 17 trash/recycling container enclosures along the shoreline. The seven enclosures located in the Ocean Avenue/Del Mar parking lot are made of wood, while the ten enclosures located along the Pathway are built of reinforced concrete and faced with golden granite. Enclosures in each area face different sets of conditions, and, so, were built in different styles and of different materials.

[57] The wash-off facility at Eighth Avenue has never been connected to the commercial (potable) water system.

[58] Unfortunately, the wash-off station drains have a tendency to become clogged with sand. At present, they require more frequent cleaning; in the long-term, they will need redesigning/rebuilding.

Fire Pits

City ordinance limits recreational beach fires to that portion of the beach located south of Tenth Avenue and seaward of the high tide line.[59] In addition, Carmel also allows fires to be built in three stone fire pits located near the Ocean Avenue/Del Mar parking lot – these pits are located a very short distance from convenient parking spaces and are popular with beach visitors.

Volleyball Courts

In the dunes near the foot of Ocean Avenue, the City has installed posts for four sand volleyball courts; players must supply their own net and ball. These are often used on weekends and during the summer.

4.3 FUTURE PROJECTS

4.3.1 *Revitalization of the Beach Bluff Pathway Landscape*

The Beach Bluff Pathway landscape is now in need of revitalization. Since its initial planting in 1988, the landscape has strayed from its original design theme. Species, locations, and densities of horticultural plants have changed, but unfortunately, these changes have not been documented. In some areas, plants have grown tall enough to obscure portions of Carmel's unique coastal viewshed. At other sites, landscape plants that had successfully grown to maturity, became senescent and died. These were rarely replaced by younger, more vigorous plants. There are now entire Pathway planter areas where plants have completely disappeared and replaced by a sterile medium of wood chips.

These conditions were described in recent shoreline assessments; some have been addressed by City staff and/or contractors. The Pathway landscape, however, continues to be affected by the lack of: 1) an operational program that guides staff in their daily efforts, and 2) adequate staff-time and funding to perform tasks necessary to maintain the landscape.

Renewal of the Pathway landscape, if based on a combination of the project's original design concepts and lessons learned during the past fifteen years, would help return the Pathway to its award-winning condition. As mentioned above, the Pathway's landscape plants are important for their aesthetic qualities as well as for the protection they give to Carmel's fragile shoreline bluff tops. Steps recommended for the revitalization of the Pathway landscape are listed below.

[59] Recreational beach fires are discussed in greater detail in Section 5.

Landscape Plans and Concepts

The original plans and design concepts should be reviewed. They were the result of a very active process involving a citizen task force, world-renown landscape architects, City staff and consultants, along with ideas that grew out of several public hearings. Each species, its color, size, and location, was selected to perform a specific function in the overall landscape design. The original Pathway was greeted by wide acclaim and was the recipient of several awards. The Task Force understood that not all plants would be successful and future adjustments would be necessary. These changes, however, should be made with an understanding and appreciation for the project's original design intent.

Plant Selections

With experience gained during the past fifteen years, the original Pathway plant selections can be assessed, perhaps at the rate of one block per year. Many plants have been successful; others have not. Some failed to thrive because they could not tolerate the harsh forces of nature or the intense human impacts that characterize Carmel's shoreline. Others may have failed because they lacked proper care. Some of the plants were unable to thrive in their planned locale. Others proved to grow too slowly or too tall for their intended purpose. All plantings that do not appear successful should be assessed according to a standard procedure:

If a given plant is not thriving:

- **Is it not suitable for its location?**
  Perhaps this species will grow well in a different section of the Carmel shoreline landscape.
- **Was its failure due to trampling or other human/dog activity?**
  Perhaps the addition of guardrails or boulders could help achieve success.
- **Was there a problem with watering or fertilizing?**
  These should be adjusted before removing a species from the plant list.

If, after these assessments, it is determined that a planting should be modified or a species replaced, then new plants/species must be selected that fit well with the Pathway landscape design criteria, stated above. Any changes to the plant selection must be recorded, and periodically considered by the Carmel Forest and Beach Commission.

Staffing

Changes to the Pathway landscape should take into account the availability of Forest, Parks, and Beach staffing. New plantings have little value if there is not enough staff (or funding for contract labor) to maintain them.

Training

One key to the success of the Pathway landscape project will be staff training. The City's shoreline differs from landscapes in other parts of Carmel. The important role that the Pathway plays in bluff top protection, the protection of coastal viewsheds and the ability of plants to withstand harsh coastal conditions are concepts in need of discussion.

The day-to-day work performed by City staff is as important as the deliberations, plans, and reports produced by commissions, task forces, and consultants. Most projects will not succeed if on-site workers do not "buy into" the plan. Conversely, staff must also be able to share their knowledge and insights, often gained through years of field experience.

4.3.2 *Restrooms at Santa Lucia Avenue at Scenic Road)*

The two portable restrooms located along the bluff top near Santa Lucia Avenue help meet an important need for all who visit the Carmel shoreline. The City intends to continue use of these temporary facilities until permanent restrooms can be built at an appropriate location, somewhere along the shoreline between Eighth Avenue and the south City limit.[60]

4.4 MANAGEMENT POLICIES

- Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment, and respect the neighborhood. (G4-3)
    - Limit development along the Carmel shoreline to facilities that support passive and active recreational activities, beach access, bluff protection and protection of infrastructure. (O4-6 excerpt)

[60] City of Carmel Coastal Land Use Plan (approved June 2003) Policy P4-41

- Discourage any further incursion of recreational activities into the North Dunes habitat. Sensitive resources in the North Dunes habitat area shall be protected. (P4-48)

- Provide restroom facilities consistent with the volume of people who use the beach and Beach Bluff Pathway. (O4-7)

  - Retain the existing restroom facility at the Ocean Avenue/Del Mar parking lot and consider improvements to increase its capacity. (P4-40)

  - Retain the current second restroom facility at Santa Lucia Avenue until it can be replaced by a permanent site. Remove this facility upon construction of one or more additional permanent restrooms south of Eighth Avenue. (P4-41)

  - Maintain as operational all wash-off stations located adjacent to the stairways at Eighth, Eleventh, Thirteenth, and Santa Lucia Avenues. (P4-55)

- Perpetuate the mix of native dune and horticultural plants in an informal natural beach landscape. (O5-3)

  - Sustain and maintain the Beach Bluff Pathway design concept and landscape plant selection. Authorize the Forest and Beach Commission to review and approve minor design changes and plant selections. Require a coastal development permit for significant changes or any change that would substantially alter the design concept. (P4-13)

  - Evaluate the Pathway landscape, including plant selection and associated design elements in consultation with a coastal landscape specialist; identify sites that require revitalization and implement restoration based on the Pathway Design Plan. Address the most severely impacted sites first. (P5-32)

  - Install more seating along the beach pathway. (P4-14)

  - Keep the vegetation on San Antonio Avenue near pedestrian access easements pruned for safe visibility of pedestrians by motorists. (P4-6)

  - Continue the use of Monterey cypress as the predominant tree species on the beach bluff and North Dunes. The exact number of

trees may vary over time, but whenever a tree dies or is lost during a storm, replacement trees should be planted in approximately the same location. Maintain a low-to-medium density of trees (40 to 60 trees) in the North Dunes. (P5-25)

- Protect Monterey cypress from structural damage caused by high winds. Develop a proactive trimming program to reduce length and weight of limbs and branches. (P5-33)

- Encourage neighborhood cooperation and volunteers to assist City staff with the care of the landscape along the pathway. (P5-26)

- Maintain an attractive mix of plant material that favors native species and other drought-tolerant, non-invasive species. (P5-27)

- Encourage the extension of the City's Pathway landscape style onto neighboring properties:
  - Bring all City-owned property along this portion of Scenic Road into compliance with the approved Pathway plan.
  - Encourage private property owners to draw from the broad palette of plants used in the Pathway design.
  - Make presentations to the Scenic Road Property Owners' Association about this concept and share with the Association the plant list and a list of local suppliers.
  - Encourage the use of plants from this palette when reviewing projects on Scenic Road through the Design Review processes.

  (P5-31)

- Maintain the vegetation and trees along the shoreline in a safe and healthy condition. (O5-4)

  - Encourage the use of existing stairs, trails, and pathways, and discourage off-trail "short-cuts" on or over the bluff face. Install landscaping barriers at each "short cut" on the face of the bluffs and immediately restore damaged landscaping. (P5-7)

  - Prune or repair trees immediately following limb failure to mitigate any safety hazards. At other times, trees may be pruned in accordance with City policy, keeping public safety, access and the tree's health as the primary goals. (P5-34)

  - Pruning of vegetation will be done as needed for the health of the plants. This is a natural landscape and formal garden pruning is to be avoided. The Pathway must be kept clear of overgrowth and periodic

pruning is desired. However, neat straight edging is discouraged. Prevent shrubs from growing too high and blocking views of the ocean through the Cypress trees along the Beach Bluff Pathway. (P5-35)

- Ensure that long-term management activities maintain the natural dune ecology of Carmel Beach in a manner consistent with public safety. Protect areas of the beach from loss of habitat where special status plant species are growing. (O5-40)

  - Restore dune areas to improve habitat for Tidestrom's lupine and other native dune plants. (P5-28)

  - Improve habitat values for the preservation of the California black legless lizard. (P5-30)

  - Avoid disturbance or degradation of resources when maintenance vehicles and equipment enter sensitive habitat areas. (P5-161)

  - Retain a qualified botanist to monitor the population of Tidestrom's lupine and other special status species on the North Dunes of Carmel Beach. The population should be assessed annually (or based upon a schedule agreed upon by the Department of Fish and Game, Coastal Commission and US Fish and Wildlife Service) to determine if the population is stable and if measures to protect the population should be instituted. If the population appears heavily affected by public use, the City should consider fencing or placing barriers around the lupine habitat on the beach. (P5-173)

- Protect the fragile dunes and sensitive plants in the Del Mar Dunes and North Dunes against any significant disruption of habitat values. (O5-7)

  - Prohibit planting and control the spread of invasive non-native plants. (P5-29)

  - Restore, maintain and enhance the degraded habitat in the Del Mar Dunes area to enhance environmental resources and aesthetics. Protect sensitive habitat and special-status species through development and implementation of the Del Mar and North Dunes Master Plan. (P5-42)

- Prevent further planting and spread of invasive horticultural species within the dunes at Carmel Beach. (P5-174)

- Remove any non-native invasive vegetation from special status habitat to eliminate competition and implement a dune restoration plan. (P5-175)

- Implement a Dune Restoration Plan. (P5-176)

- Minimize spread of non-native plants. (P5-177)

- Conduct black legless lizard surveys and manage appropriately. (P5-178)

- Identify, protect and manage Environmentally Sensitive Habitat Areas (ESHAs) to ensure their long-term integrity and the biological productivity of these habitats. (G5-12)

  - Monitor, study and develop effective management programs for the City's parks and ESHAs. Endeavor to reduce conflicts between environmental protection and use of public and private property within ESHAs. (O5-36)

    - Maintain and enhance the resource value of environmentally sensitive habitat areas in consultation with a qualified biologist and in coordination with the California Department of Fish and Game. Remove any non-native, invasive vegetation from sensitive habitats. (P5-159)

  - Reduce the introduction and spread of invasive horticultural species into and within identified ESHAs. (O5-37 excerpt).

  - Provide beach users with information about Carmel Beach, its vegetation, facilities, amenities, and limitations (rules). (O4-4 excerpt)

  - Establish a uniform signage program for the beach and bluffs to better inform beach users of regulations governing activities on the beach. (O4-5)

    - Post "beach access/pedestrians only" signs at the top of pedestrian easements to help visitors locate these access routes including North Dunes access routes and the easement from San Antonio through Sand and Sea. (P4-29)

- Install signage along Scenic Road to direct traffic and indicate beach parking hours. (P4-30)

- Use as few signs as possible to accomplish the desired purpose. Rely on design features and/or public education to influence behavior first. Establish standards for the total number of informational signs along the shoreline. (P4-31)

- Consider locating signs at the bottom of the bluff if appropriate. (P4-32)

- Use signs that are aesthetically pleasing, easily seen, minimal in size, brief in content, of muted color and uniform in design. (P4-33)

- Post educational/interpretive signs where appropriate along Scenic Road and in the North Dunes area. (P4-34)

- Use international symbols whenever possible, along with a brief explanation of prohibitions and Municipal Code Section citations. (P4-36)

- Maintain all signs to ensure that they are legible. Signs that are vandalized or defective shall be replaced or repaired as soon as possible. (P4-37)

- Maintain signs at each stairway indicating fires must be at least twenty-five feet from the base of the bluffs and that they are not allowed north of Tenth Avenue. (P4-38)

- Use trash containers as a location for educational and regulatory signs. (P4-39)

- Provide signage prohibiting fires in the dunes area. Consider using doors on restroom stalls for posting beach rules and regulations. (P5-40)

- New development shall minimize risks to life and property, assure stability and structural integrity over the life of the development, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. (G5-1)

5 RECREATIONAL ACTIVITIES AND EVENTS

5.1 RECREATIONAL ACTIVITIES

Carmel Beach and its shoreline area provide opportunities for a wide variety of recreational activities. Beach visitors participate in swimming, surfing, diving, jogging, walking, sandcastle building, volleyball, picnics, and other beach-related activities.

Several City facilities and amenities enhance these beach activities. The main beach restroom, at the Ocean Avenue/Del Mar parking lot, offers restroom facilities and changing areas. Four of Carmel's beach access stairways have foot wash-off stations (Eighth, Eleventh, Thirteenth, and Santa Lucia Avenues). Two parking spaces marked white for "loading," located on Scenic Road near Eighth and Eleventh Avenues, enable people to move supplies to and from their vehicles.

5.1.1 *Regulated Shoreline Activities*

Some recreational activities have significant impacts on the surrounding environment and are dealt with by City ordinance.

Recreational Fires

Recreational fires have long been part of the Carmel Beach tradition. Histories of Carmel's earliest days are full of tales of writers and artists enjoying fires on the beach and dunes. As the City's popularity and population grew, it became clear that coals and ash from the numerous fires were discoloring Carmel's characteristic white sands – portions of the beach and dunes were turning gray.

As described in Section 2, the beach is cleansed by the natural cycle that annually removes sand during winter and re-deposits sand the following spring. But this process cleans only a portion of the Carmel's shoreline. Beach sands located above the reach of high-energy storm waves, including nearly all of the City's dune sands, are not affected by this yearly cleansing. Any discoloration of these sands can remain for years.

In 1995, the City passed an ordinance to limit the location and size of beach fires.[61] Fires are now limited to portions of the beach south of Tenth Avenue and west of the high tide line, where white beach sands may be cleansed and/or renewed by daily or monthly tidal cycles, or by the annual onshore/offshore sand cycle. According to Carmel Police Department personnel,[62] this ordinance has reduced many problems associated with shoreline recreational fires:

- fires are no longer permitted in the dunes; and
- people no longer remove live wood from trees and bushes for use as fuel.

The City's current beach fire ordinance also restricts the building of fires closer than 25 feet from "any wall, vegetation or combustible material not intended to be used in the fire." This has significantly reduced the potential for beach fires to spread, endangering neighboring areas. In spite of the success of the 1995 ordinance, Carmel Beach sand south of Tenth Avenue remains discolored from spring through late fall.

The existing program represents a compromise between two competing values: the tradition of building recreational beach fires vs. the purity of Carmel's signature white sands. Extending the area where fires may be built would enhance one value at the expense of the other.

The City has attempted to use concrete fire rings at several sites, but these have not proven successful. The heavy rings were difficult to move when threatened with either burial by sand or inundation by seawater. They also tended to be used as receptacles for trash and broken bottles.

Other Activities

The City allows alcohol on Carmel Beach, but camping and overnight sleeping on the beach and dunes are prohibited, as is the use of unauthorized vehicles. Riding a horse, mule, or donkey, is lawful if it occurs seaward of mean high water, though access to the beach may be difficult.[63] Operation of motorized personal watercraft (including jet skis) anywhere in Carmel Bay is prohibited by Monterey Bay National Marine Sanctuary regulation.

Many people bring dogs to Carmel's shoreline area. On Scenic Road, dogs must be leashed, but on Carmel Beach they need only to be under voice

[61] Carmel Municipal Code Section 8.32.160
[62] Carmel Police Sergeant Terry Chandler (pers. comm.)
[63] The ordinance cited describes suitable beach access at Santa Lucia Avenue. In the years since that ordinance was approved, storm damage and the City's repairs have made Santa Lucia Avenue unsuitable for equine access.

control. As in all parts of the City, people must pick up and properly dispose of their dog's wastes. The City has installed dispensers for special plastic waste-disposal bags ("Mutt-Mitts") near the top of each beach access stairway along the Pathway.

5.2 SPONSORED EVENTS

People may hold private events on Carmel Beach, including parties and weddings. Any event attended by more than 50 people, or that uses commercial- or City support, requires a Carmel Special Event Permit, as described below.

Every year, the Carmel shoreline becomes the site of several public events. All events are free admission and open to the public. Popular activities, including the Fourth of July and the Great Sand Castle Contest, intensify traffic and parking conditions and require enhanced City support services (e.g. additional trash collection services, increased removal of litter and trash from the beach, and placement, servicing and removal of a significant number of portable restrooms).

Each public event requires a Special Event Permit from the City. Event sponsors must make a presentation to the Special Events Committee, describing their event. Sponsors must also submit plans for parking, trash collection/recycling, portable toilets, and beach/vegetation monitoring. The City's Special Events Committee has oversight responsibility for each event and prepares an "after-event" impact analysis report.

A list of Carmel's annual Special Events appears in Table 3, following:

Table 3 - ANNUAL SPECIAL EVENTS

Event	Date	Location	Description/ Impact on Traffic and Parking
Resolution Run	January 1st	Scenic Rd, south of Eighth Ave.	A 5K-10K Walk-Run/ Minimal impact on traffic and parking
Kite Festival	Spring	Carmel Beach	Kite flying for children and adults/Increased traffic and parking.
Surf-About	Spring/Summer	Carmel Beach	Surfing contest/ Minimal impact on traffic and parking.
Fourth of July[64]	July 4th	Carmel Beach	Beach activities/ Restrictions on traffic and parking.[65]
Movies on the Beach	Summer	Thirteenth Ave. cove	Evening films/ Minimal impact on traffic and parking.
Great Sand Castle Contest	Fall	Carmel Beach	Sand castle building/ Increased traffic and parking.

[64] The Fourth of July celebration on Carmel Beach is not an organized/sponsored event. Use of fireworks on Carmel Beach is prohibited (CMC 8.32.170).
[65] During Fourth of July, travel and parking are restricted on Scenic Road and on portions of Ocean, San Antonio, Carmelo, Eighth, Thirteenth, and Santa Lucia Avenues. Check with CPD each year.

5.3 MANAGEMENT POLICIES

- Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs. (G4-4)

  - Maintain the City's beach, park and open space resources in a manner to encourage use and enjoyment by residents and visitors. (O4-9)

    - Establish and maintain in public ownership the entire sandy beach on Carmel's shoreline from the north to the south City boundary. (P4-45)

    - Allow surfing, hiking, picnicking, horseback riding, and typical beach games, such as Frisbee and volleyball on the beach without restriction. Allow dogs on the beach when on a leash or under voice control. Require dogs on the Beach Bluff Pathway to be on a leash. However, if the dog policy combined with educational efforts does not promote a safe environment for beach users and dogs, a leash law for certain times should be considered. (P4-47)

    - Prohibit percussion instruments on Scenic Road, the Beach Bluff Pathway, and beach bluff without a permit. Prohibit sound amplifying equipment on the City Beach without a permit. (P4-49)

    - Prohibit sales or other commercial activities on Carmel Beach, along the bluff or in the Ocean Avenue/Del Mar parking lot. (P4-50)

    - Prohibit overnight camping on any portion of the beach and bluffs. (P4-51)

    - Allow alcohol consumption on the beach until 10:00 p.m. (P4-52)

    - Prohibit bicycles and skating on pedestrian access easements between Scenic Road and San Antonio Avenue and on the Beach Bluff Pathway. (P4-53)

    - Prohibit private dune buggies and motorized marine vehicles on the beach. (P4-54)

- Implement procedures and regulations for temporary events on the beach that will protect public access and environmental resources. (P4-56)

- Prohibit motorized vehicles and motorized recreational equipment on Carmel Beach, sand dunes and other City owned parkland. This prohibition does not apply to city and contracted maintenance vehicles or public safety vehicles. (P5-24)

- Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation. (O4-10)

  - Allow beach fires until 10:00 p.m. south of Tenth Avenue but at least twenty-five feet from the base of bluffs. Install appropriate signage to indicate this distance and time limit and to indicate methods for correct extinguishing of fires with water. (P4-57)

  - Continue Police Department enforcement of the no-fire regulation north of Tenth Avenue and especially in the North Dunes and Del Mar Dunes areas. (P5-41)

6 CARMEL SHORELINE EROSION AND RESPONSE

Like most of coastal North America, Carmel's shore has experienced significant erosion during at least the past century. Even though it is protected by granite headlands at each end, Carmel Bay faces toward the west-southwest, and receives nearly the full brunt of high-energy winter storm waves.

6.1 EROSION HISTORY

Johnson (1984) reviewed reports describing damage from Monterey Bay/central California storms that occurred between 1910 and 1983. Over the past two decades, Carmel's shoreline has been severely damaged by storms associated with the El Niño weather patterns. The most recent El Niño periods (Winters of 1982/83, 1986/87, and 1997/98) were characterized by extended periods of heavy rain, strong winds, and high surf. The extensive damage during these El Niño winters resulted, in part, from the nearly continuous battering of the shoreline by powerful storm waves and the weakening of water-saturated beach bluffs. During the 1982/83 El Niño period, severe winter storms struck Carmel nearly every ten days. More sand was removed from the beach than at any previous time in the memory of long-term residents or documented history.

Photo 8 – *Severe Erosion and Boulder Migration at Tenth Avenue (North) Stairway*

6.2 EROSION PROCESSES

Erosion of Carmel's shoreline can be divided into two distinct categories: beach erosion and coastal bluff and dune erosion.

6.2.1 *Beach Erosion*

Short-term Erosion

As described in Section 2, Carmel Beach experiences seasonal changes in sand volume. The "constructive" low-energy waves during the spring and summer months and the "destructive" high-energy waves, from late fall through early spring, combine to create the beach's annual onshore/offshore sand cycle. In this cycle, beach erosion during the winter is usually offset by beach-building ("accretion") during the summer. After a severe El Niño winter, more than a single year of accretion may be required before the beach returns to its "normal" level.

In contrast to its characterization, "short-term" beach erosion can have significant and long-lasting impacts on Carmel's shoreline. Low winter beach sand levels can make both vertical and lateral beach access difficult, hazardous, or even impossible (see Sec. 3). In addition, low beach levels reduce the ability of sand to absorb the impact of incoming storm waves. This allows waves to strike Carmel's shoreline bluffs, dunes, and structures (i.e. stairways, seawalls, storm water outfalls, etc.) without the buffering protection of beach sand. Finally, low winter sand levels may threaten seawalls, stairways, and other structures, by exposing their supporting base and footings directly to the tremendous power of winter waves.

Long-term Erosion

Along some shorelines, the annual onshore/offshore sand cycle becomes out-of-balance, resulting in a long-term sand deficit. This produces a beach that grows narrower and, in extreme cases, eventually disappears, leaving boulders, cobbles, and bedrock. Unlike the short-term erosion described above, this long-term erosion cannot be remedied by seasonal coastal cycles.

Long-term beach erosion may sometimes be caused by an interruption in the beach's sand supply. Though the full details of Carmel's sand supply are not well understood, long-term beach loss due to sand supply interruption is not likely.

A more common cause of long-term beach erosion is the loss of sand associated with seawalls and revetments. This phenomenon can best be explained by understanding that as an unprotected shoreline erodes, its beach width tends to remain roughly the same[66] – it is usually the bluffs and dunes behind the beach that erode (see below). Over time, the resulting beach appears to move farther inland. When encountering a hard (and less erodible) structure at the back of a beach, high-energy storm waves tend to erode the easily-moved sand grains in the immediate vicinity. Eventually, the area seaward of a hard structure will be denuded of beach sand. This "fixing" of the back-beach will occur whether the hard structure is a "natural" rock, an engineered rock revetment, or a reinforced concrete seawall. This is one of the reasons that broad beaches rarely form along rocky points. This process also accounts for the "peninsula effect," by which the hard, protected portion of a shoreline is left protruding seaward while the more-erodible adjacent areas are eaten away.

Long-term erosion via back-beach fixing has been reported along other shorelines, but has not yet been documented at Carmel. Storlazzi and Field (2000) analyzed aerial photographs from 1949, 1970, and 1990, and stated that Carmel Beach "has narrowed noticeably in the last 40 yr." Unfortunately, their study lacked important information (tidal conditions) required for a clear and accurate assessment.

Accurate information about whether Carmel Beach (or even a portion of the beach) is experiencing long-term erosion will be an important tool in the City's shoreline management program. Steps required to obtain the necessary data are discussed in Section 8.

6.2.2 *Coastal Bluff and Dune Erosion*

All coastal bluff erosion is long-term. Unlike the beach sand, Carmel's coastal bluffs cannot easily be replenished by natural cycles. Bluffs and dunes that were built by meteorologic and geologic forces over millennia can be eroded or lost by storms lasting just days or even hours. Long-term coastal bluff erosion at Carmel was documented by Johnson (1984), who analyzed maps and aerial photographs spanning a 75-year period (1908 to 1983). He determined that Carmel's coastal bluffs had eroded at a rate of 0.4 feet/year in the north and 0.3 – 0.7 feet/year in the southern portion. Analysis of aerial photographs showed several periods of extreme bluff erosion, including the loss of at least 20 feet of bluff (near Thirteenth Avenue and near Martin Way) between 1968 and 1970.

[66] This assumption is valid only if such factors as sand availability and wave intensity do not change.

The best-documented erosion of Carmel's coastal bluffs occurred during the El Niño storms of 1982/83. Johnson (1984) recorded several areas of significant erosion:

- loss of 20 feet of bluff north of Eighth Avenue;
- loss of 25 feet of bluff between Tenth and Eleventh Avenues;
- loss of 30 feet of bluff between Eighth and Ninth Avenues;
- loss of 30 feet of bluff near Santa Lucia Avenue; and
- loss of 40 feet of bluff between Ninth and Tenth Avenues.

Wave-caused Bluff Erosion

At Carmel, the primary cause of coastal bluff and dune erosion is wave attack. The same high-energy storm waves that remove sand from the winter beach are responsible for eroding the City's coastal bluffs and dunes. As described above, Carmel's bluffs become even more vulnerable to erosion once the beach sand has been scoured.

Not all locations along Carmel's shoreline are equally vulnerable to erosion. Factors such as sand level, rock type, and the presence of faults or joints, may increase the severity of erosion at specific sites.

An additional factor may be the orientation of exposed outcrops of sandstone bedrock on the beach. These large rocks are located seaward of the coastal bluffs. They are usually hidden under many feet of beach sand, and are only exposed during the harshest winters. Johnson (1984) noted that deep channels exist between some of these bedrock outcrops. These "re-entrants" lie perpendicular to the beach bluffs. They may act to direct and focus wave energy toward specific locations along Carmel's coastal bluffs, Scenic Road and City infrastructure, producing more severe erosion or damage.

Lateral Current-caused Bluff Erosion

Johnson (1984) also described a fast moving "inshore current" that flows laterally along the beach, eroding material from the base of Carmel's bluffs. This current apparently becomes trapped between the naturally occurring sand berm and the bluff face. It moves along the bluff face toward the south end of Carmel Beach, which is at a slightly lower elevation. City personnel have observed this lateral current causing severe erosion at certain locations along the Carmel shore. When present, the lateral flow also creates difficult or hazardous conditions for people attempting to use several beach access stairways.

Storm Water Drainage-caused Bluff Erosion

Another force known to cause significant shoreline erosion is excessive storm water runoff. During the 1982/83 El Niño storms, heavy rains overwhelmed the City's storm water system. Uncontrolled storm water flows washed away portions of the City's coastal bluffs and undermined beach access stairways. The impact of storm water runoff on Carmel's coastal bluffs is described in more detail below.

6.3 RESPONSES TO EROSION

For over 40 years, Carmel has responded to threats of coastal erosion with a number of effective public works projects.

6.3.1 *Storm Water Runoff Control*

Carmel's shoreline is at the bottom of a large hill and receives storm water runoff from the City's streets and drains above. Before 1983, the City's storm water system actually contributed to coastal erosion. This became most evident during the 1982/83 El Niño storms:

- All of the existing storm water pipes were undersized;[67]
- In some areas, Scenic Road sloped away from its drain inlets, allowing water to pond along the seaward curb; and
- The high seaward curb (8-12 inches) had openings at each beach access stairway, allowing storm-water runoff to flow down stairs and then onto the beach or adjacent bluffs. This redirected storm water caused bluff erosion that undermined the stairways.

Between 1983 and 1988, the City remedied these problems during Phase I of the Carmel Beach Rehabilitation Project. Based on a storm water flow study by Carmel's City Engineer,[68] Scenic Road was re-paved and its seaward curb was redesigned to drain more efficiently. The entire Scenic Road storm water system was completely rebuilt, utilizing larger drainpipes and catch basins, and placing outfalls in locations where storm water runoff would not erode the bluffs or cause damage to access stairways.[69] The City's Department of Public Works instituted a

[67] In one case, water in a large-diameter pipe flowed into a pipe of smaller diameter.
[68] 1983 Drainage Study for Carmel-by-the-Sea. Neill Engineers. The City's storm water drainage system was studied again by the City Engineer in 1995, and updated in 1997.
[69] Redesigning the City's storm water drain system was one of the most important features of the Carmel Beach Rehabilitation Project. During the 1997/98 El Niño storms, more rain fell than during the '82/83 storms, but without any damage caused by excessive runoff.

beach area maintenance program that included the cleaning of debris from protective grates, ensuring that storm water would flow directly into the new drainage systems.[70]

Storm water runoff also eroded bluffs at locations where protective vegetation had been destroyed by people walking or climbing on Carmel's fragile coastal bluffs ("bluff-cutting"), instead of using the stairways. The City's program of building convenient beach access stairways and using plants, boulders, and guardrails in its landscaping significantly reduced the overall incidence of bluff-cutting, reducing the vulnerability of its coastal bluffs to erosion from storm water runoff.

As described in Section 3, pedestrian pathways along Ninth, Tenth, Eleventh, and Twelfth Avenues were designed to also carry storm water runoff between San Antonio Avenue and Scenic Road. Each pathway/drainageway directs runoff water into a drain inlet at Scenic Road. Near the western end of the Eleventh Avenue pathway/drainageway, a large Monterey cypress tree interferes with the efficient drainage of storm water. In response, the City installed a special drain inlet that can be opened prior to each rainstorm and then closed after the storm has passed. This task is performed by personnel from the Department of Public Works who also install a special barrier with hazard lights over the open drain inlet.

At least half the water captured by the City's storm water runoff system discharges onto Carmel Beach through 19 outfalls of varied design and composition (Fig. 8). To prevent erosion of beach sand and soft bedrock, the City has placed boulders under selected outfalls to dissipate the erosive energy of storm drainage water.[71]

Storm water runoff often transports debris into the ocean. In keeping with Federal requirements to remove all gross pollutants[72] and greatly reduce the amount of suspended solids that would otherwise flow into Carmel Bay, the City installed Continuous Deflection Separation (CDS) units into its storm water system. Since 2001, CDS units have been effectively removing debris from Carmel's two largest storm water outfalls: at the foot of Ocean Avenue and at the intersection of Fourth and San Antonio Avenues.

6.3.2 *Sand Redistribution*

Beach sand plays a critical role in the protection of Carmel's shoreline (Sec.s 2 and 6). Since the early 1960s, Carmel has used heavy equipment to redistribute

[70] The peak period for storm drain system monitoring and maintenance begins in late fall, prior to the winter storm season. Monitoring continues throughout winter.
[71] Many storm drain outfalls drain onto natural rock.
[72] Gross pollutants are defined as debris (including paper, plastics, cans, bottles, etc. and natural material) that is greater than five mm in size.

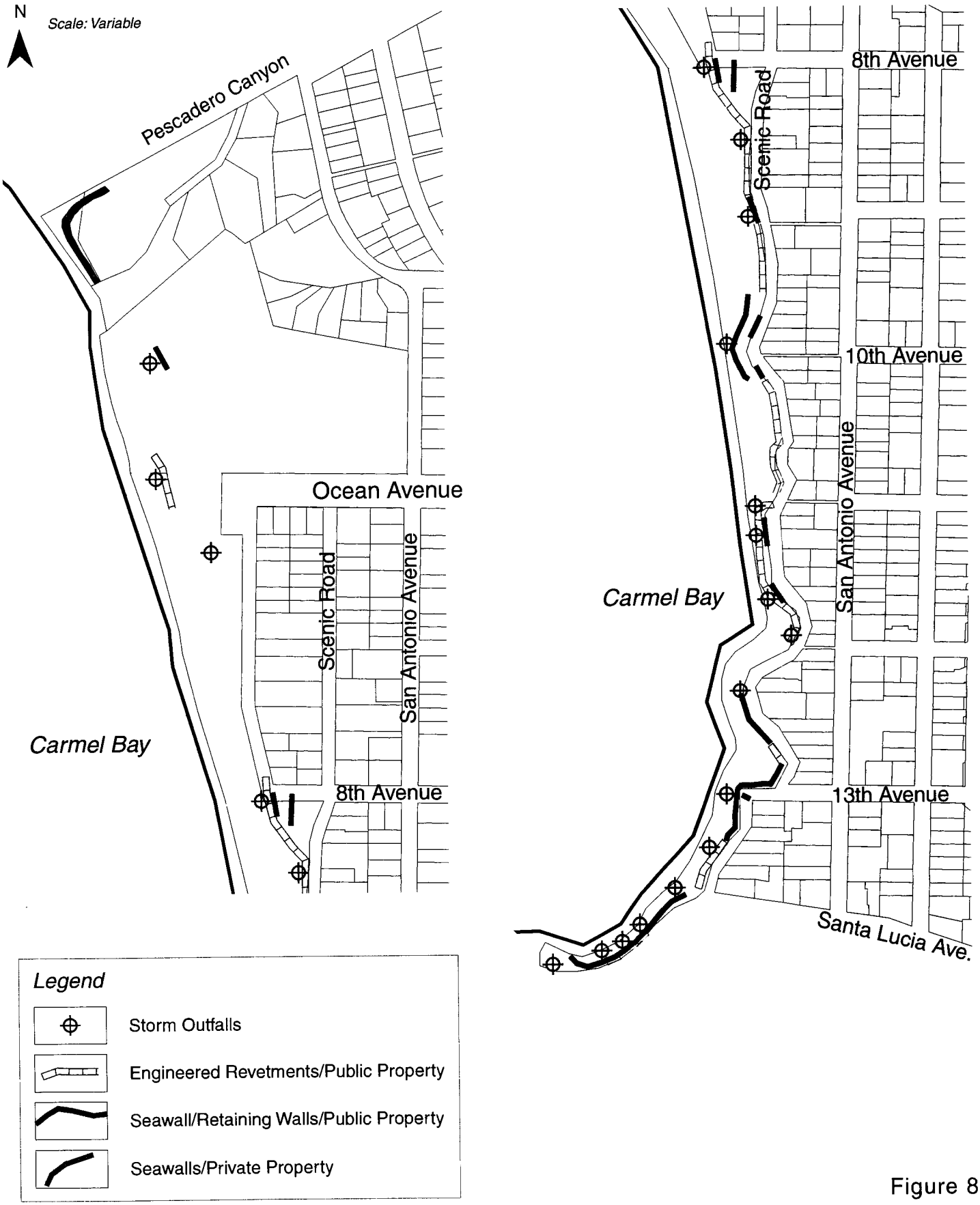


Figure 8
Coastal Protection Structures

beach sand, moving it from the lower beach to the upper beach. Originally, this procedure was used only along the beach below the Ocean Avenue/Del Mar parking lot. Sand was pushed up the hill during late spring/early summer, to compensate for sand that would be moved downhill by foot traffic. By the end of summer, a significant portion of the bulldozed sand was again returned back to the lower beach.

Since 1984, the City has expanded its sand redistribution program, using bulldozed sand to cover the numerous rock revetments (described below) installed along the shoreline. Covering revetments with sand achieves two goals. It enhances the aesthetic appearance of Carmel Beach by camouflaging a pile of hard-edged boulders under a thick layer of white beach sand.[73] It also returns to safe public use an area previously occupied by rocks and voids.

The covering of revetments is not ordinarily recommended. In his final report on the Carmel's Phase I Beach Rehabilitation Project, Johnson (1984) cautioned that:

> "(f)illing in the voids of the rip-rap will reduce the efficacy of the revetment somewhat. The voids absorb some of the wave energy that reduces wave runup and reflected wave energy. Generally, however, if the material filling the voids is not solid, e.g. concrete or tightly compacted soil, the waves soon remove the material and allow the (revetment) to function as designed."

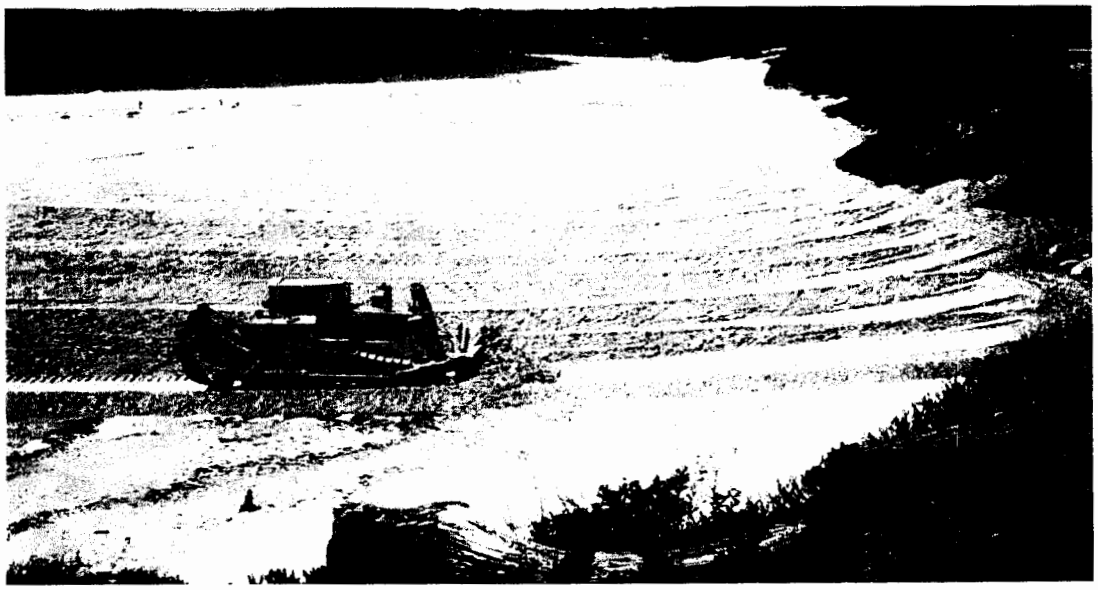


Photo 9 – *Sand Redistribution*

[73] During its sand redistribution program, the City covers each revetment with at least three feet of sand.

Carmel's use of sand to cover its revetments has, thus far, proven successful. From late spring through early winter, the public has regained the use of beach land that might have otherwise been lost. During severe winter storms, bulldozed sand is rapidly stripped from each revetment, allowing the structure's boulders and voids to reflect and absorb the force of incoming waves. The California Coastal Commission has accepted Carmel's revetment camouflaging as mitigation that helps offset potential adverse impacts (i.e. loss of beach access) associated with revetment installation.

Recently, the City began using its sand redistribution program to address problems caused by ponded water on Carmel Beach.[74] In 2001, the City used a bulldozer to cut a channel through the berm, allowing ponded water to drain back out to the ocean. In areas where ponded water had gathered at the base of a stairway, preventing beach access, the water was drained and then sand was moved laterally to level-out these low areas, returning beach access to the public.

During recent years, the City has moved only sand that was located above the high tide line. The actual volume of sand moved each year varies according to several factors, including the amount of sand already on the upper beach, the degree of revetment cover needed, and the amount of lower beach sand available for movement. For example, the need for sand redistribution following a mild winter will be less than after a severe winter. The City estimates that the amount of sand moved varies between 50,000 – 100,000 cubic yards, depending on conditions. Carmel Beach sand redistribution usually requires two to three weeks to complete.

Because sand redistribution is conducted early in the natural beach-building process, removal of sand from the lower beach apparently does not contribute to any significant beach erosion. In fact, the amount of sand on Carmel Beach continues to build during the remainder of summer. By the end of the peak beach-use period (mid-September), some of the sand that had previously been bulldozed uphill will have returned back down to the lower beach where it will now be ready to absorb the impact of upcoming winter storm waves.

6.3.3 *Shoreline Armoring*

Since the 1930's, the City has built seawalls, retaining walls, and rock revetments to protect portions of its shoreline bluffs (see Fig. 8). Most of these structures are located along the southern half of Carmel Beach, from Eighth Avenue to the City limit south of Martin Way, where they line nearly the entire shoreline.

[74] Described in Section 2.2.3

Seawalls and Retaining Walls[75]

Approximately 50% of the City's shoreline protection structures are seawalls. They are visible at all times, and contribute to the Carmel Beach visual experience. Some of Carmel's earliest shoreline walls were built of local "golden granite" rocks, held together by mortar. More recently, walls have been built of reinforced concrete and faced with golden granite. Many of the City's coastal walls are built upon a foundation sunk deep into the bedrock and some of these walls have "tie-backs" that anchor the wall into the bluff.

All coastal walls are outfitted with ample "weep holes" to promote drainage. This helps relieve the tremendous pressure caused by the build-up of water-laden soils behind the wall, which could cause the wall to lean or collapse.

In general, Carmel's seawalls and retaining walls have held up well under the onslaught of coastal storms. The City's only major seawall loss proved the need for solid design and construction. In 1978, a newly built seawall[76] was struck by storm waves. When built, this wall's footing was not founded into bedrock along its complete base. Waves first undermined the wall's base where it bridged over the sand; once this section failed, the rest of the wall was soon destroyed. All seawalls and retaining walls built since are completely founded into the underlying bedrock.

At the extreme north end of Carmel's beach lands is a privately owned seawall. It was originally constructed in 1983 to protect the owner's property against further wave attack and additional bluff erosion. Over the ensuing years, this wall was modified several times in an attempt to improve its structural stability and appearance.[77] In 1999, Carmel accepted, in fee title, beach lands seaward of this wall, legitimizing the prescriptive right of public access that existed across this area of the beach. The City is committed to maintaining unimpeded public access and use of the entire beach from the south to north City limits.

Revetments

Since 1978, the City has installed rock revetments to protect nearly one-quarter of its total shoreline. All of Carmel's rock revetments are located along the

[75] The City classifies a wall whose footing will be reached by seawater under normal tidal conditions, and whose purpose is to protect the bluff against direct wave impact, as a "seawall." A wall built higher on the bluff that is only exposed to ocean spray or wave splash, and that is designed to retain or support bluff soils, is classified as a "retaining wall."
[76] Located south of 12th Avenue Point.
[77] Copies of engineering and landscaping plans for this private seawall are recorded with the Carmel Department of Community Planning and Building.

shore south of Ocean Avenue (see Fig. 8). Some early revetments consisted of rocks dumped up against the bluff face.[78]

Photo 10 – *Shoreline Armoring Along Carmel Beach*

In 1983, Carmel responded to extensive shoreline bluff damage (from the 1982/83 El Niño storms) by installing several engineered revetments.[79] These were designed by the City's consulting engineering-geologist, Rogers E. Johnson & Associates. Their size, shape, and slope were based on calculations that predicted the size of waves expected to strike the toe of each revetment. The lowest course of boulders was placed into a "keyway" dug into the bedrock at the base of each structure. Filter fabric was laid down before placing the boulders to allow the free flow of water in and out of the structure, and reduce the erosion of sand or bluff soils.[80] Within two summers, these structures were completely covered by sand as a result of the beach's natural sand deposition processes and the City's extensive sand redistribution-bulldozing efforts. In the years since their installation, these revetments have remained mostly hidden from view. During most years, few Carmel Beach visitors are aware of their presence.

Revetments are made of hundreds or more individual boulders, ranging from 700 lb. core stones up to larger "armor" stones typically weighing as much as

[78] These have all been replaced by engineered revetments or seawalls.
[79] These engineered revetments were installed in 1983/84 during Phase I of the "Carmel Beach Rehabilitation Project."
[80] All work was conducted under the guidance of a certified engineering geologist.

five tons. A revetment's bluff protection abilities are due to a combination of factors, including the irregular surfaces of each boulder and the spaces ("voids") between them. As a wave strikes the revetment, its energy is quickly dissipated by reflecting off the many boulder faces. At the same time, wave energy is absorbed by the void spaces between boulders.

A revetment's individual boulders eventually respond to the forces of wave action and gravity. Over time, boulders can be expected to change position. Some boulders may eventually "migrate" seaward, away from the revetment (Photo 8). Movement of the keystones (those boulders located at the base of a revetment) can drastically change the entire revetment structure and critically compromise its erosion-protection abilities – as well as public safety. Maintenance of the City's revetments is described in Section 8.

6.4 FUTURE PROJECTS

6.4.1 *Future Shoreline Armoring*

Carmel's seawalls are a collection of structures built in different years, using varied techniques. Because of their age, the earliest walls were built using materials and techniques that do not meet current standards.[81] It is reasonable to expect that some existing walls, especially the oldest ones, will need repair or eventual replacement. Because coastal erosion often damages unprotected bluffs and dunes adjacent to armor structures, it is also likely that the ends of some older seawalls may need to be extended at some future date. Consistent with the Coastal Act, new armoring will occur only if existing coastal structures, accesses or infrastructure become threatened by erosion.

Carmel's shoreline revetments were all built within the last two decades and all were engineered to meet current standards. Maintenance of existing revetments should be anticipated (see Sec. 8). After exposure to winter storm waves, some revetment boulders may need to be repositioned. And, as with seawalls described above, the unprotected bluffs adjacent to existing revetments may eventually require additional protection.

South of Eighth Avenue, only one area remains unarmored by either wall or revetment: the section between Twelfth Avenue and the Twelfth Avenue promontory. This area is characterized by high, steep bluffs that may be protected from direct wave attack (by the Twelfth Avenue point), but are exposed to scouring by the laterally flowing inshore current (described in Sec. 6). This area

[81] Some of these early walls were built without engineering plans.

may be a future candidate for some form of shoreline armoring to protect the Pathway and beach access facilities from bluff erosion.

Accurate prediction of future events is not possible. In addition, there is no way to guarantee that existing walls and revetments will continue to protect against storms of unexpected intensity. Scientists who study coastal-related phenomena warn that higher sea levels and less predictable weather patterns may be expected during this century.

City policies allow permanent structures to be built on the beach only when required to protect existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The design of new shoreline structures must be consistent with the aesthetic character established by existing structures. City policy also calls for the evaluation of the potential to replace its existing shoreline revetments with vertical seawalls and to reduce the amount of sandy beach covered by revetment structures.[82]

The City is committed to protecting the Carmel shoreline and its access facilities, along with Scenic Road, its houses and infrastructure. As new shoreline challenges arise, the City will evaluate each situation and respond with appropriate measures that are in keeping with its approved coastal policies.

6.4.2 *Beach Nourishment*

As discussed throughout this *Shoreline Management Plan*, Carmel's beach sand plays an essential role in protecting its shoreline from erosion. The City has always depended upon natural processes (see Sec. 2.2) to transport sand onto Carmel Beach.[83] During the past few decades, other coastal communities, however, have conducted "beach nourishment" programs to bring additional sand to their shores. Some use trucks to import sand from a different location, while others, like the nearby City of Santa Cruz, use dredges and pumps. There are even a few communities on the East Coast that bring up sand from offshore sand bars.

It is City policy[84] to explore the feasibility of beach nourishment if long-term shoreline monitoring determines that Carmel Beach is losing significant volumes of sand or that the beach is becoming demonstrably narrower.

[82] City of Carmel Coastal Land Use Plan (approved June 2003) Policies P5-6, -11, -12, -15, and -17.
[83] Carmel's sand redistribution program moves sand that is already on the beach to areas where it can bring the most benefit; this process does not import any "new" sand to the shoreline.
[84] City of Carmel Coastal Land Use Plan (approved June 2003) Policy P5-20.

To be considered successful, a beach nourishment program would need to match Carmel's characteristic beach sand. This task might be both difficult and expensive—but importing new sand that differs in color or texture from Carmel's native sand would be extremely unpopular.

One possible source of suitable sand might be the subtidal sand bar understood to exist just offshore from Carmel Beach. This sand bar is thought to be the repository of the white sand that moves onshore and offshore during the beach's annual sand cycle. At present, there have been no detailed oceanographic studies that document the location, size, or dynamics of such a sand bar, but future study might help the City understand this potential sand source. Movement of any offshore sand onto Carmel Beach would, of course, be expensive, but might appear worthwhile if Carmel ever shows signs of permanently losing its beach sand.

Beach nourishment should also not result in environmental degradation, nor conflict with the goals and policies of agencies responsible for protecting local offshore habitat, including the Monterey Bay National Marine Sanctuary and the California Department of Fish and Game. At present, the environmental and recreational impacts of using nearshore sand for beach nourishment are not understood.

6.5 MANAGEMENT POLICIES

- Continue implementation of the *Shoreline Emergency Action Response Plan* to minimize the dangers to public safety and facilities that may be caused by winter storms or other natural disasters. (O5-5)

  - Prepare as-built plans showing the extent of all armoring in the SMP plan area in relation to the existing topography and other relevant features (including the top of bluff, base of bluff, sand-bluff interface, sandstone platforms, Scenic Road, Scenic Road pathway, and utilities in the Scenic Road rights-of-way, etc). The as-built plans shall indicate vertical and horizontal reference distances from the surveyed benchmarks to the survey points on each structure for use in future monitoring efforts. (P5-4)

  - Construct new shoreline armoring in areas previously unprotected only when required to protect existing structures in danger of erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Require any approved structures to include native landscaping (screening), be visually compatible with existing

seawall designs, address drainage, incorporate visual mitigation, sand coverage for revetments, and golden granite facing for seawalls. (P5-6)

- Evaluate the storm-water outfall system for purposes of reducing impacts to the beach environment. Consider options to modify and/or remove outfalls from the beach and replace or retrofit storm drains with filters or treatment devices to reduce impacts on the shoreline environment. (P5-9)

- Runoff from storm water outfalls shall be conveyed onto Carmel Beach in a non-erosive manner (i.e. runoff shall be discharged so as to minimize erosive forces.) (P5-10)

- Prohibit any construction of substantial or permanent structures on the beach or within Carmel Bay except where required to protect existing structures in danger from erosion. Require design review for any structure proposed and minimize conflict with the scenic and aesthetic character of the shoreline environs through such review. (P5-11)

- Ensure that the design of seawalls and engineered revetments are consistent with the aesthetic character of established structures. Continue to use golden granite (or better materials) for exposed vertical seawalls in locations where shoreline protection has been determined necessary. If vertical seawalls are not feasible, but engineered revetments may be feasibly installed, minimize the seaward encroachment of these structures and reduce the visual impact by burying stone revetments with beach sand and/or topsoil and native landscaping. (P5-12)

- Evaluate the potential to replace existing revetments with faced vertical seawalls or sea walls designed to mimic the natural bluff face, to reduce sandy beach area coverage and the need for sand bulldozing. All replacement structures must be found compatible with the areas' aesthetic qualities. Recognize that physiographic conditions may dictate a better alternative (e.g. when a specific area of the beach is more susceptible to reflected wave energy and consequent accelerated scour). (P5-15)

- Any project (including but not limited to repair, maintenance, expansion, modification, or replacement) involving the shoreline armoring structure that extends along the Carmel Beach bluff

southeast from the mouth of Pescadero Creek shall require the façade to use materials that are complementary to shoreline armoring structures located along the Carmel Beach bluff south of 8th Avenue. (P5-17)

- Maintain records of the volumes of sand moved and the volumes needed to cover each engineered revetment. When revetments fail or need to be substantially reconstructed or replaced, consider vertical seawalls as a preferred alternative unless monitoring data and/or engineering requirements favor an engineered revetment design. (P5-22)

- Where unavoidable, minimize and mitigate all impacts to both marine and terrestrial resources when performing sand redistribution. (P5-23)

7 PUBLIC SAFETY

Carmel's shoreline presents challenges to public safety that are unique to coastal areas. The very combination of ocean and shore that attracts so many people to the coast can also pose potential dangers.

7.1 RECREATIONAL HAZARDS

Carmel's white sand beach, clear waters, beautiful vistas, and proximity to town, combine to make this site one of central California's most popular coastal recreation venues. Throughout the year, many people engage in water sports, including wading, swimming, kayaking, surfing and wind-surfing. These activities are sources of enjoyment for residents and visitors alike; they also represent very real dangers.

Conditions at Carmel Beach are no more dangerous than those encountered at other open-coast central California beaches. The level of potential hazard depends upon an individual's experience, skill level and physical conditioning, as well as environmental conditions (i.e. water temperature, wave size and energy, presence of undertow or rip current, etc.). People engaged in these activities do so at their own risk.

The City of Carmel, like many other local coastal municipalities, does not provide on-site lifeguards. The City has posted warning signs on all beach-access stairways and sand ramps. These signs, approved by the State of California Attorney General's office, provide warning of hazardous shoreline and ocean conditions and notify visitors that the beach has no lifeguards.

When emergencies occur along the shoreline, a telephone call to 911 will alert the appropriate emergency personnel. With current technology, many emergency calls are made with mobile phones, but some parts of the Carmel shoreline have poor cell phone reception. In response, the City has recently installed emergency phone stations at two locations along the Carmel Beach Bluff Pathway: at Eighth and Thirteenth Avenues. These phones are connected directly to the Carmel Police Department dispatcher. Information about an emergency will then be forwarded to the Carmel Fire Department, which is the primary responder to any medical or rescue emergency on the beach. Emergency calls can also be made from a pay

telephone located outside of the City's public restroom near the Ocean Avenue/Del Mar parking lot.

In cases where a person in distress is beyond the surf line, City of Carmel personnel are prohibited by policy from entering the water to attempt rescue. Fire Department personnel follow the Monterey County *Coastal Incident Response Plan*[85] and may call in a rescue craft from Point Lobos State Reserve (California Department of Parks and Recreation) or a U.S. Coast Guard helicopter. During emergency situations, "four-wheel drive" vehicles can use the City's vehicle/equipment access ramp, located between Eighth and Ninth Avenues. If this ramp is not usable, emergency vehicles are authorized access to the beach via the dunes adjacent to the Ocean Avenue/Del Mar parking lot.

7.2 COASTAL STORM HAZARDS

From late fall through early spring, residents and visitors may also be exposed to dangers posed by coastal storms (heavy surf, powerful waves, high tides, strong winds, and erosion of Carmel's beach, dunes and bluffs). Under these conditions, pedestrian activity on the beach, bluffs, rocks, or stairways, may be dangerous. Extremely large waves have been known to carry individuals into the ocean at several locations in Monterey and Carmel Bays. In spite of posted warnings, some visitors purposely stand on shoreline bluffs, promontories, and/or stairs in order to experience the raw power of stormy seas. Rescue during stormy conditions is especially difficult.

To help protect the public when these unsafe conditions occur, the City has developed the *Beach Emergency Closure Plan*, which enables the Carmel Police Chief, in consultation with the Beach Emergency Action Committee (BEAC), to close Carmel Beach to the public. Beach closure will be undertaken based on information from City staff or from organizations such as the Monterey County Office of Emergency Services and the U.S. Weather Service, etc. Public Works personnel will then install standardized signs and erect suitable barricades at specified shoreline access points. The *Beach Emergency Closure Plan* appears in Appendix 9.3 of this *Shoreline Management Plan*.

7.3 CARMEL SHORELINE HAZARDS

[85] County of Monterey. 2001. Operational Area Coastal Incident Response Plan (Draft). Office of Emergency Services.

7.3.1 *Tripping Hazards*

Not all shoreline hazards are directly related to coastal storms. Pathways that become uneven and landscape plants that become overgrown may pose potential hazards for pedestrians. In addition, the dynamic and very harsh conditions that characterize seaside environments may increase the "wear and tear" on fasteners that secure guardrails, stairway planks and hand rails, etc.

At any time, foot traffic on Carmel's coastal bluffs may be hazardous. Some portions of these bluffs may be steep and slippery. Other areas may have poor footing, or be the site of unseen hollows that can develop as a result of wave impacts eroding coastal bluff soils behind retaining walls or revetments. To protect the public from these hazards (and to protect the fragile bluffs and vegetation from intrusive foot traffic), Carmel's Municipal Code prohibits walking on, or traversing, the City's shoreline bluffs.[86]

7.3.2 *Revetment Hazards*

Carmel Beach's numerous engineered rock revetments may at times represent a hazard to some beach visitors. As described in Section 6, these revetments consist of large boulders installed to achieve a specified angle of repose. Occasionally, some of these boulders may shift under the impact of high-energy storm waves. People who climb or play on the revetments may encounter dangerous conditions, including perched boulders and voids between rocks. In late spring or summer, when conditions allow, the City covers each revetment with at least three feet of sand as part of its annual sand redistribution program. In most years, storm waves can strip away much of Carmel's beach sand and bluff material, exposing the underlying revetment boulders. Under these conditions, climbing on Carmel's shoreline revetments is inherently hazardous, and is prohibited.

7.3.3 *Ground Squirrel Hazards*

As discussed in Section 2, Carmel's expanding population of California ground squirrels also pose potential public safety hazards, from spreading disease to undermining bluffs. Control of these rodents is discussed in Section 8.

[86] CMC 12.32.165

7.3.4 *Monitoring*

Most of the potential problems discussed above can be remedied through a program of regular monitoring and responsive maintenance. City of Carmel policy encourages all employees to watch for, and report, conditions that could be hazardous to public safety.[87] Regular monitoring and inspections are augmented with a series of Shoreline Assessments, performed twice per year (spring and fall). Each of these monitoring and maintenance activities is a vital component of Carmel's on-going commitment to protecting public safety. These programs are described in more detail in Section 8.

7.4 MANAGEMENT POLICIES

- To provide a safe environment for all beach users.
  - Educate the public about the danger of the beach and ocean environment and provide emergency response capabilities. (O4-4 excerpt)
    - Consider establishing and budgeting for the position of an educational officer who would patrol the beach and adjacent areas to educate people about beach usage and prevent damage to the environment. This person should have the authority to issue citations. (P4-25)
    - Maintain emergency 911 phones along the shoreline. (P4-28)
    - Post signs warning beach users about dangerous ocean conditions. (P4-35)

[87] According to the Guidelines for Emergency Beach Closure, "(a)ny City employee who becomes aware of an existing or potential shoreline condition (this includes any condition on Scenic Road or any property West of Scenic Road including, but not limited to, the beach slope), that threatens the public safety, health, or welfare of persons on the beach or shoreline, shall immediately notify their respective Supervisor." (Carmel City Council Policy C03-03, approved 1 Apr 2003)

8 CARMEL SHORELINE MANAGEMENT PROGRAMS

Like all coastal areas, the City of Carmel must deal with constantly changing conditions along its shoreline. The natural forces and human activities responsible for these changes have been described throughout this *Shoreline Management Plan*. In response, the City has implemented numerous projects and programs designed to protect its shoreline (and associated infrastructure) and enhance public access to the beach.

Clearly, Carmel will continue to be faced with challenges to its shoreline. To remain effective, the City's shoreline protection measures must be combined with effective monitoring, inspection, maintenance and repair programs.

8.1 MONITORING AND INSPECTIONS

There is a common perception that shoreline damage is usually the result of catastrophic and uncontrollable forces. But experience has shown that many problems encountered along our shore could be fixed with greater ease and less expense if dealt with at an early stage. This requires a program of regular and timely monitoring and inspections. Monitoring refers to "watching, checking, or keeping track of" on-going processes along the Carmel shoreline. Inspections involve detailed examinations of shoreline structures by engineers or other trained personnel.

8.1.1 *Shoreline Assessments*

The City contracts for a series of biannual independent shoreline assessments. These are performed by a specialist familiar with coastal processes in general, and the Carmel shoreline in particular. Each year, one assessment is conducted in the fall, before the beginning of the winter storm season, and the other is performed in early spring, after winter storms have abated.

Each assessment covers the complete shoreline within Carmel's city limits and includes evaluation of:

- the beach (from the tide line to the base of the dunes, bluffs, walls, or revetments);
- the dunes (including North Dunes) and bluffs;
- the Ocean Avenue/Del Mar parking lot;

- all seawalls, retaining walls, revetments, beach access stairways (including handrails) and sand ramps;
- all portions of the Carmel Beach Bluff Pathway and landscaping, including guardrails;
- all storm drains, drop inlets, grates, and access covers (especially following the Fall Catch Basin Cleaning by Public Works staff), and storm water outfalls; and
- all warning signs and other informational signs along the City's shoreline.

The pre-winter assessment focuses on steps needed to prepare the City's shoreline for the coming winter. This assessment also includes a report of long-range winter weather forecasts by the National Oceanic and Atmospheric Administration (NOAA). The post-winter assessment surveys each of the above-described areas, with a special focus on steps needed to repair any damage caused by the previous winter's storms. During each assessment, conditions determined to pose an imminent threat to public safety, shoreline facilities or to environmental resources are brought directly to the attention of the appropriate department directors or other responsible personnel.

Results of each assessment are reported to the directors of Carmel's departments of Public Works and Community Planning and Building, the City Forester, and the City Engineer.

8.1.2 *Shoreline Surveys*

A much longer-term element of the City's shoreline monitoring program is the development of baseline information and periodic surveys to document changes in beach width, sand volume, rates of bluff erosion, and any movement of seawalls, retaining walls, and revetment boulders. These data help supply information necessary on long-term shoreline trends. Questions such as "Is the shoreline losing sand?" "Is the beach becoming narrower?" "Are the seawalls and revetments contributing to local coastal erosion?" can only be answered through a program of accurate shoreline surveys, repeated over a period of years or decades.

The results of these surveys will be of great value to staff and consultants tasked with protecting Carmel's coastal assets. This information will also help answer questions raised by the California Coastal Commission during development of Carmel's Local Coastal Program.

Permanent Shoreline Benchmarks

To facilitate shoreline surveys, the City has installed seven permanent benchmarks along the upper shoreline, including a set of associated survey

points on seawalls and revetments. The location of each benchmark was surveyed and described in accordance with Coastal Commission requirements.[88] They were placed by the City Engineer in October 2002, after consultation with the Director of Public Works and the City's consulting engineering-geologist.

Profiling the Beach

The Coastal Commission has required the City to conduct beach profile surveys along its shore to "facilitate future long-term trend evaluation."[89] These profiles are to measure changes in elevation along lines plotted from the bluff top out to the water's edge; all measurements are to be interpreted in relation to the permanent shoreline benchmarks described above.

City staff and consultants have selected a series of seven transect lines to be surveyed (Fig. 9). These cover a variety of shoreline conditions including open beach sand, revetments, and seawalls. (Some of the proposed transects include sites profiled in 1983 by the City's consulting engineering-geologist, Rogers E. Johnson and Associates, as part of the Carmel Beach Rehabilitation Project.) For comparison, the most northern of the proposed transect lines represents an area not affected by the City's annual sand redistribution program.

The City has committed[90] to profiling its beach four times per year:

- at mid-Winter when sand is at its lowest;
- at Spring, prior to sand redistribution activities;
- at early Summer, immediately following sand redistribution; and
- in the early Fall, before sand begins its retreat offshore.

Profiles are slated to be performed in 2003 and 2005 (to establish a baseline), then repeated at five-year intervals beginning in 2010.[91]

After each five-year period, the City will review all available data. Analysis of these profiles will document several important factors, including the

[88] California Coastal Commission required the City to establish a "series of permanent surveyed benchmarks inland of the bluff edge running the length of Carmel Beach ...."[88] These benchmarks were to be "... described in relation to National Geodetic Vertical Datum (NGVD) and identified through permanent markers, benchmarks, survey position, written description, reference numbers, et cetera." (from Special Condition 2(i)(1) of the City's Coastal Development Permit #3-00-140, approved April 13, 2001.)

[89] Special Condition 2(f) of Coastal Development Permit #3-00-140

[90] City of Carmel Coastal Land Use Plan (approved June 2003) Policy P5-19.

[91] City of Carmel Coastal Land Use Plan (approved June 2003) Policy P5-20.

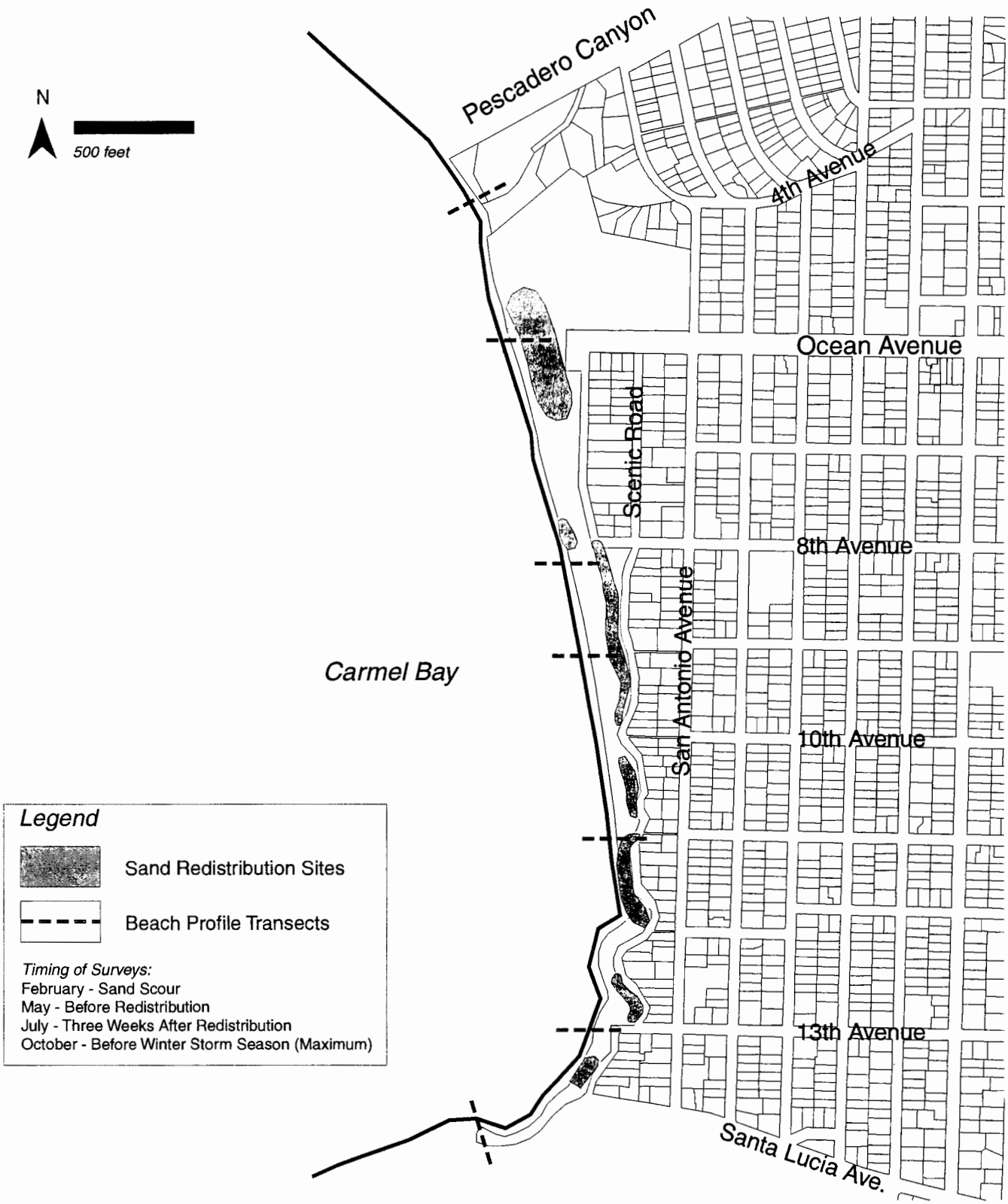


Figure 9

Sand Redistribution and Profile Transects

approximate volume of sand[92] on Carmel Beach at the period of maximum sand scour, the approximate volume of sand returned by the natural sand cycle, the pattern and approximate volume of sand redistributed by the City's sand redistribution bulldozing, and the approximate amount of sand moved back downhill by summer beach visitors.

Long-term beach profile surveys will enable the City to quantitatively assess the impact of its sand redistribution program. As described in Section 6.3.2, the City has been re-contouring sand on portions of Carmel Beach for nearly forty years, but has only anecdotal information about the program's impacts. Analysis of beach profile surveys could lend credence to the City's continued use of sand redistribution as an important shoreline management tool, or it could help the City modify the methods or timing of this critical program.

Analysis of beach profiles could also help answer questions related to the impact of hard shoreline protective structures on beach width and sand volume. As described in Sections 2.2.4 and 6.2.1, seawalls and rock revetments have been associated with long-term sand loss along other shorelines, but this phenomenon has not been documented at Carmel.

Beach profile information can be obtained in a number of ways, including aerial photogrammetry and ground-based surveys that use laser-measuring systems and/or GPS. Each technique varies in cost, accuracy, and applicability to Carmel's unique features.

The value of long-term profiling cannot be overstated. The benefits of this monitoring program will increase with time. The longer the period of profiling, the clearer any trends will be. It is reasonable to expect that new beach profile sampling and assessment techniques will become available in the future. The City should ensure that any new techniques will continue, whenever possible, to utilize previous data.

Monitoring Shoreline Armor Structures

The Coastal Commission has also required the City to establish survey points at several locations on all of its shoreline armor structures (walls and

[92] It is not possible to measure the exact volume of sand on Carmel Beach, but experienced shoreline surveyors using beach profile surveys to analyze beach dynamics, can estimate changes in sand volume over time. (In fact, some of the pioneering beach dynamics studies were based on surveys of transects conducted along Carmel Beach by noted oceanographer Willard Bascom in the mid-1940s.) When repeated over time, the impact of short-term temporal changes (such as those caused by severe storms, extremely high tides, etc.) can be modulated, and the usefulness of the studies increases.

revetments).[93] The City was further directed to survey the locations of these survey points (in relation to the permanent bluff top benchmarks) to determine if any portions of the revetments or walls have moved. These surveys of the City's armoring structures are to be conducted at five-year intervals, commencing in 2002, though City staff and consultants recommend more frequent surveys during periods of severe storm conditions.

8.1.3 *Monitoring by City Staff*

Perhaps one the most important forms of monitoring is that conducted by City staff during the course of their regular duties. Many of Carmel's Public Works and Forest, Parks, and Beach workers are very familiar with the City's shoreline. They are experienced and knowledgeable, and often spend many hours each week working along the shore. They are often the first to see signs of developing problems: fractures in concrete, water draining down stairways, plants growing onto walkways, cavities forming in bluff fill, trails and gullies being carved on coastal slopes. If ignored, these conditions will surely evolve into larger, more expensive, and, possibly, dangerous problems. The City must encourage and respond to reports of perceived problems by its field employees.

8.1.4 *Structural Inspections*

All of Carmel's shoreline structures require periodic detailed inspections by skilled specialists. These structures, including seawalls, retaining walls, revetments, and beach access stairways, are all subject to damage. Wave action, including run-up and overtopping, can damage walls, displace revetment boulders, and shift stairways. In addition, exposure to salt air rusts metal hardware and weakens stairs and safety rails.

Carmel's beach access stairways are inspected annually by the Director of the Department of Public Works and the City's Building Official. This inspection assesses the structural integrity of all stairways and handrails, examines cracks or displacement of concrete stairs and corroded hardware, loose or damaged boards in wooden stairways.

The City's shoreline storm water system is inspected each year before the on-set of winter storms. This inspection is conducted by the Department of Public Works Streets Supervisor, and includes all inlets, drain pipes, and outfalls.

[93] "... at least one survey point at both the upcoast and downcoast end of each structure, and at appropriate locations between each end." Special Condition 2(i)(1) of Coastal Development Permit #3-00-140.

No regularly scheduled inspection program of Carmel's seawalls, retaining walls and shoreline revetments has yet been established. These structures should be periodically reviewed by licensed engineers and/or certified engineering geologists.

8.2 MAINTENANCE

Of all City activities conducted along the Carmel shoreline, a strong commitment to timely maintenance must rank among the most important. The scenic Monterey cypress, the best designed beach access stairway, the efficient storm water system, and the most beautiful landscape, all will fail without a well-planned and fully implemented maintenance program. Maintenance of Carmel's shoreline must be an on-going, never-ending effort. Protection of shoreline visitors and the effectiveness of the City's programs and projects require no less.

Maintenance activities should meet all approved methodologies. Repairs should always strive to achieve equal or superior quality of design and materials. Modifications or changes to designs should be reviewed and approved by the responsible governing bodies of the City before implementation.

Maintenance tasks for Carmel's shoreline are described below. A checklist of these tasks is shown in Appendix 9.4. An effective maintenance program must be dependent upon regular monitoring and inspection programs (see Sec. 8.1) and prompt and timely responses. Anything less may compromise public safety and the integrity of the shoreline. Experience has shown that delays in addressing shoreline maintenance problems inevitably lead to remedies that are more difficult to accomplish and more expensive to build. Delay may also constrain the available options for addressing shoreline damage.

8.2.1 *Carmel Beach Sand*

The primary maintenance issues affecting Carmel Beach are related to keeping the beach sand clean and free of litter, trash, fire coals, and the occasional bodies of deceased wildlife, including birds and marine mammals (O5-6, P5-38, P5-39). This entails the timely emptying of beach trash receptacles and the cleaning of adjacent beach areas.

Beach maintenance also involves the annual redistribution of Carmel's beach sand. This activity is described in Section. 6.3.2.

8.2.2 *Dunes*

Since Carmel's dunes are not swept clean by waves and tides, manual control of litter, trash, garbage, etc. is essential. Sand from the dunes between Ocean and Ninth Avenues sometimes blows onto the City's roads, parking lots, and paths. These require timely clearing. Special attention must be paid to places where wind-blown sand covers walkways, curb-ramps, and other structures used by the physically disabled.

Maintenance tasks related to dune fauna and flora are discussed in Section. 8.2.6, below.

8.2.3 *Bluffs*

Prevention and repair of bluff damage caused by (illegal) "bluff-cutting" requires prompt and continuous maintenance. Repairs that involve re-vegetating trails, installation of guardrails, boulders, and/or signs, are strongly encouraged.

Timely maintenance is also needed to repair slumps and hollows that may form in shoreline bluffs. Investigation into the cause of a slump may uncover evidence of a broken or leaking water (or drainage) pipe.

Maintenance issues that deal with bluff vegetation and wildlife are discussed below.

8.2.4 *Beach Bluff Pathway*

Protection of public safety on the Beach Bluff Pathway can be enhanced by maintenance activities that keep the Pathway surface smooth and free of loose gravels, depressions, encroaching vegetation, and uneven interfaces (e.g. between Pathway and stairway landings). The Pathway will need to be resurfaced periodically.

8.2.5 *Structures*[94]

Beach access stairways must have handrails that are securely attached, and must be kept clear of encroaching vegetation or draining water that can make passage hazardous. Loose and/or perched revetment boulders must be repositioned or removed. Storm water structures must be kept clear of encroaching vegetation and debris, and the Continuous Deflection Separation (CDS) units must be maintained on an appropriate schedule. Plants and trees must be pruned to keep signs visible.

[94] Note that previous sections deal with monitoring and inspection of these structures.

Sign text must be kept legible through periodic refurbishment or replacement. Guardrails must remain secure. All components of the Pathway irrigation system should be regularly maintained for effective operation.

8.2.6 *Native Fauna and Flora*

Habitats for native biota must be kept free of competition from aggressive, invasive exotic plants. Maintenance and protection of Environmentally Sensitive Habitat Areas should be conducted in consultation with qualified specialists and in coordination with applicable state and federal agencies and policies.[95]

8.2.7 *Horticultural Plantings*

The Beach Bluff Pathway landscape plantings should be revitalized to better achieve the project's intended purposes (see below). Plants that encroach on the coastal viewshed, or on Carmel's shoreline cypress viewshed, must be pruned, removed, and/or replaced with appropriate species. Over time, areas of Hottentot-fig ice plant, acacia, and other aggressive invasive species should be replaced with plants from the approved list that complement the shoreline landscape. Young plants should be interspersed, over time, among mature plants, to ensure the continuation of this vital landscape.

8.2.8 *Trees*

Monterey cypress must be trimmed consistent with professional arboricultural standards to promote healthy growth and prevent structural damage during strong winds.

8.2.9 *Wildlife*

California Ground Squirrels

Control of Carmel's ground squirrel population can help protect citizens' health, welfare, and safety. When ground squirrel control is needed, the City will use population control techniques that are both effective and have no, or minimal, impact on other species. The City may also consider a public information program that explains the need for control, while describing the undesirable results that would follow if ground squirrel populations grow unchecked along the Carmel shoreline.

[95] City of Carmel Coastal Land Use Plan (approved June 2003) Policy P5-159.

Stranded/Deceased Marine Mammals and Birds

Like their human counterparts, many marine birds and mammals make annual visits to the central California coast. Other marine mammals (sea otters and harbor seals) live along our coast throughout the year. Occasionally, some of these animals may become stranded on Carmel Beach. At other times, their bodies may wash up onto the beach.

All marine birds and mammals are protected by Federal law. When these animals, or their bodies, appear on Carmel Beach, only certain government agencies or certified organizations are allowed to handle them. City personnel should contact the appropriate agency or organization listed below.

Stranded marine mammals should be protected from disturbance by people or dogs. Mammals that are injured or sick may feel vulnerable, and may act aggressively toward people or dogs that venture too close. Sometimes, sick marine mammals carry diseases that are transmissible to other species, including humans or dogs.

Contact List[96]

Sea Otters (alive or dead)	Monterey Bay Aquarium	648-4840[97]
Seals and sea lions (alive)	Marine Mammal Center	633-6298
Seals and sea lions (dead)	NOAA	1-877-466-9155[98]
Birds (live)	Monterey County SPCA	646-5534

8.3 EROSION RESPONSE

Successful management of the Carmel shoreline should be based on the following paradigm: coastal erosion will continue to occur. While the City's seawalls and revetments appear to have slowed the pace of erosion of Carmel's coastal bluffs, the impacts of storm and wave will continue to pose threats to the beach, dunes,

[96] This list should be updated annually.
[97] This is the Monterey Bay Aquarium's 24-hour security phone number. MBA sea otter resource personnel will be notified.
[98] Representatives from the National Oceanic and Atmospheric Administration (NOAA) have asked to be notified whenever seal or sea lion carcasses wash up on any portion of the Monterey National Marine Sanctuary, including the Carmel shoreline. This telephone number connects to the pager for NOAA's local law enforcement personnel. Once they have determined that the animal died of natural causes, then the City can dispose of the carcass. Carmel Department of Public Works personnel bury these carcasses with a sand cover of at least four feet. If a carcass is not too decayed, it may be buried under the beach near Pescadero Creek, where the sand is deeper and where there are fewer beach visitors.

and bluffs. By dealing with erosion threats, the City can enable the continued use and enjoyment of the Carmel shoreline far into the foreseeable future.

As described in Sections 8.1 and 8.2, the City's erosion control program must be based on effective monitoring, inspection, and maintenance of the shoreline's natural and structural elements, as conditions change throughout the seasons and over the years. Activities such as the timely trimming of trees, the clearing of vegetation and debris from storm water systems, the prompt repair of bluff-cut trails, and other maintenance actions recommended in Section 8.2 and listed in Appendix 9.4, can each help lessen the impact of winter storm damage.

If erosion is severe enough to require the construction of new shoreline protection structures or the modification of existing structures, then guidelines described in Section 6.4 and in City policies P5-5, P5-6, P5-11, P5-12, P5-15, P5-16, and P5-17 should be followed.

8.4 FUNDING

The steps described above involve continuous and often immediate action on the part of the City. This requires that adequate funding be available in the annual operating budgets of each responsible City department.

The City also has committed to establishing and sustaining adequate capital reserve funds to respond to both on-going and infrequent shoreline management projects. These include beach profile surveys, engineering inspections of all beach facilities and protective structures, and timely incremental rehabilitation of the Beach Bluff Pathway and landscaping. A minimum reserve level of $150,000 should be maintained (and adjusted annually based on the rate of inflation) to cover these expenses.

Significant funds are also set aside exclusively for the Carmel shoreline and Carmel Beach in the City's Capital Improvement Reserve Fund. These funds allow the City to respond to catastrophic events where the cost of restoration would place a major financial burden on the City's budget if reserves were not available. Historically, these types of damages inevitably occur along the shoreline as a result of severe winter storms. A minimum reserve level of $500,000 should be maintained (and adjusted annually based on the rate of inflation). These recommendations are in keeping with City policy.[99]

[99] City of Carmel Coastal Land Use Plan (approved June 2003) Policy P5-36

8.5 PERMITS

Inevitably, on-going management activities will result in changes to the Carmel shoreline. Erosion protection, facility maintenance, access improvement, and restroom construction all will require physical work. In each case, the City's first responsibility will be to determine whether a Coastal Development Permit is required. The *Shoreline Emergency Action Response Plan* (Appendix 9.2) can serve as a general guide and should be read in conjunction with ordinances on Coastal Permit procedures adopted in Title 17 of the Carmel Municipal Code. In cases when there is an urgent need to take action to protect public safety or forestall further damage to shoreline structures, infrastructure or environmental resources, an emergency permit can be issued. This allows for immediate but temporary action. Once the emergency condition is stabilized, a permanent remedy or improvement can be designed and permitted through normal Coastal Permit processes, including full public review.

8.6 MANAGEMENT POLICIES

- Establish and implement a comprehensive shoreline management program for the beach, bluffs and dunes that mitigates degradation caused by public use and natural forces. (G5-2)

  - Minimize erosion of the bluffs. (O5-1)

    - Obtain and maintain an accurate digitized map of the Carmel shoreline to develop the City's beach management and maintenance policies. Analyze historic beach trends using aerial photo analysis and other available tools. Update topographic information at least every 5 years and analyze shoreline changes to facilitate early identification of erosion hot spots, sand sediment losses/gains, migration of engineered revetments, and other long-term impacts. (P5-2)

    - Place a series of permanent surveyed benchmarks inland of the bluffs running the length of Carmel Beach. The surveyed benchmarks shall be described in relation to National Geodetic Vertical Datum (NGVD) and identified through permanent markers, benchmarks, survey position, written description, reference numbers, et cetera to allow measurements to be taken at the same location in order to compare information between years. (P5-3)

- Protect public access, Scenic Road, and the aesthetic character of the coast by maintaining existing seawalls and engineered revetments. When any existing seawalls or revetments need to be replaced or substantially reconstructed, review seawall and revetment design alternatives, as well as other beach management strategies and determine the best balance among objectives for access, aesthetics and protection of coastal resources (biological, geological, and recreational). Protect the natural character and features of the Del Mar and North Dunes by prohibiting the construction of any new shoreline protective structures unless required to protect existing structures in danger of erosion. For the beach and shoreline area, only consider the installation of new protective structures after careful review of alternatives and when required to protect existing structures in danger of erosion. Mitigate the impacts of shoreline protective structures on visual quality and beach dynamics using landscaping, sand management and prudent engineering. (P5-5)

- Encourage the use of existing stairs, trails, and pathways, and discourage off-trail "short cuts" on or over the bluff face. Install landscaping barriers at each "short cut" on the face of the bluffs and immediately restore damaged landscaping. (P5-7)

- Perform monitoring and maintenance of shoreline facilities and protective structures throughout the year including restoration of damaged vegetation, public facilities, infrastructure and access facilities. Restore sand levels annually and replace or repair damaged vegetation as needed. (P5-8)

- Prohibit the placement of loose rock on the beach except where such rock is placed as part of a revetment allowed to protect an existing structure in danger from erosion. When any part of a rock revetment migrates from an engineered structure reposition it to maintain engineering stability or remove it from the beach. (P5-13)

- Protect the flat area/tidal zone of the beach for recreational use and, to the extent feasible, avoid shoreline protective structures that reduce the amount of beach area available for public recreation. (P5-14)

- Modification of existing shoreline structures shall adhere to the same standards for establishing need, obtaining permits, as well as landscaping, visual impacts, drainage and design as new seawall projects. (P5-16)

- Explore alternatives to maintain the sand elevation at the foot of Ocean Avenue to ensure public access and to cover with sand all exposed engineered revetments along the length of Carmel Beach. (O5-2)

  - Each spring inspect the volume of sand at locations along the backshore and determine if it is appropriate and timely to re-establish the sand to a higher elevation. The use of heavy equipment is authorized for redistributing beach sand to rebuild the dunes and cover revetments. Minimize beach encroachment, impacts on public access and protect public safety during this process. (P5-18)

  - As described in the Shoreline Management Plan, sand and bluff profiles shall be surveyed in 2003 and again in 2005 to establish a baseline. Thereafter, a set of sand profiles shall be taken at five-year intervals (beginning in 2010) to establish an ongoing record of shoreline trends (i.e., volume and natural rate of accretion and/or loss of beach sand) on Carmel's beaches and bluffs. For each set of profiles measurements shall be taken (1) at mid-Winter when sand is at its lowest, (2) at Spring, prior to sand redistribution activities, (3) at early Summer, immediately following sand redistribution and (4) in the early Fall, before sand begins its retreat offshore. (P5-19)

  - After each five-year period of monitoring beach sand elevations (beginning in 2010 after data from 2003, 2005 and 2010 are available), review all available data and make preliminary determinations regarding the effects of seawall structures and sand redistribution activities. If the results of the City's beach monitoring program indicate that the beach has been losing sand over time investigate options for beach nourishment using offshore deposits or other sources that match Carmel Beach sand to replenish the beach and protect its width. The program shall at a minimum: 1) identify potential sources of beach quality sand; 2) include testing and screening for determining the acceptable quality and quantity of beach material; 3) identify placement locations; 4) establish placement methods and any restrictions on work timing or methods. (P5-20)

  - Maintain Carmel Beach as a public recreational resource. If the results of the City's beach monitoring program indicate that the beach has been losing sand over time, develop, implement, and then further monitor and evaluate a beach nourishment program to maintain or increase the available volume of sand. (P5-21)

Maintain the existing shoreline maintenance and emergency reserve account. Build fund balances over time, to the extent feasible, to handle future emergency repairs at the beach. (P5-36)

- Consider beach-related projects that address public safety and access as high-priority projects when preparing budgets. (P5-37)

- Keep the beach free of refuse. (O5-6)

  - Provide sufficient trash containers at the beach. Regularly patrol the beach and Del Mar area to remove all litter and excess charcoal from the sand, bluffs and parking lot. (P5-38)

  - Encourage volunteer programs for beach and bluff clean-up activities. (P5-39)

9 APPENDICES

9.1 OCEANOGRAPHIC INFORMATION
9.2 SHORELINE EMERGENCY ACTION RESPONSE PLAN
9.3 BEACH EMERGENCY CLOSURE PLAN
9.4 SHORELINE INSPECTION/MAINTENANCE LIST
9.5 REFERENCES CITED

9.1 OCEANOGRAPHIC INFORMATION[100]

One factor affecting beach scour and erosion of the bluffs at Carmel Beach is the stillwater level of the ocean. Stillwater level is influenced by several variables, discussed below:

Tidal Conditions
A mixed semi-diurnal tide characterizes the California coast. This means simply that we experience two high tides each day, of unequal height, and two low tides, also of unequal height. Normally, tidal heights are stated in feet, relative to mean lower low water (MLLW, the mean or average elevation of the lower of the two low tides each day). According to the 1973 and 1974 Tide Tables (National Ocean Survey, 1972 and 1973), tide levels in Carmel Bay vary from a high tide of +6.9 feet above mean lower low water (MLLW) to a low of -1.7 feet MLLW. The average tide level is +3.0 MLLW. Tides above 6.0 feet MLLW occur about 13 percent of the time.

Atmospheric Storm Surge
Another factor that influences the height of the still water level is storm surge. During large storms, onshore winds push water toward shore where the water "mounds," raising sea level. Similarly, large low atmospheric pressure systems associated with these storms allow sea level to raise above normal levels. During the oceanic storms of 1983, surges at the Golden Gate reached heights of 2.0 feet above predicted levels. Thus, sea levels have probably reached elevations of 9.1 feet (MLLW) at Carmel Beach and might be expected to raise to even higher levels under more extreme conditions.

Short-Term Increases (Due to Wave Pile-Up)
Short-term increases in stillwater depth due to mass onshore transport of water from breaking waves is estimated to be approximately 1.5 feet. We base this estimate on our observation during the 1982 and 1983 storms.

Long-Term Sea Level Rise
Tide records show that a world-wide rise in sea level has occurred in historic time. Thompson (1977) states:

> "The sea-level history determined from the tide measurements made at the N.O.S. reference tide station at San Francisco can be considered representative of Monterey Bay. At San Francisco, the sea-level rise derived from the 19-year running mean of 113 years of tide data from 1859 to 1972 (unpublished N.O.S. data) was about 0.73 feet (21.9 cm). Local sea level has not changed at a constant rate nor has it risen continuously over this 113-year period. It rose 0.35 feet (10.5 cm) from 1859 to 1887 (28 years), remained stationary from 1887 to 1929 (42

[100] Supplied by the City's consulting engineering-geologist Rogers E. Johnson and Associates

> years), then rose 0.35 feet (10.5 cm) from 1929 to 1972 (43 years). Long-term shoreline erosion rates should be expected to reflect this trend. Sea-level rise as a primary controlling factor in coast erosion is only now gaining general recognition among coastal experts."

Emery and Kuhn (1982) state:

> "Mean annual sea levels of 247 tide-gauge stations of the world exhibit a general rise of relative sea level of about 3mm a year during the previous 40 years."

They caution against drawing conclusions regarding sea level changes from the analysis of short-term (5 and 10 year) records because of the influence climatic cycles and poor tide gauge distribution may have on short-term records.

Future changes in sea level cannot be accurately predicted but it is obvious that sea level will probably continue to slowly rise due to melting of the polar ice caps, most probably caused by the greenhouse effect. The greenhouse effect is from the general increase of the earth's temperature that is the result of increased CO_2 levels in the atmosphere. The present rate of rise is 1 foot per 100 years (Environmental Protection Agency, 1983 [quoted in *Science*]).

Design Stillwater Level Summary	
Extreme high tide	+7.1 feet MLLW
Atmospheric storm surge	+2.0 feet
Short-term increases	+1.5 feet
Long-term sea level rise	+0.4 - 2.0 feet
Design Stillwater Level	***11.0 - 12.6 feet MLLW (8.2 - 9.8 feet MSL)***

Tsunamis

Tsunamis are among the most destructive natural phenomena to affect coastal areas. Common causes of tsunamis are tectonic displacement of the sea floor associated with large earthquakes; sea floor landslides; rock falls into bays and oceans; exploding volcanic islands and underwater nuclear explosions (Wiegel, 1970; Furneaux, 1964; Galanopoulos, 1969). Rupture along the San Gregorio fault, just off the Carmel coastline, could create tsunami conditions. Carmel also could be affected by tsunamis generated by large earthquakes occurring anywhere along the Pacific Northwest coastline.

A tsunami is a long-period wave whose speed and wavelength decreases as it approaches a shoreline. The energy within the wave is "crowded" into progressively less water, resulting in a wave with a significant run-up height. Waves that were 3 feet high in the open ocean may reach heights in excess of 60 feet during run-up. Factors that significantly affect the height of a tsunami wave near the shore include local sea floor bathymetry and the shape of the shoreline. Understanding the geometry of the sea floor

and coastline aides researchers in predicting how waves will refract, reflect, and form secondary waves and high-amplitude resonant waves, generally adding to the complexity of runup predictions.

Although most coasts of the Pacific Ocean basin have a long history of tsunami-caused death and destruction, tsunami damage to coastal California is relatively slight in historical time. The only tsunami to cause appreciable damage along the California coast occurred on March 27, 1964, as a result of the great Alaska earthquake (Magoon, 1965). Even though earlier tsunamis produced little damage in California, extensive development of some of the affected coastline over the last 100 years has increased the potential risk of death and property damage.

Recent work by Steven Ward (2001), a geophysicist at the University of California, Santa Cruz, suggests that submarine landslides, perhaps triggered by an earthquake, within the Monterey submarine canyon could generate a tsunami 50 to 80 feet high on the Monterey side of the bay.

Ward's work is based on computer modeling and he cautions that, at least to date, no geologic evidence has been found along the shores of Monterey Bay that a major tsunami has ever swept ashore from the canyon.

9.2 SHORELINE MAINTENENCE AND EMERGENCY ACTION RESPONSE PLAN

INTRODUCTION

Erosion along the Carmel shoreline presents hazards to public safety and threatens City infrastructure. The shoreline is vulnerable to damage from the effects of direct wave action, lateral (along shore) water flow, subsurface soil saturation, slumping, and uncontrolled storm water drainage from the bluffs above the beach.

This *Shoreline Maintenance and Emergency Action Response Plan* recommends actions to be taken by the City before, during, and after severe storm events. These recommended actions are designed to provide immediate stopgap measures to protect Carmel's shoreline from further damage. Long-term solutions must be taken through the City's formal design review and permit processes before implementation. Steps described in this *Shoreline Maintenance and Emergency Action Response Plan* must be used in conjunction with the corresponding sections of the *Shoreline Management Plan.*

Part A describes shoreline monitoring and response actions. It describes the responsibilities of personnel from the Forest, Parks and Beach Department, the Department of Public Works, and contract coastal specialists. Actions (shown in CAPITAL LETTERS) will minimize potential public safety hazards and will reduce the level of damage to the shoreline.

Part B contains notes regarding repairs to various shoreline structures, including seawalls, revetments, beach access stairways, and bluffs. These notes should serve as a guideline for repairs.

Part C lists equipment and material, which might be used to repair shoreline damage. These may be stored at City facilities or be available from local sources. A resource list is also included.

A. MONITORING and RESPONSE

PROCEDURE	*RESPONSIBILITY*	*SCHEDULE*
1. BEFORE STORM SEASON		
• Conduct fall shoreline assessment	Coastal consultant	Fall: Oct/Nov
• Inspect fill areas along the upper shoreline bluff, the tops of masonry walls (10th, 13th, Santa Lucia to Martin Way) for signs of soil fractures, cracks, developing hollows, or soil subsidence. Monitoring should be performed visually by walking the bluffs above the seawalls and along the Pathway and beach access stairways. **ACTION:** IF NECESSARY, VOIDS SHOULD BE FILLED WITH ADDITIONAL COMPACTED CLEAN FILL MATERIAL OR SAND. SLUMPS SHOULD BE EXCAVATED AND AN ENGINEERED REVETMENT CONSTRUCTED AND COVERED WITH COMPACTED FILL, CONTOURED, AND LANDSCAPED.	Forest, Parks and Beach Dept	Early Fall/ Early Spring
• Inspect bluffs vegetated by overhanging ice plant which becomes laden with water during storms and can cause saturated bluff soils to slump. **ACTION:** OVERHANGING ICE PLANT SHOULD BE TRIMMED BEFORE EACH STORM SEASON. CONSIDER REPLACING SOME SITE WITH ALTERNATIVE SPECIES	Forest, Parks and Beach Dept	Early Fall/ Early Spring/ Major Storms
• Inspect concrete stairway structures for holes or cracks, which might allow water to penetrate, and eventually weaken, the stairway. **ACTION:** WHEN DETECTED, THESE DEFECTS SHOULD BE REPAIRED WITH APPROPRIATE FILL MATERIALS.	Public Works Dept	Early Fall/ Early Spring/ Major Storms
• Inspect stairways for overgrowth of plants, especially ice plant, which represents a safety hazard as well as a water trap. **ACTION:** ALL VEGETATION SHOULD BE TRIMMED IMMEDIATELY.	Forest, Parks and Beach Dept	Early Fall/ Early Spring/ Mid-Summer
2. DURING STORM SEASON		
• Inspect all storm drains, gutters, grates, manholes, drop inlets, culverts and outfalls for plugs and damage, which may interfere with water drainage systems from 4th Ave. to Martin Way	Public Works Dept	Regularly During Storm Season

ACTION: CLEAN AS NECESSARY. (SEE SMP Fig. 8)		
• Inspect storm drain grates and drop-manhole covers to ensure that they are securely in place. **ACTION:** SECURE IF NECESSARY.	Public Works Dept	Regularly During Storm Season
• Inspect eastside catch basin at Scenic Road and 11th Avenue. **ACTION:** JUST PRIOR TO RAINSTORMS, THE UPPER GRATE SHOULD BE LIFTED AND THE OPENING PROTECTED WITH A SPECIALLY DESIGNED DRAINAGE DEVICE (WITH TRAFFIC HAZARD WARNING LIGHTS), STORED AT THE DEPARTMENT OF PUBLIC WORKS FACILITY. THIS PROTECTIVE DEVICE SHOULD BE REMOVED WHEN DRAINAGE FLOWS SUBSIDE.	Public Works Dept	Prior to Storm Events
• Inspect bluff areas directly below storm drain outfalls for damage (slumping, liquefaction) caused by defective drain pipes. **ACTION:** IF DAMAGE IS DETECTED, INSTALL ARMORSTONE TO DIFFUSE DRAINAGE AND MAKE NECESSARY DRAIN SYSTEM REPAIRS AS SOON AS PRACTICAL.	Public Works Dept	After Storms
• Inspect stairway structures, including handrails. During periods of low sand level, focus attention on structural safety and undercutting of superstructure. **ACTION:** STAIRWAYS SHOULD IMMEDIATELY BE CLOSED TO PUBLIC USE BY INSTALLING WARNING DEVICES AND BARRICADES WHEN UNSAFE CONDITIONS ARE DETECTED. REPAIRS SHOULD BE MADE AS SOON AS POSSIBLE (see *Beach Emergency Closure Plan* in Section 9.3).	Public Works Dept	Regularly in Winter/ Immediately After Major Storms
• Inspect beach sand and soils covering rock revetments for signs of slumping or gaps between granite boulders, which may represent a safety hazard. (SMP Fig. 8) **ACTION:** PRIOR TO ANNUAL SAND REDISTRIBUTION PROJECT, CLEARLY MARK POTENTIAL HAZARDS WITH WARNING SIGNS, BARRIER TAPE AND BARRICADES.	Forest, Parks and Beach Dept	During Major Storms & Surf

• Inspect exposed revetments for signs of loose, perched, or migrating boulders. **ACTION:** ANY BOULDERS FOUND TO BE LOOSE OR UNSTABLE, OR TO HAVE MIGRATED AWAY FROM THE REVETMENT BASE, SHOULD BE CORRECTED IMMEDIATELY. IF IMMEDIATE REPAIRS ARE NOT POSSIBLE, DOCUMENT CONDITIONS PHOTOGRAPHICALLY & SCHEDULE REPAIRS AS SOON AS POSSIBLE.	Public Works Dept	Winter/ Prior to Sand Redisribution
• Inspect the top and ends of each seawall for signs of erosion at the bluff/wall boundary. **ACTION:** WHEN IDENTIFIED, ERODED AREAS SHOULD BE REPAIRED WITH FILL, CONCRETE GROUT, BOULDERS, OR OTHER APPROPRIATE MATERIALS COMPLEMENTARY TO THE STRUCTURE BEING REPAIRED.	Public Works Dept	Early Fall/ Early Spring
• Inspect the beach for logs or other large heavy driftwood and debris, which could act as a battering ram causing damage to slopes, walls, stairways, and other structures. **ACTION:** DRIFTWOOD OR DEBRIS SHOULD BE REMOVED ENTIRELY FROM THE BEACH SURF ZONE AND MOVED TO HIGH GROUND. IF NOT FEASIBLE, CUT INTO SMALL PIECES.	Forest, Parks and Beach Dept/ Public Works Dept	Prior to Storms/ After Storms/ or As Needed
• Spills **ACTION:** NOTIFY "NATIONAL RESPONSE CENTER" (800) 424-8802	All Dept.s/All Staff	Respond Immediately

B. SHORELINE REPAIR

During the past fifty years, the Carmel shoreline has been protected by the construction of seawalls and retaining walls, rock revetments, the bulldozing and redistribution of sand, and the deposition of fill material. Even with these protective measures, the shoreline continues to be vulnerable to erosion.

The City's shoreline can be divided into four distinct areas, based on the type of structure or material that protects the beach bluffs: reinforced seawalls and retaining walls, rock revetments, natural consolidated material (sandstone, siltstone, mudstone), and unconsolidated beach and dune sand. Responses to erosion of each area must be specific for the type of material listed.

1. REINFORCED SEAWALLS/RETAINING WALLS

Reinforced seawalls/retaining walls protect approximately 30% of the Carmel shoreline. These massive engineered walls provide substantial protection against both direct wave action and lateral water flow; their built-in drainage systems help control storm water and subsurface hydrostatic drainage problems. These walls may be susceptible to storm damage:

1) In some locations, seawalls/retaining walls create a solid reflective surface that may focus wave energy onto adjacent, unprotected portions of the shoreline; and
2) Because seawalls are made of harder material than the native bedrock, the wall foundations are vulnerable to undercutting by winter wave action when sand levels are low.

In areas where reflective damage occurs, adjacent unprotected sites should be closely monitored for signs of bluff erosion. If necessary, repairs should be made as soon as practical.

*NOTE: Modifications to existing seawalls are not recommended unless accompanied by an analysis of wave action and water flow dynamics. Professionally engineered plans for seawall-modification should incorporate the information described in the Carmel Beach Rehabilitation Project - Phase I Geology Report, and must be in conformance with the Carmel General Plan and Local Coastal Program (LCP), as well as with the California Environmental Quality Act (CEQA).

2. ROCK REVETMENTS

All existing revetments along the Carmel shoreline include a keyway excavated into the underlying bedrock. Because the bedrock is relatively "soft," the keyway is vulnerable to damage, resulting in rock migration. Depending upon conditions, two modes of repair should be considered:

1) A deeper keyway could be cut at the original location. Overlying rocks would have to be moved, then replaced after the toe rocks are re-installed; or
2) A new keyway could be cut seaward of the original keyway. This option would be the easiest and least expensive method of repair, but would require the use of additional rocks and consume more beach area. Care should be taken to ensure that the slope of any revetment is not too shallow, creating a ramp or platform that facilitates wave run up or overtopping.

All existing revetments also include a layer of filter fabric installed between bluff soils and overlying revetment rocks. This fabric prevents loss of sand and bluff material through the structure.

3. NATURAL CONSOLIDATED MATERIAL

Approximately 15% of the Carmel shoreline is protected by sandstone, siltstone, or mudstone. These natural "soft" rocks are very vulnerable to wave erosion.

As described above, these portions of the shoreline should be monitored for signs of undercutting or erosion along their boundary with seawalls, retaining walls, revetments, and the adjoining bluff material. Where damage is substantial, repairs involving seawall or revetment extensions should be considered. Plans for these structures should incorporate the information described in this Shoreline Management Report, the Carmel Beach Rehabilitation Project Phase I Erosion Protection Report, and must be in conformance with the Carmel General Plan and Local Coastal Program (LCP), as well as the California Environmental Quality Act (CEQA).

4. UNCONSOLIDATED MATERIAL

The remaining portions of the Carmel shoreline are protected by unconsolidated material (sand, fill material). Carmel's white sand is world famous, attracting both residents and visitors. In addition to its value as a visual resource, the sand helps protect the beach slopes from wave impacts. The amount of sand on the beach is affected by wave action, and varies throughout the year. During the late fall through early spring, steep, short-period waves move sand from the beach out to underwater offshore sandbars. During the late spring through mid-fall, long-period waves move sand from the offshore bars back onto the beach. During the winter, enough sand may be removed from the beach to expose the underlying bedrock and expose footings of seawalls, revetments, and stairways. When severe sand scour occurs, these structures will be vulnerable to wave damage.

Portions of Carmel's shoreline bluffs, especially from Ninth Avenue to the south City limits, have been built from fill material deposited by the City. This fill contains a variety of materials, including rock, dirt, and sand. In the past, wave action, uncontrolled drainage, trampling, and other forces have eroded these materials.

Both the white beach sand and the fill materials will need replacement from time to time. During early summer, the Forest, Parks and Beach Department has been responsible for contracting the City's sand redistribution program. This program involves the movement of sand from the lower beach to cover rock revetments along the upper beach and bluffs. Sand redistribution helps replace sand dragged downslope by numerous beach visitors. At present, there is no practical means to replenish Carmel's white sand. Because sand from other locations will have a noticeably different appearance and texture, the importing of "outside" sand is not recommended.

While the bulldozing of beach sand during spring has not caused any noticeable problems over the past 40 years, the wintertime redistribution of this sand is not recommended. During winter, beach sand helps absorb and buffer against the severe storm wave impact and run-up. If beach sand was bulldozed farther onshore, incoming storm waves would strike the shore with more energy, possibly causing greater erosive damage.

C. EMERGENCY CONSTRUCTION MATERIALS

Material	Amount	Where Stored
Sand Bags (burlap)	500	Dept of Public Works
Slurry Bags	20	Dept of Public Works
Boulders		(see list of rock sources)

ROCK SOURCES:

1. Kaiser - Santa Margarita Quarry
   P.O. Box 850
   Atascadero, CA 93422

This quarry supplied most of the armorstone and corestone used during the Phase I project. According to Rogers Johnson & Associates (memo to Carmel Beach Task Force, 17 November 1983): "The Santa Margarita rock is technically classified as DIORITE. It is not true granite; however, it is close in color and composition @-o granite. Diorite is composed mainly of the minerals quartz and plagioclase (both light colored) while - granite is composed of quartz, plagioclase, and orthoclase (a pink-colored mineral). The Santa Margarita rock also contains BIOTITE, which is a black, platy mineral, and this gives the rock its darker hue." According to this memo, the Santa Margarita rock is ideal for use in riprap seawalls.

2. Granite Rock Co. - Logan Quarry
   P.O. Box 151
   Watsonville, CA 95077

This quarry supplied approximately 15% of the rock used during the Phase I project. According to Rogers E. Johnson & Associates (memo to Carmel Beach Task Force, 17 November 1983): "The Logan (Aromas) rock is technically classified as a QUARTZ GABBRO, which is composed of the minerals plagioclase Hand pyroxene with minor quartz. The plagioclase is white to light gray; the pyroxene is the distinctive, dark green, elongate mineral seen in the rock. The pyroxene gives the rock a greenish hue while the Santa Margarita diorite is blacker due to the biotite (the color difference is only slightly detectable.")

According to this memo, the Logan Quarry rock is also ideal for use in rip-rap seawalls, but some concern was expressed regarding the tendency of this rock to fracture (though observations made during rock delivery indicated that Logan Quarry rock did not break up any more than did rock from Santa Margarita).

9.3 BEACH EMERGENCY CLOSURE PLAN

GUIDELINES FOR EMERGENCY BEACH CLOSURE[101]

Any City employee who becomes aware of an existing or potential shoreline condition (this includes any condition on Scenic Road or any property West of Scenic Road including, but not limited to, the beach slope), that threatens the public safety, health, or welfare of persons on the beach or shoreline, shall immediately notify their respective Supervisor. The Supervisor shall notify his/her respective Department Director who in turn will notify the Chief of Police. Upon notification to the Chief of Police, the Chief will promptly convene a meeting of the "Beach Emergency Action Committee" (BEAC), which is comprised of the following Department Directors or their representative(s):

Assistant City Administrator City Forester Police Chief
Fire Chief Public Works Director

The role of BEAC is to assess the information and circumstances causing concern for the public and possible beach closure. Typical sources of information or agencies BEAC might consult include but are not limited to any of the following:

National Weather Service.....831-656-1725
County Offices of Emergency Services.....831-755-5120
County Office of Health Department.....831-647-7650
County Office of Water Resources Agency.....831-647-7600 ext. 4860
Other Governmental Agencies as Appropriate
Media
Monterey Herald.....831-646-4353
Carmel Pine Cone.....831-624-0162

[101] Approved by Carmel City Council (Resolution No. 2003-43); adopted by April 1, 2003.

ACTIVATION:

If, in the opinion of BEAC the beach or parts of the beach should be temporarily closed in the interest of public safety, health, and welfare, a recommendation to activate the Emergency Beach Closure Plan ("PLAN") shall be made to the City Administrator, or his designee. The Police Chief shall maintain a file containing the supportive documents or information relating to the recommendation to close the beach. Upon approval by the City Administrator, the PLAN shall be activated as follows:

1. The City will take reasonable action(s) to ensure the public is notified of the beach closures by:

   a). The Police Chief, or his designee, notifies the Public Works Department to post the beach closed as recommended by BEAC. Public Works will post standardized temporary signs, markings, or other devices in a manner and location that are approved by BEAC. Additional information concerning the locations for posting signs is contained at the end of this document.

   b). The Police Chief, or his designee, prepares and distributes a press release that notifies the public and all City Staff (via Email), of the decision to close the beach.

2. As time permits, all field personnel from the Police Department and with the assistance of the Fire Department and Public Works Department, will periodically monitor the beach and enforce the beach closure by authority of 409.5 California Penal Code.

3. All field personnel from the Police, Fire, and Public Works Departments will as time permits monitor the beach closure area to ensure signs and markings are maintained to the best extent possible. Signs, markings, etc, that are down, obscured, or otherwise missing, shall be promptly reported to Public Works for repair.

DEACTIVATION:

The Police Chief and other members of BEAC will monitor the status of the beach closure and meet as necessary to discuss deactivation of the emergency beach closure plan. If, in the opinion of BEAC, the need for maintaining a beach closure no longer exists, the Police Chief will make a recommendation to the City Administrator, or his designee, to deactivate the PLAN. Upon approval of PLAN deactivation, the Public Works Department will remove beach closure signs, markings, and other devices.

VEHICLE ACCESS POINTS:

The primary vehicle access point to the beach is located at Scenic and 8th. If the beach is inaccessible at this location due to high surf or other hazardous conditions, an alternative access point will be staged at Del Mar Beach.

SIGN POSTING LOCATIONS:

In the event the PLAN is approved to initiate an entire beach closure, the following locations represent the desired minimum sites where standardized BEAC approved signs and/or barricades are to be posted. If a localized part of the beach is identified for closure, the above referenced signs will be posted at locations to be determined appropriate by the BEAC.

Minimum sites to be posted for full beach closure:

1. 4th Ave. access easement at Sand and Sea
2. W/S San Antonio 75 feet south of 4th Ave.
3 Del Mar parking lot (3) placed west of the lot pavement evenly spaced between the restroom and the
   pump station at the south end of the lot.
4. 8th Ave. stairway
5. Emergency access south of 8th Ave.
6. Handicap access south of 8th
7. 9th Ave. stairway
8. North 10th Ave. stairway
9. South 10th Ave. stairway
10. 11th Ave. stairway
11. 12th Ave. stairway
12. 13th Ave stairway
13. Santa Lucia stairway
14. Martin Way stairway

9.4 SHORELINE INSPECTION AND MAINTENANCE CHECKLIST

This Appendix provides a list of ongoing maintenance and repair tasks that are required based on past experience. Protection of public safety is paramount; at all times City personnel should be observant of changes that occur along the shoreline and should respond to new repair and maintenance issues as they arise.

Throughout the checklist below, specific items that require a Coastal Development Permit are identified. Items not so identified generally do not require a Coastal Development Permit. Whenever there is doubt, the Planning Director shall determine the need for a permit.

Carmel Beach

Goal: Maintain the unique white sand beach that is kept free of litter, garbage and other waste.

Inspection and Maintenance Issues:

Beach Cleaning:

__ Remove litter (trash and garbage) from trash receptacles and surrounding beach, dunes and bluffs.

__ Support volunteer groups that regularly remove beach litter.

__ Increase number of trash containers and, when necessary, frequency of trash removal services during special events.

__ Remove and/or dispose of dead marine mammals and birds.

Revetments

Goal: Ensure stability, structural integrity of all revetments; annually maintain sand coverage to camouflage revetments, ensure public safety and expand maximum beach access.

Inspection and Maintenance Issues:

__ Reposition migrating, perched, and/or loose boulders to maintain revetment's design slope. *NOTES: Pay special attention to the revetment protecting the Ocean Avenue storm water outfall. A Coastal Permit is required if the repair work is extensive, widespread, requires closure of Scenic Road or would extend the revetment westward and diminish beach area.

__ Rebuild revetments if the shape has been significantly altered. NOTE: Rebuilding a revetment requires a Coastal Permit.

- __ Ensure coverage with at least three feet of sand during sand redistribution program.
- __ Post signs to warn of dangerous conditions when revetments are exposed.
- __ Repair "boundary" erosion (at top and sides of revetments) Consider adding additional armor stones or other alternative.

Seawalls and Retaining Walls

Goal: Ensure stability and structural integrity of all walls.

Inspection and Maintenance Issues:

- __ Repair undermined footings, pitted or weathered mortar joints, loose facing-rocks, or structural cracks using approved methods.
- __ Repair "boundary" erosion (at top and ends of walls) with combinations of compacted fill, re-vegetation, guardrails, boulders, signage, or other approved methods. Consider adding additional armor stones or other alternative. NOTE: The addition of new boulders to a seawall or retaining wall requires a Coastal Permit.
- __ Clear drain ("weep") holes when necessary to ensure proper drainage.

Sand Redistribution

Goal: Ensure complete sand coverage of all revetments; re-establish and re-grade all sand ramps south of Eighth Avenue and the dune slopes at Ocean Avenue.

Inspection and Maintenance Issues:

- __ Conduct sand redistribution during late May/early June. NOTE: The sand redistribution program requires renewal of Coastal Permit every five years beginning in 2005.
- __ Cover revetments with at least three feet of sand.
- __ Schedule an observer to ensure public safety.
- __ Establish a marked safety zone around worksite.
- __ Avoid disturbance of intertidal sand.
- __ Closely monitor revetment-covering process to prevent formation of voids and hollows.
- __ Level borrow areas on bluff side of sand berm.
- __ Drain ponds by breaching beach sand berms; back fill low areas once drained.

Beach Accessways

Goal: Provide safe convenient access to and from the beach.

Inspection and Maintenance Issues:

Stairway Safety:

__ Clear stairways of any obstructions that impede safe passage, including low-hanging limbs and ice plant that encroaches on stairway treads.

__ Keep stairway treads and landings level and stable.

__ Eliminate water flows that create unsafe slippery conditions and stimulate algal growth.

Stairway Structural Integrity:

__ Repair or replace deteriorating or rusty stairway hardware.

__ Repair undercutting of all stairways using approved methods.

__ Repair misalignment or instability of wooden.
*NOTE: Pay special attention to all support members.

__ Re-point deteriorating mortar joints in masonry stairways.

Handrails:

__ Firmly secure all handrails.

__ Keep all surfaces smooth and eliminate sharp corners and rough edges.

Sand Ramps:

__ Maintain gradual gradients of slope and even transitions to Pathway and street interfaces.

__ Cover exposed logs.

Disabled Access:

__ Ensure that all Pathway access ramps ("curb cuts") have even transitions between the Pathway and ramp materials.

__ Clear sand from all disabled-access surfaces.
*NOTE: Pay special attention to areas adjacent to open sand – e.g. Pathway access ramps between Eighth and Ninth Avenues and the paved walkway that connects City's main beach area restroom with the curb ramp at the foot of Ocean Avenue.

Shoreline Bluffs

Goal: Ensure that bluffs are stable and can support the beach bluff Pathway, landscape and all other infrastructure.

Inspection and Maintenance Issues:

Bluff Trails ("bluff-cutting"):

__ Respond immediately by re-vegetating trails, installing guardrails, boulders, signs, or other aesthetically compatible techniques that discourage further bluff-cutting. NOTE: Introduction of new guardrails, boulders or signs to any area requires a Coastal Permit.

Bluff Hollows:

__ Repair by clearing overlying vegetation to determine cause; repair and backfill with sand.
*NOTE: Check bluffs behind seawalls and retaining walls.

Bluff Slumping:

__ Repair slumping bluffs by adding clean backfill material (clay) and compact.
*NOTES: Examine adjacent areas and bluff tops for further slumping, ground cracks, and/or slurried soils. Adding backfill requires a Coastal Permit if there is significant slumping over a wide area.

Rodent Control:

__ Control any rodent populations that expand their range to the bluffs from Eighth Avenue southward.

Bluff Outfalls:

__ Repair bluff erosion, undermining, and broken/separated pipes using approved methods.

Bluff Top Structures:

__ Ensure that structures near the edge of bluffs (stairway landings, trash enclosures, patios) are stable, level and square.

Vegetation:

__ Re-establish approved vegetation on barren slopes.
__ Trim acacia and *Myoporum* to prevent encroachment into shoreline viewsheds.
__ Remove ice plant that competes with bluff top landscaping.

Irrigation/Drainage breaks:

__ Repair immediately.
*NOTE: Pay special attention to saturated soils and wet stairway.

Storm Water System

Goal: Provide unimpeded storm water flows from the City's streets and storm water systems. Safely discharge storm water without causing shoreline erosion or damage to infrastructure.

Inspection and Maintenance Issues:

__ Clear debris from all storm water inlets, grates, and pipes prior to each storm event.

__ Clear vegetation from all storm water inlets and outfalls prior to storm season.

__ Repair structural defects in storm drain system, including drain pipes, drop inlets, Continuous Deflection Separation (CDS) units, and outfalls and outfalls.

__ Modify storm drain outfalls where drainage causes shoreline erosion using boulders or other suitable material to diffuse the force of discharging water. Repair separated outfall pipe sections. *NOTE: Pay special attention to Fourth Avenue perched outfall, wall, attached guardrails and pipe.

__ Open the drain inlet grate located at the western end of the Eleventh Avenue pathway/drainageway prior to each rainstorm and install the specially designed barrier with hazard.

__ Ensure stability of protective armor stones and gabion-rock bedding at Ocean Ave outfall.

Beach Bluff Pathway

Goal: Provide for safe and visually pleasing pedestrian travel along the City's shoreline bluff including interconnections to the beach access stairways, sand ramps, and disabled-access Pathway ramps.

Inspection and Maintenance Issues:

Pathway Safety:

__ Regularly clean loose gravels from all hard surfaces, including stairways, landings, and patios.

__ Repair localized erosion (ruts, rills, gullies, and depressions) in decomposed granite surface using approved DG formula described

in Section 3. *NOTE: When conditions warrant, schedule a complete resurfacing of the Pathway.

__ Keep interfaces with rock curbs, patios, stairway landings, trash enclosures, manhole covers, irrigation system components, and Pathway access ramps smooth and even.

__ Maintain pitch or gradient of the decomposed granite surface to facilitate drainage and prevent ponding of water.

__ Clear Pathway of any vegetation or other obstructions that impede safe passage.

Landscape

Goal: Maintain an aesthetically pleasing landscape that includes healthy plants and associated elements, which control erosion, define pedestrian travel routes, and complement rather than disrupt coastal viewsheds.

Inspection and Maintenance Issues:

Landscape Design Plan:

__ Review the approved landscape plan, its design features and intended purposes with the City's shoreline maintenance staff.

__ Update and document changes to the landscape plan on a regular basis. *NOTES: Changes to the number or location of boulders, benches, signs or guardrails requires a Coastal Permit. Changes to the number or location of plants do not require a Coastal Permit as long as species on the approved plant palette are used. Maintain documentation of the Pathway and landscape design including number, species and locations of all plants and all boulders, guardrails, benches and signs. Periodically review the design with the Forest and Beach Commission.

Tree Trimming and Shrub Pruning:

__ Schedule trimming of Monterey cypress trees using professional standards that will promote healthy growth and prevent structural damage from wind storms.

__ Trim trees and prune shrubs that encroach on the silhouettes of mature cypress to eliminate conflicts with cypress viewshed.

__ Prune shrubs to promote healthy plant growth and protect coastal viewsheds.

__ Trim and thin acacia thickets to protect coastal views, deter transient activities, and prevent encroachment onto other plant habitats. *NOTE: Monterey pines and native plant communities in the North Dunes.

Shrubs and Groundcovers:

__ Plantings should conform to the approved Pathway Landscape Design Plan.

__ Replacements should be planted near mature specimens to avoid large-scale die-offs when plants reach the end of their life span. *NOTE: This work can be scheduled in increments.

Aggressive, Invasive Exotic Plants:

__ Seize opportunities to eliminate ice plant or acacia on or near bluff top; replace with species from the approved plant list that complement landscape.

Irrigation System:

__ Assess effectiveness of irrigation system components (including water storage tanks, pumps, spray heads and bubblers).

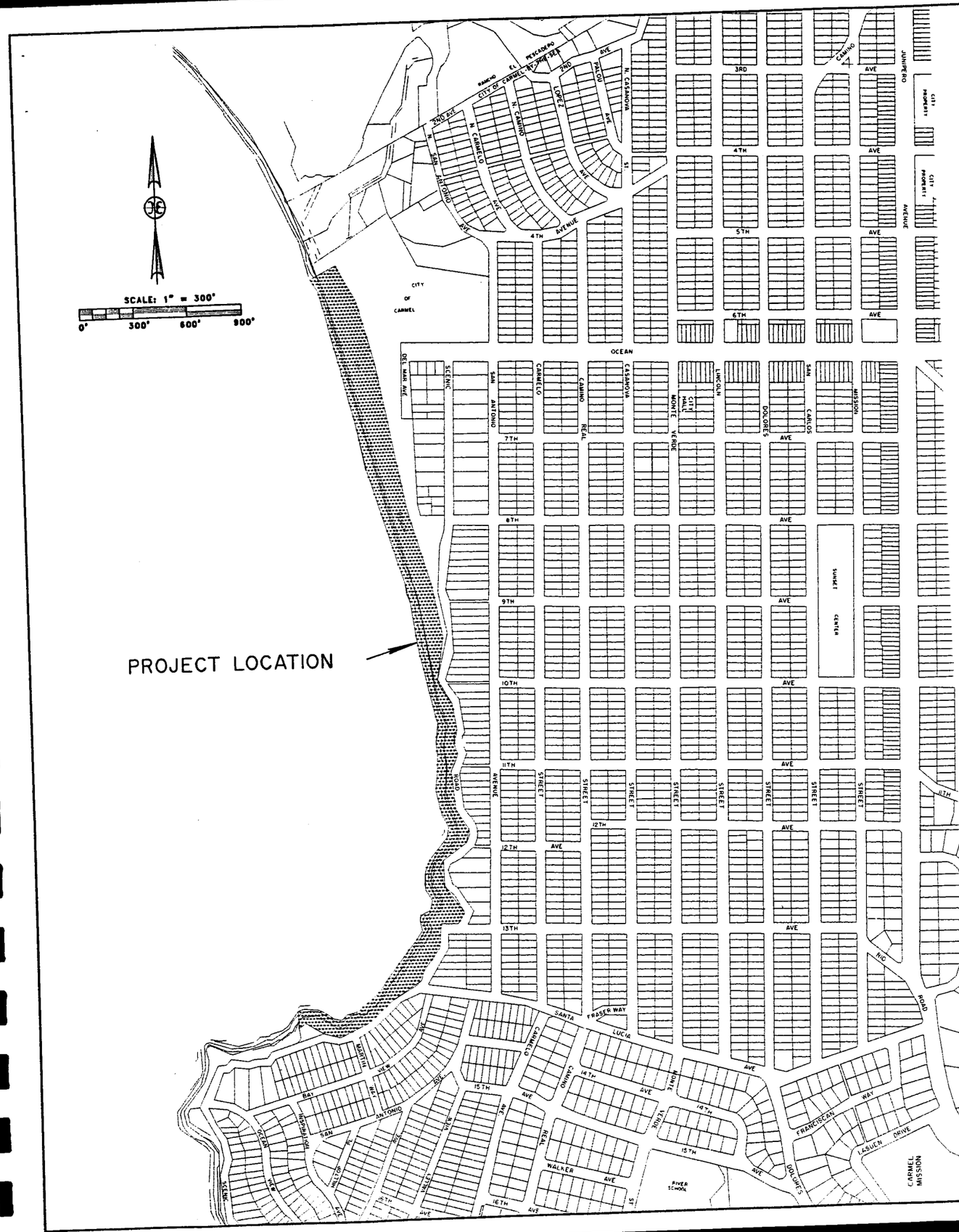
__ Adjust, repair or replace broken or ineffective components immediately.

__ Supply adequate water to maintain healthy growth of landscape plants.

__ Expand the irrigation system only if existing system will not be compromised.

9.5 CARMEL BEACH PROFILE MONITORING PROGRAM

A series of benchmarks and beach profile transects have been established to monitor changes along the Carmel Shoreline (see Figures below). *Note: If you are viewing this document in electronic format, a complete set of these maps is available from the Carmel Department of Community Planning and Building.*



CARMEL-BY-THE-SEA
CARMEL BEACH AREA
MONITORING PROGRAM

CITY COUNCIL MEMBERS

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PAULA HAZDOVAC

BARBARA LIVINGSTON
GERARD ROSE

RICK GUILLEN, CITY ADMINISTRATOR
CLAYTON B. NEILL JR., CITY ENGINEER

PREPARED BY:

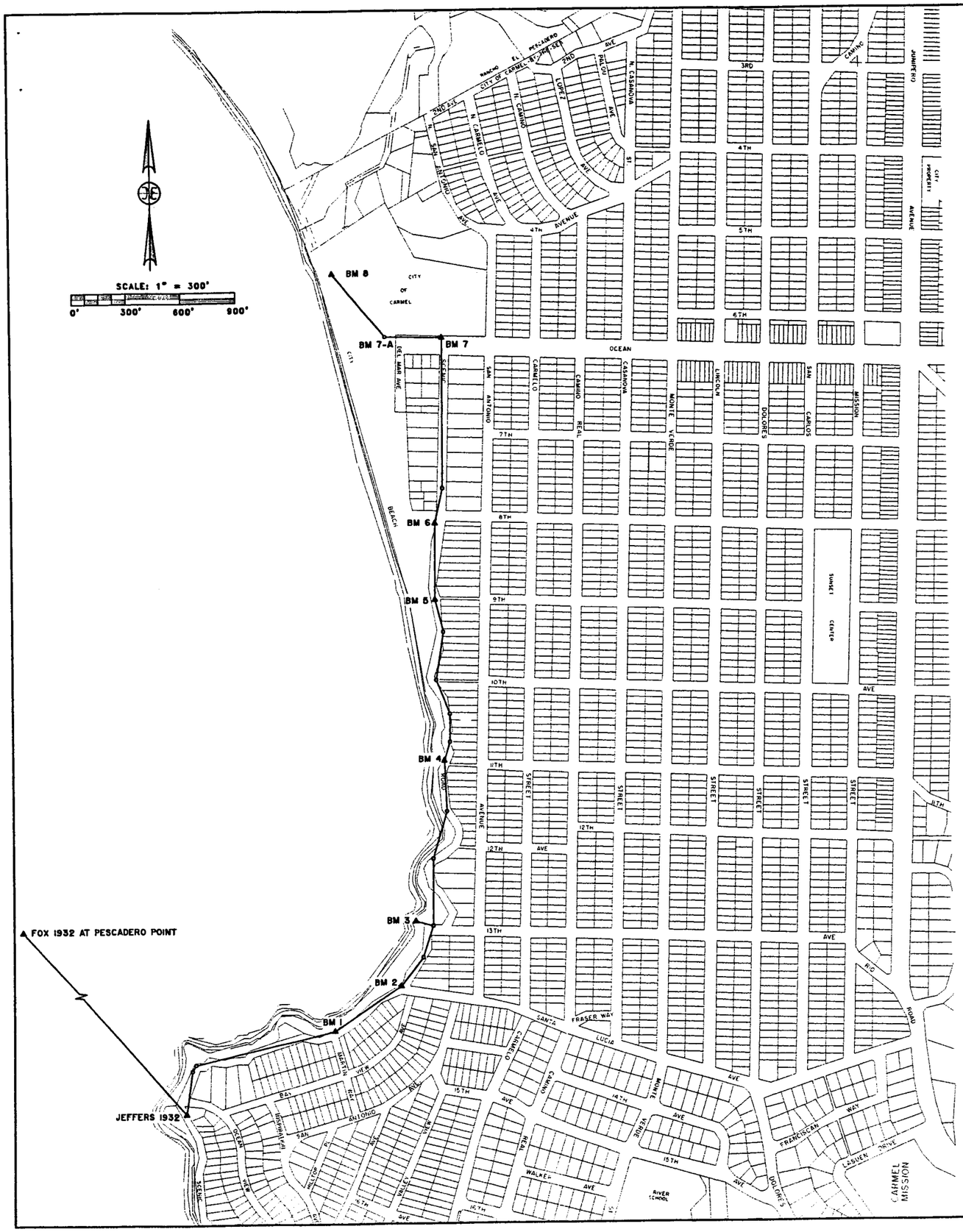
W.O. 7995

NEILL ENGINEERS CORP.
CARMEL-BY-THE-SEA, CALIFORNIA

PROFESSIONAL LAND SURVEYOR GARY W. WHITE EXP. 6-30-04 No. 4247 STATE OF CALIFORNIA

PROFESSIONAL LAND SURVEYOR NO. 4247

SEPTEMBER 18, 2002



BENCHMARK DESCRIPTIONS:

JEFFERS 1932	USC&GS BRASS DISC IN CONCRETE MONUMENT ON EAST SIDE OF SCENIC ROAD 50 FEET SOUTH OF OCEAN VIEW AVENUE.
FOX 1932	USC&GS BRASS DISC IN ROCK OUTCROPPING ON PESCADERO POINT
BM 1	BRASS DISC IN WHEELCHAIR RAMP WEST SIDE OF SCENIC ROAD AT MARTIN WAY
BM 2	BRASS DISC IN WHEELCHAIR RAMP WEST SIDE OF SCENIC ROAD AT SANTA LUCIA AVENUE
BM 3	BRASS DISC IN STONE BENCH ON POINT WEST OF SCENIC ROAD AT 13th AVENUE
BM 4	BRASS DISC IN CURB WEST SIDE OF SCENIC ROAD ABOVE STAIRS AT 11th AVENUE
BM 5	BRASS DISC IN CURB WEST SIDE OF SCENIC ROAD ABOVE STAIRS AT 9th AVENUE
BM 6	BRASS DISC IN SIDEWALK WEST SIDE OF SCENIC ROAD AT 6th AVENUE
BM 7	BRASS DISC IN SIDEWALK NORTH SIDE OF OCEAN AVENUE AT SCENIC ROAD
BM 7-A	BRASS NAIL AND WASHER IN WALL AT END OF OCEAN AVENUE
BM 8	BRASS DISC IN TOP OF STORMDRAIN ENDWALL AT NORTH END OF BEACH

BENCHMARK	NORTH	EAST	ELEVATION
JEFFERS 1932	453711.93	1138797.04	31.18
FOX 1932	460366.56	1132958.18	40.87
BM 1	454151.23	1139608.81	26.10
BM 2	454387.56	1139973.96	27.26
BM 3	454738.29	1140056.70	26.62
BM 4	455609.94	1140226.36	37.81
BM 5	456487.72	1140191.54	35.03
BM 6	456903.70	1140198.38	41.38
BM 7	457918.15	1140255.60	65.42
BM 7-A	457923.38	1139949.51	48.51
BM 8	458271.01	1139665.75	23.34

HORIZONTAL POSITIONS SHOWN ABOVE ARE BASED ON THE NORTH AMERICAN DATUM OF 1927. ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929. CROSS SECTION MEASUREMENTS WERE TAKEN JULY 1 THROUGH JULY 3, 2002.

NEILL ENGINEERS CORP.

CARMEL, CALIFORNIA

KEY MAP AND CONTROL DIAGRAM

CARMEL BEACH

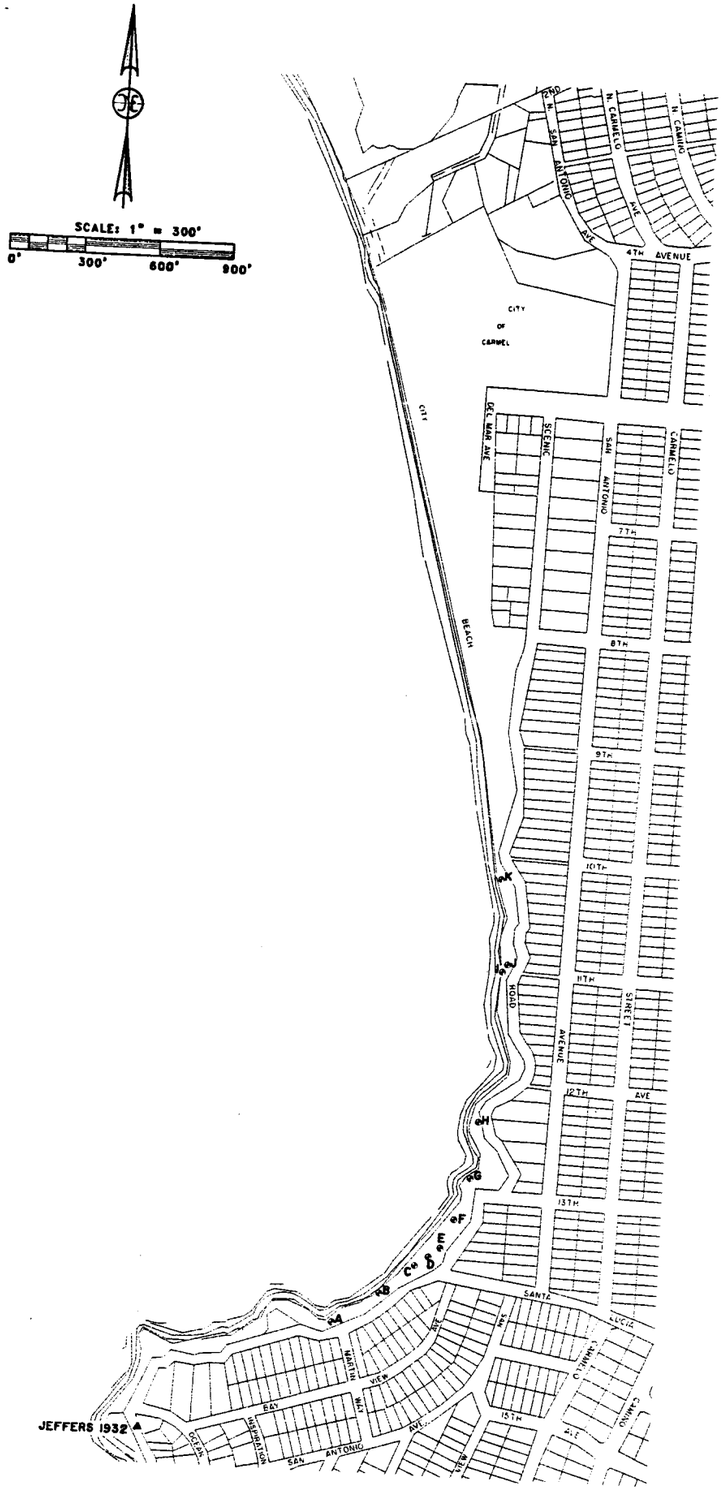
BEACH AREA MONITORING PROGRAM

CITY OF CARMEL-BY-THE-SEA, CALIFORNIA

W.O. 7995

JULY 2002

SCALE: 1" = 300'



POINT DESCRIPTIONS:

A — BRASS NAIL AND WASHER IN TOP OF OLD WALL NORTHWEST OF MARTIN WAY, 3 FEET SOUTH OF MULTI-PRONG CYPRESS TREE.

B — BRASS NAIL AND WASHER IN TOP OF NEW WALL NORTHEAST OF MARTIN WAY, SOUTH OF SANTA LUCIA AVENUE.

C — BRASS NAIL AND WASHER IN TOP OF OLD WALL ABOVE CULVERT, SOUTH OF SANTA LUCIA AVENUE.

D — BRASS NAIL AND WASHER IN TOP OF NORTH END OF NEW WALL NEAR SANTA LUCIA AVENUE.

E — BRASS NAIL AND WASHER IN CONCRETE AT BOTTOM OF NORTH SIDE OF STAIRS, NORTH OF SANTA LUCIA AVENUE.

F — BRASS NAIL AND WASHER IN TOP OF NEW WALL AT BEND, BETWEEN SANTA LUCIA AVENUE AND 13th AVENUE.

G — BRASS NAIL AND WASHER IN NORTHWEST EDGE OF BOTTOM LANDING AT 13th AVENUE STAIRWAY.

H — BRASS NAIL AND WASHER ON FOOTING LEDGE 50 FEET SOUTH OF NORTH END OF WALL NEAR 12th AVENUE.

I — CHISELED 'X' ON TOP OF HIGHEST ROCK ABOVE PIPE OUTLET, APPROXIMATELY 10 FEET BELOW MANHOLE AT 11th AVENUE.

J — BRASS NAIL AND WASHER IN TOP OF ROCK WATER FAUCET ENCLOSURE AT 11th AVENUE STAIRWAY.

K — BRASS NAIL AND WASHER IN CORNER OF STONE WALL AT LOWER LANDING OF 10th AVENUE STAIRWAY.

POINT	NORTH	EAST	ELEVATION
A	454160.53	1139554.96	16.03
B	454283.66	1139736.18	15.89
C	454400.35	1139873.49	20.98
D	454459.44	1139903.26	18.45
E	454462.97	1139961.33	10.10
F	454590.80	1140021.14	17.72
G	454793.37	1140043.69	8.06
H	454984.84	1140100.93	15.46
I	455591.16	1140171.90	21.39
J	455620.11	1140191.18	27.53
K	455961.97	1140152.32	19.29

HORIZONTAL POSITIONS SHOWN ABOVE ARE BASED ON THE NORTH AMERICAN DATUM OF 1927.
ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.

NEILL ENGINEERS CORP.

CARMEL, CALIFORNIA

BEACH MONITORING POINTS

CARMEL BEACH

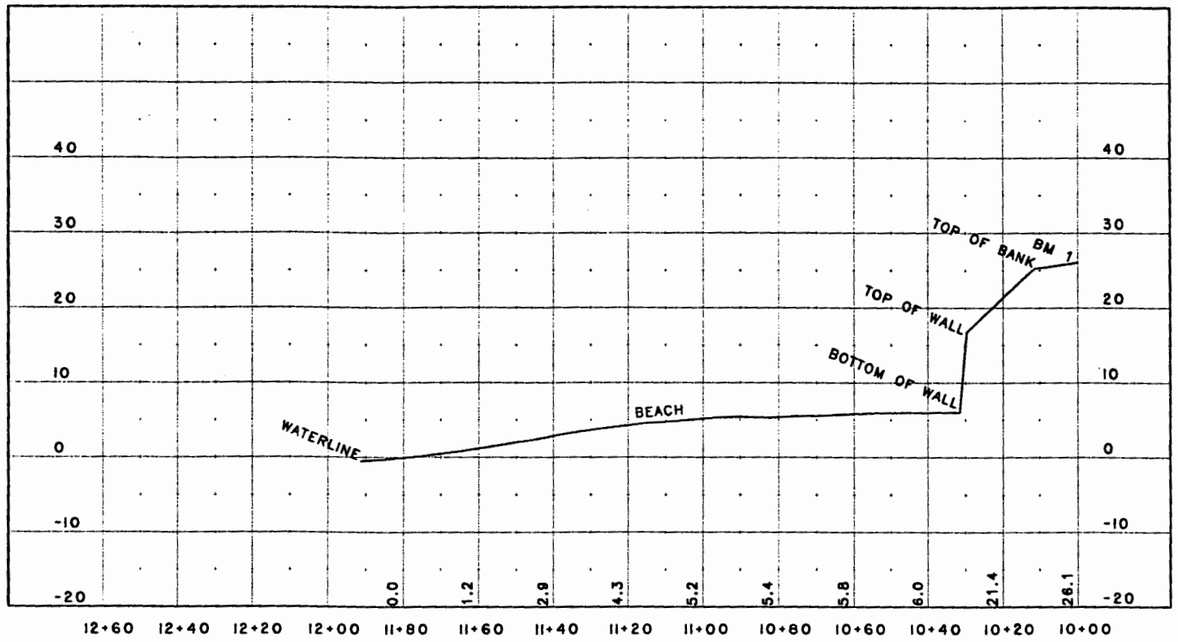
BEACH AREA MONITORING PROGRAM

CITY OF CARMEL-BY-THE-SEA, CALIFORNIA

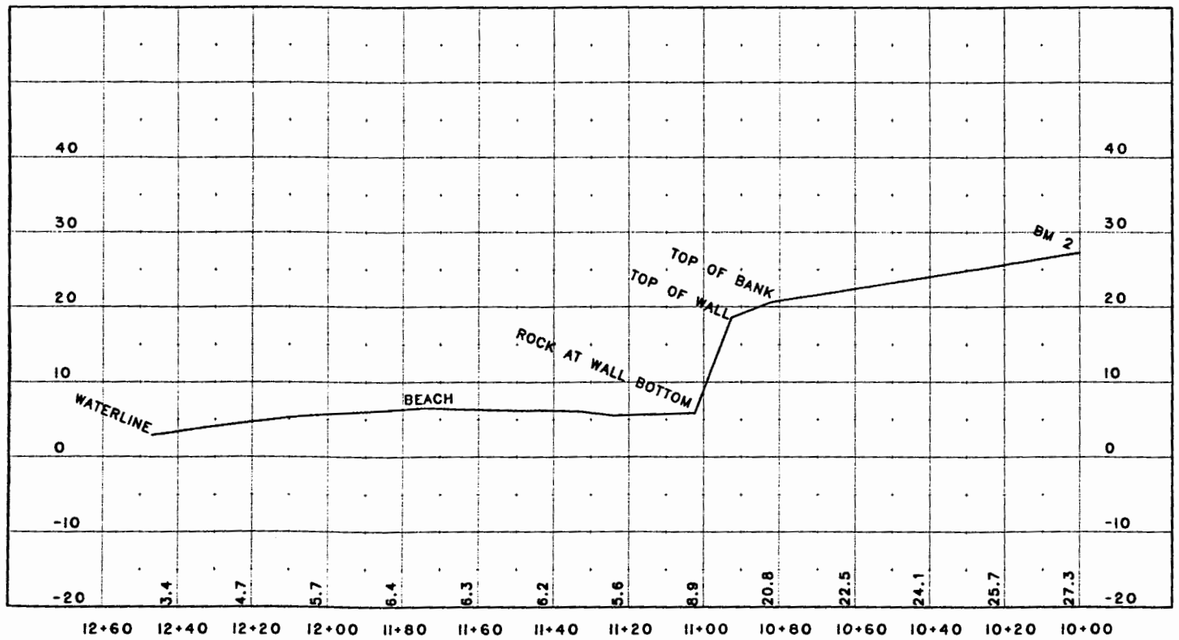
W.O. 7995

JULY 2002

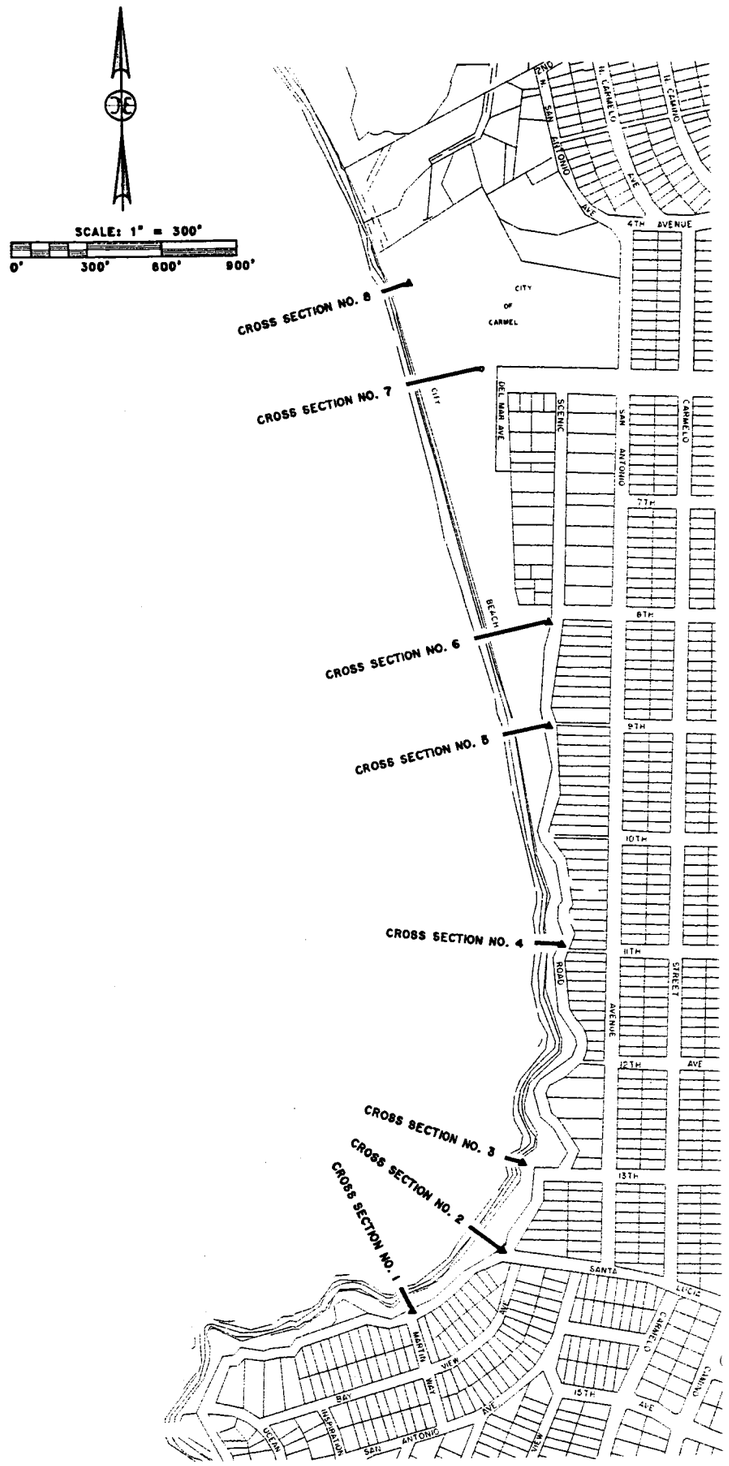
SCALE: 1" = 300'



CROSS SECTION 1
NEAR MARTIN WAY



CROSS SECTION 2
NEAR SANTA LUCIA AVENUE



EACH CROSS SECTION ORIGINATES AT A CORRESPONDING BENCHMARK, DESCRIBED BELOW, AND EXTENDS PERPENDICULAR TO THE SHORELINE, ENDING AT WATERLINE.

BENCHMARK DESCRIPTIONS:

JEFFERS 1932	USC&GS BRASS DISC IN CONCRETE MONUMENT ON EAST SIDE OF SCENIC ROAD 50 FEET SOUTH OF OCEAN VIEW AVENUE.
FOX 1932	USC&GS BRASS DISC IN ROCK OUTCROPPING ON PESCADERO POINT
BM 1	BRASS DISC IN WHEELCHAIR RAMP WEST SIDE OF SCENIC ROAD AT MARTIN WAY
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BM 3	BRASS DISC IN STONE BENCH ON POINT WEST OF SCENIC ROAD AT 13th AVENUE
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BM 5	BRASS DISC IN CURB WEST SIDE OF SCENIC ROAD ABOVE STAIRS AT 9th AVENUE
BM 6	BRASS DISC IN SIDEWALK WEST SIDE OF SCENIC ROAD AT 6th AVENUE
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BM 7-A	457923.38	1139949.51	48.51
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NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

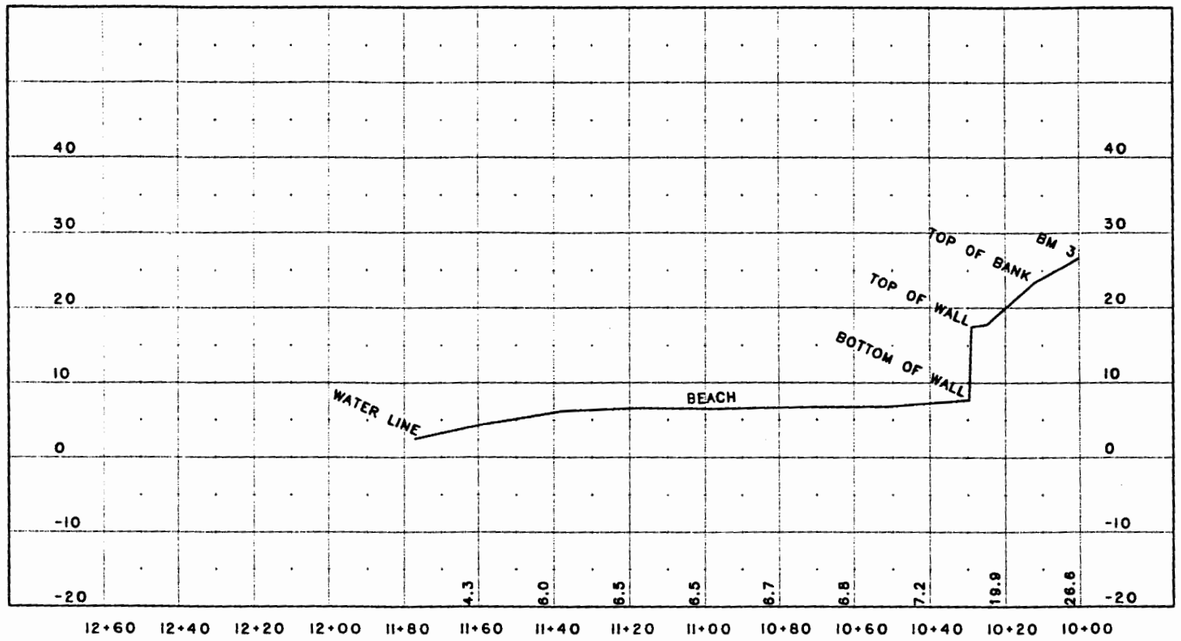
BEACH CROSS-SECTIONS

CARMEL BEACH

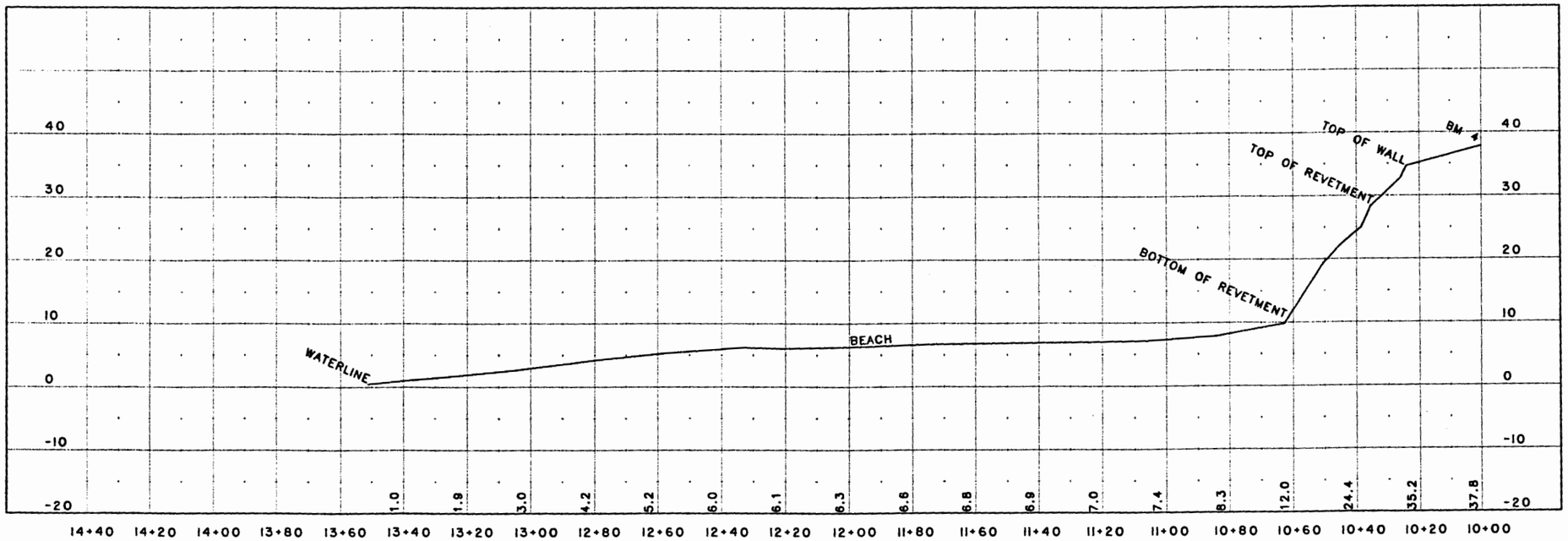
BEACH AREA MONITORING PROGRAM

CITY OF CARMEL-BY-THE-SEA, CALIFORNIA

W.O. 7995 JULY 2002 SCALE: 1" = 300'



CROSS SECTION 3
NEAR 13th AVENUE



CROSS SECTION 4
NEAR 11th AVENUE

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

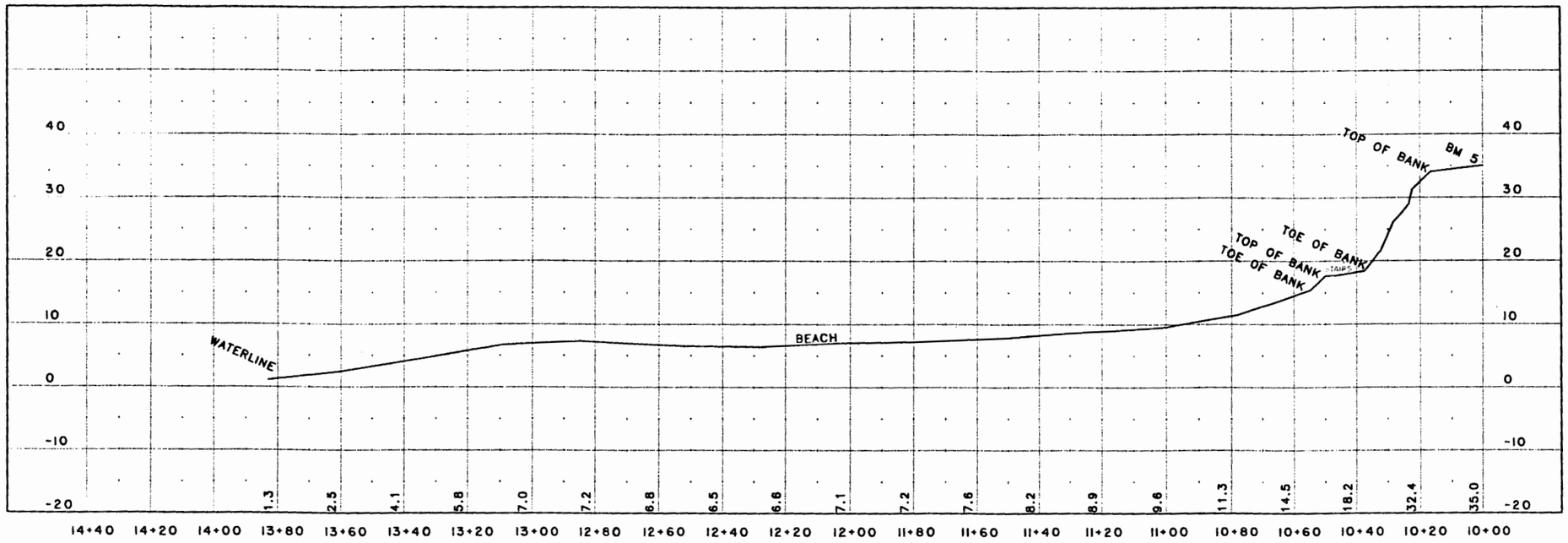
BEACH CROSS-SECTIONS

CARMEL BEACH

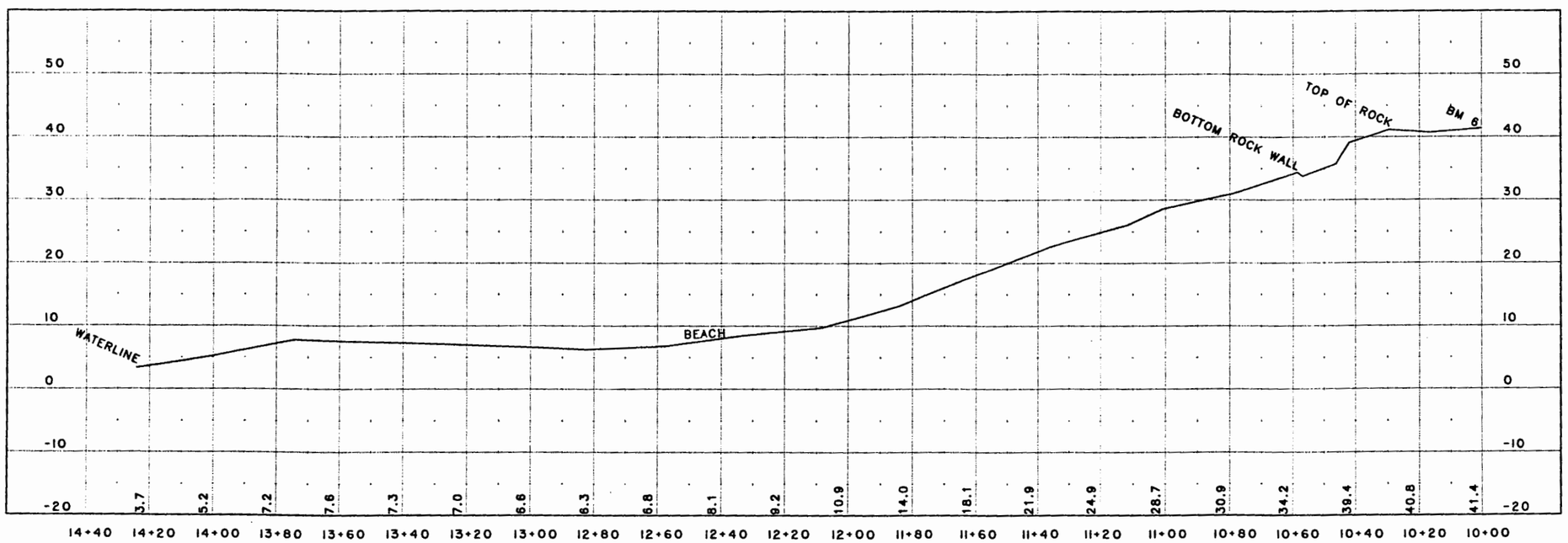
BEACH AREA MONITORING PROGRAM

CITY OF CARMEL-BY-THE-SEA, CALIFORNIA

W.O. 7995 JULY 2002 SCALE: 1" = 20'H 1" = 10'V



CROSS SECTION 5
NEAR 9th AVENUE



CROSS SECTION 6
NEAR 8th AVENUE

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

BEACH CROSS-SECTIONS

CARMEL BEACH

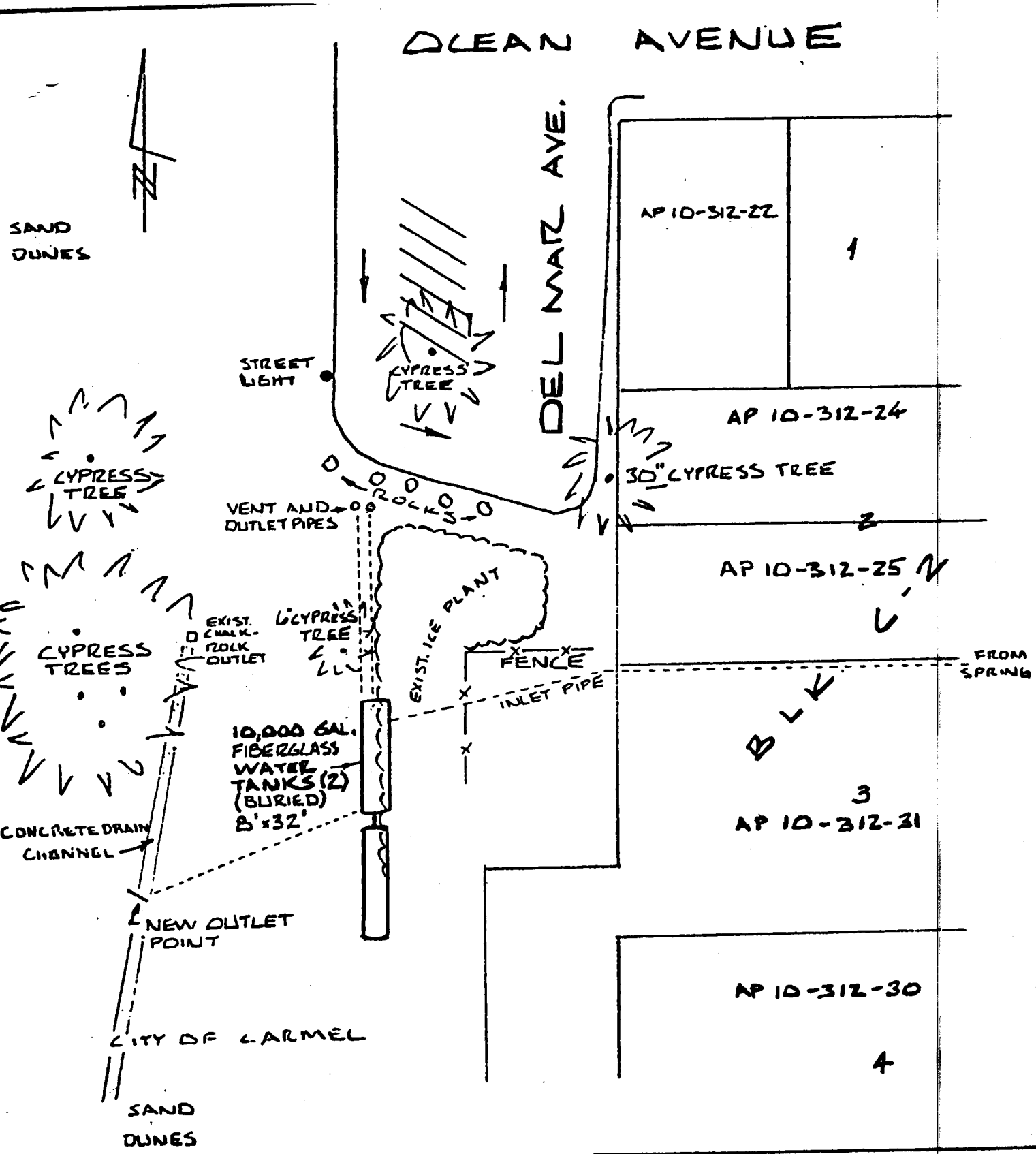
BEACH AREA MONITORING PROGRAM

CITY OF CARMEL-BY-THE-SEA, CALIFORNIA

W.O. 7995 JULY 2002 SCALE: 1" = 20'H
1" = 10'V

9.6 CARMEL BEACH WATER STORAGE TANKS

A map illustrating the location of the underground water tanks by Del Mar Avenue is shown below.



NEILL ENGINEERS, Inc.
Consulting Engineers
CARMEL MONTEREY

PLAT SHOWING
UNDERGROUND WATER TANKS
DEL MAR AVENUE
CARMEL-BY-THE-SEA, CALIFORNIA

SCALE: 1" = 40'
DATE DEC. '84
W.O. 6555

Clayton B. Neill Jr.
Registered Civil Engineer 18505

9.7 REFERENCES CITED

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APPENDIX B: Significant Tree Evaluation Worksheet

Significant Tree Evaluation Worksheet

Part One: Initial screening

Complete Part One to determine if further assessment is warranted. Trees must pass all criteria in Part One to be considered significant.

A. Does the tree pose an above-normal potential risk to life or property?

☐ YES ☐ NO

Any tree that has structural impairment that is likely to cause it to fail should be marked as unsafe and the tree should be removed. Trees that have limited and specific defects that can be remedied with selective pruning or other mitigation should be marked as safe and specific recommendations should be given to the owner for tree care. Such trees may still be assessed for significance.

B. Is the tree one of the following native species identified on the Carmel-by-the-Sea recommended tree list?

☐ YES ☐ NO

___ Monterey Pine ___ Coast Live Oak

___ Monterey Cypress ___ Catalina Ironwood

___ Bishop Pine ___ California Sycamore

___ Coast Redwood ___ Big Leaf Maple

(Note: Other species on the recommended tree list may be determined to be Significant Trees only if they are exceptional examples of the species. Such trees also must exhibit excellent health, form, vigor and substantial size sufficient to rate an overall score of at least 7 points in Part Two of the assessment.)

C. Does the tree meet the minimum size criteria for significance?

☐ YES ☐ NO

	Diameter	Height
Monterey Pine, Monterey Cypress, Bishop Pine, Coast Redwood	4 Inches @ DBH	15 Feet
Coast Live Oak—single trunk tree	6 Inches @ DBH	N/A
Coast Live Oak—cluster or multi-trunk tree measured as an average diameter of all the trunks that reach breast height	6 Inches @ DBH	N/A
California Sycamore, Big Leaf Maple, Catalina Ironwood	10 Inches @ DBH	25 Feet

Note: DBH = diameter at breast height or 4.5 feet above the adjacent ground surface

Part Two: Assessment for tree significance

For each of the criteria below assign points as shown to assess the tree. To be considered significant, a tree must achieve a minimum score of 1 in each of these categories and must achieve a total score of at least 6. If any criteria score is zero the assessment may stop as the tree cannot qualify as significant.

D. What is the health and condition of the tree?

0 points: The tree is heavily infested with pests or has advanced signs of disease that indicate the tree is declining and has a very limited life expectancy.

1 point: The tree shows some pests or disease that impair its condition, but which does not immediately threaten the health of the tree. The tree may recover on its own, or with appropriate intervention.

2 points: The tree appears healthy and in good condition.

3 points: The tree shows excellent health, is free of pests and disease and is in very strong condition.

E. What is the overall form and structure of the tree?

0 points: The tree appears to have poor form and/or structure

1 point: The tree has average form and structure for the species but does not exhibit all the qualities of excellent form and structure.

2 points: The tree exhibits excellent form and structure. For all species there will be a good distribution of foliage on multiple branches with no defects. For conifers, the tree will have a single, straight leader and balanced branching with good taper. Oaks will exhibit a well-developed canopy with no suppressed branches. Oaks may be single-trunked or multiple-trunked and will have a balanced distribution of foliage on each trunk/branch.

F. What is the age and vigor of the tree?

0 points: The tree is over-mature or shows signs of poor or declining vigor such as die-back of major limbs or of the crown, small leaves/needles and/or minimal new growth

1 point: The tree is mature but retains normal vigor and is likely to continue as a forest asset for at least another 15 years

2 points: The tree is young to middle aged and shows normal vigor

3 points: The tree is young to middle aged and shows exceptional vigor.

G. Are environmental conditions favorable to the tree? ☐

0 points: The tree is crowded or has no room for growth to maturity. The tree has poor access to light, air or has poor soils for the species.

1 point: The tree has average environmental conditions including room for growth to maturity, access to light and air, and soils suitable for the species.

2 points: The tree has room for growth to maturity with no crowding from other significant trees or existing buildings nearby. The tree also has excellent access to light and air, and excellent soils for root development.

Part Three: Final Assessment

Total score from Part Two: ☐

A. Did all assessment categories in Part Two achieve a minimum score of 1-point?

☐ YES ☐ NO

B. If the tree was one of the listed species shown in Part One-B, was the total score at least 6 points? If the tree was not one of the listed trees, was the total score at least 7 points?

☐ YES ☐ NO

C. Are there any other factors that would disqualify a tree from a determination of significance? (Explain any 'yes' answer)

☐ YES ☐ NO

_____

_____

_____

Conclusion: Does this tree qualify as a significant tree? ☐ **YES**

☐ **NO**

APPENDIX C: Residential Design Guidelines – Comment Review

The Design Traditions of Carmel

Residential Design Guidelines Introduction and Design Concept Review

Adopted by City Council May 1, 2001

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B. Tree Rules of Thumb

C. Measures for Tree Protection

D. Compatible Plants Under and Around Oaks and other Native Trees

Introduction to the Design Review Process

This booklet is an introduction to the City's Residential Design Review Process and Guidelines that are used in development review. The guidelines are presented in two booklets:

- Guidelines for Design Concept Review are presented in this booklet.
- Guidelines for Final Details Review are published in a separate booklet.

What are Design Guidelines?

Design guidelines convey community consensus about neighborhood design. As such, they provide a common basis for making decisions about work that may affect the appearance of individual properties or the overall character of Carmel. While guidelines provide direction, they are not intended to be inflexible nor used like ordinances. Instead, they are to be used to promote communication about how design changes can blend into and enhance community character. While the guidelines may suggest methods to achieve design objectives, the City recognizes that there may be other methods.

Why have Design Guidelines?

These guidelines inform the designers, architects and property owners about design objectives the citizens hold for their residential areas. They indicate an approach to design that property owners may use to make decisions about their buildings and to maintain the city's traditional character. The guidelines also provide the city, through the Design Review Board, Planning Commission, Staff, the Forest and Beach Commission and the Preservation Committee, a basis for making informed, consistent decisions about design.

The Scope of the Guidelines

The guidelines address all projects in the R-1 zoned areas of Carmel. Please note that the City of Carmel-by-the-Sea will not issue a construction permit for exterior additions, remodeling or new buildings without design review approval from the Design Review Board, the Planning Commission or Staff. These guidelines also will aid property owners and their architects in developing appropriate designs strategies. The guidelines focus on maintaining the traditional character of Carmel.

Note that other regulations also may affect design in Carmel, including the following:

- The Land Use Code of the City of Carmel-by-the-Sea
- California Environmental Quality Act (CEQA)

A Quick Guide to the Design Guidelines

The purpose of the Design Review System is to assure that alterations and new construction in Carmel will respect the design traditions of the community, while accommodating reasonable development and change. This Quick Guide provides a summary of the fundamental design principles upheld in the guidelines and introduces the basic sequence of issues that one should consider when developing a design concept.

Key Principles of the Design Guidelines

These key principles form the foundation of the guidelines:

1. Respect Carmel's design traditions.
This includes consideration of community-wide features, the character of the neighborhood and of the immediate block.

2. Respond to the context.
The built environment should be in balance with the forest character.

3. Balance design objectives.
Achieve a sense of being integrated with the community, while also promoting diversity of design on individual sites.

4. Develop a design in phases.
Develop broad concepts of site design and basic massing first. Then refine the design with the more detailed guidelines.

The enduring principles of design in Carmel-by-the-Sea are variety, modesty and simplicity. While there is wide diversity in design it is the goal of these guidelines that each house draw from and contribute to its neighborhood by generously providing for open space and preserving the City's traditions of simple homes set amidst a forest landscape.

Planning a Project

When planning a project in Carmel, one should define a basic design approach that will meet the owner's needs and at the same time be compatible with the neighborhood. Follow these steps in planning such an approach.

Consider the context of the project.

1. Consider the character of the city at large:
   - General character of the community
   - General approach to design
   - Sense of open space
2. Consider the character of the neighborhood:
   - Street character & orientation
   - Vegetation
   - Building scale
3. Consider the character of the block:
   - Building setback variations
   - Dominant tree species
   - Public and private views
   - Street edge character
   - Building design, height and size

In considering the context, the design guidelines encourage a continuity of landscape design, especially as seen from the street, while they also promote a diversity in architectural character. Therefore, an objective is to strike a balance between relating to the forest context by using similar landscape elements while also maintaining the tradition of variety in building design.

Consider the resources of the site.

1. Assess the topographic features:
   - Design with the topography and use slopes to create second levels above or below ground.
2. Trees and vegetation
   - Identify trees and vegetation that are important to the urban forest or that add character to the site or neighborhood.
3. If you have a historic building or a building of traditional character, consider an addition rather than a demolition/rebuild.

Consider your program requirements.

1. Define basic functional needs.
2. Balance these with Carmel traditions.
3. Adjust your program to fit the parcel size and site constraints.

Summarize the basic project approach.

1. This should balance considerations of context, site resources and program requirements.

How the Guidelines are Organized

These design guidelines are presented in a sequence that follows the City's design review process. When proposing a project, applicants first should become familiar with the City's design traditions and its goals for preservation of character. Next, applicants should consult with the City's planning staff and the City Forester to develop a preliminary site assessment map. This will aid in understanding the resources of the site and issues that will need to be addressed in the design. Based on these preliminary steps, applicants should then develop concept plans and complete a Design Concept review. After this, a Final Details review is scheduled. Only after this final review can a project proceed to construction.

This first Design Guidelines booklet focuses on broad-scale design issues which should be used during the Design Concept review stage. This includes design principles which apply neighborhood-wide as well as design guidelines for site planning and for the mass and scale of a building.

The second Design Guidelines booklet focuses on specific building and site design issues which should be used during the Design Details review stage. These include design guidelines for architectural character, details and materials. Other general design guidelines, such as solar access, views, energy conservation and utilities are also included.

The City uses the design guidelines to determine the appropriateness of a proposed project. In doing so, it evaluates each application on a case-by-case basis to determine that the proposed design meets the intent of the guidelines. This often requires careful judgement and a balancing of competing design objectives.

The Format for a Guideline

Each design guideline in this document typically has four components:

1. **Design Objective** - describes a desired state or condition of the design element being discussed.
2. **Design Guideline Statement** - typically performance-oriented, describes a desired design treatment.
3. **Supplementary Information** - may include suggestions on how to meet the objective, additional requirements, or may provide an expanded explanation. This information is listed in bullet format.
4. **Illustrations** - may be provided to clarify the intent of the guideline.

(These components are illustrated below.)

It is important to note that all components of a design guideline constitute the material upon which the City will make its determination of the appropriateness of a proposed project.

Section Heading

1 ***Roof Form***

Varied roof forms are typical in a block and this tradition should be continued.

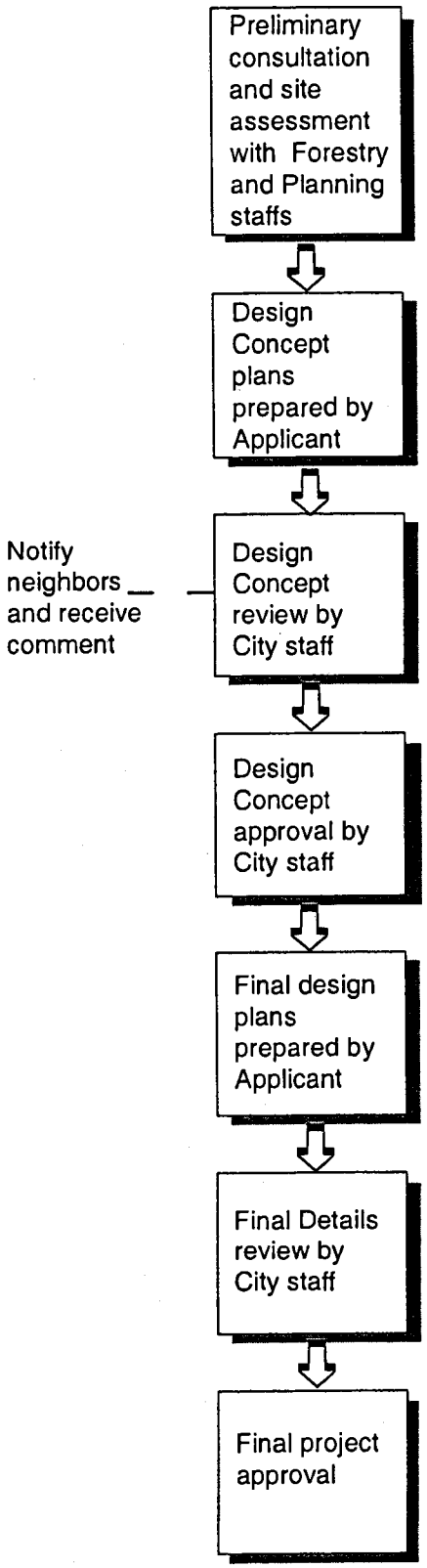
2 **#. Simple primary roofs, with subordinate attachments such as dormers, are appropriate.**

3
- For example, basic gable and hip roofs are traditional and their use is encouraged.
- Flat roofs may be used to a limited extent on smaller, one-story structures. They should not be used on large buildings or two-story elements.
- Avoid complex roof forms that call attention to the design or add unnecessary detail.
- Mansard roofs typically add more mass than other forms and are discouraged. A sloping roof "skirt" that conceals a flat roof is particularly out of character. Similarly, a gable roof that is "clipped" at the top adds unnecessary complexity to a design and should be avoided.

4

Simple primary roofs with subordinate attachments, such as dormers, are appropriate.

Sample of the guideline format used in this document



Track 1 Review Process

The Three Design Review Tracks

The Design Review System is organized into three separate tracks, which correspond to the complexity of review or to the degree of flexibility that is sought for an individual project.

Review Track 1:
Final Review decision by staff

The Track 1 review track is available for additions and alterations that do not involve substantial increases in the size of buildings. Reviews are conducted by staff, and typically involve site visits, plan review and design consultations. For staff approval, all of the relevant Land Use Code provisions and Design Guidelines must be met. Flexibility is available only where clearly defined in municipal code standards that can be measured.

Referrals:
At any time that staff or the applicant is concerned about the nature of the project or the interpretation of the standards and guidelines, the project may be scheduled before the Design Review Board or the Planning Commission for discussion.

This is the most expeditious but least flexible track of review. It is provided for owners with simple projects and for small additions in order to proceed through the process quickly and with a high degree of predictability.

All design review tracks are subject to the California Permit Streamlining Act. This law requires the City to determine an application is complete within 30-days of application submittal. Once complete, the City then has 60-days to take final action. The only exceptions are (1) when environmental review is required or (2) when the applicant specifically requests a continuance.

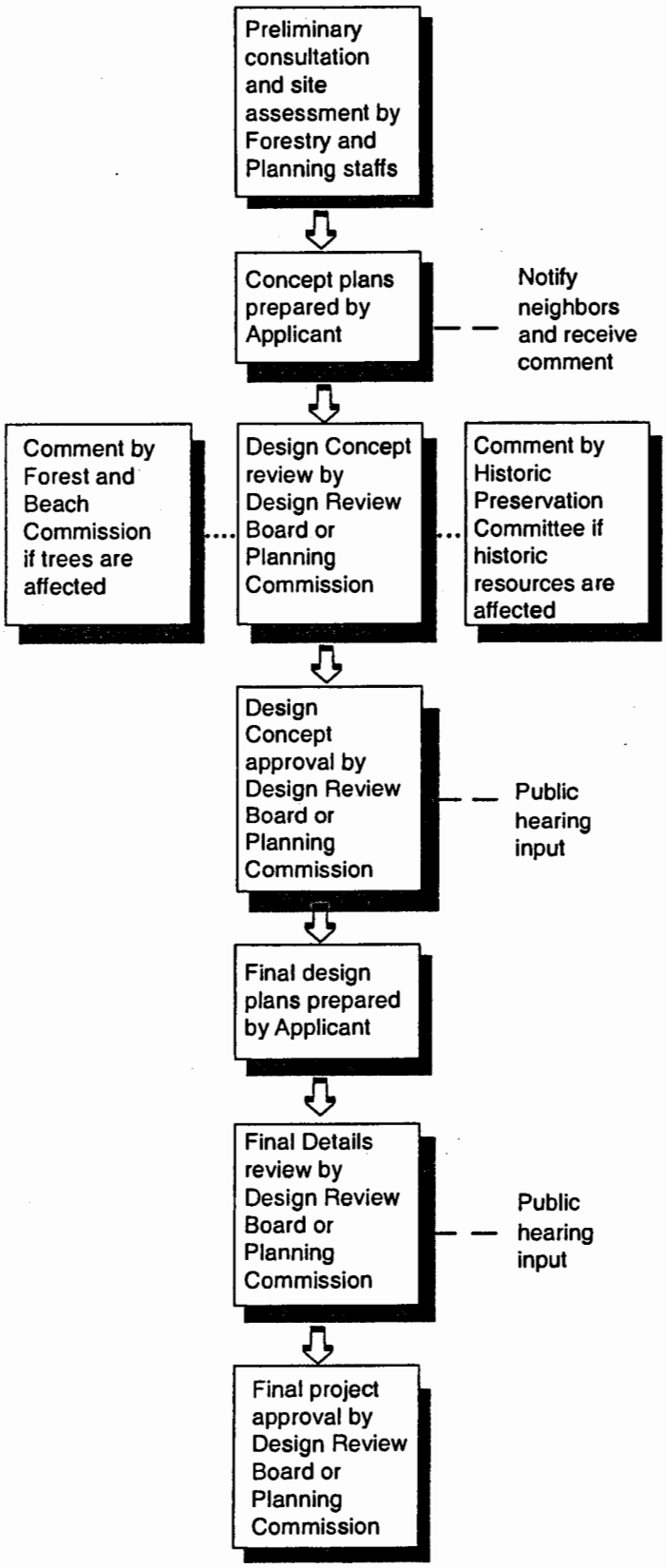
Review Track 2:
Final Review decision by Design Review Board or Planning Commission

This level of review is designed for projects where (1) it is not clear that the design meets all design guidelines or that (2) could have a significant impact on the neighborhood context or (3) in which the applicant seeks to make use of incentives that are available under conditions that require interpretation of compatibility with the context. This review track also applies to all new homes and to alterations that increase floor area by more than 25%.

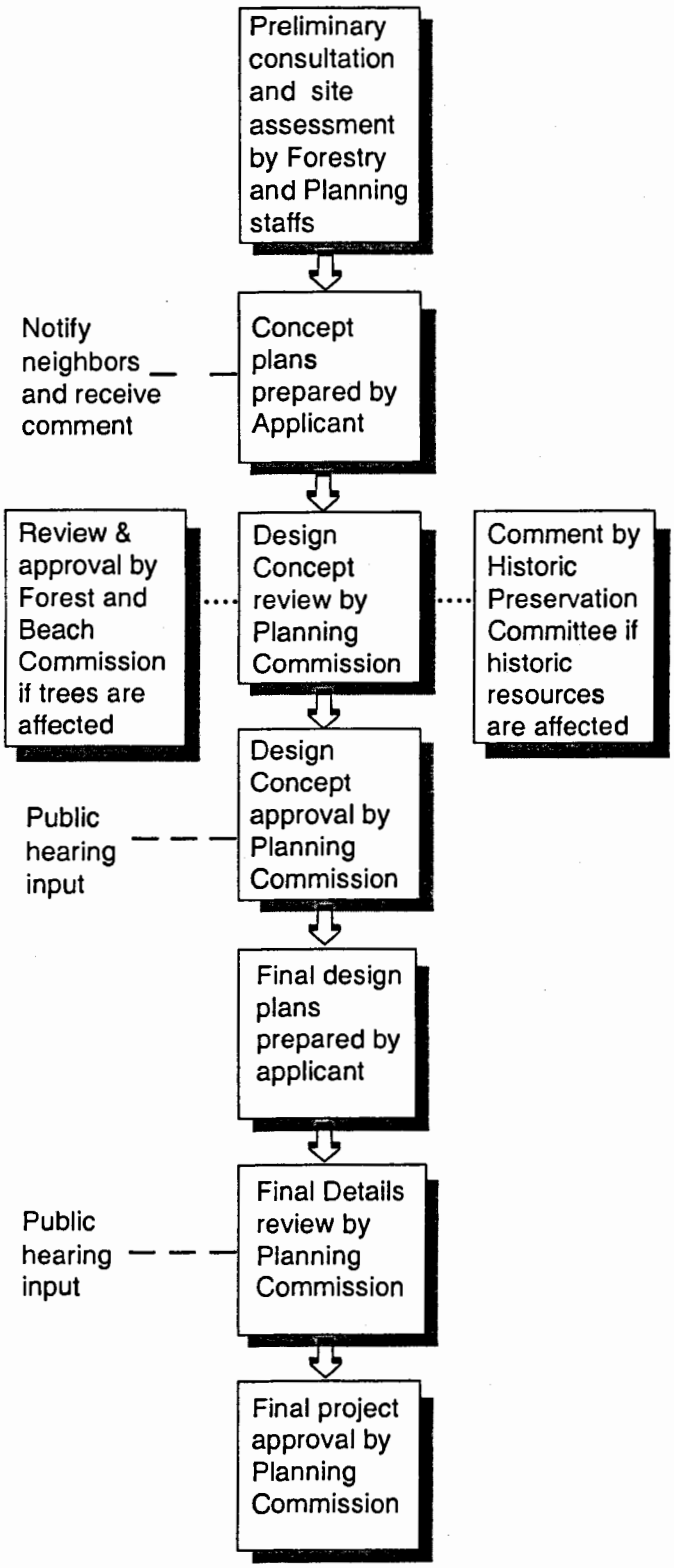
Projects that require a land use permit or environmental review will receive design review by the Planning Commission. All other projects in Track 2 receive design review by the Design Review Board.

Preliminary reviews are conducted by staff and then are referred to the Design Review Board or the Planning Commission for Design Concept review. Final Details review is conducted by the Design Review Board or Planning Commission after concept approval.

Greater flexibility in interpretation of the guidelines and in the application of incentives is available in this track, as compared with Track One. While it may take some additional time, the outcome, at least in terms of minimum standards, is relatively predictable.



Track 2 Review Process



Track 3 Review Process

Review Track 3:
Final Review decision by Planning Commission

This review track is the most flexible process and is included to accommodate innovation and diversity while still respecting the City's design traditions. This track is designed for complex projects and for those in which the applicant seeks special exceptions from certain standards and guidelines because of unique circumstances of the site or in which they believe the overall design will be compatible with the context even though it does not directly meet some of the standards and guidelines. This is a "Planned Development" process.

The objectives in the ordinance and design guidelines and the background text in the guidelines serve as the basic principles or performance standards for determining appropriateness of any proposed work. Except for floor area and volume standards, most dimensional standards such as heights, setbacks, coverage and number of stories could be relaxed by the Commission.

Planned Development Requirements:

Since the Track 3 review potentially allows for significant deviations from design standards, it is important to provide enough information to the public and to decision-makers. Depending on project scope, the following may be required:

- Model of site and project
- Neighborhood-block plan
- Special notice to neighbors explaining the project
- Narrative explaining how City objectives are met
- Higher fees to offset longer processing costs

Design Concept Guidelines

This section contains guidelines for the design and review of concept plans. The guidelines focus on broad design considerations that relate to the basic organization of uses on a site, treatment of the urban forest and the massing of buildings. A primary consideration is that a design be compatible with the design traditions of Carmel, including maintaining the urban forest character and promoting buildings that are in scale with the context while encouraging diversity in individual houses. An accompanying booklet addresses Residential Design Guidelines Final Details Review.

Neighborhood-wide Guidelines

The Preliminary Site Assessment

Each site is considered part of a larger neighborhood and should contribute to neighborhood character. Important elements of neighborhood character include the local forest and open space resources, the character of the street edge, the massing, arrangement, and materials used in other homes nearby and the local patterns of topography, access and views.

The first step in developing a plan for a project is to assess the context of the neighborhood as well as the resources and constraints of the site.

However, each site is also unique and will present its own design challenges and opportunities. Therefore, the first step in developing a plan for a project is to assess the context of the neighborhood and the resources and constraints of the site. A plan showing existing conditions on the site and in the immediate vicinity should be prepared by a licensed surveyor or engineer. This site plan will show topography, drainage features, existing trees and structures, the edge of the street and other features useful in developing a design concept for the project.

This plan must be reviewed in the field by the City Forester and a planner. During this field review, qualitative assessments will be made regarding the health and importance of each tree, whether above-or below-ground areas should be avoided and whether specific existing structures may qualify for incentives offered to preserve traditional or historic buildings. Observations about the neighborhood design context, street and right-of-way character, views or other conditions will be noted as well.

A copy of the site assessment will accompany the project through the design review process to aid in the evaluation of the project by decision-makers. This site assessment should be used by the architect or designer to develop both the design concept for the project and a forest enhancement/maintenance plan for the site. The forest enhancement/maintenance plan will be required during the concept phase of design review and should address the following issues:

- Which trees will be retained, removed or pruned due to the project?
- Will new trees be added (where, how many, what species)?
- Which trees are considered most significant to the site and why?
- How does the proposed project relate to these significant trees (setbacks, pruning, screening)?
- How will the remaining and proposed trees on the site relate to the composition of the forest in the immediate neighborhood?
- Are there any significant belts of native or planted vegetation that are important to the character of the site? Will they remain or be removed?
- What is the character of the adjacent right-of-way? How will it be preserved or enhanced by the project?
- Are any special protective measures planned that go beyond the minimum City requirements for tree protection?

Prior to submittal of design plans for projects that will alter the building footprint, add a second story or involve excavation, the City requires preparation of a preliminary site assessment.

Each site should contribute to the urban forest by saving significant trees and planting new ones that are consistent with the context.

1.0 Preserving the Forest Character

The urban forest is one of the most significant and remarkable characteristics of the community. In most neighborhoods, the forest has a combination of upper canopy trees and a lower story of smaller trees. In most areas, the upper canopy traditionally was Monterey Pine, while the lower canopy trees included a mix of multi-stem varieties, often coast live oak. Other neighborhoods have a different forest character established of Monterey cypress or redwoods. Protection of existing healthy trees should be among the highest priorities in any project. Trees that are especially significant due to their size, character, location or species should be identified through consultations with the City Forester at the beginning of a project. This applies to trees on site and abutting properties as well as in the right-of-way. Each site should preserve or add trees to perpetuate and enhance the urban forest context of the neighborhood.

Understory trees are those that establish a lower scale than the upper canopy trees. These often have multiple trunks that are useful for screening, and softening building mass. Established, healthy understory trees should be preserved when feasible. In sites lacking sufficient trees, new ones should be planted to supplement the urban forest.

Buildings and other site structures should be located to minimize the removal, pruning, or damage to existing significant trees, on and adjacent to the site. The "Preliminary Site Assessment" map should be consulted when designing and locating new structures and additions to determine which trees are significant and should be protected. When new trees are planted they should be selected to enhance the forest character of the neighborhood.

Note:
See the City Forester to determine the condition and significance of existing trees.

The Forest and Beach Commission will comment on the effects any proposed work will have on significant trees during project review.

See also the City's Policy Paper C91-05, "Tree density per lot," in the Appendix which establishes recommended tree replacement ratios and suggests trees species. Note that these ratios may be adjusted by the City Forester based on individual site conditions.

The forest landscape is prevalent along the road edge in most neighborhoods and overhangs most streets to create the appearance of a forested lane.

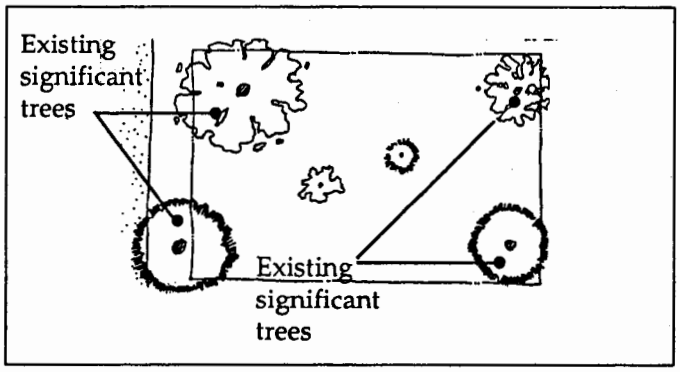
Objectives:

- To maintain and enhance the urban forest as a distinctive feature of Carmel
- To establish continuity of landscape elements throughout each neighborhood
- To maintain the forest character of each neighborhood, which typically includes a mix of upper canopy and lower canopy trees
- To filter views of houses with lower story trees and reduce perceived building scale or prominence from the street
- To promote preservation of established trees that contribute to the forest character of the neighborhood
- To promote planting of new trees that will contribute to the urban forest character

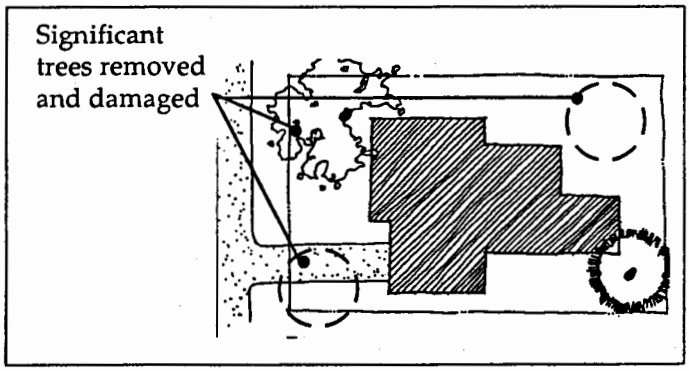
Existing significant upper canopy trees should be preserved as neighborhood assets.

Key principles:

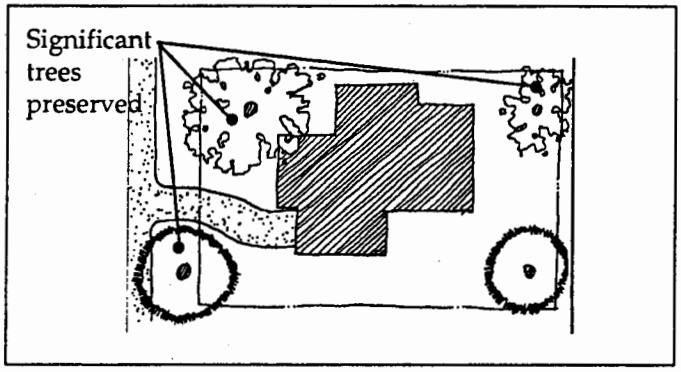
- Identify the forest character of the neighborhood before considering site design.
- Preserve established significant trees.
- Plant new trees to supplement the urban forest.
- Provide a compatible landscape setting to reinforce the forest character.



Site evaluation: Identify significant trees.



Undesirable: Trees removed and heavily pruned



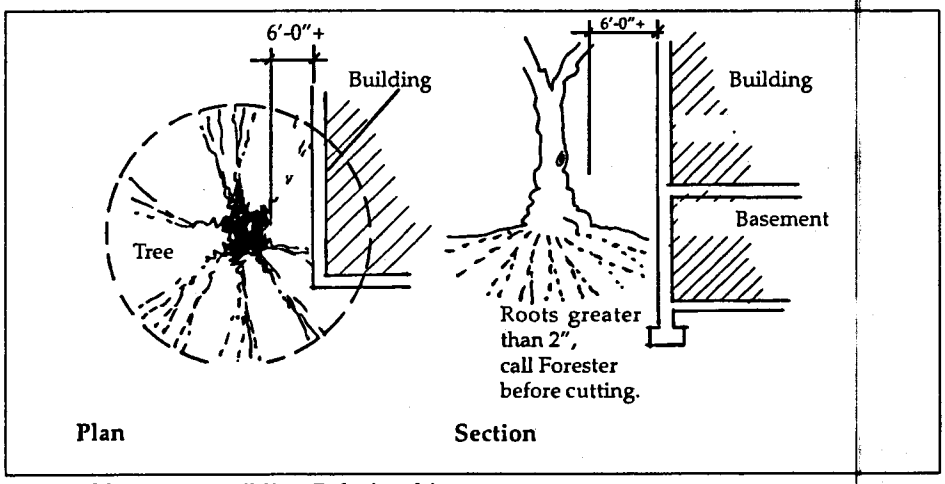
Preferred: Significant trees preserved

Excavation work should be planned to avoid significant impacts to root systems. As shown here, cutting into major roots systems without City approval will weaken or even kill a tree and is unlawful.

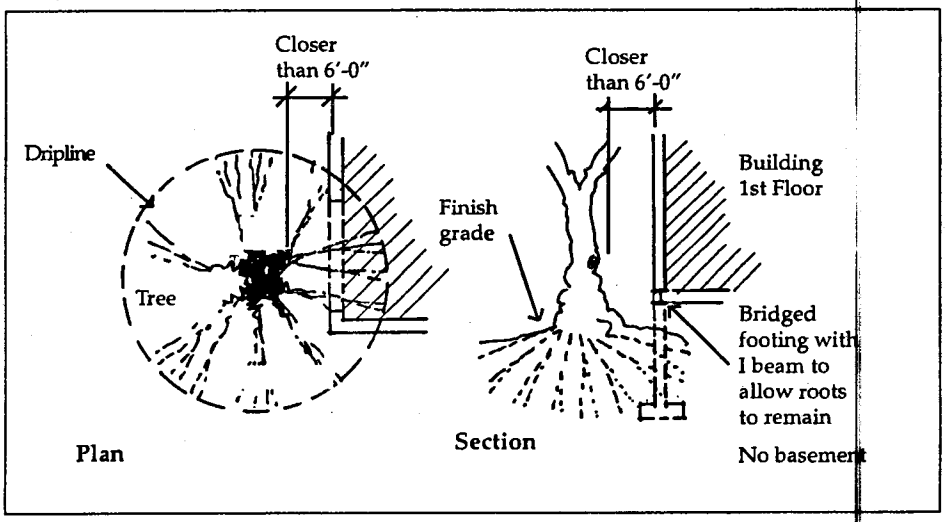
Trees in the right-of-way should not be removed.

1.1 Existing significant upper canopy and understory trees should be preserved.

- First, consult with the City Forester to evaluate existing trees in the right-of-way and on site for their significance and condition.
- Plan to protect trees during construction as provided in the Land Use Code and by planning access and site development around trees.
- Trees in the right-of-way should not be removed to provide parking spaces.
- Position building masses and roof forms to avoid cutting into the canopy of established trees. (See also the following section on site design.)



Acceptable Tree to Building Relationships



Bridged Footing for Close Trees

1.2 Locate new construction to minimize impacts on established trees.

- Structures with foundations, such as buildings, walls and excavations, should be set back a minimum of six feet from the base of any tree to be preserved in order to adequately protect tree roots. In some cases, a greater distance may be required. In other situations, it may be acceptable to build closer than 6 feet, when other design objectives are met and a bridged footing is used. (See illustration, page 4.)
- Avoid a building design or roof design that would require extensive pruning to tree limbs and canopies.
- Adequate open space should be provided on each building site to retain, and plant anew when necessary, upper and lower canopy trees.
- Plan building masses and excavation in areas that will minimize the impact on trees and their root structures.

Maintain established understory trees that provide character and screening.

1.3 Protect root systems of all trees to be preserved.

- Plan excavation work to avoid root systems of all trees on site and of trees on abutting properties.
- Avoid excavations or foundations that would cut into more than one-third of the root zone or drip-line around any significant tree.
- Plan curb cuts, paving and drainage systems to maintain air transport and water percolation to root systems.
- Grades should not be raised or lowered around tree roots.

Maintain a forested image on a site.

1.4 Maintain a forested image on the site where it is consistent with the neighborhood context.

- Plant new trees to reinforce the existing urban forest character on sites in each neighborhood where this character exists.
- A tree removed for construction should be replaced unless there are numerous trees on the lot. A mix of upper and lower canopy trees should be used, as determined by the City Forester.
- Appropriate tree species and a table of recommended replacement requirements are listed in the City's Policy Paper C91-05, which is attached as an appendix.
- Select trees that are characteristic of the neighborhood context.

Protect significant trees from damage during construction. See Appendix B and the Land Use Code requirements for fencing and other protection mechanisms.

Also note that new trees that are planted as a condition of design approval must be maintained in place. If one of these trees is removed, it must be replaced.

The informal, vegetated, character of open space in the right-of-way should be maintained.

Right-of-way character

In most neighborhoods, the edges of the public right-of-way are unpaved. In early years, it also was unplanted, resulting in an informal character of volunteer plantings, packed earth and pine needles. In other areas, however, this "unimproved public right-of-way" was planted in indigenous species that conveyed a forest appearance. Both approaches contributed to the urban forest. This forest character of the right-of-way is an important feature that varies with each neighborhood and should be perpetuated.

Carmel's streets are designed for walking. On most streets, pedestrians share the lanes with motorists. This contributes to the informal character of the street and should be continued.

On most streets, pedestrians share the lanes with motorists. This contributes to the quiet, informal character of the street and should be continued.

1.5 Maintain and enhance the informal, vegetated, open space character of the right-of-way.

- Use simple planting plans when right-of-way landscaping is proposed.
- Emphasize native plants.
- Do not add paving or boulders to the right-of-way.

1.6 Maintain trees and naturalized vegetation in the public right-of-way and around the periphery of the site.

- Exceptions may be necessary to provide safe access to the site.
- Preserving existing belts of vegetation around a site can contribute to the forest character of the street and help screen buildings.
- Trees with canopies that arch over the street are particularly important to community character.

Trees that abound in the public right-of-way and the periphery of the site should be maintained.

Parking in the Right-of-way

Parking has become an increased use in the right-of-way. This threatens the character of the street while at the same time, it meets a functional need. Therefore, street parking must be balanced with the objective of maintaining a forest edge. In general, parking in the right-of-way should only occur in a manner that maintains the informal, open space character.

Where a parking area in the right-of-way is to be defined, use an informal unpaved design that will reinforce the forest image.

With the exception of driveways, new paving in the right-of-way is prohibited. When paving already exists in the adjacent right-of-way, this should be removed unless required for drainage/runoff control. The right-of-way may still be used for parking but should not present a hard-surface appearance or impermeable barrier to water. (Some of these parking guidelines apply when a property is altered, at which time parking must come into compliance.)

1.7 Where a parking area in the right-of-way is to be defined, use a design that will reinforce the forest image.

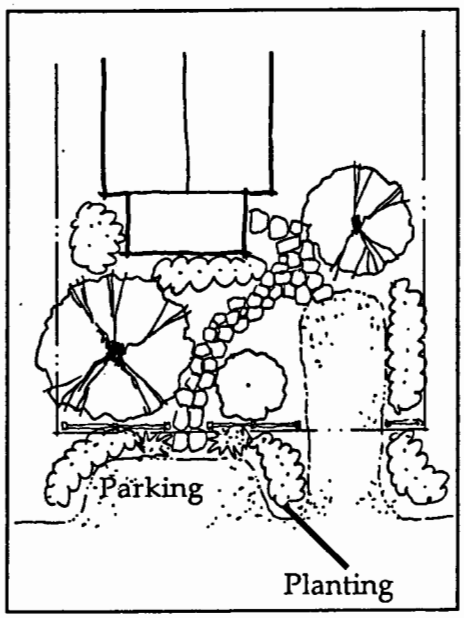
- Natural soil, shredded bark and wood chips are preferred surface materials. Gravel is prohibited.
- Separate an existing parking space in the right-of-way from any driveway with plantings.
- Only the city is authorized to add paving or boulders in the public right-of-way, except in the cases of driveways and authorized encroachments.

Note that no new paving for parking may be created in the right-of-way and, when development occurs on a site, any existing paving in the right-of-way must be removed unless specifically authorized through an encroachment permit.

2.0 Neighborhood Street Character Guidelines

The informal image of residential streets in Carmel is one of the most distinctive features of its design traditions. This character should be maintained. Designers for both private and public projects should respect the established street character along a block face and blend any proposed right-of-way changes into this context.

Note that any paving in the Right-of-Way must be executed by the City and that in doing so, it will apply the City's adopted Policy and Standards paper, "Public Way Design."



Separate an existing parking space in the right-of-way from any driveway with plantings.

The informal image of the residential streets in Carmel is one of the most distinctive features of its design traditions.

Objectives:

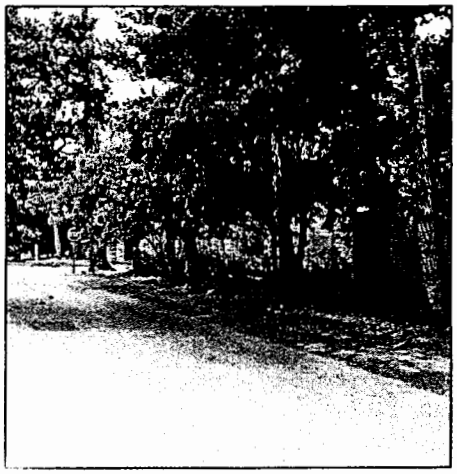
- To maintain the informal, meandering character of residential streets
- To retain the existing width of paving in the street
- To maintain a rustic character to street drainage systems

Street layout/grid

Streets are laid out in a rectilinear grid for most of the town. Exceptions, however, occur in steep canyons, where roads meander along the contours of the steep slopes. However, even where the grid exists, it does not appear formal, due to the meandering edges of the streets, the rolled curbs and vegetated edges. This traditional layout contributes to the character of the community and should be maintained. The *traditional narrow width* of the paved travel lanes also should be maintained. They should not be expanded.

2.1 Maintain the traditional street layout.

- Where it exists, the grid system should be maintained.
- Those streets that are laid out to follow contours and avoid significant trees or land forms also should be maintained.



Maintain the informal edge of street paving.

Street edges, curbs and gutters

While the street grid is well-established, in most neighborhoods it appears more like a series of meandering forest roads. This is a result of the informal edge of paving, in combination with the informal plantings, trees and rustic character of the unpaved portions of the right-of-way flanking the travel lanes. In neighborhoods where it exists, the ragged, meandering character of the street is an important feature that should be preserved.

The design of a street edge should be sensitive to the neighborhood-context. Although most street edges are informal, this varies from place to place throughout Carmel. These guidelines require that during the preliminary site assessment for each project, the characteristics of the street edge be identified. This established character should then be perpetuated, or enhanced, in the proposed design. Projects should "fit in" and not introduce new elements that are foreign to an established pattern.

2.2 Maintain existing patterns of street edge design and street paving.

- Avoid adding new pavement at the edge that would widen the street or create a parking space.
- Maintain an informal unpaved and/or landscaped edge where it exists.

In most neighborhoods, drainage follows street grades and then is collected in a limited number of open gutters. These are typically lined with local rock. This detail contributes to the forest road character and should be continued.

Maintain the existing character of street gutters in each neighborhood.

2.3 Maintain the existing character of street gutters in each neighborhood.

- A rolled gutter made of asphalt is typical of most neighborhoods.
- Where more formal gutters are used, they should be faced with rock.
- A plain concrete curb is usually inappropriate in all neighborhoods.

Site Planning Guidelines

These guidelines address the placement of buildings on an individual site and they also cover the organization of open space and landscaped areas.

Site plan designs should relate to and take advantage of the site's topography and slope, as well as significant, trees and vegetation. Designs should recognize the constraints of the land and work within these limitations, rather than ignore them or override them.

Objectives of the Site Planning Guidelines are:

- To promote building placement that will protect trees
- To promote variety in the way buildings are set back along each street
- To encourage the positioning of buildings to frame open space
- To protect privacy and views for neighbors

Note that some variations in site planning principles exist between uphill and downhill sites. In general, secondary structures are located uphill, away from down hill views. Similarly, a driveway appears to "fall away" from the street edge on downhill sites, which reduces its visual impact.

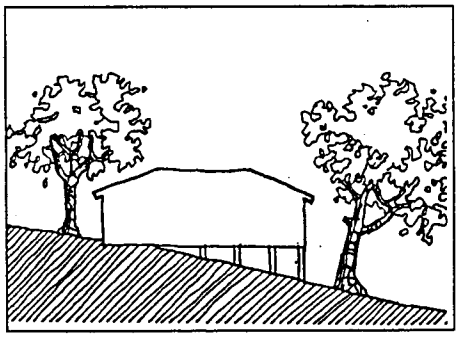
3.0 Topography

The natural slopes of each residential neighborhood are some of the most important features in the community. They contribute to the distinctive character of development here and should be maintained. The manner in which a site is excavated for a building foundation and the way in which grades are treated are therefore important considerations.

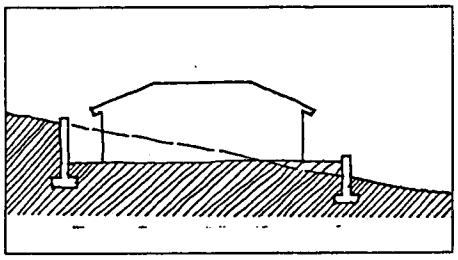
Objectives for this section are:

- To maintain the natural topographic character of Carmel
- To encourage site development that preserves natural slopes, avoids significant exposed cuts or fills and protects trees
- To promote grading designs that will retain water on site, enhance percolation into soils, and minimize runoff onto adjacent properties
- To promote the use of natural slopes and stepped floor plans in building design so that houses hug the land.

Where construction is necessary on a steep slope, step the foundation and building forms to follow the contours or locate the long axis of a building to lie parallel with natural contours.



Discouraged: This structure rises above the slope, which increases its mass.



Discouraged: Extensive excavation and exposed cuts impact tree roots and disturb natural contours.

While a key principle is to maintain the sense of natural topography, this must be balanced with the objective of minimizing the mass and scale of a building. This can be achieved by locating some floor area partially below grade or fully below grade in a basement. In such a situation, more extensive excavation may be necessary.

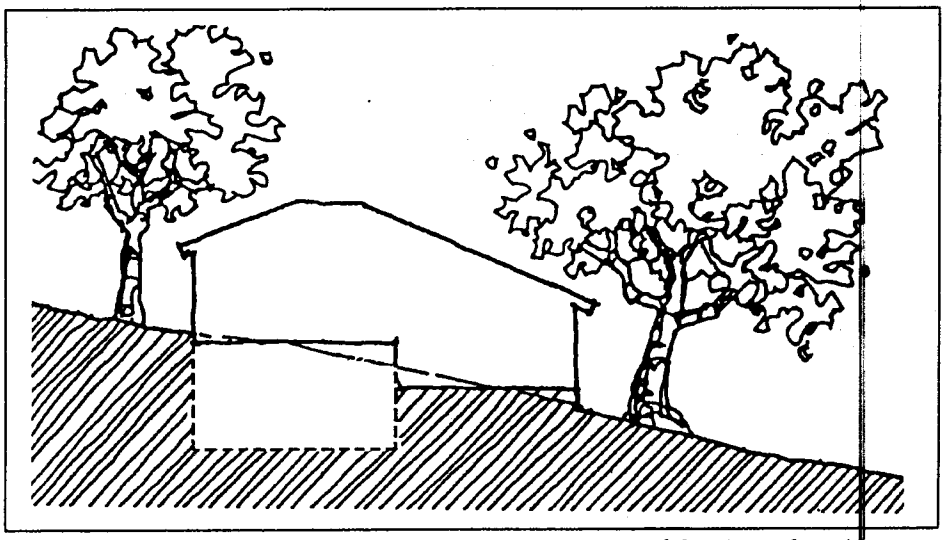
Another consideration is the objective to preserve significant trees. Minimizing a building footprint can provide more room on site for trees, but if excavation is included, it can impact existing root systems. Conversely, if a basement and/or two-story design is not used, floor area is distributed over a larger footprint. Excavation may be shallower but more widespread and root systems may still be affected.

These objectives to preserve topography and trees therefore must be balanced and considered on a case-by-case basis. The preliminary site assessment should guide the basic form of the building. The location of trees and root systems on and near the site will determine whether it is most appropriate to use a compact building footprint and excavated living spaces or a broader footprint with minimal excavation. Overall, the ideal design will be one that accomplishes all of the City's design objectives, to respect natural contours, to reduce building mass and to protect trees.

Topography and slopes

3.1 Minimize construction on steep slopes.

- Construction on large contiguous areas of slopes that exceed 30% should be avoided when alternatives exist.
- Minimize the footprint of a building on steep slopes.



Preferred: This structure works with the natural contours of the site and avoids tree roots.

3.2 Minimize the extent of excavation and fill on a site.

- The site design should follow the natural contours of the site. Where construction is necessary on a steep slope, step the foundation and building forms to follow the contours or locate the long axis of a building to lie parallel with natural contours.

3.3 Minimize the visual impacts of retaining walls, garden walls and other foundation structures as seen from the public way or neighboring sites.

- Use a stepped building foundation that follows site contours.
- Avoid extensive areas of "cantilevered" floors especially above a cut area.
- Avoid the creation of tall, unused underfloor areas that add to building mass. The level of the finished floor above unused, underfloor spaces should not be higher than five feet above the ground at any point around the full perimeter of the building.

Minimize the visual impacts of retaining walls and other foundation structures as seen from the public way.

3.4 Avoid abrupt changes in grade on the site and between adjoining properties.

- A design that incorporates sloped, planted areas to create a smooth grade transition is preferred.
- Avoid a design that requires a tall retaining wall, terracing or revetments that will be visible from the public way when feasible. When such transitions are unavoidable, multiple landscaped terraces are preferred.

Site Drainage

3.5 Engineer the drainage pattern to retain water on site when feasible.

- Avoid directing new runoff onto adjacent properties, per Carmel Municipal Code Section 15.08.230.
- Maintain existing patterns of drainage between properties.
- Note that the City's engineering standards prohibit directing new drainage onto an adjacent property.
- Preserve natural open water courses.
- Design drainage systems to avoid erosion of hillsides.
- Consult early with Public Works Director and Building Official for sites with unusual drainage conditions.

The preliminary site assessment can be used to identify important open space features of the site and neighborhood that should be retained or enhanced.

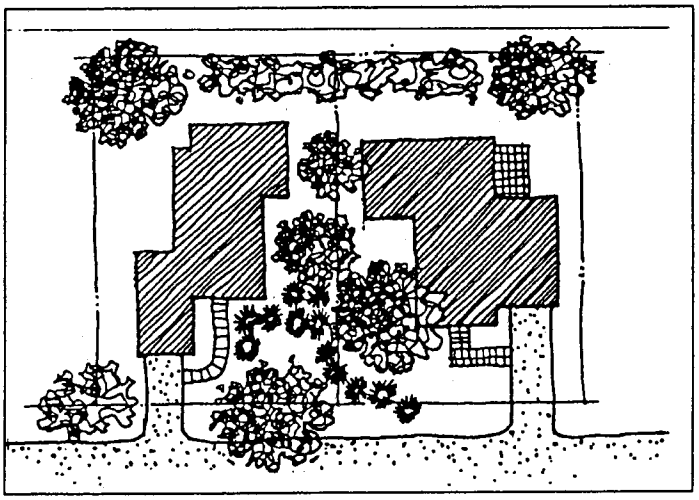
4.0 Open Space, Site Coverage and Setbacks

Open space should be coordinated with the design of structures on site and also with adjacent sites to enhance the parklike environment of the city. Open space should be distributed around a building to provide a visual separation from adjacent structures on abutting sites and avoid the appearance of crowding.

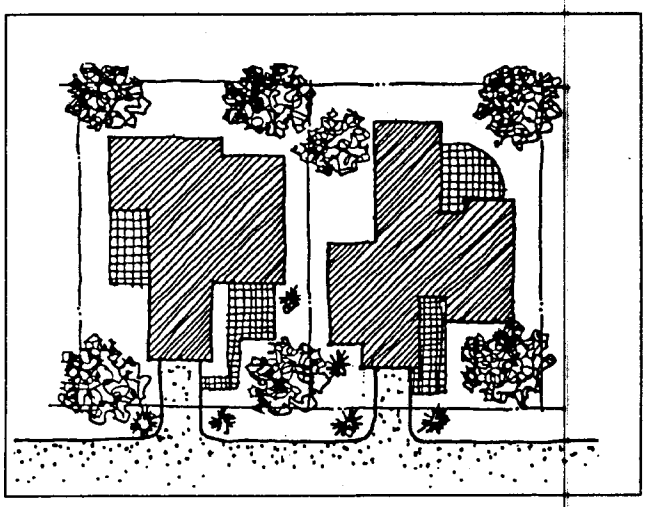
Landscaped open space can help enhance the urban forest, especially when coordinated with neighboring yards and roadside landscaping. Open space is a community resource and some front yard open space on each site should remain visible from the street to enhance the open character of the neighborhood at large.

Objectives:

- To promote preservation of open space as an amenity on individual properties
- To establish an open space setting for each building that is consistent with the neighborhood context
- To encourage coordinating open space with adjoining properties
- To encourage a visual flow of open space from each site into the right of way
- To maintain the "forest foreground" image along the front of a property
- To maintain a sense of discovery along the street by maintaining an informal roadway edge and diversity in front setbacks



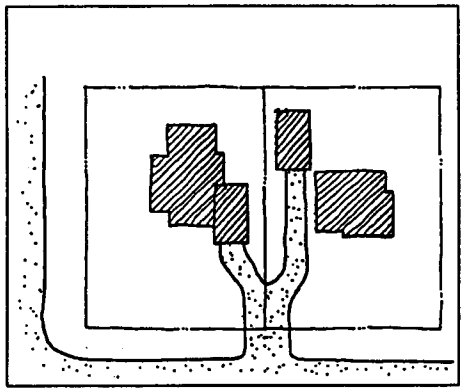
Preferred: Open space is organized to have a positive effect.



Discouraged: Open space is simply "left over" ground within required setbacks with limited positive effect.

4.1 A significant portion of each site should remain as landscaped open space.

- Minimize the amount of hard surfaces in order to maintain a sense of open space and provide space for planting.
- See the Land Use Code for a table which establishes maximum limits for site coverage.



Preferred: Combining driveways may help reduce site coverage.

Side Yards

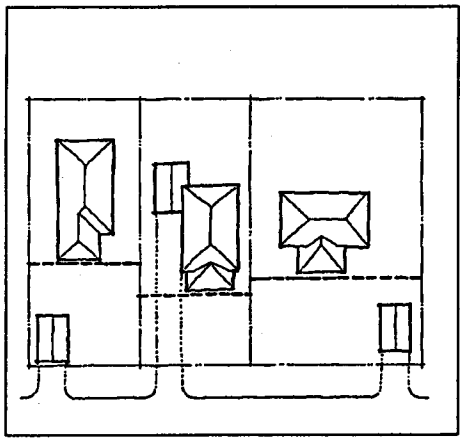
More open space should be provided along side yards when buildings on adjacent properties are located close to the joint property line. This is particularly important when two-story structures are involved. A design should avoid creating a "tunnel" or narrow corridor between buildings on adjacent sites.

4.2 Consider locating open space such that it visually links with that of adjacent properties.

- This will increase the apparent size of open space resources.
- Use linked open spaces to preserve or enhance forest resources.
- Minimize barriers such as fences, walls and accessory structures that split adjacent open spaces into smaller units as seen from the street.

4.3 Stagger front setbacks to frame outdoor spaces and provide variety in the arrangement of buildings and open spaces along the street.

- Stagger setbacks to protect significant trees.
- Avoid aligning a building front with those of adjacent properties, unless doing so would result in a visual aggregation of open space and save significant trees.



Preferred: Stagger front setbacks to frame outdoor spaces and provide variety in the arrangement of open spaces along the street.

4.4 Variety in side yard setbacks is encouraged.

- Stagger setbacks with respect to adjacent properties to avoid a "canyon effect."
- Consider how the side yard space may relate to that of the adjoining property to maximize the perception of open space.
- See the Land Use Code for minimum setbacks and related provisions for flexibility.

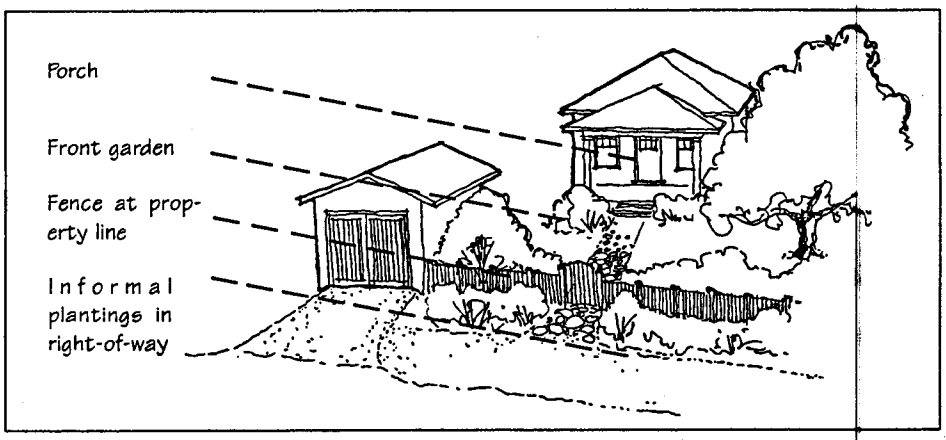
In some neighborhoods, the progression of spaces is layered and may include a right-of-way with informal plantings of native trees and undergrowth, a low fence or stone wall at the property line and a narrow walkway leading from the street through a front garden to a porch or stoop at a front or side entry.

Progression of Spaces

A progression of spaces exists from the street edge to the front of a building on many sites. This progression helps define the character of each neighborhood and should be reinforced in new projects. In some neighborhoods, this progression is quite simple, such as: street edge to open front yard to building entry. In other neighborhoods, the progression of spaces in layered and more complex and may include a right-of-way with informal plantings of native trees and undergrowth, a low fence or stone wall at the property line and a narrow walkway leading from the street through a front garden to a porch or stoop at a front or side entry.

4.5 Use a progression of spaces from the street edge to a building in the design of open space to reinforce neighborhood patterns.

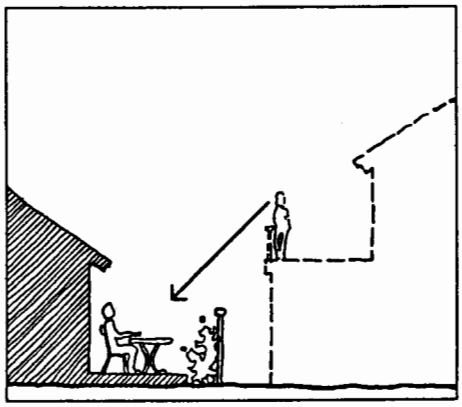
- Provide an informal, planted edge in the right-of-way to help a site blend in with neighboring properties.
- Consider using a fence, wall or hedge to define the front property line when this is characteristic of the neighborhood.
- A walkway from the property line to the house should be informal in appearance and if feasible, should be separate from any driveway paving.
- Preserve existing open space features (access, vegetation, etc.) if they provide an attractive character consistent with neighborhood patterns.



Preferred: Provide a progression of spaces, from informal right-of-way plantings to a front garden, to the building entry.

5.0 Privacy, Views, Light and Air

Neighborhoods originally developed at relatively low densities and the amount of planted open space was extensive. Most blocks evolved with a reasonable degree of privacy for individual houses. Retaining this sense of privacy, in spite of higher densities, remains an objective.



Discouraged: Overlooking active outdoor areas on adjacent properties.

Objectives:

- To maintain privacy of indoor and outdoor spaces in a neighborhood
- To balance and share view opportunities to natural features and landmarks

5.1 Organize functions on a site to preserve reasonable privacy for adjacent properties.

- Position a building to screen active areas of adjacent properties when feasible.
- Locate windows and balconies such that they avoid overlooking active indoor and outdoor use areas of adjacent properties.
- Preserve significant trees that will help to screen views into adjacent properties.
- Screen patios, terraces and service areas.

Policy P1-65
Consider the effect of proposed residential construction on the privacy, solar access and private views of neighbors when evaluating the design review applications. Avoid designs that are insensitive to the designs of neighboring buildings. Attempt to achieve an equitable balance of these design amenities among all properties affected by design review decisions.

All applicants are strongly encouraged to consult with neighbors early in the design process to learn their concerns and explain proposed projects.

Views, Light and Air

Views to natural features and landmarks are key features of Carmel's design traditions. Important views occur to the ocean, canyons, and along streets. Protecting views is an important community concern. This includes views from public ways as well as those through properties. Also note that the desire to maximize view opportunities from one's own property must be balanced with consideration of respecting views of others. The preliminary site analysis may help identify view opportunities as well as existing views enjoyed by others.

Designs also should preserve reasonable solar access to neighboring parcels. Designs should protect and preserve the light, air and open space of surrounding properties, when considered cumulatively with other buildings in the neighborhood. Incorporating tall or bulky building elements near the property line of an adjoining site should be avoided.

Remember that trees are part of the view and that views are often filtered or transitory because of the urban forest. City policy prohibits trimming trees for views.

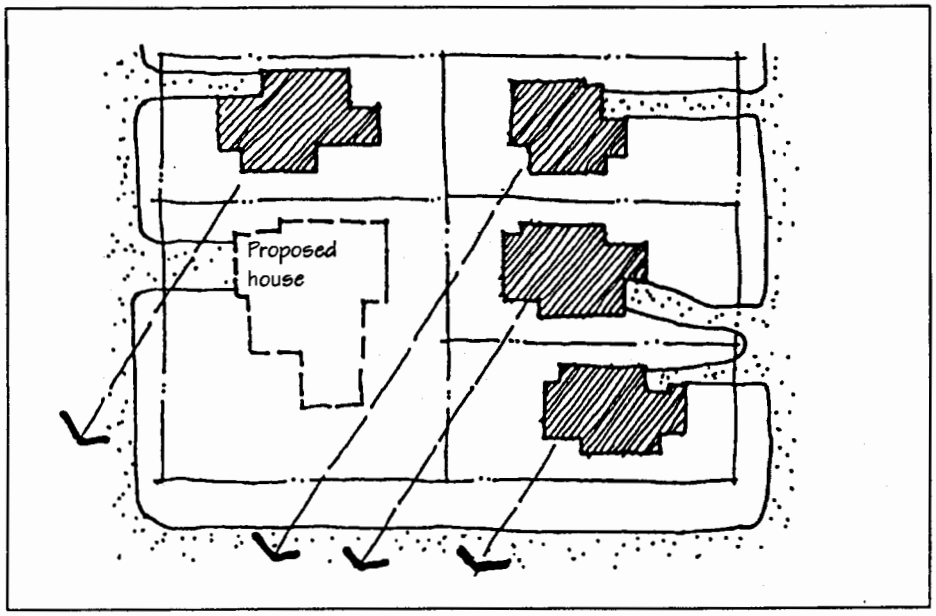
5.2 Maintain view opportunities to natural features that lie outside the property.

- Consider locating key building functions to make use of views.
- Also locate buildings so they will not substantially block views enjoyed by others.

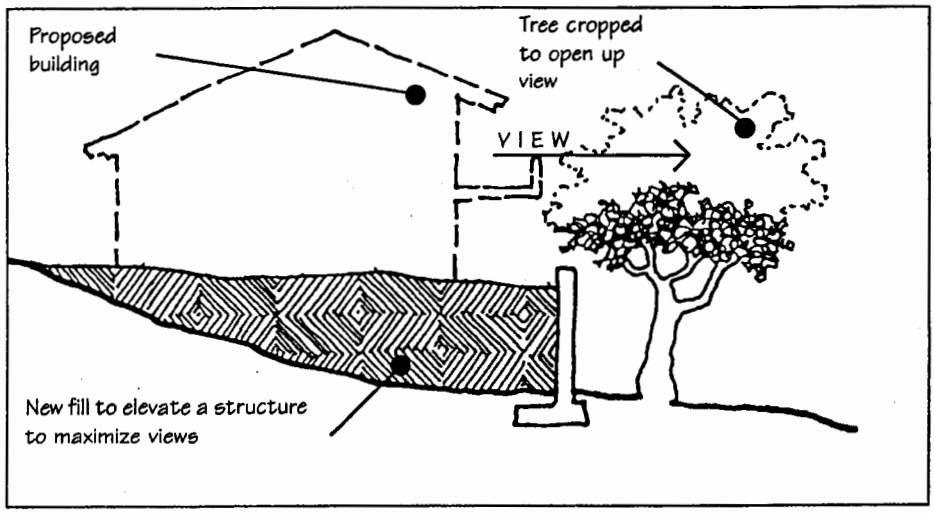
Maintain view opportunities from a site to natural features outside the property.

5.3 Maintain views through a property to natural features when feasible.

- Locate major building masses to maintain some views through the site from other properties.
- Consider keeping the mass of a building low in order to maintain views over the structure.
- Also consider using a compact building footprint to maintain views along the sides of a structure.

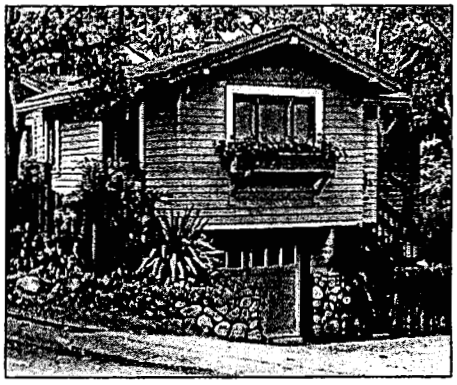


Preferred: A new building is sited to maintain views from existing houses.



Discouraged: Elevating a site to maximize views.

Facilities for parking should not dominate the design of the house or site as shown here.



In limited circumstances a garage may be located under a structure when the visual impacts will be minimized. This garage is clearly subordinate to the main building mass.

Consider using a carport for variety.

6.0 Parking and Access

Traditionally, parking was a subordinate element in Carmel's residential neighborhoods, both on an individual parcel and along the street in general. Today, providing access for an automobile on a site is often a necessity, and doing so is encouraged, as a means of reducing on-street parking pressures. Nonetheless, it should remain subordinate to the overall character of the site.

Usually a garage was a subordinate element in a site plan and often was detached from the house. The wide variety of garage positions contributed to the diversity of the street scene: Many were located at the front property line, while others were sited in the rear. In later years, the garage was often attached, but remained subordinate to the main mass of the house. These traditions of diversity and subordinate character should be continued.

In some cases, it appears that owners positioned their garages away from prominent views. In particular, they located them uphill, away from downhill views to the ocean. When locating a garage, consider view impacts, the relationship to open space on the lot, and the relationship to that of neighboring properties.

Objectives for this section:

- To minimize the visual impacts of cars on a site
- To minimize the extent of hard, impervious surfaces
- To avoid garage structures that dominate the site and building design

6.1 Facilities for parking should not dominate the design of the house or site.

- Garages that are subordinate design elements are encouraged.
- Garages that are not visible from the street are encouraged.
- Garages integrated into the building design are encouraged.
- Keep the mass of a garage subordinate to that of the house.
- On smaller lots, with a garage visible from the street, provide a single, one-car garage door.
- Avoid moving established driveways if trees or significant vegetation would be harmed.

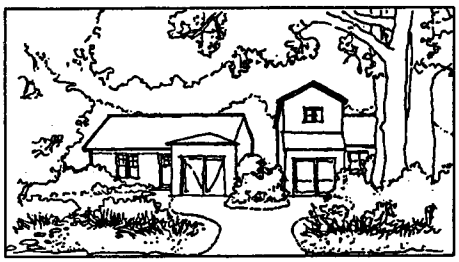
6.2 Parking facilities that maintain or enhance variety along the street edge are encouraged.

- Consider using a detached garage or carport.
- In some cases, parking facilities may be located in setbacks if this helps to achieve other design objectives.

Driveway paving

6.3 Minimize the amount of paved surface area of a driveway.

- In general, the width of a driveway should not exceed 9 feet.
- Also consider using paving strips, or "tire tracks," for a driveway. This is especially appropriate for a long drive that runs to the rear of a property.
- Except for corner sites with a "through driveway," only one curb cut and one driveway should be provided for a site. Sharing a driveway with an adjacent property is an alternative that also should be considered.
- Avoid large expanses of paving for vehicles visible from the street.



Consider using a shared driveway to minimize the amount of paving area.

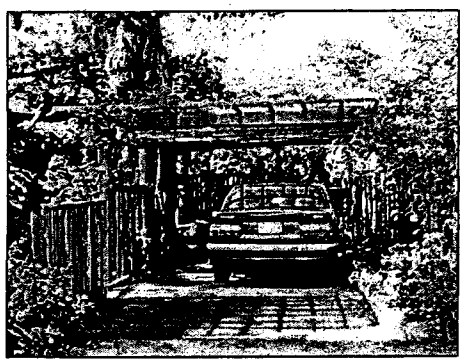
6.4 Separate a driveway from a front walkway to reduce the visual impacts of paved surfaces.

- Install plant materials to separate a walk from a driveway.

Garage location

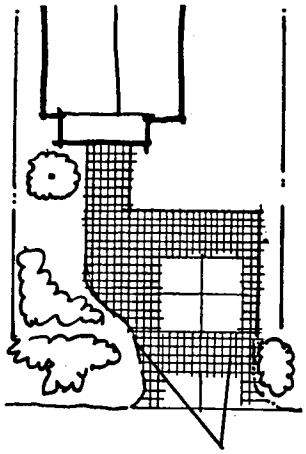
6.5 Position a garage to maximize opportunities for open space, views and privacy.

- Locate a garage to maintain larger contiguous areas of open space on a site.
- Locate a garage to screen activity areas on adjacent properties to enhance privacy.
- Locate a garage to maintain views through the property.



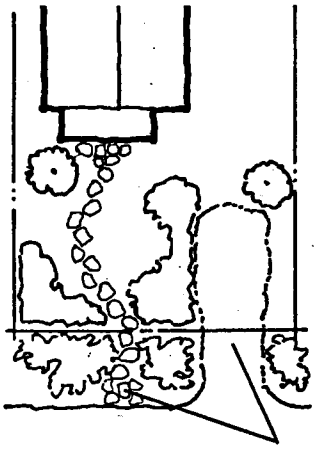
Position a garage (or carport) to maximize opportunities for open space, views and privacy.

Discouraged



A walkway and drive are combined, increasing the apparent size of paved area.

Preferred



The walkway and drive are separated, reducing the apparent amount of paved area.

Preferred: Locating a detached garage at the rear of the lot

Preferred: Orienting the garage door away from the street.

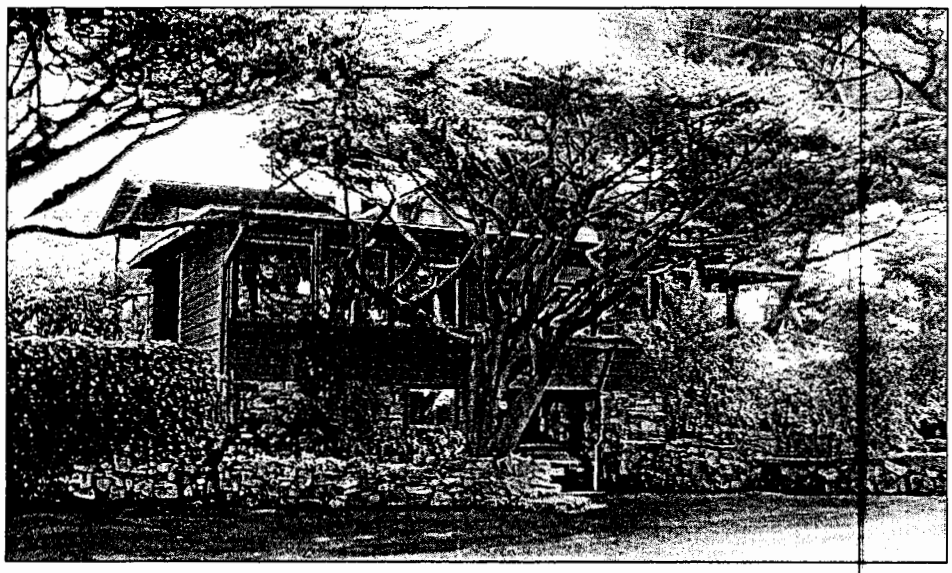
6.6 Locate a garage to minimize its visual impacts.

Three options should be considered:

1. Detached, at the rear of the lot.
2. Detached, in front, within the front setback is acceptable, when other design traditions objectives are met. This option should not be repeated to excess within a block.
3. Under the house, when other design tradition objectives are met. (See below.)

6.7 In limited circumstances a garage may be located under a structure when the visual impacts will be minimized.

- The garage door should not dominate the front of the house. A door perpendicular to the street is best in this condition, and...
- The driveway may not dominate the front garden and may not create a "ramp" effect or introduce tall or massive retaining walls. A sense of a front yard must be maintained.



When a garage is located under the house, the driveway should not create a ramp effect. The garage door also should not dominate the front.

Building Mass, Scale and Form

Most buildings in Carmel had simple forms and were relatively small in scale, particularly in relation to the size of their lots. A new building should appear similar in scale to those seen traditionally. Large complex structures and those with continuous, blank surfaces can appear massive and should be avoided.

Policy P1-63
Adopt design regulations that establish maximum limits on site coverage and floor area in order to preserve open space and avoid excessive mass and bulk. Establish provisions for less allowable coverage and floor area on sites constrained by environmental factors to preserve open space, vegetation, natural landforms and the character of surrounding neighborhoods.

7.0 Building Mass and Scale

A building should contribute to the character of the neighborhood and should not dominate the street or neighboring properties. Structures composed of a few smaller, simple elements, rather than a single large, continuous form, are encouraged. A large building mass can block views, interfere with the enjoyment of open space and restrict free passage of light and air. Therefore, a large, expansive building mass should be avoided.

Structures composed of a few smaller, simple elements, rather than a single large, continuous form, are encouraged.

Keeping the actual building mass in scale with those seen traditionally is the best approach. This can be achieved by building less than the allowed floor area, constructing some floor area below grade, avoiding excessive roof volume and keeping above-ground floor levels close to grade. Where a large building mass does occur, some relief should be provided by introducing just a few varied roof lines, offsets or smaller building elements. However, the result should remain simple in character and the overall composition should appear to be a set of discreet rectangular building masses, rather than a complex assemblage of varying planes around a single building mass.

Objectives:

- To maintain the massing and scale of building characteristic of Carmel
- To keep building scale in proportion to the area of the site
- To encourage diversity in housing design reflecting the eclectic mix of styles that is characteristic of Carmel

Building Mass

7.1 A building's mass should relate to the context of other homes nearby.

- Larger building masses should be divided into forms that are similar in scale to houses seen in the immediate neighborhood.
- Using a detached secondary structure (garage, guest house, etc.) is encouraged to reduce the overall mass of the primary building on a site.

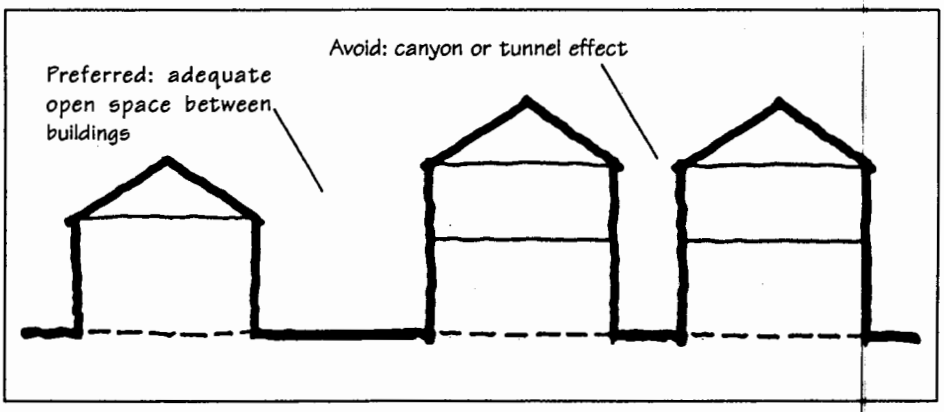
7.2 Minimize the mass of a building as seen from the public way or adjacent properties.

Consider these options:

- Build to less than the maximum floor area.
- Locate some floor area either fully or partially below grade.
- Avoid using tall volume spaces (e.g. high ceilings or steep pitches across wide spans) that increase the visual bulk of a building above grade.
- Avoid long, uninterrupted wall planes.

7.3 Avoid placing a tall building wall near a property line when it will be adjacent to similar walls on neighboring sites.

- Preserve open spaces and access to light between properties.
- Avoid the appearance of a narrow corridor or tunnel between buildings as seen from the street.



Discouraged: Avoid the appearance of a narrow corridor between buildings as seen from the street.

7.4 Avoid the creation of large, unused underfloor areas that increase building mass.

- On sloping lots, floor levels should be stepped to follow site grade.
- If floor levels cannot be stepped, larger underfloor spaces should be counted and used as part of the allowed floor area.

7.5 When locating floor area in a below grade or partially below grade space, minimize the visual impacts as seen from the public right of way and site disturbances.

- Locate any walkout area or terrace to the side or rear to reduce the building height as it will be perceived from the street. When this is not feasible provide screening with other building elements or landscaping.
- The use of exposed retaining walls should be minimized when developing a below-grade space.
- Impacts on tree roots also should be minimized.
- The visual impacts of window wells should be minimized.

A building should relate to a human scale in its forms, elements and in the detailing of doors, windows and walkways.

Building Scale

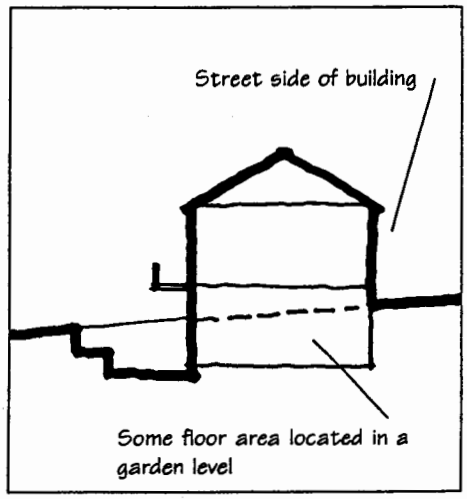
7.6 A building should relate to a human scale in its basic forms.

- Oversized elements make structures appear massive and should be avoided. Avoid a "grand entry" design, for example.
- Avoid design treatments that produce a top-heavy appearance such as large cantilevered building elements, roof forms that dominate the body of the building and wide chimney structures.
- Low, horizontal building forms that appear to hug the ground are encouraged.

Building Height

7.7 A building should appear to be no more than two stories in height, as viewed from the public right-of-way.

- Presenting a one-story height to the street is encouraged.
- Locate two story elements downhill, except where this would appear dominant or out of scale when viewed from the public right-of-way or a neighboring home.
- Using a low building plate height also is encouraged. The maximum plate height for the first floor of a building is 12 feet. (See the Land Use Code for details.) However, this maximum is established to accommodate sloping building sites. In cases where a building site is relatively flat, a lower plate height is appropriate. Interior wall heights should generally not exceed 8 feet.
- Locating some floor area below grade or reducing roof pitch are appropriate ways to reduce building height and mass.



Locating some floor area in a garden level is also encouraged as a means of reducing building height.

Traditional building forms were simple. This should be continued.

Preferred: A composition of simple building forms

8.0 Building Form

Traditional building forms were simple. Although variety exists in the composition of forms, they read as collections of simple solids. This should be continued.

Objectives:

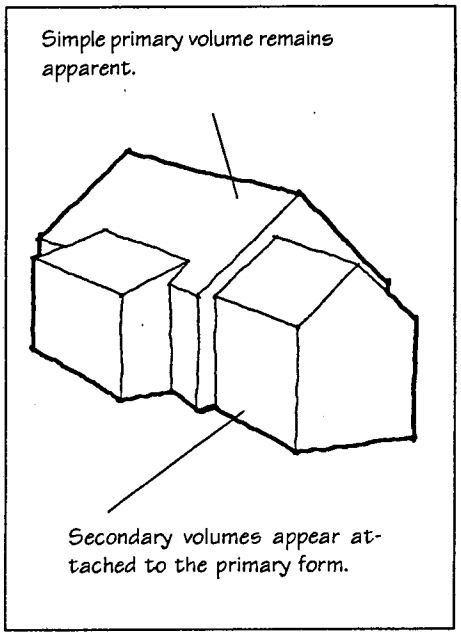
- To maintain the range of traditional building forms
- To promote simple building forms that fit with neighborhood context

Detail of Building Form

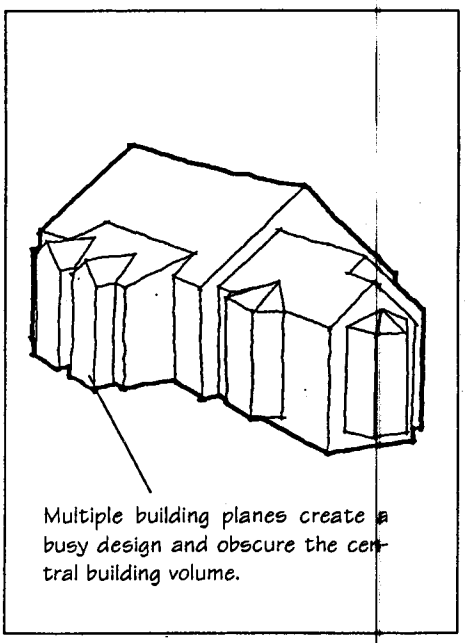
One may tend to think that providing extensive variety in building planes, roof planes and in architectural details will reduce the perceived scale of a building or help it to blend with the neighborhood. In fact, this can result in a facade that is overly "busy" and can attract attention, making the mass of the building more noticeable. This treatment is out of character and should be avoided.

8.1 A building form should appear similar to those seen traditionally.

- Building forms should be simple. Basic rectangles, L or U-shapes are typical. Avoid "busy" building forms.
- A form with a horizontal emphasis is preferred.
- Roof forms should be composed of just a few simple planes.



Preferred: Simple building form and a simple roof



Discouraged: Complex building form and multiple planes

8.2 Use restraint when introducing variation in building planes.

- Keep building walls simple in the extent of variation in wall and roof planes.
- Use building offsets to achieve specific purposes such as avoiding tree limbs or breaking the mass of a large building element.
- Avoid building forms that are complex, monumental, formal or out of scale with the neighborhood context.

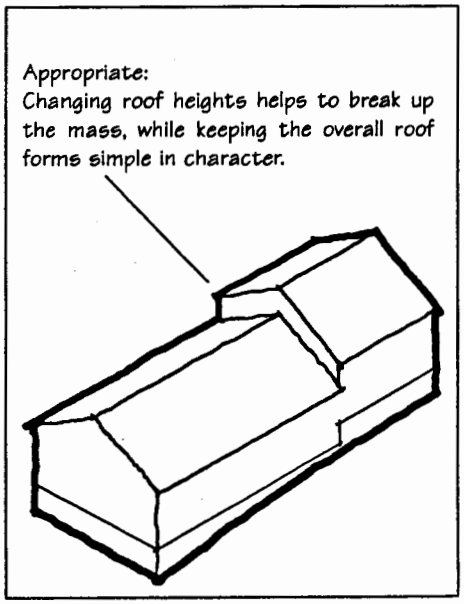
Simple primary roofs with subordinate attachments, such as dormers, are appropriate.

Roof Form

Varied roof forms are typical in a block and this tradition should be continued.

8.3 Use simple roof forms. Limit the number of subordinate attachments, such as dormers, to avoid a cluttered design.

- For example, basic gable and hip roofs are traditional and their use is encouraged.
- Flat roofs may be used to a limited extent on smaller, one-story structures. They should not be used on large buildings or two-story elements.
- Avoid complex roof forms that call attention to the design or add unnecessary detail.
- Mansard roofs typically add more mass than other forms and are discouraged. A sloping roof "skirt" that conceals a flat roof is particularly out of character. Similarly, a gable roof that is "clipped" at the top adds unnecessary complexity to a design and should be avoided.



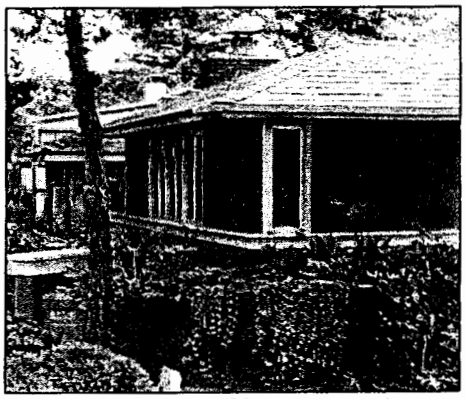
Preferred: A simple roof form is appropriate.

8.4 A roof form should be in proportion to the scale of the building.

- In general, moderately pitched roofs (4:12 to 6:12) are preferred.
- Shallow to moderately pitched roofs are appropriate on one story buildings. More steeply pitched roofs with low plate lines can be used on two story buildings.
- The wider the area a roof must span, the shallower the pitch should be to avoid excess height or flat roofed elements.

8.5 Roof eave lines should appear low in scale.

- Low plate heights that reduce the height of exposed walls are encouraged.
- Consider tucking second story rooms under the sloping sides of a roof form and keeping low eave heights. Light can be brought to such rooms using dormers or clerestories.



Roof eave lines should appear low in scale.

Special Thanks

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A very special thanks to all of those who participated in the series of public workshops which the city sponsored!

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Resources

Definitions of Key Terms

These definitions apply to the material presented throughout the City's Residential Design Ordinance and Design Guidelines.

Average grade is a horizontal line approximating the ground elevation through each building on a site, used solely for calculating the *exterior volume* of buildings. Average grade is calculated in four steps: (1) Plot the ground level perimeter of the building on a topographic map of the site using 1-foot contour intervals. Assign an elevation of zero for the lowest contour line that passes through the building. (2) Find each point where a contour line intersects an exterior building wall. Using a straight line through the building, connect each point to where the same contour line emerges from the building footprint, (3) for each line drawn in step #2 multiply its length by its elevation and then sum all results, (4) divide the sum from step #3 by the sum of all line lengths. The resulting elevation is extended as a horizontal line through the building. Average grade is calculated separately for each building.

A **basement** is an underground room or excavated space with at least 5-feet but not more than 9-feet of interior height, finished or unfinished, the exterior walls of which are exposed no more than 1 foot above *final exterior grade* and *existing grade* at any point. The finished floor of the story above a basement shall not be more than one foot above either grade. (Note: In calculating the floor area of a basement space it may be necessary to count part of a room or space as *basement* and part of a room or space as above-ground space. Room walls do not have to follow the lines formed by grades and these definitions.) Basement spaces may be used for any residential occupancy allowed by the Uniform Building Codes such as bathrooms, family rooms, hobby rooms, offices, mechanical equipment, storage, and, if equipped with window wells, for bedrooms.

Community Character is a sense of unity or belonging together that elements of the built environment exhibit because of similarities among them.

Context is the area surrounding a project site that helps define the community character which that site or building is a part of. In general, a building should visually relate to its surrounding context.

Design Guidelines are a community's policy about design. Design guidelines provide guidance to users contemplating a project in Carmel, by providing ideas and solutions to various design issues facing residential development.

Detached Garage is a completely freestanding structure, which is not attached to the house by any roof or wall element.

Design Review is the process of receiving comments on a project's design from an officially designated, and trained, review body. In Carmel, this review is conducted by the Design Review, the Planning Commission or the Planning Staff.

Existing Grade is the set of elevations representing the surface of the ground prior to commencing grading, filling or other site alterations for a project. On developed sites, as each topographic line passes beneath a building it shall be assumed to be a straight and level line for purposes of defining existing grade. *Existing grade* may also be referred to as *Natural Grade*. It is intended by this definition not to measure this grade from the floor of any excavated space within a building.

On developed sites previously excavated to create basements or other spaces partially below grade, an approximation of preexisting conditions may be substituted using grades on adjacent sites, retaining wall and prior survey maps for reference as long as the resulting project complies with all Design Guidelines and avoids the appearance of large exposed cuts and unnatural topography.

Exterior Volume is the total space occupied by all structures located above *average grade*. Exterior Volume is expressed in cubic feet and is measured from the exterior wall and roof surfaces of each building. Where the *average grade* line lies below a building the exterior walls of the building are projected down to average grade to calculate its volume. Portions of a building located below average grade are excluded from exterior volume. Exterior Volume includes all dwellings, guesthouses, subordinate units, garages, carports, gazebos, chimney structures, storage sheds, projecting windows and covered porches.

For that portion of any balcony or deck located more than 18" but less than five feet above existing or final grade, the space measured from the top of any rail or enclosing walls down to either grade shall count as exterior volume. For balconies and decks serving the second floor or located five feet or more above grade, the space measured from the floor or underside surface of the balcony or deck to the top of any rail or enclosing walls, counts as exterior volume.

Exterior Volume excludes the volumes in and under arbors, trellises and roof eaves. That portion of any deck or balcony located within 18" of grade is excluded from exterior volume. For building elements not addressed by this definition the Planning Commission shall determine whether an element counts as volume based on its perceived contribution to mass and bulk as seen from any neighboring site or from the street.

Final Exterior Grade is the elevations representing the surface of the ground at all parts of a site not occupied by a building upon project completion. This grade follows the actual soil surface around the buildings including all excavations and fills. Where final exterior grade intersects a building wall this term may also be called perimeter grade. Excluded from this definition are one or more window wells serving basement rooms, the combined area of which do not exceed 10% of the floor space in the total basement area.

Floor Area is the total gross square footage included within the surrounding exterior walls of all floors contained within all enclosed buildings on a building site. In above-ground spaces, floor area is measured at the exterior of the enclosing walls. In basement spaces, floor area is measured at the interior of the enclosing walls. Floor area shall include, but shall not be limited to, all floors of all enclosed spaces within all buildings, basements, mezzanines, guesthouses and studios. All required parking shall be counted as floor area whether supplied by garage, carport or other means.

1. Base Floor Area is the calculated floor area allowed on a site prior to consideration of *bonus floor area* and adjustments to floor area based on site constraints.

2. Bonus Floor Area is floor area located in a basement, in addition to the *base floor area*, granted to a site as an incentive to reduce above-ground mass and bulk.

Height is the vertical (plumb) distance from the appropriate grade to the design feature being measured. The appropriate grade to use depends on the design feature; some features are measured from *existing grade* while others are measured from *final exterior grade.*

Land Use Code is the official code of ordinances adopted by the Carmel City Council that regulates all matters relating to the design and construction of land improvements within city limits.

Mass, Building is the physical size and bulk of a structure—roughly the volume of space which a building occupies, above ground, on a site. Typically, the larger the building the greater its perceived mass is.

Open Space is any portion of a lot that is free of structures, paving or improvements other than landscaping.

Preservation is the act or process of applying measures to sustain the existing form, integrity and materials of a historic building or structure, and the existing form and vegetative cover of a site.

Scale, Building is the size and proportions of the structure and its design elements as they appear to the pedestrian.

Setbacks, Building are imaginary vertical planes applied to each building site beyond which building improvements may not encroach. These areas must remain as open space on a lot. The front yard setback in Carmel, for example, is fifteen feet on most lots.

Site Coverage is the total ground area of a site occupied by materials or improvements that cover the natural soil but which are outside the perimeter of structures that count as floor area. Site coverage includes:

1. Fully permeable materials including gravel, decomposed granite, spaced decking and exterior stairs. However, shredded bark, wood chips and similar materials used as mulch within fully landscaped areas shall not be counted as site coverage.

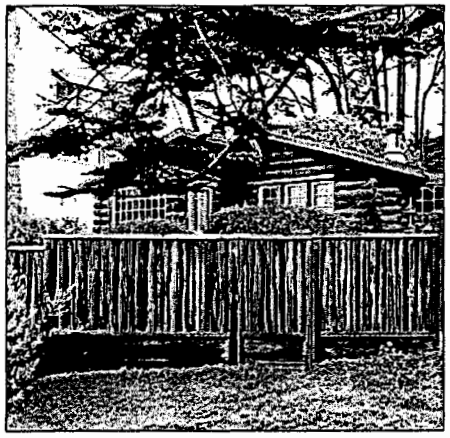
2. Semi-permeable materials including sand-set bricks or pavers, garden walkways of small paving stones, and arbors.

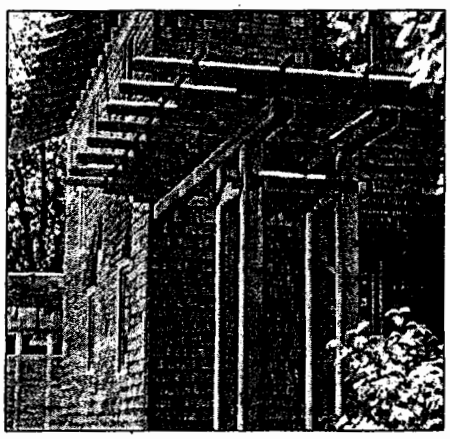
3. Impermeable materials including asphalt, concrete, mortared brick and stone, unspaced decking and balconies at any level, garden walls, solariums, bridges, sheds not counted as floor area, ponds, and swimming pools.

APPENDIX D: Residential Design Guidelines [illegible] Review

The Design Traditions of Carmel

RESIDENTIAL DESIGN GUIDELINES FINAL DETAILS REVIEW





Adopted by City Council May 1, 2001

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Appendix

A. Stonework Patterns

Guidelines for Final Details

This document contains guidelines for the review of final design details. They are to be used when a proposed project has achieved concept approval. These guidelines focus on more specific exterior details of design than are considered in the concept phase. By using appropriate architectural materials, details and finishes, the basic building masses approved at the concept phase are expressed and given character. The execution of design details can substantially affect the perceived character of a project, including its mass and scale and its design diversity and compatibility within the neighborhood context. Therefore, compliance with these guidelines is important.

The Design Detail guidelines seek to promote building that will be compatible with the design traditions of the community. At the same time, some variety in the details of construction is encouraged as a means of promoting diversity.

Guidelines for Final Details Review
This document contains:

Guidelines for Building Design
- Architectural style
- Restrained character
- Building scale
- Building additions
- Architectural details
- Building materials
- Windows & doors
- Skylights
- Chimneys
- Doors and entries
- Garages

Introduction to Landscape Design

Landscape Guidelines
- Plant selection
- Paving materials and design

Fences, Walls and Lighting
- Fences & walls along street frontages
- Garden walls
- Gates & arbors
- Lighting

Building Design - Final Details

Introduction to Building Design

This section addresses the details of building design, including selection of materials, and treatment of windows and doors.

The community has experienced a series of design trends during its development. These have included a few early Victorian cottages, many craftsman bungalows and a broad mix of other styles popular nationally. In addition, some building styles evolved here that are unique to the community, particularly the "story book" houses of Comstock. Underlying all these variations was a conscious intent of creating a village in a forest setting.

A craftsman cottage with shingle siding and low-pitch gable roof

The community has experienced a series of design trends during its development. Underlying all these variations was a conscious intent of creating a village in a forest setting.

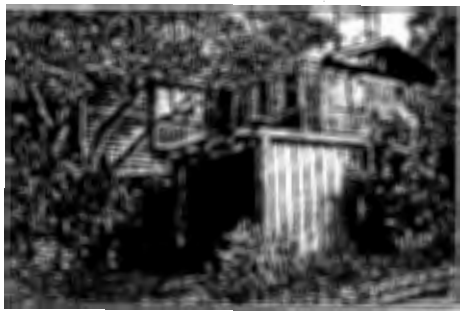
Early Building Types
Carmel's early residences varied in size, style, siting and the subordination of buildings to nature. Historically, homes were small, often no larger than one- or one and one half-stories. The construction method most often used was wood frame, although there were many homes constructed of rough cut stone. Occasionally, wood homes were set on high stone foundations. Wood siding treatments were either shingle, vertical board and batten or horizontal clapboards. Roofs were most often gabled and covered with wood-shingles. Many of these early structures would be considered vernacular rustic cabins, while others exhibited stylistic influences of turn-of-the-century houses around San Francisco.

The Arts and Crafts Movement
After 1905, the strongest influence on residential architecture in Carmel was the influx of artists and writers, especially those philosophically aligned with the Arts and Crafts Movement. As an expression of the philosophy of the movement, the Craftsman style became popular in Carmel from 1905 through the early 1920s. It was favored over other styles among the artistic, literary and academic residents because it encouraged individualism and creativity, while respecting the natural setting.

The architectural styles that followed were perhaps less influential than the Craftsman, although contributing to the city's character. Styles of the 1920s and 1930s included Tudor Revival, English Revival, French Revival, Spanish and Italian Revival, American Colonial Revival, Monterey Revival and the Pueblo Revival. Among the most

Historically, homes were small, often no larger than one- or one and one half-stories.

The construction method most often used was wood frame, although there were many homes constructed of rough cut stone.



Wood siding treatments were either shingle, vertical board and batten or horizontal clapboards.

noteworthy to Carmel in this period, however, was the design of "Storybook" cottages that drew upon references to "Cotswold houses."

By the end of the 1930s, much of the character known as "old Carmel" was established, both in terms of the landscape and the building stock. Infilling of parcels continued, however, with a number of "modern" houses appearing through the 1950s. These reflected themes along the coast—basic wood clad structures with picture windows and low-pitched roofs. Wood decks often extended living areas out into the forest.

During these decades of early development, individual expression was tempered with careful consideration for the setting and of the character of the community. The town that emerged therefore is a unique expression of a commitment to a special physical character as well as a distinct cultural pattern.

Some neighborhoods also exhibited distinct variations in architectural design. In the Old Mission Tract, for example, the Ranch and North Coastal styles are typical. Along Scenic, North Coastal houses blend with a variety of Modernist interpretations, along with other more traditional types.

Key principles of architectural design

At the Final Phase level of design consideration, three key principles underlie the guidelines:

1. Keep the design simple.
While variety in details is encouraged and visual interest is desired, this should be accomplished in a restrained manner, such that each building remains subordinate to the forest character.

2. Promote diversity of styles.
Within the basic framework of the design traditions, a range of architectural designs can occur. In fact, repetition of a single style in a block should be avoided.

3. Be consistent within an individual building.
While diversity is encouraged throughout the community as a whole, consistency in design throughout an individual building is very important. This is an essential ingredient of the design traditions of Carmel.

These three principles are fundamental to the Final Details Guidelines for Building Designs that follow and compliance with these key principles is a primary concern.

9.0 Guidelines for Building Design: Final Details

Architectural style

Diversity in building designs and architectural styles are key features of the design traditions in Carmel. Some of the earliest buildings reflected the regional influences of the San Francisco area, while others emerged with uniquely local flavor. Still others are examples of international trends in architecture. Nonetheless, most contributed to the character of the community by responding to the forest context and using craftsmanship in construction and detail. These traditions should be continued.

Policy P1-65
"...Avoid designs that are insensitive to the designs of neighboring buildings."

Many people think of the Comstock "story book" houses when they think of building traditions in the community. While these designs and English Tudor Revival styles were certainly contributors to the character of Carmel, they were not an official style of the city and were used on a relatively limited number of buildings. Excessive repetition of these styles (or any one style) would undermine the diversity of Carmel's neighborhoods. A more prevalent style was the Craftsman Cottage or Bungalow. Building in this tradition is still appropriate. Other common themes include Mission Revival, Monterey Colonial and a variety of other revival styles. However, architects and designers should not feel constrained to these styles. Adapting more contemporary design approaches to the size, massing, scale, materials and site relationships found in earlier designs is encouraged as a means of achieving compatibility with diversity.

Carmel's early residences varied in size, style, siting and the subordination of buildings to nature.

Objectives:

- To promote a diversity of architectural styles that are also compatible with the village-in-a-forest context
- To promote simplicity in building design
- To promote buildings that are in scale
- To continue the use of "natural" building materials

9.1 Diversity of architectural styles is encouraged.

- A new building should be different in style from buildings on nearby and abutting properties.
- A design that creates individual character while also maintaining compatibility with the character of the neighborhood, is encouraged.
- A design that incorporates innovation and the use of skilled workmanship is encouraged.

Architectural details contribute to character of the building and their use is encouraged.

The use of simple wood details that appear to be true structural elements is appropriate.

Appropriately sized dormers can be used to reduce scale and achieve a well-integrated design.

Simple and restrained character

9.2 Keep building forms, materials and details simple and visually restrained.

- Building forms, materials and details that contrast strongly within a single building or with neighboring buildings are discouraged.
- Design features that increase the visual prominence of the building should be avoided.
- Avoid visual complexity. Too many different materials or excessive details create a busy appearance and should be simplified.
- Avoid overly ornate details.

Building scale and design integrity

9.3 Building details should be used to provide interest and not exaggerate the scale of a building.

- Add details to relieve blank surfaces and achieve a scale compatible with the building's forms and its architecture.
- Appropriately sized chimneys, overhangs, windows, doors, dormers, porches, entries and decks can be used to reduce scale and achieve a well-integrated design. Making any of these elements oversized can exaggerate the building's scale and should be avoided.
- Avoid grand entryways, windows and doors that are out of proportion with the human form. Avoid ostentatious design treatments.

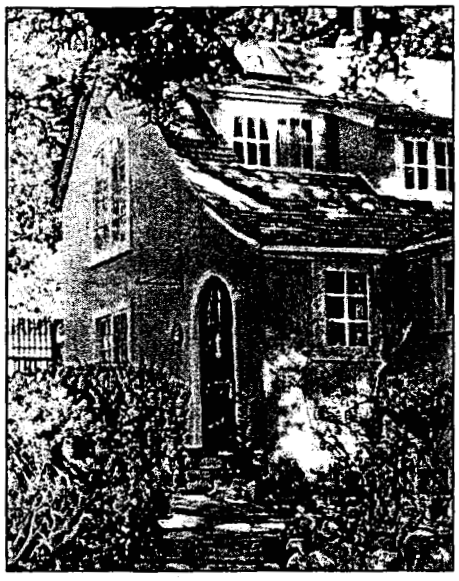
Architectural details

9.4 Architectural details should appear to be authentic, integral elements of the overall building design concept.

- Details that appear to be applied as superficial elements should be avoided.
- The use of simple wood and/or native stone details that are (or appear to be) true structural elements (such as exposed rafter tails, wood beams, stone foundations, etc.) are appropriate. Avoid details that appear inauthentic, non-structural or gratuitous to the basic architecture.
- When design details and surface materials are selected they should be used throughout the full exterior of the building to maintain consistency. Avoid the application of special materials or design treatments to just the street facade.

Building materials

Traditionally, "natural" materials were used when building in Carmel. The earliest structures were painted clapboard. Soon after, wood shingles and board and batten siding also appeared, in the spirit of the "craftsman" character that became popular in the area. While most wood siding had a painted finish, some buildings were stained. Other houses were built of stone and still later, a few were finished in stucco. Nonetheless, wood continued to be the dominant material, certainly for house siding and also for ornamentation and trim elements. This tradition of using natural materials like wood and stone should be continued.



Stucco may be considered as a building material.

9.5 Use "natural" building materials.

- Painted wood clapboard, stained or painted board and batten siding and shingles are preferred primary materials for exterior walls.
- Using native Carmel stone is also encouraged.
- Stucco, in conjunction with some natural materials, may be considered depending on neighborhood character but should not be repeated to excess within a block.
- Where a material is painted, a plain, uniform finish is preferred. Antique and faux finishes should be avoided.

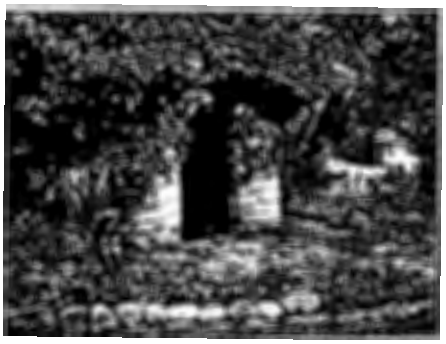
Wood shingles are among the preferred building materials.

9.6 Avoid the use of synthetic materials.

- The use of vinyl or aluminum siding, for example is discouraged. Products that simulate a wood grain on synthetic siding also are inappropriate.
- Some new materials may be considered only if they convey a scale and texture similar to that of traditional materials.
- Avoid mixing synthetic materials with natural materials in the same design.

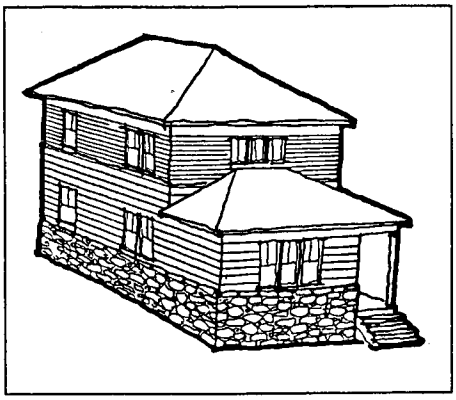
9.7 Provide variety in building materials along a block.

- When the houses to either side of a site are constructed of similar materials, use a different material, consistent with Carmel's design traditions, in order to achieve diversity in appearance.

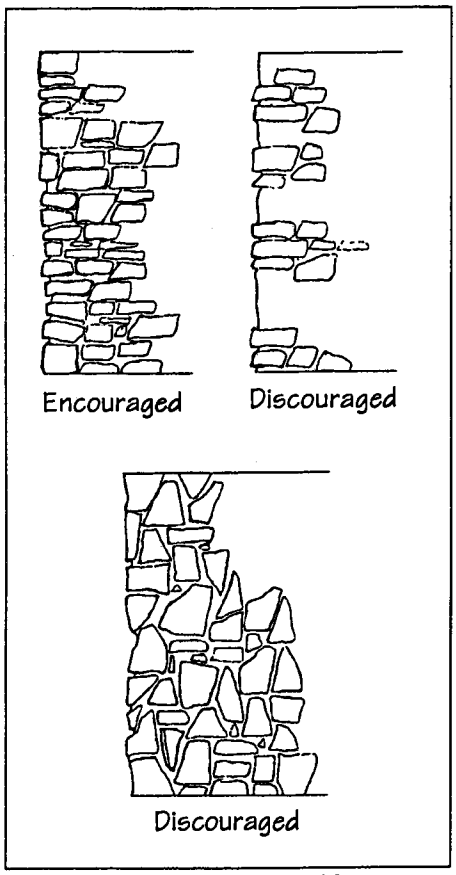


The use of Carmel stone is encouraged.

The use of wood siding is encouraged.



Preferred: Establishing a stone foundation and then wrapping the remainder of the building with wood lap siding are appropriate applications of native stone and wood.



The application of stone should appear structural and authentic.

9.8 Roof materials should be consistent with the architectural style of the building and with the context of the neighborhood.

- Wood shingles and shakes are preferred materials for most types of architecture typical of Carmel (i.e., Arts and Crafts, English Revival and Tudor Revival).
- Clay tile, slate and concrete tile may be considered appropriate on some structures (i.e., Spanish and Italian Revival, Monterey Colonial, French Revival, etc.).
- Composition shingles that convey a color and texture similar to that of wood shingles may be considered on some architectural styles characteristic of more recent eras.
- Metal, plastic and glass roofs are inappropriate in all neighborhoods.

Stonework

Stone is a traditional building material used throughout the City. When used carefully it can add interesting contrasts, texture and solidity to a design. Applicants intending to use stonework must provide a proposed lay-up pattern and specify the type of stone proposed. For examples and additional information on stonework, refer to Appendix A. The following guidelines apply to stonework:

9.9 Keep stonework designs simple and traditional in character.

- The use of a single type of stone is encouraged to maintain simplicity and authenticity. Using multiple types of stone, or combinations of stone and other masonry within a single project is discouraged.
- Use natural stone. Imitation stone is strongly discouraged.

9.10 The application of stone should appear structural and authentic. A gratuitous or purely decorative appearance should be avoided.

- The use of stone on the full exterior of individual building elements is encouraged. The use of stone on just one elevation, the street facade for example, is discouraged.
- The application of stone around only windows or doors as ornamentation is discouraged.
- The random placement of individual stones or clusters of stones on building elements such as foundations or chimneys is discouraged.

Windows & Doors

A variety of window types appears throughout the community. Rectangular, vertically proportioned, double-hung windows appear on many buildings and predominate. However, examples of horizontally proportioned windows exist. For example, larger picture windows often look onto important views. Sometimes, a larger window area is created by pairing smaller windows.

By far, wood frame windows are the most typical, but metal windows also are found, especially on some styles that reflect Modernist influences.

Specialty windows

Over the years, bay and oriel windows have been used to provide visual interest on facades and to reduce the apparent mass of structures. They particularly became popular with the introduction of the Comstock "story book" buildings. However, they were used with restraint on any single structure.

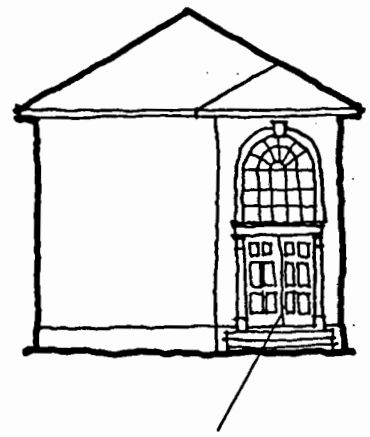
The use of bay, oriel and other projecting windows should be considered when the building style would have traditionally included such features. They are encouraged when they would break up the line of an otherwise long, unrelieved wall. They are discouraged when overused (along the street or within a single design) or when they would create added mass, bulk or complexity on an otherwise interesting and attractive facade.

Doors

When it is oriented to the street, the front door helps to establish a sense of connection with the neighborhood. Traditionally, doorways were of a standard dimension that fit the human form and scale. This tradition should be continued.

9.11 Window styles and materials should be consistent with the architecture of the building. Window styles and materials should be uniform throughout a building.

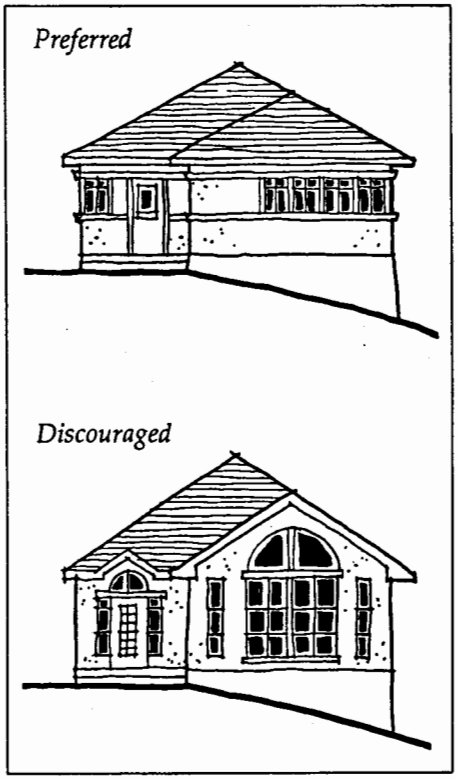
- Divided light windows are encouraged. Divided light windows should appear to be true divided light, including use of internal and external mullion and muntin bars on insulated windows. Removable or "snap-in", or internal-only mullion and muntin bars, are unacceptable.
- Materials other than authentic, unclad wood are appropriate only when it can be demonstrated that the proposed material is more appropriate to the architecture.
- High gloss finishes should be avoided.
- Fenestration on historic buildings should retain the historic integrity of the resource. When feasible, original windows should be restored rather than replaced.



These large double-doors and arched entry light are out of scale with traditional designs.

The use of a grand doorway and picture windows on street-facing elevations is discouraged.

Vertically proportioned, double-hung windows appear on many buildings.



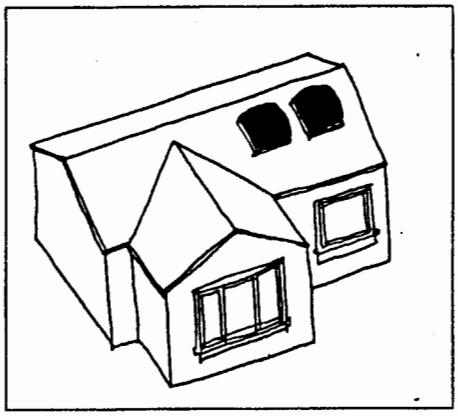
Fenestration should not overwhelm the architecture. Where views are desired, architectural styles which accommodate wider window configurations should be considered.

9.12 Locate and size windows and doors to achieve a human scale while avoiding mass and privacy impacts.

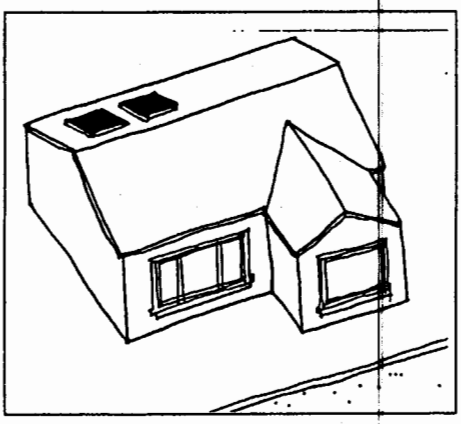
- The use of a grand entry, oversized entry door or large picture window facing the street is discouraged. These convey a scale inappropriate to Carmel.
- Avoid positioning a large window (greater than 12 sq. ft.) along a side wall that would impact the privacy of an adjacent neighbor.
- Provide windows on walls facing the street to help convey a human scale, add visual interest and avoid unrelieved building mass.
- Limit the use of specialty windows that add to building bulk. Generally, only one bay or oriel window should be visible from the street. Bay and oriel windows facing the street should be avoided if their use would create a repeating pattern within the context of adjacent structures to both sides of the site.

Skylights

Skylights have appeared over the years in Carmel as a relatively modern design element. Since they are not part of the City's design traditions and they often conflict with the authenticity of popular architectural styles, they can appear out of place. When used, they should be subordinate to the overall roof form and character. A skylight can have significant impacts on the appearance of a property as seen from the street and also can create privacy or glare impacts.



Discouraged: The location of skylights on the front of the roof is discouraged.



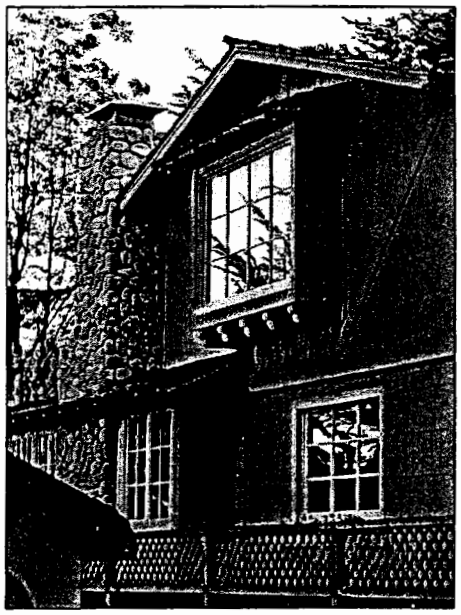
Preferred: Minimize the visual impacts of a skylight by locating the skylights on the back of the roof.

9.13 When a skylight is to be used, it should blend with the overall building design and its visual impacts should be minimized. Skylights may be appropriate when:

- interior spaces have no access to exterior windows or such windows have limited access to light
- windows would cause greater impacts to adjoining homes
- the skylight design is compatible with the architecture
- the size of the skylight is appropriate to the lighting task

9.14 Skylights should not be visually prominent from the street or from neighboring windows.

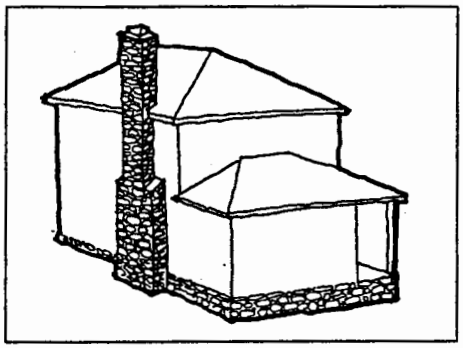
- The size, placement, number and design of skylights should be an integral part of the building design. Skylight placement or size that appears random from the exterior and that detracts from architectural integrity should be avoided.
- Skylights should be framed in colors that match adjoining roof surfaces. High profile, domed or pyramidal covers are inappropriate.
- Skylights that will produce glare or light pollution visible to neighbors or the public should be mitigated.



Preferred: This chimney appears integrated into the overall building design.

Chimneys

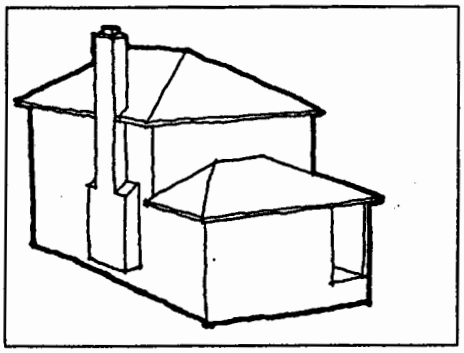
Chimneys are a part of the design traditions of the community and they appear in a variety of styles, shapes and materials. While they are not used as extensively in new buildings as in the past, a chimney can add visual interest to a building and help to reduce the perceived scale of a roof line. When one is included, it is important that the form and materials be integrated into the overall building composition. In general, a building should have no more than two chimneys, especially on a small lot.



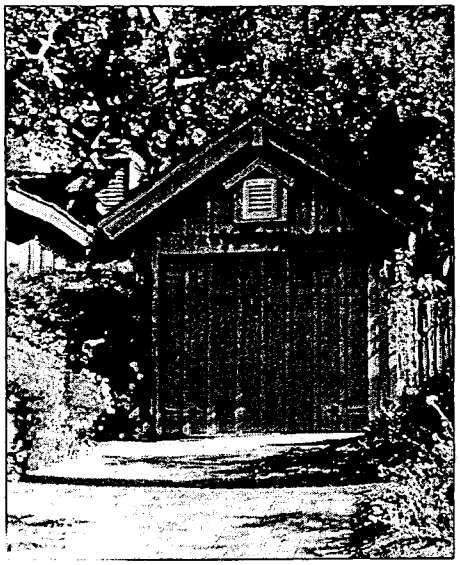
Preferred: A chimney should be integrated into the overall building design. This masonry chimney appears to rise from the foundation.

9.15 A chimney should be integrated into the overall building design.

- A chimney that penetrates through a roof is preferred.
- A chimney that is attached to the side of a building should appear to have a direct means of support. A chimney that appears to "float" above the building foundation is atypical and is discouraged.
- Avoid projecting a tall, freestanding chimney at the lower point of a roof. Doing so emphasizes the mass of the chimney and can appear awkward.
- Avoid placing a chimney directly opposite a neighboring window without also providing a greater setback to reduce mass and scale impacts.
- Avoid blocking views with chimneys by using narrow profiles, appropriate placement or minimalist flues.



Discouraged: This chimney appears to "float" above the foundation.



Preferred: This overhead door matches the board and batten siding of the garage itself.

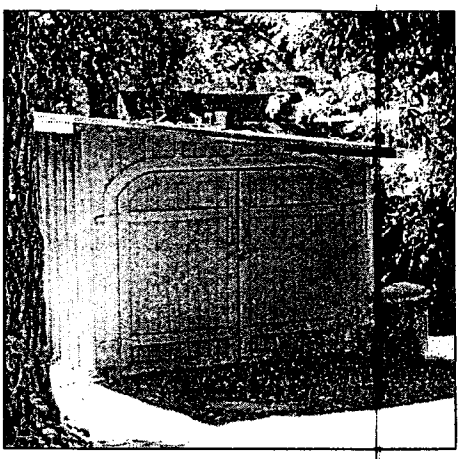
Garages

A garage should be detailed such that it will appear as a subordinate element on the site.

9.16 A garage door should be designed either to provide visual interest or to blend with the background materials of the building.

- Design the garage door to blend with the building wall or orient the door so as not to face the street.
- A standard overhead garage door, with contrasting color and materials, should be avoided.

Preferred: This garage door blends with the house siding.



Design the garage door to blend with the building wall or orient the door so as not to face the street.

A note about colors:
Traditionally, builders used muted colors in Carmel. In many cases, the natural earth tones of stone and the dark tans of stained siding dominated a site. Even when buildings were painted, muted earth tones were used to help blend with the forest. This tradition should be continued.

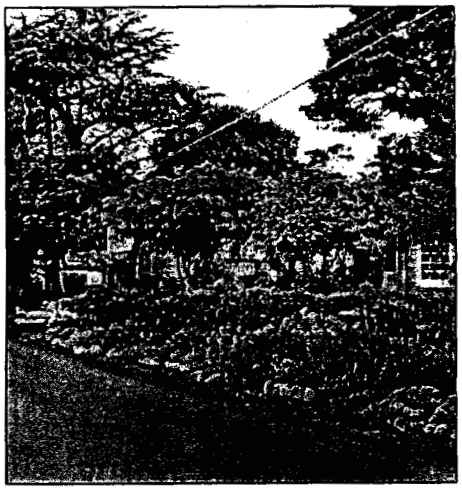
Occasionally, a brighter color scheme appeared, particularly on some Mission Revival styles. However, these typically were located on large lots where extensive planting filtered the view and muted the overall impact. When bright colors are now used in more densely developed conditions, the impacts can be much greater than in the past. Therefore, muted color schemes are preferred.

Muted earth tones should be dominant elements of a building's color palette. Limit the use of bright colors. If they are to be used, reserve their application to key accent features, such as an entry door. Pastel colors may be appropriate for some building styles, such as Mission Revival. Even in these cases, however, a subdued color scheme is preferred.

Landscape Design - Final Details Phase

Introduction to Landscape Design

The traditional forest landscape is one of the most important features of the community. While each individual site has unique features, residents have consistently relied upon a simple palette of materials that have contributed to the City's forest character. The basic framework of the landscape consists of the plentiful stands of cypress, pine and oaks. Lower scale plants, including smaller trees, shrubs and flowers as well as steps, walls, and fences complete the landscape and are addressed in this section.



Fences, gates and low scale plantings combine with upper canopy trees to create the traditional landscape character of Carmel.

The dominant materials of the traditional planting palette are simple and limited. Leafy, low-growing species that are easy to maintain and relatively drought-tolerant should predominate.

High maintenance plants should be limited to active areas, such as courtyards and patios. These places are relatively private, either in the rear, to the side, screened by a garage, or if in the front, set well back from the street. This approach will reinforce the natural forest character of the City and knit the site design into the neighborhood context.

Within this overall landscape, individual details can serve as accents that provide interest while remaining subordinate to the neighborhood character. In fact, personal landscape designs are one of the most successful means of expressing creativity and individuality while remaining consistent with the basic forest image. Creative details on fence posts, in walkways and plant beds for example, appear throughout the community, giving unique identities to individual properties. This tradition should continue.

Details on fence posts contribute to the unique character of Carmel and using them is encouraged.

Policy P1-64
Establish landscaping standards to preserve the urban forest, and encourage gardens using native vegetation to maintain the natural character of open spaces in the residential areas.

Filtered views of homes from the street through trees and shrubs into a property are also a part of Carmel's landscape tradition. This is achieved by a combination of landscape elements, including multi-stem trees such as live oaks planted in the foreground, as well as open fences and leafy shrubbery.

Exceptions to this strongly forested and filtered landscape do exist in some neighborhoods. For example, in some annexed neighborhoods the front yards are more formal and fewer trees exist. Larger plant massings often occur on properties here and evergreen shrubbery predominates.

To some extent , the landscape tradition also is different along portions of Scenic Road where small yards sometimes limit landscape arrangements, especially in front yards. In many cases, these sites have more lush landscaping right up to the street edge and, because views to the ocean are so important, there is less of a "filtering" through layers of plant materials.

These variations in the context of neighborhood landscape features should be documented on the preliminary site assessment and should be respected when preparing new designs.

Landscaping that creates a simple and natural design, blending with the urban forest and the public right-of-way is encouraged. Often, a site may already have well established plants and trees that achieve this result. Protecting these existing landscape resources during construction can give a project a settled, mature look immediately upon completion and is encouraged. This is most useful for parts of a site that are visible from the street.

Houses should appear nestled in the trees. Overall, the landscape should have an informal character, emphasizing foliage over flowers. Front yards should be informal gardens, rather than the traditional grass lawns seen in many other communities. These design traditions should be continued.

Open leafy shrubs provide filtered views of homes from the street.

10.0 Landscape Guidelines

Views of buildings that are filtered from the street because of the mix of shrubs and lower story trees are encouraged. This contributes to the "sense of discovery" that is a part of the Carmel design traditions and should be continued. In addition, other landscape elements should contribute to the urban forest image.

Objectives:

- To renew the urban forest
- To maintain the traditional foreground of simple, indigenous plantings
- To maintain a sense of informality and discovery along the street
- To maintain the traditional palette of plant materials
- To conserve water
- To reinforce a sense of visual continuity along the street

10.1 Provide for upper and lower canopy trees when designing the landscape.

- Provide adequate space around all trees required to be planted or preserved through the Design Concept Phase approvals.
- Add trees, consistent with the neighborhood context, to the site and public right-of-way when additional filtering or screening is desired.
- Trees that arch over the street contribute strongly to the character of some neighborhoods and should be preserved and supplemented where this character exists.
- Recognize and plan for the special needs of each tree when designing the landscape. For example, high water use plants are appropriate near redwoods but inappropriate near oaks. Grades around established trees should not be raised or lowered.

Ground covers are preferred in the right-of-way. Multi-stem trees also help filter views.

Plant Selection

10.2 Landscape plans that use native plants and other varieties accustomed to growing along the Central Coast are encouraged.

- Use plants that are similar in character to those established along the block and adjoining properties in order to reinforce a sense of visual continuity along the street, but avoid "copying" nearby landscape plans.
- In general, at least 75% of plant materials on a site should be drought-tolerant. (See section 17.24.180.D&E of the Municipal code.)

Green leafy ground covers are appropriate in the public right-of-way.

Flowering plants may be used to highlight a walkway.

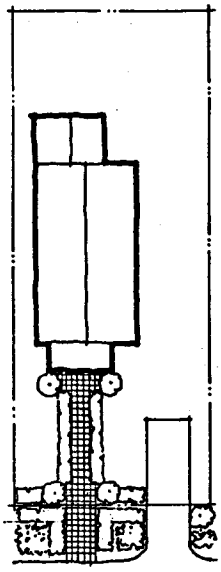
10.3 Planting in areas visible from the street or other public places should continue the forest character.

- Locate plants in relaxed, informal arrangements that are consistent with the urban forest character.
- Avoid formal, unnatural arrangements of plants and paving except in areas out of public view.
- Reserve the use of bedding plants and exotic flowering plants to small accents at walkways, entries or near special site features.
- Lawns visible from the street are inappropriate to the forest setting and should be avoided.

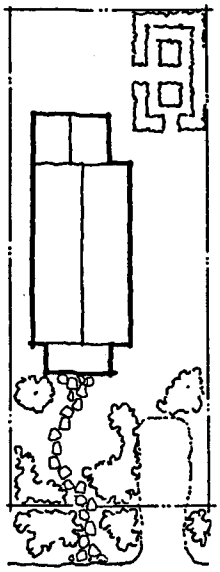
Landscaping in the public right-of-way

10.4 Plants in the public right-of-way should be predominantly green foliage plants, in keeping with the design traditions of Carmel.

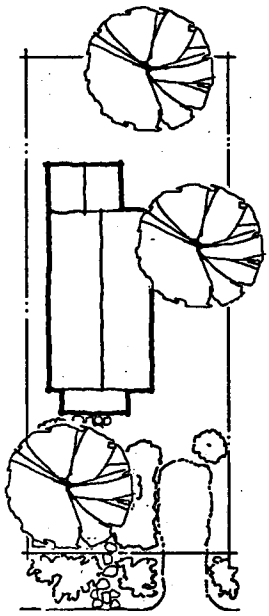
- Leaving the right-of-way natural is encouraged.
- Naturalized landscaping consistent with the City's forest character may be added to the right-of-way and be designed to blend into landscaping on site to enhance the sense of open space.
- If planted, the use of native trees, ground covers and low shrubs is preferred.
- Avoid the use of bedding plants and exotic species in the public right-of-way.



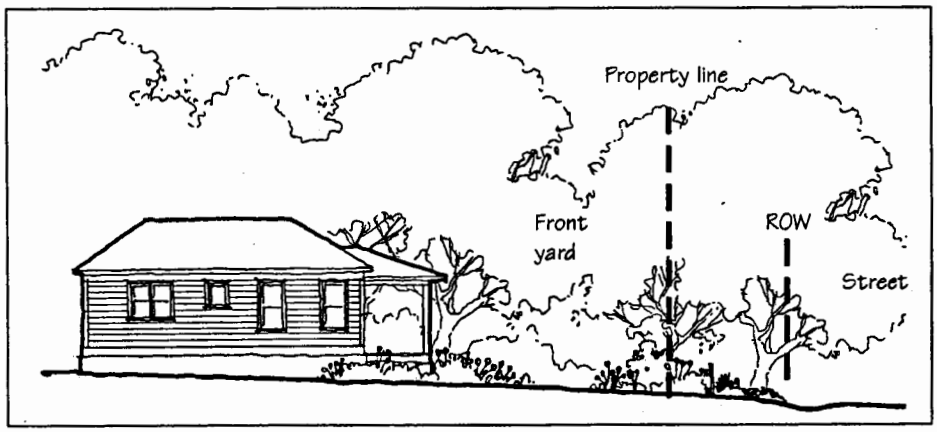
A formal landscape arrangement in front is inappropriate.



A informal landscape arrangement in the front yard is appropriate. The rear yard of the property has more flexibility when designing your landscape.



An informal landscape arrangement throughout the yard is encouraged.



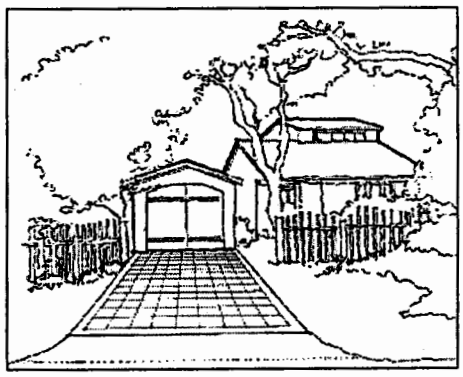
Plantings in the front yard should continue the forest image.

Porous materials such as gravel, packed earth and sand-set pavers are preferred for driveways. However, the use of gravel or other "displaceable materials' between the property line and the paved street edge is prohibited.

Paving Materials and Design

10.5 For driveways, patios and walkways, select paving materials that convey the colors and textures of native materials and that will reduce runoff.

- The use of Carmel stone, brick, decomposed granite and earth-toned pavers, for example, are appropriate.
- Using a "sand-set" instead of "mortar-set" for paving materials allows for percolation of rain into the soil and is encouraged.
- Avoid using "turf block" and grey concrete.
- Paving designs and materials uncharacteristic of a village in a forest are discouraged.
- Gravel and other easily-displaced materials are inappropriate in the public right-of-way but may be used on private property (M.C. 12.24.020.B).



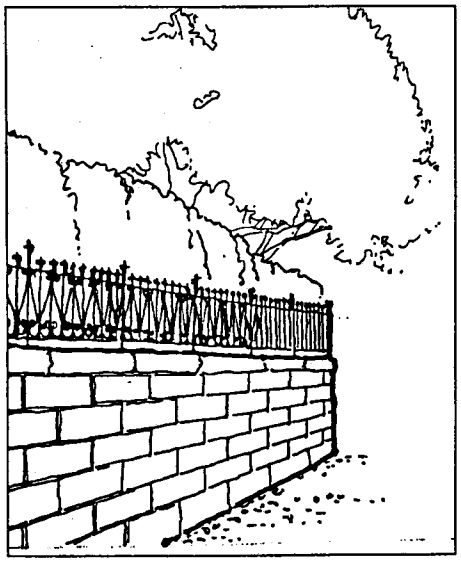
Scored concrete and turf block are inappropriate as driveway surface materials and should be avoided.

10.6 Design paved areas to be small, informal and intimate.

- Avoid large, continuous areas of paving that are uncharacteristic of the forest and landscaped setting.
- Separating the walkway from the driveway can keep the paved area from appearing wide and expansive.
- Add landscaping at grade or in containers to soften the appearance of paved areas.
- Avoid formal or urban paving treatments such as grass-crete or wide areas of asphalt or concrete.

10.7 Use paving materials that will minimize impacts on tree root systems.

- Using porous paving materials that permit percolation of water and aeration in soils is encouraged.



In general, locating a site wall along a public way is discouraged. Ornate fences on top of masonry walls, such as this one, are also discouraged.

11.0 Fences, Walls and Lighting

Fences and walls visible from the street may be appropriate when used as landscape design elements that help define property edges, gardens and entrances. Fences and walls that exhibit craftsmanship and interesting design are preferred. Not every site needs a fence or wall along the street. Fences and walls should be low and should not block views of front yard open space from the public way nor contribute to a "walled-off" appearance along the street edge.

Objectives:

- To promote landscape designs that blend with the forest setting
- To accommodate compatible designs for fences and walls
- To minimize the visual impacts of lighting in the nighttime sky

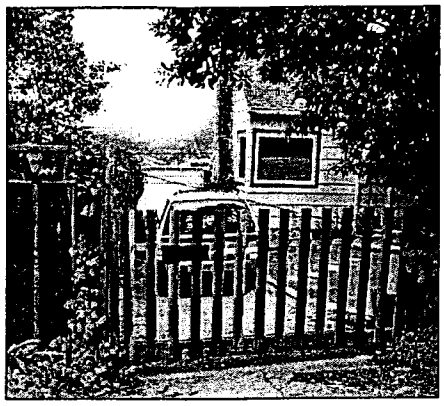
Fences and Walls along Street Frontages

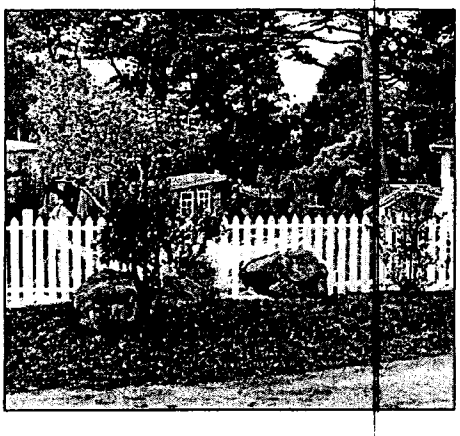
11.1 Designing without a fence or wall along the street frontage(s) should be considered first.

- Blending on-site landscaping with landscaping in the right-of-way can make open spaces appear larger and improve the site's contribution to the urban forest.
- Where a sense of enclosure or privacy is desired shrubs, hedges or other vegetation are encouraged instead of fence or wall structures.

11.2 Respect the neighborhood context when designing a fence or wall.

- Fences and walls should convey a simple, hand-crafted design.
- The use of grapestakes or wood pickets for fences is traditional in most neighborhoods.
- The use of river rock, Carmel stone, brick or plastered masonry for short walls is traditional in most neighborhoods.
- Ornate, "Victorian" wrought iron and chain link fences are inappropriate.





Appropriate hand crafted fences

11.3 When designing a fence or wall along a street, preserve the open space resources of the immediate neighborhood.

- Continue the pattern of fences, walls and landscaping on other properties nearby and respect any existing patterns on nearby properties (height, materials, vegetation, visibility into the site).
- Keep a sense of openness into the site as seen from the street. Fences and walls along street frontages should be kept low and should not impede visibility for motorists at street intersections.
- Fences and gates should have open, transparent qualities, such as open pickets, that permit filtered views into the front garden.

Each individual wall should not exceed four feet in height. Terrace or step walls on steeper slopes and locate plantings in front of each terrace when feasible.

Garden Walls

Within the interior of a property, walls may be used to define garden areas and patios. When used as retaining walls they also are a common way to terrace a slope. Garden walls should complement the architecture and open space design by using consistent materials and remaining low in height.

11.4 A garden wall should be low in scale.

- Terrace or step a taller wall to avoid mass and scale impacts. The wall for each terrace may not exceed four feet from grade.
- A person should be able to see over any wall that faces the street.

11.5 A garden wall should have a matte, masonry finish.

- Native stone is the preferred material to blend with the forest setting.
- A plain-textured plaster wall may be appropriate if kept low in scale and when consistent with the building architecture.
- Unfinished grey concrete and concrete block are inappropriate.

Gates and Arbors

When a fence or low wall is used at the street frontage, the entry is often marked by a gate or arbor. These features should be small and intimate in their proportions and should be an integral part of the overall landscape design. Gates should reflect a hand-crafted design. Fences, gates and arbors provide an opportunity to include unique details that provide interest along the street. Creative design approaches are encouraged if they are subtle and well integrated with the site.

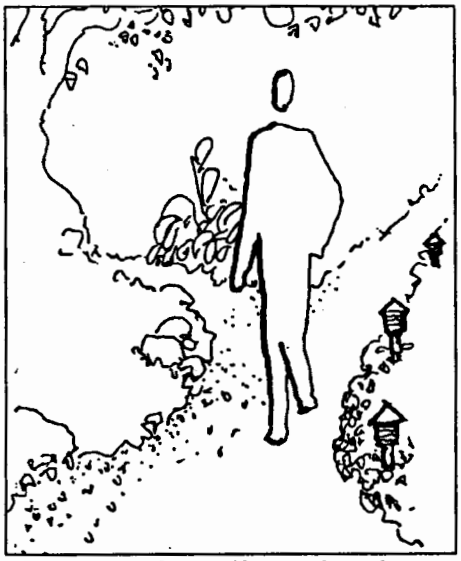
11.6 A gate should help create a sense of entry and therefore should be distinguishable from the adjoining fence or wall.

- The use of distinctive design details is encouraged. This provides an opportunity for individuality and craftsmanship.
- Gates should have open or transparent qualities that allow filtered views into the property.

Appropriate gates

11.7 An arbor should be integral to the fence or wall design and should not dominate the street.

- Maintain a narrow, low and "light" scale. Avoid the use of tall or wide entryways and avoid massive timbers or other heavy building elements when creating an arbor.
- Incorporate vines or other landscaping to blend the arbor into the adjoining fence or wall and garden.



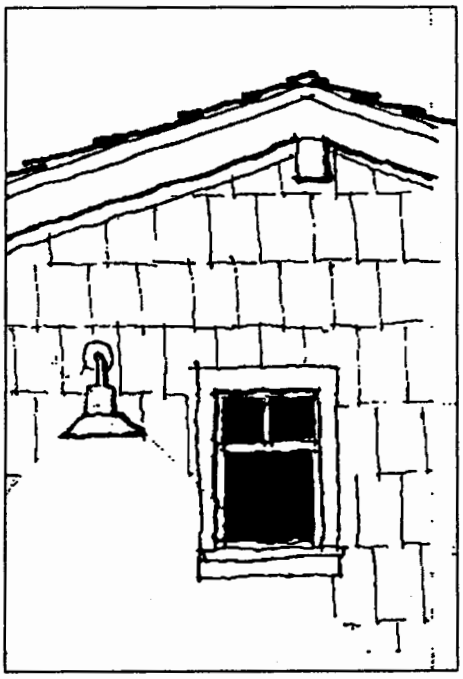
The restrained use of low scale path lighting for safety is appropriate.

Lighting

The use of exterior lights is a special area of concern throughout the community. A key feature of the "forest" concept was to minimize the amount of outdoor lighting, such that the nighttime sky could be glimpsed through the trees. From the outset, public street lighting was avoided on residential streets. Within an individual property, site lighting typically was limited to a light at a building entry, and perhaps at a yard gate or over a garage door. Occasionally, a patio was lit as well, but this would be limited to a small, shielded lamp. This is a neighborhood-wide concern and the tradition of minimizing lighting should be continued.

11.8 Preserve the low nighttime lighting character of the residential neighborhoods.

- Use lights only where needed for safety and at outdoor activity areas. Appropriate locations may include building entries, gates, terraces, walkways and patios. Lights should not be used to accent buildings or vegetation.
- Use low lumen output bulbs. Floodlights and spotlights are inappropriate. Point lights downward to reduce glare and avoid "night pollution."
- Locate and shield fixtures to avoid glare and excess lighting as seen from neighboring properties and from the street.



Focus a light downward to minimize glare. Avoid placing fixtures where glare would be visible to neighbors or the street.

Special Thanks

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A very special thanks to all of those who participated in the series of public workshops which the city sponsored!

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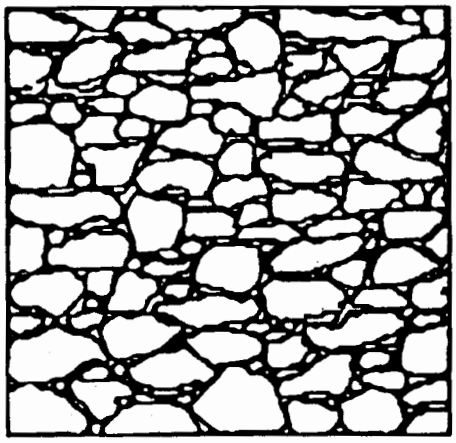
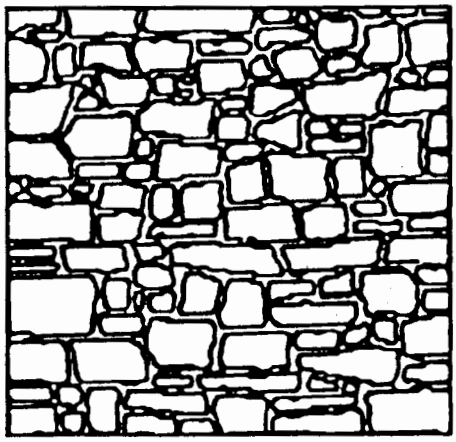
Appendix A: Stonework Examples

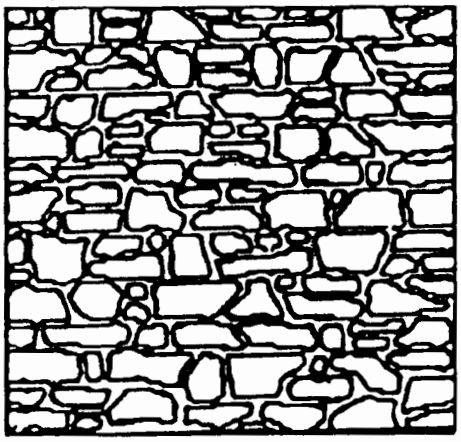
Rubble and Roughly Squared Stone Masonry



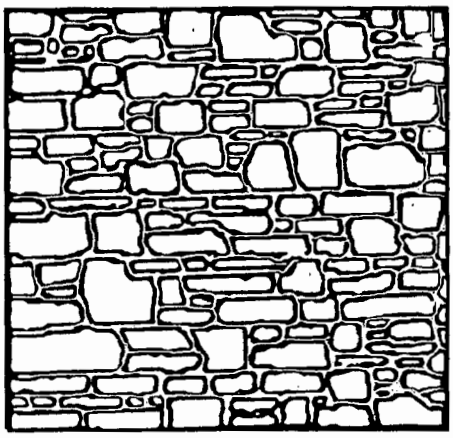
Appropriate: Uncoursed field stone and rough or common rubble.



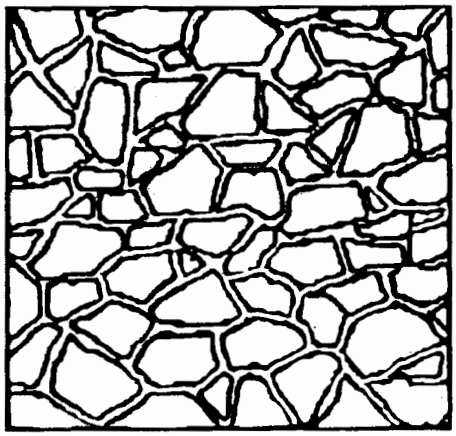
Appropriate: Uncoursed and roughly squared



Appropriate: Coursed field stone and rough or common rubble

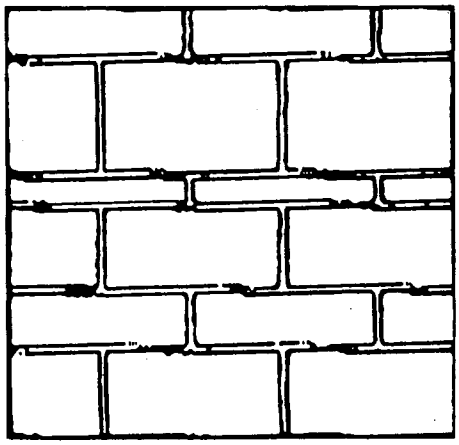


Appropriate: Coursed and roughly squared

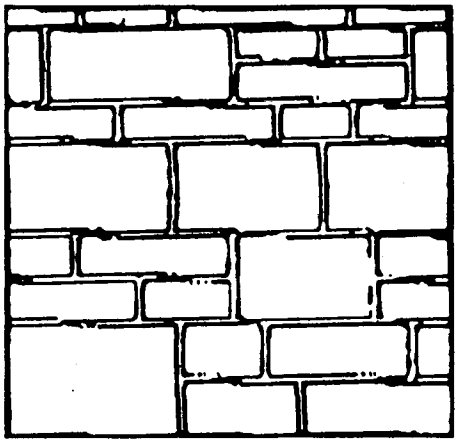


Inappropriate: Uncoursed cobweb or polygonal rubble

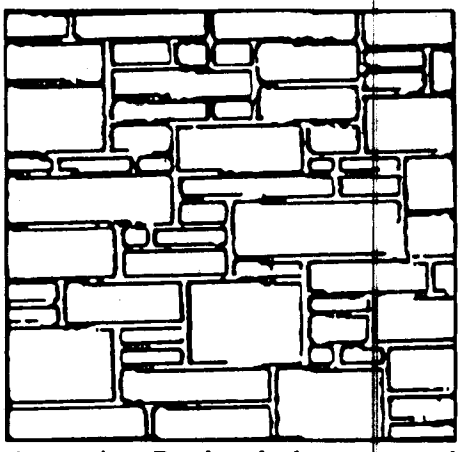
Dimensioned or Ashlar Stone Masonry



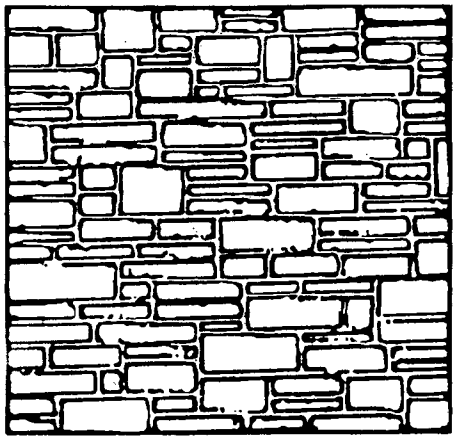
Appropriate: Coursed broken bond, ranged



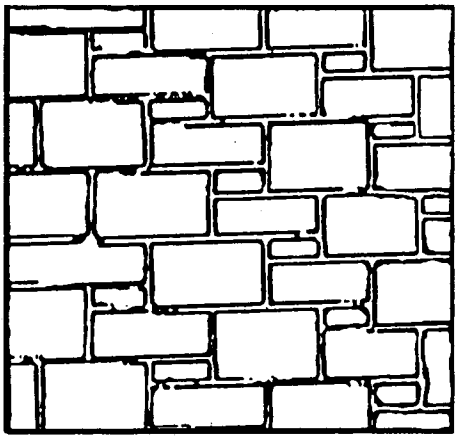
Appropriate: Coursed broken bond, broken range



Appropriate: Random, broken course and range

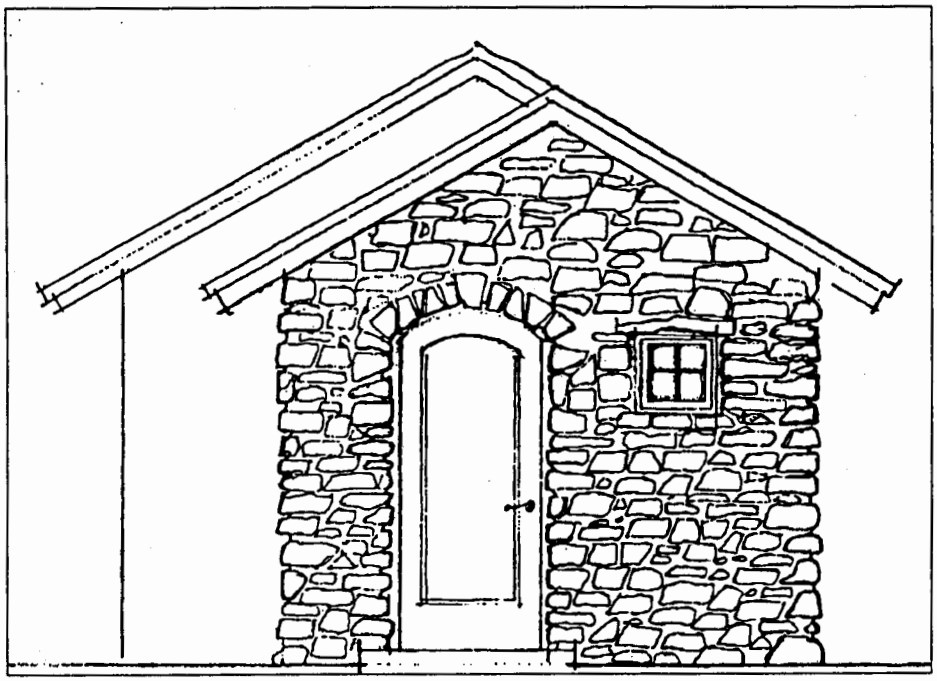


Appropriate: Random, broken course and range, longstones

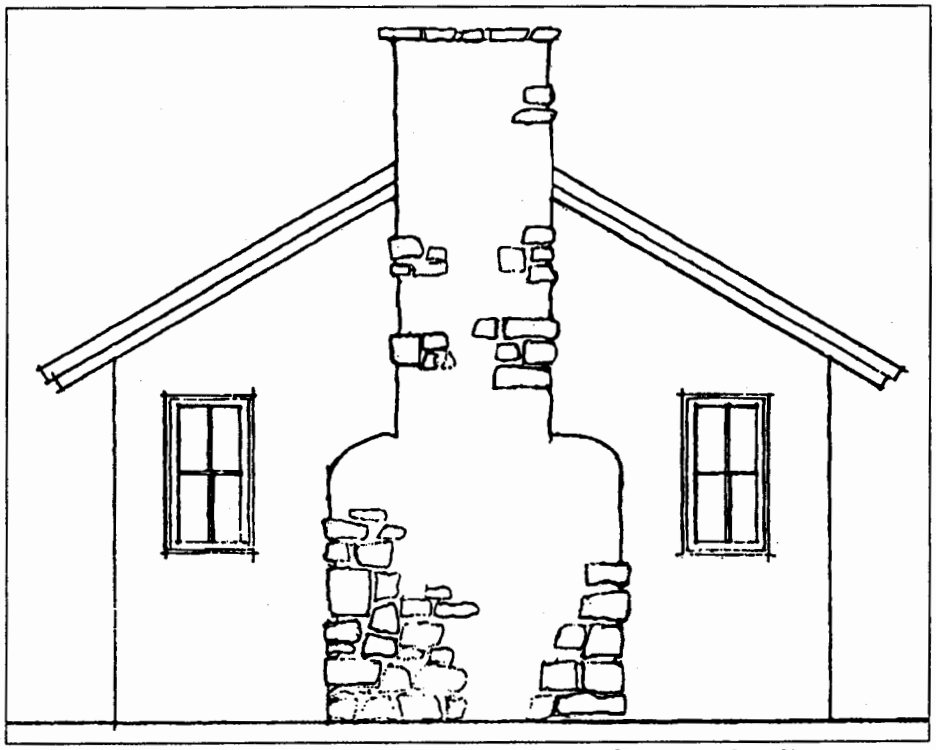


Appropriate: Random coursed pattern bond

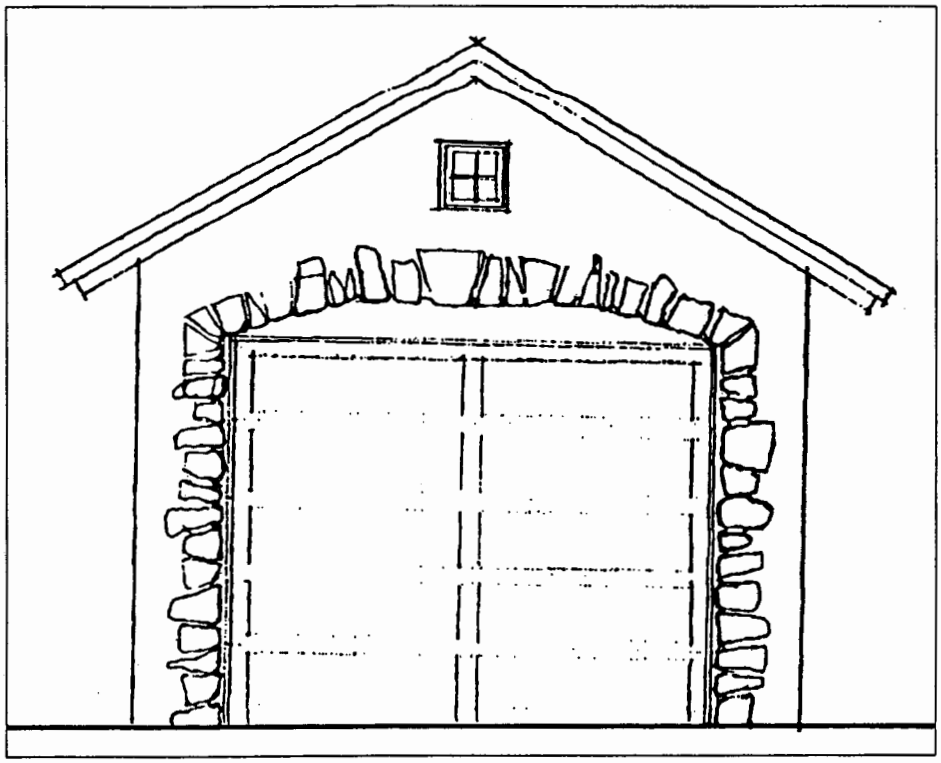
The Use of Stone on Building Elements

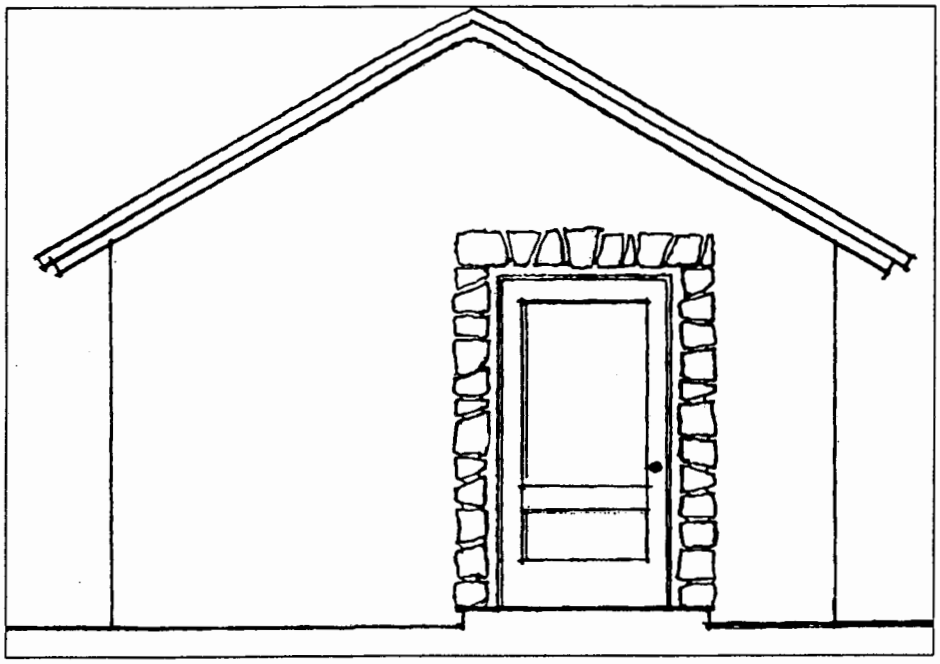


The use of stone on the full exterior of building elements is encouraged. The use of stone only on one elevation, the street facade for example, is discouraged.



The random placement of individual stones or clusters of stones on building elements, such as foundations or chimneys, is discouraged.





The application of stone around only windows or doors as ornamentation is discouraged.

APPENDIX E: Commercial Design Guidelines

Commercial Design Guidelines

Draft: January 2000

DRAFT

COMMERCIAL DISTRICT DESIGN GUIDELINES

I. Purpose

These guidelines establish a series of design statements intended to conserve the historical village character and pedestrian orientation of Carmel's central commercial district. The emphasis of this document is architectural, with special attention to building facades. Please note that these are guidelines and should be taken as descriptive, not prescriptive; they are likely to be most useful as a guide during the preliminary planning process. Strict compliance with every guideline is not necessary for approval of a project, but deviations should be related to good design principles and site conditions. More definitive design specifications are set forth in the Zoning Code, Title 17, Chapter 12.

Carmel's atmosphere of tradition stems from its Italianate and commercial styles, which are typical of turn of the century small-town America, along with expressions of pre-World War II revivals in Spanish Colonial and Tudor architecture. Carmel's multiple variations upon these themes can be as gratifying as their archetypes.

There is great diversity from street to street within the commercial district. For example, designs observable along the five blocks of Ocean Avenue from Junipero to Monte Verde are older, more firmly established, and frequently conditioned by a 25-foot lot frontage not usually found on side streets. Facade proportions, scale, and ornamentation on these side streets are likely to differ accordingly. In sum, Carmel is an ongoing celebration of enlightened architectural eclecticism. For additional discussion of Carmel's architectural diversity, please see Chapter 17.12.010 of the Zoning Code.

II. The General Plan Basis for the Guidelines

Goal 1-1: Continue to maintain the predominance of the residential character in Carmel through appropriate zoning and land development regulations in all districts.

Objective-15: Preserve the scale and character of the community, especially in the commercial districts, through the administration of land use and design standards.

Policy 1-46: Ensure, through the administration of land use and design regulations, that the special and unique character of Ocean Avenue and the adjoining commercial area is protected.

Policy I-50: Continue to control the scale and mass of both one and two story buildings through design review. Guidelines should retain design flexibility, should not be so restrictive that all buildings look alike, and should recognize that in certain areas, the absence of setbacks is positive and contributes to the character of Carmel.

Objective-16: Maintain pedestrian-oriented and attractive commercial and multifamily districts that are well integrated into the residential character of the community.

Policy 1-51: Through design review require architectural and site design within the commercial and multifamily districts to be compatible with the traditional village character.

Policy I-60: Establish development standards for the R-4 district that will enhance the visual quality of this area and improve the transition between the commercial and the R-1 districts. Include requirements for adequate open space, setbacks, the planting of trees, and the provision of infrastructure improvements.

III. The Guidelines

A. Conservation of Design.

1. Modifications to buildings should respect the history and traditions of the architecture of the commercial districts. Basic elements of design integrity and consistency throughout each building should be preserved or restored.

2. New buildings should not imitate styles of the past but strive to achieve compatibility with the old. Renovation and remodeling projects should take into account the possibility that a structure might meet criteria as a historical resource by state or federal agencies.

3. ~~Building forms should complement the rhythms established by other buildings in the immediate vicinity.~~ Such patterns as height, number of stories, width of storefronts, scale of building forms, eave heights, and sizes of doors and windows should be used as guides to establish the context for new or remodeled buildings.

4. Adding a new design element in order to create a separate business identity is inappropriate if it breaks the basic lines, materials and concept of a building or imposes a hodgepodge of design elements.

5. Building walls facing public streets and walkways should provide visual interest to pedestrians. Variations such as display windows, changes in building form, and changes in material, texture, or color are appropriate.

6. Long blank walls should be avoided and building facades should be broken up visually to reflect the rhythm of typical storefronts, i.e. alterations, entrances or offsets every twenty to thirty feet.

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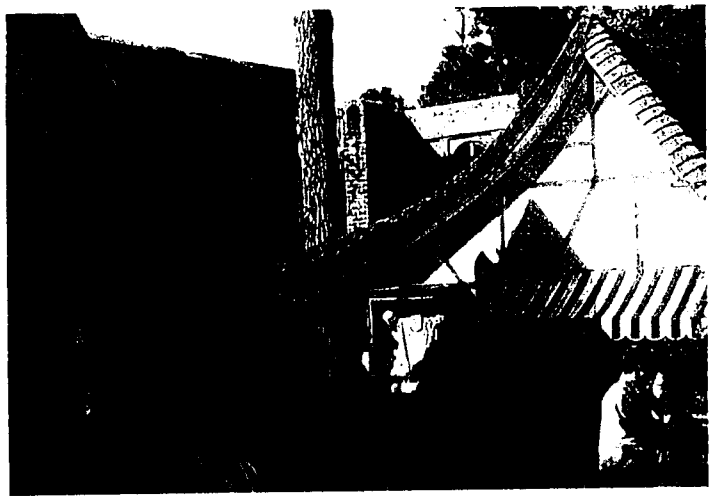
not this.

7. Roof forms should be complete and not present false fronts.

8. Partial mansard roofs (typical of franchise architecture) and pitched roofs that do not reach a true peak or hip should be avoided.



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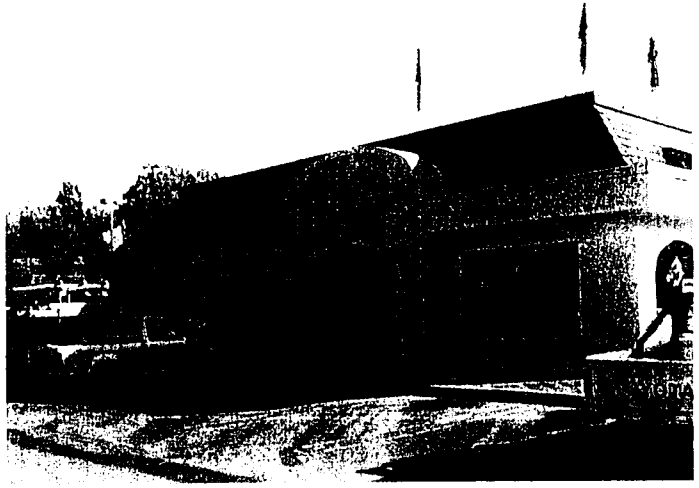


not this.

B. Facade Proportions. Each building should be treated as a consistent whole. Modifications to storefronts that are part of a larger building or court should preserve or restore the common elements that serve to integrate building design.

1. Modifications to buildings should not create the visual clutter that can arise from too many or uncomplimentary design elements.

2. Lines of construction, patterns of openings, and such details as trim, window style, door dimensions, wall color, and building and roof forms should be integrated throughout the building, even if more than one enterprise occupies it.

3. If one storefront is to be demarcated from another in the same building, the distinguishing features should be limited to subtle variations in the color or pattern of surfaces of doors, tiling, or entries.

4. Buildings and storefronts in the core commercial area should establish a "pedestrian wall" close to the front property line (generally within 0" to 24").

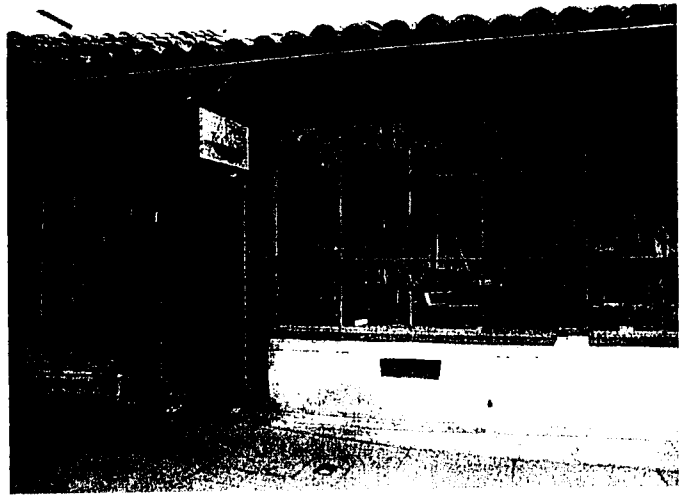
5. The pedestrian wall should not be without relief; it should be punctuated by occasional offsets produced by entries, window projections, small planters, and entrances to courtyards and intra-block walkways.

6. Generally, motels, residential and office buildings in the RC and R-4 districts should maintain a greater front setback to create an attractive landscape area and to complement the design and open space needs of such uses. This also establishes a design transition from the downtown core to the residential (R-1) district.

7. Buildings occupied by special land uses also should be setback from the pedestrian wall. Examples include churches, civic buildings and some institutional uses.

8. The relationship between building wall space and openings (windows and doors) should be balanced. Wall space between openings should maintain a sense of visual substance or solidity. This reflects older building limitations common to unreinforced masonry or wood frame construction and avoids excessive transparency.

9. Purely decorative balustrades and balconies are discouraged.

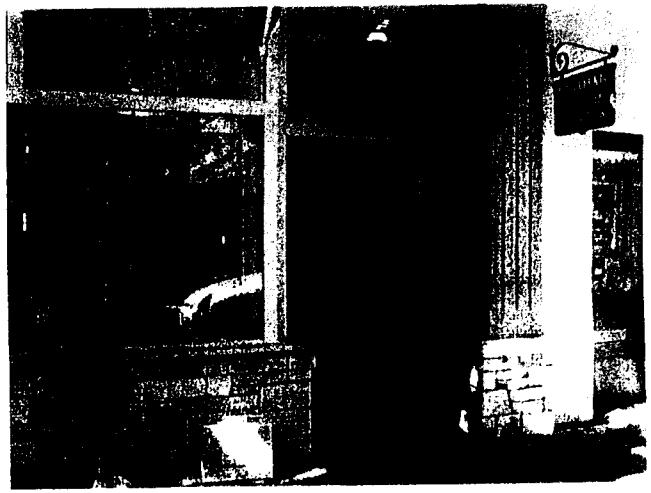


C. Window Patterns. Window design should be consistent with the original building concept or with its architecture. Wood framed windows with true divided lights (Tudor, Craftsman, Norman), arched windows (Spanish, Colonial Revival), or banded windows (Craftsman) are typical.

1. Large sheets of glass, unbroken by divisions, can appear too urban or modern and should be avoided.

2. Such window treatments as mitered corners, etched glass, and glass block are to be avoided.

3. Transom windows above doors or extending the width of the facade should be preserved or restored as exemplary of traditional storefront design.



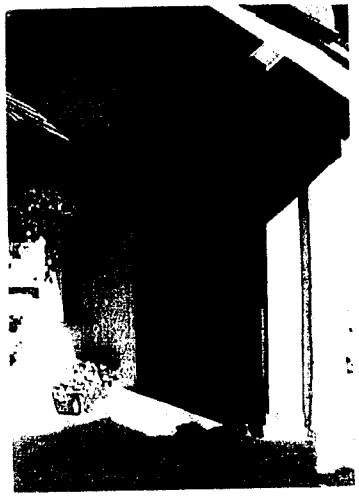
D. Size, Shape, and Nature of Doors and Entries. Entrances to stores are typically recessed from the facade by creating a small alcove. This establishes a more definitive sense of entry and affords an alternative view of merchandise in display windows.

1. Conserve or create recessed entries. Should two business entries be close to one another in the same building, a single recess may be designed to accommodate both.

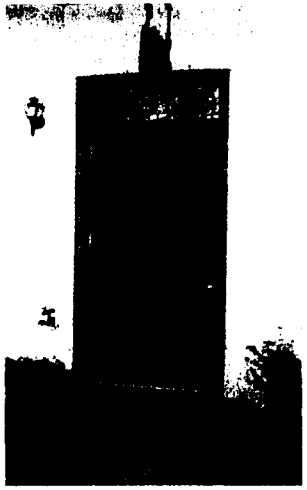
2. Business spaces located on a corner may substitute an angled or beveled entry instead of a recess to create variety and visual interest.

3. The floor of a recess should be differentiated from the adjoining sidewalk through contrasting stone, brick, or tile paving that does not extend beyond the property line.

4. Entrances to stores should not be excessively wide, and single doors are strongly encouraged in preference to double doors.



5. Simple wood doors that are adorned with carvings, moldings, color, hardware, or wood and glass combinations are appropriate.



Dutch doors are a Carmel tradition.

E. Materials, Textures, and Colors. Building materials and colors should respect the traditions already established in the commercial district. The use of richly detailed wood, tile, moldings, corbels, brick, and stone, as well as landscaping, are encouraged.

1. Paint should be applied as a solid color, without texture or mottling. Antiqued and faux finishes are inappropriate.

2. Muted paint colors, which blend with the natural surroundings, are appropriate. Bright and primary colors should be avoided. Contrasting colors should be saturated and earthen.

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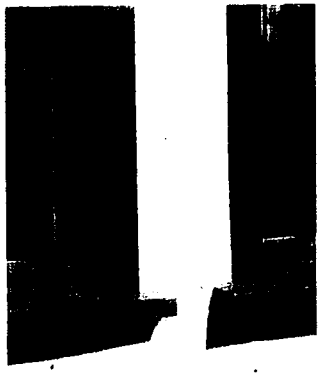

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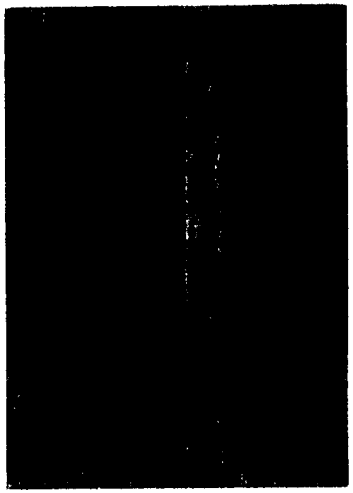


not this

F. Courtyards and Intra-Block Walkways. Courtyards and intra-block walkways are important design features of the commercial districts. They provide pedestrians the anticipation of the unusual, swift and gratifying shifts in prospect, and often intriguing connecting routes between two or more streets defining a block.

1. A courtyard should maintain continuity of architecture, colors and materials.

2. The area of a courtyard should be compatible with the size of the building site.

G. ~~Landscaping.~~ ~~Carmel is noted as "the village in a forest," and the forest should not end at the boundaries of~~ the commercial district. Improvements to property that incorporate trees and other living plant materials attractively arranged and maintained are desirable.

1. Significant trees (as determined by the City Forester) need to be preserved, and site design should provide for additional trees. Healthy street trees are encouraged, as is the location of trees within the interior of blocks and away from street frontage in order to enhance the distribution of trees and to create a more effective canopy.

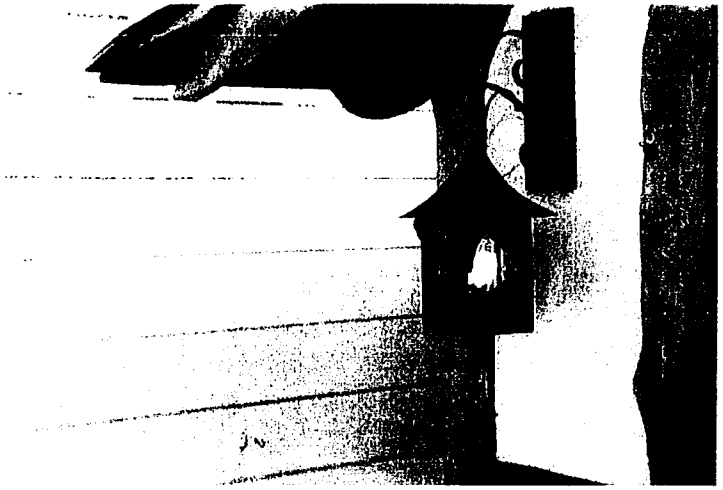
2. Permanently installed planter boxes are encouraged.

3. Street furniture—benches, trash containers, drinking fountains, etc.—can be a welcoming feature in the commercial area, but should be carefully selected for compatibility with the surrounding architecture and commercial activity. Benches should be carefully sited to avoid congestion and litter problems.

4. Flower boxes under display windows, hanging baskets of floral displays in intra-block walkways, and formal flowerbeds in courtyards are frequent and encouraged.

H. Lighting. Lighting should be the minimum required for public safety.

1. Harsh, unscreened, flashing, blinking and garish lights and entry lights on motion sensors are inappropriate, as are wall washing, landscape lighting and tree lighting.



2. Lighting fixtures should be discrete.....or compatible in design with the building and site.

J. Other.

Such external design elements as rooftop equipment, telecommunications antennae, roofing materials, display cases, parking design, public improvements, and flags are given detailed treatment in the Zoning Code, which should be consulted.

APPENDIX F: Public Way Design Guidelines

CITY OF CARMEL-BY-THE-SEA

POLICY AND STANDARDS FOR PUBLIC WAY DESIGN

Adopted: December 1997

CITY OF CARMEL-BY-THE-SEA

POLICY AND STANDARDS

FOR

PUBLIC WAY DESIGN

STATEMENT OF PURPOSE

The purpose of this policy is to identify objectives and to set forth guidelines and standards for review of design (including placement), construction or reconstruction of projects that include sidewalks, pathways, handicapped ramps, curbs, gutters, tree planters, mini-parks, landscaping, utilities, street signs and other amenities located on public ways within the City of Carmel-by-the-Sea. It is the intent of the following policies and guidelines to provide direction in using safe, varied and diverse materials, colors and design approaches that implement the General Plan.

DESIGN REVIEW PROCESS:

For public and private projects requiring Planning Commission review, each municipal department responsible for elements of project design shall review proposed plans and provide comments and recommendations to the applicant or to the Department sponsoring the project. These recommendations shall be forwarded to the Planning Commission at the time of its review. For those projects not requiring Planning Commission review, these policies, standards and guidelines shall be used by the City Administrator and appropriate staff as a basis for design and review of public or private projects.

The City Administrator may give final approval for public projects valued at less than the administrative approval authority limits established by policy of the City Council and/or the California Public Resources Code if they are consistent with the standards in this policy. The Planning Director and any other Municipal Department appropriate to the project shall be advisory to the City Administrator on such projects.

The City Council shall give final approval for all public projects valued greater than the administrative approval authority limit and/or the limits established by the California Public Resources Code. The Planning Commission shall be advisory to the City Council on such projects when they will be visible to the public, located in the public way and represent a change from existing design conditions.

When the City Administrator believes that the project may (1) conflict with these standards, (2) raise issues warranting a policy discussion or (3) would result in a significant change in design character or material, the matter shall be referred to the Planning Commission for review and comment regardless of project cost.

DESIGN GUIDELINES:

A. Sidewalks:

Sidewalks shall be constructed of safe, durable materials that are not slippery when dry, wet or worn and shall be selected to promote a limited variety of different sidewalk treatments. Materials for sidewalk surfaces should enhance the village character for the pedestrian and allow for percolation of water into the soil to enhance the urban forest. Standard urban sidewalk treatments such as exposed aggregate (unsafe), blacktop and plain concrete (unattractive) should be avoided.

Sidewalks should not appear excessively uniform. Some variety, or break in paving shapes or colors can help in preserving an informal, unplanned visual appearance. To achieve a balance between excessive monotony and excessive variety, sidewalks should incorporate occasional changes in materials or color at intervals between 200 and 300 feet in length. Changes should occur at natural breaks such as intersections, driveways and similar features. Materials and colors selected should play a subtle, background role and should not compete with adjacent buildings by calling attention to them. To achieve this, sidewalks should:

- Be constructed from sand-set pavers that facilitate percolation using square, rectangular, hexagonal, cobble or creased-keystone shapes. Non-creased keystone and wave edged pavers should be avoided. (See Figure #1)

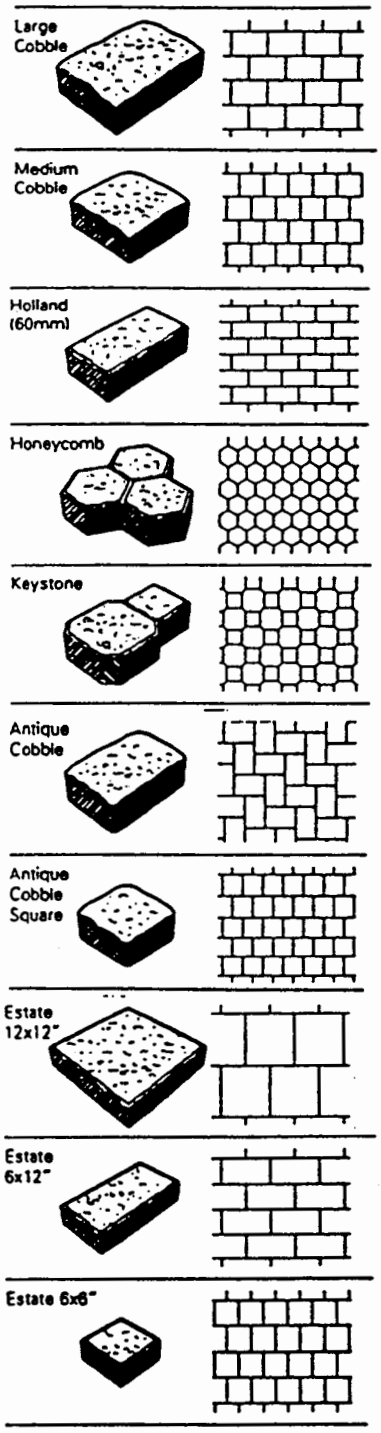
- Use earthen, warm hues (tan, brown, warm grey). Saturated colors (solid brick red, etc.) and cool hues (green, blue, cold grey) should be avoided.

- Use a single hue or a mix of not more than two similar hues in paving areas.

- Avoid the creation of patterns through the arrangement of pavers. Changes to colors or patterns shall not be used to identify the entrances to driveways, doorways or courtyards.

- Use colored concrete, or driveway pavers, for commercial driveways where the use of standard sand-set pavers is impractical. Driveway colors and/or materials should match at least one of the adjacent sidewalk designs.

- Remain the same bordering large areas (e.g. Devendorf Park, Sunset Center) where there are no storefronts.



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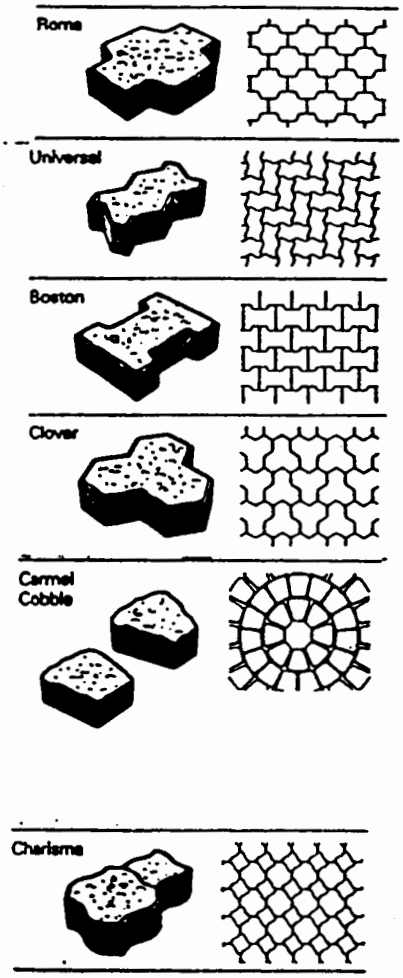


DISCOURAGED

CITY OF CARMEL-BY-THE-SEA

FIGURE-1

PAVING STONE DETAILS

B. Pathways and Footpaths:

Informal pathways and footpaths of decomposed granite should be considered the preferred design in all areas that form a transition between the commercial and residential (R-1) districts. Asphalt may be used in specific areas where drainage or erosion-control problems make decomposed granite impractical. The width of pathways and footpaths should not exceed four to five feet of available public ways. Randomly placed landscaping and trees should predominate in these areas to emphasize the transition from the urban to the residential.

C. Sidewalk Ramps:

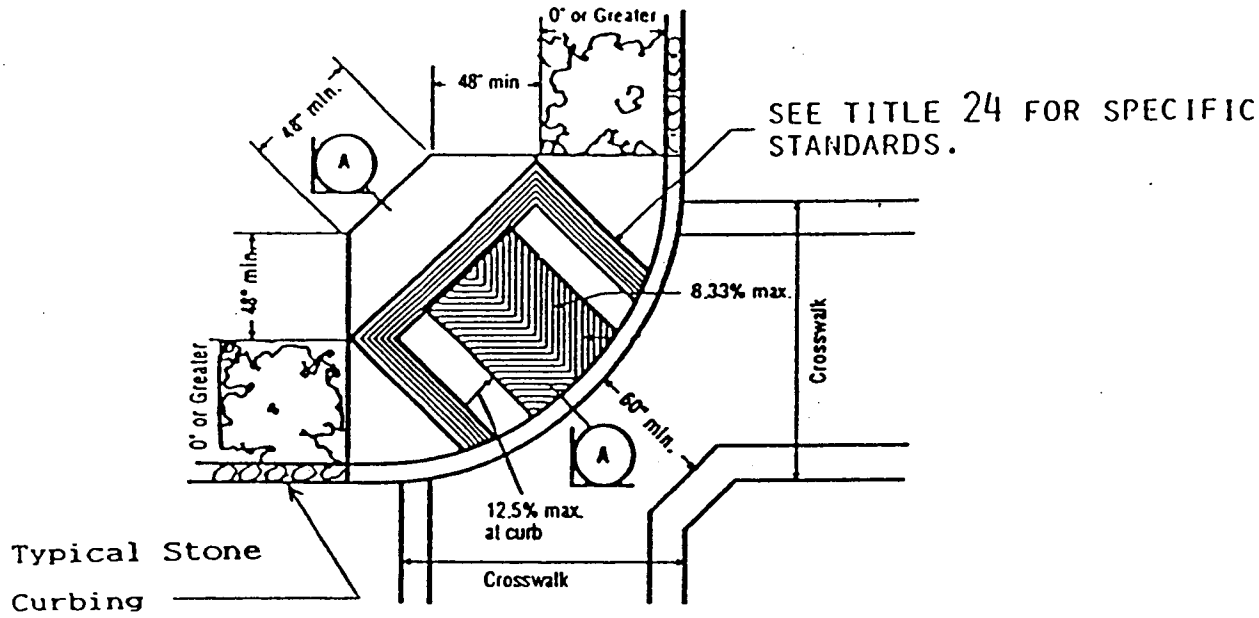
Access to sidewalks at every intersection must be handicap accessible ramps to meet Title 24 California State Accessibility Standards for the physically impaired as depicted in Title 24 Standards Diagram (See Figure 2). Ramps should be constructed with materials and in colors that blend harmoniously with adjacent sidewalk materials.

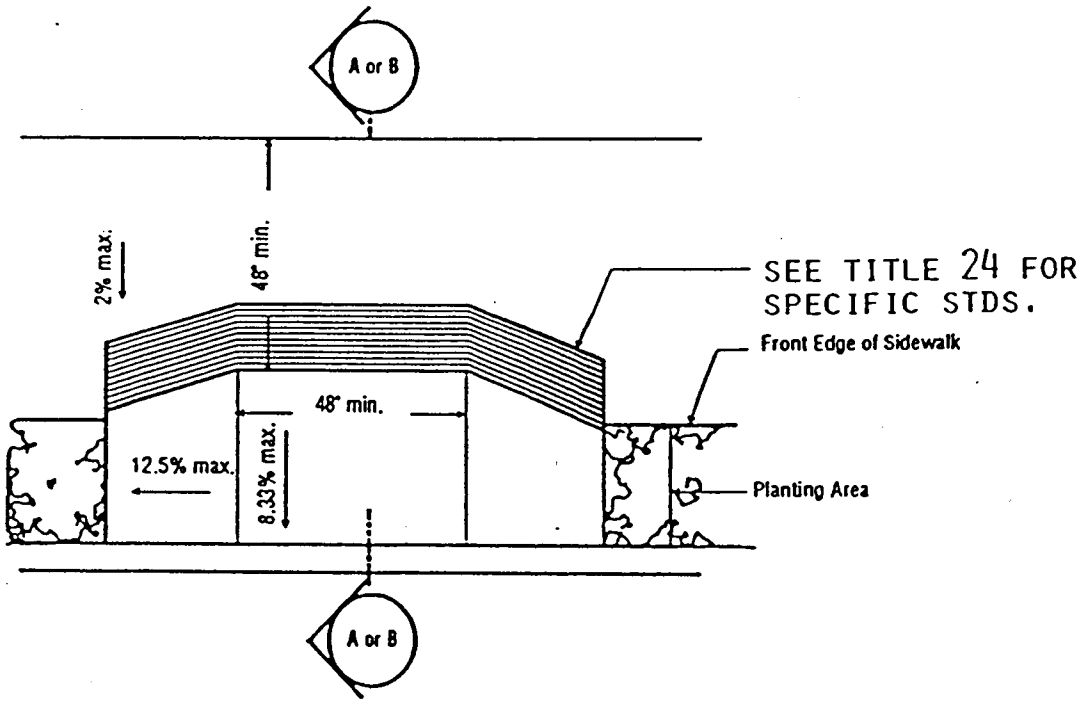
D. Furniture in the Public Way:

The Planning Commission shall review the design and siting of furniture in the public way (e.g. benches, newspaper racks, cigarette butt containers, fountains, drinking fountains and tables). The Commission will determine whether a location or placement is appropriate based on demonstrated need, public safety, pedestrian flow, access to parked vehicles, existing structures located in the sidewalk area, the architecture of the area, location of underground utilities and the type of business that the furniture will impact.

Furniture shall be purchased, installed and maintained by the party making the request. The construction material shall be appropriate to the area, and natural appearing using wood, metal or recycled products. All street furniture shall require the property owner to obtain an encroachment permit and maintain insurance coverage acceptable to the City consistent with all City policies.

The City Administrator, following review and comment by the Director of Community Planning and Building and the City Forester, may approve installations of the City's standard wood-enclosed trashcans. The Planning Commission must approve the location of new standard light fixtures.





CITY OF CARMEL-BY-THE-SEA

FIGURE-2

STANDARD SIDEWALK RAMP
FOR TITLE 24 COMPLIANCE

E. Curbs and Street Gutters:

Throughout most of the Residential District, rolled blacktop berms are the preferred design for street gutters. Concrete and cobblestone curbs should be restricted normally to the Commercial District except when required for safety or drainage. (See Figures #3 and #4, Stone and Concrete Curb and Gutter and Blacktop Rolled Berm).

F. Sidewalk Street Trees:

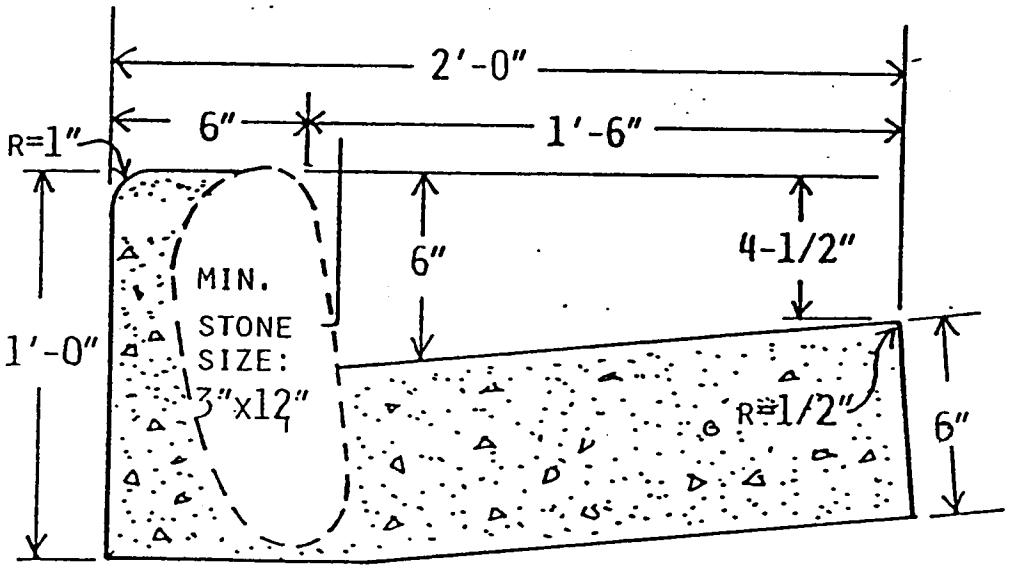
Sidewalk street trees are those planted in spaces on existing sidewalks. Sidewalk street trees are encouraged. The exact number of trees, their species, and location shall be determined by the City Forester depending on site conditions. Sidewalk street trees should be located near the head of, and adjacent to, parallel parking spaces with the trunk of the tree located 4 1/2 feet back from the head of the parking space. (See Figure #5, typical parking stall with planter). These specifications have been designed so that these sidewalk street trees will not be injured by cars maneuvering in parking stalls and not block car doors being opened on the sidewalk side. For trees at the curb line there should be at least 4 feet between the trunk and the facing building or planters in front of the building.

All tree planters should be made as large as practicable so that additional landscaping can be incorporated into the planters. There should also be no contrasting edging around the planter, rather the sidewalk material should frame and be flush with the exposed earth around the tree. Root barriers to prevent root damage to streets, gutters and sidewalks will be installed as directed by the City Forester.

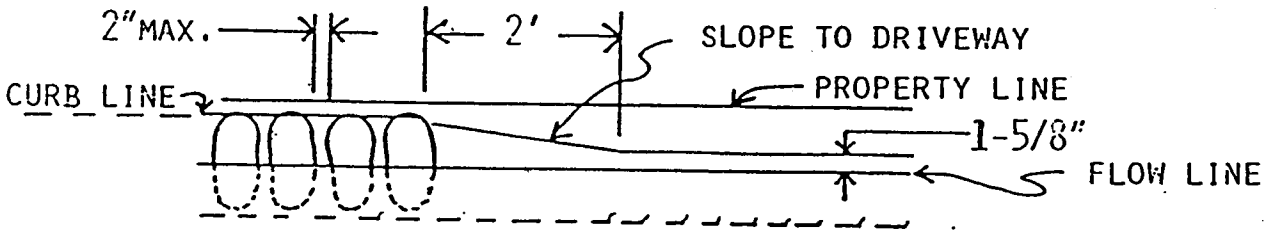
G. Mini-Parks:

A mini-park protrudes into the street from the curb line or is in the street. Landscaping in mini-parks should include native, drought resistant plants and/or trees. If trees or large shrubs are included, they should not be used at the corner of a street where they could cause a safety hazard by blocking views of cross traffic. The design of mini-parks shall be consistent with the standards in the Forest and Beach Management Plan (See Figure #6). All new mini-park installations shall be reviewed for recommendations by the Staff Traffic Committee and approved by the Planning Commission with consideration of:

NOTE: USE CLASS A CONCRETE.



CURB DETAIL

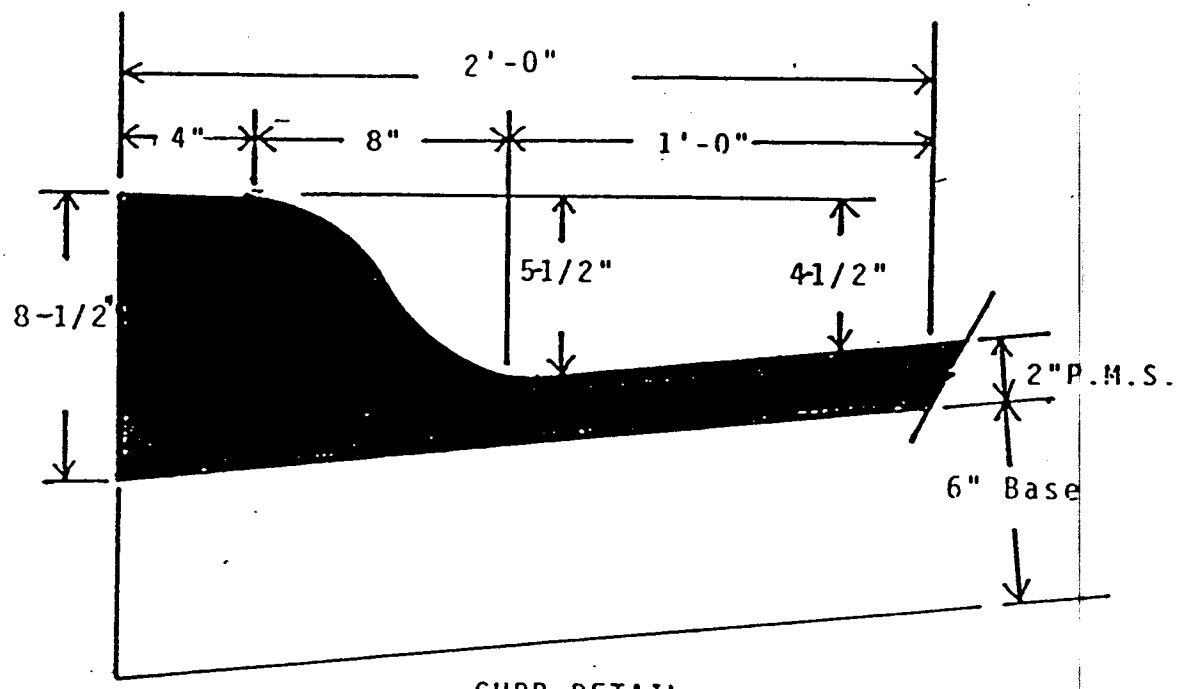


DRIVEWAY SLOPE
FRONT VIEW

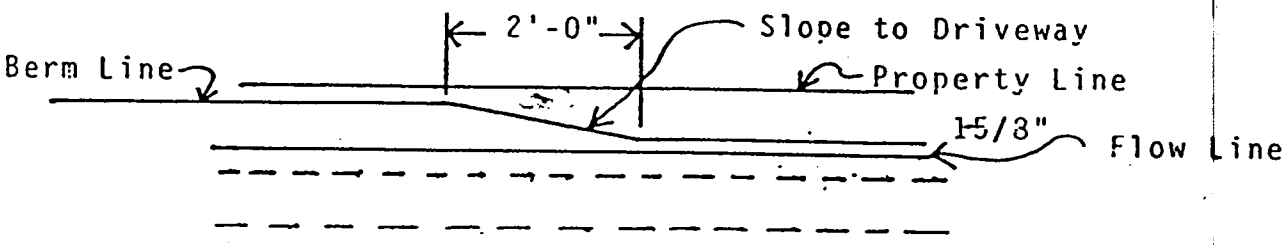
CITY OF CARMEL-BY-THE-SEA

FIGURE-3

STONE CURB AND GUTTER DETAIL



CURB DETAIL

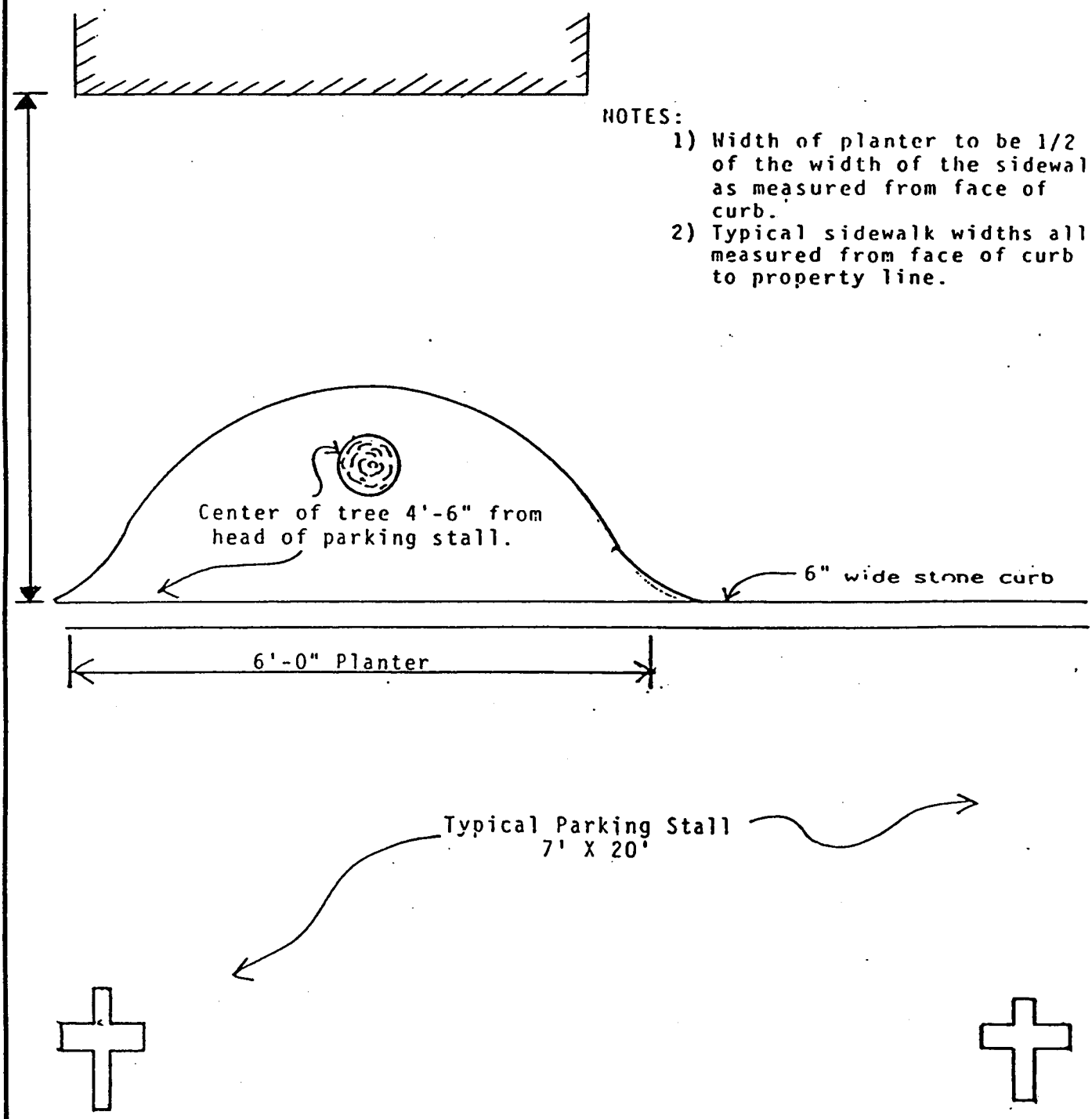


DRIVEWAY SLOPE
FRONT VIEW

CITY OF CARMEL-BY-THE-SEA

FIGURE-4

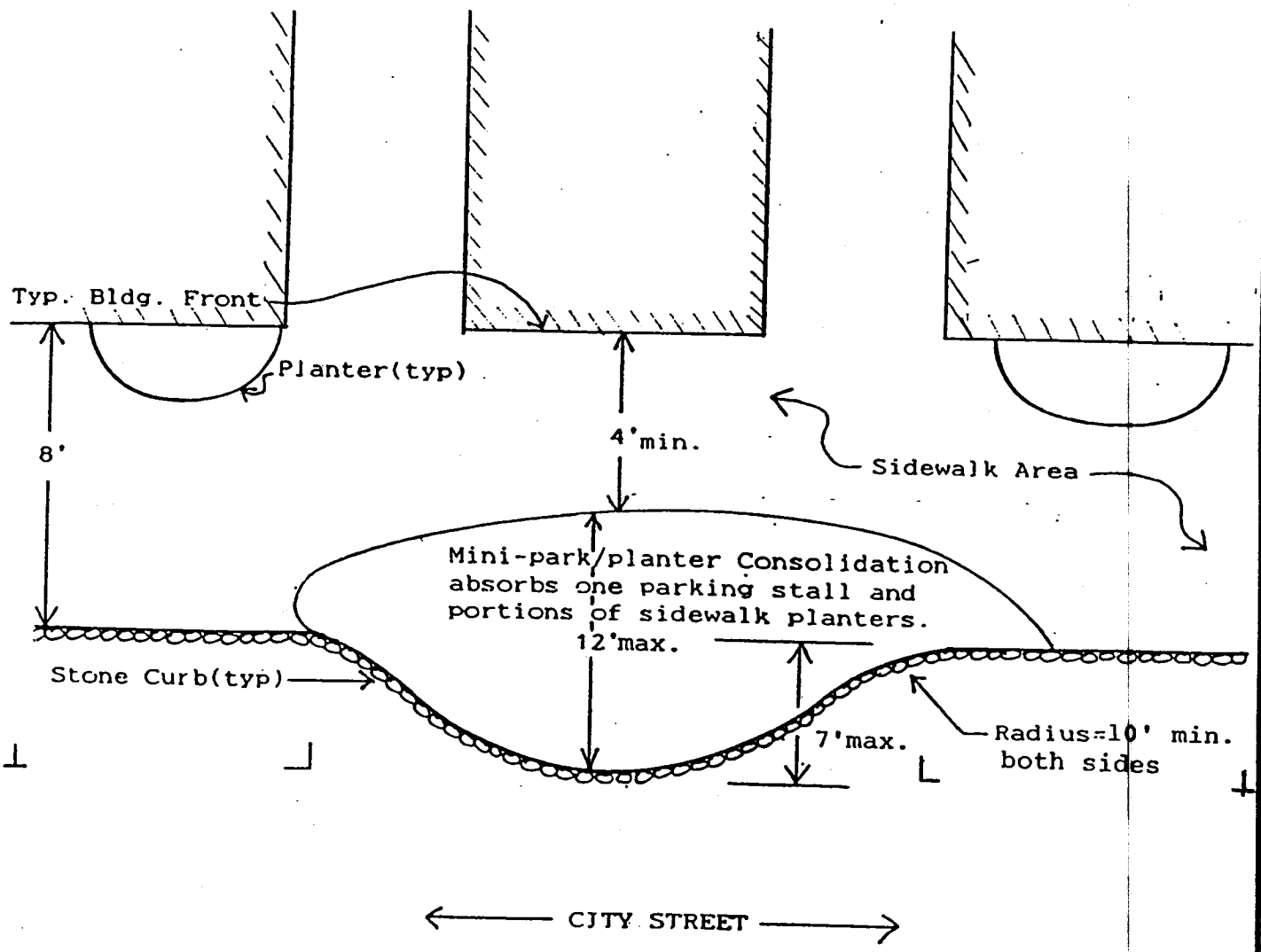
ROLLED BLACKTOP BURM DETAIL



CITY OF CARMEL-BY-THE-SEA

FIGURE-5

TYPICAL PARKING STALL WITH STREET TREE



CITY OF CARMEL-BY-THE-SEA

FIGURE-6

MINI-PARK LAYOUT

- Appropriateness of location
- Impact on parking resources
- Impact on traffic and pedestrian safety
- Drainage and maintenance issues including street-sweeper access

H. Street Drainage:

Whenever possible, open drain channels for curbside drainage should be used through planter areas rather than using subsurface pipes. This avoids pipes being clogged with debris and is easier to maintain. See Figure #7.

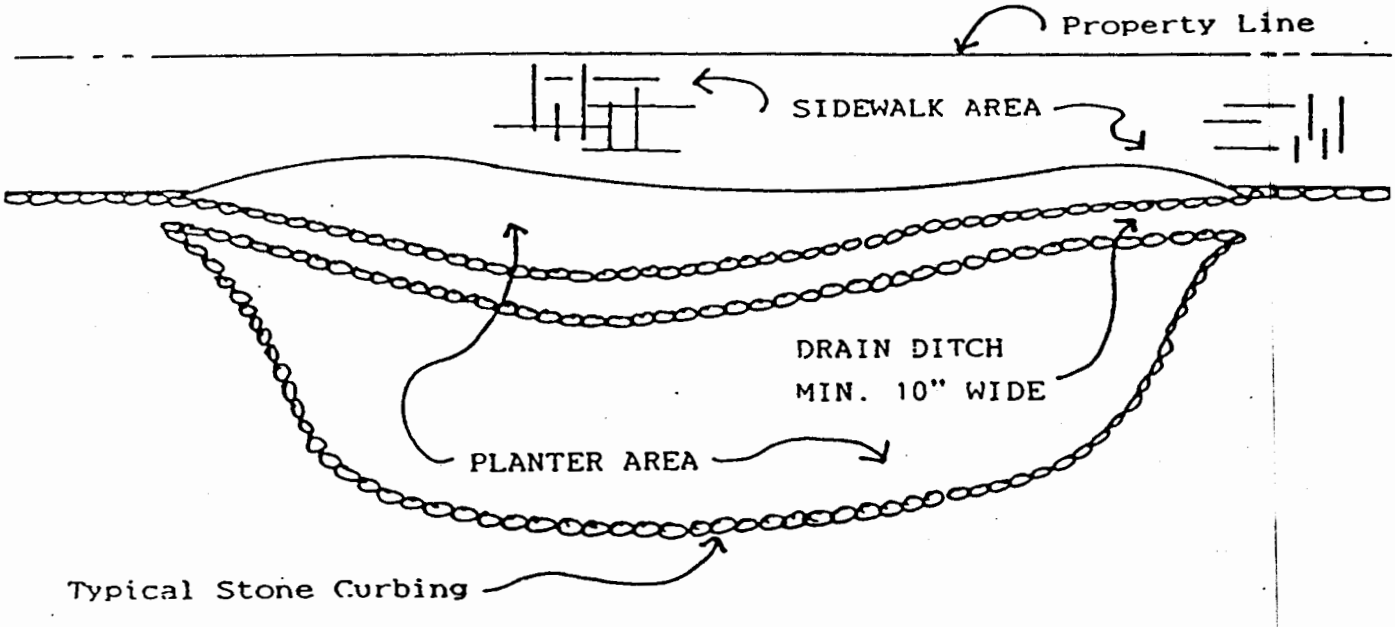
I. Irrigation:

1. **Drip and Low-Flow Systems**--All landscaping, sidewalk street trees and mini-parks will have drip or low-flow irrigation to help keep vegetation alive and cut down on maintenance requirements by City personnel.

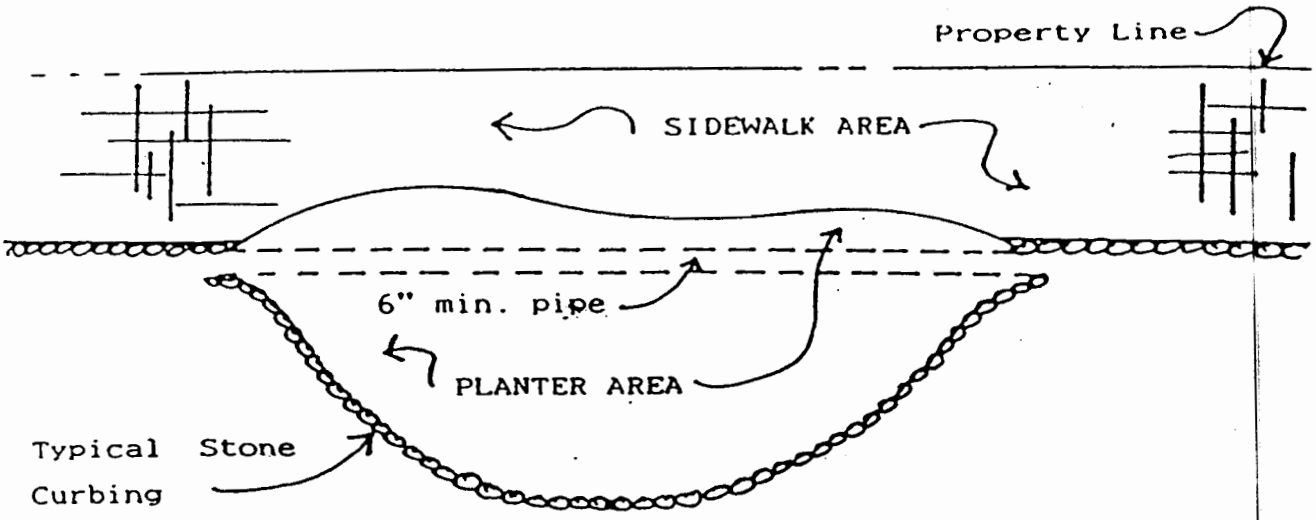
2. **Cistern Recycling Systems**--When feasible, public projects should provide cistern system drainage to capture storm water runoff for irrigation of on-site and public way landscaping area. These systems will:

   - Reduce demands on the City's public potable water resources
   - Protect municipal water allocations during periods of drought
   - Reduce impacts on the City's overtaxed storm drain systems.

3. **Gutter/Downspout Gravity Irrigation for Street Tree Planters**--When feasible, storm water runoff from roofs into roof gutters, downspouts, under sidewalks and exiting at curb gutters should be intercepted and used to irrigate trees in sidewalk planters. Storm water runoff redirected for irrigation purposes reduces the total volume of water entering the municipal storm drain system from a commercial project. (Refer to Figure #8, Detail A, and Figure #9, Cross-sectional Layout Plans for Gutter/Downspout Gravity Irrigation.)



OPEN CHANNEL DRAINAGE (PREFERED)

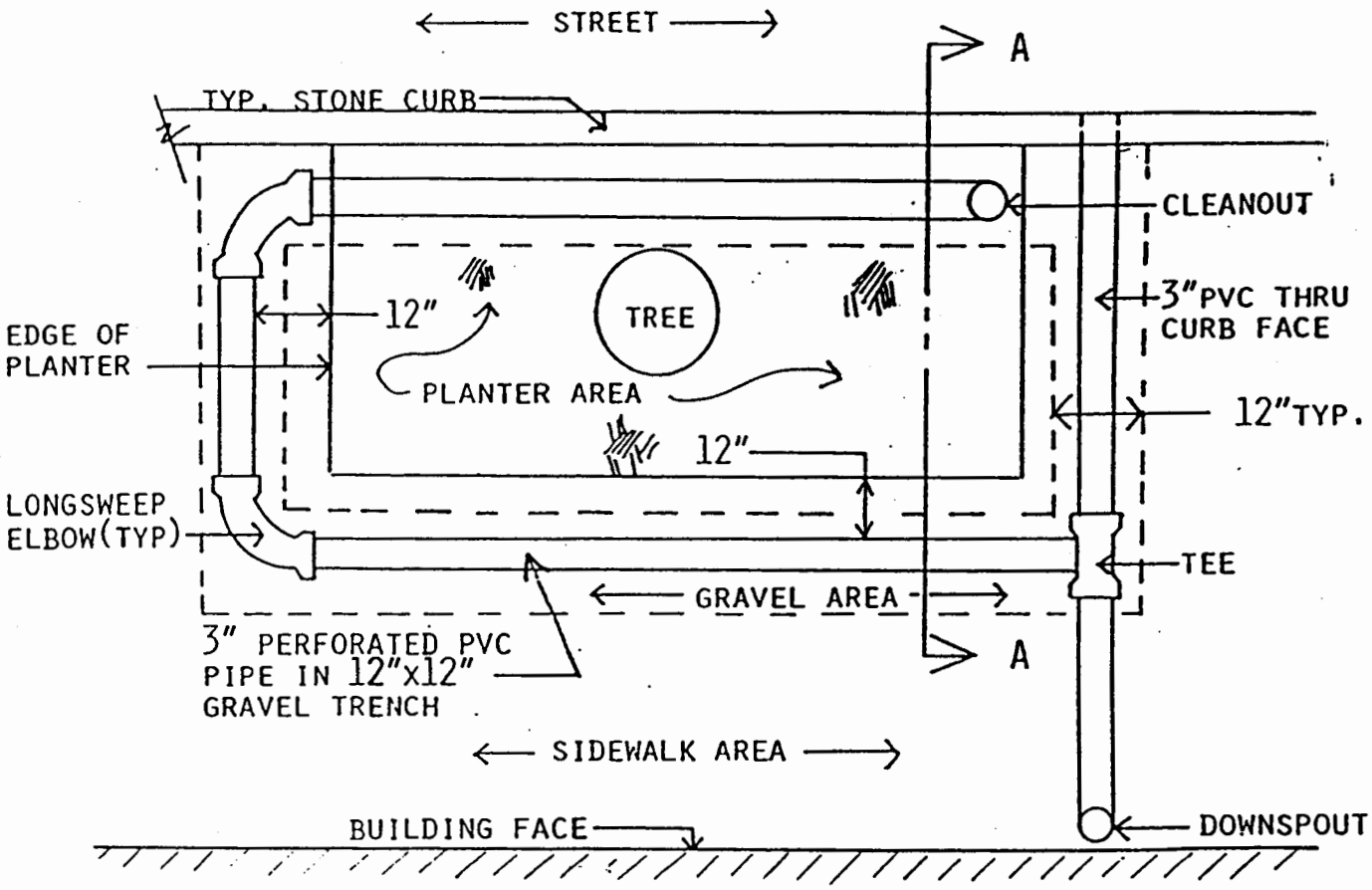


CLOSED PIPE DRAINAGE (LESS DESIRABLE)

CITY OF CARMEL-BY-THE-SEA

FIGURE-7

STREET DRAINAGE FOR MINI-PARKS

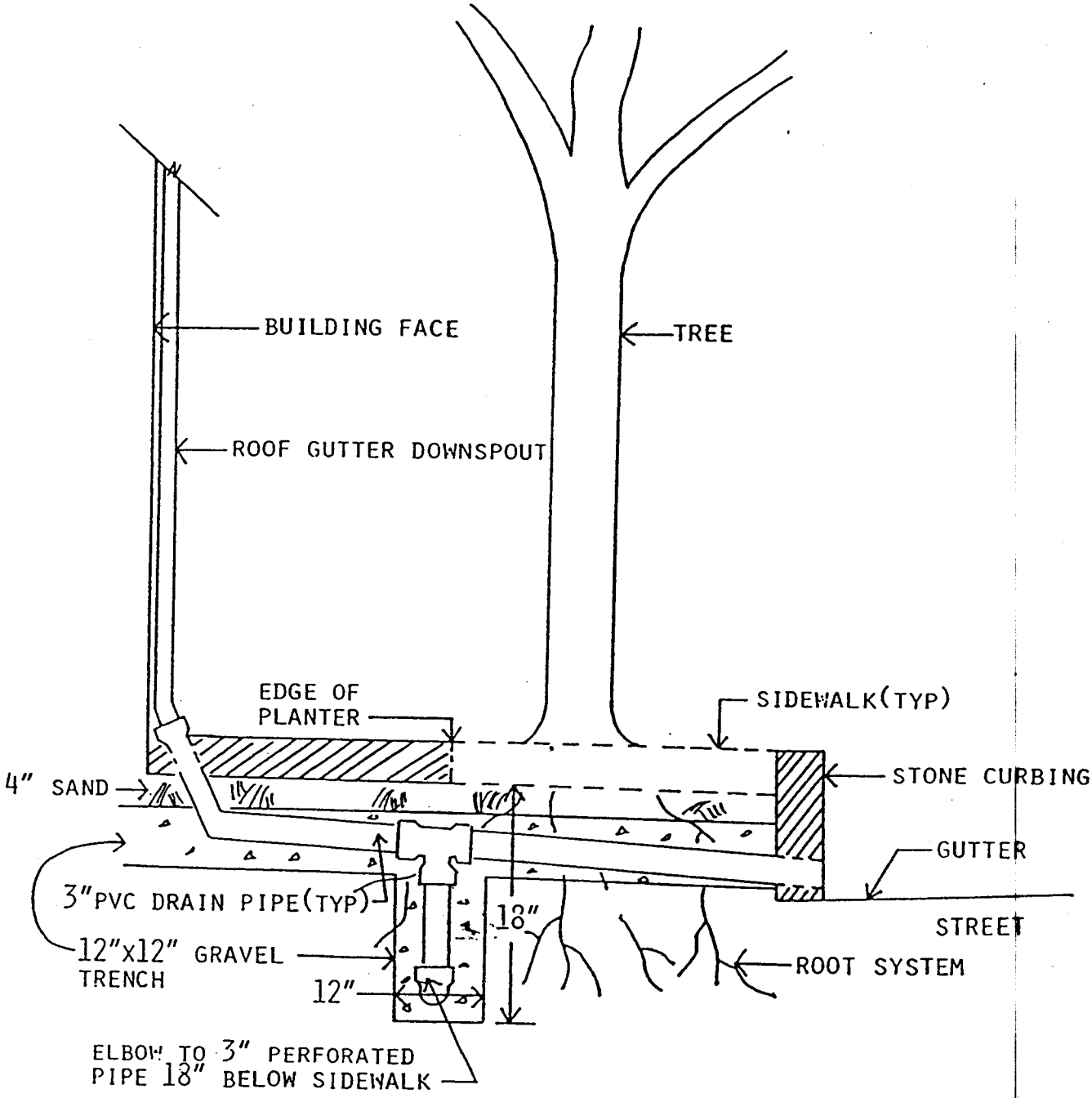


PLAN VIEW

CITY OF CARMEL-BY-THE-SEA

FIGURE-8

DOWNSPOUT GRAVITY-IRRIGATION
LAYOUT FOR STREET TREES



CITY OF CARMEL-BY-THE-SEA

FIGURE-9

CROSS-SECTION FOR STREET TREE DOWNSPOUT GRAVITY IRRIGATION

J. Utilities

Utility boxes shall be located in garages, driveways or in planter areas on private property except where this is impractical. Utility boxes located in the public right of way shall be incorporated into sidewalk planters with sufficient additional space to establish screening-vegetation such as ground cover and shrubs when practical. If neither of these alternatives is feasible, utility boxes may be located in a paved area of the street or the sidewalk as close to the curbline as possible and may use standard nonskid utility covers.

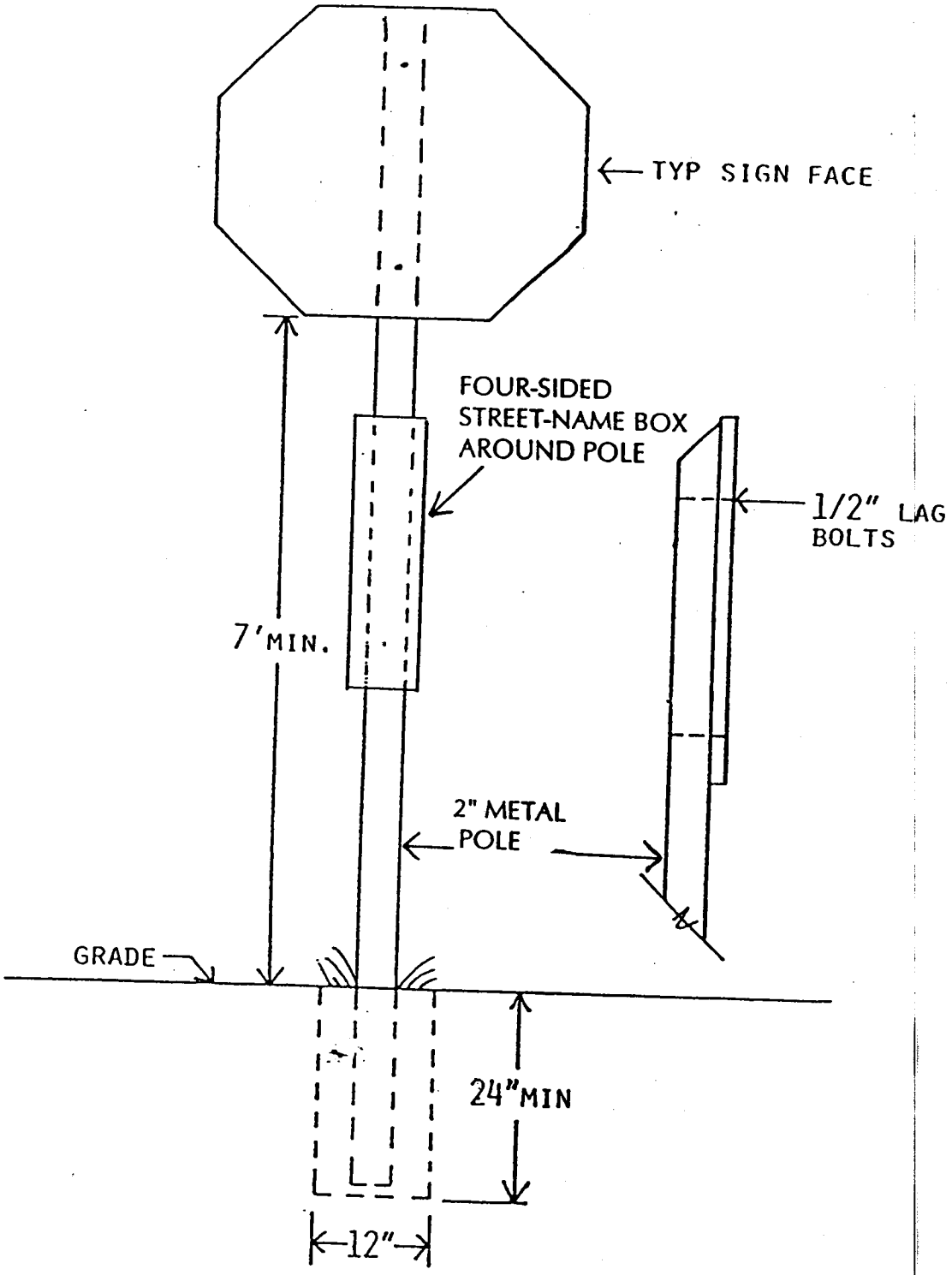
K. Street Signs

1. **Traffic Control Signs**--The historic and traditional design for stop signs in Carmel uses a 2" diameter, nonreflective, white-painted, metal pole with a four-sided-box, street-name sign mounted mid-way on the pole. Traffic control signs (e.g. stop signs, speed limit signs, warning signs) shall also conform to the design, color and shape requirements of the California Vehicle code.

2. **Stop Signs Combined with Street Name Signs**--Metal pole mounted stop signs combined with street name signs is the preferred method of identifying streets. A four-sided wood box shall be constructed around the steel pole consistent with Figure #10. The wood panels and metal pole shall be painted with a nonreflective white background and lettered with the street name using nonreflective forest green paint and vertical block-stencil lettering. The metal stop sign shall have no wood backing and no wood frame or other appurtenances.

3. **Stand-alone Post Signs**--Stand-alone street name sign posts (not combined with a stop sign) may be used when there is no stop sign at the intersection or the stop sign location is not suitable for identifying the street names. Stand-alone posts also are the appropriate design to use for No Parking signs.

   Stand-alone Street Name or No Parking signposts shall be constructed of 4" X 4" solid lumber of sufficient length to project 4 feet in height from grade. The top of each post shall be cut to a 4-facet taper (see Figure #11). Posts shall be painted nonreflective white except for a 4-inch cap and a 7-inch pine tree emblem at the base that shall be painted forest green. Each vertical face of the post shall be painted with the corresponding street name (or "no parking" text) using nonreflective, forest green paint and vertical block-stencil lettering.



CITY OF CARMEL-BY-THE-SEA

FIGURE-10

COMBINATION STOP-SIGN
AND STREET-NAME SIGN

APPENDIX G: Archaeological Resource Management
(ARMR): Recommended Co

Archaeological Resource Management Reports (ARMR): Recommended Contents and Format

February 1990

Preface

The California Office of Historic Preservation (OHP), under its state and federal mandates, has developed Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (ARMR Guidelines) for the preparation and review of archaeological reports. The purpose of this guidance is to improve the quality of public archaeology in California. The ARMR Guidelines were developed to aid archaeological report preparation and review by ensuring that all needed data would be included and organized to optimize efficiency and utility. "Needed data" refers to information usually required by regulatory or review agencies and by the Information Centers of the California Archaeological Inventory. The checklist included with this guidance was developed as an additional means of rapidly assessing archaeological report quality.

It may be unnecessary to include all classes of information presented in this guidance in all reports. The content appropriate for any report should be determined by the type and scale of a project, by the nature and scheduling of cultural resources studies, and by the complexity of the resources and the information under consideration. Applicable federal or state laws and regulations, local ordinances and procedures may also determine appropriate report content.

Certain federal and state agencies routinely produce abbreviated reports adequate for management decisions. Some of the information discussed in this guidance (e.g., setting, research design, methods description) is presented in agency handbooks, manuals, guidelines, or overviews. Reference to these sources may be substituted in reports for an extended discussion of this information when routine or repetitive undertakings are involved.

Although these guidelines do not represent a state-mandated program, the OHP strongly urges anyone involved with public archaeology to read and use them. This guidance can be understood and effectively used by the professional archaeologist as well as by a broad spectrum of other professionals and decision- makers interested in ensuring that an investment in archaeology serves the public interest. Local governments in particular should adopt the guidelines as the standard according to which archaeological studies will be carried out, reported, and judged.

This guidance, and further guidance to follow, are major elements of the preservation planning process carried out by the OHP in accordance with its mandates. A central goal of this process is to ensure that land use planning at all levels of government routinely and affirmatively takes into account the needs and the value of historic properties. We hope this guidance will be an effective contribution toward attainment of that goal.

For copies of the ARMR guidelines, or further information on OHP programs and guidelines contact:

California Office of Historic Preservation
P.O. Box 942896, 1416 Ninth Street
Sacramento, California 94296-0001
(916) 653-6624

Acknowledgements

The ARMR Guidelines is the product of many minds. Authored by Mr. Robert Jackson, the guidelines evolved from interim guidance developed by the author at the OHP. The guidelines also borrow from the Guidelines For Cultural Resource Management (CRM) Reports developed by Mr. Lester Ross and issued through the San Bernardino Archaeological Information Center.

Dr. Hans Kreutzberg devoted substantial editorial and organizational attention to the ARMR Guidelines, rendering the document intelligible to a broad spectrum of potential users. Mr. Thad Van Bueren provided valuable and substantial input on the document. Thanks also go to Ms. Dorene Clement and Mr. Nicholas Del Cioppo, Mr. Jim Woodward, and Dr. Michael Moratto for their review and editorial comments.

As a review agency, the OHP frequently offers critical comments that focus on problems of quality and consistency encountered in archaeological reports. While the ARMR Guidelines have been prepared to address such problems, it is important to acknowledge the many excellent archaeological reports that we have reviewed over the last several years. While too numerous for individual acknowledgement, the authors of these reports have provided models for specific topics presented in the ARMR Guidelines. To these authors we offer thanks and appreciation.

The cover illustration was drafted by Thad Van Bueren for the 1984 report Archaeological Investigations in the Sacramento River Canyon, Volume I: Report of Testing at Seven Aboriginal Sites, by Infotec Development, Incorporated. The California Department of Transportation, for whom the report was prepared, graciously consented to our use of the illustration.

Archaeological Resource Management Reports (ARMR):
Recommended Contents and Format

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I. Cover Letters

Adequate cover letters greatly facilitate review of ARM reports because they succinctly summarize the purpose and intent of the study. Cover letters are necessary for federal agency submissions to the Office of Historic Preservation or the Advisory Council on Historic Preservation. Unlike management summaries or abstracts, which are often prepared by a consultant, cover letters reflect the agency's views and requests of the reviewing entity on such issues as archaeological resource significance and management. Regardless of origin, cover letters should at a minimum:

A. Provide the undertaking's name, location, and any identifying number.

B. State the agency name and where applicable, district, region, section or branch.

C. Briefly describe the undertaking, including:

1. the type of undertaking (e.g., hydroelectric generating facility, highway widening, land exchange);

2. the acreage of the area encompassed by the undertaking, or its length and width in the case of linear projects;

3. the component parts of an undertaking and their land- and resource-disturbing potential; and

4. undertaking schedules or other factors that have affected, or that may affect, the conduct of archaeological resource studies.

D. Identify the law, regulation or agreement under which the document was prepared. These could include the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), or local laws and regulations. The letter should also identify the point that compliance with applicable laws and regulations has reached.

E. Describe the phase of investigation addressed by the document or the type of documents submitted (e.g., inventory/identification report, research design or report on evaluation, treatment or management plan). Reference the specific type of investigation represented by the report. For instance, if the investigation is a survey, state also whether the survey was intensive, general, intuitive, etc.

F. Describe the results of the investigation. If the document reports the results of survey/identification, include the number and types of properties identified (e.g., historic archaeological, prehistoric archaeological). In addition, the letter should:

1. identify (by name) properties within and outside an Area of Potential Effects (APE) (if survey exceeds APE boundaries);

2. identify properties that may and may not be affected by the undertaking;

3. note special circumstances (e.g., Native American or other public concerns, controversies, undertaking time constraints, political sensitivity).

G. Indicate what action is being requested under the terms of applicable laws or regulations, and cite the specific section(s) of regulations to which the report is pertinent. Examples include requests for OHP consultation and concurrence in the adequacy of identification effort (36 CFR 800.4 [b]); requests for concurrence in National Register of Historic Places eligibility (36 CFR 800.4[c]); and requests for concurrence in determinations of effect (36 CFR 800.5). Include a description of further actions the agency anticipates taking to comply with pertinent laws such as CEQA or the NHPA. If the document addresses previous review comments, it may be appropriate to attach review comments to the cover letter.

H. Name the agency contact person most familiar with the undertaking and with archaeological resources studies who has authority to deal with issues raised during the course of review (e.g., agency cultural resource specialists who prepare the letters and reports). Include phone number.

II. Title Page

The National Park Service has developed, and is encouraging the use of, a National Archaeological Data Base (NADB) comprising an annotated bibliography of archaeological resource management (ARM) reports. If used extensively and consistently, the NADB can be a valuable and efficient tool for managing ARM information. Consistent information and format in title pages will greatly facilitate computer entry of NADB data. A title page consistent with NADB standards, as outlined below, is appropriate for all reports.

A. List the authors. Include name, address, and phone number of any consulting firm.

B. Date the report by month and year.

C. Present the report title. Indicate the type of investigation conducted, undertaking name, location including county and city or equivalent designation.

D. Identify the entity submitting the report, such as the consulting firm, agency, or group that prepared and submitted the document. The submitter and the author may be identical.

E. Identify the party to whom the document was submitted (e.g., contracting or responsible party such as an agency, developer, or a lead agency under CEQA).

F. Reference the contract number/federal agency permit number.

G. Cite the U.S.G.S. topographic quadrangles depicting study area.

H. List the acreage included in the study.

I. List keywords. NADB accommodates a large number of key words. Appropriate content for the title page depends on the type and complexity of the report. Key words can

include site numbers, county, type of undertaking, type of archaeological study, place names, important diagnostic artifact type, presence of human burials, evaluation, no resources found (if appropriate), Information Center file number (Information Centers should supply number), number of acres surveyed, quads, etc.). Archaeological site trinomials, township, and range but not section) are required in the key words section. If there are a large number of sites reported, cite the report page(s) that list the site trinomials.

III. Table of Contents (appropriate if text of report exceeds 10 pages)

A. List major report sections, subheadings, and appendices, with page numbers

B. Provide a list of maps with page numbers.

C. List figures with page numbers.

D. List tables with page numbers.

IV. Management Summary/Abstract

This section is appropriate in any type of ARM report. The Management Summary/Abstract should be a succinct (one to five pages) abstract of the scope and findings of the report. While much of the information described in this section is duplicated in a cover letter, cover letters often are either discarded after agency review or separated from archaeological reports in agency files. The Management Summary should be written so that non-archaeological professionals and the public, as well as professional archaeologists, can understand it.

A. Describe the purpose and scope of the archaeological investigation. Specify the type of study that was conducted (e.g., literature search, inventory, evaluation, data recovery).

B. List the date(s) of the investigation.

C. Summarize the major findings of the investigation. For example, if the document reports an archaeological survey, list the number and types of resources identified during the survey.

D. If resources have been evaluated, summarize their significance as determined pursuant to Appendix K of CEQA: California Environmental Quality Act Statutes and Guidelines, the National Register of Historic Places criteria, or other standards as appropriate.

E. Discuss how the undertaking affects significant resources.

F. Describe constraints on the investigation (e.g., time, finances, logistics, vegetation, weather, landowner permission).

G. Offer a summary of recommendations (e.g., evaluative test excavation, National Register eligibility recommendations, treatment recommendations).

H. Describe the disposition of field notes, collections, and reports.

V. Undertaking Information/Introduction

Undertaking means the land- or resource-disturbing activity for which an ARM study is prepared. The nature of an undertaking can determine the nature of the ARM study. Information about the undertaking is needed to determine how important archaeological resources may be affected. How much information is appropriate for a given report may depend on what was included in previous reports for the undertaking, and on the scope and size of the undertaking. Some of the following topics may not be relevant to a given undertaking.

A. Identify the contracting institution, contract number, permit number and expiration date.

B. Explain why the study was undertaken, citing relevant Federal, State, and local laws. Mention any studies that preceded and recommended the present effort.

C. Describe the undertaking, including the nature and extent of disturbance anticipated. If the undertaking consists of many features or facilities, identify and describe the nature and extent of its land- and resource-disturbing potential. Include:

   1. an undertaking location map consisting of photocopies of relevant portions of appropriate USGS quadrangles clearly delineating the undertaking boundaries. Indicate the undertaking name, quad name, quad scale, township/range, and sections on each copy.

   2. specific characteristics of the undertaking that influenced the nature of the ARM study. Include impact map(s) consisting of a photocopy of the undertaking location map (see above) that delineate areas of potential effects (APE), both direct and indirect. If appropriate, duplicate this map in Section XI, and include copies of planning maps, engineering drawings, architectural drawings, or artist's renderings that assist in defining the nature and extent of the undertaking.

D. Include a schedule for the undertaking. Describe phases of planning and construction.

E. Identify the geographical limits of the ARM study area in acres (e.g. the length and width of the survey area for linear undertakings). This area may or may not coincide with the undertaking area.

F. Describe how personnel conducting the work were organized and list the active participants and their duties. Statements of qualifications are to be provided in an appendix. Identify the persons participating in the study such as Native American observers, monitors, and consultants, interested parties with special knowledge or expertise, and technical specialists.

VI. Setting

A description of the undertaking's setting includes a discussion of both the natural and cultural environments in which archaeological resources were created and used. The discussion of setting, whether physical or cultural, involves a review of existing data and literature.

A. Natural Setting

While appropriate for all archaeological investigations, descriptions of the area's physical environments should be scaled to the size (area) of the undertaking and the potential role of the environment in understanding archaeological resources that might be present. Archaeological resources can be important for reasons other than their research value, and an analysis of the natural setting may provide such reasons.

1. Identify the natural physiographic region and biotic communities found therein.

2. Describe the current natural environment of the general area including landforms, hydrology, geology, soils, climate, vegetation, and animal life, as appropriate. The location of culturally important resources such as outcrops of cryptocrystalline, reservoirs, townsites, etc., should also be discussed, as appropriate.

3. Describe the natural environment as it is believed to have existed during the temporal periods of occupations under investigation, if such information is available.

4. Describe current land use (e.g., agriculture, mining, recreation, residential).

5. Assess the current condition of the land within the area of the undertaking (e.g., relatively unmodified, partially disturbed by construction or improvements).

B. Cultural Setting

1. Provide an overview of the archaeology of the study area, with the level of detail scaled to the undertaking size and type. Existing overviews should be cited. Regardless of whether overviews exist, survey reports should include at least a brief summary of the prehistory of the study area, citing relevant information sources. As appropriate, include:

   a. a review of the ethnographic information relevant to the study area, scaled to undertaking size and type. Consultation with the Native American Heritage Commission as well as interviews with knowledgeable consultants may be necessary.

   b. a review of the history (which may or may not include ethnographic period information) of the study area, particularly when historic archaeological resources are or could be present. Again, the depth and extent of this review should be

scaled to the size and type of undertaking as well as the recognized patterns of historic land use.

2. For resource identification reports, evidence of a record search for known archaeological resources and previous ARM reports conducted at an Information Center of the California Archaeological Inventory should be included. Either a copy of the record search report performed by Information Center staff or the results of a records search performed by a professional consultant should be provided in an appendix.

3. If other documentary research is conducted, provide the names and addresses of institutions and other sources consulted and include copies of correspondence. Refer to the types of documents examined and briefly outline the results.

VII. Research Design

Research designs are explicit statements of the theoretical and methodological approaches to be followed in an archaeological study. Research designs should be included in almost every type of archaeological report, and should vary in nature and level of detail with the undertaking and investigation type. In some cases, research designs have been developed for specific geographic regions, types of investigations, or types of resources. At a minimum, such research designs should be included into ARM reports by reference. In other reports, project-specific research design sections are necessary (e.g., evaluative and data recovery excavations).

Research designs link theory, known information, research goals, and methods. The use of previously formulated research designs is acceptable if these designs are current and relate directly to the area and type of study under consideration. Predictive models are elements of a research design applicable to archaeological surveys. Predictive models are structured predictions concerning the types and locations of archaeological phenomena anticipated in an area.

A. Discuss the theoretical basis of the proposed research. Cite or discuss the research paradigms under which the investigators are operating.

B. Summarize previous research. A summary of important research questions pertinent to the study area or to identified resources should be presented, with particular emphasis on the identification of relevant data gaps. Statements appealing to generally recognized goals of archaeology or anthropology by themselves usually lack the detail necessary for an adequate research design.

C. Present testable hypotheses or state the goals of the research. Any useful theoretical approach should be capable of generating testable hypotheses. A research design should present important research questions recognized for the region and relevant to the study, based on previous research.

D. Identify the test implications of the hypotheses.

   1. Describe expected archaeological resource types, archaeological patterns, and data categories anticipated, as they relate to test implications. Discuss operational

definitions for archaeological resource types (and rationales for their use), if different from OHP definitions of archaeological sites, historic resources, and isolated artifacts or resources.

VIII. Methods

Methods of investigation must always be included in an ARM report. The length and detail of this presentation should be scaled to the type and scope of the investigation. Discuss methodological considerations (as distinguished from methods) relevant to the resource types present or anticipated in the study area. Discuss the kinds of methods appropriate to achieving the objectives of the study. Conversely, identify constraints and difficulties that hinder(ed) realization of these goals.

A. If not offered previously, present definitions (and rationales for their use) of archaeological resource types. This is necessary when the definitions used for archaeological sites, historic resources, and isolated artifacts differ from those contained in the California Archaeological Inventory Handbook for Completing An Archaeological Site Record, distributed by the California OHP.

B. Describe the data gathering methods employed (e.g., remote sensing data; surface survey; surface chemical analysis; sub-surface methods such as probing road and stream cuts or analyzing core probes). The methods description should provide details such as maps of survey transects, deployment of survey personnel, site recordation techniques, chemical analyses, subsurface test locations and methods, and remote sensing techniques.

   1. Describe specific research and sampling strategies employed, the rationale for their use, a description of how they were implemented, and how many person-hours/days were expended, if such information is available. If methods follow agency or professional standards, define or at least cite the source for the definition of the method (e.g. intensive, general, intuitive, cursory surveys).

   2. Using U.S.G.S quadrangles, show area(s) subject to investigation in relation to the Area of Potential Effects (APE) and project boundaries. For survey reports, depict areas surveyed, not surveyed, or surveyed using various strategies. Larger scale maps may also be appropriate to convey information regarding the nature of the investigation. Such maps can be included in an appendix (see section IX.A.2.b.).

   3. Provide a descriptive summary of the areas examined, noting undertaking areas that were not inspected in relationship to the sampling strategies employed, and why. Note the percentage of ground visibility for the areas inspected.

   4. Describe site recording procedures as appropriate.

   5. Describe the types and methods of excavation. Number each excavation location on a map of the site sufficiently detailed to depict the relationship between natural and archaeological features within the site.

   6. Describe cultural materials collected (if any), including methods of documentation and removal.

7. Describe measures undertaken or needed to restore archaeologically disturbed site areas when archaeological field studies are completed.

C. Indicate where collected materials, photographs, and other documents are curated. Curatorial agreements and reburial agreements should be provided in an appendix.

1. When photos or other documentation (e.g., remote sensing data) are not included in the report, name the repository where these data are stored. Provide appropriate reference numbers used to file and retrieve this data at the repository.

2. Discuss problems or constraints in conducting the research.

IX. Report of Findings

This section presents the information collected during the study. Thorough description of collected data is essential for the construction of meaningful and well-supported interpretations. When interpretations of data are mixed with or substituted for basic data presentations, the reader is left with no basis for independently assessing conclusions and inferences. It is therefore critical to explicitly separate data presentation from interpretation of those results whenever possible. Specific descriptive requirements for particular types of ARM studies are outlined below.

A. Archaeological Resource Inventory Reports

1. If no archaeological resources were located, their absence should be explicitly noted.

2. If resources were previously reported or anticipated but were not located, discuss the possible environmental and cultural factors that may have hidden or destroyed the resources.

3. Archaeological resources identified.

   a. Provide information regarding the archaeological resources that were observed and recorded, including:

      i. prehistoric archaeological sites (i.e., primarily surface and subsurface properties);
      ii. historic archaeological sites;
      iii. isolated artifacts.

   b. Recent or contemporary resources (e.g., modern roads, power lines, structures) noted but not formally recorded might also be discussed and included on a map, although such information may not be appropriate or necessary, and is usually not confidential.

   c. The following maps should generally be included in a report on the results of inventory. Maps depicting archaeological site locations should not be included in reports that will be publicly circulated. The following types of maps might be placed in a separate appendix:

i. if not already presented (see section VIII.B.2.) area(s) subject to investigation in relation to the Area of Potential Effects (APE) and project boundaries on appropriate U.S.G.S. quadrangles (7.5 or 15 minute series). For survey reports, depict areas surveyed, not surveyed, or surveyed using various strategies. Larger scale maps may also be appropriate to convey information regarding the nature of the investigation.

ii. U.S.G.S quadrangle maps showing archaeological resource locations recorded during survey.

iii. archaeological resource sketch maps (if the report involves survey) consistent in content and quality with the standards established in the California Archaeological Inventory Handbook for Completing an Archaeological Site Record distributed by the California OHP. If archaeological site records are provided in a detachable appendix to the report, sketch maps may be included with the site records.

iv. archaeological site contour maps depicting topographic and archaeological details, and surface and subsurface study locations should be provided, if available, although such maps often are not prepared for inventory reports.

d. Describe archaeological resources. Provide a description of each resource listed under "Archaeological Resources Observed."

i. For each archaeological resource, complete a California Archaeological Inventory form (DPR 422A), using the California Archeological Inventory, Handbook For Completing An Archeological Site Record available from the OHP. Insert forms in a confidential Archaeological Resources appendix. Prior to completing the report, submit two copies of each form to the appropriate Information Center of the California Archeological Inventory, requesting state trinomial numbers for each recorded site.

ii. If isolated prehistoric resources are recorded, complete one copy of the California Archaeological Isolated Artifact form (DPR 422H) and insert in a confidential Isolated Resources appendix. The OHP encourages the recording of isolated artifacts.

iii. Provide a master map (photocopy of appropriate USGS quadrangle) depicting the locations of all archaeological resources. It may not be appropriate to include maps of archaeological resource locations in the body of the report if the report is available to the general public. Archaeological resource locations should appear only in confidential appendices (see Section IX.A.3.c.).

B. Archaeological Excavation Reports

Excavation can occur during any phase of archaeological investigation, including inventory. The description of excavation during these various phases should be scaled to the size of the excavation, the importance of the information to the objectives of the study, and the abundance and quality of information resulting from the excavation. In

terms of data presentation, no distinction is made here between excavation conducted for evaluative purposes and excavation performed as a data recovery or mitigation phase. Data and interpretation should be presented separately when possible. Summarize the results of lengthy, appended special studies.

1. Describe the physical context of the archaeological deposit, including:

    a. site topography and geomorphology (if not addressed in Setting)

    b. soil type, structure, chemistry, stratigraphy and their relationship to surrounding soils. Summarize results of special studies such as particle size analysis and soil chemistry, and include a copy of special studies reports in an appendix.

        i. non-cultural soil constituents (floral, faunal). Include a summary of special studies and insert reports in an appendix;

        ii. anthropic soils and stratigraphic relationships.

    c. profiles of excavation units, trenches, or auger borings, as appropriate,

2. Describe archaeological features. Functional ascriptions/interpretations, such as hearth, oven, housepit, may be unavoidable at this level of data presentation. It may be appropriate to discuss the relationship between feature and non-feature archaeological material distributions (e.g., the relationship between midden deposits and ovens or housepits).

    a. Describe physical evidence including location, dimensions, attributes, and associations.

    b. Provide or reference illustrations and photographs of features.

    c. Either present in full or summarize the results of special studies related to features (e.g., radiocarbon, flotation, micro-constituent analysis, chemical analysis).

3. Enumerate and describe artifacts by material type and artifact class (e.g., flaked-stone). Avoid typological ascriptions that impose or imply function or chronological association in the initial description. For example, biface, uniface, or modified flake is preferable to knife, scraper, or used flake. Such interpretations can follow in a separate subsection, as described below.

    a. Discuss typological consideration of artifacts such as stone tools, beads, bone and groundstone tools, and historic materials.

    b. Include illustrations/photographs of formal artifacts. These can be included in an appendix.

    c. Present the results of analyses of artifact manufacture and use (e.g., flaked-stone manufacturing technology, use-wear studies, pottery analysis, basketry identification). Extensive and detailed analyses may be included in appendices. A summary of the results of these studies should be presented in the body of the

report. Such studies should define analytic methods and distinguishing traits of analytic categories. For example, if a flaked-stone analysis involved the identification of different types of flakes, then the attributes that define such flake types should be reported. References to previous analyses should not supplant basic descriptions of methods and analytic categories.

d. Present the results of analyses such as radiocarbon dating, obsidian source and hydration studies, thermoluminescence dating, geomagnetic studies, pollen analysis, blood protein analysis, and others.

4. Describe non-artifactual archaeological material that reflects past human activities (e.g., burned seeds, charred animal bone), and materials that provide information on past environments or exploited resources (e.g., pollen).

   a. Include identification studies for floral and faunal remains, with interpretations regarding the kinds and amounts of resources used, consumed, etc.

   b. Present the results of physical analyses such as pollen, microconstituent analysis (flotation, coprolite studies).

5. Describe the context of discovery, examination, and disposition of human remains, if any. Given the often sensitive nature of human remains, examination and treatment of such remains will depend on the outcome of consultation with appropriate Native American representatives and the decisions of land owners regarding the disposition of human remains. Therefore, whether and how human remains and associated grave goods are examined may vary greatly. Similarly, the nature and extent of reporting on the treatment of human remains may vary with the nature of Native American concerns. It may not be possible or appropriate to maintain rigid reporting standards. In general however, the following information is desirable from an archaeological and management standpoint.

   a. Describe the context of the discovery of human remains. For example, describe if a human burial discovered during excavation was expected, based on consultant information or archaeological indicators.

   b. Describe measures taken pursuant to state law, local ordinance, agreement, and/or agency policy regarding human remains.

   c. Describe efforts to consult with the Native American Heritage Commission, appropriate Native American representatives or living descendants, county coroner, landowners, etc.

   d. Describe outcome of discussions regarding disposition of human remains.

   e. Describe actions taken with regard to the study of human remains, i.e., exposure, exhumation, analysis, reburial in-situ, reburial after exhumation.

      i. Describe the location, physical position, orientation, and nature of the remains (e.g., primary inhumation, cremation). Include a description of grave associations and the physical/contextual relationships between human remains and associated artifacts. For example, describe if artifacts were

overlying or underlying the human remains in a patterned arrangement, or were found within burial pit fill.

ii. Report the results of analyses, including specialists' reports in an appendix. Description of the remains and reporting the results of any analyses may occur under the reporting of archaeological features (Section IX.B.1.g.). iii. Include photographs and illustrations.

iv. Record/report the reburial location on a New Deposit/Redeposit Record (DPR 422I). Such information should be included in a confidential appendix and treated in a manner sensitive to the desires of the most likely descendants of the human remains.

6. Describe the spatial distribution and patterning of cultural material by class (e.g., flaked-stone, bone). Present data on the intrasite distribution of cultural materials, i.e., vertical and horizontal stratigraphy, assisted by data tables.

X. Discussion/Interpretation

Descriptive data presented above should be discussed and interpreted with explicit reference to the research design or study objectives defined earlier in the report. In addition, unanticipated data recovered during the study may warrant discussion of additional research topics not included in the research design.

A. Discuss results of the investigation as they relate to specific topics and questions presented in research design. Preferably, organize the discussion according to the structure of the research questions, hypotheses, and test implications presented in the research design.

B. Discuss the results of the study in terms of the general research objectives of the study (e.g., settlement patterns, subsistence, change through time). This discussion should place the investigation in a regional context, noting its role or contribution to an understanding of local, regional, state, or national history or prehistory.

XI. Management Considerations

The discussion of management topics should address the management goals of the study in a manner that is consistent with the specific regulatory process relevant to the ARM study. For example, an inventory report should discuss how complete the study was, the likelihood that additional resources are present in an undertaking APE, and measures that would be necessary to identify such resources. Unfortunately, terminology for similar procedures varies among local, state and federal guidelines or regulations. For example, an archaeological site might considered National Register eligible under the Section 106 process and significant under the Appendix K Guidelines for CEQA. The terms used in an ARM report should be consistent with the terms defined in the relevant guidelines or regulations.

A. Inventory Reports

1. Identify the management status of resources identified during the study. For example, list archaeological properties that have been determined National Register eligible, important, unimportant, and those that have not been evaluated. If previously recorded and/or evaluated archaeological resources were identified, provide a list of these resources.

2. Describe the completeness of the study and the likelihood that additional, unidentified resources may be present.

3. Outline needs for further management action, such as additional field survey, evaluation of resources, or no further study.

B. Evaluation Reports

Resource evaluation is the cornerstone of the current ARM environment. The outcome of evaluation determines which resources will and will not be protected or considered further. Thoughtful evaluation also establishes the importance of archaeological resources and influences the type of consideration they are afforded.

1. Provide a detailed discussion addressing the significance or uniqueness of each archaeological resource using the criteria for evaluation employed in CEQA: California Environmental Quality Act Statutes and Guidelines, Appendix K or 36 CFR 60.4, as appropriate. Critically consider the full complement of potential reasons (criteria) why a property might be considered important, not simply the most obvious or prominent.

   a. Consider the role of setting as a contributor to the importance of the resource. Archaeological resources can be eligible for the NRHP under 36 CFR 60.4(a) for their association with events that have contributed to the broad patterns of history or prehistory, under 36 CFR 60.4(c) because they embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic value. Under these criteria, setting may contribute substantially to the importance of the resource.

   b. Describe the integrity of each archaeological resource including an estimate of the percentage of the resource that is disturbed or remains. A consideration of integrity should relate to the reasons a resource is determined important. Thus, the environmental setting or surface of an archaeological site can be completely destroyed or disturbed yet the site may retain integrity if it is important only for the information its subsurface component contains.

   c. Identify the characteristics and areas of a resource that do and do not contribute to its importance. If the resource is a National Register district, identify the contributing and non-contributing properties within the district and describe the nature of their contribution, to the extent known.

i. Present clear evidence that information from the resources can address or contribute to the resolution of important, specific research questions outlined in the research design.

ii. Summarize or reference, as appropriate, the evidence that indicates the resource contains in appropriate contexts and in sufficient quantity and quality, the material needed to meet the data requirements of the stated hypotheses or research questions documented in Sections IX and X above.

iii. Evaluate each resource in terms of its overall potential to address important questions or fill data gaps. Compare the resource to others in its local or regional context to determine how much it can help to achieve stated research goals.

C. Assess Effects.

Determining the nature of an undertaking's effects on an archaeological site depends on knowing what makes an archaeological resource important, and what specific ground disturbances or other physical changes are proposed.

For example, two projects may both involve grading. In one case, grading will disturb an archaeological resource important because of the information that it contains. In the other case, grading will disturb an archaeological resource important because it visibly represents a particular human adaptation to specific environmental challenges. In the first case, the assessment of effects might conclude that the information can be acceptably recovered through archaeological excavation. In the second case, there is no way to preserve the association between the site and its surroundings if grading occurs, and the effect of the grading might be considered adverse. The difference in the effect determination is due to the different reasons the archaeological sites were determined important.

The focus of an ARM report (inventory, evaluation, etc.) and what phase of the undertaking is involved will largely determine whether or not an assessment of effects can be included in the report. Lack of project design information or unevaluated resources are just two of many factors that could preclude an assessment of effects.

1. Discuss or reference a previous discussion of the general undertaking (see Section V-D). Discuss the likely effects the undertaking may have on each important archaeological resource. Use appropriate regulatory language and reference the local, state, or federal regulations or guidelines under which the effects of the undertaking are determined. Explain each determination.

   a. Discuss anticipated direct and indirect impacts to archaeological resources. Direct impacts include destruction, alteration, and isolation of the property of its setting, when setting is a characteristic contributing to the importance of the resource. While 36 CFR Part 800 does not distinguish between direct and indirect effects, anticipated indirect impacts of an undertaking should be presented. Indirect impacts could include growth inducement, increased public use, erosion of resources outside the undertaking area. It is also appropriate to discuss beneficial effects in addition to adverse effects.

2. For reports involving multiple resources, include a table listing all resources. Provide your opinion on the importance of each resource and identify the effect of the undertaking on each (e.g., no effect, effect, no adverse effect, adverse effect).

D. Consider Alternatives and Propose Management Actions

1. For each significant or unique resource that may be affected, discuss a range of possible measures to avoid or minimize an adverse effect. Examples include:

   a. relocation or redesign of the undertaking;

   b. preservation measures (e.g., site burial, erosion slope stabilization, vegetation cover, signing, public access restrictions, site monitoring);

   c. data recovery for portions of selected resources; and

   d. no undertaking.

2. Discuss the preferred alternative offering a rationale for this preference. This discussion may address the merits of the undertaking, the mission and needs of the agency, etc.

E. Recommendations/Proposals

Recommendations and proposals for further action can take a wide variety of forms depending on the nature of the ARM study and the undertaking.

1. Inventory Reports

   a. Inventory complete. Inventory reports may conclude that efforts to locate archaeological resources have been sufficient. The inventory may lead to one of the following conclusions and recommendations:

      i. No resources were identified. The proposed undertaking does not involve or affect archaeological resources.

      ii. Resources are present. Depending on the type of resources involved and the type of undertaking proposed, one of the following recommendations may be appropriate:

         - Only unimportant resources are present. No further consideration is necessary.

         - Archaeological resources are present but because of preventive measures, will not be affected by the undertaking.

         - Archaeological resources are present. Evaluation of these resources is necessary.

- Sufficient information exists to evaluate resources. Offer recommendations regarding the importance of the resources. Often this is not possible for archaeological deposits on the basis on surface inspection alone.

b. Inventory incomplete. An initial effort to locate archaeological resources may reveal that a different level of effort or additional inventory work is necessary. This section should identify the constraints, limitations, or rationale behind the recommendation for additional work and offer specific recommendations for additional inventory.

2. Evaluation Reports

a. Evaluation results are summarized and conclusions or recommendations regarding the importance of archaeological resources are presented. When necessary, insert the following sorts of items in a confidential appendix:

i. State Historical Landmarks nominations.

ii. National Register of Historic Places nominations.

iii. National Register eligibility opinions.

iv. Opinions on the importance of the resources under CEQA.

b. Provide conclusions regarding the effect of the undertaking on important archaeological resources (e.g., no effect, no adverse effect, adverse effect). Recommend further studies or actions such as mitigation or other treatment for identified effects.

3. Treatment Reports

a. After mitigation, such as data recovery, has been completed, state whether the resource retains significance and propose additional measures needed to protect the resource or to recover additional significant information.

b. Discuss how effectively the treatment program met expectations.

XII. References (Use of American Antiquity format is encouraged).

XIII. Appendices

Depending on the type and purpose of the archaeological report, some of the following information may or may not be appropriate. In addition, investigators preparing archaeological reports for publication or wide distribution in addition to regulatory review, may wish to exclude some of the administrative information from the body of the report and instead include such information as a detached appendices or attachments.

A. Personnel qualification statements, briefs, or resumes.

B. Record search results.

1. Provide a copy of the Information Center record search, if conducted by Information Center staff.

2. If a records search is conducted at an Information Center by a qualified consultant, provide a copy of a receipt or evidence of such a search as well as a report of the results of that search, if not already included in the report. Archaeological site locations must not be disclosed in documents accessible to the general public. Confidential appendices that report site locations should contain statements requesting that their distribution be carefully controlled (see Section XIV).

C. Repository agreements.

D. Reviewer comments/agency correspondence.

E. Artifact/Collection catalog.

F. Artifact illustrations (if not in body of text).

G. Photographs and photo records.

H. Native American observer or monitor agreements.

I. Maps (non-confidential) and undertaking plans, drawings, etc.

J. Special studies/technical reports.

XIV. Confidential Appendices

Archaeological and sensitive Native American site locations and maps should not be included in copies of reports for general distribution. Archaeological site locations are exempted from the California Freedom of Information Act, as specified in Government Code 6254.10. However, review and regulatory agencies often need such information for management purposes. The placement of such information in a Confidential Appendix fulfills that need.

A. General Historical and Archaeological Resource Location Map (depicting locations of all properties within a study area).

B. Resource Inventory Records.

1. Historic Resources Inventory forms and maps (consistent with DPR 523).

2. Archaeological Site Record forms and maps (consistent with DPR 422).

3. Isolated Artifact forms and maps.

C. Native American sacred site location maps or descriptions, if regarded as sensitive. If not obtained from the Native American Heritage Commission (NAHC), disclosure of such

information should occur only after coordinating with the NAHC and with appropriate groups and individuals recommended by the NAHC.

D. Heritage Nomination Forms.

1. National Register of Historic Places forms.
2. National Historic Landmark forms.
3. Registered State Historical Landmark forms.
4. State Point of Historical Interest forms.

XV. Further Reading and Guidance - Selected References

The following references are recommended for further information and guidance. Copies of many of these references, or information on their availability, can be obtained from the California Office of Historic Preservation, P.O. Box 942896, 1416 Ninth Street, Sacramento, California 94296-0001, (916) 445-8006.

Laws and Regulations

National Historic Preservation Act of 1966. Public Law 89-665; STAT. 915; U.S.C. 470, as amended by Public Law 91-243, Public Law 94-458, Public Law 96-199, Public Law 96-244, and Public Law 96-515.

Protection of Historic Properties (36 CFR Part 800). Federal Register, Vol. 51, No. 169. September 1986.

National Register of Historic Places (36 CFR Part 60).

National Register of Historic Places (36 CFR Parts 60 and 63). Proposed Rule. Federal Register, Vol. 51, No. 150. August 5, 1986.

Curation of Federally-Owned and Administered Archeological Collections (36 CFR 79). Proposed Rule. Federal Register, Vol. 52, No. 167. August 28, 1987.

Uniform Rules and Regulations: Archeological Resources Protection Act of 1979 (43 CFR Part 7). Federal Register, Vol. 43, No. 4. January 6, 1984.

CEQA: California Environmental Quality Act Statutes and Guidelines. Office of Planning and Research, Office of Permit Assistance, Sacramento, California, 1986.

California Health and Safety Code, Section 7050.5.

California Public Resources Code, Section 5097.

Department of the Interior Guidance

Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation. Federal Register, Vol. 48, No. 190, September 29, 1983.

Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act. Federal Register, Vol. 53, No. 31. February 17, 1988.

The Section 110 Guidelines: Annotated Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act. Jointly issued by the Advisory Council on Historic Preservation and the National Park Service, U.S. Department of the Interior, Washington, D.C. 1989.

The Curation and Management of Archeological Collections: A Pilot Study. Alexander J. Lindsay, et al. Cultural Resources Management Series. U.S. Department of the Interior, Washington, D.C. September 1980.

Archeological Survey: Methods and Uses. Thomas F. King. National Park Service, U.S. Department of the Interior, Washington, D.C. 1978.

Using UTM Grid System to Record Historic Sites. Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 1980.

How to Apply the National Register Criteria for Evaluation. (Bulletin 15). National Park Service, U.S. Department of the Interior, Washington, D.C. 1982.

National Register Bulletin Series. National Park Service, Department of the Interior, Washington, D.C.

Quantifying the Present and Predicting the Past: Theory, Method, and Application of Archaeological Predictive Modeling; Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 1987.

Advisory Council on Historic Preservation Guidance

Section 106, Step-by-Step. Advisory Council on Historic Preservation, Washington, D.C. 1986.

Treatment of Archeological Properties: A Handbook. Advisory Council on Historic Preservation. Washington, D.C. 1981.

Fact Sheet: A Five-Minute Look at Section 106 Review. Advisory Council on Historic Preservation, Washington, D.C. 1988.

Fact Sheet: Programmatic Agreements under Section 106. Advisory Council on Historic Preservation, Washington, D.C. 1988.

Fact Sheet: Section 106 Participation by Applicants for and Recipients of Federal Assistance, Permits, and Licenses. Advisory Council on Historic Preservation, Washington, D.C. 1988.

Fact Sheet: Section 106 Participation by Indian Tribes and Other Native Americans. Advisory Council on Historic Preservation, Washington, D.C. 1988.

Fact Sheet: Section 106 Participation by Local Governments. Advisory Council on Historic Preservation, Washington, D.C. 1988.

Identification of Historic Properties: A Decisionmaking Guide for Managers. Advisory Council on Historic Preservation, Washington, D.C. 1988.

Public Participation in Section 106 Review: A Guide for Agency Officials. Advisory Council on Historic Preservation, Washington, D.C. 1989.

Preparing Agreement Documents. Advisory Council on Historic Preservation, Washington, D.C. 1989.

Federal Historic Preservation Case Law -- A Special Report. Advisory Council on Historic Preservation, Washington, D.C.

Recommended Outline: Ideal Data Recovery Plan. Advisory Council on Historic Preservation, Washington, D.C.

Where to Look: A Guide to Preservation Information. Advisory Council on Historic Preservation. Washington, D.C. 1983.

Miscellaneous Guidance and Readings

Appendix K, Archaeological Impacts. In CEQA: California Environmental Quality Act Statutes and Guidelines. Office of Planning and Research, Office of Permit Assistance, Sacramento, California,
1986.

Scholars as Contractors. William J. Mayer-Oakes and Alice W. Portnoy, editors. Cultural Resource Management Studies. National Park Service, U.S. Department of the Interior, Washington, D.C. 1979.

Scholars as Managers, or How the Managers Can Do It Better. Alice W. Portnoy, editor. National Park Service, U.S. Department of the Interior, Washington, D.C. 1979.

Guidelines for Cultural Resource Management (CRM) Reports. San Bernardino County Archaeological Information Center, San Bernardino, California.

California Archaeological Inventory Handbook for Completing An Archaeological Site Record. California Office of Historic Preservation, Sacramento, California. 1989.

California Archaeological Site Inventory Information Center Procedural Manual. California Office of Historic Preservation, Sacramento, California.

California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters. California Office of Historic Preservation, Sacramento, California, 1988.

Checklist for Preparing and Reviewing Archaeological Resource Management Reports

Name of Undertaking:

Name of Report:

Reviewer/Agency: Date:

I. Cover Letters (see page 1 of ARMR Guidelines)

A. Provide the undertaking's name and location, and any identifying number.
B. State agency name and where applicable, district, region, section, or branch.
C. Briefly describe the undertaking (type, acreage, components, scheduling).
D. Describe the point that compliance with historic preservation law has reached.
E. Describe the phase and/or type of investigation addressed by the document.
F. Describe the results of the investigation.
G. Indicate what compliance action is being requested under applicable laws.
H. Name agency contact person administering, or most familiar with the undertaking and study.

II. Title Page (page 2)

A. List the authors and consulting firm.
B. Date the report by month and year.
C. Present the report title.
D. Identify the entity (e.g., agency, local government) submitting the report.
E. Identify the party to whom the document was submitted and contract number, if any.
F. Reference the contract number/federal agency permit number.
G. Cite the U.S.G.S. topographic quadrangles depicting study area.
H. List the acreage included in the study.
I. List keywords.

III. Table of Contents (if text of report exceeds 10 pages [see page 3])

A. List major report sections, subheadings, and appendices, with page numbers.
B. Provide a list of maps with page numbers.
C. List figures with page numbers.
D. List tables with page numbers.

IV. Management Summary/Abstract (page 3)

A. Describe the purpose and scope of the archaeological investigation.
B. List the date(s) of the investigation.
C. Summarize the major findings of the investigation.
D. If resources have been evaluated, summarize their significance/uniqueness.
E. Discuss how the undertaking affects significant resources.
F. Describe constraints on the investigation (e.g., time, finances, logistics).
G. Offer a summary of recommendations.
H. Describe the disposition of field notes, collections, and reports.

V. Undertaking Information/Introduction (page 4 of ARMR Guidelines)

A. Identify the contracting institution, contract and permit numbers, etc.
B. Explain why the study was conducted.
C. Describe the undertaking (include maps).
D. Include a schedule for the undertaking.
E. Identify the geographical limits of ARM study area.
F. Describe how personnel were organized and list participants (qualifications in appendix).

VI. Setting (page 4)

A. Natural Setting (e.g., landforms, geology, soils, flora, fauna; current land use).
B. Cultural Setting (include records and literature search results).

VII. Research Design (page 6)

A. Discuss the theoretical basis of the proposed research.
B. Summarize previous research.
C. Present testable hypotheses or state the research goals.
D. Identify the test implications of the hypotheses or expected archaeological information.

VIII. Methods (page 6)

A. Present definitions for archaeological resource types.
B. Describe the methods employed and map the areas investigated.
C. Indicate where collected materials, photos, etc., are curated.

IX. Report of Findings (page 8)

A. Archaeological Resource Inventory Reports
   1. Present results (list resources present or absent).
   2. Include site records and location maps in confidential appendices.

B. Archaeological Excavation Reports
   1. Describe the physical context of the archaeological deposit.
   2. Describe archaeological features, artifacts, materials (ecofacts).
   3. Describe the discovery, examination, and disposition of human remains.

X. Discussion/Interpretation (page 12)

A. Discuss results of the investigation as they relate to specific research design items.
B. Discuss results of the study in terms of general research objectives.

XI. Management Considerations (page 12)

A. Inventory Reports
   1. Identify the management status of resources identified during the study.

2. Describe the completeness of the study and likelihood of unidentified resources.
3. Outline the need for further management actions.

B. Evaluation Reports
1. Discuss significance or uniqueness of each archaeological resource.
2. Discuss the integrity of each archaeological resource.

C. Assess Effects

C. Consider Alternatives/Proposed Management Actions
1. Discuss possible measures to avoid/minimize impacts to resources.
2. Discuss the preferred alternative and rationale behind the preference.

E. Recommendations/Proposals

XII. References (page 16)

XIII. Appendices (Include sections listed below as appropriate, page 16).

A. Personnel qualifications (provide briefs or resumes)
B. Record search results.
C. Repository agreements.
D. Reviewers comments/agency correspondence.
E. Artifact/Collection catalog.
F. Artifact illustrations (if not in body of text).
G. Photographs and photo records.
H. Native American observer or monitor agreements.
I. Maps (non-confidential) and undertaking plans, drawings, etc.
J. Special studies/technical reports.

XIV. Confidential Appendices (page 17)

A. Historical and Archaeological Resource Location Maps
B. Resource Inventory Records for archaeological sites and historic structures.
C. Native American sacred site location maps or descriptions.
D. Heritage Nomination forms.

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APPENDIX H: Storm Water Standards and Requirements

DRAFT

City of

Carmel-by-the-Sea

Storm Water Utility
Administrative Procedures Manual

December 6, 2000

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5-1 Street Sweeping Schedule
5-2 Trash Pick-up Schedule
5-3 City Storm Water Pollution Prevention Plan
7-1 Plan Review Checklist
7-2 Site Inspection Form (Construction/New Development/Redevelopment)
9-1 Abatement Forms (Notice of Requirement to Remediate/Model Resolution)

Chapter 1
Introduction and Overview

Define "BMP's"

1.1 Introduction

This Administrative Procedures Manual has been prepared to assist the City of Carmel-by-the-Sea in the day-to-day implementation of its National Pollutant Discharge System ("NPDES") program for storm water. The operating authority for the City's program is found in Section 12.20 et.seq. of the City Code.

1.2 Purpose and Scope of Work

The purpose of this Manual is to provide a readily accessible reference for City staff charged with implementing the requirements of the City's NPDES program as set forth in Section 12.20 of the City Code entitled Urban Storm Water Quality Management and Discharge Control.

The Manual provides accessible copies of the Federal Regulations, Regional Board Permit and City Standards that outline the requirements of the City's program. In addition, the Manual describes each component of the City's program and provides flowcharts, checklists and standard forms to assist City staff in their day to day work.

This Manual is loosely bound in a binder format to allow the City to easily make changes, revisions or updates to its procedures. The City's program consists of the elements outlined in Table__ below. The first six program elements are specified in NPDES regulations. Because commercial and visitor serving facilities are so common in Carmel-by-the-Sea, the City has chosen to include a program element to address this industry.

Table ___
Elements of the City of Carmel-by-the-Sea's Urban Runoff Program

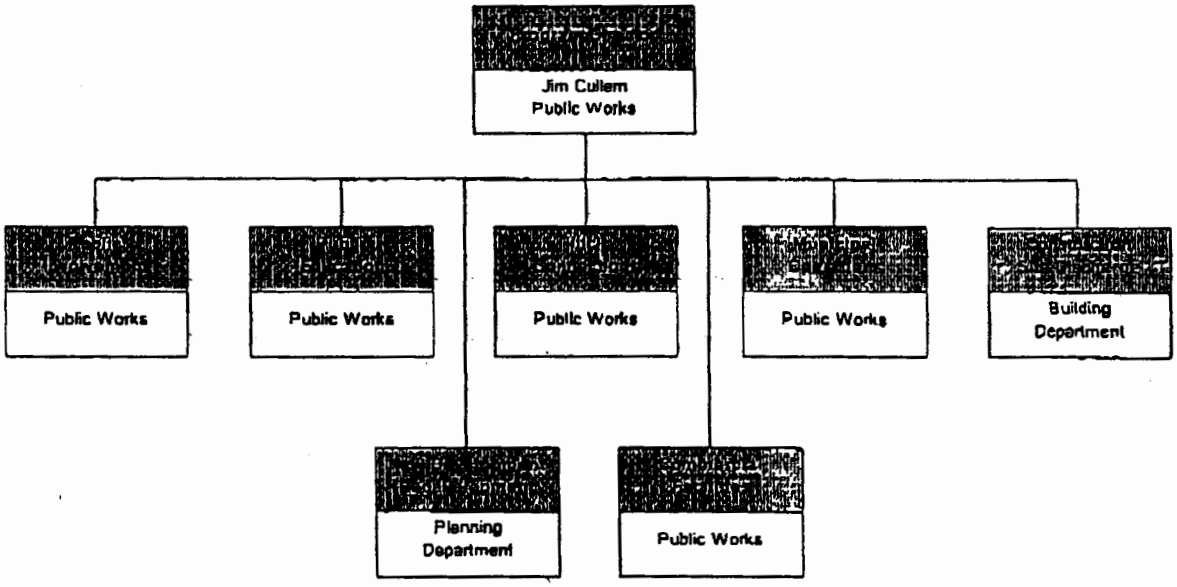
Program Element	Urban Runoff Pollutant Source
Public Involvement/Participation	N/A
Public Education and Outreach Program	Improper dumping of pollutants by residence and businesses; conduct of everyday activities that result in pollution
Illicit Connection and Discharge Detection and Elimination Program	Illegal dumping of pollutants and inappropriate physical connections to the storm drains
Municipal Operations Control Program	Publicly owned facilities (streets, sidewalks, public parking lots, corporation yards, landscaped areas, etc.)
Construction Site Discharge Control Program	Construction sites (sediment and other pollutants)
New Development/Redevelopment Control Program	Proposed new and redevelopment project sites (where urban runoff problems can be avoided through planning)
Commercial Facilities Control Program	Commercial facilities

Each program element is discussed within this Manual.

1.3 Staff Tasks and Responsibilities

The primary responsibility for the NPDES program rests with the Department of Public Works. The Construction Site Discharge Control Program and the New Development/Redevelopment Control Program will require active cooperation with the Planning and Building Department. Figure __ below provides an organization chart for each program element.

Storm Water Utility
Organization Chart



1.4 Budgets and Fund Numbers

The City's proposed budgets for the program are outlined in Table __ on the following page.

Table ___
City of Carmel-by-the-Sea's Urban Runoff Program
Funds and Budget Descriptions

Fund Number	Description	Budget Allocation
	Public Involvement & Participation	
	Town Meetings	$10,200
	Public Education & Outreach	
	Storm Drain Stenciling	$200
	Utility Inserts	$2,000
	Newsletter	$1,000
	School Outreach	$2,000
	Radio Ads	$2,000
	Illicit Connection & Discharge Detection & Elimination	
	Relocate Drainage to Public Right-of-Way	$42,000
	Rehabilitate Old or Damaged Lines	$91,000
	Inspection of Outfall Pipes, Manholes & Catchbasins	$4,000
	Water Quality Monitoring	$20,000
	Vehicle Inspection	$5,000
	Site Inspections	$21,000
	Municipal Operations Control	
	Street Sweeping	$100,000
	Trash Pickup	$80,000
	Cover and Isolate Maintenance Vehicle Wash Areas	$5,000
	Cover and Isolate Maintenance Vehicle Fueling Areas	$1,000
	Cover and Isolate Maintenance Material Storage	$1,000
	Cleaning of Storm Drain Lines, Catchbasins & Manholes	$18,000
	Pet Feces Control	$60,000
	Construction Site Control	
	Grading Ordinance	$10,000
	Enforcement of Best Management Practices	$7,000
	New Development/Redevelopment Controls	
	Efforts to Minimize Impervious Area	$10,000
	Commercial Facilities Control	
	Swimming Pool Discharges	$1,100
	Landscape-Fertilizer & Pesticide Control	$1,000
	Restaurant Education and Control Program	*

**This item was not budgeted in the Preliminary Study; however, the City has expressed interest in a program that targets restaurants*

1.5 Regulatory Framework

Copies of the City's Storm Water Standards, the Regional Board permit and the Federal Regulations that define storm water systems and activities are appended to this section of the Manual.

<The following will be appended to the final Manual

- *Industrial Activity Definition 40 CFR, Section 122.26(b)(14)*
- *Storm Drain System Definition 40 CFR. Section 122.2*
- *National Pollutant Discharge System Permit issued by the Central Coast Regional Water Quality Control Board*
- *City Storm Water Standards>*

Chapter 2
Public Involvement/Participation Program

The NPDES regulations require that the City include a public involvement and participation in the development and implementation of its program to ensure that the public accepts and owns the program. The City of Carmel-by-the-Sea's program objectives are:

- To raise public awareness about urban runoff pollution.
- To involve the public in the development and implementation process to generate public support for municipal water quality protection efforts.

2.1 Sample Presentation for Community Groups

A first step "stock presentation" is included in this Manual. The presentation begins with a description of the problem, including a list of the water quality contaminants of concern, as well as drainage system deficiencies. The presentation includes possible solutions to the problems and a financing strategy. A list of other local jurisdictions to be affected by the programs is included so that the audience understands the mandates are statewide as well as nationwide. The presentation concludes with a detailed breakdown of the NPDES Phase II required elements and Carmel-by-the-Sea's specific plans for addressing each of those elements.

2.2 Involvement of Stakeholder Groups

Table ___ provides a list of stakeholder groups and contacts for the City's program. This table is included on a separate page to allow the City to easily update its stakeholder list.

2.3 Program Evaluation and Documentation

The NDPES regulations require that the City establish measurable goals and monitor its compliance with these goals. Based on work done by the cities of Monterey and Santa Cruz, the City of Carmel-by-the-Sea is including the following measurable goals for control programs:

- Conducting presentations to the City Council in the program's first year;
- Holding public meetings to involve restaurant and visitor service industries in the Best Management Practices development process within the program's first 18 months;
- Attending neighborhood meetings throughout the municipality to involve the residential community in the development of the illicit discharge detection and elimination program within the program's first two years; and
- Establishing a Citizen's Advisory Committee to help set up rate structures and utility goals. Involves business/tourist associations and homeowner's associations.

Table __ following, will allow staff to track the dates and events attended. This log will serve as evidence of the City's compliance with its stated goals.

Table ___
Stakeholder Contacts

Name	Organization	Contact Information

<Harris can put this together with input from the City>

Table ___
Log of Public Participation Events

Date	Event Attended	Staff Participating	Council Participating

Chapter 3
Public Education and Outreach Program

The NPDES regulations require that the City include a public education/outreach program to distribute educational materials to the community about the impacts of non-storm water discharges on water bodies and steps the individuals and households can take to control urban runoff pollution.

"Public education" refers to curriculum-based programs (e.g., school programs), while "public outreach" pertains to methods that disseminate information (e.g., volunteer programs, advertising, and displays at public facilities). The City of Carmel-by-the-Sea's program objectives are:

- To understand public perceptions and attitudes towards the problem of urban runoff.
- To get the message out and raise public awareness about urban runoff pollution and its impact on the community's water resources.
- To educate the community about specific pollutant sources and on what they can do to reduce urban runoff pollution (alternative pollution prevention solutions).
- To foster participation through community-based projects or volunteer activities focused on pollution prevention.

3.1 Outreach Strategies and Tools

For purposes of developing public education and outreach that addresses specific sources, the community can be considered as composed of the following audiences:

- the residential community
- the commercial/business sector
- the development community/ the construction sector
- the government (city council and municipal operators)

The table on the following pages lists strategies and tools that can be used for different groups:

The Appendix includes a variety of material developed for the Monterey Bay region with contacts where available.

3.2 Program Evaluation and Documentation

The NDPES regulations require that the City establish measurable goals and monitor its compliance with these goals. Based on work done by the cities of Monterey and Santa Cruz, the City of Carmel-by-the-Sea is including the following measurable goals for control programs:

- Label storm drain inlets within first two years of the program.
- Distribute outreach materials on getting the message out to 100 percent of homes in the first/second year of the program.
- Distribute outreach materials on targeted residential sources to 100 percent of homes in the third year of program.
- Distribute outreach material with 100 percent of building permits in the first two years of the program.

Table ___
Types of Outreach by Audiences

ACTIVITY/TASK	AUDIENCES: Residents	Special Community Group	Children	Business	Industry	Construction/New Development	Community Groups	Media/PSAT	Municipalities/Agencies	Organizations	Allied Organizations
COMMUNITY OUTREACH											
Stormwater Information Hotline*	●	●	●	●	●	●	●	●	●	●	●
Interactive Model*	●	●	●				●			●	●
Fact Sheets*	●	●	●			●	●	●		●	●
Display Exhibit*	●	●	●	●			●			●	●
Tip Sheets	●	●						●			
Utility Inserts	●	●									
Door Hangers	●	●									
Direct Mail Campaign	●	●									
Newsletter	●						●				
Promotional Items	●		●					●			
Educational Video	●	●	●	●	●		●	●	●	●	
Interested Parties Database	●	●	●	●	●		●	●	●	●	
Computer Game/Quiz	●	●	●				●				
Community Grant Program	●	●	●				●				
Storm Drain Stenciling Program	●	●	●	●	●	●	●	●	●	●	●
VIP Breakfast and Tour				●	●			●		●	
Amateur Photo Contest	●			●			●	●			
Speakers Bureau: Community Group Focus							●				
Volunteer Program	●						●	●			
Best (No) Pest Gardening Contest	●			●			●				
Special Community Events	●	●					●	●			
Celebrity Spokespersons	●	●									
CHILDREN'S OUTREACH											
School Assembly Program		●	●								
Kid's Activity Packages			●					●			
Coloring Books			●								
Restaurant Table Mats			●	●							
Children's Television Club			●					●			
Teacher Training/Workshops			●								
Science Fairs/Projects		●	●								
Calendars			●								
Field Trips			●								
Adopt a Watershed/Creek			●	●							
BUSINESS OUTREACH											
COMMERCIAL SECTION OUTREACH				●				●			
Business Incentives Program				●							
Public/Private Partnerships		●		●							
Speakers Bureau: Commercial Sector Focus		●		●							
Educational Workshops for Targeted Businesses											
Point-of-Purchase Campaigns											

Based on Sacramento Stormwater Management Program

Table ___ cont.
Types of Outreach by Audiences

ACTIVITY/TASK	AUDIENCES: Residents	Ethnic Group	Children	Business	Industry	Construction/New Development	Community Groups	Media (PSAs)	Municipal Personnel	Officials/Regulators	Allied Organizations
BUSINESS OUTREACH CONT.											
b. Automotive Fluids	●	●		●				●			
c. Home Improvement Products	●			●			●	●			
Sponsorship of Program Elements				●							
INDUSTRIAL SECTOR OUTREACH											
Educational Workshops for Targeted Industries					●						
Industrial Employee Education					●						
Recognition Program					●			●		●	●
Sponsorship of Program Elements					●						
CONSTRUCTION/NEW DEVELOPMENT OUTREACH						●					
Grading/Erosion Control Workshops						●					
Contractor-Focused Workshops						●					
Tailgate Training	●					●	●				
Outreach to Residents of New Developments						●					
Sponsorship of Program Elements						●					
MEDIA RELATIONS											
Media Sponsorship/Partnership								●			
Press Kits	●	●						●			
Pre-Written Articles	●	●					●	●			
Media Interviews/Briefings	●	●						●			
ADVERTISING											
Television (Cable Public Access)	●	●	●	●					●		
Radio	●	●	●	●					●		
Billboards	●	●		●					●		
Print	●	●	●	●	●	●	●	●	●	●	
MULTI-CULTURAL COMMUNITY OUTREACH											
Multi-Lingual Bulletins		●									
Community Leader Outreach		●									
Speakers Bureau: Multi-Ethnic Community Focus		●									
Multi-Cultural Radio PSA's		●						●			
Multi-Cultural Community Events		●									
OUTREACH TO POLITICAL OFFICIALS/REGULATORS											
City Council Presentations										●	
Presentations to Regulators										●	
OUTREACH TO MUNICIPAL PERSONNEL											
Educational Workshops for Municipal Personnel									●		
COORDINATION WITH ALLIED ORGANIZATIONS											
Coordinate with NPDES Permittees											●
Coordinate with Regional Organizations											●
Coordinate with Other Stormwater Programs											●

Based on Sacramento Stormwater Management Program

Chapter 4
Illicit Connection and Discharge Detection and Elimination and Source Control Program

The NPDES regulations require that the City include an illicit connection and discharge detection and elimination program (hereinafter illicit connection/discharge program). The City of Carmel-by-the-Sea's program objectives are:

- To correct existing deficiencies in the storm water system infrastructure to eliminate potential paths for illicit discharges.
- To control illicit discharges by conducting methodical field surveys/investigations of the storm drain system to identify and eliminate existing improper physical connections.
- To prevent improper disposal of wastes through a program that combines public education with provision of alternative disposal options and incentives.
- To contain and clean up accidental spills using proper methods of cleanup and disposal.

4.1 Permissible Discharges

The ordinance lists the following permissible discharges:
<we need to work with the City to identify those discharges that will be permissible>

The City does not document or work to correct permissible discharges.

4.2 Illicit Connection/ Discharge Program

The City of Carmel-by-the-Sea is including the following elements in its program:

- Compile a list of potential pollution generating sites
- Relocation of portions of the City drainage system from private property to the public right-of-way
- Rehabilitation of damaged storm drain lines
- Inspection of outfall pipes, manholes and catchbasins
- Water Quality Monitoring
- Vehicle Inspection Program
- Site inspections of the potential pollution generating sites. Enforcement and education as necessary

a. Relocation and Rehabilitation Program
The City currently maintains approximately ____ linear feet of storm drainage infrastructure. The infrastructure outfalls to Carmel Bay in 12 locations as shown in Figure 1.

The City has prepared and adopted a Drainage Study (1995 Drainage Study for Carmel-by-the-Sea) which identifies areas where the storm drainage infrastructure has failed or is located on private property. The complete list is included in the Appendix.

b. Infrastructure Inspection Program
The City's inspection program includes conducting Closed Circuit TV (CCTV) inspections of pipelines and regular above ground inspections of manholes, catchbasins and exposed pipelines. The inspection program will help preserve the structural integrity of the system and provide a method of identifying the locations of illicit discharges. The inspection program helps satisfy the "Good Housekeeping" requirements outlined in Chapter 5 and it is the City's intent to conduct the two programs in a consistent and efficient fashion.

Inspection forms that can be used for CCTV review as well as field reviews are included in the Appendix.

c. Water Quality Monitoring
The City monitors storm water quality at the locations indicated on Figure 1. The City will monitor for the constituents identified in its NPDES permit. *<Note, we will need to expand this section to includes forms and monitoring procedures when we have a better understanding of the NDPES permit requirements>*

d. Vehicle and Site Inspection Program
In addition to the inspection programs associated with the public infrastructure, the City works to identify oil leaks from parked vehicles and identify potential problems on private sites. These inspection programs are conducted concurrently with the infrastructure inspection programs identified in this Chapter and Chapter 5 and with the construction and development inspections identified in Chapters 6 and 7.

City inspectors will issue Fix-it-Tickets to vehicles leaking oil. A form of the Fix-it-Ticket is included in the Appendix. Problems identified on private property can be documented on the Site Inspection Forms provided for the construction/development review program elements.

4.3 Program Evaluation and Documentation

The NDPES regulations require that the City establish measurable goals and monitor its compliance with these goals. Based on work done by the Cities of Monterey and Santa Cruz, the City of Carmel-by-the-Sea is including the following measurable goals for control programs

- Perform field/television inspections in 20% of the City each year in order assure that the whole City is reviewed every 5-years which allows the field data to be continuously included in the City's 5-year CIP process.
- Complete the known CIP projects within 5 years, effectively eliminating illicit discharges through failing storm water infrastructure.
- Submit Water Quality results to the Regional Water Quality Control Board in accordance with the permit conditions.
- Keep an active file of the vehicle inspection and site inspection program components.

Chapter 5
Municipal Operations Control Program

NPDES regulations require the City to develop and implement a cost-effective operation and maintenance program with the ultimate goal of preventing and reducing pollutant runoff from municipal operations. Municipal operations of concern include street maintenance, parks and open-space maintenance, fleet maintenance, planning, building oversight, and storm water system maintenance.

The City of Carmel-by-the-Sea's program objective is to:

- Identify, develop, and implement Best Management Practices/good housekeeping procedures to address urban runoff pollution associated with municipal operations.

5.1 Municipal Operations Control Program

The City of Carmel-by-the-Sea has identified the following components to its Municipal Operations and Control Program:

- Street Sweeping
- Trash Pick-up
- Covering and Isolation of Maintenance Vehicle Wash Areas at City Facilities
- Covering and Isolation of Maintenance Vehicle Fueling Areas at City Facilities
- Cleaning of Storm Drain Infrastructure
- Pet Feces Control

a. Street Sweeping
The City's program includes sweeping every street in the City at least twice per month. The current street sweeping schedule by location and date is included in the Appendix.

b. Trash Pick-up
The City works to assure that adequate trash disposal facilities are included in public areas. City litter crews also perform localized trash pick-up on every street at least twice per month (alternating weeks with the street sweeping schedule). The trash pick-up schedule is included in the Appendix.

c. Facility Covering and Isolation
The City has covered and isolated washing and fueling stations at its police station, fire station and public works facility. This is consistent with the City's Municipal Storm Water Pollution Prevention Plan (SWPPP) which is included in the Appendix.

d. Cleaning of Storm Drain Infrastructure
The City inspects its storm drain structure annually with activity occurring between early May and late August (i.e. after the rainy season). Inspection is also described in Chapter 4 and forms are provided in the Appendix. Catch basins will be scheduled for cleaning when the sumps are 60% full.

The inspection forms include areas to note the need for cleaning. In late August, the maintenance crews will compile the forms, note all areas in need of cleaning and develop a schedule for accomplishing the cleaning prior to October 1.

Cleaning is accomplished in cooperation with the City of Monterey. The contact for Monterey is _____.

e. Pet Feces Control
<we need some information on the City about how they want to go about this program—is it fundamentally a public education program or is City staff going to be actively doing something?>

5.2 Program Evaluation and Documentation

The NPDES regulations require that the City set measurable goals for its programs. The City of Carmel-by-the-Sea has established the following goals for its Municipal Operations Control Program:

- Sweep 100-percent of the City's streets on a bi-weekly basis.
- Visually inspect 100-percent of the City's catch basins and storm drain inlets between May 1 and August 30 of each year.
- Based on the visual inspects schedule and complete all necessary cleaning by October 1 of each year.
- Keep an active file of the inspection forms to document ongoing compliance.

Chapter 6
Construction Site Discharge Control Program

All construction sites (regardless of location) that are five or more acres in size are covered by Phase 1 NPDES Construction Site General Permits. NPDES Phase II regulations require controls on construction sites greater than one but less than five acres and allow the use of a General Permit to accomplish this. The City has adopted the following objective for its construction site discharge control program:

- Reduce the potential for discharge of pollutants into urban runoff from construction sites.

The construction site control program elements and its targeted audience are very similar to the development and redevelopment control program discussed in Chapter 7 of this Manual. Many of the program elements will overlap and the City's goal is to provide consistent information and a streamlined process.

6.1 Grading Ordinance Provisions

<A model construction site grading ordinance is included in the Appendix—Harris & Associates can assist the City in developing its own Ordinance>

6.2 Outreach to the Development and Construction Community

Chapter 3 of this manual includes a discussion of the City's outreach program. Sample materials and techniques are discussed in Chapter 3.

6.3 Development Review Procedures

The City's development review process is outlined in Chapter 7. Fundamentally, staff will work to apply a uniform and consistent review and inspection process as part of its Construction Site Control Program and Development/Redevelopment program. The City has the primary responsibility to assure compliance with NPDES program goals when the construction site is less than one acre in size. For larger sites, the enforcement authority rests with the Regional Water Quality Control Board.

a. Construction Site One Acre or More in Size

Construction sites one acre or more in size covered by the General NPDES Permit adopted by the Regional Board. The City's responsibility is primarily to inform developers within its jurisdiction of this additional permit requirement which includes filing a Notice of Intent to comply with General Permit and developing a Construction Site Storm Water Pollution Prevention Plan. Because these General Permit requirements have been enforced for site larger than five acres for about 10 years, most construction contractors will be familiar with program elements and requirements.

Both Public Works and the Community Development Departments keep blank copies of the NOI form at their information counters.

The development review flow charts and checklists and inspection checklists included in Chapter 7 can be used to assist in review and inspection on construction sites. However, enforcement authority rests with the Regional Water Quality Control Board and does not follow the process outlined Chapter 9.

Should City staff encounter problems on construction sites one acre or larger, staff should immediately contact the Regional Board at *<insert phone number here>*

b. Construction Site Less than One Acre

For these smaller construction sites, the City will utilize the program elements described in Chapter 7.

6.4 Program Evaluation and Documentation

The following goals are included in the construction site control program:

- All construction projects are covered by either a current, up-to-date SWPPP or controls to reduce storm water pollution
- Achieve zero complaints from the public regarding hydrological and water quality impacts from construction sites.
- Achieve full compliance with inspection checklists (i.e., inspection checklists show that all construction sites are implementing BMPs and meeting permit requirements).

Table ___ on the following page provides a log for the City to track compliance with its construction site control program. The logs should be filled out by site inspectors and filed with Public Works upon the completion of the project.

Table ___
Construction Site Control Program Log
(attach Site Inspection Form upon completion)

Site Location	SWPPP on File	Public Complaints			
		Date	Nature of Complaint	Action	Inspector

Chapter 7
New Development/Redevelopment Control Program

The NPDES regulations require that the City develop, implement, and enforce a program to address ongoing storm water runoff control from new development and redevelopment projects. Because of the nature of the City of Carmel, most development activity is infill and redevelopment activity and the City has been working actively to assure that runoff from new development and redevelopment activity is contained on site. Based on its own experience and the work by the Cities of Monterey and Santa Cruz, the City has established the following objectives for its program:

- To reduce the potential for discharge of pollutants into urban runoff from new development and redevelopment areas using a strategy that combines reducing/eliminating sources of pollutants, and managing site runoff volumes largely on site.

7.1 Policies Related to Runoff and Pollutant Control

The City has a long-standing policy that encourages onsite control measures. Appendix __ includes a plan-review checklist that will assist staff in determining if onsite runoff control techniques are included in project design.

7.2 Outreach to the Development Community

Chapter 3 of this manual includes a discussion of the City's outreach program. Sample materials and techniques are discussed in Chapter 3.

7.3 Development Review Procedures

Figure ___ is a flow chart of the City's review process.

7.4 Inspection Program

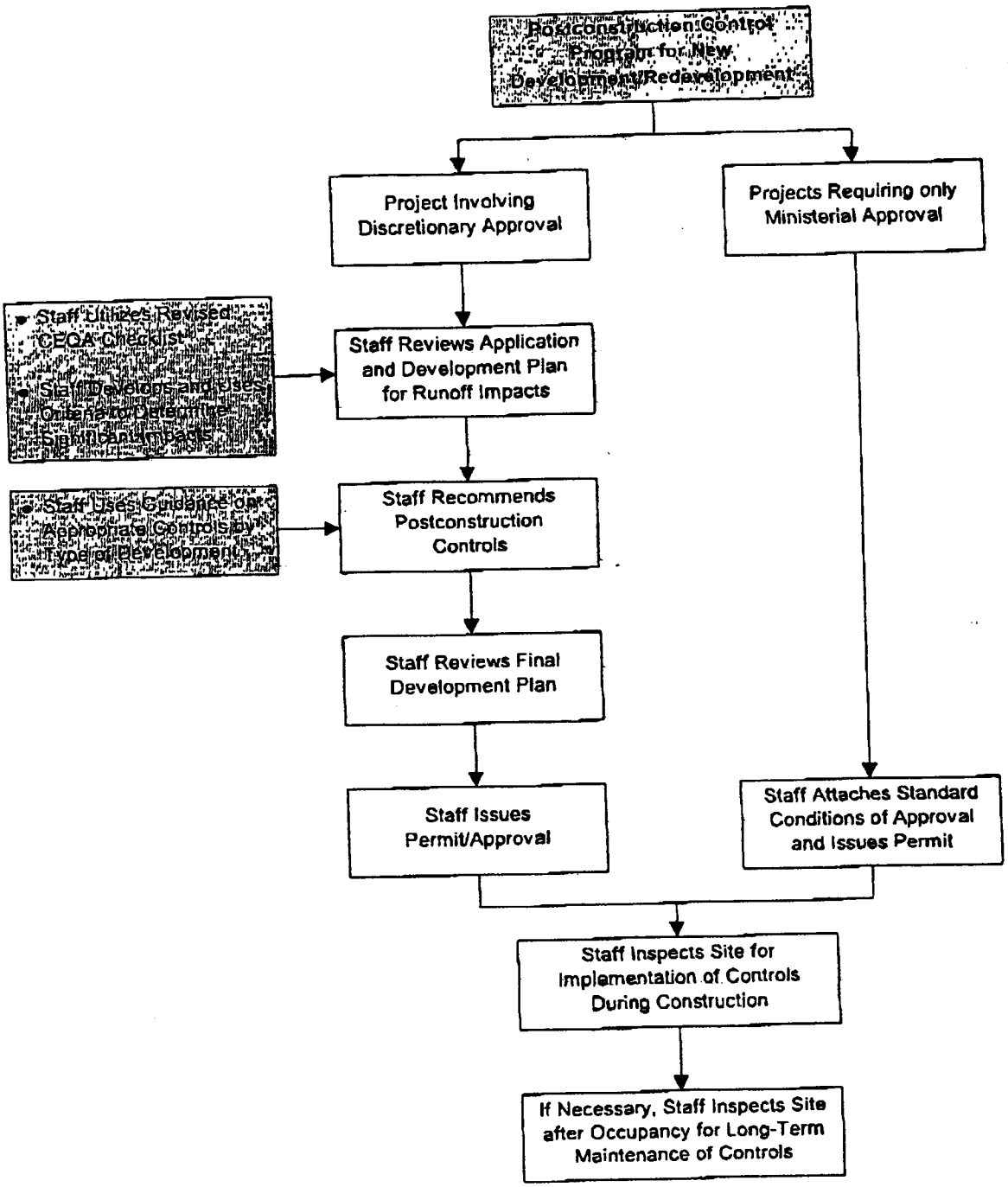
Appendix ___ contains a site inspection form that can be used by building inspectors to assure that approved storm water controls are included in the constructed project.

7.5 Long-Term Maintenance and Monitoring Program

If structural controls are approved as part of the pollutant and runoff control system, the City will require that the developer demonstrate that adequate maintenance will be conducted. The following maintenance strategies are acceptable to the City.

- Covenants, conditions, and restrictions adopted for the development and conveyed to a Home Owners Association.
- Lease agreements that include the maintenance requirements for postconstruction controls at the site.
- City maintenance of postconstruction controls with an established maintenance assessment district formed with developer consent.

Project Approval Process



7.6 Program Evaluation and Documentation

The NPDES regulations require that the City set measurable goals for its programs. The City of Carmel-by-the-Sea has established the following goals for its new development/redevelopment program:

- Include some postconstruction controls to address urban runoff concerns for all new development/redevelopment projects approved in the next fiscal year.
- Check all completed projects for implementation of structural controls.
- Inspect all structural controls annually to ensure that maintenance is performed.
- Keep an active file of the Site Inspection Forms to document ongoing compliance.

Chapter 8
Commercial Facilities Control Program

The NPDES regulations do not require small municipalities to regulate commercial or industrial facilities. However, given the visitor serving nature of Carmel-by-the Sea, attention to commercial facilities is appropriate.

The objective of this program is to:

- Develop a program based on outreach and education to reduce the potential for discharge of pollutants into urban runoff from unregulated commercial facilities.

8.1 Elements of the Commercial Facilities Runoff Control Program

<we need to work with the City to identify the scope and intent of this program>

8.2 Program Evaluation and Documentation

The NPDES regulations require that the City set measurable goals for its programs. The City of Carmel-by-the-Sea has established the following goals for its commercial facilities outreach program:

- Some level of outreach/education (mailing, telephone contact, workshop, etc.) to all restaurants within first year of this program.
- Site visits to all restaurants within the second year of this program.

Table __, following, will allow staff to track the outreach and site visit efforts. This log will serve as evidence of the City's compliance with its stated goals.

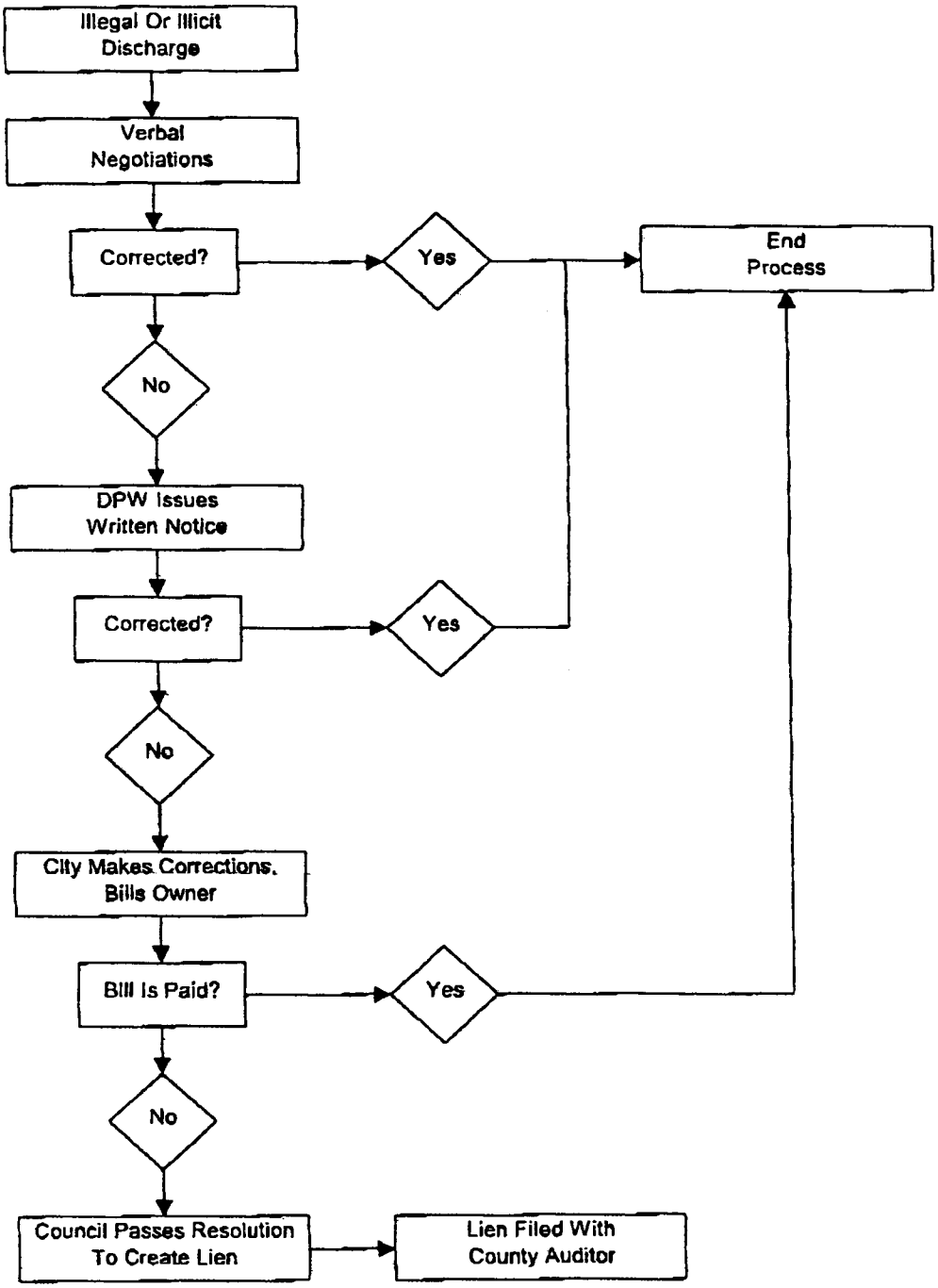
Table ___
Commercial Facilities Runoff Control Program

Date	Action (mailing/visit/etc.)	Staff Participating	Comments or Follow-up

Chapter 9
Remediation and Abatement Procedures

The City's storm water ordinance provides the authority for remediation and abatement on private property, when this is necessary to protect water quality.

Figure ____ on the following page is a flow-chart of the abatement process.

Notices and forms are found in the Appendix.

Abatement Procedures Flowchart