

CALIFORNIA COASTAL COMMISSION

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W10a**Staff Report Addendum**

Date: June 12, 2007
To: Commissioners and Interested Parties
From: Charles Lester, Deputy Director
Steve Monowitz, District Manager
Mike Watson, Coastal Planner
Subject: Addendum to May 24, 2007 Staff Report Prepared for the June 13, 2007 Hearing (Agenda Item W10a) Regarding Carmel-by-the-Sea Minor Amendment Number 1-07 (Community Plan Districts / Specific Plans)

Following the release of the above referenced staff report, staff identified an error in its findings regarding the existing Community Plan District / Specific Plan (CP/SP) ordinance as it relates to allowable uses and maximum density. Clarification is needed to reflect the actual intent of the CP/SP ordinance.

Commission staff also received two letters that object to the proposed amendment as minor, and that raise concerns regarding the amendment's substance, which are included in the District's Director's report. In general, the objections contends the existing certified Community Plan / Specific Plan Ordinance (CP/SP) provides too much flexibility from the land use and development regulations of the underlying zoning districts identified in the certified LCP, and that the proposed expansion of the ordinance to apply to all properties within the City, regardless of size will exacerbate this problem. In addition, staff received letters and petitions objecting to the annexation and rezoning of the 3.7 acre Carmel Convalescent Hospital site, which are also included in the District Director's report and addressed below.

Revisions to the staff report needed to clarify the findings are detailed in Section I, below (additions to staff report shown with underlines, deletions with ~~strikethroughs~~). Responses to the objections are addressed in Section II.

I. Staff Report Findings: Clarification of Existing Ordinance

The final paragraph on page 2 of staff's report states that only existing uses established by the underlying zone district may be permitted in a CP/SP district, and that residential density is limited to the maximum allowed in any district under the certified LCP. Since production of the staff report, City staff has clarified that any type of land use identified in the certified LUP may be permitted in a CP/SP district. For example, residential and commercial uses may be permitted within a CP/SP district, because they are existing, identified uses in the LUP. An industrial use may not be permitted, as the Carmel LCP does not have an industrial use designation. With

respect to density, the City has clarified that the maximum allowed density is limited to the maximum allowed under any district in the certified LUP. For example, the City's multi-family designation allows for 33 units per acre (44 units when affordable housing is provided). Thus, the maximum allowed density for any CP/SP district involving residential development would be 33 units per acre, and 44 units per acre if affordable housing is provided. Accordingly, staff recommends the following changes to the staff report findings:

Revise the 4th Paragraph on Page 2 as follows:

The proposed removal of the 60,000 square foot minimum will not, in and of itself, result in a change in the location, density, or intensity of use of the underlying district. The regulations contained in the CP/SP ordinance stipulate that only existing uses established by the ~~underlying zone district~~ certified LUP may be permitted in a CP/SP district. Residential density is similarly limited to the maximum allowed in any district under the current General Plan / Coastal Land Use Plan standards. The proposed amendment only affects the procedural requirements and criteria for establishing CP/SP districts. Each individual Community Plan District / Specific Plan proposal is subject to Commission consistency review, and ultimately approval and certification of an amendment to Carmel's certified LCP, at which time substantive changes to existing LCP development standards associated with the CP/SP proposal will be reviewed.

II. Responses to Objections Received on Proposed Minor Amendment

Staff received two letters that object to the classification of the amendment as minor and that oppose the ordinance because it allows deviations from existing land use and development standards of the LCP. The letters also suggest that the ordinance is confusing and unclear on how CP/SP plans may be initiated or justified.

As detailed by the staff report, minor amendments are changes in wording which make the use as designated in the zoning ordinances or other implementing actions more specific and which do not change the kind, location, intensity, or density of use. As submitted, the proposed amendment only affects the procedural requirements and criteria for establishing CP/SP districts by removing existing limitations that allow for Community Plans and Specific Plans only on sites that are over 60,000 square feet in size or have at least ten lots. Each individual Community Plan District / Specific Plan must be approved by the City and the Coastal Commission via the LCP amendment process, at which time any change in the land use and density allowed by the baseline zoning district associated with the CP/SP proposal will be reviewed for consistency with the standards of the certified Land Use Plan. Changes in the procedural requirements and criteria for establishing CP/SP districts will not, in and of themselves, result in a change in location, intensity, or density of use. Furthermore, the proposed amendment provides additional

information and clarification regarding the procedural requirements and criteria for establishing CP/SP districts.

With respect to concerns that have been raised regarding the City's proposed annexation of the Carmel Convalescent Hospital, it should be noted that the 3.7 acre site already meets the minimum size criteria (> 60,000s.f) for establishing a CP/SP district, and the proposed amendment to eliminate this standard will have no effect on whether the site may appropriately be classified as a community plan district if the City is successful in its annexation efforts. If annexed, the LCP will need to be amended to address this site in order for the City to obtain coastal development permit jurisdiction over this area.

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W10a

**PUBLIC NOTICE****Prepared May 24, 2007 (for June 13, 2007 Hearing)**

To: Commissioners and Interested Persons
From: Charles Lester, Deputy District Director
Steve Monowitz, District Manager
Mike Watson, Coastal Planner

Subject: **City of Carmel-by-the-Sea LCP Minor Amendment Number 1-07 (Community Plan Districts / Specific Plans)** Proposed minor amendment to the City of Carmel-by-the-Sea certified Local Coastal Program to be heard at the Coastal Commission's June 13, 2007 meeting at the Hyatt Vineyard Creek Hotel & Spa (170 Railroad Street) in Santa Rosa.

The City of Carmel-by-the-Sea is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP/Zoning Ordinance) be amended. This amendment request was filed on May 15, 2007 pursuant to Coastal Act Section 30514(b) and California Code of Regulations (CCR) Sections 13554 and 13555. The proposed amendment would provide additional clarification of procedural requirements for review, approval, and certification of Community Plan Districts and Specific Plans; and eliminate current restrictions on establishing Community Plan Districts and Specific Plans based on lots that are under 60,000 square feet in size.

Based on its review of submitted materials, the Executive Director has determined that the LCP amendment qualifies as a minor amendment. Section 13554(a) of the California Code of Regulations defines minor amendments to certified Implementation Plans (zoning ordinance) as:

changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission to be consistent with the land use plan as certified by the Commission.

The proposed amendment provides additional clarification on review and processing of Community Plan District /Specific Plan (CP/SP) reclassification proposals. For example, the amendment clarifies that the Planning Commission must make findings of unique site characteristics, common interests, or related topics of special concern that warrant additional planning and site design considerations to address said issues or topics. Additionally, the amendment supplements existing LCP provisions to require that all land use regulations and

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development standards proposed for a Community District Plan or Specific Plan be reviewed and approved concurrent with the application for reclassification to a CP/SP overlay district. The amendment further clarifies that each CP/SP district proposal requires Commission approval of an amendment to the certified Implementation Plan. Finally, the amendment clarifies that future amendments to CP/SP districts are subject to the same adoption processes and notification requirements for new CP/SP proposals, which are consistent with Coastal Act regulations for LCP amendments.

The only substantive change proposed by the submitted amendment is the elimination of the existing 60,000 square foot minimum lot size criteria for establishing a Community Plan / Specific Plan District, thereby extending this option to all properties within the City, regardless of size. This change has been proposed because there are few individual properties large enough to qualify for a CP/SP overlay under the existing standard. Most of the residentially zoned City is subdivided into 4,000 square foot lots and thus it would require an area equal to 15 residential lots, nearly one entire City block, to be eligible for reclassification to a CP/SP district. Accordingly, the CP/SP overlay planning guidelines cannot be currently used to address topics of special concern on smaller sites.

The purpose of the CP/SP overlay district is to identify special site characteristics, common interests, and/or related topics of special concern that warrant more specific design review and planning to address these issues (e.g., provision of affordable housing, protection of forest resources, or preservation of cultural and historic resources). The CP/SP overlay district allows for deviation from the land use regulations and physical development standards of the underlying zone district (i.e., setbacks, height, coverage, etc.) to enhance the potential for superior community design compared to that possible under the base district regulations. Approval of a Community Plan District or Specific Plan must be accompanied by a finding of consistency with the adopted policies and guidelines of the Coastal Land Use Plan, and evidence that the deviations from the existing base district regulations are justified by compensating benefits of the Community Plan.

The proposed removal of the 60,000 square foot minimum will not, in and of itself, result in a change in the location, density, or intensity of use of the underlying district. The regulations contained in the CP/SP ordinance stipulate that only existing uses established by the underlying zone district may be permitted in a CP/SP district. Residential density is similarly limited to the maximum allowed in any district under the current General Plan / Coastal Land Use Plan standards. The proposed amendment only affects the procedural requirements and criteria for establishing CP/SP districts. Each individual Community Plan District / Specific Plan proposal is subject to Commission consistency review, and ultimately approval and certification of an amendment to Carmel's certified LCP, at which time substantive changes to existing LCP development standards associated with the CP/SP proposal will be reviewed.



The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554 because it clarifies LCP terminology and does not conflict with Chapter 3 of the Coastal Act or any other policy in the City's certified Land Use Plan (CCR Section 13554(d)(3)).

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its June 13, 2007 meeting at the Hyatt Vineyard Creek Hotel & Spa located at 170 Railroad Street in Santa Rosa. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(a)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Mike Watson in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by June 4, 2005.

Attachments:

Exhibit A: Proposed Text of the City of Carmel-by-the-Sea LCP Amendment for Community Plan Districts / Specific Plans



Chapter 17.22
COMMUNITY PLAN DISTRICTS AND SPECIFIC PLANS¹

Sections:

17.22.010 Purposes.

17.22.020 Land Use Regulations.

17.22.030 Development Regulations.

17.22.040 Procedure.

17.22.050 Planning Commission and City Council Action.

17.22.060 Status of Community Plan.

17.22.070 Zoning Map Designator.

17.22.010 Purposes.

In addition to the general purposes listed in Chapter 17.04 CMC, 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 these plans following adoption by the City. The term "Community Plan (CP)" includes Specific Plans as established by California Government Code Section 65450 et seq. as well as neighborhood plans and conservation plans. As used in this Chapter, the term Community Plan (CP) includes all of these variations. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.22.020 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. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.22.030 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). (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.22.040 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).~~

Findings Required to Define Boundary. Establishment of any Community Planning area shall require adoption of a finding by the Planning Commission that:

1. Special buildings, streetscapes, neighborhood open space areas or site characteristics exist and justify including such land within a Community Plan (CP), or
2. Various public and/or private properties, whether contiguous or not, share a common interest or are related by a topic of special concern that justifies establishment of a Community Plan to addresses said topic or interest.

C. Required Plans and Materials. In addition to the information required for a zoning map amendment in Chapter 17.52 CMC, 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—~~The terms and regulations of the proposed Community Plan (CP) shall be reviewed and approved at the same time as consideration of the application for the proposed 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 30 days after adoption of the ordinance creating the CP district. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.22.050 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 CMC, 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. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.22.060 Adoption, Mapping and Amendments

- A. 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.
- B. Each CP District shall be designated on the Zoning Map by the letters "CP" followed by a number. A table on the Zoning Map shall show for each numbered district, the Community name and a reference to the adopting ordinance and/or the resolution approving the plan. Upon approval by the City Council and the Coastal Commission, each Community Plan shall be incorporated into the Municipal Code/Implementation Plan as a separate Article of this Chapter.
- C. Amendments to an adopted Community Plan constitute amendments to the Zoning Ordinance/Coastal Implementation Plan and shall be subject to the same adoption processes public notice requirements. 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 CMC, Permit Procedures. The decisions of the Commission may be appealed to the City Council under the provisions of Chapter 17.54 CMC, Appeals. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

~~17.22.070 Zoning Map Designator.~~

Each CP District shall be designated on the Zoning Map by the letters "CP" followed by a number. A table on the Zoning Map shall show for each numbered district, the Community name and a reference to the adopting ordinance and the resolution approving the plan.