

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

W10c



Prepared November 20, 2008 (for December 10, 2008 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Mike Watson, Coastal Planner

Subject: Final Coastal Commission Certification Review for City of Marina Local Coastal Program Amendment Number 1-08 (Secondary Dwelling Units)

At the August 7, 2008 Coastal Commission meeting in Oceanside, the Commission approved, with suggested modifications, City of Marina Local Coastal Program (LCP) Major Amendment Number 1-08. The amendment revised the LCP's Implementation Plan to establish second units as a permitted use in all residential zone districts, to define the development standards for such second units, and to clarify the development standards for guest houses in residentially-zoned districts.

By action taken October 7, 2008, the City of Marina adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit A). This action was taken within the required six month timeframe.

The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., December 10, 2008), and notification of this certification and Commission concurrence will be forwarded to the City.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Marina to accept the Commission's suggested modifications for LCP Amendment 1-08 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Marina LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-08; the amended LCP will be certified as of today's date (i.e., December 10, 2008). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit A: City's Acceptance of the Coastal Commission's Suggested LCP Modifications



ORDINANCE NO. 2008-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING SECTION 17.06.020 (USE REGULATIONS) AND SECTION 17.06.040 (SECOND DWELLING AND GUEST HOUSES) OF THE MARINA MUNICIPAL CODE AND LOCAL COASTAL PROGRAM TO REQUIRE THAT DEVELOPMENT OF SECONDARY DWELLINGS BE SERVED BY A MUNICIPAL UTILITY SYSTEM, THAT SECONDARY DWELLINGS BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OR BY COASTAL DEVELOPMENT PERMIT IN THE COASTAL ZONE, AND THAT PRIVATE WATER WELLS ARE NOT ALLOWED TO SERVE DEVELOPMENT IN THE CITY OF MARINA AND THAT WILL BE COME EFFECTIVE UPON COASTAL COMMISSION CONCURRENCE FINDING BY EXECUTIVE DIRECTOR THAT THE AMENDMENTS HAVE BEEN PROPERLY ADOPTED BY THE CITY OF MARINA.

THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN THAT:

ONE, AMENDMENTS TO MARINA MUNICIPAL CODE AND LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN: That Section 17.06.020 and Section 17.06.040 of the Marina Municipal Code and Local Coastal Program Implementation Plan shall be amended as shown in "Exhibit A." The amendment is to ensure that the Marina Municipal Code is internally consistent and provides direction for implementation of the affordable housing ordinance and that secondary dwellings be served by a municipal utility system, that secondary dwellings be approved by the Community Development Director or by Coastal Development Permit in the Coastal Zone, and that private water wells are not allowed to serve developments within the City of Marina. The amendment is consistent with the Marina General Plan and Fort Ord Reuse Plan in that the ordinance amendment facilitates implementation of an affordable housing ordinance that implements related plan policies that encourage the implementation of affordable housing throughout the City and to ensure that development within the City of Marina can and will be served by the local water purveyor.

TWO, EFFECTIVE DATE: This Ordinance shall take effect and shall be in force 30-days from and after adoption of this Ordinance and will become effective upon Coastal Commission concurrence with the Executive Director's finding that the Amendments have been properly adopted.

THREE, POSTING OF ORDINANCE: Within fifteen (15) days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on September 16, 2008, and was passed by roll call vote (4-0-1 Gray-0) and adopted at a regular meeting duly held on the 7th day of October 2008.

AYES: COUNCIL MEMBERS: Amadeo, Ford, Gray, McCall, Wilmot

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

RECEIVED

APPROVED:

OCT 29 2008

Gerald J. Wilmot, Mayor

ATTEST

Dimitra M. Hubbard, Deputy City Clerk

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

AMENDMENT TO MARINA ZONING ORDINANCE REGARDING SECOND UNITS

17.06.020 Use Regulations.

17.06.040 Secondary dwellings and guesthouses.

- A. One secondary dwelling or one guesthouse is allowed per building site subject to the following general requirements:
1. There is one and only one single-family dwelling and no other main buildings on the building site.
 2. The building site is located in the R-1, R-2, R-3, or R-4 district and conforms to the minimum site area, minimum average lot width, and minimum lot depth requirements of the district in which it is located.
 3. If located in the R-4 district, the building site is not in excess of seven thousand five hundred square feet.
 4. The building site is not located within (1) a condominium or planned unit development project; or (2) in a mobile home or trailer park.
 5. The building site abuts upon and takes direct access from a public street.
 6. Maximum floor area shall not exceed whichever is less of: (1) ten percent of the site area, (2) two-thirds of the living area of the main building, or (3) nine hundred fifty square feet.
 7. The guest house or secondary dwelling ~~unit~~ shall incorporate or continue architectural features that are similar to and/or compatible with the main building with respect to roof pitch and style, exterior building materials and colors.
 8. Additional parking is not required, but any parking provided shall be in accordance with Chapter 17.44.
 9. The secondary dwelling or guest house does not qualify as a housing unit and shall not be counted towards meeting a housing unit density requirement for a project site and shall not be counted towards meeting an inclusionary housing requirement.
 - ✓ 10. No development shall be approved that would exceed the capacity of municipal utility systems. All applications received for secondary dwellings shall be accompanied with evidence provided by the municipal utility provider that there is adequate service capacity to serve the proposed development.
 - ✓ 11. Concurrent with the project application a written commitment from the municipal water provider is required that verifies that capability of the municipal system to serve the proposed development. Projects shall not be approved without such written commitment. A written commitment is a letter from the municipal water provider guaranteeing that the required level of service for the project will be available prior to the issuance of building permits. The City decision-making body shall not approve any development unless adequate municipal water supply is available to serve the development.
- B. Additional Regulations for Guest Houses. No guesthouse or any part thereof shall be rented, let or leased separately from the main residence.
- C. Additional Regulations for Attached Secondary Dwellings.
1. Attached secondary dwellings shall be governed by the minimum yard and maximum height requirements for the main building as required by applicable provisions of Section 17.06.070 and the district in which it is located.
 2. The entrances to attached secondary dwellings located on the second floor of the main building shall face the rear yard only.

D. Additional Regulations for Guest Houses and Detached Secondary Dwellings.

1. Guesthouses and detached secondary dwellings shall be subject to the following requirements, notwithstanding any district or general regulations to the contrary:
 - a. Located on the rear half of the building site and shall maintain a minimum rear yard of ten feet;
 - b. Located no closer than six feet from the nearest point of the main building;
 - c. Not to be located in required side yard in the district in which located; and
 - d. Not to exceed a maximum height of sixteen feet in the R-1, R-2 or R-3 district and not exceed a maximum height of twenty-five feet in the R-4 district.
 - e. All new secondary dwelling development when combined with all existing site development shall together conform to all applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance, including coverage standards.
2. Design of Openings. Entry doors, including sliding glass doors, access stairs, and decks shall be limited to the walls facing the primary residence, and/or interior of the rear yard. Exceptions to this standard may be approved only as follows and only then upon approval of the site and architectural design review board:
 - a. Where such openings would face any interior side lot line, said side yard for the secondary dwelling shall be increased to ten feet in accordance with Section 17.06.070(E).
 - b. Notwithstanding the provision of subsection A of this section, where such openings would face any rear lot line, said rear yard for the secondary dwelling or guest house shall be increased to fifteen feet.
3. Architectural Compatibility. The design of guesthouse or secondary dwelling sited on a corner lot, within thirty feet of an exterior side lot line and visible from the public street, shall be consistent with the street appearance of the existing residence.

E. Site and Architectural Design Review Board Appeal and Approval.

1. Referral to the site and architectural design review board may be requested by the applicant in those instances where an applicant wishes to appeal the planning director's determination regarding architectural compatibility pursuant to subsections (A)(7) and (D)(3) of this section. The design review board may affirm or modify the planning director's determination where the board determines that the design of the secondary dwelling or guesthouse, as affirmed or modified, enhances the overall appearance and character of the neighborhood in which it is located.
2. Where site and architectural design review board is requested or required pursuant to this section, abutting property owners shall be notified through the mailing of design review board meeting agendas. In all instances, the applicant shall be responsible for payment of applicable design review fees.

F. Permit Required. Secondary dwellings are permitted with approval of either the Community Development Director or a Coastal Development Permit consistent with Section 17.43 and as otherwise provided in this section.

1. Projects outside Coastal Zone. Community Development Director approval is required. Action is final.
2. Projects in Coastal Appeal Zone. A Coastal Development Permit is required. The public hearing is waived unless the secondary dwelling is part of a larger project that requires a public hearing or if a variance is requested. Notice shall be provided in accordance with Section 17.43. Action on the permit is final unless appealed to the Coastal Commission within ten working days of the Commission's receipt of the Notice of Final Local Action.

3. Projects in the Coastal Zone, non-appealable. A Coastal Development Permit is required. Notice is required in accordance with Section 17.43. Action on the Coastal Development Permit is final.

(Ord. 2004-12 § 1, 2004; Ord. 2003-09 § 1 (part), 2003; zoning ordinance dated 7/94 (part), 1994).