

CALIFORNIA COASTAL COMMISSION

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

Th13a



March 20, 2008 (for April 10, 2008 Hearing)

To: Coastal Commissioners and Interested Persons

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

Subject: Certification Review for City of Carmel-by-the-Sea Local Coastal Program Amendment Number 1-06 (Forest Cottages Specific Plan)

At the January 10, 2008 Coastal Commission meeting in Marina del Rey, the Commission approved, with suggested modifications, City of Carmel-by-the-Sea Local Coastal Program (LCP) Major Amendment Number 1-06. This LCP amendment established a community plan district and identified the specific area plan standards for a 4 parcel site on the corner of Junipero Avenue and Ocean Avenues. The specific area plan contains the various uses, standards, and guidelines necessary to carry out future development of the site consistent with the certified Land Use Plan (LUP).

By action taken February 5, 2008, the City of Carmel-by-the-Sea 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., April 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 Carmel-by-the-Sea to accept the Commission's suggested modifications for LCP Amendment 1-06 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Carmel-by-the-Sea LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-06; the amended LCP will be certified as of today's date (i.e., April 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

Exhibit B: Commission's Certification Letter



CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2008-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING REVISIONS TO THE LANGUAGE OF THE FOREST COTTAGES
SPECIFIC PLAN

WHEREAS, The City of Carmel-by-the-Sea is a unique community that prides itself on its residential character; and

WHEREAS, the City has adopted a General Plan and Municipal Code that strive to protect the village character through clear policies and regulations that guide property owners in the protection of the residential character; and

WHEREAS, the City Council adopted the language of the Forest Cottages Specific Plan on 7 March 2006 by resolution; and

WHEREAS, the Specific Plan 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; and


WHEREAS, on 10 January 2008 the California Coastal Commission certified the Specific Plan, with modifications, as an amendment to the Local Coastal Program.

NOW, THEREFORE, the City Council of the City of Carmel-by-the-Sea does hereby resolve to adopt the modifications to the Forest Cottages Specific Plan as identified in Exhibit "A", attached

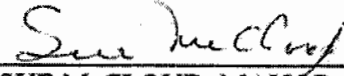
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 5th day of February 2008 by the following roll call vote:

AYES:	COUNCIL MEMBERS:	HAZDOVAC; SHARP; TALMAGE AND McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBER:	ROSE:

ATTEST:


Heidi Burch, City Clerk

SIGNED,


SUE McCLOUD, MAYOR

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EXHIBIT "A"

Forest Cottages Specific Plan

Designated.

The provisions set forth in this Specific Plan shall apply only to Block 79 between Mountain View Avenue, Ocean Avenue and Torres Street.

Goals.

- A. Provide an efficient plan for the development of a uniquely located parcel;
- B. Maintain and enhance an existing historic structure;
- C. Provide two units of low income housing;
- D. Design structures that maintain a residential character consistent with the Residential Design Guidelines through a variety in size, style, materials, configuration, trim color and roof pitch;
- E. Develop a site plan that presents one-story building elements to the street with second story building elements being stepped back away from the street;
- F. Develop a site plan that maintains open-space and existing trees;
- G. Provide on-site parking in a subterranean structure which meets the parking needs of the site and is designed to be in scale with surrounding development;
- H. Provide adequate landscape screening from Ocean Avenue.

Applicability of regulations.

If an issue or condition occurs that is not sufficiently addressed by this Specific Plan, those regulations of the Municipal Code that are most applicable to the issue or condition shall apply, as determined by the Planning Commission. Land use issues shall be governed by provisions of the R-1 District. Design issues not specifically addressed in this Plan shall be governed by the Residential Design Guidelines. Parking Design and use issues shall be governed by regulations for parking applicable to the R-4 District.

Permitted and Required Uses:

The following uses are permitted in this Specific Plan:

Lot A: Four single-family residential housing units.

Lot B: Two multi-family residential units shall be permanently dedicated and used to provide housing for low-income or very low-income households as defined by State statutes. A deed restriction shall be recorded establishing this requirement prior to issuance of the first building permit within the Specific Plan.

Lot Sizes.

A. The Specific Plan requires the merger of the existing four lots into two lots in accordance with Figure 2 located at the end of this article. A complete condominium subdivision map showing all parcels and meeting the standards of such maps as specified

by the Subdivision Map Act of the State of California shall be filed with the County Recorder.

B. The size of the two lots contained within the Specific Plan area shall be as follows:

Lot A: 9,892

Lot B: 3,019

Subdivisions.

No further subdivision of the specific plan area shall be permitted if that subdivision would result in additional building sites. Lot line adjustments shall be reviewed and approved in the manner set forth in Title 17 of the CMC.

Alterations to Vegetation or Existing Structures.

The following regulations shall apply to the existing historic structure and vegetation within the Specific Plan area.

A. **Historic Structure.** The existing historic structure on lot B shall be protected, preserved, and enhanced. All proposals for additions or alterations shall be subject to Historic Review in accordance CMC (Implementation Plan) Section 17.32.14 and Design Review in accordance with CMC (Implementation Plan) Section 17.58.

B. No tree as determined by the City Forester to be significant shall be removed with out approval of the Forest and Beach Commission. Applications for tree removal, pruning, or alteration shall be carried out in accordance with CMC (Implementation Plan) Section 17.48. Significant trees that have been removed shall be replaced in accordance with the provisions of CMC (Implementation Plan) Sections 17.48.080 and 17.48.100. All vegetation alterations shall be consistent with the Landscaping provisions required by this specific plan.

New Structures.

Development of the Forest Cottages Specific Plan site shall be carried out in accordance with design approvals DR 05-7/UP 05-5 issued by the Planning Commission on December 7, 2005 for the construction of four new residential units, modification of the existing historic structure for two affordable housing units, a subterranean garage, and site circulation, drainage, and landscaping. All development shall be substantially in conformance with the project plans titled Forest Cottages approved under DR 05-7 and UP 05-5. All future proposals for new construction or alterations shall require approval of all requisite permits, including coastal development permits, by the Planning Commission, and shall be preceded by an amendment to the Forest Cottages Specific Plan (i.e., an LCP Implementation Plan amendment). In considering such applications the Planning Commission shall address the following:

- A. Consistency of the proposed construction with the goals, objectives and policies of the General Plan/Coastal Land Use Plan and the provisions of this Specific Plan;
- B. Preservation of vegetation and significant trees;
- C. Compatibility with the existing historic resource located on lot B;
- D. Consistency with the Residential Design Guidelines;
- E. Compatibility with the adjacent neighborhood.

Development Regulations.

Development regulations for lot A shall be as follows:

- A. The maximum height of any new structure shall not exceed 24 feet from existing or finished grade, whichever is more restrictive.
- B. Site coverage shall not exceed 1833 square feet (18.5%) and all site coverage not located directly above the subterranean garage shall be permeable or semipermeable, with the exception of stoops or stairs.
- C. All one-story building elements shall be setback a minimum of 5 feet from any property line adjacent to a City street. All two-story building elements shall be located a minimum of 15 feet from any property line adjacent to a City street. There shall be no required setback from the interior south property line.
- D. The floor area ratio for lot A shall not exceed 69%. The floor area ratio for both lot A and lot B combined shall not exceed 63%. The definitions for floor area ratio shall be as established in the R-1 District.
- E. The maximum floor area for each new residential unit on lot A shall be as follows:

- Unit 1 = 1,522 sq. ft.
- Unit 2 = 1,740 sq. ft.
- Unit 3 = 1,781 sq. ft.
- Unit 4 = 1,740 sq. ft.

Development regulations for lot B shall be as follows:

- A. The existing structure is an historic resource and shall not be demolished. All requests for exterior alterations shall be consistent with CMC 17.32 and with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B. The height of the existing structure (28') shall not be increased.
- C. Site coverage shall not exceed 550 square feet (18%) and at least 50% of all site coverage shall be permeable or semipermeable.
- D. Minimum Setbacks shall be as follows:
 - Torres Street = 0 ft.
 - Mt. View Street = 6 ft.
 - North property line = 2 ft.
- E. The floor area for the site shall not exceed 45%.

Drainage Plan.

A drainage plan shall be submitted to the City of Carmel-by-the-Sea Community Planning and Building Department for review and approval. The plan shall be in substantial conformance with the July 6, 2006 plans prepared by Neill Engineers Corp. and approved under DR 05-7 and UP 05-5, which shall be revised and supplemented to comply with the following requirements:

The drainage plan shall identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the residences, paths, parking areas, and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. Such plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants more efficiently than standard silt and grease traps. The drainage system shall be designed to filter and treat (i.e., a physical and/or chemical reduction of pollutants achieved

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through active filtration and treatment) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1-hour runoff even (with an appropriate safety factor) for flow based BMPs prior to its use for on-site infiltration, landscape irrigation, and/or discharge. The drainage system may include natural biological filtration components such as vegetated filter strips, percolation pits, and grassy swales provided that they are populated with native plant species capable of active filtration and treatment (e.g., rushes). If grades require, natural check-dams may be used in such biological filters. The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.

Parking.

Eight spaces measuring at least 8 ½ feet by 16 feet shall be provided by a subterranean garage for the structures on lot A. Access shall be provided by one driveway off of Mt. View Street. Two parking spaces measuring at least 8 ½ feet by 16 feet shall be provided for the structure on lot B. Access shall be provided by one driveway off of Torres Street.

Landscaping.

A Landscape Plan shall be submitted to the City Forester for review and approval and shall include an appropriate mix of upper and lower canopy vegetation that will ensure the project site is adequately screened from public roadways along Ocean Avenue, Mountain View Avenue, and Torres Street for the life of the project. Upper canopy trees (i.e. Monterey pine and cypress) as well as lower canopy trees (i.e., coast live oak) shall be planted within the required open space area and along Ocean Avenue, Mountain View Avenue, and Torres Street road rights-of-way in a manner that approximates a natural woodland and to screen the development from the roadways at plant maturity. All existing vegetation along Ocean Avenue and Mountain View Avenue public rights-of-way, as well as new landscaping required on-site, including trees, shrubs, and plants shall be maintained in a healthy growing condition for the life of the project. The Landscape Plan shall include performance criteria that upon maturity, a continuous tree canopy and understory will as described above, obscure Ocean Avenue views of the project site, and be maintained thereafter over the life of the development, including explicit remediation requirements to replace dead or poorly performing trees and vegetation as necessary to maintain a visual screen. All replacement trees and vegetation shall be comprised of native species indigenous to Carmel (i.e. from local stock).

All existing non-native, invasive species shall be removed and shall be kept from the entire site in perpetuity. The Landscape Plan shall assure that no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California are used or allowed to persist on the site. The plan shall also ensure that no plant species listed as a noxious weed by the State of California or the U.S. Federal Government are used.

Open Space.

A 2,040 square foot area of the site located at the northwest corner of the site, as indicated in figure 3, shall remain as undeveloped open-space. This area shall be landscaped according to the standards of CMC 17.34 as part of a landscape plan.

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approved by the City Forester. This area shall remain undeveloped except for the following:

- A) Two pathways not to exceed 4 feet in width.
- B) Not to exceed two park benches.

Violation – Penalty.

Any person, firm or corporation, whether as principal or agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this article is guilty of an infraction. Any part of any building erected contrary to the provisions of this article is declared to be unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence action for the abatement or removal thereof. Should any person, firm or corporation violate the terms of this article and any action is authorized by the City Council or the City Attorney, or is in fact filed for said violations, no other actions shall be taken on any application filed by or on behalf of said person, firm or corporation until the litigation has been resolved.

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DRAFT

April 11, 2008

Mayor Sue McCloud
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel-by-the-Sea, CA 93921

Subject: City of Carmel LCP Major Amendment 1-06 (Forest Cottages Specific Plan)

Dear Mayor McCloud:

We received Resolution 2008-12 adopted by the City Council on February 5, 2008. By that action, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-06, and incorporated the Commission's suggested modifications into the City's LCP.

I have determined, and the Commission has concurred, that the City's action with respect to LCP Major Amendment 1-06, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's April 10, 2008 meeting in Santa Barbara. As a result, the City's LCP, as amended by LCP Major Amendment 1-06, was certified as of April 10, 2008 and is now in effect.

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

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Dan Carl
District Manager
Central Coast District Office

cc: Brian Roseth, City of Carmel-by-the-Sea Planning Division
Sean Conroy, City of Carmel-by-the-Sea Planning Division

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