

CALIFORNIA COASTAL COMMISSION

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

Th13b



Prepared March 20, 2008 (for April 10, 2008 hearing)

To: Commissioners and Interested Persons

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

Subject: **City of Marina LCP Amendment Number 1-06 Part 1 (Guest Houses).** Executive Director's determination that the amendment is de minimis to be reported to the California Coastal Commission at its April 10, 2008 meeting to take place at the Santa Barbara County Board of Supervisors Chambers, 105 E. Anapamu Street, in Santa Barbara.

1. City of Marina's Proposed Amendment

The City of Marina is proposing to amend its certified Local Coastal Program (LCP) zoning code (only) to eliminate guest houses as a permitted use in the K (Agricultural – Residential) and R (Residential) coastal zone districts (see Exhibit A for the proposed text of the amendment). These proposed changes would apply to all “K” and “R”- zoned properties in the coastal zone (see Exhibit B).

The purpose of this notice is to advise interested parties of the Executive Director's determination that this proposed LCP amendment is de minimis.

2. De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis.” In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis determination, the



California Coastal Commission

April 10, 2008 Meeting in Santa Barbara

Staff: M. Watson Approved by:

Th13b-4-2008

amendment shall be set for public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on April 20, 2008).

Each of the de minimis criteria is discussed briefly below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act: The City's proposal would eliminate the allowance for a guest house on residentially zoned sites within the coastal zone (see Exhibit A). There are roughly 30 such zoned properties in a small subdivision adjacent to the Marina Ecological Reserve, an open space designated area with two significant vernal ponds / wetland areas (see Exhibit B). The lot sizes average about 7,500 square feet and most, if not all, parcels have already been improved with single-family residences. As defined, guest houses are permanent, detached living quarters without kitchen or cooking facilities that are subordinate to the main structure on the property. These units cannot be rented or leased and thus are not suitable affordable housing units. As proposed, the amendment will help to maintain the existing low-density residential character of the neighborhood and prevent impacts from additional urban development and building intensity from overwhelming and/or having an adverse effect on the adjacent sensitive habitat.

The proposed changes will reduce potential impacts on coastal resources. Thus, the proposal will not have an impact, either individually or cumulatively, on coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

2. Provision of public notice: The City provided public notice in advance of the City Council hearings (held on August 7, 2007, September 19, 2007, and November 20, 2007). Notices were mailed to interested parties on June 4, 2007, and a newspaper advertisement notice was done on June 2, 2007. In addition, the proposed text was made available in advance at the Marina Library, Marina Post Office, City Hall Lobby, and Council Chambers Bulletin Board on June 4, 2007; the text was also made available on the City's website in advance of the City Council hearing. The amendment submittal was subsequently received by Commission staff on January 14, 2008, thus satisfying the 21 day requirement.

3. No change in use of land or allowable use of property: No change in use is proposed by this amendment.

The Executive Director will report this de minimis determination, and any comments received on it, to the Coastal Commission at its April 10, 2008 meeting at the Santa Barbara County Board of Supervisors Chambers, 105 E. Anapamu Street, in Santa Barbara. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Mike Watson at the Central Coast District Office in Santa Cruz. If you wish to comment on the proposed de minimis amendment determination, please do so by Friday, April 4, 2008.



3. Procedural Note

This proposed LCP amendment was filed on February 11, 2008. Pursuant to Coastal Act Section 30513, the Commission must act on it within 60 days of the day it was filed; 60 days from February 11, 2008 is April 11, 2008. Thus, it would have to be acted upon today. Coastal Act Section 30513 provides that the amendment is deemed approved and certified by the Commission if action is not taken within the applicable time frame. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the 60-day time limit for a period not to exceed one year. Therefore, if three or more commissioners object to the de minimis determination, and this item is to be held over for a subsequent public hearing, then the Commission will need to extend the deadline for Commission action by one-year or have the ordinance be approved and certified as submitted. Thus, in the event that three or more commissioners object to this de minimis determination, Staff recommends that the Commission extend the deadline for Commission action by one year (i.e., to April 11, 2009). The following motion is provided only for this contingency (and is not applicable otherwise):

Motion. I move that the Commission extend the 60-day time limit to act on City of Marina Local Coastal Program Major Amendment Number 1-06 Part 1 to April 11, 2009.

Staff Recommendation. Staff recommends a **YES** vote. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Exhibits:

Exhibit A: Proposed LCP Zoning Code Text

Exhibit B: Residentially Zoned Property in the Coastal Zone



17.06.040 Secondary dwelling units and guest houses.

~~The following regulations shall apply to all guest houses in K and R districts:~~

~~A. "Guest house" means a detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let or leased, whether compensation be direct or indirect.~~

~~B. No guest house shall be erected or enlarged and no existing accessory building shall be converted into a guest house without first obtaining a use permit and in the coastal zone, a coastal permit.~~

~~C. There shall be but one guest house on any one building site. No kitchen or cooking facilities shall be permitted in any such guest house.~~

~~D. All guest houses shall be located on the rear half of the building site and shall not be built closer than six feet from the nearest property line, both sides and rear. It shall not be closer than six feet from the nearest part of the main residence.~~

~~E. The guest house together with the other accessory building shall not exceed thirty percent of the rear yard on which it is built.~~

~~F. A guest house shall not exceed a height of sixteen feet.~~

~~G. No guest house or any part thereof shall be rented, let or leased separately from the main residence.~~

17.06.040 Secondary dwellings and guest houses.

A. One secondary dwelling or one guest house 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 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. The building site is not located in the coastal zone.

B. Additional Regulations for Guest Houses. No guest house 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. Guest houses and detached secondary dwellings shall 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.

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 guest house or secondary dwelling units 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 unit or guest house, 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. (Ord. 2004-12 § 1, 2004; Ord. 2003-09 § 1 (part), 2003; zoning ordinance dated 7/94 (part), 1994).

Exhibit B

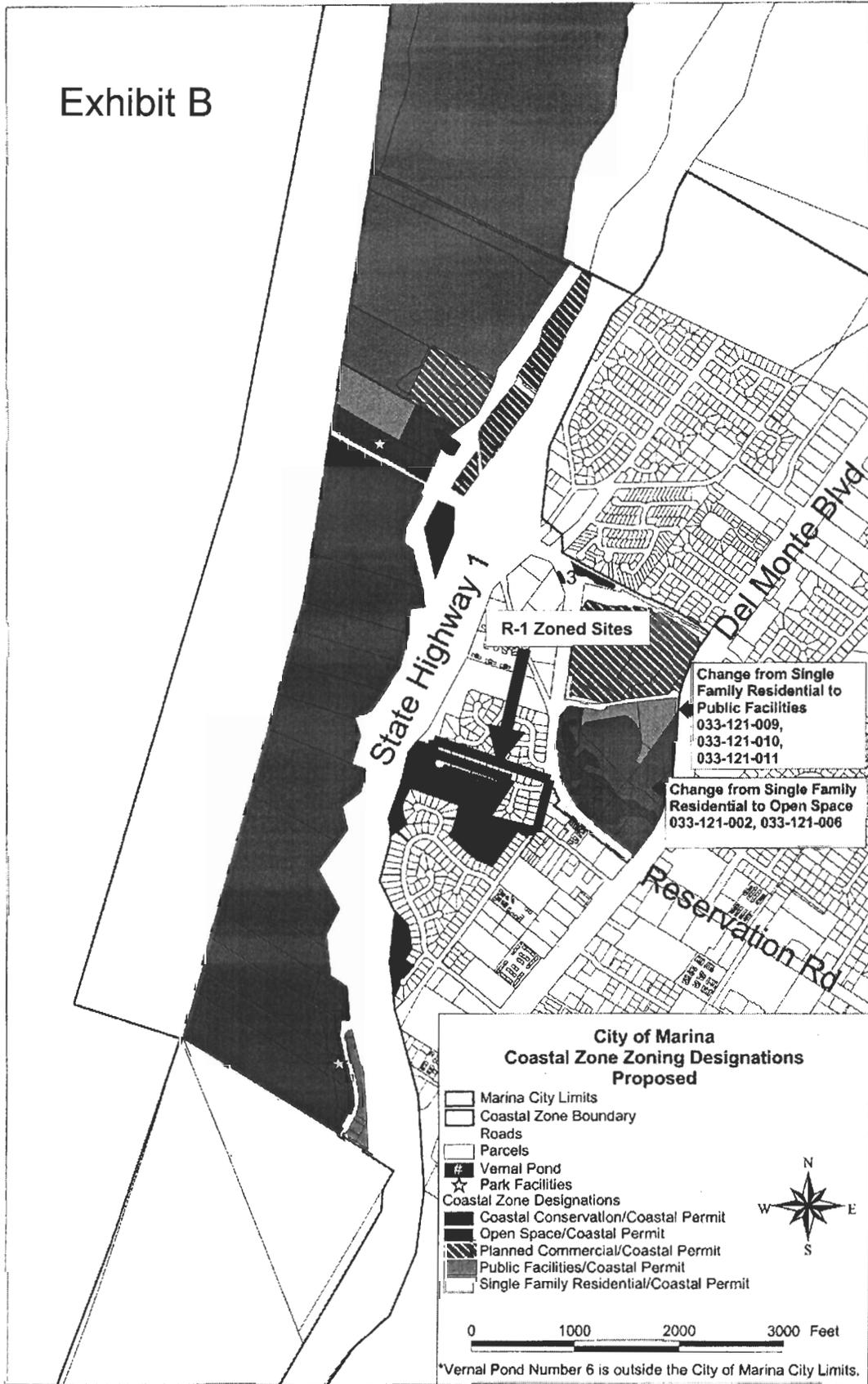
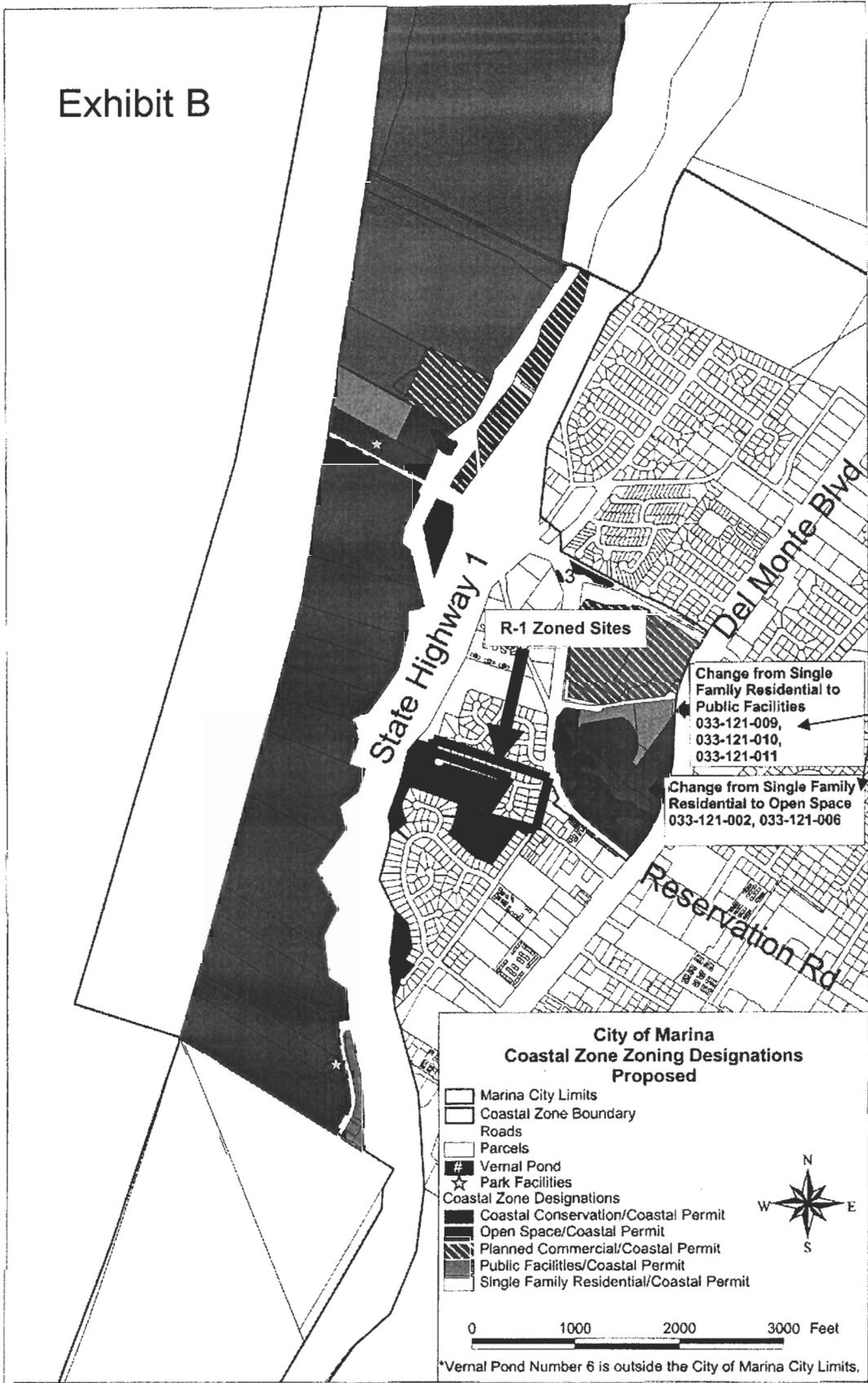


Exhibit B



R-1 zoned sites scheduled for re-designation. Please refer to item Th13d.

**City of Marina
Coastal Zone Zoning Designations
Proposed**

- ☐ Marina City Limits
- ▭ Coastal Zone Boundary
- Roads
- ▭ Parcels
- # Vernal Pond
- ☆ Park Facilities
- Coastal Zone Designations
- ▨ Coastal Conservation/Coastal Permit
- ▩ Open Space/Coastal Permit
- ▧ Planned Commercial/Coastal Permit
- ▦ Public Facilities/Coastal Permit
- ▤ Single Family Residential/Coastal Permit

0 1000 2000 3000 Feet

*Vernal Pond Number 6 is outside the City of Marina City Limits.