

CALIFORNIA COASTAL COMMISSION

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Prepared November 29, 2012 (for December 13, 2012 Hearing)

To: Commissioners and Interested Persons

From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner

Subject: Carmel-by-the-Sea LCP Amendment Number 3-12 (Mixed Use Standards)

Carmel's Proposed Amendment

The City of Carmel is proposing to amend its certified Local Coastal Program (LCP) implementation plan to change single family dwellings from a Permitted Use to a Limited Use in the Central Commercial District (CC), and from a Permitted Use to a Conditional Use in the Service Commercial (SC) and Residential and Limited Commercial (RC) districts. In addition, it establishes more specific siting and design criteria for residential development in these districts. See Exhibit A for the City Council Ordinance and Exhibit B for the cross-through and underline proposed changes.

Minor LCP Amendment Determination

California Code of Regulations (CCR) Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). 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 or the Commission to be consistent with the land use plan as certified by the Commission.

CCR Section 13555 provides that the Executive Director can make determinations on whether a proposed LCP amendment is "minor." 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(a).

The City's LCP currently allows single family residences in all commercial districts as a permitted use, but also requires all development in these districts to maintain the existing community character, including through building design, and through an appropriate mix of commercial and residential uses. The proposed amendment to change single family dwellings from a permitted use to a limited or conditional use (depending on the district) would allow the City to evaluate proposed residential projects that are in the commercial districts in more detail, to ensure they are consistent with LCP requirements, and it gives them the ability to modify or deny projects that are not consistent. All conditional uses are subject to specified development standards which must be satisfied in order to be approved, and are also



reviewed by the Planning Commission to ensure LCP consistency. Limited uses are required to meet specific criteria but do not require the issuance of a conditional use permit, and could be authorized administratively by planning staff if they meet the required criteria. Accordingly, the proposed amendment will allow the City to ensure that single family residential projects in the commercial districts maintain the character of the commercial core consistent with the LCP, and will allow the City to deny or modify projects to ensure such consistency.

In addition, the proposed new siting and design standards ensure the LCP requirement to maintain the character of the commercial core is carried out by limiting new single family residential development to sites already developed with a single family dwelling, prohibiting residential development on the ground floor of buildings in the CC district, and further restricting the floor area ratio of residential development in the CC district. In addition, for two-unit residential development, the floor area of the smaller unit must be at least 40% of the size of the larger unit. Taken together, these standards will encourage multi-unit residential and mixed use projects (i.e., increase housing density) while maintaining the visitor-serving character of the commercial district, and contributing to a pedestrian oriented downtown, consistent with the LCP.

In sum, the proposed amendment would ensure that single family residential development would only be allowed in the City's commercial core with the approval of a limited use or conditional use permit, which requires an evaluation of the proposal and a determination that the project is consistent with the applicable Coastal Act and LCP policies.

Coastal Commission Concurrence

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its December 13, 2012 meeting at the Sheraton Fisherman's Wharf at 2500 Mason Street in San Francisco. 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(b)).

For further information regarding the proposed LCP amendment or the Commission's 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. Objections to the proposed minor LCP amendment should be submitted by December 10, 2012.

Exhibits:

- Exhibit A: City Council's Ordinance
- Exhibit B: Text of Amendment



RECEIVED

CITY OF CARMEL-BY-THE-SEA

OCT 15 2012

CITY COUNCIL

ORDINANCE 2012-7

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA ADOPTING AMENDMENTS TO THE ZONING
ORDINANCE/LOCAL COASTAL IMPLEMENTATION PLAN CREATING
NEW REGULATIONS FOR SINGLE FAMILY DWELLINGS, TWO UNIT
RESIDENTIAL PROJECTS AND MIXED USE PROJECTS IN THE CENTRAL
COMMERCIAL, SERVICE COMMERCIAL, AND RESIDENTIAL AND
LIMITED COMMERCIAL DISTRICTS**

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

WHEREAS, the Planning Commission recommended that the City Council adopt the proposed amendments to the Zoning Ordinance on 12 July 2012; and

WHEREAS, the proposed amendments are designed to ensure that residential construction be compatible with the character of the downtown and to encourage mixed use development; and

WHEREAS, the City's Zoning Ordinance is also its Local Coastal Implementation Plan; and

WHEREAS, this ordinance requires certification of an amendment to the City's Zoning Ordinance/Local Coastal Implementation Plan by the California Coastal Commission; and

WHEREAS, this ordinance will be carried out in a manner consistent with the California Coastal Act; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act per CEQA Guidelines Section 150305.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA does hereby resolve to:

Adopt the attached amendments to the Zoning Ordinance/Local Coastal Implementation Plan (exhibit "A").

Severability. If any part of this ordinance, even as small as a word or phrase, is found to be unenforceable such finding shall not affect the enforceability of any other part.

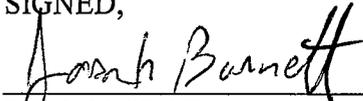
Exhibit A: City Council Ordinance

Effective Date. This ordinance shall become effective 30 days after final adoption by the City Council or the California Coastal Commission, whichever occurs last.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2nd day of October 2012 by the following roll call vote:

AYES:	COUNCIL MEMBERS:	TALMAGE; THEIS & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	BEACH & HILLYARD

SIGNED,



JASON BURNETT, MAYOR

ATTEST:



Heidi Burch, City Clerk

**Exhibit "A" Zoning Amendments
(Changes shown in strikeout and underline)**

Schedule II-B CMC Section 17.14

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	<u>P</u> <u>L-5</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	See CMC 17.08.050(G)
Specific Limitations and Conditions: L-1: Limited to advertising, consumer credit reporting, secretarial court reporting, equipment maintenance and repair, personnel supply services, and nonretail 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 CMC 17.14.040(D)(2) and (J)(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. <u>L-5: Limited to sites that are already developed with a single family dwelling, or that were originally developed as, or used as, a single family dwelling but has since been converted to another use. Existing single family dwellings can be maintained, altered, repaired and/or redeveloped. R-1 District floor area ratio standards shall apply to these sites.</u>				

17.64.230 – Single Family Dwellings in the SC & RC Districts (Required Findings for approval)

1. There is an existing single family dwelling on site that is being maintained, remodeled, altered, expanded or demolished and replaced with a new single family dwelling; or
2. The project contributes to community character and will be compatible with the streetscape, mass, bulk and uses of surrounding properties.

CMC Section 17.14.040

N. Multifamily 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.
4. For two (2) unit residential developments, the floor area of the smaller unit shall be at least 40% of the size of the larger unit.
5. No new residential units are permitted on the first story of any building in the CC District if the units would front directly on a public street unless the building was originally developed as, or used as, a single family dwelling but has since been converted to another use.