

CALIFORNIA COASTAL COMMISSION

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Prepared January 19, 2018 for February 7, 2018 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Mike Watson, Coastal Planner

**Subject: De Minimis Amendment Determination for City of Carmel-by-the-Sea LCP
Amendment Number LCP-3-CML-17-0059-2 (Accessory Dwelling Units)**

Proposed Amendment

The City of Carmel-by-the-Sea is proposing to modify the Local Coastal Program (LCP) Implementation Plan (IP) to revise standards related to accessory dwelling units (ADUs). The proposed amendment would modify existing standards and add new standards for ADUs, including with respect to height, lot coverage, setback, floor area ratio, and parking. The purpose of the proposed amendment language is to bring the City's LCP into compliance with applicable State laws addressing ADU regulation. See **Exhibit A** for the text of proposed IP amendment.

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 LCP amendment determination, then the amendment shall be set for a future 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 ten days after the date of the Commission meeting (in this case, on February 7, 2018).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. 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 proposed amendment would modify and add standards for ADUs within the City, which is entirely within the coastal zone. Specifically, the amendment requires ADUs to conform with all applicable requirements of the underlying residential zoning district in which they are allowed, including with respect to height, setback, lot coverage, floor area ratio, landscaping, and historic preservation requirements. The amendment maintains the LCP's existing requirement that no residential uses, including ADUs, within the City can be used for transient rental (i.e., less than 30 consecutive days). The amendment also allows for a relaxation of required off-street parking if the ADU meets certain criteria, including if it is located within one-half mile of a public transit stop, located within an existing primary residence, or located within an existing accessory structure, consistent with State ADU law in this regard. Finally, in all cases, the amendment requires ADUs to be consistent with the Coastal Act and LCP, including with respect to coastal development permit (CDP) notice and appeal procedures.

The proposed amendment allows for ADUs on lots already built with existing primary residences, and subject to the LCP's strict siting and design criteria, including ensuring that both the ADU and the primary residence be consistent with applicable lot coverage, height, and floor area ratio requirements. The amendment thus generally allows for infill residential development within Carmel's existing residential neighborhoods, while ensuring that ADUs are consistent with the City's unique character and design. The City has also indicated that the amendment's explicit requirement that ADUs be consistent with the Coastal Act and LCP will appropriately address any potential coastal resource concerns, including on public coastal access and parking (e.g., requiring development cumulatively meet all site development standards (i.e., parking, site coverage, floor area ratio, etc.) or otherwise mitigating for potential public access impacts). Finally, while public hearings are not required for ADU CDPs, such CDPs would still be appealable to the Commission if located within the geographic appeals area, and the City indicates that they will appropriately notice such CDPs of the applicable appeal procedures.

Thus, the proposed amendment will not adversely affect 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 October 3, 2017 and December 5, 2017) where the proposed amendment was considered. For the City Council hearings, a newspaper advertisement notice was printed on September 22, 2017 and November 24, 2017. The amendment submittal was subsequently

received by the Commission on January 11, 2018 (and filed as complete on January 11, 2018), and therefore, the 21-day noticing requirement has been satisfied.

- 3. No change in use of land or allowable use of property:** No change in use is proposed by this amendment because ADUs (the LCP currently calls them “subordinate units”) are currently allowed within the City’s residential zoning districts.

California Environmental Quality Act (CEQA)

The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA (14 CCR Section 15251(f)). The City exempted the proposed amendment from environmental review under CEQA (*See* Pub. Res. Code Section 21080.9). This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 7, 2018 in Cambria. 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 and/or object to the proposed de minimis LCP amendment determination, please do so by February 2, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 11, 2018. It amends the IP only and the 60-day action deadline is March 12, 2018. (*See* Pub. Res. Code Sections 30513, 30514(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code Section 30517), the Commission has until March 12, 2018 to take a final action on this LCP amendment.

Exhibit

Exhibit A: Proposed Amendment Text