



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL AGENDA

Mayor Jason Burnett
Mayor Pro Tem Ken Talmage
Council Members Victoria Beach, Steve Dallas,
and Carrie Theis

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

Contact: 831.620.2000 www.ci.carmel.ca.us/carmel

REGULAR MEETING

Tuesday, December 1, 2015

4:30 P.M.

CALL TO ORDER, ROLL CALL, & PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

1. Recognition of Gregory Carper for his service on the Historic Resources Board.
2. Recognition of Martha Mosher for her service on the Harrison Memorial Library Board of Trustees.

ANNOUNCEMENTS

Announcements will be made by the Mayor and Council Members, City Administrator, and/or City Attorney.

PUBLIC APPEARANCES

Anyone wishing to address the City Council on matters within the jurisdiction of the City and are not on the agenda may do so now. Matters not appearing on the City Council's agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three (3) minutes, or as otherwise established by the City Council. Persons are not required to give their names, but it is helpful for speakers to state their names in order that the City Clerk may identify them in the minutes of the meeting. Always speak into the microphone, as the meeting is recorded.

ORDERS

Orders of Council are agenda items that require City Council discussion, debate and/or direction.

3. [AB 1068 Consideration of 1.\) Project design options and 2.\) A Resolution of the City Council of the City of Carmel-by-the-Sea adopting a Mitigated Negative Declaration for the Rio Park/Larson Field Shared Use Trail project, adopting findings and approving the project with mitigations and selected design options. \(p.3\)](#)

PUBLIC HEARINGS

Public Hearings consist of Zoning amendments, General Plan amendments, appeals of Commission decisions and other State-mandated items. If the Public Hearing is an appeal, appellants are allowed a total of 10 minutes to speak on their own behalf after the staff report and at the close of public comment in order to have an opportunity to rebut public comments. Other speakers will be allowed three minutes.

4. [AB 1069 Consideration of the adoption of the 2015-2023 Housing Element and an Ordinance amending chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing law. \(p.45\)](#)
5. [AB 1070 Public Meeting on Establishing the Carmel Hospitality Improvement District; Adoption of Resolution Declaring City Intention to Disestablish the Carmel Hospitality Improvement District and First Reading of an Ordinance Disestablishing the Carmel Hospitality Improvement District. \(p.179\)](#)
6. [AB 1071 Second reading of an Ordinance amending Section 2.52.385, Appeals Hearing Process, of the Personnel Ordinance. \(p. 185\)](#)
7. [AB 1072 First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance. \(p.190\)](#)
8. [AB 1073 Consideration of an Ordinance of the City Council of the City of Carmel-by-the-Sea amending Section 17.14.40 and adding Section 17.14.240 of the Municipal Code defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City. \(p.194\)](#)
9. [AB 1074 Consideration of an appeal of the Planning Commission's decision to approve Design Study \(DS 15-105\) and the associated Coastal Development Permit for the construction of a new single-family residence located in the Single-Family Residential \(R-1\), Park Overlay \(P\), and Beach and Riparian Overlay \(BR\) Zoning Districts. The application is being appealed by neighboring property owner: Tim Allen. \(p. 201\)](#)

FUTURE AGENDA ITEMS

ADJOURNMENT

SPECIAL NOTICES TO PUBLIC

The City Council of Carmel-by-the-Sea meets in Regular Session on the First Tuesday of each month at 4:30 p.m., unless otherwise noticed. The City Council may also meet on the First Monday of each month in a Special Meeting and/or a Workstudy Session at 4:30 p.m., unless otherwise noticed. City Council agenda packets are available for public review on the City website at www.ci.carmel.ca.us and in the Clerk's Office on the Friday prior to the scheduled meeting. Any writings or documents provided to a majority of the City Council regarding any item on the agenda will be made available for public inspection. Interested members of the public may subscribe to the Council Agenda by submitting a request to the City Clerk. Meetings are open to the public and the City Council welcomes your participation. Any member of the public may comment on any item on the agenda. Testimony is limited to three (3) minutes per speaker, or as otherwise established by the City Council. Meetings are streamed live on-line and archived for easy access anytime day or night. Visit the City's website at www.ci.carmel.ca.us to view the meetings or watch a television rebroadcast on the first Sunday after the City Council meeting at 8:00 a.m. on MCAET Channel 26. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2007 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102₂ 35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1068
December 1, 2015
Orders

TO: Honorable Mayor and Members of the City Council
Michael Calhoun, Interim City Administrator

FROM: Brian Roseth, Monterey Bay Planning Services

SUBJECT: Consideration of 1.) Project design options and 2.) A Resolution of the City Council of the City of Carmel-by-the-Sea adopting a Mitigated Negative Declaration for the Rio Park/Larson Field Shared Use Trail project, adopting findings and approving the project with mitigations and selected design options.

AMOUNT OF EXPENDITURE \$ Will depend on final design and participation in funding from other sources

AMOUNT BUDGETED \$ \$565,000 (FY: 16-17 & 17-18)

APPROPRIATION REQUIRED \$ N/A

RECOMMENDATION

- 1.) Hold the public hearing on all aspects of the project.
- 2.) Make decisions on project design options.
- 3.) Adopt the Mitigated Negative Declaration and approve the project by resolution.
- 4.) Direct staff to continue its pursuit of final permits, easements and funding from appropriate sources.

SUMMARY

The proposed Rio Park/Larson Field Shared Use Trail is a discretionary project subject to review under the California Environmental Quality Act. An environmental Initial Study (IS) was prepared to evaluate the potential for the project to result in environmental impacts. The IS concluded that there was a potential for significant environmental effects, but that these could all be reduced to "less-than-significant" levels through the implementation of specific mitigation measures. Based on this conclusion, a draft Mitigated Negative Declaration (MND) was prepared for the project.

Adoption of the MND by the City Council, plus a decision to proceed with the project as designed and mitigated, will complete the environmental review process. Staff can then pursue permits and complete the easement negotiations. The easements, plus final design details and a funding plan, will be placed on a future agenda for review and acceptance by the City Council.

The draft IS and proposed MND were circulated for public comment for 31 days and four comment letters were received. Three of these were from persons representing the owners of properties over which the trail would pass. The fourth letter was from a leader of the local Native American tribe. Responses to all comments on environmental issues have been prepared and are included in the Staff Report to the City's Planning Commission (Attachment-2).

On 18 November 2015 the Planning Commission reviewed the IS, the proposed mitigations, the comment letters and the responses to the comment letters. The Commission recommended adoption of the proposed MND with all mitigations, as amended in the Staff Report (see Attachments 1C and 2).

The Planning Commission also considered some design options for the project suggested by the public, staff and by MBPS. In summary, these are:

- 1) The addition of a parking area on the Rio Park property.
- 2) Shifting part of the trail north of the line of trees along the north edge of the City's Rio Park property.
- 3) Shifting the location of the proposed new Rio Road crosswalk to the east side of Atherton Drive.
- 4) Selection of a trail surface material.

These design options are described in more detail in the attached Staff Report to the Planning Commission. The Commission and staff recommend adoption of design options #1, #2 and #3. The Commission also recommended selection of a trail surface material that would provide the greatest safety for small children on bicycles, as this is likely to be one of the largest user groups.

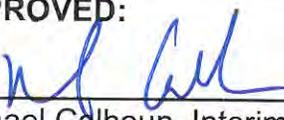
PRIOR CITY COUNCIL ACTION

In 2014 the City Council initiated a project to construct a trail for pedestrians and cyclists that would connect Lasuen Drive to Rio Road. MBPS was retained to design the trail, negotiate easements and secure land use permits from the City's Planning Commission and from Monterey County. In April 2015 the City Council approved the design concept and retained PMC to prepare environmental documents.

ATTACHMENTS

- Attachment-1: Proposed City Council Resolution Adopting the MND and Approving the Project
- Attachment-1A: Environmental Findings
- Attachment-1B: MND/Initial Study/Appendix (distributed under separate cover)
- Attachment-1C: Mitigation Monitoring and Reporting Program
- Attachment-2: Staff Report to Planning Commission, dated 18 November 2015
- Attachment-2A: Original Site Plan Map
- Attachment-2B: Project Design Options Map
- Attachment-2C: Schmitz comment letter
- Attachment-2D: Mission Ranch comment letter
- Attachment-2E: CAWD comment letter
- Attachment-2F: OCEN comment letter
- Attachment-2G: PMC Supplemental Analysis for Biological Resources
- Attachment-2H: PMC Supplemental Analysis for Cultural Resources

APPROVED:



Michael Calhoun, Interim City Administrator

Date: 11/23/2015

CITY OF CARMEL-BY-THE-SEA

RESOLUTION NO. 2015-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE RIO PARK/LARSON FIELD
SHARED USE TRAIL PROJECT, ADOPTING FINDINGS AND APPROVING THE PROJECT
WITH ENVIRONMENTAL MITIGATIONS AND SELECTED DESIGN OPTIONS**

WHEREAS, the City proposed as a project the building of a pathway for pedestrians and bicycles that would cross four properties and connect Rio Road with Lasuen Drive;

WHEREAS, the City developed a design for the pathway in cooperation with representatives from the owners of all four properties;

WHEREAS, the design of the pathway respects the needs of each underlying land owner and preserves the uses already established on each property;

WHEREAS, the proposed pathway would be located within the appeal jurisdiction of the California Coastal Commission, in an area of archaeological significance, close to the Carmel River and adjacent to riparian habitat;

WHEREAS, consistent with the California Environmental Quality Act (CEQA), the City determined that this project required review for its potential to affect the environment;

WHEREAS, an Initial Study was prepared which identified potentially significant environmental impacts and then developed appropriate mitigation measures to reduce all impacts to a less-than-significant level;

WHEREAS, a proposed Mitigated Negative Declaration (MND) was circulated for public review and comment for a period of 31 days;

WHEREAS, by the close of the public review and comment period the City received four comment letters, and consultants for the City subsequently developed adequate responses for all of the comments that addressed environmental issues;

WHEREAS, on 18 November 2015, the City's Planning Commission reviewed the environmental documents, comment letters and responses to all environmental comments and forwarded recommendations to the City Council, consistent with the requirements of the Carmel-by-the-Sea Municipal Code;

WHEREAS, the City Council has received and considered all environmental documents, design plans and recommendations, as set forth herein and in the attachments, and has determined that the project and the proposed MND and its associated documents are ready for adoption, consistent with the Findings in Attachment-1A;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Find that:
 - (a) Construction and use of the proposed trail could result in significant environmental impacts related to biological resources, jurisdictional waters, cultural resources and transportation, but that each identified impact can be mitigated to a less-than-significant level.
 - (b) By adopting the proposed mitigation measures, changes and alterations have been incorporated into the project which avoid or substantially lessen the significant environmental impacts of the project as identified in the Initial Study. Adoption of this Finding affirms compliance with CEQA Guidelines Sections 15070(b) and 15074(b).
 - (c) The Mitigation Monitoring and Reporting Program, adopted as part of this Resolution, is an integral part of the project, will be made a condition of any permits issued for implementation of the project and all mitigation measures contained within it are fully enforceable.

2. Adopt the following:
 - (a) The Environmental Findings and Evidence (Attachment-1A).
 - (b) The Initial Study and Mitigated Negative Declaration (Attachment-1B under separate cover), with revised mitigations as shown in the Staff Report, dated 18 November 2015 and in the MMRP.
 - (c) The Mitigation Monitoring and Reporting Program (Attachment-1C).
 - (d) The project design as illustrated on the Design Options Map, dated 12 November 2015 (Attachment 2B), including the following options: (To be selected by the City Council at the meeting)
 - i. Design Option #1: Add parking on the Rio Park property.
 - ii. Design Option #2: Adopt the Northern Trail Alignment.
 - iii. Design Option #3: Move the Rio Road Crosswalk to the East side of Atherton Drive.
 - iv. Design Option #4: Select _____ as the surface treatment for the path.

3. Direct the City Administrator to:
 - (a) Prepare and file a Notice of Determination of the City Council's action for posting with the Monterey County Clerk within 5 days of the date of this action.
 - (b) Continue the negotiations for easements with the underlying property owners and bring proposed easements to the City Council for review and approval;
 - (c) Pursue final land use and design permits from the City's Planning Commission for the portion of the trail crossing Larson Field, and from Monterey County for all other portions of the trail;

- (d) Continue developing the trail plan including final design details, a signage plan and sufficient engineering to develop a preliminary construction cost figure for budgeting purposes;
- (e) Continue seeking appropriate local, regional and State sources of funding to augment City funding.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of December 2015, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SIGNED:

Jason Burnett, Mayor

ATTEST:

Ashlee Wright, City Clerk

Environmental Findings and Evidence

A. Findings for the Environmental Review Process

1. **Finding:** The City of Carmel-by-the-Sea ("City"), with assistance from the consulting firm of Monterey Bay Planning Services (MBPS), developed a design for a pedestrian and bicycle pathway connecting Rio Road and Lasuen Drive across four separate properties ("the project"). The project would be located in an area of archaeological sensitivity and a portion of the pathway would be proximate to riparian habitat. The proposed pathway affects two land use jurisdictions, requires approval from both the City and Monterey County and is, therefore, considered regional in nature. City staff determined that the project was not exempt from environmental review and that an Initial Study should be prepared.

Evidence:

Rio Park/Larson Field Shared Use Trail Concept Plan
 City Council Minutes, dated 7 April 2015
 City boundary map, City and County zoning maps, and Assessor's Parcel Maps

2. **Finding:** On 7 April 2015 the City Council approved a contract with the environmental consulting firm of PMC to prepare an Initial Study consistent with the California Environmental Quality Act (CEQA) and associated Guidelines. A draft Initial Study was prepared by PMC and reviewed by MBPS and City staff. The Initial Study satisfies all content requirements established by CEQA Guidelines Section 15071.

Evidence:

City Council Minutes, dated 7 April 2015
 PMC approved Scope of Work
 Draft Initial Study,
 CEQA Guidelines 15071

3. **Finding:** The draft Initial Study identified eight significant or potentially significant environmental impacts that could arise from project construction and/or long term use. The document also identified eleven mitigation measures adequate to reduce all of these impacts to a less-than-significant level. The Community Planning and Building Department accepted the proposed mitigations as revisions to the project, consistent with CEQA Guidelines Section 15070(b)(1). Having made these revisions, and after considering the analysis contained in the draft Initial Study, City staff determined that there was no substantial evidence, in light of the whole record before the agency, that the project as revised might

have a significant effect on the environment. Therefore, a proposed Mitigated Negative Declaration (MND) was prepared.

Evidence:

Draft Initial Study

Department direction to proceed with circulation of the IS/MND

4. **Finding:** On 11 September 2015, the Community Planning and Building Department directed that a Notice of Intent to adopt the draft Initial Study and proposed MND be released for public review and comment. The Department provided public notice consistent with the requirements of CEQA Guidelines section 15072(a) and (b), as follows:

- a) Transmittal to the State Clearinghouse (OPR) for distribution to State agencies,
- b) Transmittal to the Regional Clearinghouse (AMBAG) for regional agencies,
- c) Transmittal to the County Clerk for posting,
- d) Transmittal to Monterey County Planning Depart. and Public Works Dept.,
- e) Transmittal to TAMC, MST, Cal-Trans and the California Coastal Commission,
- f) First Class mail to Junipero Serra School and to Carmel River School,
- g) First Class mail to Carmel Area Wastewater District,
- h) First Class mail to Monterey Peninsula Water Management District,
- i) First Class mail to all owners of property within 300 feet of the proposed project,
- j) First Class mail to all persons requesting such notice (OCEN Tribal Leader), and
- k) Publication in the Carmel Pine Cone newspaper on 11 September 2015,
- l) Physical posting near the project termini at Rio Road and at Lasuen Drive.

Evidence:

Community Planning and Building Department mailing list for the project

County Clerk return certification

Response letter from the State Office of Planning and Research

Response letter from AMBAG

Comment letter from Carmel Area Wastewater District

Comment letter from OCEN Tribal Leader

5. **Finding:** The Notice of Intent satisfied the content requirements established by CEQA Guidelines section 15072(g). It contained a project description and location; it

specified the comment period as running from 11 September 2015 through 12 October 2015; it provided notice of a Planning Commission meeting to be held on 23 September 2015 when oral public comments would be heard; it identified City Hall and Harrison Memorial Library as locations where documents related to the project could be reviewed by the public.

Evidence:

Notice of Intent

CEQA Guidelines Section 15072(g)

6. **Finding:** During the public comment period, the City received four comment letters. After the close of the comment period, the letters were reviewed by the City and the consulting firms. It was determined that (1) no new, avoidable, significant effects were identified and, therefore, no additional mitigation measures or project revisions would be needed to address any newly identified, significant environmental impacts, and (2) there was no new evidence in the record supporting a determination that the existing mitigation measures would be inadequate to mitigate the originally identified impacts to a less-than-significant level. Based on these two determinations, there was no requirement for substantial project changes and recirculation of the Initial Study and proposed MND.

Evidence:

Comment Letters

Staff Report to Planning Commission, dated 18 November 2015

CEQA Guidelines Section 15073.5

7. **Finding:** Based upon suggestions made in the comment letters and discussions with persons representing the underlying property owners affected by the project, PMC, MBPS and City staff developed minor revisions to two of the mitigation measures affecting archaeological and biological resources. The revision to archaeological resources mitigation CULT-1 would strengthen the mitigation by requiring "presence/absence testing" in areas where grading or excavation is planned. While the original mitigation was adequate to reduce the identified impact to a less-than-significant level, the revised measure is considered even more effective. The revision to biological resources mitigation BIO-6 provides an additional option for reducing public intrusion into riparian habitat near the pathway. The original mitigation was adequate to reduce the identified impact to a less-than-significant level and the revised measure allowing either a fence or warning signs is considered equally effective. (Persons who won't respect warning signs are just as likely to not respect a split-rail fence; it is anticipated that most users of the pathway would respect either of these means of reducing intrusion into the riparian habitat area.)

Evidence:

Initial Study

Comment Letters

PMC Supplemental Analysis for Biological and Archaeological Resources

Staff Report to Planning Commission, dated 18 November 2015
Mitigation Monitoring and Reporting Program

- 8. Finding:** Prior to final adoption of the mitigation revisions discussed in Finding-7, above, the City Council held a noticed public hearing, consistent with the requirements of CEQA Guidelines section 15074.1(b)(1). The City Council finds that the new measures are either equally effective or more effective, as identified in Finding-7, and that neither revised mitigation, by itself, will cause any potentially significant effect on the environment. This finding affirms compliance with CEQA Guidelines section 15074.1(b)(2).

Evidence:

Public Hearing Notice, published 20 November 2015
City Council Minutes, dated 1 December 2015
Initial Study
PMC Supplemental Analysis for Biological and Archaeological Resources

- 9. Finding:** Based upon suggestions made in the comment letters, and ongoing discussions with affected parties, MBPS and City staff also developed four design options that could be incorporated into the project to improve the project or respond to issues not associated with significant environmental impacts. These design options are:

- a) Adding a parking area on the Rio Park property,
- b) Revising the trail alignment change to allow shared use of the pathway with the Carmel Area Wastewater District (CAWD),
- c) Shifting the location of the proposed new crosswalk on Rio Road, and
- d) Selecting a pathway surfacing material.

Evidence:

Design Options Plan Map
Initial Study
Comment Letters
Staff Report to the Planning Commission, dated 18 November 2015
City Council Minutes, dated 1 April 2015

- 10. Finding:** The new areas of property that would be affected by design options (a) and (b) were studied by PMC to determine if they might result in any new, significant environmental impacts. PMC determined that there were no new potential impacts and that the existing, proposed mitigation measures were adequate to reduce the originally-identified impacts to less-than-significant levels. There is no substantial evidence, in light of the whole record before the City Council, that any of the project design options would result in new, significant impacts on the environment requiring adoption of new mitigations.

Evidence:

Initial Study

PMC Supplemental Analysis

Staff Report to the Planning Commission, dated 18 November 2015

- 11. Finding:** PMC, MBPS and City staff prepared responses to all comments received involving environmental issues. These responses were incorporated in a Staff Report to the Planning Commission, dated 18 November 2015. PMC also prepared a draft Mitigation Monitoring and Reporting Program as an attachment to the Staff Report.

Evidence:

Staff Report to the Planning Commission, dated 18 November 2015

Mitigation Monitoring and Reporting Program

- 12. Finding:** On 18 November 2015 the City's Planning Commission reviewed the Initial Study, proposed MND, comment letters, responses to comments, supplemental analysis, revised mitigation measures, design options and the Mitigation Monitoring and Reporting Program.

Evidence:

Planning Commission Agenda Packet and Minutes, dated 18 November 2015

- 13. Finding:** Consistent with the Carmel Municipal Code Section 17.60.040(B) and CEQA Guidelines Section 15074(a), the Commission forwarded advisory recommendations to the City Council that the environmental documents are adequate and that the proposed MND should be adopted. The Commission also supported (1) the proposed revisions to mitigation measures CULT-1 and BIO-6, (2) the Mitigation Monitoring and Reporting Program (MMRP) and (3) design options #1, #2 and #3. For design option #4, the Planning Commission recommended that the City Council select a pathway surface that will be safe for small children on bicycles. Finally, the Commission suggested that the City work with the Carmel Area Wastewater District, to the extent feasible, to limit pathway closures for pipeline maintenance to periods when the pathway is not typically used by children for commuting to/from school.

Evidence:

Carmel Municipal Code

Planning Commission Minutes, dated 18 November 2015

Staff Report to the Planning Commission, dated 18 November 2015

B. Findings for Decision

14. **Finding:** The environmental documents for the Rio Park/Larson Field Shared Use Trail Project include the following:
- a) Initial Study, Appendix and proposed MND, dated September 2015,
 - b) Supplemental Analysis for Biological and Cultural Resources,
 - c) Draft revised mitigation measures,
 - d) Public Notices and letters of transmittal,
 - e) Response to Comments contained in the Staff Report 18 November 2015, and
 - f) Mitigation Monitoring and Reporting Program, dated November 2015.
15. **Finding:** The environmental documents have been completed in compliance with CEQA and are both complete and adequate per the requirements of the California Public Resources Code and the State CEQA Guidelines.
16. **Finding:** The environmental documents, project design documents, Staff Reports, public comment letters, Planning Commission recommendations and public testimony were presented to the City Council as evidence for decision-making. The Council carefully reviewed and considered all of this evidence prior to taking action on the project.
17. **Finding:** The Initial Study identified eight potentially significant effects on the environment. However, with mitigations identified in the Initial Study, and as subsequently revised, the proposed project will not have the potential to significantly degrade the environment, will have no significant impact on long-term environmental goals, will have no significant cumulative effect upon the environment, and will not cause substantial adverse effects on human beings, either directly or indirectly.
18. **Finding:** Based on its review of the entire record before it, the City Council finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.
19. **Finding:** The City Council has been provided with and reviewed evidence in the record to support the Findings and the Recitals herein above and in the adoption resolution. Said evidence is incorporated herein by this reference as though fully set forth.

Collectively, these documents and the City Council's actions by Resolution passed today, constitute the "Record of Proceedings" for the MND for the project. The Record of Proceedings shall be placed on file with the Clerk of the City, at City Hall, East Side of Monte Verde Street Between Ocean and Seventh Avenues, in Carmel-by-the-Sea, California.

MITIGATION MONITORING & REPORTING PROGRAM

FOR THE

RIO PARK/LARSON FIELD PATHWAY PROJECT

CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING & BUILDING
PO DRAWER G
E/S MONTE VERDE BETWEEN OCEAN AND 7TH
CARMEL, CA 93921
CONTACT: BRIAN ROSETH, 530-273-7154

NOVEMBER, 2015

MITIGATION MONITORING PROGRAM

Monitoring/Reporting Done By:	This column identifies by whom the monitoring or reporting will be done, which may include the applicant, applicant's consultant, or contractor.
Timing/Frequency:	This column identifies at what point in time, review process or phase of the project the measure will be completed.
Final Clearance Date:	These columns will be initialed and dated by the individual designated to verify adherence to project specific mitigation.
Comments:	This column is reserved for any additional explanation, if necessary.

NONCOMPLIANCE

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the City of Carmel Community Planning and Building Department in written form providing specific information on the asserted violation. The Department shall initiate an investigation and determine the validity of the complaint; if noncompliance with a mitigation measure has occurred, the Department shall initiate appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

MITIGATION MONITORING PROGRAM

Mitigation Number	Mitigation Measure	Responsible Agency/Department	Implementation and Monitoring/Reporting	Timing/Frequency	Final Clearance Date	Comments
BIO - 3	<p>measures to intercept and capture sediment prior to entering nearby waterways, such as the Carmel River and associated drainages, as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. All erosion control methods shall be maintained until all on-site soils are stabilized.</p> <p>c) In order to avoid attracting predators, all trash shall be disposed of in closed containers and removed from the project area at least once a week.</p> <p>d) Following construction, disturbed areas shall be restored to pre-construction contours to the maximum extent possible and reseeded with a native species mix.</p> <p>Riparian Vegetation Clearing Monitor and Protective Silt-Fencing Installation. The City shall retain a qualified biologist to monitor vegetation clearing activities in the riparian area to protect any special-status species encountered, including Monterey ornate shrew, western pond turtle, and California red-legged frog. In addition, the biological monitor shall supervise the installation of silt fencing between the project impact area and the riparian corridor associated with the Carmel River in order to keep special-status species from entering the work area. The silt fencing shall be kept in place until construction in the vicinity of the riparian area</p>	Community Planning and Building Department	Contractor/Project Biologist (Implementation) Building Inspector (Verification)	During riparian vegetation clearing activities and throughout construction		

Rio Park/Larson Field Pathway Project
Mitigation Monitoring Program
Carmel, CA

MITIGATION MONITORING PROGRAM

Mitigation Number	Mitigation Measure	Responsible Agency/Department	Implementation and Monitoring/Reporting	Timing/Frequency	Final Clearance Date	Comments
BIO-6	<p>related activities. Nests that cannot be avoided shall be manually deconstructed prior to clearing activities to allow animals to escape harm. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for at least 2 weeks before re-checking to verify that young are capable of independent survival before proceeding with nest dismantling.</p> <p>Additions to Path Design. The City shall incorporate the following features in the final project design:</p> <p>a) A barrier to provide visual separation between the path and sensitive habitat, such as an open, split rail fence, <u>or warning signs</u> shall be installed between the proposed path and the riparian corridor south of the project to discourage trail users from entering environmentally sensitive habitat areas. The approximate location of the barrier or signage is shown on Figure 3.</p> <p>b) Trash cans shall be placed at regular intervals along the path in order to reduce the amount of trash and refuse that may result from increased human traffic.</p> <p>c) Informative signs identifying native flora and fauna shall be placed along the path educating the public about sensitive biological resources in the area.</p>	Community Planning and Building Department	Community Planning and Building Director/Project Designer (Implementation) Building Inspector (Verification)	Incorporated in final project design		

MITIGATION MONITORING PROGRAM

Mitigation Number	Mitigation Measure	Responsible Agency/Department	Implementation and Monitoring/Reporting	Timing/Frequency	Final Clearance Date	Comments
	<p>or suspected during construction, the construction manager shall be authorized to halt excavation until the archaeologist provides an evaluation of the find. If the find is determined to be significant, work shall remain halted until a mitigation plan is developed, approved by the City and tribal leaders, and implemented. Work may proceed on other parts of the project site while mitigation for the resource is carried out.</p>					
CULT - 2	<p>In the event paleontological resources are encountered or suspected during construction, the construction manager shall cease operation at the site of the discovery and immediately notify the City of Carmel-by-the-Sea Department of Community Planning and Building. A qualified paleontologist shall provide an evaluation of the find and prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	Public Works Department	Public Works Director/Contractor (Implementation) Building Inspector (Verification)	During construction		
Transportation						
TRAN - 1	<p>Pedestrian and Cyclist Safety Design Measures. The City shall incorporate the following recommended design modifications contained in the Rio Park-</p>	Public Works Department	Public Works Director/Project Designer	Prior to approval of final		

Rio Park/Larson Field Pathway Project
Mitigation Monitoring Program
Carmel, CA

MITIGATION MONITORING PROGRAM

*Rio Park/Larson Field Pathway Project
Mitigation Monitoring Program
Carmel, CA*

CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

November 18, 2015

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Acting Community Planning and Building Director

Submitted by: Brian Roseth, Monterey Bay Planning Services

Subject: Consideration of advisory recommendations to the City Council on (1) the adequacy of the environmental documents, and (2) appropriate design options for the Rio Park/Larson Field Shared Use Trail Project.

Recommendations:

Forward recommendations to the City Council that:

- (1) The Initial Study and proposed Mitigated Negative Declaration are legally adequate and should be adopted.
- (2) All mitigations identified in the Initial Study, as amended in this Staff Report, should be implemented as part of the project. This includes the specific amendments to mitigation measure CULT-1 and the substitution of signage for fencing for mitigation measure BIO-6. The Mitigation Monitoring and Reporting Program (Attachment-H) also should be adopted.
- (3) Project Design Options #1, #2 and #3 should be incorporated into the project design.

Project Background:

The Rio Park/Larson Field Shared Use Trail is part of the City Council's Key Initiative to improve local and regional trails. The construction of this trail is a listed and funded project on the City's Capital Improvement Plan. The City retained Monterey Bay Planning Services (MBPS) to work with the underlying land owners to establish a proposed route for the trail, as well as to assist with the permitting requirements. The City retained PMC for environmental documents.

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- (1) A safety barrier will be installed for a short distance along the south side of the trail, to protect trail users from traffic exiting the Mission Ranch tennis court parking area.
- (2) A stop sign is located at the west end of the trail so bicycles stop before entering traffic.
- (3) The western 15 feet of chain link fence and the stone pillar located along the south property line of the Carmel Mission will be lowered to three feet to enhance visibility between trail users and vehicles exiting the Carmel Mission driveway at this location.
- (4) Signage and a crosswalk will be installed on the west side of Ladera Drive approximately 160 feet north of the trail. The sign will advise bicycle and pedestrian traffic approaching the trail from the north to cross the street at this point, where it is safe. A 2-way path for pedestrians and cyclists, separated from vehicle traffic, will be installed on the east side of Ladera between the crosswalk and the trail entrance. Existing, informal parking along this stretch of Ladera Drive will be removed to accommodate this path.

After passing over the Mission Ranch property, the proposed trail will cross the CAWD property for a short distance and then reach the City's Rio Park property. The trail follows the north boundary of Rio Park then crosses the CAWD property again to enter Larson Field.

Project Design Options

The environmental review process often reveals ways to improve project designs even beyond the mitigations required for significant environmental impacts. This results from suggestions made in comment letters as well as from the availability of time to rethink design elements as the review process unfolds. Staff has developed four design options for consideration by the Planning Commission and City Council. None of these address impacts identified as "significant" during environmental review, and, therefore, none of these are required to be adopted by CEQA. The Commission may want to forward recommendations on these options to the City Council, along with its recommendations on the environmental documents. Design Options #1, #2 and #3 are illustrated on Attachment-B.

Design Option #1: Add Parking--This option was suggested by the City Administrator and by Mission Ranch. It would make up for the parking removed from Lasuen Drive and take care of any new demand created as the trail gains popularity. Staff recommends this option.

All other trail segments are located outside City limits and will require review and approval of a Coastal Development Permit from the County of Monterey. Once all permits are obtained, the final design, any required mitigations, and the easements will return to the City Council for final project approval.

Environmental Review:

This project requires environmental review consistent with the California Environmental Quality Act (CEQA). This is a multi-step process:

- (1) An Initial Study (IS) evaluates the project for its potential to cause environmental impacts. When an identified impact is considered significant or potentially significant, mitigations are proposed to eliminate or reduce its severity. If all the identified significant and potentially significant impacts can be mitigated to a level of "less-than-significant", it is appropriate to recommend adoption of a Mitigated Negative Declaration (MND).
- (2) Once the draft IS and MND are completed, they are released for public comment. This serves as a check on the adequacy of the analysis. After the comment period closes it is the City's responsibility to provide responses to all the comments received on environmental issues. The responses may take the form of clarifications or modifications to the original analysis or may include new mitigations. Responses may also include minor revisions to the project design. CEQA does not require a response from the City for non-environmental issues raised in the comment letters.
- (3) The IS/MND plus the responses to comments are then packaged for review by the decision-making body for the project--in this case the City Council. The MND is adopted and then project decisions can then be made in parallel with consideration for the environment. In Carmel-by-the-Sea all environmental documents must be reviewed by the Planning Commission for adequacy prior to adoption by the decision-making body. This is an advisory role and typically includes a recommendation to adopt the mitigations.

In April 2015, the City Council retained PMC to prepare the environmental Initial Study for this project. PMC completed the Initial Study and recommended adoption of a Mitigated Negative Declaration. These documents were released for a 30-day public comment period on 11 September 2015. The Planning Commission held a public hearing to receive oral comments on

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prepared a design option to achieve this (see Attachment-B). Adding this design option could provide 15 to 20 spaces and more than offset the loss of parking along Lasuen Drive near the Carmel Mission.

Separating Vehicles from Pedestrians/Cyclists: With the existing trail alignment, the addition of a parking area would require vehicles and trail users to share the road/trail for approximately 60 feet. This small parking area is not expected to generate traffic in any significant volume that would conflict with trail users. However, since the future use of the Rio Park property has not been finally determined, there is some uncertainty regarding the future traffic volumes that might eventually occur. Design Option #2 provides an alternative trail alignment that would route the pathway to the north and avoid future vehicle conflicts altogether (see Attachment-B).

2. Jacqueline Zischke, Attorney at Law (representing Mission Ranch). Comments focus on potential trail conflicts with vehicle traffic within Mission Ranch and the tennis court parking lot; increased parking demand generated by trail users; increased trespass within Mission Ranch; timing of traffic counts; removal of parking along Lasuen Drive; safety along Lasuen Drive; increased demand for public services; and accessibility to emergency responders.

Response

Traffic Conflicts with Tennis Court Parking Lot: As noted on the site plan, the trail access is located adjacent to, but north of, the Mission Ranch tennis court driveway. This separates trail users from other vehicle traffic using the driveway. The pedestrian barrier proposed on the site plan provides a further separation that avoids direct conflict between trail users and vehicles exiting the tennis court parking lot. The traffic engineer determined that this design was the safest approach to building the trail.

Parking Lot Trespass at Tennis Courts: The proposed trail is not anticipated to generate a significant demand for vehicle parking and it is unlikely that trail users will attempt to park in the Mission Ranch tennis court parking lot. This conclusion is based on the City's experience with other parks that have entrances in residential neighborhoods. Although not required as mitigation under CEQA, a gated entrance could serve to formalize the tennis court entrance at Mission Ranch and prevent the general public from entering the parking lot. This concept is currently under discussion as part of the easement negotiations. Another way to address this

Pedestrians exiting the trail and traveling west should be expected to walk along the shoulder facing traffic, while cyclists traveling west should cross the road and travel along Dolores just as a motor vehicle would. This is normal traffic safety behavior and warrants no special signage or design change.

Public Services: The project would not create the need for new or expanded public services or facilities, the construction of which would create physical environmental impacts. The regular maintenance and operations of the trail are well within the capacity of the City. Consultation with City departments confirms that police already patrol the property on a nightly basis, and the Public Works/Forestry Department has the capacity to address trash cans, vegetation management and trail maintenance.

Emergency Access and Responsibility: The City has already assumed responsibility for the properties along the length of the trail. These properties are routinely patrolled by the Carmel Police Department. The City does this because (a) Larson Field is within its normal jurisdiction and (b) Rio Park is owned by the City and, therefore, the City has a real property interest in keeping it secure. In addition, existing mutual aid agreements between the County and City are in place to enhance response capabilities.

3. **Carmel Area Wastewater District (CAWD).** CAWD's comments focus on maintaining clear access to District facilities and underground infrastructure from both Lasuen Drive and from Rio Road; required easement agreements; pathway design requirements for any portions of the trail that require shared access; revegetation mitigation; and the proposed sensitive habitat barrier.

Response

Preserving Access for District Activities: This comment raises a concern that the proposed trail must not interfere with existing access to underground and above-ground infrastructure. The District maintains several underground pipelines for water and sewer and must access these facilities via a series of manholes approximately every eight months. This activity involves a pumper truck that is both large and heavy.

The District has an easement over Larson Field to access a manhole located near the southeast corner of the field. This informal access road is located approximately where the City's proposed trail is planned. The trail design accommodates the District's needs in two ways. First, the trail will be built to carry the weight of the District's trucks. Second, the trail will

4. **Ohlone/Costanoan-Esselen Nation (OCEN).** OCEN requests consultation as to the planned project and any related surveys, testing and mitigation programs developed for the project.

Response

As discussed within the Initial Study, no specific resources were identified during the site surveys. However, the archaeological report does identify the high cultural sensitivity of the immediate area. The City is also aware of the consultation requirements under AB52. It should be noted that the archaeological study was contracted and well underway prior to the enactment of AB52.

The City of Carmel-by-the-Sea respects the importance of local cultural resources and the importance of consultation. For this reason, mitigation measure CULT-1 has been augmented as follows to require absence/presence testing.

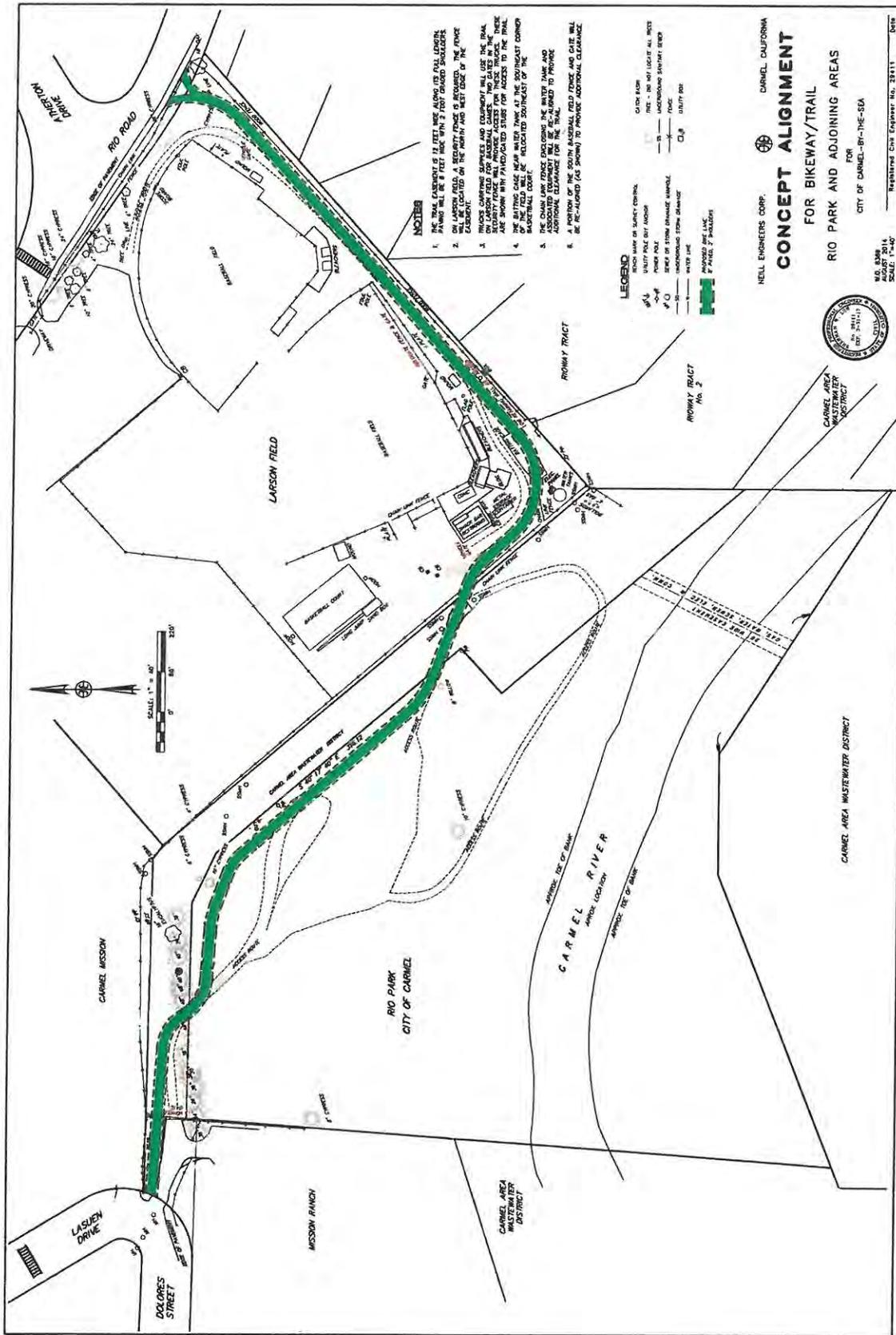
CULT-1

Prior to construction, the City shall conduct presence/absence testing of those areas along the trail that are proposed for grading or excavation. Areas that will receive fill and compaction do not warrant testing. If the testing demonstrates that the project would not impact cultural resources, no further mitigation or professional monitoring is necessary. Testing results will be shared with tribal representatives. If testing demonstrates that the project does have the potential to impact resources, specific mitigation strategies such as avoidance, protection (capping) or excavation/recovery will be employed. Mitigation strategies will be shared with tribal representatives prior to construction.

~~During construction for all ground disturbing activities, a qualified archaeologist shall be present for any activity involving excavation and soil disturbance over the entire length of the project alignment and any equipment staging areas. With the above strategy, further on-site monitoring is not justified. However, if at any time potentially significant archaeological resources are encountered or suspected during construction, the construction manager~~ ~~monitor~~ shall be authorized to halt excavation until the archaeologist provides an evaluation of the find. If the find is determined to be significant, work shall remain halted until a mitigation plan is developed, approved by the City and tribal leaders, and implemented. Work may proceed on other parts of the project site while mitigation for the resource is carried out.

Timing/Implementation: Prior to and during construction

Enforcement/Monitoring: City of Carmel-by-the-Sea Department of Community Planning and Building



Marc,

Re: the project-----

- 1) Should a parking area be considered on the Rio Park property? Use of the pathway may engender a demand for parking. This seems likely since some off-the-road spaces on Lasuen may be removed in the future. There is sufficient property at the Rio Park site to accommodate a parking area.

- 2) If there is a parking area, or as future uses evolve for the parkland, there will be a need for vehicular access onto the property. Won't those vehicles need to use the same route to get into Rio Park as is currently designated for part of the pathway? This would result in future conflicts and the path could lose its status as a Class 1 bikeway. Consideration should be given for an alternate route that could keep bikes separated from vehicles.

Thank you.

Doug Schmitz

Jacqueline M. Zischke, Attorney at Law
A Professional Corporation
PO Box 1115
Salinas, California 93902

P: 831/761-8714
F: 1-888-385-9198
jzischkelaw@charter.net

VIA EMAIL broseth@ci.carmel.ca.us

October 12, 2015

City of Carmel-by-the-Sea
Attention Brian Roseth
E/s Monte Verde between Ocean and 7th
Carmel, CA 93921

Re: Rio Park/Larson Field Pathway Project

Dear Mr. Roseth:

This letter is to follow up on our meeting on September 22, 2015, and to formally submit comments on behalf of Mission Ranch to the City of Carmel-by-the-Sea's Initial Study/Mitigated Negative Declaration ("IS/MND") prepared for the Rio Park/Larson Field Pathway Project under the California Environmental Quality Act (CEQA).

As we discussed during our September 22nd meeting, the City's proposed trail will result in a number of significant adverse impacts affecting Mission Ranch related to traffic, parking and public health and safety. Below lists our comments discussed, and we look forward to continuing to work with the City on these issues:

- As currently designed, the proposed trail will conflict with vehicle traffic within Mission Ranch. The IS/MND does not adequately address the safety hazards presented by the increase in pedestrian and bicycle traffic that will occur at the Mission Ranch tennis court parking lot. The City needs to consider some physical constraints (i.e. a gated entry at the Mission Ranch parking lot) to prevent bikes and pedestrians from traversing into Mission Ranch's parking lot.

October 12, 2015

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- The project will attract pedestrian and bicycle traffic including children from the neighborhood, and River School onto Mission Ranch's main private grounds. This similarly presents unreasonable risk of children walking around vehicle traffic in Mission Ranch. The City needs to analyze how pedestrians and bicyclists exiting the proposed trail who wish to traverse along Dolores can be safely directed away from Mission Ranch. What kind of roadway markings on the Lasuen Drive-Dolores street bike route will be done to detract bicycle and pedestrian traffic from traversing into Mission Ranch?
- The IS/MND fails to consider traffic counts during peak times of Mission Ranch operations, and visitations to Carmel Mission when recreational use will occur on the proposed trail. As such, the IS/MND grossly understates impacts related to traffic, parking and public safety.
- The traffic report includes a recommendation that the City install a two-way bicycle lane on the east side of Lasuen Drive between the new crosswalk and the new trail. The City's traffic report also suggests increasing the radius of the curve of paved asphalt along the western edge of the Mission Ranch tennis court parking lot. This 2-way bicycle lane, and road expansion will remove much needed parking along this area. The IS/MND does not adequately discuss the existing parking demand in this area by visitors to the Carmel Mission (and increase in visitors due to the recent canonizing of Junipero Serra), by parents picking up their kids from school, and by Mission Ranch patrons. The City must mitigate for this displacement in parking. The City's removal of this street parking will also cause the public to seek parking in Mission Ranch.
- The proposed expansion of the western edge of the road along Mission Ranch would also attract pedestrians and bicyclists to traverse along this area of the road. The City should ensure measures are in place to avoid pedestrians and bicycle traffic facing traffic in this area. The IS/MND does not sufficiently analyze this safety hazard. How is the City ensuring that bicyclists and pedestrians do not traverse along Lasuen drive facing traffic?
- The IS/MND conclusions that the proposed trail would not increase demand on public services is flawed. The proposed trail will increase the need for public services including those needed to properly operate and maintain this area. The City will need to ensure proper operation and maintenance of the proposed trail (ie. security, enforcement, garbage removal, signage, etc.).
- The IS/MND states that at the trail would be accessible to emergency responder vehicles at multiple points along the trail through vehicle gates. Given that the proposed trail is on both County and City properties, can you explain how the County and City of Carmel-by-the-Sea will carry out its respective responsibilities to ensure protection of public health and safety?

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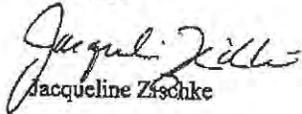
JACQUELINE ZISCHKE

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Thank you for providing the opportunity for Mission Ranch to submit these comments. We applaud the City's efforts, and we remain willing to work with the City to resolve these concerns.

Sincerely,


Jacqueline Zischke



Carmel Area Wastewater District

P.O. Box 221428 Carmel California 93922 ♦ (831) 624-1248 ♦ FAX (831) 624-0811

Barbara Buikema
General Manager
James J. Pinkevich
Superintendent
Robert R. Wellington
Legal Counsel

Board of Directors
Gregory D'Ambrosio
Michael K. Rachel
Robert Siegfried
Charlotte F. Townsend
Ken White

October 8, 2015

City of Carmel-by-the-Sea
Attn: Brian Roseth - Monterey Bay Planning Services
Post Office Drawer G
E/s Monte Verde between Ocean and 7th
Carmel, CA 93921

RE: Rio Park/Larson Field Pathway Project

Dear Brian Roseth:

After careful review of the Draft Initial Study/Mitigated Negative Declaration (DIS/MND) pertaining to the Rio Park/Larson Field Pathway Project, dated September 2015 and prepared by Michael Baker International, the Carmel Area Wastewater District (CAWD) has prepared the following comments for your consideration.

The District Board has expressed support of the City's goals to provide pedestrian/bicycle access where feasible. The District maintains the position that existing legal easements utilized by CAWD for access along the proposed trail alignment are required for Wastewater Utility maintenance and operation and shall be maintained by the City or improved, but shall not diminish the District's ability to access the existing infrastructure, or cause any undue cost to the public utility. The District currently has access to our underground infrastructure via the gated path off of Lasuen Drive and through the Diocese parking lot off of Rio Road. We must maintain unobstructed access via both of these entry points.

The District recognizes that a proposed easement agreement is required to clarify public access rights and future maintenance responsibilities for the portion of the trail which will bisect the District land. This maintenance agreement shall be prepared by the City and submitted to CAWD for approval and executed prior to the commencement of any construction activities.

In the February 17, 2015 communication (letter) from the District to the City regarding this proposal it was discussed that the City consider a shared access road over the entire length of the bike trail along the southern boundary of the CAWD property adjacent to the City property. The District believes that an access road shared between the two agencies would help to minimize impervious surface, the need for two roadways, and also provide an opportunity for a possible cost sharing of the construction of this access road thorough the proposed Rio Park. Referring to Figure 2a the District recognizes that no change to the road alignment or additional access road sharing has been proposed. Please keep in mind that CAWD vehicles will continue to drive parallel to your pathway if this access is not shared. As illustrated by the City the following road structural requirements will be required:

- 1) All portions of the pathway located on County Assessor Parcel (APN) 009-531-004 (Larson Field) shall be designed to sustain a minimum 30,000lb vehicle.
- 2) The small retaining wall must be designed to sustain the horizontal soil pressures of the vehicles which will travel the roadway.
- 3) All portions of the access road located on APN 009-521-001 shall be designed to sustain a 30,000lb vehicle, and the shoulder of the pathway shall be compacted to support District vehicles entering, exiting or crossing the pathway on CAWD property.

We agree with the assessment that vegetation clearing along the bike route will be required if planting will occur. The District will not accept any vegetation mitigation planting to occur on the District property at this time. If the City has intent to perform any vegetation planning on District property a landscape plan shall be provided to the District for approval, together with a vegetation management agreement prepared by the city.

The "Sensitive Habitat Barrier" as described in assessment BIO-6 and depicted in Figure 3 will not be permitted to be constructed on District property. Any proposed barrier on CAWD lands will be required to be easily removable by the District as unobstructed access must be maintained on the existing access route along the entire eastern boundary of the District property (APN 009-521-001).

Given that the City has stated a preference for a separate trail bisecting the District's property be advised that the District will have to clear our adjacent property and add an access road nearly the entire length of our property so that our equipment has access. The District continues to believe that an access road shared between the two agencies would help to minimize impervious surface, eliminate the need for two roadways and also provide an opportunity for a possible cost sharing of a portion of the road construction.

We look forward to working out these issues with the City and making the improvements necessary to finally have the pedestrian/bicycle trail project come to fruition.

Thank you,

A handwritten signature in black ink, appearing to read "B. Buikema". The signature is written in a cursive, slightly slanted style.

B. Buikema
General Manager

cc: CAWD Board of Directors

Ohlone/Costanoan-Esselen Nation



Previously acknowledged as
The San Carlos Band of
Mission Indians
The Monterey Band
And also known as
O.C.E.N. or Esselen Nation
P.O. Box 1301
Monterey, CA 93942

www.ohlonecostanoanesselenation.org

October 11, 2015

Marc Weiner
Acting Community Planning and Building Director
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel-By-The-Sea, CA 93921

Re: Rio Park/Larson Field Pathway Project, Carmel, Monterey County, California

Saleki Atsa,

Ohlone/Costanoan-Esselen Nation is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent. Though other indigenous people may have lived in the area, the area is the indigenous homeland of our people. Included with this letter please find a territorial map by Taylor 1856; Levy 1973; and Milliken 1990, indentifying Tribal areas. We are aware that this is a known tribal site, sacred to our people as we have discussed with Rae Schwaderer of State Parks.

Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archaeological value. Please be advised that it is our first priority that our ancestor's remains be protected and undisturbed. We desire that all cultural and sacred items be left with our ancestors on site or where they are discovered. We ask for the respect that is afforded all of our current day deceased, by no other word these burial sites are cemeteries, respect for our ancestors as you would expect respect for your deceased family members in today's cemeteries. **Our definition of respect is no disturbance.**

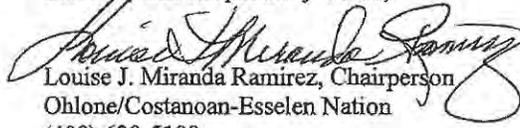
We quote Archaeological Report by Michael Baker International

Notwithstanding that the pedestrian survey found no specific indication of surface or subsurface resources in the project area, archival research showed that the project's path runs through an area with known prehistoric archaeological resources and intersects property owned and operated by Mission Carmel beginning as early as 1771. Multiple archaeological investigations have been conducted that include portions of the project area resulting in the uniform opinion among researchers that the archaeological sensitivity of the area for both prehistoric and historical period resources is extremely high. Given the sensitivity of the area for potential archaeological resources, archaeological monitoring of all excavation and other ground disturbance related to the present project should be considered mandatory.

Aware that despite our objection, disturbance continues, therefore: We request that Ohlone/Costanoan-Esselen Nation be consulted as to the planned project that will adversely impact the known/predicted cultural resources and sacred sites within our aboriginal territory. Furthermore, the Tribal leadership desires to be contacted with: 1) surveys, 2) subsurface testing, 3) presence/absence testing, 4) mitigation and recovery programs, 5) reburial of any of our ancestral remains, 6) placement of all cultural items, and 7) **that a Native American Monitor of Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council be used within our aboriginal territory.**

We request consultation since that Archaeological Study was completed before our notification as required by AB52 and requires archeological monitoring. We look forward to hearing more information about this project; please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki. Thank you for your attention to this matter.

Sincerely and Respectfully Yours,


Louise J. Miranda Ramirez, Chairperson
Ohlone/Costanoan-Esselen Nation
(408) 629-5189

Cc: OCEN Tribal Council
Katy Sanchez, Native American Heritage Commission

City of Carmel-by-the-Sea
COMMUNITY PLANNING AND BUILDING DEPARTMENT
POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE
(831) 620-2014 FAX

Louise J. Miranda Ramirez
OCEN Tribal Chairwomen
PO Box 1301
Monterey, CA 93942

Dear Ms. Ramirez,

Earlier this year you requested that the City notify you of projects undergoing environmental review by the City, consistent with Public Resources Code 21081.3.1. The purpose of this letter is to provide such notice. Enclosed with this letter is a copy of the formal notice.

The project is a recreational trail for pedestrians and bicyclists that will cross the Larson Athletic Field (part of the Carmel Mission complex) and some vacant land south of the Mission owned by the Carmel Area Wastewater District and by the City. There won't be significant excavation involved for most of the trail, but there will be ground disturbance, vegetation removal and some grading to create smooth transitions along the trail route.

The project has entered its environmental review phase. An environmental Initial Study has been completed and has been posted on the City's website at the following internet address:

<http://ci.carmel.ca.us/>

Copies of the Initial Study are also available for review by the public at Harrison Memorial Library. If you request it, I can send you a PDF file of these documents by email.

For the next 30 days, the City will accept written comments on the environmental analysis and the conclusions reached in the documentation. In addition, the City's Planning Commission will hold a public hearing on 23 September 2015 at 4:00 PM at City Hall to receive oral comment. The public comment period closes on 12 October 2015 at 4:00 PM.

Please let me know if I can be of further assistance to you regarding this project.

Sincerely,



Marc Weiner,
Acting Community Planning and Building Director



PUBLIC NOTICE

Notice of Intent to Adopt a Mitigated Negative Declaration for the Rio Park/Larson Field Pathway Project

Project Description: The City of Carmel-by-the-Sea, is proposing to construct a shared-use path suitable for pedestrian and bicycle travel linking Rio Road to Lasuen Drive. The path intersects Rio Road near the northeast corner of Larson Field. The path intersects Lasuen Drive at the Mission Ranch tennis court driveway. The proposed route will pass across Larson Field along its eastern and southern boundaries. It will then cross a pipeline property owned by the Carmel Area Wastewater District and continue through the City's Rio Park property until reaching Lasuen Drive at the Mission Ranch tennis court driveway. The total length of the path is approximately 1,420 feet.

Public Review Process: The proposed pathway is located within the jurisdictions of Carmel-by-the-Sea and Monterey County. Both agencies will review the project for approval of Coastal Development Permits. The City of Carmel-by-the-Sea also will require approval of a Use Permit for the portion of the pathway that crosses Larson Field. Public notice for each of these permits will be published and/or mailed at a future date. Prior to any review of permits, the City is conducting environmental review consistent with the California Environmental Quality Act.

One purpose of this Notice is to inform the public that an environmental Initial Study has been completed and is available for public review. The Initial Study concluded that the project would not have a significant effect on the environment because all potentially significant impacts can be reduced or eliminated through the adoption of project changes (mitigations). The City of Carmel-by-the-Sea welcomes public comment on the environmental Initial Study and the proposed adoption of the Mitigated Negative Declaration. The public comment period will run from 11 September 2015 through 12 October 2015. Written comments must be addressed to:

Marc Weiner, Senior Planner
Department of Community Planning and Building
P. O. Drawer G
Carmel, CA 93921

In addition to receiving written comments, the City of Carmel-by-the-Sea Planning Commission will receive oral public comments at a public hearing on 23 September 2015, in City Hall located on the east side of Monte Verde Street between Ocean and 7th Avenues. The Public Hearing begins at 4:00 p.m. or as soon thereafter as the agenda permits. No action on the project will be taken at this hearing; its purpose is only to receive oral comments.

Availability of Documents: Copies of the Initial Study are available for review at the following locations:

Carmel-by-the-Sea City Hall
Department of Community Planning & Building
P.O. Drawer G
Carmel-by-the-Sea, CA 93921

Harrison Memorial Library
Northeast corner of Ocean Ave. and Lincoln Street
Carmel-by-the-Sea, CA

Date of Notice: September 11, 2015

Date of Publication: September 11, 2015

Michael Baker
INTERNATIONAL

We Make a Difference

BIOLOGICAL MEMORANDUM

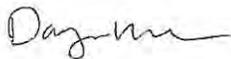
Date: November 11, 2015
To: Tad Stearn
From: Dayna Winchell, Biologist
Cc: Joyce Hunting
Re: Rio Park/Larsen Field Pathway Project

Michael Baker International biologist Dayna Winchell conducted a site review on the Rio Park/Larsen Field Pathway Project site. The site visit was conducted on the morning of November 10, 2015. The purpose of the site visit was to confirm the site conditions of the project area; which was expanded to include the newly proposed alignment alternatives and parking lot.

The information in the previously prepared IS/MND is consistent with that conditions that were observed on the project site. Based upon the site visit, there are no changes required in the biological settings section or avoidance and minimization measures listed in the report. Furthermore, no additional special status resources were determined to potentially occur in the project site or vicinity. All applicable mitigation measures related to biological resources remain in effect.

Please do not hesitate to contact me at (916) 298-7995 or Dayna.Winchell@mbakerintl.com with any questions regarding the information contained herein or requests for additional information.

Sincerely,



Dayna Winchell
Biologist



We Make a Difference

November 10, 2015

Tad Stearn, Project Manager
MICHAEL BAKER INTERNATIONAL
60 Garden Court, Suite 230
Monterey, CA 93940

RE: CULTURAL RESOURCES LETTER REPORT RIO PARK/LARSEN FIELD TRAIL PROJECT, CITY OF CARMEL-BY-THE-SEA, MONTEREY COUNTY, CALIFORNIA

Dear Mr. Stearn:

In support of the Rio Park/Larsen Field Trail Project (project), Holman & Associates (H&A) completed an archaeological study (*Archaeological Records Search and Site Reconnaissance Rio Park/Larsen Field Trail Project, City of Carmel-By-The-Sea, Monterey County, California* [May 2015]). The report provided a records search and field survey summary, as well as recommendations for the treatment of previously unidentified cultural resources.

Since the H&A study, the project area has expanded. Michael Baker International cultural staff conducted a reconnaissance-level cultural resources field survey within the expanded area. The intent of the field survey was to determine the presence of archeological deposits within or adjacent to the project area that may be impacted by the project. The purpose of this letter report is to summarize the previous study and identify the necessary actions required for the City of Carmel-by-the-Sea to comply with the environmental review obligations of the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION

The project would construct a 1,400-foot-long and 8-foot-wide paved pedestrian/bike path between Rio Road and Lasuen Drive in the jurisdiction of both the County of Monterey and the City.

PREVIOUS STUDY

In May 2015, H&A completed the report *Archaeological Records Search and Site Reconnaissance Rio Park/Larsen Field Trail Project, City of Carmel-By-The-Sea, Monterey County, California*. The purpose of the report was to determine the presence of previously identified and unidentified cultural resources in the project area. The report summarized the identification efforts and recommendations as part of the project's environmental review per CEQA.

Identification efforts by H&A included a records search at the Northwest Information Center (NWIC). The NWIC, as part of the California Historical Resources Information System, California State University, Sonoma, an affiliate of the State of California Office of Historic Preservation (OHP), is the official state repository of cultural resource records and reports for Monterey County. The records search identified three previously identified archeological sites within 1 kilometer of the project area: 1) the historic Mission Carmel (National Historic Landmark #214; State Historic Landmark #135; CA-MNT-18H); 2) prehistoric site CA-MNT-188, a sparse shell midden; and 3) a historic period Mission Ranch complex.

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Michael Baker International
RE: Cultural Resources Letter Report Rio Park/Larsen Field Trail Project, City of Carmel-By-The-Sea,
Monterey County, California
Page 2

The records search also identified four archaeological reconnaissance studies which include land within or immediately adjacent to the project area. H&A did not provide the results of those studies.

On April 9, 2015, H&A conducted a general surface reconnaissance-level survey to inspect for "prehistoric and historical period cultural materials, topographic indicators, as well as vegetation and soil characteristics that might indicate surface or subsurface cultural materials" (H&A 2015: 7). No cultural resources were identified during the survey.

Lastly, H&A noted that the project area is located within an area with known prehistoric archaeological resources and intersects with Mission Carmel. Due to the presence of known cultural resources, H&A determined the area to have extremely high prehistoric and historical period archaeological sensitivity. H&A recommended the following:

1. A qualified archaeologist should be present for all excavation and soil disturbance during the planned construction over the entire length of the project area and any equipment staging areas related to the project. If at any time potentially significant archaeological resources are discovered, the monitor should be authorized to halt excavation until a determination of significance is made. If the find is determined to be significant, work may remain halted until a mitigation plan is developed and implemented; and
2. Following the construction phase of the project, a monitoring report should be completed which includes the field methods used to find and identify potential resources, a preliminary evaluation of any resources found, a preliminary map of any resources found, and recommendations for additional research if warranted.

MICHAEL BAKER INTERNATIONAL FIELD SURVEY

In support of the project, Michael Baker Senior Cultural Resources Manager Nichole Jordan Davis conducted a cultural resources field survey of the project area expansion on November 3, 2015. The intent of the field survey was to verify H&A's previous findings that no cultural resources were identified within the project area expansion.

The entire project area expansion was accessible during the November 3, 2015, survey. Ground visibility within the project area expansion varied from 0 to 100 percent. The areas of 100 percent visibility were recently grubbed and were surveyed using 2-meter transects. Areas that had not been grubbed had 0 percent ground visibility and were surveyed using 5-meter transects.

Ms. Jordan Davis observed oyster and mussel shells that may be associated with a shell midden within the project area expansion, north of the Monterey Cypress colonnade.

RECOMMENDATIONS AND MITIGATION MEASURES

Based on the results of H&A's study, Michael Baker's field survey, and public input from Louise J. Ramirez, Chairperson of the Ohlone/Costanoan-Esselen Nation pursuant to Public Resources Code 21081.3, the project has extremely high prehistoric and historical period archaeological sensitivity.

Marc Weiner, Acting Community Planning and Building Director, of the City of Carmel and Michael Baker developed mitigation measure CULT-1 in response to input from Louise J. Ramirez, Chairperson of the Ohlone/Costanoan-Esselen Nation during the public review process.

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Monterey County, California
Page 3

CULT-1 Prior to construction, the City shall conduct presence/absence testing of those areas along the trail that are proposed for grading or excavation. Areas that will receive fill and compaction do not warrant testing. If the testing demonstrates that the project would not impact cultural resources, no further mitigation or professional monitoring is necessary. Testing results will be shared with tribal representatives. If testing demonstrates that the project does have the potential to impact resources, specific mitigation strategies such as avoidance, protection (capping) or excavation/recovery will be employed. Mitigation strategies will be shared with tribal representatives prior to construction. With the above strategy, further on-site monitoring is not justified. However, if at any time potentially significant archaeological resources are encountered or suspected during construction, the construction manager shall be authorized to halt excavation until the archaeologist provides an evaluation of the find. If the find is determined to be significant, work shall remain halted until a mitigation plan is developed, approved by the City and tribal leaders, and Implemented. Work may proceed on other parts of the project site while mitigation for the resource is carried out.

Timing/Implementation: Prior to and during construction

Enforcement/Monitoring: City of Carmel-by-the-Sea
 Department of Community Planning and Building

Implementation of mitigation measure CULT-1 would ensure that provisions are in place to reduce impacts to historical resources to a less than significant level as required by CEQA. Should archaeological deposits be encountered, impacts to such resources should be avoided, or further investigation should be conducted to offset the loss of scientifically consequential information that would occur if avoidance is not possible.

CULT-2 In the event paleontological resources are encountered or suspected during construction, the construction manager shall cease operation at the site of the discovery and immediately notify the City of Carmel-by-the-Sea Department of Community Planning and Building. A qualified paleontologist shall provide an evaluation of the find and prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Timing/Implementation: During construction

Enforcement/Monitoring: City of Carmel-by-the-Sea Department of Community Planning and Building

Implementation of mitigation measure CULT-2 would ensure that human remains encountered during project activities are treated in a manner consistent with state law and would reduce impacts to human remains to a less than significant level as required by CEQA. This would occur through the respectful coordination with descendant communities to ensure that the traditional and cultural values of said communities are incorporated in the decision-making process concerning the disposition of human remains that cannot be avoided.

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Monterey County, California
Page 4

PREPARERS' QUALIFICATIONS

Michael Baker Senior Cultural Resources Manager Nichole Jordan Davis, RPA #989208, conducted the field survey and reviewed H&A's 2015 report. Ms. Jordan Davis has a master of arts in applied anthropology from California State University, East Bay, and 13 years of experience in California archaeology and history. She meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and history.

Michael Baker Cultural Resources Analyst Margo Nayyar completed this letter report. Ms. Nayyar has a master of arts in public history from California State University, Sacramento, and a bachelor of arts in history from University of California, Santa Cruz. She has five years of cultural resource management experience throughout California. She meets the Secretary of the Interior's Professional Qualifications Standards for history and architectural history.

Sincerely,

NICHOLE JORDAN DAVIS

Nichole Jordan Davis, RPA
Senior Cultural Resources Manager

Margo Nayyar

Margo Nayyar
Cultural Resource Analyst



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1069
December 1, 2015
Public Hearing

TO: Honorable Mayor and Members of the City Council
Mike Calhoun, Interim City Administrator

FROM: Marc Wiener, Acting Community Planning and Building Director

SUBJECT: Consideration of the adoption of the 2015-2023 Housing Element and an Ordinance amending chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing law.

AMOUNT OF EXPENDITURE	\$ 18,780.00
AMOUNT BUDGETED	\$ 25,575.00
APPROPRIATION REQUIRED	\$ N/A

RECOMMENDATION

1. Adopt the 2015-2023 Housing Element
2. Waive reading in full and introduce on first reading an Ordinance amending chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing law

SUMMARY

BACKGROUND AND PURPOSE:

State law requires each jurisdiction in Monterey County to prepare an updated Housing Element for the 2015-2023 planning period. A draft Housing Element was prepared and reviewed at public meetings held by the Planning Commission (August 19, 2015) and City Council (August 31, 2015). The draft Housing Element was revised to reflect comments from the Planning Commission and City Council and was submitted to the California Department of Housing and Community Development ("HCD") for review. During HCD's review, additional revisions were made to the draft element in response to questions and suggestions from HCD staff. On November 10, 2015 HCD issued a letter finding that the Draft Housing Element addresses the requirements of state law (Attachment 1). Staff requests that the City Council adopt the 2015-2023 Draft Housing Element. In addition, various revisions to the Zoning Code are required to ensure consistency between City regulations and state laws related to affordable housing. Staff requests that the City Council adopt an Ordinance amending chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing law.

ANALYSIS:

Staff made several revisions to the Goals, Objectives, Policies and Programs section of the Draft Housing Element based on recommendations made by the Planning Commission and City Council at two separate public workshops. The programs identified in the Housing Element are essentially a commitment by the City to study and potentially amend certain regulations in order to achieve the program objectives. The following is a list of the key revisions that were made following input from the Planning Commission and City Council:

- Program 3-2.1.c (Incentives for Mixed Use Affordable Housing) was added to explore options for incentivizing upper-story housing opportunities, such as the potential of allowing a third story in the Commercial District when devoted to affordable housing subject to appropriate design standards, including the City's 30-foot height limit.
- Program 3-3.1.c (Development on Small Sites) was revised to call for review of the Lot Merger Program; including a requirement that mergers be approved by the Planning Commission rather than the Planning Director, considering incentives for commercial lot mergers, and eliminating any provisions of the merger program that have an unintended consequence of restricting housing opportunities.
- Policy 3-5.3 was revised to express the City's desire to expand opportunities for local employees such as teachers, police, fire fighters and other City personnel to live in the community where they work; and
- Program 3-5.3.c was revised to call for review of subordinate unit regulations. Subordinate units provide an additional opportunity for affordable housing in the City. To further encourage the creation of subordinate units, the City will investigate potential amendments such as permitting subordinate units on smaller lots and the implementation of certain incentives such as reduced parking and setback requirements.

On September 9, 2015 the Revised Draft Housing Element was transmitted to HCD for review. During HCD's 60-day review period City staff had discussions with HCD staff regarding the draft element, and a number of revisions were made in response to HCD's questions and suggestions. On November 10, 2015 HCD issued a letter finding that the Draft Housing Element as revised addresses the requirements of state law. HCD's letter indicates that the Housing Element will comply with state law (i.e., "certified") when adopted and submitted to HCD for final review. Housing Element certification is important to maximize the City's eligibility for grant funds and preserve local land use control.

Revisions made to the draft Housing Element in response to HCD comments are summarized as follows:

Section 2: Resources

- Minor clerical revisions

Section 3: Goals, Policies and Programs

- Quantified objectives added for housing preservation (p. 3-15)
- Cross-references and clarification added

Appendix B: Constraints

- Discussion of regulations for group homes added (p. B-11)
- Table B-7 (Development Fees) updated (p. B-17)
- Table B-8 (Development Review Procedures) updated (p. B-18)
- Cross-references and clerical revisions added

As discussed at the August 31st study session, revisions to the Municipal Code as described below are also required to ensure conformance with state housing law.

- **Density Bonus Regulations**

State law requires cities to grant a density bonus of up to 35 percent when a project provides affordable housing, senior housing, child care facilities, or dedicates land for affordable housing. The Municipal Code (CMC 17.64.190) currently allows a density increase up to 34-44 dwelling units per acre when a project provides 20 percent lower-income units, 10 percent very-low-income units or 50 percent of units are provided for senior citizens, and up to 88 units per acre when all units are affordable to low- or very-low-income households. Staff has revised this section of the Municipal Code to eliminate the current density bonus program and adopt by reference State Density Bonus Law (Government Code Sections 65915). The proposed amendment to Municipal Code Sections 17.64.190 and 17.64.220 would ensure consistency with current state law.

State Density Bonus Law establishes a sliding scale for density bonus ranging from 20 percent to 35 percent above the maximum allowable density depending on the proportion of affordable units provided. In order to achieve the maximum 35 percent density bonus, provision of at least 20 percent low-income units, 11 percent very-low-income units, or 40 percent moderate-income for-sale units is required. Staff notes that these specific details of the density bonus program are not included in the Municipal Code because the City would be adopting state law by reference. Adopting by reference ensures that the City does not have to amend its Municipal Code to be consistent with future changes in state law.

- **Transitional and Supportive Housing**

The proposed amendment to Section 17.68.040 of the Municipal Code includes definitions of transitional and supportive housing to ensure consistency with state law. Under state law, transitional housing and supportive housing must be treated as residential uses and permitted subject only to the same standards and procedures as apply to other residential dwellings of the same type in the same zone.

- **Residential Care Facilities**

State-licensed residential care facilities for six or fewer persons must be permitted as residential uses subject only to the same standards and procedures as apply to other residential dwellings of the same type in the same zone. The proposed amendment to Section 17.14.030 was amended to indicate that residential care facilities are subject to the same regulations as other family residential dwellings.

- **Group Residential**

The Zoning Code Sec. 17.70.020 defines "Group Residential" as Shared living quarters without separate kitchens or bathrooms for each room or unit, including boardinghouses, dormitories, and private residential clubs, but excluding guesthouses. During its review of the draft Housing Element, HCD noted that this use is currently not permitted or conditionally permitted in any zone. An amendment to Sec. 17.08.040 (Schedule II-1) is proposed to designate group residential as conditionally permitted in the R-4 zone.

CEQA COMPLIANCE:

An Initial Study/Negative Declaration (IS/ND) was adopted for the City's 2010 Housing Element update. The IS/ND concluded that adoption of the Housing Element would not result in a significant impact on the environment. The Draft 2015-2023 Housing Element update and related Code amendments do not propose any additional changes to City policies or regulations that would result in new significant

environmental impacts or a substantial increase in the severity of impacts previously analyzed in the 2010 IS/ND, therefore an Addendum to the previous IS/ND has been prepared pursuant to CEQA Guidelines Sections 15162 and 15164 (Attachment 4).

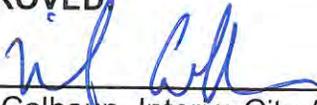
PRIOR CITY COUNCIL ACTION

The City Council reviewed and provided input on the first draft of the 2015-2023 Housing Element at a workshop on August 31, 2015.

ATTACHMENTS

1. HCD letter of November 10, 2015
2. Resolution for the adoption of 2015-2023 Housing Element (Attachment A - Housing Element)
3. Ordinance Amending Chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code
4. Addendum to Previous Negative Declaration

APPROVED



Mike Calhoun, Interim City Administrator

Date:

11/23/2015

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



November 9, 2015

Mr. Marc Wiener, Acting Director
Community Planning and Building
City of Carmel
Post Office Drawer C
Carmel-By-The-Sea, CA 93921

Dear Mr. Wiener:

RE: Review of the City of Carmel's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Carmel's draft housing element update that was received for review on September 11, 2015, along with additional revisions received on October 22 and November 1, 5, and 9, 2015. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by communications with you and Mr. John Douglas, the City's consultant.

The draft element with the revisions meets the statutory requirements of State housing element law. The draft element with the revisions will comply with State housing element law (Article 10.6 of the Government Code) when they are adopted and submitted to the Department, in accordance with Government Code Section 65585(g).

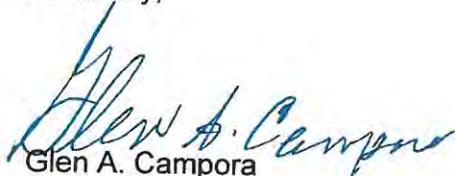
To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008), the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2015 for AMBAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. For example, the safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For more information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates your efforts and dedication in preparation of the housing element and looks forward to receiving Carmel's adopted housing element. If you have any questions or need additional technical assistance, please contact Jess Negrete, of our staff, at (916) 263-7437.

Sincerely,



Glen A. Campora
Assistant Deputy Director

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL RESOLUTION NO. 2015-__

A RESOLUTION OF THE CITY COUNCIL ADOPTING THE
2015-2023 HOUSING ELEMENT UPDATE TO THE GENERAL PLAN

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

WHEREAS, state law requires each city in California to adopt a General Plan, which includes a Housing Element; and

WHEREAS, each jurisdiction within Monterey County is required by state law to prepare an update to its Housing Element for the 2015-2023 planning period; and

WHEREAS, on August 19, 2015 the Planning Commission conducted a public workshop regarding the proposed Housing Element update, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on August 31, 2015 the City Council conducted a public workshop regarding the proposed Housing Element update, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, in compliance with Section 65585 of the California Government Code, the Draft Housing Element Update was transmitted to the California Department of Housing and Community Development (HCD) for review; and

WHEREAS, on November 9, 2015 HCD issued a letter finding that the Draft Housing Element substantially complies with the requirements of state law; and

WHEREAS, on November 18, 2015 the Planning Commission conducted a public hearing to review the Draft Housing Element, and by unanimous vote recommended City Council approval of the Housing Element as set forth in Exhibit A; and

WHEREAS, on December 1, 2015 the City Council conducted a public hearing to consider the proposed Housing Element update, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council has considered the findings set forth in HCD's review of the Draft Housing Element pursuant to Sec. 65585(e) of the California Government Code; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) an Addendum to the previous Negative Declaration for the 2007-2014 Housing Element was prepared to evaluate potential environmental impacts of the 2015-2023 Housing Element Update; and

WHEREAS, the City Council has considered the entire administrative record for the proposed Housing Element Update, including staff reports, Planning Commission recommendations, the CEQA Addendum, and all written and oral testimony offered at and prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct.

Section 2. CEQA Findings. The City Council finds that the Addendum to the Negative Declaration prepared for the 2007-2014 Housing Element satisfies the requirements of CEQA for the 2015-2023 Housing Element Update. There is no substantial evidence in the record that the 2015-2023 Housing Element Update would have a significant effect on the environment. The Addendum reflects the independent judgment of the City Council.

Section 3. General Plan Amendment Findings. The City Council finds that the proposed amendment to the Housing Element of the General Plan is in the public interest pursuant to Sections 65358 and 65581 of the California Government Code.

Section 4. Housing Element Adoption. The City Council hereby adopts the 2015-2023 Housing Element, attached hereto as Exhibit A and incorporated herein by this reference.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of December 2015 by the following roll call vote:

AYES:
NOES:
ABSENT:

ATTEST:

JASON BURNETT, Mayor

SIGNED:

ASHLEE WRIGHT, City Clerk

EXHIBIT A
2015-2023 HOUSING ELEMENT

2015-2023 Housing Element

City of Carmel-by-the-Sea



Draft

November 2015



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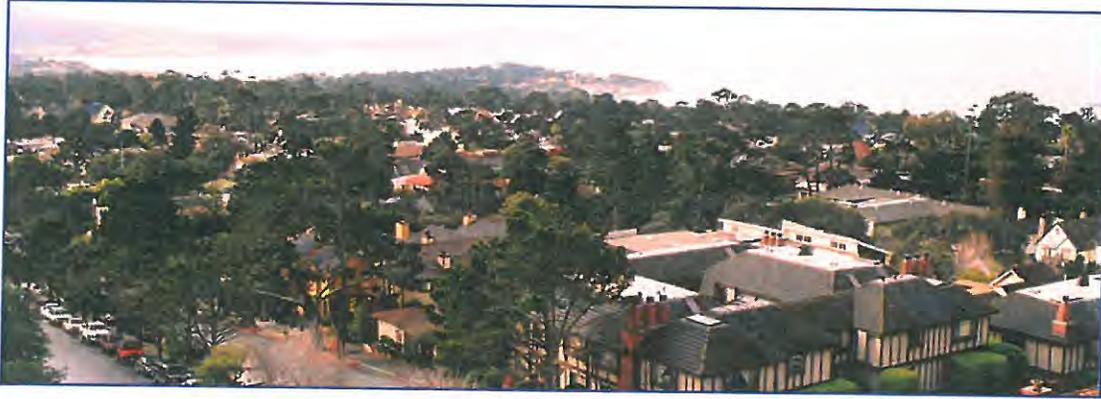
Appendix E: Glossary E-1



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1 INTRODUCTION



The Housing Element documents the existing and projected future housing needs in the community, particularly the availability, affordability, and adequacy of housing. Policies and programs in the Element serve as strategies to address housing needs across the full economic and social spectrum of the community.

1.1 Purpose of the Housing Element

The Housing Element is designed to achieve the following:

- Identify adequate sites for a range of housing types;
- Assist in the development of adequate and affordable housing;
- Address constraints to meeting the City's housing needs;
- Conserve and improve the condition of existing housing; and
- Promote fair housing opportunities for all persons.

This Housing Element contains goals, policies, and programs that cover the planning period of December 31, 2015 through December 31, 2023 as established by the California Department of Housing and Community Development (HCD).

1.2 State Law and Local Planning

1.2.1 Consistency with State Law

The Housing Element is one of the seven General Plan Elements mandated by the State of California, as articulated in Sections 65580 to 65589.8 of the California Government Code. State Law requires that each jurisdiction's Housing Element consist of "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled program actions for the preservation, improvement, and development of housing." The



Housing Element plans for the provision of housing for all segments of the population. Section 65583 *et seq.* of the Government Code sets forth specific requirements regarding the scope and content of the Housing Element. Table 1-1: **State Housing Element Requirements** summarizes these requirements and identifies the applicable sections in the Housing Element where these requirements are addressed.

Table 1-1: State Housing Element Requirements

Required Housing Element Component	Reference
A. Housing Needs Assessment	
1. Analysis of population trends in Carmel-by-the-Sea in relation to countywide trends	Appendix A, A.1.1
2. Analysis of employment trends in Carmel-by-the-Sea in relation to regional trends	Appendix A, A.1.4
3. Projections and quantification of Carmel-by-the-Sea's existing and projected housing needs for all income groups	Appendix A
4. Analysis and documentation of Carmel-by-the-Sea's housing characteristics, including:	Appendix A, A.2
a. Overpayment	Appendix A, A.3.6
b. Overcrowding	Appendix A, A.3.6
c. Housing conditions	Appendix A, A.3.3
5. Analysis of land suitable for residential development	Section 2, 2.1
6. Analysis of governmental constraints upon housing	Appendix B, B.1
7. Analysis of nongovernmental constraints upon housing	Appendix B, B.8
8. Analysis of special housing needs	Appendix A, A.4
9. Analysis of emergency shelters	Appendix B, B.2
10. Analysis of opportunities for energy conservation	Section 2, 2.3
11. Analysis of assisted housing developments that are eligible to change from low income housing during the next 10 years	Appendix A, A.5
B. Goals and Policies	
12. Identification of Carmel-by-the-Sea's goals, quantified objectives and policies relative to the maintenance, improvement and development of housing	Section 3
C. Implementation Program	
13. Identification of adequate sites which will be made available through appropriate action to accommodate a variety of housing types for all income levels	Section 3
14. Identification of programs to assist in the development of adequate housing to meet the needs of low and moderate-income households	Section 3
15. Identification of opportunities to remove governmental constraints to the maintenance, improvement, and development of housing	Section 3
16. Identification of opportunities to remove constraints and/or provide reasonable accommodations for housing for persons with disabilities	Section 3
17. Identification of opportunities to conserve and improve the condition of the existing affordable housing stock	Section 3
18. Identification of programs to promote housing opportunities for all persons	Section 3
19. Identification of programs to address the potential conversion of assisted housing development to market-rate housing	Section 3
20. Identification of programs to identify zones where emergency shelters are permitted	Section 3



1.2.2 General Plan Consistency

According to State planning law, the Housing Element must be consistent with other General Plan Elements. While each of the Elements is independent, they are also interrelated. Certain goals and policies of each Element may also address issues that are primary subjects of other Elements. This integration of issues throughout the General Plan creates a strong basis for the implementation of plans and programs and achievement of community goals. The Housing Element is most closely tied to the Land Use and Community Character Element. Residential locations and densities established in that Element are consistent with the policies and programs incorporated into this Housing Element.

This Housing Element builds upon other General Plan Elements and is consistent with the policies and programs set forth by the General Plan. Whenever any Element in the General Plan is amended, the Housing Element will be reviewed and modified, if necessary, to ensure continued consistency between Elements.

1.2.3 Relationship to Other Plans and Programs

The Housing Element identifies goals, policies, action programs and objectives that directly address the housing needs of Carmel-by-the-Sea. There are a number of City plans and programs that work to implement the goals, policies, action programs and objectives of the Housing Element.

1.2.4 Organization of the Housing Element

The Housing Element is organized into the following sections:

- **Introduction** (Section 1) – describes the purpose of the Housing Element, community context, and public participation process;
- **Housing Resources** (Section 2) - evaluates land, financial, and administrative resources to address housing needs in the community;
- **Goals, Policies and Programs** (Section 3) - identifies the City's housing goals, policies, programs and objectives to achieve those goals.
- **Housing Needs Assessment** (Appendix A) - describes the City's population characteristics, housing characteristics, and existing and projected housing needs;
- **Housing Constraints** (Appendix B) - assesses potential market, governmental, and environmental constraints to the development, maintenance, and improvement of housing;
- **Housing Accomplishments** (Appendix C) - reviews and analyzes progress made in achieving housing goals in the 2007-2014 Housing Element; and
- **Workshop Summary and Comments** (Appendix D) – contains comments received during the public outreach process.



1.3 Community Context

Carmel-by-the-Sea is a small coastal community located on the Monterey Peninsula near the cities of Monterey, Pacific Grove, and the unincorporated communities of Pebble Beach and Carmel Valley. Compared to surrounding cities, Carmel is relatively young, incorporated in 1916. A strong residential character and centralized business district took hold during a period of rapid growth during the 1920s and 1930s. In addition to Carmel's abundant natural resources and amenities, this developmental period was critical in establishing the unique character of the community that attracts residents, visitors, and businesses to Carmel today.

By 1940, the City had a population of about 2,800 persons in 1,575 housing units. Housing and population growth slowed after the 1940s, increasing in population by only 1,400 in 50 years, to a height of 4,239 persons in 1990. The City, with an estimated population of 3,747 in 2015, is one of the least populated of the Peninsula cities.

Carmel-by-the-Sea supports a wide variety of housing types and sizes in its residential and commercial districts. Most of the housing stock is comprised of single-family detached homes located in the R-1 zoning district. Multi-family developments are scattered throughout the R-4 and Commercial zoning districts and represent the second largest segment of the housing stock.

Due to existing land use patterns, high housing demand and costs, limited vacant land, and environmental constraints, the City of Carmel-by-the-Sea is faced with several obstacles to providing a variety of housing types, including affordable housing. Opportunities for development of housing, including infill development, conversion of commercial uses to residential, and addition of new residential uses above existing commercial space, will be actively identified and pursued.

1.4 Public Participation

Public participation played an important role in the formulation of this Housing Element. Community outreach and activities are described in more detail in Appendix D.

A Planning Commission Meeting was held on August 19, 2015 at the City Hall City Council Room. The purpose of the meeting was to receive comments from the Planning Commission as well as the public on the Draft Housing Element, prior to submittal to the HCD.

During the meeting, the Planning Commission and the public were provided with an overview of the Housing Element Update process and content. The focus of the meeting was on the Goals, Policies, and Programs proposed in the Draft Housing Element.

During the 60-day review by the California State Department of Housing and Community Development (HCD), the Draft Housing Element was available for review at the library and on the City's website. Notifications were mailed out to



those individuals and organizations that expressed interest in the Housing Element.

In addition, public hearings were held before both the Planning Commission and City Council prior to the adoption of this Housing Element. Notifications were published in the local newspaper in advance of each hearing.

The following agencies and interested parties were individually invited to participate during the Housing Element update:

- Alliance on Aging – senior services and housing programs
- American Red Cross (Carmel Chapter) – emergency shelter services
- Apartment Association of Monterey County
- Association of Monterey Bay Area Governments (AMBAG)
- Carmel Chamber of Commerce
- Carmel Foundation – senior housing, activities, education
- Carmel Residents Association – local citizens organization
- Coalition of Homeless Services Providers
- Community Human Services
- Habitat for Humanity
- Housing Authority of Monterey County (HAMC) – regional housing services and programs
- LandWatch Monterey County – environmental advocacy organization
- Monterey County Association of Realtors
- Monterey County Housing & Redevelopment
- Shelter Outreach Plus - homeless services



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2 HOUSING DEVELOPMENT RESOURCES



This section of the Housing Element describes and analyzes the resources available to the City of Carmel-by-the-Sea for the development, rehabilitation, and preservation of housing.

2.1 Adequate Sites Analysis

State Housing Element Law requires that cities demonstrate they have adequate sites to meet their housing obligations. An analysis of land resources must be completed and take into consideration zoning, development standards, and the availability of public services and facilities to accommodate a variety of housing types. The City must demonstrate that it has capacity or adequate sites to accommodate the projected need for housing.

The State Department of Finance (DOF) is responsible for projecting the total statewide housing demand, with the State Department of Housing and Community Development (HCD) apportioning this demand to each of the state's regions. This demand represents the number of additional units needed to accommodate the anticipated growth in the number of households, to replace expected demolitions and conversions of housing units to non-housing uses, and to achieve a future vacancy rate that allows for healthy functioning of the housing market.



The Association of Monterey Bay Area Governments (AMBAG) in cooperation with the local jurisdictions is tasked with the responsibility of allocating the region's projected new housing demand to each jurisdiction. The allocation is further divided into four income categories:

- Very-Low Income – 0% to 50% of the median income;
- Low Income – 51% to 80% of the median income;
- Moderate Income – 81% to 120% of the median income; and,
- Above-Moderate Income – more than 120% of the median income.

This process is known as the Regional Housing Needs Allocation (RHNA), and the goals are referred to as either the RHNA goals or the “regional share” goals for new housing construction. The allocation takes into account factors such as market demand for housing, employment opportunities, the availability of suitable sites and public facilities, commuting patterns, type and tenure of housing need, and others. In determining a jurisdiction's share of new housing needs by income category, the allocation is adjusted to avoid an over-concentration of lower-income households in any one jurisdiction.

The AMBAG has adopted a Regional Housing Needs Allocation Plan for its member jurisdictions. For Carmel-by-the-Sea, the plan establishes the City's share of regional housing growth needs as 31 additional units for the period of 2014 to 2023. [Table 2-1: Regional Housing Needs Allocation](#) displays the breakdown of this housing need by income group based on the median family income (MFI).

Cities must also analyze and plan for the growth needs of the extremely-low-income category (30 percent or less of the median income). The extremely-low-income growth need is assumed to be 50 percent of the very-low-income allocation.



Table 2-1: Regional Housing Needs Allocation 2014-2023

Income Category	Number of Units
Extremely Low Income (30 or less of the MFI) ¹	4
Very Low Income (0-50 percent MFI)	7
Low Income (51 to 80 percent AMI)	5
Moderate Income (81 to 120 percent AMI)	6
Above Moderate Income (Less than 120 percent AMI)	13
Total	31
Notes:	
¹ Regional share of extremely-low income units is assumed to be 50 percent of the very-low income units. The extremely-low income allocation is a subset of the very-low allocation and is not added to the total construction need.	
Source: AMBAG, Regional Housing Needs Allocation Plan 2014-2023.	
Note: the RHNA projection period is January 1, 2014 to December 31, 2023	

2.1.1 Capacity to Meet Regional Housing Goals

Vacant Land

There is limited vacant land in Carmel available for residential development. While the City is primarily built out, scattered vacant sites can be found throughout the City. These sites are primarily zoned for single-family residential development.

The vacant residential land in Carmel has the realistic capacity to accommodate 74 dwelling units. Seventy units could be accommodated on parcels zoned for single-family residential use. Based on the densities permitted in these areas, the units would be affordable to above-moderate income households. Four units could be accommodated on vacant parcels zoned SC or RC. However, these parcels are relatively small and multifamily development is unlikely. Therefore, these units would likely be affordable to above-moderate income households. Estimated capacity of vacant sites is based on the maximum allowable units on each parcel, which is consistent with development patterns and the very high land cost in the City.

Table 2-2: Vacant Land Permitting Residential Development summarizes the vacant parcels permitting residential development while Exhibit 2-1: Vacant Residential Parcels shows the locations of these properties.



Table 2-2: Vacant Land Permitting Residential Development

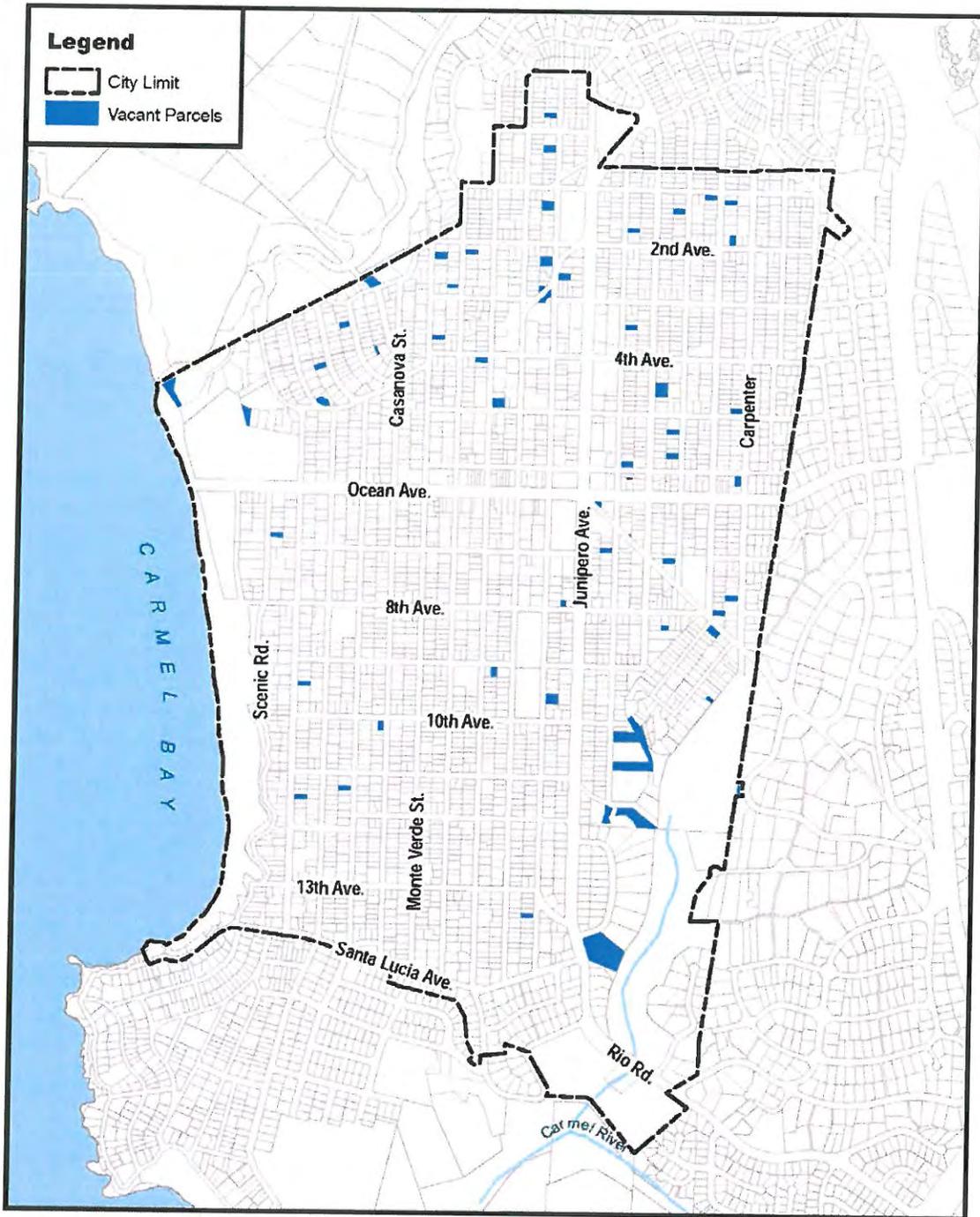
APN	Zoning	General Plan	Acreage	Permitted Density	Estimated Units	Notes
010115016000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010114002000	R-1	SFR	0.15	1 du/4,000 sq. ft.	1	
010121021000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010121017000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010122020000	R-1	SFR	0.03	1 du/4,000 sq. ft.	1	
010122003000	R-1	SFR	0.18	1 du/4,000 sq. ft.	1	
010128013000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010221008000	R-1	SFR	0.05	1 du/4,000 sq. ft.	1	
010221015000	R-1	SFR	0.14	1 du/4,000 sq. ft.	1	
010222007000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010232046000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010241027000	R-1	SFR	0.12	1 du/4,000 sq. ft.	1	
010241008000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010137020000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010108020000	R-1	SFR	0.12	1 du/4,000 sq. ft.	1	
010101012000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010027004000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010026001000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010021022000	R-1	SFR	0.10	1 du/4,000 sq. ft.	1	
010021013000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010038006000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010038002000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010033005000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010037010000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010037011000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010037012000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010092017000	R-1	SFR	0.11	1 du/4,000 sq. ft.	1	
010103012000	R-1	SFR	0.10	1 du/4,000 sq. ft.	1	
010045009000	R-1	SFR	0.10	1 du/4,000 sq. ft.	1	
010042027000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010042025000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010055004000	R-1	SFR	0.06	1 du/4,000 sq. ft.	1	
010076014000	R-1	SFR	0.11	1 du/4,000 sq. ft.	1	
010076015000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010052021000	R-1	SFR	0.13	1 du/4,000 sq. ft.	1	
010331032000	R-1	SFR	0.10	1 du/4,000 sq. ft.	1	
010331005000	R-1	SFR	0.39	1 du/4,000 sq. ft.	4	Subdivision required.
010331003000	R-1	SFR	0.19	1 du/4,000 sq. ft.	2	Subdivision required.
010331002000	R-1	SFR	0.17	1 du/4,000 sq. ft.	1	
010331010000	R-1	SFR	0.49	1 du/4,000 sq. ft.	5	Subdivision required.
010156020000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010073011000	R-1	SFR	0.26	1 du/4,000 sq. ft.	2	Subdivision required.
010073010000	R-1	SFR	0.29	1 du/4,000 sq. ft.	3	Subdivision required.
010073008000	R-1	SFR	0.16	1 du/4,000 sq. ft.	1	



APN	Zoning	General Plan	Acreage	Permitted Density	Estimated Units	Notes
010162004000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010272017000	R-1	SFR	0.08	1 du/4,000 sq. ft.	1	
010274002000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010279012000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010277017000	R-1	SFR	0.08	1 du/4,000 sq. ft.	1	
010311017000	R-1	SFR	0.09	1 du/4,000 sq. ft.	1	
010321042000	R-1	OS/R	0.17	1 du/4,000 sq. ft.	1	
010233003000	R-1	SFR	0.20	1 du/4,000 sq. ft.	2	Subdivision required.
010123015000	R-1	SFR	0.10	1 du/4,000 sq. ft.	1	
010031021000	R-1		0.09	1 du/4,000 sq. ft.	1	
010084034000	R-1		0.09	1 du/4,000 sq. ft.	1	
009361001000	R-1-C-20	SFR	1.47	1 du/ 20,000 sq. ft.	3	Subdivision required.
010136019000	SC	C	0.10	22 du/ac	2	
010136020000	SC	C	0.09	22 du/ac	1	
010087020000	RC		0.05	22 du/ac	1	
Total					74 dwelling units	



Exhibit 2-1: Vacant Residential Parcels





Underutilized Mixed Use Sites

The City permits by-right multifamily development with densities up to 22 du/ac in the commercial (CC, SC and RC) zoning districts. The units may be in stand-alone multifamily projects or within mixed use developments. The City's zoning code does not establish a minimum density requirement for these zones. Densities up to 44 du/ac are permitted, subject to a conditional use permit, when the development includes affordable housing. The development standards in the CC, SC and RC zoning districts are designed to provide maximum flexibility for development to achieve the maximum density standards. There are setback requirements only when the property faces the RC or a residential zone. The maximum lot coverage is designed to allow projects to achieve and exceed densities of 22 du/ac. Only one parking space per unit is required in the SC and CC zones and 1.5 spaces per unit in the RC zone regardless of the unit size.

To prevent the loss of existing residential units within the commercial zoning districts and to encourage the construction of new residential units, the City prohibits the conversion of existing second-floor residential floor space to commercial use and requires newly constructed floor space on the second floor to be used as residential units.

There a number of opportunities for redevelopment of existing commercial uses to mixed use projects in the CC, SC and RC zoning districts. Redevelopment may occur through demolition and construction of new buildings or through conversion of upper floor commercial uses to residential uses.

Table 2-3: [Underutilized Mixed-Use Parcels](#) provides a comprehensive list of the parcels in the commercial districts that have capacity for residential development either through construction of additional building space for residential use or conversion of upper floor commercial uses to residential. The locations of these parcels are shown in [Exhibit 2-2: Underutilized Parcels](#). Parcels unlikely to redevelop due to existing hotel/motel uses (which are protected under the City's Local Coastal Program) or that are too small to accommodate additional residential units were excluded from the list. Parcels with existing historic resources or in areas where an increase in floor area or height would be incompatible with surrounding buildings were also excluded. For these reasons, the City has identified the parcels on this list as having the greatest potential to redevelop during the planning period. The parcels within the SC, CC and RC zoning districts have a redevelopment capacity for approximately 78 additional dwelling units. Based on the density permitted by-right in these districts, these opportunities would provide for housing for lower- and moderate-income households.



Table 2-3: Underutilized Mixed-Use Parcels

APN	General Plan/ Zoning*	Acreage	Permitted Density	Estimated Units	Existing Use
010142006000	RC/RC	0.19	22 du/ac	4	Commercial-Shell
010191004000	RC/RC	0.07	22 du/ac	1	Commercial-Shell
010146004000	CC/CC	0.09	22 du/ac	1	Commercial-Shell
010141003000	CC/CC	0.37	22 du/ac	8	Commercial-Restaurant
010146003000	CC/CC	0.18	22 du/ac	3	Commercial-Shell
010147003000	CC/CC	0.09	22 du/ac	1	Commercial-Shell
010141006000	CC/CC	0.27	22 du/ac	5	Commercial- Bank/Financial
010146002000	CC/CC	0.18	22 du/ac	3	Commercial-Shell
010141009000	CC/CC	0.07	22 du/ac	1	Commercial-Shell
010141007000	CC/CC	0.28	22 du/ac	6	Commercial-Shell
010146001000	CC/CC	0.15	22 du/ac	3	Commercial-Shell
010147018000	CC/CC	0.31	22 du/ac	6	Commercial-Shell
010134005000	CC/CC	0.08	22 du/ac	1	Commercial-Shell
010138019000	CC/SC	0.19	22 du/ac	4	Commercial-Shell
010145008000	RC/RC	0.19	22 du/ac	4	1-Story Office Buildings
010142004000	RC/RC	0.09	22 du/ac	1	Mixed-Use Building
010142003000	RC/RC	0.09	22 du/ac	1	Vacant
010142012000	CC/SC	0.12	22 du/ac	2	Suburban Stores
010141011000	CC/CC	0.09	22 du/ac	1	Parking Lot
010147010000	CC/CC	0.09	22 du/ac	1	Commercial-Shell
010147015000	CC/CC	0.06	22 du/ac	1	Commercial-Shell
010147013000	CC/CC	0.08	22 du/ac	1	Commercial-Shell
010133004000	CC/CC	0.15	22 du/ac	3	Commercial-Shell
010213002000	CC/CC	0.06	22 du/ac	1	Commercial- Bank/Financial
010139001000	CC/CC	0.09	22 du/ac	1	Commercial-Shell
010138006000	CC/CC	0.13	22 du/ac	2	Mixed-Use Building
010132009000	CC/CC	0.09	22 du/ac	1	Parking Lot
010098004000	CC/SC	0.11	22 du/ac	2	Parking Lot
010097007000	CC/SC	0.18	22 du/ac	3	Stores and Apartments
010142013000	CC/SC	0.07	22 du/ac	2	Commercial
010148011000	RC/RC	0.11	22 du/ac	2	Single-family Residential
010142010000	RC/RC	0.08	22 du/ac	2	Commercial- Offices
Total				78	

* Please refer to Section B.1 for a description of General Plan and zoning designations.

Staff analysis of the sites with capacity for residential units in the CC, SC and RC zones identified the following sites that have the greatest potential to redevelop with residential uses within the planning period. While the estimated units shown in Table 2-3 are based on the by-right permitted density of 22 du/ac, all of the sites have the potential to be developed up to a density of 44 du/ac if affordable housing is provided.

- APN 010-191-004. The property is currently significantly underdeveloped. The building was originally constructed in 1950 (approximately 60 years old) and

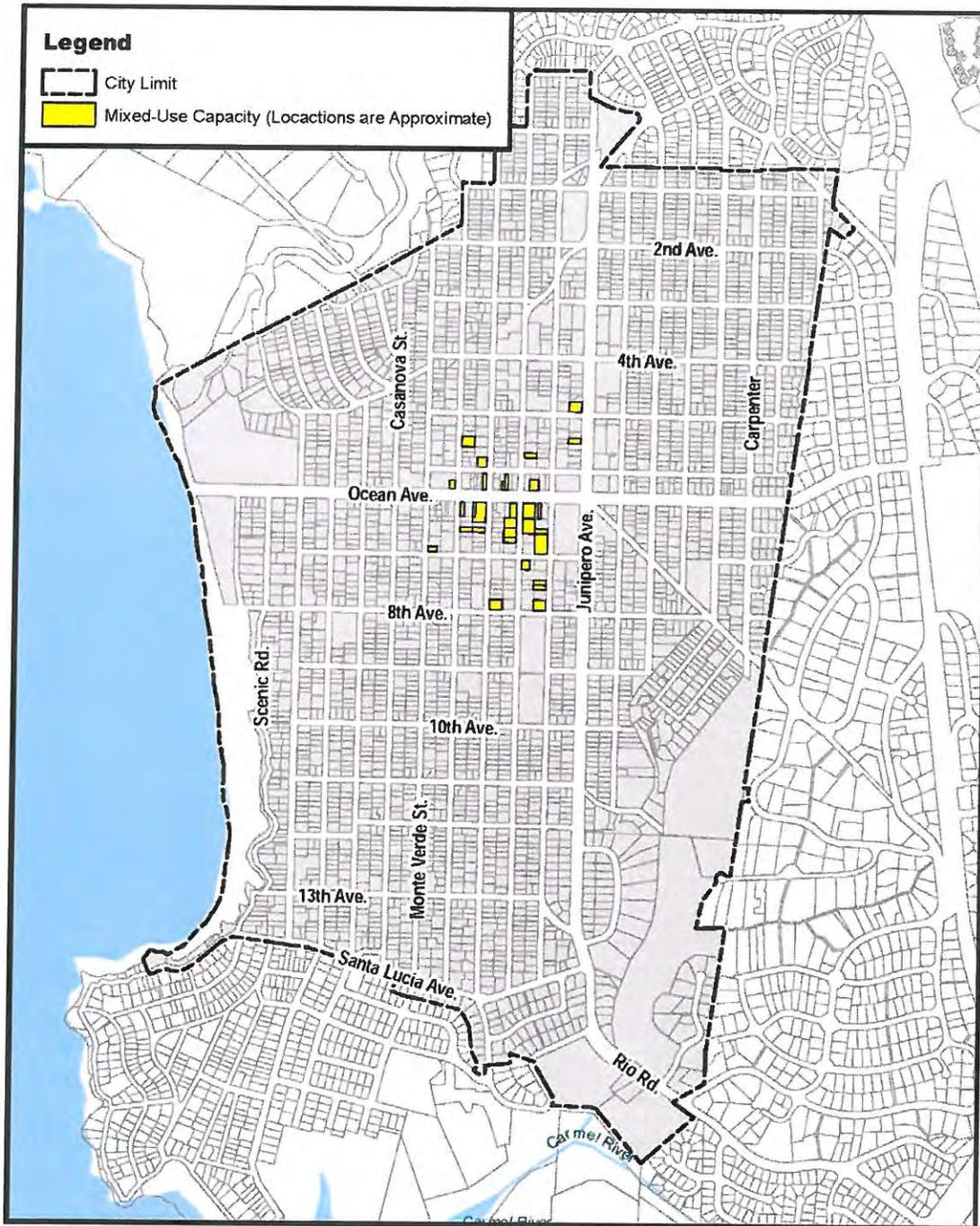


has a floor area ratio of approximately 47 percent, compared to the maximum allowed of 80 percent. Much of the site is developed with a surface parking lot. The building is currently used as an office space, but as there is little demand for commercial space in Carmel, it is likely that the site will be redeveloped with stand-alone housing as opposed to mixed-use.

- APN 010-145-008. The property is currently significantly underdeveloped. The building was constructed in 1938 as a drive-in market. The use was discontinued and currently operates as office space. The existing floor area ratio is approximately 44 percent, compared to the maximum allowed of 80 percent. Much of the site is developed with a surface parking lot.
- APN 010-142-003. The property is currently vacant and has water credits, making it highly likely that the property will be purchased and developed within the near future.
- APN 010-141-003. The property is a 16,000-square-foot site developed with one-story retail spaces. The property owner has expressed interest to add second-story residential uses to the site. At 22 units per acres, 8 units could be constructed. At 44 units per acre, 16 units could be constructed.
- APN 010-142-013. Property is currently underdeveloped and contains a building originally constructed in 1937. The property owner has had discussions with the City about adding at least two apartments on the second-story.
- APN 010-148-011. The site is currently developed with a small one-story single-family residence. The property is surrounded by multi-family units and commercial space. The highest and best use would be multi-family residential on the site.
- APN 010-142-010. The site is currently contains a small office building and is underdeveloped. The building has a floor area ratio of approximately 40 percent compared to the maximum allowed of 80 percent. The building was constructed in 1927 and is need of rehabilitation. Residential would be the highest and best use at this location.



Exhibit 2-2: Underutilized Mixed-Use Parcels





Underutilized R-4 Sites

The R-4 zone permits multi-family development by-right up to 33 du/ac. Projects providing affordable housing may be allowed to develop up to 44 du/ac through the City’s Density Bonus Ordinance. The R-4 zone encompasses 5.81 acres. The City has identified three opportunity sites for residential development within the R-4 zone. City staff has identified these sites as having the greatest potential to redevelop with housing units during the planning period. The location of these sites is shown in Exhibit 2-3: R-4 Opportunity Sites. These sites total approximately 0.44 acres. Detailed information on these sites is provided in Table 2-4: R-4 Opportunity Sites.

Table 2-4: R-4 Opportunity Sites

APN	Block	Lot(s)	Acreage	Existing Use	Capacity ¹
010097003000	49	9 and 11	0.12	Office	3
010104003000	37	21, 22, 24, 26	0.23	Gas Station/Auto Repair	7
010109007000	36	14	0.09	Commercial/Residential	2

Notes:
1. Capacity is calculated based on the permitted density of 33 du/ac.
2. The General Plan Land Use designation for these sites is *Multi-Family Residential*
Source: City of Carmel-by-the-Sea Planning Department

All three sites are developed with non-conforming commercial uses with potential to be redeveloped with housing units. The sites are within a residential neighborhood and do not have any known environmental constraints that would render residential development unfeasible.

The City is nearly built-out and there is a limited opportunities to provide for new residential construction. As demand for housing in the City will continue, sites in residential neighborhoods with commercial uses such as those listed in Table 2-4 have been determined to have the greatest potential of being redeveloped with housing. The limited availability of vacant land, current market conditions for residential and commercial development and current development trends provide conditions that favor redevelopment of commercial uses with residential units in Carmel. The limited availability of raw land for residential development has increased the demand and feasibility of infill development. These conditions are attractive to investors interested in redeveloping existing properties with for-sale or rental multifamily buildings. Long-time property owners are provided additional opportunities to increase the value of their property through developing new or additional residential units.

The first site in Table 2-4 (Block 49, Lots 9 and 11) contains one building constructed in 1948. The building in good condition, but is exclusively used as office space (a non-conforming use) in a multi-family residential district. The development trend has been to increase residential uses instead of commercial uses in Carmel. No new office buildings have been proposed in within the area in approximately 10 years, while numerous housing developments have been



proposed. Non-conforming uses within residential neighborhoods such as this provide opportunities for redevelopment by property owners to maximize their improvement value.

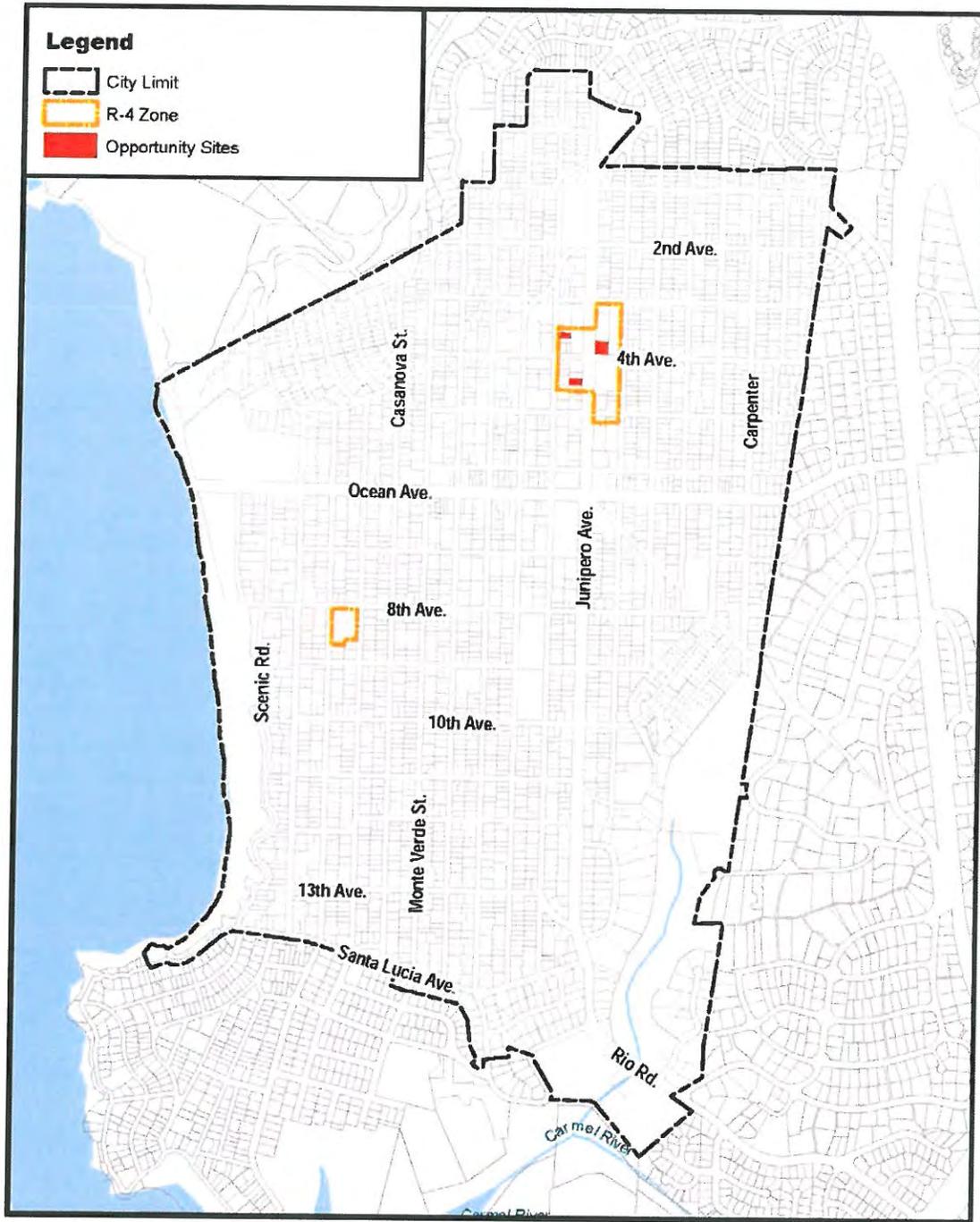
The second site (Block 37, Lots 21, 22, 24 and 26) contains one building constructed in 1961. The building is in good condition, but is significantly smaller than what is presently allowed in the R-4 District. Redevelopment with residential units would maximize the use of the property. The property owner has informally approached the City with interest in redeveloping the property with residential uses.

The third site in Table 2-4 (Block 36, Lot 14) contains structures built in the 1920s that have exceeded the useful lifespan of the building materials and are prime candidates for replacement. The City has demonstrated a successful track record of working with housing providers such as those listed in Section 2.2: Financial and Administrative Resources to provide affordable housing on sites of similar size and with similar characteristics. These projects include the recently completed Trevett Court which provides 14 affordable units on 0.18 acres and the Oliver White building which includes a moderate income unit on a small site (4,000 square feet). Carmel is a built-out city and all of the residential lots in the city are small in size. The City utilizes partnerships with housing providers to develop affordable housing on these small sites. The City has not found small lot size to constrain the ability to provide for affordable housing as all of the affordable housing projects listed in Table A-22 are projects with less than 25 units.

The City recognizes the physical limitations of small sites in providing for affordable housing. The City's current development standards are consistent with small lot development standards and address this potential constraint by allowing the parcels to be developed to maximize the number of units on the site. For example, affordable housing projects are required to have only 0.5 parking spaces per unit, allowing for less space to be dedicated to parking and more space to be dedicated to the living spaces. The maximum base density within the R-4 zone is 33 du/ac and the City's Density Bonus allows for development up to 88 du/ac. The required setbacks are flexible and in some cases there are no required setbacks.



Exhibit 2-3: R-4 Opportunity Sites





Sites Summary

Table 2-5: Development Capacity vs. RHNA shows that the development capacity of vacant sites and underutilized sites can accommodate the City’s RHNA allocation in all income categories.

Table 2-5: Development Capacity vs. RHNA

	Extremely-Low Income ¹	Very-Low Income	Low Income	Moderate Income ²	Above-Moderate Income	Total Units
2014-2023 RHNA Need	4	7	5	6	13	31
Vacant Sites					74	74
Underutilized Mixed Use Sites		78				78
R-4 Opportunity Sites		12				12
Total Capacity		90			74	164
Notes:						
1. The extremely-low-income need is a subset of the very-low-income allocation.						
2. The moderate-income need is accommodated through excess lower-income sites.						
Source: City of Carmel-by-the-Sea Planning Department, 2015						

2.2 Financial and Administrative Resources

Due to the City’s relatively high per capita income and lack of blighted conditions, the City is not generally competitive in applying and receiving state and federal housing funds. Instead, the City uses other methods of financing to provide housing programs and services in the community.

The City cooperates with non-profit organizations to encourage and facilitate assisted housing and housing services to the community. Public and non-profit agencies that serve as resources in the implementation of housing activities in Carmel are described below. These agencies play an important role in meeting the housing needs of the City. In particular, they are critical in the provision of affordable housing and the preservation of at-risk housing units in Carmel.

- **Carmel Foundation** – The Carmel Foundation is a non-profit organization for seniors located in Carmel-by-the-Sea. Through a long-term (30-year) lease of City-owned land at \$1 per year and private donations, the Carmel Foundation constructed and operates the 24-unit Norton Court Apartments, which provide affordable housing for seniors. The City has waived all application fees for the Carmel Foundation’s recently-completed Trevett Court Project, which expanded an existing affordable senior housing development from 9 units to 14 units.
- **Alliance on Aging** - The Alliance on Aging is a multi-service, nonprofit, community-based organization that has been serving the needs of seniors and their families since 1970. The following describe



some of the services the Alliance provides to Carmel-by-the-Sea residents:

- Information and Referral – provides a “one-stop shopping” experience for senior services, matching seniors and caregivers to appropriate services and public benefit programs and providing assistance with form/application completion.
- Senior Homesharing - Brings unrelated adults together in shared living arrangements to solve a variety of housing-related problems faced by seniors in Monterey County. The program serves as a registry for both "home seekers" and "home providers." Staff provides guidance and assistance to potential housemates as they go through the process of identifying, screening and negotiating the terms of shared living arrangements with potential "housemates." Seniors who need affordable housing and seniors who want to provide free or reduced-cost housing in exchange for various kinds of assistance are the program's target clientele, but single parents, students, disabled adults and others in need of affordable housing or in-home services are also eligible.
- Friendly Visitor Program – links volunteers with seniors, providing telephone reassurance, respite for caregivers, grocery shopping, and limited escort services to medical appointments.
- **Habitat for Humanity** - Habitat for Humanity is a community service organization that renovates and builds homes with the goal of eliminating poverty and providing decent shelter for all. Through volunteer labor and tax-deductible donations of money and materials, Habitat for Humanity constructs or rehabilitates homes in partnership with the families that will become the owners of the properties. Rehabilitated or newly constructed homes are sold to the families for the cost of materials through a mortgage that does not include interest or profit. Since 1976, Habitat for Humanity has built, rehabilitated or conserved more than 800,000 houses around the world. Habitat for Humanity, Monterey County is located in Seaside and actively continues to work with jurisdictions to find and acquire appropriate properties for residential development and redevelopment.
- **Seniors Helping Seniors** - This volunteer program establishes daily contact with seniors living alone. Seniors volunteer to phone other seniors on a daily basis to check in on how they are doing and identify any concerns.

Due to developers' ability to earn a high profit margin on projects built in Carmel-by-the-Sea, City staff is also able to negotiate with for-profit developers to provide affordable units as a component of and/or in addition to the primary project the developer is proposing. The City may offer incentives, such as reduced fees or parking standards, and/or a density bonus in order to facilitate development of



affordable units. Table A-22: Inventory of Assisted Rental Housing, in Appendix A of this Housing Element identifies affordable projects built by both for-profit and non-profit developers with the assistance of the City.

2.3 Opportunities for Energy Conservation

In recent years, California has experienced significant price escalation for energy use. In recognition, Title 24 of the California Administrative Code sets forth mandatory energy standards and an “energy budget” that developers must prepare for new residential developments. The City continues to require and enforce compliance with Title 24 in construction activities requiring a building permit. The City has adopted energy conservation standards in new developments, and local utilities also offer energy conservation programs for Carmel-by-the-Sea residents.

Carmel-by-the-Sea residents receive electric and gas service through the Pacific Gas and Electric Company (PG&E). PG&E offers a number of programs to financially assist lower-income and special needs customers. These programs are outlined below.

- CARE (California Alternate Rates for Energy) provides discounted rates for low-income households and housing facilities by providing an ongoing 20 percent discount on monthly energy bills. The CARE program is available for single-family households, multi-family and mobile home park residents, group quarter facilities, and employee and farm worker housing.
- REACH (Relief for Energy Assistance through Community Help) is a one-time energy assistance program sponsored by PG&E and administered through the Salvation Army. REACH helps low-income customers, who have experienced severe, uncontrollable, or unplanned hardship and need assistance with their energy bills. In general, recipients receive REACH assistance only once per year, but exceptions are made for seniors, persons with disabilities and the terminally ill.
- Energy Partners Program provides free assistance for home insulation and energy efficiency improvements for low-income individuals. Assistance includes window weather stripping, insulation, and furnace improvements.
- LIHEAP – Low Income Home Energy Assistance Program provides financial assistance for low-income individuals to offset the costs of heating and/or cooling residences and to have dwellings weatherized to make them more energy efficient. The LIHEAP Block Grant fund is provided by the State Department of Health and Human Services. Assistance is provided through the following three programs: 1) free weatherization service assistance; 2) financial assistance for energy



bills; and 3) payments for weather-related or energy-related emergencies.

PG&E also offers additional quantities of electricity at the lowest price to residential customers with certain severe medical conditions such as those requiring life support equipment, person with special heating needs, and those with life-threatening diseases.



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3 GOALS, POLICIES AND PROGRAMS



The City of Carmel-by-the-Sea has always been proud of its residential character and heritage. All of the General Plan Elements and the Housing Element in particular, strive to preserve, promote, and strengthen this unique residential character. This section of the Housing Element contains goals, objectives, polices and programs intended to meet the following objectives: 1) Conserve and improve existing housing and maintain the character and stability of Carmel's residential neighborhoods; 2) Identify adequate sites for a range of housing opportunities; 3) Assist in the development of affordable housing; 4) Promote housing opportunities for all persons and provide housing and services for special needs groups; and 5) Address constraints to meeting the City's housing needs.

3.1 Goals, Policies and Programs

Goal G3-1: Preserve the existing housing stock.

Policy P3-1.1: Continue and expand programs to assist homeowners in maintaining and improving existing housing units.

Program 3-1.1.a: Housing Rehabilitation Information. To increase awareness and use of housing rehabilitation programs and funds and City Residential Inspection Services, the City will continue to distribute information on the Inspection Services and Housing Rehabilitation programs available through Monterey County, and alternative ways of financing home repairs. Information will be provided to housing providers, community groups, homeowners and the building trades. The City will continue to disseminate housing assistance informational materials in public buildings (City Hall, Libraries, Post Office) and on the City's website. Information may also be disseminated through workshops and public service announcements.

Objective: Provide information on rehabilitation programs, inspection services and home repair financing on a



continuous basis in City Hall and other public offices

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Throughout the planning period.

Program 3-1.1.b: Residential Inspection Services. The City's Building Official will continue to inspect residences in the community for structural deficiencies and repair needs at the request of the property owner. This program assists the property owner in deciding if structural repairs are needed and what repairs should be prioritized.

In conjunction with this program, the City will provide information on housing rehabilitation as described in Program 3-1.1.a.

Objective: Provide residential inspection services to residents to facilitate preservation of 5 units.

Responsible Party: Department of Community Planning and Building (Building Official)

Implementation Timeline: Throughout the planning period.

Program 3-1.1.c: Housing Maintenance Information. The high quality of life in Carmel-by-the-Sea and the elevated standards for housing design have resulted in few violations that threaten the health and safety in the community. Since the City's housing stock is aging, however, code violations will likely increase without an active program informing the community of property maintenance techniques and rehabilitation assistance for homeowners who do not have the means to update their residences.

To encourage maintenance of the housing stock and reduce the likelihood of code violations and substandard units, the City will disseminate informational materials identifying techniques used to upgrade property consistent with health and safety standards. The informational materials will continue to be disseminated at public buildings, through the City's website, and in conjunction with Program 3-1.1.a.

Objective: Provide housing maintenance information to facilitate preservation of 5 units.

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Throughout the planning period.



Goal G3-2: Preserve existing residential units and encourage the development of new multi-family housing in the Commercial and R-4 Districts.

Policy P3-2.1: Continue to encourage mixed-use developments (second-floor housing over first-floor commercial uses) as a preferred development form contributing to the village character in all Commercial Districts.

Program 3-2.1.a: Incentives for Mixed-Use Development. The City's Zoning Code allows for the development of new residential units on the second floor of all development in the commercial district. As an incentive, the Code will continue to provide floor area bonuses of up to 15 percent for projects that include housing for moderate-, low- and very-low-income households (see Table B-5).

To promote awareness of the incentives and further encourage affordable housing in mixed-use development, the City will distribute informational materials outlining the floor area and other applicable incentives. The information will be provided to developers and property owners in the commercial district on a continuous basis at City Hall.

Objective: Encourage affordable housing in mixed-use development.
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Throughout the planning period.

Program 3-2.1.b: Preserve and Increase Second Floor Residential Uses. To prevent the loss of existing residential units in mixed-use buildings, the City will continue to prohibit the conversion of existing second-floor residential floor space to commercial use. The City will also continue to require newly constructed floor space at the second floor to be used as residential units.

Objective: Preserve and increase second floor residential uses (5 units)
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing, project based

Program 3-2.1.c: Incentives for Mixed Use Affordable Housing. Explore options to further incentivize upper-story housing opportunities, such as the potential of allowing a third story when devoted to affordable housing subject to appropriate design standards, including the City's 30-foot height limit.

Objective: Increase affordable housing opportunities
Responsible Party: Department of Community Planning and Building



Implementation Timeline: Review options and if additional incentives are necessary, initiate a Zoning Code amendment in 2016-17

Program 3-2.1.d: Multi-Family Residential Development Review. The City requires a conditional use permit for all multi-family residential development with densities exceeding 22 du/ac, consistent with the adopted Local Coastal Program. To ensure the provisions of the Municipal Code do not have an undue negative impact on the supply and cost of multi-family housing, the City will continue to monitor multi-family residential development applications to assess whether the CUP requirement is posing an unreasonable development constraint. If it is determined that the CUP requirement is negatively affecting the cost and supply of housing, the City will initiate Zoning Code and LCP amendments to revise permit requirements for residential projects with densities greater than 22 du/ac to ensure permits are granted based on objective criteria.

Objective: Continue to monitor the review process for multi-family residential development projects to ensure that the CUP requirement is not acting as an unreasonable constraint to development.

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Throughout the planning period. If the multi-family development review process is found to be acting as an unreasonable constraint, initiate an amendment to the Zoning Code and LCP.

Goal G3-3: Provide adequate sites for the development of a wide range of housing types for all citizens.

Policy P3-3.1: Ensure adequate sites are available to meet the City's projected housing growth needs.

Program 3-3.1.a: Adequate Sites. The City has a remaining RHNA or growth need of 7 units affordable to Extremely Low- and Very Low-Income households. The City's General Plan and Zoning Ordinance continue to provide for a variety of housing types at appropriate densities to accommodate the remaining RHNA need.

The City will encourage and facilitate the development of new dwelling units consistent with the remaining RHNA need by continuing to work with housing providers such as the Carmel Foundation. The City will also encourage development of new affordable units through incentives and concessions outlined in Programs 3-5.4.a, 3-5.4.b, 3-5.5.a, 3-5.5.b, and 3-5.5.c of this Housing Element.

Objective: Encourage and facilitate construction of new dwelling



units to meet the City's remaining RHNA need

Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing through 2023

Program 3-3.1.b: Surplus Sites. City-owned surplus land may provide additional sites for new affordable and senior housing, exclusively or in combination with another public use. The City shall investigate the feasibility of utilizing surplus sites for housing development and partnering with housing providers to develop housing for lower-income households and/or senior housing on appropriate surplus sites.

Objective: Identify surplus sites that may be suitable for residential development

Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing

Program 3-3.1.c: Development on Small Sites

The City will continue incentives and provisions in the City's Municipal Code that facilitate development on small sites including reduced parking requirements for affordable housing projects (0.5 parking spaces per unit), density bonuses that allow for development up to 88 du/ac and flexible or in some cases no required setbacks in the R-4 zone.

The Lot Merger Program currently provides for two types of owner-initiated lot mergers. First, a property owner may request a merger to consolidate lots and/or lot fragments as defined by this code to create a single parcel that meets the requirements for a legal building site in the district where the property is located. The Director may approve a request for merger without public notice or a hearing.

The City also currently encourages the merger of small R-1 lots into larger lots to promote diversity in design and housing size and to preserve open space. Two or more contiguous lots, each of which would individually meet the standards for development as a building site, may be merged through the filing of a voluntary merger request by the owner(s). Upon approval of such a merger by the Department of Community Planning and Building, and recording of merger documents or maps with the County Recorder, certain incentives become available to the property owner.

The City will review its Lot Merger Program to determine if any refinements should be made, including a requirement that mergers be approved by the Planning Commission rather than the Director. The City may also consider incentives for commercial lot mergers when lower-income units are provided, and eliminating any



provisions of this program that have the unintended effect of restricting housing opportunities.

- Objective:** Encourage and facilitate development on small sites
- Responsible Party:** Department of Community Planning and Building
- Implementation Timeline:** Continue to offer lot merger incentives on an on-going basis; review lot consolidation incentives in 2016 and if changes are determined to be necessary, initiate a Zoning Code amendment.

Policy P3-3.2: Continue to monitor and work cooperatively with regional agencies to augment infrastructure in a manner that provides adequate capacity for existing and new housing needs while preserving and improving the unique visual character of the City.

Program 3-3.2: Address Infrastructure Constraints. The primary constraint to housing production in Carmel is the lack of water. Few sites have available water credits sufficient to accommodate construction of additional residential units. The City will continue work cooperatively with the Monterey Peninsula Water Management District (MPWMD) and other regional agencies to address infrastructure limitations (e.g. sewer, water, roads) that affect the ability to serve new housing development.

The City will also continue to grant water allocation priority to those projects that assist the City in meeting its share of the regional housing need for lower- and moderate-income households.

- Objectives:** Address regional and local infrastructure constraints to housing development
Priority water allocation for housing affordable to lower- and moderate-income households
- Responsible Party:** Department of Community Planning and Building
- Implementation Timeline:** Ongoing

Goal G3-4: **Protect the stability of residential neighborhoods by promoting year-round occupancy and neighborhood enhancement.**

Policy P3-4.1: Maintain and encourage expansion of permanent residential housing stock in the R-1 District.

Program 3-4.1.a: Permanent Housing. A substantial percentage of the City's housing stock lies vacant much of the year as second homes occupied for weekends, vacations or on a seasonable basis. This has the effect of reducing the number of permanent, year-round residents in the City.

To encourage an increase in full-time residential occupancy and use of the housing stock for permanent housing, the City will continue to



implement the ordinance adopted in 1988 prohibiting short-term, transient rentals and timeshares of residential dwellings in the R-1 District. No additional motel units are permitted in the R-1 District.

Objective: Continue to implement City ordinances on the prohibition of short-term, transient rentals and timeshares of residential dwellings in the R-1 District

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Ongoing

Program 3-4.1.b: Conversion of R-1 Motels. Pursuant to coastal zone requirements, the City has recognized existing R-1 motels as an important coastal visitor asset and economic base in the community. However, conversion or redevelopment of these units as permanent residential dwellings provides additional housing and can improve the integrity of residential neighborhoods. The City will continue to allow conversion of R-1 motel units into permanent residences with the transfer of vacated rooms to the commercial district.

Objective: Continue to allow conversion of R-1 motel units to permanent residences

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Ongoing, project based

Policy P3-4.2: Preserve and protect the scale and character of established neighborhoods while encouraging property improvement.

Program 3-4.2.a: Neighborhood Compatibility. The City will continue to enforce height, coverage and floor area standards to ensure that new construction and remodels do not present excess visual mass or bulk to public view or to adjoining properties. The City will continue to enforce design standards which ensure that buildings relate to a human scale and that they avoid use of oversize design elements that make them appear dominating or monumental.

The City will continue to require that projects not meeting adopted design guidelines be reviewed by the Planning Commission. Diversity in architecture is encouraged as long as proposed designs perpetuate the broader elements of community design that characterize the streetscape within each neighborhood.

Objective: New construction compatible with existing neighborhood

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Ongoing, project based



Program 3-4.2.b: Support Neighborhood Organizations. The City will continue to support neighborhood organizations that promote neighborhood involvement, safety and improvement. When appropriate, the City will develop partnerships with these organizations to promote neighborhood enhancement programs, conduct outreach, and solicit community input.

Objective: Support and partner with neighborhood organizations
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing

Policy P3-4.3: Promote public awareness and foster pride in the history and culture of the village through historic preservation programs.

Program 3-4.3.a: Neighborhood Preservation Educational Programs. The City will continue to use education programs to improve public understanding of the City's rich cultural and design heritage as a means of encouraging compatible housing design within existing neighborhoods, and provide zoning flexibility and incentives to facilitate rehabilitation of historic resources.

Objective: Community education and preservation of historic resources
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing

Goal G3-5: Preserve and increase the supply of housing for lower- and moderate-income households, senior citizens and other special needs groups. Prohibit discrimination in the sale or rental of housing.

Policy P3-5.1: Recognize the special needs of persons with disabilities and the need to retain flexibility in the design review process to accommodate these needs.

Program 3-5.1: Reasonable Accommodation Procedures. The City understands that building and development standards may constrain the ability of persons with disabilities to live in a housing unit suited to their needs. To provide relief from building and development standards without impacting the public health, safety and welfare, the City shall continue to implement Policy C11-01, which describes procedures to provide reasonable accommodation for persons with disabilities in compliance with the provisions of SB 520. Information on reasonable accommodation procedures shall be provided at City Hall and on the City's website.

Objective: Continue to implement the City's reasonable accommodation procedures



Responsible Party: Department of Community Planning and Building
Implementation Timeline: Throughout the planning period

Policy P3-5.2: Promote housing opportunities for senior citizens.

Program 3-5.2: Shared Housing Information. Both the Alliance on Aging and Monterey County Housing Authority administer shared housing programs for seniors in Monterey County that assist seniors in locating roommates to share existing housing. This program often enables seniors to live independently for a longer time period. To expand participation in both of the available programs the City shall distribute informational materials to the Carmel Foundation and display information at City Hall and other public buildings and posted on the City's website.

Objective: Promote use of shared housing programs
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Throughout the planning period

Policy P3-5.3: Preserve and expand affordable and rental housing opportunities to enable local employees such as teachers, police, fire fighters and other City personnel to live in the community where they work.

Program 3.5.3.a: Condominium Conversions. The City will continue to implement its condominium conversion policy, which restricts the conversion of apartments to condominiums to preserve the lower-cost rental housing options, typical of apartments, within the City. Apartments cannot be converted to condominiums unless a new apartment is being created to offset the conversion.

Objective: Continue policies on the restriction of apartment to condominium conversions
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing, project based

Program 3-5.3.b: Section 8 Rental Assistance. The Section 8 Rental Assistance program extends federal rent subsidies to low-income households that spend more than 30 percent of their income on rent. The Monterey County Housing Authority administers the Section 8 Rental Assistance Program in Carmel.



The City will continue to facilitate use of the Section 8 program in the community by distributing information for the program at City Hall and the Library.

- Objective:** Facilitate use of Section 8 rental assistance for lower-income families
- Responsible Party:** Department of Community Planning and Building, Monterey County Housing Authority
- Implementation Timeline:** Provide information on an ongoing basis

Program 3-5.3.c: Subordinate Units. The City's Municipal Code allows construction of new subordinate units as a permitted use on lots of 8,000 square feet or greater to provide additional rental housing in the R-1 District to lower-income households.

To further encourage the creation of subordinate units, the City will investigate potential amendments such as permitting subordinate units on smaller lots. In addition, the City will implement incentives which may include waiver/reduction of certain fees, priority processing, and reduced parking and setback requirements.

The City will provide informational materials on incentives and technical assistance to property owners. The informational materials will be available at City Hall and on the City's website.

- Objective:** Development of 5 subordinate units
- Responsible Party:** Department of Community Planning and Building
- Implementation Timeline:** Review subordinate unit regulations during 2016-17 and if changes are determined to be necessary, initiate a Zoning Code amendment.

Program 3-5.3.d: Monitor Affordable Housing Stock. The City does not currently have any housing stock at-risk of converting to market rate. A number of housing developments within the City provide affordable housing, but are not deed-restricted. The City shall continue to monitor the affordable housing projects and work with the owners to preserve affordability through identification of funding sources and/or opportunities for partnerships with other housing providers should the property owners decide to convert the developments to market-rate housing.

The City will also annually monitor the affordable housing stock in the coastal zone to ensure the affordable housing with the coastal zone is being protected and provided as required by Government Code Section 65590. The City will track data on the new construction, demolition, conversion and replacements housing units for low- and moderate-income households within the coastal zone including the following:



- The number of new housing units approved for construction within the coastal zone;
- The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within or within three miles of the coastal zone;
- The number of existing residential dwelling units occupied by low- and moderate-income households required either within or three miles of the coastal zone that have been authorized to be demolished or converted; and,
- The number of residential dwelling units for low- and moderate-income persons and families that have been required for replacement (of those units being demolished or converted) within or three miles of the coastal zone

Objective:	Monitor and facilitate preservation of 59 affordable housing units
Responsible Party:	Department of Community Planning and Building, Monterey County Housing Authority
Implementation Timeline:	Continue to monitor affordable housing throughout the planning period

Policy P3-5.4: Encourage the private sector to produce affordable housing.

Program 3-5.4.a: Density Bonus. The City of Carmel currently provides for a density bonus, incentives and concessions to facilitate and encourage the development of lower-income housing units. To further the effectiveness of the City's Density Bonus Ordinance, the City shall review and revise applicable ordinances to comply with State law.

Objective:	Revised density bonus to comply with State requirements
Responsible Party:	Department of Community Planning and Building
Implementation Timeline:	Concurrent with Housing Element adoption

Program 3-5.4.b: Housing for Extremely-Low Income Households. The City shall encourage the development of housing units for households earning 30 percent or less of the Median Family Income (MFI) for Monterey County. Specific emphasis shall be placed on the provision of family housing and non-traditional housing types such as single-room-occupancy units and transitional housing. The City will encourage development of housing for extremely-low-income households through a variety of activities such as targeted outreach to for-profit and non-profit housing developers on at least an annual basis, providing in-kind technical assistance, fee deferrals, expedited/priority processing, identifying grant and funding



opportunities, applying for or supporting applications for funding on an ongoing basis, reviewing and prioritizing local funding for developments that include housing for ELI households and/or offering additional incentives to supplement the density bonus provisions in State law. In addition, a Zoning Code amendment will be processed to identify appropriate locations and standards for group residential facilities, which could serve ELI residents.

Objective:	Encourage and facilitate development of 4 housing units affordable to Extremely-Low Income households consistent with the remaining RHNA need.
Responsible Party:	Department of Community Planning and Building
Implementation Timeline:	Outreach to developers on at least an annual basis; Apply for or support applications for funding on an ongoing basis; Review and prioritize developments that include housing targeted to ELI households Initiate a Zoning Code amendment in 2015-16.

Policy P3-5.5: Reduce or eliminate governmental constraints on the provision of affordable housing.

Program 3-5.5.a: Reduced Entitlement and Development Fees. Entitlement and development fees paid by project applicants assist in the City's ability to recover administrative and operating costs. These fees may have the unintended consequence of increasing the cost of housing. To encourage the development of affordable housing, the City will continue to reduce the amount of fees required for projects that provide affordable housing to the extent feasible.

Objective:	Continue to offer reduced planning fees as an incentive to facilitate affordable housing development, if feasible.
Responsible Party:	Department of Community Planning and Building
Implementation Timeline:	Ongoing, project based

Program 3-5.5.b: Reduced Parking Requirements. The City will continue to offer reduced parking requirements for affordable housing developments. In addition, the City will investigate the feasibility and effectiveness of further reducing existing in-lieu fees and amending the existing shared parking program to include housing units in affordable housing projects.

Objective:	Reduced parking requirements for affordable housing
Responsible Party:	Department of Community Planning and Building
Implementation Timeline:	Review parking requirements in 2016-17 if revisions are determined to be appropriate, initiate a Code



amendment.

Program 3-5.5.c: Expedited Processing Procedures. Permit and approval processes have the potential to increase the cost of development. To help mitigate the cost of development, the City will continue to offer expedited review procedures for residential projects that include affordable housing units. This program is helpful in reducing holding costs incurred by project applicants while processing entitlements, plan check and building permits. The specific procedures for fast-track processing of affordable housing projects are included in the City's Municipal Code.

Objective: Expedited review and processing for projects with an affordable housing component

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Ongoing, project based

Policy P3-5.6: Support energy and water conservation programs to reduce the consumption of these resources in housing and to reduce housing costs.

Program 3-5.6.a: Energy Conservation and Green Building. Energy conservation in the home has the potential to bring about considerable savings in the overall cost of housing. The City will continue to review applications for new construction and substantial alterations taking into consideration solar orientation and access to sunlight. Additionally, the City will continue to require compliance with current state building standards for energy efficiency in all new homes.

Objective: Promote energy conservation

Responsible Party: Department of Community Planning and Building

Implementation Timeline: Ongoing

Program 3-5.6.b: Water Conservation. The City recognizes a need to conserve and manage its water resources to accommodate the regional housing need. The City has adopted a Water Management Program, which in part seeks to reduce unnecessary water consumption in existing and new development. The Program requires the use of water-conserving plumbing fixtures in all new construction, replacement of non-compliant fixtures in remodeling projects with substantial construction and water-conserving landscaping. The City shall continue to enforce the Water Management Program and provide information to the community on water conservation retrofits and best practices. In addition, the City will provide information on and



promote water conservation education and retrofit rebates provided by the Monterey Peninsula Water Management District.

Objective: Promote water conservation
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Ongoing

Policy P3-5.7: Support and enforce fair housing laws and expand fair housing choice by promoting housing opportunities and removing impediments to fair housing.

Program 3-5.7: Fair Housing Services. The California Department of Fair Employment and Housing and the Conflict Resolution and Mediation Center of Monterey County provide fair housing services and information. These agencies advise persons in need of information on housing and employment, mediate landlord/tenant disputes and research complaints about discriminatory housing practices. The City shall coordinate with these agencies to provide printed information about fair housing services at City Hall, on the City's website, and in other public buildings. The City shall also refer inquiries related to fair housing to these agencies.

Objective: Provide fair housing information and service referrals in City Hall, on the City website and at other public buildings
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Throughout the planning period

Policy P3-5.8: Facilitate the provision of transitional and supportive housing in appropriate districts in the community.

Program 3-5.8: Zoning for Transitional and Supportive Housing. In compliance with SB 2, the City will continue to allow transitional/supportive housing as a residential use, subject only to those requirements of other residential dwellings of the same type in the same zone.

Objective: Facilitate the provision of transitional and supportive housing
Responsible Party: Department of Community Planning and Building
Implementation Timeline: Throughout the planning period



3.2 Quantified Objectives

Table 3-1 summarizes the City’s quantified objectives for the 2015-2023 planning period.

Table 3-1: Quantified Objectives

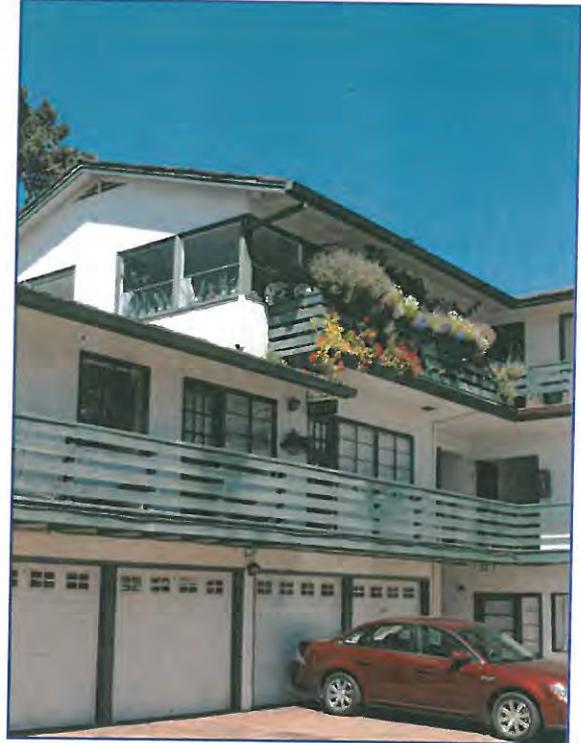
Program/ Income Category	Quantified Objective (Number of Units)
New Construction	
Extremely Low Income (subset of the Very Low Income objective)	4
Very Low Income	7
Low Income	5
Moderate Income	6
Above Moderate Income	13
Total	31
Rehabilitation*	
Extremely Low Income	0**
Very Low Income	5
Low Income	5
Moderate Income	6
Above Moderate Income	784
Total	800
Conservation***	
Extremely Low Income	59
Very Low Income	
Low Income	
Moderate Income	
Above Moderate Income	--
Total	59
Notes:	
* The City has approximately 3,400 residential units, 55 (or about two percent) of which are affordable units. Each year the City process approximately 100 building permits for remodels, additions, and other construction, which rehabilitates the existing housing stock. For the lower-income categories rehabilitation goals, the City assumes that two percent of the total permits processed will be for affordable units. Under these assumptions, the City would rehabilitate two units of affordable housing a year or approximately 16 units throughout the 2015-2023 planning cycle. This represents approximately 30 percent of the City’s existing affordable housing inventory. While the Above Moderate Income level rehabilitation goal is fairly large, it is consistent with the historic data on rehabilitation work for market-rate housing in Carmel.	
** The City does not have any existing units that would qualify as an extremely low income category units.	
*** The City has no units at risk of converting to market rate during this planning cycle.	
Source: City of Carmel-by-the-Sea, 2015.	



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A HOUSING NEEDS ASSESSMENT



When preparing the Housing Element, jurisdictions must evaluate both existing and future housing needs for all income groups.

This section analyzes demographic and housing characteristics that influence the demand for and availability of housing. The analyses form a foundation for establishing programs and policies that seek to address identified housing needs. Housing needs are identified according to income, tenure and special needs groups.

Primary data sources include the U.S. Census Bureau, the U.S. Department of Housing and Urban Development (HUD), the California Department of Finance (DOF) and the Association of Monterey Bay Area Governments (AMBAG). These data sources are the most reliable for assessing existing conditions and provide a basis for consistent comparison with historical data and the basis for forecasts.

A.1 Population Characteristics and Employment Trends

Housing needs in a community are largely determined by population growth and various demographic variables such as age distribution. This section provides a summary of the changes to the population size and age and racial/ethnic composition of Carmel-by-the-Sea.



A.1.1 Population Growth Trends

The City of Carmel-by-the-Sea (City) was incorporated in 1916 and by 1940 had a population of 2,837. Today, the City, which is one square mile in area, has one of the smallest populations in the Monterey Peninsula. According to the U.S. Census, the City had a population of 4,239 in 1990. From 1990 to 2015, the population has declined by 11.6 percent compared to an increase of nearly 20 percent for the county as a whole (Table A-1: Population Trends – Carmel-by-the-Sea and Monterey County).

Table A-1: Population Trends - Carmel-by-the-Sea and Monterey County

Jurisdiction	1990	2000	2010	2015	Percent Change (1990-2015)
Carmel-by-the-Sea	4,239	4,081	3,722	3,747	-11.6%
Monterey County	355,660	401,762	415,057	425,413	19.6%

Sources: U.S. Census; California Department of Finance.

A.1.2 Age Characteristics

A community's age characteristics can help identify its housing needs and project the distribution of demand for future housing types. According to the 2010 U.S. Census, about two-thirds of the City's population was age 50+ and the median age in the City was 59 years. By comparison, in Monterey County, the population median age was about 33 years.

Table A-2: Age Distribution - Carmel-by-the-Sea and Monterey County

Age Group	Carmel		Monterey County	
	Persons	%	Persons	%
Under 5 years	84	2%	32,547	8%
5 to 9 years	126	3%	30,577	7%
10 to 14 years	100	3%	29,037	7%
15 to 19 years	109	3%	32,624	8%
20 to 24 years	76	2%	32,481	8%
25 to 34 years	216	6%	62,077	15%
35 to 49 years	560	15%	81,498	20%
50 to 64 years	1,123	30%	69,794	17%
65 to 74 years	680	18%	22,921	6%
75 to 84 years	433	12%	14,744	4%
85 years and over	215	6%	6,757	2%
Total	3,722	100%	415,057	100%
Median age	59.2		32.9	

Source: 2010 Census, Table DP-1



A.1.3 Race/Ethnicity Characteristics

As shown in Table A-3: Race and Ethnicity, 90 percent of the City’s population was non-Hispanic white, as compared to only 33 percent of the County population as reported in the 2010 Census.

Table A-3: Race and Ethnicity

Racial/Ethnic Group	Carmel		Monterey County	
	Persons	%	Persons	%
Not Hispanic or Latino	3,548	95.3%	185,054	44.6%
-White	3,350	90.0%	136,435	32.9%
-Black or African American	10	0.3%	11,300	2.7%
-American Indian/Alaska Native	6	0.2%	1,361	0.3%
-Asian	105	2.8%	23,777	5.7%
-Native Hawaiian/Pacific Islander	6	0.2%	1,868	0.5%
-Other races or 2+ races	71	1.9%	10,313	2.5%
Hispanic or Latino (any race)	174	4.7%	230,003	55.4%
Total	3,722	100%	415,057	100%

Source: 2010 Census, Table DP-1

A.1.4 Employment Characteristics

Table A-4: Occupations for Carmel-by-the-Sea and Monterey County shows that the largest occupational categories for City residents was management/business/science and arts. These categories accounted for about 57 percent of employed residents.

Table A-4: Occupations for Carmel-by-the-Sea and Monterey County

Occupation	Carmel		Monterey County	
	Employees	% of All Jobs	Employees	% of All Jobs
Management, business, science, and arts	828	56.8%	48,201	27.6%
Service	207	14.2%	35,996	20.6%
Sales and office	308	21.1%	37,637	21.6%
Natural resources, construction, and maintenance	79	5.4%	33,086	19.0%
Production, transportation, and material moving	35	2.4%	19,533	11.2%
Total Employed Persons	1,457	100%	174,453	100%

Source: U.S. Census, 2009-2013 ACS

A.2 Household Characteristics

The U.S. Census defines a household as all persons who occupy a housing unit. This may include families related through marriage or blood, unrelated individuals living together, or individuals living alone. The U.S. Census defines a family as related persons living within a single housing unit.



Household type and size, income levels, the presence of special needs populations, and other household characteristics influence the type of housing needed by residents. This section details the various household characteristics affecting housing needs.

A.2.1 Household Composition and Size

As shown in Table A-5: Household Size Distribution, one-person households made up the largest segment of the City’s renter-occupied households and two-person households made up the largest segment of owner-occupied households.

Table A-5: Household Size Distribution

Household Size	Owners		Renters	
	Households	%	Households	%
1 person	252	23.8%	279	43.9%
2 persons	646	61.0%	78	12.3%
3 persons	86	8.1%	98	15.4%
4 persons	32	3.0%	180	28.3%
5 persons	14	1.3%	0	0.0%
6 persons	29	2.7%	0	0.0%
7+ persons	0	0.0%	0	0.0%
Total households	1,059	100%	635	100%

Source: 2009-2013 ACS Table B25009

With a majority of one- or two-person households, smaller sized units (1 to 2 bedrooms) would meet a significant portion of the City’s housing needs. However, some households may desire larger living spaces.

A.2.2 Household Income

Household income relates directly to the household’s ability to acquire adequate housing. While above-moderate-income households have more disposable income to spend on housing, low- and moderate-income households are more limited in the range of housing that they can afford. Typically, as the income of households decreases the incidence of overpayment and overcrowding increases.

The Department of Housing and Community Development (HCD) establishes housing affordability criteria for five income categories based on the 2015 Monterey County median income of \$68,700 (see Table A-6: Income Range by Affordability Category, 2015).

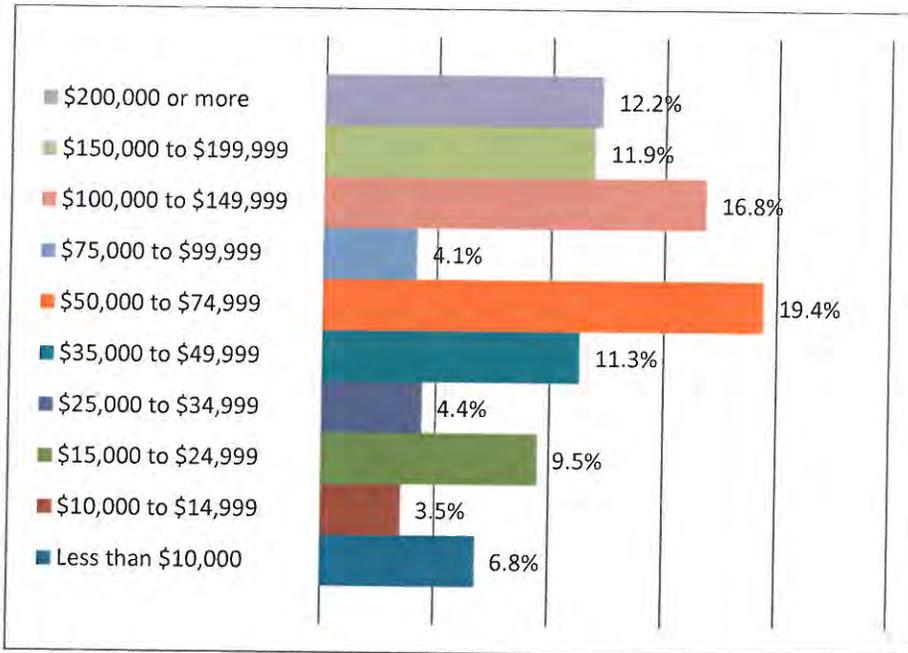


Table A-6: Income Range by Affordability Category, 2015

Affordability Category	Percent of County Median	Income Limit (\$)¹
Extremely Low Income	≤30%	\$24,250
Very-Low Income	31%-50%	\$43,650
Low Income	51%-80%	\$58,000
Moderate Income	81%-120%	\$82,450
Above-moderate Income	>120%	> \$82,450
Notes:		
¹ Based on 2015 MFI of \$68,700 for 4-person households in Monterey County.		

According to recent Census estimates, the median household income in Carmel-by-the-Sea was approximately \$72,000 per year. As seen in Figure A-1, about 40 percent of households had annual incomes over \$100,000.

Figure A-1: Household Income Distribution



Source: U.S. Census 2009-2013 ACS

As shown in Table A-7: Household Income by Tenure, approximately 44 percent of renter-occupied households and 23 percent of owner-occupied households in Carmel-by-the-Sea were within the extremely-low-, very-low- and low-income categories. Approximately 17 percent of renter-occupied households and three percent of owner-occupied households were within the extremely-low-income category.



Table A-7: Household Income by Tenure

Income Category	Carmel		Monterey County	
	Owners	Renters	Owners	Renters
30% AMI or less	3.3%	16.5%	5.1%	16.2%
31-50% AMI	6.7%	19.5%	7.6%	17.1%
51-80% AMI	13.0%	7.5%	13.2%	21.1%
81-100% AMI	2.5%	5.3%	9.1%	10.9%
>100% AMI	74.5%	51.1%	65.1%	34.7%

Source: HUD CHAS data based on 2008-2012 ACS

A.3 Housing Stock Characteristics

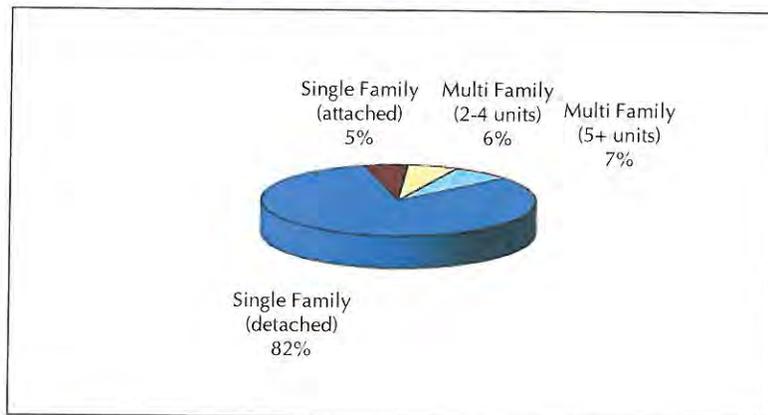
This section evaluates housing stock characteristics including tenure and vacancy rates, housing age and conditions, and housing costs and affordability.

A.3.1 Housing Stock

According to the U.S. Census and the DOF, housing stock in Carmel-by-the-Sea showed a net increase of only 83 units from 2000 to 2015. The City is nearly built out and is also constrained by the lack of water to serve new development. Residential construction in recent years involved mostly demolition and replacement of older units with new, larger units. With very few vacant lots in the City and limited water available to new projects, infill is the primary method of residential construction.

Eighty-two percent of the housing stock is comprised of single-family detached homes, while multi-family developments of five or more units represent the second largest segment of the housing stock (see Figure A-2: Housing Stock Composition).

Figure A-2: Housing Stock Composition



Source: DOF, 2015



The City's average household size is 1.79, which suggests that units with three-bedrooms or less could adequately house most of the City's population. As shown in Table A-8: Unit Size by Tenure, about 85 percent of owner-occupied housing units and about 75 percent of rental units had three bedrooms or less.

Table A-8: Unit Size by Tenure

Unit Size	Owner-Occupied		Renter-Occupied	
	Units	%	Units	%
Studio/1 bedroom	3	0.3%	192	30.2%
2 bedrooms	431	40.7%	287	45.2%
3 bedrooms	463	43.7%	120	18.9%
4 bedrooms	111	10.5%	36	5.7%
5 or more bedrooms	51	4.8%	0	0.0%
Total	1,059	100%	635	100%

Source: 2009-2013 ACS Table B25042

A.3.2 Housing Tenure and Vacancy

Housing tenure refers to whether a unit is owned or rented. Vacancies can also be an important housing market indicator in that the vacancy rate influences the cost of housing and may reflect the match between housing demand and availability.

Tenure

Recent Census estimates showed that 62.5 percent of Carmel-by-the-Sea residents owned the units they occupied, while 37.5 percent rented. This ownership rate is significantly higher than for Monterey County as a whole, which had just under 50 percent owner-occupied units (Table A-9: Occupied Units by Tenure).

Table A-9: Occupied Units by Tenure

	Owner-Occupied		Renter-Occupied		Total	
	Units	% ¹	Units	% ¹	Units	% ¹
Carmel-by-the-Sea	1,059	62.5%	635	37.5%	1,694	100%
Monterey County	62,398	49.7%	63,030	50.3%	125,428	100%

Source: 2009-2013 ACS Table B25042

Vacancy

A vacancy rate of 5 to 6 percent is generally considered optimal to balance the demand for and supply of housing. A certain level of vacancy is needed to moderate the cost of housing, allow sufficient choice for residents, and provide an incentive for unit upkeep and repair.



As shown in Table A-10: Vacancy Rates, over 31 percent of Carmel-by-the-Sea’s housing stock was vacant due to seasonal, recreational, or occasional use. This high percentage is not unusual for scenic coastal communities due to the popularity of second homes in such areas.

Table A-10: Vacancy Rates

Occupancy Status	Units	Percent of Total
Total Units	3,417	100%
Occupied Units	2,095	61.3%
Vacant Units	1,322	38.7%
For rent	89	2.6%
For sale only	67	2.0%
Rented or sold, not occupied	23	0.7%
For seasonal, recreational, or occasional use	1,063	31.1%
Other vacant	80	2.3%

Source: U.S. Census 2010, Table DP1

In 2010, 2.6 percent of units were vacant and for rent while 2.0 percent of units were vacant and for-sale.

A.3.3 Housing Stock Age and Conditions

Age of Housing Stock

The age of a housing unit is often an indicator of housing conditions. In general, housing that is 30 years or older may need repairs based on the useful life of materials. Housing over 50 years old is more likely to need major repairs. According to recent Census estimates, 79 percent of housing units in the City were built before 1980 and 64 percent were built before 1960 (Table A-11: Age of Housing Stock).

Table A-11: Age of Housing Stock

Year Built	Carmel		Monterey County	
	Units	%	Units	%
Built 2010 or later	0	0%	350	0.3%
Built 2000 to 2009	221	6%	13,234	9%
Built 1990 to 1999	172	5%	16,974	12%
Built 1980 to 1989	351	10%	18,987	14%
Built 1970 to 1979	196	6%	27,982	20%
Built 1960 to 1969	317	9%	22,037	16%
Built 1950 to 1959	740	21%	19,775	14%
Built 1940 to 1949	530	15%	9,633	7%
Built 1939 or earlier	993	28%	10,354	7%
Total units	3,520	100%	139,326	100%

Source: Census 2009-2013 ACS, Table DP-4



Housing Conditions

Housing is considered substandard when conditions are found to be below the minimum standard of living conditions defined in Section 1001 of the Uniform Housing Code. Households living in substandard conditions are considered to be in need of housing assistance, even if they are not seeking alternative housing arrangements, due to threat to health and safety.

In addition to structural deficiencies and standards, the lack of infrastructure and utilities often serves as an indicator for substandard conditions. According to recent Census estimates, none of the housing units in the City lacked kitchen or plumbing facilities.

In 2008, a City-wide windshield survey was conducted as part of the Housing Element update to evaluate general housing conditions. The survey focused on identifying housing units in need of substantial repair or rehabilitation. Properties were evaluated from the public right-of-way and the surveyors did not enter onto private property.

Approximately 3,000 properties in the residential and commercial districts were visually inspected, although a survey form was not completed for every property. The exterior condition (siding, roofing, windows and doors, foundation, electrical) of the properties was visually evaluated to determine if moderate or substantial improvements were needed or if the property was in a dilapidated condition. The vast majority of units in the City are in good condition with either no or moderate repairs needed. According to the windshield survey, approximately 77 units were determined to need substantial repairs and approximately 16 were determined to be in a dilapidated condition. Due to high property values and strong housing demand, it is unlikely that housing conditions have declined significantly since the 2008 survey was completed.

A.3.4 Housing Costs and Rent

Home Prices

Recent Census estimates reported a median value for all owner-occupied units in Carmel-by-the-Sea of over \$1 million (Table A-12: Value of Owner-Occupied Housing Units). Only about 5 percent of homes were valued at less than \$500,000.



Table A-12: Value of Owner-Occupied Housing Units

Price Range	Number of Units	Percent of Total
\$49,999 or less	0	-
\$50,000 to \$99,999	0	-
\$100,000 to \$149,999	0	-
\$150,000 to \$199,999	0	-
\$200,000 to \$299,999	37	3.5%
\$300,000 to \$499,999	19	1.8%
\$500,000 to \$999,999	271	25.6%
\$1,000,000 or more	732	69.1%
Total	1,059	100%
Median value	\$1,000,000+	

Source: Census 2009-2013 ACS, Table DP-4

These statistics show that for-sale housing in Carmel-by-the-Sea is only available to above-moderate income households.

Rental Rates

As shown in [Table A-13: Gross Monthly Rent](#), the median monthly rent in Carmel-by-the-Sea was reported by the Census Bureau to be \$1,559.

Table A-13: Gross Monthly Rent

Gross Rent	Units	Percentage
Less than \$200	0	-
\$200 to \$299	0	-
\$300 to \$499	22	4.0%
\$500 to \$749	0	-
\$750 to \$999	86	15.7%
\$1,000 to \$1,499	157	28.6%
\$1,500 or more	284	51.7%
Median	\$1,559	

Source: Census 2009-2013 ACS, Table DP-4

According to recent Census estimates, about two-thirds of renter households in Carmel-by-the-Sea spent 30 percent or more of their household income on rent ([Table A-14: Gross Rent as a Percentage of Household Income](#)).



Table A-14: Gross Rent as a Percentage of Household Income

Percent of Household Income	Number of Households	Percent of Households
Less than 15 percent	32	6.1%
15 to 19.9 percent	49	9.3%
20 to 24.9 percent	68	12.9%
25 to 29.9 percent	29	5.5%
30 to 34.9 percent	71	13.5%
35 percent or more	277	52.7%
Total	526	100%

Source: Census 2009-2013 ACS, Table DP-4

A.3.5 Housing Affordability

Housing affordability can be determined by comparing the sales prices and rents for housing in Carmel-by-the-Sea to the affordable payment for households at each income level.

Housing affordability is defined as paying no more than 30 percent of household income on housing expenses. Table A-15: Affordable Rent and Purchase Price by Income Category summarizes affordable rents and purchase prices by income categories based on the 2015 median family income of \$68,700 for Monterey County.

Table A-15: Affordable Rent and Purchase Price by Income Category

Income Category	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	\$24,250	\$606	\$85,000
Very Low (31-50%)	\$36,250	\$906	\$145,000
Low (51-80%)	\$58,000	\$1,450	\$230,000
Moderate (81-120%)	\$82,450	\$2,061	\$350,000
Above moderate (120%+)	>\$82,450	> \$2,061	> \$350,000

Assumptions:
 -Based on the 2015 Monterey County median income of \$68,700
 -Based on a family of 4 (income limits and affordable prices or rents are adjusted for family size)
 -30% of gross income for rent or principal/interest/taxes/insurance (PITI)
 -10% down payment, 4% interest, 1.2% taxes & insurance, \$250 HOA dues
 Source: Cal. HCD; J.H. Douglas & Associates

Based on the very high market prices and rents in the City, it is clear that low- and moderate-income households have a very difficult time finding suitable affordable housing without subsidies.



A.3.6 Overpayment and Overcrowding

Overpayment

Overpayment is defined as households paying more than 30 percent of their gross income on housing related expenses, including rent or mortgage payments and utilities. High housing costs can cause households to spend a disproportionate percentage of their income on housing. This may result in repayment problems, deferred maintenance or overcrowding.

Lower-income households with a disproportionate housing cost burden are more likely to have difficulty finding suitable housing. In general, a larger proportion of renter-households have disproportionate housing cost burdens than owner-households because of their typically lower incomes.

Comprehensive Housing Affordability Strategy (CHAS) estimates published by HUD (Table A-16: Overpayment by Tenure and Income) showed that 77 percent of renters and 75 percent of homeowners in the extremely-low-income category spent more than 30 percent of their income on housing. All renters and about 38 percent of homeowners in the very low-income category were overpaying, while all renters and about two-thirds of homeowners in the low-income category experienced overpayment. Even in the above-moderate-income category, overpayment was experienced by about 31 percent of renters and 25 percent of homeowners.

Table A-16: Overpayment by Tenure and Income

Income Category	Owners		Renters	
	Households	Percent	Households	Percent
Extremely low households	40		110	
Households overpaying	30	75.0%	85	77.3%
Very low households	80		130	
Households overpaying	30	37.5%	130	100%
Low households	155		50	
Households overpaying	105	67.7%	50	100%
Moderate households	30		35	
Households overpaying	0	-	0	-
Above moderate households	890		340	
Households overpaying	220	24.7%	105	30.9%

Source: U.S. Department of Housing and Urban Development, CHAS based on the 2008-2012 ACS

Overcrowding

An overcrowded housing unit is defined as one with more than one person per room, excluding bathrooms, kitchens, hallways, and porches. A severely overcrowded housing unit is defined as one with more than 1.5 persons per room. Overcrowding can result from either a lack of affordable housing (which can force



more people to live together) and/or lack of available housing units of adequate size.

Table A-17: Overcrowding by Tenure

Occupants per Room	Carmel		Monterey County	
	Units	%	Units	%
Owner occupied units	1,059	100%	62,398	100%
1.01 to 1.50	0	0.0%	2,881	4.6%
1.51 to 2.00	0	0.0%	776	1.2%
2.01 or more	0	0.0%	209	0.3%
Renter occupied units	635	100%	63,030	100%
1.01 to 1.50	10	1.6%	7,581	12.0%
1.51 to 2.00	0	0.0%	2,892	4.6%
2.01 or more	0	0.0%	917	1.5%

Source: Census 2009-2013 ACS, Table B25014

Recent Census estimates reported that no owner-occupied units and only 1.6 percent of rental units in Carmel-by-the-Sea were overcrowded, while no units were severely overcrowded (Table A-17: Overcrowding by Tenure).

A.4 Special Needs Populations

Certain population groups may have a more difficult time finding decent affordable housing due to their special circumstances or needs. These “special needs” populations include elderly persons, large households, female-headed households, persons with disabilities, homeless, agricultural/farm workers, extremely-low income households, and students.

A.4.1 Elderly Persons

Elderly persons are considered a special needs group because they are more likely to have fixed incomes. Elderly persons often have special needs related to housing location and construction. Because of limited mobility, elderly persons typically need access to facilities and services (e.g., medical and shopping) and public transit. In terms of housing construction, elderly persons may need ramps, handrails, elevators, lower cabinets and counters and special security devices to allow for their reduced mobility.

Carmel-by-the-Sea has a large proportion of senior households. According to recent Census estimates, approximately 55 percent of the City’s owner households were headed by persons age 65+, with over 30 percent headed by persons 75 or over. On average, renters tended to be younger than owners, with about 27 percent of renter households headed by persons age 65 or over (Table A-18: Elderly Households by Tenure).



Table A-18: Elderly Households by Tenure

Householder Age	Owner		Renter	
	Households	%	Households	%
Under 65 years	480	45.3%	461	72.6%
65 to 74 years	259	24.5%	127	20.0%
75 to 84 years	250	23.6%	34	5.4%
85 years and over	70	6.6%	13	2.0%
Total Households	1,059	100%	635	100%

Source: U.S. Census 2009-2013 ACS, Table B25007

The Zoning Ordinance gives some incentives for providing Senior Housing: 1) A density bonus of up to 25 percent if 50 percent or more of all units in a development are reserved for Senior Citizens; and 2) Reduced on-site parking requirements. 1/3 space is required per senior unit.

A.4.2 Large Households

Large households, defined as those with five or more persons, are considered a group with special housing needs due to the limited availability of adequately sized affordable housing units. Unavailability of housing units with larger bedroom counts can result in overcrowding and accelerated unit deterioration. As shown in Table A-19: Large Households by Tenure, large households represent only 4 percent of the City’s owner households and no renter households.

Table A-19: Large Households by Tenure

Household Size	Owners		Renters	
	Households	%	Households	%
1 person	252	23.8%	279	43.9%
2 persons	646	61.0%	78	12.3%
3 persons	86	8.1%	98	15.4%
4 persons	32	3.0%	180	28.3%
5 persons	14	1.3%	0	0.0%
6 persons	29	2.7%	0	0.0%
7+ persons	0	0.0%	0	0.0%
Total households	1,059	100%	635	100%

Source: 2009-2013 ACS Table B25009

A.4.3 Female-Headed Households

Female-headed households are a special needs group due to comparatively low rates of homeownership, lower incomes and high poverty rates experienced by this group. According to recent Census estimates, about 16 percent of owner households and 8 percent of renter households were female-headed households in Carmel-by-the-Sea.



Table A-20: Female-Headed Households by Tenure

Household Type	Owners		Renters	
	Households	%	Households	%
Married couple family	599	56.6%	263	41.4%
Male householder, no wife present	0	0.0%	18	2.8%
Female householder, no husband present	168	15.9%	53	8.3%
Non-family households	292	27.6%	301	47.4%
Total households	1,059	100%	635	100%

Source: 2009-2013 ACS Table B11012

A.4.4 Persons with Disabilities

According to recent Census estimates, approximately 7 percent of non-institutionalized City residents reported some type of disability (see Table A-21: Disabilities by Age Group). As might be expected, those aged 65 and over generally reported the highest disability rates, although a high percentage of young children also reported disabilities. Approximately 15 percent of seniors reported some type of disability, compared to only 2 percent for persons between age 18 and 64. The most frequently reported disability for seniors was an ambulatory difficulty (10 percent of the senior population). Housing opportunities for those with disabilities can be maximized through housing assistance programs and providing universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

Developmental Disabilities

As defined by federal law, “developmental disability” means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 18;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency; and
- Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.



Table A-21: Disabilities by Age Group

Disability by Age	Persons	Percent
Total civilian noninstitutionalized population	3,760	-
With any disability	248	6.6%
Under Age 5 - total persons	193	
With a hearing difficulty	26	13.5%
With a vision difficulty	26	13.5%
Age 5 to 17 - total persons	508	
With a hearing difficulty	0	0.0%
With a vision difficulty	0	0.0%
With a cognitive difficulty	0	0.0%
With an ambulatory difficulty	0	0.0%
With a self-care difficulty	0	0.0%
Age 18 to 64 - total persons	1,386	
With a hearing difficulty	0	0.0%
With a vision difficulty	0	0.0%
With a cognitive difficulty	0	0.0%
With an ambulatory difficulty	44	2.3%
With a self-care difficulty	21	1.1%
With an independent living difficulty	21	1.1%
Age 65 and over* - total persons	1,775	
With a hearing difficulty	73	6.2%
With a vision difficulty	16	1.4%
With a cognitive difficulty	21	1.8%
With an ambulatory difficulty	114	9.7%
With a self-care difficulty	16	1.4%
With an independent living difficulty	23	2.0%
Source: U.S. Census, 2009-2013 ACS		
Note: Totals may exceed 100% due to multiple disabilities per person		

The Census does not record developmental disabilities as a separate category of disability. According to the U.S. Administration on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.5 percent. Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services (DDS) currently provides community-based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The San Andreas Regional Center (SARC) located in Campbell (<http://www.sarc.org/>) provides



services for people with developmental disabilities in Monterey, San Benito, Santa Clara, and Santa Cruz counties. The SARC is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families. As of 2014, SARC served a small number of clients¹ living in Carmel-by-the-Sea (zip code 93921).

There is no charge for diagnosis and assessment for eligibility. Once eligibility is determined, most services are free regardless of age or income. There is a requirement for parents to share the cost of 24-hour out-of-home placements for children under age 18. This share depends on the parents' ability to pay. There may also be a co-payment requirement for other selected services.

Regional centers are required by law to provide services in the most cost-effective way possible. They must use all other resources, including generic resources, before using any regional center funds. A generic resource is a service provided by an agency that has a legal responsibility to provide services to the general public and receives public funds for providing those services. Some generic agencies may include the local school district, county social services department, Medi-Cal, Social Security Administration, Department of Rehabilitation and others. Other resources may include natural supports. This is help that disabled persons may get from family, friends or others at little or no cost.

A.4.5 Homeless

An accurate assessment of the homeless population is difficult because of the transient nature of the population. Many individuals are not visibly homeless, but move around in temporary living conditions.

The County conducted a point-in-time count and prepared a series of independent homeless peer interviews as part of the 2015 Monterey County Homeless Census and Survey. This survey used two methods for data collection: a point-in-time count on January 28, 2015 and a series of independent homeless peer interviews, as recommended by HUD. The 2015 Monterey County Homeless Point-in-Time Census and Survey² counted 1,630 unsheltered homeless people and an additional 678 people living in emergency shelters, transitional housing, and domestic violence shelters. The final estimate of the 2015 Monterey County Homeless Census and Survey is 2,308 persons. Of those, 6 unsheltered persons were identified as living in the City of Carmel-by-the-Sea.

While no homeless shelter is located in Carmel, the Police Department refers homeless persons found within the City to Peninsula area shelters, including the Salvation Army/Monterey Peninsula Corps in Sand City and I-HELP, located in Seaside. Officers have a list of resources for the unsheltered homeless persons including referral numbers for emergency medical services, mental health services, food services, shelter facilities, and services for veterans. The City of Carmel does not have an official contractual agreement with these facilities. The

¹ The California Department of Developmental Services reported the number of City residents receiving services as "less than 10" but the exact number is not available due to confidentiality requirements.

² <http://www.appliedsurveyresearch.org/homelessness-reports/2014/8/13/i632hx7w90yp8vkihc9y2m4iqfpgad>



Police Department and these shelters operate under common understanding that the existing shelters will accept homeless persons if there is capacity.

A.4.6 Agricultural/Farm Workers

Agricultural workers are defined as persons whose primary incomes are earned through seasonal agricultural work. Agricultural workers have special housing needs because they typically earn lower incomes than other types of workers and move throughout the season from one harvest to another. According to recent Census estimates³, 12 persons, comprising less than one percent of Carmel-by-the-Sea's labor force, were employed in the agriculture, forestry, fishing and hunting, and mining industries. It is assumed that only a small percentage of persons employed in this industry are involved in active agricultural production and harvest. Therefore, there is no apparent or recognized need for farmworker housing in the City.

A.4.7 Students

The college student population in the area is another significant factor affecting housing demand. Recent Census estimates reported that 249 residents of Carmel-by-the-Sea were college students, representing about seven percent of the City's population.⁴ Near Carmel, the Middlebury Institute of International Studies at Monterey (MIIS) is located in the City of Monterey and the California State University, Monterey Bay (CSUMB) is located in the cities of Marina and Seaside.

According to the CSUMB website, the student population has grown from 654 in 1995 to over 6,600 in 2015. Forty-five percent of the CSUMB students live in on-campus apartments, residence halls, and family housing.

According to the MIIS website, the student population consists of approximately 725 students. The MIIS does not have dormitories or on-campus housing. However, the school's student services provide exclusive short-term & long-term rental databases to help students find housing.

It is anticipated that some of Carmel's college students attend CSUMB and MIIS, while others may commute to UC Santa Cruz or attend other universities or colleges located in the region.

A.5 Affordable Housing

A.5.1 Affordable Housing Inventory

As of 2015, a total of 59 units provided affordable housing through a variety of local programs (Table A-22: *Inventory of Assisted Rental Housing*). Each of these projects serves as an example of the methods and incentives used by the City to achieve production of affordable housing units.

³ 2009-2013 Census ACS, Table DP-03

⁴ 2009-2013 Census ACS, Table DP-02



Oliver White Building and Viejo Carmel

In 1987, the City granted a use permit to the private property owner of a small site (4,000 sq. ft.) known as the Oliver White Building (Dolores northeast of Eighth). This permit authorized the construction of a mixed-use development with four residential units in the Residential and Limited Commercial (RC) District. Originally this site was developed with a single-story commercial building. The owner and the City worked together through the permit process to achieve a second story of residential apartments at a density of 44 units per acre. Since the project exceeded the base density of 33 units per acre, the applicant was required to provide one moderate-cost rental unit. As part of the conditions of approval, the City did not permit the affordable unit to be converted to above-market-rate housing.

The Viejo Carmel project (northwest corner of Junipero and Fourth Avenues) is a large example of infill development that provides affordable housing. This 20,000-square-foot site was occupied by semi-industrial uses and offices (welding shop, repair services, contractor's office, etc.). The City approved permits authorizing the site to be razed and redeveloped with ten condominiums and ten apartments at a density of 44 units per acre. Without density bonuses, the site could only achieve 15 residential units. With density bonuses, the developer gained three additional market rate units in exchange for providing 2 apartments reserved for low-income households. In addition to the density bonus, the City reduced the parking requirement for the low-income housing units. The applicant was required to preserve in perpetuity two rental units for low-income households.

Norton Court Apartments

In 1986, the City adopted a Specific Plan for Norton Court and granted a use permit to the Carmel Foundation (a key non-profit community organization for seniors) to construct Norton Court Apartments for seniors. As part of this development, the City entered into a 50-year agreement to lease the property for one dollar per year to the Carmel Foundation. This amounts to a substantial land subsidy provided by the City that offsets part of the cost of developing housing. While the Specific Plan does require all the units to be occupied by seniors it did not specify that the units be restricted as low- and moderate-income housing. Rents are maintained as affordable to lower-income seniors strictly through private donations raised by the Carmel Foundation. No direct public funding is involved.

Trevett and Hazeltine Courts

Trevett and Hazeltine Courts were developed with funding from the Carmel Foundation. Rents are maintained as affordable to lower-income seniors with private donations raised by the Carmel Foundation. No public funding is involved.

San Carlos Lodge

This site, located on San Carlos Street north of Fifth Avenue, was granted a use permit for a major addition and allowing the conversion of some existing apartments to transient motel units. As a condition of permit approval, the applicant retained two of the existing apartments as affordable housing for



moderate-income households on the property. Use permit conditions do not allow these units to be converted to market-rate housing.

Table A-22: Inventory of Assisted Rental Housing

Development Name	Total Units	Household Type	Provided By	Expiration of Affordability
Oliver White Building	1	Moderate	Density Bonus	In perpetuity
Viejo Carmel	2	Low	Density Bonus	In perpetuity
Norton Court	24	Senior Low	Lease Subsidy and Specific Plan	Not applicable
San Carlos Lodge	2	Any	As part of motel conversion, the City required two affordable apartments	In perpetuity.
Trevett Court	9	Senior	Private non-profit	Not applicable
Hazeltine Court	12	Senior	Private non-profit	Not applicable
Hasegawa	1	Low	Inclusionary	In perpetuity
Carl	1	Senior	Inclusionary	2027
Mandurrago	2	Senior	Inclusionary	In perpetuity
Mandurrago	2	Senior	Inclusionary	2020
Gonzales	1	Low	Inclusionary	In perpetuity
Ravel Corporation	1	Low	Inclusionary	In perpetuity
Trini Iye	1	Moderate	Inclusionary	In perpetuity
Total	55			

Source: City of Carmel-by-the-Sea Community Planning and Building Department, 2015.

The City is required by the California Coastal Act to track information regarding affordable housing units within the coastal zone. This analysis must include:

- The number of housing units approved for construction after January 1, 1982;
- The number of units for persons and families of low and moderate income that have been required to be included in new housing developments within three miles of the coastal zone;
- The number of existing units occupied by low- or moderate-income residents; and
- The number of low- and moderate-income residential units that have been replaced, demolished or converted.

The City's housing stock is entirely located within three miles of the coastal zone. As shown in Table A-22: Inventory of Assisted Rental Housing, the City has a total of 59 affordable housing units, all constructed after 1982. No affordable housing units have been replaced, demolished or converted.



A.5.2 Potential Loss of Assisted Housing Units

Housing units developed with public subsidies are an important source of affordable housing to lower-income households. Preserving the long-term affordability of such housing units is the most cost-effective means for providing decent and affordable housing to lower-income households in a community. Recognizing this important resource, State Housing Element law requires that a jurisdiction examine the potential loss of publicly subsidized multi-family rental housing for lower-income households due to expiration of deed restrictions, affordability covenants, and/or subsidy contracts.

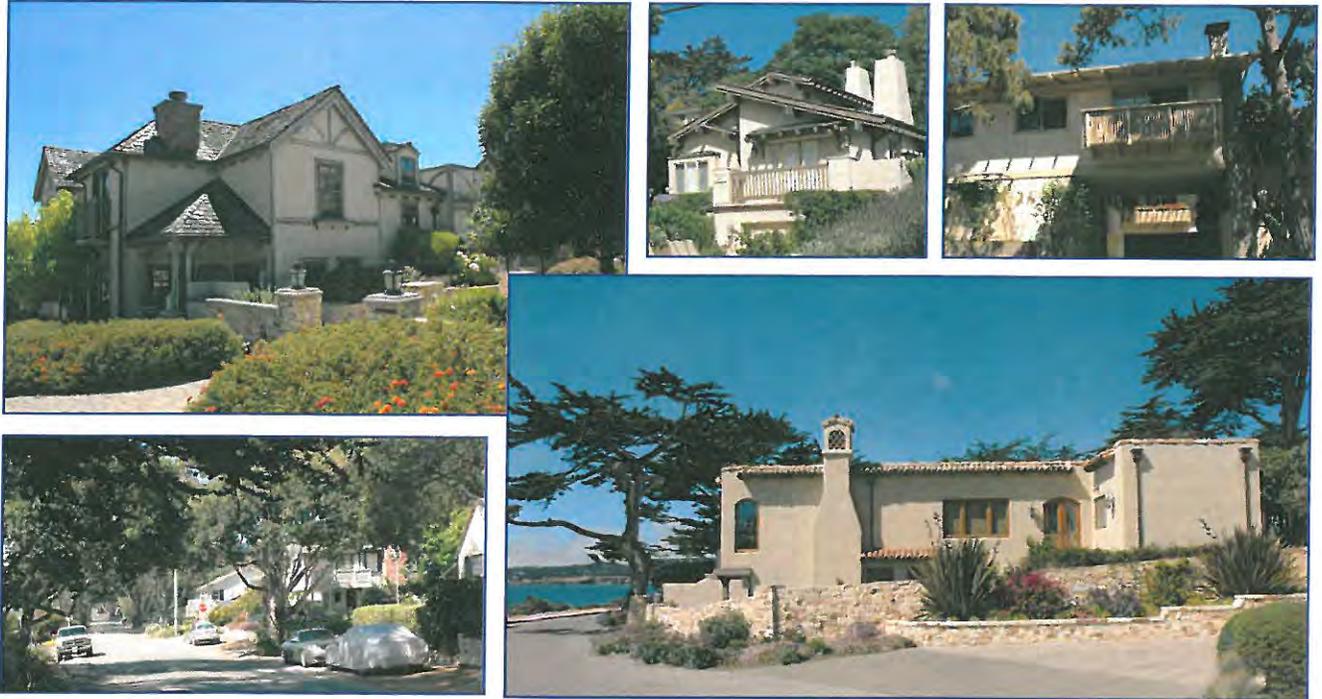
Norton Court, Trevett Court, and Hazeltine Court are owned and operated by the Carmel Foundation, a non-profit organization which does not intend to convert the units to market rate housing within this Housing Element cycle. Trevett Court and Hazeltine Court did not receive any public assistance and have no deed restrictions or affordability covenants. While Norton Court receives a subsidized property lease, no use restriction was ever placed on the property to maintain the units as affordable housing. Units in the Oliver White Building, Viejo Carmel, and San Carlos Lodge are restricted as affordable housing in perpetuity. Therefore, no housing in Carmel-by-the-Sea that meets the State's definitions of affordable housing are at-risk of losing affordability controls over the next ten years.



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B CONSTRAINTS ON HOUSING PRODUCTION



Market, governmental, infrastructure, and environmental factors may constrain the provision of adequate and affordable housing. These constraints may result in housing that is not affordable to lower- and moderate-income households, or may render residential construction economically infeasible for developers.

B.1 Governmental Constraints

Local policies and regulations can impact the price and availability of housing and in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees and exactions, and permit processing procedures may present constraints to the maintenance, development and improvement of housing. This section discusses potential governmental constraints in Carmel-by-the-Sea.

B.1.1 Land Use Controls

The Land Use Element of the Carmel-by-the-Sea General Plan sets forth policies for development Citywide, including residential development. These land use policies, coupled with zoning regulations, establish the amount and distribution of land for different uses. Housing supply and costs are affected by the amount of land designated for residential use, the density at which residential development is permitted, and the standards that govern the character of development.



General Plan

Every city in California is required to have a General Plan, which establishes its goals and policies for land use and development. The General Plan is the foundation of all land use controls in a jurisdiction. The Land Use Element of the General Plan identifies the location, distribution and density of the land uses within the City. Residential densities are expressed in dwelling units per acre (du/ac). The Carmel-by-the-Sea General Plan identifies two residential land use designations and two designations that include both commercial and residential uses. [Table B-1: General Plan Residential Land Use Designations](#) summarizes Carmel-by-the-Sea’s residential land use designations and their associated acreages and density ranges.

Table B-1: General Plan Residential Land Use Designations

Designation	Description	Existing Acreage	Permitted Density
Single-Family Residential	Intended to provide for single-family residential development at low densities.	344.85	2 – 11 du/ac
Multi-Family Residential	Intended to provide for multiple family residences at a high density.	5.81	≤33 du/ac ≤44 du/ac with affordable housing component
Core Commercial	Intended to provide for a wide range of retail and service uses in scale with the overall residential character of the community.	11.71	≤33 du/ac
Residential/ Commercial	Intended to provide for a mix of residential dwellings and a limited range of office and service uses in scale with the character of the community.	18.06	≤33 du/ac

Source: City of Carmel-by-the-Sea General Plan.

Depending on land costs, certain densities are needed to make a housing project economically feasible for people at various income levels.

In 2004, Assembly Bill (AB) 2348 established “default” density standards. If a local government has adopted density standards consistent with the established population criteria, sites with those density standards are accepted as appropriate for accommodating the jurisdiction’s share of regional housing need for lower-income households. For jurisdictions such as Carmel-by-the-Sea in suburban counties, the “default” density is 20 dwelling units per acre.

Zoning Code

The Zoning Code is the primary tool for implementing the General Plan. It is designed to protect and promote public health, safety and welfare, as well as to promote quality design and quality of life. The City of Carmel-by-the-Sea’s residential zoning designations control both the use and development standards of each residential parcel, thereby influencing the development of housing.



The Carmel-by-the-Sea Zoning Code provides for a variety of residential development types. Table B-2: Residential Land Use Controls summarizes the zoning districts that permit by-right residential development or residential development subject to a conditional use permit.

Table B-2: Residential Land Use Controls

Zoning Code Designation	Zoning District(s)	Primary Residential Types
Residential Low Density	R-1	Single-family residential dwellings.
Residential Low, Medium, and High Density Residential	R-4	Low to Medium density single-family detached dwellings are permitted. High-density multi-family residential dwellings including duplexes, apartments and condominiums are permitted via Conditional Use Permit.
Commercial Low, Medium and High Density Residential	CC, SC, RC	Residential uses above commercial or on ground floor.
Source: Carmel-by-the-Sea Zoning Code.		

The City has adopted a Subordinate Unit Ordinance that allows second units to be built in the R-1 district. Two classes of new subordinate units can be constructed. Class 3 subordinate units are designed to facilitate the housing needs of persons with disabilities who find it necessary to live with or near a companion, but where separate, self-contained facilities are important to both parties. Class 4 subordinate units are established to provide affordable housing to low- or very-low-income households as defined by California statutes. (Class 1 and Class 2 subordinate units apply to 271 existing units that pre-dated adoption of the ordinance).

B.1.2 Residential Development Standards

The largest zoning district in the City is the Single-Family Residential (R-1) District. Approximately half of the parcels in this zone are 4,000-square-foot lots. The remaining lots reflect a wide diversity of larger sizes. The Zoning Code establishes the maximum amount of residential floor area that can be developed on a single-family lot. For the typical 4,000 square foot lot, the maximum above-ground floor area with garage is 1,800 square feet with maximum site coverage of 2,400 square feet. Additional floor space is allowed in basements through an incentive program. For parcels over 4,000 square feet in area, the City uses a sliding scale to determine maximum floor area and site coverage. Housing units within this district may contain up to two stories, plus a basement. The maximum roof height of buildings is 18 feet for a single-story unit and 24 feet for a two-story unit. Front and rear yard setbacks are generally established at 15 feet. A variety of side yard setback combinations can be used to ensure that at no point will any structure occupy more than 75 percent of the lot width.



Carmel's Zoning Code also allows for development of multi-family dwelling units. The R-4 District allows apartments and attached housing at a base density of up to 33 units per acre, and up to 44 units per acre when affordable housing is provided.

Residential uses are also allowed within each of the City's commercial land use districts at a maximum density of 33 units per acre, with a bonus density of up to 44 units per acre when a development includes affordable housing. Buildings within this district may have up to two stories plus an underground garage.

Floor area bonuses of five to ten percent may be granted to projects that include permanent apartments reserved for senior citizens and/or low- or very-low-income households. Sites abutting or across the street from an R-4 or RC district require at least a five-foot front yard setback, while sites abutting or across from the R-1 district require a front yard setback of 7.5 feet. Sites abutting an R-1 or R-4 district require a rear setback of 10 feet. Sites in other locations do not require a rear setback. Buildings within this district may have up to two stories plus an underground garage.



Table B-3: Summary of Zoning Requirements

Zone	Minimum Lot Area (Sq. Ft.)	Maximum Lot Coverage	Maximum Floor Area (Sq. Ft.)	Maximum Building Height	Minimum Front Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Street Side Yard (Ft.)	Minimum Rear Yard (Ft.)
Residential Districts								
R-1	2,500 ⁱ 4,000	22% of the base floor area	Less than 45 percent of the area of the building site ⁱⁱ 2,400 ⁱⁱⁱ	24 feet 2 stories	15	3	5	15
R-4	4,000	33 units/acre 44 units/acre with density bonus	N/A	26 feet 2 stories	No setback. 5 – if across from R-4, RC; 7.5 across from R-1	No setback ^{iv}	N/A	No setback 10 – if abutting R-1 or R-4
Commercial Districts								
CC	N/A	One story – 95% of the site area Two story – 135% of the site area 150% with 15% bonus	N/A	30 feet 2 stories	No setback. 5 – if across from R-4, RC; 7.5 across from R-1	No setback ^{iv}	N/A	No setback 10 – if abutting R-1 or R-4
SC	N/A	One story – 95% of the site area Two story – 135% of the site area 150% with 15% bonus	N/A	30 feet 2 stories	No setback. 5 – if across from R-4, RC; 7.5 across from R-1	No setback ^{iv}	N/A	No setback 10 – if abutting R-1 or R-4
RC	N/A	One story – 70% of the site area Two story – 80% of the site area 95% with 15% bonus	N/A	26 feet 2 stories	No setback. 5 – if across from R-4, RC; 7.5 across from R-1	No setback ^{iv}	N/A	No setback 10 – if abutting R-1 or R-4
ⁱ Lots of record in existence on February 4, 1948. ⁱⁱ Applies to sites less than 4,000 square feet. ⁱⁱⁱ The maximum potential floor area on a site is the sum of the base floor area plus any bonus floor area. The City uses a sliding scale to determine maximum floor area and site coverage. ^{iv} If abutting R-4 or RC district a side yard setback of at least 5 feet along at least 50% of each side property line. The remaining 50% requires no setback unless the faces a public street. Any site abutting R-1 district requires a setback of five feet along entire sideyard.								
Source: City of Carmel-by-the-Sea Municipal Code, Chapter 17.								



B.1.3 Parking Standards

The Zoning Code also establishes parking requirements for each zoning district. In the R-1 District, one parking space per dwelling must be provided on sites of 8,000 square feet or less in area and two parking spaces per dwelling on sites larger than 8,000 square feet in area. One parking space must also be provided for each guesthouse. Requirements for other districts are listed below in Table B-3: Parking Standards.

Table B-3: Parking Standards

Land Use	Basis for Requirement	R4	CC	SC	RC
Permanent Residential Use	Spaces per Unit	1.5	1.0	1.0	1.5
Affordable Housing for Moderate, Low, or Very Low Income	Spaces per Unit	0.5	0.5	0.5	0.5
Senior Housing, Cooperative Housing or Group Care Facilities	Spaces per Unit	0.33	0.33	0.33	0.33
Nursing Home or Other Residential Care Facilities	Spaces per Patient or Resident	0.33	N/A	0.33	0.33
Transient Residential	Spaces per Rental Unit	1.0	1.0	1.0	1.0

Source: City of Carmel-by-the-Sea Zoning Code, 2015.

B.2 Provisions for a Variety of Housing

Housing Element law specifies that jurisdictions must identify sites to be made available through appropriate zoning and implement development standards to encourage and facilitate the development of housing for all economic segments of the community. This includes single-family homes, multi-family housing, manufactured housing, transitional and supportive housing, farm worker housing, and emergency shelters.

Table B-4: Residential Uses Permitted in Major Zones summarizes the housing types permitted by-right, conditionally permitted or prohibited in the City by zone. In addition to single-family and multifamily houses, the City also permits or conditionally permits subordinate units, senior citizen housing, community care facilities, community social service facilities, residential care facilities, and transitional and supportive housing in many of the residential and non-residential zones. The City permits mobile homes as a single-family residential use, subject only to the design review requirements as any other single-family residential use in the same zone.

A conditional use permit is required for multi-family projects with densities greater than 22 du/ac. The conditional use permit review process is concurrent with the City's design review process so no additional time is needed. The following standard findings are required for all conditional use permits:



- That the proposed use will not be in conflict with the City's General Plan.
- That the proposed use will comply with all zoning standards applicable to the use and zoning district.
- That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.
- That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
- That the proposed use will not be injurious to public health, safety or welfare.
- That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
- That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

Based on the number of projects that have been approved with densities above 22 du/ac (see Section A.5.1. Affordable Housing Inventory), the City has not found the conditional use requirement to negatively impact the cost or supply of multi-family housing. The conditional use permit allows the City to permit development of higher-density multi-family projects while ensuring negative impacts to the surrounding neighborhood are minimized or eliminated.



Table B-4: Residential Uses Permitted in Major Zones

Zone	Single Family	Multiple Family		Subordinate Units				Senior Citizen Housing	Community Care Facilities	Community Social Service Facilities	Residential Care Facilities			Transitional & Supportive Housing
		0-22 du/ac	>22 du/ac	I	II	III	IV				General	Limited	Senior	
Residential Districts														
R-1	P	---	---	P	P	C	P	L-3	---	C-1	---	L-3	---	*
R-4	P	P	C	---	---	---	---	P	L-2	L-2	---	P	C	*
Commercial Districts														
CC	P	P	C	---	---	---	---	P	P	P	---	P	---	*
SC	P	P	C	---	---	---	---	P	P	P	C	P	C	*
RC	P	P	C	---	---	---	---	P	P	P	C	P	C	*

P = Permitted by Right;

C = Conditional Use Permit Required;

"-" = Not listed for the zone;

* = Permitted subject to the same requirements as apply to other residential dwellings of the same type in the same zone

L# = Limited #

1. Allowed only on existing quasi-public use sites established prior to December 1, 1980, or added as an accessory use to such existing uses.
2. Limited to existing commercial spaces established prior to 1993 and occupied by commercial uses continuously since that time.
3. Limited to occupancy within a single-family residence.

Source: City of Carmel-by-the-Sea Municipal Code Chapter 17, 2015



B.2.1 Facilitating Special Needs Housing

Carmel-by-the-Sea has adopted policies to proactively facilitate and encourage special needs housing throughout the community. These policies are designed to ensure that all persons have the opportunity to find suitable housing. The following details provisions of the Zoning Code allowing for special needs housing.

Agricultural/Farm Workers Housing

The City does not have any land zoned for agriculture or housing exclusively for farmworkers. However, recent Census data estimated that only 12 residents of Carmel-by-the-Sea were employed in farming, fishing, and forestry occupations. Therefore, no specific policy or program is currently needed to address farm worker housing.

Emergency Shelters and Transitional/Supportive Housing

Emergency shelters for the homeless is defined as a residential facility, lodging house, or dwelling, where no rent is paid, that provides temporary accommodation to homeless persons and/or families. Pursuant to State law (SB 2), jurisdictions with an unmet need for emergency shelters are required to identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters.

As described in Appendix A - Needs Assessment, the Police Department estimates there are three transient residents in the City. There are no emergency shelters located in the City. However, the Zoning Code allows siting of emergency shelters as community social service facilities, which are defined as *“Any noncommercial housing facility, such as homeless shelters or emergency shelters, which may also provide meals, showers, and/or laundry facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide long-term living accommodations.”* Community social service facilities are permitted by-right in the CC, SC, and RC districts as well as with a CUP in the R-1 and R-4 districts. In addition, shelters for families and single women with children are permitted at all churches in the community as a part of their social outreach functions. Religious facilities are conditionally permitted in the R-1 district (only on existing quasi-public use sites established prior to December 1, 1980, or added as an accessory use to such existing uses) and allowed with a conditional use permit (CUP) in the RC district.

The Zoning Code allows supportive and transitional housing subject only to the same standards and procedures as apply to other dwellings of the same type in the same zone consistent with the provisions of SB 2.



Senior Housing

Senior Housing refers to housing provided for senior citizens as defined by the State of California. Senior housing is permitted in the CC, SC, RC and R4 districts and permitted by CUP in the R-1 district.

Community Care Facilities

Community care facilities refers to facilities providing non-medical care and supervision under license from the California Department of Social Services. This classification excludes hospitals, residential care facilities, family day care homes, day care centers, and transitional housing. Community care facilities are permitted in the CC, SC, and RC districts as well as by CUP in the R-4 district.

Residential Care Facilities

Residential care facilities include facilities that are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance. Living accommodations are shared living quarters with or without separate kitchens or bathrooms for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or nonprofit institutions.

Residential care facilities include three subgroups discussed below.

General

“General” refers to a residential care facility providing 24-hour non-medical care for more than six persons in need of personal services, supervision, protection, or assistance. This classification includes hospices, board and care homes, and similar establishments that are licensed by the State of California. General residential care facilities are permitted with a CUP in the CC and RC districts.

Limited

“Limited” refers to a residential care facility providing 24-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. Limited residential care facilities are permitted subject to the same standards as apply to other dwellings of the same type in the same zone.

Senior

“Senior” refers to a residential care facility providing 24-hour medical or non-medical care for more than six persons 60 years of age or older in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. This classification includes nursing homes for the elderly, life care or continuing care homes, and similar facilities licensed for residential care by the State of California. Senior residential care facilities are permitted with a CUP in the SC, RC, and R-4 districts.



Single-Room Occupancy

The City's Zoning Code does not explicitly define *single room occupancy* housing, although section 17.8.5(E) allows multifamily units as small as 400 square feet. The Code also requires that all multifamily projects of three or more units include a mix of unit sizes, and at least 25 percent of all units are required to be 400 to 650 square feet in size.

Group Homes

The Zoning Code defines *group residential* as "Shared living quarters without separate kitchens or bathrooms for each room or unit, including boardinghouses, dormitories, and private residential clubs, but excluding guesthouses." As described above, state-licensed group homes are permitted under the regulations for Community Care Facilities and Residential Care Facilities. Unlicensed group homes are not currently identified as a permitted use in any zoning district. Program 3-5.4.b includes a commitment to process a Zoning Code amendment to identify appropriate locations and standards for unlicensed group homes.

Manufactured Housing

Pursuant to State law, the City allows manufactured housing on a permanent foundation in all residential zones. Such housing is subject to the same development standards and design review criteria as wood-frame housing.

Housing for Persons with Disabilities

The U.S. Census Bureau defines persons with disabilities as those with a long-lasting physical, mental or emotional condition. This condition can make it difficult for a person to perform certain activities such as seeing, hearing, talking, walking, climbing stairs, lifting or carrying, or difficulty with certain social functions. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

Reasonable Accommodation Procedures

Council Policy C11-01 establishes procedures for providing reasonable accommodation in the application of zoning and building regulations for persons with disabilities in conformance with state law.

Zoning Regulations

The City has not identified any zoning or other land-use regulations that could discriminate against persons with disabilities or impede the availability of such housing for these individuals.

Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting procedures are:

- As discussed above, the City Zoning Code allows residential care facilities for six or fewer persons subject to the same standards and procedures as apply to other residential dwellings of the same type in the same zone.



- The City has also adopted reduced parking requirements (0.33-space per unit or bed) for Senior Housing, Cooperative Housing, Group Care Facilities, Nursing Homes and Other Residential Care Facilities. Retrofitting of dwellings to meet the needs of persons with disabilities is also an eligible activity under the City's Housing Rehabilitation Program. Construction and rehabilitation activities are also subject to the Federal Americans with Disabilities Act requirements and the City is active in promoting ADA compliance.
- The City defines family as "an individual or two or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities," which is consistent with State law.

B.2.2 Flexible Development Standards

Carmel-by-the-Sea's Zoning Code includes provisions for flexible development standards. This flexibility can be an important means to address important goals and objectives of the City, such as providing affordable housing for all income groups.

Mixed-Use Development

The R-4, CC, SC, and RC zoning districts allow for residential development in conjunction with office and/or commercial uses; otherwise known as mixed-use development. This form of development has been used successfully to combine apartments with retail and offices throughout Carmel's downtown area.

Subordinate Units

The Zoning Ordinance implements State law by providing guidelines for provision of second units on single-family lots as a source of affordable housing while preserving the existing residential character of the neighborhood. Subordinate units are allowed on lots of 8,000 square feet and larger. Owners of lots developed with both a primary dwelling and a subordinate unit can live in either unit or can rent both units. Program 3-5.3.c includes the review of current subordinate unit regulations to evaluate whether changes are needed to better facilitate the production of additional units.

Reduced Parking Requirements

The City provides five options for meeting parking requirements: (1) on-site surface parking; (2) on-site underground parking; (3) off-site parking if surplus parking on some nearby site is dedicated to a development project; (4) payment of fees in-lieu of parking if site conditions make on-site parking difficult; and (5) shared parking for mixed-use projects. In addition, the City requires 0.5 spaces per unit for affordable housing compared with 1 to 1.5 spaces per unit for market-rate units.

In summary, the City of Carmel-by-the-Sea provides flexible tools in its Zoning Code to facilitate and encourage infill development and housing opportunities in single-family, multi-family, and commercial zones. These tools can be used to help reduce the cost of housing.



B.2.3 Programs to Achieve Housing Affordability

Carmel-by the Sea provides several tools to encourage the production of affordable housing. These programs help achieve diversity and balance of housing types that are affordable to all economic segments of the community. The primary tools Carmel uses to ensure affordable housing are:

Density Bonus Program

The City has adopted a 33 percent density bonus for projects that include affordable housing units.

For residential projects at densities between 33 and 44 units the Zoning Code requires that at least one of the following three standards be met:

- At least 20 percent of all units on the site will be used as housing for “lower-income households;” or
- At least 10 percent of all units on the site will be used as housing for “very low-income households;” or
- At least 50 percent of all dwellings units on the site will be used as housing for “senior citizens” as established in California Housing Statutes.

Due to lack of water, the City has processed very few multi-family projects over the past five years. However, most of the projects the City has approved in recent years have included affordable units to qualify for a density bonus. While there have been no significant problems in implementation, certain aspects of the program may not encourage the development of very low-income units as well as low-income units, which may conflict with the intent of State law. The last update to the Housing Element provided a program that would reflect the provisions and intent of State law by altering the way that density bonus units are calculated. However, this program was not implemented. Therefore, the fractions of units continue to be rounded down, creating disparities between lots of different sizes. A Zoning Code amendment is being processed concurrently with adoption of this Housing Element to revise the City’s density bonus regulations consistent with state law.

Mixed-Use Development Floor Area Bonuses

The Zoning Code provides for floor area bonuses for mixed-use projects in all commercial districts and the R-4 district that include housing for lower-income households. Table B-5: Affordable Housing Bonuses summarizes the requirements and bonuses awarded to projects based on affordability level.



Table B-5: Affordable Housing Bonuses

Affordability / Income Level ¹	Unit Requirement	Floor Area Bonus
Moderate Income	At least 25 percent of units reserved for moderate income	Up to 5 percent
Low Income	At least 20 percent of units reserved for low income	Up to 10 percent
Very Low Income	At least 10 percent of units reserved for very low income	Up to 15 percent
Notes:		
¹ The Zoning Code uses AMBAG's definitions of the income levels.		
Source: City of Carmel-by-the-Sea Zoning Code, 2015.		

Reduced Development Fees

The City's fee schedule discounts planning and building fees proportional to the percentage of the development devoted to affordable units. For example, a project including ten percent affordable units, receives a ten percent discount on development fees.

Expedited Permit Processing

Little backlog exists in the City's development review process. However, the City moves projects with affordable housing ahead of other projects in the development processing queue when setting development review agendas. Due to Permit Streamlining law, this incentive is less powerful than it once was. However, it may reduce review time by as much as a month. Even this minor benefit attracts developer attention during pre-application meetings. Projects that include affordable housing are also expedited through the plan check process.

Reduced Parking Requirements for Affordable Housing

The City has adopted a reduced parking requirement for developments that include affordable housing (refer to Table B-3: Parking Standards). Parking costs contribute significantly to the cost of development in Carmel-by-the-Sea and this flexibility often makes affordable housing more feasible.

The combined effect of programs in the Carmel-by-the-Sea Zoning Code facilitates the production of affordable housing and encourages developers to include affordable units in new development projects.

B.3 Building Codes and Enforcement

Building and safety codes are adopted to preserve public health and safety, and ensure the construction of safe and decent housing. These codes and standards also have the potential to increase the cost of housing construction or maintenance.



B.3.1 Building Codes

Carmel-by-the-Sea has adopted the 2013 California Building Codes, which establish construction standards for all residential buildings. The Building Codes are designed to protect the public health, safety and welfare. The City amends the Building Codes as needed to further define requirements based on unique local conditions.

The City's adopted amendments to the 2013 California Building Code provide for the following:

- In cases where structures are abandoned, they will be abated in the interests of public health, safety and welfare. A building or structure is deemed abandoned if such damaged building or structure is unusable for any permitted use as it existed prior to damage, for four consecutive months.
- Buildings or structures relocated or moved within the City limits do not need to comply with the requirements of a new building.
- A certification of occupancy cannot be issued until the driveway, approach, planning, zoning and Fire Department requirements have been completed and approved.
- Openings in Exterior Walls located opposite the following groups and commercial zones are not permitted if there is less than 3 feet from the property boundary (Group A, E, I, B, M, and R) and protected (Group A, E, I, B, and M) if that distance is less than 6 feet. ("Protected" openings mean wire glass non-operable windows and solid core one and three-quarter-inch rated self-closing fire doors.
- When there is a change in ownership of any Group R, Division 3 occupancy (dwellings and lodging houses), a smoke detector installation is required.
- For all buildings in the City, any new roof covering, or any roof covering in the event of re-roofing of 25 percent or more of any existing roof, is required to be of a fire-retardant material.
- All sites where grading and/or excavation are conducted are required to adhere to the latest edition of the California Building Code. In addition, the following requirements have to be met:
 - When the fill or excavation exceeds 50 cubic yards a bond of \$1,000 has to be obtained to ensure the public way and property is maintained clear and in a clean manner.
 - Tree protection, drainage and erosion controls are required to be in place prior to, and during, all work, until completion of the project.



Code compliance is a division of the Community Planning and Building Department and is managed by the Planning Director. The City employs two part-time code compliance officers who make a proactive effort to educate property owners and local contractors on the City’s regulations. In addition, code compliance officers operate on a reactive basis. When a violation on a property is either reported or discovered, a violation notice is sent to the property owner. The property owner is given the option to apply for a permit, if applicable, to correct the violation or to remove the violation.

Based on its analysis, the City finds that the adopted Building Code and Zoning Code enforcement activities are not constraints to the development, maintenance or preservation of housing.

B.3.2 Americans with Disabilities Act

The Fair Housing Act of 1998 (FHA) and the Americans with Disabilities Act (ADA) are federal laws intended to assist in providing safe and accessible housing. ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible for persons with physical disabilities. Compliance with these regulations may increase the cost of housing construction as well as the cost of rehabilitating older units, which may be required to comply with current codes. However, the enforcement of ADA requirements is not at the discretion of the City, but is mandated under federal law.

B.4 Planning and Development Fees

B.4.1 Planning Fees

The City charges fees and assessments to cover the costs of processing permits. Table B-6: Typical Residential Planning Fees summarizes these costs. The City does not charge any development impact fees.

Table B-6: Typical Residential Planning Fees

Development Process	Fee	
	Single Family	Multi-Family
Administrative Permits	\$140 - \$370	\$155 - \$408
Preliminary Site Assessment	\$300	\$335
Residential Design Study	\$1,425	\$1,650
Demolition	\$200	\$200
Conditional Use Permits	\$595 - \$760	\$614 - \$785
Environmental Review	\$2,800	\$2,893
Planning Studies (noise, traffic, etc.)	\$2,800	\$2,893
Building Permits	Varies by construction value	Varies by construction value

Source: City of Carmel-by-the-Sea Planning Department, 2015.



Table B-7: Typical Total Planning, Development and Impact Fees summarizes the costs for a typical single-family project, small multi-family project and large multi-family project. The single-family and small multi-family project fees are based on recent projects that are typical examples of the size and scale of projects in Carmel. The single-family fees assume demolition of an existing unit and construction of a 1,800-square-foot house. The small multi-family fees assume conversion of a second floor commercial space to two residential condos. The large multi-family project is based on demolition of a 9-unit building and replacement with a 14-unit building with a total of 8,700 square feet and a underground garage. This larger project is less common in Carmel.

Table B-7: Typical Total Planning, Development and Impact Fees

Development Process/Fee	Single Family ¹	Small Multi-Family ²	Large Multi-Family ³
Design Review/Coastal Permit	\$1,425	\$825	\$118
Use Permit	--	--	\$54
Demo Permit	\$200	--	\$14
Plan Check Fee	\$1,738	\$850	\$436
Building Permit Fee	\$2,673	\$1,335	\$671
School Fees	\$882	\$735	\$490
Strong Motion Fee	\$47	\$39	\$20
Building Standards Fee	\$20	\$16	\$8
Road Impact Fee	\$3,719	\$3,099	\$1,550
Total (per unit)	\$10,704	\$6,899	\$3,361
Est. % of Total Development Code	1%	1%	1%
Notes: 1. Assumes an 1,800-sf house with a valuation of \$360,000 2. Assumes 2 condos averaging 1,500 sf with a valuation of \$300,000 each 3. Assumes a 14-unit apartment building averaging 620 sf with a valuation of \$100,000 each Source: City of Carmel-by-the-Sea Planning Department, 2015.			

B.5 Local Processing and Permit Procedures

Given the water constraints and lack of vacant land, proposals for development in the City, particularly for residential development, have been limited. Therefore, the local processing time is not delayed by backlog. Typically, the City's processing time is approximately three to four months for the development of a single-family home and six to eight months for a multi-family or mixed-use development, which includes projects requiring design studies, use permits, or coastal development permits. Table B-8: Review/Approval Requirements and Processing Times summarizes the types of permits the City requires for various types of projects and the typical time required for permit review and approval.



Table B-8: Review/Approval Requirements and Processing Times

Zoning District	Design Study	Use Permit	CDP*	Typical Processing Time**
R-1				
Single family residence	√		√	6-7 months
Subordinate unit	√		√	4-6 months
Guest house	√	√	√	4-6 months
Building sites exceeding 30 percent slope	√	√	√	6-7 months
R-4				
Single family residences	√		√	6-7 months
Multifamily residences 0-22 units/acre	√		√	8-10 months
Multifamily residents residences 23-44 units/acre	√	√	√	8-10 months
Commercial Districts				
Multifamily residences 0-22 units/acre	√		√	8-10 months
Multifamily residents residences 23-44 units/acre	√	√	√	8-10 months
Note: * CDP – Coastal Development Permit – Required for all projects that increase the height and/or floor area on an existing structure by 10 percent or more. ** Includes building plan check				
Source: City of Carmel-by-the-Sea Community Planning and Building Department, 2015.				

A preliminary site assessment (PSA) for the property on which the project will occur is required prior to application submittal. The PSA is prepared by the City Forester and Planning staff and identifies the opportunities and constraints of the site. By designing a project that responds to the PSA, the applicant has the opportunity to expedite the application process by mitigating potential project impacts prior to submitting an application.

New residential development requires approval of a Design Study. A Use Permit and Coastal Development Permit (CDP) may also be required and are processed concurrently with the Design Study.

Design Study applications are required to achieve consistency with residential zoning standards and are evaluated using the City’s Residential Design Guidelines. Early in the development review process, the City makes available to applicants the Residential Design Guidelines as codified in the Zoning Code, a list of required application materials, applicable zoning standards, and a list of required findings for approval. These materials clearly delineate the standards and guidelines by which each project is measured. As explained in the Design Guidelines, the primary purpose of the design review process is to ensure that



projects enhance and maintain the City's residential village character. The following are examples of issues considered during the Design Review process:

- Site and building design with respect to topography, vegetation, public and private views, site drainage and erosion, and solar access;
- Compatibility with adjacent uses in terms of bulk, scale, massing, architecture, and privacy; and
- Landscaping that is drought tolerant, consistent with the neighborhood character, and consistent with the City's Urbanized Forest objectives.

A Track 2 Design Study requires two hearings: Concept Review and Final Review. At Concept Review, the reviewing body analyzes the project in terms of its impact on the urban forest; neighborhood character; topography; open space; privacy, views, light and air; parking and access; and building mass and scale. The Final Review measures the project's consistency with the building and landscape design guidelines. Required findings and standard conditions are attached to each Design Study approval. A volume study is also required, which is completed by one of the City's consulting architects. The study begins after the Concept Review phase and typically takes two weeks to complete. The Track 2 Design Study application requires at least two to three months to process. Track 2 Design Study is a discretionary review process for projects that require a public hearing. Projects that require a Track 2 Design Study, demolition permit, use permit, variance, or other land use permit or environmental review are reviewed by the Planning Commission. All Track 2 projects are subject to the coastal development permit requirements of the certified LCP, and a Track 2 Design Study approval constitutes a coastal development permit. All Track 2 projects require public notice and a hearing.

A Use Permit or CDP requires review by the Planning Commission. These permit applications are processed concurrently with the Design Study and do not add to the total process timeframe. Additional findings are required for approval of a Use Permit and CDP, including consistency with General Plan and Local Coastal Plan policies. These required findings are listed in the Zoning Code and focus on physical design, configuration, bulk, architecture, placement on the lot, impacts on trees, compatibility with the size and scale of surrounding buildings, etc. and do not consider the use itself.

The City has adopted a Local Coastal Program/Land Use Plan (LCP) that sets goals and policies for development within the Coastal Zone. The California Coastal Commission has certified that the LCP meets the coastal zone requirements, which enables the City to issue Coastal Development Permits. This allows the City to process projects more quickly than would occur with Coastal Commission review.

The permit processing and approval process may increase the cost of development. To reduce constraints to the production, maintenance and improvement of housing, the City uses expedited review for projects that include



affordable housing units and offers incentives such as and reduced planning fees to offset costs.

B.5.1 Environmental Review Process

State regulations require environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, etc.). Costs resulting from fees charged by local government and private consultants needed to complete the environmental analysis, and from delays caused by the mandated public review periods, are also added to the cost of housing and passed on to the consumer. However, the presence of these regulations helps preserve the environment and ensure environmental safety to residents of Carmel-by-the-Sea.

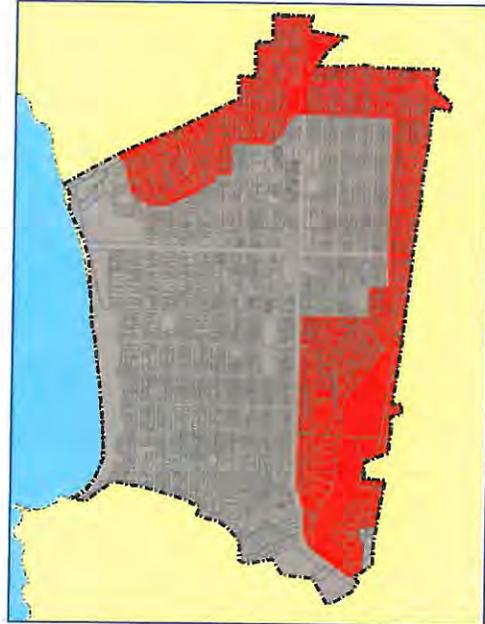
B.6 Environmental and Infrastructure Constraints

B.6.1 Environmental Constraints

Environmental constraints affecting housing include geologic and seismic conditions and fire hazards, which are a threat to the built environment. However, the primary environmental constraint to the development of housing in Carmel-by-the-Sea is the limited water supply. These constraints are discussed in detail below.

Fire Hazard

Carmel-by-the-Sea is often referred to as a “Village in the Forest,” due to its extensive urban forest. The high density of structures within the Carmel residential areas and business district among numerous trees increase the fire hazard. In addition, the Pescadero Canyon, Del Monte Forest, and Mission Trails Park located adjacent to the City, introduces the possibility of a wildland fire. The California Department of Forestry and Fire Protection Fire Hazard Severity Zone Local Responsibility Areas (LRA) map for Carmel-by-the-Sea, identifies a large area encompassing northern and eastern portions of the City as a Very High Fire Hazard Severity Zone. In such zones, roofs and exterior walls of new buildings must be made of noncombustible materials.



The City of Carmel-by-the-Sea is part of a regional coordination effort with other Monterey County cities, including Pacific Grove and Monterey. These neighboring agencies provide aid to each other on an as-needed basis.



Geologic and Seismic Hazards

The entire California Coast and Coast Range area is prone to earthquakes. Based on history, the probability of a moderate or high magnitude earthquake occurring in the greater Monterey region in the next few decades is quite likely. Faults that could present hazards to Carmel-by-the-Sea during an earthquake event include the following active or potentially active faults: San Andreas, San Gregorio-Palo Colorado, Chupines, Navy, and Cypress Point. The San Andreas and San Gregorio faults are two dominant faults within the Monterey County region that are considered active with evidence of historic or recent movement.

While the seismic hazards cannot be eliminated, there are a number of regulations that reduce the impact of these hazards. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy, by preventing the construction of buildings used for human occupancy on the surface trace of active faults. The California Building Code includes provisions associated with engineering design and building requirements that address seismic hazards. In addition, the City of Carmel-by-the-Sea General Plan includes policies addressing hazards from seismic activity.

B.6.2 Infrastructure Constraints

Water Supply

The primary infrastructure constraint to the development of housing in Carmel is the lack of water. The lack of an available water supply continues to limit growth in Carmel and throughout the Monterey Peninsula region.

Carmel is under the jurisdiction of the Monterey Peninsula Water Management District (MPWMD) and receives its water from the California-American Water Company (Cal-Am). The MPWMD has permit authority over the production and distribution of all water supplies within the Monterey Peninsula region, and allocates water supplies to cities and County areas within its jurisdiction. Water service by Cal-Am is constrained by State Water Resources Control Board (SWRCB) Order WR 95-10, which determined that approximately 70 percent of Cal-Am supply is based on unlawful diversion from the Carmel River. Order 95-10 requires that any new water supply be used to reduce diversions from the Carmel River prior to allowing new users. Furthermore, SWRCB issued a Cease and Desist order to Cal-Am in 2008 to further restrict water use, up to an additional 50 percent, if upheld.

Since 1993, MPWMD has been given a single, lump-sum supply of Cal-AM water to allocate proportionately to the jurisdictions within its boundaries. As of February 2008, 121 of the 342 acre feet of water remain. Some jurisdictions, like the City of Del Rey Oaks, has used up its allocated amount of water, while Carmel-by-the-Sea is close to expending its respective allocation.

There are five projects currently under discussion as options for providing a new water supply, including desalination, groundwater replenishment, aquifer storage and recovery in the Seaside Basin, and potential expansion of the Los Padres Reservoir to meet the existing and future water needs of North Monterey County. However, though these water projects may be able to accommodate planned



growth, they would not be in place during the current Housing Element planning period due to the required technical studies, environmental review, and concurrent financing issues.

With regard to more immediate water supply, there is currently a project proposed by the Eastwood Trust that would provide Carmel-by-the-Sea with approximately 80 acre-feet annually (AFA) of water for potable use. The Eastwood Trust was approved to amend its Water Right License (License 13868), which originally authorized the diversion up to 0.45 cubic feet per second (cfs) of water from the subterranean stream of the Carmel River, for a maximum of 131.8 AFA of water. Water was diverted under License 13868 from two wells, and authorized to be used for the purpose of irrigation in a place of use consisting of 99 acres of land located within the Carmel River watershed on a property known as the Eastwood/Odello Ranch, part of the original Coast Ranch. In July 2015, the State Water Board split License 13868 into two new licenses: Licenses 13868A and 13868B. License 13868A authorizes the municipal use of 85.6 acre feet per year for existing lots of record within the parts of Cal-Am's service area that are within the Carmel River watershed or the City of Carmel-by-the-Sea. After adjustment for system losses, License 13868A will allow a Water Entitlement of 80 AFA. License 13868B dedicates the remaining portion of the existing water rights to in-stream uses.

On July 3, 2015, the State Water Board certified the final EIR for the project. On August 17, 2015, the Monterey Peninsula Water Management District Board adopted Ordinance No. 165, establishing a Water Entitlement, which would allow Carmel-by-Sea residents to potentially purchase water rights in order to develop legal lots of record that are currently vacant. Table 2-2 of the Housing Element identifies vacant lots that could potentially be developed with 74 new residential dwelling units.

Although water scarcity and provision of new supply is ultimately beyond the control of the City, the City supports efforts by the MPWMD and other agencies to expand the water supply and has a representative on both the Technical Advisory Committee and the Policy Advisory Committee. The City also cooperated with the District in developing projected water demand needs at build-out for use in the planning of future water projects.

In 2009, the City Council passed a resolution which states Carmel-by-the-Sea's support for the Water for Monterey County Coalition and continued collaboration of political and quasi-political entities in Monterey. Based on the understanding that Monterey Peninsula's water supply projects require a focused technical and political effort to be resolved, the Coalition is set to provide regional projects and water management programs that focus on sustainable and cost effective water supply solutions.

State law mandates the prioritizing of water for affordable housing. The City's share of water resources is internally allocated to land use categories based on policies in the Land Use and Community Character and Housing Elements of the General Plan. These policies affirm the City's commitment to housing by establishing residential uses (new homes, apartments, and remodeling) as one of



the highest priorities with the largest water allocation. In particular, existing subdivided lots zoned for housing should always be considered "first in line" for limited water resources except when this would preclude development of essential public services, recreational uses/facilities, or visitor serving uses consistent with the Coastal Act. New subdivisions of land are limited until existing subdivided lots have a secure water supply. The concept of spreading this limited resource across many properties should be retained so that no single project consumes a disproportionate share of this limited resource. This will maximize the number of units that can be built or approved.

The City has approximately 3.251 acre-feet of available water, of which approximately 1.67 acre-feet are in the City's reserves. The remaining 0.589 acre-feet is only available for affordable housing projects. In the past 5 years the City has allocated approximately 0.308 acre-feet to affordable housing projects. This is the only water available until the District supplies increase and new allocations are made to each city in the District. Based on current supplies, sufficient water may not be available to fully accommodate additional development commensurate with the City's total RHNA allocation (31 units). The City will continue to work with local and regional agencies to explore options for additional water supplies (see Program 3-3.2).

In addition, the City's Municipal Code includes specific requirements for water conservation in existing and new developments such as landscaping, plumbing fixtures, irrigation, and the use of free-flowing water conveyances, such as hoses. New development projects and existing structures needing a building permit for substantial proposed construction must meet the City's water conservation requirements.

Section 3: Goals, Policies and Programs of this Housing Element includes policies to continue to prioritize water allocation for affordable housing.

Wastewater

The Carmel Area Wastewater District provides sewer service to the City and outlying areas including the mouth of the Carmel Valley, Carmel Views, a portion of Rancho Rio Vista, Carmel Woods, Mission Fields, Hatton Fields, Quail Meadows and a small portion of the Highlands (Highlands Inn, Tickle Pink Inn and the Highlands Sanitary Assoc.). It also provides wastewater treatment and disposal service, by contract, to the Pebble Beach Community Services District and Point Lobos Reserve.

The District's facilities consist of approximately 80 miles of gravity sewers, interceptors, and force mains, six remote sewage pump stations, and a wastewater treatment plant with secondary treatment for ocean discharge and tertiary (microfiltration and reverse osmosis) treatment to reclaim water for irrigation of golf courses in the Del Monte Forest. The District's permitted capacity is 3.0 million gallons per day (MGD) and their current average daily dry weather flow is 1.8 MGD.

The City is required to plan for additional 31 residential housing units in this planning cycle. Based on discussions with the District and the remaining capacity



of approximately 40 percent, the District has adequate treatment capacity to serve these units.

B.7 On-Site and Off-Site Improvements

Another factor that can add to the cost of new construction is the cost of providing adequate infrastructure (major and local streets; water and sewer lines; and street lighting) required to be installed in new residential development. Since Carmel-by-the-Sea is primarily built-out and future development will primarily occur on in-fill sites, the costs associated with developing raw land and improving infrastructure systems usually do not arise in the City. Typical infrastructure costs in the CC, SC, RC, and R-4 districts are limited to sidewalk, curb, and gutter improvements, undergrounding of utility wires, stormwater drainage improvements, and landscaping.

Off-Site Improvements

The City's Municipal Code does not contain requirements for subdivision off-site improvements. However, the Code includes a chapter on requirements related to streets, sidewalks, and public places.

Sidewalks

Construction of sidewalks is not required in residential areas of the City. If sidewalk construction is proposed, a permit is required. The proposal must show that the construction of the sidewalk or walkway will preserve public safety, health or welfare, resolve a serious drainage problem, or that it would otherwise benefit the general public. The construction of the sidewalk or walkway must follow the natural contours of the land, and no less than 50 percent of the sidewalk area in front of any building site must be retained in planting. There are no specific requirements regarding the width of the sidewalks.

Driveways

Construction of a driveway requires a permit from the Department of Community Planning and Building in conjunction with the Director of Public Works and the Director of Forest, Parks and Beach.

Landscaping

Sidewalk street trees are encouraged by the City, with the City Forester determining number of trees, species, and exact location. Sidewalk street trees should be located near the head of, and adjacent to, parallel parking spaces with the trunk of the tree located 4.5 feet back from the head of the parking space. For trees at the curb line there should be at least four feet between the trunk and the facing building or planters in front of the building. All tree planters are encouraged to be as large as possible so that additional landscaping can be incorporated into the planters.

The City also encourages including "mini-parks", which is a park that protrudes into the street from the curb line or is in the street. The design of mini-parks must be consistent with the standards in the Forest and Beach Management Plan. All new



mini-park installations require a review by the Staff Traffic Committee and approval by the Planning Commission.

Streets

The streets in Carmel are narrow in width, 26 to 34 feet, with no gutters or sidewalks. This lack of formal development of streets throughout Carmel (with the exception of some of the downtown thoroughfares) has been a conscious effort on the part of residents to maintain a “village in a forest” atmosphere. The City has not established standardized street widths requirements. As Carmel is a built-out city and new development will occur as infill or redevelopment on parcels within the established street grid, construction of new streets is not anticipated. Therefore, street standards will have no impact on the cost and supply of housing.

B.8 Non-Governmental Constraints

Land costs, construction costs, and market financing contribute to the cost of housing reinvestment, and can potentially hinder the production of new affordable housing. Although many constraints are driven by market forces beyond the City’s control, Carmel retains some leverage in instituting policies and programs to address the constraints.

B.8.1 Land and Construction Costs

Land costs in Carmel-by-the-Sea are elevated due to the high demand for housing, lack of vacant land, and shortage of water for development. The location of a parcel has a significant impact on its value. As a result, land costs in the community vary significantly depending on location, especially proximity to the coast. City policies have no effect on land cost. As of October 2015, a vacant 0.09-acre R-1 lot was listed for sale (Carpenter Street/6th Avenue) at a price of \$529,000.

Another major cost associated with building a new house is the cost of building materials and labor, which can comprise up to 50 percent or more of the sales price of a home. Construction costs for a typical wood frame single-family house is at minimum \$175 to \$200 per square foot, while custom homes and units with extra amenities are higher. Given the high land and construction costs, homes built in Carmel-by-the-Sea have been primarily high-end custom homes.

B.8.2 Availability of Mortgage Financing

The availability of financing affects a person’s ability to purchase or improve a home. Interest rates are determined by national policies and economic conditions, and local governments can do little to affect these rates. Jurisdictions can, however, offer interest rate write-downs to extend home purchasing opportunities to a broader economic segment of the population. In addition, government insured loan programs may be available to reduce down payment requirements.

Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. This information is available for the Salinas Metropolitan Statistical Area (MSA), which encompasses Monterey

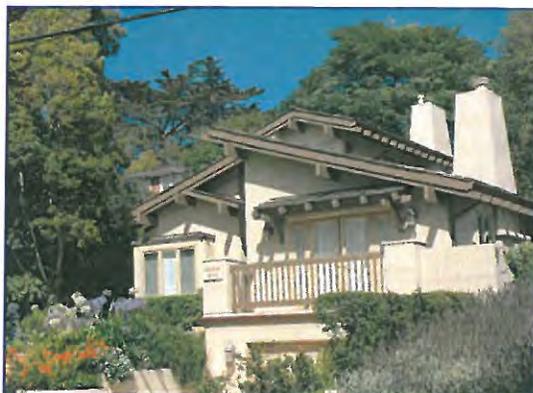
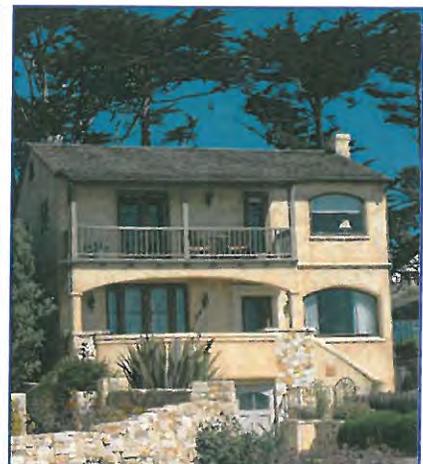


County. Carmel-by-the-Sea includes Census Tracts 118.01 and 118.02. According to the latest available HMDA data (2013), the percentage of home loan applications denied in these two tracts combined was 6.7 percent compared to 18.6 percent for the Salinas MSA as a whole, therefore homebuyers in Carmel-by-the-Sea do not appear to experience discrimination in mortgage lending.

Carmel-by-the-Sea is similar to other communities in California with regard to private sector home financing programs. The recent crisis in the mortgage industry has affected the availability of real estate loans, although the long-term effects are uncertain. For buyers with good credit histories, mortgages can be obtained at very favorable interest rates.



C HOUSING PROGRAM ACCOMPLISHMENTS



In order to develop an effective housing strategy for the 2015-2023 planning period, the City must assess the achievements of its existing housing programs. With this assessment the City can determine the effectiveness and continued appropriateness of the existing programs and make necessary adjustments for the next eight years.

C.1 Evaluation of Accomplishments under the Previous Housing Element

State Housing Element law requires cities to assess the achievements under their adopted housing programs as part of the Housing Element update. These results are quantified where possible (e.g. the number of units rehabilitated), but may be qualitative where necessary (e.g. mitigation of governmental constraints). The results are compared with projected or planned goals from the previous Housing Element. Where significant shortfalls exist between what was planned and what



was achieved, the reasons for such differences are discussed and appropriate revisions should be made in order to achieve the City's objectives.

Carmel-by-the-Sea has established the following goals to guide future policies and program actions related to housing:

- Goal G3-1. Preserve the existing housing stock.**
- Goal G3-2. Preserve existing residential units and encourage the development of new multi-family housing in the Commercial and R-4 Districts.**
- Goal G3-3. Provide adequate sites for the development of a wide range of housing types for all citizens.**
- Goal G3-4. Protect the stability of residential neighborhoods by promoting year-round occupancy and neighborhood enhancement.**
- Goal G3-5. Preserve and increase the supply of housing for lower- and moderate-income households, senior citizens and other special needs groups. Prohibit discrimination in the sale or rental of housing.**

This section reviews the City's progress in implementing the housing programs since 2010, and their continued appropriateness for the 2015-2023 Housing Element. [Table C-1: Existing Program Accomplishments](#) summarizes the City's housing accomplishments since 2010 as well as future actions that should be taken.



Table C-1: Existing Program Accomplishments

Policy	Program	Accomplishments & Future Actions
P3-1.1. Housing Preservation and Rehabilitation	3-1.1.a. Housing Rehabilitation Information.	Policy and programs were posted on city website. This program should be continued.
	3-1.1.b. Residential Inspection Services.	Active inspection response time, generally within 2 days of request. This program should be continued.
	3-1.1.c. Housing Maintenance Information.	Maintenance information is available on a walk-in basis provided by staff based on the individual inquiry. This program should be continued.
P3-2.1. Preserve and Encourage Multi-Family Housing in the Commercial and R-4 Districts	3-2.1.a. Incentives for Mixed-Use Development.	City Municipal Code Section 17.14.140.D provides a floor area bonus of up to 15% for projects that include affordable housing units in Commercial and Multi-Family Zoning Districts. In addition, the City provides water credits for projects that include affordable housing units. The Department of Community Planning and Building educates owners of commercial properties and developers on these bonuses. This program should be continued.
	3-2.1.b. Preserve and Increase Second Floor Residential Uses.	With regard to preserving second-floor residential uses in the Commercial Zoning District, City Municipal Code Section 17.14.050. states that: "No existing residential dwelling unit occupying floor space at any level above the first story in any structure shall be converted to any commercial use" and "except as provided for legally established motel units in CMC 17.14.040(M), Hotels and Motels, all newly constructed second story floor area, including area in new buildings, remodeled buildings and replacement, rebuilt or reconstructed buildings, shall be occupied by residential dwellings only and shall not be used for any commercial land use." The City has enforced these regulations by disapproving proposals to convert second-story residential uses to commercial uses, and by requiring that new and reconstructed buildings only be allowed residential units on the second story. This program should be continued.
	3-2.1.c. Conditional Use Permits for Multi-Family Residential Development	Within all Commercial Zoning Districts multi-family housing is a permitted use at a density of up to 22 dwelling units/acre. A Conditional Use Permit is required for densities of 23 to 44 dwelling units/acre. In 2013, the City



Policy	Program	Accomplishments & Future Actions
P3-3.1. Adequate Sites to Accommodate Projected Growth Needs	3-3.1.a. Adequate Sites.	approved a Use Permit (UP 13-6) for the reconstruction of a third unit of a multi-family complex in the Commercial District. In 2014, the City approved a Use Permit (UP 14-6) for the reconstruction of a 2-unit duplex in the Commercial District. As demonstrated by the successful completion of these projects, the CUP requirement is not a constraint to high-density housing development, therefore this program should be revised accordingly.
	3-3.1.b. Surplus Sites	The City's General Plan and Zoning Ordinance provide for a variety of housing types at appropriate densities to accommodate the City's RHINA needs. This program should be continued.
	3-3.1.c. Development on Small Sites.	No surplus sites were identified. This program should be continued.
P3-3.2. Work with Regional Agencies to Augment Infrastructure in Support of Projected Housing Growth	3-3.2.a. Prioritize Water Allocation for Affordable Housing.	As recommended in Program 3-3.1.c of the City's 2010 Housing Element, the City has continued offer incentives for lot mergers including a floor area bonus, site coverage bonus, and allowance for additional accessory structures. The City has approved approximately 15 lot mergers since 2010. No additional incentives have been identified as necessary to facilitate development of small sites. This program should be continued.
	3-3.2.b. Regional Infrastructure Constraints.	The City has a total 2.854 acre-feet of water available for municipal purposes and private development projects. In 2013, the City Council updated the City's Water Allocation and maintained 0.507 acre-feet of water in a category reserved for Low Income Housing. Programs 3-3.2.a, 3-3.2.b and 3-3.3.a should be combined and continued. California American Water (Cal-Am) is the primary purveyor of water from the Monterey Peninsula. The majority of the water served by Cal-Am comes from the Carmel River. 1995, the State Water Resources Control Resources Board (SWRCB) ruled that Cal-Am did not have valid permits for the majority of water it was pumping and limited the amount of water that could be pumped from the river. This ruling put a limit on water credits available for residential and commercial projects, and has limited overall regional development. In 2009, the SWRCB issued a Cease and Desist Order requiring that Cal-Am cease its unauthorized diversions by December 31, 2016. The Monterey Peninsula is currently working on a water supply project to address the water demand for the region.



Policy	Program	Accomplishments & Future Actions
P3-3.3. Development and Improvement of Infrastructure to Accommodate Housing Needs and Preserve Visual Character	3-3.3.a. Local Infrastructure Constraints.	<p>Programs 3-3.2.a, 3-3.2.b and 3-3.3.a should be combined and continued.</p> <p>Since 2010, the City has spent several million dollars on infrastructure improvements including the repaving of approximately 20% of the City streets, improvement to the City's storm drain system, and the installation of a dry-weather storm drain diversion system near the coastline. In addition, the City has assisted PG&E with improvements to its gas-line system. These improvements help to facilitate additional housing development. Programs 3-3.2.a, 3-3.2.b and 3-3.3.a should be combined and continued.</p>
P3-4.1. Expansion of Permanent Residential Housing in the R-1 District	3-4.1.a. Permanent Housing.	<p>The City has continued to implement the ordinance adopted in 1988 that prohibits transient rentals and timeshare use of residential dwellings in the R-1 District. In 2012, the City hired a Code Compliance Officer that is responsible for enforcing the prohibition on transient rentals. This program should be continued.</p>
P3-4.2. Preserve Scale and Character of Established Neighborhoods While Encouraging Property Improvement	3-4.1.b. Conversion of R-1 Motels.	<p>The City has continued to allow the conversion of R-1 motel units into permanent residences. In 2014, the City approved a Design Study application to convert a 4-unit motel located in the R-1 Zoning District into a single-family residence. In 2014, the Planning Commission also reviewed a concept proposal to demolish a 25-unit motel located in the R-1 Zoning District, in order to construct 16 new single-family residences. This program should be continued.</p>
	3-4.2.a. Neighborhood Compatibility.	<p>The City has continued to enforce height, coverage and floor area standards to ensure that new construction and remodels do not present excess visual mass or bulk to public view or to adjoining properties. Programs 3-4.2.a and 3-4.2.b should be combined and continued.</p>
	3-4.2.b. Design Review.	<p>The City has continued to implement thorough Design Study review of all projects. Since the Housing Element was last updated 2010, the City has processed approximately 900 Residential Design Study applications and 200 Commercial Design Reviews. Of these applications, approximately 350 were referred to the Planning Commission for a decision. Programs 3-4.2.a and 3-4.2.b should be combined and continued.</p>



City of Carmel-by-the-Sea 2015-2023 Housing Element
 Appendix C: Housing Program Accomplishments

Policy	Program	Accomplishments & Future Actions
	3-4.2.c. Support Neighborhood Organizations.	The City has continued to support and work with neighborhood organizations that promote neighborhood safety and improvement. For example, the City has worked with: 1) the Carmel Resident's Association on preserving community character, 2) the Carmel Garden Club on several public landscaping projects, and 3) with the Friends of the Forest on the maintenance and preservation of the City's park trail system. This program should be continued.
P3-4.3. Promote Public Awareness and Pride through Historic Preservation	3-4.3.a. Neighborhood Preservation Education Programs.	The City continually educates the public on its cultural and design heritage as a means of encouraging compatible housing design within existing neighborhoods. There have been several public workshops and meeting with the purpose of discussing historic preservation and the City's Design Guidelines. Programs 3-4.3.a and 3-4.3.b should be combined and continued.
	3-4.3.b. Incentives for Historic Resources.	The City has offered incentives to owners of historic resources. In 2010, the City adopted a Mills Act program, which provides tax benefits to property owners of historic resources. A total of 5 Mills Act contracts have been issued by the City since the program was adopted. Programs 3-4.3.a and 3-4.3.b should be combined and continued.
P3-5.1. Recognize Special Needs of Persons with Disabilities and Retain Flexibility in the Design Review Process	3-5.1.a. Reasonable Accommodation Procedures.	Senate Bill (SB) 520 requires that California jurisdictions adopt policies and procedures to provide reasonable accommodation for persons with disabilities. In 2011 the City Council adopted Policy C11-01, which established procedures for reasonable accommodation. This program should be revised to reflect prior accomplishments.
P3-5.2. Promote Housing for Senior Citizens	3-5.2.a. Shared Housing Information.	The City works with the Carmel Foundation on identifying opportunities for senior housing within the City. The City has also assisted with the distribution of information to the public on organizations such as the Alliance on Aging and Monterey County Housing Authority. This program should be continued.
P3-5.3. Preserve Existing Affordable and Rental Housing	3-5.3.a. Condominium Conversions.	The City has continued to implement its condominium conversion policy, which restricts the conversion of apartments to condominiums to preserve the lower cost rental housing options such as apartments. Apartments are prohibited from being converted to condominiums unless



Policy	Program	Accomplishments & Future Actions
		a new apartment is being created to offset the conversion. This program should be continued.
	3-5.3.b. Section 8 Rental Assistance.	The City continued to facilitate the use of Section 8 through dissemination of information; however, as a federal program the City has no authority to change existing eligibility regulations. This program should be revised and continued.
	3-5.3.c. Subordinate Units.	The City has continued to provide information to the public on the establishment of subordinate units. This program should be continued.
	3-5.3.d. Monitor Affordable Housing Stock.	The City maintains a data base for its affordable housing stock and ensures that compliance is maintained with affordable housing covenants. This program should be continued.
P3-5.4. Encourage Private Sector Affordable Housing	3-5.4.a. Density Bonus	The City currently offers a density bonus for projects that include affordable housing units and is in the process of revising density bonus regulations to comply with State law.
	3-5.4.b. Housing for Extremely-Low-Income Households.	The City continues to encourage development of housing for extremely-low-income households through a variety of activities such as technical assistance, fee deferrals, expedited/priority processing, identifying grant and funding opportunities, applying for or supporting applications for funding on an ongoing basis, reviewing and prioritizing local funding and offering incentives under the density bonus provisions in State law. This program should be continued.
P3-5.5. Reduce or Eliminate Governmental Constraints on Affordable Housing.	3-5.5.a. Reduced Entitlement and Development Fees.	No reductions of processing fees were approved due to budget constraints. This program should be continued.
	3-5.5.b. Reduced Parking Requirements.	The City has continued to reduce the parking requirement for affordable housing units. Municipal Code Section 17.38.020 requires only 0.5 parking spaces per affordable housing unit in the Commercial and Multi-Family Zoning Districts. The normal requirement is 1 to 1.5 spaces per unit. This program should be continued.
	3-5.5.c. Expedited Processing Procedures.	The City continues to offer expedited permit processing for projects that include affordable units. This program should be continued.



City of Carmel-by-the-Sea 2015-2023 Housing Element
 Appendix C: Housing Program Accomplishments

Policy	Program	Accomplishments & Future Actions
P3-5.6. Support Energy and Water Conservation	3-5.6.a. Energy Conservation.	Carmel enforces the latest conservation standard base on the July 1, 2014 of the California Energy Commission publication. This program should be combined with Program 3-5.6.b and continued.
	3-5.6.b. Green Building	Carmel incorporates the latest building code as part of all plan reviews of construction documents. This program should be combined with Program 3-5.6.a and continued. The Green Building Program has been superseded by the CALGreen standards included with the adoption of the 2013 Building Code.
	3-5.6.c. Water Conservation	Ongoing oversight assistance is provided by Monterey Water Management District. The City Council has also formed a conservation committee and has waived permit fees for projects for the purposes of water conservation. This program should be continued.
P3-5.7. Fair Housing	3-5.7.a. Fair Housing Services.	The City works with the California Department of Fair Employment and Housing and the Housing and Conflict Resolution and Mediation Center of Monterey County. The City has referred inquiries regarding fair housing to these agencies. This program should be continued
P3-5.8. Transitional and Supportive Housing	3-5.8.a. Zoning for Transitional and Supportive Housing.	The City adopted revisions to transitional/supportive regulations in 2012 and is reviewing and refining the Code concurrent with the 2015 Housing Element update.



C.2 Share of Regional Growth

The Association of Monterey Bay Area Governments (AMBAG) determined that the City of Carmel-by-the-Sea's share of regional housing need was 32 new units for the 2007-2014 planning period. [Table C-2: Share of Regional Housing Need and Accomplishments](#), shows the progress toward meeting the identified need during the previous housing cycle.

Table C-2: Share of Regional Housing Need and Accomplishments

Income Category	RHNP Allocation	New Units Constructed	Percent of Needs Met
Extremely Low Income (30 or less of the MFI)	4		
Very Low (31-50 percent AMI)	3		
Low (51-80 percent AMI)	5		
Moderate (81-120 percent AMI)	6		
Upper (>120 percent AMI)	14		
Total	32		
Sources: AMBAG. Regional Housing Needs Plan 2014-2023 Department of Community Planning and Building. City of Carmel-by-the-Sea, 2015.			



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D PUBLIC PARTICIPATION SUMMARY

This update to the Housing Element has provided residents and other interested parties with opportunities to review draft documents and proposed policies, and to provide recommendations for consideration by decision-makers. Public notices of all Housing Element meetings and public hearings were published in the local newspaper in advance of each meeting, as well as by direct mail to interested parties and posting the notices on the City’s website. The draft Housing Element was made available for review at City Hall and posted on the City’s website.

As part of the public review process, the following public meetings were held to review the draft Housing Element.

- August 19, 2015 Planning Commission Public Workshop
- August 31, 2015 City Council Public Meeting
- November 18, 2015 Planning Commission Public Hearing
- _____ City Council Public Hearing

Table D-1 provides a list of persons and organizations that were sent direct mail notice of all public meetings on the Housing Element while Table D-2 summarizes comments received and how those comments were addressed.

Table D-1: Public Notice List

Alliance on Aging – senior services and housing programs
American Red Cross (Carmel Chapter) – emergency shelter services
Apartment Association of Monterey County
Association of Monterey Bay Area Governments (AMBAG)
Carmel Chamber of Commerce
Carmel Foundation – senior housing, activities, education
Carmel Residents Association – local citizens organization
Coalition of Homeless Services Providers
Community Human Services
Habitat for Humanity
Housing Authority of Monterey County (HAMC) – regional housing services and programs
LandWatch Monterey County – environmental advocacy organization
Monterey County Association of Realtors
Monterey County Housing & Redevelopment
Shelter Outreach Plus - homeless services



Table D-2: Public Comments Summary

Comment	Response
Should the City offer incentives for lot mergers?	Lot mergers can create more viable building sites for housing, although incentives would be most effective when used where multi-family or affordable units may be built.
Is there any surplus City property that could be used for affordable housing?	No City property has been determined to be surplus at this time, although staff will continue to monitor this option.
Does the City require "green" building standards?	Yes, the City has adopted the latest state building codes, which include green building techniques for energy and water conservation.
Affordable housing is needed for seniors and tourism service workers.	Many coastal areas face the problem of low-wage jobs and high housing costs. The City has been proactive in providing regulations and incentives to encourage the production of affordable housing to the extent feasible.
Are there other things the City could do to encourage affordable housing production?	Small cities like Carmel don't have the resources many larger cities have, in terms of land, staff and budget. In particular, Carmel has very little vacant land where new housing can be built. Subordinate (second) units can provide affordable units, but small lot sizes, topography and other constraints limit the potential number of units. The City has regulations that encourage housing in commercial zones and could also explore ways to create more housing units within existing neighborhoods.
What about water supply?	Water supply is a major limiting factor on all types of development, and the City is working closely with public and private entities to seek additional sources.
Could the City use rent control to create more affordable units?	Under state law (Costa-Hawkins) there are limitations on the use of rent control, including landlords' ability to set rents at any level when a unit becomes vacant and exemptions for single-family houses and condos.
We should encourage more full-time residents in Carmel – there are a lot of vacant units used as vacation homes.	Desirable coastal and resort communities often have high vacancy rates due to second homes. Cities have limited ability to influence second home ownership and use. In 1988 the City adopted an ordinance prohibiting short-term rental and timeshares in the R1 zone.



E. GLOSSARY OF TERMS

Above-Moderate-Income Household. A household with an annual income greater than 120 percent of the area median family income adjusted by household size, as determined by the California Department of Housing and Community Development.

Apartment. An apartment is one or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one family for sleeping or living purposes and containing one kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs.

Below-Market-Rate (BMR). Any housing unit sold or rented to low- or moderate-income households for an amount less than the fair market value of the unit.

Build-Out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan and zoning regulations.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities and by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development activities.

Condominium. A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See "Townhouse.")

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document which transfers ownership of real estate.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or residential units beyond the maximum for which the parcel is zoned, in exchange for the provision of affordable housing.

Density, Residential. The number of residential dwelling units per acre of land.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.



Down Payment. Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit (du). A building or portion of a building containing one or more rooms, designed for or used by one family for living or sleeping purposes, and having a separate bathroom and only one kitchen or kitchenette. See Housing Unit.

Elderly Housing. Typically one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Extremely-Low-Income Household. A household with an annual income equal to or less than 30 percent of the area median family income adjusted by household size, as determined by the California Department of Housing and Community Development.

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposes of administering the Section 8 Housing Program.

Family. An individual or two or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities. .

General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (US Environmental Protection Agency)

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.



Historic Property. A historic property is a structure or site that has significant historic, architectural, or cultural value.

Household. All those persons—related or unrelated—who occupy a single housing unit. (See “Family.”)

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low-and moderate-income households.

Housing Element. One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance and utilities. For rental housing this is defined as rent and utilities.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City’s statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Jobs-Housing Balance. A ratio used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low-Income Household. A household with an annual income usually no greater than 51-80 percent of the area median family income adjusted by household size,



as determined by the California Department of Housing and Community Development.

Low Income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in low-income housing.

Manufactured Housing. Residential structures that are constructed entirely in a factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U. S. Department of Housing and Urban Development (HUD). (See “Mobile Home” and “Modular Unit.”)

Mixed-use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.

Moderate-Income Household. A household with an annual income usually no greater than 81-120 percent of the area median family income adjusted by household size, as determined by the California Department of Housing and Community Development.

Multiple Family Building. A building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowding Housing Unit. A housing unit in which the members of the household, or group, are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

Parcel. A legal lot or tract of land.

Planning Area. The area directly addressed by the general plan. A city’s planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

Policy. A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See “Program.”)

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder. The income levels are updated each year to reflect the change in the Consumer Price Index.



Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the “who,” “how” and “when” for carrying out the “what” and “where” of goals and objectives.

Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

Regional Housing Needs Assessment. A quantification of projected housing need, by household income group, for all localities within a region.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential Land. Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See “Dwelling Unit.”)

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Residential, Multiple Family. Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

Residential, Single-Family. A single dwelling unit on a building site.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. A change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Second Unit. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Also referred to as a “Granny Flat.”

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing housing assistance payments to owners, developers, and public housing agencies to make up the difference between the Fair Market Rent (set by HUD) and the household’s contribution toward the rent, which is calculated at 30 percent of the household’s adjusted gross monthly income (GMI). “Section 8” includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Shared Living. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual



support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by §1566.3 of the California Health and Safety Code.

Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See “Townhouse.”)

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use.

Single Room Occupancy (SRO). A single room, typically 80-250 square feet, with a sink and closet, but which may require the occupant to share bathroom, shower, and kitchen facilities.

Subsidized Housing. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. *Target population* means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Target Areas. Specifically designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by very-low- and low-income households.

Tenure. The ownership status of a housing unit. A housing unit is “owned” if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. All other occupied units are classified as “rented,” including units rented for cash rent and those occupied without payment of cash rent.

Townhouse. A dwelling unit that is attached to another unit with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.



Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Very-Low-Income Household. A household with an annual income usually no greater than 31-50 percent of the area median family income adjusted by household size, as determined by the California Department of Housing and Community Development.



Acronyms Used

ACS:	American Community Survey
AMBAG:	Association of Monterey Bay Area Governments
BMPs:	Best Management Practices
CALTRANS:	California Department of Transportation
CEQA:	California Environmental Quality Act
CHAS:	Comprehensive Housing Affordability Strategy
CIP:	Capital Improvement Program
DIF:	Development Impact Fee
DOF:	Department of Finance
DU/ac:	Dwelling units per acre
EDD:	California Employment Development Department
FAR:	Floor Area Ratio
FEMA:	Federal Emergency Management Agency
HCD:	California Department of Housing and Community Development
HOA:	Homeowners Association
HUD:	U.S. Department of Housing and Urban Development
LAFCO:	Local Agency Formation Commission
MFI:	Median Family Income
NPDES:	National Pollutant Discharge Elimination System
RHNA:	Regional Housing Needs Assessment
RTP:	Regional Transportation Plan
TOD:	Transit-Oriented Development
TDM:	Transportation Demand Management
TSM:	Transportation Systems Management
WCP:	Water Conservation Plan

CITY OF CARMEL-BY-THE-SEA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AMENDING TITLE 17 OF THE MUNICIPAL CODE RELATED TO DENSITY BONUS, TRANSITIONAL AND SUPPORTIVE HOUSING, RESIDENTIAL CARE FACILITIES, AND GROUP RESIDENTIAL IN ACCORDANCE WITH STATE LAW AND THE HOUSING ELEMENT OF THE GENERAL PLAN

WHEREAS, the 2015-2023 Housing Element of the General Plan includes programs to ensure consistency between the Zoning Code and state laws related to affordable housing and housing for persons with special needs; and

WHEREAS, on November 18, 2015 the Planning Commission conducted a public hearing and adopted a Resolution recommending adoption of Code amendments as set forth in Exhibit A; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) an Addendum to the previous Negative Declaration for the 2007-2014 Housing Element was prepared to evaluate potential environmental impacts of the proposed Code amendments; and

WHEREAS, on December 1, 2015 the City Council conducted a public hearing at which time all interested persons were provided an opportunity to offer comments on the proposed Code amendments; and

WHEREAS, the City Council has considered the entire administrative record related to the proposed Code amendments, including the staff report, the CEQA Addendum, the Planning Commission's recommendations, and all written and oral testimony offered at and prior to the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct.

SECTION 2. CEQA Findings. The City Council finds that the Addendum to the Negative Declaration prepared for the 2007-2014 Housing Element satisfies the requirements of CEQA for the proposed Code amendments. There is no substantial evidence in the record that these amendments would have a significant effect on the environment. The Addendum reflects the independent judgment of the City Council.

SECTION 3. Section 17.64.190 of the Municipal Code is amended as follows:

17.64.190 Density Bonus and Other Incentives for Affordable Housing Residential Construction at Densities Between 33 and 44 Units Per Acre.

The following special findings are required for approval of residential construction at densities between 33 and 44 units per square acre:

A. In order to facilitate the provision of affordable housing, the City shall grant a density bonus and other incentives and concessions for residential developments in conformance with state Density Bonus Law (Government Code Sections 65915 et seq.) as it may be amended from time to time. That one of the

~~following three standards will be met:~~

- ~~1. That at least 20 percent of all units on the site will be used as housing for "lower income households" as defined by the Association of Monterey Bay Area Governments (AMBAG); or~~
- ~~2. That at least 10 percent of all units on the site will be used as housing for "very low income households" as defined by AMBAG; or~~
- ~~3. That at least 50 percent of all dwellings units on the site will be used as housing for "senior citizens" as established in California Housing Statutes.~~

B. ~~That the a~~Affordable housing units produced pursuant to this section shall will be administered by a City-approved public or quasi-public agency involved in affordable housing programs, or will be verified by the City based on documentation supplied annually by the property owner, in conformance with state Density Bonus Law.

SECTION 4. Section 17.64.220 of the Municipal Code is amended as follows:

17.64.220 Affordable Housing – Residential Construction at Densities Between 4544 and 88 Units Per Acre.

The following special findings are required for approval of exceptions to zoning standards for projects consisting entirely of affordable housing:

- A. That the project consists entirely of affordable housing units for low- and/or very low-income households, as defined in Chapter 17.70 CMC.
- B. That the project, and any zoning exceptions requested, will not be detrimental to adjacent properties or injurious to public health, safety or welfare.
- C. That the project is consistent with the applicability of provisions found in CMC 17.14.090 and the basic review standard found in CMC 17.14.100 and that new construction represents an improvement over existing conditions.
- D. That the project will preserve the community character and will be compatible with the streetscape, mass, bulk and height of the surrounding neighborhood context.
- E. That the affordable housing units will be administered by a City-approved public or quasi-public agency involved in affordable housing programs, or will be verified by the City based on documentation supplied annually by the property owner.
- F. That the project will not diminish the village character by excessively blocking important public or private views and disturbing natural topography, mature trees, or native growth.

SECTION 5. Section 17.68.040 of the Municipal Code is amended as follows:

~~Transitional Housing Facilities. Facilities providing sleeping accommodations, meals, showers, and laundry facilities to assist persons obtaining skills necessary for independent living in permanent housing. The term of occupancy is generally not less than two weeks nor more than two years. Specialized programs and services related to the needs of the residents may also be provided. (Ord. 2010-02 (Exh. A), 2010; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).~~

Transitional housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use of property subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or

individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. Supportive housing is a residential use of property subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

SECTION 6. Section 17.14.030, Schedule II-B is amended as follows:

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	
Retail				
Animal Sales and Services				
Animal Grooming	P	P	P	See CMC 17.14.040(C)
Animal Hospitals	–	C	–	See CMC 17.14.040(C)
Kennels	–	C	C	See CMC 17.14.040(C)
Automobile Sales and Services				See CMC 17.14.040(D)
Motorcycles, Mopeds and Parts	P	P	–	
Vehicle Repair	–	C	C	
Vehicle Service and Gasoline	–	C	C	See CMC 17.14.040(D)
Building Materials, Hardware and Garden Supplies	P	P	C	See CMC 17.14.040(G)
Eating and Drinking Establishments				See Chapter 17.56 CMC
Drinking Places	C	C	–	See CMC 17.14.040(I)
Restaurant, Full Line	C	C	–	See CMC 17.14.040(I)
Restaurant, Specialty	C	–	–	See CMC 17.14.040(I)
Food and Beverage Sales				See Chapter 17.56 CMC
Convenience Market	–	L-2	L-2	See CMC 17.14.040(D)(2) and (J)(2)
Food Store – Full Line	C	C	C	See CMC 17.14.040(J)
Food Store – Specialty	C	C	–	See CMC 17.14.040(J)
Liquor	P	P	C	See CMC 17.14.040(J)
Retail Sales	P	P	–	See Chapter 17.16 CMC; See CMC 17.14.040(T)
Antique Shops	P	–	–	See CMC 17.14.040(T)
Art Galleries	P	–	–	See CMC 17.14.040(T)
Arts and Crafts	P	–	–	See CMC 17.14.040(T)
Jewelry Shops	P	–	–	See CMC 17.14.040(T)

Sales by Public Outcry (Auction)	–	C	C	See CMC 17.14.040(U)
Specialty, Theme	P	P	–	See CMC 17.14.040(T)
Stationery	P	P	P	See CMC 17.14.040(T)
Thrift Shops	P	P	–	See CMC 17.14.040(T)
Vending Machines	C	C	C	See CMC 17.14.040(T)
Service/Office				
Banks and Other Financial Institutions	P	P	P	See CMC 17.14.040(F)
Automatic Teller Machines (ATM)	C	C	C	See CMC 17.14.040(E)
Business Services	P	P	L-1	
Commercial Recreation	P	–	–	See CMC 17.14.040(H)
Community Care Facility	P	P	P	
Computer Services	P	P	P	
Day Care Centers	–	C	C	
Emergency Medical Care	P	P	P	
Government Offices	P	P	P	
Hotels and Motels	C	C	C	See Chapter 17.56 CMC, Restricted Commercial Uses, and CMC 17.14.040(M)
Hospitals and Clinics				
Hospitals		C	–	See CMC 17.14.040(L)
Clinics	P	P	P	See CMC 17.14.040(L)
Hospice Care, Limited	P	P	P	
Maintenance and Repair Services	L-3	L-3	L-3	
Office				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Other	P	P	L-4	See CMC 17.14.040(O)
Parking Facilities, Commercial	–	C	C	See CMC 17.14.040(P) and Chapter 17.64 CMC, Findings Required for Permits and Approvals
Personal Improvement Services	C	C	–	See CMC 17.14.040(Q)
Personal Services	P	P	P	
Laundry and Dry Cleaning	C	C	C	See CMC 17.14.040(R)
Video Tape Rental	P	P	–	See CMC 17.14.040(R)
Research and Development Testing Services	P	P	P	See CMC 17.14.040(S)
Residential Care Facilities				
General	–	C	C	

Limited	L-6-	L-6P	L-6P	
Senior	-	C	C	
Travel Services	P	P	P	See CMC 17.14.040(V)
Residential/Public and Semipublic				
Colleges and Trade Schools	P	P	P	
Community Centers	P	P	P	
Conference Facilities, Small	P	P	P	
Community Social Service Facility	P	P	P	
Family Day Care				See CMC 17.08.050(B)
Small Family	-	-	P	
Large Family	-	C	C	
Libraries, Public	P	P	P	
Multifamily Dwellings				See CMC 17.14.040(N)
0 – 22 dwelling units/acre	P	P	P	
23-22 – 33 dwelling units/acre	C	C	C	
34 – 44 dwelling units/acre	C	C	C	Chapter 17.64 CMC, Findings Required for Permits and Approvals
Museums, Galleries, Gardens (noncommercial)	P	P	P	
Park and Recreation Facilities				
Individual Recreation	C	C	-	
Organized Recreation	C	-	-	
Parking Facilities, Noncommercial	-	C	C	See Chapter 17.64 CMC, Findings Required for Permits and Approvals
Public Safety Facility	P	P	P	
Religious Facilities	-	-	C	
Schools, Private	P	P	P	
Senior Citizen Housing	P	P	P	
Single-Family	L-5	C	C	See CMC 17.08.050(G)
Theater, Live Performance	C	C	C	
Theater, Motion Picture	C	C	-	
Transitional Housing Facility	-	-	P	-
Industrial				
Handicraft/Custom Manufacturing	P	P	C	See CMC 17.14.040(K)
Industry, Limited	P	P	-	
Transportation, Communication and Utilities				
Communication Facilities	-	-	-	

Facilities Within Buildings	P	P	C	
Utilities, Major	P	P	C	
Utilities, Minor	P	P	C	
Agricultural				
Nurseries	P	P	P	
Other				
Accessory Use				See CMC 17.08.050(A)
Nonconforming				See Chapter 17.36 CMC, Nonconforming Uses and Buildings
Temporary				See CMC 17.52.100(I)
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.				
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 have 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.				
L-6: <u>Subject to the same regulations as apply to other family residential dwellings in the same zone.</u>				

SECTION 7. Section 17.08.040 of the Municipal Code is amended as follows:

In Schedule II-1 under **Residential**, "Group Residential" is added as a conditional use in the R-4 zone.

SECTION 8. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 9. Effective Date. This ordinance shall take effect thirty (30) days after adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of December, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

JASON BURNETT, Mayor

ATTEST:

ASHLEE WRIGHT, City Clerk



**ADDENDUM TO
NEGATIVE DECLARATION**

**2015-2023 Housing Element and
Related Zoning Code Amendments**

Lead Agency: City of Carmel-by-the-Sea
P.O. Drawer G
Carmel-by-the-Sea, CA 93921

Contact: Marc Wiener, Acting Planning Director
831-620-2024

**Addendum to
Initial Study/Negative Declaration
City of Carmel-by-the-Sea
2015-2023 Housing Element and Related Zoning Code Amendments
November 18, 2015**

Overview

On July 13, 2010 the City Council adopted a Negative Declaration (“ND”) for the Carmel-by-the-Sea 2007-2014 Housing Element. The City is now required to adopt an updated Housing Element for the 2015-2023 planning period, as well as amendments to the Zoning Code related to affordable housing and housing for persons with special needs. The purpose of this Addendum is to demonstrate that the 2015-2023 Housing Element update and related Code amendments would not result in any of the conditions under which a subsequent Environmental Impact Report (“EIR”) or Negative Declaration would be required pursuant to Public Resources Code Section 21166 or CEQA Guidelines Sections 15162 and 15164.

Purpose of an Addendum

CEQA and the CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur or new information arises after an EIR is certified or a Negative Declaration adopted for a project. CEQA Guidelines Section 15162 establishes criteria for determining whether more detailed information, such as the preparation of a Subsequent or Supplemental EIR, is needed, and Section 15164 defines the appropriate use of Addendums to previous EIRs and Negative Declarations.

CEQA Guidelines Section 15162(a) states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project, which will require major revisions in the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is to be undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

a. The project will have one or more significant effects not discussed in the EIR.

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR

*c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure;
or*

d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more effects on the environment but the project proponents decline to adopt the mitigation measure.

CEQA Guidelines Section 15164(b) states: “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

The following analysis demonstrates that the 2015-2023 Housing Element update and related Code amendments do not raise any new environmental issues and require only minor technical changes or additions to the previous Negative Declaration to satisfy the requirements of CEQA.

Project Description

A. 2015-2023 Housing Element Update

The City’s 2007-2014 Housing Element was found to be in full compliance with state law by the California Department of Housing and Community Development (“HCD”) in its letter of October 19, 2010. No major changes to conditions, requirements or the statutory framework that raise new potentially significant environmental impacts not previously considered have occurred with respect to the Housing Element, and the proposed 2015-2023 Housing Element update would not make substantial changes to City housing policies or land use regulations. The following discussion summarizes the proposed changes contained in each section of the Draft 2015-2023 Housing Element.

Section 1: Introduction

This chapter provides an overview of the Housing Element and a summary of the public participation process. No policy or regulatory changes are proposed in this section, and none of the changes reflected in this section would result in the potential for significant environmental impacts not previously considered in the 2010 ND.

Section 2: Housing Development Resources

This section describes the City’s land resources that could accommodate housing development, as well as financial and administrative resources, and opportunities to foster energy conservation. None of the changes reflected in this section would change development regulations or result in the potential for significant environmental impacts not previously considered in the 2010 ND.

Section 3: Goals, Objectives, Policies and Programs

This section presents the City’s goals, objectives, policies and programs for the 2015-2023 planning period. Most of the changes in this chapter reflect the completion of state-mandated Zoning Code amendments related to housing for persons with special needs. Substantive changes to programs are summarized below.

- New Program 3-2.a.c (Incentives for Mixed Use Affordable Housing) contains a commitment to explore options to further incentivize upper-story housing opportunities. Adoption of this program would not change development regulations, and therefore would not result in new significant environmental impacts. Any future changes to development regulations that may be proposed in connection with this program would be subject to CEQA review prior to adoption.

- Proposed revisions to Program 3-3.1.c (Development on Small Sites) include a commitment to review the Lot Merger Program to determine if any refinements should be made, such as a requirement that mergers be approved by the Planning Commission rather than the Director, as well as consideration for eliminating any provisions of this program that have the unintended effect of restricting housing opportunities. Adoption of this program revision would not change development regulations, and therefore would not result in new significant environmental impacts. Any future changes to development regulations that may be proposed in connection with this program would be subject to CEQA review prior to adoption.
- Proposed revisions to Program 3-5.3.c (Subordinate Units) include a commitment to investigate potential amendments such as permitting subordinate units on smaller lots. Adoption of this program would not change development regulations, and therefore would not result in new significant environmental impacts. Any future changes to subordinate unit regulations that may be proposed in connection with this program would be subject to CEQA review prior to adoption.

Other clerical revisions to this section would eliminate redundancy and improve the readability of the Housing Element, and would not change development regulations or result in new potentially significant impacts not previously considered in the 2010 ND.

Appendix A: Housing Needs Assessment

This section has been revised to reflect more recent demographic data, trends and special housing needs. Most of the demographic information is based on the 2010 Census or the American Community Survey. This appendix also describes the new Regional Housing Needs Assessment (RHNA), which identifies housing growth needs for the new planning period as summarized below.

Regional Housing Needs Assessment (RHNA)

The City's assigned share of regional housing need is an important component of the Housing Element. The Association of Monterey Bay Area Governments ("AMBAG") is responsible for allocating a portion of the region's new housing need to each jurisdiction. Carmel-by-the-Sea's share of the regional housing need for the new Housing Element cycle is 31 units, which is nearly identical to the 32 units allocated in the previous cycle. The table below shows the distribution of new housing need by income category that has been allocated to the City in the RHNA. One of the key requirements of the Housing Element is to identify adequate sites with appropriate zoning that could accommodate new housing development commensurate with the assigned need in each income category. It should be emphasized that the RHNA is a planning target, not a development mandate or quota. State law does not require cities to achieve their RHNA targets or build housing.

**Regional Housing Need 2014-2023
City of Carmel-by-the-Sea**

Very-Low	Low	Moderate	Above-Moderate	Total
7	5	6	13	31

Source: AMBAG, 2014

Notes: 50% of the Very-Low-Income need is assigned to the Extremely-Low-Income category pursuant to Government Code §65583(a)(1)

Section 2 of the Housing Element presents an inventory and analysis of available sites that could accommodate the level of development assigned to Carmel-by-the-Sea through the RHNA process. No substantial changes to land use regulations are proposed in connection with the new RHNA allocation.

This section of the Housing Element also discusses various categories of special needs, including the elderly, persons with disabilities, large families, female-headed households, farmworkers and the homeless. No substantial changes in development regulations are proposed with respect to these special needs that were not previously considered in the 2010 ND.

Appendix B: Constraints on Housing Production

This appendix analyzes the City's plans and regulations that guide housing development. The most noteworthy changes reflect the completion of several state-mandated Code amendments related to housing for persons with special needs during the previous planning period. No changes to land use plans or regulations are proposed in connection with the 2015-2023 Housing Element. This chapter also discusses non-governmental constraints such as infrastructure availability and development costs. None of the changes reflected in this appendix would change development regulations or result in the potential for new significant environmental impacts that were not previously considered in the 2010 ND.

Appendix C: Housing Program Accomplishments

This appendix contains a review of the goals, policies and programs from the previous element and identifies the City's accomplishments as well as changes that are appropriate for the new planning period based on changed circumstances. None of the revisions reflected in this evaluation would change development regulations or result in the potential for significant environmental impacts that were not previously considered in the 2010 ND.

Appendix D: Public Participation Summary

This appendix describes opportunities for public involvement during the 2015-2023 Housing Element update process. None of the changes reflected in this section would change development regulations or result in the potential for significant environmental impacts.

Appendix E: Glossary

This appendix contains definitions of terms commonly used in the Housing Element. None of the changes reflected in this section would change development regulations or result in the potential for significant environmental impacts.

B. Housing-Related Zoning Code Amendments

Revisions to the Municipal Code as described below are also proposed in order to ensure conformance with state housing law. These Code amendments were included in the program actions contained in the 2007-2014 Housing Element and addressed in the previous ND.

Density Bonus Regulations

State law requires cities to grant a density bonus of up to 35 percent when a project provides affordable housing, senior housing, child care facilities, or dedicates land for affordable housing. The Zoning Code allows a density increase up to 44 units per acre when a project provides 20 percent lower-income units, 10 percent very-low-income units or 50 percent of units are provided for senior citizens, and up to 88 units per acre when all units are affordable to low- or very-low-income households.

State law establishes a sliding scale for density bonus ranging from 20 percent to 35 percent above the maximum allowable density depending on the proportion of affordable units provided. In order to achieve the maximum 35 percent density bonus, provision of at least 20 percent low-income units, 11 percent very-low-income units, or 40 percent moderate-income for-sale units is required. The proposed amendment to Zoning Code Sections 17.64.190 and 17.64.220 would ensure consistency with current state law.

Transitional and Supportive Housing

Under state law, transitional housing and supportive housing must be treated as residential uses and permitted subject only to the same standards and procedures as apply to other residential dwellings of the same type in the same zone. The proposed amendment to Sec. 17.68.040 would ensure consistency with state law.

Residential Care Facilities

State-licensed residential care facilities for six or fewer persons must be permitted as residential uses subject only to the same standards and procedures as apply to other residential dwellings of the same type in the same zone. The proposed amendment to Sec. 17.14.030 would ensure consistency with this provision of state law.

Environmental Analysis and Conclusions

Because adoption of the 2015-2023 Housing Element would not substantially change City land use designations or development regulations, no new potentially significant environmental effects would occur that were not previously analyzed in the Negative Declaration prepared for the 2010 Housing Element. In addition, the proposed revisions to the Zoning Code are required by state law and were addressed in the previous Negative Declaration. Therefore, pursuant to CEQA Guidelines Section 15164, an addendum is the appropriate CEQA document for the 2015-2023 Housing Element update. There is no substantial evidence that adoption of the Housing Element update and related Code amendments will result in new significant environmental impacts, or impacts that would be more severe than described in the previous Negative Declaration. Consequently, a subsequent or supplemental EIR or IS/ND is not required.



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1070
December 1, 2015
Consent Calendar

TO: Honorable Mayor and Members of the City Council
Mike Calhoun, Interim City Administrator

FROM: Sharon Friedrichsen, Director of Budget and Contracts

SUBJECT: Public Meeting on Establishing the Carmel Hospitality Improvement District; Adoption of Resolution Declaring City Intention to Disestablish the Carmel Hospitality Improvement District and First Reading of an Ordinance Disestablishing the Carmel Hospitality Improvement District

AMOUNT OF EXPENDITURE	\$ N/A
AMOUNT BUDGETED	\$ N/A
APPROPRIATION REQUIRED	\$ N/A

RECOMMENDATION

1. Hold a public meeting on the establishment of the Carmel Hospitality Improvement District.
2. Adopt a Resolution Declaring the City's Intention to Disestablish the Carmel Hospitality Improvement District.
3. Introduce the first reading of an Ordinance Disestablishing the Carmel Hospitality Improvement District.

SUMMARY

On November 2, 2015, the Council adopted a Resolution declaring the City's intention to establish the Carmel Hospitality Improvement (CHID), which will be formed under the Property and Business Improvement District Law of 1994. This action initiated a sequence of procedural requirements necessary to move forward in forming the new District. One such requirement is to hold a public meeting to hear testimony on establishing the CHID and levying assessments, with a public hearing on this topic also scheduled for January 5, 2016. Under the 1994 Act CHID, lodging establishments would be assessed 1% of gross short-term (stays less than 31 days) room rental revenue to be used for sales promotion and marketing programs to market assessed lodging businesses in Carmel as tourist, meeting and event destinations.

As a parallel process to the formation of the 1994 Act CHID, actions will also need to occur to disestablish the existing hospitality improvement district, which was created in 2012 under the Parking and Business Improvement Area Law of 1989. It is recommended that Council adopt the resolution of intention to disestablish the 1989 Act Carmel-by-the-Sea Hospitality Improvement District and hold the first reading of an ordinance disestablishing the District. Pending the outcome of the protest hearing on

January 5, 2016, the current, or 1989 Act, District would cease to exist on February 29, 2016 and the new, or 1994 Act, CHID would become effective on March 1, 2016.

Timeline of Process:

November 3:	Council adopts resolution of intention to form new CHID
December 1:	Council holds new CHID public meeting
December 1:	Council adopts resolution of intent to disestablished old CHID
December 1:	Council conducts first reading of disestablishment ordinance
January 5:	Council holds public hearing on new CHID; If no majority protest at the close of public hearing Council adopts new CHID resolution of formation
January 5:	Council conducts second reading of disestablishment ordinance
February 29:	Old CHID ceases to exist
March 1:	New CHID is effective

PRIOR CITY COUNCIL ACTION

Council approved Resolution 2015-096 Declaring the City's Intention to Establish the Carmel Hospitality Improvement District on November 2, 2015.

ATTACHMENTS

1. Resolution Declaring City's Intention to Disestablish the Carmel Hospitality Improvement District
2. Ordinance Disestablishing the Carmel Hospitality Improvement District (First Reading)

APPROVED:



Mike Calhoun, Interim City Administrator

Date: 11/20/2015

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION 2015-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA DECLARING ITS INTENTION TO
DISESTABLISH THE CARMEL HOSPITALITY IMPROVEMENT DISTRICT**

WHEREAS, on August 7, 2012, the City Council adopted Ordinance 2012-05 establishing the Carmel Hospitality Improvement District (herein called "District"); and

WHEREAS, the Parking and Business Improvement Area Law of 1989 (herein called "89 Law"), Streets and Highways Code §36500 et seq., allows the City Council to disestablish the District; and

WHEREAS, the Council now intends to disestablish the District.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

1. The recitals set forth herein are true and correct.
2. The City Council declares its intention to disestablish the Carmel Hospitality Improvement District.
3. The time and place for a public hearing on the disestablishment of the District is set for January 5, 2016 at 4:30 p.m. or as soon thereafter as the matter may be heard at the Council Chambers located at City Hall on the Eastside of Monte Verde between Ocean and Seventh Avenues, Carmel-by-the-Sea, CA, 93921.
4. The City Council intends to disestablish the District concurrently with forming a new hospitality improvement district under the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq. The proposed new district will contain the same businesses, therefore the City Council proposes transferring any remaining revenue to the new district, to be used for marketing and promotions efforts that benefit those businesses which paid the assessment.
5. The City Clerk is directed to provide notice of the public hearing in accordance with Streets and Highways Code §36523.
6. This resolution shall take effective immediately upon its adoption by City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 1st day of December 2015 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

JASON BURNETT, MAYOR

ATTEST:

City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE 2015-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA DISESTABLISHING THE CARMEL HOSPITALITY
IMPROVEMENT DISTRICT**

WHEREAS, on August 7, 2012, the City Council adopted Ordinance 2012-05 establishing the Carmel Hospitality Improvement District; and

WHEREAS, the Parking and Business Improvement Area Law of 1989, Streets and Highways Code §36500 et seq., allows the City Council to disestablish the District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to the "Parking and Business Improvement Area Law of 1989", Streets and Highways Code §36500 et seq. and Resolution 2015-___ adopted by the City Council on December 1, 2015 entitled a "Resolution of the City Council of the City of Carmel-by-the-Sea Declaring its Intention to Disestablish the Carmel Hospitality Improvement District." Such resolution was published and mailed as provided by law and a public hearing was held by the City Council at its regular meeting on January 5, 2016, at which time all persons desiring to be heard and all objections made or filed were fully heard. The City Council duly concluded the hearing on January 5, 2016.

SECTION II. AREA ESTABLISHED.

The City Council finds and determines that the public convenience and necessity require disestablishment of the Carmel Hospitality Improvement District for reasons given in the Resolution of Intention.

Pursuant to §36550 of the Parking and Business Improvement Law of 1989, the Carmel Hospitality Improvement District is hereby disestablished.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect on February 29, 2016.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1ST day of December 2015 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

JASON BURNETT, MAYOR

ATTEST:

City Clerk



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1071
December 1, 2015
Public Hearing

TO:	Honorable Mayor and Members of the City Council
FROM:	Mike Calhoun, Interim City Administrator
SUBJECT:	Second reading of an Ordinance amending Section 2.52.385, Appeals Hearing Process, of the Personnel Ordinance

AMOUNT OF EXPENDITURE	\$ 0
AMOUNT BUDGETED	\$ 0
APPROPRIATION REQUIRED	\$ 0

RECOMMENDATION

Waive reading in full of the second reading of an Ordinance amending Section 2.52.385, Appeals Hearing Process, of the Personnel Ordinance.

SUMMARY

The City's Personnel Ordinance was adopted in 1987, making it nearly thirty (30) years old. Since its adoption, best personnel practices, case law and legislation have made parts of the ordinance out of date. The development of an entirely new ordinance will be one of the top assignments given to the new Human Resource Manager once that individual is hired and commences work with the City.

There is one section of the existing ordinance which needs more immediate attention. The directives in this section were questioned in a June 2014 personnel hearing and were the subject of numerous discussions during the recent labor negotiations with LIUNA.

Section 2.52.385 assigns the responsibility of holding an appeals hearing to the City Administrator. In Section 2.52.350, Notice of Intent to Discipline---Defined, the commencement of disciplinary action is a written notice which shall be prepared "...at the direction of the City Administrator in consultation with the employee's department manager."

The proposed ordinance inserts an independent third party, selected from a list developed by the state Public Employee Relations Board, as the Hearings Officer. This individual would conduct the hearing and then render a recommendation to the City Administrator. The recommended procedure is consistent with current law and widespread practice in public agencies.

PRIOR CITY COUNCIL ACTION

Council adopted the City's Personnel ordinance in 1987 and approved the proposed amendment on first reading at the Regular Council Meeting held November 3, 2015.

ATTACHMENTS

1. Draft Ordinance Amending Section 2.52.385, Appeals Hearing Process, of the Personnel Ordinance
2. Current Ordinance Section 2.52.385

APPROVED:  _____ Mike Calhoun, Interim City Administrator	Date: <u>11/20/2015</u>
--	--------------------------------

ORDINANCE NO. ___

AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 2.52.385 APPEALS HEARING PROCESS OF CHAPTER 2.52 OF TITLE 2 ENTITLED PERSONNEL SYSTEM OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE, INSERTING AN INDEPENDENT HEARING OFFICER INTO THE APPEALS HEARING PROCESS.

Recitals/Findings

WHEREAS, on January 6, 1987, the City Council adopted an ordinance repealing Chapter 2.52 of Title 2 of the Carmel-by-the-Sea Municipal Code entitled Personnel System, and adopted a new Chapter 2.52 for Title 2 of the Carmel-by-the-Sea Municipal Code, entitled Personnel System; and

WHEREAS, developments in best personnel practices, case law, and legislation have made parts of the ordinance out of date; and

WHEREAS, the directive in section 2.52.385 Appeals Hearing Process has been under discussion during labor negotiations with LIUNA; and

WHEREAS, the City Council wishes to amend Municipal Code section 2.52.385 Appeals Hearing Process of Chapter 2.52 of Title 2 entitled Personnel System to insert an independent hearing officer into the appeals hearing process.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF CARMEL-BY-THE-SEA DO ORDAIN AS FOLLOWS:

Section One. Carmel-by-the-Sea Municipal Code Section 2.52.385 is hereby amended to read as follows:

2.52.385 Appeals Hearing Process

The appeal shall be heard by an independent hearing officer – selected from a “strike list” requested by the employee and/or Union and the City from the Public Employee Relations Board. The independent hearing officer will hear all evidence, review all documents and receive oral testimony. The decision of the independent hearing officer shall be advisory to the City Administrator.

Section 2. The People of Carmel-by-the-Sea find that all Recitals/Findings are true and correct and are incorporated herein by reference.

Section 3. Severability

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 4. Publication The City Clerk is directed to publish this Ordinance in the manner and in the time required by law.

INTRODUCED on the 3rd day of November, 2015 and ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1ST day of December, 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

ASHLEE WRIGHT, City Clerk

JASON BURNETT, Mayor

2.52.385 Appeals Hearing Process. SHARE

The City Administrator will hear all evidence, review all documents and receive oral testimony. If the City Administrator upholds the employee's appeal, the charges shall be dropped, the employee reinstated, and a record of the City Administrator's decision placed in the employee's personnel file. If the City Administrator denies the employee's appeal, the order of disciplinary action will be signed and served. The decision of the City Administrator is final and not subject to appeal. (Ord. 87-1 § 2, 1987).



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1072
December 1, 2015
Public Hearing

TO: Honorable Mayor and Members of the City Council
Mike Calhoun, Interim City Administrator

FROM: Don Freeman, City Attorney

SUBJECT: First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance.

RECOMMENDATION

Waive reading in full and introduce on first reading an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance.

SUMMARY

If adopted, the ordinance would add a section to Title 8 of the Municipal Code---Health and Safety--- declaring that all beach fires (except propane fires) would be a public nuisance.

PRIOR CITY COUNCIL ACTION

The Council adopted an urgency ordinance 6 August 2015 prohibiting fires on Carmel Beach on Friday-Sunday and on holidays. There was a first reading of the proposed Ordinance at the November 3, 2015 Regular Council meeting and staff was direct to add further language and return with an amended ordinance.

ATTACHMENTS

1. Draft Ordinance

APPROVED:

Mike Calhoun, Interim City Administrator

Date: 11/20/2015

CITY OF CARMEL-BY-THE-SEA

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DECLARING BEACH FIRES A PUBLIC NUISANCE

FINDINGS

WHEREAS, pursuant to California Government Code Section 38771 by Ordinance a city legislative body may declare what constitutes a public nuisance in order to protect the health, safety and general welfare of the City; and

WHEREAS, pursuant to California Civil Code Section 3480 a public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and

WHEREAS, pursuant to California Civil Code Section 3479 anything which is injurious to health so as to interfere with the comfortable enjoyment of life or property is a nuisance; and

WHEREAS, beach fires most frequently consist of wood-fueled fires built directly on the sand which generate large amounts of smoke and fine particular matter, a known public health hazard, and as such, a public nuisance; and

WHEREAS, fires are often improperly extinguished creating burn hazards from hot debris; and

WHEREAS, access to the beach and nearby areas is restricted for populations sensitive to environmental factors; and

WHEREAS, testimony from residents and visitors indicates a marked improvement in health and well-being since beach fires have been curtailed; and

WHEREAS, beaches throughout California have curtailed or prohibited fires causing increasingly severe impacts on less regulated sites such as Carmel Beach; and

WHEREAS, fine soot particles generated from burning solids on the beach cannot be effectively removed from the white sand; and

WHEREAS, fires often end after dark making cleanup of debris difficult and often incomplete; and

WHEREAS, wave activity often moves fire-related debris into the ocean before it can be properly disposed of; and

WHEREAS, specialists with the Monterey Bay Unified Air Pollution Control District (MBUAPCD) have collected data on air quality at residential properties on Scenic Road in the City resulting in indications that there are high levels of fine particulate matter (PM 2.5) from beach fire smoke presenting substantial air quality impacts during peak fire use periods; and

WHEREAS, the excessive number of beach fires during peak fire use periods cause a rise in the PM 2.5 concentration in the air which at times exceeds air quality standards and creating an immediate potential public health hazard and, as such, a public nuisance; and

WHEREAS, the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. There is no possibility that the activity in question may have a significant effect on the environment.

SECTION 1. ORDINANCE

NOW, THEREFORE, THE PEOPLE OF THE CITY OF CARMEL-BY-THE-SEA DO ORDAIN AS FOLLOWS:

The following Section ____ entitled "BEACH FIRES A PUBLIC NUISANCE" is hereby added to TITLE 8— HEALTH AND SAFETY of the Carmel-by-the-Sea Municipal Code:

A. No person shall discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health, or safety of any such persons or the public; or which cause, or have a natural tendency to cause, injury or damage to business or property.

B. The City of Carmel-by-the-Sea hereby declares beach fires, including the use of charcoal hibachis, charcoal grills or other like fire receptacles on Carmel Beach, to be a public nuisance.

1) Exceptions: Propane fires contained within an appropriate container.

C. A violation of any provision of this Ordinance shall be an infraction.

D. The remedies provided in this section are cumulative and in addition to any other remedies available at law or equity.

E. In addition to other remedies provided by this Ordinance, or by other law, any violation of this Ordinance may be remedied by civil action brought by the City including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal enforcement proceedings and suits for injunctive relief.

SECTION 2. SEVERABILITY.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after its final passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Carmel-by-the-Sea this 1st day of December, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED

Jason Burnett, Mayor

ATTEST:

Ashlee Wright, City Clerk



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1073
December 1, 2015
Public Hearing

TO: Honorable Mayor and Members of the City Council
Mike Calhoun, Interim City Administrator

FROM: Marc Wiener, Acting Community Planning and Building Director

SUBJECT: Consideration of an Ordinance of the City Council of the City of Carmel-by-the-Sea amending Section 17.14.40 and adding Section 17.14.240 of the Municipal Code defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City.

AMOUNT OF EXPENDITURE	\$ N/A
AMOUNT BUDGETED	\$ N/A
APPROPRIATION REQUIRED	\$ N/A

RECOMMENDATION

Waive reading in full and introduce on first reading an Ordinance amending Section 17.14.040 and adding Section 17.14.240 of the Carmel-by-the-Sea Municipal Code defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City.

SUMMARY

On April 6, 2010, the Carmel-by-the-Sea City Council unanimously adopted Ordinance No. 2010-02, to prohibit medical marijuana distribution facilities within any zone within the corporate boundaries of the City of Carmel-by-the-Sea. The adoption of this Ordinance amended Municipal Code Sections 17.14.040 and 17.68.040 to include a definition of medical marijuana dispensaries and explicitly prohibit such uses.

On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016, either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority.

The MMRSA allows the City to completely prohibit commercial medical marijuana activities; however, the City's Municipal Code must be revised to address the regulatory language contained in the MMRSA. The City Attorney has provided staff with the attached Municipal Code Amendments that will allow the City to retain local authority over medical marijuana activities. Staff is proposing to amend

Municipal Code Section 17.14 in order to define and prohibit medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City. The amendments include eliminating the previous prohibition of medical marijuana in Section 17.14.040 and adding Section 17.14.240 to include the new regulations.

The proposed amendments to the Municipal Code were reviewed by the Planning Commission on November 18, 2015. The Planning Commission adopted Resolution 2015-02, recommending that the City Council adopt the Ordinance. In its final motion, the Commission noted that it recommended adoption of the Ordinance with the intent that commercial marijuana activities be prohibited in the City, but that this Ordinance not impede an individual's rights to possess medical marijuana as permitted under state law. Staff conferred with the City Attorney on this matter and verified that the subject code amendments would only apply to commercial activity.

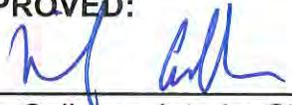
ENVIRONMENTAL REVIEW: This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibits all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

PRIOR CITY COUNCIL ACTION

On April 6, 2010, the Carmel-by-the-Sea City Council unanimously adopted Ordinance No. 2010-02, to prohibit medical marijuana distribution facilities within any zone within the corporate boundaries of the City of Carmel-by-the-Sea.

ATTACHMENTS

1. Ordinance Amending Chapter 17.14 of the Carmel-by-the-Sea Municipal Code

APPROVED:  _____ Mike Calhoun, Interim City Administrator	Date: <u>11/23/2015</u>
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ORDINANCE NO. ___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA,
CALIFORNIA, AMENDING SECTION 17.14.40 AND ADDING SECTION 17.14.240 OF THE
CARMEL-BY-THE-SEA MUNICIPAL CODE PROHIBITING MEDICAL MARIJUANA
DISPENSARIES, CULTIVATION OF MARIJUANA AND ALL COMMERCIAL MEDICAL
MARIJUANA USES IN THE CITY.**

Section 1. Findings and Purpose. The City Council finds and declares as follows:

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled “The Compassionate Use Act of 1996” or “CUA”).

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.” The ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere.”

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code §11362.7 et seq. and referred to as the “Medical Marijuana Program” or “MMP”) to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances.

WHEREAS, in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729, the California Supreme Court held that “[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land...” Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana...” The Court in Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there is recent case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed.

WHEREAS, on October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

WHEREAS, the City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, high water usage, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

WHEREAS, the limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

WHEREAS, on April 6, 2010, the Carmel-by-the-Sea City Council unanimously adopted Ordinance No. 2010-02, to prohibit medical marijuana distribution facilities within any zone within the corporate boundaries of the City of Carmel-by-the-Sea.

WHEREAS, while the City Council believes that cultivation and all commercial medical marijuana uses are already prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City.

WHEREAS, the Planning Commission held a duly noticed public hearing on November 18, 2015 at which time it considered all evidence presented, both written and oral and at the end of the hearing voted to adopt a resolution recommending that the City Council adopt this Ordinance.

WHEREAS, the City Council held a duly noticed public hearing on this Ordinance on December 1, 2015, at which time it considered all evidence presented, both written and oral.

Section 2. Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

Section 3. Chapter 17.14 of the Carmel-by-the-Sea Municipal Code is amended in its entirety to read as follows:

17.14.040 Additional Use Regulations.

A. All Uses.

~~5. Medical marijuana dispensaries are prohibited and no person shall operate or permit to be operated a medical marijuana dispensary in or upon any premises in all zones within the City.~~

17.14.240 Medical Marijuana.

- A. Dispensaries Prohibited. No medical marijuana or cannabis dispensary or distribution facility as defined in Section 17.68.040 of the Carmel-by-the-Sea Municipal Code or in Business & Professions Code § 19300.5(n), as the same may be amended from time to time, shall be permitted in any zone within the City of Carmel-by-the-Sea. For purposes of this Section, “Dispensary” shall also include a cooperative or a mobile distribution facility.

- B. Commercial Marijuana Activities Prohibited. Commercial marijuana or cannabis activities of all types, including the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transport, delivery, dispensing, transfer, distribution, or sale of medical cannabis or medical cannabis products all as defined under Business & Professions Code Sec. 19300.5, as the same may be amended from time to time, are expressly prohibited in all zones and all specific plan areas in the City of Carmel-by-the-Sea. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.

- C. Deliveries of Medical Marijuana Prohibited. Commercial marijuana or cannabis activities of all types, including the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transport, delivery, dispensing, transfer, distribution, or sale of medical cannabis or medical cannabis products all as defined under Business & Professions Code Sec. 19300.5, as the same may be amended from time to time, are expressly prohibited in all zones and all specific plan areas in the City of Carmel-by-the-Sea. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.

- D. Cultivation of Marijuana Prohibited. To the extent not already covered by Section 17.14.240.B, cultivation of marijuana or cannabis for commercial or non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City of Carmel-by-the-Sea. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes. Cultivation shall include planting, growing, harvesting, drying, curing, grading or trimming of cannabis.
- E. Intent. This Chapter is meant to prohibit all medical marijuana or commercial cannabis activities, including but not limited to those for which a State license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the Medical Marijuana Regulation and Safety Act.
- F. Unlawful Uses. Uses that are unlawful under federal or state law shall not be treated as permitted uses, and shall not be determined to be similar to any uses permitted pursuant to this Title.

Section 4. Nothing in this Ordinance shall be interpreted to mean that the City's permissive zoning scheme allows any other use not specifically listed therein.

Section 5. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibits all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

Section 6. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 7. To the extent the provisions of the Carmel-by-the-Sea Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

Section 9. This ordinance shall be in full force and effect thirty days after passage.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of December, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED

JASON BURNETT, Mayor

ATTEST:

ASHLEE WRIGHT, City Clerk



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1074
December 1, 2015
Public Hearing

TO: Honorable Mayor and Members of the City Council
Michael Calhoun, Interim City Administrator

FROM: Marc Wiener, Acting Community Planning and Building Director

SUBJECT: Consideration of an appeal of the Planning Commission's decision to approve Design Study (DS 15-105) and the associated Coastal Development Permit for the construction of a new single-family residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian Overlay (BR) Zoning Districts. The application is being appealed by neighboring property owner: Tim Allen.

AMOUNT OF EXPENDITURE	\$ N/A
AMOUNT BUDGETED	\$ N/A
APPROPRIATION REQUIRED	\$ N/A

RECOMMENDATION

Planning Commission: Voted 5-0 to approve the Design Study application
Staff Recommendation: Deny the appeal and uphold the Planning Commission's decision

SUMMARY

The applicant, Mr. Ronald Corradini, submitted a Design Study application (DS 15-105) to demolish the existing 2,092-square foot (sf) residence, in order to construct a 2,214-sf two-level residence, which would include 1,488 sf on the main level and 726 sf of basement floor area (413 sf of the 726 sf qualifies as bonus floor area). The full scope of the project is included in Attachment 5. This approval is being appealed by Tim Allen, neighboring property owner to the east. Mr. Allen is requesting the proposed residence be lowered by 18 inches.

The concept and final design for this application was reviewed by the Planning Commission at five meetings, including a special meeting to determine condition compliance, as summarized below:

-June 10, 2015: At staff's request, the Planning Commission made a motion to continue the Concept Review of the design study in order to give the applicant adequate time to address the letters of concern received from residents that live within and outside the vicinity of the project. Specifically, these concerns included the mass and height of the proposed residence, potential public view impacts from Carmel Beach and Scenic Road of the historic Casa del Mar Azul property on San Antonio, potential ocean view impacts from adjacent residences, and noise and dirt abatement during construction.

-July 8, 2015: The Planning Commission made a motion to continue the Concept Design review, and directed the applicant to explore alternative designs to mitigate the view impacts to the eastern neighbor, Mr. Tim Allen. The Commission recommended that the applicant revise the roof design of the two gables that face north and south with either hipped or flat roof elements. The Commission also directed the applicant to consider exploring other design alternatives such as lowering the floor elevation of the main level and basement level and/or moving the residence farther east. In addition, the applicant was asked to work with the Bangs (two properties to the north of project site) to develop measures that would mitigate noise, dust, and traffic issues and work with the Schillings (neighbors to the south) to relocate the portable BBQ.

-August 12, 2015: The Planning Commission determined that the view impact to the Allen residence had been addressed and accepted the concept design with two special conditions: 1) the applicant shall install one lower-canopy tree and one upper-canopy tree from the City's recommended tree list and remove two dead Cypress trees; and 2) the A/C Unit shall be located at the front of the property and screened from Scenic Road and the neighbor to the north.

-September 9, 2015: The Planning Commission unanimously approved the design study with final conditions of approval (See Attachment 4).

- October 20, 2015: Staff referred the project back to the Planning Commission to review the applicant's compliance with the special conditions. The Planning Commission unanimously approved the design revisions proposed in order to comply with Special Conditions 23 (down-lit light fixtures), Special Condition 26 (staff verification that the proposed bonus floor area qualifies as a basement per City Code), and Special Condition 27 (reduce the driveway width) (See Attachment 5). At this meeting the applicant requested that the Planning Commission accept an approximation of preexisting grade. The Commission accepted this approximation as discussed in the following section.

BASIS FOR APPEAL

On November 2, 2015, an Appeal of the Planning Commission decision was filed by the applicant, Tim Allen. The appeal application with supporting documentation is included as Attachment 1. This is a de novo hearing, meaning that the City Council may make a decision on any aspect of the project. Nevertheless, this project went through a thorough review process with the Planning Commission and staff recommends that the Council primarily focus on the issues raised by the appellant. The following is a summary of the concerns raised by the appellant, followed by a staff response:

1. The design of the approved new residence is not in compliance with the City's Municipal Code. Specifically, the methodology, or lack thereof, in determining the existing grade was inaccurate and inappropriate in light of the City's Code requirements for basement spaces. The appellant believes that the house should be lowered by 18 inches in order to comply with the requirement of the City's Municipal Code for basement space, which states that the finished floor be not more than 12 inches above the existing grade.

Staff Response: On September 9, 2015, the Planning Commission approved the design study with final conditions of approval, including Special Condition 26, which states: "Staff shall verify that the proposed bonus floor area at the basement-level meets the 1-foot basement requirement and that no basement area that does not have floor level above it shall be counted as bonus floor area, as defined in the City Code (Sections 17.70.020 and Section 17.10.030D) and that the Code is held to the strictest standard." Staff reviewed the approved plans dated August 12, 2015 and determined that the 413 sf of basement floor area proposed as bonus floor area does not qualify as bonus floor area. As summarized

in the October 20, 2015 staff report, staff concluded that either the main floor level or the entire residence would have to be lowered by approximately 18 inches in order to comply.

The applicant did not contest staff's determination, but rather requested that an approximation of the pre-existing site grade be used in making a determination. Staff referred the applicant's request to the Planning Commission for a decision. Municipal Code Section 17.06.020.F, states that " On sites disturbed from previous grading or excavation activities, an approximation of preexisting conditions may be used as a reference for determining average or existing grade using grades on adjacent sites, retaining walls and prior survey maps. All such grade approximations shall require the concurrence of the Department and a determination that the resulting project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography and is consistent with R-1 design objectives." In the staff report for the October 20, 2015 Planning Commission meeting, staff concluded that the grade has been previously disturbed, but that there may not be sufficient evidence to determine the pre-existing grade as it relates to the finished floor measurement. Staff noted that if the Commission did not accept the applicant's approximation of the pre-existing grade, the main floor level would have to be lowered 18 inches in order to comply. On October 20, 2015, the Planning Commission unanimously accepted the applicant's approximation of the preexisting grade; and therefore approved compliance with Special Condition 26, accepting the plans approved by the Planning Commission on September 9, 2015. In its motion the Commission indicated that the applicant had adequately demonstrated an approximation of the preexisting grade for this site.

ALTERNATIVES

Staff has prepared draft findings and conditions of approval for Council consideration based on the Planning Commission's recommendation of approval on October 20, 2015. As an alternative, the Council could continue the application with a request for specific changes, or could grant the appeal and require that the applicant lower the residence by 18 inches.

ENVIRONMENTAL REVIEW

The application qualifies for a Class 2 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15302 of the State CEQA Guidelines. Class 2 exemptions include projects that consist of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to involving limited new construction projects and conversion of small structures. An existing 1,244-square foot, non-historically significant single-family residence with an attached garage would be demolished and replaced by a new 2,214-square foot residence. The proposed alterations to the residence do not present any unusual circumstances that would result in a potential significant environmental impact.

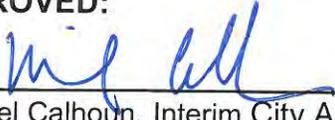
PRIOR CITY COUNCIL ACTION

N/A

ATTACHMENTS

1. Appeal Application
2. Findings
3. Conditions
4. 9/9/15 Planning Commission Final Staff Report and Approved Plans
5. 10/20/15 Planning Commission Special Conditions Staff Report and Plans

APPROVED:



Michael Calhoun, Interim City Administrator

Date: 11/23/2015

CITY OF CARMEL-BY-THE-SEA
APPEAL OF PLANNING COMMISSION DECISION
(FILING FEE \$204.52)

Appellant: Tim Allen
Property Owner: Ronald Comadini
Mailing Address: P.O. Box 350 Carmel, CA 93921
Phone: Day (831) 214-1990 Evening: _____
Fax: (831) 626-6300 Email: tim@timallenproperties.com

Date Board heard the matter: 10/20/15

Appeals to the City Council must be made in writing in the office of the City Clerk within 10 working days following the date of action by the Planning Commission and pay the required filing fee as established by the City Council resolution.

Physical location of property that is the subject of appeal:

Scenic Road, four parcels SE of 9th Ave.

Spt. Lot 7
Lot(s): Npt. Lot 8 Block: A2 Parcel: 010-302-010

COMMISSION ACTION BEING APPEALED:

Determination of Commission that existing grade measurement was accurate and that no further action is required in relation to the basement space of applicant's project.

If you were NOT the original applicant or the applicant's representative please state the evidence that you are an aggrieved party:

I am a neighbor and property owner who stands to be adversely affected as a result of applicant's project.

(CONTINUED ON THE REVERSE SIDE)

RECEIVED
NOV 02 2015
City of Carmel-by-the-Sea
Planning & Building Dept.

GROUNDS FOR APPEAL: (State the specific basis for your appeal, such as errors or omissions you believe were committed by the Commission in reaching its decision, etc.)

SEE ATTACHED

I CERTIFY UNDER PENALTY THAT THE FOREGOING IS TRUE AND CORRECT:

DATED AT: 10 (a.m./p.m.), THIS 2 DAY OF November, 2015



Signature of appellant

Reslie Fenton

\$304.82 fee* received: Staff signature

1637166

Receipt #:

ATTEST:



City Clerk

*Article 9, Section 7, of the Constitution of the State of California authorizes a city to impose fees. Also see California Government Code, Section 54344.

IMPORTANT: If the appellant wishes to submit materials for duplication and inclusion in the City of Carmel-by-the-Sea's Council agenda packet, the materials must be submitted to the City Clerk by 14 working days after the decision of the Commission. This matter is tentatively scheduled to be heard on December 1, 2015

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
MICHAEL A. CHURCHILL
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

November 2, 2015

Honorable Jason Burnett, Mayor
Members of the City Council
Carmel by the Sea
P.O. Drawer G
Carmel, CA 93923

Re: Corradini project

RECEIVED
NOV 02 2015
City of Carmel-by-the-Sea
Planning & Building Dept.

Dear Mayor Burnett and Members of the City Council of the City of Carmel-by-the-Sea:

My client, Tim Allen, respectfully appeals the October 20th decision of the City of Carmel-by-the-Sea's Planning Commission ("City") to approve Mr. Ronald Corradini's project at 4 SE of 9th on Scenic. My client does not believe the design is in compliance with the City's Municipal Code. Specifically, my client asserts that the methodology, or lack thereof, in determining the existing grade was inaccurate and inappropriate in light of the City's Code requirements for basement spaces. Mr. Allen believes that the house should and must be lowered by 18 inches in order to comply with the requirement of the City's Municipal Code for basement space which states that the finished floor be not more than 12 inches above the existing grade. For the following reasons, my client respectfully requests that the City overturn the Planning Commission's approval of Mr. Corradini's basement space until the design complies with the Code.

The Municipal Code defines "basement" in section 17.70.020 as:

"An underground room or excavated space between five and nine feet of interior height, finished or unfinished where the finished floor level directly above the space is not more than one foot above both the existing or final grade. Any subgrade space where the *finished floor elevation directly above the space is more than one foot above existing or finished grade shall be considered above-ground space.*" (emphasis added)

City staff indicated that, per Code section 17.06.020, the measurement of the applicant's floor level should be made from the existing grade. The applicant requested an approximation per Code section 17.06.020 of the pre-existing grade based upon the fact that the site had seen development in the form of retaining walls along the back of the applicant's property. Municipal Code section 17.06.020 states in relevant part:

"On sites disturbed from previous grading or excavation activities, an approximation of preexisting conditions may be used as a reference for determining average or existing grade using grades on adjacent sites, retaining walls and prior survey maps. All such

Honorable Jason Burnett, Mayor
Members of the City Council
November 2, 2015
Page Two

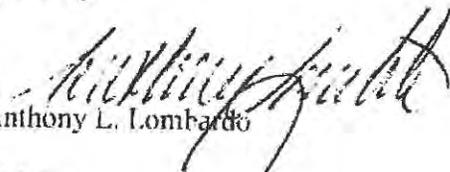
grade approximations shall require the concurrence of the Department and a determination that the resulting project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography and is consistent with R-1 design objectives."

Applicant's approximation of the pre-existing grade was a straight line that led from the top of the retaining wall and continued down to the front property line. This approximation is inadequate and unsubstantiated. Common sense dictates that the existence of a retaining wall filled with dirt necessarily is above the existing grade of a slope. The retaining wall on Mr. Allen's property was constructed to hold the dirt that was put in to fill his backyard to create a flat yard space, not to retain the grade of the hillside that the applicant now asserts was there.

In fact, the surveyor for the applicant, Mr. Gordon Humenik, of Rasmussen Land Surveying, Inc., indicated in a letter submitted to the Planning Commission that there is little data to determine what the grade was prior to the construction of the retaining wall. This letter confirms that the applicant chose the most advantageous angle for his project and simply invented a grade based on no evidence other than the existence of a retaining wall on the applicant's property. At the October 20 Planning Commission hearing the City Planner stated that measuring the pre-existing grade in the manner used here has only ever been done once before and with the benefit of a survey. There is no precedent for the invention of a grade as here.

The fact is that the house must be lowered 18 inches to comply with the requirement that the finished floor be not more than 12 inches above the existing grade, a requirement set forth in Code section 17.70.020. Consequently, we respectfully request that you require the elevation of the home to be reduced by 18 inches. All vehicles, exotic and otherwise, can still be accommodated by moving the house back slightly, if that is what the applicant chooses to do as it flattens the grade. The bottom line is that the applicant cannot now invent a grade to justify an application which was submitted, designed, and represented improperly.

Sincerely,


Anthony L. Lombardo

ALI/cp

RECEIVED
NOV 02 2015
City of Carmel-by-the-Sea
Planning & Building Dept.

11/2/15

Dear Mayor Burnett and Members of the City Council of Carmel,

I hope that we can come to a fair and balanced decision regarding the proposed home. Fair and balanced for the applicant, the neighbors, the community and all the other applicants who have submitted projects in the past and will do so in the future. In order to do this all parties should play by the same rules and work in a cooperative manner not only adhering to the written guidelines but the spirit of them as well.

If Carver's plan is approved as currently submitted it will set a new precedent for heights along Scenic Drive and all of Carmel. To my knowledge, Carver has already managed to get the largest and widest garage approved on a 40 foot wide lot in residential district of Carmel since the Residential Guidelines were passed over 20 years ago.

Accompanying this letter is a package I prepared on 9/8/15, outlining the background and facts of this process when I was under the impression that I was appealing to the City Council at that time. I thought it would be helpful to provide it to you at this time.

Rob Carver has made quite a few mistakes during this process starting with his refusal to contact us prior to submitting plans to the city even after the staff report "strongly recommended he approach neighboring property owners" .

The height of the floor level was misrepresented both during a hearing as well as on the flagging of the property itself, only to be rectified after this was pointed out by Commissioner Goodhue.

The slope of the driveway was misrepresented. Carver stated it was in excess of 18% subsequently a survey was completed and proved it was 15.5% which is a reasonable slope for virtually all cars except those which have been lowered for performance. In fact, this slope is less than most all other recently approved and constructed driveways along Scenic drive. Carver stated in a letter to Ms. Sabdo that "The Grasspave system is rated for use in slopes up to 20%". So, by his own admission, this system could accommodate Mr. Corradini's cars.

Carver stated in his letter to Ms. Sabdo dated July 1, "The house has been shifted back into the site 5 feet six inches from the existing location to accommodate more view for Mr. Allen." This is not accurate since the first design proposed already pushed the house back 3 feet six inches to accommodate an ocean front deck. This design was submitted prior to our knowledge of the project.

Carver further stated in this letter "the proposed height is now 3' below the maximum building height permitted by code in the front of the house". He also placed two sets of string above the proposed height and told commissioners on a site visit that the two additional strings were the 18 foot height limit and where he had first proposed the roof height to be. He said he lowered the height to accommodate our view. These representations were not accurate. The fact is that the proposed house is at the maximum height of 18 feet at the front of the house and Carver never lowered it to accommodate our view. These statements to Ms. Sabdo were misleading. See the photo attached.

Carver's entire argument has been based upon the premise that he has made numerous changes to accommodate us by lowering the height and moving the house back when in fact he has raised the levels of the roof and floors and misrepresented heights and setbacks from the beginning of the application process. The house as proposed is further forward than the existing house due to the new ocean front deck.

For Carver to make an argument now that he wants to use previous grade that may have existed over 60 years ago to create more bonus basement space doesn't seem fair and based upon his own expert's opinion the previous grade cannot be confirmed. The surveyor wrote " I possess no information showing what the topography of the ground looked like prior to construction of the current existing structure...there is very little to go on."

The City's Municipal Code, Section 17.06.020-F states:

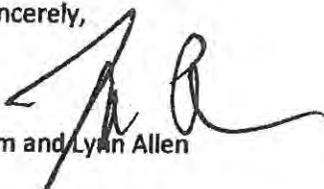
1. "determining average or existing grade using grades on adjacent sites,"the adjacent property immediately to the north is at the same exact grade, where the basement is proposed, as the subject property and the properties to the south are similar grades to the subject property with one exception, the Schilling property immediately south, which has retaining walls on the north and south side indicating that the retaining walls were built to raise the grade of this specific property...
2. "and that the property complies with all requirements of the Zoning Ordinance,...and is consistent with R-1 design objectives." Raising the height of the 19 foot wide, 3 car garage violates the objectives pointed out in items 6.1, 6.2, 6.5, 6.6 and 6.7 of Carmel's Residential Guidelines.

It would seem unfair to grant Mr. Carver this exception to the rules based upon "very little to go on".

We would support the application if the application met the current residential guidelines and the entire house was dropped 18 inches. This could be easily accomplished by a combination of retaining the existing driveway slope and moving the house back by a few feet as demonstrated by architect, Jun Silano at one of the planning commission meetings.

Thank you for taking the time to consider this matter. We sincerely appreciate the time and effort you put in on behalf of our city.

Sincerely,

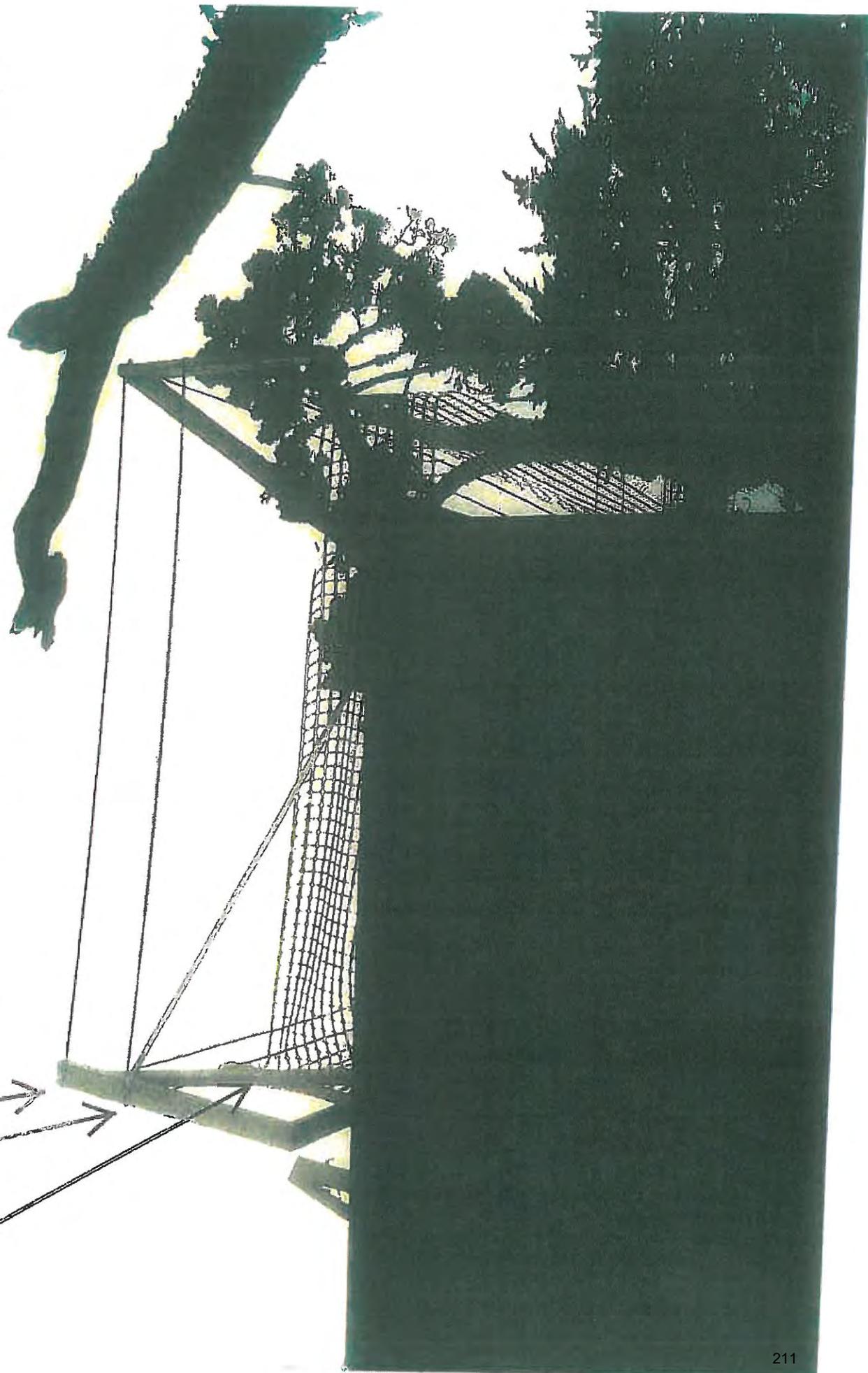


Tim and Lynn Allen

6 represents the maximum level of 18 feet.

Carver indicated his 1st proposal.

Carver indicated height limit of 18 feet.



Rasmussen Land Surveying, Inc.

PO Box 3135

Monterey, CA 93942

Tel: (831) 375-7240 Fax: (831) 375-2545

September 28, 2015

Carmel-By-The Sea
P.O. Box CC
Carmel, CA 93921
Phone: (831) 620-2000
FAX: (831) 620-2004

Re: Project at Scenic Road, 4 S.E. of 9th
Calculation of "pre-existing natural grade"

To Whom It May Concern:

On December 19th and 24th of the year 2014, our firm conducted a topographic survey of the site on Scenic Road, 4 S.E. of 9th in Carmel-By-The-Sea CA. We measured horizontal and vertical positions of the existing site features, and showed them on a topographic site map, in relation to the legal property boundaries and a site-specific temporary elevation benchmark (a nail and metal disc in pavement, with an assumed elevation of 500 feet). Included in that data were existing ground elevations throughout the project site.

I possess no information showing what the topography of the ground looked like prior to the construction of the currently existing residential structure. Clearly, much grading and earthwork was done during that structure's construction many years ago. When asked to render an opinion as to what the grade was prior to the existing structure (heretofore called pre-existing natural grade), there is very little data to go on. So I would simply use the existing ground at the low end, (West property line along Scenic Road, elevation = 500'2") and the existing ground at the high end of the lot (behind fence at East property line, elevation=514', and interpolate between them, ignoring the grade-breaks and stepped retaining walls in between, which do not appear natural. Such a calculation of pre-existing natural grade is shown on the exhibit prepared by Studio Carver, in the form of a dashed line starting from the 500'2" elevation on the west end and the 514' elevation on the East.

If you have any questions, do not hesitate to contact me.

Sincerely,



Gordon A. Humenik, PLS.9119



LAND PLANNING · SUBDIVISIONS · BOUNDARY SURVEYS
AERIAL TOPOGRAPHY and MAPPING

09/08/15

Re: Application DS 15-105 Rob Carver Architect and Ron Corradini Owner 4SE Ninth on Scenic

Dear Commissioners,

We would like to clear up a few misconceptions before addressing our and the local communities concerns and questions regarding the Corradini application.

1. A point has been made by the applicant regarding loss of potential view due to his shifting the house back on the site to accommodate Mr. Allen's view.
 - In a letter dated 7/1/15 to the planning department Rob Carver indicated that after Mr. Corradini met with Mr. Allen on 6/15/15 " The house has been shifted back into the site 5 feet 6 inches from the existing home's location to accommodate more view for Mr. Allen." Both Mr. Carver and Mr. Corradini have also made statements to this effect in several of the planning commission meetings. This is not accurate.
 - The fact is that the first design submitted, dated 5/15/15, one month prior to the 6/15/15 Corradini/Allen meeting included an ocean front deck on the NW side of the property which extended beyond the footprint of the existing structure. This design was submitted without any input or knowledge of its existence by the Allen's. The living room of the proposed house was already proposed to be pushed back from the existing footprint by approximately 3 feet 6 inches to accommodate a deck. We understand the logic of an ocean front deck and also agree that is an important and significant part of the home.
 - The SW side of the house has only been shifted back into the site by approximately 7 inches.
 - The applicant has both written and stated in several meetings that his views are diminished by 34% by moving the house back. This is not accurate. The latest design submitted did shift the house back by 2 feet; however the deck was pushed forward by several feet. This is apparent if a site visit is completed. With this new deck extending beyond the existing structure the applicants ocean views are broader and better in every direction. The views of the proposed house are superior to those views of the existing house and the "tunnel view effect" and "loss of 34% of the view" arguments are not accurate.
 - The SW ridge of the proposed house is at the maximum height as allowed by city code. Mr. Carver wrote in his letter dated 7/1/15 that "The proposed height...is now 3 feet below the maximum building height permitted in the front of the house..." See enclosed letter with highlights. (Exhibit 1)

The following addresses the major concerns of the community.

1. **The views to and from Seastone and how they relate to Carmel's view sharing policy. See pages 29, 30 and 31 of Carmel's Residential Design Guidelines with highlights. (Exhibit 2)**
 - We believe that the views which would be lost from Seastone are **significant**. The views we are referring to are the **direct beach and white water views over the Corradini residence** currently enjoyed from the main living areas of the home; the dining room, the living room and the ocean side deck. The current proposal substantially eliminates the existing significant view currently enjoyed from Seastone.
 - The design of the homes does not balance and share the white water and beach views seen directly over the subject property.
 - The design does not balance the views from the public way to Seastone as an important historic resource.
 - The proposed building is tall and bulky near both the north and south property lines due to the multiple gables running in opposite directions creating a "wall" effect.
 - The applicants did not consult the neighbors early in the design process
 - The location of the building straddles the width of the lot blocking views across the entire lot.
 - The mass of the building is high not low, blocking white water and beach views from the east neighbor.
 - The applicant did not follow the direction specifically provided in preliminary site assessment including **See letter from Christy Sabdo dated March 5, 2015 and pages 3,4 and 5 of Preliminary Site Assessment with highlights. (Exhibit 3)**
 - Those mentioned regarding maintaining views and "unobstructed ocean views available from neighboring residences" and specifically pointing out Seastone.
 - Neighborhood input: Staff strongly recommends approaching neighbors prior to any public hearings to explain the project

Carver indicated the design would only impact:

- .44% of the views
- 2% of the views
- ½ the beach and whitewater views

We feel it would be best if you determined if the view being eliminated from Seastone is significant.

2. The current design does not take into consideration item 6.0 of Carmel's Residential Design Guidelines. The garage is a dominant part of the design.
- See enclosed CRDG pages 32, 33 and 34 with highlights. (Exhibit 4)
 - If approved the proposed 726 square foot garage is one of the largest, if not the largest garages ever approved in the city of Carmel, since the inception of the Residential Guidelines, on a 4,000 square foot lot. The average size of a garage on a 4,000 square foot lot is 200 square feet. The width of the proposed garage door is twice that of virtually every other home in Carmel located on a 4,000 square foot lot newly constructed, not remodeled, in the last 15 years. See enclosed drawings. (Exhibit 5)
 - The current plans call for substantially raising the finished floor and garage of the proposed house. Raising the garage will significantly increase the visibility of the 19 foot wide garage doors making the garage a dominant part of the street elevation of the house.
 - Properties located in the Beach and park overlay and those especially on Scenic Drive should be held to a higher standard regarding sensitivity of design and adherence to the Residential Guidelines than the norm.
 - The three homes located immediately to the south of the subject property all have large 2 car wide garages facing the street and, if approved, this will be the fourth property in a row with these abnormally wide and large garages which go against the Residential Guidelines creating a "garage row" feeling on this part of Scenic Drive in Carmel. See enclosed photos. (Exhibit 6)
 - It is important to note that the three homes to the south have all been recently remodeled and the garages were existing prior to the remodels. The subject property does currently have a two car garage on a lower elevation than proposed plans, however the existing home is being demolished and replaced with a new home providing the city with an opportunity to lessen the effect of four large garages located in a row along Scenic Drive.
 - Virtually all of the other homes along Scenic Drive approved and developed over the past 15 years have simple small garages that do not dominate the design. The majority of these garages are positioned well below the street and have driveways that are steeper than the existing driveway of the Scenic property and significantly steeper than the proposed driveway. The proposed Corradini garage is 19 feet wide on a lot that is 40 feet wide. The recently built home 2 doors north of the subject property, as well as the current home under construction 3 doors north of the subject property both have a single car garages positioned well below the proposed Corradini house and both of these properties have twice the width of the lot as the Corradini property. These recently approved plans with garages have far less visual impact on the public view than the Corradini project. These types of design are in keeping with Carmel's Residential Guidelines. See enclosed photos. (Exhibit 7)
 - The slope of the existing driveway, as measure by a field survey completed by a licensed civil engineer, is 15.5% not 18.75% as represented by the plans submitted to the city. This is good news as this slope represents a reasonable slope for virtually all cars, with

the exception of lowered race type cars, to navigate safely in and out of the garage and certainly would not be a problem for Mr. Corradini's Chevy Tahoe. In fact this slope is less than most all of the other recently constructed and approved homes along Scenic Drive. **See photos and slope calculations. (Exhibit 8)**

3. The current design does not take into consideration item #7 of Carmel's Residential Design Guidelines. The proposed structure with a large two car wide garage just 2 feet below street level and the balance of the house stacked above the garage, with gables running both north/south and east/west appears large, tall and bulky from the street. **See enclosed CRD pages 35, 36, and 37 with highlights. (Exhibit 9)**
 - The proposed driveway has very little slope and is only 2 feet below the street grade, lifting the garage up substantially from the existing garage.
 - The proposed building as seen from the street will be very similar in size, scale, bulk and height as the property located immediately to the south resulting in less diversity among the homes and also creating the appearance of a narrow corridor between buildings as seen from the street.
 - The mass of the building has been maximized as seen from the public way not minimized.
 - The floor area proposed below the "future increased grade" does not reduce the height as seen from the street and does not minimize the impacts as seen from the public right of way.
 - The oversized and raised garage make the structure appear massive and steps were not taken to avoid this.

4. Raising the proposed floor level above the existing floor level by 2 feet to create a new higher "basement" to capture the "bonus" square footage. We are not aware of any other project approved in the past 15 years where the ground level was raised by anywhere near this amount and still be able to claim the area below as "basement space". It is difficult to decipher the applicants plans, however if a site visit were made you would see the following:
 - The existing floor level is clearly above the existing grade on the north side of the property. **See photo (Exhibit 10)**
 - CMC section 17.70.02 defines basement as ... "the finished floor level directly above the space is not more than one foot above BOTH the existing or final grade".

5. We concur with Commissioner Goodhue that the proposed house is higher than depicted by the applicant on the plans presented to the commission. We suggest a site visit be completed so that all parties can have an accurate understanding of the height of the house and garage.
 - The south west ridge of the proposed house is higher than the eve of the house to the south and is still depicted as being lower. **See photos (Exhibit 11)**
 - The North West ridge of the proposed house, the lowest ridge elevation is 3.8 inches higher than the north neighbor's eve line. **See photo (Exhibit 12)**

- The finished floor level of the proposed house is actually at the top of the orange netting attached to the existing house. **See photo (Exhibit 13)**
6. We would suggest a site visit to review all heights and setbacks of the proposed project as the netting was altered August 28th 5:30 p.m. It appears that the netting on the west side was adjusted closer to the street.
 7. Mr. Carver indicated at the planning meeting that the height of the ceiling in the dining room was 8 feet. The proposed plans show a height of 8 feet 5 ½ inches. While this is only 5 ½ inches it will help lessen the view impact of the proposed project.

The crux of the problem is raising the floor level to accommodate the garage. If the applicant were to lower the floor level by a few inches and make some minor adjustments to the ridge heights it would go a long way in addressing the concerns of the public and be in better keeping with Carmel's Residential Guidelines.

Thank you for your help and input with this project. We sincerely hope that we can work together to find a plan that can be embraced by the community and will provide a home the Corradini's will love.

Sincerely,

Tim and Lynn Allen



July 1, 2015

City of Carmel-by-the-Sea
 Ms. Christy Sabdo
 Dept. of Community Planning & Building
 PO Drawer G
 Carmel-by-the-Sea, CA 93923

*No pictures - to show the
 (lost from house)*

Re: Corradini Residence (DS 15-105)
 4 SE of 9th on Scenic

*From my post on 6/16/15
 re: a concern*

Dear Ms. Sabdo,

Thank you for forwarding copies of the letters received by the neighbors of the Corradini Residence aka Dolce Carolina. We have carefully read through each letter and would like to respond to the concerns and comments expressed in each. The letters we have to date are from Tim Allen, Tom Bruce, Greg Linder, Pat Parrish, Paula Robichaud, and Kathy & Gary Bang. If any other letters have been submitted to the City, please let us know.

We would like to start by addressing the concerns presented by Mr. Allen, Mr. Bruce, Mr. Linder, Mr. Parrish, and Ms. Robichaud as they all pertain to the proposed height of the new home.

We have met with Mr. Allen three times at his home to review the proposed design and staking and to discuss ways of lowering the height. As far as we know Mr. Bruce, Mr. Linder, and Mr. Parrish do not live near our project, so their views will not be affected.

Our first meeting with Mr. Allen was on 6/1/15. We reviewed the staking of the proposed home which at the time was 1'-4" below the maximum permitted building height as reflected the drawings originally submitted to the City for Track 2 review. Mr. Allen felt that the proposed design would take away his view so we revisited the design of the house. We lowered the plate height at the main level by 8" and reduced the pitch of the roof from 6:12 to 4:12. This resulted in us lowering the proposed roof approx. 2'-2", making it 3'-6" below the maximum permitted building height. We returned to meet with Mr. Allen 6/10/15 to review the lowered staking at which time Mr. Allen complained that we needed to reduce the height a lot more.

*Not
 - correct to
 1/2"*

Finally, our client, Mr. Corradini, flew up from Southern California to attend the most recent meeting with Mr. Allen on 6/15/15. We have worked with our client since then to modify the design in order to reduce the height even further. The proposed basement level and main levels are now a total of 4" lower than what was last staked. **The house has been shifted back into the site 5'-6" from the existing home's location to accommodate more view for Mr. Allen. Mr. Corradini has diminished his own views by 34% to the North and South to accommodate Mr. Allen.** *Not fine Dick is up to west side of house*

*3' 1/2"
 in 3' 1/2"*

The proposed height of Dolce Carolina, as submitted to the City on 6/17/15, is now 3'-0" below the maximum building height permitted by code in the front of the house and maximum building height at the back East end of the ridge.

only 1/2" ... 1/2"

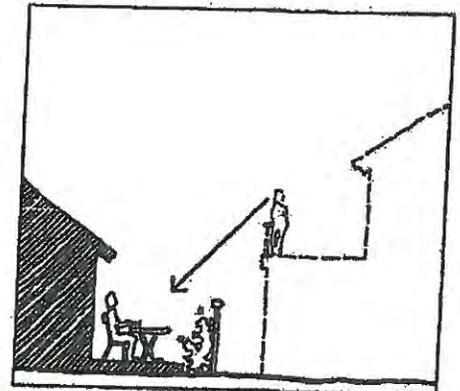
Not 1/2"

5.0 Privacy, Views, Light and Air

Neighborhoods originally developed at relatively low densities and the amount of planted open space was extensive. Most blocks evolved with a reasonable degree of privacy for individual houses. Retaining this sense of privacy, in spite of higher densities, remains an objective.

Objectives:

- To maintain privacy of indoor and outdoor spaces in a neighborhood
- To balance and share view opportunities to natural features and landmarks



Discouraged: Overlooking active outdoor areas on adjacent properties.

5.1 Organize functions on a site to preserve reasonable privacy for adjacent properties.

- Position a building to screen active areas of adjacent properties when feasible.
- Locate windows and balconies such that they avoid overlooking active indoor and outdoor use areas of adjacent properties.
- Preserve significant trees that will help to screen views into adjacent properties.
- Screen patios, terraces and service areas.

Views, Light and Air

Views to natural features and landmarks are key features of Carmel's design traditions. Important views occur to the ocean, canyons, and along streets. Protecting views is an important community concern. This includes views from public ways as well as those through properties. Also note that the desire to maximize view opportunities from one's own property must be balanced with consideration of respecting views of others. The preliminary site analysis may help identify view opportunities as well as existing views enjoyed by others.

Designs also should preserve reasonable solar access to neighboring parcels. Designs should protect and preserve the light, air and open space of surrounding properties, when considered cumulatively with other buildings in the neighborhood. Incorporating tall or bulky building elements near the property line of an adjoining site should be avoided.

Policy P1-65

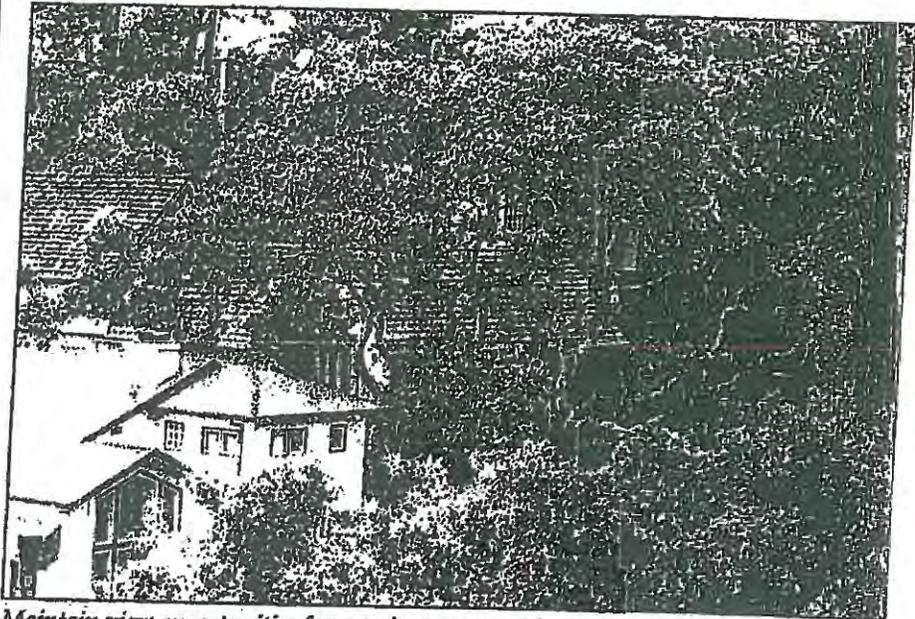
Consider the effect of proposed residential construction on the privacy, solar access and private views of neighbors when evaluating the design review applications. Avoid designs that are insensitive to the designs of neighboring buildings. Attempt to achieve an equitable balance of these design amenities among all properties affected by design review decisions.

All applicants are strongly encouraged to consult with neighbors early in the design process to learn their concerns and explain proposed projects.

Remember that trees are part of the view and that views are often filtered or transitory because of the urban forest. City policy prohibits trimming trees for views.

5.2 Maintain view opportunities to natural features that lie outside the property.

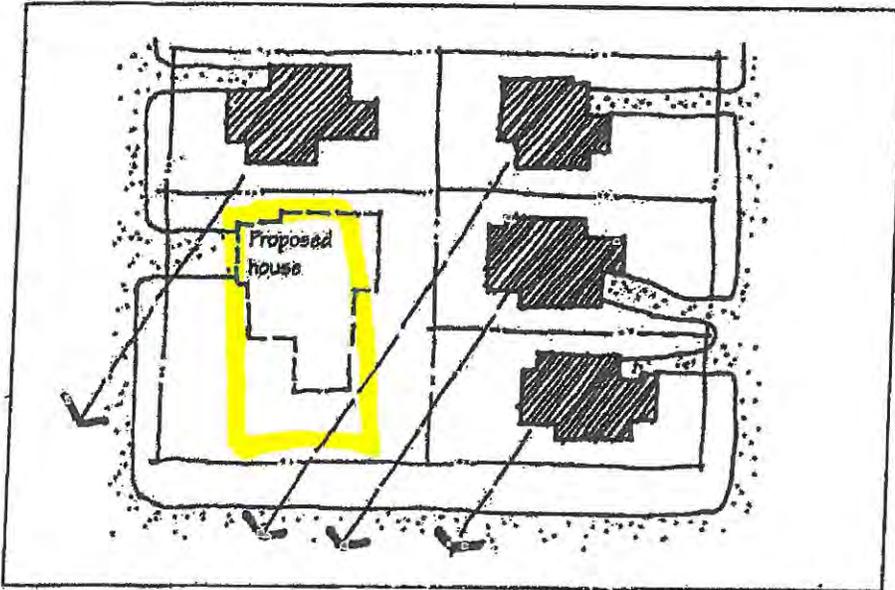
- Consider locating key building functions to make use of views.
- Also locate buildings so they will not substantially block views enjoyed by others.



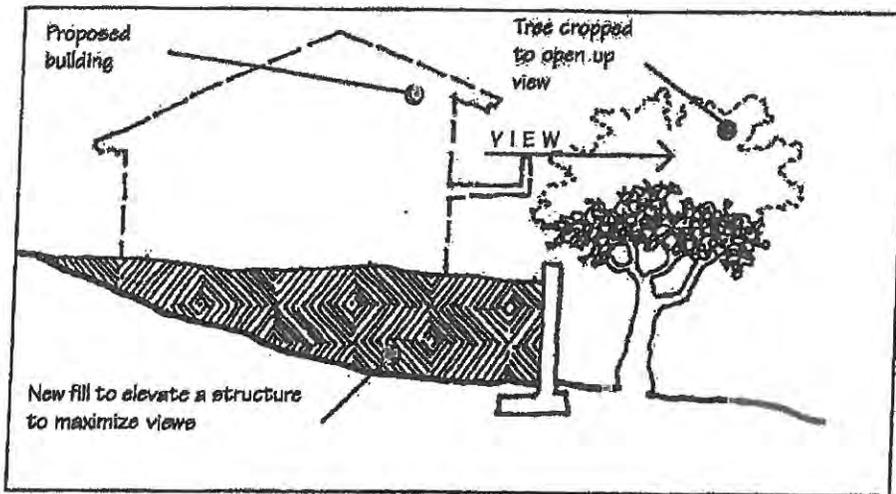
Maintain view opportunities from a site to natural features outside the property.

5.3 Maintain views through a property to natural features when feasible.

- Locate major building masses to maintain some views through the site from other properties.
- Consider keeping the mass of a building low in order to maintain views over the structure.
- Also consider using a compact building footprint to maintain views along the sides of a structure.



Preferred: A new building is sited to maintain views from existing houses.



Discouraged: Elevating a site to maximize views.



City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE
(831) 620-2014 FAX

March 5, 2015

Robert Carver, AIA
PO Box 2684
Carmel, CA 93923

Subject: SA 15-052 (Corradini Assessment)
4 SE of 9th on Scenic
Block: A2; Lots: 7 & N portion of Lot 8; APN: 010-302-010

Dear Mr. Carver:

Enclosed is a copy of the annotated survey and the notes from our preliminary site assessment. These notes are to inform you of the site opportunities and constraints that should be addressed in your design. Specifically, potential impacts to trees labeled "significant" and their associated root zones and neighbor views and privacy should be avoided. Other reference materials, such as Carmel's Residential Design Guidelines, residential zoning standards, and Design Study applications, are available at the Planning Department. If you have any questions or require further information, you can reach me at (831) 620-2023.

Sincerely,

Christy Sabdo
Contract Planner

Encl: Preliminary Site Assessment
Annotated Survey

cc: Ronald Corradini
18100 Mt. Washington Street
Fountain Valley, CA 92708

- **Topography & Drainage:** The Design Guidelines encourage designs that follow the natural contours of the site and that avoid abrupt changes in grade on the site and between properties.

Following design approval, plans that are submitted for a building permit shall include a storm water drainage plan. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. There are opportunities to decrease existing impermeable materials on-site to improve drainage.

The grade drops approximately 15 feet from the rear to the front of the property or east to west). Any proposed additions to the house should promote the use of the property's natural slopes with either stepped floor plans or by locating some floor area partially below grade.

- **Opportunities for sub-grade spaces (basements, etc.):** Yes, see Topography & Drainage above.

Potential Neighbor Impacts

- **Privacy concerns (large facing windows, outdoor living spaces):** The Design Guidelines encourage preserving reasonable privacy for adjacent properties.

There are potential privacy concerns identified with the neighboring residences to the north and south. Proposed new residences or additions should retain the privacy of indoor and outdoor spaces of the neighboring residences. In addition, the placement of windows should be carefully considered to protect the neighbor's privacy.



- **View concerns:** The Design Guidelines encourage maintaining view opportunities to natural features that lie outside the property.

Consideration should be made to protecting the unobstructed ocean views available from the neighboring residences (see photos page 4).

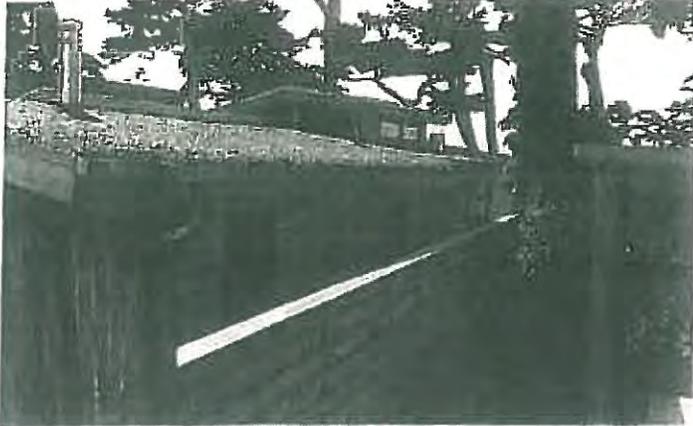
- **Mass, scale and 'access to light' relationships between properties:** The Design Guidelines encourage a building's mass to relate to the context of other homes nearby and to minimize the mass of a building as seen from the public way or adjacent properties. The Guidelines also encourage buildings to relate to a human scale in its basic forms.

Any improvements or new development should be in scale with the neighborhood and comply with the 18 foot height requirements within the Beach and Overlay District (i.e. properties located west of North San Antonio

3

PSA 15-052 (Corradini)
March 5, 2015

Ave). Any additions to the residence or garages fronting Scenic Road should be "staggered" to provide variety in the arrangement of buildings and open spaces along Scenic Road.



Looking at neighbor to the south
from rear of property



Looking at neighbor to north
from rear of property



Looking at neighbor to the east
from rear of property



Looking at neighbor to northeast
from Scenic Road

PSA 15-052 (Corradini)
March 5, 2015

- **Adjacent two-story near sidelines that could create 'tunnel effects':** The Design Guidelines discourage placing a tall building wall near a property line when it will be adjacent to similar walls on neighboring sites.

New additions adjacent to this home should minimize 'tunnel effects' that could occur if proposing a two-story addition. Sub-grade spaces should be considered in any proposed additions to minimize massing and a 'tunnel effect.'

- * **Neighborhood Input:** Staff strongly recommends approaching neighboring property owners prior to any public hearings to explain the project and address any potential concerns. Most project delays occur when applicants have not reached out to neighbors early in the process. This is particularly true for two-story projects.

Historic Status

- Is the property listed on the City's Inventory of Historic Resources (Y or N): No.
- Does the property require additional review? No. A Final Determination of Historic Ineligibility was issued on November 18, 2014.

Electrical Service

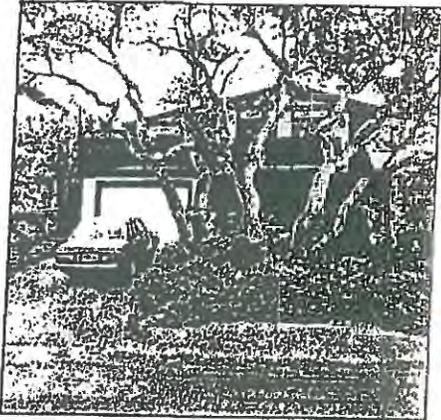
Electrical service laterals to any new building or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the property owner's main service equipment shall be placed underground (15.36.020 Placement of Service Laterals).

Additional Resources

Visit our website at www.ci.carmel.ca.us, then click on "Government" then "Staff/departments" then "Community Planning and Building" for information on the Design Review Process, copies of the Design Guidelines and Municipal Code, information on the Green Building Ordinance, Title 7A of the Building Code, etc.

Comments

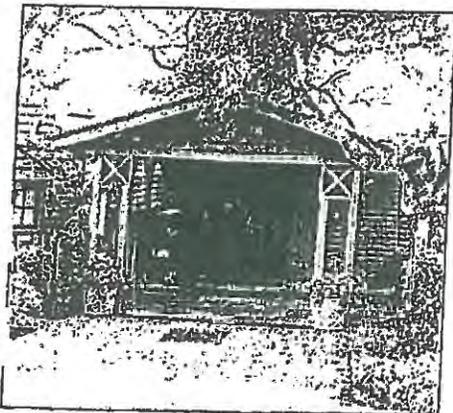
The subject property is in two overlay districts, the Appeal Jurisdiction/Beach Overlay District (AB) and the Park Overlay District (P).



Facilities for parking should not dominate the design of the house or site as shown here.



In limited circumstances a garage may be located under a structure when the visual impacts will be minimized. This garage is clearly subordinate to the main building mass.



Consider using a carport for variety.

6.0 Parking and Access

Traditionally, parking was a subordinate element in Carmel's residential neighborhoods, both on an individual parcel and along the street in general. Today, providing access for an automobile on a site is often a necessity, and doing so is encouraged, as a means of reducing on-street parking pressures. Nonetheless, it should remain subordinate to the overall character of the site.

Usually a garage was a subordinate element in a site plan and often was detached from the house. The wide variety of garage positions contributed to the diversity of the street scene: Many were located at the front property line, while others were sited in the rear. In later years, the garage was often attached, but remained subordinate to the main mass of the house. These traditions of diversity and subordinate character should be continued.

In some cases, it appears that owners positioned their garages away from prominent views. In particular, they located them uphill, away from downhill views to the ocean. When locating a garage, consider view impacts, the relationship to open space on the lot, and the relationship to that of neighboring properties.

Objectives for this section:

- To minimize the visual impacts of cars on a site
- To minimize the extent of hard, impervious surfaces
- To avoid garage structures that dominate the site and building design

6.1 Facilities for parking should not dominate the design of the house or site.

- Garages that are subordinate design elements are encouraged.
- Garages that are not visible from the street are encouraged.
- Garages integrated into the building design are encouraged.
- Keep the mass of a garage subordinate to that of the house.
- On smaller lots, with a garage visible from the street, provide a single, one-car garage door.
- Avoid moving established driveways if trees or significant vegetation would be harmed.

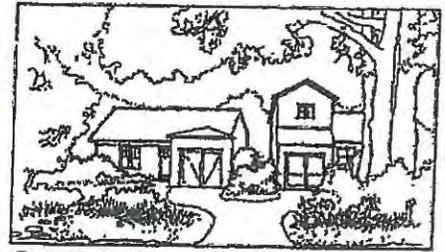
6.2 Parking facilities that maintain or enhance variety along the street edge are encouraged.

- Consider using a detached garage or carport.
- In some cases, parking facilities may be located in setbacks if this helps to achieve other design objectives.

Driveway paving

6.3 Minimize the amount of paved surface area of a driveway.

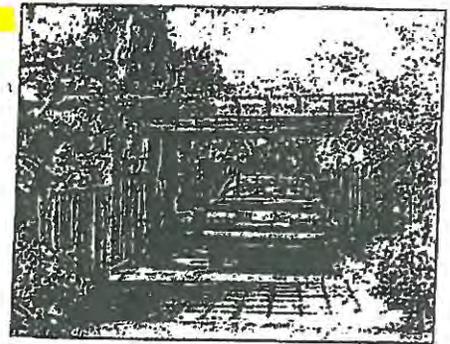
- In general, the width of a driveway should not exceed 9 feet.
- Also consider using paving strips, or "tire tracks," for a driveway. This is especially appropriate for a long drive that runs to the rear of a property.
- Except for corner sites with a "through driveway," only one curb cut and one driveway should be provided for a site. Sharing a driveway with an adjacent property is an alternative that also should be considered.
- Avoid large expanses of paving for vehicles visible from the street.



Consider using a shared driveway to minimize the amount of paving area.

6.4 Separate a driveway from a front walkway to reduce the visual impacts of paved surfaces.

- Install plant materials to separate a walk from a driveway.

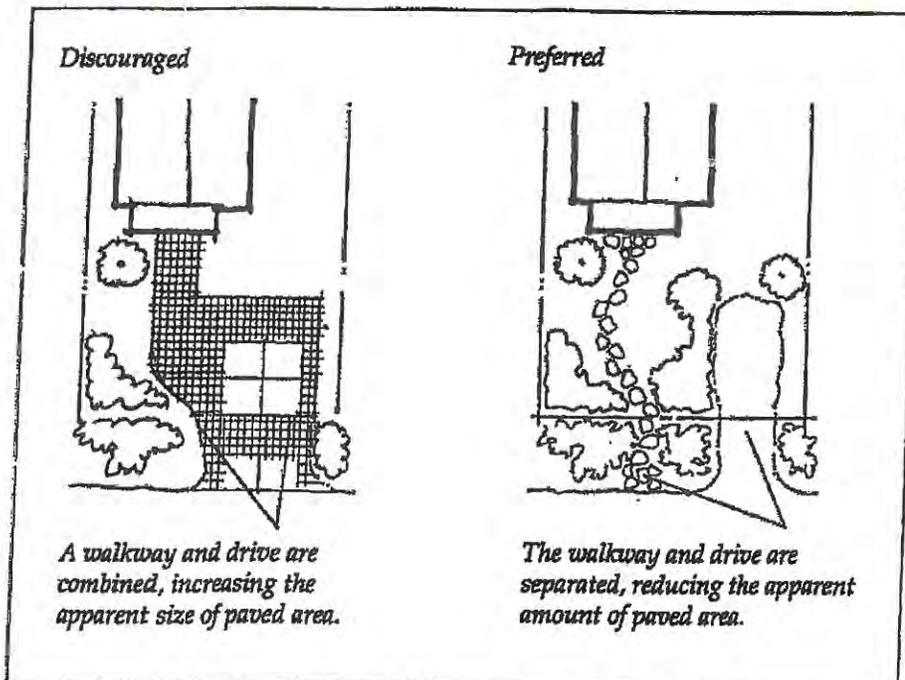


Position a garage (or carport) to maximize opportunities for open space, views and privacy.

Garage location

6.5 Position a garage to maximize opportunities for open space, views and privacy.

- Locate a garage to maintain larger contiguous areas of open space on a site.
- Locate a garage to screen activity areas on adjacent properties to enhance privacy.
- Locate a garage to maintain views through the property.



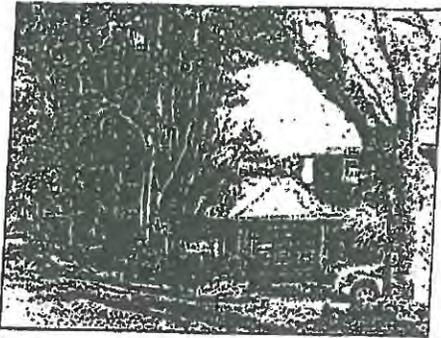


Preferred: Locating a detached garage at the rear of the lot

6.6 Locate a garage to minimize its visual impacts.

Three options should be considered:

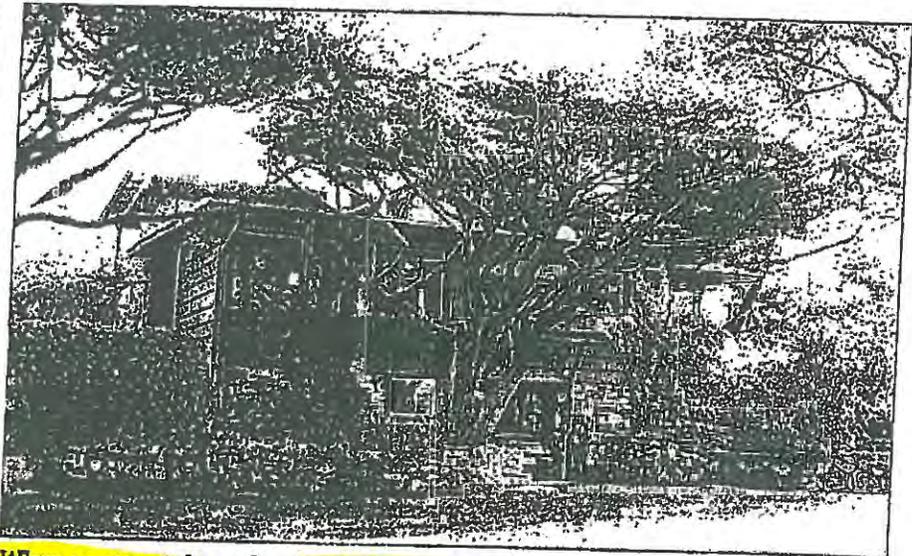
1. Detached, at the rear of the lot.
2. Detached, in front, within the front setback is acceptable, when other design traditions objectives are met. This option should not be repeated to excess within a block.
3. Under the house, when other design tradition objectives are met. (See below.)



Preferred: Orienting the garage door away from the street.

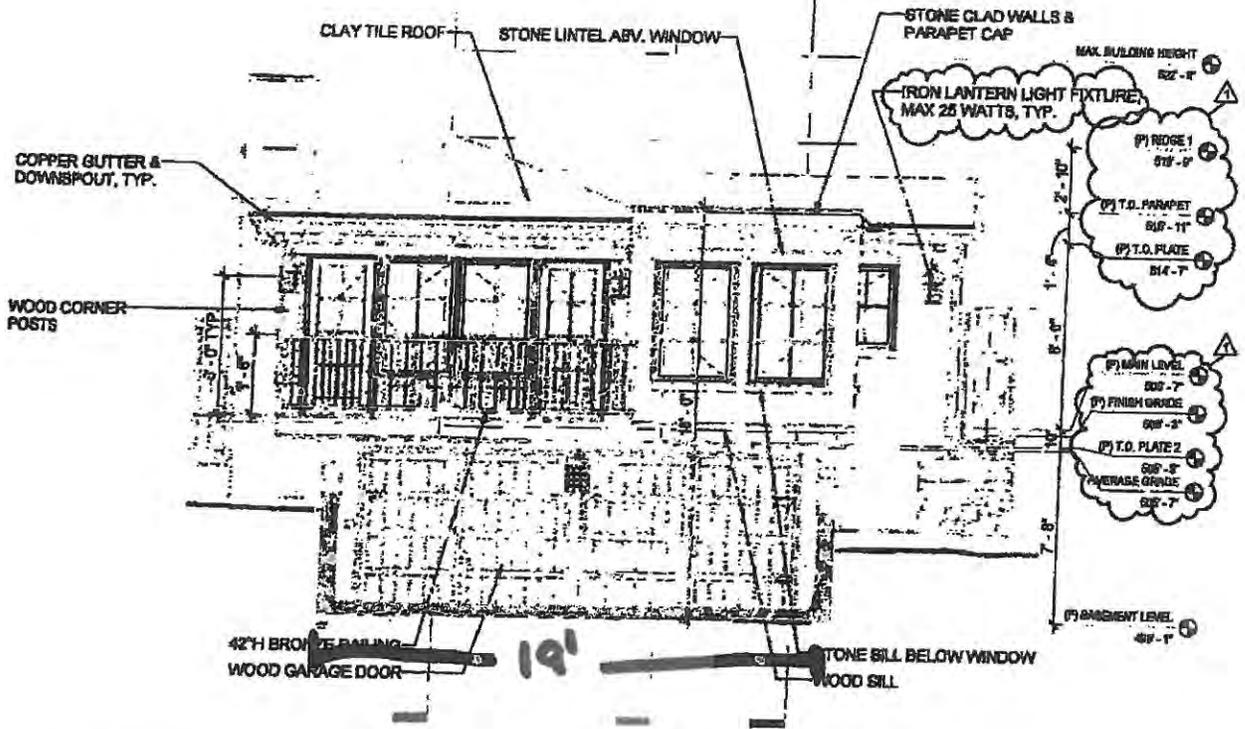
6.7 In limited circumstances a garage may be located under a structure when the visual impacts will be minimized.

- The garage door should not dominate the front of the house. A door perpendicular to the street is best in this condition, and...
- The driveway may not dominate the front garden and may not create a "ramp" effect or introduce tall or massive retaining walls. A sense of a front yard must be maintained.



When a garage is located under the house, the driveway should not create a ramp effect. The garage door also should not dominate the front.

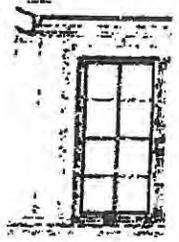
Sloped driveway is less visible
Lower garage is less visible and not dominates the front of the house.



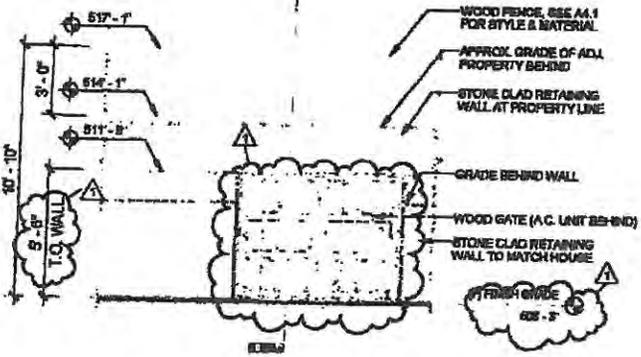
1 WEST ELEVATION
1/4" = 1'-0"



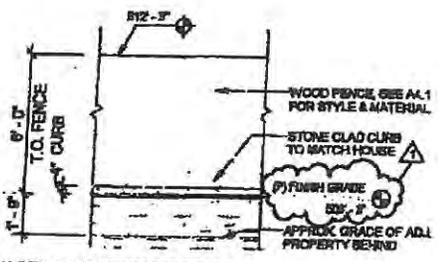
IRON LANTERN LIGHT P1
MAX 25 WATTS, TYP.



3 PATIO - WEST ELEVATION
1/4" = 1'-0"

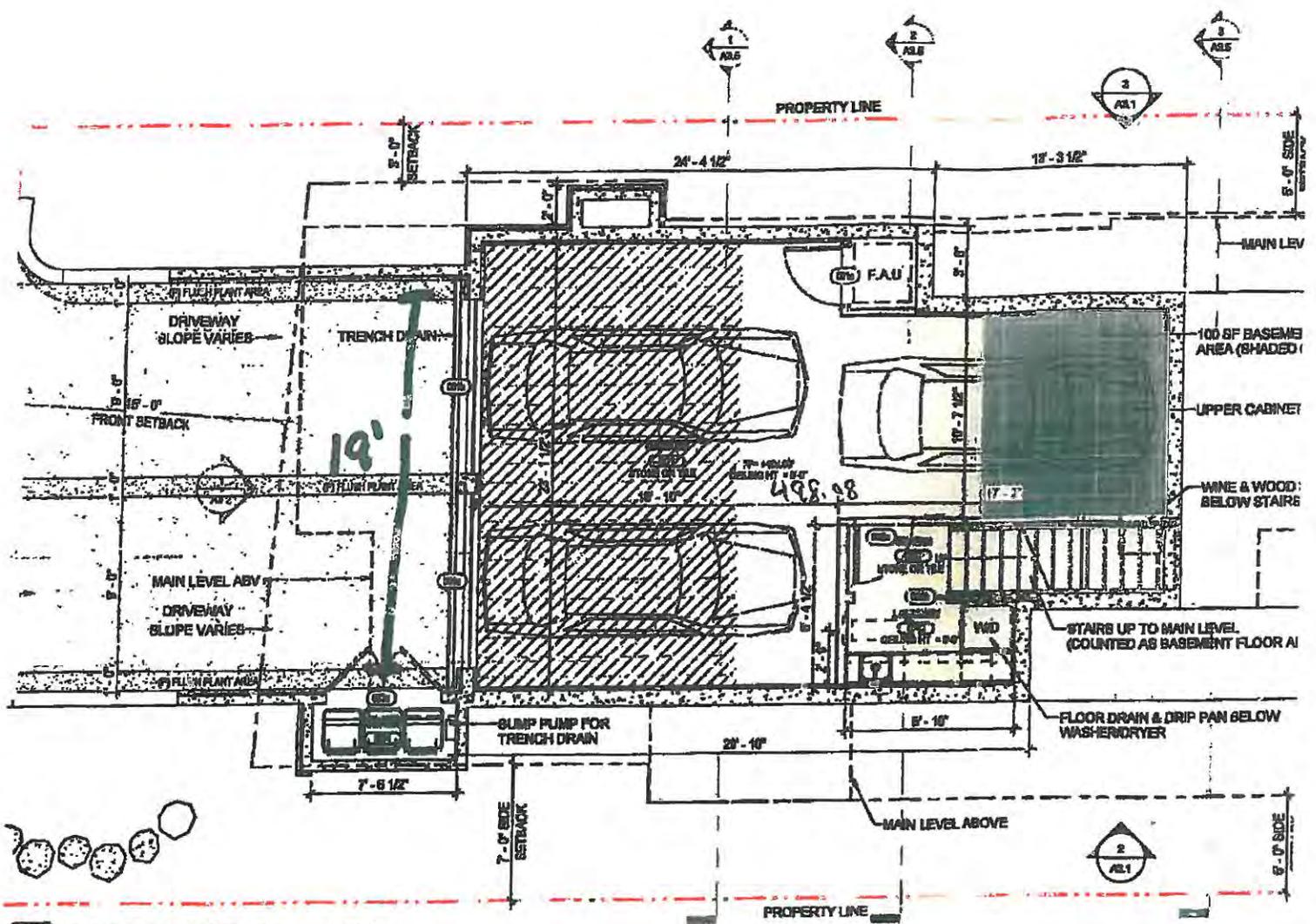


5 REAR YARD RETAINING WALL, TYP.
1/4" = 1'-0"



6 NORTH PROPERTY LINE FENCE & RETAINING WALL
1/4" = 1'-0"

5



	BASE FLOOR AREA IN BASEMENT	313 SQ.FT.
	BONUS FLOOR AREA IN BASEMENT	313 SQ.FT.
	BASEMENT INCENTIVE FLOOR AREA	100 SQ.FT.
	TOTAL	726 SQ.FT.

LEVEL



6

156 of subject

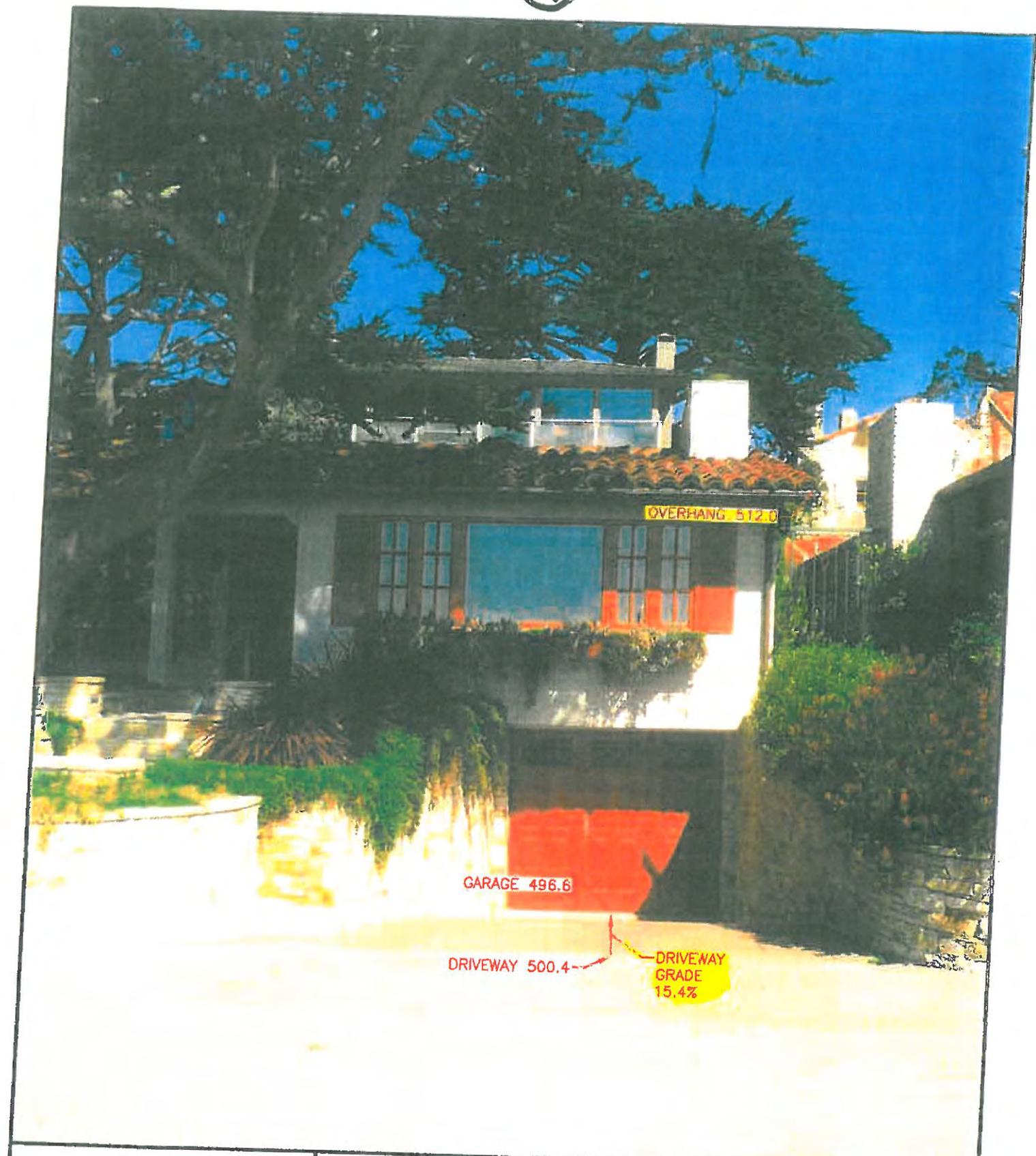
Profans to 957



6



356 of subject
Remodel



ELEVATION EXHIBIT

APN 010-302-011
CARMEL-BY-THE-SEA
CALIFORNIA

DRAWN BY: SMG

DATE: 9-1-15

JOB NUMBER: 15-056



2-C16: In Road, Suite 11 Monterey, Calif. 93940
Ph 831.856.2723 Fx 831.876.3426
Lead8@engineers.com



ZNE of Subject
New house



7



①





8

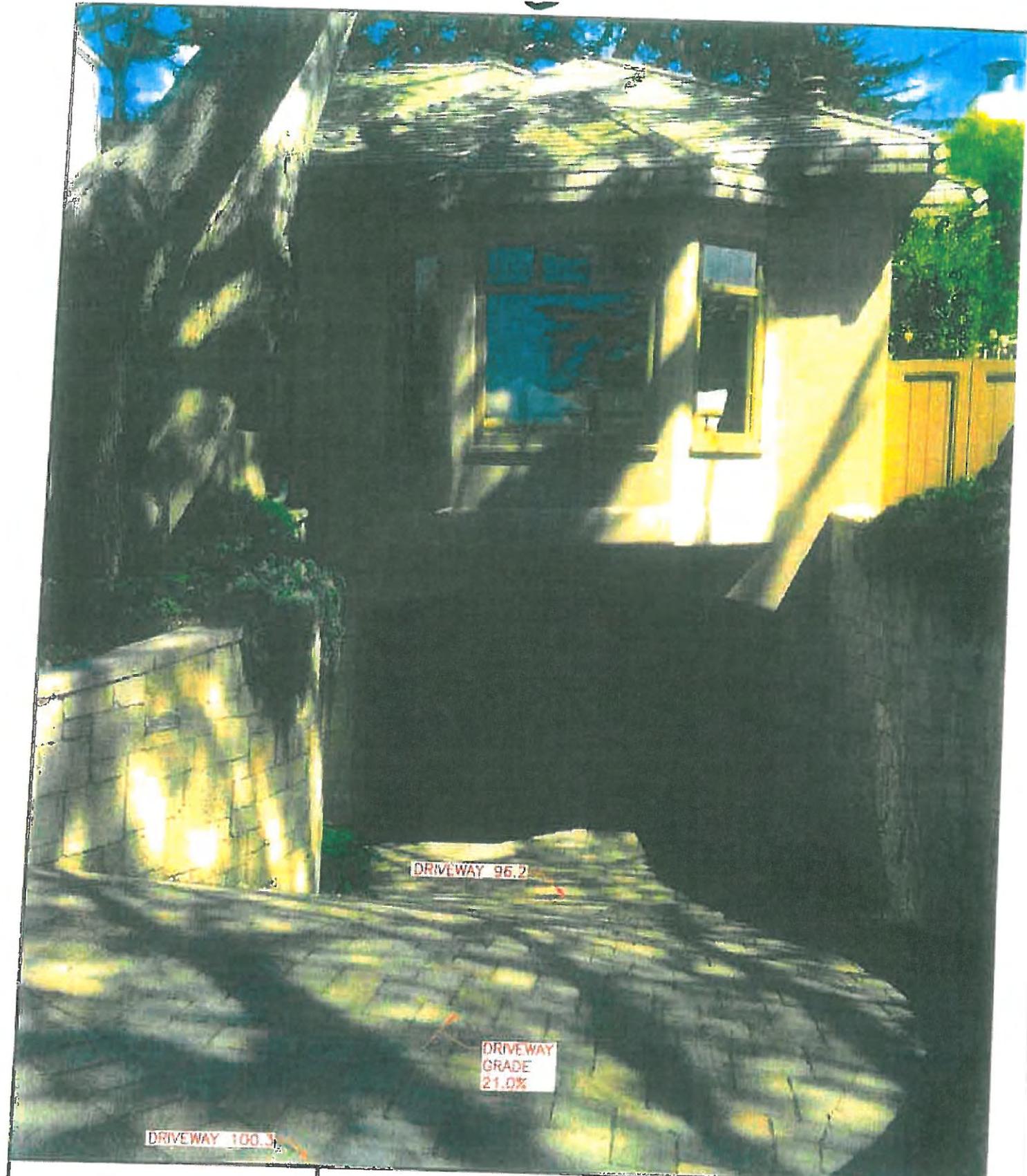


ELEVATION EXHIBIT

APN 010-302-010
 CARMEL-BY-THE-SEA
 CALIFORNIA

DRAWN BY: *SMG*
 DATE: 9-1-15
 JOB NUMBER: 15-056

L&S ENGINEERING AND SURVEYING, INC
 2490 Corbin Ave., Suite G-11, Mirrey, California 92010
 Ph: 831.656.3728 • Fax: 831.656.3426
 LandSengineers.com



ELEVATION EXHIBIT

APN 010-292-001
 CARMEL-BY-THE-SEA
 CALIFORNIA

DRAWN BY: *SMG*

DATE: *9-8-15*

JOB NUMBER: *15-036*



2760 Garden Road, Suite G, Monterey, CA 93940
 Tel: 831.856.2723 Fax: 831.866.3425
LandEngineers.com



ELEVATION EXHIBIT

APN 010-303-015
CARMEL-BY-THE-SEA
CALIFORNIA

DRAWN BY: *SMG*

DATE: *9-8-15*

JOB NUMBER: *15-056*

I&S ENGINEERING AND
SURVEYING, INC

2460 Garden Road, Suite 9, Carmel, CA 93980
P: 831.655.2723 F: 831.655.7425
LeadSurveyors.com



DRIVEWAY 95.1

DRIVEWAY GRADE 19.8%

DRIVEWAY 99.2

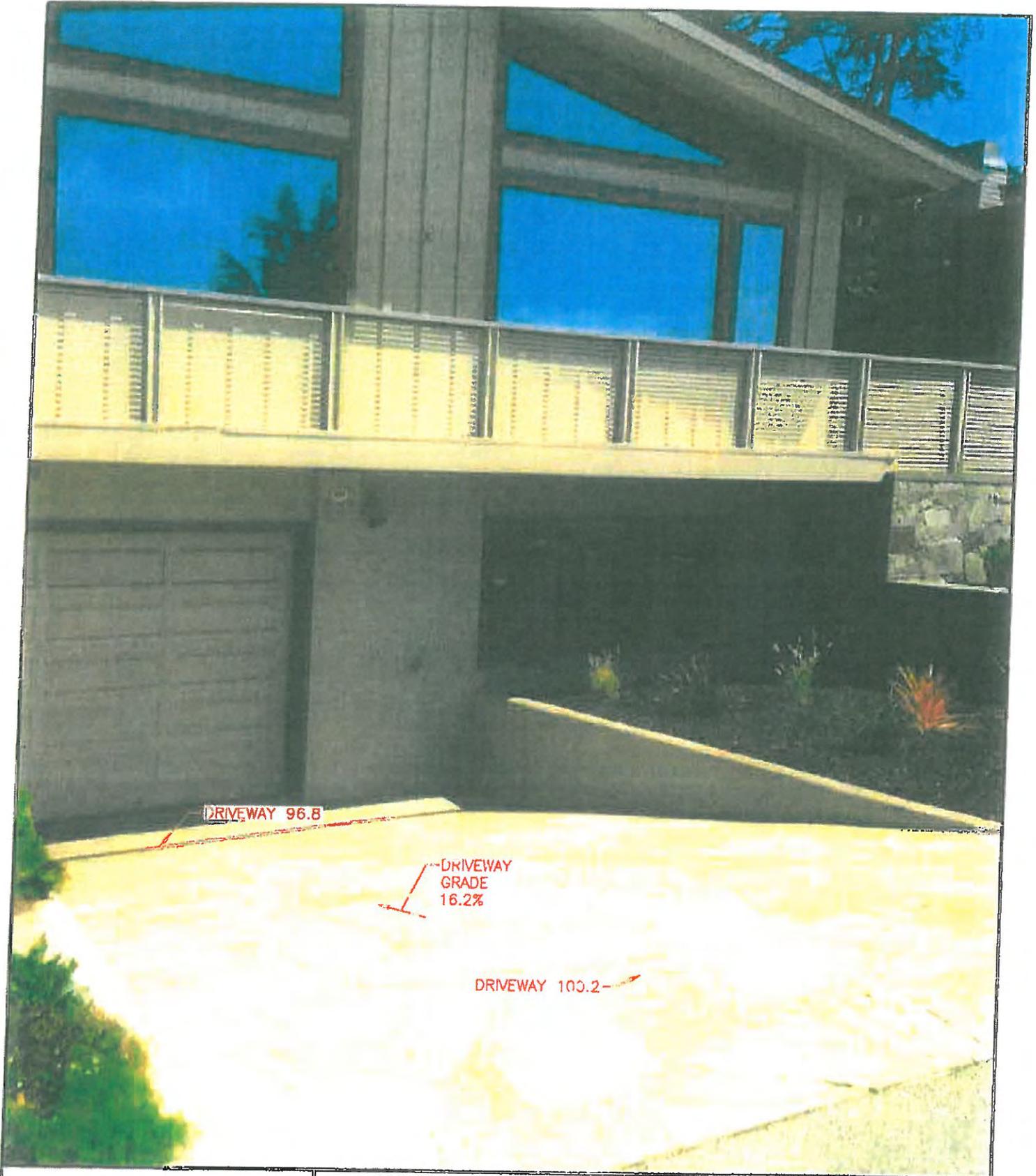
ELEVATION EXHIBIT

APN 010-303-013
CARMEL-BY-THE-SEA
CALIFORNIA

DRAWN BY: *EMG*
DATE: *9-8-15*
JOB NUMBER: *15-056*



2460 1st San Road, Suite 6, Carmel, California 95008
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L&Sengineers.com



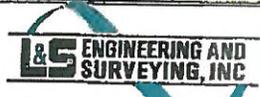
ELEVATION EXHIBIT

APN 010-291-009
CARMEL-BY-THE-SEA
CALIFORNIA

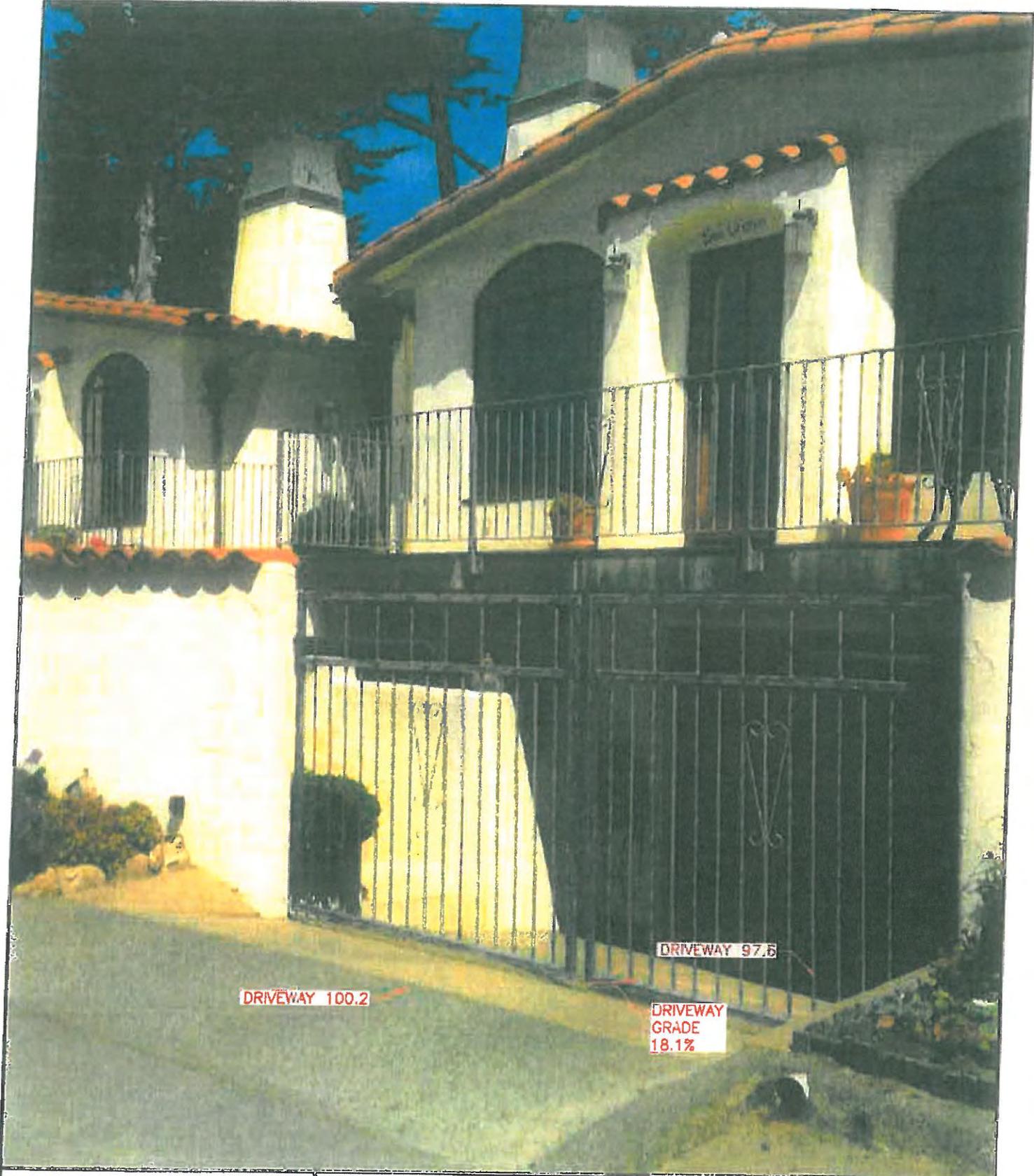
DRAWN BY: SMG

DATE: 9-8-15

JOB NUMBER: 15-036



2470 Garden Road, Suite 6, Carmel, CA 95008
Ph 831.655.2723 Fax 831.655.3426
Lan@engineers.com



DRIVEWAY 100.2

DRIVEWAY 97.6

DRIVEWAY
GRADE
18.1%

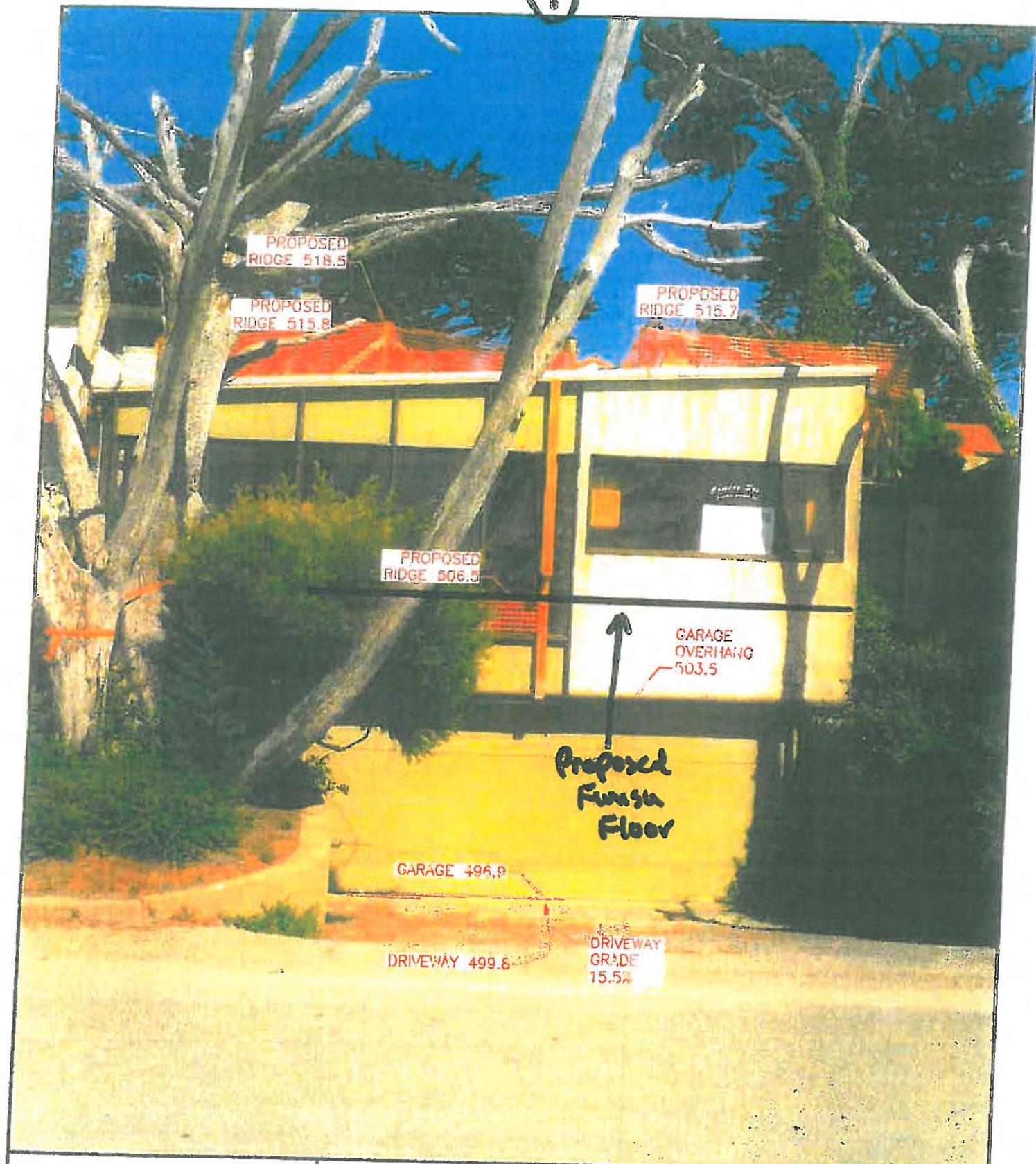
ELEVATION EXHIBIT

APN 010-291-005
CARMEL-BY-THE-SEA
CALIFORNIA

DRAWN BY: *SMG*
DATE: *9-8-15*
JOB NUMBER: *15-056*

L&S ENGINEERING AND SURVEYING, INC

2730 L... Road, Suite 6, Menlo Park, California 94025
 Ph: 651.865.2723 Fax: 651.865.3425
 Land&Sengineers.com



ELEVATION EXHIBIT

APN 010-302-010
 CARMEL-BY-THA-SEA
 CALIFORNIA

DRAWN BY: *SMS*
 DATE: 9-1-15
 JOB NUMBER: 15-056



2460 E. 17th Road, Suite G, Monterey, California 93940
 P: 831.855.2723 F: 831.855.3425
 LandEngineers.com

Building Mass, Scale and Form

Most buildings in Carmel had simple forms and were relatively small in scale, particularly in relation to the size of their lots. A new building should appear similar in scale to those seen traditionally. Large complex structures and those with continuous, blank surfaces can appear massive and should be avoided.

Policy P1-63

Adopt design regulations that establish maximum limits on site coverage and floor area in order to preserve open space and avoid excessive mass and bulk.

Establish provisions for less allowable coverage and floor area on sites constrained by environmental factors to preserve open space, vegetation, natural landforms and the character of surrounding neighborhoods.

7.0 Building Mass and Scale

A building should contribute to the character of the neighborhood and should not dominate the street or neighboring properties. Structures composed of a few smaller, simple elements, rather than a single large, continuous form, are encouraged. A large building mass can block views, interfere with the enjoyment of open space and restrict free passage of light and air. Therefore, a large, expansive building mass should be avoided.



Structures composed of a few smaller, simple elements, rather than a single large, continuous form, are encouraged.

Keeping the actual building mass in scale with those seen traditionally is the best approach. This can be achieved by building less than the allowed floor area, constructing some floor area below grade, avoiding excessive roof volume and keeping above-ground floor levels close to grade. Where a large building mass does occur, some relief should be provided by introducing just a few varied roof lines, offsets or smaller building elements. However, the result should remain simple in character and the overall composition should appear to be a set of discreet rectangular building masses, rather than a complex assemblage of varying planes around a single building mass.

Objectives:

- To maintain the massing and scale of building characteristic of Carmel
- To keep building scale in proportion to the area of the site
- To encourage diversity in housing design reflecting the eclectic mix of styles that is characteristic of Carmel

Building Mass

7.1 A building's mass should relate to the context of other homes nearby.

- Larger building masses should be divided into forms that are similar in scale to houses seen in the immediate neighborhood.
- Using a detached secondary structure (garage, guest house, etc.) is encouraged to reduce the overall mass of the primary building on a site.

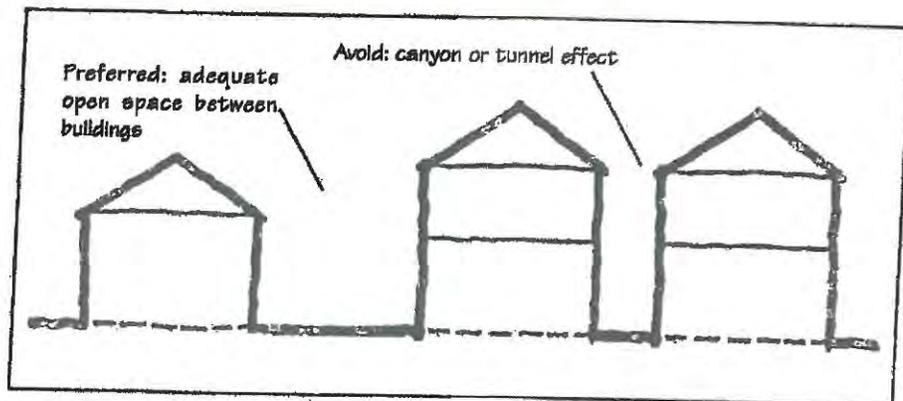
7.2 Minimize the mass of a building as seen from the public way or adjacent properties.

Consider these options:

- Build to less than the maximum floor area.
- Locate some floor area either fully or partially below grade.
- Avoid using tall volume spaces (e.g. high ceilings or steep pitches across wide spans) that increase the visual bulk of a building above grade.
- Avoid long, uninterrupted wall planes.

7.3 Avoid placing a tall building wall near a property line when it will be adjacent to similar walls on neighboring sites.

- Preserve open spaces and access to light between properties.
- Avoid the appearance of a narrow corridor or tunnel between buildings as seen from the street.



Discouraged: Avoid the appearance of a narrow corridor between buildings as seen from the street.

- 7.4 Avoid the creation of large, unused underfloor areas that increase building mass.
- On sloping lots, floor levels should be stepped to follow site grade.
 - If floor levels cannot be stepped, larger underfloor spaces should be counted and used as part of the allowed floor area.

7.5 When locating floor area in a below grade or partially below grade space, minimize the visual impacts as seen from the public right of way and site disturbances.

- Locate any walkout area or terrace to the side or rear to reduce the building height as it will be perceived from the street. When this is not feasible provide screening with other building elements or landscaping.
- The use of exposed retaining walls should be minimized when developing a below-grade space.
- Impacts on tree roots also should be minimized.
- The visual impacts of window wells should be minimized.



A building should relate to a human scale in its forms, elements and in the detailing of doors, windows and walkways.

Building Scale

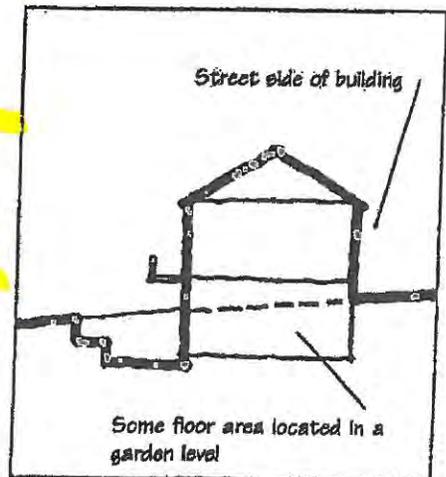
7.6 A building should relate to a human scale in its basic forms.

- Oversized elements make structures appear massive and should be avoided. Avoid a "grand entry" design, for example.
- Avoid design treatments that produce a top-heavy appearance such as large cantilevered building elements, roof forms that dominate the body of the building and wide chimney structures.
- Low, horizontal building forms that appear to hug the ground are encouraged.

Building Height

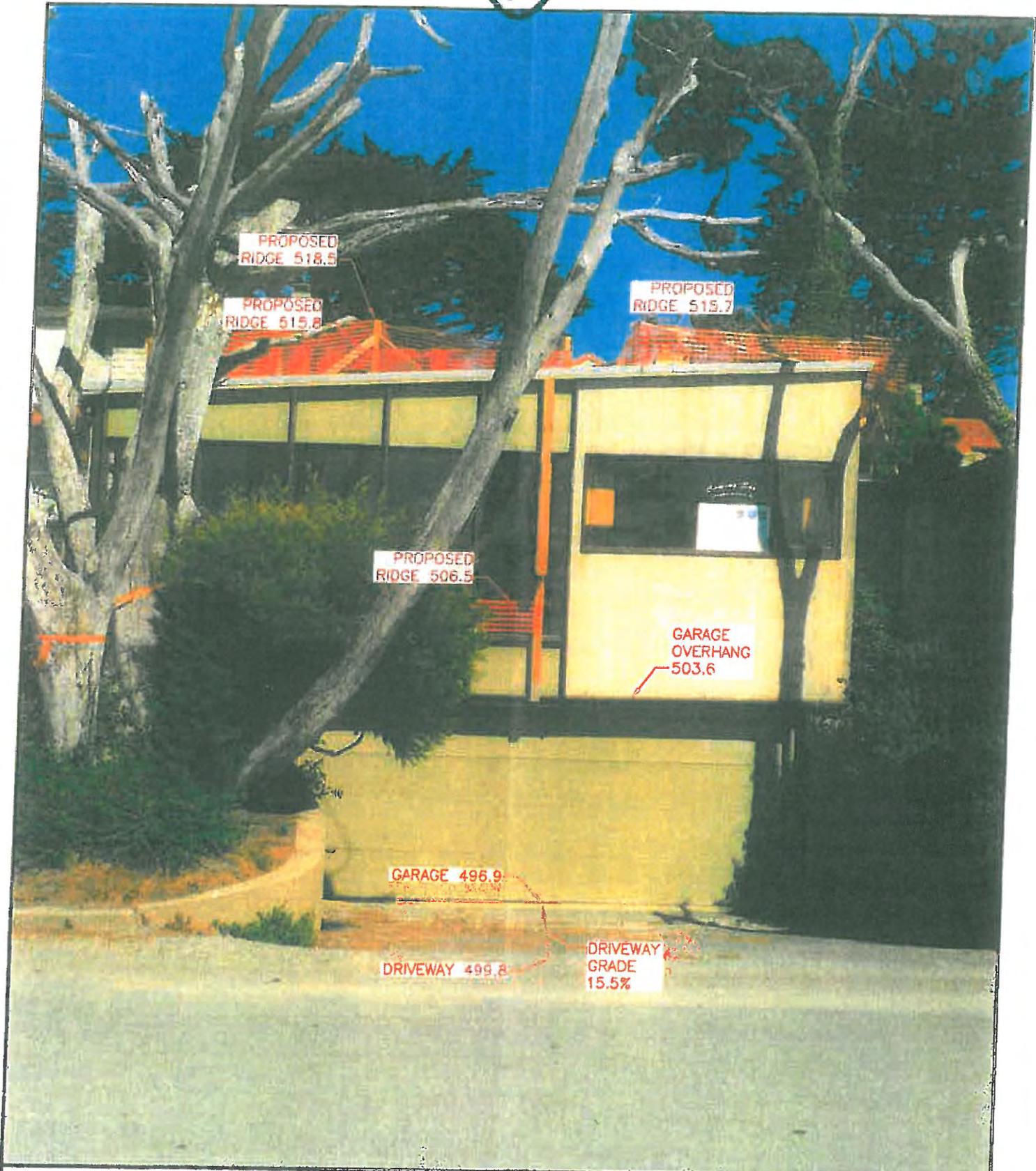
7.7 A building should appear to be no more than two stories in height, as viewed from the public right-of-way.

- Presenting a one-story height to the street is encouraged.
- Locate two story elements downhill, except where this would appear dominant or out of scale when viewed from the public right-of-way or a neighboring home.
- Using a low building plate height also is encouraged. The maximum plate height for the first floor of a building is 12 feet. (See the Land Use Code for details.) However, this maximum is established to accommodate sloping building sites. In cases where a building site is relatively flat, a lower plate height is appropriate. Interior wall heights should generally not exceed 8 feet.
- Locating some floor area below grade or reducing roof pitch are appropriate ways to reduce building height and mass.



Locating some floor area in a garden level is also encouraged as a means of reducing building height.





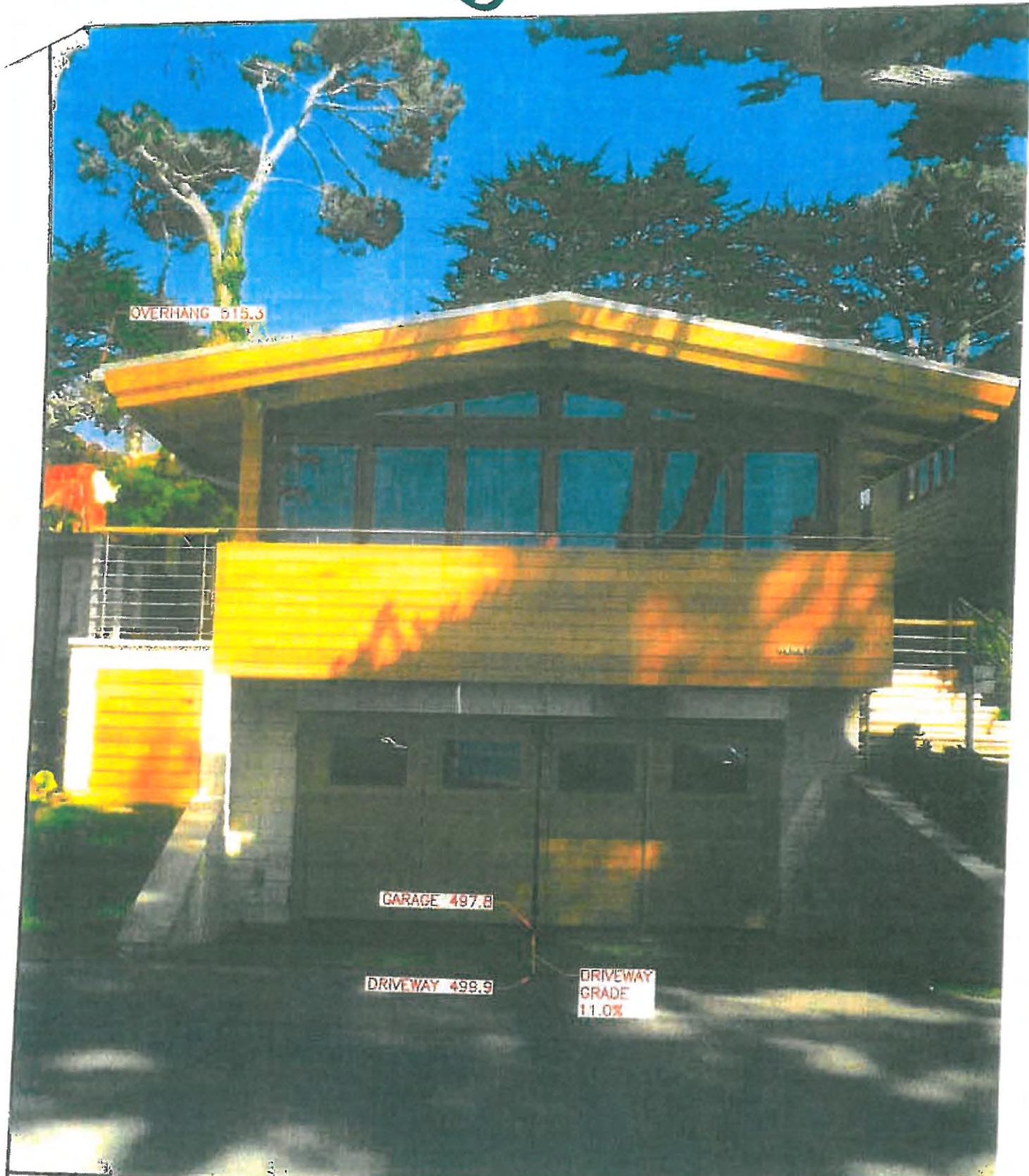
ELEVATION EXHIBIT

APN 010-302-010
CARMEL-BY-THE-SEA
CALIFORNIA

DRAWN BY: SMG
DATE: 9-1-15
JOB NUMBER: 15-056



280 Garden Road, Suite 6, Moray, Calif 93940
P: 831.856.2723 F: 831.856.8425
Last@engineers.com



OVERHANG 515.3

GARAGE 497.8

DRIVEWAY 499.9

DRIVEWAY
GRADE
11.0%

ELEVATION EXHIBIT

APN 010-302-009
CARMEL-BY-THE-SEA
CALIFORNIA

DRAWN BY: SMG

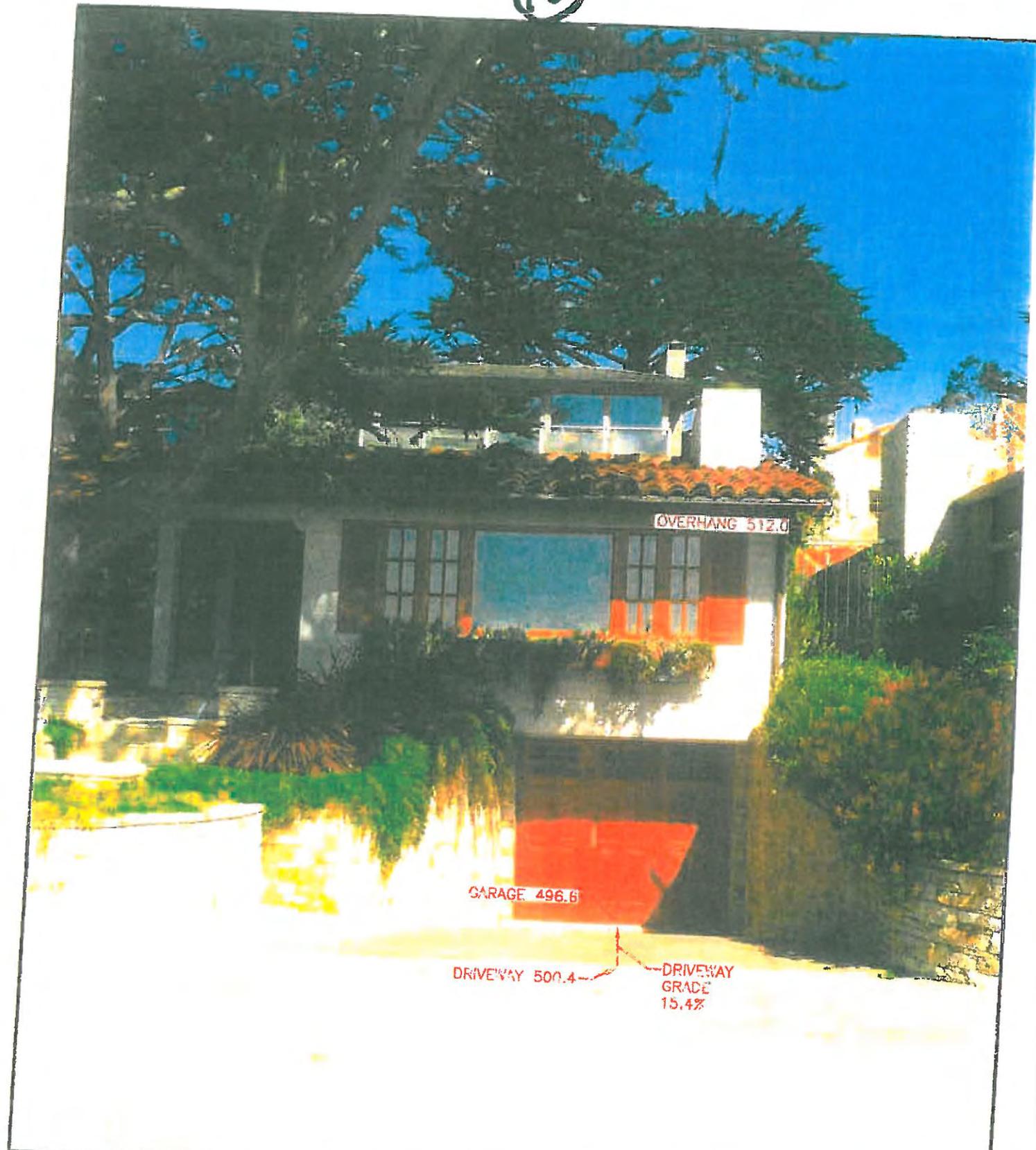
DATE: 9-1-15

JOB NUMBER: 15-056



2400 Ocean Road, Suite G, Monterey, California 93940
P: 831.655.2723 F: 831.656.3425
L&SCEngineers.com

12



<p>ELEVATION EXHIBIT</p>	<p>APN 010-302-011 CARMEL-BY-THE-SEA CALIFORNIA</p>	<p>DRAWN BY: SMG DATE: 9-1-15 JOB NUMBER: 15-096</p>	<p>IS ENGINEERING AND SURVEYING, INC 2403 Santa Rita Road, Suite G, Monterey, California 93940 Ph: 831.859.2723 Fax: 831.855.3425 LanUSurveyors.com</p>
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CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

DS 15-105

Ronald Corradini

4SE of 9th on Scenic

Block: A2, Lot: S pt. Lot 7 & N pt. of Lot 8

APN: 010-302-010

CONSIDERATION:

Consideration of Final Design Study (DS 15-105) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

FINDINGS OF FACT:

1. The project site is located on Scenic Road four parcels southeast of Ninth Avenue. The site is developed with a 2,092-square foot single-family residence. The project site is located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts.
2. The applicant applied for a Design Study (DS 15-105) application on March 26, 2015, to demolish the existing residence and construct a new two-level residence.
3. The Planning Commission accepted the design concept on August 12, 2015. The Planning Commission approved the Design Study and associated Coastal Development Permit application on September 9, 2015 subject to findings and conditions. The Planning Commission reconsidered design revisions proposed in order to comply with Special Conditions 23, 26, and 27 on October 20, 2015.
4. An Appeal of Planning Commission's decision was filed by a neighboring resident, Mr. Tim Allen, on November 2, 2015. The grounds for the appeal include the methodology, or lack thereof, and accuracy of determining the existing grade in light of the City Code's requirements for basement spaces.
5. The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15303 (Class 2) – Replacement or reconstruction of existing structures and facilities. The proposed new residence does not present any unusual circumstances that would result in a potentially significant environmental impact.

FINDINGS REQUIRED FOR FINAL DESIGN STUDY APPROVAL (CMC 17.64.8 and LUP Policy P1-45)		
For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits and/or variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	
7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees.	✓	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and	✓	

complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.		
9. The proposed exterior materials and their application rely on natural materials and the overall design will as to the variety and diversity along the streetscape.	✓	
10. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✓	
11. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✓	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✓	
Beach and Overlay District Findings	YES	NO
13. The combined area contained within all setbacks is at least equal to the area of the lot that would be included within setbacks if the special beach setback established in subsection (B)(9) of this section were applied (i.e., achieving no net loss of setback area.	N/A	
14. A minimum width of at least three feet will be maintained for the full length of all setbacks.	✓	
15. By reducing any setbacks the proposed structure will not interfere with safe access to other properties in the neighborhood or otherwise result in damage or injury to the use of other adjoining properties.	N/A	
16. Structures proposed for construction within reduced setback areas will be compatible with the residential character of the neighborhood and will exhibit a human scale without excessive building bulk or visual mass.	N/A	
17. The proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.	N/A	
18. The proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.	✓	
Park Overlay District Findings	YES	NO
19. The proposed setbacks afford maximum protection for the adjoining parklands for the benefit of the public while still accommodating reasonable development of the property.	N/A	
20. That the proposed setbacks are designated on an approved plan attached to the permit or on a scenic easement for purposes of documentation and recordation.	✓	



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

September 9, 2015

To: Chair Goodhue and Planning Commissioners
From: Marc Wiener, Interim Community Planning and Building Director
Submitted by: Christy Sabdo, Contract Planner
Subject: Consideration of a Final Design Study continuance (DS 15-105) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

Recommendation:

Approve the Design Study (DS 15-105) and the associated Coastal Development Permit subject to the attached findings and conditions

Application:	DS 15-105 (Corradini)	APN:	010-302-010
Block:	A2	Lot:	S pt. Lot 7 & N pt. of Lot 8
Location:	4 SE of 9 th on Scenic		
Applicant:	Robert Carver, AIA	Property Owner:	Ronald Corradini

Background and Project Description:

The project site is located on Scenic Road four parcels southeast of 9th Avenue. The property is developed mainly as a one-story residence, 2,092 square feet (sf) in size, including 1,492 sf on the main level and 600 sf in the basement-level attached garage. The property line is adjacent to the edge of pavement along Scenic Road. The only existing encroachment in the Scenic Right-of-Way (ROW) is an existing retaining wall, which is proposed to be removed. A Final Determination of Historic Ineligibility for the subject residence was issued by the Community Planning and Building Department on November 18, 2014.

The applicant is proposing to construct a 2,214-sf two-level residence, including 1,488 sf on the main level and 726 sf of basement floor area (413 sf of the 726 sf qualifies as bonus floor area). The full scope of the proposed project includes:

- 1) the demolition of the existing one-story residence with living space on the main level and an attached basement-level two-car garage
- 2) the removal of 688 sf of site coverage
- 3) the construction of a new 2,214-sf two-level residence, including 1,488 sf on the main level and 726 sf basement floor area (413 sf that qualifies as bonus floor area) for an attached two-car garage with storage for a third car
- 4) the installation of 556 square feet of total site coverage (75% permeable)
- 5) the installation of a 19-ft wide driveway for the two-car garage with a ground cover finish and a subsurface grass-pave material

This project was first reviewed by the Planning Commission on July 8, 2015, and continued with a request for changes to address the view impact to the eastern neighbor. The applicant lowered the height of the building to address the view impact and at the second hearing on August 12, 2015, the Planning Commission accepted the design concept without further changes.

At the August 2015 meeting, the Planning Commission included a condition permitting the proposed A/C unit to be located at the front of the property, but with a requirement that it be suitably screened from Scenic Road. The applicant has complied with this request. A separate condition incorporated a Construction Management Plan, proposed by the applicant in order to mitigate noise, dust, and traffic concerns that were raised by an adjacent neighbor. The requirements of the Construction Management Plan have been added to the Final Conditions of Approval.

PROJECT DATA FOR A 4,003 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1801 sf (44.9%)	Total 2,092 sf (52.3%) Main level 1,492 sf Basement/garage 600 sf	Total 2,214 sf (55.3%) Main level 1,488 sf Basement 626 sf Bonus Basement Incentive 100 sf
Site Coverage	556.4 sf (13.9%)*	1,244 sf (31%) 100 % impermeable	556 sf (13.8%) 75% permeable
Trees (upper/lower)	4/3 (recommended)	1/3 (plus two dead)	1/4
Ridge Height (main level)*	18 ft Beach and Riparian Overlay District	~10.08 ft	Max at West Elevation: 17 ft 8 in to top of parapet
Plate Height (lower level/main level)	≤ 18 ft Beach and Riparian Overlay District	~9.08 ft	Max at West Elevation: 16 ft 9 in
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft	19 ft 5in	15 ft
Composite Side Yard (house/garage)	9.75 ft (25%) (width of lot, 38.94 ft)	5 ft (12.8%)	10 ft (25.6%)
Minimum Side Yard	3 ft	2 ft (chimney)	3ft
Rear	3 ft/15ft**	13 ft 6 in	10 ft 6 in

*Allowable site coverage with bonus, if 50% or more of the site coverage is permeable.

** Structures in the 15 ft rear yard setback are required to be under 15 ft in height.

Staff analysis:

Previous Hearing: The following is a list of recommendations made by the Planning Commission and a staff analysis on how the applicant has or has not revised the design to comply with the recommendations:

1. *The applicant shall install one lower-canopy tree and one upper canopy tree from the City's recommended tree list and remove the two dead Cypress trees (located at the front of the property).*

Analysis: The applicant is proposing to remove the two dead cypress trees in the front yard and would replace them with one new upper canopy tree, Monterey Cypress tree, and one new lower canopy Beach Pine (See Attachment E, Site Plan and Landscape Plan). In addition, three lower canopy, Strawberry Tree's are proposed to be located at both the southern (side) and eastern (rear) courtyards.

2. *The A/C unit shall be located at the front of the property and screened from Scenic Road and the neighbor to the north.*

Analysis: The applicant is proposing the A/C unit to be located at the front of the property, north of the proposed driveway. The unit would be placed subgrade in sound attenuating acoustical louvers and screened behind a stone retaining wall and wood gate to complement the same features south of the driveway. The top of the A/C unit would be screened from Scenic Road and the neighbor's to the north (Spencer's) with a metal screen to trap debris and painted a natural color to blend with the proposed, new landscaping.

Basement: At the August Planning Commission meeting, concerns were raised by a neighbor that the proposed basement bonus floor area did not meet the City requirements for bonus floor area. Staff notes that the City provides a bonus floor area incentive in a basement. The applicant is proposing a 726-square foot partially subgrade lower level, however, only the rear portions of the lower level (413 sf) are defined as a basement and qualify for bonus area. In order to qualify for bonus floor area, the 413 sf of underground space would need to meet City Code Section 17.70.010, which defines a basement: *"An underground room or excavated space between give an nine feet of interior height, finished or unfinished where the finished floor level directly above the space is not more than one foot above the existing or final grade."*

The plan set reviewed at the August Planning Commission depicts the "existing finished grade" to establish allowable building heights; however, the proposed final grade was not clearly depicted. Since the August Planning Commission meeting, the applicant has depicted the proposed final grade on the plan set. Staff has reviewed the new plan set for the basement area proposed to qualify as bonus floor area and has verified that the proposed final grade is less than one foot from the finished floor of the main level. In addition, CMC Section 17.10.030 D4c, states *"A basement shall not extend into any open space or yard area outside the building footprint without it counting as above-ground floor-area."* Although a small portion of the proposed bonus basement floor area is not overlapped by the main level (upper story), the Planning Commission determined that the intent of the Code is met by keeping this small portion within the overall building footprint as it does not extend into the side yard.

Floor level: At the August Planning Commission meeting, Planning Commission Chair raised concerns with the accuracy of the proposed main level floor elevations as depicted on the Street Elevation renderings. The applicant has provided revised Street View and Floor Level Elevations (See Attachment F) that more accurately depicts the proposed residence as seen from Scenic. In addition, the applicant has prepared a street view rendering that compares the existing, main level floor elevations of the residence to the north and south. Staff has since met with Chair to review the plans in order to clarify the floor level.

Other Project Components:

Finish Details: The City's Residential Design Guidelines state: "*Stucco, in conjunction with some natural materials, may be considered depending on neighborhood character but should not be repeated to excess within a block.*" In regard to stone: "*The application of stone should appear structural and authentic. A gratuitous or purely decorative appearance should be avoided.*" In regard to windows: "*By far wood frame windows are the most typical, but metal windows are found, especially on some styles that reflect Modernist influences.*" In regard to roof materials: "*plastic...roofs are inappropriate in all neighborhoods.*"

The applicant is proposing a combination of stone clad walls (Fond du Lac Rustic and Chilton Rustic stone) and hand troweled plaster for the new residence that would be finished with wood accents, including deck railing, parapets, gates, and garage door. In addition, all windows and doors would be unclad wood. The pitched roof elements would be finished with antique clay tiles, and the parapet roofs would be finished with a stone cap (See E, Sheet A4.1 and Attachment D, Samples of Finish Materials). In staff's opinion, the proposed finish materials are consistent with the Design Guidelines.

Fencing: The applicant is proposing a new 6-ft high wood fence, supported by a 1-ft 9-in stone retaining wall below grade, along the north property line that is setback approximately 36 ft from the front property line and extends to the rear of the property. Fencing is not proposed along the south property line as there is an existing stone wall on the neighbor's property (Schilling's). At the rear of the property, the grade increases sharply creating the need for two retaining walls, including 1) a 5-ft 6-in high stone retaining wall located approximately 6 ft from the rear property line and 2) a 4-ft 8-in high wood fence supported by a 30-inch stone retaining wall along the rear property line, which would be 7 feet high and exceeds the 6-ft allowable height for a fence. The Planning Commission has the authority to approve fence heights over 6ft (see Attachment E, Fence Elevations, Sheet A3.2).

Driveway: The existing asphalt driveway would be removed and replaced with a 19-ft driveway that includes two 9-ft wide driveways separated by a 1-ft wide landscaped area. In addition, the north and south ends of the driveway would be landscaped softening the appearance of the retaining walls. The applicant is proposing a sub-surface grass-pave system to provide slope stability along the driveway. The surface of the driveway would be planted with a Dune Sedge groundcover. The City Forester has reviewed the proposed groundcover for the driveway and finds it acceptable.

Exterior Lighting: Carmel Municipal Code Section 15.36.070.B. provides exterior lighting requirements for the R-1 Zoning District. This section requires that the exterior wall-mounted lighting not to exceed 25 Watts incandescent equivalent (i.e., approximately 375 lumens) per fixture and landscape lighting not to exceed 225 lumens. The City's Residential Design Guidelines, Section 11.8, states, *"Preserve the low nighttime lighting character of the residential neighborhoods. Use lights only where needed for safety and at outdoor activity areas. Appropriate locations may include building entries, gates, terraces, walkways, and patios. Lights should not be used to accent buildings or vegetation. Use low lumen output bulbs...Point lights downward to reduce glare and avoid "night pollution..."*

The applicant is proposing a custom forged iron lantern (3 light bulbs per fixture) in antique seeded glass not to exceed 25 watts (375 lumens) per exterior light fixture. The applicant is proposing one exterior wall-mounted light at each entryway, one at the garage entry, and additional lights at the southern and eastern courtyards. In addition, City Residential Guideline 11.8 recommends to *"locate and shield fixtures to avoid glare and excess lighting as seen from neighboring properties and from the street."* The proposed exterior lights (lanterns) are not downward lit and would utilize the maximum allowable lumens for exterior light fixtures (375 lumens per fixture); therefore staff recommends that either the proposed 25 watt/375 lumen output per fixture be reduced with lower lumen output bulbs (less than 375 lumens per fixture) or that an alternative, downward-lit light fixture replace all proposed lanterns. Staff has drafted a condition that the applicant work with staff on these recommended alternatives.

Landscape lighting would be provided by a 13¼-in high light figure and a 10 Watt Halogen bulb (160 lumens maximum). Four landscape lights would be placed along the walkway at the southern entrance to the home, five landscape lights would wrap around the southern courtyard, and three landscape lights would wrap around the eastern courtyard.

Landscape Plan: The applicant is proposing new landscaping as identified on the Landscape Plan (See Attachment E, Landscape Plan, Sheet L-1.0). The City Forester has reviewed and approved the Landscape Plan.

Environmental Review: The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15302 (Class 2) – Replacement or Reconstruction. An existing, 1,244-square foot, non-historically significant single-family residence with an attached garage would be demolished and replaced by a new 2,214-square foot residence. The proposed alterations to the residence do not present any unusual circumstances that would result in a potentially significant environmental impact.

ATTACHMENTS:

- Attachment A – Site Photographs
- Attachment B – Findings for Approval
- Attachment C – Conditions of Approval
- Attachment D – Samples of finish materials
- Attachment E – Project Plans and Three-Dimensional Elevations
- Attachment F – Street View and Floor Level Elevations

Attachment A – Site Photographs

Project site facing north along Scenic



Project site facing south along Scenic



Front of residence along Scenic



Rear yard



Interior courtyard of subject property



Looking west over roof from rear property



PROJECT TEAM

OWNER: RONALD & CAROL VAN COBRAGHINI
 19100 Mt. Washington Street
 Fountain Valley, CA 92708

ARCHITECT: STUDIO CARYER ARCHITECTS, INC.
 P.O. Box 2884, Carmel, CA 95021
 Phone: (831) 822-7837 Fax: (831) 824-0284
 E-mail: rrob@studiocaryer.com
 Contact: Robert Caryer, AIA, LEED AP

SURVEYOR: PARMBUSSEN LAND SURVEYING, INC.
 P.O. Box 3133
 Hayward, CA 94542
 Phone: (831) 375-7240

PROJECT INFORMATION

PROPERTY ADDRESS: 4 SE OF 9TH ON SCENIC ROAD
 CARMEL, 97731-5604, CA 95021

APN: 010-302-016-000

ZONING: R-1 DISTRICT

TYPE OF CONSTRUCTION: TYPE V-B

BUILDING AREA & LOT COVERAGE

LOT SIZE	4,000 SQ. FT.
ALLOWABLE BASE FLOOR AREA	1,401 SQ. FT.
MAXIMUM BASE FLOOR AREA	800 SQ. FT.
BASEMENT INCENTIVE FLOOR AREA	178 SQ. FT.
(B) HOUSE AREA	1,401 SQ. FT.
MAIN LEVEL	400 SQ. FT.
BASEMENT (GARAGE)	2,002 SQ. FT.
TOTAL	2,402 SQ. FT.
(P) HOUSE AREA:	1,488 SQ. FT.
MAIN LEVEL	319 SQ. FT.
BASE FLOOR AREA IN BASEMENT	319 SQ. FT.
BASEMENT INCENTIVE FLOOR AREA	850 SQ. FT.
TOTAL	2,214 SQ. FT.

ALLOWABLE SITE COVERAGE (W/ PAVES)
 559.4 SQ. FT.

(B) SITE COVERAGE:
 DRIVEWAY (IMPERMEABLE) 322 SQ. FT.
 CONC. & STONE WALKWAY (IMPERMEABLE) 377 SQ. FT.
 CONC. & STONE WALKWAY (PERMEABLE) 916 SQ. FT.
 WOOD STEPS (IMPERMEABLE) 17 SQ. FT.
 TOTAL 1,244 SQ. FT. (100% IMPERMEABLE)

(P) SITE COVERAGE:
 PATIOS (PERMEABLE) 370 SQ. FT.
 FRONT ENTRY & PAVERS (IMPERMEABLE) 119 SQ. FT.
 STORAGE STEPS & LANDING (IMPERMEABLE) 31 SQ. FT.
 WOOD STEPS (IMPERMEABLE) 17 SQ. FT.
 MISCELLANEOUS (PERMEABLE) 17 SQ. FT.
 TOTAL 584 SQ. FT. (74% PERMEABLE)

NOTE: DRIVEWAY IS 438 SQ. FT. (100% PERMEABLE) = NOT SITE COVERAGE FROM EXISTING

MISCELLANEOUS

ONE STORY, 16'-0"
 15'-0"

CAL-AM
 CARMEL AREA WASTEWATER DISTRICT

(C) MONTEREY CYPRESS (DEAD)
 (C) MONTEREY CYPRESS (LIVE)
 (C) POTOGARBUS (NON-SIGNIFICANT)
 (C) FRUIT TREE (NON-SIGNIFICANT)
 (C) ORNAMENTAL TREE (NON-SIGNIFICANT)
 (C) EUCALYPTUS (NON-SIGNIFICANT)

UPPER CANOPY WASTEWATER PRESS
 (U) LOWER-CANOPY BEACH PINE

HEIGHT LIMIT
 (P) HEIGHT 15'-0"

WATER SOURCE
 CARMEL AREA WASTEWATER DISTRICT

SEWER SYSTEM
 CARMEL AREA WASTEWATER DISTRICT

TREES TO BE REMOVED

TREES TO BE REPLACED

GRADING ESTIMATES:
 (P) GRADING CUT 109.6 CU. YDS.
 (P) GRADING FILL 83.3 CU. YDS.
 (P) GRADING NET CUT 26.3 CU. YDS.

SCOPE OF WORK

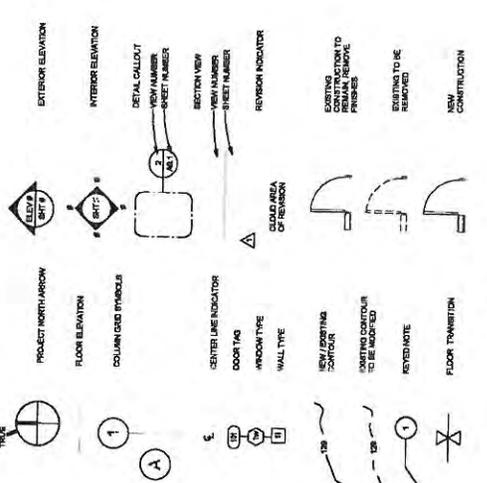
DEMOLITION OF AN EXISTING 1,488 SF SINGLE FAMILY RESIDENCE AND 726 SF GARAGE.
 CONSTRUCTION OF A NEW 1,478 SF SINGLE FAMILY RESIDENCE AND 759 SF BASEMENT, REBUILD
 IN APPROX. THE SAME LOCATION.

SHEET INDEX

- G1.0 COVER SHEET
- G2.0 SURVEY
- A1.0 PROPOSED SITE PLAN
- A2.0 WALL REMOVAL & GRADING PLAN
- A3.1 PROPOSED MAIN LEVEL FLOOR PLAN
- A3.2 PROPOSED BASEMENT LEVEL FLOOR PLAN
- A3.3 FLOOR LEVEL TAKE-UP PLAN
- A3.4 PROPOSED EXTERIOR ELEVATIONS
- A3.5 PROPOSED EXTERIOR ELEVATIONS
- A3.6 PROPOSED BUILDING SECTIONS
- A3.7 PROPOSED BUILDING SECTIONS
- A3.8 PROPOSED BUILDING SECTIONS
- A3.9 PROPOSED BUILDING SECTIONS
- A3.10 PROPOSED BUILDING SECTIONS
- A3.11 PROPOSED BUILDING SECTIONS
- A3.12 PROPOSED BUILDING SECTIONS
- A3.13 PROPOSED BUILDING SECTIONS
- A3.14 PROPOSED BUILDING SECTIONS
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- A3.49 PROPOSED BUILDING SECTIONS
- A3.50 PROPOSED BUILDING SECTIONS



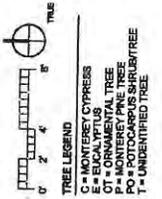
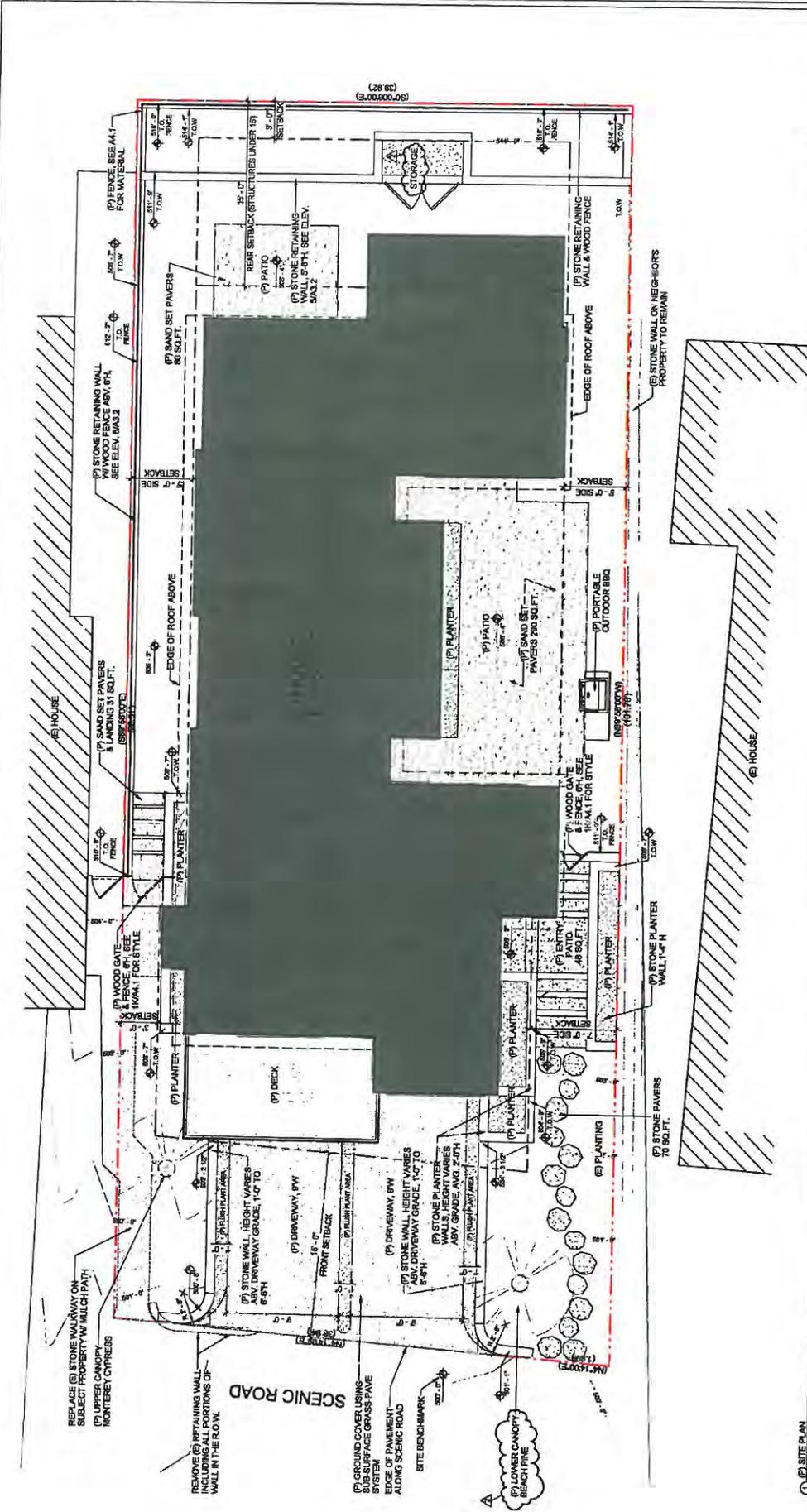
ARCHITECTURAL SYMBOLS



BUILDING CODE INFO

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING:
 THE 2013 CALIFORNIA RESIDENTIAL CODE
 THE 2013 CALIFORNIA ELECTRICAL CODE
 THE 2013 CALIFORNIA MECHANICAL CODE
 THE 2013 CALIFORNIA PLUMBING CODE
 THE 2013 CALIFORNIA FIRE AND LIFE SAFETY CODE
 THE 2013 CALIFORNIA ENERGY CODE
 THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE





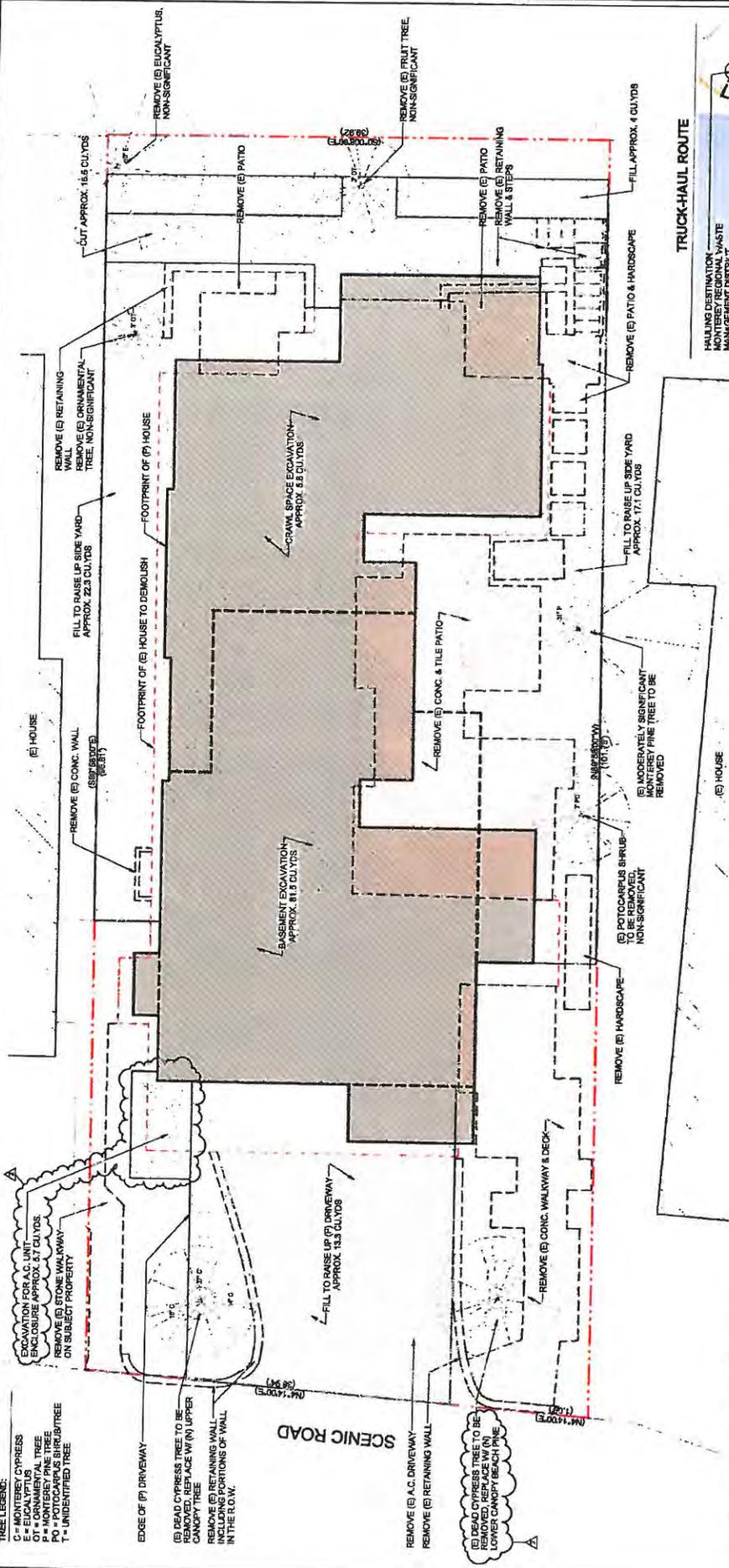
TREE LEGEND
 C = MONTEREY CYPRESS
 OT = ORNAMENTAL TREE
 P = MONTEREY PINE TREE
 S = SPREADER SHRUB/TREE
 T = UNIDENTIFIED TREE

NOTES:
 1. REFER TO SHEET A-5 FOR TYPICAL RETAINING WALL & FENCE ELEVATIONS.
 2. REFER TO DOOR SCHEDULE & PROPOSED BUILDING FOOTPRINT FOR STYLE AND MATERIAL OF PROPOSED GATES AND FENCES.

LOT SIZE	ALLOWABLE BASE FLOOR AREA	MAXIMUM BONUS FLOOR AREA	BASINEMENT INCENTIVE FLOOR AREA	(F) HOUSE AREA: MAIN LEVEL TOTAL	(F) HOUSE AREA: BASE FLOOR BONUS FLOOR AREA IN BASINEMENT BASEINEMENT INCENTIVE FLOOR AREA TOTAL
4,003 SQ. FT.	1,801 SQ. FT.	900 SQ. FT.	108 SQ. FT.	1,482 SQ. FT. 600 SQ. FT. 2,082 SQ. FT.	1,488 SQ. FT. 313 SQ. FT. 100 SQ. FT. 2,214 SQ. FT.

ALLOWABLE SITE COVERAGE (W BONUS)	(F) SITE COVERAGE	(F) DRIVEWAY COVERAGE (W BONUS)
DRIVEWAY (IMPERMEABLE)	DRIVEWAY (IMPERMEABLE)	5564 SQ. FT.
CONC. & STONE WALKWAY (IMPERMEABLE)	CONC. & STONE WALKWAY (IMPERMEABLE)	322 SQ. FT.
CONC. & TILE PATIOS (IMPERMEABLE)	CONC. & TILE PATIOS (IMPERMEABLE)	377 SQ. FT.
WOOD DECK PATIOS (IMPERMEABLE)	WOOD DECK PATIOS (IMPERMEABLE)	20 SQ. FT.
TOTAL	TOTAL	1,244 SQ. FT. (100% IMPERMEABLE)
(F) SITE COVERAGE:	(F) SITE COVERAGE:	
PATIOS (PERMEABLE)	PATIOS (PERMEABLE)	370 SQ. FT.
FRONT ENTRY & PAVERS (IMPERMEABLE)	FRONT ENTRY & PAVERS (IMPERMEABLE)	118 SQ. FT.
STONE WALKWAY (IMPERMEABLE)	STONE WALKWAY (IMPERMEABLE)	318 SQ. FT.
STORAGE & PORTABLE BBQ (PERMEABLE)	STORAGE & PORTABLE BBQ (PERMEABLE)	17 SQ. FT.
WOOD PORTION OF DECK (PERMEABLE)	WOOD PORTION OF DECK (PERMEABLE)	17 SQ. FT.
TOTAL	TOTAL	518 SQ. FT. (79% PERMEABLE)

NOTE: DRIVEWAY IS 438 SQ. FT. (100% PERMEABLE) = NOT SITE COVERAGE
 50% REDUCTION IN COVERAGE FROM EXISTING



- TRUCK-HAUL ROUTE NOTES:**
- TRUCKS WILL BE ROUTED FROM THE SITE TO THE HAULING DESTINATION ALONG THE FOLLOWING PATH:
 - 18TH AVE TO RIO ROAD
 - RIO ROAD TO HIGHWAY ONE NORTH
 - TRUCKS WILL BE ROUTED TO THE SITE ALONG THE FOLLOWING PATH:
 - HIGHWAY ONE TO RIO ROAD
 - RIO ROAD TO 18TH AVE
 - SAN ANTONIO AVE TO 8TH AVE
 - 8TH AVE TO SCENIC ROAD
 - THE APPLICANT/CONTRACTOR WILL BE RESPONSIBLE FOR ENSURING ADHERENCE TO THE EMPLOYED TRUCK-HAUL ROUTE AND THE EMPLOYED TRUCK-HAUL ROUTE REQUIRED TRAFFIC CONTROL MEASURES.

- NOTES:**
- REMOVE ALL PORTIONS OF (E) IMPROVEMENTS IN THE CITY RIGHT-OF-WAY (R.O.W.). NO PROPOSED IMPROVEMENTS SHALL OCCUR WITHIN THE R.O.W. ANY GRADING IS PROPOSED WITHIN THE RIGHT-OF-WAY.
 - 100% OF ALL (E) EXTERIOR STRUCTURAL WALLS, AND ALL (E) SITE WALLS AND HARDSCAPE, AND ALL (E) PRE-CUT STONE WILL BE USED. THE ONLY CUTTING THAT WILL BE DONE ON SITE WILL BE TO REMOVE (E) STONES AT THE END OF THE WALLS CUTTING OFF THE STONES FROM THE DUST. OTHER STONE ELEMENTS SUCH AS WINDOW SILLERS AND SILLS WILL BE PREFABRICATED OFF SITE.
 - A WET SAW WILL BE USED FOR ANY STONE CUTTING ON SITE. TO REDUCE NOISE AND DUST.
 - TO DETERMINE THE MOST EXTENT WAY TO DEMOLISH THE EXISTING HOME INCLUDING THE BACKYARD ACCESS TO THE SITE FACULTATE ALL DELIVERIES TO THE SITE WILL OCCUR DURING NON-PEAK HOURS.
 - EXISTING HARDSCAPE TO BE REMOVED
 - PROPOSED CUT
 - PROPOSED FILL
 - EXISTING HOUSE TO DEMOLISH
 - PROPOSED HOUSE

LEGEND:

[Pattern]	EXISTING HARDSCAPE TO BE REMOVED
[Pattern]	PROPOSED CUT
[Pattern]	PROPOSED FILL
[Pattern]	EXISTING HOUSE TO DEMOLISH
[Pattern]	PROPOSED HOUSE

ALLOWABLE SITE COVERAGE (W/ BONUS)

(E) SITE COVERAGE	586.4 SQ. FT.
(E) DRIVEWAY (PERMEABLE)	322 SQ. FT.
CONC. & STONE WALKWAYS (IMPERMEABLE)	375 SQ. FT.
CONC. & TILE PATIOS (IMPERMEABLE)	516 SQ. FT.
WOOD STEPS (IMPERMEABLE)	28 SQ. FT.
TOTAL	1,244 SQ. FT. (100% IMPERMEABLE)

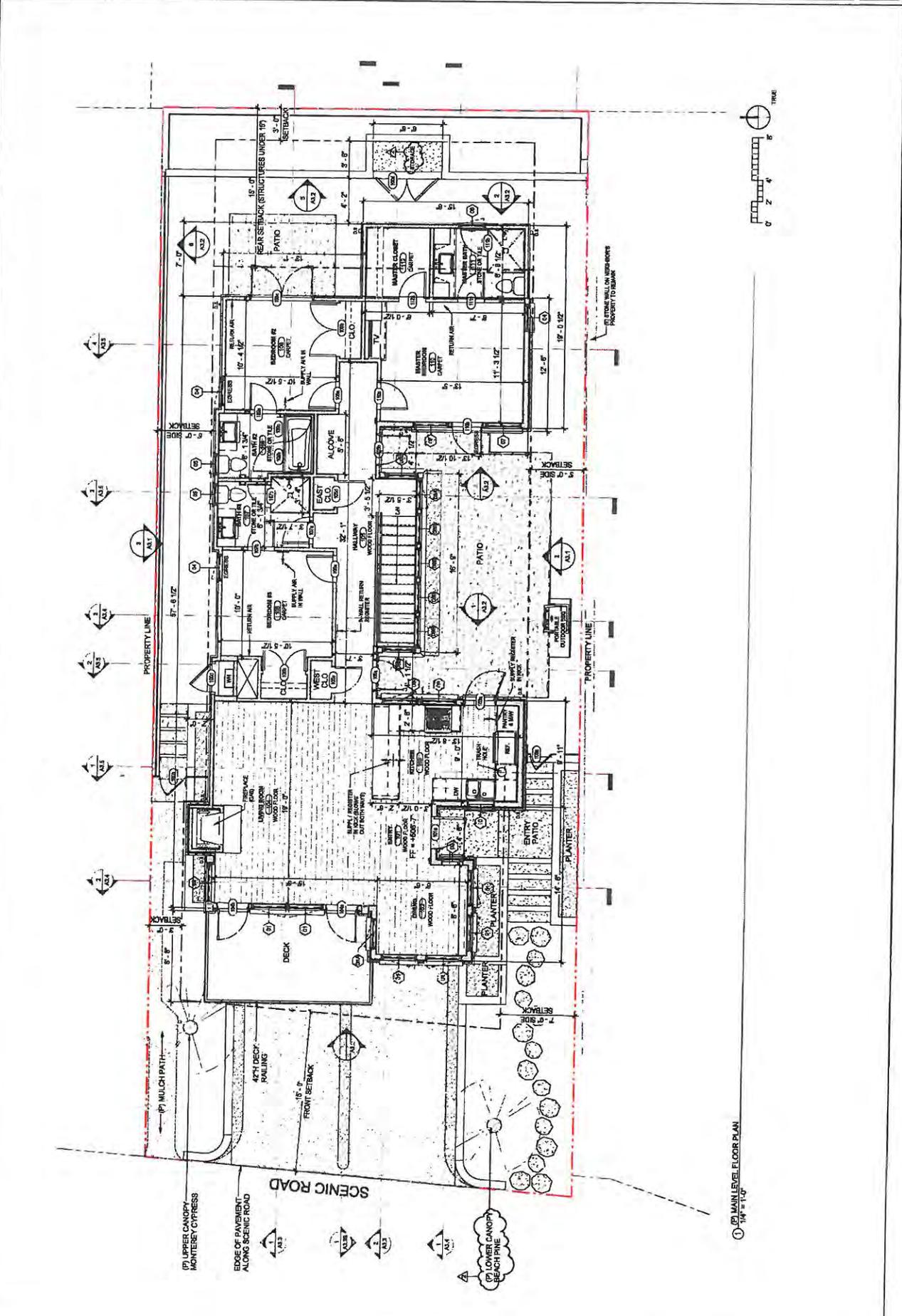
(P) SITE COVERAGE

(P) DRIVEWAY (PERMEABLE)	376 SQ. FT.
(P) PATIOS (PERMEABLE)	315 SQ. FT.
(P) FRONT ENTRY & PAVERS (IMPERMEABLE)	31 SQ. FT.
(P) PORCH STEPS & LANDING (PERMEABLE)	29 SQ. FT.
(P) REMOVABLE PORTABLE BBQ (IMPERMEABLE)	14 SQ. FT.
(P) PORTION OF DECK (PERMEABLE)	14 SQ. FT.
TOTAL	805 SQ. FT. (65% PERMEABLE)

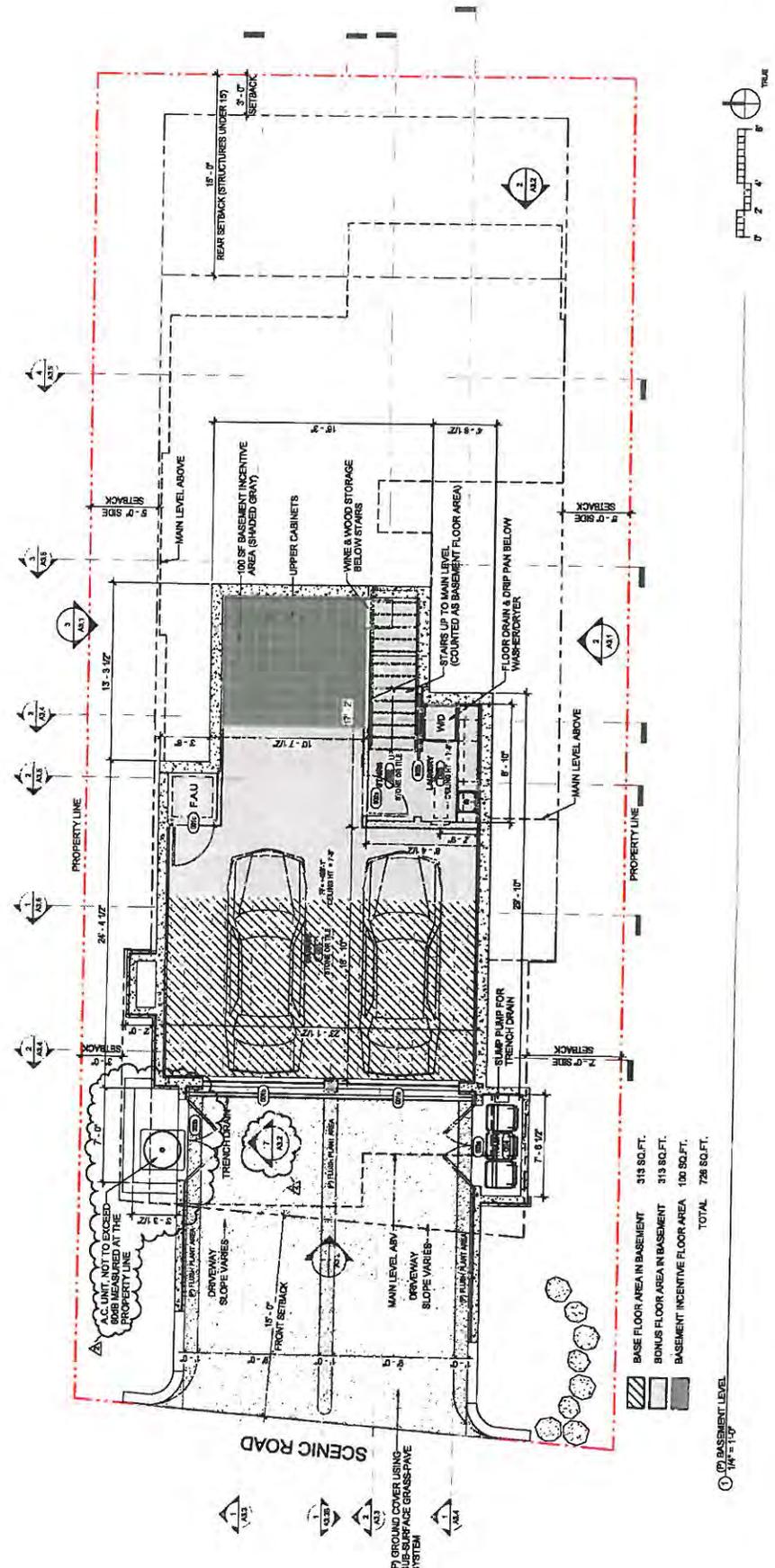
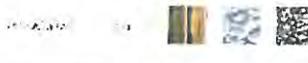
NOTE: DRIVEWAY IS 439 SQ. FT. (100% PERMEABLE) (E) NOT SITE COVERAGE

GRADING ESTIMATES:

(E) GRADING FILL	19.5 CU. YDS.
(P) GRADING NET CUT	53.3 CU. YDS.

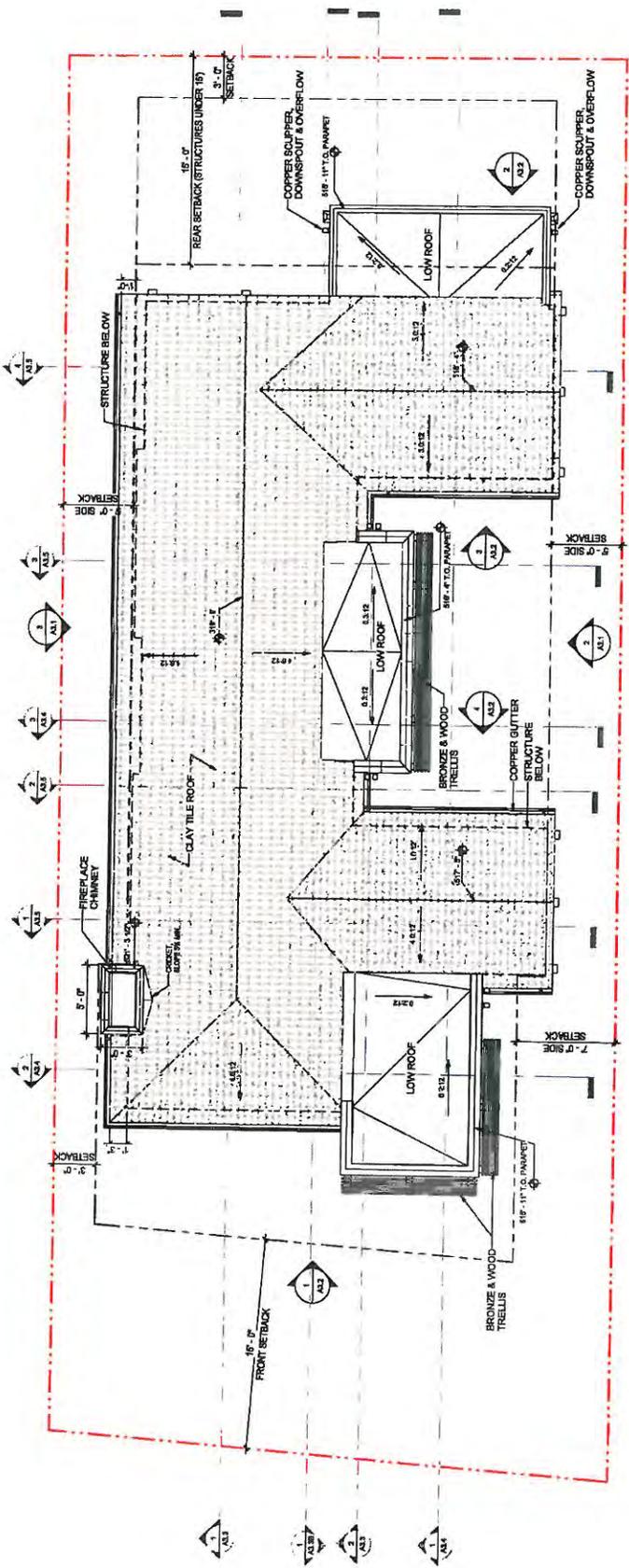


① MAIN LEVEL FLOOR PLAN
 1/4" = 1'-0"

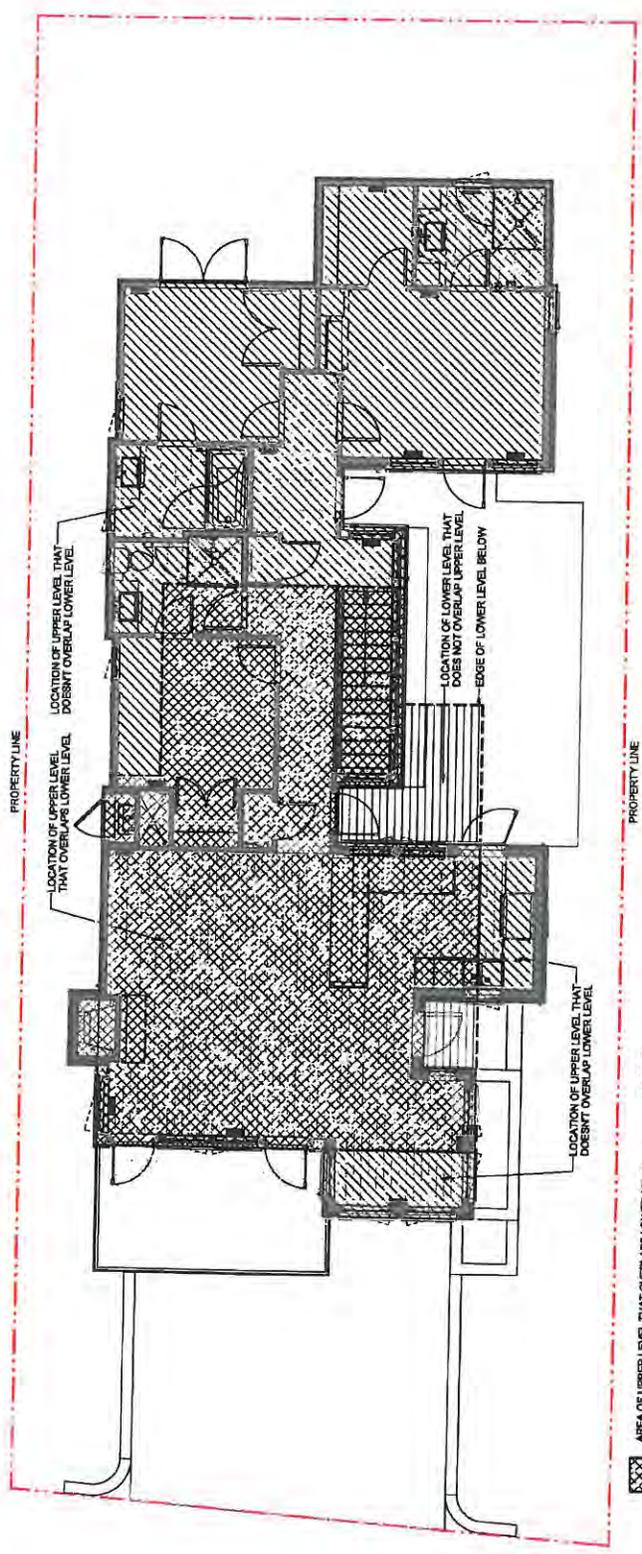


BASE FLOOR AREA IN BASEMENT	318 SQ. FT.
BONUS FLOOR AREA IN BASEMENT	318 SQ. FT.
BASEMENT INCENTIVE FLOOR AREA	100 SQ. FT.
TOTAL	736 SQ. FT.

① 10' BASEMENT LEVEL
1/4" = 1'-0"



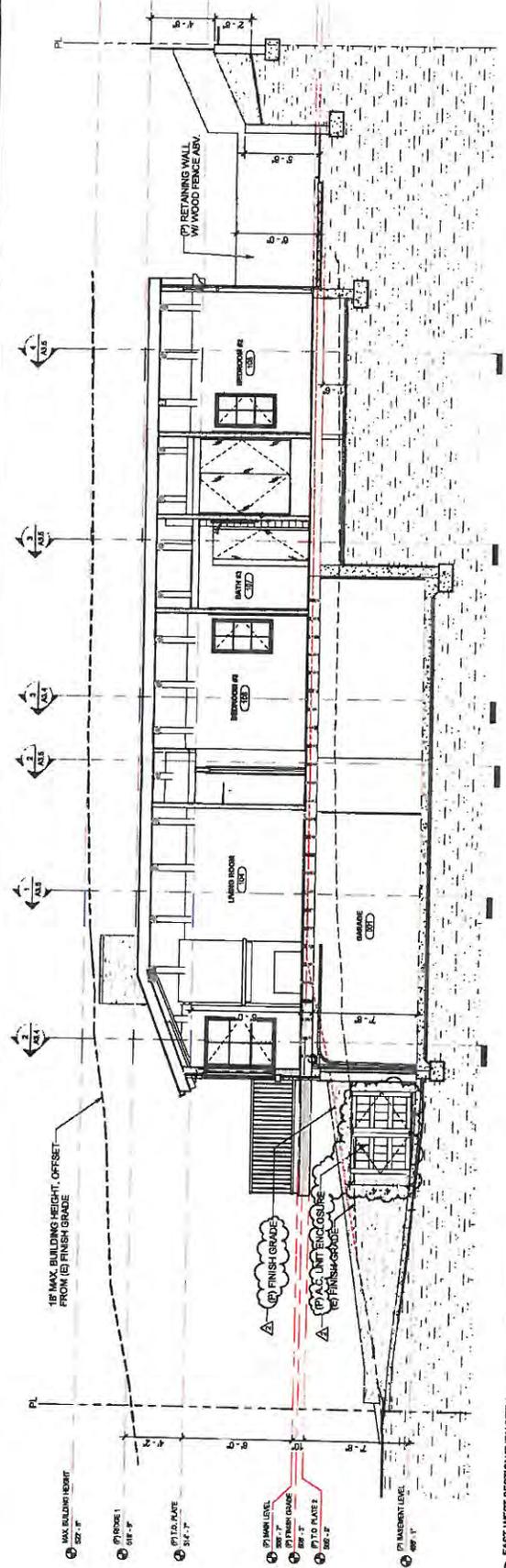
1-01 ROOF PLAN
 1/4" = 1'-0"



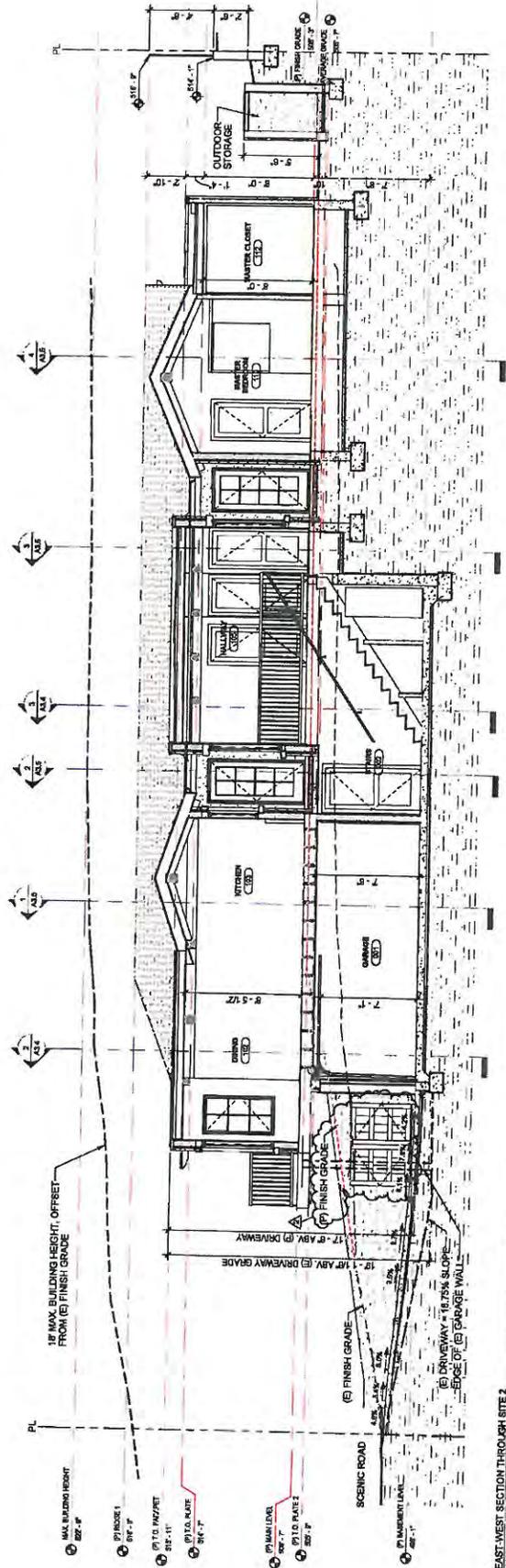
-  AREA OF UPPER LEVEL THAT OVERLAPS LOWER LEVEL 786 SQ. FT.
-  AREA OF LOWER LEVEL THAT DOES NOT OVERLAP UPPER LEVEL 80 SQ. FT.
-  AREA OF UPPER LEVEL THAT DOES NOT OVERLAP LOWER LEVEL 745 SQ. FT.

① PROPOSED FLOOR LEVEL MAP
 1/4" = 1'-0"





1 EAST-WEST SECTION THROUGH SITE 1
 1/4" = 1'-0"



2 EAST-WEST SECTION THROUGH SITE 2
 1/4" = 1'-0"

DOLCE
CAROLINA

USE OF FINCH
SHEEP ROAD
DORCE, W. IRESEA,
CALIFORNIA 95721



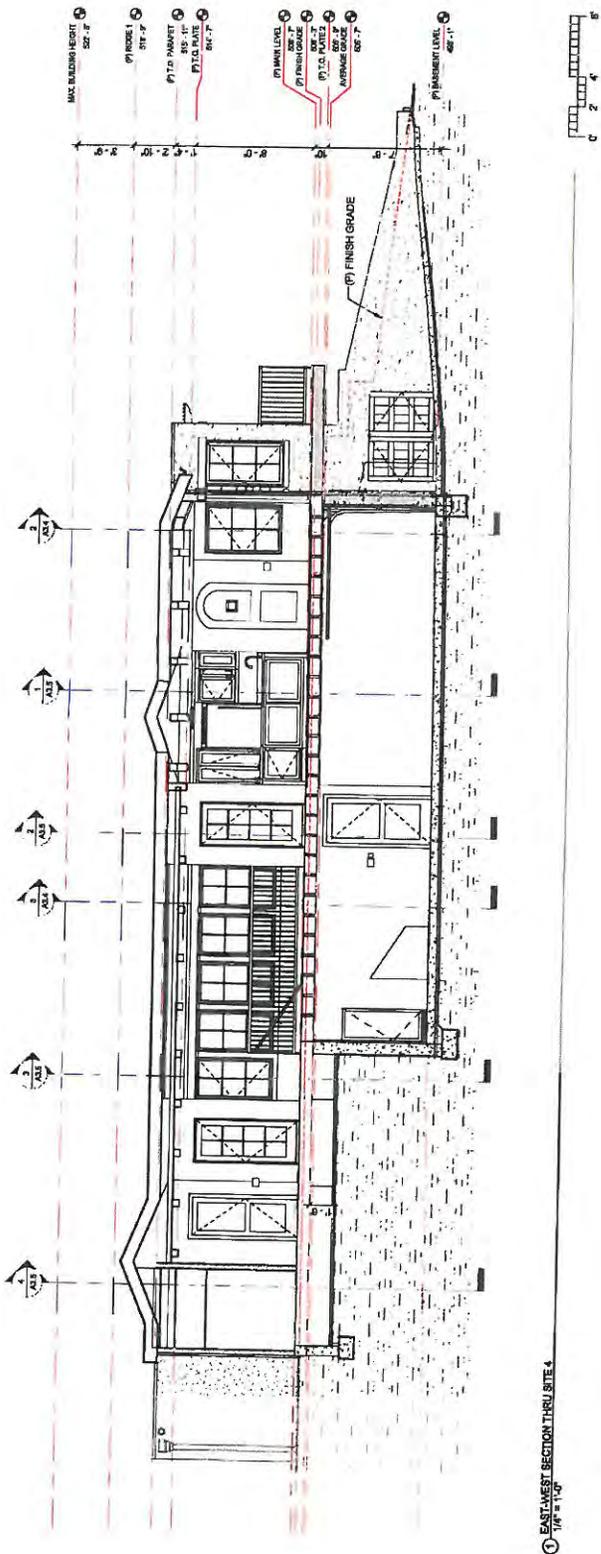
DESIGN
DEVELOPMENT



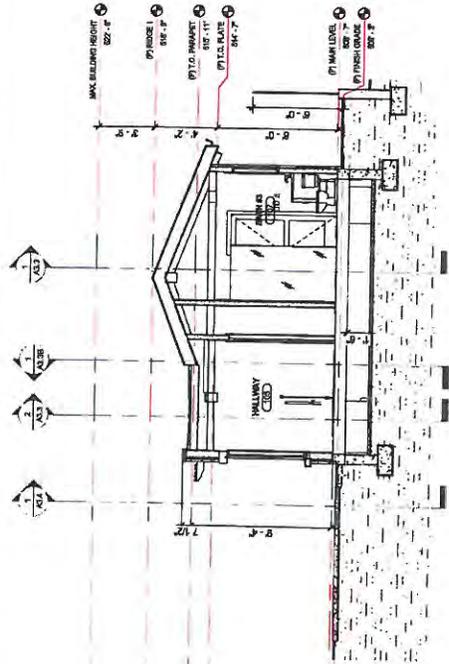
REVISION #
3 10 18

ARCHITECTURAL
PROPOSED
BUILDING
SECTIONS

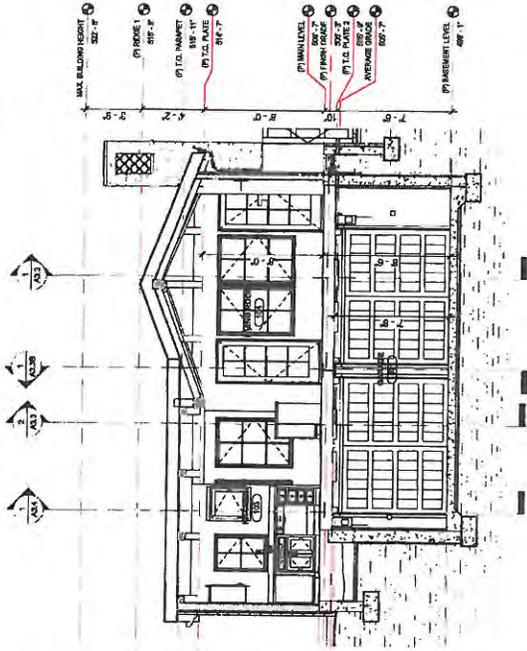
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Drawn By: J. P. KELLY
Job:



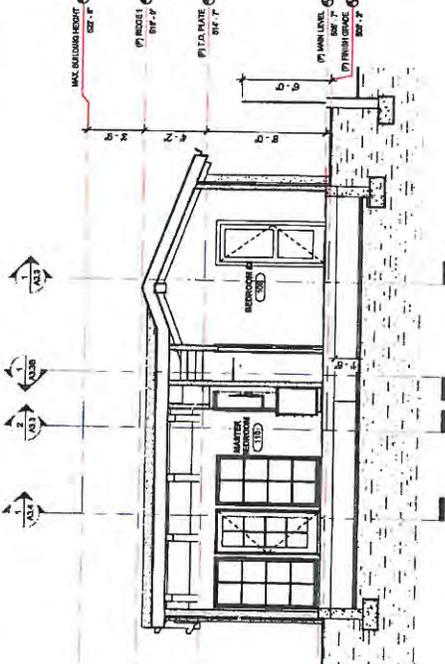
1 EAST-WEST SECTION THRU SITE 4
1/4" = 1'-0"



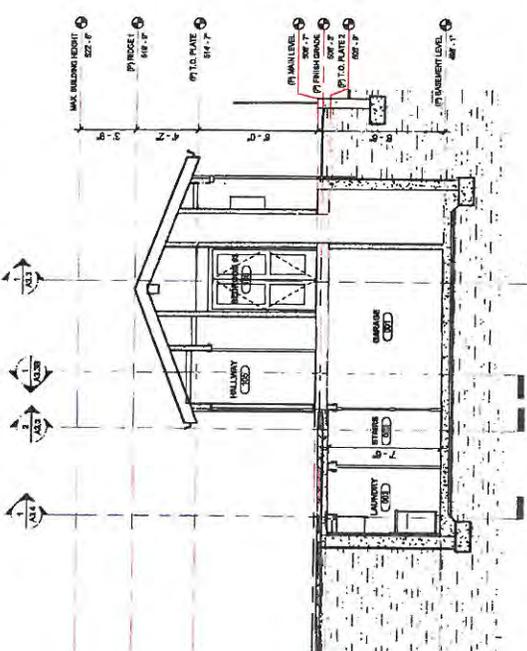
SECTION THROUGH HALLWAY
 1/4" = 1'-0"



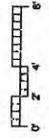
SECTION THROUGH GARAGE
 1/4" = 1'-0"



SECTION THROUGH MASTER BEDROOM
 1/4" = 1'-0"



SECTION THROUGH STAIRS
 1/4" = 1'-0"





PROPOSED BUILDING MATERIALS



STONE WALL



CLAY TILE ROOF



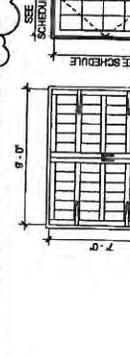
GARAGE DOOR, GATES SIMILAR



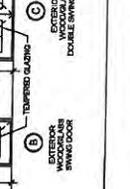
HAND TROWELED PLASTER



WOOD FENCE



DRIVEWAY GROUNDCOVER SAND-SET PATIO PAVERS



CUSTOM IRON LANTERN FIXTURE

DOOR SCHEDULE		OBSERVATION		DOOR		DOOR FINISH		FRAME FINISH		FRAME GROUP		COMMENTS		
DOOR NO.	FROM ROOM	TO ROOM	NO.	NAME	NO.	WIDTH	HEIGHT	THICK	FIRE RATING	DOOR TYPE	DOOR FINISH	FRAME FINISH	FRAME GROUP	COMMENTS
101	ENTRANCE	ENTRANCE	101	ENTRANCE	101	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
102	ENTRANCE	ENTRANCE	102	ENTRANCE	102	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
103	ENTRANCE	ENTRANCE	103	ENTRANCE	103	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
104	ENTRANCE	ENTRANCE	104	ENTRANCE	104	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
105	ENTRANCE	ENTRANCE	105	ENTRANCE	105	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
106	ENTRANCE	ENTRANCE	106	ENTRANCE	106	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
107	ENTRANCE	ENTRANCE	107	ENTRANCE	107	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
108	ENTRANCE	ENTRANCE	108	ENTRANCE	108	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
109	ENTRANCE	ENTRANCE	109	ENTRANCE	109	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
110	ENTRANCE	ENTRANCE	110	ENTRANCE	110	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
111	ENTRANCE	ENTRANCE	111	ENTRANCE	111	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
112	ENTRANCE	ENTRANCE	112	ENTRANCE	112	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
113	ENTRANCE	ENTRANCE	113	ENTRANCE	113	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
114	ENTRANCE	ENTRANCE	114	ENTRANCE	114	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
115	ENTRANCE	ENTRANCE	115	ENTRANCE	115	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
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186	ENTRANCE	ENTRANCE	186	ENTRANCE	186	3'-0"	7'-0"	1 1/2"	A	WOOD	WOOD	WOOD	WOOD	
187	ENTRANCE													



SCHEMATIC DESIGN
 10/24/2014 1:04:11 PM

Date: 08/17/2015
 Scale: @ 11" x 17"
 Drawn By: SBP
 Job:

VIEW LOOKING NORTHEAST
DOLCE CAROLINA
 4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923



STUDIO CARVER
 ARCHITECTURE

PO BOX 604
 CARMEL, CA 93923
 TEL: 831.923.1111
 WWW.STUDIOCARVER.COM

SHEET:

2



Date: 08/17/2015
 Scale: @ 1/4" = 1'-0"
 Drawn By: SBP
 Job:

SCHEMATIC DESIGN
 10/05/15 08:41 PM

VIEW FROM SCENIC
DOLCE CAROLINA
 4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923

FOR MORE INFORMATION CONTACT:
 GABRIEL SANCHEZ
 ARCHITECTURE & DESIGN

ARCHITECT: GABRIEL SANCHEZ ARCHITECTURE & DESIGN

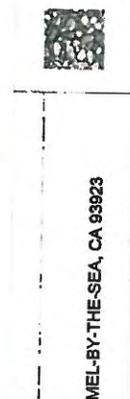


SHEET: 3



Date: 08/17/2015
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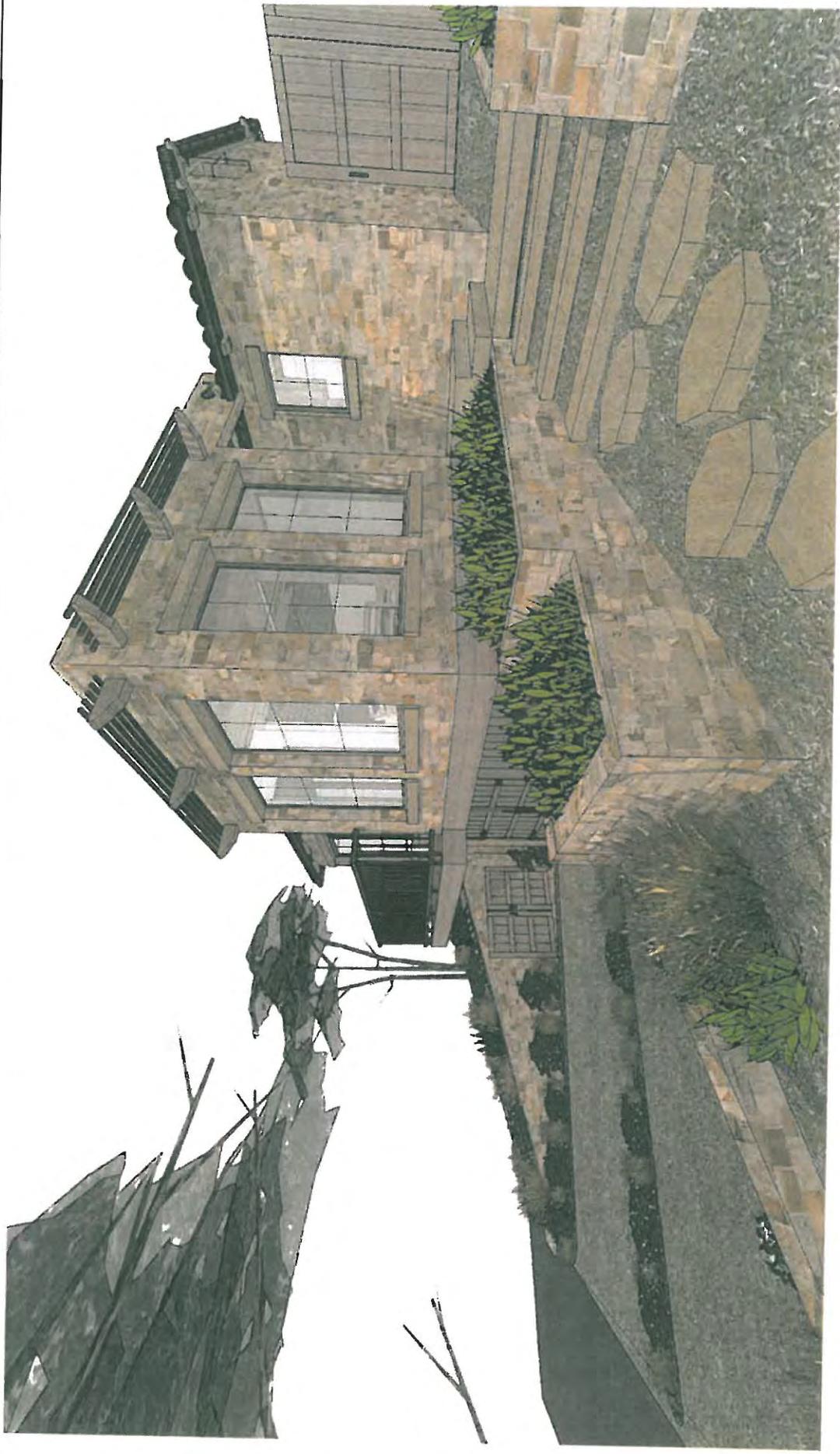
VIEW FROM SHARED PATH
DOLCE CAROLINA
 4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923



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 CARMEL, CA 93923
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SHEET: 4

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Date: 09/17/2016
 Scale: @ 1/4" = 1'-0"
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 Job:

VIEW FROM ENTRY WALKWAY
DOLCE CAROLINA
 4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923

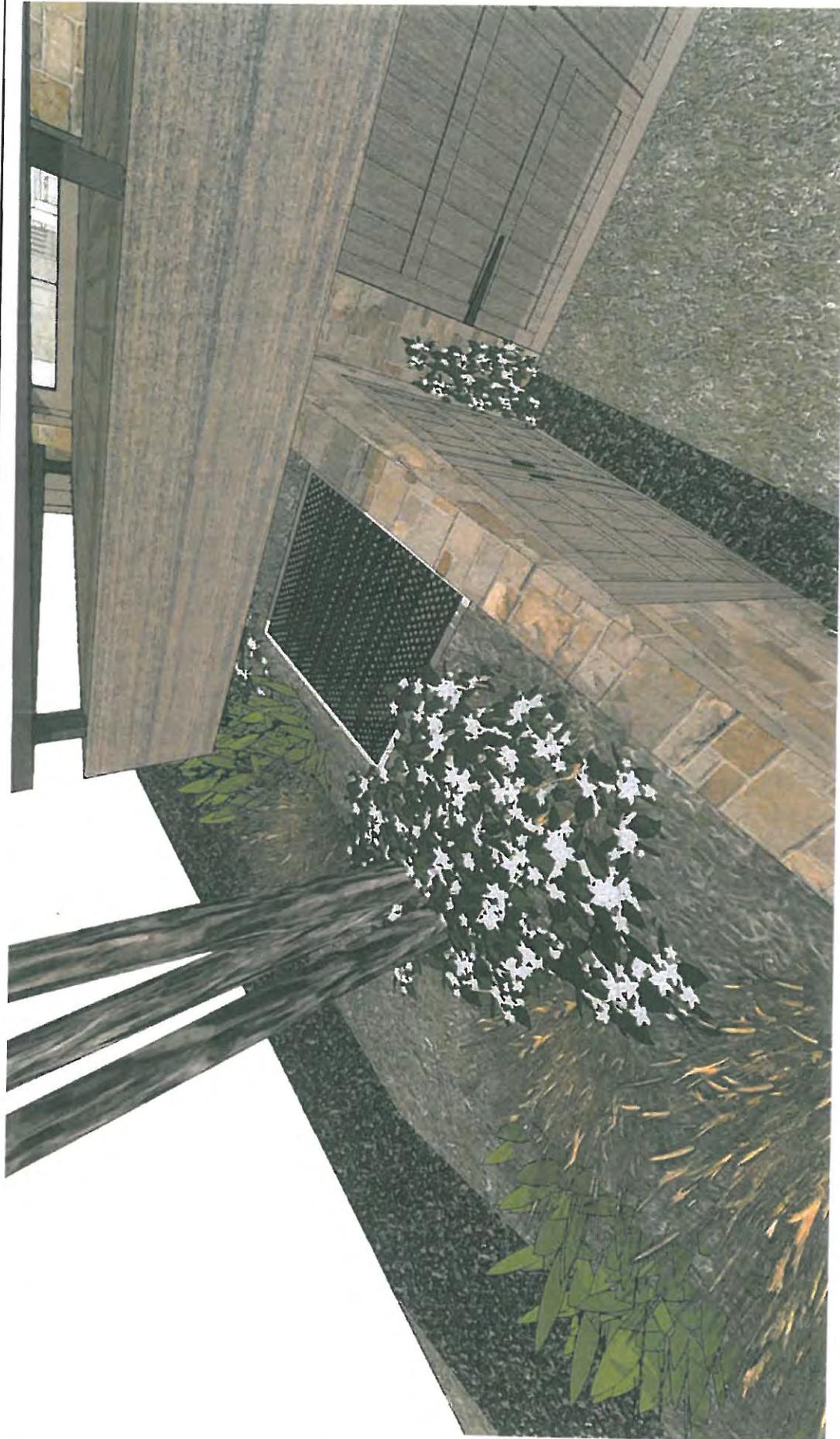


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SHEET
5

SCHEMATIC DESIGN
 10/20/2016 10:41:17 AM



VIEW OF A.C. UNIT & ENCLOSURE

Date: 08/17/2015

Scale: @ 1/4" = 1'-0"

Drawn By: SBP

Job:

**SCHEMATIC
DESIGN**

11/18/2014 1:48:17 PM

FOR THE CLIENT: THE UNIVERSITY OF CALIFORNIA
 PROJECT: UNIVERSITY OF CALIFORNIA
 ARCHITECT: UNIVERSITY OF CALIFORNIA

STUDIED CARRIER



SHEET:

6



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

October 20, 2015

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Acting Community Planning and Building Director

Subject: Consideration of special conditions associated with the approval of a Design Study (DS 15-105) application for the construction of a new residence located in the Single-Family Residential (R-1), Park Overlay (P), and Beach and Riparian (BR) Overlay Zoning Districts

Recommendation:

Determine the appropriate action regarding compliance with the special conditions

Application:	DS 15-105 (Corradini)	APN:	010-302-010
Block:	A2	Lot:	S pt. Lot 7 & N pt. of Lot 8
Location:	4 SE of 9 th on Scenic		
Applicant:	Robert Carver, AIA	Property Owner:	Ronald Corradini

Background and Project Description:

The project site is located on Scenic Road, four parcels southeast of 9th Avenue. On September 9, 2015, the Planning Commission approved Design Study (DS 15-105) for the construction of a new single-family residence at the subject property. The approved residence is 2,214 square feet in size, which includes 1,488 square feet on the main level and 726 on the lower level, of which 413 square feet qualifies as bonus basement floor area.

During the hearing process concerns were raised regarding the basement space and whether it qualifies as bonus floor area. The Planning Commission approved the project with special conditions, including a requirement that the applicant work with staff to determine whether the basement space qualifies as bonus floor area and revise the plans if necessary. Since the project was approved, staff has determined that the proposed basement spaces does not qualify as bonus floor area and that either the main floor level or the entire residence would have to be lowered approximately 18 inches in order to comply.

The applicant has requested that this matter be referred back to the Planning Commission for additional discussion and is requesting to use an approximation of the original site grade in making the determination, which is permitted by the Municipal Code, but was not considered during the original project review.

In addition to the special condition regarding the basement space, there are also special conditions requiring that the driveway design be revised and that the applicant use light fixtures with down lights. The applicant has revised the plans to comply with these conditions. Staff is requesting that the Planning Commission review the revisions proposed by the applicant and determine whether compliance with the conditions is met.

Staff notes that this Design Study (DS 15-105) was previously approved by the Planning Commission and the only purpose of this meeting is to review how the project complies with the project conditions. The Planning Commission may only require alterations that are necessary to comply with the special conditions.

Staff analysis:

Previous Hearing: The following is a list of the pertinent project conditions and a staff analysis on how the applicant has or has not revised the design to comply with these conditions:

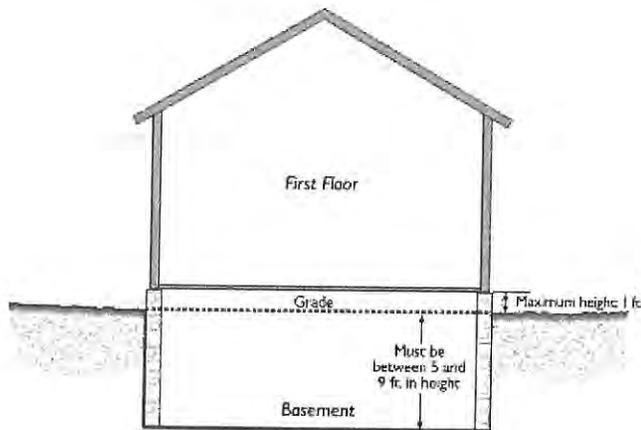
1. **Staff shall verify that the proposed bonus floor area at the basement-level meets the 1- foot basement requirement and that no basement area that does not have floor level above it shall be counted as bonus floor area, as defined in the City Code (Sections 17.70.020 and Section 17.10.030D) and that the Code is held to the strictest standard).**

Analysis: The laundry room portion of the basement was previously not overlapped by floor area. In order to comply with this special condition, the applicant has relocated the laundry room to the rear of the basement space so that it is now overlapped by the floor area.

With regard to basement space, City Municipal Code Section 17.70.020 defines as basement as: *“An underground room or excavated space between five and nine feet of interior height, finished or unfinished where the finished floor level directly above the space is not more than one foot above both the existing or final grade. Any subgrade space where the finished floor elevation directly above the space is more than one foot above existing or finished grade shall be considered above-ground space.”*

At the Final Review hearing it was noted that the distance between the exterior grade and the finished floor above was required to be 1 foot or less. Staff noted that the Municipal Code diagram (Figure 1) depicts the measurement occurring from the grade to the bottom of the floor and that the proposed basement space was very near to meeting the 1-foot requirement. However, since that meeting staff has further researched the definition of finished floor, and determined that the industry standard defines it as the top of the floor. The project architect, Mr. Robert Carver, had indicated to staff that he agrees with this definition of finished floor. As depicted on Sheet A3.3 of the plan set (Attachment C), the distance between the existing grade and the top of floor is approximately 24 inches. The floor level, or building, would have to be lowered 18 inches to comply with the 1-foot rule.

Figure 1. (CMC 17.70.020)



Staff notes that the basement definition (CMC 17.70.202) states that the grade be no *“more than one foot above both the existing or final grade.”* At one of the meetings when the issue of basement space was raised, staff noted that the code language is ambiguous in that it states both existing or final grade. To assist with the interpretation of this code section, staff notes that Municipal Code Section 17.06.020.L Rules of Measurement, states that *“The height of buildings shall be measured as the plumb vertical distance from existing or finished grade (whichever is more restrictive).”* In staff’s opinion, the measurement of floor level should be from the more restrictive grade, which would be existing grade. In its final motion the Planning Commission required that in reviewing the basement space, the interpretation of the Municipal Code shall be held to its strictest standard, which in staff’s opinion means that the measurement should be taken from existing grade.

The applicant has not contested staff's determination regarding the finished floor definition or the interpretation of the 1-foot measurement from existing grade. However, the applicant is requesting to use an approximation of the pre-existing site grade in making a determination. Municipal Code Section 17.06.020.F, states that *"On sites disturbed from previous grading or excavation activities, an approximation of preexisting conditions may be used as a reference for determining average or existing grade using grades on adjacent sites, retaining walls and prior survey maps. All such grade approximations shall require the concurrence of the Department and a determination that the resulting project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography and is consistent with R-1 design objectives."*

The applicant has indicated that the original site grades have been disturbed by the site development, evident by the retaining walls along the rear of the property. To depict the pre-existing grade the applicant has drawn a straight line from the top of the retaining wall at the back of the property to the front property line (Attachment A). The finished floor level would meet the 1-foot requirement and the basement would qualify as bonus floor area using the applicant's determination of pre-existing grade.

Staff notes that the Municipal Code states that an approximation of pre-existing conditions may be used in determining the grade, which indicates that the decision is discretionary. The applicant has submitted a letter from a licensed surveyor, Mr. Gordon Humenik, of Rasmussen Land Surveying Inc. In that letter the surveyor concluded that much grading and earthwork has been done to the site, but that there is little data to determine what the grade was prior to the existing structure. The surveyor, however, supports the applicant's approximation.

Staff concludes that the grade has been previously disturbed, but that there may not be sufficient evidence to determine the pre-existing grade as it relates to the finished floor measurement. If the Commission does not accept the applicant's approximation of pre-existing grade, the main floor level would have to be lowered 18 inches in order to comply. The Commission should consider whether the entire building should be lowered 18 inches or just the floor level in order to comply. If the entire building is lowered the top ridge elevation would be lowered from 518'9" to 517'3".

2. The applicant shall work with staff to reduce the driveway width.

Analysis: The applicant has revised the driveway design to comply with this condition. The applicant is now proposing landscaped bulb-outs at the front of the driveway that would reduce the width of the driveway opening to a maximum of 14 feet, including 7 feet for each driveway lane. Staff had originally directed the applicant to reduce each driveway lane to 7 feet for the

entire length of the driveway. However, the applicant is concerned that this would be too narrow and make it difficult to back a vehicle out onto Scenic Road. Staff could support the design as it is an improvement over the original driveway and allows for safe backing out of a vehicle.

- 3. Prior to submitting for the Building Permit, the applicant shall revise all exterior lighting to be down-lit fixtures.**

Analysis: Staff notes that this special condition was intended to minimize glare and was not related to the style of the light fixture, which is appropriate for the architectural style of the residence. The applicant is proposing to maintain the original lantern-style design of the fixture, but the bulb would be at the top of the fixture and shielded by the metal shroud as depicted the light fixture section drawing included in Attachment B. In staff's opinion the proposal meets the intent of the special condition in that it would minimize glare by shielding the light and directing it downward.

Environmental Review: The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15302 (Class 2) – Replacement or Reconstruction. An existing, 1,244-square foot, non-historically significant single-family residence with an attached garage would be demolished and replaced by a new 2,214-square foot residence. The proposed alterations to the residence do not present any unusual circumstances that would result in a potentially significant environmental impact.

ATTACHMENTS:

- Attachment A – Applicant Submittal - Basement
- Attachment B – Applicant Submittal – Driveway and Light Fixture
- Attachment C – Approved Plans (Sheets A2.2 and A3.3)



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September 28, 2015

City of Carmel-by-the-Sea
Mr. Marc Wiener
Dept. of Community Planning & Building
PO Drawer G
Carmel-by-the-Sea, CA 93923

Re: Corradini Residence (DS 15-105)
4 SE of 9th on Scenic

Dear Mr. Wiener,

The Planning Commission unanimously approved the proposed design for the Corradini Residence on September 9, 2015. Included with the approval was a special condition for the applicant to resolve with City Staff:

#26 – Staff shall verify that the proposed bonus floor area at the basement-level meets the 1-foot basement requirement and that no basement area that does not have floor level above it shall be counted as bonus floor area, as defined in the City Code (Sections 17.70.020 and Section 17.10.030D) and that the Code is held to the strictest standard.

Attached with this letter is supplemental information that we believe fulfills this condition.

At the direction of the Planning Commission, Studio Carver met with you and Christy Sabdo on September 15th to resolve this condition and demonstrate to staff how the proposed basement complies with the City Code.

Studio Carver began design work for the proposed Corradini Residence back in early January, 2015. One of the first exercises we did, the same exercise that Studio Carver does on all its jobs, was to look at the natural grades in the area adjacent to the subject property. Since the site had been disturbed and re-graded when the existing home was constructed, it was necessary to determine the pre-existing natural grade.

The City's Municipal Code, Section 17.06.020 – F. 'Rules of Measurement', allows the applicant to make an approximation of 'preexisting conditions' in order to establish the natural grade.

On sites disturbed from previous grading or excavation activities, an approximation of preexisting conditions may be used as a reference for determining average or existing grade using grades on adjacent sites, retaining walls and prior survey maps. All such grade approximations shall require the concurrence of the Department and a determination that the resulting project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography and is consistent with R-1 design objectives.

The determination of this natural grade came from the examination of the survey, photographs of the streets running parallel to our site, between Scenic and San Antonio, and also by observation of a parcel on Scenic 2 N.E. of 7th that was undisturbed. Studio Carver had done a similar exercise when our office designed the Schilling Residence to the south of the Corradini Residence (see Sheet 3). In both cases we projected a line across our site sections that represented the 'pre-existing natural grade'.

This line was used through the conceptual and schematic design of the proposed residence to help establish heights as well as to confirm we were meeting the requirements of a basement, as defined in the City Code. We believe the accuracy of this line is substantiated by evidence collected from the property survey and photographs along Scenic. Furthermore, we have a letter from Rasmussen Land Surveying supporting our determination of pre-existing conditions.

From the time of our initial design study back in January, up until our first design submittal to the City on March 23 this reference line was inadvertently missing from our drawings. Through six rounds of submittals and three hearings, the staff had always supported the proposed basement and the omission of the original 'pre-existing natural grade' line did not pose a concern. It was our belief that the City had received copies of our initial studies indicating the pre-existing natural grade line however we understand now these were never included with our submittal.

Recently, concerns were raised about the accuracy of the proposed basement. For this reason Studio Carver has added back our original line for clarification and offered the supporting information.

Condition #26 also asked us to revise the layout of the proposed basement so that no portion of basement area projected out past the footprint of the main level above. Included in the attachment with this letter is a revised plan that has relocated the proposed laundry room to comply with the condition.

We ask that the staff reviews the information outlined above and attached in this letter and support the proposed basement as designed with the concurrence of our pre-existing grade determination. The Planning Commission originally asked staff and Studio Carver to resolve this matter. Although this issue has been sent back to the Planning Commission we would like to have the support of staff.

Please don't hesitate to call with any questions.

Sincerely,



Robert Carver, AIA

STUDIO CARVER

ARCHITECTURE + PLANNING + INTERIOR DESIGN

P.O. Box 2684

Carmel, CA 93921

Phone: 831.622.7837

FAX: 831.624.0364

E. Mail: robert@StudioCarver.com

Website: www.studiocarver.com



8TH AVENUE BETWEEN SCENIC & SAN ANTONIO - EXISTING NATURAL GRADE
 PRE-EXISTING NATURAL GRADE STUDY



13TH AVENUE BETWEEN SCENIC & SAN ANTONIO - EXISTING NATURAL GRADE

SCHEMATIC DESIGN
 Date: 09/25/2015
 Scale: @ 11" x 17"
 Drawn By: SBP
 Job: -

DOLCE CAROLINA
 4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923

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SHEET:

1



SCENIC 2 N.E. OF 7TH ON SCENIC - EXISTING NATURAL GRADE

**SCHEMATIC
DESIGN**

Date: 09/25/2015

Scale: @ 11" x 17"

Drawn By: SBP

Job: -

PRE-EXISTING NATURAL GRADE STUDY

DOLCE CAROLINA
4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923

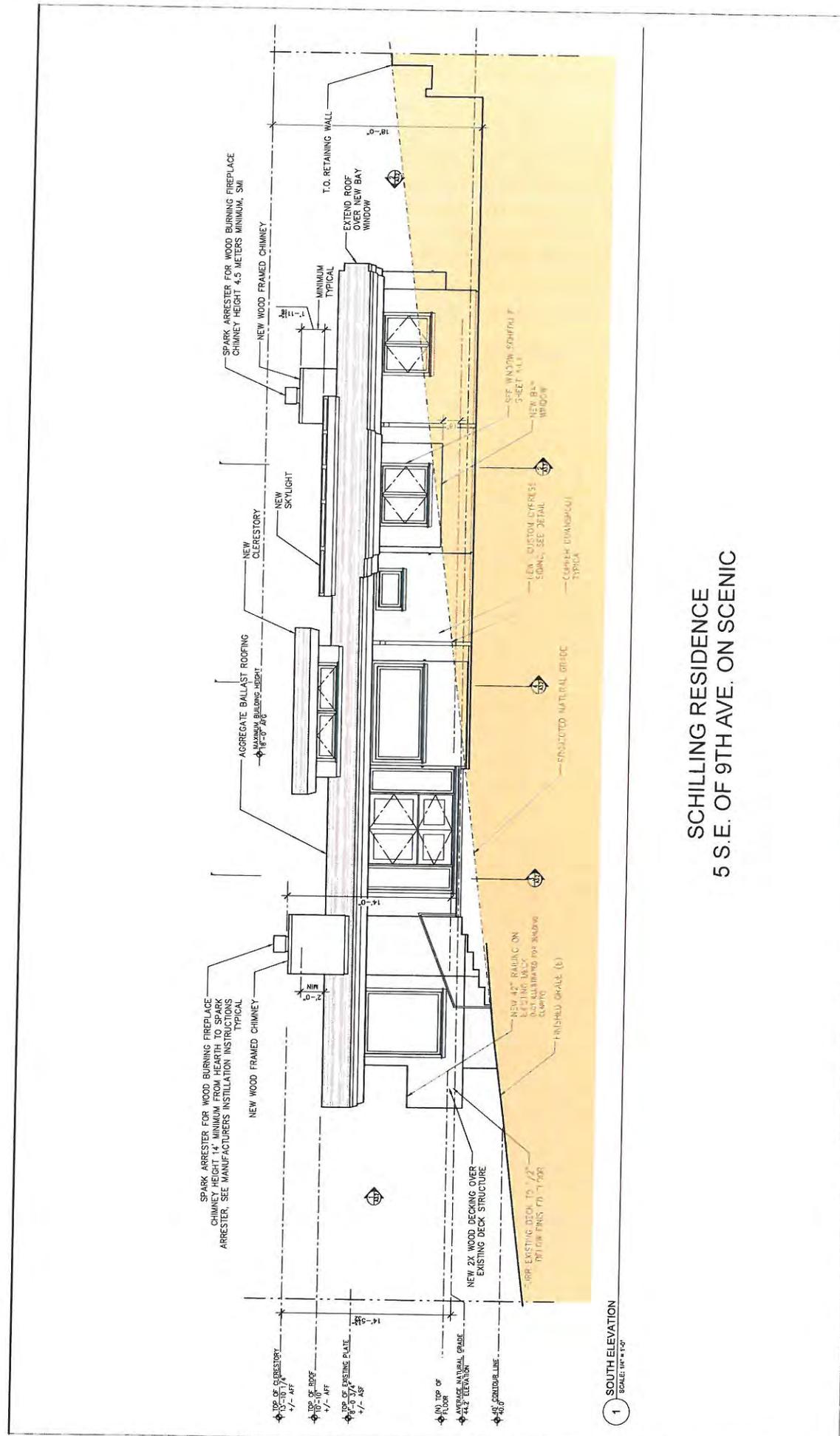


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SHEET:

2



SCHILLING RESIDENCE
5 S.E. OF 9TH AVE. ON SCENIC

1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PRE-EXISTING NATURAL GRADE STUDY
DOLCE CAROLINA
4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923

Date: 09/25/2015
Scale: @ 1/4" x 1/4"
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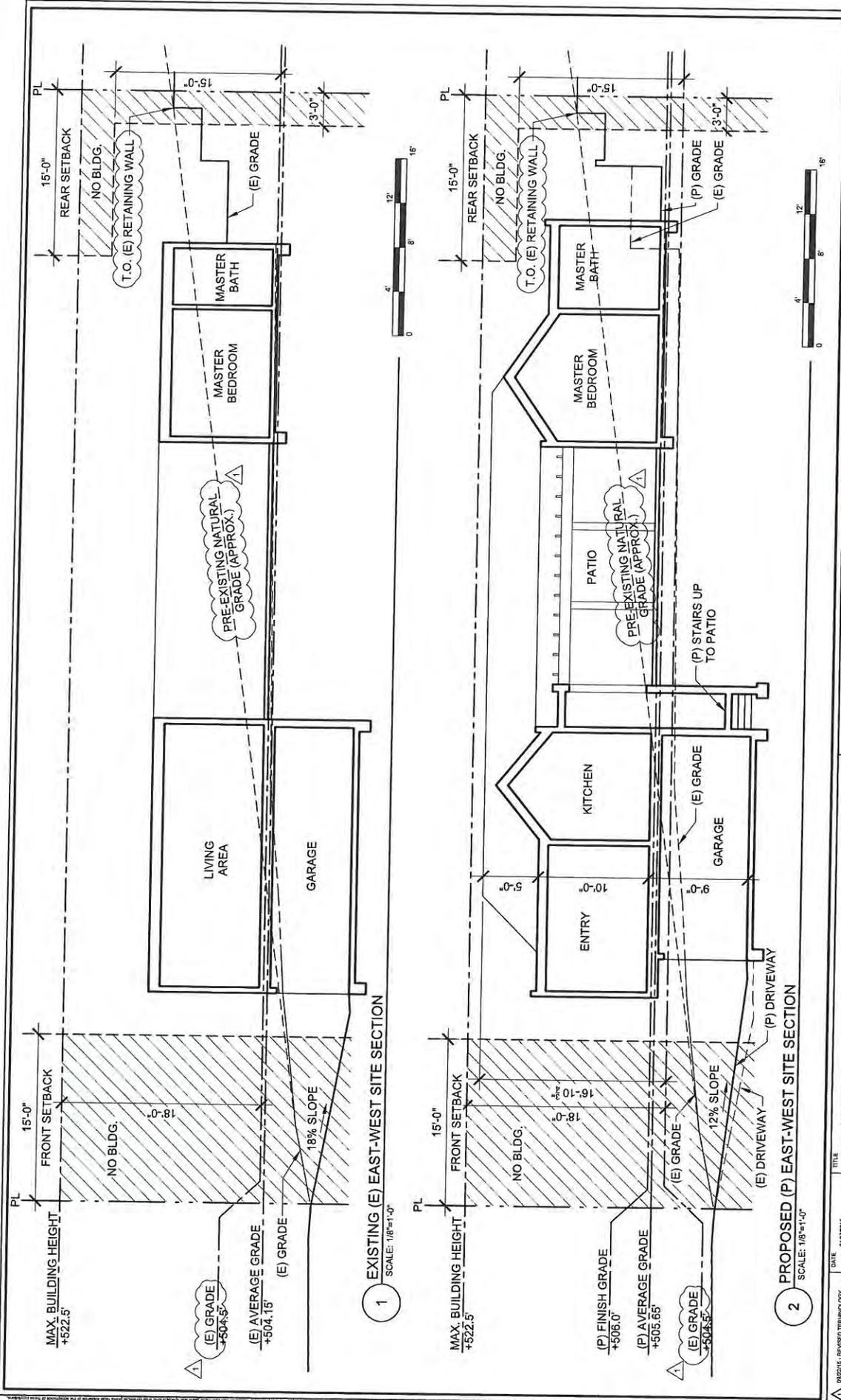


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SHEET:

3



DATE	01/20/2016	TITLE	SITE SECTION FINISHES
SCALE	1/8"=1'-0"	DRIVER	
DESIGNED BY	SRP	CLIENT	DOLCE CAROLINA
DRAWN BY	SRP	PROJECT	4 BE OF 8TH ON SPENCING CARNEL/09/17/16-SEA, CA 91323

STUDIO CARVER, INC.
ARCHITECTS

12 8 16

12 8 16

PL 15'-0" REAR SETBACK NO BLDG. T.O. (E) RETAINING WALL (E) GRADE 3'-0"

PL 15'-0" REAR SETBACK NO BLDG. T.O. (E) RETAINING WALL (P) GRADE (E) GRADE 3'-0"

NO BLDG. 15'-0" 18'-0" 18'-0" 12% SLOPE (E) DRIVEWAY (P) DRIVEWAY (P) STAIRS UP TO PATIO

MAX. BUILDING HEIGHT +522.5' (E) GRADE +504.55' (E) AVERAGE GRADE +504.15' (E) GRADE 18% SLOPE

MAX. BUILDING HEIGHT +522.5' (P) FINISH GRADE +506.0' (P) AVERAGE GRADE +505.65' (E) GRADE +504.55' (E) GRADE 12% SLOPE

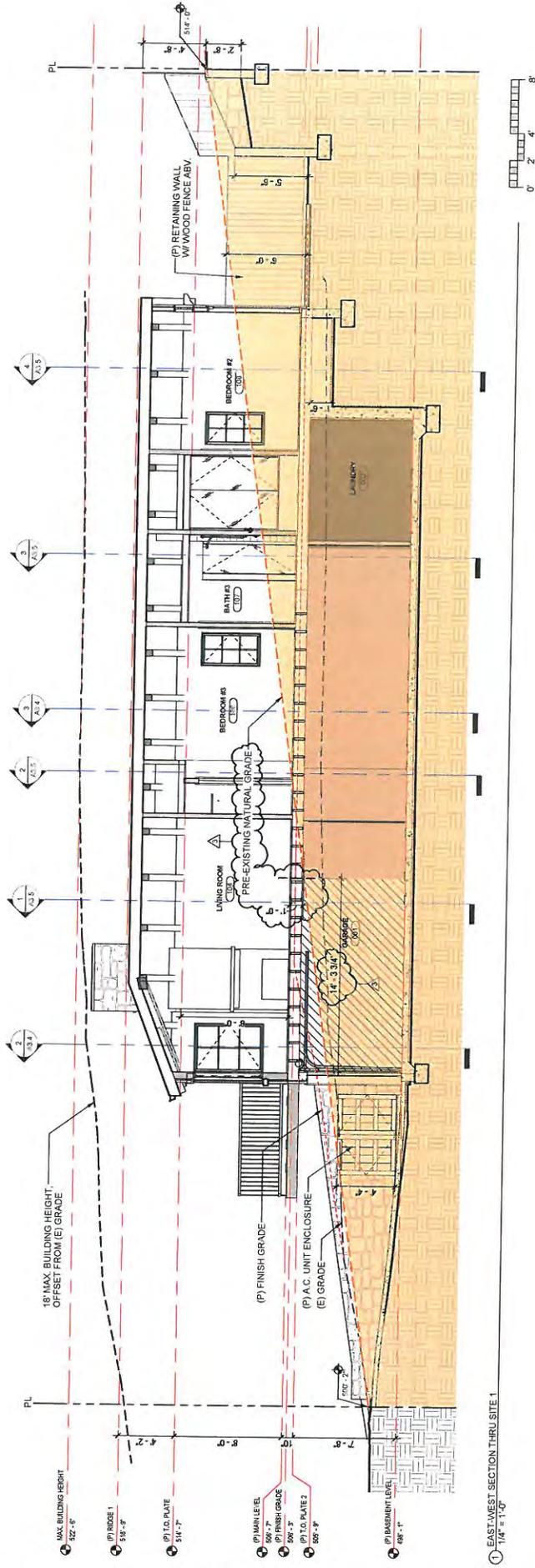
LIVING AREA GARAGE MASTER BEDROOM MASTER BATH

ENTRY KITCHEN PATIO MASTER BEDROOM MASTER BATH

PRE-EXISTING NATURAL GRADE (APPROX.)

PRE-EXISTING NATURAL GRADE (APPROX.)

PROPOSED CORRADINI RESIDENCE
4 S.E. OF 9TH AVE. ON SCENIC



① EAST-WEST SECTION THRU SITE 1
1/4" = 1'-0"

SCHEMATIC DESIGN	Date:	09/25/2015
	Scale:	@ 1/4" = 1'-0"
	Drawn By:	SBP
	Job:	-

PRE-EXISTING NATURAL GRADE STUDY
DOLCE CAROLINA
4 SE OF 9TH ON SCENIC, CARMEL-BY-THE-SEA, CA 93923



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SHEET:

5

Rasmussen Land Surveying, Inc.

PO Box 3135

Monterey, CA 93942

Tel: (831) 375-7240 Fax: (831) 375-2545

September 28, 2015

Carmel-By-The Sea
P.O. Box CC
Carmel, CA 93921
Phone: (831) 620-2000
FAX: (831) 620-2004

Re: Project at Scenic Road, 4 S.E. of 9th
Calculation of "pre-existing natural grade"

To Whom It May Concern:

On December 19th and 24th of the year 2014, our firm conducted a topographic survey of the site on Scenic Road, 4 S.E. of 9th in Carmel-By-The-Sea CA. We measured horizontal and vertical positions of the existing site features, and showed them on a topographic site map, in relation to the legal property boundaries and a site-specific temporary elevation benchmark (a nail and metal disc in pavement, with an assumed elevation of 500 feet). Included in that data were existing ground elevations throughout the project site.

I possess no information showing what the topography of the ground looked like prior to the construction of the currently existing residential structure. Clearly, much grading and earthwork was done during that structure's construction many years ago. When asked to render an opinion as to what the grade was prior to the existing structure (heretofore called pre-existing natural grade), there is very little data to go on. So I would simply use the existing ground at the low end, (West property line along Scenic Road, elevation = 500'2") and the existing ground at the high end of the lot (behind fence at East property line, elevation=514', and interpolate between them, ignoring the grade-breaks and stepped retaining walls in between, which do not appear natural. Such a calculation of pre-existing natural grade is shown on the exhibit prepared by Studio Carver, in the form of a dashed line starting from the 500'2" elevation on the west end and the 514' elevation on the East.

If you have any questions, do not hesitate to contact me.

Sincerely,



Gordon A. Humenik, PLS.9119



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September 25, 2015

City of Carmel-by-the-Sea
Mr. Marc Wiener
Dept. of Community Planning & Building
PO Drawer G
Carmel-by-the-Sea, CA 93923

Re: Corradini Residence (DS 15-105)
4 SE of 9th on Scenic

Dear Mr. Wiener,

The Planning Commission unanimously approved the proposed design for the Corradini Residence on September 9, 2015. Included with the approval were several special conditions for the applicant to resolve with City Staff. These conditions included:

#23 – Prior to Submitting for the Building Permit, the applicant shall revise all exterior lighting to be down-lit fixtures.

#27 – The applicant shall work with staff to reduce the driveway width.

Attached with this letter are supplemental drawings that we believe should resolve these conditions.

At the direction of the Planning Commission we have modified the proposed exterior light fixtures. The drawings submitted to the City for the September 9th hearing proposed a custom iron lantern light fixture with a maximum wattage of 25 and a maximum 375 lumens. Concerns were raised about the amount of light these fixtures would emit as well as the direction of the light.

Studio Carver has revised the proposed design of the custom light fixture to address these concerns. The inside of the light fixture has replaced the originally proposed candelabra bulbs with a single concealed 20 watt bulb mounted at the top of the fixture and pointed down. A metal shield will be installed around the light bulb to direct light downward and prevent light from being cast out horizontally. The bottom of the proposed fixture will be left open so that light can pass directly down to the ground below and will not be reflected back up. Please refer to ASK-001 for the proposed design and additional information.

The proposed driveway, as submitted for the September 9th hearing, was comprised of two 9'-0" wide drives that were separated by a 1'-0" wide planter. Concerns were raised about the width of these two driveways during the hearing.

Studio Carver has studied this area and is proposing to reduce the width of each drive to 7'-0". This reduction will be achieved by increasing the width of the planters at the top of the driveway adjacent to Scenic Road. The planters will taper back to 1'-0" wide farther down the driveway. Please refer to ASK-002 for the proposed design.

We ask that the staff accept these alternate designs to satisfy the conditions for approval. We would like to be able to notify the Planning Commission prior to the upcoming hearing on October 14th, that conditions #23 and #27 has been resolved. This will allow the focus of the hearing to remain on determining the acceptability of the pre-existing natural grade and the qualification of the proposed basement level.

Please don't hesitate to call with any questions.

Sincerely,



Robert Carver, AIA

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P.O. Box 2684

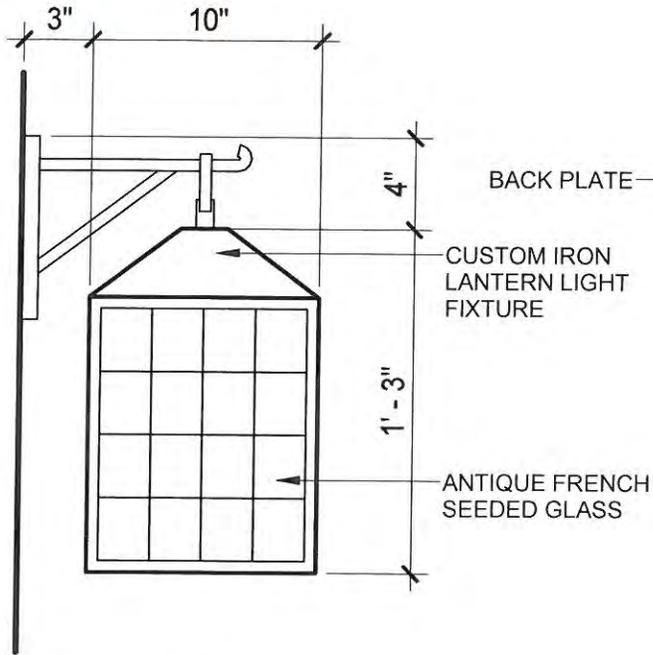
Carmel, CA 93921

Phone: 831.622.7837

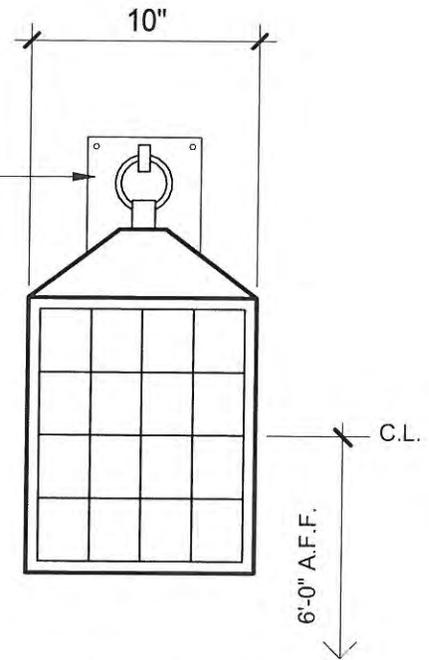
FAX: 831.624.0364

E.Mail: robert@StudioCarver.com

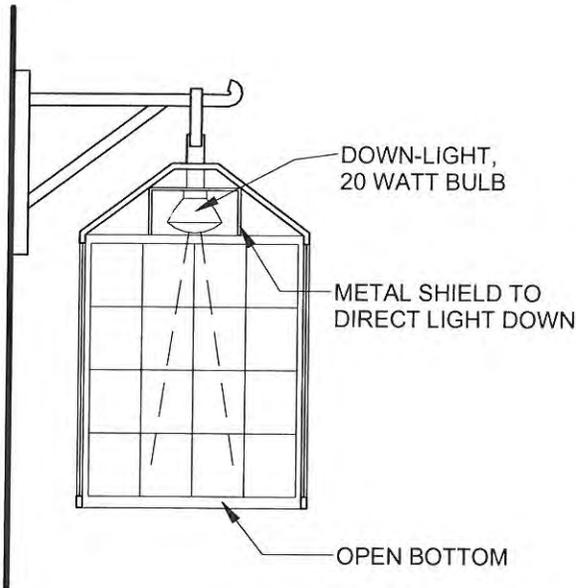
Website: www.studiocarver.com



SIDE ELEVATION



FRONT ELEVATION



SECTION



RENDERING

ASK-001 CUSTOM IRON LANTERN LIGHT FIXTURE

① 1 1/2" = 1'-0"

9/24/2015 11:58:50 AM	CUSTOM IRON LANTERN LIGHT FIXTURE	SHEET REF:	
Scale 1 1/2" = 1'-0"	DOLCE CAROLINA 4 SE OF 9TH ON SCENIC ROAD CARMEL-BY-THE-SEA, CALIFORNIA 93921	REVISED DATE:	
Drawn By: SBP		ISSUED DATE:	ASK-001
Job: -			

