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Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning & Building Department located in City Hall, east side of Monte Verde between Ocean & 7th Avenues, during normal business hours.

AFFIDAVIT OF POSTING

I, Marc Wiener, Community Planning and Building Director, for the City of Carmel-by-the-Sea, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Carmel-by-the-Sea City Hall bulletin board, posted at the Harrison Memorial Library on Ocean and Lincoln Avenues and the Carmel Post Office.

Dated this 22nd day of January, 2018 at the hour of 4:00 p.m.

Marc Wiener, AICP
Community Planning and Building Director



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

January 31, 2018

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, AICP, Community Planning and Building Director

Subject: Initiate an update of the City's Residential Zoning Code (Chapter 17.10) and Residential Design Guidelines and update of the City's Commercial Zoning Code (Chapter 17.14).

RECOMMENDATION:

Receive a report from staff and provide input on the proposed Zoning Code and Residential Design Guideline update.

BACKGROUND/PROCESS:

Title 17 of the City's Municipal Code, which is also referred to as the Zoning Code, was adopted in 2004. The Residential Design Guidelines were adopted in 2001 after extensive public input and review. The Zoning Code and Residential Design Guidelines are implementation tools of the General Plan and are essential to preserving community character. In Staff's opinion, both the Residential Zoning Code and Design Guidelines, as well as the Commercial Zoning Code, are due for an update. On January 9, 2018, the City Council authorized the Community Planning and Building Director to initiate an update of both the Residential Zoning Code and Design Guidelines, as well as the Commercial Zoning Code.

This update process will be an opportunity to evaluate the effectiveness of the City's current land-use regulations and determine what, if any, changes should be made. According to state law, all amendments to the Zoning Code and Residential Design Guidelines must be consistent with the City's General Plan. The General Plan is a broad planning document that provides policy statements to achieve the City's long-term vision and development goals. Pertinent General Plan policies are included as Attachment 1 for the Planning Commission's consideration.

RESIDENTIAL CODE AND GUIDELINES:

Chapter 17.10 regulates building design in the Single-Family Residential (R-1) Zoning District, and includes standards for height, setbacks, floor area, volume, parking, etc. Staff anticipates that recommended Zoning Code updates will mostly include minor modifications to some of the City's R-1 design standards. For example, trash enclosures are currently not allowed in the front-yard setback, but there are certain situations in which there are limited options to store trash on a property and an enclosure in the front-yard setback is warranted. Staff also intends to evaluate the regulations that pertain to buildable area and property slope. The current regulations are internally inconsistent and fairly punitive to applicants with sloped properties. In addition, staff intends to evaluate ways of improving the City's volumetric requirements, which currently penalize property owners wishing to rehabilitate rather than demolish an older residence that does not conform to current standards. These are just a few examples of areas of the Zoning Code that should be examined.

The City also utilizes Residential Design Guidelines to regulate new development. The Design Guidelines provide guidance to project applicants in developing proposals that are consistent with the City's design traditions and also "provide a common basis" for decision-making by staff, the Planning Commission and City Council. Among other things, the Design Guideline update will focus on examining policies pertaining to finish materials. There have been recent advances in the appearance of siding, roofing and windows, and the Design Guidelines should be refined to address these materials. Staff also intends to modify the Design Guidelines to better address contemporary-style architecture, which has been proposed much more frequently over the past few years. In addition, staff also intends to update some of the photographic examples and diagrams presented in the Design Guidelines.

COMMERCIAL CODE:

Title 17.14 of the Municipal Code regulates land use and building design in the commercial district. In January 2017, the City Council adopted amendments to the Zoning Code that codify the use permit voting requirements, require a conditional use permit for skin-care businesses, allow bicycle rental shops in the City, allow food stores to have limited on-site seating, and include provisions for allowing temporary events on private property. Staff intends to make some additional updates to the Commercial Zoning Code as part of this update process. For example, the City Council has stated that it would like to review the use permit voting requirements again. There was a previous policy that required a super-majority vote for approval of use permits, but this was changed so that only a simple majority is required.

Staff also recommends that the Planning Commission examine and consider updating some the City’s land-use regulations for certain business types. In staff’s opinion, the Commission should evaluate the City’s art gallery regulations, the numerical cap on jewelry stores, spa regulations, allowed uses in the Residential and Limited Commercial (RC) Zoning District, and the City’s Wine Tasting Policy. Several of these regulations were established to ensure a balanced mix of uses in the commercial district. To assist with the evaluation of the commercial zoning code, the table below identifies the number of businesses in the City by use classification.

Carmel-by-the-Sea Business Inventory

Business Classification	Number in the City
Office	122
Service Business	93
Retail Apparel	66
Art Galleries	63
Home Furnishing	26
Cosmetic Store	9
Antique Store	6
Jewelry Stores	28 (cap at 32)
Miscellaneous Retail	43
Restaurants	51
Food Stores	15
Drinking Establishments	3
Wine Tasting Rooms	15 (stand-alone establishments)

*Some of the data needs to be field verified.

UPDATE PROCESS: The Planning Commission, in conjunction with the Community Planning and Building Department, will take the lead on the Zoning Code and Residential Guideline updates. There will be at least two subcommittees, each consisting of two members of the Planning Commission and one City Staff member. One subcommittee will focus on residential code amendments while the other will focus on commercial amendments. Additional subcommittees may be appointed as deemed necessary. Staff anticipates that the entire process will take 9-12 months. The City Council will be provided with periodic updates throughout the process. Once the Planning Commission has completed its work, the proposed code amendments will be brought before the City Council for adoption. Once adopted by the City Council, the code amendments will then go before the California Coastal Commission for certification as an amendment to the City’s Local Coastal Program. There will be several public meetings

throughout the process and plenty of opportunity for public input. The first step in the process is for the Planning Commission to develop an outline of topics that should be evaluated. Staff will report back to the City Council once an outline of topics is drafted.

ENVIRONMENTAL REVIEW: Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations to Land Use Limitations). This exemption applies to projects involving minor alterations to land use limitations, which do not result in changes in land use or density. The proposed Ordinance Amendment falls under a Class 5 categorical exemption because it involves minor amendments to the Zoning Code and Residential Design Guidelines. The proposed Zoning Code and Residential Design Guideline amendments do not significantly change the current land use regulations. The amendments also do not propose or require physical changes to any specific property that will negatively impact the environment.

ATTACHMENTS:

Attachment A – Pertinent General Plan Policies



- P1-30** Prohibit any further subdivision and/or creation of new building sites west of San Antonio Avenue and within any block fronting on North San Antonio Avenue or Scenic Road. (LUP)
- P1-31** Discourage any future subdivision of land or lot-line adjustment unless it can be demonstrated that the character of the block and neighborhood will be maintained. (LUP)
- P1-32** Preserve significant areas of vegetation and open space when approving subdivisions and lot line adjustments through the appropriate siting of buildings and other allowed improvements. (LUP)
- P1-33** Evaluate and minimize the impacts of proposed lot line adjustments and subdivisions on traffic, access, trees, topography, utilities and public services through the approval process. (LUP)
- P1-34** Inventory all building sites that contain portions of lots or lot fragments left over from previous subdivisions. Consolidate all lots or portions of lots with adjoining lands within the same building site through the filing of lot merger or lot line adjustment documents when additional development is proposed. (LUP)
- P1-35** Establish criteria for evaluating lot line adjustments and subdivisions that will protect environmental resources, and ensure that proposed lots will be consistent with the pattern of existing parcel sizes within the surrounding neighborhood. (LUP)
- P1-36** Avoid the creation of land use and design nonconformities through approvals of lot line adjustments, subdivisions and the creation of building sites.

Residential Development

- O1-8** Preserve the traditional characteristics of scale, good site design and sensitivity to neighboring sites in the single-family residential district through the design approval of new homes, additions and exterior remodeling. Encourage the construction of residences that are diverse and innovative in design yet compatible with the forest setting, site design and materials established by other structures within the neighborhood and adopted Residential Design Guidelines. (LUP)



- P1-37** Require design review for new homes and second story additions in the residential district. Require design review for exterior remodeling that significantly affects the character or appearance of structures and sites in the R-1 District. Ensure that approved designs do not disrupt the existing neighborhood character by introducing inconsistent design elements.
- P1-38** Each site shall contribute to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping. It is intended by this policy that diversity in architecture be encouraged while preserving the broader elements of community design that characterize the streetscape within each neighborhood. (LUP)
- P1-39** Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the limitations of the land and work with these limitations rather than ignoring them or trying to override them. (LUP)
- P1-40** Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple lines set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, windows, roofs, and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and should be avoided. (LUP)
- P1-41** The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Designs shall coordinate structural elements with landscaping to achieve a pleasing overall site design. (LUP)



- P1-42** Prior to submittal of design plans for new development that will alter the building footprint, add a second story or involve excavation, a site plan shall be prepared by a qualified professional to document topography, drainage features, existing trees and structures, street edge, and existing conditions on adjacent properties. Using this site plan, the City's planning staff and City Forester shall prepare a preliminary site assessment that includes an evaluation of the design character, streetscape attributes, potential historic resources, and forest resources of the block and neighborhood as well as the resource constraints of the site. Submittal of a Forest Enhancement and Maintenance Plan shall be required from project applicants in response to the site assessment. The Plan shall address the impacts of the proposed development on the existing forest conditions of the site. Site Plan designs shall recognize the constraints of the land and work within these limitations. Minimize the extent of excavation and fill on a site to avoid adverse impacts on trees and ensure that new development follows the natural contours of the site. (LUP)
- P1-43** Maintain and enhance the informal, vegetated, open space character of the City's rights-of-way. Trees in the rights-of-way shall not be removed to provide parking. With the exception of driveways, installation of new paving in the rights-of-way by private property owners is prohibited. (LUP)
- P1-44** Prohibit the removal of significant trees (as determined by the City Forester) unless it would prevent a reasonable economic use of the site or pose a threat to health and safety. Locate buildings and other site structures to avoid removal and pruning and otherwise minimize damage to existing significant trees. Avoid impacts to trees by avoiding/minimizing impacts to the root protection zone identified by the City Forester during the preliminary site assessment. Establish continuity of landscape elements throughout each neighborhood. Replace trees removed for construction with appropriate trees of the urbanized forest. Require that they be nurtured until well established. (LUP)
- P1-45** All demolitions, rebuilds, remodels, and substantial alterations shall be consistent with the following findings:



- The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's Design Objectives.
- Mass of the building relates to the context of other homes in the vicinity.
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.
- 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 and structures will be setback a minimum of 6 feet from significant trees. (LUP)

P1-46 Require design review of proposed developments in the residential districts that are near designated parkland or that involve severe slopes, large structures or unusual design, to protect the character of individual neighborhoods and avoid inharmonious or out-of-scale development. (LUP)

P1-47 Apply the City's Residential Design Guidelines that explain the qualities that are characteristic of the community to assist in the preparation and approval of plans for residential development through the design review process. Include provisions for scale, mass, bulk, height, setbacks, open space, landscaping, exterior materials, lighting and community character. Establish procedures for using the guidelines that will allow flexibility and creativity in architectural expression yet maintain continuity in the design character of the residential district. (LUP)

P1-48 Establish maximum limits on site coverage and floor area in order to preserve open space and avoid excessive mass and bulk. Establish provisions for a smaller ratio of allowable coverage and floor area on larger sites and on sites constrained by environmental factors to preserve open space, vegetation, natural landforms and the character of surrounding neighborhoods. (LUP)



- P1-49** Limit above-grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above-grade square footage shall be preferred. Structural coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties. (LUP)
- P1-50** Establish landscaping standards to preserve the urban forest of Monterey Pines, Monterey Cypress, Redwoods and Coast Live Oaks, and encourage informal gardens using native vegetation to maintain the natural character of open spaces in the residential areas. (LUP)
- P1-51** Consider the effect of proposed residential construction on the privacy, solar access and private views of neighbors when evaluating 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. (LUP)
- P1-52** Establish and enforce permit standards for properties fronting on and to the west of North San Antonio and Scenic Road (the Beach District). The standards shall address identification and preservation of possible prescriptive rights of access, securing continuous lateral access and protection of public viewsheds to and along the coast. Limit the height of buildings in this area to 18 feet. (LUP)
- P1-53** Promote the undergrounding of utilities where feasible and with minimum detriment to the root systems of trees. (LUP)
- P1-54** Limit exterior lighting to prevent glare and preserve the traditional low levels of illumination during hours of darkness.
- O1-9** Recognize the contribution of existing public and quasi-public land uses in the R-1 district that serve local needs. Allow these existing uses to continue, but limit their expansion and minimize impacts on surrounding R-1 neighborhoods. (LUP)



- P1-55** Limit public and quasi-public uses in the R-1 district (such as schools, churches, clubs and foundations) to those sites already established. Prohibit the establishment of new sites and the enlargement of existing sites. (LUP)
- P1-56** Require use permits for all public and quasi-public uses in the R-1 district and only allow modifications to these uses through use permit amendments. Limit the physical expansion of any existing structures and the construction of new facilities and uses to those that will not materially increase traffic, noise, parking demand, ~~and~~ or create other adverse impacts on surrounding R-1 neighborhoods. (LUP)
- P1-57** Require design modifications to existing public and quasi-public uses in the R-1 district to be reviewed by the Planning Commission. Apply design standards to such modifications that are consistent with R-1 design regulations applying to residential property.
- P1-58** Establish criteria for the intermixing and replacement of public and quasi-public uses on existing sites, such as school use at a church, etc.

Commercial Development

- G1-3** Recognize the qualities and attributes that make up the unique architectural character of Carmel, retain these qualities in existing buildings, and encourage the use of them in new structures. (LUP)
- O1-10** Apply design regulations for the commercial district that will protect its established character while supporting the land uses contained therein. (LUP)
- O1-11** Maintain pedestrian-oriented and attractive commercial and multifamily districts that are well integrated into the residential character of the community.
- P1-59** Preserve the existing land use pattern in the commercial district with retail uses limited to the core area at ground level surrounded by a buffer area of residential uses, motels and offices that provide a transition to the residential district. Ensure that land use and design standards for these two areas remain coordinated. (LUP)



- P1-60** Encourage visitor-oriented retail businesses to be located primarily in a core area of the total commercial district.
- P1-61** Allow resident-oriented businesses in all areas of the commercial district and particularly encourage such businesses in areas that also are in close proximity to community, cultural and public facilities within the commercial district.
- P1-62** Continue to encourage the established mixed-use pattern (residential over commercial uses) in all commercial districts. (LUP)
- P1-63** Protect the special and unique character of Ocean Avenue and the surrounding commercial area. Ensure, through the administration of land use and design regulations, that the architecture, landscape, scale and ambience of this area is maintained. (LUP)
- P1-64** Through design review require architectural and site design within the commercial land multifamily districts to be compatible with the traditional village character.
- P1-65** Prohibit new driveways on Ocean Avenue leading to off-street parking facilities in the central commercial district to conserve the pedestrian-oriented design character of this area and avoid auto/pedestrian conflicts. (LUP)
- P1-66** Retain the scale and variety of design established in the retail core when considering changes to buildings that are not historic. Protect, preserve and rehabilitate historic commercial architecture that represents the character, ambience and established design context of the commercial area. (LUP)
- P1-67** Preserve all existing courtyards in the core of the commercial district as a distinctive architectural feature of the City's pedestrian-oriented retail area. Encourage the establishment of new courtyards and intra-block walkways. (LUP)



- P1-68** Implement design regulations and design guidelines to ensure that buildings and storefronts in the retail core maintain the design features characteristic of this area including appropriate scale, minimal setbacks, attractive landscaping and consistency in the treatment of windows, awnings, exterior materials and building lines throughout each building. (LUP)
- P1-69** Continue to control the scale and mass of both one and two story buildings through design review. Guidelines should retain design flexibility, should not be so restrictive that all buildings would look alike, and should recognize that in certain areas, the absence of setbacks is positive and contributes to the character of Carmel.
- P1-70** Retain a less intensively developed buffer area surrounding the core that provides a transition to the residential neighborhoods. Ensure that design standards for this buffer area reflect more open space, landscaping, setbacks and on-site parking typically needed for the uses in this area. (LUP)
- P1-71** Adopt appropriate ordinances that will regulate uses, including the intensity of land use, in a manner that is consistent with the character of Carmel, including the concept of planned commercial zoning through the permit procedure and specific criteria for such use permits.
- P1-72** Maintain zoning regulations that avoid land uses of large size and scale (5,000 square feet or more) that have high traffic and parking generation rates such as retail or restaurant uses. (LUP)
- P1-73** Require that any development of mini-malls or merchandise marts is subject to review by the Planning Commission.
- P1-74** Periodically review and, if necessary, revise commercial design regulations to ensure that alterations and new buildings will contribute to the character and identity of Carmel-by-the-Sea.