

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT

TO: MAYOR McCLOUD AND COUNCIL MEMBERS
FROM: RICH GUILLEN, CITY ADMINISTRATOR
DATE: 7 JULY 2009
**SUBJECT: CONSIDERATION OF AN ORDINANCE TO REVISE
THE MUNICIPAL CODE AND ZONING
ORDINANCE/LOCAL COASTAL IMPLEMENTATION
PLAN RETURNING ALL DESIGN AND LAND USE
RESPONSIBILITIES TO THE PLANNING
COMMISSION (SECOND READING)**

RECOMMENDATION

Adopt the attached ordinance that revises relevant sections of the Municipal Code.

BACKGROUND

Carmel Municipal Code (CMC) chapter 17.52.060 establishes the duties and powers of the Planning Commission while CMC chapter 17.52.050 establishes the duties and powers of the Design Review Board that was established in December 2000. The Board's role is limited to the review of design applications not involving other land use permits (i.e. variances, conditional use permits, subdivisions, etc). Prior to 2001, there was only a Planning Commission. The attached ordinance would return all responsibilities to the Planning Commission.

The Design Review Board is referenced throughout the zoning ordinance. The attached ordinance includes strikeouts where the Board is listed and includes some new text, shown in underline, to clarify the duties of the Planning Commission. This ordinance will require a Local Coastal Program amendment by the California Coastal Commission.

STAFF REVIEW

At the Special February 4, 2009, City Council meeting on the mid-year budget, the City Administrator recommended returning all land use and design responsibilities to the Planning Commission. Following are some of the reasons for this recommendation:

1. Changing demographics: Carmel does not have the qualified applicant pool that it once enjoyed due to the high number of second home owners and our sizable retired community. There are three positions on both the Planning Commission and the Design Review Board that expire this October -- a total of six. One Commission member has already moved from the area and two others have indicated their desire to “retire”. Some whose terms expire may wish to be reappointed. If not, Carmel-by-the-Sea faces a virtually impossible task of finding qualified candidates who must be Carmel-by-the-Sea residents and voters. Keeping Carmel “Carmel” depends on the application and understanding of both our Design Guidelines and codes. Openings for this year’s Boards and Commissions have been posted since the first of the year.
2. Reduced staff workload: An additional benefit is a reduced workload for the four-member staff (two of whom are planners), as it will have one fewer Board to manage. The Planning staff currently is responsible for the regular and special meetings of the Planning Commission, Design Review Board, Historic Resources Board and the Forest and Beach Commission, which amounts to preparing for a minimum of one meeting per week.
3. Consistency: This ordinance will simplify the design review process by creating a single decision-making body, as existed before 2001. This also will ensure consistency for applicants in how the City interprets and applies its design guidelines and criteria. There had been talk about the need for a joint meeting of the two bodies, as there has been inconsistency on design decisions: e.g. design elements such as mass and bulk, windows and skylights, to name a few.
4. Decrease in revenue from Building Permits and Fees: Annual revenues in the past few years were in excess of \$300,000. Since the decrease in construction, revenues and related fees have fallen approximately 40%. Spec projects are not being built and projects are smaller and simpler.

For the above reasons, staff recommends adoption of this ordinance.