

MONTEREY COUNTY PLANNING COMMISSION

Meeting: November 8, 2006. Time 9:15 AM	Agenda Item No.: 3
Project Description: Zoning Amendment to rezone certain property from the “LDR/B-6-D-S” (Low Density Residential, with Building Site, Design Control and Site Plan Review Overlays) zoning designation to the “LDR/2.5-D-S” (Low Density Residential, 2.5 Acres/Unit, Design Control and Site Plan Review Overlays) zoning designation.	
Project Location: 8025 Carmel Valley Road, Carmel Valley	APN: 169-031-019-000
Planning Number: PLN050193	Name: KRASZNEKEWICZ
Plan Area: Carmel Valley Master Plan	Flagged and Staked: No
Zoning Designation: “LDR/B-6-D-S” or [Low Density Residential, Building Site Zoning and Design Control District and Site Plan Review Zoning District Overlays].	
CEQA Action: Consider Adopted Mitigated Negative Declaration	
Department: RMA-Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Consider the adopted Mitigated Negative Declaration (**Exhibit E**)
- 2) Recommend to the Board of Supervisors to adopt an ordinance to remove a “B-6” zoning district overlay from the LDR/B-6-D-S zoning designation on the property.

PROJECT OVERVIEW:

The Subdivision Committee considered the Krasznekewicz Minor Subdivision application on October 12th, 2006. The Committee approved the subdivision of an existing parcel into two separate parcels and adopted a Mitigated Negative Declaration which addressed the potential for cumulative impacts from traffic and rezoning of the property. The zoning designation of the property includes the “B-6” overlay which would prevent the property from being subdivided. The Subdivision Committee’s approval of the subdivision was conditioned on removal of the “B-6” Overlay. Staff has reviewed the zoning maps and related information and has confirmed that the “B-6” overlay was in fact applied to the property in error (See Discussion in Exhibit B). The rezoning is necessary to correct the error and to allow the subdivision. Adoption of the ordinance to change the zoning designation requires a recommendation by the Planning Commission to the Board of Supervisors.

DISCUSSION: See (**Exhibit B**)

OTHER AGENCY INVOLVEMENT:

- ✓ Planning and Building Inspection Department
- ✓ Carmel Valley Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Housing and Redevelopment

All the above checked agencies, Divisions and departments have reviewed this project. Carmel Valley Fire Protection District, Public Works, Parks Department, Environmental Health Division Water Resources Agency have provided conditions of approval (**Exhibit C**).

LUAC RECOMMENDATION:

The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the minor subdivision application project on October 2, 2006, and recommended approval (vote 4 to 0) with the recommendation that the Minor Subdivision Committee approve the minor subdivision with conditions recommended by staff as noted in the Mitigated Negative Declaration.

Note: The project is appealable to the Board of Supervisors.

Ramon A. Montano, Assistant Planner
(831) 755-5169 montanor@co.monterey.ca.us

cc: Planning Commission (10); Carmel Valley Fire Protection District, Public Works, Parks Department, Environmental Health Division Water Resources Agency; Housing and Redevelopment, Jacqueline R. Onciano; Ramon A. Montano, Carol Allen, Property Owner; Applicants Representative Mark Blum, Project File.

Attachments:	Exhibit A	Project Data Sheet.
	Exhibit B	Discussion.
	Exhibit C	Minor Subdivision Committee Resolution No. 050193.
	Exhibit D	Initial Study/ Mitigated Negative Declaration.
	Exhibit E	Draft planning Commission Resolution Recommending Approval of Zoning District Amendment.
	Exhibit E	Attachment 1 to Exhibit E Draft Zoning Ordinance and Map Exhibit A to the proposed Ordinance.
	Exhibit F	Original Correspondence from staff to the property owner regarding the Planning decision to accept an application for a minor subdivision.
	Exhibit G	Location Map.

Luis A. Osorio, Senior Planner, reviewed this report

EXHIBIT A

Project Information for PLN050193

Project Title: **KRASZNEKEWICZ JOHN & SARAH**

Location:	8025 CARMEL VALLEY RD CARMEL	Primary APN:	169-031-019-000-M
Applicable Plan:	Carmel Valley Master Plan	Coastal Zone:	No
Permit Type:	Minor Subdivision	Zoning:	LDR/B-6-D-S
Environmental Status:	Exempt	Plan Designation:	CV MASTER PLAN
Advisory Committee:	Carmel Valley	Final Action Deadline (884):	1/8/2006

Project Site Data:

Lot Size:	50 ACRES	Coverage Allowed:	25%
Existing Structures (sf):	N/A	Coverage Proposed:	N/A
Proposed Structures (sf):	N/A	Height Allowed:	30'
Total Sq. Ft.:	2,178,000	Height Proposed:	N/A
		FAR Allowed:	N/A
		FAR Proposed:	N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat:	No	Erosion Hazard Zone:	LOW
Biological Report #:	N/A	Soils Report #:	N/A
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	HIGH	Geologic Hazard Zone:	MON/HIGH
Archaeological Report #:	N/A	Geologic Report #:	N/A
Fire Hazard Zone:	HIGH	Traffic Report #:	N/A

Other Information:

Water Source:	WELL	Sewage Disposal (method):	SEPTIC
Water Dist/Co:	N/A	Sewer District Name:	N/A
Fire District:	CVFPD	Grading (cubic yds.):	0.0
Tree Removal:	N/A		

EXHIBIT B DISCUSSION

ZONING ISSUES: According to the zoning map, the subject property is zoned "LDR/B-6-D-S" or Low Density Residential, with Building Site, Design Review and Site Plan Review overlay districts. The "B-6" overlay limits the property to its current size; therefore, a zoning reclassification to remove the "B-6" overlay is required to allow the subdivision. During project review, staff found that the "B-6" overlay was applied to the subject parcel in error. This conclusion is supported by review of County records, i.e. zoning maps and recorded land use activities on the parcel preceding the current project, as described in the following discussion.

The subject parcel was once part of a larger property within the James Meadows Tract, and was a part of two previous applications for standard subdivisions. The first was Villas Carmel Del Pacifico subdivision which was not approved; the second was La Questa standard subdivision which was approved by the Board of Supervisors. The conditions of approval for the La Questa subdivision included a reclassification of the property to the "R-1-B-6-O" zoning classification; however, the final map for this subdivision was not recorded and the reclassification never took place. In 1985, the subsequent property owners, the Big Sur Land Trust, applied for a minor subdivision dividing the 497 acre tract into two parcels of 100 and 397 acres respectively. This application was approved but the approval did not include any zone changes; therefore, the zoning remained "K-G-J-B-4" until 1993.

In 1993, the County rezoned the entire Greater Monterey Peninsula Area including the Carmel Valley Master Plan Area to reflect the newly adopted land use designations under the General Plan. The new zoning map included the "B-6" designation for the subject parcel; however, the ordinance did not specify a particular reason for reclassifying the subject parcel and other properties that had been part of the Questa subdivision. Normally, this designation is only applied specifically on a case by case basis through the review of subdivision proposals to limit further subdivision of property. The "B-6" may have been erroneously applied to the property based on the La Questa Tentative Map condition. Therefore, staff concludes that the "B-6" overlay was likely applied to the property in error. From a legal stand point, a zoning reclassification is necessary to remove the "B-6" Overlay.

The reclassification to remove the "B-6" overlay from the property would not result in any potentially significant impacts from traffic. The minor subdivision approval of the proposed minor subdivision for the property (PLN050193 Krasznecwicz) was conditioned to prevent additional traffic generation until the construction of capacity-increasing improvements to state Highway 1 have been completed and until new General Plan/Master Plan policies are adopted that address traffic issues on Carmel Valley Road and Highway 1. The Mitigated Negative Declaration adopted for the minor subdivision analyzed the impacts of the proposed removal of the "B-6" overlay and the proposed minor subdivision and concluded that the impacts would be less than significant with this condition.

CONCLUSION: The record clearly indicates that the subject parcel was zoned "K-G J-B-4" until it was reclassified by the Board in 1993 through the broad rezoning of the Greater Monterey Peninsula and the Carmel Valley Master Plan Area. The resolution of the Board of Supervisors rezoning these areas does not specify the addition of the "B-6" overlay to the subject parcel. Based on discussions with staff, review of the previous projects and applications affecting the subject site, and review of the zoning maps, staff concluded that the "B-6" was placed on the subject parcel in error and therefore should be corrected.

EXHIBIT E

PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF AMENDMENT TO ZONING MAP

Before the Planning Commission in and for the
County of Monterey, State of California

Resolution No. _____)
Resolution of the Monterey County)
Planning Commission recommending)
approval of amendments to Title 21)
(Zoning Ordinance) to the Monterey)
County Board of Supervisors)

This resolution is made with reference to the following facts:

I. RECITALS:

1. The property is located at 8025 Carmel Valley Road Carmel Valley Area North of Shulty Road, (Assessor's Parcel Number 169-031-019-000), Carmel Valley Master Plan. The Zoning Amendment will reclassify the subject property from the "LDR/B-6-D-S" (Low Density Residential, with Building Site, Design Control, and Site Plan Review Overlays) zoning designation to the "LDR/2.5-D-S" (Low Density Residential, 2.5 Acres/Unit, Design Control, and Site Plan Review Overlays) zoning designation.
2. At a duly noticed public hearing on October 12, 2006, the Minor Subdivision Committee adopted a Mitigated Negative Declaration, considered and approved a two lot Minor Subdivision (Planning File No. PLN050193) for the Krasznecwicz property, and conditioned the approval on removing the "B-6" overlay. The "B-6" overlay limits the property to its current size; therefore, a zoning reclassification to remove the "B-6" overlay is required to allow the subdivision. During project review, staff found that the "B-6" overlay was likely applied to the subject parcel in error. This conclusion is supported by review of County records.
3. The proposed zoning ordinance is attached to this Resolution as **Attachment 1** and is incorporated herein by reference. The ordinance would amend Section 21-17C of the Sectional District Maps of Section 21.08.020 of Title 21 (Zoning) of the Monterey County Code to remove the "B-6" zoning overlay from the subject property (Assessor's Parcel Number 169-031-019-000) and to change the property's zoning designation the "LDR/B-6-D-S" (Low Density Residential, with Building Site, Design Control and Site Plan Review Overlays) zoning designation to the "LDR/2.5-D-S" (Low Density Residential, 2.5 Acres/Unit, with Building Site, Design Control and Site Plan Review Overlays) zoning designation.
4. The property is zoned "LDR/B-6-D-S". The proposed "LDR/2.5-D-S" zoning designation is consistent with the General Plan Low Density Residential, 2.5 Acres per Unit Land Use Designation. Therefore, the removal of the "B-6" from the property will not result in any inconsistency with the General Plan's Land Use Designation.
5. An Initial Study was prepared which addressed the removal of the "B-6" Overlay. A Mitigated Negative Declaration was adopted for the project by the Minor Subdivision Committee on October 12, 2006.
6. The public hearing on the proposed rezoning was duly noticed at least 10 days in advance as required in the Monterey County Zoning Ordinance Title 21 under Section 21.78.

7. The Planning Commission considered the proposed zoning reclassification and the adopted Mitigated Negative Declaration at a public hearing on November 8, 2006. The Commission recommended adoption of the zoning ordinance amendment to the Board of Supervisors.

II. DECISION:

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors approve the attached Ordinance amending Title 21 (Zoning Ordinance) of the Monterey County Code, to amend the zoning classification of the subject property

PASSED AND ADOPTED on this November 8, 2006, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

By _____
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON:

ATTACHMENT 1 TO EXHIBIT E
DRAFT ZONING ORDINANCE AND ZONING MAP

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21.08.060 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 21-7 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to reclassify certain property (Assessor's Parcel Number 169-031-019-000) from the "LDR/B-6-D-S" (Low Density Residential, with Building Site, Design Control and Site Plan Review Overlays) zoning designation to the "LDR/2.5-D-S" (Low Density Residential, 2.5 Acres/Unit, Design Control and Site Plan Review Overlays) zoning designation.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 21-7 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED this ____ day of _____, 2006 by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Attest:
LEW BAUMAN, Clerk
to the Board of Supervisors

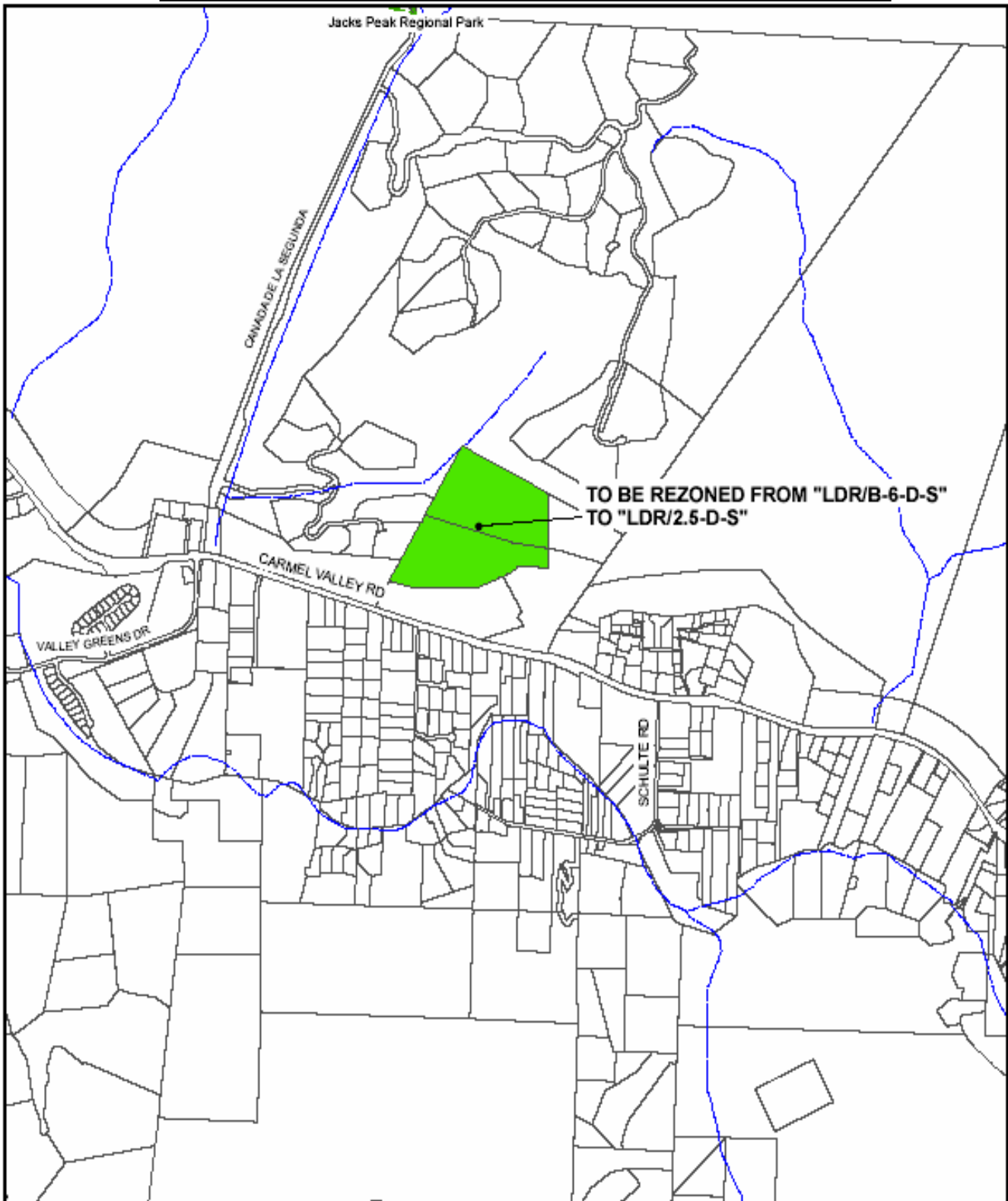
By: _____
Deputy

Jerry Smith, Chair
Monterey County Board of Supervisors

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

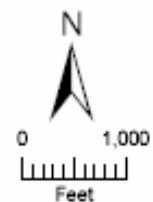
EXHIBIT A TO THE PROPOSED ORDINANCE



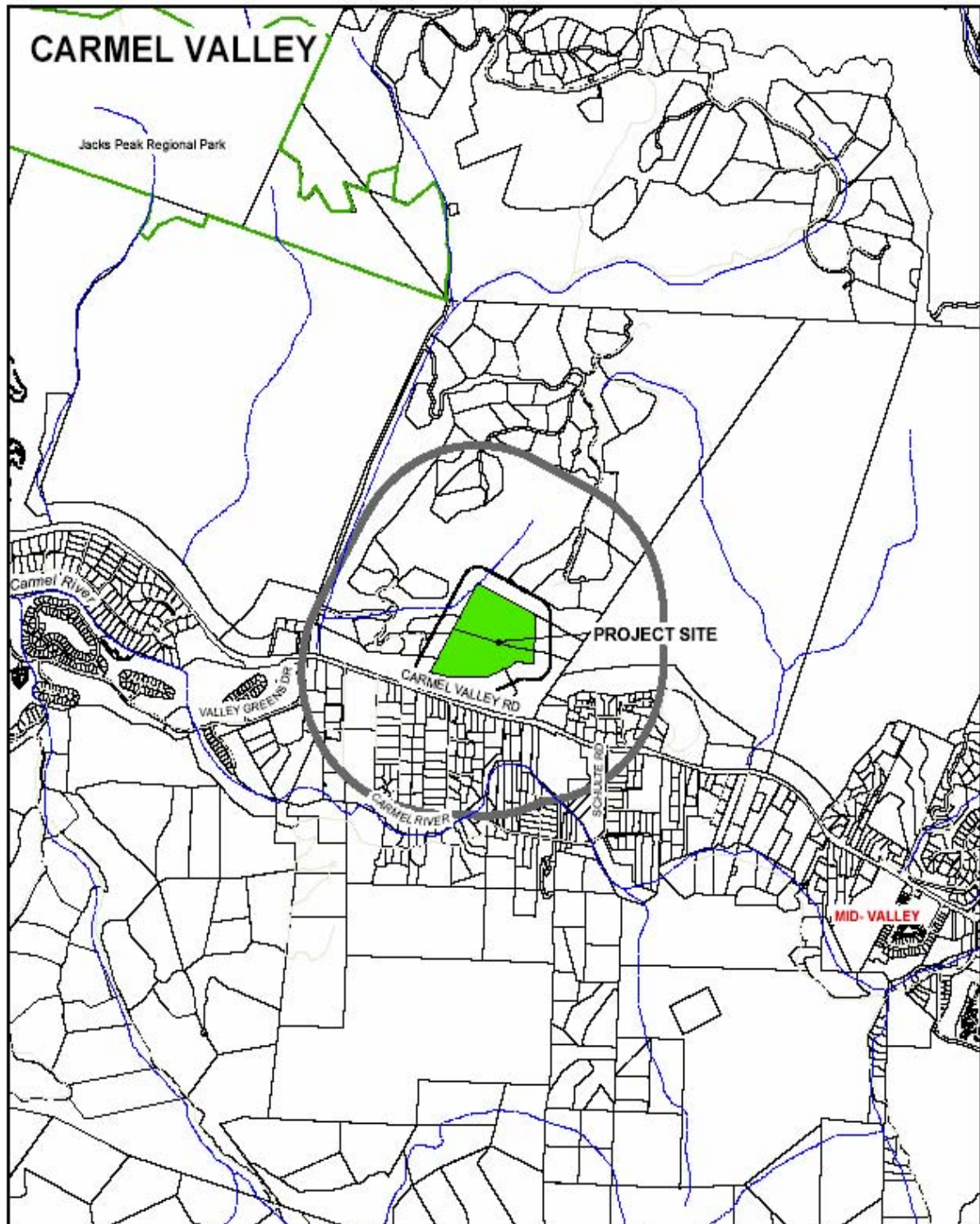
PROPOSED REZONING, SECTION 21-17C

APN: 169-031-019-000 & 169-031-020-000

FILE # PLN050193



CARMEL VALLEY



APPLICANT: KRASZNEKEWICZ

APN: 169-031-019,020-000

FILE # PLN050193

300' Limit 2500' Limit City Limits

