

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 28, 2007. Time 9:15am	Agenda Item No.: 1
Project Description: Amendment to correct the Sectional District Map by revising an incorrectly placed "B-6" District Overlay from a certain property (Assessor's Parcel Number 103-141-014-000) zoned as "LDR/B-6-UR-D-S" or (Low Density Residential, with Building Site, Urban Reserve, Design Control and Site Plan Review Overlays) to "LDR/B-7-UR-D-S" or (Low Density Residential, with Building Site, Urban Reserve, Design Control and Site Plan Review Overlays).	
Project Location: 3049 Via Mar Monte	APN: 103-141-014-000
Planning Number: GPZ070001	Name: Daniel Garcia
Plan Area: Greater Monterey Peninsula Area	Flagged and Staked: No
Zoning Designation: "LDR/B-6-UR-D-S" or [Low Density Residential, Building Site Zoning, Urban Reserve and Design Control District and Site Plan Review Zoning District Overlays].	
CEQA Action: Categorically Exempt per section 15305	
Department: RMA-Planning Department	


RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

Recommend to the Board of Supervisors to adopt an ordinance to change the "B-6" zoning district overlay from the "LDR/B-6-UR-D-S" zoning designation "LDR/B-7-UR-D-S" on the subject property.

PROJECT OVERVIEW:

See attached discussion (**Exhibit B**)



Ramon A. Montano, Assistant Planner

(831) 755-5169 montanor@co.monterey.ca.us

cc: Planning Commission (10); Carmel Highlands Fire Protection District, Public Works, Parks Department, Environmental Health Division Water Resources Agency; Interim Director Mike Novo; Bob Schubert, Acting Building and Planning Services Manager, Ramon A. Montano, Carol Allen, Property Owner; Applicants Representative Aengus Jeffers, Project File.

- Attachments:
- Exhibit A Project Data Sheet.
 - Exhibit B Discussion.
 - Exhibit C Draft Planning Commission Resolution Recommending Approval of Zoning District Amendment;
Attachment 1 to Exhibit C Draft Zoning Ordinance;
Attachment 2 to Exhibit C Draft Zoning Map.
 - Exhibit D Original correspondence from property owner to staff requesting zoning overlay from "B-6" and "B-7"
 - Exhibit E Correspondence from property owner to Planning Director requesting Zoning Amendment

Bob Schubert, Acting Building and Planning Services Manager, reviewed this report

EXHIBIT A

Project Information for GPZ070001

Project Title: GARCIA DANIEL R TR

Location: 3940 VIA MAR MONTE CARMEL

Primary APN: 103-141-014-000

Applicable Plan: Greater Monterey Peninsula Area Plan

Coastal Zone: No

Permit Type: No Data

Zoning: LDR/B-6-UR-D-S

Environmental Status: Exempt

Plan Designation: 1 acre per unit

Advisory Committee: N/A

Final Action Deadline (884): 2/10/2007

Project Site Data:

Lot Size: 4 acres

Coverage Allowed: 25%

Coverage Proposed: NONE

Existing Structures (sf): N/A

Height Allowed: 30'

Proposed Structures (sf): NONE

Height Proposed: NONE

Total Sq. Ft.: N/A

FAR Allowed: 25%

FAR Proposed: NONE

Resource Zones and Reports:

Environmentally Sensitive Habitat: No

Erosion Hazard Zone: MOD HIGH

Biological Report #: N/A

Soils Report #: N/A

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: MOD

Geologic Hazard Zone: MOD HIGH

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: MOD

Traffic Report #: N/A

Other Information:

Water Source: N/A

Sewage Disposal (method): N/A

Water Dist/Co: N/A

Sewer District Name: N/A

Fire District: Carmel Highlands

Grading (cubic yds.): 0.0

Tree Removal: N/A

EXHIBIT B DISCUSSION

The property owner Mr. Garcia made a request in June of 2006 to the Resource Management Agency Planning Department to consider removing the "B-6" zoning overlay from the subject property. The request was made in reference to correcting the current section map 10-3I. The four parcels created under the approved minor subdivision planning file number 85-06 were required as a condition of approval to receive "B-7" zoning. The applicant contends that the "B-6" was placed on lot 4 in error and requests the map be corrected.

HISTORY: The Garcia Minor Subdivision application was approved on June 13th 1985. In June 1987 the applicant was granted a 2 year extension. Planning file MS85-06 provided staff evidence that all conditions of approval were complied with prior to the recordation of the final map. The Board of Supervisors accepted the Final Map in December 1988. Staff conducted research to verify that all of the conditions of the approved subdivision had been completed by the property owner. Staff determined that Condition # 2 which required the applicant to request the Planning Department to take the necessary actions to record the combining B-6 zoning classification on lots 1-3 and the combining B-7 zoning classification on lot 4. Staff found no evidence that the zoning classification was subsequently revised by the County. The record indicates that the subject parcel was zoned "R-1-B-4-D" until it was reclassified by the Board in 1993. Board of Supervisors Resolution 03695 placed the "B-6" overlay on to the subject parcels 1-3 and 4.

CEQA: Based on the previously adopted Negative Declaration for the Garcia subdivision Staff has determined that that the requested zoning would not create any potentially new environmental impacts because no physical changes will occur to the subject property nor will there be a change in density or existing land uses. Therefore staff finds that the amendment of the zoning classification from a "B-6" to "B-7" is a minor alteration in the existing land use limitations and is therefore allowed under the CEQA exemption 15305 for minor alterations in land use.

CONCLUSION: Based on review of the records 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 C

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 3049 Via Mar Monte Greater Monterey Area of North East of Highway 1, (Assessor's Parcel Number 103-141-014-000), Greater Monterey Area Plan. The Zoning Amendment will reclassify the subject property from the "LDR/B-6-UR-D-S" (Low Density Residential, with Building Site, Urban Reserve, Design Control, and Site Plan Review Overlays) zoning designation to the "LDR/B-7-UR-D-S" (Low Density Residential, with Building Site, Urban Reserve, Design Control, and Site Plan Review Overlays) zoning designation.
2. At a duly noticed public hearing on June 13, 1985 the Minor Subdivision Committee adopted a Mitigated Negative Declaration, considered and approved a four lot Minor Subdivision (Planning File No. MS-85-06) for the Garcia property, and conditioned the approval on requiring the "B-6" and "B-7" overlay. During 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 21-16 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 103-141-014-000) and to change the property's zoning designation the "LDR/B-6-UR-D-S" (Low Density Residential, with Building Site, Design Control Urban Reserve and Site Plan Review Overlays) zoning designation to the "LDR/B-7-UR-D-S" (Low Density Residential, with Building Site, Design Control Urban Reserve and Site Plan Review Overlays) zoning designation.
4. The property is zoned "LDR/B-6-UR--D-S". The proposed "LDR/B-7-UR-D-S" zoning designation is consistent with the General Plan Low Density Residential, 1 Acre per Unit Land Use Designation. Therefore, the removal of the "B-6" from the property will be consistent with the General Plan's Land Use Designation.
5. An Initial Study was prepared for the minor subdivision and a Negative Declaration was adopted for the project by the Minor Subdivision Committee on June 13, 1985. Based on the previously adopted Negative Declaration for the Garcia subdivision Staff has determined that that the requested zoning would not create any potentially new environmental impacts because no physical changes will

occur to the subject property nor will there be a change in density or existing land uses. Therefore staff finds that the amendment of the zoning classification from a "B-6" to "B-7" is a minor alteration in the existing land use limitations and is therefore allowed under the CEQA exemption 15305 for minor alterations in land use.

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 at a public hearing on February 28, 2007. 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 February 28, 2007, 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 C
DRAFT ZONING ORDINANCE**

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 21-16 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 103-141-014-000) from the "LDR/B-UR-B-6-D-S" (Low Density Residential, with Building Site, Urban Reserve Design Control and Site Plan Review Overlays) zoning designation to the "LDR/B-UR-B-7-D-S" (Low Density Residential, with Building Site, Urban Reserve Design Control and Site Plan Review) zoning designation.

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

SECTION 1. Section 21-16 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 _____, 2007 by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

David Potter, Chair
Monterey County Board of Supervisors

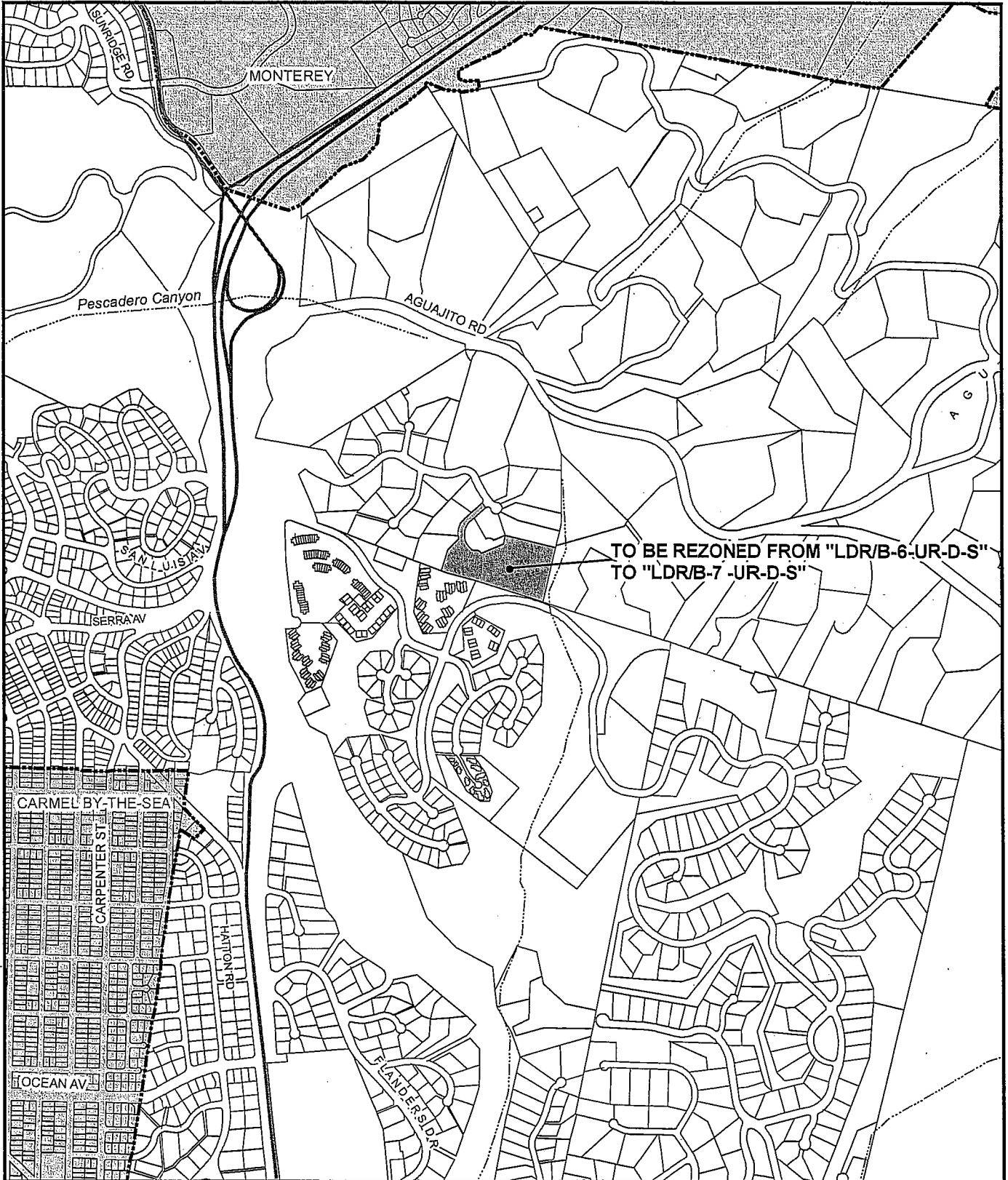
Attest:
LEW BAUMAN, Clerk
to the Board of Supervisors

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

By: _____
Deputy

ATTACHMENT 2 TO EXHIBIT C
DRAFT ZONING MAP



PROPOSED REZONING, SECTION 21-16

APN: 103-141-014-000

FILE # GPZ070001

 City Limits



EXHIBIT D

November 22, 1988

Planning Department
County of Monterey
240 Church Street
Salinas, California

Re: Garcia Minor Subdivision MS 88-06
AP No. 103-141-08

Gentlemen:

This is a request combining B6 classification for Lots 1-3 and the combining B7 classification for Lot 4.

Very truly yours,

DANNY R. GARCIA

By: 

Mitoshi Koro

EXHIBIT E

LAURENCE P. HORAN
FRANCIS P. LLOYD
ANTHONY T. KARACHALE
STEPHEN W. DYER
GARY D. SCHWARTZ
MARK A. BLUM
MARK A. O'CONNOR
ROBERT E. ARNOLD III
ELIZABETH C. GIANOLA
AENGUS L. JEFFERS
PAMELA H. SILKWOOD
MICHAEL P. BURNS
MARY E. CAIN

LAW OFFICES OF
HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ,
LAW & COOK
INCORPORATED

P.O. BOX 3350, MONTEREY, CALIFORNIA 93942-3350

JAMES J. COOK
DENNIS M. LAW

TELEPHONE: (831) 373-4131
FROM SALINAS: (831) 757-4131
FACSIMILE: (831) 373-8302

June 15, 2006

OUR FILE NO. 5547.01

VIA REGULAR MAIL

Alana Knaster, Interim Department Director
Monterey County
Planning and Building Department
168 West Alisal Street, Second Floor
Salinas, California 93901

Re: Request to Remove B-6 Overlay from Assessor's Parcel Number 103-141-014

Dear Ms. Knaster:

I am writing on behalf of this law firm's client, Daniel and Carol Garcia. The purpose of this letter is to request that the B-6 zoning overlay which burdens Assessor's Parcel Number 103-141-014 ("Property") be removed. For reference, a copy of the relevant assessor's parcel map is enclosed.

The Property constitutes a remainder parcel which resulted from a minor subdivision in 1985 (MS-85-06). This minor subdivision was approved by the Minor Subdivision Committee pursuant to Resolution Number 58-41. For reference, a copy of the approved Subdivision resolution is enclosed with this letter. Pursuant to Condition 2 of this resolution, the Property (also known as Lot 4) was only supposed to be burdened with a B-7 overlay, rather than the more restrictive B-6.

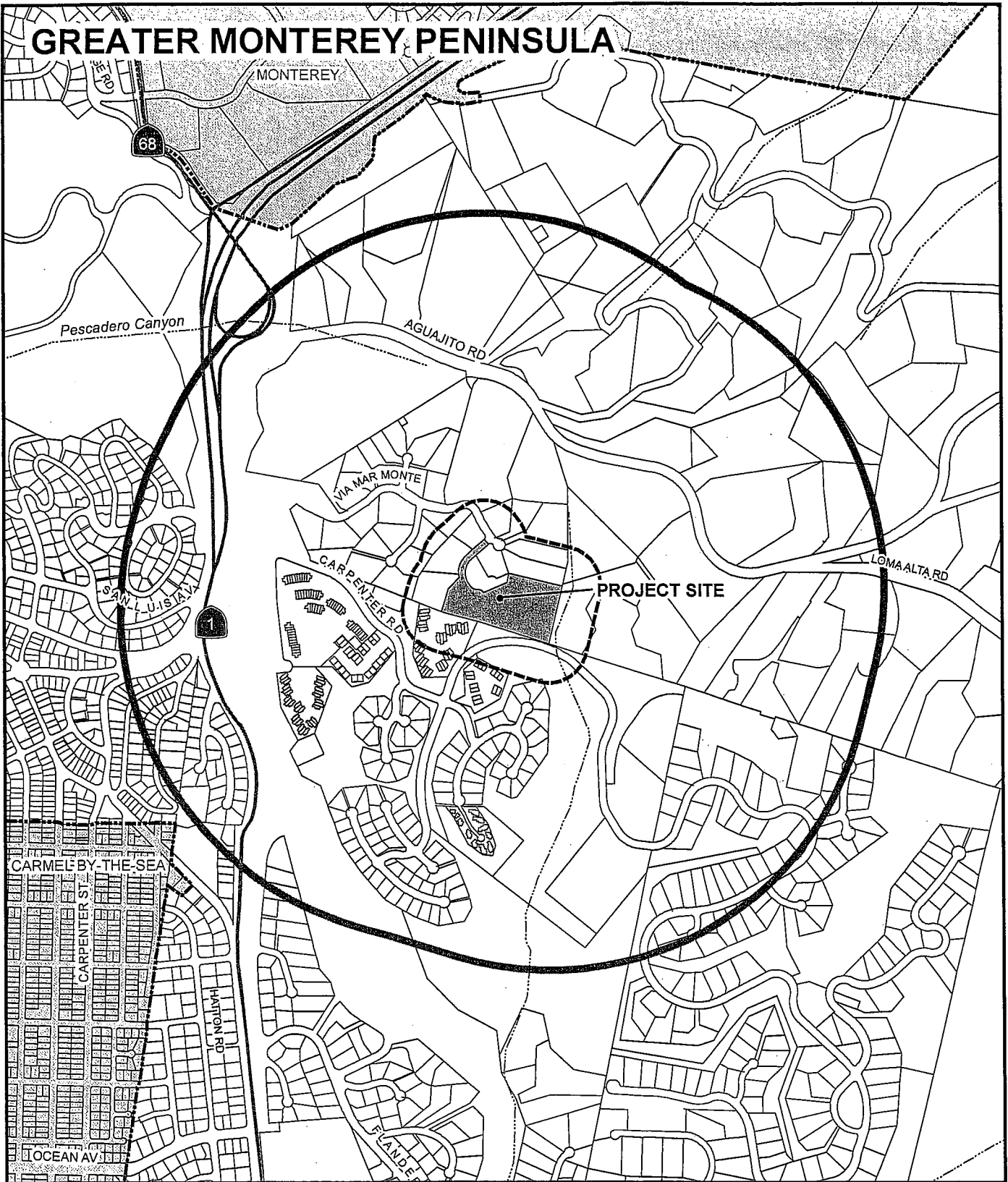
Should you have any questions or comments regarding the replacement of the B-6 overlay with a B-7 designation please do not hesitate to contact me.

Kind Regards,

Aengus L. Jeffers

cc: Client
Barbara Simmons




GREATER MONTEREY PENINSULA

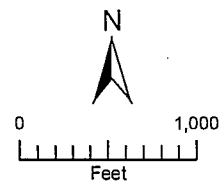


APPLICANT: GARCIA

APN: 103-141-014-000

FILE # GPZ070001

 300' Limit  2500' Limit  City Limits



PLANNER: MONTANO