

County of Monterey, State of California

Resolution No. 07004)
 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 3940 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 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 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 is 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 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.
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 consider the Negative Declaration adopted in 1985 and 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 February 28, 2007, upon motion of Commissioner Diehl, seconded by Commissioner Padilla, by the following vote, to-wit:

AYES: Padilla, Ottone, Rochester, Diehl, Salazar, Vandevere
NOES: None
ABSENT: Errea, Brown, Isakson, Sanchez

By 
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON: MAR - 6 2007

**ATTACHMENT 1
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 rezone 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 Attachment 1 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:

Attest:
LEW BAUMAN, Clerk
to the Board of Supervisors

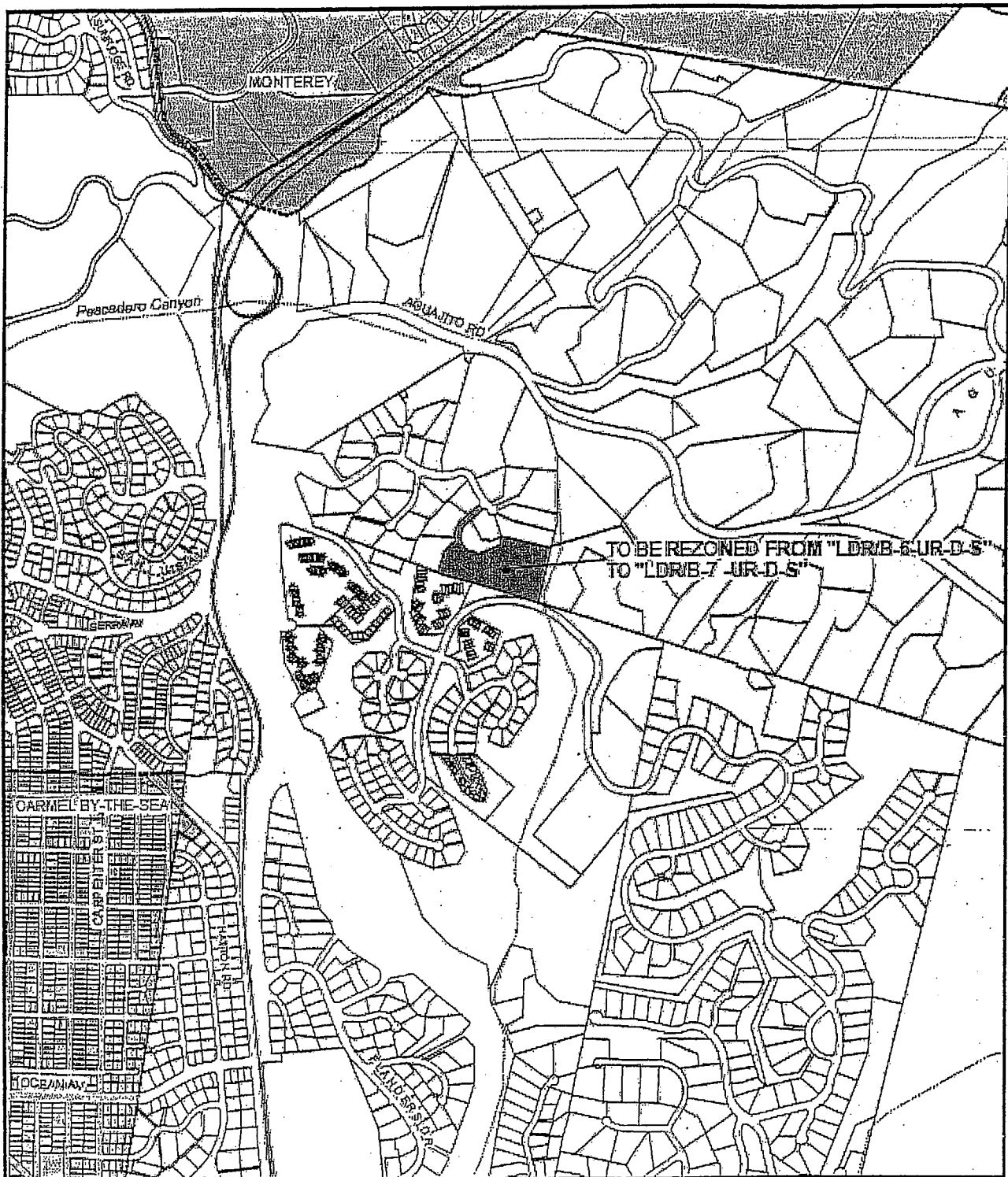
By: _____
Deputy

David Potter, Chair
Monterey County Board of Supervisors

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel


ATTACHMENT 1 REVISED ZONING MAP



PROPOSED REZONING, SECTION 21-16

APN: 103-141-014-000

FILE # GPZ070001

 City Limits

