

**RESOLUTION TO RECOMMEND AMENDMENT OF  
LOCAL COASTAL PROGRAM  
PLN100319/Stevens**

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

**Resolution No. 10-015A**

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors amend the North County Land Use Plan Map to apply a Medium Density Residential land use designation, and amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to apply the Medium Density Residential, with a B-6 overlay district, to a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN117-092-009-000), North County Coastal Zone

An amendment to the North County Land Use Plan Land Use Map and to Sheet 1 (Section 20-1) of the Monterey County Zoning Maps (Coastal Implementation Plan) to designate a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN117-092-009-000), North County Coastal Zone came on for a public hearing before the Planning Commission on June 30, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Monterey County Board of Supervisors make the following amendments with reference to the following facts:

**RECITALS**

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law.
3. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
4. On April 28, 1982, the Board of Supervisors adopted the North County Land Use Plan ("Land Use Plan") as part of the Local Coastal Program in the Coastal Zone pursuant to the California Coastal Act. This separate mandate replaces policy guidance for most

policy topics found in the General Plan and is applied in the Coastal Zone. The primary policy topics of noise and housing (to include other minor Monterey County specific policies) are not addressed under the LCP - Coastal Act mandate although they are still applicable in the Coastal Zone under the jurisdiction of the General Plan - Planning Zoning and Development law mandate.

5. On June 4, 1982 the California Coastal Commission (Coastal Commission) acknowledged certification of the North County Land Use Plan as part of Monterey County's Local Coastal Program.
6. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan (CIP) of the LCP consistent with Section 30512.1 of the Public Resources Code.
7. Section 30514 of the Public Resources Code provides for amendments to adopted LCP's.
8. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP.
9. Figure 1 (Land Use Plan) of the "Land Use Plan" in the North County Land Use Plan provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
10. A six acre parcel ("Property"), located at 149 Hillcrest Road, was shown with a Land Use Designation of Resource Conservation on Figure 1, Land Use Plan map, of the certified North County Land Use Plan.
11. On August 14 and August 28, 1985, the Planning Commission considered an application to allow a second residence on the Property. As part of the action on the application, the Planning Commission determined that a portion of the property was located within the Medium Density Residential land use designation, not the Resource Conservation land use designation, of the North County Land Use Plan. At that time, the zoning was Unclassified.
12. The boundary determination was made relative to the certified North County Land Use Plan.
13. On October 22, 1985, the California Coastal Commission approved the second single family dwelling for the property (CCC permit number 3-85-215), accepting the County's determination of the location of the boundary between the Medium Density Residential and Resource Conservation land use designations found in the certified North County Land Use Plan.
14. The change was not incorporated into the certified Land Use Plan or the CIP upon its certification in 1988, leaving the Property with two houses in an area where the Planning had determined that the proper land use designation for that portion of the property was Medium Density Residential.

15. Section 20.02.060.D of the certified CIP states that the certified Land Use Plan takes precedence over the provisions of the CIP where conflict or inconsistencies arise.
16. On June 30, 2010, the Monterey County Planning Commission considered, at a public hearing, the initiation of a Local Coastal Program amendment to change the Land Use Designation of a portion of the Property from Resource Conservation to Medium Density Residential and to initiate a zone district change from Resource Conservation, Coastal Zone [RC (CZ)] to Medium Density Residential, Building Site 6, Coastal Zone [MDR/B-6(CZ)] for a six acre parcel located on the south side of Hillcrest Road (APN 117-092-009-000).
17. Section 20.08.060 of the Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Sheet 1 of the Monterey County Zoning Map provides a graphic representation of the zoning designations in this portion of the planning area.
18. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the Coastal Implementation Plan (CIP) portion of the Local Coastal Program (LCP). The proposed change to amend the Land Use Plan to designate a portion of the Property as Medium Density Residential and to remove an RC zoning designation and apply a MDR/B-6 zoning designation over that same portion is consistent with the adopted Land Use Plan (LUP).
19. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan. In this case staff recommended that the proposed zoning change is consistent with the allowable land use density for the property as established in the Land Use Plan, that no changes will occur to General Plan policies or land use designations and that all changes are otherwise consistent with the Monterey County General Plan.
20. The proposed zone change establishes zoning classifications consistent with the Planning Commission's 1985 determination of the existing land use designations in the certified Land Use Plan.
21. All policies of the General Plan and the Land Use Plan have been reviewed by the Planning Department staff to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Land Use Plan. The Planning Commission finds that:
  - a. The existing residences would result in a gross density of approximately 0.6 acres/unit for the MDR portion of the property, which is consistent with the LUP designation. The proposed zoning designation of MDR/B-6 is also consistent with

the LUP allowable density, as well as the existing use of the property. The rezoning would be compatible with surrounding residential designations and densities and would be a lower density than the residential lots immediately to the north. The rezoning would bring the zoning into conformance with the Planning Commission's 1985 determination of the location of the boundary line for the certified North County Land Use Plan's land use designations.

- b. The existing development on the site meets development standards relative to height, setbacks, and site coverage for the Medium Density Residential zoning district.
  - c. The proposed zoning would prohibit further subdivision of the property.
  - d. Existing development is consistent with the policies of the North County Land Use Plan.
22. The action to make the zoning consistent with the earlier determination of the appropriate land use designation is a clerical correction and has been determined to be exempt under the California Environmental Quality Act, CEQA Guidelines Sections 15265. In analyzing the whole of the action, other CEQA Guidelines exemptions would also apply to this action. The property owner has plans to replace the older single family dwelling on the property with a larger residence. That residence is currently proposed to be located closer to Hillcrest Road. The rear of the proposed new house would also be farther from the RC zoned portion of the property compared to the existing residence's location. The footprint of the new house will be within the development footprint of the old residence. The recommended zoning classification also includes a B-6 overlay district, which would preclude subdivision of the property. No environmentally sensitive areas or potentially significant impacts have been identified from memorializing the land use designation boundary determined in 1985 or from the anticipated project to replace the existing house. Therefore, CEQA Guidelines Sections 15301 and 15302 also apply. Correcting the zoning designation to coincide with the certified North County Land Use Plan land use designation, as determined by the Planning Commission in 1985 and with the B-6 overlay zoning district, will not allow additional development beyond the two residential units currently found on the Property.
23. On June 30, 2010, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding approving amendments to the County's zoning ordinance and the North County Land Use Plan. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Herald and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.
24. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30512, 30513, and 30519).

## **DECISION**

The Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt a resolution to amend the North County Land Use Plan, Figure 1, to change the land use designation from Resource Conservation to Medium Density Residential and adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code (Zoning Reclassification) from Resource Conservation, Coastal Zone [RC (CZ)] to Medium Density Residential, Building Site 6, Coastal Zone [MDR/B-6(CZ)] on a portion of a six acre parcel located on the south side of Hillcrest Road, approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN 117-092-009-000), North County Coastal Zone in the North County Land Use Plan and Coastal Implementation Plan (LCP) as shown on Attachment "A".

**PASSED AND ADOPTED** this 30<sup>th</sup> day of June, 2010 upon motion of Commissioner Padilla, seconded by Commissioner Rochester, and passed by the following vote:

AYES: Getzelman, Vandever, Roberts, Rochester, Brown, Sanchez, Diehl, Padilla, Ottone  
NOES: None  
ABSENT: Salazar  
ABSTAIN: None

  
\_\_\_\_\_  
Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 19 2010

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 29 2010

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

**ATTACHMENT A  
ORDINANCE TO AMEND COUNTY CODE  
PLN100319/Stevens**

**ORDINANCE NO.**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 20.08.060 OF TITLE 20 (ZONING) OF THE MONTEREY COUNTY CODE (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) TO REZONE CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

**County Counsel Summary**

*This ordinance amends Section 20-1 of the Sectional District Maps of Section 20.08.060 of Title 20 (Zoning-Coastal Implementation Plan) of the Monterey County Code to rezone a portion of a six acre parcel (APN: 117-092-009-000) from Resource Conservation, Coastal Zone [RC (CZ)] to Resource Conservation, Coastal Zone and Medium Density Residential, Building Site 6, Coastal Zone [RC (CZ) and MDR/B-6 (CZ)].*

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

**SECTION 1. ZONING DISTRICT MAP.** Section 20-1, Sectional District Maps, of Section 20.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference. Said amendment reclassifies a six acre parcel located on the south side of Hillcrest Road approximately 0.6 miles east of Highway 1 and 0.5 miles south of Salinas Road (APN: 117-092-009-000) from Resource Conservation, Coastal Zone [RC (CZ)] to Resource Conservation, Coastal Zone and Medium Density Residential, Building Site 6, Coastal Zone [RC (CZ) and MDR/B-6 (CZ)].

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board of Supervisors hereby declares that it would have passed this Title 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.** Following certification by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, this Ordinance shall become effective after formal adoption by the Board of Supervisors.

**PASSED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_ 2010 by the following vote:

AYES: Supervisors

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Simón Salinas, Chair  
Monterey County Board of Supervisors

Attest:  
LEW C. BAUMAN, Clerk  
to the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM

LERoy W. BLANKENSHIP  
Assistant County Counsel

EXHIBIT 1

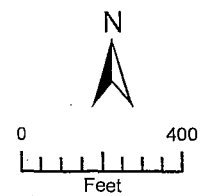


To be rezoned from "RC(CZ)"  
to "MDR/B-6(CZ)"  
Setback requirements shall be  
those required in the MDR  
district regulations.

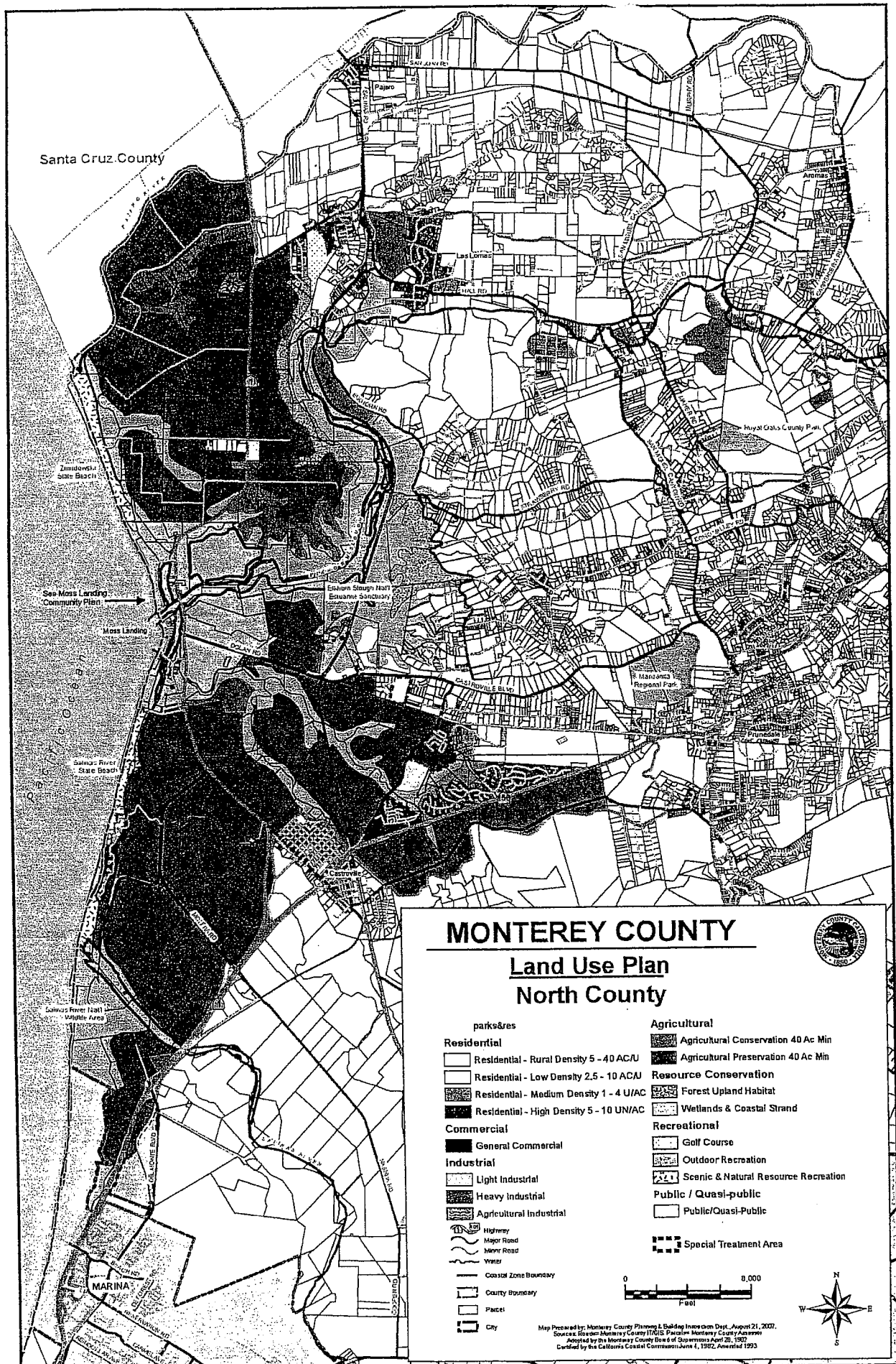
REZONING: SECTION 20-1, TITLE 20

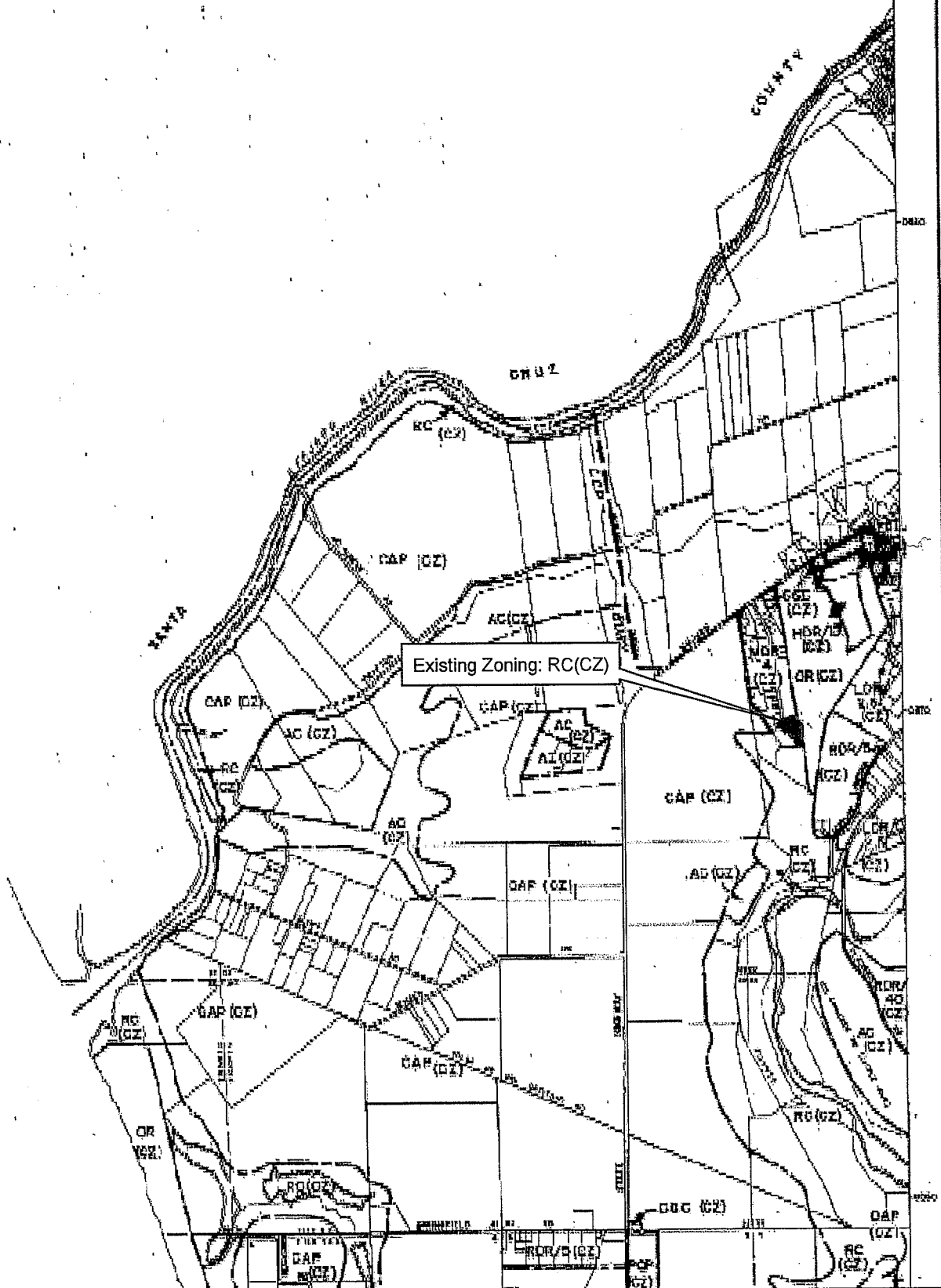
APN: 117-092-009-000

FILE # PLN100319, STEVENS









NORTH MONTEREY COUNTY  
EXISTING ZONING  
SECTION 1 COASTAL

N  
Not to scale