

## ORDINANCE TO AMEND COUNTY CODE

### ORDINANCE NO. 5180

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 20.08.060 OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) 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 20-29 of the Zoning Maps of the Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to rezone a 2-acre parcel located west of Highway 1 at Abalone Cove, north of Kasler Point, Big Sur (APN: 243-251-014-000) from the "WSC/40 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Coastal Zone] zoning classification to the "WSC/40-HR (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Historic Resources Overlay Zoning District, Coastal Zone] zoning classification.*

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

**SECTION 1. ZONING DISTRICT MAP.** Section 20-29 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 2 acre parcel located at west of Highway 1 at Abalone Cove, north of Kasler Point, Big Sur (APN: 243-251-014-000) from the "WSC/40 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Coastal Zone] zoning classification to the "WSC/40-HR (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Historic Resources Overlay Zoning District, Coastal Zone] zoning classification, as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference.

**SECTION 2. FINDINGS.** The Monterey County Planning Commission approved a Coastal Development Permit (Resolution No. 88-140) designating the Kasler Point Parcel as a donor site, creating two transferable development credits, and retiring the parcel as a buildable parcel. Condition No. 2 in Resolution No. 88-140 required the State of California to request a rezoning of the parcel to the "WSC/40-HR (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Historic Resources Overlay Zoning District, Coastal Zone] zoning classification in order to protect the archaeological resources found on the project site.

**SECTION 3. COASTAL COMMISSION CERTIFICATION.** Certification by the California Coastal Commission of the rezoning is not required. Monterey County Coastal Implementation Plan-Part 1 Section 20.94.042 states that zoning designation reclassifications constituting an amendment to this Title and initiated for the purpose of preserving or enhancing

the coastal resources including adding any "B", "A", "HR", "Z" overlay zoning designations shall not require certification by the California Coastal Commission.

**SECTION 4. 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 5. EFFECTIVE DATE.** This Ordinance shall become effective on the 31<sup>st</sup> day after its adoption by the Board of Supervisors.

**PASSED AND ADOPTED** on this 28<sup>th</sup> day of June, 2011 by the following vote:

AYES: Supervisors Calcagno, Salinas, and Parker  
NOES: None  
ABSENT: Supervisors Armenta and Potter  
ABSTAIN: None

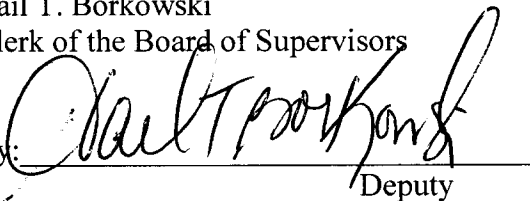


Jane Parker, Chair  
Monterey County Board of Supervisors

ATTEST:

Gail T. Borkowski  
Clerk of the Board of Supervisors

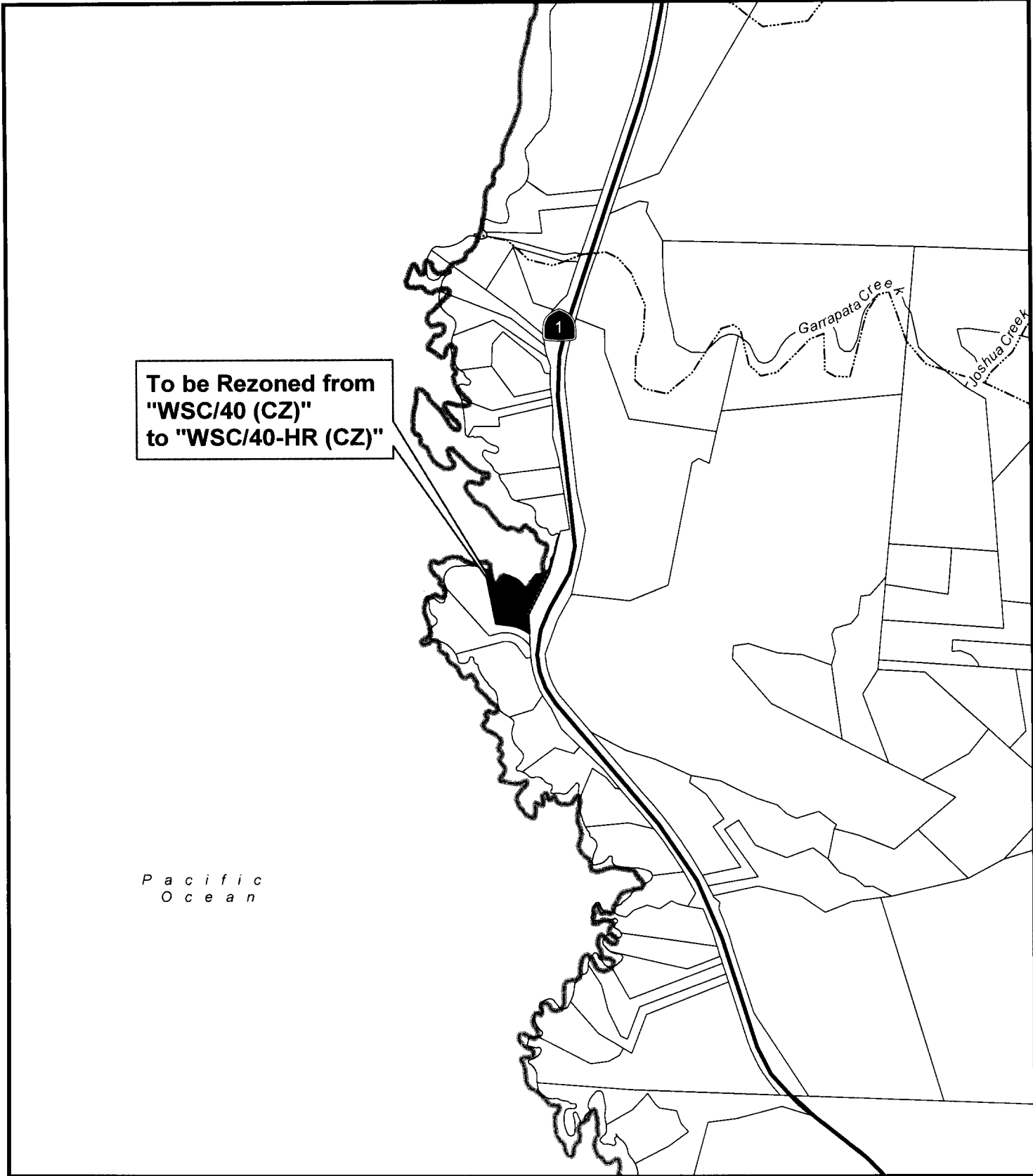
By:

  
Deputy

APPROVED AS TO FORM



LEROY W. BLANKENSHIP  
Assistant to County Counsel



To be Rezoned from  
"WSC/40 (CZ)"  
to "WSC/40-HR (CZ)"

Pacific  
Ocean

PROPOSED REZONING OF SECTION 20-29

APN: 243-251-014-000

FILE # PLN110196, STATE OF CALIFORNIA

