

ATTACHMENT "B"

**PLANNING COMMISSION
RESOLUTION NO. 11-023**

**RESOLUTION TO RECOMMEND AMENDMENT OF LOCAL COASTAL
PROGRAM (ZONING RECLASSIFICATION) PLN110196/STATE OF
CALIFORNIA**

RESOLUTION NO. 11-023

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to reclassify a 2-acre parcel 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.
[PLN110196, State of California, west of Highway 1 at Abalone Cove, north of Kasler Point, Big Sur Coast Land Use Plan (APN: 243-251-014-000)]

FILE COPY

The amendment to Section 20-29 of the Monterey County Sectional District Maps (Coastal Implementation Plan) to add the HR zoning overlay district to a parcel came on for public hearing before the Monterey County Planning Commission on June 8, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission recommends that the Monterey County Board of Supervisors approve the following amendment with reference to the following facts:

RECITALS

1. In 1988, 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.
2. The proposed zoning ordinance would reclassify the subject parcel 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.
3. The subject parcel is located west of Highway 1 at Abalone Cove, north of Kasler Point, Big Sur area (APN: 243-251-014-000), in the unincorporated area of Monterey County.
4. Monterey County Code Section 20.145.120.D.2 requires that the applicant request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of the 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. The request was made by the California Coastal Conservancy on June 4, 1990. Pursuant to Monterey County Code

Section 20.145.120.D.2.b, the rezoning shall not necessitate an amendment to the Land Use Plan or to Title 20.

5. The Monterey County Board of Supervisors accepted an irrevocable offer to dedicate (OTD) an easement in perpetuity for vertical public access on the property on May 24, 2011. Because this vertical access easement could eventually open the parcel to public use, it is necessary to rezone the parcel in order to protect the archaeological resources.
6. The proposed rezoning is exempt per CEQA Guidelines Section 15308 which exempts actions by regulatory agencies for the protection of the environment where the regulatory process involves procedures for protection of the environment.
7. Section 20.08.060 of the Monterey County Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Section 20-29 of the Sectional District Maps of the Monterey County Zoning Plan provides a graphic representation of the zoning designations in this portion of the planning area.
8. 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 CIP portion of the Local Coastal Program (LCP). The proposed change to amend the CIP, reclassify the subject parcel, and apply the "WSC/40-HR" zoning designation over the parcel is consistent with the adopted Land Use Plan (LUP).
9. On June 8, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding the proposed zoning ordinance. 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 the property owners within 300 feet of the subject property.
10. The proposed Zoning Ordinance is attached to this Resolution as **Attachment "A"** and is incorporated herein by reference. The ordinance would amend Section 20-29 of the Sectional District Maps of Section 20.08.060 of Title 20 of the Monterey County Code to apply the "WSC/40-HR (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Historic Resources Overlay Zoning District, Coastal Zone] zoning classification to the subject parcel.
11. 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.


DECISION

NOW, THEREFORE, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to reclassify a 2-acre

parcel, 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 parcel is located west of Highway 1 at Abalone Cove, north of Kasler Point, Big Sur Coast Land Use Plan (APN: 243-251-014-000), Coastal Zone, as shown on **Exhibit 1** to **Attachment "A"**.

PASSED AND ADOPTED this 8th day of June, 2011 upon motion of Commissioner Vandevere, seconded by Commissioner Diehl, and passed by the following vote:

AYES: Brown, Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: Salazar
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUN 10 2011**

ATTACHMENT "A"
DRAFT ORDINANCE TO AMEND COUNTY CODE

ORDINANCE NO. _____

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 31st day after its adoption by the Board of Supervisors.

PASSED AND ADOPTED on this ____ day of _____, 2011 by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Jane Parker, Chair
Monterey County Board of Supervisors

A T T E S T:

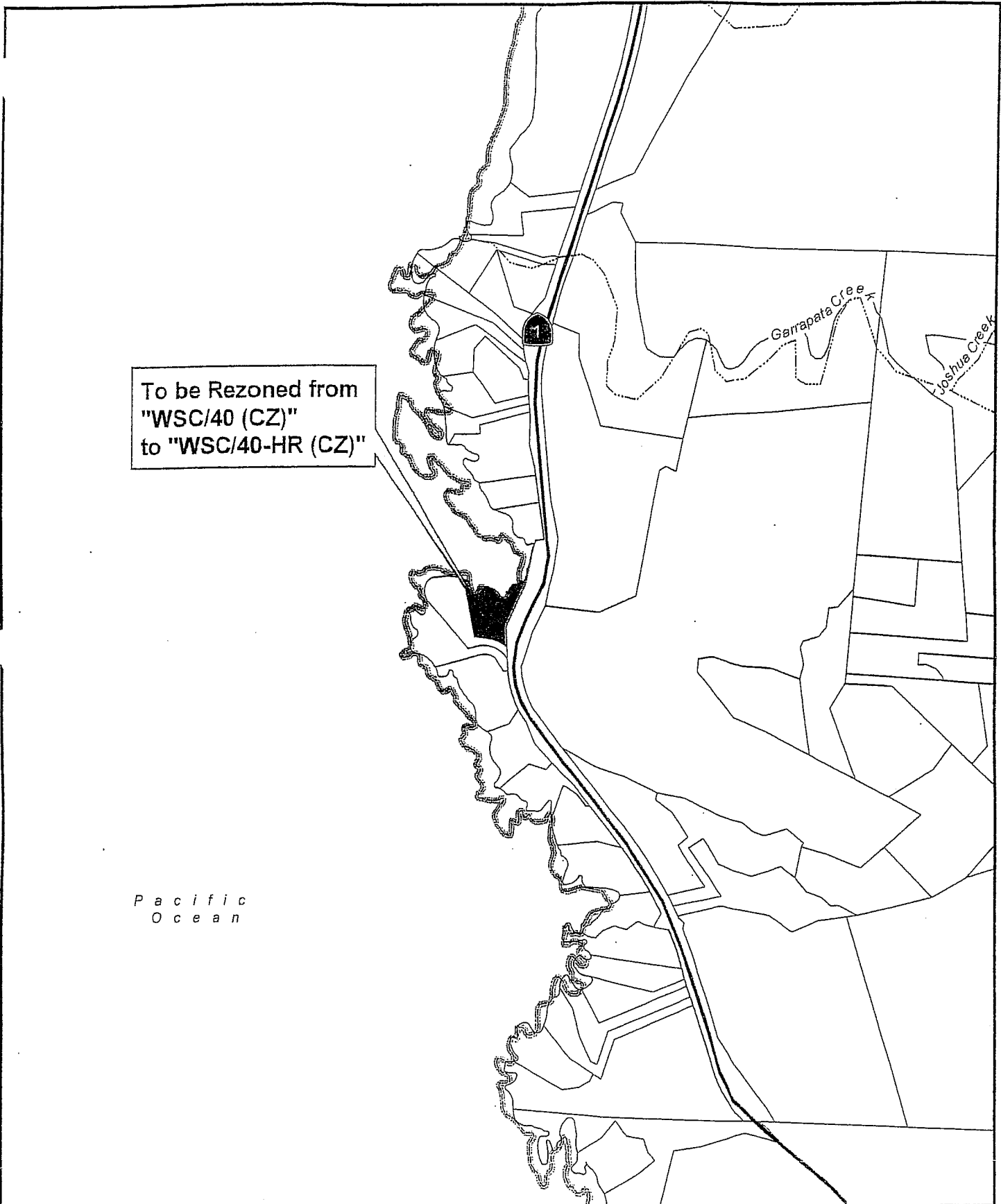
Gail T. Borkowski
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

Leroy W. Blankenship

LERROY W. BLANKENSHIP
Assistant to County Counsel



PROPOSED REZONING OF SECTION 20-29

APN: 243-251-014-000

FILE # PLN110196, STATE OF CALIFORNIA

