

ORDINANCE NO. 5360

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21-16 OF THE SECTIONAL DISTRICT MAPS OF TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE TO REZONE APPROXIMATELY 77 ACRES OF THE FORMER RANCHO CAÑADA WEST GOLF COURSE AND AMENDING SECTIONS 21.10.070 AND 21.12.070 OF TITLE 21 TO ADD REGULATIONS APPLICABLE TO LOTS CREATED BY THE RANCHO CAÑADA SUBDIVISION.

County Counsel Summary

This ordinance amends Section 21-16 of the Sectional District Maps of Section 21.08.060 of Title 21 (non-coastal zoning) of the Monterey County Code to change the zoning classification from “PQP-D-S-RAZ” to “MDR-D-S” on 22 acres, to “HDR-D-S” on 7.7 acres, and to Open Space (O) on approximately 47.7 acres on the former site of the Rancho Cañada West Golf Course (Assessor’s Parcel Numbers 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-062-009-000 and portions of 015-162-043-000 and 015-162-051-000). This ordinance also amends sections 21.10.070 (High Density Residential Zoning District special regulations) and 21.12.070 (Medium Density Residential Zoning District special regulations) of the Monterey County Code to include special setback, height, lot coverage, and floor area ratio regulations for development in the Rancho Cañada Village Subdivision. This ordinance will take effect only if the following conditions occur: the Board of Supervisors approves entitlements including a Revised Vesting Tentative Map for the Rancho Canada Subdivision, which would subdivide the site into 106 lots for a total of 145 units, consisting of 105 lots for market rate units and one lot for 40 affordable rental housing units; no litigation is filed on the approvals; and the applicant notifies the County Housing and Community Development Director of intention to proceed with the approvals. After the ordinance takes effect, the rezoning under the ordinance will become operative only upon recordation of the final map corresponding to the Revised Vesting Tentative Map. If this ordinance takes effect, it will supersede Ordinance No. 5281, a previously adopted ordinance that would have rezoned the Rancho Canada Village project site upon recordation of a final map corresponding to a prior 2016 Vesting Tentative Map approved for the site.

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

SECTION 1. FINDINGS AND DECLARATIONS

A. On December 13, 2016, the Board of Supervisors adopted Ordinance No. 5281 to rezone the former site of the Rancho Canada West Golf Course and concurrently certified a Final Environmental Impact Report, approved a General Plan amendment, and approved a Combined Development Permit for the Rancho Canada Village subdivision, including a Vesting Tentative

Map for 130 units (Planning File PLN040061) (the 2016 Approvals). By its terms, the zoning reclassification under Ordinance No. 5281 becomes operative only if and when the first final map for the Rancho Canada Village (PLN040061), corresponding to the 2016 Vesting Tentative Map Approval, is approved and recorded.

B. Litigation challenging the 2016 certification of the EIR was filed, and on May 19, 2021, the California Court of Appeal upheld the County's certification of the EIR. When the Court of Appeal decision becomes final as expected, the applicant may choose to proceed under the 2016 Approvals.

C. During the pendency of the above-referenced litigation, the applicant, Rancho Canada Venture LLC (RCV), pursued a variant of the project, which includes a proposed Vesting Tentative Map (Alternative 6B) for the Rancho Cañada Village Subdivision ("Revised Vesting Tentative Map") to subdivide the project site into 106 lots, to enable 145 total units, 40 of which would be affordable rental units on a five acre parcel to be created by the subdivision (Planning File PLN040061-AMD1) (the 2021 Proposal). The 2021 Proposal includes the rezoning proposed by this ordinance, which is different than the rezoning approved by Ordinance No. 5281.

D. The applicant has requested that if the County approves entitlements for the 2021 Proposal, including this zoning ordinance and the Revised Vesting Tentative Map, such approval would be conditional on the occurrence of two conditions subsequent: (a) the passage of 95 days after the posting by the Monterey County Clerk of a Notice of Determination (NOD) for the approval of the entitlements for the 2021 Proposal without the filing of any litigation challenging those County approvals under any law, including without limitation, either CEQA or Planning and Zoning Law (Gov. Code, § 65000 et seq.); and (b) written notification from the applicant to the County Housing and Community Development Director, within 100 days of posting of the NOD, of RCV's intention to proceed with the approvals of the 2021 Proposal. The intent of the County is that this zoning ordinance would go into effect only if the County approves the Revised Vesting Tentative Map conditional on these conditions subsequent.

E. If this ordinance goes into effect upon the conditions described above, the County intends that this ordinance will supersede prior Ordinance No. 5281. The County's further intent is that the zoning reclassifications under this ordinance would become operative only upon recordation of the final map for the Revised Vesting Tentative Map, if the Revised Vesting Tentative Map is approved by the Board of Supervisors.

F. Prior to adopting this ordinance, the County certified the Second Final EIR for the Rancho Cañada Village Project, which addresses the environmental impacts of the 2021 Proposal.

SECTION 2. Section 21-16 of the Sectional District Maps of the Monterey County Code is hereby amended to make the following changes to zoning:

A. change the zoning classification from "PQP-D-S-RAZ" (Public/Quasi-Public with Design Control, Site Plan Review, and Residential Allocation Zoning Overlays) to "MDR/3-D-S" (Medium Density Residential, 3 units per acre, with Design Control and Site Plan Review Zoning Overlays) on parcels B1, B2, B3, J, K, L, and residential lots 1 through 93 of the Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision, consisting of approximately 22 acres;

B. change the zoning classification from "PQP-D-S-RAZ" to "HDR/10-D-S" (High Density Residential, ten units per acre, with Design Control and Site Plan Review Zoning Overlays) on Parcel A of the Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision, consisting of approximately 5 acres;

C. change the zoning classification from “PQP-D-S-RAZ” to “HDR/5-D-S” (High Density Residential, five units per acre, with Design Control and Site Plan Review Zoning Overlays) on Parcels C and P, townhouse lots 94 through 105, and Powerhouse parcel of the Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision, consisting of approximately 2.7 acres; and

D. change the zoning classification from “PQP-D-S-RAZ” to the “O” (Open Space) on parcels D, E, F, G, H, I, and Well parcels #1 and #2 of the Vesting Tentative Map (Alternative 6B) for Rancho Cañada Village Subdivision, consisting of approximately 47.7 acres. The above-described zoning reclassifications are more particularly shown on the maps attached hereto as Exhibits 1 and 2 and incorporated herein by reference. The above-described real property is located on the former West Course of the Rancho Cañada Golf Course (Assessor’s Parcel Numbers 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-062-009-000 and portions of 015-162-043-000 and 015-162-051-000) in Carmel Valley in the unincorporated area of the County.

SECTION 3. Subsection F is hereby added to Section 21.10.070 of the Monterey County Code to read as follows:

F. The HDR/5 District in the Rancho Cañada Village Subdivision, as shown on Section 21-16 of the Sectional District Maps, is subject to the following development standards.

1. Minimum Building Site. The minimum building site shall be one thousand six hundred (1,600) square feet.
2. All structures (Main structure, Accessory habitable structures, and Accessory non-habitable structures)
 - a. Minimum Setbacks. There shall be no minimum setbacks. All development shall be located within the lots shown on the final map for the Rancho Cañada Village Subdivision.
 - b. Height. Maximum height: twenty-four (24) feet.
 - c. Minimum distance between structures. There shall be no minimum distance required between structures within the townhome lots.
 - d. Building Site Coverage. Maximum: eighty percent (80%).

SECTION 4. Subsection F is hereby added to Section 21.12.070 of the Monterey County Code is to read as follows:

F. The MDR District in the Rancho Cañada Village Subdivision, as shown on Section 21-16 of the Sectional District Maps, is subject to the following development standards.

1. Minimum Building Site. The minimum building site which may be created shall be six thousand (6,000) square feet for single family detached homes. Minimum lot width/frontage shall be one hundred (100) feet.
2. Main Structures
 - a. Minimum Setbacks.
 - Front: fifteen (15) feet.
 - Front, Corner lots: ten (10) feet along the front not shared with a key lot.
 - Side, first story: four (4) feet
 - Side, second story: seven (7) feet
 - Rear: twenty (20) feet
 - b. Height. Maximum height: twenty-four (24) feet
3. Accessory Structures (Habitable and non-habitable)
 - a. Minimum Setbacks.

Front: twenty (20) feet (The minimum front yard setback of any garage, carport, or parking pad is 20 feet from the front property line.)

Side: as above for main structures.

Rear: one (1) foot.

4. Minimum Distance Between Structures. Main structures: ten (10) feet
5. Building Site Coverage. Maximum: forty percent (40%)
6. Floor Area Ratio (FAR): Maximum: forty percent (40%)
7. Design. Architectural features such as bay windows, chimneys, stairways, recesses or projections, elements characteristic of Carmel Valley residences are encouraged to avoid long, unmodulated building façades.

SECTION 5. RELATION TO ORDINANCE NO. 5281. If this Ordinance becomes effective upon the occurrence of the conditions subsequent stated in Section 7 below, this Ordinance shall supersede Ordinance No. 5281.

SECTION 6. 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 7. EFFECTIVE AND OPERATIVE DATES. This Ordinance shall become effective upon the occurrence of the following conditions subsequent: (a) approval by the Board of Supervisors of the 2021 Proposal, including the Revised Vesting Tentative Map, and the passage of 95 days after the posting by the Monterey County Clerk of a Notice of Determination (NOD) for County approval of the 2021 Proposal without the filing of any litigation challenging the approvals under any law, including without limitation, either CEQA or Planning and Zoning Law (Gov. Code, § 65000 et seq.); and (b) written notification from the applicant to the County Housing and Community Development Director, within 100 days of posting of the NOD, of RCV's intention to proceed with the approved 2021 Proposal. The zoning reclassifications under this Ordinance shall become operative only upon recordation of the final map for the Revised Vesting Tentative Map.


PASSED AND ADOPTED this 27th day of July 2021 by the following vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

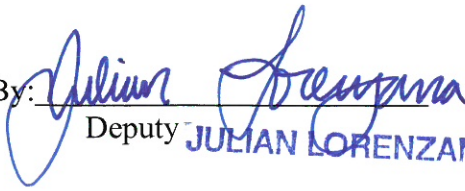
ABSTAIN: None



Wendy Rook Askew, Chair
Monterey County Board of Supervisors

A T T E S T:

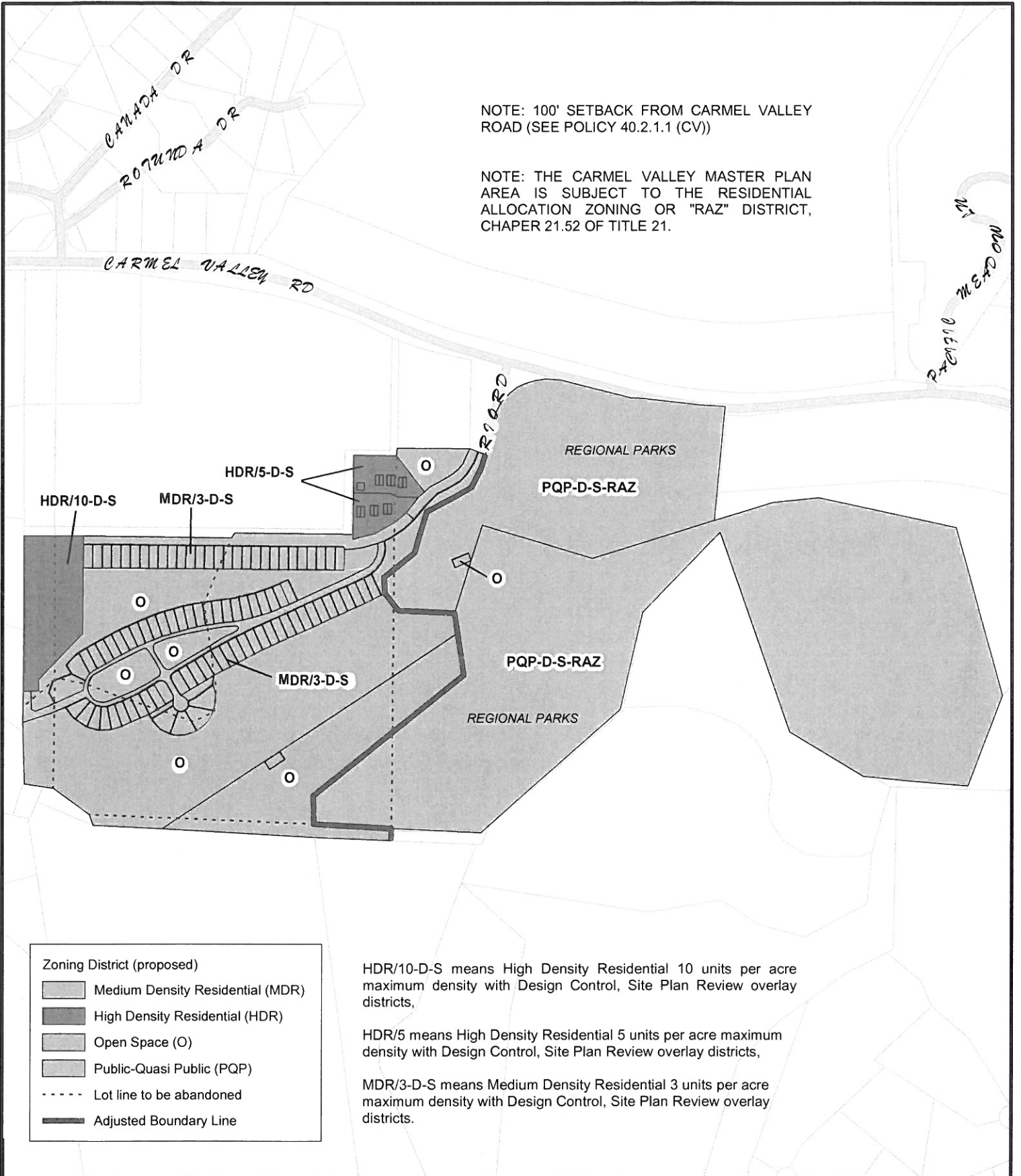
Valerie Ralph
Clerk of the Board of Supervisors

By: 
Deputy **JULIAN LORENZANA**

APPROVED AS TO FORM BY:

/s/ Wendy S. Strimling

Wendy S. Strimling
Assistant County Counsel



NOTE: 100' SETBACK FROM CARMEL VALLEY ROAD (SEE POLICY 40.2.1.1 (CV))

NOTE: THE CARMEL VALLEY MASTER PLAN AREA IS SUBJECT TO THE RESIDENTIAL ALLOCATION ZONING OR "RAZ" DISTRICT, CHAPER 21.52 OF TITLE 21.

REZONING: SECTION 21-16, TITLE 21

PROJECT: RANCHO CAÑADA VILLAGE

APN: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-000 and 015-162-051-000

