ORDINANCE NO. **5400**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTIONAL DISTRICT MAP 21-17A OF SECTION 21.08.060 OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES IN THE COUNTY OF MONTEREY

County Counsel Summary

This ordinance amends Section 21-17A of the District Zoning Maps of Title 21 (non-coastal zoning) to meet certain conditions of approval for the September Ranch Subdivision Project. Specifically, Parcel A (APN: 015-172-013-000), Parcel B (APN: 015-172-015-000), Parcel C (APN: 015-172-016-000), and Parcel D (APN: 015-172-017-000) will be rezoned to Open Space or Open Space with Design Control and Site Plan Review overlays "O-D-S". Also, Lots 23-33 (APN: 015-172-043-000, 015-172-044-000, 015-172-045-000, 015-172-046-000, 015-172-047-500, 015-172-048-000, 015-172-049-000, 015-172-050-000, 015-172-051-000, 015-172-052-000, 015-172-053-000) are rezoned to Rural Density Residential with Building Site, Design Control and Site Plan Review overlays "RDR/B-6-D-S"; and Parcel E (APN: 015-172-018-000) and Lots 1-22, 39, 40 and 73 (APN: 015-172-021-000, 015-172-022-000, 015-172-023-000, 015-172-024-000, 015-172-025-000, 015-172-026-000, 015-172-027-000, 015-172-028-000, 015-172-029-000, 015-172-030-000, 015-172-031-000, 015-172-032-000, 015-172-033-000, 015-172-034-000, 015-172-035-000, 015-172-036-000, 015-172-037-000, 015-172-038-000, 015-172-039-000, 015-172-040-000, 015-172-041-000, 015-172-042-000, 015-172-054-000, 015-172-055-000, 015-172-056-000) are rezoned to Low Density Residential with Building Site, Design Control and Site Plan Review overlays "LDR/B-6-D-S". The properties are located directly between Canada Way and Valley Greens Drive, Mid-Carmel Valley area.

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

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. On November 9, 2010, the Board of Supervisors adopted Resolution 10-312 approving a Combined Development Permit (CDP) for the September Ranch Subdivision Project consisting of: (1) a Vesting Tentative Map (VTM) for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed restricted workforce housing lots) for a total of 95 residential lots; (2) a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); (3) 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); (4)

250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; and (5) 6.9 acres of open space reserved for future public facilities (Parcel B).

C.   On December 8, 2020, the Board of Supervisors approved the Final Map for Phase 1 of the September Ranch Subdivision which includes a dividing 540-acres of the total 891 acres into 40 parcels consisting of 33 conforming lots to be developed with market-rate homes, a parcel for inclusionary housing (Parcel F), the equestrian parcel (Parcel E), public use parcel (Parcel B), open space parcels (Parcel A & D), park parcel (Parcel C), and a parcel for future Phase 2 which may be used for inclusionary housing (Parcel G).

D.   The purpose of this Ordinance is to comply with Condition of Approval Numbers 30 and 37, as adopted by Board of Supervisors Resolution 10-312 for the September Ranch Subdivision Project.

E.   Compliance with Condition No. 30 requires redesignating Parcels A, B, C to Open Space or Open Space with Design Control and Site Plan Review overlays "O-D-S" for the purposes of common open space, future public facilities, and public open space for donation/dedication. The current zoning of these parcels, as illustrated in Section 21-17A of the Sectional District Maps of Section 21.080.060 are as follows:

     1.   Parcel A (northerly portion): Rural Density Residential, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "RDR/10-D-S-RAZ";

     2.   Parcel A (southerly portion): Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "LDR/2.5-D-S-RAZ";

     3.   Parcel B: Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "LDR/2.5-D-S-RAZ";

     4.   Parcel C: Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "LDR/2.5-D-S-RAZ";

     5.   Parcel D: (northerly portion) Rural Density Residential, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "RDR/10-D-S-RAZ"; and

     6.   Parcel D: (southerly portion) Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "LDR/2.5-D-S-RAZ".

F.   Condition of Approval No. 37 requires rezoning the September Ranch residential parcels to include the Building Site overlay district ("B-6") and remove the Residential Allocation overlay district ("RAZ"). The RAZ overlay is intended to provide a district that denotes a specific area subject to policies or ordinances which specify limitations on the number of lots or units which may be created in a given period of time. The purpose of the B-6 district is to establish specific regulations for lot size and structure setbacks, and to ensure that the lots shown on the recorded final map may not be further subdivided. Because the B-6 overlay already prohibits further subdivision of the lots, the RAZ overlay is no longer necessary. The current zoning of these parcels, as illustrated in Section 21-17A of the Sectional District Maps of Section 21.080.060 are as follows:

1.   Lots 22-33 (northerly 494 acres): Rural Density Residential, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "RDR/10-D-S-RAZ"; and

2.   Parcel E and Lots 1-22, 39, 40 and 73 (southerly 393 acres): Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or "LDR/2.5-D-S-RAZ".

G.   The Board of Supervisors has considered the Certified Final Revised Environmental Impact Report (FEIR) (SCH No. 19950803033) for the September Ranch Subdivision Project and finds adoption of this Ordinance does not warrant a subsequent EIR pursuant to CEQA Guidelines Section 15162.

SECTION 2. ZONING DISTRICT MAP. Section 21-17A, of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the zoning of the following and as shown on the map attached hereto to as **Exhibit 1**:

A.   Parcel A (APN: 015-172-013-000): from Rural Density Residential, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays "RDR/10-D-S-RAZ" and Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays "LDR/2.5-D-S-RAZ" to Open Space with Design Control and Site Plan Review overlays "O-D-S".

B.   Parcels B and C (APN: 015-172-015-000 and APN: 015-172-016-000): from Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays "LDR/2.5-D-S-RAZ" to Open Space with Design Control and Site Plan Review overlays "O-D-S".

C.   Parcel D (APN: 015-172-017-000): from Rural Density Residential, 10 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays "RDR/10-D-S-RAZ" and Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays "LDR/2.5-D-S-RAZ" to Open Space Design Control and Site Plan Review overlays "O-D-S".

D.   Lots 23-33 (APN: 015-172-043-000, 015-172-044-000, 015-172-045-000, 015-172-046-000, 015-172-047-500, 015-172-048-000, 015-172-049-000, 015-172-050-000, 015-172-051-000, 015-172-052-000, 015-172-053-000) from Rural Density Residential, 10 units an acre with Design Control, Site Plan Review and Residential Allocation Zone overlays "RDR/10-D-S-RAZ" to Rural Density Residential with Building Site, Design Control and Site Plan Review overlays "RDR/B-6-D-S".

E.   Parcel E (APN: 015-172-018-000) and Lots 1-22 (APN: 015-172-021-000, 015-172-022-000, 015-172-023-000, 015-172-024-000, 015-172-025-000, 015-172-026-000, 015-172-027-000, 015-172-028-000, 015-172-029-000, 015-172-030-000, 015-172-031-000, 015-172-032-000, 015-172-033-000, 015-172-034-000, 015-172-035-000, 015-172-036-000, 015-172-037-000, 015-172-038-000, 015-172-039-000, 015-172-040-000, 015-172-041-000, 015-172-042-000), 39,40 and 73 (APN: 015-172-054-000, 015-172-055-000, 015-172-056-000, 015-

172-018-000) from Low Density Residential, 2.5 units an acre, with Design Control, Site Plan Review and Residential Allocation Zone overlays "LDR/2.5-D-S-RAZ" to Low Density Residential with Building Site, Design Control and Site Plan Review overlays "LDR/B-6-D-S".

       SECTION 3. 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 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 21st day of March, 2023, by the following vote:

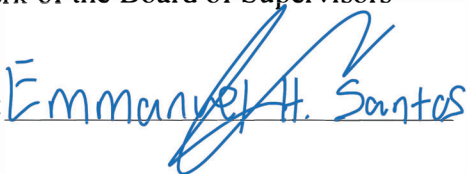   AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams
      NOES: None
    ABSENT: None
    ABSTAIN: None

                                Luis A. Alejo, Chair
                                Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: Emmanuel H. Santos

APPROVED AS TO FORM BY:

Kelly L. Donlon
Assistant County Counsel