



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: ORD 20-011 **Name:** Ordinance - REF190002/Mixed Use Ordinance
Type: Ordinance **Status:** Scheduled PM
File created: 6/26/2020 **In control:** Board of Supervisors
On agenda: 7/7/2020 **Final action:** 7/7/2020

Title: Public hearing to consider adoption of an ordinance adding Chapter 21.17 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code and amending other sections of Title 21 to establish a Mixed Use zoning district and to provide definitions, regulations and standards for the Mixed Use zoning district in the non-coastal unincorporated areas of the County of Monterey.
Project: REF190002/MIXED USE ORDINANCE
Location: Countywide Inland.
Proposed CEQA Action: Consider Addendum together with the previously certified EIR for the 2010 Monterey County General Plan pursuant to Section 15164 of the Guidelines.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Ordinance for Mixed Use District, 3. Attachment B – Addendum to the certified Environmental Impact Report, 4. Attachment C - Part 1, 5. Attachment C - Part 2, 6. Attachment C - Part 3, 7. Attachment C - Part 4, 8. Attachment C - Part 5, 9. Attachment C - Part 6, 10. Attachment C - Part 7, 11. Attachment C - Part 8, 12. Attachment C - Part 9, 13. Attachment C - Part 10, 14. Attachment D – Planning Commission Resolution No. 20-016, 15. Item No. 21 (MS PowerPoint Presentation presented at hearing), 16. Item No. 21 Completed Board Order, 17. Item No. 21 Completed Board Order and Ordinance No. 5334

Date	Ver.	Action By	Action	Result
7/7/2020	1	Board of Supervisors		

Public hearing to consider adoption of an ordinance adding Chapter 21.17 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code and amending other sections of Title 21 to establish a Mixed Use zoning district and to provide definitions, regulations and standards for the Mixed Use zoning district in the non-coastal unincorporated areas of the County of Monterey.

Project: REF190002/MIXED USE ORDINANCE

Location: Countywide Inland.

Proposed CEQA Action: Consider Addendum together with the previously certified EIR for the 2010 Monterey County General Plan pursuant to Section 15164 of the Guidelines.

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- a. Consider an Addendum together with a previously certified Environmental Impact Report (SCH#2007121001, Resolution No. 10-290) for the *Monterey County 2010 General Plan*; and
- b. Adopt an ordinance to add Chapter 21.17 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code and amend other sections of Title 21 to establish a Mixed Use zoning district and to provide definitions, regulations and standards for the Mixed Use zoning district in the non-coastal unincorporated areas of the County of Monterey.

If approved, this ordinance would become effective on August 7, 2020.

SUMMARY:

Staff has prepared an ordinance to implement Policy LU-2.33.c of the *Monterey County 2010 General Plan* (2010 General Plan). The 2010 General Plan created a “mixed use” land use designation. By definition, Mixed Use is intended to encourage development that incorporates a range of diverse uses, such as office, commercial, institutional, and residential, into a single building or complex. The proposed ordinance before the Board would add a new chapter (Chapter 21.17) to the inland zoning regulations (Monterey County Code Title 21) creating a Mixed Use zoning district (MU District) with regulations for development within the areas designated mixed use in the 2010 General Plan.

Regulatory requirements within the proposed zoning ordinance are intended to avoid conflicting land uses and to encourage development in a compact, pedestrian-oriented, and resident-serving manner. As a tool for community development, the MU District is characterized by “smart growth” principles that prioritize access to multiple modes of transportation and localized amenities.

Homeless shelters, transitional housing, and supportive housing are uses allowed by right (ministerial permit) in the proposed MU ordinance, consistent with General Plan Policy and pursuant to state housing laws. Other mixed uses would be considered through a discretionary permit entitlement process, including a General Development Plan (GDP). Development standards set forth in a GDP allow the flexibility necessary for pedestrian-oriented configuration of services and amenities that support space-efficient modes of transportation, emphasis on parking demand management, diversity of housing options, and multi-functional streets and sidewalks. The ordinance proposes that one of the uses allowed with a Use Permit for a GDP in the Mixed Use zone would be cannabis retailer; however, the County’s current non-coastal cannabis regulations restrict cannabis retailers to the Heavy Commercial (HC) and Light Commercial (LC) zones (Monterey County Code, section 21.67.040.A). By adding the Mixed Use zone to the list of zones where cannabis retailers are not prohibited, this ordinance would make the regulations consistent with an amendment to section 21.67.040.A as follows in ~~strikethrough~~ and underline:

- A. Applicability. The provisions of this Section are applicable in Light Commercial (LC), ~~and Heavy Commercial (HC), and Mixed Use (MU)~~ zoning districts. Cannabis retailers shall not be allowed in any other zoning district.

Planning Commission Recommendation:

On 27 May 2020, the Planning Commission held a public hearing on the proposed ordinance and unanimously recommended the Board of Supervisors adopt the Mixed Use ordinance (Planning Commission Resolution No. No. 20-016, Attachment D). The ordinance before the Board establishes written regulations for development in the Mixed Use zoning district. The Mixed Use ordinance standards would apply in areas zoned Mixed Use. The action to rezone specific areas “Mixed Use” requires amendments to the zoning maps, and those amendments are not part of the ordinance before the Board. The Planning Commission expressed support for processing the rezoning and developing Community Plans for the purpose of establishing sites with the Mixed Use zoning designation. Without the zoning map amendments in place, specific development proposals in areas that the General Plan designated for mixed use would need to include a zoning map amendment in addition to the underlying development proposal.

California Environmental Quality Act (CEQA):

The Planning Commission supported a recommendation that the Board of Supervisors adopt an Addendum to the previously certified Environmental Impact Report (SCH#2007121001, Resolution No. 10-290) for the *Monterey County 2010 General Plan* pursuant to Section 15164 of the CEQA Guidelines. This action taken by the County, as authorized by state law, would be in accordance with state goals for expanding opportunities to implement affordable housing and for reducing greenhouse gas emissions. The addendum prepared for this ordinance finds that foreseeable impacts on the environment from establishment of the Mixed Use zone were

adequately analyzed in the 2010 General Plan EIR and no additional environmental review is required for adoption of this ordinance. Pursuant to Section 15162 of the CEQA Guidelines, no substantial changes in project description, no substantial changes in circumstances, and no new information of substantial importance leading to new significant effects or a substantial increase in the severity of previously identified effects, have been identified.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the ordinance as to form. The Monterey County Planning Commission recommended adoption of the ordinance.

FINANCING:

Funding for staff time associated with preparation of the ordinance is included in the FY20-21 Adopted Budget for RMA-Planning. Costs for staff time to review Mixed Use District (MUD) projects after implementation of the ordinance will be recovered through the existing fees charged for project review of Use Permit applications and of proposals to change land use designation to the MUD.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents an effective strategy for the County to encourage development of various types of housing for all economic segments of the population in a manner that situates housing in a pedestrian-oriented resident-serving community setting. Adoption of this zoning ordinance would allow the County to identify adequate sites for a diversity of housing and to support reduction of greenhouse gas emissions through land use decisions, in accordance with state law.

Check the related Board of Supervisors Strategic Initiatives:

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

Prepared by: Jaime Scott Guthrie, AICP, Associate Planner, ext. 6414

Reviewed by: Craig Spencer, RMA-Planning Services Manager

Approved by: John M. Dugan, FAICP, Deputy Director of Land Use and Community Development and Acting Chief of RMA-Planning

The following attachments are on file with the Clerk of the Board:

Attachment A - Ordinance for Mixed Use District

Attachment B - Addendum to the certified Environmental Impact Report

Attachment C - 2010 General Plan EIR (link)

<https://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency->

Attachment D - Planning Commission Resolution No. 20-016

cc: Front Counter Copy; RMA-Development Services; RMA-Parks; Environmental Health Bureau; RMA-Environmental Services; Monterey County Regional Fire District; Monterey County Office of Housing & Economic Development; Monterey Peninsula Water Management District; Office of the

Agricultural Commissioner; Monterey County Local Agency Formation Commission (LAFCO); Monterey County Water Resources Agency; Joann Iwamoto, Cannabis Program Manager; Craig Spencer, RMA-Planning Services Manager; Brandon Swanson, RMA-Planning Services Manager; John M. Dugan, Acting Chief of RMA-Planning; Jaime Scott Guthrie, Project Planner; Mike Weaver, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File REF190002.