

Exhibit B
Draft Resolution of Intent to
Approve LCP Amendments

Villas De Carmelo
(Rigoulette)
PLN070497

Board of Supervisors
October 11, 2011

EXHIBIT B

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____ Resolution of the Monterey County Board of Supervisors of intent to adopt amendments to the Monterey County Local Coastal Program Unincorporated area of Carmel, Coastal Zone, Monterey County.	
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Amendments to the Carmel Area Land Use Plan and Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to allow high density development at 24945 Valley Way, Carmel (Assessor's Parcel Numbers 009-061-002-000, 009-061-003-000, and 009-061-005-000) came on for a public hearing before the Board of Supervisors on October 11, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby resolves as follows:

RECITALS

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan") pursuant to California Planning and Zoning law.
3. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
4. On October 19, 1982, the Board of Supervisors adopted the Carmel Area Land Use Plan ("Land Use Plan") as part of the Local Coastal Program in the Coastal Zone pursuant to the California Coastal Act. This separate mandate replaces policy guidance for most policy topics found in the General Plan and is applied in the Coastal Zone. The primary policy topics of noise and housing (to include other minor Monterey County specific policies) are not addressed under the LCP- Coastal Act mandate, and therefore those aspects of the 1982 General Plan not covered by the Land Use Plan are still applicable in the Coastal Zone under Planning and Zoning law.
5. On April 14, 1983, the California Coastal Commission acknowledged certification of the Carmel Area Land Use Plan ("Land Use Plan") as part of Monterey County's Local Coastal Program.

6. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan (CIP) of the LCP to implement the Carmel Area Land Use Plan consistent with Section 30512.1 of the Public Resources Code.
7. The “Land Use Plan” in the Carmel Area Land Use Plan provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
8. Pursuant to Public Resources Code section 30514 and state regulation (14 CCR 13551), the County may amend the adopted Local Coastal Program if the amendment is submitted pursuant to a resolution adopted in accordance with Public Resources Code section 30510(a). The LCP also contains procedures for amending the Local Coastal Program. (Part 6, Appendix 13, of the Coastal Implementation Plan; Chapter 20.94 of the Monterey County Code.) Pursuant to these procedures, the Planning Commission must conduct a noticed public hearing on the proposed amendment and make a recommendation to the Board of Supervisors, and the Board of Supervisors must conduct a noticed public hearing on the proposed amendment. If the Board desires to approve the amendment, the Board adopts a resolution of intent to adopt and submits the amendment to the California Coastal Commission for certification.
9. On June 29, July 27, August 10, and August 31, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider amending the Monterey County Local Coastal Program. At least 10 days before the first public hearing date, notices of the hearings before the Planning Commission were published in both the Monterey County Herald and The Californian and were also posted on and near the property and mailed to property owners within 300 feet of the subject property, and the Planning Commission continued the hearing to each date certain. The Planning Commission adopted a resolution recommending that the Board of Supervisors approve the proposed LCP Amendments to the Carmel Area Land Use Plan and Coastal Implementation Plan.
10. The LCP amendments are being considered in conjunction with an application for a Combined Development Permit (Rigoulette, LLC (Villas de Carmelo)) to redevelop the existing Carmel Convalescent Hospital site, generally located at the northwest corner of Highway One and Valley Way, with a 46-unit condominium project. The project proposes adaptive reuse of historic structures while utilizing infill/redevelopment that is consistent with the density of the neighborhood. The project is consistent with Carmel Area Land Use Policy 4.3.1, “It is the County’s objective to promote the continued ‘infilling’ of vacant parcels of record in all subdivided areas, namely, Carmel Woods, Hatton Fields, Carmel Point, Mission Fields, Mission Tract, Carmel Meadows, Carmel Highlands, and the Riviera.” State land use laws encourage local agencies to facilitate infill development at densities that accommodate housing for various income levels. Proposed amendments, as drafted, would not be growth inducing due to the specific language relative to the 3.68 acre hospital site, and existing public services will be utilized with no intensification of use. Any other requests for a similar land use designation change would be subject to a separate LCP amendment. The land adjacent to

the proposed project site is expected to remain in its current use, and the proposal is not expected to affect existing land use patterns in the area. The proposed development is consistent with the policies of the Carmel Area Land Use Plan.

11. All policies of the General Plan and the Land Use Plan have been reviewed by the Planning Department staff to ensure that the proposed amendments to the Carmel Area Land Use Plan maintain the compatibility and internal consistency of the General Plan and the Land Use Plan.
12. A Draft EIR has been prepared for the LCP amendments and Combined Development Permit and circulated for comment from August 3, 2010 to September 24, 2010. Issues that were analyzed in the DEIR include aesthetic resources, agriculture, air quality, biological resources, cultural resources, geology and soils, hazards/hazardous materials, hydrology/water quality, land use and planning, noise, public services, traffic and transportation, and utilities. CEQA considerations were also analyzed with regard to the proposed project, as well as alternatives to the proposed project. A Recirculated Draft EIR that presented revised analyses of the proposed project's potential impacts relative to traffic and utilities, as well as updated information relating to the Draft EIR's analysis of potential impacts relating to CEQA considerations, and alternatives, was circulated for public review between August 3, 2010 and September 24, 2010. The Final EIR was released on June 17, 2011. The Board of Supervisors considered the FEIR prior to adopting this resolution. Although the County is not required to certify the EIR when the County is acting only on the proposed Local Coastal Program amendments (see Public Resources Code section 21080.9), the County will provide the EIR to the Coastal Commission as material to enable a thorough and complete review by the Coastal Commission of the amendments.
13. On October 11, 2011, the Monterey County Board of Supervisors held a duly noticed public hearing to consider the proposed amendments to Monterey County Local Coastal Program. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in both the Monterey County Herald and The Californian and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.
14. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby:

- A. Adopt a resolution of intent to adopt amendments to the Carmel Area Land Use Plan as follows:

Exhibit B
Page 3 of 9 Pages

1. Amend subsection 6 of Policy 2.2.4 as follows:

6. The existing forested corridor along Highway 1 shall be maintained as a scenic resource and natural screen for existing and new development. New development along Highway 1 shall be sufficiently set back to preserve the forested corridor effect and minimize visual impact. All new development on the Carmel Convalescent Hospital site shall include a landscape berm landscaping to screen the development from Highway 1.

2. Amend subsection 2 of Policy 4.4.3.E as follows:

2. Medium-density residential development shall be directed to existing residential areas where urban services – water, sewers, roads, public transit, fire protection, etc. – are available. The density for new subdivision is two units per acre except for the Portola Corporation property in Carmel Meadows and the Carmel Convalescent Hospital property adjacent to Highway 1. The 3.68 acre Carmel Convalescent Hospital property is the only property that may be developed for high density residential use subject to Policy 4.4.3E.15. As a condition of development of the Portola property, covenants must be recorded acknowledging agricultural use on the adjacent parcel and holding the owner (State) harmless for any nuisance due to the agricultural use.

3. Add subsection 15 to Policy 4.4.3.E as follows:

15. The 3.68 acre Carmel Convalescent Hospital property may be developed for residential use. A maximum of 46 units may be approved. The units shall be screened from Highway 1 through implementation of a landscape plan along the entire Highway 1 property frontage.

4. Amend subsection H of Policy 4.5 as follows:

H. Medium/High – Density Residential

Medium-density residential development is the primary use. The density for new subdivision is 2 units per acre, except on the Mission Ranch property where a density of 2-6 units per acre may be allowed subject to section 4.4.3.F.1, and Odello (162 units) subject to section 4.4.3.F.3, and the Carmel Convalescent Hospital site where (a maximum of 46) residential units are allowed subject to Policy 4.4.3.E.15. Minimum parcel size will be determined upon application review. This designation is applied to the City of Carmel vicinity and to Carmel Meadows. Public/quasi-public uses (5.5.1) and densities of overnight accommodations currently in operation are permitted.

5. Amend the Carmel Area Land Use Plan Map to change the land use designation of 3.68 acres located at 24945 Valley Way, Carmel (Assessor's Parcel Numbers 009-061-002-000, 009-061-003-000, and 009-061-005-000) from the existing designation of MDR/2 (Medium Density Residential/2 units per acre) to HDR/12.5 (High Density Residential/12.5 units per acre), as shown on Attachment 1, attached hereto and incorporated herein by reference.

B. Adopt a resolution of intent to adopt the Ordinance attached hereto as Exhibit 2 to amend the Coastal Implementation Plan as delineated therein.

C. Certify that the proposed amendments to the Local Coastal Program are intended to be carried out in a manner fully in conformity with the California Coastal Act; and

D. Direct staff to transmit the proposed amendments to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

PASSED AND ADOPTED on this 11th day of October, 2011, by the following vote, to-wit:

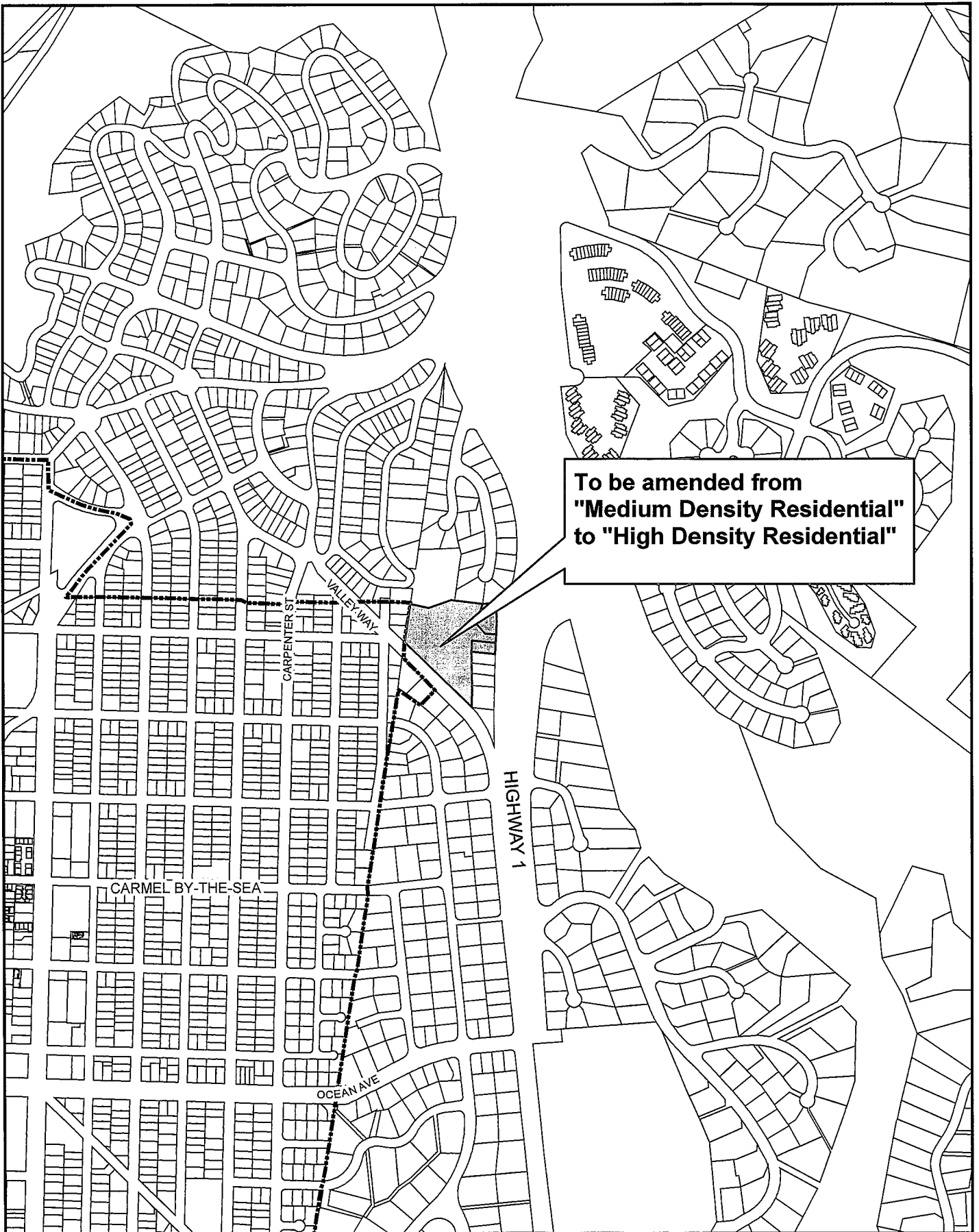
AYES: Supervisors
NOES:
ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy



To be amended from
"Medium Density Residential"
 to **"High Density Residential"**

LAND USE PLAN AMENDMENT		Exhibit B Page 6 of 9 Pages		
APN: 009-061-002, 003, 005 -000				
FILE # PLN070697, RIGOULETTE (VILLAS DE CARMELO)				

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 20.08.060 AND SECTION 20.146.120.B.4.a OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE TO ESTABLISH STANDARDS FOR HIGH DENSITY RESIDENTIAL USE IN THE CARMEL AREA LAND USE PLAN AREA AND TO REZONE CERTAIN PROPERTY IN THE COUNTY OF MONTEREY TO HIGH DENSITY RESIDENTIAL.

County Counsel Summary

This ordinance amends Section 16 of the zoning maps of Section 20.08.060 of the Monterey County Code from MDR/2 (CZ) to HDR/12.5 (CZ) to allow high-density residential development at 24945 Valley Way, (Assessor's Parcel Numbers 009-061-002-000, 009-061-003-000, and 009-061-005-000), the site of the Carmel Convalescent Hospital in the unincorporated area of Carmel. This ordinance also amends the land use and development standards in the Monterey County Coastal Implementation Plan, Part 4 (Regulations for Development in the Carmel Area Land Use Plan) (Chapter 20.146) to provide standards for high density residential development in the Carmel Area Land Use Plan area and to define the allowable development on the Carmel Convalescent Hospital parcel.

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

SECTION 1. Subsection a of subsection 4 of subsection B of Section 20.146.120 of the Monterey County Code is amended to read as follows:

a. Medium-density residential development shall be directed to existing residential areas where urban services - water, sewers, roads, public transit, fire protection, etc. -- are available. The density for new sub-division is two units per acre except for the Mission Ranch property and the Portola Corporation property in Carmel Meadows. As a condition of development in residential areas, covenants must be recorded acknowledging the existing agricultural use on the adjacent parcel and holding the owner (State) harmless for any nuisance due to the agricultural use (Ref. Policy 4.4.3.E-2).

High Density Residential (HDR): High Density Residential areas are appropriate for a broad range of higher intensity residential uses (5-20 units/acre) and a blend of housing types. Recreational, public/quasi-public, and other uses are incidental and subordinate to the residential use and character of the area. High density use is allowed in accordance with the site-specific evaluation of resource and public facility constraints, and where urban services - i.e. public water, sewer, roads, public transit, fire protection, etc. - are available. New development in these areas is designated at densities to allow a mix of housing types, including moderate to low income housing, in order to facilitate a comprehensively planned project. Direct access from Highway 1 shall not be allowed, where alternative access is possible.

The Carmel Convalescent Hospital parcel ("Hospital parcel") is located in the Hatton Fields area of the Carmel Area Land Use Plan. This area is more urbanized in character. The property abuts the City of Carmel-by-the-Sea boundary to the north, west and south and Highway 1 on the east. Within the city limits, single family dwellings surround the Hospital parcel. An apartment complex, located within the unincorporated County area, is west of the Hospital parcel. Parcels in this area average from 3,000 square feet to approximately one quarter of an acre. The Hatton Fields area has generally been developed to the extent that the natural environment has been significantly altered and that the residential use is perceived as the primary use of the land. The size, density, and character of this residential area vary; capacity is available to accommodate additional residential demand. Infilling of development is encouraged. In general, this area has adequate public services and facilities and has ready access to important commercial services located in the City of Carmel-by-the-Sea or at the mouth of Carmel Valley.

SECTION 2. ZONING DISTRICT MAP. Section 16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 3.68 acre site generally located at the northwest corner of Highway One and Valley Way from MDR/2 (CZ) [Medium Density Residential/2 units per acre (Coastal Zone)] to HDR/12.5 (CZ) [High Density Residential/12.5 units per acre (Coastal Zone)] as shown on the map attached hereto as Attachment A and incorporated herein by reference.

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. EFFECTIVE DATE. Following certification by the California Coastal Commission, this Ordinance shall become effective on the thirty-first day after formal adoption by the Board of Supervisors.

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

AYES: Supervisors
NOES:
ABSENT:

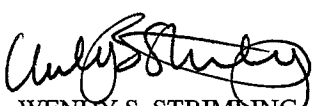
Jane Parker, Chair
Monterey County Board of Supervisors

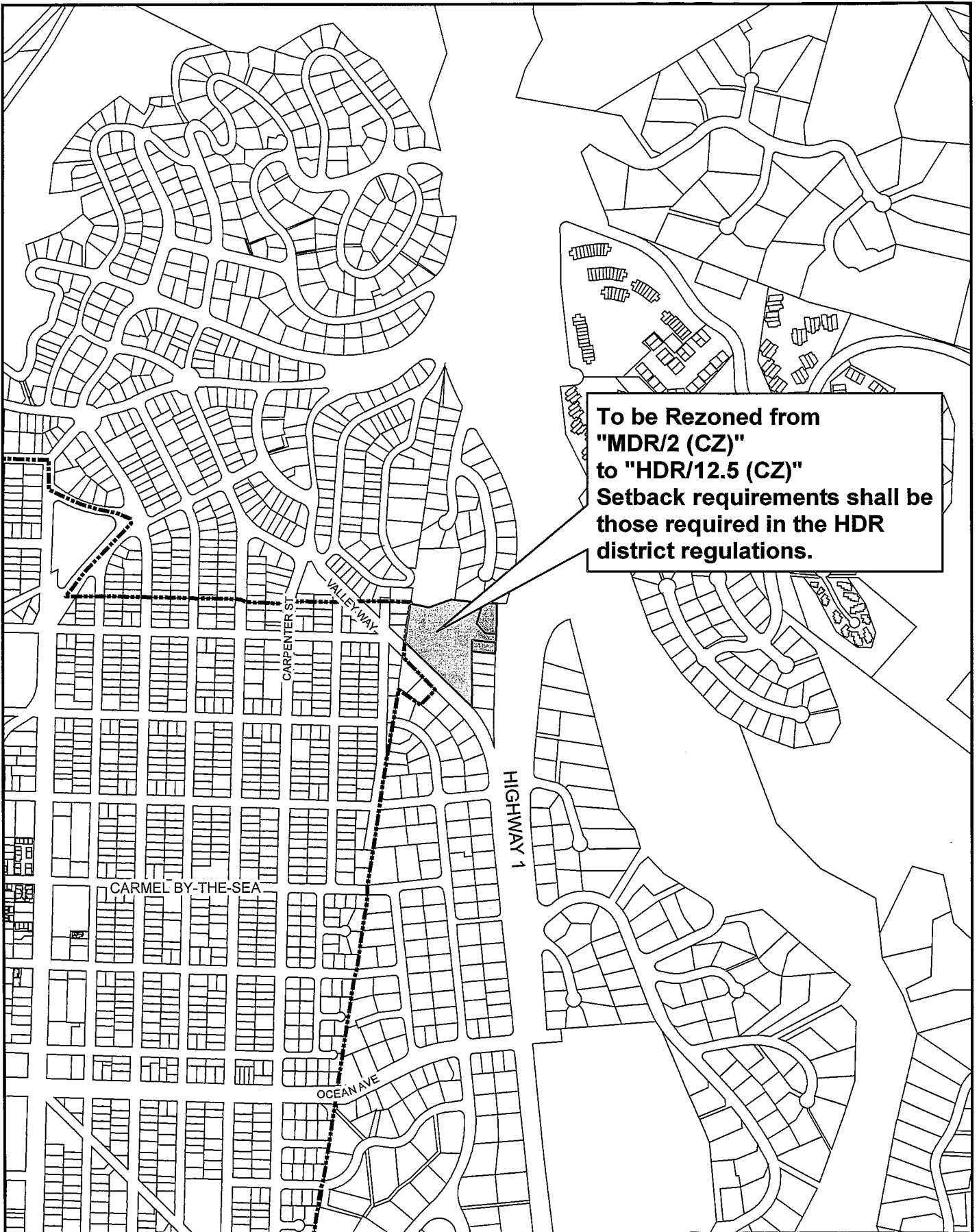
A T T E S T:
GAIL BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

Exhibit B
Page 8 of 9 Pages

Resolution of intent to adopt amendments

APPROVED AS TO FORM

WENDY S. STRIMLING
Deputy County Counsel



**To be Rezoned from
 "MDR/2 (CZ)"
 to "HDR/12.5 (CZ)"
 Setback requirements shall be
 those required in the HDR
 district regulations.**

REZONING: SECTION 20-16, TITLE 20 Exhibit B
APN: 009-061-002, 003, 005 -000 Page 9 of 9 Pages
FILE # PLN070697, RIGOULETTE (VILLAS DE CARMELO)

