

DATE ISSUED: May 14, 2003 REPORT NO. 03-091

ATTENTION: Honorable Mayor and City Council
Docket of

SUBJECT: Estates at Costa Del Mar - Reconsideration of Rezone, Project No. 3102,
WO # 40-0247, Council District 1, Process

REFERENCE: Report to the Planning Commission, Number P-01-233;
Item # 331 of City Council agenda for February 26, 2002

OWNER/
APPLICANT: Leon Perl

SUMMARY

Issues - Should the City Council adopt modifications requested by the California Coastal Commission to a rezone previously approved by City Council?

Previous Council action approved a rezone of a 10.0 acre site in the Carmel Valley Community Plan Area from the AR-1-1 zone to AR-1-2, along with the other discretionary permits required for the development project, subject to approval by the California Coastal Commission (CCC). The CCC approved the rezone with the Local Coastal Program Amendment, with modifications requiring split zoning of the site to include AR-1-2 and OC-1-1.

Staff's Recommendation -

Approve the request to rezone the property from AR-1-1 to AR-1-2 and OC-1-1, as requested by the California Coastal Commission.

Planning Commission Recommendation - On November 29, 2001, the Planning Commission voted 5-1-1 to recommend approval of the development project including the rezone from AR-1-1 to AR-1-2, with conditions to be added to the Design Guidelines. The conditions were added to the Design Guidelines by the applicant prior to the City Council hearing (February 26, 2002). The reconsideration of the rezone has not been presented to the Planning Commission.

Community Planning Group Recommendation - On October 9, 2001, the Carmel Valley Community Planning Board voted 9-0-0 to recommend approval of the proposed project with two conditions. Both conditions were met by the project prior to approval by City Council on February 26, 2002. The reconsideration of the rezone has not been formally presented to the Planning Board. However, application of the OC-1-1 zone over part of

the property (5.87 acres out of 10 acres) will provide additional assurance that open space will be preserved, which was an important issue to the Planning Board during the original project review.

Other Recommendations - On March 4, 2003, the California Coastal Commission approved the Local Coastal Program Major Amendment request (#1-02B- Estates at Costa Del Mar) with modifications to address preservation of open space (Attachments 3 & 4). The Coastal Commission directed the City to approve a new resolution and rezone to reflect split AR-1-2 and OC zoning on the site (Attachment 2).

Environmental Impact - This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

Fiscal Impact - None with this action. All Development Services Department processing costs are recovered by a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - None with this action.

Traffic Impact Statement - None with this action.

Water Quality Impact Statement - None with this action.

BACKGROUND

On February 26, 2002, the City Council approved the Estates at Costa Del Mar project to subdivide a 10 acre site in the Carmel Valley Community Plan area to create four (4) lots of a minimum one-acre size for the development of custom single family residences. The project site is located at the northern terminus of Arroyo Sorrento Place and is currently zoned AR-1-1 (Agricultural-Residential, minimum 10 acre lots). The project approved in 2002 proposed to rezone the property to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) to allow the creation of the 4 proposed lots. The majority of the property is within the Coastal Overlay Zone. The Estates at Costa Del Mar project approved in February of 2002 increased the area of the project site designated as Multi-Habitat Planning Area (MHPA) from 3.52 acres to 5.87 acres.

The discretionary actions approved by City Council in February 2002 for the Estates at Costa Del Mar project included a Vesting Tentative Map, Coastal Development Permit, Site Development Permit, Planned Development Permit, Rezone (from AR-1-1 to AR-1-2), Multi-Habitat Planning Area (MHPA) boundary adjustment and Local Coastal Program Amendment. The project included Design Guidelines for the custom homes. The Local Coastal Program Amendment, which consisted only of the rezone, is subject to approval by the California Coastal Commission (CCC).

The Estates at Costa Del Mar project was scheduled for CCC meeting on November 11, 2002, but was continued at the request of CCC staff. On March 4, 2003, the CCC heard and approved the proposed Local Coastal Program Amendment, with modifications. The CCC modifications

require split zoning of the subject property to include AR-1-2 and OC (Open Space - Conservation) rather than just AR-1-2. This modification is required by the CCC to provide them with the assurance they need to ensure preservation of open space. The area of the property to be zoned OC-1-1 (5.87 acres) is identical to the area of the property that is to be dedicated MHPA conservation easement area as approved with the project by City Council. No changes to the approved development project are proposed or required with the requested rezone. The action presently before City Council is only the proposed rezone from AR-1-1 to AR-1-2 and OC-1-1. The action taken by City Council will be brought back to the CCC for final action.

DISCUSSION

The split zoning required by the CCC for the Estates at Costa Del Mar project is consistent with the Carmel Valley Community Plan (Plan) and can be supported by staff. The Plan designates the subject property as Very Low Density Residential (0-5 DU/acre) and Open Space. The density of the proposed project is 0.4, which is within the allowable density range.

In accordance with the objectives of the Community Plan, the Estates at Costa Del Mar project has been designed to promote the preservation of the natural environment. The application of the OC-1-1 zone over 5.87 acres of the 10 acre site is consistent with the goals and objectives of the Community Plan and will serve to preserve the natural environment. The current request by the CCC to rezone a portion of the site to OC-1-1 rather than AR-1-2 does not alter the development plan for the site that was approved by City Council on February 26, 2002 in any way. The purpose of the OC-1-1 zone is to protect natural and cultural resources and environmentally sensitive lands. The land area now proposed to be rezoned to OC-1-1 is identical to the portion of the site that was required as a condition of the original project to be dedicated MHPA conservation easement. No development would be allowed to occur in the designated MHPA conservation easement area, nor will development be allowed in the OC-1-1 zone. The MHPA conservation easement area remains a feature and condition of the Estates at Costa Del Mar project.

If the City Council approves the requested rezone modification, the resolutions adopted on February 26, 2002 for the Tentative Map, Coastal Development Permit, Site Development Permit, and Planned Development Permit will be modified to reflect the addition of the OC-1-1 zone. Documentation of the action taken by City Council will be provided to the CCC for final certification.

ALTERNATIVE(S)

1. Deny the rezone modification request.

Respectfully submitted,

Tina P. Christiansen, A.I.A.

Approved: P. Lamont Ewell

Development Services Director

Assistant City Manager

CHRISTIANSEN/VLG

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. Community Plan Land Use Map
2. Project Location Map/Proposed Rezone - B Sheet # 4199
3. California Coastal Commission Report dated Feb. 10, 2003 (excerpt, without attachments)
4. Letter from California Coastal Commission to Mayor Murphy, dated March 14, 2003
5. Draft Rezone Ordinance
6. Minutes for City Council Meeting of Feb. 26, 2002 (Item 331)
7. Ownership Disclosure Statement