

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> September 30, 2004 9:15 AM	<b>Agenda Item:</b> 5
<b>Project Description:</b> Variance to the maximum floor-area-ratio from 19.3% to 21.0% to create a loft within existing interior space; Design Approval for remodel including creation of master loft, and remodel of master bath and walk-in closet, and construction of 131 square foot exterior (pervious) deck; 25 cubic yards of grading (cut).	
<b>Project Location:</b> 3196 Palmero Way, Pebble Beach	<b>APN:</b> 008-351-037-000
<b>Planning Number:</b> PLN040482	<b>Name:</b> Jensen
<b>Plan Area:</b> Del Monte Forest Land Use Plan	<b>Flagged and Staked:</b> N/A
<b>Zoning Designation:</b> LDR/1.5-D [CZ]; Low Density Residential, 1.5 acres per unit, Design Review District, Coastal Zone.	
<b>CEQA Action:</b> Exempt, pursuant to Section 15301 of the CEQA Guidelines	
<b>Department:</b> Planning and Building Inspection (PBI)	

### RECOMMENDATION

Staff recommends approval of described project based on Findings and Evidence (**Exhibit “C”**) and subject to proposed conditions (**Exhibit “D”**).

### OVERVIEW

The proposed project is for a variance and a design approval for the remodel of a single family home.

**Variance:** The floor area ratio requirement (FAR) for Del Monte Forest homes within the LDR/1.5 (CZ) zoning district is 17.5%. (§20.14.060.F) FAR is determined by dividing the floor area of all structures on the site by the square footage of the parcel. The Jensen home is a legal nonconforming preexisting home in the LDR/1.5-D (CZ) district as the site is only 0.93 acres in size and currently has an FAR of 19.3%. The proposed project requires a variance to increase the FAR to allow a loft within existing interior space, although it would not increase the size, bulk, or mass of the structure to be renovated. This variance is justified because the required findings can be made for special circumstances, no special privilege and allowed use because the proposed project will not increase the size, bulk, or mass of the structure to be renovated.

**Design Approval:** The only portion of the remodel which would be on the exterior of the structure would be four exterior windows, two sliding glass doors, and a 131 square foot second floor deck. As the deck is conditioned to insure that it is pervious there is no impact on the project’s impervious surface coverage.

No issues remain unresolved with this proposal.

### OTHER AGENCY INVOLVEMENT

- ✓ Water Resources Agency (WRA)
- ✓ Environmental Health Division (EHD)
- ✓ Public Works Department (PWD)
- ✓ Pebble Beach Community Service District (PBCSD/CDF)

All have reviewed the project. WRA, PBCSD/CDF, and PBI have recommended conditions (conditions attached).

The Del Monte Forest Land Use Advisory Committee voted unanimously on August 26, 2004 (7 to 0) to recommend approval of the project (**Exhibit “E”**).

**Note:** This project is appealable to the Board of Supervisors and the California Coastal Commission.

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cc: Zoning Administrator; County Counsel; Health Department; Public Works;  
Monterey County Water Resources Agency; Scott Hennessy; Dale Ellis; Jeff  
Main; Thom McCue; Linda Rotharmel; Applicant/Representative; Owners

Attachments:    Exhibit “A”        Project Data  
                  Exhibit “B”        Discussion of Proposed Action  
                  Exhibit “C”        Recommended Findings and Evidence  
                  Exhibit “D”        Recommended Conditions of Approval  
                  Exhibit “E”        Land Use Advisory Committee Recommendation  
                  Exhibit “F”        Variance Justification Letter  
                  Exhibit “G”        Vicinity Map  
                  Exhibit “H”        Project Plans

This report was reviewed by Jeff Main, Planning & Building Services Manager

## **EXHIBIT “B”**

### **DISCUSSION OF PROPOSED ACTION**

#### **PLN040482**

The proposed project involves a variance to the maximum floor-area-ratio from 19.3% to 21.0% to create a loft within existing interior space and a design approval for the remodel of an existing single family home including the creation of a master loft, the remodel of master bath and walk-in closet, and construction of 131 square foot exterior (pervious) deck.

#### **Variance**

The need for a variance for this project was discovered in the review of what had been assumed to be an over the counter design approval. The requirement for a variance is due to the unusual circumstance in which this project is creating floor area, in the form of an interior loft, while it is not adding to the size or bulk of the home and is imperceptible from the outside. As the purpose of restricting floor area ratios in a residential context is to limit the bulk of a home, prohibiting the creation of an internal loft would not further the restriction’s purpose.

The specific area where the loft is to be created is an existing attached racquetball court which is being converted to an exercise/dance area and a 667 sq ft loft which will be used as a “retreat” and extension of the master bedroom.

This house was originally authorized through a building permit which was approved in February 1982. No additions to the home have been made since its original construction. The home’s construction was prior to the County’s implementation of requirements for floor area ratio which are contained in the 1984 Del Monte Forest Area Land Use Plan. The current 19.3% FAR is therefore a legal preexisting nonconforming feature of this property.

#### **Required Findings**

Staff has been able to make the three findings which are required for approval of a variance. The “special circumstances” finding (Finding #6) can be made due to the fact that while the project will exceed the maximum floor area ratio the proposed remodel will not add any bulk to the structure as all construction will be on the building’s interior. The “special privileges” finding (Finding #7) can be made as this application is similar in nature to another variance approved within the past 18 months within one mile of the subject site, and is a precedent which staff is comfortable applying to future applications. The “authorized use” finding (Finding #8) can be made as the proposed use is a continuation of the property’s existing allowed use as a single family dwelling.

#### **Design Approval**

Exterior elements of this proposal which would require a design approval are:

- a 131 sq ft deck (roughly 16 ft. wide with a varying depth of approx. 5.5 to 10 ft.) which would be accessed through a sliding door;
- two fixed and two casement windows on the loft level of the former racketball court; and
- a sliding glass door on the ground floor under the proposed deck, which would lead out to a landing.

The proposed windows are proposed to match the existing windows on the attached garage which is an identically sized and designed attached element on the opposite (east) side of the

home. The deck and pad are conditioned to insure that they are pervious and no not add to the impervious surface coverage of the site,

**LUAC Review**

On August 26, 2004, the Del Monte Forest Land Use Advisory Committee unanimously voted to recommend approval of this project on a vote of (7-0).

## EXHIBIT "C"

### RECOMMENDED FINDINGS AND EVIDENCE (PLN040482 / Jensen)

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.  
**EVIDENCE:** (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Del Monte Forest Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN040482.  
(b) Project planner conducted an on-site inspection on September 9, 2004 to verify that the project on the subject parcel conforms to the plans listed above.  
(c) The project for a remodel of an existing single family home which is a principal use allowed in accordance with Section 20.14.040.  
(d) The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone ("LDR/1.5-D (CZ)"). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.  
(e) LAND USE ADVISORY COMMITTEE: The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 7 for and 0 against. LUAC meeting minutes dated August 26, 2004.  
(f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040482.
2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.  
**EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Pebble Beach Community Services District. Conditions recommended have been incorporated.  
(b) Staff conducted an on-site visit on September 9, 2004 to verify that the site is suitable for this use.  
(c) Necessary public facilities are available and will be provided.
3. **FINDING: CEQA (Exempt):** - The project is exempt from environmental review.  
**EVIDENCE:** (a) CEQA Guidelines Section 15301 categorically exempts existing facilities

as well as interior and exterior alterations to them.

- (b) No adverse environmental effects were identified during staff review of the development application or during the site visit on September 9, 2004.
- (c) Development is contained in an already disturbed area of the property. No tree or vegetation removal is required. There are no unusual circumstances related to the project or property.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

5. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(d) Staff site visit on September 9, 2004.

6. **FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

**EVIDENCE:** (a) The proposed variance is for an increase in the maximum floor area ratio (17.5%) which allowed within the Del Monte Forest within the LDR/1.5 (CZ) zoning district. The project plans show that while a variance is required the increased floor area is being created solely within the existing structure and would not increase the size of bulk of the structure. As a result, special circumstances apply in this case since the structure currently exists.

(b) A staff site visit on September 9, 2004 confirmed the information within the application and proposed plans.

(c) Other property owners in the vicinity and under identical zoning classification would be afforded the same privileges sought by the

property owner of this application if their circumstances were similar and they were to request them.

(d) The application and plans submitted for the Variance, including the Variance Justification Letter, in project file PLN040482 at the Monterey County Planning and Building Inspection Department.

7. **FINDING: VARIANCE (Special Privileges)** - The variance to exceed the allowable floor-area-ratio shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

**EVIDENCE:** (a) Research of Planning and Building Inspection Department files revealed that a similar variance was granted to Bosworth, (PLN030094) for an interior addition which included the construction of a second level floor within an existing attached garage. The Bosworth property is located in Pebble Beach at 1499 Alva Lane in a similar LDR/1.5-D (CZ) zoning district. The Bosworth property is approximately 1.0 miles west of the subject project; both properties are located within the Pebble Beach Planning Area of the Del Monte Forest LUP.

(b) Other property owners in the vicinity and under identical zoning classification would be afforded the same privileges sought by the property owner of this application if their circumstances were similar and they were to request them.

(c) The application and plans submitted for the variance, including the variance justification letter, in project file PLN040482 at the Monterey County Planning and Building Inspection Department.

8. **FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** (a) The project for a single family dwelling is a principal use allowed under the property's Low Density Residential designation.

9. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** (a) Preceding findings and supporting evidence.

10. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

<p><b>Planning and Building Inspection Department</b></p> <p><b>Condition Compliance &amp; Mitigation Monitoring and/or Reporting Plan</b></p>	<p><b>Project Name:</b> <u>Jensen</u></p> <p><i>File No:</i> <u>PLN040482</u>      <i>APNs:</i> <u>008-351-037-000</u></p> <p><i>Approval by:</i> _____      <i>Date:</i> _____</p>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
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1		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>This application (PLN040482) allows for a variance to the maximum floor-area-ratio from 19.3% to 21.0% to create a loft within existing interior space; Design Approval for remodel including creation of master loft, and remodel of master bath and walk-in closet, and construction of 131 square foot exterior (pervious) deck; and 25 cubic yards of grading (cut).. The property is located at 3196 Palmero Way (Assessor's Parcel Number 008-351-037-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution 040482) was approved by the Zoning Administrator for Assessor's Parcel Number 008-351-037-000 on September 30, 2004. The permit was granted subject to seven (7) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of building or grading permits.	
3		<p><b>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. <b>(Planning and Building Inspection)</b></p>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

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4		<b>IMPERVIOUS SURFACE COVERAGE (Custom Condition)</b> The deck and the landing located beneath it shall be constructed with a minimum of ¼ inch finished separation between boards with a maximum width of 6 inches to enable them to be pervious and not increase the impervious surface coverage of the site. <b>(Planning and Building Inspection)</b>	Applicant shall incorporate specification into design and enumerate as “Impervious Surface Coverage Notes” on plans.	Owner/ Applicant	Prior to issuance of any building permits	
5		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

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6		<p><b>WR40 - WATER CONSERVATION MEASURES</b></p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b></p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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7		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	

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		driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Pebble Beach Community Service District (ICDF))</b>	<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	
		End of Conditions				