

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: November 9, 2006 Time: 9:45A.M	Agenda Item No.: 5
Project Description: Coastal Development Permit to allow the conversion of an attached one-story 680 square foot guesthouse to a one-story 680 square foot caretaker unit (existing guesthouse contains an illegal kitchen).	
Project Location: 1424 Libson Lane, Pebble Beach	APN: 008-221-013-000
Planning File Number: PLN060429	Name: Janet Hawley, Property Owner
Plan Area: Del Monte Forest Land Use Plan	Flagged and staked: No, structure exists
Zoning Designation: : “LDR/1.5-D (CZ)” or [Low Density Residential, 1.5 acres per unit (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15303 (e)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Coastal Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW:

The 28,750 square foot parcel (Assessor’s Parcel Number 008-221-013-000) is located at 1424 Lisbon Lane, Pebble Beach, within the Del Monte Forest Land Use Plan. The property is zoned “LDR/1.5-D” or Low Density Residential, 1.5 acre minimum with a Design Control overlay. The Coastal Development Permit is required to allow the conversion of an attached one-story 680 square foot guesthouse (permitted under ZA05002) to an attached one-story 680 square foot caretaker unit. The current property owners, Mr. & Mrs. Hawley purchased the subject property with the belief that the permitted guesthouse was actually a caretaker unit containing a permitted kitchen. When in fact the kitchen contained in the guesthouse was illegally installed. The purpose of this conversion is to legalize the kitchen contained in the guesthouse and legalize the current use of the unit, thus bringing the unit into conformance with the Monterey County Zoning Ordinance, specifically Section 20.64.030.C. The proposed project is in conformance with the goals and policies of the: Del Monte Forest Land Use Plan, the Del Monte Forest Coastal Implementation Plan (Part 5), and the Monterey County Zoning Ordinance (Title 20).

OTHER AGENCY INVOLVEMENT:

- ✓ Pebble Beach Community Services District
- ✓ Public Works Department
Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Pebble Beach Community Services District and the Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions and or ridgeline/viewshed development. The proposed project is for the conversion of a guesthouse to a caretaker unit, it does not include a lot line adjustment or variance. The project is exempt from CEQA per Section 15303(e) which allows categorical exemptions for a second dwelling unit in a residential zone.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

Brittany Nicholson
(831) 755-5854, nicholsonb@co.monterey.ca.us
October 25, 2006

cc: Zoning Administrator; Pebble Beach Community Services District; Public Works Department; Environmental Health Division; Water Resources Agency; Jacqueline Onciano, Planning & Building Services Manager; Brittany Nicholson, Planner; Carol Allen, Edmund and Janet Hawley, Applicants; Planning File PLN060429.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Site Plan, Elevations, Floor Plans

This report was reviewed by Jaqueline Onciano, Planning and Building Service Manager

EXHIBIT A

Project Information for PLN060429

Project Title: HAWLEY EDMUND S III & JANET IS

Location: 1424 LISBON LN PEBBLE BEACH

Primary APN: 008-221-013-000

Applicable Plan: Del Monte Forest Land Use Plan

Coastal Zone: Yes

Permit Type: Combined Development Permit

Zoning: LDR/1.5-D(CZ)

Environmental Status: Exempt

Plan Designation: RESIDENTIAL

Advisory Committee: N/A

Final Action Deadline (884): 11/28/2006

Project Site Data:

Lot Size: 28,750

Coverage Allowed: 15%

Coverage Proposed: 20%

Existing Structures (sf): 680

Height Allowed: 30%

Proposed Structures (sf): 680

Height Proposed: 20'

Total Sq. Ft.: 680

FAR Allowed: 17.5

FAR Proposed: 20%

Resource Zones and Reports:

Environmentally Sensitive Habitat: No

Erosion Hazard Zone: MODERATE

Biological Report #: N/A

Soils Report #: N/A

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: MODERATE

Geologic Hazard Zone: UNDETERMINED

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: MODERATE

Traffic Report #: N/A

Other Information:

Water Source: CAL-AM

Sewage Disposal (method): SEWER

Water Dist/Co: MONTEREY PENN. WATER MANAG

Sewer District Name: PB SANITARY

Fire District: PEBBLE BEACH COMMUNITY

Grading (cubic yds.): 0.0

Tree Removal: N/A

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Del Monterey Forest Land Use Plan, Del Monte Forest 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 development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 1424 Lisbon Lane Pebble Beach (Assessor's Parcel Number 008-221-013-000), Del Monte Forest Land Use Plan. The parcel is zoned Low Density Residential, 1.5 acres per unit with a Design Control Overlay, in the Coastal Zone ("LDR/1.5-D[CZ]"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection on July 28, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project complies with the regulations for a Caretaker Unit in accordance with Section 20.64.030.C. A condition has been incorporated requiring the applicant to record a Caretaker Unit deed restriction.

(e) This project is in conformance with policies of the Del Monte Forest Land Use Plan (LUP), specifically policy 78a, which encourages "the use of caretakers' accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees" and the Circulation element of the LUP, which encourages the separation of visitor and resident traffic. Caretaker units are considered units of residential development for the purposes of calculating density in areas of new residential land uses planned in the Del Monte Forest (Table A). Staff has determined that adequate density exists in the Del Monte Forest Planning Area for the proposed project based on staff's review of maximum allowed densities, current zoning designations, total acreages within each zoning classification, number of units allowed, number of buildable lots, number of existing vacant lots and number of existing caretaker units. The proposed project is outside the areas designated by Table A of the Del Monte Forest LUP for residential planned development densities. The property is located in plan unit 7.

(f) The guesthouse being proposed for conversion into a caretaker unit was permitted under ZA50012, in 1982 and put the property at 20% building site coverage. At that time the zoning of the property was "R-1-B-5-RES/1.5" or one-family residence, with a building site overlay and a overlay that regulated parking and use of major recreational equipment storage in a seaward zone. Subsequently, Monterey County adopted new zoning designations and regulations. The subject property was rezoned to "LDR/1.5-D(CZ)", which reduced the maximum site coverage to 15%.

Additionally a 17.5 % floor area ratio limitation was placed on the property. Floor area ratio serves as a tool to control the mass/bulk of residences. Hence the property is “legal non-conforming” in regards to both coverage and floor area ratio. However the conversion of the guesthouse into a caretaker unit will have no effect on the current “legal non-conforming” status of the property in regards to coverage and floor area ratio, because no increase in square footage is being proposed.

- (g) The project is located in a moderate archeological zone. No archeological report was required because no ground disturbance is being proposed.
- (h) The project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions and or ridgeline/viewshed development. The proposed project is for the conversion of a guesthouse to a caretaker unit. The project is exempt from CEQA per Section 15303(e).
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060429.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Community Services District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Staff conducted a site inspection on July 28, 2006 to verify that the site is suitable for this use.
 - (c) Materials in Project File PLN060429.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, categorically exempts the first single-family dwelling, or a second dwelling unit in a residential zone. The proposed project is for the conversion of a permitted (ZA05002) 680 square foot guesthouse into a caretaker unit.
 - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on July 28, 2006.
 - (c) See preceding and following findings and supporting evidence.

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 costs, if any, have been paid.

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

5. **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.

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

EVIDENCE: (a) Section 20.86.030.A of the Monterey County Zoning Ordinance Title 20 states, “An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors

(b) Section 20.86.080.A of Title 20 states, “An appeal of a county decision on a coastal development application may be filed by an applicant or any aggrieved person who has exhausted all County appeals...”

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Hawley File No: PLN060429 Approved by: Zoning Administrator	APNs: 008-221-013-000 Date: 10/09/2006
--	--	---

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>
1.		PBD029 - SPECIFIC USES ONLY This Coastal Development Permit (PLN060429) allows the conversion of an existing one-story 680 square foot guesthouse (which contains an illegal kitchen) to a one-story 680 square foot caretaker unit. The property is located at 1424 Libson Lane, Pebble Beach (Assessor's Parcel Number 008-221-013-000), Del Monte Forest Land Use Plan. 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 RMA - Planning Department. 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. [Resource Management Agency (RMA) - Planning Department]	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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>
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. _____) was approved by the Zoning Administrator for Assessor's Parcel Number 008-221-013-000 on November 9, 2006. The permit was granted subject to 9 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4.		PD018 - CARETAKER UNIT - DEED RESTRICTION – CARETAKER UNIT The applicant shall record a deed restriction stating "The caretaker unit shall not be separately rented, let, or leased	Submit a signed and notarized Deed Restriction to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to Issuance of Grading	

<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>
		to other than the caretaker whether compensation be direct or indirect.” (RMA - Planning Department)	Proof of the recordation of the Deed Restriction shall be submitted to the RMA – Planning Department.	Owner/Applicant	and Building Permits	
5.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Pebble Beach Community Services District)	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

<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>
6.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</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 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. (Pebble Beach Community Services District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
7.		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Pebble Beach Community Services District)</p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>		
8.		<p>WR40 - WATER CONSERVATION MEASURES</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> <ul style="list-style-type: none"> 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. 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. <p>(Water Resources Agency)</p>	<p>Compliance to be verified by building inspector at final inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection/ occupancy</p>	

<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>
9.		WR43 - WATER AVAILABILITY CERTIFICATION 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. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	