

MONTEREY COUNTY ZONING ADMINISTRATOR

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| Meeting: April 12, 2007 Time: A.M/P.M | Agenda Item No.: |
| Project Description: Combined Development Permit consisting of a Coastal Administrative Permit to allow additions to an existing 5,180 square foot bi-level single family dwelling to include a 1,288 square foot second story master suite, an 80 square foot wine cellar at the entry floor, and three exterior decks (two at main level and one on the second level); a Variance to allow an increase in building site coverage from 79% to 82% and floor area ratio from 100% to 126%; and Design Approval. | |
| Project Location: 3307 17 Mile Drive, Pebble Beach | APN: 008-521-008-000 |
| Planning File Number: PLN060628 | Name: Roland and Cynthia Gentner, Property Owners/Stocker & Allaire, Agents |
| Plan Area: Del Monte Forest Land Use Plan | Flagged and staked: Yes |
| Zoning Designation: "MDR/2.7-D (CZ) [Medium Density Residential, 2.7 units per acre with Design Control (Coastal Zone)] | |
| CEQA Action: Categorically Exempt per Section § 15301(e) | |
| Department: RMA - Planning Department | |

RECOMMENDATION:

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

PROJECT OVERVIEW: The project is located in the Pebble Beach Town Homes No. 2 Subdivision in Pebble Beach, north east of the golf course. The applicant proposes to add a 1,288 square foot master suite on the second floor and 80 square foot wine storage at the entry floor to an existing 5,180 square foot single-family residence. Because the project is located between the sea and the first public road and will result in improvements increasing the internal floor area by 10% or more, the project requires a Coastal Administrative Permit. The project will not significantly add to the bulk or mass of the existing structure nor will it create an adverse visual impact to the surrounding viewshed. The applicant is seeking a Variance to exceed the established site coverage and Floor Area Ratio allowed in the Medium Density Residential (MDR) Zoning District. Approval of the Variance is justified in this case since the required findings show that special circumstances apply to the subject property, and the Variance would not constitute the granting of a special privilege nor would it create a use not otherwise allowed under the MDR zoning designation. Similar Variances have been granted in this area. See attached discussion (Exhibit B)

OTHER AGENCY INVOLVEMENT:

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

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

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 is exempt from CEQA per Section 15301(e) and since the project consists of additions to an existing single family dwelling located within a gated townhouse community, not visible from a public viewing area (17 Mile Drive), staff made the determination not to send the project to the LUAC.

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

Elizabeth A. Gonzales, Associate Planner
(831) 755-5102 gonzalesl@co.monterey.ca.us
March 20, 2007

Cc: Zoning Administrator; Pebble Beach Community Services District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Carl Holm, Planning & Building Services Manager; Elizabeth A. Gonzales, Planner; Carol Allen, Roland and Cynthia Gentner, Applicants; Stocker & Allaire., Agent; Planning File PLN060628.

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

This report was reviewed by Carl Holm, Planning and Building Service Manager/Senior Planner

EXHIBIT B DISCUSSION

VARIANCES: The applicant is seeking a Variance to exceed the Building Site Coverage and Floor Area Ratio requirements outlined in the MDR, "Medium Density Residential" Zoning designation of the Monterey County Zoning Ordinance. Approval of the Variance is justified in this case since the required findings show that special circumstances apply to the subject property, and the Variance would not constitute the granting of a special privilege. Because Variances are only granted on a case-by-case basis, circumstances allowing a Variance in one case are not necessarily applicable to other cases.

Special Circumstance: The subject property is located in the Pebble Beach Town Homes No. 2 Subdivision created in 1968 (SB00443). Similar to a planned unit development, the Pebble Beach town homes subdivision consists of individual building envelopes surrounded by common open space. The entire subdivision is approximately 381,924 square feet in size, with 23 building envelopes covering approximately 132,473 square feet (35%), leaving the remaining 249,451 square feet as common open space (65%). In 1968 lot coverage for the "ST" Special Treatment Zoning Designation was determined by density rather than a strict percentage. The current zoning district standards (MDR/2.7-D (CZ)) that apply to each lot in the subdivision do not take into account the size of the surrounding common open space; lot coverage and floor area ratio limitations are based solely on the building envelopes. This results in existing nonconforming lots where the structural footprints exceed the allowable ratios. Therefore, strict interpretation of the zoning ordinance presents a hardship to a property owner seeking to construct an addition within the building envelope (lot dimension) without exceeding lot coverage or floor area ratio requirements.

Special Privilege: This project will not constitute a special privilege as lot coverage and floor area ratio are intended to control the amount of impervious surface, bulk and mass of structures in proportion to the size of the parcel. The project as proposed consists of a new 1,288 square foot second story master suite, an 80 square foot wine cellar at the entry floor, and three exterior decks (two at main level and one on the second level) to an existing bi-level house (located on a 5,168 square foot lot), resulting in an increase in lot coverage from 4,134 square feet to 4,232 square feet. Maximum lot coverage in this zoning designation is 35%, or 1,808 square feet for this parcel. Although approval of this project will allow an increase in building site coverage from 79% to 82%, the location of the addition is already covered in impervious surface and cumulative lot coverage for the entire subdivision remain unchanged at 35%. Similarly, while Floor Area Ratio will increase from 100% to 126%, the proposed addition does not alter setbacks, will not be visible from a common public viewing area (17 Mile Drive), and will not significantly add to the bulk or mass. Research of Planning and Building Inspection Department files revealed that similar Variances were granted to Johnson (PLN990270-Assessor's Parcel Number 008-551-007-000), Clark (PLN020443-Assessor's Parcel Number 008-521-007-000) and Funch (PLN040070-Assessor's Parcel Number 008-521-005-000). The strict application of these requirements would restrict development on this parcel and other properties in the Pebble Beach town homes subdivision to a greater degree than other properties in the general vicinity. Therefore, approval of this Variance would not constitute a special privilege inconsistent with privileges granted to other properties in the vicinity.

Authorized Use: This project will not constitute a grant for an activity or use otherwise not expressly authorized in the Medium Density Zoning District as defined in Title 20 of the Coastal Implementation Plan.

EXHIBIT C

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 Monte 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 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 3307 17 Mile Drive, Pebble Beach (Assessor's Parcel Number 008-521-008-000), Del Monte Forest Land Use Plan. The parcel is zoned Medium Density Residential, 2.7 units per acre in the Design Control District, Coastal Zone ("MDR/2.7-D (CZ)"). Except for the request of a Variance, the subject property complies with all other 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 January 11, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) 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 is exempt from CEQA per 15301(e) and since the project consists of additions to an existing single family dwelling located within a gated townhouse community, not visible from a public viewing area (17 Mile Drive), staff made the determination not to send the project to the LUAC.
- (e) 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 PLN060628.

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) Although the site is located in a highly sensitive archaeological resource area, the requirement for an archaeological survey was waived. This determination was based on evidence that the wine storage is within the building footprint of the entry level and the new second floor would not affect any archaeological resources. However, if cultural resources are

unearthed during construction of the foundation of the wine storage, the project is conditioned to protect the resource. (Condition 3)

- (c) No Technical reports were required by outside consultants as the additions are located on the second floor and within the existing footprint and no ground breaking will take place. There are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs.
- (d) Staff conducted a site inspection on January 11, 2007 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN060628.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e) categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.
 - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on January 11, 2007.
 - (c) See preceding and following findings and supporting evidence.

4. **FINDING: VARIANCE (SPECIAL CIRCUMSTANCE)** – There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although it was determined that special, circumstances exist. Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.

- EVIDENCE:**
- (a) The subject property is located in the Pebble Beach Town Homes No. 2 Subdivision created in 1968 (SB00443). Similar to a planned unit development, the Pebble Beach town homes subdivision consists of individual building envelopes surrounded by common open space. The entire subdivision is approximately 381,924 square feet in size, with 23 building envelopes covering approximately 132,473 square feet (35%), leaving the remaining 249,451 square feet as common open space (65%). In 1968 lot coverage for the “ST” Special Treatment Zoning Designation was determined by density rather than a strict percentage. The current zoning district standards (MDR/2.7-D (CZ)) that apply to each lot in the subdivision do not take into account the size of the surrounding common open space; lot coverage and floor area ratio limitations are based solely on the building envelopes. This results in existing nonconforming lots where the structural footprints exceed the allowable ratios. Therefore, strict interpretation of the zoning ordinance presents a hardship to a property owner seeking to construct an addition within the building envelope (lot dimension) without exceeding lot coverage or floor area ratio requirements.
 - (b) Materials and documents in Project File No. PLN060628.

5. **FINDING: VARIANCE (SPECIAL PRIVILEGE):** - The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classification in which such property is situated.

EVIDENCE:(a) This project will not constitute a special privilege as lot coverage and floor area ratio are intended to control the amount of impervious surface, bulk and mass of structures in proportion to the size of the parcel. The project as proposed consists of a new 1,288 square foot second story master suite, an 80 square foot wine cellar at the entry floor, and three exterior decks (two at main level and one on the second level) to an existing bi-level house (located on a 5,168 square foot lot), resulting in an increase in lot coverage from 4,134 square feet to 4,232 square feet. Maximum lot coverage in this zoning designation is 35%, or 1,808 square feet for this parcel. Although approval of this project will allow an increase in building site coverage from 79% to 82%, the location of the addition is already covered in impervious surface and cumulative lot coverage for the entire subdivision remain unchanged at 35%. Similarly, while Floor Area Ratio will increase from 100% to 126%, the proposed addition does not alter setbacks, will not be visible from a common public viewing area (17 Mile Drive), and will not significantly add to the bulk or mass. Research of Planning and Building Inspection Department files revealed that similar Variances were granted to Johnson (PLN990270-Assessor's Parcel Number 008-551-007-000), Clark (PLN020443-Assessor's Parcel Number 008-521-007-000) and Funch (PLN040070-Assessor's Parcel Number 008-521-005-000). The strict application of these requirements would restrict development on this parcel and other properties in the Pebble Beach town homes subdivision to a greater degree than other properties in the general vicinity. Therefore, approval of this Variance would not constitute a special privilege inconsistent with privileges granted to other properties in the vicinity.

(b) Materials and documents in Project File No. PLN060628.

6. **FINDING: VARIANCE (AUTHORIZED USE):** - This project will not constitute a grant for an activity or use otherwise not expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: (a) The use is allowed per Section 20.12.040.A, Principal Uses Allowed in the Medium Density Residential designation.

7. **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. 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 January 11, 2007..

8. **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.

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 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 (Coastal Commission). In addition the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

EXHIBIT D
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Genter, Roland and Cynthia
File No PLN060628 **APNs:** 008-521-008-000
Approved by: Zoning Administrator **Date:** April 12, 2007

**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. | | <p>PD001 - SPECIFIC USES ONLY This Coastal Administrative Permit (PLN060628) allows additions to an existing 5,180 square foot bi-level single family dwelling to include a 1,288 square foot second story master suite, an 80 square foot wine cellar at the entry floor, and three exterior decks (two at main level and one on the second level); a Variance to allow an increase in building site coverage from 79% to 82% and floor area ratio from 100% to 126%; and Design Approval. The property is located at 3307 17 Mile Drive, Pebble Beach (Assessor's Parcel Number 008-521-008-000), 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 the 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p> | 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> |
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| 2. | | <p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 060628) was approved by the Zoning Administrator for Assessor's Parcel Number 008-521-008-000 on April 12, 2007. The permit was granted subject to 6 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 the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p> | Proof of recordation of this notice shall be furnished to the RMA - Planning Department. | Owner/ Applicant | Prior to the issuance of grading and building permits or commencement of use. | |
| 3. | | <p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>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)</p> | 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 | |

| <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> |
|----------------------------|----------------------|---|--|---|--|---|
| 4. | | <p>PD033 - RESTORATION OF NATURAL MATERIALS</p> <p>Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)</p> | Submit restoration plans to the RMA - Planning Department for review and approval. | Owner/ Applicant | Prior to commencement of use. | |
| 5. | | <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> <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. (Water Resources Agency)</p> | Compliance to be verified by building inspector at final inspection. | Owner/ Applicant | Prior to final building inspection/occupancy | |

| 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) |
|---------------------|---------------|--|---|----------------------------------|---------------------------------------|--|
| 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> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection | |