

RESOLUTION NO. 010230

A.P.# 008-393-009-000

In the matter of the application of  
**Michael & Patricia Fitzpatrick (PLN010230)**

FINDINGS & DECISION

for a Variance in accordance with Title 20 (Zoning) Chapter 20.78 (Variances) of the Monterey County Code, to exceed the structure coverage requirements for development in the Pescadero watershed and Design Approval to allow an approximately 1,360 square foot addition to the existing single family dwelling on the property, located at 3398 17 Mile Drive, Pebble Beach at the intersection with Crespi Lane, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on February 14, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

1. FINDING: The subject Permit (File PLN010230) as described in Condition No. 1, and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Del Monte Forest Land Use Plan and the Monterey County Coastal Zoning Ordinance (Title 20). The property is located at 3398 17 Mile Drive (Assessor Parcel Number 197-181-016-000), southwest of the 17 Mile Drive/Crespi Lane intersection, Pebble Beach, Del Monte Forest Land Use Plan area. The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential with the Design Review overlay district. The subject parcel is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning abatement costs have been paid.  
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
  - a) Certified Del Monte Forest Land Use Plan;
  - b) Certified Monterey County Coastal Implementation Plan (Part 5);
  - c) Monterey County Coastal Implementation Plan (Part 1).  
EVIDENCE: Archaeological Report prepared by Archaeological Consulting, dated July 23, 2001. (See Condition No. 6)  
EVIDENCE: The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Pebble Beach Community Services District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.  
EVIDENCE: The proposed addition and remodel of the existing single family dwelling is an allowed use under the "LDR/1.5-D (CZ), Low Density Residential Zoning designation, pursuant to Section 20.12.040 of the Monterey County Zoning Ordinance (Title 20).  
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

- EVIDENCE: Justification Letter provided by the applicant, materials in the project file and Monterey County Coastal Zoning Ordinance (Title 20).
- EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.
2. FINDING: The proposed project will not have a significant environmental impact.  
EVIDENCE: Section 15301 (e) of the Monterey County CEQA Guidelines categorically exempts from environmental review, additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structure before the addition. No adverse environmental impacts were identified during review of the proposed project.
3. FINDING: The site is physically suitable for the use proposed.  
EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Pebble Beach Community Services District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.  
EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed.  
EVIDENCE: The application materials and plans contained in File No. PLN010230.
4. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.  
EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Pebble Beach Community Services District, Public Works Department, and Water Resources Agency and the Del Monte Forest Land Use Advisory Committee. The respective departments and committee have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
5. FINDING: The project, as approved by the Zoning Administrator, is appealable to the Board of Supervisors and the California Coastal Commission.  
EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

**FINDINGS AND EVIDENCE FOR THE VARIANCE  
FOR PESCADERO WATERSHED COVERAGE LIMITATIONS**

6. FINDING: Because of special circumstances applicable to the subject property, including size, shape, topography, location or surrounding area, the strict application of Title 20 is found to deprive

the property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: The existing two-story residence contains a total of 7,991 sq. ft. of area (5,826 sq. ft. in the first floor and 2,085 sq. ft. in the second floor); the existing structural coverage is 5,826 sq. ft. and the existing structural/impervious coverage is 20,512 sq. ft. The proposed addition/remodel includes 1) the addition of 1,768 sq. ft. (1,114 sq. ft. to the first floor and 654 sq. ft. to the second floor) which would result in a structural coverage of 6,940 sq. ft.; and 2) the reduction of the existing structural/impervious surface area from 20,512 to 16,276 sq. ft., by replacing 5,350 square feet of the existing driveway with impervious surface (pavers). Development of the proposed additional square footage would take place within areas already developed. The 5,000 square foot structural coverage limitation will deprive the property owner of the privilege enjoyed by other Del Monte Forest/Pescadero Watershed area property owners, to add on to their residence.

EVIDENCE: The intent of the Pescadero Watershed impervious coverage limitations is to reduce the amount of stormwater runoff into the Carmel bay, thereby protecting an area of marine biological significance. The applicant will implement the intent of the Pescadero Watershed impervious coverage limitations by reducing the combined structural/impervious coverage from 20,512 to 16,276 square feet.

7. FINDING: The Variance to exceed the allowable Pescadero Watershed 5,000 square feet structural coverage limitation will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: Similar residential properties in the Del Monte Forest area of the Coastal Zone have been granted a Variance to exceed the Pescadero Watershed limitations including Walker (PLN970120), Rachfelt (PLN980384) and others.

EVIDENCE: The Steakley project (PC93167) established the precedent to allow a Variance for a developed parcel to exceed the Pescadero Watershed 9,000 square foot combined structural/impervious coverage limitation, where a net reduction in the existing combined coverage will occur. A net reduction in coverage supports the intent of the Pescadero Watershed development standard to limit the amount of stormwater runoff into the Carmel Bay.

8. FINDING: This Variance does not allow for a use or activity, which is not otherwise expressly authorized by the zoning regulations governing the property.

EVIDENCE: The proposed addition and remodel of the existing single family dwelling is and allowed use under the “LDR/1.5-D (CZ), Low Density Residential Zoning designation, pursuant to Section 20.12.040 of the Monterey County Zoning Ordinance (Title 20).

**DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for Variance be granted as shown on the attached sketch, and subject to the following conditions:

1. This Permit consists of a Variance to exceed the structure coverage requirements for development in the Pescadero watershed, to allow construction of an approximately 1,360 square foot addition to an existing single-family dwelling; and Design Approval. The property is located at 3398 17 Mile Drive, southwest of the

17 Mile Drive/Crespi Lane intersection (Assessor's Parcel Number 008-393-009-000), Pebble Beach, Del Monte Forest Land Use Plan area. The project is 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. (Planning and Building Inspection)

**Prior to the Issuance of Grading and Building Permits:**

2. The applicant shall record a notice which states: "A Variance (Resolution 010230) was approved by the Zoning Administrator for Assessor's Parcel Number 008-393-009-000 on February 14, 2002. The permit was granted subject to **15** 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. (Planning and Building Inspection)
3. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with the approved plan. (Water Resources Agency)
4. The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
5. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is **required on the plans** when a building permit is applied for:

The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. (Pebble Beach Community Services District)

**Prior to Final Building Inspection/Occupancy:**

6. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection 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. (Planning and Building Inspection Department)

7. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A \$84.00 landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall include native plant species consistent with and found in the project area. The plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection Department)
8. All exterior lighting shall be unobtrusive, compatible 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. (Planning and Building Inspection Department)
9. The colors and materials of the proposed workshop shall reflect the color reviewed and recommended by the Del Monte Forest Land Use Advisory Committee and which are contained in the project file. (Planning and Building Inspection Department)
10. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (Pebble Beach Community Services District)
11. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. (Pebble Beach Community Services District)
12. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Pebble Beach Community Services District)
13. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Pebble Beach Community Services District)
14. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance 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, and the address shall be visible and legible from the road on which the address is located. (Pebble Beach Community Services District)
15. The applicant shall comply with Ordinance No. 3539, 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:

- 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. (Water Resources Agency)

**PASSED AND ADOPTED** this **14th** day of **February**, 2002.

Original Signed By:

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LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

This decision, if this is the final administrative decision is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

- 1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.