

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

010469

RESOLUTION NO.

000

A.P. # 008-441-005-

In the matter of the application of
DECISION

FINDINGS &

London & Morley (PLN010469)

for a Variance to Section 20.70.050.B.4, in accordance with Title 20 (Zoning) Chapter 20.78 (Variances) of the Monterey County Code, to reduce the side yard setback from 7 feet to 5 feet and rear setback from 21 feet 3 inches to 5 feet; and Design Approval. The Variance would allow for the conversion of an existing detached shed to habitable space and attachment of the converted habitable space to the existing residence, located at 1475 Alva Lane, Pebble Beach, south of the intersection of Alva Lane and Ondulado Road, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on January 30, 2003.

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

FINDINGS OF FACT

- FINDING:** The subject Variance and Design Approval (PLN010469), as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the 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). The property is located at 1475 Alva Lane, Pebble Beach, Del Monte Forest area in the Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)" (Low Density Residential, 1.5 acres per unit, in the Coastal Zone). The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and the 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 impacts 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: The application and plans submitted for the Variance and Design Approval, including the Variance Justification Letter (Exhibit "D"), in project file PLN010469 at the Monterey County Planning and Building Inspection Department.

- EVIDENCE:** The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.
- EVIDENCE:** The project planner conducted a site visit on October 9, 2002, to verify that the proposed project complies with the LCP.
- EVIDENCE:** The subject parcel and existing structures (residence and detached shed) are legal non-conforming. The 0.24 acre parcel is located in a district zoned for 1.5 acre lots. The residence has a front setback of 31 feet, a rear setback of 21 feet 3 inches and side setbacks of 23 feet and 7 feet. The required setbacks for main structures in a “LDR/1.5-D (CZ)” zoning district are 30 feet for the front and 20 feet for the rear and sides. The detached shed has a front setback of 79 feet, a rear setback of 2 feet 7 inches and side setbacks of 79 feet and 1 foot 9 inches. The required setbacks for detached non-habitable structures in a “LDR/1.5-D (CZ)” zoning district are 50 feet for the front, 1 foot for the rear and 6 feet on the front one-half of the property and 1 foot on the rear one-half of the property. In addition, the existing lot coverage of 25% exceeds the 15% maximum allowed, and the existing floor area ratio of 34.4% exceeds the 17.5% maximum allowed.
- EVIDENCE:** A Variance was approved by the Zoning Administrator on October 11, 1979 (No. ZA-3832). This permit allowed for the structures currently existing on the parcel (i.e., single family residence and detached shed). The file is located on microfiche at the Monterey County Planning and Building Inspection Department.
- EVIDENCE:** The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (7 - 0 vote) of the Variance and Design Approval on August 29, 2002.
- EVIDENCE:** The project has been reviewed by the Monterey County Planning and Building Inspection Department, Pebble Beach Community Services District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these 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.
2. **FINDING:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** Section 15301(e) of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Sections 20.14.020 and 20.44.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

- 4. FINDING:** 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:** The size of the subject property, 0.24 acre parcel, is much smaller than other parcels in the vicinity, which generally meet or exceed the zoning district's density requirement of 1.5 acres. The result is that the maximum square footage allowed on the subject parcel based on lot coverage and floor area ratio is significantly less than on neighboring parcels.
- EVIDENCE:** This parcel is currently developed with a single family residence and a detached shed. Once the detached shed is attached to the main residence, setbacks for the single family residence apply. As a result, special circumstances apply in this case since the structures currently exist and the setbacks will increase from 2 feet 7 inches to 5 feet (rear) and 1 foot 9 inches to 5 feet (side). Lot coverage and floor area ratio will slightly decrease as a result of a decrease in the square footage of the converted habitable space (shed).
- EVIDENCE:** The application and plans submitted for the Variance and Design Approval, including the Variance Justification Letter, in project file PLN010469 at the Monterey County Planning and Building Inspection Department.
- 5. FINDING:** The Variance and Design Approval described in Finding #1 do 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:** The project proposes to attach the converted habitable space (shed) to the main residence. Because of the increase in setbacks to 5 feet, the overall size of the converted habitable space will decrease. This would decrease the total square footage, including the residence and shed, to 3,503 square feet. This is significantly less than the neighborhood average of approximately 5,500 square feet. Limitations on lot coverage and floor area ratio are intended to control bulk and mass of structures in proportion to the size of the parcel. This project will not be visible from the road and will not add to the bulk or mass.

EVIDENCE: Allowable lot coverage and floor area ratio for the “LDR,” Low Density Residential District, is 15% and 17.5% respectively. The existing development was previously approved with a 25% lot coverage and a 34.4% floor area ratio (Resolution No. ZA-3832). The project proposes to increase the rear and side yard setbacks of the converted habitable space to 5 feet. This, in turn, would decrease the original square footage of the detached shed (393 square feet) to 284 square feet. Attaching the converted habitable space to the main residence would increase the square footage to 349 square feet. As a result, the lot coverage would decrease from 25% to 24.6% and the floor area ratio would decrease from 34.4% to 34%. The project proposes to attach the converted habitable space (shed) to the residence. As a result, setback requirements for main structures apply. The required setbacks for main structures in a “LDR/1.5-D (CZ)” zoning district are 30 feet for the front, 20 feet for the rear and 20 feet for the sides. The enlarged residence will have a front setback of 31 feet, a rear setback of 5 feet and side setbacks of 23 feet and 5 feet. The reduction of the side and rear yard setback is due to the existing setbacks for the shed. Numerous other Variances have been granted in the neighborhood allowing a reduction of setbacks including ZA05399, ZA05593 and ZA06117.

EVIDENCE: The application and plans submitted for the Variance and Design Approval, including the Variance Justification Letter, in project file PLN010469 at the Monterey County Planning and Building Inspection Department.

6. FINDING: The Variance does not grant a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

EVIDENCE: The use is allowed per Section 20.14.040.A, Principal Uses Allowed in the Low Density Residential (CZ) zoning district.

7. FINDING: The establishment, maintenance, and operation of the proposed development 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: Preceding findings and supporting evidence.

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

EVIDENCE: Sections 20.86.030 and 20.86.080 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. The London Variance and Design Approval (PLN010469) allow for a reduction of the side yard setback from 7 feet to 5 feet and rear setback from 21 feet 3 inches to 5 feet; and the conversion of an

existing detached shed to habitable space and attachment of the converted habitable space to the existing residence. Existing lot coverage, floor area ratio and setbacks were previously approved pursuant to ZA-3832. The property is located at 1475 Alva Lane, Pebble Beach (Assessor's Parcel Number 008-441-005-000), Del Monte Forest area, Coastal Zone. 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 permit (Resolution No. 010469) was approved by the Zoning Administrator for Assessor's Parcel Number 008-441-005-000 on January 30, 2003. The permit was granted subject to 16 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. 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. If applicable, 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. **(Planning and Building Inspection)**
4. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. Prior to issuance of grading or building permits, 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 approved plans. **(Water Resources Agency)**
6. Prior to the issuance of a building permit, 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)**
7. 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 - 1996 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 – 1999.” **(Pebble Beach Community Services District)**

8. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(Pebble Beach Community Services District)**

Prior to Final Building Inspection/Occupancy:

9. Those portions of the site disturbed by construction activity shall be landscaped. In particular, the area between the converted shed and the neighbor’s property shall use landscaping to effectively screen the structure. 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 landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, 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)**
10. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Pebble Beach Community Services District)**
11. 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)**
12. Certification that storm water retention facility has been constructed in accordance with approved plans

shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**

13. 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:
 - 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)**

Continuous Permit Conditions:

14. 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 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)**
15. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
16. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 30th day of January, 2003.

Original Signed By: _____

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 PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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 90th 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 Salinas.

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