

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 020361

A.P. # 008-442-010-000

In the matter of the application of
H. James & Gail Griggs (PLN020361)

FINDINGS & DECISION

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 exceed the 5,000 sq. ft. structural and 4,000 sq. ft. non-structural Pescadero Watershed Impervious Surface limit; Variance to exceed allowable floor area ratio of 17.5% to 27% (26% existing); and Design Approval for an 84 sq. ft. addition to existing single family dwelling. The project includes removal of 500 sq. ft. of impervious surface and replacement with permeable paver system. The project is located at 3282 Stevenson Drive, Pebble Beach, Del Monte Forest Area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on April 10, 2003.

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 project is for a Variance to exceed the impervious surface coverage limitations of the Pescadero watershed; a Variance to increase the allowable floor area ratio; and Design Approval, to allow construction of an 88 sq. ft. one-story addition to an existing 7,370 sq. ft. split-level single family dwelling. The property is located at 3282 Stevenson Drive, Pebble Beach (Assessor's Parcel Number 008-442-010-000), Del Monte Forest area, Coastal Zone. The parcel is zoned "LDR/1.5-D (CZ)" or Low Density Residential 1.5 acres/unit and Design Control District. Except for the request for Variances and request to increase the floor area ratio, the project described in the application and accompanying materials conforms with the plans, policies, requirements and standards of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5 of the Coastal Implementation Plan), and the Monterey County Zoning Ordinance (Title 20). With regards to impervious surface coverage limitations, the subject property is not in compliance with the rules and regulations pertaining to the zoning code, but the proposed project will achieve greater conformance with those regulation by removing a portion of the non-conforming impervious surfaces.

EVIDENCE: The subject parcel and existing house constitute a legal non-conforming parcel size and structure. The parcel is .62 acres in size within a district zoned for 1.5 acre parcels. The existing structural (7,069 square feet) and non-structural (5,086 square feet) coverage exceed the limits for the Pescadero watershed, which limits structural and non-structural impervious surfaces to 5,000 square feet and 4,000 square feet, respectively. The existing floor-area ratio is 26% within a district zoned for a maximum floor-area ratio of 17.5%.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Del Monte Forest Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan regulations for Low Density Residential and Design Control District or the "LDR/1.5-D (CZ)" District in the Coastal Zone, and
- c) Monterey County Coastal Implementation Plan regulations for development in the Del Monte Forest Land Use Plan.

EVIDENCE: The application and plans submitted for the Variances, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Field inspection by the project planner on March 11, 2003 to verify that, except for the variance requests and the current legal nonconforming aspects of the project, the proposed project complies with the Monterey County Coastal Implementation Plan (Part 5).

EVIDENCE: Design Approval Request form with plans recommended for approval on March 13, 2003 by the Del Monte Forest Land Use Advisory Committee by a vote of 4 to 0 for approval.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDING:** The site is 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. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, applicable Fire Department, 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.

3. **FINDING:** The establishment, maintenance, or operation of the use or buildings 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, appropriate Fire Department, Public Works Department, and Water Resources Agency. The respective departments 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.

4. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: CEQA Guidelines section 15301, dealing with new construction categorically exempts this type of project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

5. **FINDING:** The variance application to exceed the maximum Floor Area Ratio of the Low Density Residential zoning district of the Del Monte Forest Land Use Plan 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:** The size of the subject property, 0.62 acres, is much smaller than other parcels in the vicinity, which generally meet or exceed the zoning district's minimum size of 1.5 acres. The result is that the residence existing on the subject parcel exceeds the maximum allowable floor area ratio despite being of a similar size and mass as neighboring residences.
- EVIDENCE:** Other properties in the vicinity of the subject parcel have been granted Variances (Keeley/PLN980381, and Baldwin/PLN980338) to exceed the maximum Floor Area Ratio of the Low Density Residential zoning district of the Del Monte Forest Land Use Plan.
- EVIDENCE:** The project proposes a modest 88 square foot addition to the residence, increasing the total square footage from 7,069 square feet to 7,157 square feet. Limitations on lot coverage and floor area ratio are intended to control the bulk and mass of structures in proportion to the size of the parcel. The proposed addition will not significantly add to the bulk or mass of the residence. The existing legal, non-conforming Floor Area Ratio of 26% (17.5% allowed) will increase to 27%. The house will remain consistent in size with neighboring residences, due to the limited size and bulk of the addition.
6. **FINDING:** Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- EVIDENCE:** The size of the subject property, 0.62 acres, is much smaller than other parcels in the vicinity, which generally meet or exceed the zoning district's minimum size of 1.5 acres. The result is that the residence existing on the subject parcel exceeds the maximum allowable floor area ratio despite being of a similar size and mass as neighboring residences.
7. **FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone 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.
- EVIDENCE:** The application and plans submitted for the Variance, in the project file at the Monterey County Planning and Building Inspection Department.
8. **FINDING:** The variance application to exceed the impervious surface limitations of the Carmel Bay watershed (Section 20.147.030.A.1.b of the Coastal Implementation Plan) 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:** The intent of the Carmel Bay Watershed coverage limitations is to reduce the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. Reductions in existing impervious surface (from 5,086 square feet to 4,586 square feet) and

runoff retention measures will meet the intent of the Local Coastal Program policies and regulations.

EVIDENCE: Allowable structural and non-structural impervious surfaces for parcels within the Pescadero watershed are limited to 5,000 square feet and 4,000 square feet, respectively. The existing legal, non-conforming areas of structural and non-structural impervious surfaces on the subject parcel are 7,069 square feet and 5,086 square feet, respectively. The project will reduce the total amount of non-structural impervious surface by 500 square feet (to 4,586 square feet) by replacing a portion of the driveway with a pervious material which will reduce the volume of stormwater runoff from the property, thereby achieving greater conformance with the intent of Section 20.147.030.A.1.b of the Coastal Implementation Plan.

EVIDENCE: Existing development on the subject parcel precludes conformance with applicable regulations regarding impervious surface limitations. The garage is located more than 100 feet from Stevenson Drive and therefore requires a large amount of driveway surface to ensure adequate space for ingress and egress.

EVIDENCE: Similar residential properties in the Del Monte Forest area of the Coastal Zone have been granted Variances (Keeley PLN980381) to exceed the Pescadero Watershed structural and impervious surface coverage limitations. In many cases, properties exceed the 9,000 square foot combined structural and impervious surface coverage.

EVIDENCE: The Board of Supervisors' resolution 94-149 (Steakley) established the precedent to allow a Variance to exceed the 5,000 square foot limit on structural coverage as long as stormwater runoff was controlled on site. Retaining stormwater on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supports the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero Watershed. While the subject parcel will not conform to the 9,000 square foot impervious surface limit, the net reduction of impervious surface area resulting from construction of the project is consistent with the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan.

9. FINDING: Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: Existing development on the subject parcel precludes conformance with applicable regulations regarding impervious surface limitations. The garage is located more than 100 feet from Stevenson Drive and therefore requires a large amount of driveway surface to ensure adequate space for ingress and egress. The existing legal, non-conforming areas of structural and non-structural impervious surfaces on the subject parcel are 7,069 square feet and 5,086 square feet, respectively. The project will reduce the total amount of non-structural impervious surface by 500 square feet (to 4,586 square feet) by replacing a portion of the driveway with a pervious material which will reduce the volume of stormwater runoff from the property, thereby achieving greater conformance with the intent of Section 20.147.030.A.1.b of the Coastal Implementation Plan.

- 10. FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone 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.
- EVIDENCE:** The application and plans submitted for the Variance, in the project file at the Monterey County Planning and Building Inspection Department.
- 11. FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** Sections 20.78.050.E, 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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 approves a Variance to exceed the maximum land coverage allowed for properties located within the Carmel Bay watershed; and a Variance to increase the allowable floor area ratio from 17.5% to 27%; and Design Approval to allow construction of an 88 sq. ft. single-story addition to an existing 7,370 sq. ft. split-level single family dwelling, and reduction of impervious surface from 5,086 square feet to 4,586 square feet. 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 permit (Resolution 020361) was approved by the Zoning Administrator for Assessor's Parcel Number 008-371-003-000 on April 10, 2003. The permit was granted subject to 11 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, 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, prior to the issuance of building permits. **(Planning and Building Inspection Department)**

4. 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)**
5. 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)**
6. 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)**
7. 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)**

Prior to Final Building Inspection/Occupancy:

8. Prior to final inspection, the applicant shall reduce the impervious surface coverage from 5,086 square feet to 4,591 square feet, as shown on the project plans dated March 21, 2002 and contained in Monterey County Planning and Building Inspection Department File No. PLN020361, by replacing 495 square feet of impervious driveway surface with the approved pervious material. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

9. The pervious paver system approved for the parcel, as shown on the approved project plans dated March 21, 2002 and contained in Monterey County Planning and Building Inspection Department File No. PLN020361 shall be maintained to remain permeable and shall not be replaced or modified without the written consent of the Planning and Building Inspection Department.
10. 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)**

11. 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)**

PASSED AND ADOPTED this 10th day of **April, 2003**.

Original Signed By: _____

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS 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.