

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

020443

RESOLUTION NO.

000

A.P. # 008-521-007-

In the matter of the application of

FINDINGS &

DECISION

Marten & Joann Clark (PLN020443)

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 allow an increase in building site coverage from 59.7% to 63.9%, and floor area ratio from 67.1% to 71.3%, and Design Approval to allow a 240 sq. ft. addition (enclosure of entry court), replacements of windows and doors, addition of new vent grills, reconfiguration of an existing deck and exterior stairs, and three foot high retaining wall, located at 3307 17 Mile Drive, Pebble Beach, Pebble Beach Townhouses, 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:

- FINDING:** The subject Combined Development Permit and Design Approval (PLN020319), 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 3307 17 Mile Drive (Pebble Beach Townhouses), Pebble Beach, Del Monte Forest area in the Coastal Zone. The parcel is zoned "MDR/2.7 (CZ)" (Medium Density Residential, 2.7 acres per unit, 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, including the Variance Justification Letter, in project file PLN020443 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 Application, drawings, and a statement of materials and colors to be used.

EVIDENCE: Although the site is located in a highly sensitive archaeological resource area, a Monterey County Staff Archaeologist has reviewed the application and waived the requirement for an archaeological survey. This determination was based on evidence of prior disturbance that has destroyed any possible recovery of information of archaeological resources affected by the proposed project. If cultural resources are unearthed during construction of the foundation of the addition, the project is conditioned to protect the resource (see Condition No. 10 of "Conditions of Approval")

EVIDENCE: The project planner conducted a site visit on December 5, 2002, to verify that the proposed project complies with the LCP.

EVIDENCE: The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (4 - 0 vote, 1 abstention) of the Combined Development Permit and Design Approval on December 5, 2002.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Coastal Commission, 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 for the Medium Density Residential Zoning District would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although special circumstances exist in this case, 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 subject property is located in the Pebble Beach Townhomes No. 2 Subdivision created in

1968 (SB00443). Similar to a planned unit development, the Pebble Beach Townhomes 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.

EVIDENCE: The application and plans submitted for the Variance and Design Approval, including the Variance Justification Letter, in project file PLN020443 at the Monterey County Planning and Building Inspection Department.

5. **FINDING:** Approval of the Variance and Design Approval described in Condition #1 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: 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 240 square foot addition to enclose the entry court of an existing 3,830 square foot, two-story house (located on a 5,706 square foot lot), resulting in an increase in lot coverage from 3,407 to 3,647 square feet. Although approval of this project will allow an increase in building site coverage from 59.7% to 63.9%, the location of the addition is already covered in impervious surface and lot coverage for the entire subdivision will remain unchanged at 35%. Similarly, while Floor Area Ratio will increase from 67.1% to 71.3%, 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.

EVIDENCE: Approval of this variance would not constitute a special privilege inconsistent with that which has been granted to other properties in the vicinity. Research of Planning and Building Inspection Department file revealed that similar Variances were granted to Johnson (PLN990270) and Gibbons (PLN980134) for exceeding lot coverage requirements. The strict application of these requirements would restrict development on this parcel and other properties in the Pebble Beach Townhomes subdivision to a greater degree than other properties in the general vicinity.

EVIDENCE: The application and plans submitted for the Variance and Design Approval, including the Variance Justification Letter, in project file PLN020443 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 20.12.040.A, Principal Uses Allowed in the Medium 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 Clark project (PLN020443) consists of a Variance to allow an increase in building site coverage from 59.7% to 63.9%, and Floor Area Ratio from 67.1% to 71.3%; and Design Approval to allow a 240 square foot addition (enclosure of the existing entry court), replacement of windows and doors, addition of new vent grills, reconfiguration of an existing deck and exterior stairs, and 3 foot high retaining wall. The property is located at 3307 17 Mile Drive (Pebble Beach Townhomes), Pebble Beach (Assessor's Parcel Number 008-422-008-000), Del Monte Forest area, Coastal Zone. Neither the use 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. 020443) was approved by the Zoning Administrator for Assessor's Parcel Number 008-521-007-000 on January 30, 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. 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)**
4. Prior to the issuance of a building permit, 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)**
5. Prior to the issuance of a building permit, the 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. 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)**

Prior to Final Building Inspection/Occupancy:

7. 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)**
8. 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 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 the following components: 1) Decomposed granite driveway will be placed on an appropriate foundation/lining (non-cement or asphalt base) and will be designed with a minimum of 40 percent open pass-through area. 2) Those areas subject to removal of impervious surface that are not occupied by the structural additions will be restored with native vegetation. 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)**

9. 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:

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. 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.

