

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030094

A.P. # 008-441-006-000

In the matter of the application of

FINDINGS & DECISION

James & Sharon Bosworth (PLN030094)

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 for an increase in the allowed floor area ratio from 17.5% to 19.78% for a 552 sq. ft. second floor interior addition to an existing attached garage, located at 1499 Alva Lane, Pebble Beach, at the intersection of Padre Lane and Stevenson Drive, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on June 12, 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 Project, as conditioned is consistent with applicable plans and policies, Del Monte Forest Land Use Plan, Coastal Implementation Plan (Parts 5 and 6), and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.
EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Parts 5 and 6). PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with the Del Monte Forest Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN030094.
(b) Project planner conducted an on-site inspection on December 19, 2001 to verify that the project on the subject parcel conforms to the plans listed above.
(c) The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 5-2. LUAC meeting minutes dated March 27, 2003 (Exhibit "F").
(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030094.
(e) Project file PLN010510
2. **FINDING:** The proposed project remedies an existing violation on the property regarding construction work without prior issuance of a building permit(s). When implemented, the project will bring

the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. All zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) On March 20, 2002, the Zoning Administrator approved a Coastal Administrative Permit (PLN010510) and Design Approval for a 1,080 square-foot addition to the second floor of the existing single family dwelling on the Bosworth property. The permit specified that there was to be no floor above the garage unless a variance to exceed FAR was granted. Administrative Permit PLN010510 would remedy a violation (CE010209) for performing interior remodeling work without permits. The applicant began construction of the approved addition without first obtaining the necessary building permits. In addition, a floor above the garage was constructed in direct violation of the conditions of planning permit PLN010510. Work was ordered to stop and the floor was removed pending approval of the subject permit (PLN030094) for a variance to allow an increase of FAR. A review of Planning and Building Inspection Department records show that the necessary building permits have been issued for that portion of development approved by PLN010510.

(b) Code Enforcement file CE010209

(c) Project files PLN010510 and PLN030094

3. 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:(a) The size of the subject property, 0.53 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.

(b) The application and plans submitted for the Variance, including the Variance Justification Letter, in project file PLN030094 at the Monterey County Planning and Building Inspection Department.

4. FINDING: 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) The project proposes a 552 square foot addition above an existing garage attached to the main residence. This would increase the total square footage, to 4,725 square feet. This is significantly less than the neighborhood average of approximately 5,500 square feet.

(b) Allowable floor area ratio for the "LDR" Low Density Residential District is 17.5%. The proposed addition of 552 sq. ft. will increase the floor area ratio from 17.5% to 19.8%. Research of Planning and Building Inspection Department files revealed that similar Variances were granted to Baldwin, (PLN980338), Keeley (PLN980381), and London (PLN010469)

which is adjacent to the Bosworth property. The proposed addition will construct a floor within the existing exterior walls of an attached garage.

(c) The application and plans submitted for the Variance, including the Variance Justification Letter, in project file PLN030094 at the Monterey County Planning and Building Inspection Department.

- 5. 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.
- 6. FINDING:** 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) The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, and Pebble Beach Community Services District. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.
- (b) Project File PLN010094
- 7. FINDING:** The site is suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Pebble Beach Community Services District. Conditions recommended have been incorporated.
- (b) Necessary public facilities are available and will be provided.
- 8. FINDING:** The project is exempt from environmental review.
- EVIDENCE:** (a) CEQA Guidelines Section 15301(a) and (e) categorically exempt interior or exterior alterations and additions to existing structures.
- (b) No potential adverse environmental effects were identified during staff review of the development application.
- 9. FINDING:** 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 (see 20.70.050.B.4). 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 16, the Shoreline Access Map, of the Del Monte Forest 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.

- 10. FINDING:** The project is appealable to the Board of Supervisors and California Coastal Commission.
EVIDENCE: Chapter 20.86 of the Monterey County Coastal Implementation Plan (Part 1).

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 subject application consists of a Variance to allow an increase in the allowed Floor Area Ratio from 17.5% to 19.8% for a 552 square foot second floor interior addition to an existing attached garage. The property is located at 1499 Alva lane, Pebble Beach (Assessor's Parcel Number 008-441-006-000), at the intersection of Padre Lane and Stevenson Drive, Del Monte Forest area, Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. 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)**
2. Granting of this permit does not alter the conditions contained in permit PLN010510 with the exception of condition # 7 which placed a restriction on living space above the garage. All other conditions are still in effect and are hereby incorporated by reference into this permit. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

3. The applicant shall record a notice which states: "A permit (Resolution No. 030094) was approved by the Zoning Administrator for Assessor's Parcel Number 008-441-006-000 on June 12, 2003. The permit was granted subject to 7 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)**

- 4. If a fire alarm system is desired by applicant, 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:

- 5. Certification that the 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)**
- 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. 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)**

PASSED AND ADOPTED this 12th day of June, 2003.

Original Signed By: _____

MIKE NOVO
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.