

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030106

A. P. # 007-341-005-000

In the matter of the application of
James & Nanci Dobbins (PLN030106)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Variance for structural alteration of a non-conforming structure which would result in a net reduction of the non-conforming floor area ratio; a variance for structural alteration of a non-conforming structure, which would result in a net reduction of the non-conforming lot coverage; a Variance for structural alteration of a non-conforming portion of a structure, which would result in continued non-conformity of the second story side setback; a Variance for structural alteration of a non-conforming portion of a structure which would result in continued non-conformity of the maximum height allowed in the zoning district; and Design Approval. The property is located at 1041 Marcheta Lane, Pebble Beach, northerly of the intersection of Bird Rock Road and Marcheta Lane, Greater Monterey Peninsula area, came on regularly for meeting before the Zoning Administrator on September 25, 2003.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. FINDING: CONSISTENCY - The Dobbins Variances and Design Approval (PLN030106) as described in Condition No. 1, and as conditioned, are consistent with the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1041 Marcheta Lane, Pebble Beach, Greater Monterey Peninsula (non-coastal) area. The parcel is zoned "MDR/B-6-D-RES," or Medium Density Residential, No Further Subdivision, Design Approval District, Recreational Equipment Storage Restriction. The site is physically suitable for the use proposed.

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit in project file PLN030106 at the Monterey County Planning and Building Inspection Department.
(b) 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.
(c) The project planner conducted a site visit to verify that the proposed project complies with applicable regulations. No adverse environmental effects were identified during staff review of the development application at the time of the site visit. An archaeological waiver was obtained for the project, and a geotechnical letter was produced for the project by Grice Engineering and Geology, Incorporated. These documents are on record in Project File PLN030106.
(d) The Del Monte Forest Land Use Advisory Committee (LUAC) reviewed and recommended approval (6 - 0 vote) of the Variances for floor area ratio, coverage, and height,

with Design Approval, on June 19, 2003. The Del Monte Forest LUAC reviewed and recommended approval (6 – 0 vote) of the second story setback Variance, together with other previously reviewed project elements, on September 11, 2003.

(e) 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: CEQA (Exempt) - The project is exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Section 15301(a) categorically exempts interior and exterior alterations to existing private structures where there is no expansion of use.

(b) No adverse environmental effects were identified during staff review of the development application at the time of the site visit.

3. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.

4. FINDING: VARIANCE (Special Circumstances) - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of the Monterey County Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

EVIDENCE: (a) The project will exceed the limits for floor area ratio (by 20.9 percent), coverage (by 1.3 percent), second story setback (by 3.5 and 7.5 feet on the sides), and height (by 3' 5.25"); however, a net reduction of floor area ratio (of 2.5 percent) and coverage (of 1.9 percent), with an increase in setbacks (of 1.5 and 2 feet on the sides), is proposed by the project applicant.

(b) Other property owners in the vicinity under identical zoning classification have been afforded the same privileges sought by the applicant, as proven by the Variance letters provided as part of the application submittal. The Variance letters were reviewed by staff to determine if the Variances sought could be supported. Each Variance was considered separately and each analysis resulted in a staff recommendation for approval, based upon the Variance letters and conclusions from staff analysis.

(c) Materials and documents in Project File No. PLN030106 of the Monterey County Planning and Building Inspection Department.

(d) No increase in the existing roof area over height is proposed. All new structural elements will meet height limits.

5. FINDING: VARIANCE (Special Privileges) - The Variances to exceed the allowable floor area ratio, coverage, and height requirements would not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

EVIDENCE: (a) There are approximately 54 other instances in the vicinity which exceed floor area and coverage limits for residential structures. There have been approximately 25 instances for which the second story setbacks in the vicinity have been exceeded, and the majority of these do not comply with the maximum height requirement of the Monterey County Zoning Ordinance.

(b) Materials and documents in Project File No. PLN030096.

6. FINDING: VARIANCE (Authorized Use) – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: (a) The project for a single family dwelling is an allowed use under the property's Medium Density Residential designation.

7. FINDING: HEALTH AND SAFETY - 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) Preceding findings and supporting evidence.

8. FINDING: APPEALABILITY - The decision on this project is appealable to the Planning Commission.

EVIDENCE: (a) Section 21.80.040(B) of the Monterey County Zoning Ordinance (Title 21).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Dobbins application (PLN030106) is for a Combined Development Permit for structural alteration and addition to an existing non-conforming structure, consisting of: 1) a Variance for a net reduction of the floor area ratio; 2) a Variance for a net reduction of the lot coverage; 3) a Variance to exceed the maximum allowed height; 4) a Variance to exceed the maximum allowed second story setback; and Design Approval. The property is located at 1041 Marcheta Lane, Pebble Beach (Assessor's Parcel Number 007-341-005-000), northerly of the intersection of Bird Rock Road and Marcheta Lane, Greater Monterey Peninsula Area. 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. 030106) was approved by the Zoning Administrator for Assessor's Parcel Number 007-341-005-000 on September 25, 2003. The permit was granted subject to 13 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 three 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. The applicant shall have a benchmark placed upon the property prior to the commencement of any excavation, demolition, or construction, and shall identify the benchmark on the building plans, so as to assure that the building height (from average natural grade) allowed by this permit is not exceeded. The benchmark shall remain visible onsite until project completion, and its position shall be protected from project-related activity. **(Planning and Building Inspection)**
5. A letter shall be provided to the Director of Planning and Building Inspection by the project applicant or owner, with signatures of a licensed geotechnical engineer and the property owner, stating that the geotechnical engineer shall "review subgrade conditions for any on-grade work (such as that for the entry-ways) during construction." **(Planning and Building Inspection)**
6. Prior to issuance of any grading or building permits, applicant shall provide Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**
7. Prior to issuance of any building permits, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

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 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 demonstrate to the Director of Planning and Building Inspection the height of the structure from the benchmark as required in Condition No. 4. This condition may be cleared upon confirmation by the Director of Planning and Building Inspection (following project construction) that the pre-project height from average natural grade is not exceeded. **(Planning and Building Inspection)**
10. 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:

11. 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)**
12. 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)**

13. 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 25th day of September, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO 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 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 Marina.

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