

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 030506

A. P. # 008-442-007-000

In the matter of the application of  
**DECISION**

**FINDINGS AND**

**David & Barbara Spence (PLN030506)**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Combined Development Permit consisting of: a Coastal Administrative Permit and Design Approval to add 935 square feet to an existing 5,141 square foot single family dwelling, including a new second-story loft and remodeling; a Coastal Administrative Permit and Coastal Development Permit to allow a 2-story, 415 square foot guesthouse; a Coastal Development Permit to relocate an existing caretakers unit (amending za05458); and a Variance to exceed the 5,000 square foot limitation (5,632 square feet proposed) on structural coverage for the Pescadero Watershed. Total structural and impervious surface coverage of 8,627 square feet meets the combined 9,000 square foot limitation. The property is located at 3258 Ondulado Road, Pebble Beach, at the southwest corner of Ondulado Road and Stevenson Drive, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on April 29, 2004.

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

**1. FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development. Specifically, the proposed guesthouse and caretaker unit comply with all applicable requirements of §20.64.020 and §20.64.030.

**EVIDENCE:** (a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan (LUP), Part 5 of the Coastal Implementation Plan (CIP), and Part 6 of the Coastal Implementation Plan (CIP). 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 have 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 PLN030506.

(b) Land Use. The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone ("LDR/1.5-D (CZ)"). The uses are allowed per §20.14.040.A for a single family residence, per §20.14.040.B for a guesthouse provided it meets §20.64.020, and per §20.14.050.I for a caretakers unit provided it meets §20.64.030. The proposed uses meet all necessary regulations.

- (c) Development Standards. The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060 CIP. A Coastal Development Permit is required for a guesthouse exceeding 12 feet in height or more than one story (see Evidence (e) below). A variance is required to exceed coverage requirements in the Pescadero Watershed (Findings #6, 7, 8 and 9).
- (d) Caretakers Unit. A permit (ZA05458) was applied for and received for the existing caretakers unit. The current project amends the previous permit and relocates the unit to a portion of the residence that is being remodeled to comply with development standards for a caretakers unit pursuant to §20.64.030.C. A condition has been added requiring the applicant to record a caretakers deed restriction including that the existing loft/storage area will not be converted to livable space (Condition #4).
- (e) Guesthouse. The project complies with the regulations for guesthouses in accordance with §20.64.020.C. A guesthouse exceeding 12 feet in height or more than one story is allowed for architectural consistency and compatibility with the main residence. The existing 415 square foot unit proposed as the guesthouse was permitted as a caretakers unit, 18 feet in height with a second-story bedroom loft. The structure is attached to the main residence and has approximately the same roof height. It was designed to match and be consistent with the main residence. As an existing, compatible structure, the guesthouse proposal meets the necessary requirements. A condition has been incorporated requiring the applicant to record a guesthouse deed restriction.
- (f) Land Use Advisory Committee (LUAC). The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 6-0-1. The abstention was made because the committee member is a neighbor to the project site and also a former client of the architect. LUAC meeting minutes dated March 11, 2004 include a recommendation that the project reduce impervious surface coverage further than proposed. The applicant subsequently revised the project and further reduced impervious surface coverage from 3,360 square feet in the proposal reviewed by the LUAC to 2,995 square feet.
- (g) Site Visit. Project planner conducted an on-site inspection on March 3, 2004 to verify that the project on the subject parcel conforms to the plans listed above.
- (h) Project File. 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 PLN030506.

2. **FINDING: SITE SUITABILITY:** The site is suitable for the use proposed.

**EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Pebble Beach Community Services District. Conditions recommended have been incorporated.

(b) Available technical information indicates that 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. As a minor addition to an existing structure the project, additional new technical reports are not required

pursuant to the Coastal Implementation Plan (Part 5). Agency staff concurs. Information in Project File PLN030506 includes:

- Memo by Lynne Mounday dated March 24, 2004 waiving the archaeological report requirement based on field review and existing disturbance to the project area that would have destroyed any potential resources.
- (c) Staff conducted an on-site visit on March 3, 2004 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA:** The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA Guidelines categorically exempt single family dwellings (CEQA Guidelines §15301, Class 1). Class 1 projects consist of additions to existing structures and include single family dwellings and accessory structures in a residential area. Grading for the project is less than 100 cubic yards and the slope of the property is less than 10 percent (10%). No tree removal is proposed.

(b) No adverse environmental effects were identified during staff review of the development application during site visits on March 3, 2004.

(c) There are no unusual circumstances related to the project or property.

**4. 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 existing on subject property.

(b) The existing structure contains a second kitchen, which is not allowed by County Code and no permit has been found for this kitchen. However, there is no open violation on the property and this permit addresses any potential violation. This space will be converted to a permitted caretakers unit that allows a kitchen. In addition, the existing kitchen unit in the current caretakers unit will be removed and the unit converted to a guesthouse so that all the structures conform to current regulations.

**5. FINDING: PUBLIC ACCESS -** 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 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area 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.

(d) Staff site visit on March 3, 2004.

**6. FINDING: PESCADERO WATERSHED POLICY** - The project is not consistent with Section 20.147.030.A.1 limiting structural coverage to 5,000 square feet, including main and accessory structures, but is consistent with the limitation of additional impervious surface coverage up to 4,000 square feet. It also meets the total limitation of 9,000 square feet for the Pescadero, Seal Rock Creek and Sawmill Gulch Watersheds and the smaller unnamed watersheds, which drain into the Carmel Bay Area of Special Biological Significance.

**EVIDENCE:** (a) Development in the Pescadero Watershed is limited to 5,000 square feet of structural coverage and 4,000 square feet of impervious surface coverage (9,000 square feet combined). The project application, including the site plan, contained in file PLN030506 proposes increasing structural coverage from 4,994 to 5,632 square feet and reducing impervious surface coverage from 3,917 to 2,995 square feet. The result is a total combined coverage of 8,627 square feet, which is less than 9,000 square feet of combined site coverage and a net reduction of 284 square feet.

(b) Conditions have been added for engineering calculations for any pervious pavers used to ensure they meet County standards and the intent of the Pescadero Watershed policy and verification of the installation (Condition #5).

(c) See Variance Findings #7, 8, 9.

**7. 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 Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan 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 intent of the Pescadero watershed coverage limitations (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5) is to limit the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. Although, the proposed project exceeds the 5,000 square foot limit for structural coverage by 632 square feet, the proposed 2,995 square feet of impervious surface coverage is below the allowable 4,000 square foot limit. There is a net reduction of 284 square feet and the project's combined coverage of 8,627 square feet does not exceed 9,000 square feet of total combined coverage, therefore implementing the intent of the Pescadero watershed lot coverage standard. The project meets all other zoning requirements regarding size and bulk (i.e. Floor Area Ratio), lot coverage, and setbacks. The 18-foot tall and two-story guesthouse is allowed provided it is consistent and compatible with the main residence per §20.64.020.C (see Finding #1).

(b) The Board of Supervisors has recognized that retaining stormwater on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit meets 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. For example, in Resolution 94-149 (Steakley) the Board allowed a variance to exceed the 5,000 square foot limit on structural coverage as long as stormwater runoff was controlled on site when new structures are involved. In situations such as PLN020361 (Griggs), which involve changes to coverage for minor additions to existing structures and result in a net reduction in total coverage, on-site retention is not required because it has been determined that the project meets the intent of the policy and involves no change from the existing conditions. The proposed project is a minor addition and results in a net reduction of total coverage.

(c) Total structural and impervious surface proposed by the project remains within the allowable 9,000 square feet.

(d) Materials and documents in Project File No. PLN030506.

**8. FINDING: VARIANCE (Special Privileges) -** The variance to exceed the allowable Pescadero watershed structural and impervious surface coverage shall 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 at least 40 other instances where Variances have been granted to the Pescadero Watershed structural and/or impervious coverage limits for residential structures.

(b) Other property owners in the vicinity and under identical zoning classification have been afforded the same privilege sought by the property owner of this application. Within 300 feet of the subject parcel, several residential projects have been granted similar variances and include: 1) PLN980384 (Rachleff) approved a variance “to exceed the structure and impervious coverage limitation in the Pescadero Watershed,” 2) PLN020361 (Griggs) approved a variance “to exceed the 5,000 square foot structural and 4,000 square foot non-structural Pescadero Watershed impervious surface limit,” and 3) PLN020373 (Lintz) approved a variance “to exceed the 5,000 square feet structural coverage limit for the Pescadero Watershed.” Similar to these projects, the subject project proposes to exceed the 5,000 square foot limitation on structural coverage.

(c) Materials and documents in Project File No. PLN030506.

**9. 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, guesthouse and caretaker unit are allowed uses under the property’s Low Density Residential designation. The caretaker unit is already a permitted use (ZA05458). The current project relocates the caretaker unit, amending the previous permit, and also includes a new guesthouse.

**10. 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.

**11. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 (Coastal Commission). The project involves conditional use permits for the guesthouse height, relocated caretakers unit, and the variance. In addition, the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

**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 attached conditions.

**PASSED AND ADOPTED** this 29th day of April, 2004.

Original Signed By:

MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO 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

HIS 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 90<sup>th</sup> 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.