

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040070

A.P. # 008-521-005-000

FINDINGS & DECISION

In the matter of the application of
Allen & Karol Funch (PLN040070)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow for the construction of additions to an existing 3,810 sq. ft. one-story single family dwelling including a 209 sq. ft. first story addition, a 974 sq. ft. second story addition and a 130 sq. ft. second story deck; Variance to allow an increase in building site coverage from 63.5% to 65.9%, and floor area ratio from 49.2% to 68.92%; and Design Approval. The property is located at 3301 17 Mile Drive, Pebble Beach, west of 17 Mile Drive, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on August 26, 2004.

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

1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS – The Funch project, 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 3301 17 Mile Drive Unit 5 (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 units per acre, Coastal Zone). The site is physically suitable for the proposed use. 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. No substantial adverse impact on access for the project are demonstrated, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan.

EVIDENCE: (a) The application, plans, and support materials submitted by the project applicant, including the Variance Justification Letter, to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040070.
(b) PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and Part 6 of the Coastal Implementation Plan. 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.

(c) The project planner conducted a site visit in March 2004, to verify that the proposed project complies with the LCP.

(d) The Del Monte Forest Land Use Advisory Committee (LUAC) reviewed the proposal and recommended approval (5 - 0) of the Coastal Administrative Permit and Variance with no recommended conditions or changes.

(e) The Monterey County Planning and Building Inspection Department, California Coastal Commission, Pebble Beach Community Services District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and the Monterey County Health Department have reviewed the project. 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.

(f) The subject properties is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

2. **FINDING: CEQA (Exempt)** - The project is categorically exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines Section 15301 (e) and 15061. The project as described in Condition 1 would not have the potential for causing a significant adverse effect on the environment

(b) No adverse environmental effects were identified during staff review of the development application and during the site visit. Environmentally sensitive habitats or trees or other natural resources on site are not impacted by the proposed development.

(c) The project as proposed and conditioned will not create any significant adverse visual impacts as viewed from a scenic road or public viewing area.

(d) See preceding and following findings and supporting evidence.

3. **FINDING: SPECIAL CIRCUMSTANCES** – 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 current zoning designation for the Pebble Beach Townhouses is MDR/2.7, which remains appropriate for the number of units that were constructed within the subdivision. However the development standards under the current zoning designation do not take into account the size of the surrounding common areas with regard to lot coverage and floor area ratio limitations, which are currently based solely on the existing lot sizes. Because the lots have remained in size as they were originally approved, the special circumstance is that the existing lots are highly constrained due to lot size, resulting in existing lots with structural footprints that exceed the allowable coverage

(b) The application and plans submitted for the Variance, including the Variance Justification Letter, in project file PLN040070 at the Monterey County Planning and Building Inspection Department.

4. FINDING: NO SPECIAL PRIVILEGE – 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 1,313 square foot addition to the existing residence. This would increase the total square footage, to 4,993 square feet. Currently, lots within the subdivision are subject to a zoning designation and density unique to the surrounding area therefore should be compared only with lots within the subdivision when making the determination of a special privilege. Under the previous “ST” zoning designation, the construction of additions was an allowed use, subject to the issuance of a Use Permit. However, no similar special regulation applies in the MDR/2.7 zoning designation, which was subsequently adopted. Because the lots within the subdivision have been constrained by the MDR site development standards with regard to site coverage and floor area ratio, other property owners in this zoning designation have sought and been granted variances, e.g. similar variances granted to Johnson (PLN990270, Assessor’s Parcel Number 008-551-007-000), Gibbons (PLN980134, Assessor’s Parcel Number 008-542-003-000), and Clark (PLN020443, Assessor’s Parcel Number 008-521-007-000). Therefore, the strict application of these requirements would restrict development on this parcel to a greater degree than other properties in the general vicinity. Approval of this variance would not constitute a special privilege inconsistent with privileges granted to other properties in the vicinity.

(b) The application and plans submitted for the Variance, including the Variance Justification Letter, in project file PLN040070 at the Planning and Building Inspection Department.

5. FINDING: ZONING REGULATIONS: - This project will not grant an activity or use otherwise not expressly authorized in the Medium Density Zoning District as defined in Title 20 of the Coastal Implementation Plan

EVIDENCE: (a) The application and plans submitted for the Variance, including the Variance.
(b) The use is allowed per Section 20.12.040.A, Principal Uses Allowed in the Medium Density Zoning District.

6. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 20.12 and 20.44 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.

7. FINDING: HEALTH AND SAFETY – 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: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86 of Part 1 of the Coastal Implementation Plan (Title 20).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Administrative Permit and Variance be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 26th day of August 2004.

MIKE NOVO
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 CLERK TO 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 Planning Commission 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 two years after the above date of granting thereof unless construction or use is started within this period.