

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 040131

A. P. # 008-442-015-000

In the matter of the application of  
**Jeffrey & Deborah Aivazian (PLN040131)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit and Design Approval to allow the demolition of an existing residence and accessory structures and construction of a 8,036 square foot three-story single family residence, plus 1,131 square feet of basement and garage area, retaining walls, grading (approximately 900 cubic yards cut and fill); Coastal Development Permit to allow construction of a 592 square foot detached caretakers unit with a 325 square foot carport; and Variance to exceed the 5,000 square foot structural coverage limitation in Pescadero Watershed (5,444 square feet proposed). Total structural and impervious surface coverage of 8,558 square feet meets the 9,000 square foot limitation. The project is located at 1476 Alva Lane, Pebble Beach, at the northeast corner of Alva Lane and Padre Lane, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 9, 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 caretaker unit complies with all applicable requirements of §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) and 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. Conditions have been incorporated addressing exterior lighting and landscaping requirements. Staff notes are provided in Project File PLN040131.  
(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 and per §20.14.050.I for a caretaker unit provided it meets the requirements of §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 §20.14.060. A variance is required to exceed coverage requirements in the Pescadero Watershed (Findings #6, 7, 8 and 9).

(d) Caretaker Unit. The project complies with the regulations for a caretaker unit in accordance with §20.64.030.C. A condition requires the applicant to record a deed restriction that this unit will be maintained in accordance with these standards (Condition 3). The caretaker unit has access from a side alleyway and maintains a 10-foot 10-inch setback from the alleyway, consistent with §20.62.040.L which requires a minimum 6-foot setback from an alley right-of-way.

(e) Floor Area Ratio (FAR). Development standards for the zoning district limit FAR to 17.5% of the property (8,740 square feet). The project proposes FAR of 17.3 % (8,628 square feet). However, the project includes an additional 1,131 square feet of area located in the lower floor that is excluded from the FAR calculation. The area excluded from the FAR includes a storage room, wine room, bathroom and a portion of the garage, which is all below grade and does not daylight to the outside. This is consistent with the definition of Floor Area Ratio in §20.06.564, which states that “areas of enclosed floor space constructed and maintained entirely below ground, including garages, shall not be counted as floor area.”

(f) Land Use Advisory Committee (LUAC). The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 3-1 with 2 abstentions. The dissenting vote cited concerns about the third floor on one side of the project and the effect of the project’s size on the neighborhood. However, the majority of the LUAC found that the project conforms to development standards for the zoning district, which allows a floor area ratio of 17.5% (17.3% proposed), and a maximum height of 30 feet (29 feet 2 inches proposed) for the main structure. The LUAC recommended approval of the project without conditions.

(g) Site Visit. Project planner conducted an on-site inspection on March 15, 2004 and June 8, 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 PLN040131.

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 and reports indicate 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. Agency staff concurs. Reports in Project File PLN040131 include:

- “Preliminary Archaeological Reconnaissance,” prepared by Mary Doane, B.A. and Trudy Haversat, RPA of Archaeological Consulting, dated April 30, 2004.
- “Geotechnical Soils-Foundation and Geoseismic Report,” prepared by Grice Engineering, Inc. dated May 2004.
- “Historic Evaluation Report,” prepared by William L. Salmon, Historic Architect, dated October 21, 2002.

- (c) Staff conducted an on-site visit on March 15, 2004 and June 8, 2004 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.

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

- EVIDENCE:**
- (a) CEQA Guidelines categorically exempt the replacement of existing structures and single-family dwellings (CEQA Guidelines §15302, Class 2 and §15303, Class 3). Class 2 projects consist of the replacement and reconstruction of existing structures located in the same site and for the same purpose. Class 3 projects consist of new construction and include single-family dwellings and accessory structures in a residential area. Grading for the project is a moderate amount, approximately 900 cubic yards of cut and fill and the slope of the property is moderate at 10 to 15 percent. No tree removal is proposed.
  - (b) A historic resource evaluation was prepared for the property by William L. Salmon, Historic Architect, dated October 21, 2002 because the existing residence, originally constructed in 1935, is over 50 years old. The report identified numerous alterations and additions not consistent with the original construction, no notable persons associated with the property, and no distinctive architectural details. It concluded that “the property was not identified as significant or notable due to the many modifications that contribute to the lack of integrity of design and construction from that of the original residence.” Therefore, no additional historic review or measures are necessary.
  - (c) No adverse environmental effects were identified during staff review of the development application during site visits on March 15, 2004 and June 8, 2004.
  - (d) There are no unusual circumstances related to the project or property that would require additional review.

**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 subject property contains two existing nonconforming guesthouse structures, a guesthouse adjacent to the residence and a guesthouse over the existing garage. Current regulations allow just one guesthouse per lot. In addition, both structures are also nonconforming to required setbacks. The proposed project removes both of these nonconforming structures and all proposed new structures conform to current regulations.
  - (c) Staff site visits on March 15, 2004 and June 8, 2004.

**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. 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 visits on March 15, 2004 and June 8, 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 that 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 PLN040131 proposes increasing structural coverage from 3,250 to 5,444 square feet and reducing impervious surface coverage from 10,910 to 3,114 square feet. The result is a total combined coverage of 8,558 square feet, which is less than 9,000 square feet of combined site coverage and a net reduction of 5,602 square feet.
  - (b) A condition has 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 4).
  - (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 444 square feet, the proposed 3,114 square feet of impervious surface coverage is below the allowable 4,000 square foot limit. There is an overall net reduction of 5,602 square feet from the existing 14,160 square feet of combined coverage. In addition, the proposed project's combined coverage of 8,558 square feet does not exceed 9,000 square feet of total maximum coverage. The project therefore implements 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.
  - (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. A condition has been incorporated requiring onsite retention/percolation facilities for stormwater runoff.

(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. PLN040131.

**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. PLN040131.

**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 and caretaker unit are allowed uses under the property’s Low Density Residential designation.

(b) Materials and documents in Project File No. PLN040131.

**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). 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 9th day of September, 2004.

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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

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 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.