

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040482

A.P.# 008-351-037-000

In the matter of the application of
Robert & Shirley Jensen (PLN040482)

FINDINGS & DECISION

for a Variance in accordance with Title 20 (Zoning) Chapter 20.78 (Variances) of the Monterey County Code, to the maximum floor-area-ratio from 19.3% to 21.0% to create a loft within existing interior space; Design Approval for remodel including creation of master loft, and remodel of master bath and walk-in closet, and construction of 131 square foot exterior (pervious) deck; 25 cu yd grading (cut). The property is located at 3196 Palmero Way, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on September 30, 2004.

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: 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.
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 (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. Staff notes are provided in Project File PLN040482.
(b) Project planner conducted an on-site inspection on September 9, 2004 to verify that the project on the subject parcel conforms to the plans listed above.
(c) The project for a remodel of an existing single family home, which is a principal use, allowed in accordance with Section 20.14.040.
(d) The parcel is zoned Low Density Residential, 1.5 units/acre, Design Control District, Coastal Zone ("LDR/1.5-D (CZ)"). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.
(e) The Del Monte Forest Land Use Advisory Committee recommended approval of the project by a vote of 7 for and 0 against. LUAC meeting minutes dated August 26, 2004.

(f) 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 PLN040482.

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) Staff conducted an on-site visit on September 9, 2004 to verify that the site is suitable for this use.
(c) Necessary public facilities are available and will be provided.
3. **FINDING: CEQA (Exempt)** - The project is exempt from environmental review.
EVIDENCE: (a) CEQA Guidelines Section 15301 categorically exempts existing facilities as well as interior and exterior alterations to them.
(b) No adverse environmental effects were identified during staff review of the development application or during the site visit on September 9, 2004.
(c) Development is contained in an already disturbed area of the property. No tree or vegetation removal is required. 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.
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 September 9, 2004.
6. **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 proposed variance is for an increase in the maximum floor area ratio (17.5%) which allowed within the Del Monte Forest within the LDR/1.5 (CZ) zoning district. The project plans show that while a variance is required the increased floor area is being created solely within the existing structure and would not increase the size of bulk of the structure. As a result, special circumstances apply in this case since the structure currently exists.

(b) A staff site visit on September 9, 2004 confirmed the information within the application and proposed plans.

(c) Special circumstances apply to this property. The house was constructed in 1982 prior to adoption of the Local Coastal Program. Construction at that time did not foresee the restrictive floor area ratio of the Local Coastal Program. New construction would be able to design to meet floor area ratio required of the LCP. This variance would not be applicable to construction under the LCP.

(d) The application and plans submitted for the Variance, including the Variance Justification Letter, in project file PLN040482 at the Monterey County Planning and Building Inspection Department.

7. FINDING: VARIANCE (Special Privileges) - The variance to exceed the allowable floor-area-ratio 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) Research of Planning and Building Inspection Department files revealed that a similar variance was granted to Bosworth, (PLN030094) for an interior addition, which included the construction of a second level floor within an existing attached garage. The Bosworth property is located in Pebble Beach at 1499 Alva Lane in a similar LDR/1.5-D (CZ) zoning district. The Bosworth property is approximately 1.0 miles west of the subject project; both properties are located within the Pebble Beach Planning Area of the Del Monte Forest LUP.

(b) The application and plans submitted for the variance, including the variance justification letter, in project file PLN040482 at the Monterey County Planning and Building Inspection Department.

8. 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 a principal use allowed under the property's Low Density Residential designation.

9. 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.

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

EVIDENCE: (a) Section 20.86.080.A.3 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 attached conditions.

PASSED AND ADOPTED this 30th day of September, 2004

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION 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.