

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

FRANCINE A. STEWART & DAVID JOHN RODRIGUEZ (PD090953)

RESOLUTION NO. 10-031

Resolution by the Monterey County Planning
Commission:

Deny the fee waiver request for the rezoning or change in the land use designation of the parcel located at 4209 Sunridge Road, Pebble Beach (Assessor's Parcel Number 008-053-001-000), Del Monte Forest Land Use Plan, Coastal Zone, from Resource Conservation (RC) to Medium Density Residential (MDR).

(PD090953, Stewart, 4209 Sunridge Road, Pebble Beach, Del Monte Forest Land Use Plan, APN 008-053-001-000)

The Stewart application (PD090953) came on for public hearing before the Monterey County Planning Commission on October 27, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

RECITALS

1. Whereas, in approximately 1949, a previous property owner constructed the single family dwelling, guesthouse, and minor accessory structures totaling approximately 1,767 square feet;
2. Whereas, prior to 1969, the zoning designation for the property was Unclassified;
3. Whereas, in 1969, the property received a primary zoning designation of Residential - 1 (R-1), which allowed a single residence on the parcel with maximum lot coverage of 35% or approximately 7,584 square feet of the parcel's total 21,670 square feet;
4. Whereas, in 1988, the zoning designation for the subject parcel changed from R-1 to Resource Conservation, Design Control Overlay (Coastal Zone) [RC-D (CZ)];
5. Whereas, RC zoning only allows a maximum coverage of 5 percent, and does not allow residential structures as a use, the existing residential structures became legal nonconforming and exceeded the new parcel coverage maximum of 1,083 square feet;
6. Whereas, in 2006, the property owner requested additions totaling approximately 195 square feet (Planning File No. PLN060320), and the entitlement was approved, resulting in the total square footage for existing structures of approximately 1,961;
7. Whereas, on November 25, 2008, the applicant submitted an Application Request to construct a 380 square foot addition over the existing carport (Planning File No. PLN080536);

8. Whereas, the County reviewed the Application Request (PLN080536) and determined that due to the previous use of the expansion entitlement, the property may only be developed under current zoning and site development standards for Resource Conservation (RC), and the property owner has no remaining entitlement balance with which to allow any more structural additions;
9. Whereas, in consultation with the California Coastal Commission, County staff reviewed the zoning designation and determined that the parcel is correctly zoned per the zoning maps adopted and recorded in 1988 (Ordinance No. 3292, dated January 5, 1988);
10. Whereas, on July 24, 2009, the applicant submitted a request for waiver of the fee deposit associated with rezoning or changing the land use designation of the subject parcel in the amount of \$38,087.85, per the Monterey County Land Use Fee Schedule, adopted July 1, 2010;
11. Whereas, the request for waiver or reduction of fees is subject to consideration by the Planning Commission per the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000 (Resolution No. 2000-342);
12. Whereas, the RMA – Planning Department circulated the fee waiver request to all applicable County Departments, and these County Departments recommended that the fee waiver be denied;
13. Whereas, the RMA – Planning Department referred the Fee Waiver Request to the Monterey County Planning Commission based on the Planning Commission's authority to waive or reduce permit fees when the request does not meet the listed criteria for the RMA – Planning Director authorized fee waivers as established by the Fee Waiver Policy of August 29, 2000;
14. Whereas, on October 27, 2010, the Monterey County Planning Commission held a duly noticed public hearing to consider the Fee Waiver Request (PD090953), where the Planning Commission received the staff report for the waiver request. The Planning Commission also finds that the property is not inaccurately or inappropriately designated, that the property is within the Del Monte Forest area and is forested with Monterey pine, that the RC zoning designation could apply to the parcel, and that the rezone of the subject property would not provide any obvious public benefit.

DECISION

NOW, THEREFORE, BASED ON ALL OF THE ABOVE FACTS AND CIRCUMSTANCES, the Planning Commission does hereby: Deny the fee waiver request for the rezoning or change in the land use designation of the parcel located at 4209 Sunridge Road, Pebble Beach (Assessor's Parcel Number 008-053-001-000), Del Monte Forest Land Use Plan, Coastal Zone, from Resource Conservation (RC) to Medium Density Residential (MDR).

PASSED AND ADOPTED this 27th day of October, 2010 upon motion of Commissioner Salazar, seconded by Commissioner Padilla, by the following vote:

AYES: Getzelman, Rochester, Padilla, Salazar, Sanchez, Diehl, Vandever, Brown, Ottone
NOES: None.
ABSENT: Roberts
ABSTAIN: None.



MIKE NOVO, PLANNING COMMISSION SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON OCT 28 2010.