

NO. 010108

A. P. # 007-201-004-000

In the matter of the application of  
**Roger & Roxie Petersen (PLN010108)**

**FINDINGS AND DECISION**

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Variance to allow for an increase in the requirements for floor area ratio from 35 percent to 44 percent to allow for the construction of a third addition to an existing three story single family dwelling; Variance to allow an increase in the height from 27 feet to 29 feet; and Design Approval; located at 2905 17 Mile Drive, Pebble Beach, fronting on and easterly of 17 Mile Drive, Country Club area , came on regularly for meeting before the Zoning Administrator on May 31, 2001.

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

1. **FINDING:** The project consists of Variances and Design Approval for an addition to an existing three-story single family dwelling that includes: a Variance to exceed the 35% floor area ratio to 44.0%; a Variance to exceed the 27 foot height limit to 29 feet. The project, as described in the application and accompanying materials, and as conditioned, except for the variances to height and floor area ratio, conforms with the plans, policies, requirements, and standards of the Greater Monterey Peninsula Area Plan.  
**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
  - 1) The Greater Monterey Peninsula Area Plan.
  - 2) The "MDR/B-6-D" (Medium Density Residential) Zoning Districts in Title 21.**EVIDENCE:** Plans and materials in file 010108.  
**EVIDENCE:** Plans and materials in file 980430, which shows that the existing house has been allowed to be constructed with a height of 31 feet and a floor area ratio of 43.6%.  
**EVIDENCE:** Site visit by staff determined that the proposed project would not have a significant impact on the public viewshed.  
**EVIDENCE:** The proposed project was reviewed by California Department of Forestry and Fire Protection, Environmental Health, Water Resources Agency, Public Works, and Parks Department. Conditions recommended by these agencies are included.  
**EVIDENCE:** The project was reviewed by the Del Monte Forest Area Land Use Advisory Committee on April 26, 2001, and the committee voted 5 to 0 to recommend approval.  
**EVIDENCE:** The average slope of the site is less than 5%. No grading would be required for the project.
2. **FINDING:** The proposed project will not have a significant environmental impact.  
**EVIDENCE:** Section 15301 of the California CEQA Guidelines categorically exempts this project from environmental review as a minor alternation to a private structure. No adverse environmental impacts were identified during review of the proposed project.
3. **FINDING:** The proposed development will not present an unsightly appearance, impair the desirability of residences in the same area, have a significant impact on the public

viewshed, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.

EVIDENCE: This is supported by review of the plans and application materials submitted for the project. Plans and materials found in file 010108.

4. FINDING: There are special circumstances applicable to the subject property, including the size, shape, topography, location, or surroundings, that deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: The original structure was built with a larger floor area ratio and higher than currently allowed in the zoning district. The changes proposed with this development would not change the structure's height or significantly increase bulk. Similar variances have been granted in the Monterey Peninsula Country Club area.

EVIDENCE: Plans and materials found in files 010108 and 980430.

5. FINDING: Granting the Variances for the addition in the height and exceeding the floor area ratio would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

EVIDENCE: The project, as proposed, is to add an addition of approximately 36 square foot to the third floor to an existing three story single family dwelling. The addition to the single family dwelling would not change the height of the structure. The addition would not significantly increase the bulk to the single-family dwelling. Since the project is within the existing setbacks and height of the existing structure, no significant change to the dwelling unit would take place. Neighboring properties have been developed at floor area ratios of 47.7% and 54.1%. Variances similar to that proposed here have been granted in the Monterey Peninsula Country Club area (APN 007-254-005-000, 007-171-007-000 and 007-312-003-000).

EVIDENCE: Plans and materials found in file 010108.

6. FINDING: These variances are not being granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: Single family homes are allowed uses in the MDR (Medium Density residential Zoning District per Section 21.12.030 of the County Zoning Ordinance (Title 21).

7. FINDING: Upon review by the MCRWA it is found that this project will result in a net increase of zero acre feet per year of water and is consistent with MPWMD Ordinance #70 and Board of Supervisor's action dated October 11, 1994. The assignment of water under this permit does not assure, and is not a commitment of water to this project.

EVIDENCE: Approved water release/calculation form on file with the MCWRA Planning Services and Water Conservation Section.

8. FINDING: The subject parcel is in a Design Control or "D" District requiring discretionary action pursuant to Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21). The land use advisory committee has suggested any changes in the plans of the proposed residence deemed necessary to accomplish the purposes of the above Chapter. To this end, the applicant has provided the Department with a Design Approval Request, drawings, and a statement of materials and colors to be used. \_\_\_\_\_.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Del Monte Forest Land Use Advisory Committee, found in File No. 010108.

9. FINDING: The establishment, maintenance, or operation of the use or building 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: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, Pebble Beach Community Services District, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood or the county in general.

### **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 following conditions:

1. A Combined Development Permit consisting of a Variance to allow for an increase in the requirements for floor area ratio from 35 percent to 44.0 percent and to allow for the construction of a third addition to an existing three story single family dwelling; Variance to allow an increase in the height from 27 feet to 29 feet; and Design Approval. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (**Planning and Building Inspection Department**)

#### **Prior to issuance of Grading or Building Permits:**

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees, which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim; action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails

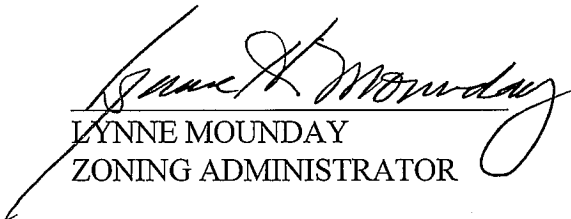
to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection Department)**

3. The applicant shall record a notice which states: "A permit (Resolution 010108) was approved by the Zoning Administrator for Assessor's Parcel Number's 007-201-004-000 on May 31, 2001. The permit was granted subject to six conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Department)**
4. Size of letters, numbers and symbols for address shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Pebble Beach Community Services District)**
5. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance visible from both directions of travel along the road. In all cases, the address shall be posed at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Pebble Beach Community Services District)**

**Continuous Permit Conditions:**

6. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

**PASSED AND ADOPTED** this 31st day of May, 2001.

  
LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUN - 4 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JUN 14 2001**

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.

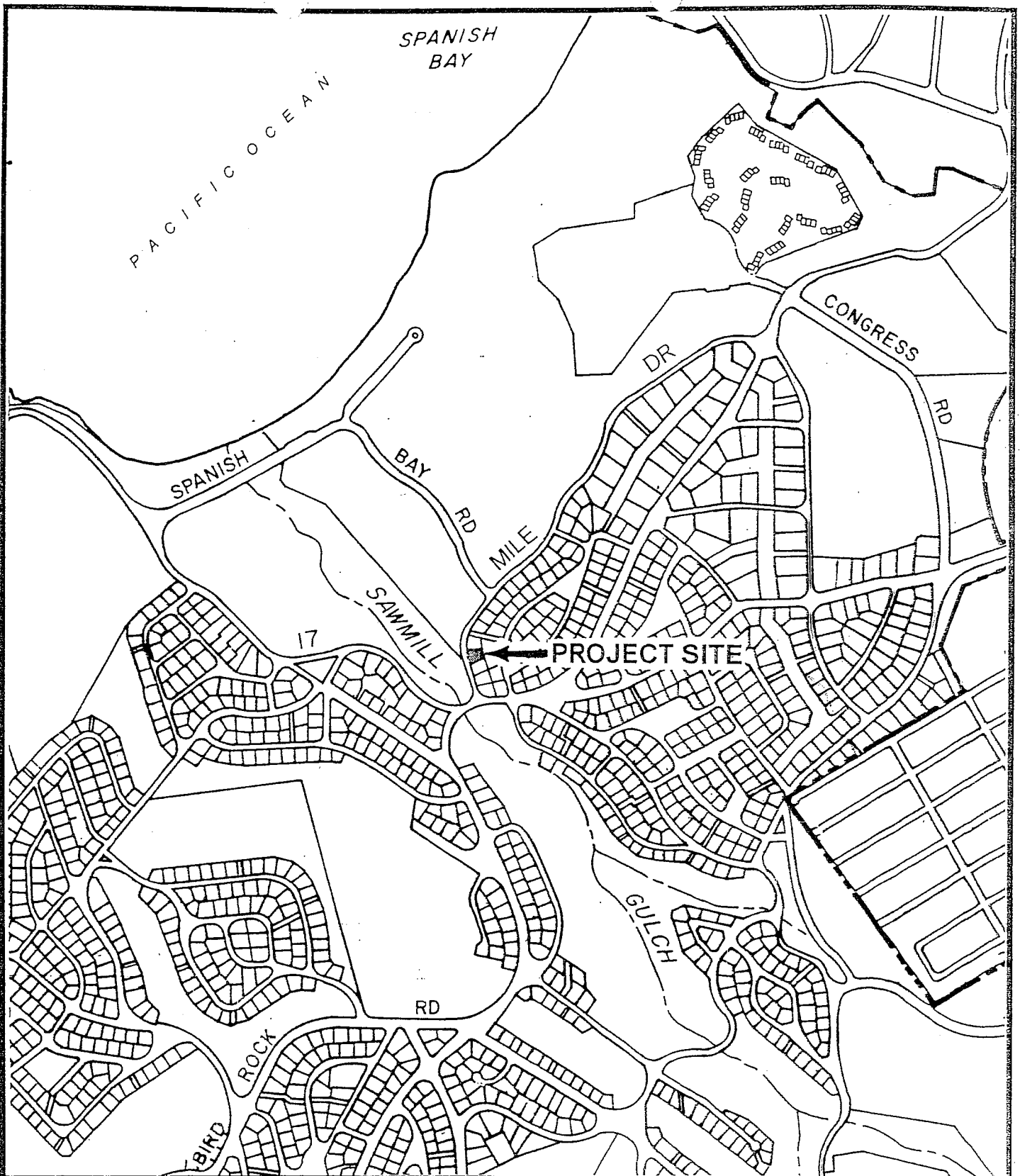
NOTES

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 Monterey.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.



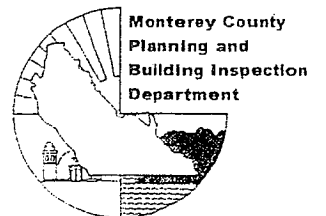
APPLICANT: PETERSEN

APN: 007-201-004-000

FILE # 010108

300' LIMIT: 

2,500' LIMIT: 



DATE: