

RESOLUTION NO. 010134

A.P. # 008-455-007-000 and
A.P. # 008-455-008-000

In the matter of the application of
Gerald and Marjorie Burnett (PLN010134)

FINDINGS & DECISION

for a Variance to Section 20.147.030.A.1, in accordance with Title 20 (Zoning) Chapter 20.78 (Variances) of the Monterey County Code, to allow a structural alteration of a portion of an existing single-family dwelling that currently encroaches into a side yard setback; and design Approval; located at 1476 Cypress Drive, Pebble Beach, west of 17 Mile Drive, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Zoning Administrator on December 13, 2001.

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: The subject Variance and Design Approval will allow a structural alteration of a rear portion of an existing single-family dwelling that currently encroaches into a rear yard setback. The property is located at 1476 Cypress Drive, Pebble Beach (Assessor's Parcel Numbers: 008-455-007-000 and 008-455-008-000), west of 17 Mile Drive, Del Monte Forest area, Coastal Zone. The parcel is zoned "LDR/1.5 (CZ)" or Low Density Residential, 1.5 units per acre, Coastal Zone. Except for the Variance request, the project described in the application and accompanying materials, and as conditioned, conforms to the plans, policies, requirements and standards of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part #), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). 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: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity to:

- a) The Del Monte Forest Land Use Plan; and
- b) The Monterey County Coastal Implementation Plan regulations for Low Density Residential zoning district or the "LDR" District in the Coastal Zone (Title 20).

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Design Approval Request form with plans recommended for approval by the Del Monte Forest Land Use Advisory Committee by a 6-0 vote.

2. FINDING: The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301(e) of the CEQA Guidelines categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent. The proposed structural alteration is less than 50 percent of the of the existing floor area. No adverse environmental impacts were identified during staff review of the development application.

VARIANCE FINDINGS

3. FINDING: Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: A rear portion of the existing single-family dwelling currently encroaches into the required 20 foot rear yard setback by approximately 3 feet. The structural alteration will remove approximately 87 percent of the enclosed area of the portion that encroaches into the setback and will reduce the encroachment to 2.75 feet. The Variance will allow the structural alteration within the rear yard setback without further extending into the setback and the alteration will not increase structural or impervious coverage. The limitations under which a Variance can be approved are found in Findings 4 and 5. The specific limitation for which the Variance is needed on this property is encroachment into 20 foot rear yard setback limitation.

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

4. FINDING: The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: The existing single-family dwelling is located in a low density residential zoning district and within the Pescadero Watershed planning area. The dwelling was in existence prior to establishing the current development standards. The zoning district requires a 20 rear yard setback, and the Pescadero Watershed area limits residential development to a combined 9000 square foot structural and impervious surface coverage. A variance is required to allow any modifications to the requirements. The request for a variance is for the purpose of maintaining the existing encroachment into the rear yard setback. No increase in the existing structural and impervious service coverage will result from the structural alteration.

EVIDENCE: Many residential properties in the Del Monte Forest area of the Coastal Zone have been granted a Variance to exceed the Pescadero Watershed impervious limitations including Shopshire (PLN990146), in which the property's existing impervious surface coverage exceeded the limit with no increase to impervious surface coverage proposed.

EVIDENCE: A Variance granted for Walker (PLN980690).

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

5. FINDING: The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: The use is allowed per Section 20.14.040, Principal Uses Allowed in the LDR (CZ) zoning district.

6. FINDING: The qualifications of Findings 4 and 5 apply to the land, structure, or use of which the Variance is sought.

EVIDENCE: The Variance is a request to allow a structural alteration to a rear portion of an existing single-family dwelling which currently encroaches into the rear yard setback. The limitations under which a Variance can be approved are found in Findings 4 and 5. The specific limitation for which the Variance is needed on this property is encroachment into 20 foot rear yard setback limitation.

7. FINDING: The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, or any other applicable provisions of Title 20 and any zoning violation abatement costs have been paid.

EVIDENCE: Chapter 20.14 of the Monterey County Coastal Implementation Plan. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

8. FINDING: The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.78.050.E, 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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 following conditions:

1. The subject Variance and Design Approval allows for a structural alteration of a portion of an existing single-family dwelling that currently encroaches into a side yard setback. The property is located at 1476 Cypress Drive, Pebble Beach (Assessor's Parcel Numbers: 008-455-007-000 and 008-455-008-000), west of 17 Mile Drive, Del Monte Forest area, Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. 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)

Prior to Issuance of Demolition and Building Permits:

2. The applicant shall record a notice which states: "A Variance (Resolution #010134) was approved by the Zoning Administrator for Assessor's Parcel Numbers 008-455-007-000 and 008-455-008-000 on December 13, 2001. The permit was granted subject to 9 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)**

3. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA) proof of water on the property in the form of an approved Water Release Form. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy

4. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**
5. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Pebble Beach Community Services District)**
6. Size of letters, numbers and symbols for addresses 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)**
7. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted 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)**
8. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre or when a 30 foot minimum setback cannot be reached, alternative fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Pebble Beach Community Services District)**
9. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. **(Pebble Beach Community Services District)**

PASSED AND ADOPTED this 13th day of December, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 14 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC 26 2001**

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 90th day following the date on which this decision becomes final.

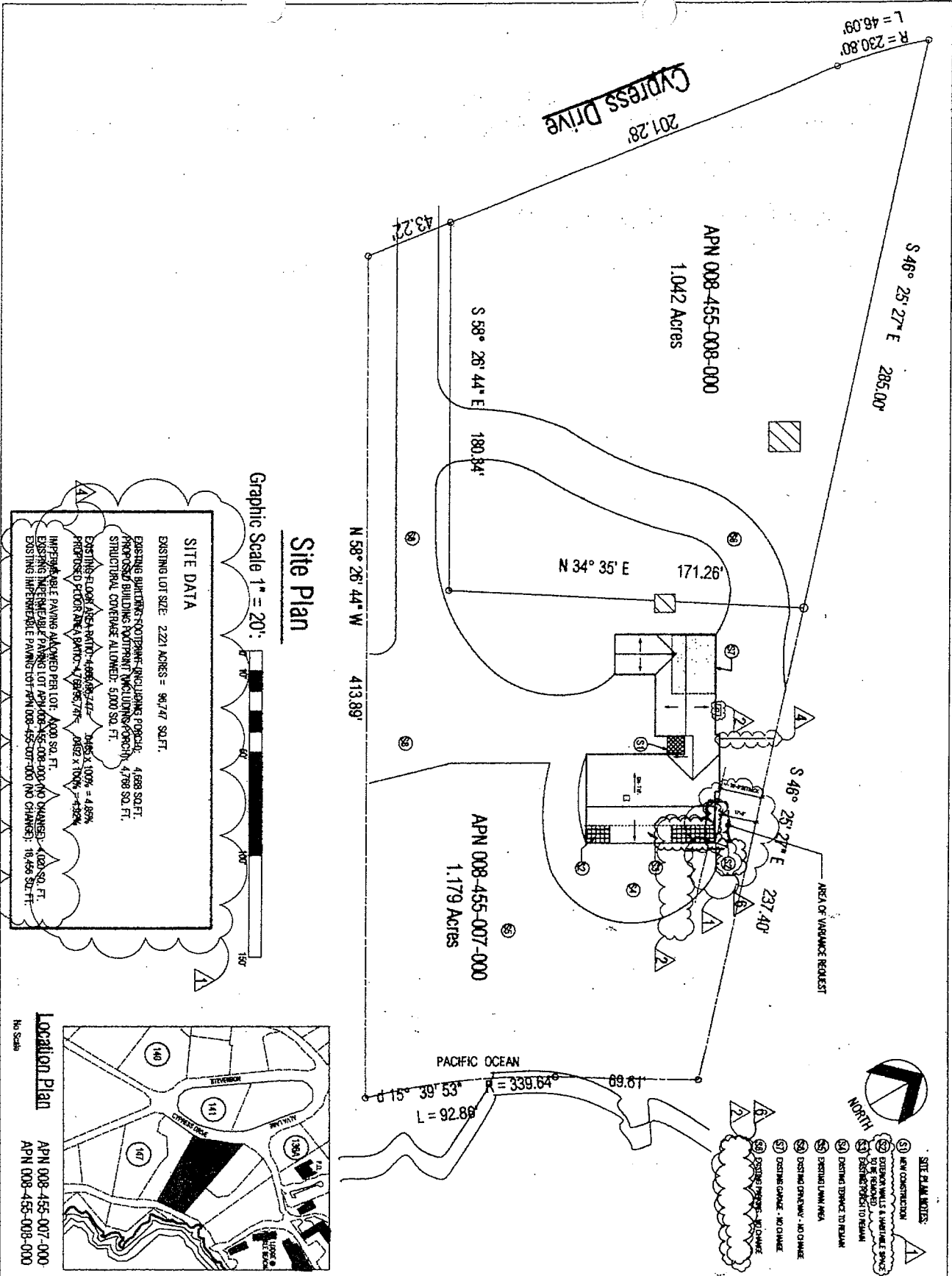
NOTES

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 Marina.

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

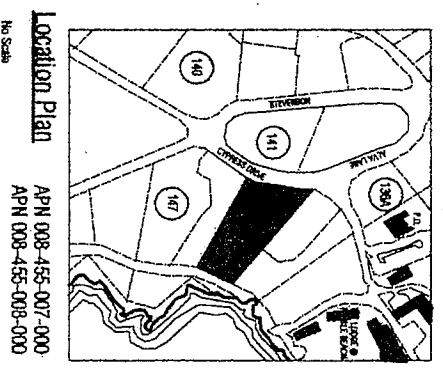


Site Plan

Graphic Scale 1" = 20'

SITE DATA

EXISTING LOT SIZE: 2.21 ACRES = 96,747 SQ. FT.
 EXISTING BUILDING FOOTPRINT (INCLUDING PORCH): 4,698 SQ. FT.
 PROPOSED BUILDING FOOTPRINT (INCLUDING PORCH): 4,789 SQ. FT.
 STRUCTURAL COVERAGE ALLOWED: 5,000 SQ. FT.
 EXISTING FLOOR AREA (PATIO): 4,698 SQ. FT. (100% = 4.69%)
 PROPOSED FLOOR AREA (PATIO): 4,789 SQ. FT. (100% = 4.89%)
 IMPERMEABLE PAVING ALLOWED PER LOT: 4,000 SQ. FT.
 EXISTING IMPERMEABLE PAVING LOT APN 008-455-008-000: 4,000 SQ. FT.
 EXISTING IMPERMEABLE PAVING LOT APN 008-455-007-000 (NO CHANGE): 18,456 SQ. FT.



- SITE PLAN NOTES:**
- (1) NEW CONSTRUCTION
 - (2) EXISTING WALLS & VERTICAL SURF TO BE REPAIRED
 - (3) EXISTING FLOOR TO REMAIN
 - (4) EXISTING DRIVEWAY AREA
 - (5) EXISTING DRIVEWAY - NO CHANGE
 - (6) EXISTING DRIVEWAY - NO CHANGE
 - (7) EXISTING DRIVEWAY - NO CHANGE
 - (8) EXISTING DRIVEWAY - NO CHANGE
 - (9) EXISTING DRIVEWAY - NO CHANGE
 - (10) EXISTING DRIVEWAY - NO CHANGE
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 - (14) EXISTING DRIVEWAY - NO CHANGE
 - (15) EXISTING DRIVEWAY - NO CHANGE
 - (16) EXISTING DRIVEWAY - NO CHANGE
 - (17) EXISTING DRIVEWAY - NO CHANGE
 - (18) EXISTING DRIVEWAY - NO CHANGE
 - (19) EXISTING DRIVEWAY - NO CHANGE
 - (20) EXISTING DRIVEWAY - NO CHANGE

NOV. 21, 2000	NOV. 21, 2000
APR. 19, 00	APR. 19, 00
FEB. 16, 01	FEB. 16, 01
MAR. 5, 01	MAR. 5, 01
MAR. 16, 01	MAR. 16, 01

1476 CYPRESS DRIVE, PEBBLE BEACH, CA
 GERALD J. & MARJORIE J. BURNETT, OWNERS

SITE PLAN

ARCHITECT OF RECORD:
 ALAN MARTINEZ
 ARCHITECT
 1000 S. GARDEN ST. #100
 SAN ANTONIO, TEXAS 78205
 (512) 343-1111
 www.alanmartinez.com

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