

NO. 010144

A.P.# 007-323-002-000

In the matter of the application of
Steven and Cristina Moore (PLN010144)

FINDINGS & DECISION

for a Variance to Section 21.42.030F, in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, to exceed the floor area ratio requirement to allow for a single-family dwelling addition; and Design Approval, located at 1026 Rodeo Road, Pebble Beach, south of Valdez Road, came on regularly for hearing before the Zoning Administrator on June 28, 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 proposed single-family residence addition is consistent with the Greater Monterey Peninsula Area Plan which designates the property as "Medium Density Residential, 1-5 Units per Acre," and with the policies of the Monterey County General Plan.
EVIDENCE: The Land Use Plan and the text and policies of the Greater Monterey Peninsula Area Plan and the Monterey County General Plan were evaluated during the review of the application. No conflict or inconsistencies with the Plan, or with the text or policies, were found. No testimony, either written or oral, was received during the administrative proceedings to indicate that there is any inconsistency with said plans.
2. **FINDING:** The proposed single-family residence addition is consistent and with the "MDR/B-6-D" (Medium Density Residential) zoning of the property, except for the proposed increase in the floor area ratio.
EVIDENCE: Under Section 21.12.030 of Chapter 21.12 of Title 21 (Zoning) of the Monterey County Code, the first single-family dwelling per lot is permitted in the "LDR" District. Under Section 21.12.070, development in the Del Monte Forest area (non-Coastal) is limited to a floor area ratio of 35 percent. A Variance is required for any development which exceeds that ratio, and findings for a Variance are set forth in this resolution.
EVIDENCE: The proposed project will not result in any increase of acre-feet-per-year of water, and is consistent with Monterey Peninsula Water Management District Ordinance No. 70 and with Board of Supervisor's action dated October 11, 1994. An approved water release/calculation form is on file with the Monterey County Water Resources Agency.
3. **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.
4. **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 areas.

EVIDENCE: Application and materials located in Project File No. PLN010144 and the administrative record.

5. 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 existing residence is located on an 8,000 square-foot parcel. Other parcels in the Country Club area have an average size of 9,200 square feet. The proposed addition would not significantly alter the bulk or appearance of the existing house. Similar variances have been granted in the Country Club area of Del Monte Forest.

EVIDENCE: Application and materials located in Project File No. PLN010144 and the administrative record.

6. FINDING: The proposed Variance for increase in the floor area ratio does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located.

EVIDENCE: The proposed project is for a 592 square-foot addition to an existing 2,601 square-foot residence, and an increase in the floor area ratio from 32.5 percent to 40 percent. This addition would not significantly increase the bulk of the existing single-family dwelling. The proposed addition is within the existing setbacks and height of the existing structure, and no significant change to the dwelling unit would take place. Neighboring properties have been developed at floor area ratios ranging from 47.7 percent to 54.1 percent. Variances similar to the proposed Variance have been granted in the Country Club area of Del Monte Forest (Reference Assessor's Parcel Numbers 007-254-005, 007-171-007, 007-312-003 and 007-201-004).

EVIDENCE: Application and materials located in Project File No. PLN010144 and the administrative record.

7. FINDING: The proposed Variance is not for a use or activity which is not otherwise expressly authorized by the zoning regulations governing the subject property.

EVIDENCE: Under Section 21.12.030 of the Monterey County Zoning Ordinance (Title 21), single-family dwellings are a permitted use in the "MDR" (Medium Density Residential) Zoning District.

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). To this end, the applicant has provided the Planning and Building Inspection Department with a Design Approval Request form, drawings, and a statement of materials and colors to be used.

EVIDENCE: Design Approval Request form and plans, together with recommendation for disapproval by the Del Monte Forest Land Use Advisory Committee, located in Project File No. 010144.

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 Planning and Building Inspection Department, Health Department, Public Works Department, Monterey County Water Resources Agency, and the Pebble Beach Community Services District. 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

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. This permit is a Variance to allow for an increase in the floor area ratio from 32.5 percent to 40.0 percent and to allow enclosure of a portion of an existing rear deck to create a sun room and to expand an existing bedroom on an existing two-story single-family residence in the "MDR/B-6-D" (Medium Density Residential) District of the Country Club area of Del Monte Forest. This permit 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 Grading or Building Permits:

2. Prior to the issuance of any building permit, the applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property in the forms of an approved Water Release Form. (Water Resources)
3. 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)
4. 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)
5. The applicant shall record an agreement which states: "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." Proof of recordation of this agreement 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)

6. The applicant shall record a notice which states: "A permit (Resolution 010144) was approved by the Zoning Administrator for Assessor's Parcel Number's 007-323-002 on June 28, 2001. The permit was granted subject to eight (8) 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)

Continuous Permit Conditions:

7. The Applicant shall comply with Ordinance No. 3539, or as subsequently amended, 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)
8. 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)

PASSED AND ADOPTED this 28th day of **June**, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **JUL 10 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 **JUL 20 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 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.

