



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 22-084

April 26, 2022

Introduced: 4/11/2022

Current Status: Agenda Ready

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Matter Type: BoS Resolution

PLN200314 STEWART FRANCINE A & RODRIGUEZ DAVID JOHN

Public hearing to consider amending Figures 5 and 6d of the Del Monte Forest Land Use Plan to change the land use designation on a 0.497-acre parcel from Open Space Forest to Medium Density Residential, and amending Sectional District Map 20-16 of Section 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to change the zoning classification on a 0.497-acre parcel from Resource Conservation with a Design Control overlay (Coastal Zone) [RC-D (CZ)] to Medium Density Residential, 4 units per acre, with a Design Control overlay (Coastal Zone) [MDR/4-D (CZ)].

Project Location: 4209 Sunridge Road, Del Monte Forest Land Use Plan

Proposed CEQA Action: Statutorily Exempt Pursuant to CEQA Guidelines section 15265

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- 1) Adopt a resolution:
 - a) Finding the project statutorily exempt from environmental review under CEQA Guidelines section 15265;
 - b) Finding that the proposed amendment to the Local Coastal Plan will conform with the Coastal Act; and
 - c) Adopting a Local Coastal Program Amendment to Figures 5 and 6d of the Del Monte Forest Land Use Plan to change the land use designation on a 0.497-acre parcel from Open Space Forest to Medium Density Residential
- 2) Adopt an Ordinance amending Sectional District Map 20-16 of Section 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to change the zoning classification on a 0.497-acre parcel from Resource Conservation with a Design Control overlay (Coastal Zone) [RC-D (CZ)] to Medium Density Residential, 4 units per acre, with a Design Control overlay (Coastal Zone) [MDR/4-D (CZ)];
- 3) Direct Staff to Submit the Local Coastal Program Amendment and the Zoning Ordinance Amendment to the California Coastal Commission for certification

A draft resolution and draft ordinance are attached for consideration (**Exhibits B & C**).

PROJECT INFORMATION:

Project Owner: Stewart Francine A & Rodriguez David John

APNs: 008-053-001-000

Zoning: Resource Conservation with a Design Control overlay (Coastal Zone) [RC-D (CZ)]

Parcel Size: 0.497 acres (21,668 square feet)

Flagged and Staked: No

SUMMARY:

The property located at 4209 Sunridge Road, Pebble Beach (the property) is less than ½ acre. It has been legally developed with a single-family dwelling and guesthouse since the 1950's. Residential use of the property is inconsistent with the current land use (Open Space Forest) and zoning designations (Resource Conservation). The proposed amendment would change the land use designation on the Del Monte Forest Land Use Plan map to Medium Density Residential and would similarly change the zoning. If approved, the land use and zoning amendment would allow residential use on the property meaning the existing residential structures would no longer be considered a "nonconforming" use. Staff has reviewed the history of development and land use on the property and believes that the open space and conservation designations were improperly applied to the property. Residential zoning would be consistent with the neighboring residential properties and uses.

This request for a land use and zoning amendment began on November 25, 2008, when the property owners, Francine Stewart and John Rodriguez (Owners), applied for a 380 square foot addition over an existing garage attached to a single-family dwelling on the property, PLN080536. On April 2, 2009, staff responded in writing, outlining an administrative determination that such a request would not be supportable, as existing development exceeded the maximum allowable building site coverage for the Resource Conservation [RC] zoning and the existing single-family dwelling and guest house are a legal nonconforming use within the RC zone. Pursuant to the Zoning Ordinance (Title 20) section 20.68.060(C), a structure maintaining a legal nonconforming residential use may be expanded by up to 120 square feet or 10% of the floor area whichever is greater. This structure has previously been expanded beyond the 10% of floor area limit (PLN060320) and cannot be expanded again. This determination left the property owners with the following options for proceeding:

1. Withdraw the request;
2. Proceed with the request, in which case staff must recommend denial;
3. Appeal staff's determination;
4. Apply for a Local Coastal Program amendment and zoning amendment; or
5. Table their request for the time being

The property owners tabled their request.

Code violations also exist. On June 26, 2019, an administrative citation was issued for an unpermitted addition to the guest house and conversion of a portion of the existing garage into habitable space. To cure these violations, Owners would either need to restore the property to its original condition or pursue retroactive permits for these modifications. As no further expansion of the home may be allowed under the nonconforming section of the zoning ordinance and the existing improvements exceed the allowable building site coverage for the property, the only path for retroactive permitting is to get a land use plan amendment and rezoning. The land use plan amendment and rezone would remove the residential uses on the property from a nonconforming status and would allow for additional lot coverage.

Given this, on July 24, 2020, Owners applied to amend the Land Use plan to change the land use designation to Medium Density Residential and re-zone the property to Medium Density Residential 4 units an acre, with a design control overlay, Coastal Zone [MDR/4-D (CZ)]. This amendment would match properties of a similar size in the adjacent residential neighborhood created by Del Monte

Forest Subdivisions #'s 1 and 2. County staff, having reviewed the history of the property, available documentary evidence, and the physical characteristics of the property, believe that the Open Space Forest land use designation and Resource Conservation [RC] zoning designation was inappropriately applied to the property. Instead, that the proposed amendments would be consistent with the broad patterns of development in the area and in the Del Monte Forest Land Use Plan area.

DISCUSSION:

A detailed discussion is attached as **Exhibit A**.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15265 statutorily exempts actions of a local government necessary for the preparation and adoption of a local coastal program. Amendments of the local coastal program, including Land Use Plan amendment and zoning amendment, are subject to the same processing and analysis as the original adoption of the local coastal program. This land use and zoning change will not take effect until after the change is certified by the California Coastal Commission.

FINANCING:

Funding for staff time associated with this project is included in the FY2021-22 HCD Adopted Budget, Appropriation Unit HCD002 Unit 8543.

OTHER AGENCY INVOLVEMENT:

County Staff reached out to California Coastal Commission staff regarding the potential land use plan designation change and rezoning on October 9, 2019. In correspondence dated October 18, 2019, Coastal Commission staff indicated that based on the information available, they concurred with County analysis; that the site should have been included in the adjacent Medium Density Residential [MDR] zoning district when the Coastal Implementation Plan was originally certified in 1988, with the added caveat that the original Local Coastal Program certification file may contain some reasoning as to why the site was designated as Resource Conservation.

To date, staff has found no evidence or reasoning behind the Resource Conservation designation.

COUNTY REVIEW PROCESS:

In accordance with the Board's Land Use Advisory Committees (LUACs) procedures and guidelines, staff referred the project to the Del Monte Forest LUAC for its review and recommendation. The LUAC reviewed the project on February 18, 2021, voting 6 - 0, with 2 members absent, to recommend that the Board approve the project as proposed. (**Exhibit I**) Committee member Church initially voiced concern of the potential for future development due to the change of zoning. After hearing explanation that no future development is planned on the property and any future development would be limited to residential improvements consistent with goals and policies of the Del Monte Forest Land Use Plan, she voted to recommend approval of the project as proposed.

After the Land Use Advisory Committee meeting, the project was referred to the County of Monterey Planning Commission. On November 10, 2021, the Planning Commission recommended that the Board of Supervisors approve the amendment to the land use designation and zoning designation as proposed. (**Exhibit L**)

Prepared by: Phil Angelo, Associate Planner, ext. 5731
Reviewed by: Craig Spencer, Chief of Planning *CS*
Approved by: Erik V. Lundquist, AICP, Director

The following attachments are on file with Clerk of the Board:

- Attachment A - Detailed Discussion
- Attachment B - Draft Resolution
- Attachment C - Draft Ordinance
- Attachment D - Land Use Plan Amendment Map
- Attachment E - Zoning Map Amendment Map
- Attachment F - Vicinity Map
- Attachment G - Biological Report (HCD-Planning Library File LIB210233)
- Attachment H - Administrative Determination dated April 2, 2009
- Attachment I - Del Monte Forest LUAC Minutes for February 18, 2021
- Attachment J - PLN060210 Approval Resolution
- Attachment K - PLN08536 Site Plan Scan
- Attachment L - Planning Commission Resolution No. 21-040

cc: Front Counter Copy; Phil Angelo, Associate Planner; Francine Stewart, Applicant; California Coastal Commission, Santa Cruz Office; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN200314