

# Attachment H

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# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

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PLANNING DEPARTMENT, Mike Novo, Director

168 W. Alisal St., 2<sup>nd</sup> Floor  
Salinas, CA 93901

(831) 755-5025  
FAX (831) 757-9516

April 2, 2009

Mr. Jade Bennett  
261 Anita Street  
Monterey, CA 93940

**SUBJECT: Administrative Determination of the Application Request for  
PLN080536/STEWART-RODRIGUEZ  
4209 Sunridge Road, Pebble Beach  
Assessor's Parcel Number: 008-053-001-000**

Dear Mr. Bennett,

As previously discussed, staff has reviewed the subject application request and determined that the existing structures are legal non-conforming, and the application request for a 380 square foot addition above the garage is inconsistent with the zoning standards for the parcel. The property owner may pursue several options:

- a. Withdraw the subject application request and maintain the existing legal non-conforming structures;
- b. Proceed with the subject application request. If this option is chosen, staff must recommend denial of the project application based on the current zoning; or
- c. Apply for a Local Coastal Program amendment to rezone the parcel from Resource Conservation to Medium Density Residential. If approved, this would allow the property owner to request an addition above the garage.

The subject parcel is zoned Resource Conservation with a Design Control overlay, and is located within the Coastal Zone [RC-D (CZ)]. The Planning Department, in consultation with the California Coastal Commission, reviewed the zoning designation and determined that the parcel is correctly zoned per the zoning maps adopted and recorded in 1988. RC zoning does not allow residential structures as a use; therefore, the existing residential structures are legal nonconforming. Per the Monterey County Zoning Ordinance (Title 20), Chapter 20.68 (Legal Nonconforming Uses), a structure maintaining a legal nonconforming residential use may be increased for the expansion of the use by 120 square feet, or ten percent of the floor area, whichever is greater. This allowed expansion only applies once to the subject parcel and residential structure/use.

**Background:**

In approximately 1949, a previous property owner constructed a single family dwelling, guesthouse, and minor accessory structures totaling approximately 1,767 square feet. At that time, the property did not have a zoning designation. In 1969, the property received its first primary zoning

designation of Residential - 1 (R-1). R-1 zoning allowed a single residence on the parcel with maximum lot coverage of 35 percent. In this case, the parcel is 21,668 square feet, and the maximum coverage allowed would have been approximately 7,584 square feet.

In 1988, upon implementation of the coastal zoning, the zoning designation changed from R-1 to Resource Conservation (RC). RC zoning only allows a maximum coverage of 5 percent, and does not allow residential structures as a use; therefore, the existing residential structures became legal nonconforming and exceeded the new parcel coverage maximum of 1,083 square feet.

In 2006, the property owner requested changes totaling approximately 195 square feet (PLN060320). The entitlement was approved, even though the existing structures exceeded maximum lot coverage by 684 square feet and the requested changes exceeded the 177 square foot entitlement maximum. The changes allowed under PLN060320 increased the square footage to an existing total of approximately 1,961; therefore, no further expansion of the legal non-conforming structural use is allowed. 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.

Pursuant to the Monterey County Zoning Ordinance Title 20, Section 20.88 (Interpretations), you may appeal staff's determination with a written request to the Director of Planning. The Director shall respond in writing within 10 days of receipt of your written request. Should you wish to appeal the Director's decision, the appeal must be filed with the Secretary to the Planning Commission no later than 10 days from the date of mailing of the Director's decision. The fee for appeal of an administrative determination by the Director is \$2,489.30.

If you have any questions regarding PLN080536, please contact me at either (831) 755-5262 or [sidorj@co.monterey.ca.us](mailto:sidorj@co.monterey.ca.us).

Sincerely,

// S //

Joseph Sidor  
Associate Planner

cc: File No. PLN080536