



County of Monterey Planning Commission

Item No.4

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

Agenda Item No. 4

July 10, 2024

Legistar File Number: PC 24-076

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REF240014 - STRAIN FREDERICK S TR

Public hearing to consider 1) the appeal from Mr. Thomas Hood of the Director's Interpretation regarding whether the first story of the proposed single-family dwelling under PLN220158 is considered a "story" under Monterey County Code section 21.06.1170; and 2) establishing interpretative guidelines for how to apply the Pebble Beach Special Setbacks, established under a blanket variance in 1969, to structures where the first story is partially below grade.

Project Location: 2987 17 Mile Dr, Pebble Beach, Greater Monterey Peninsula Area Plan, (Assessor's Parcel Number 007-251-002-000)

RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution:

1. Denying the appeal from Mr. Thomas Hood of the Director's Interpretation regarding whether the first story of the proposed single-family dwelling under PLN220158 should be considered a "story" under Monterey County Code section 21.06.1170; and
2. Establishing interpretative guidelines for how to apply the Pebble Beach Special Setbacks, established under a blanket variance in 1969 and Title 21, to structures where the first story is partially below grade.

PROJECT INFORMATION:

Property Owner: Strain Frederick S Tr

APN: 007-251-002-000

Parcel Size: 9,607.82 square feet (0.22 Acres)

Zoning: Medium Density Residential, with a B-6, Design Control, and Recreational Equipment Storage overlay districts or "MDR/B-6-D-RES"

Plan Area: Greater Monterey Peninsula Area Plan

Project Planner: Zoe Zepp, Assistant Planner

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SUMMARY:

The applicant submitted a request for a director's interpretation as to whether the first floor of their proposed single-family dwelling is considered a "story" as defined by Monterey County Code section 21.12.070.D.3.b, and if the special side setback regulations for the Del Monte Forest are applicable to that floor. The "special setbacks" refer to a blanket variance that was approved in 1969 regulating the side setbacks for all structures located within certain inland areas of Pebble Beach, including the area for which the subject property is located. This variance allows a 10-foot side setback for the first

story and a 20-foot side setback for the second story. These setbacks apply to both main and accessory structures. The applicant submitted an application for the demolition of an existing, legal non-conforming single-family dwelling, and construction of a new single-family dwelling. Their design includes a three story structure with the first story being partially below grade but fully visible from 17 Mile Drive. The second story of the structure does not meet the 20-foot side setback. However, the third story does. The applicant is opposed to redesigning the structure to meet the required setbacks and instead applied for a Director's Interpretation for direction on whether their proposed "basement" should count as a story or not. Staff prepared an interpretation explaining the County's definition for story and how the applicant's first floor qualifies as a story as it is a "portion of a building or structure included between the surface of any floor and the surface of the next floor above it" (MMC section 21.06.1170). Since the first story of the structure is visible from the front of the property and 17 Mile Drive, the story is subject to the special side setback regulations. The purpose of the 1969 blanket variance that requires the second story of main structures to have a 20-foot side setback is to protect visual resources including views from scenic roadways and public viewing areas and provide consistency in structure design, contributing to the overall neighborhood character.

The applicant has appealed the Interpretation. Mr. Hood argues that the 1969 variance was intended to provide view corridors between lots for uphill properties not to regulate setbacks for three-story houses. He insists his proposed design meets the intention of the "wedding cake" setbacks imposed by the blanket variance. The applicant also argues there are multiple structures nearby that enjoy the privilege of additional floor area and do not have a 20-foot side setback for their second story. Staff informed the applicant that there are ways to alter or renovate legal-nonconforming structures to retain their existing structure's non-conforming side setbacks but the applicant was not interested in this option. Additionally, the applicant is utilizing the Accessory Dwelling Unit (ADU) State Law by including an attached 695-square foot ADU, which is not counted towards their Floor Area Ratio (FAR). The proposed house would be built to 34.99% of the allowed 35% floor area ratio, not including the 695-square foot ADU. Staff disagrees that the required 20-foot side setback would prevent the applicant from enjoying the privilege of excess floor area, as he proposes 695 square feet of additional development beyond his allowed FAR, per the site development regulations within Title 21.

Additionally, interpretative guidelines regarding how to apply the special side setbacks to stories partially below ground have been prepared and staff asks that the Planning Commission adopt these guidelines, both as to this project, and future projects, including PLN220158. The Pebble Beach special side setbacks should apply to stories that are fully or partially above ground. Stories of proposed structures that are completely underground, and not visible from above ground, should not be considered the first story of the structure for the purpose of the special side setbacks. Alterations to existing structures with legal non-conforming side setbacks should follow the regulations within section 21.68.040 of Title 21.

Prepared by: Zoe Zepp, Assistant Planner x5198

Approved by: Melanie Beretti, AICP, HCD Acting Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution including:

- Director's Interpretation
- Exhibit B - Applicant's Application for Appeal
Exhibit C - Vicinity Map

cc: Front Counter Copy; Planning Commission, Pebble Beach Community Services District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Planner; Anna Ginette Quenga, AICP, Principal Planner; Strain Frederick S Tr, Property Owner; Thomas Hood, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis; Project File REF240014

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