

**Before the Housing and Community Development Chief of Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

ALVAREZ SERGIO S & MARGARET J CO-TRS (PLN240122)

RESOLUTION NO. 24-044

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301, and there are no exceptions pursuant to section 15300.2; and
- 2) Approving a Coastal Administrative Permit and Design Approval to allow construction of a 636-square-foot addition to an existing single-family dwelling and a Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

[PLN240122, Alvarez Sergio S & Margaret J Co-Trs., 3215 Macomber Dr, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-162-015-000)]

The ALVAREZ SERGIO S & MARGARET J CO-TRS application (PLN240122) came on for an administrative decision before the County of Monterey HCD Chief of Planning on November 6, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County HCD Chief of Planning finds and decides as follows:

FINDINGS

1. FINDING: CONSISTENCY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan (DMF LUP);
 - Monterey County Coastal Implementation Plan, Part 5 (Del Monte Forest CIP); and
 - Monterey County Zoning Ordinance (Title 20).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Allowed Use. The property is located at 3215 Macomber Dr, Pebble Beach, Del Monte Forest Land Use Plan (Assessor’s Parcel Number

[APN]: 008-162-015-000)]. The parcel is zoned Low Density Residential, with Building Site 8 and Design Control overlays in the Coastal Zone, or “LDR/B-8-D(CZ), which allows for the establishment of the first single-family dwelling as a principal use, subject to the granting of a Coastal Administrative Permit. The Design Control overlay requires the granting of a Design Approval for all structures. The project involves the construction of a 636 square foot addition to an existing single-family dwelling consisting of a 568 square foot kitchen and breakfast nook addition and a 68 square foot main-level vestibule and elevator addition. The Applicant/Owner also proposes an interior remodel. Pursuant to Title 20 section 20.70.120, single family dwelling additions less than 1,000 square feet are exempt from Coastal Development Permits unless development involves non-exempt development or a potential adverse environmental impact, such as development within 750 feet of known archaeological resources. In this case, the proposed development is within 750 feet of known archaeological resource and thus requires the granting of a Coastal Administrative Permit pursuant to Title 20 section 20.14.040.A. Therefore, the project is an allowed land use for this site.

- c) Lot Legality. The subject property (129,837.4 square feet, 2.98 acres in size), APN: 008-162-015-000, is identified in its current configuration as Lot 14 of Tract 1206 on a Final Map entitled “Macomber Estates (A Private Subdivision)”, recorded in February 1994 (Volume 18, Cities & Towns, Page 31). Therefore, the County recognizes the subject property as a legal lot of record.
- d) Design/Neighborhood and Community Character. Pursuant to Title 20, Chapter 20.44, the project site and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which is intended to regulate the location, size, configuration, materials, and colors of structures to assure the protection of the public viewshed and neighborhood character. The design of the proposed additions will match the architectural style and colors and materials of the existing single-family dwelling, which includes a Spanish Clay tile roof cap and pan, copper gutters and downspouts, painted yellow-beige exterior stucco, and natural colored stone veneer. The existing exterior colors and materials are compatible with the surrounding environment and are consistent with the surrounding residential neighborhood character. The homes within surrounding area and greater Pebble Beach residential community are eclectic in architecture, ranging from modern to California-ranch and Spanish style homes. Condition No. 6 has been applied to require the installation of down-lit unobtrusive exterior lighting. As described in subsequent evidence “e”, the project site is not visible from a common public viewing area. Therefore, as proposed and conditioned, the project is compatible with the surrounding environment, consistent with the surrounding residential neighborhood character, and assures protection of the public viewshed and visual integrity.
- e) Visual Resources. The project is consistent with the DMF LUP policies for the protection of scenic and visual resources. As depicted on DMF

LUP Figure 3, the subject property is located within the viewshed from Point Lobos. Staking and flagging was installed pursuant to the DMF CIP section 20.147.070.A.1. Staff conducted a site visit on 09/16/24 and confirmed that the subject property and staking and flagging were not visible from Point Lobos, Highway 1, or any other public common viewing areas due to topography, distance, and existing mature vegetation.

- f) Review of Development Standards. The development standards for the LDR zoning district and B overlay district are identified in Title 20 sections 20.14.60 and 20.42.030. Pursuant to Title 20 section 20.14.060.C, development within this district shall meet the required setbacks unless otherwise indicated on a recorded Final Map. For the subject property, the recorded Final Map identifies a building envelope that consists of a front setback of 50 feet, 30 feet for the side setbacks, and a 1.29-acre Scenic Easement on the rear of the property. As proposed, the project is entirely within the building envelope. The proposed project will include a new kitchen and breakfast nook addition that will have a height of 9 feet above average natural grade (ANG) and a new vestibule and elevator addition that will match the existing height of the main house (28 feet 2 inches above ANG), which is below the maximum allowed height for main structures within LDR zoning district (30 feet). The allowed maximum site coverage and floor area ratio (FAR) is 15% and 20%, respectively. The subject property is 129,837.4 square feet and allows a site coverage and FAR of 25,967.48 square feet and 19,475.61 square feet, respectively. The project will result in structural site coverage of 7,632 square feet (5.88%) and floor area of 9,878 square feet (7.6%). Therefore, the project meets all required development standards.
- g) Cultural Resources. DMF CIP Section 20.147.080.B.1 states that an archaeological survey report shall be required for all development within a known or potential archaeological resource area. According to the Monterey County Geographic Informational System (GIS), the subject property has a high archaeological sensitivity and is within 750 feet of a known archaeological resource. The Archaeological report (Monterey County Library No. LIB240209) prepared for the subject property concluded that there is no indicator of a prehistoric site or a historic site in the soils of the project parcel. The potential for inadvertent impacts to cultural resources is limited and will be controlled by use of the County's standard condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- h) Combined Structural and Impervious Surface Coverage. The subject property is located within the Pescadero Watershed, a designated watershed as shown on Figure 2b of the DMF LUP. Accordingly, site structural and impervious surface coverage are limited to 9,000 square feet per DMF LUP Policy 77. The project results in an impervious surface coverage of 7,632 square feet and is therefore consistent with Policy 77.

- i) Forest Resources. The project site does contain numerous protected Monterey cypress Monterey pine trees, some of which are in close proximity to the proposed development. Per the prepared Geotechnical report (Monterey County Library No. LIB 240210), over-excavation of at least 5 feet is recommended. Although no trees are proposed for removal, to ensure that construction of the project does not impact these trees, Condition No. 5 (Tree and Root Protection) has been applied.
- j) Public Access. As proposed, the development is consistent with applicable public access policies of the DMF LUP. See Finding No. 6 and supporting evidence.
- k) Land Use Advisory Committee (LUAC) Review. The project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review because it does not involve a public hearing Design Approval, a Lot Line Adjustment, preparation of an Initial study, or a Variance.
- l) The project planner conducted a site inspection on 09/16/24 to verify that the project on the subject parcel conforms to the plans listed above.
- m) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240122.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Pebble Beach Community Services District (CSD). County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) The following reports have been prepared:
 - “Geotechnical Report (Monterey County Library No. LIB240210) prepared by Grice Engineering, Salinas, CA, July 31, 2024.
 - “Preliminary Cultural Resources Reconnaissance” (Monterey County Library No. LIB240209) prepared by Susan Morley, Marina, CA, August, 2020.
 County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.
 - c) Staff conducted a site inspection on 09/16/24 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240122.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project applied for will not under the circumstances of

this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Pebble Beach CSD. The respective agencies 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.
 - b) The Pebble Beach CSD currently provides sewer service to the existing single family dwelling, California American Water currently provides potable water. All necessary public facilities will continue provided to the proposed addition.
 - c) Staff conducted a site inspection on 09/16/24 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240122.

- 4. FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on 09/16/24 and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240122.

- 5. FINDING:** **CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts minor alterations of existing private structures involving negligible or no expansion of the existing use, such as additions that will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is less.
 - b) As proposed, the project involves the construction of a 636 square foot addition to an existing single-family dwelling. With implementation of the project, the single-family dwelling will continue to be used for residential purposes. Further, the proposed addition is less than 2,500 square feet and 50% of the existing floor area ratio (5,470 square feet) and therefore meets the Class 1 Categorical Exemption requirements.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no significant effect on the environment due to

unusual circumstances. No trees are proposed for removal and the proposed development is not visible from any scenic corridor or scenic highway. There is no cumulative impact without any prior successive projects of the same type in the same place, over time and no new land use is proposed. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered on a hazardous waste site. No known historical or archaeological resources are present.

- d) No adverse environmental effects were identified during staff review of the development application during a site visit on 09/16/24.
- e) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240122.

6. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in DMF CIP, Section 20.147.130 can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject property is not described as an area where the Local Coastal Program requires visual or physical public access (Figure 3, Visual Resources, and Figure 8, Major Public Access and Recreational Facilities, in the DMF LUP).
 - d) County staff conducted a site inspection on November 27, 2023, to verify that the proposed project will not impact public access.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240122.

7. FINDING: APPEALABILITY – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Title 20 section 20.86.030, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission. Pursuant to Title 20 section 20.86.080.A, the project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and first through public road paralleling the sea (i.e., State Route/Highway 1 and Pescadero Road) and involves a conditionally allowed use (i.e., development within 750 of known archaeological resources).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

- 1) Find that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301, and there are no exceptions pursuant to section 15300.2; and
- 2) Approve a Coastal Administrative Permit and Design Approval to allow construction of a 636-square-foot addition to an existing single-family dwelling and a Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 6th day of November, 2024.

DocuSigned by:

Melanie Beretti

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Melanie Beretti, AICP
HCD Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON **NOVEMBER 7, 2024**.

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **NOVEMBER 18, 2024**.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021