

*Before the Board of Supervisors
County of Monterey, State of California*

RESOLUTION NO. 22-145

- 1) Finding that project qualifies as Statutory Exemption under CEQA Guidelines section 15265;)
)
 - 2) Finding that the proposed amendment to the Local Coastal Plan is intended to be carried out in a manner fully in conformity with the Coastal Act; and)
)
 - 3) Adopting a Local Coastal Program Amendment to Figures 5 and 7d of the Del Monte Forest Land Use Plan to change the land use designation on a 0.497-acre parcel from Open Space to Forest to Medium Density Residential)
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)
- [PLN200314 STEWART FRANCINE A & RODRIGUEZ DAVID JOHN,)
4209 Sunridge Road, Pebble Beach (Assessor’s Parcel Number 008-053-001-000), Del Monte Forest Land Use Plan, Coastal Zone])

An 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 came on for a public hearing before the Board of Supervisors on April 26, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the County of Monterey Board of Supervisors, with reference to the following facts and findings, finds as follows:

RECITALS

- 1. Circa 1949, a single-family dwelling, guest house, and minor accessory structures totaling approximately 1,767 square feet were legally constructed on a 0.497-acre (21,668 square foot) parcel, located at 4209 Sunridge Road, Pebble Beach (Assessor’s Parcel Number: 008-053-001-000) (the Property).
- 2. On September 16, 1969, the Board of Supervisors adopted Ordinance No. 911, applying the Residential – 1 “R-1” zoning classification to the Property. R-1 zoning allowed single-family residences with a maximum lot coverage of 35 percent.
- 3. Public Resources Code section 30500 requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
- 4. On July 17, 1984, the Board of Supervisors adopted the Del Monte Forest Land Use Plan (Land Use Plan) as part of the County of Monterey’s (the County) LCP.
- 5. On September 24, 1984, the California Coastal Commission (Coastal Commission) certified the Del Monte Forest Land Use Plan “Land Use Plan” as part of the County’s LCP.
- 6. On January 5, 1988, the County adopted the Coastal Implementation Plan (CIP) consistent with Public Resources Code section 30512.1. Part 1 of the CIP is Title 20, the zoning

ordinance for the coastal zone. Along with the zoning ordinance, the County adopted Section District Zoning Maps. The Sectional District Map (The Zoning Map) provides a graphic representation of the zoning classifications of the properties. Pursuant to Planning & Zoning law, zoning must be consistent with the General Plan land use designation.

7. The Zoning Map shows the Property's a zoning classification as Resource Conservation with a Design Control Overlay (Coastal Zone) "RC-D(CZ)." The RC zoning district principally allows resource dependent educational and scientific research facilities and low intensity recreation uses, up to a building site coverage of 5 percent consistent with the current Open Space Forest land use designation.
8. On May 22, 2012, the County Board of Supervisors adopted a comprehensive amendment to the Del Monte Forest Land Use Plan and on May 9, 2012, the Coastal Commission certified the amendments. As applied to the Property, the Sectional District Zoning Map did not change at that time.
9. Figure 5 and Figure 6d (Pescadero Planning Area) of the Del Monte Forest Land Use Plan provide a graphic representation of the general distribution, location, extent, and intensity of land uses and transportation routes in the Del Monte Forest Land Use Plan planning area.
10. Pursuant to Figures 5 and 6d, the Property has a land use designation of Open Space Forest. As described in the Del Monte Forest Land Use Plan, this land use designation encompasses forest and inland areas considered generally not appropriate for development other than that associated with resource enhancement and limited low- intensity public recreational facilities such as trails.
11. A single-family dwelling, guest house, and associated accessory structures are not allowable uses within the Resource Conservation zoning district, meaning that the existing residential uses are considered "legal nonconforming uses" under the current land use and zoning designations. Legal nonconforming uses are subject Chapter 20.68 of Title 20 of the Monterey County Code (MCC).
12. Under MCC section 20.68.030(C), a structure maintaining a legal, residential nonconforming use may be increased by 120 square feet, or 10% of the floor area, whichever is greater. On December 6, 2006, the Director of the Resource Management Agency (now Housing & Community Development) adopted Resolution No. 06-0320, approving the Combined Development Permit PLN060320, which increased the floor area by approximately 180 square feet approximately 1,921 square feet. This increased the structural coverage on the Property by slightly more than 10%, meaning that no further expansion of the use may be allowed onsite.
13. On July 24, 2020, the Property owners applied to amend the Land Use plan to change the land use designation of the Property from Open Space Forest to Medium Density Residential, and amend 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 the Property 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)].

14. Having reviewed the physical characteristics of the Property and surrounding land uses, the Board finds that medium density residential land use designation and Medium Density Residential (MDR) zoning are more appropriate for the Property than the Open Space Forest land use designation and Resource Conservation zoning district. The Property was formerly zoned residential and has been developed with a residential use. The Property is bounded on all sides by roadways and development to the north, northwest, and east, limiting its contiguous habitat value.
15. Technical reports were prepared that address biological resources and archaeological resources onsite. There are no unique resources that would preclude the ongoing residential use of the Property.
16. A biological report was prepared by Toyon Consultants dated May 7, 2020, and is available in HCD-Planning Library File LIB210233. This report identified the presence of Monterey pine forest. While not observed, two special status wildlife species also have the potential to be present onsite within the Monterey pine habitat, Hoary Bat (*Lasiurus cinerius*) and Monarch Butterfly (*Danaus plexippus*). In addition, nesting and migratory birds may also use the Monterey pine forest as habitat. Despite the presence or potential presence of these resources onsite, the report analysis concluded that the proposed change in zoning would be unlikely to have a significant environmental impact to biological resources. The parcel has already been developed with a residential use, and the new land use designation and zoning will not significantly alter or intensify the existing use onsite. Reasonably foreseeable future development would include additions or modifications to the residence, or potentially redevelopment of the site, which would still be subject to the Del Monte Forest Land Use Plan polices and accompanying Coastal Implementation Plan (CIP) regulations regarding the protection of Environmentally Sensitive Habitat (ESHA) and Forest Resources. Pursuant to CIP section 20.147.040(C)(1), “Within environmentally sensitive habitat areas, land uses shall be limited to those that are dependent on the resources therein,” which restricts future non-resource dependent development, i.e. residential, to those portions of the site which are not environmentally sensitive habitat.”
17. In June 2006, Susan Morley, M.A. prepared an archaeological report for the Property by , available in HCD-Planning Library File LIB060432. That report did not identify evidence of historic or pre-historic resources onsite.
18. The Property is in an area that is designated as visually sensitive, in part because it is viewable from Highway 68, a scenic freeway. However, the proposed change in land use designation and zoning would have a less than significant impact on scenic resources. The site is already developed with a single-family residence, comparable to development within the neighborhood. Reasonably foreseeable future development would include additions or modifications to said residence, and potentially re-development of the site. The change in zoning from RC to MDR zoning would increase allowable site coverage from 5% to 35%. This means there is the potential for additional structures and improvements within the viewshed. Some other site and development standards would also be made slightly more permissive, such as the front setback requirement being reduced from 30 to 20 feet. However, the overall allowable height of main structures would be reduced from 30 feet to 27 feet, and non-habitable accessory structures from 35 feet to 15 feet, meaning that the

height of new or modified structures would not impact the viewshed more than what is presently allowable. Additionally, any new development would be subject to the design review requirements of the “D” overlay district and the Land Use Plan policies protecting Visual Resources.

19. The project planner conducted a site visit on October 26, 2021, and did not identify any sensitive resources that would be impacted by the change in land use designation and zoning.
20. There are violations on the Property, described in an administrative citation dated June 26, 2019, including an expired building permit BP070245, an unpermitted addition to the guest house and a garage converted to habitable space without a permit. The two potential paths to address these violations would be restoring the Property to its former condition or seeking permits to legalize these modifications. Here, additional residential square footage would not be allowable under the present RC zoning and any proposed addition would be over the maximum building site coverage of the zoning, so the change in land use designation and rezoning would be prerequisites for pursuing after-the-fact permitting.
21. At a noticed public meeting on February 24, 2021, the Del Monte Forest Land Use Advisory Committee voted 6 to 0, with 2 members absent, to recommend the project be approved as proposed.
22. Public Resources Code section 30514 provides for amendments to adopted Local Coastal Programs (LCP’s), including the Land Use Plan (LUP) and the Coastal Implementation Plan (CIP), of which the zoning ordinance (Title 20) is a part. Additionally, on September 24, 1985, the Board of Supervisors adopted procedures for amending the LCP-CIP, including: the Planning Commission must hold a noticed public hearing and make a recommendation to the Board of Supervisors; the Board of Supervisors will hold a noticed public hearing, adopt an ordinance, and submit the proposed amendment to the Coastal Commission for certification together with materials sufficient for a thorough and complete review. Accordingly, the proposed amendments will not go into effect until after certification by the Coastal Commission and will not become operative until that certification is final and effective.
23. State law requires the Planning Commission to hold a noticed public hearing on proposed amendments to zoning ordinances and to make a written recommendation to the Board of Supervisors.
24. On November 10, 2021, at a duly noticed public hearing, the Planning Commission adopted a resolution 7 to 0, with no members absent, recommending that the Board of Supervisors amend the land use designation and zoning designation as proposed.
25. The California Environmental Quality Act (CEQA) statutorily exempts consideration and adoption of local coastal programs. (CEQA Guidelines section 15265(a)(1).) That exemption applies to activities and approval undertaken by a local government necessary to adopt a local coastal program. The proposed amendment to the Local Coastal Program requires certification by the Coastal Commission to take effect.

26. These amendments are intended to be fully conform with the California Coastal Act (Public Resources Code sections 30512, 30513, and 30519).

DECISION

The Board of Supervisors of the County of Monterey, State of California, does hereby:

- 1) Find that the project qualifies as statutorily exempt from environmental review under CEQA Guidelines section 15265;
- 2) Find that the proposed amendment to the Local Coastal Plan is intended to fully conform with the Coastal Act; and
- 3) Adopt a Local Coastal Program Amendment 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

PASSED AND ADOPTED on this 26th day of April 2022, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

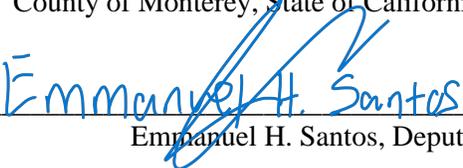
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting April 26, 2022.

Dated: October 28, 2022

File ID: RES 22-084

Agenda Item No.: 21

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos

Emmanuel H. Santos, Deputy