



Monterey County Zoning Administrator

Agenda Item No. 1

Legistar File Number: ZA 18-014

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

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PLN170718 - AT&T SERVICES INC

Public hearing to consider an after-the-fact 725 square foot accessory dwelling unit and variance for exceeding the 15 foot height limit by 2 feet within 750 feet of known positive archaeological resources.

Project Location: 1557 Cypress Road, Pebble Beach, Del Monte Forest Land Use Plan

Proposed CEQA Action: Categorically exempt per Section 15303(a) of the Guidelines

RECOMMENDATION:

Staff recommends the Zoning Administrator:

- a. Find the project is an after-the-fact accessory dwelling unit in a residential zone which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA guidelines, and there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines;
- b. Approve a Combined Development Permit consisting of the following:
 - 1) Coastal Administrative Permit and Design Approval to allow an after-the-fact 725 square foot Accessory Dwelling Unit;
 - 2) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and
 - 3) Variance to allow exceeding the 15 foot height restriction by 2 feet for a total height of 17 feet.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 7 conditions of approval.

PROJECT INFORMATION:

Agent: Cindi Scarlett Ramsey c/o Sterling Huddleson Architecture

Property Owner: AT&T SERVICES INC

APN: 008-401-001-000

Parcel Size: 1.33 acres

Zoning: "LDR/1.5-D(CZ)" (Low Density Residential with maximum gross density of 1.5 acres per unit in the Coastal Zone and Design Control Overlay)

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: no

SUMMARY/DISCUSSION:

The subject application for a Combined Development Permit is for an after-the-fact accessory dwelling unit located on a 1.33 acre parcel in Pebble Beach. The parcel is bound by Pebble Beach Golf Links to the east, by a parking lot owned and utilized by the Pebble Beach Company to the north, and by a developed residential parcel to the west. Driveway access to the subject parcel is on

the private paved Cypress Road and will continue as the only vehicular access. No code enforcement case has been initiated. However, the fees required are twice the amount normally charged pursuant to Title 20 Section 20.90.140 for a retroactive permit application. Therefore, the planning fees for this application were assessed double fees.

A 725 square foot accessory dwelling unit was relocated from a neighboring parcel to the subject parcel in 1996. The relocation occurred without the benefit of discretionary approval as required by Section 20.64.220.C.1 of Title 20. The applicant currently requests the appropriate permits for the structure in order for it to be legitimized. Although the structure has not been permitted, a second unit on the parcel is a principal use allowed within the LDR zone designation by securing a Coastal Administrative Permit (CAP). Therefore, the application includes a request for a CAP.

Staff recommends approval of the request for the variance pursuant to Title 20 Section 20.78.040 that requires specific findings:

1) **20.78.040.A** - *That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

Evidence: The 1996 placement of the structure at its current location on the parcel was due to the special circumstances applicable to the subject property. Due to the large-growth native trees on and adjacent to the parcel, many root systems would have been impacted by excavation for a subterranean foundation at any location on the property. Although these large growth trees are neither ESHA nor part of a forest area considered ESHA, retention of these native trees is a development standard encouraged pursuant to CIP Part 5 Policy 20.147.050.C.3(c). The property owners at that time determined the current location had the least amount of sloping terrain while adhering to setback regulations. The existing amount of slope at the current location necessitated an above-ground three-foot high foundation that raised the 14-foot height of the actual structure to a height of 17 feet. In order to meet the maximum 15-foot height, the applicant could implement demolition and rebuild of the existing structure. A request to demolish and rebuild the second unit would likely require demolition of the legal non-conforming above-ground foundation in order to comply with current building codes. Another special circumstance is that the parcel is within 750 feet of a known positive archaeological resource. Demolition of the existing second unit would likely require ground disturbance that could potentially impact known cultural resources. This would be inconsistent with the intent of the CIP Part 5 Policy 20.147.080.C.1 that encourages avoidance of development-related impacts to cultural resources. Therefore, strict adherence to the maximum 15-foot height requirement is not appropriate for the special circumstances caused by the biological and cultural resources characterizing the parcel and would deprive the subject property of implementing an accessory dwelling unit without potential environmental impacts.

2) **20.78.040.B** - *That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties within the vicinity and zone in which such property is situated.*

Evidence: The existing second unit matches the main house architecturally, and the colors and materials of both units are consistent with the overall character of the neighborhood. All parcels covered by the

Del Monte Forest Land Use Plan comprise an area within a Design Control Zoning District pursuant to 20.44.020 of Title 20 requiring architectural compatibility and consistency of neighborhood character. As previously noted, the applicant could implement demolition and rebuild of the existing structure for compliance with the maximum 15-foot height. However, a request to demolish and rebuild the second unit would likely require demolition of the legal non-conforming above-ground foundation in order to comply with current building codes. Demolition of the existing second unit would likely require ground disturbance that could potentially impact known cultural resources, inconsistent with the intent of the CIP Part 5 Policy 20.147.080.C.1 that encourages avoidance of development-related impacts to cultural resources. This is a limitation shared by all properties within the vicinity of the subject property. Another limitation shared by every parcel in the vicinity is that retention of native trees, whether or not comprising ESHA, is a development standard encouraged pursuant to CIP Part 5 Policy 20.147.050.C.3(c). Therefore, allowing the variance is not a grant of special privileges inconsistent with the limitations upon other properties within the vicinity and zone of the subject property.

3) Use or activity not expressly authorized by the zoning regulation governing the subject parcel would not be eligible for a variance.

Evidence: A second residential unit is an authorized principal use allowed in the LDR zone. Therefore, the subject parcel is eligible for a variance.

Pursuant to 20.44.020 of Title 20, all parcels within the Del Monte Forest Land Use Plan comprise an area within a Design Control Zoning District. Along with matching the main house architecturally, the colors and materials of both units are consistent with the overall character of the neighborhood. Parcels within a Design Control Zoning District are required to stake and flag the project plan in order to illustrate its proposed mass and form. The structure has been in the same location on the property for approximately twenty-one years, and no changes are proposed. Therefore, visualization through staking and flagging was not required for this application. The second unit meets all setbacks requirements for habitable accessory structures in the LDR Coastal Zone.

There is no ground disturbance proposed in this application. The after-the-fact accessory dwelling unit has been in the same location on the property since circa 1996, for approximately twenty-one years. There is no excavation proposed for the existing after-the-fact accessory dwelling unit or main residence on the subject parcel. Further, the project archaeological report (File No. LIB180047) recommends no ground-disturbing activities for recovery of controlled data samples on the subject parcel. Therefore, Staff recommends the project would not require the standard Condition of Approval for halting work during construction if cultural resources are uncovered (PD003(A)).

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review because the application includes a request for a variance. The Del Monte Forest LUAC recommended approval of the project with no comments in a 5-0 vote.

CEQA:

Pursuant to §15303(a) of CEQA Guidelines, an after-the-fact accessory dwelling unit in a residential zone qualifies as a Class 3 Categorical Exemption. None of the exceptions to a categorical exemption contained in 15300.2 of the CEQA Guidelines apply.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Bureau of Environmental Health
RMA-Public Works
Water Resources Agency
RMA-Environmental Services
Pebble Beach Community Services District

Prepared by: Jaime Scott Guthrie, Associate Planner, ext. 6414
Reviewed by: Brandon Swanson, Planning Services Manager
Approved by: John M Dugan, AICP, Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
 B-1 Conditions of Approval
 B-2 Plans
Exhibit C Vicinity Map
Exhibit D Map of Del Monte Forest Indigenous Cypress Habitat

cc: Front Counter Copy; Jacqueline R. Onciano, Chief of RMA-Planning, Christopher Burt c/o Manatt, Phelps & Phillips LLP, Applicant; Cindi Scarlett Ramsey c/o Sterling Huddleson Architecture, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170718.