



# Monterey County Planning Commission

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## Agenda Item No. 3

Legistar File Number: PC 18-032

April 25, 2018

**Introduced:** 4/17/2018

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

### **PLN170052 - DORMAN**

Public hearing to consider a remodel/addition of two historic cottages, and attaching the cottages to create one 2,578 square foot single family dwelling. The project also includes a Lot Line Adjustment taking 6,024 square feet from Assessor's Parcel Number 008-201-003-000 (1601 Sonado Road, Pebble Beach) and adding it to Assessor's Parcel Number 008-201-002-000 (1600 Visciano Road, Pebble Beach); an Amendment to PLN070428 to delete conditions of approval No. 8 and No. 9 to remove the deed restriction requirements for a guesthouse and Caretaker's Unit; and a Coastal Development Permit to allow development in an archaeologically sensitive area.

**Project Location:** 1600 Visciano Road, Pebble Beach (Assessor's Parcel Number 008-201-002-000) Del Monte Forest Land Use Plan area (Addition, remodel, permit amendment, and lot line adjustment); and

1601 Sando Road, Pebble Beach (Assessor's Parcel Number 008-201-003-000), Del Monte Forest Land Use Plan Area (Lot line adjustment only).

**Proposed CEQA action:** Statutorily exempt pursuant to Section 15270 of the CEQA Guidelines - Projects that are not approved

### PROJECT INFORMATION:

**Agent:** Claudio Ortiz

**Owner:** Paul Dorman

**APNs:** 008-201-002-000 and 008-201-003-000

**Parcel Sizes:** Before Lot Line adjustment: 0.87 acres and 1.26 acres respectively

After Lot Line Adjustment: 1.01 acres and 1.12 acres respectively

**Zoning:** LDR/1.5 (CZ)

**Flagged and Staked:** Yes

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

1. Find that denial of the project is statutorily exempt pursuant to Section 15270 of the CEQA Guidelines; and
2. Deny the Combined Development Permit consisting of:
  - a. A Coastal Development Permit and Design Approval to allow the remodel of and 1,195 square foot addition to two historic cottages, attaching the cottages and creating one 2,578 square foot single family dwelling;
  - b. A Coastal Development Permit to allow a Lot Line Adjustment reducing the size of Assessor's Parcel Number 008-201-003-000 (1601 Sonado Road, Pebble Beach)

- by 6,024 square feet, resulting in a 1.12-acre parcel, and adding 6,024 square feet to Assessor's Parcel Number 008-201-002-000 (1600 Visciano Road, Pebble Beach) resulting in a 1.01-acre parcel;
- c. An Amendment to PLN070428 to delete conditions of approval No. 8 and No. 9 to remove the deed restriction requirements for a guesthouse and Caretaker's Unit; and
  - d. A Coastal Development Permit to allow development on a site with a positive archaeological report.

**SUMMARY:**

The subject property is approximately 0.8 acres in size and is zoned Low Density Residential with a maximum density of 1.5 acres/unit in the coastal zone. The site currently contains two historic cottages ("the chimney cottages") and a single-family residence approved by the Zoning Administrator on April 24, 2008 (ZA Resolution No. 070428, **Exhibit F**). The 2008 approval permitted the construction of a detached single-family residence as a means to preserve the historic cottages and imposed restrictions (Conditions No. 8 and 9 of Resolution No. 070428) requiring ongoing preservation of the cottages as a 1,242 square foot, two-story caretaker unit (Cottage 1) and 702 square foot guesthouse above a garage (Cottage 2). As proposed, the project would connect the two cottages with a hallway, add square footage in the rear of the cottages and convert the cottages to a 2,578 square foot single family residence. The other single-family residence permitted in 2008 is proposed to remain on the property.

The applicant is seeking approval of the permit under an interpretation that the addition/remodel is not subject to density at the site and that the project is needed for rehabilitation of the historic cottages.

Staff has met with the applicant's representative to discuss potential inconsistencies of the project with the Del Monte Forest Land Use Plan, the Coastal Zoning Ordinance, Title 20, and previous approvals granted for the site. Specific inconsistencies discussed included, permissible density, floor area ratio, archaeological resource protection standards, historic preservation, and recorded deed restrictions imposed as part of the 2008 decision of the Zoning Administrator that permitted the construction of a new single family residence on the property.

Apart from density, the potential inconsistencies of the project can be addressed. Below is a summary of these project issues, along with an explanation of how they can or cannot be resolved:

**Density (Cannot be addressed):**

- The project would not be consistent with the maximum allowable density for the site and a Local Coastal Plan amendment would be required. The Del Monte Forest Land Use Plan designates the site for Low Density Residential use and limits density to 1 unit per acre maximum. Existing conditions at the site include one single family residence (permitted in 2008), a caretaker unit (or Accessory Dwelling Unit), and a guesthouse. Caretaker units and guesthouses do not count toward density at the site and the current situation conforms to density with one single family residence and two accessory habitable structures. The project would connect the caretaker unit and guesthouse and add square footage to the units that would result in one 2,578 square foot single family dwelling. As proposed, the dwelling permitted in 2008 would remain. Both the dwelling unit resulting from the

addition/remodel, and existing dwelling unit constructed in 2008 would exceed the 1,200 square foot maximum floor area to be considered a caretaker unit/accessory dwelling unit (ADU). ADUs are not subject to density at the site; however, the proposed project would result in two single family residences and not an ADU. The single-family residences would be subject to density requirements for the lot (second single family residence exceeding the maximum allowable density). The applicant is seeking an alternative interpretation that would allow the proposed project without meeting the density requirements for historic preservation reasons and/or as consideration of the structure as an ADU or group dwelling that would not be subject to density requirements. One of the factors involved in the applicant's position is that the project would reduce the overall number of habitable units at the site. However, County records (including the 2008 Zoning Administrator resolution) indicate that there are two legal units (the permitted residence and caretaker unit) and one guesthouse above a garage. Guesthouses are not separate units and are not permitted to contain a kitchen or cooking facilities. This means that the project would not reduce the number of units at the site. It is County staff and Coastal Commission staff's opinion that historic preservation exceptions do not extend to exceeding the allowable density for the site in this case and, as proposed, the project would result in two structures that are subject to density requirements. (See Exhibit F for Coastal Commission staff comments)

Floor Area Ratio (Could be addressed):

- The applicant is proposing to address the floor area ratio by adjusting the lot lines to add area to the subject parcel, which in-turn increases the allowable floor area ratios for the site and avoids the need for a Variance. Pending submittal of evidence demonstrating that the reduction in the lot size for APN 008-201-003 (1601 Sonado Road) would not result in a conflict with floor area or lot coverage due to the existing residential development at 1601 Sonado Road, the Lot Line Adjustment would be permissible on its own merits and would result in sufficient lot size at 1600 Visciano Road to accommodate the proposed addition within the allowable floor area ratio. However, if the project is denied, there would no longer be a need for the Lot Line Adjustment.

Archaeology (Could be addressed):

- An archaeological report was prepared for the site. There is evidence that the site may contain archaeological resources. The report suggests archaeological monitoring of excavation for the project. If the Planning Commission desires to consider approving the project, staff would need to prepare an Initial Study pursuant to CEQA and would likely request a Phase II archeological report to obtain more information about potential impacts. Staff anticipates that potential impacts to archaeological resource could be mitigated. If the Planning Commission adopts staff's recommendation to deny, there would be no new impacts to analyze.

Historic Preservation (Could be addressed):

- The project has been designed according to the Secretary of the Interior Standards to retain the historic character of the cottages as described in the Phase 1 historic report prepared for the project and confirmed by the Historic Resource Review Board (**see Exhibits D and E**).

Deed restrictions (Could be addressed):

- Deed restrictions applied to PLN070428, requiring preservation of the two historic cottages as legal non-conforming guesthouse and caretaker unit, as a means to preserve them, could be removed by amending that previous approval. However, by removing the deed restrictions and adding to the historic cottages, thus converting the two cottages into one 2,578 square foot single family dwelling, the site would contain two primary residences exceeding the

maximum allowable density of the site.

As it stands, the proposal would result in two single-family residences at the site and the project would be inconsistent with the Del Monte Forest Land Use Plan or the Zoning Ordinance (Title 20). Therefore, staff is recommending that the Planning Commission deny the proposed application.

DISCUSSION:

A detailed discussion is provided in **Exhibit A**.

OTHER AGENCY INVOLVEMENT:

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

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

The proposed project was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on October 19, 2017. The LUAC recommended approval of the project by a vote of 3 ayes, 0 noes, and 1 abstention (**Exhibit C**). The LUAC expressed concerns relative to providing for replacement deed restriction to preserve the historic integrity of the cottages and the applicant presented concept of allowing a “group dwelling unit” to address density concerns. The LUAC was amenable to deeming the project an “Accessory Dwelling Unit” (“ADU”) rather than a “group dwelling unit.” Staff has considered the LUAC recommendations and found that, as proposed, the project does not meet the standards for an ADU. ADUs are limited to 1,200 square feet and the project would result in a 2,578 square foot single-family residence.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Craig W. Spencer, Supervising Planner, x5233  
Reviewed by: Brandon Swanson, RMA Planning Services Manger  
Approved by: John M. Dugan, AICP, RMA-Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

- Exhibit A - Detailed Project Discussion
- Exhibit B - Draft Resolution for Denial
- Exhibit C - Land Use Advisory Committee Recommendation
- Exhibit D - HRRB Resolution
- Exhibit E - Phase 1 Historic Analysis
- Exhibit F - Zoning Administrator Resolution No. 070428
- Exhibit G - Coastal Commission staff comments

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Services Manager; Paul Dorman, Owner; Claudio Ortiz, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLNPLN170052