

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Dorman (PLN170052)

RESOLUTION NO. 18-017

Resolution by the Monterey County Planning
Commission:

- 1) Denying a Coastal Development Permit and Design Approval to allow a remodel and addition of 1,195 square feet, attaching two historic cottages and creating one 2,578 square foot single family dwelling;
- 2) Denying 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;
- 3) Denying 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
- 4) Denying a Coastal Development to allow development on a positive archeological site.

[PLN170052, Dorman, 1600 Visciano Road, Pebble Beach, Del Monte Forest Land Use Plan area]

The Dorman application (PLN170052) came on for public hearing before the Monterey County Planning Commission on April 25, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **INCONSISTENCY** – The Project is not consistent with the applicable plans and policies applicable to the area.
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 Del Monte Forest Land Use Plan;
 - The Coastal Implementation Plan, Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area); and
 - Monterey County Zoning Ordinance (Title 20);Conflicts with the maximum allowable density for the site have been identified. Communications were received from the California Coastal Commission staff during the course of review of the project indicating

that inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 1600 Visciano Road, Pebble Beach (Assessor's Parcel Number 008-201-002-000), Del Monte Forest Land Use Plan area. The parcel is zoned Low Density Residential, 1.5 acres per unit, with a Design Control overlay, in the Coastal Zone (LDR/1.5-D (CZ)), which allows a maximum gross density of one (1) residential unit for every 1.5 acres of land. The project includes an addition/remodel that would connect an existing detached caretaker unit and guesthouse resulting in a 2,578 square foot single-family residence. A 1,586 square foot single family dwelling already exists on the site. Therefore, the project is not an allowed land use for this site.
- c) Design Approval: The property is subject to the zoning requirements contained in Chapter 21.44 of the Monterey County Code (Design Control Zoning District ("D" district). The "D" district is intended to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The project would result in two single family residences on the lot which would exceed the allowable density of the site and would exceed the density requirements applicable to other residential properties in the neighborhood.
- d) Density: The proposed project would result in two single-family residences in excess of the allowable density under the existing land use designation shown in Figure 5 of the Del Monte Forest Land Use Plan (Low Density Residential) and as described under the title "Land Use Designations. The Del Monte Forest Land Use Designations section describes the Low Density Residential land use designation as having a maximum density of 1 unit per acre. The project would result in two units per acre. The project would also exceed the density allowed under the zoning designation which permits up 1 unit for every 1.5 acres (see evidence b above). The existing lot is approximately 0.8 acres in size and, if the Lot Line Adjustment were approved, the lot would be 1.01 acres in size. The site currently contains 1 single family dwelling permitted by the Zoning Administrator under Resolution #070428. The Zoning Administrator's approval recognized the existing historic cottages as a 1,242 square foot caretaker unit (or Accessory Dwelling unit) and a 702 square foot guesthouse above a garage. Accessory Dwelling units and guesthouses are not subject to density at a site but the project would connect the two cottages (caretaker unit and guesthouse) and create a second 2,578 square foot single family residence on the property exceeding the maximum allowable floor area to be considered an Accessory Dwelling Unit. Accessory Dwelling units are permitted a maximum floor area of 1,200 square feet pursuant to Section 20.64.030.E.5 of the Coastal Zoning Ordinance, Title 20. Without conforming to the accessory dwelling unit standards, the proposal would create a second residential unit on a 1 acre lot in excess of the allowable density for the site.
- e) Lot Line Adjustment: The project involves a Lot Line Adjustment that would move 6,024 square feet from Assessor's Parcel Number 008-201-003-000 (1601 Sonado Road, Pebble Beach) and add it to Assessor's Parcel Number 008-201-002-000 (1600 Visciano Road, Pebble Beach).

The Lot Line Adjustment is proposed to increase the size of the parcel at 1600 Visciano Road, Pebble Beach thereby increasing the allowable floor area for the property. The Coastal Zoning Ordinance, Title 20 permits a maximum floor area of 17.5% in the LDR zoning district (Section 20.14.060.F). Without the Lot Line Adjustment, the project would exceed the allowable floor area ratio for the site. With the Lot Line Adjustment, the project would conform to the allowable floor area ratio. Finding the underlying addition/remodel inconsistent with the Del Monte Forest Land Use Plan and denying the application for the proposed application, the Lot Line Adjustment is not necessary is no longer warranted in this case.

- f) Amendment to PLN070428: Zoning Administrator Resolution Number 070428 authorized the construction of a single family residence with attached 10-car garage at the site. Construction of the single family residence was found to be consistent with preservation goals of the historic chimney cottages at the site. Conditions of Approval of the project were included that required recordation of deed restrictions on the property describing the requirements for preservation of all exterior features and use of the two chimney cottages as a 1,242 square foot, 25 foot tall caretaker unit and a 702 square foot guesthouse above a garage (Conditions 8 and 9 of Resolution Number 070428). The project would not be consistent with those conditions of approval or with the deed restriction on the property because the project would modify the exterior to the two cottages and change the uses of the cottages from uses that are not subject to density requirements to a use that is subject to density requirements. Finding the proposed addition/remodel inconsistent with the Del Monte Forest Land Use Plan and denying the application an amendment to the previously applied conditions and removal of the deed restriction are no longer warranted.
- g) Archaeological Resources: A Phase I archaeological investigation was prepared for the project by Archives and Archaeology that found the potential for archaeological resources at the site. The report recommends that the project be allowed to proceed from an archaeological perspective with an archaeological monitor present on site who would be given the authority to stop earth moving activities if resources are discovered. Finding the proposed addition/remodel inconsistent with the Del Monte Forest Land Use Plan and denying the application, there would be no impacts to archaeological resources and the Coastal Development Permit to allow the development is no longer warranted.
- h) Historic Preservation: The project involves alterations to two historic structures known as the “Chimney Cottages.” The Chimney Cottages were designed and built by Master Builder Hugh Comstock and are on the Monterey County register of Historic Resources. The project was referred to the Historic Resources Review Board (HRRB) for a recommendation. The HRRB was concerned with the feasibility of the project given the density and planning-related constraints but ultimately decided to recommend approval the project by a 4-1 vote based on conformance of the additions with the Secretary of the Interior’s Standards for Rehabilitation and the fact that the proposed project would result in an investment in the now dilapidated historic structures.

The HRRB recommendation has been considered, however, the underlying project is not in conformance with Del Monte Forest Land Use Plan or the Zoning Ordinance Title 20 and cannot be approved as designed. Alternative projects and designs exist that would preserve and rehabilitate the historic resources and conform to the plans and regulations applicable to the site.

- i) Land Use Advisory Committee: The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC was concerned with the proposed density but commented that the project would not increase the existing density of the site and ultimately recommended approval of the project by a vote of 3-0 with 1 abstention. The LUAC recommendation has been considered and there are no records on file that indicate that the “guesthouse” cottage legally contains two kitchens. To the contrary, Resolution Number 070428 recognizes the structure as a “guesthouse” over a garage. Guesthouses and Caretaker Units (now known as Accessory Dwelling Units) are not subject to density at a site, however, the proposed project would result in a new structure that would be subject to density requirements.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170052.

2. **FINDING:** **TAKINGS** – Denial of the project would not deprive that applicant of a beneficial use of the property.

- EVIDENCE:**
- a) The project site already contains a 1,578 square foot single family dwelling with an attached 10-car garage, a 1,242 square foot caretaker unit, and a 702 square foot guesthouse. Therefore, the applicant already has a beneficial use of the property and denial of the application for a remodel/addition would not result in taking of rights afforded to private property.
 - b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN170052.

3. **FINDING:** **HEALTH AND SAFETY** - The denial 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) There is no evidence that the existing conditions at the site, including the residential uses of the property in the residential area, already have an effect on the health, peace, morals, comfort or welfare of those working or residing in the neighborhood. The existing condition would not change with denial of the proposed remodel/addition.
 - b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN170052.

4. **FINDING:** **CEQA (Exempt):** - Projects that are disapproved are statutorily exempt from the California Environmental Quality Act.
- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15062, statutorily exempts projects that are disapproved.
- b) The proposed addition/remodel, lot line adjustment, amendment to PLN070428, and the permit to allow development on a positive archaeological site have all been disapproved with adoption of this resolution. Disapproval of the project will not change the circumstances or environment that currently exist.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170052.
5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the Coastal Commission.
- EVIDENCE:** a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance designates the Board of Supervisors as the authority to consider appeals of discretionary decisions of the Planning Commission.
- b) Coastal Commission: Section 20.86.080 of the Monterey County Zoning Ordinance allows an appeal by or to the California Coastal Commission following a local decision on certain projects. The site is located between the sea and the first public road paralleling the sea and it involves conditionally allowable uses. Therefore the project is appealable to the Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Deny a Coastal Development Permit and Design Approval to allow a remodel and addition of 1,195 square feet, attaching two historic cottages and creating one 2,578 square foot single family dwelling;
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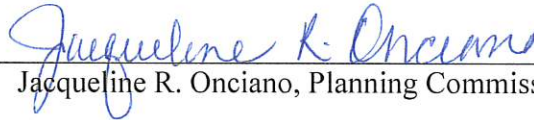
PASSED AND ADOPTED this 25th day of April, 2018 upon motion of Commissioner Roberts, seconded by Commissioner Mendoza, by the following vote:

AYES: Ambriz, Diehl, Duflock, Getzelman, Gonzalez, Mendoza, Padilla, Roberts, Vandever, Wizard

NOES: None

ABSENT: None

ABSTAIN: None


Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 26 2018**

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 **MAY 07 2018**

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 RMA-Planning and RMA-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.