



# County of Monterey

Item No.3

## Zoning Administrator

Legistar File Number: ZA 25-043

August 28, 2025

Introduced: 8/20/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

### PLN240078 - LA FUERZA PROPERTIES LLC

Public hearing to consider after-the-fact construction of a legal non-conforming 1,046 square foot second single-family dwelling with an 80 square foot porch to partially clear Code Enforcement Case No. 00085164.

**Project Location:** 35 Live Oak Road, Royal Oaks

**Proposed CEQA Action:** Find the project Categorically Exempt pursuant to CEQA guidelines section 15301 and no exceptions apply pursuant to section 15300.2.

### RECOMMENDATION

It is recommended that the Zoning Administrator adopt a resolution to:

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 after-the-fact Coastal Development Permit to partially clear Code Enforcement Case No. 00085164 and allow reconstruction of a legal non-conforming 1,046 square foot second single-family dwelling with an 80 square foot porch.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval, subject to 4 conditions.

### PROJECT INFORMATION

**Property Owner:** La Fuerza Properties LLC

**Agent:** Enrique Eckhaus

**APN:** 181-032-003-000

**Zoning:** Agricultural Conservation

**Parcel Size:** 3.5

**Flagged and Staked:** No

**Project Planner:** Fionna Jensen, Principal Planner

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### SUMMARY AND DISCUSSION

The project site, approximately 3.5 acres, is located at 35 Live Oak Road, Royal Oaks. The parcel is split-zoned Agricultural Conservation ("AC") and Rural Density Residential ("RDR"). The front half of the property, adjacent to Live Oak Road, is zoned AC and is developed with two single-family dwellings and a detached garage. The subject surrounding areas are designated RDR and AC. The proposed project consists of an after-the-fact Coastal Development Permit to partially clear and existing Code Enforcement Case and allow for the reconstruction of a legal non-conforming 1,046

square foot second single family dwelling with an 80 square foot porch. The property is served potable water from an existing on-site private well. This well serves both residences. A Viking Septic Performance Evaluation received dated 10/7/24 showing tank and dispersal field are in good working order. Therefore, necessary facilities are provided at the project site.

Based on staff's analysis, the proposed project is consistent with the policies and regulations pertaining to zoning uses and any other applicable provisions of the 1982 Monterey County General Plan (General Plan), North County Land Use Plan (NC LUP) and applicable sections of the Monterey County Coastal zoning ordinance (Title 20).

#### *Legal Non-Conforming/Violations*

According to Assessor Records and County of Monterey Records, the subject property was first developed with a 1,046 square foot single-family dwelling in 1937 and a 870 square foot second single-family dwelling in 1962. The subject property was zoned "Rural" in 1965, but did not have zoning prior to this date. Accordingly, no regulations were in place in 1962 that prohibited the construction of two single-family dwellings. Currently, the property is split-zoned Agricultural Conservation ("AC") and Rural Density Residential ("RDR"). The front half of the property, adjacent to Live Oak Road, is zoned AC and is developed with two single-family dwellings. The AC zoning allows for the construction of up to three single-family dwellings for an owner, operator, or employees employed on-site, subject to the granting of a Coastal Administrative Permit.

The Applicant/Owner has informed HCD-Planning that the rebuilt 1,046 square foot single-family dwelling (built in 1937) is occupied by off-site agricultural employees and/or family members, and the other 870 square foot single-family dwelling (built in 1962) is occupied by the Owner. Given that the current zoning district requires that second single-family dwellings be occupied by operators or on-site employees supporting on-site agricultural operations, the rebuilt single-family dwelling's use (housing for off-site employees/extended family) is a legal non-conforming structure use pursuant to Title 20 section 20.68.040. However, pursuant to Title 20 section 20.68.030, a nonconforming use of a structure may continue or be changed to a more restricted nature, subject to the issuance of a Coastal Development Permit. The project is an after the fact permit to allow for the reconstruction of the existing 1,046 square foot single family dwelling and continued use of the single-family dwelling as housing for off-site employees and family members would remain, subject to the issuance of the requested Coastal Development Permit.

Code Enforcement Case No. 00085164 cites the property for unpermitted conversion of the 1,046 square foot residence into a duplex. HCD-Building Services File No. 23CP01313 was issued to abate this violation by requiring the removal of interior walls and allowing interior and exterior modifications (removal of interior load-bearing walls, limited exterior wall changes, electrical upgrades, and replacement windows). Upon demolition of interior load-bearing walls and portions of the exterior walls, the 1,046 square foot residence collapsed in 2024 winter storms (**Exhibit B**). The Applicant/Owner was unaware of the non-conforming status of this residence and thus proceeded to rebuild the structure to its prior configuration, as modified through 23CP01313. Following the rebuild of this structure, the property's existing Code Enforcement Case (No. 00085164) was updated, citing that the rebuild of the residence exceeded 23CP01313's allowed scope of work (remodel). However, evidence has been submitted demonstrating that the demolished/collapsed condition of the residence was due to an act of God (storm), rather than intentional exceedance of scope. Title 20 section

20.68.050 allows for damaged or destroyed legal nonconforming structures to be rebuilt, provided the replacement structure does not exceed the total floor area of the original structure and that a Coastal Development Permit be obtained. Per County Assessor's Records, the 1937 residence was 1,046 square feet. The rebuilt single-family dwelling maintains the historical total floor area. Therefore, subject to issuance of this after-the-fact Coastal Development Permit, reconstruction of the 1,046 square foot single-family dwelling would be allowed, and the code enforcement case would be partially abated. Upon issuance and final inspection of a construction permit, this property will come into compliance with applicable Monterey County Code.

#### *Site Development Standards*

Site development standards for the AC zoning district are identified in Title 20 section 20.32.060. Required setbacks for main structures are 30 feet (front) and 20 feet (sides and rear). The proposed second single-family dwelling complies with these requirements (46 feet from the front property line, 31.5 feet from the side property line, and over 100 feet from the rear property line). Site coverage in the AC zoning district is limited to 3 percent. The 3.5-acre (149,410 square feet) property is currently developed with two single-family dwellings and a detached garage. With the implementation of the proposed project (after-the-fact construction), the resulting site coverage will not exceed the allowed square footage (4,482 square feet). The second residence will not exceed the allowed height of 35 feet. Therefore, the proposed project complies with the required site development standards.

#### OTHER AGENCY INVOLVEMENT

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

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services
- North County Fire Protection District

#### LAND USE ADVISORY COMMITTEE

The proposed project was not referred to a LUAC because it does not meet the Board of Supervisor adopted referral criteria: Design Approval subject to a public hearing, lot line adjustment in the Coastal Zone or of Williamson Act land, Variances, or preparation of an environmental document.

Prepared and Reviewed by: Fionna Jensen, Principal Planner

Approved by: Jacquelyn Nickerson, Principal Planner

#### Attachments:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- Project Plans

Exhibit B - Site Photo

Exhibit C - Vicinity Map

Front Counter Copy; Fionna Jensen, Principal Planner; Joseph Alameda, Associate Planner; HCD-Engineering Services; Environmental Health Bureau; HCD-Environmental Services; North County Fire Protection District; La Fuerza Properties LLC, Owner; Enrique Eckhaus, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Laborers International Union of North America (Lozeau Drury LLP), Christina McGinnis, Keep Big Sur Wild; Project File PLN240078