

INTERPRETATION REQUEST

The subject property is located in the Pebble Beach Town Homes No. 2 Subdivision created in 1968 (SB00443). The applicant requests an exemption from the requirement for a Variance to exceed lot coverage.

Applicable Code Sections:

- 20.06.564 (Definition for Floor Area Ratio)
- 20.12.060.E (Site Development Standards for Medium Density Residential Zoning Districts)
- 20.44 (Regulations for Design Control Zoning Districts)

Date: June 21, 2013

Requested by: Liz Gonzales

Subject: Harkness PLN130401

What is the Question?

Why does this project require a Variance for exceeding lot coverage when the intent was to allow each lot owner to cover their own building envelope? The structures do not have to meet setbacks.

Short Answer:

A variance to exceed lot coverage should not be required, however, there has to be some regulation to follow. Monterey County Code section 20.06.564 states that floor area ratio (FAR) shall not apply to new condominiums, planned unit developments, or similar projects where, by their design, the legally described lot coincides or is generally confined to the structures. The FAR definition describes this type of planned unit development being confined to each lot by design. Since this subdivision is within a Design Control area, as with any parcel within a Design Control area, a Design Approval would be required.

Discussion:

The lots within the Pebble Beach Town Homes No. 2 subdivision are not intended to provide open space within each individual ownership lot, but rather each lot is essentially a "building envelope" with the light and open space elements provided on the common open space lot. Lot coverage, floor area ratio, and setback limitations were not intended to apply to these lots.

Facts of the situation:

Similar to a planned unit development, the Pebble Beach Town Homes subdivision consists of individual lots surrounded by common open space. The entire subdivision is approximately 381,924 square feet in size, with 23 lots covering approximately 132,473 square feet (35%), leaving the remaining 249,451 square feet as common open space (65%). In 1968 lot coverage for the "ST" Special Treatment Zoning Designation was determined by density rather than a strict percentage.

No matter how much of the lot is covered by structure, lot coverage for the entire subdivision remains within the 35% limit. The Pebble Beach Town Homes development is zoned Medium Density Residential, 2.7 units per acre with a Design Control overlay (Coastal Zone) (MDR/2.7-D (CZ)). In Section 20.12.060.E of Medium Density Residential Site Development Standards, the density of 2.7 units per acre is not addressed.

The property also has a Design Control Overlay. The purpose of the Design Control Overlay is to provide for the regulation of the location, size, configuration, materials, and colors of structures and fences in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.

Because an addition to the existing structure is proposed, a Public Hearing Design Approval to the Zoning Administrator shall be required. All additions shall remain within each building envelope and appropriately assure protection of public viewshed, neighborhood character, and visual integrity, avoiding a two story "boxed" structure. The 27 foot height limit is still in force.

Interpretation Prepared By: Liz Gonzales

Interpretation/Opinion Confirmed by Managers: ML 7/1/13