

INTERPRETATION REQUEST – Pebble Beach Townhomes Subdivision (SB00443)

Applicable Code Sections:

- 20.12 Regulations for Medium Density Residential Zoning Districts
- 20.06.564 Definition for Floor Area Ratio
- 20.44 Regulations for Design Control Zoning Districts
- Monterey County Subdivision Ordinance (Ordinance No. 836)
- Monterey County Zoning Ordinance (Ordinance No. 911)

Date: June 21, 2013; revised February 18, 2014
Requested by: Liz Gonzales and Laura Lawrence
Subject: Variances to Exceed Building Site Coverage and Floor Area Ratio within the Pebble Beach Townhomes Subdivision

What is the Question?

Are variances required to exceed the building site coverage and floor area ratio limitations of 25%?

Short Answer:

No; lots within the Pebble Beach Townhomes Subdivision were approved as a Planned Unit Development without special setbacks or lot coverage indicated on the recorded final map.

Discussion:

The Pebble Beach Townhomes Subdivision is a 23-lot subdivision in Del Monte Forest that was approved by the Planning Commission, with exceptions to the Subdivision Ordinance, on June 28, 1967 (Resolution No. 6945) and the exceptions were approved by the Board of Supervisors on July 11, 1967. The area of the subdivision is currently zoned Medium Density Residential/2.7 units per acre with a Design Control Overlay (MDR/2.7-D). In Section 20.12.060.E and F of Medium Density Residential Site Development Standards, the density of 2.7 units per acre is not addressed. Because the property is within Del Monte Forest, the building site coverage and floor area ratio (FAR) that have been applied are a maximum of 25%. Consequently, any additions to the structures have required variances. 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.

The subdivision was approved as a Planned Unit Development (PUD) with a gross acreage of 8.5 acres with the 23 lots encompassing approximately 2.5 acres with the remaining 6 acres utilized for streets, parking, and open space. The minimum lot size is 2,800 square feet with the average lot size at 4,890 square feet. The subdivision's unusual lot shapes were the result of working with the geometry of the structures, such as roof overhangs, patios and building footprints; each unit was intended to be contained within the boundaries of the lot. At the time the subdivision was proposed, the site was zoned "U," which required a 2 ½-acre minimum lot size; the zoning designation of Special Treatment ("ST"), with a density of 2.7 units per acre, was proposed to

accommodate the subdivision's smaller lot sizes and PUD-type site plan. The site's zoning was changed to ST-Max 2.7 units/acre on June 11, 1968.

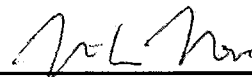
The Pebble Beach Townhomes Subdivision was approved with exceptions to the regulations of Subdivision Ordinance No. 836 to permit private streets and streets with other than the county standard cross section; grades in excess of 7%; lots less than 60 feet in width, 80 feet in depth, and less than 6,000 square feet in area; and to permit lots without public road frontage (**Attachment 1**). According to the zoning ordinance in place at the time, the standard front yard setbacks for the "ST" zoning were 'none except as shown on the approved plan.' The standard side and rear yard setbacks were listed as 'none on the interior development' and 'ten feet along the property line adjoining another ownership.' All of the Pebble Beach Townhomes lots are separated by open space and are detached from property lines adjoining another ownership. The building site coverage for the "ST" zoning was listed as 'the maximum density designation shown on the map for the particular "ST" district'—in this case 2.7 units/acre.

Today, Monterey County Code section 20.12.060.C states that in an approved PUD where the dwelling unit and accessory structures are to be located on a lot in the development, no setbacks from the lot lines are required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final or parcel map. Further, Monterey County Code section 20.06.564 states that floor area ratio 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. No special setbacks or lot coverage was indicated on the recorded final map. The final maps for the Pebble Beach Townhomes Subdivision were recorded in two phases: on January 31, 1968 in Volume 9 Cities and Towns at Page 47 and on June 25, 1969 in Volume 10 Cities and Towns at Page 13 (**Attachment 2**).

Given that the subdivision was approved without special setbacks on the final maps and with the "ST" zoning designation, the lots within the Pebble Beach Townhomes Subdivision will continue to be treated as a PUD and be held to the site development standard that structures and structural elements, including decks, bay windows, chimneys, and any cantilevered portion of the building, shall be contained within the boundaries of the lot. Homeowner's Association approval is required for roof overhangs to extend into the subdivision's common areas for no more than 2-1/2 feet linear. No part of any structure shall extend into any other owner's property. Development shall adhere to Design Control regulations to ensure protection of public viewshed, neighborhood character, and visual integrity. Variances should not be required unless a property owner is requesting to deviate from these standards.

Interpretation Prepared By: Liz Gonzales and Laura Lawrence

Interpretation/Opinion Confirmed by Managers



Mike Novo, Director

- Attachments: 1) Resolution No. 6945 and associated resolutions
2) Volume 9 Cities and Towns at Page 47 and Volume 10 Cities and Towns at Page 13

RESOLUTION NO. 6945
MONTEREY COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA

1 WHEREAS: The tentative map of Pebble Beach Townhouses Subdivision was
2 considered by the Monterey County Planning Commission at their meeting on
3 June 28, 1967, and

4 WHEREAS: It was determined by those present that the proposed
5 development, a Planned ^{Unit} Development, conformed with the adopted Del Monte Forest
6 Master Plan, now therefore be it

7 RESOLVED: That the tentative map of Pebble Beach Townhouses Subdivision
8 is approved, subject to the following conditions:

9
10 1. The subdivider shall submit three prints of the approved tentative
11 map to each of the following utility companies within two weeks
12 after Planning Commission approval. The utility company will then
13 submit one copy with their recommendations for easements to the
14 Planning Department for approval not more than thirty days after
15 the Planning Commission has approved the tentative map: Pacific Gas
16 and Electric Co., Pacific Telephone and Telegraph Co., Water Company.

14 o.k. 2. That asphalt curbs be permitted in lieu of the concrete curbs shown
15 on the tentative map.

15 o.k. 3. That three uncovered ^{parking} spaces per unit be provided and shown on the
16 tentative map.

17 o.k. 4. That all utilities be placed underground unless specifically approved
18 otherwise by the Planning Commission.

18 will meet after final
19 5. That final approval be subject to reclassification and the granting
20 of a Use Permit.

20 o.k. 6. That water service be provided by Cal-American Water Company.

21 o.k. 7. That the sewage collection system be engineered to meet the standards
22 of the proposed sanitary district.

22 o.k. 8. That the developer accept by letter to the Health Department the
23 responsibility for the operation and maintenance of the sewage
24 disposal system.

24 o.k. 9. That the minimum curb radius on the interior road intersections or
25 on any driveways which serve more than one lot be 15 feet.
26 Deleted as per Res. No. 69-172

26 o.k. 10. That the Monterey County Board of Supervisors approve the following
27 exceptions to Subdivision Ordinance #836:

27 5.11 To permit private streets.

28 5.13.06 To permit grades in excess of 7%.

29 5.14 To permit streets of other than County Standard cross section.

5.31 To permit lots of less than 6000 square feet and less than
60 feet width.

5.36 To permit lots without public road frontage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

11. That roads be designated on the final map as follows:

"Private Roads. Improvements to be constructed are less than County standards in alignment, width, and structural pavement".

12. That the subdivider provide testing services of a Registered Civil Engineer during construction as required to certify that the improvements conform to the approved plans and are in accordance with the standard subdivision specifications dated January, 1965, or with such other engineering specifications adopted by the subdivider and approved by the county.

Regularly passed and adopted by the Planning Commission of the County of Monterey, State of California, on the 28th day of June, 1967, by the following vote:

Ayes: Commissioners Bengard, Cailotto, Clark, Evans, Hare, Henderson, Marcucci, Prewitt

Noes: None

Absent: Commissioner Stutzman

ATTEST:


E. W. DE MARS, SECRETARY

.....
PERRY H. HENDERSON, CHAIRMAN

Before the Board of Supervisors in and for the
County of Monterey, State of California

Exceptions to Subdivision Ordinance)
No. 836, Granted for Pebble Beach)
Townhouse Subdivision)

It appearing that there are special circumstances or conditions affecting the subdivision to be known as Pebble Beach Townhouses Subdivision, and the following exceptions to said Ordinance No. 836 are necessary for the preservation of the property rights of the petitioner and will not be detrimental to the public welfare, Supervisor Branson moves the following exceptions be approved as recommended by the County Planning Commission:

- 5.11 To permit private streets
- 5.13.06 To permit grades in excess of 7%
- 5.14 To permit streets of other than county standard cross section
- 5.31 To permit lots of less than 60 feet in width, 80 feet in depth, and less than 6,000 square feet in area
- 5.36 To permit lots without public road frontage

The motion is seconded by Supervisor Wood, and carries by the following vote, to-wit:

AYES: Supervisors Church, Atteridge, Wood, Anderson, Branson
NOES: None
ABSENT: None

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page _____ of Minute Book 21, on the 11th day of July, 19 67, and now remaining of record in my office.
Witness my hand and the seal of said Board of Supervisors this 11th day of July, 19 67

EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of the Board
of Supervisors, County of Monterey, State of
California.

By Lorraine D. Cook
Lorraine D. Cook Deputy.

RESOLUTION NO. 69-172
MONTEREY COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA

1
2 WHEREAS: Condition No. 9 of the Planning Commission's approval of
3 Pebble Beach Townhouses on June 28, 1967 required that the minimum curb radius
4 on the interior road intersections or on any driveways which serve more than
5 one lot be 15 feet, and

6 WHEREAS: Due to a subsequent approved shift in certain building
7 sites the engineer has requested the deletion of said condition, and

8 WHEREAS: The Commission has determined that the request for
9 deletion of said condition is justified, now therefore be it

10 RESOLVED: That Condition 9 of Resolution No. 6945 is deleted.
11
12
13
14
15
16
17
18
19
20

21 Regularly passed and adopted by the
22 Planning Commission of the County of
23 Monterey, State of California, on the
24 28th day of May, 1969, by the follow-
25 ing vote:

26 Ayes: Commissioners Bengard, Evans,
27 Hare, Marcucci, Parsons,
28 Prewitt, Stutzman

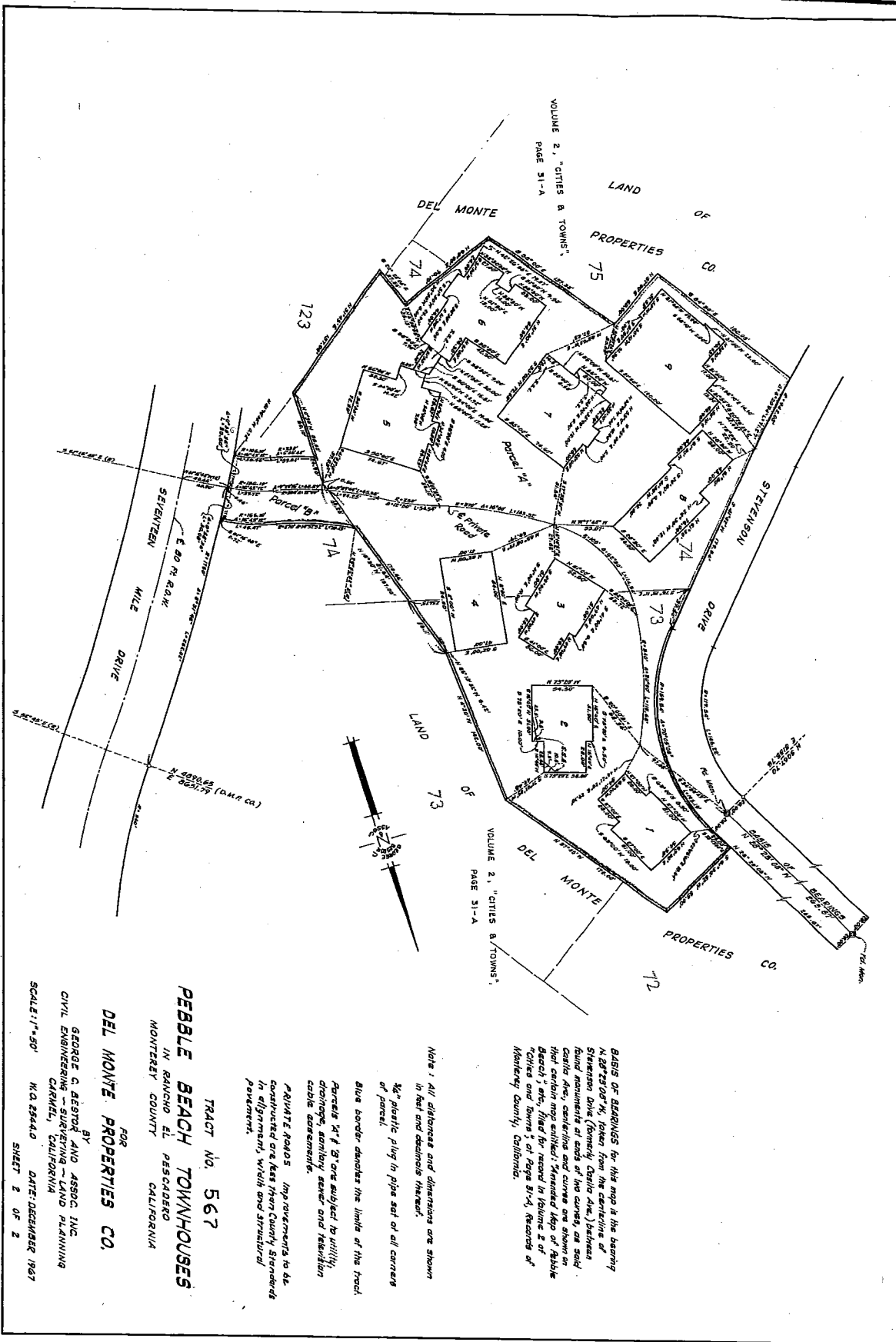
29 Noes: None

30 Absent: Commissioners Cailotto,
31 Herrlich.

32 ATTEST:


E. W. DE MARS, SECRETARY

LEON H. STUTZMAN, CHAIRMAN



0 50 100 150 200 250 300 350 400 450 500 550 600
 DEPARTMENT OF PUBLIC WORKS - MICROFILM
 SCALE: 1"=50'
 COUNTY OF MONTEREY

TRACT NO. 567
PEBBLE BEACH TOWNHOUSES
 IN RANCHO EL PESCADERO
 MONTEREY COUNTY CALIFORNIA

FOR
DEL MONTE PROPERTIES CO.

BY
 GEORGE A. DESTOD, LAND ASSOC. INC.
 CIVIL ENGINEER, LAND PLANNING
 CARMEL, CALIFORNIA

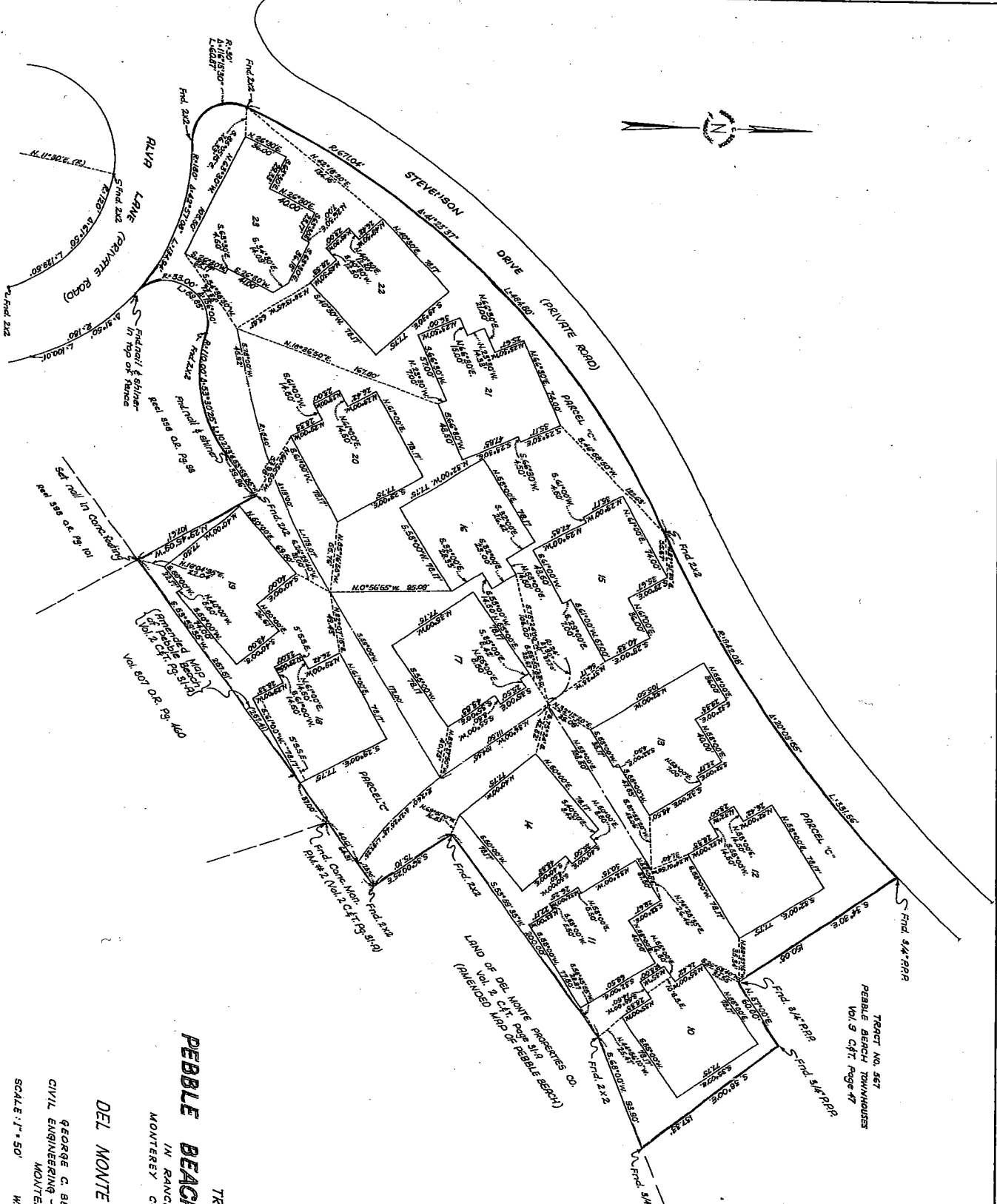
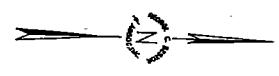
W.A. ESKILD DATE: DECEMBER 1967
 SHEET 2 OF 2

NOTE: All distances and dimensions are shown in feet and decimals thereof.
 "X" marks the center of all corners of parcels.
 Blue border denotes the limits of the tract.
 Parcels 11 & 12 are subject to utility, drainage, sanitary sewer and irrigation easements.
PRIVATE ROADS: Improvements to be completed are less than County Standard in alignment, width and structural pavement.

BASIS OF DIMENSIONS: For this map is the bearing N. 28° 23' 06" W., taken from the centerline of Stevenson Drive (Commonly Davis Ave.) between road monuments at ends of the curves, as said centerline, centerline and curves are shown on that certain map entitled: "Matted Map of Pebble Beach," etc., filed for record in Volume 2 of Cities and Towns 1 of Page 81-94, Records of Monterey County, California.

TRACT NO. 567
 PEBBLE BEACH TOWNHOUSES
 VOL. 9 C.F.T. PAGE 47

TRACT NO. 595
 PEBBLE BEACH TOWNHOUSES
 VOL. 9 C.F.T. PAGE 47



BASIS OF BEARINGS for this map is the bearing
 S. 89° 00' E, 1953's taken from the southwesterly
 boundary of Tract No. 567 Pebble Beach Townhouses
 in Rancho El Pescadero, filed for record January
 5th, 1958 in Volume 9 of "Cities and Towns" of Page
 47, Records of Monterey County, California.

Note: All distances and dimensions are shown
 in feet and decimals thereof.
 3/4" plastic plug in pipe set at all corners
 of each lot.
 Blue border denotes the limits of the front
 Private Roads - Improvements to be constructed
 are less than County Standards in alignment,
 width, and structural pavement.
 --- Denotes centerline of private
 road within common area.
 P.P.R. Denotes Plastic Plug in Pipe.
 S.S.E. Denotes Sanitary Sewer Easement.

TRACT NO. 595
PEBBLE BEACH TOWNHOUSES NO. 2
 IN RANCHO EL PESCADERO
 MONTEREY COUNTY
 CALIFORNIA

FOR
DEL MONTE PROPERTIES CO.

BY
GEORGE C. BESTOR AND ASSOC. INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 MONTEREY, CALIFORNIA
 W.O. 25442 DATE: MAY 1969
 SCALE: 1" = 50' SHEET 2 OF 2

DEPARTMENT OF PUBLIC WORKS
 COUNTY OF MONTEREY
 RECORDS SECTION
 100 SOUTH MAIN STREET
 MONTEREY, CALIFORNIA 93940
 409-4900