

INTERPRETATION REQUEST – Sunridge Pines Subdivision

Applicable Code Sections:

- 20.12 Regulations for Medium Density Residential Zoning Districts
- Monterey County Subdivision Ordinance (Ordinance No. 1713) – January 20, 1970

Date: November 15, 2013

Requested by: Laura M. Lawrence, R.E.H.S.

Subject: Variances to Exceed Building Site Coverage and Floor Area Ratio within the Sunridge Pines Subdivision

What is the Question?

Given the apparent conflicts with existing and proposed development within the Sunridge Pines Subdivision, are variances required to exceed the building site coverage and floor area ratio limitations of 25%?

Short Answer:

No; lots within the Sunridge Pines Subdivision will be treated as a Planned Unit Development and be held to the site development standards of 35% maximum for building site coverage and floor area ratio.

Discussion:

The Sunridge Pines Subdivision is a 29-lot subdivision in Del Monte Forest that was approved by the Planning Commission on August 11, 1971 (Resolution No. 71-282) and the Board of Supervisors on September 14, 1971. The area of the subdivision is currently zoned Medium Density Residential/2 units per acre with a Design Control Overlay (MDR/2-D). The building site coverage and floor area ratio (FAR) are a maximum of 25%.

The subdivision was approved with a gross acreage of 17.9 acres with the 29 lots encompassing 6.6 acres and 9.4 acres placed under a scenic easement. The lots varied in size from 7,800 to 13,500 square feet with an average lot size of 10,000 square feet. The zoning in place at the time was R-1-B-6 with a building site coverage maximum of 35% and no floor area ratio limitation.

Sunridge Pines was approved under the regulations of the January 1970 Subdivision Ordinance (Ordinance No. 1713), specifically Section 3.7, Optional Design and Improvement Standards (**Attachment 1**). This section of the Subdivision Ordinance allowed a subdivision to deviate from the standards so long as the gross density was not increased and the Planning Commission and the Board of Supervisors could find that the deviation produced a more desirable and livable community and created a better community environment through dedication of scenic easements. In this case, the lots were clustered within the center of the parcel with open space under a scenic easement surrounding the parcels. Further, the subdivision was approved with reduced building setbacks consisting of 15-foot front setbacks and 10-foot side and rear setbacks as indicated on the recorded final map. The standard setbacks for the zoning were, at the time, 30-foot front setbacks and 20-foot side and rear setbacks. The final map for the Sunridge Pines Subdivision was recorded on October 4, 1972 in Volume 11 Cities and Towns at Page 60 (**Attachment 2**).

At the time the subdivision was approved, the site development standards were different than they are today. The average lot size within the subdivision is more in conformance with the current MDR/4 zoning (10,000+ square feet) than the current MDR/2 zoning (20,000+ square feet). MDR/4 zoning has a maximum building site coverage and floor area ratio 35%. Some of the homes within the subdivision today are legal non-conforming as to the building site coverage and floor area ratio because they exceed the maximum of 25%; however, they complied with the building site coverage regulations in place at the time they were developed (35%). One variance has been approved within the subdivision (PLN000491, approved May 31, 2001, increased the FAR from 27.5% to 31.8%). In addition, the subdivision was also approved with reduced setbacks and a clustered design in order to preserve open space.

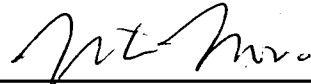
Given that the subdivision was approved with deviations from the standards in place at the time, the lots within the Sunridge Pines Subdivision will be treated as a Planned Unit Development (PUD) and be held to the site development standards of 35% maximum for building site coverage and floor area ratio and the reduced front, side, and rear setbacks of 15 feet, 10 feet, and 10 feet, respectively. Variances should not be required unless a property owner is requesting to deviate from any of these standards.

Facts of the situation:

One property owner is requesting a variance to exceed the building site coverage and floor area ratio maximum of 25%. The lot is 8,523 square feet with an existing building site coverage of 1,456 square feet (17%) and an existing floor area of 2,018 square feet (23.6%). The property owner is proposing an addition of 726 square feet between the house and the garage. With the addition, the building site coverage will be 25.6% and the floor area ratio will be 31.7%. The additions conform to the PUD site development standards for the Sunridge Pines Subdivision. Therefore, the proposed addition can be considered without the requirement for a variance.

Interpretation Prepared By: Laura Lawrence

Interpretation/Opinion Confirmed by Managers



Mike Novo, Director

- Attachments: 1) Section 3.7 of Ordinance No. 1713
2) Volume 11 Cities and Towns at Page 60

Section 3.7 Optional Design and Improvement Standards

Where a subdivider signifies his intent to enhance the livability, convenience and appearance of his proposed subdivision and the health, safety or general welfare of the users of the subdivision by using new concepts in the arrangement of lots, circulation pattern and by providing permanent Open Space in the proposed subdivision, and appropriate means of access to blocks, schools, shopping centers and other uses which do not literally comply with the requirements of the ordinance but which serve and implement the intent of this Ordinance, he may be permitted deviations provided he comply with the following:

a. Improved design based on density control and better community environment. The Standards set out in Sections 3.1 through 3.4 may be varied only when the gross density of an area is not increased and where said design has the approval of the Planning Commission and the Board of Supervisors, and where each finds that said deviation will:

1. Produce a more desirable and livable community than would be effected by compliance with the Standards.
2. Create better community environment through dedication of public areas, or setting out of scenic easements and Open Spaces; and rearrangement of lot sizes and reforestation of barren areas.

b. Where the map indicates condominium or name of similar type of improvement, the Planning Commission may waive filing of the final map prior to issuance of building permits provided there shall be no transfer of property and no occupancy permit granted and allow start of road work construction upon approval of improvement plans.

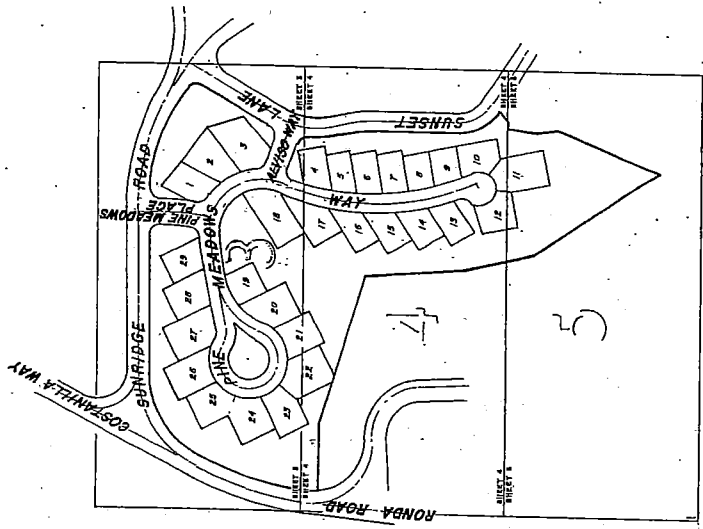
c. As an incentive to creating better overall communities, the Planning Commission may authorize deviations in lot size but with no increase in density in the overall development.

d. Said Planning Commission and Board of Supervisors may authorize deviations from other standards of this Ordinance where they find that said deviations will give effect to the intentions described hereinabove.

e. Where lot sizes are proposed to be reduced by use of common areas, dedication of open areas, or by agreement to give up development rights as a method of maintaining the density required for an area, the credit for such common areas, open areas dedicated, or development rights offered shall be based on the density permitted under the zoning district in which the offer is made or on the basis of the lot sizes required as set out in Section 3.3 of this Ordinance, whichever is more restrictive.

114610 VOL. 11 CFT. PG. 60

SHEET 1 OF 5



KEY MAP

SCALE: 1" = 200'

NEILL ENGINEERS, INC. CARMEL-MONTEREY

TRACT NO. 682

SUNRIDGE PINES

A PORTION OF EL PESCADERO RANCHO
MONTEREY COUNTY, CALIFORNIA

DECEMBER 1971

W.C. 4873

100 SO. CALI. ST. 200
DEPARTMENT OF PUBLIC WORKS MICROFILM
150 COUNTY OF MONTEREY

Prepared By	Neill
Checked By	Neill
Date Checked By	11/17/72
Spec. Date By	
Scale By	
Drawn By	

1976	10/15	10/15	10/15
1975	10/15	10/15	10/15
1974	10/15	10/15	10/15
1973	10/15	10/15	10/15
1972	10/15	10/15	10/15
1971	10/15	10/15	10/15
1970	10/15	10/15	10/15
1969	10/15	10/15	10/15

14909 VOL 11 CFT PG 60 (V)

SHEET 2 OF 5

We hereby certify that we are the owners or have some right title or interest in and to the real property included within the subdivision as shown upon the map, and that we are the only persons whose consent is necessary to pass a declaration of public use, and we con- sideration as shown upon the colored border lines.

We also dedicate for public use easements for public utilities, including but not limited to electricity, telephone, water, gas, sewer, and other utilities, and we reserve the right to alter, amend, modify, or change the same in the future.

We also hereby dedicate for public use easements for the flow or storage of water over those certain strips of land designated as "Natural Drainage Strips" on said map, and we reserve the right to alter, amend, modify, or change the same in the future.

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State of California County of Monterey August 1972 before me, the undersigned, a Notary Public in and for said County of Monterey, State of California, personally appeared Bette G. Griswold and Ernest A. Maggini, known to me to be the President and Secretary of the Del Monte Pro- perty, and they acknowledged that such corporation existed at the same time, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

Bette G. Griswold
Notary Public in and for the County of Monterey, State of California



Clayton B. Neill Registered Civil Engineer, certifies that this map correctly represents a survey made under my direction during December, 1972, and that the monuments and measurements are of the character and occupy the positions indicated on or before one year after the re- cordation of this map by the Mon- terey County Recorder. The map is correct, and will be sufficient to enable the survey to be retraced.

Clayton B. Neill
Registered Civil Engineer, No. 4228
State of California

I, Ed W. Mars, Secretary of the Monterey County Planning Commission hereby certify that I have examined this map, and that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, and was approved by the Monterey Planning Commission on August 11, 1971, and that the sub- divisions of the "California Subdivi- sion" and of the Monterey Coun- ty Subdivision Ordinance No. 1713 have been complied with.

Ed W. Mars
Secretary, Monterey County Planning Commission, Monterey, California

I, Bruce M. McClain, County Sur- veyor of Monterey County, hereby certify that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, and was approved by the Monterey County Planning Commission on August 11, 1971, and that the sub- divisions of the "California Subdivi- sion" and of the Monterey Coun- ty Subdivision Ordinance No. 1713 have been complied with, and that this map is substantially correct.

Bruce M. McClain
County Surveyor, Monterey, California

I, Ernest A. Maggini, Clerk of the Board of Supervisors of the Monterey County, hereby certify that said board approved the within map on the 31st day of October, 1972, and accepted on behalf of the public all fac- tors of the offer of dedication, the terms of the offer of dedication.

by Ernest A. Maggini
Clerk of the Board of Supervisors of the Monterey County, California
by Dorothy H. Stark
Deputy

Filed for record at the request of Neill Engineers, Inc. on the 17th day of October, 1972, at 10:55 AM, in Volume 11, of Cities and Towns at Page 60 Records of Monterey County, California.

Ernest A. Maggini
County Recorder

Dorothy H. Stark
Deputy

NEILL ENGINEERS, INC. CARMEL, MONTEREY
TRACT NO. 682

SUNRIDGE PINES

A PORTION OF EL PESCADERO RANCHO
MONTEREY COUNTY, CALIFORNIA

Bruce M. McClain
County Surveyor, Monterey, California

Del Monte Properties Co.
a California Corporation
By Bette G. Griswold
Vice President
By Ernest A. Maggini
Secretary

