

INTERPRETATION REQUEST

HEIGHT OF STORIES IN THE DEL MONTE FOREST AREA

Code Sections:

- 21.06.1020
- 21.06.1170
- 21.12.060 C
- 21.44.010

Date: April 18, 2006

Requested by: Wanda Hickman

Subject: What constitutes a story for the purpose of side yard setbacks in Del Monte Forest?

What is the Question?

When presented with a plan that utilizes a design incorporating very high walls and ceilings and may visually appear to be two stories, although there is no “second floor” what side yard setbacks apply?

Short Answer:

The first story setback is used, however the overall project design must still be considered.

Discussion:

In the inland area of Del Monte Forest zoned MDR, side yard setbacks of 10’ are required for the first story and 20’ for the second story. This regulation (See 21.12.060 C) was adopted at the request of the Del Monte Forest POA as a means, along with FAR requirements, of addressing the bulk of structures in DMF area.

A setback is defined (See 21.06.1020) as “... a *minimum (emphasis added)* distance ... to be maintained between structures or between structures and property lines.”

A story is defined (See 21.06.1170) as “... that portion of a building or structure included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.”

The definition is clear. If there is no second floor, the space from the first floor to the ceiling is a story. And if it is the only story, it is considered the first story. Therefore, the first story setbacks would apply. Setbacks are however minimum distances.

The Del Monte Forest area is also subject to design control. The purpose of the Design Control District (See 21.44.010) is “... to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural 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 (emphasis added)*, and to assure the visual integrity of certain developments without imposing undue restrictions on private

property.” Therefore, in the review of a particular design, even though it may be only “one story” and may meet all minimum setbacks, it should still be reviewed in light of the neighborhood character and the purpose for the setback regulations. If the design of the structure is not in keeping with the neighborhood character, including the setbacks of the upper areas of the structure, it can be denied.

Facts of the situation:

IDG has proposed a house design that utilizes very high walls and ceilings that while meeting the definition of a single story maybe in conflict with the intent of the regulation. This opinion is intended to address that situation.

Applicable Code Sections:

- 21.06.1170
- 21.12.060 C
- 21.44.010

Interpretation Prepared By: Dale Ellis

Interpretation/Opinion Confirmed by Managers 4/26/06.