

## **Height Limit Guidelines**

Each lot in Tracts 3829 and 3738 has a pre-established height limit (a combination of pad elevation and house height). (Lots in Tract 4472, the Mall, are restricted to their existing heights.)

The Bylaws allow the Architectural Control Committee (ACC) to take many factors into consideration when deciding to approve or reject plans, submissions and variance requests. These criteria include, scale of site, aesthetic conformity, consideration of unreasonable blockage of view, and conformity of external design to neighboring structures. So, the height limit should not be construed to be overreaching nor does it take superiority over the other factors.

A plan submittal, while conforming to the height restriction, could be rejected by the ACC if it violates any of the other criteria. In short, the ACC has the right to determine that, even if an owner's home conforms to the height criteria referenced, the ACC can determine that the specification is not acceptable, so long as it's decision is neither arbitrary, capricious nor clearly unreasonable and follows the established criteria.

As also provided by the Bylaws, actions of the ACC can be appealed to the Monarch Bay Association Board, whose decision is final.

### **Clarification of Height Limits in Tracts 3839 and 3748.**

The Monarch Bay Bylaws and the Monarch Bay Declaration of Subleasehold Restrictions for Tracts 3839 and 3748 prescribe finish grade elevations for lots, and limit the building heights above those finish grade elevations.

Section 12.12.5.1 of the Bylaws reads as follows: "in Tract 3839 and 3748 the height shall be based upon finished grade elevations as shown on the original grading plan, a copy of which is on file in the office of the Monarch Bay Association, and the Improvements shall not exceed the height set forth in each of the original subleases, and as set forth in the height limitation memorandum of Cabot, Cabot & Forbes, Inc., dated January 23, 1962. The maximum building height shall not exceed the limits herein set forth, or the City maximum, whichever is more restrictive."

Based upon available data, in 1997 The Architectural Control Committee compiled a list of finished grade (pad) elevations and allowable building heights for Tracts 3839 and 3748. The Committee found thirteen of the pad heights on the original grading plan to be missing or not legible, and four building heights (these have since been clarified based on sublease documents) in the Cabot, Cabot & Forbes memorandum to be missing or not legible.

In an effort to avoid misunderstandings between Owners and the Association, it is recommended that the following restrictions be enforced for future Type 1 (new construction following demolition) and Type 2 (additions and major remodel) submittals:

- In situations in which the pad height is missing or not legible, the pad height for new construction shall not exceed the pad height of the existing lot. "Pad height" shall be defined as the average grade elevation adjacent to the main living level.
- All submittals must be accompanied by a topographical survey of the property prepared by a California licensed surveyor or authorized, registered Civil Engineer. The surveyor shall use either "MGVD29" datum or "NAVD88" datum and this shall be specified on the survey drawing.

As information has become available, the Table of Pad Elevations and allowable Building Heights has been revised. Attached is a copy of the current Table.

**Monarch Bay-Tract 3748**

This information is compiled from previously archived sources, and is subject to verification. All Measurements rounded to the nearest 0.1 foot.

All Pad Elevations are based upon "MGVD29" datum.

- indicates missing datum

? indicates partially obscured or illegible datum

?? indicates totally obscured or illegible datum

Lot	Addr	Maximum Height	Pad Elev
1	142	16.5'	163.0'
2	144	14.0'	162.0'
3	146	14.0'	161.0'
4	150	13.0'	160.0'
5	152	14.0'	162.0'
6	154	15.0'	165.0'
7	156	15.0'	166.0'
8	158	15.0'	165.0'
9	160	13.0'	161.0'
10	162	11.5'	158.0'
11	216	10.0'	155.0'
12	218	12.5'	162.0'
13	220	16.5'	166.0'
14	222	16.0'	166.0'
15	224	16.0'	165.0'
16	226	16.0'	165.0'
17	228	16.0'	164.0'
18	230	16.0'	162.3'
19	232	16.0'	160.0'
20	234	16.0'	159.0'
21	236	16.0'	158.0'
22	238	16.0'	158.0'
23	240	16.0'	152.0'?
24	242	12.0'	148.0'
25	206	12.0'	149.0'
26	208	14.0'	153.0'
27	210	16.0'	161.0'
28	212	16.0'	165.0'
29	214	16.0'	168.0
30	211	14.0'	158.0'
31	207	14.0'	152.0'
32	205	12.0'	147.5'
33	203	12.0'	146.7'
34	201	12.0'	146.4'
35	199	12.0'	146.0'
36	197	13.0'	146.0'
37	195	12.0'	145.1'
38	109	12.0'	-
39	107	12.0'	-
40	105	13.0'	144.0'
41	103	13.0'	140.7'
42	101	11.0'	136.1'

Lot	Addr	Maximum Height	Pad Elev
43	99	12.0'	132.0'
44	97	11.0'	127.5'
45	95	12.0'	123.0'
46	93	12.0'	118.0'
47	91	13.0'	113.0'
48	89	13.0'	110.0'
49	87	13.0'	108.1'
50	85	13.0'	108.1'
51	75	15.0'	108.6'
52	73	15.0'	109.1'
53	73	15.0'	110.8'
54	69	15.0'	111.7'
55	67	15.0'	112.8'
56	65	15.0'	114.4'
57	63	15.0'	116.0'
58	68	12.0'	117.0'
59	70	12.0'	112.5'
60	74	12.0'	111.0'
61	78	15.0'	120.5'
62	80	15.0'	122.0'
63	82	13.0'	121.0'
64	86	12.0'	109.0'
65	88	11.0'	110.0'
66	92	15.0'	116.0'
67	141	14.0'	129.0'
68	139	15.0'	133.0'
69	137	15.0'	138.0'
70	135	15.0'	143.0'
71	133	14.0'	148.0'
72	129	14.0'	152.0'
73	127	14.0'	151.0'
74	119	14.0'	142.0'
75	117	13.0'	132.0'
76	115	13.0'	122.0'
77	64	14.0'	118.0'
78	116	15.0'	126.0'
79	118	14.0'	138.0'
80	120	14.0'	152.0'
81	122	14.0'	156.5'
82	124	15.0'	160.0'
83	126	12.0'	160.0'
84	128	15.0'	158.5'

Lot	Addr	Maximum Height	Pad Elev
85	130	14.0'	154.5'
86	132	14.0'	150.0'
87	134	12.0'	145.0'
88	136	14.0'	140.0'
89	138	15.0'	135.0'
90	140	12.0'	130.0'
91	100	12.0'	139.0'
92	102	12.0'	143.0'
93	104	15.0'	146.0'?
94	106	15.0'	??
95	108	15.0'	147.0'?
96	196	13.0'	145.0'?
97	198	13.0'	146.1'
98	200	12.0'	146.5'
99	241	12.0'	147.8'
100	237	12.0'	150.0'
101	233	11.0'	157.3'
102	231	12.0'	159.8'
103	229	13.0'	162.5'
104	227	14.0'	164.3'
105	225	14.0'	164.7'
106	217	14.0'	161.0'
107	215	15.0'	151.2'
108	172	15.0'	150.0'
109	186	15.0'	149.4
110	188	15.0'	148.0'
111	190	15.0'	147.0'
112	189	14.0'	??
113	187	14.0'	150.0'?
114	183	12.0'	151.7'
115	181	12.0'	153.5'
116	179	12.0'	154.0'
117	177	12.0'	154.0'
118	175	14.0'	150.0?
119	171	14.0'	150.3'
120	169	14.0'	150.9'
121	167	14.0'	152.0'
122	165	14.0'	154.0'
123	163	14.0'	156.1'
124	149	14.0'	157.5'
125	147	10.0'	159.5'
126	145	12.5'	161.2'

**Monarch Bay-Tract 3839**

This information is compiled from previously archived sources, and is subject to verification. All Measurements rounded to the nearest 0.1 foot.

All Pad Elevations are based upon "MGVD29" datum.

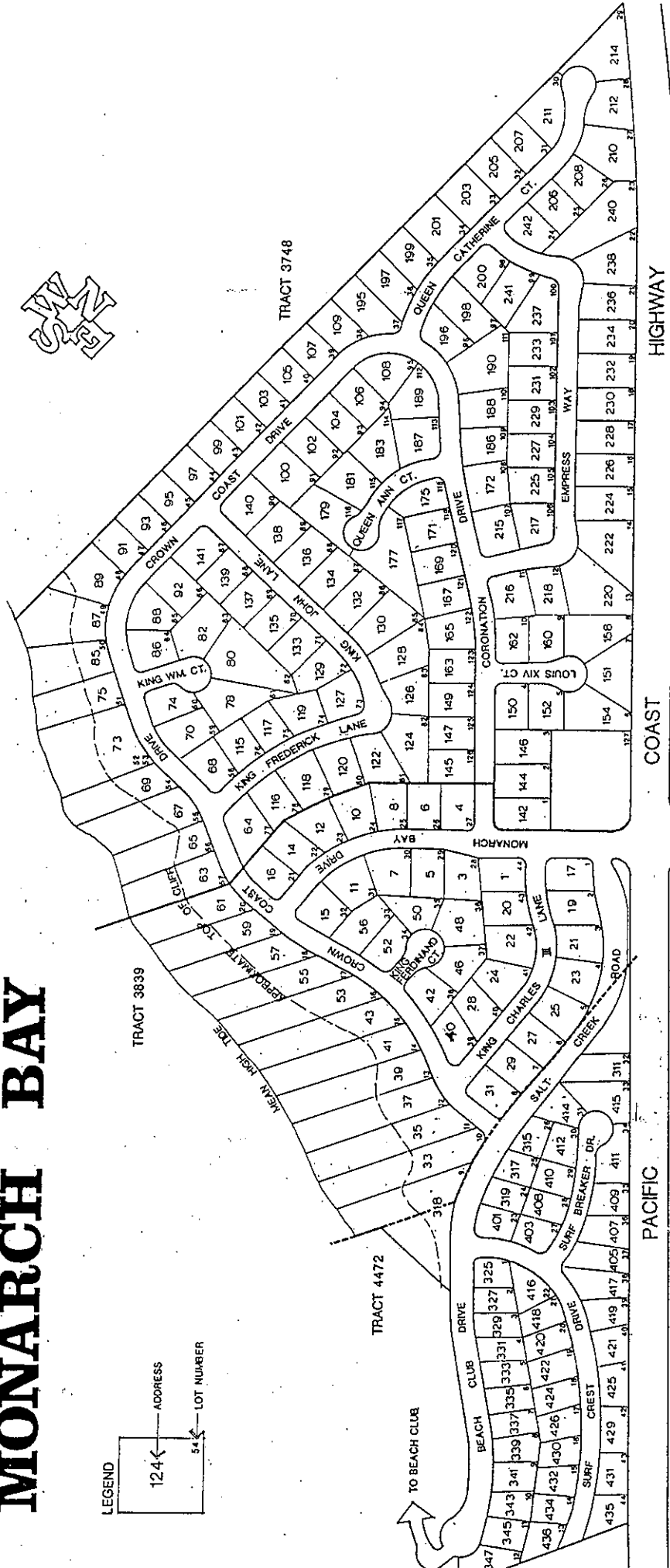
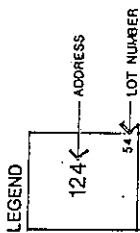
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Lot	Addr	Maximum Height	Pad Elev
1	17	15.0'	162.0'
2	19	15.0'	156.0'
3	21	15.0'	152.0'
4	23	14.0'	147.0'
5	25	15.0'	141.0'?
6	27	12.0'	135.0'
7	29	11.0'	129.0'
8	31	11.0'	123.0'
9	318	15.0'	106.0'?
10	33	15.0'	??
11	35	15.0'	114.0'
12	37	15.0'	118.5'
13	39	15.0'	122.0'
14	41	15.0'	126.0'
15	43	15.0'	130.3'?

Lot	Addr	Maximum Height	Pad Elev
16	53	15.0'	132.2'
17	55	15.0'	128.2'
18	57	15.0'	125.0'
19	59	15.0'	121.2'
20	61	15.0'	118.2'
21	16	12.0'	130.0'
22	14	11.0'	138.0'
23	12	11.0'	148.0'
24	10	15.0'	157.0'
25	8	15.0'	162.0'
26	6	15.0'	162.0'
27	4	15.0'	165.0'
28	3	15.0'	162.0'
29	5	15.0'	160.0'
30	7	15.0'	156.8'

Lot	Addr	Maximum Height	Pad Elev
31	11	12.0'	142.0'
32	15	11.0'	134.0'
33	56	11.0'	136.0'
34	52	11.0'	138.0'
35	50	12.0'	149.0'
36	48	13.0'	149.0'
37	46	12.0'	145.0'
38	42	12.0'	136.0'
39	40	12.0'	127.0'
40	28	12.0'	133.0'
41	24	11.0'	140.0'
42	22	15.0'	150.0'
43	20	14.0'	151.0'
44	1	15.0'	163.0'

# MONARCH BAY



MONARCH PARKWAY  
CROWN VALLEY

COAST

HIGHWAY

PACIFIC

TO BEACH CLUB

TRACT 4472

TRACT 3839

TRACT 3748

BEACH CLUB DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

DRIVE

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