

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 05013

A.P. # 416-196-011-000

In the matter of the application of
Dean & Masami Ishii (PLN040432)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of 1) a Use Permit for new single family dwelling and guesthouse in a VS District per 21.46.030.d; 2) a Use Permit for removal of 16 protected oak trees; and 3) Grading of 2,400 cu. yds. (1,200 cut & 1,200 fill). The property is located in Mesa Hills West, Greater Monterey Peninsula area, came on regularly for meeting before the Planning Commission on February 23, 2005.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: CONSISTENCY. The project proposed in this application consists of a single family residence and guesthouse (PLN040432 - Ishii), which does not conform with the plans, policies, requirements and standards of the Monterey County General Plan and Greater Monterey Peninsula Area Plan (GMPAP). The property is accessed from Hidden Mesa Road and does not have an address assigned as yet. The Assessors Parcel Number is: 416-196-011-000. The Parcel is zoned RDR/B-6-VS (20') or Rural Density Residential, no additional subdivisions, Visually Sensitive, and 20 foot height limit.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Monterey County General Plan
- b) The Greater Monterey Peninsula Area Plan
- c) Title 21 Section 21.16 Rural Density Residential Zoning Districts
- d) The single family residence and guest house, as proposed, is not consistent with the following policies of the Greater Monterey Peninsula Area Plan:
 - i) Plan Conformance. Policy 40.2.7 of the GMPAP states that, "New development should not be sited on those portions of property which have been mapped as "highly sensitive." Where exceptions are appropriate to maximize the goals, objectives and policies of this plan, development shall be sited in a manner, which minimizes visible effects of proposed structures and roads to the greatest extent possible and shall utilize landscape screening and other techniques to achieve maximum protection of the visual resource.
 - ii) Plan Conformance. Policy 40.2.9 of the GMPAP states that, "New development to be located in areas mapped as "sensitive" or "highly sensitive" and which will be visible from the scenic route shall maintain the visual character of the area.

iii) As demonstrated on plans, the new structures will be highly visible, do not minimize visible effects of proposed structures, and do not maintain the visual character of the area.

2. **FINDING: SITE SUITABILITY:** The site is not suitable for the use proposed (the degree of impact is unnecessarily too great)
- EVIDENCE:** (a) The site is suitable for a smaller structure, less grading cut and fill, more tree retention to preserve the scenic character of the vicinity.
(b) The use proposed would entail the removal of protected tree resources, impact visually sensitive areas.
(c) Alternative designs that lessen or negate landmark and protected tree removal, lessen grading cut and fill, maintain the visual character of the area and are not highly visible to the Scenic Highway 68 would be more appropriate.
3. **FINDING: CEQA:** The proposed recommendation of staff is Categorically Exempt under the California Environmental Quality Act (CEQA).
- EVIDENCE:** Section 15270 (a) of the California Environmental Quality Act: CEQA does not apply to projects, which a public agency rejects or disapproves.
4. **FINDING: USE PERMIT REQUEST TO DEVELOP IN A VISUALLY SENSITIVE LAND USE DESIGNATION.** The project as proposed will create a substantially adverse visual impact when viewed from a common public viewing area.
- EVIDENCE:** (a) Title 21 Section 21.46 Visually Sensitive Districts.
(b) From vantage points eastward on Highway 68, oak trees provide the silhouette against the sky. The new structure will be placed before and within these trees in a visible manner.
(c) Tree removal will be clearly evident from Highway 68, a State Designated Scenic Highway, and may result in alteration of the ridgeline.
(d) If a smaller structure was proposed, there would be less grading cut and fill, and more protected and landmark trees retained, the potential visual impacts of the applicant's proposal could be lessened.
5. **FINDING: USE PERMIT TO REMOVE PROTECTED/ LANDMARK TREES.** The applicant has not demonstrated that the proposed tree removal is the minimum required under the circumstances of the case; and that removal will not involve a risk of environmental impacts.
- EVIDENCE:** (a) See Evidence above.
(b) Title 21 Section 21.64.260 Preservation of Oak and Other Protected Trees.
(c) A reduced structure size, alternative driveway configuration, reduced amount of grading cut and fill, a turned or adjusted orientation of the main structure, or combinations of the above recommendations would result in less tree removal.
(d) While the applicant has offered to retain these two (of 18) trees that silhouette against the sky, staff believes that more trees could be retained in place and designed around.

6. FINDING: HEALTH AND SAFETY: The establishment, maintenance or operation of the project applied for will under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY: The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Section 21.80.040 C. of the Monterey County Zoning Code.

DECISION

THEREFORE, it is the decision of the Planning Commission that said application for a Combined Development Permit is denied without prejudice.

PASSED AND ADOPTED this 23rd day of February 2005, by the following vote:

AYES: Errea, Parsons, Padilla, Diehl, Vandevere, Salazar, Wilmot, Rochester, Sanchez

NOES: None

ABSENT: None

ABSTAIN: Hawkins

DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.