

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

RESOLUTION NO. 05030

APN# 113-131-014-000
FINDINGS & DECISION

In the matter of the application of

TANNAHILL DONALD WAYNE & TRENA (JT TEN) (PLN040738)

Use Permit for construction of an off-site, externally illuminated, back-to-back faced, 10'6" x 36' advertising structure (billboard) supported by a single sign pole with an overall height of 35-feet (approximately 382-Square-Feet with approximately 764-Square-Feet of sign area). The project is located at 728 El Camino Real (Highway 101) - north of the intersection of Ralph Lane and Highway 101. The project came on regularly for hearing before the Planning Commission on July 13, 2005

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Project is consistent with applicable plans and policies, the North County Land Use Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for commercial development. Specifically, the proposed off-site advertising sign complies with all applicable requirements of Section 21.60.060.D.3.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the North County Land Area Plan and the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent, and conforms with, said Area Plan and Ordinance. Staff notes are provided in Project File PLN040738.

(b) Project planner conducted an on-site inspection on February 16, 2005, to verify that the project on the subject parcel conforms to the plans listed above.

(c) The proposed project for an off-site advertising sign (billboard) is an allowed use, in accordance with Section 21.060.D.3.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040738.

2. **FINDING: SITE SUITABILITY** - The site is not suitable for the use proposed.

EVIDENCE: (a) The project abuts a residential use; therefore, the sign and its proposed illumination would, under the circumstance of this particular case, be

detrimental to the comfort and general welfare of persons residing in the neighborhood.

- (b) The project abuts State Highway 101, a major highway with known service capacity and safety constraints. Addition of a billboard in this location will potentially direct drivers' attention from the road and thereby increase the potential traffic dangers in this area.
- (c) Project Referral Sheet from Monterey County Sheriff's Department recommending denial based on heavy traffic conditions and high rate of collisions and fatalities in the vicinity of the proposed sign on Highway 101, dated 2/14/05.
- (d) The height of the proposed billboard when viewed in a southbound direction is well above the ridge that forms the visual backdrop for the area. A billboard in the location and at the height proposed will be visually obtrusive and detrimental the County's long standing concerns about viewshed protection.
- (e) Public testimony received at June 8, 2005, Planning Commission hearing.

3. **FINDING: CEQA** – Does not apply.

EVIDENCE: (a) CEQA Guidelines Section 21080b(5)

4. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance and/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 and/or working in the neighborhood of such proposed use, and/or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Public testimony received at June 8, 2005, Planning Commission hearing.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

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

EVIDENCE: (a) Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be denied.

DENIED this 13th day of July, 2005 by the following vote:

AYES:	Errea, Parsons, Padilla, Vandever, Sanchez, Diehl, Salazar, Wilmot
NOES:	None
ABSTAIN:	None
ABSENT:	Rochester, Hawkins

DALE ELLIS, SECRETARY

Copy of this decision mailed to the applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF 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.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.