

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

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PLANNING DEPARTMENT, Mike Novo, Director

168 W. Alisal St., 2<sup>nd</sup> Floor  
Salinas, CA 93901

(831) 755-5025  
FAX (831) 757-9516

November 26, 2008

TO: Members of the Planning Commission  
FROM: Luis A. Osorio, Planning Services Manager  
RE: Angton Application – File No. PLN060575

This application involves a Combined Development Permit including: (1) Amendment to the Hidden Hills Estates Subdivision Final Map; (2) Variance to reduce the required front yard setbacks from 50 feet to 0 feet along Whip Road; (3) Use Permit and Design Approval for development of a new 12,116 sq. ft. two-story single-family residence in the Visual Sensitivity or “VS” Zoning District including an indoor swimming pool (1,473 sq. ft.), an attached 4-car garage (1,157 sq ft) and a detached accessory structure (3,280 sq ft), 7,640 cubic yards of grading (6,320 cut/1,320 fill), and the relocation of one 18-inch diameter oak tree; (4) Use Permit for ridgeline development; and (5) Administrative Permit for a detached 1-story caretaker unit (965 sq. ft.). The application was considered by the Commission on October 29, 2008. Staff recommended denial of the application; however, the Commission voted to direct the applicant to work with staff to explore project design options that could be supported by staff, and to bring a revised project back to the Commission for further consideration and a potential recommendation for approval.

On October 31, 2008 the applicant’s representative, via e-mail communication (Exhibit A), stated Mr. Angton’s unwillingness to discuss project modifications, and requested that the application be brought back before the Commission where Mr. Angton would seek a recommendation of denial to the Board of Supervisors. On November 25, 2008, the applicant submitted correspondence (Exhibit B) supporting his assertion that the project can be approved and further requesting that the project be recommended for approval or denial. This assertion is generally supported as follows:

- (1) That the existing building envelope can be revised and that further environmental review is not required;
- (2) That there was no indication in the approval of the subdivision that building envelopes could never be changed;
- (3) That the “mitigation” for visual impacts is the County’s oversight and review of proposed homes and building envelopes; and
- (4) That there is no basis for finding that the building envelope cannot be elongated east/west on the parcel and that there is no basis to legally deny the revised building envelope when the evidence shows that the revision will not create a substantially adverse impact;

The November 25, 2008 correspondence further includes certain findings and evidence prepared by the applicant and suggests their use in support of a potential recommendation for approval of the project to the Board of Supervisors.

The basis for staff's recommendation for denial of the application was included in the discussion of the project in the October 29, 2008 staff report and in the oral presentation to the Commission. That discussion is hereby included for reference as Exhibit C. The following is the summary of the basis for the recommendation:

1. Allowing a map amendment to increase the building envelope across the project site, would result in a significant increase in the potential for ridgeline development and corresponding visual impacts; in addition, the amendment would be inconsistent with the findings of the EIR prepared for the Hidden Hills Subdivision and with the mitigation measures and conditions of approval contained in the Board of Supervisors resolution of approval of that subdivision (Resolution No. 81-537).
2. That those impacts would not be consistent with the intent of the cited policies of the General Plan and the Greater Monterey Peninsula Area Plan; and would be contrary to the purpose of the Regulations for Ridgeline Development and the Regulations for Development in the Visual Sensitivity or "VS" Zoning District;
3. Staff believes that there are alternatives to expand the building envelope that must be explored;
4. The findings required by the Zoning Ordinance for the approval of the variance cannot be made and granting the variance would establish a precedent for a privilege not enjoyed by any other property in the vicinity.

In addition, staff believes that the amendment of the Hidden Hills Subdivision Final Map would require additional environmental review and the preparation of the adequate environmental document; and that it would be premature to recommend approval of the amendment and the overall project without the environmental document. Finally, staff continues to recommend that the Planning Commission recommend denial of the project in its current form, based on the Findings and Evidence submitted to the Commission on October 29, 2008 with two added findings (Finding Nos. 2 and 3) as contained in the attached Exhibit D. The Commission also has the option to reaffirm its action of October 29, 2008.

Luis A. Osorio  
Planning Services Manager  
[osoriol@co.monterey.ca.us](mailto:osoriol@co.monterey.ca.us)  
(831) 755-5177

Attachments: Exhibit A: E-mail communication from the applicant dated October 31, 2008;  
Exhibit B: Correspondence from the Applicant dated November 25, 2008;  
(Includes proposed Findings/Evidence for Approval)  
Exhibit C: Discussion Section of Staff Report dated October 29, 2008;  
Exhibit D: Recommended Findings/Evidence for Recommendation for Denial.