

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 01010

A.P. # 173-074-039-000

FINDINGS AND DECISION

In the matter of the application of
Nick and Aline Harris (PLN000278)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, and Design Approval for ridgeline development consisting of a 4,404 sq. ft. one-story single family residence including garage, retaining walls, elevated patios and 625 cu. yds. of grading, located at 906 La Terraza Ct., northwest of the intersection of La Terraza Ct. and Estrella Avenue, Greater Monterey Peninsula Area Plan, came on regularly for hearing before the Planning Commission on March 14, 2001.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit and Design Approval (file PLN000278), as described in the subject line of the Staff Report, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21); except for policies and ordinances pertaining to ridgeline development. The property is located at 906 La Terraza Ct. The parcel is zoned "LDR/B-6-VS(16')D" or Low Density Residential, Building Site-6, Visually Sensitive, 16 foot height limit - Design Control District. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any zoning violation abatement costs have been paid; with the exception of the above noted policies and ordinances. The subject property is in compliance with other applicable provisions of Title 21.
EVIDENCE: Design Approval request form, with recommendation for denial of the project by the Greater Monterey Peninsula Land Use Advisory Committee on November 15, 2000, by a vote of 2 to 0.
EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning Commission.
EVIDENCE: 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 the project file.
EVIDENCE: The on-site inspections by the Planning Staff.
EVIDENCE: The project does not conform with policy 26.1.9.1 of the Greater Monterey Peninsula Area Plan, which states that "development on canyon edges and hilltops shall be designed to minimize the visual impact of the development". The proposed residence can be clearly seen from Highway 68. Alternative locations for the residence exist that could reduce the visual impact.
EVIDENCE: The project does not conform with policy 26.1.9 of the General Plan, which states "In order to preserve the County's scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a

substantially adverse visual impact when viewed from a common public viewing area...”
The proposed project is clear and prominently visible from Highway 68, a common public viewing area.

EVIDENCE: The project does not conform with Title 21, Ordinance 21.66.010(D), which states “A Use Permit for ridgeline development may be approved only if the following finding, based on substantial evidence, may be made: The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.” The proposed project is clear and prominently visible from Highway 68, a common public viewing area.

2. **FINDING:** The proposed dwelling will create a significant visual impact as viewed from a common public viewing area.

EVIDENCE: The roofline, which breaks the ridgeline by 5 to 6 feet, will be visible from Highway 68, a scenic highway, and common public viewing area. The proposed residence has the potential to disrupt the natural beauty of the region and be a prominent structure on the horizon. There are no trees or large vegetation along the ridge that might distract the eye from a large home.

EVIDENCE: The on-site inspections by planning staff.

EVIDENCE: The recommendation for denial by the Greater Monterey Peninsula Land Use Advisory Committee, vote 2 to 0.

4. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303(a) of the State CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

5. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: File and application materials contained in the project file.

6. **FINDING:** The project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

PASSED AND ADOPTED this 14th day of March, 2001, by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Hernandez, Lacy, Wilmot
NOES: None
ABSENT: Pitt-Derdivanis


LYNNE MOUNDAY, SECRETARY

Copy of this decision mailed to applicant on **MAR 22 2001**

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 **APR - 2 2001**

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.

