

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

RESOLUTION NO. 01023

A. P. # 008-171-040-000

FINDINGS AND DECISION

In the matter of the application of
Matthew Gustat (PLN000230)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 1580 Griffin Road, Pebble Beach, easterly of Spruance Road, Del Monte Forest Area, Coastal Zone, came on regularly for hearing before the Planning Commission on May 30, 2001.

WHEREAS: Said proposal includes:

- 1) Coastal Administrative Permit to allow for the construction of a 3,103 square foot addition to an existing 3,570 square foot single family dwelling with new below grade cellar and storage area and grading (580 cubic yards), and
- 2) Coastal Development Permit to allow for the removal of 35 Monterey Pines (ranging in size from 6 to 209 inches in diameter), and
- 3) Design Approval

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

FINDINGS OF FACT

1. **FINDING:** The Gustat Combined Development Permit and Design Approval (PLN0000230) fails to conform to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest County Land Use Plan, Coastal Implementation Plan, Parts 5 and 6, and the Monterey County Zoning Ordinance (Title 20). The property is located at 1580 Griffin Road, Pebble Beach, in the Del Monte Forest area of the Coastal Zone. The parcel is zoned "LDR-1 (CZ) (D)" or Low Density Residential, 1.0 acre/unit - Design Control District, in the Coastal Zone.

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

- a. The certified Del Monte Forest Land Use Plan
- b. The certified Monterey County Coastal Implementation Plan, Regulations for LDR-1.5 or the "Low Density Residential (CZ)" District in the Coastal Zone, and
- c. Chapter 20.147 of the Monterey County Coastal Implementation Plan, Regulations for development in the Del Monte Forest Land Use Plan.

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, located in the project file.

EVIDENCE: The on-site inspection by the project planner.

2. **FINDING:** The proposed project may have a significant adverse impact on the environment. Potential environmental effects have been studied and there is substantial evidence in the record, as a whole, that supports a fair argument that the project as designed may cause a significant effect on the environment based on public testimony and information received, and scientific and factual data presented and evidence during the public review process.
- EVIDENCE:** Application materials in the project file and public hearing on May 30, 2001.
3. **FINDING:** The project as proposed may have a significant impact on the public viewshed. The project proposes the removal of 35 trees from a pure native Monterey Pine forest. This will affect the view of the property from Point Lobos.
- EVIDENCE:** On-site investigation by the project planner pursuant to Chapter 20.146.030 of the Coastal Implementation Plan.
- EVIDENCE:** Application and plans on file.
- EVIDENCE:** The Del Monte Forest Land Use Plan also designates this lot as visible from Point Lobos and the site is within a critical viewshed. The proposed tree removal will contribute to the cumulative impact of other tree removal from other projects within this public viewshed. The trees are a significant visual resource for the property owner, neighborhood, and public viewing from Point Lobos.
4. **FINDING:** The proposed project fails to conform to policies of the Local Coastal Program dealing with tree removal and impacts to forest resources. The proposed project requires the removal of 35 trees from a pure native Monterey Pine forest. Of these trees, 15 are considered significant, i.e. 12" DBH or larger. The forest is in good condition as stated in the Forester's Report, with no evidence of pitch canker found on any of the Monterey Pines. Some pests are evident including the red turpentine beetle. The cumulative effect of the removal of 35 trees would also result in a significant impact on forest resources. The applicant proposes a new driveway, which requires removal of 18 Monterey pines. A driveway currently exists on the site. The Planning Commission has denied this project since the proposed tree removal is not the minimal amount necessary. The project could be redesigned to minimize tree removal or as an alternative the existing driveway could be used.
- EVIDENCE:** Staff report and other materials contained in the project file and administrative record.
- EVIDENCE:** *Forester's Assessment*, by Glenn C. Flamik, B.S.F., Forest City Consulting,
- EVIDENCE:** The house is currently accessed from an existing driveway off Griffin Road to the existing garage located at the front of the house. An additional asphalt driveway is also located along the southeast border of the parcel. The proposed project would reconfigure site access by constructing a new 3-car garage on the southeast side of the house and an additional driveway from the asphalt drive to the new garage. However, the Planning Commission denies this project stating that the applicant could redesign the new driveway or eliminate it entirely due to the tree removal. The proposed project will also require 580 cubic yards of grading.
- EVIDENCE:** Sections 20.147.070, 20.147.30.A.1, and 20.147.090.A.1 of the Monterey County Coastal Implementation Plan, Part 5, *Regulations for Development in the Del Monte Forest Land Use Plan Area*, state, among other things, that siting and design of structures shall be such that only the minimum tree removal and alteration to natural landforms required for development of the dwelling and an adequate area for safe off-street parking and turn-around may occur. The site plan for the proposed project fails to meet this standard due to the tree removal and proposed driveway. The potential also exists for significant

impacts resulting from soil disturbance for grading, construction as well as the tree removal.

.5. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will 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, and detrimental or injurious to property and other improvements in the neighborhood, or to the general welfare of the County.

EVIDENCE: The preceding findings and supporting evidence.

6. **FINDING:** The project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be denied without prejudice.

PASSED AND ADOPTED this 30th day of May, 2001 by the following vote:

- AYES: Sanchez, Hawkins, Brennan, Hernandez, Wilmot
- NOES: Errea, Diehl, Parsons
- ABSENT: Pitt-Derdivanis, Lacy



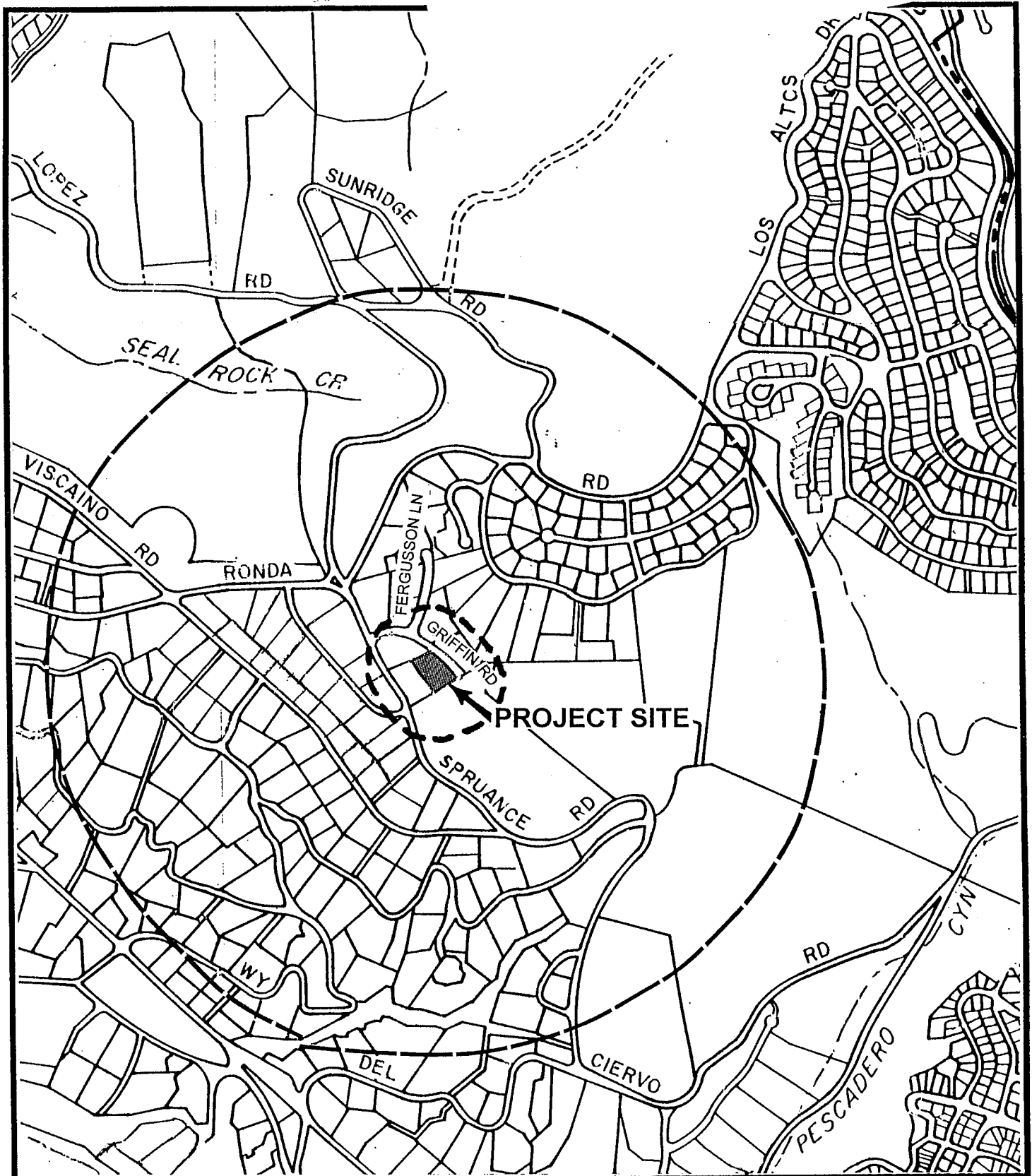
 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **JUL - 3 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ON OR BEFORE **JUL 13 2001**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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.

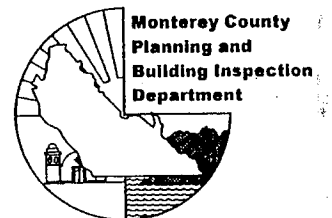
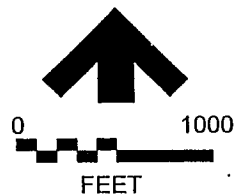


APPLICANT: GUSTAT

APN: 008-171-040-000

FILE# 000230

300' LIMIT: 
 2,500' LIMIT: 



DATE: 0/00/00