

FINAL

**MONTEREY COUNTY PLANNING COMMISSION
FEBRUARY 26, 2003
MINUTES**

The Planning Commission met at 9:05 a.m. at the Board of Supervisors Chambers of the Courthouse at 240 Church Street, Salinas, California.

A. **ROLL CALL**

Present: Miguel Errea, Sharon Parsons, Laurence Hawkins, Cosme Padilla, John Brennan,
Juan Sanchez, Rudy Gonzalves, Don Rochester, John Wilmot
Absent: Martha Diehl

B. **COMMENT PERIOD:**

PUBLIC - None

COMMISSION – Commissioners Hawkins and Parsons asked for a status report on the Environmental Impact Reports and Mitigated Negative Declarations in process. Commissioner Hawkins expressed a desire to see the American Planning Association’s list of new land use bills.

Commissioner Diehl arrived at 9:05 a.m.

C. **APPROVAL OF MINUTES** Continued to the next meeting.

OTHER MATTERS

ADVISORY COMMITTEE APPOINTMENTS - NONE

DIRECTOR’S REPORT – Dale Ellis reported that the “Code Blue” meetings concerning Department operations were being discontinued.

D. **SCHEDULED ITEMS**

1. **INCLUSIONARY HOUSING (PD010049)**

Jim Cook, Marti Noel and Melanie Schafer Freitas lead discussion on this item. Proposed changes to the Inclusionary Housing Program were outlined. Key components include: 20% contribution of affordable housing required by all new residential development of three or more units, a density bonus, workforce housing/developer incentive, and an affordable housing overlay designation.

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Public Comment: Sheri Damon, Paula Bradley, Donna Johnston, Jim Nakishima, Brian Finegan, Vanessa Vallerta, Darlene Din, and Hans Jurgens.

It was moved by Commissioner Rochester, seconded by Commissioner Hawkins and passed by the following vote to continue this item to March 12, 2003 to allow time for staff to address concerns from Brian Finegan, Vanessa Vallerta and Sheri Damon.

AYES: Errea, Parsons, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves,
Rochester, Wilmot
NOES: None
ABSENT: None

2. SULLIVAN GODFREY & SUSAN (PLN020389)

Staff recommended that the previously adopted Mitigated Negative Declaration be found adequate, approval of the Combined Development Permit and adoption of the Mitigation Monitoring Program with 65 conditions. The Carmel Valley Land Use Advisory Committee recommended approval with added conditions to: 1) delete third story office and move to the side of the house making two story only, 2) additional visual screening after house is completed and another onsite visit by committee to view and make final decisions/additions to said screening, 3) only approve two story home, 4) two for one replacement of all oaks previously cut down by Levetts with at least 15 ft trees, 5) all lighting to be down lit and not travel off the property, 6) bottling of wine to be handled in a quiet and expedient manner, and 7) should house colors prove too light, they are to darken as needed to blend into topography. Staff recommended an additional condition related to 2:1 tree replacement.

Hawkins questioned Condition #63 regarding notification of the Los Tulares Home Owners Association Board of Management of periodic review of the permit.

Todd Bessire, representative, had questions regarding Condition #7, regarding construction and occupancy of the dwelling prior to establishment of the micro winery operation. He agreed to the conditions.

Public Comment: Mike Nason, Bruce Warner, Susan Abramson, Craig Gillespi, Michael Pepler, Lee and Paula Lotz.

John Mandurrago, architect, indicated new plans had been submitted to the Health Department the previous day. The revised plans had not been submitted to the other Departments.

Commissioner Diehl moved, seconded by Commissioner Wilmot and passed by the following vote to continue this item to March 26, 2003 to allow time to clarify concerns and for staff to review the

revised plans. Issues include: visual impact, a condition recommended by Environmental Health related to a 100' setback from the well to the barn for the septic system, removal and replanting of trees to remain on site, and deletion of Condition #63 regarding notification of periodic review of the permit.

AYES: Errea, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves, Rochester, Wilmot
NOES: Parsons
ABSENT: None

3. CAPEN DANIEL A. (PLN020513)

Staff recommended approval. The Greater Monterey Peninsula Land Use Advisory Committee recommended approval. Staff added a condition for a drainage plan.

Wayne Iverson, representative, agreed to conditions.

It was moved by Commissioner Parsons, seconded by Commissioner Errea and passed by the following vote to adopt Resolution #03011 to approve the Use Permit including the added condition for a drainage plan.

AYES: Errea, Parsons, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves, Rochester, Wilmot
NOES: None
ABSENT: None

4. SALLEN DOUGLAS & DEBRA TRS (PLN020231)

Staff recommended approval. The Greater Monterey Peninsula Land Use Advisory Committee recommended approval. Environmental Health added a condition related to a septic disposal system design. Staff added two additional findings and evidence.

Commissioners Diehl and Hawkins added a condition related to a construction traffic management plan.

David Stone, developer, agreed to the conditions.

It was moved by Commissioner Hawkins, seconded by Commissioner Errea and passed by the following vote to adopt Resolution # 03012 to approve the Combined Development Permit including the additional condition for a septic disposal system design and two additional findings and evidence as recommended by staff.

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AYES: Errea, Parsons, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves, Rochester,
Wilmot
NOES: None
ABSENT: None

5. MARKKULA A C JR & LINDA K TRS (PLN020166)

Staff recommended approval of the amendment to the existing Use Permit with four conditions. The Cachagua Land Use Advisory Committee is scheduled to hear this item on February 27th; therefore, staff recommended a continuance to March 12, 2003.

Anthony Lombardo agreed to the conditions and stated that the Airport Land Use Advisory Committee has recommended approval.

Roderic McMahan, Cachagua Land Use Advisory Committee, spoke in favor of the continuance.

It was moved by Commissioner Brennan, seconded by Commissioner Hawkins and passed by the following vote to continue this item to March 12, 2003.

AYES: Errea, Parsons, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves, Rochester,
Wilmot
NOES: None
ABSENT: None

6. RANCHO SAN JUAN UPDATE (PC94025)

This item was continued to the next meeting, March 12, 2003.

7. CARMEL VALLEY PARTNERS (PLN020032)

Staff relayed that the Water Resources Agency has requested a continuance to allow time to work with FEMA.

Brian Finegan, representative, agreed to a continuance or tabling of this item.

Richard Rosenthal asked that the Mitigated Negative Declaration and the initial study be recirculated. Margaret Robbins had questions regarding tabling this item.

It was moved by Brennan, seconded by Commissioner Errea to table this item.

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AYES: Errea, Parsons, Hawkins, Padilla, Brennan, Sanchez, Diehl, Gonzalves, Rochester,
Wilmot
NOES: None
ABSENT: None

8. REMOVAL OF A MEMBER OF THE CARMEL VALLEY LAND USE ADVISORY COMMITTEE (PD030028)

Commissioner Diehl recommended removal of Joe Hertlein from the Carmel Valley Land Use Advisory Committee and Commissioner Brennan voiced his support.

Joe Hertlein rebutted the allegations.

Public Comment: Jana Bradford, John Anzini, Louis Leiter, Tom Oliver, Richard Rosenthal, Deann Howe, Margaret Robbins, Russ Duran, Victoria Rugg, Michael Robbins, Owen Rayburn, Steve Bradford, George Whisler, Cliff Cowles, John Sanger, John Kenny, Richard Gratowitz, Foug Fay, Marjorie Kay, Julie Engell, Nick Agua, and Rod McMahon.

Joe Hertlein read correspondence in favor of keeping him on the Committee from Carol Collins, Warren Kauffman, Scott McCullin, Jason Way and May Waldrop and also had a petition with 70 signatures.

Commissioner Parsons thought that mediation was needed on this matter along with some education for the LUAC members. She suggested that it be referred to the subcommittee.

Commissioner Padilla suggested a change in the procedures and guidelines whereby three notices would be given to a member before removal.

It was moved by Commissioner Hawkins and seconded by Commissioner Wilmot to retain Joe Hertlein on the Land Use Advisory Committee until such time as the subcommittee reviews the guidelines, gives them to the Commission and they are referred to the Board of Supervisors for approval.

Commissioner Gonzalves said he disagrees with Commissioner Wilmot and that he will not support the motion. He felt that Joe Hertlein could be passionate and still follow the guidelines; by his own admission, he disregards the rules. Mr. Hertlein has failed to perform his duties. It has been shown that he had proper notice of this meeting.

Commissioner Brennan stated that four meetings were held with Joe Hertlein to inform him of the problems and he had not complied.

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Commissioner Sanchez felt that he should be given another chance.

Commissioner Hawkins restated his motion to retain Joe Hertlein as a member of the Carmel Valley Land Use Advisory Committee. Commissioner Wilmot withdrew his second. Commissioner Parsons seconded the motion.

AYES: Parsons, Hawkins, Padilla, Sanchez
NOES: Errea, Brennan, Diehl, Rochester, Gonzalves, Wilmot
ABSENT: None

Motion failed.

It was moved by Commissioner Brennan, seconded by Commissioner Diehl and passed by the following vote to remove Joe Hertlein from the Carmel Valley Land Use Advisory Committee.

AYES: Errea, Brennan, Diehl, Rochester, Gonzalves, Wilmot
NOES: Parsons, Hawkins, Padilla, Sanchez
ABSENT: None

ADJOURNMENT – Commissioner Sanchez relayed that former Supervisor Karas has passed away and he would like the meeting adjourned in his honor.

The meeting was adjourned at 5:20 p.m.

ATTEST

Dale Ellis, Secretary

/kb