

## FINAL

### **MONTEREY COUNTY PLANNING COMMISSION SEPTEMBER 24, 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.

#### ROLL CALL

Present: Miguel Errea, Sharon Parsons, Laurence Hawkins, Cosme Padilla, John Brennan,  
Juan Sanchez, Martha Diehl, Rudy Gonzalves, Don Rochester, John Wilmot  
Absent: None

#### COMMENT PERIOD:

PUBLIC - NONE

COMMISSION – Commissioner Gonzalves advised the Commission that he will be resigning and moving to the Los Angeles area.

Commissioner Diehl said she was sorry to hear that Commissioner Gonzalves would be leaving and thanked him for the time served. She informed the Commission that she had attended the opening for the Robert Louis Stevenson project. It was an interesting building because it incorporated a number of innovative elements that they actually list in the tour and showed 30 sustainable elements. It was a fascinating experience to see how they turned out. The architect spoke about some of the challenges he faced in the building process as he tried to implement some of these new procedures through building and related inspections. In many cases there were no ordinances that directly addressed the proposals that they were implementing and that meant the burden of proof on the safety and appropriateness of them was on the applicant and the applicants representative and that added a great deal of difficulty to the building and implementation. As we go forward with the General Plan, we should leave opportunities for this kind of innovation in the plan so if people do come forward with more efficient or more earth friendly practices that are safe and appropriate, that we do keep room for those in our building and inspection practices so that they don't become unattainable because of regulation.

Commissioner Errea spoke to differing regulations for private vs. public school buildings and that County Building regulations may be superseded by state regulations and questioned whether this would have an effect on Commissioner Diehl's comments. Commissioner Diehl responded that the Architect advised that he was complying and working with County Building Inspection and regulations

#### APPROVAL OF MINUTES

AUGUST 27, 2003

Commissioner Brennan moved, seconded by Commissioner Padilla, and passed by the following vote to approve the minutes of August 27, 2003:

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

SCHEDULED ITEMS

1. DISCUSS & CONSIDER A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING LAND USE ADVISORY COMMITTEE PROCEDURES AND BOUNDARIES (PD030021)

Commissioner Diehl distributed and spoke to her suggestions for changes to the procedures. Discussion ensued.

Commissioner Brennan recommended that Rancho San Carlos be included within the Carmel Valley LUAC boundary.

Public Comment: Marjorie Kay, Jan Mitchell, Barbara Rainer, Paula Lotz

Commissioner Brennan moved, seconded by Commissioner Errea and passed by the following vote to continue this item to October 29<sup>th</sup> for a Resolution of Intent to recommend approval to the Board of Supervisors as amended.

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot

NOES: None

ABSENT: None

2. ASSOCIATION OF SPRECKELS RESIDENTS (FEE WAIVER) (PD030086)

Staff recommended denial of the fee waiver for the appeal on the Parcel Legality Status Determination on the legal status of 72 parcels in Spreckels. (See Item #3 below). Staff distributed a letter dated September 24, 2003 from Michael Cling, representative for the Tanimura family and owners of the 73 lots of record in Spreckels, in which he concurs with staff's recommendation.

Mike Meuter and Elizabeth Panetta spoke for the fee waiver.

Michael Cling spoke in opposition.

It was moved by Commissioner Errea and seconded by Commissioner Wilmot to deny the fee waiver.

Commissioner Hawkins moved to deny the fee waiver for the Planning and Building Inspection Department's portion of the fee and waive the fee for the other departments. After discussion it was decided this was not an option and the motion was withdrawn.

Planning Commission  
September 24, 2003

Substitute motion: It was moved by Commissioner Hawkins and seconded by Commissioner Parsons to grant the fee waiver. Motion failed by the following vote.

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

The original motion to deny the fee waiver was passed by the following vote. (Resolution #03057)

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

6. SON ANGIE & LOYDE INLOW (PLN030265) *Taken out of order.*

Staff recommended approval. The Toro LUAC recommended approval.

Loyde Inlow answered questions regarding the grading and retaining wall construction permit violation.

Public Comment: Jan Mitchell

Commissioner Hawkins moved, seconded by Commissioner Errea and passed by the following vote to adopt Resolution #03060 to approve PLN030265.

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

3. ASSOCIATION OF SPRECKELS RESIDENTS (PLN030380)

Staff recommended that the Planning Commission uphold and affirm staff's administrative interpretation of the term "an interested person" as used in Section 19.14.045 of the Subdivision Ordinance, to mean a property owner or a property owner's vendee pursuant to a contract of sale. This recommendation would deny standing to the Association of Spreckels Residents to request a Parcel Legality Status Determination on the subject parcels.

Mike Meuter, representative for the Association of Spreckels Residents, voiced reasons for the appeal.

*LUNCH BREAK - Pursuant to a request from Scott Hennessy, Director of Planning and Building Inspection Department, Jeff Main inquired who would be attending the joint workshop with the Board of Supervisors on October 7 and 28. Seven relayed they could attend on October 7<sup>th</sup> and five on October 28<sup>th</sup>.*

3. ASSOCIATION OF SPRECKELS RESIDENTS (PLN030380) continued

Elizabeth Panetta, Association of Spreckels Residents, spoke to the appeal.

Public Comment: Mike Cling, for Tanimura Family distributed a letter from Senior Deputy County Counsel Efren Iglesia dated October 30, 2002; Hans Jurgens

Public Comment: Mike Cling, representing the Tanimura Family and Hans Jurgens.

Commissioner Diehl moved, seconded by Commissioner Wilmot and passed by the following vote to adopt staff's recommendation to deny standing to the Association of Spreckels Residents' request for a Parcel Legality Status Determination on the subject parcels; with the stipulation that, prior to the issuance of any permits for development including grading permits, the County shall require Certificates of Compliance showing that these lots are, in fact, legal lots of record and that no such permits be granted unless these Certificates are obtained. Resolution #03058

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

4. SHANKLIN WILLIAM & DOMINIQUE (PLN030074)

Staff recommended a continuance to October 8<sup>th</sup> to allow the planner and applicant to find a non-ridgeline alternative site or propose alternatives to soften the silhouette against the ridgeline. The applicant has agreed to the continuance.

Commissioner Parsons moved, seconded by Commissioner Padilla and passed by the following vote to continue this item to October 8<sup>th</sup>.

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

5. CASTLE ROCK ESTATES, INC. (PLN030035)

Staff recommended approval with 25 conditions. The Toro Land Use Advisory Committee recommended approval. Staff read and distributed a revision to Environmental Health's condition #4 regarding sufficient water flow and pressure. The correction replaces the service provider with "California Water Service Company."

Peter Davis, representative, had questions related to Condition #7, landscaping. After discussion it was agreed to change "screen" structures visible from Los Laureles Grade and Corral de Tierra Road and to ensure views of Castle Rock to "minimize" views of structures .....

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03059 to approve PLN030035 including changes to Conditions #4, California Water Service Company, and #7, landscaping:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves,  
Rochester, Wilmot

NOES: None

ABSENT: None

6. SON ANGIE & LOYDE INLOW (PLN030265) *This was heard between #2 and #3.*

7. MIRABITO STEVE (PLN980301)

Staff recommended approval and gave some history of the project. Staff distributed a letter from Micheal Stamp in opposition to the project and a letter from Steve Mirabito. The Carmel Valley LUAC recommended denial. Staff recommended adoption of the Mitigated Negative Declaration and approval of the project.

Public Comment: Sharon Wood, Michael Haggerty, Ralph and Nitia Maldonado, Jack Kay, Steve Sneider, Dick Weisman, Paula Lotz, Fred Smith, Mildred Price, Peter Burns, Tom Wilson, Mattie Mathews, Patricia Kauffman, Jack Webb, Darby Worth, Patricia Bernardi, Joe Hertlein and Michael Stamp

Commissioner Brennan moved, seconded by Padilla and passed by the following vote to adopt a Resolution of Intent to Deny and bring it back to the hearing for adoption on October 8, 2003.

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Wilmot

NOES: Rochester

ABSENT: None

Planning Commission  
September 24, 2003

#### ADVISORY COMMITTEE APPOINTMENTS

It was moved by Padilla, seconded by Commissioner Brennan and passed by the following vote to reappoint Michele Kirby to the North County-Coastal Land Use Advisory Committee.

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

#### DEPARTMENT REPORT

Commissioner Parsons inquired about the Salinas High School District proposal to acquire a school site at 901 Old Stage Road. Jeff Main replied that this item will be placed on an upcoming agenda.

#### ADJOURNMENT

The meeting was adjourned at 4:15 p.m.

ATTEST

---

Jeff Main, Secretary

/kb