

FINAL

**MONTEREY COUNTY PLANNING COMMISSION
DECEMBER 10, 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, Laurence Hawkins, Cosme Padilla, John Brennan, Juan Sanchez, Martha Diehl, Aurelio Salazar, Don Rochester, John Wilmot
Absent: Sharon Parsons

COMMENT PERIOD:

PUBLIC – Douglas Fay spoke to the River Road wine corridor.

COMMISSION – Commissioner *Hawkins* asked that a hearing schedule for subdivisions with EIR's be put on the Planning Commission agenda the 1st or 2nd meeting in January. Commissioner *Brennan* expressed concern regarding the Planning and Building Inspection workload in the days ahead. Commissioner *Errea* spoke to a fire workshop he attended. Commissioner *Salazar* suggested the purchase of translation equipment for use by the public.

C. **APPROVAL OF MINUTES**

OCTOBER 29, 2003

Commissioner Hawkins stated that the reason for his resignation from the LUAC procedures subcommittee was eye surgery and asked that this fact be reflected under Item #1, Land Use Advisory Committee Procedures.

Commissioner Diehl moved, seconded by Commissioner Rochester, and passed by the following vote to approve the minutes of October 29, 2003 as amended:

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

ADVISORY COMMITTEE APPOINTMENTS

It was moved by Commissioner Rochester, seconded by Commissioner Padilla, and passed by the following vote to reappoint Michael Dodd to the North County Non-Coastal Land Use Advisory Committee.

AYES : Errea, Sanchez, Hawkins, Padilla, Brennan, Diehl, Salazar, Rochester, Wilmot
NOES: None

Planning Commission
December 10, 2003

ABSENT: Parsons

It was moved by Commissioner Diehl, seconded by Commissioner Brennan, and passed by the following vote to appoint Darlene Berry to the Carmel Unincorporated/Carmel Highlands Land Use Advisory Committee.

AYES : Errea, Sanchez, Hawkins, Padilla, Brennan, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: Parsons

It was moved by Commissioner Diehl, seconded by Commissioner Errea, and passed by the following vote to appoint Barbara Woyt to the Big Sur Land Use Advisory Committee.

AYES : Errea, Sanchez, Hawkins, Padilla, Brennan, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: Parsons

D. SCHEUDLED ITEMS

1. LAND USE ADVISORY COMMITTEE PROCEDURES (PD030021)

On October 29th the Commission discussed and considered amending the Monterey County Land Use Advisory Committee Procedures and appointed a subcommittee to make appropriate revisions to previously drafted amendments that would generally be consistent with revisions suggested by Commissioner Diehl.

Commissioner Diehl presented the results of the subcommittee's work session and noted a change to number 14.e.3 – delete reference to sections 10i, 12b and 12c and revise it to “Fulfill other responsibilities as may be described elsewhere in these procedures.”

Public Comment: Marjorie Kay thanked the Commission for adding mailings of LUAC agendas at least 10 days prior to a meeting and notification of property owners within 300 feet.

Commissioner Hawkins moved, seconded by Commissioner Rochester and passed by the following vote to recommend that the Board of Supervisors adopt the amended Monterey County Land Use Advisory Committee Procedures.

AYES : Errea, Sanchez, Hawkins, Padilla, Brennan, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: Parsons

Planning Commission
December 10, 2003

DEPARTMENT REPORT

Rule 13 of the Planning Commission Rules for the Transaction of Business requires the Commission's annual review of same. Jeff Main, Secretary to the Commission, relayed that the "Rules" now includes Rule 10.2, regarding the recently passed continuance policy.

Wendy Strimling, Deputy County Counsel, relayed that the continuance policy included in the staff report is the draft continuance policy, not the one passed by the Commission last month. Any action on these Rules would have to be agendaized for an upcoming meeting.

Commissioner Diehl questioned Commissioner Hawkins's length of service on the Minor Subdivision Committee and whether or not there is a rule or established procedure for it. Main will report back to the Commission on this matter.

Wendy Strimling, Deputy County Counsel, and several Commissioners thanked Kay Barrett, the Planning Commission Recording Secretary, for her dedicated service to the Commission and wished her well on her upcoming retirement.

2. GENERAL PLAN UPDATE SCHEDULE AND PROTOCOL (PLN010172)

Commissioner Diehl recommended that the Planning Commission consider adopting the General Plan Update schedule and protocol pursuant to recommendations developed by the appointed subcommittee. Four public hearings including one in the evening are recommended.

Commissioner Salazar suggested getting translation equipment for use during these hearings.

Lynn Burgess, General Plan Update staff, advised that the focus will be exclusively on the General Plan and not on the Draft Environmental Impact Report.

Public Comment: Douglas Fay, Brian Finnegan, Tom Carvey, Chris Bunn, Jr.

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to approve the subcommittee's recommendation:

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

3. WENCE JOANN TR (PLN030168)

Staff recommended approval with 10 conditions.

Planning Commission
December 10, 2003

Red Bryon, representative, agreed to the conditions.

Commissioner Errea moved, seconded by Commissioner Padilla and passed by the following vote to adopt Resolution #03082 to approve PLN030168:

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

4. DE GEORGE DOUGLAS (PLN020411)

Staff recommended that the Planning Commission: 1) Approve a portion of the Use Permit and Design Approval to legalize 4 “as-built” cement block retaining walls (3-6 feet in height), averaging 75 feet in length; grading (22 cubic yards); and complete construction of a 6-foot tall brick wall, based on the findings and evidence and subject to the 11 recommended conditions and 2) Deny a portion of the Use Permit and Design Approval to construct 5 new cement block retaining walls (3-6 feet in height), averaging 31 feet in length, a river rock bed for drainage with a small pond for collection of rainwater and landscape lighting based on the findings and evidence.

Staff outlined two additional conditions: 1) height of brick wall no higher than adjacent property owner’s fence and shall be finished on both sides with brick, and 2) applicant shall provide evidence showing the brick wall is in compliance with Condition #2; and modified Condition #4 regarding a revised site plan.

The Greater Monterey Peninsula Land Use Advisory Committee recommended approval.

Doug DeGeorge gave a synopsis of past development actions and agreed to the conditions.

Bill Dunn, Monterey County Code Enforcement Chief, gave a history of the violations.

Commissioner Diehl moved, seconded by Commissioner Brennan and passed by the following vote to adopt Resolution #03083 to approve staff’s recommendation including changes as recommended by staff:

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

Planning Commission
December 10, 2003

5. TAMC (PLN030123)

Staff recommended adoption of the Negative Declaration and approval of the Combined Development Permit for eight emergency call boxes along Highway 1 with 8 conditions. The Big Sur and South Coast Land Use Advisory Committees recommended approval.

Kenneth Kao, representative, agreed to the conditions.

Deborah Howard for Aengus Jeffers and El Sur Ranch, expressed opposition to box #5 at Sandy Flats PM 55.7

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03084 to adopt the Negative Declaration and approve PLN030123:

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

6. TESCHER LEVETT INVESTMENTS, INC. (PLN020042)

Staff recommended adoption of the Negative Declaration and approval with 26 conditions. The Del Monte Forest Land Use Advisory Committee recommended approval.

Todd Bessire, representative, agreed to the conditions.

Commissioner Diehl asked staff to correct the LUAC vote to include one abstention and delete “as a condition of project approval” in Condition #4, regarding a deed restriction.

Phil Grensted requested the landscape lighting be minimized.

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03085 to adopt the Negative Declaration and approve PLN020042 including the amendment to Condition #4 and correction to finding 1 evidence regarding the Land Use Advisory Committee vote:

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

Planning Commission
December 10, 2003

7. BJORKLUND GARY & CAROLYN (PLN030552)

Staff recommended that the Planning Commission deny the appeal and affirm the opinion rendered by the Department of Planning and Building Inspection. Corrections include: 1) Planning Commission decision is appealable to the Board of Supervisors, (Finding #4); 2) basis of appeal should be listed as Section 21.82.040 of the Zoning Code, (Finding 4 Evidence); and 3) Planning Commission approval of the Monterey Peninsula Country Club project should be listed as August 28, 2002 not 2003.

Gary and Carolyn Bjorklund, appellants, gave a Power Point presentation showing the loss of their white water view. Bill McClure, representative for Bjorklund, also spoke to loss of the view.

Christine Gianascol, representative for Monterey Peninsula Country Club, spoke in opposition to the appeal.

Public Comment: Craig Kavin, Joann Clark, Dan Fletcher, Jim Wers, Bob Williams, Mike Bowhay, Bob Zoller, Bill Pickett and Norton Scott.

Commissioner Brennan moved, seconded by Commissioner Padilla and passed by the following vote to pass a resolution of intent to grant the appeal and not affirm the Director's determination and to continue this item to January 14, 2004 to allow time for staff to prepare the appropriate findings:

AYES: Sanchez, Hawkins, Padilla, Brennan, Diehl, Rochester, Wilmot
NOES: Errea
ABSENT: Parsons
ABSTAIN: Salazar

LUNCH BREAK

8. UNITY CARE (PLN020316)

Staff recommended approval of the amended project based on the amended recommended Findings and Evidence and subject to the Amended Recommended Conditions of Approval. The Board of Supervisors referred the request back to the Commission on November 25th to consider changes to the project proposed by the applicant. The proposed changes are a result of a memorandum of understanding between Unity Care (applicant) and the appellant, agreeing to certain changes to the project making it acceptable to both parties.

Andre Chapman, representative, agreed to the conditions.

Planning Commission
December 10, 2003

Donna Hollentstain, neighbor, spoke in favor of the revised conditions and the five-year expiration of the permit.

Commissioner Rochester moved, seconded by Commissioner Padilla and passed by the following vote to adopt Resolution #03086 to approve PLN020316:

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

9. CUMMING JOHN (PD030276)

Staff recommended that the Planning Commission adopt the recommended findings and evidence and recommend approval to the Board of Supervisors for the subject zoning map and area plan map corrections. Staff added a finding and evidence related to CEQA.

Commissioner Errea moved, seconded by Commissioner Diehl and passed by the following vote to adopt Resolution #03087 to recommend approval of the zoning map and area plan map corrections to the Board of Supervisors:

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

10. DE MARIA JOSEPH & KRISTEN (PD030275)

Staff recommended that the Planning Commission adopt the recommended findings and evidence and recommend approval to the Board of Supervisors for the subject zoning map and area plan map corrections. Staff added a finding and evidence related to CEQA.

McKinsey Patterson, representative, agreed to the conditions.

Commissioner Brennan moved, seconded by Commissioner Wilmot and passed by the following vote to adopt Resolution #03088 to recommend approval of the zoning map and area plan map corrections to the Board of Supervisors:

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

Planning Commission
December 10, 2003

11. WILSON WILLIAM ROBERT (PLN030253)

Staff recommended adoption of the Mitigated Negative Declaration and approval of the Use Permit with 12 conditions. The applicant is the San Lucas Water District.

Marti Noel, County Housing and Redevelopment representative, agreed to the conditions.

Commissioner Errea moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03089 to adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan and approve PLN030253 including corrections to Condition #4, and the evidence for finding #2 to stipulate the applicant is the San Lucas Water District:

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

12. D'ARRIGO BROS CO (PLN020069)

Staff recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of the Use Permit. A letter from Nancy Isakson in support of the project was distributed.

Jim Bogart, Growers and Shippers Association, spoke in support and read a letter from David Costa, also in support.

Brian Finnegan, representative, distributed a list of requested revisions to mitigations/conditions.

Public Comment: Elizabeth Panetta, Locklin Vicor, Linda Scatta, Mary McCartney, Lydia Rodriguez, Esperanza Via Lopez, Harold Kohn, Gary Patton, David Fried, Tom Carvey, Douglas Fay, John Macovich, Darlene Din, Don Nucci, Jim Kohn, John Inman, John Delessio and Kurt Golnick

It was moved by Commissioner Wilmot and seconded by Commissioner Rochester to approve staff's recommendation to adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan and approve the project.

AYES: Errea, Sanchez, Rochester, Wilmot
NOES: Brennan, Diehl, Padilla, Hawkins, Salazar
ABSENT: Parsons

Planning Commission
December 10, 2003

MOTION FAILED

It was moved by Commissioner Diehl and seconded by Commissioner Brennan to have an expedited Environmental Impact Report prepared on this project.

AYES: Brennan, Diehl, Salazar
NOES: Errea, Hawkins, Padilla, Sanchez, Rochester, Wilmot
ABSENT: Parsons

MOTION FAILED

Wendy Strimling, Deputy County Counsel, advised that the Commission could consider expanding the initial study topics regarding hazardous materials and the traffic situation at Harkins and Abbott Street.

It was moved by Commissioner Hawkins and seconded by Commissioner Rochester to take another look at the Hazardous Materials and Traffic sections of the Mitigated Negative Declaration, to include recirculation of the initial study and bring the project back to the Commission on March 10, 2004.

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Salazar, Rochester, Wilmot
NOES: Diehl
ABSENT: Parsons

Commissioner Errea departed at 4:45 p.m.

13. CRIST FRANK & ELIZABETH (PLN030307)

Staff recommended denial of the appeal thereby upholding the Director's interpretation of Section 21.66.030C.1 of Title 21 which prohibits the conversion of uncultivated land to cropland on slopes over 25 percent. Due to the lateness of the hour, staff recommended a continuance.

Commissioner Diehl moved, seconded by Commissioner Hawkins and passed by the following vote to continue this item to January 14, 2004:

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

Planning Commission
December 10, 2003

14. SHANKLIN WILLIAM (PLN030074)

Continued from October 8, 2003 to allow staff time to make findings, evidence, and conditions (8) for approval of the Use Permit.

Mrs. Shackling was present and agreed to the conditions.

Commissioner Wilmot moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03090 to approve the Use Permit:

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

It was moved by Commissioner Hawkins and seconded by Commissioner Wilmot to adjourn the meeting to Monday to hear the remaining items.

AFTER DISCUSSION, THIS MOTION WAS RESCINDED.

THE FOLLOWING ITEMS WERE HEARD OUT OF ORDER

16. SENA LOUIS & KRISTEN (PLN030174)

On November 12, 2003 the Planning Commission adopted a Resolution of Intent to approve the application. Staff recommended adoption of the Mitigated Negative Declaration with Mitigation Monitoring Plan and approval of an amendment to an approved Combined Development Permit (PLN980353) with 53 conditions. The Carmel Area Land Use Advisory Committee recommended approval. Staff distributed final corrections to findings, evidence, and conditions.

John Bridges, representative, agreed to the conditions.

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03091 to adopt the Mitigated Negative Declaration with Mitigation Monitoring Plan and approve PLN030174 as amended:

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

Planning Commission
December 10, 2003

17. SENA LOU (PLN020086)

On November 12, 2003 the Planning Commission adopted a Resolution of Intent to approve the application. Staff recommended approval of the Coastal Development Permit for the Lot Line Adjustment with 6 conditions. The Carmel Area Land Use Advisory Committee recommended approval. Staff distributed final corrections to findings, evidence, and conditions.

John Bridges, representative, agreed to the conditions.

Commissioner Diehl moved, seconded by Commissioner Rochester and passed by the following vote to adopt Resolution #03092 to adopt the Mitigated Negative Declaration with Mitigation Monitoring Plan and approve PLN020086 as amended:

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

15. MARKKULA ARMAS CLIFFORD (PLN030515)

Staff recommended approval of the amendment to Use Permit PC06848 based on Findings and Evidence and subject to the revised conditions (4). The Cachagua Land Use Advisory Committee recommended denial.

Aaron Johnson, representative, agreed to a continuance to January 14, 2004.

Commissioner Deihl moved, seconded by Commissioner Rochester and passed by the following vote to continue the project to January 14, 2004:

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

16. CONSENT AGENDAS (PLN030293)

On October 29, 2003, the Planning Commission directed staff to place on agenda an item for discussion and consideration of continuing to allow Consent agenda items on the Planning Commission agenda. Staff recommended that the Planning Commission direct staff to return with a resolution amending the Planning Commission rules for processing consent agenda items.

Planning Commission
December 10, 2003

Commissioner Diehl moved, seconded by Commissioner Padilla and passed by the following vote to continue the item to January 14, 2004:

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

ADJOURNMENT

The meeting was adjourned at 5:06 p.m.

ATTEST

Jeff Main, Secretary

/kb