

**FINAL**

**MONTEREY COUNTY PLANNING COMMISSION  
JUNE 9, 2004  
MINUTES**

The Planning Commission met at 9:03 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, Keith Vandevere, John Wilmot, Martha Diehl, Aurelio Salazar, Don Rochester, Juan Sanchez

Absent: None  
Commissioner Wilmot arrived at 9:05 a.m.  
Commissioner Parsons did not return after the lunch break

**B. COMMENT PERIOD** – Marjorie Kay requested the Planning Commissioners to assess existing conditions surrounding project applications to help in the decision making process.

**C. APPROVAL OF MINUTES                      April 28, 2004**

Commissioner Diehl moved, seconded by Commissioner Padilla, and passed by the following vote to approve the minutes of April 28, 2004.

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

**D. SCHEDULED ITEMS**

**1. MONTEREY COUNTY PLANNING COMMISSION (CONTINUED FROM 5/26/04)  
(REPORT ON STATUS AND BOARD HEARINGS ON THE GENERAL PLAN  
UPDATE TO INCLUDE A DISCUSSION OF RELATED COUNTY STAFFING  
ISSUES)**

Jeff Main provided the May 25, 2004 Board of Supervisors Board Report on the General Plan Update Process, mailed to the Commissioners at an earlier date. This item was placed on the agenda at the request of the Planning Commission for discussion. Director Scott Hennessy of the Planning and Building Inspection Department was available to answer any questions.

Scott Hennessy, made two corrections to the Board of Supervisors' Board Report of yesterday dated June 8, 2004. Due to public confusion, Attachment D, has been re-titled to "Rules of Participation", and Attachment D, Item D1, language has been changed to add clarification, and should read, "Interested parties will define and then prioritize the interest of the interested parties in the General Plan process."

Public Comment: Sarah Hardgrave, member of the American Planning Association (APA), distributed copies of Ethical Principles on the planning process by AICP. She commented that the

Planning Commission acted fairly, equitable, and justly on comments and issues during their review of the GP during the year. She applied the guidelines for the last three years while working on the General Plan Team. Ms. Hardgrave is concerned about the exclusive public process that is being proposed, and has grave concerns this County is in dire straits, overwhelmed, entrenched and having a difficult time dealing with change in a time of crisis.

Commissioner Parsons asked Scott Hennessy to define “strong majority” as mentioned in attachment D-B. Mr. Hennessy believes the intent is “strong support of the majority of the Board.” Commissioner Parsons asked if the report could indicate that point of view. Attachment D-1, a. Developers - is a very narrow point of view.

Commissioner Vandevere thanked Hardgrave for her comments. He notes that staff have been quite often been unfairly maligned, and we need to be very inclusive in the process.

Commissioner Diehl commented, we did not articulate so well the choices before us and have our leaders come forward and tell us what they thought about those choices. Since we didn't do that before, we do it now. The Board committed to making the choices as they come up to allow the people some sense they are on the right track. Those choices she assumes will be in public hearings. If the policy decisions have been rendered by the Board, then the PC recommendations are not particularly useful. Hennessy will consider the comments to make the PC role more viable.

Commissioners Sanchez and Diehl stated it is efficient to do it in bits and pieces and appropriate to be clear of expectations, even if not what they want.

Commissioner Wilmot stated no decisions behind “closed” doors; look at area plans, control growth, plan properly – look at Silicon Valley. He thanked GPU staff and Sarah Hardgrave. Wilmot stated this board can only advise.

Commissioner Rochester, stated GPU-3 is gone and thanked staff; politics got into it.

Commissioner Padilla believes area plans is the way to go.

Commission Salazar, stated we now have GPU-4; thanked staff and Sarah Hardgrave; he suggested on Attachment D on report, it should be “resident” at top of list; keep in mind to compromise.

The Planning Commission accepted the report.

**2 & 3.**            **CALTRANS**

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Planner Eric Lee, presented the project and staff recommendation to (1) Adopt a Negative Declaration for both PLN000203 and PLN020394 (Exhibit G); (2) Approve PLN000203 (CALTRANS-Rain Rocks) based on the Findings and Evidence (Exhibit B) and Subject to proposed condition (Exhibit C), and (3) Approve PLN020394 (CALTRANS-Old Faithful) based on the Findings and Evidence (Exhibit D) and subject to proposed Conditions (Exhibit E).

Gary Ruggerrone, environmental planner, CALTRANS, asked the Planning Commission not to approve the Mitigated Negative Declaration, unless they find some other way to pay for the Fish & Game fee, or approve it with the de minimus finding. He discussed past historical de minimus findings as they relates to fees and the interpretation of what the findings are based on.

Mr. Jeff Main, Secretary, discussed the fees structure as it relates to Department of Fish and Game review of Negative Declarations and stated that the staff recommended findings were consistent with previous interpretation and application by the County.

Public Comments: None

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

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

Recessed at 10:30 a.m. to 10:45 a.m.

#### **4. SEGAL**

Senior Planner Carl Holm, presented the project, recommended to Adopt a Mitigated Negative Declaration with the attached Mitigation Monitoring Program (Exhibit E), and Approve PLN020561/Segel based on Findings and Evidence (Exhibit C) and subject to proposed conditions (Exhibit D) and to add conditions 23 and 24 and amend Finding #7. Carl also stated a correction to the staff report clarifying that Alternative Site 1 has greater environmental impacts and Alternative 2 has equal impacts as the proposed project.

Wendy Strimling, Deputy County Counsel, stated in regard to the letter from Lockwood, that the case referenced in the letter had been dismissed.

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Arden Handschy, agent for the applicant, commended Planner Carl Holm on the presentation of the project and that he stated it very well. He is pleased with the conditions. Applicant is in agreement with amendments as proposed by staff. Mr. Handschy discussed the problems with the carport location.

Public Comment: Jim Heisinger, representative neighbor (Walters), supported the project except for the location of the caretaker's house. To preserve solitude at the Walter's house, he asked to move the proposed caretaker's quarter be moved to 50-75' down the road to where the garage is now going to be located and, swap them, put the garage where caretaker's house is being proposed to go, put the caretaker's house where the garage is supposed to go and that would solve the clients problem.

Rebuttal to Public Comments: Arden Handschy, Joanne Segel

Commissioner Diehl pointed out that the Walters chose to build their home close to the property line, and clarified that the applicant does not want to have the carport at all for the caretaker unit. Set-back becomes a moot issue if you don't need the carport.

Wendy Strimling, County Counsel, and Carl Holm, Planner, explained that the PC can, via the Coastal Development Permit to modify parking standards in cases which due to unusual circumstances do not necessitate the number of design of spaces normally required by Code.

It was moved by Commissioner Diehl and seconded by Commissioner Parsons and passed by the following vote to approve staffs recommendation as amended with provision, that instead of the variance for the set-back, the Commission finds that the parking requirement for the caretaker's unit may be modified so no carport would be required with staff to prepare the required findings that the carport is not necessary.

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

## **5. LH/JB ENTERPRISES**

Planner Taven Kinson Brown, presented the project, with staff recommendation to Approve the Use Permit and General Development Plan, as conditioned, based on the Findings and Evidence in Exhibit E and subject to proposed Conditions of Approval in Exhibit F. Mr. Kinson Brown suggested the following modifications to conditions:

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- Condition 3.1, Item 1 – Mr. Kinson Brown pointed out where it states ...”Such sign shall not exceed the roof height of the main sales structure...” should be changed to read “...Such sign shall not exceed a height of 25’, nor...” and continue with the rest of that line.
- Condition 10 – Mr. Kinson Brown clarified this condition is not redundant from Environmental Health that is later in the report, but the distinction is the timing is not part of issuance of Building Permits but the word is “on-going,” and that the condition stand as presented. The Health Department wants any vehicles that are stored about the property to be on pervious surfaces that have proper draining and accommodation for surface drainage, such as, oil/water separator as on-going standard of site condition how cars are kept on the property. Plans must be submitted to the Health Department to accomplish it.
- Add New Condition: After discussion with Public Works, it was recommended that the Applicant shall petition the County to Red-Line and restrict parking along the north side of South Prunedale Road.

Staff recommended approval of the Use Permit General Development Plan as conditioned with modifications as mentioned, based on the Findings and Evidence and conditions of approval as submitted.

Lunch Break 11:52 a.m.

Reconvened at 1:30 p.m.

Commissioner Parsons did not return after lunch

Commissioner Errea noted that the condition regarding hours of operations states, “shall be from 9 a.m. to 9 p.m.” probably should read “between the hours of 9 a.m. and 9 p.m.” He would not want them to be out of compliance if they closed early.

Commissioner Rochester thought the project was not appropriate for this area due to traffic, since the area has used car lots, and it is largely residential, but will wait for further comments.

Hesham Khacho, applicant, agreed with all conditions except the banner issue.

Public Comment: None

Public Comment: Closed

Public Comment: Chair Wilmot re-opened Public Comment for Ms. Thomas

Commissioner Padilla asked applicant if he looked at any other sites. Applicant responded. Padilla stated it does not have a good access road, lots of residential around it, and he is concerned about the lighting.

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Commissioner Rochester is concerned that the “Fly-Over” Caltrans Highway 156 improvement is temporary and will impact businesses along South Prunedale Road. He will not support the project.

Commissioner Vandevere stated LUAC had a concern about the lighting issues. Planner Kinson Brown responded.

Commissioner Hawkins addressed LUACs inquiry regarding flagging on the poles.

Commissioner Diehl asked about the significant lesser amount of light during hours of non-operational times as it relates to security. Applicant and Commissioner Rochester responded. Commissioner Diehl requested a condition to include hours of operation for lighting.

Jeff Main, Secretary, discussed county regulations pertaining to the use of lighting, and sign issues.

Commissioner Rochester moved, seconded by Padilla to approve a Resolution of Intent to deny the Use Permit and General Development Plan and direct staff to come back with a Findings and Evidence with a date certain. Motion failed by 6-3 by the following vote:

AYES: Rochester, Padilla, Sanchez  
 NOES: Erra, Hawkins, Vandevere, Wilmot, Diehl, Salazar  
 ABSENT: Parsons

Commissioner Vandevere moved, seconded by Commissioner Hawkins, to approve the project per staff recommendation and passed by the following vote to approve with the recommended changes to the conditions including lighting.

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

New Conditions language:

12	<b>(NON-STANDARD)</b> The applicant shall petition the County of Monterey for no parking along the north side property frontage of Prunedale South Road. <b>(Public Works Department Condition applied at PC Hearing 6/9/04)</b>	The applicant shall submit a letter to this effect to the Public Works department.	Applicant / Owner	Prior to issuance of building permit	
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13.	<p><b>(NON-STANDARD) <u>Lighting for the Used Car Sales Lot</u></b>  Prior to issuance of a building permit the applicant shall submit 3 copies of a photometric analysis and complete area lighting plan with catalog cuts, dimensions and fixture performance statistics. Some fixtures may need to be modified so that light is cut off at the property lines and do not intrude into neighbors properties or interfere with highway safety. The lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. <b>(Planning and Building Inspection)</b> .</p>	<p>Submit three copies of the photometric analysis and lighting area plans to PBI for review and approval, as described herein.</p> <p>The lighting plan shall include provisions for reduced and minimal lighting levels during the non-operational "closed" hours of the business. <b>(The Planning Commission required this 6/9/04)</b></p>	<p>Applicant's lighting expert or practitioner with the capacity to satisfy the condition.</p>	<p>Prior to issuance of the building permit for the sales structure</p>	
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**6. CARMEL VALLEY RANCH LLC**

Senior Planner Luis Osorio, presented the project, with staff recommendation to (1) Adoption of the Mitigated Negative Declaration contained in Exhibit "D"; and (2) Approval of the Combined Development Permit subject to the recommended Findings and Evidence contained in Exhibit "B" and subject to the recommended Conditions of Approval contained in Exhibit "C" (Condition Compliance/Mitigation Monitoring and Reporting Plan).

Public Comment: Dell Williams, Tim Jensen, Rod Mills, Chris Norton

Todd Bessire, Lombardo & Gilles, represented the applicant.

Commissioner Wilnot trailed this item until later in the day to provide time to staff to revise new language pertaining to trails.

At 3:44 p.m. (trailed) Item 6, Carmel Valley Ranch LLC was brought back to the Planning Commission. Mr. Osorio read changes for the new language for revised recommended Condition #23: The applicant shall offer to dedicate a 20-foot trail easement general following the existing fire access road up to the point of intersection with the proposed subdivision road, at which point said easement shall parallel and be aligned within the proposed 50-foot subdivision road right-away and separated from the paved road surface. The applicant shall construct the section of trail paralleling and within the 50-foot proposed subdivision road right-away and separated from the paved road surface. The applicant shall construct the section paralleling and within the 50-foot proposed subdivision road right-of-away to Monterey Peninsula Regional Fire District Standards.

Contemporaneous with this offer, the Monterey Peninsula Park District shall abandon the exacted and dedicated easement of 1976. The Monterey Peninsula Park District shall provide written evidence that the Final Map contains the full length and delineation of the proposed new public

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pedestrian hiking and bridle trail on the property over which the District has operation and access rights. This is required prior to recordation of the map, and is clearly stated in the Mitigation Monitoring Plan.

Commissioner Diehl asked how the Inclusionary Housing, #19, was being managed; asked for more language to specify the conditions on trails. Mr. Osorio responded and he could add more specific language.

Commissioner Wilmot asked the applicant to clarify the trails issue and its access to the fire department.

Wendy Strimling, Deputy County Counsel, advised the Commission regarding applicability of the Inclusionary Housing Ordinance.

It was moved by Commissioner Hawkins, seconded by Commissioner Errea and passed with staff's recommendations with amendments with the following vote:

AYES:	Erra, Hawkins, Padilla, Vandevere, Wilmot, Diehl, Salazar, Rochester, Sanchez
NOES:	None
ABSENT:	Parsons

## **7. Land Use Advisory Committees**

Senior Planner Carl Holm, presented the LUAC proposed changes to the draft Monterey County Land Use Advisory Committee Procedures. Mr. Holm outlined the following changes:

- 6.b Add "each" to last sentence and change "LUACs" to "LUAC"
- 8.d Add "and all such requests shall be channeled through this designee" At the end of sentence ending with "staff/applicant."
- 12.g Split into two procedures...one for documents such as Area/Land Use Plans and the other (as shown) for application materials.

Public Comment: Marjorie Kay

It was moved by Commissioner Diehl, seconded by Commissioner Errea and passed by the following vote to accept the proposed draft changes as recommended by staff and recommend that the Board of Supervisors revise and amend the Monterey County Land Use Advisory Committee Procedures (Exhibit B) with interim procedures and measures as outlined in Exhibit A:

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AYES: Erra, Hawkins, Padilla, Vandevere, Wilmot, Diehl, Salazar, Rochester,  
Sanchez  
NOES: None  
ABSENT: Parsons

E. **OTHER MATTERS**

Department Report: Jeff Main described the distribution of Fish & Game funding fees - they do not get funding from the General Fund and they do provide the County an expert service.

**ADJOURNMENT**

The meeting was adjourned at 3:55 p.m.

ATTEST

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Jeff Main, Secretary

JM: een

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