

**FINAL
MONTEREY COUNTY PLANNING COMMISSION
MARCH 14, 2007
MINUTES**

The Planning Commission met at 9:00 a.m. in the Board of Supervisors Chambers of the Courthouse, 168 West Alisal Street, Salinas, California.

A. ROLL CALL

Present: Miguel Errea, Jay Brown, Nancy Isakson, Cosme Padilla, Keith Vandevere, Martha Diehl, Juan Sanchez, Aurelio Salazar (Vice Chairman), Don Rochester (Chairman)
Absent: Matthew Ottone

B. COMMENT PERIOD:

PUBLIC – NONE

COMMISSION: Commissioner Salazar inquired about receiving a copy of the CEQA books and asked for a response to his request for advice concerning whether accepting minutes would comply with the law. Secretary Novo answered that CEQA books are on order. Deputy County Counsel Strimling advised the Commission concerning acceptance of the minutes. Commissioner Isakson relayed that she has not received a copy of the 2006 General Plan adopted by the Board of Supervisors. Secretary Novo stated that she will be provided a copy.

Commissioner Brown requested additional information on the Carlsen Estates project. He would like a copy of the EIR and Planning Commission's last action along with a transcript.

C. APPROVAL OF MINUTES – AUGUST 16, 2006, FEBRUARY 7 AND 14, 2007

Hearing no objections or corrections to the Minutes, Commissioner Diehl moved that the minutes of **August 16, 2006**, be accepted as a report. The motion was seconded by Commissioner Padilla, and approved by the following vote.

AYES: Errea, Brown, Isakson, Padilla, Vandevere, Diehl, Sanchez, Salazar, Rochester
NOES: None
ABSENT: Ottone

Hearing no objections or corrections to the Minutes, Commissioner Diehl moved that the minutes of **February 7, 2007**, be approved. The motion was seconded by Commissioner Vandevere, and approved by the following vote.

AYES: Errea, Brown, Isakson, Padilla, Vandevere, Diehl, Sanchez, Salazar, Rochester
NOES: None
ABSENT: Ottone

It was moved by Commissioner Diehl, seconded by Commissioner Salazar and passed by the following vote to approve the minutes of **February 14, 2007**, with changes to item D.6 (delete "as liaisons").

AYES: Errea, Brown, Isakson, Padilla, Vandevere, Diehl, Sanchez, Salazar, Rochester
NOES: None
ABSENT: Ottone

E. SCHEDULED ITEMS

1. CASTROVILLE COMMUNITY PLAN

CONTINUED PUBLIC HEARING FROM FEBRUARY 7, 2007 TO CONSIDER MAKING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING CERTIFICATION OF THE FINAL EIR AND ADOPTION OF THE CASTROVILLE COMMUNITY PLAN AND RELATED ACTIONS. THE CASTROVILLE COMMUNITY PLAN IS A LONG-RANGE PLAN DESIGNED TO DIRECT GROWTH AND DEVELOPMENT IN A MANNER THAT ENHANCES THE QUALITY OF LIFE IN THE COMMUNITY OF CASTROVILLE. THE PLAN DESCRIBES BOTH EXISTING AND FUTURE DEVELOPMENT WITHIN THE COMMUNITY. THE PLAN COVERS AREA IN AND AROUND CASTROVILLE, INCLUDING AN INLAND AREA AND A PORTION OF THE COUNTY'S COASTAL ZONE, ADOPTION OF THE CASTROVILLE COMMUNITY PLAN WILL REQUIRE AMENDMENT OF THE MONTEREY COUNTY GENERAL PLAN AND AMENDMENT OF THE NORTH COUNTY COASTAL LAND USE PLAN IN ORDER TO INCORPORATE THE COMMUNITY PLAN AND RE-DESIGNATE THE AREA COVERED BY THE COMMUNITY PLAN AS A COMMUNITY PLAN AREA SUBJECT TO THE REGULATIONS AND REQUIREMENTS CONTAINED IN THE COMMUNITY PLAN. THE AMENDMENT TO THE NORTH COUNTY LAND USE PLAN WILL BE REQUIRED TO BE SUBMITTED TO THE COASTAL COMMISSION FOR CERTIFICATIONS.

Marti Noel, Housing and Redevelopment Office, discussed the project. Changes made to the Plan and referrals from the February 7, 2007 hearing were discussed.

Public Comment: None

Commissioner Isakson asked for clarification of what is meant by "outside" the Community Area for the CAC review to be triggered. Marti Noel said that clarification would be included in the final version to the Board of Supervisors.

After discussion, it was moved by Commissioner Padilla, seconded by Commissioner Diehl and passed by the following vote to adopt a resolution recommending that the Board of Supervisors certify the EIR and adopt CEQA findings and a statement of overriding considerations and adopt a resolution recommending that the Board of Supervisors amend the 1982 Monterey County General Plan and North County Area Plan (inland) to incorporate the Castroville Community Plan and adopt a resolution of intent to amend the North County Land Use Plan to incorporate the Castroville Community Plan and amend certain policies of the North County Land Use Plan .

AYES: Errea, Brown, Isakson, Padilla, Vandevere, Diehl, Sanchez, Salazar, Rochester

NOES: None

ABSENT: Ottone

F. DEPARTMENT REPORT – Secretary Mike Novo explained that the cost is exorbitant for providing archived recordings of the Planning Commission meetings on the website. Also, the Department will be looking forward to another Senior Planner expected to come in April.

E. OTHER MATTERS – Land Use Advisory Committee

It was moved by Commissioner Padilla, seconded by Commissioner Diehl and passed by the following vote to appoint **Gregory Burch** to the North County Coastal LUAC.

AYES: Errea, Brown, Isakson, Padilla, Vandever, Diehl, Sanchez, Salazar, Rochester
NOES: None
ABSENT: Ottone

The Secretary was asked by Commissioners Padilla and Rochester to send a letter to **Marjorie Kay** thanking her for six years of dedicated service on the North County Coastal LUAC.

It was moved by Commissioner Isakson, seconded by Commissioner Salazar and passed by the following vote to **reappoint Mike Weaver and Ron Vandergrift** to the Toro LUAC.

AYES: Errea, Brown, Isakson, Padilla, Vandever, Diehl, Sanchez, Salazar, Rochester
NOES: None
ABSENT: Ottone

G. COMMISSION REFERRALS

Referrals were discussed by Secretary Novo. Bold and underline is used for new and/or moved items.

Commissioner Salazar asked about the procedures on attending conferences: Who pays the registration fees, per diem, mileage, etc. (Secretary Novo will provide a report on this).

Commissioner Errea inquired regarding an update on the Williamson Act. The Planning Department will provide a report to the Commission on any changes to the Act.

Commissioner Diehl stated that the LUAC subcommittee, including Commissioners Brown and Ottone, is still working on the LUAC procedures.

BREAK - 9:50 a.m.

RECONVENED - 11:00 a.m.

2. MAGARICH PRIMO LLC (PLN050671)

COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) AN ADMINISTRATIVE PERMIT FOR THE CONSTRUCTION OF A 5,818 SQUARE FOOT ONE-STORY SINGLE FAMILY DWELLING WITH A 726 SQUARE FOOT ATTACHED THREE-CAR GARAGE AND 854 SQUARE FEET OF COVERED PATIOS AND A PORTA COCHERE, (2) A USE PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30% AND (3) A USE PERMIT FOR THE REMOVAL OF 5 PROTECTED OAK TREES. THE PROPERTY IS LOCATED AT 25836 PASEO REAL, MONTEREY (ASSESSOR'S PARCEL NUMBER 416-132-010-000), GREATER MONTEREY PENINSULA AREA.

Anna Quenga, Project Planner, presented the project, with a recommendation for denial of the application for a Combined Development Permit.

Architects Roger Cornejo and Ed Rheinhardt, representing the owner, testified.

Gary Magarich, owner, also testified.

Public Comment: None.

After discussion, it was moved by Commissioner Diehl, seconded by Commissioner Padilla and passed by the following vote to deny the project.

AYES: Errea, Padilla, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: Brown, Isakson
ABSENT: Ottone

BREAK – 11:58 a.m.
RECONVENE – 1:30 p.m.

3. SHANKER ROY & LINDA GIBSON (PLN050538)

HEARING CONTINUED FROM 1/31/07. COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW CONSTRUCTION OF A 7,734 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH 445 SQUARE FOOT COVERED ENTRY, 1,547 SQUARE FOOT PORTE COCHERE WITH 936 SQUARE FOOT ATTACHED GARAGE; A COASTAL ADMINISTRATIVE PERMIT FOR AN 850 SQUARE FOOT DETACHED SENIOR CITIZEN UNIT; A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 47 MONTEREY PINE TREES (38 ARE 12 TO 24 INCHES IN DIAMETER AND 9 ARE OVER 24" IN DIAMETER); AND GRADING (650 CUBIC YARDS CUT/325 CUBIC YARDS FILL). THE PROJECT IS LOCATED AT 1306 PORTOLA ROAD, PEBBLE BEACH (ASSESSOR'S PARCEL NUMBER 008-302-036-000), DEL MONTE FOREST AREA, COASTAL ZONE.

Liz Gonzales, Project Planner, presented the project and corrected the date of the staff report to read March 14, 2007. With adjustment of the location of the senior unit, the number of trees to be removed is changed from 47 Monterey Pine trees to 45 Monterey Pines and 1 six inch oak tree.

Bill Medford, architect, relayed that the net savings of moving the building would be one tree. Roy Shanker agreed to the conditions.

Public Comment: None.

Carl Holm, RMA – Planning, explained that the trees are in bad shape and will fall eventually. By moving the project, some trees will be saved.

The Commissioners requested a description of the findings required for tree removal in this case. Staff responded by reading policies relating to the tree removal. Commissioner Vandevere suggested deleting the last sentence of Evidence 3.b and changing Condition 11.

After discussion, it was moved by Commissioner Diehl, seconded by Commissioner Isakson and passed by the following vote to approve the Combined Development Permit with the suggested changes to Evidence 3.b and Condition 11.

AYES: Errea, Brown, Isakson, Padilla, Rochester, Diehl, Sanchez, Salazar
NOES: Vandevere
ABSENT: Ottone

4. DENIER LARRY & BETTY ANN (PLN060236)

HEARING CONTINUED FROM 2/14/07. COMBINED DEVELOPMENT PERMIT INCLUDING: 1) USE PERMIT AND DESIGN APPROVAL FOR DEVELOPMENT OF A NEW APPROXIMATELY 18,905 SQUARE FOOT, TWO-STORY, PROFESSIONAL OFFICE BUILDING, INCLUDING GRADING (3,700 CUBIC YARDS OF CUT AND 3,900 CUBIC YARDS OF FILL) AND REMOVAL OF TWO PROTECTED OAK TREES; AND 2) USE PERMIT FOR DEVELOPMENT OF A PORTION OF THE ACCESS ROAD ON SLOPES GREATER THAN 30%. THE PROPERTY IS LOCATED AT 24560 SILVER CLOUD COURT, MONTEREY (ASSESSOR'S PARCEL NUMBER 173-121-013-000), IN THE LAGUNA SECA OFFICE PARK, YORK ROAD AREA, GREATER MONTEREY PENINSULA AREA.

Project Planner Luis Osorio discussed the revisions made since the last hearing.

Applicant John Jessen and his representative, Randy Meyenberg, answered questions from the Planning Commission and accepted staff's recommendation.

Public Comment: None.

It was moved by Commissioner Vandevere, seconded by Commissioner Errea and passed by the following vote to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, and approve the Combined Development Permit as recommended by staff, including the revised air quality condition and revision to condition 28.

AYES: Errea, Brown, Isakson, Padilla, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: Ottone

5. BOLLINGER LOREN & MARY ELLEN (PLN060231)

HEARING CONTINUED FROM 2/28/07. COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) AN ADMINISTRATIVE PERMIT TO ALLOW THE CONSTRUCTION OF A 7,334 SQUARE FOOT, TWO-STORY, SINGLE FAMILY RESIDENCE WITH A 1,480 SQUARE FOOT ATTACHED FOUR-CAR GARAGE (IN THREE UNITS OF 715 SQUARE FEET, 297 SQUARE FEET, AND 468 SQUARE FEET RESPECTIVELY), RETAINING AND PRIVACY WALLS; AND 2) A USE PERMIT FOR THE REMOVAL OF 7 OAK TREES. GRADING OF 1,020 CUBIC YARDS (380 CUBIC YARDS CUT AND 640 CUBIC YARDS FILL). THE PROPERTY IS LOCATED AT 313 PASADERA COURT, MONTEREY (ASSESSOR'S PARCEL NUMBER 173-075-002-000), NORTH OF HIGHWAY 68, GREATER MONTEREY PENINSULA AREA.

Jody Lyons, Project Planner, presented the project.

Commissioner Sanchez left at 2:26.

Commissioner Diehl asked for clarification on the CEQA finding and Condition 5. Deputy County Counsel Strimling suggested a change to Finding 3. Commissioner Vandevere asked to correct a typographical error in Condition 8.

Architect Gary Takatawa, agreed to the conditions and changes discussed. He gave the history of the project.

Public Comment: None.

AYES: Errea, Padilla, Brown, Isakson, Rochester, Diehl, Salazar, Vandever
NOES: None
ABSENT: Ottone, Sanchez

6. WILLIAMS TIM ARTHUR ET AL (PLN040720)

PROPOSAL TO CHANGE DATE FROM MARCH 28, 2007 TO APRIL 25, 2007 FOR HEARING REGARDING MODIFICATION OR REVOCATION OF USE PERMIT TO ALLOW THE CONVERSION OF AN EXISTING SINGLE FAMILY RESIDENCE TO A BED AND BREAKFAST AND DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 350 CALLE DE LOS AGRINEMSOR, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 189-531-004-000), CARMEL VALLEY AREA.

Project Planner Elisa Manuguerra explained that the Planning Commission had requested that this item be scheduled for the March 28, 2007 Planning Commission agenda. The applicant requested a continuance to April 25, 2007. Instead of noticing the item for the March 28 agenda and then requesting a continuance, staff is recommending that the Planning Commission schedule the item for April 25, 2007.

Commissioner Diehl wanted to ensure that this would be the automatic continuance allowed by the Planning Commission policy regarding applicant requests' for continuances.

It was moved by Commissioner Errea, seconded by Commissioner Salazar and passed by the following vote to schedule the hearing for April 25, 2007.

AYES: Errea, Padilla, Brown, Isakson, Rochester, Diehl, Salazar, Vandever
NOES: None
ABSENT: Ottone, Sanchez

ADJOURNMENT: 3:00 p.m.

ATTEST



MIKE NOVO, SECRETARY

MN:kb/ca