

**FINAL  
MONTEREY COUNTY PLANNING COMMISSION  
AUGUST 29, 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, Cosme Padilla, Matthew Ottone, Don Rochester (Chairman), Martha Diehl, Juan Sanchez, Aurelio Salazar (Vice Chairman), Keith Vandevere  
Absent: Nancy Isakson (arrived at 9:10 a.m.)

**B. COMMENT PERIOD:**

**PUBLIC** – Hans Jungens spoke regarding global warming.  
**COMMISSION** – None

**C. APPROVAL OF MINUTES – July 18 and August 8, 2007**

It was moved by Commissioner Salazar, seconded by Commissioner Errea and passed by the following vote to approve the minutes of **July 18, 2007**.

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

It was moved by Commissioner Vandevere, seconded by Commissioner Errea and passed by the following vote to approve the minutes of **August 8, 2007**.

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

**D. SCHEDULED ITEMS**

**1. GENERAL PLAN 2006**

Alana Knaster, Chief Assistant Director, gave a progress report on General Plan 2006. A report is expected on the September 12<sup>th</sup>.

**2. THORNLEY ANTHONLY & GILLIAN TR. (PLN060510)**

CONTINUED FROM 7/25/07. APPEAL FROM THE 2/22/2007 ZONING ADMINISTRATOR DENIAL OF THE APPLICATION FOR A COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) AN ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A 13,346 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH AN ATTACHED FOUR-CAR GARAGE, (2) AN ADMINISTRATIVE PERMIT AND DESIGN APPROVAL FOR A DETACHED 773 SQUARE FOOT SENIOR UNIT, AND (3) A DESIGN APPROVAL FOR A 564 SQUARE FOOT DETACHED GUESTHOUSE, AN EQUESTRIAN FACILITY (3,602 SQUARE FOOT STABLE AND 1,706

SQUARE FOOT HAY BARN/THREE-CAR GARAGE), THE REMOVAL OF TWENTY-EIGHT MONTEREY PINE TREES AND GRADING (6,300 CUBIC YARDS OF CUT/7,100 CUBIC YARDS OF FILL). THE PROPERTY IS LOCATED AT 9 GOODRICH TRAIL, CARMEL (ASSESSOR'S PARCEL NUMBER 239-102-019-000), CARMEL VALLEY MASTER PLAN AREA.

Carl Holm, Project Planner, presented the project. The staff and the applicant have come to an agreement on project revisions and asked for a continuance to prepare the report.

Brian Finegan, representative, agreed to the continuance.

It was moved by Commissioner Vandevere, seconded by Commissioner Sanchez and passed by the following vote to continue this item to October 10, 2007.

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

*Commissioner Isakson arrived at 9:10 a.m.*

### **3. COLEMAN LEWIS W. (PLN060665)**

**APPEAL FROM ZONING ADMINISTRATOR APPROVAL OF A COMBINED DEVELOPMENT PERMIT CONSISTING OF:** 1) ADMINISTRATIVE PERMIT TO ALLOW THE CONSTRUCTION OF A 12,620 SQUARE FOOT SINGLE FAMILY DWELLING (INCLUDING AN ATTACHED THREE-CAR GARAGE AND TWO DETACHED BEDROOMS OF 940 SQUARE FEET TOTAL) IN A SITE PLAN REVIEW ("S") ZONING DISTRICT; (2) AN ADMINISTRATIVE PERMIT TO ALLOW THE CONSTRUCTION OF A 1,200 SQUARE FOOT CARETAKER UNIT; (3) A DESIGN APPROVAL FOR A 12,620 SQUARE FOOT SINGLE FAMILY DWELLING (INCLUDING AN ATTACHED THREE-CAR GARAGE AND TWO DETACHED BEDROOMS OF 940 SQUARE FEET TOTAL), A 1,200 SQUARE FOOT CARETAKER UNIT, AND EQUESTRIAN FACILITY (BARN, TACK ROOM AND HORSE STALLS – TOTALING 1,875 SQUARE FEET); AND (4) GRADING (APPROXIMATELY 4,700 CUBIC YARDS OF CUT & 7,600 CUBIC YARDS OF FILL). THE PROPERTY IS LOCATED AT 17 BLACK MOUNTAIN TRAIL, CARMEL (ASSESSOR'S PARCEL NUMBER 239-121-007-000), GREATER MONTEREY PENINSULA AREA, SANTA LUCIA PRESERVE.

Carl Holm, Project Planner, relayed that the applicant had withdrawn the appeal and that no action was required of the Planning Commission.

### **4. MONTEREY FISH COMPANY, INC. (PLN070254)**

AMENDMENT TO A PREVIOUSLY APPROVED COMBINED DEVELOPMENT PERMIT AND GENERAL DEVELOPMENT PLAN (PLN980305) TO INCLUDE: (1) A USE PERMIT TO ALLOW THE SERVICE OF ALCOHOLIC BEVERAGES WITHIN 200 FEET OF THE BOUNDARY OF A RESIDENTIAL DISTRICT (A WINE TASTING ROOM) WITHIN AN EXISTING 7600 SQUARE FOOT COMMERCIAL SPACE; (2) MODIFICATION OF CONDITION OF APPROVAL NO. 17.A TO ALLOW THE OPENING OF A THIRD DRIVEWAY; (3) A USE PERMIT TO RECTIFY CODE ENFORCEMENT CASE NO. CE050182 TO ALLOW EXTERIOR MODIFICATIONS TO THE DEL MONTE MILK BARN, A DESIGNATED HISTORIC RESOURCE WHICH INCLUDES: THE REPLACEMENT OF AN EXISTING EXTERIOR STAIRCASE TO THE SECOND STORY (THE MONTEREY FISH HOUSE RESTAURANT), THE CONSTRUCTION OF A TRASH ENCLOSURE GATE, AND A REDWOOD FENCE BEHIND

MONTEREY FISH HOUSE RESTAURANT 6 FEET IN HEIGHT (MATERIALS AND COLORS: REDWOOD AND PRESSURE-TREATED WOOD, NATURAL STAIN); AND (4) A DESIGN APPROVAL TO ALLOW THE CONSTRUCTION A SLUMP BLOCK SOUNDPROOF WALL ALONG THE SOUTHWESTERN PORTION OF THE PROPERTY LINE (APPROX. 150 LINEAR FEET IN LENGTH AND 6 FEET IN HEIGHT), AND GRADING (LESS THAN 100 CU. YDS.). THE PROPERTY IS LOCATED AT 13920 CARMEL VALLEY ROAD, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 189-291-006-000), CARMEL VALLEY MASTER PLAN AREA.

Elisa Manuguerra, Project Planner, presented the project and an errata for the recommended findings.

Deputy County Counsel Strimling requested adding a footnote to the condition matrix stating that the conditions identified as 'Cleared' do not need further applicant action unless required by the condition.

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl and passed by the following vote to approve the Use Permit to rectify Code Enforcement File No. CE050182 and approve the Amendment to Combined Development Permit and General Development Plan (PLN980305/Board of Supervisors Resolution No. 02-206), including the modifications in the errata and suggested by Deputy County Counsel Strimling.

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

#### **5. BIRNBERG DIANE MIX TR (PLN060760)**

CONTINUED FROM 6/27/07. COMBINED DEVELOPMENT PERMIT CONSISTING OF: AN ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A 5,795 SQ. FT., TWO-STORY WITH BASEMENT LEVEL SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 562 SQ. FT. GARAGE, A 420 SQ. FT. DETACHED BEDROOM SUITE, A 598 SQ. FT. GUEST HOUSE, A 254 SQ. FT. WORKSHOP, A 257 SQ. FT. POOL HOUSE, SWIMMING POOL, SEPTIC SYSTEM, AND A 566 SQ. FT. ARTIST STUDIO; USE PERMIT FOR THE REMOVAL OF 11 HEALTHY PROTECTED OAK TREES, 27 TREES IN FAIR TO POOR CONDITION; USE PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; AND GRADING (APPROXIMATELY 2664 CUBIC YARDS CUT/1122 CUBIC YARDS FILL). THE PROPERTY IS LOCATED AT 8 CORRAL RUN, CARMEL (ASSESSOR'S PARCEL NUMBER 239-101-017-000), CARMEL VALLEY MASTER PLAN AREA.

Bob Schubert and Brett Becker, Project Planners, presented the project.

Joel Panzer, representative, explained about site restoration and tree planting.

After discussion, it was moved by Commissioner Diehl, seconded by Commissioner Sanchez and passed by the following vote to consider the EIR Addendum and the Environmental Impact Report for the Santa Lucia Preserve, adopt a Mitigation Monitoring and Reporting Program and approve the Combined Development Permit.

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

#### **6. LAVERTY GUY & IRENEJ (PLN060484)**

CONTINUED FROM 5/10/07. COMBINED DEVELOPMENT PERMIT INCLUDING AFTER-THE-FACT PERMITS TO ALLOW A 138 SQUARE FOOT COURTYARD/DEN CONVERSION AND A 45 SQUARE FOOT MASTER BEDROOM ADDITION CONSTRUCTED WITHOUT PERMITS. ENTITLEMENTS CONSIST OF: A VARIANCE

TO INCREASE THE MAXIMUM LOT COVERAGE FROM 35% TO 42 % FOR THE UNPERMITTED ADDITIONS; A VARIANCE TO INCREASE FLOOR AREA RATIO (FAR) FROM 45% TO 48% FOR THE UNPERMITTED ADDITIONS AND THE CONSTRUCTION OF A 35 SQUARE FOOT STAIRWAY TO ALLOW INTERNAL ACCESS TO THE EXISTING ATTIC; A COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT ON A PROPERTY WITH A POSITIVE ARCHAEOLOGICAL REPORT, AND DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 26291 OCEAN VIEW AVENUE, CARMEL (ASSESSOR'S PARCEL NUMBER 009-431-030-000), COASTAL ZONE.

Craig Spencer, Project Planner, stated that staff was recommending denial of the Combined Development Permit.

John Matthams, representative, gave an overview and the reasons behind the variances.

Commissioners Diehl and Brown asked questions regarding when the additions were made and what applied to floor area ratio calculations. Matthams responded that the work was prior to Laverty's ownership of the property. Staff answered the floor area ratio question.

Recess 9:55 a.m. Reconvene 10:25 a.m.

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl and passed by the following vote to deny the Combined Development Permit.

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

#### **7. PIZANO FIDEL A & MARGARITA A P (PLN030075)**

CONTINUED FROM 6/27/07. STANDARD SUBDIVISION TENTATIVE MAP FOR THE DIVISION OF TWO ADJACENT PARCELS OF 62 ACRES & 89 ACRES, RESPECTIVELY, INTO 10 LOTS RANGING IN SIZE FROM 5.4 ACRES TO 40.3 ACRES. THE PROPERTY IS LOCATED SOUTH OF JOLON ROAD (ASSESSOR'S PARCEL NUMBERS 423-341-010-000 & 423-341-026-000), APPROXIMATELY .45 MILES WEST OF NEW PLEYTO ROAD, SOUTH COUNTY AREA.

Secretary Novo requested a continuance to September 26, 2007 to allow time to resolve water issues.

It was moved by Commissioner Brown, seconded by Commissioner Sanchez and passed by the following vote to continue this item to September 26, 2007.

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

#### **8. CARLSEN ESTATES (PLN000196)**

A COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A STANDARD SUBDIVISION VESTING TENTATIVE MAP FOR THE DIVISION OF THREE PARCELS TOTALING APPROXIMATELY 97.3-ACRES INTO 38 RESIDENTIAL LOTS RANGING IN SIZE FROM 1.01 ACRES TO 16.37 ACRES; AND 2) A USE PERMIT FOR REMOVAL OF APPROXIMATELY 449 OAKS OVER 6 INCHES IN DIAMETER; AND 3) A USE PERMIT FOR THE EXPANSION OF A PUBLIC WATER SYSTEM. DEVELOPMENT OF THE PROJECT WOULD REQUIRE APPROXIMATELY 7,700 CUBIC YARDS OF GRADING (4000 CUBIC YARDS OF CUT AND 3700 CUBIC YARDS OF FILL). THE PROPERTY IS LOCATED SOUTHERLY OF BERTA CANYON ROAD, EAST OF U.S.

HIGHWAY 101, PRUNEDALE. (ASSESSORS PARCEL NUMBERS 125-051-005-000, 125-051-008-000 AND 125-051-017-000), NORTH COUNTY NON-COASTAL AREA.

Taven Kinison Brown, Project Planner, presented the project. Two alternatives to reduce the project were presented for the Commission's consideration. Staff recommended Alternative B.

Commissioners asked questions regarding several issues.

John Bridges, representative for Bill Coffey, discussed the code enforcement issues. The applicant did improvements without the knowledge of the owner. Mr. Bridges gave an overview of the project. On behalf of the applicant, Mr. Bridges offered to reduce the project to 35 lots, eliminating lots 1, 2, and 34, and offered to agree to condition five units to be for workforce housing.

*Break 12:07 Reconvene 1:30 p.m. Commissioners Ottone, Salazar and Padilla were not in attendance in the afternoon.*

Public Comment: Ed Mitchell, Jan Mitchell, Doug Kasunich, Chris Fitz, Bill Tyskans, Hans Jungens, Carolyn Anderson, and Molly Erickson.

John Bridges requested a continuance to a date certain of September 26, 2007.

The Commission directed that staff provide additional information relating to : 1) a 35- lot alternative, 2) water availability, 3) recent LUAC review, 4) TAMC impact fee and 5) code violation clearance before returning to the Commission.

It was moved by Commissioner Brown, seconded by Commissioner Isakson and passed by the following vote to continue the hearing on the project to a date approximately two weeks following clearance of the code violation.

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

## **9. CODE ENFORCEMENT ORDINANCE (PLN040372)**

CONTINUED FROM 8/8/07. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON AN ORDINANCE DELETING CHAPTERS 16.08.520-606 (GRADING), 16.12.170-200 (EROSION CONTROL), 18.50.090-110 (WATER CONSERVATION), 18.52 (BUILDING AND CONSTRUCTION), 18.56.100 (WILDFIRE PROTECTION), 20.90 (ZONING, COASTAL ZONE), AND 21.84 (ZONING, NON-COASTAL) AND AMENDING CHAPTER 1.20 OF THE MONTEREY COUNTY CODE RELATIVE TO THE ENFORCEMENT OF THE MONTEREY COUNTY CODE

Secretary Novo requested that this item be tabled.

It was moved by Commissioner Vandevere, seconded by Commissioner Isakson, and passed by the following vote to table this item.

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

## **E. OTHER MATTERS (conducted in the morning before Item D.8)**

**NORTH COUNTY COASTAL LUAC – Kim Solano resigned.** Commissioner Padilla thanked Kim Solano for serving on the committee.

**CHUALAR NDRC** – It was moved by Commissioner Errea, seconded by Commissioner Sanchez, and passed by the following vote to **reappoint Richard Stewart**.

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

**F. DEPARTMENT REPORT – NONE**

**G. COMMISSION REFERRALS** – Secretary Novo reviewed the referral list. It was noted by Commissioner Diehl that covered parking is not on the agenda.

**ADJOURNMENT - 2.35 p.m.**

ATTEST

  
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MIKE NOVO, SECRETARY

MN:kb/ca