

**FINAL
MONTEREY COUNTY PLANNING COMMISSION
SEPTEMBER 12, 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 (arrived after Public Comment—9:03 a.m.), Cosme Padilla, Matthew Ottone, Don Rochester (Chairman), Martha Diehl, Juan Sanchez, Aurelio Salazar (Vice Chairman), Keith Vandevere

Absent: None

B. COMMENT PERIOD:

PUBLIC – Hans Jungens spoke about global warming.

COMMISSION – Brown inquired about the Williamson Act fees. He would like to have an explanation of the rising cost of the fees. Counsel Strimling and Secretary Novo stated that the fees were based on a time study, but would report back to the Planning Commission.

C. APPROVAL OF MINUTES – NONE

D. SCHEDULED ITEMS

1. ROCKY POINT RESTAURANT LLC (PLN050296)

CONTINUED FROM 08/08/07. A COMBINED DEVELOPMENT PERMIT TO ALLOW AFTER-THE-FACT PERMITS (VIOLATION#: CE990087) CONSISTING OF: A COASTAL ADMINISTRATIVE PERMIT FOR DEVELOPMENT OF ACCESSORY STRUCTURES APPURTENANT TO THE PRINCIPAL ALLOWED USE INCLUDING CONSTRUCTION OF TWO CONCRETE DECKS, ONE RETAINING WALL, AND A REDWOOD DECK AND GAZEBO, INSTALLATION OF OUTDOOR LIGHTING ALONG THE COASTAL BLUFF, REPLACEMENT OF WATER TANKS ON NEIGHBORING PROPERTY (ASSESSOR'S PARCEL NUMBER 243-262-003-000), AND REPLACEMENT/EXPANSION OF AN EXISTING RESTAURANT SIGN; COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN THE CRITICAL VIEWSHED; COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES OF 30% OR GREATER; COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF AN ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA); AND DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 36700 HIGHWAY ONE SOUTH, MONTEREY (ASSESSOR'S PARCEL NUMBER 243-262-004-000), APPROXIMATELY 12 MILES SOUTH OF CARMEL, BIG SUR LAND USE PLAN, COASTAL ZONE.

Carl Holm, Project Planner, presented the project. A list of proposed changes to findings and conditions was distributed to the Commission.

Todd Bessie, representative, agreed to all conditions and changes.

Commissioner Diehl stated she was concerned with the pace of compliance and voiced her appreciation on how staff prepared the report. Commissioner Vandevere asked questions regarding the easement and the violation.

It was moved by Commissioner Diehl, seconded by Commissioner Sanchez and passed by the following vote to adopt the Mitigated Negative Declaration and approve the Combined Development Permit with the changes to findings and conditions recommended by staff.

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

2. STRAFACE FRANK J ET AL (PLN070107)

COMBINED DEVELOPMENT PERMIT CONSISTING OF (1) A COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A 5,591 SQUARE FOOT ONE-STORY SINGLE FAMILY DWELLING WITH A 643 SQUARE FOOT 3-CAR GARAGE (GRADING 271 CUBIC YARDS FILL/865 CUBIC YARDS CUT), (2) A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF APPROXIMATELY 48 OAK AND PINE TREES. THE PROPERTY IS LOCATED AT 1487 PADRE LANE, PEBBLE BEACH (ASSESSOR'S PARCEL NUMBER 008-441-009-000), DEL MONTE FOREST AREA, COASTAL ZONE.

David Greene, Project Planner, presented the project.

The Commission expressed concern that the Land Use Advisory Committee minutes and the Project Information Sheet were missing from the staff report.

Anthony Lombardo, representative, stated the LUAC recommendation was unanimous, that neighbors provided a letter in support of the project, and discussed the staff recommendation and changes.

Staff stated that there is a signed copy of the letter in the file.

It was moved by Commissioner Brown, seconded by Commissioner Padilla and passed by the following vote to trail this item until after agenda item number 5 to allow staff to retrieve and distribute the LUAC minutes, letter, Project Information Sheet, and to affirm the project size.

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

3. HATFIELD DEAN C JR & KAROLYN (PLN060225)

ANNUAL REVIEW OF A USE PERMIT TO ALLOW THE CONTINUED OPERATION, FOR THREE YEARS, OF AN ESTABLISHED COTTAGE INDUSTRY (MICRO-BREWERY) FOR THE PROCESSING AND MAKING OF BEER IN A 130 SQUARE FOOT PORTION OF AN EXISTING APPROXIMATELY 1,800 SQUARE FOOT BARN. THE MICRO BREWERY PRODUCES BETWEEN 1,000 AND 4,800 GALLONS OF BEER PER YEAR (20-100 GALLONS PER WEEK). THE PROPERTY, A 44-ACRE PARCEL, IS LOCATED AT 66 EAST CARMEL VALLEY ROAD, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 197-021-005-000), NORTH OF CARMEL VALLEY ROAD, EAST OF CARMEL VALLEY VILLAGE, CARMEL VALLEY MASTER PLAN AREA.

Jacqueline Onciano, Project Planner, presented the report.

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl and passed by the following vote to accept the status report on this item.

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

4. HULL KATHLEEN N TR (PLN070299)

COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) AN ADMINISTRATIVE PERMIT TO ALLOW DEVELOPMENT WITHIN A SITE PLAN REVIEW OR "S" ZONING DISTRICT FOR THE CONSTRUCTION OF A 4,982 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH AN ATTACHED 385 SQUARE FOOT ONE-CAR GARAGE AND A 87 SQUARE FOOT MECHANICAL AREA; A DETACHED 504 SQUARE FOOT TWO-CAR GARAGE; A 220 SQUARE FOOT COVERED PARKING AREA; A 795 SQUARE FOOT BOCCIE BALL COURT; INSTALLATION OF A 7,065 SQUARE FOOT ASPHALT DRIVEWAY; 4,043 SQUARE FEET OF STONE PATHS; 3,755 SQUARE FEET OF PATIOS; 942 SQUARE FEET OF RETAINING WALLS; A 648 SQUARE FOOT SWIMMING POOL; A 54 SQUARE FOOT SPA; A 461.8 SQUARE FOOT WATER FEATURE OR "DRY CREEK" WITH RECIRCULATING PUMP; A SEPTIC DISPOSAL SYSTEM, AND GRADING (APPROX. 1,300 CU. YDS. CUT/480 CU. YDS. FILL); (2) AN ADMINISTRATIVE PERMIT TO ALLOW THE CONSTRUCTION OF A 1,200 SQUARE FOOT ONE-STORY CARETAKER'S UNIT WITH A 135 SQUARE FEET ENTRY PORCH; A 447 SQUARE FEET PATIO; 82 SQUARE FEET OF RETAINING WALLS; AND THE INSTALLATION OF A SEPTIC DISPOSAL SYSTEM; (3) A USE PERMIT TO ALLOW THE REMOVAL OF 7 OAK TREES; (4) A USE PERMIT TO ALLOW DEVELOPMENT ON SLOPES EXCEEDING 30%; AND (5) DESIGN APPROVAL. THE PROPERTY IS LOCATED AT 50 & 50 A CHAMISAL PASS, CARMEL (ASSESSOR'S PARCEL NUMBER 239-041-006-000), SANTA LUCIA PRESERVE LOT 135; FORMERLY LOT M-34, GREATER MONTEREY PENINSULA AREA.

Elisa Manuguerra, Project Planner, presented the project. Staff read recommended changes into the record.

Joel Panzer, representative, requested modification to Exhibit H, Construction Impact Analysis Santa Lucia Preserve Lot #135 and a reduction in the mitigation monitoring fee.

Commissioner Vandevere, Diehl, Ottone, and Sanchez questioned whether the facts support the required finding to allow development on slopes greater than 30 percent.

Counsel provided options: 1) continue the hearing to allow time for the applicant to redesign the project and staff to re-evaluate it; or 2) make a motion of intent to deny.

Mr. Panzer said he would like to redesign the project.

It was moved by Commissioner Vandevere, seconded by Commissioner Isakson and passed by the following vote to continue the item to October 10, 2007 to allow the applicant to redesign the project to avoid 30 percent slope areas.

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

2. STRAFACE FRANK J ET AL (PLN070107) (trailed item)

Staff returned with LUAC minutes, letter, and Project Information Sheet as directed by the Commission and recommended a revision to condition 1.

Anthony Lombardo, representative, agreed to conditions.

It was moved by Commissioner Isakson, seconded by Commissioner Salazar and passed by the following vote to approve the Combined Development Permit with the recommended changes.

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

7. RIDGELINE DEVELOPMENT (PD070078)

CONDUCT A WORKSHOP REGARDING PROCEDURES AND STANDARDS FOR THE EVALUATION OF PROJECT DEVELOPMENT APPLICATIONS INVOLVING RIDGELINE DEVELOPMENT.

Secretary Novo requested a continuance to September 26, 2007.

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

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

5. CERTIFICATE OF COMPLIANCE BLANKET FEE WAIVER (PD070842)

PARTIAL FEE WAIVER FOR CERTIFICATES OF COMPLIANCE RECEIVED BEFORE AUGUST 2007, BUT PROCESSED AFTER AUGUST 26, 2007.

Secretary Novo introduced this item and noted several corrections.

Public Comment: Tim Baldwin

After discussion, it was moved by Commissioner Diehl, seconded by Commissioner Errea and passed by the following vote to approve the partial fee waiver for Certificates of Compliance as amended.

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

6. GENERAL PLAN 2006 (PLN050045)

RECEIVE REPORT FROM THE AD HOC GENERAL PLAN SUBCOMMITTEE OF THE PLANNING COMMISSION SUBCOMMITTEE AND FORWARD A RECOMMENDATION FOR GENERAL PLAN 5 (GPU5) TO THE BOARD OF SUPERVISORS.

Carl Holm, Planning Manager, introduced this item.

Chairman Rochester gave an overview of how the subcommittee worked and thanked them for their diligence in consolidating their recommendation to the Board of Supervisors. He then presented their report for consideration.

Public Comment: Janet Brennan, Margaret Robbins, Keith McCoy, Chris Bunn, Carolyn Anderson, Hans Jungens, Tom Carvey, Luis Salado, Ed Mitchell, Brian Finegan, Kurt Golnick, David Dilworth, John Bridges, Jan Mitchell, Allan Williams, Chris Fitz, Alfred Diaz-Infante, Juan Uranga, and Carlos Ramos.

Commissioner Padilla expressed concern regarding water issues. Bill Phillips, Director, Water Resources Agency, addressed his concern.

Commissioner Vandevere inquired about the opportunity for public participation in this process.

Alana Knaster, Resource Management Chief Assistant Director, stated that the recommendation of the Planning Commission will be presented to the Board of Supervisors on Tuesday, September 18, and the Board is scheduled to hold a public hearing on September 25, 2007. Charles McKee, County Counsel, provided clarification..

After discussion, it was moved by Commissioner Brown, seconded by Commissioner Padilla to accept the report of the subcommittee, forward the recommendation to the Board of Supervisors and to have the Board consider a staff clarification of the Affordable Housing Overlay (AHO), the boundaries at the mouth of Carmel Valley, and the requirement for affordable housing to be placed in AHO's.

A substitute motion was made by Commissioner Sanchez and seconded by Commissioner Isakson to receive the report from the General Plan subcommittee and forward the recommendation for GPU5 to the Board of Supervisors. The substitute motion was passed by the following vote:

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

E. OTHER MATTERS

CARMEL HIGHLANDS/CARMEL UNINCORPORATED LUAC – It was moved by Commissioner Diehl, seconded by Commissioner Vandevere and passed by the following vote to **reappoint Barbara Rainer**.

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

TORO LUAC – It was moved by Commissioner Isakson seconded by Commissioner Salazar and passed by the following vote to **reappoint Rick Marvin**.

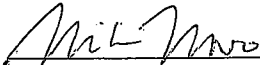
AYES: Errea, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandevere
NOES: None
ABSENT: None

F. DEPARTMENT REPORT – NONE

G. COMMISSION REFERRALS – the issue of Nonconforming set backs was added to the referral list.

ADJOURNMENT - 12:15 p.m.

ATTEST



MIKE NOVO, SECRETARY

MN:kb/ca