

DRAFT
MONTEREY COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 28, 2010
MINUTES

PLEDGE OF ALLEGIANCE - 9:03 A.M.

A. ROLL CALL

Present: Commissioners Vandevere, Roberts, Rochester, Salazar, Brown, Diehl, Padilla, Ottone
Absent: Commissioners Getzelman and Sanchez

B. PUBLIC COMMENTS - None

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Commissioner Salazar thanked staff for the 2010 CEQA books.

C. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS - None

D. APPROVAL OF MINUTES: March 10 and 31, 2010

It was moved by Commissioner Vandevere, seconded by Commissioner Rochester and passed by the following vote to approve the minutes of March 10, 2010:

AYES: Vandevere, Roberts, Rochester, Salazar, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Getzelman, Sanchez
ABSTAIN: None

Commissioner Roberts asked to change 'ensured' to 'ensued' on Department Report on the March 31, 2010 minutes. It was moved by Commissioner Vandevere, seconded by Commissioner Salazar and passed by the following vote to approve the minutes of March 31, 2010 with the correction:

AYES: Vandevere, Roberts, Rochester, Salazar, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Getzelman, Sanchez
ABSTAIN: None

F. SCHEDULED ITEMS

- 1. GONZALEZ GUSTAVO A & BARBARA J SMITH - PLN090200**
PLANNING AREA: GREATER MONTEREY PENINSULA. **PROJECT PLANNER:** DELINDA ROBINSON. **ENVIRONMENTAL STATUS:** CATEGORICALLY EXEMPT. **PROJECT DESCRIPTION:** USE PERMIT FOR DEVELOPMENT ON SLOPE EXCEEDING 30% AND DESIGN APPROVAL TO CLEAR VIOLATION (CE090187). THE DEVELOPMENT CONSISTS OF: 1) INSTALLATION OF NEW SEPTIC SYSTEM, CONSTRUCTION OF RETAINING AND GARDEN

WALLS; EXPANSION OF DECK AND STAIRS, CONSTRUCTION OF NEW STAIRS AND REPAIR OF PORTION OF FOUNDATION ON A SLOPE EXCEEDING 30%; 2) RELOCATION OF GUEST PARKING; 3) CONSTRUCTION OF ADDITIONAL GARDEN WALLS; AND 4) ADDITION OF WIRE MESH FENCING ON FRONT PROPERTY LINE; AND REQUEST FOR A WAIVER OF CODE ENFORCEMENT FEES FOR USE PERMIT.. THE PROPERTY IS LOCATED AT 25476 FLANDERS DRIVE, CARMEL (ASSESSOR'S PARCEL NUMBER 015-112-007-000), WEST OF FLANDERS DRIVE BETWEEN WHITMAN CIRCLE AND ROW PLACE, GREATER MONTEREY PENINSULA AREA

Project Planner Delinda Robinson presented the project, including recommending a change to condition 9. Environmental Health representative Janna Faulk proposed a revision to condition 7. Commissioners asked for clarification of the policy regarding fees. Staff explained the reasons staff recommends approval of the fee waiver.

Public Comment: Anthony Lombardo, representative for applicants, agreed with all conditions.

Commissioners asked questions of staff.

It was moved by Commissioner Diehl, seconded by Commissioner Salazar and passed by the following vote to approve staff's recommendation, including approval of the project with the recommended changes, including making sure that condition 7 includes a requirement to record the agreement referenced in condition 7, and approval of the fee waiver:

AYES: Vandevere, Roberts, Rochester, Salazar, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT Getzelman, Sanchez
ABSTAIN: None

- 2. COUNTY OF MONTEREY - PLN080273. PROJECT PLANNER: JOE SIDOR.**
ENVIRONMENTAL STATUS: MITIGATED NEGATIVE DECLARATION PREPARED. **PROJECT DESCRIPTION:** COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL DEVELOPMENT PERMIT AND USE PERMIT FOR THE CONSTRUCTION OF APPROXIMATELY 65,531 SQUARE FEET OF PAVED SHOULDERS AND DRAINAGE IMPROVEMENTS TO BLACKIE ROAD WITHIN THE EXISTING RIGHT OF WAY, INCLUDING CURVE WARNING SIGNAGE, CENTER LINE RUMBLE-STRIPS, RE-STRIPING, AND APPROXIMATELY 300 LINEAR FEET OF RETAINING WALLS; 2) A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 47 TREES (44 OAK AND 3 EUCALYPTUS, INCLUDING 5 LANDMARK OAK AND 1 LANDMARK EUCALYPTUS); 3) A COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT ON SLOPE GREATER THAN 25 PERCENT; 5) A USE PERMIT TO ALLOW DEVELOPMENT ON SLOPE GREATER THAN 30 PERCENT; AND GRADING CONSISTING OF APPROXIMATELY 8,100 CUBIC YARDS OF CUT AND 5,350 CUBIC YARDS OF FILL. THE PROJECT ALSO INCLUDES THE REMOVAL OF 20 TREES (11 OAK AND 9 EUCALYPTUSES, INCLUDING 5 LANDMARK OAK) IN THE INLAND AREA, WHICH IS EXEMPT FROM PERMIT REQUIREMENTS UNDER MONTEREY COUNTY CODE 21.64.260.F.2.

Project planner Joseph Sidor presented the project.

Public Comment: Julia Hunson, Richard Langley.

Commissioner Diehl asked for a brief description of the project from Public Works. Project planner Joseph Sidor discussed the position of the retaining walls. Jonathan Pascua of Resource Management Agency - Public Works Design Group, gave a brief description of the project.

It was moved by Commissioner Padilla and seconded by Commissioner Rochester to approve staff recommendation to adopt the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan and approve the project and passed by the following vote:

AYES: Vandever, Roberts, Rochester, Salazar, Brown, Diehl, Padilla, Ottone
NOES: None
ABSENT: Getzleman, Sanchez
ABSTAIN: None

3. **POLKOW STEVEN L TR - PLN080266. PROJECT PLANNER: ELIZABETH GONZALES. PLANNING AREA: CARMEL LAND USE. ENVIRONMENTAL STATUS: MITIGATED NEGATIVE DECLARATION PREPARED. PROJECT DESCRIPTION: COMBINED DEVELOPMENT PERMIT CONSISTING OF 1) COASTAL ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE DEMOLITION OF AN EXISTING 1,529 SQUARE FOOT SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A 3,676 SQUARE FOOT, THREE LEVEL SINGLE FAMILY DWELLING WITH 1,284 SQUARE FOOT LOCATED COMPLETELY BELOW GRADE; 2) COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITH POSITIVE ARCHAEOLOGICAL REPORTS; 3) COASTAL DEVELOPMENT PERMIT FOR THE REMOVAL OF A 48" PLANTED AND DISEASED CYPRESS TREE; 6 FOOT HIGH, 943 158 LINEAR FOOT RETAINING WALL WILL BE REPLACED AT THE REAR OF THE PROPERTY AND CONTINUED AROUND THREE SIDES OF THE PROPERTY; GRADING (500 CUBIC YARDS CUT/50 CUBIC YARDS FILL). THE PROPERTY IS LOCATED AT 26478 CARMELO STREET, CARMEL AREA LAND USE PLAN, COASTAL ZONE.**

Project planner Elizabeth Gonzales presented the project, recommending adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and approval of the project, with denial of the request to rebuild the retaining wall. Staff also recommended adding an evidence (i) to Finding 5, and an Indemnification Agreement condition.

Public Comment: John Bridges, representative for applicant, stated that the applicant agreed with the conditions. Robert Cartier, archaeologist for the applicant; Steve Polkow and Mara Hook, applicants, John Reynolds.

Commissioners discussed excavation in an archaeologically rich area. Commissioner Diehl requested staff to place on a future agenda the policy issue regarding the excavation of lower floors.

It was moved by Commissioner Rochester and seconded by Commissioner Ottone to approve staff's recommendation including staff's revisions to findings and conditions.

AYES: Rochester, Brown, Padilla, Ottone
NOES: Vandever, Roberts, Salazar, Diehl
ABSENT: Getzleman, Sanchez
ABSTAIN: None

The motion failed - Tie vote (4-4).

Break 10:46 a.m. Reconvene 11:10

Staff suggested options, including continuing the hearing to allow a possible redesign or adding language to the conditions of approval to require applicant to stop work and apply for an amendment to the use permit if unique archaeological resources were found on the property during the work.

Public Comment was reopened. John Bridges, speaking for the applicant, stated that the additional condition language would be acceptable.

It was moved by Commissioner Vandevere, seconded by Commissioner Roberts and passed by the following vote that the Planning Commission continue the hearing to a date uncertain to give the applicant an opportunity to redesign the project to better meet Carmel Area Land Use Policy 2.8.3.4.

AYES: Vandevere, Roberts, Salazar, Brown, Diehl, Padilla
NOES: Ottone, Rochester
ABSENT: Getzelman, Sanchez
ABSTAIN: None

4. **2010 DRAFT MONTEREY COUNTY GENERAL PLAN - PLN070525 PROJECT PLANNER: ALANA KNASTER AND CARL HOLM. ENVIRONMENTAL STATUS: FINAL ENVIRONMENTAL IMPACT REPORT PREPARED. PROJECT DESCRIPTION: PUBLIC HEARING CONTINUED FROM APRIL 14, 2010 TO CONSIDER THE 2010 DRAFT GENERAL PLAN AND ENVIRONMENTAL IMPACT REPORT.**

Commissioner Brown clarified the process for discussion. Carl Holm explained each color highlight.

Conservation and Open Space Element (beginning with Policy OS-3.6)

Project planner Alana Knaster discussed the changes noted in the Conservation and Open Space Element. Commissioner Diehl asked that each policy that has a timeframe for completion be flagged. The Commission also asked that policies OS-4.3 through OS-4.6 be flagged.

Lunch Break 11:55 a.m. - Reconvened at 1:34 p.m. with Commissioners Vandevere, Roberts, Brown, Diehl, Padilla, and Rochester present.

Resumed with Policy OS-5.4

Commissioners Ottone and Salazar arrived at 1:42 p.m.

Commissioners discussed and flagged additional policies under Goal OS-5.

Public Comment: Brian Clark; Dale Agron, Carmel Valley Association; Cristopher Bunn, Monterey County Farm Bureau; Amy White, LandWatch; Molly Erickson, The Open Monterey Project; Julie Engell, Chris Bunn.

Commissioner Brown asked that County Counsel review use of words “would,” versus “will,” and “should” versus “shall” in policies. Commissioner Vandevere asked that wording in OS-8.1 be fixed.

Discussion ensued regarding the remaining Open Space Element policies. Commissioners discussed rewording some policies to ensure that they are durable to adjust to changing directions or rules.

Rich Walter of ICF, EIR consultant on the draft General Plan, explained the intent of proposed changes to various OS policies.

Break 2:53 p.m. Reconvened 3:15 p.m. Commissioner Ottone did not return after the break.

Public Comment: Molly Erickson, The Open Monterey Project; Christopher Bunn, Monterey County Farm Bureau

Commissioner Diehl recommended that staff consider the comments from the public.

It was moved by Commissioner Vandevere, seconded by Commissioner Rochester and passed by the following vote to continue the General Plan hearing to May 12, 2010:

AYES: Vandevere, Roberts, Salazar, Brown, Diehl, Padilla, Rochester
NOES: None
ABSENT: Getzelman, Ottone, Sanchez
ABSTAIN: None

G. OTHER MATTERS: None

H. DEPARTMENT REPORT

Secretary Novo discussed reasons that projects are forwarded to the Planning Commission from other hearing bodies. He also discussed staffing levels and budget.

I. ADJOURNMENT - 3:31 p.m.

Date Adopted:

ATTEST

Mike Novo, Secretary

MN/ca