

**FINAL  
MONTEREY COUNTY PLANNING COMMISSION  
JULY 11, 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, Cosme Padilla, Jay Brown, Juan Sanchez, Aurelio Salazar (Vice Chairman), Keith Vandevere, Martha Diehl  
Absent: Nancy Isakson (in during item D1), Matthew Ottone (in after recess), Don Rochester (Chairman)

**B. COMMENT PERIOD:**

**PUBLIC – None**

**COMMISSION –** Commissioner Padilla thanked everyone for attending Citizenship Day.

**C. APPROVAL OF MINUTES – May 30 and June 13, 2007**

It was moved by Commissioner Diehl, seconded by Commissioner Errea and passed by the following vote to approve the minutes of **May 30, 2007**, with a change regarding Commissioner Sanchez being present.

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

The minutes of June 13<sup>th</sup> were tabled to the next hearing due to a question regarding the referrals.

**D. SCHEDULED ITEMS**

**1. CODE ENFORCEMENT ORDINANCE (PLN040372)**

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

Dale Ellis, Interim Director of Building, presented the ordinance. He described the changes and modifications being made to the ordinance.

Public Comment: Gillian Taylor, Jan Mitchell, Paula Lotz, Carolyn Anderson, Margaret Robbins, Marit Evans, Pam Silkwood, Christopher Bunn, Jr.; Kurt Golnick, and Cheryl McKenzie

Commissioners Isakson, Diehl, and Brown had specific questions regarding sections of the ordinance. Commissioner Isakson suggested this item be trailed to the end of the hearing. Commissioners Vandevere and Brown agreed. Vice Chairman Salazar directed that the item be trailed to later in the meeting.

Break – 10:40 a.m. Reconvene – 10:55 a.m.

Commissioner Ottone arrived during the recess.

After more discussion, it was moved by Commissioner Vandevere, seconded by Commissioner Ottone and passed by the following vote to continue the hearing on the Code Enforcement ordinance to August 8, 2007.

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

Commissioners Brown, Isakson, and Diehl returned.

**2. KESSLER MORTON/NANCY (PD070590)**

FEE WAIVER REQUEST FOR A VARIANCE (PLN070120) (TO RECTIFY A PORTION OF CODE ENFORCEMENT CASE CE040294) TO LEGALIZE THE FOLLOWING: 1.) A 278 SQUARE FOOT BEDROOM ADDITION CONSTRUCTED WITHOUT THE BENEFIT OF PERMITS TO ENCROACH INTO THE REQUIRED 20 FOOT REAR SETBACK AND; 2.) A 133 SQUARE FOOT BATHROOM ADDITION CONSTRUCTED WITHOUT THE BENEFIT OF PERMITS TO ENCROACH INTO THE REQUIRED 20 FOOT REAR SETBACK. THE PROPERTY IS LOCATED AT 8195 EL CAMINO ESTRADA CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 169-051-002-000), CARMEL VALLEY MASTER PLAN AREA.

Brittany Nicholson, Project Planner, presented the fee waiver request.

Marge Ingram Viales, representative, gave an overview and the reasoning for the fee waiver. She asked for a waiver of all fees.

It was moved by Commissioner Diehl, seconded by Commissioner Isakson and passed by the following vote to waive all fees as requested.

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

**3. LIPMAN HILLARY (PLN060613)**

CONTINUED FROM 6/27/07. COASTAL DEVELOPMENT PERMIT TO ALLOW THE DESIGNATION OF A "DONOR SITE" IN EXCHANGE FOR TRANSFERABLE DEVELOPMENT CREDITS PURSUANT TO SECTION 20.64.190 OF THE MONTEREY COUNTY ZONING ORDINANCE (TITLE 20). THE PROPERTY IS LOCATED AT 41730 PFEIFER RIDGE ROAD, BIG SUR (ASSESSOR'S PARCEL NUMBER 419-311-012-000), COASTAL ZONE.

Jacqueline Onciano, Project Planner, recommended approval of the Coastal Development Permit.

Arden Handshy, representative, agreed with the conditions.

It was moved by Commissioner Diehl, seconded by Commissioner Padilla and passed by the following vote to approve the Coastal Development Permit with a change to condition 5.

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

**4. 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.

Trevor Keith, consultant working for Monterey County, recommended approval of the Combined Development Permit. Commissioners had questions regarding tree removal and environmental review.

Joel Panzer, representative, gave an overview of the project and answered questions regarding tree removal in Rancho San Carlos.

Public Comment: Sheri Hodgekiss and Maureen Hamb, arborist

It was moved by Commissioner Diehl, seconded by Commissioner Brown and passed by the following vote to table the Combined Development Permit (date uncertain) to review the environmental review needed for the project and the effect of current State oak tree regulations.

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

**E. OTHER MATTERS**

It was moved by Commissioner Diehl, seconded by Commissioner Errea and passed by the following vote to *reappoint Steve Schindler to the Big Sur Land Use Advisory Committee.*

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

**F. DEPARTMENT REPORT**

Secretary Novo discussed the LUAC Guidelines subcommittee. Commissioner Brown will talk with Carl Holm for dates to meet. Commissioners were invited to a Mitigation Monitoring training program.

Board of Supervisors have directed staff to use the 1982 General Plan for now. A special meeting of the Commission is scheduled for next Wednesday, July 18<sup>th</sup>, at 9:00 a.m. to select a General Plan subcommittee. The Board has asked that a representative from each District be represented on the committee.

**G. COMMISSION REFERRALS** Staff is working on the referrals.

**ADJOURNMENT:** 12:40 p.m.

ATTEST

  
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MIKE NOVO, SECRETARY

MN:kb/ca