

**FINAL  
MONTEREY COUNTY PLANNING COMMISSION  
JULY 30, 2008  
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.

**I. ROLL CALL**

Present: Jay Brown, Steve Pessagno, Don Rochester, Nancy Isakson, Aurelio Salazar, Jr. (Chairman),  
Mathew Ottone, Juan Sanchez, Keith Vandevere (Vice Chair)  
Absent: Martha Diehl, Cosme Padilla (arrived at 9:05)

**II. PUBLIC COMMENT:** None

**III. APPROVAL OF MINUTES – JUNE 11 and 25, 2008**

The minutes were tabled to the next meeting to permit review of whether the roll call attendance as set forth in the minutes was correct.

*Commissioner Padilla arrived at 9:05 a.m.*

**IV. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS** - None

**V. COMMISSIONER COMMENTS, REQUESTS & REFERRALS** - None

**VI. ACTION ITEMS**

**1. LAUCH JOAN A/JERRY W (PLN070214)**

COMBINED DEVELOPMENT PERMIT CONSISTING OF THE FOLLOWING: 1) COASTAL ADMINISTRATIVE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW 6,000 SQUARE FOOT THREE-STORY SINGLE FAMILY DWELLING WITH AN 891 SQUARE FOOT ATTACHED 3-CAR GARAGE, GRADING OF 972 CUBIC YARDS OF CUT, 625 CUBIC YARDS OF FILL, 2-5,000 GALLON WATER TANKS, A NEW SEPTIC SYSTEM AND WELL; 2) A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 36 PINE TREES; AND 3) A COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (COASTAL CHAPPARAL). THE PROPERTY IS LOCATED ON MOUNT DEVON ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 241-221-009-000), CARMEL HIGHLANDS AREA, EAST OF HIGHWAY 1, COASTAL ZONE.

Craig Spencer, Project Planner, presented the project. Staff distributed an Errata sheet with changes to the staff report.

Jerry Lauch, applicant, accepted all findings and conditions.

Public Comment: None

It was moved by Commissioner Isakson, seconded by Commissioner Sanchez and passed by the following vote to adopt the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan and approve the Combined Development Permit, based on the findings and evidence and subject to the recommended conditions

as including changes as noted in the Errata and by Commissioner Vandevere to the findings related to biological and forest resources.

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

## **2. ROBINSON JEFFERS TOR HOUSE (PLN080208)**

EXTENSION REQUEST FOR A PREVIOUSLY APPROVED COASTAL DEVELOPMENT PERMIT (PC07666). THE COASTAL DEVELOPMENT PERMIT CONSISTS OF: A MUSEUM OPEN TO THE PUBLIC 12 HOURS PER WEEK (BY APPOINTMENT ONLY) ON FRIDAY AND SATURDAY; TWO ON-SITE FUND RAISING ACTIVITIES EACH YEAR; LIVE MUSIC FOR THE TWO YEARLY FUNDRAISERS AND THE ABILITY TO SELL GIFTS FOR THE SUPPORT OF ROBINSON JEFFERS TOR HOUSE FOUNDATION; AND SIX YEARLY BOARD MEETINGS LIMITED TO 21 PERSONS. THE PROPERTY IS LOCATED AT 26304 OCEAN VIEW AVENUE, CARMEL (ASSESSOR'S PARCEL NUMBER 009-432-021-000), CARMEL AREA, COASTAL ZONE.

Maria Lopez, Project Planner, presented the project.

Janna Faulk, Environmental Health, added a condition (EH10) regarding portable restrooms.

Discussion followed regarding previous conditions that were not completed, permit length, prior conditions that still apply, hours of operation, and the number of board meetings.

Laura Lawrence, Planning Supervisor Manager, clarified that the previous conditions all still apply except the "No Parking" condition.

Sean Flavin, project representative, explained the operation and accepted the conditions. Alex Vardamis and Tom Hicks, also on the Tor House Foundation board, spoke about the operation.

Public Comment: Dr. Meyer, James Himonas.

Sean Flavin spoke in rebuttal.

The Commissioners discussed the issues.

It was moved by Commissioner Vandevere, seconded by Commissioner Rochester to approve the extension request for a previously approved Coastal Development Permit (PC07666) including the added condition from Environmental Health with revision to indicate that the portable toilet is needed only for special events exceeding 80 people and adding a condition limiting the number of fundraisers per year. After discussion about amending the motion, the maker of the motion and second accepted an amendment to condition 1. After further discussion, Commissioner Vandevere, with Commissioner Rochester concurring as the second, decided not to accept the amendment to the motion. The original motion was voted on and passed by the following vote:

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

BREAK – 10:45 a.m. RECONVENED – 11:05 a.m.

**3. NATURE CONSERVANCY THE ET AL (PLN080294)**

AMENDMENT TO AN APPROVED COASTAL DEVELOPMENT PERMIT (PLN010504/NATURE CONSERVANCY) FOR THE REPAIR OF THREE EXISTING TIDE GATES LEADING TO CULVERTS UNDER A UNION PACIFIC RAILROAD LINE. THE AMENDMENT REVISES THE DESIGN FROM EARTHEN BERMS TO CONSTRUCTION OF A POST & RAIL TYPE FENCE ALLOWING ADJUSTMENT OF HEIGHT RANGING UP TO SIX FEET TALL DEPENDING ON THE TIDE LEVEL. LOCATED IN THE AZEVEDO MARSHES WEST OF ELKHORN ROAD AND NORTH OF KIRBY PARK (ASSESSOR'S PARCEL NUMBER 181-011-002-00) ELKHORN SLOUGH, NORTH COUNTY COASTAL ZONE.

Laura Lawrence, Supervising Manager, presented for Carl Holm, Project Planner and provided a memorandum suggesting revision to Finding 6.

Mark Silberstein, Elkhorn Slough Foundation, agreed to the conditions.

Public Comment: None

It was moved by Commissioner Vandevere, seconded by Commissioner Rochester and passed by the following vote to consider the Addendum to the previously adopted Negative Declaration and approve the amendment to an approved Coastal Development Permit (PLN010504/Nature Conservancy) based on the findings and evidence as revised per staff's suggestion and subject to the recommended conditions.

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

**4. REVX-173 LLC (PLN060559)**

CONTINUED FROM 7/9/08. COMBINED DEVELOPMENT PERMIT CONSISTING OF 1) A GENERAL DEVELOPMENT PLAN FOR INDUSTRIALLY DESIGNATED PROPERTY TOTALING 189 ACRES (FORMER NATIONAL REFRACTORIES SITE) TO ESTABLISH HISTORICAL USES TO BE ALLOWED AS PART OF A BUSINESS PARK (INCLUDING WAREHOUSE, INDUSTRIAL SHOPS, BIO-DIESEL RESEARCH AND DEVELOPMENT, ETC); AND 2) A COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A 70,000 SQUARE FOOT INDUSTRIAL WAREHOUSE TO REPLACE FACILITES DEMOLISHED UNDER PLN040363. THE PROPERTY IS LOCATED AT 7697 HIGHWAY 1, MOSS LANDING (ASSESSOR'S PARCEL NUMBER 133-172-013-000), SOUTH EAST CORNER OF DOLAN ROAD, MOSS LANDING COMMUNITY PLAN AREA, COASTAL ZONE.

Joe Sidor, Project Planner, presented the project and read the changes and corrections.

Janna Faulk, Environmental Health, clarified Environmental Health conditions regarding timing and responsibility.

Commissioners inquired about the tanks and hazardous waste.

Nader Agha, applicant, explained about the clean up activities conducted at the site and agreed to the recommended conditions. Sam Bose, who works at the site, provided some more information related to the site's history and clean up activities.

Public Comment: None.

It was moved by Commissioner Padilla, seconded by Commissioner Rochester and passed by the following vote to approve the Combined Development Permit including changes and corrections as presented.

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

**5. TRUCK PARKING ORDINANCE (PLN080234)**

CONTINUED FROM 7/9/08. RENEWAL OF ORDINANCE NO. 4271 ADDING, SECTION 21.64.320 - REGULATIONS FOR TEMPORARY TRUCK PARKING AND STORAGE OPERATIONS AND SECTION 21.64.330 - REGULATIONS FOR TRUCK PARKING AND STORAGE OPERATIONS TO TITLE 21 - ZONING ORDINANCE OF THE MONTEREY COUNTY CODE, IN THE UNINCORPORATED COUNTY-WIDE (NON-COASTAL), AREAS OF MONTEREY COUNTY

Secretary Novo requested a continuance of the Truck Parking Ordinance (PLN080234) to a date uncertain to allow staff time to refine the details.

It was moved by Commissioner Brown, seconded by Commissioner Isakson and passed by the following vote to continue this item to a date uncertain.

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

*Commissioner Isakson left the hearing at 11:40 a.m.*

**6. GENERAL PLAN UPDATE 2005 (PLN070525)**

CONTINUED FROM 5/28/08. ESTABLISH A SCHEDULE FOR PLANNING COMMISSION REVIEW OF THE DRAFT 2006 GENERAL PLAN UPDATE (GPU) THAT INCLUDES: 1) DEFINE A WORKSHOP FORMAT RELATIVE TO REVIEWING THE DRAFT GPU, AREA PLANS, AGRICULTURAL WINERY CORRIDOR PLAN (AWCP), AND DRAFT ENVIRONMENTAL IMPACT REPORT (EIR); AND 2) ESTABLISH DATES AND TIMES FOR WORKSHOPS AND PUBLIC HEARINGS ON THE DRAFT GENERAL PLAN UPDATE.

Mike Novo, Director of Planning, presented the General Plan schedule.

Commissioner Vandevere inquired about the circulation period being changed from 60 days to 45 days.

Secretary Novo stated the Board of Supervisors directed that the General Plan Update be completed this year and the schedule was built around that direction.

Public Comment: Jan Mitchell, representing the Prunedale Neighbors Group and the Prunedale Preservation Alliance, was disappointed that the review period was reduced and requested that a night meeting be held.

**VIII. OTHER MATTERS (taken out of order)**

**SPRECKELS NDRC** – It was moved by Commissioner Rochester, seconded by Commissioner Ottone and passed by the following vote to **reappoint Scott Henningsen**.

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

**IX. DEPARTMENT REPORT** – Secretary Novo covered the following items: 1) AB1234, Ethics Training, 2) two new Planners will start on August 4, 2008; 3) the department has been reorganized to have two new Special Projects teams, focusing on Advance Planning.

Commissioner Brown asked about the oak tree ordinance and website retrieval.

*Break – 11:55 Reconvened – 1:30 p.m.*

*Commissioners absent for the afternoon session included: Commissioners Pessagno, Isakson, Sanchez, and Diehl.*

**VII. ACTION/INFORMATION ITEMS**

**7. PROPOSED ORDINANCE TO AMEND ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES (PLN040372)**

Timothy McCormick, Director of Building Services, presented the proposed procedures and gave an overview of how they will change.

Secretary Novo clarified which handouts the Commission received at the hearing.

Public Comment: Tom Carvey, Common Ground; Cheryl McKenzie; Bob Perkins, Executive Director, Monterey County Farm Bureau; Pamela Silkwood, representative for various clients; Paula Lotz, LandWatch; Jan Mitchell, Prunedale Neighbors Group and Prunedale Preservation Alliance; John Ramirez, Assistant Director Health Division; and Christopher Bunn, Jr.


The Commissioners inquired about fees, fair penalties, the makeup of the new Board, and who would be advising the Board.

This report was accepted by Chair Salazar.

**X. ADJOURNMENT: 2:31 p.m.**

Date adopted: September 24, 2008

ATTEST

  
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MIKE NOVO, SECRETARY

MN:kb/ca