

Exhibit No. 8
Minutes of Planning Commission
Meeting of November 9, 2011

Carmel Rio Road, LLC
GPZ090004

Board of Supervisors
March 27, 2012



Exhibit No. 8

FINAL
MONTEREY COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 9, 2011
MINUTES

PLEDGE OF ALLEGIANCE - 9:00 A.M

A. ROLL CALL

Present: Commissioners Jay Brown, Keith Vandevere, Amy Roberts, Vice-Chair, Don Rochester, Aurelio Salazar, Jr, Paul Getzelman, Chair, Jose Mendez, Martha Diehl, Cosme Padilla, and Luther Hert
Absent: None

B. PUBLIC COMMENTS - None

C. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS - None

D. APPROVAL OF MINUTES: August 10 and August 31, 2011

It was moved by Commissioner Brown, seconded by Commissioner Roberts, and passed by the following vote to approve the minutes of **August 10, 2011**:

AYES: Brown, Vandevere, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Commissioner Roberts, seconded by Commissioner Rochester, and passed by the following vote to approve the minutes of **August 31, 2011**:

AYES: Brown, Vandevere, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Commissioner Brown inquired when an inclusionary housing and in lieu fees discussion would come to the Commission. Commissioner Diehl requested a workshop to discuss ordinances and process related to Advance Planning and General Plan implementation.

F. SCHEDULED ITEMS

1. **PEBBLE BEACH COMPANY - PLN100138 (WORKSHOP)**

Project Planner: Joe Sidor. **Environmental Status:** EIR is being prepared for the project. **Project Description:** Workshop [CONTINUED FROM OCTOBER 26, 2011] to provide an overview of a project (Concept Plan) and related Local Coastal Plan Amendment (LCPA) that plans for and designs potential development and preservation of the remaining undeveloped Pebble Beach Company properties located within the Del Monte Forest. The Concept Plan would allow the renovation and expansion of visitor serving uses at The Lodge at Pebble Beach, The Inn at Spanish Bay, Spyglass Hill, and the Pebble Beach Equestrian Center; creation of 90 to 100 single-family residential lots; preservation of approximately 630 acres as primarily forested open space; the relocation of existing trails and construction of new trails segments; construction/installation of internal roadway, circulation, and drainage improvements at four intersections (Congress Road and 17-Mile Drive; Congress Road and Lopez Road; and Sunridge Road and Lopez Road; and Portola Road and Stevenson Drive); and the reconfiguration / reconstruction of the main entrance/gate to the Pebble Beach/Del Monte Forest area at the Highway 1/Highway 68/17-Mile Drive intersection. The LCPA includes proposed amendments to the text and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Parts 1 and 5), including map amendments to land use designations and zoning at multiple locations.

Project planner Joe Sidor presented an overview of the project.

Public Comment: Mark Stillwell, applicant; Charles Lester, Executive Director, California Coastal Commission; Rick Verbanec, Vice-President Del Monte Forest Foundation; Moe Ammar, President, Pacific Grove Chamber of Commerce; Gerald Vehasseld; President of Open Space Advisory Committee; Avril Nero, Vice-President, Del Monte Forest Property Owners; Amy White, Executive Director, LandWatch; Joyce Stevens, Monterey Pine Forest Watch

Planning Manager Laura Lawrence discussed the process for upcoming hearings.

Break – 10:23 a.m. – Reconvene 10:33 a.m.

2. **PROOF OF ACCESS ORDINANCE- PLN060127**

Project Planner: Carl Holm. **Environmental Status:** Exempt. **Project Description:** Consider Ordinances to establish regulations for new development that would intensify use of a private road or access easement ("Proof of Access")

Interim Deputy Director of RMA, Carl Holm and Assistant County Counsel Leslie Girard discussed the proposed ordinance.

Public Comment: Margaret Robbins; Amy White, LandWatch; Patricia Bernardi; Christine Williams, President Carmel Valley Assoc.; Pam Silkwood, Refinement Group

It was moved by Commissioner Padilla, seconded by Commissioner Diehl, and passed by the following vote to continue the hearing on the draft ordinances to December 14, 2011:

AYES: Brown, Vandever, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl,
Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

3. **MONTEREY COUNTY SUBDIVISION ORDINANCE - REF100014**
Project Planner: Jacqueline R. Onciano. **Environmental Status:** Exempt. **Project Description:** CONTINUED FROM OCTOBER 26, 2011. Ordinance to amend Title 19 (Subdivision Ordinances for the Coastal and Non-Coastal Unincorporated areas of the County) of the Monterey County Code to eliminate the Minor and Standard Subdivision Committees and designate the Monterey County Planning Commission as the appropriate authority to consider certain subdivision and lot line adjustment applications. The ordinance will also make corresponding amendments to Title 20 (Coastal Zoning Ordinance) and Title 21 (Non-Coastal Zoning Ordinance) to eliminate references to the Subdivision Committee and substitute Planning Commission for Subdivision Committee

Secretary Mike Novo requested a continuance to December 14, 2011. The Commission discussed the delays related to this ordinance and the fullness of the December 14 agenda.

It was moved by Commissioner Mendez, seconded by Commissioner Diehl, and passed by the following vote to continue the hearing to January 11, 2012:

AYES: Brown, Vandever, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl,
Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

4. **GRANITE/PBC PAJARO LLC THE REDEVELOPMENT AGENCY OF MONTEREY COUNTY - PLN090275**
Project Planner: Valerie Negrete. **Environmental Status:** Certified Environmental Impact Report with Mitigation Monitoring Reporting Plan. **Project Description:** Combined Development Permit consisting of a: 1) Use Permit to allow the development of a community park on a 4.9 acre site. The proposed park will consist of new facilities including: a youth sized baseball and soccer field with a baseball backstop, a decomposed granite running track, a full size basketball court, two playgrounds, a small stage area, picnic tables and benches, three shade pavilions with barbecue facilities, a restroom building, and a 53 car parking lot with a drop-off area and turning circle and: 2) a Lot Line Adjustment to merge existing legal lots into one lot. The property is located at the intersection of West San Juan Road and West Porter Road Drive, Pajaro (Assessor's Parcel Numbers 117-341-002-000, 117-341-003-000 and 117-331-025-000), North County Area Plan.

Project planner Valerie Negrete presented the project and an errata memorandum to add two conditions regarding the fence design and park maintenance.

Public Comment: Marti Noel, Office of Redevelopment and Housing, applicant; Gordon Seibert, Office of Redevelopment and Housing.

It was moved by Commissioner Rochester, seconded by Commissioner Padilla, and passed by the following vote to approve staff's recommendations with changes in the errata memorandum and new condition language regarding not imposing fees for use of the park by the public:

AYES: Brown, Vandever, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

Commissioner Padilla stated he would not be present for the afternoon session.

The Commission recessed for Lunch at 11:55 a.m.— and reconvened at 1:30 p.m.

Commissioners Padilla and Salazar were not present.

5. SALINAS VALLEY SOLID WASTE AUTHORITY - PLN110075

Project Planner: Bob Schubert. **Environmental Status:** Addendum and previously adopted Mitigated Negative Declaration. **Project Description:** Modification of Use Permit (PLN060239) to allow the construction of a landfill gas power plant that will convert landfill gas into electricity at the Johnson Canyon Landfill. The Landfill Gas to Energy (LFGTE) facility would be located near the existing LFG flare and will produce energy from the LFG generated at the landfill using one LFG-fired reciprocating engine. The proposed facility includes: 1) a 29 foot high flare which would be located adjacent to the existing flare; and 2) 230 cubic yards of fill. The property is located at 31400 and 31800 Johnson Canyon Road, Gonzales (Assessor's Parcel Numbers 223-042-018-000 and 223-042-017-000), South County Area Plan.

Project Planner Bob Schubert presented the project and corrected a typographical error.

Public Comment: Joe Marange, applicant's representative.

It was moved by Commissioner Vandever, seconded by Commissioner Brown, and passed by the following vote to consider the Addendum to the adopted Mitigated Negative Declaration and approve the project with the noted typographical corrections:

AYES: Brown, Vandever, Roberts, Rochester, Getzelman, Mendez, Diehl, Hert
NOES: None
ABSENT: Salazar, Padilla
ABSTAIN: None

6. **PEBBLE BEACH COMMUNITY SERVICES DISTRICT - PLN100608 (WATER TANK)**

Project Planner: Ramon Montano. **Environmental Status:** Mitigated Negative Declaration. **Project Description:** Combined Development Permit consisting of: 1) a Coastal Development Permit and Design Approval for the construction of a 800,000 gallon potable water storage tank for fire suppression adjacent to an existing 800,000 gallon tank; grading of approximately 2,100 cubic yards of cut and 1,400 cubic yards of fill; 2) a Coastal Development Permit to allow the removal of 74 Monterey Pine trees; and 3) a Coastal Development Permit to allow a Lot Line Adjustment to merge two legal lots of 0.34 acres (Assessor's Parcel Number 008-111-014-000), and 0.39 acres (Assessor's Parcel Number 008-111-015-000) into one parcel. The property is located at 4049 Sunset Lane, Pebble Beach (Assessor's Parcel Numbers 008-111-015-000 and 008-111-014-000), Del Monte Forest Area, Coastal Zone.

Project planner Ramon Montano requested a continuance to December 14, 2011.

Public Comment: None

It was moved by Commissioner Brown, seconded by Commissioner Rochester, and passed by the following vote to continue the hearing to December 14, 2011:

AYES: Brown, Vandever, Roberts, Rochester, Getzelman, Mendez, Diehl, Hert
NOES: None
ABSENT: Salazar, Padilla
ABSTAIN: None

7. **CARMEL RIO ROAD LLC - GPZ090004**

Project Planner: Bob Schubert. **Project Description:** Consider appeal of staff General Plan consistency interpretation for a Combined Development Permit consisting of: a) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and b) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts. The property is located at 15 and 26500 Val Verde Drive, Carmel (Assessor's Parcel Numbers 015-021-020-000, 015-021-021-000 and 015-021-015-000), Carmel Valley Master Plan.

Project planner Bob Schubert presented the consistency interpretation and appeal.

Public Comment: Brian Clark, applicant; Margaret Robbins; Neil Agron; Dick Stott; Dale Agron; Linda Cope; Donna Haggerty; Mibs McCarthy, Sustainable Carmel Valley; John Walton, Carmel Valley Water Committee; Tim Sanders; Christine Williams, President, Carmel Valley Association; Dee Anne Howe; Amy White, Landwatch Executive Director; Maxine King; Patricia Bernardi; Suzanne Nichols. Pam Silkwood, applicant's representative, provided a response.

Deputy RMA Director Carl Holm informed the Commission the letters the applicant was referring to as letters of denial were actually letters determining the project application as "incomplete."

Break 3:20 p.m. - Reconvene 3:25 p.m.

Cheryl Sandoval, Environmental Health Bureau Water Program, spoke about proof of water requirements.

It was moved by Commissioner Vandevere, seconded by Commissioner Rochester, and passed by the following vote to deny the appeal and uphold staff's interpretation that the current Combined Development Permit application is not consistent with the General Plan, and provided direction to the applicant to request a General Plan amendment or modify the application to be consistent with the General Plan within 60 days:

AYES: Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Hert
NOES: Brown
ABSENT: Salazar, Padilla
ABSTAIN: None

8. LOAN EXCHANGE GROUP - PLN110412 (Dolan Industrial Park)

Project Planner: Steve Mason. **Environmental Status:** Exempt. **Project**

Description: Vested Rights Determination: Claimant asserts that a vested right for Assessor's Parcel Number 131-054-004 has been obtained for auto dismantling and storage use since the early 1970's. The property is located at Parcel D, 516 Dolan Road, Moss Landing, North County Coastal Plan.

Project planner Steve Mason presented the request for a vested rights determination.

Public Comment: Michelle Noble-McCain, applicants' representative; applicant Jim Pettit, applicant Liam Pham, applicant Richard Rodriguez; applicant Eddie Lopez letter read by Maureen Mitchell; William L Trafikani; Jason Retterer, Lombardo & Gilles; Stan Silva. Michelle Noble-McCain provided response.

It was moved by Commissioner Rochester and seconded by Commissioner Mendez to move staff's recommendation to adopt the resolution presented with the addition of a sentence memorializing, based on testimony at the hearing, that there is no evidence that the Coastal Commission approved the project authorized by the 1981 permit.

There was a Call for the Question to stop discussion. The vote on the Call for the Question passed as follows:

AYES: Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Hert
NOES: Brown
ABSENT: Salazar, Padilla
ABSTAIN: None

The earlier motion then passed by the following vote:

AYES: Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Hert
NOES: Brown
ABSENT: Salazar, Padilla
ABSTAIN: None

G. OTHER MATTERS - NONE

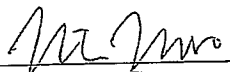
H. DEPARTMENT REPORT

Secretary Novo announced that the County prevailed in court on the Red Barn case. The Superior Court did find that the Red Barn was in violation of their use permit. Secretary Novo reported that the Board of Supervisors continued the hearing on the Omni Resources application to January 10, 2012.

I. ADJOURNMENT - 5:13 p.m.

Date Adopted: January 11, 2012

ATTEST



Mike Novo, Secretary

MN/ca

