

County of Monterey

Monterey County Planning Commission
Monterey County Government Center - Cayenne Conference Room
1441 Schilling Place, 1st Floor



Meeting Agenda - Final

Wednesday, January 11, 2023
9:00 AM

Monterey County Planning Commission

Etna Monsalve, Chair
Martha Diehl, Vice Chair
Craig Spencer, Secretary

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Planning Commission's alternative actions on any matter before it.

IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE PLANNING COMMISSION MEETING

Monterey County Planning Commission will be held by teleconference to minimize the spread of the COVID-19 virus, in accordance with the State of Emergency proclaimed by Governor Newsom on March 4, 2020, Government Code section 54953 as amended by AB 361, and the Monterey County Health Officer recommendation of social distancing measures for meetings of legislative bodies.

To participate in this Monterey County Planning Commission meeting, the public are invited to observe and address the Commission telephonically or electronically. Instructions for public participation are below:

PARTICIPATE VIA ZOOM LINK:

<https://montereycty.zoom.us/j/97722386573>

PARTICIPATE BY PHONE: by dialing 1-669-900-6833 and then when prompted, entering the Meeting ID Access Code 977 2238 6573

Public Participation Instructions:

The meeting will be conducted via teleconference using the Zoom program, and Commissioners will attend electronically or telephonically. The meeting will have no physical location to physically attend.

The public may observe the Zoom meeting via computer by clicking on the following link:

<https://montereycty.zoom.us/j/97722386573>, or the public may listen via phone by dialing

1-669-900-6833 and then when prompted, entering the Meeting ID Access Code: 977 2238 6573

You will be asked for a "Participant ID". You do not need a Participant ID to join the meeting, press the pound key (#) again and you will be automatically connected.

1. If a member of the public wishes to comment on a particular agenda item, the public is strongly encouraged to submit their comments in writing via email to the County Housing and Community Development at pchearingcomments@co.monterey.ca.us by 2:00 p.m. on the Tuesday prior to the Commission meeting. To assist County staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line. Comments received by the 2:00 p.m. Tuesday deadline will be distributed to the Commission and will be placed in the record.

2. Applicants and members of the public wishing to comment on a specific agenda item while the matter is being heard during the meeting may participate by any of the following means:

a. When the Chair calls for public comment on an agenda item, the Secretary of the Commission or his or her designee will first ascertain who wants to testify (among those who are in the meeting electronically or telephonically) and will then call on speakers and unmute their device one at a time. Public speakers including the applicant may be broadcast in audio form only.

- b. If speakers or other members of the public have documents they wish to distribute to the Commission for an agenda item, they are encouraged to submit such documents by 2:00 p.m. on Tuesday before the meeting to: pchearingcomments@co.monterey.ca.us. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line.
- c. If applicants or members of the public want to present documents/Power Point presentations while speaking, they should submit the document electronically by 2:00 p.m. on Tuesday before the meeting at pchearingcomments@co.monterey.ca.us. (If submitted after that deadline, staff will make best efforts, but cannot guarantee, to make it available to present during the Commission meeting.)
- d. While the matter is being heard, a member of the public may submit a comment via email, preferably limited to 250 words or less, to the Secretary of the Commission at pchearingcomments@co.monterey.ca.us. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line. If the comment is received prior to close of public comment on an agenda item, every effort will be made to read the comment into the record, but some comments may not be read out loud due to time limitations or length of the comment (if the comment exceeds 250 words). Comments received prior to the close of the public comment period on an agenda item will be made part of the record for that item.
3. Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to the Secretary of the Commission at pchearingcomments@co.monterey.ca.us. The Planning Commission date and "general comment" should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.
4. Individuals with disabilities who desire to request a reasonable accommodation or modification to observe or participate in the meeting may make such request by sending an email to pchearingcomments@co.monterey.ca.us. The request should be made no later than noon on the Monday prior to the Commission meeting in order to provide time for County to address the request.
5. The Chair and/or Secretary may set reasonable rules as needed to conduct the meeting in an orderly manner.

BREAKS will be taken approximately at 10:15 a.m. and 3:00 p.m.

DOCUMENT DISTRIBUTION: Documents relating to agenda items that are distributed to the Planning Commission less than 72 hours prior to the meeting are available by request by sending an email to pchearingcomments@co.monterey.ca.us. Documents distributed by County staff at the meeting of the Planning Commission will be available upon request by sending an email to pchearingcomments@co.monterey.ca.us.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for

disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the Monterey County Housing and Community Development at (831) 755-5025.

The Planning Commission Clerk must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Wednesday Planning Commission meeting in order for the materials to be included in the agenda packet distributed in advance to the Commission.

INTERPRETATION SERVICE POLICY: The Monterey County Planning Commission invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Monterey County Housing and Community Development Department located in the Monterey County Government Center, 1441 Schilling Place, 2nd Floor South, Salinas - or by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Planning Commission.

AVISO IMPORTANTE SOBRE COVID-19 Y PARTICIPACIÓN EN LA REUNIÓN DE LA COMISIÓN DE PLANIFICACIÓN

La Comisión de Planificación del Condado de Monterey se llevará a cabo por teleconferencia para minimizar la propagación del virus COVID-19, de acuerdo con el Estado de Emergencia proclamado por el Gobernador Newsom el 4 de Marzo del 2020, Orden Ejecutiva N-29-20 emitida por el Gobernador Newsom el 17 de Marzo del 2020, y la Orden de Refugio en el Lugar (aka "Quedate en Casa") emitida por el Oficial de Salud del Condado de Monterey el 17 de Marzo del 2020, según se pueda enmendar periódicamente.

Para participar en esta reunión de la Comisión de Planificación del Condado de Monterey, el público están invitados a observar y hacer frente a la Comisión telefónicamente o por vía electrónica. Las instrucciones para la participación pública están a continuación:

Instrucciones de participación pública:

La reunión se llevará a cabo por teleconferencia utilizando el programa Zoom, y los Comisionados asistirán por vía electrónica o telefónica. La reunión no tendrá un lugar físico para asistir físicamente. El público puede observar la reunión Zoom a través de computadora haciendo clic en el siguiente enlace: <https://montereycty.zoom.us/j/97722386573>, o el público puede escuchar a través del teléfono llamando al 1-669-900-6833 y cuando se le solicite el código de acceso para entrar a la reunión, presione los siguientes números: 977 2238 6573

Se le pedirá una "identificación de participante". No necesita una identificación de participante para unirse a la reunión, presione la tecla numeral (#) nuevamente y se conectará automáticamente.

1. Si un miembro del público desea comentar sobre un tema de la agenda en particular, se le es sumamente recomendable que envíe sus comentarios

por escrito por correo electrónico a la Agencia de Administración de Recursos del Condado (Housing and Community Development) a pchearingcomments@co.monterey.ca.us antes de las 2:00 P. M. el Martes antes de la reunión de la Comisión. Para ayudar al personal del Condado a identificar el

numero del proyecto de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha de la Comisión de Planificación y el número de la agenda en la línea de asunto. Comentarios recibidos en la fecha limite del Martes a las 2 P.M, serán distribuidos a la Comisión y serán colocados en el registro.

2. Los aplicantes del proyecto y miembros del público que desean comentar en un proyecto específico, mientras que el proyecto se este presentando durante la reunión, pueden participar por cualquiera de los siguientes medios:

a. Cuando el Presidente del los Comisionarios (Chair of the Planning Commission) solicite comentarios públicos sobre un tema de la agenda, el Secretario de la Comisión o su designado, primero determinará quién quiere testificar (entre los que están en la reunión por vía electrónica o telefónica) y luego llamará a los oradores (speakers) y activará la bocina para el orador, uno a la vez. Todo orador, incluyendo el aplicante del proyecto, serán transmitidos por audio en altavoz solamente.

b. Si los oradores u otros miembros del público tienen documentos que desean distribuir a la Comisión para un tema o proyecto de la agenda, se les recomienda enviar dichos documentos antes de las 2:00 P.M. el Martes antes de la reunión a: pchearingcomments@co.monterey.ca.us . Para ayudar al personal a identificar el numero del proyecto de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha de la Comisión de Planificación y el número de agenda en la línea de asunto.

c. Si los aplicantes o miembros del público desean presentar documentos o presentaciones de PowerPoint mientras hablan, deben enviar el documento electrónicamente antes de las 2:00 P.M. del Martes antes de la reunión a pchearingcomments@co.monterey.ca.us (Si se presenta después de ese plazo, el personal hará los mejores esfuerzos, pero no puede garantizar que esté disponible su PowerPoint para presentar durante la reunión de la Comisión).

d. Mientras se escucha el proyecto, un miembro del público puede enviar un comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, al Secretario de la Comisión a pchearingcomments@co.monterey.ca.us . Para ayudar al personal a identificar el proyecto de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha de la Comisión de Planificación y el número de agenda en la línea de asunto. Si el comentario se recibe antes del cierre del comentario público sobre un tema de la agenda, se hará todo lo posible para leer el comentario en el registro, pero algunos comentarios pueden no leerse en voz alta debido a limitaciones de tiempo o duración del comentario (si el comentario supera las 250 palabras). Los comentarios recibidos antes del cierre del período de comentarios públicos sobre un proyecto de la agenda serán parte del registro de ese proyecto.

3. Los miembros del público que deseen hacer un comentario público general para los temas que no están en la agenda del día pueden enviar su comentario por correo electrónico , preferiblemente limitado a 250 palabras o menos, al Secretario de la Comisión en pchearingcomments@co.monterey.ca.us . La fecha de la Comisión de Planificación y el "comentario general" deben indicarse en la línea de asunto. El comentario se colocará en el registro de la reunión, y se hará un gran esfuerzo para leer el comentario en voz alta para su registro verbalmente en el momento apropiado de la agenda.

4. Las personas con discapacidades que deseen solicitar una modificación o modificación razonable para observar o participar en la reunión pueden realizar dicha solicitud enviando un correo electrónico a pchearingcomments@co.monterey.ca.us . La solicitud debe hacerse a más tardar el mediodía del Lunes antes de a la reunión de la Comisión para dar tiempo al Condado para que

atienda la solicitud .

La Comisión de Planificación del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la Departamento de Vivienda y Desarrollo Comunitario localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 1441 Schilling Place, 2nd Floor South, Salinas – o por teléfono al (831) 755-5025. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Comisión de Planificación.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:00 A.M. - CALL TO ORDER

ROLL CALL

Richard Coffelt	Ernesto G. Gonzalez
Amy Roberts	Francisco Javier Mendoza
Martha Diehl	Katharine Daniels
Etna Monsalve	Ben Work
Paul C. Getzelman	Nathalia Carrillo

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Commission Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Planning Commission as provided in Sections 54954.2 of the California Government Code.

9:00 A.M. – SCHEDULED MATTERS

1. Consider finding, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Proposed CEQA action: Not a project pursuant to CEQA Guidelines section 15378(b)(5)

Attachments: [Staff Report](#)

ADJOURNMENT



County of Monterey

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 22-111

January 11, 2023

Introduced: 12/8/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Consider finding, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Proposed CEQA action: Not a project pursuant to CEQA Guidelines section 15378(b)(5)

RECOMMENDATION:

It is recommended, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the Monterey County Planning Commission find: that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies of local agencies.

SUMMARY/DISCUSSION:

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. AB 361 provides that if a state or local health official recommends social distancing, a "legislative body" - which is defined to include the Planning Commission -- may meet remotely after September 30, 2021, provided that within 30 days of the first meeting after September 30, and every 30 days thereafter, the legislative body finds: 1) the Governor's proclaimed state of emergency is still in effect; 2) the legislative body has reconsidered the circumstances of the state of emergency; and 3) the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies and/or the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Monterey County Health Officer has recommended and continues to recommend social distancing measures for meetings of legislative bodies, so the Planning Commission was able to meet remotely the first time after September 30, 2021 and for thirty days thereafter. The Commission made the findings at its meetings on November 10, December 1, and December 15, 2021, and January 12, February 9, March 9 and 30, April 27, May 25, June 29, and July 27, August 24, September 14, and October 12, and November 9, 2022 to continue to meet remotely.

The Commission must make the findings at least every 30 days in order to keep meeting remotely, or hold a special meeting to make the findings before meeting remotely again. The

Commission will consider the findings at a special meeting on January 11, 2023.

AB 361 is only effective during a declared state of emergency where social distancing measures are required or recommended, such as the Governor's COVID-19 proclamation of emergency. The Governor has indicated he intends to terminate that proclamation at the end of February 2023, unless circumstances otherwise require. Accordingly, legislative bodies will no longer be able to rely on AB 361 to meet remotely. Effective January 1, 2023, however, new legislation, AB 2449, amending the Brown Act will take effect that addresses remote meetings of legislative bodies. AB 2449 is more restrictive on remote participation by legislative body members, so it is likely that a majority of the Commissioners will be back to meeting in person in March 2023.

This action is not a project under CEQA pursuant to CEQA Guidelines section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical change in the environment.

OTHER AGENCY INVOLVEMENT:

County Counsel prepared the report. HCD concurs in the recommendation to make the finding to continue to meet remotely and continue meeting via teleconference.

Prepared by: Kelly L. Donlon, Assistant County Counsel

cc: Front Counter Copy; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa);



County of Monterey Planning Commission

Item No.1

Agenda Item No. 1

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 22-111

January 11, 2023

Introduced: 12/8/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Consider finding, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Proposed CEQA action: Not a project pursuant to CEQA Guidelines section 15378(b)(5)

RECOMMENDATION:

It is recommended, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the Monterey County Planning Commission find: that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies of local agencies.

SUMMARY/DISCUSSION:

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. AB 361 provides that if a state or local health official recommends social distancing, a "legislative body" - which is defined to include the Planning Commission -- may meet remotely after September 30, 2021, provided that within 30 days of the first meeting after September 30, and every 30 days thereafter, the legislative body finds: 1) the Governor's proclaimed state of emergency is still in effect; 2) the legislative body has reconsidered the circumstances of the state of emergency; and 3) the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies and/or the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Monterey County Health Officer has recommended and continues to recommend social distancing measures for meetings of legislative bodies, so the Planning Commission was able to meet remotely the first time after September 30, 2021 and for thirty days thereafter. The Commission made the findings at its meetings on November 10, December 1, and December 15, 2021, and January 12, February 9, March 9 and 30, April 27, May 25, June 29, and July 27, August 24, September 14, and October 12, and November 9, 2022 to continue to meet remotely.

The Commission must make the findings at least every 30 days in order to keep meeting remotely, or hold a special meeting to make the findings before meeting remotely again. The Commission will consider the findings at a special meeting on January 11, 2023.

AB 361 is only effective during a declared state of emergency where social distancing measures are required or recommended, such as the Governor's COVID-19 proclamation of emergency. The Governor has indicated he intends to terminate that proclamation at the end of February 2023, unless circumstances otherwise require. Accordingly, legislative bodies will no longer be able to rely on AB 361 to meet remotely. Effective January 1, 2023, however, new legislation, AB 2449, amending the Brown Act will take effect that addresses remote meetings of legislative bodies. AB 2449 is more restrictive on remote participation by legislative body members, so it is likely that a majority of the Commissioners will be back to meeting in person in March 2023.

This action is not a project under CEQA pursuant to CEQA Guidelines section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical change in the environment.

OTHER AGENCY INVOLVEMENT:

County Counsel prepared the report. HCD concurs in the recommendation to make the finding to continue to meet remotely and continue meeting via teleconference.

Prepared by: Kelly L. Donlon, Assistant County Counsel

cc: Front Counter Copy; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa);