



Monterey County

Action Minutes - Final Monterey County Planning Commission

Cosme Padilla, Chair
Don Rochester, Vice-Chair
Jacqueline R. Onciano, Secretary

Monterey County Planning
Commission
Monterey County
Government Center -
Board of Supervisors
Chambers
168 W. Alisal St.
Salinas, CA 93901

Wednesday, August 31, 2016

9:00 AM

Board Chamber

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Padilla at 9:03 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Diehl.

ROLL CALL

Present:

Martha Diehl
Paul C. Getzelman
Luther Hert
Cosme Padilla
Amy Roberts
Keith Vandever

Ana Ambriz arrived at 9:08 a.m., after Agenda Item No. 2.

Jose Mendez arrived at 9:15 a.m., after Agenda Item No. 3.

Absent:

Melissa Duflock
Don Rochester

PUBLIC COMMENTS

None.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk Jackie Nickerson informed the Commissioners of the following documents distributed on the Dais:

- Memorandum regarding Agenda Item No. 5 (PLN150500-Panattoni); and
- Additional Correspondence regarding Agenda Item No. 7 (PLN160233-Hill)

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Commissioner Diehl requested staff to put on future agenda a report to provide updates on the Department staffing and Fire Recovery.

APPROVAL OF MINUTES

1. [MIN 16-050](#) Approval of June 8, 2016 Planning Commission Minutes.

It was moved by Commissioner Roberts, seconded by Commissioner Getzelman and passed by the following vote to approve the June 8, 2016 Planning Commission Minutes:

AYES: Diehl, Getzelman, Hert, Padilla, Roberts
NOES: None
ABSENT: Ambriz, Duflock, Mendez, Rochester
ABSTAIN: Vandever

2. [MIN 16-051](#) Approval of July 13, 2016 Planning Commission Minutes.

It was moved by Commissioner Diehl, seconded by Commissioner Getzelman and passed by the following vote to approve the July 13 2016 Planning Commission Minutes:

AYES: Diehl, Getzelman, Hert, Padilla, Roberts
NOES: None
ABSENT: Ambriz, Duflock, Mendez, Rochester
ABSTAIN: Vandever

9:00 A.M. SCHEDULED MATTERS

Commissioner Ambriz arrived at 9:10 a.m.

3. [PC 16-032](#) **PLN150489/Van Greunen**
Continue public hearing to September 14, 2016 for a Coastal Development Permit to allow a Lot Line Adjustment between three parcels.
Proposed CEQA Action: Continuance is Statutorily Exempt per CEQA Guidelines section 15270
6820 Long Valley Spur, Castroville, North County Coastal Land Use Plan.
RMA Services Manager, Mr. John Ford, requested continuance to September 14, 2016.

Public Comment: Monique Fountain, representing 3 neighbors.

Mr. Ford responded to comments noting that staff will provide neighbors notice of the hearing, including a copy of the staff report.

It was moved by Commissioner Diehl, seconded by Commissioner Hert and passed by the following vote to continue the hearing on the project to the September 14, 2016 Planning Commission meeting:

AYES: Ambriz, Diehl, Getzelman, Hert, Padilla, Roberts, Vandever
NOES: None
ABSENT: Duflock, Mendez, Rochester

ABSTAIN: None

Commissioner Mendez arrived at 9:15 a.m.

4. [PC 16-029](#)

PLN140219/ Bella Design LLC

Public hearing to consider action on a Combined Development Permit for demolition of a single family dwelling, and construction of a single family dwelling within 750 feet of a known archaeological resource.

Proposed CEQA Action: Mitigated Negative Declaration

165 Spindrift Road, Carmel, Carmel Area Land Use Plan

RMA Services Manager, Mr. John Ford, presented the project with the amendment(s): the Resolution should be amended to reflect the correct number of conditions.

Senior Deputy County Counsel, Ms. Wendy Strimling, requested adding the standard condition requiring an indemnification agreement.

Commissioner Diehl requested clarification on the LUAC minutes. Information was cut off from the minutes provided. Through discussion with staff, it was determined that the LUAC had a second meeting, which is not reflected in the findings (Finding 1d).

Public Comment: Anthony Lombardo, Applicant's Representative.

Mr. Lombardo agreed with staff's recommendation but requested deleting Condition 31 requiring amendments to the design of fencing and gates.

It was moved by Commissioner Vandever, seconded by Commissioner Diehl and passed by the following vote to adopt the Resolution adopting the Mitigated Negative Declaration and approving the project with the following amendments:

- **Delete Condition 31;**
- **Add a new Condition 31 requiring an Indemnification Agreement; and**
- **Amend Finding 1d to reflect the second LUAC meeting and action.**

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts, Vandever

NOES: None

ABSENT: Duflock, Rochester

ABSTAIN: None

5. [PC 16-028](#)

PLN150500 Panattoni

Public hearing from June 29, 2016 to consider action on a Combined Development Permit to merge three parcels into two parcels; demolish an existing single family dwelling and construct single family dwellings on each of the newly configured parcels.

Proposed CEQA Action: Addendum to a Negative Declaration

1476 and 1482 Cypress Drive, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone.

Project Planner, Ms. Liz Gonzales, and RMA Services Manager, Mr. John Ford,

presented the project.

Senior Deputy County Counsel, Ms. Wendy Strimling, recommended revising Condition No. 23 to identify two separate deed restrictions, one for each parcel.

There was discussion between Commissioners and staff about simple and direct access for the driveway and impervious coverage on one of the lots. Commissioners questioned if Condition 23 should refer to two deeds for the separate parcels.

Public Comment: Aengus Jeffers, Applicant's Representative.

The Commission continued deliberating access and coverage issues. Commissioners expressed support for the lot configuration change to meet the minimum size requirement. Commissioners contemplated conditions relative to more direct access to and reducing parking area on the upper parcel, view preservation along the southern side of the property, and reciprocal access/lot configuration. Commissioners expressed concerns for transferring development rights. The Commission expressed interest in continuing the item to allow the applicant to address the Commission's comments.

Mr. Jeffers was asked to return to the podium. He indicated agreement with a continuance.

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl and passed by the following vote to continue the hearing on the project to the October 12, 2016 Planning Commission meeting:

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts,
Vandevere

NOES: None

ABSENT: Duflock, Rochester

ABSTAIN: None

Chair Padilla called for a 10 minute break at 10:24 am. The Commission reconvened at 10:37 am.

6. [PC 16-030](#)

PLN160205/Nicola

Public hearing to consider action on a Design Approval and Use Permit for the construction of a single family dwelling including removal of 21 Coast Live Oak trees

Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15303

113 San Benancio Rd, Salinas, Toro Area Plan.

Project Planner, Mr. Craig Spencer, and RMA Services Manager, Mr. John Ford, presented the project.

The Commission raised concerns regarding access to a water source that is in compliance with the standard from the Environmental Health Bureau. Ms. Nicki Fowler from the Environmental Health Bureau responded to comments, indicating that applicant cannot connect to the proposed water system until the problem that the water system is high in arsenic is resolved.

Senior Deputy County Counsel, Ms. Wendy Strimling, suggested clarification of the findings in the Resolution and recommended a condition to address the water source and quality.

In response to Commission comments, it was noted that prior projects have been approved conditional on finalizing a water supply, but permits should not be issued until adequate water has been demonstrated.

Public Comment: Anthony Nicola, Applicant.

The applicant clarified that there has been a Can and Will Serve letter from Cal-Am and he has determined that a well can be installed without impacting the design.

Staff stated that Mr. Nicola would like to move forward without the well. Therefore, he would be pursuing connection to the water system by treating the water system to which the applicant has a right to connect to or by finding another supply.

Secretary Holm informed staff that the applicant has a Can and Will Serve letter from Cal Am which could be the water source if the applicant cannot move forward with water system connection.

Mr. Ford suggested staff could modify the Finding 3b and add a condition to address the water source through the three water options: 1) Treatment of existing water system; 2) individual well; and 3) Cal Am connection.

It was moved by Commissioner Vandever, seconded by Commissioner Ambriz and passed by the following vote to approve the project with the following amendments:

- Modify Finding #3 that the project meets water needs to indicate the project is conditioned to hold permits until adequate water supply is demonstrated; and
- Add Condition that no permits will be issued until the applicant demonstrates adequate water supply to the satisfaction of the EHB

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts, Vandever

NOES: None

ABSENT: Duflock, Rochester

ABSTAIN: None

7. [PC 16-031](#)

PLN160233/Hill

Public hearing to consider action on an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling.

Proposed CEQA Action: Exempt from CEQA per Section 15301 (Class 1) of the CEQA Guidelines.

3097 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan

Project Planner, Mr. Joseph Sidor, and RMA Services Manager, Mr. John Ford, presented the project. Staff requested changes to the resolution and conditions: Amend Finding #3 to reflect BOS as the Appeal Authority and add the standard Condition for indemnification.

Commissioner Diehl requested clarification on current violations and the maximum limit of persons on the property. It was also noted that the LUAC minutes only had the recommendation but were missing the discussion.

Staff clarified that at this time no notice of violation has been recorded against the property.

Ms. Nicole Fowler from the Environmental Health Bureau explained the maximum limit was determined by using the 1997 Housing Code.

Public comment: Mr. Brandon Kuschill spoke as the Applicant's Representative. Mr. Kuschill submitted a packet and presented information about how they manage rental properties.

Additional Public Comment: Maria Samonne; Mike Leach reading letter for Jean Stumbo; Mike Leach; and Dawn Matthes, Pebble Beach Company.

Commission inquired if the Homeowner's Association (HOA) has been notified. Staff stated they cannot verify if the applicant has provided notice to the HOA or if the matter is scheduled for review by the HOA.

It was moved by Commissioner Vandever, seconded by Commissioner Diehl and passed by the following vote to continue the hearing on the project to the October 26, 2016 Planning Commission meeting to insure HOA has been given proper notice and has had the opportunity to consider this matter:

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts,
Vandever
NOES: None
ABSENT: Duflock, Rochester
ABSTAIN: None

OTHER MATTERS

8. [PC 16-027](#) Appoint Lindsay Romanow to the South Coast Land Use Advisory Committee.

It was moved by Commissioner Diehl, seconded by Commissioner Vandever and passed by the following vote to appoint Lindsay Romanow to the South Coast Land Use Advisory Committee:

AYES: Ambriz, Diehl, Getzelman, Hert, Mendez, Padilla, Roberts,
Vandever
NOES: None
ABSENT: Duflock, Rochester
ABSTAIN: None

DEPARTMENT REPORT

Secretary Holm informed the Commission of the following items:

- 1.) The Monterey Downs Project is being considered before the City of Seaside Planning Commission on September 7, 2016. Part of the land is currently

within the Monterey County unincorporated area. An application is moving forward for the City of Seaside to annex that area.

2.) Moro Cojo project: appeal is pending at the Coastal Commission. The Coastal Commission found it is within their jurisdiction, and will have the hearing at their Half Moon Bay meetings sometime in November.

3.) A workshop on the Rancho Canada Village Project will be brought before the Planning Commission on September 14, 2016. The Draft Environmental Impact Report (EIR) closes public review today. The workshop will provide an overview of the project prior to hearing. The public hearing will be held after the Final EIR is completed.

4.) Commissioner Diehl's request has been noted and staff will bring a status report to the Planning Commission in September to discuss the re-organization and how the Planning Division is moving forward.

5.) Staff will bring forward policy matters related to events in September or October to seek direction on how to handle issues concerning interpretation of code as they come forward.

6.) Staff is also beginning to project design in a different manner. In the future, a report will be provided on how this is being done so the Planning Commission can provide input on what is useful in their deliberation process.

Commissioner Mendez inquired about the Agenda format change and the reasoning behind not scheduling the items by time.

Secretary Holm also clarified that the Agenda scheduled matters are divided into morning and afternoon times to be able to allow the Planning Commission the ability to continue through the agenda, while also being respectful of the public's time.

ADJOURNMENT

The meeting was adjourned by Chair Padilla at 12:04 p.m.

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The meeting was adjourned by Chair Padilla at 12:04 p.m.

ACCEPTED:


JACQUELINE R. ONCIANO
PLANNING COMMISSION SECRETARY

ATTEST:

BY: 
JACQUELYN NICKERSON
PLANNING COMMISSION CLERK

ACCEPTED ON: DEC 14 2016