

**NEW MONTEREY NEIGHBORHOOD ASSOCIATION
MONTHLY MEETING MINUTES
DECEMBER 8, 2008**

Board Members Present: Sharon Dwight, Bob Evans, Barbara Evans
Joanne Kelly, Howard Fosler

Board Members Absent: Bruce Crist (excused), Nancy Runyon, Robert Wemheuer

Guests: 7 Fred Meurer, Fred Cohn, Anne McGrath, Chuck Della Sala,
Nancy Selfridge, Brenda Webster, Lloyd Young

The meeting was called to order at 7:05pm by Sharon Dwight who then reviewed the agenda and asked those in attendance if there were any interest in deviating from it. No response was noted.

There was no report of minutes or treasury.

Sharon then proceeded with the agenda by introducing John Kuehl, City Building Official, and Chip Rerig, Chief of Planning, Engineering and Environmental Compliance. John was asked to explain how the building construction inspection process works. He described the process and how and when Red Tags are issued. He noted that his department tries to work with the interested parties to meet requirements without resorting to penal actions. They rely on the permit applications, calls from the public and his inspectors' discoveries of work in progress to provide initiative for inspection. They will Red Tag if there are flagrant problems. Administrative Provisions were established by Code in 1997.

- If work is being done without a building permit for something minor like a re-roofing, the person has one day to pay for the permit over the counter. After one day, the job is red tagged and work must stop.
- For larger alterations being done without building permit, a written notice is given to the workers or posted on the property. Permits must be picked up at the City or the job is red tagged. Inspectors don't ever leave the site unsafe.
- If plans must be submitted for Plan Check, there are 8 requirements. If there are to be no changes to the exterior, they can start the project with a Temporary Permit. The City realizes that "Time is money."
- If work is beyond the existing permit, a Correction Notice is issued, listing the items that must be resolved. Minor changes to windows or doors can be done without Architectural Review. All listed items must be resolved before final inspection in 180 days and requires a new application beyond then.
- For more detailed projects:
 - The applicant must come in within 72 hours. 75% come in promptly. 50% were ignorant of the requirement to have a permit.
 - If the applicant fails to come within 72 hours, a form letter is sent, reminding them they must submit plans by a specific date. 15-30 days are allowed to submit plans or explore their options.
 - There is an Administrative Hearing Board that hears cases where serious compliance issues have not been resolved. The Administrative Remedies Ordinance regulates their activities. They can charge fines and order liens be recorded.

- There is an Administrative Hearing Officer who makes decisions that can be appealed to Superior Court.

There are 700-800 permits issued a year and 40-70 Red Tags are issued annually. The City tries to avoid litigation (courts are disinterested).

Salinas issues Stop Work Orders through their Code Enforcement Officers.

Monterey County Inspectors issue Stop Work Orders. Some are more strict than others.

Monterey City inspectors are assigned geographic areas and have 3,000-4,000 active projects to inspect.

Inspections:

- Initiated by building permit. Flat fees are set by City Council Resolution and limited to cost recovery of actual cost.

Standard- Each craft calls for its own inspection (e.g. plumbing)

Progress- Every 6 months an inspector confirms that work is continuing

- If a permit expires, there are progress inspections for which a fee is charged.
- Residential Exteriors are inspected when property is sold.
- By ordinance, Commercial businesses are checked at time of sale.
- Response to Citizen's Inquiry

For work requiring a building permit for which no permit was pulled an Investigative Fee is charged equal to the normal fee (Results in double the building fee)

- If there is a change of scope of the original Permit, there is a Plan Check Fee charged. To keep costs down, it is better to collect minor changes and submit those changes together.

Discussion continued regarding board members' questions about adding square footage not permitted, intentional tree removals or damage, demolition of historic structure, and bypassing architectural review process. John used a Case Study of 401 Lighthouse to describe how City works with owners to achieve compliance while allowing business to open. The question of fairness was raised.

Chip Rehg noted that the ARC and Land Use process has no penalty or enforcement mechanisms, except for trees. A person who bypasses the required Architectural Review process, if caught, pays the same fee as the person who followed the legal process.

Redevelopment areas (revitalization neighborhoods – Oak Grove, Casanova Oak Knoll, Del Monte Grove and Villa Del Monte) have active enforcement paid for by federal Community Development Block Grant funding. New Monterey is not eligible for this program.

Code Enforcement outside of Redevelopment areas is down to 15 hours/week. There are about 400 code enforcement cases annually. 95% require one-on-one attention. 90% are settled amicably.

Code Enforcement is initiated on a complaint basis.

- The Code Enforcement Officer meets with the occupant to determine whether there is any violation.
- If a violation exists, a letter is sent allowing the party 10-14 days to correct the problem.
- If the problem persists, a second letter is sent allowing an additional 5 days to correct the problem.
- Thereafter, enforcement proceeds as an Administrative Hearing procedure, with inspection fees charged to the property owner.

A new full-time Code Compliance Coordinator position has been created in the budget. That person will coordinate enforcement efforts for multiple departments in the City. The City may advertise for applications next year.

Area Plans provide a 'guide' for the City, Chip says. The Neighborhood's understanding is that state law recognizes Area Plans as a part of the City's General Plan. Chip pointed out that most of the City's Area Plans have been on the books 20 or more years and need to be updated. There are inconsistencies and lack of integration. Once new planning staff is on board, review work will begin.

Fred Meuer, City Manager, injected that the City is beginning to evaluate what Standard of Service is reasonable going forward in light of the forthcoming budget constraints. Sharon pointed out that there is a lack of followup and little enforcement of rules by the City and this is a big problem. It makes further enforcement difficult once there are precedents of noncompliance permitted. Sharon said she feels the neighborhoods should be involved in the budget talks in order to assure its interests are noted and adequately funded. Fred assured that the neighborhoods will be included in the budget process. Barbara Evans injected that we, the citizens, need complete information from the City in order to be able to assist in maintaining compliance with zoning and construction laws. She and other board members mentioned several examples of failures to enforce the laws. Chuck Della Sala, mayor, asked that two serious problems be provided for the City to work on, saying "we can't do everything". Sharon responded that we only want the City to "enforce the code". Representatives of the City responded by saying it is expensive and there are insufficient resources available to do a 100% job. Several board members and others present indicated their distress with that answer. It was suggested that doubled Architectural and/or Planning fees for those who began work without review could go toward paying for Code Enforcement.

Sharon expressed appreciation to Chip Rerig and John Kuehl for coming to explain this important issue to those present and was glad that City representatives had been present for this discussion. She stressed how important the matter is to our neighborhood. Howard Fosler expressed the collective appreciation of the board for the attendance and attention of the City representatives and Sharon closed the agenda item to further discussion.

After brief discussion, the board voted unanimous approval of \$35 for one year of URL website.

Hilltop Park Master Plan Amendment: Sharon and others expressed their dissatisfaction with the changes the City suggests to the NIP proposal submitted by NMNA for improvements to the basketball court. The City Council is scheduled for an on site evaluation in January.

The board then briefly addressed the remaining agenda issues,

- It was noted that Outdoor Food Preparation at 250 Casa Verde Way is on Planning Commission's 12/9 agenda. It has possible implications for neighbors of Lighthouse businesses.
- New Monterey CERT team is meeting 1/8/09 at Hilltop Park Center to plan future neighborhood drills.
- Annual Meeting will be Monday, January 26, 2009, 7PM.

The balance of the agenda was continued to the next meeting, January 12, 2009.

Due to the fact that the meeting room must close at 9:00pm, the meeting was adjourned.

Respectfully submitted,

Howard B. Fosler
Acting Secretary