



Final Annotated Agenda Planning Commission

Planning Commission

Leon Garden, Chair
Willard McCrone, Vice-Chair
Toynette Bryant
Paul W. Davis
Luis Osorio
David Stocker
Ralph Widmar

Council Chamber
Few Memorial Hall of Records
Monterey, California

Regular Meeting
July 25, 2006

4:00 p.m. – 5:30 p.m.
7:00 p.m. – 11:00 p.m.

CALL TO ORDER

Chair Garden called the meeting to order at 4:00 P.M.

ROLL CALL

Commissioners Present: Bryant, Davis, Garden, McCrone, Widmar

Commissioners Absent: Osorio, Stocker

Staff Present: Community Development Director Bill Wojtkowski, Senior Planner Rick Marvin, Senior Planner Chip Rerig, Code Enforcement Officer Al Fasulo, City Attorney Deborah Mall, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

July 11, 2006

ACTION: Approved as submitted. 5-0-2 (Absent-Osorio, Stocker).

MOTION:

On a motion by Commissioner Davis, seconded by Commissioner Bryant, the Annotated Agenda of July 11, 2006 was approved as submitted. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Osorio, Stocker

PUBLIC COMMENTS

PUBLIC COMMENTS allows the public to speak for a maximum of three minutes on any subject, which is not on the agenda. Any person or group desiring to bring an item to the attention of the Planning Commission may do so by addressing the Commission during Public Comments or by addressing a letter of explanation to: Community Development Director, City Hall, Monterey CA 93940. The appropriate staff person will contact the sender concerning the details. Note: Public Comments are taken during the afternoon session and continued at the evening session. Individuals may choose to speak once for up to three minutes at either session, but not both.

None.

REVIEW OF AFTERNOON AGENDA AND CONSENT ITEMS

REVIEW OF AGENDA AND CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc. CONSENT ITEMS consists of those items which are routine and for which a staff recommendation has been prepared. A member of the public or a Commissioner may request that an item recommended for approval on consent be heard on the regular agenda for further discussion.

PUBLIC HEARINGS

PUBLIC HEARINGS are held to receive public comment on certain items pending Planning Commission action. You are welcome to offer your comments after being recognized by the Chair. The Chair may limit the time allocated to each speaker.

1. **Code Enforcement Presentation**

ACTION: Discussed Code Enforcement Officer's caseload responsibilities and answered Commissioners' questions. A drafted Public Nuisance Ordinance will be circulated to the Commissioners for their review and to advise what else they might want to add.

Staff Presentation/Commissioners Questions:

Code Enforcement Officer Al Fasulo presented his caseload responsibilities with photographs of typical cases and answered Commissioners' questions.

Public Comments:

None.

Commissioner Comments:

Chair Garden said he is overwhelmed with the work that Mr. Fasulo is doing. Commissioner Widmar said he wished the City had more enforcement and that the discussed Public Nuisance Ordinance will give him more teeth to enforce City Code sections. City Attorney Deb Mall said that a draft Public Nuisance Ordinance has been prepared and that it will be circulated to the Planning Commission for review and advice. In answer to Commissioner McCrone's questions regarding parked cars, boats and RV's, she said that the intent of the draft Ordinance is for serious nuisance cases involving health and safety and the City Council does not want a comprehensive ordinance that would entail more staffing. Mr. Marvin said that the City already has standards that can be applied to limit excessive cars in the front yard. Commissioner Davis said that he appreciated Mr. Fasulo's educational approach when citing misdemeanors. Mr. Wojtkowski said that the brochure, Citizen's Guide to Residential Ordinances, has been distributed to the Neighborhood Associations and that it lists key violations in the city and contact departments. In answer to Chair Garden's questions, Mr. Fasulo said that administrative citation fees vary from \$50 to \$500, with the greater amount being for Building and Fire Code violations. He said that the fees could be raised and that they have found that a monetary citation drives people to correct the violation. He said that he does not have that many problems enforcing violations, but some people are not happy with the outcome because it may not be resolved as quickly as they want it to be done. He stated that he tries the educational approach to resolve enforcement problems.

2. **1 Swain Court; Use Permit, Variance and Tentative Map 05-464; Applicant Christopher Arnold of Wald, Ruhnke & Dost Architects, LLP; Owners David Stocker and Dennis Chambers; I-R-150-D-2 Zoning District; Negative Declaration Filed. (Continued from May 23, 2006.)**

Recommendation to City Council. Master Use Permit and Tentative Map for a Planned Unit Development industrial office (PUD). The development will consist of seven two-story industrial office buildings and associated grading and parking. Total proposed building area is 129,756 square feet with 473 on-site parking spaces. A Tentative Map has been filed to merge Lots 6 and 7 and re-subdivide them to create seven building lots and one common lot, which will contain open space, parking and access. A Variance is required to allow a 22-foot building setback to the Monterey/Salinas Highway right-of-way (50-foot minimum required). Recommend continuance to August 22, 2006.

ACTION: On consent, the Planning Commission tabled this item until the pump test results and the revised Initial Study will need to be completed and circulated for comment. 5-0-2 (Absent-Osorio, Stocker)

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner McCrone, on consent it was moved to table this item until the pump test results and the revised Initial Study is completed and circulated for comment. The motion passed by the following vote:

AYES: 5 COMMISSIONERS: Bryant, Davis, Garden, McCrone, Widmar

NOES: 0 COMMISSIONERS: None
ABSENT: 2 COMMISSIONERS: Osorio, Stocker

**Recess 4:50 p.m.
Reconvene 7:00 p.m.**

CALL TO ORDER

Chair Garden called the meeting to order at 7:00 P.M.

ROLL CALL

Commissioners Present: Bryant, Davis, Garden, McCrone, Widmar

Commissioners Absent: Osorio, Stocker

Staff Present: Senior Planner Rick Marvin, Senior Planner Chip Rerig, Parks Superintendent Doug Stafford, Recording Secretary Terry Lebda

PUBLIC COMMENTS

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Mike Dawson announced that he is conducting a petition drive to put the Public Service Center on the ballot so that the proposed expansion of City Hall can be determined by the vote of the Monterey residents.

REVIEW OF EVENING AGENDA AND CONSENT ITEMS

REVIEW OF AGENDA AND CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc. CONSENT ITEMS consists of those items that are routine and a staff recommendation has been prepared. A member of the public or a Commissioner may request that an item recommended for approval on consent is heard on the regular agenda for further discussion.

PUBLIC HEARINGS

PUBLIC HEARINGS are held to receive public comment on certain items pending Planning Commission action. You are welcome to offer your comments after being recognized by the Chair. The Chair may limit the time allocated to each speaker.

3. **209 Dunecrest Lane; Appeal 06-244 of ARC 04-306; Appellant / Owner Carol Frederick; R-1-6-D1; Exempt from CEQA Requirements.**

Appeal of specific Conditions of Approval that the Architectural Review Committee added in approving Preliminary Design Review for the construction of a new one-story single-family dwelling.

ACTION: Denied the appeal and upheld the Architectural Review Committee's Conditions of Approval. 5-0-2 (Absent-Osorio, Stocker)

Staff Presentation/Commissioners Questions:

Chip Rerig presented the staff report and answered Commissioners' questions.

Applicant:

Carol Frederick said the proposed home is a Tuscany style and is different than the Spanish Bungalow design that has been approved for another lot. She said 64 out of 66 photos of Tuscany-style homes she has researched have garage doors that are the raised panel wood doors and none have the required strapping, which is more Spanish style. She showed pictures of houses in the Del Monte Beach area with raised panel garages and said that this style is common in the neighborhood. She said that clay or concrete curved tile is standard for this type of architecture, and flat tile is not consistent with the architectural style. She said she is trying to use natural materials, as well as windows that have extended warranties for coastal conditions so that the homes will require little maintenance. Ms. Frederick answered Commissioners' questions saying that the City of Monterey has no interpretation of "down lighting". She suggested that an expert opinion is obtained for the best way to get safe ambient down lighting.

Public Comments:

Judy Lehman, speaking as an individual, asked the Commission to uphold the ARC decision and to be consistent with the character of the neighborhood. She said that there are no Tuscany or Mediterranean homes in the Del Monte Beach neighborhood and that the roofing materials should be either slate or wood shake to give it a more beach-like feel. She said there should be down lighting so that the driveway and walkways are lit, but not lighting the rest of the neighborhood.

Commissioner Comments:

Commissioner Bryant said that she can understand why this development was set up the way it was via the City Council and Planning Commission and that it is a difficult case. She said she understands the Architectural Review Committee's rationale, it is difficult to find a reason to overturn their decision, and she moved to uphold their decision. Commissioner McCrone seconded the motion and said he does not like guideline ordinances that are overly general and that the original developer had a hand in articulating them. He said If there are issues like the garage door being too heavy to lift, this is not the place to bring them up. Rather, they need to be presented to the Architectural Review Committee. He said that the Planning Commission respects the ARC vision and application of the standards. Commissioner Davis supported the motion and said it would set bad precedent if the Commission was to overturn the ARC decisions with so many more homes to review. He said he is concerned from the discussion that there is not a lot of flexibility in terms of design style. He said he may not agree with the design direction or the intent from the beginning, but that he does not feel the direction should be changed now. Commissioner Widmar supported the motion saying that there are specific guidelines for this development and that the building envelope and down lighting has already been negotiated. He said he does not see any flaw in the ARC decision, the garage door concern can be easily remedied, and the roof tiles should be as approved like the others in the development. Chair Garden supported the motion saying that the ARC has established design guidelines for this area and he encouraged staff to provide them with the applicant's compatibility worksheet to demonstrate whether a new design would be compatible with the existing neighborhood.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner McCrone, it was moved to deny the appeal and uphold the Architectural Review Committee's Conditions of Approval. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Osorio, Stocker

4. 140 Tide Avenue; Minor Variance 06-227; Applicant Charles Williams for Fletcher & Hardoin Architects; Owner Dale and Tracy Hogan; R-1-6-D1 Zoning District; Exempt from CEQA Requirements.

Variance to construct a new two-story single-family dwelling with a tandem two-car garage.

ACTION: Approved Variance as submitted. 5-0-2 (Absent-Osorio, Stocker).

Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report and answered Commissioners' questions.

Applicant:

Dan Fletcher, Architect, said that there are technical reasons why they are asking for the variance, but with the design and the tandem garage on this smaller width lot, there is a gain of one additional parking space on the street. He said he accepts staff's recommended Conditions of Approval. He answered Chair Garden's question saying that it is designed with a one car wide paved driveway apron.

Public Comments:

Joyce Capilla, a neighbor, said that she is concerned that their side window will be blocked creating a tunnel like vision and they will lose a lot of light. She said she hopes there can be a compromise by placing the home back further on the lot. Judy Lehman, speaking as individual, said that most of her questions had been answered previously and that she complimented the architecture as appropriate for the beach. Dan Fletcher said that it is a challenge to build a home from scratch with other homes and competing interests. He said that the house complies in every way except for the tandem garage; it is six feet lower in height than the standard height limit; it is smaller than, and does not sit in front of, the home next door. He said that the drawing may be deceiving in scale and that an angled view corridor will remain. He said the view may not be what the Capilla's have now, but that they did the best they could to make everybody happy.

Commissioner Comments:

Commissioner Widmar moved to approve the variance as submitted. He said that the Planning Commission is only dealing with the variance for tandem parking and that the Commission understands that people dearly treasure their views. He said that an excellent architect is working on this project and that the design will have to go to the Architectural Review Committee for final approval. He said he believes that the view cone matter is something that can be addressed at ARC. He said that the tandem parking is an excellent design for this lot. Commissioner Bryant seconded the motion and said that this is a big improvement over the last project seen and that the tandem parking garage was a creative concept.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Bryant, it was moved to approve the Variance as submitted. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Osorio, Stocker

5. Open Space Zoning Ordinance, Harbor Land Use Plan, and Del Monte Beach Land Use Plan Amendments; Application 06-262; Negative Declaration Filed.

Recommendation to City Council. Public Hearing for the Planning Commission to consider amendments to Article 4 (Definitions) and Article 9, Section 38-44 (Open Space District) of the City's Zoning Ordinance; as well as the Del Monte Beach Land Use Plan and the Monterey Harbor Land Use Plan. The proposed amendment to the Zoning Ordinance would eliminate the following uses in open space areas: Cultural Institutions, Fast Food-Limited, Horticulture - Limited Agricultural, Animal Husbandry - Limited, Crop Production. The following uses would be added to the list of land uses permitted subject to the issuance of a Use Permit: Coastal Dependent Research and Education, Public Serving Uses, Coastal Dependent or Related Uses. The amendment also creates a requirement for a use permit for a Snack Bar (currently permitted) and establishes specific restrictions for uses. The amendments to the Land Use Plans will coordinate the relevant land use documents. (Negative Declaration Filed)

ACTION: Tabled to date uncertain to allow staff time to incorporate changes as discussed. 5-0-2 (Absent-Osorio, Stocker).

Staff Presentation/Commissioners Questions:

Chip Rerig presented the staff report and answered Commissioners' questions.

Public Comments:

Michelle Knight, co-owner of Adventures by the Sea, asked how does the restriction of new development affect the expansion of Monterey Kayaks and Adventures by the Sea, the proposed bathroom facility and improvements to the boat yards? She asked if there is consideration for uses that are related to the Recreation Trail because of existing bike rentals and the future use of the Train Depot? She asked if the new restrictions would preclude exploring the old Navy site for classrooms and dorms for Camp Sea Lab and how they will affect a small desalination plant.

Judy Lehman, speaking as an individual, said she was concerned about the future development of the Navy site possibly obstructing the oceanfront; the possibility of restrooms or parking that may obstruct coastline views; unnecessary additional storage areas; the length of time events such as volleyball tournaments can be permitted; overnight accommodations such as the recent ham radio emergency response training event; and that there should be sand dunes not lawn in the waterfront open space.

Frank Donangelo said that "public serving", "coastal related", and "coastal dependent" are very close in terms and there is a need for clear definition to give direction to people wanting to develop on those properties. With the discussion of the Rogue Building, he asked, is an "O" Zone appropriate for that location or should it be in a different category? He said people want to see in that area ice cream cones, candy, and hot dogs. He said that a fast food shop may or may not make it in the area, but he would like to help protect the interest of anyone wishing to lease that building.

Commissioner Comments:

Commissioner McCrone and Commissioner Davis gave an overview of the goals of the Open Space Subcommittee.

Mr. Marvin answered Mrs. Knight's questions. He said that the Harbor Land Use Plan does not permit new development, so if the City Council approves a plan to expand the building to accommodate Monterey Kayaks and Adventures by the Sea, that proposal with an amendment to Harbor LUP will need to be processed. He said that showers and improvements to dry boat storage fit within the basic guidelines. He said that a bike rental would not be "public serving" in the waterfront location. That may be a discussion point during a public hearing, but staff's advice at this time is that it does fit under that category. Special events in the waterfront, he said, would be temporary events allowed throughout the City via Parks and Recreation approval.

Mr. Rerig said that the Camp Sea Lab would be an educational use and a Passenger Depot restaurant would be permitted. Regarding desalination plants, he said staff is looking at the Navy site as a possible future filtering facility because of Federal requirements to filter storm run off. Any use change would be limited to the existing footprint.

After discussion, Chair Garden said that the consensus of the Commission is that there needs to be work done on the definitions so that anyone implementing proposals to City can clearly understand "coastal related", "coastal dependent", "coastal serving", and what uses are allowed on the sea. Chair Garden said there should be a review of the Zones for the properties along the waterfront such as the State park beaches, Rogue Building, MacAbee Beach and Wharf I and II. Commissioner McCrone suggested that to simplify the presentation, a matrix be designed to indicate the beaches we currently control and what this proposal will allow on each beach. He stated that old and new uses should be shown in order to make it clear what is being changed. The Commissioners concurred that this item should be tabled, rather than continued, to allow time for staff to incorporate changes as discussed. Mr. Marvin said that the amended Zoning Ordinance will go back to the Parks

and Recreation Commission as well.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner McCrone, it was moved to table this item to allow staff time to incorporate changes as discussed. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Osorio, Stocker

COMMISSION COMMENTS

Commissioners may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Commission may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any City matter, or direct staff to place a request to agendaize a matter of business on a future agenda (G.C. 54954.2).

6. Response to Commissioners' Comments at July 11, 2006 meeting.

ACTION: Report received.

New Comments:

- Commissioner Bryant said that she has received phone calls regarding condo conversion standards and concerns that there need to be stronger noise standards and asked if the City is able to set higher standards? Mr. Marvin said that it might be best to change the condominium conversion standard to provide some sort of sound testing. He said that he would like to report back to the Commission on ways to address this issue as it affects the General Plan Housing Element and Zoning Ordinances. He requested that in the interim, if one or two Commissioners would ask the next developer how they are addressing that issue, then you will see the developer will make the choice to make their development marketable.

Commissioner McCrone left the meeting at 9:30 p.m.

DIRECTOR'S REPORT

The Community Development Director's report supplies information on activities or announcements. He may also ask for clarification or direction regarding scheduling of Commission meetings and study sessions.

7. Director's Report

ACTION: Report received.

- Mr. Marvin reviewed the July 18 City Council Meeting and said that the City Council agreed with the Planning Commission's recommendation regarding 1330 Skyline Drive. He said that they had questions regarding affordability and the loss of residential units and they modified conditions that the developer and staff are to come up with creative finance plans to assist the tenants to become successful purchasers. He said this matter would also be brought up to future developers.
- Mr. Marvin said that the August 8, 2006 Planning Commission Tentative Agenda is slated for an afternoon only session. The Planning Commission concurred that there will be no field trip.
- Mr. Marvin reminded the Commission that there will be a City Council Study Session tomorrow night, July 26, to review Del Monte Street widening.

- Mr. Marvin said that Monterey County is working on their revised General Plan and that they may have a one stop Peninsula meeting in the future. He said that at this time there is no General Plan to review.
- Mr. Marvin said that the next Mayor's Meeting will be on August 14. The suggested topic was a progress report on Open Space. Chair Garden also suggested a discussion on what changes can be made to the staff reports to more clearly and effectively present Commission decisions and recommendations to the City Council and how might the Commissions assist the Council in their decision making.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 P.M.

APPROVED:

ATTEST:

Leon Garden, Chair

Bill Wojtkowski, Secretary

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission