



Hilltop Park Center
871 Jessie Street
Monterey, CA 93940

Planning Commission Final Annotated Agenda

Regular Meeting
January 9, 2007

4:00 p.m. – 5:30 p.m.
7:00 p.m. – 9:00 p.m.

~ NOTE CHANGE OF LOCATION ~

Planning Commission

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

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Bryant, Davis, Garden, Widmar

Commissioners Absent: McCrone, Osorio, Stocker

Staff Present: Senior Planner Rick Marvin, Associate Planner Forrest Ebbs, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

December 12, 2006

ACTION: Approved as submitted. 4-0-3 (Absent-McCrone, Osorio, Stocker).

MOTION:

On a motion by Commissioner Davis, seconded by Commissioner Bryant, the Annotated Agenda of December 12, 2006 was approved as submitted. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Davis, Garden, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	3	COMMISSIONERS:	McCrone, 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: Planning Division, 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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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. 725 Lily Street; Appeal 06-398 of Application 06-112; Appellant Anthony Zavitsanos for Owners Terry and Angela Neill; R-1-5 Zoning District; Exempt from CEQA Requirements.

Appeal of Architectural Review Committee denial of Concept Design Review for the demolition of an existing one-story single-family dwelling and construction of a two-story single-family dwelling.

ACTION: Upheld the decision of the Architectural Review Committee and denied the appeal based on the finding adopted by the ARC on November 8, 2006. 4-0-3 (Absent-McCrone, Osorio, Stocker).

Staff Presentation/Commissioners Questions:

Forrest Ebbs presented the staff report and answered Commissioners' questions.

Applicant/Appellant:

Anthony Zavitsanos said that they designed the house staying within the maximums for Floor Area Ratio and lot coverage, adjusted setbacks for proper clearance of the second parking space and that there are no view impacts. He said that they lowered the height according to ARC's recommendation and that comments received are inconsistent and not relevant to their project but perhaps confused with another project. Terry Neil said that they have done everything they could to do right within the City Code and that they are asking for no variances. He expressed his concerns of unfairness saying that he does not know why Mr. Rerig originally recused himself from the project, staff changed their position in the process, there were discrepancies whether the New Monterey Neighborhood Association disapproved the project, and there was no language in the ARC Annotated Agenda indicating the project would be denied. He said that the site itself depicts the design of the house, that they addressed all of the neighbors concerns and they incorporated direction from ARC into the design. He showed pictures indicating that there are no privacy impacts to the Hamdoun's property, and said that the Carlson/Peters house is used as a get-away and that it is not true that their house is built on the property line and edge of driveway, and that the Traffic Engineer did approve the parking space. He said they started 1½ years ago and at no time was there any indication that the decks were massing, and now they presented the project and were denied concept design.

Public Comments:

Karen Houlman said that it is untrue that this project is being confused with another, Barbara Peters and Elizabeth Carlson will soon live there every day because they are retiring, that they do share the driveway and parking is an issue. She said that the flavor of the neighborhood should be maintained and the design should be pleasing and fitting into the neighborhood. Barbara Peters showed pictures of the driveways and said she built an extension so she could swing around into her driveway but that is where they plan to build the carport. She said that they have concerns with mass, encroachment, and setback. She suggested that if their entrance were on the east side it would not be so encroaching. Elizabeth Peters does not oppose a two-story house and would welcome them living in their house rather than rental tenants. However, she said, the house design is out of scale with the neighborhood, it is massive, high and with a long façade which does not fit in the neighborhood.

Commissioner Comments:

Forrest Ebbs in response to the comments said that the first ARC meeting was continued for redesign. He said that the applicant revised the design and submitted it to staff who reviewed the June meeting minutes and recommended approval based on the fact that the applicants did all that was suggested by ARC. He said that at the August 2 ARC meeting, additional ARC members attended and the ARC did not approve the revisions. The plan was sent back for redesign. At the November 8 meeting, minimal changes were presented and there was basis for denial. However, the denial was not based on what was presented by the applicant tonight. Mr. Marvin said that the decision to deny the project was not based on the shared driveway or covered parking space;

rather, the decision to deny the project was decided on other matters such as mass and neighborhood compatibility.

Commissioner Bryant said that the New Monterey Area Plan specifically states that this is a Design Review Overlay Zone and that all designs need to go to ARC and they look at neighborhood compatibility. She said we live in an area with many other people and compromises need to be made and ARC takes everything into account to meet the needs of the people building as well as how a structure impacts the neighborhood. She said she does not find that the ARC erred in the evaluation of the project. Commissioner Widmar said that this is a great example that meets the Building and Zoning Codes but neighborhood plans also need to be considered. He said that there is a lot of emotion and a lot of concern and commitment on the applicant but he thinks that ARC did not make a mistake in their review of the project. He said the main issue was the deck space on the second floor and with some minor modifications to the second story balconies this could be a very nice project. He moved to deny the appeal and recommend that the applicant work with the ARC to attempt to sort this out. Commissioner Bryant seconded the motion and said that the Planning Commission does not design projects but looks for intervention and decides what is within their purview. Commissioner Davis said that there are hard and fast rules and regulations but they are discretionary. He said that it takes a lot of thought, give and take and creativity to maximize the square footage on a substandard size property to have a project that gives this city what makes us proud to be here. He said that it is important that the applicant works with the ARC and that it is mostly changes in decks and columns that need to be revisited.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Bryant, it was moved to uphold the decision of the Architectural Review Committee and deny the appeal based on the finding adopted by the ARC on November 8, 2006. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Davis, Garden, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	3	COMMISSIONERS:	McCrone, Osorio, Stocker

2. 2711 Garden Road; Master Variance Permit 06-017; Applicant Shawn Capps for Wald, Ruhnke & Dost Architects; Owner Tom Dunnion; I-R-130 Zoning District; Negative Declaration Filed.

The applicant requests approval for a three-story office building with parking on the building's ground floor. Additional parking is provided on surface lots. Two variances are required: for building height (35' maximum allowed, 37'10" proposed), and for parking within the front yard setback (50' required, 21' proposed). Total building footprint is 11,604 square feet. Total floor area (including garage) is 22,100 square feet. Eighty-one parking spaces are provided, complying with the parking requirements for office use. Vehicles will access the site from Garden Road. The buildings currently located on the site will be demolished.

ACTION: Approved 1) adoption of the Mitigated Negative Declaration; 2) the Variance for building height above 35 feet with findings related to the slope in topography that bisects the property and tree cover; and 3) the Variance for front yard setback to permit eight (8) parking spaces in the front setback with findings that the slope and tree cover reduces the inability to add parking at the rear. A condition was added to allow a reduction of up to eight (8) parking spaces of the interior of the site to provide for additional tree protection. The Architectural Review Committee will be required to review the project and that this approval does not set the footprint for mass and bulk. 4-0-3 (Absent-McCrone, Osorio, Stocker).

Staff Presentation/Commissioners Questions:

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

Applicant:

Henry Ruhnke of Wald, Ruhnke, and Dost said that since 1992 there has been no redevelopment on Garden

Road and this is an excellent project for this area. He said staff has parking and height concerns, but that the challenge is the number of trees on the property and topography. He said the back of the property has a significant slope and they are unable to extend their parking lot to the backside for additional parking spaces, but that Garden Road allows parking on the street to offset this concern. He submitted photographs of other parking lots in the area. He said that tree preservation is a good rationale for allowing parking spaces in the front yard location. Regarding the height Variance, he stated that the problem is the unusual topography that runs through the center of the property and the slope limits alternatives. He answered Commissioners' questions regarding the property and the proposed design.

Public Comments:

Tom Dunnion said that Mr. Ruhnke has submitted an environmentally sensitive plan, he does not want to remove trees and he has done a good job to meet requirements. He said he thinks this building will bring up the neighborhood on Garden Road and encourage others to improve their property.

Commissioner Comments:

Mr. Marvin answered Commissioner Davis's question as to why the heights on the drawings are different than staff's calculated heights and explained how they go through the process of measuring height. Commissioner Davis said that the applicant is willing to add wheel stops to keep cars from injuring the trees and they will pull back the paving, which might improve the situation. He said he agrees, in this instance, to approve the parking variance finding that due to topography and population of trees, this will not constitute a grant of special privilege. He said that he recalls a couple of years ago that he was in favor of increasing the height limit because it is difficult to provide for equipment on the roof but council did not agree with that recommendation. He said that he cannot name findings to support the height variance because grading can be done to reduce the height of the tower element. He said that he encourages ARC to review the project. He said he will support the variance for parking spaces in the front setback, he accepts the applicant's recommended solution to keep the five trees along the property line and there are opportunities to reduce the height. Commissioner Widmar said that the trees can be preserved along the side border and by waiving eight parking spaces that would preclude the applicant from redesigning the project. He said that during the day there are quite a few empty parking spaces and that waiving eight spaces to preserve trees will not at this location affect the number of parking needed for this building. Commissioner Davis suggested removing up to eight parking spaces from around the trees and that these areas could be used for future parking with no reduction in square footage. Commissioner Widmar said that there is a difference between the actual height versus calculated height and the tower height is only about 15% of the amount seen. He said there will never be a view of the top of the building due to topography. He said he is opposed to doing the amount of grading necessary to reduce the height because of damage to existing trees so findings to approve the height would be due to topography and tree preservation. Commissioner Widmar moved to adopt the Negative Declaration, to approve the height Variance with the findings related to the unique topography of the lot and tree preservation, to approve the front setback Variance for eight (8) parking spaces with findings due to tree preservation, topography with the inability to extend the parking driveway to the rear of the building, and that the Architectural Review Committee will be required to review the project and that this approval does not set the footprint for mass and bulk. Commissioner Davis seconded the motion.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Davis, it was moved to 1) adopt the Mitigated Negative Declaration; 2) approve the Variance for building height above 35 feet with findings related to the slope in topography that bisects the property and tree cover; and 3) approve the Variance for front yard setback to permit eight (8) parking spaces in the front setback with findings that the slope and tree cover reduces the inability to add parking at the rear. A condition was added to allow a reduction of up to eight (8) parking spaces of the interior of the site to provide for additional tree protection. The Architectural Review Committee will be required to review the project and that this approval does not set the footprint for mass and bulk. The motion passed by the following vote:

AYES: 4 COMMISSIONERS: Bryant, Davis, Garden, Widmar

NOES: 0 COMMISSIONERS: None
ABSENT: 3 COMMISSIONERS: McCrone, Osorio, Stocker

**Recess 5:50 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, Osorio (Arrived 7:08 P.M.), Widmar

Commissioners Absent: McCrone, Stocker

Staff Present: Director of Plans, Engineering and Environmental Compliance Bill Reichmuth, Senior Planner Rick Marvin, Senior Planner Kim Cole, City Engineer Tom Reeves, Recording Secretary Terry Lebda

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: Planning Division, 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 EVENING AGENDA AND CONSENT ITEMS

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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. **484 Wave Street; Appeal 06-366 of Historic Permit 06-320; Appellant Sharon Dwight; Applicant Christine Hopper; Owner Cathy Scherzer & Charles Hawley; C-2 Zoning District; Exempt from CEQA Requirements. (Continued from December 12, 2006.)**

Appeal of Historic Preservation Commission decision to remove the property from the adopted Historic Survey List.

ACTION: Application withdrawn; no action required.

4. **Open Space Zoning Ordinance, Harbor Land Use Plan, and Del Monte Beach Land Use Plan Amendments; Application 06-262; Negative Declaration Filed. (Continued from July 25, 2006.)**

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.

ACTION: Tabled to allow time for staff to meet with the subcommittee to look at specific beaches for no development so that the Open Space Zoning Ordinance amendment is consistent with that decision. 5-0-2 (Absent McCrone, Stocker).

Staff Presentation/Commissioners Questions:

Kim Cole presented the staff report and answered Commissioners' questions.

Public Comments:

Richard Ruccello said that the most historic beach in California is between the Boatworks and Fisherman's Wharf and that beach needs to be preserved and designated as historic due to its significance. He said that his concern is that according to the staff report a future Planning Commission can redevelop this land and some of this coastal land should be forever without buildings. Barbara Bass Evans representing Save Our Waterfront said that if the Open Space is to be rezoned, it would have to go to a vote of the public; she would like to see an Open Space Zone regulation that works along with the Measure G and she would like to see Open Space Zoning that does not have parking or buildings in special areas. She urged the Planning Commission to reconsider the Ordinance amendments to be sure these areas are protected. Frank Donangelo, representing Surfside Enterprises' Rogue Building, said that staff worked to develop footnotes that take care of all uses. He said that fast food is taken out but there is a need for flexibility in the Rogue building because over the years it has been hard to fill with tenants. He said to truly identify what spaces the City wants to leave open that is where the Open Space Zone should go. He said that a "CV" and/or "CR" Zone district would have been a reasonable zone designation for the Rogue Building and that a Use Permit is a great weapon for the City to have control of uses and to ensure safeguards to implement protecting this land.

Commissioner Comments:

Ms. Cole answered Chair Garden's questions about the borderlines of the coastal beaches. Commissioner Widmar said that there are different discussions regarding this matter--one is open space and allowed uses, the other is open space and permitted uses, and the other is open space where there is no use but for walking. He said that in the areas where we do not ever want anything to happen, that goes beyond this particular document, but he agreed that the City needs to look at how to protect and preserve specific areas. Commissioner Davis said that the subcommittee reviewed the Open Space Zoning Ordinance, as directed by City Council, to see if through the Ordinance new development can be limited along the coastline and that is exactly what this does. He said that with the use of footnotes nothing is allowed on the beaches unless allowed in the Land Use Plans. Commissioner Bryant said that this amendment makes it harder for any use along the Del Monte beaches, but that nothing is forever and nothing is sacred and this is not to say that something may come up in the future to amend what we are reviewing today. She said that the definitions are clear, she had no problem understanding it and she moved to recommend it to the City Council. Commissioner Davis seconded the motion. Commissioner Osorio said that the language should read "uses" or "use that is dependent"" rather than "any use" and he would like to know the definition of public serving uses. Commissioner Widmar said that this is a step in the right direction as it is much more restrictive. He said that he is also concerned of how to permanently protect certain areas and suggests the adoption of a zone designation where no use is permitted. He indicated that that should be a second motion. Chair Garden said that he believes Parks & Recreation Commission should have some input on the need for parking where there are parks and recreational facilities and he would like further clarification from the Coastal Commission on the meaning of the terms coastal dependent, coastal related and

public serving. Since the Commission appeared to support both its amendments and further study to identify no use areas on the waterfront, staff recommended tabling to enable further review and ensure that both recommendations could proceed without being in conflict with each other. Commissioner Bryant and Commissioner Davis revised their motion to table this item so that staff can meet with the Open Space Subcommittee regarding discussed concerns and to look at specific beaches for no development.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Davis, it was moved to table this item to allow time for staff to meet with the subcommittee to look at specific beaches for no development so that the Open Space Zoning Ordinance amendment is consistent with that decision. The motion passed by the following vote:

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

5. Planning Commission Work Program Priorities.

Discussion and Direction to staff.

ACTION: Continued to the January 23, 2007 Planning Commission Meeting so that staff could come back with prioritized work program items as discussed. 5-0-2 (Absent McCrone, Stocker).

Staff Presentation/Commissioners Questions:

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

Public Comments:

None.

Commissioner Comments:

Chair Garden distributed his proposal of prioritizing the Work Program Tasks. He said that #12—Wharf 2 Master Plan and #8—DLI and NPS Master Plan is a lower priority because they will come up of their own volition and that there are items that can be accomplished by the Planning Commission members and subcommittees such as the Zoning Ordinance review, which should be a higher priority. He said that the current workload and Council direction use up staff time. He noted there is little or no time to incorporate the Planning Commission priorities. He said that this list of Work Programs will help Council see how much has not been done because there is a need for more staff.

Commissioner Widmar said that for efficiency, some items can be worked simultaneously such as the General Plan, Zoning Ordinance and Master Plans. He suggested starting with those programs that have begun and are nearly completed and that funding needs to be restored in the Planning Division so that these work programs can be completed. He said many of these will be reprioritized month by month just like the Monte Vista adoption of a design review program that was slowed down because there is not enough staff to work on it.

Commissioner Bryant said that she would prioritize the Work Program Tasks so that this year those programs are finished that are near to completion, then look at those programs that are the most important but beyond what can be feasibly completed and taking into consideration Council direction.

Commissioner Davis said that it is important that the General Plan and Zoning Ordinance are consistent so that the project applicants don't find gaps before we do. He said that the City has historically balanced the nuts and bolts of Zoning Ordinance standards with the vision to anticipate future issues and responses.

Commissioner Osorio said that said that some items listed can be bundled together such as #15-Downtown

Mixed Use Design Guidelines and #1-Mixed-Use Neighborhood concept. He said that it is important to hear from the City Council what they want done sooner than later, then staff can suggest a time frame when they hope to have it done. In turn, that will enable the Planning Commission to know how much time they may have to help staff accomplish their priorities. He said we should start with those things that are very close to finishing up, such as Mansionization, so that there is a sense of achievement and moving forward.

Mr. Reichmuth said smaller applications take up most of staff's time and, therefore, redevelopment or advanced planning tends to be neglected. He said that when the integration of Community Development Department with Public Works goes to Council, they will propose four more positions in the Planning Division—an additional administrative assistant, Transportation Planner, Senior Associate Planner and a Chief of Engineering and Planning. He said they will also propose to budget more money to hire contract services to help with current zoning matters and amendments to the Zoning plan.

Mr. Marvin said that there is a lot of time involved in all of these programs, but a subcommittee may be able to help with item #9—Consistency Analysis of Area and Neighborhood Plans with the General Plan.

Commissioner Davis moved to continue this item to the January 23 Planning Commission Meeting so that staff can come back with prioritized work program items as discussed. Commissioner Widmar seconded the motion.

MOTION:

On a motion by Commissioner Davis, seconded by Commissioner Widmar, it was moved to continue this item to the January 23, 2007 Planning Commission Meeting so that staff could come back with prioritized work program items as discussed. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, Osorio, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	McCrone, 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 December 12, 2006 meeting. Report received. There were no new comments.**

PLANNING DIVISION UPDATES

This report supplies information on activities or announcements and may request clarification or direction regarding scheduling of Commission meetings and study sessions.

7. **Planning Division Updates. Report received.**
- Mr. Marvin reviewed the Planning Division updates. Mr. Reichmuth interjected that Councilmember Downey also asked for the Civic Center Plan to be agendaized and that matter is scheduled in March. He said that will come to the Planning Commission for follow up and may be a Work Program item.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 P.M.

APPROVED:

ATTEST:

Leon Garden, Chair

Richard S. Marvin, Senior Planner

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission