



Council Chamber
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Planning Commission Final Annotated Agenda

Regular Meeting
March 27, 2007

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

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, McCrone, Osorio, Stocker

Commissioners Absent: Widmar

Staff Present: Senior Planner Rick Marvin, Senior Planner Kim Cole, City Engineer Tom Reeves, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

March 13, 2007

ACTION: Approved as submitted. 6-0-1 (Absent-Widmar).

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Osorio, the Annotated Agenda of March 13, 2007 was approved as submitted. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Osorio, Stocker
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	Widmar

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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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. 598 Church Street; Historic Preservation Report and Historic Permit 07-051; Applicant Cathy Leiker; Property Owner Roman Catholic Bishop of Monterey; R-3-6-H-1 Zoning District; Mitigated Negative Declaration Filed.

Recommendation to City Council to approve the Mitigated Negative Declaration, Historic Preservation Report and Historic Permit with the Conditions of Approval and Findings for Decision to preserve/conservate the Royal Presidio Chapel. The conservation treatment will remove damaging layers of paint and finishes (cement), re-consolidate the friable stone, restore damaged moldings, paint the structure, and repair the roof. The project also will seismically retrofit the structure. Site improvements will include various landscape improvements (plants, paving, etc.) and replacing the underground utilities.

ACTION: Staff informed that the Planning Commission has authority to approve this item and it does not need to go before the City Council. On consent, with the added condition to respond to comment received on March 27, 2007 from the Monterey Bay Unified Air Pollution Control District, the Commission approved the Mitigated Negative Declaration, Historic Preservation Report and Historic Permit with the amended Conditions of Approval and Findings for Decision to preserve/conservate the Royal Presidio Chapel. 6-0-1 (Absent-Widmar).

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Stocker, on consent, it was moved to approve the Mitigated Negative Declaration, Historic Preservation Report and Historic Permit with the amended Conditions of Approval and submitted Findings for Decision to preserve/conservate the Royal Presidio Chapel. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Osorio, Stocker
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	Widmar

2. 2201 North Fremont Street; Major Use Permit 07-035; Applicant Paul W. Davis; Owner Gayln and Wesley Hammond; C-2 Zoning District; Exempt from CEQA Requirements.

Request to remove and replace the existing Bay Pet Hospital and out-buildings with a mixed-use project with commercial on the ground floor and two (2) apartment units above. The project includes a new parking lot containing 18 spaces.

ACTION: Approved Major Use Permit as amended by adding requirements: 1) That the required residential storage cabinets are to be provided; and, 2) That the waste and recycling enclosure is to be moved away from adjoining residential buildings. 5-0-1 (Abstained-Davis)-1 (Absent-Widmar).

ACTION: To encourage the City and Applicant to work together to facilitate a better design and location for the existing traffic signal box at the North Fremont Street corner of the property.

Staff Presentation/Commissioners Questions:

Commissioner Davis recused himself due to conflict of interest. Rick Marvin presented the staff report and answered Commissioners' questions.

Applicant:

Charlie Hornisher of the Paul Davis Partnership said that they agree with the conditions in the staff report. He

answered Commissioners' questions regarding the parking spaces, storage space, water, rental units versus ownership, the location of the traffic signal box, and the design of the project. He said that due to water Phase 1 of the project will be commercial and Phase 2 will be the complete project once water is approved. Mr. Marvin and Mr. Reeves answered Commissioner's questions regarding the traffic signal box location, design, and possible alterations.

Public Comments:

None.

Commissioner Comments:

Commissioner Bryant said she likes the design and it fits in with others in the area. She moved to approve the project with the amendments that there is additional storage for residential units and that the trash enclosures are moved back to their original location presented to staff. Regarding the use of compact parking spaces, she said that people park all sizes of cars in compact spaces and she likes the idea of having more full-size spaces. She said she is not opposed to the paving for parking spaces because there are a lot of cars parked on Dela Vina Avenue. Commissioner Stocker seconded the motion.

Commissioner McCrone asked if the motion maker would add that the Applicant grant easement to the City to relocate the traffic signal box without imposing cost on anybody? Commissioner Bryant said that she would like that to happen, but that she does not want to tie down the Applicant or the City. Commissioner Bryant said that it is best to encourage the City and the Applicant to work together to change the location of the traffic signal box to improve the building and corner. Commissioner Osorio said the ARC should review and suggest better provisions for the sidewalks in the area. Commissioner Stocker suggested that this be a separate motion. Commissioner McCrone said that he does not think the cost should be on the Applicant. Chair Garden said that the traffic signal boxes are a deterrent to streetscape and that he encourages City staff not to do this any more and to fix those that are already in place.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Stocker, it was moved to approve the Major Use Permit as amended by adding requirements: 1) That the required residential storage cabinets are to be provided; and, 2) That the waste and recycling enclosure is to be moved away from adjoining residential buildings. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Garden, McCrone, Osorio, Stocker
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	1	COMMISSIONERS:	Davis
ABSENT:	1	COMMISSIONERS:	Widmar

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Stocker, it was moved to encourage the City and Applicant to work together to facilitate a better design and location for the existing traffic signal box at the North Fremont Street corner of the property. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Garden, Osorio, Stocker
NOES:	1	COMMISSIONERS:	McCrone
ABSTAIN:	1	COMMISSIONERS:	Davis
ABSENT:	1	COMMISSIONERS:	Widmar

3. Recommendation to City Council on a Comment Letter to the Monterey Peninsula Airport District on the Draft Noise Exposure Map Update Report.

ACTION: On consent, approved recommendation to City Council to approve a comment letter to the Monterey Peninsula Airport District on the Draft Noise Exposure Map Update Report. 6-0-1

(Absent-Widmar).

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Stocker, on consent, it was moved to recommend to City Council approval of a comment letter to the Monterey Peninsula Airport District on the Draft Noise Exposure Map Update Report. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Osorio, Stocker
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	Widmar

**Recess 5:00 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, Osorio, Stocker

Commissioners Absent: Widmar

Staff Present: Director of Plans, Engineering and Environmental Compliance Bill Reichmuth, Senior Planner Rick Marvin, Traffic Engineer Rich Deal, 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

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.

4. 1300 Del Monte Center; ARC Application 07-072; Applicant Henry Ruhnke for Wald, Ruhnke and Dost Architects, LLP; Owner Del Monte-POH, LLC et al; C-2-SC Zoning District; Exempt from CEQA Requirements.

Recommendation to City Council: 1) Review of traffic and parking impacts of the Century Theaters at Del Monte Center and termination of Contract to Restrict Use of Del Monte Center for Limited Period; and 2) Review proposal to add approximately 1,350 square feet of area to the building previously occupied by Big 5 Sporting Goods.

ACTION: Recommendation to City Council to approve termination of the Contract to Restrict Use of Del Monte Center for Limited Period subject to conditions as recommended by Planning staff and the Traffic Engineer providing the City Attorney agrees that these conditions are enforceable. 5-0-1 (Abstained-Stocker)-1 (Absent-Widmar).

ACTION: Recommendation to City Council to approve the expansion to the building at 1300 Del Monte Center as submitted and recommended by staff. 4-1 (Noes-McCrone)-1 (Abstain-Stocker)-1 (Absent-Widmar).

Staff Presentation/Commissioners Questions:

Commissioner Stocker recused himself due to conflict of interest. Rick Marvin presented the staff report and answered Commissioners' questions. A memo dated March 27, 2007 from City Traffic Engineer Rich Deal regarding Del Monte Center 2006 Traffic Monitoring was distributed to the Commissioners. Mr. Deal answered Commissioners' questions regarding traffic and parking conditions at the Del Monte Center.

Applicant:

Henry Ruhnke of Wald, Ruhnke, and Dost Architects said that they are providing a design that would accommodate additional square footage under the overhang and with no major change to the building. He explained the expansion and answered Commissioners' questions about the project design. He said that they had hoped the approval process could be done administratively, but that due to the Contract to Restrict Use of Del Monte Center and potential parking impacts at the Center that occurred with the addition of the Century Theatre, their expansion requires Planning Commission approval.

Public Comments:

None.

Commissioner Comments:

Commissioner Bryant said that as a shopper, there have been times when she could not find parking at the Center. However, she said that this is a good project that she is in favor of recommending termination of this contract to City Council. Commissioner Osorio said that parking is all about perception and that he has never had a problem with finding a parking space. He commented that the pedestrian connection from Whole Foods to the rest of the shopping center is one of the most critical yet uninviting pedestrian points of the Center. He said he supports the project, but that by adding square footage and encroaching into that specific pedestrian area, the plan appears awkward. Commissioner McCrone said that he does not know what the vehicle is for moving forward to impose the conditions currently recommended and that he would want the City Attorney to sign off that conditions can be added if the motion goes forward. He said he understands fast tracking, but he does not feel comfortable with the lack of ARC review, he cannot imagine a building this massive not having a fairly good number of windows, and he is not sure what they are approving. Mr. Marvin said that if the Pottery Barn application is consistent with the design guidelines approved by the ARC, staff will administratively approve the application; and if it does not conform, then the plan will be submitted to ARC for approval, all before the Building Permit is issued. Commissioner Davis said that he agrees with staff's recommendations and that the numbers in terms of square footage, the remaining parking spaces available and monitoring justifies this approval. He said he also assumes staff is making the correct decisions ARC allows them to make and that some type of agreement or means of staff approval was done correctly to this point. Commissioner Bryant said that she has full confidence that the ARC approved new guidelines last year and they are now in place and that staff that will take the design to ARC if not in full compliance.

Commissioner McCrone moved to recommend to City Council that the Contract to Restrict Use of Del Monte Center for Limited Period be terminated and that the termination be subject to conditions as specified by staff providing the City Attorney agrees that these conditions are enforceable. Commissioner Davis seconded the motion.

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Davis, it was moved to recommend to City Council that the Contract to Restrict Use of Del Monte Center for Limited Period be terminated subject to conditions as specified by staff providing the City Attorney agrees that these conditions are enforceable. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Osorio
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	1	COMMISSIONERS:	Stocker
ABSENT:	1	COMMISSIONERS:	Widmar

Commissioner McCrone moved for approval of the expansion as proposed with the additional condition that the plan for the exterior application be submitted to the ARC. The motion failed due to the lack of a second.

Commissioner Osorio moved to approve the application as submitted by staff. Commissioner Bryant seconded the motion.

MOTION:

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

AYES:	4	COMMISSIONERS:	Bryant, Davis, Garden, Osorio
NOES:	1	COMMISSIONERS:	McCrone
ABSTAIN:	1	COMMISSIONERS:	Stocker
ABSENT:	1	COMMISSIONERS:	Widmar

5. Recommendation to City Council Regarding Amendments to the Zoning Ordinance (Off-Street Parking and Loading Regulations), the Cannery Row Local Coastal Program Land Use Plan and Lighthouse Area Plan Appendix C Regarding Parking Adjustment Guidelines; Negative Declaration Filed.

ACTION: Recommended to City Council, approval of the amendments to the Zoning Ordinance (Off-Street Parking and Loading Regulations), the Cannery Row Local Coastal Program Land Use Plan and Lighthouse Area Plan Appendix C Regarding Parking Adjustment Guidelines as recommended by staff and an added change to establish a single parking ratio standard for new development as used in the Downtown Core Parking District.
6-0-1 (Absent-Widmar).

Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report and recommended modification to Exhibit A. Requirement A.1 to clarify trigger standard and that the standard would be different at times when the WAVE is in operation. He answered Commissioners' questions.

Public Comments:

Frank Donangelo on behalf of the Cannery Row Company said that the amendments are reasonable way to bring a closure to what they are trying to seek on Cannery Row by getting away from the number system, historic credits and allowing flexibility with buildings. He said that Cannery Row is pretty much built out so there should be no drastic change.

Commissioner Comments:

Commissioner Stocker said that he would like to clean it up a bit and suggested that the City should adopt for this area the same formula as downtown, a flat square footage per car per space, or to pick an average. Commissioner Osorio said that he gets an overall sense that this is achieving a lot of flexibility in the way we

manage parking requirements. Chair Garden suggested that on Page 9 of the staff report, Section C, third line, to read, "...a parking plan for residential units ~~shall~~ ~~should~~ be required." Commissioner McCrone concurred with Commissioner Stocker's comment about a fixed standard because it helps to make it all apply and asked if the best location for this modification is in Article 18 of the Zoning Ordinance. Mr. Marvin agreed and said that the best recommendation is to take Article 18, Section G and add language from the downtown core as #1 and to renumber #1-#6. Commissioner Bryant suggested adding a parking trigger to Exhibit A of the Resolution. Commissioner Stocker moved to recommend approval to the City Council with modifications as discussed. Chair Garden seconded the motion.

MOTION:

On a motion by Commissioner Stocker, seconded by Chair Garden, it was moved to recommend to City Council, with modifications as discussed, approval of the amendments to the Zoning Ordinance (Off-Street Parking and Loading Regulations), the Cannery Row Local Coastal Program Land Use Plan and Lighthouse Area Plan Appendix C Regarding Parking Adjustment Guidelines as recommended by staff and an added change to establish a single parking ratio standard for new development as used in the Downtown Core Parking District. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Osorio, Stocker
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	Widmar

Modifications:

- Exhibit A.-A.1 – To read: A maximum number of Parking Adjustments that may be considered in the Cannery Row Parking District is not set at this time. The City will monitor the number of approved Parking Adjustments and additional review of this Parking Adjustment policy by the Planning Commission with recommendation to the City Council will be triggered if either of the following conditions, in total, take place more than thirty (30) days in a calendar year: (a) when the WAVE is running, the Water front Lot, East & West Custom House Garages and the Cannery Row Garage reach a combined capacity of 85% occupied; and (b) when the Wave is not running, the Cannery Row Garage reaches 85% occupancy. This required "additional" review could result, in denial of Parking Adjustments, new policy and/or placement of a maximum limit on the number of Parking Adjustments.
- Exhibit A – -B.1 – To read: A maximum number of Parking Adjustments that may be considered in the South Cannery Row Parking District is not set at this time. The City will monitor the number of approved Parking Adjustments and additional review of this Parking Adjustment policy by the Planning Commission with recommendation to the City Council will be triggered if either of the following conditions, in total, take place more than thirty (30) days in a calendar year: (a) when the WAVE is running, the Water front Lot, East & West Custom House Garages and the Cannery Row Garage reach a combined capacity of 85% occupied; and (b) when the Wave is not running, the Cannery Row Garage reaches 85% occupancy. This required "additional" review could result, in denial of Parking Adjustments, new policy and/or placement of a maximum limit on the number of Parking Adjustments.
- Zoning Ordinance Article 18, Section G – Is modified to add a new G.1 and renumber the original proposed G.1 –G.5. New G.1 shall state: All uses in the Cannery Row and Lighthouse Avenue Parking Area shall meet the lesser of the following: (a) one (1) space per 400 square feet for the first 1,000 square feet of floor area and one (1) space per 500 square feet over 1,000 square feet of floor area; or, (b) requirements for the use as otherwise specified in the parking requirements of the Zoning Ordinance.
- Originally recommended Zoning Ordinance Article 18, Section G.2 and G.4 – are modified to state that "Parking Plan parking locations may include "...on-site lot, another lot under same owner, off-site private lots with parking agreement or permit spaces in a public lot..."

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 March 13, 2007 meeting. Report received.

New Comments:

- Commissioner Davis commented that the Del Monte Center staff reports were very well done—that they were concise, complete and that he could understand them very well.
- Commissioner McCrone requested a joint study session with the City Council to discuss what the Planning Commission might be doing wrong when the ARC and PC deny a project request, such as the horse statue at P.F. Chang's, and the Council overturns their decisions. He said that creates a loss of respect by the community with lower commissions.
- Commissioner McCrone said that the recent Planning Institute Conference was delightful. The most meaningful workshops were on housing, affordable housing and parking. He gave a brief overview of the workshops and how other cities compare with Monterey. Commissioner Osorio said that he attended as well and briefed the Commissioner on his viewpoints regarding housing and parking.

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 and reviewed.

- Mr. Marvin said that the April 10 Planning Commission Meeting will be evening only and that the afternoon will be dedicated to the adhoc committee (Commissioners Bryant, Osorio, and McCrone) to draft amendments to the Condominium Conversion Ordinance. He said staff is considering hiring a consultant to put their suggestions into the form of an ordinance and the result is anticipated to go back to the Planning Commission and Council in June.
- Commissioner Stocker said that he will not be able to attend the April 24 Planning Commission Meeting.
- Commissioners concurred that the topic for the April 9 Mayor's Meeting will be the need for a joint meeting with City Council to discuss how policies are applied and that Vice Chair McCrone will attend this meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 P.M.

APPROVED:

ATTEST:

Leon Garden, Chair

Richard S. Marvin, Senior Planner

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission