



Planning Commission Final Annotated Agenda

Regular Meeting July 24, 2007

Planning Commission

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

Council Chamber
Few Memorial Hall of Records
Monterey, California

EVENING SESSION
7:00 p.m. – 11:00 p.m.

CALL TO ORDER

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

ROLL CALL

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

Commissioners Absent: None

Staff Present: Senior Planner Rick Marvin, Senior Planner Chip Rerig, Senior Planner Kimberly Cole, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

June 26, 2007

ACTION: Approved as submitted. 7-0-0.

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, the Annotated Agenda of June 26, 2007 was approved as submitted. The motion passed by the following vote:

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

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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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 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. 46 El Caminito Del Norte; Small Subdivision and Variance 07-140; Applicant John M. Lotz; Owner Lotz Family Trust; R-120 Zoning District; Negative Declaration Filed. (Continued from June 12, 2007.)

The project is a Minor Subdivision that proposes to divide a 39,106 square foot (SF) parcel into two new parcels, Parcel A and Parcel B. Parcel A is 18,496 SF in area. Parcel B is 20,610 SF in area. The property is located at the northwest corner of El Caminito Del Norte with frontage on El Caminito Del Norte and Via Del Rey. Access for Parcel A is proposed from Via Del Rey via a new driveway. The existing access driveway from El Caminito Del Norte will be maintained and provide access to Parcel B. The Minor Subdivision requires approval of a Variance because Parcel A does not conform to minimum area standards. The minimum parcel size in the zoning district is 20,000 SF and Parcel A is 1,504 SF below standard. The existing property is currently developed with a 2-story single-family home and single story detached accessory structure. The home is located on proposed Parcel A and the accessory structure is located on Parcel B. Parcel B will accommodate development of a future single-family dwelling, as water becomes available. No trees are proposed for removal at this time, though the proposed concept location for a home on Parcel B contains seven (7) oak and pine trees that could be impacted by the future development.

ACTION: On consent, continued to August 14, 2007 to allow completion of the historic research. 7-0-0.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Widmar, it was moved to continue this item to August 14, 2007 to allow completion of the historic research. The motion passed by the following vote:

AYES: 7 COMMISSIONERS: Bryant, Davis, Garden, McCrone, Osorio, Stocker, Widmar
NOES: 0 COMMISSIONERS: None
ABSENT: 0 COMMISSIONERS: None

2. Mansionization Subcommittee Ordinance Amendments. (Continued from June 12, 2007.)

The City of Monterey proposes to amend the City's Zoning Code. Proposed changes include new definitions for building height, demolition, remodeling, basement, and floor area. Changes are also proposed to the Residential Estate and Single-Family Zoning District development standards. The changes will help ensure that new construction compliments the existing neighborhoods in terms of mass and scale.

ACTION: Continued to August 14, 2007 to incorporate changes as discussed. 6-1 (Noes Osorio)-0

Staff Presentation/Commissioners Questions:

Chip Rerig presented the staff report and indicated that correspondence has been received from the public and placed before the Commissioners for their review and consideration. He answered Commissioners' questions.

Public Comments:

Jennifer James of the Monterey County Association of Realtors said that they support most of the changes, and she reviewed their recommended changes that were received and distributed to the Commissioners. Mike Dawson, President of the Alta Mesa Neighborhood Association, stated his inquired about the need for sprinklers in rebuilt structures and stated his concerns for safety in basements that encourage habitable space but do not have windows or doors. He asked for clarity on how the RE and R-1 properties have changed. Judi Lehman, President of the Del Monte Beach Neighborhood Association, said that she had no time to discuss this item with the Association. She stated her concerns referencing Page 1 of the staff report: #1) the establishment of a new grade height after excavation, #2) 24 months for a demolition is too short of time and should be extended to 5

years, #3) a remodel should be based on 40/60 percent rather than 50/50 percent; #4) the percentage of basement should be calculated similar to roof top decks, that houses should be built into grade, and that she does not support the basement definition as it currently reads, #5) she is concerned about reviewing “open to below” floor area and how to convert display area into living space without having it count toward FAR; #6) greater setbacks are good to break up straight lines in the front setback; #7) minimum side yard setbacks need to be applied to both sides and cantilevered like z shape and more information is needed to apply to both sides; #8) people need storage in garages; #9) sliding scale for parcels is not recommended; and #10) more FAR for one-story dwellings is not recommended. She mentioned other items to consider are walking roof top decks, lot coverage diminished to where the roof overhangs, encouraging the opportunity for modulation or shadowing and design and interior court yards on larger lots.

Commissioner Comments:

Mr. Rerig and Mr. Marvin answered Commissioners’ questions. Commissioner Stocker gave examples to indicate the goals of the subcommittee and revisions to the Zoning Ordinance.

Commissioner Bryant said that she would suggest another picture with a basement for clarification of how far underground the basement measures and to delete the word “encourage” in Section 4 and if a basement is habitable, it should be counted as floor area. Commissioner Garden said that subterranean parking or below grade parking works to the benefit of what the Commission wants to do. He said that he envisioned a retaining wall on the slope around the side yard setback with egress into the basements and asked if the City has a definition of the height into the well of the basement that would affect height of building? He suggested that the Commissioners might need to continue this item to change the language as discussed before forwarding it on to the Council.

Commissioner Widmar said that he does not mind non-habitable space under a house that is for storage and parking under a home would be a real win, but the word “encourage” should be deleted and he does not want to see massive understories. In agreement with Commissioner Garden, he moved to continue this item for one month. Commissioner Garden seconded the motion.

Commissioner Osorio suggested that in the next staff report that comments from the neighborhood associations be included in the report. He said their input is a real benefit to incorporate into the direction we give to the Council. He said he would like to see language addressing irregularly shaped lots. Commissioner Davis said that he is concerned about tying down what exceeds 6’11” for basements and to research the building code to find what one can do with a basement that is habitable but without light or exits and to look at linear feet for access or codes that satisfy uses that does not need light or air. Chair McCrone said that he will not support the motion because this has a certain amount of urgency to it and, to this point, it has taken two years worth of study and public input with no negative comments. He said the only thing left is staff language changes that have been identified and a recommendation for adoption to City Council.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Garden, it was moved to continue this item to August 28, 2007 to incorporate changes as discussed. The motion failed by the following vote:

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

Chair McCrone moved to approve the Negative Declaration with a recommendation to City Council to adopt the changes as discussed. Commissioner Davis seconded the motion.

- 1) Section 1 Height Definition—a better definition of what constitutes the top of the building and in the second sentence describe a time at which measurements are made into prospective proposed;

- 2) Section 4 Basement—delete the final sentence (~~Development of these types of areas is encouraged.~~), add a drawing to illustrate the basement, and define how far underground in the basement so that the majority of space would be underground to a certain depth;
- 3) Section 6 RE District and Section 7 R-1 District—change 'household accessory' to household appliances, systems, mechanical apparatuses and built in fixtures;
- 4) Section 7 R-1 District—add side yard averaging (using Carmel by the Sea example). Deal with irregular shapes.

Regarding the clarification of height and chimneys, Commissioner Bryant said that the height is clear and should not be changed to become more complicated. Mr. Rerig said that he will work with the language and the examples to make it clearer. Commissioner Garden said that the Council will see new language incorporated from staff and the public will come forward to make their thoughts known. He said they can return it to Planning Commission if necessary. Commissioner Widmar said that he cannot support the motion because he is reluctant to forward this to the City Council without reading the incorporated changes. Commissioner Stocker said that he, too, will not support the motion because he would rather read the language before recommend adoption to the Council.

Mr. Marvin suggested continuance of this item to August 14 rather than in 30 days. Chair McCrone dropped his previous motion and moved for continuance to August 14, 2007 with direction to staff as discussed. Commissioner Widmar seconded the motion.

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Widmar, it was moved to continue this item to August 14, 2007 to incorporate changes as discussed. The motion passed by the following vote:

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

Chair McCrone called for a recess at 9:00 p.m.; the meeting reconvened at 9:10 p.m.

3. Recommendation to the City Council on Design Framework Guidelines for Downtown and East Downtown Mixed Use Area and Amendments to the Zoning Code Section 38-29 (C-2 Zoning District). Negative Declaration Filed.

The Design Framework and Guidelines have been prepared to implement General Plan Land Use Policies on mixed-use neighborhoods. The proposed Zoning Code Amendments will modify height standards to allow by use permit four-story and 55 foot height in the downtown core and three-story and 45 foot height in the East Downtown area. The current height standard is three-stories and 35 foot with a use permit.

ACTION: Continued to September 11, 2007 to allow time for staff to further review the proposed downtown design guidelines based on discussion. 4-3(Noes- Bryant, Osorio, Stocker)-0

Staff Presentation/Commissioners Questions:

Kim Cole presented the staff report and introduced Nore Winter who presented the proposed Design Framework Guidelines for Downtown and East Downtown Mixed Use Area. Ms. Cole answered Commissioners' questions.

Public Comments:

Nelson Vega said to accomplish a vision there needs to be parameters that are economically feasible (such as raising the height of buildings). If there is no economic gain, then the City will continue to have older buildings. He recommended an overlay in the Cass Street area with low rent, bigger spaces and mixed-use compatible to the area.

Judi Lehman, speaking independently, said that she supports a limited or specific scope environmental impact report because this is a significant impact to the downtown area with changes in traffic, developing mixed use, and addressing urban renewal. She said that areas of further review and study might include the identification of key transportation and entry corridors, a landscape element, assessment for eye appeal, being economically viable for both the City and investors, historic preservation reviews, adequate sidewalk space, incentives for undergrounding utilities, and first floor retail and second/third floor residential units (but not uniformly). She said that having three-story developments along the Del Monte corridor will be an eyesore. She said she supports preservation of Pearl Street. Anthony Davi of the Monterey Commercial Property Association distributed a letter to the Planning Commission commenting on such items as the desire of having design versus square blocks and density. Bud Miller, said that he would like the Commission to consider leaving the Pearl Street corridor as it is and by adding mixed use will further complicate the existing parking problem in that area.

Commissioner Comments:

Commissioner Stocker said that the design framework is nicely written, easy to read, with adequate input and a balance of what citizens want. He said that the General Plan Environmental Impact Report specifically addressed items discussed and it is not necessary to do another EIR. He said that if the City approves an overlay for the four stories at 55 feet, then we will have done a good job. He said that he would like the Pearl Street corridor protected and Del Monte Avenue with three stories on the one side of the street rather than car lots and restaurants. Commissioner Widmar said that he agrees with Commissioner Stocker. He suggested exploring the Cass Street corridor as residential living where people can visit the adjacent C-2 areas on foot rather than in cars. He said that the open space is a good idea, he liked the idea of incorporating spaces in visual corridors through buildings and that under-grounding utilities was a good idea. He said that at the fall workshops there were a lot of citizen input.

Chair McCrone said that this is a great opportunity for increased density with an overlay to fulfill the City's vision of people walking to the stores and their jobs rather than driving. He said that there is no way he would consider increased height in other C-2 zones, but in east downtown there are no views lost and that he is not too concerned about parking because residents will not need their cars and will rely on walking, buses and biking. He said that Mr. Vega's comment is well taken—that there is a need for the property owners to see economic incentives and that the City Council is not interested in acquiring property for urban renewal. He said, with an overlay district, he would like to see design guidelines changed to mixed use with four stories or 55 feet at 55% lot coverage with a use permit, five to six stories at 75% lot coverage with a use permit, as well as preservation of the Pearl Street area but that the design of Pearl Street is not compatible with the Old Monterey colonial style.

Commissioner Widmar said that he agrees with looking at five or six stories in the downtown commercial area along with downtown parking incorporated into the structures. Commissioner Davis said that he supports increased density with five or six story heights that are controlled by a use permit in order to pencil out with the costs of land and building. He said that downtown projects are currently primarily affordable apartments, but the City needs projects that will support a variety of housing mixes. Commissioner Osorio said that he fully agrees with concepts of having increased height and mixed use in the downtown area, but he encourages the City Council to direct staff to conduct a parking study in this area. Commissioner Bryant said that she generally agrees with the goals, guidelines and the concept of five or six story buildings in the downtown core. However, she said that she would like to consider development of buildings on a case-by-case basis to be sure they fit in with the current Monterey character and ambiance. She would also like to see second and third story buildings in some areas, consolidation of lots, as well as preserving the friendly feeling of the Pearl Street corridor.

Mr. Marvin clarified that staff recommends approval of the Negative Declaration based on analysis of four-story height limited to the downtown core. He said, staff is less confident recommending approval with five or six stories and the Commission will need to make findings that the Negative Declaration is adequately evaluated as written. He said that he would recommend continuance of this item to evaluate the differences and perhaps revise the Negative Declaration accordingly.

Commissioner Widmar moved to continue this study to September 11, 2007 with recommendation to staff that they review the findings for having five to six stories and 75% lot coverage in the downtown core with a use permit and that the rest of the downtown mixed use area look at four stories with 55% lot coverage with use permit and to also look at the recommendation for an overlay district and for the creation of specific design guidelines around the Pearl Street corridor. Chair McCrone seconded the motion.

Mr. Winter said that he will work with staff to address concerns such as stepping back to current buildings, reinforcing sentiments of the parking study, and consideration for a parking district as a potential incentive of that height increase. Commissioner Garden said that there is an order to complete the current parking standards study and that needs to be accomplished before any other parking reviews are conducted. Commissioner Stocker said that he will vote against continuing this item because he would rather take steps to see a well-written plan in place rather than steps back with another lengthy study.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner McCrone, it was moved to continue this item to September 11, 2007 to allow time for staff to further review the proposed downtown design guidelines based on discussion. The motion passed by the following vote:

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

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).

4. Response to Commissioners' Comments at June 26, 2007 meeting. Report received.

New Comments:

- Commissioner Garden said that for items such as the mansionization and downtown guidelines zoning amendments, the public has noted that more time is needed to review the information due to the amount of detail and size of the reports. He questioned whether the City is serving the public appropriately by distributing reports just prior to the meetings or should there be a couple of weeks between when the packet is distributed and the meeting is heard?

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.

5. Planning Division Updates. Report received and reviewed.

- Mr. Marvin said that the August 14, 2007 Planning Commission agenda may change from afternoon only to afternoon and evening sessions and that there will be field trip to look at the appeal items.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 P.M.

APPROVED:

ATTEST:

Planning Commission Chair Bill McCrone

Senior Planner Richard S. Marvin

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission