



Council Chamber
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Planning Commission Final Annotated Agenda

Regular Meeting
August 28, 2007

EVENING ONLY
7:00 p.m. – 11:00 p.m.

Planning Commission

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

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 (Arrived at 7:12 p.m.)

Commissioners Absent: None

Staff Present: Senior Planner Rick Marvin, Planning Secretary Terry Lebda, Recording Secretary Jaci Abadilla

APPROVAL OF MINUTES

July 24, 2007 and August 14, 2007

ACTION: Approved the July 24, 2007 Annotated Agenda as submitted and continued the August 14, 2007 Annotated Agenda to September 11, 2007. 6-0-1 (Absent-Widmar)

MOTION:

On a motion by Commissioner Osorio, seconded by Commissioner Stocker, the Annotated Agenda of July 24, 2007 was approved as submitted and the August 14, 2007 Annotated Agenda was continued to September 11, 2007. 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: 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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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. **425 Garden Avenue, Apartment 10; Appeal 07-293 of Revocation of Home Occupation Permit 01-436; Appellant/Applicant John Van Nghiem; Owner Peter Van Nghiem; R-3-6 Zoning Code; Exempt from CEQA Requirements.**

Appeal of revocation of a home occupation permit for an internet based business for go-carts and parts.

ACTION: Denied the appeal of revocation and directed staff to postpone enforcement for six months to give the business owner time to relocate. 4-3 (Noes-Davis, McCrone, Osorio) -0.

Staff Presentation/Commissioners Questions:

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

Appellant:

John Van Nghiem, thought that he obtained all the permits that were required and did not realize he could not use the garage as storage for his business of selling and shipping racing carts and parts. He said he has about 45 customers in Monterey County and about 14 walk in customers so there is no need for a shop or showroom. He is using his garage for inventory and renting another apartment so a garage will be available for parking. He stated that there is no vehicular impact on his neighborhood since the UPS truck comes daily to pick up his mail orders as well as others' on the street, and that he has one employee.

Public Comments:

None.

Commissioner Comments:

Commissioner Stocker said that the existing business was not the intent of the Home Occupation Ordinance. The business had grown into something other than what was originally approved and he proposed that the applicant be allowed six months to find another location for his business. Chair McCrone and Commissioner Widmar concurred and said that activities in the Residential zone should not be intrusive, this business has trailers parked in front of garages, apartments are being rented to compensate for the parking and the applicant should look into finding a commercial space or storage for his business. Commissioner Davis said that the neighbors support this situation, and that a compromise needs to be worked out that would allow the business to stay. Commissioner Bryant moved to deny the appeal of revocation and directed staff to postpone enforcement for six months to give the business owner time to relocate. Commissioner Stocker seconded the motion. Commissioner Garden agreed with the motion as it allows time to move the business in an orderly manner. Commissioners Davis and Osorio with McCrone disagreed with the motion.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Stocker, it was moved to deny the appeal of revocation and directed staff to postpone enforcement for six months to give the business owner time to relocate.

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

2. **652 Cannery Row (Spindriff Inn); Application 07-259 to Reopen Use 76-51; Applicant Frank Donangelo; Owner Inns of Cannery Row; C-R Zoning District; Exempt from CEQA Requirement.**

Remove portion of existing restaurant and replace with three (3) hotel rooms and retail sales area.

ACTION: On consent, the project was approved as submitted . 6-0-1 (Absent-Widmar).

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Osorio, on consent, it was moved to approve the project 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

3. 643 Cannery Row (After the Quake); Use Permit 07-098; Applicant Allen Robinson for The Sienna Company; Owner Turie Cavaliere; C-R Zoning District; Exempt from CEQA Requirements.

Two-story addition to an existing one-story commercial building. Addition includes six (6) new residential units. First floor commercial to be retained. Three-story height conforms to Zoning standard. Water via previous use credits and parking waiver proposal based on previous approval and paid parking adjustments.

ACTION: On consent, this item was continued to September 11, 2007. 6-0-1 (Absent-Widmar).

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Osorio, on consent, it was moved to continue this item to September 11, 2007. 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 APPEARANCE

PUBLIC APPEARANCE items are reports on non-routine issues that might stimulate public discussion, but that do not require formal noticing as public hearings. You are welcome to offer your comments after being recognized by the Chair. The Chair may limit the time each speaker is allocated.

4. 25 Fisherman's Wharf #1 (Mike's Seafood/Casa Karmelcorn); Major Fisherman's Wharf Project; Leaseholder and Applicant Jim Gilbert; Owner City of Monterey.

Advisory recommendation to City Council. Proposal to expand building footprint to accommodate expansion of candy store. The expansion is proposed on the west side of the building and it will increase building overage over the water. The proposal includes a new 8-foot wide public access walkway and public water overlook deck.

ACTION: Recommendation to the City Council that the proposed expansion in concept is acceptable for submittal of a formal application based on the finding that the expansion, as conceptually proposed, can conform to Wharf Master Plan guidelines. 7-0-0

Staff Presentation/Commissioners Questions:

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

Applicant:

Wayne Iversen, Architect, said that this proposal would replace the existing building with a new one and include an extension over the ocean for additional seating as well as a public view corridor. He added that the proposal complies with the Wharf Master Plan. He answered Commissioners' questions.

Public Comments:

Don Hubbard spoke on the behalf of the neighboring tenants, Mr. and Mrs. Elves, and said that they are opposed

to the project and encouraged denial because it will likely destroy their business. He stated the Wharf Master plan identifies and locks in the square footage of various uses and expanding the candy store is not consistent with that concept. Bill Jespersen, CPA for the Elves, stated the substantial increase in square footage to the candy store at this location would negatively impact the operation of the Elves' candy store. Elizabeth Elves stated that her business has been in the same location working under the same conditions for the past 38 years and confirmed that the expansion would hurt her existing business. She added that she could not believe that the City of Monterey would be considering such a project of expansion. Applicant, Jim Gilbert, said that he bought the building to remodel and replace the structure and that he wants to make the Wharf a nice place for tourists to visit. He added that several businesses, like the General Store or Gilbert's Gift Shop, had already expanded without complaints from the neighboring businesses.

Commissioner Comments:

Commissioner Stocker stated that the expressed concerns should have been worked out before coming to the Planning Commission. He said the proposal is appropriate with the expansion, walkway and view corridor and that the process will take time to complete. He moved to recommend to the City Council that the proposed expansion in concept is acceptable for submittal of a formal application based on the findings that the expansion can conform to the Wharf Master Plan. Commissioner Garden seconded the motion.

Commissioner Bryant said she will support the motion and said that City Council would need to clarify percentages and formulas regarding square footage. Chair McCrone said that he encourages the Elves to meet with Mr. Gilbert over this matter.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Garden, it was moved to recommend to the City Council that the proposed expansion in concept is acceptable for submittal of a formal application based on the finding that the expansion, as conceptually proposed, can conform to Wharf Master Plan guidelines. 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

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).

- 5. Response to Commissioners' Comments at August 28, 2007 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.

- 6. Planning Division Update. Report received and reviewed.**

- Mr. Marvin said that the September 11, 2007 meeting will be an afternoon and evening session. He said that the application for 131 Lighthouse Avenue has been postponed because the project is being redesigned and will be go back to the Architectural Review Committee for review. The field trip for this meeting has been cancelled because of the Admission's Day holiday. Mr. Marvin requested that the Planning Commission independently travel to the 643 Cannery Row project site before the scheduled meeting and he passed out a copy of the site plans for their review.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:57 P.M.

APPROVED:

ATTEST:

Planning Commission Chair Bill McCrone

Senior Planner Richard S. Marvin

Respectfully Submitted, Jaci Abadilla
Recording Secretary
Planning Commission