



Council Chamber
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Planning Commission Final Annotated Agenda

Regular Meeting
September 25, 2007

Afternoon Only
4:00 p.m. – 6:00 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 4:00 P.M.

ROLL CALL

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

Commissioners Absent: None

Staff Present: Senior Planner Rick Marvin, City Engineer Tom Reeves, Administrative Analyst Sandra Reeder, HCD Coordinator Jennifer Miller, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

September 11, 2007

ACTION: Continued to October 9, 2007.

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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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. Recommendation to approve the FY 2006-07 Consolidated Annual Performance and Evaluation Report (CAPER) for Housing and Community Development Programs (Administrative Action-Categorically Exempt from Environmental Requirements).**

ACTION: Authorized submittal of the Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) as submitted. 7-0-0.

Staff Presentation/Commissioners Questions:

Sandra Reeder and Jennifer Miller presented the staff report. Commissioners' questions were answered.

Public Comments:

None.

Commissioner Comments:

Commissioner Davis and Chair McCrone complemented the Housing staff on the report and presentation. Commissioner Bryant moved to authorize submittal to HUD as submitted. Commissioner Davis seconded the motion.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Davis, it was moved to authorize submittal of the Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) as submitted. 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. 2370 N. Fremont Street; Major Use Permit 07-167; Applicant Kasey Dority for Dority Roofing and Construction; Owner Danbury Main LLC; C-2 Zoning District; Exempt from CEQA Requirements.

Request to approve a Use Permit to allow conversion of existing 34,285 square foot grocery building to personal improvement use with ancillary fast food and physical therapy uses. The Safeway building is proposed to be remodeled to accommodate new uses including "Club Fit", a physical fitness gym and spa as the main use. The application includes a request to temporarily install a portable trailer on the property for use as a pre-sales office during the period of construction. The temporary trailer will be located near the corner of Casanova Avenue and North Fremont Street and will be served by a separate temporary parking lot and fenced off from the construction area.

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

Staff Presentation/Commissioners Questions:

Todd Bennett presented the staff report and answered Commissioners' questions.

Applicant:

Steven Beals, representing the applicant, said that they have reviewed and agree with the conditions including employee-parking location change. He answered Commissioner Bryant's question regarding the pre-sales trailer stating that this temporary location is crucial to the successful startup of Club Fit.

Public Comments:

Leslie Svetich of the North Fremont Business Improvement District said that they submitted a letter supporting Club Fit and the trailer.

Commissioner Comments:

Commissioner Garden suggested an amendment to Condition 3 to require the applicant to submit an Employee Parking Plan. Mr. Bennett said that an employee parking plan has been submitted and that the plan includes commuting options and designated parking spaces. Commissioner Stocker moved to approve the use with staff conditions because it is a fairly good use of this site and the neighborhood has a history of self-enforcement in regards to late night and early morning noise. He said that in the future he would like to see this building

demolished and the property transformed into mixed-use with the water credits. Commissioner Widmar seconded the motion. Commissioner Bryant said that she will support the motion because her concern regarding the temporary trailer was answered and through the ARC review it will be as attractive as possible as it is easily seen in the proposed location.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Widmar, it was moved to approve the Use Permit as submitted. 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

3. 1196 Aguajito Road; Small Subdivision and Zoning Map Amendment 07-223; Applicant Beverly Dishman for Wald Ruhnke & Dost Architects; Owner Joe Tanzi; R-1-20 Zoning District; Negative Declaration Filed.

Recommendation to City Council. Request for Zoning Map Amendment to change zoning designation to R-1-12 and subdivide one 2.28 acre parcel into two parcels. The application proposes to divide a 99,196 square foot (SF) parcel into two parcels. If approved the new parcels will be available for future development of two single-family dwellings, one per each parcel. To accomplish the division of the parcel an application for Tentative Parcel Map for Small Subdivision and Zoning Map Amendment to change the zoning from R-1-20 to R-1-12 are required. The property is located at 1196 Aguajito Road and there is extensive street frontage along the Aguajito Road right-of-way. Steep slopes dominate site and developable area, the land area that contains slopes less than 25%, is less than 20,000 SF in each of the proposed parcels. Since the amount of developable land is less than 20,000 SF, the minimum allowed area under the R-1-20 zoning designation, a change in the zoning designation is required. The proposed new zoning designation is R-1-12, which requires a minimum of 12,000 SF parcel size. Parcel A will be 48,052 SF in total area and Parcel B will be 51,144 SF in total area. The buildable area on the new parcels is 18,928 SF for A and 13,003 SF for B.

ACTION: Recommendation to City Council for approval of Certification of the Negative Declaration, approval of the Zoning Map Amendment to R-1-12-D-1, and approval of the Small Subdivision as submitted. 4-2 (Noes-Garden, Osorio)-1 (Abstained-Stocker)-0.

Staff Presentation/Commissioners Questions:

Commissioner Stocker recused himself due to conflict of interest. Rick Marvin presented the staff report. He said that a letter from Sharon Dwight was distributed to the Commissioners in opposition to the project, as she believes it constitutes spot zoning. He said that staff does not believe this to be spot zoning due to the nature of topography and surrounding uses. He answered Commissioners' questions.

Applicant:

Henry Ruhnke, Wald, Ruhnke, and Dost Architects, gave a history of the property and said that in 2004 there was a proposal for eleven-unit affordable homes; but at that time, City staff was not comfortable with the project as proposed and suggested the possibility of subdividing into two properties. He said that they are not aware of the property being in a flood zone as indicated, but if so, they can elevate the building to stay out of the 100-year flood plane. He said the subdivision will create two modest sized homes on the two lots, that it conforms to the General Plan and density standards, and is not spot zoning because there is a variety of zone designations in the area.

Public Comments:

Sharon Stewart, a neighbor on Castro Road, asked why there was asphalt on the site? She said that Aguajito is a greenbelt area and that she is concerned about the aesthetics, preservation of the native plants, and screening the houses from view. She said that granting R-1-12 Zoning Designation is a special consideration and is out of the ordinary for the area as it is an existing public right of way and green belt buffer as currently used. Mr.

Ruhnke answered questions stating that the area was paved prior to his involvement with the property in 2003 and used for parking by people using the County building. He also indicated that restrictions that apply to the parking area and access to the property are limited to Aguajito Road. Regarding the aesthetic concerns, he said that they want to be a good neighbor and do the right thing with a re-forestation landscape plan. He said when the project was previously designed for the eleven units, there was an extensive landscape plan with a buffer screen of willow trees and a setback of about 65 feet in depth from the pavement of Aguajito Road. He answered Commissioner Garden's question regarding the terrain and slope of the lots at the upper parking area.

Commissioner Comments:

Mr. Reeves answered Commissioner Osorio's concern about water availability saying that there is Cal Am service in the area. Mr. Marvin said that under the City ordinance, with well water is allowable if approved by the County Health Department. He said that no permit or environmental review is required for a well to serve a single-family residence, but that a well to serve both would require a use permit. He said that the applicant is currently not sure if they will want to be placed on the water waiting list or if they will proceed with individual wells. Commissioner Garden said that this is an almost undevelopable property and he does not agree that abandoning the proposed affordable housing was the best way to go, as that would have been a better use for this property. He said he is reluctant to believe the best way for the City of Monterey to use this property is to divide it into two R-1-12 parcels and that he is not inclined to support the division of this property. To answer Chair McCrone's question, Mr. Marvin said that due to the steep slope he does not believe a variance in the R-1-20 zone, as opposed to changing the zone to an R-1-12, is an appropriate approach.

Commissioner Davis said that he agrees with Commissioner Garden and Ms. Stewart that this has been open space for a long time. However, he said, this project puts a limit on what can be done with the property which is two houses and the D-1 District Overlay review process will allow this property to be developed with the least amount of impact. He moved to approve this application as presented and to certify the Negative Declaration. Commissioner Bryant seconded the motion because questions had been answered; and, she believes that with the landscape screening, the houses will not be seen that well. Although, she said she agrees with Commissioner Garden regarding the concept of the eleven affordable units.

Answering Commissioner Widmar's question, Mr. Marvin said that the eleven-unit project would require re-zoning to R-3 Multi Family, along with a General Plan Amendment, would introduce questions of encroachment on the 25% terrain, and would require another environmental review for that type of proposed changes. He said that, in staff's opinion, the current project was deemed reasonable especially with conformance of the General Plan. Commissioner Widmar said that he will support the motion and, although it is not the best possible project, this is the project the applicant wants, concerns can be well mitigated, and there will be two smaller homes rather than one mammoth project. Commissioner Osorio said that he is reluctant to vote in favor of the motion at this time because the source of water has not been fully identified and he believes the environmental analysis is incomplete with respect to the flood zone. Commissioner Garden said that he will not support the motion because he believes it to be spot zoning and he thinks the formerly proposed project would work better for the City. Mr. Reeves said that the subdivision ordinance will require a statement as to method of water will be utilized and how sewage will be taken care of and he notes the Map states that Cal Am water service is available on site. Chair McCrone said that this is no more spot zoning than what is already there and to stick an R-1-20 zone is not a reasonable use. He said that the property owner can make reasonable use of his property as proposed in the application and that he will support the motion.

MOTION:

On a motion by Commissioner Davis, seconded by Commissioner Bryant, it was moved to recommend to City Council approval of Certification of the Negative Declaration, approval of the Zoning Map Amendment to R-1-12-D-1 Zoning Designation, and approval of the Small Subdivision as submitted. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Davis, McCrone, Widmar
NOES:	2	COMMISSIONERS:	Garden, Osorio

ABSTAIN: 1 COMMISSIONERS: Stocker
ABSENT: 0 COMMISSIONERS: None

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. Recommendation to City Council. One-Year Review of Ordinance Limitation on Construction Hours.

ACTION: On consent, recommendation to City Council that the Zoning Ordinance limitation on construction hours is working well and that there is no need to modify or revise the established hours. 7-0-0.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Widmar, on consent it was moved to recommend to City Council that the Zoning Ordinance limitation on construction hours is working well and that there is no need to modify or revise the established hours. 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 agendize a matter of business on a future agenda (G.C. 54954.2).

5. Response to Commissioners' Comments at August 28, 2007 meeting. Report received. New Comments:

- Commissioner Garden advised the Commission that he had been receiving comments from New Monterey residents that were critical of the appearance and cleanliness of the tunnel and asked if it was cleaned on a regular basis. Staff will inquire about this concern and respond at the next meeting.

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 Updates. Report received and reviewed.

- Mr. Marvin reviewed the report. He said that the Condominium Conversion Zoning Ordinance changes are moving forward and will be reviewed by Planning Commission in October or November and to City Council in December.
- The Parking Survey will soon be sent out and the Subcommittee will review the survey results. The City Council is scheduled to consider the Cannery Row/Lighthouse Avenue Parking Adjustment policy changes for adoption on October 16, 2007.
- The October 9, 2007 Planning Commission meeting will meet in the evening. Commissioners Stocker and Davis said that they are unable to attend. Staff will send out a reminder to be sure there will be a quorum for this meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:10 P.M.

APPROVED:

ATTEST:

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Planning Commission Chair Bill McCrone

Senior Planner Richard S. Marvin

Respectfully Submitted, Terry Lebda, Recording Secretary