



Council Chamber
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Planning Commission Final Annotated Agenda

Regular Meeting
November 27, 2007

EVENING SESSION 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

Commissioner McCrone called to 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, City Engineer Tom Reeves, Recording Secretary Lisa Hanes

APPROVAL OF MINUTES

November 13, 2007

ACTION: Continued to December 11, 2007. 7-0-0.

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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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. 681 Madison Street; Historic Application 07-371; Applicant/Owner Richard Mayer; R-1-6 Zoning District; Exempt from CEQA Requirements.**

Recommendation to City Council. Consideration of an application to rezone property as a City Historic Resource from R-1-6 to R-1-6-H-2 and a Mills Act contract (property tax savings program for historic structures).

ACTION: On consent, recommended to City Council approval of rezoning the property to R-1-6-H-2 and the Mills Act Contract. 7-0-0.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Bryant, on consent recommended to City Council approval of rezoning the property to R-1-6-H-2 and the Mills Act Contract. 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. 463 Larkin Street; Variance 07-358; Applicant/Owner Adam A. Rust and Jen Mathieu; R-3-6 Zoning District; Exempt from CEQA Requirements.

Request to approve height variance for three stories to allow conversion and remodel of attic to habitable floor area. The application does not propose any increase in structure height.

ACTION: Approved height variance based on staff Findings and Conditions of Approval with one modification to Condition 3 to state: ...The Variance approval ~~does not~~ could authorize the exterior modifications as proposed. ... 7-0-0.

Staff Presentation/Commissioners Questions:

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

Applicant:

Mr. Adam Rust introduced his wife, Jen Mathieu, and spoke about the deck railing concern that was identified in the staff report. He presented pictures of other properties, in the neighborhood with similar deck railings that extend past the line of the roof. In answer to the Commissioner's question, he said that the current windows are aluminum framed windows and he plans on replacing them with double pane vinyl, but he is willing to change these windows to wood on the recommendation from the Architectural Review Committee.

Public Comments:

Todd Portess said that he supports the project because they are trying to maintain the integrity of the house.

Commissioner Comments:

In answer to Chair McCrone's question during staff presentation, Mr. Marvin said that the incentives for H-2 Zoning do not include an exception to height; rather, they include exceptions or variations in floor area ratio and setbacks. Commissioner Stoker moved to approve the height variance based on staff Findings and Conditions of Approval with one modification to Condition of Approval 3 changing the wording from "does not" to "could". The motion was seconded by Commissioner Davis.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Davis, it was moved to approve the height variance based on staff Findings and Conditions of Approval with one modification to Condition 3 changing the wording from "does not" to "could". 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

Amended Condition of Approval:

3. Planning Division Condition. This project requires review and approval by the Architectural Review

Committee (ARC). The Variance approval ~~does not~~ *could* authorize the exterior modifications as proposed. The ARC shall, at a minimum, evaluate the project for compliance with the Secretary of the Interior Standards for potentially historic structures, including the proposed roof top deck and railing.

3. 475 Alvarado Street, Use Permit and Lot Line Adjustment 07-350; Applicant George Ash, Architect; Owner Saucito Land Company; C-2 Zoning District; Exempt from CEQA Requirements.

Conversion of an existing structure from retail and office to mixed use retail and residential. The ground floor will be used for commercial retail use and the upper floor will be remodeled to contain three apartments. The Lot Line adjustment increases the width of an existing non-conforming lot and will bring that lot closer to conformance with standards. A building addition at the rear of the building will be removed and the proposed building will contain less building area than the current building. The building is an identified potential historic resource and the modifications proposed to accomplish the conversion conform to Secretary of Interior Standards for remodel of historic resources.

ACTION: Approved Use Permit for mixed-use and the Lot Line Adjustment as submitted. 7-0-0 .

Staff Presentation/Commissioners Questions:

Mr. Marvin presented the staff report and responded to the written letter from Vince Cardinalli. He answered Commissioners' questions.

Applicant:

Jerry Anderson, Saucito Land Company, said that none of their leases tied any parking to the businesses, but that the businesses made their own arrangements with National Parking. He said that as of July 2007, National Parking's lease has been terminated and that it is their intention to take the parking lot out of pool parking and re-arrange it in the future. He mentioned his concern regarding a driveway permit that has been submitted by Ordway and that it is their intention to follow the same procedure that is currently in place at the Osio Theater using the Custom House Plaza Parking Garage.

Public Comments:

Steven Casper, business partner with Eric Wodel, said that this particular parking lot was not meant to have resident parking because it is a business in the downtown area and he does not feel that this is a good neighborhood for families. He said that people do not come to Alvarado Street to see apartments. Eric Wodel, Co-Owner of the Mucky Duck, said that his main issue is with the deconstruction of the back half of the building of Futons and Such. He said he was never made aware of this deconstruction and that more time is needed for the owner of the Mucky Duck property and the owner of the Mucky Duck business to sit down and discuss what options they may have with the deconstruction of the wall. Todd Portess said that this is a Lot Line Adjustment for only a small portion of this area and that this is a turning point for downtown, and it needs to be further studied. He said that there are unanswered questions that need to be addressed before an approval is made for one particular project.

Commissioner Comments:

Commissioner Stocker said that he supports the project because the General Plan specifically speaks about housing in the downtown area. He disagrees that the City must provide parking onsite. He agrees with staff that we must identify and provide a place for these apartments and that the persons that choose to live in these downtown apartments are making their own choices. He moved to approve the project as submitted. Commissioner Widmar seconded the motion and said that it is dangerous to try to enforce on-site parking for this particular residential space as it may be that would be setting a dangerous precedent. Commissioner Bryant said that the parking issue should be handled privately. Commissioner Garden has concerns about the Lot Line Adjustments and said that this application should have come with more of an explanation of what is planned behind the commercial buildings facing Tyler Street, however, he will support the motion. Commissioner Osorio recommended that the property owners meet with the City to determine the best parking arrangement. Commissioner Davis said that the parking issues and demolition of the wall are private matters. Chair McCrone

said that the City should not have to provide parking.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Widmar, it was moved to approve the Use Permit for mixed-use and the Lot Line Adjustment as submitted with Staff Findings and Conditions of Approval. 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

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. Review and Discussion by Planning Commission regarding: 1) Request that City Council delegate approval of all future condominium conversion Tentative Maps to Planning Commission; and, 2) Request that City Council direct staff to evaluate options for preparing a nexus study for consideration of conversion mitigation fee.**

ACTION: Recommended approval that delegate only Condominium Conversion Tentative Maps to PC and to direct staff to evaluate options for preparing a nexus study. 7-0-0.

Staff Presentation/Commissioners Questions:

Mr. Marvin presented and answered Commissioners questions.

Public Comments:

None.

Commissioner Comments:

Commissioner Osorio said that the Commission needs a basis to come up with the mitigation fee and that the Planning Commission (PC) has more knowledge to approve future condominium conversion Tentative Maps. Commissioner Bryant said that the Commission should request to the City Council the need for the Nexus Study because this would be another tool to use when evaluating Condominium Conversions. She also said that the PC is more knowledgeable about Condominium Conversions and Tentative Maps, and what is necessary to come to a conclusion and recommendation. Commissioner Widmar said that it is appropriate to leave Tentative Maps with the PC, but he has concerns about the Nexus Study as it runs counter to the General Plan. Chair McCrone said we need to create some control to ensure that new ownership opportunities do not fall primarily to investors and second homebuyers and that the Nexus Study will help to ensure this. Commissioner Garden said that the PC is not yet ready for a Nexus Study. Mr. Marvin clarified Commissioner Garden's concerns stating that the City does not currently have applications, but he anticipates applications in the near future. Commissioner Stoker moved to approve the recommendation to City Council that they delegate Condominium Conversion Tentative Maps to PC and direct staff to evaluate options for preparing a nexus study. Commissioner Bryant seconded the motion.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Bryant, it was moved to approve the recommendation to City Council that they delegate only Condominium Conversion Tentative Maps to PC and to direct staff to evaluate options for preparing a nexus study. 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

5. Planning Commission Annual Report.

ACTION: Approved Planning Commission Annual Report as submitted.

Staff Presentation/Commissioners Questions:

Mr. Marvin presented and answered Commissioners questions.

Public Comments:

None.

Commissioner Comments:

Commissioner Stoker said that he would like the City Council to hear about the Planning Commissioners' appreciation of the staff during this presentation.

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 November 13, 2007 meeting.

- Commissioner Davis gave an update on the Monterey Hotel as reflected in the Commissioner Comments Report.
- Mr. Reeves responded to Commissioner Garden's inquiry about the cleaning of tunnel by stating that this project will take a large crew of people and about four nights to clean it thoroughly.

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

- Mr. Marvin stated that the December 11, 2007 Tentative Agenda has not yet been distributed. He said there will be one item only during the afternoon session; and after adjournment, the meeting will be followed by the Condominium Conversion Subcommittee meeting.
- Commissioner Bryant said that she will not be able to attend the January 8, 2007 meeting.

ADJOURNMENT

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

APPROVED:

ATTEST:

Chair McCrone

Senior Planner Richard S. Marvin

Respectfully Submitted, Lisa Hanes
Recording Secretary
Planning Commission