



Council Chamber
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Monterey, California

Planning Commission Annotated Agenda

Regular Meeting
January 22, 2008

7:00 p.m. – 11:00 p.m.
Evening Session Only

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: Davis, Garden, McCrone, Osorio, Stocker, Widmar

Commissioners Absent: Bryant

Staff Present: Principal Planner Rick Marvin, Principal Planner Kim Cole, Building Official John Kuehl
Engineering Technician Jeff Condit, Planning Secretary Terry Lebda

APPROVAL OF MINUTES

January 8, 2008

ACTION: Approved the January 8, 2008 Annotated Agenda as amended. 6-0-1 (Absent Bryant).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Stocker, the Annotated Agenda of January 8, 2008 was approved as amended. The motion passed by the following vote:

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

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 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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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 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.

1. **Green Building Ordinance, Green Building Resolution-Guidelines, Green Building Resolution-Thresholds, Green Building Resolution-Construction and Demolition, Green Building Resolution-Incentives.**

Policy Direction to Staff. Public Appearance for the Planning Commission to consider the Green Building Ordinance and Resolutions and provide policy direction to Staff for further refinement. The proposed Ordinance will require a minimum standard of green building practices for all new construction for residential and non-residential projects. The Ordinance requires future public projects to meet a minimum LEED Silver standard. The Ordinance includes guidelines to meet state-mandated Construction and Demolition (C&D) requirements. A variety of incentives will be considered to encourage the development community to reach exceptional design standards.

ACTION: Presented the drafted Green Building Ordinance, took public comment, and received policy direction from the Planning Commission to refine the ordinance.

Staff Presentation/Commissioners Questions:

John Kuehl presented the staff report and answered Commissioners' questions.

Public Comments:

Peter Eichorn of Eichorn, Inc. Masonry Artisan encouraged pervious paving resulting in replenishing the earth's water supply. Sally Ann Smith, representing The Monterey Bay American Institute of Architects, submitted written comments conceptually supporting the Green Building Ordinance but referencing caveats as well. Mike Dawson submitted written comments and said that he is pleased with the Green Building Ordinance. Stewart Wadsworth, Co-Chair of the Monterey Bay Branch of the U.S. Green Building Council, submitted written comments supporting the Green Building program and ordinance. Joe Piedmonte said that he supports the adoption of this program; incentives will encourage developers to build green; and he encourages City projects to strive for LEED Silver Rating requiring contractors to have LEED professional experience.

Jordan Daniels, Daniels and House Construction, said that the Competitive Clusters (C2) Green Building Committee letter of October 24, 2007 was a result of brainstorming in just one afternoon and that indicates the feasible ideas that can be generated. He said that they support the deconstruction material salvaging and reuse program but he has learned through experience that it is difficult to site-segregate debris especially where space is limited and that the Marina Landfill is world renown for material recovery. He said that they are willing to help in any way possible with this program. Jay Tully, Daniels and House Construction thanked the City for posing this ordinance and he encouraged the City to work with other jurisdictions to assure consistency. He said there is no cost to most of the point requirements such as building close to a bus stop, but some point requirements might be costly such as adding solar panels. He said that the Greenpoints Checklist needs further clarification, such as some percentages are difficult to meet unless the project is very small.

Chair McCrone called for a five-minute recess at 8:30 p.m. The meeting reconvened at 8:35 p.m.

Commissioner Comments:

Commissioner Garden said that he hopes the Council will voluntarily start looking at our City buildings to go green and not wait for a year before the Ordinance is adopted. He said that it is unknown when the adoption of the Ordinance and process will be complete and suggested that it be in effect one year after Council approval. He said that some language in the Ordinance should be substantive because words like 'encourage' and 'innovative design' do not work for commissions to review the work. Regarding incentives, he said he wants to have something to encourage people to see that it is worth the effort to put green building into the design.

Commissioner Osorio suggested exploring the possibility of more points for those who reduce waste from a demolition site and to come up with creative ways to make it easier such as using different color dumpsters to segregate the recyclable materials.

Commissioner Davis said there should be some trigger for utilizing or ranking incentives. He said that he has comments on incentives and he will supply them in a memo to Mr. Kuehl. Mr. Kuehl answered his question regarding examples of hardships explaining for instance, in the ADA code, if there is an unreasonable hardship, another equal facilitation may satisfy the requirement. Commissioner Davis said that the length of Phase I is too short and that there needs to be enough time for the City to analyze green projects that are completed and if the proposed ordinance and compliance would be successful. He said that education is a challenge and that inspectors will need to inspect whether the points were met.

Commissioner Stocker said that this is an important matter for all, but that realistically, this will take more planning and processing time. He said that there is a need for incentives or the concept will never get above the current threshold, suggesting perhaps a shorter time to get the permit or that the architectural firm has LEED certified staff to facilitate the process. He said the program needs to start or it never will, but to initiate it by the end of this year is unrealistic. He said, although materials may cost more, building green will save money, water, and electricity over time.

Commissioner Widmar said that he wants to encourage the City immediate adoption of building standards and adopting LEED Certification for existing buildings because we need to hold ourselves to a higher standard if encouraging others to do so. Regarding paints and finishes, some jurisdictions ban the use of VOC's. Regarding incentives, there need to be tools to enforce reduction of dangerous materials and segregating materials on site such as using different dumpsters for wood, concrete, etc. Incentive could be that City could rebate dumping fees or subsidize dumping fees if done yourself. Incentives need to first be for the builder and developer and then the customers are encouraged by the long-term benefits; in addition, the developers need to encourage their customers. He said that education is possible by working with local building providers to create a preferred list of materials. Another suggested incentive, he said, would be if building green, bring those applicants on the water waiting list closer to the top and to start with what is in the pipe line now.

In answer to Chair McCrone's questions, Mr. Kuehl said that the process starts with the Negative Declaration then the proposal will go to the Historic Preservation Commission and Architectural Review Committee, then back to Planning Commission before going to the City Council. He said that 735 Pacific Street was the first City owned building that they had the opportunity to implement green building practices, but that he is not aware of any policy direction on any other existing construction. Regarding incentives for recycled roofing materials, Mr. Kuehl said cool roofs are already green building elements built into the Code. He said that no points are earned for meeting Title 24 ca energy standards, rather a project needs to go above that standard such as using low water and energy equipment and reusing materials or recycling materials at the MRWMD or Last Chance. Chair McCrone said that it would be exceedingly useful for nonprofessionals when it comes back that there are examples of perhaps a remodel, residential project, or commercial project so there is a realistic analysis of what is appropriate thresholds.

Commissioner Garden suggested that the City not earmark educational funds, whether in the Building Division or other, to make that an operational expense.

Ms. Cole commented that incentives require ordinance amendments and a negative declaration to be prepared. She suggest that there be more discussion of incentives to obtain more complete information before the negative declaration is prepared and distributed. Staff will discuss this and report back to the Commission.

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.

2. Amendments to Cannery Row Land Use Plan for McAbee Beach.

Recommendation to the City Council. Review of proposed amendments to Cannery Row Land Use Plan to implement changes requests by the Coastal Commission.

ACTION: On consent, recommended to City Council approval of the amendments to the Cannery Row Land Use Plan for McAbee Beach as submitted. 6-0-1 (Absent Bryant).

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Garden, on consent, it was moved to recommend to City Council approval of the amendments to the Cannery Row Land Use Plan for McAbee Beach as submitted. The motion passed by the following vote:

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

3. 701 Lighthouse Avenue; Major Use Permit 07-450; Applicant Joan Kenny and Tobi Lunt; Owner Ray Cardinale; C-2 Zoning District; Exempt from CEQA requirements.

Request approval for a Use Permit to allow a legal non-conforming Convenience Market to intensify the use by allowing the sale of hard liquor and spirits.

ACTION: On consent, continued to February 12, 2008, as requested by the applicant. 6-0-1 (Absent-Bryant).

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Garden, on consent it was moved to continue 701 Lighthouse Avenue to February 12, 2008 as requested by the applicant. The motion passed by the following vote:

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

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).

4. Response to Commissioners' Comments at January 8, 2008 meeting. Report received.

New Comments:

- Commissioner Stocker said that he would like an official process considered requiring a licensed engineer to submit a letter of certification that no demolition will be involved with their project. He said that all too often after remodeling begins an unexpected demolition occurs and the City allows the project to continue with the original design. He proposed that this topic be agendized for a future meeting.
- Commissioner Stocker commented regarding Mr. Marvin's promotion to Housing/Property Manager that the Planning Division is losing a great resource, that he is a wonderful City staff and he will be missed. He said that he is a fabulous planner and hopes he does well in his new position. Chair McCrone concurred.

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.

- Chair McCrone, Commissioner Osorio, and Commissioner Garden said that they would like to attend the Planning Institute in March if funds are available.
- Mr. Marvin reported that he will be responsible for PC agendas through February with his transition to Housing/Property Management in March. He said that at the February 12, 2008 PC Meeting, Work Programs will be discussed and that there will be a field trip to 471 Wave Street.
- Mr. Marvin informed the Commission that the Council will reconsider the reorganization of Community Development and Public Works at their February meeting. He said that it would be helpful if the Planning Commission Chair attend that meeting to discuss the difficulties based on current staff levels and the current organization.
- Mr. Marvin said that he will need to schedule another Condominium Conversion Subcommittee Meeting and that it may need to be a luncheon meeting since the next PC Meeting is both an afternoon and evening agenda.
- Ms. Cole answered Commissioner Garden's question regarding the Downtown Guidelines saying that the City Council did not approve the proposed guidelines and staff was asked to explore an expanded scope of work. She said that the Planning Commission will be advised when this matter will come back before them.
- Commission Davis suggested that he be added to the Subcommittee List as he attends the North Fremont Business District's annual meeting.
- Mr. Marvin said that at the February 12 PC Meeting, Retreat topics will be discussed.
- Mr. Marvin distributed to County General Plan Subcommittee Members Davis, Garden and Widmar copies of the GPU5 staff report for the January 31 County hosted workshop. He said that recommendations will be prepared and submitted to the Planning Commission and City Council for recommendation regarding this item.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.

APPROVED:

ATTEST:

Bill McCrone, Chair

Richard S. Marvin, Principal Planner

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission