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# Planning Commission Draft Annotated Agenda

## Regular Meeting April 22, 2008

**Afternoon Session**  
**4:00 p.m. – 6:00 p.m.**

DRAFT 04/30/2008 3:57 PM

### 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:** Principal Planner Kimberly Cole, Principal Planner Chip Rerig, Housing Property Manager Rick Marvin, Administrative Analyst Sandra Reeder, HCD Coordinator Jennifer Miller, Chief of Inspection Services/Building Official John Kuehl, Engineering Technician Jeff Condit, Building Technician Dana Strickland, City Attorney Chrissy Davi, Assistant City Engineer Tom Reeves, Recording Secretary Terry Lebda

### APPROVAL OF MINUTES

April 8, 2008

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

MOTION:

On a motion by Commissioner Osorio, seconded by Commissioner Bryant, the Annotated Agenda of April 8, 2008 was approved 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

### 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.

Kent Seavey said that he is unable to stay at this meeting for the Green Ordinance item. As a preservationist, he would like to be sure that the ordinance is looked at through the eyes of the Office of Historic Preservation so that there is no error in damaging historic properties and that the City should maintain their level of concern for existing historic properties.

## 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 City Council and Monterey Redevelopment Agency for the FY 2008/2009 Housing and Community Development Budget and Action Plan (Administration Action-Categorically Exempt from Environmental Requirements).**

**ACTION: As submitted, recommended to City Council for approval and adoption of the FY 2008/2009 Housing and Community Development Budget and Action Plan. 7-0-0.**

#### Staff Presentation/Commissioners Questions:

Sandra Reeder and Jennifer Miller presented the staff report. Sandra, Jennifer and Rick Marvin answered Commissioners' questions.

Kim Stemler, Executive Director of Monterey County Housing, Inc., presented and distributed to the Commission the MICHl report on the Casanova Plaza scope of work (800 Casanova Avenue). She said that the City's commitment funds of \$200,000. She said that this is a short fall, but through effective management, perhaps they will be able to accomplish the security improvements recommended by the Monterey City Police Department.

#### Public Comments:

Katherine Thoeni, Executive Director of John XXIII AIDS Ministry, said that their organization did not receive funding although they met all requirements of the application process. She said that John XXIII AIDS meets HUD requirements, providing 95% of the HIV/AIDS services in Monterey County including the City of Monterey. She asked that the Commission find flexibility to fund them so that they may not need to cut services.

#### Commissioner Comments:

Mr. Marvin addressed the John XXIII AIDS Ministry concern saying that the final conclusion was a result of overlapping services with the Monterey County AIDS Project that would provide better services. He said that the Commission has the opportunity to suggest how to better distribute funds, but their requested \$30,000 would be difficult to handle. Ms Miller added that funds for other agencies were cut this year from what they had received in prior years.

Commissioner Garden said that there is a process to determine designation of funds. He said these numbers reflect a generous amount of funds proposed and he moved for approval as submitted. Commissioner Bryant seconded the motion. Commissioner Osorio said that after learning the nature of the services of John XXIII AIDS, he would encourage the Planning Commission to also request City Council to consider if there is any room to allocate some of the \$30,000 to this organization. Commissioner Garden said that he would not add this recommendation to the motion because there has already been a process, and the Commissioners did participate in previous meetings and do not have the information necessary to make that decision. Commissioner Bryant said that she agrees not to add the recommendation to the motion since tough decision have already been made and there were overlapping services. Chair McCrone said that he supports the motion and the sincere work that it takes to go through this soul-searching process.

#### MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Bryant, it was moved to recommend to City Council approval of the adoption of the FY 2008/2009 Housing and Community Development Budget and Action Plan 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

**Chair McCrone called for a recess at 5:05 p.m. The meeting reconvened at 5:10 p.m.**

**2. Green Building; Initial Study Circulated; Negative Declaration Previously Filed.**

Recommendation to City Council:

**Ordinances** – Amending Monterey City Code Sections 38-11 (Definitions), Sections 38-22(D)(12), 38-23(D)(12), 38-24(D)(15), 38-25(D)(16), 38-112.3(F), and 38-106(a) by amending the definitions of demolition, floor area ratio and remodeling; adding definitions of new construction, LEED, green points, and providing setback/floor area/height exceptions for projects that incorporate green building practices.

**Policy Resolutions** – Adopting a Greenpoints Checklist for Residential and Non-Residential Buildings; Greenpoint Requirements for Residential and Non-Residential Buildings; and Incentives to Encourage Higher Achievement Pursuant to the Green Building Ordinance and Construction and Demolition.

**ACTION: As submitted, recommendation to City Council to certify the Negative Declaration, pass to print the Ordinances, and approve the Resolutions with the Findings for Decision. 7-0-0.**

Staff Presentation/Commissioners Questions:

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

Public Comments:

Sharon Sarris, U.S. Green Building Council--Monterey Bay Branch Volunteer, submitted a Position Statement supporting approval for recommendation to the City Council. She said that many cities are doing internal work towards this goal and learning from the City of Monterey's leadership. She said she hopes that there will be consistency for adoption and implementation throughout the region because other cities had adopted their ordinances some time ago and working with older structures.

Commissioner Comments:

Jeff Condit answered Commissioner Garden's question saying that this summer the City will be working on a base line audit to determine where Monterey is and track the City's commitment to eliminating greenhouse gases. Commissioner Stocker said that he supports this concept and it will become required tool for engineers and developers. He suggests that the results be reviewed annually to see what can be changed or improved upon. He moved to recommend to City Council the approval of the Negative Declaration and the ordinance with the idea that if the building inspector determines a hardship, then an appeal process will be available to challenge staff's decision. Chair McCrone said that he would not support part of the motion regarding the hardship. Commissioner Stocker said that he would then make that a second motion. Commissioner Davis seconded the amended motion.

To answer Chair McCrone's question to include historic building language in the hardship's exemption section, Ms. Cole said that staff is hoping historic buildings will achieve both green building and historic preservation. If historic buildings are unable to do so, she said at the end of the trial period, then that point can be specifically designated at that time. Chrissy Davi said that she would want to review the City Code appeal provisions for other staff decisions and how they are noticed. Alternatively, she said language could be added to this section that any unreasonable hardship made by the Building Official will be noticed at the project site for the next Planning Commission meeting. Chair McCrone said that it is similar to the City Forester's decision and nobody is noticed, but the applicant can appeal a negative determination to the Planning Commission. The same thing

could happen with denying a hardship--the applicant can appeal that decision. Commissioner Stocker said that he is just flagging the matter and it is not part of motion. Commissioner Widmar said that if a historic building was denied a hardship, perhaps the decision should be appealed to the Historic Preservation Commission. He said that it will be appropriate to have some language to help instruct how to appeal and who can appeal and that this should be determined before going to City Council.

**MOTION:**

On a motion by Commissioner Stocker, seconded by Commissioner Davis, it was moved to recommend to City Council certification of the Negative Declaration, passing to print the Ordinances, and approving the Resolutions with the Findings for Decision. 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. 857 Alameda Avenue, Mills Act Contract 07-461 and H-2 Historic Zoning, Applicant Robert Darley; Owner Tom and Sharon Maney; R-1-6 Zoning District; Exempt from CEQA Requirements.**

Recommendation to City Council to rezone the property as a City Historic Resource from R-1-6 to R-1-6-H-2.

**ACTION: On consent, recommended to City Council approval of the rezone as a City Historic Resource and to pass to print the zoning map amendment based on the Finding for Decision. 7-0-0.**

**MOTION:**

On a motion by Commissioner Garden, seconded by Commissioner Widmar, on consent, it was moved to recommend to City Council approval of the rezone as a City Historic Resource and to pass to print the zoning map amendment based on the Finding for Decision. 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).

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

**New Comments:**

- Commissioner Bryant brought up the point, and after discussion it was suggested, that when there is a staff overhead presentation, there is no need for a paper copy of the presentation except for one or two copies for those Commissioners who sit directly under the overhead screen and have a difficult time seeing the presentation.
- Chair McCrone said that at the April 14, 2008 Mayor's Meeting, the Mayor and Vice Mayor seemed to be interested in the recommendation for the Planning Commission to have the final authority on final subdivision maps. The Council seemed interested and in support of defining appeal procedures and final decisions based on evidence submitted to the lower Board's; however, City Attorney Mall was not supportive of limiting what can be brought up in an appeal hearing.
- In response to Commissioner Stocker's concern that his comment of April 8 regarding the many condominium 'for sale' signs was not addressed in this report, Mr. Rerig said that at the May 13 meeting, staff

will update the Commission regarding this issue.

### **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. Rerig said that there will be a field trip on May 12, 2008 to see the Salinas Valley Healthcare proposed project area in Ryan Ranch. He said that the informational report regarding the City's Polystyrene Packaging Ordinance will be an educational, informative report that will speak to Commissioner Garden's interest in the elimination of greenhouse gas emissions. Commissioner Davis said that he is unable to attend the May 13, 2008 Planning Commission Meeting.

### **ADJOURNMENT**

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