

Council Chamber
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Monterey, California

Planning Commission Annotated Agenda

Regular Meeting
July 14, 2009

4:00 P.M. – 5:30 P.M.
7:00 p.m. – 11:00 p.m.

Commissioners

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

CALL TO ORDER

Chair Stocker called the meeting to order at 4:00 P.M.

ROLL CALL

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

Commissioners Absent: Osorio

Staff Present: Chief of Planning, Engineering, and Environmental Compliance Chip Rerig, Principal Planner Kimberly Cole, Senior Planner Forrest Ebbs, Associate Planner Tricia Wotan, Recording Secretary Lisa L. Hanes

PUBLIC COMMENTS

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None.

APPROVAL OF ANNOTATED AGENDAS

June 23, 2009

ACTION: Approved as submitted. 5-0-1 (Abstained – Bryant)-1 (Absent Osorio).

MOTION:

On a motion by Commissioner Davis, seconded by Commissioner Widmar, the Annotated Agenda of June 23, 2009 was approved as submitted. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Davis, Garden, McCrone, Stocker, Widmar
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	1	COMMISSIONERS:	Bryant
ABSENT:	1	COMMISSIONERS:	Osorio

REVIEW OF CONSENT ITEMS

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Staff recommended to remove Item C2 from the Consent Agenda for discussion.

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Garden, it was moved to approve the Consent Agenda except Item C2, which was removed for separate discussion. The motion passed by the following vote:

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

- C1. Recommendation to City Council to repeal and replace Resolution No. 08-116 GreenPoints Checklists for Residential and Non-Residential Buildings, Resolution No. 08-115 GreenPoints Requirements for Residential and Non-Residential Buildings, Resolution No. 08-117 Establishing Incentives to Encourage Higher Achievement Pursuant to the Green Building Ordinance. Negative Declaration was previously filed.**

The replacement resolutions will reference the U.S. Green Building Council’s Leadership in Energy and Environmental Design guidelines and checklists for non-residential construction, and the Build It Green guidelines and checklists for residential construction. Additionally, the revisions include an update to the point thresholds for Green Building requirements and incentives.

- C2. 537 Ramona Avenue; Use Permit 09-088; Applicant Wayne Regan; Owner Ramona Avenue Business Center; C-2 Zoning District; Exempt from CEQA requirements.**

Request for a 6,605 square-foot canine daycare and overnight boarding use to be located in one suite of existing one-story commercial building at 537 Ramona Avenue. A use permit is required for animal boarding. The proposed use includes basic incidental canine training.

ACTION: Tabled to allow the applicant time to work with the residents in the surrounding neighborhood and address concerns. 6-0-1 (Absent – Osorio).

Staff Presentation/Commissioners Questions:

Tricia Wotan presented the staff report, revised Condition of Approval 1 as follows: “...architectural design plans and business description and attached hereto.” and answered Commissioners’ questions.

Applicant:

Wayne Regan said that he has 26 years in animal husbandry and understands the concerns regarding noise and waste management, and is trying to deal with these issues from a business standpoint by implementing a modern boarding facility to reduce stress for the dogs which will in-turn reduce the barking. He said that he intends to create soundproofing through a modern technology called “sound dampening construction”, and will keep the dogs in separate rooms when not exercising them in the open play space. He also said that staff will be present 24 hours a day, seven days a week, which will help to keep the dogs quiet during the night hours. He said that there are several examples of indoor facilities such as this proposal in the San Francisco area, and offered to provide the Commission with a listing. He addressed the concern over waste management by stating that the solid waste will be double bagged and placed into a City approved receptacle located outside with pickup occurring once a week. He also said that he is installing a wetvac system that produces a hot spray immediately followed by a vacuum and finished up with an anti disinfectant spray. He said that he has tried to mitigate all issues regarding the project.

Public Comments:

Mark Crisitello, property owner, said that he is representing the surrounding neighbors and made reference to a letter and petition that was submitted opposing the project. He said that he is concerned about the times dogs will be brought in and out of the facility because some neighbors work nights and do not want to be woken up at 7am by barking dogs. He also said that property values will be affected by this new business and the residents should

not have to deal with the dogs being walked in their neighborhood. He said that the surrounding neighbors also had an issue with the previous business, Pet Pals.

Scott Davis, resident, said that the project should be located in an area where there are no residents, and is concerned about the 7:00 a.m. drop off time. He also said that he is concerned about the dogs urinating on the fence that is surrounding the condominium complex.

Patrick Mairana, resident, said that because some properties are only 50 feet from the parking lot, and sleeping facilities are only 80 feet, he is concerned that people will not be able to sleep because of the noise generated from the proposed parking lot with a 7 a.m. drop off. He also said that he is concerned about the amount of dogs allowed at the facility and questioned the plan for proper ventilation in the building. He said that if air conditioning is needed, there could possibly be vents on the roof of the building that would greatly contribute to the noise issue.

Daniel Lord, property owner, said that he just purchased a new home that is approximately 60 feet away from the facility, and would be disappointed if the project moves forward.

Jeffery Woods, resident, asked how much water 63 dogs could possibly consume in a day at the facility, and also said that the noise is a great concern because he works nights and would be sleeping during the 7 a.m. drop off time.

Eric Matos-Marrero, property owner, said that the proposed location of the new facility is already very congested and crowded, and is concerned about the noise and the effect that the facility will have on the air quality. He said that there are a lot of elderly people in the neighborhood and the health hazards that are commonly associated with dogs is a concern. He also said that the new facility will create a significant amount of traffic and he concurs with the previous speakers.

Dave Snyder, co-owner of the building at Ramona, said that he is in support of the proposed business and thinks that the applicant is genuinely concerned about the well being of both the animals and the surrounding neighborhood, and the proposed pet spa will be guided by the pet care service code of ethics and standards in practice. He also said that the proposed project will provide a needed service to Monterey residents as well as out of town visitors. He said that the applicants proposed improvements will reduce extreme case noise levels to well within the land use and compatibility standards found within our City's general plan and has complied with all of the Cities waste removal requirements as well as the new Green Building Checklist requirements.

Alisson Goss, commercial realtor Mahoney, Tancreedy and Associates, said that she has been working with the applicant and is very impressed with his ability to always be thinking ahead. She said that the applicant is very attentive to the noise that the dogs will be creating and she checked the municipal code to confirm support for this type of use.

Rodney Hunter, co owner of subject site, said he had previously occupied a space in the building for 40 years, and believes that the proposed business will have the same impact as previous owners. He said that Pet Pals occupied the building from 2002-2005 with regular am and pm obedience classes. He also said he has spoken with several hotels in the area which support the proposed business because it will provide a safe place for visitors to leave their animals while staying on the Monterey Peninsula.

Betty Griffith, member of the North Fremont Business District, said that she is in support of the proposed business.

Commissioner Comments:

Commissioner Bryant said that the proposed business is a good concept, but the location is not conducive and the employees will not be able to control owners and their barking or urinating dogs. She said that the residents should not have to put up with the potential noise issues, and walking the dogs in the neighborhood will be an issue for the residents. She suggested less dogs at the facility and to eliminate the evening hours.

Commissioner McCrone said that this is a reasonable use of the property and can be controlled by adding some conditions; 1) the hours of operation should be shorter on weekends and not before 9 a.m., 2) the ceiling needs to be insulated better for noise and be required to meet decibal levels, 3) set a six month time limit to monitor the decibal levels.

Commissioner Davis said that the ceiling needs to be insulated better to resolve the possible sound issues, and he is concerned that the parking lot is located too close to the residents. He said that ventilation will be required through the Building Permit process. He also said he is concerned that if a six month review is put into place, the potential for the applicant's economic loss could be significant.

Chair Stocker said that it is clear that the applicant cares about the animals and is concerned that the required maximum decibal level is going to be hard to maintain.

Commissioner Widmar said that he is concerned about other potential business' that could occupy the building and produce the same, if not more. He said that the issue with noise is whether it is constant or only last for a few seconds. He concurred with Commissioner McCrone.

Commissioner Garden moved to approve the Use Permit with Findings and amended Conditions of Approval 1) weekend hours start at 9 a.m., 2) the noise survey generated by the facility will commence immediately upon occupancy and last for a period of three months and the applicant will conduct the survey and meet all City requirements. Commissioner McCrone seconded the motion.

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner McCrone, it was moved to approve the Use Permit with Findings and amended Conditions of Approval. The motion failed by the following vote:

AYES:	2	COMMISSIONERS:	Garden, McCrone,
NOES:	4	COMMISSIONERS:	Bryant, Davis, Stocker, Widmar
ABSENT:	1	COMMISSIONERS:	Osorio

Commissioner Davis moved to table the item to allow the applicant time to work with the residents in the surrounding neighborhood and address concerns. Commissioner McCrone seconded the motion.

MOTION:

On a motion by Commissioner Davis, seconded by Commissioner McCrone, it was moved to table the application to allow the applicant time to work with the residents in the surrounding neighborhood and address concerns. The motion passed by the following vote:

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

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. Project representation is required.

This item was moved to the evening agenda because the applicant was not present.

- 1. 585-625 Cannery Row; Appeal 09-093 of Application 08-352; Appellant Tene Shake; Owners Angelo Shake and Tene Shake; CR Zoning District; Exempt from CEQA Requirements. (Continued from June 9, 2009.)**

Appeal of Architectural Review Committee denial of proposed paint colors.

ACTION: Upheld the decision of the Architectural Review Committee (ARC) and denied the appeal with Findings for Decision. 6-0-1 (Absent – McCrone).

Staff Presentation/Commissioners Questions:

Forrest Ebbs presented the staff report and answered Commissioners' questions.

Applicant:

Applicant was not present.

Public Comments:

None.

Commissioner Comments:

Commissioner Garden moved to uphold the decision of the Architectural Review Committee (ARC) and deny the appeal with Findings for Decision. Commissioner Bryant seconded the motion.

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Bryant, it was moved to uphold the decision of the Architectural Review Committee (ARC) and deny the appeal with Findings for Decision. The motion passed by the following vote:

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

**Recess 5:32 p.m.
Reconvene 7:00 p.m.**

CALL TO ORDER

Chair Stocker called the meeting to order at 7:00 P.M.

ROLL CALL

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

Commissioners Absent: McCrone

Staff Present: Chief of Planning, Engineering, and Environmental Compliance Chip Rerig, Principal Planner Kimberly Cole, Senior Planner Forrest Ebbs, Senior Associate Planner Christy Hopper, Recording Secretary Lisa L. Hanes

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PUBLIC APPEARANCES

PUBLIC APPEARANCES 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.

2. **Presentation of Efforts to Resolve Discrepancies between the Zoning Map and the General Plan Land Use Map.**

Staff presentation of ongoing efforts to identify and resolve discrepancies between the Zoning Map and General Plan Land Use Map.

Staff Presentation/Commissioners Questions:

Christine Hopper and Forrest Ebbs presented the staff report and answered Commissioners' questions.

Public Comments:

None.

Commissioner Comments:

The Commission supports staff's efforts to resolve the discrepancies between the Zoning Map and General Plan Land Use Map.

3. **Recommendation to City Council to Adopt Resolution Directing Staff to Prepare Action Minutes in Place of Annotated Agendas; and, Receive Report on Replacing Mailed Board and Commission Packets with Web Accessible Postings.**

ACTION: Recommendation to City Council to adopt a Resolution directing staff to prepare Action Minutes in place of Annotated Agenda. 6-0-1 (Absent – McCrone).

Report received.

Staff Presentation/Commissioners Questions:

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

Public Comments:

None.

Commissioner Comments:

Commissioner Osorio said that there is value in the Annotated Agenda for the public to be clear on what was said at a meeting and he said that searching the video on demand for an item can be more time consuming.

Chair Stocker said that the agenda should be sent to everyone electronically, and suggested offering the public a way to post their comments about a specific item online.

Commissioner Garden said that the Tentative Agenda is not very valuable and he wants to have the packet before Friday.

Commissioner Widmar said that the public should have a way of signing up for an Agenda Packet subscription

online, and said that the Annotated Agenda, or new Action Minutes, should have a link to view the item online. He moved to recommend to City Council adopt a Resolution directing staff to prepare Action Minutes in place of an Annotated Agenda. Commissioner Garden seconded the motion.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Garden, it was moved to recommend to City Council adoption of a Resolution directing staff to prepare Action Minutes in place of an Annotated Agenda. The motion passed by the following vote:

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

PUBLIC HEARINGS

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COMMISSION COMMENTS

Commissioners may ask questions for clarification, make brief announcements 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 the June 23, 2009 meeting. Report received.

New Comments:

- Commissioner Davis asked for an update on the polystyrene ban as to when it goes into effect and how it will be announced to the public. Kim Cole said that the ban goes into effect August 18, 2009, and she will have Angela Brantley, Solid Waste Program Manager, report back to the Commission with an update. He also asked for an update regarding the cleanup of the Outdoor Cooking Ordinance. Forrest Ebbs said that the issue has been resolved.
- Commissioner Garden said that the Subcommittee for Climate Action is proceeding with great effort, and announced that at 3:00 p.m. on Wednesday July 22, 2009, there will be a reaffirmation in the City of Monterey on the acceptance of the Mayor's global warming protocol. Ms Cole said that she would check if an announcement was placed in the newspaper.
- Chair Stocker said that there has been some preliminary discussion about reducing the size of Boards and Commissions, and said that the Planning Commission should not be cut from seven members to five. Ms. Cole suggested to agendize this item for the next Planning Commission meeting and the Commission could authorize the Chair to send a letter to the Mayor and City Council with a recommendation to not reduce the size of the Planning Commission.

PLANNING, ENGINEERING, and ENVIRONMENTAL COMPLIANCE DIVISION UPDATE

The Planning, Engineering & Environmental Compliance Division Update furnishes information to the Planning Commission on upcoming activities or announcements including the scheduling of future meetings, study sessions, or retreats.

5. Planning, Engineering, and Environmental Division Update. Report received and reviewed.

- Kim Cole said that the recent fire on Alvarado Street is under investigation and the Fire Department is working with Building Division. She said that she will provide the Commission with an update when available. Commissioner Osorio said that the Fire Department conduct random inspections of local restaurants as a preventative measure.
- Commissioner Garden asked how staff is addressing the issue of low field trip attendance and if it is necessary to continue renting vans. Ms. Cole said that she is considering discontinuing the van rentals and

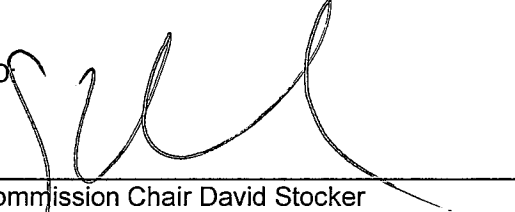
implementing prior confirmation of attendance and reserve smaller City vehicles. Chair Stocker would like staff to inquire if private vehicles can be used for Field Trips. Ms. Cole will inquire and report back to the Commission.

- Commissioner Widmar said that he will not be present at the July 28, 2009, meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 P.M.

APPROVED:



Planning Commission Chair David Stocker

Respectfully Submitted, Lisa L. Hanes
Recording Secretary
Planning Commission

ATTEST:



Principal Planner Kimberly Cole, AICP