



Council Chamber
 Few Memorial Hall of Records
 Monterey, California

Planning Commission Annotated Agenda

Regular Meeting
 August 25, 2009

Afternoon Session Only
 4:00 P.M. – 6:00 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

Commissioners Absent: Osorio, Widmar

Staff Present: Chief of Planning, Engineering, and Environmental Compliance Chip Rerig, Principal Planner Kimberly Cole, Senior Planner Todd Bennett, Police Lieutenant Jeff Jackson, Police Officer John Olney, Recording Secretary Lisa L. Hanes

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, Engineering and Environmental Compliance Division (PEEC), 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.

APPROVAL OF ANNOTATED AGENDAS

July 28, 2009

August 11, 2009

ACTION: Approved as submitted. 3-0-2 (Abstained – Davis, McCrone)-2 (Absent – Osorio, Widmar).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Bryant, the Annotated Agenda of July 28, 2009 and August 11, 2009, was approved as submitted. The motion passed by the following vote:

AYES:	3	COMMISSIONERS:	Bryant, Garden, Stocker
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	2	COMMISSIONERS:	Davis, McCrone
ABSENT:	2	COMMISSIONERS:	Osorio, Widmar

REVIEW OF CONSENT ITEMS

REVIEW OF CONSENT ITEMS allows for a review of those items recommended for approval on consent or recommended to be continued, tabled or withdrawn, etc.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.

Kim Cole informed the Commission of a change to item C1 Condition of Approval 4c to replace the words "Comprehensive Habitat Management Plan" throughout the condition with "Restoration Mitigation and Monitoring Plan".

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner McCrone, it was moved to approve the consent agenda with changes to item C1 as noted by staff. The motion passed by the following vote:

AYES: 5 COMMISSIONERS: Bryant, Davis, Garden, McCrone, Stocker
NOES: 0 COMMISSIONERS: None
ABSENT: 2 COMMISSIONERS: Osorio, Widmar

C1. 2969 Monterey Salinas Highway; Minor Subdivision (Commercial Condominium Subdivision) and Use Permit 08-235; Applicant Ken Jenvey for Wald, Ruhnke and Dost Architects; Owner John Anderson; I-R-130-D-2 Zoning District; Negative Declaration Filed. (Continued from July 28, 2009.)

Consideration of a Minor Subdivision (Commercial Condominium Subdivision) and Use Permit for two new office buildings (59,520 total square feet). Building A will be one-story and encompass 23,808 square feet. Building B will be two stories with 35,712 square feet. The offices will be individually owned as condominiums. Water will be provided to the site by wells.

ACTION: Approved on consent amending Condition of Approval 4c by replacing the words "Comprehensive Habitat Management Plan" throughout the condition with "Restoration Mitigation and Monitoring Plan".

C2. 1241 Eighth Street; Variance 09-092; Applicant Ray Van Pelt, Contractor; Owner Foazi Barouki; R-3-6 Zoning District; Exempt from CEQA Requirements (Continued from July 28, 2009.)

Request for a two-story addition to an existing one-story, single family dwelling. Variance is required for a proposed Floor Area Ratio of 40% (standard is 35%).

ACTION: Approved Variance on consent.

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.

1. 685 Cannery Row, Suite 101 (Cannery Row Pizzeria); Major Use Permit 08-136; Applicant Michael Olivetti; Owner Cannery Row Company; C-R Zoning District; Exempt from CEQA Requirements.

Request for a use permit for live entertainment, including live entertainment and karaoke, and outdoor seating in conjunction with a full-service restaurant. Use permit is required for live entertainment and outdoor seating.

ACTION: Continued to the September 22, 2009 meeting to allow the applicant time to draft an appropriate security plan with attention to age limit and the use of the outside seating area. 5-0-2 (Absent – Osorio, Widmar).

Staff Presentation/Commissioners Questions:

Todd Bennett presented the staff report and along with Lieutenant Jeff Jackson and Officer John Olney, answered Commissioners' questions.

Applicant:

Michael Olivetti said he agrees with the concerns of the Monterey Police Department regarding underage drinking and clarified that the private party held at the Cannery Row Pizzeria was originally guaranteed for 40 people. He said the party reached an attendee level of over 300 people because the party organizer posted the information about the party on the internet. Because the restaurant was staffed for a typical slow Monday night, he was unable to handle the crowds of people. He also said he is only interested in pursuing the continuance of Karaoke at the Pizzeria and not live entertainment.

Gary Smith said he manages the entertainment at the Pizzeria and because he was a previous club owner in Monterey, he understands the requirements necessary to have an effective security plan. He said the military makes up the majority of clientele at the Pizzeria during Karaoke nights and they have asked when the Karaoke will return. In answer to Commissioner Bryant's question Mr. Smith said he used an ID machine at his previous establishment also providing a backup book for reference of Out of State ID's, and he will work with the owner to draft a security plan that will be implemented once approved. In answer to Commissioner McCrone's question he said Karaoke nights will be for customers 21 and over.

Public Comments:

Bob Williams, owner of West Coast Karaoke, said he has been in the Karaoke business for 20 years and in the time he has been working with the Pizzeria there have been no problems. He said the private party that got out of control was not on a Karaoke night and the majority of clientele that take part in Karaoke are military and families. He said the Pizzeria provides a safe, fun place for people to sing and enjoy Karaoke.

Nia Lyon, tourist and friend, said she frequents the Pizzeria to enjoy the Karaoke because it is a safe place to go and encouraged the Commission to give the Pizzeria a second chance during a probationary period.

Commissioner Comments:

Commissioner Bryant said the Karaoke is not the cause of the problem, and a plan needs to be implemented to control over capacity issues and provide the Pizzeria staff with the appropriate knowledge to deny access to potential problem guests. She said this can be achieved through a proper security plan and restrictions need to be clear to potential parties clarifying the expectations of the Pizzeria

Commissioner McCrone said there needs to be a security plan developed that is sufficient for the Police Department and the Pizzeria staff should be appropriately trained on how to manage a facility with alcohol. He said he is opposed to serving alcohol on the outdoor patio, and the age limit for the facility during Karaoke nights should be 21 unless a strong security plan is implemented. He also recommended reducing the hours of operation.

Chair Stocker suggested continuing the item so the applicant has an opportunity to work out the details and get approval from both the Police Department and staff. He said a security plan needs be implemented and the Police Department should be consulted for their approval when drafting the plan. He also suggested adding a review period so the Commission has an opportunity to evaluate the progress of the use.

Commissioner Garden motioned to continue the item to the September 22, 2009 meeting to allow the applicant time to draft an appropriate security plan with attention to age limit and the use of the outside seating area. Commissioner Davis seconded the motion.

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Davis, it was moved to continue the item to the September 22, 2009 meeting to allow the applicant time to draft an appropriate security plan with attention to age limit and the use of the outside seating area. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Stocker
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Osorio, Widmar

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 agendaize a matter of business on a future agenda (G.C. 54954.2).

2. Response to Commissioners' Comments at the August 11, 2009 meeting. Report received.

New Comments:

- Commissioner Garden said he received the link for the summary of major projects and directed staff to refine the tentative completion dates for each project. Commissioner McCrone requested more information about the status of each project on the summary of major projects list.
- Commissioner Bryant and Chair Stocker announced they will not be able to attend the September 4, 2009, Field Trip. Kim Cole suggested the Commissioners visit the 2 Upper Ragsdale site.
- Commissioner Davis announced he will not be able to attend the September 22, 2009 Planning Commission meeting and the October 13, 2009 Planning Commission retreat.

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.

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

Kim Cole announced that the Planning Commission retreat has been moved to October 27, 2009. She informed the Commission that the City Council denied the recommendation from the Planning Commission to move from Annotated Agenda's to Action Minutes because the Council wanted to wait for the implementation of the new Enterprise Content Management System (ECM). She also informed the Commission that two previous Planning Commission items, 600 Irving and 414 Larkin, have been appealed to the City Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:01 P.M.

APPROVED:

ATTEST:

Planning Commission Chair David Stocker

Principal Planner Kimberly Cole, AICP

Respectfully Submitted, Lisa Hanes
Recording Secretary
Planning Commission