



Council Chamber
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Planning Commission Minutes

Regular Meeting September 8, 2009

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

Commissioners

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

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Bryant, Davis, Garden, McCrone (Arrived 7:30 p.m.), Osorio, Stocker, Widmar

Commissioners Absent: None

Staff Present: Chief of Planning, Engineering, and Environmental Compliance Chip Rerig, Principal Planner Kimberly Cole, Principal Planner Elizabeth Caraker, City Engineer Tom Reeves, Recording Secretary Terry Lebda

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

August 25, 2009

ACTION: Approved as submitted. 4-0-2 (Abstained-Osorio, Widmar) -1 (Absent-McCrone).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Bryant, the Annotated Agenda of August 25, 2009 was approved as submitted. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Davis, Garden, Stocker,
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	2	COMMISSIONERS:	Osorio, Widmar
ABSENT:	1	COMMISSIONERS:	McCrone

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ITEMS allows for a review of those items recommended for approval on consent or recommended to be continued, tabled or withdrawn, etc.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

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. **300 Glenwood Circle; Application 09-143 to Re-open Master Use Permit 05-072; Applicant Sheryl Machado; Owner Monterey Kimberly Place, LLC, LP; R-3-15 Zoning District; Negative Declaration Previously Filed and Certified. (Continued from July 28, 2009.)**

Recommendation to the City Council Considering a Release of Deed Restriction on Three (3) Inclusionary studio units in the Footprints on the Bay Condominium Conversion project. Release of the Deed Restriction requires amending Master Use Permit Condition of Approval No. 9 and the Affordable Housing Agreement.

ACTION: On consent, as requested by the property owner, 300 Glenwood Circle continued to October 13, 2009. 6-0-1 (Absent-McCrone).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Widmar, on consent, it was moved to continue 300 Glenwood Circle to October 13, 2009 as requested by the property owner. The motion passed by the following vote:

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

2. **2 Upper Ragsdale Drive; Application 08-343 to Reopen Planned Unit Development 01-295, Lot Line Adjustment, and Variance; Applicant Mike Bellinger, Bellinger Foster Steinmetz; Owner Community Hospital Properties; I-R-150-D-2 Zoning District; CEQA Initial Study with proposed Mitigated Negative Declaration Circulated.**

Request to construct a three story, 66,173 square-foot medical office building that includes a third-story 7,668 square-foot mechanical penthouse with roof structure. This request also includes a lot line adjustment and height variance.

ACTION: Continued 2 Upper Ragsdale Drive to October 13, 2009 to further address height concerns. 5-0-2 (Abstained-Davis, Stocker)-0.

Staff Presentation/Commissioners Questions:

Chair Stocker and Commissioner Davis recused themselves due to conflict of interest. Commissioner McCrone arrived during this presentation. Kim Cole presented the staff report and answered Commissioners' questions.

Applicant:

Don Meyers of Boulder Associates/Architects explained the project via a PowerPoint presentation and answered Commissioners' questions regarding the design, height and location of mechanical equipment and the canopy. He said that they are anticipating LEED certification.

Public Comments:

None.

Commissioner Comments:

In answer to Commissioners' questions Ms. Cole said that the developers can cut back on some features to reduce the height. She said alternatives to consider might be to amend the City Code exempting mechanical equipment from height limitations by use permit or approving incentives for satisfying green building elements.

Commissioner McCrone said that an increase in height can be addressed if directly related to green building elements. Commissioner Widmar said that there will be height issues aside from the mechanical equipment; and, there is no clear code that gives guidance that mechanical equipment is the same as elevators. Commissioner Osorio said we need to be careful pursuing green building incentives because it may be precedent setting and we should ask for staff's help with the findings relative to green building rather than findings for a variance. Commissioner Bryant said that the proposed building has design style, but it appears something could be done to lower the height.

Commissioner McCrone said that he believes this is a case to try to implement some definition to the green building ordinance. He said that this is a strikingly different design to support and it may be supported for a variance on the grounds that there are other buildings in the area over the required height, and the varying topography, or the consideration for an amended ordinance as discussed. He moved to continue this item to a date certain--with the consent of the applicant; and, at that time, staff is to return with proposed findings and reduction in height. Commissioner Osorio seconded the motion.

Commissioner Garden agreed that this is the direction to go, under the green building ordinance, working with applicants to save carbon footprint such as with this project's rooftop solar devices. Commissioner Bryant said she does not want to give carte blanche for future builders and she hopes some reduction in height can be made. Commissioner Widmar said that he agrees with comments made.

MOTION:

On a motion by Commissioner McCrone seconded by Commissioner Osorio, it was moved to continue 2 Upper Ragsdale Drive to October 13, 2009 to further address height concerns. The motion passed by the following vote:

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

3. Recommendation to the City Council to Adopt Resolution Adopting Negative Declaration; and Adopt Ordinance Amending Monterey City Code

- **Section 33-9 (Residential Condominium Subdivisions)** to clarify permitting procedures and to add a process for resolving disagreements between developer and tenant;
- **Section 38-26 (Supplemental Regulations Applicable in R Districts)** to incorporate standards for condominium projects from Resolution 13,273;
- **Section 38-115 (Off Street Parking and Loading Spaces Required)** to add specific parking requirements for condominium conversions;
- **Section 38-161 (Required Findings)** to add special finding for approval of condominiums;
- **Section 38-163 (Planned Unit Development Approval)** to clarify submittal requirements for Planned Unit Developments consistent with recent ordinance amendments;
- **Sections 38-28B, 38-29B, 38-30B, 38-31B (C1, C2, C3, and CO District Land Use Regulations)** to reference condominium and mixed use ordinance sections; and,

- **Section 38-33G2 (Mixed Use Projects – Principally Permitted Uses, Conditional Uses, and Accessory Uses)** to reference other ordinance sections for open space and parking requirements.

ACTION: Recommendation to City Council to 1) adopt a resolution adopting a negative declaration for Zoning Ordinance amendments updating requirements for residential condominium and residential condominium conversion projects; and, 2) amending City Code Chapter 33 (Subdivisions) and Chapter 38 (Zoning) with title change from *Deputy City Manager* to *City Manager or Designee*. 7-0-0.

Staff Presentation/Commissioners Questions:

Elizabeth Caraker presented the staff report and answered Commissioners' questions. She pointed out the email and attachments received this afternoon from Barry Lichtenstein regarding the Skyline Terrace conversion that was distributed to the Commissioners.

Public Comments:

Linda Howard, resident of the Skyline Terrace Condominiums, said that this condominium conversion was approved in 2006 and has not yet been completed due to owners defaulting and change of ownership. She said that there have been difficulties since that time including torn up roads and raw sewage. She said that out of 40 residential units all but six residents--who qualified for below market units--had to vacate due to renovations. She said that the complex is now turning into rental units instead of for-sale units. Ms. Howard informed the Commissioners of this so that future condominium conversion decisions are carefully considered especially that developers are financially stable and the length of time it takes for a project to be completed. She said she understands the economic times we are now facing and she is in favor of the resolution and mediation process, but she wanted the Planning Commission to be aware of the difficulties they have faced. She said the letter from Mr. Lichtenstien has some good points and it explains what they have lived through in the past three years.

Commissioner Comments:

Ms. Caraker answered Commissioners' questions regarding the resolution and amended ordinances. Commissioner Bryant moved for approval of the resolution and ordinance with the recommended title change from *Deputy City Manager* to *City Manager or Designee*. Commissioner Widmar seconded the motion.

Commissioner McCrone informed the public commenter that some concerns have been addressed regarding tenants and arrangements through another project, but that the Commission may not have the ability to determine if applicants have financial ability to pay for projects.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Widmar, it was moved to recommend to City Council 1) adopt a resolution adopting a negative declaration for Zoning Ordinance amendments updating requirements for residential condominium and residential condominium conversion projects; and, 2) amending City Code Chapter 33 (Subdivisions) and Chapter 38 (Zoning) with title change from *Deputy City Manager* to *City Manager or Designee*. 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 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.

4. **Recommendation to Appoint Two Planning Commissioners to the Waterfront Master Plan Working Group.**

ACTION: As discussed and concurred, Commissioner McCrone and Commissioner Garden accepted appointments to the Waterfront Master Plan Working Group. Commissioner Osorio will fill in as the alternate.

Commissioner Comments:

As discussed and concurred, Commissioner McCrone and Commissioner Garden accepted appointments to the Waterfront Master Plan Working Group. Commissioner Osorio will fill in as the alternate.

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).

5. **Response to Commissioners' Comments at August 25, 2009 meeting. Report received.**

New Comments:

- Commissioner Widmar said that the applicant for 414 Larkin Street was a campaign contributor of his last year and that he will need to withdraw from voting on that item at the last hearing.
- Commissioner Widmar said that he will be out of town and unable to attend the September 22, 2009 meeting.
- Commissioner McCrone said that he read an article in the San Francisco Chronicle regarding density/zoning in order to increase livability of our cities. He said he will furnish the article to the Planning Commission.
- Commissioner Garden clarified that the City Manager prefers that our Five Top Issues be presented to him independently rather than from the Commission as a whole.

PLANNING, ENGINEERING, AND ENVIRONMENTAL COMPLIANCE DIVISION UPDATE

This report supplies information on activities or announcements and may request clarification or direction regarding scheduling of Commission meetings and study sessions.

6. **Planning, Engineering, and Environmental Compliance Division Update. Report received and reviewed.**

- Ms. Cole requested that the Commissioners provide agenda items for the October 27, 2009 Planning Commission Retreat. She said that the Planning Staff will also attend and that we will discuss accomplishments as well as future goals.

ADJOURNMENT

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

APPROVED:

ATTEST:

Planning Commission Chair David Stocker

Principal Planner Kimberly Cole, ATCP

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission