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Planning Commission Draft Minutes

Regular Meeting
 October 13, 2009

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

Draft 10/15/2009 4:23 PM
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 4:00 P.M.

ROLL CALL

Commissioners Present: Bryant, Garden, Stocker, Widmar

Commissioners Absent: Davis, McCrone, Osorio

Staff Present: Principal Planner Kim Cole, Senior Planner Forrest Ebbs, Associate Planner Tricia Wotan, 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 MINUTES

September 22, 2009

ACTION: Approved as submitted. 3-0-1 (Abstain-Widmar)- 3 (Absent-Davis, McCrone, Osorio)

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Garden, the Minutes of September 22, 2009 were approved as submitted. The motion passed by the following vote:

AYES:	3	COMMISSIONERS:	Bryant, Garden, Stocker
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	1	COMMISSIONERS:	Widmar
ABSENT:	3	COMMISSIONERS:	Davis, McCrone, Osorio

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ITEMS allows for a review of those items recommended for approval on consent or recommended to be continued, tabled or withdrawn, etc.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

- C1. 457, 465, 470, 484, 565 & 570 Cannery Row (Ocean View Plaza); Application 09-144 to Re-Open Use Permit 00-019; Applicant Cannery Row Market Place, LLC (Kelly McCarthy Sutherland); Owner Cannery Row Market Place, LLC (Philip R. Taylor); C-R Zoning District; Environmental Impact Report and Supplement to the Final Environmental Impact Report Alternatives Analysis with Statement of Overriding Considerations Previously Certified.**

The Use Permit amendment will change a Condition of Approval so the Use Permit and Vesting Tentative Map have the same expiration date. The mixed use project contains a proposed Cannery Row History Center; 87,362 square feet of retail use, which includes 30,000 square feet of restaurant use; 8,408 square feet of Coastal/Community use; 38 market condominiums; 13 inclusionary housing units and 377 parking spaces; and building height over 35 feet.

ACTION: On consent, approved 457, 465, 470, 484, 565 & 570 Cannery Row (Ocean View Plaza), Application 09-144 to Re-Open Use Permit 00-019, with conditions of approval as submitted. 4-0-3 (Absent-Davis, McCrone, Osorio)

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Bryant, on consent it was moved to approve 457, 465, 470, 484, 565 & 570 Cannery Row (Ocean View Plaza), Application 09-144 to Re-Open Use Permit 00-019, with conditions of approval as submitted. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Garden, Stocker, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	3	COMMISSIONERS:	Davis, McCrone, Osorio

- C2. 2 Upper Ragsdale Drive; Application 08-343 to Reopen Planned Unit Development 01-295, Green Building Height Incentive, and Lot Line Adjustment; 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 66,173 square-foot medical office building that includes a 7,668 square-foot mechanical area with roof structure. This request also includes a lot line adjustment and green building height incentive.

ACTION: Pulled from consent for discussion. Approved 2 Upper Ragsdale Drive, Application 08-343 to Reopen Planned Unit Development 01-295 as amended with a reduction in development potential and Green Building height incentive and lot line adjustment, with findings and conditions of approval as submitted, and approved the Mitigated Negative Declaration. 3-0-1 (Abstain-Stocker)- 3 (Absent-Davis, McCrone, Osorio)

Staff Presentation/Commissioners Questions:

Chair Stocker was recused from this item due to conflict of interest. Vice Chair Widmar conducted the hearing. Tricia Wotan presented the staff report and answered Commissioners' questions.

Applicant:

Don Meyers of Boulder Associates answered Commissioners' questions regarding the design of the building, Green Building elements, and steps the applicants is taking to meet LEED Certification with financing available.

Public Comments:
None.

Commissioner Comments:
Commissioner Bryant moved to adopt the Mitigated Negative Declaration and approved the amendments to the Planned Unit Development and lot line adjustment with findings and conditions of approval as submitted. Commissioner Widmar seconded the motion.

Commissioner Garden requested that the applicant do as much as they can do to substantiate the Green Building height incentive and said he would cautiously support the motion. Commissioner Widmar said he will support the motion because there are LEED guidelines to follow and the developers wish to exceed them. Commissioner Widmar said that he would like to see more photovoltaic panels but that he understands the costs involved in relation to financing and that it is important to follow the City's Green Building guidelines and achieve the highest possible LEED Greenpoint ratings for the lowest impact on the environment. Commissioner Widmar said it is important to consider the project's Green Building elements as a whole rather than only one particular Green Building element. Commissioner Bryant said she appreciates the redesign and making the roof elements to better fit in with the building.

MOTION:
On a motion by Commissioner Bryant, seconded by Commissioner Widmar, it was moved to approve 2 Upper Ragsdale Drive, Application 08-343 to Reopen Planned Unit Development 01-295 as amended with a reduction in development potential and Green Building height incentive and lot line adjustment, with findings and conditions of approval as submitted, and approved the Mitigated Negative Declaration. The motion passed by the following vote:

AYES:	3	COMMISSIONERS:	Bryant, Garden, Widmar
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	1	COMMISSIONERS:	Stocker
ABSENT:	3	COMMISSIONERS:	Davis, McCrone, Osorio

C3. 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 September 8, 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, 300 Glenwood Circle, Application 09-143 to Re-open Master Use Permit 05-072, continued to October 27, 2009 as recommended by staff. 4-0-3 (Absent-Davis, McCrone, Osorio)

MOTION:
On a motion by Commissioner Garden, seconded by Commissioner Bryant, on consent, 300 Glenwood Circle, Application 09-143 to Re-open Master Use Permit 05-072, continued to October 27, 2009 as recommended by staff. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Garden, Stocker, Widmar
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NOES: 0 COMMISSIONERS: None
ABSENT: 3 COMMISSIONERS: Davis, McCrone, 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.

- 4. **414 Larkin Street; Appeal 09-153 of ARC Application 08-296; Appellant Guiseppe Managuerra; Owner Nelson Vega; R-3-6 Zoning District; Exempt from CEQA Requirements. (Continued from September 22, 2009.)**

Appeal of the Architectural Review Committee approval of Preliminary Design Review for exterior modifications to the existing multi-family residential building.

ACTION: Due to a weather storm and power outages, this item was continued to October 27, 2009.

Staff Presentation/Commissioners Questions:

Vice Chair Widmar was recused from this item due to conflict of interest. Chair Stocker returned to conduct the hearing.

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

During the presentation, the Public Hearing was concluded due to a weather storm and power outages. This item, as well as the remaining items, were continued to October 27, 2009.

- 5. **Recommendation to the City Council to Adopt Ordinance Amending City Code**
 - **Section 38-15** to eliminate adult massage and add massage to the definition of personal services.
 - **Section 38.33.I** to eliminate references to adult massage businesses.
 - **Section 38-31** to add personal services to list of allowed uses in the Office and Professional Zoning Designation.

ACTION: Due to a weather storm and power outages, this item was continued to October 27, 2009.

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).

- 6. **Response to Commissioners' Comments at September 22, 2009 meeting. Report received.**

ACTION: Due to a weather storm and power outages, this item was continued to October 27, 2009.

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.

- 7. **Planning, Engineering, and Environmental Division Update. Report received.**

ACTION: Due to a weather storm and power outages, this item was continued to October 27, 2009.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:42 P.M.