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Planning Commission Draft Minutes

Regular Meeting
 November 10, 2009

4:00 P.M. – 6:00 P.M.
 7:00 p.m. – 11:00 p.m.

DRAFT (11/19/2009 2:35 PM)
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, Osorio, Stocker, Widmar (arrived at 4:05pm)

Commissioners Absent: None

Staff Present: Chief of Planning, Engineering, and Environmental Compliance Chip Rerig, Principal Planner Kimberly Cole, Senior Planner Forrest Ebbs, Assistant City Attorney Christine Davi, 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 MINUTES

October 27, 2009

ACTION: Approved as submitted. 6-0-1 (Absent – Widmar).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, the Minutes of October 27, 2009 were approved as submitted. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Osorio, Stocker
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	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ITEMS allows for a review of those items recommended for approval on consent or recommended to be continued, tabled or withdrawn, etc.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.

Staff recommended moving item 2 to the consent agenda as requested by the applicant.

C1. 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 October 27, 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, Application 09-143 was tabled to allow the applicant time to revise the pricing of the three (3) inclusionary studio units for which they originally had requested a release of the deed restrictions. 6-0-1 (Absent – Widmar).

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Bryant, on consent it was moved to table Application 09-143 to allow the applicant time to revise the pricing of the three (3) inclusionary studio units for which they originally had requested a release of the deed restrictions. The motion passed by the following vote:

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

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.

2. 78 Wharf #1 (Concession #21); Major Wharf Permit 08-284; Applicant Tony Rappa and Dutch Meyer for Monterey Bay Sailing; Owner City of Monterey; Exempt from CEQA Requirements.

Consideration of Major Use change for 78 Wharf #1 (Concession #21), Wharf Master Plan and Harbor Land Use Plan Amendments. Referral from City Council to the Planning Commission for changes requested to the number of boats, number of water spaces (Parking Spaces), storage sheds under Wharf #1 and floating dock extension.

ACTION: On consent, continued Major Wharf Permit 08-284 to February 9, 2010. 6-0-1 (Absent – Widmar).

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Bryant, on consent it was moved to continue Major Wharf Permit 08-284 to February 9, 2010. The motion passed by the following vote:

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

3. Recommendation to the City Council to Adopt Ordinance Amending City Code. (Continued from October 27, 2009.)

- **Section 38-15** to eliminate adult massage and add massage establishments and escort services 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: Recommendation to City Council for approval of Ordinance. 6-1 (Noes – Osorio)-0.

Staff Presentation/Commissioners Questions:

Kim Cole presented the staff report and along with Forrest Ebbs and Christine Davi, answered Commissioners' questions.

Public Comments:

Bob Oliver said a distinction should be made between legitimate massage businesses and adult entertainment.

Commissioner Comments:

Chair Stocker said that when the Ordinance was first written, the concept of massage was very different.

Commissioner McCrone said legitimate massage businesses should be placed under personal services and motioned to recommend City Council approve the Ordinance. Commissioner Bryant seconded the motion.

Commissioner Osorio suggested implementing a discretionary review for such uses within the C1 zoning district. He said he is concerned that such businesses will not display a sign with the name of the business which might heighten the public's concern for the type of business being conducted at the site.

Commissioner Widmar said this is a great way to legitimize legitimate massage businesses.

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Bryant, it was moved to recommend City Council approve the Ordinance. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, McCrone, Stocker, Widmar
NOES:	1	COMMISSIONERS:	Osorio
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. Hartnell Gulch Pedestrian Walkway (Southern Portions of 509 Hartnell Street (APN 001-581 011) and 573 Polk Street (001-581-012)); Application 08-329; Zoning District Community Commercial; Negative Declaration Filed.

Recommendation to City Council on proposed Mitigated Negative Declaration. The City of Monterey proposes to construct a raised walkway through a riparian area with a seasonal creek commonly known as Hartnell Gulch. The City proposes to acquire public easements across the properties to accommodate the walkway in accordance with California Eminent Domain Law as set out in Title 7 of the Code of Civil Procedure commencing at Section 1230.010 through 1273.050.

ACTION: Recommendation to City Council to adopt Mitigated Negative Declaration with findings. 7-0-0.

Staff Presentation/Commissioners Questions:

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

Public Comments:

Bob Oliver requested that the berry bushes not be removed with construction of the new walkway because they are a public treasure.

Commissioner Comments:

Commissioner Garden motioned to recommend City Council adopt the Mitigated Negative Declaration with findings. Commissioner Osorio seconded the motion.

Chair Stocker said he would like to thank members of the public that researched this item in depth.

Commissioner Bryant said she was concerned about the potential for development in the Trader Joes parking lot, but has confirmed this development will not take place.

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, it was moved to recommend City Council adopt the Mitigated Negative Declaration with findings. 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 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).

5. **Response to Commissioners' Comments at the October 27, 2009 meeting. Report received. There were no new comments.**

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.

6. **Planning, Engineering, and Environmental Compliance Division Update. Report received and reviewed.**
- Kim Cole informed the Commission of an evening retreat planned for November 24, 2009, and asked for a update of Commissioners that would be able to attend. She also said that Commissioner Osorio requested a discussion of the Custom House Plaza and informed the Commission that staff is only prepared to discuss the Waterfront Master Plan. All Commissioners confirmed they will be present at the retreat.

**Recess 4:53 p.m.
Reconvene 7:03 p.m.
Joint Meeting with City Council and Planning Commission**

CALL TO ORDER

Mayor Della Sala called the meeting to order at 7:03 P.M.

ROLL CALL

Councilmembers Present: Della Sala, Downey, Selfridge, Sollecito

Councilmembers Absent: Haferman

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

Commissioners Absent: None

Staff Present: City Manager Fred Meurer, Assistant City Attorney Fred Cohen, City Attorney Deb Mall, Chief of Planning, Engineering, and Environmental Compliance Chip Rerig, Principal Planner Kimberly Cole, Harbor Master Steve Scheiblauber, Recording Secretary Lisa L. Hanes

CONTINUED PUBLIC COMMENTS

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Robert Torrise, owner/operator of Robbie's Ocean Fish on Wharf #2 said the depo train station off of Del Monte is set to be a destination for the new light rail system and would like the City to look into creating a "Seafood Port" at the site by renovating the depo station into a "Seafood Market". He said he intends to present to the City blue prints of a design to bring back the look of a "Seafood Port/Market" in Monterey.

Camillo Wilson, parent at Bay View Elementary School and President of the School Site Council said regarding the potential closure of Bay View School, there are some indications that the planning process has not been sufficiently complete. He said the information made publicly available to both Board Members and Parents on the district website has no financial information and because the rationale for the closure is financial, the absence of such information is disturbing and suggests that the plan for the closure has not been properly done. He urged the Commission and Council to look at the information and determine if sufficient information has been provided to assess the impact on the community both from a planning point of view and from a living stand point, especially for the New Monterey Community.

Brian Greenshields, parent at Bay View Elementary School said that Bay View is a focal point of the community and it is the only school serving the New Monterey side of the city. He said that Bay View is one of the top two performing schools in the district with an Academic Performance Index (API) over 800. He would like to know how closing the school and moving the students will benefit the parents. He also said it has been documented that when a school closes property value drops by approximately 10-25%, and local business will feel the effect as well when the traffic coming into the Bay View area stops. He is also concerned that the residents of the surrounding apartments will no longer be families and children.

Joanna Greenshields, parent at Bay View Elementary School said she is concerned about her property and small business and the entire demographic shift that is inevitable with the closure of Bay View. She said that young families will not be attracted to the neighborhoods surrounding Bay View and fears that crime will increase. She also said if it is proven beyond a reasonable doubt that Bay View School must close, the school district should look at the possibility of implementing a charter school at the Bay View site.

Jake Van Veran, parent at Bay View Elementary School said he is concerned that the closure of Bay View will create an economic impact on the neighborhood, and New Monterey will not be the same. He said he has not seen any dollar figures to support the closure and asked the Commission and Council to help keep New Monterey alive.

Bob Oliver said that as we close schools we create a spiral in declined enrollment which results in more schools closing. He suggested that the city get more involved with the school district and referenced other communities that have higher property taxes which in-turn help the schools.

Josie Steidmen said she asked the Superintendent's office if the district had a "Closure Policy" which she could not find on the district website and since the district has closed approximately seven schools in the past 10 years, one should have been put into action. She said the district informed her that no such policy existed, but a Board Member from the district said that a policy was in place approximately eight years ago. She also said that at a Town Hall meeting on October 22, 2009, reference was made to a cost analysis benefit, or an impact report. She said that the report discussed such issues as staff, buses and buildings, but failed to discuss safety, child wellness, housing, businesses and most importantly, the children. She said that Bay View School has been in the community for over 80 years and has an active Parent Teacher Organization (PTA) that works very closely with the New Monterey businesses. She asked for the Commission and Council's support in saving Bay View School.

PUBLIC APPEARANCES

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7. Coastal Erosion and Sea Level Rise Presentation. Report received.

Staff Presentation

Kim Cole, Brad Damitz, Dr. David Revell and Charles Lester presented the staff report and answered Councilmember and Commissioner questions.

Public Comment

Steve Scheiblaue, Harbor Master, said he is trying to get a dredging permit to dredge somewhere between 50-70 thousand cubic yards of clean sand out of the marina which could be used for the project. He said regarding the sediment budget he looked at, the flow of sediment from Wharf 2 appears to flow eastward or northward, but he does not actually see this, but does see an accretion of sand alongside the sea wall east of Wharf 2, and does not see the rationale to place more sand in this location.

Bob Oliver said there is definite erosion along the Monterey portion of the Bay, but does not believe that any efforts to stop the erosion will make a significant impact.

John Kilaney, President of the Homeowners Association for the Del Monte Beach Townhouses, said discussion has taken place to install dredging materials along the beachfront where the Townhouses are located, and there is presently an opportunity to make this happen. He said the project could be considered a "pilot project" to determine if such work would make a difference.

Bob Vitallia, Principal at Phillips, Williams and Associates, said one of the techniques to address the future risk of erosion is to complete a vulnerability assessment looking at the extent of future erosion and flooding in proximity to existing development and infrastructure, and look at different ways of mitigating the established priorities both for existing and future development and infrastructure. He said the plan would be to place sand within the southern three to four miles between Sand City and the Monterey Harbor.

Councilmember/Committee Comments

City Manager Meurer said the City is currently working on a permit to move sand from the harbor to around the wall, and this is a perfect opportunity to look at beach nourishment.

Mayor Della Sala said we have an opportunity to move forward and would like to forge a successful partnership. He thanked staff and presenters for a successful presentation and the public for their input.

Mayor Della Sala called for a recess at 9:05 pm.

Reconvened at 9:15 pm.

8. Downtown Concept Plan Presentation. Report received. No new comments.

Staff Presentation

Kim Cole, Henry Ruhnke, Jess Slavik and David Bouquillon presented the staff report and answered Councilmember and Commissioner questions.

Commissioner Comments

Councilmember Downey said she is very excited about the presentation which presents some great possibilities. She said that one crucial change would be deciding which companies to lease space to in the downtown area in order to get cohesiveness instead of the individual business concept that is currently taking place. She suggested placing an entryway into the downtown with the title "California's Most Historic Town".

Councilmember Sollecito thanked the presenters for their great civic duty in preparing the presentation and said he is asked everyday what the plan is for changing downtown. He said he is concerned about the issues surrounding the lack of water and would like to see this addressed.

Mayor Della Sala said the people who would benefit most from a revitalized downtown are the people who actually live in the City of Monterey. He suggested that Henry Ruhnke contact the Neighborhood Associations to arrange a viewing of the presentation in order to obtain input and get the Associations energized about the potential changes.

Councilmember Selfridge said it is nice to see the design of parking structures that don't look like parking structures and it is our first priority to address the parking issues in the city.

Commissioner Osorio said that Monterey tends to be a bit conservative at times, which is the character of the town, but it is nice to hear some progressive thought. He said that the Planning Commission has been thinking about post card spots as well, and Custom House Plaza is an area that has potential for improvement both in the design of the plaza and the events that take place there. He also said a walkable downtown needs to be addressed and the sidewalks on Alvarado Street are very narrow, and questioned if there is a need to continue parallel parking on Alvarado. He said that the Old Train Station needs to be rehabilitated immediately into at least a temporary transit plaza.

In answer to Commissioner Garden's question, Henry Ruhnke said the first thing the city could do to start moving towards redeveloping the downtown would be to bring a committee together and start to breakdown the goals.

Public Comment

Doug Wiele, Foothill Partners and owner of the Trader Joe's center, thanked the presenters for the good work on their presentation, and concurred that downtown could be more than it is. He said that it is not the responsibility of the City to attract good merchants to downtown, rather it is the responsibility of the private property owners. He also said the circulation pattern downtown is ineffective in getting people through downtown with all of the one-way streets. He concurred with the suggestion to move the transit center and Councilmember Sollecito's concern about water issues hindering the development in the downtown area.

Bob Oliver said there is a lack of social justice in the United States right now and priorities need to be set appropriately.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:40 P.M.