



Council Chamber  
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Monterey, California

# Annotated Agenda Planning Commission

Regular Meeting  
April 25, 2006

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

## Planning Commission

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

### CALL TO ORDER

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

### ROLL CALL

**Commissioners Present:** Bryant, Davis (Arrived 4:05 p.m.), McCrone, Ruhnke, Stocker, Widmar

**Commissioners Absent:** Garden

**Staff Present:** Community Development Director Bill Wojtkowski, City Attorney Deborah Mall, Senior Planner Rick Marvin, City Engineer Tom Reeves, Housing Property Manager Charmaine Geiger, Administrative Analyst Sandra Reeder, Recording Secretary Terry Lebda

### APPROVAL OF MINUTES

April 11, 2006

**ACTION:** Approved as submitted. 3-0-2 (Abstain – Bryant, Ruhnke)- 2 (Absent-Davis, Garden).

**MOTION:**

On a motion by Commissioner McCrone, seconded by Commissioner Stocker, the minutes of April 11, 2006 were approved as submitted. The motion passed by the following vote:

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

### REVIEW OF AFTERNOON AGENDA AND CONSENT ITEMS

REVIEW OF AGENDA AND CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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.

Commissioner Davis arrived at 4:05 p.m.

1. **General Plan Amendment; Application 06-052; Applicant Henry Ruhnke for Wald, Ruhnke & Dost Architects; Negative Declaration Filed. (Continued from March 28, 2006)**

Recommendation to City Council. Request to amend the General Plan Safety Element Policy b.1 to allow consideration of development on slopes greater than 25%.

**ACTION: Recommendation to City Council for certification of the Negative Declaration and approval of the General Plan Amendment—Alternative #1—as amended by the Planning Commission. 4-0-2 (Abstain-Ruhnke, Stocker) –1 (Absent-Garden).**

Staff Presentation/Commissioners Questions:

Commissioner Ruhnke and Commissioner Stocker disqualified themselves due to conflict of interest. Rick Marvin presented the staff report. He distributed to the Commissioners a letter received today from Sharon Dwight and he answered Commissioners' questions.

Applicant:

Matt Nohr, of Wald Ruhnke Dost, distributed to the Commissioners a copy of his comments regarding the alternate changes to Policy b.1. He said that the changes recommended by staff should not be in the safety section of the General Plan but in other sections because they address more than safety. He asked the Commission to allow the development if proven with geotechnical study to be safe.

Public Comments:

Carl Outzen said that he spoke at the last Planning Commission meeting opposing the recommended changes to the Ordinance and that the policy should remain the same as it has been since the 1983 General Plan because it is working.

Commissioner Comments:

Mr. Wojtkowski said that the current General Plan does not allow flexibility and that he disagrees with Alternative #6 as suggested by the applicant. He said staff is trying to emphasize that it is to be seldom used with minor exceptions and to bring back the spirit of the 1983 General Plan. He answered Commissioner Widmar's question saying that staff would look at adjacent properties in the same zone and similar developments to determine if the area is developable without building in the slope. He said there is potential that findings can be made to more properly relocate the building into the setback to avoid developing into the slope. The exception on slope might be appropriate if the building into the slope is better than building into the setback because of scenic highway or other impacts. Commissioner Davis moved for approval of Alternative #1 with staff findings, but the motion failed due to the lack of a second.

Commissioner McCrone said that a commercial zone is different than a residential zone and that he does not want to consider 25% slope in residential areas such as Skyline Forest. He said he could justify a minimal rule for industrial and commercial areas to intrude into the 25% grade for what is otherwise a flat lot if these standards are maintained. Commissioner Widmar agreed and said he is inclined to support Alternative #1 if applicable to only commercial properties. Mr. Marvin said the reason for the recommendation is for lots with building restrictions due to an existing slope. Commissioner McCrone said that he is not swayed to accept Alternative 1 and moved to recommend to City Council to leave the policy as currently written. The motion failed due to the lack of a second.

Chair Bryant said that she likes Alternative #1, but that the new wording portion is confusing. Mr. Wojtkowski

said that instead of defining minimal, staff added Paragraph 2 because there is no analytical way to come up with percentage. As an alternative, Commissioner Widmar suggested that the exceptions apply to minimal encroachments into steep slopes and not be based on findings that the developable area is "minimal". Commissioner Widmar moved to recommend to City Council Alternative #1-Policy b.1. A, B, C. as amended by the Planning Commission and to recommend approval of the Negative Declaration as submitted by staff including Findings as documented in Attachment #3. Commissioner Davis seconded the motion.

**MOTION:**

On a motion by Commissioner Widmar, seconded by Commissioner Davis, it was moved to recommend to City Council certification of the Negative Declaration and approval of the General Plan Amendment—Alternative #1—as amended by the Planning Commission. The motion passed by the following vote:

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

**2. 1 Swain Court; Use Permit, Variance and Tentative Map 05-464; Applicant Christopher Arnold of Wald, Ruhnke & Dost Architects, LLP; Owners David Stocker and Dennis Chambers; I-R-150-D-2 Zoning District; Negative Declaration Filed. (Continued from March 28, 2006.)**

Recommendation to City Council. Master Use Permit and Tentative Map for a Planned Unit Development industrial office (PUD). The development will consist of seven two-story industrial office buildings and associated grading and parking. Total proposed building area is 129,756 square feet with 473 on-site parking spaces. A Tentative Map has been filed to merge Lots 6 and 7 and re-subdivide them to create seven building lots and one common lot, which will contain open space, parking and access. A Variance is required to allow a 22-foot building setback to the Monterey/Salinas Highway right-of-way (50-foot minimum required).

**ACTION: On consent, continued to May 23, 2006 as recommended by staff. 3-0-2 (Abstain-Ruhnke, Stocker) -2 (Absent – Davis, Garden).**

**MOTION:**

On a motion by Commissioner McCrone, seconded by Commissioner Widmar, on consent, it was moved to continue this item to May 23, 2006 as recommended by staff. The motion passed by the following vote:

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

**3. Recommendation to City Council and Monterey Redevelopment Agency on: FY2006-07 CDBG Annual Action Plan for Community Development Block Grant (CDBG) Funds and 2006-07 Housing and CDBG Program Budget.**

**ACTION: Recommendation to City Council for approval of the FY2006-07 CDBG Annual Action Plan for Community Development Block Grant (CDBG) Funds and the 2006-07 Housing and CDBG Program Budget. 5-0- 1 (Abstain-Ruhnke) –1 (Absent-Garden).**

**Staff Presentation/Commissioners Questions:**

Commissioner Ruhnke disqualified himself due to conflict of interest. Charmaine Geiger presented the staff report and answered Commissioners' questions.

Public Comments:

Allison Payne representing Alliance on Aging on behalf of Teresa Sullivan and the Board of Directors thanked the City for funding their agency and the OMBUDSMAN. Phillip Wood, Executive Director of Shelter Outreach Plus, said that the I-Help program was funded this year, but that the shelter for women was not. He said he is thankful for what the City has given them, but that they request one more year of funding so that they can at least make the backfill for the net operating costs. He said they fully recognize Monterey as the only City that supports them, that it is a hard decision to make, and said thank you on behalf of their clients.

Commissioner Comments:

In answer to Commissioner Davis' question, Mrs. Geiger said that the program that Mr. Wood refers to is located in Seaside. She said that the City would not be able to use Block Grant funds outside the City limits and that the City is not able to use redevelopment funds for housing that is not permanent housing. She said it is an excellent program, but that the City is limited on what can be funded given eligibility requirements. Chair Bryant said that there were limits this year that made it difficult to fund and that the Committee did their best with all the agencies that made presentations. She said it seems that the City is funding fewer things, but there are other programs that have been around for a long time and are doing a great service to the community. Commissioner McCrone moved to recommend approval of the budget and Action Plan. Commissioner Stocker seconded the motion.

Mr. Wojtkowski said that the Department will work with Finance to see if there are any non-housing funds for this program and that would need to be decided at the Council level.

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Stocker, it was moved to recommend to City Council approval of the FY2006-07 CDBG Annual Action Plan for Community Development Block Grant (CDBG) Funds and the 2006-07 Housing and CDBG Program Budget. The motion passed by the following vote:

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

**4. 850 Park Avenue; Use Permit 06-134; Applicant Allen Robinson (The Sienna Company); Owner Jeanne McWhorter; C-2 & R-3-6 Zoning Districts; Exempt from CEQA Requirements.**

This application requests approval to replace a legal non-conforming use, the Drought Resistant Nursery at 850 Park Avenue, with another non-conforming commercial use. The project includes site improvements, including a 40' x 40' garage/storage building addition, a 560 square foot office addition, and a parking lot to accommodate eight (8) parking spaces (4 covered and 4 uncovered). A portion of the proposed commercial use will extend into the R-3-6 zone. Access to the parking lot will be from Park Avenue.

**ACTION: On consent, continued to May 9, 2006 as recommended by staff. 5-0-2 (Absent-Davis, Garden).**

MOTION:

On a motion by Commissioner McCrone, seconded by Commissioner Widmar, on consent it was moved to continue this item to May 9, 2006 as recommended by staff. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, McCrone, Ruhnke, Stocker, Widmar
NOES:	0	COMMISSIONERS:	None

ABSENT: 2 COMMISSIONERS: Davis, Garden

**Recess 5:25 p.m.  
Reconvene 7:00 p.m.**

## **CALL TO ORDER**

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

## **ROLL CALL**

**Commissioners Present:** Bryant, Davis, McCrone, Ruhnke, Stocker, Widmar

**Commissioners Absent:** Garden

**Staff Present:** Community Development Director Bill Wojtkowski, Senior Planner Rick Marvin, City Engineer Tom Reeves, Traffic Engineer Rich Deal, 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: Community Development Director, City Hall, Monterey CA 93940. The appropriate staff person will contact the sender concerning the details.

**None.**

## **REVIEW OF EVENING AGENDA AND CONSENT ITEMS**

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## **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.

### **5. 640 Wave Street (Bella Cinema/IMAX); Use Permit 06-081; Applicant Fred Weinnert; Owner Cannery Row Company; C-R Zoning District; Negative Declaration Filed.**

Request to convert the Edgewater Packing Company building into an entertainment center with a 290 seat IMAX theater, ancillary retail shops and a café.

**ACTION:** Approved Use Permit as amended—1) Condition #3 shall clarify that monitoring by a structural engineer is required if excavation occurs; 2) removal of Condition #3.e. and 3.f. since they are duplicates of Condition #3.d.; 3) amending Condition #4 to include review by the Historic Preservation Commission; and 4) adding Condition #14 to monitor for one year when Hollywood first run films are shown and possible commuter traffic impacts in the Cannery Row and Lighthouse Avenue areas and ways to mitigate problems that may occur. 5-1 (Noes-McCrone) –1 (Absent-Garden).

Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report. He recommended the addition of Condition #14 regarding the showing of Hollywood first run films and the affect it might have on commuter traffic in the Cannery Row and Lighthouse area. He said staff recommends that this be monitored for one year to determine if there are any issues and ways to mitigate them. He answered Commissioners' questions.

Applicant:

Fred Weinnert, CEO of Bella Cinema, said that the theater is proposed in the historic Edgewater building and will provide a use that will enhance visitor experience in Monterey. He said they are looking at ways to avoid excavation but if they need to, they have no problem complying with the staff's recommended Condition #3 as well as agreeing with the other conditions. Regarding the addition of Condition #14, he said they agree with the condition. Mr. Wojtkowski said that the originally proposed large format theater on Cannery Row was for 500 seats and that the Planning Commission and City Council concurred with the traffic analysis in the late 1990's that Imax in and of itself would not create a traffic impact. Traffic Engineer Rich Deal said that the trip generation of the Imax theater versus the existing use in the Edgewater building actually came in lower so there is no need to require additional studies. He said there is some concern about the Hollywood movies and how it may affect peak commuter traffic. Regarding parking impacts, Mr. Deal said that in the summer the parking garages fill up at about 1:00-2:00 p.m. to 100% capacity, but that is why the City operates the Wave to assist with that impact. He said that with the Imax they do not anticipate an increase in parking spaces consumed, but the amount of time the car is in the space will be longer.

Public Comments:

Neil Hotelling said that if an Imax Theater would work at the Edgewater building, the building basically needs to be taken down and then put back up. He said this project should go to the Historic Preservation Commission (HPC) for recommendations; that Mr. Seavey's report is somewhat based on historic photographs which does not necessarily tell a complete story; and that this project needs a full CEQA study. He said that this theater may be smaller than the previously proposed Imax, but that the parking study should be revisited because customers may stay in the area longer due to the Imax so there are impacts to those trying to park in the area. Robert Wemheuer, Vice President of the New Monterey Neighborhood Association, said that the Association supports the 640 Wave Street Imax project as conditioned by the staff's recommendation because the project will be good for the community, neighborhood and Cannery Row businesses. Jim McCord said that he supports the project, but believes that Mr. Hotelling made valid points with respect to a review by the HPC and the parking concerns. He said in the summer there is no parking in the garage when his employees return from lunch. Don Hubbard representing the Cannery Row Company said that CEQA is involved in the process by way of the fact that an Initial Study was done, a determination was made and posted as required, and anyone who objects could voice their opposition at this hearing. He said he feels that there is no problem with the process—studies have been made and the process and staff recommendations are appropriate. Fred Weinnert said that regarding the flow of people and parking, with the aquarium and the experience an Imax can bring, peak hours do occur after 1:00 p.m. and in the evening.

Commissioner Comments

Commissioner Widmar said that this is one of those projects that there is a historic building that has been upgraded with different facades over the years, but that he is in favor of having the HPC review the project. In answer to Commissioner Widmar's question, Mr. Marvin clarified that Condition #3.e. and 3.f. could be removed since they are duplicates of Condition #3.d. Commissioner Widmar moved to approve the project with recommended Conditions of Approval, eliminating Condition #3.e. and 3.f., adding language for review by the HPC as well as the Architectural Review Committee, and the added Condition #14 as presented by staff. Commissioner Ruhnke seconded the motion. He said that he would like to see the Edgewater building protected and to remain as close to the historic building that it is, and if no excavation is needed, all the better. He said it will be helpful to go to the HPC to review and identify exactly what modifications are being made. He said it is a

great use for the location and will benefit the community and bring people to this location. Commissioner McCrone said that it might be a good use for the building but that he cannot vote for it. He said there is not adequate information because the traffic and parking study was done before the Presidio was closed to through traffic, there needs to be a current traffic study for valid comparison, and Condition #14 is not adequate. Commissioner Stocker said that he will vote for the project, that it is important for Cannery Row and the project will give added life to the building. He said that the assumptions of traffic are based on the current use of the building and this project is reduced usage; therefore, there is no increase in traffic. He said he agrees that it should go through the HPC process, he believes there is adequate parking, and he agrees with Condition #14. Commissioner Davis said that he concurs with the motion maker and that, out of respect to the area and the building, it deserves HPC review. Commissioner Widmar said that he would think that in 1999 parking impacts were more severe than today so the earlier traffic study might be an overly conservative review. Mr. Deal said that the highest peak was in 1996 with 1999 a close second. He said that the closure of the Presidio added a dynamic that impacted the traffic and the implementation of the left turn restrictions eased that impact. He said as the City continues to work with traffic on Lighthouse, Del Monte and Washington, there will be a better balance. Commissioner McCrone said that the Cannery Row Hotel and Ocean View Plaza projects will also impact traffic. Chair Bryant said that she will support the motion, that she has concerns regarding preservation of the building, and that this is an important reuse that will give people something to do. She said she likes the parking sign that indicates that the Cannery Row parking garage is full and directs visitors to the Custom House Garage to use the Wave shuttle.

**MOTION:**

On a motion by Commissioner Widmar, seconded by Commissioner Ruhnke, it was moved to approve the Use Permit as amended—1) Condition #3 shall clarify that monitoring by a structural engineer is required if excavation occurs; 2) removal of Condition #3.e. and 3.f. since they are duplicates of Condition #3.d.; 3) amending Condition #4 to include review by the Historic Preservation Commission; and 4) adding Condition #14 to monitor for one year when Hollywood first run films are shown and possible commuter traffic impacts in the Cannery Row and Lighthouse Avenue areas and ways to mitigate problems that may occur. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Davis, Ruhnke, Stocker, Widmar
NOES:	1	COMMISSIONERS:	McCrone
ABSENT:	1	COMMISSIONERS:	Garden

**6. 2401 Del Monte Avenue; Permit 06-050 to Reopen Use 83-148; Applicant James D. McCord, Architect; Owner Del Monte Hospitality, LLC; VAF Zoning District; Exempt from CEQA Requirements.**

This application requests approval to remodel the Comfort Inn that is located on Roberts Avenue. The remodel includes a roof change design that will increase the building height approximately 4 feet (from approximately 26' to 29'9"). Other changes include a minor expansion of the lobby area and the addition of landscape improvements and screen walls. All of the proposed changes are part of a proposed affiliation change to La Quinta Inn. No expansion of rooms is proposed.

**ACTION: Approved Use Permit to remodel as proposed by the applicant with an amendment to Condition #1 and #3 allowing the Architectural Review Committee to authorize a maximum roof height increase of 4 feet to allow the structure to have some shape and to improve the appearance of the building. 7-0-1 (Absent-Garden).**

Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report and answered Commissioners' questions.

Applicant:

Jim McCord, representing Del Monte Hospitality LLC, said that the intent of the remodel is to turn this property to higher level of property based on La Quinta Inn standards. He said that the original criteria used for the building design and roof height is old and it is time that this building be brought up to appropriate architectural standards. He said he wants the building to be more attractive and it will not affect visibility from Highway 1. He said that he hopes the Planning Commission will change the condition requirement to allow a roof height increase of 4 feet rather than the staff recommended 2 feet. In answer to Commissioner Widmar's question, he said that they will be painting the building a different color and a redesign of signage and lighting will be reviewed.

Public Comments:

None.

Commissioner Comments:

Commissioner Stocker said that he agrees that the extra two feet that the applicant is requesting might allow this structure to have some shape and that it is critical that the applicant work closely with the Architectural Review Committee to make it work well. He moved to approve the project to allow a maximum roof height of four (4) feet and to modify Conditions #1 and #4 accordingly. Commissioner Widmar seconded the motion. Commissioner McCrone said that one cannot see the hotel going Northbound on Highway 1 and that he will support whatever it takes to make this building more attractive. Commissioner Davis said he will support the motion because it will improve the looks of this building. Chair Bryant said she agrees and that she, too, will support the motion.

MOTION:

On a motion by Commissioner Stocker, seconded by Commissioner Widmar, it was moved to approve the Use Permit to remodel as proposed by the applicant with an amendment to Condition #1 and #3 allowing the Architectural Review Committee to authorize a maximum roof height increase of 4 feet to allow the structure to have some shape and to improve the appearance of the building. The motion passed by the following vote:

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

### 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).

#### 7. Response to Commissioners' Comments at April 11, 2006 meeting.

**ACTION:** Report received.

**New Comments:**

- Chair Bryant said that since she was unable to attend the April 11 Planning Commission meeting regarding the Public Service Center, she watched that meeting via City TV. She said that she was impressed with how well the meeting went and she commended the Commissioners for doing a marvelous job.

### DIRECTOR'S REPORT

The Community Development Director's report supplies information on activities or announcements. He may also ask for clarification or direction regarding scheduling of Commission meetings and study sessions.

**8. Director's Report**

**ACTION: Report received.**

- Mr. Marvin reviewed the Director's Report. He said that the Planning Commission Meeting of May 9 will be extended to an afternoon and evening sessions.
- He noted that Senior Planner Kim Cole has been unanimously selected as AMAP's Preservationist of the Year for 2006. He reminded the Commissioners that she will be presented with an award at the May 2 City Council Meeting and invited them to attend this presentation.
- He said that at the last meeting Commissioner Davis and Commissioner Stocker were appointed to the Water Subcommittee and a copy of the updated Planning Commissioners' Subcommittee list has been distributed.
- Mr. Marvin noted that information regarding the re-broadcasting schedule of AMP televised meetings can be located on the web as indicated in the report.
- For their information, he handed out a memorandum dated April 18, 2006 from City Traffic Engineer regarding the MST traffic analysis of a potential transit plaza on Tyler Street between Del Monte Avenue and Franklin Street.
- He also handed out a flier regarding an upcoming "Ethics in Public Service" workshop scheduled on May 3 in Hollister. He said that the Commissioners are required by State law to attend a 2-hour workshop prior to January 1, 2007. He said that the City Clerk will be scheduling a local workshop later this year and that staff will keep them informed as dates and times are set.

**ADJOURNMENT**

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

APPROVED:

ATTEST:

\_\_\_\_\_  
Toynette Bryant, Chair

\_\_\_\_\_  
Bill Wojtkowski, Secretary

Respectfully Submitted, Terry Lebda  
Recording Secretary  
Planning Commission