



City Council Chamber
Few Memorial Hall of Records
Pacific and Madison Streets
Monterey, California

Zoning Administrator MINUTES

Regular Meeting
October 22, 2009
4:00 PM

Zoning Administrator

Todd Bennett
Senior Associate Planner

CALL TO ORDER

Senior Associate Planner Bennett called the meeting to order at 4:02 PM.

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 Zoning Administrator may do so by addressing the Administrator during Public Comments or by addressing a letter of explanation to: Planning, Engineering, and Environmental Compliance Division, City Hall, Monterey CA 93940. The appropriate staff person will contact the sender concerning the details.

No public comments were received.

PUBLIC HEARINGS

PUBLIC HEARINGS are held to receive public comment on certain items pending Zoning Administrator action. You are welcome to offer your comments after being recognized by the Administrator. The Administrator may limit the time allocated to each speaker. Project representative is required.

- 631-B Cass Street; Major Use 09-210; Applicant Sarah Sanders; Owner Giavona Rossman; C-2 Zoning District; Exempt from CEQA Requirements.**

This application requests approval for a Major Use Permit to allow for the operation of a Personal Improvement Service (OM Oasis – Yoga Studio).

Action: Approved application with Standard and Special Circumstance Findings for Decision and Conditions of Approval.

On October 22, 2009, the Zoning Administrator approved Major Use Permit 09-210 for the operation of a Personal Improvement Service located at 631 B Cass Street within the C-2 District based upon the following Findings for Decision and subject to the following Conditions of Approval:

Findings for Decision:

Environmental:

- The project is exempt from the California Environmental Quality Act (Section 15303, Class 3(c)) because the project is a conversion of an existing small structure from one use to another.

General Plan and Downtown Area Plan:

2. The project, OM Oasis, is consistent with the City of Monterey General Plan Land Use Designation in that the commercial, personal improvement service use is located in a General Plan designated commercial area and that it attracts residents to the downtown area.
3. The project is consistent with Downtown Area Plan because it is consistent with Policy B of Chapter 2.4 which aims to improve the commercial vitality of the downtown.

Zoning Ordinance:

4. As conditioned, the proposed use (Personal Improvement Services – Fitness Studio) is in accord with the objectives and purposes of the Community Commercial (C-2) Zoning District and applicable Zoning Ordinance Standards.

Use Permit:

5. As conditioned, the proposed use will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because the proposed use replaces a former retail sales use. The lease area parking requirements for a retail sales use, and for the proposed use based upon instruction area, are equivalent. The proposed business operation will be open during times not typically associated with normal commercial uses, including the existing commercial tenants of the other lease areas on site. Therefore, the proposed use will improve the parking availability on the site and will therefore not be detrimental to properties or improvements in the vicinity.
6. The proposed use will comply with any specific condition required for that use.

Conditions of Approval:

1. That the Personal Improvement Service is approved as shown on the October 21, 2009 site plan and floor plan, and as described in the "Business Synopsis" and "Class Descriptions" letters, and the "Pricing" and "Class Schedule" tables, dated October 9, 2009. Any modifications or revisions to the "Class Schedule", the interior floor plan, or the "Business Synopsis" requires review and approval by Planning staff. If the proposed modifications or revisions are considered significant by staff, the Use Permit will be re-opened for review.
2. Staff reserves the authority to require submittal of a Parking Adjustment application for the approved use if it is determined that the use is creating, or contributing to, an adverse on-site parking condition. Alternatively, if it is determined that the on-site parking is insufficient to support the existing uses, the applicant can bypass the Parking Adjustment process by contracting with the private parking lot located at APN: 001-681-034 for a number of parking spaces to be determined by staff.
3. Staff of the proposed business are encouraged to park off-site.
4. That all development on the project property shall be constructed and thereafter maintained in accordance with the Conditions of this permit.
5. The applicant shall comply with all the requirements of the Permit and Inspection Services Division.
6. This project is subject to the categorical water allocation program approved by the City Council. The applicant will proceed at his own risk that water may not be available at the time he requests building permits. No building permits will be issued if water is not available to this project.

7. This permit shall become null and void if not exercised or extended within twenty-four (24) months of the date of granting by the Zoning Administrator. It is the applicant's responsibility to track the 24-month expiration date. No renewal notice will be sent to the applicant.

ADJOURNMENT: The meeting was adjourned at 4:20 PM

ZONING ADMINISTRATOR: _____
Senior Associate Planner Todd Bennett