



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

Zoning Administrator ANNOTATED AGENDA

Regular Meeting
February 28, 2008
4:00 p.m.

Zoning Administrator

Todd Bennett
Senior Associate Planner

CALL TO ORDER

Senior Associate Planner Bennett called the meeting to order at 4:00 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: Zoning Administrator, 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.

1. **750 Cannery Row (The Clement); Major Use 08-033; Applicant Clement Chen; Owner The Cannery Row Company; VAF Zoning District; Exempt from CEQA Requirements.**

Request for a Major Use Permit to operate a "to go" service area as part of the full service restaurant at the InterContinental The Clement Monterey. The project does not propose additional building area; application proposes to use an existing window opening.

Action: Approved application with the following Standard and Special Circumstance Findings: 1. That the proposed use, a "to-go" window for food and beverage sales in association with a full-service restaurant at this address, will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare based upon the location of the service window adjacent to, but not impeding or restricting, the public access paths and the public access deck leading to and overlooking the Monterey Bay, and based upon the associated Conditions of Approval required for this use. 2. That the installation of trash receptacles, and the consistent inspection and cleaning of said receptacles, the area immediately adjacent to the service window, and the corresponding public access paths and deck, will be the responsibility of the hotel management, and these activities will ensure that the proposed use will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. 3. That granting the Use Permit for the service window is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity, including those properties located within the neighborhood and under the same or different zoning district.

Standard and Special Conditions of Approval: 1. That the proposed "to-go" service window is approved as shown on the February 5, 2008 site plan, floor plan, elevations and in the description letter of the same submittal date. 2. The hotel management shall be responsible for the consistent monitoring and cleaning of the area adjacent to the food service window, including the public access paths, decks and seating areas, and

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all associated trash receptacles. 3. The applicant shall comply with all the requirements of the Building Division. 4. 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. 5. 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.

2. 120 Via Paraiso; Minor Variance 08-044; Applicant Kathleen Randazzo; Owner Bartolo and Marie DiMaggio; R-1-8 Zoning District; Exempt from CEQA Requirements

Request approval for a rear yard setback variance (5' – 0" standard, 0' – 3" proposed) and a side yard setback variance (5' – 0" standard, 1' – 0" proposed) to allow for the retention of an Accessory Structure (storage shed) within the rear yard area.

Action: Approved application with the following Standard and Special Circumstance Findings: 1. That, because of the location of existing structures, site improvements and native trees on the subject property, and because there are no alternative locations on the site to accommodate the Accessory Structure that would not result in the removal of one or more trees or the approval of one or more setback or separation variance(s), strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification. 2. That because the Accessory Structure has been on the property for a period of over 25 years without any complaints from adjacent neighbors or from the community at large, and because the neighbors immediately adjacent to the Accessory Structure have communicated that the existence and use of the structure has not resulted in negative impacts, granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. 3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

Standard and Special Conditions of Approval: 1. That the rear (0' – 3") and side (1' – 0") yard setback variance 08-044 for retention of the Accessory Structure is approved as located on the February 14, 2008 site survey. 2. That all development on the project property shall be constructed and thereafter maintained in accordance with the conditions of this permit, including the limitation that the Accessory Structure shed have electricity to support interior lights only. 3. The applicant shall comply with all the requirements of the Building Division. 4. 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. 5. 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.

3. 1400 Del Monte Center (Lalla Grill); Major Use Permit 07-471; Applicant Stephen Lyon, DMC Construction / Owner DMCH, LCC; P-C Zoning District; Exempt from CEQA Requirements.

Request approval of a Use Permit to allow for hours of operation (6 AM to 10 PM allowed, 10 AM to 11 PM proposed) for a commercial business (restaurant) located adjacent to a residential zoned district. The use includes outdoor dining on patio area and with the same proposed hours of operation.

Action: Approved application with the following Standard and Special Circumstance Findings: 1. That, because of special circumstances or conditions applicable to the specific location of the lease area in relation to the subject property, including distance from adjacent residential uses, the physical buffer created by the existing shopping center buildings, and location of parking for employees and customers, strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other properties in the

vicinity and under an identical zoning classification. 2. That granting the application with associated Conditions of Approval will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. 3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

Standard and Special Conditions of Approval: 1. That Use Permit 07-471 to allow for extended hours of operation (10 AM to 11 PM), and outdoor dining in conjunction with the operation of a full-service restaurant, is approved as shown on the December 18, 2007 site plan and elevations and described in the letter of the same date. 2. That all development on the project property shall be constructed and thereafter maintained in accordance with the conditions of this permit. 3. That prior to submittal of a building permit an application for Architectural Review Committee (ARC) Preliminary Review shall be submitted and approved. 4. The applicant shall comply with all the requirements of the Building Division. 5. 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. 6. Amplified music sound levels for the patio area shall not exceed typical sound levels for the shopping center music/PA system. 7. Employees shall park in the parking lot area immediately adjacent to the site, or as close as possible, depending on parking availability. All late evening and night vehicle trips by employees shall use the driveway located on the southern portion of the subject site. 8. This permit will be reviewed in 180 days from the date of approval. The Use Permit shall be evaluated by the Zoning Administrator to determine if any valid noise and/or use complaints have been received by the Monterey Police Department. If validated complaints have been submitted in regards to the approved use, the Zoning Administrator shall re-open Use Permit 07-471 for possible modification to the associated Conditions of Approval, or revocation of the Use Permit. 9. 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 5:04 PM. The next meeting will be held Thursday, March 13, 2008.

ZONING ADMINISTRATOR: _____
SENIOR ASSOCIATE PLANNER TODD BENNETT