

RESOLUTION NO. 04-15

**201 CANNERY ROW – RESOLUTION APPROVING VESTING TENTATIVE MAP,
USE PERMIT, VARIANCE AND PARKING ADJUSTMENT TO DEVELOP A 4 STORY
MIXED USE BUILDING THAT WILL CONSIST OF FIVE RESIDENTIAL
CONDOMINIUM UNITS OWNERSHIP UNITS, ONE COMMERCIAL CONDOMINIUM
OWNERSHIP UNIT AND ONE COMMON OWNERSHIP PARCEL IN ACCORDANCE
WITH APPROVED PLAN**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTEREY that Vesting Tentative Map, Use Permit, Variance and Parking Adjustment for 201 Cannery Row is hereby approved in accordance with the map on file and subject to the Conditions of Approval specified in the permit (attached to this Resolution as Exhibit A).

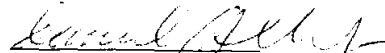
BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTEREY that the approval of the Vesting Tentative Map, Use Permit, Variance and Parking Adjustment for 201 Cannery Row is hereby approved based on the Findings of Approval (attached to this Resolution as Exhibit B).

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 6th day of January 2004, by the following vote:

AYES:	4	COUNCILMEMBERS:	ALBERT, CANEPA, DELLA SALA VREELAND
NOES:	1	COUNCILMEMBERS:	ROBERSON
ABSENT:	0	COUNCILMEMBERS:	

APPROVED:

ATTEST:


Mayor of Said City

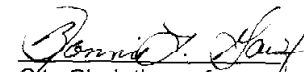

City Clerk thereof

EXHIBIT A
201 CANNERY ROW VESTING TENTATIVE MAP, USE PERMIT,
VARIANCE AND PARKING ADJUSTMENT

RECOMMENDED CONDITIONS OF APPROVAL:

1. That the Use Permit, Variance, Parking Adjustment, Concept architectural approval and Vesting Tentative Map are approved for development of a 4-story mixed-use building that will contain five residential condominium units, one retail commercial condominium unit, one common area parcel and five garage parking spaces as shown on the submitted site plan floor plan and elevation drawings dated October 10, 2003 with the following revisions:
 - A. An elevation benchmark shall be added to the Map.
 - B. The owner of the adjacent property shall be added to the Map.
 - C. The streets on the Map shall be labeled as "City Street" with the right-of-way width dimensioned.
2. That all development on the project property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
3. Prior to applying for building permits, the applicant shall submit for Preliminary Architectural Review Committee (ARC) review and approval.
4. The applicant shall comply with all the requirements of the Public Works Department.
5. Prior to recordation of the Final Map, which shall include a Tract Map and Condominium plans, the applicant shall prepare and submit the Final Map for the review and approval of the Public Works Department.
6. That CC & R's for the condominiums shall be prepared and submitted for review, evaluation and acceptance by the City Engineer and City Attorney's Office prior to the submittal of a Final Map.
7. A qualified archaeological monitor shall be present during construction activities that may involve native soil exposure or disturbance, such as excavation for the basement garage, foundations or utilities, etc. If evidence of cultural materials is discovered on the parcel, work shall be temporarily halted to allow the find to be evaluated by the monitor and/or the principal archaeologist for the project. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. If human remains or significant cultural features are discovered, work shall be halted on the parcel until the find can be evaluated and appropriate mitigation measures formulated and implemented.
8. The following language or the equivalent shall be included in any permits issued within the project area: "If prehistoric or historic archaeological resources or human remains are accidentally discovered during construction, work shall be

halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

9. The applicant shall prepare and submit a Historic Documentation Program to the Historic Preservation Commission for approval. The Historic Documentation Program shall provide information about the history of this site as it relates to Cannery Row. Approval of the Historic Documentation Program shall be required prior to issuance of a Building Permit.
10. Prior to issuance of a Building Permit, the applicant shall pay required park impact fees to the City of Monterey and school impact fees to the Monterey Peninsula Unified School District.
11. The Parking Adjustment is approved with the condition that the adjustment fee is paid. The applicant is required to pay for a two space parking adjustment.
12. This project is subject to 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.
13. That all development on the project property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
14. These Permits shall become null and void if not exercised or extended within twenty-four (24) months of the date of granting the approval. It is the applicant's responsibility to track the twenty-four month expiration date and request permit approval extensions prior to the permit expiration date. No renewal notice will be sent to the applicant.

EXHIBIT B
201 CANNERY ROW VESTING TENTATIVE MAP, USE PERMIT,
VARIANCE AND PARKING ADJUSTMENT

FINDINGS FOR APPROVAL:

Approval of the Negative Declaration, finding that:

1. There is no substantial evidence in support of a fair argument that the project will have a significant impact, after imposition of the required mitigations that have been incorporated into Conditions of Approval and when complied with, will mitigate identified impacts to an insignificant level.
2. The project site is adjacent to a California Register eligible historic district. It is the gateway to Cannery Row and the eligible historic district and the architecture of the building has been modified as recommended by the Historic Preservation Commission to reduce the impact to this district to a less than significant level.

Approval of the Use Permit finding that:

1. The proposed mixed-use residential and retail use is in accord with the objectives of Chapter 38 of the Zoning Ordinance, the purposes of the C-R Zoning District and the purpose of the Cannery Row LUP, which has been amended to allow a maximum of 183 total residential units throughout the Cannery Row coastal zone because the mixed-use project provides for both residential and retail commercial opportunities;
2. That the proposed use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan because the 2nd, 3rd and 4th floor residential uses and the 1st floor retail commercial uses will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the use because it is located in a commercial area that already contains similar types of activity;
3. That the design of the building, the materials and its relationship to existing improvements, including the Enterprise Cannery building and San Carlos Beach demonstrate that the bulk, mass, height and pedestrian scale of the building is compatible with the adjacent Enterprise Cannery building and that substantial views are maintained and that these features ensure that the 4th floor conforms to LUP guidelines for floors above 35 feet; and
4. That the proposed mixed-use project will comply with any specific condition required for the use.

Approval of the Variance for zero corner side yard setback finding that:

1. The subject property is one of only three 50' x 100' corner lots located on Cannery Row and it is the only corner lot of this size that is adjacent to an improved street and this is a special circumstance related to the unique size and location of this property, so that strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
2. That granting the Variance application for corner side yard setback reduction will not be detrimental or injurious to property or improvements in the vicinity or the development site, or to the public health, safety, or general welfare; and
3. That granting the Variance application for corner side yard setback reduction 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.

Approval of the Parking Adjustment for two spaces finding that:

1. That the project site is located within the South Cannery Row Parking District. Surveys conducted by the Parking Division indicate that there are parking spaces available in this district and the parking adjustment can be accommodated subject to payment of a parking adjustment fee.
2. Authorizing the adjustment will not be of substantial detriment to adjacent property and will not materially impair the purposes of City plans, policies and standards or the public interest.

Recommend approval of the Vesting Tentative Map to the City Council finding that:

1. The six condominium units and one common area parcel as proposed will not cause significant adverse impacts on abutting property;
2. That the project as proposed meets the development standards for Vesting Tentative Maps established in Chapter 33 Subdivision Ordinance, Article 5, Division 2.1; and
3. The Planning Commission is able to require certain conditions of approval, specifically Conditions No. 1, 4, 5 and 6, to protect the health, safety and general welfare.