



Council Chamber  
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Monterey, California

# Planning Commission Final Annotated Agenda

Regular Meeting  
March 13, 2007

**Evening Only**  
**7:00 p.m. – 11:00 p.m.**

## Planning Commission

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

### **CALL TO ORDER**

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

### **ROLL CALL**

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

**Commissioners Absent:** None

**Staff Present:** Director of Plans, Engineering and Environmental Compliance Bill Reichmuth, Senior Planner Rick Marvin, Administrative Analyst Sandra Reeder; Associate Engineering Surveyor Norm Greene, Recording Secretary Terry Lebda

### **APPROVAL OF MINUTES**

January 23, 2007

February 13, 2007

**ACTION:** Approved as submitted. 7-0-0.

**MOTION:**

On a motion by Commissioner Stocker, seconded by Commissioner Davis, the Annotated Agendas of January 23 and February 13, 2007 were approved as submitted. 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

### **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 Division, 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.**

### **REVIEW OF EVENING 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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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 that are routine and a staff recommendation has been prepared. A member of the public or a Commissioner may request that an item recommended for approval on consent is heard on the regular agenda for further discussion.

## **PUBLIC APPEARANCE**

PUBLIC APPEARANCE items 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.

### **1. Recommendation to City Council: 1) Regarding Policy and Standard Changes that are Needed to Improve Condominium Conversions, and 2) Extension of 45-day Moratorium on Condominium Conversions.**

**ACTION:** Reviewed, discussed and recommended to City Council that the moratorium be ended and that an adhoc subcommittee will be formed to draft amendments to the Condominium Conversion Ordinance as discussed; that small projects of 4 or less units are exempt from Council review; and, as soon as possible, the amended ordinance will be proposed to the Planning Commission in the form of a recommendation to City Council. 4-3 (Bryant, McCrone, Osorio) -0.

#### Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report. He recommended adding to the Condominium Conversion Issues a lead base paint study. Mr. Marvin and Ms. Reeder answered Commissioners' questions.

#### Public Comments:

Henry Ruhnke, Wald, Ruhnke, Dost Architects, said that ownership versus rental percentages have changed because many people rent since they cannot afford to buy homes. He said that at the February 6, 2007 Council meeting there was a packed crowd of developers converting apartments to condominiums and citizens concerned about the moratorium concept. He said that the Council's intent for a moratorium was with good direction to fine tune the issues, but the direction was to complete this process as soon as possible, not three to six months. He said he does not believe it is necessary to stop development to work out every detail and that there are tools to work out the problems. He said he is happy to work with the Planning Commission and staff on the issues and he encouraged the Commission to recommend to City Council not to extend the moratorium. Phil Johnson, Johnson Architectural Group, said that the extension of the moratorium is clearly contrary to Council's 45-day indication. He said that 90% of issues listed are already in place and that the Planning Commission and the City Council have the power make independent judgement calls case by case. He said that there is no need to stop everything to fine-tune the ordinance and that every time there is a new fee or developer subsidies, the cost of market rate units increase. He said that at the meeting, Mayor Della Sala made a motion for the moratorium and finished by saying that these conversions are the only way to get more home ownership housing in the city. Bob Chorney said that the developers' prices must be competitive and that due diligence on the part of the developer is key to a successful project. He said that the tenants need to be kept informed on what is going on and advertising to local tenants needs to be emphasized. He said that some apartment complexes make sense to be converted and would add to the local ownership stock, but others do not. He said that the CC&R's set in place all maintenance regulations, inspections determine the amount of reserves that the management company will have, and it behooves a developer to build up as much as he can with few problems and then his overall cost will go down. He suggested that the developers sit on the board for one year after selling and he disagrees on the issue of establishing a per unit assessment fund as there will be no upgrades to rentals. He said that the asbestos, lead paint and mold needs to be fixed rather than covered up and that he disagrees with the concept of including workforce units to the 20% and he would rather see equal distribution of units including senior housing. Anthony Davi said that he supports an exemption for small complexes with 4 or less units. He used as an example his proposal to convert two sites in Old Monterey that each have two structures on each lot and the exemption could make the conversions possible. He said that this type of rehabilitation of old housing stock is consistent with the Old Town Plan and it provides opportunities for the younger people. He said that the State of California Department of Real Estate also does not regulate 4 or less units and the Map Act exempts 4 units or less as well. Sheryl McKenzie, Monterey County Association of Realtors, said that she thought that the adopted moratorium was to be for only 45 days and that staff was directed to tweak the standards and criteria of the ordinance for the Planning Commission. Now, staff has only furnished a long list of issues for review by the Planning Commission. She thought staff would come back with their recommendations based on comments by City Council and not support the moratorium extension. She said that developers, owners and tenants are waiting patiently to see what will happen and are confused by the

process and what was Council direction.

Commissioner Comments:

The Commissioners discussed the condominium conversion issues and Mr. Marvin answered Commissioners' questions. Chair Garden called for a recess at 9:00 p.m.; the meeting reconvened at 9:10 p.m.

Commissioner McCrone recommended an extension of the moratorium for 10 months due to limited staff and need to thoroughly review all the issues. He said that this is a major undertaking and it is essential since the City has been responding to many condo conversion plans in the past three or four years. He said that moving new applications forward while discussing changes to the ordinance is confusing, impractical and not a good way to process this matter; and, the sooner this work is started, the sooner the moratorium will end. Commissioner Davis said that a moratorium is used when there is an emergency and he does not believe this to be an emergency. However, he said if the moratorium is extended, he believes that an exemption for less than 4 units should be included. Commissioner Bryant said it would be cleaner if the ordinance amendments are done under a moratorium, she volunteered to serve on the adhoc subcommittee suggesting that the meetings be held weekly. Commissioner Widmar said that when Building Codes are being changed, development does not stop and that he does not believe the City should stop everything while making this adjustment. He suggested that the subcommittee group the issues in like categories for a more efficient review. Commissioner Stocker said that the subcommittee should move as quickly as possible, grouping like issues together, but there is no need to stop everything while the laws are being clarified or changed. He said he did not understand the concept that this is an emergency, and a subcommittee can quickly work on the changes to the ordinance. Commissioner Osorio volunteered to work on the adhoc subcommittee. He said he understands the difficulties of a moratorium but recommends an extension of the moratorium. He said this is a critical matter because if staff negotiates every application without clear standards, it will not work. He said we want people to work and live in the City, but the rental market is tight, people are moving out of the city and units are advertised and bought by people out of the area. Commissioner McCrone volunteered to serve on an adhoc committee and suggested recommendations can be made within four or five meetings, but that he would prefer not meeting weekly. Commissioner Widmar said that we do not know enough about the market to stop the conversion request and that he does not believe there will be a flood of purchases of apartment buildings if the moratorium ends. He recommended an end to the moratorium, that an adhoc subcommittee be formed, and that committee work with staff to provide, as soon as possible, recommendations to the Planning Commission and then to the City Council.

Commissioner Bryant moved to follow staff's recommendation to extend the moratorium for three months with provisions for an adhoc subcommittee to immediately start work on amending the Condominium Conversion Ordinance as discussed, that small projects of 4 or less units are exempt from Council review, and providing Council with direction at subsequent meetings. Commissioner McCrone seconded the motion.

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner McCrone, it was moved to extend the moratorium for an additional three (3) months and an adhoc subcommittee will be formed to draft amendments as discussed to the Condominium Conversion Ordinance; that small projects of 4 or less units are exempt from Council review; and that the amended ordinance will be proposed to the Planning Commission in the form of a recommendation to City Council. The motion failed by the following vote:

AYES:	3	COMMISSIONERS:	Bryant, McCrone, Osorio
NOES:	4	COMMISSIONERS:	Davis, Garden, Stocker, Widmar
ABSENT:	0	COMMISSIONERS:	None

Commissioner Widmar moved to end the moratorium and that an adhoc subcommittee is to be formed to look at the specific issues regarding the Condominium Conversion Ordinance, to exempt small projects of 4 or less from Council review, and to recommend amendments to the City Council as soon as possible. Commissioner Davis seconded the motion. Commissioner Osorio said that it is contradictory not to have moratorium and to continue to process with no clear standards. Commissioner Davis said that single projects will be reviewed on their own

merits through the public process while reviewing the ordinance. Commissioner Widmar said that the Constitution guarantees due process and that projects submitted under current standards will be reviewed under current standards.

**MOTION:**

On a motion by Commissioner Widmar, seconded by Commissioner Davis, it was moved to end the moratorium and an adhoc subcommittee will be formed to draft amendments to the Condominium Conversion Ordinance as discussed; that small projects of 4 or less units are exempt from Council review; and, as soon as possible, the amended ordinance will be proposed to the Planning Commission in the form of a recommendation to City Council. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Davis, Garden, Stocker, Widmar
NOES:	3	COMMISSIONERS:	Bryant, McCrone, Osorio
ABSENT:	0	COMMISSIONERS:	None

**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).

**2. Response to Commissioners' Comments at February 13, 2007 meeting. Report Received.**

**New Comments:**

- Commissioner Osorio said that the timing might be right for the community to talk more about mass transit as relief to the traffic congestion in the City and County. He said he hopes the City of Monterey can take the lead in the county to discuss mass transit connections as this is happening in a many communities throughout the world providing a realistic solution and is actually a money-maker.
- Commissioner Widmar said that at their recent Rotary Meeting, William Merry of the Marina Regional Waste Management facility said that 68% of waste materials is now being recycled and that 75% may become the statewide standard. He said we are doing good job, but there maybe more we can do in the community and to be mindful of recycling efforts.
- Chair Garden remarked that he attended this morning's annual City Employees Breakfast. He said that it was good to see hundreds of city employees gathered in one place; and, as the slogan at breakfast was "top of the mornin' to ya!"—now, he wished us "top of the evening to ya!"

**PLANNING DIVISION UPDATES**

This report supplies information on activities or announcements and may request clarification or direction regarding scheduling of Commission meetings and study sessions.

**3. Planning Division Updates. Report Received.**

- Mr. Marvin reviewed the City Council actions from the February 20 and March 6, 2007 City Council Meetings as well as the upcoming March 20 City Council meeting appeal items regarding P.F. Chang's.
- He said that the Planning Division has a number of applications coming up and a very long DRC meeting on Monday, which is a prelude to the Planning Commission Meetings in the next few months. He said that the March 27 meeting will have the parking adjustment ordinance changes ready for Planning Commission review, a mixed-use project ready and there will be an additional item that is a small expansion of a Del Monte Center building. He said staff recommends a field trip on March 26.
- Commissioner Stocker said that he will not be able to attend the April 24 Planning Commission Meeting.
- Commissioners Osorio, Bryant, and McCrone volunteered to serve on the Condominium Conversion Adhoc Committee.
- Regarding Commissioner Osorio's comment, Mr. Reichmuth said that staff will come back to the Planning

Commission with transportation issues in an organized but piecemeal manner in the coming months. Regarding Commissioner Widmar's remark of 68% recycled products, he said the City is very successful in recycling and that the next recycling step will involve demolition debris.

**ADJOURNMENT**

**There being no further business, the meeting adjourned at 9:50 P.M.**

APPROVED:

ATTEST:

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Leon Garden, Chair

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Richard S. Marvin, Senior Planner

Respectfully Submitted, Terry Lebda  
Recording Secretary  
Planning Commission