



Council Chamber
Few Memorial Hall of Records
Monterey, California

Planning Commission FINAL Annotated Agenda

Regular Meeting
October 9, 2007

Evening Only
7:00 p.m. – 11:00 p.m.

Planning Commission

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

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Bryant, Garden, McCrone, Osorio, Widmar

Commissioners Absent: Davis, Stocker

Staff Present: Senior Planner Rick Marvin, Associate Engineering Surveyor Norm Green, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

September 11, 2007

ACTION: Approved as amended. 5-0-2 (Absent-Davis, Stocker).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, the Annotated Agenda of September 11, 2007 was approved as amended. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Garden, McCrone, Osorio, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Davis, Stocker

September 25, 2007

ACTION: Approved as submitted. 5-0-2 (Absent-Davis, Stocker).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Bryant, the Annotated Agenda of September 25, 2007 was approved as submitted. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Garden, McCrone, Osorio, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Davis, Stocker

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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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

1. **638 Wave Street (Jose's Mexican Bar & Grill); Review Hearing of Use Permit 05-245; Applicant-Lucio Maldonado; Owner-Peter Mungridis, Inc.; C-2 Zoning District; Exempt from CEQA Requirements.**

One-year review of live entertainment Use Permit within an existing restaurant.

ACTION: On consent, continued to November 13, 2007 to provide the applicant time to produce an acceptable security plan for live entertainment at Jose's Mexican Bar & Grill. 5-0-2 (Absent-Davis, Stocker).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, on consent, it was moved to continue this item to November 13, 2007 to provide the applicant time to produce an acceptable security plan for live entertainment at Jose's Mexican Bar & Grill. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Garden, McCrone, Osorio, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Davis, Stocker

2. **426 Alvarado Street; Application 07-318 to Re-Open Master Use and Vesting Tentative Map 06-006; Applicant Eric Miller Architects; Owner David Nilsen; C-2-H Zoning District; Negative Declaration Previously Filed and Certified.**

Recommendation to City Council. Request to re-open the Master Use Permit and the Vesting Tentative Map to incorporate lot line change recently approved by Planning Commission.

ACTION: On consent, recommendation to City Council to approve the requested changes to the Master Use Permit and Vesting Tentative Map based on the Findings for Decision and Conditions of Approval. 5-0-2 (Absent-Davis, Stocker).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, on consent, it was moved to recommend to City Council approval of the requested changes to the Master Use Permit and Vesting Tentative Map based on the Findings for Decision and Conditions of Approval. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Garden, McCrone, Osorio, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	2	COMMISSIONERS:	Davis, Stocker

3. 815 Alice Street; Master Use Permit, Planned Unit Development and Small Subdivision 07-328; Applicant Philip C. Johnson; Owner John Cryan; R-3-5 Zoning District; Exempt from CEQA Requirements.

Recommendation to City Council. Request for a Planned Unit Development (PUD) and Small Subdivision to allow for the conversion of a single-family dwelling and an attached two (2) unit apartment building to three (3) condominium units.

ACTION: Recommendation to City Council to approve the Use Permit for a Planned Unit Development and Small Subdivision to allow conversion of a single-family dwelling and two attached apartment units from rental housing to condominiums based on the recommended Findings for Decision and Conditions of Approval. 4-1 (Noes-McCrone) –2 (Absent-Davis, Stocker).

Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report and answered Commissioners' questions. In answer to Commissioner Garden's question if there had been any correspondence from the New Monterey Neighborhood Association regarding this project, Mr. Marvin said that he had a telephone conversation with Sharon Dwight regarding the prohibition of PUD's as identified in the New Monterey Area Plan.

Applicant:

Architect Phil Johnson answered Commissioners' questions regarding the size of the units and the comparison of rent to the estimated cost for sale per unit. He said that there have been upgrades to the sprinklers, fire alarms, painting, plumbing and electrical; and with approval of the project, there is significant foundation work to be done at the front unit. He said that they have no problem with modifying their plans with extra storage to accommodate the recommended Condition of Approval and that they fully concur with the staff report. Owner John Cryan answered Commissioner Garden's question saying that he spoke with both current tenants regarding the possibility of buying the units and found that one tenant is moving out of the area, another may purchase a unit, and that he lives in one unit himself.

Public Comments:

Bob Evans, New Monterey Neighborhood Association, said that they are opposed to this project because the New Monterey Neighborhood Area Plan specifically prohibits PUD's, there is a moratorium on condo conversions, parking is likely to be an issue, and much needed affordable rental housing will be lost with the conversion.

Commissioner Comments:

In answer to Commissioners' questions, Mr. Marvin said that this development is in an R-3 district, approved for multi-family units. He said that the zoning standards are met and that the proposal is to change from rented to ownership units but that there are no impacts to bulk and mass and the parking standards are the same whether apartments or condos. He said that the adopted policy resolution states that all condominiums will be reviewed as a PUD and that staff's practice is to apply that language to all condominium conversions and the staff report addresses consistency with the area plan. He said that the advisory recommendation to Council is appropriate because Tentative Maps require Council approval and condominium conversions are controversial. Mr. Marvin also indicated that this project is exempt from the moratorium because of its size. He said that consistency with the area plan was identified and addressed with the approval of the 400 Drake Avenue conversion project in 2004.

Commissioner Widmar said that he can understand the neighborhood's opposition to the project and arguments to support that opposition. But, he said, this project is actually a condominium conversion and is called a PUD for

processing purposes. He said this conversion is reducing the number of apartments in the neighborhood, which appears to be somewhat encouraged in the Area Plan, and that the amount currently charged for rent is not necessarily an affordable rent. He said they are not intensifying use and it will create home ownership, which is desirable in the General Plan and New Monterey Area Plan. He moved to approve the request to convert the units from apartments to ownership condominiums. Commissioner Bryant seconded the motion and said that she has great respect for New Monterey and their area plan, but that this project does not change the footprint nor intensifies the use, and will provide home ownership. She said there is an ongoing discussion regarding the correct balance between homeownership and rentals as affordable housing and that will continue. She noted that this project is in an R-3 district, and is not a new planned development.

Chair McCrone said that he will not support the project because it is a common interest subdivision and a generous interpretation of policy to say it does not violate the Area Plan. He said the City does not want the 1952 setback of 11.5 feet formalized in perpetuity, that it is not a good project, and that the current rent for the apartments is more affordable than ownership. Commission Garden said that the Planning Commission is capable of listening to public comments and making good decisions for the City. He said his only concern is to sell the units at the stated estimate of price is optimistic, but as far as the loss of apartments in the city, he does not view this development as a need to keep in the apartment stock. He said it is the same building with the same use, but with more appropriate ownership in the neighborhood. Commissioner Osorio said that the policy is being interpreted differently by staff and the neighborhood, and that he agrees with staffs' interpretation. He said the issue is the loss of rental units and that is being dealt within the condo conversion ordinance study, but in this case it is adding some ownership opportunities. He said he will support the motion with all due respect to neighborhood association.

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Bryant, it was moved to recommend to City Council approval of the Use Permit for a Planned Unit Development and Small Subdivision to allow conversion of a single-family dwelling and two attached apartment units from rental housing to condominiums based on the recommended Findings for Decision and Conditions of Approval. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Garden, Osorio, Widmar
NOES:	1	COMMISSIONERS:	McCrone
ABSENT:	2	COMMISSIONERS:	Davis, Stocker

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.

4. Review of Final Walkway Plan Between 750 Cannery Row (The Clement Hotel) and 800 Cannery Row (Ed Rickett's Lab).

Planning Commission review and approval of the Walkway Plan is a requirement of the Hotel's Conditions of Approval.

ACTION: On consent, approved the Walkway Plan between 750 Cannery Row (The Clement Hotel) and 800 Cannery Row (Ed Rickett's Lab) as submitted. 5-0-2 (Absent-Davis, Stocker).

MOTION:

On a motion by Commissioner Garden, seconded by Commissioner Osorio, on consent, it was moved to approve the Walkway Plan between 750 Cannery Row (The Clement Hotel) and 800 Cannery Row (Ed Rickett's Lab) as submitted. The motion passed by the following vote:

AYES:	5	COMMISSIONERS:	Bryant, Garden, McCrone, Osorio, Widmar
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NOES: 0 COMMISSIONERS: None
ABSENT: 2 COMMISSIONERS: Davis, Stocker

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).

5. **Response to Commissioners' Comments at September 25, 2007 meeting. Report received. There were no new comments.**

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.

6. **Planning Division Update. Report received and reviewed.**
- Mr. Marvin said that at the October 23, 2007 Planning Commission meeting, the Commission will review the Condominium Conversion Subdivision Ordinance changes, but that the Zoning Ordinance changes will be reviewed at a later date.
 - Mr. Marvin said that there will be a City Council/Planning Commission Joint Study Session on October 24, 2007 to discuss the Downtown and East Downtown Design Guidelines. He said that Mr. Nore Winter will make a presentation for the City Council and that the Planning Commission will be able to explain their rationale for the additional scope of work.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 P.M.

APPROVED:

ATTEST:

Planning Commission Vice Chair Osorio for Chair McCrone

Senior Planner Richard S. Marvin

Respectfully Submitted, Terry Lebda
Recording Secretary
Planning Commission