



Council Chamber
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Planning Commission Draft Annotated Agenda

Regular Meeting October 23, 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

In the absence of Chair McCrone, Vice Chair Luis Osorio called the meeting to order at 7:00 P.M.

ROLL CALL

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

Commissioners Absent: McCrone

Staff Present: Senior Planner Rick Marvin, City Engineer Tom Reeves, Recording Secretary Terry Lebda

APPROVAL OF MINUTES

October 9, 2007

ACTION: Approved as submitted. 4-0-2 (Abstain-Davis, Stocker)-1 (Absent-McCrone).

MOTION:

On a motion by Commissioner Widmar, seconded by Commissioner Bryant, the Annotated Agenda of October 9, 2007 was approved as submitted. The motion passed by the following vote:

AYES:	4	COMMISSIONERS:	Bryant, Garden, Osorio, Widmar
NOES:	0	COMMISSIONERS:	None
ABSTAIN:	2	COMMISSIONERS:	Davis, Stocker
ABSENT:	1	COMMISSIONERS:	McCrone

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CONSENT ITEMS are to review those items recommended for approval on consent, or recommended to be continued, tabled or withdrawn, etc.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. 560 Munras, Suite 10; Use Permit 07-341; Applicant Chris Konecny (Peet's Coffee & Tea); Owner Doug Wiele of Foothill Partners; C-2 Zoning District; Exempt from CEQA Requirements.

Request for a Fast Food Restaurant Use Permit with outside seating.

ACTION: On consent, approved the Fast Food Restaurant Use Permit as submitted and subject to staff's recommended Conditions of Approval. 6-0-1 (Absent-McCrone).

MOTION:

On a motion by Commissioner Bryant, seconded by Commissioner Garden, on consent it was moved to approve the Fast Food Restaurant Use Permit as submitted and subject to staff's recommended Conditions of Approval. The motion passed by the following vote:

AYES:	6	COMMISSIONERS:	Bryant, Davis, Garden, Osorio, Stocker, Widmar
NOES:	0	COMMISSIONERS:	None
ABSENT:	1	COMMISSIONERS:	McCrone

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.

2. Condominium Conversion Subdivision Ordinance

Presentation and discussion of proposed Subdivision Ordinance changes regarding procedures and requirements that apply to the conversion of residential rental apartments to condominium ownership.

ACTION: Presentation and discussion of proposed Condominium Conversion Subdivision Ordinance changes regarding procedures and requirements that apply to the conversion of residential rental apartments to condominium ownership.

Staff Presentation/Commissioners Questions:

Rick Marvin presented the staff report and responded to written comments received from Sharon Dwight. He acknowledged that a letter was received late this afternoon from Betty Estep and has been distributed to the Commissioners. He said, however, that there was no time to prepare a response for this evening's meeting and that her comments will be addressed at the November 13 public hearing meeting. In answer to Commissioners' questions, Mr. Marvin said that staff is currently looking into obtaining information pertinent to who is currently buying the condominium conversions and how the conversions from apartments to condominiums has affected the rental market. He said that staff hopes to have this information available at the next public hearing meeting.

Public Comments:

Judy Lehman, resident of Del Monte Beach, voiced her concerns regarding adequate on-site parking; creating a safe, fenced play area for children; and avoiding condominium sales to second home buyers. She said that she is concerned with no cap on the number of condominium conversions allowed there will be a negative impact on rentals as apartment complexes will eventually be eliminated. She asked if there will be a policy for mixed complexes with some rental units and some ownership condominiums. She also inquired about the consideration of a policy to limit the number of sales to a single owner or combining units to create larger units.

Commissioner Comments:

The Planning Commission reviewed the draft ordinance and suggested amendments for clarification; no action was taken. Suggested changes included:

1. Definitions. Tie condominium definitions to "current laws of the State of California."
2. Section C.3. Rename heading to read "Existing Property Plans and Report Information", adding existing site survey and parking ratios as requirements.
3. Section C.7. Rename heading to read "Proposed Plans" and clarify the plan requirements for new condominiums.
4. Section E.1. Add "I.I.C." rating to Noise and Sound Transmission requirement to address sound through floors.
5. Section E.3. To be consistent, throughout the ordinance, change all references from "subdivider" to "developer".
6. Section E.4. Change reference from Uniform Building Code (UBC) and replace with "current building code" and confirm that the Minimum Building and Site Improvements list (Section E.4.a-h.) addresses all of the Building Division's concerns.
7. Section E.4. Additionally, the Commission wants the report to clearly indicate that the improvement requirements for converted apartments are not intended to bring the existing buildings up to "current" building code standards.
8. Section F.1. Change from "typical costs" to estimated costs" to purchase a unit.
9. Section F.1.b.,c.,d.,f. Change from "within 10-days notice" to be "at least 10 days notice" in advance of public hearings.
10. Section F.1.g. Delete reference to "qualified" tenants.
11. Section F.1.h. Change "affidavit" to "certification".
12. Section F.2.c. Add a buffer period to end of school year.
13. Section G. Include how fractional units are calculated in determining inclusionary requirement.
14. Section H.1. Change wording from "no less than 50%" to "at least 50%".
15. Section I.2.b. Add the word "common" to read "common facilities".
16. Section I.2.c.(iii). Clarify assignment of tandem spaces.
17. Section I.2.e. Review the two-year warranty requirement.
18. Section J. Identify and discuss with staff some of the waiver incentives that were not included in J., and clarify that waivers are to be linked to "financial" savings.
19. Section L.2.e. Change "provision of rental housing" to "availability of rental housing".

In addition, the Commission also wants to include in their recommendation to Council that the decision on conversions including Tentative Maps be delegated to the Planning Commission because of their knowledge and detailed review of projects. (Sections A., F. and K.)

Vice Chair Osorio called for a recess at 8:40 p.m. The meeting reconvened at 8:45 p.m.

Regarding the Negative Declaration, Commissioner Garden said that he does not agree with some of the impacts that were rated as less than significant such as Aesthetics and Parking. He said that he will give staff a copy of his preferences for review and consideration.

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).

Response to Commissioners' Comments at October 9, 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.

Planning Division Updates. Report received and reviewed.

- Mr. Marvin said that at the October 16 City Council Meeting, the Off-Street Parking and Loading Regulations Zoning Ordinance was reviewed and discussion was continued to December 4, 2007.
- He reminded the Commission that there is 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 the rationale for the additional scope of work.
- He said that the November 13 Planning Commission Meeting will probably be both an afternoon and evening session. There will be a field trip at 4:00 p.m. on Monday, November 12, for this agenda. The Condominium Conversion Subdivision Ordinance should be ready for recommendation to the Council at this meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 P.M.