



## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (831) 648-3190 • FAX (831) 648-3184

### MINUTES OF REGULAR MEETING

#### PLANNING COMMISSION

DATE & TIME: Thursday, December 16, 2010 – 6:00 P.M.

LOCATION: City Hall, Council Chambers – 300 Forest Avenue, Pacific Grove

**1. Call to Order**

The meeting was called to order at 6:00 p.m.

**2. Roll Call**

Planning Commission Members present: Linda Bailey (Vice-Chair), Bill Bluhm, Jeanne Byrne, Bill Frederickson, Steven MacDonald, and Craig Riddell (Chair)

**3. Approval of Minutes**

- December 2, 2010 Planning Commission regular meeting

**On a motion by Bailey, seconded by Bluhm, the Planning Commission voted 5-0-1 (Byrne abstaining) to approve the minutes as presented.**

**4. Public Comments**

Mayor Tempore Kampe encouraged the Planning Commission to consider a multi-tiered approach to historic preservation in going forward, in light of the large number of historic properties on the HRI.

**5. Written Correspondence**

None.

**6. Items to be Continued or Withdrawn**

None.

**7. Consent Agenda**

None.

## 8. Regular Agenda

### A. Project: Draft Amendments to the Window Guidelines and the Architectural Review Guidelines (Continued item from November 4, November 18, and December 2, 2010 meetings)

CEQA Status: Not a project under CEQA per Public Resources Code Section 15378(b)(5)

Staff Reference: Ashley Hefner, Assistant Planner

**Recommended Action: Receive staff presentation, solicit public comments, and make recommendations to the City Council.**

Ashley Hefner gave a brief update on additional research requested by the Commission at the December 2, 2010 hearing pertaining to allowing dual pane windows as a replacement option on historic buildings and clarifying what the State Architect's thresholds are for "too deteriorate to restore." As stated in the Agenda Report, staff noted that according to the State Architect, the level of regulation regarding historic windows is at the discretion of each jurisdiction and is generally dependant on the nature of historic resources in the area; and as such, suggested adding dual pane windows to the definition of in-kind and the National Park Service's Preservation Brief Number 9 as a guideline for inspections. John Kuehl, the City's Chief Building Official, verified that using the Brief as a guideline is appropriate and offered to invite the Commissioners to an inspection should they so desire.

Chair Riddell opened the public hearing. Michael Groshong spoke on Item C, Undetermined Historic Status Buildings. Mr. Groshong spoke to the difficulty in requiring structures of undetermined historic status to go through a historic screening process just to replace windows and to require a visual significance threshold for window replacement on non-historic homes. There being no one else wishing to testify, Chair Riddell closed the public hearing.

Commissioner Byrne asked to go through the specific comments that she had submitted at the last Commission meeting on this item. The Commission walked through the 12/2/10 PC-Recommended Changes Draft included in the agenda packet.

**On a motion by Byrne, seconded by Bluhm, the Commission voted 4-2 (Bailey and Riddell dissenting) to make the following change to Item A.1:**

#### A. Non-Historic Buildings

1. As a general rule, consistency of window style and materials within a single structure, ~~and replacement of non-original windows with the style and materials of the original windows,~~ is strongly encouraged.

**On a motion by Byrne, seconded by Bluhm, the Commission voted 4-2 (Bailey and Riddell dissenting) to make the following change to Item A.2.a:**

2. The following are always allowed:

- a. Wood, aluminum-clad wood, vinyl-clad wood, and fiberglass windows.

**On a motion by Byrne, seconded by Bluhm, the Commission voted 6-0 to make the following change to Item A.2.b:**

- b. An upgrade from poor quality, silver aluminum/~~metal frame~~ to vinyl windows.

**On a motion by Byrne, seconded by Frederickson, the Commission voted 5-1 (Bailey dissenting, noting that her dissent was due to the relocation of vinyl-clad wood windows to Item 2.a) to make the following change to Item A.3:**

3. The following may be ~~are conditionally~~ allowed:
  - a. If found to be visually insignificant, vinyl ~~vinyl-clad wood, fiberglass,~~ or aluminum/metal frame windows, as determined through a Counter Review and Determination.
  - b. If found to be visually significant, vinyl ~~vinyl-clad wood, fiberglass,~~ or aluminum/metal frame windows, if consistent with Architectural Review Guidelines #37 and #38, as determined through a Staff Approval.

**On a motion by Byrne, seconded by Bluhm, the Commission voted 5-1 (Bailey dissenting) to make the following change to Item A.4:**

4. The following are not allowed:
  - a. Vinyl ~~or vinyl-clad~~ windows within the Pacific Grove Retreat, as shown in the shaded area in Figure 1, unless the window falls under Item 2.b above.

**On a motion by Bailey, seconded by Bluhm, the Commission voted 6-0 to make the following change to Item B.4:**

B. Historic Buildings

4. Windows in new additions to historic structures shall be solid wood, fiberglass, or aluminum-clad wood, and shall complement the style and appearance of the existing historic windows. Vinyl and vinyl-clad windows are not acceptable. Aluminum/metal frame windows are not acceptable unless the existing windows in the historic structure are of a similar material.

**The Commission concurred with Commissioner Bailey's non-substantive edits to C.1 and 2 as follows:**

C. Undetermined Historic Status Buildings

1. If the proposed window replacements are found to be visually insignificant through a Counter Review and Determination, ~~replacements shall follow~~ the window guidelines for Non-Historic Buildings listed above shall apply.
2. If the proposed window replacements are found to be visually significant through a Counter Review and Determination, ~~replacements shall follow~~ the

window guidelines for Historic Buildings listed above shall apply, or the building shall be evaluated for historic significance via an Initial Historic Screening and/or Historic Determination.

**On a motion by Riddell, seconded by Byrne, the Commission voted 6-0 to make the following changes to Appendix III: Glossary:**

***Muntin, Sandwiched:*** A strip, in between two panes of glass, attempting to create the look of a divided lite window.

***Replace:*** ~~Removal of any portion of an existing property, site or building and the substitution of existing features with new ones.~~

***Window, Fiberglass Frame.*** A window with a fiberglass exterior and interior frame.

**On a motion by Frederickson, seconded by MacDonald, the Planning Commission voted 6-0 to select Option 1 for Figure 2, with changes to brighten the image and to add a dot at the end of each line pointing to a window aspect; to approve the remaining changes in the 12/2/10 PC-Recommended Changed Draft; and to forward the full set of Commission recommendations to the City Council for its approval.**

**B. Project: Changes to the Housing Rehabilitation Loan Program Guidelines**

CEQA Status: Not a project under CEQA per Public Resources Code Section 15378(b)(5)

Staff Reference: Julie Uretsky, Housing Program Coordinator

**Recommended Action: Receive staff presentation, hold public hearing, and approve proposed changes to the Housing Rehabilitation Loan Program Guidelines.**

Julie Uretsky introduced the proposed changes to the HRLP Guidelines, responded to questions from the Planning Commission, and encouraged the public to sign in on the sign-up sheet for the hearing. Chair Riddell opened and closed the public hearing with no one wishing to testify. Commissioner Bailey expressed appreciation to Ms. Uretsky for the clarity of her staff report.

**On a motion by MacDonald, seconded by Byrne, the Planning Commission voted 6-0 to approve the proposed changes to the HRLP Guidelines as presented.**

**C. Project: CLG Code Amendments - Modify the Zoning Code (PGMC Title 23) to Meet the Qualifications for the Certified Local Government (CLG) Program under the National Historic Preservation Act (Continued item from November 4, November 18, and December 2, 2010 meetings)**

Project Description: To recommend that the City Council amend Chapters 23.08, 23.73 and 23.76 of the Pacific Grove Municipal Code to bring these chapters into compliance with the requirements of the CLG Program. Amendments include

creating a historic preservation review commission that makes historic determinations, conducts historic design review, and other required duties; and meeting the minimum requirements of the State enabling legislation (CGC Sections 65850, 25373, and 37361) and the intent and purpose of the National Historic Preservation Act of 1966, as amended. This may require related amendments to other Municipal Code chapters to ensure internal consistency.

CEQA Status: Not a project under CEQA per Public Resources Code Section 15378(b)(5)

Staff Reference: Lynn Burgess, AICP, Chief Planner

**Recommended Action: Review proposed Zoning Code amendments, hold a public hearing, and forward the amendments to the City Council with a recommendation of approval.**

Lynn Burgess handed out copies of the November 4, 2010 Agenda Report on the Permit Streamlining Amendments, which included as Attachment 1 the draft CLG-related amendments in gray shading. Ms. Burgess provided a brief overview of the proposed CLG-related code amendments, and an estimate of annual costs to maintain a CLG designation.

Chair Riddell opened the public hearing. Mayor Tempore Kampe stated that, last summer, the Ad Hoc Committee on Permit Process Improvements strongly recommended that the City pursue a CLG designation. There being no one else wishing to testify, the Chair closed the hearing. The Commission discussed the proposal.

**On a motion by MacDonald, seconded by Bailey, the Planning Commission voted 4-2 (Byrne and Bluhm dissenting) to forward the proposed CLG-related code amendments to the City Council with a recommendation of approval. On a motion by Byrne, seconded by Frederickson, the Commission voted 6-0 to amend its previous motion to remove Subsection 23.70.070(E)(4) from the proposed amendments being forwarded to the Council.**

**D. Discussion Item: Planning Commission Approach to Review of Major Advance Planning Projects (request by Commissioner Bailey)**

CEQA Status: Not a project under CEQA per Public Resources Code Section 15378(b)(5)

Staff Reference: Lynn Burgess, AICP, Chief Planner

**Recommended Action: Discuss topic and decide approach to review of future major advance planning projects.**

Commissioner Bailey commented that the volume of code amendments embodied in the Permit Streamlining Ordinance was too much to digest at one time and suggested that a phased approach to their review would work better for major advance planning projects in the future. Commissioner Bailey suggested starting with a discussion at the project concept level before reviewing the detailed language of future proposals, and to conduct the detailed review in manageable sized portions. She also said that it would be helpful for changes to be in tracked form and that Agenda Report references to specific code sections include page numbers.

Tom Frutchey, City Manager, suggested a three-phased approach: 1) concept/policy level discussion, 2) overview of entire proposal, and 3) detailed consideration of individual sections. The Commission concurred with this approach.

Commissioner Bailey also requested that, when the Zoning Code Reformatting comes to the Commission next year, the associated code clean-ups be separately reviewed, so that consideration of the reformatting does not get mired down in these details.

**E. Discussion Item: Vesting Date for Planning Permit Applications (request by Commissioner Byrne)**

CEQA Status: Not a project under CEQA per Public Resources Code Section 15378(b)(5)

Staff Reference: Lynn Burgess, AICP, Chief Planner

**Recommended Action: Revisit topic and discuss how wish to proceed.**

Commissioner Byrne asked that the Commission change its recommendation to the Council to have planning permit applications vest on the date of submittal if an intake meeting has been held with a planner and the planner finds that the application is substantially complete. Because this would be a proposed code amendment, the Commission would not be able to take action until proper noticing was provided.

**On a motion by Byrne, seconded by Bluhm, the Planning Commission voted 6-0 to agendize this item once a proper legal notice is provided.**

**9. Acceptance of Minutes from Other Bodies**

**A. Historic Resources Committee**

Minutes: December 8, 2010 Regular Meeting

**Recommended Action: Accept minutes.**

**On a motion by MacDonald, seconded by Bailey, the Planning Commission voted 6-0 to accept the HRC minutes.**

**10. Reports of PC Subcommittees**

None.

**11. Reports of PC Members**

Commissioner Byrne requested that the Commission discuss the definition of “porch” at the January 6, 2011 meeting, and the Commission concurred.

Lynn Burgess offered to include the Advance Planning Work Plan in the next agenda packet.

**12. Reports from Council Liaison**

Mayor Tempore Kampe reported that the City Council had taken the issue of view protection out of the Tree Ordinance and referred the matter to the Planning Commission.

He also noted that the City Attorney had raised the issue of Council liaison roles and offered to have the Commission inform him if it doesn't feel it is appropriate for him to sit in on a Commission meeting due to items that may be later heard by the Council. He thanked the Commission for its hard work on the Permit Streamlining project, and noted that the Council had approved the 1<sup>st</sup> Reading by a 7-0 vote. He noted that the Council had also selected a consultant to prepare a historic context statement.

**13. Reports from Staff**

None.

**14. Adjournment**

The meeting was adjourned at 9:26 p.m.

DRAFT