



MINUTES

CITY OF PACIFIC GROVE

PLANNING COMMISSION

REGULAR AGENDA

6:00 p.m., Thursday, January 7, 2016

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

Copies of the agenda packet, and materials related to an item on the agenda submitted after distribution of the agenda packet, are available for review at the Pacific Grove Library located at 550 Central Avenue; the CDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at www.cityofpacificgrove.org/pc. Recordings of the meetings are available upon request. Materials can also be requested of staff during the PC hearing. Structures listed on the City's Historic Resources Inventory are denoted on the agenda with an "(HRI)" next to their project address.

1. Called to Order at 6:00 p.m.

2. Roll Call

Commissioners Present: Robin Aeschliman, Bill Bluhm (Vice-Chair), Jeanne Byrne, Mark Chakwin (Secretary), Don Murphy.

Commissioners Absent: Bill Fredrickson (Chair), Nicholas Smith

3. Approval of Minutes

a. December 3, 2015

Upon a motion by Commissioner Byrne, seconded by Commissioner Chakwin, the Commission voted 5-0-2 (Fredrickson and Smith absent) to approve the minutes as presented. Motion carried.

4. Public Comments

a. Written Communications
None.

b. Oral Communications
Ms. Carmelita Garcia and noted a point of order for Items 7.c and 7.d. and these items.

5. Items to be Continued or Withdrawn

None.

6. Consent Agenda

- a.** Architectural Review Board December 8, 2016
- b.** Architectural Review Board November 10, 2015
- c.** Historic Resources Committee December 16, 2015

On a motion by Commissioner Byrne, seconded by Commissioner Aeschliman, the Commission voted 5-0-2 to accept the minutes. Motion passed.

7. Regular Agenda

a. **214 13th St. Use Permit for Accessory Structure with Plumbing Fixtures**

Description: To permit an existing bathroom in an accessory structure.

Applicant/Owner: Jim Irwin/Matt Tanzi

Zoning/Land Use: R-2/High Density Residential 29 DU/AC

Legal Description: Lot 14 & 16, Block 29, Tract 1st Addition /APN: 006-272-006-000

CEQA Status: Exempt

Staff Reference: Laurel O'Halloran, Associate Planner

Recommended Action: Approve with conditions

Commissioner Bluhm excused himself from the item and the dais. Commissioner Chakwin acted as Chair for the item. Staff presented a brief staff report. The Commission then opened the hearing for public comment.

The Commission closed the public hearing. The Commission asked about the project building permitting process, the planning department's role, and the project approval process.

Mr. Henry Ruhnke, project applicant, explained the property renovation process and approvals, and spoke in support of the item. Mr. Matt Tanzi, owner, spoke in support of the item noted that new owners intend to live in the property and there were no intentions to rent the property, or second structure. Mr. Adam Miller questioned the availability of parking, whether the plans indicated the existence of the non-conforming bathroom in the second structure, that the permitting process appeared to have been improper, and that this has potential to be a rental. Mr. Bill Bluhm, speaking as an audience member, presented MLS listing information regarding the bath in the accessory structure.

On a motion by Commissioner Byrne, seconded by Commissioner Aeschliman, the Commission voted to approve the item as presented with the requirement that condition # 11, requiring two street trees be planted on the property, be removed from the resolution. The Commission voted 4-0-2-1 (Fredrickson and Smith absent, Bluhn abstain). Motion carried.

b. **Local Coastal Program 2016 Timeline**

Description: Presentation of Tentative 2016 Timeline for completion of Local Coastal Program Update

CEQA Status: Exempt

Staff Reference: Mark Brodeur, Director

Recommended Action: Receive as information and confirm timeline.

Staff presented a brief staff report. The Commission discussed the timeline and requested two additional meetings to review the reviewed draft, which included all comments and a proposed final product, on January 19 and 21 to discuss the Revised Draft Land Use Plan. The Commission then opened the hearing for public comment.

The following spoke in favor of the Planning Commission's recommended augmentation

to the timeline: Mr. Antony Tersol, Ms. Inge Lorentzen Daumer, Ms. Kirstie Wilde, Mr. Luke Coletti.

The Commission further discussed the tentative timeline. Staff stated the additional meetings were possible provided the consultant delivered the Revised Final Land Use Plan by the week of January 11, 2016.

On a motion by Commissioner Byrne, seconded by Commissioner Chakwin, the Commission voted 5-0-2 to accept a modified tentative schedule that includes two meetings, one Special Meeting on January 19, 2016, the second at the Regular January 21, 2016 Planning Commission meeting. The Commission voted 5-0-2. Motion passed.

c. Amendments to Short Term Rental Ordinance

Description: Consider an Ordinance which amends Chapters 7.40 and 23.64 related to Transient Use Licenses

CEQA Status: Exempt

Staff Reference: Mark Brodeur, Director

Recommended Action: Receive report and recommend an Ordinance for approval by the City Council.

Director Brodeur provided a report on City Council decision to uphold Short Term Rentals (STR) in the City of Pacific Grove and directed staff and Planning Commission to develop revisions to the existing ordinances. At the advice of the City Attorney, staff will complete a CEQA analysis on the ordinance changes and on the addition of Home Sharing to the Zoning Code (item 7. d.). Therefore, Planning Commission is encouraged to discuss the recommended changes and hear public comment since the measures will be coming back to the Commission once the CEQA review is complete. After brief comments and questions by Commissioners, Commissioner Bluhm opened public comment.

The following members of the public commented on the items related to STR (7.c. and 7. d.): Mr. Thom Akemon, Ms. Debby Beck, Ms. Joe Bileci, Ms. Christie Bouchey, Ms. Joy Colangelo, Mr. Luke Coletti, Ms. Inge Lorentzen Daumer, Ms. Regina Doyle, Ms. Ms. Carmelita Garcia, Alka Joshi, Mr. Jim Lawrence, Ms. Jan Leasure, Ms. Melanie Merharchand, Ms. Ahnalisa Miller, Ms. Sally Moore, Mr. Evan Olinger, Mr. Antony Tersol, Ms. Barbara Thomas, Ms. Kirste Wilde, and Ms. Kim Worl

Commissioner Bluhm closed public comment.

The commissioners discussed the issue, and then provided the following observations and recommendations to staff:

Commissioner Byrne commented that rentals should be more restrictive in R-1 zone since other zones allow for multi-unit rentals, she stated her opposition to the lottery licenses idea, and recommended that licenses should be renewed annually as long as the licensees are in good standing; also there should be a cap on the number of STR; additional definitions are needed.

Commissioner Murphy commented that by focusing on the financial benefits of STR, the Council had ignored the impacts on zoning; the PC has looked at Home Business

extensively as it impacts the residential zone; agrees that zoning can accommodate the sharing economy. He also suggested that no Type A STR be permitted in the R-1; and that not all complaints are in the R-1.

Commissioner Aeschliman commented that the revised MND should address environmental concerns for the dunes area. She commented that 81% of current STR owners receive their mail at an address outside of Pacific Grove. She encouraged fellow commissioners to read Ewing vs. the City-of-Carmel-by-the-Sea. She recommended that a Use Permit may be the best path for permitted this use; disagrees with a lottery and questions various aspects of the proposed ordinance language.

Commissioner Chakwin commented that he saw density restrictions represented by the establishment of a cap in the number of licenses; the lottery is untenable for the owner who relies on the income and obtains reservations well in advance; CEQA should address an economic component and agrees more empirical data would be helpful.

d. Permitting Home Sharing

Description: Consider an Ordinance which amends Chapter 23.64 by adding Section 23.64.370 to allow the use in residential zones for the rental of a room in a single family dwelling for transient occupancy.

CEQA Status: Exempt

Staff Reference: Terri Schaeffer, Housing Program Coordinator

Recommended Action: Receive report and recommend an Ordinance for approval by the City Council.

This item was withdrawn to be addressed at a later date.

8. Reports of PC Subcommittees

None.

9. Reports of PC Members

Commissioner Aeschliman asked about the Green Waste contract.

10. Reports of Council Liaison

Director Brodeur updated the Planning Commission on recent City Council items.

11. Reports of Staff

12. Adjournment

Commissioner Bluhm adjourned the meeting at 10:05 pm

APPROVED BY PLANNING COMMISSION:



Mark Chakwin, Secretary

21 June 2016

Date

City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of devices are available to assist those who are deaf or hard of hearing.

GENERAL NOTICE

- Please note that Section 65009(b)(2) of the California Government Code provides that legal challenges to the City's action on a project may be limited to only those issues raised in testimony during the public hearing process. PC will not consider any new items after 9:00 p.m. Any items remaining on the agenda will be continued either to the next regular meeting or to a special meeting at the discretion of PC. This meeting is open to the public and all interested persons are welcome to attend.

NOTICE TO APPLICANTS

- **Appearance by Applicant/Representative:** Applicants or their representatives must be present at the meeting for which their item, including those items on the Consent Agenda, is scheduled. If unable to attend, the applicant must submit a written request for continuance prior to the meeting. The item may be denied if continuance is not requested.
- **Submittal of Written Communications:** In order to receive due consideration by the PC, written communications pertaining to agenda items should be submitted to CDD by 12:00 noon on the Tuesday prior to the meeting. Materials submitted subsequent to that time, or directly to the PC at the meeting, may, at the Commission's discretion; result in a continuance of the item.
- **Site Review:** If the project, at the time of the site review, is not visible without entering a structure or yard area, the applicant must be present or arrange to show the project area.
- **Subcommittee Items:** Items to be reviewed by subcommittee at the action of the PC must be submitted for review within 30 days of PC decision. Details submitted after 30 days will be subject to review by the full PC.
- **Appeals and Appeal Period:** Decisions rendered by the PC may be appealed to the City Council using a form available at the CDD. The appeal form, plus an appeal fee, must be filed with the CDD within 10 days of the action being appealed. The aforementioned appeal period notwithstanding, the City Council reserves the right to call up for review PC decisions until its next regularly scheduled meeting. No building permit pertaining to a PC action may be issued until the appeal period has passed.
- **Effective Date of Entitlement:** Please note that your use permit/variance does not become effect and therefore neither a building permit nor occupancy certificate may be issued until the resolution granting the use permit/variance has been signed by the applicant and property owner. This resolution will be mailed to the applicant following the PC action.
- **Judicial Time Limits:** This serves as written notice that Pacific Grove Municipal Code (PGMC) §1.20.010 incorporates §1094.6 of the Code of Civil Procedure of the State of California and provides a ninety-day limitation for judicial review of any final administrative decision by the council, or any board, commissioner, or officer of the city.
- **Building Permit:** PC approval of an application does not constitute an approval to do any construction without a building permit. Please contact the Building Division at 648-3183 for information about building permits. No building permit pertaining to a PC action may be issued until the 10-day appeal period and the City Council's call up period has passed.
- **Notice of Exemption (NOE) under the California Environmental Quality Act (CEQA):** All projects are subject to CEQA and disclosure. CEQA status is noted on the agenda for each project. Applicants with approved projects that have been deemed statutorily or categorically exempt under CEQA may file a NOE directly with the Monterey County Clerk to reduce the CEQA challenge period from 180 days to 35 days (CEQA Guidelines Section 15062). Applicants wishing to file the NOE should contact their planner for instructions on how to file the notice with the County. Please note the Monterey County Clerk has a \$50 filing fee for a NOE. Filing of a NOE by the City of Pacific Grove is not required. CEQA determinations are included in the public hearing notices for all projects.