MINUTES

CITY OF PACIFICA PLANNING COMMISSION **COUNCIL CHAMBERS** 2212 BEACH BOULEVARD

February 22, 2011

Acting Chair Gordon called the meeting to order at 7:00

p.m.

ROLL CALL:

Present:

Commissioners Clifford, Leon, Evans and Acting Chair

7:00 p.m.

Absent:

Commissioners Langille and Campbell

SALUTE TO FLAG:

Led by Commissioner Clifford

STAFF PRESENT:

Planning Director White Assistant Planner Farbstein

APPROVAL OF ORDER

OF AGENDA

Commissioner Clifford moved approval of the Order

of Agenda; Commissioner Leon seconded the motion.

The motion carried 4-0.

Ayes:

Commissioners Clifford, Leon, Evans and Acting Chair

Gordon

Noes:

None

APPROVAL OF

MINUTES:

February 7, 2011

Commissioner Evans moved approval of the

minutes of February 7, 2011; Commissioner Clifford

seconded the motion.

The motion carried 4-0.

Ayes:

Commissioners Clifford, Leon, Evans and Acting Chair

Gordon

Noes:

None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF FEBRUARY 28, 2011:

None.

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CONSENT ITEMS:

1. UP-003-09 CDP-315-09 EXTENSION OF PERMITS, to construct two condominium duplexes at 10, 16, 20 and 26 Santa Rosa Avenue, Pacifica (APN

PSD-777-09 016-182-020 and 030).

Commissioner Clifford moved approval of the Consent Item; Commissioner Leon seconded the motion.

The motion carried 4-0.

Ayes:

Commissioners Clifford, Leon, Evans and Acting Chair

Gordon

Noes:

None

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PUBLIC HEARINGS:

2. UP-018-11 CDP-331-11 USE PERMIT and COASTAL DEVELOPMENT PERMIT, filed by the applicant, Maureen Murray, on behalf of the owner, Hong Chen, to operate a dog daycare, spa and boarding facility at 5400 Coast Highway in the Pedro Point Shopping Center, Pacifica (APN 023-072-060). Recommended CEQA status: Exempt.

Assistant Planner Farbstein presented the staff report.

Maureen Murray, applicant, stated that she was the owner of Annabee's Doggie Boutique and Café next door, and was now co-founder with Mary Ellen Wood for the doggie daycare. She stated that she had further materials showing how the various areas would look and what materials would be used which she distributed to the Commissioners. She briefly explained their vision for a boutique style daycare. She then stated that they were in agreement with all the conditions except for the requirement to repave and resurface seven slots for employee parking, explaining that they would not need more than four parking slots at any point in time. The condition also mentioned that the applicant was responsible for paving, and she felt that it should be a requirement of the owner, not the applicant, and they were requesting that they remove that condition. She then gave a brief resume of her experience, as well as Ms. Wood's.

Commissioner Evans referred to her listed policies, particularly requiring clients to adhere to Pacifica's leash law, stating that he felt it was very important. He then referenced her planned use of acoustical panels for fencing.

Ms. Murray stated that they planned to install the acoustical outdoor panels on the south fence. She stated that it would not be directly sharing with the neighbor because of a four-foot walkway buffer between the properties. She stated that they would start out small and, depending on how it goes and, if they find the need and they get revenue, they may do the additional two sides.

Commissioner Evans suggested that they keep that in the back of their minds in case someone complains, adding that there were houses not too far away.

Ms. Murray agreed, adding that if it was on the other end, it might be a problem because of the houses closer to Fresh and Easy.

Commissioner Evans stated that he was thinking of the beach houses.

Ms. Murray acknowledged that those homes were also nearby.

Commissioner Leon followed up on her concern about the resurfacing of the parking lot, asking if she had any communication with the owner regarding the liability or responsibility of those spaces.

Ms. Murray stated that he has been out of the country, but he has received copies of the report. She also copied him on emails she had sent to Assistant Planner Farbstein, but he hasn't responded at this time. She stated that, based on her experience, it was something she would have to pay for.

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Commissioner Leon asked if she had looked at her lease. He then asked if she was going to designate the seven spaces for her business exclusively.

Ms. Murray didn't think that was the plan. She stated that the public can park where there are spots. She didn't anticipate having those spaces exclusively for Club Annabee parking. She didn't know if they could even do that.

Commissioner Leon stated that he asked because sometimes non-customers at the beach used the parking lot. He stated that it was a private lot and she had to do what was necessary to take care of their business parking. He was mentioning it because conditions get busy with people coming in. He stated that he would ask staff as well.

Ms. Wood added that their clients would primarily be stopping in for no more than five minutes, dropping off or picking up, and would not need to be parked for a long time. They hoped that it wouldn't be an issue, adding that they probably would only have a problem on the rare times when the temperature reached the 80s or 90s and the beach was packed.

Ms. Murray stated that during the week would be when they would mainly have customers dropping off and picking up their dogs and, on the weekends, it would be people leaving their dogs overnight.

Commissioner Leon stated that there was a lot of positive work going on and the area was looking better than it has in a long time. He thought, with the large tenant coming with all that work, it seemed that the last piece would be the striping.

Ms. Murray agreed, but she explained that she did not have the money to do it.

Commissioner Evans asked staff if it was normal for renters to pave lots like that.

Assistant Planner Farbstein wasn't sure, explaining that in her condition of approval she was trying to keep it a little bit general. She thought, with the business coming in, any striping in that area had been worn away, and she thought it would be a good idea to have some striping replaced. She mentioned that the Fire Department wanted to make sure there was ample room to have access to the fire hydrant in the area. She left it to the Planning Director's discretion but she explained her reason for the condition was that it made sense to have the rest of the parking lot paved but putting the striping in could be a low cost alternative and encourage people to park in those spaces on that side.

Commissioner Evans thought the main idea was to get their business up and running and for staff to support them as much as possible. He felt that it wasn't really the applicant's responsibility to pave, even though he would love to see the whole lot paved also.

Assistant Planner Farbstein agreed that the condition could be rephrased.

Commissioner Evans agreed with the need for the lines to avoid a "free-for-all" at that end of the lot.

Commissioner Clifford thought that sort of answered his question, and he would address it further on deliberations. He asked the applicant to confirm that she was saying there would be four

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employees during the weekday hours and three on the weekend, but not a total of seven people at any time.

Ms. Murray stated that he was correct.

Acting Chair Gordon opened the Public Hearing.

Ms. Murray stated that she had one email in support from Patricia Dalton, which stated that she felt the doggie daycare would be a great fit with the community and was much needed.

Laurie Goldberg, 108 Vallemar Ave, stated she was a dog owner who patronized Annabee's Boutique to buy special dog treats for her dog. She felt it was a nice small business and she hoped they would support the endeavor. She mentioned that she thought it would be nice to have a place to take her dog for a short time when she has company. She added that she didn't feel that Pacifica supported dog owners, even though there were probably more dogs than people. She also agreed that the parking lot needed to be paved, and she suggested that all the businesses chip in to pay for it. She also wished that Pacificans would support the smaller businesses in town. She then invited all dog owners to attend a meeting at Cabrillo School on March 9 to discuss the GGNRA and its off leash limitations.

Acting Chair Gordon closed the Public Hearing.

Ms. Murray stated that, if the businesses chip in to pay for repaving, she suggested NorCal contribute possibly 75% since all the surfers take up the spots on sunny weekend days, and the other businesses share the remaining cost.

Commissioner Clifford stated that it was generally left for the applicant to discuss with the owner of the whole shopping center. Although the owner may be getting a stipend from the tenants toward the maintenance, it was not the tenants' responsibility to take care of the parking lot. He was in favor of the striping if the landlord refused to repave. He suggested they reword the condition that they get striping regardless of who pays for it, but he suggested that paving be a negotiation between the applicant and property owner. He stated that he had a lovely tour of the facility, and observed that two dogs of different sizes were there playing together with no barking. He was impressed with that because of having a dog that barked at the drop of a hat. He was impressed with the applicants' intent, seeming to know what they want and how to do it. He would likely be voting for the project.

Commissioner Leon was in favor of the project. He thought the vagueness of the condition works for everyone's interest, leaving it up to the discretion of the Planning Director. He thought, once the plans of the shopping center are known with the improvements taking place, it would at least receive striping. He referred to the two separate owners of the shopping center, and he hoped they would work together. He didn't see that situation holding up this business. He assumed that the Planning Director would make a call to ensure that at least the striping gets done. He did support the business and would be voting in favor of it.

Commissioner Evans was in favor also. He explained that his questions were generally to find out what the process was regarding the paving. He agreed that it should be a process between the tenant and landlord. He thought coordination was the main thing, giving an example of that

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problem with PG&E and East Bay MUD and stating that he would hate to see the striping done then pave over that. He agreed that we should be doing as much business as we can in town.

Acting Chair Gordon stated that he was excited about a new business coming in with new employment opportunities. He was in favor of the project; however, he found it interesting that a bigger issue was raised in terms of the parking. He pointed out that a lot of the shopping centers in Pacifica were under-capitalized. He felt the owners could be doing more to make the environment more conducive to shopping. He pointed out how half the Pedro Point parking lot looked great and the other half was decrepit and you can barely tell where the handicapped spaces are. He also thought the fact that the fire hydrants were not properly marked was a safety issue. He agreed that it wasn't fair to hold the tenants hostage in the struggle, but he thought there must be a way to make the owners do the right thing and put money into their property. He mentioned the possibility of not approving new businesses coming in until this was addressed, which would cause the owner to feel the financial pinch by not making money unless he upgrades the lot to basic levels. He didn't think it was a burden that should be put on a new potential business, but he would like to see something done about it. He was interested in any ideas of what to do.

Planning Director White agreed that they would love to see the whole parking lot resurfaced to be consistent and compatible with the Fresh and Easy site. He explained that they didn't always have the opportunity to require that of new businesses because some can go in by right and not have to come through a process where they can apply conditions. He stated that staff felt there was some nexus to require some improvement relative to the business, even if it turns out to be just striping, which was better than the present situation. He thought they might be able to make some inroads on the handicapped and fire hydrant issues which are safety issues. They might be able to convince the property owner that it was in everyone's best interest to demarcate those in some obvious way. He thought the rest of the parking lot was at the discretion of the property owner, and until they have a bigger development like Fresh and Easy who can afford to do the work at once, it was a difficult thing to do, especially if the owner didn't feel a need to maintain the parking lot in some way.

Acting Chair Gordon stated that he has been at the shopping center and he thought there were a couple of handicapped spaces in front of Nona's Kitchen where they actually set up tables in the spaces because no one could tell that it was a handicapped space. He had heard from handicapped individuals who felt it was frustrating to see tables in the handicapped spot. He thought it would be great if they can move on the basic issues of the fire hydrant and the handicapped spaces.

Planning Director White agreed that they could at least begin that conversation and see what leverage there might be. He agreed that it was not fair to impose that on this applicant at this time, which was why they were limiting it to the spaces specifically serving that business.

Acting Chair Gordon asked that, when they have a conversation with the owner, they give the Commission an update.

Planning Director White agreed that, if they have something, they will give the Commission an update.

Commissioner Clifford asked if the fire marshall can require that of the owner.

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Planning Director White stated that they still have a fire marshall with whom they can consult, and they can then have a conversation with the owner on that. He stated that we also had code enforcement people who can take the lead on this.

Commissioner Clifford stated that he was going to suggest the code enforcement in terms of the handicapped spaces.

Commissioner Clifford moved that the Planning Commission find that the project is exempt from CEQA, and APPROVE UP-018-11 and CDP-331-11, subject to conditions 1 through 12, based on findings contained within the February 22, 2011 staff report and incorporate all maps, documents and testimony into the record by reference; Commissioner Evans seconded the motion.

Planning Director White asked if there was some alternative wording on condition #10, because the way it was written, it does use the words repair and resurface. They thought alternatively it could be that the applicant shall, at a minimum, restripe the seven parking spaces required for the proposed use to the Planning Director's satisfaction.

Acting Chair Gordon reiterated that it would read that the applicant shall repair and/or resurface but, at a minimum, restripe.

Planning Director White stated that he was thinking of striking repair and resurface, given their conversation. He stated that it was subject to the Commission's verification.

Commissioner Clifford stated that, as the maker of the motion, he would agree with that.

Acting Chair Gordon referred to condition #10 as amended and asked how the second felt.

Commissioner Evans agreed with the amendment.

The motion carried 4-0.

Ayes:

Commissioners Clifford, Leon, Evans and Acting Chair

Gordon

Noes:

None

Acting Chair Gordon declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

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COMMISSION COMMUNICATIONS:

Commissioner Clifford reminded the Commission that, on February 28, the City Council will be deciding on the 7th member of the Commission, and they can attend or watch it on TV if they were interested.

Commissioner Evans stated that he sat in on the interviews for the Commission position as well as other positions, and he agreed that they would be looking forward to a new member.

STAFF COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

None.

ADJOURNMENT:

There being no further business for discussion, Commissioner Leon moved to adjourn the meeting at 7:40 p.m.; Commissioner Clifford seconded the motion.

The motion carried 4-0.

Ayes:

Commissioners Clifford, Leon, Evans and Acting Chair

Gordon

Noes:

None

Respectfully submitted,

Barbara Medina Public Meeting Stenographer

APPROVED:

Planning Director White