

MINUTES

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

May 17, 2021

7:00 p.m.

Chair Nibbelin called the meeting to order at 7:00 p.m.

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to the provisions of the Governor’s executive order, N-25-20 and N-29-20, which suspends certain requirements of the Brown Act and pursuant to the orders of the Health Officer of San Mateo County to conduct necessary business as an essential governmental function with no public attendance allowed. He also gave information on how to present public comments participating by Zoom or phone.

Dep. Planning Director Murdock took a verbal roll call.

ROLL CALL: Present: Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Vice Chair Berman and Chair Nibbelin
Absent: None

SALUTE TO FLAG: Led by Chair Nibbelin

STAFF PRESENT: Dep. Planning Director Murdock
Assoc. Planner O’Connor
Assoc. Engineer Marquez

APPROVAL OF ORDER OF AGENDA Commissioner Hauser moved approval of the Order of Agenda; Vice Chair Berman seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Vice Chair Berman and Chair Nibbelin
Noes: None

APPROVAL OF MINUTES: APRIL 5, 2021 Commissioner Hauser moved approval of the minutes of April 5, 2021; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Vice Chair Berman and Chair Nibbelin
Noes: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 14, 2021:

Chair Nibbelin mentioned that the Harmony at One appeals will be on the agenda for consideration. He didn't see anyone volunteering but he thought that was on the agenda of the meeting where he was absent.

Dep. Planning Director Murdock stated that he thought it was the meeting of April 5 where he was absent.

Chair Nibbelin thought he was absent and doesn't have a sense of what the back and forth was except for the minutes.

Dep. Planning Director Murdock added that when they get to Item #2 on this night's agenda, they will need a volunteer to present the annual report to the Council at the June 14 study session, so that person might be able to take on the extra duty.

Chair Nibbelin suggested that they wait for that agenda item to discuss who will be the liaison.

ORAL COMMUNICATIONS:

Dep. Planning Director Murdock introduced the speakers.

Cliff Lawrence, Pacifica, stated that he lives in the West Fairmont District. He thanked the Commission for their service to the community. He appreciated succinctness and he decided this was his best approach and he felt it was not only his right but his duty. He stated that, if we cherish our democratic institutions, we should all be engaged. He asked the Commission to embrace public communication and promote it in all occasions. He plans to engage and return with questions and concerns and maybe insights to assist the Commission in their process as a volunteer.

Christine Boles, Pacifica, stated she would echo what Mr. Lawrence and she also thanked the Commission for their service. She stated that she spoke up against the Harmony One project at that April meeting. She hadn't had a chance to look over the drawing and she thought the appeal was based on things that were not brought up at the meeting. She stated that there were major discrepancies in the drawings in terms of the lot coverage as the grading plan did not match the floor plans, hard scape or landscape plans. She stated that after that meeting, she did some calculation and found that, while the Planning Department was 130 sq. feet over the HPD allowed disturbance area, the actual disturbance was over 2000 sq. feet of what was allowed. She stated that there were conditions of approval that were ignored and misinterpreted and not followed through properly. She stated that two appeals have been filed, one by her and Dinah Verby who helped right a lot of the conditions in the original project approval in 2007 and the other by CPUP, Coalition of Pacificans for an Updated Plan, and Rich Campbell who was on the Planning Commission when the project got approved. She stated that they are in negotiations with the project sponsor and they are willing to listen and make some modifications. They are trying to work through that, but she can't promise anything at this point as there is a lot to work through. She is asking the Commission to do their jobs more carefully to review projects that come to them and not rely on everything they read in the staff report. She understands that staff tries to do the best they can, but there may be some issues with not having a building department as part of the Planning Department. She feels that things are getting lost. She stated that many of them

have the technical expertise that the Planning Department does not have and she asked that they review projects more carefully as they come before them.

CONSENT ITEMS:

None

PUBLIC HEARINGS:

1. N/A **Review of the 2021-2026 Capital Improvement Permit (CIP)** for Consistency with the General Plan and Local Coastal Land Use Plan (LCLUP). Recommended CEQA Action: Exempt under CEQA Guidelines Section 15378(b)(4).

Assoc. Planner O'Connor presented the staff report.

Chair Nibbelin asked if Commissioners had any questions before he opens it up to the public.

Commissioner Godwin referred to the funding for the projects, and he asked if it is only firm funding shown on the documents, or firm funding projected for this year or some mix.

Assoc. Planner O'Connor stated that she would ask Engineering to help answer that question.

Assoc. Engineer Marquez stated that the CIP program is an iterative process and they often try to gauge what they can fund this year depending on General Fund availability along with grants and other revenues that the city receives. He stated that a good portion of the projects show up as unfunded in future years, but they try to keep the next fiscal year with projects that they are pushing to get funded.

Commissioner Godwin thought there seemed to be improvements to Fire Stations 72 and 71, with a replacement project and a couple of upgrades, and he asked how they work together in a single plan.

Assoc. Engineer Marquez stated that there are future needs for fire replacements that are on the end of the horizon, and in the meantime, there are a decent amount of improvements that need to be brought up to ADA or code or housing. He stated that they work together with short term improvements that need to get done soon and planning that in the horizon one or more fire stations will need to be replaced.

Commissioner Godwin referred to some funds having numerics behind them, i.e., Fund 35, and he asked if he could expand about that which he thought was cryptic.

Assoc. Engineer Marquez stated that in the beginning, it delineates what each Fund means.

Commissioner Godwin was looking to find what he was referring to.

Assoc. Engineer Marquez stated that it was listed in several places, such as packet page 34.

Chair Nibbelin stated that, not seeing any more questions, he opened the Public Hearing and seeing no one, closed the Public Hearing.

Chair Nibbelin asked Commissioners if there were any comments or was prepared to entertain a motion.

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Vice Chair Berman moved that the Planning Commission adopt the resolution included in Attachment A finding that the proposed 2021-20216 Capital Improvement Program is consistent with the General Plan and the Local Coastal Land Use Plan; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser,
Leal, Vice Chair Berman and Chair Nibbelin
Noes: None

2. N/A **Annual Report to City Council for Calendar Years 2019 and 2020.** Recommended CEQA Action: N/A.

Dep. Planning Director Murdock presented the staff report.

Chair Nibbelin asked if Commissioners had any questions before he opens it up to the public.

Commissioner Hauser thought the report was helpful for them to reflect on regarding the activities they have done and getting the summary. She sent an email to staff on one item she wanted to address but didn't think staff had time to address it as she sent the email too late. She thought it would be helpful for Council and the community to have an understanding of things like how many dwelling units the city has approved in a given year and how many commercial square feet they have approved in a given year. She stated that, as they have the data, she thought it would be nice to add it. She stated that they have the June 7 Planning Commission prior to the June 14 presentation, and she asked if that would give staff enough time to have that data and the rest of the Commission agrees with that.

Chair Nibbelin personally thought it was a good idea. He then stated that he didn't see any other questions from Commission so he opened the Public Hearing and seeing no one, he would close the Public Hearing.

Dep. Planning Director Murdock said that one hand was raised as he spoke and introduced the speaker.

Christine Boles, Pacifica, stated that she had sent her letter to the Commission before this meeting and she thought she would read it for the benefit of the public. She stated that the documents presented at this time listed the projects approved by the Planning Commission, but it doesn't list the projects that were subsequently appealed to City Council or Coastal Commission for projects that are in litigation. She thought it was important information as it relates to the performance of Planning staff and Commissioners, especially when projects are appealed for non-compliance with CEQA, Coastal Act, General Plan or Municipal Code violations. She stated that it may indicate that more training is needed in understanding these laws, such as to try to improve the project review process. She stated that she knows of at least two projects that were appealed to the Coastal Commission and were outright denied, i.e., the NorCal Surf Shop where the Coastal Commission determined that the proper environmental reviews for red-legged frogs were not followed and the project was denied unanimously; 1567 Beach Boulevard with which the Coastal Commission had issues with access to the property as the only road is subject to sea level rise and dependent on the sea wall which is not allowed for new construction. She stated that Vista Mar is in litigation for General Plan and CEQA violations and the Harmon One has been appealed, including for incorrect analysis of the Hillside Preservation District regulations. She stated that these appeals take more staff time and resources and it is in everyone's interest, including Council and taxpayers, to ensure that the planning review process is functioning properly and as best it can. She stated that the document also lacks any descriptions of the Planning Commission's actual work on major policy initiative, such as the General Plan update. She stated that the LCLUP update is listed as completed but changes are still being made to try to satisfy the Coastal Commission and she is confused about that discrepancy. She stated that there were asterisks next to the listings but not defined anywhere and she didn't know how to read those. She concluded that clarification would be helpful.

Chair Nibbelin closed the Public Hearing.

Chair Nibbelin asked the Commissioners for input, and stated that he was prepared to attend the meeting and be involved in the presentation of their annual report if that were something the Commission would agree to.

Commissioner Hauser stated that she would appreciate it as, on looking at the staff report, he was here for both years and is currently serving.

Chair Nibbelin stated that it would be nice if they had one or two others. He stated that Commissioner Berman is the Vice Chair, and he thought, if anyone else had an interest, it would be appropriate for them to be there as well.

Vice Chair Berman stated that she would be interested in attending but she will be out of town that weekend and she didn't feel comfortable with the time to prepare. She stated that, if the item gets pushed, she would happily volunteer but she can't make the 14th.

Commissioner Hauser stated that she would be happy to volunteer to attend as the liaison for the Harmony One challenge and she would also be happy to attend for this item with the caveat that she thinks, having the broad view of both years, she would defer to Chief Nibbelin and give him moral support.

Chair Nibbelin stated that he would take her up on both her offers and welcome her. He asked if any other commissioners were interested or willing to join.

Commissioner Domurat stated that, as a "newbie" he would like to participate, but he will be on the road but he can at least listen in and get more familiar with the process of what goes on and would like to join as a commissioner and also contribute in some way.

Chair Nibbelin understood and he appreciated that. He stated that, if anyone is interested in the future, they have one other meeting before that Council meeting and they can continue to visit this. He thought it would make sense to talk about the substance of the report. He referred to Dep. Planning Director Murdock saying that the format of the report tracks the formats that have been presented historically. He then referred to the public comment about some ideas, and he was interested in people's thoughts.

Vice Chair Berman stated that she was going to segue from that, adding that she appreciated Commissioner Hauser's suggestion and thought it was a great idea. She stated that, if they are going to add items to the report, she wondered if Dep. Planning Director Murdock could speak to the ability of adding if any items were appealed to Council and for any items that don't historically show up on the report, she asked if that made sense to add them in. She asked if he could speak to whether it made sense to add any items that were appealed to Council or that don't historically show up on the report or if there was a reason why they weren't included.

Dep. Planning Director Murdock stated that it was the Commission's report and it was appropriate to include what information the Commission wants to communicate to Council about its work. He thought whether an application is appealed is beyond the control of the Commission and doesn't reflect the Commission's work. He stated that the vast majority of appeals find that

the Planning Commission's action was appropriate and the appeals are denied or denied in part. He didn't think it would paint a necessarily informative picture about deficiencies that need to be addressed with respect to the broad topic of appeals and projects that have gone to Council previously. He stated that people can appeal for whatever reason and it is not necessarily reflective of shortcoming on the part of staff or the Planning Commission. He stated that was his opinion as far as tracking and reporting on appeals. He stated that there were other points raised by the commenter that may warrant further discussion.

Vice Chair Berman stated that she was generally in line with that concept as, in her eyes as a Planning Commissioner, at the point of appeal, she agrees that it is related to what was decided during the Planning Commission meeting, but she feels that it is understood by Council as it is in their "wheelhouse" to see where it goes from there. She did appreciate considering the thought of adding those but she didn't think it was necessary currently.

Commissioner Godwin stated that, since there was so much public interest in the 650 Cape Breton church project, he thought they should add an item for that into this report for this year as well.

Chair Nibbelin noted that they have received a lot of verbal and written comment, but they haven't deliberated or considered the matter. He sees where they are coming and it might not be a bad thing to note that it was a matter that has been brought to the Planning Commission's attention and most of them have probably been doing some thinking about it, but they haven't violated the Brown Act by discussing it among themselves. He said he would be interested in hearing what staff thinks about that.

Dep. Planning Director Murdock stated that, if they were going to add something like that, he would broaden it to include the Commission heard a certain number of speakers about topics that weren't on the agenda, rather than focusing on a particular issue. He thought that indicates that the Commission is there as a sounding board or an outlet for the community to express items of interest. He stated that he could go back through the minutes from the meetings in question and sum up those oral communications by number of speakers.

Chair Nibbelin stated that, recognizing that nothing is free, and it is a fair amount of work, they could get some rough order of magnitude, maybe not of the time that was spent listening to public comment but possibly some other measure that maybe is easier to measure such as the number of comments in a particular timeframe.

Dep. Planning Director Murdock stated that, if the Commission would leave some discretion to staff to indicate some type of quantitative factor for that, he would appreciate that. He stated that, for the number of speakers, he could jump into the minutes quickly by measuring the amount of time that would require a different analytical exercise. He stated that he can do either way, but he would prefer some flexibility.

Chair Nibbelin stated that, along those lines, he thought one thing he was ascertaining from Ms. Boles' comment is the concern about the amount of care that the Commission takes with respect to matters and the amount of deliberation that the Commission takes. He thought it was fair to note that, over the last couple of years, they have had some in depth consideration of items, not the role of the Planning Commission, and he isn't complaining but it was their function to drill deeply into things. He was curious what the data show about the amount of time they spend on

some of the items, particularly those that get appealed or that people come to talk about. He thought another indicator of care and deliberation is the amount of time spent in meetings considering extensive matters. He didn't know if there was any way to quantify that, but it occurred to him as he was thinking about the comments.

Dep. Planning Director Murdock asked them to allow him to think about that. He stated that they could do an hours per item analysis overall at the meetings or number of meetings to reach a decision, but he didn't think that was necessarily indicative of an efficient process. He reiterated that he wasn't sure what the message is or the story they are communicating. He stated that it would help to hear a little bit more about that.

Chair Nibbelin added that he wasn't sure it was the best use of staff's time as there are a lot of other things to do, such as processing applications, etc. He didn't want this to turn into its own significant analytical exercise as it's not the case they have endless student interns who can help them with this and that might not be a great use of time.

Commissioner Godwin stated that something as simple as a number of speakers on a topic might satisfy everyone.

Chair Nibbelin asked if there were any other comments or proposals on this.

Dep. Planning Director Murdock stated that he would like to clarify one point from the public comments and redact what he has heard to check to see if that is the consensus of the commission. He stated that there was a comment made that items with asterisks were not defined. He stated that the best he can tell from looking at the report they were defined. He thought there were two places where asterisks were used, and under Section 1 for the planning commissioner participation during the reporting periods, that was defined immediately about Section 2 on packet page 132, and there are asterisks again in Section 6 which spans packet pages 133 and 134. He stated that those terms of asterisks are defined at the end of that section, just above section 7. He believes the report is complete with respect to the information that is contained in it, but he heard the Commission asking for adding swelling units and commercial square footage approved in the reporting year and then a sum of speakers for oral communications of items not on the agenda.

Chair Nibbelin thought that sounded right, and that seemed to be the weight of where they wanted to go.

Dep. Planning Director Murdock asked if they were comfortable with staff adding that in finalizing the report or if the Commission felt it was appropriate to bring it back to have another look, given the nature of the information that is being presented is basically simple quantitative information. He was happy to bring it back if that is the rule of the Commission.

Chair Nibbelin stated that, from his perspective, if it shows something that is unexpected in staff's assessment of things, it might be good for them to know that as a group before it is presented. He stated that, if it tracks what they expect, he didn't know if he would necessarily need to see it again.

Vice Chair Berman stated that she didn't see a need to review what the Planning Department comes up with. She thought it all sounds quantitative and she trusts the number of units that have

been approved is a matter of fact, as well as the number of commenters on items outside of the agenda and that seems as a matter of fact item. She concluded that she didn't see a need to review it again.

Chair Nibbelin stated that he is fine with that. He asked if there were any comments and, seeing none, concluded that was the Commission's guidance.

Dep. Planning Director Murdock thanked Chair Nibbelin and Commissioners Hauser and Domurat who are offering to help with a variety of needs on reporting assignments.

Chair Nibbelin then stated that it concludes their consideration of Item 2 under Public Hearings.

COMMISSION COMMUNICATIONS:

Commissioner Hauser thought this was an apt place to say that they recognize, after they review the big projects, all the hard work and thorough analysis that staff does, but she wanted to throw out at this meeting that there is a lot of things that come before staff and a lot of analysis that needs to be done and a lot of questions that the Commission asks and the community asks and they see all the questions. She wanted to take this opportunity to thank Dep. Planning Director Murdock and staff for all the work they do, adding that it does not go unnoticed.

Chief Nibbelin stated that is very well said.

STAFF COMMUNICATIONS:

Dep. Planning Director Murdock stated that he had nothing to report.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Berman moved to adjourn the meeting at 7:43 p.m.; Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock

The motion carried **7-0**.

Ayes:	Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Vice Chair Berman and Chair Nibbelin
Noes:	None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister