

MINUTES

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

April 18, 2022

7:00 p.m.

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

Acting Chair Hauser explained the conditions for having Planning Commission meetings pursuant to Government Code Section 54953 (as amended by AB 361), to conduct necessary business as an essential governmental function as a teleconference meeting with no meeting location open to the public. He also gave information on how to present public comments participating by Zoom or phone.

ROLL CALL: Present: Commissioners Domurat, Ferguson, Godwin,
Wright and Acting Chair Hauser
Absent: Commissioner Berman and Leal

SALUTE TO FLAG: Led by Commissioner Godwin

STAFF PRESENT: Dep. Planning Director Murdock
Asst. City Attorney Sharma
Asst. Planner Mosler

APPROVAL OF ORDER OF AGENDA Commissioner Ferguson moved approval of the Order of Agenda.

Dep. Planning Director Murdock stated that it would be in order to take public comment to take public comment on all the administrative business items before entertaining a motion.

Acting Chair Hauser asked if there were any public comments, and there were none.

Commissioner Ferguson reiterated moving to approve the Order of Agenda; Councilmember Godwin seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin,
Wright and Acting Chair Hauser
Noes: None

Acting Chair Hauser stated that, on page 4 of the March 7, 2022 minutes, in the first sentence of her comments, a typo should be corrected from “he” to “she”.

APPROVAL OF MINUTES: MARCH 7, 2022 Commissioner Ferguson moved approval of the minutes of March 7, 2022 as amended; Commissioner Godwin seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin,

and Acting Chair Hauser
Noes: None
Abstain: Commissioner Wright

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 9, 2022:

Acting Chair Hauser stated that it looked like they have a liaison to the Council meeting and she asked Dep. Planning Director Murdock for background information on it.

Dep. Planning Director Murdock stated that the need for a liaison would be in anticipation of the Planning Commission taking a recommendation action at this meeting on Agenda Item #2, related to the text amendment and based on the scheduling, it wasn't clear initially at publication of this agenda that they would have a meeting on May 2 to appoint a liaison and they were taking the opportunity now and they can revisit that as necessary but they would like to seek a liaison at this time.

Acting Chair Hauser asked if they had a volunteer.

Dep. Planning Director Murdock stated that, with no volunteer at this time, they anticipate having a Planning Commission meeting on May 2 and they can revisit the opportunity to designate a liaison at that time if necessary.

ORAL COMMUNICATIONS:

None.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

- 1. S-135-21** **File No. 2021-024 – Sign Permit S-135-21 for a Master Sign Program at 580 Crespi Drive (APN 022-162-390)**
Recommended CEQA Action: Class 1 and Class 11 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15311.

Asst. Planner Mosler presented the staff report.

Acting Chair Hauser referred to the vinyl signs referred to on the site plan and table of contents as V designator, and she didn't see them on the site plan, and she wanted to be sure those vinyl signs are the same as the cutout signs that she showed on one of the images with the hours and store level above, not like a banner.

Asst. Planner Mosler asked which sign she was referring to.

Acting Chair Hauser referred to Packet page 54, it was the last item in the table of contents, store front vinyl V. She added that it was not material and she suggested that they move on to public comment and come back to it later. She stated that she would open public comments, and they have no in person speakers so she asked if anyone has called in.

Asst. Planner Mosler stated that there were no callers for public comment.

Dep. Planning Director Murdock stated that they may want to offer the applicant an opportunity to present the project.

Acting Chair Hauser agreed, and asked if he was present.

David Ford, applicant, stated he is representing the sign company that designed the master sign program. He didn't have a separate presentation in addition to the staff report, but he would be happy to answer any questions they may have.

Commissioner Domurat asked if, in the near term, these units are all going to be sold as business condominium units. He stated that when they came to the Commission, they were called condominium units and they are not living condominiums but work condominiums. He assumed they will have a business owners association, like as a homeowners association for residential condominiums, and these kinds of things would be under the guidance of that association and this isn't going to impact anything that future owners may want to change.

Dep. Planning Director Murdock stated that he was correct, and the subject site has undergone a condominium subdivision. It is a form of ownership, most commonly for residential purposes but not exclusively and, in this case, the condominium subdivisions for commercial purposes was approved by the city and the property owner is still in the process of effectuating that approval. He couldn't state specifically where they are in that stage, but they have obtained all city approvals and they are working through the state Department of Real Estate approvals that are required prior to sale. He stated that, among the many post approval requirements was to work through covenants, conditions and restrictions or CC&Rs for a common interest development, i.e., condominium. He stated that one of the specific provisions was that the association that manages the site and is responsible for maintenance, etc., will also be responsible for

implementation of the master sign program. He stated that this is one of the required components of that post approval to come in and update the sign program if and when they desire to change the signage.

Commissioner Domurat stated that connection was the direction he was heading.

Dep. Planning Director Murdock stated that they have anticipated that connection and there is a responsible party for the management association of the owners, similar to a homeowners association and they will manage the administration of this for the property owner's side.

Acting Chair Hauser asked if she needed to formally close public comments.

Asst. City Attorney Sharma stated that she should and then bring it to the Commission for deliberation.

Acting Chair Hauser closed public comments. She asked if any commissioners had questions, and seeing no one, she wanted to follow up on her question. She was not sure if the applicant would answer if staff is not sure. She wanted clarification on the Vinyl and then she would have a question for staff.

Mr. Ford stated that he didn't have the entire packet but it was shown on his data and they were referring to the store front vinyl which is basically the suite identification of the transom window and the name of business and hours of operation.

Acting Chair Hauser thanked him for the clarification. She then stated that a lot of the signage seems to be in really good condition and already up. She mentioned to formalize the sign program with a few changes to the monument sign. She asked if there were other big changes.

Mr. Ford stated that a lot of the tenants already have window vinyl. He didn't know if that was existing under the previous sign program but the main changes are the monument sign. He stated that it looks like some of the tenants have put up a temporary vinyl sign on the new façade but they will be separate signs once it is approved and it was just a temporary identification that they have on the façade now.

Acting Chair Hauser stated that they have looked at a sign program recently where they had talked about prohibiting neon signs and all of the things already in our code, and she wondered if staff could give more background for the benefit of people who may be watching to understand what is part of our code and what does not have to be in the sign program.

Dep. Planning Director Murdock referred to the prior master sign program for the Eureka Square shopping center, and stated that there were questions about commonly seeing prohibitions on various types of signs, neon was one of the examples, and his opinion then remains his opinion, that while it may be fine to include that, it is not required. He stated that the master sign program cannot authorize signs that are otherwise prohibited by Pacifica's Municipal Code. He stated that whatever various types of signs are currently in the Municipal Code as prohibited sign types would not be allowed under any circumstances. He stated that only the signs authorized in the master sign program may be installed at the site and it was a belt and suspenders type of approach that they were confident that the only allowable types of signs are those approved in the master sign program.

Acting Chair Hauser asked if any commissioners had any thoughts or was willing to make a motion.

Commissioner Ferguson stated that, since it seems consistent with what they seen, and he was willing to make a motion.

Acting Chair Hauser asked if there was a second.

Commissioner Ferguson asked if he should read the motion.

Commissioner Ferguson moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; APPROVES Sign Permit S-135-21, by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A to the resolution; and incorporates all maps and testimony into the record by reference; Commissioner Domurat seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin,
Wright and Acting Chair Hauser

Noes: None

2. TA-121-22

File No. 2022-008 – Text Amendment TA-121-32, initiated by the City of Pacifica, to extend the Growth Management Ordinance codified in Chapter 5 of Title 9 of the Pacifica Municipal Code, which has a current termination date of June 30, 2022. The Text Amendment to be considered would affect property citywide in the A (Agricultural) zoning district and the HPD (Hillside Preservation District) overlay zoning district. The Planning Commission will consider the Text Amendment and make a recommendation to the City Council
Recommended CEQA Action: Exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Dep. Planning Director Murdock presented the staff report.

Commissioner Domurat stated that the big picture in his mind was that they extend it for five years, and they have a master plan they are working on, and he asked if they are being synced together and the five years doesn't lock them in if they want to make changes to the master plan.

Dep. Planning Director Murdock thought there were two parts to the answer. He stated that the first part of his question is related to whether they are in sync and could they revisit this as a city if a five year extension doesn't make sense in the future and yes, the ordinance is being enacted by City Council and can be amended by the Council but he stated that it would be unconventional and he wasn't aware of any example where that has occurred since the initial and subsequent extensions. He stated that the second part of his question was about to what extent this ordinance affects the capacity of the city to comply with its regional housing needs allocation or RHNA for the nearly 1,900 units the city is obligated to plan for over the next eight years and the simple answer was that this ordinance and the HPD overlay do not regulate uses of land per se or limit density and this is governing the voter approval requirements to remove that zoning overlay such as the Hillside Preservation District. He stated that the General Plan and zoning that combines with this overlay is what regulates the density and allowable uses of land which is still subject to Council's discretion.

Commissioner Godwin noticed that a number of the documents, such as financial statements, etc., were quite a ways in the past and he thought they should insert some statement in subsequent to that, so they indicate that they are aware of more recent documents and this ordinance is compatible with all the budgets from then until the present.

Dep. Planning Director Murdock thought it was staff's opinion, in perspective, that this ordinance and the prior extension ordinances are simply reauthorizing the prior ordinance that was enacted by the voters and they thought it would be advisable to remain consistent with those prior extensions to add a five-year term but not seek to go back and change various components such as the finding section.

Commissioner Godwin reiterated that much more modern documents are available and they haven't done anything to update the findings.

Dep. Planning Director Murdock thought a recital in the Planning Commission's resolution, if they take action to recommend this, might be a place to reflect his opinion and judgment on that and that would not require amending those findings and he and Asst. City Attorney Sharma can

discuss further as a potential option if they understood more about specific elements that he thinks need to be validated or addressed in that statement.

Acting Chair Hauser had some questions that she appreciated staff answering in advance of the meeting, but she has one to ask on the record. She wanted to understand the thought process behind the five years versus 20 years or 10 years.

Dep. Planning Director Murdock stated that in the original growth management ordinance, the voters provided for a five-year initial term to the GMO and each extension since then has been a five-year extension and, in this instance, staff prepared the ordinance consistent with the original GMO as well as the multiple extensions and staff's opinion was that a five-year term is an adequate balance of certainty and protection combined with the ability and requirement in the ordinance to revisit it after a three-year period to determine whether it should remain in place at the end of the five-year term. Consistency with the original enactment and subsequent extensions is their justification for recommending a five-year term.

Acting Chair Hauser opened the Public Hearing.

Sue Digre, Pacifica, stated that she was in favor of a mask but it is hard to hear and she couldn't hear about three-quarters of what he said. She appreciated Dep. Planning Director Murdock's support of the public vote, and expressed her thoughts on that position.

Asst. Planner Mosler introduced the call-in speaker.

Christine Boles, Pacifica, thanked Dep. Planning Director Murdock for bringing this ordinance to the Commission's attention and shared her thoughts on the process of that ordinance, and appreciated keeping the will of the people at the forefront and encouraged reinstating it again.

Acting Chair Hauser closed the Public Hearing.

Acting Chair Hauser referred to a point brought up in public comment, and stated staff wrote up very nicely the residential development allocation (RDA) process and explained it in the context of the Housing Accountability Act. She wondered if they could get more insight into how that works and understand when the voters would have the rights again, based on the Housing Accountability Act, to implement the RDA process.

Dep. Planning Director Murdock stated that, among the many provisions in the Housing Accountability Act that was first enacted in SB330, one is express language in the statute that prohibits cities from implementing and administering any numerical cap on the number of housing units that can be permitted or constructed and that is the language staff is responding to in drafting this report and making recommendations on the ordinance. He stated that, as far as the point at which the voters will have their authority returned to them and allow the application and administration of this process that is in Pacifica's Municipal Code, the current sunset date is January 1, 2034 but the Legislature could modify that and make it sooner or later. He stated that there was no guarantee that the sunset will occur at that point in time, but under current law that is the date.

Acting Chair Hauser stated that, if there are no items on which Commissioners wish to speak, she would ask for a motion. She then acknowledged Commissioner Ferguson.

Commissioner Ferguson stated that she asked the question he was going to ask.

Acting Chair Hauser then asked if he would like to make the motion.

Commissioner Ferguson moved that the Planning Commission FINDS the proposed ordinance is exempt from the California Environmental Quality Act; ADOPTS the resolution included as Attachment A to the staff report to initiate Text Amendment TA-121-22 and recommend approval to the City Council; and incorporates all maps and testimony into the record by reference.

Acting Chair Hauser stated that, as Commissioner Ferguson was reading the motion, she recalled that Commissioner Godwin may want to add a finding into the resolution. She asked him if he was interested in adding that.

Commissioner Godwin was interested in seeing some reaction to it if the other commissioners thought that was a reasonable approach, given some of the documents mentioned are in excess of 40 years, etc.

Acting Chair Hauser asked Asst. City Attorney Sharma if she had a response to that.

Asst. City Attorney Sharma stated that their office generally recommends that consistency with the prior approach of merely extending the dates in the ordinance and the findings remain as is, but if the Commission wishes to entertain any additions or proposals, they can consider the exact precise language. She can't think of a way to incorporate a footnote to revise it in a way that doesn't touch or reopen the findings.

Acting Chair Hauser stated that they have the motion from Commissioner Ferguson, and asked for a second.

Commissioner Domurat seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin,
Wright and Acting Chair Hauser
Noes: None

CONSIDERATION:

3. N/A Annual Reorganization of Planning Commission
Recommended CEQA Action: N/A.

Acting Chair Hauser thought the goal was to nominate Planning Commissioners to be elected as Chair and Vice Chair. She stated that their longstanding Chair is no longer with the Commission and Vice Chair Berman is not present, and asked if there was anything they need to add on a staff level.

Dep. Planning Director Murdock didn't think so, and they will need two separate recommendations and take a motion to approve them together or separately. If there isn't agreement, they may need to deliberate more, but staff can guide them through that process.

Commissioner Ferguson asked if it would be appropriate to wait until their very effective Vice Chair is present to discuss this.

Dep. Planning Director Murdock stated that it was at the Commission's discretion but the by-laws do call for this to occur at the first meeting in April and they have already missed that opportunity. He queried Vice Chair Berman if she would be willing to accept a nomination to serve as Chair and she said she would if that was the pleasure of her colleagues, if that gives them any assurance.

Commissioner Ferguson stated that was going to be his follow up question.

Commissioner Domurat asked if they could do a nomination at this point.

Dep. Planning Director Murdock stated that it was at the Chair's discretion, but he would ask that, before any motions are entertained, they open it up for public comment.

Acting Chair Hauser asked if they have any speaker cards, and seeing none, he asked if there were any call-in speakers.

Asst. Planner Mosler stated that there are no members of the public with their hand raised.

Acting Chair Hauser closed public comments.

Dep. Planning Director Murdock asked, before they move on, since it is a new procedure for the Planning Commission, he thought they could provide a moment for any member of the public that is dialed in that wants to speak to press star 5 to raise their hand. If no one raises their hand, they can move on.

Asst. Planner Mosler stated that there were still no hands raised.

Acting Chair Hauser then closed public comments and moved on.

Commissioner Domurat nominated Vice Chair Berman as Chair of the Planning Commission. He asked if he should nominate a Vice Chair at the same time.

Acting Chair Hauser stated that they were doing the Vice Chair separately so they will start with Chair.

Commissioner Domurat stated that he puts forth that nomination.

Acting Chair Hauser asked if there were any thoughts on that or any deliberation.

Commissioner Ferguson stated he would only ask if anybody else wants to be the chair. He would not be looking for it himself.

Acting Chair Hauser thought Vice Chair Berman would be a great Chair as she has been a wonderful Chair when she has run meetings in the past.

Commissioner Domurat stated that she basically said yes, so he thought that would be the easy one.

Acting Chair Hauser asked that they vote as to Chair Berman.

Commissioner Wright asked if they are required by rule that they have two candidates or is one candidate sufficient.

Dep. Planning Director Murdock stated that one candidate is sufficient, and multiple candidates are fine but it is harder for the Commission to sort that out. It is convenient to have one.

Commissioner Wright thought nobody else was interested.

Commissioner Ferguson thought that was true.

Acting Chair Hauser thought Vice Chair Berman has done a fantastic job and she would be a wonderful Chair. She asked that they have a vote.

Dep. Planning Director Murdock stated that they had a nomination but they would have a motion and a second for that action.

Acting Chair Hauser asked Commissioner Domurat to formalize his motion.

Commissioner Domurat so moved; Commissioner Ferguson seconded the motion for Vice Chair Berman to be chair.

The motion carried **5-0**.

Ayes:	Commissioners Domurat, Ferguson, Godwin, Wright and Acting Chair Hauser
Noes:	None

Commissioner Ferguson stated that he would apply some peer pressure as she has done a great job today.

Commissioner Wright seconded that peer pressure.

Commissioner Ferguson moved to nominate Commissioner Hauser as Vice Chair; Commissioner Godwin seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin,
Wright and Chair Hauser
Noes: None

Acting Chair Hauser thanked them.

COMMISSION COMMUNICATIONS:

Commissioner Godwin stated he was the liaison to the City Council meeting when they discussed the Olympian Way decision and it turns out that it has been sent back to the Planning Commission as there were issues about fire hose length, significant discussion about drainage and a number of other issues brought up by the neighbors that Council felt was somewhat new information and they would like the Commission to revisit that decision.

Acting Chair Hauser thanked him for attending the meeting and bringing it back to the Commission.

STAFF COMMUNICATIONS:

Dep. Planning Director Murdock reported that the City Council has approved the legislative items, including a General Plan amendment and approved an ordinance which has not yet taken effect to approve rezoning, planned development and the development plan associated with the TBD Talbot project which is the one that had a couple of hearing before the Planning Commission with a number of issues to work through. City Council supported those recommendations and approved the project. He stated that April 1 was the last date for city employment for former Asst. City Manager/Planning Director Tina Wehrmeister. She has moved to a position in the private sector and will be dearly missed but staff sent her off the best as they could as her friends and colleagues on city staff. He stated that the City Manager has appointed him to serve as the Acting Planning Director in the interim until he makes a personnel decision with respect to the Asst. City Manager and Planning Director positions.

Acting Chair Hauser thanked him for the update. She then asked for a motion to adjourn.

Dep. Planning Director Murdock suggested they offer Commissioner Wright an opportunity to introduce himself as their new Planning Commissioner.

Acting Chair Hauser welcomed him, stating it was nice to have him on the Commission, and she asked him to introduce himself.

Commissioner Wright stated he was interested in being of service as part of his retirement plan as he wasn't ready to be put out to pasture yet and was looking for things to keep him busy and out of his wife's way and he felt this was a perfect opportunity and he has the skillset and ability to read plans and convert 2D plans into 3D images. He has been through a number of projects and he thinks his experience may lend a lot to the Commission.

Acting Chair Hauser again welcomed him and thanked him.

Dep. Planning Director Murdock stated that he would be remiss if he didn't introduce Asst. Planner Jamie Mosler who did a fine job earlier on one of the public hearing items and they are pleased to have her on the city team. This is her first Planning Commission meeting. She started with the city in January and they will be glad to be integrating her into the team and have her here at this meeting and hope they have a long time working together. He stated that she came from the City of Sacramento where she was a planner. He asked her if she wants to say anything on her own.

Asst. Planner Mosler thought he covered it all but it was nice to be there and meet them all.

Acting Chair Hauser welcomed her, and added that they were happy to have her expertise in Pacifica.

ADJOURNMENT:

There being no further business for discussion, Commissioner Godwin moved to adjourn the meeting at 7:47 p.m.; Commissioner Wright seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Domurat, Ferguson, Godwin, Wright and Acting Chair Hauser
Noes:	None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Acting Planning Director Murdock