

MINUTES

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

December 5, 2022

7:00 p.m.

Chair Berman called the meeting to order at 7:02 p.m.

Chair Berman explained the process for making public comment for Planning Commission meetings.

Planning Director Murdock took a verbal roll call.

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

SALUTE TO FLAG: Led by Chair Berman

STAFF PRESENT: Planning Director Murdock
Sr. Planner Cervantes

Chair Berman opened public comment for order of agenda and, seeing no one, closed public comments.

APPROVAL OF ORDER OF AGENDA Vice Chair Hauser requested moving Item #4 right after the consent item in consideration to the public; Commissioner Domurat seconded the motion.

The motion carried **5-0**.

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

**APPROVAL OF MINUTES:
AUGUST 25, 2022
SEPTEMBER 19, 2022
OCTOBER 5, 2022** Vice Chair Hauser moved approval of the minutes of August 25, 2022, September 19, 2022 and October 5, 2022 with the clarification that she was present on September 19; Commissioner Godwin seconded the motion.

Vice Chair referred to the minutes on September 19, and stated that she was listed as absent and arrived at 7:02 PM, and she thought that was why she was listed as being absent.

Planning Director Murdock stated that may be the reason, but he will make sure it is clearly reflected in the minutes.

The motion carried **5-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF DECEMBER 12, 2022:

None

ORAL COMMUNICATIONS:

None.

CONSENT ITEMS:

- 1. CDP-446-22** **File No. 2022-031 – Emergency Coastal Development Permit CDP-446-22**, filed by applicant City of Pacifica, for demolition of portions of a failing shotcrete soil nail wall on the bluff face along 330 Esplanade Avenue (APN 009-413-030) Recommended CEQA Action: N/A.

Planning Director Murdock briefly presented the staff report, adding that it was informational and not needing a vote by the Commission..

Chair Berman asked confirmation that they will need to have public comment.

Planning Director Murdock confirmed that they need to offer public comment on all items on the agenda. While the Consent Calendar is not a part of the agenda they use often and typically not a staff report unless there is a request from a Commissioner.

Chair Berman asked if the Commission was amenable to opening public comment before Commission questions and she concluded they were all in agreement. She then opened up public comments.

Senior Planner Cervantes stated there were no callers

Chair Berman closed public comment.

Vice Chair Hauser stated that, unless anyone wants to pull the item, she moved to approve the Consent Calendar.

Commissioner Domurat stated that, in looking at the brief staff report, there was a comment that the city was negotiating the purchase of that property, and he asked if it was city property now.

Planning Director Murdock stated that it is difficult for him to answer as the exact status is not known to him and the City Attorney's office has been leading this.

Commissioner Domurat asked, if it is still private property, whether they would the private property owner be responsible to remove that.

Planning Director Murdock stated his understanding is that the city has legal control and the responsibility to undertake the demolition of the property and with the particular nuance of sequence of steps in an eminent domain proceeding he doesn't have all the details but they confirmed that the city had appropriate control and interest in the property and undertake the permit and do subsequent demotion.

Chair Berman knows they received a similar consideration item in the past for an emergency CDP to demolish some infrastructure in this area, and she asked if there were any other foreseen lots that have similar concrete shotcrete walls or structures that will soon need demolition that they can pursue proactively.

Planning Director Murdock wasn't able to say for certain if they are shotcrete walls, but up and down the coastline, due to progressive bluff erosion which varies from year to year, there are developments in various states of disrepair and the city is mindful of that and has tools available to address them, but often the property owners are disinterested in their degraded property and it is a challenge for the city to tackle them proactively and often they find out and take action later than would be optimal to demolish the development.

Chair Berman stated she was just curious because every once in a while they receive a similar consent item. She had a question that may be for the demolition contractor or may not be thought out yet, and asked if this site was already demolished.

Planning Director Murdock stated that this 330 Esplanade Avenue site was one of three in that 300 block, 310, 320 and 330 that the city intervened and required demolition or demolished itself in 2015 or 2016 after severe winter storms. They were deemed uninhabitable and the city went through the process to require or demolish the buildings.

Chair Berman asked if the shotcrete wall has been demolished or scheduled.

Planning Director Murdock stated that the demolition referenced in this permit has not been completed yet.

Chair Berman asked if there are plans, during the demolition work, to block off the public beach below for safety reasons.

Planning Director Murdock stated that he didn't have the details on that, and the beach closure is outside the city's permitting jurisdiction. If known and necessary as part of the demolition process, the city would need to contact the Coastal Commission and the Public Works department will need to raise that issue with the Planning department and they can assist with that application as necessary.

Chair Berman stated that it was a thought she wanted to put on the record in case anything is dropped during demolition, as she would hate for anyone to get injured.

Commissioner Godwin stated that the Coastal Commission maintains a ramp and stairs adjacent to that property, and he asked if they have made any effort to let them know they will be doing this as they may want, for safety reasons, to close that access ramp and stairs to make it a little easier to do the work.

Planning Director Murdock thought he was referring to the Lands End public access point, and it is privately owned and maintained in connection with the Ocean Air Apartments development project. He stated, in the past when the city undertook demolition of entire apartment buildings, they did obtain Coastal Commission permission to close that section, but in this instance, they don't have sufficient details to pursue such a closure at this point in time such as exact scheduling of the demolition work.

Chair Berman stated that she thought Vice Chair Berman put a motion on the floor to approve this consent item, and she asked if there was a second.

Commissioner Ferguson seconded her proposal.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser
and Chair Berman

Noes: None

CONSIDERATION ITEMS:

2. N/A Consideration of a future agenda item to receive public input on the Planning Commission's performance. Recommended CEQA
Action: Not a project.

Planning Director Murdock stated he only had a verbal presentation of what is in the written records.

Chair Berman asked if the Commission was amenable for receiving public comment before discussing as a Commission, and saw agreement. She then opened public comments.

Planning Director Murdock stated, while waiting for possible commenters dialing in, he wanted to note that the Commission received one written public comment in advance of the meeting and provided by email to the Commissioners and was available on the city's website and in the rear of the Council Chambers.

Senior Planner Cervantes stated there were no callers.

Chair Berman closed public comments.

Commissioner Domurat stated that, in his mind, why he proposed this was the concept that it would go a little further than just having the public evaluate the performance, but to give the public the opportunity to exchange ideas of how things can be improved for the future, with possible potential policy changes of how the Planning Commission may or may not do things. He stated that the public doesn't get an opportunity to interact informally with the Planning Commission so it is sort of like a brain storming session, and that was kind of the concept but he doesn't see that coming out but just seeing the performance review but there is no place to take it to the next step.

Chair Berman thanked him for clarification on his original request.

Vice Chair Hauser stated she completely agrees with Commissioner Domurat and asked Planning Director Murdock, if they formatted it as a study session or a community meeting, if there would be an opportunity for more of a conversation. She thought it was hard on how they talk about items when it is not known what is going to be discussed because it is not agendaized and made public. She thought there were some technical challenges but she agrees with the idea of the need for more of an opportunity to not them reacting from questions they get from the public but having a conversation.

Planning Director Murdock understood, and thought the study session format sounds like it could be a reasonable fit for some more informal relaxed dialogue between the Commission and the community. He agreed that there would need to be some criteria to inform the public as to the nature of the discussion. He stated that, if that is the direction the Commission goes, they would want to address what topics would be covered so the public could be aware and meaningfully participate in the items. He thought he would have some other thoughts he can offer after he understands the totality of the Commission's discussion on this matter. He thought the study session format would be appropriate.

Chair Berman agreed with a combination as they are both in line. She stated that, after reading the staff report, she agrees with staff that there are a lot of opportunities for public comment during each meeting and receiving public comment by email, but what they are lacking the informal study sessions with an opportunity for the Planning Commission to interact with the public and have a discussion on how they can work collaboratively, especially on big items like the housing element.

Commissioner Godwin stated that there is one thing that would help him but didn't know if it would interest any other commissioners, i.e., more polling with the public. There were some things that came up last year that seemed to generate a lot of comment and a lot of emotion about whether they supported them or failed to support them. He thought polling people who wanted to participate could register their opinion on a limited range of options and they could get information quickly to provide them a sense of direction in the community.

Chair Berman thought the city has a fast poll that randomized for the community and perhaps there was an opportunity to use that new device.

Planning Director Murdock stated that she was correct, and the tool was called flash vote which requires people to register in advance and has been criticized by some people and they have tried multiple times to push out community awareness to increase the number of registered participants. He stated that they can go to the city's website to register for the flash vote to be one of the survey recipients. He stated that, among the registered users, a statistically randomized sample is selected so not everyone gets to respond to every survey but helps improve the validity of the results and they can ask up to five questions that fit in that model and the vendor of the flash vote system says it results in relatively high response rates and they have seen in the flash votes they sent out. They are typically open for up to five days because, as charts show, response rates tend to drop off after the first 24 hours. He stated that it was one of the tools and they would need to get questions that can be structured into that, i.e., yes/no or multiple choice options, but there is also an opportunity for free form input but that is much harder to process and digest in any sort of quantifiable manner.

Chair Berman asked if there were any other comments or questions. Then asked if Planning Director Murdock felt he has somewhat clear direction or is there any other topic he would like them to discuss on this matter.

Planning Director Murdock stated that he felt he needed a fair amount of additional direction as to the content to be discussed. He thought, as Commissioner Domurat mentioned, he understood it to be the Commission's performance and he may have been envisioning more of the operations of the Commission which are two different things, and he apologized if he missed that in the prior mention of the item. He wanted the Commission to be thoughtful about providing public input opportunity and trying to square that with things the Commission can actually provide to the community so there isn't an expectation on the part of those who participate. He stated that the Planning Commission is one of the city's bodies that has a relatively narrow purview and they have an obligation to advise on the General Plan, review and take action on development projects and other activities assigned by Council. They don't have a broad remit to investigate topics and change city processes on their own. He stated that, whatever input the Commission might be seeking, it may not be within its power to actually implement but something to take note of and try to incorporate in the Planning Commission's next annual report to Council and, if there is some Council action by resolution or an ordinance to redirect the Planning Commission, that

could be put in place but he wasn't sure the Commission could do much to change its operations on its own. He stated that the information might be helpful to do the additional work of engaging Council and pushing for other changes the law might allow.

Commissioner Ferguson stated Planning Director Murdock answered most of his question, i.e., what true actionable items they could get out of a meeting like this, but if it is to just test the waters and see how the community is feeling, he was all for having a study session. He looks at a lot of empty rooms for all their meetings, and he wasn't sure they would get a different response for that but he was open to whatever they are looking for.

Vice Chair Hauser stated that Planning Director Murdock shared a lot of his opinions and she was going to ask if there were any others they should hear. She also wanted to respond to what was just said, and she thought what could be helpful as part of a study session is if staff could make some brief presentation about the actual role of the Planning Commission. She sees a lot of comments on NextDoor about how people feel and some of them are like they don't understand why the Planning Commission is even listening to this. She stated that some people don't understand that they have a statutory obligation to hear any application that is provided and information about that and information about where they can effectually change, and where they can't, would be helpful to people who don't know and a helpful reminder for people who do.

Chair Berman agreed with that, and she visualizes something like a town hall, similar to the town hall/study sessions they have for the housing element or what they had for the General Plan in the past.

Commissioner Domurat concurred with that. He stated that, in many of his travels around the city, a lot of people don't know what the Planning Commission's purpose is or what they do, and a start to that kind of study session or town hall meeting would be to make them more aware of what the role is. He stated that ideas and concepts that may or may not come out of that can then be polled and people can vote to see what, out of all the ideas generated, would be a priority for them to see get done. He stated that probably all those ideas would have to go to the Council for consideration or approval if it requires a change on how the Commission would have to do what it does. He thinks it's a great idea to give the public the opportunity. He stated that you can go on line and read all that, but it is a good start.

Commissioner Ferguson thought it was definitely something Planning Commission doesn't have the authority to do anything about and he would love to discuss in a forum as he hasn't found a readily digestible portal for information of what is coming down the pipeline, what ongoing projects they have, i.e., local coastal plan, etc., and it takes a lot of legwork for him to find out what is going on, and people bring things up to him in the streets that he has no idea about. He stated that there are some digestible, easy to access portal with a little bit of Planning Department/Planning Commission PR to see what the status of things is before they get irate emails or people think that something is being looked at one way when it is not and that is one area where he sees need for improvement.

Chair Berman asked if there were any comments. She added that, given the report presented to them, they are kind of reformatting that, perhaps before activating the study session or town hall they want to bring this agenda item back and solidify a more concrete approach.

Vice Chair Hauser concurs with that. She thinks timing is something she wants to be cognizant of and it would be a huge boon to the commission if they had the town hall prior to their report to Council which she thinks is in April. She asked Planning Director Murdock to confirm that timing is accurate.

Planning Director Murdock didn't know if the date has been set for this year, but it commonly occurs in that part of the year.

Vice Chair Hauser also wants to be sensitive to Commissioner Domurat as this is his item.

Commissioner Domurat agreed on bringing it back to the Commission once they have Planning staff formulate an outline of what it may look like, i.e., put up front who are the commissioners, what do they do, what can they do or not do now, and then a discussion and a polling portion at the end. He thought that would give staff a chance to formulate what this study session may look like and he agreed the timing is critical. Then they can pass on the results to Council.

Chair Berman didn't know if people calling in heard, and she asked him to summarize what he just said.

Commissioner Domurat agreed.

Chair Berman asked if that sounds good.

Planning Director Murdock stated it did and with the feedback presented and the opportunity to come back and allow the Commission to further refine that now that he has a better understanding of the item and he thinks he has enough to work with now and they will carry on the conversation. As far as scheduling, he stated he will do his best to be supportive of the desire for this to come back before the required annual report process, but they are exceedingly busy now with the housing element update, training new staff, catching up on project processing that slowed down due to staffing shortage for the past several months. They have a lot on Planning Department plate currently and they will bring it back as timely as they possibly can but he can't commit to a particular timeline now.

Chair Berman stated that they understand.

- 3. PSD-801-15
UP-66-15
SUB-227-15
Heritage Tree
Removal
Authorization** **File No. 2015-002 – Applicant request for extension of expiration date for Site Development Permit PSD-801-15, Use Permit UP-66-15, Subdivision SUB-227-15 and Heritage Tree Removal Authorization**, to construct seven townhomes at 1335 Adobe Drive (APN 023-222-080). Recommended CEQA Action: Exempt pursuant to CEQA Guidelines Section 15062(b)(3).

Planning Director Murdock presented the staff report.

Chair Berman asked if the applicant was present.

Planning Director Murdock stated he did not see the applicant present.

Chair Berman asked if the applicant called in.

Senior Planner Cervantes stated that there were no callers at this time.

Vice Chair Hauser stated that it was a 2019 approval, and, if they wanted to extend the entitlement with the condition that the project comply with the current heritage tree ordinance, she asked if that was a legal possibility.

Planning Director Murdock stated that it would not be at this time as to impose any new condition of approval requires the Commission to conduct a public hearing first. With respect to her question, he didn't think it would be possible, given that state law provides that the project be subject to those local regulations in effect when the tentative subdivision map was deemed complete and staff would need to do further research if there was any opportunity to do that and he thought it would be challenging, if not impossible, to change the standards applicable to the project.

Commissioner Godwin stated that one of the things he has noted is that interest rates have gone up dramatically, making these kind of projects a lot less financially feasible and he asked if any staff has talked to the applicant saying they are still ready to proceed with this and are in a financial state where this is attractive to them or is that a question they aren't allowed to ask.

Planning Director Murdock stated that there was no information he has about the financial circumstances of this particular developer, but the architects representing the project have been very eager to get this extension finalized by the city and they want to continue processing the building permit application according to their representations and they need to bring in some additional technical expertise on the project team and they didn't want to spend the money to do that until they had certainty with respect to this extension. He stated that all indications on his end are that the applicant intends to continue with the project and construct it.

Chair Berman opened the public comments and, seeing no one, closed public comments.

Vice Chair Hauser stated that her feelings are that the applicant is actively pursuing the subdivision and she is willing to make a motion to grant the extension even if they can't apply the heritage tree ordinance.

Chair Berman asked Planning Director Murdock if he needed Vice Chair Hauser to read the motion.

Planning Director Murdock stated he didn't as it is a simple motion to grant the extension that is requested.

Chair Berman then asked if there was a second.

Commissioner Ferguson seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser
and Chair Berman

Noes: None

COMMISSION COMMUNICATIONS:

Vice Chair Hauser commended Commissioner Domurat on his new role which was well deserved. She also mentioned that the water district and local high school have been working with two different universities to do fog collection and they are getting a lot of fog through the fog collectors and suggested that everyone check out the article in the Tribune.

Commissioner Domurat stated it was a very good article in the Tribune on the project. He wanted to see the art work. He stated that Vice Chair Hauser referred to the fact he ran for and approved to become a harbor commissioner for San Mateo County harbors, such as Pillar Point Harbor and Oyster Point Harbor and he has submitted his resignation from the Commission on December 31.

Chair Berman seconded what Vice Chair Hauser said, adding that it has been a pleasure working with him on the Commission as he was such an asset on the General Plan and Sharp Park Specific Plan process. She was happy that his name goes down in the documents for the next 18 or 40 years.

STAFF COMMUNICATIONS:

Planning Director Murdock was excited to announce that Planning has hired three new staff, one being Senior Planner Stefanie Cervantes, who was present at this meeting and assisting with the dial-in comment function. He stated that they also hired an Associate Planner and Assistant Planner whom the Commission will meet as they support in learning the dial-in system or presenting items to the Planning Commission. He also announced that Pacifica has released a draft Environmental Impact Report (EIR) for the Pacifica School District's 70-unit workforce housing project at 930 Oddstad Boulevard at the former Oddstad School with preservation of the ball fields. He stated that the document is available on Planning Department's webpage under environmental documents, as well as at Planning's counter and at both libraries. He stated that the public comment period is open through January 2023.

Chair Berman returned to Commission Communication as there was one item she wanted to ask, i.e., would he be able to give an update on the housing element on where they are in the process and what to expect as there have been a couple of community outreach events and virtual meetings which were inciteful.

Planning Director Murdock stated he was willing to do it, but added that he doesn't have a full in depth presentation. Generally, they had one online community meeting and two in person community meetings in the past couple of months and they got terrific feedback from our community. They were introducing the housing element, and providing some background factual information about what the process is designed and required to do under state law, city's obligations, etc., in providing over 2,000 housing units over the next eight years and how they take that number and shape it into a housing element document while asking community for feedback on several of the strategies they identified to plan for that number of housing units. They had small group discussions, sought opinions on proposed strategies as well as potential strategies the community suggested. They alluded to the fact that the housing element is more than just planning for housing unites but also an assessment of the city's policies, programs, etc. and what the city can do with constraints or limitations. They are taking that feedback and continuing a bunch of technical work across the full range of housing element topics between staff and their consultant team. They are pushing aggressively through the holiday period to

prepare a draft document to release to the community in January for public comment and review. He didn't want to dodge the elephant in the room, i.e., there is a statutory deadline for adoption of the housing element, January 31, 2023 for the Bay Area region and Pacifica is not going to meet that deadline for a variety of factors, but they are working as hard as they can to get the document ready for Council consideration and adoption as soon as possible, ideally within the grace period or 120 days after the statutory deadline which is May 31. He stated that they are working very hard to do that as it preserves some rights for the city to complete rezoning for all those housing units over a three-year period rather than a one-year period if they fail to adopt within the grace period. He stated that other consequences, such as the builder's remedy which is making the rounds in California in terms of an issue or controversy and they are well aware of that and determining what options or strategies the city may have to minimize the risk to a builder's remedy during that in-between period from the adoption deadline on January 31 and when they actually adopt the housing element as a city which is a lot of work. He stated that they are all hands on deck in pulling their various skill sets in and trying to get the document prepared into a draft form sooner rather than later.

Chair Berman thanked him. She asked, as they are fortunate to have the General Plan and the Sharp Park Specific Plan adopted, will the lots where they change the land use and designated more opportunity for housing, whether that will be incorporated into the housing element or is there a reason why a certain lot wouldn't be included.

Planning Director Murdock stated yes and no, i.e., yes to the extent that the lots also meet other criteria that are relevant to the housing element and explained in the community meetings that roughly 60% of our RHNA housing obligation are low income or lower and those are the most challenging to plan for and the state has imposed the highest number of criteria in terms of identifying sites that are appropriate and eligible to be counted toward the production of those lower income housing units. The Planning Commission made many important and helpful changes in the General Plan but they didn't have the opportunity to put all of the planning needed to accomplish their housing element obligations into the General Plan, primarily given the long timeline that was involved in that process and wasn't able to foresee our housing allocation in late 2021 and they have a lot of additional rezoning work that will be required as part of our housing element update. The General Plan, as of today, is not sufficient to comply with our planning obligations and there is much work ahead in terms of finding those sites that are appropriate for the community and reflect other community values, such as environmental protection, hillside preservation, redeveloping infill commercial properties and find enough of those sites at the right densities which will be much higher than densities experienced by this community in the past to get to that 2,000 unit planning figure.

Chair Berman thanked him.

Planning Director Murdock stated that he left out what to expect ahead in the coming months. He alluded to a planned release in January 2023 of a draft housing element for community review and comment for a 30-day comment period. Within that comment period, they will plan a Council study session and potentially a joint study session with the Planning Commission and City Council to provide the public additional opportunity to verbally comment on the draft document in addition to their written comment opportunity. Following that, they will have to take at least ten days to consider the public comments received and make any necessary revisions based on the public comments and then send a draft housing element to the California Housing and Community Development Department (HCD). They have, by law, up to 90 days to review

the document and reviews have typically taken anywhere from 60-90 days, and they hope to get it on the shorter end to turn around and prepare the document for adoption sooner rather than later. That document, prior to adoption, will come to the Planning Commission and then to Council for formal action.

Chair Berman asked if there were any questions or comments and she concluded that Planning Director Murdock was very thorough in his response. She stated they were ready for a motion to adjourn.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Hauser moved to adjourn the meeting at 8:00 p.m.; Commissioner Ferguson seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser
and Chair Berman

Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Murdock