

MINUTES

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

March 1, 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, and is necessary 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.

ROLL CALL: Present: Commissioners Berman, Godwin, Hauser, Leal and Chair Nibbelin
Absent: Commissioner Ferguson

SALUTE TO FLAG: Led by Commissioner Godwin

STAFF PRESENT: Dep. Planning Director Murdock
Mgmt. Analyst II Montemayor
PW Supt. Lavorini

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

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

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

APPROVAL OF MINUTES: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 8, 2021:

None

ORAL COMMUNICATIONS:

Dep. Planning Director Murdock introduced the speakers.

Lori Yap, Pacifica, stated that she was very concerned about the TUP for 650 Cape Breton Drive. She understood the necessary hearing for church services has been continued and no date has

been set, as the applicant needed more time to comply with Pacifica's municipal code and the Planning Department does not know when they will receive it. She stated that, meanwhile, the church is moving in. She stated that the activity and noise on the property has increased as their voices echo back in the valley. She stated that the traffic has increased to the property, including more personal vehicles, Comcast, plumbing and moving trucks unloading on the property. She stated that there has been noise and unloading going on for the past week on the property at 11:00 PM at night. She stated that it was very frustrating to the neighborhood. She stated that they had hoped there was a fair process taking place. She stated that the Planning Department staff has been responsive to her questions, and explained the TUP process. She appreciated that, but she felt it was not fair that church materials and furniture are being moved in and facilities are being fixed up to conduct services when the necessary TUP hearing has been continued because the church needed more time to comply with Pacifica's municipal code, adding that they don't even have a date for that. She asked that they be fair to everyone in that process, whether you are the church seeking a TUP or the Pacifica residents who are opposed to the TUP.

Cynde, Pacifica, stated that she agreed with everything the previous speaker just said. She asked if an environmental report been done and a structural report has been done. She asked why they are moving in if they have not been permitted yet. She thinks that people need to come back there and look at the situation. She asked why a church would need 24-hour guards. She does not think it is viable. She does not think the neighborhood can take the traffic or infrastructures in the roads and all the sewage these people will be taking, using and disposing of. She stated that it was a lot of people for the little community to handle. She also asked about the rest of Pacifica in coming down Highway 1 on the weekends is bad and we will have that every single day and that will be a big issue. She stated that weekend driving is horrific and it doesn't make sense for the church to move in and do whatever they want to do. She stated that none of the neighbors were notified of this coming. She asked if they have to notify the neighbors about what is going on and get permission or at least get their opinion. She felt they needed to do due diligence and check out this church and the infrastructure and have an environmental report done. She hopes they will take into consideration for everybody who lives in Pacifica on the impact that this church can do to everyone and the wildlife and infrastructures.

Sherry Stodder, Pacifica, stated that she also agreed with Lori Yap, who is her mother's neighbor, mentioning several other neighbors who have lived there for decades. She stated that she looked at the application for the TUP and she stated that one of the bullet points was about change in noise and vibration levels and they marked no. She stated that they also proposed that they will use organs for their music at the OSPAC meeting on December 16, and she stated that the second bullet point was the change in ground contours and they wrote no. She stated that they have been pouring cement and she didn't know if they were aware of that and she didn't know if that constitutes change in contours of the ground, but she thought it does. She stated that, in relation to a series of larger projects was her last bullet point. She stated that, on December 16, they proposed a permit for a PD and an SUP for planned development for the future and they marked no for that also. She stated that she feels that they are not being transparent. She was frustrated as they are saying maybe 120 people, moving in pews, and that seems permanent for a temporary TUP. She stated that those aren't folding chairs for a special occasion but long term. She stated that, with the traffic that is going back and forth there, if her mother backs out of her driveway and gets in an accident. They say maybe 32 cars will be there, but she presumes more for the couple of hundred people they are going to put in that tent area. She asked, what if they bus people in, and that is how they plan to remedy that. She asked where they are going to park the buses, such as Linda Mar Shopping Center, stating that then citizens can't go to Linda Mar

Shopping Center to go grocery shopping because all these other people are parking there to get bussed to the back of the valley for their church service. She understands that owners have due process in the city's municipal code, but she stated that the evidence is there and the neighbors are letting them know. If there is an EIR that needs to be done regarding mountain lions and protecting wildlife there, she feels that it is not being done and no one is getting responded or getting a reply from the city.

Marianne Waterman, Pacifica, stated that she spoke at the previous meeting. She appreciated the previous speakers, and stated that they are delivering pews, not folding chairs, but permanent furniture. She stated that they had plumbers, concrete poured, they will bring in organs, put in mesh things down for the noise, but she questioned whether the mesh will help. She asked the commissioners if they have been there, and she wanted them to go there and drive up Cape Breton. She stated that it is one of those streets that you have to move over when someone comes down as it is not a wide street, but a residential street. She stated that the thought of buses coming up the street is terrifying, the thought of them having armed guards or any kind of guards watching the premises is terrifying. She stated that the hill is not terraced. She mentioned the slides in the 80s. She stated that, if there is noise vibration, the pouring of the concrete is disturbing the land. She stated that this is a nightmare waiting to happen and she is beyond distressed as she cannot believe it is being allowed. She stated that there is all kinds of activity there all day and night she wants to know what they are going to do about it. She asked that they be transparent and let them know what is happening there. She asked that they sit in the driveway at 724 Cape Breton and watch the traffic. She stated that she will keep speaking until something is done.

Erin Macias, Pacifica, stated that she echoed some of the comments of the previous speakers, i.e., the community impacts from this church have already been felt. She stated that she has been up there and it sounded like they were holding a choir practice. They had roughly 40 cars on the back of the property that cannot be seen from plain view, trucks driving up and down the street making deliveries. She stated that there was a truck unloading at 11:00 at night. She stated that it is a residential neighborhood and that is totally unacceptable. She stated that they don't even have a permit and yet they are operating as if they do. She asked what the workers were doing if they don't have a use permit in place and why is the city not intervening. She stated that a complaint was lodged with the city that they were unloading pews and were giving photographic evidence. She stated that the code enforcement officer, unfortunately, is not very proactive with complaints within Pacifica and she didn't even ask to see where they were stored. She stated that what they are hearing from the community is that they are operating in the back haybarn and holding bible study and choir practices. She thinks the city needs to be more proactive in their investigation as to what is happening and recognize that there are cars, trucks and people coming and going at all hours of the night and completely disturbing the neighborhood. She stated that the impacts are great and they are not even operating at full force yet. She asked that the city take this seriously and they were begging the Planning Commission to take the concerns of the community at face value and do an investigation and order a cease and desist. She stated that they do not have a temporary use permit and they should not be doing any business at all.

Lucy, Pacifica, stated that she lives at 724 Cape Breton and she can tell them that they are operating some kind of bible study or church services in the back. They hear trucks at 6:30 in the morning making noise, and she stated it was ridiculous. She feels like staff is not taking their complaints seriously. She stated that she has two small children one on the way and asked how they would feel if they lived back there. She asked if they would let it pass. She stated that it has

caused such an uproar online with the community and she feels like staff does not care. She stated that it was really frustrating. She stated that they saw trucks full of pews and she saw them unloading them. She has seen giant U-hauls coming up the street every day. They are doing plumbing work and she asked how that is happening if they don't have a permit. She asked why the city was not doing anything about it.

Chair Nibbelin stated that they have received a number of written comments regarding this item that was referenced by the speakers and they have had the opportunity to hear a number of comments about it, so they are well apprised of some of the significant concerns.

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1. Amend UP-975-07 File No. 2021-004** – Revise operation of the Pacifica Farmers’ Market to start the market season in April and continue through December, and to revise market hours of operation to begin at 2:00 P.M. and end at 6:30 PM on Wednesdays only during the market season. **Amend CDP-415-19** Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Dep. Planning Director Murdock presented the staff report.

Chair Nibbelin asked if there was anyone present from the operator of the Farmer’s Market who will speak to this item.

Dep. Planning Director Murdock stated that there is. He stated that Mgmt. Analyst Josh Montemayor is present to speak as the permit applicant, and he is accompanied by two representatives from the Farmer’s Market.

Chair Nibbelin stated that prior that, he would ask if any commissioners have any questions with respect to the report, recognizing that they will hear from city staff and the market operator. And seeing no questions, he asked that the applicant speak to the matter.

Mgmt. Analyst Montemayor introduced the Farmer’s Market operators, Erin Tormey and Colleen Granahan, and they are present when the market is in operation.

Colleen Granahan, applicant, stated that Erin Tormey would speak for both of them, adding that they look forward to seeing them in April.

Erin Tormey, applicant, stated that she was the founder of the Coastside Farmer’s Market and has been the onsite operator since they first started in May 2007 and they are making this request in response to requests from Pacificans who would like to see a year round market and they are not feeling like that is an economically feasible or responsible thing to do but they are making this request to respond to the changing face of things. She stated that this will be their 15th year in Pacifica. They were looking for a simple shift in their start time, 2:30 to 6:30 and they are finding that it works well in the peak of the season when the days are long, but in the later part of the year when it is dark at 5:00 makes things a little bit tough. She stated that it no longer fits the community the way it did when they first started and they are looking to back up their start time by a half hour and looking to expand their season to give them some flexibility to open in April and stay open through the Wednesday right before Christmas and will line it up with their season in Half Moon Bay. She stated that most of this was in response to the vendors and farmers that they have and what makes them distinct in the farmer’s market sphere is their focus on local coastside Pacifica-based businesses, i.e., farms, cafes, restaurants, bakers, etc. and they want to make it possible for them, particularly to leverage the relationships they have developed over the years to ensure fair financial viability as well as the financial viability of the farmer’s market. She stated that it takes money to make the engine run and they are looking at making sure it continues to run in a healthy and sustainable manner well into the future.

Vice Chair Berman stated that she was happy to see this proposal. She stated that she knows they are looking at approving flexibility of changing the start and end time throughout the year, and

she understood it makes sense, given the change in time of when the sun sets, but she was wondering if there was any concern in operation with having varied start times and asked if there was a benefit to having a regular schedule. She stated that she makes it a point to go to the Farmer's Market as much as she can, and she doesn't look up the time it starts or ends, but just remembers that during the pandemic she is allowed to go at 3:15 and she better get there before 6:00. She asked if there were any concerns that, if they have shifting times throughout the year, people may miss out.

Ms. Tormey stated that it was a good question. She stated that they were asking to shift their regular start time from 2:30 to 2:00. She stated that the whole business around the four-hour timeframe is the health department recommendation that a statewide thing as you don't want food being out in uncontrolled temperatures, particularly perishables for more than the four-hour period as they recommend that as the time that you can keep something in a cooler at the right temperature like humus or dairy products. She stated that having produce in uncontrolled conditions for hours on end, which is why farmer's markets are traditionally four hours long. She stated that they are seeking an earlier start time to respond to a community belief that they already start at 2:00 but they never have. When the days are longer, they have a hard time getting people out of the market at closing time, and it was more about keeping their standard operating hours being from 2:00 until 6:00 and having the flexibility when there longer days and it is sunny and people are on the beach and sometimes it takes them longer to serve everyone who is at the market and get them on the road. She stated that it was a little hard to put that in a staff report, but that is what they are after, lengthen it by two months and back up the start time to a consistent 2:00.

Chair Nibbelin stated that he got an email from Charles Gust who expressed concerns about parking and traffic, particularly on Wednesday afternoon. He asked if Mr. Montemayor saw the email.

Mgmt. Analyst Montemayor stated that he did not.

Chair Nibbelin thought the gist of it was around parking and concerns about whether there is enough parking, given the success of the Farmer's Market and some thoughts about whether there might be some off site parking that they might be able to arrange at the quarry and he was wondering if Dep. Planning Director Murdock saw the email.

Dep. Planning Director Murdock stated that he did not see it. He referred to off site parking at the quarry, and any development there such as a parking lot, for instance, would require a separate permitting process that is beyond the scope of this authorization that they are seeking at this time, but is something they can keep in their mind as parking is constrained in many locations in town, particularly in our popular beachside locations like Rockaway Beach.

Chair Nibbelin understood, and he thought he might send the email on to him so staff can consider some of the matters raised. He stated that he wasn't proposing to hold up this consideration but something that can be considered.

Ms. Tormey would like to respond to that. She stated that they had an agreement with those who have levees to keep all of their vendor parking within the overlay of the map and from the top where Gil Anda owns that lot between the Mildred Owens Garden and just before the Gust property, and they have had a longtime arrangement with him, paying to have that field mowed

every year and have a lot of their vendor parking there that there is not room for within the market site. She stated that they are going to reopen their conversation with the Lighthouse Hotel that has often offered them parking on the Dondee Street side for their vendors and volunteers and they are fully aware of the impact of parking and they do everything they can to mitigate it so that there is no vendor parking on any of the streets or minimal vendor parking in the north beach parking area.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock sees one hand raised, but not sure if it is a holdover from Public Comments but they will allow the speaker to clarify that she was speaking on this item.

Cynde, Pacifica, stated that she was not wanting to speak on this item but had a question from the previous public comment section.

Dep. Planning Director Murdock stated that there was only one opportunity to speak on each item and why he didn't recognize her again under public comments. If it is not on this item, they are not able to take further public comments on the prior item. He encouraged her to follow up with him during business hours tomorrow.

Cynde asked if he could send her his email and she would appreciate that.

Dep. Planning Director Murdock stated that it is on the Planning Department website.

Chair Nibbelin closed the Public Hearing.

Commissioner Hauser appreciated the Farmer's Market and the application. She stated that they were asking if they could have longer hours and extend their timing and she thought this was a wonderful thing and she was happy to support it.

Commissioner Godwin thought the Farmer's Market as been a real asset to Pacifica and he knows people who enjoy shopping there. He thought changing the hours would be a beneficial thing.

Commissioner Leal wanted a clarification so he knows he is understanding this correctly. He stated that the City Manager authorized to extend it to 7:30 and if his math is right, that means the start time would be 3:30 because it would only be limited to four hours of operation.

Mgmt. Analyst Montemayor stated that the request was to bump the hours to begin at 2:00. He stated that he might be referring to the tow-away hours that would be posted between 1:00 to 7:30.

Dep. Planning Director Murdock stated that under the scenario described by Commissioner Leal, it would be a 3:00 pm start time unless the Farmer's Market was willing to have an even shorter cleanup period. He stated that the authorization of up to four hours would mean that they would have to start at 3:00 and end at 7:00 and clean up and vacate the site by 7:30 pm. He stated that at this point, they have not heard any interest of opening later and they actually want to open earlier.

Commissioner Leal understood and just wanted to make sure that he understood as well as the public, and it would be four hours regardless of the movement within the time range and the market people will have a bumper for cleanup and set up.

Commissioner Hauser moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act, and APPROVES amendments to Use Permit UP-975-07 and Coastal Development Permit CDP-415-19 by adopting the attached resolution, including conditions of approval in Exhibit A; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

Ayes: Commissioners Berman, Godwin, Hauser, Leal and
Chair Nibbelin

Noes: None

Ms. Tormey thanked them, stating that the city has been great and extremely helpful. She reminded them that they consider themselves to be at their service, as the Farmer's Market also functions not just in nourishing people but getting vital information out to the community. She stated that they have been part of the effort to ensure that the local communities know what is going on with regard to everything happening with Covid and vaccinations. She stated that Colleen Granahan has been great in working with the community outreach with the county and if there is anything they want, she asked them to reach out to them and they will make sure to use the channels they have to get that information out. She stated that Colleen Granahan is the on the ground manager at the Farmer's Market. She stated that when she is there, she is trying to be there as a farmer.

Chair Nibbelin thanked them for all they do. He stated that, in working with the county, he knows they are helpful in the census outreach which he thought was very helpful.

CONSIDERATION:

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| 2. 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 66-15, Subdivision SUB-227-15, and Heritage Tree Removal Authorization, to construct seven townhomes at 1335 Adobe Drive (APNs-023-222-080).
Recommended CEQA Action: N/A. |
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Dep. Planning Director Murdock presented the staff report.

Chair Nibbelin asked if the applicant or a representative was present to speak on this item.

Dep. Planning Director Murdock stated that Anthony Lim, representative of the ownership, and Tony Panteleoni, lead architect in the entitlement stage.

Tony Panteleoni, architect, stated that obtaining financing is very difficult at this time with the addition of the virus delaying everything. He stated that they are in the process of developing the drawing but they need more time and they would appreciate the extra time. He stated that Anthony Lim, the project sponsor is also on board, but he was speaking for both of them.

Chair Nibbelin opened the Public Hearing and, seeing no one, closed the Public Hearing.

Chair Nibbelin asked if any Commissioners had comment or question and, seeing no one, he thought that a motion was in order.

Commissioner Godwin moved that the Planning Commission EXTEND Site Development Permit PSD-801-15, Use Permit UP-66-15, Tentative Subdivision Map SUB-227-15, and Heritage Tree Removal Authorization by 18 months, to establish an expiration date of September 4, 2022; Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

Ayes: Commissioners Berman, Godwin, Hauser, Leal and
Chair Nibbelin

Noes: None

Chair Nibbelin 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.

COMMISSION COMMUNICATIONS:

Vice Chair Berman stated that, on March 12, the Coastal Commission will be considering approval of the Cyprus Point affordable housing project and their Local Coastal Plan amendment. She stated that this was an item that former Commissioner Bigstycyk would bring up often during Commission Communications, and as he is now on Council, she wanted to bring this up. She stated that, for disclosure, she was on the design team of the project, but she wanted to mention it in case there was anyone who was passionate about filling the housing gap, especially on the coastside, and it would be very beneficial to speak out at the upcoming Coastal Commission meeting. She stated that they could go to their website for information. She stated that it was Item 14 so it could be mid-day.

Commissioner Hauser mentioned that there have been a lot of people who have attended this meeting, as well as the last few minutes, and have given public comment and have taken the time to sit through the meetings and participate in the public process. She understood that some of the processes can be frustrating, but she wanted to assure those who are still listening that they hear them and they care what they think. She stated that, without addressing items not on the agenda, she appreciated all of the input.

STAFF COMMUNICATIONS:

Dep. Planning Director Murdock stated that the City Council will be undertaking their annual goalsetting process this weekend, on March 5 at 1:00 pm and March 6 at 9:00 am. He stated that the public is welcome to observe and comment during the appropriate periods. He stated that the agenda materials are available with a link to the Zoom on the city's website. He referred to what Commissioner Hauser mentioned, stating that they receive all the public input and they read all of them and are taking steps where appropriate to follow up on the information and points identified by the community in relation to their complaints. He stated that, with Commissioners specifically, it was important for the community to know that they may not receive a direct response from the commissioners as they are obligated to remain neutral and unbiased in relation to items that may come before them, but they forward information as appropriate to city staff to follow up. He thanked the public for understanding that their processes do have limitations in certain elements to them, and they are following all appropriate processes and procedures.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Berman moved to adjourn the meeting at 7:48 p.m.; Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister