

MINUTES

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

April 20, 2015

7:00 p.m.

Vice Chair Gordon called the meeting to order at 7:01 p.m.

ROLL CALL: Present: Commissioners Vaterlaus, Cooper, Campbell, Nibbelin and Vice Chair Gordon
Absent: Commissioners Brown and Evans

SALUTE TO FLAG: Led by Commissioner Vaterlaus

STAFF PRESENT: Planning Director Tina Wehrmeister
Assist. Planner Christian Murdock
Assist. City Attorney Kevin Siegel

APPROVAL OF ORDER OF AGENDA Commissioner Cooper moved approval of the Order of Agenda; Commissioner Vaterlaus seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Cooper, Campbell, Nibbelin and Vice Chair Gordon

Noes: None

APPROVAL OF MINUTES: MARCH 16, 2015 AND APRIL 6, 2015 No quorum for approval of March 16, 2015 minutes. Commissioner Cooper moved approval of minutes of April 6, 2015; Commissioner Vaterlaus seconded the motion.

The motion carried **4-0-1**.

Ayes: Commissioners Vaterlaus, Cooper, Campbell and Vice Chair Gordon

Noes: None

Abstains: Commissioner Nibbelin

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF APRIL 27, 2015:

None

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

- 1. UP-040-14 USE PERMIT, UP-040-14, filed by Noelle DeWeese of the Spindrift School of Performing Arts, to demolish an existing outdoor rest room building and install nine trailers to create a 105'-3" x 63" (6,630 sq. ft.) combined classroom building to conduct theater and dance classes at the upper level of Oddstad Park, 1050 Crespi Drive (APN 023-132-160). Recommended California Environmental Quality Act (CEQA) status: Categorical Exemption.**

Asst. Planner Murdock presented the staff report.

Noelle DeWeese, Executive Director, briefly explained the mission of the school, including the outreach program and summer camps, and its importance in the future of children, mentioning the support of President Obama and First Lady Michelle Obama in the important part art plays in developing the leaders of our country. She explained that they are in need of more space to provide the room to service all the children, and this project was planned in accordance with the City's guidelines and General Plan. She mentioned that Council had approved their lease and supported this project as an improvement to the park and the community.

Commissioner Cooper recommended that everyone take a class and appreciated what they provide. He stated that his concern was the amount of traffic when they had a performance and how people will get from the lower parking lot to the upper parking lot. He asked if they planned to rebuild the stairs to that area.

Ms. DeWeese stated that it was not a part of their proposal, but that has been a concern of theirs as well. She stated that, there was information in the packet for solutions to the parking and traffic solution. They realized they were the ones proposing change and, as such, they work around the Spindrift Players season. Because of their other locations, it creates some flexibility, but they would work around their schedule. They primarily hold classes from 3-7 PM.

Commissioner Cooper stated that his main concern was about the safe travel from the lower to upper parking lot, not the scheduling between the two groups. He would like to see that as a request to Parks and Rec to reconstruct the stairs and add lighting to ensure safe pathway between the lots.

Ms. DeWeese responded that they would love that.

Vice Chair Gordon opened the Public Hearing.

Dereck Burns, Pacifica, stated that he wasn't born here, but he has noticed the abundance of artists of all types in Pacifica. He also acknowledged the cooperation here, mentioning the process such at Mori Point, Pedro Point, etc. He stated that it was wonderful to raise a family here with the schools and other resources the city provides. He thought it was important to offer the art program for the enrichment of the children. He felt his two daughters were strong and capable as a direct result of the leadership of Noelle and other teachers. He felt this expansion would allow them to feed young artists into the Pacifica Spindrift program.

Tom Nolan, Pacifica, stated he lives on Crespi, directly behind and above the proposed project and makes him a neighbor. He strongly urged them to approve the project as conditioned. He stated that he has two children who have been students of Spindrift for three years, giving them the opportunity to watch the magical work the school produces. He felt this was a labor of love by the staff and the parents get to participate and enjoy the fruits of their labor and watch the children shine. He mentioned that now, the majority of classes are held at Oddstad School. He mentioned that his wife attended the school years ago, but not much has changed since then. He felt they have accomplished so much with so little and he felt they needed to have a place of their own with all the amenities under one roof. He mentioned that the community has responded in helping them with the fund to accomplish this project and he asked that the Commission do their part and approve the project.

Chris Yakabe, Pacifica, stated he lived on Barcelona, adjacent to the park. He supports the arts. He stated that he was late in this process, but his only concern was whether alternate locations have been looked at for this facility. He thought there were a lot of empty buildings in Pacifica, such as Linda Mar Shopping Center and Pedro Point. While they are commercial, he wondered if there were other properties in the city that were vacant and could be used for this purpose. He felt that would avoid all the work and costs of building new facilities, etc. He felt they already had a lot of traffic and wondered if studies had been done to consider the increase in traffic. He also mentioned the parking considerations, and wondered how many people would be coming in on a daily basis and if they analyzed whether the parking would spill into Crespi or neighboring streets. He stated that he wasn't opposed to the project, which he felt was a good project, but questioned whether it should be located in the park. He wondered if alternate existing locations have been looked at.

Gary Pugh Newman, Pacifica, stated he is the president of the Board of Pacifica Spindrift Players and responsible to see that it survives. They survive by having shows at the theater. He stated that they are the lease holder, paying the city. He stated that the school started 20 years ago with two musicians and a tap dancer and it has grown. He believes they need arts in the school, adding that he is an actor and it has done wonders for him. He didn't oppose the fact that they need the school in the area. However, the board was having a problem with the black box theater. He stated that they already have a theater on the property and this was the only way to raise money and keep afloat. They were subleasing to the school and that helps to pay for half of what they pay every month to the city to lease the building. They felt that, with the new building, they will have to increase what they do with the use of the building. He stated that the parking situation was difficult, explaining that doing a large musical with 20 cast members, there are 20 cars, and with the addition of 20 people in the audience, that exceeds the parking in the top parking lot. If he had a blackbox theater, he would be using that all the time. He referred to the previous speaker's question of finding an existing location, and he stated that the school uses Oddstad School, which does have a special needs school there, but which already has a theater and classrooms and can be developed into its own school. He thought they would have plenty of room there to accomplish their goals. He reiterated that the biggest problem they have are the parking situation and two 100-seat theaters in one property with limited parking.

Kevin Cubba, Pacifica, stated he lives on Crespi near the park. They support the performing arts and like having a theater in the neighborhood. The first concern is the elimination of the picnic area in the park where many of the nearby residents go for picnics, etc., and the other concern was that, while this has been in the planning stages for years, the neighborhood had just learned about it a few weeks prior to this meeting.

Sofie Green, Pacifica, stated that she has been training with Spindrift for almost four years, mentioning the welcoming atmosphere and she now dreams of being on Broadway. She felt this program has been a part of her passions. She is currently in the dance company, in addition to many other classes. She felt that as a company they need better space, mentioning that dancing in their little space at Oddstad Studios was difficult, as well as other limitations. She felt the two theaters would benefit both theater companies and would also give them the freedom to be the artists they dream of being.

Hope Nelson, Pacifica, stated that she was 17 and was speaking on behalf of the school. She stated she started at 4 and grew up there. She felt it was an important place to her, helping her find who she wants to be with a career path she can accomplish after all her training. She felt it was important to have a bigger space, adding that the program gives them goals of something to do and be proud of.

Margaret Lie, Pacifica, stated that she was 16 and has been at Spindrift for 12 years, starting in kindergarten. She stated that she suffered from anxiety and Spindrift has brought her out of that. She has seen them grow exponentially and she felt this new facility will allow them to expand, explore and perform. She asked that they pass this. She has benefitted from the program and she would like to see the rest of the community benefit as she has.

Andy Lie, Pacifica, stated that he is a Spindrift School parent and a current board member but has been a parent of the program for even longer. He urged them to approve the project as conditioned. He stated his daughter and Sofie know what it is like to dance and perform in their current inadequate space. He mentioned that the blackbox theater will not be used for plays, but for various recitals in the afternoon. He urged them to approve this.

Janine Galligani, Pacifica, stated that she grew up in Pacifica and wished she had Spindrift when she was young and then might not be nervous as she is. She felt they should support the project. She is a parent and left her business to be with her children and volunteer. She watched Spindrift at all of the schools with their outreach programs at each campus. She helped with their 20th anniversary party, and they had over 300 people in attendance. She stated that Spindrift has outgrown the spaces they have all over Pacifica and need to be grounded and need this space. She urged that the Commission support it. She stated that they are so committed to what they do.

Gary Smith, Pacifica, stated that he was a member of the Pacifica Spindrift Players. He stated that there was no question that the Spindrift school was an important part of Pacifica and an expanded area is needed, but he felt the blackbox theater was the concern. He stated that the Pacifica Spindrift Players has a 100-seat theater and they fill the parking lots when they have a performance. He thought the likelihood of the two theaters competing for parking spaces, etc., was a great concern. He referred to the statement that everything would end at 7:00 PM, and schedules will be worked out, but he felt the potential was there. He stated that the infrastructure in the park was not able to support two 100-seat theaters. He felt it was important for the Planning Commission to take a look, and do a parking study, traffic study and see if the infrastructure will support the two theaters. This was the biggest concern but the stairs were another already mentioned. He thought, if the parking spaces could be mitigated and be increased for two theaters operating at the same time. He didn't see the space for the extra parking and he thought, in the future, there will be a major conflict between the two theaters operating at the same time with parking problems in that area.

Joan Pugh Newman, Pacifica, stated that she was a board member of the Pacifica Spindrift Players. She stated that they have supported the Spindrift School of Performing Arts for years. She asserted that it was not a question of not supporting the arts in the community for children and adults. They would love the school to have a large space, but the problem, as mentioned by neighbors and other members of Pacifica Spindrift Players, was the concern that the extra space for the school be 20 yards adjacent to the theater building which was already packed full of activities. She reiterated that the concern was not regarding the support of the school but the placement where they propose to put their building. She asked that the extra space be granted to the school but in a place that does not interfere with Pacifica Spindrift Players' need to continue as a business and as the leaseholder with the City. They asked that consideration be given to Pacifica Spindrift Players' needs. They support the school in every sense except where it is detrimental to Pacifica Spindrift Players, and they believe it is in terms of using this facility and the parking availability. She stated that there was no guarantee that the parking will be available for the Pacifica Spindrift Players' shows held on weekend evenings and weekend afternoons.

Betsy Zobell, Pacifica, stated that she is on Standish Road. She stated that she has three children who are young adults and all of them were in Spindrift programs growing up. She believed the school has truly touched their lives. She stated that she is also a patron of Pacifica Spindrift Players' productions. She loves having a local theater and thinks they do excellent work. She stated that she joined the board of Spindrift School of Performing Arts and since then, they have devoted enormous staff and board time into trying to find expansion space because they need it. She stated that they have searched dozens of sites around town and have found that they are either cost prohibitive or do not offer a stable location. She felt that considerable investment has to be made into putting a school in a site. She stated that it is either too expensive or they can only offer no more than 15 months. She stated that real estate in San Mateo County was at an extreme premium. She stated that in her work, it was challenging for organizations to find reasonable space. She thought, in order to survive, nonprofit organizations need to find ways to collaborate and share space. She believed that, through careful planning and cooperation, both groups can coexist at the Oddstad site even with the additional buildings and parking problems can be resolved through cooperation. She hoped the Commission would support this use permit.

Sharon Luehs, Pacifica, stated that she lived on Crespi and she was happy to have the Spindrift theater but she was opposed to the expansion at that small location, and had concerns about the parking for two theaters. She also mentioned that there were packs of coyotes and she was concerned about where they will go. She suggested they do a traffic impact study and consider finding another location.

George Mauro, Pacifica, stated that he was on Sheila Lane. He became a member of the Pacifica Spindrift Players in 1994, and he mentioned that they worked together pretty well in the beginning, but as the school started growing and there was a need to get someone to organize things better. He stated that, in 2003, he was made the production manager and later became the producing artistic director until 2010. He thought the major issue was scheduling. He worked with the people who run SSPA about the scheduling and they have never had a problem with scheduling. He also made the schedule for PSP for a number of years and the calendar, and they always shared the theater's needs with the school and vice versa. He thought the issue of parking was a moot point if the scheduling was done properly. He had a number of kids from the technical end go on to better things, mentioning that one is now working on Broadway, following

being able to work with the adult theater while he was part of SSPA. He asserted that they have always been able to work out the scheduling without any problems.

Sue Kimball-Cook, Pacifica, stated that she lives on Manzanita Drive. She has two kids in Spindrift and she added her voice about how valuable Spindrift has been to them, learning teamwork, etc., which they will all carry with them. She urged the Commission to allow the facility to go forward. They were a victim of their own success, bursting at the seams. She echoed Tom's comment about the Oddstad School's facility and they worry about the safety of the kids. She urged the Commission to support this.

Tyler Oakley, Pacifica, stated that he was a graduate of the Spindrift School of Performing Arts, starting when 9. He attended UCSD to study theater with a minor in dance. He now works professionally in San Francisco. He added that his story is not entirely unique, and mentioned several graduates who have become successful in theater. He stated that he was previously both a student and a teacher but now his only interest is for the future generations. He stated that they do need other space, because the spaces at Oddstad School are not sufficient. He referred to suggestions of finding other locations, and stated that he has taught at several school locations but felt teaching near their offices develops better relationships between bosses and teachers. He then expressed his concern as to whether the rationale for keeping the area a park made sense when it apparently wasn't really being kept up as a park.

Alex Bootzin, Pacifica, stated that he was a music director with Pacifica Spindrift Players in 1990 and was asked to start a school so he and his wife founded the Spindrift School of Performing Arts. He didn't think there would be any conflict, and this theater was a good feeder for the adult company. He felt they all benefit when they work together, adding that hundreds of children's lives have been changed. He felt parking was a mundane issue that can be overcome. He thought his late wife would be impressed with where they have arrived in this process and would be delighted with the next phase before them. He hoped they can move forward.

Ron Maykel, Pacifica, stated he hadn't come to talk about this item, but he often learns more from the people speaking than from the staff report. He referred to mention of the eucalyptus trees on the property and he suggested they condition the project to include removal of the trees as they are not heritage trees and are a nuisance and considered one of America's largest weeds.

Alison Terry, Pacifica, stated she moved to Pacifica two years ago and lives on Barcelona Drive, adjacent to Oddstad Park. She checked out the park prior to moving here, and stated she moved here to be near a park, not a school. She wonders about the impacts from noise, parking and the environment. She questioned who were going to ensure the deer are relocated rather than killed. She felt the environmental implications were important also.

Keira Robalido, Pacifica, stated that she was an employee of the Spindrift School of Performing Arts, adding that her children were several of the successful graduates mentioned earlier. She was at the site every day, and one thing all parents tell her is how lucky we are to have such an organization in Pacifica. She stated that they might do a show there, but it would be coordinated as it has been in the past. She felt this would allow SSPA to get out of the way of the scheduled PSP performances more easily. She did acknowledge that there might be a class going a bit later than 7:00 p.m., but the parents don't park, just dropping off or picking up. She stated that they also have the ability to educate the parents regarding parking or traffic issues. Their mission statement is worth forwarding and they really need the space.

Vice Chair Gordon thanked the public for coming to speak and then closed the Public Hearing.

Ms. DeWeese referred to the mention of alternative spaces, and stated that they have looked into lots of alternative spaces including commercial space which is cost prohibitive for them. She stated that this option was affordable for a non-profit as they are pinching pennies. She referred to the traffic question, stating that they have analyzed this as Asst. Planner Murdock has asked a lot of questions regarding their hours of operation, number of people coming to the site, etc. She also assured everyone that the children would be going home by the time the Spindrift Players group comes to practice. She referred to the questions about scheduling and she stated that the answer was good communication and scheduling. She stated that they have done that successfully for many years, but did admit that they have to reestablish a relationship with each new board president on how to get along. She assured them that she has lots of experience in doing that. She would hate to see the kids suffer because of someone who thinks they can't communicate, etc. She referred to comments of the blackbox theater and a seating capacity of 100, and stated that it was not what they were proposing. She stated that they looked at that when they had a different building in mind. She stated that this was their third set of modular building. She stated that they were going to inherit Terra Nova's modular building at the start of negotiations but that fell through. She stated that it was 100-seat theater at some point in time, during the process, but now it was 70-seat informal theater space and they will only be doing informal music recitals and end of session class shows. She then mentioned their anniversary party, when they had 300 people and had no traffic problems and no complaints from neighbors. She then stated that they still have a lawn area in the proposal with picnic tables and a gathering space. She mentioned a past break-in, and stated that they were looking to improve the area and create positive things.

Commissioner Campbell asked her to explain more about the difference between the blackbox theater versus what was actually going to be there.

Ms. DeWeese stated that a blackbox theater was a flexible classroom space that can be turned into an informal theater space. She compared it to multipurpose rooms in schools with lighting for the theatrical aspect.

Commissioner Nibbelin asked how many people can be seated in the informal theater.

Ms. DeWeese stated that it was 70.

Commissioner Nibbelin referred to the staff report and a reference to coordination with PSP. He thought it was a great idea, but he didn't see it as a condition of approval that there is ongoing coordination with PSP, if they were willing. He asked if that can be incorporated as a condition.

Asst. Planner Murdock stated that they went back and forth, and they figured that the coordination has been ongoing for a number of years. The city was not aware of coordination conflicts, and they didn't want to insert staff unnecessarily into a process that appears to be working. He stated that they attempted to address it by providing a consequence to the Spindrift School in the event that the coordination process fails and the city receives complaints. He stated that, at that time, the Planning Director has authority in Condition 10 to refer the use permit back to the Planning Commission for potentially additional conditions of approval, etc. It would be a public hearing so that the community will be able to comment.

Commissioner Nibbelin appreciated that process. He would be supportive of including a condition of approval requiring coordination. While they cannot force PSP, he would still like to suggest this idea to the Commission.

Asst. Planner Murdock stated that half of the problem was compelling PSP to play its part in the coordination, but they could include that condition with the Spindrift School.

Ms. DeWeese stated that they were willing to work around their schedule. She stated that, if they want to do shows every weekend, they will do their shows during the week. They now get PSP's season and they work around their schedule.

Vice Chair Gordon referred to a theme of a potential communication issue between two parties, and he respects the city's reticence to get involved. With a condition of approval, he would have concerns that the failure to comply with the condition would only fall upon one of the parties, and considered that as having equity issues.

Asst. Planner Murdock stated that it was unfortunately the limitation of the mechanism they have. They have one party asking for a conditional entitlement from the city and they don't have the ability to compel the PSP to play ball in this proceeding.

Commissioner Vaterlaus stated that she still did not understand what a blackbox theater is.

Ms. DeWeese stated that it was a very small informal theater space that can be used for many other purposes.

Commissioner Vaterlaus concluded they used them like multipurpose rooms.

Ms. DeWeese responded affirmatively.

Commissioner Cooper asked if they did any negotiations with Pacifica Unified School District or Jefferson Union High School District for property or land.

Ms. DeWeese responded affirmatively, explaining that, in terms of needing new space, they have gone to Terra Nova High School and they offered their portables to them, but they can no longer offer them.

Commissioner Cooper asked if they looked for land or opportunity to put their own trailers on their property or just to use their portables.

Ms. DeWeese stated that they have not looked for land. She stated that the land by their main location on 1050 Crespi was ideal for them. The idea of having everyone in a central location, staff and students was more ideal than spread about.

Commissioner Cooper asked if they looked for the Pacifica Unified School District on any available land besides using their existing facilities, specifically looking to put any trailers on Linda Mar or trailers on the other part of Oddstad.

Ms. DeWeese acknowledged that they did that. She looked at Linda Mar and the conclusion they came to was that the space was totally leased out now, and they weren't interested in them bringing in modular buildings at that site.

Commissioner Cooper asked if they considered expanding the existing building or adding on to the existing building that is currently back there.

Ms. DeWeese stated that they thought about that, but there was not much space. She stated that part of the value for them was having a space of their own in this project. She stated that it has been very difficult sharing the space with the Pacifica Spindrift Players. She stated that their students deserve their own space, as well as the staff.

Commissioner Cooper referred to bringing up the issues of the stairs, lighting, etc, and asked clarification if they were looking to Pacifica to maintain the parking lot, stairs, etc.

Ms. DeWeese stated that they were accepting it as is, and it will be on them to do any upgrades or any improvements.

Commissioner Cooper asked if they were planning to do any improvements on the project for the parking lots, etc.

Ms. DeWeese responded that, as time goes on, they would definitely. She stated that currently they were expended as far as their finances go, but the site of the park and its usability was in their interest.

Commissioner Nibbelin referred to their willingness to impose certain limits on the use of the flex classroom or informal theater, and he thought part of the concern was the notion of competing theatrical performances. He wondered if they would be willing to agree to a condition of approval that would limit the use of the informal theater, along the lines she described to address some of the concerns expressed.

Ms. DeWeese responded affirmatively.

Commissioner Campbell thought this was a classic balancing act, with neighbors who like and neighbors who don't like the project. He thanked them for expressing their opinions. He felt the neighbors' opinions were important to consider. He felt they were faced with an embarrassment of riches with two great theater troops who want to locate in Pacifica, adding that it was a conflict other cities would want. He stated that, as they are now, they had two theater troops working in the same building, with performances being scheduled. He thought, if they added a second building, they would make scheduling easier. He thought that was what it was coming down to scheduling around each other. One involves children, and as a parent, he goes to a lot of weekday performances. He thought there could be a weekend/weekday split. He knew parking was a big issue, and stated that they give parking variances for mundane things in the city, mentioning a few specifics such as restaurants, hotels, and the farmers market. He hated to have parking be a driver for the decision making, when it seems that scheduling might be able to get at that. He was interested in hearing from the other commissioners on the strength of the conditions, but Condition #10 could move up to the public hearing level. Condition #16 would mitigate parking impacts, with addressing class scheduling, etc. He thought, with coordination, maybe this could work and parking could be overcome.

Commissioner Cooper thanked everyone for coming out. It was showing support from the community and it was important to know who were for it and who were against it, with the various points of view. He didn't have any issue with scheduling or the parking currently there which he thought was adequate. He mentioned that they have worked together for past years and he didn't think there would be an issue with that. He thought it was great to bring people to our city. His major concern was the aging infrastructure of the park. He mentioned that, if they build on it, there was very little space for anyone else to use. He thought, to facilitate what a park is to different people, it was a concern that they were using preferential treatment to facilitate a particular use rather than a use for all. Since it was a public facility, it detracts the use for others. He also thought that it was difficult to get from the lower parking lot to the upper parking lot, with inadequate stairs, railing and lighting, and it was a concern to him. He had concerns about prohibiting a lot of uses, and would like to hear from his fellow commissioners.

Commissioner Vaterlaus disagreed, adding that it was a site for children. If they were worrying about maintaining the current infrastructure, they would be putting that burden onto the Pacifica Players instead of the school because they were the ones who usually had shows at night, with the school events during the day. She thought it was a good idea to have that done, but she didn't think the burden should fall upon the school.

Commissioner Nibbelin echoed the earlier comments. He thought things were working. He was a little concerned that the expansion will have growth inducing impacts that they have to think about, but he tended to agree that coordination and collaboration among the users could address this. He would be supporting something more directive to the party before them seeking a permit, although recognizing that they cannot comply with the condition if only one party was willing to collaborate. He felt, to the extent of their concern for collaboration, they couldn't comply with the conditions if only one party was willing to collaborate. To the extent of their concern about the need for collaboration, they should make clear the limits on the use of the flexible theater, which will go a long way toward addressing his concerns.

Vice Chair Gordon thought this was one of the instances when the parties were not able to successfully work things out before the meeting and then the disagreement flows into the evening with lots of speakers taking on both sides of the matter. He thought it was better where the parties can sit down and work it out among themselves. This is obviously one of the times they aren't able to do that. He was inclined to note that, under the status quo, as mentioned, this was a scheduling issue and they have been coordinating the schedule for some time. He acknowledged that, with the SSPA, the parents aren't normally parking for more than five minutes. He wasn't concerned about the scheduling or parking. He did have a concern about Condition 10. He acknowledged that the city did not want to inject themselves as an arbiter, but the condition is making the City an arbiter. He thought, if the PSP didn't like what was happening in terms of coordination and came to the city with a complaint, staff would have the sole discretion to resolve it as they see fit. He thought that gave staff the ability to smooth things out, but it was a tough role. He had concerns about that mechanism. He was open to what other commissioners think about that issue. He asked if there was a major park above this area. He asked if it was called Frontierland which was above the area.

Commissioner Cooper stated that Frontierland was back in the valley.

Vice Chair Gordon asked if this project was on Oddstad Blvd.

Commissioner Vaterlaus stated that this is on Crespi Drive.

Vice Chair Gordon understood that Frontierland was quite a ways from this site.

Commissioner Nibbelin had a question about Condition 10. He asked what the ordinary process was for revisiting a use permit or revocation of a use permit. Was this more onerous and how was it different from the ordinary process when looking at a use permit.

Planning Director Wehrmeister stated that it was restating the ordinary process.

Commissioner Campbell stated that, after having heard from all of the commissioners, he feels like he could support this project. He appreciated the remark by Commissioner Cooper about preferential use, but he thought they did that with a lot of open space, not only this city but other cities also. He mentioned Ft. Funston where you get dogs, Oddstad Field below Frontierland where you get soccer and baseball. There was always a competing hierarchy of uses for any open space. He thought this was one of the decisions where they have to balance needs. He mentioned that the next agenda item will be about increasing family housing in Pacifica and where did they want to put it. They want to be a community that welcomes this type of use and he didn't want to short shrift the parking concerns and neighbors' concerns, and that makes it a tougher call. He commented on what the applicant checked on in the process of looking at other possibilities and the impacts on this site, with two conditions included that mitigated impacts. He concluded that he will vote yes.

Commissioner Vaterlaus commented that her biggest thing was the coordination with Spindrift Players. She thought it has happened in the past and thought it can happen in the future. She thought Condition #10 was sufficient to cover that. She didn't think they can condition the other side on their use permit.

Commissioner Nibbelin thought his original thought would have been to include some additional things, but it didn't sound like his colleagues believe it is necessary and he was prepared to make a motion to approve.

Commissioner Nibbelin moved that the Planning Commission find that the project is exempt from the California Environmental Quality Act; **APPROVE** Use Permit UP-040-14, by **ADOPTING** the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Commissioner Campbell seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Vaterlaus, Cooper, Campbell,
Nibbelin and Vice Chair Gordon
Noes: None

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

2. GPA-90-15 CONSIDERATION OF A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA-90-15 AND GENERAL PLAN AMENDMENT GPA-90-15, initiated by the City of Pacifica Planning Department to amend the Housing Element of the General Plan for the period 2015 to 2023. Recommend California Environmental Quality Act (CEQA) status: Negative Declaration.

Asst. Planner Murdock presented the staff report.

Vice Chair Gordon asked him to repeat himself for clarification. He asked if there were a couple of properties removed from this version.

Asst. Planner Murdock responded affirmatively, clarifying that there were several properties removed as staff attempted to address community concerns which arose at the study session.

Vice Chair Gordon asked which ones they were.

Asst. Planner Murdock stated that it was the Hacienda Court property and the Calson property in Pedro Point.

Vice Chair Gordon asked about changing language on the Calera Creek project.

Asst. Planner Murdock stated that the Calera Parkway project was a well-known project to the community which involves widening of Highway 1. He stated that there was a poorly worded phrase in the draft housing element that, without knowledge of the process, one could imply the city was supportive or the housing element endorses or approves the project and that was not the case. It was not staff's intention with the draft housing element, and the document should remain neutral on the project, adding that it was not up to the housing element to approve or endorse the project, but merely mentioning it because it could have bearing on future housing development and the city must identify that potential constraint to housing development.

Commissioner Cooper recalled they did the public hearing with quite a few people commenting on the document. He asked if they added any other properties to the available land inventory.

Asst. Planner Murdock responded affirmatively, explaining that staff went back and attempted to find additional sites that fit the direction received from the Commission or from the public, primarily trying to find more commercial sites that were not vacant land, had existing commercial development but were under-utilized and did not currently include mixed use, including residential. Staff tried to identify as many sites as it could under the current general plan that were capable of supporting mixed use and were located in areas that had what they consider the best transit access even though the city's transit access is not ideal. These included areas in the north part of the city, surrounding the Pacific Manor shopping center and a number of parcels in that area were identified as underutilized and potential mixed use development sites.

Commissioner Campbell was curious about the city's thinking on North Palmetto, as he noticed that stretch of area, north of Ingrid B. Lacey School to Pacific Manor was not addressed at all. He recalled a joint session with Council several years ago and talked about upzoning that area. He asked if any consideration was given to that area.

Asst. Planner Murdock stated that there was not a great deal of focus given to that area under the existing land use designations in the General Plan. That site functions primarily as a light industrial area and the existing zoning and land use designations would not support mixed use housing along North Palmetto, especially in the C3 zoning district. The zoning standards do not allow residential uses in that zone. Short of proposing a swath of rezoning in conjunction with the housing element to meet the city's RHNA identified sites that would comply with the current General Plan and zoning designations.

Commissioner Campbell asked if they can propose a swath of rezoning to meet the housing element.

Asst. Planner Murdock acknowledged that they can, but it commits the city to accomplish those rezoning within one year of adoption of the housing element, and that was heavy lifting for a city of our resources and staffing, which was in the midst of a General Plan update and various other day to day operations. Since it was not necessary to provide for the city's RHNA, it wasn't something staff thought was the best course of action.

Commissioner Campbell asked if that was the reason North Palmetto was not considered.

Asst. Planner Murdock thought those were two primary reasons, the existing zoning did not support it and the work involved with changing the zoning was not required to meet the city's RHNA.

Vice Chair Gordon opened the Public Hearing.

Ellen Hage, Pacifica, stated she was a member of SFOP PIA. She was concerned that the housing element does not adequately address the crisis of a lack of affordable housing in Pacifica. She stated that our community was undergoing a great deal of upheaval. She stated that families were leaving the area because they cannot find rental housing they can afford. She emphasized the word, displacement. She stated that our community was at risk as families are being displaced and forced to relocate to areas far away. She stated that we need to have housing that people can afford at all income levels. The reality was that it was only going to happen if Pacifica has a policy of rent stabilization. She acknowledged that this wasn't popular with some people but the housing crisis was not going away, but getting worse. She felt we could not afford to ignore the problem and hope it goes away. She mentioned that she spoke with the Pacifica Resource Center and learned that people are having trouble even affording a room to rent because folks from Silicon Valley who were having difficulty finding housing offer to pay the landlord more money. She stated that many communities in the Bay Area are discussing rent stabilization and realizing that this is the only effective way to deal with the problem. She hoped Pacifica will join other Bay Area communities in a serious consideration of rent stabilization. She mentioned that there was a time when it might have been considered reasonable to exclude rent stabilization but it was no longer the case with skyrocketing rents.

Leo Leon, Pacifica, referred to public comment letter 17. He stated that he submitted comments on page 4 on the housing element and regional share housing allocation, and the numbers don't make sense or add up. He stated that the city states that the document is a key component of the housing element and was an essential step, but if you analyze carefully the population trend in Pacifica each decennial Census back to 1960, it has decreased by over one person per household.

He is a former Census field manager, so he knows a bit about the Census. He questioned how the Association of Bay Area Governments (ABAG) can say that Pacifica was going to grow 6% between 2010 and 2020. He stated that what affects him, was that his entire section had no comments from staff and he didn't know if he missed it, mentioning that the commenter's letter were not tied to a response. He stated that, upon going back to read everything, he looked at all the responses from staff with his number but he didn't see anything addressing this critical and essential part of the housing element. He was at a loss as to what happened and would love to see an answer to the questions. He wanted them to support the Open Space Committee, or Open Space Parkland Advisory Committee and their reliance on the Open Space Taskforce Report, and he thought that was essential.

Monica Olsen, Pacifica, stated that she was a member of the San Francisco Organizing Project, as well as Pacifica's Affiliation with that group. She stated that they need some leadership about the crisis of affordable housing. It was coming down to the seriousness of the rental market exploding. She stated that it wasn't making us a better city. She stated that we have lost teachers and they keep hearing of people having to move. She reiterated that we need leadership because when they have a few issues, the neighborhood was stirred up because of being very misinformed and they need leadership to address this problem.

Tom Clifford, Pacifica, stated that he had a couple of issues. His first issue, as a former Planning Commissioner, Chair and Open Space Committee member and chair, and the liaison from the Planning Commission to the Open Space Committee, was that he was deeply concerned that they were talking about discontinuing using the open space report as a document to check on what has been identified as very sensitive properties. He didn't think it was that everything would have to go to the Open Space Committee Parklands but a matter that with very few properties, they would wind up making a small presentation which would serve them, because they know what the environmental issues might be on that property and they can come to the Commission with a better understanding of what they need to do and they will have the recommendation from the Open Space Committee available to them, as well as the City Council. He felt it was a bad idea to discontinue using the Open Space Task Force Report. He also had a concern that the conversations at the various meetings were not kept as comments in the report presented. He sees that as closing down an avenue of public participation rather than opening things up. He also felt that one way to deal with the very low part of the housing element was to make changes to the in-law zoning. He stated that they get credit for what was happening. He stated that some of this was happening anyway, but it was being done illegally because they can't meet the requirements. The requirements need to be slightly adjusted and the city will get credit for those very low units.

Gloria Stofan, Pacifica, stated that she was there about the concern of the cities on the Peninsula. She stated that she was like a repeating record about the housing issue but it seems to be at a dire crisis, and she was seeing more homeless in the Linda Mar area, beaches, parking lots, etc., and it was scary. She didn't think they were causing any problems but they were having a difficulty at this time about where they can live. She stated that many of them are living in their cars and that was not right. Production of houses was not where they were coming from now. She stated that people are hurting now. She stated that as a Pacifica resident and member of SFOP PIA, she strongly recommended the rent stabilization, which was not a popular consideration, might be seriously considered. She stated that affordable housing is a big issue. She stated that it was a way of keeping the community and people stable and housed. She echoed Monica Olsen in stating that we were losing teachers, good hard working people and she strongly urged them to consider and investigate rent stabilization.

Victor Carmichael, Pacifica, stated that he was originally going to talk about the issues with the housing element but a lot of people are talking about affordable housing and he will link that into his comments. He read the report and discovered something interesting that the population has declined between 2000 and 2011. ABAG was allocating housing to this area, but he thought the houses would have to be spread all over town and he sees a negative declaration on the issue which was crazy as it will be very controversial where the houses wind up. He commented that some of the housing was going to end up at the Fish. He was present before, and the Fish was never in the original development that was fought over ten years ago. He stated that it was the reason that development never went in. There were three wetlands there. He stated he had the maps of the wetlands and he will give to them. He also stated that the housing that go into the Fish and the ones that are planning to go into the triangle in a piece of the old Bowl, and they will not be affordable housing despite the fact that there was only 450 square feet. They were little places with magnificent views and cost a fortune to rent and will not help the other issue at all. When he read the affordable housing part of the housing element, it turns out Pacifica has a bad rating. We are way under what we should be. He stated that all of our housing was top end. He mentioned million dollar houses being approved and what they were doing wasn't helping us out. He would like to ask that they consider moving the Fish and Bowl parcels out of the part that was allocated in the housing element because that was not a good place to add housing and will not help anyone.

Ron Maykel, Pacifica, welcomed the new Planning Department staff to Pacifica. He stated that land use was probably the most contentious issue in Pacifica. His concern with the housing element, there was a sense that there was going to be some disengagement with the Open Space Task Force and the housing element. He thought these were integrated, and was speaking as a former Planning Commissioner and a member of the Open Space Committee and a former liaison person for the GGNRA Advisory Committee. He mentioned that when a property in hillside preservation zoning or open space residential or possible density transfer, etc., it would come before the Open Space Committee for a preliminary review, as done by the Planning Director at that time. He felt they should keep that process ongoing. If they thought the Open Space Task Force report needed some changes, they should revisit and make changes. He reiterated that, if they felt there was a need to review the report, have the Council direct the Open Space Committee to take a look at it again, giving them specific recommendations. He asked that they not take a cursory approach to this and make sure they keep the integration between the Open Space Task Force report and housing element in place.

Hal Bohner, Pacifica, thanked the chair for asking staff to slow down on their description because one issue, Calera Parkway, was a major significance to him and others, and it was dealt with one way in the draft housing element, with many complaining about how it was dealt with, and in the last staff report, it was dealt with somewhat differently. At this time, he heard different words. He stated that they would like to see what the language was, which he didn't think was unreasonable. He submitted a lot of written comments and staff report responded to some of them, however, he disagrees with practically everything in the staff report in response to what he said. He didn't know what they were going to say and maybe they are going to ignore it. But, he won't have another chance to respond, so he was saying that he disagrees with what staff has said and he probably disagrees with what the Commissioners are going to say. He stated that he won't be able to comment unless they give the public a chance to comment when they see the revised draft housing element. He recommended that they go through another draft, put it out for public comment, and bring it back for them to look at.

Chaya Gordon, Pacifica, stated she lives on Rockaway Beach Avenue and had a number of concerns. She echoed the concerns of others about the housing element supporting the Open Space Committee recommendations and affordable housing recommendations. She mentioned that the phrase “affordable housing” seems to be en route out of the lexicon because of the cost of housing in the area. She urged them to pay attention to that. The market rate was unaffordable for most of the citizenry. She thought it applied to Pacifica, as well as the general San Francisco area. She referred to the Calera Parkway Project, stating it has not been finalized and its future uncertain. She appreciated what has been mentioned at this meeting to make reference to the Calera Parkway project neutral. She also wanted to refocus the attention to what happened at the elections last November, specifically, Sue Digre who has been a staunch opponent of the Calera Parkway project was the highest elected vote getter for Council, and John Keener was also a staunch opponent of the project was elected from a very large field of new candidates for Council. She thought the message from Pacifica residents was clear. She urged them to focus on that, which was that Pacificans do not want the Calera Parkway project. She mentioned that now in relation to the housing element was because referenced to it were unclear because it has not been finalized and they do not belong in the housing element. The General Plan specifies that the capacity of Highway 1 should not be increased and the Calera Parkway project clearly increases the capacity of Highway 1. She stated that it will be a problem of inconsistency with the General Plan unless the language is fixed. She stated that she had comments about the negative declaration not meeting the requirements of law. She thought they knew the arguments and she wanted to mention that. She asked that they hold public hearings to allow oral public comment on the housing element. She didn’t think it was in the city’s best interest to take a narrow view of limiting public comments to written only.

Noel Blincoe, Pacifica, stated that he was present as a consequence of what was put into the housing element, called program 14. He stated that, essentially, it would gut the Open Space Task Force report of many items that the original Open Space Committee had covered and what was in the Open Space and Parkland advisory committee currently. He stated that this was a report that was 27 year old and was a major driving force. He mentioned that we had beautiful hills because we had many people jumping into environmental issues and the Open Space Task Force report. He suggested that the Commission eliminate the program 14 where this is being advised to be discontinued. He mentioned that in the past the Open Space Committee worked on Milagra Ridge. If you drive up and look east, you will see a lot of open hills. There are 23 houses at the lower level but, because a study session went through the original Open Space Committee, they were able to give input for the developer and the developer going through the Planning Commission and City Council reduced the project to 23 houses. He stated that the document becomes an important document in regard to open space residential, hillside preservation district and reviewing these types of projects. He stated that one project they did on the original open space several years was a density transfer and when they brought it before the Planning Commission, they voted at that time, 6-0. He concluded that this report has been used and, with the Open Space Committee, they can bring information to the Planning Commission and be extra careful to prevent program 14 from being discontinued.

Sheryl Calson, Millbrae, stated that she was one of the owners of the Calson property. She appreciated the recommendation by staff tonight to delete the language referencing the Calson property as contentious in the current document. She stated that she has been in email conversation with City Manager Tinfow about the upcoming joint discussion of this Planning Commission and the Council regarding the General Plan update. She stated that, in her latest

email, Ms. Tinfow indicated that the housing element was going to be approved May 11. She stated that she looked at the documents today because she and Ron will not be present for that meeting and will be out of the country. She stated that, in looking at both documents, the 2007 through 2014 housing element and the new proposed housing element, they found out today that the Calson-San Pedro Avenue location was no longer in the newer document. They were displeased to discover this omission in the new housing element without any prior knowledge or communication from the City of Pacifica. They requested that the Calson-San Pedro Avenue location be added back to both tables in the new 2015-2023 housing element as discussed with Ms. Wehrmeister. She added that they had a discussion with an ABAG representative who supports this addition as a buffer to the determined units and she felt the removal of the property was invalid. In the State Code, the Legislature says that housing is a priority of the highest order. A site being contentious is an invalid reason to remove it under Article 10.6.

Ron Calson, Millbrae, stated that he is an owner of the Calson property. It was formerly a golf driving range behind the Pedro Point Shopping Center and legally part of the subdivision. He went through the process in the past and his conclusion was that, while they know some want to keep it a golf range, they would like to have it OK'd for housing so they can get something out of owning the property for 20 years. The 1969 General Plan stated medium density residential of 50 units for the site. He wants the site added back to the housing site inventory. [Note: Several portions of the speaker's comments were inaudible on the meeting recording, and could not be summarized in the minutes]

Julie Lancelle, Pacifica, thanked the Commission on their hard work. She then referred to the comments made by former members of the Open Space Committee, and emphasized the important role that the committee plays with regard to providing the opportunity for someone who was about to invest a lot of money in a development to get feedback from people in the community. They are aware of the type of community Pacifica is, which seeks to find a balance between development, commercial success and the protection of the natural assets within Pacifica. She felt it was short sighted to not include the Open Space and Parkland Committee for consultation, acknowledging that they have no role in making decisions but provide feedback and information. She requested the Commission consider not discontinuing the co-housing action program and, while nothing has happened with it since inclusion in the housing element 20 years ago, she thought it was an up and coming future oriented type of housing and she didn't think they should discontinue it. She thought it might be part of the future.

Vice Chair Gordon closed the Public Hearing.

Commissioner Campbell asked about the deadline for approval of the housing element which was listed as May 31 in the staff report. He asked if that was the deadline for submittal to State Department housing or an internal deadline.

Planning Director Wehrmeister stated that it was the deadline for submittal to the state.

Commissioner Campbell asked if there was a 120-day grace period that they get after that or was it the "drop dead" deadline.

Planning Director Wehrmeister understood that it was the deadline.

Asst. Planner Murdock stated that they were currently in the grace period which ends on May 31. He believes the actual deadline was January 31.

Commissioner Campbell said he is probably not the only commissioner feeling jammed up by the timing as staff was correct that there are serious consequences if they do not approve this, one being that they go in a four-year cycle.

Planning Director Wehrmeister responded affirmatively.

Commissioner Campbell concluded that it got harder to disapprove of affordable housing projects as proposed in those four-year periods.

Planning Director Wehrmeister wasn't aware of how it impacts their ability to approve or deny projects.

Asst. Planner Murdock stated that one consequence was, if the city proposed to rezone in a previous housing element and the city does not adopt a new housing element, applicants can come in and enjoy a deemed approved status of the projects and only go through ministerial review as opposed to the ordinary discretionary review. He thought it was a serious consequence of not adopting the housing element.

Commissioner Campbell wanted to get that information in the record. He stated that the Planning Commission has been sitting idle meeting after meeting, with nothing agendaized on this for months and now they are getting it at the 11th hour with a gun to their head saying approve it or we blow the deadline and get into the situation where projects get approved ministerially.

Commissioner Cooper referred to the comment that they should put in writing the comments during the study sessions. He didn't know how others feel, but he disagrees. He thought it was one of the few times that they have an open forum to discuss projects without having a written log of items that come up. Even during construction, when asked a question, he always asks that they put the written word down. The first reason is that he wants it on a documented list and secondly, he didn't want to interpret someone's question. He stated that sometimes he hears things differently than the question asked, and he thought it was important that all questions are put in writing, especially during the study sessions. He thought that in a study session, he thought it deserves the openness and candidness from both the community and the Commissioners. He thought it was interesting that he was reading through the co-housing, and he felt it was an interesting concept. He knew they had it as one of the encouraged development types and he thought it was an interesting concept. He appreciated everyone talking about this Open Space. He thought it was one of the unique parts of Pacifica. He didn't know how the other commissioners felt, but he would like to keep them included in the process which provides a valuable service for both the developer and anyone who wants to develop. He appreciated people taking a look at our open space.

Commissioner Nibbelin thought his point was partially covered. He referred to the number of comments they got about the Open Space Task Force report and the discontinuance of action program 14, and he wondered if staff had further thoughts or what the position was with respect to the change on that recommendation.

Asst. Planner Murdock stated that staff was well aware of the community concern and appreciated the feedback from the public expressing the importance of the item. He stated that there were two parts to continuing this in the future housing element, first with staff referring to the Open Space Task Force report when reviewing residential applications and the second part forwarding proposals for residential development to the Open Space and Parkland Advisory Committee. Regarding the first part, staff didn't have an objection to inserting it in the draft housing element as an ongoing policy but was not appropriate as an action program. They were held to account on the action programs they put forth and have to establish quantified objectives and specific timelines and it was difficult to forecast what applications might come in. It does make sense to include it as an ongoing policy since it appears important to the community. He didn't think there was staff resistance to that. On the second part regarding forwarding proposals to the Open Space Parkland Advisory Committee, staff remains neutral on that and it is a decision for the City Council to make. He mentioned that the Council recently adopted a resolution identifying four focus areas for the Open Space and Parkland Advisory Committee and referrals of development projects was not one of them. He thought, for staff to advocate for that moving forward was probably inappropriate but to pose it as a question to the City Council in light of their resolution was the best course of action.

Commissioner Vaterlaus referred to the various mentions of the Calera Parkway project and in response to several of the letters it was indicated that either construction or failure to construct the parkway could impact future housing. For that reason, mention of this project is warranted. It may or may not be built as mentioned in the draft housing element. She stated that, while people said they didn't get an answer, there was definitely an answer to the comment about it being included in the housing element. She stated that, in regard to the in-law zoning, there were many in-law units in Pacifica that could be affordable housing if there were lesser regulations on those in-laws and could allow them to be rented. She referred to the exclusion of the Calson property, the quarry, the Hacienda sites because of contentiousness, and stated that she personally thinks that all the sites should be considered for housing in the future.

Vice Chair Gordon agreed with Commissioner Cooper that he had a problem with discontinuing the role of the Open Space Task Force report in this process and would like to see that discontinuance discontinued. He agreed about co-housing. He thought it was a goal. He understands that it hasn't been relevant in Pacifica for a long time if ever, but it was a goal. He agrees with the comments from the public that the discontinuance should also be reconsidered. He agreed with Commissioner Cooper about the comments to be considered which should be in writing. Regarding the Calson-San Pedro Avenue property being removed from the table, he asked if it had any implications for the ability to get a project approved on that property one way or another.

Asst. Planner Murdock responded that it does not. He stated that inclusion in the housing element table was meeting the minimum standard set by the state to insure that Pacifica has enough sites to meet its regional housing needs allocation RHNA. He stated that there are communities that are not as supportive of housing as Pacifica and, in the past, have gone to great lengths through zoning and other mechanisms to prohibit residential development and essentially set that at zero. So the state has the mechanism to ensure that cities are providing the minimum number of sites to meet what has been determined as their regional housing need. Pacifica was fortunate that we have ample sites to meet the RHNA. The housing element does not set land use development regulations and does not set land use designations, which is done in the land use element of the General Plan. Any site that was not included in this plan still retains all of its rights that are

included in the land use element of the General Plan and has zero bearing on the developability of any site, included or excluded.

Vice Chair Gordon stated he wanted to clarify that for the property owners and for Commissioner Vaterlaus. He referred to Tom Clifford's comment about changes to the in-law zoning. He asked if they had any comments about that.

Asst. Planner Murdock stated that the Commission will note that there is an action program included in the draft housing element to amend the city's second dwelling unit regulations. There are a number of mandatory changes they have to make to comply with state law that are intended to be more permissive for second unit development that will require an amendment to the zoning ordinance and it will go through a public process, and everyone will have the opportunity to call for additional components to that amendment, provided that they meet the minimum standards of State law.

Vice Chair Gordon asked how they initiate the process.

Asst. Planner Murdock stated that the municipal code has a set of requirements, first that the Planning Commission must adopt a resolution of intent to initiate the municipal code amendment and after that, they must have a public hearing and make a recommendation to approve or disapprove that amendment to City Council.

Vice Chair Gordon asked if that was something they should get a consensus to put it on a future agenda.

Asst. Planner Murdock stated that it will be at the will of the Commission, however, there are a lot of moving parts to the draft housing element and staff has proposed a timeline for consideration of aspects such as second housing unit and he didn't know if staff would be supportive to push that forward at this time but it makes sense for the Commission to go on record supporting that aspect of the draft housing element for staff to bring it forward at the earliest opportunity. He added that undertaking zoning amendments was not as simple as just changing the text but often required environmental review and comparison to other zoning codes, City Attorney review, Coastal Commission, etc.

Vice Chair Gordon asked if there was a button they could push.

Asst. Planner Murdock wished there were.

Vice Chair Gordon appreciated all the hard work he put into this. He referred to a comment by a speaker that he was sympathetic to was in reference to the Calera Parkway project. He mentioned that Commissioner Vaterlaus mentioned some general guidelines that would guide the language going forward and he asked if there was a way to provide more specific language about what will be there.

Asst. Planner Murdock stated that, in working with the City Attorney's office on another issue unrelated to the negative declaration being considered, the city has considered certain language that was more direct and the fact that the Calera Parkway project has not been approved and may or may not be constructed. As far as putting it out for public review in changes to the draft housing element, he stated that there was another public hearing on this before the City Council

and the materials as amended in response to the Commission's direction will be available for public review and there will be another opportunity for public comment at the City Council's hearing or written comments submitted in advance of the public hearing on the draft housing element. He thinks that some of the uncomfortableness was related to the 30-day public hearing on the negative declaration for the draft housing element but that was standard procedure, stating that the city needs time to evaluate the written comments and prepare responses and ensure that they are adequately responding to the public's feedback. If that was not the case, then staff needs to hear that from the Commission so they can further refine the responses.

Vice Chair Gordon clarified that the actual language that was going to be in the version before City Council will be available to the public to review and eventually comment on at the City Council hearing.

Asst. Planner Murdock responded affirmatively.

Vice Chair Gordon referred to one final comment from the public, stating that staff's hands were probably tied, but what was driving the entire process was the need to satisfy the RHNA numbers and it seems like there is a disconnect with the fact that Pacifica's population has not grown in the last ten year period but has actually shrunk, yet we were required to come up with these additional areas for residential development. It seems like a disconnect but he had a feeling that the answer was they didn't have any control about what ABAG gives us.

Asst. Planner Murdock agreed to a certain extent. He stated that the statistics seen was part of a data package that the city purchased from City/County Association of Governments (C/CAG), and was developed based on various regional projections. He stated that the city did not have the capability to develop its own projections which were quite complicated undertakings that rely on a lot of different mathematical formulations and data sources that city staff doesn't have the time or resources to pursue on its own. He stated that this may be an anomaly based on the formula used for the region. He can't tell them exactly because it was complicated. The process to develop the projections was undertaken several years ago, probably 3-4 years ago by ABAG, and there was an opportunity for cities to comment on the draft projections at that time. That opportunity to appeal or challenge them has long since passed and the city doesn't have a leg to stand on in terms of challenging them at this point, other than to refuse to adopt the housing element to incorporate the RHNA which has its own consequences, tending to be very expensive and painful for cities to do that. There was a process to challenge it and he wasn't aware that the city at that time in 2012 pursued a challenge. He stated that dozens of cities do and very few prevail against ABAG projections.

Planning Director Wehrmeister added that there were two data sets that are in question, both produced by ABAG. One is the Projections that go through a process with the cities having an opportunity to comment. The second is the RHNA methodology. The state gives the region the big number and ABAG is responsible for allocating that number to all of the jurisdictions within the region. They convene the methodology committee with representatives from cities and counties throughout the region who put their heads together and figure out a fair complicated math formula, taking into consideration your ability to provide affordable housing, access to transit and come up with a fair allocation. She stated that, to complicate matters, there was an option for subregions. San Mateo County did create a subregion. They have their own methodology which needs to be approved by ABAG. Once the methodology is applied, each

jurisdiction is given their unit allocation. There is an appeals process and public hearing process that ABAG holds, and there was an opportunity for the city to participate in that process.

Vice Chair Gordon was in favor of forwarding this on to the City Council with approval of the caveat that he was in favor of removing the discontinuances on 14 and 17 which are the Open Space Task Force report and the co-housing.

Commissioner Campbell didn't know if he was in complete agreement with the clarification that the approval of the housing element for certain parcels does not weigh one way or another in approving a housing project. He did think that, when they list the project, it was absolutely considered an entitlement by the developer. He has seen it used as such in numerous lawsuits and permit approvals. He stated that, if lower Gypsy Hill was not approved for 24 units, that opens up, to his understanding, to a legal challenge. He has seen a lot of lawsuits based on that.

Asst. City Attorney Siegel said he can't speak specifically to that, but he can say that both developers and opponents of projects will use the criteria in the land use inventory as indicative of what should or should not be approved, but it was not an entitlement. By putting in the housing element, there was no entitlement to putting any units on that site. It will still go through the regular land use approval process. He thought it might be an overstatement to say it has no bearing, because there was a factor in which it was considered by decision makers in subsequent land use approval processes for the project, but it is far from conclusive and far from an entitlement.

Commissioner Campbell agreed, and he used the word entitlement not in the strict legal sense, but there are a number of lawsuits that have been filed recently by developers who, when the city planning or City Council does not approve their project, bring up the housing element as a major claim in the lawsuits. He stated that, when you list these houses, what you are saying and they need to be clear what they are doing at this time was that, by listing the Fish property or Zeebros property, or lower Gypsy Hill, or any of the properties, what they are saying as a city is not that these properties could be built there but that they should be. It is a city policy at this point, and he thinks it needs to be clear.

Asst. City Attorney Siegel wouldn't say that housing should be built there but that it was an appropriate site for housing and, if an appropriate project came up that met the clarifications, to not approve it would be problematic, but to say housing should be built there doesn't have enough of the recognition of all the important processes that still need to be followed.

Commissioner Cooper thought it was a statement that it complies with the General Plan and zoning insofar as it is described.

Asst. City Attorney Siegel agreed that for some base determination for General Plan purposes it identifies it as a site that was appropriate for land use development. But that was already true whether or not they have identified it in the housing element as an appropriate site because there is a land use designation there and there is zoning there, so what you have done is the homework and you're saying they see a lot at such an address and the general plan designation is appropriate for housing in a certain amount of development and whatever ordinances and policies might be available, and this is a site where we've done some homework and we think this is a site that makes sense for some housing.

Commissioner Campbell sees it as the opposite. They looked at a lot of open space in the southern end of town and that was an easy call. They could put the housing there. When he thinks we would have benefitted from when he and Commissioner Gordon had the joint session with City Council, where they pushed hard to get north Palmetto looked at again for up zoning and multi-use residential. He really feels that they missed an opportunity for some rezoning and getting that done as part of the housing element. He thought they could put 200 units on north Palmetto and take off all the housing in the southern end which was absolutely going to require highway widening to accommodate it. He was so frustrated at sitting at the 11th hour and they could have done some interesting things, but now if they vote for this tonight, they were saying they were going to give an entitlement, not in a strict legal sense, to some of the open space development which he didn't think has been 100% thought through.

Asst. Planner Murdock stated that one important topic that the Commission has not yet discussed is staff's presentation of alternative sites in response to the public comments and concerns about sites identified in the Open Space Task Force report. He stated that staff presented two different tables, one based on current General Plan designations and one draft General Plan designations where they could remove from the housing inventory all of the sites identified for preservation in the Open Space Task Force report and he thought it would be important for staff to get a Commission reading on that and hopefully that would satisfy some of the concerns of the public that commented on the process. It would be important for staff to hear that.

Vice Chair Gordon asked if the Commission wished to take it up.

Asst. Planner Murdock stated that it would be attachment I where the two tables are compared with Open Space candidates and potential alternative sites. That would still allow the city to accommodate its RHNA but hopefully remove some of the concerns about the sites.

Vice Chair Gordon asked what page it is.

Asst. Planner Murdock stated that it was attachment I, but he wasn't sure it had a page number, three pages before the end of the packet, mentioning tables 4, 5, 6, and 7.

Vice Chair Gordon asked him what he wants them to do.

Asst. Planner Murdock stated that there were comments during the public comment period about it being inappropriate to include in the land inventory table sites that are identified for open space preservation and was seen as a conflict of priorities which seemed reasonable enough to speak to and address. Staff identified sites that were in the current inventory that were also in the Open Space Task Force report as identified candidates for preservation.

Vice Chair Gordon stated that it was table 4.

Asst. Planner Murdock stated that it was table 4, which was related to Table III-1 in the draft housing element that identifies sites based on the current general plan, land use designation and proposes alternatives, A-1, A-2 and A-3.

Vice Chair Gordon asked if it was table 5.

Asst. Planner Murdock agreed adding that the sites that are currently included in the land inventory are the Fish, lower Gypsy Hill, Zeebros, San Pedro Road, and Hillside Meadows. He stated that, for the record, the Bowl site is not included in any of the land inventories and has not been in any of the drafts of this document. Table 5 proposes to swap for those sites, 2212 Beach Blvd., Pacific Manor Shopping Center, and 575 Crespi Drive. That would allow 128 units in place of the 116 units currently identified in Open Space candidate sites. When the Commission was ready, there were alternative sites for Table III-2.

Vice Chair Gordon thought those were reasonable alternatives, and he asked why they initially went with the properties in table 4 instead of table 5.

Asst. Planner Murdock stated probably no better reason than inertia. They were included in the previous housing element and they had been adopted and why change the sites if they had been adopted, but during this process, additional concerns were identified and staff wants to respond to those and give the Commission the opportunity to propose alternatives that would remove those other sites from the land inventory.

Vice Chair Gordon asked if they need to concern themselves with tables 6 and 7 at this time.

Asst. Planner Murdock responded not necessarily. The concepts are the same and the sites are largely the same. Fish, Zeebros, 570 Crespi, Hillside Meadows.

Vice Chair Gordon stated that what was on the table was whether they swap out the parcels and sites in table 4 for the sites in table 5.

Asst. Planner Murdock responded affirmatively, adding that removing the sites in table 4 from the land inventory and replacing them with the sites in table 5.

Commissioner Cooper moved that the Planning Commission **ADOPT** a resolution recommending City Council adoption of both the Negative Declaration prepared for General Plan Amendment GPA-90-15 and the draft Housing Element of the General Plan for the period 2015 to 2023 described in GPA-90-15; and incorporate all testimony and documents into the record by reference, with the removal of the reference to the removal of action plans 14 and 17 and reinstate the two action programs #14 relating to Open Space and program #17 relating to the shared living community, and adopting table 5 as the identified sites within the proposal in place of table 4.

Vice Chair Gordon asked if that motion was clear enough.

Asst. Planner Murdock stated that it was largely adequate for their purposes but he would ask for clarification if they were also swapping tables 6 and 7 which were based on the draft General Land use designations. And, the second question was whether the maker of the motion would entertain including action programs 14 and 17 of the current housing element as ongoing policies instead of action programs. He stated that it was difficult for staff to justify them as action programs. They have to report on their progress with them and they have to have a timeline for accomplishments and a specific number of persons benefitted, but that was difficult to do given their intangible nature. It would put the city on record in the housing element as an ongoing policy for housing development to include action programs #14 and #17.

Commissioner Cooper removed his motion to talk about whether or not it should be an action plan or an ongoing policy.

Vice Chair Gordon stated that, before that issue, it was reasonable to follow the suggestion in terms of swapping 5 for 4 and doing the same thing with 7 for 6. He understood that it was the same principle.

Asst. Planner Murdock responded affirmatively.

Commissioner Cooper stated that he would like to get the commissioners' guidance on whether they think it should be a policy or action plan.

Vice Chair Gordon asked Asst. Planner Murdock to say it a little slower.

Asst. Planner Murdock was happy to repeat. He then stated that, in the past, housing elements would often contain a variety of more aspirational statements than discrete action program, steps that cities would take on a definite timeline to benefit definite persons. The state changed the law and added some additional requirements for action programs, specifically requiring a definite impact during the planning period. To take what he perceives as non-discrete activities without a definite impact on a definite timeframe, such as checking the Open Space Task Force report when development applications are submitted or pursuing or supporting co-housing, those were a bit nebulous to define as an action program, which the city in the next housing element and annual status reports needs to report on the progress towards achieving.

Commissioner Cooper asked if they were previously action plans.

Asst. Planner Murdock stated that they were previously action programs which met the legal requirement when the housing element was adopted but no longer meets the requirement in his opinion. It was no less important and no less impactful to include them as an ongoing policy but it says that they can't get their hands around what the defined population is that would benefit and in what timeline during the planning period they will receive that benefit.

Commissioner Nibbelin asked if there was any difference in terms of the obligation, if they call it an action program versus a policy in terms of the obligation to actually comply and conform.

Asst. Planner Murdock responded that it didn't in his opinion. He thought the change in obligation is the reporting to the state.

Commissioner Nibbelin concluded that it was more of a difference in what the staff needs to do but not a difference in terms of how a project would be treated.

Asst. Planner Murdock agreed, stating that staff would continue to be obligated to look at the ongoing policies as it is with all General Plan policies in attempt to implement them to the extent possible and balance any competing priorities. To put it as an ongoing policy is a very appropriate place to his mind and in line with state law. It would put the Commission on record as supporting both of those former action programs, continuing forward in a more appropriate form.

Commissioner Campbell asked their legal vulnerability of an action program versus a policy.

Asst. City Attorney Siegel stated he cannot answer that at this time. He did not know off hand what the legal vulnerability would be.

Commissioner Campbell asked if the state housing department would look on this unfavorably.

Asst. City Attorney Siegel stated that it would be more when it comes around to the review period for the housing element and see to what extent the city has implemented the housing element that had been adopted. He didn't know if Asst. Planner Murdock or Planning Director Wehrmeister had any follow-up.

Asst. Planner Murdock was not aware of a particular legal vulnerability. If the city were outright disregarding its housing element in every one of its actions, that may be a different statement where the city is operating not in conformance with an element of its General Plan. To go to the level of a particular ongoing policy, he thought as long as the city was making a good faith effort to balance that among the other policies of the other elements of the General Plan, that was consistent with everyday practice. He was not aware and he didn't think Counsel can think of something that comes to mind of a particular legal vulnerability for including this in one format versus another.

Commissioner Campbell was wondering why change it.

Asst. City Attorney Siegel heard staff explain that changing it to a policy to make sure that the city staff can actually implement the policy without doing reporting obligations that are not fitting for what the policy is.

Commissioner Campbell asked if there has been criticism from the housing department on the reporting obligations associated with this thus far over the years or criticism of our performance.

Asst. Planner Murdock has not received any direct feedback and is not aware of any, but this change went into effect in the midst of the last housing element and, in order to allow cities an opportunity to revise and put their action programs in the proper form, it would seem reasonable to him to not be overly critical of cities that had inappropriate action programs in the past. He cannot speak to what the state will do moving forward, but he thinks it is in their best interest to put action programs in place with their understanding of the law and requirements for reporting and specific benefits on a specific time frame moving forward.

Vice Chair Gordon was comfortable following Asst. Planner Murdock's recommendation of making them policies as opposed to action programs.

Commissioner Cooper referred to the rest of the action plans within this housing document and asked if they were considering potentially moving those to more of a policy decision than an action plan and that would be the next update.

Asst. Planner Murdock responded not exactly. He explained that, with the action programs they see proposed in the draft housing element, he did his best to reduce those to the number that have a defined impact and a defined time period. It goes to the number that really has a defined impact and a defined time period and where they will see two changes from the previous housing element was that he proposed a number of action programs become ongoing policies and a

smaller number be recommended for discontinuance, among them #14 and 17 that were topics of discussion this evening. Where the Commission feels it was appropriate to continue one as an action program or to make it an ongoing policy or discontinue it, that was the feedback that staff needs.

Commissioner Cooper moved that the Planning Commission **ADOPT** a resolution recommending City Council adoption of both the Negative Declaration prepared for General Plan Amendment GPA-90-15 and the draft Housing Element of the General Plan for the period 2015 to 2023 described in GPA-90-15; and incorporate all testimony and documents into the record by reference, with the adoption/ removal of the action programs 14 and 17 and adding and reinstating the action programs #14 and 17 as on-going policies as well as replacing sites shown in tables 4 and 6 with the sites shown in tables 5 and 7 of Attachment I.

Vice Chair Gordon asked if that was clear enough for staff.

Asst. Planner Murdock responded affirmatively.

Commissioner Nibbelin seconded the motion.

The motion carried **4-1**.

Ayes: Commissioners Vaterlaus, Cooper, Nibbelin and
Gordon
Noes: Commissioner Campbell

CONSIDERATION:

3. Planning Permits and Process presentation.

Planning Director Wehrmeister recommended that the item be continued to the next regular Planning Commission meeting.

Commissioner Vaterlaus moved that the Planning Commission **TABLE** item #3 to the next meeting; Commissioner Cooper seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Cooper, Campbell,
Nibbelin and Vice Chair Gordon
Noes: None

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that she would be remiss if she didn't acknowledge Commissioner Campbell's frustration in the timeline with the housing element. She stated that they were where they were, but she acknowledged that as they move forward in the future with their programs, timelines would be respected.

Commissioner Campbell notes that a lot of that was beyond her control and he apologized for his frustration.

ORAL COMMUNICATIONS:

Julie Lancelle, Pacifica, stated that this was about something that happened in her neighborhood that she was concerned about. She stated that there was some grading that took place in Vallemar on the north side where one house is on a 24-acre parcel. She noticed it recently while walking on Keith and there was a huge swath of dirt along a slope with bulldozers going back and forth behind the house on the hillside with a lot of earth removed from the side of the hill. She found out from the Planning Department that there was no grading permit for the work. She then read a couple of things from the code. She stated that there was a methodology after the fact in making sure things are straightened out. She stated that the only information she has was that the neighbor next to the property told someone that the owner had told her that there had been a landslide and that was what he was doing. She thought that, even with a landslide, they would report it and get a permit in order to do the remediation. She took a picture but stated that the only way to see it was to be on Keith and looking across the valley but is very hard to see because the brush obscures your view from the street.

Ron Maykel, Pacifica, stated that he appreciated what they were doing. He didn't know whose inspiration it was to get this out to the public on the housing element and Open Space Task Force report. He pointed out that the city in the past has really lost a lot of money and polarized the community, violated the public trust on things that should have gone before the Planning Commission, one issue being the Pedro Headland road with the attempted trail which was going to cost the city a lot of money. The city violated the Coastal Act and they cut down heritage trees on property without heritage tree permits. He stated that it was one of the projects that should have gone before the Planning Commission. The other one was the biodiesel which cost the city a considerable amount of money and part of that being premature development taking place with building a pad that was going to house the biodiesel facility. He thought it was ironic that they are storing an old railroad car on top of that pad. He felt that was a project that should have gone before the Planning Commission and if they slowed down and put the brakes, the city would not have lost money on that and polarized the community.

Leo Leon, Pacifica, stated the meeting brought back memories. He reinforced the importance of having an active ongoing Planning Commission. He urged them to revisit their by-laws and become familiar with them, discuss them, have a study session on them. He stated that he left in 2012, but there was business they agreed to do in 2012 that has never been done. Staff had said they were going to help them get it done, one being visiting prior approved projects to see how

they were doing and if they met their expectations, if there was anything they can learn from visiting the projects. He thought it was still a worthy pursuit. Another thing they were going to do was explore all the latest schematics for recycled wastewater to promote approval of conditions for projects where they could possibly do double plumbing, to reduce water use of fresh water. He stated that there was no sense to fast track things that aren't done properly or out in the open. He urged the Commissioners, adding that he asked Tina to work them until they were just griping that they were over worked. He really thinks the work is out there and they are needed. They need to find ways to get that done. He thought one way to do it was to look at the by-laws and there were a lot of things they could be working on and if they don't know what to do, he will be glad to give them a list. He knows they are dedicated and brilliant people, and he thought they have a good staff with which to work.

Planning Director Wehrmeister stated that the two items they heard the previous meeting were both appealed. They have not been scheduled yet but they will be coming before the City Council.

Vice Chair Gordon asked if she could remind them of what they were.

Planning Director Wehrmeister stated that they were the detached apartment project on the 4000 block of Palmetto as well as the single-family residence on Lot 2 of the Harmony @ 1 development.

ADJOURNMENT:

There being no further business for discussion, Commissioner Cooper moved to adjourn the meeting at 10:17 p.m.; Commissioner Vaterlaus seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Vaterlaus, Cooper, Campbell,
Nibbelin and Vice Chair Gordon
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister