

MINUTES

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

May 4, 2015

7:00 p.m.

Chair Brown called the meeting to order at 7:05 p.m.

ROLL CALL:

Present: Commissioners Campbell, Gordon, Vaterlaus, and Chair Brown

Absent: Commissioners Nibbelin, Cooper and Evans

SALUTE TO FLAG:

Led by Commissioner Vaterlaus

STAFF PRESENT:

Planning Director Wehrmeister
Assist. Planner Farbstein
Acting Sr. Civil Engr. Donguines
Public Works Dir. Ocampo

**APPROVAL OF ORDER
OF AGENDA**

Commissioner Gordon moved approval of the Order of Agenda; Commissioner Campbell seconded the motion.

The motion carried 4-0.

Ayes: Commissioners Campbell, Gordon, Vaterlaus and Chair Brown

Noes: None

**APPROVAL OF
MINUTES:
MARCH 16, 2015
and APRIL 20, 2015**

No quorum for approval of March 16, 2015 minutes or April 20, 2015 minutes.

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 11, 2015:

Planning Director Wehrmeister stated that, since the Commissioners would be present for the joint study session prior to the meeting, there was no designated Commissioner necessary for the meeting.

CONSENT ITEMS:

None

PUBLIC HEARINGS:

None

CONSIDERATION:

1. Adoption of Resolution Determining that the 2015-2020 Capital Improvements Program is Consistent with the General Plan.

Asst. Planner Farbstein presented the staff report.

Commissioner Campbell referred to the Calera Parkway description in the staff report, and stated that the current year budget was \$6,150 and asked what it was the previous year.

Asst. Planner Farbstein deferred to Ray Donguines whom she thought could better answer the questions.

Acting Sr. Civil Engr. Donguines stated that it was basically the same as it was covering staff time for meetings, etc.

Commissioner Campbell asked if the money came from the General Fund or another source.

Acting Sr. Civil Engr. Donguines stated that it was from the Highway 1 development fees.

Commissioner Campbell asked if the description and purpose benefit descriptions were the same as last year.

Acting Sr. Civil Engr. Donguines responded affirmatively.

Planning Dir. Wehrmeister stated that she thought Public Works Dir. Ocampo had indicated that he may wish to make a comment as part of the staff report.

Public Works Dir. Ocampo clarified that, although that was the money budgeted, they didn't spend that much, using it only for items such as bridge toll fares, etc.

Commissioner Campbell then asked if the \$6,150 didn't get spent.

Public Works Dir. Ocampo reiterated that the money spent was only if they have to cross the bridge. All the expenditures for this project were paid by the San Mateo County Transportation Authority.

Commissioner Campbell concluded that the city was not outlaying any funds.

Public Works Dir. Ocampo stated that it was only what staff uses if they attend the meeting, but the SM County Transportation Authority was covering everything else.

Chair Brown stated that, on looking at the new products, there had been \$2 million added this year, mentioning the specifics, and he asked if this would likely be the amount added each year or is it more or less than typically added.

Public Works Dir. Ocampo stated that the projects listed were from various departments. He explained that, as Engineering puts together the CIP, they reach out to different departments, giving the example regarding the sewer department. He stated that the projects they were

bringing forward were identified by staff as being paid through this process and would be included in the CIP.

Chair Brown thanked him for clarifying the prioritizations, etc., and he asked if the \$2 million seemed normal or was it on the high or low side, recalling a previous year when a lot of wastewater treatment plant stuff got more like \$10 million. He asked if this list was large in comparison to historical data.

Public Works Dir. Ocampo thought it was within the norm, but he stated again that the list brought forward to them was based on need not that they have to include them.

Commissioner Campbell asked if the City Attorney reviewed the Calera Parkway language.

Public Works Dir. Ocampo stated that it was previously reviewed and, since they didn't make any changes, they didn't have to send it to the City Attorney. He reiterated that it was reviewed by the City Attorney when it was initially put in.

Commissioner Campbell asked who drafted the language about purpose and benefit.

Public Works Dir. Ocampo stated that normally the entire CIP project description is put together by staff and then circulated to departments for review.

Commissioner Campbell stated that, in light of the litigation on Highway 1, he wanted to know if the language was reviewed and approved.

Public Works Dir. Ocampo reiterated that there were no changes from last year.

Commissioner Campbell understood, adding that the litigation has changed.

Commissioner Gordon referred to the \$6,150 budgeted for the Calera Parkway project, and stated that he wanted to find out exactly what that money was for.

Public Works Dir. Ocampo reiterated that it was mostly for departmental expense, again mentioning bridge toll costs, but again stated that they did not spend anything close to even \$500 for the year.

Commissioner Gordon referred to the toll fares, and asked if they had money in the budget to cover work-related expenses. He explained that he thought it had the potential to get complicated.

Public Works Dir. Ocampo clarified that Engineering or Public Works had budgets in different funds. He explained that, if the purpose for traveling to Oakland to meet at CalTrans was for this particular project, the cost would be charged to the project itself, but not all trips across the bridge were charged to this account.

Planning Dir. Wehrmeister appreciated the concerns and stated that staff can double check with legal counsel before it goes to the City Council but it wouldn't have any ramification on the determination of consistency with the General Plan but they can make sure legal counsel puts their eyes on this item before finalization of the CIP.

Commissioner Gordon understood that the language hasn't changed from the prior year, but he thought the filing of the lawsuit changed it.

Planning Dir. Wehrmeister stated that she did get a briefing from legal counsel before the meeting. She stated that there was a ruling to uphold the certification on the EIR, but it was not final.

Commissioner Gordon asked when the ruling came out.

Public Works Dir. Ocampo thought it was three weeks ago, but it hasn't been finalized yet.

Commissioner Campbell thought it would be subject to appeal with the superior court. He asked the hypothetical question of what the ramifications would be if they wanted to change the language in the CIP at this meeting.

Planning Dir. Wehrmeister stated that the issue before the Planning Commission was consistency with the General Plan and all other parts, such as priority of project, what gets funded, etc., were within the realm of the City Council.

Commissioner Campbell concluded that the only way to get language within this item changed was to find that it was not compatible with the General Plan.

Planning Dir. Wehrmeister asked if he was thinking of the dollar amount or actual language on the purpose and benefit.

Commissioner Campbell referred to a comment, "this will improve the level of service and decrease pollution," and stated that he had no basis to say yea or nay, but it was unclear to him whether it was compatible with the General Plan, which was why he asked the hypothetical question of whether they can make changes to the language.

Planning Dir. Wehrmeister thought, if he was concerned that the language was not consistent with the General Plan, they could recommend changes to it. She pointed out that there was an appeal of the Planning Commission's decision that the CIP was consistent with the General Plan the previous year and that appeal was heard by the City Council and they determined that this language was consistent with the General Plan. She put it out there, but the Commission will do what they will. She was merely verifying staff's assertion that it was the same language as in 2014.

Commissioner Vaterlaus mentioned that there were sort of conflicting issues with the fire stations, showing fire station replacements and in the new projects showing modernization of fire stations. She asked if it was in addition to replacement or separate.

Acting Sr. Civil Engr. Donguines stated that they were two separate items. He thought they would like to modernize the station sooner and would like to have the opportunity for female staff of modernizing bathrooms and living quarters, but in the future, they would like the possibility of having new stations.

Chair Brown opened public comments.

Leo Leon, Pacifica, stated that he first wanted to talk about the consistency of the 1980 General Plan which was the current plan in effect. He explained discussions that had been held with the City Attorney and the City Manager regarding what was in the General Plan the previous year that was very specific and questioned whether the CIP was in fact in conformity with the General Plan. He also asked why they would continue to include the same budgeted amount rather than change it to be closer to the lesser amount actually spent the previous year.

Hal Bohner, Pacifica, stated he would speak on the Calera Parkway upon which they were focusing. He mentioned that he had submitted some documents which the Commission had apparently looked at. He referred what happened the previous year following the meeting several citizens had with the City Attorney and City Manager, and then referred to the concerns they had then and now regarding the Calera Parkway, mentioning some specific concerns such as the city's position that the Calera Parkway is not a city project but a CalTrans project yet they continue to include it in their budget. He concluded that, if he were on the Commission, he would not endorse this.

Chair Brown closed public comments.

Commissioner Gordon asked if their decision was to approve a budget of \$6,150 for the Calera Creek project.

Planning Director Wehrmeister responded that the Commission did not have purview over the budgets. They were there to determine if the CIP was consistent with the General Plan.

Commissioner Campbell agreed that they were only to determine whether the descriptions in the CIP were consistent with the General Plan, but added that they didn't have the General Plan in front of them. He referred to the speaker who referred to the General Plan talking about a frontage road, and to confirm that what was in the CIP was consistent with the General Plan. He asked what the General Plan said about the frontage road.

Planning Dir. Wehrmeister suggested he continue with his discussion as she looked for that specific section.

Commissioner Campbell stated that, before he "signs off" on this, he wanted to be sure that what was in the CIP was consistent with the General Plan.

Commissioner Vaterlaus stated that the General Plan was dated in 2002 and she asked if the language on the page had changed since 2002 or was the same as the past few years.

Acting Sr. Civil Engr. Donguines thought there was a small change from previous years, recalling that they added that the project "may" construct additional ... and that the project "may" provide...

Planning Dir. Wehrmeister referred to page 31 of the General Plan under circulation, and read the portion pertaining to the frontage road issue. She also referred to language in the staff report to the City Council in June 2014, and read a portion of it on that same subject, but then concluded that the Calera Parkway project was consistent with the General Plan and Coastal Land Use Plan.

Commissioner Gordon asked for clarification on the source of the material she read.

Planning Dir. Wehrmeister reiterated that it was from a staff report to the City Council in June 2014 regarding last year's appeal of the determination of consistency of the CIP with the General Plan.

Commissioner Gordon asked if they had that information.

Planning Dir. Wehrmeister responded that they did not as she had received that information just prior to the meeting.

Commissioner Campbell thought it would be interesting to see the comments, but added that the speaker raised the question of the General Plan consistency and he thought what she read seemed to raise an interesting issue and seemed to support what they were saying. He didn't feel that he had all the information ahead of time to reason through this, having received a lot of it just before the meeting. He wasn't sure he was prepared to make any decision.

Chair Brown felt the same regarding this one item in the Capital Improvement Program, as there was information they haven't fully digested. He referred to a possible lawsuit regarding this CIP, with the city involved in an underlying part of this project.

Commissioner Gordon thought it was a shame to hold up the document for a small piece of it. He asked if there was a way to approve everything and put a hold on this portion pending more information. He stated that he would like to see the document from which she was reading as he didn't feel he had all the information.

Planning Dir. Wehrmeister stated that, if the Commission would indulge her, she would like a recess to talk to Mr. Ocampo about the schedule of the CIP and to see what a potential continuance may do to that and report back to them. She stated that they could set up for the next item and not have to take a second recess.

Chair Brown thought it sounded great. He asked if they needed to do that officially, or can he switch topics and put Item 1 on hold for now.

Planning Dir. Wehrmeister stated she was just asking for a three-minute recess.

Chair Brown called a recess and then reconvened the meeting.

Planning Dir. Wehrmeister stated that, if it pleases the Commission, they can continue the item and bring back more information on the Calera Parkway project in two weeks.

Chair Brown thought that would be best, adding that he has not enabled his city email and he imagines that was where she sent it.

Planning Dir. Wehrmeister stated that she did, adding that Mr. Bohner's comments were forwarded on Friday to their city email accounts. She clarified that one commissioner was asked about receiving notification that there was an email waiting for them, and she could explain at the end of the meeting how they can go about that with a smart phone and still follow the rules they need to follow.

Chair Brown agreed, adding that he would like to make sure that he has that account enabled.

Commissioner Campbell appreciated the offer of continuance and he thought they should take it to be able to digest the information and make sure they get it right, mentioning the issue of whether it was consistent with the General Plan, but not anything else. He added that he was in the same position of enabling his phone for the Outlook programs to look at these things.

Commissioner Gordon moved that the Planning Commission **CONTINUE** item #1 to the next meeting; Commissioner Vaterlaus seconded the motion.

The motion carried **4-0**.

Ayes: Commissioners Campbell, Gordon, Vaterlaus and
Chair Brown
Noes: None

2. Planning Permits and Process presentation (part 1).

Asst. Planner Farbstein presented the staff report.

Chair Brown asked her to give them a rough idea of the volume of discretionary versus ministerial permits over the course of the year.

Planning Dir. Wehrmeister stated that, in the Planning Department, the primary ministerial permit they issue is a building permit. They issued 1,500 building permits the previous year, including everything from additions to homes, as well as water heater replacements, reroofing, etc.

Chair Brown assumed that they would look at their agenda for the discretionary permits.

Asst. Planner Farbstein continued with the staff report.

Chair Brown asked who our zoning administrator was.

Asst. Planner Farbstein responded that it was Tina Wehrmeister, Planning Director.

Chair Brown asked if it was always the Planning Director in Pacifica.

Asst. Planner Farbstein responded affirmatively, adding that in the zoning code they use different wordings, but it was the Planning Director who performs those roles.

Asst. Planner Farbstein continued with the staff report.

Commissioner Campbell asked if there was any thought about putting the public notice on the city website.

Planning Dir. Wehrmeister stated that they could do that. They are trying to use the web more frequently. They were working on improvements.

Asst. Planner Farbstein stated that it was an ongoing situation to improve the website. She stated that they have put staff reports.

Commissioner Campbell acknowledged that they were good with that.

Chair Brown asked if consideration items did not require public notice.

Asst. Planner Farbstein confirmed that consideration items did not require public noticing.

Asst. Planner Farbstein continued with the staff report.

Chair Brown referred to her comment that the applicant pays for the consultant time, and he thought that was an escalating demand on staff time. He asked if there was any impact on staff time when going from a negative declaration to a mitigated negative declaration and to an EIR.

Asst. Planner Farbstein explained that, when they take in a planning application, they estimate how many hours they feel will be involved in processing the project. If she knows at that time

that there is going to be environmental review, she will increase the number of hours she anticipates spending on the project. She stated that they also have a reimbursement agreement with the application form, signed by the applicant. If they exceed the allowed amount anticipated, it allows her to go back and ask the applicant for more money to cover the cost. She explained that you cannot predict how much staff time will be required at the beginning and it gives them the ability to ask the applicant for additional money. They keep track of the costs on a spreadsheet.

Planning Dir. Wehrmeister agreed that more staff time will be spent on an EIR, but that staff time is paid for by the applicant. She also clarified that they were improving their accounting procedures.

Asst. Planner Farbstein continued with the staff report.

Chair Brown thanked her, stating that while a lot was familiar, he thought it was presented in a way that it had the right context and level of details and was helpful. He thought it would be useful to post publicly to allow them to know the different aspects.

Commissioner Campbell thought it was a great suggestion. He thought it illustrates the hard work that staff does behind the scenes before it comes to the Commission and they don't take it lightly.

Commissioner Gordon thought it was a great presentation and thanked her.

Commissioner Vaterlaus stated that she read it and she made it easy to understand.

Chair Brown opened public comments.

Leo Leon, Pacifica, commended staff and was glad more information was coming. He referred to the planning permit process, and stated he meant to bring up one point at the last meeting he attended. He stated that was on the notification process. He stated that currently it was notification only to property owners within the 300 feet, and he would like to suggest that Commission and staff consider extending the notification to residents within 300 feet, adding that, from his time on the Planning Commission, there were instances where the absentee property owner does not notify the occupant of the property which leads to lack of communication and understanding by the public. He acknowledged that it didn't happen often but it seemed a reasonable accommodation so that the person living near the project was aware of what was going to happen and was notified.

David Blackman, Pacifica, stated that there were a couple of things in the process that he hoped they could address in the future. One slide referred to 30 days to deem if the plans are complete. He thought the Planning Department was good, but he thought the other departments leveraged people, explaining that they start asking for their wish list, things that are not standards or codes and hold the project hostage. He stated that the process was to see if it was complete, not if it was their wish list. He thought the Planning Department understands that, but as leaders of the process, he thought they let the Engineering and Fire Departments run wild with their wish list. He referred to whether they have enough information and the plans reflect what's there and what needs to happen. He wished they could get that cleaned up. He stated that, if he is mistaken, they can tell him, but he didn't think he was. He stated it was his opinion that coastal development

permits for two-story and one-story homes are exempt in Pacifica unless they are touching the coast. He mentioned the two homes he worked on with Randy Berend which were clearly exempt, adding that he thought most were exempt. He mentioned that he has a few projects coming, and stated that on the last project he put a \$10,000 deposit. He stated that the process usually takes about a year and he felt it was an incredible cost. He stated that, on the homes that are two stories or less, they should honor the exception or rewrite the rules.

Chair Brown closed public comments.

Commissioner Gordon referred to the first speaker's comment about noticing not just the property owners but those occupying the home such as renters, and asked staff's thinking.

Planning Director Wehrmeister stated that it would be in addition to what was required by state law and she thought it was fine. She stated that she would like to check with her administrative staff, but she didn't think it would be difficult to do. She didn't think that was too difficult if the Planning Commission thought it was a good thing to do.

Commissioner Gordon acknowledged that they have a lot of stuff on their plate and he didn't want to overwhelm them. He felt it was important for them to prioritize, but he thought it was an interesting point. He added that he didn't know the thinking of the other commissioners. He then referred to the second speaker who stated that the Engineering Department used the 30-day period for their wish list. He wondered about staff's comments.

Planning Director Wehrmeister stated that, when she first started, there was confusion as to what the completeness check was for. She stated that you need to be fair and put everything they need to give you and you can't change it and keep adding. She reiterated that there was a little confusion between a completeness check and processing applications by going through the various issues that come up with an applicant. She stated that they were taking steps to correct that. She stated that they were also updating the application to make sure that, if there was something the Fire Department needs to see on applications that is not already on the check list, they can tell applicants ahead of time to include it with their plans. Again, she stated that they have corrected the first step in understanding what a completeness check is and using the current application and they were almost done with the second step, with possibly four weeks of work on revising the application check list.

Commissioner Gordon thanked her, adding that it was great.

Asst. Planner Farbstein thought the project review committee has also been helpful to address the issues, sitting together talking about a project and going over the various issues such as when things are complete.

Chair Brown thought it was good to hear about the process improvement.

COMMISSION COMMUNICATIONS:

Commissioner Vaterlaus stated that she spoke to Katy Schardt regarding a project coming to the Commission on the 18th, asking if they wanted specifics on the project.

Planning Director Wehrmeister thought it was the 7-11 project.

Commissioner Vaterlaus confirmed it was the 7-11 project.

Chair Brown mentioned a project on Rockaway Beach Avenue where the developer came by and spoke to them because the property was adjacent to his house, and he thought they would be seeing that at some point.

Commissioner Gordon thought that, when they open it up for public discussion at a previous meeting, Tom Clifford mentioned addressing the in-law zoning issue. He thought there was a consensus among the commissioners that they wanted to bring it back on the agenda at some point to discuss. He asked if that rang any bells.

Planning Director Wehrmeister responded affirmatively, stating that it does need to be updated to be in line with state law. She stated that it was part of the housing element program and it will be coming back to them within the next 12 months.

Commissioner Gordon thanked her, adding that he wanted to make sure it doesn't fall through the cracks.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that, regarding the email communication, she was told that the IT team had sent out instructions on how to get the city email on a smart phone or iPad device. She stated that it was fine, as long as the email is going through the city server. She stated that it won't work if they log on to the city website and forward it to a gmail account because then all their communications are going through gmail. If they can sync their iPhone to the city account, that was fine because the email was going through the city server. She hoped they understood that difference, and it might be an easier way to not log on to that weird interface and check the city email.

Commissioner Gordon asked if they could get a communication.

Planning Director Wehrmeister stated that she could resend that, assuming he was referring to the instructions.

ORAL COMMUNICATIONS:

Leo Leon, Pacifica, stated that he spoke at the last meeting about the erroneous regional housing allocation numbers. He did his homework, looking at the census data from 1970 forward to 2010 and from Half Moon Bay north, and he found that from 2000 to 2010 the population of Pacifica dropped but also the populations of Half Moon Bay, El Granada and Montara, as well as the persons per household in every census going back to 1970. He was bringing this up because it shows that population is either stabilizing or dropping because of fewer people per household.

He mentioned another factor from the census regarding 80% of single drivers going to work, which is the reason we have an increase in congested driving condition when population is dropping. He brought this up because, in the housing element, they talk about action items, but he thought they need to do more than encourage people to take the bus but do some serious regional planning between Half Moon Bay and Pacifica on addressing the statistics of 80% of people driving solo. He mentioned the other interesting statistic fact that people in his age group were living longer and staying put. He stated that he will address this at the May 11 City Council. He plans to urge the Council to ask the Planning Commission to work on the in lieu fee formula for inclusionary housing. He was checking the minutes regarding Harmony @ One and found a formula offered in 2007 by the applicant. He urged them to look at that report, adding that it only needs to be updated to reflect the current cost per square foot. He felt it would be a great project for the Planning Commission.

Michelle Garcia, Pacifica, stated that she was with the project at 650 Corona. She stated that, in reference to what Dave Blackman was talking about, their project has been held up by the Engineering Department due to changes that came after the Commission approved the project last year. She stated that her building permit was still being held up in discussions with Engineering. She found it interesting that, in discussions with some people in Engineering, she asked them if it was their job to give her a list of what she needs when she submits her project to Planning and she was told that it was her contractor's job. She thought that they went through this process to get feedback, and questioned how her contractor would know the exact standards for Pacifica. She stated that each job was different and hers was very unique. Her building permit was still being held up because she cannot get someone to say that they approve it and do what they have to do to allow her to get her house started. She stated that the resolution was to come back to the Planning Commission and have this conversation with Engineering, adding that they weren't present the night of their project's presentation. She stated that her frustration level is beyond the limit that she can take anymore. She is present now, and feels that area needs huge reconditioning. She is getting nowhere and the changes they are submitting are close to the infrastructure that is happening at Harmony @ One, which was huge infrastructure change to the hillsides, beauty of Pacifica and her pocketbook.

David Blackman, Pacifica, stated that he was part of that permit process for Ms. Garcia, which was another year's time frame and \$4,000-\$5,000 just from the city's end. He understood the cost of that, but added that there was a lot of negotiating with the Fire Department, Engineering, etc. about what the project may look like. He stated that both Fire Department and Engineering wanted something completely different from what was approved, which was frustrating for her family. At this time, there is no resolution with the Fire Department. There might be a turnaround of what was being built on Robert's Road but it didn't come until six months after last July's approval. He stated that the road improvements are drastically changing and retaining walls are growing. He stated that thousands of dollars are spent along with months of discussions. He stated that he has talked to the City Manager and there is no appeal process for the Fire Department or Engineering, but there is for Planning. He stated that those departments run wild and they had litigation with Keith Fromm because of no appeal process. He stated that he was asked to do things by Engineering that turned into litigation. He stated that they really need an appeals process because there is no oversight to what is going on in Engineering and now that the Fire Department was moved to Daly City and we are the stepchildren, it has never been worse. He felt they almost laugh in their face with disrespect. He felt it was incredible and he was begging for help.

Planning Dir. Wehrmeister referred to the first speaker's comments regarding regional solutions to commute problems, and pointed out that the next round of One Bay Area was going on now, and staff was going to attend, and invited to public to attend, on Wednesday, May 6, at the San Mateo County Events Center. She stated that City Council was going to direct staff to bring back information on all types of in lieu fees including the inclusionary in lieu fee.

ADJOURNMENT:

There being no further business for discussion, Commissioner Gordon moved to adjourn the meeting at 8:45 p.m.; Commissioner Vaterlaus seconded the motion.

The motion carried 4-0.

Ayes: Commissioners Campbell, Gordon, Vaterlaus and
Chair Brown
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister