

MINUTES

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

January 17, 2012

7:00 p.m.

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

ROLL CALL:

Present: Commissioners Brown, Clifford, Langille,
Campbell, Leon, Evans and Chair Gordon

Absent: None

SALUTE TO FLAG:

Led by Commissioner Campbell

STAFF PRESENT:

Planning Director White
Assistant Planner Farbstein

**APPROVAL OF ORDER
OF AGENDA**

Commissioner Clifford moved approval of the Order
of Agenda; Commissioner Leon seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Brown, Clifford, Langille, Campbell,
Leon, Evans and Chair Gordon

Noes: None

**APPROVAL OF
MINUTES:
DECEMBER 5, 2011**

Commissioner Evans moved approval of the
minutes of December 5, 2011; Commissioner Clifford
seconded the motion.

The motion carried **6-0-1**.

Ayes: Commissioners Brown, Clifford, Langille, Campbell,
Evans and Chair Gordon

Noes: None

Abstain: Commissioner Leon

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JANUARY 23, 2011:

Planning Director White explained that there was the assisted living facility item; however, they were informed that there was not a quorum for the Council meeting and the item will be moved to February 14. Since the Commission will have a meeting on February 6, they can talk about a liaison at that time.

CONSENT ITEMS:

1. **PSD-781-10 EXTENSION OF PERMITS for construction of a single-family
PV-506-10 home on a substandard lot at 43 Birch Lane (APN 016-294-520).
CDP-326-10**

Commissioner Leon moved that the Planning Commission **EXTEND** PSD-781-10, PV-506-10 and CDP-326-10 to July 11, 2012; Commissioner Clifford seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Brown, Clifford, Langille, Campbell,
 Leon, Evans and Chair Gordon
Noes: None

PUBLIC HEARINGS:

None.

CONSIDERATION:

2. PSD-730-04 EXTENSION OF PERMITS for the construction of a single-Family residence on the southwest portion of Oddstad Way and Troglia Terrace (APN-022-071-210 & -240).

Planning Director White explained that there were no real comments since the lead planner, Lee Diaz, could not be present. He stated that this was the 5th extension due to being in the process of obtaining a loan to complete the permit process.

Commissioner Leon stated that the date on the permit request from the applicant was one day beyond the cutoff date. He asked for clarification.

Planning Director White explained that the last extension was granted on December 6, 2010 and was due to expire November 20, 2011. He didn't know if it was a typographical error or not as it appears that it was a day after. He thought, if using the old rules of extensions, the extension would have been good until December 6, 2011. He thought the reference to the permit expiring on November 20 may be the error.

Commissioner Leon reiterated that he brought it up because it appeared that the dates did not match.

Planning Director White reiterated that, based on past protocol, the extension should have been to December 6, 2011.

Commissioner Leon asked that it be verified at some point. He explained that he brought it up due to a concern regarding any additional compensation to which the City may be entitled because of the lateness of the request.

Commissioner Brown stated that he lived in Rockaway Beach, about 500 yards from the parcel, and he asked if he was required to recuse himself from voting on the extension.

Planning Director White explained that the basic rule was if he was within the noticing area of 300 feet, otherwise beyond that it was not an absolute automatic if there was no conflict of interest. He suggested that, if he had a concern in some way, he could choose to abstain from the vote.

Commissioner Brown wasn't aware of any conflict.

Commissioner Langille didn't think there were any changed circumstances that would warrant doing anything other than staff's recommendation to extend the permit. However, she wanted to voice her concern that this was a huge home and would impact the neighborhood. She was aware that it had been approved, but it was six years ago, which she felt was a long time. She was not up to speed on Rockaway Beach neighborhood issues but, on reviewing a neighbor's concern about the creek erosion, she thought it should be reviewed. She felt that was an area of concern for this project. She asked how that would play out.

Planning Director White responded that he was sympathetic about the point, acknowledging that it was a long time. He stated that the City did not have a limit to how many extensions can be requested. He also felt the extension request was a sign of the economic times.

Commissioner Campbell stated that he was asked whether the mega home ordinance would apply to this home and, while he thought he knew why it doesn't, he asked that it be explained for the benefit of the audience.

Planning Director White stated that he hasn't done the analysis so he could not say for sure that it does or doesn't, since it wasn't asked at the time of application because the ordinance was not in effect then. He stated that, if they were interested in it, they could go through it as an exercise to see if it applies.

Commissioner Campbell responded that he thought the answer was that the ordinance was not in effect when it was approved.

Commissioner Evans asked if there were time limitations on unused EIRs for building.

Planning Director White thought it goes back to the concept of changed circumstance. He stated that, in this case, they were supporting the extension because the circumstances were essentially the same as they were when the project was approved. He added that it was probably true for environmental documents in many respects. He thought there was a point, eventually, because of changes in laws, that environmental documents become stale and may have to be revisited. He reiterated that, in this case, they were only dealing with an extension request, not an amendment to the project that would reopen the process.

Commissioner Evans concluded that, unless things drastically change, there were no real time limitations written anywhere.

Planning Director White stated that the project goes through the entitlement process and is approved.

There were no public comments.

Commissioner Clifford explained that he would be voting against the extension to be consistent with how he has always voted on this project. He explained that he had no problem with the actual project but had a real problem that they would be starting with a brand new substandard street, especially since the street going into the area was also substandard, and he would like a solid road in and out of that area because of the fire hazards. He reiterated that, while he understood that the project was approved, he would continue to vote against the extension.

Commissioner Leon stated that he also voted against the project for similar reasons, adding that six years was an unreasonably long period of time for a single family residence. He felt that nothing has changed to convince him that his no should change from his original vote.

Commissioner Campbell stated that he had reluctantly voted yes to keep this project moving forward even though he would not have voted yes on the project if it was brought up today. He was going to vote for the extension, but he thought that, prior to another extension, they should probably explore some of the issues raised by neighbors such as increased erosion and traffic.

Commissioner Langille stated that she was on the same page as Commissioner Campbell regarding the project.

Commissioner Evans was also on the same line of thought. He referred to the rules that state there was nothing changed enough to say no on the extension and, until that happened, he thought they needed to stick with our own rules. He felt they needed to look at how long the environmental reports can go on without anything being done. He thought there should at least be another review of the environmental reports the next time to see if things were the same.

Commissioner Brown assumed that it was the beginning of a paper street, and he asked how far they can go into that paper street without picking up the requirement to build the street to standard codes for sidewalks and fire truck turnarounds. He asked if it was the next person's responsibility to build it to standards.

Planning Director White stated that it was hard to comment on that, not having been around when the project was originally approved. He acknowledged that it had gone through the review process and a public hearing process and he thought that it was hard to say what would trigger additional improvements, whether it was one or more houses, adding that it would be answered when they got additional building applications. He acknowledged that they would want to think about the eventual buildout, adding that was what planning was all about. He thought it would be a conversation between planning, fire, public works, etc. to determine what was necessary.

Commissioner Brown assumed that they were being asked to extend the permit based on the merits of the original permit.

Planning Director White responded affirmatively.

Commissioner Campbell thought the substandard road issue was significant, pointing out that they had instances when the fire trucks could not get up the roads in a timely fashion and has almost led to tragedy. He felt they needed to take that into serious consideration.

Chair Gordon was leaning toward Commissioner Campbell's position which was to extend with an "asterisk," which was the email from a neighbor who raised issues regarding potentially changed circumstances. He acknowledged that they didn't have any findings to make that circumstances had changed, which could lead to not approving the extension but, if it did come up again for an extension, he thought it would be good to take a closer look and see if there was a basis for changed circumstances.

Commissioner Brown moved that the Planning Commission **EXTEND** PSD-730-04 for one year to November 20, 2012; Commissioner Evans seconded the motion.

The motion carried **5-2**.

Ayes: Commissioners Brown, Langille, Campbell, Evans and
Chair Gordon
Noes: Commissioners Clifford and Leon

3. **CC-05-10 EXTENSION OF PERMITS to convert 170 existing apartment
 PE-148-08 units into condominium units at 435 Gateway Drive (APN-009-
 UP-987-08 540-110, 120, 130, 140, 150, 160 and 170).**

Assistant Planner Farbstein presented the staff report.

Commissioner Clifford stated that he remembered some promises made that existing tenants would be able to buy into the conversion rather than emptying the building then going condo. He asked if the promises were still in effect even though some tenants may have changed.

Assistant Planner Farbstein stated that it was for the original group of tenants who were there on the date of the approval.

Commissioner Clifford asked about the new people moving into the apartments.

Assistant Planner Farbstein stated that it was only at the time the project was approved, however, new people were informed that the apartment complex was undergoing condominium conversion.

Commissioner Clifford concluded that there was notice so that they were not surprised with an eviction notice to move because it was being turned into a condo.

Assistant Planner Farbstein stated she thought that was in the ordinance.

There were no public comments.

Commissioner Leon was saddened to receive the request, remembering the benefits of having so many new potential homeowners with a very affordable benefit. He was in favor of the request, adding that he hoped the applicant was able to resolve any issues and move forward. He felt there were many benefits connected with this project, such as environmental work, etc.

Commissioner Evans was also in favor of it and he hoped that the applicant can get things going within the next year.

Commissioner Langille was also in favor of extending the permit. She recalled the project and felt inclusionary housing was a great plus for Pacifica.

Commissioner Langille moved that the Planning Commission **EXTEND** CC-05-10, PE-148-08 and UP-987-08 to December 31, 2012; Commissioner Clifford seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Clifford, Langille, Campbell,
 Leon, Evans and Chair Gordon

Noes: None

COMMISSION COMMUNICATIONS:

Commissioner Leon stated that he was not present for elections of the new Chair and Vice Chair, and he took this time to extend his congratulations to them. He was looking forward to a good year with the new Chair and Vice Chair.

Chair Gordon commented that he hoped they didn't run the Commission into the ground.

STAFF COMMUNICATIONS:

Planning Director White extended his wishes for a good new year as well, then stated that staff had included a brief memo in their packet regarding the status of the Gorilla BBQ appeal. He commented that there were issues and they attempted to get the applicant to a place to render an appropriate decision. He pointed out that the Commission had officially put the project on hold and hoped staff would work with the applicant to avoid the appeal. They met but apparently there were some logistical issues that the applicant could not overcome relating to ADA requirements and restroom facilities and, as a result, they withdrew their appeal and application and have removed the outdoor seating and tables.

ORAL COMMUNICATIONS:

Yuri Desyatnik, Gateway Drive, distributed some material then stated that he was proposing that a sound wall be built in the Fairmont area, between the Highway 35 and Highway 1 intersection. He described some of the pictures in the material. He pointed out that, when the highway was built, no consideration was made for noise effects to the residences. He had the Fairmont Association's full endorsement to talk to the residents. He has knocked on doors and has about 61 individuals who are in support of his project. He stated that Assemblyman Hill's office pledges support after he has enough popular support. He mentioned that he has a noise meter and has measured noise, concluding that there was a viable noise problem. He asked that the Commission support this issue which is a noise issue, as well as quality of life, safety and property value issues, mentioning that homes adjacent to freeways go down in value by an average of 20% and the sound wall raises that back up an average of 10%.

ADJOURNMENT:

There being no further business for discussion, Commissioner Leon moved to adjourn the meeting at 7:35 p.m.; Commissioner Clifford seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Clifford, Langille, Campbell,
Leon, Evans and Chair Gordon
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director White
