

MINUTES

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

February 21, 2012

7:00 p.m.

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

ROLL CALL: Present: Commissioners Brown, Clifford, Leon, Evans and Acting Chair Langille
Absent: Commissioner Campbell and Gordon

SALUTE TO FLAG: Led by Commissioner Clifford

STAFF PRESENT: Planning Director White
Associate Planner Diaz

APPROVAL OF ORDER OF AGENDA Commissioner Leon moved approval of the Order of Agenda; Commissioner Clifford seconded the motion.

The motion carried **5-0**.

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

APPROVAL OF MINUTES: FEBRUARY 6, 2012 Commissioner Clifford moved approval of the minutes of February 6, 2012; Commissioner Leon seconded the motion.

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

Ayes: Commissioners Brown, Clifford, Leon and Evans
Noes: None
Abstain: Acting Chair Langille

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF FEBRUARY 27, 2012:

Planning Director White stated that Commissioner Clifford had been designated as the liaison for the assisted living facility project. Due to a lack of a quorum, the project was not heard on the 14th, and he suggested that, at the prerogative of the Commission, they continue with Commissioner Clifford as the liaison for the scheduled hearing on the 28th, although he stated that it might not be heard because of some logistical issues with the environmental consultant.

Acting Chair Langille asked if the date was the 27th or the 28th.

Planning Director White confirmed that it was the 27th.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

**Adoption of a Resolution Recommending that the City Council
Adopt an Ordinance Amending the Pacifica Municipal Code to
Extend the Growth Control Ordinance for five years.
Recommended CEQA status: Exempt.**

Associate Planner Diaz presented the staff report.

Commissioner Brown asked if this ordinance applies only to individual single family residential development but not existing lots, clarifying that affordable and senior housing and senior residential units were exempt.

Associate Planner Diaz responded affirmatively.

Commissioner Brown asked for an average of how many building permits that would apply to this have been filed for each year over the past several years.

Associate Planner Diaz responded that it was zero.

Commissioner Brown stated that there were 1, 214 remaining so, even if they did approve the growth control ordinance, instead of the real limit being 70 units per year, it could conceivably be 1,274. He asked if that was correct.

Associate Planner Diaz responded affirmatively.

Commissioner Evans stated that the 1,214 remaining and the 70 per year would add up annually. He asked if there was a limit.

Associate Planner Diaz stated that there was no limit.

Commissioner Evans concluded that, in another 10 years, it could be 700 on top of that.

Associate Planner Diaz responded affirmatively.

Commissioner Leon thought there was a 10% cap on the accrual of building permits and, no matter what the number is, it was accrued with a carryover provision. He stated there was a limit as to how many can be issued, which he thought was 10% on the accrued amount. He asked if that was correct.

Associate Planner Diaz said each applicant was entitled to 20%.

Commissioner Leon asked if that was a maximum.

Commissioner Brown asked if that was per developer, assuming that, if five developers came, they could each make it.

Associate Planner Diaz responded affirmatively.

Commissioner Leon asked for confirmation that, according to the resolution, the voters initially approved the growth control in 1982.

Associate Planner Diaz thought the growth control was approved in 1993.

Commissioner Leon stated that the opening statement of the resolution mentioned that Pacifica adopted an ordinance establishing growth control management on February 24, 1982.

Planning Director White stated that he was correct but added that he thought it was amended by the voters in 1993.

Commissioner Leon reiterated that it was first adopted in 1982 and amended by the voters in 1993, confirming that we have had growth control since 1982.

Planning Director White responded affirmatively.

Commissioner Leon asked if there was a legal reason for a five-year limit on renewing or reapproving the growth control ordinance.

Associate Planner Diaz was not aware of any legal reason for why it was set up that way.

Commissioner Leon concluded that it was just going to expire this time after five years unless it was renewed.

Associate Planner Diaz responded affirmatively.

Commissioner Leon thought that it was every five years since 1982, but asked confirmation that there was no legal reason for it being after five years.

Associate Planner Diaz responded that he was correct.

Acting Chair Langille referred to it being extended every five years, and stated that in 2009 there was reference to the Coastal Commission approving an amendment which was what got them to this one and this one, if approved, would have to go through the Coastal Commission and the City Council.

Planning Director White clarified that it would go to the City Council first then the Coastal Commission.

Acting Chair Langille thought it sounded as though it would take a fair amount of time to make it through the process.

Planning Director White responded affirmatively.

Commissioner Leon referred to the City updating the housing element for the General Plan update and, in preparation for the General Plan update, there were projections of housing needs and the forecast for housing going into the future in Pacifica. He wondered if the housing element update and current conditions report would be updated. He asked if there was a need to balance all three and make them more current than what they had now.

Planning Director White explained that the existing conditions report was merely an informational document and it was what it was. However, they were now working on the housing element, with the state reviewing the administrative draft. He stated that, as pointed out in the memo, they believe the numbers still work with the growth control ordinance and the current reserve. He stated that, if they extend this growth control ordinance and the housing element comes in with a different set of numbers that might conflict, he thought they might have to go back and amend the growth control ordinance to be consistent.

Commissioner Leon assumed that, if they amend and act on this now, with any new information, they would go back and update the information.

Commissioner Evans asked how much land was designated as agricultural.

Associate Planner Diaz stated that he did not know.

Commissioner Evans stated that the rule said that, to change any agriculturally zoned land, it has to come before a vote of the public.

Associate Planner Diaz corrected that a vote is required for a rezone.

Commissioner Evans asked if it required a vote of the people to change that ordinance.

Planning Director White thought it did because the amendment in 1993 was what put that in place but it would be a question to ask the City Attorney if they decide to adopt this.

Commissioner Evans stated that he was trying to get to the point that there was a lot of stuff in between.

Commissioner Brown stated that he recalled the housing needs that he saw in the General Plan draft was about 1,480 houses, but it was a mix of single family homes as well as affordable and senior housing. He thought they were looking at 70 building permits for a residential element. He thought it was pretty comfortable that it was within this envelope.

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

Commissioner Leon stated that he was in favor of extending the growth control ordinance since it was something the voters expressed a desire in. He thought there were a few facts that raised questions in his mind, one being that they have never reached the amount of housing units that the growth control allows, but he did acknowledge the city's position of wanting to be protected against a circumstance where there would be a growth that could not meet the infrastructure or safety needs. He thought that was an overriding concern regarding the need for this, however, he wasn't sure about how the numbers work out. He was comfortable with the end result because he didn't think the numbers hurt the city or the developers because we never reach the allocation available and he has never heard of a complaint that the applicant was denied an application because of the growth ordinance. He would be interested in what comes out of the housing element and how it ties in to the growth as forecasted.

Commissioner Brown agreed with those comments, but he thought it was strange because it was a growth control ordinance designed to prevent us from outpacing our ability to service new

developments, yet he thought it didn't accomplish that because there was a large balance remaining. He concluded that this was a weak backstop and he had a hard time voting for a weak backstop. He thought, if the goal was to control the rate of growth and prevent over extension of City services, having a backlog of 1,200, a developer could take 20% of those and build 240 units, while this concept was around 70. He was challenged in deciding whether to vote for something that was not accomplishing its original intent.

Acting Chair Langille asked if staff had a response to that.

Planning Director White stated that the growth control components were a policy matter. They were bringing this to the Commission as an extension because it was about to expire. He thought it gave them the opportunity to look at the current economy and what was going on today compared with what was going on in 1982 or 1993 and making recommendations accordingly. He thought the points they made were good ones. He didn't have a recommendation other than what was in front of them. He stated that staff would dutifully bring their recommendations to the Council if they decided to recommend something different.

Commissioner Evans asked that staff explain the rule ordinance on the people's vote for any major housing to come before Pacifica, such as the quarry having to go to the public for a vote.

Planning Director White stated that it was specific to the quarry site, and was not a general rule in the City. This ordinance only talks about changing certain zoning district designations from agricultural to something else which required a vote of the people. He clarified that they weren't voting on the project but the zone change.

Commissioner Evans stated that he was attempting to clarify that not everything has to come to the public for a vote, but only in certain locations.

Planning Director White responded that he was correct.

Commissioner Evans asked for confirmation that, if a developer wanted to build 240 units in one of the controlled areas, it would not have to go before a vote of the public.

Planning Director White clarified that, as long as there were units to allocate, it would go through the normal development process.

Commissioner Evans concluded that, currently, there were plenty.

Planning Director White agreed that there were units to allocate.

Commissioner Evans stated that Pacifica has lost about 3,000 residents. He liked the ordinance because it was the best of both worlds and provided control if we needed it. He did acknowledge that, in the past, we haven't needed it. He also agreed that, with the surplus now and more to come, that left a loophole for developers to come in with a large project. He was a little concerned about that.

Commissioner Leon shared the concern regarding the surplus, asking if there had ever been a year when there wasn't a surplus.

Associate Planner Diaz stated that it has been accumulating every year.

Commissioner Leon thought the reason for the cap on the surplus never bore fruit because the surplus continues to grow every year. He thought something else in the math needs to change, either the cap come down or a trigger to create a limit and, as there was a drawdown, it could come back.

Planning Director White thought there might have been an individual year when the numbers were reached, mentioning that doing the math for 20 years times 70 would be 1,400 and the surplus was 1,200 so there must have been a few years when they were close to the number but not many.

Commissioner Leon thought it read in the report when they drew 23.

Associate Planner Diaz thought that was in 2006. He was surprised when he was doing the report and saw that the last time they granted allocations was 2006.

Commissioner Leon thought they might consider making the recommendation to the City Council that these concerns be considered when the updated information from the housing element comes to them. He thought they could look at the current data at that time and do a revision. He wasn't prepared to go through the numbers at this time, but he wanted to be sure they had enough information to do that. He recommended that they consider making a recommendation to the City Council about revising the cap and putting a ceiling on the total number of units until there was a drawdown or it would grow for no reason at all. He didn't think there was a reason to allow it to grow.

Commissioner Brown concluded that they keep the concept of 70 a year but approve the extension with a recommendation to City Council that they review the backlog and the housing element to make sure they were consistent. He thought, if they approve it without that, it was approving something that doesn't meet the original intent. He didn't think they could change the backlog at this meeting and the general intent was served in part by the 70 limit but the missing element was the huge backlog that means 70 didn't really matter. He felt they should ask City Council to review that.

Commissioner Leon thought the missing piece was the housing element update that staff was working on which would have the most current data relating to housing needs, and without that they wouldn't be able to make a good decision. He did think it was obvious that the cumulative number was continually growing. He thought, when the housing element came out, they could take a harder look.

Planning Director White stated that he didn't want to put words in their mouth, but he thought they were heading toward reexamining or revisiting the growth control ordinance once the housing element was final to make sure they were consistent in terms of their goals of enough potential units to provide the housing needs for the community, and take on the backlog issue. He shared their concern but the timing was unfortunate because this was expiring and they didn't have a choice. They needed to do something but they didn't have all the information to say that the numbers work. He thought a recommendation to the Council to revisit this at that time would be an appropriate recommendation to make.

Commissioner Leon asked if Commissioner Brown could work with that.

Commissioner Brown thought he could.

Acting Chair Langille agreed with the general terms, and didn't think the growth control ordinance was any deterrence to growth in Pacifica. She thought there were enough exceptions to encourage development.

Commissioner Clifford pointed out that the City Council will get a copy of the minutes and they will be very clear on what they were talking about. He wasn't sure they needed to add all of this in their motion.

Planning Director White suggested that they act on the motion in front of them, and then make a further recommendation to the Council regarding the issue they just talked about and not blend the two together since this has to go through another several layers, including the Coastal Commission. He thought keeping it as clean as possible was desirable without muddying the waters with another exercise. He reiterated that they could add a further recommendation to send to the Council.

Commissioner Clifford stated that was what he was getting at, including using the term of muddying the waters.

Acting Chair Langille acknowledged that Commissioner Evans wanted to speak, but she thought they needed a second for the motion.

Commissioner Clifford didn't think anyone made a motion.

Commissioner Evans referred to the large development on Skyline from a few years ago, asking if it was 98 units.

Associate Planner Diaz responded affirmatively.

Commissioner Evans asked what the action was on the backlog because it was over 70 per year.

Associate Planner Diaz stated that, at the time, there were plenty of allocations.

Commissioner Brown moved that the Planning Commission **RECOMMEND** that the City Council adopt an ordinance amending the Pacifica Municipal Code to extend the Growth Control Ordinance for five years; Commissioner Clifford seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Brown, Clifford, Leon, Evans and
Acting Chair Langille

Noes: None

Commissioner Brown moved that the Planning Commission **RECOMMEND** to City Council that, once the housing element is approved, they have an opportunity to review the backlog, the housing element and this ordinance to make sure that they remain consistent; Commissioner Evans seconded the motion.

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The motion carried **5-0**.

Ayes: Commissioners Brown, Clifford, Leon, Evans and
Acting Chair Langille

Noes: None

Acting Chair Langille 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.

CONSIDERATION:

None

OTHER AGENDA ITEMS:

None

COMMISSION COMMUNICATIONS:

Commissioner Clifford briefly reported on being liaison to the Council for the assisted living facility project, reaffirming that there was not a quorum and no action was taken.

Commissioner Leon referred to a suggestion at the last meeting by Commissioner Clifford that they visit multiyear extensions, and he failed to mention that he was in favor of doing so. He looked forward to having it on the agenda.

Acting Chair Langille also referred to a previous discussion regarding revisiting old projects.

Planning Director White stated that the same comment was made at the previous meeting and he explained that they had made an effort in the fall but they weren't able to get more than three or four commissioners at any given time, and they were planning to try again in the spring, possibly expanding availability to get everyone coordinated.

Acting Chair Langille referred to the request to revisit multiyear process.

Planning Director White agreed that they had heard that suggestion at the last meeting, and they were trying to do a survey of other cities and find out what sort of regulations were on their books and then bring it back for discussion.

STAFF COMMUNICATIONS:

None

ORAL COMMUNICATIONS:

None

ADJOURNMENT:

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

The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

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APPROVED:

Planning Director White