

MINUTES

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

December 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 Brown

STAFF PRESENT: Associate Planner Diaz
Assistant Planner Farbstein

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

The motion carried 7-0.

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

**APPROVAL OF
MINUTES:
NOVEMBER 5, 2012** Commissioner Clifford moved approval of the
minutes of November 5, 2012; Commissioner Leon
seconded the motion.

The motion carried 7-0.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING:

None.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

None.

CONSIDERATION:

1. **UP-978-07 PSD-763-07 EXTENSION OF PERMITS for the construction of one single-family residence with a second residential unit south of Fassler Avenue east of Roberts Road (APN: 022-150-030).**

Assoc. Planner Diaz presented the staff report.

Commissioner Evans asked if the road was a public or private road and who was supposed to build it.

Assoc. Planner Diaz stated that the road would be privately maintained and was to be built by Harmony at One subdivision to access their lots, as well as this project.

Commissioner Leon mentioned that the applicant's letter stated that the reason for the extension was that the road has not been completed, but he was asking for clarification that it was not in a state of construction.

Assoc. Planner Diaz responded affirmatively.

Commissioner Leon reiterated that the construction has not started and he was again asking confirmation that there was presently no road or plans to construct the road at this time.

Assoc. Planner Diaz confirmed that there was no road that has even been started.

Commissioner Clifford asked for confirmation that this project was originally set up to have its own access road leading to Fassler before it joined the Harmony at One's road project.

Assoc. Planner Diaz stated that the preliminary plans indicated that access would be from Fassler.

Commissioner Clifford asked if that was still a possibility if the Harmony at One doesn't move forward, adding that he wasn't seeing a lot of progress on Harmony at One. He asked if it would be possible for the applicant to break off from the project and set up their own road to facilitate building the project, adding that he would like them to complete their project rather than wait for Harmony at One which may not happen.

Assoc. Planner Diaz stated that, if Harmony at One doesn't move forward, the applicant would have to come back and redesign an access to the property.

Commissioner Clifford asked if they would have to come back to the Planning Commission or could it be administratively handled.

Assoc. Planner Diaz stated that it would depend on how access would be taken and if there were any issues with the access on Fassler, concluding that there might be something that has to be approved by the Planning Commission or it could be done administratively.

Commissioner Clifford asked if the applicant was present.

Assoc. Planner Diaz stated that he didn't believe he was.

Commissioner Leon thought Commissioner Clifford raised a good point and he now recalled there were other properties, besides Harmony at One, that were associated with the approval that

was on Fassler, such as an easement, affiliations with Sea Bowl, etc. He stated that, if this returns to the Commission again next year, he would find it helpful and would appreciate having some of the background from the approvals of the project, separate from Harmony, as a reference.

Commissioner Brown understood Commissioner Leon's request, and he offered the opinion that he would find it enough to have that information available on line rather than have staff prepare additional material.

Chair Gordon stated that this was a consent item and asked for a motion.

Commissioner Langille moved that the Planning Commission **EXTEND** UP-978-07 and PSD-763-07 to December 3, 2013; Commissioner Leon seconded the motion.

The motion carried **7-0**.

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

Noes: None

2. PSD-730-04 EXTENSION OF PERMITS for the construction of a single-Family residence on the south side of Oddstad Way and Troglia Terrace.

Assoc. Planner Diaz presented the staff report.

Commissioner Evans asked when this project originally submitted applications.

Assoc. Planner Diaz stated that he didn't have the exact date but thought it might have been 2004.

Commissioner Evans asked if the City had been paid for the extension permits.

Assoc. Planner Diaz stated that they have not been paid for the building permits yet.

Commissioner Leon recalled the previous discussion and that staff had looked into comparable practices with neighboring communities. He thought nothing had changed since their last meeting, but he recalled that some communities placed limits when approvals expired after several years. He would like to understand if there was any direction from Planning as far as making progress along those lines. He recalled that questions were raised as to whether the project was subject to current building guidelines, such as green building guidelines, etc., if permits had not been taken out by an applicant within a given period after approval. He thought staff was on record that it would be applicable to projects that hadn't fulfilled their building permit requirements from the approval. He asked if that was the case with this project.

Assoc. Planner Diaz stated that it has been the practice in the past when a project has been out there for long periods of time. When they apply for a building permit, whatever current regulations are in force will be applied.

Commissioner Leon recalled that, at the time this project was approved, they had no green building ordinance and there had been a number of other changes. He wanted to be sure the applicant was aware that new conditions would apply based on current City guidelines.

Chair Gordon referred to his first question, and mentioned that they had discussed the issue of multiple requests for extensions and he thought they got a consensus and they made a recommendation to City Council. He didn't think anything has happened with that in terms of guidelines or instructions from the City Council.

Assoc. Planner Diaz agreed with his conclusions that there were no directions at this time.

Commissioner Clifford referred to building permits, and he thought he heard that one was ready to be issued. When he checked on it, he was told they couldn't issue that one because it had been applied for long ago and building permits were not good for any more than six months so they would have to apply again. He didn't know whether the applicant had reapplied or the Commission was reading what has been copied from previous reports. He reiterated that, after six months, an applicant would have to reapply and all data would have to be reviewed based on current building standards.

Assoc. Planner Diaz stated that the applicant has been ready to get a building permit.

Commissioner Clifford acknowledged that he was ready, but the earlier application did not necessarily cover all the approvals he will need at the present time.

Assoc. Planner Diaz agreed, but clarified that he was at the point of applying.

Commissioner Clifford thought it was strictly finances but they could talk to the applicant when he makes his comments.

Commissioner Brown thought that the City Council's conclusions were that they were not in favor of any limits but they did ask staff to explore the cost recovery aspect. He didn't think there was anything left for City Council to approve unless the Commission chose to make it so.

Commissioner Clifford mentioned that he was the liaison for that meeting and they did say they weren't ready to do anything now based on everyone's present financial status. He reiterated that they didn't shut it down but weren't ready to start a process, but they did approve the financial recovery aspect of the request.

Pete Patel, applicant, stated that he was aware of the building permit requirements if he reapplies. Because of the financial issues, he has been holding off but, once he submits for a building permit he will extend it and go through the process.

Commissioner Clifford asked if he was in the process of getting financing for the project now.

Mr. Patel stated that he works for United Airlines and they were in a merger. Since he wasn't sure he would be a permanent resident in San Francisco, he and his wife chose to hold off until he had confirmation that he would still be assigned to the San Francisco area. He just got that confirmation in July so they were now ready to proceed with the process of finishing the project.

Commissioner Clifford asked if he was going to be staying in the area now.

Mr. Patel reiterated that he was in a permanent position in San Francisco.

Commissioner Leon moved that the Planning Commission **EXTEND** PSD-730-04 to January 17, 2014; Commissioner Brown seconded the motion.

Commissioner Clifford explained that he was going to be voting against the extension for the same reason that he voted against it all these years. He was not opposed to the project itself but he was opposed to starting a new street with a substandard roadway which he felt was not in the interest of public safety, adding that they were opening up an area that was heavily wooded and creating a bottleneck immediately. He also thought other applicants in adjoining lots might question why they should build a full size street if this one didn't have to do it. He reiterated that he didn't feel he could vote for the extension based on the fact that he didn't vote for the project.

The motion carried **6-1**.

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

3. **CC-03-08** **EXTENSION OF PERMITS to convert 170 existing apartment units into condominium units at 435 Gateway Drive (APN 009-540-110, 120, 130, 140, 150, 160 and 170).**
PE-148-08
UP-987-08
SUB-216-08

Assist. Planner Farbstein presented the staff report.

Commissioner Evans asked for an explanation regarding the notation in the report that the applicant has not complied with all the conditions of approval yet.

Asst. Planner Farbstein explained that there was a grant letter with a series of conditions of approval and different parts of the code have to be addressed. She stated that their draft letter explains how they have met the conditions of approval up to this point in time, but they haven't sent the final letter addressing all the conditions of approval.

Commissioner Evans assumed that nothing will happen until it is signed off by Planning.

Asst. Planner Farbstein stated that they had submitted the final map with engineering and that would be routed to her but she won't be able to sign off on it until all conditions of approval have been met.

Commissioner Evans wanted to make sure they had someone following up on all the items remaining to be complied with.

Commissioner Leon stated that this was a good project, but he hadn't heard much about it. He asked if there was an issue with the individual water meters that were holding the project back.

Asst. Planner Farbstein stated that the applicant had recent issues of financing but there were issues with the individual water meters which needed to be resolved with the North Coast County Water District and which took some time, adding that this has been a more complicated process than they all originally anticipated.

Commissioner Leon asked if they have moved closer to an implementation.

Asst. Planner Farbstein stated that they have the issue resolved with the water district, explaining that instead of individual meters, they were doing a meter for the building. She stated that, the fact that they submitted the final map and were giving a draft letter going over the conditions of approval was reassuring to her that things are moving along. She stated that they were also going through the Department of Real Estate and hopeful of getting that process completed in the spring.

Commissioner Leon was glad to hear they had worked through the water meter issue.

Commissioner Brown moved that the Planning Commission **EXTEND** CC-05-08, PE-148-08, SUB-216-08 and UP-987-08 to December 31, 2013; Commissioner Clifford seconded the motion.

The motion carried **7-0**.

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

OTHER AGENDA ITEMS:

Election of Officers

Chair Gordon stated that he has been honored to serve as a chair for the past year, adding that it was time to make way for new blood. He stated that he wasn't sure of the protocol.

Commissioner Leon thought staff would direct them.

Assoc. Planner Diaz stated that usually they nominate, they make a motion and then vote.

Commissioner Clifford nominated Commissioner Langille for Chair; seconded by Commissioner Leon.

The motion carried **7-0**.

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

Commissioner Clifford nominated Commissioner Evans for Vice Chair; seconded by Commissioner Campbell.

The motion carried **7-0**.

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

COMMISSION COMMUNICATIONS:

Commissioner Leon stated that, in times of need during the holidays, he looked to charities and worthy non-profit organizations to receive from those who can give, and on thinking about the Pacifica Resource Center which serves Pacifica and the coast admirably, he urged everyone who has the ability to help to consider choosing the Pacifica Resource Center as a worthy organization.

Commissioner Evans extended happy holidays to his fellow commissioners and staff, adding that it has been a trying time but hopefully they will have a much better year next year.

Commissioner Brown added his holiday greetings and thanked staff for a fantastic year.

Commissioner Campbell also thanked staff for a wonderful year and all the great notes, including the minutes. He also thanked the outgoing Chair for a job well done and echoed the enthusiasm for the Pacifica Resource Center. He agreed that they were a great organization, adding his pleasure at seeing all they were doing over the past few months. He also encouraged those who were considering giving to a cause to consider giving to that group.

Commissioner Langille extended happy holidays to everyone and also echoed the support of the Pacifica Resource Center. She thanked staff for their services and the outgoing chair.

Chair Gordon also thanked staff for a job very well done, especially the excellent staff reports.

Commissioner Clifford echoed the happy holidays and agreed that the Resource Center was a valuable resource for Pacifica and needs all the support it can get. He thanked staff for a wonderful job every year and he was pleased to know all of them.

STAFF COMMUNICATIONS:

Associate Planner Diaz expressed staff's appreciation for the great work and dedication of the Planning Commission.

Commissioner Leon stated that he wanted to thank Barbara Medina for excellent recording, adding that they try to be perfect, and she did a great job.

ORAL COMMUNICATIONS:

Roger Medler, Pacifica, commented that he was the only audience they had. He mentioned that he was told that he was in the wrong jurisdiction to file complaints against Seaview Tire and Brake.

Chair Gordon responded that it was not a question and answer opportunity, and he had three minutes to speak on any subject as long as it is not on the agenda.

Mr. Medler was again asking about the fire lane behind the tire shop, Verizon and the meat market, stating that no one will tell him where the fire lane is.

ADJOURNMENT:

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 7:40 p.m.; Commissioner Langille 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