MINUTES

CITY OF PACIFICA PLANNING COMMISSION COUNCIL CHAMBERS 2212 BEACH BOULEVARD

February 7, 2011

7:00 p.m.

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

ROLL CALL:

Present:

Commissioners Clifford, Gordon, Langille, Leon, Evans

and Chair Campbell

Absent:

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None

SALUTE TO FLAG:

Led by Commissioner Clifford

STAFF PRESENT:

Planning Director White Assistant Planner Farbstein

APPROVAL OF ORDER

OF AGENDA

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

The motion carried 6-0.

Ayes:

Commissioners Clifford, Gordon, Langille, Leon, Evans

and Chair Campbell

Noes:

None

APPROVAL OF

MINUTES:

Commissioner Clifford moved approval of the minutes of January 18, 2011; Commissioner Leon

January 18, 2011

seconded the motion.

The motion carried 6-0.

Ayes:

Commissioners Clifford, Gordon, Langille, Leon, Evans

and Chair Campbell

Noes:

None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF FEBRUARY 14, 2011:

Planning Director White stated that there were no Planning related items on the Council Agenda and no need for a liaison.

Chair Campbell welcomed the new Planning Director.

Planning Director White thanked him and stated that he looked forward to working with all of the Commission members.

CONSENT ITEMS:

None.

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PUBLIC HEARINGS:

UP-017-11 CDP-329-11 USE PERMIT and COASTAL DEVELOPMENT PERMIT, filed by the applicant and owner, James Payne, to legalize fencing and to operate a range of C-3 (Service Commercial) outdoor uses at 800 to 1046 Palmetto Avenue (APN 009-074-070, 080, 090, 100, 110, 140, 160 and 240). Recommended CEQA status: 1) Legalizing the fencing is exempt from CEQA and 2) Allowing the range of C-3 outdoor uses is not exempt from CEQA.

Assistant Planner Farbstein presented the staff report.

Commissioner Clifford stated that, on looking at the potential uses, some didn't appear to be strictly outdoor uses, mentioning several examples. He asked if the list was strictly outdoor.

Assistant Planner Farbstein thought the applicant could better address the question, but she agreed that some of the uses would need outdoor storage. She explained that the applicant had assured her that they would not be building any structures, and there was minimal office space at this time which led her to believe that most new uses would have an outdoor component.

Commissioner Clifford stated that it related to all of his lots, including Recology's space, and he thought they were looking at any of those uses being on any or all of the parcels.

Assistant Planner Farbstein responded that he was correct.

James Payne, owner, stated that he had a presentation but, to answer Commissioner Clifford's question first, he acknowledged that Recology was there, the home was occupied, and he had the auto wrecking business which he was actually trying to downsize. He stated that, as the properties become available, he would like to be able to send a potential tenant to the Planning Department. He stated that people who were interested in operating a business on his land were turned down for a business license at Planning. He thanked the Commission for their guidance, stating that there was a disconnect between the Commission and the Planning staff. He felt that the required process by the Planning Department was difficult to understand. He then mentioned some of his concerns about the length of the process as well as the costs. He felt there needed to be an attitude change. He gave a specific situation where he felt there was a conflict in being turned down for a proposed project C-3 and yet the subsequent use by the City was heavy C-3 use next to a church in a residential area. He hoped the Commission and the new Planning Director had a better grasp on fairness for all of the Palmetto residents because he thought the Planning staff was out of control.

Commissioner Leon referred to page 6 of the staff report, where it stated that the applicant directed staff to obtain information from environmental consultants regarding environmental review of his proposals for a range of C-3 outdoor uses. He asked if that was accurate.

Mr. Payne stated that he hadn't heard the first part.

Commissioner Leon repeated his statement and question, adding that the subject had been contentious but now they appeared to be working together.

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Mr. Payne stated that the request was made by Assistant Planner Farbstein to give the use requested and he explained he wouldn't know until they walked in. He then explained that C-3 allowed storage without a conditional use, but then such a use is prevented from getting a business license.

Commissioner Leon stated that he still wasn't clear on the answer, asking him if he agreed for staff to get the information, adding that he wanted to be sure the applicant and staff were on the same page.

Mr. Payne explained that ultimately staff asked him to supply her with the number or types of uses. He did not have the money to gamble on submitting a permit request without having a definite potential applicant.

Commissioner Leon stated that he still did not have his answer. He stated that he would come back to this after directing the question to staff.

Assistant Planner Farbstein stated that she had received a letter from the applicant asking her to "contact environmental consultants for information concerning scope of work and cost for environmental review."

Commissioner Leon stated that she had correspondence from the applicant on this point.

Assistant Planner Farbstein confirmed that it was a letter asking for that environmental scope of work.

Commissioner Leon asked if the information provided would contain cost information and scope of work.

Assistant Planner Farbstein responded affirmatively.

Commissioner Leon acknowledged that there would be no financial obligation on Mr. Payne but they would have a full understanding of the scope of work and cost.

Assistant Planner Farbstein agreed, adding that it would also include the time line.

Commissioner Leon felt this was an important point because it could be interpreted a different number of ways. He didn't think it needed to be specific, but he was glad she was prepared with the answer. He reiterated that the correspondence was directed to her from Mr. Payne.

Assistant Planner Farbstein agreed, stating that they had a conversation and she asked him to provide something in writing.

Commissioner Leon appreciated that. He then referred to page 3 of the staff report which mentioned three businesses that currently had active business licenses on his property, and asked Mr. Payne if those businesses were still operating.

Mr. Payne stated that Coastside Towing and RV Repair and Pacifica Auto Wrecking were there, but Big Guys Towing moved.

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Commissioner Leon acknowledged that it wasn't there, but was a detail he wanted to clear up. He then asked about his 500-gallon sand-oil filter which was mentioned in the staff report, specifically what parameters drove him to decide on that piece of equipment to put in since it was a large piece of equipment.

Mr. Payne stated that Caltrans recommended in 1985 that it be placed on one of his lots.

Commissioner Leon stated that it goes back in time.

Mr. Payne stated that it was a surface water drain to remove contaminants because of the sensitivity to the coast in an auto wrecking yard.

Commissioner Leon mentioned it because state of the art equipment and requirements by regulatory bodies change over time, and he was attempting to pin a date and time to it.

Mr. Payne stated that he had another one at 1046 where Recology was located and tied them together to get additional protection.

Commissioner Clifford followed up on the sand-oil traps, reiterating that based on the plans, there was one at Recology and one on the next lot behind the residential property. He asked if the applicant planned on adding additional ones if people used the other property where the auto wrecking was previously or was he going to restrict the use.

Mr. Payne stated that the installation was on the wrecking yard which was where the buses were going to park. He stated that there was an additional tank on the property where Recology was. He explained that 800 Palmetto, where they were interested in putting a storage facility, was currently graded toward the wrecking yard and any runoff from the dirt lot at 800 Palmetto would go into the wrecking yard and then through the Caltrans drain. He stated that there would be no additional tanks.

Commissioner Clifford concluded that he didn't plan on expanding the drainage system.

Mr. Payne responded that he did not.

Commissioner Evans stated that he could not find lot 240 and asked staff for help on that.

Assistant Planner Farbstein stated that she hadn't heard which lot he was asking about.

Commissioner Evans stated that it was 240, mentioning the APNs.

Assistant Planner Farbstein stated that she could not see it on the map she had, but mentioned that there were bits and pieces of the lot along the oceanside, and thought Mr. Payne could answer it better, probably because it was former railroad right-of-way and that might be one of those smaller ones.

Commissioner Evans didn't think it was serious, but he was trying to understand where that land was.

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Mr. Payne agreed with staff, stating that it had to do with the Oceanshore Railroad and, through the years, he had bought the property and they formed different APN numbers. He mentioned some of the specific numbers and the corresponding areas.

Commissioner Evans thanked him for the clarification. He then asked staff what the timeline was. He felt it was important to the applicant, and he was attempting to understand so everyone knows.

Assistant Planner Farbstein stated that they would be getting that information from the consultants, explaining that if a mitigated negative declaration was needed, that would take up to six months and if an environmental impact report was needed, they had up to a year. She clarified that they were state mandated deadlines, and it could take less time.

Mr. Payne asked how he could ask for a negative declaration because he doesn't have a tenant, but when he sends a tenant with a like or lesser use they were turned down. He felt it was restricting his ability to rent property. He mentioned one potential tenant who got a business license that Planning asked to be returned. He felt nothing was as extreme as auto wrecking, car crushing which he did for many years. He was trying to lessen the intensity. He reiterated that he needed to know what kind of business it was before they got the application from a potential tenant.

Commissioner Evans asked what the process and needs were for a new business to come in to a piece of property.

Assistant Planner Farbstein stated that it first depended on the type of business, adding that the examples the applicant used was for storing things outside of an enclosed building. For that, you need a use permit and coastal development permit because of an intensification of use, and you have to determine whether or not the use is exempt from CEQA. She stated that, being on the edge of the bluff, it could have a significant impact and that would involve the environmental review process and staff needs additional assistance with that because of all the issues to be addressed, which takes time and money. She added that it would not be a problem if they were only using the enclosed space, but most of the businesses being proposed were triggering use permit review and approval because they were outside on the edge of the bluff.

Commissioner Evans acknowledged the process, adding that it was controlled totally by the City's zoning codes and Coastal Commission codes, and they could not change that even if they wanted to.

Assistant Planner Farbstein agreed. She added that there was no staff discretion.

Commissioner Evans mentioned that the environmental review was done through a consultant.

Assistant Planner Farbstein stated that they had been using environmental consultants because there was such a variety of issues and staff could look into that further.

Commissioner Evans commented on the applicant getting a potential renter and asked if staff could tell if it was something staff could do or would have to be sent out.

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Assistant Planner Farbstein asked if he was suggesting that staff could do the environmental review in-house.

Planning Director White responded that they could make that call, adding that Assistant Planner Farbstein was pointing out that the scope of the review would exceed the resources that the City had. When they receive a specific proposal, they can make that call.

Commissioner Evans stated that he was trying to find a path that would apply.

Planning Director White added that there were several other uses that were permitted by right and, if those were proposed, it would be a simple matter of issuing the business license. He referred to Mr. Payne's handout, adding that they may not be uses that are in demand but something that would be relatively simple compared to the use permit process.

Commissioner Evans suggested to Mr. Payne that, if there were some areas of business that could go on to the properties more easily, it might be relevant to do that.

Mr. Payne stated that they tried to do that for two years, approximately three times, comparing the situations to City streets.

Commissioner Evans stated that he was merely attempting to find an easier process.

Mr. Payne stated that the former Planning Director had suggested that they find a generic type of use of land for this unusual land at the end of Palmetto.

Commissioner Evans stated that he wasn't speaking of a generic business, but was attempting to come up with some businesses that would fit in there with the least amount of hassle and time consumed.

Commissioner Gordon commented that an intensification of use was what triggered the required Coastal Development permit.

Assistant Planner Farbstein agreed that it would trigger the need for a Coastal Development Permit. She stated that, if it was similar to the present use, and they used the office space and not store vehicles outside, there was the potential that they could just get a business license. She added that they haven't been able to get there because the types of businesses have clearly been doing things outdoors, etc., triggering the review.

Commissioner Gordon asked if there were some types of businesses that Mr. Payne could lease to where they could walk-in and get their business license.

Assistant Planner Farbstein responded affirmatively.

Commissioner Gordon stated that he was following Commissioner Evans' thinking, and it appeared that these were new businesses and it would be hard to get approval. Other businesses were consistent with what was going on at the property and would be less difficult. He mentioned renting office space.

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Assistant Planner Farbstein added shops such as glass welding, cabinetry, sheetmetal, paint mixing, etc.

Commissioner Gordon asked where she was reading the types of businesses.

Assistant Planner Farbstein stated that it was right out of the C-3 section in the Municipal Code.

Commissioner Gordon asked if they had that in the handout.

Assistant Planner Farbstein thought it was in the handout from Mr. Payne.

Mr. Payne mentioned that it was section 9-4.1201.

Commissioner Gordon asked if it was the one they got at the present meeting.

Assistant Planner Farbstein stated that it was the one at this meeting and she was reading from the permitted uses under the C-3 section.

Commissioner Gordon asked whether, to not trigger the review for intensification, it would have to be within the uses and be existing in the area.

Planning Director White stated that it would be existing or less intensive.

Commissioner Gordon stated that it couldn't just be something on the list but also existing or less intensive.

Assistant Planner Farbstein stated that there were some existing businesses. She was quoting from the list that triggers the use permit.

Commissioner Clifford stated that there had been talk of staff doing the environmental report and/or the negative declaration and he asked for clarification that it wasn't done for free by staff.

Assistant Planner Farbstein agreed, adding that funds would be collected to cover the cost of staff's time. She stated that sometimes they have to ask the applicant to get an expert, such as a geotechnical investigation. She acknowledged that Mr. Payne may have provided some reports but not as much as they need and he would be responsible for getting the experts.

Commissioner Clifford asked what the hourly rate was for a negative declaration.

Assistant Planner Farbstein stated that staff time was charged at \$150/hour.

Commissioner Clifford acknowledged the cost, adding that he was attempting to clarify that it was not free but was provided at a cost.

Assistant Planner Farbstein agreed, adding that staff would keep track of the time and the applicant would be responsible for the payment.

Chair Campbell mentioned that they had heard a lot of uses that could be permitted fairly easily, and he asked the applicant for comment.

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Mr. Payne referred to his example of a permitted use, mentioning some businesses presently on the property, and added that he could not apply those kinds of businesses to his three acres. He stated that the uses were not printed for Palmetto but for all of Pacifica. He felt these uses didn't work for that property. He was willing to work with staff, but didn't want to expand what was there. He was looking to downsize his auto business and preferred to put in businesses that make money for the City.

Chair Campbell opened the Public Hearing.

<u>Cathy Chen, 1040 Palmetto Avenue</u>, stated that she owned the dog training facility next door to Recology, and she was in support of opening more businesses in that area. She felt that the big lot that wasn't being used was a dead zone in the region and it would be nice to have additional people on the block.

<u>Friedrich Binsfeld, Palmetto Avenue,</u> was directly to the south of Mr. Payne, mentioning some of his tenants. He has been in the area since 1959, pointing out that the area was a big junkyard until Mr. Payne bought the property and fixed the whole area. He wished they would give him the permits he was asking for because he was a credit to the neighborhood.

Zach Haupert, San Francisco, stated that he was Mr. Payne's leasing agent. He described a use written on a lease for storage and construction business and asked if it was a less intense use. He asked why an EIR would be required from that type of tenant since it seemed to be a less intense use than the current use of wrecking cars. He felt that normal businesses were being shot down and, as a leasing agent, it was very frustrating.

Steve Cosgrove, 2044 Francisco, stated that he was the applicant's pastor and was supporting him in his desire for use of his property. He felt Mr. Payne had high ethics and was respectful of our environment. He referred to the disagreement between Mr. Payne and staff, and mentioned the acceptable and unacceptable projects. He felt the amount of unacceptable projects was huge. He felt that the amount of ones that were acceptable were small but still put a lot of onus on Mr. Payne to do a lot of studies. He requested that the Commission make a decision at this meeting and give Mr. Payne the ability to use his property in an acceptable and environmental way.

Tama Auva'a, 900 Palmetto Avenue, stated that the area was unique. His family members were the only residents in the area. They make leis and hoped to open a lei shop at their address. They also are opening up a hula school. He stated that they enjoyed saying hello to all the walkers in the morning outside their homes and having the unique experience of being able to talk to tow truck drivers and garbagemen. He hoped they would allow Mr. Payne to rent out his property to tenants who will characterize their unique area.

Joseph Erasky, Manager of Pacifica Self Storage, stated that they had a substantial interest in what goes on in the Palmetto area, and he felt that Mr. Payne's request was reasonable in a C-3 zoning. He didn't feel that an environmental review should be required in connection with permitted uses in the area and thought it was reasonable for him to secure tenants for these types of uses and he supports him.

<u>Len Otley, 700 Palmetto</u>, manages the San Francisco RV Resort which was next door to the property in question. He stated that his main concern was that Mr. Payne had a current license

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for auto wrecking and he was confused as to why that was allowed but not storing a vehicle which he didn't think was an intensification and was not allowed. He stated that he wouldn't be too happy if he ended up getting another auto wrecking company in there because it was the current permit use.

James O'Shea, Pacifica, stated that he was a friend of the applicant, as well as a roofing and sheetmetal contractor in Pacifica. He believed that the City should consider that any contractors pay city and state licenses and pay for each permit to do jobs such as roofing. He mentioned the sales tax that he pays to the City when roofing material was delivered to the job site in Pacifica.

Mr. Payne, applicant, thanked the Commission and staff, adding that this may be something that will help to clear up things. He felt the people had made very good points. He then mentioned the various processes that he had already provided to the City while spending money. He again questioned why they couldn't give certain businesses licenses. He thanked them, and requested that they give staff more leeway instead of following the letter of the law. He added that the rules were designed a long time ago and a lot has changed over the years.

Chair Campbell closed the Public Hearing.

Commissioner Leon enjoyed the comments from the public. He felt they all had the same aspirations of wanting to be business friendly. He mentioned that the motions were approval for the fence and a continuance on the other portion, which were the only options. He felt the big picture allowed historical use and the intent of the regulation was to ensure that they have adequate control and safety for the environment and the community with what goes into the area. He felt they have to remember the reality that this property was located on the bluff and the coastal zone, from Palmetto to the ocean unlike other businesses which were adjacent to each other, and that explains the challenge before them in making any determination regarding this property. He felt that, if they could establish what acceptable conditions were for approval, such as self-contained businesses, it made sense to have an understanding of allowable uses while meeting requirements. He was encouraged by the language that indicated that there was exploration going on. He referred to one expert engineer hired by Mr. Payne who recommended yearly inspections. He then referred to the long history of the property, adding that he would like a current drainage plan for the entire property. He also believed that staff was ensuring that the property met all current criteria and they were all committed to finding something workable.

Commissioner Clifford asked staff when CEQA became law.

Planning Director White said it was enacted in 1970.

Commissioner Clifford asked when the City's coastal development plan was put into place.

Assistant Planner Farbstein stated that the Coastal Commission went into effect in 1976 and the City was probably within a few years of that date.

Commissioner Clifford reiterated that the Coastal Commission was 1976 and Pacifica was sometime after that.

Assistant Planner Farbstein stated that it was March 24, 1980.

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Commissioner Clifford asked if CEQA and the City's Coastal Development plan had been updated since that time.

Assistant Planner Farbstein agreed, adding that there were always things changing.

Commissioner Clifford again reiterated that over the last 25 years or so there had been a lot of changes to the requirements in those areas.

Planning Director White clarified that the City was not changing CEQA which was a state project.

Commissioner Clifford agreed that we haven't changed CEQA but there had been changes to CEQA over that period of time.

Planning Director White responded affirmatively.

Commissioner Clifford commented that there had been a wrecking yard prior to Mr. Payne's ownership.

Assistant Planner Farbstein stated she had found records listing auto wrecking as one of the uses in 1956.

Commissioner Clifford stated that the wrecking yard was grandfathered in because it was an existing business.

Assistant Planner Farbstein stated that there was a use permit granted.

Commissioner Clifford asked if a use permit for a wrecking yard was non-transferable and each new owner had to get a new use permit for a wrecking yard.

Assistant Planner Farbstein agreed, adding that it was different for other uses. The business was allowed to continue to operate but the new owner had to get a new use permit.

Commissioner Clifford stated that he was anxious for Mr. Payne to utilize his property, however, he was concerned about a blanket approval without knowing the impacts, mitigations for the individual use to protect the bluffs and the ocean environment. He stated that his question about drainage indicated that it only covers about a third of the property, but it does look like they would ensure that some owner in the future, who might have a use that may contaminate the soil and ocean, would have a drainage system in place or a condition for it to be installed if that use was planned on that parcel. He referred to the potential businesses listed, and referred to one use about all service related businesses which he thought was very broad. He wondered how they cluster the uses in order to look at certain environmental impacts. He would like some verification that the use being permitted wasn't harmful to the environment or the bluffs.

Commissioner Gordon thought this was a hard situation. He felt for Mr. Payne, stating that he had bluff top property that was zoned C-3, which made it extremely complicated to get uses permitted that were outside of current uses, although he personally felt it was a "boneheaded" move to zone that area C-3. He felt Mr. Payne was a victim of the situation. He felt that zoning the area C-3 did not obviate that they have to go through CEQA and that there would never be an

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exemption on CEQA because it was sensitive. It was unfair and he was trying to focus on a practical solution. He stated that, upon looking at the 29 proposed uses, there was no project description, and he didn't see how an environmental review can happen with these generic uses. He asked staff if it was typical that they have a proposed use for environmental review with no project description.

Planning Director White stated that it wasn't the typical case, adding that one of the tenets of environmental review was to have as detailed a project description as possible and that would be a challenge.

Commissioner Gordon thought it would ultimately cost Mr. Payne more money to try to get an environmental review on these opaque projects, and he didn't believe this was an appropriate procedure. He didn't believe it would serve anyone's interest to examine 29 speculative uses, yet he understands why it was being done. Again, he strongly questioned the procedure of approving these speculative uses. He referred to the questions raised by the public about the comparisons of present and possible future uses, and he thought it would benefit everyone if the process to determine intensification was explained.

Planning Director White responded that, in many respects, it was a judgment call on a case by case basis and was probably too hard to explain without having the actual use presented. He thought that there were also individual conditional permitted uses. He stated that only gray area was regarding whether it was intensification or not.

Commissioner Gordon wasn't sure he followed his thinking.

Planning Director White referred to whether it was one of the uses on the list it would require a use permit.

Commissioner Gordon thought it was a matter of it being a judgment call.

Planning Director White stated that it might be a use that was not listed whatsoever.

Commissioner Gordon thought they might have an idea of what was going on with the property already.

Assistant Planner Farbstein stated that it was difficult to ascertain, and she thought Mr. Payne had admitted that he was not doing a lot out there with no evidence of trucks coming and going and equipment present. She thought it was difficult to determine that a new business wasn't intensification when the existing business was scaled back. She agreed with the Planning Director that they would have to make a judgment call. She added that the lot closest to the RV park had no use on it so anything going in there would be considered an intensification because of nothing going on there now.

Commissioner Langille thanked the neighbors for coming out to voice their opinion. She felt the Commission was business friendly, referring to the dog therapy business, and they had no issues with it. However, they were concerned about anything coming up close to the beach because of the heightened scrutiny under the coastal act. She mentioned that over the years there were more layers of environmental review which was tough for business owners but was good for Pacifica as a whole. She felt CEQA compliance was important. She thought there were earlier issues

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regarding storm water management plans, which she felt were important issues. She agreed with staff about the matter of intensification and she hoped staff would work out the issues for those type of businesses requiring more review. She referred to the speaker who was planning a future business selling leis and she thought that would not require environmental review but projects with industrial vehicles, etc., would trigger such reviews.

Commissioner Evans referred to the comments of intensification and expansion, and he asked if he could get a definition from staff. He asked if leasing your property to a new tenant was a change of business not expansion.

Assistant Planner Farbstein agreed but clarified that the word expansion went back to a use permit in 1985 which specified that, if the auto wrecking business was in one area of the property, you couldn't do it in another area of the property.

Commissioner Evans thought that was for Mr. Payne doing business, but he asked about the status when it was a new business.

Assistant Planner Farbstein stated that, if it was a new business, she would be looking at whether it was an intensification of use. She stated that Recology has been doing some expansion, and there had been some permit review of that.

Commissioner Evans understood that, having seen their expansion. He was looking for clarification when leasing to a new tenant who might be doing a different job from what was there.

Assistant Planner Farbstein agreed that it would be a change of business.

Commissioner Evans reiterated that he had been hearing expansion and he wasn't reading that into it.

Chair Campbell mentioned the fencing, agreeing with staff that they should approve the fence along the western edge which would provide a protective barrier and ensure that people do not climb onto the property. He referred to the C-3 uses, stating that there were many potential uses for the property which might be okay if the property was not located on a bluff in the coastal zone. He felt that, with northern properties threatening to fall into the ocean, they would be remiss if they didn't comply with the CEQA process on this property, specifically for geotechnical stability and storm water runoff, because of the similarities of what was happening on the northern end of Pacifica. Therefore, he concurred with staff's recommendation to continue that part of the project.

Commissioner Leon stated that they had an item to approve and an item to continue. He had not commented on his preference regarding the fence. He stated that he would vote for approval of the fence and continuance on the second portion of the item. He referred to the annual review on the property because of its location and sensitivity, and he thought there should be a serious look at the setbacks from the bluff for various types of use. He referred to the 15-foot setback recommended by Mr. Payne's consultant but it didn't look at a broad take on any kind of use but was merely a blanket statement. Because of the wide variety of uses, he would be looking for variability in the setback determined by the type of use and potential impact. He didn't think it was a simple issue because of the bluff. He was unsure about the depth or nature of the

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continuance, referring to the correspondence from Mr. Payne, but added that staff felt there would be communication between staff and the geological consultant. He felt they should minimize the amount of times coming back to the Commission and delaying what Mr. Payne was planning. He would prefer information to take them to some type of conclusion, thereby providing some sort of reply for Mr. Payne to give him direction as to what would be the best use of the options. He understood the comments made by his fellow commissioners on the opaqueness of not knowing the depths of the use from the various alternative uses. He felt they really were in a gray area and should get as much information as possible so that they will have something substantive to tell the applicant. He felt everyone needed to understand the uses on the property.

Commissioner Gordon stated that, procedurally, he was in favor of the fence as conditioned in the staff report and he would also be voting for the continuance. He felt that, practically speaking, it was not the way to go and he felt a review of these general descriptions was a recipe for disaster, but that was not before him. He felt that what would serve Mr. Payne the most would be to provide him an idea of what kind of operations could work there without triggering the CEQA review, since he didn't think Mr. Payne wanted to go down the path of paying a consultant to divine whether these 29 speculative uses are going to fit. He felt the better way to go was to provide information about what kinds of tenants or operations would not be complicated or expensive, such as the lei business or any light industry. He added that part of the onus was also on Mr. Payne, mentioning that he would have said storing buses on the property would be problematic because of the bluff tops. He didn't think any procedural decision would be very satisfactory.

Commissioner Gordon moved that the Planning Commission find that the portion of the proposal to legalize the fencing is exempt from CEQA and APPROVE CDP-329-11, subject to conditions 1 through 4, based on findings contained within the February 7, 2011 staff report and incorporate all maps, documents and testimony into the record by reference; Commissioner Clifford seconded the motion.

The motion carried 6-0.

Ayes:

Commissioners Clifford, Gordon, Langille, Leon, Evans

and Chair Campbell

Noes:

None

Commissioner Gordon moved that the Planning Commission find that the portion of the proposal to grant advance approval of a range of C-3 outdoor uses is not exempt from CEQA and **CONTINUE** CDP-329-11 and UP-017-11 because environmental review has not been completed; Commissioner Leon seconded the motion.

Commissioner Clifford asked if they had a date certain or are they waiting until they get an environmental review.

Planning Director White stated that they could do either but, given the uncertainty about when they were getting the information back, he thought they might continue it several times and he would prefer to do it to a date uncertain and come back at that point.

Commissioner Clifford was fine with that, but was asking for the record.

The motion carried 6-0.

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Ayes: Commissioners Clifford, Gordon, Langille, Leon, Evans

and Chair Campbell

Noes: None

Chair Campbell 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.

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COMMISSION COMMUNICATIONS:

Commissioner Evans formally welcomed Planning Director White to the site, location and chair. He was looking forward to working with him.

Commissioner Leon stated that he met the new director earlier in the day, and now officially welcomed him. He commented that they had the community forum on the General Plan update and he had participated in that. There was a good turnout. He discussed the recent study session on the housing with the new director and he suggested that they have a followup study session once the feedback was received and another draft comes forward. He mentioned that one action item was the suggestion that a subcommittee be formed to shepherd the action items and implementation of the housing element.

Commissioner Clifford officially welcomed Planning Director White. He stated that he also went to the General Plan update, adding that he was a little disappointed because he found that there were many decisions and information. While he was able to function, a lot of people at his table were having trouble understanding the process and, as such, had a problem making informed decisions.

Commissioner Langille officially welcomed Planning Director White. She also attended the General Plan update and agreed that many at her table had a problem following the process. She thought it could have been explained a bit better.

Commissioner Gordon also welcomed Planning Director White, adding that it was great that he was able to experience his first meeting on such a "non-controversial" topic. He added that it gave him the knowledge that, because of Pacifica's topography, there were a lot of intense issues. He stated that they were stuck with the zoning which sometimes made sense and sometimes didn't. They looked forward to working with him.

Commissioner Evans stated that he wasn't able to attend the General Plan update because he was on the advisory board for the Pacifica Resource Center and enjoyed those who came to that meeting after the General Plan update was finished. He stated he got good feedback about the General Plan meeting.

Commissioner Leon thanked staff for being prepared as usual. He stated that he was wrestling with some of the issues, and she had the appropriate documentation which he appreciated.

with some of the issues, and she had the app.	ropriate adountentation when he approviated.
STAFF COMMUNICATIONS:	
None.	

ORAL COMMUNICATIONS:

None.

ADJOURNMENT:

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There being no further business for discussion, Commissioner Leon moved to adjourn the meeting at 8:50 p.m.; Commissioner Clifford seconded the motion.

The motion carried 6-0.

Ayes:

Commissioners Clifford, Gordon, Langille, Leon, Evans

and Chair Campbell

Noes:

None

Respectfully submitted,

Barbara Medina Public Meeting Stenographer

APPROVED:

Planning Director White