

Public Comments
Agenda Item 9 – Appeal Regarding
570 Crespi Drive

Written Comments Received By 12pm on 11/14/2022



November 14, 2022

City Council Meeting

From: Coffey, Sarah
Sent: Monday, November 14, 2022 1:53 PM
To: Public Comment
Subject: FW: 570 Crespi Drive Project – Pacifica File No. 2016-004
Attachments: C005 LOOBG 11.14.2022 Comment to CITY.pdf

From: Murdock, Christian <cmurdock@pacifica.gov>
Sent: Monday, November 14, 2022 1:42 PM
To: Coffey, Sarah <scoffey@pacifica.gov>; La, Emily <ELa@pacifica.gov>
Cc: Woodhouse, Kevin <kwoodhouse@pacifica.gov>; Bazzano, Denise <DBazzano@bwslaw.com>
Subject: FW: 570 Crespi Drive Project – Pacifica File No. 2016-004

Hi Sarah and Emily,

Please see attached.

Regards,

Christian



CHRISTIAN MURDOCK, AICP
PLANNING DIRECTOR
CITY OF PACIFICA | PLANNING DEPARTMENT
540 Crespi Drive, Pacifica, CA 94044
Phone: (650) 738-7341 | cmurdock@pacifica.gov

From: Brian Gaffney [REDACTED]
Sent: Monday, November 14, 2022 11:43 AM
To: _City Council <citycouncil@ci.pacificaca.us>; Murdock, Christian <cmurdock@pacifica.gov>
Subject: 570 Crespi Drive Project – Pacifica File No. 2016-004

[CAUTION: External Email]

Please see the attached in regards to Agenda Item #9 for tonight's hearing.
Brian Gaffney

--

LAW OFFICES OF BRIAN GAFFNEY APC
[REDACTED]

San Francisco, CA 94114
[REDACTED] office
[REDACTED]

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LAW OFFICES OF BRIAN GAFFNEY, A Professional Corporation

[REDACTED]
San Francisco, CA 94114

[REDACTED] Phone
[REDACTED]

Via Email

November 14, 2022

Mayor Bier
Pacifica City Council
Pacifica Acting Planning Director
citycouncil@pacifica.gov
cmurdock@pacifica.gov

RE: 570 Crespi Drive Project – Pacifica File No. 2016-004

Dear Mayor Bier, Councilmembers and Director Murdock,

On behalf of Ms. Margaret Goodale and in support of her March 17, 2022 appeal regarding the proposed 570 Crespi Drive Project, this office submits the following additional comment.

The Staff Report for the November 14, 2022 hearing provides that the “proposed General Plan amendment and zoning text amendment would have city-wide applicability.” See PDF 109 of November 14th City Council Agenda. This city-wide change general plan amendment and zoning change would allow mixed residential and commercial uses in the same building above the ground floor (vertical mixed use) and in other locations on the same site (horizontal mixed use).

A discretionary change in the general plan and city zoning must be analyzed in a CEQA document prior to agency approval. General plans “embody fundamental land use decisions that guide the future growth and development of cities and counties,” and amendments of these plans “have a potential for resulting in ultimate physical changes in the environment.” Thus, these amendments are subject to environmental review under CEQA. (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 793-794.)

The 570 Crespi project Initial Study omitted any consideration of this change. If the City intends to require an EIR for this proposed project, and the proposed project will involve a city-wide General Plan amendment and zoning text amendment, the General Plan amendment and zoning text amendment must be evaluated in the EIR for potential impacts, mitigations and alternatives.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Brian Gaffney". The script is fluid and cursive, with the first name "Brian" and last name "Gaffney" clearly legible.

Brian Gaffney

BG:ps

Public Comments
Agenda Item 10 – Appeal Regarding
Seaweed Holistics

Written Comments Received By 12pm on 11/14/2022



November 14, 2022

City Council Meeting

From: Dinah Verby [REDACTED]
Sent: Monday, November 14, 2022 11:43 AM
To: Public Comment
Cc: Dinah Verby
Subject: Comments 11-14-22 City Council Agenda Item 10 (Seaweed Holistics Appeal)

[CAUTION: External Email]

Honorable Councilmembers:

I am writing in support of Seaweed Holistics' appeal and urge you not to revoke their cannabis permit. I have no personal stake in this dispute. My comments are from the perspective of a taxpayer and booster of local businesses.

As I see it, the primary drivers of this dispute are (1) an arbitrary requirement in the cannabis ordinance (a larger window) that should never have been imposed in this particular case because the condition is burdensome, unnecessary, and impracticable -- if not impossible -- for the appellants to fulfill; and (2) exorbitant and unconscionable fees imposed by the City that no small business would be able to afford.

I don't believe there is bad faith by any party. The City has tried to accommodate the appellants, and the appellants did not comply with the conditions of approval or make the agreed upon payments. It appears that from a strictly legal viewpoint, the Council could properly deny the appeal and revoke the permit.

But what a terrible result that would be – a lose,lose,lose,lose outcome. The City Council would be in the untenable position of driving the appellants out of business (most likely depriving them of their livelihood.) The landlord would lose a good tenant. The City would lose tax and license revenue. And the public would lose a desirable business.

As one Planning Commissioner stated, this case is a poster child for why businesses should not come to Pacifica. It is a sad example of what can happen when businesses are over-regulated and technocrats are in charge. I believe the City Council needs to step back from the technical legalities and look at the bigger picture, not only for this case, but for the business climate in general.

Specifically, please consider amending the cannabis ordinance to eliminate or modify the window requirement, so that planners and the Planning Commission are given discretion to determine what is appropriate on a case by case basis. In this case, the condition is way too costly and burdensome and presumably, impossible for the appellants to fulfill without the

landlord's permission. The landlord, Ron Grindrod, is the general contractor who built the premises. Significantly, he testified at the August 15 Planning Commission meeting that enlarging the window would require total re-engineering of the building, including alterations to the foundation and sheer walls, in order to meet newer earthquake codes. He said the cost of a new window alone would be \$45,000 and the structural work at least double that. The landlord stated he did not want his building torn up to do those modifications. There are no minutes of the August 15th meeting, so the Council will need to

review the PCTV tape recording to hear Mr. Grindrod's testimony at <https://www.youtube.com/watch?v=fI5ml-4fv0Q>, starting at 27 minutes .

Why, in the face of this evidence, does the City insist on imposing this condition? Why was the landlord's testimony not discussed in the staff report? And why are there no official minutes of the Planning Commission meetings concerning this project? In fact, there are no minutes posted on the City's website for most of the Planning Commission meetings dating back to June. Why is that? How can the Council properly deliberate in this case without official minutes to review?

Compounding the onerous window condition is the exorbitant amount of fees the City is charging. I fully understand that the City needs to charge for its staff time, but the amount in this case is staggering and, in my opinion, should be reviewed and audited. The staff report indicates that the outstanding fees owed by the appellants ballooned from \$4,080 to \$25,953 – more than six times the original amount – for processing the Deferral Agreement. The itemized invoice for these charges should be made a part of this record so the Council and the public can see what was done. It may make sense to charge such sums to a wealthy developer, but how does the City expect any small business to afford this?

In summary, I believe that Seaweed should be given the chance to remain in business. However, this seems unlikely if the City insists on imposing the onerous window condition and collecting all of the outstanding fees. I urge the Council to eliminate the window condition and reduce the fees to an affordable amount. In the longer term, I urge the Council to amend the cannabis ordinance and review the current fee structure to make it more reasonable for small businesses.

Thank you for considering my comments.

Respectfully, Dinah Verby

Public Comments

Agenda Item 11 – Building Code Update

Written Comments Received By 12pm on 11/14/2022



November 14, 2022

City Council Meeting

From: Lyla Reinero [REDACTED]
Sent: Saturday, November 12, 2022 3:18 PM
To: Public Comment
Subject: 11/14/22 City Council Meeting, Agenda Item #11.

[CAUTION: External Email]

Greetings Councilmembers!

We learned recently that the City Council is updating its Reach Codes and support Pacifica's effort to prevent the expansion of natural gas infrastructure.

We do everything we can to conserve our resources. We are EV drivers and look forward to having expanded networking to charge our cars locally. Thank you for your efforts in passing strong and effective Reach Codes!

Thanks and take care,
Lyla Reinero

[REDACTED]
Pacifica, CA 94044
[REDACTED]

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From: Nancy Tierney [REDACTED]
Sent: Sunday, November 13, 2022 2:22 PM
To: Public Comment
Subject: 11/14/22 City Council Meeting, Agenda Item #11

[CAUTION: External Email]

Mayor, City Council and Staff:

I wish to comment on Agenda Item 11, Ordinance to adopt the 2022 Edition of the CA Building Standards Code and Fire Code with Local Amendments, including Amendments to require building electrification (Reach Codes), underground utility installation, and expanded geotechnical hazard evaluation. Inspired by the recent action of the City of San Mateo to adopt Reach codes for new buildings and remodels of existing buildings, I encourage you to follow their lead. We often look to the state to initiate climate change actions, but let's not overlook what cities can do. In the Peninsula Climate Collaboration Summit that I attended on November 12, speakers addressed this very matter. Senator Josh Becker called upon cities to innovate on climate, saying small and medium size cities matter. Diane Bailey, executive director of Menlo Spark, talked about "the promise of small cities" in shifting to clean power. Mayors Pat Burt from Palo Alto and John Hamilton from sister city Bloomington IN described their cities' efforts to electrify and thereby reduce emissions. Stanford researcher Michael Wara identified two vital steps: clean up the electric system, and electrify everything. We in Pacifica have an opportunity to do our part by supporting and implementing the provisions of this ordinance.

thank you.
Nancy Tierney

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From: Andrew Hartig [REDACTED]
Sent: Monday, November 14, 2022 8:19 AM
To: Public Comment
Subject: 11/14/22 City Council Meeting, Agenda Item #11

[CAUTION: External Email]

Dear esteemed Council Members,

I learned recently that the City Council is updating its Reach Codes, which address the issue of natural gas infrastructure in Pacifica. **I am writing to discourage Pacifica from preventing the expansion of natural gas infrastructure.**

Natural gas is a cheap resource that has less impact on the environment than some of the means used to generate electricity. At a time when California's electrical grid is under enormous pressure, at a time when we face calls by PG&E to reduce our energy use in order not to put a strain on the entire system, now is NOT the time to restrict natural gas infrastructure. Such a limit would impose an even greater burden on our electricity consumption and would drive up the cost of living in the Bay Area even more, hurting poor families the most.

I'm proud to live in a region that is taking a lead in reducing our reliance on fossil fuels -- but such an approach needs to be balanced with the needs of the larger community. Thank you for considering creating a balanced approach to our energy usage as you examine updating our Reach Codes.

Sincerely,

Andrew Hartig
[REDACTED]

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From: Coffey, Sarah
Sent: Monday, November 14, 2022 9:16 AM
To: Public Comment
Subject: FW: City Council Nov 14, 2002 Agenda Item 11, REACH Codes

From: Cindy Abbott [REDACTED]
Sent: Saturday, November 12, 2022 3:41 PM
To: Bier, Mary <mbier@pacifica.gov>; Bigstyk, Tygarjas <tbigstyk@pacifica.gov>; O'Neill, Mike <moneill@pacifica.gov>; Beckmeyer, Sue <sbeckmeyer@pacifica.gov>; Vaterlaus, Sue <svaterlaus@pacifica.gov>
Cc: Coffey, Sarah <scoffey@pacifica.gov>
Subject: City Council Nov 14, 2002 Agenda Item 11, REACH Codes

[CAUTION: External Email]

Dear Mayor Bier, Mayor Pro Tem Bigstyk and Councilmembers Beckmeyer, O'Neill, and Vaterlaus,

Thank you for continuing the discussion and creating the Ordinance to move towards cleaner energy solutions in the City of Pacifica. REACH Codes are an important step in that direction and I encourage you to approve updating Pacifica's all-electric building ordinance for new construction.

It's also good to see the inclusion of EV infrastructure for new buildings. This is a critical step to move away from fossil fueled vehicles. Hopefully you will also look at the opportunities throughout Pacifica - at city owned properties and visitor/commercial areas -- to expand electric vehicle charging capabilities throughout our City. As you know from the study by Stanford students presented this past summer -- EV Charging stations can provide economic advantages while also being environmentally responsible.

Cindy Abbott West Sharp Park

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From: Patty Gilbert [REDACTED]
Sent: Monday, November 14, 2022 10:35 AM
To: Public Comment
Subject: City Reach Codes

[CAUTION: External Email]

Dear City Council members,

We are in support of updated city Reach Codes and thank you for your hard work in this area.

Sincerely,

Patricia and David Gilbert

[REDACTED]
Pacifica, Ca

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From: thérèse [REDACTED]
Sent: Monday, November 14, 2022 10:52 AM
To: Public Comment
Subject: 11/14/22 City Council Meeting, Agenda Item #11

[CAUTION: External Email]

Dear City Council members

I want to voice my support for the updated Reach Codes which would require all non-commercial new construction to be electric and not environmentally-toxic gas.

Science shows that this not only prevents further emission of greenhouse gases for the planet, but on a local level, it prevents the toxic byproducts of gas use for the individual homeowners and their families.

This data is not new. Europe requires all new construction to be electric. We need to push for the same requirements in the United States, both nationally and locally.

Thank you for doing all the work to update our Reach Codes so we can leave a cleaner environment for our children and the generations to follow.

Sincerely,

Therese Langille

[REDACTED]

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Public Comments

Agenda Item 12 – Manor Drive Overcrossing

Written Comments Received By 12pm on 11/14/2022



November 14, 2022

City Council Meeting

From: Clif Lawrence [REDACTED]
Sent: Sunday, November 13, 2022 3:27 PM
To: Public Comment
Cc: Paolo Frediani; Janet Laurain; Billy Philadelphia; Clif Lawrence; David Hirzel; Deborah J Pence; Marina Kurdyukova; O'Connor, Bonny; Victor Carmichael
Subject: Public Comment on Agenda Item #12 - November 14, 2022 City Council Agenda

[CAUTION: External Email]

Highway 1 / Manor Drive Overcrossing Improvement Project

1. It does not appear that the project will add any additional traffic space on the bridge, with the exception of the bike lanes.
 - There will be two lanes of traffic in each direction - same as now.
 - There will be sidewalks on either side of the bridge - same as now.
2. Will traffic flow be improved by two traffic lights, OR impaired?
3. How many vehicles, the size of standard autos, will fit on the bridge? Would it be the same as now?
4. Can you show us in an animation, how the traffic would flow any better than currently?
5. Beyond two bike lanes, and turning for buses and semi-trucks, what would be gained?
6. The ALT OPTION for an ON RAMP to North bound CA 1 at Milagra appears to be a disguised CONCESSION to three HOTEL projects on Oceana.

Thank you,

Clif Lawrence

From: Christine Boles [REDACTED]
Sent: Monday, November 14, 2022 10:51 AM
To: Public Comment; _City Council; Woodhouse, Kevin; Murdock, Christian; Petersen, Lisa
Subject: Public Comment, Agenda Item 12 Manor Overcrossing

[CAUTION: External Email]

Dear Council and staff,

I am excited to see the Manor Overcrossing project starting up again and that there will be multiple public meetings in the future! I have a few questions and comments.

- 1) The staff report refers to technical reports and studies, preliminary traffic assessments, assessment of needed bridge work, etc. Could those documents please be shared? I did not see them online on the Public Works CIP page. Sam Bautista also mentioned that CalTrans recently did an inspection of the bridge due to the spalling concrete and I would like to see that as well. Let me know if you need me to file a PRA request.
- 2) I am happy to see the bus stop and parking spaces taken off the bridge. I am concerned about the loss of parking in this very busy area, and the change from angled parking to parallel parking at Walgreens and Mazzettis. Parallel parking is especially concerning in front of Walgreens on Palmetto as it takes a lot longer for a car to pull in and out of a parallel spot, which would slow traffic right at that busy intersection even more.
- 3) I have heard from several residents that live in the area that Walgreens' delivery trucks have not been using their loop driveway as was intended for deliveries. The trucks apparently pull up and unload on Manor, or on Palmetto in front of the homes at 532 and 538 Palmetto. If their trucks cannot use the approved double driveway for deliveries, then could we look at moving some of their required parking onto their site instead, and adding a loading zone for certain hours/days on Manor?
- 4) I am happy to see that the bike lanes on the bridge seem to be more protected from car traffic, especially as they would be used by young students going to Ocean Shore. Perhaps it is part of the bike/pedestrian master plan, but we need to make sure the new bike lanes extend the extra block to the school.
- 4) The Milagra onramp needs a lot more discussion as it is a very divided issue in our community. Some are for it, more seem to be adamantly opposed. I can see how it could improve congestion at Manor and Oceana, but many residents in the Milagra area are concerned about potential additional traffic and crime in their quiet residential area. It would be helpful to really understand the traffic and safety data and provide some visualizations so we can talk openly about the options. This onramp is in conflict with a number of spaces for our Safe Parking Program as I'm sure you know. There seems to be room to consider widening Oceana here, and adding the parking back in. This could be important for future redevelopment of the Public Works site as well.
- 5) Is it too late to consider other options? For example, if the Manor bridge can be improved without tearing it down, that could really help reduce the congestion and loss of business access during construction. Could we consider a separate over crossing for pedestrians and bikes, so that cars and buses can take the full width of the current bridge and we would have an even safer crossing for pedestrians and bikes perhaps connecting Ocean Shore School and Manor Plaza more directly?
- 6) Could we look at this project in conjunction with some ideas for redeveloping Manor Plaza and the parking lot there? I am hoping that we can consider this area for some of our RHNA housing numbers and also look at redevelopment towards more vibrant shopping areas with rooftop restaurants, community gardens, etc. There is a lot of interest in District 2 for revitalizing this area and I have started conversations with some of the merchants. If we're going to increase density here as was identified in the General Plan, then we should look at larger projected traffic counts now as part of this project.

Thank you!

Christine Boles, Architect

Beausoleil Architects



Pacifica, CA 94044



www.beausoleil-architects.com

“Do your little bit of good where you are; it's those little bits of good put together that overwhelm the world.” - Desmond Tutu

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