

MINUTES

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

May 15, 2023

7:00 p.m.

Chair Berman called the meeting to order at 7:12 p.m.

ROLL CALL: Present: Commissioners Devine, Godwin, Hauser, Leal, Wright and Chair Berman
Absent: Commissioner Ferguson

SALUTE TO FLAG: Led by Chair Berman

STAFF PRESENT: Planning Director Murdock
Asst. City Attorney Sharma
Sr. Planner Cervantes
Asst. Planner Snodgrass
PW-Engineering & Field Services Dep. Director Yip
PW Director Petersen
Sr. Civil Engineer Donguines

Chair Berman asked, before going to administrative business, if there were any public comments.

Planning Director Murdock stated, for public benefit, staff will make a recommendation with respect to the motion of approval of order of agenda. Staff's analysis of potential conflicts of interest related to Item No. 3 is ongoing and, as a result, they aren't prepared to present the item to Commission and their recommendation is include a revision to the agenda to remove Item #3 with any motion to approve the agenda.

Chair Berman accepted that and asked if there were any comments, i.e., order of agenda, minus approval of minutes or designation of liaison as both are none.

Patrick Miyaki, Pacifica, stated that he is the attorney at Hansen Bridget and the general counsel for the North Coast County Water District. He was referring to the item being pulled from the public hearing. He wanted to comment that they are very disappointed that this item is going to be pulled from the agenda as they have their whole district team, board members, General Manager, legal counsel, consultants. They understand that things come up but they wanted the Commission to know that they were present and ready. They look forward to come back before the Commission very soon.

Chair Berman closed public comments.

Planning Director Murdock reminded them that staff's recommendation is to remove Item No. 3 in any motion to approve the order of agenda.

Chair Berman stated that she and possibly a few other commissioners legally have to recuse themselves from this item. She is recusing herself due to a financial conflict of interest and will not be voting to approve the order of agenda.

Commissioner Leal also recused himself from voting on the approval of order of agenda due to ownership of real property within proximity of the location of that item.

Commissioner Devine stated that she is new on the Commission and she was trying to understand as far as the amount of recusals versus present and asked if it was because they were missing one commissioner.

Planning Director Murdock stated that, with six commissioners present, two Commissioners, Berman and Leal, have indicated their intent to recuse themselves from taking action on the motion related to the order of agenda and that would leave four commissioner eligible to participate in the vote which is a quorum of the Commission that allows the motion to be considered.

Chair Berman asked that any motion incorporate staff's recommendation to pull Item No. 3 from the agenda.

**APPROVAL OF ORDER
OF AGENDA**

Commissioner Godwin moved to remove Item No. 3 from the Agenda.

Asst. City Attorney Sharma clarified that he is moving to approve the order of agenda with staff's recommendation to remove Item No. 3.

Commissioner Godwin responded affirmatively.

Commissioner Wright stated he would like a little bit more clarity, asking if staff is still working on the project. He asked for more clarity on the reason for the delay.

Planning Director Murdock stated that they know, from their training as a Planning Commissioner, there are certain circumstances known as conflict of interest can prevent a Planning Commissioner from participating in an action on an item. He stated that they are still evaluating a potential conflict of interest from one of the Planning Commissioners and they aren't prepared to have the item be heard at this time as a result of that analysis which is still ongoing.

Chair Berman stated that there is a motion on the table and they are looking for a second or a counter motion.

Asst. City Attorney Sharma stated that, of the four remaining commissioners, one is still being considered for recusal and that is her understanding as to why they can't bring it to the table.

Planning Director Murdock responded affirmatively.

Commissioner Godwin asked if the commissioner considered for a recusal still eligible to vote on whether they pull the item or not.

Asst. City Attorney Sharma responded affirmatively.

Commissioner Wright seconded the motion.

The motion carried **4-0**.

Ayes: Commissioners Devine, Godwin, Hauser and Wright
Abstain: Commissioner Leal and Berman

APPROVAL OF MINUTES: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 22, 2023:

None

ORAL COMMUNICATIONS:

Clif Lawrence, Pacifica, stated that tonight is his debut of his petition regarding the quarry with a hearing date coming up but he wants to expose his thoughts on this issue. He then mentioned his thoughts and questions on this issue.

Asst. Planner Snodgrass introduced the call-in speakers.

Jim Kremer, Pacifica, thought as the Item No. 3 is off the agenda, he can say something now.

Chair Berman stated that the opportunity to speak on whether the item is on the agenda.

Mr. Kremer stated he is making a comment on an item that is not on the agenda.

Chair Berman asked the City Attorney to see if this is allowed or not.

Asst. City Attorney Sharma stated since he is not making any comments on the order of agenda and it is no longer on the agenda, it is appropriate.

Mr. Kremer thought his comments will be helpful ahead of time, and he shared his comments and suggestions on the NCCWD project.

Alison Thompson, Pacifica, expressed her concern on tourist parking problems in her neighborhood and requested that it be addressed.

Chair Berman referred to questions asked regarding the quarry and asked if staff can give some updates on the quarry reclamation plan, such as a public hearing on the draft, will a future EIR be required when a future development project comes along and who determines whether reclamation of the quarry is needed.

Planning Director Murdock stated that they need to confine any specific discussion of the quarry reclamation plan to the public hearing on that item, which is currently intended to occur in the schedule for June 5 and the public notice will be going out relatively soon. He stated, generally, the law does not require public hearings on EIRs and the city has not held public hearings on draft EIRs. The public hearing process that occurs on the permits for the project is when comments can be made on the environmental document, including an EIR. The public had a written public comment opportunity on environmental documents and, assuming that the environmental review

is done for permits that require public hearings, they have an additional opportunity to provide public comment on the environmental documents at that time.

Chair Berman stated that staff has been collecting public comments as they come in through email or written comments, and she encouraged the public to feel free to submit comments any point in time before the public hearing.

CONSENT ITEMS: None

CONSIDERATION:

1. N/A Consideration of Annual Report to City Council for Calendar Year 2022. Recommended CEQA Action: N/A.

Planning Director Murdock presented the staff report.

Vice Chair Hauser stated that she doesn't have question and will wait to discuss her comments after public comments.

Chair Berman asked Planning Director Murdock thought there was virtual attendance last year for the presentation. She asked if virtual attendance is allowed for the Commissioner or Commissioners who chose to present to City Council or do they have to come in person.

Planning Director Murdock thought it was a difficult question. He acknowledged that the technology exists for virtual participation as public commenters have demonstrated. In terms of direct staff type presentations, they have made that opportunity available at City Council and his understanding and judgement, the intention is for the presentations by Commissioners and committee members to be in person, and he doesn't know he has the ability to say a commissioner or committee member can attend and present remotely.

There were no public comments.

Vice Chair Hauser appreciated staff putting the information together, and she thought it would be helpful to add a column that essentially shows what numbers of units, square footage, etc., were brought to the Commission versus what was approved to provide a frame of reference, such as 23 new residential dwelling units brought and only 21 were approved, that is helpful rather than 500 were brought and 21 approved. She stated that is one thing she would like to see before June. Then she suggested that a footnote could be put to identify where the commercial area and the new residential spaces came from, and she thought with only 21, that was probably doable.

Planning Director Murdock thought adding a column about the number units brought to the Commission is workable and, with the current development activity that comes to the Commission, he thought they have the ability to strike the balance and put the specific project locations such as in a footnote or a bullet list. He will figure out the most efficient way to do that and there are relatively few commercial and mixed use projects at this time.

Chair Berman wants to support Vice Chair Hauser's comment. She is looking for volunteers, and is happy to participate in person on June 12 at 5:00 p.m.

Vice Chair Hauser stated that she can also participate but if they are limiting the amount and other people want to, she is happy discuss but if they don't have volunteers, she will be happy to do it.

Commissioner Wright asked if commissioners can come as an observer as opposed to a participant.

Chair Berman thought they could, and asked Planning Director Murdock on his thoughts.

Planning Director Murdock clarified that there is no Brown Act reason that less than a quorum of the Planning Commission needs to be at the study session. It is a noticed meeting of another legislative body and the entire Planning Commission can be there. If there is more than a quorum is present, it is good not to sit together until the item is called and they are there to present but not to discuss business not on the agenda and more than three Commissioners can participate and someone can be there, not in their official capacity, and observe as a member of the public as well.

Chair Berman stated that they would be happy to have him if he wants to come and be a bystander. She concluded that she and Vice Chair Hauser will be presenting and they welcome any other commissioners to come and support.

Vice Chair Hauser moved to approve the Annual Report and discuss the presentation to City Council, including identification of Commission representatives; Commissioner Godwin seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Devine, Godwin, Hauser, Leal,
Wright and Chair Berman

Noes: None

2. N/A Annual Reorganization of Planning Commission
Recommended CEQA Action: N/A.

Planning Director Murdock presented the staff report.

There were no public comments.

Commissioner Wright asked if he can make a motion to keep the status quo in place.

Chair Berman stated that it is probably an acceptable motion but she has a different motion. She wanted to nominate Vice Chair Hauser as Chair as she has been so extraordinary the past year with all the work on the General Plan update, Sharp Park Specific Plan, and she has been so impressed with her participation and effort. She has run a few meetings doing a stellar job.

Chair Berman moved to nominate Vice Chair Hauser as Chair; Commissioner Wright seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Devine, Godwin, Hauser, Leal,
Wright and Chair Berman
Noes: None

Vice Chair Hauser appreciated how much work Chair Berman has done which is a lot of work, and she thanked her for keeping them going.

Chair Berman moved to nominate Commissioner Leal as Vice Chair for Planning Commission. She thought he has done a wonderful job on the Commission, and it would be lovely to see him as Vice Chair and he works well with Vice Chair Hauser and they would be a dynamic duo; Vice Chair Hauser seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Devine, Godwin, Hauser, Leal,
Wright and Chair Berman
Noes: None

COMMISSION COMMUNICATIONS:

Chair Berman let the public know that, on June 3, there is going to be another annual Pacifica Pride Festival and mentioned that for those who participated last year, there was a fun parade, a lot of activity on Palmetto and Sharp Park and this year a task force has worked hard on creating a lovely day for Pacifica Pride on June 3. She stated it will kick off with both a car parade and a walking parade along Palmetto in the Sharp Park area at 11 a.m. She stated that she will be driving her jeep dressed as a Pegasus. After the parade, there will be a festival at Ingrid B. Lacey School from 11:30 to 2:30, with food trucks, live music and performers, pop up booths from local community groups and will be a fun time and family friendly. After the festival ends, there will be several after parties at different local businesses and can find out more about that by enquiring at their local business. There will be flyers in front of store fronts and look at coastpride.org for more information. If interested in volunteering, the task force is still taking volunteers for the day of event and you can sign up on coastpride.org and go to events, then to Pacifica Pride and at that location you can volunteer, donate, learn more about the events and she hoped to see them all there.

Vice Chair Hauser referred to the public announcement on Connect with Pacifica and asked staff if they can give a brief update on the housing element.

Chair Berman thought staff would give the update during staff communications.

Vice Chair Hauser asked if it would be possible to her fellow commissioners about Item No. 3, and an appropriate time.

Chair Berman asked if they are allowed to discuss the item pulled from the agenda.

Asst. City Attorney Sharma it would be advisable to not discuss the item.

Commissioner Wright stated that, being a parent of an daughter, an only child, it has been a pleasure having Chair Berman and Vice Chair Hauser lead them for the time he has been on the Commission and the example that has set in terms of what is possible for women in positions of power and the level of professionalism that they both have exhibited throughout the whole process and it has been a pleasure working with them. He wishes he was as confident as they are, and striving to get there.

Chair Berman thanked him, adding that it has been fun working with him and was happy to be reappointed and have four more years on the Commission where they get to collaborate more together.

STAFF COMMUNICATIONS:

Planning Director Murdock stated he will get to the housing element update in a moment. He stated that it wasn't his opportunity during the agenda item to make mention of it, but in preparing the annual report, he reflected on the Commission's significant contributions to the city in 2022 on their work on the General Plan update and Sharp Park Specific Plan, and it has been mentioned but he wants to express his sincere appreciation for all the hard work and preparation, and significant improvements to the documents. He wanted to announce what he shared by email with the commissioners which is an upcoming Planning Commissioner training opportunity on

Wednesday on May 31 at 6 p.m. at the San Mateo Library. Several Commissioners have indicated they have signed up. He suggested that, if anyone else is interested and able to attend, they sign up at their earliest opportunity. Regarding the housing element update which is underway, he was excited to report that last week, he transmitted an updated draft housing element to the California Housing and Community Development Department, HCD, and that draft was updated with a number of inputs from Council and Planning Commission at the joint study session as well to reflect many public comments they received. He stated that the public can review that updated draft on planpacifica.org. He stated that we are currently in an 90-day HCD review and comment period on the document. They anticipate receiving their comments no later than August 8. They are anticipating what might be coming, adding that many jurisdictions have received extensive comment letters and so much work is likely to remain but he is hopeful that they have done a good job as a community preparing that draft and they look forward to whatever the state's comments will be at that point in time.

Vice Chair Hauser thanked him for all the hard work of getting it out, as there has been a lot.

Commissioner Wright would also like to appreciate how much they have accomplished in light of how much staff turnover we have had. He thought it has been impressive with the quality, volume, with short staff, and he didn't think Pacificans understand how dedicated and how much these people have done in order to make things like the housing element, not to mention the other list of things they went through this year.

Chair Berman echoed her fellow commissioners. She stated that the past couple of years have been a duddy for the municipalities in general but also the public hearing process and our staff has pivoted so much as quickly as possible whenever needed and they have accomplished so much from the hard work of Planning Director Murdock, Asst. City Attorney Sharma and the team. She stated it was impressive how much the city has gone through this year and over the past couple of years how much the city has accomplished and that is a testament to how great a team they have and their hard work.

Chair Berman 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.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Hauser moved to adjourn the meeting at 7:55 p.m.; Commissioner Leal seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Devine, Godwin, Hauser, Leal,
Wright and Chair Berman
Noes: None

Respectfully submitted,

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Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Murdock