

**MINUTES**

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

March 15, 2021

7:00 p.m.

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

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to the provisions of the Governor’s executive order, N-25-20 and N-29-20, which suspends certain requirements of the Brown Act and pursuant to the orders of the Health Officer of San Mateo County, to conduct necessary business as an essential governmental function with no public attendance allowed. He also gave information on how to present public comments participating by Zoom or phone.

Dep. Planning Director Murdock took a verbal roll call.

**ROLL CALL:** Present: Commissioners Berman, Godwin, Hauser,  
and Chair Nibbelin  
Absent: Commissioners Domurat, Ferguson and Leal

**SALUTE TO FLAG:** Led by Commissioner Godwin

**STAFF PRESENT:** Dep. Planning Director Murdock  
Asst. City Attorney Bazzano  
Assoc. Planner O’Connor  
PW Field Services Dep. Director Bautista  
PW Assoc. Engineer Henriquez

**APPROVAL OF ORDER OF AGENDA** Vice Chair Berman moved approval of the Order of Agenda; Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **4-0**.

Ayes: Commissioners Berman, Godwin, Hauser,  
and Chair Nibbelin  
Noes: None

**APPROVAL OF MINUTES:  
FEBRUARY 16, 2021  
MARCH 1, 2021** Vice Chair Berman moved approval of the minutes of February 16, 2021 and March 1, 2021; Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **4-0**.

Ayes: Commissioners Berman, Godwin, Hauser  
and Chair Nibbelin

Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 22, 2021:**

Chair Nibbelin asked confirmation that they do not need a liaison for the March 22 Council meeting.

Dep. Planning Director Murdock responded affirmatively.

**ORAL COMMUNICATIONS:**

Dep. Planning Director Murdock introduced the speakers.

Christine Boles, Pacifica, stated that she was a licensed architect living in the Manor district. She congratulated Commissioners Nibbelin and Domurat on their appointment on the Commission, adding that their interviews were open to the public and she learned interesting information that all applicants were asked if they were familiar with Pacifica's General Plan, as well as the Coastal Act. She read the role of Planning Commissioners on the city's website and stated that as she has been reading and reflecting on the documents on Vista Mar and the safety element in the 1980 General Plan, the city is forced to use a document that is based on old science and doesn't even consider climate change and she also discovered that the safety element was out of compliance with state law. She stated that new updates will be required in January 2022, and she encouraged them to review the General Plan documents at their earliest convenience. She pointed out the importance of the document as it relates to the Vista Mar project's of adding trees to the project and suggested that they also refresh their understanding of CEQA Guidelines and asked for a careful review of all projects coming before them.

Erin Wood, Pacifica, asked that they reconsider restriping Fassler for the 24 units. She stated that 801 Fassler can turn around at the end of Fassler allowing them from the west. She stated that they reconsider the city's General Plan guidelines that can be applied to hillside development to minimize its impact on the terrain, mentioning several issues to address. She then referred to 650 Cape Breton, stating that the General Plan addressed some of the valley neighborhoods where they have only a single access and if there was a neighborhood wide emergency, there could be a serious access problem for emergency equipment. She mentioned several issues that she felt verified that the TUP should be denied based on Section 9-4.3303, as it is detrimental to the safety and welfare of those residing or working in the neighborhood, concluding that the mega church operating in the back of the valley is an accident waiting to happen.

Matt Bateman, Pacifica, stated he wanted to talk about the proposed CDP-426-21 on this meeting's agenda.

Chair Nibbelin stated that, if he wanted to speak to an item on the agenda, they will ask him to hold his comment until they consider that item.

Mary Ann Waterman, Pacifica, stated that she lives next door to 650 Cape Breton and they share a fence. She thanked them for putting a stop and desist order to stop the work they were doing. She stated that they blatantly broke the rules, having no regard for anything and started working without a permit. She stated that they brought in permanent pews, not temporary furniture and held a service late at night right before the stop work notice. She stated that they operate in 171 countries around the world and they know how to navigate the permit process and how to get around and through the red tape of getting a permit. She hopes that the Commission is listening to what she and other residents have been saying about them. She stated that they are not here to help Pacifica in any way and it will only be detrimental to the health of the neighborhood, as well as the police and fire and will use all of our resources and not contribute to anything. She has been mentioning concern for the stability of the hill and land. She thanked them for listening to them and all the effort they have put into the project.

Mark Hubell, Pacifica, stated that he keeps hearing this church referred to as a mega church. He asked if they have given them an indication of how many people will be attending every service. He stated that the Hartford Institute for Religion research defines a mega church as a weekly attendance of 2,000 or more. He asked if they have given a number.

Chair Nibbelin thanked him for his comments, adding that Oral Comments are not conducted as a Q&A session. He stated that they will note the comments and staff will address them.

Mr. Hubell stated that he lives on Everglades which is part of the valley. He stated that smog tends to build up in the valley like no where else in Pacifica. He stated that, if there are 2,000 people attending in vehicles, he thought it would be extremely hazardous to the community's health.

Adrienne Schaal, Pacifica, stated that she used to live next to a mega church in Pennsylvania, and she stated that it caused her to move when her lease was up because of the traffic disaster. She stated that every time there was a service, she could not get to the main road or back in, and they were larger roads than we have in Pacifica. She stated that, if they are busing everyone in, then she asked why they are locating it so far back that they have to bus people in. She concurs with all the comments she has heard about the traffic issues, wildfires, evacuation issues.

Jessica Beyer-Harrell, Pacifica, stated that she is the owner and operator of California Riding Academy at Cape Breton Drive, and she has operated very successfully almost three years, providing much needed mental health wellness, particularly during this past year with tangible professional services such as lessons, summer camps. She stated that on December 1, 2020, CRA's tack room was broken into and \$80,000 was stolen from her 13-year business operation. She stated that bridles and saddles accumulated over the years and was followed by blocking her horses from any use of the facility, in other words jailed. She stated that it was traumatic. She stated that Sweeny Ridge, in a tear-jerking Facebook post, stated that they tried the horse business but it doesn't work, and she stated that was a blatant lie. She asked how she could have qualified for a \$5.5 million loan to buy the property if she was not successful at that location. She stated that she at this time, she has nothing to lose as she cannot operate. The CRA horses are in five different locations and she had to euthanize one and she gave two away, but importantly, she has no equipment to operate. She stated that the aggressive actions allowed the buyers to purchase the property and the CRA was forced to leave. She stated that this was just the beginning of the city's nightmare if they allow this to move forward.

Kathleen Moresco, Pacifica, stated that she lives on Cape Breton and sometimes she walks her dog late at night before going to bed, and in the evening, she sees traffic coming up the street really fast into the corral and she stated that Tammy Lancaster posted some really fiery preaching going on up there at night. She has seen the traffic come up really fast at night and it is concerning as it is a small street and two cars cannot pass each other when there are cars parked on both sides. She stated that the level of traffic and the concerns about what it means to the community would be bad. She stated that they miss the horses as their kids grew up there and learned to ride. She thought it was a shame to lose such a nice facility in Pacifica.

Alan Morris, Pacifica, stated that he knows a stop work order has been placed on 650 Cape Breton but he wanted to see if they can comment on whether or not there will be any fines placed or any orders to put back the construction the way that it was.

Chair Nibbelin stated that staff will take note of his inquiry.

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

- 1. CDP-426-21**      **File No. 2021-005 – Coastal Development Permit CDP-426-21** to install seven ocean animal art sculptures at the Pacifica Beach Park (also known as Beach Boulevard Promenade) located on the western side of Beach Boulevard between the intersection of Montecito Avenue and Clarendon Road (APN 016-292-120, 016-314-190, 016-314-210) in Pacifica. Recommended CEQA Action: Class 1 and Class 3 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15303.

Assoc. Planner O'Connor presented the staff report.

Commissioner Hauser referred to public outreach and PB&R reviewing this, and asked if the outreach was done on this specific plan they are looking at during this meeting or a general concept overall.

Assoc. Planner O'Connor stated that she can answer but thought Assoc. Engineer Henriquez can provide additional information. She stated that the outreach occurred during the concept planning for the Plaza Park when the project was presented to City Council on August 24, 2020. She stated that the images and locations and sculptures were identified in that presentation.

Assoc. Engineer Henriquez stated that they did an extensive outreach. They had two pop up events, with one at the Farmer's Market and the second one was at the Beach Boulevard Plaza area where they planned to put the project on that site. He stated that they also did an online survey. The PB&R Commission approved the concept and they then took it to Council. At that time, they had the other project, the Infrastructure Resiliency Project, essentially the construction of the new sea wall. He stated that, on dealing with the sea wall, there were also situations to handle sea level rise in the future. They took that into account, as the promenade and sidewalk as they exist now, might be raised several feet to combat the effects of sea level rise. He stated that, if they took the concept shown in Attachment B, with the concrete plaza, etc., they realized that that might need to be raised as well, along with the promenade. In keeping that in mind, they decided to energize and activate that area by adding the Park work sculptures now, and in the future, once the sea wall construction is underway, they can install the remaining elements.

Commissioner Hauser stated that, as a mother, she sees children climbing all over the place and they have something similar at the San Francisco Zoo, and she asked what the safety perspective is, such as signs stating that they not climb or will they be appropriate to climb.

Assoc. Engineer Henriquez stated that the intended purpose of the art work sculptures was essentially a visual, and they didn't anticipate people climbing on them and didn't consider the installation of signage prohibiting that. He stated that, if Planning Commission prefers that, they are flexible.

Chair Nibbelin thought it was a good comment. He has three kids, and he thought someone will want to climb on them, and it was definitely something to think about.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock thought this was an unusual situation where the city was acting as the applicant for the permit, in addition to city staff reviewing and evaluating the permit. He thought, before they open to public comment, he asked if Assoc. Engineer Henriquez has any additional comments.

Chair Nibbelin agreed, and was open to any city staff who want to speak on the project.

Assoc. Engineer Henriquez stated that he did not have any further comments.

Chair Nibbelin acknowledged that he will be available to answer any questions that might come up.

Dep. Planning Director Murdock introduced the speaker.

Christine Boles, Pacifica, asked that they consider postponing their decision on this item and continuing to a later date. She stated that the city was currently engaged in redesigning the larger area of Sharp Park as part of the Beach Boulevard Infrastructure Resiliency Project, and she has been participating in those meetings. She wanted to correct Assoc. Engineer Henriquez when he said the sea wall was going to be built from that project. She stated that was one of the options they are considering but it was not the inevitable alternative of that project. She stated that at the last public meeting on February 4, the consultant proposed several options for the part where the sculptures are to be placed, one being moving the sea wall inland to the road and eliminating the park and increasing the area of sandy beach and dune. She stated that, for the sea wall project schedule, final design solutions will be shared before the end of April, and they should be able to ascertain soon if there is a location to install the sculptures or where they can be moved later. She was saddened by Council's choice to purchase off the shelf sculptures for one of the most beautiful areas in Pacifica, which is a mecca for residents and tourists. She stated that we have so many talented artists in Pacifica and she would love to see a contest for ideas for art that would represent our community, history and shared vision for the future. She was at Ocean Beach in San Francisco and saw the three mosaic surfboard sculptures at the intersection of Taraval and 48<sup>th</sup> Avenue by a local artist Colette Crutcher who often works with residents and children to create unique handmade tiles that are incorporated into the larger sculptural pieces. She stated that it was a great example of meaningful, enduring community art that can also put money back into our economy by supporting local artists. She also agreed with Commissioner Hauser that, without signs, they will try to climb whatever they find. She stated that the sculptures are currently proposed to be of GFRC which is a very thin concrete and is more susceptible to damage than the sculptures you see at the zoo which her children have climbed. She questions the appropriateness of this solution. She again asked that they consider continuing the item until Council is able to give better direction on the long-term planning decisions for the area. She stated that funding is limited and are told the city is broke and she wants to be sure we are spending our money wisely.

Chair Nibbelin introduced the speaker.

Matt Bateman, Pacifica, stated that he lives across the street and thought seeing these views every day will be a plus. He wants to make sure they are there for the long-term, and asked if they can relocate them if necessary and are a wise investment for years to come. He stated that, regarding the broader plan, his main concern was the location of the grills and picnic tables as it was a

nuisance to the neighborhood when people have parties and grill outside with noxious fumes and loud noise into the late hours of night. He worried that the current design might amplify some of those problems by separating the grills and being too close to the street and having the picnic tables grouped together. He didn't think it made for a design suitable for multiple parties using it simultaneously. He thought it might make more sense to push the picnic areas centrally within the open space and separate them to individual areas used simultaneously without creating an impact on the quiet environment of the neighbors.

Chair Nibbelin closed the Public Hearing.

Vice Chair Berman referred to a public comment, and she interpreted it from the staff report but thought staff can clarify it. She asked if it was correct that the intent of the early activation in installing the structures is so that they can be there temporarily and they can remove simply and store while future improvements happen along the coastside.

Assoc. Engineer Henriquez responded affirmatively.

Vice Chair Berman thought that was a nice way to immediately benefit from some of the future implementation of the area. She then referred to previous comment by Commissioners, i.e., the climbing safety of the structures. She stated that she understood they were not specifically intended to climb on, and asked if they would be considered safe to climb on.

Assoc. Engineer Henriquez stated that they are considered to be safe.

Vice Chair Berman asked if they were safe material-wise as well.

Assoc. Engineer Henriquez stated that they were safe structurally and materially.

Commissioner Hauser appreciated Vice Chair Berman's request for clarification, as she was not sure if it was temporary or permanent and it makes it appealing in making Pacifica a destination. She agreed that using local artists would be a nice thing to have, and she thought, on the permanent solution, she thought it would be great to explore using local artists. She thought for temporary, something off the shelf was fine. She was looking at the manufacturer's website and it she thought they seemed to be made to climb on, and the only thing she would ask that with whatever they pick, the footing and model number is appropriate for climbing.

Commissioner Godwin stated that he didn't have any comments as all his issues were covered.

Chair Nibbelin wanted one more clarification. He understood that the sculptures might be temporary at this time, but even though they were installing them now, he thought when they reach the end stage, they will be a permanent part of the landscape.

Assoc. Engineer Henriquez responded affirmatively.

Chair Nibbelin referred to the time frames, and wondered if the stuff that was out there and weathered will be located in new landscaping and whether it will look aesthetically odd, adding that since everything is eventually weathered, it might not matter.

Assoc. Engineer Henriquez agreed that the art work sculpture will be earlier and temporarily out when the sea wall construction starts and before the details of the public plaza is implemented. He stated that the sculptures will be easily movable.

Chair Nibbelin asked specifically if they will weather okay, and not looking really old when they have new stuff around it.

Assoc. Engineer Henriquez stated that they should withstand the effects of the weather and the constant waves and sea salt. He acknowledged that it could be 2-4 years until the sea wall begins construction, which could not be for quite some time.

Chair Nibbelin was just thinking about buying something new now and synchin it up with something that is happening years later and won't look new. He thought they might become more attractive as they weather.

PW Dep. Director Bautista stated that they will have their rangers inspect the structures on a regular basis and will make sure that all of the structures are in safe condition.

Commissioner Hauser stated that she was still a little bit confused about the temporary versus the permanent art. She asked clarification that they were saying that the structures are intended to be there until the construction of the sea wall begins, and at that time, they will either move them to their permanent location or have a new sculpture.

Chair Nibbelin stated that staff can speak to that, but it was his impression that they were going to be integrated into the new setting.

Assoc. Engineer Henriquez confirmed that they would temporarily be relocated while the construction is ongoing with the sea wall and, if any of the land is raised, they would be relocated elsewhere, the land would be raised and they would be reinstalled and the full range of the public plaza project elements would be integrated at that time.

Asst. City Attorney Bazzano clarified that the proposed art installations are the only proposed art installations that would occur at this site, but there would not be any other new art. They would be the extent of the displays in this location.

Vice Chair Berman moved that the Planning Commission finds that the project is exempt from the California Environmental Quality Act and approves Coastal Development Permit CDP-426-21 by adopting the resolution in Attachment A, including conditions of approval in Exhibit A; and incorporates all maps and testimony into the record by reference.

Commissioner Hauser requested that they amend the motion to include a condition that they make sure that whatever footing and structural support for these structures is safe and appropriate for the public, including children.

Chair Nibbelin asked Asst. City Attorney Bazzano or staff if they have any guidance with respect to that. He thought they have gotten a representation from city staff that they have done due diligence on the safety of the materials and he was thinking it was surplus to include something like that in the motion.



Asst. City Attorney Bazzano stated that it sounded that Commissioner Hauser is asking the maker of the motion to amend the motion. She would ask the maker of the motion whether that amendment is acceptable.

Vice Chair Berman stated that she agrees with Chair Nibbelin in that she feels confident, given the responses in the meeting record with staff stating that the structure will be safe for climbing and she didn't feel inclined to add that to her motion. She stated that she was fine to add surplus statements to the motion if desired, and either reread the motion of Commissioner Hauser can make her own motion and she would support that.

Chair Nibbelin stated that he would probably not be supportive of a motion like that as it would manifest undue concern. He thought they were concerned about safety and, on the basis of the guidance from staff, he didn't believe that he would want to communicate that they have an undue level of concern about a safety risk.

Vice Chair Berman stated that, in response to that, she would let her motion stand, and if anyone wants to provide a different motion, she would allow them that opportunity.

Asst. City Attorney Bazzano explained that the procedural point is that a motion has been made, no amendment to it, and it is up for a second. If there is a second, there can be further discussion on the motion or a vote.

Commissioner Godwin seconded the motion.

Commissioner Hauser stated that, considering that they are barely a quorum and she didn't want to stymie what she thinks is a critical project that will help activate that space and make it more vibrant. She would like to ask staff one more question. She stated that the reason she is having a hard time with it is that, when she originally asked Assoc. Engineer Henriquez stated if it was appropriate for climbing, the answer was that wasn't contemplated. She stated that, when asked in a different way, she heard that it was structurally appropriate and stable. She wanted to make sure, beyond doubt, that they have looked into this and it was safe and they were not concerned with children climbing on the structures.

PW Dep. Director Bautista stated that, for her assurance, the footing will be designed so that the structure does overtop or topple over. He stated that they ensure its safety for residents and beachgoers.

Councilmember Hauser stated that was what she was looking for.

Assoc. Engineer Henriquez added that they had structural engineers design the footing and they went through elaborate structural calculations and analysis and it has been deemed safe.

Chair Nibbelin stated, as Commissioner Hauser raised important points, that he has concluded that staff tends to develop and implement a plan for inspection and maintenance of the structures.

PW Dep. Director Bautista stated that they will, adding that they have rangers who will go on the beaches and if they see something, they will report it to PW, and they will definitely have inspections of the structures.

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Dep. Planning Director Murdock took a verbal roll call.

The motion carried **4-0**.

Ayes: Commissioners Berman, Godwin, Hauser,  
and Chair Nibbelin

Noes: None

- 2. TA-119-21**                      **File No. 2021-007 – Test Amendment TA-119-21**, initiated by the City of Pacifica, to amend Sections 9-4.2306 and 9-4.260.3 of the City of Pacifica Zoning Regulations (Title 9, Chapter 4 of the Pacifica Municipal Code, to modify the identified uses subject to a special use permit and other conforming Amendments; the proposed amendments would affect all properties in Pacifica. Recommended CEQA Action: “General Rule” Exemption, CEQA Guidelines Section 15061(b)(3).

Dep. Planning Director Murdock presented the staff report.

Commissioner Hauser asked if there are any active applications in the city that would be impacted by this change.

Dep. Planning Director Murdock stated that this zoning text amendment would affect all properties in the city but there are no pending special use permit applications at this time.

Chair Nibbelin asked Dep. Planning Director Murdock, as the city is the applicant on this matter, if there were any staff members who had further comments on this item.

Dep. Planning Director Murdock stated that he was the only staff member with comments.

Chair Nibbelin opened the Public Hearing.

Dep Planning Director Murdock introduced the speakers.

Erin Wood, Pacifica, stated that, before they amend anything, at times when INC has made the news on October 14, 2013, more than 1.5 million people converged on the Philippine capital Monday for a powerful evangelical event causing traffic chaos that shut down large parts of the mega city forcing all schools and some government offices to close. She stated that Manila’s governing authorities urged private employers to give their staff a paid day off to avoid traffic and on July 26, 2015, heavy traffic due to INC anniversary, government has deployed hundreds of policemen to secure the celebration. She stated that the traffic buildup started at around 1:00 am. On January 1, 2016, INC started the new year with a huge bang, achieving three new Guinness work record titles to add to its growing collection and more than 100,000 people attended the festivities.

Chair Nibbelin asked the Asst. City Attorney if she had a comment.

Asst. City Attorney Bazzano stated that this item does not relate to Iglesia Ni Cristo Church or their pending application at all, and public comment on that pending application for a temporary use permit would be inappropriate since it is not an agenda item.

Chair Nibbelin stated that he let things get beyond him. He stated that he didn’t know if she was intending to shift to something that pertained to the agenda item.

Ms. Wood stated that she didn’t understand the process and she made a mistake.

Asst. City Attorney Bazzano suggested that Chair Nibbelin provide a reminder to the public that this item is specific to the text amendment before the Planning Commission.

Chair Nibbelin clarified that this item pertains to the text amendment and not specifically to the Iglesia Ni Cristo matter and individuals who wish to speak to the proposed text amendment are able to but limiting the comment to that particular text amendment.

Dep. Planning Director Murdock stated that, before he introduces the next speaker, he asked if the Chair would allow Ms. Wood to gather her thoughts and another opportunity to speak with the remaining balance of her time on the appropriate agenda topic.

Chair Nibbelin stated that it was fine and he would be happy to see that happen.

Alan Morris, Pacifica, stated that this proposal seems cut and dry but he was unclear as to the difference between a special use permit and a temporary use permit. He asked if a special use permit considered any variance from what the zoning currently is on a particular property and would a temporary use permit be considered a special use permit.

Christine Boles, Pacifica, stated that she was very confused about the proposed change to the zoning ordinances. She was going to focus her comment on churches as she has worked on several church projects in her career. She understood that, in the current zoning codes, the churches are not permitted anywhere in Pacifica, even in an R-1 zone as mentioned in the staff report that a use permit is required, and read the specific explanation for churches and schools and then R-2 and R-3 to allow the conditional uses which require a use permit and how it relates to not a permanent use permit. She stated that she looked up the zoning of three churches in Pacifica and they are all in C-1 zones, i.e., Little Brown Church, Lutheran Church on Highway 1 near Rockaway and St. Andrew's Presbyterian on Fassler. She thought that, due to traffic conditions around churches, C-1 was a much better zone for a church use than R-1, single-family, as roads are typically wider, lots are larger, public parking is more abundant. She stated that she did not understand why Planning wants to limit construction of these high occupancy uses to our quieter residential areas. She thought the current planning regulations allow Planning Commission discretion in reviewing applications for use permits. She stated that the proposed changes force uses into zones where they are not best suited. She wasn't sure the Planning Department understands the long term affects of this proposed zoning change. She also didn't think the statement on page 5 of the staff report quote from the General Plan that the goal is fundamental to the city's character of traditional neighborhoods to protect the social mix, variety and fundamental character which now exists in each of the neighborhoods by providing for the necessary community services and facilities, she thought, by not allowing churches and other community buildings in C-1 areas next to residential, they were reducing the ability for variety in the neighborhoods. She finds it hard to understand how they can make that required finding of the zoning changes consistent with the General Plan. She felt the amendments need further analysis before a vote. She also did not consider other religious uses. She was working on an Indian Hindu temple and she asked if that is allowed or is there exclusionary language that might be subject to legal challenge.

Peter Loeb, Pacifica, stated that there are a number of people concerned that this amendment will affect the church application at 650 Cape Breton for a permanent future conditional or special use. He stated in an earlier email suggesting that the question be addressed before public comment so they don't have the comment they are having now. If this amendment will have no

affect on a future application for a permanent permit then he would like the Planning Commission to affirm that on the record so there can be no confusion going forward. If this change will make a difference if the church should apply for a permit in the future, he needs to clearly understand what the changes are and the effects so they can have an opportunity to have informed public comment on this change. He reiterated that there a number of people who are confused and concerned that this change will have some effect on a future application and, if not true, he asked that the tell the public so they can relax.

David Vespremi, Pacifica, stated that he is a Cape Breton resident and he also read the proposed amendment and the explanations he heard at this meeting was that the amendment would be exempting the listed uses on page 4 from the special permit process. If he understands that correctly, they would have to go through traditional zoning or rezoning procedures, including CEQA analysis. He stated that, if that is the case, he was supportive of that as he thought that is what should be happening moving forward. He understands there is a temporary use permit before the Commission now, but a special use permit that would extend that on a more permanent basis is not before the Commission. He thought, if something like this were to pass, it would obviate the ability for an organization to file a special use permit and that would potentially be a good thing. He referred to other speakers' comments, and stated that he wants to hear from the Commission some degree of explanation if that is their understanding of how this works.

Erin Macias, Pacifica, stated she would like to echo some of the prior comments as she felt they needed better clarification of future applications so there is no confusion moving forward. She would like to see a clear presentation about the different types of permits offered by Pacifica, the process so residents clearly understand what it takes to apply for a permit and what the public expectation and feedback is allowed and the timeline. She stated that it was unclear and the permits will be affecting all residents within Pacifica's community. She would also like to see a longer comment period and better public notice on something that affects the entire city. She thought residents should be notified and invited to participate in those comment periods with public postings in frequented public spaces, not just posting a short paragraph in the Tribune and an email that goes out to the affected residents as it doesn't capture a broad enough audience. She stated that Pacifica is a unique, environmental microcosm in San Mateo and she didn't feel that there should be an exemption for CEQA under any circumstances.

Chair Nibbelin closed the Public Hearing.

Chair Nibbelin wanted to clarify a few things based on feedback from public comments. He asked if he was correct that they were looking at amending provisions of the city's code that deals with special use permits to narrow the uses eligible to pursue a special use permit and eliminating some categories, that include churches but also heliports, institutions of philanthropic nature, etc.

Dep. Planning Director Murdock responded affirmatively, clarifying that it is saying that it is narrowing the list of uses that are eligible for a special use permit, and another way to think of it is that it is eliminating this option to pursue approvals for listed uses through the vehicle of the special use permit, and would require uses that are no longer eligible for special use permit to qualify under other zoning provisions, General Plan, and associated permitting provisions for those.

Chair Nibbelin thought that point was made and the high level is thematically what is going on and he wanted to clarify that due to a fair amount of confusion about what they were discussing, and were not broadening the availability of the special use permit.

Dep. Planning Director Murdock stated that what he didn't understand when preparing the report was the perspective someone could have in reading it to think that the city was eliminating the permit requirement for these uses to commence, but the actual fact is that it was eliminating the opportunity for these uses to be permitted. As Chair Nibbelin referred to narrowing the range of uses under the special use permit and requires different zoning provisions to be used if they are available at all for other uses. He stated that they have identified opportunities under the city's regulations for all of the uses proposed for removal from the special use permit to be authorized under other zoning provisions in the city.

Vice Chair Berman referred specifically to churches, and asked Dep. Planning Director Murdock to explain how churches will typically be interpreted when applying for a permit. She referred to staff report mentioning conditional use are one, but she asked if it would depend on the land where it is currently zoned, such as a property in an R-1 zoning district, will the church be permitted as R-1 and, while it might change with the upcoming General Plan and Local Coastal Land Use Plan, if there is land in a commercial district, will the church be permitted as a different zoning.

Dep. Planning Director Murdock stated that there was intention in preparing the explanation of the proposed amendment to balance between a comprehensive assessment of all the possible options and a simplified version that is hopefully more readily understandable. He stated, with the example of a church, the staff report indicated that a church could pursue and request authorization to operate under the R-1 zoning with approval of a use permit. Under the city's zoning of R-1, those uses are also allowable in R-2 and R-3, and within the R-1, R-2 or R-3 zoning districts, a church could be authorized on approval of a use permit. He stated that, if a church wanted to operate in a location that was not currently zoned R-1, R-2 or R-3, and if this ordinance is approved as presented, the property would first need to be rezoned to R-1, R-2 or R-3 for rezoning conjunction with approval of a use permit in order for the church to be authorized to operate. He then referred to her mention of the General Plan, and stated that with all city zoning actions, the zoning would need to be consistent with the General Plan and it was possible that a General Plan amendment would also be required as part of the process. He stated that it requires the City Council to act as the legislative body to change the zoning or General Plan as opposed to the Planning Commission being able to act on an administrative type permit and adjudicating that permit at the Planning Commission level only.

Vice Chair Berman thought that was a great explanation. She also asked, if there is a property that is in an R-1 zoning district and is proposing a church, will it have to go through Planning Commission for its use permit, or if in a conforming lot and not in the coastal zone, could it possibly go through permitting without coming to Planning Commission or Council first.

Dep. Planning Director Murdock stated that, pursuant to the R-1 zoning provisions as they exist today, a church wanting to commence operations on a site where no church exists currently would require approval of a use permit, most likely by the Planning Commission and in some instances the zoning administrator can conduct the public hearing for certain types of use permits, but it is at the discretion of the zoning administrator. He stated that, in most cases, he would suspect that the zoning administrator would want the use permit to be considered by the Planning Commission

and there would be a public hearing and an opportunity to appeal the Planning Commission's decision to City Council.

Commissioner Godwin stated that he wanted to say that things like heliports and off-road vehicle parks tend to disrupt their neighbors substantially so narrowing this list is a fundamentally great idea. He asked, if some other kind of organization, like a church or hospital, wanted to locate in the C-1 zoned area or more commercial area, if there was anything they were doing in this proposal that would limit their ability to do that or discourage them.

Dep. Planning Director Murdock stated that tonight's action is simply affecting the special use permit process. He referred to public comments regarding whether a special use permit is the same as a temporary use permit or regular use permit, and stated that, even though they all have use permit in their names, they are different permit types authorized under different sections of the municipal code and they have different findings in some cases and other provisions governing their approval and reliance on the permit authority. He stated that a special use permit is a singular type of permit, and not the same as any of the other use permits, and the proposed text amendment would only affect special use permits. He then referred to his hypothetical scenario of a commercial property wanting a church to open and operate and this ordinance were to be approved, the property owner of that site would need to pursue a zoning amendment to rezone the site into a residential R-1, R-2 or R-3 zoning classification or seek a text amendment to the commercial zoning provisions to add a church to the list of authorized uses as either a permitted use or a conditional use. He stated that the opportunity to pursue a special use permit would no longer be available and would require zoning changes under the two scenarios he just outlined to authorize the church use on that commercial site.

Commissioner Hauser appreciated staff's due diligence on closing the loopholes and she would like to make a motion for approval.

Commissioner Hauser moved that the Planning Commission finds the proposed text amendment to be exempt from the California Environmental Quality Act and adopts the resolution included as Attachment A to the staff report to initiate Text Amendment TA-119-21 and to recommend approval to the City Council; and incorporates all maps and testimony into the record by reference; Commissioner Godwin seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **4-0**.

Ayes:	Commissioners Berman, Godwin, Hauser, and Chair Nibbelin
Noes:	None

Chair Nibbelin 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.

**COMMISSION COMMUNICATIONS:**

None.

**STAFF COMMUNICATIONS:**

Dep. Planning Director Murdock stated his only announcement is that Chair Nibbelin was reappointed to another term on the Planning Commission and they were pleased about that. Council also appointed a new Planning Commissioner, George Domurat. He stated that he is out of town but he thought he fully intends to participate in the next Planning Commission meeting and staff will be giving him a Commissioner orientation in the coming days.

Chair Nibbelin stated that he was honored to be reappointed and was looking forward to meeting their new colleague.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Hauser moved to adjourn the meeting at 8:23 p.m.; Vice Chair Berman seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **4-0**.

Ayes:	Commissioners Berman, Godwin, Hauser, and Chair Nibbelin
Noes:	None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister