

MINUTES

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

October 18, 2021

7:00 p.m.

Chair Nibbelin called the meeting to order at 7:04 p.m.

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to Government Code Section 54953 (as amended by AB 361), to conduct necessary business as an essential governmental function as a teleconference meeting with no meeting location open to the public. 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, Domurat, Ferguson, Godwin, Hauser, Leal and Chair Nibbelin
Absent: None

SALUTE TO FLAG: Led by Commissioner Hauser

STAFF PRESENT: Dep. Planning Director Murdock
Asst. City Attorney Sharma
Contract Planner Garcia

Chair Nibbelin opened public comments on Items on the Agenda and, seeing no one, closed the public comments.

APPROVAL OF ORDER OF AGENDA Commissioner Leal moved approval of the Order of Agenda; Commissioner Godwin seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

APPROVAL OF MINUTES: OCTOBER 4, 2021 Vice Chair Berman moved approval of the minutes of October 4, 2021; Commissioner Godwin seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF October 25, 2021:

Chair Nibbelin stated that they do not need a liaison for the Council meeting.

Dep. Planning Director Murdock agreed.

ORAL COMMUNICATIONS:

None.

CONSENT ITEMS:

None

CONSIDERATION:

1. N/A Planning Commission Input on Return to In-Person Meetings.

Dep. Planning Director Murdock presented the staff report.

Commissioner Ferguson stated that he has never attended an in-person meeting since he was appointed to the Commission, and asked what requirements they plan to put in place to allow them to safely conduct live meetings. He stated that, while he has no problem with Zoom meetings, he would like to get back to in-person meetings. He also asked if there were any quantifiable metrics that could be monitored to determine when to return to in-person meetings.

Dep. Planning Director Murdock thought he had good points, and they would like to get back to the live meetings. He stated that City Council has not identified a specific set of metrics. Regarding wearing of masks, several county agencies have addressed the wearing of masks when indoors, and Council would probably want to monitor that, as there will be times when during a long meeting, there will be someone who will unmask. He stated that Asst. City Attorney Sharma could outline what the law requires to permit continued online participation, such as health and safety, as well as conditions for in person attendance.

Asst. City Attorney Sharma stated that there are requirements for continued online participation because of the ongoing concerns about health but no requirements about masks, and that would be something for Council to consider.

Commissioner Ferguson asked about the requirements. He stated that he wears a mask for his full day at work and would not object to wearing one at meetings, and he wonders why we are still meeting via Zoom for almost two years.

Dep. Planning Director Murdock thought Council thought it was not safe for them to meet in public for the meetings and part of the discussion is regarding the attendees as well as the Commissioners. He noted that it would be important to get feedback from Commissioners on their thoughts. He acknowledged that Commissioner Ferguson did not find it a problem to wear a mask for long periods of time.

Vice Chair Berman stated that she can definitely wear a mask for a long period of time, but she agrees it can be uncomfortable, especially for the Chair. She ultimately is willing to follow City Council's lead, as their reasoning makes sense to her. She would conclude that, if masks for indoor events were required, she would consider that a safety issue and she asked if police would be there to enforce those regulation if someone was not wearing a mask appropriately

Dep. Director Murdock was not aware that there had been discussion regarding having a police officer present to enforce the criteria of masks, vaccinations, etc., but the complications of trying to confirm those factors was considered in deciding to continue teleconference meetings for the foreseeable future.

Commissioner Godwin stated he has no problem with wearing a mask or vaccinations, but he is concerned about the elderly or immunocompromised individuals attending in person who are in greater danger of getting sick. He also has a concern with requirements needed to ensure that everyone is following the rules.

Commissioner Hauser agreed with all the points Vice Chair Berman made and Council's decision. She understood Commissioner Godwin's point regarding the risks because of those who are not vaccinated, which causes her to agree with Council's decision.

Commissioner Ferguson wondered if there was a metric done regarding the public's involvement in- person or remote.

Chair Nibbelin stated he would ask Dep. Planning Director Murdock to answer that question.

Dep. Planning Director Murdock wasn't aware of any metrics produced but Council had expressed their thoughts regarding that issue and did think attendance has increased with the teleconferencing option and were interested in Commissioners' thoughts on that. He stated that, for the concerns about the elderly and immunocompromised coming to an in-person meeting, he stated that the Commission meetings would begin to include a dial-in option that persons could use instead of attending in-person. In this sense, access to participate in meetings would be expanded as compared to prior to the pandemic where participation required attending in person.

Commissioner Leal agreed that participation has increased, i.e., due to enabling parents with small children being able to participate. He did mention that there have been tech problems that prevented some members of the public to participate, but he thought having the hybrid approach, not only for the public, but for members of the Commission as well, might be worth discussing.

Chair Nibbelin thought the City Attorney or Dep. Planning Director Murdock might be able to comment on whether that is a viable approach, but he considered the jury is still out on that approach.

Commissioner Domurat agreed with statements from commissioners, and also supported Council's decision. He mentioned that his wife is an ICU nurse and has experienced hundreds of deaths in her arms and as such is adamant about wearing a mask. Nurses and doctors wear masks and other protective devices, and he didn't see that as a major impediment to commissioners. She also stressed that vaccines are not 100% so he felt we needed a system that allows the public the call-in option if they cannot or do not want to attend in person.

Chair Nibbelin stated that his thoughts aligned with the other commissioners, and believed they should follow Council's thinking. He mentioned that going back to in-person meetings would be a challenge for social distancing with seven commissioners, and the process of denying unvaccinated people would also be challenging as, in his perfect world, he would not have contact with unvaccinated persons. As such, he was in favor of continued remote meetings, but he did find it hard to "read the room" without being able to see their faces. He asked Dep. Planning Director Murdock if there were any public comments.

Dep. Planning Director Murdock stated that there were none.

Chair Nibbelin then checked to make sure there were no further comments by the Commissioners and, seeing none, asked if Dep. Planning Director Murdock and Asst. City Attorney Sharma had all the feedback from the Commission they needed.

Dep. Planning Director Murdock responded affirmatively.

PUBLIC HEARINGS:

2. **UP-128-21** **File No. 2021-015 – Use Permit UP-128-21, and Parking**
PE-191-21 **Exception PE-191-21** to establish a feline-only veterinary clinic
in an existing commercial space at 150 Eureka Square Shopping
Center (APN 016-220-140).
Recommended CEQA Action: Class 1 Categorical Exemption,
CEQA Guidelines Section 15301.

Contract Planner Garcia presented the staff report.

Commissioner Hauser stated that, while the report was clearly presented, she thought a visual presentation would be helpful for the public to have a better idea of what they are talking about. She then referred to the clinic being close to the grocery store, and she wondered if the sanitary aspects of the close proximity had been addressed.

Contract Planner Garcia thought the applicant may have more detail of how they handle the biohazard materials to address safety concerns, but he didn't think they had specifically addressed the proximity of the grocery store to this proposed use.

Chair Nibbelin stated that he didn't know if environmental health would weigh in on this situation or if Dep. Planning Director Murdock and/or the City Attorney had any environmental health concerns.

Dep. Planning Director Murdock was not aware of any applicable standards in that regard to separate this use from any other potentially sensitive uses or any licensing from the county for veterinary clinics, but environmental concerns would probably come through the grocery stores to be sure to keep their food supplies safe. He had not identified any potential conflicts between the two uses.

Asst. City Attorney Sharma stated that she was not aware of any environmental requirements for businesses to have to distance themselves from stores, restaurants, etc.

Commissioner Domurat asked if the removal of waste and loading and unloading of goods would occur in the rear of the properties.

Contract Planner Garcia stated that removal of trash was done at the rear of the buildings but with biohazardous waste, he would have to ask what the applicant's common procedures would be.

Commissioner Domurat thought the loading and unloading of food would give more offset, stating that there is a 90-degree bend there, and that would help if there is any concern. Regarding the parking, he asked if they had a figure of how many parking spaces would be used in a worst case scenario.

Dep. Planning Director Murdock stated that they analyzed actual observed usage, at different times of day and different days, but not the maximum used at any date in the year. He thought they used acceptable methods applied to these types of studies but wasn't aware of addressing any specific usage such as peak parking on the single busiest day of the year.

Commissioner Domurat stated that Fog Fest used to be the busiest, but he thought that normally, less than half the parking is used.

Chair Nibbelin thought he would allow the applicant at this time the opportunity to speak, asking Dep. Planning Director Murdock if the applicant was available to speak.

Dep. Planning Director Murdock stated that Beth Frasher was present, but he was not sure if the co-applicant, Dave Gasser, was present also.

Chair Nibbelin invited both to speak.

Dep. Planning Director Murdock stated he would track the time.

Dave Gasser, applicant, stated he would start. He confirmed that all waste would be removed at the back of the building by their rear entrance. He mentioned the various processes they have used at many of their clinics in the area, such as managing potential odor issues, and they didn't see there being any concerns on those issues. He then mentioned that the parking seemed sufficient for all uses and at different times of the day.

Chair Nibbelin stated that he was having trouble hearing Ms. Frasher.

Dep. Planning Director Murdock asked her if she was dialed in on her phone, and he stated that he would set that option up.

Beth Frasher, applicant, apologized for the problem. She stated that she wanted to add that all pets would be brought in carriers so there would not be any problems outside their actual tenant space.

Chair Nibbelin stated that, if they had nothing else to add, they would afford their remaining time to responses, and then asked Dep. Planning Director Murdock if there were any speakers.

Dep. Planning Director Murdock stated that there were no speakers.

Chair Nibbelin then confirmed applicants had nothing further to add and brought it back to Commission for deliberation.

Commissioner Leal referred to Condition of Approval 2 mentioning that they would accept small feline animals, and he asked if there was a definitive standard or if they based it on weight.

Ms. Frasher stated that small would actually refer to domesticated and there wasn't an actual weight limit.

Commissioner Leal referred to the condition stating that patients will be discharged the same day but he knows they are sometimes held overnight for observation, and he asked if that situation were to come up, what would happen.

Ms. Brasher stated that it would be at the recommendation of the doctor on site if the patient needed to stay overnight. Often it is for IV fluids and staff would check in regularly, after closing

and before open hours, to observe them and on occasion, they will need to be hospitalized overnight but generally most go home the same day.

Commissioner Leal concluded that, as no boarding is allowed on site, that patient would be transferred to a hospital.

Ms. Brasher stated Mr. Gasser can address that.

Mr. Gasser stated that it brought up that question when studying this report, as to the comment as how it has been listed, it said for short term, but there wasn't anything that said what short term means. He stated that it is not a boarding facility by any means, but as a veterinary clinic, if there was a time when the animal would need to stay the night for its safety and health, they wanted to clarify the language, as the condition of approval just said short term, which could be overnight. It wasn't very clear and they would like the city's help in determining that, as it is a veterinary clinic, there are times when an animal may have to stay overnight for observation or be on fluids.

Commissioner Leal stated that he wanted to understand the intent of the clinic and how this condition of approval matched that intent. He stated that if they are all transferred it was fine, but it sounds like the intent is that, when needed, patients will be kept under observation overnight at this location when medical needs are determined by the vet on staff.

Mr. Gasser stated that was the desired interpretation of short term, as they would not want to jeopardize the health of a patient to get it off site at 4 pm when the place closes. They are thinking what is the most optimal for the community that, if required, they would be kept overnight.

Commissioner Leal thought they should clarify the language and definition of short term of perhaps one night, and then he would like staff's feedback on Condition 2A to clarify that they will only accept domesticated felines and replace the word small with domesticated.

Chair Nibbelin stated that he was tracking those conditions as well as to the clarification that animals are supposed to be discharged the same business day, and it sounds as there is contemplation that they may end up with animals being held over night medically.

Dep. Planning Director Murdock asked, if the Commission proceeds in that manner, they hear more from the applicant about the manner of operation as they have stated hours of operation that do not indicate 24/7 staffing and operations to monitor patients. They would need to understand that, as there is a municipal code provision about hours of operation for commercial locations that abut residential districts and it should be made that it not be disruptive or adversely impact the residential area as there are apartments abutting this property.

Chair Nibbelin thought this was a good time as they are on the subject and they could hear from the applicant with respect to the operational plan if they end up with a feline animal held overnight.

Ms. Frasher stated that, if an animal does need observation, staff will not be there 24 hours, as, if they needed 24-hour care, they would definitely refer them to an emergency center. She stated that, after they close hours of operations, there are often doctors and technicians finishing records and typically someone will come in 30 minutes to an hour prior to the start of the day, and if it is

medically safe for an animal to stay overnight without care onsite, the doctors will occasionally hold an animal overnight otherwise they will refer them to an emergency clinic if it is in the best interest of the animal.

Chair Nibbelin thought she was saying that there might be staff on site for a period of time after patient hours and sometimes prior to, but there would not be any intention to have staff on site during off business hours.

Commissioner Hauser stated that she didn't see the mechanical plan and she wanted to understand what the thoughts were for HVAC and exhausting and what kind of improvements they are contemplating.

Mr. Gasser stated that he was looking at what the package included, as they didn't have the mechanical shown, but they are going by what are current standards of California mechanical code which does require any animal hospital to have a higher air change rate for order control. He stated that they have gone above and beyond in this design by adding UV filtration so additional pathogens are killed and odor is another side effect that can be eliminated with the UV lights added into the ducting before it goes back through the indoor units.

Commissioner Hauser referred to the designation of parking, and asked if they were working with the commercial owner of Eureka Square to designate parking spots that would be for them. She stated that both of the veterinary clinics her pet attends with Covid do not allow humans to come in to the facility so you have to park in a designated parking space and the clinician comes to you, takes your pet and then returns the pet after the work is done. She didn't know if there was a Covid plan or such and she would like to understand more about how parking will work.

Ms. Frasher stated that part of the reason they are not letting clients in now is because their front space is so small, and their goal is that, by the time they relocate to this space, they will open back up to clients where they will be able to come into the building.

Commissioner Hauser concluded that they don't need assigned parking just for the felines. She referred to a question by Commissioner Leal, stating that she wanted to understand that, if there was a 24-hour circumstance where a pet was on site, she wanted to be sure they don't have a life safety issue such as, if there was a fire at the shopping center, that somehow the pet would be looked after. She thought there was a requirement for that, stating that as a mother of young children, her mind goes to the worst case scenario.

Ms. Frasher asked if she is commenting on the licensing aspect of it.

Mr. Gasser stated that he didn't know that there was something prohibitive, and they weren't an emergency clinic that is open to public 24 hours and a completely different type of facility. They are saying that, if the animal had to be kept overnight, it would only be that the animal is stable enough without having direct supervision. Beyond that, it would be fire alarm systems and, if something goes off, there will be a fire department call to the scene. He didn't know of another way to safeguard the fact that, if an animal was there overnight, would it be any more issue than another stand-alone facility somewhere else in the district.

Commissioner Domurat assumed that, if there is an emergency condition where a pet does have to stay overnight, it is not there by itself overnight but a staff member that would be there.

Ms. Frasher stated that typically, if a pet is stable enough to be left overnight but not stable enough to go home, they are typically they are overnight by themselves. If they need critical care or 24 hour observation, they would refer them to an emergency clinic where they have 24 hour staffing.

Commissioner Berman stated that she was not a cat owner and not familiar, but asked if it was typical if a feline needs an IV and needs to stay overnight, they are in the facility by themselves. She stated that she has a dog and wouldn't agree to that for her dog.

Ms. Frasher stated that they disclose to clients and they are always have the choice to take their animal home or go to an emergency clinic and they would always inform them that their animal would be overnight but they are safe in enclosures that are made specifically designed to enclose animals overnight. She stated that it is at the discretion of the doctor's recommendation if the animal is in a safe enough position to stay by themselves or they would refer them to a 24-hour clinic and they would disclose to the client that their animal would be overnight by themselves and they have a choice to say no.

Chair Nibbelin stated that he has had conversation with Dep. Planning Director Murdock on the subject of animals on site overnight and he was curious as to whether he had, from the staff perspective, enough of a feel for what is proposed with conditions of approval.

Dep. Planning Director Murdock thought the adjustment if the Commission wants to clarify the condition of approval to specify feline animals only, that is a simple and clear verification. Regarding the hours of operation, he was referring to Pacifica's municipal code Section 9-4.1002(i) which notes that a use permit is required for changes of use abutting a residential district. Office hours outside of 8 am to 9 pm may trigger a use permit review, while a different process can apply if hours are limited to 8 am to 9 pm. He is not hearing any active operation component for this use that would occur outside of those hours. He stated that there may be some limited early morning start up before 8 am and paperwork that might trail after closing time, but with a clarification that there would not be active staffing 24 hours a day, he thought he heard what he needs to with respect to that particular issue. He stated one element that came up in response to Commissioner Hauser's comments is related to the HVAC equipment and presumably that would be installed on the roof and the Commission might want to consider an additional condition about installing acoustic mitigation to ensure that those sounds don't adversely impact the surrounding area.

Chair Nibbelin stated that if there are no more comments, he would appropriate if someone wants to make a motion at this time.

Commissioner Hauser stated she was not concerned about the parking and did think we need more veterinary care as the last time she called her vet, it took three months to get an appointment. She appreciates that we have commercial businesses coming to Eureka Square. She thought there were two things she wasn't sure she totally understands. She thought the sanitary component is taken care of by licensing and she reiterated that the food businesses already there do not need to do additional work with this use coming in. If they don't, she didn't think there was a problem. She wanted to clarify that. She is also having a hard time wrapping her head around if there is an earthquake. She wasn't worried about whether the animal is in stable condition as she thought there were professional services and this is a high level of care

towards that. She was concerned if there was a fire at Eureka Square or an earthquake and no one is there to prepare the animals who are stuck in a cage. She would love to hear someone's input on that.

Commissioner Leal stated that he had a thought around patients spending the night and any remote monitoring of the patients while they are there as that may address Commissioner Hauser's question. He also thought about the potential nuisance if the patient is overnight and he knows there is a sound study done and there shouldn't be any issues, but if there was an issue and someone wanted to call the proprietor to complain about a nuisance at 2 am, a cat making noises, and would there be a phone number to call the proprietor.

Chair Nibbelin asked if Commissioner Domurat's comment is along the same lines before he asks the applicant.

Commissioner Domurat stated that it was, and what is the process that needs to be in place if, for some reason, there is an overnight patient and something happens that the proprietor is notified. The doctor knows that there is an animal there, but the proprietor needs to be notified in any kind of emergency situation that they are called to make sure they are there for that pet. He thought there needs to be a process to let the proprietor know there is a fire there and the animal needs to be saved.

Ms. Frasher stated that she appreciated their concern. They are installing a security system that would also have fire alarms and that would call typically both the managing veterinarian and hospital manager. She stated that the hospital manager actually lives in Pacifica and the managing veterinarian lives in Half Moon Bay and would be able to get to the practice quickly in the event of an emergency. She stated that they have external monitoring. If there was any concern about the safety of the animal's health, they would definitely explore putting a security camera in the area where they would hospitalize the animals if they need to.

Chair Nibbelin stated that his concerns are limited, as it sounds like concerns around impacts are relatively minor, given the configurations they discussed. He stated that it didn't sound like it was likely the cats will be heard in residential areas adjacent to the facility. He guesses it is good that they are noting it. He was concerned about the HVAC equipment and he wanted to confirm that the intentions are to ensure that the HVAC equipment installed on the roof is properly buffered to mitigate the noise so it doesn't create a disruption itself.

Commissioner Domurat stated that he used to attend karate class in that building and there is still a karate center next to the veterinary clinic, and he asked about noises coming from other places affecting the cats. He didn't look at the structural plans and asked if there would be sound proofing between businesses so it is not the cat sounds coming out but other noises coming in and scaring the animals as their classes were not quiet by any means. He didn't think the present classes are as large as they used to be. He thought that may be a consideration.

Chair Nibbelin again asked if there were additional comments.

Vice Chair Berman hoped they are near a conclusion with their deliberation. When she reviewed the staff report, she didn't see any red flags as it touched on a lot of the key items that they typically review as a Commission and the community often has concerns, such as parking, noise. She stated that she was a little worried about the patients staying overnight by themselves similar

to Commissioner Hauser's concerns. She thought it may be her lack of knowledge and experience with felines, and she didn't want that concern to prevent a veterinary clinic that they need to go in. When she read the staff report, she took it as no felines would be left overnight. She didn't do as much due diligence as Commissioner Leal in thinking of what if the cat needed 24-hour care and couldn't go home. She stated that was her concerns, as well as the health and safety for the community. She considered it to include pets. She didn't know if it helped facilitate anyone else's thoughts on coming to a conclusion.

Commissioner Leal asked if they had existing data, as his understanding is that it is an existing business in Pacifica that is moving from Pedro Point to Eureka Shopping Center and given the current operations, are patients held overnight and how often does that typically happen and has there been anything that has happened to a patient overnight that may influence additional conditions of approval.

Commissioner Hauser stated that she had something to say but she deferred to Commissioner Leal's questions.

Chair Nibbelin asked if Ms. Frasher had anything to say in response to Commissioner Leal's comments, questions.

Ms. Frasher stated that he was correct that they are relocating within Pacifica and they on occasion house animals overnight. She didn't work at the site operations and she would have to get back to them on the specifics of how frequently that occurs. She can tell them that their entire team has dedicated their entire lives to caring for the well-being of cats. She stated that it was rare to find doctors and technicians who will have a desire to only work with felines and they would never do anything to put the lives of these cats at any undue risk or harm. They care more about cats than anyone she has ever met. She thought the likelihood that they would do anything that is a risk, as a fire is an unknown risk, but it is fairly common both in the veterinary industry to house animals overnight on occasion unsupervised if they are healthy enough for that and it is pretty common as it happens at almost every hospital they support. If the doctor team is comfortable with it, and it also happens at boarding facilities as they don't necessarily have overnight 24-hour care.

Commissioner Hauser appreciated that they have taken the time to put the plans together. She thought they were really good plans. She thought this is a wonderful use and we do need more veterinary care. She would like them to be successful. She stated that, if it is an industry standard, and she assumed that licensing for veterinary clinics would have more of an understanding of this. She is personally comfortable moving forward.

Dep. Planning Director Murdock added information for the Commission and Mr. Gasser may expand upon it. He stated that the plans submitted also indicate this space has fire sprinklers and that would contribute with the ability to suppress a fire long enough to for first responders to make it to the facility and get the best chance of putting out any fire that might occur, and cover the concerns expressed about the safety of the animals in the event of a fire.

Mr. Gasser stated that, including that and the fact that they are having monitored security and fire system that is going to be calling the hospital manager and the attending doctor shows that it goes above and beyond and if anything were to occur, something would be triggered and a staff

member could be there in a very short amount of time to deal with it if the animal is overnight, and could be there to deal with that as well.

Chair Nibbelin is thinking along the same lines as Commissioner Hauser and he thought it was a well thought out project. He would be comfortable moving this forward subject to the changes they talked about in the conditions of approval.

Commissioner Leal was ready to make a motion, but prior to doing so, he thought they may want staff's assistance on the modifications to condition of approval 2C to clarify that overnight care would be acceptable at this location, and his initial thought would be to simply delete the last two sentences where animals designated for treatment of patients that will be used short term. He didn't know if further clarification is needed and guidance by staff would be appreciated.

Dep. Planning Director Murdock stated that he would read a suggested revised version of the condition. He then suggested revising 2C to read as follows: "The veterinary clinic shall operate as a veterinary clinic only. Animal enclosures shall be designated for the treatment of patients and will be used short-term. Upon the recommendation of the treating veterinarian, animals may be held overnight for observation for not more than one night. No boarding shall occur at the clinic."

Commissioner Leal moved that the Planning Commission approves Use Permit UP-128-21 and Parking Exception PE-191-21 to establish a feline only vet clinic in the existing commercial space at 150 Eureka Square, APN-016-220-140, subject to the conditions of approval including amendments to Condition 2A to replace the word small with domestic and 2C as revised by Dep. Planning Director Murdock, included in Exhibit A to the resolution; Commissioner Ferguson seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

Ayes: Commissioners Berman, Domurat, Ferguson, Godwin,
Hauser, Leal and Chair Nibbelin

Noes: None

3. SUB-250-21

File No. 2021-012 – Subdivision SUB-250-21, filed by Mark Heavy of Vertical Ventures, LLC, to authorize a condominium subdivision at an existing business park for purposes of sale of 25 individual commercial units at 580 Crespi Drive (APN 022-162-390), also known as “Crespi Business Center”.
Recommended CEQA Action: Class 1 Categorical Exemption, CEQA Guidelines Section 15301.

Dep. Planning Director Murdock presented the staff report.

Commissioner Ferguson thought air space was being subdivided and any modifications with the new ownership would be a tenant improvement modification. He asked if there was any provision for new air space condominium owners to make exterior modifications that would affect the building.

Dep. Planning Director Murdock stated that the alterations that would occur if the subdivision is approved and implemented would be governed by the covenants, conditions and restrictions or CC&Rs that would be put into place to manage the facility. Those were not subject to review at this time and a condition of approval makes those subject to City review if the subdivision is approved. He thought the applicant could explain what provisions are in place to coordinate that concern.

Chair Nibbelin invited the applicant to present his report.

Mark Heavey, applicant, thanked the Commission and staff for the work they’ve done to get them here. They were excited about the project, being able to customize their space and control the improvements to the exterior of the space. As this is the home for their business and is their daily livelihood it was very important to know that they have control when they buy it for long term and not just for 2-3 years remaining on their leases. As an owner, they get all the benefits of ownership that typically accrue to landlords, building equity, appreciation, tax benefits, they can pay down their mortgage. They also have the advantage for business owners to sell the business and keep the property and rent it as part of the financial plan or planning to pass the business and real estate on to their family to continue it. He stated that a number of those businesses have been there for decades, some since the project was built in 1980, and they have paid rent and had nothing to show for it at this point, and they are going to change all that. Regarding the concerns about the exterior and overall running of the project, it is like a residential condominium project as they set up an association with a budget to run and a budget in place for reserves to put away money long term to replace parking lot, roofs, etc. They use a management company that specializes in commercial condominiums and they are trying to set up the association for long term success. After they are done with the project, those decisions all go to the owners and they can keep the property manager in place and pay him their fee or self-manage. They are trying to set up the infrastructure so they can control their real estate. They will typically have a design review committee that will review at a level before it gets to the city for their review. Any changes to the exterior and hopefully those won’t be needed for a long time but the project was good for forty years and they have done a fairly major face lift with new facades. It is not quite done as there are a couple of supply chain issues that are holding them up. They are submitting their signage for permits and will update the signage and should be wrapped up quickly. He stated that, for every tenant that wants to buy, they can buy it. This project provided a unique opportunity for them with PCTV in that they have been there for quite a long time but they had

done a major amount of infrastructure work with the recording studios. They are in a precarious position because their lease was up in May. They extended their lease for one year with no change in rent and gave them plenty of time to work through what is happening. Since then, they have had a number of meetings with the executive director and board to work out an arrangement. They made them an offer to buy at a substantial discount to give them more time to work on that. As they are a unique asset to the community, they have a ton of money in the deal and they need to stay and they want them to stay and they are going to continue to work on that and hopefully they will get that finalized. He stated that they have had strong support from the tenants and they will become buyers. He thinks they have received a number of those letters in support. The majority of the buyers are tenants and there are a couple of vacant spaces that are in contract. He stated that most of the people are local residents running local businesses. He stated that it was important for them to support the businesses and the community and the services they give to the community. They want to give them the opportunity to continue to provide those services, control their real estate and move only if they want to. He asked the Commission's approval of their motion.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock introduced the speaker.

Mrs. Crespin, Pacifica, stated that she wanted more clarification as she was one of the homeowners that lived behind the Crespi Center and she stated that there was a question from one of the commissioners about exterior changes. She wanted to see how that would look in the future for the homeowners who live directly behind the building, such as will there be building going up, changes in exterior that will affect their back yards and what they should be looking for. She referred to the packet mentioning some modifications that will be made to the exterior and she asked if they need to be concerned about any noise levels, construction impeding onto their property line, etc. She is just asking for clarification of what it will look like on the exterior for the neighbors behind the building.

Mr. Heavey stated that all the work they were going to do is already done. They are making no substantial changes to the building. They took off the old blue tile and put on a nice standing seam metal roof and painted the building and parking lot lights. They added LED light fixtures and basically all the construction work is done. There is only a little finish left and some landscape clean up, and there is no further impact on the neighbors. If they were going to do anything major or change the building, that would require substantial process through the city. They are basically done with the work and their plan is to not significantly change the use or exterior of the building because that adds time and money to the project. He stated that these people have been in the same place for quite a while and are happy with the facility. They wanted to update it, make it look new, but their work is done and now it is just a matter of clean up issues and supply change and they will be finished.

Chair Nibbelin closed the Public Hearing.

Commissioner Ferguson stated that a question relating to protections for existing tenants. He thought, if there were tenants now, he agreed that most tenants would like to own their own destiny and their own unit, but there are tenants without the means currently or future tenants who are renters and the ownership of their unit changed to another person. He asked if there are

protections beyond just the usual tenants' rights. He was not familiar with commercial rules but, if the ownership changes hands, is it the option of the new owner to push out a tenant.

Mr. Heavey stated that they are bound by the terms of a lease, whatever lease they had with the previous landlord, and they have rights in the real estate and they have taken it subject to those rights. After that lease is up, they have the right to renegotiate the lease. Typically, a normal new change in landlords, especially after a family has owned it for forty years, they come in and raise the rents pretty substantially. He stated that it basically never ends as there are no other protections over the term. Each time the lease comes up, they are going to see a market rent increase. He stated that one of the main benefits of ownership, now with low interest rates and SBA financing, the Small Business Administration will finance up to 90% of the purchase price, at a fixed rate for 25 years. At that point, you are the owner and you know what your mortgage costs are for 25 years. They try to work with owners if there is an issue and they want to buy. They will consider carrying back part of that down payment, etc., and in extreme circumstances, like PCTV, they have gone above and beyond that and basically give them the building at cost because they think they are a valuable asset to the community. He stated that, to some degree, the tenant has the rights whether it is condominium or rental property, they do not change.

Commissioner Hauser stated that she has a question which she thinks is for Dep. Planning Director Murdock. She asked if there are other commercial condominiums in Pacifica. She thought Manor Shopping Center is a commercial condominiums.

Dep. Planning Director Murdock stated that not to his knowledge, stating that the Manor Shopping Center is subdivided as there are multiple parcels, but he was not aware that it has condominiums.

Commissioner Hauser thought it made sense. She appreciated that there were a lot of letters of support for the condominium and she concurs that it is a wonderful offer for business owners to have the opportunity to own their space, especially people who have a lot tenant improvements. She was willing to make or support a motion. She appreciated that there will be a property owner's association that is responsible for maintenance and it would not be a case of lot lines where it is subdivided but actually a complete property owners association.

Chair Nibbelin stated that he was supportive of moving forward with such a motion.

Commissioner Leal moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act, and approves Tentative Subdivision Map SUB-250-21 by adopting the resolution included as Attachment A to the staff report including conditions of approval in Exhibit A of the resolution and incorporates all maps and testimony into the record by reference; Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

COMMISSION COMMUNICATIONS:

Commissioner Hauser stated that she was the liaison at City Council where the development plan of the Fairmont Shopping Center. The Council voted to approve the development plan and they upheld the condition that they added regarding firearms. She noted that there was confusion created with the Tribune article that came out and incorrectly identified what they had said, but overall it was fairly straightforward in the Council hearing.

Chair Nibbelin thanked her for representing the Commission at the hearing.

STAFF COMMUNICATIONS:

Dep. Planning Director Murdock thanked Commissioner Hauser for serving as the liaison. The Council introduced the ordinance on October 11 and will vote next Monday whether to adopt the ordinance. He also announced two upcoming events that may be of interest to the commissioners or viewers. The first is Let's Talk Housing San Mateo County, which is an effort underway by the 21 Elements Housing consortium in the various local jurisdictions in San Mateo County. They are holding a series of community information sessions on housing-related topics which is in parallel with the ongoing work to update the housing elements, the 21 jurisdictions in San Mateo County. The next session is scheduled Wednesday, October 27, 6 PM, and they will discuss housing and radial equity. More information for this and upcoming events can be found at letstalkhousing.org/events. He also wanted to announce events related to SamTrans' ongoing work to update the bus routes within San Mateo County. Their effort is called Reimagine Samtrans and are holding an online community meeting for the coastside to go over proposed route changes on Thursday, October 28, at 5:30 PM with more information available on that event at reimaginesamtrans.com.

ADJOURNMENT:

There being no further business for discussion, Commissioner Hauser moved to adjourn the meeting at 8:44 p.m.; Vice Chair Berman seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

Ayes: Commissioners Berman, Domurat, Ferguson, Godwin,
Hauser, Leal and Vice Chair Berman
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister