

**MINUTES**

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

January 4, 2016

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Vaterlaus, Evans, Gordon, Cooper and Chair Campbell  
Absent: Commissioners Brown and Nibbelin

**SALUTE TO FLAG:** Led by Chair Campbell

**STAFF PRESENT:** Planning Director Wehrmeister  
Assoc. Planner Murdock  
Asst. Planner Farbstein  
Public Works Director Ocampo  
Acting Sr. Civil Engr, Donguines

**APPROVAL OF ORDER OF AGENDA** Commissioner Gordon moved approval of the Order of Agenda; Commissioner Evans seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Evans, Gordon, Cooper and Chair Campbell  
Noes: None

**APPROVAL OF MINUTES: DECEMBER 7, 2015** Commissioner Evans moved approval of minutes of December 7, 2015; Commissioner Vaterlaus seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Evans, Gordon, Cooper and Chair Campbell  
Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JANUARY 11, 2016:**

Planning Director Wehrmeister stated that they would not need a liaison for the City Council meeting.

**ORAL COMMUNICATIONS:**

None.

**CONSENT ITEMS:**

None.

**PUBLIC HEARINGS:**

- 1. CDP-361-15**                      **COASTAL DEVELOPMENT PERMIT CDP-361-15 to demolish an existing apartment building located at 320 Esplanade Drive (APN 009-413-020) which has been uninhabited for several years due to unsafe building conditions. Recommended CEQA status: Statutory Exemption, CEQA Guideline Section 15289.**

Assoc. Planner Murdock presented the staff report.

Commissioner Gordon commented that they did get the letter mentioned by staff from a member of the public but didn't have a chance to spend much time studying it so he did have a couple of questions. He referred to issue #2 in the letter and asked that staff explain how it was not within the city's jurisdiction.

Assoc. Planner Murdock stated that it was not within the scope of the application for demolition of the structure to preserve and stabilize the bluff below. He stated that the building was, in fact, proposed for demolition because of the difficulty in securing the bluff but that it was outside the city's permitting jurisdiction. He stated that the city does have a local coastal plan and there are certain areas within which they can take action on coastal development permits but bluff and beach areas are within areas where the California Coastal Commission retains jurisdiction.

Commissioner Gordon concluded that they couldn't recommend any action on that issue even if they wanted to.

Assoc. Planner Murdock stated that they could make recommendations, but the city would not have any legal authority to implement those recommendations.

Commissioner Cooper asked if there was a specific demolition work plan submitted to the city or an agency to review the plan.

Planning Director Wehrmeister stated that there was a plan that will be submitted for the demolition permit.

Commissioner Cooper asked if the demo contractor was in contract with the building owner or insurance company. He asked because he was assuming the contractor carried insurance for what he was doing and was probably following CAL OSHA guidelines.

Planning Director Wehrmeister stated that this was unique in that the application was being brought forward in conjunction with a code enforcement process and the contractor will be hired by the City.

Commissioner Cooper assumed the owner was required to carry his liability insurance as well as follow the CAL OSHA guidelines.

Planning Director Wehrmeister confirmed that he was correct, as well as be licensed.

Commissioner Evans asked confirmation that the City Council had an emergency meeting on this particular item.

Planning Director Wehrmeister responded that they did meet on December 19, 2015. She stated that it was an emergency meeting to specifically make budget adjustments to allow this to go forward, if necessary. The City Council was not acting on the CDP, on which the Planning Commission was required to act.

Commissioner Evans understood that the Commission was in charge of the coastal portion, but he concluded that they secured money for the demolition.

Planning Director Wehrmeister responded affirmatively.

Commissioner Evans assumed that the City will go after the owner afterwards.

Planning Director Wehrmeister responded affirmatively, adding that they were working through the City Attorney's Office to recoup as much of the City's costs as possible.

Commissioner Evans assumed it would also include the violations that have piled up through this time.

Planning Director Wehrmeister responded affirmatively.

Chair Campbell thought they budgeted \$400,000.

Planning Director Wehrmeister stated that he was correct. That was the maximum authorized by City Council.

Commissioner Vaterlaus mentioned that it said the approval was for one year, and she thought this was an urgent matter. She asked if there was a reason for allowing a one year permit time.

Planning Director Wehrmeister explained that, due to the nature of the expected storms and the instability of the bluff, the recommendation was to complete the demolition in two phases. The first phase would be taking down the structure but leaving the foundation in place and improving the drainage towards the street. In the spring, the demolition will be completed and the foundation will be removed.

Commissioner Evans commented that, for the 330 Esplanade Drive unit, the foundation was not a slab but a pier. He asked if 320 Esplanade was a slab foundation.

Planning Director Wehrmeister stated that she didn't have any specific information about the foundation.

Chair Campbell opened the Public Hearing.

Bart Willoughby, Pacifica, referring to the question of whether there was a slab under 320 Esplanade Drive, stated that there was a foundation and it had settings that were at various parts. He stated that, with respect to the grading, even though you might grade it or do drainage, the problem according to a report prepared by the City's consulting geologist Ted Sayre in July was that the revetment at 320 Esplanade was insufficient. He referred to the photos he gave to the Commission, stating there was a large gap between the revetment and the toe of the bluff. He stated that with the storms, etc., it overtops the revetment, splashes the back of the bluff and causes the bluff to collapse. He added that, even though you do the drainage and grading, it was wasted money because they weren't taking care of the problem. He understood that the jurisdiction for doing lower bluff repairs would be through the Coastal Commission, but he believed that the City could request an emergency permit to do some type of remediation that might arrest to some degree the bluff retreat and keep the drainage and grading intact. He referred to the first issue, stating he would like to see some type of outline from the contractor who was going to tear it down and how fast they were going to tear it down. He stated that he did have a conversation with Mr. Sayre on site, and he did say there would be a possibility of putting vibration monitors to detect how much vibration there was from collapsing material from that building.

Jerod Hazzler stated he was with AIMCO, the owners of the apartment buildings at 360 Esplanade and 380 Esplanade. He stated that there was a letter submitted by their geotechnical engineer on November 16, 2015, which reiterated that they were not opposed to the demolition of the structure but they have suffered some bluff failures on the property and they had seven items including not using impact wrecking methods, careful removal of soil, etc.

Chair Campbell apologized that he didn't call the applicant up before he opened up for public comments. He stated that he can keep going.

Mr. Hazzler stated that once the residential structure is removed, a crane can be used for workers to disassemble the bluff, with removal work performed from the top down and the concrete of the bluff face should not be allowed to fall down the bluff face and onto the beach rocks below, but removed in manageable sections and trucked to the proper disposal area. He stated that once the bluff stabilization structures are removed, the ocean side patios can be sawed and removed, with the same method used to remove the structure slab and no impact demolition at any time. A torch should be used. He stated that it goes back to the fact that the bluffs are very temperamental and, to protect their property, they felt these comments were needed to be made in a public hearing.

Chair Campbell closed the Public Hearing.

Commissioner Cooper stated that his concern was finding out that this was a code enforcement issue and the contractor was contracted with the city to perform this demolition. He thought there were some valid issues with impact demolition for this particular bluff. He asked staff whether those provisions were within the demolition permit and that was what they were going to be enforcing.

Planning Director Wehrmeister referred to Assoc. Planner Murdock mentioning the general request to be careful around the occupied structure to make sure that, during the demolition, it was not further endangered, and stated that the City had fully intended to require that of the contractor. She stated that, if the Planning Commission would like, there was a section of the

letter that could be crafted into a condition of approval that City staff would be comfortable applying to the project.

Commissioner Cooper stated that they do a lot of demo work within his industry and impacting the public with impact type tools in a bluff area and sand area doesn't seem to be an unreasonable request under these circumstances, and sawing rather than using a jackhammer, etc. He reiterated that those would be a reasonable restriction on the demo work. He added that he would hate to see the City taking a position where they are not controlling that and we end up with a bigger problem in the end. He asserted that he was in favor of removing the building as it was unsafe, adding that it might come down during a huge storm in the winter and kill someone on the beach, and that was the last thing he would want. He agreed that getting it down was a priority but there was a monetary position in creating a problem to other people's property by not putting in reasonable provisions within the demo permit. He felt they should be concerned about that.

Planning Director Wehrmeister agreed, stating that they were certainly concerned and it was not their intention to create a bigger problem for the city. She referred to the toe of the bluff, stating that, because the City was the applicant, their intention was to remove the hazard only. As it stands, the structure creates a number of blight conditions but it was also potentially hazardous to someone on the beach if that building falls during low tide. She stated that was the intent of the application, and not to preserve the private property owner's bluff top property. If they want to maintain that property, property owners need to make their applications to the Coastal Commission to shore up the revetment or do what they need to do to maintain the bluff top, adding that it was not the City's goal or role.

Commissioner Gordon thanked her for clarifying issue #2, stating that the same thought crossed his mind and he was in full agreement. He referred to the vibration issue, and stated that he concluded that she said there was language she was comfortable inserting as a condition.

Planning Director Wehrmeister responded affirmatively, adding that she could read that if they would like it.

Commissioner Gordon stated that he would like that.

Planning Director Wehrmeister then read that the contractor should be experienced in performing close demolitions where people are living and provide a specific plan to the City regarding a slow and deliberate process to limit vibration and damage in front of 320 Esplanade Drive and potentially in front of 310 Esplanade Drive.

Commissioner Gordon asked if she was comfortable that it was not imposing additional exposure to the City.

Planning Director Wehrmeister responded that this was something with which they were comfortable.

Commissioner Gordon thought that it was something they would want to adopt as an additional condition of approval once a motion gets there.

Commissioner Cooper referred to a letter mentioned by one of the speakers which had a very specific term, impact demolition, and he thought that was one of the key terms, as slow and

deliberate had nothing to do with impact or reducing vibration, merely a way to perform the work. He asked if there was something in the letter that deals with impact that they could add.

Planning Director Wehrmeister questioned if he was asking that, instead of stating that the demolition will proceed slowly and deliberately, they state the demolition will not be impact demolition.

Commissioner Cooper thought slow and deliberate was fine, but the one other sentence needed was that it will not be impact demolition, but something different.

Public Works Dir. Ocampo asked clarification regarding his comment. He stated that, if he was looking at demolition by the use of a wrecking ball, they are not going to do that.

Commissioner Cooper stated that was not what he was saying, mentioning that they can come out with an excavator and put a rowhammer on it, and depending on the size, it vibrates and busts up the walls. He stated that it was very impactful. When they were in a building downtown, that was how they demolished the freeway, and he could feel the jolts in his building, two blocks away, because of the impact, and that was his concern. He stated that there were ways of doing demo that do not involve this rowhammer type of demotion. He recommended saw cutting and removing it with a bucket and not doing that impact to the bluff as the pounding will erode the bluff. He acknowledged that there will be some minor stuff, but he felt there was a limitation you can put on the size of a hammer or demo equipment to reduce the risk.

Public Works Dir. Ocampo stated that they will consult with the demo contractor. They were looking at a couple of them, one who is already going to demolish 330 Esplanade, adding that they have experience with that one which has the same concerns of the bluff and it was adjacent to 340 Esplanade. He stated this was the same contractor that did the demolition at Rockaway Beach, the old Romano's Restaurant. He felt this contractor definitely has experience. He stated that the equipment they had in mind was an excavator with a thumb.

Commissioner Cooper felt that was perfect. He stated that he just wants the limitation so they don't come with a big piece of equipment if it is a new foreman or superintendent and they blow away at it.

Public Works Dir. Ocampo stated that it was also in the best interest of the City to preserve as much of the land as possible, adding there was the street for which they were also responsible and he was looking at that as well.

Commissioner Cooper moved that the Planning Commission find that the project is exempt from the California Environmental Quality Act and **APPROVE** Coastal Development Permit CDP-361-15 by adopting the attached resolution, including condition of approval in Exhibit A with the additional condition that the contractor will perform the work slowly and deliberately with non-impact methods of demolition; and incorporate all maps and testimony into the record by reference; Commissioner Evans seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Evans, Gordon, Cooper  
and Chair Campbell  
Noes: N/A

Chair Campbell declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

**CONSIDERATION:**

- 2. CDP-359-15**                    **EMERGENCY COASTAL DEVELOPMENT PERMIT, CDP-359-15**, informational report regarding issuance of Emergency Coastal Development Permit CDP-359-15, to construct improvement at an existing Recology of the Coast recycling facility to retain and treat storm water on site, and to prevent storm water from flowing into the Pacific Ocean, at 1046 Palmetto Avenue (APN 009-074-160).

Asst. Planner Farbstein presented staff report.

Commissioner Cooper asked if there will contaminated water going into the sewer. He asked if it was storm drain runoff or a sewer runoff.

Asst. Planner Farbstein stated that it was storm drain runoff. She stated that the city engineer might be better able to answer those questions, but she assured him it was to collect the storm water on the site and send it to the City system.

Commissioner Cooper assumed he would discharge it into the City's storm drain system, asking where that goes.

Asst. Planner Farbstein stated she would defer to the city engineer, but clarified that she said that the storm water collected would be going through a treatment system before it goes out.

Commissioner Cooper asked confirmation that the treatment system as well as the tanks were on the site.

Asst. Planner Farbstein confirmed that, adding that there were two storage tanks and another tank that treats the storm water before it is sent out to the City system.

Commissioner Cooper asked the city engineer where the water goes once it is treated and discharged.

Acting Sr. Civil Engr. Donguines stated that they will be pumping the water through an under sidewalk drain and draining into the curb. He stated that, in that location, the curb storm water goes south towards the direction of the trailer homes. There was an inlet there and the water goes out to the beach.

Commissioner Cooper asked who was monitoring the system, specifically if that was part of the permit and if City staff was monitoring the discharge of that water.

Acting Sr. Civil Engr. Donguines stated that the City will have special conditions that the water discharge will be monitored before it was discharged into the street.

Commissioner Gordon referred to the recycling center operating on the bluffs, and asked if the City had any concerns that this particular use of that area was a contributing factor to the bluff erosion, adding that instead it might be a residential use or less intensive use.

Asst. Planner Farbstein stated that she didn't know if she was qualified to answer that, adding that it was a bigger study than the information they have available. They have been studying storm water improvements but, whether or not it was using that type of equipment, she didn't feel she had studied the information enough to provide an answer.

Planning Director Wehrmeister stated that she might be able to address it even though she was not an engineer either. She didn't know if use of the site was contributing to bluff erosion in terms of weight or what was going on top of it. She acknowledged that there may be more paving than a residential use, so they may have more run off on the bluff that could lead to more erosion but they were trying to correct that with this application. She didn't think that, logically, the use itself was a contributing factor. She added that the paving may be.

Commissioner Evans asked if he understood correctly that they will have a follow-up report coming back to the Commission for approval of the project.

Asst. Planner Farbstein stated that it will be a Coastal Development Permit application. She reiterated that this was an emergency Coastal Development Permit that has to be acted on quickly as they want to get the improvements in before heavier rains. She stated that Recology thought, once they have the building permit, they could install within a few weeks. She added that, to process a Coastal Development Permit, it takes several months and this was a way to get it started and they will come back to the Commission in typical fashion with a public hearing and neighbors being notified, and they would then take action. They would also have the opportunity for additional conditions of approval.

Commissioner Evans says that the permit says all emergency work shall be completed on or before January 30, 2016.

Planning Director Wehrmeister stated that, in a hypothetical situation, there could be engineering measures that need to be done to save a structure immediately. She stated that, as part of the regular Coastal Development Permit proceedings, the Planning Commission could condition that some of those improvements be removed and replaced.

Commissioner Evans stated that he understood the process and why, but he wanted clarity on putting the cart before the horse.

Commissioner Cooper stated that he has been using that recycling site for probably 18 years now, and they did have a lot more property but it has all been paved. They used to store the old recycling bins in that area, and the person said that every year he loses more and more property due to erosion and he didn't think it had to do with the use as much as the bluffs just eroding.

Chair Campbell referred to the properties on either side, mentioning that he thought in one of those properties they store heavy equipment. He asked about the storm water management on that property and whether there was a concern regarding that one.



Asst. Planner Farbstein stated that she hasn't received an application for that site. She mentioned that this application came from Recology and she thought it was triggered by a federal or state mandated requirement, and the City processed it. She stated that there was a history of the property to the north with different things happening over the years on that site. She was unaware of any applications or discussion of applications with storm water improvements on that location.

Commissioner Evans stated that he was looking at the permit which says the work shall be completed by January 30, but under the special conditions, it says work shall be completed by February 16. He knows it is a technicality, but he wondered if they need to match the dates. He stated that it was #6.

Asst. Planner Farbstein acknowledged that #6 says all the work will be completed by February 16.

Commissioner Evans stated that in the middle of the permit, it says all work shall be done by January 30.

Asst. Planner Farbstein asked if he was talking about the first page.

Commissioner Evans responded affirmatively.

Asst. Planner Farbstein stated that they granted them extra time. The applicant put in the January 30 date. They gave the form to the applicant to fill out and they put in the January 30, 2016, but the city modified that condition with a special condition that they have added.

Commissioner Evans understood, and was just making sure that the two dates didn't need to match.

Planning Director Wehrmeister stated that the intent of the special condition was to be consistent with Item #6 in the code which says it is valid for 60 days.

Chair Campbell thanked staff for their thorough report

#### **COMMISSION COMMUNICATIONS:**

Several commissioners said "Happy New Year".

Chair Campbell mentioned that they had talked about getting a memo on the waiver of conditions for the Harmony at One project with a report coming.

Planning Director Wehrmeister responded that it was on its way.

Chair Campbell asked if she had an ETA on that.

Planning Director Wehrmeister hoped to have something before the next Planning Commission meeting.

**STAFF COMMUNICATIONS:**

Planning Director Wehrmeister mentioned that the City Clerk had emailed them an opportunity for AB1234 ethics training, adding that she had a hard copy if they wanted that. She stated that, even if they don't need a liaison to the Council meeting, there were two items on the January 11 agenda, specifically a presentation from the Association of Bay Area Governments (ABAG) regarding the Planned Bay Area Update and there will be an urgency ordinance for Council consideration regarding prohibition of medical cannabis cultivation. She explained the urgency ordinance was because, if the Council doesn't take action by a certain date, they will lose local authority to regulate medical marijuana cultivation, adding that it will eventually be coming back to the Planning Commission as part of our zoning ordinance to ban or regulate, whichever direction is received.

Commissioner Cooper asked if the Plan Bay Area discussion involves the in-law unit discussion they had regarding allowing or disallowing it.

Planning Director Wehrmeister responded that it wasn't specifically addressed.

Chair Campbell asked if we had any medical marijuana dispensaries in town.

Planning Director Wehrmeister stated that it was specifically cultivation, but the city has two dispensaries that she doesn't believe have the proper permits, but not cultivation.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Gordon moved to adjourn the meeting at 7:43 p.m.; Commissioner Cooper seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Evans, Gordon, Cooper  
and Chair Campbell  
Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister