

**MINUTES**

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

March 20, 2023

7:00 p.m.

Vice Chair Hauser called the meeting to order at 7:05 p.m.

Planning Director Murdock took a verbal roll call.

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

**STAFF PRESENT:** Planning Director Murdock  
Sr. Planner Cervantes  
Asst. City Attorney Murphy  
Contract Planner Dacumos  
WW Plant Manager Sun  
Dep. Fire Marshall Wittner  
Dep. Fire Chief Kavanaugh  
Sr. Civil Engineer Donguines

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

Vice Chair Hauser opened comments for administrative business and, seeing no one, closed public comments.

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

The motion carried **6-0**.

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

**APPROVAL OF MINUTES:**

None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 27, 2023:**

None

**ORAL COMMUNICATIONS:**

None.

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

<p><b>RZ-205-20</b> <b>DP-81-20</b> <b>DA-3-20</b> <b>SP-173-20</b> <b>SUB-248-20</b> <b>Heritage Tree</b> <b>Removal</b> <b>Authorization</b></p>	<p><b>File No. 2020-009 – Rezoning RZ-205-20, Development Plan DP-81-20, Development Agreement DA-3-20, Specific Plan SP-173-20, Subdivision SUB-248-20, and Heritage Tree Removal Authorization</b>, to authorize the subdivision of one parcel into three separate parcels and construction of seven multi-family residential buildings with a total of 70 residential housing units (including 11 housing units affordable at below-market rate or BMR rents), residential amenity buildings, off-street parking and circulation improvements, open space and landscaping, and recreational fields and amenities, at the former Oddstad Elementary School located at 930 Oddstad Boulevard (APN 023-672-600). The proposed Development Agreement would include ongoing use of the existing ballfields as a public recreational facility subject to certain limitations. The Planning Commission will consider recommendations to the City Council on the Rezoning, Development Plan and Development Agreement, and consider action on the Specific Plan, Vesting Tentative Parcel Map, and Heritage Tree Removal Authorization. Recommended CEQA Action: Certification of a final environmental impact report (EIR), including Findings of Fact and a Statement of overriding Considerations, due to significant and unavoidable environmental impacts that would result from approval and construction of the project.</p>
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Contract Planner Dacumos presented the staff report.

Planning Director Murdock added that they had the consultants who prepared the Environmental Impact Report, Olivia Ervin and Krystle Rizzi, to answer any technical questions regarding the environmental review. Regarding the development agreement, he asked if the Commission approved the project, he recommended that they allow staff to add a provision to the development agreement before this goes to City Council that was unintentionally omitted, i.e., they have negotiated with the school district to construct all the affordable housing units in phase 1, even though some of them are attributable to the 25 units in phase 2 as that would speed up the process. He also wanted to clarify a point for Commission's consideration when recommending approval of the project for legislative items and vesting tentative parcel map to give the city approval to vacate any existing public rights-of-way and easements that may remain beneath the project site, i.e., there are four cul-de-sacs when the project was originally subdivided but the city never constructed public streets there and the school subsequently obtained ownership and constructed the school site, but they want to make sure that the Commission will find that consistent with the General Plan and recommends vacation of those public rights-of-way

Vice Chair Hauser asked, regarding the last two items he mentioned, if staff has specific language to be put into the motion.

Planning Director Murdock stated that they would prefer not to add specific language in the insertion of the development agreement but provide general language to direct staff to include in the development agreement that all BMR units will be constructed in phase 1.

Vice Chair Hauser referred to vacating the rights-of-way and easements, and asked if the city was confident that all of the new easements being proposed adequately replace them. She mentioned that, in vacating the four rights-of-way, there was a five-foot utility easement that goes along the property and she asked if everything they need is in the new final map.

Planning Director Murdock stated that the tentative subdivision map has undergone review by the city and they are recommending approval of the tentative subdivision map.

Vice Chair Hauser asked if any commissioners had questions before they go to public comment.

Commissioner Wright asked if, at the time of the original transfer of deed to the school district, there were any other deed restrictions besides the right-of-way.

Planning Director Murdock stated that he would need to look at the title report they received for the project as he didn't think they identified anything that was material to this proposed project.

Commissioner Wright stated that one of his big concerns about stuff like this is what all of Pacifica's concerns are and that has to do with traffic and our problem at Vallemar. He understood the environmental impact report states that it isn't necessarily going to have an impact, but he asked if there was something they can do in the future so, when considering projects like this, the analysis has been performed as we all know what the problem is.

Planning Director Murdock stated that this project is consistent with the adopted 2040 General Plan in terms of land use density and intensity and the traffic from this project is also feeding into other future projects contemplated in the General Plan and the impacts have been analyzed in terms of level of service in the General Plan and disclosed to the community. If this were a project to change the General Plan to allow 200 units instead of the 70 units, that would be a separate analysis that would need to be completed to determine consistency with the General Plan.

Commissioner Ferguson needed clarification on the development agreement where it says there is a vested right of the developer to develop under the adopted regulations for the term of 15 years. He asked if that was opening the door for future development on the same site that is not covered in the scope of this project.

Planning Director Murdock stated that it was not a routine component of most projects that the Planning Commission sees, as most are small projects. He stated that it is common but not always the case that larger projects may include a development agreement and one of the key components of a development agreement from a developer's perspective is the ability to have assurance that they can undertake the project without changes in zoning or General Plan that would complicate their ability to construct the project. He stated that normally with the city, they would only get assurance of that for possibly two years with their permits only and this development agreement is providing that assurance for a longer period.

Commissioner Ferguson concluded that this is protecting them for 15 years to construct this project specifically.

Planning Director Murdock agreed for this project specifically with a very minor change but not some unforeseen project that is not being proposed at this time.

Vice Chair Hauser stated she would like to understand who, from the applicant's team, is here, i.e., civil engineer, architect, etc.

Planning Director Murdock asked her to repeat her question.

Vice Chair Hauser wanted to know who, from the applicant's design team, is present.

Planning Director Murdock wasn't sure about the entirety of the applicant's team, but their main representative is present and he can introduce his team members when the opportunity to present the project is given.

Vice Chair Hauser appreciated that, and then stated that they can call the applicant up for the presentation.

Elizabeth Bredall, applicant, asked for the PowerPoint to be set up.

Planning Director Murdock stated he would need a moment to load the school district's presentation.

Vice Chair Hauser asked if she would like to reserve any of her time for rebuttal.

Ms. Bredall stated that she didn't think so. She will be turning it partway to Shep Heery. She then stated that she has been a resident of Pacifica for 34 years and was serving her third term as a trustee on the school board. She mentioned that attracting new teachers becomes more difficult every year because of the cost of housing and rent in the Bay Area and is causing great concern for their ability to serve children in the future. When they offer a position to a new recruit, they are excited about moving to Pacifica but have to turn down the position because of the cost of living. She mentioned the community involvement on repurposing Oddstad Elementary for eight years and believe this workforce housing plan will serve, not only the school community, but the Pacifica community. She mentioned the process since the closure of the school in 2005. She then turned the presentation over to Shep Heery from Brookwood Advisors.

Shepherd Heery, Chairman and Chief Executive Officer of Brookwood Group, stated he has enjoyed working with the city and honored to work with the school district. He stated that some of the team members are present. The design architect is Alex Seidel who he believes is attending by phone or remotely along with Lia Farley of Jett Landscape Architecture. Ian Murphy and Brock Ehlers who are with BDE Architecture, the production architects for the project. He thought BKF Engineers representative is Tim Heffernan. He stated that they also have some people from Hexcel who are transportation consultants. They can answer any questions the Commission might have. He stated that the project consists of two apartment buildings consisting of 1 and 2 bedroom units and five townhome buildings that are located close to the street and are 2 and 3-bedroom units. He stated that at least 64% of the units will be below market rate focusing on workforce housing. They hope they can build all 100% of the units for that purpose but they have to make sure they finalize their financing before they can make that commitment. He stated that, as mentioned, they are preserving the playing fields which is an important public amenity to support and they are also improving the drainage and adding a basketball practice court as a shared use with the upper parking lot that presently exists. He then pointed out the building that is focused on community use of the project, with changing rooms,

restrooms, small snack kiosk for teams having a social event after a game. He stated that it is two stories at most and very consistent with the feeling and scale of the neighborhood and they are working hard to preserve the Monterey Cypress and Monterey pines that exist on the site. At the vehicular entrance to the project, there will be a property management office for receiving mail and serving the residents. There will be a residents common, primarily for use of residents, but will be made available under terms they agreed to with the city for the city and community groups. They have worked with the city and hope to move into construction document phase in the months ahead and establish a rapport with the building department to make sure they comply with their requirements. They are working on the project financing, but aren't sure what form it will take. They expect to contract for the abatement/demolition of the existing building and then the construction. He stated that their team is able to answer any questions.

Vice Chair Hauser asked if the Commission had any questions for the applicant before they open the public hearing.

Commissioner Wright stated he would wait until after the hearing.

Vice Chair Hauser opened the Public Hearing.

Gail Benton Shoemaker, Pacifica, stated that she was a strong support of teacher workforce housing on Oddstad, and mentioned her experience when she was the executive director of Pacifica School Volunteers for over a decade, with teacher turnover due to living expenses and finding affordable housing in Pacifica and it was hard on the schools, children and volunteers. She supported affordable housing to keep teachers in Pacifica, specifically on Oddstad as a member of Tree City Pacifica, and expressed her support for their addition of trees and protection of existing trees while complying with the new tree ordinance on all requirements, including 2-1 replacement ration. She asked them to support this project.

Matthew Levie, Pacifica, stated he was a former PSD board member and on the board when this project was initiated and after leaving the board, joined the district's workforce housing committee. He lives nearby and this project was important to him. He has attended many meetings and heard all the aspects of the project, and he feels it is a very good project with many benefits, including affordable housing to attract a talented workforce and improve education, etc. He commended everyone involved who worked hard to understand the community's desires and integrate them into the project. He thinks it is the right project and he asked them to approve all items before them.

Caroline Frederick, Pacifica, stated she is representing her classified coworkers in the district. She stated that it has been difficult to work and live here, and she supported this project as it would be great for herself and others as it has been hard to see good coworkers go.

Michelle Gray, Pacifica, stated her family moved here 17 years ago for specific reasons, and this project is going to help to make sure those reasons stay true. She is honored to be the PTO president of IBL Middle School. She expressed her belief in the need to make sure we can attract and retain high quality teachers and shared her positive thoughts on the success of this project.

Catherine Wachtler, Pacifica, stated she is present to urge them to recommend the proposed workforce housing project to City Council. She lives on Yosemite Drive and has been an educator for 30 years in a nearby high school district and is familiar with the difficulty many

teachers in San Mateo County have with affordable housing and shared her thoughts on the need for this project and the awesome job all the team has done for creating this project and informing the community.

Chris Redfield, Pacifica, stated he was encouraged to see this project progress and reusing under-utilized, abandoned properties was refreshing. He supports PSD's workforce housing vision on this site as it will bring much needed local housing for teachers and staff and supports staff's recommendations and he looks forward to a vibrant housing development and retaining public recreational use.

Kai Martin, Pacifica, echoed his support for this project. He leads the engagement with the school district with the Tree City Pacifica program and they were very supportive of the plans for the trees, adding that it needs some amendment with the latest changes of the ordinances regarding trees, but he supports and accepts these pieces as well as any provisions needed to approve it.

Senior Planner Cervantes stated that there were no raised hands.

Vice Chair Hauser closed the Public Hearing.

Commissioner Wright thought the architect was a good person to direct some of his questions. He wondered what green infrastructure has been incorporated into the project, such as solar panels, purple pipe for irrigation, a gray water system, a rain water collection system with a big cistern to collect the water. He asked if they can speak to those considerations.

Ian Murphy, BDE Architecture, stated that they are utilizing solar panels and plan to place them on the carports or covered parking along the back so it is hidden and will have solar panels for the entirety of the project. They have a storm water plan that involves a number of bioswales and onsite retention. They are planning to use low to no VOC materials on the project that have minimal to no off gassing. They will be using energy star appliances and low energy use appliances. He referred to the direction of California Code is going with the new cycle initiated this year, it is progressive and, by following that, they have quite a few advancements and sustainability compared to any other recent projects.

Commissioner Wright asked if they will be all electric kitchens, induction ranges, natural gas, on demand hot water heaters, solar preheating.

Mr. Murphy stated that they aren't evaluating solar preheating but they will most likely have all electric kitchens. They are still working on the construction documents and finalizing some of the systems.

Commissioner Wright asked if he can speak to whether they have purple pipe available.

Mr. Murphy didn't think they were doing any purple pipe or water reuse in that way on that site.

Planning Director Murdock stated that he would like to clarify that the project will be subject to the 2022 California Building Code and it would include local amendments made by Pacifica which would include the requirement for all new buildings to be electric only and the kitchens would not have gas pursuant to that requirement.

Commissioner Wright asked what happens if the project gets upside down on the financing and the bank forecloses on it, and will some other developer come in or are there going to be deed restrictions so they maintain the below market rates and still teacher housing regardless of what happens.

Asst. City Attorney Murphy stated that the development agreement will be recorded against the real property and it will act on the deed restriction and in addition there are 11 BMR units that will be required to be constructed and an affordable housing covenant that is recorded against the real property to ensure the construction of those units. She stated that the development agreement allows the ability to assign the agreement which would include the development rights but, in this case, requires the consent of the city for an assignment. She stated that there also within the development agreement mortgage protection language and any lender that forecloses on the property would have the ability to construct the project but would have to comply with all of the conditions in the development agreement in order to do so as the development agreement is recorded as affordable housing covenant for the BMR units and those would remain in effect.

Commissioner Wright asked, if it is a short sale, whether the city have right of first refusal to be able to buy that or could they put that in the agreement or is it asking too much.

Asst. City Attorney Murphy stated that is currently not in the agreement. If there is a foreclosure, the city could always pursue purchasing it from the school district but that currently is not a term in the agreement.

Commissioner Wright asked if, during the construction phase, this is going to be built with union labor and with United States goods which you hear a lot of people talking about these days. He asked if management and maintenance will also be done by union labor similar to what happens in the school district now if it is going to be a school district project.

Asst. City Attorney Murphy stated it was not addressed in the development agreement but she thought the applicant could address that.

Mr. Heery stated that it will be prevailing wage, not necessarily union.

Commissioner Wright asked if it was for both phases, build phase and maintenance phase.

Mr. Heery responded affirmatively.

Commissioner Wright stated that there was mention of the fields and what was going to be done to improve them and he asked if they will remain grass fields, any lighting put on there to extend the time of day use as we have such a shortage. He asked if it will be like the San Bruno project where they are actually turfing the field for them. He asked who will pay for the water, cut the grass, and maintain it.

Mr. Heery stated that the project will be responsible for maintaining it.

Commissioner Wright asked who that would be.



Mr. Heery stated that the project entity, whatever it is, will have the responsibility for maintenance and that is basically the school district. He stated that, on the phone, they have the landscape architect and the civil engineer who might speak to the nature of the field improvements.

Commissioner Wright asked if it will be turfed or not turfed.

Mr. Heery stated it will be natural turf.

Commissioner Wright asked if that was so even though it was a perpetual water expense ad infinitum.

Mr. Heery stated that there has been an issue with the field having a drainage issue so maybe Tim Heffernan can speak to that issue.

Commissioner Wright would like to hear a bit more about what some of those improvements are.

Mr. Heery asked how he does that.

Planning Director Murdock stated that, if the civil engineer is on the phone, he should press the button to raise his hand, Star 5.

Commissioner Wright asked if they did an analysis to see if there was any financial advantage to them to lease the land to a developer and not be responsible for the ongoing maintenance, not be responsible for the bill but collect.

Mr. Heery stated that they looked at that early on and also looked at the possibility of having a developer handle the whole process and they got pretty far down the road with an entity that would help to do that, but they withdrew from the negotiations with Bridge Housing.

Commissioner Wright asked, at the time they were pursuing that, if it seemed like it was the best option but it was a close call or out of the question.

Mr. Heery stated, in the case of development management, it turned not to be a viable option and they didn't have any credible expressions of interest from at risk developers.

Commissioner Wright asked if anyone in their group has any experience with large scale residential development and ongoing management.

Mr. Heery stated that they don't have as much experience in ongoing management but they have a tremendous amount of experience in development of high rise, mid rise and residential and student housing projects, and have done projects all over the state and the nation.

Ms. Cervantes introduced the caller.

Mr. Heery stated that, if Tim Heffernan was not available to answer the question, maybe Lia Farley could try that.

Tim Heffernan, BKF Civil Engineers, stated that, regarding maintenance of the fields, there as a couple of approaches that are different diagnoses they have heard over the design process. One was an irrigation barriers and they would definitely look at fixing some of the irrigation lines if that is the cause, but one was fixing the drainage concrete ditch at the toe of the existing slope. They thought that was a lot of the drainage for the hillside to sweep through and get into the field and saturate the field even after rain events. By fixing the drainage ditch which is under disrepair and disjointed and not allowing water to flow out to Yosemite. They thought it would alleviate quite a bit of the soggiest in that corner of the field.

Commissioner Wright asked if that is all the proposed changes and improvements to the field that they are considering.

Mr. Heffernan stated, from the drainage perspective, that is the first but it is one of those that could be an iterative process if that is not the cause of some of the drainage concerns that they would look at and explore other options.

Commissioner Wright stated that the field will be left in a playable condition with a smooth, relatively even surface.

Mr. Heery stated that was the intent.

Commissioner Wright stated that, during the construction process, it seemed that there was going to be a ton of materials that are going to need to be staged and he asked if the contemplation they are going to use the existing parking lots that serve these fields that are going to be continued to be in use or are they considering using that playing space during the construction project. He asked, if they are building in the middle first, where are they going to put all this stuff, i.e., are they going to impact that community use during the construction project. He stated that they have all seen building projects that go out into the street with putting all kinds of things and he asked if they are going to limit themselves to only taking up the parking in front of the project site as opposed to expanding out to even another lane.

Mr. Heery stated that they will consult with the general contractors with whom they take bids. He did not anticipate a lane closure need. He does anticipate that there will be some use of Lot 1 for staging and storage. He stated that it depends upon whether or not the proceed with phases 1 and 2 at the same time. If they don't the phase 2 portion of the sight could considerably be used for staging and storage. He didn't want to make a commitment about the use or non-use of Lot 1 for construction as they haven't had those detailed conversations yet with general contractors who might build it. He stated that they will certainly work to minimize the disruption to Lot 1.

Commissioner Wright asked if they would consider turfing the field or putting up lights for the field to extend the playing time and putting in a pickle ball court in addition to the basketball court.

Mr. Heery stated that he would have to defer to his client on that question.

Heather Olsen, Pacifica School District Cuperintendent, stated that, in terms of the question of whether they would consider turfing, they are going to do a turf field at Ortega Field which is about .8 mile away and that is about \$5 million and they had not considered turfing of that field. They also thought the natural element of that is very desirable for both the residents as well as the

neighbors. They had not seriously thought about adding lights to that because it is in a residential neighborhood and there was not that much interest. There was a lot of interest during the day but not people asking for lights at night.

Commissioner Wright asked about the pickle ball court.

Ms. Olsen stated that when they started this project, pickle ball was not the rage and now it is. She stated that they have interest in the basketball court and it seems like pickle ball with a temporary net could be a possibility for the parking lot.

Commissioner Wright asked if they consider talking to Parks & Rec to see if they could work together to turf the field or is that too much to ask.

Ms. Olsen stated that they are working closely with the city and, if that was their interest in doing that, she thinks the piece of keeping it as a natural turf field was around making sure that the rain had a place to go because they are doing the field.

Commissioner Wright asked if that was before the drought.

Ms. Olsen responded affirmatively. She stated that there are certainly some water considerations on that field, but because they are doing the field only .8 mile up as a natural turf field, that was why they didn't seriously consider that.

Commissioner Wright referred to the gentleman who spoke earlier, and stated that he read in the documents that the infrastructure won't be overused, and he thought it might be a better question for the architecture. He stated that the city has sufficient wastewater treatment, sufficient water supplies, sufficient PG&E, sufficient emergency medical response, sufficient fire and sufficient police protection without adding additional burdens to those services.

Mr. Heery stated he would defer to Tim Heffernan who is the civil engineer on the project if he can come back online. He stated that they have gone through the due diligence of looking at all those issues and he believes there is adequate capacity but to the extent that it is not, it is their responsibility to work with the city to make sure there is attempt to answer more specifically.

Commissioner Wright stated that the last thing he has is probably for Planning Director Murdock but in the considerations of changing population curves, in the event that things change and we have a lot more young ones and he assume we have more than sufficient capacity with the existing schools we have and more than enough capacity in terms of field space that were are not limiting as they are eliminating one field on the other side of the school for whatever future needs that one could contemplate.

Planning Director Murdock stated that he will try to respond to several of the questions he asked in terms of capacity, sufficiency of services. He stated that the environmental impact report analyzed the variety of public services and did not identify any deficiencies or additional facilities that would need to be constructed to meet the demands of the project. He stated that, specific to school capacity, which he thought was one of his questions, he stated that the state law provides that payment of school fees shall satisfy the requirements to assess for the potential school development and in this case, the project would pay school fees and, therefore, meet the requirement to provide for those potential school impacts in this case. He stated that there is no

identified need for additional infrastructure or public facilities. In addition, our police and fire departments analyzed the project and had not identified any concerns with their ability to service the project.

Commissioner Wright asked if there would be no financial impact since they currently don't get property tax from the schools and they aren't going to get it in the future and it is a break even.

Planning Director Murdock thought the potential exists for there to be a positive to the extent that there are market rate units or other units that are not subject to tax exemptions and the potential exists very much for there to be a net positive in terms of property tax collection.

Commissioner Wright asked if the city attorney could talk to the rules around the property tax for the market rate units.

Asst. City Attorney Murphy stated that, with respect to the school housing that is set to be constructed, perhaps the school district could respond to that, as she is not sure whether there would be any exemptions dependent on how they are financing and how the project is structures, but if any portion of it does become the standard market rate housing that is not specifically owned by the school district, that would certainly be subject to property taxes.

Commissioner Devine stated that she thought she read in the documents that, if they so choose not to proceed with the second phase of development, it could not happen. She concluded that she was correct. She stated she had a deep curiosity about who was managing the market rate units and the units that are supposed to be designated for Pacifica School District teachers and/or employees, and she was noticing that a little under 65% of the entirety of the project, phase 1 and 2, are supposed to go those individuals. She was curious who is going to be on top of that.

Ms. Olsen stated that they haven't gotten that far down the line, but they would use the model that Jefferson Union High School District did where they formed an advisory board and that board sets out some by-laws and makes decisions. She thought the district would work closely in terms of determining what percentage of them were subsidized but, in terms of managing the project, it would be managed by the advisory board with a property manager on site.

Commissioner Devine asked, in the case that phase 2 were not to occur and phase 1 were to proceed with the majority of those units going below market rate, if that is still going to be a feasible financial issue.

Ms. Olsen stated that she identified their biggest challenge. In order to build these, they don't want to build units that their staff can't move into as they not affordable and that is one of the reasons why they would think about at market rate units so that they could further subsidize the units that they offer to staff.

Commissioner Godwin stated that his question was for the school district. He stated that getting into the venture of managing rental property is something new for the school district and something that a few other districts have tried recently but not many. He asked, should they lose interest in doing this or decide it is more difficult than they originally projected, and they would like to sell the project or part of the project or radically change the way it is run, is there some time limit before they could make those sort of decisions and what would be the impact on the city if the school district chose to divest themselves of this in the timeframes they discussed.

Ms. Olsen stated that she will answer that question as the superintendent, and she would defer to Mr. Heery in terms of his experience with residential real estate. As the superintendent, she thought this was a great need for the district and she can't imagine why they would want to divest from this project. She stated that they don't have any intention of becoming the landlords of our employees as that would be a very difficult situation and why they work with establishing an advisory board that sets out the rules and conditions and becomes the landlord. The property manager would be the day to day interaction but the advisory board would be the landlord and that would be an incredibly difficult situation as an employer to also be someone's landlord. She stated that is the school district version of that and, for the residential property, she will defer to Mr. Heery.

Mr. Heery knows that the district has no intention of selling, and the education code does limit the extent or prohibits the mortgaging of properties. He stated that there are financing facilities, i.e., certificates of participation which they used with the Jefferson Union High School District to help finance that project. He didn't think the district would be putting itself at risk of foreclosure. Regarding radical changes in attitude in the future, they haven't considered that as he didn't think the district has any appetite for selling the land.

Planning Director Murdock stated that he heard part of Commissioner Godwin's question also to be somewhat related to the term of the agreement and what those obligations will be ongoing and as Asst. City Attorney Murphy mentioned earlier, there is an assignment provision in the event that the district were to want to get out of the rental housing business in some fashion and seek to sell the property and be allowed to do so under the law, but there is a process for the city to consider the party to which the district is assigning it and they would continue to be bound by the obligations of the agreement for the term that remained at that point in time. He stated that the benefits the city is receiving as public benefits from the development agreement for approving the project would remain for the remaining term of the agreement as they would if the school district had owned it.

Commissioner Godwin asked if that was the 15-year period of the development agreement.

Planning Director Murdock stated that there are a few operative timelines and it was worth summarizing them for clarity.

Commissioner Godwin stated he wasn't asking him to read through the whole thing.

Planning Director Murdock stated that the term of the overall agreement is 25 years, the term of guaranteed public access to the playing fields is 20 years and that can be shortened if the school district withdraws the part of the playing field that is excess of the parkland requirements for about a five-school use and there is the term in which they can proceed with the project under the current zoning and General Plan and that is 15 years. He stated that those are the three key timelines and there are other timelines, such as for construction of phase 1 and phase 2 within that initial 15-year term and he wanted to be clear that the total term of the agreement would be 25 years and there are other shorter terms for different particular aspects within that 25 years.

Vice Chair Hauser was personally excited to see this project and have been excited about it for a while. She has some questions that range from the CEQA consultants to the design team to City staff and she will try to cluster them but apologizes if they go out of order. She stated that, with

the MMRP, there are two BIO mitigations, BIO 1 and 2 that seem to conflict with each other. She qualified that to say that the mitigations themselves don't seem to conflict but she thinks that they have the city and CDFW as the responsible parties in mitigation 2, but only the city in bio 1 and, for consistency, it maybe was intended to say both, but she would like for them to doublecheck.

Krystle Rizzi, M-Group (CEQA Consultant), thought the intent of that was initially to provide the survey as they have to do the preconstruction survey regardless and she thinks, if they did find something, they would do the relocation plan that CDFW would be a part of but she didn't see an issue with just modifying it to include CDFW just to be on the safe side to confirm survey protocols.

Vice Chair Hauser thought that would make sense because they are establishing a buffer. She thought it was a well-written EIR. She stated that, in bio 4, she would love for them to define the rainy season. She didn't know if it was October 15 to April 15 or whatever, but she thought it should be clearer for the applicant so they aren't confused when starting construction. And in bio 8, it says the total of .063 acres of potential wetlands were identified and bio 9 helps avoid impacts to those wetlands or maybe bio 7, but she wanted to understand how the wetlands plants could be removed if the wetlands are being protected by the other mitigation.

Ms. Rizzi stated that was referring to the modifications that they are going to be doing to the drainage ditch, and given the adjacency, it may be that they damage or potentially remove them. In the event that those are damaged or removed, they would need to be reestablished with native wetland plants to make sure that the wetland got it.

Vice Chair Hauser thanked her for the clarification and then asked staff if the MMRP called out of Exhibit B, but it wasn't attached to the resolution. She wanted to make sure that, in the final resolution as things move forward, the MMRP does get into the conditions.

Planning Director Murdock stated that they left placeholder pages for several of the exhibits to avoid confusion and to manage the length of the packet, but however the MMRP is finalized by the Planning Commission would be in the final resolution as that exhibit.

Vice Chair Hauser understood that there were 15% deed restricted below market rate homes and, as there was no technical deed restriction on the workforce housing component, wondered how that would impact our RHNA and which category the units would be counted in.

Planning Director Murdock stated she was correct. The project overall is 70 units and the city's inclusionary ordinance requires 15% of projects of that size to be deed restricted affordable housing units and equates to 11 units. Our ordinance further specifies that not less than 50% of those shall be affordable to low income individuals and the remainder may be affordable to moderate income individuals. He said six units would be attributable to deed restricted low income housing in our annual progress report for housing element, five of them would be deed restricted moderate income units and the remainder would either be above moderate income units or, if able to obtain information that the district was renting them for some other lower income level, they may be able to assign them to the appropriate income category, but they would not be deed restricted units.

Vice Chair Hauser referred the VMT and the EIR, she appreciated some of the questions asked and the distinction that there is really only one new car per two minutes during peak traffic hours, and would like staff to comment that, with the General Plan finding that they made when they updated the General Plan, it seems like the city, through Planning Commission and Council, has already made the assertion that they understand it is hard to meet VMT requirements in Pacifica and she thought they had already analyzed this and she asked Planning Director Murdock to speak to that.

Planning Director Murdock agreed, stating that perhaps Ms. Ervin or Ms. Rizzi, can speak more about why they packaged a statement of overriding considerations for the project EIR in addition to the one that was done with the programmatic EIR for the General Plan update and the considerations for that and why it is arguably beneficial in this instance.

Olivia Ervin, M-Group (CEQA Consultant), stated that the reason for the timing when they started this, the General Plan had not been certified and updated and they were teeing up in anticipation that the timeline for this project may not align with that, but with the acknowledgment and certification of the EIR for the General Plan, the city had acknowledged that there is a VMT override the land uses.

Vice Chair Hauser thought that made sense. She wasn't sure if a representative from engineering is present, but she would prefer to ask Pacifica's engineering team. She wanted to understand if a paper study was done in regard to the sewer or if we are going to do a wet study at the two nearest manholes as she didn't see that in the conditions of approval, but she knows that, at the back of the valley, that is something typically asked for and she would like staff to weigh in on that and BKF can weigh in as well.

Planning Director Murdock stated that they have Plant Manager Louis Sun from the Wastewater division of Public Works as well as Sr. Civil Engineer Ray Donguines from the engineering and field services division of Public Works. He stated one or both of them can address the question.

WW Plant Manager Sun stated that the city conducted the 2011 sewer master plan and in that plan they identified several CIP projects which would increase the capacity for the collection system, and those projects were completed in 2018 when they upsized the sewer connection trunk line on Terra Nova and Oddstad Blvds. He stated, in terms of plant treatment capacity, that was designed about 20 years when they built a new treatment plant and they have sufficient capacity to treat the whole city even if they built out the entire city to maximum. He hopes that answers her question as they have sufficient capacity both in collections and treatment.

Vice Chair Hauser stated it did. She stated her next questions are for the applicant's design team. She referred to discussion of desire to do the project in phases between parcels 2 and 3, and she asked if there was any benefit to the school district as the applicant by reserving the right to file multiple maps and did they think about that or want to do that.

Ms. Olsen asked if the question was specifically whether there was a benefit to filing multiple maps.

Vice Chair Hauser thought it might be a question for her civil engineer.

Mr. Heffernan stated that he didn't think there was a benefit because these are not for condominium purposes and the district wants to retain property ownership of the property and fees, and they are not going to subdivide for condominium or to sell off the properties.

Vice Chair Hauser stated she noticed on mapping that there was one little leader that called out an emergency vehicle access easement but she can't tell if the intention is that it is over all of the street and she asked if they can confirm if that is the intention.

Mr. Heffernan stated that it is over a portion of the streets and they worked with the fire department to get an EVAE access to most of the building but it does not encompass the entire parking lot. He stated that they are allowed to drive, whether they need to on the asphalt, but in terms of the EVAE they worked with the fire department to restrict certain locations because of the turnarounds.

Vice Chair Hauser asked, to be clear, the EVAE, where they have the trash enclosure on the left hand side of the plan, they do not need to back out as it is designed now because it looks like they have a 150 foot dead end.

Mr. Heffernan stated that was correct.

Vice Chair Hauser stated she would defer this to engineering, but she thought the city would require an EVAE. She stated that the streets look like they are already designed correctly to accomplish this but she thought they would want to reserve a new emergency vehicle access easement over this portion that loops back around.

Mr. Heffernan stated that it doesn't exceed the 150 foot limit for a dead end.

Vice Chair Hauser asked if he was saying the dead end does not exceed the 150 feet.

Mr. Murphy asked if they are looking at the turnaround on the trash enclosure to the south side of the plan.

Vice Chair Hauser responded affirmatively.

Mr. Murphy stated that Tim Heffernan was on the line, but maybe he will speak to it. He believed that the hammer head designed there provides the turnaround in lieu as it is not a 150-foot dead end as there is an adequate turnaround space there.

Vice Chair Hauser got it, concluding that there is a hammer head between buildings B1, 2 and 3 and then in the portion that goes further down.

Mr. Murphy stated that there is a hammer head that wraps around the trash enclosure.

Vice Chair Hauser understood it wraps around the trash enclosure. She asked if it was on one of their sheets.

Mr. Murphy stated he thought it was on Civil Sheet C7.1



Vice Chair Hauser stated on looking at that sheet, it struck her that there weren't public utility easements over the streets and she didn't know if engineering or the design team could speak to that.

Mr. Heffernan stated the onsite storm will be private, the onsite sewer would be private and the onsite water would be private. The water will be private on the project side of the backflow preventer out at Oddstad. He stated that they will have to provide easements for PG&E when their services are designed, but minor changes and that is not an easement.

Vice Chair Hauser thanked him for the clarification. She stated, for the architects, on the rendering where the trees are taken away, she stated that it was more perceptible than in the elevations but, between buildings C1 and C2, there is one area that lacks articulation and she wondered if the architect could advise if something could be added in this area to rectify that.

Mr. Murphy stated that he thinks that, they can see with the rendering of the trees, the buildings are going to be fairly covered 99% of the time, but they could consider some planter or window box treatments, something to add to buffer articulations if necessary.

Vice Chair Hauser thought that would be nice as she thought people will be walking on the sidewalk and looking at them as well, not just driving by. She thought the wood material looks very nice, and she asked how they plan to weatherize that.

Mr. Murphy asked, to be clear, if it was the wood material for the trellis.

Vice Chair Hauser stated the trellises and there is a post as well.

Mr. Murphy thought they were planning for the trellises are to be a weather wearing wood such as cedar and it will be treated with a stain so it is naturally resistant to most weather.

Vice Chair Hauser asked if the material is noted as composition shingle or asphalt shingle in the staff report and on the drawing they are rendering show standing seam metal roofs and she wonders if that is a material the district is proposing or did it just make it into the rendering.

Mr. Murphy thought they are proposing that for the non-residential amenity buildings to have a higher class roofing that is more public facing and the majority of the roofing would be comp shingle as called out in the plans.

Vice Chair Hauser stated she was excited to hear Tree City Pacifica supporting the project and it sounds like there are 15 new trees that are replacing the one heritage tree that is being removed. She asked if that is correct.

Mr. Murphy stated that he believes it is correct, and also believes the landscape architect might be on the line and if she can speak to it.

Planning Director Murdock stated that, while waiting for the landscape architect, he wanted to clarify one complaint with respect to the applicable regulations. Some public commenters alluded to the city's updated tree protection ordinance, and under the applicable law, due to the subdivision map act and the date that this tentative subdivision map was deemed complete, the applicable regulations are those that were in effect at that time, in 2020, and that was prior to the

effected updated tree ordinance and this project was evaluated for compliance with the heritage tree ordinance that preceded the current ordinance.

Vice Chair Hauser thought that made sense.

Lia Farley, Jett Landscape Architect, stated that she concurred with what he just said, providing a significant amount of new trees to mitigate the loss of the few trees they had to take down, including the heritage tree.

Vice Chair Hauser asked if she could clarify what size they are planning to provide for the new trees.

Ms. Farley stated that, for the mitigation trees, they are planning on 24-inch box and 36-inch box trees.

Vice Chair Hauser thanked her and stated that concludes her questions.

Commissioner Wright stated that he lives a similar distance back in the valley and is a bit more familiar with the sun patterns back there, and he noticed in the drawings in some of the representations that they are contemplating black asphalt roofing and he stated that it gets really not back there on a lot of days and they might want to consider using a different color to make more of that heat radiate away.

Mr. Murphy thought that was a good comment and they could consider a more high reflectance color for the shingle roofing and that would be required by the California code and a greener alternative as well.

Commissioner Wright asked if they are considering using heat pumps availing themselves of those, adding that he assumes they don't need the tax rebate.

Mr. Murphy stated that he has to back check their most recent mechanical plans and plumbing plans.

Commissioner Wright assumes it is just to try to understand what level of efficiency they are trying to achieve with their heating and cooling needs.

Mr. Murphy stated that Mr. Heery confirmed that they have utilized heat pumps in the most recent plan.

Commissioner Wright stated that was good to hear. He asked if they are planning on putting in security cameras at all.

Mr. Murphy thought so, but he doesn't have that design handy. He believes it is a key part for the near essential development to have security cameras.

Commissioner Wright asked the superintendent that, in reference to a lady who was speaking to 800 kids using that field and he knows in the evening time when he serves on a different youth organization and they have field space time constraints, particularly in the winter months,

whether they would be open to the possibility of allowing people to put temporary, portable lights on those fields up until 9:00 p.m. which is when it is dusk in the summer time.

Superintendent Olsen stated that they have been very receptive to what the community wants and they will be open to that if that is what the community wants if that serves the neighbors needs at the same time.

Commissioner Wright knows it is a current use at Oceana High School during the winter months and he is trying to look to make sure that she knows that he isn't part of that organization or baseball organization that, if kids want to be playing on fields instead of being at the bonfires on the beach, he is all for it.

Superintendent Olsen stated that they currently don't have lights on any of their fields and they have some other fields that are maybe not as residentially based that would also be acceptable uses for light if that was the interest of the community.

Commissioner Wright stated, for the record, he is married to a school teacher and totally in support of this project and thinks it's a great thing. He isn't a teacher in the district and doesn't want them to get the wrong idea that he is not thankful for what they are trying to do for the community. He thinks it is important and thinks they are horribly underpaid for what they do for our community and he thanks them for recognizing the need and trying to fill it.

Planning Director Murdock clarified that installation of light, whether permanent or portable, are not a part of this project and the impacts of the lighting at night have not been evaluated in the environmental impact report and to the extent they may be utilized at the site, that would require further review by the city at some point in time.

Vice Chair Hauser understood and thought they can agree to defer that analysis. She stated that she reviewed Sheet C7.0 and she assumed it was okay that the applicant would be willing to add the center leg of the hammer head to the EVAE as it is not currently in there. She sees the hammer head and it does look like it meets the fire code and she wanted to make sure that the appropriate easement is over the hammer head.

Mr. Murphy stated that he thought that was appropriate and asked if Mr. Heffernan could speak to that.

Mr. Heffernan stated that they will look at that and provide the additional area that is required.

Vice Chair Hauser referred to a staff request on vacating the existing right-of-way and easement, and asked Planning Director Murdock if he can confirm that there are not existing utilities that are on the property that are currently in use and should be in use and if we are vacating them with the mapping rather than at the time they are stopping usage, she thought they will need to make sure they add a timing consideration to the way they word that.

Planning Director Murdock stated that it may be best for Senior Civil Engineer Donguines to speak about any utilities he is aware of operating on the site and what that coordination piece may be as it is not an issue he is familiar with.

Sr. Civil Engineer Donguines stated that the existing subdivision maps which included the courts that was never build and therefore for the utility easements that was proposed there were no utilities built in them so they are confident that, if they are extinguished, there are no utilities in them.

Vice Chair Hauser asked, for avoidance of doubt, if he can confirm that also applies to the five-foot easement that fronts Yosemite Drive and Oddstad Blvd.

Sr. Civil Engineer Donguines stated that those utility easements will be retained as part of the new map for the final map and, if there are any easements there, the easements will be retained with the new final map.

Vice Chair Hauser stated, as this is a timing question and they are not recommending vacating those things at this time but recommending them vacating those at the time of the final parcel map, she asked Planning Director Murdock if that is correct.

Planning Director Murdock agreed, adding that the vacation would not occur upon whatever action the Commission takes at this meeting, if that was an action to approve the project, and that vacation would be, as she said, at the time of the final map approval and recordation.

Vice Chair Hauser assumed they would extinguish and replace in kind simultaneously.

Planning Director Murdock agreed that there would not be a period of time where they didn't have any appropriate utility easements but they would need them for the project to be built.

Vice Chair Hauser thanked him for that clarification, then asked if there was any deliberation.

Commissioner Wright asked the designers, in terms of the exterior lighting and lamping on that, he hoped they are going to go with a relatively high Kelvin lighting so it is more of a softer white, not that bright, white, intense, light bloating light.

Mr. Murphy stated that he didn't think there was anything that would prohibit them from picking a lamp of a softer white as long as it met the foot candle lighting requirements on site and they would be happy to look at pictures of that description.

Commissioner Wright stated that he personally would appreciate it, but it was not for him to decide but he knows that is one of the things that he finds very distasteful.

Mr. Murphy stated that it was his aesthetic preference as well.

Commissioner Ferguson noted that it was remarkable that this is the largest project he has seen in the three years he has been here and has gotten not one single vitriolic mail or negative comment. He thought it was a true achievement and he hasn't heard any recommendations for additional conditions of approval and, unless they have anything else to discuss, he was happy to make a motion now or he will hear other opinions.

Vice Chair Hauser suggested that they hear from others and come back to him for a motion.

Planning Director Murdock stated that he would like an opportunity, when they are ready, to read back what he has heard from the Commission in terms of what that final motion might include as a change to the proposed motion in the staff packet.

Vice Chair Hauser agreed as she has six things, including the two he has, if he wants to take it away.

Planning Director Murdock agreed and asked that they let him know if he didn't capture anything correctly or if they have anything to add. He stated that some are minor clarification changes he didn't announce earlier. He heard the Commission discuss changes to add California Department of Fish and Wildlife to the responsible parties and mitigation monitoring and reporting program, mitigation measure bio 1 and to define the period of the rainy season, presuming consistent with the grading moratorium rainy season in the Municipal Code, MMRP mitigation measure bio 4, recommendation to vacate any existing city rights of way and easements in the project area, including a revision to the development agreement to clarify that all BMR units would be constructed in phase 1 of the project. The applicant, prior to the hearing, did ask, regarding condition No. 20, to add accept where a centralized system or systems may be approved by the building official. That condition pertains to photovoltaic systems. The condition of approval was more so standard condition applicable to single family residences where each unit would have its own PVC system. In this case, the applicant proposed a centralized system on top of the carports and staff is supportive of that change if the Commission is. Modifying condition of approval No. 38, to clarify a typo, it indicates Crespi Drive and it should indicate Oddstad Blvd., with respect to sewer lines. He heard potentially a new condition of approval that the applicant shall add articulation to the façade of building C2, such as a trellis feature, window planter box or other articulation acceptable to the Planning Director and on sheet C7.0, ensuring that the applicant shall ensure that the emergency vehicle access easement includes the entirety of the fire access turnaround to the satisfaction of the city engineer and fire chief. He stated that is all he captured.

Vice Chair Hauser wanted to clarify the last one to say that the vesting tentative map reflects the EVAE consistent with the hammer head shown on C7.0. The easement should be shown on the vesting tentative map. She also would like to clarify the metal roofs which were not part of the drawing package but were part of the renderings and add those to sheet A4.0.

Planning Director Murdock confirmed she referred to A4.0.

Vice Chair Hauser responded affirmatively.

Planning Director Murdock stated applicant shall revise the project plans to include standing seam metal roofs on the community amenity buildings.

Vice Chair Hauser responded affirmatively.

Commissioner Leal stated that he is happy to see this project fully supported as he thinks it will be a great community benefit. He also sees it as a great economic benefit, and given the location of the project, it is going to have, by an estimate, over 100 new residents to help support the Park Mall in the back of the valley as well as other businesses within Pacifica whereas if these tenants lived elsewhere, they would be spending their money elsewhere, whether northern Pacifica or elsewhere in the Bay Area so he sees the economic benefits. He agrees with the community

comments as well as fellow Commissioners' sentiments on the project. He saw one minor typo in the report on packet page 29, where it says basketball hope installation and he thought it meant basketball hoop installation.

Commissioner Wright added that, with all the turnover they have had in planning staff, he thought it was amazing how they were able to pull it together just to be here at this time to make this decision and he gave kudos especially to the gentleman sitting over there (Planning Director Murdock).

Vice Chair Hauser added that she thought this is super cool as she rarely looks at the project and the architecture and think it looks great and not want to change a whole bunch of stuff and she commends the design team and the school district for all the additional open space and she thought it is very cool and they did an excellent job. She is happy to support this.

Commissioner Devine stated that she grew up in Shenandoah Court, a couple of blocks from the project site, and this has been something that her family has talked about years and it is so exciting to see this area revitalized and she completely agrees with Vice Chair Hauser that it is a beautiful looking project and is so excited that we will still have access to the fields, frontage trees, the back they are trying to keep and it is important that this is an otherwise very sleepy neighborhood and it is important to keep a level of privacy, not only for the neighbors but for the new residents. She noticed that the new designation and rezoning, they could have built up to 299 units and keeping it at 70 is incredibly commendable and she appreciates it. She thanked them for the forethought, years of work, volunteerism, enthusiasm and she was happy to be here to support this project.

Vice Chair Hauser called on Commissioner Ferguson for the motion.

Commissioner Ferguson stated that it was her conditions and he stated she can take it away.

Vice Chair Hauser moved that the Planning Commission ADOPT the resolution included as Attachment A to the staff report to certify the Final Environmental Impact Report, adopt the Mitigation Monitoring and Reporting Program, make the required findings and approve the Statement of Overriding Considerations, APPROVE Specific Plan SP-173-20, Vesting Tentative Parcel Map SUB-248-20 and Heritage Tree Removal Authorization, subject to conditions of approval as amended in Exhibit A and Exhibit B of the resolution to RECOMMEND City Council approval of ordinances to approve Development Agreement DA-3-20, Rezoning RZ-205-20 and Development Plan DP-81-20 and to INCORPORATE all maps, written records and reports and testimony into the record by reference; Commissioner Ferguson seconded the motion.

The motion carried **6-0**.

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

**CONSIDERATION:**

None

**COMMISSION COMMUNICATIONS:**

Vice Chair Hauser welcomed Commissioner Devine to the team.

Commissioner Devine thanked her, adding she was glad to be here.

Vice Chair Hauser stated that it is a warm welcome, and she didn't know if she wanted to give anyone information about who she was.

Commissioner Devine stated she was Danielle Devine. She grew up in Pacifica and is currently is a part owner of a commercial flooring construction firm in San Francisco focused on tenant improvements and new builds and has spent many years working for different municipalities in California, University of California and was excited to serve the city. She has two sons, 2 and 4 years old, and she personally feels invested in all the issues they were discussing and she was honored to be her with everyone.

**STAFF COMMUNICATIONS:**

Planning Director Murdock followed up on Commissioner Wright's remark, and thanked him for the kind words, but it was a team effort, as well as a lot of patience from the applicant team, school district, CEQA consultants from M-Group, Contract Planner Chris Dacumos, and many others he is forgetting to mention and they persisted and made it through a challenging set of circumstances during the last few years to get that important project to this milestone at this time. He referred to the joint study session with City Council and Planning Commission scheduled for tomorrow evening at 6:00 p.m. in the Council Chambers to discuss the draft housing element update which has been released for public review and comment and the study session will provide an opportunity for Council and Commission to provide feedback and input and for the public to comment verbally in addition to the written public comment opportunity. They encouraged everyone to come and participate either in person or via phone-in option. He referred to the Asst. City Attorney Murphy and her colleague Krishan Chopra who were instrumental in fast turnarounds for all the items for the school district project.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Ferguson moved to adjourn the meeting at 8:59 p.m.; Commissioner Wright seconded the motion.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Murdock