

MINUTES

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

January 18, 2022

7:00 p.m.

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

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to Government Code Section 54953 (as amended by AB 361), to conduct necessary business as an essential governmental function as a teleconference meeting with no meeting location open to the public. He also gave information on how to present public comments participating by Zoom or phone.

Dep. Planning Director Murdock took a verbal roll call.

ROLL CALL: Present: Commissioners Berman, Domurat, Ferguson, Godwin, Hauser, Leal and Chair Nibbelin
Absent: None

SALUTE TO FLAG: Led by Commissioner Hauser

STAFF PRESENT: Dep. Planning Director Murdock
Contract Planner Aggarwal
Contract Planner Garcia
Deputy Fire Chief Kavanaugh
Asst. City Atty. Messinger

Chair Nibbelin opened public comments regarding administrative business.

Dep. Planning Director Murdock stated that there were no hands raised.

Chair Nibbelin closed public comments.

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

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

Noes: None

**APPROVAL OF
MINUTES:
NOVEMBER 15, 2021**

Vice Chair Berman moved approval of the minutes of November 15, 2021; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JANUARY 24,
2022:**

Chair Nibbelin confirmed that they don't need a liaison for the next Council meeting.

Dep. Planning Director Murdock agreed.

ORAL COMMUNICATIONS:

Dep. Planning Director Murdock introduced the speakers.

Jim Kremer, Pacifica, referred to the City Manager's comments at a previous Council meeting that the Plan revision is the "last chance" for Pacifica to make up its mind, set rules and guidelines and let business and commercial catch up with homes incapable of meeting the cost of local government. He hoped that was levity on a statement made by a previous city manager in 1976 and we were still worried whether residential building will help the city's financial status. He stated that he mentioned it as he thought they might like to hear that old quote.

Dep. Planning Director Murdock mentioned that the app is not allowing him to share the screen and show the timer, but it is running to keep track of the 3-minute time limit.

Chair Nibbelin appreciated that information.

Christine Boles, Pacifica, thanked the city for issuing the draft General Plan documents, mentioning she was struggling with studying the items and gave up. She mentioned her concerns on how to proceed with the review because of various discrepancies and she hoped for guidance from the Commission as she didn't understand how they review

policy changes without a proper understanding of the items. She then mentioned her present thoughts on the draft document.

Clif Lawrence, Pacifica, thought he was not alone in being grateful to have the documents. He thought they were larger than anticipated and without indexing, and he then shared his thoughts on the document and voiced his concerns as to whether “we the people” were still in charge.

Janeen Marquardt, Pacifica, thought there was a lot of work being done on the home at the top of Talbot and was the new owner of 722 Talbot and now has an interest in the proposed home next door, and appreciated the opportunity of reviewing the documents in advance.

Suzanne Moore, Pacifica, was grateful to have access to the updated General Plan draft and Environmental Impact Report. She also felt it unwieldy and has not been able to study it as she would like, and was asking the Commission to use their influence to help create the document to reflection of community vision and make it easily accessed by all.

Erin Macias, Pacifica, also wanted to comment on the General Plan draft. She concurred with the previous comments that it is difficult to navigate. She stated that, to review the entire document, she would have to review 22 pages a day to reach the 45-day marker which does not include the Plan itself. She expressed her concerns regarding lack of sufficient time for public comments as well as time for the Commission to read the entire document and make informed decisions with a very difficult document to digest.

Tarra Knotts, Pacifica, stated that she wasn’t experienced with looking at planning documents, and mentioned trying to find a general feel for the understanding of protection of wildlife, mentioning some of her specific concerns.

Jim Nichols, Pacifica, stated he lives two houses from the new Talbot project.

Chair Nibbelin stated that, he let a previous speaker’s comments get past him, explaining that this is for items that are not on the agenda, and this matter is on the agenda, and he thought it would be more appropriate to hold his comment until they are considering that item.

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

Chair Nibbelin then thanked everyone for their public comments on the General Plan.

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1. GPA-100-21
RZ-201-18
DP-79-18
SP-169-18
PV-526-18
PE-191-21** **File No. 2018-057 – General Plan Amendment GPA-100-21, Rezoning RZ-201-18, Development Plan DP-79-18, Specific Plan SP-169-18, Variance PV-526-18 and Parking Exception PE-191-21**, filed by Matthew and Margaret Murphy, for a General Plan land use designation change to Very Low Density Residential (VLDR), rezoning to the P-D (Planned Development) HPD (Hillside Preservation District) zoning districts, authorization for single-family residential use and construction of a 2,406-square foot (sf) single-family residence with a two-car garage on a 24,149-sf undeveloped parcel, at the eastern terminus of Talbot Avenue (APN-016-270-110 in Pacifica. A variance is required to exceed the allowable coverage within the HPD zoning district and a variance and parking exception are required to deviate from the guest parking requirement within the HPE zoning district. Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Dep. Planning Director Murdock presented the staff report.

Chair Nibbelin asked, as it was a continued item, if it was appropriate to give the applicant the opportunity to speak on the matter.

Asst. City Atty. Messinger stated that, if the public hearing was continued open, it would be appropriate to allow the applicant to offer more testimony and evidence in support of his application, as well as anyone who may wish to speak on the application.

Chair Nibbelin thought they took comment from applicant and public and closed it and brought it back to the Commission to decide how to proceed on taking additional comment.

Mr. Messinger stated that he would defer to Dep. Planning Director Murdock but it would depend on whether the item had been advertised as a new public hearing but he didn't recall the answer to that.

Dep. Planning Director Murdock clarified that they did not specify whether it is a new or continued public hearing when they publish the legal advertising for the public hearing. He recommended that they reopen the public hearing, provided Mr. Messinger is open to that, as there is new information in the record related to the vantage point renderings and other new information that the applicant and/or public may appreciate having the opportunity to comment.

Chair Nibbelin thought it made sense, and as long as the commissioners agreed, he thought they can allow the applicant to speak to additional information that has come to the Commission and allow the public to comment. He thought, due to possible anticipated speakers, they might reduce the time for comment to two minutes and ask that they focus on the new information as they have received a lot of comment at the first hearing. He also thought it might be nice, before comments, to share the renderings they received in their packet to have the opportunity to see that. He asked if any commissioners had anything additional to ask.

Commissioner Hauser would appreciate putting the renderings as she liked some type of graphic to orient the Commission and public and thought it would be helpful in the future when staff is presenting.

Chair Nibbelin thought Dep. Planning Director Murdock was having trouble sharing via Zoom and they may have to consider an alternative tech option to share. He then moved to the applicant to see if he can move the renderings into a presentation, and will give the applicant up to ten minutes to speak to the new information.

Brendan Murphy, applicant, stated that they were hoping to build their family home on this site. He stated that they are proposing a modest home for their family, not for the super-rich. They hope to build the home and make Pacifica their community. He stated that his father lives a block away from the project site, and over the years, they have realized what a wonderful town Pacifica is and their dream is to be a part of the community and live a block from his children's grandfather. He stated they have amended the plan as needed and they hope the Commission can bring the project to a vote.

Chair Nibbelin asked Mr. Chavarria if he had some additional information to share.

Javier Chavarria, applicant, thanked them for the opportunity speak on the matter. He has little to add, except that they have designed the project following all the guidelines and adjusted it as required by Planning Department, Fire Department, etc., and he feel that they have also complied with additional requirements made and he felt, from the technical standpoint, they have designed a good project on a challenging site and the design has taken those challenges into consideration to create a project that will be sound, safe and an enhancement for the community.

Chair Nibbelin hoped someone would be able to share the renderings with appropriate comments.

Dep. Planning Director Murdock stated that staff is willing and ready to do that when the applicant's time is completed as he doesn't want to take their ten minutes until their public comment opportunity is concluded.

Mr. Chavarria stated he would defer to staff as they feel they have provided all the information and they believe the renderings are self-explanatory. They would rather answer any questions or respond any concerns but there is very little else they can add.

Chair Nibbelin asked to walk through the renderings and can ask applicant any questions now or after they hear from the public.

Dep. Planning Director Murdock stated that he would go first and Contract Planner Aggarwal can add anything he may leave out. He stated that the Commission asked for three vantage points, Grace McCarthy scenic overlook, Milagra Ridge from the public trails area, vantage point at the cul-de-sac at the east end of Canyon Drive, and a fourth vantage from the eastern terminus from Talbot where the project is accessed. He stated that the Commission didn't provide criteria for the renderings other than showing what the home would look like. He mentioned some of the criteria of the renderings. He commented that, given the foggy conditions that occurred when the applicant took the picture for the rendering, it doesn't reflect additional landscaping that may be included in the project as proposed in the final landscape plan which further soften the building and compliment the architecture and design of the site.

Chair Nibbelin asked the Commissioners if it was appropriate to take public comment or ask any comments they have.

Vice Chair Berman had a question on rendering No. 3. She appreciated the landscaping that helps screen the new home from invading visually in the backyard the home in the foreground, but given the slopes of the site, she asked if it was feasible to plant a substantial tree at this location.

Dep. Planning Director Murdock thought that might be a question for the applicant as they identified the tree species proposed and could possibly elaborate on the thought process for those specific species.

Vice Chair Berman stated she would direct her question to the applicant.

Mr. Chavarria stated that, initially, they discussed whether some screening could be done and they proposed some larger trees. He stated that the soil engineer recommended against planting larger trees as they could be detrimental to the performance of the hillside and the idea was abandoned. He stated that the tree seen there were trees that existed at the time that the photographs were taken and the home is behind that. He pointed out that the trees to the right of the home are similar to the ones in the back and are existing vegetation, not proposed vegetation. He stated that if, by accident, any of the original trees they proposed were left in there to the left of the proposed home, it is definitely not their intent to put any big trees along that section. The planting will be more in line to what their soil engineer recommended, shrubbery ground coverage and vegetation that does not grow too big.

Vice Chair Berman apologized that she can't tell the difference between an existing tree and a rendering of a tree, and she concluded that he said only the one tree shown on the left is a rendering and the rest are existing.

Mr. Chavarria stated that he did not prepare the renderings. There was a company hired to do that and they went through several iterations. He understood that the row of trees immediately behind the home are very similar to the ones on the right side which are trees that were existing on the original conditions. He stated that, if he is erroneous, their intent is not to plant any additional trees from what the current conditions are.

Vice Chair Berman stated that she is trying to figure out is whether there are going to be trees to help screen the house from Canyon Drive and visually screen for privacy the homes directly downhill of the house.

Mr. Chavarria stated it was a catch 22. He stated that, through the planning process, the Planning Department suggested that they plant some trees but on the previous meeting it was brought up by the public that the trees may not be the best alternative for the hillside. They then consulted with their geotechnical engineer and with people are technically able to make such a determination, and it was established that large trees will bring roots deeper into the hillside that may create a problem with erosion and there was a balancing act, i.e., do they provide a screening and create negative impacts on the hillside, and their final approach is that they are not going to plant any big trees but create shrubbery that are more into the native type of species there that will definitely shield the lower portion of the building, but will not grow tall.

Vice Char Berman agreed that it shouldn't be sought to plant large trees on a steep slope. She was trying to understand the visual privacy in the rendering with what trees are already there.

Dep. Planning Director Murdock added that, on packet page 158, the applicant's landscape plan does indicate tree planting in that location and they will want clarification if the applicant is seeking to formally amend the application to remove the trees or replace them with different species. He stated that currently, there are 6 or 7 Arbutus marina shrubbery trees in that location which are not generally particularly large trees, but they would provide some screening benefit, and that is the information staff used to evaluate the project, so they need clarification from the applicant.

Vice Chair Berman stated she would support that clarification request.

Mr. Chavarria stated that they want to do what is right for the project from the technical standpoint and visual standpoint, and along the process they have had initial requests for screening which is when the trees were proposed. He believes that the project can be conditioned to have a type of tree that their geologist, peer review, and landscape architect establish that are trees that will not grow too tall, will not be detrimental to the hillside, and from their standpoint, that would be perfectly acceptable as they want to do

what is right for the project, slope stability wise and screening wise, without compromising either one.

Dep. Planning Director Murdock thanked him and then, for the Commission, he clarified that on packet page 51, that is exactly what Mr. Chavarria just stated that staff prepared condition approval No. 10, and it was a fairly standard condition related to the final landscape plan but they did specifically add language to have the project geotechnical confirm in writing prior to issuance of a building or grading permit that all proposed plantings and any proposed irrigation system would be consistent with the recommendation to maintain slope stability, including but not limited to the recommendation to avoid excessive irrigation to preserve slope stability. He added that, if an irrigation system is not proposed, the applicant shall provide a written statement by a licensed landscape architect that the proposed plantings can be successfully established without installation of a permanent irrigation system, etc. He stated that they have taken into account the relationship between plantings, screening and slope stability, and took what they felt was a reasonable measure to obtain written confirmation that the plantings are acceptable and would ensure slope stability, but they were able to modify it to suit the Commission's desire.

Vice Chair Berman thanked him for that information, adding that her personal opinion was that slope stability will win over planting but she was looking forward to deliberating her fellow commissioners.

Contract Planner Aggarwal stated that she can share a Google image of what it looks like now if helpful.

Vice Chair Berman thought it would be very helpful.

Contract Planner Aggarwal asked if it was visible.

Chair Nibbelin stated that it was and was very useful.

Vice Chair Berman thanked her.

Chair Nibbelin opened the Public Hearing, and hoped they would address only matters not addressed at the previous meeting.

Dep. Planning Director Murdock reminded the public that he was having difficulties sharing his screen to show the timer but he will be timing to keep track of the two-minute time limit and will remind them when one minute remains. He then introduced the speakers.

Curt Kiest, Pacifica, stated he lived at 630 Talbot, six houses below the proposed house and he strongly supports allowing Mr. Murphy's family to build this house, having discussed it with multiple neighbors to let him build his house. He mentioned that when

he moved here 30 years ago, he knew it was zoned R-1 and had an HPD overlay and a single family home could be built. He opposes commercial, etc., but supports this project and would consider it a tragedy to postpone and would go to court if they are denied the opportunity to build a simple, nice home.

Dep. Planning Director Murdock mentioned that they received one public comment in writing prior to the hearing but after the packet was posted on the city's website and he will share it with the commissioners.

Janeen Marquardt, Pacifica, stated she purchased 722 Talbot and were looking forward to moving in the home in a few weeks. She stated that the only concern she had that might have been addressed was the driveway which will be next to a driveway that exists with a plan for creating drainage which makes sense, given what nature has done, and she asked if there was any concern that creating the drainage under the driveway might undermine the dirt under the existing driveway. She didn't know how it was built but she wanted to know if there was any potential adverse impacts to the driveway as they are next to each other. She wants to make sure she is prepared for what is going on.

Christine Boles, Pacifica, stated that she sent written comments earlier about the fire issues she brought up previously and don't seem to have been addressed and she looks forward to having them addressed now. She then referred to the HPD variance requested as she has been trying to understand that with projects all over Pacifica, mentioning one, and she was waiting for the Planning Commission minutes of the November 2004, explaining the specifics on it. She mentioned that there was a lot of discretion available to them in determining what is reasonable use as this is a small pertinent piece of land and not in the same category as the value of adjacent homes. She then mentioned steps and concrete landings on the east side of the house is not shown on the site plan and is missing in the HPD calculations and she encouraged them to fix that before they approve this so she doesn't have to appeal another one.

Clif Lawrence, Pacifica, stated that he had pushback after his comments at the last meeting that the houses were built on the other side of Talbot and it makes sense to build on the opposite side. He asked that person to rethink that statement as there was a reason why they built on one side. He stated that they are now going to ignore limitations and dangers that those people recognized were a reason not to build there. He stated that this requires an amendment to the General Plan and he read that a city was allowed four amendments to the General Plan in a year, and he didn't know if the city observed that, but he wanted it in the record and asks for response on that. He hopes they realize they are in HPD territory and the landowners below should have some guarantee of liability of any landslide this creates that could come down on them.

Jim Nichols, Pacifica, stated he lives at 700 Talbot, two houses down from the project, and they were in favor of being allowed to build their home. He stated their concern previously was about extra cars in the traffic turnaround but he understands there is

additional off street parking. He assumed that, by the size of their foundation on the hill, the Murphy's house will have a substantial foundation that will anchor it to the hill.

Erin Macias, Pacifica, stated that she was compelled to comment after looking at the location of the project. She empathized with the Murphy family but this is new construction into a hillside that should have been carefully considered when shopping for a family home site. She stated that new construction is a long process with many challenges. She stated that the point of the General Plan update is to demonstrate what is appropriate and inappropriate development in land use in Pacifica, and a parcel for sale doesn't mean building on it is the appropriate use of the land. She thinks this project undermines the spirit and intent of the city goal and is an attempt to amend an operable General Plan to construct inconsistent with and in violation of the General Plan. She also questioned how it is exempt from CEQA, mentioning her concerns.

Marie Kazan-Komarek, Pacifica, stated she lives at 620 Talbot, seven houses from the project, and she welcomed the Murphy family, thinking it is a reasonable, modest project.

Terrence Kero, Pacifica, stated he lives at 710 Talbot, across the street from this planned house. He is a retired engineer who looked at the plans and he sees no problem building a house on a slope like that. He thought it was very modest and he welcomed the new neighbor as almost all the neighbors on the street have.

Chair Nibbelin asked if there was time on the ten minutes left to allow Mr. Chavarria or the owner to speak on any matters raised.

Dep. Planning Director Murdock stated that it was standard practice to allow up to three minutes reserved for the rebuttal and they had more than three minutes remaining on the ten minutes.

Chair Nibbelin stated that he will ask the applicant.

Mr. Chavarria stated that, to answer one of the questions of the immediate neighbor regarding the drainage of the driveway, the drainage is very carefully considered and will improve the current conditions of uncontrolled drainage in the area. He stated that they have velocity dissipators and ways to mitigate some of the runoff that is currently happening and the conditions will actually be improved. He stated that, regarding the trees, the google view Planning staff presented shows that their rendering is very close to representing those existing trees and the view as seen in the rendering is very consistent with the current conditions.

Chair Nibbelin closed the Public Hearing.

Commissioner Hauser thought she understood that they are getting a variance from HPD and are not removing the parcel from HPD.

Dep. Planning Director Murdock agreed, adding that there are multiple actions required should the Commission want to approve this project. Regarding the HPD zoning overlay, he stated that it is an overlay zoning district that does require rezoning to the planned development zoning district, per the City's municipal code requirements. He stated that the HPD overlay would remain in place and would not be affected by the rezoning that is proposed. He added that the underlying zoning district would be rezoned to the P-D (Planned Development) zoning district as required by the municipal code and would not require a vote of the people and the property is not zoned agricultural. He stated that the current zoning would change to PD and the HPD zoning overlay would remain in place unchanged. He then stated that a variance is proposed for two aspects of the project, and the one subject to most discussion among public comments was the allowable coverage under the Hillside Preservation District as coverage limitations are one of the components of HPD, and they establish a maximum amount of paving, grading and building based on a formula that is driven by the site area and the average slope of the site. He stated that, because of its size and slope, this site would be eligible for 0% coverage under the HPD formula and on its face would say nothing could be constructed but there is expressed language in the HPD ordinance that says that the provisions of the HPD shall not be applied to be confiscatory which means to deny all economic use of property solely on the basis of the HPD coverage limitation. He stated that is why staff is recommending approval of a variance to allow coverage in excess of 0%, and in this case, the amount of coverage proposed by the applicant. He stated that the Commission has discretion to change the amount of coverage or to conclude that a variance is not appropriate for the coverage. He thought that staff and possibly the City Attorney would want to advise them carefully on how to proceed with such a decision to deny any coverage for the project site but it would not be staff's recommendation to do that. He stated that the coverage that has been proposed is to allow this project as a reduced amount of coverage would change the project and they should explore what that would look like with the applicant if possible. He stated that there was a second variance recommended by staff for the HPD's off street parking requirement and a parking exception proposed for the same deviation from the one off street guest parking requirement which is drafted in the HPD regulations. He stated it is intended to be one space per ten dwelling units and, as staff has analyzed and recommended, they believe it is a burdensome requirement and a variance is justified for the project. He stated that the applicant, at the Commission's request, has demonstrated how it can provide the off street parking space, but it is in the tradeoff for less landscaped area, and that is a condition for the Commission to make as to which is preferred in this case.

Commissioner Hauser thanked him for the thoughtful analysis. Her second point of clarification is that, at the last meeting, staff gave them details about the adjacent property that also had a variance, and she asked them to take her through that again.

Dep. Planning Director Murdock stated that he will check to see if that information is available as he thought they may have been in notes he prepared for the meeting and he may not be able to provide them immediately but he will do his best.

Commissioner Hauser suggested that they come back to that.

Dep. Planning Director Murdock stated that, in general terms, the project immediately next door also required a variance from the HPD coverage and, as a commenter correctly stated, the site is larger and has a less steep average slope and it is not an apples to apples comparison. He stated that the findings for approval of a variance do require considering similarly situated property in the same zone and in the immediate vicinity of the project site in question. He stated that, for purposes of considering an HPD variance, it was probably the only relevant comparison property, given that not all of the properties in the area are zoned HPD. That one is immediately abutting and adjacent to the project site and that is the reason for relevance for purposes of considering the variant.

Commissioner Hauser appreciated the renderings that were put together, especially No. 2, even if foggy. She was the least comfortable of the Commissioners when they reviewed this the first time and she recommended continuing this. She thinks that, looking at how large the adjacent home is in rendering No. 2 compared to the modest size of this home and understanding that they did a variance for the neighbors next door, she would appreciate hearing what the other commissioners have to say as it meant a lot to her that the Murphy family went out and did additional renderings to show that to them which was helpful.

Commissioner Domurat concurs with Commissioner Hauser about the renderings and he thanked the owners for doing that as he didn't think they were legally required to do that in a permit process. He thought they could discuss that in the future as he thought it was important to see what it will look like, but added that he didn't think they could hold it against them if they didn't do it. He asked staff, when a letter comes in as Ms. Boles presented to them, how much time does staff have to look at that and draft some kind of response. He stated that will come up in another project where there were a lot of comments in the last two days that it was almost impossible for them to consider all those at a meeting like this. He thought the most important comment he found, hoping he is not taking Ms. Boles' comment out of context, was about the fire issue. He referred to the distance from where water would be available and didn't know if Ms. Boles could stipulate exactly what she was looking for, but he thought it was a critical comment to make them feel comfortable about fire issues, not only for that home and those in the area, but also in the surrounding hillsides.

Dep. Planning Director Murdock stated that, regarding the fire code issue, the comments and request from the commenter was a sense of the specific code requirement. He thought the exception to the 150-foot distance from a fire apparatus access road is found in California Fire Code Section 503.1.1 which requires a fire apparatus access road to be within 150 feet of all portions of a structure with certain exceptions, including where the fire code official would be authorized to increase the dimension with no limits, with one of the conditions when the building is equipped throughout with an approved automatic sprinkler system install in accordance with the sections referenced and this building would have such a fire sprinkler system as a new structure and if there are other

topographical or other considerations that would affect the ability to provide the distance, an approved alternative means of fire protection are provided. He then stated that there are no more than two group R-3 occupancies. He stated that more than one of those exception conditions are met in this case, as the building will have sprinklers and it involves only one group R-3 occupancy which is a single family dwelling. He stated that Dep. Fire Chief Kavanaugh was present to speak to any other fire code related questions. He stated that the issue of wild land interface concerns as some commenters mentioned was specifically considered and discussed by North County Fire Authority Dep. Fire Chief and staff and the city's building official from the Planning Department, and their conclusion was that this did not qualify as such a wild land interface and additional building code standards and requirements were not appropriate for this project location, and there were no concerns related to the ability of the North County Fire Authority to respond to fires in this area, on the project site or if the site were to exacerbate or contribute to worsening the wildland fire risk in this area. He concluded that staff very seriously took the fire risk of this project and analyzed it carefully.

Dep. Fire Chief Kavanaugh stated he was correct about California Fire Code 5031.1 that those exceptions to the hose pull of 150 feet when you have a sprinkler residential home which qualifies as an exception. He referred to the renderings he has looked at, stating that there are three of them that this project has gone through and he talked with the other two fire Marshalls who were in position prior to his time on the project, stating that they don't have an issue with the project with fire related or fire protection issues. He stated that they looked at the slopes on the driveway and there is a hose pull now that is about 138 feet from the start of the driveway and a fire engine could almost pull into the driveway up to the front garage and with the sprinklers and how it is sitting, there is not much of a concern when it comes to the issue of fire protection.

Dep. Planning Director Murdock then referred to the other part of Commissioner Domurat's question regarding the process, stating it was not typical for staff to prepare a written response to public comment letters that come in. They try to touch on any points in the comment letters that may reflect erroneous information presented by a commenter or that would seek to undermine the findings for approval as analyzed by staff. He stated that occasionally staff does make mistakes and they try to correct them when they identify a commenter has found a mistake in their analysis or in some piece of evidence. He stated that, in this case, they brought in an expert, as in the case of Dep. Fire Chief Kavanaugh, to address the fire related issues and he didn't know other issues directly related to the findings for approval. He stated that the commenter was correct that the dimensions on the fire hose pole from the driveway were incorrect and are over 150 feet and, as they outlined, that was not a fatal flaw for the analysis of the project. He thought the commenter is expecting a level of review for fire code compliance that is not typical at the planning stage and what the Fire Authority strives to do is to identify fire code issues that may affect project feasibility where if identified later in the process, following Planning Commission approval, it could prevent the project from being constructed in the way intended but all the detailed fire code compliance review is done after a project is approved by the Planning Commission during the building permit review phase but they

do use some judgment in trying to determine which code requirements are applicable, but they are generally higher level feasibility and site planning constraints that are brought into this level of analysis.

Vice Chair Berman appreciated everyone's work on the continuance of this project. She thought a lot of their previous comments were addressed or clarified with this re-submission. She was inclined to agree with staff's recommendation on the parking variance. She appreciated the applicant taking a look at adding the parking stall to the site to not require that variance but she thought the lesser of two evils to just not install the parking stall at all and she is in agreement if other Commissioners are.

Dep. Planning Murdock stated that, whenever it is an opportune time, he can follow up on Commissioner Hauser's request for figures applicable to the adjacent 722 Talbot site and one other HPD related plan.

Chair Nibbelin stated, if okay with Commissioner Ferguson, he would hear from him.

Commissioner Ferguson agreed.

Dep. Planning Director Murdock referred to a public comment and agreed there was a lack of clarity or a discrepancy between the HPD calculations diagram and the project description in terms of a landing for a staircase. He stated, if the Commission advances with this project and makes an approval action, the action to grant the variance is fixed at a limited square footage of coverage and it wouldn't change that issue as they can clean it up and resolve it at the building permit phase. They would not be able to get extra coverage if that was not included in the calculation and they would need to modify the project to reduce that amount of coverage if the Commission was open to that approach. Regarding to the 722 Talbot project, and looking at the minutes from the August 2, 2021 public hearing on this project, he indicated that the project was approved in the mid-2000s and that site has 0% allowable coverage with an average slope of 43.3% and the project was approved by the Planning Commission for 11.9% coverage or approximately 7,921 sq. feet of coverage. He stated that the request for a variance for the subject project is not out of line with those previous requests, including the 722 Talbot and others he summarized.

Chair Nibbelin thanked him for that information.

Commissioner Ferguson stated he was on vacation during the August meeting and he is coming in halfway through, but he thanked them for the detailed reports. He was not concerned with the constructability standpoint as he thinks you can build a house on the side of a hill, and his only concern was the zoning consideration and preservation of green space, but given that they are talking about parking requirement that he thought they have gone back and forth on, and coverage as it is not out of scale with the other houses on that street and is probably one of the smaller houses. He stated that, given the

support of all the comments by people on Talbot, he would be inclined to agree with Vice Chair Berman and would be glad to support the motion in staff's report.

Commissioner Leal thanked the applicant for providing the renderings, stating that he helped provide the vantage points and was concerned on the one from Milagra and seeing that view of the house blended in with the existing properties. He also supports staff's recommendation in terms of removing the parking space, as he didn't think parking has been an issue and he didn't think they would have an issue with parking with extra guests.

Commissioner Godwin stated that all the concerns he had about the project were covered by the renderings and comments made. He was pleased with the project as currently set up as it is a challenging lot. He agreed that the additional parking space is superfluous.

Chair Nibbelin thought he was inclined to approve it, adding that the additional information and configurations were very good for the project. He appreciated that, although the delay was additional expense and extra trouble, it made for a better project and they were able to address a number of concerns raised by the public. He was in support of the motion and would be aligned with staff's recommendation as Vice Chair Berman suggested that they go with deleting the parking space and move forward without it.

Commissioner Hauser stated that she was ready to make a motion if they were ready to hear it.

Chair Nibbelin asked that she go ahead.

Commissioner Hauser asked Dep. Planning Director Murdock to remind her if she was making a motion for approval with one or the alternate motion.

Dep. Planning Director Murdock stated that it was the first one.

Commissioner Hauser moved that the Planning Commission adopts the attached resolution to FIND the project exempt from the California Environmental Quality Act; RECOMMEND City Council approval of General Plan Amendment GPA-100-21, described in Exhibit A to the resolution and enactment of the ordinance described in Exhibit B to the resolution to approve Rezoning RZ-201-18 and Development Plan DP-79-18; and APPROVE Specific Plan SP-169-18, Variance PV-526-18 and Parking Exception PE-191-21 based on the Project Plans, dated September 8, 2021 and included as Attachment E to the Planning Commission staff report except that the approval shall not include the guest parking space in the front yard, and further subject to the conditions of approval in Exhibit C of the resolution; and INCORPORATE all maps and testimony into the record by reference.

Chair Nibbelin stated that, having been on the Planning Commission for about seven years, that was probably the longest motion, and he complimented staff on a well done job.

Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

Noes: None

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

- 2. CDP-407-19 PV-527-19** **File No. 2019-021 – Coastal Development Permit CDP-407-19 and Variance PV-527-19**, filed by Brian Brinkman to construct a new, 430-square foot (sf) two-car attached garage and on-grade staircase adjacent to an existing 1,670-sf single-family residence on a 4,000-sf lot located at 204 Sterling Avenue (APN 023-038-330) Recommended CEQA Action: Class 1 Categorical Exemption, CEQA Guidelines Section 15301.

Contract Planner Aggarwal presented the staff report.

Commissioner Godwin asked if the garage was replacing parking that was available in the driveway on the current site and they weren't gaining a net of off street parking.

Contract Planner Aggarwal stated that there was not a potential for parking on the driveway because of the steepness of the slope on the driveway, but there is one space under the balcony on the side of the building, but it has been made evident by the applicant that, because of the steep slope on the driveway that currently exists, even parking in that space is not safe to take the car to that parking space. She stated that it adds one parking space in the garage and the project is providing for one parking space in front of the property in the right-of-way, not necessarily on the paved street access.

Dep. Planning Director Murdock added that, in terms of quantitative comparison, he thought Commissioner Godwin may be correct that they may not necessarily net additional spaces but qualitatively the functionality and safety of the spaces off the street would be markedly increased based on staff's assessment. He stated that even the on street space made in the public right-of-way would be farther from the center line of the street and improve safe circulation in both directions on the street.

Commissioner Godwin thought it was a narrow street but he thought, if you were really concerned about the safety in the driveway, you could just use chocks and park a car there, and he thought they weren't getting any parking spaces.

Chair Nibbelin stated that they would let the applicant speak then take public comments.

Brian Brinkman, applicant, stated that Gary Slippy, owner, would make initial presentation and he will follow.

Gary Slippy, owner, stated that he and his wife are the owners of 204 Sterling Avenue and have lived and worked in Pacifica for 25 years and owned this home for about 18 of the years. He stated that they know Pedro Point has many parking challenges and their home is a great example of the problem because of the hillside and extreme slope of the driveway. They have lived there without a usable garage and without satisfactory parking all this time and they are glad to have the opportunity to present a proposed garage project for consideration. They thought the designed proposal was within

keeping with the neighborhood and almost every home on the street has a similar type of parking garage structure in place. They note that all their neighbors have indicated their support for this project which will make their parking situation much safer but also ameliorate some parking congestions in their neighborhood. They have worked diligently with staff and glad they have their support for the design.

Mr. Brinkman added that Mr. Slippy came to him in 2019 and had been trying to come up with a way to make it work. He stated that the only logical place for the garage was the front of the property and he was dealing with an issue with setbacks at the front and they came up with an initial design and took to planning for feedback. They went through a few iterations and ultimately a minimally sized two-car garage was determined to be the best fit for the site to be in conformance with the required parking. Covid contributed to their project being put on hold but they started up and were at this point now. He thought this was a big improvement to the parking situation on the property, mentioning that the owner had people's cars go down his driveway because it was so steep. He stated that the owner doesn't even park in the car port under the deck because it was too dangerous to get up there. He thought this was a needed improvement for the property and it will improve street parking as well.

Chair Nibbelin opened the Public Hearing and, seeing no one, closed the Public Hearing.

Commissioner Hauser thought it made sense. She didn't see any issues and considering the letters of support from the neighbors, and the fact that a lot of neighbors have similar conditions on their homes. She didn't have a problem with this.

Chair Nibbelin stated that, absent any questions or comments, a motion would be in order.

Commissioner Leal moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-407-19 and Variance PV-527-19 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporates all maps and testimony into the record by reference; Vice Chair Berman seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

- 3. CDP-430-21 Heritage Tree Removal Authorization** **File No. 2021-018 – Coastal Development Permit CDP-430-21 and Heritage Tree Removal Authorization** for construction of a new single-family residence, garage and accessory dwelling unit on an undeveloped lot at TBD Olympian Way (APN 023-037-030) located approximately 1,450 feet northwest of the intersection of Olympian Way and Grand Avenue.
Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Contract Planner Garcia presented the staff report.

Commissioner Hauser understood that there is no variance requested and it is a residential lot, she wanted to understand what the job of the Planning Commission was and what they are reviewing.

Dep. Planning Director Murdock encouraged the Commission, when acting on permit, to focus on the findings for approval and take all the evidence from the staff report, written report, presentation and any testimony offered by staff, public and applicant at this hearing. They can weigh all that evidence to determine whether or not the Commission can make the findings. He stated that, on this particular project, the Planning Commission's action is limited to 1) entitlement in the coastal development permit and focused on determining whether the proposed development as defined in the municipal code complies with the city's adopted certified local coastal program. He stated that there are policies based in the Coastal Act related to preservation and protection of coastal resources, visual resources, etc., coastal hazards, etc., including design review that they operationalized through applying the city's adopted design guidelines. He stated that the findings are set forth in the staff report and the Commission's job is to weigh all the evidence and determine whether they can make the findings for the project as proposed and conditioned by staff.

Commissioner Domurat stated that it appears that the heritage tree in question had an arborist report that said it was a dead tree but, if it is a dead tree, it is a dead stick and he asked why they were looking at it as approving removal. He thought, once you get an arborist report saying that the tree is not a viable living species, then it should not even requested to be reviewed by the commissioners, and he asked if he was misreading something.

Dep. Planning Director Murdock stated that Contract Planner Garcia can speak to what the arborist report says for this tree, and he will look at the exceptions from the heritage tree permit to determine whether a dead tree is exempt, adding that he thought it is not.

Contract Planner Garcia stated that the heritage tree proposed for removal has been identified by the arborist to be dead and overgrown with ivy and recommended the

removal of the tree to allow for the development. He stated that the location of the tree is where the proposed driveway retaining wall and patio improvements are to be located.

Dep. Planning Director Murdock explained that the city's heritage tree preservation ordinance is codified in Title 4, Chapter 12 of the Municipal Code which sets forth criteria for evaluating a heritage tree permit and it doesn't specifically exempt a dead heritage tree from the requirement for a permit, but it allows the Commission to consider the condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures. He stated that several of those have some implication for whether the tree is dead as it relates to the findings.

Michael O'Connell, applicant, stated that they reviewed all the conditions from Planning, Building, Fire and Public Works and they didn't take any exceptions to those. He wanted to point out on their thinking that they had an unusually configured site as wide in the front and steps in and they had an opportunity to do something different than what they see on the other houses on the street where they have to be attached to the garage to make it work. They were seeing if they can create a usable outdoor yard which is in the front and is on the same plane as the main living level. The garage is on the ground floor, and the back yard is essentially the third floor. On the downhill side, they have the opposite problem as a lot of houses don't have a front yard and they require decks which don't do very well in this environment which is why they liked the concrete wall to provide that space as with this environment, it will have to be replaced in 10-15 years. They were able to create the space on the main floor as most of the houses on the downhill side don't have good functional feasible yard. They were taking advantage of that and put it in the extra space they have in the front of the house and it also provides a larger setback from the neighbor.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock introduced the speakers.

Paul Totah, Pacifica, stated he is a member of Tree City Pacifica. He stated that it was a beautiful project and they were just concerned about the erosion from the tree removal. They were hoping that no trees will be cut down until a building permit has been issued and hoping that any heritage tree removal will have a 3:1 replacement ratio and 1:1 for any other tree removal or in lieu fees collected so the trees can be planted on another site.

Leo Leon, Pacifica, stated that he had some suggestions and concerns. He referred to the design review LCLUP hillside development, stating that large amounts of cut and fill are unattractive on hillsides and can have a detrimental effect on the immediate and surrounding environment. He stated that Olympian Way has no sidewalks and is very narrow. He stated concern about the number, size and number of trips of the trucks because of amount of soil being removed and problem of trucks becoming stuck on the street and asked that a condition address these concerns. He also stated there are numerous necessary retaining walls that cross the entire project on at least three levels

and a wrap around on the sides as required by other conditions. He referred to the geologic map review addressing landslides, etc., and have a peer review on these issues.

Gail Benton-Shoemaker, Pacifica, stated she was a member of Tree City Pacifica. She referred to the process revising the heritage tree ordinance and she hoped it will make clear the definitions of heritage trees and logging operations and all the steps that will make the Commissioners' jobs easier as they won't have to decide on a case by case basis on replacement requirements, etc. She mentioned that a Councilmember suggested a moratorium be put in place until the revised ordinance is adopted, and their organization supports that idea. She mentioned her concerns on this project, and her suggestions if project is approved.

Ila Homsher, Pacifica, stated that she lives on Olympian Way and mentioned some of her concerns regarding the project, such as encroachment of public right-of-way, etc., and her suggestions for modifications of the site plan to respect the right-of-way, as well as concerns about the height of the project, pipes, retaining walls, etc.

Kathy Gust, Pacifica, stated that she lives on Essex Way, downhill from the project, and felt she was at the most risk for any adverse effect and concerned about how the project will adversely affect her home, stating that she submitted her concerns, adding that the main concern was the drainage with so little undeveloped property on the site. She also had concerns on why they pulled the house so far down the lot, as well as the retaining wall.

Mr. O'Connell addressed some of the comments. He raised the issue of the retaining wall encroaching along Ms. Gust's frontage and they will adjust that. He stated that the drainage is currently designed in accordance with the city's standards and the detention pipe is sized to detain the difference between the existing runoff from the site and the additional runoff from constructing the house and driveway. He stated that there was one bubble up box and they can easily add additional bubble up boxes, etc. to provide equalization of the flow or split the drainage areas into two and have an additional detention pipe near the top of the site that would receive runoff from the garage and driveway and the left half of the house. He stated that it ultimately has to go down the hill and dissipate. He stated that the real solution would require cooperation from the neighbors and they would be happy to utilize some of the existing drainage and there is a ditch that receives runoff from a pipe that collects runoff from an inlet. He thought it would be easy to install a new pipe behind Ms. Homsher's house to receive part of the flow from their site and connect it into a pipe to bypass the drainage patterns on the site.

Chair Nibbelin closed the Public Hearing.

Commissioner Domurat referred to the drainage and landscaping, and asked if there was any consideration given to trapping some of the water for future use during dry conditions and they can use it for landscaping.

Mr. O'Connell stated that it was a great idea but the problem is that they get all the water when they don't need it and you would have to store that water all winter long to use it when needed in the dry season.

Commissioner Hauser stated that the Council has used the 3:1 heritage tree mitigation ratio as well as the 1:1 non-heritage tree mitigation ratio in the past for projects that have some more standards and that looks like 12 trees will be replaced and she would like the applicant to install seven 24-inch box trees and she asked if they would be willing to do.

Mr. O'Connell stated that he was trying to clarify with Mr. Brinkman on how many trees were already proposed.

Mr. Brinkman stated that there is one heritage tree and four non-heritage trees are proposed to be removed. He thought it would result in replanting of 3 trees for the heritage tree removal and 4 trees for the non-heritage tree removal. He stated that they currently only have one tree shown to replace the heritage tree, but they can look into that.

Commissioner Hauser concluded that she was hearing that 7 would be acceptable. She didn't understand that they were on the neighbor's property, and they would be willing to use the 24-inch tree size.

Mr. O'Connell responded affirmatively.

Commissioner Ferguson liked the idea of tying drainage to the existing public facilities on Essex, and he wasn't sure how they can make that condition of approval because it would probably involve several other parties. He appreciated their willingness to go that route which is probably the best way for all parties involved, and he asked if there was a mechanism that the city has for making that a condition if it requires a third-party involvement.

Dep. Planning Director Murdock thought, in concept, it seems like a superior drainage solution, but his concerns are twofold. One is legal in that they haven't noticed the project to include that scope of work which extends outside of the project area and involves property owned by others who are not party to the current application. Then, from a practical standpoint, he didn't know if they would be able to assure that it would be accomplished as indicated, given the number of parties involved, and he would be hesitant to recommend that the Commission go down that path at this point in time. He stated that nothing would prevent the applicant from returning with an application to include that development when the conditions were appropriate, and the Commission may encourage him to pursue that type of modification to the project. He didn't know if the Commission would be able to approve it at this meeting, given the public notice provided for this project.

Chair Nibbelin stated that he was in the same place as Commissioner Ferguson and he would at least want to articulate the Commission encouraging that direction but he recognized that it may not be something they can impose with a condition. If that can be feasibly done, it would be a good path forward.

Mr. Messinger concurred with Dep. Planning Director Murdock and would add that it would also require city analysis of the flows and whether the facility they are suggesting tying into can handle the flows and how many properties would be connecting to it. He thought it was premature at this point.

Chair Nibbelin asked if the Commissioners had any deliberations or wanted to add anything.

Dep. Planning Director Murdock wanted to add some perspective on a couple of points raised during Commission deliberations. Regarding the storm water design, they have endeavored through the conditions of approval to make sure that the project does incorporate the recommendations of the geotechnical engineer and in one condition of approval, the applicant would be required to incorporate all the recommendations, which would include any drainage recommendations, potentially additional sources of outfall for the stormwater drainage and a separate condition requires finalizing the drainage plan for the project and they think there is currently measures in place to ensure that the project is safely designed in terms of stormwater drainage. Regarding tree replacement, he continues to have some discomfort with requiring the ad hoc replacement of trees at a particular ratio, especially for trees that are not heritage trees. He stated that the city's current heritage tree ordinance does provide the Commission discretion to require replacement planting for removal of a heritage tree but does not provide any authorization or requirement for non-heritage trees and they would need to discuss that non-heritage tree replacement requirement further. Regarding heritage trees, he is having a hard time squaring some of the earlier conversation on the TBD Talbot project about stability of steep hillsides and tree plantings with the Commission's desire for so many large trees to be potentially installed on the site as it is not a large site and, ignoring the geotechnical considerations, there are limits due to good forestry practices with the number and type of trees that a site can healthfully sustain. He asked that any desire for replacement plantings for the heritage tree to include a clause that up to a particular number or ratio with a recommendation of good forestry practices from a licensed landscape architect or qualified arborist or something along those lines so they are not creating an unsuitable condition for the helpful development of the trees should the Commission go that route.

Commissioner Hauser appreciated the insight and thoughtful analysis, and stated that the difference between the continued item they discussed earlier which was an untouched slope and a project proposing a lot of retaining walls and creating spaces where there are appropriate places for those trees, and she didn't think a home with six bedrooms having seven 25-inch box trees are a lot to ask as it is a lot of house. She appreciated the applicant volunteering to plant those trees and would be amenable to him.

Vice Chair Berman referred to a couple of points for which they received public comment on and to clarify with staff to confirm the profit of reviewing more detailed designs in the plan, given that they are at the planning stage of the project. She acknowledged concerns with qualified structural engineering review of the retaining walls about it being safe to assume that the thorough review will occur during the building permit phase.

Dep. Planning Director Murdock stated that there was some work that could be done in the future on the language on that particular condition and they included addressing the city engineer's concerns about ensuring that structures in the right-of-way are safely constructed and that may reflect a misunderstanding in the past that projects in the right-of-way don't require building permits which is untrue as they do require building permits even though they are in the public right-of-way. Not only will they be subject to review for impacts to the right-of-way and traffic safety issues, etc., that are in the domain of the city engineer, but also subject to what was intended as the peer review and is an additional level of review during the building permit review phase by the city's qualified civil and structural engineers that they have on their consultant staff and would review them on compliance with the California building code. He thought an appropriate level of review is already included with the requirement for a building permit for both retaining walls in the public right-of-way and on private property and are both subject to the same structural design review.

Vice Chair Berman stated that there were questions about the truck trips for the haul route that will be needed for the grading at the site and she appreciated that there is typically a COA which is included with this project as well, so that, if there is any destruction to the public right-of-way due to the development of the site, the applicant will amend it or replace it. She wanted confirmation that it is true, and that the haul route for grading at the site is something that is considered during the building permit process for construction management plans.

Dep. Planning Director Murdock stated that maybe Contract Planner Garcia can doublecheck which condition number relates to damage to the public right-of-way by the project. He will address the traffic control plan issue and the haul route issue. He stated that the city does not have a haul route ordinance where the City requires approval of a haul route and that is something Public Works is aware of in considering how they can address it. He stated that it may be within the Commission's discretion potentially to seek to address that point if there were specific safety issues and if the condition has in mind related to this project and its construction phase activity. He thought maybe more directly related to this project is requiring approval of a construction traffic control plan to allow safe ongoing operation by vehicular and pedestrian traffic with the addition of a construction related activity and equipment and any material staging. He stated that they have language ready that would recommend addressing that traffic control planning component of the project when it is the desire of the Commission to hear that.

Vice Chair Berman suggested they hear it now unless any Commissioners are opposed to that.

Dep. Planning Director Murdock then read the draft language to the Commissioners.

Chair Nibbelin thanked him for that information.

Vice Chair Berman thought that addressed the concerns she heard from the public that weren't addressed at this time.

Chair Nibbelin asked if a motion was in order or any other concerns.

Commissioner Hauser stated that she would be happy to make the motion inclusive of the two items the applicant has volunteered, i.e., the removal of the encroachment if that is the appropriate word or realigning of the driveway so the neighbor's side yard is accessible and the inclusion of seven 24-inch box trees that must be irrigated and if the applicant abandons the project, having demolished the trees, the trees are replaced.

Chair Nibbelin suggested that she make the motion and they will incorporate that.

Commissioner Hauser moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-430-21 and Heritage Tree Removal Authorization by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporates all maps and testimony into the record by reference including the two conditions she added.

Commissioner Ferguson noted that they didn't include the condition of the traffic control plan to reviewed by city engineer and he asked if it was possible to include that in the motion if amenable to the Commissioners.

Chair Nibbelin stated that they can if Commissioner Hauser is open to that friendly amendment to include the language.

Commissioner Hauser stated that she was willing to amend her motion to include the traffic control plan.

Dep. Planner Director Murdock stated, that before seeking a second to the motion, he would read specific language to address those three points to have a clear indication of what the requirements would be for the project.

Chair Nibbelin asked him to go ahead and they will then confirm with Commissioner Hauser that it tracks her intent of the motion.

Dep. Planner Director Murdock then said the first was, prior to issuance of a building permit or encroachment permit, and as agreed to by the applicant, the applicant shall

revise the project plan to confine the driveway and associated improvements within the public right-of-way, such as retaining walls to within the frontage of the project site. The second is, prior to issuance of a building permit, and as agreed to by the applicant, the applicant shall revise the landscape plan to include installation of seven 24-inch box trees to replace trees removed by the project in a species and placement to the satisfaction of the Planning Director, and lastly, prior to issuance of a building permit, applicant shall submit a traffic control plan that addresses construction phase, vehicle operation, parking, as well as material staging and that shall ensure continued vehicular and pedestrian access through and along Olympian Way, subject to review and approval by the City Engineer. With all these, he will give Mr. Messinger an opportunity to make any adjustments that may be required.

Chair Nibbelin wanted to confirm that Mr. O'Connell indicated earlier, particularly with condition 2, that it was something he was agreeable to.

Mr. O'Connell agreed.

Chair Nibbelin asked Mr. Messinger if there was anything he wanted to add.

Mr. Messinger stated he had nothing to add.

Chair Nibbelin concluded that the language tracks with the intent of her motion.

Commissioner Hauser agreed.

Commissioner Domurat stated that there was also a concern by several speakers about not removing any trees until such a time as a permit is provided to the applicant, and he asked if that was a realistic condition that they don't move anything until they are ready to construct.

Dep. Planning Director Murdock thought it was a reasonable timing related condition. He stated that the Commission's authorization to remove the heritage tree is necessitated by development of the project and, should the project not have a reasonable chance of moving forward because it hasn't obtained a building permit, removal of the heritage tree could be reasonably concluded to be premature.

Commissioner Hauser stated that she does a lot of construction projects, and the reason she didn't include that language is because there are lots of times where people need to get a grading permit or state improvement permit and start work such as rainy season requirements before getting a permit and that would be like the foundation of the rest of the building. She forgot that it wasn't included in the condition and she tried to cover it with language that said, if for some reason the project is abandoned, those replacement trees would still have to be planted. She stated, if the applicant is amenable to the language that Commissioner Domurat suggested, she would be happy to include it but, if not, she would suggest adding the language she mentioned.

Dep. Planning Director Murdock stated that his observation at this point is that he understands Commissioner Hauser's sentiment of the site preparation requirements, etc., but very often, when a project doesn't proceed, it is because the applicant has had some sort of hardship, financially or otherwise, and it would be difficult for staff to compel an applicant to replace a tree that has been removed, such as financially insolvent and do not have the means to do so or couldn't be readily located or brought back to Pacifica, etc., which is one practical difficulty with that approach as compared to the other. He stated that there is no guarantee a project will move forward even when a building permit is issued, but at least it allows them to get closer to that point in time and it is demonstrated that they provided other payment of fees, etc., and a heritage tree removed is not immediately replaced in terms of size, etc.

Commissioner Hauser thought that makes sense. She asked Chair Nibbelin if it would be acceptable to ask the applicant his thoughts.

Chair Nibbelin agreed, and asked Mr. O'Connell if he can speak to this discussion.

Mr. O'Connell thought it was a good idea, as he would not to strip all the vegetation off the site through the rainy season. He was waiting to remove vegetation so they are ready to go.

Chair Nibbelin asked Commissioner Hauser if the timing of condition of removal of trees to a point at which any permit is proceeding.

Commissioner Hauser thought it was a building permit that would cover the structures and not just a demolition or grading permit.

Vice Chair Berman was not opposed to the direction of this discussion, but she wanted to add consideration of good forestry practices. She thought the arborist report stated that several of the trees on the site were in poor condition which is more hazardous to keep them rather than to remove them under the watch of an arborist. She thought this is a site where having dead heritage trees stay there could be more harmful than not.

Chair Nibbelin thanked her, stating that it was a helpful perspective. He then stated he would bring it back to Commissioner Hauser as the owner of the motion.

Commissioner Hauser thought it was a good point, and she was inclined to leave the motion as it currently is without the additional language, but could add language about good forestry practices if Dep. Planning Director Murdock thought it was appropriate, but she was happy with where it was now.

Chair Nibbelin asked for a second to the motion as it is currently.

Commissioner Ferguson seconded the motion as it stands.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

COMMISSION COMMUNICATIONS:

Vice Chair Berman officially thanked city staff who put all their time and effort into rolling out the draft plan that came out several weeks ago. She stated that several of the Commissioners had many meetings about the plans, but they did receive some public comments during oral communications at this meeting that sounded like they are concerned with the amount of outreach and the timing of release of the draft plan and the period for public comment. She asked Dep. Planning Director Murdock to speak to the process and the history of the plan development.

Dep. Planning Director Murdock stated that he will keep it at a high level as there is no agenda item on this topic, but the city has been working since 2009 to update the General Plan and Local Coastal Land use Plan and it has come close on more than one occasion to be sidetracked by other economic issues or competing political and other priorities, and they are making another earnest attempt to get across the finish line for the General Plan. He stated that the city approved the Local Coastal Land Use Plan update in February 2020 and they are working ongoing with the Coastal Commission toward certification of that document. He stated that what was exciting in the latest release is that they have also prepared a new Sharp Park Specific Plan for public review and comment and an updated draft of the Environmental Impact Report to cover both the General Plan update and the Sharp Park Specific Plan. They have provided a 45-day public comment period on the draft EIR, the minimum period required by state law and adequate for review and comment by the public and other agencies on a draft EIR. He stated that the public's opportunity to comment on the draft General Plan and draft Sharp Park Specific Plan is ongoing and they are not confined to the 45-day comment period. While they encourage the community to submit their comments as early as possible to give staff the fullest opportunity to consider them, the public does have more than 45 days to comment on the draft General Plan and Sharp Park Specific Plan.

Vice Chair Berman felt that was a great clarifying measure that she wasn't keeping track of.

Commissioner Godwin thanked everyone who participated in developing the General Plan, and what he has read so far is an impressive document and he was pleased that he has been able to participate a little bit in it. He stated that people are not aware as it was not widely publicized that the Postal Service is now delivering one shipment of four free Covid tests per residential address but you have to request it by going to the postal service website/covidtest, fill in the address and the tests will be on their way beginning the end of the month. He encouraged everyone to do that.

STAFF COMMUNICATIONS:

Dep. Planning Director Murdock stated that, as mentioned by Vice Chair Berman, they have exciting news that the city has released public review drafts of EIR, General Plan update and new Sharp Park Specific Plan for the West Sharp Park neighborhood and part

of East Sharp Park. They call that combined effort, Plan Pacifica, and they may hear different ways to describe those three documents and the city's planning activities under that moniker. They have a website, planpacific.org. They released the documents on the evening of January 7 and the 45-day public review and comment period on the draft EIR runs through February 21. They encouraged the community to get their hands on those documents as early as possible, work on them and submit comments in writing. He stated that instructions for submitting comments are provided on that website. He reiterated that the community has a longer opportunity to comment on the draft General Plan and draft Sharp Park Specific Plan. He stated that they were excited to welcome two new staff to the Planning Department, one started last week and one today. They are much needed for assistance and support for their hardworking Planning Department team. One is Associate Planner Helen Gannon, stating that she worked about three years as an assistant planner, pursued an opportunity in another city and Pacifica was lucky to grab her back on our team at a promotional level as well as Associate Planner. They also welcome Assistant Planner Jamie Mosler, who has prior experience working as a planner in Sacramento. They are welcome and he thought they will have the opportunity to see them at an upcoming Planning Commission meeting.

Chair Nibbelin stated it was great news. He stated that he has experience working with Helen in the county as she was planner for San Mateo County. He was looking forward to meeting Jamie Mosler.

Chair Nibbelin asked Dep. Planning Director Murdock if there were hard copies of the Plan Pacifica documents available if someone is having difficulty navigating online.

Dep. Planning Director Murdock stated that there are hard copies of all three documents at the Planning Department at 540 Crespi Drive accessible during normal business hours that are posted on the Planning Department webpage at cityofpacific.org as well as copies at the Sharp Park Library and Sanchez Library during their operating hours.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Berman moved to adjourn the meeting at 9:40 p.m.; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister