

MINUTES

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

June 21, 2021

7:00 p.m.

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

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to the provisions of the Governor’s executive order, N-25-20 and N-39-20, which suspends certain requirements of the Brown Act and pursuant to the orders of the Health Officer of San Mateo County, to conduct necessary business as an essential governmental function with no public attendance allowed. He also gave information on how to present public comments participating by Zoom or phone.

Dep. Planning Director Murdock took a verbal roll call.

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

SALUTE TO FLAG: Led by Vice Chair Berman

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

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

The motion carried **7-0**.

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

APPROVAL OF MINUTES: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 28, 2021:

Chair Nibbelin asked if he was accurate that there was no need for a liaison.

Dep. Planning Director Murdock stated that he was correct as the Harmony @One appeals have been postponed, possibly until August, and they would seek a liaison at that time.

ORAL COMMUNICATIONS:

Nick Lusson, Pacifica, thanked Commissioners for their service to the community. He stated that he is a resident of Higgins Way in Linda Mar and president of the newly formed Test San Pedro Mountain, a non-profit organization, that has organized to preserve the hillside region, foothills of San Pedro Mountain. He stated that, due to development plans that most of the Commission is aware of, called Linda Mar Woods and Hillside Meadows, are applying as two separate projects but they consider them one project with a piecemeal approach. They are a 51C3 and their intent is preservation. They encourage people to check their website, protectsanpedromountain.org, regarding their concerns about the project, and he suggests seeing it first hand. They do have a video on the site that shows what the project looks like. He stated that one of their key tenants of concern is the Hillside Preservation Ordinance as there is a debate in the community about the interpretation of the ordinance. He stated that everyone can agree that it has been in place for decades and interpreted in a specific manner and a precedent has been set for our community in preserving our hillsides. They believe it is improper for city staff and the Commission to change that interpretation unilaterally without having a full inclusive community opportunity for discussion around any change and how this ordinance has been employed for our community for decades. They are asking for that and a civic discourse and welcome one with all the parties and they take an approach of working with all of them. They appreciate the time and energy they have given and note this is a project further out on the horizon. They are happy to host and discuss it with anyone who wanted to come and take a look as well as check out their website, www.protectsanpedromountain.org.

CONSENT ITEMS:

None

NEW PUBLIC HEARINGS:

1. TUP-1-21

File No. 2021-016: Temporary Use Permit TUP-1-21, to allow Continued installation of a temporary structure to enclose Ocean Shore Railroad Car No. 1409 and to perform restoration work on the railroad car on a portion of the Vallemar Center shopping center located at 2125 Coast highway (APN 018-041-010).
Recommended CEQA Action: Class 4 Categorical Exemption, CEQA Guidelines Section 15304.

Dep. Planning Director Murdock presented the staff report.

Commissioner Domurat asked how the Planning Department looked at the generator situation as the staff report stated that they were small fine crafting tools and if they looked at electric power generators that would make no noise, mentioning that they were making a lot of these battery systems that can power the tools for a week and a gas generator would make a lot of noise, but an electric one probably would not.

Dep. Planning Director Murdock stated that it wasn't something that staff evaluated. They evaluated the applicant's plans to use a gas-powered generator, and staff didn't find any concerns with the placement and limited duration of the use or the small size of the generator. He understood that it was an equipment that the crew already had. He thought they would incur some cost by purchasing a battery pack unit but he thought it was a fair question to ask the applicant to further minimize sound or other impacts to the community.

Vice Chair Berman had a question on the work hours, stating she had a moment of deja vu when reviewing the packet as she probably asked this question when they reviewed this back in 2019. She stated that staff mentioned the anticipated work hours to be 8 am to 5 pm and then COA #10 mentioned the standard city permitted work hours of 7 am to 7 pm on workdays. She appreciated mention that there were no complaints over the past year and a half, but she wondered if they should consider changing the COA to the actual work hours of 8 am to 5 pm.

Dep. Planning Director Murdock didn't believe there would be any objection from staff for such a change, and he thought it would be helpful to understand from the applicant's perspective if they need some flexibility so that, while typically working 8 am to 5 pm, they may have an occasion when they need an earlier start or later finish to accommodate volunteer schedules.

She thought that, with no complaints to the present, it made her okay with either approach but she knows that during the year's time that the car was at this location, everyone was working from home and she didn't think much work was done on the car, but looking ahead when we get back into the swing of things, she would hate to have complaints start.

Dep. Planning Director Murdock understood that they have made substantial progress on the car's renovation during Covid, but it did affect during certain periods their ability to have the number of volunteers while observing social distancing and there were impacts on the timeline. He thought the applicant could give a fair characterization of the extent of the work but it did occur during the shelter in place and work from home they encountered in 2020.

Kathleen Manning, applicant, stated that Shirlee Gibbs is going to give the presentation.

Shirlee Gibbs, Vice President of the Pacifica Historical Society, and a volunteer for the Historical Society's Ocean Shore railroad project. They were present to request a temporary use permit for restoration of the train passenger car. She is responsible for the terms of the lease, the insurance, payroll and accounts payable. She stated that, in November 2019, they first applied and were issued the temporary use permit. She stated that, in February 2021, they were notified by Dep. Planning Director Murdock that their temporary permit had expired. She stated that, for the entire 2020, they were denied the opportunity to work on the railcar because of the Covid 19 issues. They have recently ordered materials and were anxious to complete the restoration when all the requirements are filled according to the planning department guidelines. She stated that, on the original application, the term extended for two years and they later discovered that the application was not good for more than 90 days. She asked if it was possible for them to request that the term be extended for one year from this application date. They hoped, in that one year to have complete restoration, especially the interior of the car completed. When Dep. Planning Director Murdock notified them that it would be on this meeting's agenda, he requested answers to some questions. The first was the terms of their lease on the property at 2125 Coast Highway in Vallemar where the train car is currently located. The original lease of two years with the Perrera family property owners will expire in September 2021. There was an option in the lease to extend the lease, and the property owners have agreed to extend the lease with the same provisions and conditions for a period of one year. Dep. Planning Director Murdock also requested an estimate of how long they will need to complete restoration of the train car, and they hoped that they will have the car in a movable condition within one year of the lease. He also asked about a temporary enclosure after permanent placement of the train. She stated that the train committee has discussed the possibility of building a replica or façade of the original Brighton Beach train station that was across from the community museum. They are extremely thankful for the Council's decision to include the historical seashore passenger car for placement in the new Pacifica city complex and they thank them for their consideration.

Kathleen Manning added that they were pleased and excited to be part of the proposed new civic center, adding that she thought they would be an important part of it and people will be attracted to the historic train car as well as the exhibits they have inside the museum.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock asked if he thought there were no questions by the Commission.

Chair Nibbelin thought they could hear public comments and then bring it back to the Commission.

Dep. Planning Director Murdock introduced the speaker.

Deidre Crow, Pacifica, stated she has called Pacifica home since 1954. She stated that a noted historian for the Ocean Shore Railroad, John Smalley, knows of at least seven train organizations in northern California that will travel to Pacifica, stay in our hotels, eat in Pacifica, purchase many things from their gift shop and bookstore about the Ocean Shore Railroad which she said is one of the most popular restored railroads and we will realize the revenue before they know it. She pointed that rail fans are older, retired, wealthy and need some place to go, and we have it for them in Pacifica. She stated that the perceived value of the destination of a preserved railroad car to Pacifica's Civic Center and its citizens is immeasurable. She asked how it was possible to

monetize the joy on our children's faces or their parents' delight in watching their children learn about the historic railroad that steamed down our coastsides over 100 years ago. She added that Pacifica will realize retail tax revenue from sales in their museum bookstore and gift shop as well as online and eBay sales. She stated that John Smalley mentioned that the programs on Ocean Shore were best attended and enjoyed by our community. She asked Council to help keep their dream alive and extend the TUP.

Chair Nibbelin closed the Public Hearing.

Vice Chair Berman referred to her earlier question and asked Ms. Manning if she thought the 8 am to 5 pm time frame was suitable or was more time needed to complete the work on the car.

Ms. Manning thought that timeframe sounded very sensible and they were happy to conform to that.

Chair Nibbelin asked if there were any more questions or, if not, if someone was ready to make a motion.

Commissioner Ferguson moved that the Planning Commission find the project is exempt from the California Environmental Quality Act; APPROVE Temporary Use Permit TUP-1-21 by adopting the attached resolution by staff; Commissioner Hauser seconded the motion.

Chair Nibbelin asked if there was a willingness to consider adding an amendment to the motion to address Vice Chair Berman's concerns about the hours of operation.

Vice Chair Berman thanked him for considering her concerns. She stated that it was a small concern, but once life goes back to normal and there is a generator running at 7 pm, there are homes directly behind the car and she would hate for there to be complaints. If the Commission agreed, she was ready to make a motion to approve the TUP that was presented to them with the COA that states 7 am to 7 pm.

Chair Nibbelin apologized and asked the maker of the motion if he wanted to amend the motion.

Commissioner Godwin didn't think they should not consider Commissioner Domurat's point that there are very cheap battery power packs that would eliminate the noise of a gasoline generator and are available for under \$300. He thought it was worth asking about that.

Chair Nibbelin thought that was a good point and he asked Ms. Manning or Ms. Gibbs if they would consider that, recognizing that there is a fiscal impact.

Ms. Manning thought they could look into it, stating that she thought the workers are very cognizant of neighbors and having a good relationship and were very careful about their hours and didn't start that early. She didn't think it was an issue, but agreed that they can look into it.

Chair Nibbelin stated that, considering the extent that Commissioners Ferguson and Hauser are willing to modify their motion and second to address the working hours as suggested by Vice Chair Berman and, regarding Commissioner Domurat's suggestion, they would want to keep their on that issue in future projects but he would be comfortable moving forward without incorporating that into the conditions.

Ms. Manning stated that they would investigate that and talk to the workers.

Chair Nibbelin stated that Commissioner Ferguson didn't have an obligation to adjust his motion, but if he was inclined to, he would offer him the opportunity.

Commissioner Ferguson asked if he was confused in thinking they were using the generators for site lighting which might make it harder.

Ms. Manning asked Ms. Gibbs if the lights were solar.

Ms. Gibbs stated that they are and they are the exterior. Currently, there are no lights within the train.

Commissioner Ferguson stated that he was happy to amend the motion with Vice Chair Berman's conditions of approval, especially since the applicant has already agreed to abide by it.

Chair Nibbelin asked if Commissioner Hauser would agree to second the motion on that basis.

Commissioner Hauser agreed.

Dep. Planning Director Murdock asked if Vice Chair Berman would confirm the hours she is seeking with that amendment.

Vice Chair Berman stated that the amendment would be COA #10, and the hours would be consistent with the staff report and applicant's confirmation which would be 8 am to 5 pm during the weekdays.

Dep. Planning Director Murdock stated that would be 8 am to 5 pm all days of the week, Monday through Sunday.

Vice Chair Berman stated that her main concern was the weekdays, and she didn't recall if the staff report identified a different time frame for the weekends, not necessarily in the COA.

Dep. Planning Director Murdock stated that he would have to look in the report for the weekend hours.

Vice Chair Berman stated that, if everyone agrees to 8 am to 5 pm, seven days a week, that sounded pretty safe to her as it was so close to homes.

Dep. Planning Director Murdock added that the construction hours in the municipal code are 9 am to 5 pm on the weekends, so they might want to distinguish between weekdays and weekends for the beginning time.

Vice Chair Berman stated that her previous statement stands for her of 8 am to 5 pm on weekdays and standard municipal code for the weekends.

Chair Nibbelin thought they all understand the motion and he then asked for a roll call.

Dep. Planning Director Murdock asked if Chair Nibbelin would allow him to read the revised condition in its entirety before they take the roll call vote.

Chair Nibbelin agreed.

Dep. Planning Director Murdock stated that the motion would revise condition of approval No. 10 to read construction and renovation operations shall be limited to the hours of 8 am to 5 pm on Monday through Friday and 9 am to 5 pm on Saturday and Sunday.

Chair Nibbelin thanked him for that clarification. He then asked Commissioner Ferguson if that was consistent with his understanding of the motion.

Commissioner Ferguson agreed.

Chair Nibbelin then asked for a roll call vote.

Dep. Planning Director Murdock took a verbal roll call

The motion carried **7-0**.

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

- 2. CDP-423-20** **File No. 2020-017 – Coastal Development Permit CDP-423-20,**
Filed by Jarl and Monica Meagher, to construct an 838-square foot (sf) partial second-story addition to an existing one-story, 1,568-sf single-family dwelling on a 5,000-sf lot located at 544 Dolphin Drive (APN 009-162-310)
Recommended CEQA Action: Class 1 Categorical Exemption, CEQA Guidelines Section 15301.

Contract Planner Garcia presented the staff report.

Commissioner Hauser stated that her first question was, if the footprint is going to be the same, why is the percentage of landscape being reduced, asking if it is just because of the deck attached on the rear.

Contract Planner Garcia stated she is correct. There is a deck being proposed on the second story in the rear and there is a patio below that.

Commissioner Hauser asked if any trees were being proposed for removal in the rear yard.

Contract Planner Garcia stated there were not.

Commissioner Hauser stated that there was a greenhouse in the plan, and she asked if it was new and it looked to be in the side yard setback.

Contract Planner Garcia stated that it was an existing greenhouse.

Commissioner Hauser asked if it was grandfathered in.

Contract Planner Garcia responded affirmatively.

Dep. Planning Director Murdock stated that they have not specifically analyzed that as a structure for zoning compliance, and he noted that accessory buildings in many instances can have setbacks as small as 18 inches on the side and rear property line. Without further analysis, he didn't know if he could conclude it violates the zoning but there is a chance it may comply.

Commissioner Hauser stated that there was a substantial tree on the property line that looks like a Cypress and she asked if it needs to be pruned or impacted in any way by this project.

Contract Planner Garcia stated that the applicant has indicated that the scope of work will be outside the area of that tree.

Commissioner Hauser stated that she didn't see a condition of approval that protected that tree and asked if that was something staff has contemplated.

Dep. Planning Director Murdock stated not specifically since they evaluated the work that occurred outside the dripline and heritage tree protection requires them to address those situations when work would occur within the dripline or directly impact the tree with trimming or removal.

Commissioner Hauser referred to the Coastal Commission letter and didn't think there was a condition added based on that recommendation. She asked if it would be outside the norm to do what they were recommending for a deed restriction.

Dep. Planning Director Murdock stated that, in his opinion, it would be. He stated that the Commission confronted this issue on a project known as 1300 Danmann as well as the 277 Kent project and the Coastal Commission staff made similar comments and, at that time, he articulated what he articulated today that those are well meaning provisions but they are not current policies that are in the city's local coastal program. He stated that they have similar language in the certification draft of the Local Coastal Land Use Plan that is pending before the Coastal Commission for certification today, and they haven't found a nexus to this project that would justify proposing it on an ad hoc basis, but they can explore that further if the Commission develops new information on that point.

Monica Meagher, owner, thanked the Commission for hearing their project and all the work done over the last few weeks. She stated that they have lived in Pacifica for five years, and her husband, Jarl, lived here while in college and loved surfing and now loves that he can walk to the beach. He also has a business in the city doing electrical vehicle charging, solar and battery backups. She stated that they were active in organizations such as the Moose Lodge, etc., and their two children are in daycare. They are working on this project to provide space for their growing family and want it to be their forever home. She then turned it over to Brian Brinkman for more details.

Brian Brinkman, applicant, stated that they met a year ago. Ms. Meagher's father is an architect in Santa Cruz and he came up with the initial project. They worked together on the design before them at this meeting, such as pushing it back from the street to reduce the massing on the street and to the neighborhood, low sloped roofs consistent with the neighborhood and keep the coastal aesthetic look of other homes in the area, enhanced the light and views while respecting the privacy of everyone.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock introduced the speakers.

Charlotte Mecozzi, Pacifica, stated that she lives on Esplanade, west of this project and she asked how this project would impact other expansions by other residents if that will impact the views of this project. She stated that she is the owner who has that giant Cypress tree and she wanted to know if there were plans to trim the branches or remove the tree which would reduce her home's sense of privacy. She stated that she didn't oppose the project, but she had some concerns about the number of windows and additional decks which will impact the privacy they have in their own backyard. She stated that they have a bedroom, dining room and living room in the back of their house and will have a lack of privacy with the number of additional windows and decks. She wasn't opposed to that, but had issues about privacy, as well as again, concerns if other residents wanted to build up and might block their views.

Cindy Abbott, Pacifica, stated that she appreciated that people wanted to update and improve their permanent homes but she had a concern for the long term of the city's economic health. She stated that 50 years ago, the Council and Planning Commission didn't anticipate the effects of El Nino storms of 1997 and 1998 would result in blocks of homes on Esplanade tumbling on to the

beach as the coastal cliffs eroded but they are aware of it now as nature has its way. She stated that, in February 2020, the current Council approved the local coastal program certification that Commissioner Hauser referred to that was put into a recommendation from the California Coastal Commission and thought it would be prudent to include that language protecting the city from liability in conditions of approval for this project and future projects in this area. She recognized that it might seem extreme and unnecessary but thought they should be worrying about what happened in the past when the city had to deal with structures that ultimately needed to be removed. She requested that the request made by the Coastal Commission be followed and the language that is part of future pending city policies which received public input be included in this project. She thought it was for everyone's protection and worthwhile putting into the conditions of approval.

Christine Boles, Pacifica, stated she lives in the Manor District and often walks in this area. She had some questions as there appeared to be some errors in the staff report analyzing the zoning conformance, the setback was not listed accurately, the tree canopy in the plans was not accurate as it extends over the entire width of the backyard. She thought that an arborist report on tree protection measures should be required to ensure the tree survives during construction. She was also confused about the letter from the Coastal Commission in the staff report that doesn't appear to have been addressed at all with no neighborhood compatibility assessments, visual and scenic resource studies from Palmetto in the report which the Coastal Commission says is required to assess compatibility with LUP policies. She stated that the project proposes an 838 sq foot addition which is more than 50% of the existing square footage and she understood that passing the 50% threshold triggers additional requirements from the Commission to analyze additional potential hazards. She knows the Commissioners are aware that this area is subject to extreme bluff erosion, mentioning homes and apartments a few blocks away on Esplanade that were removed due to erosion a few years ago. She recalled a 2020 study done that showed these to be the most friable cliffs in all of California. She stated that the current General Plan safety element, as well as the 2014 draft General Plan were written before these catastrophic events and do not address the hazards imposed on these viable cliffs. She was aware of two projects approved by the Commission in the past year that were appealed to the Coastal Commission and then denied. She wanted to be sure they were doing the proper analyses so the owners will not have to deal with a complicated appeal.

Chair Nibbelin mentioned allowing the applicant to speak to the matters raised in public comment, and asked Mr. Brinkman if he wanted to address any of the matters raised.

Mr. Brinkman stated that there was no proposed trimming of the tree, and they made appropriate adjustments as the owners liked the tree and didn't want to disturb it.

Chair Nibbelin closed the Public Hearing.

Commissioner Hauser asked if the owner was adding solar, as he said he was in that business and she didn't see it in the report on the roof plans and she was curious.

Mr. Meagher stated that they were focusing on the simplest aspects but they were definitely thinking about solar and getting the city's approval down the line.

Commissioner Hauser stated that she liked the majority of the design, but she noticed 3 of the 4 elevations' facades are a little flat, even with a change in materials, understood that they were a

little constrained on the side elevations, and she mentioned that they had some room on the front yard setback and asked if there was any room to provide a change in the front elevation between the block portion and hard board siding portion of the home to create a bit more visual interest.

Mr. Brinkman asked if she was referring to the garage in the front.

Commissioner Hauser stated that she knew it would be atypical to bring a garage part of the living space and he was trying to maintain the existing living space, but having them on the same plane as well as the east and west elevation on the same plane, was reading a little flat to her and she thought there needed to be a little bit more depth.

Mr. Brinkman stated that the existing garage is basically at the setback and they just had a few inches to play with so they couldn't bring it out further or push it back because they are dealing with an existing single car garage and they need to keep it at the minimum it was now.

Commissioner Hauser thought she might be misreading it but the staff report stated the existing setback is 20 feet, 3 inches and the requirement is 15 feet so she thought they had a couple of feet to play with.

Mr. Brinkman stated that it would be for the living space to be 15 feet but the garage is supposed to be 20 feet.

Commissioner Hauser asked if they were not willing to bring it up.

Mr. Brinkman asked if she meant bring it forward, he did struggle with that a little bit, and explored pushing it back a little, but the way it connects to the rest of the house felt a little bit haphazard.

Commissioner Hauser stated that her comments are pretty much in line with the questions she asked. She liked that the owner is not planning to effect the tree on their own property or the tree on their neighbor's property; however, she would want to see a condition of approval about tree protection to be put in place so it does not impact the roof which she thought was a simple thing to do. She stated that she heard mention of an arborist report, but she didn't think it was necessary but just staff level approval of the canopy would be fine. She knows it is a single-family home, but she feels it is important and the roof elevation is so nice. The way the slope of the roof is designed is nice and she thought it would be a shame if public street facing elevation lacked some of the same depth that they treated the rest of the project with. She referred to the Coastal Commission letter, and thought they needed to keep their eyes open that future residents in these neighborhoods need to be made aware of what is going on. She didn't think it was appropriate to do it piecemeal, but she wanted to understand what the vehicle is to start having this discussion and do it in the future fairly and consistently. She thought it might not be to discuss with the applicant but at some time in the future, as it was important and coming up a lot. She appreciated that there was an environmental issue at hand.

Commissioner Leal referred to a commenter mentioning concerns to restrictions to their property in the future due to sites or views, and he asked staff if they can clarify if there are any current restrictions on blocking views or any view ordinances that would preclude any neighbors from doing something similar to their house in the future.

Dep. Planning Director Murdock stated that the simple answer is that the city does not have a view protection ordinance to protect private views and the scenario that the commenter outlined that may prevent them from improving their property or their neighbors may be impacted from improving their property along Esplanade to protect this owner's views on Dolphin he did not believe to be true as there is no express city ordinance or policy to protect those private views. He stated that whatever hypothetical development might be proposed in the future on Esplanade, they would evaluate it for potential impacts to view corridors, consisting of public views from significant public lands and spaces that could be impacted from whatever project is proposed in the future but he didn't think there would be some direct relationship between this project on Dolphin and restrictions on properties on Esplanade to protect Dolphin properties.

Commissioner Leal then referred to the material of the staircases, and hoped it was stainless steel. He saw stainless steel mentioned in regard to railings but in reference to railings around the deck. He asked about the material of the staircases, with his concern due to the proximity of the ocean.

Mr. Brinkman agreed that they would want material that would stand up, such as stainless steel.

Commissioner Leal stated that stainless steel was referenced regarding railings and posts and he asked what that is in reference to.

Mr. Brinkman stated it was specific to railings, cables and the frame of the railings as opposed to the staircases. He stated that it wasn't explicitly stated in the plans, but the staircase was intended to be stainless as well.

Commissioner Leal asked if that was the plan.

Mr. Brinkman responded affirmatively.

Commissioner Leal stated that he would be in favor of Commissioner Hauser's condition to further protect the tree and make sure that happens, adding that it seems everyone is in favor of that.

Vice Chair Berman stated that Commissioner Hauser addressed most of her questions and she supports the proposal of the new condition to further protect the existing tree. She also wanted to support her comment that it wouldn't necessarily be applied to this project but something they certainly should consider moving forward, stating that she didn't know if it was a deed restriction or something else for development in this area and there were also comments regarding it, making sure that people purchasing homes in this area are aware of the hazards, whether obvious or not.

Dep. Planning Director Murdock asked if he could have the opportunity to respond to the commissioners' concerns regarding deed restrictions, hazards and disclosures.

Chair Nibbelin agreed.

Dep. Planning Director Murdock stated that Commissioner Hauser mentioned that she thought something broader than a project-specific approach should be taken by the city to address coastal hazards that might exist along the Esplanade bluffs. He stated that the broader process has already occurred through development of the Local Coastal Land Use Plan update and certification draft approved by Council. He stated that the issue of coastal hazards and when to

impose deed restrictions related to development was discussed and considered extensively in his opinion by Council when approving the certification draft and its conclusion was that the city should have policies that address what is defined as shoreline development. He stated that this approach and the policies contained in the certification draft would not apply to this project in the hypothetical situation where the certification LCP draft was in effect today. He stated that the reason was this property does not intersect or front along the ocean and it wouldn't be shoreline development as defined. He added that other policies would limit the application of some of the policies, given that the building would not encroach seaward in its current configuration. Some of the exterior decks would but he recalled that those types of structures that could be removed from the building would not be considered a seaward encroachment under the policy in the certification draft LCLUP. He stated that the hazard exposure of a structure as long as it didn't increase by going seaward or meeting other thresholds in the certification draft LCUP would not be subject to those limitations and restrictions because it didn't fundamentally change the development on the property. He reiterated that it is all hypothetical because it is not yet in effect as it is a certification draft that they are working hard to get certified by the Coastal Commission. He stated that they have done the broader citywide consideration of this issue and Council has come down with a set of policies that they feel strikes the right balance between allowing people to develop and enjoy the economic development and use of their property and protecting the city from liability and cost associated with development.

Commissioner Domurat stated that he concurs that discussion of construction in the coastal zone needs to continue. He stated that, compared to many places along the cliffs of Pacifica, this area is extremely protected. He stated that, if you look at Google Earth or Google maps and look at the base of the cliff along Esplanade, it probably has some of the biggest revetment protecting the toe of the bluffs of anywhere else in Pacifica and the revetment is not going anywhere and will provide protection from wave erosion. He said that we live in a highly geotechnically active area and you have a lot of the other hazards of building close to one of the major earthquake zones in California and those challenges affect all of us. He stated that, in terms of direct impact of waves on Esplanade or that zone, we are okay for a while. He reiterated that, on cruising Google Earth, you see that we have 80% of the area protected but he agreed that they should continue the discussion on what they can do in the future about that.

Dep. Planning Director Murdock asked to expand upon what Commissioner Domurat mentioned.

Chief Nibbelin agreed.

Dep. Planning Director Murdock referred to the public comment mentioned by Mr. Garcia related to some of the hazard maps that are contained in the city's adaptation planning process that fed into the local coastal plan certification draft approval. He thought it was important to qualify those with the information that Commissioner Domurat shared in that the projections of coastal erosion from 2100 did not to his knowledge take into account existing shoreline protection structures that might be in place, and to the extent that erosion would occur in an uncontrolled manner to 2100, he thought it was reasonable to conclude it would occur, if at all, at a much slower rate by the 2100 timeline because the shoreline protection is currently in place and he didn't think it was convincing evidence that this development site would be in danger under current conditions if that is in place, while keeping in mind also that the project is a vertical addition above an existing structure.

Commissioner Hauser stated that she liked the project and would like to make a motion with the conditions they all spoke about as well as gauge what her fellow commissioners were willing to support, i.e., a broad condition that would allow staff to be the reviewer on adding some additional façade, whether a little bit of traditional works projection. She stated that it was a nice project but it was bothering her that it was so flat on the front.

Chair Nibbelin stated that he would be in support of that, but would ask staff for help in any nexus or analysis they may have to do on that. He thought it would be great if the applicant would be inclined to take her up on that well-placed suggestion. He asked Asst. City Attorney Sharma if she wanted to speak on that.

Asst. City Attorney Sharma thought it would be acceptable to ask the applicant if they would be willing to abide by that condition. If not, they would need a few more comments in the record about why that addition would be necessary and maybe involving additional aesthetic impacts would be a way to go which she thought would take care of the nexus.

Chair Nibbelin thanked her, adding that she did a nice job of articulating the significant aesthetic concerns with the fact that it is street facing and other aspects she raised. He asked Mr. Brinkman or Mr. and Mrs. Meagher if they wanted to comment on this.

Mr. Brinkman stated that he would let Ms. Meagher respond, but it was amenable to him, adding that he had a couple of ideas they could play around with to subtly help provide some depths on that garage site.

Mr. Meagher asked Commissioner Hauser if she was asking him for some sort of visual break between the first and second story, the garage and what would be the bathroom.

Commissioner Hauser clarified that, if they look at 3-D view 2, where they have the front door, the party panel blue portion and gray portion that is the face of the garage on the exact same plane. She stated whether it was a recess for the front door, or whatever it may be, she was asking for some element besides the roof line that takes their façade and breaks it up slightly, and stated that it didn't have to be a huge change to the architecture but just one element that provides some interest from the public street which she thought was a finding they have to make which was the nexus she was looking for.

Mr. Meagher agreed.

Chair Nibbelin stated, since Commissioner Hauser has had the most to say about this project, and acknowledging comments from the commissioners, he asked if she would craft a motion.

Commissioner Hauser agreed, stating that she would like to move that the Planning Commission FIND the Project is exempt from the California Environmental Quality Act; APPROVE Coastal Development Permit CDP-423-20 by adopting the attached resolution, including conditions of approval in Exhibit A; including a condition that would have tree protection sensing as well as staff approval to their liking; including an element along the façade to break up the front elevation to staff's discretion; and incorporate all maps and testimony into the record by reference; Commissioner Ferguson seconded the motion.

Chair Nibbelin stated he would like to check with Dep. Planning Director Murdock to confirm his understanding of the motion and the second.

Dep. Planning Director Murdock stated he had some suggested language for the Commission's consideration as well as confirmation from Asst. City Attorney Sharma. For the first regarding tree protection, he suggests that the motion add a new condition of approval that reads, prior to commencement of construction activity, the applicant shall install tree protection fencing at ground level around the dripline of the existing Cypress tree at the rear of the project site to the satisfaction of the planning director. Tree protection fencing shall remain in place until the building permit for the project passes final inspection.

Commissioner Hauser asked to qualify that her request was for the tree in the rear yard and the tree that has a root system that is probably over the property line as so much of that canopy overhangs but, other than that, she was fine with the language.

Dep. Planning Director Murdock stated that it was his understanding that it was the Cypress tree at the rear of the project site and asked if she wanted revision to the language to make it clear that it was the tree on the neighboring property.

Commissioner Hauser stated that she was hoping to have both trees protected since they both look to be ordinance size trees. She stated on sheet A.1, labeled existing 18 and 24 inch Cypress heritage trees to remain, as well as the one in the rear yard labeled Cypress heritage tree to remain.

Dep. Planning Director Murdock understood, adding that he hadn't heard her mention the heritage tree at the front and he will make that adjustment.

Commissioner Domurat had a point of clarification on the motion, asking if the change to the site line at the front of the property near the front door and garage are going to be a condition of the permit or is it a consideration for the homeowners to do or not do, depending on how they feel the aesthetics of the project should look and he is not a fan of what he calls the Wizard of Oz way of doing building in Pacifica where you drop a box on a house and that's so far from what Mr. Brinkman designed. He understood site lines, but he would say, unless there is some ordinance that mandates that they have to have aesthetically pleasing site lines to everything they do, he would like to make it a consideration rather than a condition of the permit if that is okay.

Chair Nibbelin stated that his understanding of what was in the motion was that the requirement that the front façade be broken up in some manner that was to the satisfaction of the Planning Director on the basis of the aesthetic impacts that Commissioner Hauser had articulated, but he added that he understood his position and was well articulated.

Dep. Planning Director Murdock stated that they do have an element of the project, given that it is in the Coastal Commission's appeals jurisdiction and design review is required. They have interpreted that to mean consistency with the city's adopted design guidelines and there is a relationship to the aesthetic concerns Commissioner Hauser has expressed and the Commission's action on this permit. He stated that it would be appropriate if it is the will of the Commission majority to impose it as a requirement. He fortunately heard the applicants agree to make the modifications and they don't have to further develop evidence for the design guidelines. He stated that, with respect to the condition that Commissioner Hauser asked for to protect wayward

construction work from damaging the mature trees with driplines on the site, he will try a second version of the condition. They will add another condition of approval, i.e., prior to commencement of construction activity, the applicant shall install tree protection fencing at ground level around the driplines of all trees, with driplines extending to the project site to the satisfaction of the Planning Director. The tree protection fencing shall remain in place until the building permit for the project passes final inspection. He stated, with respect to the façade modification, he would suggest, prior to issuance of a building permit, and as agreed by the applicant, the applicant shall revise the project plans so that the front elevation includes additional relief along the first floor façade to the satisfaction of the Planning Director.

Chair Nibbelin asked if that squares with what she had in mind.

Commissioner Hauser responded affirmatively, and thanked Dep. Planning Director Murdock for putting it together so nicely.

Chair Nibbelin asked Commissioner Ferguson, in light of the specifically articulated conditions, if he would consider seconding the motion.

Commissioner Ferguson responded affirmatively.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

Chair Nibbelin thanked Mr. Brinkman, Mr. and Mrs. Meagher and also Dep. Planning Director Murdock for drafting the revision.

COMMISSION COMMUNICATIONS:

Chair Nibbelin stated that he and Commissioner Hauser covered the annual report presented to the City Council at the previous meeting and they were appreciative of all the work the Commission has been doing in the course of the last two years. They also took the opportunity to thank staff for all their work

STAFF COMMUNICATIONS:

Dep. Planning Director Murdock stated that he had nothing to report.

ADJOURNMENT:

There being no further business for discussion, Commissioner Hauser moved to adjourn the meeting at 8:22 p.m.; Commissioner Domurat seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister