

**MINUTES**

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

August 3, 2020  
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-29-20, which suspends certain requirements of the Brown Act and pursuant to the orders of the Health Officer of San Mateo County, dated June 17, 2020, 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.

Sr. Planner Murdock took a vocal roll call.

**ROLL CALL:** Present: Commissioners Berman, Bigstycyk, Godwin, Hauser, Leal and Chair Nibbelin  
Absent: None

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

**STAFF PRESENT:** Sr. Planner Murdock  
Asst. City Attorney Sharma  
Assoc. Planner O’Connor  
PW Dep. Director Bautista  
Sr. Civil Engineer Donguines  
Dep. Fire Chief Lauderdale

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

Sr. Planner Murdock took a vocal roll call.

The motion carried **6-0**.

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

**APPROVAL OF MINUTES: MAY 18, 2020 and JULY 6, 2020** Commissioner Berman moved approval of minutes of May 18, 2020 and July 6, 2020; Commissioner Leal seconded the motion.

Sr. Planner Murdock took a vocal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstycyk, Godwin, Hauser

Leal and Chair Nibbelin  
Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF AUGUST 24, 2020:**

Chair Nibbelin asked for a refresher from staff on the Lots 4-12 Oddstad Way project.

Sr. Planner Murdock explained what the project was about.

Chair Nibbelin asked if there was a volunteer to serve as the liaison.

Commissioner Hauser asked what date the Council meeting was for this item.

Chair Nibbelin stated it was August 24.

Commissioner Hauser stated that she will volunteer.

Chair Nibbelin stated that he would assign her as the liaison.

**ORAL COMMUNICATIONS:**

Chair Nibbelin asked for Sr. Planner Murdock to let them know if there were any public comments.

Sr. Planner Murdock asked everyone to “raise” their hands to speak on items not on the agenda.

Gary Luttringer, Pacifica, asked if this has to do with the new development on Monterey.

Chair Nibbelin stated that that was Item 1.

Mr. Luttringer apologized and said he had no oral comments.

Chair Nibbelin stated that they would wait a bit to see if anyone wants to speak.

Sr. Planner Murdock stated that there was no one.

**CONTINUED PUBLIC HEARINGS:**

**PSD-714-02  
UP-904-02  
SUB-204-02  
Heritage Tree Removal  
Authorization For  
Logging Operations**

**File No. 2002-001 - Site Development Permit PSD-714-02, Use Permit UP-904-02, Tentative Subdivision Map SUB-204-02, Authorization for Heritage Tree Removal, and Authorization for Logging Operations** for construction of four new townhouse duplex buildings (total of eight dwelling units), and associated subdivision for condominium purposes, on an approximately 53,000-sq (1.217 acres) undeveloped lot located on the east side of Monterey Road approximately 250 feet southeast of the Monterey Road and Hickey Boulevard intersection (APN 009-381-010) in Pacifica. The project would include removal of seven heritage trees and 50 non-heritage trees. The project is known as “Vista Mar Project”. Recommended CEQA Action: Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Chair Nibbelin stated that he discussed with the City Attorney if it was appropriate to recuse himself from consideration of this item as he lives relatively close to the project site, a little beyond 1,000 feet from the site and there was no statutory basis to recuse himself. After considering the matter and consultation with the City Attorney, he concluded that he can and should participate.

Sr. Planner Murdock stated that before Assoc. Planner O’Connor presents the staff report, he would like to confirm with Messrs. Kontrabecki and Chavarria whether they are the two representatives of their project team or is there anyone else he needs to bring into the meeting.

Mr. Kontrabecki stated that they were the two representatives.

Assoc. Planner O’Connor presented staff report.

Chair Nibbelin asked if the commissioners had any questions before they go to public comments.

Commissioner Bigstyk referred to reading the geotechnical item and the MND and he noticed it was referencing 2002 when the geotechnical work was done. He thought that might be a nice place to begin and asked for a brief history of the process and why it has taken so long to get from there to here.

Assoc. Planner O’Connor stated that she can state what she has seen and the records show and maybe the applicant can fill in the rest. She stated that this project was initially pursued in the early 2000s and never proceeded past the point of finding the application incomplete. She stated that it stalled for several years and in 2015 the applicant returned and reactivated the application and has been more steadily moving forward since then.

Commissioner Bigstyk thought a big point of discussion may be water drainage, and to get the ball rolling, he stated that he was a lay person with regard to technical stuff. He asked how big the catch basins are.

Assoc. Planner O’Connor thought that would be a better question for the applicant.

Commissioner Bigstyk asked how much staff investigates the current capacity of storm drainage that we currently have when looking at a development of this size.

Assoc. Planner O'Connor stated that the applicant prepared a drainage report and it was reviewed by the Engineering Division. She stated that she will let them take over the drainage questions.

Chair Nibbelin asked if she was referencing the city engineer.

Assoc. Planner O'Connor stated that she was referring to Dep. Director Bautista.

PW Dep. Director Bautista stated that he has Sr. Civil Engineer Donguines who did the review of the storm drainage report and he will be answering the questions.

Sr. Civil Engineer Donguines stated that the applicant's engineer prepared a hydrology report which takes into consideration the drainage basin in and around the property and has concluded that the 24-inch pipe to which they are connecting has enough capacity to handle the flow of the pre and post development coming off the site.

Chair Nibbelin asked if Commissioner Bigstyk had any more questions for them.

Commissioner Bigstyk stated that the last one was whether the driveway was permeable.

Assoc. Planner O'Connor stated it was not.

Commissioner Bigstyk mentioned that there was reference to an ephemeral drainage ditch on the property, stating that when he was on the site it was hard for him to pinpoint where it would be and he asked if they could elaborate on what that is.

Assoc. Planner O'Connor stated that it was a drainage ditch that receives water for a portion of the year and is artificially created and is directed from the properties to the southeast onto this property. She stated that it currently enters into a head wall and into underground facilities on the project site and you would not see the drainage from the sidewalk as it brings it underground further up on the proposed project which has moved the head wall even further up on the hillside.

Commissioner Bigstyk stated that his further questions are about trees and the conditions of approval. Regarding trees, his understanding was that there were four of the heritage trees that seem to be in good condition, and asked if that was an accurate assessment.

Assoc. Planner O'Connor thought it was more appropriate to say there are two in good condition and the remaining five were in fair to poor condition.

Commissioner Bigstyk stated that there was an added idea that the trees could be moved, and he asked if it was added because it seemed like they can. He asked if they know if that is anything more than an idea or does it seem probable that the trees could be moved.

Assoc. Planner O'Connor stated that the applicant can speak to this as they reached out to an arborist in response to public comment that the city received at the July 20 hearing. The requirement that they review it is a condition of their approval.

Commissioner Bigstyk referred to the conditions of approval, #32 and 36. He stated that in reading them, they were almost identical except for a couple of words and he was curious if they can be consolidated into one COA or do they need to keep them separate for legal reasons.

Asst. City Attorney Sharma stated that she will look at it and get back to him later in the meeting.

Commissioner Hauser had a few questions, and the first was for the City's CEQA consultant, Raney Planning & Management. She stated that, for the MMRP, it sounded like the first two biology mitigations were for dusky footed wood rats and she wanted to know if nests have actually been found on site which was the reason for the mitigation measure.

Rod Stinson, Raney Planning and Management, stated that the biologist deemed that there was a potential for the species to occur and provided a preconstruction survey to make sure.

Commissioner Hauser asked if a survey has been done on the site as she saw a lot of preconstruction surveys required, including wetland surveys. She would have expected them to have already been done.

Mr. Stinson stated that they did reconnaissance level surveys but not at protocol level.

Commissioner Hauser concluded that the protocol levels are required pre-construction, which makes sense. She referred to mitigation IV-1-B, if nest avoidance is infeasible, but she didn't see that CDFW was still one of the responsible agencies noted on that. She asked if she was correctly understanding that it will be done, and CDFW will be notified whether it is infeasible or not.

Mr. Stinson stated that they are required to be included, especially if they find species to update the California Natural Diversity Database (CNDDB) list.

Commissioner Hauser stated that it was a single lot subdivision and she didn't see any easements proposed and didn't see an emergency vehicle access for the rear drive aisle. She was wondering if someone can talk about emergency access and if aerial apparatus and access has been reviewed as it looks to be further from the street than what Appendix D would typically allow and she wanted to make sure that it was thought through.

Sr. Planner Murdock asked Dep. Fire Chief Shane Lauderdale if he would like to speak to the technical aspects, adding that he can mention initially that they did evaluate that and the appearances are deceiving with this project. He stated that the driveway to the rear of the project site was not required as a fire apparatus and access road as is commonly required on many types of projects. He stated that, for that reason, they did not pursue the emergency vehicle access easement as they might expect to see. He stated that Dep. Fire Chief Lauderdale can elaborate.

Dep. Fire Chief Lauderdale stated that he covered everything and he didn't have anything to add.

Commissioner Hauser concluded that they are confident that, if there is an emergency, fire trucks and ambulances can get to people with the amount of stairs or confident that the current design is safe.

Dep. Fire Chief Lauderdale stated that the current design is within the specifications of the Fire Code.

Commissioner Hauser stated that she saw a lot of trees being removed, but she didn't see any replacement trees suggested and she saw a note that it would potentially be looked at separately. She wanted a better understanding of the thought process and how many trees the Planning Department would expect to see.

Assoc. Planner O'Connor stated that it would be shown in the final landscaping plan and is part of the condition of approval for the preparation of the final landscaping plan. She stated that, as mentioned before, the applicant has reached out to an arborist to figure out the feasibility of relocating the trees. The applicant can confirm this but her understanding is that the arborist suggested that the feasibility for the trees in good condition are higher than the ones that are poor or fair condition and additionally the arborist found that some of the trees that were in fair condition were multi-trunk trees which she understood were more difficult to relocate and less feasible.

Commissioner Hauser thought her question may be unclear. She was assuming that, if a relocation is potentially infeasible and the trees need to be removed, at least one to one replacement would be required. She asked if there was a replacement ratio that would be a minimum currently contemplated.

Assoc. Planner O'Connor stated that the same condition of approval requires that replacement ratio of 1 to 1 and it lets the applicant account, if any trees are successfully relocated, they get to count that as a replacement tree but it was a 1 to 1 ratio. She stated that, if an arborist finds that a replacement tree is infeasible or unable to find an appropriate location for all heritage trees, the applicant would be responsible for paying an in lieu fee.

Commissioner Hauser referred to mention of the differential between the pads and the public sidewalk was about 20 feet, and asked if she heard that correctly.

Assoc. Planner O'Connor didn't believe she said that.

Commissioner Hauser asked what was the grade differential between the public walk and where the building starts.

Sr. Planner Murdock thought it varies across the site, as at one point there was 12 feet of difference and at another point it was about 7 feet.

Commissioner Hauser thought it looked like the sidewalk as proposed to be existing to remain and it wasn't clear to her and she wanted to understand if there were new street trees proposed or a widening or repair of some of the existing cracks over there and she wanted to understand the requirements there.

Assoc. Planner O'Connor stated that no street trees are proposed and a condition of approval would require them to repair any damage that they do to any public infrastructure but maybe Sr. Engineer Donguines can provide further input regarding requirements.

Sr. Civil Engineer Donguines stated that she was correct and they will do a site inspection during construction or before construction and take note of any sidewalks that are cracked or broken or a tripping hazard and during the building permit they will include them in the permit to be replaced.

Commissioner Hauser understood that, if it is currently cracked, it doesn't need to be fixed and only would need to be fixed if cracked by the applicant.

Sr. Civil Engineer Donguines stated that, if it was cracked now, it would potentially be a tripping hazard in the future and they will have applicant replace it.

Commissioner Berman stated that a lot of her questions have been asked. She referred to what Commissioner Hauser discussed, stating that she also had a question about the proposal to keep the existing sidewalk, curb and gutter. She stated that, from her inspection of the site, it looked like several locations of the sidewalk and, structurally, the roadway are degrading. She didn't notice any requirement for replacement of the road. She stated that we have our typical COA but she wondered if there was any consideration to fully replace the sidewalk, curb, gutter and a portion of the asphalt in front of the site.

Sr. Civil Engineer Donguines stated that some of the sidewalk will be replaced when they construct their driveway, and they typically require the applicant to replace the AC pavement to the limits of the longest trench and they normally require them to do a 2-inch grind with a 2-inch overlay.

Commissioner Berman didn't know if Public Works had a chance to inspect the site currently but she noted that there is a lot of alligator cracking in the asphalt which leads her to believe that there might be some aggregate based and structural deficiencies, and she asked if that was something that will be studied and reviewed during construction as she didn't believe simply replacing the AC overlay that would solve the problem.

Sr. Civil Engineer Donguines stated that when they do the overlay and the base repair or when they grind the street, they will look to see if the cracks go further down, and if it does, they will make some adjustments.

Commissioner Berman stated that it looks like the southernmost driveway cut looks like it's supposed to be a driveway apron but the one further north looks like it may be a driveway with returns. She asked if that was intended to be a driveway with returns and therefore needs curb ramps or another driveway cut with an apron.

Sr. Civil Engineer Donguines stated that both of them will be ADA compliant and they will both have ramps for both driveways.

Commissioner Berman stated that the tentative map plans do not show curb ramps there.

Sr. Civil Engineer Donguines stated that they will take care of that during the building permit application.

Commissioner Berman had a couple of drainage questions. She noticed that there is an existing drainage easement where the existing headwall kind of runs throughout the southern property line. She asked if the applicant was intending to vacate that easement as it looks like there is new

development of walls and structures proposed within that easement and it was unclear as to whether the easement was being vacated and a new easement will be proposed or if this easement will remain.

Sr. Civil Engineer Donguines thought the new easement will need to be reconfigured because the pipes in the property will change and it will probably be enlarged, but he will refer that to the applicant's engineer. He stated that the configuration of the final easement will follow the pipe that is being proposed to the site.

Commissioner Berman thought that made sense. She then mentioned that during the planning and entitlement process, as the applicant is requesting tentative maps to be approved and she asked if the easements have to be somewhat solidified during this planning approval process or is that something that they can trust will be finalized during the building permit phase.

Sr. Civil Engineer Donguines stated that they were trying to get that solidified through the tentative map process. It was not for the Planning Commission meeting but they will get that done.

Sr. Planner Murdock stated that the important thing to remember is that they do all that they can at the tentative map phase and sometimes during preparation of the detailed improvement plans certain aspects may need to change. He stated that the important standard for the final map is substantial conformance with the tentative map and to the extent that they understand there is a drainage easement there now, there will continue to need to be a drainage easement. The location and description of it can change slightly, as long as it is substantially conforming with what is indicated on the tentative map that is approved.

Commissioner Berman asked if it is correct that potentially a lack of the new drainage easement layout is not a substantial deficiency between tentative map and final map.

Sr. Planner Murdock thought, if the placement shifts slightly, it is not a substantial conformance issue. If it is not shown at all, it could be a substantial conformance issue.

Commissioner Berman stated that she didn't see it at all and that was her main concern.

Sr. Planner Murdock stated that he would have to defer to Engineering as far as the reasoning for it not being on the tentative map and the applicant may be able to clarify it. He stated that, if it is the Commission's will, they could condition to modify the tentative map to include the easement with a reasonably precise description of where it is and the function of it. He stated that the person or parties to benefit which he imagined would be the city for conveyance of the storm water.

Commissioner Berman stated that she will note that and the Commission can deliberate on it.

PW Dep. Director Bautista referred to Sheet No. 6 of the tentative outhouse map which shows a floating drainage easement on the south side.

Commissioner Berman stated that she thought that was the existing one, and asked if it was not the existing easement.



PW Dep. Director Bautista stated that it was the existing easement.

Commissioner Berman stated that it was unclear to her, and she didn't see anywhere that the applicant was required to make a new easement. She thought the old one was not as applicable anymore and she agreed that it would have to be a new one.

PW Dep. Director Bautista stated that, since there is an existing drainage easement, they will definitely address the new easement to cover the new pipe.

Commissioner Berman stated that she will note and remember that when they are at deliberation.

Sr. Planner Murdock thought it was important to note that Sheet 6 is part of the tentative map as proposed and it does indicate the drainage easement and he thought they were within substantial conformance territory in the sense that the exact placement of it and exact dimensions could change slightly to fit the final improvement plan. He stated that it was not a case where easement is not shown at all.

Commissioner Berman stated that it answers her question and she thanked Dep. Director Bautista for pointing that out. She stated that the applicant is proposing a drainage concrete swale that appears that it might drain to the right-of-way, and she asked if they can clarify whether that will ultimately drain to the right of way or will it drain to an inlet. She stated that she is seeing it on the grading plan of the tentative map on sheet 4, packet page 89.

Sr. Civil Engineer Donguines stated that there is an inlet at the end of that swale, referring to sheet 6, and it is not shown on sheet 4.

Commissioner Berman saw that the applicant studied the capacity of the 24-inch main in the street, but she stated that they received a lot of comments about the drainage further downstream in the existing system, including the culvert and where the culvert daylights. She asked how far downstream did the applicant study capacities for a storm.

Sr. Civil Engineer Donguines stated that, for this site and the surrounding drainage, the amount of water leaving the site is going to be pretty much the same and the effect downstream is going to be the same as currently is and they are not adding anymore area to the drainage area and it is what it is. He stated that the amount of water collected is going to be approximately the same so whatever drainage being collected at Big Inch Creek or downstream it is pretty much going to be the same as it is currently.

Sr. Planner Murdock agreed, adding that in the full inundation scenario, perhaps a 100-year storm example, under most precipitation events which fall far short of that significant 10 or 50 year storms, the majority of rainfall and the outflow from the site from storm water will be less than the pre-development condition in the sense that most of the flows will be captured on site in the on-site storm water treatment system and slowly metered out of the site in the event that they are not infiltrated into the treatment system itself. He stated that, on balance, the storm water condition in the surrounding area is likely to improve and, in the worst case scenario, not be any worse than the current condition. He stated that they have not identified any project related impacts to the storm water system.

Commissioner Berman asked if this was a county designated hydro-modification site.

Sr. Civil Engineer Donguines stated that the disturbed area is less than one acre so it is not a hydro-modification project.

Commissioner Berman thought it sounded like the applicant intends to monitor the flow and volume run off of the site in a similar vein to hydro-modification in that the post-construction flows off of the site and durations will be similar to the existing condition and she asked if she was correct as it sounded like Sr. Planner Murdock explained it that way.

Sr. Civil Engineer Donguines stated that she was correct. C.3 requirements will try to mimic the pre and post development runoff from the site.

Commissioner Berman stated that they received a lot of comments on that and she was glad that they discussed that now.

Commissioner Godwin wanted to talk a little more about drainage. He understood that they are using detention pipes, manifolds, basins and that should slow down the water. He asked if there was a way that was being measured, or how did they decide that was the appropriate design to ensure that the water flow would not increase.

Sr. Civil Engineer Donguines stated that they have the Stormwater Municipal Regional permit which regulates the amount or the size of the treatment that is appropriate for the development. He stated that there is a calculation performed by the applicant which is peer reviewed by the city's consultant.

Commissioner Godwin asked if, for that reason, they chose not to have a permeable driveway or any other large surfaces.

Sr. Civil Engineer Donguines stated that, according to the applicant, the driveway is such a steep slope that it doesn't promote the permeability of the driveway and instead he is collecting the driveway flow into a trench drain and directing that into a flow through planter.

Commissioner Godwin stated that it made sense to him, adding that his civil engineering background is limited. He thought there were large windows in the garage and they tend to be on the top of the structure so they would be relatively easy to convert to apartments or some sort of residences rather than using them as a garage. He asked if there were any restrictions on that.

Assoc. Planner O'Connor stated that there were no zoning requirements that would prevent windows on any room. She stated that the potential for any space to be converted into a future accessory dwelling unit is not something they can evaluate at a discretionary level. She stated that, if in the future, a property owner would seek to convert existing space into an ADU, in line with the Municipal Code, they would be able to do that.

Chair Nibbelin referred to the tree replacement issues, and asked if the 1 for 1 replacement ratio was something that the Commission had the discretion to adjust. He stated that he has been a little concerned that they are never sure how these replacement trees are going to fare and sometimes he thought it was appropriate to bank on some of those tree replacements not taking and requesting a slighter higher ratio and he wondered if that was within their discretion.

Sr. Planner Murdock thought it was in the Commission's discretion. He thought they would want to understand the purpose for that. He stated that, regarding his concern, likely condition No. 15 adequately addresses survivability of replacement trees or relocated trees. He stated that it was a long condition with a number of moving parts but he thought he was in the middle or past the halfway point where it talks about the requirement that the landscaping be maintained in a healthful condition. He thought they are okay to limit it to a 1 to 1 ratio. In the event that any of the trees do not survive, the final landscape plan would require that they be replaced and replanted with another tree and they need to be maintained in perpetuity as part of the project approval, if the Commission approves the project. He thought, if there are other issues related to the heritage tree removal in terms of slope stability, aesthetics or other factors and they had enough evidence in discussion of what that impact is that needs to be mitigated, the Commission may also have discretion in that sense to require additional trees to be planted. He stated that the only caveat he would provide is that generally speaking more trees always sound better but there are limits to good forestry practice and there is a limit to how many trees a particular site can have safely and healthfully. He stated that they would ask that, if the Commission explores that possibility, they retain enough flexibility to consult with a qualified arborist to ensure that they are not creating unintentional or unintended problems with tree planting.

Chair Nibbelin thought that made sense. He stated that his concern is primarily that they actually get one tree for every tree that is planted. He stated that, if Condition 15 is drafted in such a way that it would require replacement of a tree that doesn't take, it would address his concerns. He referred to the in lieu fees for tree replacement, and asked what account is that in lieu placed in and how does the fee work.

Assoc. Planner O'Connor stated that the process is detailed within the Municipal Code and explains that the value of the tree still needs to be determined. She didn't recall if it details what fund it would go into but the process of determining the value of the tree is detailed in the Municipal Code.

Commissioner Bigstyk referred to mention of fire guidelines, and one comment in the letters mentioned possible fire on the hillside itself, and he wanted to follow up with that and ask if this development potentially makes it more difficult to address a fire that might take place on the hillside. He thought it seems reasonable that, if there is more development on the hillside, more people raises the chances, not that it could be foreseen. He asked if the development makes it more difficult to get to the hillside and would it be appropriate to add an extra measure so that, if there should be a fire on the hillside, it is easier to get to that fire and easier to tap into water to put out the fire.

Sr. Planner Murdock asked Dep. Chief Lauderdale if he would mind sharing his thoughts about the wildfire potential in relationship with this project.

Dep. Chief Lauderdale stated that they looked at that challenge of a steep hillside. He stated that they made sure there was access from that site and he didn't believe that it will be a problem but they will continue to evaluate it as they go through the development phase of this project.

Commissioner Bigstyk stated that his concern was, if they need to add another condition of approval to address it, he thought now might be the moment that they can do that. He thought that it was well that constant evaluation is ongoing. He stated that, when reading about design guidelines, it occurred to him that there was a bit in there about design guidelines being

somewhat discretionary for the Planning Commission but he didn't seem to see that in the report this time. He asked if it was because, for a project this size, design guidelines are less discretionary, was it not put in or did he miss something.

Sr. Planner Murdock thought he was referring to the introductory language that they typically put in. He thought they opted not to put it in this time and it wasn't an intentional change. He stated that the regulatory environment in the Commission's discretion to interpret the design guidelines and apply them to the project is not modified in any way that is different than the standard method. He stated that they retain whatever discretion they had on other projects to evaluate that issue.

Commissioner Bigstyk didn't think it was ever a major concern previously. He was curious in that vein as apparently siding material and trim consistency was inconsistent as initially brought to them. He asked if they can talk about what needs to be made consistent in order to bring it in alignment with those guidelines.

Assoc. Planner O'Connor stated that she found, in reviewing the elevations of the project that the details of the varying siding materials and colors were different on the front elevations versus the side elevations. She stated that they were encouraging the project to carry those along all elevations in order to be in compliance with the guidelines.

Commissioner Bigstyk thought that made sense. He stated that another comment they received had to do with garbage and the idea of being that garbage will be stored in the garages on the third floor and bringing them to the curbside. He stated that it can be hard sometimes without the development directly in front of them to fully visualize what that journey might look like. He stated that he knew how simple it is for him to bring his garbage cans to the curb as it is a relatively short walk. He wondered how arduous a trek it might be for further units to get their garbage can to the side of the road or if that was less of a concern than they might imagine.

Assoc. Planner O'Connor stated that the storage for the garbage cans is actually on the first floor of each of the units and she imagined that residents would use the pedestrian walkways that are in the front portion of the property to bring their garbage cans to the street. She stated that there was a sheet on packet page 95 that shows the imagined route for the garbage cans for consideration.

Commissioner Bigstyk thought that addresses it well. He stated that he had a specific observation. He stated that the ingress driveway seems to be basically next to the southernmost residence, 513A Monterey, and as he looked at it, he didn't know what the traffic pattern will look like in real time. He read the noise report and it seemed like everything was more or less reasonable, but it occurred to him that whatever noise is caused by that, if he were living in that house he was curious if there was consideration on how much sound might be carrying from the driveway to that specific house.

Assoc. Planner O'Connor stated that an evaluation of the noise levels of traffic was not performed. She stated that, within the CEQA document, noise was evaluated during operation and they found no significant impact. She asked Rod if he could help her recall if there was any consideration of vehicle noise during operation.

Rod Stinson, Raney Planning and Management, stated that one question that the noise analysis tried to answer was whether there was a potential for a change in the noise level at existing residences and they took into consideration traffic noise from the project on adjacent land uses and sensitive receptors and identified no significant increase in noise levels. He stated that would be significant for the thresholds, but they identified that, during construction, there will be a potential for noise levels to be significant and provide mitigation to reduce those levels to less than significant.

Sr. Planner Murdock added that it was important to remember that, related to vehicle noise, distance is an important factor, but so is speed. He stated that, as Mr. Stinson mentioned the change in the noise environment, it was likely the case that noise from existing higher speed traffic along Monterey may generate more noise during project operations than the very slow vehicle speeds entering and exiting the driveway. He stated that was an important characteristic to keep in mind even though the driveway may be closer the actual noise generated might need to be lower.

Commissioner Bigstyk thought his concern mainly had to do with the volume more than the noise itself. He stated that one or two cars every so often is one thing. He stated that there is a two-car garage for each unit and he doesn't know how many trips are generated up the driveway per day but he thought that some neighbors are low key and some are party animals and it struck him that the potential of volume of trips generated up the driveway next to the house was enough that he thought he should raise the concern.

Sr. Planner Murdock stated that the noise analysis incorporated information from the traffic trip generation estimates for the project and they estimate 76 total daily vehicle trips, and he thought that was a small fraction of the daily traffic along Monterey that is traveling at higher speed. He stated that, to the extent they are considering environmental impacts, the noise from the project is very likely to be analyzed as less than the existing noise environment along Monterey.

Commissioner Bigstyk concluded that Sr. Planner Murdock was saying that, since there are so many trips going on in front of the house, what is being added by the trips up the driveway are negligible at that point.

Sr. Planner Murdock stated that, to a certain respect, yes, adding that noise can combine in a significant fashion but the number of trips is relatively small and the speeds of those trips in and out of the driveway is low and combined is not likely to have a significant noise impact.

Commissioner Berman stated that she had a few questions on some items Commissioner Bigstyk mentioned. She referred to fire, and she understood the intent is to use the public right-of-way as fire access but she noted that the closest fire hydrant to the site is across the street on Monterey and she thought her question might be for Dep. Chief Lauderdale. She stated that, if there were a fire, an engine would connect to the fire hydrant and then need to connect to the FDC, if in a loop system or for each separate building. She asked if the distance is feasible from fire hydrant to each of the units.

Dep. Fire Chief Lauderdale stated that the requirement is that there is a fire hydrant within 400 feet of all portions of the building, and in this case it met that requirement.

Commissioner Berman asked if the fire department has hoses longer than 150 feet.

Dep. Fire Chief Lauderdale stated that she is correct, adding that they carry several hundred feet of hose and are able to lay in to the particular structure that may need a fire fight.

Commissioner Berman asked if each unit will have its own FDC system connection.

Dep. Fire Chief Lauderdale stated that they will not as they will put them in strategic locations which was one of the approvals that they would approve each of them. He stated that, at the design stage, after the project is approved by the Commission and the designers begin to design the project, they work with them directly to determine based upon hydraulics and other factors what the best design criteria will be.

Commissioner Berman wondered if it would be applicable to install more hydrants on site, but as long as it is compliant with Fire Code she was okay. She then referred to the garbage routes for residents, and stated that the anticipated cans go over some stairs which she didn't think would be ideal and it led her to ask which units are going to be ADA compliant. She thought that might be a question for the applicant but she wanted to point out the logistics of bringing out the garbage bins to the road or pick up location seems pretty difficult and she didn't think she would be able to carry her garbage bin down a couple of flights of stairs.

Chair Nibbelin didn't know if there was going to be a response to that.

Commissioner Berman stated that it wasn't a question and she would save it for the applicant as she was looking at it after Commissioner Bigstyk's question.

Commissioner Hauser stated that she had one clarification to the curb replacement question. She stated that she hasn't been able to find where the 1 to 1 mitigation is required and she sees that only the landscaping plan is required. She would like to understand it but she thought they could save that for later, but she wants to understand where the actual radio is required and also is the replacement issue just being required for heritage trees or for all trees on the site.

Assoc. Planner O'Connor stated that it was just heritage trees that trigger the replacement plan. She stated that they can move on and she will circle back when she finds the information.

Chair Nibbelin referred to the affordable unit, stating this was one of the two rare projects where they have enough units being built where there is an affordability component. He wanted to confirm that the unit to be designated as affordable will be the same in terms of amenities and quality as the other market rate units.

Sr. Planner Murdock stated that he was correct, explaining that it is a Municipal Code requirement that the unit have the same types of finishes as well as other standards about the placement of the unit within the development. He stated that it was something they look at very carefully to make sure it complies with those requirements.

Commissioner Leal referred to on street parking, stating that it didn't seem to be an issue at this time, but other than the two driveways, he asked if there was going to be any additional loss of on street parking with either red curbs or anything else.

Assoc. Planner O'Connor stated that the site distance analysis that was performed for the driveway entrances do recommend for some red curbing to allow those site distances to occur. She thought it was about 25 feet off between the northern and southern driveway and ten feet on the north side of the northern driveway to maintain that site distance.

Commissioner Bigstyk was following on Commissioner Leal's question about how many parking spots in front of the development does that leave on the street.

Assoc. Planner O'Connor stated that she hasn't done that measurement and she would look it up and get him answer.

Commissioner Bigstyk stated that a ballpark answer was fine but if she wants to look it up that is great.

Chair Nibbelin stated that they have come to portion to hear from the applicant and they afford the applicant ten minutes to present the project and a portion of that time can be reserved to respond to comments that might be made by the public.

Sr. Planner Murdock stated that he will be keeping track of the timer and he will give them notification with one minute remaining.

Javier Chavarria, JC Engineering, applicant. He stated that before he goes into details, he would like to give John Kontrabecki, the developer, a quick introduction and then he will concentrate on the technical aspects of the project.

John Kontrabecki, President of TKG International, stated that Vista Mar is the first of several properties that they have acquired and intend to develop as residential projects in Pacifica. He stated that they have been in the development business for over 35 years and have experienced creating properties throughout the Bay Area including Palo Alto, Cupertino, Santa Clara, San Jose and Livermore. He stated that they have developed over 2 million square feet of office, R&D industrial and residential properties with extensive land development experience having developed land on all those areas. He stated that they also developed a 135-acre wine grape vineyard. He stated that, with the Vista Mar project, he was not only developing a townhome development but is also creating a home for him and his family as he intends to retain one of the homes as his own. He stated that their vision was to create a beautiful project designed to enjoy spectacular views of the Pacific Ocean. He stated that they have been to the site and they know if they look west they have unobstructed views of the ocean and every home in the project will have unobstructed views. He stated that they are developing a home using an architectural statement that is modern and contemporary and constructed in an environmentally responsible way using green methods and materials. He stated that the homes will be all electric and no gas used. Each home will have solar panels, an electric charging station for electric vehicles, home automation where the homes will be responsive to the commands of Alexa and each home will have rooftop decks that will afford spectacular views of the Pacific Ocean.

Mr. Chavarria stated that they have an overview of the front rendering of the project and he asked if that was what they were seeing on their screens.

Chair Nibbelin responded affirmatively.

Mr. Chavarria stated that it was a general rendering created from the design of the project of what they envision the project to be. He pointed out what the site looked like in 2002 when they started working on the project. He mentioned that the majority of the trees are very young, multi-trunk trees that have developed in the last 15-18 years. They took the typical approach to put all the homes with driveways directly off Monterey Road. When they started the planning, they contacted the traffic engineer and soil engineer to do the first analysis and the traffic engineer immediately said that it would not work as the number of driveways in such a winding road is going to create a driving hazard and they must come up with an alternative solution if they want to put that many units. He stated that they also evaluated putting the garages from Monterey Road and the red section shows the amount of grading that needed to be done to place the homes with driveways from Monterey. He stated that all the cut needed to be exported and the volumes were substantially larger. They decided to take advantage of the topography as they have a street that is dropping down very quickly and they can put a driveway that goes fairly smoothly to the top. What that does is create three different things. One is to avoid all the traffic problems and traffic hazards the previous design created. They will have a single driveway access that will put the garages in the back and allow the buildings to have a nicer and more beautiful façade and most importantly, it diminished the amount of grading based on the amount of cut that they had coming from Monterey compared to the amount of cut that they have with the driveway on top, which is reduced by about 40%. They also used certain design techniques to dissipate some of the cut on site. They are placing fills in areas that are safe to do so and create a proper engineered fill which will help them to reduce the amount of dirt needed to be exported to the site. He stated that putting the driveway behind was not a problem, and with the concern of the driving creating too much noise, they have to remember that the driveway is also depressed as there was a retaining wall along the side which varies from 3-6 feet that is an additional buffering to the noise that may be created from the project. Then he referred to possible geotechnical concerns, stating that when they started the project in 2002 and changed their design, the soil engineer stated that it was great because the entire area where they are putting the homes is sitting on green solid material. He went into detail about what they have concerning the soil. He stated that the soil report on the drainage they have all the surface area very clearly designed, controlled, managed and they will make sure they comply with their requirements of the C.3 regulations. He stated that these are the catch basins that were a concern, and the catch basin in the lower section is in a landscape area and the other is just a junction box and no water from the driveway will go into the storm drain system untreated. He stated these are up to date renderings describing very clearly how the buildings work. He thought they have achieved a very harmonious, clear and good design that will be an asset for the community, adding that the retaining walls are working and integrated with the hill and they will provide some useable areas above, even in the northern part that appears to have all those retaining walls and they are using flow through planters in landscape and he thought they integrate really well with a project that they can all be proud of.

Chair Nibbelin thought they will have questions for Messrs. Kontrabecki and Chavarria after they hear from the public so he now opened the public hearing and turned it over to Sr. Planner Murdock.

Sr. Planner Murdock stated that they have three participants at this time, and he reminded everyone on the process to participate.

Chaya Gordon, Pacifica, stated that she doesn't live in this neighborhood but she knows people who do and she was struck by the number of similarities for this plan to the recently approved [inaudible] development such as drainage issues, traffic issues, wild life, trees and huge retaining



[inaudible]. She didn't think that a mitigated negative declaration is appropriate here. She stated that Pacifica needs low income housing, not expensive condos. She stated that changes are happening really fast in our world. She stated that this development centers on environmental destruction of one of Pacifica's beautiful hillsides to build expensive condos. She stated that she was putting this as an existential question to the Planning Commissioners, i.e., can they look deep into their soul and say that this development would serve Pacifica. She hoped the answer might be no.

Gail Benton Shoemaker, Pacifica, stated that she was part of a citizens group called Tree City Pacifica. She stated that last year Pacifica was awarded the designation of Tree City USA. She stated that it was in part because of our heritage tree ordinance and the recognition of the value of trees including that trees combat climate change by sequestering and storing carbon which is in alignment with the city's climate action goals. She stated that trees also beautify our city and improve property values. She stated that the proposed logging of 57 trees will release carbon into the atmosphere and change the environment of the neighborhood. She stated that often when a heritage tree permit is appealed and removal is allowed, it is under the condition that three trees are planted to replace each heritage tree. She requested that the Planning Commission require the developer of the Vista Mar project to plant three trees for each heritage tree removed and 1:1 for each of the other 50 trees logged. She stated that it could mean that some of the trees will be planted in other locations, preferably in Pacifica. She stated that this condition would help mitigate the damage done by the logging operation.

Summer Lee, Pacifica, stated that she and her partner have lived on Monterey Road for 20 years with their sons, and were the original owners in the development. She stated that, in the face of the existential threat of climate change, she was surprised to see this project considered as is. She stated that this a property needing a full EIR to consider the possible irreversible damage caused by the Vista Mar development. She stated that the amount of grading, tree removal, retaining walls out of scale with the area, lack of accounting for the already overburdened drainage in that area, not to mention lack of analysis and reporting on erosion in an overly steep property are all at the sake of these condos recent to the landscape. She stated that the project involves a complex environmental change and there are compelling reasons this land has not yet been developed. She stated that a mitigated negative declaration and MMRP provide the weakest environmental standards and putting the neighbors in the surrounding area at risk. She stated that the site happens to be where storm water gathers at the bottom of two hills and in winter it is not uncommon to see rain water gushing over the sidewalks and overflowing existing street sewage system. She stated that standard drainage solutions are already failing this area and the developer proposes the addition of trenches which do not seem to be enough especially after the land formation and native trees that naturally manage water are destroyed. She stated that there seems to be a need for more investigation as to how future significant excavation would detrimentally affect future drainage. She stated that there was no conversation on the land form change and its impact from the view from scenic Highway 1. She stated that, after the severe drought a few years ago, her home which was significantly less into the hillside than this Vista Mar project had ground water from perched water tables running into their foundation up to what was supposed to be a storage area, creating standing water and subsequent mold and mildew. She stated that there was a handful of other neighbors who experienced this and possibly continued to do so today. She stated that her contractor fought any meaningful repair until the warranty ran out. She also noted that during the construction of their subdivision and possibly as a result of it, the hillside across from her home, belonging to the same hill and soil formation of Vista Mar project, suffered a landslide. She understood that this slide prevented the developer from continuing their

subdivision into that area and was sold off and remains undeveloped to this day. She added to Commissioner Bigstycck's question that cars going up a graded driveway would create more engine noise than a car driving slowly on a level driveway. She stated that it troubles her that Planning staff would grant permission of this development without a further EIR.

Claudia DeLuna, Pacifica, stated that she has lived here for over ten years and she feels that the proposed project is a real concern. She stated that Monterey Road already supports a high density of homes and parking and driving is a real concern. She stated that, if they visit the neighborhood, they see signs stating "drive like your child lives here". She stated that it was an issue. She stated that the instability of the hillside and the large scale soil removal and resulting retaining walls are a big concern and as Commissioner Berman eloquently stated, if you walk down toward the bottom of the street, you see what is called the undercutting of the road and erosion and there is a concern that has been discussed at length. She stated that the wildlife habitat will be severely impacted as it was an area where deer, coyote and even mountain lions frequent. She stated that the insufficient parking with the current density before the loss of parking for the unit mentioned by Commissioner Leal. She stated that it will lead to problems. She stated that ingress and egress was already a danger on a very busy street and this will exacerbate the problem. She stated that the strain on the electrical and sewage systems may be considerable as the electrical service is already spotty. She stated that they have had quite a bit of discussion around the trees and the loss of the trees. She stated that loss is considerable. She stated that they believe a full and complete environmental impact report is essential before proceeding forward. Anything less is dangerous on such a burdened piece of land. They urge the Commission to complete the EIR and a holistic assessment of the overall impact to the Monterey Road community.

Robert Boles, Pacifica, stated he lives on Monterey Road downstream of the project site. He stated that he is an architect with 40 years of experience with development of residential projects. He referred to the inadequacy of the geotechnical investigations, as it was done 18 years ago and based on just two boring locations and 6-8 would be more typical for a project this size. He stated that one of the borings was in the middle of the drainage swale on the south side and the one near the sidewalk. He stated that neither one was done where the buildings will be located or where the excavations will be deep. He stated that borings only went down 13 and 15 feet which is not even close to the excavation depth up to 35 feet they currently claim for the project. He stated that one of the borings caved in and there was evidence of underground water and gravel layers that might lead to unstable hillside conditions. He stated that the geotechnical peer reviewer recognized these conditions and called for further studies and analysis. He stated that the project consultant's response says a further study ahead of construction is unnecessary and are confident that they know what the deep soil conditions are and their engineers will simply review the excavations as they occur during construction to see if they match the expected conditions. He stated that essentially the project sponsors want to rip away the forest and top soil, excavate down as deep as 35 feet and then decide whether and how the project can be built safely. They believe further extensive and in depth geotechnical investigations need to be conducted before granting project approval. He paraphrased from the initial study that the swale along the southern side of the project site and the hillside area is filled with colluvial material and was liberated in the past in the form of debris flow which has traveled down the slope and been deposited on Monterey Road. He stated that the threat from debris flow down the ravine remains high and threatens development within or around the swale area. He stated that the geotechnical investigation recommends that the access driveway be designed to accept and convey debris flow materials out on the street as has occurred in the past. He stated that the project design does not

do that and builds the driveway over the swale and deflects debris flow into unfiltered catch basins to be maintained by homeowners and that is in the public storm drains. When debris causes the catch basins to clog up as they will the flow is directed around the driveway and into a one-foot wide channel immediately next to the neighbor's property and seems to create a major liability for the city if landslide debris harms the neighboring property or shoots out onto Monterey Road at high speed. They believe the project should be redesigned to avoid the swale area or use the wide driveway to carry potential debris flows as recommended. He stated that, regarding the hardscape and the drainage of the site, they believe it is nonsense that the runoff is the same as preconstruction. He stated that the basins that are provided are just 1% of the project site and would fill up in 45 minutes and then the rest would go into the storm drain.

Nimmy Matthew, Pacifica, stated that she lives uphill from the construction site on Monterey Road. She shares the concerns that several citizens have brought up with respect to the trees being cut and wildlife being impacted, and the drainage issues and increased traffic on Monterey. She will focus on two areas, one is the risk of project abandonment and a permanently scarred landscape. She stated that, given the current volatility of our environment, she thought there is a clear risk regarding the financial stability and viability of this project. She stated that, in the event of a bankruptcy or financial non-viability of this project, if the developer were to abandon the project, she would not want to be in a situation where they have a scarred landscape and she would like to hear what mitigations or guarantees would be put in place. She then referred to concerns about noise pollution during the construction period. She stated that those who work from home and any elderly, children and pets, with all the trees being cut and the grading and construction will greatly impact the quality of their life and she would like to hear more about what noise mitigations are being planned. She urged the Commission to seriously reconsider this plan, given the impact to the environment and neighborhood and not approve the project.

Chris, Pacifica, asked if both of them can get three minutes or just one of them.

Sr. Planner Murdock stated that each of them will have three minutes as long as they identify themselves as different speakers.

Chris stated that one of his main concerns is the displacement of wildlife and trees as has been mentioned. He stated that there are a lot of trees that will be destroyed and taken away. He stated that it is nice to live in a place that is full of trees and to get that taken away for condominiums that don't need to be there. He didn't know how it improves anyone else's life but the developer and a lot of it seems to be just bare minimum and if there is a problem, there will be fines to pay and they will pay it but it doesn't sound like it will improve anyone's life but theirs. He didn't mean to offend anyone, but that is like it feels.

Chair Nibbelin asked if he had anything else.

Chris wondered about an environmental report, and whether there has been one done to address the trees and animals.

Kristin, Pacifica, stated that they live on Nelson Avenue and one of the many properties whose backyard runs into the creek that would be impacted by this construction. She stated that, as pointed out by the Boles's analysis of the project, the creek in the easement is not adequately handling existing runoff as designed now and the new construction would greatly compound the existing drainage and erosion issues and putting numerous homes, including hers, at significant

risk. She felt, to argue that they will be in better condition downstream after this development is in place is, was respectfully offensive. She would second each and every issue the Boles's laid out in the email sent to the Commission. She stated that the Boles's have decades of experience in the field. When she read their analysis and concerns of the project, she became quite alarmed at what appears to be a hasty design on a burdened piece of property that thwarts basic construction practice in quite a few areas. She felt these were serious issues that appear quite dangerous to the dozens of homes downstream of the project. She stated that the Commission owes the residents much more due diligence and vetting than has been demonstrated thus far. She asked why the Planning Commission has not required this project to perform a thorough environmental impact report as is common in projects of this nature and magnitude. She felt that, to not seriously address these concerns and the environmental impact of the project seems negligent and hurried on the part of the Planning Commission. She felt these developments need to be balanced with the existing neighborhood and not designed at the expense of the neighborhood. She stated that this project could be a great opportunity to fix some of their longstanding and valid complaints regarding the existing drainage system and to create a project that works for the environment and everyone in the neighborhood. She felt it needs far more review and input from those who have to live with it.

Elisa Boles, Pacifica, stated that she lives on Monterey Road. She is currently a Ph.D. student at Stanford in environmental engineering and she was opposed to this project as currently designed. She stated that the proposed site uphill from her home supports wildlife and native plants and is a corridor for animals above the creek that runs behind her house. She stated that the slope of the site on the southern end adjacent to 513A Monterey Road is noted on the survey as a drainage easement. She stated that, if you walk there, you will notice that it is much more than a natural depression for water to flow. She stated that it was a rich landscape with very different plants from the rest of the site. She believes it is an area technically known as riparian and seasonal wetland. She stated that even now the soil is very wet towards the bottom where it pools and funnels into a city drain. She stated that the presence of water supports very different species of plants as well as animals that obtain their water here. She stated that there are environmental studies through CEQA that must be completed and peer reviewed before any permits are granted. She stated that the project drawing seems to completely ignore the recorded drainage easement. She stated that the main entry driveway for the complex goes right through the area, paving over the natural swale right where it flattens to host these species. She would like to see the easement modified before the subdivision map is approved. She also felt that the project as currently designed is basically a brute force design that ignores the existing topography, ecology and does not even attempt to save anything existing within the area. She stated that even the top soil contains many invisible micro-organisms that contribute to the health of the area and between the cut and fill, almost 10,000 cubic yards are being disturbed and that is basically filling a tennis court 90 feet high. She stated that they chose to move here because they see Pacifica as a unique community that really cared about its incredibly special setting along the California coast. She stated that projects of this scale destroy, not only the natural landscape of the site but will transform Pacifica for years to come if they are allowed to build in this manner. She stated that besides advocating for the Commission to vote against this project, she strongly recommended that the city revisit its planning code that allows this much site destruction. She stated that most other cities have grading limits and also define height limits from natural or finished grade. She stated that, in Pacifica, it is apparently allowed to dump 30 feet of fill and then build 35 feet on top of that. She asked how this is helpful in preserving our environment and protecting from future damage from climate change.

Madhu Mathew, Pacifica, thanked them for the opportunity to speak. He lives on Monterey Road, a couple of houses up from the proposed project site. He was a newbie with this Planning Commission meeting and he doesn't have all the technical background. He wanted to raise two points. He stated that many have mentioned that this project is drastically altering the natural landscape. He stated that all along Monterey Road they have dense buildings and this is the one green space and this project will completely eliminate that and take out all the trees. He stated that there is a huge amount of top soil and other soil being removed, i.e. 3,000 cubic yards. He stated that it was a little abstract initially but when thinking about it, it was like 200 truckloads of soil being moved out. He felt it was completely altering the landscape and topology. He stated that it was a very steep site so he can't help wondering, once they start cutting all the trees and moving the soil, how they will know there won't be any adverse event happening, such as a landslide. He stated that his second concern was regarding storm runoff. He stated it was hard for him to understand how the study has come to the conclusion that a natural ecosystem that absorbs rainwater that is in place, after the project is built there will not be any different runoff. He fails to understand the analysis. He thought, as a lay person, that a natural ecosystem is able to handle rainwater much better and the planters and everything else proposed on the site doesn't seem proportional at all. He stated that, with climate change, they are expected to have sudden and heavier precipitation events and he worries about all the runoff, especially for people living downhill on Monterey and how that will affect their lives. He requested the Commission to take these two things into consideration.

David Boles, Pacifica, stated that he also lives on Monterey Road. He was currently studying engineering at Brown University and was also opposed to this project as currently designed. He stated he would focus on the retaining walls. He stated that this is a steep site that requires retaining walls to hold back the soil so that relatively level areas can be created for building pads and driveways. He stated that, because there was so much grading in this particular plan, walls are needed on all sides of the site. He stated that one retaining wall against some of the units is 25 feet tall and behind units 5 and 6, there is a series of five walls stepping up 35 feet from the driveway with only 2 feet of separation between them. He stated that would leave only about 16 inches of width for planting and he was not sure that was enough to support vegetation much less give a gardener enough walking space to attend it, especially if they are trying to balance 30 feet in the air. He stated that alongside the property line within the 5-foot setback, there is another 12-foot wall. He stated that Assoc. Planner O'Connor directed them to the Planning Code section which would limit it to 6-feet except the regulations for retaining walls alongside fences and hedges which results in their height being measured from the side with higher ground level. He stated that it makes no sense to him as he cannot see how a 12-foot retaining wall can be considered to have zero height. He stated that as written, there are currently mistakes on the grading plans even after others have been fixed showing that the top of that wall is 7-feet higher than the existing grade which is above the 6-foot limit. He was sure it was a mistake but he can't see how it has continued through the planning process as it doesn't seem like it is being reviewed very carefully. He stated that the wall was so high that additional support is going to be needed and the geotechnical report calls for soil anchors going back into the retained earth but because it is alongside the property line that would extend into another property and there was no mention of easements being procured or other alternative support methods in the proposed plan. He stated that gravel backfill would extent onto another property to relieve the water pressure from building up behind that wall and it was not clear to him how the wall would be built safely or legally. He stated that, purely considering the retaining walls, the current form of this plan seems to create a landscape of bearing concrete to rely on what appears to be loopholes in the Municipal Planning

Code and has not been reviewed thoroughly by the city to not even include enough detail to be reviewed thoroughly, thus he did not believe it should be approved at this time.

Gary Benjamin, Pacifica, referred to an earlier commenter who mentioned the possibility, given the volatile economic climate, if the projects start and the hillside is stripped and then it winds up collapsing and the development company declares bankruptcy, based on what he read, TKG International has already been through one bankruptcy and if we are left with a naked hillside that would be up to the city to clean it up. He also referred to mention of the fact that borings taken to judge the solidity of the hillside have not been adequate. He stated that, if the project goes ahead and years down the road the hillside does collapse and the whole project ends up in the middle of the street, he wonders who will be responsible for the cost involved. He asked if the city has to pay for any mitigation. He stated that it is very close to the San Andreas Fault and even aside the fact that the tests have been inadequate with geologists and mistakes are made and he thought it was a very risky site and that needs to be considered and a plan needs to be made as to what if the soil erosion turns out to be much more a problem than is currently being stated.

Sr. Planner Murdock stated that they don't have any hands raised and he reminded them about the process for the Zoom or phone process.

Christine Boles, Pacifica, stated that she lives on Monterey Road. She stated that they are not NIMBYs. As licensed practicing architects, she and her husband work with developers and homeowners all over the Bay Area. She stated that they are not against development, especially if it is designed in a way that is sensitive to the site and its natural features, including topography and ecology. She stated that this project as currently designed fails to address any of the issues. She stated that it was unfortunate that the developer did not consider a smaller project as three custom homes on pier foundation could be built with similar profit margins without necessitating all the earth moving and concrete work and without the complete destruction of the majority of the site. She stated that a smaller project would fit into the surrounding neighborhood and not increase traffic congestion and noise and water run off as the paving amount can be reduced by about half. She stated that, with the new ADU regulations that the state adopted this year, they could potentially double the units so those three homes could become six without adding parking and this would create more affordable housing as well with smaller units. She stated that her main concern for this project is erosion, both the site itself as well as the potential impacts of erosion down the hill where she lives. She stated that, while the project proposes catch basins to filter the water, they haven't seen where water would be stored on site to slow the flow before it reaches the city drainage system. She believes full grading plans should be done before the project goes any further in the process. She stated that she sent a letter documenting their concerns and uploaded photos in previous communications with Public Works about the inadequacy of the existing infrastructure on Monterey Road and Big Inch Creek. She asked, if additional erosion is caused by this project, who would be responsible to mitigate the damage and pay reparations to homeowners for the damage loss and potential reduced value of their properties. She stated that the city has been responsible for removing buildings that are no longer considered habitable when erosion takes place as with the building along the ocean front when the owners and developers filed for bankruptcy. She asked if the city was willing to take that legal and financial risk without doing their homework and requiring a full EIR. She asked if they are gaining enough money in tax revenue from this project to offset these potential costs to mitigate the damage and pay reparations to homeowners for the damage. She stated that the Planning Department is recommending approval with the mitigated negative declaration. They believe the mitigations proposed are not enough, given the burden and sensitive nature of the site.

She stated that it was their right to approve it but she wanted to make it clear that enough neighbors are so concerned about the impact to surrounding properties that they are prepared to appeal the project to City Council and the courts if necessary. She stated that, when it gets litigated, they will make sure to point out that the city refused to do its homework by requiring a full EIR.

Gary Luttringer, Pacifica, stated that he owns the property directly below this development site on Norfolk, and he has no expertise but he had a couple of questions. He was not sure how to read a lot of the maps, but he asked how much of the existing hillside would exist if this development were to go forward. He asked if the hillside would be taken up 50% or would it be the whole hillside that would come under construction. He referred to a previous speaker mentioning accountability, and he wondered if things don't go as planned as far as the drainage and there is little bit more runoff that the natural environment takes care of now, who is ultimately liable. He stated he is directly underneath the project and he asked, if water damage were to occur, would the city be liable. He thinks the neighborhood loses a lot of its uniqueness and charm when the environment is replaced by cement.

Reina Heinz, Pacifica, stated that she is an environmental social scientist. She grew up and resides just below at Norfolk and Monterey. She has consistent erosion in her backyard which they have been clearing up over the past 30 years. She stated that, in the past she has worked as a biologist serving and supporting the EIRs and EISs. She stated that prior speakers have covered all the technical points that she thinks are vitally important. She was going to offer a cultural ecosystem service perspective. She stated that, as someone who works with communities being displaced globally for climate change, development and otherwise, she was blown away that this project is back up for a proposal in her backyard. She grew up serving wildlife such as deer, raccoon, possum and coyote which are currently are increasing numbers. She stated that there are also some nesting owls around the area as well as red-tailed hawks. She stated that it provides evidence to her that this zone serves as a wildlife corridor with all the potential wildlife that is getting squeezed out from other green zones in the Bay Area that are being rapidly developed. She thought another aspect to which she can speak to is the equity and access to outdoor environments. She stated that this is her home and what connected her to her career and passion in environmental work and sustainability. She loves having grown up along the ocean and with close access to green space which drove her passion and involvement towards coastal and rain conservation. She stated that, over the years, upon returning currently, she has been proud of the progress that Pacifica has made towards sustainability and she felt we need to preserve our cultural ecosystem services we have as a community. She stated that, as a woman of color who grew up here, she thought it was particularly poignant during this time of extreme income inequality and lack of affordable housing in the Bay Area and the times that Black Lives Matter, George Floyd and attempting to shift the paradigm that this project will impact communities of color. She stated that the reason she got involved in this work and decided to return is because Pacifica promises sustainability and sustainable growth in comparison to other Bay Area cities. She believes there are supporting ecosystem services here and cultural services that are overlooked. Communities of color came to Pacifica in the 1980s seeking affordable green space and found value that this place contributes and there is connection to appreciation for nature and increased health for a lot of people. She stated that there are a lot of other things she can speak to, such as noise pollution as people fly down these hills and that will definitely increase. She would like to request a full complete EIS to be done in the winter or spring to better understand the environmental impacts.

Chair Nibbelin asked if there were any other speakers.

Sr. Planner Murdock stated that there were none at this time.

Chair Nibbelin stated that, to avoid questions Commissioners might ask, he asked if the applicants, understanding that they have used all ten of their minutes, would like to take 3-4 minutes to address some of the matters raised by the commenters, adding that he was exercising his prerogative to do that.

Mr. Kontrabecki stated that there were a couple of points he would like to address. He stated that several speakers asked why the project was delayed from 2002 to the present. He stated that the development company that originally acquired the land and proposed development was composed of six investors, four of whom were older people and unfortunately two things happened. Between 2002 and 2005, they went through a recession and it was too risky for them to pursue the development of the property, then from 2009 to 2015, they went through a great recession when it was again too risky for anyone to build a development project anywhere. He stated that between 2002 and 2015, something very unfortunate happened when four of the investors died of natural causes, and their families chose not to proceed with the development as they didn't understand that development business as it involved challenges that they were not prepared to manage. He stated that he got involved in the project several years ago when he learned it was a project that was stalled because four of the six investors were no longer involved due to their passing and he began working with Javier Chavarria to take the steps necessary to revitalize and significantly redesign the project to have a better project than what had previously been contemplated and is the reason for the delay. He referred to the concerns brought up about financial liability. He stated that he has been in the real estate business for more than 35 years and financed a half billion dollars' worth of projects and believes he is an expert in real estate financing. He stated that they acquired the land with equity as there is no mortgage on the property. He stated that once they get the project approved and go into the design project from a technical point of view, he will make arrangements with a bank that will provide the construction financing. That loan will be controlled by the bank and they will require him to bring in a reputable general contractor to do the building. He stated that this all takes place before a single spade of earth is turned as the bank will take a security interest in the land and when the project's construction begins, the bank will be paying the contractor to do the construction.

Chair Nibbelin stated that they are over three minutes, explaining that he just wanted to give him a few minutes to generally address the issues.

Mr. Kontrabecki stated that his point is that the project is very financially viable and, even if he died, it would continue on without him and the bank would provide the funding to see that the project will be completed. He stated that there was one other point he wished to make. He stated that he heard a legal threat from one person making comments. He stated that he was not only a real estate developer but also a practicing lawyer. He stated that, as an attorney, he complies with the law and when he gets involved in a development project, he doesn't deviate from it. He considers the law to be his friend because, if he complies with the law, his rights are protected. He wants the Planning Commission to know he always plays by the rules and always will, adding that staff knows that is his practice in all his dealings with them and a legal threat will go nowhere.

Chair Nibbelin appreciated his feedback and then closed the public hearing.



Commissioner Hauser stated that she has a lot of opinions but will save them and ask a couple of questions of the applicant. She wondered if it would be acceptable if Mr. Chavarria puts the first slide rendering with a street view that wasn't in the packet.

Chair Nibbelin stated that they can ask Mr. Chavarria to share that again.

Commissioner Hauser stated that she is looking at the project plans and this rendering, and she thought she was missing it but asked if this was an accurate rendering of what is being proposed as she didn't see the 4 or 5 retaining walls along the north portion of the property. She thought it looks like shrubs and she asked if they were retaining walls or shrubs.

Mr. Chavarria showed another rendering and asked if she meant those shrubs.

Commissioner Hauser thought that was a more accurate view. She referred to a previous question to staff regarding the grade differential between the public sidewalk and the pads, and asked how far above the public sidewalk does the building roof fall, i.e., the overall height from the public street.

Mr. Chavarria asked if it was a question for him or staff.

Commissioner Hauser stated that it was for him.

Mr. Chavarria stated that the street level at the north end has an elevation of 962 and the pad elevation is 24 feet higher than the street. He stated that the building below the height limit is 33 feet, 6 inches from the lowest point where the buildings meets grade. He stated that, taking the worst condition from the lowest point of the street, 962 to the peak of the roof, it will be approximately 50 feet but the building is set back 26 feet from the street.

Commissioner Hauser asked how much solar per home they are proposing.

Mr. Chavarria asked her to repeat the question.

Commissioner Hauser stated that this may be a question for Mr. Kontrabecki, and she asked what the size of the solar system is per unit.

Mr. Chavarria stated that they haven't designed the final solar but are trying to maximize what they can do with the solar systems. He stated that their goal is to have a net zero project and the final and formal designs have not been completed yet.

Commissioner Hauser referred to utilities, and asked if they are planning to have one sewer lateral per unit as it wasn't shown on the plans.

Mr. Chavarria stated that there will be a main collector line running inside the property and it will connect directly to one of the manholes downhill and will not connect to the main section of the sewer as they will have an independent parallel system running inside the property connecting to the manhole, explaining that he will have to go to the utility plans to show her.

Commissioner Hauser stated that she would like to see it on the utility plan. As she is not an engineer, she asked, if there is some sort of issue with the sewer, whether that issue will affect all eight units at once.

Mr. Chavarria stated that it would absolutely not. He stated that sewer is an 8-inch line which is plenty of capacity for 20 homes or more so they have an 8-inch line that connects to the manhole, goes into the property and runs the entire length of the property and has manholes just as if it was on the street, separated no more than 150 feet with proper cleanout. He stated that each building has a separate lateral going onto the main line that runs along the front of the building and connects to the sewer manhole at this location.

Commissioner Hauser referred to the water connection along the south of the project and stated she did not see that clearly on the plans and it wasn't clear if the connection was over the southern property. She stated that she zoomed in as far as she could but it still wasn't clear, so she asked him to explain how that works.

Mr. Chavarria stated that they have been in close contact with North County Fire Authority and to calculate the actual demand for the project, they need to design all the fire sprinkler systems. He stated that they haven't done that yet as they aren't there yet and the water district will direct them to the best and proper location of the lateral depending on the demand of the entire system and dependent on the volume and the pressure they currently have available. He stated that, in conversations with North Coast County Water District, they have no problems, no issues with water pressure and should be able to facilitate the proper connections for firefighting and for domestic use.

Commissioner Hauser stated her last question was for Mr. Kontrabecki. She stated that she heard a lot of questions from the public about trees, as well as the Planning Commission having a lot of questions about trees in the existing sidewalk. She wondered what his take was on the mitigation ratio, and asked if he would be willing to increase that mitigation ratio and approve the public right-of-way with trees and an up to date sidewalk.

Mr. Kontrabecki stated that, regarding the heritage trees, they were happy to agree to replace them one for one and, for the remaining trees being removed, he would prefer to defer to the landscape architect and the arborist because the trees planted on the site have to work with the overall site design from an aesthetic point of view and have to be able to have a good opportunity to survive and thrive. He stated that packing a bunch of trees on a hillside is not good practice. He stated that it was an expertise that he doesn't have and he would recommend that, in terms of tree replacement, they defer to the arborist and the landscape architect. He would also like to mention, regarding the heritage trees, is that he was informed by the arborist that, before any final decision is made on transplanting a heritage tree, they need to bring in a company that specializes in transplanting large trees, mentioning one in the Bay Area. He stated that they use very heavy equipment and there is an issue of safety. He stated that, if they tell him they can do it safely, they will do it and not have an objection. He stated that safety considerations have to be at the top of the list.

Commissioner Hauser asked if he had any comment on street trees or a public right-of-way improvement that would enhance the area for the neighborhood.

Mr. Kontrabecki stated that he was unclear by what she means by street trees. He asked if she was talking about trees planted along the street in front of the property.

Commissioner Hauser responded affirmatively.

Mr. Kontrabecki stated that, if there was an appropriate place to put them, he was all for it, but added that he didn't have the expertise to make that judgement call. He stated that they have all seen many situations in neighborhoods where trees have been planted in an inappropriate location only to have the roots lift the sidewalks up and turn the sidewalks into hazards. He stated that was what he was talking about and he would defer to the landscape architect and arborist for guidance on what would be appropriate, but in principle, he had no objection.

Commissioner Berman stated she had a quality of life question for future residents at the property. Referring to the garbage route, she had a quick comment at the beginning of the item in wondering about the logistics of residents in units 1-4 as their garbage routes appear to need to go down quite a few flights of stairs. She asked if there was an alternative to that.

Mr. Chavarria stated that he was looking for the drawing that shows the garbage map. He stated that units 5-8 have no problem at all and can easily access the walkway and sidewalk through the front path. He stated that even units 3 and 4 can access the ramp located between units 5 and 6 and have no problem so they are basically talking about a 40-foot walk to take it onto the sidewalk. He stated that, on units 1 and 2, he agreed that it may present a little challenge as they have a higher climb between the units and the road. He stated that they leave the retaining walls in an angle in such a manner that they are gaining more elevation from the pad where the building is to the street. He stated that they have those three sections of the stairs and planters that run along the side. He stated that once they have a well-designed and engineered system for the retaining walls, he thought they can easily accommodate a ramp that will bring units 1 and 2 to the pad level of unit 3. He stated that now, between units 1 and 2, there are only three steps from the pad of unit 1 to the pad of unit 2 and then unit 2 can easily access the pad level of 3 and 4. He stated that it is a little longer of a walk, but they can practically eliminate any steps within the path of the garbage.

Commissioner Berman stated that she will talk to the other commissioners and staff about potentially incorporating that inclusion in the project. She referred to the terminus of the garbage collection area along the sidewalk, and stated where she lives they place their garbage in the street but she understands that, at this site, they can't impair the site triangle for these driveways and a recycle bin would impair it as it was taller than three feet. She asked where the garbage bins are intended to be placed. She understood that they don't have a trash management plan yet, but she wouldn't be satisfied with garbage being placed on the sidewalk or in the landscaping, and she didn't know if it was safe to place them in the gutter.

Mr. Chavarria stated that, just like every other house in town, the garbage cans will be accommodated in the front area and they do have a few candidate areas that can easily be adapted to accommodate all the garbage bins. He stated that they have a section in front of unit 3 that is about 25 feet long, not on the path of any of the stairs, and can be designated for placement of garbage cans. He stated that they also have an island that goes behind the sidewalk in the little driveway section that goes in front of unit 7 and 8 that can also be designated for the temporary placement of the garbage cans for collection purposes only overnight.

Commissioner Berman thought they were willing to accommodate the design changes but maybe it needs to be thought out a little bit more.

Mr. Chavarria agreed.

Commissioner Berman referred to quality of life and noticed that the guest parking stalls are parallel parking stalls and the terminus of the on-site road doesn't get wider for a turnaround and she wondered if it was feasible to look at placing a turnaround for convenience and avoiding collisions with unit 1's garage or the walls.

Mr. Chavarria stated that they visited that idea and a turnaround presented two negative feedbacks, first increasing the amount of excavation and retaining walls need, and second, it promoted people from going there and parking like it happens in most cul-de-sacs and people park and leave their cars and create more of a problem. He stated that, with the width of the driveway, you will be parking like you are going to any driveway in between that is 25 feet wide which are required with parking regulations for parking at 90 degrees. He stated that their driveway complies with that requirement for 90-degree parking and they have sufficient turning radius, you're coming forward, drive into your unit, you back out of your garage and you can drive forward towards the street.

Commissioner Berman got that, but the fact that the guest parking stalls are parallel parking stalls and not 90-degree parking and she was thinking mainly about the guest parking stalls, especially people who are not familiar with the site as they don't live there. She imagined herself in her big car driving to the end of that she would have to make a six-point turn to get out.

Mr. Chavarria stated that it was a very good point and they will be more than willing to find a viable solution for that, perhaps use some of the common space area to create a section, perhaps not a full compliant turnaround but something that they create as some sort of hammerhead and someone can back in and proceed forward easily.

Commissioner Berman is thinking of quality of life at the site and for safety of guests would be a good thing to look into. She then mentioned that there were a few locations where there are walls in the setbacks, and she asked staff if the city typically allowed for walls in the setbacks.

Assoc. Planner O'Connor asked if she meant retaining walls.

Commissioner Berman responded affirmatively.

Assoc. Planner O'Connor stated that they are permitted in the setbacks.

Commissioner Berman referred to mention of tree replacements in other locations, maybe outside of the property, and she thought that was an interesting idea. She asked if the city has ever done that with any projects volunteering to plant trees in city land elsewhere.

Assoc. Planner O'Connor thought Sr. Planner Murdock might have some thoughts if a project has identified another alternative location for tree replacement, but the in lieu fee, in effect, have that same impact.

Sr. Planner Murdock stated that he was not familiar with a project in the city that has incorporated such offsite tree replacement. He stated that there are a number of practical issues that would need to be worked out to implement that type of activity, and has not been evaluated as part of this project.

Commissioner Berman stated that she had not thought about the in lieu fee and she thought it makes sense. She stated that the geotechnical report was developed in 2002 and there have been subsequent letters for update to the geotech report but it appeared that the most current update was 2014. She asked, for the building process, whether the city required some more current geotech report within a year or so.

Assoc. Planner O'Connor stated that the original geotech report was prepared in 2002 and an update letter was prepared in 2015. Since then, as part of the CEQA review process, she stated that Raney had hired a geotechnical firm to peer review of the 2015 report and through that review, they were able to do their analysis for CEQA, geo and soils evaluation to determine the less than significant impacts with mitigation measures incorporated.

Sr. Planner Murdock added that what you will typically see, if the project is approved and moves on to a more detailed design phase, is that when the particular structural details of the various project features become known, they will see in the building permit review process requests for update letters on various specific technical items. He stated that what happens is that, even though the geology doesn't change meaningfully from 2002 in this case as far as the underground geology, there may be superficial landslides that are observed, but the geology of the site is not remarkably changing. What does change over time are the code requirements applicable to that observed geology and what you might see is the recommendations in the earlier geotechnical report based on the 2007 California Building Code, for example. He stated that the plan check comment will say something like update assumed values to 2019 building code standards and issue update letter. He stated that the geology remains the same, the standard changes and the update letter draws the line in connection between the two.

Commissioner Berman thanked him, stating that it makes her feel more comfortable. She knew there were a lot of comments about that. She asked if they can explain the city's bond process. She stated that the applicant already answered some of the questions regarding competence in the completion of the construction project, but she asked if the city also had a bond in process insuring public improvements are built.

Sr. Planner Murdock stated that, if this project is approved, there are two different phases to think about. There is the subdivision improvement phase, given that there is a tentative subdivision map and a project development phase, the buildings. He stated that the city has an established process for subdivisions and either requires that the subdivision improvements be completed or requires approval of a subdivision improvement plan and requires appropriate financial assurance, typically in the form of a bond but potentially in the form of a cash deposit to assure that subdivision improvements like grading and retaining walls and infrastructure installation, etc., are completed to specifications so they don't have the case that has been described where significant scarring of the hillside occurred. He stated that particular mechanism is in place in the city's process. He stated that, in the second part of the process with the development of the structures, there is not typically a bonding process for that. What they would see, in the event that a project is initiated and not completed, is the city's typical police power exercise through a nuisance abatement process and what entails is pursuing the property owner for completion of the

improvements or removal and making the site safe. He stated that it happens infrequently and typically there is not an established concern on the part of city staff that it would occur. It does occasionally occur and there are mechanisms in-place outside of the financial insurance mechanism.

Commissioner Berman concluded that they could feel confident that, if the subdivision map gets recorded and construction commences, either financial commitment or a nuisance violation will ensure that the site is brought to a safe state.

Sr. Planner Murdock thought that was correct as those processes are in place and part of the city's Municipal Code.

Commissioner Berman stated that she knows the project is required to comply with an MMRP and a negative declaration review was done in the initial study, but she asked him to explain why this site doesn't qualify for a full EIR process.

Assoc. Planner O'Connor stated she could start and maybe Mr. Stinson can follow up. She stated that an EIR is triggered when it is thought that a project may have potential significant impacts that may not be mitigated to a less than significant impact. This project, as they have shown through the IS/MND that the impacts of the project can sufficiently be reduced to a less than significant impact. EIRs are a more thorough environmental review document that usually address projects that may not be able to be mitigated to a less than significant impact.

Sr. Planner Murdock thought the key distinction is that typically the technical evaluation in an EIR may not be particularly more sophisticated and he thought there was an impression of that. He stated that what was entailed was a more robust process to consider alternatives which were particularly important when, as Assoc. Planner O'Connor mentioned, some environmental impacts may not be mitigated to less than significant levels. It gives the decision makers alternatives to consider what may result in lesser impacts even if all the impacts could not be mitigated to a less than significant level. He stated that, when it comes to a situation like this where the technical studies have determined that mitigation measures are possible to reduce effects to less than significant levels, it was not necessary to consider alternatives for purposes of minimizing environmental impacts. He felt that was the real distinction in the consideration of alternatives under an EIR, because in any case you are going to have potentially significant environmental impacts whereas with an MND, you have not identified any potential significant impacts that are not able to be mitigated.

Commissioner Berman thanked him, adding that there were a lot of comments on that. She referred to the COAs, and COA30 implies that stormwater treatment facilities need to be redesigned or the treatment facilities as proposed for storm water treatment, and for C3 compliance in storm water treatment, she asked whether the facilities are not currently sized appropriately.

Assoc. Planner O'Connor asked Senior Engineer Donguines if he wanted to touch on that. She stated that for starters, the current design as shown on the plans are not meeting the C3 requirements. The plans have been reviewed by their storm water consultant and they believe that with a confirmation of calculations and with the addition of capturing storm water at the lower driveway areas this project will be able to meet C3 requirements without significantly changing what is shown on the plans.

Dep. Civil Engineer Donguines stated that she was correct. He stated that, during the review process, they missed a small portion of the driveway that needs to be treated and they will have to take care of that during the COA process on the next round of review.

Commissioner Berman concluded that, independent of that small section of the driveway, the rest is relatively and to the best of their knowledge C3 compliant.

Dep. Civil Engineer Donguines responded affirmatively, explaining that when they take care of that small portion, 100% of the disturbed areas will be treated with storm water measures.

Commissioner Berman referred to COA29, stating that it implies that the applicant still needs to study the existing storm drain capacity but, as she asked earlier, it sounded like the applicant already confirmed that the existing storm drain system on Monterey is sufficient to accept the runoff from the property because the runoff is not anticipated to be significantly increased from the existing runoff. She asked if someone can explain the need for this COA.

Dep. Civil Engineer Donguines stated that they developed the COA and the applicant provided them with the storm water calculations last week.

Commissioner Berman concluded that it was recently determined that the existing system had capacity for development.

Dep. Civil Engineer Donguines responded affirmatively.

Sr. Planner Murdock stated that it was important to remember that contemporaneously this condition may not feel like its sensible, but imagine the project not built immediately and occurs some years later, conditions affecting the existing system could change and certain minor details of the project plans could change even in the earlier phase of construction and this is simply asking updated calculations to reflect the final project and the existing conditions. He stated that, if it were constructed tomorrow, should it be approved, they would know that conditions are suitable, but in the future conditions could change and they want those updated calculations to ensure adverse impacts to the storm water system did not occur.

Commissioner Berman thought that made sense.

Commissioner Bigstyk asked how big the catch basins are.

Assoc. Planner O'Connor asked if that was a question for the applicant.

Commissioner Bigstyk thought it was a question for the applicant as she had referred it to them earlier.

Mr. Chavarria stated that there is a main catch basin placed at the eastern side of the curve of the driveway and it is a 36-inch catch basin intended to capture the runoff that comes from the adjacent properties in the upper sections of the hill. He stated that it was the only catch basin receiving runoff from areas that in natural state and considered semi-riperian area. He stated that, in all the other sections of the project, the down spouts from the building are directly connected to the slope through planters and on the driveway, there are two structures, one just a junction box

and is not going to collect any water coming from the driveway and another one at the base of the driveway which is in that little island that separates the inner driveway and the outer driveway. It is a landscape section that is a catch basin which they left it intentionally as a catch basin, 24-inch in size, so it could service that small landscape section.

Commissioner Bigstyk stated he wasn't an expert and didn't know how quickly they flow out of the basin which might factor into the explanation, but he asked if he could walk him through how much water, in any given moment, does that hold and how quickly does it flow back out into the storm water system.

Mr. Chavarria stated that the current catch basin on site is a 24-inch catch basin and they are increasing it to a 36-inch catch basin. He explained that the catch basin, per se, is not acting as a detention structure and it only functioning as an inlet to divert the surface draining into the 24-inch culvert running to the system. He stated that the water from their project in the furthest areas of the project is managed differently. The water is collected on the driveway through trenches that are diverting that through flow through planters and going to oversized pipes that have the capacity to hold that water so it trickles outside. He stated that there is a program called Bay Area Hydrology Model, and they have to comply with that model and have to model the site, show the flow through planters and the oversize pipes. He added that they may have to use some other detention elements on the ground, but the key point is that the outflow has to be consistent with the pre-development. He stated that on the BAHM model, they have to model the site as it currently exists and model the site as it will be afterwards and those results have to be consistent. He stated that the system they have now shows the basic elements of the design, conception of the design and the preliminary calculations to show that the numbers are feasible and can be worked out. He stated that, once they do the final design and calculations and the accurate design of each one of the elements, that is when the fine tuning comes to size correctly each one of the flow through planters, each of the pipes, and when the water is coming out, they have to create some small weirs so that the water trickles at a separate speed so that it doesn't overwhelm the system.

Commissioner Bigstyk thanked him for that helpful explanation. He stated that one public comment he heard was about the borings. He read the initial 2002 geotechnical on the borings that were taken, and he shared the public's concerns that one has not been taken further up into the property. He asked for an explanation of why more borings haven't been taken, and play a devil's advocate on what we lose by not having borings deeper into the property.

Mr. Chavarria stated that the initial design that was done at the beginning of the project is a conceptual design. The soils report is at a feasibility level, i.e., is the site buildable, what are the major problems they can encounter, but he stated that it should not be construed as a design level soils report as when they move to the next phase of the project, there will be substantial additional geotechnical investigation work, with additional borings done, seismic wave analyses to check the stability of the hillside, and an array of testing that will have to be conducted so that the soils engineer can give them the proper criteria for designing the foundation and the retaining walls. He stated that certain retaining walls may be appropriate to be supported with soil nails, those are ones located in areas that are very dense very good rock. He stated that some of the retaining walls towards the front may have to be supported on drilled piers and some retaining walls may have a spread footing. He stated that those details are worked out on the next phase on the design level. The soils engineer performs all these analyses, gives them the criteria and that goes to the peer reviewer from the city who checks the work that the soils engineer gives them.



He stated that it is not until that time that their final design is produced with the soils values and design criteria provided by their engineer then reviewed and blessed by the peer reviewers.

Commissioner Bigstyk asked if any grading occur before that moment in time.

Mr. Chavarria stated absolutely not.

Commissioner Bigstyk referred to the driveway, with his understanding that the specific placement of the ingress driveway had to do with making sure that it was safe as people were presumably coming down the hill at a fairly rapid pace and they want to be sure they have enough time to see them coming your way. He read that the position of the driveway where it is was the safest place they can put that ingress driveway. He asked if that was an accurate assessment.

Mr. Chavarria responded that he absolutely got it right.

Commissioner Bigstyk asked if it would be fair to say that placing that ingress anywhere else on the site would lower the safety probabilities.

Mr. Chavarria stated that he was correct, explaining that was why it was designed in that location. He stated that, when they did their initial analysis as explained in his presentation, their goal was to have several driveways and the traffic engineer told them absolutely not as they need to have as little a number of possible driveways. He stated that the first time, they had a two-way driveway located in the same location and it did not meet the criteria. He stated that it was okay for the traffic going in but not okay for traffic coming out, which is why the interesting design of the driveway being split and that was how having that coming a little further down the hill came about to provide those additional visibility for a car coming down the street so a car coming on to the street has more feasibility and more time to react for traffic leaving the site.

Commissioner Bigstyk mentioned the person living at 314A, next door to the driveway, and stated that he didn't think it was a breaker for him but had a concern about sound because the driveway was next to the home and, as mentioned by a commenter, they have to put a little bit more gas on to get up the hill. He asked if there was any further noise mitigation that can be done in that area or has everything that could possibly have been done to mitigate the noise going up that driveway been done.

Mr. Chavarria stated that they can definitely improve the conditions. He stated that he had mentioned that the driveway is somewhat depressed and they have about 3-4 feet of retaining wall at the beginning and they can construct a sound wall, a fence on the side that doesn't exceed the 6-foot maximum height that the planning code requires but can be treated as a sound barrier. He stated that they will be more than happy to incorporate that into the project.

Commissioner Bigstyk stated that he had a general comment but, if it can be turned into a question, he urged his input, referring to a lot of the community's concern about whether there will be more erosion in their own areas as a result of this development. He stated that it sounds like they are doing everything in their power to catch every drop of water they can so there will not be more erosion going to those other properties. He was open to any further comments from him.

Mr. Chavarria stated that he has been doing this since 1985 and he has been living in Pacifica since 1992 and as a resident of Pacifica, he has learned to love and protect Pacifica and tries to do that with each project on which he works. He stated that one example is creating a problem, and if he was not 100% sure that this can be done, he would not be leaving town and would be liable and it is not good for him. He stated that he and his kids live here and he wants to make a beautiful project that is sound, safe and of which they can be proud. He then stated that, technically, they are doing everything they can to comply with regulations, meet the requirements of the building code and they have always been successful in working out the final design elements with the staff and plan checkers.

Commissioner Bigstycyk thanked him, adding that he is not a technical person on commission and is doing everything he can to address community concerns to the best of his ability. He stated that in conversing with him to further his understanding and hopefully address one or two of the community's concerns is a pleasure. He then asked Assoc. Planner O'Connor if she was able to come up with the number of on street parking that is retained, number lost.

Assoc. Planner O'Connor stated that she wanted to correct some of the figures she gave him earlier. She stated that the site distance evaluation recommends, in terms of redlining the curb, 150 feet western or north of the egress driveway is proposed for redline and 10 feet southeast of the egress driveway should be redlined. She stated that, with those redlines, there was still about nine parking spots along the front edge of the property with the assumption that a parking spot is 20 feet deep so nine is his answer.

Commissioner Bigstycyk then asked Asst. City Attorney Sharma if she had time to look at the conditions of approval 32 and 36, and come up with whether they could be incorporated into one or is there a legal reason why they need to be separate.

Asst. City Attorney Sharma stated that she had a chance to look at them and she believes that one of them can be eliminated and staff has the preference for eliminating condition of approval no. 32 and keeping condition of approval no. 36.

Commissioner Bigstycyk stated that if and when a motion is made to approve, it can be with elimination of COA no. 32.

Asst. City Attorney Sharma responded affirmatively.

Chair Nibbelin stated that he didn't see any hands so he concluded that they were at the point where they may want to deliberate and state where they are or offer a motion if they feel they are at that stage.

Commissioner Hauser stated that she was having a hard time with this as she didn't appreciate that it was very difficult to do a development on a site that has a lot of topography. She can appreciate that the applicant has done a good job of trying to be sure they are hitting all the density, state and parking requirements. She stated that what was really hard for her was that, in looking at the design guidelines, retaining walls are discouraged. She understands that a site that has this much grade needs retaining, but she thought the monumentality that comes from a project that is built 20 feet above the street level, mentioned that Mr. Chavarria gave her 57 feet above grade level from the public street. She stated that, if they look at the rest of the street going up the hill, it was the only property that would have retaining walls in the front. She mentioned that

there was a little park that the city owns and has a very small 3-4 foot retaining wall. She stated that everything else has the benefit of being on the downhill side. She understands that there are setbacks and natural topography. She thought, between that and the fact that some of the things that she thought were important on a site like this of infill development, you would want to talk to the community and understand their concerns. She stated that having a landscape architect look at where trees should go is something that is very typical on an entitlement application. She didn't feel personally comfortable recommending approval or rejection of this project. She would feel most comfortable continuing this and allowing the applicant to study potentially ways to improve the massing affect conditions, some livability conditions that Commissioners have brought up such as garbage cans, parallel parking, etc. She mentioned a lot of tree concerns with the removal of 60 + trees, and mitigating for the seven heritage trees was not enough. She stated that was where she stands.

Commissioner Berman agrees with Commissioner Hauser. She wants the project to move forward and she loves that it gives Pacifica an affordable housing unit as we need more BMR units. She thought the generally aesthetics of the development and structure is pretty. She stated that, adding to some of Commissioner Hauser's concerns, she stated that the few concerns she has sound like they could be incorporated into the site plan. She stated that there were quite a few where she would rather revise and resubmit rather than furnish as corrected. She would appreciate if the applicant could review a little more space giving and turnaround to make it easier for parallel parked cars for guests to turn around safely. She also thought a high level garbage management plan on how residents will bring their trash bins, up to three bins, to an appropriate location that doesn't impair the site triangles of the driveway and is aesthetically pleasing for the neighbors in the neighborhood. She stated that an item which she feels very passionate about and would be of major benefit to the community is replacement of the entire sidewalk frontage, and from her thinking, a good amount of the asphalt directly adjacent to the curb would need to be replaced. She knew there were guidelines during the building permit and inspection process that will confirm that. She thought it would be a good benefit to the community if there were an entire new sidewalk along the frontage. She thought a good amount of it will have to be replaced anyway. She hopes it is not too much of a burden on the applicant. She referred to a few comments on the maintenance of the hillside and she knows there is a condition of approval that the property owner needs to maintain the storm drainage throughout the property and she wondered if they need to revise the conditions of approval to make sure the applicant needs to maintain the vegetation throughout the property, including the hillside where they are not developing. She thought there were guidelines for that. She liked Commissioner Bigstyc's wanting insurance that the sound barrier aspects of the wall along the southern property line get incorporated into the retaining wall. She would appreciate a continuance for the project and she wants it to go through as she thought it would be a great addition of housing for Pacifica.

Commissioner Bigstyc stated that, since becoming a commissioner, he has a strong leaning toward wanting to add to the housing stock from the standpoint of wanting people to be able to live here, specifically from our community which is why even one affordable unit or something approaching affordable is an exciting proposition. He likes the idea from the prospective of the city having numbers it needs to make, so he likes the idea of adding housing. He stated that there is a lot of good public feedback about why they would want to see a plan that is a little bit more fleshed out, with community concern about the better you address it. He referred to one speaker's comment that if they pass this at this meeting it will be appealed to Council. He thought that is not a consideration for the Commission to base their decision on, but he experience is that, if a

commentator makes such a comment, they will be called to be a liaison to an appeal. He stated that continuing this affords the applicant the opportunity to address a lot of those concerns and be a good neighbor in addressing those concerns in such a way that it winds up being a project they can look at and say there is clearly no problem and the community concerns are unfounded. He stated that there is so much discussion and nuance lost in this initial proposal and it seems like the applicant is on the path of fleshing it out and everything is so close to being where it should be that it would be a treat for the Commission to see that product closer to a place where, if the community still has a concern to bring it to Council, they know that it will fly through there without as much consternation as it might if they don't take the time to get it closer to that point. He definitely favors adding housing stock, but he was happy to be in consensus with his fellow Commissioners and see it become something they can all easily agree to instead of something with trepidation going into it as they presently have.

Commissioner Godwin stated that his view of the project is that it is a challenging piece of property to develop. He acknowledged that the applicant has offered a number of innovative features that he appreciates, such as design, drainage plan, adding that he thought there were some minor improvements that could be made. He would be comfortable with approving it at this time, and counting on the applicant to make the improvements in the preliminary and detailed design but was also okay with continuing it.

Commissioner Leal stated that he had the same sentiment of his fellow commissioners and in general was in favor of this project and the additional affordable housing unit is great for our city and he was comfortable with continuing the item as well.

Chair Nibbelin stated that he would count himself in Commissioner Godwin's camp as he was comfortable with the project which he thought is well conceived and he thinks the staff report rather exhaustively dealt with the various issues. He felt some appropriate concerns were raised and the commissioners have gone through things that could put a finer point on the project. He didn't know that those finer points required a continuance in his view, as they spent a lot of time carefully going through the matters that were raised. He would be in favor of approving the project at this time, subject to some of the fine tuning that was discussed. He added that he can certainly see where they are going. He stated that, if they are going to continue, he would want to be clear why they were continuing and what specifically they would be expecting the applicant to bring back to them so they don't spend a lot of time covering a lot of the same ground they covered at this meeting. He stated that, for those wanting to continue it, it made sense to hear exactly what it is they hope to see and he hoped they can set it for a time certain that is not in the distant future so they can take action on this and move it along.

Commissioner Berman stated that she had previously listed a few items she would like to see, but she was wondering if, jointly with Commissioners Hauser and Bigstyc, they could come up with a list and then she would be ready to make a motion for continuance. She stated that her list is consideration of a vehicle turnaround at the terminus with the private road for guest parking stalls, a high level garbage management plan considering safety where the bins are located and the convenience of residents being able to roll them out, as well as aesthetics, the replacement of the entirety of the sidewalk curb and gutter along the property front, confirmation that the property owner will maintain the hillside throughout the property, not just in the development area, incorporation of sound barrier protection within the retaining wall, especially adjacent to the resident to the south. She stated that she would pass it on to Commissioner Hauser.

Chair Nibbelin stated that he wanted to ask the Asst. City Attorney pertaining to the replacement of the sidewalk, curb and gutter and the nexus of the Nolan-Dolan aspects of that and if there is any concern they should have around that particular condition, which he is fine assuming there is a nexus to require it.

Asst. City Attorney Sharma stated that, from the materials she reviewed and the discussion she heard, she is not sure that she is comfortable with the nexus issue currently. She would be happy to look at that if continued, but based on what she heard at this point, unless there was some evidence of the property itself having caused some of the issues that have been raised, she was not sure that this finding could be made at this point. She stated that she was happy to take a closer look at that going forward.

Chair Nibbelin stated that, if the matter is continued, they will want to spend a little time digging in to that and not require something that is not legal to require.

Commissioner Berman thought a section could be added to the staff report if it is continued. She asked, given that this is a fairly large development for Pacifica, at what point is a project required to replace the sidewalk in front of it. She stated that, in Pedro Point, there are single family home developments that are building new sidewalks that don't even lead anywhere. She wants to know, for future understanding, when is a sidewalk appropriate for an applicant to build and when is it not.

Sr. Planner Murdock stated that, on this particular sidewalk question, he shares Chair Nibbelin's interest in how they relate the sidewalk to the project. He stated that they have a complete streets policy in the city to ensure that, not just vehicular transportation, but all modes of transportation, including pedestrian means of transportation are included in projects. Where there are existing sidewalks, it is generally the case that the pedestrian component is satisfied, however, if the sidewalk was degraded to the point that it could not accomplish that function safely, that may be a basis to require replacement of those damaged or degraded sections to the extent that they were restored to perform that necessary function. He stated that he has not specifically evaluated the sidewalk but the planning team will engage with their engineering colleagues to evaluate that in some greater detail. He thought, more generally, the obligation for the property owner to replace the sidewalk when it created a safety hazard so it is an obligation that exists under state law under the streets and highways code but he was not aware of the condition of the sidewalks in this particular location where it exists at present. He referred to the second component mentioned as part of public improvements, and asked them to elaborate more on the relationship to the curb and gutter seeking to be replaced.

Commissioner Berman assumed that, if the sidewalk were to be replaced and if the AC were going to be granted overlay or replaced, the best management practice would be to replace the curb and gutter as well, but the main item she was concerned with was the sidewalk.

Sr. Planner Murdock stated that, to the extent that the curb and gutter would be an incidental component of the sidewalk replacement she was describing generally but not specifically saying that there is a project impact that she identified with respect to the curb and gutter.

Commissioner Berman stated that there were several locations where even the curb and gutter is a little deteriorated. She didn't have an issue with the city's curb and gutter that is intended to be there in the existing condition. She asked if that answered his question.

Sr. Planner Murdock thought so, stating that staff needs to take a closer look at the condition of the sidewalk and its ability to perform the required function for the complete streets program or an obligation to replace some or all the sidewalk under the streets and highways code because it presents a safety problem. He thought that, secondarily, they need to look at where the storm water from the site will discharge. If it is into the curb and gutter, they need to determine if it can perform that minimum function to safely convey the storm water from the project. If the project does not have meaningful contributions to that curb and gutter because it is piping underground they will need to outline and describe that dimension so the Commission can weigh the nexus to the project and its obligation to perform certain minimal health and safety functions.

Commissioner Berman had no doubt that it will be found that the curb and gutter can sufficiently convey the drainage. Her main concern is the sidewalk. She stated that just giving the community and the neighborhood a good finished product with so much going into eight beautiful structures and landscaping and then have an old deteriorated sidewalk or a new sidewalk and an old gutter that is even a different concrete color than the new one would not be ideal and as aesthetically pleasing, but stated that her main concern was the sidewalk.

Commissioner Hauser stated that, in deference to the applicant, if they proceed with a continuance, it would be her preference to continue to a date certain that applicant and staff are comfortable with so this is not floating out there for months. She thought another commissioner said that. She wants to touch back on the sidewalk, as staff is going look at this but she thought that, on a project with this much frontage and so many new utility connections, and on looking at the sidewalk, there is a lot to go on. She stated that with this many new utility connections, she would find it very odd that there would not be a nexus to update the sidewalk and the half of the street through which those connections were going. She didn't they have ever done a project where that was not a requirement across the Bay Area. She would like to see that on the list as long as there is not a legal issue with that. She added that her two particular items are looking at the trees and making a recommendation as to where those additional trees would go and what that mitigation ratio would be. She thought when having the item back, that information would be helpful. She also thought that making sure they reduce the massing as much as possible so that it is a more palatable and complimentary aesthetic. She stated that finding design solutions that bolster the existing plan like adding street trees or doing something where you are not walking along the sidewalk and looking up at 50 feet of buildings. She stated that those were her two items on the list.

Commissioner Bigstycck referred to someone commenting about 50 trees and he thought it would be right to be offset by some number of replacement trees in an environmentally friendly community. He thought it might tie into a greenhouse emission and when you hold on to the carbon in the trees and then you cut them down and the carbon goes. He wondered if that factors into the equation at all. He thought Commissioner Hauser set down requirements about the trees as much as needed, but he wondered if that other component factors in. He stated that drainage was his chief concern and earlier in his conversation with Mr. Chavarria, it helped him to understand better and addressed his chief concerns. Per condition of approval 29, in which those calculations were relatively recently put through but not quite for them to ingest. He thought it would be helpful to have calculations like that which are included when it comes back to them as he wants to look at the neighborhood for all who apparently are deeply concerned about drainage issues and erosion and watching the waterfalls going down the various streets which are further accentuated by this project, and it would very nice when this is brought back to them and they

have voted if he can tell them in good conscience that he did not think this would contribute to their issue.

Chair Nibbelin stated that he was going to ask staff and maybe the applicant as to whether or not they have a sense of where the Commission is with the concerns expressed as to what is wanted or expected when the convene to consider this matter again.

Sr. Planner Murdock stated that he has a clear sense of what the Commission would like staff to evaluate and to work with the applicant to gather more information. He stated, with respect to a date for a potential continuance, the soonest opportunity he would feel comfortable scheduling this to come back is on September 8. He stated that it does require that the applicant work quickly and he would like to hear a commitment from the applicant team if they can get something back to city staff within 2-3 weeks so staff has a week or two to evaluate it before they have to publish the report. He stated that, if that is too fast, the next opportunity would be September 21. He stated that second date would give him more comfort if they could agree to that date with the applicant, but he is offering September 8.

Chair Nibbelin stated that he would certainly want whatever date they determine to be a date with which they can be confident that they will be able to reconvene. He suggested they hear from the applicant as to which they think is feasible.

Mr. Kontrabecki stated that, when he hears what the commissioners are talking about, all of these items can be resolved very quickly and he would expect that, if there is a continuance, a hearing on September 8 would be easily achievable by them. He stated that, before they determine that, the comments he heard are good practical comments and he wanted to be clear about his thinking is with respect to them. He thought the street tree idea was excellent and he supports it, but he wants it to be done in consultation with an arborist and landscape architect so they are placed where they are going to thrive and the trees selected are appropriate for the micro-climate where the property exists. Regarding the turnaround needed for the guest parking, he thought Mr. Chavarria has already been thinking about that and has identified a location where some sort of hammerhead could be created to address that concern. Regarding the replacement of the sidewalk in front, he looks at it in two ways, one from a public safety point of view, but also from an aesthetic perspective. He stated that, if they are going to create a great project, it has to look great all the way and it would compromise the aesthetic of the project if they had discolored or broken sidewalks along the front of it so he has no problems at all replacing the sidewalk. He stated that they will be doing two curb cuts anyway. He stated that he hasn't looked closely at the condition of the sidewalk. When he was out there, it couldn't be too bad or it would have jumped out at him, but in terms of the overall aesthetic outcome, a clean newly poured sidewalk benefits the project overall, so he doesn't have a problem with that either. Regarding the sound barrier, he has two concerns; one is that putting a sound barrier is certainly easily done but he thinks they should ask the neighbor who they are trying to protect whether this is a concern for them, as there is only one house there and no one has asked them if they have a concern about noise generated from cars driving in a driveway. His second concern is that they are also doing this based upon an anecdotal experience, because none of the scientific studies done have raised that concern. He stated that he is not saying to not put the sound barrier in, but he thinks they should at least ask the neighbor if it was something they would like to see there and they should see what the sound barrier will look like as they don't want a sound barrier that is going to be visually offensive. He was not opposed in principle, but he wants to make sure they have a good reason for doing it. He stated that there are two ways to address this, one is to do the continuance and they work with

staff and come back, and the other way is to simply agree to these points in principle subject to working with staff to come up with satisfactory solutions that satisfy staff that the technical solutions they created are reasonable and acceptable.

Commissioner Hauser stated that the noise comment wasn't hers, but if a noise study was conducted she thought those studies were typically conservatively done and if the study did not have additional requirements beyond the condition of approval that a temporary sound barrier be built during construction, she would personally not feel the need to go above the requirements of that study. She appreciated the idea of conditioning all of the comments, but the massing comment she had could potentially be a big comment. She thought they could resolve it with landscaping. Her concern is that they only have a couple of feet between terraces to accommodate irrigation and roots and all that fun stuff. She would feel more comfortable if that was addressed on a landscape plan, potentially incorporated into a rendering or an elevation, whatever is easier and faster for them and brought back for review. She stated that her intention with that comment was not for them to regrade the entire site and come back with a 20-foot building.

Commissioner Bigstyk stated that, since he was the one who recommended noise attenuation, he probably would not have brought it up a second time if not for one of the public commenters calling him by name and making the point that the extra gas needed to get up the hill is a thing. He again stated it was not a make or break it for him, but if they are continuing that gives them the opportunity to talk to the neighbor which he thought was a splendid idea and then make sure the noise wall is not an eyesore. Then they can have that knowledgeable discussion at the next meeting. He referred to the deluge of feedback about drainage concern, and thought in Pacifica it was not uncommon that a Planning Commission ruling goes to Council for appeal. He would not recommend it, as he thinks if and when they pass this, thinking they are very close to passing it, they are all confident in that but when that happens, if that drainage plan is fully fleshed, as in COA 29, and they are able to point to that directly, if and when it gets to Council as it is not so unlikely, it will make it easier on their end to be able to say they presented it to the Commission as fully as possible and now it is for Council's perusal more fleshed out when they first presented to the Commission and it should make like easier for them on the backend.

Chair Nibbelin stated that they were at a point where they would entertain a motion if someone will make a motion.

Commissioner Berman moved that the Planning Commission request a continuance of this item to a date certain. She asked staff if they have decided on a date.

Chair Nibbelin stated that he thinks they decided on September 8 as a date that appears to be feasible.

Commissioner Berman moved that the Planning Commission continue this item to September 8, 2020 and that the applicant consider items recommended by the Commissioner for review.

Chair Nibbelin asked if there was a second to the motion.

Commissioner Hauser seconded the motion.



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Chair Nibbelin stated that they have a motion to continue the item to September 8 and directing the applicant to work in conjunction with staff to address the various matters raised by the Planning Commission in its deliberation. He asked if they can have a roll call vote.

Sr. Planner Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstyck, Godwin, Hauser,  
Leal and Chair Nibbelin

Noes: None

**COMMISSION COMMUNICATIONS:**

Commissioner Bigstycyk stated that it is becoming a ritual, but as the county is starting to once again draw back on various uses allowed to continue in the business sector, he reminded the public that we need to do everything we can to keep each other safe and that means masks and distancing and washing one's hands and keep at it, as it is not a sprint but a marathon. He was blessed to live in a community in which the vast majority of us are running the race side by side and he felt together we will get through this.

Commissioner Godwin wanted to commend staff on this project. He thought the review was both thorough and professional and he appreciated it.

Chair Nibbelin echoed that.

Commissioner Berman echoed that also and thanked the applicant and civil engineer on the project. She knows it is difficult to have a project, let alone a housing project, on a site with a lot of grade and they were doing a great job. She was looking forward to seeing the project next month. She also attended, via Zoom, the Board of Supervisors meeting for Cypress Point affordable housing project of 71 units in Moss Beach. She was happy to report that the changes to the local coastal program requested by the applicant were approved unanimously.

Chair Nibbelin congratulated them on getting to that step. It is good progress.

**STAFF COMMUNICATIONS:**

Sr. Planner Murdock stated he had two announcements, first the Plan Pacifica which involves the General Plan update, Local Coastal Plan update and Sharp Park Specific Plan. He stated that they are hosting an online only community meeting for the Sharp Park Specific Plan on August 13, starting at 6:00 p.m. and is intended as an informational opportunity for the community to learn about the Sharp Park Specific Plan so they can participate and interact intelligently and from an informed position moving forward to City Council later in September. He stated that they can register and find more information on [planpacific.org](http://planpacific.org). with links to the eventbrite page and other information about the session. He stated all are invited. He stated that the meeting will also serve as the scoping meeting for the environmental impact report which they are preparing for the Sharp Park Specific Plan and the General Plan update. He stated that it is an important meeting and they hope everyone will spread the word and get a lot of Pacificans to participate. He stated that August 13 is a big date, not only for the Sharp Park Specific Plan but it will be the last day with the City of Pacifica for Assistant City Manager Lorenzo Hines. He is going to be the new city manager of the city of Galt. He stated that it is a great opportunity for him, they wish him the best and hopefully they will have an opportunity to send a nice message to him before he takes off with August 13 being his last day.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Bigstycyk moved to adjourn the meeting at 10:37 p.m.; Commissioner Godwin seconded the motion.

Sr. Planner Murdock took a verbal roll call.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister