

MINUTES

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

May 20, 2019

7:00 p.m.

Vice Chair Rubinstein called the meeting to order at 7:01 p.m.

ROLL CALL: Present: Commissioners Kraske, Nibbelin, Campbell, Bigstyk and Vice Chair Rubinstein
Absent: Commissioners Berman and Chair Clifford

SALUTE TO FLAG: Led by Commissioner Campbell

STAFF PRESENT: Planning Director Wehrmeister
Assoc. Planner O'Connor
Asst. Planner Gannon
Sr. Civil Engineer Donguines
Asst. City Attorney Sharma

APPROVAL OF ORDER OF AGENDA Commissioner Nibbelin moved approval of the Order of Agenda; Commissioner Campbell seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners , Kraske, Nibbelin, Campbell, Bigstyk and Vice Chair Rubinstein
Noes: None

APPROVAL OF MINUTES: APRIL 15, 2019 Commissioner Bigstyk moved approval of minutes of April 15, 2019; Commissioner Campbell seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Kraske, Nibbelin, Campbell, Bigstyk and Vice Chair Rubinstein
Noes: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 28, 2019:

Planning Director Wehrmeister stated that they would not need a liaison.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1. TA-114-18** **File No. 2018-061 – Zoning Text Amendment TA-114-18** to amend Articles 2, 10, 11 and 28 of Chapter 4 of Title 9 of the Pacifica Municipal Code in order to establish the use of “Health/Fitness Club” in commercially zoned areas. Recommended CEQA Action: Exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Asst. Planner Gannon presented the staff report.

Commissioner Bigstyk asked clarification that prior to this the city allowed what under these definitions would be considered a health and fitness club, such as 24-hour fitness and he asked how they were able to go in before.

Planning Director Wehrmeister stated that they did research historically and it looks like this type of use, health/fitness, was listed under the CR (commercial recreation) district which at one point was subsumed into some of the other C1 and C2 districts. It appears that some of the permitted uses and conditionally permitted uses got lost in the shuffle as they were merging several different commercial districts. They then found that staff was able to shoehorn it into health and spas which are somewhat associated with massage establishments and recently, due to state law changes, that use definition was amended within the last several years and between the two historic changes, staff realized that when they have this new use come in, they needed to make these adjustments to the code.

Commissioner Bigstyk stated that she mentioned commercial recreational and he sees C1 to C3 was a commercial recreational zoning that still exists, and he asked if that was now gone.

Planning Director Wehrmeister thought the map was not updated and they still have a zoning map that shows CR commercial recreation and when referencing that in the code now it will refer you to another commercial district. She stated that was how it was done without totally redoing the city zoning maps.

Commissioner Nibbelin appreciated that it was well laid out in the staff report, but he was curious about some of the thresholds set forth, specifically the C1 district and of right use at 2,000 square feet and he asked why 2,000 was selected as opposed to a different threshold, possibly a little larger. He was curious about how much 2,000 was. He stated that he goes to 24 Hour-Fitness at the base of Manor and he was curious about how big that place is, specifically what they were talking about when they talk about 2,000 square feet.

Asst. Planner Gannon stated that staff did a lot of research of other cities in San Mateo County and they found cities, such as Redwood City, gave those detailed numbers and they felt providing them with a number such as 2,000 would allow staff to prevent some of the smaller projects from coming to a public hearing like this. She stated that there are a few studios in Eureka Square that operate yoga classes or kettle bell workouts, and they are roughly 2,000 square foot spaces. She didn't know how large 24 Hour-Fitness was but it was much larger than 2,000 square feet.

Commissioner Nibbelin stated that he was curious about something a little bigger than 2,000 square feet might be an appropriate number for them to be considering for an of right use, but he

was having trouble conceptualizing how big that might be and what kinds of impacts they might be talking about as they get bigger. He thought 2,000 was a little small. He asked if the 11:00 as the ending hours was standard for the industry in surrounding jurisdictions.

Asst. Planner Gannon stated that from some of the research they had done, that was the time they found and she thought 24 Hour closes at 11 p.m. on Friday evening and they took that into consideration.

Commissioner Campbell stated that he wanted to be clear on the definition and asked her to explain again how it impacts or how it would license massage parlors, therapies or saunas.

Planning Director Wehrmeister stated that it would not affect the massage establishment ordinance in place. She was explaining how the use got lost in the shuffle in some of the ordinance updates.

Commissioner Campbell asked whether, by not impacting, it allows it. He basically asked if this would allow massage parlors come into places that they would not now.

Asst. Planner Gannon stated that currently C-1 regulations allow for personal services such as professional offices, shoe repair, barber and beauty shops, laundry and dry cleaning establishments, banks and financial institutions and massage establishments less than 640 square feet of treatment floor space. She stated that, as long as they remain within those boundaries, they would still be allowed with this new text amendment. She stated the new language in the definition is there to avoid confusion or having to change the existing text.

Commissioner Campbell concluded that C-1 would allow it if fewer than 600 square feet and this text amendment will allow it in other areas as long as it is less than 600 square feet. He was trying to get at whether this was allowing for the establishment of massage parlors in different areas of the city than otherwise be allowed.

Asst. Planner Gannon stated that definitely not in the C-1 as it was permitted use as she read.

Planning Director Wehrmeister stated that her understanding is that a massage therapy associated with a fitness club could be allowable as long as it was within and associated with the fitness club and not a stand-alone establishment. They would still be required to get the police department licensing that was required under the municipal code.

Commissioner Campbell concluded that all this was doing was allowing fitness clubs to come in and if they have an ancillary massage component that was fine but a stand-alone massage parlor will not be allowed.

Asst. Planner Gannon responded affirmatively, explaining that she thought it would be something along the lines of physical therapy.

Commissioner Bigstycyk stated that on page 24 of the packet where it mentions the language of the ordinance, there was a place where he was confused. Section 4 amended the C2 district and both A and B leads with the following usage shall be permitted in the C1 district. He thought it was talking about the C2 district. He asked if he was misunderstanding or was it a typo.

Asst. Planner Gannon stated that it was a typo.

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

Commissioner Nibbelin thought the staff report did a good job of laying out the hole they are trying to fill and there was a good rationale for all the various details set forth in the proposed ordinance amendment. He stated that absent further discussion, he was prepared to make a motion.

Commissioner Bigstycyk echoed what Commissioner Nibbelin said as the history of how they came to this point was interesting and he will be happy to second the motion when made.

Commissioner Nibbelin moved that the Planning Commission FINDS the proposed ordinance is exempt from the California Environmental Quality Act; ADOPTS the resolution included as Attachment A to the staff report to initiate the text amendment and recommend approval to the City Council; and INCORPORATES all maps and testimony into the record by reference; Commissioner Bigstycyk seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Kraske, Nibbelin, Campbell, Bigstycyk
and Vice Chair Rubinstein

Noes: None

- 2. UP-111-18** **File No. 2018-053 – Use Permit UP-111-18** to renovate an existing 6,920 square feet (sf) tenant space to establish and operate an “Anytime Fitness” health club franchise at the Linda Mar Shopping Center at 1367 Linda Mar Blvd. (APN 023-041-270).
Recommended CEQA Action: Class 1 and Class 3 Categorical Exemptions, CEQA Guidelines Section 15201 and 14303.

Asst. Planner Gannon presented the staff report.

Commissioner Bigstyk asked what time of year it was when the parking study was conducted.

Asst. Planner Gannon stated it was October 18, 2018. The application was taken in November 2018.

Commissioner Bigstyk asked, if they say the parking was not sufficient, whether there was an alternative option.

Asst. Planner Gannon wasn't sure she understood his question.

Commissioner Bigstyk stated that, if they decided, for whatever reason, that the parking was not sufficient and there needs to be more parking. He wasn't specifically going in that direction but if they did, he was curious whether there was an option for putting in more parking.

Planning Director Wehrmeister stated that she was not aware of property that is available to put in additional parking as that was under the control of the owner of the shopping center. She stated that, with her limited knowledge of the area, she didn't know if there was unused planters, etc., where they could get a few more spaces.

Commissioner Nibbelin thought this might be a question more appropriate to the applicant, but he was curious about the notion of access by club members during times when there is no staff member on site and whether that was industry standard and whether staff had any concerns about that.

Asst. Planner Gannon stated that the applicant was present and she thought he would be better to speak on accessibility. She thought it was going to be a keycard access.

Commissioner Nibbelin was not concerned about the mechanics but the appropriateness or safety of having people on a site when there is no staff present and he was curious about the industry practice. He could take it up with the applicant.

Commissioner Kraske thought the business would be going in the southeast side of the shopping center by the taco place and Bank of America.

Asst. Planner Gannon responded affirmatively.

Commissioner Kraske stated that there was a large parking area behind by Bank of America that was often unused, and he asked if it was reserved for anything or open parking area for this business.

Planning Director Wehrmeister stated that it was their understanding that it was available to all businesses.

Commissioner Kraske thought there has to be at least 100 spaces back there and he thought there was plenty of parking.

Planning Director Wehrmeister agreed.

Commissioner Bigstycck stated that he had a question dovetailing off Commissioner Nibbelin's question and thought it was probably best to ask the applicant.

Brett Livingstone, applicant, stated that he lives in Windsor, California. He stated that the company, Anytime Fitness, has 4,000 locations around the world in 29 countries. He stated that the company has been around for 18 years, and he has been with them for ten years with five clubs, with this his 6th club. He stated that his oldest club is ten years old and the newest club was two weeks in Marin. He addressed the question of why Pacifica was good for them, stating that they have been working with this franchise for ten years and they have honed what they like to do. They provide a lot of amenities in the club with a personal touch, and they need to look for different demographic mixes to make it work ultimately. He stated that there are certain areas in Northern California that work, and he felt Pacifica has it in spades. He has been talking with them for about 2 ½ years for this space. They finally got to the point where they think it may work depending on the decision of the Commission. He stated that it has all the things they are looking for, such as enough people as 20% of the population in California joins gyms and he has to make sure there are enough people to make this work. He stated that there was high level of education with over 50% of the people have at least one college degree and that bodes well for the fitness as educated people take care of themselves and fitness is usually part of that. He stated that it was an established community. He stated that the most important thing is when driving over Highway 1 and coming into Pacifica, it was an incredibly beautiful area without an outdoor fitness community that bodes well for what they like to operate. They were a good fit as well because they are community oriented, such as sponsoring sports programs. He stated that in Berkeley they hang local artists' work. They participate in all the programs in the city. He stated that two of his clubs are in Santa Rosa and following the fires, they were the first club to open up to the community for free. They took trainers from other clubs and let them train their clients for free. He stated that they will hire local people to do the work of improvement and then local people as staff. He stated that traditionally it is a low pay environment but they look at it differently and they want it to be a career oriented position and their general managers have health care and are paid very well. The trainers get an aggressive split on commissions to make a living and not have to work long hours. He stated that their general managers have been with them longer than five years and trainers that have been with them for ten years. He thanked them for considering the project and he was happy to answer the question. He stated he can start with the security question.

Commissioner Nibbelin thought it was partly security and partly safety and concerns about havoc without staff.

Mr. Livingstone could see why it was a concern. He stated that this is the third public condition use he has to go through and that was the first question that comes up with parking No. 2. He stated that ultimately everyone get the key fob and only those who are members have key fobs

and once you get inside a club of this size, they will have about 26 different cameras inside so he can look on his phone and look into any of his clubs and see what is going on. He stated that the managers live local and it identifies if two people go in on one key swipe or if someone tries to get into an office that is closed or tries to go out a back exit, and manager, President of operations and he are notified and if necessary they call in the authorities. He stated that they have a very low incident of issues. He stated that one of the coolest things they have in the club is an honor bar which is a refrigerator with drinks, candy, etc., and when they grab something they sign their name or drop money in the cash box. They do inventory all the time.

Commissioner Nibbelin asked, to the extent they have had issues, if he can quantify them.

Mr. Livingstone stated that they have not had any issues, and there are 4,000 around the world and there were many different environments under which they operate and they are all open 24 hours. He stated that if it were an issue, the house of cards would have fallen a long time ago. He stated that, during other public hearings, he has had police officers and fire come in and they typically say is that because the center is lit, because of alarms and cameras, some people do not want to be involved in that and it adds a layer of security to the center.

Commissioner Bigstycck referred to security and his concern was less inside the establishment than outside the establishment. He is very familiar with the shopping center. He asked if he said he was from New Orleans.

Mr. Livingstone stated he was originally from New Orleans.

Commissioner Bigstycck stated that he was a Tulane man.

Mr. Livingstone stated that he lived in Algiers.

Commissioner Bigstycck stated that area of the shopping center was pretty far away from the rest of the shopping center and he worked in the shopping center and he wasn't entirely sure how the lighting was in that area.

Mr. Livingstone asked if he was referring to the lighting.

Commissioner Bigstycck stated that he was more concerned about outside rather than inside and he didn't know if it changes anything if a camera were to be posted outside but if that were an option, he asked if it was something he was considering.

Mr. Livingstone stated that they have cameras outside all of the clubs.

Commissioner Bigstycck wanted to be sure if anyone was coming in late at night.

Mr. Livingstone stated that ultimately, as the Planner and he talked about it, it presents an opportunity for people who don't have an opportunity to work out and the law enforcement, fire, etc., who may work late at night and don't have an option to work out during the middle of the day for traditional gym hours, and the realty was that 2% of the customers were working past 11 pm or before 5 am in the morning but it gives them an option they don't have now.

Commissioner Bigstyck stated that aside from cameras and lighting he imagined that he was in contact with Kimco Security to make sure there was someone walking that area where there was nothing else going on.

Mr. Livingstone stated he will make sure the lights are on 24 hours a day and they have found that in some cases with other owners, law enforcement will look at the recordings to see what may or may not have happened. He stated that it adds to the security of the location. He stated that, if someone has ill intent, they don't want to cause that ill intent in a lit, recorded area and he felt it would add to the area. He stated that it was the three suites between the Bank of America and the Mexican restaurant.

Commissioner Bigstyck stated that parking was less of a concern but he was welcome to comment on parking.

Mr. Livingstone stated that in their Berkeley club they have six paid parking spots for the entire center and they walk in from outside or ride their bikes. He stated that they will get a percentage of that. He stated that he has been to that parking lot all hours of the day and he was in the back area that someone referenced and no one was parked back there. He thought it was ultimately a great solution for them as they won't have to park by the Safeway area which can get congested and they would rather have their space back there and walk in and that was where they were planning on directing their people to park.

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

Commissioner Bigstyck stated that his security question was fully addressed to his satisfaction. He was familiar with that shopping center and he agreed that where the fitness center will be located most of the time there is ample parking. He was not usually on that side of the shopping center and not watching it, but he was looking at the space as it was his practice to review the various areas that are up for Commission consideration. He stated that a couple of his customers were passing by and some of their feedback was that in December when holiday shopping is in full swing that was when they had a concern about overflow parking and they often have sunny days in the summer and everyone is there for the beach and no one wants to pay the Linda Mar fee to park on the beach and during certain peak hours he had a minor concern that there might be a parking issue, although he agreed that those spaces are greatly under-utilized in general.

Commissioner Nibbelin stated that, from everything he heard and looking at the traffic study, he thought there was more than adequate parking and commissioners more familiar than he is substantiate that. He stated that they don't want to build parking to address the peak circumstances. He thought it was well conceived and the things done by staff appear quite appropriate and any concerns he had with respect to practice or security or safety have been addressed. He stated that it made sense if this was a major problem, they would have heard about it or staff would have identified issues to share with them. He was ready to move forward.

Commissioner Campbell stated that Commissioner Nibbelin captured his thoughts, adding that this is one of the few instances a round Linda Mar Blvd., where parking is not an issue because of the amount of parking in the back of Safeway. He thought they have one of the few places left. He was in support of the project.

Commissioner Kraske was also in support of the project and thought it was an exciting use to have in that shopping center. He stated that he had one question. He stated that it was three separate commercial spaces and they were going to remove the walls from the three spaces.

Mr. Livingstone responded affirmatively.

Commissioner Kraske asked how long his lease was.

Mr. Livingstone stated that it was a ten-year lease.

Commissioner Kraske thought the construction of the walls would not prohibit future tenants from moving in but he has a pretty long lease for the space.

Commissioner Bigstyk thought the business will fit in well with the shopping center and will complement the center. He was ready to make a motion if there is no further deliberation.

Commissioner Bigstyk moved that the Planning Commission find the project is exempt from the California Environmental Quality Act; APPROVES Use Permit UP-111-18 by adopting the attached resolution including conditions of approval in Exhibit A; and INCORPORATES all maps and testimony into the record by reference; Vice Chair Rubinstein seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Kraske, Nibbelin, Campbell, Bigstyk
and Vice Chair Rubinstein

Noes: None

3, CDP-404-19

File No. 2018-012 – Coastal Development Permit CDP-404-19

For the construction of a concrete sidewalk, curb and gutter along Palmetto Avenue between the intersection of Westline Drive and Palmetto Avenue and 100 Palmetto Avenue (APN 009-401-060)..
Recommended CEQA Action: Class 1 and Class 4 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15304.

Assoc. Planner O'Connor presented the staff report.

Commissioner Kraske asked if there has been any bicycle or pedestrian incidents related to autos along that stretch of road in the past on record.

Assoc. Planner O'Connor stated that she does not have that data.

Commissioner Campbell stated that they have a new letter from Michael O'Connell and Dave Blackman talking about the culvert causing erosion. He asked if there was any city opinion on whether that culvert is causing that amount of erosion and will the sidewalk get at that issue.

Assoc. Planner O'Connor stated that she will let Ray Donguines from engineering address that.

Sr. Civil Engr. Donguines stated that there is an existing culvert that runs underneath Palmetto Avenue from the bowl property on the east side of Palmetto and takes the storm drainage from that side and there is an outfall on the west side. He stated that currently the storm drainage is kept in a flexible pipe that runs all the way to the bottom of the ravine. If you go out there, there is a pipe inside like a sock going all the way down and keeping erosion to a minimum and keeping it away from the bluff. However, he thought the Department of Public Works staff needs to do some repairs as there might be a break in the pipe. They will need to do an inspection and repair it immediately.

Commissioner Bigstyk referred to the letter he received and thumbed through it quickly, and his immediate sense was that one of the concerns of the letter writer was that they were responsible for some of the improvements to this pipe and this might complicate or add cost to the improvements they had agreed to make a while ago.

Sr. Civil Engr. Donguines stated that the letter says they had proposed a storm drainage improvement that will take the water from the existing pipe and divert it south to Palmetto where it will connect to an existing storm drainage city pipe. He stated that the letter mentions that, if the city builds a sidewalk, and their project come after this, they will have to tear down some of the sidewalk to install their pipe. He stated that there was a way around that which they don't have to install their pipe underneath our sidewalk and can diagonally connect to the nearest pipe and miss the sidewalk altogether.

Commissioner Bigstyk again stated that he read quickly but his sense was that they were under the impression that their improvement will avoid a greater amount of erosion than if they don't do this. He asked if there will be more erosion if they don't do it.

Sr. Civil Engr. Donguines stated that the proposed pipe from 4009 Palmetto will help alleviate the situation since the water going to the west side will be diverted south and that water will no longer affect the ravine on the west side.

Commissioner Bigstyk stated that was the point where it was the thinnest.

Sr. Civil Engr. Donguines responded affirmatively.

Commissioner Bigstyk asked if there was a way to work with them when they come to a conclusion that they want to go forward with this.

Sr. Civil Engr. Donguines stated that this was the preliminary portion of the project and they have to go through and get the CDP from the city and their next process, since it is a federal grant, they will need to go through the CalTrans process and go through their environmental process and it will be at least nine months for that process including construction drawings, bidding the project out, etc. He stated that they can work with the applicant to see who is going first.

Commissioner Bigstyk stated that they received another letter with a couple of interesting points made, especially where it was thinnest between where the sidewalk would be and the ravine. He asked if there was any thought for the possibility of guard rails or a sign that says it was dangerous next to the sidewalk.

Assoc. Planner O'Connor stated that those were not proposed as part of the project as it wasn't found that they would be necessary at this time as the condition of approval states if hazardous conditions were to present itself the city would address it.

Commissioner Bigstyk stated that the letter writer mentions the GGNRA and he asked if she can elaborate on whether that was the GGNRA area and whether or not it was necessary to contact them.

Assoc. Planner O'Connor stated that the project was within the existing public right-of-way and not GGNRA real property, but the National Park Service was notified of the project as they are the property owners adjacent to the sidewalk in the same manner that all other neighboring property owners were notified of the project.

Commissioner Bigstyk stated that the letter writer mentions that the sidewalk appears to coincide with the California Coastal Trail and asked if there was any plans for signage in that regard.

Assoc. Planner O'Connor stated that it was very possible as Open Space and Parkland Advisory Committee was putting in a large effort and working with the Coastal Conservancy to update the coastal trail signage along the entire shoreline of Pacifica and adding a few extra signs from the Coastal Conservancy which are free to the city and it is not an issue.

Commissioner Bigstyk stated that the reason they are doing this was because of an injunction and they have to put this thing in order to satisfy what was put on the city as a result of the court.

Assoc. Planner O'Connor stated that we have agreed to create an accessible path that reaches the Pacific Manor Plaza. She stated that this exact project was not identified as being required but staff found that this was the best response to that requirement.

Commissioner Bigstyk thought, within that context, it was either going to be on the east side or the west side which are their two options.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Bigstyk stated that they talked about runoff and erosion and that project was coinciding with this one and by doing this the drainage should be better and should preclude some of the erosion that otherwise might happen.

Assoc. Planner O'Connor stated that it will help with storm water drainage most directly in that the water that lands on the new sidewalk would be directed into the street rather than into the bluff itself and be absorbed as groundwater which can result in increased erosion. For the footprint of the project, it will improve the storm water drainage for that as well as what Sr. Civil Engr. Donguines discussed earlier about the other drainage.

Commissioner Bigstyk referred to Westline where the curve is, and he parked across the street from the west side and it occurred to him that it was not the safest place if a pedestrian is trying to get across the street from Westline to the other side of Palmetto. He asked if there was any discussion of whether or not to put in a flashing cross walk.

Assoc. Planner O'Connor asked if it was between the east side of Palmetto to the west side of Palmetto at the Westline intersection.

Commissioner Bigstyk responded affirmatively.

Sr. Civil Engr. Donguines stated that the project would take the pedestrian to the east side but on the east side the sidewalk ends where the bowl is and they would still have to cross somewhere else to get back to the west side to the existing sidewalk which exists in front of the dollar radio station where they proposed to connect. He stated that, if you take them east, they will have to come back west.

Commissioner Bigstyk understood what he was saying. He stated that as he entered that area to take a look there were people walking on the west side and it was conceivable that some of them have houses on the east side when the houses begin. He knew there was a sidewalk that starts further down from Westline but his concern was a safe place to cross from one side to the other. He stated that, if people are walking up the west side and get to the place where their house is, they will want to cross over to the east side to get to their house. He was asking if there was consideration as to whether or not to put a flashing crosswalk somewhere that can get them from the west to the east if they have a house on the other side.

Sr. Civil Engr. Donguines understood. He stated that they did not consider it. This was basically to provide a safe travel from one spot all the way to the Manor Plaza where the consent decree had specifically mentioned.

Commissioner Bigstyk asked if it might be a good idea to put such a cross walk from one side to the other would this be the appropriate time to think about such a thing.

Sr. Civil Engr. Donguines agreed, stating that they also have a separate project which is the City of Pacifica citywide cross walk project and the next block over on Crenshaw, they are planning to

put four ADA curb ramps there and, since they are doing all four, they could probably put cross walks there.

Commissioner Bigstycyk appreciated the time to talk cross walks comes later. His last comment is as he was exiting his car it was pretty much right there on that corner where Westline is and where he parked and crossed to the other side and it occurred to him that there was a lot of blind area there especially for any pedestrian and kids, and as he walked up it was kids walking up the west side, probably young high school or middle school age. He stated that, as an adult who was comfortable walking in such a fashion to put his life on the line, it occurred to him that children most certainly are apt to walk in such a fashion and they might not be as considerate as to the dangers when doing so. He thought that might be a good place to include flashing cross walk, especially since there is a lot of blind area there for someone trying to cross.

Sr. Civil Engr. Donguines stated that they would take that into consideration. He stated that at the intersection of Westline and Palmetto they try not to put cross walks. It was mid block on the other side and it was trickier because all four ways are not controlled.

Commissioner Campbell stated that his question got answered.

Vice Chair Rubinstein opened the Public Hearing.

Mike O'Connell, Pacifica, stated that he was one of the owners of the 4009 Palmetto project. He likes the project, sidewalks and he designed sidewalks for a living and this area was overdue for a sidewalk. He has some concerns with the project. He stated that Sr. Civil Engr. Donguines spoke about the coordination with the 4009 Palmetto project and the storm drain improvements that they volunteered to do. He stated that there was no nexus for them to install the storm drain improvements, but they felt it was critical to help protect their investment but that was not a development project pipe but a public pipe and it solves a city storm drain issues and while he was confident that he and Sr. Civil Engr. Donguines can do the coordination and not tearing out the new sidewalks later. He stated that it was not a guarantee that the project is going to happen. He would like it to, and it was very close to happening but it was not funded and this project should consider those same storm drain improvements before they spend hundreds of thousands of dollars in public funds on installing a sidewalk in an area that was potentially unstable without these improvements. He stated that the local coastal plan requires geotechnical studies for new projects and he understands that staff has characterized this as not a new project or a new development. He didn't think that negates the need for site specific geotechnical studies. He stated that the LCP itself states that the bluff erosion retreat is two-feet per year and they were talking about putting a sidewalk within 7 ½ feet of the bluff. He asked if they were going to spend hundreds of thousands of dollars of public funds and have the sidewalk be potentially undermined within 3 or 4 years. He stated that the report relies on a model from the Pacific Institute for Erosion which is based on sea level rise and not actually based on the local issue of erosion from the culvert. He thought more consideration needs to be made for putting the sidewalk on the east side. He didn't think there was as much environmentally sensitive habitat on that side as it looks like a lot of ice plants and would be 30% less sidewalk if they built it on the east side. He stated that this is not a small project at 1400 feet of sidewalk with lots of curb and gutter and by his estimation he thought it was at least a \$300,000 project. He wanted to be sure that they were thinking about it correctly and having a sidewalk that was appropriate and a good use of public funds. He stated that this was a great candidate for green infrastructure and on the

city's green infrastructure list as a potential project and they don't have any green infrastructure projects that have been built.

Vice Chair Rubinstein closed the Public Hearing.

Commissioner Bigstyk stated that the speaker mentioned hundreds of thousands of dollars a number of times and he asked if he could tell them approximately what the dollar amount might be.

Sr. Civil Engr. Donguines stated that they estimated the project to be approximately \$400,000 and the grant funds they got from the federal government was \$330,000 and the city's matching will come from SB1 monies.

Commissioner Bigstyk asked if he was saying that none of the money was coming out of the city's coffers.

Sr. Civil Engr. Donguines responded affirmatively.

Commissioner Bigstyk asked if that grant money was contingent on the west side plan or could it be changed to the east side plan if they chose.

Sr. Civil Engr. Donguines stated that, when they applied for the grant, they specifically had this site on the west side.

Commissioner Bigstyk stated that when he was walking it earlier today, as he was pulling up in his car, he immediately noticed three kids walking on the west side where there is no sidewalk and they looked to be about young high school or middle school age. He stated that one was on a little scooter. While he was walking the distance, an older couple toward the south end were walking up on that side. He stated that they might have been tourists. He stated that the point was that the five people he saw later in the day during what will not be peak hours for traffic in that area, they all automatically chose the west side and he noticed the footprints in the sand. He also noticed a trail developed on the north side area. He stated that there was already a trail there that was sidewalk size. He stated that it was almost very naturally and intuitively already a sidewalk except for the lack of the sidewalk. He stated that a good reason for making a decision was that if they were worried about erosion in the culvert they were avoiding a little bit of the erosion. He was confident that city staff was able to work with people proposing to make an improvement that will be helpful. He stated that, because runoff will be taken away from causing further erosion and it was already practically a sidewalk as is, and they have money in place and not costing the city a cent, he was in favor of this construction.

Commissioner Nibbelin asked if there was a timeline in the consent decree for having this project done.

Assoc. Planner O'Connor stated that she was not aware of a timeline in the consent decree.

Commissioner Nibbelin stated that they have the letter from Mr. Cliff Lawrence and one of the things that caught his eye was the conditions of approval that made reference to hours of construction and the point was that the conditions of approval set forth and 8:00 start time for construction whereas private projects it is generally 9:00. He asked if that was true and was there

a reason why they would have a different start time. It was in one of the letters, either from Mr. Lawrence or Mr. O'Connell.

Assoc. Planner O'Connor stated our conditions of approval do not include any limitations on construction hours for the project.

Commissioner Nibbelin stated that it was Item #7 on the letter, stating that work in the public right-of-way was stated as being permitted starting at 8:00 a.m. and he thought it should be changed to 9:00 a.m. as what the letter says. He wasn't suggesting it should but he wanted to be sure he understood the point.

Assoc. Planner O'Connor asked him what letter he is referring to.

Commissioner Nibbelin stated that it was the letter they received from Mr. O'Connell, with Item No. 7 on the last page with the statement that work in the public right-of-way was stated as being permitted starting at 8:00 a.m. which he thought was a fine time to start but apparently there is a statement that says 9:00 a.m. is generally the condition that the city would impose on private development projects for work on right-of-way.

Assoc. Planner O'Connor stated that they have construction hours in the code that are 8:00 to 7:00

Planning Director Wehrmeister stated that she didn't know if there was another standard for Public Works projects but if there was not, the city would be held to the same standard that private construction has.

Commissioner Nibbelin thought an encroachment permit might have that as a standard condition.

Sr. Civil Engr. Donguines stated that their encroachment permit for work in the city's right-of-way was typically 8:00 to 5:00.

Commissioner Nibbelin moved that the Planning Commission finds that the project is exempt from the California Environmental Quality Act and approves Coastal Development Permit CDP-404-19 by adopting the resolution in Attachment A, including conditions of approval in Exhibit A; and incorporates all maps and testimony into the record by reference; Commissioner Kraske seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Kraske, Nibbelin, Campbell, Bigstycyk
and Vice Chair Rubinstein.
Noes: None

COMMISSION COMMUNICATIONS:

Commissioner Bigstyk just wanted to ask the question because of the Home for All meeting happening the next day and he asked if they are speaking to that even though it is past the rsvp moment.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister also referred to the Home for All event was happening on May 21, and was past the rsvp date and they were anticipating that they will have some walk ins and the commissioners were welcome to join them. It starts at IBL at 6:00 p.m. and dinner will be served. She stated that the other announcement is that the 1567 Beach project was appealed to City Council and they are in the process of scheduling that and they will be back when they need a liaison to the Council.

Commissioner Bigstyk commented that there will be child care provided at the Home for All event.

Planning Director Wehrmeister responded affirmatively.

ADJOURNMENT:

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 8:12 p.m.; Commissioner Bigstyk seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Kraske, Nibbelin, Campbell, Bigstyk and Vice Chair Rubinstein
Noes:	None

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister