

MINUTES

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

December 16, 2019

7:00 p.m.

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

ROLL CALL:

Present: Commissioners Berman, Campbell, Rubinstein,
Nibbelin, Kraske, Bigstycyk and Chair Clifford
Absent: None

SALUTE TO FLAG:

Led by Commissioner Berman

STAFF PRESENT:

Planning Director Wehrmeister
Sr. Planner Murdock
Asst. City Attorney Bazzano
Assoc. Planner O'Connor
Contract Planner Aggarwal

**APPROVAL OF ORDER
OF AGENDA**

Commissioner Nibbelin moved approval of the Order of Agenda; Commissioner Bigstycyk seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Berman, Campbell, Rubinstein,
Nibbelin, Kraske, Bigstycyk and Chair Clifford
Noes: None

**APPROVAL OF
MINUTES:
NOVEMBER 18, 2019**

Commissioner Berman moved approval of minutes of November 18, 2018; Commissioner Nibbelin seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Berman, Campbell, Rubinstein,
Nibbelin, Kraske, Bigstycyk and Chair Clifford
Noes: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JANUARY 13, 2020:

Sr. Planner Murdock stated that they would like to designate a liaison for January 13 but added that the City Manager may shift the hearing date for that item to the second meeting in January but they don't know the scheduling now and they would like to set a liaison to be covered. He stated that they will have another opportunity at the Planning Commission meeting in January to appoint a liaison to the second meeting if necessary.

Commissioner Bigstycyk stated that he will be free that night and able to if no one has a burning desire to be a liaison on ADUs.

Chair Clifford stated that they will say that Commissioner Bigstyeck will be the liaison at this point in time.

ORAL COMMUNICATIONS:

None.

CONSENT ITEMS:

None

PUBLIC HEARINGS:

1. PSD-841-19

File No. 2019-011 – Site Development Permit PSD-841-19 to Construct a new 3,128-square foot (sf), three-story single-family residence with a 400-sf, two-car, detached garage on an undeveloped 39,049-sf nonconforming lot, with associated street and utilities extensions, at 1693 Higgins Way (APN 023-341-080).
Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines, Section 15303.

Commissioner Bigstyk stated that when he went to the lot to take a look, Michael O’Connell, applicant, was also there, and he took the opportunity to ask a couple of clarifying questions but in no way did it influence how he will vote at this time.

Contract Planner Aggarwal presented the staff report. Planning Director Wehrmeister recused herself from consideration of this item due to a conflict of interest.

Commissioner Campbell asked if there was anything in the plan history as to why this is B5 zoning in this area.

Sr. Planner Murdock stated that he has not come across anything in the record and has been zoned that way for many decades. He stated that they typically find the B-5 lot size overlay which requires a minimum of one acre lot size in a couple of applications, one is where larger lot sizes are desired for quasi-agricultural larger lot type development and the other is in hillside locations. He thought this was most likely zoned because of the hillside and requiring a larger lot size. He stated that it was his assessment but he didn’t have any information from the record to support that.

Commissioner Campbell stated that sometimes he sees it as a tradeoff for the development that occurred adjacent where there was some agreement in the ancient history where the developer said that he wanted to develop lots but would put different lots at the higher area as a tradeoff in the past. He concluded there was nothing like that in the records.

Sr. Planner Murdock stated that there was nothing they came across as this site was not previously subdivided as part of a map and there is no indication that it was a tradeoff for other lots in the subdivision map. He stated that they also haven’t found anything in the title report to suggest there may have been an open space or other deed restriction that should have set it aside in a particular way.

Commissioner Nibbelin asked what lap siding was, assuming it was some form of architectural materials.

Contract Planner Aggarwal stated that it is a horizontal siding which is one on top of the other and overlaps a little bit.

Commissioner Nibbelin stated that he was all for removal of the eucalyptus trees and he thought it looks like a one to one replacement, and he was curious how big the replacement trees will be in gallons.

Contract Planner Aggarwal stated that they expected them to be 15 gallons but that was not necessarily specified in the report.

Commissioner Nibbelin referred to the one for one replacement, and he has seen reports where they get a greater ratio than one for one to account for the fact that sometimes the trees don't take. He was curious about the decision of one to one, which he thought was probably fine, but curious on the thinking into that and whether a different ratio would be within their discretion.

Contract Planner Aggarwal stated that they had not specified a one to one ratio because the eucalyptus tree removal was not regulated by the heritage tree ordinance and this was a proposal the applicant had presented and it seemed acceptable to replace it with one to one.

Sr. Planner Murdock thought it may be coincidental why it ended up being one to one. He stated that they sought an expert landscape designer's input on the appropriate number of trees to be planted and it was not an arbitrary number but asked for his expert opinion and was the replanting schedule provided. He thought it was within the Commission's discretion if they are concerned about survivability to impose some sort of performance standard as part of the replanting and be monitored after 1-3 years for the Commission to make it appropriate. He also thought it would be appropriate to specify a minimum planting size for the replacement trees.

Commissioner Nibbelin concluded that the 12 number comes from input received by landscape professionals who thought 12 was the right number, and he thought it was a question of insuring they ultimately end up with 12.

Sr. Planner Murdock agreed, adding that he would say, in learning from the experience the last time this project was heard, it was a decision made on the dais to require a one to one replanting for the particular species that was indicated, the coast life oak, and they learned in the review of this project that was maybe not the right outcome, given the number of trees removed in that project. Since then, trees have been removed but not replaced with replanting. In light of the new information, they were asking for the updated assessment.

Chair Clifford referred to the oak, and asked if that was the best choice. He stated that there was an oak sudden death that has been going on in California for quite some time. He asked if these oaks were less prone to have that happen to them.

Contract Planner Aggarwal stated that the landscape plan was prepared by a landscape designer and the credentials were what the plan was based on so they are dependent on the landscape designer's expert opinion in terms of what species would be the best for this location.

Chair Clifford asked if the landscape person was present.

Contract Planner Aggarwal indicated he was not.

Chair Clifford stated that he was concerned about oaks when they have had this ongoing problem in California with oaks dying and he would hate to see them have a bunch of trees put in and they all die because of the disease going around. He stated that, if they fail, they may want to have a backup species.

Sr. Planner Murdock thought there was language in the landscaping plan that the applicant shall install and maintain the indicated landscaping in a healthful condition and that condition may go some way toward his concern about long term survivability if any pest or infestation to affect the trees' health and cause them to be removed, they would still need to replant in accordance with the landscaping plan on a permanent basis if the project is approved.

Chair Clifford stated that, once the project is approved and built, then it falls to someone else who buys it, and that was where his concern comes in as they could wind up having someone who buys this with a bunch of oak trees that die and then they have no trees.

Sr. Planner Murdock thought that was a potential outcome, but the conditions of approval would require the trees to be replanted and maintained.

Commissioner Kraske stated that since eucalyptus trees are an invasive species and not native, and according to regulations the applicant is required to replace those 12 trees even though they are non-native.

Sr. Planner Murdock stated that the trees are not required to be replaced, as they are not heritage trees which can often result in a replacement plan. They are being replanted out of an abundance of caution due to the slope and the visual impacts that could result if there are no trees replanted on the slope.

Chair Clifford invited the applicant to present.

Michael O'Connell, applicant, stated he was actually the agent for the applicant. He stated he was the applicant a couple of years back when the previous iteration was approved, but he was now representing the applicant as the agent. He gave the history of why the project stalled, i.e., they started some tree removal, grading that was completed to facilitate access to the trees and their removal. He thought they got in with a couple of tree companies that weren't quite well equipped for such a large tree job and it went on for about six months and went through three different tree companies before they found the right person. He stated that, if they don't get a building inspection within six months of pulling the permit it expires. He stated that, because the first six months of work was stumbling through the tree removal and finding the right tree contractors, there were no inspections and why the permit expired and they were now reapplying for the entitlement at this meeting. He stated that the plan was largely the same as what was approved in 2016 and a few of them were on the commission at that time and might remember the project. He stated that the big changes in 2016 was having all the eucalyptus trees that were going to be removed and the landscaping plan was more of a hillside restoration. He stated that it was very expensive to remove all the trees and that part of the plan has been scaled back and just the trees that conflict with the building footprint and the view to the north and within 30 feet of the building envelope. He stated that the landscape plan was adjusted as a result of that. He then stated that he had not heard of the issue of the oak trees, adding that he had some planted in his yard and in his property in Sharp Park and they seem to be doing well. He stated that the coast live oak was a go to tree for landscape architects. He stated that the size of the tree was specified on the landscape drawing, a 24 inch box tree. He stated that the other main difference between this application and the previous one was there was a condition of approval for the deferred improvements for the remainder of the street improvements on Higgins Way. He stated that, on the last iteration of the project, they were only building it out to 25 feet past the driveway and there was not a condition for installing the remainder of the improvements along the frontage but

now they have a condition where, if the other projects redevelop, that would trigger the requirement for this applicant to install those improvements.

Commissioner Campbell asked him to remind them about the bike access and the gate relocation.

Mr. O'Connell stated that the gate was being relocated to just beyond the end of the sidewalk improvements and there was enough space between the gate and curb and gutter on the north side so bikes and peds can easily move around it as it was six feet clear, but cars cannot get around it.

Commissioner Berman asked if, in the previous work through Public Works, they planned to extend the water main as it was hard to tell on the plans now. She asked if it was extending or were they connecting in the right-of-way. She thought there was a public hydrant being connected to it and she wondered if it was an opportunity to extend the main and work with the city on confirming flows for the extension at the end of the run.

Mr. O'Connell stated that they were installing a fire hydrant at the end of the existing main and then from the end of that main there was a new $\frac{3}{4}$ inch water service.

Commissioner Berman asked if that was going to be private.

Mr. O'Connell stated that it was private. He stated that they weren't planning on extending the main at this point and he thought that was a logical thing to do and he didn't know if there was a nexus for it.

Commissioner Berman asked if there was a property across the street.

Mr. O'Connell responded affirmatively.

Commissioner Berman asked if it was currently developed.

Mr. O'Connell stated that it was undeveloped on the up slope side.

Commissioner Berman asked if the potential was to be developed as another home.

Mr. O'Connell thought so, adding that he has heard about people approaching the Planning Department about that site on and off over the years but he would have to defer to Sr. Planner Murdock about anything concrete.

Commissioner Berman thought, if they are extending water, whether private or public and there is an opportunity for another home across the street, it might be worthwhile to make it a public extension so another property could connect to it in the future.

Sr. Planner Murdock thought part of the issue is that the provision of water service is governed by the North Coast County Water District and the city does not make the decision with respect to main extensions and provisions for future development in that regard. He didn't think they can speak intelligently to those decisions which are made by the water district.

Commissioner Berman thought the building permit process they will go through they will work with the water district.

Sr. Planner Murdock stated that they will, adding that the water district indicated that a main extension may be required, but it was not a comment they make on most projects and they will look very carefully at this and other development which may occur. He reiterated that it was outside the city's jurisdiction and expertise.

Mr. O'Connell stated that it was previously approved by the water department when the last building permit was issued. They could come back and ask if they had a main extension. He stated that, based on what they approved previously, he wasn't sure they would.

Sr. Planner Murdock clarified that the site south of this was in an unincorporated San Mateo County and they have had discussions at the staff level with perspective applicants a number of times for areas to the southeast which are within the city limits but he didn't know the development potential and if there are any applications imminent for the area directly across the street.

Chair Clifford opened the Public Hearing.

Karen Clark, Pacifica, stated that she lives on Higgins Way and about four houses down from the gate. She stated that she wanted to give some context to the project so they understand. She stated that they have parking on one side of the street, a Montessori School on one side of the street with about 60 families coming to bring and pick up their kids, hundreds of dog walkers, cyclists, hikers, every weekend with wall to wall cars. She stated that there are about 13 homes on the street and over half of them have sold in the last two years, a couple of them turned into Airbnbs, i.e., party houses. The investor approached a third seller to try and buy it to turn it into an Airbnb. She stated that it was a quiet residential street and a lot of Pacificans like to go up the trail. She stated that a lot of the original residents have passed away and the homes are being sold as investments. She stated that people have a right to build a home on that land and there was a way to do it to be a good neighbor, but she was concerned about huge construction vehicles coming up the street. She added that the street was repaved a number of years ago with grant money that Pacifica got for a bike trail. She stated that huge vehicles coming and causing potholes. She stated that they have families with small children with kids running up and down and she wanted to give it some perspective about building a new home as well as other projects to the east and south.

Frank Gonzalez, Pacifica, stated that he was the adjacent neighbor. He appreciated the effort the design team has done in providing a turnaround of sorts which is better than what they had before. He appreciated the 44-foot red curb planned beyond the current gate and he assumed was on both sides of the street. He was concerned about the soldier pile wall long term reliability. He stated that, if you look by the gate, they will see his soldier pile wall kind of decomposed and partially due to the removal of the large eucalyptus trees that were by the gate. He stated that the ground is pretty soft. He stated that part of the drawing that his degraded soldier pile wall will be removed and replaced, but it wasn't clear by what. He stated that the site plan doesn't show a retaining wall at road level, but at the driveway level. He stated that, if you walk the site, you will need to rethink how much retaining wall you need at road level. He stated that, if you go past the driveway the first 20 feet are a steep drop and he thought they may want to rethink that. He stated that water diversion will be an issue. He assumed that the current road will be enhanced and there will be a curb that will guide the water down. He then read from the report about requiring nearby properties to pay their proportional share of the improvement at a later

date and he asked what that means, such as whether he will be assessed for the replacement of his soldier pile wall, a side walk or fire hydrant. He would like to know ahead of time to budget for it.

Kirk Rosales, Pacifica, stated that he was representing the Rosales family and the Montessori School on Higgins Way. He stated that they are concerned about the project with the gridlock and traffic that it may bring as well as the safety and welfare of their children which was paramount for them as educators. They are mostly concerned about pick up and drop off times at the school during the week. He stated that they have 60 families with 75 children from 2.5 to 6 years old. He stated that some walk to school and they were concerned with the big trucks coming up the street during the drop off and pick up times and the traffic gridlock that it may bring to their one-way street and concerned about emergency vehicles getting through during that time and they asked what kind of plan they have in place. He stated that there was a turnabout at the end of the street and he wanted to be certain that there is a good emergency plan and a plan not to have the large construction vehicles coming around during the pickup and drop off times. He stated that they also have small children who take naps and they didn't think that will be a big problems because they are up a way, but that was a small concern.

Chair Clifford asked what their pick up and drop off times were for the school.

Mr. Rosales stated that they have families who come a little early and some come a little late. He stated that 9:00 is the drop off time and 8:45 to 9:15 is the drop off and 2:45 to 3:15 being the later pick up time.

Commissioner Rubinstein asked what the big specific concern was with the proximity to the school or the road or is it a general concern.

Mr. Rosales stated that it was a general concern, as that street can get bad traffic gridlock during the school days and it was bad on the weekend because of the mountain bikers and the Airbnbs. He stated the concern they have is the parking of construction vehicles or people who are building the home taking up some of the parking spots as it is a street where you can only park on one side and there will be a lot of traffic gridlock as there is only one turnabout at the end and adjacent to their property. He stated that sometimes he sees people parking there and when that happens it becomes crazy on the street. He stated that most of the neighbors know they have to yell at someone on the street or another car passing by. They are concerned about the safety and welfare of their families especially during those key times.

Chair Clifford invited the applicant time for rebuttal.

Mr. O'Connell stated that, touching on Karen Clark's concern about potential damage to the street, he thought there was a standard engineering condition that says that they shall replace all the damage to the street as directed by the city engineer whether it was caused by their project, and there was very strong language to that effect. He referred to Frank Gonzalez' reference to the soldier pile wall and he thought his wall was a wood wall, and it was being replaced with a soldier pile wall but that wall has steel piles and temporary wood lagging with a permanent concrete facing and eventually, if the wood lagging deteriorates, the permanent concrete facing will remain. He stated that there is a red curb on both sides of the street. He stated that mention of the steep drop as they come down the driveway was correct, and there was a set of tiered retaining walls at that location so there were two walls to make it look better architecturally. He

was also concerned about an assessment and he thought he was referring to the deferred improvements reimbursement program and it would only apply to the future development of the properties down the road. He referred to a fire hydrant, and it was being installed in the public right-of-way. He then referred to Kirk Rosales mentioning parking concerns and the pickup and drop off times and he stated that it was partly resolved with the last application and they provided a construction schedule and there was a specific date to coordinate with the Montessori School on their graduation and not have concrete trucks backed up on the street on that day. He stated that their intention was to be a good neighbor and coordinate with them. He stated that most large deliveries have to be done early in the morning and they aren't bringing big excavators, etc., during rush hour. He agreed that the parking is a challenge but that is something that the applicant will have to work with the neighbors on and be respectful of that. He stated that once the driveway goes in, it will open up a lot of parking for construction workers. He stated that it is 100 feet long and wide enough to park two cars and most people are going to park as close as they can on the driveway as they are carrying their tools and equipment in and out.

Chair Clifford closed the Public Hearing and brought the item back to the Commission for deliberations.

Commissioner Bigstyk stated, in reference to damage to the street, there were conditions of approval in there that any damage has to be taken care of by the applicant, but he asked how extensive that was or is the damage negligible.

Sr. Planner Murdock stated that the important factor was that the Public Works inspector would determine whether the damage was attributable to the project and he wasn't sure there was a linear limitation on how far away that is from the project. He stated that, if they can demonstrate that it was the weight or type of equipment that can be attributed to the project, he thought that repair would be required.

Commissioner Bigstyk stated that Mr. O'Connell mentioned that in the past there has been a construction schedule. He didn't recall seeing a construction schedule in relation to this project. He asked if he missed it or could they put a condition for approval in terms of the drop off and pick up times.

Sr. Planner Murdock stated that what was different between this project and the 2016 project was that the applicant had not provided a schedule prior to the 2016 hearing and learning from that experience the applicant provided a schedule and the condition of approval also required identification of contact information for the contractor and the owner so that could be shared with the Montessori School. He stated that the city sought to stay out of the middle of that coordination but to burden the project developer with that coordination requirement which was staff's preference if the Commission was concerned about impacts to the school's operation and they have the construction schedule. He stated that it was in relative terms now because the absolute construction dates are unknown. The phasing of various required equipment and materials deliveries are indicated and the number of vehicles estimated for the delivery as well as contact information and staff has what they believe would be required by the condition in 2016.

Commissioner Bigstyk stated that they have a construct that seems comparable at present.

Sr. Planner Murdock believed that was the case.

Commissioner Bigstyk was concerned about parking, mentioning that when he went up there he couldn't think of another place in town where he sees that many signs limiting the stay of a car to two hours. He asked if they can address the parking concern.

Sr. Planner Murdock didn't understand the question of what parking concern to be addressed.

Commissioner Bigstyk stated that parking is pretty tight there and he asked if this would add to that. He thought the trucks would be on the other side of where everyone else would be parking and he thought the trucks would be on the lot and would be outside of the range where most traffic would be. He asked if that was how staff understands it or would it add to parking so that it was part of the discussion they should be having.

Sr. Planner Murdock stated that it was not the project applicant's responsibility to solve the existing narrow street or parking congestion that occurs due to whatever existing uses there are, the trail, school, single family residences, Airbnbs, etc. He stated that there was some distance between the Montessori School and this project site as the project was at the far east end of the area. He didn't think the conditions could get more favorable. He didn't understand all of the concerns except if trucks are moving slowly in or out of the site during a pick up or drop off period and that was a point well taken. He stated that, beyond that, the vehicles for the project as the applicant stated, are going to strive to be as close to the site as they can be as it didn't make sense to off load heavy materials or equipment any further than they have to. He stated that there is the potential for conflict coming in and out, but any staging that needs to happen in the street would be addressed through an encroachment permit through the Public Works department and it was up to them to determine the scheduling and the placement of any on street areas taken up for deliveries or construction staging.

Commissioner Campbell stated that he bikes up there a lot, and he asked where the heavy equipment will turn around because it was quite a narrow street. He didn't see much space beyond the gate.

Sr. Planner Murdock didn't think there was an opportunity to turn around as they are likely to have to back out. He stated that the applicant might have more insight to that.

Commissioner Campbell asked the applicant if he has to back down on the whole street.

Mr. O'Connell stated that he didn't operate heavy equipment so he wasn't sure. He imagined that was an option to back into the site and then leave facing forward. He stated that there was a small turnaround and depending on the size of the equipment, they may be able to utilize that. He stated that large equipment had come in and out of there previously to do some of the grading to facilitate the access. He stated that the size of the equipment may be limited based on what they can readily get in and out of there. He thought they used smaller equipment such as mini-excavators and bobcats to do a lot of the grading.

Commissioner Rubinstein stated that it was an interesting application in that there was not much discussion or any objection to the house itself, but just talking about the logistics which are a legitimate concern but it was a single family house and heavy equipment means deliveries but mostly pick-up trucks with guys in it. He didn't want to exaggerate the type of work happening, but it is just a house. He stated that this was a public right-of-way and people should be able to park up there if they need to build. He stated that, if the applicant works with the Montessori

School and neighbors on specific dates, such as graduation where they need to be accommodated, he thought it was reasonable. He thought the damage to the street has been overstated. He thought maybe a bobcat scratches the street, but it was limited to trucks with tires driving up the street which isn't going to do damage. He stated that, if there is no real discussion about the house itself, the applicant is allowed to build and drive trucks in there and works with the neighbor and damage to the street is covered and he would move to approve this without any other points of discussion on the application itself.

Commissioner Nibbelin stated that Commissioner Rubinstein stole his thunder as he was in favor of the project they got in 2016 and he was in favor of this project as it was well thought out and the staff report laid out in a detailed way how the project conforms to the General Plan/zoning and site development permit requirements and he was comfortable with the project. He stated that there have been construction related impacts that have been raised and he thought the applicant's agent has laid out efforts to work in reasonably good faith with the community to mitigate those impacts. He was in agreement that they should move forward with approval.

Commissioner Berman was also in favor of the project. She referred to the large vehicles accessing the road, and as there are homes in this area, a fire truck has to access it and she didn't have quite the same concerns in regard to excavators or construction vehicles and as Commissioner Rubinstein stated, it was a home and it was not like an entire school campus.

Commissioner Campbell stated that he was in favor of the project, adding that he thought he approved the project before. He thought it was okay to consider citizen's and neighbor's issues with traffic, etc. He stated that they were the citizen's planning commission. If it was just about the house, he thought it could be an over-the-counter thing for the Planning Department and they don't want to be too cavalier with citizens' concerns about things that are going to happen next to them, and they don't have to live with the construction for the next year. He was in favor of it.

Commissioner Rubinstein stated that his point was what are the things they can do to mitigate it, as they can't say they can only have three trucks at a time.

Commissioner Berman thought the conditions of approval address some of the concerns. She stated that it was nice that the project has had a couple of years of design under its belt and reviews with the city. She agreed with many of the concerns that the public has but she felt the conditions of approval are well-stated for the concerns.

Chair Clifford stated he voted for this project previously and the changes that have been made look to him like improvements to the project and he thinks it is a better project now than before, and he was happy with it before. He stated that he will be voting for it. He stated that the concern about big equipment is that it generally is delivered very early at the limits of the city's requirements and he has had big equipment delivered to sites and they get it onto the site as fast as they can as time is money and they were very expensive to have on site and there is no wasted time in terms of getting it onto the site and they don't leave it sitting around on the street.

Commissioner Bigstycyk stated that it was his style to address the public concern as much as possible with his questions and he takes that approach when possible. He felt he had answers to the concerns he heard to his satisfaction and he will be happy to vote in favor of the project.

Commissioner Rubinstein moved that the Planning Commission finds the project exempt from the California Environmental Quality Act; APPROVES Site Development Permit PSD-841-19 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporates all maps and testimony into the record by reference; Commissioner Nibbelin seconded the motion.

The motion carried **6-1**.

Ayes: Commissioners Berman, Campbell, Rubinstein,
Nibbelin, Bigstycck and Chair Clifford

Noes: Commissioner Kraske

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

2. TA-117-19

File No. 2019-031 – Text Amendment TA-117-19 to amend existing zoning regulations in order to incorporate amendments to California law related to accessory dwelling unit and junior accessory dwelling unit construction. Recommended CEQA Action: Exempt pursuant to CEQA Guidelines, Sections 15061(b)(3), 15282(h), 15301, 15302 and 15303.

Assoc. Planner O'Connor presented staff report.

Commissioner Campbell asked if the amendments were made to conform with state law, are they a mandatory thing they need to do to bring themselves in alignment with state law or were they made at our discretion.

Assoc. Planner O'Connor responded affirmatively, clarifying that most of them are made to comply with the mandatory requirements of state law. She stated that she had highlighted the few areas where they have provided some discretion which will give them some focus of their conversation. She stated that the state mandates one ADU or one junior ADU with an existing or proposed single family unit on residential or mixed zone properties or one detached ADU on lots with an existing proposed single family unit. She stated that, on multi-family unit lots with mixed use zoning or residential zoning, they must allow for ADUs to be created in space that is not used as livable space and they must allow for not more than two detached ADUs on these properties. She stated that there are several requirements that go with these, but they have to allow those. She stated that focusing on where they may have some latitude to change the requirements, she highlighted the optional regulations they may want to discuss. She stated that the state requires them to allow ADUs at least 16 feet in height and the optional regulation that is proposed in the ordinance in front of them allows an increase in height for ADUs that meet specific setbacks and are consistent with what a single family home would have. She stated that a mandatory regulation for ADUs is that no lot coverage maximum or landscape minimum may be applied for ADUs, 800 square feet or less in size. She stated that they included provisions that do apply lot coverage maximums and landscape minimums for ADUs greater than 800 square feet in size. She stated that, focusing on the two optional regulations, if they want to choose to remove any lot coverage maximum for all ADUs or any landscape minimums for all ADUs, they can do that or manage the height of all ADUs at 16 feet in height. She stated that the law requires them to allow ADUs less than 800 square feet on any street. She stated that they had a requirement that prohibited detached ADUs on properties with street frontages that had a street width of 26 feet in width or less based on public feedback that they have received from the Home for All efforts and Planned Pacifica efforts they have increased support for ADUs and this has been a hindrance for some to create ADUs on their properties. Staff has proposed to remove the requirement but if the Commission would like to continue for ADUs greater than 800 square feet in size, that was something they can discuss. They are required to allow detached ADUs of 800 square feet in size or less that have a structure setback that is consistent with building code. Again, they could reapply the 10-foot structure setback that they had previously for ADUs greater than 800 square feet. She stated that standard was a hindrance for those trying to create ADUs on their properties. She stated that they are not allowed to require parking for most scenarios of ADUs. There are unique situations where one parking spot for the ADU may be required and it may be created within the existing driveway and does not have to be a garage but anywhere on the property. She stated that the ordinance in front of them includes continuing requiring the one space when they are able to but they can choose to remove all parking requirements for all ADUs if they choose. She stated that it was the five options on which they can focus their discussion.

Commissioner Rubinstein asked if the 16-foot height limit for attached ADUs limits the type of ADU that can be built in a single family house or meant to be a structure attached to a house.

Assoc. Planner O'Connor stated that the 16-foot height limitation is for the measurement of the ADU. She asked the legal team for a reasonable interpretation and the understanding was that it should be measured from the ground and it would not be appropriate to allow an attached ADU on top of an already 35-foot high single family building.

Commissioner Rubinstein was thinking that, in a single family house, if someone wanted to do it in a garage it was probably not 16 feet.

Assoc. Planner O'Connor stated that, if they are converting existing space then it was a different category of an ADU and it doesn't have a height requirement.

Commissioner Berman asked if a one story single family home wanted to build an ADU as a second story, under 35 feet tall for the total structure. She stated that, from the ground to the top of the ADU would still be greater than 16 feet.

Assoc. Planner O'Connor stated that, assuming it was on top of the single family home, it would meet the setbacks of what a standard single family home would have and the code allows for a maximum height to be of 35 feet and it would apply to that ADU because it has the same.

Commissioner Berman concluded that, even if it is an addition, if it is a part of the original structure the 16 foot maximum doesn't really apply.

Assoc. Planner O'Connor stated that the way the ordinance is written in front of them, the 16-foot max would only apply if the ADU is projecting into the minimal setbacks that a single family home would not be able to project into. She stated that the assumption would that it would have to be on the ground in this situation.

Commissioner Berman referred to the possibility of requiring one parking stall and asked if it was unknown what property types or lot types might require one parking stall or do they have any examples.

Assoc. Planner O'Connor stated that an example of an ADU that would require a parking spot would be a detached ADU greater than 850 square feet in size and more than a half mile from a public transit stop. She stated Park Pacifica basically or the back of Rockaway or the far reaches of Vallemar or Pedro Point.

Commissioner Berman thought some of those homes are the bigger lots which may be more accommodating of an ADU so they should be able to provide and would be feasible to provide the additional parking spot. She wondered if they will run into a lot of issues with either not requiring parking when they should or requiring parking and it was infeasible.

Assoc. Planner O'Connor stated as written, the ordinance requiring parking in those few instances that they can. She stated that the way the state requires them to allow those parking spaces was typically very feasible for any property to accommodate it.

Commissioner Berman asked if it was on-site parking, off street.

Assoc. Planner O'Connor agreed but added that it can be in the front setback and can be just using the driveway that counts as a parking spot.

Commissioner Berman sees this as being one of the community's biggest concerns.

Commissioner Nibbelin thought he may have missed it, but as she went through the various changes at a high level, was one of the things they talked about was eliminating a requirement for owner occupancy of a main residence in connection with an ADU.

Assoc. Planner O'Connor stated that with an ADU, the state requires them to no longer require owner occupancy of the site. For a J ADU, that is a requirement.

Commissioner Nibbelin stated that, on thinking about it, he was looking at some of the findings in support of the ordinance and he noted a significant increase in the number of Airbnb units listed in Pacifica over the course of time between 2015 and 2019. He was trying to clarify and confirm that ADUs themselves can be restricted them to only longer leases than 30 days and they don't have to allow short term rental of ADUs or J ADUs.

Assoc. Planner O'Connor stated that the state law requires them to prohibit short term rentals on these special case mandatory ADUs that she went through. She stated that we have the option of allowing short term rentals for ADUs that don't meet that definition but that would be very few and she didn't think that was the intention of supporting this ADU ordinance.

Commissioner Nibbelin stated that they have it set up as no short term rental of any ADU.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Campbell wanted to get back to the setback issue as he was confused. He asked if they were allowing less setback for the detached ADUs in some instances.

Assoc. Planner O'Connor stated that they have to allow for a four-foot rear inside setback for any ADUs. She stated that the way the ordinance is written is that, if you take advantage of those reduced setbacks, they were going to limit them to the minimum 16-foot height, but if you move your ADU back to a standard home, 20 feet from the rear or five feet from the side, then you can build it taller and take advantage of more height.

Commissioner Campbell thought that was what was proposed.

Assoc. Planner O'Connor stated that was what was in the ordinance in front of them.

Commissioner Campbell stated that, in the way it stands today, is not as proposed. He asked what the standard was now.

Assoc. Planner O'Connor stated that you need a 20-foot rear setback or a 5-foot side setback for a detached ADU. She thought it was the same for an attached.

Commissioner Campbell thought it was 16 feet or not, just all.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Bigstyk stated that he had a few questions and thought, by answering, they will tell him to reconcile with what he read and gain a clear understanding. He thought one was a potential typo and the other two were more substantive. He stated that, on page 95, it may or may not be a typo, but subsection 1 states that "if section of the government code is amended subsequent to the effective date of this article to define public transit inclusive of a minimal level of transit service in the following definition shall replace the preceding definition in Subsection L, public transit and he thought the L should be an M.

Assoc. Planner O'Connor thought he was correct.

Commissioner Bigstyk read subsection 10 on page 97 which he thought was clear, but under A which is general provisions and under E, subsection 6 regarding exterior access and he thought the general thing would have caught that and superseded it but then it was down there and he hoped she could help him reconcile what was going on.

Assoc. Planner O'Connor stated that the standard for E is to just clarify that A, an entrance to the ADU from the exterior needs to be provided and they are not required to walk through the primary dwelling unit to get into the ADU. The subsection 10 on page 97 to which he first identified was clarifying that, if there is a door or something that connects the ADU to the primary dwelling unit that can remain as long as it is secured to protect both occupants.

Commissioner Bigstyk thought it would be from the exterior of that were the case.

Assoc. Planner O'Connor stated it was from the interior, explaining that, if someone converted their downstairs into an ADU and they put up an interior door to separate the ADU from upstairs, that section was clarifying that the door would have to be able to be locked from both sides such as adjoining hotel rooms.

Commissioner Bigstyk concluded that there could be an interior point of access but there must be an exterior point of access.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Bigstyk referred to page 103, subsection 6 which he thought was confusing referred to no off street parking being required for an ADU in any of the listed circumstances. He thought it was that they didn't have a clear path for on street parking and in that instance no off street parking is required despite the fact that they don't have a clear path for on street parking.

Assoc. Planner O'Connor stated that the language was directly from the state and mandated, but she thought the intention was, if the neighborhood requires parking permits for the on street parking, an ADU occupant was not eligible to receive one of those permits. She understood that it seemed backwards. She didn't know if that situation even applies in Pacifica.

Sr. Planner Murdock stated he was not aware of any permit parking procedure on any of the public streets.

Commissioner Bigstyk stated that someone from the public sent an email and addressed permits at some point and he wanted to hear from the public but he wanted to have an understanding of the provisions before he goes into that later.

Sr. Planner Murdock stated that he took it to mean was that the state was saying you cannot use a permit parking program as a means to frustrate development of ADUs. He thought it depends on which way they are coming at it, but he thought it was clear that it was not a means to limit development of ADUs.

Commissioner Bigstyk stated that it might potentially complicates a person renting an ADU under these conditions which doesn't apply to Pacifica.

Sr. Planner Murdock wasn't sure how it complicates the matter.

Commissioner Bigstyk stated that it was for the person renting an ADU and it might be a more complicated process for them figuring out the dynamic of renting the ADU.

Sr. Planner Murdock thought it might affect the desirability of the ADU if there is no parking, but that decision is made at the time the ADU is permitted and it was not the issue for the occupant to resolve but the property owner who is developing the ADU and the city is saying at the time of issuing the building permit, if there is a permit parking program and if so are the permits available to occupants of the ADU and if not, per the ordinance regulating the parking permit, no parking is required for that ADU.

Commissioner Bigstyk concluded that they build it anyway.

Sr. Planner Murdock agreed.

Chair Clifford opened the public hearing.

Michael Vernaza, Pacifica, stated he lived on Adobe in Linda Mar and he was super concerned as soon as the language said non-owner occupied. He was thinking down the same path. He stated that over the last year, he hasn't had one new neighbor who purchased a home who was from California or the USA and they don't even live in that property. He stated that, if he was a multi-millionaire, this would be the greatest thing that has ever happened. He stated that every garage could have its own address and effectively be rented out. He stated that, since they don't police Airbnb, he was concerned that they were pricing our local community members and anyone with a chance of buying a home in the Bay Area it will be more difficult. He was a free market person, but when fighting against global markets that have amazing dollars, he was concerned about what it does to the community. He stated that it didn't sound like they can stop it or curtail it anyway. He expressed his concern regarding people buying houses and not living in them, and how it affects our community.

Chair Clifford closed the public hearing.

Commissioner Bigstyk appreciated his concerns, and he thought his understanding was that the idea was you can't rent ADUs for less than 30 days at a time.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Bigstycck thought that was specifically put in place to try and preclude Airbnbs from renting them out. He also understood that the state has put this in place the way they have was because the Bay Area if not all of California was in a housing crisis and we add housing stock because demand is high and supply was very low. He appreciated skepticism of one ADU at a time, but in theory, if they have a lot of ADUs that will raise the housing stock. If the supply goes up, hopefully prices will even out if not dipping a little bit so working people can afford to live here and don't have to commute for three hours for their job as a courtesy clerk at a grocery store. He thought they are trying to accomplish by doing as many ADUs as possible so they start having affordable housing in the Bay Area. He thought it might be appealing to investors who want to rent it out indefinitely but maybe not as much as investors who want to do the short term profits.

Commissioner Campbell stated that, in keeping parking regulations as they are and maintaining as much parking requirements as possible, they should. He stated that he was hearing from a lot of people in Rockaway that parking is becoming crazy as the homes are getting filled with multiple people. He stated that it was happening in Vallemar and throughout the city and he thought they should push back as much as they can on maintaining the parking requirements. He also thought they should keep the setbacks to 20 feet. He stated that having a 16-foot structure a mere four feet from your backyard is a complete way to kill the livability of the house and privacy concerns and will decrease property values throughout the city. He stated that a third of the city's budget is property values and he didn't think they should diminish those. He understood property values are going up but he thought it was cyclical. He stated that he was a third generation Californian and for those who built up the neighborhoods and played by the rules and made them nice places to live and increased in value, but now, because big companies decided to move here and want their employees here, we destroy all our planning and zoning requirements to accommodate their needs. He stated that they won't be around forever and we will end up with jam packed, no privacy, no backyard homes. He stated that, if Scott Weiner has his way, there will be apartment building up and down Linda Mar and deep into some of our neighborhoods. He stated that he got what ADU was supposed to be about to accommodate owners to get some rental income but he thought this was becoming a free for all and a gift to the real estate industry. He hoped they can push back on it as he thought it was starting to hurt the neighborhoods.

Commissioner Nibbelin was in favor of things to do to spur the development of ADUs, but he agreed with many of Commissioner Campbell's points. He didn't think there was really too much they can do except the margins with respect to some of it, and he agreed about pushing back with setbacks and parking. He feel conflicted with the notion of owner occupancy. He thought the ADU was broadly speaking when you have the owner in the house as it was someone invested in the community and serve as a check. He stated that a friend lives in Fairmont and the house across the street was used as a flophouse, leased long term but has several adults who live there and it creates a significant impact, and it there was an ADU in addition that could be rented on the same property and the impacts would be detrimental. He didn't know how much they can do with what they have in terms of the law. He thinks the ADUs are an important tool and they need to do things to facilitate them when they are appropriate. He agreed that it was possible there are some properties where an ADU didn't make any sense, but where it does they should do what they can to facilitate them. He stated that it was a shame that they can't require that there be an owner to keep an eye on things.

Commissioner Berman stated that her basic understanding of the recent state bills geared toward housing was that we don't have a lot of control over items we don't prefer. She asked staff to clarify what we have flexibility to change. She thanked staff for the slide and asked if that was all the flexibility we have and we can't change the fact that the property doesn't have to be owned by the person living there.

Assoc. Planner O'Connor stated that they don't have to live there.

Commissioner Berman asked what happens if they don't accept the municipal code changes and do ADUS get approved based off of state requirements.

Assoc. Planner O'Connor responded affirmatively.

Asst. City Attorney Bazzano added that, after January 1, 2020, the state laws go into effect and to the extent that any of the city's municipal codes contradict state law, the state law would supersede the city's municipal zoning codes relating to ADUs.

Commissioner Berman suggested that they talk about the things they have control over. She asked Assoc. Planner O'Connor to put the slide up to visualize it. She thought maintaining a maximum and minimum for maximum lot coverage might be helpful and minimum landscaping to maintain. She was in favor for that, asking if they would have to come up with a percentage.

Assoc. Planner O'Connor stated that she applied this optional regulation and she proposed what was consistent with what the underlying zoning would require for a single family zoned lot.

Commissioner Berman concluded it would be 20% landscaping.

Assoc. Planner O'Connor agreed, adding that the 40% maximum coverage.

Asst. City Attorney Bazzano added that any standards applied by the City must be objective standards, not subjective.

Commissioner Berman thought others may have more comments.

Commissioner Rubinstein stated that ADUs were an interesting debate as on one end it could benefit the housing crisis in Pacifica as they are building smaller units that would be more affordable but it changes the character of a neighborhood because you are building more density with more cars and people. He wondered if there could be fees attached to the ADUs or code upgrades for the house that are mandatory when they are built. He thought a fee would benefit the community. He stated that building ADUs would be a boon to the property tax roll because they can have property taxes collected on them.

Assoc. Planner O'Connor stated that the state doesn't allow them to charge impact fees on ADUs of 750 square feet in size or less and impact fees for ADUs greater than 750 square feet have to be proportional to the size of the unit and they have to develop some standards for that.

Commissioner Rubinstein asked about code upgrades to the home to which the ADU is attached.

Commissioner Bigstyk appreciated Commissioner Campbell's remarks and echoed, and he didn't disagree with them. He stated that he has been working seven-day work weeks and stringing them together before he went on a minor leadership retreat on behalf of the non-profit. He was currently in the middle of a 13-day work week so he can afford to live with his roommates in the home they occupy. He stated that he has a great deal of respect for his comments and agree with them. He thought the way the California law was written was robust enough that, if they can push back as much as possible, it is still a liberal state mandate even if they lean against it as conservatively as they can. He referred to its goal and he had no problem going along with any push back but he has a viscerale understanding of the state of affairs in our area. He saw the email about parking and it interested him and dovetailing off his experience earlier when he was seeing all the signs around Higgins for two-hour parking. He stated that it is often a parking conversation, whether on Salada, Higgins, etc. The email reminded him of an approach taken in Oregon which was interesting. He wasn't advocating for a permit process in Pacifica but that was what the sender of the email raised, i.e., the premise of a permit process and what they were doing was sending recommendations to Council of what the ordinance was to be but he wondered if there was any interest in what a permit process could look like and maybe a permit process at this juncture would be appropriate to investigate by Council to consider appropriate measures for reining in parking.

Commissioner Campbell asked if he was right if they had a permit plan which would be something with potential and you could build it anyway and he asked if the person living in an ADU would still have to get a permit.

Asst. City Attorney Bazzano stated that, at the time of the application for the ADU, that requirement could not be considered for purposes of obtaining a building permit, but once the ADU was built, there could be some sort of parking permit requirement imposed so all residents of that parcel may need to have a parking permit.

Commissioner Campbell concluded that you can't frustrate an ADU with a parking permit but you can have a parking permit program and everyone has to follow it but you can have as many ADUs as you want.

Asst. City Attorney Bazzano stated that you could not frustrate the application process for an ADU.

Commissioner Campbell understood, adding that the permits may be all taken even though they have the right to build an ADU. He stated that the function of the parking permit program may still work.

Commissioner Bigstyk was curious because at this point they were discussing a permit process that does not exist and he didn't know and was recommending an investigation but he wondered if there was no such thing as an open-ended permit process where if you live at an address, you are entitled to a permit they can apply through the police department. He didn't know if they could have the answer at this time until they have a proper study done. He thought they might consider it a good idea to do the study to see if that was an answer to parking issues.

Chair Clifford thought they were off topic because they are talking ADUs and they have shifted over to parking which is not what they are present to do at this meeting.

Sr. Planner Murdock stated that the subject of permit parking comes up periodically at the City Council level. They will hear from the Police Chief that it was something that can be done but there are meaningful staffing impacts on the police department for administration and enforcement of the program and at the end of the day they are likely to adversely impact a lot of property owners and the community's will for a parking permit program remains to be fully vetted. He thought it would be appropriate if it was the will of the Commission to make some general statement to the extent that the city is prohibited from requiring off street parking for accessory dwelling units and a comprehensive permit parking program for all residential dwelling units should be explored by Council to manage parking and it was probably within the realm of reason and within the Commission's purview but to get into studying parking program options is not a charge of the Commission at this time.

Commissioner Bigstycck stated that was what he had in mind when he suggested it but he didn't mean to get into the nuts and bolts.

Chair Clifford stated that he likes the idea of pushing back where they can as they need to maintain as much control as possible. He stated that, if they can push back on setbacks, etc., he would like to see them do that.

Commissioner Nibbelin stated that he was hoping to see again some of the additional slides they had which showed red text and he thought there might be some interest on the part of the Commission in folding in the 26 foot wide street. He thought they might be able to do ADUs greater than 800-square feet and the structure setback for detached ADUs greater than 800 square feet. He asked if there was another slide, and he asked if they could get that kind of language folded into whatever goes to the Council as their recommendation.

Assoc. Planner O'Connor stated that the text in red was language that they removed based on feedback staff has heard from community outreach efforts in supporting ADUs. She stated that the removal of the 26 feet street width requirement could be easily added back in and would have to be amended in a manner to allow the 800-square foot ADUs that meet the certain setbacks.

Commissioner Nibbelin stated that, when you start getting bigger than 800-square feet that was a good sized ADU. He thought it would be a relatively limited subset of ADUs where this would become a problem as it would have to be someone proposing something bigger than 800 square feet under the circumstances stated. He asked if they get a lot of people who have expressed ADUs greater than 800 square feet that would otherwise be impacted by this.

Assoc. Planner O'Connor stated that they get questions at the counter about establishing ADUs and they become frustrated because of this requirement, but she couldn't say if they are specific to 800 square feet or larger.

Commissioner Nibbelin asked if the prior requirement was tied to 800 square feet.

Assoc. Planner O'Connor stated that it wasn't.

Commissioner Nibbelin concluded that they had a lot of people coming in and looking to do something more modest. He stated that he was just speculating. He would not be uncomfortable with some of the things on the slides.

Commissioner Rubinstein asked what the rationale was for putting the language back in, such as to limit ADUs.

Commissioner Nibbelin thought it was that something bigger than 800 square feet was pretty big and he was looking for opportunities to try to reconcile the desire to have ADUs of reasonable size in reasonable settings but at the same time being able to control something greater than 800 square feet and have some limitation on it.

Commissioner Rubinstein stated that rear yard setbacks and open space requirements have not changed for an ADU for a single family home.

Assoc. Planner O'Connor stated that they have changed and have been reduced to four feet.

Commissioner Rubinstein asked if you could have a four foot back yard and put the ADU in the backyard.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Rubinstein stated that he was thinking that most lots in Pacifica are small houses on small lots and there wasn't that much opportunity for that type of size.

Chair Clifford stated that he would like to add them back in to greater than 800 square feet and was in favor of that. He felt it makes sense to have a modicum of control over what is happening in Pacifica and this was a very minor amount of control. He thought they allowed ADUs up to 1250.

Assoc. Planner O'Connor stated that a detached ADU could be up to 1200 square feet.

Commissioner Campbell stated that was the size of his house in Vallemar.

Chair Clifford stated that it was very generous and he suggested they keep some control over what happens when someone comes in and says they want a 1200 square foot ADU and their property was big enough for it. He stated that it doesn't mean they will deny it, but they have something to say.

Commissioner Berman stated that, if there was a property with a reasonable stance with an 850 square foot lot and literally infeasible to widen the road to 26 feet, they could apply for an exemption.

Assoc. Planner O'Connor stated that the standard was not available for relief with a variance as it was tied to public safety.

Commissioner Nibbelin stated that, if they make this determination and someone comes in at 810 square feet and cannot meet the ten-foot structural setback, they can't build or they could go to 790 square feet, which people do all the time.

Commissioner Rubinstein stated that, if it was less than 800 they can go to four feet to the property line.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Rubinstein asked if ten feet was an arbitrary number or what they think is the right setback for a reasonable yard.

Sr. Planner Murdock stated that it was in the development of their 2017 ADU ordinance which was the first significant revision in state law to limit local control over ADUs. He stated it was the first one in some years. When they developed it, they were trying to apply typical primary unit zoning standards to accessory dwelling units and the thought process was per the regular zoning standards, a five foot side setback on one property plus a five foot side setback on another property meant you were supposed to have ten feet between dwelling units and that was where this requirement came from. He stated that it only ended up applying to detached ADUs on the same site. He stated that it came to bear on all ADUs when applied to properties next to them.

Commissioner Rubinstein asked if the setback was to the property line or the adjacent building.

Sr. Planner Murdock stated that it was to the building on the same site or an adjacent site.

Commissioner Rubinstein stated that, in a typical backyard, you might have two backyards facing each other and there was no way you can go to four feet anyway.

Sr. Planner Murdock agreed not with a 20-foot rear setback requirement.

Commissioner Rubinstein thought it would be for a ten-foot setback.

Assoc. Planner O'Connor stated that greater than 800 square foot is 10 foot setback. She stated that you get a height bonus by moving it back.

Sr. Planner Murdock stated that, to be clear, there would not be a 20-foot rear setback for the ADU, but you could get the ten-foot from an ADU that is over 800 square feet on one of the lots and there would be a ten-foot separation at the very least.

Commissioner Rubinstein asked if he could go to the property line if the adjacent house has a 30-foot yard.

Sr. Planner Murdock stated that he could not as there was a minimum four-foot rear property line setback for all ADUs.

Commissioner Berman asked what the setback requirement in regard to fire fence. She asked, as long as you are more than three feet away or basically someone could build an ADU within four feet of their property line which likely has a fence, whether they would be required to build a new one-hour fire rated fence.

Assoc. Planner O'Connor stated that she didn't know what building code requirements will be applied, but she thought they will have to meet building code.

Sr. Planner Murdock stated that, typically, there is no rating requirement for properties three feet or more off the property line, and between 3 and 5 feet there are limitations on the openings of the structure, typically 25% of that building surface but five feet beyond there was no limitation.

Commissioner Berman concluded that four feet was kind of gray.

Sr. Planner Murdock stated that four feet would be subject to the 25% opening requirement but not one hour rating requirements, to the best of his knowledge.

Commissioner Berman stated that, in reading the staff report, she understood that they don't have much flexibility in a lot of it. She stated that she personally had a lot of concerns with the fact that a whole section of the fire requirement gets removed and they don't have to bring their building up to certain current codes. She understands the hardship of wanting to do a small ADU and then running into all the road blocks of needing to bring the kitchen up to code, etc. and she was very pro ADU in housing as she believes they need more housing but in her profession, she thinks safety is huge and it was a bummer that they don't have a lot of control over what the state is requiring. She was in favor of trying to take back the control the city has. She guessed that the 26 foot street width comes from fire requirement for outriggers which the ADU may not be 30 feet tall in which case typically they don't need outriggers from her experience but she thought they were kind of on the same page and she didn't know if they want to start talking about what they want to implement.

Commissioner Rubinstein asked if the 26-foot street width excludes certain streets in Pacifica that are 25 feet and they would be excluded.

Assoc. Planner O'Connor stated that they have some maps prepared for the last time this requirement was discussed and about 22.1% of all the streets in Pacifica are less than or equal to 26 feet in width and they would be affected by the addition of this.

Sr. Planner Murdock thought it was important to remember that those streets are geographically concentrated and to apply this standard would have the effect of prohibiting those larger ADUs in entire neighborhoods or large portions of neighborhoods which has a geographic impact as well.

Commissioner Nibbelin thought it would only be prohibiting ADUs that are more than 800 square feet in size.

Sr. Planner Murdock responded affirmatively.

Commissioner Rubinstein would guess that it was a very limited pool of people in these specific areas that will get 800 square foot ADUs.

Commissioner Nibbelin stated that, to dovetail with something someone else asked, he was questioning what they were trying to accomplish, such as so they could get firefighting equipment of a certain size or was it because they assumed there would be more parking available and he wanted to know the underlying rationale for that requirement.

Planning Director Wehrmeister wanted to clarify things mentioned by Commissioner Berman who is new to the Commission, such as the fire requirements being lifted. She stated that the 26-foot requirement didn't come from the Fire Department to staff but out of a discussion with Planning Commission deliberation and a fire code isn't being lifted by the state laws.

Commissioner Berman appreciated that within the context.

Commissioner Campbell stated that he was looking at the map, and mentioned that in Vallemar they had a tragic incident where a few years ago they couldn't get the fire truck back there because so many people were parked on both sides of the street, and the person died, and he thought it was ten times worse now. He stated that this is where it was headed, packing the streets with cars and ADUs, and he thought the 26-foot roadway has to stay.

Sr. Planner Murdock clarified that the map shows streets in red that are less than 20 feet and the streets in the amber color are 20-25.9 feet, less than the 26 feet width.

Commissioner Rubinstein asked what the street by Pacifica was.

Sr. Planner Murdock thought it was Beach Boulevard.

Planning Director Wehrmeister stated it was completely anecdotal and doesn't apply to every street in red or amber, but many of them are in areas where they may have custom lots that are large enough to have an 800 or larger square foot ADU. She stated that it might be relevant to their consideration.

Commissioner Bigstyk asked if he could see the wide view of the map. He asked if they said the red streets were 20 feet.

Sr. Planner Murdock stated that they were less than 20 feet.

Commissioner Bigstyk asked if they wanted to stick to less than 26 feet, he understood that, but he thought it would be more practical to pinpoint the less than 20 feet roads as it is a lot more when you take into account less than 26. He stated that he wasn't committed to anything and was happy to vote along with the consensus. He thought it would ease things if they focus only on the 20-foot roads.

Sr. Planner Murdock stated that the fire code in appendix D sets forth the sizes of minimum fire access ways and 20 feet was the minimum width under the fire code for something that serves as the emergency vehicle access for a structure. He stated that the 26 feet came from the two additional standards where on street parking becomes allowed. He stated that, with the minimum 20-foot width, no on street parking is allowed under the fire code, and 26 feet is the point at which one side of the street may be used for on street parking and 32-feet is when both sides may be used for parking. He stated that the rationale was that in instances where the city was prohibited from requiring off street parking those cars would end up parking on the street and we should not be intensifying the amount of on street parking at the expense of public safety by further crowding the street where the fire code has indicated the streets are not of adequate width. He stated that it was from a standpoint of exacerbating already impacted on street parking and that was his recollection of the Commission's intent.

Chair Clifford thought that was what he remembered as well.

Commissioner Rubinstein stated that he was okay with the rear yard setback but he thought it was unfair to do the street width with the number of residents who may want to do ADUs.

Commissioner Berman thought it wasn't that they can't do ADUs but they couldn't do them larger than 800 square feet. She thought the point is larger lots can build larger ADUs which can house a lower income family. She felt she could see both sides and was in favor of keeping a wide road where they can, especially in areas with more development and population.

Chair Clifford stated that he would prefer to err on the side of safety for our community and limit the size of the ADUs on the 20-foot to 26-foot streets.

Commissioner Nibbelin thought Commissioner Berman raised a good point, specifically what is the size at which it becomes practical to house a low income family in an ADU. He thought they have been struggling with the notion of not wanting to effectively have a subdivision where they have two full blown houses essentially on one lot. He stated that there are a lot of houses, such as his, that are not much bigger than 850 square feet. He didn't know if there was anything magical where they have drawn a line, such as 800 or 900 square feet, and maintain the same restriction. He asked if that was within their options.

Assoc. Planner O'Connor asked if they want to be able to reduce it lower than 800.

Commissioner Rubinstein stated that, on the map, they can see most of the northern neighborhoods such as East Sharp Park and Edgemar are the most impacted where Vallemar and Rockaway Beach are not, with just a few streets.

Commissioner Berman thought it would be hard to imagine a larger than 800-square foot ADU on a Sharp Park lot.

Commissioner Rubinstein stated that was the point, as they might not qualify regardless of the street size. He stated that the street size may not be the deciding factor for size, but other factors such as lot sizes. He stated that he lives in Edgemar.

Commissioner Nibbelin stated that he would like to make a motion. He stated that he was in favor of proposing it to Council. He would like to take a look at the laundry list of things within their discretion. He thought it came down to three things, he thought there could be some coalescing around the ten-foot structure setback, and he suggested a motion where they would include that optional regulation of applying a ten-foot structural setback for detached and attached ADUs greater than 800 square feet. The following one was parking wherever it was, and he thought it was removing all parking requirements. He thought it was just figuring out what they do, if anything, with the 26-foot street width requirement for ADUs greater than 800 square feet. He stated that he would make a motion that included both of those optional regulations. He stated that he can be a more formal.

Commissioner Nibbelin moved that the Planning Commission FINDS the proposed ordinance as suggested it be modified by way of those two optional points on the slide, and is exempt from the California Environmental Quality Act, ADOPTS the resolution included as Attachment A to the staff report to initiate the text amendment as amended and recommend approval to the City Council; and INCORPORATES all maps and testimony into the record by reference.

Commissioner Bigstyk asked if he could see the previous slide before the present one displayed before he seconded the motion. He asked if those options were being considered because, as it is currently proposed, he didn't think they were in it.

Assoc. Planner O'Connor stated that the optional black text is included in the proposed ordinance in front of them.

Commissioner Bigstycyk asked again if the motion included those two.

Assoc. Planner O'Connor responded affirmatively.

Commissioner Bigstycyk seconded the motion.

The motion carried **6-1**.

Ayes: Commissioners Berman, Campbell, Nibbelin,
Kraske, Bigstycyk and Chair Clifford

Noes: Commissioner Rubinstein

COMMISSION COMMUNICATIONS:

Commissioner Campbell asked Pacificans to pay attention to Senate Bill 50 by Scott Weiner that would allow apartment buildings a half mile deep into our residential neighborhoods based on bus stops. He stated that, if fee state laws upset that they were discussing at this meeting, what is coming is way worse.

Commissioner Bigstycyk asked if there were lots a mile away from bus stops where they can develop apartment buildings. He asked if the next Planning Commission meeting on January 6.

Planning Director Wehrmeister stated that it was going to be part of her updates as that meeting will be cancelled.

Commissioner Bigstycyk stated that the previous weekend, he, Commissioners Berman and Nibbelin joined forces for the telethon at PCT26 and they had a good time.

Commissioner Berman stated that she attended a South San Mateo County Leadership program seminar on transportation and currently SamTrans is doing a reimagined SamTrans and community outreach. She stated that SamTrans did the pilot program in Pacifica for OnDemand transportation, but now their planning department was open to public comment, ideas, innovation and if anyone has ideas on how to make public transit in Pacifica or throughout the county better, she suggested they go to SamTrans' website at reimagine SamTrans.

Commissioner Nibbelin asked if there was a Planning Commission meeting after they were at the City Council to talk about the appeal on the cannabis permit. He stated that the appeal was denied, asking staff for the address.

Sr. Planner Murdock stated it was 1726 Palmetto.

Commissioner Nibbelin stated that the Council denied the appeal and that permit stands.

Chair Clifford stated that he will be leaving the Planning Commission when they have the opportunity to do the reviews for new commissioners. He has decided that he has done enough.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that they may have seen that City Hall will have a holiday closure, starting on Monday, December 23, through January 1 and reopening on Thursday, January 2. She stated that not on Christmas eve, Christmas or New Year's Day, but all other days they will continue inspections because construction does not stop regardless if City Hall is closed and they will continue that service. She stated that, if anyone is listening and needs an inspection, the inspection hotline is 650-737-1000.

ADJOURNMENT:

There being no further business for discussion, Commissioner Bigstycyk moved to adjourn the meeting at 9:11 p.m.; Commissioner Berman seconded the motion.

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The motion carried **7-0**.

Ayes: Commissioners Berman, Campbell, Rubinstein,
Nibbelin, Kraske, Bigstyk and Chair Clifford

Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister