

MINUTES

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

June 18, 2018

7:00 p.m.

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

ROLL CALL: Present: Commissioners Kraske, Nibbelin, Rubinstein, Clifford,
Stegink and Chair Campbell
Absent: Commissioner Gordon

SALUTE TO FLAG: Led by Commissioner Stegink

STAFF PRESENT: Sr. Planner Murdock
PW Sr. Civil Engr. Donguines
Contract Planner Aggarwal

**APPROVAL OF ORDER
OF AGENDA** Vice Chair Clifford moved approval of the Order
of Agenda; Commissioner Nibbelin seconded the
motion.

The motion carried **6-0**.

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

**APPROVAL OF
MINUTES:
JUNE 4, 2018** Vice Chair Clifford moved approval of minutes of
June 4, 2018; Commissioner Rubinstein seconded the
motion.

The motion carried **5-1**.

Ayes: Commissioners Kraske, Nibbelin, Rubinstein, Clifford,
and Chair Campbell
Noes: Stegink

Chair Campbell inquired as to Commissioner Stegink's "no" vote.

Commissioner Stegink stated that he had a correction of the minutes on page 14 where the word "recurring" should be "occurring".

Vice Chair Clifford moved approval of minutes of June 4, 2018 with the change mentioned;
Commissioner Stegink seconded the motion.

The motion carried **6-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 25, 2018:

None.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1. SP-166-17** **File No. 2017-033 – Specific Plan SP-166-17** for the construction of a three-story, 3,642-square foot (sf) single-family residence on a 5,618-sf vacant lot at 327 Beaumont Boulevard (APN 009-037-470).

Sr. Planner Murdock explained the applicant needed more time to address the areas of interest identified by the Commission.

Commissioner Nibbelin moved that the Planning Commission continue to item to the regular meeting of July 16, 2018; Commissioner Kraske seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Kraske, Nibbelin, Rubinstein, Clifford, Stegink and Chair Campbell.

Noes: None

- 2. CDP-390-17** **File No. 2017-029 – Coastal Development Permit CDP-390-17** for the construction of a two-story, 3,819 square foot (sf) single-family dwelling on a 12,498 sf vacant lot on the north side of Olympian Way approximately 1,150 feet west of the intersection with Grand Avenue (APN 023-038-350). Recommended CEQA Action: Class 3 Categorical Exemption, Section 15303.

Contract Planner Aggarwal presented staff report.

Vice Chair Clifford referred to the proposed retaining walls in the right of way and widening of the road, and asked if they had any idea how deep the piers for that will have to be and was there a general plan in terms of the type of equipment needed on a very narrow road.

PW Sr. Civil Engr. Donguines stated that he did not have the design of the retaining wall as it has not been submitted to them. He thought the applicant can address that.

Vice Chair Clifford asked if there was any general plan or attack mode when working in such a narrow confined space in the right-of-way.

PW Sr. Civil Engr. Donguines stated that they leave that up to the applicant and they will review it when they submit for a building permit.

Commissioner Stegink stated that he didn't completely understand the Commission's duty to protect heritage trees and he referred to the report that recommended removing the Monterey pine because of potential to transmit pitch canker disease.

Contract Planner Aggarwal stated that the project arborist concluded that there was pathogen that causes pitch canker in the area and the tree itself was in fair condition but because of the pathogen in the area it could be infected and cause the disease.

Commissioner Stegink concluded that the tree was not infected.

Contract Planner Aggarwal stated that it was not now.

Commissioner Stegink stated that they were recommending that they remove it to prevent transmission of Pitch canker.

Sr. Planner Murdock stated that was one of the criteria being considered but not the exclusive or primary criteria. He stated that the ordinance did not require all of the criteria to be met but it mentions that these are considerations that should be evaluated by the Commission and it was staff's recommendation that, on balance, including consideration of the proximity of the pathogen to this tree, that it was a consideration that recommends and warrants removal of the tree at the site.

Commissioner Stegink asked if it was consistent with what they have historically done with these trees.

Sr. Planner Murdock stated that he did not know how many of the cases that they have for heritage tree removal were caused by parasites. He stated that often it was various forms of decline, typically the tree itself being infected. He didn't know how many instances when they considered nearby infestations.

Commissioner Stegink stated that he would stipulate to their expertise on the trees, but from a common sense standpoint, if a population was dying from a disease, it doesn't make sense to remove a survivor to survive the population. He asked if they understood that argument.

Sr. Planner Murdock acknowledged he did.

Commissioner Rubinstein asked, when they are removing a heritage tree, if there are conditions for the applicant to plant another tree on the site or in some way mitigate the loss.

Contract Planner Aggarwal stated that they have a condition where they are required to replace one tree which would be part of the final landscape plan that comes in at the building permit stage and would have to be approved prior to building permit issuance.

Commissioner Rubinstein asked if there was no fee in lieu of planting a tree on the site such as plant trees elsewhere.

Sr. Planner Murdock stated that payment of a fee in lieu of replanting after removal of a heritage tree is an option but not an option staff recommends in most cases. He stated that it was very difficult to value a tree. He stated that they are also responsible for accounting for use of a fee. If there was any feasibility for replanting on the site, it was almost always staff's recommendation to do that.

Commissioner Rubinstein asked if they have done that in this case yet.

Sr. Planner Murdock asked if he meant require a replanting.

Commissioner Rubinstein responded affirmatively.

Sr. Planner Murdock stated that there was a condition of approval requiring replanting of one tree of a species and in the location subject to the Planning Director's approval.

Commissioner Nibbelin asked if it was a one for one tree replacement that they were talking about.

Sr. Planner Murdock stated that was what was proposed currently by staff. He stated that the heritage tree ordinance does not specify a replacement ratio, and some other ratio may prove to be justifiable in the Commission's opinion.

Commissioner Nibbelin concluded that they could think of a 2-1 might make more sense given the survivability issues, and asked if that was within the Commission's discretion.

Sr. Planner Murdock stated that it was, adding that other considerations may warrant that as well, such as how do you replace one massive heritage tree fully matured with one immature tree. He didn't think that was an equivalent offset in terms of greenery and aesthetic impacts and that could serve as another basis.

Commissioner Nibbelin thanked him, stating that was his following question. He mentioned a particular box size for the replacement tree, such as 24 inch, 36 inch, etc.

Sr. Planner Murdock stated that they do not, and the Commission could specify the desired size but staff prefers to leave it more general to consult with the city's arborist to make a recommendation. He stated that, in prior conversations, he understands the desirability of more mature and larger box sizes, however they don't often adapt as well and survive as well and there was a tradeoff. He stated that they prefer to rely on the city arborist's expertise.

Commissioner Kraske understood that the topography of the site was fairly steep, with a 35% grade. He asked how it is determined that removal of the tree would not have an adverse impact on the stability of the slope.

Contract Planner Aggarwal stated that they are going to have engineered retaining walls and the footings of the structure would go toward the stability. She stated that removal of this one tree is not going to impact site stability because there would be other engineered solutions on the site.

Commissioner Kraske asked if it would impact any surrounding neighbors and questioned the cumulative effect on the hillside.

Contract Planner Aggarwal asked if it was because of the removal of the tree.

Commissioner Kraske responded affirmatively.

Contract Planner Aggarwal stated that, if it were to stay because of the fact that this has an elevated risk for failure, then if it were to fall over it could impact the side neighbors.

Commissioner Kraske concluded that the risk was more if the tree fell rather than the stability of the soil if it was removed.

Contract Planner Aggarwal stated that was their understanding.

Vice Chair Clifford asked her how many other trees on the site were already removed because they weren't heritage trees and were in the footprint.

Contract Planner Aggarwal stated that she did not have that information.

Sr. Planner Murdock stated that he didn't think they have a count on that because the city does not track or monitor removal of non-heritage trees. He thought the applicant could possibly speak to the site preparation or clean-up work that may have been performed.

Commissioner Stegink stated that he didn't want to make a big deal out of this, mentioning that Home Depot sells thousands of these Monterey pines at Christmas every year for Christmas trees. He assumed that they would not want the replacement tree to be a Monterey pine thus it provides the exact same circumstances that resulted in removing of this original tree. He asked if he was correct.

Sr. Planner Murdock thought it was the opinion of the city arborist that Monterey pines are not trees that are suitable for this particular location, climate and geography. He thought he would not recommend that as the species to the Planning Director.

Commissioner Stegink thought he would probably do that on other projects in Pedro Point coming forth, stating they don't like that tree in that area.

Sr. Planner Murdock stated that it was not always that the city arborist is involved in this type of situation as not every project requires removal of a heritage tree and he didn't know if he could make a general statement to that extent.

Commissioner Stegink acknowledged that there was a Santa's Tree Farm in Half Moon Bay that sells a lot of Monterey pines. He stated it was not a tree that no one has seen before, etc.

Commissioner Rubinstein asked if staff has received any public comments opposing the removal of the tree.

Contract Planner Aggarwal stated that they have not.

Brian Brinkman, applicant, thanked the Commission for their time and Planning for their work in reviewing the plans and working with them. He stated that the site has a few existing conditions and constraints that dictate certain design aspects in developing the property. It has a fairly steep downhill slope away from Olympian Way. He stated that the existing street was constructed on the southern portion of Olympian Way and it was narrower than the city's standard and they need to widen it towards the top of the down slope. He stated that, since the pavement is located on the southern side, the existing front property line of the subject parcels varies from about 18 feet to over 23 feet away from the pavement.

He stated that, when at the front of the property line, they were well below the street level. He stated that the street must be widened toward the parcel and requiring some fill and retaining walls. He referred to the question regarding the retaining walls, and regarding the extent of the road they need to add, they were only talking about four feet of fill and it was not extensive retaining walls. He stated that they were proposing to take the spoils from the grading from where the house pad to back fill the front yard area and create a more level connected space with the house and street. He stated that the house was located as close to the property line up to the 15 foot minimum front setback for the house and they have utilized the allowance in the Pacifica zoning code to reduce the garage setback to ten feet due to the steepness of the lot. He stated that the house was set 3-5 feet below the street level and they have also used low sloped roofs to help minimize the height and reduce and view impacts to the uphill neighbors and the owner elected to go with a mid-century modern architectural design with stucco and cedar siding and large areas of glass that help connect to the great views of the Pacific to the north.

He referred to the creation of the level yard by back filling the area between the house and widened street. He stated that the front of the house was approximately 18 feet below the street elevation. He stated that the alternative would be to have a bridge for the driveway and bridge for the walkway connecting it. They thought backfilling and creating a level yard was more aesthetically pleasing. He stated that it allows the perception of being one story from Olympian Way which was more aesthetically pleasing and goes better with the architectural style they chose. He stated that it sits within the footprint of the house and was in a location that they were going to be under the dripline of the tree and another item mentioned in the arborist's report was that these trees don't fare well when they disturb their root system especially as will be required for the project.

He stated that there was a gully formed from water and they require that they fix that. Their grading plan took that into account and has provided grading which was also at the base of the tree and lends itself to the disease mentioned earlier. He stated that the applicant was totally on board with it and they would be inclined to plant a coastal live oak. He stated that they don't have a final landscape plan which will be resolved in the building permit stage. He stated that the original intent was to potentially put a 15-gallon coastal live oak in the front yard to help give back the greenery from the street view that will be taken away by taking the tree. He stated he was open to questions.

Vice Chair Clifford stated that it wasn't so much the height of the retaining wall. He assumed he has had a soils engineer out there.

Mr. Brinkman responded affirmatively.

Vice Chair Clifford stated that he has done borings and he asked how deep the piers will have to be to support that.

Mr. Brinkman stated that he didn't bring the soils report and he didn't recall. He stated that they discussed briefly with engineering about that. He stated that the retaining walls have not been designed yet, but they are aware that they will provide that design at the next level.

Vice Chair Clifford stated that it was generally around 20 feet or to bedrock, whichever comes first. He asked if the applicant was open to having more than one tree to replace the tree.

Mr. Brinkman stated that he did talk to him and he saw that it might be a possibility and they were open to that.

Chair Campbell opened the public hearing and, seeing no one, closed the public hearing.

Sr. Planner Murdock stated that, in flipping through the geotechnical investigation provided for the project, he was not seeing specific depth recommendation for the retaining walls but the foundations are recommended to extend at least 18 feet below the ground surface.

Vice Chair Clifford stated that the tree was the only impediment on this as far as he was concerned, and he stated that he would like to see a 3 for 1 replacement ratio on that as the trees being proposed will be shorter than the Monterey pine. He stated that he has watched the hillside on Pedro Point over the years and it used to be almost all trees and now it is very much not all trees, and he would like to see some thought put into putting more trees in when they put a house back there.

Commissioner Stegink stated that he was looking at packet pages 40 and 41. He stated that facing the front door, it was the white graphic image of the house, and he thought it looked like there was a significant drop to the backyard. He wasn't sure it was the full 18 feet as mentioned by the applicant. He asked if there was any protection on that corner or was that just a drop to the ground.

Mr. Brinkman stated that they will get into a fence and railing design for that area and it won't be allowed to just be a straight drop-off.

Commissioner Stegink asked what that drop was.

Mr. Brinkman thought it was 14 feet or so for the retaining wall.

Commissioner Stegink asked staff if there was some sort of code regulation on unprotected drops or something in writing.

Sr. Planner Murdock stated that there is. He thought drops of 30 inches or more required a guard rail and the guard rail was typically required to be 42 inches in height.

Commissioner Stegink thought the applicant appeared amenable to that. He asked if they need to codify that or that is good enough.

Sr. Planner Murdock thought it was not necessary to add a condition as it was a building code requirement and provided that the railing was open work as defined in the city's zoning standards, the fence could extend up to four feet in height and he thought that was consistent.

Commissioner Nibbelin stated that he was in agreement with Vice Chair Clifford's perspective as to Condition 11 in the conditions of approval. He thought three trees placed and subject to approval of the Planning Director as to species. Otherwise, he had no issues with the project and was ready to move forward when everyone else is.

Chair Campbell agreed as well.

Sr. Planner Murdock stated that staff did have a suggestion for two clarifying additions to Condition No. 11 regarding the landscape plan. He stated, as they were talking about replacement plantings, staff would recommend adding a new 11.A reading any replacement tree planting required for the heritage tree removal shall not themselves be removed without express written authorization by the Planning Director. He stated that it was an attempt to get at any desire by a property owner to remove these trees prior to them maturing and trying to prevent them from becoming heritage trees. He thought that would undercut the Commission's intent with requiring the replanting. He also suggested adding a new 11.B stating the final landscape plan shall include appropriate shrubs and/or tree plantings on the low side of both retaining walls in the front setback and public right of way to soften their appearance to the satisfaction of the Planning Director. He stated that this was in consideration of deleting Condition No. 2 as recommended during the staff report, if that pleased the Commission, to help with the aesthetics and softening the large mass and hard appearance and surface of those retaining walls so close to the street and which may be visible from the public right of way.

Chair Campbell liked the sound of that which he thought made a lot of sense. He asked the applicant what he thought of the 3 to 1 replacement ratio.

Mr. Brinkman didn't think that was an issue.

Commissioner Nibbelin moved that the Planning Commission find the project is exempt from the California Environmental Quality Act and approve the Coastal Development Permit CDP-390-17 by adopting the attached resolution including conditions of approval in Exhibit A with the noted revisions to Exhibit A, which were a deletion of Condition 2 and three modifications to Condition 11 to require three rather than one tree of a species with placement subject to approval by the Planning Director, and new conditions 11.A and 11.B as set forth by Mr. Murdock and incorporating all maps and testimony into the record by reference; Vice Chair Clifford seconded the motion.

The motion carried **6-0**.

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

Chair Campbell 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.

COMMISSION COMMUNICATIONS:

Vice Chair Clifford reported that he was not able to attend the Library Advisory Committee's recent meeting and he has no report.

Commissioner Stegink stated that he looked through some of the historical heritage tree decisions and discussions they made and he stated that when they come up they occupy a significant amount of time. He asked if it would be helpful if the city's arborist took a look and put together a little library of what ten trees the city recommends. He stated that when you ride around and take a look at projects where they have replaced heritage trees, in general they are some of the same trees they are removing for identical reasons. He stated that if they had a one-page document and got all these contractors on the same page, they might save a lot of time for the Commission, staff and the contractors.

Chair Campbell asked staff about a shop opening in Rockaway, Seaweed, which was a medicinal cannabis shop and he wondered if that was something that has gone through the legal process that they have implemented. He was curious about the legality of that shop.

Sr. Planner Murdock stated that staff was aware that, at one point, the operator of that business was illegally selling cannabis products. He did not know the date of the last inspection to verify that but it was still the subject of an open code enforcement investigation.

Commissioner Stegink referred to Chair Campbell's question and he asked what the status was of the marijuana licenses.

Sr. Planner Murdock stated that they have identified four of those selected in the lottery that are being processed and they were currently determining the degree of completeness of those applications and any missing application materials. He stated that, for at least two of them, they have draft letters of incompleteness and he expects that they will have the other two relatively soon and get the applicants working on preparing the missing materials and can continue forward as quickly as possible.

Commissioner Stegink asked if they had a target date when that might be completed and they will have four licensees.

Sr. Planner Murdock stated that they were hoping to bring them to the Commission at the second meeting in August, but it was tentative. They were trying to put that out there as an enticement to get quick responses to their incomplete letters and bring the businesses to public hearing as quickly as possible.

Commissioner Stegink asked what the Commission's input will be on the licensees when they bring them to the Commission.

Sr. Planner Murdock stated that the Commission may recall that the ordinance adopted by the City Council has various findings the Commission has to make, in addition to the basic findings

for a use permit. There are specific findings for all marijuana operations and certain types of marijuana operations, like retailers and manufacturers, have additional specific findings. He stated that the Commission will be hearing all the evidence prepared by staff, comments from the applicants and public comments and they will weigh all the evidence to determine if it can make the findings for approval.

Commissioner Stegink asked if they will be subject to Coastal Commission appeal.

Sr. Planner Murdock stated that the marijuana use permits will not. If Coastal Development permits are required, then those permits, depending on the locations of the business, may be subject to appeal.

Commissioner Rubinstein asked where the proposed locations were for the four applicants.

Sr. Planner Murdock stated that there are currently two applications being processed in the West Sharp Park neighborhood on Palmetto and one in Rockaway Beach and one in the Pedro Point Shopping Center area.

Chair Campbell stated that, in regard to cannabis questions, he thought they were hitting a point where the discussion was too extensive considering it was not placed on the agenda.

Commissioner Nibbelin stated that, if they want to agendize a conversation about it, they probably could.

Chair Campbell agreed that, if they want to agendize, it was unfair to commissioners who might want to speak on it.

Commissioner Kraske asked what the Commission thought about updating the General Plan and if there was a vision to do that in the near future. He stated that his concern was that there was a lot of grant money out there available for various projects and those funds are only available to cities that have updated General Plans and he wanted to be sure that we were eligible to receive those grant fundings. He wanted to see if a General Plan update was on the docket in the near future.

Sr. Planner Murdock thought it was easily recognized that our General Plan “has a lot of miles on it.” They still think it has great utility in a lot of the work they do, but having updates would be very much appreciated and useful for staff. He stated that the city went through a comprehensive General Plan update process some years ago and it was not brought forward for adoption. He stated that it was their hope that they will be able to reenergize that process as they complete the Local Coastal Plan update that was ongoing currently because that is closely married with the General Plan and the Coastal Zone component of the General Plan and for the non-coastal zone area, they would have a very disconnected plan potentially with a very new and updated and modernized LCP without corresponding update to the General Plan. He stated it was their hope to use that process to breathe some new life into the update process.

Commissioner Kraske asked if there was a timeline they could share.

Sr. Planner Murdock stated that there was not currently as those types of activities take a long time and they require a significant commitment and investment by the Council to make sure that

the resources, energy and direction is there to complete that. He stated that they are hoping that the LCP process will trigger that guidance from the Council.

Commissioner Nibbelin stated that he does not need to discuss it now, but he remains interested in the ADUs and how things are going. He stated that there was a lot of concern that was raised at the time that they last had the matter before them for any action. He was curious about the state of affairs in terms of applications and impacts. He stated that they could agendize it for a brief update at some point.

Chair Campbell agreed that it would be interesting to get an update.

STAFF COMMUNICATIONS:

Sr. Planner Murdock stated that he had nothing to report.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Clifford moved to adjourn the meeting at 7:45 p.m.; Commissioner Rubinstein seconded the motion.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister