

MINUTES

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

November 5, 2018

7:00 p.m.

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

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

SALUTE TO FLAG: Led by Commissioner Kraske

STAFF PRESENT: Planning Director Wehrmeister
Sr. Planner Murdock
PB&R Director Perez
Asst. City Attorney Siegel
Asst. Planner Gannon
Contract Planner Aggarwal

APPROVAL OF ORDER OF AGENDA Commissioner Stegink moved approval of the Order of Agenda; Commissioner Kraske seconded the motion.

The motion carried **4-0**.

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

APPROVAL OF MINUTES: OCTOBER 15, 2018 Commissioner Stegink moved approval of minutes of October 15, 2018; Commissioner Kraske seconded the motion.

The motion carried **4-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF NOVEMBER 13, 2018:

Planning Director Wehrmeister stated that they will have an appeal for the second marijuana permit and would like a liaison, which will be on Tuesday, November 13.

Vice Chair Clifford stated that he would volunteer.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

- 1. File No. 2018-050** – Report on Planning Administrator’s Use Permit Determination for 80 W. Manor Drive. Recommended CEQA Action N/A.

Sr. Planner Murdock stated that typically consent items are taken without a staff report but, if the Commission would like a brief explanation, he would be happy to do that.

Vice Chair Clifford asked that he give a brief explanation.

Sr. Planner Murdock gave a brief staff report.

Vice Chair Clifford asked if this item required opening for public comment.

Planning Director Wehrmeister stated that he can ask if anyone in the public would like it pulled from the consent calendar.

Vice Chair Clifford opened public comment and, seeing no one, closed public comment.

Commissioner Stegink moved to accept the Planning Administrator’s determination that a use permit is not required; Commissioner Rubinstein seconded the motion.

The motion carried **4-0**.

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

PRESENTATION:

- 2. Update on Pacifica Libraries Project.**

Planning Director Wehrmeister began the staff report by stating that they were going to have a presentation from Andrea Gifford of Group 4 Architecture. Cindy Abbott, Chair of the Library Advisory Committee was also present to answer any questions, as well as LAC member Vice Chair Clifford and PB&R Director Perez.

Andrea Gifford gave her presentation.

Commissioner Stegink referred to the film location and stated that they had about 245,000 residents with 141 homeless people and Pacifica has a homeless rate three times that. He asked if they had any methods to prevent homeless people from living in the library when unattended.

Ms. Gifford stated that one would be that the library would be under constant video surveillance when not staffed by a library member. She stated that one would have to be granted access to use the open access models, not a given right, but you sign up for it. If there was any violation or

other issues, that privilege could be revoked so she thought there were a number of ways to offer a secure, safe environment.

Planning Director Wehrmeister stated that they were engaging the Police Department in the discussion of safety at the libraries and their input will be valuable as they move into more of the finer details on how that model will operate.

Commissioner Stegink asked if the Police Department would be monitoring the video 24 hours a day.

Planning Director Wehrmeister stated that they haven't gotten to that level of detail.

Commissioner Stegink asked the City Attorney if they have within their right to ban homeless from the library if they violate certain conditions.

Asst. City Attorney Siegel stated that anyone could be prohibited from using the library if they violated certain conditions but it would have to not be based upon status but activities.

Commissioner Stegink asked if they would give them a no trespass order.

Asst. City Attorney Siegel stated that it would depend on the circumstances. He didn't know if you would need a judicial order to do it, because if it was a prohibition the city came up with based on the individual's conduct, he thought that could be looked at.

CONSIDERATIONS:

3, LIBRARY Advisory Committee Appointment

Vice Chair Clifford stated that Commissioner Kraske was thinking about that position.

Commissioner Kraske stated that he can volunteer for that liaison.

Commissioner Stegink moved to appoint Commissioner Ryan Kraske to the Library Advisory Committee; Commissioner Rubinstein seconded the motion.

The motion carried **4-0**.

Ayes: Commissioners Stegink, Kraske, Rubinstein and Vice Chair Clifford

Noes: None

CONTINUED PUBLIC HEARINGS:

4. UP-104-18 CDP-400-18

File No. 2018-018 –Use Permit UP-104-18 and Coastal Development Permit CDP-400-18 for the installation of a new, wireless communication facility consisting of a 2'-0" tall by 0'-10" wide canister antenna mounted atop a 6'-0" vertical extension attached to an existing utility pole and associated pole-mounted equipment within the public right-of-way in the vicinity of 560 San

Pedro Avenue (APN 023-073-100). Recommended CEQA Action:
Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Contract Planner Aggarwal presented staff report.

Commissioner Stegink asked if the city has any liability when they exceed the height on the NCJPA.

Asst. City Attorney Siegel stated that they did not.

Vice Chair Clifford asked what the width of the extension was as the actual device was 10 inches wide.

Contract Planner Aggarwal stated that it was about six inches.

Angela Kung, AT&T, stated the reason they are using this in this site because, in most cases, they have seen the large macros. The small cells offload from the macros with more capacity and better coverage. She stated that it was primarily for areas of high density and different terrains. They can put in on the top of light poles and utility poles. They were also doing it because it lessens the impact of the right-of-way. She stated that they worked with the planners to reduce what they can with the best technology now and they were happy to answer questions following the presentation.

Abby Reed, AT&T Land Use Planner, stated that she works with Modus and authorized representative of AT&T. She stated they also have Bill Hammett of Hammett & Edison, engineer, who can speak to any emissions or safety questions related to the FCC guidelines. She gave some historical background on the process to come up with the stealthiest design. They addressed staff's concerns regarding equipment design and reduced the design to the minimum that is technically feasible. She mentioned several of the locations in Pacifica and then pointed out the specifics in the slide presentation. She mentioned that these were necessary to be placed in areas with poor signal quality and high usage.

Vice Chair Clifford asked her to go back to the picture of the pole. He then stated that on top of the light he saw a device with three little antennas. He asked what that was.

Ms. Reed thought it was some solar device. She stated that since they walked the site with PG&E, they thought that it would not interfere with their antenna but she wasn't 100% sure what it was.

Vice Chair Clifford stated that his question was whether their antenna will interfere with what that is supposed to be doing.

Contract Planner Aggarwal stated that it was an abandoned site of a Wi-Fi service that closed down about eight years ago and doesn't have a function but just that it has not been removed from the pole yet.

Vice Chair Clifford thanked her, adding that he wanted to be sure they were not going to cause someone else to have problems by approving this.

Commissioner Stegink stated that it looks like they are going for a 26% increase in height there. He asked if she could name another city in San Mateo County that has allowed that height increase.

Ms. Reed stated that they have multiple jurisdictions where they are moving forward with these designed, including Atherton, San Bruno, Daly City, all up and down the peninsula and they have been constructed in San Francisco as well.

Commissioner Stegink concluded that Atherton has approved it at 38 feet.

Ms. Reed stated higher stating that PG&E requires a six-foot clearance and they usually use a 7-foot bayonet and this is actually lower than the other sites that have been pushed through in other jurisdictions.

Commissioner Stegink asked how many total poles will they be applying for to raise to this height in Pacifica.

Ms. Reed stated that, for Pacifica, they have a total of three, two of which are wood poles.

Commissioner Stegink understood at this time, but he asked if there was a plan to raise more.

Ms. Reed stated that, at this time, they only know these three for the immediate future.

Vice Chair Clifford opened the public comments.

Jeremy Greenberg, Pacifica, stated that he lived on Grand Avenue on Pedro Point and he was opposed to this antenna going up because it would put the communication antenna directly in view of his living room and kitchen windows. He stated that his main reason for opposing this installation was based on research and documentation collected by the National Association of Realtors showing that the installation of cell towers and cell antennas and other high frequency communication antennas have a negative effect on property values up to 20% and higher. He stated that 90% of home buyers and renters are less likely to want to live in a home that is next to a cell tower or antenna and will look for property elsewhere. He stated that his house was appraised at \$750,000 in 2015 and a 20% drop in value is \$150,000, concluding that there was a financial application there. He noticed there was already a group of cell communication towers located on the hillside near Fassler Avenue which overlooks Pedro Point and he didn't know why they couldn't put the antenna on one of those existing towers. He also found out that once the antenna has been installed it can be increased according to what he has seen with another 20 feet with no public due process or hearing under the section 6409A of the Middle Class Tax Relief and Job Creation Act of 2012. He wondered if that would apply to this antenna once it's installed. He reiterated that he did not want the eyesore directly visible less than 100 yards away from his living room and kitchen windows as he is planning on selling his house in the near future and he thought this would be very detrimental. He hoped they oppose this and find another location other than radiating into his windows as well as other nearby homes.

Vice Chair Clifford closed the public hearing.

Contract Planner Aggarwal stated that they are setting forth a condition for this project to reduce the height of the extension and while the applicant mentioned 6 feet, the city placed a condition where they need to reduce it down to four feet.

Vice Chair Clifford asked if it was one of the conditions already before them.

Contract Planner Aggarwal responded affirmatively.

Planning Director Wehrmeister mentioned that the applicant may have three minutes for a rebuttal.

Ms. Kung stated that they don't need to make a rebuttal but were happy to answer any questions they have regarding concerns from the resident.

Commissioner Stegink asked confirmation that this will be under Coastal Commission purview so it would be appealable to the Coastal Commission.

Sr. Planner Murdock agreed, stating that the Coastal Development permit associated with this application would be subject to appeal to the Coastal Commission.

Commissioner Stegink didn't know if the applicant's engineer was present.

Ms. Kung stated that they have their engineer.

Commissioner Stegink stated that he thought he knew the engineer who had been here before.

Commissioner Stegink stated that their goal was to get the maximum height on the tower for maximum range. He stated that they were putting it in the absolute lowest place in that neighborhood that has hills roughly 200 feet higher. He asked why they wouldn't place this at the top of the hill versus at the lowest point possible.

Ms. Reed stated that AT&T radiofrequency engineer looks at a SINR map and sees where they have a gap and capacity and coverage which was usually in a high density area. They have to work as hard as they can to find a site that was in the epicenter of that coverage gap, explaining that these small cells are so low power they need to be as close to the target area as possible. She stated that it was not always the higher the better but it was usually between 35 and 45 feet are at the ideal locations, and height wasn't really what they were going for but location and above a certain height.

Commissioner Stegink asked under what circumstances would higher not be better.

Ms. Reed stated that the small cells are really low power and the farther you go up the less effective the range is. She stated that it was better to be lower to the ground in certain instances as you can spread out and hit more area that way.

Commissioner Stegink asked what the effective range of the tower.

Ms. Reed stated that it depends on the terrain and other things, such as tree coverage in the way, and generally it was between 300 and 500 feet.

Commissioner Stegink referred to the mitigation suggested by staff, and asked if that was a height of 34 feet.

Contract Planner Aggarwal stated that it was 35 feet, 10 inches.

Commissioner Stegink asked if the height of 35 feet, 10 inches would achieve her goals.

Ms. Reed stated that on Friday they spoke to the AT&T radiofrequency engineer and he stated that was going to be a loss for him and not as effective as it could have been otherwise, but they need the site and he was okay with moving forward with it.

Commissioner Stegink asked what the percentage loss was.

Ms. Reed stated that he said around 10% loss.

Commissioner Stegink concluded that, if they cut it another 33 feet it would only be another 10% loss.

Ms. Reed stated that it was not always proportionally related like that and they would have to go back for him to run the diagnostics and look at his maps. She stated that, after a certain point, you have a tree or any building that is blocking it and you drop below that, it will create shadowing.

Commissioner Stegink asked what the maximum height was in the Vallemar antennas they installed last year or so.

Sr. Planner Murdock stated that he did not have that information available.

Commissioner Stegink asked if that was an AT&T project.

Sr. Planner Murdock stated that it was.

Commissioner Stegink thought it was the same engineer that was here, asking if that was him sitting in the back.

Sr. Planner Murdock thought Bill Hammett may have performed the RF emissions modeling for those sites as well.

Commissioner Stegink asked if they could call him up and ask him.

Bill Hammett, Hammett & Edison engineer, stated that he manages a firm of 20 located in Sonoma County. He stated that a regular part of their practice is the calculation or measurement of radiofrequency exposure conditions for carriers, cities, landlords, and their job was straightforward, specifically where are the exposure levels and how they compare to the standard. He stated that his report as a matter of record in this proceeding and he was happy to answer questions related to that issue.

Commissioner Stegink thought he was helpful in the JPAs in Vallemar and Reina del Mar. He asked him if he remembers the maximum height that was approved on those poles.

Mr. Hammett stated that he didn't, explaining that there were a number of different poles at different heights but he didn't recall the range at this point in time.

Sr. Planner Murdock thought what may be a relevant point for him is that those facilities did not involve the vertical height increases in the manner that these facilities are proposed and they were typically able to side mount to the pole and not result in significant height increases and was a different form of deployment for those facilities.

Commissioner Stegink asked if it was within their purview to keep the original height request.

Sr. Planner Murdock stated that, if he was asking if this facility was within the Commission's purview to approve the originally requested height, it was staff's opinion that it would not comply with the zoning ordinance. He stated that the zoning ordinance as Contract Planner Aggarwal mentioned limits height increases above two feet to two scenarios, 1) required for health and safety and 2) required to meet regulatory requirements. He stated that, in this case, staff's investigation noted the regulatory requirement is only 4 feet above the power lines, not 6 feet, and any height increase above 4 feet to the bottom of the antenna would exceed the allowance under the city zoning.

Commissioner Stegink understood that it was to 34 feet plus the height of the antenna.

Sr. Planner Murdock stated that if the height increase exceeds 2 feet, it can be up to the regulatory requirement, in this case 4 feet to the bottom of the antenna and then another 2 feet for the antenna.

Commissioner Stegink asked what the height of the antenna was.

Sr. Planner Murdock stated that the overall facility would be 35 feet 10 inches and the antenna itself is 2 feet and the pole extension would be 4 feet.

Commissioner Rubinstein moved to approve it with the 4 foot condition; Commissioner Kraske seconded the motion.

Commissioner Rubinstein moved that the Planning Commission FIND the project is exempt from the California Environmental Quality Act; APPROVE Use Permit UP-104-18 and Coastal Development Permit CDP-400-18 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Commissioner Kraske seconded the motion.

The motion carried **4-0**.

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

Vice 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.

5. UP-105-18

File No. 2018-019 –Use Permit UP-105-18 for the installation of a new wireless communications facility consisting of a 2'-0" tall by 0'-10" wide canister antenna mounted atop a 6'-6" extension attached to the top of an existing utility pole and associated pole-mounted equipment within the public right-of-way in the vicinity of 720 Oddstad Boulevard (APN 023-591-090). Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Contract Planner Aggarwal presented staff report.

Commissioner Stegink stated he would revisit what they talked about the 34 foot hard top plus the height of the antenna. He asked, if they had a 6 foot antenna, could the total height be about 40 feet if they were 34 feet to the bottom of the antenna and 6 foot antenna 40 feet total.

Sr. Planner Murdock stated he understood the question and he thought it was staff's opinion that the antenna size is limited to 2 feet and extensions above 2 feet on the pole are guided by the health and safety or the regulatory requirement increases. He stated that seeing as the base increase allowed under the zoning is 2 feet, it has been staff's position in interpreting the ordinance that the antenna itself is limited to 2 feet and height increases by the two guiding considerations that he mentioned.

Commissioner Stegink understood, and asked whose ordinance it was.

Sr. Planner Murdock stated city of Pacifica.

Ms. Reed, AT&T Land Use Planner, went over the slides that related to Oddstad Blvd.

Vice Chair Clifford opened the public comments.

Rick Zipkin, Pacifica, stated that he lives directly across the street from the proposed installation of a new AT&T wireless communication facility including a 7 foot extension on top of an existing utility pole and accessible pole meeting equipment on the 700 block of Oddstad Blvd. He stated that he has asked questions about any effects that this tower would have on his house. He would like to ask and make sure that this proposed tower will have no negative effects on his TV reception, phone and internet service or anything else he has and uses in his home. He also has not inquired before, but was wondering if this tower equipment will emit any type of radiation rays or microwave rays that will harm or hurt them or their dog when they walk outside the house under this proposed equipment. He stated that if any of these come to fruition, he asked that they oppose and vote down this proposal. He means no disrespect to anyone but procedurally that he wanted to state his concerns about this facility.

Ms. Kung stated that Bill Hammett had done a report and spoke to the gentleman and can answer some of the questions.

Mr. Hammett referred to Mr. Zipkin's concerns about any negative impact to his enjoyment of TV or internet or telephone, and stated that there is no interference. The facilities operate in their own frequency bands and are carefully controlled with no interference. He referred to Mr. Zipkin's concerns about his dog, and stated that the maximum levels, although in reality they will

be lower, was more than 25 times below the limit and the limit is intended to provide a prudent margin for safety for 24 hour exposure 7 days a week, continuous exposure of all persons. He mentioned that the standards are not set for animals but for people but the actual levels will be at least 25 times below the standard for humans.

Vice Chair Clifford closed the public hearing.

Commissioner Stegink asked for clarification that these were one pole in a neighborhood versus a slippery slope where every pole in Pacifica is going to end up to be 40 feet tall.

Sr. Planner Murdock stated that they have a franchise right under state law to locate their facility essentially in the locations that they deem necessary and it was not possible for staff to indicate how many utility poles may ultimately have wireless equipment.

Commissioner Stegink stated that it could be every pole.

Sr. Planner Murdock stated that the zoning ordinance indicates a 25 foot separation between a pole with equipment and any other vertical support structure and he suggested that there would probably be not more than one per 25 feet, but beyond that they don't have an explicit provision to limit where they may locate.

Commissioner Stegink asked if we know how many wireless permits we have approved in the last three years.

Planning Director Wehrmeister stated that there were 10 or 12 in Vallemar, the two currently being considered, and there might be one more and they are processing about ten other sites proposed by a different carrier.

Sr. Planner Murdock stated that they do process a handful of sites through building permits only that qualify for what is called ministerial level review because they are co-locations and under federal law they are prohibited from requiring a discretionary permit which would come to a public hearing.

Commissioner Stegink asked if there was any way they can encourage colocation of the different companies.

Contract Planner Aggarwal stated that they can attempt to do that but they come at different times and the time period between one application and another carrier so it would be a challenge to see about co-locating at the same time. She stated that they could co-locate if they meet their coverage objectives and they would have to figure it out once they have the applications.

Commissioner Stegink asked confirmation that AT&T has the right to deny another carrier's use of these antennas.

Sr. Planner Murdock stated that, if he means the support structure, he wasn't sure AT&T owns the support structures.

Commissioner Stegink stated the actual antennas.

Sr. Planner Murdock agreed that they are AT&T's antennas.

Vice Chair Clifford asked for any comments.

Sr. Planner Murdock stated that it may be helpful for the record to state that Commissioner Nibbelin arrived at 8:04 p.m. during staff's presentation of this item. In the event there is a motion and a vote and we record his vote we know how he showed up.

Commissioner Kraske moved that the Planning Commission FIND the project is exempt from the California Environmental Quality Act; APPROVE Use Permit UP-105-18 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Commissioner Rubinstein seconded the motion.

The motion carried **4-0-1**.

Ayes:	Commissioners Stegink, Kraske, Rubinstein and Vice Chair Clifford
Noes:	None
Abstain:	Commissioner Nibbelin

Vice 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.

Vice Chair Clifford recused himself and handed the meeting over to Commissioner Nibbelin and departed at 8:19 p.m.

NEW PUBLIC HEARINGS

6. PSD-789-14 CDP-346-14 UP-039-14 SE-030-18 PE-159-14 Heritage Tree Removal Authorization	File No. 2014-002 –Site Development Permit PSD-789-14, Coastal Development Permit CDP-346-14, Use Permit 039-14, Sign Exception SE-030-18, Parking Exception PE-159-14 and Heritage Tree Removal Authorization for the construction of three two-story buildings accommodating a surf shop, ancillary office/storage (Building #1) Board shaping and storage (Building #2) and retail with residential above (Building #3), as well as a skate park attached to Building #2, and associated improvements on a vacant lot located at 505 San Pedro Avenue (APN 023-072-010). Recommended CEQA Action: Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program..
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Contract Planner Aggarwal presented staff report.

Sr. Planner Murdock completed the staff report.

Commissioner Nibbelin asked if they want to hear from the consultants.

Nick Pappani, Raney Planning and Management, stated the environmental document determines certain potentially significant impacts upon the physical environment. In their analysis they didn't find any impacts that could not be reduced to less than significant levels through

implementation of feasible mitigation measures which are set forth in the mitigation monitoring and reporting program which is also a component of the approvals that need to be adopted along with the CEQA document. He stated that they have any questions on environmental topics or mitigations, he will be happy to answer them.

Shawn Rhodes, applicant, stated that he and his partner opened the NorCal Surf Shop in 1991. They have seen the demographics of consumers evolve and grow and they realized they needed to grow the business to support the demands of the people residing on the coast as well as providing jobs at all skill levels. As a result, they planned a bigger space which provided more services, amenities and products for the consumers. He stated that his vision was to make his building environmentally friendly and being energy efficient and 100% solar, etc. He stated that he was ready to answer any questions.

Commissioner Nibbelin opened the public hearing.

Jeremy Greenberg, Pacifica, stated that he would be very close to this construction site and project and was strongly opposed to the project being built because of the nuisance and destruction brought on by the construction of a skate park and surf shop. He researched skate parks and he felt they brought in a subculture of crime, drugs, vandalism and violence. He stated that the common problems and complaints that come with skate parks was the loud noise of banging, scraping, yelling and shouting. He stated that many skate parks around the country have been forced to shut down due to the noise, drugs, trash, vandalism and crime and this development would also add to the over congested traffic on Pedro Point, especially on weekends when it is often impossible to get through the congestion of surfers blocking access along San Pedro Avenue. He recommended that the Commission reject this permit. He thought this would be a serious disruption to the peace and quiet on Pedro Point. He stated that the houses are located uphill and receive a lot of the loud noise from the skate park which will operate between 7 am and 10 pm. He felt that was unacceptable.

Owen Brizkys, Pacifica, stated that he liked to idea of development on the site, especially a surf shop and a skate park. He stated the area was one of the most vibrant areas of the city and it could enhance that and provide a lot of positives. He thought we need to hold ourselves to the highest standards when they are developing and on their impact on the natural world. He then mentioned two issues he has with the project with the west barrier of the proposed development. He mentioned that the document refers to the natural riparian habitat as a drainage ditch. He stated that it requires that it be converted into a culvert with a buried pipe and a 6-foot wide sidewalk placed on top. He takes issue with the environmental assessment of that area as it was a natural waterway, riparian habitat, and it is rich with visible native plants and that brings critical habitat for both threatened and endangered species they have in the community, red legged frogs, etc. and it spills out into the San Pedro Creek which has threatened steelhead trout. He stated that we have one of the dirtiest beaches in California, which he thought was largely due to storm water runoff that comes from our community gets into San Pedro Creek and outflows into the Pacific Ocean. He felt there needs to be a better way of dealing with that part of the project. He thought there were solutions and he didn't think a 6-foot sidewalk on the top of the creek was appropriate.

Serena Loomis, Pacifica, stated she was a resident of Pedro Point and a business owner in the Pedro Point Shopping Center. She wanted to address some of the concerns of the other resident about the subculture. She stated that she has said this before about other projects in their

neighborhood but she felt it was important to increase their property value and community building is a great way of doing that and providing a place for kids to go and do things in a healthy way is a good way of building the community and increasing their property values and keeping the riff raff off the streets. She thought that space was a dead space at the moment but has the potential to increase the appeal of the neighborhood. She was in 100% support regardless of the traffic and parking, which she didn't think was that bad. She thought the parking would be better if there are more spaces provided which it sounds like it will be.

Mr. Rhodes referred to the noise issue, stating that there was a covered roof over it and the noise isn't going to spread upwards into the neighborhoods. He stated that he strategically placed the skate park behind the eucalyptus trees and behind the highest part of the existing building of the Pedro Point Shopping Center. He didn't think the noise will be an issue. He stated that one of the reasons he is doing this surf shop is to help the kids and get them off the streets and into more health activities such as surfing and skateboarding. He stated that it takes a different kid who isn't a baseball or football player and puts him where he can excel and feel comfortable. He thought the derelict thing was a thing of the past for skaters and it was moving in a positive direction. He stated that there are no derelict surfers, and he felt those were misspoken words.

Commissioner Nibbelin closed the public hearing.

Commissioner Stegink stated that he has discussed this project with two individuals, Jeremiah Johnson and Dave Colt, in the past three years. He stated that he has noticed standing water at this location. He didn't think it was a seasonal wetland, asking what the designation was.

Sr. Planner Murdock stated that he would defer to the environmental review team to further elaborate but as disclosed in the initial study prepared for this project, it was recognized that there may be wetland habitat within that swale but that this project was not going to impact. He clarified that this project was not proposing to create a culvert of the swale or pave over it. He stated that the drainage feature was located west of the project site and the improvements of the project, including the sidewalk would be above the top of the bank of that drainage swale.

Commissioner Stegink stated that he didn't need to hear from their engineer. He then referred to staff's suggested mitigation of the fence requirement, and asked him to go over that again.

Contract Planner Aggarwal asked if he was talking about the skate park fence.

Commissioner Stegink stated that she mentioned some fence where she was trying to get something.

Commissioner Nibbelin thought maybe some different materials.

Contract Planner Aggarwal stated that the applicant was proposing a chain link fence enclosure as of now and they will work with the applicant to work on a design which is more aesthetically pleasing as opposed to a chain link fence and introduce some elements within the fence where the mass would be broken up so the building's scale does not look so imposing.

Sr. Planner Murdock stated that subsequent to publication of the packet which included that discussion they have had a conversation with the applicant and he has submitted at least one potential alternative that he was in favor of, that staff also found it to be much more aesthetically

pleasing and have a higher quality appearance than typical cyclone or chain link fencing. They believe, as condition is written, if the Commission were to support it, they have sufficient flexibility and opportunity to correct that aesthetic impact with the applicant. He stated that beyond the fence, they were hoping to break up that mass as Contract Planner Aggarwal mentioned with some vertical features or potentially some horizontal artistic type features as well to break up the large mass of metal fencing along those two sides of the skate park.

Commissioner Stegink stated that he was surprised at the 47 vehicle requirement for commercial, and he asked if he could go over the math as he was curious as to what would require 47 parking spots.

Contract Planner Aggarwal referred to table on packet page 206, it breaks down the different components of the development and parking requirement per code and how it adds up to a total of 50 spaces which includes 3 spaces for residential.

Sr. Planner Murdock added that it can get lost in the details, but the city's parking requirements requires a calculation that when there are multiple uses aggregates the individual parking requirements for those uses into a total figure and does not provide any offset for the reality that these uses are one cohesive type of operation and not a stand-alone office or retail, as there is some synergy that they are not necessarily generating all their own independent parking requirements. As indicated, the city's retail parking requirement talks about gross floor area, and for a project like this with a large amount of inventory and storage, the gross floor area where they are keeping those projects isn't necessarily generating customer traffic but as calculating in the zoning it is resulting in a tremendous parking requirement. He stated that, with the offset calculation provided by Contract Planner Aggarwal, the true parking demand is likely to be substantially less, even half as much as the zoning calculation totals, and staff would feel comfortable that they are not granting half of the spaces as an exception.

Commissioner Nibbelin asked if board shaping was some form of light manufacturing of boards.

Sr. Planner Murdock stated that it was, adding that the specifics could be better elaborated by the applicant, but he is taking blanks and shaping them into finished surf boards. Staff has analyzed that as an ancillary activity to the retail use as a surf shop, and it has a unique valuable element to it.

Commissioner Nibbelin agreed, but was just curious if they expected to have 4 people and 4 vehicles engaged in that activity at any given time. He stated that was probably another example of more parking than would be needed if applying square footage.

Sr. Planner Murdock also believed that to be the case but reiterated that the applicant could clarify the number of people engaged at any one time.

Commissioner Nibbelin referred to noise being mentioned as a concern, and he would like to hear from the environmental consulting on their thinking around the noise. He stated that his concern was operating a skate park until 10 pm at night. He thought it was a valuable use but he was curious about it, specifically as they get into the later hours during the week.

Mr. Pappani stated that the retained the services of a professional noise consultant, J. C. Brennan & Associates, who performed an analysis to look at the stationary noise from the proposed

project, specifically the skate park activities. He stated that he used comparative data from a larger facility and believed it to be conservative in terms of the noise levels measured from that facility. On utilizing those levels and projecting out to the nearest residential receptors around this project, the nearest to the northwest, the levels were determined to be in compliance with the daytime levels for stationary noise sources, the table of which is in the environmental document. He stated that they had two standards, one from 7 am to 10 pm time frame and the noise standards from 10 pm to 7 am time frame. He stated that, since the nighttime is more sensitive as it was quieter, the noise standard becomes more restrictive during the night time. The consultant found that the skate park noise levels would exceed the standard during night time hours but the daytime noise levels estimated at the nearest receptors would not exceed those standards which are 50 decibels, LEQ which is an hourly standards and an L Max which was the maximum at 70. He stated that the proposed skate park would exceed the nighttime standards the mitigation in the document is to restrict the skate park activities to not extend beyond 10 pm.

Sr. Planner Murdock referred to Mr. Pappani's comments, explaining that staff mirrored the hour restrictions to match the noise analysis as performed with the distinction between daytime and nighttime noise. They understood that there may be unique aspects of the community character or operation in that neighborhood that could warrant a further restriction, adding that the applicant has indicated he intends to operate fewer hours per day, starting later and ending earlier, but they saw the rational basis as ensuring that it would not create a significant environmental impact as a starting point in allowing the Commission to tailor that from there.

Commissioner Nibbelin asked if 10 pm as a time break was relevant in terms of the way the ordinance was put together.

Mr. Pappani stated that noise ordinances for other municipalities typically stop at the 10 pm time frame.

Commissioner Nibbelin stated that his personal view was that level of noise to 10 pm may be something they want to look at and determine whether an earlier time at least during the week might be more appropriate.

Sr. Planner Murdock stated that another goal in staff's drafting of that condition as it currently is was not to make it so restrictive at the precise hours the applicant was indicating now but to provide some flexibility as they would hate to come back to the Planning Commission to add a half hour at the start or closing to add a half hour to the hours of operation.

Commissioner Nibbelin understood, and then referred to the easement. He wanted to make sure he didn't miss it, but they expressed concerns about the risk of land-locking the parcel and they were addressing it by way of trails. He asked if, in developing the parcel to the left, there were be some feasible road access available to that parcel in terms of future development.

Sr. Planner Murdock stated that the parcel to the west that they were describing as having the potential to be land-locked would not be land-locked in the strict sense of access to a public right-of-way. He stated that it does have ample access from San Pedro Avenue. He stated that it was a very large parcel. He stated that the issue was for convenient public access to the coast and providing that access across the more northern portion of the project site will provide the greatest and most logical linkage to existing coastal access behind the Pedro Point shopping center and that was the rationale for the location of the offer to dedicate.

Commissioner Nibbelin stated that he saw what looks like paper streets and he asked if they were paper streets and do they have any relevance to what they are doing at this time.

Sr. Planner Murdock stated he didn't have specifics on whether they were technically public rights-of-way or not, and he thought they may not, but he stated that they are entirely owned by the same property owner currently and he thought it was unlikely that a future project would rely on those as rights-of-way for that project.

Commissioner Stegink had a question for the Raney group mentioning that we had gotten letters from the public on the noise issue, and he mentioned that there was no protection for eucalyptus trees, and if those trees didn't exist, how would that affect their noise measurements.

Mr. Pappani stated that, in order for vegetation to provide noise attenuation, it has to be a fairly wide swath of vegetation to provide noise attenuation and is often suggested as a possible mitigation but all the consultants have said that it has to be something fairly substantial to provide noise attenuation. He concluded that, if those eucalyptus trees were not there, he didn't think it would have a material effect as it has to be wider than that to be of benefit. He stated that his firm's analyst didn't factor in any reduction for those features.

Commissioner Stegink asked if the sample noise that was represented was from outside or inside the building and was it similar construction and he asked out of curiosity how they can equate that.

Mr. Pappani stated that it was an outdoor skate park and was measured from the outdoor activity levels and wasn't shielded in any way.

Commissioner Stegink stated that he frequents that area at night on a regular basis and it was not unusual to see trucks cooking methamphetamine in the parking lot. He was curious how they will secure that area at night beyond the fence to prevent unauthorized users from using that area at night.

Mr. Pappani stated that he would defer to the applicant.

Mr. Rhodes asked if they were talking about the skate park.

Commissioner Stegink responded affirmatively.

Mr. Rhodes stated that the skate park will be a chain-link fence ceiling to floor and there will only be times to skate and part of the reason is it is not a public access skate park like the other skate park in Pacifica. He stated that the gate opens at 9 am and automatically closes at 6 pm, and his will be monitored. He stated that there will be a lot of lighting on the property and cyclone fencing to keep them out.

Commissioner Stegink concluded they would have locked doors preventing people from skating there at 2 am.

Mr. Rhodes stated that there is only one door into the skate park.

Commissioner Nibbelin stated that they could hear personal comments from the commissioners at this point or entertain a motion.

Sr. Planner Murdock stated that he would like to reference two more factual points for the record. He stated that to round out the discussion of noise impacts, on page 70 of the initial study, the noise modeling was based off the nearest residence located approximately 175 feet north of the skate park and mathematically any structure a greater distance would have an equal or lesser resulting noise impact and with the nearest residence was several hundred feet, particularly the night time levels but daytime levels as well would not be likely to exceed any applicable noise standard.

Commissioner Nibbelin suggested that he translate that from noise standard to whether there are any particularly sensitive receptors who would be likely to feel that they were being impacted in some way.

Sr. Planner Murdock stated that the daytime noise level for the skate park was calculated well below the applicable threshold at the nearest residence of 175 feet to the north, and the night time noise was calculated at an outdoor level to exceed 1 decibel but with the attenuation provided by the structures, the interior night time noise level would not be exceeded. He stated that any structure located further, like single family residences along San Pedro Avenue, Grand Avenue, Livingston Avenue would not be affected with excessive noise levels because the sound attenuates as the distance increases. He referred to the public comment by Mr. Brizkys regarding storm water discharges from the site, and he noted for the record that this project was designed to comply with what is known as the C.3 storm water requirements, nationwide pollutant discharge elimination system or NPDES permitting requirements and do require that the storm water generated on the site is captured, treated and retained and then metered out at a controlled rate, and it would be very close to mimicking the pre-development discharge levels and it was important to note it is not a free for all pouring into the ditch, but treated and engineered managed storm water system.

Commissioner Stegink asked if there was a current application on the adjacent parcel called Calson Field.

Sr. Planner Murdock stated there was not.

Commissioner Stegink thought he saw Commissioner Nibbelin taking a look at those hours and thinking maybe those might be managed for the neighborhood's better benefit. He asked if that was accurate.

Commissioner Nibbelin stated that he might have a deeper knowledge about other things that might be percolating, and he was just expressing some concern about 10 pm as hours, particularly Sunday through Thursday. He recognizes that there is some very good work done around noise impact and it might involve the comings and goings and level of activity in the area that may not strictly be the noise per se but secondary things that flow from people coming and going. He stated that he would be more comfortable with closing time at 9 pm during those school nights.

Commissioner Stegink agreed with that, adding that he knows the applicant is recognized as a good corporate citizen but he sees six or five without the Fire House backing up to there and he assumes the berm will protect the ones along the seashore but he was willing, in a year if there are

no complaints and their neighbors are in compliance, to say yes to 10 pm is not a problem. He just 9 pm might be a more reasonable solution for dropping on the neighborhood as it stands.

Commissioner Nibbelin stated that he would allow a comment from the applicant.

Mr. Rhodes stated that he didn't have a problem changing the times. He stated that 8 pm was the latest that anyone was going to be skating and only at certain times, and 10 am was probably the earliest he would open it. He stated that the shop hours are 8 am on Saturday and 9 am the rest of the time, and he would probably open at 9 am on the weekends and 10 am on the weekdays and it would be maybe 8 on the weekdays and a little earlier on the weekends.

Commissioner Nibbelin stated that in light of Mr. Murdock's wise comment that they afford some flexibility for the future that would not necessitate coming back for adjustments in the future, he was comfortable with 9 pm Sunday to Thursday night and as late as 10 pm on Friday and Saturday night. And that was the only adjustment to approval he wants and would entertain at this point.

Commissioner Stegink asked if that was the only waiver to the hours.

Commissioner Nibbelin thought that was the only adjustment he felt was needed. He added that he was happy to make the motion.

Commissioner Stegink encouraged him to make the motion.

Commissioner Nibbelin moved that the Planning Commission ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the Project, to APPROVE Site Development Permit PSD-789-14, Coastal Development Permit CDP-346-14, Use Permit UP-039-14, Parking Exception PE-159-14 and Sign Exception SE-030-18, and to AUTHORIZE removal of heritage trees by adopting the attached resolution, including conditions of approval in Exhibit A with the exception to the operating hours for the skate park which is no later than 9 pm Sunday to Thursday and 10 pm Friday and Saturday nights and the MMRP included as Exhibit B; and to incorporate all maps and testimony into the record by reference; Commissioner Rubinstein seconded the motion.

The motion carried **4-0**.

Ayes: Commissioners Stegink, Kraske, Rubinstein and Nibbelin
Noes: None

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that, the next regular meeting is Monday, November 19, and they are scheduled to hear the sea level rise adaptation policies and they anticipate that it will

have quite a bit of public comment and they will start that meeting at 6 pm. She also reported that the districting special meetings, the Council will not need the regular December 3 date and it will be a regular Monday meeting for the Commission, not Tuesday. She stated that the Council introduced the development agreement ordinance with no changes, introduced the ordinance amending the marijuana use permit application procedures for initial applications and the only amendment they made to Planning Commission's action was to increase the days that an applicant has to become complete to 20 working days. She stated that they recognized that some of the applications requirements are fairly rigorous. She stated that the Council denied the appeal and upheld the Planning Commission's approval of Marijuana Use Permit MUP-4-18 which was for 2270 Palmetto, and they made amendments to the conditions to allow an 8 pm close for the business and to remove the requirement for a unique identifier system and remove the condition regarding gummies because it was basically a condition that was consistent with state law.

Commissioner Stegink asked what their role in SLR adaptation policies will be.

Planning Director Wehrmeister stated that their role will be providing input on the policies and their input as well as the entire package will be going to City Council on December 10, and they will be incorporating those policies into the larger Local Coastal Plan update in 2019.

ADJOURNMENT:

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

The motion carried **4-0**.

Ayes:	Commissioners Stegink, Kraske, Rubinstein and Nibbelin
Noes:	None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister