

MINUTES

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

April 18, 2016

7:00 p.m.

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

ROLL CALL: Present: Commissioners Baringer, Evans, Gordon, Nibbelin,
Cooper, Clifford and Chair Campbell
Absent: None

SALUTE TO FLAG: Led by Chair Campbell

STAFF PRESENT: Planning Director Wehrmeister
Assoc. Planner Murdock
Asst. City Attorney Visick

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

The motion carried **7-0**.

Ayes: Commissioners Baringer, Evans, Gordon, Nibbelin,
Cooper, Clifford and Chair Campbell
Noes: None

**APPROVAL OF
MINUTES:
MARCH 21, 2016** Commissioner Gordon moved approval of minutes of
March 21, 2016; Commissioner Nibbelin seconded the
motion.

The motion carried **5-0**.

Ayes: Commissioners Evans, Gordon, Nibbelin, Cooper and
Chair Campbell
Noes: None
Abstain: Commissioners Baringer and Clifford

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 9, 2016:

Planning Director Wehrmeister stated that it was put back on the agenda because the original designated liaison was Commissioner Vaterlaus, but since she is no longer a member of the Planning Commission, they need to redesignate someone. She also pointed out that the hearing date is May 9 for the appeal of the Anchor Inn at 500 San Pedro Avenue in Pedro Point as well as appeal of a single family home at 135 Stanley Avenue in Pedro Point.

Chair Campbell mentioned the April 25 agenda.

Planning Director Wehrmeister stated that April 25 was listed on the agenda but since then, the hearing date was moved to May 9 for the two items.

Commissioner Nibbelin volunteered.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1. PSD-807-16 SITE DEVELOPMENT PERMIT, USE PERMIT, COASTAL
UP-73-16 DEVELOPMENT PERMIT, and PARKING EXCEPTION, filed
CDP-363-16 by applicant, Gordon Tannura, on behalf of property owner,
PE-165-16 Shirlee Gibbs, to place a one-story 840 square feet modular
 structure and 225 square feet of decking onto an existing 5,600
 square feet lot with existing 1,667 square feet structure at 1809
 Palmetto Avenue (APN-016-042-240), Pacifica, at the site
 commonly known as the Pacifica Resource Center.
 Recommended California Environmental Quality Act (CEQA)
 status: Categorical Exemption, CEQA Guidelines Section 15303.**

Commissioner Evans stated that he was on the Advisory Committee in the past, and when he was asked about looking into the first steps of this project, he went to the Planning Department and talked to Asst. Planner Farbstein but stopped at that point, and he thought he could have an open mind on this subject.

Commissioner Clifford stated that, at one point in time, an employee asked him to place a bid on installing the container. He stated that he did not place a bid and has no vested interest in the project.

Assoc. Planner Murdock presented the staff report.

Commissioner Cooper asked if anyone has looked at the noise requirements for this lot and where it sits, specifically the mechanical systems. He was concerned as to whether there was a restriction on where the mechanical systems would be, knowing that it was an outdoor unit.

Planning Director Wehrmeister stated that the issue has not been addressed, but the applicant could possibly address that during his comments.

Commissioner Nibbelin referred to the requirement for a use permit, and he was interested in what constitutes a change of use for projects located in the coastal zone. He understood they were putting a new structure in place, but in reading the staff report, he thought it was clear that they were not talking about an intensification of use but serving the same clients in a better

configured space. He was unclear why they need a use permit, asking if it comes to what change or intensification of use means under the Coastal Act.

Assoc. Planner Murdock stated that staff's assessment was to be very conservative with required entitlements, explaining that the proposed area was vacant and has not been initiated for any use and, given its proximity to residences and having never been commercial or nonprofit use, they applied that to ensure there was no gap in the entitlements. Staff concurred that it was not a change in use from the existing portion of the site or intensification.

Commissioner Nibbelin personally thought it was an extraordinary abundance of caution and he didn't think there was a change of use.

Commissioner Baringer understood there were a substantial number of handicapped clients, and he wondered if staff had looked into designating a handicapped on street parking space for that purpose to easily access the handicapped ramps. He also asked if there were refrigeration units in connection with the food. If there were, he asked that staff look into where the placement of the units was as it abuts a residential property and he could see it being problematic for the residents. He referred to windows facing the residential property, stating that it didn't look high enough to block that and they could have people looking into their back yard. He thought possibly they could increase the height of the fence to give the residents more privacy.

Assoc. Planner Murdock stated that, as in the issue of the mechanical equipment, they didn't analyze any commercial grade refrigeration required. He was not aware that the Center relied on that, but used regular refrigerators, adding that they can verify and ensure that, if an issue, they can take appropriate measures regarding placement. He stated that there is a six-foot height limit for fences in this zoning district, but to the extent the existing fence is shorter than that, they can discuss increasing the height with the applicant. To exceed that would require a different entitlement that was not on the agenda for consideration.

Commissioner Cooper stated that, since it is a food bank, he assumed there would be deliveries throughout the duration and asked if there was any consideration with loading and unloading in the public area and streets, as well as the timing with unloading.

Planning Director Wehrmeister stated that she would point out again that this was not an intensification of what was already happening and she didn't anticipate that the truck deliveries will increase. She stated she would ask the applicant to speak to that when he comes up.

Gordon Tannura, applicant, stated that Anita Rees was joining him, as well as landlords, Chris and Shirlee Gibbs, who are supporting the project. He gave a brief background of the services provided. Then he stated that, as they thought about what to do, their landlords encouraged them to consider other things they might do and got them thinking about a modular unit that can be placed on the property, portable in that, if the Resource Center moves, they will continue to have that asset and something more fully functional to support primarily the food program but other aspects as well, or provide relief for the many aspects. He mentioned that the Second Harvest Food Bank increased their grant to \$100,000 with the stipulation to use the funds by June 30 and he has been "under the gun" in order to complete the process and installation. He thought they can do it. He stated that the planning staff has been wonderful in support of this in taking a novice through all the steps he had to learn to get to this point, mentioning all the steps they took to ensure they met all required standards with state and city. He stated that they put out letters to

neighbors with all necessary information. Regarding refrigeration, they will be transferring what is already in the present building, and may add more, but they are all standard equipment. Regarding noise, the electrical is standard, such as in standard homes. The fence heights are standard, and he stated that Mr. Gibbs, who owns the adjoining residential, may add some screening at the top of the fence for privacy. They have designed everything ADA compliant, and made adjustments to make loading and unloading more efficient. He stated that they had no problems with conditions added by staff.

Commissioner Cooper praised them for expanding as it serves a vital need within the community. He stated he brings up questions because he was concerned about the neighbors and he wanted to be sure everyone was taken care of regarding noise, safety, etc. He stated that he saw they have a handicap ramp in the front, but he mentioned that Spindrift had to put another handicap ramp on the back of the building for entrance and exit ramps.

Mr. Tannura asked, in terms of the ADA compliance, whether it would be something the building official will check on.

Commissioner Cooper responded affirmatively.

Mr. Tannura stated that the current plan shows an end of that back ramp, and they planned to put stairs, but they can also facilitate it with a ramp.

Commissioner Cooper stated he mentioned it so they don't get caught by surprise, and it may not be an issue.

Mr. Tannura stated that, assuming they get approval now, he will be visiting the building official tomorrow.

Chair Campbell opened the Public Hearing.

John Keener, Pacifica, stated that he is a Councilmember and the liaison to the Pacifica Resource Center Board and was speaking as an individual, not representing the Council. He welcomed the newly appointed commissioners and thanked them for their service. He stated that he supported the new modular unit which will house the food pantry and the decking between it and the existing building which will provide a place for clients to wait instead of waiting on the sidewalk. He stated that not many applicants do the work on applications pro bono but Mr. Tannura was and has guided the project through planning and will continue through the execution phase. He thanked him and the owners for their support and the Second Harvest Food Bank for a grant for the unit. He acknowledged Planning helping with the process, and the city has approved a grant of about \$13,000 to cover the cost of the permits for the Resource Center. He stated that they look forward to the improvements that will help the Center better serve their clients.

Susan Takalo, Pacifica, stated that she was wearing three hats, a resident of Pacifica, supporter of the Pacifica Resource Center and representing Second Harvest Food Bank. The Second Harvest Food Bank was excited about the project and the ability to support Pacifica and all residents, by having an expansion and privacy that the unit will add to the Resource Center. She was present to urge them to approve the application.

Chair Campbell closed the Public Hearing.

Commissioner Evans stated that, during his time working on the Advisory Board, he saw their dire needs and this space was one major need. He stated that there were times the corridors were full of stuff. He felt it was a smart and good idea and the use will support their clients.

Commissioner Clifford stated that, when it comes to a vote, he will be voting for it. He thanked the Resource Center for all the efforts they put in. He thought the modular would not only assist their clients but will make their job easier to do.

Commissioner Nibbelin agreed with those who have spoken that he was in support of the project. He has a chance to become familiar with the important stuff these organizations do, and he was pleased to see the agencies come together to make this happen. He thought staff put together a great report to make it easier to look at it and understand what was at issue. It was an easy project to support with such a report.

Commissioner Gordon stated that he will be voting for the project. He thanked the Second Harvest Food Bank for the grant. He stated that it was rare to have an application that was easy to vote in favor of, and he thanked everyone for their pro bono work. He agreed with Commissioner Nibbelin that they did a great job putting together the package. He stated he was ready to make a motion.

Chair Campbell followed up on Commissioner Baringer's comment on the windows that might face the residential structure. He was aware of the six-foot height limit. He asked the rule on privacy screening for a tree or something. He asked if there was room for that.

Mr. Tannura stated that there wasn't a window that looks directly into that yard. It is in the front of the unit. He acknowledged that there was a walkway past the fence but not a window. He stated that this was being placed at the level of the current unit, and it is an existing condition today.

Commissioner Clifford stated that what he was going to suggest was, if there was a window back there, that they ask for it to be an obscure glass and that would take care of any privacy issues.

Commissioner Gordon moved that the Planning Commission find that the project is exempt from CEQA; **APPROVE** Site Development Permit PSD-807-16, Coastal Development Permit CDP-363-16, Use Permit UP-73-16, and Parking Exception PE-165-16 by **ADOPTING** the attached resolution for the proposed placement of a modular structure with attached decking at 1809 Palmetto Avenue for the Pacifica Resource Center, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Commissioner Evans seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Baringer, Evans, Gordon, Nibbelin,
Cooper, Clifford 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.

SUB-232-16

SUBDIVISION, filed by Mike O’Connell, agent for property owner Don Creasman, for a vesting tentative map to subdivide one existing 11,975 square feet lot, located on the 500 block of Brighton Road and identified by APNs 016-345-020 and 016-345-200, into two lots of 6,006 square feet and 5,969 square feet. Recommended California Environmental Quality Act (CEQA) status: Categorical Exemption, CEQA Guidelines Section 15315.

Assoc. Planner Murdock presented the staff report.

Commissioner Evans asked confirmation that they were not approving any building at all at this time.

Assoc. Planner Murdock responded affirmatively.

Commissioner Evans asked confirmation that the change of a shared driveway to two individual driveways was not shown on their paperwork.

Assoc. Planner Murdock responded affirmatively, explaining that they would have to look at Condition 7 in the draft resolution which describes the changes that staff would use to review the map should the Commission approve the map and approve the condition of approval that staff has recommended.

Commissioner Evans stated he was asking for clarification.

Commissioner Clifford stated that in their drawings, they saw two nice little cottages, one on each lot. He asked what the maximum size that they could present to staff once they have the subdivision approval.

Assoc. Planner Murdock stated that it was a difficult to describe a maximum as there are a number of variables, including setbacks, height and lot coverage. He stated that the basic parameters was a maximum of 40% lot coverage in the R-1 zoning district and a maximum 35 foot height limit with a 15-foot front setback to the structure, 5 feet on the sides and 20 feet in the rear. He stated that there was room with which to play, and he hasn’t done the calculations, but it was north of 2,800 square feet where it kicks in for 5,000 square foot lot and both of these lots were proposed larger than 5,000 square feet and they were looking upwards of 2,800 square feet before discretionary review would kick in.

Commissioner Clifford thanked him, and referring to the condition on the driveway and utilities, he fully understands the importance of not having one driveway and one setup of utilities. He gave a personal example when working in San Francisco of a sewer system from two houses going under a third house and all three houses had to be condemned to get them to agree to fix the sewer where it broke under the house in the front, adding that he didn’t want that to happen here.

Assoc. Planner Murdock commented that it was just such a scenario that staff hoped to avoid.

Commissioner Baringer asked, if the project was approved, whether they would rely on that approval in terms of going forward with their plans or would they come back with a more precise plan.

Assoc. Planner Murdock explained that, should this be approved by the Planning Commission, there would be no return to the Planning Commission.

Commissioner Baringer concluded that the applicant could move forward with this configuration and apply for building permits.

Assoc. Planner Murdock stated that once the appeal period had expired and the applicant submitted a final map, staff would check for substantial conformance with the tentative map approved by the Commission. He added that there were a few other procedural requirements with respect to subdivision improvements, etc., adding that a subdivision can be as small as this or as large as thousands of units and is a wide ranging term. He stated that subdivision standards are written for traditionally much larger projects. He needs to go through a couple of intermediate steps with staff procedurally, but substantively he would not have to come back to the Planning Commission for review.

Commissioner Baringer stated that his concern was, after looking at the site, he didn't see this type of a configuration even remotely close to the lot, and he had a concern since it is unique and he didn't know that it was unique in a desirable way.

Assoc. Planner Murdock agreed that it was uncommon but not unprecedented. It was considered and contemplated in the City's subdivision standards to allow flag lots in certain situations. He stated that determining that it was appropriate in this case was the decision and determination for the Commission but it was something that the City's standards take account for.

Commissioner Baringer asked if Commissioners have the ability to take into consideration compatibility with other configurations in the immediate area or not.

Assoc. Planner Murdock thought probably not unless they can identify evidence of potential harm to the neighborhood character. He stated that it was largely ensuring zoning conformance and, to that end, they have provided the minimum lot size and width. Short of evidence indicating potential harm to the neighborhood, such as utilities and driveways, he thought it would be difficult to make a significant change at this stage.

Commissioner Cooper referred to vesting, and asked, if he builds on one of the lots and chooses not to build on the other lot, whether the vesting expires after a year or is it carried over and stays for a period of time until he built.

Asst. City Attorney Visick stated the map was good for two years and can be extended for another three years but that was the extent of the final map's duration and can't be extended beyond that. He stated that gives you the full length of time that you can build under that map with the vesting conditions.

Commissioner Cooper assumes that, if he goes ahead and builds one unit and he waits five years, then he has to build to the new building codes and the new local laws that we would have.

Asst. City Attorney Visick responded affirmatively.

Commissioner Clifford stated that he pushed the voting button instead of the call button, and he stated that it needs to be corrected. He then noted in the staff report that lot #4 was having some part of it taken away to be mixed with the other lot. He asked what was left of lot #4 and who owns it, and what kind of issue are they creating by having a smaller lot #4.

Assoc. Planner Murdock stated that he didn't have the subdivision map in front of him but he thought the series of lots in that portion of the neighborhood are all 30 feet wide. He stated that this property includes two lots under the previous subdivision that were merged, 30 feet in width each and the westerly 25 feet of lot #4. He stated that the remainder of lot #4, which he thought was 5 feet in width was owned by the adjacent property owner and part of the parcel of over 10,000 square feet where an existing single-family home was built, and staff's assessment was that it would not create an issue with the sliver parcel or another non-conforming site.

Don Creasman, owner, stated that he has lived in Pacifica for three years, renting on Palmetto Avenue. He stated that he and his partner were both school teachers. They love Pacifica and want to make their home here. He stated that the previous summer they put in bids on three different small two-bedroom houses but were outbid. He stated that, as they were about to give up, he came across the lot on Brighton. They hope they can divide the lot, sell the back lot and use the funds to help pay for the house on the front lot in which they intend to live. He stated that he was not an investor or developer, just trying to find a way to afford a home in Pacifica. He explained their goal and stated that they would be transforming a vacant lot designed for housing into two modest new homes to greatly enhance the neighborhood. They have made arrangements to build both homes as soon as possible, and will conform to all setbacks, heights, parking and density codes. He stated that staff's recommendation of two driveways was embraced and would only enhance their project. He stated that present was the designer, Brian Brinkman, and contractor, Mike Panesi, and they were available for clarification or any questions.

Brian Brinkman, designer, stated that they had begun the designs on the homes. He pointed out that, at 11,975 square feet, under the mega home ordinance, they could build over a 4,100 square foot house without having to get any approval. So, they could put a gigantic house and were actually proposing two homes that are smaller than that total.

Commissioner Cooper stated that they always have an issue with the fire department's access to the back, and he asked if they have contacted the fire department and vetted their plan with them.

Mr. Brinkman stated that they have a 12-foot wide driveway, mentioning being involved in another project several years ago where they wanted a 12-foot wide driveway.

Chair Campbell opened the Public Hearing.

Bridget McKenna, Pacifica, stated that she lives on that block. She likes his idea to make smaller houses. She felt that was best going into the future and rethinking subdivisions. She stated that this was on Gypsy Hill. She acknowledged that it was privately owned, but she stated that humanity and earth has been constantly being risked for free enterprise. She thought that period of time in human history is coming to an end and they are at the wheel that was slowly grinding to an end. She stated that trees create a water shed and we were in the middle of a devastating drought in California. She understands that there are private ownership issues but they can be mitigated if we take into consideration all the expense of losing our environment. She thought it was a different idea, but she thought the panel was not a diverse panel with no women on the

panel, and she called them on that. She stated that women think differently, and she felt they were needed on the Commission.

John Thom, Pacifica, stated that he was in support of the Sharp Park neighbors who oppose the request to subdivide the property on Brighton. They acknowledged that the zoning and ordinance may permit the change, but they failed to recognize the unintended consequences of crowding more and more into less and less. He thought maybe it was because the guiding rules were laid down many years ago and did not foresee the potential adverse effects on the community as it grew and changed. He stated that, if the guiding rules were recently drawn up, they are short sighted and failing to recognize the desires of the members of the Sharp Park community who treasure living there with the openness of the landscape. He stated that it is not a challenge to the person or personality of the requesting property owner but the abiding concern that Sharp Park and Pacifica will undergo a building rush that will push people and structures closer together in violation of the kind of neighborhood homeowners and renters expect when they choose Pacifica for their homes. He acknowledged that in any Bay Area community, you find housing, need for it and high prices as leading concerns of residents. He stated that what they were witnessing was a transition to higher living densities in those communities where developments squeeze more properties into an already scarce land resource. He felt Pacifica should be a hold out against this. He stated that, without protection, Pacifica will lose its family friendly reputation. He asked that they remember that zoning rules were simply technicalities and, if their pages are interpreted in black and white, they will fail to embrace the desires of the community members of which they wish to be a part.

Emilie Krustapentus, Pacifica, stated that she seconds what Mr. Thom said. She lives directly across from him on Moana Way. She stated that she would like to know what was considered reasonable. She stated that there was a beautiful tree, hoping it is a heritage tree and cannot come down, which was on the other side of Mr. Thom's house. She stated that she has been living there for 15 years, and she felt the lot was not big enough for two houses, etc. She stated that, if you like shaking hands with your neighbors when getting dressed, that's up to you, but she can't see it. She felt the proximity was too close for anyone's taste. She stated that they have plenty of consternation in the neighborhood in terms of other projects that have impeded people's views rather than looking out the window and viewing the ocean. She stated that she raised the roof in her kitchen with proper permits, and her neighbors above her also saw the ocean. She stated that, with the little incline on her roof, she was informed that she can go higher, and she said she wasn't going higher and have her neighbors hate her for the rest of her life. She made a reasonable incline for more windows and more light for her kitchen. She gets along with her neighbors and made sure that she was not going to ruin their view. She felt you have to consider what others have to live with the rest of their lives.

Robert Guerrero, Pacifica, stated that he has been on Brighton for 50 years. He thought, by putting two houses on one lot, they were crowding the neighborhood with more structures. He stated that he has heritage trees on his property line that could be affected by the building going in. He stated that he would hate to see two monstrosity structures and two garages. He didn't think the lot was big enough for something like that.

Martin Piva, Pacifica, stated that he has lived across from the lot since 2012, and he stated that his wife was a school teacher in Daly City. He understood the new owners' comments about the hardship of owning a house. He stated that, when they decided to buy their house, they made sure they could afford it. They did it and love it. He felt that subdividing that lot will set a

precedent for everyone to come with a little bit of money and buy out the homes and split their neighborhood that is big and beautiful into tiny little crowded places. He didn't agree. He stated that most of the new neighbors have beautiful lots and a place for their children to play. He didn't feel it was the right thing for their neighborhood.

Jean Bardon, Pacifica, stated that this division of property was going to happen behind his house, slightly down the hill. He stated that he had planted a heritage tree in his front yard. He stated that it became wormy and other problems. He stated that eventually an expert stated that he had to take it out or it would damage his home. He stated that, following the removal, he got support from neighbors. He stated that there was a house down the hill, somebody bought it, remodeled it, and took away his view. He was told by City staff that a view is not a guarantee. He stated that this property was going to have a two-story house to get the square footage, and he wasn't sure what it would do to the neighbors up the hill and he felt some thought should be given to what they are doing to the rest of the neighbors.

Mr. Creasman referred to the trees and comment about being on Gypsy Hill, and stated that the property was not on Gypsy Hill and there was only one small tree and he wasn't sure it was relevant to this property. Regarding density, he stated that the project conforms to all of the density codes and concepts given by the City of Pacifica. He stated that, in terms of neighboring trees outside of the property, they have had discussions on building in a restrained way to not affect those trees not on the property and have discussed hiring an arborist to ensure that they do not harm any neighbors' trees. He mentioned that the architect stated that this property could sustain a huge house by the size of the property and another owner could proceed without any knowledge of the Planning Commission. Their intent in dividing the property was to do it in a way to be sensitive to the neighbors, with two small attractive cottages on the property rather than one huge mega house, which would definitely detract from the neighborhood. He reiterated that the project was allowed within all the codes and standards and has been approved twice by the Planning Department because they moved a line a couple of feet and went through the process again.

Mr. Brinkman stated that they were proposing a maximum height of 30 feet and were going to be under that. He stated that the footprints are smaller than a Linda Mar rancher, proposing two stories with the second story built partially into the roof to help minimize the size of the structure and the staggering of the lots helps so that neighbors aren't looking directly into each other's windows.

Commissioner Clifford stated that he heard him say there were no heritage trees on the property. He concluded that the tree mentioned was a neighbor's tree.

Mr. Creasman responded affirmatively.

Commissioner Nibbelin stated that he heard comment that, on the current parcel, a larger house of up to 4,000 square feet could be built without discretionary permits.

Assoc. Planner Murdock stated that he couldn't speak to the calculation but he was sure well over 3,000 square feet. He stated that it was an 11, 975 square foot site and you can do the math, and it would be a very large home.

Commissioner Nibbelin wanted to clarify something in the staff report that any potential approval granted for the subdivision will not necessarily limit development to the parameters in the report except as explicitly stated in the conditions of approval. He heard comments from the applicant that they were quite a ways down the road in terms of designing the two houses, and have some sense of the square footage. He asked if the conditions of approval could explicitly lay out some parameters along the lines they have heard.

Asst. City Attorney Visick stated that the subdivision regulations do not actually give any opportunity to address the design of the structure or the massing of the structure or things like that but are limited to the things that are raised in the Subdivision Map Act and the City's subdivision regulations. While conditions can relate to subdivision issues, they can't relate to issues having to do with the actual design of the structure.

Commissioner Evans asked confirmation that, if the lots were not divided and someone who purchased or the current owner, they could build a 3,000 or 4,000 square foot home without coming before the Commission.

Asst. City Attorney Visick stated that he was correct.

Commissioner Evans stated that, on looking on the Google map, all the other lots have been subdivided by the placement of homes. He asked if they have any figures for that vicinity.

Assoc. Planner Murdock stated that he didn't have an exact percentage of the number of lots developed compared to the vacant lots, but he stated that the subdivision was substantially developed and he thought there were very few vacant lots. He stated that this was a large vacant lot and he understood that it was a change from what it has been, but it would be consistent with the development pattern of the surrounding subdivision to develop it with two structures.

Commissioner Evans asked confirmation that it used to be two lots and was combined to develop it.

Assoc. Planner Murdock responded affirmatively.

Chair Campbell closed the Public Hearing.

Commissioner Baringer empathized with the applicant's dream, acknowledging that it was a beautiful property in a nice neighborhood, but he struggles with the manner in which he approached the subdivision. He understood there are some technical issues he satisfied, but in considering how the other properties are developed, he thought it was out of character for the rest of the neighborhood. He had a personal opinion on the advantages and disadvantages of building a larger house as opposed to two smaller houses. While he thought the owner should have some flexibility on how they utilize the property, he thought to subdivide it for two separate ownerships with the issues that it creates and the long term impacts made it difficult for him to support the project in its current configuration. He didn't know of any alternatives, and thought there might be, but he had a hard time supporting this project in its current configuration.

Commissioner Nibbelin stated that he was in support of the application. He didn't have a problem with the flag configuration and thought it was appropriate to the circumstances. He was in favor of developing natural affordable housing and he thought this was a good opportunity and

didn't think it was so far out of character to offset those considerations, adding that he would rather see smaller houses built. He felt supporting this was a way to have infill development that will generate more affordable housing.

Commissioner Clifford asked staff if it would be possible to not subdivide and then build one home with an in-law unit.

Planning Director Wehrmeister responded affirmatively.

Commissioner Clifford mentioned the second unit being 850 square feet.

Assoc. Planner Murdock stated that, if the unit was constructed to be accessible to persons with disabilities, they could go up to 850 square feet, but typically it would be 750 square foot limit for a second dwelling.

Commissioner Clifford stated that it could potentially be two units on the property regardless of how this goes.

Assoc. Planner Murdock agreed, but clarified that there was a restriction in the City's standards prohibiting a separate deed for a second dwelling unit, in which case the property owner could not sell it to reap the financial benefit that he has indicated is important to his situation. He stated that, in terms of dwelling unit comparison, they could construct another dwelling unit on the site without subdividing.

Chair Campbell asked, if that scenario played itself out, how it would impact the size of the main structure.

Assoc. Planner Murdock thought it would likely not impact it as it was a sizeable lot. It was reasonable that they could situate a second dwelling unit without a drastic change to the footprint indicated in the subdivision map, but the analysis would have to be performed.

Chair Campbell assumed that they could still have the 4,100 square foot home and the in-law unit on that size lot.

Assoc. Planner Murdock stated that he could not speak to that.

Commissioner Evans stated that he was in favor of it for a different reason. He stated that they have had many large homes come before them, and anywhere they can get close to have an affordable house, he would jump at that. He thought the two small homes were affordable rather than a 4,100 square foot home. He also saw the divisions of the other lots, and knowing that Pacifica's standard was 5,000 square foot for a lot, this was well over two lots in size. He understood the neighborhood, and he feels for that, seeing there are only a couple of lots left on the street, but he looks at the fact that they should not keep people who own property from the right to do something with it. He would be in favor of it, while understanding the plight of the neighbors.

Commissioner Gordon liked the discussion and wanted to correct statements made. He referred to affordable housing and how this meets that need. He stated that nothing restricts the applicant from going up to 2,800 square feet before any discretionary review comes in. He stated that, if

the subdivision was approved, he understood that the applicant has suggested building a 1,500 square foot house, but he didn't think it was accurate to discuss the project in terms of affordable housing since, if approved, there was nothing to keep the applicant from building two 2,800 square foot homes, adding that, for Pacifica, that wouldn't necessarily result in an affordable house. He clarified that he wasn't saying he was in favor or against the project but wanted to refine the conversation because some of the goals wouldn't necessarily be fulfilled if they vote in favor of the project.

Chair Campbell echoed what Commissioner Gordon said, as he thought it may or may not result in affordable housing. He wasn't willing to sacrifice community character, hillside preservation and other important goals of the General Plan of Pacifica on the altar of affordable housing. He thought that took them down a slippery slope. He thought there were adjoining cities they don't want to look like in the future that have done that with an anything goes approach. He felt it was a close call because he thought community character deals with expectations and very few in that area expect this type of lot split.

Commissioner Nibbelin clarified that they weren't talking about affordable housing for people at very low or moderate income. He was using that term in speaking relatively to a 4,100 square foot homes and homes half that size are more affordable than one that was massive. He wanted to be clear that he wasn't using that term in a technical sense. He didn't think the proposal was so far afield of the community standard and was sacrificing some of the interest rightly raised.

Commissioner Cooper wanted the Commission to understand where he stands on the project. He stated that, looking at it and the other homes around there, he genuinely thinks that the parcel could end up blowing up to a 4,000 or 5,000 square foot house plus a huge garage and Airbnb on top. He heard comments that they don't want any obstructed views, don't want any building, don't want anything on the property, and he didn't think it was fair to the person who owns the lot as they should have a right to build on the lot and enjoy Pacifica as much as he does. He thought the community in general could use houses that are more affordable than a 4,000 or 5,000 square foot house that was out of the realm of people working in public service environment. He hears the residents not wanting anything built, but he would think it would be a negative thing if there was a huge home. He liked what he was seeing but he questioned whether he was confident that he would build below 2,700 square feet. While they can't put it in the proposal, he thought he would be for this proposal.

Commissioner Clifford stated that he was clear that what they were voting on was a subdivision and not any form of housing, and he thought that needed to be stated. If they were talking about housing, it was clear to him that subdividing keeps both of those lots from having any large home on them, but added that the housing was not what they were deciding. They were only deciding whether to approve the subdivision of the lot.

Chair Campbell thought some of them would have more comfort if they had more certainty as to what the houses look like, with the setbacks, etc., and it would be easier to make the decision if the subdivision map came with the actual plans. He asked if that was something seen in other areas.

Asst. City Attorney Visick stated that the way the zoning was written for this area, there was no discretionary review required to build a home. The subdivision map was not an opportunity to

graft those requirements into the code, and was a legislative decision of the City that such a discretionary review won't happen when these projects get built.

Chair Campbell asked whether they could bring a separate action in addition to the subdivision map, such as a joint application for some sort of housing element that would specify size.

Asst. City Attorney Visick stated that it was always possible that the applicant could choose to include in their application for the subdivision what they would be putting forth but they were not required to do that, and in this case, they were only required to provide an illustration that development on the lots was feasible. They haven't chosen to give a design of what they were agreeing to build and the Commission can't require that through the conditions of approval.

Chair Campbell acknowledged that it was not something that was required but was discretionary with the applicant.

Asst. City Attorney Visick reiterated that it was within their discretion but it would not be something on which the Commission could condition the project.

Planning Director Wehrmeister pointed out that, if an applicant chose to do that with a subdivision, and their circumstances change, there was no requirement for a subsequent owner to build what the applicant showed the Commission, and staff would have no ability to require them to come back to the Planning Commission.

Chair Campbell thanked her for that important clarification.

Commissioner Nibbelin moved that the Planning Commission 1) find that the project is exempt from the California Environmental Quality Act; 2) approve Vesting Tentative Map SUB-232-16 by adopting the attached resolution, including conditions of approval in Exhibit A with modification of condition 3 allowing vesting rights for one year; and 3) incorporate all maps and testimony into the record by reference; Commissioner Clifford seconded the motion.

Chair Campbell stated that this was a close call for him. He thought one thing that was important for him to understand was that it looks like you could have two structures anyway, an in-law unit or you could have a very large home. He thought it was a "be careful what you ask for."

The motion carried **6-1**.

Ayes: Commissioners Evans, Gordon, Nibbelin, Cooper,
Clifford and Chair Campbell
Noes: Commissioner Baringer

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.

CONSIDERATION:

3. **Library Advisory Committee Appointment.**

Planning Director Wehrmeister presented staff report.

Chair Campbell explained that former Commissioner Vaterlaus was on the committee, and he appreciated her volunteering for that at the time.

Commissioner Clifford volunteered for that position, adding that he was a strong advocate of the library and was a senior and the impact on seniors was high, and he has also built in the area proposed for the building of the library and knows some of the conditions that need to be met.

Commissioner Nibbelin nominated Commissioner Campbell who, at the last time, had expressed a strong interest in this position, assuming he wants to serve.

Commissioner Cooper asked if Commissioner Campbell was interested.

Chair Campbell thanked them, adding that he was interested at that time. He stated that he has to acknowledge the fact that Commissioner Clifford probably brings more to the table than he does in that area and he will reluctantly step out, but appreciates the nomination.

Commissioner Cooper moved that they appoint Commissioner Clifford to the Library Advisory Committee; Commissioner Evans seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Baringer, Evans, Gordon, Nibbelin,
Cooper, Clifford and Campbell
Noes: None

4. **Reorganization of the Planning Commission.**

Planning Director Wehrmeister presented staff report.

Chair Campbell stated that normally, the Vice Chair would be nominated as the Chair and they would move on to next in line for the Vice Chair. So, he would nominate Commissioner Gordon.

Commissioner Evans moved that they appoint Commissioner Gordon as Chair; Commissioner Cooper seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Baringer, Evans, Gordon, Nibbelin,
Cooper, Clifford and Chair Campbell
Noes: None

Commissioner Clifford moved that they appoint Commissioner Nibbelin as Vice Chair; Commissioner Gordon seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Baringer, Evans, Gordon, Nibbelin,
Cooper, Clifford and Chair Campbell
Noes: None

Chair Campbell thought it was a close call between two very good candidates. He then thanked Commissioner Vaterlaus for her service over the last year.

COMMISSION COMMUNICATIONS:

Commissioner Gordon also thanked Sue Vaterlaus for her service on the Commission, stating that it was wonderful to have her as a colleague and he was saddened to see her go. He then welcomed new blood, Commissioner Baringer, adding that Commissioner Clifford does not qualify as new blood but it was great to see him back. He thanked them for nominating him for chair.

Commissioner Evans agreed, thanking Sue Vaterlaus for the year of service, and he will miss her on the Commission, stating that she added a lot to the Commission. He welcomed Commissioner Clifford and the newcomer.

Commissioner Nibbelin also thanked Sue for her service and welcomed the new commissioners. He stated that they had sharp dialogues and he felt it was owing to the brain power to the people.

Commissioner Clifford thanked Sue for her many years of service on the Commission. He felt she worked hard for everyone and that should be acknowledged. He then asked staff to consider re-writing the bylaws. Now, the way the bylaws are set, the reorganization was supposed to take place at the last meeting in December, and he had a chance to look at the bylaws and, since they are now clearly doing the reorganization after the yearly appointments, it would behoove them to have their bylaws match what they were actually doing.

Commissioner Gordon stated that he also thanked Chair Campbell for his excellent chairmanship during the past year.

Chair Campbell thanked his fellow Commissioners, stating that the last vote they had on the lot split exemplifies the give and take and the educated approach by which they take things. He thought minds change as a result of deliberation and clarification. He thanked staff for supporting the Commission for the last year with great staff reports.

Commissioner Cooper thanked Sue also. He felt she was educational and brought a lot of experience to the Commission. He clarified for the audience that they don't appoint themselves to the Planning Commission, adding that it was up to the City Council to appoint people.

Chair Campbell stated that, about five years ago, they had a joint meeting with the North Coast County Water District which he thought was informative and necessary. He stated that, as they head into drought and subdivisions coming, he thought it would be great to have another meeting.

He thought it was well attended and worth doing. He didn't know if there was a way to set that up. He encouraged it.

Planning Director Wehrmeister asked clarification that it was City Council and North Coast or Planning Commission and North Coast.

Chair Campbell stated that it was City Council, Planning Commission, and North Coast County Water District.

Planning Director Wehrmeister concluded it was City Council, Planning Commission, and North Coast County Water District, the bodies that have land use authority.

Chair Campbell agreed.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that Kathryn Farbstein retired the previous week and they wish her the best. She stated assistant planner recruitment was ongoing and hopefully they will have some more bodies on soon. She referred to Commissioner Clifford's comment about the reorganization, stating that the bylaws need to be updated. She stated that when the Council reorganized all of the commissions and committees, they changed the reorganization month to April, and the bylaws do need to be updated.

ADJOURNMENT:

There being no further business for discussion, Commissioner Gordon moved to adjourn the meeting at 8:38 p.m.; Commissioner Nibbelin seconded the motion.

The motion carried **7-0**.

Ayes:	Commissioners Baringer, Evans, Gordon, Nibbelin, Cooper, Clifford and Chair Campbell
Noes:	None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister