

MINUTES

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

August 15, 2016

7:00 p.m.

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

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

SALUTE TO FLAG: Led by Commissioner Clifford

STAFF PRESENT: Planning Director Wehrmeister
Assoc. Planner Murdock
Asst. Planner Smith
Contract Planner Aggarwal
Public Works Dir. Ocampo
Acting Sr. Civil Engr. Donguines
Deputy Fire Chief Johnson
Assistant City Attorney Siegel

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

The motion carried **7-0**.

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

APPROVAL OF MINUTES: AUGUST 1, 2016 Commissioner Clifford moved approval of minutes of August 1, 2016; Commissioner Evans seconded the motion.

The motion carried **5-0-2**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF SEPTEMBER14, 2016:

Planning Director Wehrmeister stated no liaison was needed.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1. UP-77-16** **USE PERMIT, UP-77-16**, filed by Julie Cox, to construct two outdoor shower stalls in the rear yard behind an existing commercial suite at Pedro Point Shopping Center, 5450 Coast Highway (APN 023-072-060) in Pacifica. The proposed outdoor showers would be an accessory use to the primary retail store. Recommended CEQA status: Class 1 Categorical Exemption, CEQA Guidelines Section 15301.

Asst. Planner Smith presented the staff report.

Commissioner Cooper referred to the public access to restrooms, etc., and he asked if shower was part of the public access, paid for service or no such item included.

Asst. Planner Smith stated that the intention was that the showers would be a paid service as part of the retail function.

Commissioner Cooper concluded that they would have to request a ticket to use the showers, as it didn't fall within any public bathroom codes.

Asst. Planner Smith stated that the structure would be covered by the California Building Code but access to the showers would be administered by the retail shop.

Commissioner Cooper asked if there were any provisions required as far as health, etc., or exempt from all of those requirements.

Asst. Planner Smith stated that he could not speak to other city requirements beyond the building code and planning requirements.

Commissioner Baringer stated that he was curious as to why they were doing this. He visited it and thought it was a nasty looking alley. He stated he would ask the applicant if they were planning on improving the entire alley, mentioning trash, port-a-potties., etc. He wondered if they were planning on people coming from the front of the store and was curious about the thinking. He added that, if you have a shower, there were no provisions for changing rooms and he didn't see how that works and suggested that they explain it. He also questioned public versus private and asked if you have to give public access. He thought it could get interesting. He stated that, if they were open late at night, how are they providing lighting and, if the entrance is off the alley, how they make it a safe place to walk, because of the big open field behind it. He asked if we get involved in water usage or something they are allowed to do.

Asst. Planner Smith stated that the applicant may speak to some points in detail.

Commissioner Baringer asked if the landlord was responsible or the shop owner.

Asst. Planner Smith stated that it would be the shop owner.

Commissioner Baringer thought the landlord needs to get involved as they are affecting parking use by adding square footage and he needs to be involved. He assumed the landlord would sign the conditional use since he is the owner of the center and it will be recorded and run with the land and he assumed the property owner will have to approve all this. He referred to the parking, and asked how he counted the 139 spaces, adding that half the lot was not even striped and he questioned how they came up with 139. He thought there may be more and he thought it may not be a parking issue at all but they may want to compare things to what is happening.

Asst. Planner Smith stated that the applicant has been in communication with the landlord and they are discussing improvement of the rear area, adding that the applicant may have more detail. He stated that the individual shower stalls are designed so the customers should be able to use them as an overall facility and change within the shower stall. He stated that the expectation was that the showers would be used in conjunction with the retail use and they wouldn't expect to see the showers being used outside the retail operating hours and they would expect staff to be available to service retail and shower use.

Commissioner Baringer thought it went to how they were planning on accessing this. He stated that, if they were going to go through the alley at night, they will have to deal with that issue or people won't want to do it.

Asst. Planner Smith stated that there were standards from the county dealing with water uses but the most salient point for Pacifica is how the water is taken off the site and how city drainage is affected by the storm water. He stated that they introduced the roof to the shower stalls to make sure that any storm water does not infiltrate the drainage system. He stated that, from the parking perspective, the figures are within the staff report and they have made a best judgement of the available parking on site, as well as the number of tenants to conclude the number of parking spaces available and he agreed that there appeared to be sufficient parking.

Vice Chair Nibbelin thought he has answered this, but he referred to concerns as to whether the landlord had some arrangement with each tenant with respect to how much is allocated to each tenant or is it first come first served.

Asst. Planner Smith stated that he wasn't able to speak to how the landlord operates that function.

Vice Chair Nibbelin thought the applicant might be able to give them information.

Commissioner Clifford stated that some of his questions were asked, and another question was the potential of sand getting into the drain system. He asked if there was a plan for sand or debris traps within the system.

Asst. Planner Smith stated that there weren't plans at this time, but it isn't necessarily required by the Chief Building Official however he intends to work with the applicant. He stated that the building official's comments were included in condition #10, mentioning that he thought there may not be sufficient depth in the drain at the rear to incorporate some form of sediment capture, but he is aware of it and will discuss with the applicant.

Commissioner Clifford thought it was preferable to trap it and clean it, than to have it plug the drain and have to dig it up. He referred to the health issue of multiple people using a shower, and asked if there was a plan in place for daily cleaning or after a specified number of hours of operation. He stated that he would not go into a shower that 30 other people had been in before he got there unless he knew it had been cleaned.

Asst. Planner Smith stated that the expectation was that the facility will be kept in good order, but the applicant may comment on that.

Commissioner Cooper referred to the sand issue as probably a non-issue. He assumed the back alley was used for or available for vehicular access, and he asked what would prevent someone from running the shower over with people inside it and not knowing it was there. He asked if there was a provision for some K-rail to prevent that from happening which he thought would be good to have.

Julie Cox, applicant, stated that her store was going to be called Traveler and will be an outdoor theme lifestyle shop, such as REI and Anthropology but smaller and cooler. She stated that her vision was to create a community hub to inspire people to use the hiking trails and beaches of Pacifica. She stated that the backyard will be an extension of the store, with a garden area and hot outdoor showers. She stated that helping to improve the aesthetics of the Pedro Point Shopping Center and parking lot is part of her mission. She stated that she was a member of the Pedro Point Surf Club with experience in hospitality, retail and community building, mentioning being a director of the California Surf Museum in Oceanside, California, and board member of the Visit Oceanside Tourism Bureau and those experiences helped her realize how much she enjoys sharing with others what is special about a place.

Commissioner Clifford asked her how she envisions the shower situation operating. He thought the access appeared to be from the rear, but asked if it would be through the shop.

Ms. Cox stated that she will see how it goes. It will be from the rear now for security issues, mentioning the process of paying for membership and getting a code.

Commissioner Clifford concluded she envisioned access from the rear with an entry code card they would use.

Ms. Cox stated that it would not be a card as she didn't want them to have anything while surfing.

Commissioner Clifford assumed they would have an entry code.

Ms. Cox stated that it wasn't for sure, but she would probably have a staff member to maintain the backyard, referencing maintenance of the showers, cleaning, sweeping, etc. She stated that she was working out the details now, as staffing is a cost.

Commissioner Clifford asked if she has considered any general security cameras to protect the clients.

Ms. Cox confirmed that she was, mentioning researching all the different options to keep them safe.

Commissioner Clifford added that there should be privacy at the same time.

Ms. Cox agreed, stating that she has the angle figured out, such as to see if anyone climbs over fences. She stated that it was going to be daylight hours when the shop and surf club are open, possibly 7:00 am to sunset.

Commissioner Cooper was concerned about security, with the patrons being in the back and being followed by someone or open and someone finding the code and it becomes a public entity shower. He asked if she was planning to store anything overnight in that area, such as wetsuits, or did she plan to bring them in at night.

Ms. Cox stated that the backyard will be showers and a garden area for enjoyment with possible outdoor furniture. She might have a surfboard, but hasn't planned for that at this time. She was aware her neighbors have boards in the backyards, but she will have most of her stuff inside. She agreed that she would be losing money if people come through the back and take showers and use the water. She acknowledged that the back entrance was an issue and needs to have it be patrons only.

Commissioner Evans referred to plumbing control handles, and he asked if she was having a timer or a hold on the water so somebody doesn't leave it run constantly.

Ms. Cox stated that presently she will have regular showers as are used at home and will be turned on and off manually. She stated that she grew up working in the California State Parks where you pay to take a shower, and she thought she likes that as a way of restricting water use. She agreed that she would like a system such as a timer that shuts it off but now it will be turning on and off manually.

Commissioner Evans agreed, for the sake of water conservation. He understood that the enclosures will be closed and he asked if the backyard will be fenced in as well.

Ms. Cox stated that it will be wooden fence around along with a chain link fence that slides open.

Commissioner Evans asked if this was where she was having a staff person for security and access.

Ms. Cox responded affirmatively, specifically at the opening of the sliding back gate.

Commissioner Evans assumed there would be a safe area to get to the back gate for the patrons to come in. He referred to comments that it was a cluttered area and could be quite unsafe if they don't step on the right spots. He asked how she plans on addressing that issue.

Ms. Cox stated that she plans to sweep the back alley and pick up the trash lying around. She stated that the landlord has a new property manager and she can call him when there is a pile of junk. She also will be pulling weeds, and she thought those small things will make things nice in that area, with people coming in and out who will not be troublemakers.

Commissioner Evans thought the neighborhood would appreciate that.

Vice Chair Nibbelin referred to the parking situation, asking if it was first come first served and if she saw any issues.

Ms. Cox stated that she understood that there needs to be more square footage for restaurants and retail had lower parking space requirements. She didn't have the numbers, but she thought there were extra spaces in the center. She stated that the people parking there now are her target clients, as she wasn't worried about parking as they are already there and she just wants them to come in and use the services.

Vice Chair Nibbelin asked if she didn't see any issues with the landlord with respect to the space she needs.

Ms. Cox stated that he was excited about the back yard.

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

Commissioner Campbell stated that, on hearing the questions and answers, it sounded like a great project. He wasn't sure what it was replacing.

Ms. Cox stated that there was a hair salon there before.

Commissioner Campbell acknowledged that it already had a customer base so he didn't see the parking as an issue. He stated he was in support of it.

Commissioner Clifford was still concerned about making sure that the showers are kept clean, adding that it sounded as though she was considering a staff person in that area, but he understood that it wasn't finalized yet because of the potential cost. He was also concerned about the sewer lines being clogged with sand because of people coming off the beach and going to the shower. He was in favor of the project and would love to see that alley cleaned. He stated that, when he went back there, the grease bins were open and odors were coming out of them, and it was not a pleasant thing. He hoped that the restaurants using those oil bins will take better care of keeping them closed. He stated he was leaning towards voting for it at this point.

Commissioner Baringer stated that he was in favor of the project, although did have some concerns about how the back alleyway works, but somebody has to take the first step to make the investment in an area. He felt that can lead to the neighbors following their example and it could end up being an interesting space. He felt they deserve an opportunity and was in favor of the project.

Vice Chair Nibbelin stated that he also was in favor of the project. He acknowledged that there are some practical issues that need to be hammered out, but he thought the applicant has a good handle on a vision and is addressing a need and staff will work with the applicant. He agreed it was a good project and should be approved.

Commissioner Evans was in favor, adding that he would like to see some safeguards put in about the water turnoff issues, safety issues, but if they have someone involved in doing a good business and improving the area, that was a plus. He was in favor, but would also like to see the sand traps. He thought they could get engineering involved, as they need something.

Chair Gordon stated that he was in favor of the project, with budding entrepreneurs thinking creatively when utilizing spaces they have. He thought, with more who use the back alley, it will result in general improvement.

Commissioner Cooper agreed with the Commission. He acknowledged that there are a lot of concerns they have but someone has to be first, and the applicant is putting the effort to make something better for Pacifica. He thought having the support of the shopping center was a plus. He stated he was ready to make a motion.

Commissioner Cooper moved that Planning Commission find the project is exempt from the California Environmental Quality Act; APPROVES Use Permit UP-77-16 by adopting the attached resolution, including conditions of approval in Attachment A; and incorporates all maps and testimony in the record by reference; Commissioner Campbell seconded the motion.

The motion carried **7-0**.

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

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

2. PSD-814-16 **SITE DEVELOPMENT PERMIT PSD-814-16**, filed by property owner and applicant, Michael O'Connell, to construct a three-story, 3,128 sq. ft. single-family residence and remove more than 20 trees on a 39,049 sq. ft. nonconforming lot at 1693 Higgins Way (APN 023-341-080) in Pacifica. Recommended CEQA status: Class 3 Categorical Exemption. CEQA Guidelines Section 15303.

Contract Planner Aggarwal presented staff report.

Assoc. Planner Murdock supplemented the staff report.

Commissioner Cooper referred to the concrete roof they were to consider.

Contract Planner Aggarwal stated that it was a metal barrel roof now and the recommendation was that the Planning Commission consider flat concrete tile roof which was pitched instead of a barrel roof.

Commissioner Cooper asked why they are recommending that.

Contract Planner Aggarwal stated that the residences in that area have special characteristics which have pitched roofs, either tile or shingle, in terms of the color.

Commissioner Cooper acknowledged that there were a lot of tall trees with eucalyptus dropping leaves, and he asked if that was taken into consideration when deciding on the type of roof or if it was strictly an architectural element.

Contract Planner Aggarwal stated that staff considered it an architectural element.

Assoc. Planner Murdock stated that the orientation of the homes on the northern area of Higgins Way were visible from Linda Mar Blvd., and are elevated and highly visible. Staff felt, in this case, it was important that the structure be consistent and integral of the architecture of the other homes on the street.

Commissioner Cooper referred to several conditions regarding what they would like modified on the tree removal. He asked if, at the end of the recommendation, the site would be clear of the trees over a period of time or were they recommending no removal of certain trees outside the 100 foot limit which will be the final landscape.

Assoc. Planner Murdock stated that staff defers to the Planning Commission on which trees are appropriate for removal. He felt it was important for staff to communicate with the revisions that any trees not approved for removal and intended to remain, and it be clear that those trees may not be removed and be incorporated into the landscaping plan with no ambiguity with respect to removing 19 or fewer trees in the future.

Commissioner Cooper asked on what assumption the recommendation to not remove certain trees was based.

Assoc. Planner Murdock referred to the logging ordinances adopted by City Council which described the important public purposes for enactment of the ordinances, but did not provide guidance as is often the case in planning type permits with particular findings for the removal. He stated that staff wanted to incorporate an objective standard for Planning Commission consideration, adding that it didn't have to be the basis provided, which was the 30-foot and 100-foot buffer areas for wild and urban interface construction. They thought it was a helpful starting point. He stated that staff recommended removal of the trees within the 30-foot buffer and has left it up to the Planning Commission for those within the 100-foot buffer but has not recommended either way, and has not recommended approval of those beyond the 100-foot buffer.

Commissioner Cooper asked, besides complying with the ordinance, if there was any thought about it looking good for the area, etc., and the recommendation complied with the ordinance.

Assoc. Planner Murdock stated that staff commented that they could see the benefits to removal of some of the trees in the northwest corner as they would expose and open a view to Linda Mar Beach, but following the methodology that staff adopted, those were outside the area where staff feels solidly comfortable recommending approval, and they have sought Commission guidance on whether to approve removal of the trees.

Commissioner Cooper stated that, on looking at the connection to the sewer, it appeared they were using an encroachment on someone else's land.

Assoc. Planner Murdock stated that was not how he would characterize it as there was an existing easement dedicated for the benefit of this property and the property adjacent to install sewer lines at the rear of the property. He stated that the home next door to this site has encroached into the sewer easement, according to the plans, and it has restricted the amount of the 10-foot easement available to the applicant to use. He asked if he is referencing the comments submitted by the neighbor.

Commissioner Cooper stated that it was just when he looks at the plans sheets and where he believes the property line is, next to the person's house, and the sanitary sewer line looks like it's on the edge of that easement. He asked if that was even constructible, depending on where the house is because of the slope.

Assoc. Planner Murdock stated that he understood his question, adding that, following a conversation with the applicant, it was his understanding that the applicant was intending to situate it as far as possible away from the home but within the existing easement. He was open to the idea of relocating it further from the structure, but that would require the adjacent property owner to grant the private sewer easement and was beyond the scope of this review.

Commissioner Cooper felt his concern was that the sewer line would be unable to be constructed because of encroaching upon the utility easement.

Assoc. Planner Murdock stated the issue of this proposal being infeasible didn't come up in any staff review. He added that they cannot completely rule it in or out without a detailed analysis but on its face it didn't appear infeasible. He stated that the applicant can probably speak in greater detail.

Commissioner Cooper asked if the applicant pays for the sewer connection.

Assoc. Planner Murdock responded affirmatively.

Commissioner Cooper stated, as the fire chief was present, he would like to hear from him during the review comment as to whether he has looked at this, adding that he didn't know where the nearest fire hydrant was to this property which was another question he had. He also asked if anyone has taken a look at the concrete ditch on the far north side of C3.0, adding that the owner was putting a lot of runoff water into the "sub drain" in the back area. He thought it would be quite a bit of water and he was concerned that the water will hit the ditch and it will overflow. He asked if any consideration had been done on that.

Assoc. Planner Murdock stated that staff has incorporated a condition of approval requiring a detailed engineering analysis of the drainage and they have considered it and will review it in greater detail during the building permit phase if the project is approved.

Commissioner Cooper asked who maintained the concrete ditch in the back, adding that it looks like an easement.

Assoc. Planner Murdock stated that he did not have any information on who maintains that.

Commissioner Clifford referred to the retaining wall proposed for the right-of-way, and he asked if someone from engineering could answer the question. He thanked Acting Senior Civil Engr. Donguines for attending as he needed answers. He asked if the retaining wall was in the public right-of-way and he knows the right of way is 50 feet.

Acting Senior Civil Engr. Donguines responded affirmatively.

Commissioner Clifford asked if the roadway was 25 feet.

Acting Senior Civil Engr. Donguines stated that staff was requesting 26 feet.

Commissioner Clifford asked if it was 26.6 feet.

Acting Senior Civil Engr. Donguines stated that it was 26 feet, face of curb to face of curb which will allow two way travel and parking.

Commissioner Clifford asked the reason for allowing a retaining wall to be built within the public right-of-way rather than having the retaining wall built on the owner's property.

Acting Senior Civil Engr. Donguines thought it was the constructability and possibly the cost as making the retaining walls further out will increase the length and height of the retaining walls. He stated that the applicant has proposed the retaining walls as shown on the map, and the City will require a maintenance agreement with the property owner that will run with the land to maintain the retaining walls.

Commissioner Clifford asked how far into the right-of-way it will be if approved.

Acting Senior Civil Engr. Donguines stated that it varies but he didn't have the exact dimensions as the plans they have only show a 22 foot width of the road, and it would have to be adjusted when the final plans come in.

Commissioner Clifford explained that he would like to see the sum of the right-of-way partially developed in terms of a staging area and a place for construction trucks, as a temporary improvement within the right-of-way but out of the traffic's way so those trucks and materials don't block a very narrow street which is almost a one-way street with people parking along one side. He didn't know if that was in their plans in terms of engineering. He thought it looked like there was space for a temporary staging area or turn around for the construction vehicles within the right-of-way and then have it put back to its original or improved state having nothing to do with turnarounds.

Acting Senior Civil Engr. Donguines stated that they have not looked at the staging area. He thought the applicant might comment if the project is approved as to what can be done.

Commissioner Clifford stated that he personally knew it was a heavily used area for hikers, bikers, etc. He felt that, during construction, they need to think in terms of keeping those people safe, and not denying them access to the trail.

Acting Senior Civil Engr. Donguines stated that, if approved, they will look into it further when the encroachment permit is applied and his concerns will be taken care of.

Commissioner Clifford asked if they were able to look at it before they approve it to have an idea of what was going to be done rather than saying okay. He stated that he was greatly concerned because so many people use that area and there was no other place to put the construction materials as it was all downhill from there.

Planning Director Wehrmeister stated that Condition #24 states that the roadways will be maintained clear of construction materials and that addresses staging. She thought the applicant

can address Commissioner Clifford's question as to where he intended to stage this in light of Condition #24.

Commissioner Clifford asked confirmation that Condition #24 was a standard condition.

Planning Director Wehrmeister agreed, adding that this was a unique situation, given the slope of the lot, and she would like to hear the applicant comment on the intended staging location.

Commissioner Campbell wanted to hear from the Fire Chief about access to fire apparatus. He saw the conditions regarding the fire apparatus, access road and the timing of installation. He thought things will need to be installed before construction starts, but he wanted comment from the Chief.

Chair Gordon thought it might make sense for the Fire Chief to come up now.

Commissioner Campbell asked how he felt about fire access in that area.

Deputy Fire Chief Johnson acknowledged that it was very tight, but they have made provisions for conditional procedures, referring to conditions of approval where they require the roadway to be in before construction as well as fire safety during construction with the lane being open at all times. They didn't have a real issue about being able to get in if they need to. He mentioned that they had an issue about turnaround but they solved that with another condition.

Commissioner Cooper referred to the slope in front of the driveway into the driveway itself. He stated that it looked like a good dip down into the area and he was curious as to how they plan to get back out of the driveway.

Deputy Fire Chief Johnson stated that they have conditioned it to be no greater than 15% and a grooved concrete driveway for traction.

Commissioner Cooper asked if it currently showed 18%.

Deputy Fire Chief Johnson responded affirmatively.

Commissioner Cooper concluded that 15% would be the restriction. He asked if he was comfortable with the turn off Higgins Way into the driveway.

Deputy Fire Chief Johnson stated that was also conditioned that the inside radius turning in must be a 26 foot inside radius.

Commissioner Cooper asked if he has access to the gate for keys.

Deputy Fire Chief Johnson stated that it is not locked that they know of, adding that a condition is if the gate is replaced it must meet their response calls and be locked with the Fire Department's locks so they can gain access.

Commissioner Cooper stated that, on looking at the other park gates, it looks like a multiple lock system within the area.

Deputy Fire Chief Johnson stated that county locks are like that. They have multiple locks and everyone puts their one lock on and takes one off to open gate. He stated that it would be similar to that or take a length of chain and attach locks together.

Commissioner Cooper asked staff who provides the gate, asking if it is a relocated gate or upgraded for horse access.

Assoc. Planner Murdock stated that staff had contemplated requiring replacement of the gate, but instead settled on requiring relocation of the existing gate. He stated that any improvement with respect to a Knox box or improved locking system would be the City's responsibility. Currently, the conditions require the applicant to relocate the existing gate.

Commissioner Cooper asked who has access to the gate, the Golden Gate National Recreation Area or someone else.

Assoc. Planner Murdock stated that staff believes it is the County of San Mateo Parks Department but they have not confirmed that at this time.

Vice Chair Nibbelin referred to the complete streets policy in the staff report and the fair shares reimbursement possibilities with respect to a development to the south and east, and he asked what their thoughts were if it were completely built out. He felt it was relevant as it pertains to things they have discussed regarding CEQA and the notion of no growth inducing impacts. He referred to one of the findings for the permit regarding traffic patterns and he thought they were focused on this project and not concerned about other future projects. He wanted thoughts on the potential growth inducing impacts and cumulative impacts.

Assoc. Planner Murdock stated he would refer to the extent of the proposed improvements and then defer to the Planning Director regarding how future vision of reimbursement arrangements might work with future development. He stated that the right-of-way ends just before the western most property line for the subject site and the applicant needs to extend the street to access his property and connect it through the full width of the driveway. He stated that staff has incorporated a condition requiring a further extension of 25 feet beyond the edge of the driveway to allow a safe backup maneuver. He stated that, beyond that, the gate currently at the trailhead would be relocated and stop the improved right-of-way at that point, clarifying that the applicant was not improving the right-of-way beyond his immediate needs and staff did not perceive that as an improvement that would have growth inducing impacts such as completing a street connection and create access to sites with no current improved access.

Commissioner Evans referred to Assoc. Planner's mention of 25-26 feet beyond the driveway, and he stated that in the plans the proposed location of the new gate was at the end of his driveway. He asked if it should be at the end of the paved street.

Assoc. Planner Murdock agreed, explaining that the plans in the agenda packet did not reflect the extent of the improvements recommended by staff in the conditions of approval but rather the applicant's conception of what he thought was necessary for the project. He stated that staff had different analysis and interpretation of those requirements.

Commissioner Evans thought so, but he wanted to get that information out. He then mentioned that eucalyptus trees are not protected by the heritage rules, and stated that the #9 tree appears to

be controversial over the property on which it is located. He concluded that the neighbor didn't appear to want to cut it down, but it was included in the ones the applicant wants to cut down. He asked if there was any determination on that.

Assoc. Planner Murdock stated that staff's information was that it was located on the property line and belongs to both property owners. He thought that the question as to whether the adjacent property owner consents to the approval was beyond the scope of the Commission's analysis. He stated that he recommended that they make the best decision on whether the tree should be removed and leave it to the property owners to present sufficient evidence that they approve of the removal. He did agree with his conclusion that eucalyptus trees were not regulated under the heritage tree ordinance, but because of the city's logging ordinance, their removal came to Commission for consideration.

Commissioner Evans asked if the only reason staff did not want to take down the other trees was the logging ordinance rule about over 19 trees.

Assoc. Planner Murdock stated that staff has attempted to identify an objective standard for consideration of which trees to remove. He stated that there are subjective bases where the Commission may find removal of the other trees was appropriate. He stated that, following the 30-foot and 100-foot defensible space buffers, staff didn't see an objective reason to remove trees outside of those areas and didn't see a strong case to remove those within the 30 to 100-foot buffer but sought Commission guidance on that.

Planning Director Wehrmeister stated that the logging ordinance does not prohibit the Planning Commission from approving removal of all the trees, but states that, when you are proposing to remove 20 or more trees associated with a development project, the Planning Commission must consider the request with the development proposal. She stated that staff's analysis was looking at the heavily vegetated nature of the area and tried to provide an objective standard. She acknowledged that the Commission may not agree with that analysis and are within their ability to authorize removal of all of the trees or less or more staff's recommended number for removal .

Commissioner Evans stated that he was not against trees, but eucalyptus trees are very fire hazard type trees, and with things that are going on, that was a fear. He stated that, even if he took all the trees down, the property east and south still has tons of trees on it. He stated that he was just concerned about what the regulations were, and he concluded that they can apparently override that. He then stated that he saw some controversy about a turnaround, and asked if they were required to have a turnaround.

Deputy Fire Chief Johnson stated that it was a condition of approval, and mentioned that there was an alternate means proposed.

Commissioner Evans stated that he saw the condition and the rebuttal by the applicant, so he was asking if the turnaround is required.

Deputy Fire Chief Johnson stated that it was required unless he does the alternate means, which was basically following Chapter 7A.

Commissioner Evans stated that they ran into this in other projects.

Commissioner Baringer referred to the Commission's ability to determine which trees are removed and which are not, and he mentioned the buffers as well as the history of eucalyptus trees being unstable. He asked, if the applicant wanted to remove that tree and the Commission decided not to allow him, and then the tree fell over and damaged his residence, whether the City would have any liability in connection with that.

Assistant City Attorney Siegel responded that they would not as there were immunities for decisions like this to protect cities against any claim of liability if a tree they did not allow to be removed actually fell.

Commissioner Baringer then referred to the hydrology for drainage, and asked if this was a solid concrete driveway or a pervious one.

Assoc. Planner Murdock stated that the applicant proposed a solid concrete driveway and it would need to be grooved concrete in order to comply with the fire code requirements.

Commissioner Baringer thought it would generate a big delta on runoff in the driveway and roof area.

Assoc. Planner Murdock acknowledged that it could, but typically pervious pavement does not function particularly well at that significant of a slope. He stated that the best practice was to install it in situations where the slope was no greater than 2% to allow the water to infiltrate rather than run off.

Commissioner Baringer concluded that they were not proposing any on site retention in connection with that.

Assoc. Planner Murdock responded that they were not, adding that the issues he was raising were related to the C.3 storm water management requirements. He explained that, under the City's Municipal Regional Permit in which they participate, single-family projects are exempt from the low impact development requirements which require essentially full retention and treatment of storm water runoff. He stated that single-family projects are required to incorporate one minor low impact development standard. He stated that the applicant has a menu from which to choose, such as installing pervious pavement where it makes sense, directing downspouts to vegetated areas, installing rain barrels. He stated that they drafted a condition to allow the applicant's discretion to choose one that was appropriate based on best management practices for their installation, mentioning if the Commission has a preference, it can provide direction.

Commissioner Baringer thought it could be a cumulative effect over time, if it spurs additional development downstream or the other side of the road. He thought, at some point, the concrete swale would be overwhelmed and the last guy gets to bear the financial burden of that unless they share it between each new project. He thought it was ignoring it and putting the burden on the next guy in, adding that he questioned whether it was equitable. He stated that he would like to see some type of minor on-site retention rather than dumping it into the concrete which was where it will go.

Assoc. Planner Murdock thought it would presumably go downhill into the drainage area.

Commissioner Baringer mentioned that there were a lot of people who park at the very end by the road because it was closest to the gate, with big SUVs, etc., and the 26-foot wide road is now 10-12 feet wide. He asked if it would be possible to restrict on street parking back 100 feet from the gate as they could still park on the street toward the west but not at the end so the fire truck could have maneuverability. He didn't think they could make that turn if there are cars parked on the other side.

Deputy Fire Chief Johnson stated that, in the immediate area of the development, there was no parking on either side of the street.

Commissioner Baringer stated that people park in there all the time.

Deputy Fire Chief Johnson stated that there will be signage that says it will be a no parking zone.

Commissioner Baringer asked if that was a no parking zone.

Deputy Fire Chief Johnson stated that, in front of his property, going back west, there was an existing condition. He stated that they can't condition his property on someone else's property.

Commissioner Baringer thought they should deal with the practical aspect of it, mentioning that now, looking at where the gate is compared to where his driveway is, he thought that was almost 100 feet from the new proposed gate.

Deputy Fire Chief Johnson agreed, adding that anything within that corridor that he is extending, up to the end of his gate, will have to be no parking if 26 feet or less.

Commissioner Baringer thought the City could do it, but he thought as a matter of common sense it would be something you would want to think about doing.

Deputy Fire Chief Johnson stated that parking in this city was difficult.

Assoc. Planner Murdock stated that he would see if the Engineering Division could comment on any proposed parking restrictions in that portion of the street.

Acting Senior Civil Engr. Donguines referred to Condition #35, stating that if any portion of the Higgins Way extension is to be an emergency vehicle turnaround, it shall be painted red and properly signed so that no one will be parking there.

Commissioner Baringer asked how they ensure that there is only one dwelling unit built on the property, adding that it was a big parcel. He asked if they can restrict it to a single dwelling unit at this point and ensure that there won't be an additional unit built at some point.

Assoc. Planner Murdock stated that the zoning and general plan designation for the site do not allow more than one dwelling unit per site. He stated that the city regulations and state law allow development of a second dwelling unit, the so-called granny flat or in-law unit, and the city does not have a strong ability to prevent development of that type of dwelling unit, but there was no provision for a second primary unit to be built on the site under existing regulations. He stated that this development is built on a portion that allows 3-9 units per acre, but the property that was not proposed for development currently would require more than five acres per unit. He stated

that there are several layers of land use regulation that would not allow an additional primary unit on this site.

Planning Director Wehrmeister added that, under the current zoning designation, in addition to the General Plan, the overlay would not allow it to be further subdivided.

Commissioner Baringer stated that he was thinking of the granny flat approach which is becoming more popular and ordinances are being changed. You then end up with a granny flat in a neighborhood where you didn't see any that were there, as it was not consistent with what the other developments have done there.

Assoc. Planner Murdock agreed that it could be the case, and the city would have a limited ability to deny an application for a second unit at that location.

Commissioner Baringer asked if it would be that way even if it was deed restricted by the use permit.

Assoc. Planner Murdock responded affirmatively.

Commissioner Cooper referred to Vice Chair Nibbelin's question on improvement of the street area in front of the property for future development. He stated that it came up before where, if the initial property owner only develops a quarter of the street, the following property owner would have to develop the three-quarters of the street in front of his property and his whole frontage of his road. He stated that typically they say a sidewalk and the drainage must be done in the entire width of his property. He asked about the parameter which only requires 25-30 feet, stating that he was curious about what that obligation should be.

Planning Director Wehrmeister stated that with a more typical size lot of 50 feet wide, there was typically nexus and proportionality to require the entire street improvement in front of a dwelling. She thought that, in this case, the entire frontage was about 270 feet. She stated that the amount of the improvements to serve this single home was not in proportion. She stated that they have a nexus to require what was needed to serve this particular use.

Commissioner Cooper questioned this property owner versus the next property owner who owns the parcel down the road. He was curious about the standard as far as the Planning Commission, as they tend to want to be fair to everyone, and he thought it may benefit this property owner more than the next property owner who would have to develop the other 200 feet plus his own property. He concluded that they have had that discussion.

Planning Director Wehrmeister added that they could argue that it may benefit this property owner because maybe guests have more street parking, but in terms of accessing the actual improvement, it was not necessary.

Commissioner Cooper asked if there was a parcel beyond this one that could be developed.

Planning Director Wehrmeister responded affirmatively, adding that it was not a similar type of lot. She stated that this was a very large lot. She asked Assoc. Planner Murdock if he recalled how big it was.

Assoc. Planner Murdock stated that he didn't know but thought it was many acres.

Planning Director Wehrmeister stated that the right-of-way stops and does not continue through the property to the east.

Commissioner Cooper stated that if he looked at trees 1 through 7, they were all on public right-of-way, and he asked if they were having the applicant remove trees on public right-of-way.

Assoc. Planner Murdock responded affirmatively.

Commissioner Cooper stated that eucalyptus trees tend to want to continue to grow after they are chopped down, and if they were asking them to removed them 5 feet below grade, chop them off, he asked what that looks like.

Assoc. Planner Murdock stated that he didn't have the particulars of the tree removal technique, and suggested that the Public Works Director could speak to the technique used for city projects.

Commissioner Cooper thought there was a different option on the roadside than there is on the hillside, as leaving the stump in place will help the erosion control, but for this aspect, he saw the trees to continue growing after they're chopped down because that was what they do. He asked where the nearest fire hydrant was, whether it was within 300 feet or beyond that or do they have to put one in.

Deputy Fire Chief Johnson stated that they have to put one in within 200 feet of the end of the road if there is not one there already. He stated that, from the point where his pavement ends, if there is not a hydrant within that 200 feet, he needs to install one.

Commissioner Clifford referred to the staff report where there was supposed to be a geotechnical report on the retaining walls only, but not one on the whole site. He also didn't see any kind of historical references to slides in that area and he knew there had been slides on the hillside in the past, although not necessarily on this site. He asked if they needed to know if this site could be prone to slides.

Assoc. Planner Murdock thought the referenced condition was in the engineering section, and he stated there was a condition #22 which he thought addressed his concern about the main structure. He stated that was in the building section and that was something that will be reviewed. He deferred to the experts who prepared the analysis to evaluate the landslide risk for the development site.

Commissioner Evans referred to condition of approval #14, and asked that they explain it to him.

Assoc. Planner Murdock states that it addresses the subject he discussed with Commissioner Baringer about storm water runoff and selecting one minor measure for storm water control. He stated that items A through I mentioned pervious paving, downspouts directed to vegetated areas, rain barrels and the applicant can select which he will incorporate into the project to address storm water runoff.

Commissioner Cooper asked if he already did that on page 3.0, rain barrel for storm water reuse.

Assoc. Planner Murdock agreed, adding that the applicant may choose to continue on with that particular feature.

Commissioner Cooper understood that he just had to select one of those features. He referred to a provision for use of cedar shingles. He stated that he was curious because he was on a slope and, if there was a fire, he questioned requiring a flammable wood cedar siding.

Deputy Fire Chief Johnson stated that it was taken care of in the adjustment for the turnaround under Chapter 7A, that it would not be allowed.

Commissioner Cooper concluded that he was saying condition #5 would not be allowed.

Assoc. Planner Murdock clarified that the selection for that material was made on an architectural findings basis. He stated that further in the conditions of approval, related to what Deputy Fire Chief Johnson mentions, in lieu of installing a fire apparatus turnaround, the applicant has opted to incorporate the improved building techniques of Chapter 7A of the California Building Code which are non-flammable exterior materials in addition to reduced openings and other technical aspects. He stated that staff has tried to reconcile those two from an architectural standpoint and a fire performance standpoint, and stated that, if the applicant builds to those wild land urban interface standards in Chapter 7A, they will incorporate a wood-like exterior material that has that appearance to the Planning Director's satisfaction.

Mike O'Connell, applicant, stated that the project has been a rollercoaster for everyone. He got out of sequence and thanked staff for getting them to the public hearing after that came to light. He stated that he was listening to their comments and he thought it would be better if he addressed each one as he could probably address them better than staff. Regarding the sewer, he stated that he discussed this with the sewer department and it didn't need to be very deep. As it was in a landscaped area, it didn't need to be 4 feet deep as in a typical street sewer and that helps to reduce the potential for undermining a foundation. He would be happy to move it into a private sewer easement, but it would require an adjoining property owner to grant him an easement. He added that they have to confirm that he doesn't get so far down the hill with the sewer that he can't connect into the existing sewer main. He explained a possible alternative if necessary to not have an open trench across the property. Regarding the ditch, he stated that it needs to be cleaned out as it was overgrown with poison oak. He stated that the concrete was in good condition. He stated that he reviewed that with the project geotechnical engineer who also had concerns. He stated that it terminates near the eastern edge of his property, but the adjoining property would have the right to connect, but it would be their responsibility if it needs to be improved. Regarding storm water, he stated that they were proposing a drywell before they get to the ditch to slow down the flow and let the water infiltrate. He mentioned that it was house approved in 2006 and the report referenced how well this property performed in the 1982-83 El Nino. Regarding the construction staging, he acknowledged that it was a sensitive topic. He envisioned starting the construction from the bottom up, and they need to build a retaining wall north of the house that they will need to build first, then the house foundation, followed by the wall behind the house on the downhill side of the driveway and the wall on the uphill side of the driveway. He stated that most of the work will happen down in the property without a huge need for staging on the street, adding that the concrete truck will need to be on the street temporarily as the concrete will need to get pumped to the lower elevations. He stated that, once the road is in, there was plenty of room in the driveway for the tradespeople to park. Regarding the gate, he stated it was shown incorrectly and there were discussions which are reflected in the conditions

but not in the current drawing. He stated that the gate would be moved to the end of the pavement, and it would hug the sidewalk side with 8 or 10 feet between the end of the gatepost and the curb on the uphill side for horses and bikes to move through and a sidewalk for pedestrians. He stated that all conditions were acceptable except the one about the trees, explaining that he would like the flexibility to be able to remove all of the trees. He thought the ordinance was more than 20 or less than 20, but they have an in between situation. He understood this was the first time it has come up, mentioning that the ordinance was created when Alma Heights took out eucalyptus trees with a panic about logging, and it was finalized a year later. He mentioned that a paper company was taking out the trees. He felt the trees were a fire hazard. He mentioned that there are a lot of ecological groups that want to remove these trees, as they are invasive and fire intensive plant. He stated that they can treat stumps so it prevents future growth. He also was concerned about specific trees that can fall and destroy property, mentioning that tree companies recommend taking all of them out if not protected under the heritage tree ordinance. He mentioned staff's suggestion of the trees being a buffer on the east side, explaining that the other property had hundreds of trees on it if they chose to have a buffer. He felt removing the trees would restore the natural hillsides such as in other areas in Pacifica. He also thought removing trees on the east side would let more sun in. He stated that the staff report suggested a gable or hip roof with composite shingles to match the other properties. He thought the difference between this property and the others was that the roof was lower than the street elevation and you will see a lot of the roof, and he liked the barrel roof because it was different. He also felt that, because of the height, the building is limited to low slope roof options instead of designing a really steep pitch and burying the third level in the roof. He felt gable didn't go with it because it was a modern house. He thought the other option would be a flat roof, but that was tar and gravel and was ugly as well as harder to maintain.

Commissioner Campbell saw the value of removing the eucalyptus trees which are invasive and a fire hazard. He liked his idea for replacing them with natural vegetation. He asked if there was a way to memorialize that.

Mr. O'Connell thought there was by just deleting the condition. He stated that tree #9 can stay as he understood it was a common property line and he didn't have a problem leaving it if the neighbor felt strongly about it. He didn't think that would impact the view. He stated that if it falls on the neighbor below, they can share the cost.

Commissioner Campbell stated that his only concern with removing all the trees was that they were under the single-family home exemption under CEQA in addition to removal of 100 trees. He worried about the precedence aspect. He was curious about counsel's take on that.

Asst. City Attorney Siegel stated that the single family home exemption was not just for the construction of the home, but for the improvements or changes that come with it. He didn't see that this would necessarily create any precedence as far as the use of that exemption. He stated that each situation would be different and he thought they would have the authority to rely on the exemption should you wish to without making them rely on it if another project came up and the environmental analysis would show that the exemption wouldn't be appropriate for that application.

Commissioner Campbell stated that his concern was not wanting someone to come in and extend a home into an area with a lot of vegetation and then use the single family home exemption and take out 100 trees for a fire break.

City Attorney Siegel thought that situation would be incumbent on staff and other concerned individuals to bring to the Commission the environmental issues and the evidence that would support that if an exemption was not justified.

Commissioner Evans stated he wasn't against that roof. He stated that he saw a house on Hillcrest in Millbrae.

Mr. O'Connell stated that Commissioner Evans wasn't the first one to mention that particular house.

Commissioner Evans thought it was very modern looking but it was also very green, and he thought that gives the impression of that and he wasn't against the roof. He then mentioned the setback of the garage.

Mr. O'Connell stated that it was changing to 10 feet. He stated that it was an oversight on his part, stating that they had done some iteration on the site plan and things moved around without his realizing that.

Commissioner Evans stated that his question was whether it was acceptable to move it back to the 10 foot mark.

Mr. O'Connell responded affirmatively.

Chair Gordon stated that he didn't have an issue with the roof or the trees. He was glad he was sensitive to preserving access for all the trail users. He referred to mention that they would be able to use the driveway and that there would be a certain period of time when the cement truck would be on the street, and he asked if that would inhibit access.

Mr. O'Connell stated that it wouldn't be inhibiting access because legally a vehicle can only be eight feet wide. He stated that if it pulls up next to the edge of the unimproved road, he thought there was adequate room. He stated that they would move the gate first and provide a place for the truck to pull up at the edge of the improvements, adding that he didn't want it in front of the neighbor's house. He didn't think it was an issue, but mentioned that the Deputy Fire Chief could chime in. He stated that, when there are combustible materials and the house is framed and he wants to pour the concrete for the driveway, probably one of the last things you do, and he thought it would then be critical to coordinate with the Fire Department. He mentioned that on rare occasions they need to close a street temporarily to get a crane in to lift heavy items, such as steel beams, but if they are coordinated with the Fire Department, it can be mitigated.

Chair Gordon thought it was good to know that he was committed to doing everything he can, given safety limitations.

Commissioner Clifford asked, if not all of the trees are cut down, whether he would be willing to take responsibility for keeping, 5, 6, and 7 properly trimmed and maintained so as to not pose a risk to him and asked staff if that was something the applicant could do in terms of maintaining trees in the public right-of-way.

Mr. O'Connell stated that he would like to remove those trees, especially #7, but asked if he could keep 5 and 6 but remove 7.

Commissioner Clifford asked, if he was not allowed to take them down, whether he would be willing to assume responsibility.

Mr. O'Connell stated that he was not inclined to.

Commissioner Campbell asked if he would be okay with a condition where it was a one-to-one replacement of bay trees or oak trees.

Mr. O'Connell stated that he thought about that as he likes oak trees. He thought he would be open to that, but he would want to know about the size they would expect on the replacement.

Commissioner Campbell stated that he wouldn't be able to provide that.

Mr. O'Connell asked if they were talking about a 60 inch box tree.

Commissioner Campbell thought it would require an arborist. He stated that he brought it up because he saw where Berkeley was taking down the trees and getting grants to do it, but on the basis of approval. He thought a bay or oak tree on a one-to-one replacement ratio at 90% success rate after five years would be an adequate mitigation and resolves his concerns about creating a loophole. He understood the Assistant City Attorney's remarks about not creating precedence but he was still worried about creating precedence.

Mr. O'Connell stated that he didn't recall how many oak trees he proposed initially, 7-15, but there are some on the plans now and he would be happy to do that.

Commissioner Campbell stated that it would get his comfort level as far as CEQA concerns.

Assoc. Planner Murdock stated that while staff generally encourages the Commission to be specific when crafting its conditions, he would have a little reluctance in this case by specifying a one-to-one replacement with 37 oak trees on the parcel without an expert opinion of what was viable and appropriate. He stated that, if the Commission was willing to entertain it, he suggests seeking an arborist's opinion of the number of trees appropriate for the site with the goal of trying to achieve up to a one-to-one replacement ratio.

Commissioner Campbell was agreeable to that as he knew canopy would be an issue, and thought it could be a mix of oak and bay but with a 90% success rate which would be a good thing.

Chair Gordon asked how the applicant felt about that.

Mr. O'Connell stated that it sounded pretty good.

Commissioner Cooper referred to the concrete drainage ditch, and asked where that ended up.

Mr. O'Connell stated that it goes into a funky old large catch basin with a wooden grate and then he thought there was a large storm drain which goes down between two properties on Palou into an easement.

Commissioner Cooper asked if it was the one when you look up at Higgins and go further down the road where a wash ends up at the end.

Mr. O'Connell stated that was much further down than his property, and was on the adjacent 8 acre parcel.

Commissioner Cooper referred to the improvements to the front of his property, and he looked at the idea of the adjacent property owner wanting to develop that parcel and he felt it was unfair that one applicant only has to improve the first portion of his property and the other owner takes up the whole right-of-way which was the full length of the frontage of Mr. O'Connell's property. He noticed that he was planting trees along the entire length. He asked how difficult it would be for him to put a sidewalk that really was the frontage or curb to contain that and potentially, if it was developed beyond his property, it could be done. He was concerned with future development. He stated that, while he didn't want to promote it, he didn't want to be onerous to the following property owner.

Mr. O'Connell concluded that his concern was that the proposed trees may create a burden for the person who develops the road in the future, and he thought Engineering has not signed off on the location of those trees because they are in the right-of-way and he was happy to move them. He thought they would actually be better served on the downslope.

Commissioner Cooper stated that it was the opposite. He stated that where he placed the trees looked like it would be on the edge of a sidewalk and he asked how burdensome it would be to put a sidewalk that extends to the length of where the trees end up.

Mr. O'Connell thought it would be burdensome and creates more retaining walls. He stated that it wasn't like building a sidewalk on Linda Mar Boulevard where it was flat as a pancake. He stated that he didn't know the lineal footage and it was hard for him and he wasn't inclined to do it.

Chair Gordon opened the public hearing.

Kirk Rosales, Pacifica, stated that he was representing the Montessorri School in Linda Mar at 1666 Higgins Way. He stated that they are concerned with the traffic and especially the staging area, as well as the vehicles on the street during the operation. He stated that they run a preschool and have about 70 families who use that street on Higgins on a daily basis during the week. He stated that they have small children who walk to school with their parents and they are concerned about the staging area and emergency access at the end of the street during this construction. He stated that he also had a concern of disruption during school hours from large trucks and large machinery. He stated that they have nap time from 12:30 PM to 2:30 PM which was another concern.

Karen Clark, Pacifica, stated that she lives at 1677 Higgins Way, four houses down from the proposed project. She stated that her concerns are the significant increase in hikers, horses, etc., as well as cars on a street with parking on one side only and the heavy traffic of trucks coming up each day. She mentioned that Pacifica received a grant to designate their street as part of a bike trail and were paved nicely. She felt there would be significant wear and tear on the road with the construction being considered. She stated that the only turnaround was provided by the

Montessori School and there was no place for construction vehicles to park and no place for emergency vehicles. She stated that they live in a severe fire zone with eucalyptus forest all around and across the street. She asked what kind of stipulations will be put in place so that it is a safe situation for all involved. She stated that the school was an integral part of their community, and she was concerned about the impact of traffic on the families as they travel to and from school. She felt the additional traffic needed to build the house would directly affect all homes and the school. She asked that the Planning Commission require a suitable turnaround and parking area be built before the house is started so that it does not impact the neighbors and the school, and she asked that, if the street is damaged by the construction, there are stipulations for the road to be repaved. She would also like reassurance that all safety precautions in removing that many trees will be taken, given that they are in a drought and in a fire zone. She stated that the fire hydrant was one house up from hers, so three houses down from the gate at this time.

Frank Gonzalez, Pacifica, stated that he is the west side neighbor, directly adjacent to the property. He stated that he moved about a year ago from Atlanta, Georgia, and has observed the peculiar aspects of Higgins Way, which was a multi-use complex environment, with at least four different types of people using the street for different purposes. He stated that it was a narrow street, 22 feet, which means if you park an SUV, you only have about 12 feet to negotiate. He stated that his driveway was a de facto turning point. He stated that he tries to steer people away and convince them to back out and use the Montessori turnaround, which sometimes works and sometimes doesn't. He stated that they have a problem with emergency vehicles, delivery vehicles, etc., and not all back up to Montessori. He felt the street cannot support the additional load created by this proposal in terms of additional traffic, etc. He mentioned some of the inconveniences because of the bikers, etc., with their cars as well as foot traffic and even emergency vehicles with a medical emergency, adding that they get about four biker injuries per year with four emergency vehicles potentially blocking the road. He stated that they have discussed what happens if they need a fire engine or large rescue vehicle. He mentioned that the Montessori traffic was heavy four times a day. He stated that the current plan fails to consider a turnaround for safety vehicles and delivery trucks and the additional traffic of the new property. He suggested that a new transformer needs to be added and street lights. He went into detail about the added vehicles for construction and the new residents that will be creating additional traffic problems. He stated that he wanted to keep #9 tree and limit the distance of any trench digging to at least 10 feet from his foundation. He stated that there was about 25 feet between his foundation and a large eucalyptus and they could probably run the sewer line down there, about 12 feet from his foundation. He stated his concerns were lack of a turnaround, potential extra loading caused by the two driveways being so close and giving full access to emergency vehicles and large delivery trucks.

Chair Gordon closed the Public Hearing.

Mr. O'Connell stated that the biggest thing was the turnaround. He stated that they can go down the legal actions but essentially what it comes down to was that it has to be proportional to the impact of the development. He stated that the traffic was created by the school and recreational use, not by a new single family home. He stated that there were ways to improve the parking, but it was outside the scope of this public hearing. He did mention that some options were to raise funds for a turnaround that benefits everyone on the street or permit parking which would be less infrastructure. He stated that the parking could be restricted to residents, and the people using the trail were going to have to park somewhere else where it was not as impacted. He didn't know if that was a perfect solution, but maybe moving the problem elsewhere where it can be

tolerated. He stated that the staging and construction noise was just a temporary nuisance. He was aware that there were limitations on weekend work hours, but unfortunately that does not fall within the nap time at the school. He didn't know how noisy it will be from the school to the site. He thought some things will be louder, such as cutting down a tree. He stated that he was willing to work with them. It was a 6-9 month duration, but some of it will happen during the summer and he didn't know if there was summer school. He stated that they were open to working with the neighbors on the noise issue, including giving them a heads up when really noisy things are going to happen. He thought the suggestion of shifting the sewer line away from the foundation was a good idea. He was happy to do that, but he would need an easement from Mr. Gonzalez for the sewer line. If that happens and there is adequate fall from his property to the existing sewer, that was not an issue.

Commissioner Cooper stated that the easement was not really for him but for the utility, and he thought the plans show that it was a utility easement. He stated that whether his neighbor gives him an easement, the utility wants to be able to service the easement and he felt it was a bigger issue than just moving it away from the foundation.

Mr. O'Connell stated that he didn't understand it.

Commissioner Cooper reiterated that the easement was a utility easement to provide access to their particular pipe. He asked if he was correct that it was for the utility to provide access to their particular pipe, but not necessarily his easement.

Mr. O'Connell stated that now it was a public utility easement and the City has the right to install a public sewer main in that area, but if he is granted a private sewer easement, he was no longer extending the public sewer main but building his own private sewer main and he would need access to it which would be through a cleanout at the property line. He stated that the sewer access was easy, and if you need to replace the line, it might not be economical to dig it up, but they might replace it with the trenchless technology. He stated that they can write an easement agreement that describes the boundaries for the access and when it can happen, etc.

Commissioner Cooper stated that his concern was not just for him, but was that it was a utility easement and it was encroached upon, and he wants to make sure that it was available for the public.

Mr. O'Connell agreed. He thought Public Works can comment about, as he didn't think there was a need for a public utility, adding that the easement doesn't extend across his property. He stated that it was built for the sewer and they stopped the sewer short and didn't extend to his property in the 1960s.

Commissioner Cooper thought he will work that out. He then referred to the noise issues. He felt the concern of Montessori was a genuine concern. He stated that, as a parent of kids who are grown, if his kids did not sleep for six months, they would hear about it. He thought they could work with him on deliveries during that period of time, limit construction activities and limit parking. He thought they could have the workers park down the street and being a friendly neighbor would go a long way. He was also concerned about backing up, with the kids in the area. He stated that, when they dropped off kids, they sometimes double parked to get the kids into school. He stated that, if he has a construction vehicle coming up and he was delivering steel tubing that's very long, how is he going to back up in time to let the parent out. He stated that he

could work with the school and the construction activities to make that occur. He stated that working with the school on limiting loud activities like chopping down trees and construction activities from 12:30 PM to 2:30 PM would be helpful. He added that he wasn't saying he had to do that, but it was just a suggestion.

Mr. O'Connell stated that it was a hard thing to do. It can end up costing more money and the project taking 25% longer.

Commissioner Cooper also thought that phasing portions of the work was important. He thought the roadway should be extended longer than what it currently is, and any extension of that roadway should be done first to allow people to get off that street. He feels for the neighbor whose driveway is all cracked because people chose to turn around in his driveway with heavy vehicles. He thought that was unfair, and he also felt they should not use the Montessori turnaround as it was not a public turnaround. He agreed that it was not his issue but a public issue as well. He added that there was an extension of a roadway that needs to be built, and the distance was still a question in his head.

Chair Gordon did feel for Mr. Gonzalez but his problem, to some extent, is going to become Mr. O'Connell's problem.

Mr. O'Connell agreed.

Chair Gordon thought it would shift. He stated that he frequented the area a lot and he asked if the plan showed enough of a width to turn vehicles around.

Mr. O'Connell responded affirmatively.

Chair Gordon asked if it was without doing the backup.

Mr. O'Connell asked if he meant without a three-point turn, and stated that it would require a full cul-de-sac. He stated that what will happen will be that people will use his driveway. He stated that it was okay because his driveway's alignment was more conducive for that and he understood why it would drive everyone else on that street crazy because someone was pulling into your front yard, but you won't notice on his driveway because the house was lower or further away.

Chair Gordon stated that, on any given Saturday or Sunday, Higgins toward the gate was a free for all.

Mr. O'Connell added that the signage for the fire lane will enable them to have more space to do a three-point turn in that area rather than a five-point turn in the middle of the block.

Chair Gordon stated that it was in his interest to make the area in front of the gate as wide as possible to facilitate people turning around as people don't know it's a dead end and they have to turn around, and they will use your driveway.

Mr. O'Connell stated that it was okay, adding that most of the driveway was in the public right-of-way and it didn't create the same issue as Mr. Gonzalez' driveway did.

Commissioner Baringer stated that on the survey, he noted the utility easement ends at his western property line, and he asked if there was a condition to extend that easement across the north end of his property to the eastern property line.

Mr. O'Connell stated that there was no such condition.

Commissioner Baringer thought it would be a good idea to do it.

Assoc. Planner Murdock stated that it was not clear what the nexus would be to provide an easement for the adjacent property owner as a result of this project.

Commissioner Baringer thought it would provide for future development, adding that, if someone wants to develop land east of him, they will have to come to him and get a private easement. He thought now would be a good time to put it in a location that was not going to interfere with what he was doing and provide for a future developer. He stated that you could have the utility company condemn it but he thought it would be better to do it now.

Assoc. Planner Murdock stated that he didn't disagree that good planning principles would probably call for that, which would typically be accommodated in a subdivision which identifies all necessary easements. He stated that this wasn't a subdivision application so they didn't consider it and he wasn't sure they were prepared to make a recommendation for that at this point.

Mr. O'Connell stated that that property may have easements between the houses on Palou, and they would have to look at that. He stated that there was also the public right-of-way on Higgins and that was where they would need to get their utilities.

Commissioner Baringer didn't think it would be sewer.

Mr. O'Connell stated that the main could be extended.

Commissioner Baringer thought that, unless they had an easement along his western property line, someone could run it in Higgins.

Mr. O'Connell stated that the sewer main in that easement was pretty shallow and the likelihood of them running a sewer line with adequate slope across his property would be 12-15 feet down and the sewer line is 4 feet deep.

Commissioner Baringer stated that he was concerned that they were doing this ad hoc. He referred to the turnaround issue, and stated that, if this were someone doing a subdivision, they would have a cul-de-sac built and figure out who was going to pay for it. He felt they were just "kicking the can down the road." He felt now was an opportunity to deal with it. He thought his suggestion of an assessment district made sense, and share the pain in terms of solving the problem as people will continue to bike, hike, etc. He felt it should not be that owner's responsibility to bear the burden of the solution to that problem. He questioned how the solution gets paid for, but he thought they all agree that it needs to happen. He didn't know if this meeting was the time to have that conversation but he felt it was an important piece of approving the project.

Mr. O'Connell stated that the assessment district requires a two-thirds vote of all the properties it would affect, and he thought that was a challenging thing to discuss with just three neighbors present. He stated that he was not opposed to the easement question, but it makes him nervous to grant a blanket easement for a development when they don't know what it is and how big the easement needs to be, with all the engineering involved. He stated that he works in this industry as a civil engineer and he understood the constraints and he would only say figure out something that was fair. He thought it was a hard thing to do now.

Commissioner Baringer stated that normally it was not a discussion as the easement is granted in connection with the approval, a quid pro quo, and done all the time which was why he was surprised that there wasn't even a discussion. He was just asking the question of why the easement stopped at his western property line and felt that, since he is developing the property, it should be extended so the other owner has the ability to use the easement. He mentioned that the utility company always has the option of acquiring it through eminent domain if they want to, and he didn't think he could stop it if the utility company needs to extend. He added that he was concerned about how they get around the turnaround issue. He mentioned that he watched it and, if there had been an emergency, it would have been a problem.

Mr. O'Connell stated that the emergency vehicles will have 75 feet of space to pull up and they don't need to stop in front of Mr. Gonzalez' house anymore.

Commissioner Baringer stated that they also have to navigate around 20-30 individuals with bike racks doing three-point turns and parking while unloading bikes and blocking the street. He concluded there was an issue there and they weren't solving it by ignoring it. He again questioned why they can't deal with it and make it a condition of the approval or work an equitable way for the cost of it to be shared with the people who are in that area. He didn't think it was fair for this applicant to bear the entire burden of the cost.

Mr. O'Connell stated that he would love to see it come up as an item on a future meeting and get more community input and poll people on the street who would be interested in doing that.

Commissioner Baringer stated that he was also talking about parking, as they are parking everywhere.

Mr. O'Connell thought the permit parking would be a good trial and inexpensive to do that. He added that part of it requires enforcement by the city. He referred to a speaker mentioning two-hour parking that was never enforced.

Commissioner Campbell asked if they can get increased code enforcement during the 9-month period of construction.

Planning Director Wehrmeister asked what code enforcement he was referring to.

Commissioner Campbell stated to make sure people are moving their cars.

Planning Director Wehrmeister stated that would be the Police Department as Code Enforcement does not enforce traffic and parking. She stated that within the right-of-way it would be the Police Department and she could mention this to the Chief.

Mr. O'Connell stated that they should start now because it shouldn't be just during the construction project.

Commissioner Campbell agreed that it should be always. He mentioned that they have an area in Vallemar where people aren't supposed to park within 10 feet of the center line and he has never seen it ever enforced. He stated that he feels the pain of Montessori because they are running a small business in town and they have a lot of customers who are coming at certain times. He would be concerned if something was going to happen that was going to delay traffic in Vallemar for Vallemar School and would totally disrupt traffic. He felt that was a nightmare for parents. He wanted to be equitable and asked if there was a way to stagger their delivery times so there is no obstruction during the drop off times, which was a discrete point of time.

Mr. O'Connell thought it was feasible, although he mentioned that there is a little bit of a disconnect between saying no deliveries at a certain time and the delivery person shows up at that time anyway. He didn't know how else to limit it other than keeping the line of communication open. He thought they could stop on Rosita or Adobe and call ahead and pull over before there and call it in to the superintendent and check that they are clear or need to wait 15 minutes.

Commissioner Campbell thought that could work, adding that this was a unique situation. He thought it was like Vallemar which is one huge cul-de-sac, one way in and one way out, but at least there was a place to turn around. He thought it was a funky situation.

Mr. O'Connell thought a lot of it will be diligence but he was happy to employ a strategy like that to pull over on Rosita before turning to go up Adobe and call to make sure it is okay. He added that he was sure that the delivery person may forget, but he hoped they can get trained after the first couple of times when they don't do that and it will hopefully get better.

Commissioner Campbell asked if there was a way to put signs up in front of Montessori during the construction period that says no parking between certain times.

Mr. O'Connell didn't think the two-hour parking would help the construction people who are there all day unless they ignore the sign.

Commissioner Campbell stated that he was not talking about his construction parking but some way to keep people off. He asked if it was possible for a green loading zone.

Planning Director Wehrmeister thought there was a loading zone in front of the Montessori School.

Commissioner Campbell stated that it was a big deal and, in a nine-month school year, it could impact a lot of people.

Mr. O'Connell stated that he wasn't interested in starting the project before the winter, so it was something that wasn't going to start until April. He wasn't sure if they do summer school, but the rough in part of the project, not the finish work, would ideally happen during the summer. He felt it was a hard thing to do but can be managed with open lines of communication, with everyone having each other's phone numbers, including his and the contractor's phone numbers and a backup contact in the event they can't get in touch with them.

Commissioner Campbell acknowledged it was difficult but he felt their pain and wanted to figure out a way.

Commissioner Evans asked how far away the Montessori School was from his property.

Mr. O'Connell stated that it was on the other side of the street and that the existing hydrant was 205 feet away and there might be another 100 feet to Montessori.

Commissioner Evans concluded that it was 300+ feet from his property line down to the school. He suggested that he not put his mailbox too close to the driveway if everyone is going to be using it.

Mr. O'Connell thought the mailman might like it there.

Chair Gordon called a five-minute break, then reconvened the meeting.

Commissioner Clifford stated that he didn't know if these would be well-received, but there were several things he would like to see, such as an arborist report, geotech report mentioned by the applicant, as well as other things. He suggested that they make a list of things they might want to see and continue the item so they have all the data to make the best decision possible.

Commissioner Campbell didn't know about continuing, but he would like to winnow down any issues. Referring to an arborist report, he felt okay that an arborist would come up with something that would be ecologically feasible for consensus with the applicant. He thought his only requirement was as long as it has a 90% success rate after five years. If the rest of the Commission feels that was appropriate, he would be willing to go along with that. He didn't want to revisit it. He would like clarity to avoid a situation of 70 parents getting to the school in the morning and there is a slow moving truck moving up the hill or something related to construction. His concern was based on what has happened in Vallemar with limited construction. He hoped the applicant can come up with a solution. He felt the fire concern was a big thing, but he felt that was resolved.

Commissioner Cooper agreed with the comments. He didn't have a problem with the trees. He liked the development and it was well thought out. He would like to know from staff the City's policy on improvement of frontage roads in front of developments. He referred to past developments, stating that any time they have a development on a road, they require that they put a sidewalk in or improve or repave the roads.

Planning Director Wehrmeister stated that the policy was that the project would construct the entire road frontage in front of the project that was needed to serve that project as it does have to do with the right-of-way improvements. She thought the City Engineer might have more information.

Commissioner Cooper asked Public Works Dir. Ocampo what the policy was on improving right-of-way in front of a person's property when they choose to build a home or develop the property.

Public Works Dir. Ocampo stated that, in most cases with an infill development, and you are not subdividing the property, it was the full frontage of the property up to the center line of the street.

He stated that the Planning Director was trying to explain that, given the fact that this property has a property line bordering Higgins that is about 270 feet, she was trying to be equitable.

Vice Chair Nibbelin thought he shared the views of a couple of the Commissioners. He liked the project and was supportive. He was okay with taking out the eucalyptus trees, subject to Commissioner Campbell's suggestion of replacement trees. He was concerned about the construction related impact, but he wasn't necessarily of the view that a continuance was in order. He added that, if they did, it would afford them the opportunity of seeing a well thought out and detailed plan to address construction related impacts to the extent that they want to take on that concern. He stated that they have the applicant's best thinking and the opportunity for coordination between the applicant and the neighbors. He recognized that nothing was cost free and added to the cost of the project. He thought that issue could be addressed after the approval, possibly with a condition of approval that requires a plan that was satisfactory to the Planning Director's judgment.

Commissioner Evans referred to the roof and a stipulation regarding changing to the hip roof. He asked where they were at this point, adding that it might be up to the Commission. He stated that, if that is the case, he had no problem with the design. He knows that it doesn't fit, but he believes they will be seeing more and more of that style and he didn't want to go backward. He thought it would be fine. He was not in favor of the easement going across his property. He stated that the property east of him was a completely different world, with one unit for five acres, and there was no telling where that house may be, thus, he was not in favor of making him put an easement through the property as it will be unknown as to where it was needed. He likes Commissioner Campbell's idea for the trees, adding that he didn't know if it has to be one for one, but that was a good place to start with 90% success rate. He wasn't in favor of a continuance because he felt they have enough information and they have discussed a lot of information. He was happy with staff's decision, as well as staff working with the applicant, and thought they have come a long way from the original design. He was pleased with the project and didn't think they needed to go to that extent.

Commissioner Baringer stated that he was generally in favor of the project. While he liked it, he had some concerns. He was fine with the tree removal except for tree #9, as they can allow that to remain. He had confidence in staff's ability to come up with a plan that makes sense and was a reasonable ratio of replacement. He thought, if they feel they need to get professional resources, such as an arborist, they would do that. He stated that he didn't think there was a better time to remove the trees than prior to the construction of the structure. If they fall the wrong way, generally nothing bad happens. He didn't have a problem with the roof design. He felt it looks good. He stated that one of the things he likes about architecture in Pacifica was that it was pretty diverse, mentioning that even the Linda Mar ranchers have a multitude of approaches and he liked that, where people can be creative. He thought that, as it will be his house, he should have some flexibility in the design aesthetics. He was okay with the barrel roof. He thought, if a hydrant extension is required, that should be the first thing that happens on this project. If there is a fire, they at least have a hydrant available. He believed that staff could negotiate a construction related coordination agreement with the homeowner and come up with some way for them to pay attention to their neighbors in the community, particularly the Montessori School. He acknowledged that there will be traffic issues, and they should try to mitigate it as much as they can. He does struggle with the turnaround issue. He didn't think a continuance would change it. He felt that they should deal with it and it should be required, adding that, if it needs to be extended down, the next owner can pay for it. He acknowledged that they were "kicking the can

down the road”, but they were allowing this applicant to go forward with his project. He agreed that it will be an additional expense but, long term, it will be a huge benefit to the community. If there is a need to allocate that cost over the rest of the community, he thought they couldn’t do it after the fact, but he felt it was important to take care of that now as it was crazy on a Monday afternoon, not a weekend. He felt the turnaround should be included in the conditions. He liked the project, adding that it was beautiful and would spur other people to want to develop in the area.

Chair Gordon stated that, for such a complicated project, there seemed to be pretty clear consensus from the Commission. He agreed with there was no objection to removing the trees with the exception of #9. He thought that would be subject to a plan with the maximum being one to one depending on what the arborist recommends. He asked the Planning Director what that would look like.

Planning Director Wehrmeister stated that she had a condition drafted. Condition #19 would be revised to state:

- The applicant may remove all eucalyptus trees on-site and trees 5,6, and 7, except tree 9 which shall not be removed unless written agreement to remove the tree is obtained by the property owner to the west of the project site. The required landscape plan shall provide for a 1-to-1 replacement of the eucalyptus trees with California native tree varieties such as oak or bay trees. The exact number of trees shall be determined by a licensed arborist but shall strive to achieve the 1-to-1 replacement ratio, to the satisfaction of the Planning Director. The trees shall have a 90% success rate at five (5) years post building permit final. If any replacement trees are located in the right-of-way, they shall be maintained by the applicant pursuant to a maintenance agreement.

Chair Gordon thought that sounds great. He then referred to the consensus regarding a traffic coordination plan.

Planning Director Wehrmeister stated that she had a draft condition for that also:

The applicant shall prepare a construction delivery schedule, including arrival of major construction equipment, in consultation with the Montessori School located on Higgins Way to include provision of applicant and general contractor mobile contact information. The written schedule shall be submitted to the Planning Director.

Chair Gordon thought that was great. He was also in favor of the project, stating that it looks good. He was familiar with the builder’s past work, and he has a lot of confidence in him. He thought the roof was great. He stated that the only issue for him was the turnaround issue. He stated that anyone who has been on that street knows that a turnaround is desperately needed. He hears that it is not fair to burden the applicant with something that would be beneficial to that entire block, and he doesn’t know how to solve it, but he knows it was an issue. He didn’t see the need for a continuance and felt they could handle the issues now.

Commissioner Clifford stated that he liked the roof and the look of the building is good. He liked the project. He could go along with something that approximates a one for one exchange for the replacement of the trees except for #9. He asked if the applicant would be required to replace #5, 6, and 7 which are not on his property.

Commissioner Cooper stated that they were #1, 2, 3, 4, 5, 6 and 7.

Commissioner Clifford stated the others were coming out because he has to get into the driveway, but #5, 6, and 7 would not be on his property but would be removed based on what they were saying.

Planning Director Wehrmeister asked if he was referring to it being in terms of replacement. Since they are not on his property, she deferred to the Commission on that.

Mr. O'Connell agreed that he can replace them. He asked if they need to be in the right-of-way or can they work something out because of questions regarding that location.

Planning Director Wehrmeister thought they could potentially be anywhere in a place that makes sense and wouldn't be torn out later.

Commissioner Clifford stated that they wouldn't have to go exactly where the trees being removed are but would have to have three replacement trees somewhere along the right-of-way. He asked if that worked for everyone.

Planning Director Wehrmeister asked if she could reread #19 because she left out the first sentence that includes tree #9 and wants to be clear for the record. The applicant may remove all eucalyptus trees on site except tree #9 which shall not be removed without written agreement of the owner of the property to the west. She stated that she read everything else.

Commissioner Clifford asked if the change will include the three trees they just talked about. He wanted to be sure it was codified and not just a verbal agreement between the Commission and the applicant.

Planning Director Wehrmeister suggested – all the eucalyptus trees on site, including trees #5, 6 and 7.

Mr. O'Connell stated that the Public Works Director wanted him to be clear that, if the replacement trees for #5, 6 and 7 are in the right-of-way, then he maintains them as part of the maintenance agreement.

Planning Director Wehrmeister stated that she should add a sentence that if any replacement trees are in the right-of-way, they shall be maintained by the applicant.

Commissioner Cooper added pursuant to a maintenance agreement.

Mr. O'Connell agreed, adding that they might try to keep them out of the right-of-way to avoid that, but if they need to go there, they can deal with it.

Commissioner Clifford stated that he was also in agreement that they need to figure out something about the turnaround.

Commissioner Cooper stated that the idea of not having the applicant provide the improvements to the frontage of his property was his sticking point. He stated that without that type of

precedence of requiring that will hurt them in the future. He stated that he likes everything else about the project but that was an Achilles heel he has on the project.

Chair Gordon asked him if he would articulate what he would like to see.

Commissioner Cooper thought that it was a large frontage and it was part of the precedence that they set which is that they should develop the frontage of the property if the applicant wants to build on it. He agreed that it was a big burden but it was part of developing at the end of a street. He stated that the next person who comes down was being put in a poor situation if they want to develop their property. He thought to be inflexible on providing that was not a very good precedence to set. He stated that, on looking at it from that aspect, he would not want to set a precedence of not having that developed.

Vice Chair Nibbelin stated that this might be a question for Council. He mentioned the comments on the turnaround and how important it was, and one concern he had was the extent to which they can require a turnaround in a circumstance where much of the impact that they were talking about was serious and created real problems, but was not necessarily traceable to the proposed development itself. He was interested in the legal framework they should be applying.

Asst. City Attorney Siegel stated that there were two issues, the first dealing about the street improvements that Commissioner Cooper was talking about and whether the frontage would be extended, and second was the turnaround. He didn't know if Commissioner Cooper was intending to speak to the turnaround issue as he was. He stated that, on the first issue, there were limitations with respect to the nexus in direct proportion to the requirements that it could be considered to be an unconstitutional exaction to require an improvement that is not related to this project. He wasn't sure if the requirement to extend the street would be an unconstitutional exaction but was definitely a somewhat risky proposition to be considered as the argument would be that it was not necessary to extend the street all the way to the end as fully improved. He stated that it was different from the turnaround issue. To the extent that the turnaround could be required, it was not for traffic problems that already exist, but for solving the potential problem for the fire hazard at this site. He stated that there was room if that was where the Commission was interested in going in requiring more of a fire apparatus turnaround requirement than what is required. He stated that the Fire Marshall has said that he believes, if alternative methods are used, as far as construction materials, it will sufficiently solve that problem. He stated that, in the condition of approval #42, it says the fire chief may approve an alternative of structures built to the standards of CBC Chapter 7A that would be the alternative to requiring the fire turnaround. He stated that it doesn't mean that it has to be the only outcome. He stated that, if the Commission feels that, for fire safety reasons, the turnaround is the better solution, there was some room there. He stated that, in order to just have those improvements, it would be potentially problematic. He stated that to require improvements in order to prevent fire hazards associated with this development was the safer way to go.

Mr. O'Connell stated that, to put the turnaround in perspective, the standard was 95 feet in diameter. He stated that he wasn't aware if any of them were familiar with the previous development approved, but it had a long driveway in a cul-de-sac that dropped in, and it required a 20-foot retaining wall on the uphill side and a 30-foot retaining wall on the downhill side and it was horrendous. He understood that it solves one problem, but he thought it creates others.

Assoc. Planner Murdock stated that he would consult with the fire chief because there were alternatives to that rather large cul-de-sac that the applicant described that would satisfy the fire apparatus turnaround requirements and it was not entirely accurate to say that was the only alternative.

Mr. O'Connell agreed, stating that there were hammerheads and wide shaped turnarounds that are a minimum of 120 feet long in each direction, but still ends up being significant. He stated that the property was only 130 feet deep and the right of way was not wide enough to support that at only 50 feet.

Chair Gordon asked if the Fire Chief wanted to speak on this.

Deputy Fire Chief Johnson stated that, if they had a preference, they would make every street in the city 35 feet wide, 10 degree slope, 2 degree side slope, but that is not the case. He stated that the code provides an opportunity where, if the construction of a turnaround is not feasible for many reasons, such as geotechnical, the reality is that, in looking at that site, to stay on his property and have a suitable turnaround may be impossible without something that he described, because they have to have a 60-foot wing on each lot and, if it is straight up and down, it was 120 feet. He stated that it was a substantial amount of space on a very steep slope in a very bad area. He stated that they would love to have it but he didn't think it was feasible economically to put it in there. He stated that the cost of that might be as much as the cost of the house. He stated that the Planning Director can attest that he is a dog with a bone on this issue, but he concluded that the reality was that sometimes you just can't get there.

Mr. O'Connell stated that the building code or fire code does provide, in Section 503.1, the exceptions, one of which is topography which was what Chief Johnson was getting at, provided that they provide the alternate means of fire protection which was building to the 7A standards. He stated that there were ways to make the findings in the code that Chief Johnson was referencing.

Chair Gordon concluded that they have the tree and roof issues solved, traffic staging addressed, counsel stated that they have the nexus to require a turnaround but they also have the Fire Marshall saying it would be a major economic burden on the applicant.

Vice Chair Nibbelin stated that, absent any further discussion or comment, he was willing to make a motion along the lines of the bullet points laid out without the turnaround requirement and without the street improvement or extension that Commissioner Cooper was focusing on.

Vice Chair Nibbelin moved that the Planning Commission find the project exempt from the California Environmental Quality Act; APPROVE the Site Development Permit PSD-814-16 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference, provided that they revise conditions of approval.

Planning Director Wehrmeister stated that one was the revision of Condition #19 and the addition of condition related to the construction delivery schedule with the Montessori School.

Vice Chair Nibbelin incorporated both of those changes/additions as set forth. He questioned whether they have to make specific reference to the barrel roof being acceptable.

Planning Director Wehrmeister stated they do not as it was not a condition.

Chair Gordon asked if that covered everything they talked about and, if so, did they have a second.

Commissioner Evans seconded the motion.

The motion carried **6-1**.

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

Noes: Commissioner Cooper

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

COMMISSION COMMUNICATIONS:

Commissioner Clifford stated that he went to the Chili and Chowder Fest at the Pedro Point Fire Station and it was a blast. He stated that there were lots of people there and lots of good chili. He recommended it to everyone for next year.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister reminded the Commission that the next regular meeting was on Tuesday, September 6, because Monday was Labor Day, a holiday. She stated that, at the last Council meeting, the Council introduced the code changes regarding massage establishments with no changes to the Planning Commission's recommendation. That would be set for a second reading and adoption in September. She stated that the Palmetto Streetscape Project was moving forward and the Council heard a very detailed presentation which will be going on tour and will be coming to the commissions and committees and they will probably be scheduled to hear that in late September or early October. She stated that Public Works and Economic Development will be present to make the presentation. She stated that the City Council was going to have a workshop on sea level rise in September, date to be determined. She stated that, related to sea level rise, the Planning Department applied for and received a Coastal Commission grant for \$188,000 to start work on studying sea level rise and adaptation strategies for the community. She stated that ultimately it will be incorporated into the draft LCP amendment in the General Plan process and they will be able to incorporate those into the planning documents. She stated that the City Council will hear the first annual report on the Climate Action Plan at their second meeting in September, and she wasn't sure if any of the Commissioners were on that task force. She stated that she had an FYI on something that was not coming to the Commission but they may hear about it. The tree removal approval for some of the trees outside of the senior apartments at Terra Nova and Oddstad will be heard by the Parks, Beaches, and Recreation Commission next Wednesday. It has been getting some press, so she wanted to make them aware of it.

Commissioner Campbell stated that he had mentioned that there was interest in having a joint meeting between City Council, Planning Commission and North Coast County Water District.

They had one back in 2008 or 2009 and it was informative then, but seems more crucial now considering the drought. He didn't know if there was any movement on that.

Planning Director Wehrmeister stated that she will mention it again.

Commissioner Campbell wasn't sure if the Commission was interested in doing it. He stated that, back then, the purpose was to understand the relationship between our water supply and the very large developments that were being proposed, as well as earthquake seismic things to be approved. He felt it was more relevant now than it was back then.

Commissioner Clifford asked if she could tell him when the next Library Advisory Committee meeting was and where.

Planning Director Wehrmeister stated that it was the upcoming Wednesday in the Council chambers.

Commissioner Clifford asked if they will be seeing the new General Plan information this year. They only had a few months left, and he wondered if she had an idea of when they were going to see it.

Planning Director Wehrmeister stated that she will have to report back. She thought there was new planning going on regarding sea level rise as it is a big part of the General Plan and Local Coastal Plan. She stated that they have the grant to do studies. When the City started the General Plan update, the Coastal Commission's guidance on sea level rise had not been published and things have changed. She stated that staff was in the process of looking at all of the things going on and what makes sense for the project.

Commissioner Clifford thought that was what was happening, but he wanted to get it out.

Chair Gordon thanked staff for doing a phenomenal job helping them through some tough stuff and were well served by them.

Commissioner Evans asked Commissioner Clifford if he was planning to attend the meeting.

Commissioner Clifford stated that he just wanted to have it publicly acknowledged as to when and where.

ADJOURNMENT:

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 10:12 p.m.; Commissioner Vice Chair Nibbelin seconded the motion.

The motion carried **7-0**.

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

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Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister