

MINUTES

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

November 7, 2016

7:01 p.m.

Chair Gordon called the meeting to order at 7:01 p.m.

ROLL CALL: Present: Commissioners Evans, Campbell, Nibbelin and Chair Gordon
Absent: Commissioners Baringer, Clifford and Cooper

SALUTE TO FLAG: Led by Vice Chair Nibbelin

STAFF PRESENT: Planning Director Wehrmeister
Asst. City Attorney Matthew Visick
Asst. Planner Smith
Asst. Planner O'Connor
Contract Planner Valente

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

The motion carried **4-0**.

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

APPROVAL OF MINUTES: No quorum was available for approval of either set of minutes.
OCTOBER 3, 2016
OCTOBER 17, 2016

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF NOVEMBER 14, 2016:

Planning Director Wehrmeister stated that they would need to poll the absent Commissioners to ensure a quorum for the November 21, 2016 Planning Commission meeting, as only three of those present will be present. She then stated that they need to consider designating a representative for the appeal of the 4009 Palmetto four-unit apartment complex. She stated that it was not decided as to whether it will be on the November 28 or December 12 Council agenda. She needed a volunteer in case they don't have a meeting on November 21.

Commissioner Evans stated that he wasn't at the Planning meeting with that item on the agenda.

Commissioner Campbell stated that he will be able to be there for November 28

Planning Director Wehrmeister stated that she will let him know which date it will be.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None.

STUDY SESSION:

- 1. CONCEPTUAL PLAN FOR 570 CRESPI DRIVE**, filed by Stuart Welte of EID Architects, agent for owner Brendan Murphy. The plan includes a proposal for two buildings including a two-story commercial building with 3,191 square feet of commercial floor space and a three-story residential building, including 9 residential townhouses, totaling 16,219 square feet, located at 570 Crespi Drive (APN: 022-162-310) in Pacifica.

Asst. Planner Smith presented the staff report.

Commissioner Campbell stated that he met with the applicant at the site several weeks ago and he asked if the issue was that, under the current general plan, they have mixed use allowable when dwelling units were above the commercial uses but not above a parking structure.

Asst. Planner Smith stated that parking garages at ground floor level represent residential floor space.

Commissioner Campbell asked if this applied only to the present General Plan or would it translate to the new General Plan.

Asst. Planner Smith stated that the General Plan designation was the definition of commercial land use and it states that the residential floor space must be above commercial floor space. He stated that, by changing the definition, they were changing the definition for the entire city. He stated that the draft General Plan identifies the site as a mixed use center and the definition for the mixed use center specifies that the ground floor should be commercial or service uses and housing and offices on the upper levels.

Commissioner Campbell asked about the underlying rationale behind the requirement that residential in a mixed use be above the commercial and not above parking.

Asst. Planner Smith acknowledged that it was a good question, explaining that he hasn't identified the rationale behind that.

Planning Director Wehrmeister stated that her understanding was that the rationale was to support the commercial uses, supporting walkability and the commercial integrity of the area.

Vice Chair Nibbelin referred to the General Plan and the text amendment discussion on page 5 of the staff report with the focus on the mixed residential and commercial uses allowed when the dwelling units are above the commercial uses. He understood that they were saying that, if they change the definition in the General Plan, it would be city wide, and not just a particular area identified where the Plan was amended.

Asst. Planner Smith confirmed that it would be a city wide change.

Vice Chair Nibbelin stated that he was asking if it has to be city wide.

Planning Director Wehrmeister stated that it would not have to be, adding that there are other solutions. She added that text amendments were typically not done on a parcel by parcel basis.

Vice Chair Nibbelin thought maybe it could be by district, by zone, or however defined.

Planning Director Wehrmeister responded affirmatively.

Commissioner Evans questioned whether it would change anything if the two buildings were connected.

Asst. Planner Smith didn't think it would meet the emphasis of the definition for commercial land use.

Commissioner Evans asked clarification of whether he stated that it would or would not meet it.

Asst. Planner Smith reiterated that it would not meet it.

Chair Gordon referred to the language in the General Plan regarding the purpose in that area being to strengthen the existing commercial uses in the area. He stated that the current proposal dedicated 15% to commercial and 85% to residential. He didn't think that proportion was a good target and he asked what they considered a general view of a good target regarding proportioning between residential and commercial.

Asst. Planner Smith thought it was difficult to identify a specific number, especially when dealing with applications on a site by site basis. He stated that the comparison table gives a good indication of previous approvals determined by Planning Commission in the past. He stated that the sites identified were significantly constrained in the sense that they are already in developed areas, and the sites are generally at or around 5,000 to 10,000 square feet in built up areas, adding that there was a lot more potential issues with the sites. He stated that the present application was 42,000 square feet and there was a large area of the site available. He thought the starting point should be one-third commercial, but there was a possibility to locate more commercial use on the site. He added that it was difficult to identify a number because it was site specific and it was the applicant's job to design the scheme.

Chair Gordon thought he was hearing him say that the examples in the table are not necessarily representative of non-constrained mixed use projects. He thought it might not be a fair sampling, then asked if he thought this was a constrained parcel and was relevant in some way.

Planning Director Wehrmeister thought it might not be constrained on size, but was certainly constrained in shape for commercial parcels, being long without a wide frontage on Crespi. She then referred to his question regarding proportion, stating that she didn't think that was an easy question to answer. She stated that, not only was the proportion something they want to look at, but there needs to be guidelines for commercial development to ensure that the quality of the floorspace is also considered. She stated that they didn't want to solely look at size, but have the spaces large enough to accommodate commercial tenants, and to have it be usable. They need taller ceilings, accessible back of house, etc., to make sure the new commercial spaces being built are going to be really functional, including national tenants. She concluded that there was a proportionality issue as well as how it was designed. She noticed that it was a shortcoming of our policy document, as it only says it needs to be commercial on the ground floor. She referred to Commissioner Evans' point, stating that there are some buildings that are connected with just a little patch of commercial space on the ground floor and the rest is parking, and is basically a residential project. She felt there was a gap that we need to fix in our policy documents.

Chair Gordon asked what kind of gap to which she was referring.

Planning Director Wehrmeister stated that the General Plan text did not provide enough direction to applicants as to what they were looking for, adding that the intent was clear regarding wanting ground floor space dedicated primarily to commercial function, but there were no guidelines beyond that.

Chair Gordon thought it was an interesting situation with the General Plan saying commercial and they have a project that was 15% commercial. He asked at what point you say that it doesn't satisfy the spirit of the General Plan. He was struggling with that.

Commissioner Campbell referred to constraints, and he noticed on the Plan that there was a large wet area. He asked if that was considered a constraint.

Planning Director Wehrmeister thought it was, stating that it was likely going to be an area of avoidance and will not be useful square footage.

Commissioner Evans referred to her comments regarding constraints and the site 1 example, and stated that one of the complaints they had on that was that there was very little commercial in their minds and was in one small area of the building. He stated that the lot was tied off on four sides with only a way in on one side. He asked, regarding to the narrowness of the frontage of this one, if things changed, whether that would be more in the spirit of what the ordinance and General Plan state. He asked if they could help with that, understanding that the 15% was very low.

Chair Gordon asked, in terms of Pacifica's developed commercial space versus developed residential space, if there was a need in the city for more or if we were at a balance or was there an underlying policy reason that the General Plan says they need commercial in this area due to a need for it in Pacifica.

Planning Director Wehrmeister stated, from her understanding of the vacancy rates, there are vacant commercial spaces and that would suggest that the need is being met. She stated that, as planners, they need to look forward and beyond today. She stated that the pressure today was that the highest and best use of that land at this point was residential, and we need to figure out what

they are seeing in the future and whether this request at 15% commercial was turning that into a residential site. She stated that this area was slated, in the future, to redevelop into a mixed use center. She stated that the question was whether this was the right decision looking forward long term for Pacifica.

Chair Gordon stated that, with the fact of vacancies in commercial sites, it seems to indicate that the need is currently met. He concluded that she was saying it was true but they need to look forward to the possibility of there being an increased need for commercial space in the future. He assumed that it was what they should assume since the current General Plan and the draft General Plan both point to this area as designated commercial development. He asked if he was making a fair assessment of what she was saying.

Planning Director Wehrmeister thought he was.

Stuart Welte, applicant, stated that he was a principal architect at EID Architects. He stated that Mark Wolmak, another architect, was also present as well as the owners in case they have any questions of them or whether they would like to make any further comment. They have talked about a study session for a while and he thought it was good timing. He stated that they have gone through three planners, two city engineers and two planning directors and have been exploring lots of options. They agreed that the current General Plan was zoned commercial and the draft General Plan has been developed properly and also recommended commercial development with mixed use potential. He stated that the question was how they provide the mixed use. He stated that his company has done this for decades and won a governor's award in 2005 from Governor Schwarzenegger for the greenest mixed use project in California. He stated that their first question was what will make this site fit well with Pacifica, stating that the important quality to instill into a project was flexibility as everything changes as time goes by. He stated that was why we have General Plans, and they have to give the best potential. He stated that, with their current plan, they are trying to show how the commercial component could be a live/work type commercial and more fully integrated with the residential use above. He mentioned that, because the site was narrow and deep, and there was a possibility that they should preserve the rear portion for seasonal precipitation development. He stated that they have looked at it and talked with the residential behind and commercial on the side, senior housing, etc., and everyone agrees with building in this flexibility and an eye toward commercial street presence but not overly dominated by vehicles. He stated that they would love to be pedestrian friendly and meet the zoning guidelines. He stated putting only commercial on the ground floor of this type of site, the parking requirement creates the need for so many cars that they have a huge parking lot, questioning the proper use and balance between commercial and residential space, parking, pedestrian. He stated that they were proposing a nice street presence to enhance the procession along Crespi Drive and develop the link between upper Crespi and the beach front in a way that enhances and gives vitality to the community center. They have the vehicular entrance on the community center side and hide the parking behind the building which was the main reason for dividing the building into two components. He stated that, with one long building, you have to park under the building because of the narrowness of the site and the literal requirements, etc., and putting parking at the rear increases the vehicular circulation, but parking up front was a horrible street presence. They felt that dividing the building and dispersing the parking was the strongest idea to accommodate vehicular circulation without stumbling over the pedestrian qualities. He stated that, in their experience, the ratio was often 1-5 to make a mixed use viable. He stated that they weren't proposing that because that was too intensive use, and they are trying to adhere to the height limit, and they were stretching the idea of vitality and viability to the limit

by accommodating only residential on the upper floor and commercial only on the ground floor. He stated that, if they were willing to entertain the live/work idea, the townhouse concept works beautifully, and the ground floor office area can be combined between units to grow to a larger space or a smaller space. He stated that there were plenty of businesses looking for small spaces, which fit in the community and don't cost an arm and a leg, and he stated that was their concept in the current proposal of live/work townhouses behind the commercial space and parking dispersed throughout the site to have low vehicular impact.

Mark Wolmak, architect, then continued, stating the General Plan designated it as part of the M1 zone and was intended as manufacturing use, and thought they would agree it was no longer an appropriate use for that. He stated that their site was just a small sliver left over next to the C3 zone. They see a mixed use pattern of development and recognize the need to strengthen and preserve the commercial aspects of this and concentrated the bulk of their commercial proposal on the street to maintain the continuity and help generate the synergy to remain healthy. He stated that, with the portion preserved as open space, they end up dealing with a very small piece of land compared to the mixed business uses and self-storage area and transitions the commercial use to public use of community center. He felt this was the definition of a lot that needs to be considered carefully in terms of what kind of creative land use patterns can be established and approved for this type of lot.

Chair Gordon thanked them for the presentation. He then mentioned that it might be helpful to keep the area land use which demonstrates the layout of the project.

Commissioner Campbell asked if there has been any idea who would anchor the main retail spot on Crespi.

The applicant's representative stated that there was no one specific at the moment, and they were staying flexible to find out who fits well there.

Chair Gordon opened public comments.

Ian Butler, Pacifica, stated that he wanted to talk about the wetland area. He stated that he learned about this a couple of years ago when they first started doing things there. He stated that he documented the wetland area with photographs of what it looked like from December 2014 through May 2015, when it was completely under water. He mentioned that he saw that recently they cleared it, put down some chips and swales, stating that it goes 30 feet into the lake where it was under water. He stated that it was a real wetlands, adding that he has seen shorebirds nesting, as well as killdeers, etc. He stated that he wasn't opposed to the project. He thought it was a good area for a project, but based on what they have done, it seems that they were going into the lake itself and he didn't think that was appropriate. He thought the documentation might help to have an idea and he was willing to share with them. He thought they wanted to cut down all the heritage trees. He stated that the backmost tree would be valuable to provide a buffer between the front development and wetland area in the back. He understood the goal was to make something, to make money, but he thought it was twice the project the site could possibly maintain without disturbing sensitive habitat and was also culturally and historically significant, mentioning that the lake was Lake Matilda from the 1800s and the only remnant left which was larger than the lake at the golf course. He thought they needed to preserve it as best they can and shrink the footprint of the project to one that can fit the site, and he could then support it.

Yana Volman, Pacifica, thanked the commissioners for bringing up a lot of points that hadn't crossed her mind. She stated they were behind the proposed development and would be impacted by how the site would be developed. She stated that they love the community and want to stay for a long time, and also wants Pacifica to flourish. She stated, like Ian Butler, she was not against the project but wanted to be considerate of the impact of the project. She stated that Mr. Murphy made a poor decision two years ago when the forest on the wetland area was cleared with no permission from the city to do so. She referred to Mr. Welte's comment and stated that there have not been discussions with neighbors behind the fence. She stated that they want to support the project but appropriately in accordance with by-laws, environmental considerations, etc. She stated that the neighbors would like to have access to the plans that were submitted to the Commission, along with any environmental report done to assess the size of the wetland area and the size of a potential project that could support it. She stated that a document from the 2015 General Plan stated that half of the area was wetlands and a quarter of it was being designated wetlands now.

Eamon Murphy, Pacifica, stated that he was a partner with his brother Brendan, at 570 Crespi Drive. He stated that they were 43-year residents of Pacifica. He referred to Ian Butler's comments, stating that they were leaving the potential wetlands in the back to themselves. The proposed project keeps the setback to the wetlands. They were serious about it and have spoken to and know a lot of the neighbors and business owners. They were excited about the project, taking it seriously, and have invested a lot of time and effort into it. He stated that the house that sat there for over 50 years was an embarrassment. He referred to the rubbish that sat there for 40 years, asking why no one complained about that. He stated that they pulled 50-75 tires out of the place and no one was concerned about it then. He stated that, when they tore it down, all the neighbors thanked them. They think a mixed use project makes sense. They were flexible and will work with the neighbors. He thought that, when the project is complete, the whole city will be proud.

Larry Mazudda, Pacifica, stated that he was a 43-year resident and thought this project was perfect for Crespi. He stated that he was on Big Bend paying \$1,300 a month to live in a house he cannot afford. He stated that his kids go to Cabrillo and they love the skateboard park. He stated that he could eliminate all the vehicles in his house with this project, riding their bikes around the community, and this would be a perfect project for his family.

Mr. Wolmak stated that, in terms of the open space in the back, that will be addressed, and they were aware of the sensitivity of the area and it will not be ignored in the ultimate proposal. He thought it was important to focus on the issues of how you balance the amount of commercial space you provide against the amount of parking required. He stated that they have studied different options of ratios of parking versus retail versus residential, and they discovered quickly how challenging a parcel like this can be. He stated that they looked at three scenarios, with different mixes. He asked that they focus on understanding how they balance the conflicting needs of this kind of parcel. He stated that, if it were just commercial as the original M1 designation had intended, it would end up being a box with a parking lot next to it, adding that it wouldn't have been an attractive solution for the city. He stated that the question was how to use existing rules or how they might be able to adapt the rules to allow them on this parcel and others to come forward with development proposals that make sense. He then turned it over to Mr. Welte.

Mr. Welte stated that there were three alternate options to the formal submittal they have. He stated that they were similar with a vast amount of site allocated to the seasonal wetland concept. He stated that, as the area developed and what was a lake decades ago was now residences for those speaking about the lake. He pointed out where all the sites drain into and he stated that it would be fixed to alleviate the drainage pattern and it would be a healthier pattern. He pointed out that it only develops the front portion of the lot and keeps the buildings forward, almost attached, but they have to drive through the site to park, even if visiting the commercial space up front. They were relying on the concept of live/work units which allow some parking under the building in this location. He stated this was the only way you get this ratio, the one-third, two-third, fully parked regarding the commercial residential. He then mentioned the next concept which enlarges the commercial and only at the ground floor, and the parking impact increases because there was not enough site to handle the zoning and parking requirement allocated to commercial, and they request a 55% reduction in parking to accommodate that amount of commercial space. He stated that they think the best compromise was to separate the buildings further, minimize the footprint at the ground level and put more of the space at the top. They then have a three-story building and below the height limits but with well dispersed parking patterns so that the commercial area was well parked and residential was all parked on the surface, mentioning the flexibility built into this plan. He stated that it requests a small parking concession of 18% reduction in parking, which is about six cars. He stated that, with the sustainable development mentioned by a resident, the people moving in have a perfect situation as they don't have to rely on a car very much and the 18% reduction in the standard, zoning parking requirement was not felt or detrimental to the neighborhood. He stated these were options to be flexible and offer ideas and solicit support from the commissioners to help staff understand how they can propose to work with the somewhat vague zoning regulations when accomplishing a viable mixed use project for the city.

Vice Chair Nibbelin referred to option 8, and stated that it looked like a commercial building fronting the street with the residential in the back. He thought the ratios were different, commercial about 25.7% of the floor area and the residential about 74.3%. He asked if this was an option they were also actually considering.

Mr. Welte stated that they were trying to offer them options that help them work with the more strict definition of the current M1, C3 zoning. He stated it was commercial on the ground floor, and they believed that the ground floor should have some flexibility and not just be relegated to commercial. He stated this example was showing commercial on the ground floor and residential above.

Vice Chair Nibbelin asked if it was in both buildings.

Mr. Welte responded affirmatively.

Commissioner Evans stated he was going to ask about the drawings where there was parking underneath each residential and he was going to ask if there was parking under five specific units, but he thought it was answered when he mentioned there was retail underneath.

Mr. Welte responded affirmatively, adding that the only one that showed parking below was option 6.

Commissioner Evans concluded that all the parking was non-covered outside.

Mr. Welte responded affirmatively.

Commissioner Campbell referred to his mentioning working on mixed use projects similar to this in other jurisdictions, and asked if there were any examples of municipalities that have taken the more flexible approach.

Mr. Welte responded that the most recent ones were Fremont, South San Francisco, East Palo Alto and Palo Alto, adding that some are built, some approved but not yet under construction, waiting for April but they have building permits. He stated that two were in the planning process. He stated that most were larger, but one was smaller.

Mr. Wolmak stated that they were finding that a lot of Bay Area cities were struggling with ways to adapt their zoning ordinances and General Plans to accommodate new patterns in development. He stated that most of the general plans and zoning regulations were born of processes that have been around for a long time. He stated that with property values going through the roof, they need to provide more diverse housing solutions in a lot of jurisdictions that are struggling to resolve with how they deal with these unusual presentations that will be coming forward more frequently.

Commissioner Evans asked the percentage of the wetlands on the property. He thought it looked like 50% or more based on the drawing.

Mr. Welte stated that no one knows for sure because there hasn't been a definitive study done but there has been work and some preliminary analysis of that. He stated that the line shown was pretty safe based on the biologist to whom they have spoken and they felt confident that, in this case, they may be able to be more aggressive with the line and push it further toward the left. He stated that, if they keep the line where it was now, there was no question that they would be able to support that delineation 150% .

Commissioner Evans assumed he was talking about the solid lines, not the dotted lines.

Mr. Welte responded affirmatively, adding that the dotted lines were setback lines for various things. He stated that they gave them some criteria in terms of retaining walls, parking, driving, walking and building areas.

Chair Gordon stated that, in the slide presentation, there were options 6, 7 and 8, with certain ratios of commercial and residential and he assumed the staff report had a different option with a different ratio.

Mr. Welte responded affirmatively, adding that the staff report had their preferred option based on what they were used to doing and what they know works, based on the description given previously, and based on that, with some already constructed and have been lived in for as long ago as 2003, with everyone being happy.

Chair Gordon concluded that one option complies with the commercial on the bottom and residential on top, and he asked which was that one.

Mr. Welte stated that 7 and 8 do from a strict definition, and 6 was non-commercial and not viable. He stated they decided to show it to how the ratio works. They were showing how, as you increase commercial and adhere to that component of the standard General Plan zoning for the site, they exacerbate some of the other criteria, such as parking requirement. He stated that the commercial parking requirement is huge. When they showed the existing community center and commercial center and their project, it looked like a little postage stamp compared to the commercial center which was a big parking lot and all pavement and, from a sustainable standpoint, it was completely unhealthy, adding that it doesn't fit anything anyone knows now about how to build a healthy environment.

Chair Gordon thought it made sense to hear their views on what has been said. He stated that it was a study session and they were not looking for an approval or denial motion but rather brainstorming out loud. He encouraged a rapport with the applicants and suggested that the commissioners ask questions if they want to get the applicant's views.

Chair Gordon closed the public hearing.

Commissioner Campbell thought it was an interesting project. He thought, in the context of what Vice Chair Nibbelin was stating, if there was a way to wall off this site from causing a citywide amendment, that would be of interest. They could then just talk about this site. He thought this was interesting because the commercial was only 15%, but it was about location, location, location, and 15% of commercial space in one area might be well placed commercial as opposed to the same ratio somewhere else. He liked that this fronts Crespi and keeps the continuity they have with the community center, the coffee shop, etc., and keeps the parking off Crespi. He liked that aspect. He also liked the notion of de-linking the need for residential on top. He referred to a development they approved in Rockaway. They look nice, but he kind of wished they had this kind of flexibility with that development because he thought the commercial space there was underutilized and it could have been aggregated in one spot as having to have residential on the top. He thought this project was an interesting idea, and he liked saving the wetlands, mentioning that we have lost 99% of coastal wetlands in California. He likes that this is being preserved. He didn't know how much they are going to have to preserve but he likes that it was on the plan as being preserved and he hoped that continues throughout the planning process. He stated that it looks nice.

Commissioner Evans liked the idea of the project, but he wants a guarantee that the wetlands is 100% protected. He referred to the site 1 comparison on Monterey and Waterford, asking staff if that was zoned differently than this piece of property.

Commissioner Evans asked if this was C2. He stated that he read it but couldn't remember.

Asst. Planner Smith stated that this site is zoning M1 with the proposal changing rezoning the property to C2.

Commissioner Evans stated that he was trying to think out of the box, but he questioned, if the two buildings were connected, how that would be any different than site 1 at Waterford. He understood the configuration was different, but if the buildings were connected, and the parking was all underneath with a small area of commercial up front, he asked if this would be different. He stated that, with the buildings connected, the idea would be similar to site 1.

Planning Director Wehrmeister thought the way it was different was that the preferred option discussed in the staff report was the bottom floor parking was dedicated garages for the units, whereas on Waterford, it was a parking garage where the spaces were counted so that all uses were accommodated, but was basically an open parking area for both the commercial and residential space. She reiterated that this was a closed single family garage. She thought it made sense to consider part of the residential use.

Commissioner Evans understood what she was saying, but he thought the advantage of this property was, on option 6, that they have 20 additional spaces that site 1 didn't. He understood that the residential parking was on the ground floor underneath each unit. He was trying to correlate the two sites and see the similarities, although he wasn't saying that was what should be done. He liked the idea, especially the commercial up front on Crespi. He thought that looked nice, but he stated that, if they have parking garages underneath units, people tend to take more responsibility for their parking area unlike an open parking lot and why he was thinking in that kind of direction.

Vice Chair Nibbelin stated that he generally thought it was an aesthetically attractive project. He was concerned about the notion of a General Plan text amendment that has a scope that was much broader than what they were trying to deal with on this project. He understood that it was raised, and he would reiterate it again. He would like to have more information about the underlying rationale for why they have commercial development at floor level and why it was how things are done in the General Plan and zoning. He stated that there were helpful statements in the staff report about the unity of commercial development, as well as cohesion and consistency among commercial uses. He found what the Planning Director said compelling and useful about the notion of thinking of near term but also long term. He was in favor of residential development, but the city needs to ensure that they have a good mix of uses throughout the city in appropriate places. He would like to know the underlying rationales for the notion that they want to see commercial development on ground level. He also generally agreed with the staff report on commercial uses being the dominant form of land use and should be the desired form in a commercial district. He didn't know what it meant in numbers, but he didn't think that 85%, in this context, was enough to meet the test which he thought was appropriate.

Chair Gordon was initially hostile to the idea of a General Plan text amendment, but several things are softening his position. He stated that, if it was possible to limit the scope of an amendment to as narrowly as possible so as to not broadly affect all commercial development in the city in terms of neighborhoods, he was against a parcel by parcel approach to amending the General Plan. He thought it was a horrible approach, and they shouldn't be doing that. He didn't realize how constrained the parcel was, stating that once you take the wetlands into account, that basically truncates it by almost 50%. He thought the problem with increasing the commercial was that they basically swamp the area with parking requirements which wasn't their goal. He also thought, when you have these unique one off parcels, the goal was to be as flexible as possible in terms of what they are requiring. He liked Vice Chair Nibbelin trying to penetrate the rationale for requiring commercial on the bottom and residential on top, asking if it always makes sense in all situations. He felt, without knowing the rationale, they can't answer that question. He didn't want to necessarily design acrobats in order to meet General Plan requirements that don't necessarily serve them in this situation. He questioned the idea of making the buildings contiguous for the sake of saying they are contiguous. He thought, if it sacrifices design and circulation, it might not be a great thing. He thought they were limited in what they can say and do because a big cloud hanging over them was whether it was possible to legislatively limit the

scope of the amendment to a General Plan. He didn't think they know the answer to that now, and they were constrained by that to the extent that it was possible to be flexible, allowing the applicant some flexibility without changing the commercial requirements for every single application in the future. They want to avoid that scenario. He likes the project and agrees with Commissioner Campbell that the frontage area on Crespi was an ideal commercial area, adding that they have the coffee shop and the community center with a lot of foot traffic. He thought well-designed, inviting commercial space would be awesome there. He was also intrigued by the notion of a live/work approach to the residential, mentioning that, with looking for live/work space in San Francisco, there was a dearth of it. He questioned how playing around with the live/work designation would soften the shortfall in the residential component.

Commissioner Campbell stated that it was C1 zoning for the Waterford project. He thought that was interesting because he voted against that one because they wanted to put residential next to the car wash and the freeway off ramp. He still thought that was a terrible idea and he wanted it 100% commercial. He asked the applicant, when they come back with a package, to make sure they get shots of how it looks from the neighbors' point of view. He thought that was going to be important. He liked that, backing up to Anza, the open space area will be residential and will be quieter than a commercial business extending that deep into the project site, which might be noisier. He thought it would be important to see where the sight lines are and how it looks from the neighbors' point of view, as we all want to be good neighbors.

Chair Gordon stated that, at this point, hopefully the applicant has some direction and idea and staff has gotten some idea also. He stated that, if they have specific questions for the Commissioners, now would be a good time to ask.

Brendan Murphy, owner, thanked them for discussing the project with them. He stated that, on weekends, they have a lot of surfers coming to town, and if they don't have the private parking for the residents, the surfers will come in and take up all the parking from their tenants. He stated that it was a very important issue to look at the parking and keep it in the residential area for the residents and not the surfers.

Chair Gordon thought it was a good point.

Mr. Welte stated that the question was what was the path forward. He stated that they were talking about General Plan amendments which are necessary because this is an M1 zone, which is pretty much an obsolete zone. He thought it was a function that no longer exists, and they are trying to figure out how they can come forward with an application that meets their criteria. He stated whether that needs to incorporate a General Plan amendment to address the fact that the M1 really is obsolete and should be C1, 2 or 3, or was there another mechanism they can use, a planned development or conditional use permit. He asked what strategy they adopt to move this forward and understand where they are going.

Chair Gordon thought the reason that the amendment was needed was to the extent that they want to have commercial on the ground floor and on a top floor with the residential.

Mr. Welte agreed, and stated that it requires either a C2 or C1 zoning.

Planning Director Wehrmeister stated that there was a lot of terminology that was being confused. She stated that there was a General Plan designation for the site, and it requires

commercial at the ground floor. She stated that you cannot get a variance to the General Plan. You have to change the General Plan, either map amendments or text amendments. She stated that, in this case, there was not another General Plan designation that would allow this development as proposed to move forward and the map amendment was not an option and they were looking at the text amendments. She thought, because of this confusion, the initial application did not come in with a General Plan amendment. They need the applicant to work with staff to understand it further, understand the Commission's direction and come in with an appropriate General Plan text amendment. She stated that the zoning would also need to be amended because it mirrors the General Plan policy direction with the same requirement for commercial beyond the ground floor. She realized there was a variety of commercial designations and a plan development could be a possibility as well for the site.

Chair Gordon thought one of the ways forward was to work more closely with the Planning Department on those issues.

The applicant's representative stated that it was important because they needed to hear from the Commissioners on their thoughts on how the city might want to move forward with this kind of application. He felt this has been good progress. They will be on the phone in the morning.

Commissioner Campbell asked counsel if there was a way to get a text amendment to the General Plan in a way that carves out this parcel without upsetting the apple cart for the entire city's General Plan.

Asst. City Attorney Visick thought it was potentially possible, adding that one thing that has been tricky about this study session was that they need a General Plan amendment to build this project as conceived. He stated that the applicant hasn't proposed one, and they aren't discussing a proposed General Plan amendment but imagining General Plan amendments that might be possible to facilitate the development in front of them. He stated that it was the applicant's burden to bring them a General Plan amendment, stating that was what they would like to do. He stated that he could conceive of ways to craft an amendment that would be more narrowly tailored, but he felt it was hard to do that in a vacuum. They need to come forward and state what they think staff should do and then work with staff to evaluate it and bring something forward to the Commission and propose it, rather than proposing it to the applicant.

Commissioner Campbell suggested that they hire a land use attorney and they get some text before staff on the General Plan text amendment and possibly get a planned area development for this development to get the commercial.

Planning Director Wehrmeister stated it would be to address the zoning issues.

Commissioner Campbell stated that then they deal with everything else, but those two things get them there.

Asst. City Attorney Visick stated that it would get them to the point.

Commissioner Campbell stated it would be the starting line.

Asst. City Attorney Visick agreed that it would be the starting line with legislative changes that would need to happen to consider entitlements for that project. He stated that it was theoretically

possible but tricky to satisfy all the things he has heard at this time, listening to all of them. He stated that he has heard that they don't want to look at a change that would apply citywide, but they also don't want to be so narrow that they are trying to carve out a particular parcel or small number of parcels to be treated differently. He thought it was hard to balance all the directions from them, but there was a fair amount to work with.

Commissioner Campbell stated that he saw the issue and stated that he would leave it at the point that, if the two issues can be worked through so the applicant has it going forward, generally, he likes the project. He acknowledged that it has to be fleshed out, and he recognizes that there are some tricky issues before they get to the aesthetics and visuals, etc.

Chair Gordon concluded that this does it for this agenda item. He thanked them for coming.

PUBLIC HEARINGS:

2. CDP-373-16 PSP-812-16

COASTAL DEVELOPMENT PERMIT CDP-373-16 and SITE DEVELOPMENT PERMIT PSD-812-16, filed by applicant, Marc Dimalanta of D-Scheme Studio, to remove an existing 988-square foot single family residence with two detached garages totaling 836 square feet and construct a 5,309-square foot three-story, single-family residence on an 8,568-square foot lot located at 263 Kent Road (APN: 023-031-300) in Pacifica. The project site is located within the Coastal Zone. Recommended California Environmental Quality Act (CEQA) status: Class 1 and Class 3 Categorical Exemptions, Sections 15301(1) and 15303(a).

Contract Planner Valente presented the staff report.

Planning Director Wehrmeister clarified that the project does not exceed the coverage for the site, and triggers the site development permit because of the formula contained in the Municipal Code. She also clarified that this site was not directly subject to wave action. She stated that there was a private road between the house and the Pacific Ocean.

Marc Dimalanta, applicant, stated that staff was great to work with. He gave some brief background information on their plans which required them to go through this process. He stated that they have been working with Engineering as well as those involved in roads and sidewalks and landscaping. He stated that the owners were also present to answer questions.

Chair Gordon opened the Public Hearing.

Dustin McMinn, Pacifica, stated that he lived on Kent, and thanked them for the opportunity to give input. He stated that the demolition involved the demolition of a one-story home and replacement with a three-story home. He referred to recent construction on Kent, and he stated that the project that was two houses east was a recently completed 4 ½ year construction project. He compared the new project in relation to his home, and stated that it would block more than one-third of the remaining natural light entering into his household with a three-story building 10 feet from the side of his home. He stated that this will also increase lighting and heating costs for him to compensate for the loss of warmth from the direct sun, mentioning some specifics. He

stated that local realtors have stated that the value of his home will be reduced as being rendered dark, diminished and lacking privacy between two three-story homes. He understood the risk factors when making investments, but he stated that his home was his largest investment. He mentioned that, besides the loss of value and aesthetics, he has experienced the long-term living disruption of the construction process from the recently completed project which he felt was significant. He thought the previous project was extreme, having taken approximately 5 years, and the thought of enduring another project was crushing to him. He appreciated the owners and thought they would be nice neighbors, which made it hard for him to protest. He requested a respite for as comparable a time as the work done on the previous house. He also requested that they partially submerge the bottom floor to allow a compromise for loss of light and aesthetic appeal of his home. He acknowledged that it would add to their cost of construction, but he thought it was fair for his loss of property value and quality of living.

Chair Gordon closed the Public Hearing.

Mr. Dimalanta stated that they were asking for no exemptions or variations to the code. He stated that they have been respectful in working with Planning. He understood the neighbors concern, but he finds it hard as they will have the same setback as he has. He stated that they don't intend to have a drawn out construction process, adding that they are respectful and kind and want to get the project done as efficiently as possible. He apologized for what the neighbor experienced, but he stated that nothing that he has ever worked on has taken that long. As a personal friend to the owners, he has assured them they have nothing to gain by making it last a day longer than it should be.

Ms. Darlene Lee, owner, stated that she and her husband were the owners, and she wanted to introduce herself and say a few things. She stated that she fell in love of Pacifica and then met Brandon Ooi and they want to build their forever home. She referred to the light issues, and she stated that she was from the East Coast and was used to having a lot more space between houses. She stated that she discussed this with him and took it into consideration. She stated that, on the second and third floor, you can see that there was a recessed part of the house and was next to the balcony where his bedroom and his son's bedroom. Taking his concerns into consideration and referring to the direct windows from the second and third floors, the real distance was 19 feet including the setback and recessed area. She stated that they fell in love with Pedro Point and Pacifica and mentioned the original owner had the home so long and they found termite damage. She stated that the roof needed to be replaced, but they found out that, to add more than 10%, 100 square feet, they would have to chop off half the house as it was into the setback. They had originally hoped to add on to the home, but to get it to code, they would have to chop off half the house and they had to start all over.

Commissioner Campbell referred to the comment by the owner that they would have to chop off half the home, and he asked what zoning they would have to conform to.

Contract Planner Valente stated that he thought, if you exceed the existing square footage by a certain percentage, it adds on different requirements to make it consistent with all the development standards, and if it was encroaching on existing setbacks, they would have to correct that issue, and it opens a can of worms by adding on.

Planning Director Wehrmeister stated that, if they had other questions, she could look for the actual citation.

Vice Chair Nibbelin thought the staff report did a good job of laying out the issues. He stated that he was in favor of the project and was ready to make a motion.

Commissioner Evans stated that he was trying to find the information, and asked if both side setbacks were 5 feet on both sides of the proposed house.

Contract Planner Valente stated that the minimum was 5 feet.

Commissioner Evans knew that was the minimum, but he asked what the actual setback was, if he can get the information quickly, otherwise he didn't want him to worry about it.

Mr. Dimalanta stated that the house was like a dumbbell shape and the point further away was 5 feet but the middle portion went in an additional 4 feet, making that 9 feet.

Commissioner Evans was wondering if there was more space on the east side to help out.

Mr. Dimalanta stated that they were both equally distant.

Commissioner Evans thought the house was very nice and had a swimming pool and a nursery. He was pleased with the design, adding that it will be a huge improvement over what was presently there and which was not in compliance with city codes. He understood the neighbor's thoughts, and agreed it was an issue, but he thought that it was not an issue they can address.

Asst. City Attorney Visick asked what issue he was referring to.

Commissioner Evans stated that it was the light issue, and he thought they don't have any ordinance on residential.

Asst. City Attorney Visick stated that he will defer that to staff as they are more familiar with the code requirements.

Planning Director Wehrmeister stated that they didn't have any code regarding light or air ordinances.

Commissioner Evans stated that he wasn't objecting but just observing that it was a good size, and he noticed that there wasn't any duplication in the design that they could cut out. He was in favor of it, and he was glad they addressed the heritage trees.

Chair Gordon stated that he was in favor of the project, adding that it was an improvement. He agreed that it was a large home, but it was on a very large lot and was within the lot coverage limitations and he wasn't concerned about that. He did feel for the neighbor regarding the five years of construction, but he didn't think it should be held against these applicants as they didn't have anything to do with that. He thought it was terrible that he was going to lose the light and air, but as mentioned by the Planning Director, there wasn't an ordinance that allows them to make a determination based on loss of light or air. He was also heartened that the applicant stated that they took that into consideration by stepping back the upper units. He reiterated that they couldn't require them to do that. He was in favor of the project, adding that it will be a great improvement.

Commissioner Campbell agreed that there was no light ordinance but thought there was kind of a view ordinance because it was in the coastal area. He didn't think that would be disrupting. He thought it was a big house, and he understood the neighbor's concern. He thought it was tripping the mega home ordinance which was why they were looking at this. He was on the Commission when the big homes started, and that was why City Council enacted the mega home ordinance. He stated this was going in an area where they are used to 1,000 square foot home, and now it was a 5,000 square foot home going up next to them. He added that he voted for the mega home ordinance because he felt it was changing the character of the neighborhoods, and many people felt things were spinning out of control in their neighborhood. He felt it was too big for both Pedro Point and the neighbor.

Chair Gordon asked if they had any data on other homes in that area.

Contract Planner Valente stated they didn't have any specific information.

Planning Director Wehrmeister added that she didn't have any information with her either.

Contract Planner Valente stated that it was consistent with the height of 35 feet maximum and it varies in the neighborhood from 1 to 3 stories.

Mr. Dimalanta referred to the photos they provided with the homes to the left, stating that the neighbor who spoke has a two-story over another level and the home next door was one of the mega homes which was in the scale of 5,000 square feet. He thought that was why they felt there were in-kind, as they were all two floors over the garage level, and they found that consistency to design the house.

Chair Gordon stated that he was not referring to height, but rather square footage.

Mr. Dimalanta stated that the house that took a long time to build was relatively the same size. He stated that their footage includes a 600-square foot garage, making the rest at 4,000 square feet, and he agreed that it is bigger than the present home. He stated that, relative to what was happening in the Bay Area, as more people are working at home, these homes are found more often.

Chair Gordon stated that they weren't concerned about the Bay Area but were concerned about the neighborhood, and he asked if he had information on square footage of homes on the block.

Mr. Dimalanta stated that the home that took five years to build was about 5,000 square feet, adding that it was seen in the photos he had.

Vice Chair Nibbelin stated that he wanted to be sure he was clear on what it takes to pass a motion with they have four commissioners, asking if it was a majority of the Commission members, i.e., 4 votes, to take action. He was asking specifically if they have to adopt a motion unanimously.

Asst. City Attorney Visick stated that they needed a majority of the quorum, which was 3 of them.

Chair Gordon thought it was a fair point raised, but he would love to know what was going on in the neighborhood. He thought the question was whether it was to scale in the neighborhood. He stated that, if it was a neighborhood of 4,000 square foot homes, he wouldn't have a problem, but if it was a neighborhood of modest sized homes and there was a house twice the size, he felt that was a different analysis. He thought it was frustrating that they don't have that information.

Asst. City Attorney Visick stated that, because it was a public hearing, they can reopen the public hearing and take evidence from any member of the public who wishes to speak or if they wish to ask a question of that person.

Chair Gordon asked if they needed a motion.

Asst. City Attorney Visick stated that they needed a motion.

Chair Gordon moved to open the public hearing; seconded by Commissioner Campbell.

The motion carried **3-1**.

Ayes: Commissioners Evans, Campbell, and
Chair Gordon

Noes: Commissioner Nibbelin

Chair Gordon stated that they want to know the square footage of his home.

Mr. McMinn stated that the 255 Kent Road, according to Zillow, was a 1,890 square foot single-family home.

Chair Gordon asked if that was his home.

Mr. McMinn responded affirmatively.

Chair Campbell stated that he would be interested in the other home's square footage. He was open to the argument that, if there were a bunch of 3,500 or 4,500 square foot homes in that area, and this is consistent, it would be okay. However, he felt, if this was the only 5,000 square foot home in the area, mentioning that there were some big homes in the area, then this one still seemed big.

Planning Director Wehrmeister stated that she didn't have the hard data in front of her, but driving around the Pedro Point area, she thought there some very large homes and this wouldn't be the first one.

Chair Campbell agreed that it wouldn't be. He thought Pedro Point was a unique neighborhood where it was street by street, and this would be out of character on certain streets while okay on this street.

Commissioner Evans thought there were two homes west of that point, and he read that they were 4,200 or 4,300, adding that he didn't think it took the garage into account.

Contract Planner Valente stated that the size of the garage trips it as to whether it was counted or not, and he thought, in this case, it was not. He stated that he would have to read the code to be sure.

Chair Gordon stated that the house on the corner of Kent was very large, although he didn't know the square footage. He thought it was hard for them to make a decision as to whether this fits well in the neighborhood without knowing what else was in the neighborhood and he felt at a loss at this time.

Commissioner Campbell stated that, regarding the mega home ordinance, he had argued for the garage to be included in the square footage and he thought he lost. He didn't think it was included in the mega home ordinance. He stated that they could have a huge garage but that was not what tripped it.

Planning Director Wehrmeister thought it got in, where a garage over 600 square feet counts.

Commissioner Campbell agreed that only a garage over 600 square feet was included.

Vice Chair Nibbelin stated that he would like to make a motion, but if they were going to split 2-2, he had to see if they were going to get a second.

Vice Chair Nibbelin moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVE Site Development Permit PSD-812-16 and Coastal Development Permit CDP-373-16, by adopting the resolution included as Attachment B to the staff report, including conditions of approval in Exhibit A to the resolution; and incorporate all maps and testimony into the record by reference; seconded by Commissioner Evans.

The motion did not pass **2-2**.

Ayes: Commissioners Evans and Nibbelin

Noes: Commissioner Campbell and Chair Gordon

Chair Gordon stated that he would like more information before he makes a decision and was interested in a motion to continue.

Commissioner Campbell seconded the motion.

Commissioner Campbell stated that he thought the house was nice looking, well designed and it could be a good addition to the neighborhood but he felt that, with the mega home ordinance out there and with the history of what they were trying to do with that ordinance in figuring out whether the big homes fit within the context of the neighborhoods, it would be good to have the applicant tell them what was around in the immediate vicinity. He thought there could be a small home next door, and he wasn't saying that would determine anything at all. He was looking at whether there are big homes in the area, and would appreciate data to stay true to where he was when he was working to develop that ordinance. He stated that he could have his mind changed but, again, he wanted to see the data.

Asst. City Attorney Visick stated that he thought there was a motion with a second already and they can vote on it.

Planning Director Wehrmeister stated that they would like to continue it to a date specific, November 21.

Commissioner Campbell agreed, at the convenience of the applicant.

Commissioner Evans stated that he understood they were looking for the sizes of the other homes within the vicinity of this one, but he thought that was something they have on file.

Planning Director Wehrmeister responded affirmatively.

Commissioner Evans stated that he heard mention of the applicant getting the information. He asked if it was okay if staff gets it instead.

Planning Director Wehrmeister stated that it was public information and they can get that.

Chair Gordon stated that it would help to know the size of the neighboring houses, but he thought it would also help to get the language of the mega home ordinance to help them with what the rationale is and whether this project triggers it. He thought, even if it stands out as being larger than the others, that wasn't necessarily a rule for him to deny an application as there are a lot of different factors. He thought having the language of the ordinance might help inform all their decisions.

Vice Chair Nibbelin thought it was true, and he would be interested in knowing if there are any trends with respect to what has been approved over time. He thought a lot of the smaller houses are those which have been there a long time. He questioned how big the houses being approved were.

Commissioner Campbell agreed with knowing if there was a trend.

Chair Gordon stated they don't want to be the agents for keeping everything small.

Commissioner Evans thought it leads back to the answer of how long it will take to put this information together.

Planning Director Wehrmeister stated that all of that data was relatively easy to get and she thought a two week continuance was enough time.

Commissioner Evans didn't want to keep them waiting and at the next meeting they can vote on that.

Asst. City Attorney Visick clarified that the motion on the table was to continue this item for two weeks, until November 21.

Chair Gordon stated that he won't be present for that meeting, but he trusts the Commissioners.

The motion carried **4-0**.

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

Chair Gordon assumed staff had the information they need from the Commission.

**3. CDP-256-05
UP-947-05**

AMENDMENT OF COASTAL DEVELOPMENT PERMIT CDP-256-05 and USE PERMIT UP-947-05, filed by applicant, Doina Frentescu of Ericsson, to replace three of the existing six roof-mounted antennas located within two mock chimneys with three new larger antennas, to add three remote radio units (RRUs) and relocate three RRUs to the roof top facilities; and to replace the two existing mock chimneys, each 5' x 5' x 6' (length by width by height, 150 ft); with one 5' x 8' x 9' (360 ft) mock chimney and one 8' x 10' x 9' (720 ft) mock chimney located at 2580 Francisco Boulevard (APN: 016-400-060) in Pacifica. The purpose of the modification is to improve LTE 4G service capacity around the project site. The project is within the Coastal Zone. Recommended CEQA status: Class 1 Categorical Exemption, Section 15301(b).

Asst. Planner O'Connor presented the staff report.

Chair Gordon asked if she mentioned a condition of approval requiring reduction in the size of the box.

Asst. Planner O'Connor responded affirmatively.

Chair Gordon asked which condition it was.

Asst. Planner O'Connor thought it was No. 2.

Chair Gordon asked if the plan before them was larger than the plan they would be approving.

Asst. Planner O'Connor asked him to repeat his question.

Chair Gordon stated that it sounded as though there was a condition of approval to require the applicant to reduce the enclosures.

Asst. Planner O'Connor responded affirmatively.

Chair Gordon stated that the plans that were submitted have the full size.

Asst. Planner O'Connor agreed that it had the full size.

Chair Gordon concluded that what they were looking at was larger than what they would be approving, assuming that they accept the condition.

Asst. Planner O'Connor responded affirmatively.

Chair Gordon asked if the reduction would be in the range of 39%.

Asst. Planner O'Connor stated that it would be at 39% reduction for the sector C antenna in the southeast corner of the building and 50% reduction in the northwest area.

Chair Gordon thought it was in a sensitive area, and he asked if they were satisfied with the degree of camouflaging.

Asst. Planner O'Connor stated that staff felt it was important to look at the visual impacts of the proposed enclosures which was why they had the visual analysis done, especially focusing on the sensitive areas, including the local historic landmarks of Sharp Park Golf Course and the clubhouse, Palmetto and Clarendon intersection, hopefully the start of the Palmetto Streetscape improvement and Highway 1 which was eligible as a scenic highway. She stated that, from those three surrounding vantage points, there was minimal exposure to those vantage points because of the amount of trees surrounding the area, and the typical view characteristics of people in that area, stating that a motorist traveling southbound on Highway 1 would not necessarily be looking in a certain direction but looking forward, and the golfer on the golf course would be looking at the greens rather than into the trees. She stated that they found the exposure of these enclosures were minimal from the sensitive locations.

Doina Frentescu, applicant, stated that she was the site development manager for the project, representing AT&T. She explained why they were asking to replace the antennas and what would be added to the technology to increase capacity, giving the specifics planned. She stated that she was happy to answer any questions.

Commissioner Evans thought the bottom question was whether the size staff was recommending would work.

Ms. Frentescu stated that it would not work, adding that, on the first of the year, they will be back tearing down the enclosure they are putting up now and asking for more space.

Chair Gordon understood from the staff report that the Planning Department asked them to document the basis for their need for a larger size, and they were saying that the applicant didn't provide the documentation.

Asst. Planner O'Connor stated that he had that right.

Ms. Frentescu stated that they got the go ahead from AT&T to move on with this project, however, AT&T's engineers were working on putting together the scope of work of the new project. She stated that the RRUs will be needed to enhance the technology for 4C, 5C and 6C. She explained that they will have to be mounted on new racks.

Chair Gordon asked if she understood the need for actual documentation rather than just telling them the need for a larger space. He thought, unless there was documented basis, it was speculative.

Ms. Frentescu stated that it was not speculative, adding that AT&T was working with Ericsson to determine how many and what they can do to add the new radios.

Chair Gordon thought the Planning Department gave them an opportunity to justify the need for the larger space and what they were saying was that they didn't give them the documentation.

Ms. Frentescu stated that, at this time, she didn't have anything in writing, but she can bring something in writing later. She stated that this will be the project at the first of the year. She explained that they were asking for more space to accommodate the antennas, plus the new one, so that when they come back with the new project and will need more space, they won't have to tear down the enclosures because they have the opportunity to deal with that project now.

Chair Gordon asked whether it would make more sense to wait to start the project until they have the documentation to justify the need for the larger size.

Ms. Frentescu didn't think it did. She explained that, because of the demand in the area, the new LD 3C has to go and has to be functional. She stated that the new projects coming, 4, 5 and 6Cs, are projected for the first quarter and they can happen in January, but they may happen at the end of the quarter. She stated that, in the meantime, they will have dropped calls, not enough capacity for the data, which was the reason why AT&T was upgrading this site, specifically the complaints of dropped calls and slow data in the area.

Chair Gordon stated that they weren't asking her to not submit an application, but he thought it sounded like they were submitting an application that was larger than they have documentation to justify.

Ms. Frentescu responded that it was correct, for the moment.

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

Commissioner Campbell thought the visibility report was good. He was thinking they were looking at the bigger one, and exhibits 3, 5 and 6 sold him on the idea that it wasn't that bad. He liked the visual impact study.

Commissioner Evans stated that he has a problem with voting for the larger pieces without any justification. He thought, if this was important to AT&T, they would have some justification in front of them now or before that. He was hesitant on that.

Chair Gordon clarified that the motion before them was a condition of approval for the size of the enclosure at the smaller size. He stated that, if they vote to approve the motion as presented to them and as conditioned, they would be approving the smaller size, not the larger size.

Planning Director Wehrmeister responded affirmatively.

Commissioner Evans understood that it wouldn't work.

Vice Chair Nibbelin thought it would work currently, but then they will be back in the very near future.

Commissioner Evans asked if they saw a problem with that.

Chair Gordon thought it was a good precedent to require that applicants justify their space needs with specific documentation, otherwise it was a slippery slope.

Vice Chair Nibbelin thought it was to the extent that they were talking about aesthetic impacts. He thought, in other contexts, if someone wants to build something larger than they need, that might be of no interest to them whatsoever. He thought, in this context, it was important. He thought there was a certain inefficiency to approve something like this, but they were entitled to have the city take action on what they have applied for, even if it requires that they return. He thought the alternative was recognizing they were operating under shot clock and he didn't know how much time they have left on the shot clock. He thought the alternative would be to continue the item and see if they can get more information about the technology and the imminence of it. He stated that he has seen and heard some of it at this time. He thought that would be the alternative. He thought it was up to the applicant in some sense, as they can just take action.

Commissioner Evans thought he needed clarification. He concluded that, if they vote on this now, it was not on the larger items, but on what she presented to them. He thought what they saw in their paperwork were the larger items.

Asst. Planner O'Connor stated that, in the proposal, the larger items are included, but the condition of approval would reduce that to the smaller item. She stated that the intro provided by Chair Gordon give the proposed size, but the approval of condition No. 2 would reduce it.

Commissioner Evans stated, if they voted on it now, unless they changed it, it would be with the smaller size as in the conditions of approval.

Asst. Planner O'Connor responded affirmatively.

Vice Chair Nibbelin thought that, theoretically, they could change the condition.

Commissioner Evans agreed, stating that was why he added the caveat.

Chair Gordon stated that he would be in favor of voting on what was before them as conditioned. He stated that, if the applicant finds it inefficient for their own business reasons, they can do what they like and don't have to act on it if they don't want to. He stated that they can act on it and then come back to them.

Vice Chair Nibbelin asked how much time was left on the shot clock.

Asst. Planner O'Connor stated that it was six days.

Commissioner Evans asked if there was a reason for the actions to the shot clock being so far down the road.

Asst. Planner O'Connor stated that the shot clock started when the application was received, as that was the time it took for the staff report to be prepared and scheduled.

Commissioner Evans assumed that the bottom line was that the shot clock was because of the city.

Asst. City Attorney Visick stated that federal law and regulation imposes a very short timeline within which the city must take action on a wireless facilities proposal. He stated that it takes a

certain amount of time to work up the application, and it was not unusual for the Planning Commission to be taking action not long before the shot clock runs.

Commissioner Evans thought he remembered this from the past.

Chair Gordon that it was awesome that the shot clock was running down.

Vice Chair Nibbelin asked all of the parties if there was any interest or legal possibility of extending the timeline for any period of time. He stated that they have a meeting coming in a couple of weeks and maybe the agenda's already stuffed. He thought, with a little more information about why there isn't evidence about why these larger enclosures are needed, that might make a difference in terms of how they would feel about the condition of approval.

Asst. City Attorney Visick understood that, as a general matter, they can extend the shot clock by mutual agreement of both the regulating agency and the applicant, but he thought that was difficult to do at this meeting, given they would have to take action at this time if they are inclined to approve it as conditioned, and the applicant can come back and update their application.

Vice Chair Nibbelin asked if they can update an application after they have acted on it. He stated he was fuzzy on that proposition and asked if they can revive or revise an application if they have already taken action on.

Asst. City Attorney Visick stated that he wouldn't speak for staff, but he expected that they would submit additional materials with a new shot clock starting and it wouldn't require much more than submitting the same information but with the addition of the information for the antennas that they do not have documentation for at this time.

Vice Chair Nibbelin stated that he was curious about whether the applicant has any preferences to how they proceed.

Chair Gordon asked if she had a preference of whether they move to continue it.

Ms. Frentescu stated that, if an approval was not possible at this meeting, she would prefer continuance.

Chair Gordon stated that it would be either approval as conditioned.

Ms. Frentescu assumed it was conditioned to submit evidence for the new projects. She was okay with that.

Chair Gordon asked confirmation that it was approval as conditioned.

Ms. Frentescu agreed.

Vice Chair Nibbelin moved that the Planning Commission find the project is exempt from the California Environmental Quality Act; APPROVE amendment of Use Permit UP-947-05 and Coastal Development Permit CDP-256-05 by adopting the attached resolution, including

conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Commissioner Campbell seconded the motion.

The motion carried **4-0**.

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

Commissioner Evans thought he should mention the sentence about “anyone aggrieved”.

Chair Gordon asked if they need to give the “aggrieved” warning.

Asst. City Attorney Visick thought it would be preferable.

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:

Chair Gordon stated that Commissioner Clifford was absent and assumed he was recovering from his surgery and they were wishing him a speedy recovery.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that CalTrans has submitted a CDP to replace the over crossing or pedestrian walkway that connects Sharp Park to Eureka Square. She thought it was a good thing as she has heard that pieces have been falling down occasionally.

ADJOURNMENT:

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 9:30 p.m.; Commissioner Evans seconded the motion.

The motion carried **4-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister