

MINUTES

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

June 6, 2016

7:00 p.m.

Chair Gordon called the meeting to order at 7:05 p.m.

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

SALUTE TO FLAG: Led by Commissioner Cooper

STAFF PRESENT: Planning Director Wehrmeister
Contract Planner Valente
Sr. Civil Engr. Donguines
Acting City Attorney Herrington

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

The motion carried **5-0**.

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

APPROVAL OF MINUTES: APRIL 18, 2016 Commissioner Clifford moved approval of minutes of April 18, 2016; Commissioner Cooper seconded the motion.

The motion carried **5-0**.

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

APPROVAL OF MINUTES: MAY 16, 2016 Commissioner Cooper moved approval of minutes of May 16, 2016; Commissioner Clifford seconded the motion.

The motion carried **5-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 13, 2016:

Planning Director Wehrmeister stated that no one was needed for any item that was appealed, but she reminded them that it was the date of the Planning Commission's annual report to the City Council.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None.

CONTINUED PUBLIC HEARING:

- 1. TEXT AMENDMENT TA-104-16, the City of Pacifica is Proposing amendments to Title 9, Chapter 4, Article 10, of the Pacifica Municipal Code to allow massage establishments as a permitted use in certain commercial districts subject to compliance with licensing regulations administered by the Pacifica Police Department.**

Planning Director Wehrmeister explained that staff is requesting a continuance to complete their research and recommendation.

Commissioner Clifford asked that staff look at the massage parlor ordinances as they look at the heritage trees, that is, give the public a 30-day option to appeal and, if there is an appeal, there would be a public hearing facilitated by the Police Department as he thought that would address some of the concerns he heard at the last meeting.

Commissioner Clifford moved to continue Text Amendment TA-104-16 to June 20, 2016; Commissioner Cooper seconded the motion.

Commissioner Baringer asked if it would be appropriate to submit any suggestions while they are drafting, at this time or to a subsequent time, stating that he had a couple of questions he wanted to ask.

Planning Director Wehrmeister stated that he could ask them now.

Commissioner Baringer stated that the issue was whether there would or would not be public input and what that threshold may or may not be. He thought, if there was consideration given to size or location, such as in the middle of an existing shopping center at 600 square feet, that might be a situation where they can do that without a public hearing. If it was an existing building versus new construction, there might be a criteria that would relate to distance to residential or schools that might make the situation without a public hearing more palatable to the community and given a small business to avoid the cost of the hearing but not be a problem from a public input standpoint. He added that, if they take Commissioner Clifford's suggestion, that would allow them to go forward.

Commissioner Evans thought, if they haven't already added this step, they might include what other cities have done in the local areas.

The motion carried **5-0**.

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

NEW PUBLIC HEARINGS:

- 2. CDP-358-15** **COASTAL DEVELOPMENT PERMIT CDP-358-15**, filed by applicant and property owner Tess Lai, to construct a three-story, approximately 2,700-square foot single-family dwelling with a 400-square foot attached garage on a 5,000-square foot vacant lot located at 1375 Livingston Avenue (APN 023-017-090).

Planning Director Wehrmeister introduced Kevin Valente, a contract planner, who was assisting the city. She also introduced Chad Herrington who was with the legal team at Burke, Williams & Sorensen and sitting in while Matthew Visick was out of town.

Contract Planner Valente presented staff report.

Commissioner Clifford thought the view easement was unusual and he wanted a public report on it as they usually don't consider views when building in Pacifica. He added that we do have the ability to consider them in the coastal zone, but in these plans he was seeing an actual easement for view for the property above.

Planning Director Wehrmeister understood that the property was owned by the neighboring property at one point and, before selling the lot, the owner placed a view easement which was on the title report. It was a private easement and the city does not enforce it.

Commissioner Baringer referred to the geotech and drainage plans, and asked if the city corroborates the technical information provided by the applicant's contractors. He mentioned that, in some jurisdictions where he worked, the city would verify that the calculations performed are accurate and they don't have a problem after the project is built. He asks because it was not a flat lot and was more of a challenge, particularly with the drainage. He saw they have landscaping in the area of the retention basin, so he wasn't sure about the calculations, etc., mentioning that some cities have them hire a consultant for the city to verify the results.

Planning Director Wehrmeister stated that they do review the geotech reports, adding that it happens in greater detail at the building permit stage, but they rely on the applicant's submission at the planning stage of the review. A technical review of the report occurs prior to building permit issuance.

Commissioner Baringer asked if they do it internally or by an outside consultant.

Planning Director Wehrmeister stated that they do it internally but it was paid through the fees.

Commissioner Baringer stated that he didn't see that as a condition.

Planning Director Wehrmeister stated that it was standard practice.

Commissioner Baringer concluded that we assume it is there.

Planning Director Wehrmeister responded affirmatively.

Commissioner Baringer stated that he didn't see any reference to ensure safety while the staging was in progress, and he asked if they also handle that.

Planning Director Wehrmeister stated that they handle that as standard practice. With any new development, they need an encroachment permit and a traffic control plan through engineering division.

Commissioner Baringer referred to looking toward an environmentally conscious development such as in Harmony One, and he didn't see any in this. He asked if they were not doing it because they were not able to or just didn't put it in as a condition.

Planning Director Wehrmeister stated that it was state law that all projects need to comply with Cal Green, Title 24 requirements.

Commissioner Baringer stated that it was not LEEDS.

Planning Director Wehrmeister stated that the city did not have a LEED requirement as part of our code.

Commissioner Baringer stated that, in some jurisdictions in which he works, they flag the building outline so people in the community can get an idea of the building mass without having to figure it out. He asked if that was something we would do, particularly when talking about a view situation.

Planning Director Wehrmeister stated that we don't have a view ordinance and don't have a requirement that applicants put up story poles.

Commissioner Baringer concluded that people will have to rely on the plans and hope that they understand it.

Commissioner Cooper stated that he didn't see any development on the roof and he asked if that was one of the restrictions on the deed.

Planning Director Wehrmeister stated that she did not notice that, but she didn't pull the source document that had the easement language, and only noted that there was a view easement. She thought the designer or owner could speak to that.

Commissioner Clifford referred to language regarding the treatment of the retention basin, and asked what the treatment was and what they were treating for.

Contract Planner Valente stated that it was storm water runoff and it was just an infiltration basin to let the water naturally seep in through the ground instead of running down the street.

Commissioner Clifford asked if it was a special soil with carbon in it, stating that he was trying to understand the process.

Planning Director Wehrmeister stated that her understanding of the C3 requirements was that it treats soil runoff as both a pollutant and a resource and it should stay in place and not runoff. She thought the treatment basins in new development are designed to keep the suspended soil sediment in place and sounds like its treating a pollutant but not necessarily as bad as it sounds.

Commissioner Clifford stated that he has been looking for the answer to that question for a long time, including attending meetings for future projects. He stated that they always said they were going to treat the water and he would ask what they were treating it with but they could not answer him. He appreciated her answer. He asked if there was any back up power system set up for the dual sump pumps because having two sump pumps is great because if one fails, you have the other, but without a backup power system and the power goes out, you essentially have nothing.

Planning Director Wehrmeister thought it was a good question for the designer to address.

Tess Lai, owner, gave a brief background on their decision to live in Pacifica and the building process. She stated that she can't address the technicality of the drainage other than that it was prepared for a 100-year storm. She thought anything but the retaining wall was permeable. She hoped that satisfied any drainage. She stated that she hasn't been able to talk to the owner with the view easement as the home is actually an AirBnB. She thought it was the most obnoxious home as it is a party house, and they show up for events like a Super Bowl. She thought, if the owner lived there, she might try to work together with the owner, but she has no idea where the owner lives. She stated that she has her architect, Karen Metre, if they have any questions.

Commissioner Clifford stated that he still had the question about the sump pumps and whether or not there is a backup power system.

Ms. Lai responded that she may or may not as the architect was new to the project as her former architect was going to a different firm and she thought the sump pump was a new focus for her and she didn't want to put her on the spot.

Commissioner Clifford stated that he would like to put her on the spot.

Karen Metre, architect, stated that she will work with the engineer and the city to make sure there is adequate power with possible emergency backup.

Commissioner Clifford asked if she knew if they had a backup battery or backup generator associated with the system.

Ms. Metre stated that she did not know it personally.

Commissioner Cooper followed up regarding an answer to whether roof access is planned now or in the future.

Ms. Metre stated that it was currently designed not to have roof access but was structurally capable of carrying weight necessary if there was any necessary need for maintenance.

Chair Gordon opened the public hearing.

Charles Dennis McDevitt, Pacifica, stated that his property was to the east of this property. He looked at the plans and he thought it was an innovative design. He thought it followed all the guidelines. He mentioned what the landscape architect proposed, which are invasive and spread by wind. He stated that once they are in, they are hard to get rid of and are very prolific and invasive and he suggested hydrangeas, etc. He thought they wanted a visual shield and his suggestions were climbers and more easily controlled.

Ms. Lai stated that she was willing to plant what he and her families agree on. She stated that they were looking for something more natural and cost effective than a giant fence. She thought they have looked at a field for a long time, and she would like to accommodate them in any way they can.

Chair Gordon closed the public hearing.

Commissioner Cooper stated that he didn't have any problems with the project. He thought it was a unique design and fits into the neighborhood. He was concerned about use of the roof, as he thought no one wants to see people partying on a roof, and he would like to not see roof access. He appreciated the neighbor's plant suggestions, adding that all he knows is what the deer don't eat. He then warned the applicant about construction traffic, adding that they don't want the street blocked when the neighbors come home. He also recommended that they be careful on the roads as they aren't that good, having pot holes. He thought, if they create a problem, they would be a good neighbor to fill it in.

Commissioner Baringer liked the project, and felt it was a good design on a challenging property. He had some concerns about the drainage and he will rely on expert staff to make sure it is handled appropriately. He also had a concern that there was on site staging. He stated that contractors will probably try to do what is expeditious for them. He thought that scheduling the delivery of components of the project to ensure it doesn't intrude on the neighbors will go a long way toward making them popular in the neighborhood and make the project go more smoothly.

Commissioner Evans stated that he was in favor of it. He commended her for doing background with the neighbors, which they always consider advisable. He also commended the neighbor for offering suggestions instead of just a complaint. He stated that one reason he was in favor of it was that, as a vacant lot, there was a lot of drainage when we get rain, including mud.

Commissioner Clifford echoed the other commissioners' comments on the project. He felt it fits in the neighborhood and will be a nice addition to the neighborhood. He hopes they follow through on the drainage and look into a backup power system of some type.

Chair Gordon thought it looks great and fits nicely with the General Plan guidelines. He thought the design was very interesting. He agreed with the neighbor's comments and encouraged her to consult with the neighbor about what will work.

Commissioner Clifford moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; approve Coastal Development Permit CDP-358-15, by adopting the attached resolution, including conditions of approval in Attachment A; and incorporate all maps and testimony into the record by reference; Commissioner Baringer seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Baringer, Evans, Cooper, Clifford 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.

- 3. PSD-766-07, UP-68-15, CDP-294-07, PE-143-07, PV-517-16, SUB-228-15, SITE DEVELOPMENT PERMIT PSD-766-07, COASTAL DEVELOPMENT PERMIT CDP-294-07, USE PERMIT, UP-68-15, PARKING EXCEPTION PE-143-07, VARIANCE PV-517-16 and SUBDIVISION SUB-228-15**, filed by applicant and property owner Brian O'Flynn, to construct a three-story, two-unit residential condominium duplex on a 4,726-square foot vacant nonconforming lot located at 2105 Beach Boulevard (APN 016-182-010). Recommended CEQA status: Class 3 Categorical Exemption, Section 15303(b).

Contract Planner Valente presented staff report.

Commissioner Evans referred to the back up space situation, asking what would have to be done in the plan to make the space available. He asked how, following the applicant's withdrawal of the exception, that would affect making the 25 feet.

Contract Planner Valente stated that, according to the code, the front setback is 15 feet and, according to the current plans, it is set at 17'11" and there could be sufficient room. He stated that there was 2'11" in the front and the building could shift to allow the 14 inches in the back. He stated that the applicant can speak to this. He stated that staff received alternate plans, and he can speak to the alternative.

Commissioner Evans asked if the plans they are looking at are not the dimensions for plot plan.

Contract Planner Valente stated that they are the current proposal and the applicant would like to move forward with this current proposal but if the Commission finds the denial of the parking exception, he would like to offer the other plans as an alternative.

Planning Director Wehrmeister explained that the alternative plan would come forward at the building permit and they would plan check it to make sure he has the 25 foot backup and that it meets all the other code requirements.

Commissioner Evans assumed that would be one of the conditions of approval.

Planning Director Wehrmeister responded affirmatively.

Commissioner Baringer asked how height was calculated as a hard number, such as street level, etc.

Contract Planner Valente asked if he was referring to the building.

Commissioner Baringer responded affirmatively. He added that his question was because he noted a penthouse which he assumed was the stairwell going up to the roof deck. He thought that would be the absolute height of the building. He wondered if it made sense to have in the conditions a hard structure versus appurtenances such as if they wanted flag poles or furniture so that the height limit was the height limit and the building would not be any higher than that. He thought it looked almost identical in height to the building behind it and south of it. He thought they would want to keep it that way.

Planning Director Wehrmeister read the definition of height of buildings.

Commissioner Baringer concluded that it was measured from the garage area, not the street level.

Planning Director Wehrmeister stated that she would look up the section regarding chimneys.

Commissioner Baringer stated that his next question was about appurtenances. He stated that the applicant can probably answer whether the driveway was gated. He stated that there was a lot of traffic and, if gated, they will have to wait and will be in the street. He thought it would be a minimal impact on traffic, but he was curious. He was wondering about the storm water runoff, because he didn't know where they would put it unless it gets dumped into the storm water system. If that is the case, he asked if it was adequate since the city has had water issues this past winter. He stated that it didn't say whether it was handled on site or not. He then referred to storms, and stated that he has seen people putting sandbags in front of their garage doors, and he thought it might make sense to raise the level.

Planning Director Wehrmeister referred to the chimneys and flagpoles regulations in the municipal code.

Commissioner Baringer assumed that was what they would be doing at this meeting.

Planning Director Wehrmeister stated that, if there is a chimney shown on the plans, that is what they would be doing, but if it doesn't show a flagpole and they want to put a flagpole up later, they need to come back.

Commissioner Baringer stated that was what came to mind, but he thought there might be other things. He assumed the plans they are looking at now are the plans they are approving and, if they depart from that, they would have to come back.

Planning Director Wehrmeister stated that, in terms of height, they would have to come back.

Commissioner Cooper asked how many other homes in that area have decks on top of their homes.

Planning Director Wehrmeister stated that she was not currently aware of any and didn't recall any of the newer approved projects having roof decks.

Chair Gordon referred to problems that the general area has during storms, and stated that he read that there was a drainage problem in that area during heavy rains. He asked if they were aware of that.

Planning Director Wehrmeister stated that they have representatives from Engineering present and they may speak to that. She stated that it was not within the 100-year flood zone.

Sr. Civil Engr, Donguines stated that the drainage from this area goes under Beach Blvd, and the outfall was in the base of the pier. He stated that this past winter they cleared that and he thought there should be no further backup in the vicinity.

Chair Gordon stated that he had heard that, in the heavy storms, an individual has to get down and clear out, but he thought it sounds like it has been addressed.

Sr. Civil Engr. Donguines responded affirmatively.

Bryan O'Flynn, owner, stated that this was the second design concept with a lot of sweat and tears and creativity in fine tuning the project. He loved Pacifica and was into designing a high quality building, considering it like public art. He designed the project with Al Martinez, architect. He stated that there would be several green elements such as heating, cooling, insulation, water conservation, etc. He commented that there were neighbors who were present in support of the projects. He stated that there was a roof deck on 2117 Beach Blvd., next door. He stated that it takes advantage of the ocean views and provides private open space and a semi-communal space. He mentioned that he had a revised plan for the parking exemption which satisfies the 25-foot space between the garage doors and the end of the driveway, adding that there will be no change to the exterior of the building, in terms of the plot plans. He stated that it was all within the existing envelope without moving anything back and forth. He stated that he will have to shrink the front bedrooms facing the water by 14 inches. He stated that he would prefer to keep the garage parking space exemption. His rationale for putting the garage at the back of the building was that he preserves the sidewalk on the 2100 face of Beach Blvd. and no garage penetrations and there was greater public access and greater public enjoyment of the front yards along Beach Blvd. by tucking the driveway around the back. He stated that there will be no gate on the driveway. He stated that allows for slightly deeper decks on the ocean side, explaining that when you shrink the decks too low, you don't have enough room to successfully navigate around chairs. He stated that the double wide garage has two side by side double garages that hold two cars. He stated that, with the extra width of the garage, there will be more space to maneuver a car in and out without having problems with the 23'10", which was a 14" reduction. He would like to petition for the parking exemption. He stated that he plans to live in one of the units, and he didn't think it would be a problem in terms of use. He added that, if the Commission cannot support it, he has the alternative plan which would take the garage doors and move them in 14 inches to capture the 25 feet and take out the difference in the front bedrooms. He stated that there will probably not be more rain water hitting the site than was already hitting the site. He stated that the coverage for this parcel was limited to 60% lot coverage and he thought they were at 41% lot coverage. He stated that they also have greater private open space for each of the units, about 270% of the minimum code requirement, and they have an extra 20% in the front yard setback.

Commissioner Cooper stated that he has had several projects before them, and he thought he has paid attention to a lot of the things they ask, mentioning that they asked for stainless steel hand rails so that the front of the building will look presentable over a period of time which he felt was important. He mentioned that he had added permeable paving in one project which they look for that regarding the runoff. He thought it was a very unique design throughout the entire structure and was a unique addition to Pacifica. He referred to the backup space. He didn't consider his request onerous, and he thought the reason was probably for safety, not wanting a car going through the back of the fence into someone else's property. He asked if there was any consideration to put a solid barrier between such as posts to keep someone from backing their car out and running into someone else's property.

Mr. O'Flynn stated that they have a concrete wall. He stated that it will continue the wave pattern on the garden wall, and it will continue around. He referred them to page A9, the rear elevation, and pointed out the dotted line on the upper illustration.

Commissioner Cooper asked if it was a stucco wall.

Mr. O'Flynn stated that it was a concrete wall that may be covered with stucco, depending on how finely they can do it. He thought it would be skimmed very tightly with very thin stucco over a concrete wall.

Commissioner Cooper acknowledged that it was over the concrete wall, adding that it was not a retaining wall. He referred to concealing the trash bins, and commented that he added an outbuilding and he thought that was a neat feature to have a place to store the bins. He stated that he was allowing the deviation from the parking.

Mr. O'Flynn referred to mention of durability, and he stated that there were no galvanized metals, but were all stainless, fiberglass, aluminum, etc., because building was hard but maintaining even with painting, you still have to stay on top of the painting. He commented that it was like having a ship in a marina because as you move down, you will find gardens, but there was a completely different microclimate on the beach.

Commissioner Clifford asked him to repeat the amount he would have to take off the bedroom to meet the requirements.

Mr. O'Flynn stated that he was asking for a 14 inch exemption to the parking setback, the distance between the driveway and the garage doors. He stated that he would be shortening the western bedrooms by 14 inch and bringing them under 12 feet wide. He would be gaining 14 inches on the eastern most bedrooms. He stated that the building was not moving on the lot, but they were making internal changes by moving the garage doors back. He stated that by moving the garage doors in a western 14 inches, they have to move the stair tower in the middle of the project and that squeezes the front bedrooms. He stated that they were not huge bedrooms.

Commissioner Clifford asked what the finished dimensions of the bedrooms if he has to do these changes.

Mr. O'Flynn stated that it looked like 11' 3 ¾" by approximately 18' which was the width of the building.

Commissioner Clifford stated that he was asking because he wants to consider livability, in terms of the space the people are going to have.

Commissioner Baringer asked what the magic of the 25 foot dimension was. He asked, if the vehicle movements are 100% contained on the property and no opportunity to protrude out into the right of way, why was the 25 feet versus the 14 inch variance so important.

Planning Director Wehrmeister stated that it was a parking lot design standard contained within the code so that there was adequate backup space.

Commissioner Baringer concluded that it was a universal requirement but doesn't really provide for something that was pretty specific like this project.

Planning Director Wehrmeister reiterated that it was a universal requirement and, if everyone starts driving mini-cars, it may change, but now they don't know what kind of cars are going to be parked in that garage.

Commissioner Baringer stated that he asked because whatever issues might come up will be borne by the people who live there and less likely to be able to intrude onto the public right of way. He thought it might affect the marketability of the beautiful building for people who want to live there.

Planning Director Wehrmeister stated that, if it gets too crowded, some will start parking on the street if they can't comfortably use their garage.

Commissioner Baringer thought they could do that anyway and it was almost impossible to enforce it. He stated that there was a lot of on street parking.

Commissioner Evans referred to the front setback, and he asked why they couldn't move the entire building forward the 14 inches.

Mr. O'Flynn stated that, while moving the entire building forward, he would be reducing the front decks by 14 inches. He explained that reducing that space would make it difficult to have a chaise lounge chair, table and chairs and paths for navigation. He felt he would be sacrificing volume of the building for indoor/outdoor livability. He also believes it was a public benefit because it pulls the building back almost 3 feet off Beach Blvd. on a corner lot, mentioning that they have 10 foot setback on Santa Rosa and an additional 3 feet. He thought the decks are a public/private interchange space, and he didn't want to reduce the decks in front for practical purposes.

Commissioner Evans asked what the deck would be with the 14 inches taken off the deck.

Mr. O'Flynn thought it would be 7'8".

Commissioner Evans stated that he asked because one of his decks is 6 feet and he found it cumbersome at times.

Mr. O'Flynn added that they have a short parapet wall on the decks because they were keeping the architectural style with a tempered glass railing to help promote the transparency of the building which will take about 8 inches. He stated that most builders would want to expand the heated space, but he was counter to that because he knows what livability was about and he will be living there.

Commissioner Evans thought the roof deck might fulfill the shortened front deck area a little bit because of the full roof area.

Mr. O'Flynn agreed, but with the lower ones, you have the indoor/outdoor space and he didn't think it works very well.

Commissioner Evans concluded that was the only thing he had rooms to play with because the others were at the required amount of setbacks on all sides but he had 2'11" leftover.

Chair Gordon opened the public hearing.

Vivienne Bollinger, Pacifica, stated that she appreciated hearing a lot of the questions that have been keeping her awake for the last 72 hours following the plans being put on the public website. She stated that they had a 6-page document with concerns, questions and risks they see with the approval of the plan. She referred to Commissioner Baringer's question of the sea wall tolerance. She stated that the site was within 50 feet of a recent breach and she stated that there was no mention of a study on the sea wall tolerance with the duplex going up. She stated that, regarding the drainage, they were the people carrying the sandbags to protect their driveways and houses. They didn't know whether the rain water was going to be absorbed any further and she would like to see a reevaluation/reinvestigation of the drainage. She stated that engineering had helped in clearing the blockage but they don't know the actual impact if the building goes up. She stated that her house would be in permanent shade even with the setbacks. She stated that she has consulted with her architect and lawyers and the current setback will be insufficient to address the issues. She thanked Mr. O'Flynn for putting so much thought into developing the plan and helping to make their neighborhood great. She referred to the website stating that Mr. O'Flynn was three years behind property taxes for 2017 Beach Blvd. She then referred to page 5 where it stated that, in March 2011, 2017 Beach Blvd. looked smaller and 33 months later it was built up and it was more of a deck but still unlivable, and 5 years later it was still under construction. She questions how long this present project will take and could pose a nuisance to the residents. On page 6, she stated that it shows the plan says it will be consistent with the designs of 2017 Beach Blvd. and Montecito Avenue. She didn't see that being consistent with the West Sharp Park neighborhood and she questions what the new construction will bring.

Cyavash Moazzam, Pacifica, stated that he was the developer of the property perpendicular to Mr. O'Flynn's property. He stated that he didn't study the plans but he wanted to mention several points, that this brings much needed housing to the area which is a good thing, adding that any additional housing in West Sharp Park will activate future retail on Palmetto and help turn the corner and build some momentum to get the Beach Blvd. project off the ground. On looking around West Sharp Park, he thought Mr. O'Flynn does the best job in maintaining his properties, referring to several of his properties as examples. He felt having owners who take pride in their property, maintain it and are good to their tenants are the kind of people they would like here. He encouraged them to approve the project and build on the momentum in the area.

Reza Fakurnejad, Pacifica, stated that he owns 15 Montecito, around the corner from Mr. O'Flynn's property. He felt the plans look nice and he likes what he is building. He knows there are always concerns but believes the various issues will be addressed by staff. He was all for the project.

John Bagley, Pacifica, stated that he owns 2061 Beach Blvd. and has known Mr. O'Flynn for many years. He was there in support of his project, adding that it was a beautiful project and great at that corner.

Susan McCarthy, Pacifica, stated that she has lived in Pacifica for 32 years. She walks on the beach about 5 nights a week and looks at this empty lot which has been an eyesore. She has seen other projects that Mr. O'Flynn has built. She mentioned that people visiting from out of town will take photos of art work, designs and gardens in his other projects. She felt this will be a good improvement to the neighborhood.

Mr. O'Flynn stated that he will respond to one neighbor's concern about two issues, specifically stating that the drainage was reviewed by the Public Works department and they are compliant. He stated that there was only soil on the lot now, but they will have both permeable soil and a drainage system that meets strict requirements. Regarding the setback, he stated that the setback was 20 feet to the nearest property. He stated that, if they had oriented the building to Santa Rosa, the setback would have been 5 feet. He stated that they have four times the setback had they built off Santa Rosa. He stated that the distance between the two buildings was actually 25 feet which was plenty of space for light and air.

Chair Gordon closed the public hearing.

Commissioner Clifford asked what level of questioning they can have on 2117 Beach Blvd. which someone said the applicant owns and hasn't finished. He stated that he noticed that particular building was in construction but not actively being constructed.

Acting City Attorney Herrington asked if it was his property.

Planning Director Wehrmeister stated it was owned by the applicant.

Acting City Attorney Herrington stated that he can ask that question.

Commissioner Clifford stated that he asked because he didn't want to introduce something that was not on the agenda.

Acting City Attorney Herrington reiterated that he can ask the question.

Commissioner Clifford asked the applicant about the status of 2117 Beach Blvd.

Mr. O'Flynn acknowledged that 2117 was under construction, and PG&E was coming out the next day to install the gas meters. He stated that they have people working there six days a week, a small crew including himself. He stated that he was financing the project out of pocket and it was slower than usual but there was a lot of custom work on the inside. He stated that the roof was on, siding and stucco was completed, they have the trenching utilities done, and now they are just about ready to sheetrock the inside and then do the front lower deck on the outside. He

thought they would be done in approximately four months. He stated that people walking by appreciate it and it has gotten a lot of attention, getting very favorable comments on the project. He mentioned the high quality of materials that they are using. He mentioned that some of the newer buildings are not holding up very well, but he felt this building will probably hold up for 100 + years.

Commissioner Baringer mentioned that most of the commissioners have a construction background and understand things take time, but he thought five years was a long time to be under construction if you are living next to it. He asked staff if they could put in a condition for a timeline for completion as a condition of approval with consequences for failure to meet that timeline, making it more reasonable. He would not want to live next door to something that was under construction for five years, regardless of the customization of it.

Planning Director Wehrmeister stated that she could conference with legal counsel, but she thought that would be difficult for staff to enforce as the building code already has time limits built into it. She explained that when you pull a building permit, it was good for 180 days and you have to continually get inspections. She stated that this situation has been going very slowly, but the applicant has gotten inspections in enough time and has kept his building permit active which is allowed under the building code. She didn't know if they can impose a different timeline.

Commissioner Baringer stated that they put conditions of approval that are related to a lot of things on projects as they go forward and sometimes performance bonds are a way that you back up the performance by the applicant to perform certain things. He thought the bonds could be utilized to self-help if they have to in certain circumstances. He stated that he didn't say this was a circumstance where they would want to apply that concept, but he did think, if someone has a history, be it short or an anomaly, they have a responsibility to the community, now that they know about this, to have a conversation about it and do what they can to protect the community. He thought everyone would agree that a five-year construction period was inordinately long. He reiterated that he would be unhappy if he lived next door and he would want an explanation of why it took five years.

Planning Director Wehrmeister suggested that she let the applicant come up and she will talk to Acting City Attorney Herrington.

Chair Gordon was concerned about to what extent there was a nexus between the delay and construction of 2017 and funding issues as reflected in the lack of being current on property taxes. He didn't know to what extent they can get into that.

Acting City Attorney Herrington stated that there would be concerns with setting an automatic expiration date on a building permit. When an individual gets a building permit, they have a possessory right and any automatic expiration without any kind of due process hearing before a Planning Commission can create some concerns.

Commissioner Baringer asked if he had an equity concern.

Acting City Attorney Herrington thought the process of the existing building code is set up to address those types of concerns.

Commissioner Baringer commented that we still have a situation where it has taken five years and it was still not done. He thought it was falling within the allowed limitations of our code. He wasn't sure that, if they have an opportunity to ensure that it doesn't happen again, they should exercise that right at this time. He concluded that, if they don't have it, while not for tonight, they should fix it long term so they have the ability to make sure that things are completed in a timely fashion.

Chair Gordon stated that they have been presented with evidence from one of the speakers that the applicant has not paid his property taxes on that property at 2117 for three years, and he asked to what extent that can be a part of their discussion.

Acting City Attorney Herrington did not think it was related to this application. He stated that the timeline of that property was tangentially related to construction of this property, but payment of property taxes is not related and he would avoid discussion of that.

Chair Gordon stated that he had a question for Mr. O'Flynn regarding concerns about his track record with respect to 2117, and he was curious about his thoughts.

Mr. O'Flynn stated that it will probably be done in about four months, and he wishes it could be done today. He stated that, when he started, it was the darker recesses of the last recession, and he has been doing it out of pocket. He stated that, once you start a project that way, it was very difficult to get construction financing, and he was doing it with cash flow. He stated that, during that time, he remodeled the building across the street and he pulled out of 2117 and remodeled the one on the other corner that people take photographs of. He stated that the current project, 2105 Beach Blvd., will have bank financing up front and will probably be subcontracted out to other builders, and he will be doing project management. He stated that it was not a cookie cutter project but should be done well within two years. He stated that the people mentioning the timing have only been in the building behind within the past 12 months or so and have not been subject to it for four or five years. He stated that he used to own their property. He stated that, if he had the money, he would have kept it. He then referenced the property taxes, and stated that he was putting his money into the building. He stated that the property taxes were current as he has worked out a payment plan and paid some of the taxes back. He was now current on his payment plan and, once he finishes the building and refinances it, he will pay it off.

Commissioner Evans understood Commissioner Baringer's thoughts on taking a long time, but he believes that they have discussed, at length, different projects taking extra-long and stopping and starting. He felt, to actually address that, it needs to be in a different arena and he also believes it needs to be through coding and requirements in what they have written down in city rules. He didn't agree in putting any stipulations into this particular project as they have a completely different project than the others. He asked if they were now in deliberation.

Chair Gordon responded affirmatively.

Commissioner Evans then continued by stating that the design was beautiful and it was truly a piece of art. He felt he incorporated whimsical aspects and it was an eye catcher, mentioning some examples. He felt it was a great design, a wonderful location and a great improvement for the neighborhood and he hoped to continue that. He stated that his only reservation was the backup distance. He felt he could move the whole thing and get the requirements and not have to make an exception. He stated that these were one way streets, tight parking and, when they can

make it easier on the drivers, he tries to do that. He mentioned questions he had on previous approved units. He stated that he was in favor of the project but he would like to see it backed up and pull the 14 inches back into the 25-foot realm.

Commissioner Cooper appreciated the sincerity of the applicant and, for him, he would like to keep things to what is in front of him as far as the approval and the facts that he sees. As the applicant is very forthcoming, he would look in front of him in the package to make a decision. He didn't have a problem with the parking exception, and he would like to hear more from his fellow commissioners regarding the parking exception but he was ready to make a motion.

Commissioner Clifford referred to the parking exception, he stated that, by moving the garage to the back of the house, he has freed up parking on the street and he was okay with the parking exception. He would like to keep the living space inside the home within normal parameters and he felt 11'3" was not really a normal width for a bedroom. He felt 12 x 12 feet was a minimum and up. He concluded that he would be okay with the parking exception on this project.

Chair Gordon stated that he was also okay with the parking exception for the reasons stated. He stated that, in this particular case, he thought you could make findings that there are unusual circumstances that favor prioritizing livability in the interior. He stated that the fact that there is a concrete barrier in the back can protect against someone going too far backing up.

Commissioner Baringer stated that he likes this project a lot. He agreed to have the timely performance on another day and time. He felt it was a showpiece for our community. He mentioned that there was a lot of tourism activity in that area and he thought it would definitely be a fine addition to the neighborhood. He was willing to overlook the 14 inch parking discrepancy. He thought whatever detrimental outcome there was would be borne by the people who live there and will not flow out into the right of way. He was in support of the project, as well as the parking exception.

Commissioner Evans asked staff if they approve with the exception that has withdrawn, he imagines it will change the motion.

Planning Director Wehrmeister explained that the exception has not been withdrawn. The variance for the fence height was what was withdrawn. The exception was still being requested by the applicant. She stated that she can assist with the language for the motion.

Commissioner Evans thought that was the case. He then asked, as there were no findings on the two conditions for the exception, whether that was an issue.

Planning Director Wehrmeister stated that there were findings on page 11 of the resolution for the parking exception, and she was going to suggest the argument that Commissioner Clifford put forward about preserving parking within the neighborhood. She referred to the lot being substandard in length, and was just less than 90 feet long. Typically, you have 50 x 100 feet and this was 52 feet wide but substandard in length and would address the back up space.

Commissioner Evans concluded that it wasn't an issue on finding the two conditions.

Planning Director Wehrmeister asked what page he was addressing.

Commissioner Evans stated that, if they were to grant the variance, they had to come up with two conditions.

Planning Director Wehrmeister reminded him that they were discussing the parking exception, not the variance.

Commissioner Baringer asked if they should make two separate motions as he thought, if this is appealed, they may want to appeal one of the approvals, not all of them. He asked, if they approve it as one motion, whether it gets appealed as one motion.

Acting City Attorney Herrington stated that, if it was appealed, it can be appealed in segments and not necessarily in total.

Chair Gordon referred to one speaker bringing up the impact of the construction of the unit with the sea wall breach, and he didn't know if there was any kind of relationship there or if they have looked into it or should look into it.

Planning Director Wehrmeister didn't believe there was any relationship there, and there should not be any impact. She deferred to engineering to address that question.

Sr. Civil Engr. Donguines stated that there was no correlation with the sea wall. He understood that the sea wall has its deficiencies, but the building was across the street and they can't connect the buildability of the building versus the sea wall.

Commissioner Cooper moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; approve Site Development Permit PSD-766-07, Coastal Development Permit CDP-294-07, Use Permit UP-68-15 and Subdivision (Condominium) SUB-228-15, and Parking Exception PE-143-07, by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference.

Chair Gordon stated that one of the speakers gave them about 4-5 pages of detailed substantive comments before she came up to speak, but they didn't receive the comments in advance and had no opportunity to look at them in advance. When this happens, they have to be listening to each other and others, and reading through the comments, which he felt was very challenging for them. They have done their best to go through them and address the issues. He stated that receiving them in advance would be appreciated.

Commissioner Clifford seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Baringer, Evans, Cooper, Clifford 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.

COMMISSION COMMUNICATIONS:

Commissioner Clifford reminded everyone that Tuesday was primary voting and he encouraged everyone to exercise their rights and vote. He also reminded everyone that June 6 was the 72nd anniversary of the D-Day invasion of Normandy and they should remember all those people who bravely fought for us.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister informed them that the 7-Eleven building permit at Hickey was issued. The demolition permit for the burnout building at 1070 Palmetto was issued recently, but she didn't know if demolition has started yet. She stated that, related to storm damage, she was meeting with the owners of 532 Esplanade to get an update from them and she will have more information at the next meeting. She stated that, regarding the quarry development, the county has stated that the city will be notified whether the signatures have all been validated this week or the next week as they are pretty busy now with the primary election. She stated that she will answer Commissioner Campbell's question even though he was not present. They have not received the application yet but expect it this month. She stated that they may have seen the City Manager's article. The library polling on a potential bond measure for November has begun, starting with an on-line survey and the phone calls should be starting midweek. She stated that she sent them an email about the governor's by-right housing proposal. She stated that, as our General Plan is older and we don't have a lot of objective requirements built into that, they are looking very closely at what it means for Pacifica and what we need to do to respond to it.

Commissioner Cooper asked for an update on Recology, mentioning that they were treating some storm water and were putting some tanks in, and he asked if that ever happened.

Planning Director Wehrmeister stated that they pulled that application and are reevaluating investment into the site. As they don't own the site, with the continuing storm damage, they are rethinking their options.

Commissioner Evans thanked staff for that update. He appreciated it, adding that it fills them in on what's going on around town.

Chair Gordon agreed with his comments. He then thanked Chad and Steven for showing up which was appreciated.

ADJOURNMENT:

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 9:00 p.m.; Commissioner Cooper seconded the motion.

The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister