

MINUTES

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

September 18, 2017

7:00 p.m.

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

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

SALUTE TO FLAG: Led by Commissioner Cooper

STAFF PRESENT: Planning Director Wehrmeister
Asst. City Attorney Doherty
Senior Planner Murdock
Asst. Planner Smith

Chair Nibbelin asked confirmation that you don't have to be present at the meeting to vote on approving the minutes, which was a change from past practice.

Planning Director Wehrmeister confirmed that he was correct, adding that they were merely stating that the minutes were correctly prepared in form.

Commissioner Clifford thought they were supposed to approve the order of agenda first.

Chair Nibbelin stated that he missed that. He thanked him for catching that and then asked for a motion to approve the order of agenda.

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

The motion carried **6-0**.

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

**APPROVAL OF MINUTES:
AUGUST 21, 2017** Commissioner Clifford moved approval of minutes of August 21, 2017; Commissioner Gordon seconded the motion.

The motion carried **6-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF SEPTEMBER 25, 2017:

Chair Nibbelin stated that he had Commissioner Clifford's name in parentheses.

Planning Director Wehrmeister stated that it was a reminder that the accessory dwelling unit item was continued to September 25th and Commissioner Clifford has confirmed that he can attend that meeting.

Commissioner Clifford stated that he was coming back Monday morning from a trip and he thought it might behoove them to have an alternate available in case something happens.

Chair Nibbelin thanked him and asked if there was someone who could serve as an alternate. Seeing no one volunteering, he assumed they will take their chances.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None

CONSIDERATION:

- 1. Library Update** Provide Direction on Land Use Planning Site Selection Criteria to The Library Advisory Committee to Contribute Towards Recommendations for City Council on Appropriate Locations for the Construction of a New Pacifica Library.

Asst. Planner Smith presented the staff report and then introduced Cindy Abbott from LAC for more insight into the process.

Cindy Abbott then presented the process followed by the LAC.

Asst. Planner Smith continued the staff report.

Commissioner Cooper commented that most of the proposed sites were above 30,000 square feet and made some personal observations on possible final square footage of the buildings, and asked if there had been any thought of making the building smaller than proposed.

Asst. Planner Smith stated that the range between 29,000 and 37,000 square feet was based on the population size in 2040 of 41,000.

Commissioner Cooper commented that it was above .6, the lowest one in San Mateo, as we used a .7 standard.

Asst. Planner Smith agreed, explaining that the 2014 needs assessment identified what the population would be and what the relative size of the library should be according to that population.

Commissioner Cooper asked if all the options selected for a 30,000 square foot building would assume we are closing both libraries.

Cindy Abbott stated that was not correct.

Commissioner Cooper asked why we would choose a library larger than our needs if we are not closing the second library. He stated that, if they say it is 29,000 and we shut one library down, we are at a need of 24,000 square feet but all the proposed buildings were above 30,000 square feet.

Planning Director Wehrmeister stated that the massing he is seeing on the presentation was providing a round number and making it consistent between all the sites. She stated that the actual industry standard is .9 square feet per person, and that was a best case scenario.

Commissioner Cooper asked if that was where San Francisco was.

Planning Director Wehrmeister stated that she didn't know San Francisco's ratio was but that was from an analysis done for Pacifica. While they know not all communities can realistically achieve that number, they looked at similarly sized cities in San Mateo County and used what they considered a more realistic ratio in considering cost and site constraints. She stated that the Sanchez Library was 4,000 square feet and when there are two libraries there are necessary redundancies and that may be why some of the math does not work out as there will be areas that both libraries need to have.

Commissioner Cooper stated that, when he looks at the sites and development, there was a difference between a library as a focal point of the community versus functioning for the community. He was involved in several phenomenal library facilities in San Francisco, mentioning green roofs, etc. He stated that when he looks at what Pacifica can afford, he is a proponent of taking the commercial aspect out and making it more of a city function. He stated that he liked the City Hall site and thought that would be a good place to consolidate city services. He agreed with them that the tier 2 sites were not in a good location but he liked the City Hall site.

Commissioner Campbell referred to the Oceana High School library site and tennis courts, and he asked how the tennis court proposal came to them, specifically asking if the school was considering getting rid of the tennis courts.

Cindy Abbott stated it was a community brainstorm, physical location at an intersection with a large enough space, but with the school district appointing a new superintendent, there has not yet been any communication. She added that they tossed everything out there, mentioning some of the specific sites being proposed.

Chair Nibbelin referred to the Beach Boulevard site, asking how that would square with the proposal of the possibility of a hotel and whether they would be integrated on the same site.

Asst. Planner Smith stated that the evaluation process was trying to identify as many sites as possible in terms of developability of a site. He stated that there was still an opportunity for having a library there and was part of the overall evaluation and he felt feedback from the Commission would be useful.

Chair Nibbelin stated that his question was on how that could be integrated into a hotel if it went that direction.

Cindy Abbott stated that they were continuing and they were trying to note the name of the street. She stated that it was not Beach Boulevard, but the corner of Montecito and Palmetto.

Chair Nibbelin assumed those things could happen in tandem.

City Abbott responded affirmatively.

Commissioner Stegink referred to the Pacifica evaluation matrix, and he asked what synergy connectivity was.

Cindy Abbott stated that it was what was around the location, as to whether it ties into economic development or was by itself or accessible. They wanted to make sure it was in a place where people could get to and added value to the area.

Commissioner Stegink commented what economic impact a library would have.

Cindy Abbott stated that at the LAC, they have heard a lot about the economic value of a library to a city and was part of the original proposal of being an anchor for the Palmetto redevelopment where it brings foot traffic and they then take part in other things in the area. She stated that was why the corporation yard did not hit high on that criteria.

Commissioner Stegink stated one evaluation matrix item that was missing was opportunity cost to replacement cost of services. He stated that several locations, such as City Hall, have costs associated with displacing the current city run services on that site. He asked if those were incorporated in the cost attribute.

Cindy Abbott stated that they have two different models for locations where granular costs have not been done yet as they didn't want to have staff and the consultant work on the cost for 22 sites, when a number of them were not viable. They were looking requesting the architects to create costing for the much shorter list which would include the cost for replacing facilities. She stated that it also includes parking which was a key consideration such as the parking lot on Francisco that has been suggested. She stated that when the consultants put the block plans on that, it didn't have appropriate room for parking in that area.

Planning Director Wehrmeister added that the replacement or displacement cost mentioned was part of the reason why the tier 2 sites were in tier 2.

Commissioner Stegink agreed with Commissioner Cooper that the City Hall site offers opportunities. He stated that City Hall was kind of a disgrace and he read a brief analysis by the first city manager, Carl Baldwin, stating he preferred that site and his position was not to break up the commercial district on Palmetto with a library. He also liked the city owned lot between the

Thai restaurant and the Little Brown Church, stating that it was significantly bigger than several of the other locations. He wished them luck in finding a solution palatable to voters.

Commissioner Gordon thanked staff for the presentation and the work involved. He stated that, using .7 as the industry standard, they were looking at targeting the 30,000 square foot area and he asked what the current libraries were.

Asst. Planner Smith stated that the Sanchez Library was 4,500 square feet.

Cindy Abbott stated that there was a total of 11,000 square feet split between the two and there was quite a bit of redundancy, and challenges with the existing facilities.

Commissioner Gordon thought they were approximately 20,000 square feet short. He asked, if a site being selected provided a 25,000 to 30,000 square foot range, what would be the state of the current branches or was that up in the air.

Planning Director Wehrmeister stated that the current direction is to replace the Sharp Park Library as, in addition to being small, it was no longer meeting current building code standards and needs to be replaced, whether on that site or a different site. She stated that the direction for the Sanchez Library was to continue to consider that to be a service location. She stated that it was 4,000 square feet and will require some renovation if it stays in its current state for accessibility but was largely code compliant.

Commissioner Gordon stated that they were talking about keeping Sanchez but Sharp Park has to be renovated or moved.

Planning Director Wehrmeister stated that, because of the poor quality of the Sharp Park building, it would be more costly to renovate or create an addition rather than start from scratch.

Commissioner Gordon thought Sanchez didn't make sense to be the spot, partly because of the location in the southern part of the city and wasn't a great idea geographically. He felt a more central location was good. He was concerned about the tennis courts because they were already serving a great purpose to the public, although the courts are slanted and he thought that was depressing. He thought it sounds like they were looking for a site that will provide a range of 30,000 square foot and be centrally located.

Chair Nibbelin thought they would come back once they heard from the public. He was hoping for comments and clarification at this point.

Cindy Abbott added that, on talking about square footage, the next step on which the LAC will be working was the service models, and what services will be in what library. She thought that will hinge on how many square feet were needed to do that. She stated that Sanchez in its current state was very small, and the question was what they can do in that footprint, such as extending it a little bit, but it will never be a full service library. They will be meeting to talk about service models to see how it divides up between buildings and they are staying at a higher level as far as the square footage, and not finalizing it at a specific size.

Commissioner Clifford stated that he didn't have a lot of questions as he is a member of the committee. He stated his preference was to redevelop the existing Sharp Park Library site based

on information he has gotten previously as it was already a library and its benefits would be similar to the Palmetto/Montecito site but it was out of the tsunami zone because it was on a hill and they can close off Hilton Way and extend the library over the street and not limit it to the existing site.

Commissioner Campbell stated that he saw the Beach Boulevard project was submitted to the California Coastal Commission and he asked if any other variance of the project has been submitted to the Coastal Commission.

Asst. Planner Smith stated that the previous City Council decision on the site evaluated the General Plan and zoning code and specifications on the site but no applications have come forward since that time.

Chair Nibbelin opened public comments and, seeing no one, closed public comments.

Chair Nibbelin stated that the requested action was for them to provide feedback to staff and LAC regarding the General Plan, zoning code and planning policy for each of the potential library sites. He stated that he didn't know if there was a particular area matrix that might help them march through it in a systematic way. He thought they could look at each site noted and move forward. He thought the report did a good job of laying out the General Plan and zoning for each site. He was a little fuzzy on what they would like from the with respect to planning policy.

Asst. Planner Smith stated that, if they were looking for site evaluation criteria, they could use the example for the site evaluation matrix given to the LAC members but they were hoping to get direction on the General Plan and zoning code specifically for each individual site. He suggested they could move through the individual sites and, if they have specific comments from a General Plan or zoning code perspective that might be useful.

Planning Director Wehrmeister had an alternative. She stated that the Planning Commissioners were the experts on land use matters. She stated that, for tier 1 and tier 2 sites, if there was anything they can think of that has not come to mind so far during the LAC outreach process that they need to take into consideration, it would be great to hear now such as traffic or parking impacts, etc. She added that they were confident that zoning and General Plan isn't going to be an issue for each identified site, but if there is anything else they can think of, that would be more efficient.

Chair Nibbelin stated that there were lots of lights and he thought there was going to be interesting feedback.

Commissioner Cooper thought the Ocean High School site was an interesting location and was central to the community. He was concerned with how that would offset some of Oceana's facilities and potential cooperation from the Jefferson Union High School District might be an issue. He felt it was close to the SamTrans line, close to a senior center and he thought it was a good location and he thought they could facilitate parking. He was not a fan of the corporation yard or the parking lot. He thought the Sharp Park Library site was centrally located and he thought a lot could be done with the site, and he didn't think they would compete with beach parking. Being on a hill, he would look at the access to the library. He was not a fan of the Beach Boulevard site, adding that he thought they were trying to mix oranges and apples regarding commercial and library use. He thought the City Hall site was a good location and they

were far enough from the beach to not compete with parking which is an issue. He likes combining it with City Hall to have services in one area. He also would like to look at downsizing. He also felt a library facility that has a gathering place was a good component. He felt today's kids don't want books, but a place to use computers and do research.

Commissioner Gordon stated that he hadn't planned to go down the list and he asked if that was where they were.

Chair Nibbelin thought that was good. He asked if he wanted to skip him.

Commissioner Campbell thought there were two sites that were viable, Sharp Park Library site where he was in agreement with Commissioners Clifford and Cooper because of accessibility and parking. He also felt the Palmetto/Montecito site was a viable option and his second choice. He was comfortable following the recommendation about a 30,000 square foot library, adding that a lot of work has gone into that recommendation. He found the City Hall option intriguing but he thought the parking and circulation was an issue. He thought there was some potential parking such as the parking lot next to the Thai restaurant. He stated they took parking into consideration when they approved the building next to the old El Toro Loco Restaurant (195 Carmel Ave.) and they talked about putting signage on that lot for patrons to go there. He stated that, with the library site, they would lose that parking. He concluded that he wasn't a fan of the City Hall site. He agreed with everyone on the corporation yard that it was too far away to be a viable site. He thought the Oceana site was a non-starter, and taking away the tennis courts would be controversial. He thought that was putting it too far away economically. He was in agreement that using the Sanchez Library as the main library in the most southern part of Pacifica was not a good idea.

Commissioner Clifford knew they were still working with the old General Plan and working on a new General Plan, and he asked if they anticipated anything in the new General Plan that would affect the sites mentioned.

Planning Director Wehrmeister responded it would not.

Commissioner Clifford reiterated that his first choice was replacing the existing Sharp Park site and his second choice would be to put it on the Palmetto/Montecito site, but added that it was a distant second and he was a one shot person. He stated that most of the other sites all have drawbacks, stating that they would have to fund replacements even if it was inside the same building of the library, it would increase the cost which would be the issue for the voters. He was in favor of city-owned sites that meet the criteria and has a positive economic impact on our new streetscape for which we are spending a lot of money, and it was a useful library in a central location.

Commissioner Gordon thought the site should integrate with the Palmetto streetscape plan which is a primary consideration from his perspective and it focuses on the Sharp Park site and Beach Boulevard site. He stated that he was out of his league but he thought the Sharp Park site, in terms of funding it, would be a big issue for the city. He asked if the city considered selling the Sharp Park site and using the proceeds to fund a building at Beach Boulevard. He understood they weren't supposed to talk about economic plans, but he felt, in terms of the Sharp Park, it was elevated and has a great view of the ocean and he thought it would be economically valuable to a developer.

Planning Director Wehrmeister stated that, if the site selected was not the Sharp Park site and there is no longer a library there that was part of the future discussion for City Council would be what to do with the site including possibly selling it.

Commissioner Gordon stated his first choice would be the Beach Boulevard site with the thought of funding that through the sale of the Sharp Park site. He stated that, if people don't go for that, he agreed that the Sharp Park site would be No 1, adding that he sees more value in the city selling it and funding the construction that way. He was against most of the other sites for reasons already mentioned.

Commissioner Stegink stated that he has heard some rumors that the Friend group was not interested in having the library at the 2212 Beach Boulevard location, and he asked if there was any accuracy to that.

Planning Director Wehrmeister stated that, if Council decides that is not where the library would go, there was some interest in expanding the size of the hotel but they weren't far enough into negotiations.

Commissioner Stegink stated that he remembered a November 2015 letter from the Coastal Commission preventing subterranean parking on the shore line. He asked if that was still valid.

Planning Director Wehrmeister asked if it was the letter about the City Chamber site on Beach Boulevard or a different project.

Commissioner Stegink thought it was about the Beach Boulevard site.

Planning Director Wehrmeister didn't recall that comment specifically. She recalled comments that the design needs to be such that adaptation planning was taken into account, but not that they said parking could not be subterranean.

Commissioner Stegink agreed that there were a couple of sites that were off the list, the tennis courts at Oceana serve a useful purpose and with the corporation yard they would have to move it somewhere else. He thought that the 2212 Beach Boulevard location has already been voted on and did not meet the voters' expectations. He thought the existing Sharp Park Library was an interesting potential site. He stated that the site was smaller than the location on Francisco between the Thai restaurant and the Little Brown Church but, if it can be adapted in a way that maximizes the library there, while maintaining City Hall and they don't have to immediately pay for a new City Hall, he thought that would be a win for them.

Chair Nibbelin stated that he recognizes that they were focusing on talking about the two libraries but he thought it raises the issue of a lot of redundancy. He wasn't necessarily in favor of moving forward with two libraries. He stated that, on looking through the evaluation matrix, he noticed that the Beach Boulevard site scores very highly for obvious reasons, such as circulation, accessibility. He also thought, from a land use perspective, that was a very advantageous and favorable site. He thought it yields the highest score on the evaluation matrix. He thought, from a land use perspective, this was the superior site. He didn't think it was a foregone conclusion that the voters wouldn't support it. He thought the other sites were disadvantageous, Oceana for practical and legal reasons, and he referred to the concerns already raised on the other sites. He

added that the site that comes closest to the superiority of the Beach Boulevard site would be the existing Sharp Park Library, although he mentioned that there were probably better uses in that site to be considered. He asked staff what else they can share as they move forward.

Planning Director Wehrmeister felt they had the direction needed from them. She stated that the next step will be the city having a community meeting on September 28 at the community center with an open house from 4:00 PM to 7:00 PM with a workshop at 7:00 PM. She stated that they will be at the Fog Fest in the city booth to get additional feedback and provide information to the community on the project and at the Farmer's Market on October 4 for public information. She stated that the Library Advisory Committee's next meeting was October 11 and open to the public. She stated that they will have a report to City Council on October 23 which will incorporate this discussion.

Chair Nibbelin asked if there was a need for a liaison for that meeting.

Planning Director Wehrmeister stated that Commissioner Clifford was the LAC liaison so he would probably be there.

Commissioner Clifford stated that everyone was welcome to attend.

Commissioner Cooper asked if anyone has done any economic analysis, as he knew they talked about the site on Palmetto/Montecito. He asked, if they didn't build a library, what was the offsetting commercial value of that site per year in a tax situation versus a non-revenue generating site like a library. He thought there would need to be a cost benefit analysis done.

Planning Director Wehrmeister stated that she was not aware that such an analysis has been done to date.

Chair Nibbelin confirmed no further comments were required prior to moving to the next item.

PUBLIC HEARINGS:

- 2. CDP-385-17** **COASTAL DEVELOPMENT PERMIT CDP-385-17**, filed by Adeline Sullivan on Behalf of Pacific View Villas to Modify the Existing Location of the Coastal Path at 200-224 Palmetto Avenue (APN 115-220-999) in Pacifica. The Proposed Amendment Would Alter the Location of the Coastal Path in Response to Coastal Erosion of the Existing Path. The Project Site is Located Within the Coastal Zone. Recommended Action: Continue to October 2, 2017.

Chair Nibbelin asked if the recommended action to continue this to October 2 was correct.

Planning Director Wehrmeister stated that it was the recommended action. She asked Asst. Planner Smith to stay for this item because they had received recent communication from the Coastal Commission today and she didn't know if that was an appropriate date or if they want to continue and re-notice the item.

Asst. Planner Smith referred to the Coastal Commission asking specific questions about the implication of moving the path and the impact that it will have on bluff erosion and they may potentially ask for additional information.

Chair Nibbelin understood and asked if it made sense to continue it to a date to be determined.

Asst. Planner Smith thought that was a sensible decision.

Commissioner Clifford moved to continue this item to a date to be determined; Commissioner Cooper seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Stegink, Cooper, Gordon, Campbell,
Clifford and Chair Nibbelin.
Noes: None

Chair Nibbelin then referred back to Item 1, stating that while there were no public comments, they had an email dated September 17, 2017, from Bill Collins and he asked confirmation that all Commissioners received the email and had the opportunity to read it prior to consideration of the item.

NEW PUBLIC HEARING:

- 3. PSD-817-17 CDP-382-17 UP-83-17 S-123-17 PE-171-17 Heritage Tree Removal** **Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17, Use Permit UP-83-17, Sign Permit S-123-17, Parking Exception PE-171-17 and Heritage Tree Removal Authorization**, submitted by Brian Brinkman of Consult Design Build, Inc., for Construction of a Two-Story Mixed-Use Building Comprised of 3,213 Square Feet (S.F.) Gross Leasable Area at Ground Floor and Four One-Bedroom Apartments Totalling 3,508 S.F. Living Area at Second Floor: Operation of an Outdoor Seating Area; Authorization for Office Use; Establishment of a Master Sign Program; Construction of a Freestanding Sign; and Reduction in Off-Street Parking and Covered Parking Requirements, at a Vacant Parcel Located at the Southern Portion of the Pedro Point Shopping Center, North Side of San Pedro Avenue, Approximately 280 Feet East of the Intersection of San Pedro Avenue and Grand Avenue (APN 023-072-110) in Pacifica. Recommended CEQA status: Class 3 Categorical Exemption, CEQA Guidelines Section 15303. Recommended Action: Approve as Conditioned.

Senior Planner Murdock presented the staff report.

Commissioner Clifford referred to parking and asked how they arrived at 16 spaces for the site while stating that for a potential restaurant there could be anywhere from 32 to 64 spaces needed.

Senior Planner Murdock stated that staff focused on the findings the Commission would need to make. He stated that the requirement for granting a parking exception was to determine there was

an unusual hardship or practical difficulty. Based on the fact that it was a relatively small site for a commercial project and certain financial feasibility requirements to pencil out for the applicant and rather stringent parking requirements for restaurant uses, landscaping, site design, sidewalks, pathway requirements, etc., they based it on the practical hardships of providing all of the parking as compared to a judgment saying that it will be okay to provide less parking. He stated that, on looking at the finding needing to be made, it was based on that analysis.

Commissioner Cooper thought a lot of work went into the report and he thanked them. He referred to the general zoning, and he saw a large residential component of it, knowing the area and shopping center. He asked why the residential component is a valid component within this zoning district noting that the General Plan says commercial and the zoning map says C-2 (Community Commercial) and CZ (Coastal Zone).

Senior Planner Murdock stated that the General Plan, by virtue of it being a commercial designation, speaks primarily about commercial oriented uses; however, the commercial designation in the General Plan also allows residential above the ground floor and above ground floor commercial in the same building at a density not to exceed one unit per 2,000 square feet of lot area. He stated that the zoning has the same provision for mixed use upon approval of a use permit and the residential component is clearly contemplated in the General Plan and in the zoning designation within the C-2 zoning district.

Commissioner Cooper then asked how the parking for residential component was differentiated from the commercial areas.

Senior Planner Murdock wasn't sure he understood, stating that in this case the parking was proposed to be provided in a joint parking lot. He stated that, on a larger site, it may be possible to segregate them and provide residential specific parking and commercial specific parking. He stated that the general theme in analyzing this project for the parking related components was that the site was small and when adding minimum and safe zoning requirements for drive aisles and parking stall dimensions you ultimately result in a very congested and difficult to construct parking situation. He thought that was why the applicant proposed a combined parking lot for residential and commercial uses, as well as the parking exception for various components of the project.

Commissioner Cooper asked if there was any discussion on potentially putting the parking in the back and downsizing the building to separate that use. He stated that when he usually sees a combined type of unit with commercial and residential, there was designated commercial and designated residential parking. He thought to mix them internally seemed difficult.

Senior Planner Murdock understood in most cases planning principles would suggest separation of the residential parking into a more private oriented residential parking area, but the applicant indicated he was not able to obtain mutual ingress and egress rights from the Pedro Point Shopping Center and all of the circulation driveways included would need to be provided on this parcel, and constructing more than one driveway to have a separate access for residential parking perhaps with garages or car ports in the back of the site would take up a significant amount of the frontage, probably wouldn't result in a preferred design orientation with the building being street oriented and would make it look like a large parking lot and driveways on this very small site. He thought that was a driving design factor for the applicant.

Commissioner Stegink stated that he was concerned about the parking exception. He stated that there was kind of a holy war going on at Pedro Point for parking. He stated that he drove by that exact location three times and there were approximately eight vehicles parked in on-street parking areas which would disappear with installation of that driveway and you are losing eight spots of parking on San Pedro Avenue which was parallel to the direction of traffic. He tried to determine on Google map how many spots there are on all on Pedro Point up the hill, and he thought they were removing a significant percentage of the total spots on Pedro Point with this one specific project. He asked how many spots there are on Pedro Point and how many spots will be removed by this project.

Senior Planner Murdock stated that they have not analyzed how many existing parking spaces there may be throughout the entire neighborhood. He stated that he was not aware of where this project would impact the loss of eight on-street parking spaces. The creation of the 25 ½ foot driveway would result in 1-2 spaces and maybe 2-3 more given the recommendation for areas to be red-curbed. He agreed there would be a small number of on-street spaces that would be eliminated but he didn't think it would be eight spaces. He felt it was important to note that this project has not created the existing parking impacts that may exist throughout the neighborhood, but the previous existing development created them. He stated that this project was expected to accommodate its parking demand where it reasonably and practically can except for where there are unusual hardships and practical difficulties, which the applicant and staff have sought to demonstrate here, except where identified in the parking exception.

Commissioner Clifford asked if it was possible for the Commission to condition four parking spots actually be reserved for the apartments.

Planning Director Wehrmeister didn't think that would be a problem. She stated that adding that as a condition should not be a problem.

Commissioner Clifford didn't want the residents not have a place to park when they come home.

Senior Planner Murdock stated that he considered that when making the staff recommendations, but the only counterpoint why he didn't recommend it was the fact that, in many cases throughout the week, the commercial business will be operating during the time most residents would be away at work and they would be losing four of the 16 spaces that were provided in the parking lot. He also stated that, the more you seek to divide the day with various parking restrictions, the more difficult it becomes for the property owner to enforce, mentioning that the owner may end up towing its own customers' vehicles if they overstayed their 8:00 AM to 5:00 PM stay in that space, which was why he didn't recommend a parking restriction of that type. He added that it was possible to reserve those spaces with a condition of approval.

Commissioner Clifford also thought of different hours of utilization of the parking spaces between the commercial and residential uses.

Chair Nibbelin stated he didn't remember the specifics of the Anchor Inn project that was referenced in the staff report, so he asked that they remind him what that involves.

Senior Planner Murdock stated that it was located across San Pedro Avenue on the up slope portion. He stated that they may recognize the chain link fence and gate. It was currently unimproved and goes up. He stated that the Anchor Inn would be a four-unit detached motel

project and was approved in 2016. He stated that the Planning Department recently issued a building permit and they would expect that project to be constructed relatively soon.

Commissioner Cooper asked if this fell within the area specified for marijuana dispensaries.

Senior Planner Murdock stated that the Marijuana Operation Overlay zoning district includes the Pedro Point shopping center but he didn't recall whether it included this parcel specifically but he suspected that it probably did.

Commissioner Stegink stated that, when first looking at the parcel, it was obvious that it was not just green space from the Pedro Point shopping center but it almost appears that there is another parcel further north on the corner and he asked if there were any development plans for that parcel.

Planning Director Wehrmeister asked if he was talking about the one on the corner, to the east.

Commissioner Stegink responded affirmatively.

Planning Director Wehrmeister stated that it looks like a parcel but it was CalTrans right-of-way and they have not designated it as surplus land and they would have to go through a process before it would be real property available for purchase and development.

Chair Nibbelin opened the public hearing.

Brian Brinkman, Consult Design Build, thanked the commissioners for their time and planning staff for feedback etc., and the detailed staff report. He also thanked Skye Parker for his part in the ultimate design. They were excited about the project, stating that it was a unique parcel adjacent to and within the existing Pedro Point Shopping Center with good visibility from the highway when entering or leaving Pacifica from the south. He stated that their desire was to create a project beneficial to Pacifica and an enhancement to the existing residents on Pedro Point and overall experience to visitors. He stated that the project before them was vastly different from the one they originally submitted, and he thought both staff and his group were proud of the final design. He explained the features of the project, including such things as outdoor seating atmosphere. He referred to the housing portion, stating that the four apartments will provide maximum flexibility for middle income residents who might not otherwise be able to live in the Pedro Point area and will have views of the ocean and have been oriented so that the entrances and outdoor spaces are oriented away from the commercial use for privacy. He pointed out all the characteristics of the building that are expressed in a consistent and pleasing aesthetics. They read through the conditions of approval and were amenable to all of them. He then turned it over to Mike O'Connell to discuss the parking aspects.

Mike O'Connell, civil engineer, stated that they were aware that parking was an issue in the neighborhood but they didn't think this project was creating it. They felt there was a solution with other considerations. He referred to residential capacity in the area and the project anticipates people walking to the retail use which was part of the consideration for the parking exception. He referred to mention of parking at 195 Carmel Avenue and he stated that they had a hearing a year ago where they discussed a potential in lieu parking fee. He stated the current zoning code promotes free parking by virtue of the minimum parking requirements and mentioned that the issue was that minimum parking requirements often hinder developments on

small or in fill sites, mentioning some pertinent factors. He felt that needed to be considered and he thought there were advantages to that such as alternatives to parking or used to fund public parking. He mentioned some factors connected with in lieu parking fees. He referred to a potential solution for use of parking fees connected with the CalTrans lot as they don't need to purchase from CalTrans but create an agreement with them that would be cost effective to use that land for additional parking spots. He stated that their project would be interested in paying an in lieu parking fee if the city had an ordinance within six months.

Chair Nibbelin opened the public hearing.

Danny Estrella, 114 Kent Road, stated that he has known Mike Panesi, one of the partners in this development, since he was 17 and he was proud of his success in his profession; however, he needs to address the issue as a resident of Pedro Point. He referred to discussion of the parking. He appreciated the positive aspects of the project, but he felt they have a serious problem with parking in the Linda Mar Beach area. He assumed they were aware that on weekends, the main parking lots are completely full and the whole area on San Pedro Road from Highway 1 past the shopping center, Ace Hardware, etc., was occupied by people coming from out of Pacifica to come to go surfing. He stated that people who couldn't find parking were parking on Highway 1 on the northbound direction from Crespi Road heading south and the Pacifica police have to put out no parking signs. He stated that the parking pressure was intense and beach goers are taking parking spaces in the shopping center from the clients. He referred to the residents of the project taking up parking on the weekends when they aren't at work. He also mentioned that people are then forced to walk in the street which becomes a safety hazard. He stated that the area also floods during the rains because of a creek behind the shopping center. He thought the building will increase the runoff to San Pedro Road and increase the flooding. He stated that it also creates pools which last for several days or weeks and those were concerns he had about the project.

Sareena Loomis, 1444 Livingston Avenue, stated that she owns La Playa Restaurant and has been there for 25 years. She was also a resident of Pedro Point since 2005. She stated that she has noticed an increase of people who come to Pacifica to surf. She didn't feel that parking was that much of an issue consistently. She thought there were rare years when they have three weekends of warm weather consecutively and there was an issue with parking, but she added that, if you go down the coast of Highway 1 all the way to Santa Cruz, there are people parked up and down the side of the highway and it was not just a Pedro Point thing but more of a weather coastal thing. She felt this project holds a lot of value to our community. She stated that, as a business owner in that shopping center, she would love to see a business bring more foot traffic. She stated that, if they are providing one-bedroom apartments, that was better because there are people in Pacifica that have been priced out that grew up here and this would allow them to come back in with their families or a couple. She felt this would create a better community. She referred to Half Moon Bay which has done a good job of having beautiful structures and grouping them together. She didn't think Pacifica has a whole lot of that, but the San Pedro shopping center has that potential to create more revenue for the city and the business owners as well as property values.

Dave Blackman, contractor, stated that there were a few things he likes about the project. He mentioned a joke in the town called sacrificial commercial, seeing it built on Danmann and Palmetto, which shows projects that pretend to be commercial just to get the residential in. He liked this project because it was a legitimate commercial project. He stated that they weren't covering 100%, not going three stories and he understood that they were meeting their criteria by

two parking spots and have given the city an option to get rid of some outdoor seating area. He stated that what he didn't like was putting restrictions on hours that you aren't doing to other businesses and he didn't like putting the red curbs on each side of the driveway and eliminating parking. He acknowledged that it wasn't perfect to pull out of a driveway if cars are parked on both sides, but that was how it was now and it seems to be working fine. He agreed that the parking problem on hot days was not every day and he would like to see the place thrive. He stated that they were part of the motel across the street and he would love to see an additional restaurant or nice night use. He agreed that it was possibly a walkable place for a lot of people. He stated that the rest of the shopping center was not making all their parking requirements, referring to them coming in with their use permits. He stated that they can legitimately meet their parking if you want to get rid of some of the outdoor space but he hoped they didn't because he thought it was a nice design. He hoped they approve it tonight.

Chair Nibbelin stated that they also received an email from Lisa Warrens, dated September 18, which was distributed to the Commission and they had a chance to review that.

Chair Nibbelin closed the public hearing.

Planning Director Wehrmeister asked if they wanted to have the rebuttal.

Mr. O'Connell referred to the comment about eight cars being required for the apartments, and he thought the requirement was 1.5 per one bedroom plus a guest spot so technically 7. He referred to the comment about the run off and flooding. He stated that he didn't know if they looked at the landscaping plan but all the pavement except for the concrete in the back of the house was pervious and the pavers adjacent to the building were pervious and the parking lot was actually pervious concrete. He stated that he didn't know of any other applications where people are using pervious concrete. He stated that part of that strategy was to reduce the runoff rate. He stated that the pervious pavements were designed with a gravel storage layer beneath it that was sized for the designed storm as dictated by the city. He wasn't anticipating a hydrology problem with the project as it was designed to city standards and limits the post development runoff to less than or equal to the pre-development runoff. He agreed with the comment about the parking not permeating through the residential so much from beach users. He stated that it was intense at the shopping center and parking on the highway. He thought some of the parking issues in the residential neighborhood were created by Shelter Cove not having anywhere to park and big events at the Firehouse that provides no parking. He stated that the need for those two parking areas was in the middle of the residential and not near the shopping center. He referred to not having enough sidewalks and this project was proposing eight-foot wide sidewalks where they are currently four feet wide. He stated that they had to settle on eight rather than ten feet wide because eight feet was the maximum by the City's Engineering Division, but they were wide enough to plant trees. He stated that it was not sacrificial commercial but the commercial drove the design with a lot of storefront with 15-foot ceilings. He stated that the rest of the shopping center not meeting parking requirements goes back to the in lieu parking fee where the city has the potential to collect money to fund public parking project when businesses turn over and can't meet their parking requirements.

Commissioner Cooper referred to the commercial space and he saw very little area to facilitate the commercial space. He asked how they plan to stock the commercial space. He didn't see any opening to the back side and he asked if they have permission to use the back side. He asked if

they have thought about any of that, referring to the process of getting the trash cans to the sidewalk.

Mr. O'Connell stated that Brian Brinkman could comment on that. He stated that they reached out to Recology about the size of the bins and they used plastic bins and aren't the heavy yellow ones. He stated that the commercial space was intended to be a blank space for now. They showed where the trash and storage rooms will be. He stated that he may not understand the first part of his question.

Commissioner Cooper stated that typically when he looks at commercial space he sees a lot of exits, ingress and egress areas. He asked how customers get into the store and out of the store, storage areas, public restrooms, etc.

Mr. O'Connell stated that the thought on the commercial space was a main entrance in the center and that was the rule of thumb to funnel people to one entrance. He stated that preferably it was a single tenant, which was why there was an option to have up to one-third as office tenants with a limit on only having two tenants maximum. He felt the entrance could be modified to facilitate two tenants. He stated that, because there was not a tenant yet, the bathroom issue would come on line later on as part of tenant improvements.

Commissioner Cooper referred to the outdoor fireplaces and asked about the type of tenant.

Mr. O'Connell stated that they were anticipating a restaurant tenant for that type of use but he didn't see why it couldn't be used for a retailer as well.

Commissioner Cooper asked if it was a residential area above a restaurant or nightclub.

Mr. O'Connell stated that they weren't thinking of a nightclub.

Commissioner Cooper stated that he meant a restaurant.

Mr. O'Connell thought it was more like outdoor seating waiting areas.

Commissioner Campbell asked how many parking spaces would normally be required for the commercial part of the project.

Senior Planner Murdock thought the calculation was 11 spaces.

Commissioner Campbell asked if that was on top of the residential.

Senior Planner Murdock stated that it was 11 commercial plus 7 residential, with 18 spaces total that would be the basic retail requirement plus residential for this floor plan.

Commissioner Stegink referred to mention of moderate income housing, and he stated that the LCP actually states housing opportunities for persons with lower moderate income in the Pedro Point neighborhood, and he asked if these were market rate apartments or are they subsidized.

Mr. Brinkman stated that they were market rate.

Commissioner Stegink stated that he was looking at their parking diagram just submitted at the meeting, and it shows an addition of 48 spaces. He asked if they had any conversations with CalTrans regarding this document.

Mr. O'Connell responded that he had not.

Commissioner Clifford asked Mr. Brinkman about the corrugated siding, assuming that it was going to have some kind of heavy duty baked on finish so it doesn't wind up rusting.

Mr. Brinkman stated that it was purposely to rust.

Commissioner Clifford asked if they expected it to rust.

Mr. Brinkman responded affirmatively.

Commissioner Clifford asked how much rust.

Mr. Brinkman stated that it was like what they would use on a cannery building. It was used in a coastal setting quite often.

Mr. O'Connell referred to the recent single-family residence project on Hilton Way by the library in Sharp Park.

Commissioner Clifford stated he was assuming that, if it was going to rust, it was not going to have problems with rusting through.

Mr. Brinkman responded affirmatively.

Commissioner Clifford stated that it was formulated for that. He then asked about the size of trees proposed for the street tree plantings.

Mr. Brinkman stated that a 24-inch box was usually what they provided on the plans for the street trees.

Mr. O'Connell stated that they were a 24-inch box and then they coordinated with Aaron Clark, the City's arborist, about what kind of trees work best in salty environments.

Commissioner Clifford thought the trees were appropriate sized and didn't want to see too small trees installed.

Commissioner Campbell referred to the red curb on both sides of the driveway and stated that the applicant made a good point that it was not something that was everywhere and he asked if it has to be here.

Senior Planner Murdock stated that the Planning Department staff coordinated with Engineering Division staff with respect to evaluating site lines and stopping distances, and it was Engineering's opinion that the site safety triangle with which they were familiar hearing about was not applicable here as it was a slightly different standard than the stopping distance standard. He stated that the red curb recommendations on either side of the proposed development are

based on the safe stopping distance standards on the CalTrans highway design manual and it was city staff's opinion that they are necessary to make the safest possible circulation at the site.

Commissioner Stegink saw the amplified music provisions by the fire pit and he noticed they had houses on Danmann and Grand that aren't too far away, and he asked if they had a citywide noise ordinance that would affect their limited hours on amplified music.

Senior Planner Murdock stated that he was not aware of any ordinance that has those explicit limitations. He stated that it was appropriate in this case for the Commission to consider whether or not those are adequate hours or if some other restrictions are appropriate. He didn't know that the amplified component of the outdoor seating area for music and live performance was essential to support the findings that staff has laid out. He thought unamplified music, if that was the Commission's preference, would equally support that cohesive outdoor visitor-serving element, such as an acoustic guitar or vocalist without the aid of amplification which could be difficult to limit in intensity over time.

Commissioner Clifford referred to staff's answer to Commissioner Campbell on the parking and remembering what he read in mentioning the 32-64 spaces for a restaurant, and he asked if they based any of their calculations on that being a restaurant or just on being commercial space and that was how they arrived at the number.

Senior Planner Murdock asked if he meant the 32-64 spaces.

Commissioner Clifford responded that he meant the 18 spaces.

Senior Planner Murdock stated that the 18 spaces were based on the basic retail and office parking standard for the commercial component. He stated that the residential component of 7 spaces would not vary in this. He stated that, if they were talking about the baseline commercial use, the standard retail and office use, it was one space per 300 square feet of floor area requirement which yields 11 spaces for the commercial component of the project.

Commissioner Clifford stated that what he was hearing from the applicant was that their biggest desire was having a restaurant and live music in the receiving area. He was not hearing that they have any kind of data that would reflect what happens when that happens. He stated that they were being asked to waive all those requirements for a restaurant and only go with it being a strictly retail project.

Senior Planner Murdock stated that he supposed he could state it that way, but his earlier point in the hearing about the parking exception that was requested was that, in this case, for the specific parking exception for the restaurant parking, the applicant has a fixed size site, probably a minimum commercial floor area and number of residential unit that make the project financially feasible and a fixed requirement for restaurant parking in the zoning code. He stated that you can't change the size of the site, and it was difficult to change the economics and the parking exception provides an outlet for the applicant to say when he was weighing all the other factors, he faced an unusual hardship or practical difficulty in meeting the parking standards. He stated that, on the other side, the applicant was facing a conundrum in that the city zoning says that visitor serving uses are the only permitted uses in the Coastal Zone in a C-1 or C-2 commercial district and among the visitor serving usage as defined in the zoning code was restaurants and the applicant is backed in through the Local Coastal Plan and the zoning to be required to allow

restaurants and on the other hand the zoning was saying you have to provide all the spaces and, in staff's opinion, cannot be reasonably provided while making an economically viable project.

Commissioner Clifford thought it was a typical catch-22.

Senior Planner Murdock agreed but added that the outlet is the practical hardship for providing the spaces and asked whether the Commission thinks there is evidence to justify that or if the project should be modified. As laid out in the staff report, staff did not think they could accommodate the parking that would be required unless they had a 500 to 1,000 square foot commercial space which, in staff's opinion, would not be a viable project at the site.

Commissioner Clifford thanked him for the information, adding that going forward he wanted to be sure they had all the information.

Senior Planner Murdock added that, as the applicant mentioned, there were a number of other less tangible components of the project like its walkability, integration with the neighborhood, addition of new wide attractive sidewalks, and meeting the zoning minimum requirement for bicycle parking of two spaces but also adding five additional spaces that don't meet the city's zoning standard but, for all practical purposes, are functional, viable bicycle parking spaces. He thought, when you look at the use of the area with pedestrians and bicyclists and visitors to the coast that are already parking in other places, like the Pedro Point shopping center, the city parking lot, Park and Ride, etc. which staff felt would reduce the parking demand at the site.

Commissioner Campbell thought the report would have benefitted from the discussion of how much parking would be normally affiliated with a restaurant. He felt it was confusing and he thought it was also confusing to members of the public to not have that information.

Senior Planner Murdock stated that it was in there, but probably buried somewhere in the middle of the long staff report. He apologized for the length of the report and if any information didn't come through clearly, acknowledging there were a number of permits that required detailed analysis. There was a discussion and estimation of what the parking demand would be for strictly restaurant use, which was 32-64 spaces.

Commissioner Campbell apologized, stating that it didn't seem like it was the basis for the decision.

Senior Planner Murdock stated that it was one of many considerations when you consider all the practical difficulties and unusual hardships the applicant would face with providing parking to the letter of the zoning code. He agreed that it could have been more forcefully set forth and he apologized.

Commissioner Campbell understood and apologized if he missed it. He referred to mitigating parking on things like the CalTrans lot or future ordinance, and asked if we can legally approve of a project based on mitigation that was subject to third party contracts in the future. He stated that, on the federal side, there was case law that says we can't, but he wasn't clear about the state.

Asst. City Attorney Doherty stated that she would defer to the planners but she didn't think that was what was actually being proposed here. She stated that the project as proposed was not intending a future mitigation measure with the CalTrans right-of-way. She stated that he would

be correct if that mitigation was necessary for environmental review purposes, it would be insufficient to mitigate with an unknown future approval.

Chair Nibbelin asked if instead the applicant's proposal was the notion that, pursuant to a nexus study, the City Council would adopt some form of a parking mitigation fee that would have an application either city wide or some area wide that, presumably if it was done prior to issuance of a building permit, the project might theoretically be subject to. He asked if that was what was being proposed.

Senior Planner Murdock thought it was along the lines of what he had imagined. He stated that the applicant was providing something he saw as an alternative and the advice they would get from staff was that they would not feel comfortable endorsing such an alternative without the proper level of review including environmental review. It would not be appropriate to require such an activity as a component of this project without it being studied for potential impacts.

Chair Nibbelin stated that, after all the questions, he was interested in what the pleasure of the Commissioners was at this point.

Commissioner Clifford stated that he was not in favor of office space in this project, and he would like to see a visitor serving project only. He liked the housing component of the project and he believes there needs to be mitigation for any amplified use and could be one of their conditions for the applicant to do testing at certain distances and certain volumes to determine what volume would work without disturbing any of the neighbors in the area. Although he was concerned about disturbing the residents in the property's apartments, he would assume there would be a disclosure if there was going to be live music there. They would be buying with the knowledge that it was something to be expected while living there. He was more concerned about parking. He would like to look at that. He stated that they will probably have a lot of conversation about the parking. He liked the project overall though. Regarding marijuana, he does see it as a possible place for a dispensary in terms of one of the commercial uses. He stated that was visitor serving. He was concerned if it was a restaurant. He knew there were mitigations and issues about the financial viability of trying to create all the parking that the ordinance requires for a restaurant. He felt they needed to talk more about that and see what kind of mitigations or conditions they can throw out there to make this work for them. He stated that everyone has heard the answer on the corrugated siding. He then referred to parking again, stating that one speaker brought up residents being home on the weekends and what that does to their quality of life if they can't find parking anywhere near their own home. He felt they had to have a fairly in depth conversation about parking.

Commissioner Campbell stated that he liked the project in concept and he thought it could fit there. He found the 32-64 space parking range on page 30 of the report. He stated that it does raise issues, but he felt the comment by the retail owner in the existing shopping center resonated with him that parking was only an issue when it was on nice, sunny days and that was endemic to the coast, adding that we live on the California coast and there was bad parking and we shouldn't base our parking decisions on the worst case scenarios. He stated that he was having a conceptual difficulty as they were allowing a variance of about one or two cars for this commercial development which was something they do all the time, and he didn't think this was something untoward. He was worried about the 32-64 space exemption versus the two-car exemption, and he was trying to get clear on how they logically frame it in the staff report because he didn't see how it made the link. He asked if he could explain the logic of the linkage, he was willing to hear

it because he thought something like this should go there. He wanted to make sure they weren't driving a hole through the parking exemptions where anyone can claim a hardship and anything goes.

Senior Planner Murdock stated that he will do his best to lay out the reasoning that he had in recommending approval of the parking exception. He stated that, as noted earlier, they had a fixed quantity of land area for the property owner and they all cede that point. He stated that they have certain minimum safe circulation standards in the zoning with 25-foot drive aisles, etc. to ensure safe ingress and egress. He stated that they granted the minimum that would be acceptable for the combined residential and commercial parking requirement. They also have the zoning definition in the coastal regulations about visitor serving uses being the only permitted uses. He stated that among the types of sub-uses within a visitor serving use are restaurants and they have the Local Coastal Plan and the zoning imperative to allow visitor serving uses which include restaurants. He stated that the applicant is backed in against the fixed size of the site, the zoning requirement to allow visitor serving uses there as a permitted use, and then there is the rather large parking standard. He stated, as the applicant noted, with the remaining in fill sites in town, they were probably scarcely going to find a site that can meet the requirements for that and when weighing all the various requirements and their relative importance, it was staff's opinion that the practical hardship exists for providing all of those spaces. He stated that there may be something short of a binary to allow it or don't allow the restaurant use. He thought it might be possible to limit it to a smaller portion of the commercial floor area that, which in effect could cut that demand in half, such as going from 16 to 32 to maybe 8 to 16 spaces for the restaurant component. He thought there may be other ways in limiting the amount of seating area that may have some effect to minimize the amount of restaurant parking demand. He wasn't identifying a way to get out of that conundrum the applicant was facing or the catch-22 as mentioned by Commissioner Clifford, in effect being required to have restaurant uses but also being required to bear the huge parking burden but not being able to change the size of the site. He stated that was probably the simplest way he can lay out his thought process. He stated that, layered on to that, were the other considerations of the walkability and bikeability of the neighborhood. He stated that the topography was amenable to that, eastward and northward of the site ties into the coastal trail. There are other public parts to the north and northeast and the joint visits that people will make to the Pedro Point Shopping Center and walk over to the site and vice versa. In totality when weighing all the principles and policies and goals of the city as the Commission does, on balance, it makes sense and the applicant faces a practical hardship to providing spaces.

Commissioner Cooper stated that sometimes he didn't think projects surpass a threshold of being viable and some are just not viable and don't fit the topography or area from which they are proposed and to him it was one of those projects. He stated that, although the design has some nice features to it, he struggles with some of the features that are on it. He can struggle with the commercial viability and putting residential above it. He felt it was a visitor serving type of building. He didn't think office space is a visitor serving type of building. He didn't think, if you are riding your bike through there to the coastal trail that you will be going to file taxes and it wasn't something the shopping center facilitates in his opinion. He stated that he would like to see on-street parking and would like the red curbs gone with the building pushed off a bit to provide parking on the street to facilitate the facility. He didn't say to facilitate any parking for around the neighborhood. He didn't think it facilitated what was proposed in the building. He thought, if you carefully construct it, you could possibly make the argument that he has but he wasn't sure the space was a visitor serving space and he had a problem with that. He stated that the commercial and accessibility to the units above wasn't feasible. He stated that typically,

when they see developments, they see planned out ways that the tenants will access their units with not having to go through public spaces, not having to travel across a parking lot where people are traveling to get to a business, and it wasn't something they normally see. He felt there were hardships, but in this case, he wasn't willing to say it was a viable project for this parcel as designed.

Commissioner Stegink stated that he was in favor of mitigating the amplified music up to 10 pm daily and was in favor of conditioning it to dedicate six spots to residents. He thought they were losing five spots on San Pedro Avenue which disappeared and are adding four units. He thought, about two times a year, this location is just soggy and the maintenance contract for the permeable pavement was really important. He stated that you could take a bowl of permeable concrete and carry water around it all day and it would turn dark but you would still have water in it at the end of the day. The idea that it is the same is not borne out by reality. That would be his choice, mitigation of the amplified music 10 am to 10 pm, conditions of six parking spots are dedicated to residents which still allows their hardship by reducing the number of spots by one and the contract for permeable pavers.

Chair Nibbelin believed that, as a condition of a use permit if they can, they should do away with the notion of amplified music. He didn't know if it was an essential element of a commercial use. He thought it would be something that would mitigate effectively some aspects of complaints. He felt there was plenty of music that didn't require amplification. He stated that, for some of the reasons articulated by staff, he wasn't sure he would be in favor of reserving spaces specifically for residences. He was generally in favor of the project and liked the idea of the residential units and every residential unit they can squeeze out of any infill space we have is appropriate and good. He thought this was a well-conceived project, recognizing a lot of regulatory hoops they need to jump through and they have been articulated in the staff report and he was prepared to support the project.

Commissioner Gordon stated that he appreciated Commissioner Clifford's determination to flush out the parking for the restaurant since it seems that is a logical use for the area, and even a desired use for the ground floor commercial space and they were talking about 32-64 spaces for the restaurant and an average of 48 spaces and they wouldn't be granting a variance for two spaces but a variance for 30 spaces. He thought that was a lot and he was concerned about the impact on parking in that area as he felt it was tight, but he stated that this was a great use for this space in the shopping center next to the Tap Room and the idea of an outdoor seating space next to the Tap Room's outdoor patio and could create synergy for the southern portion of the Pedro Point Shopping Center. He felt the community could use another great restaurant, but it is also a potentially awesome retail area as the area gets a ton of foot traffic. He felt this project was all about tradeoffs and he sees how there must have been an enormous amount of back and forth between what the applicant came with and what they are seeing now. He appreciated the give and take process. He would hate to see the requirements for parking skew a potentially great asset for our community. He stated that there was no question that the applicant was not providing enough for this project, especially if there is a restaurant which he wants. He stated that the question was whether he was willing to make that tradeoff to make this project happen. He stated that making the commercial space smaller brings up the question of economic viability. He was intrigued with mention of one option of putting a limitation on the size of a potential restaurant so there wasn't such a great demand for parking. He would be interested in exploring that more or questioned if that makes the project not as economically viable. He would rather see the project go forward. He also did not think there needed to be amplification, because of the

impact on neighbors or impact on the tenants. He agreed about whether office space really goes there. He was in favor of giving the owner maximum flexibility for renting the place out, although he wasn't sure office space works at a visitor serving area.

Commissioner Campbell referred to the gravel overflow parking lot and acknowledged that it was CalTrans' property and they would need to get an agreement with CalTrans.

Planning Director Wehrmeister responded affirmatively.

Commissioner Campbell thought that was not zoned for anything but was just a right-of-way. He acknowledged that they can't condition anything because of CalTrans, but he asked if there was any way to.

Planning Director Wehrmeister had a suggestion for consideration. She stated that the analysis correctly states that restaurants are permitted uses in the Coastal Zone as a visitor serving use, but there was a provision of the coastal regulations which states that, if a visitor serving commercial use will result in a mix of uses that is not consistent with some provisions of the LCP land use plan, they may be conditionally permitted. She stated that she reads that to mean that, based on the discussion, staff can prepare findings to support a condition that a restaurant would need to come back and get a use permit. That way the project itself can move forward but deferring that decision to the Planning Commission at a time when there is an actual tenant that was interested in the site and has a letter of intent signed and can provide information about their business plan that they may feel more comfortable with, such as a seating plan or the way the restaurant works and can address parking in a different way and they may be able to negotiate a use of parking, valet service or have time to negotiate with CalTrans about their site. She stated that those were all so speculative that it was difficult for this applicant, without a tenant, to move that far forward. She was hearing that the Commission would love to see a viable tenant before them with some solutions presented. She stated that staff and the applicant understand that would be a way of saying restaurants are not supported by putting that condition on the project.

Commissioner Campbell likes that solution. He thought it was intellectually honest with the parking situation and he would also like the ability to ask Council to get on it with CalTrans and try to start negotiating with the gravel parking lot. He thought they should do it anyway regardless of this project because of parking concerns on bad days.

Chair Nibbelin stated that he wanted to be sure he understood what staff was suggesting. He thought it was a continuance of the item to prepare findings that would support the restaurant as a conditional use or do they feel the findings and information now was adequate to put together a motion.

Planning Director Wehrmeister felt that, with what they have now, they can put together a motion.

Commissioner Campbell appreciated that as he would like to approve it today.

Chair Nibbelin agreed that it would be ideal to approve something today.

Planning Director Wehrmeister stated that, besides the parking, she would like to hear if there was a consensus on whether or not offices would be approved under this use permit, about the

designated parking spaces and whether there is no amplified music or hours as mentioned by Commissioner Stegink.

Commissioner Stegink was fine with no amplified music. He would prefer that they not vet individual tenants for the applicant because he felt it was overly burdensome to the applicant as to whether it was restaurant as it was hard to rent a commercial building as it is and they don't need to install massive bureaucracy. He preferred dedicating some parking space to the residents.

Commissioner Gordon stated that he heard what Commissioner Stegink said, but he felt it was an interesting way to move this project forward, giving all the problems that the parking issue was having in the restaurant context. He felt it was a great way to move it forward.

Senior Planner Murdock stated that, since parking weighs heavily on consideration of this item, he wanted to offer some more information for the Commission to consider. It was conventional wisdom with the mid-20th century parking formulas for various land uses to discretely provide for all the parking in much the same way they talked about beach parking or coastal parking on the few beautiful days a year, and that was how the parking formulas are calculated. He stated that it was the worst case scenario. He mentioned the example of building parking at the shopping mall to accommodate Christmas Eve demand but the rest of the year there is ample parking. He felt that it was a similar concept with this restaurant parking standard. It was geared toward the peak period of usage which is not likely to persist all day every day. He stated that, as this project was full of tradeoffs, as Commissioner Gordon laid out, if the Commission was willing to make a tradeoff for the project in totality, without adding undue burdens for the applicant and perspective tenants, he didn't think the tradeoff was 24 hours a day, 7 days a week, 365 days a year for this excess parking demand and probably not the case that 32-64 people will be trying to drive their cars to this site at all hours of the day and night. He thought there was a much more limited impact.

Commission Campbell asked if it was too late to ask the applicant what he thinks of the special use.

Planning Director Wehrmeister thought it was fine.

Chair Nibbelin stated that he was going to say that.

Mr. O'Connell asked if the question was about the restaurant parking or the office use or both.

Commissioner Campbell stated that it was the restaurant parking.

Mr. O'Connell stated that it could come back when there was a tenant and they could have the same discussion. He thought the disadvantage for that was that it creates a bureaucratic process for someone who wants to put in a really great restaurant that may turn them off from even looking at the space because they won't be able to advertise the space as restaurant ready. He stated that you might have a restaurant but you have to talk to the Planning Commission and go through the public process. He didn't know if they would be able to get some very specific information from the tenant on space for people using the restaurant which was what drives the parking requirement of 50 square feet per person. He stated that it was obviously not going to be 3,000 square feet of the restaurant space but it could be half or two-thirds. He thought that it was a kind of an antiquated parking code. He didn't know what other cities are doing but this feels

very burdensome and maybe it is the standard and it was the worst case scenario as mentioned. He stated that he always thought this part of the parking code was a lot and he questioned how all the other restaurants do it.

Commissioner Campbell stated that, at this point, he was persuaded by staff and what he has heard that it is an antiquated parking number and he was with Commissioner Gordon in that he didn't like to base commercial projects on parking cars, especially when they are maneuvering to Uber, etc. He felt it was incumbent on the city to get the gravel lot in place in general but also for this project. He felt the applicant was in a double bind and the city has a way to solve it with the gravel lot and CalTrans does too.

Chair Nibbelin stated that they might take that as a direction to staff to explore.

Planning Director Wehrmeister stated that she can take it to the City Manager.

Commissioner Clifford stated that he already said he was not in favor of the office space on this project. He thought unamplified music felt like a perfectly good solution to worrying about what sound levels are going to be there. He stated a lot of perfectly adequate music can be played acoustically. He stated that, without designated parking spots for the homeowners, he was having trouble figuring out how that was going to work but he wants it to work. He didn't want people to buy a home and not know where they park and how they get to their home. He thought the applicant could come up with some kind of way to mitigate that issue.

Chair Nibbelin stated that they might hear from the applicant but he had a questions spurred by the comment. He asked if these were rental or for sale properties.

Mr. O'Connell stated that they were rentals and they won't be purchased with the expectation that a parking spot comes along with it. He didn't think it was an issue for the project either way if the spots are marked or not, but he thought the current thoughts on parking is that the peak demand for parking between the different uses occurs at different times and if they mark the parking as resident only they further limit that. He stated that it was like taking the single user parking lot and restricting it one step further by only letting certain usage for certain spots.

Commissioner Clifford understood the answer, but there was still the issue of weekend parking which was when residents are likely to be home and also likely for the commercial areas to be getting their highest traffic.

Mr. O'Connell stated that he has lived in many apartments when he was younger and it comes with the territory of renting an apartment.

Commissioner Gordon asked if he had anything to say if they took out the office space.

Mr. O'Connell stated that it doesn't have a big bearing. He thought it was included because allowed uses are very specific and while they were talking about the uses it would be good to float that idea to have some flexibility. He stated that, if office was not included, that was not an issue.

Commissioner Gordon asked about the amplification.

Mr. O'Connell didn't think their intent was ever to have somebody playing metal music but more like a Grape in the Fog and that music is amplified and they have speakers but it was kind of acoustical and vocal. He stated that the other piece of the amplification part was that, if someone wanted to have outdoor speakers and have music playing in the background while people were waiting outside, that was a nice element as well. He stated that maybe the condition can be clarified to provide the acoustical setup and some background music but not a rock show.

Commissioner Gordon thought there should be a way to set a decibel limit. He stated that we can't be the first city to be trying to find that balance.

Senior Planner Murdock stated that a lot of cities want to and a lot of cities struggle. He stated that it was easy to set a decibel level but it was very difficult to monitor and enforce it. He stated that it requires very specialized equipment and training and he questioned how they parse out roadway noise from noise from the site and from jets flying over. He felt it was all noise and he didn't think the applicant was necessarily responsible for that. He thought decibel level restrictions had their challenges and he would not be in favor of.

Commissioner Gordon stated that Senior Planner Murdock convinced him and he was okay with the project as is in terms of parking. He was not in favor of designating any parking spaces for residential use as he thought there would be a natural workout in terms of the hours of use. He stated that he has been to too many parking lots in San Francisco where they have tried it and the parking spaces that were designated and they are always empty and everyone is fighting for all the remaining spots. He also thought that those who buy or rent a place are going to come with tradeoffs. It will have an ocean view, surrounded by incredible facilities and parking will be tough some times. He would hate to take away the precious commodity and designate it for those living there when it was not necessarily going to be needed a majority of the time and he was against that. He didn't think they need the office space. He stated that no amplification sounds kind of draconian. He thought, if there was middle ground, he would be more in favor of that. He also thought that Jimmy Hendrix style music blaring was not a workable option for the community there.

Commissioner Campbell stated that he never got a word in on amplification. He didn't think an amplification ban is necessary. He stated that he looked at the Surf Spot and they had a lot of sound issues with sound echoing up into Rockaway and they were able to fix it with putting the drummer in a glass container. He felt there were ways to make it work and it looks like the orientation was towards the Tap Room where the music would be coming out of and it would be going away from the residents. He was in favor of letting amplification happen and, if it gets loud at a Winters level, there may be a code enforcement issue.

Chair Nibbelin stated that it was a private or public nuisance. He stated that, in his work with the County, they spent a lot of time arguing about these cases involving noise and nuisance and he thought modifying the use permit to the extent that amplified music was sought in the future, maybe that could be conditioned and brought back for consideration and was not going to create a problem. He wouldn't vote against the project on that basis. He wondered if, given the comments, they have a motion someone would want to offer.

Commissioner Gordon thought he heard a consensus on leaving the parking as is.

Chair Nibbelin stated that it was granting the parking exception, no office space.

Commissioner Gordon asked where they came out on amplification.

Chair Nibbelin thought the weight of people who spoke were leaning toward not restricting it.

Commissioner Gordon moved to adopt the attached resolution, including conditions of approval in Exhibit A, to find the project is exempt from CEQA; to APPROVE Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17; Use Permit UP-83-17, Sign Permit S-123-17 with the amendment to not permit office use and Parking Exception PE-171-17, and to AUTHORIZE removal of heritage trees; and to incorporate all maps and testimony into the record by reference and direct staff to modify conditions as necessary to reflect this amendment; Chair Nibbelin seconded the motion.

The motion carried **5-1**.

Ayes: Commissioners Stegink, Gordon, Campbell, Clifford and
Chair Nibbelin.

Noes: Commissioner Cooper

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that, at the last Council meeting, the City Council provided direction to staff regarding alternative financial institutions, commonly known as payday lenders or check cashing institutions, to bring back legislation to regulate the businesses and cap the amount allowed in town and they are working with the City Attorney's Office to do that and the Planning Commission will be the next stop to make a recommendation to City Council in the coming months. She stated that City Council approved a contract for a new City Manager, Kevin Woodhouse, who will start on October 9. He was currently with MidPen Open Space District as assistant general manager and was the deputy city manager with Mountain View prior to that. She stated that the City Council also approved the amendments to the equalization basin project hours. She stated that, if you are at Fog Fest, she invited them to stop by the City booth. They will have information about the library as well as a lot of other stuff for the city.

Chair Nibbelin thanked Commissioner Clifford for all his work on the Library Advisory Committee. He was absent at the previous meeting and also wanted to welcome Commissioner Stegink.

ADJOURNMENT:

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

The motion carried **6-0**.

Ayes: Commissioners Stegink, Cooper, Gordon, Campbell,

Noes: Clifford and Chair Nibbelin.
None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister