

MINUTES

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

February 5, 2018

7:00 p.m.

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

ROLL CALL: Present: Commissioners Kraske, Stegink, Cooper, Gordon,
Campbell, Clifford and Chair Nibbelin
Absent:

SALUTE TO FLAG: Led by Commissioner Gordon

STAFF PRESENT: Planning Director Wehrmeister
Senior Planner Murdock
Sr. Civil Engineer Donguines
Asst. City Attorney Sharma
Asst. Planner O'Connor

APPROVAL OF ORDER OF AGENDA Commissioner Clifford moved approval of the Order of Agenda.

Commissioner Clifford stated that he would prefer to hear the Fassler project first because he is still recovering from pneumonia and he was not certain he could stay the whole night.

Chair Nibbelin acknowledged the request to amend the order of agenda and asked if there was any discussion on that.

Commissioner Gordon stated he was fine with seconding with that change.

The motion carried **7-0**.

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

Chair Nibbelin confirmed that they will have Item 2 under Public Hearings before Item 1.

APPROVAL OF MINUTES: JANUARY 16, 2018 Commissioner Stegink moved approval of minutes of January 16, 2018.

Commissioner Stegink stated that he had three corrections to the minutes. He stated that on packet page 6, Roger Masio is spelled Mascio and on packet page 6, Jim Hallux is spelled Alex and on packet page 19, Javiar Chevarria is spelled Javier Chavarria.

Commissioner Clifford stated he would second the motion with those corrections.

The motion carried **6-0-1**.

Attachment: Draft Minutes 2-5-18 (2489 : Approval of Draft Minutes - 2/5/18 Meeting)

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF FEBRUARY 12, 2018:

Chair Nibbelin stated that at the Council meeting, the agenda item is the San Pedro Terrace six unit subdivision. He asked for input from staff.

Planning Director Wehrmeister stated that this was the same project for which the Planning Commission recommended approval of the legislative actions. She stated it was not the subdivision action they took, which is final as it was not appealed or called up. She stated that the Council will only hear the two legislative actions on which the Commission made recommendations.

Chair Nibbelin asked if there was a volunteer to serve as liaison to City Council on the February 12 meeting.

Commissioner Cooper stated that he will volunteer.

ORAL COMMUNICATIONS:

Ron Maykel, Pacifica, congratulated Dan Stegink, stating he was a good choice for this commission. He then stated he was present to make a complaint. He referred to the Harmony at One project, stating that there were several on the present Commission who were on the Commission when the Harmony project came before the Planning Commission. He stated that it has turned out to be a big fiasco and he thought he and probably others would have voted differently had they known. He stated that he walked his dog there with the streets in place. He stated that they are always doing piecemeal work and it was always a mess with dirt on Roberts Road, as well as asphalt and other debris. He thought the Planning Department had a best management practice element. He stated that, if they see that, they might take the initiative to make an issue. He felt it was an eyesore. He hears stories about the lots being sold and then not. He stated that it was a shame. The ridge was formerly one of the few intact coastal prairie natural habitats and it was ruined now with piles of dirt, etc. He thought he would bring it to their attention and during the Planning Department staff communications, he thought the Planning Director might be able to shed light on what was going on. He felt it needs to get cleaned up, adding that the neighbors who live in the townhouses are not happy about it either.

Suzanne Moore, Pacifica, stated that she was concerned about Pacifica's displacement of residents who are priced out of rental and home ownership markets and she wants to better understand Pacifica's inclusionary below market requirement and its alternative fee waiver. She understood that building contractors are advised that 15% of proposed units be built below market rate but they can possibly waive the requirement by requesting to pay a fee which goes to Pacifica's or County's housing trust fund. She asked how much is currently in that fund and how it was managed and protected. She didn't know if that could be answered at this meeting. She thought Pacifica was in critical need of affordable below market rate housing and money given to the housing trust fund could depreciate over time as construction costs rise. She thought it was ill

happened in the middle of a holiday period and a lot of people aren't traveling and going to work. He appreciated the work done, but he has an issue with just a one-day study.

Commissioner Cooper stated that it was hard to read his drawings because it was overlaid on a photo, and he asked if it increased the curbsides on Fassler Avenue.

Mr. Grandy stated that they weren't, but were retaining the curb to curb dimension. He stated that to create that downhill buffer lane is that the stripping will go further up and down the hill so uphill would be shifted. He mentioned it has the 2-1 lane drop which was very close to where the project access is and it would have to occur further downhill. He stated that it means more stripping in either direction to create this but no change in the curb to curb.

Commissioner Cooper asked if there was any median for bikes on the site, mentioning that a lot of times they stripe and there is a 3-foot or 2-foot median prior to the curb. He asked if that is going away.

Mr. Grandy asked if it was a bike lane.

Commissioner Cooper stated that typically on a road you have a stripe and then a 2-3 foot space before they hit the curb and he asked if that space was gone so the traffic was right up against the curb or is there a safe distance between where the white line appears and where the curb appears.

Mr. Grandy stated that you will have a standard 12-foot lane and it will be adjacent to the curb once you make the transition and go from 2-1 lane uphill and the single lane will be against the curb. He stated that now you have a wider lane but it will narrow down from 18 to 12 feet, adding that it was the standard travel lane on Route 1 but it was narrower than what is there now when going uphill.

Commissioner Cooper asked what would happen if there was a bike in that lane, asking if you would have to wait.

Mr. Grandy thought the motorist in the lane would need to go around the bicycle if the bicycle was traveling uphill and they will need to slow up, wait for a gap and go around him.

Commissioner Cooper asked if he worked with the City Engineer on this section.

Mr. Grandy stated he did, adding that Sr. Civil Engr. Donguines was present.

Commissioner Cooper stated that he would ask him when they get done.

Commissioner Stegink stated that this was his first comment and he was disclosing that he had discussions on this project with Noel Blincoe as an individual. He pointed to the presentation regarding the morning peak traffic of 1,400 vehicles per hour.

Mr. Grandy stated about 1,000 vehicles go downhill.

Commissioner Stegink stated that the 2007 report showed a backup at the Fassler/Highway 1 intersection of more than 1,000 vehicles. He pointed to the presentation and asked him to tell him what that was.

Mr. Grandy stated that it was essentially either a striped or raised median that would essentially direct traffic coming down the hill to make a right turn and essentially created a forced right turn pocket into the project and shifted the through traffic into the second lane.

Commissioner Stegink asked if he was sheltering the acceleration lane.

Mr. Grandy responded affirmatively, adding that they were providing for a deceleration lane for downhill traffic making a right into the project and traffic making a right out will have its own lane to accelerate downhill. The through traffic would be in the second lane over. He stated that once you get below the project, you have two lanes as you do today.

Commissioner Stegink pointed out for the public that the higher elevation was on the right side and the lower elevation was on the left side. He asked if he broke the 1,000 vehicles per hour going uphill or downhill.

Mr. Grandy stated it was downhill in the morning.

Commissioner Stegink asked if they were suddenly putting 1,000 vehicles per hour in one lane instead of two.

Mr. Grandy stated that they are in a single lane above the project currently and it widens out to two lanes and the single lane they are currently in above the project site will continue downhill and they will still be in that single lane. Once they get below the project, they will have the added project trips in the other lane and they will be able to redistribute in the two lanes once they are below the project.

Commissioner Stegink asked if he was sure there was a single lane in front of the project now.

Mr. Grandy stated it was above the project.

Commissioner Stegink concluded that at the project there were two lanes downhill now.

Mr. Grandy stated that the project was basically the break where it goes from one downhill lane to two.

Commissioner Campbell referred to the traffic data analysis on November 28, and he asked how they picked that date.

Mr. Grandy stated that ideally they would not do counts between Thanksgiving and Christmas and would wait until January, but they wanted information and they had a good weather window. He clarified that Thanksgiving occurred earlier this year than it traditionally does and the last week of November was actually after Thanksgiving week. He stated that they collected the data and compared it to their historic data and the lines were actually slightly higher than some of the data collected 2-5 years ago and wasn't actually below any of the prior counts.

Commissioner Campbell asked what dates were the prior counts.

Mr. Grandy stated he would have to look, thinking they were in 2015. He stated that he can get the exact dates. He stated that they would not have done it between Thanksgiving and Christmas as they wanted to look at speeds and that was the primary issue. They decided they would collect the data as quickly as they could because they didn't know if they would have weather. He stated that once you get into January you have weather issues about the ability to collect data and it can get extended to get good data. Because they had a good weather week, they decided to collect the data.

Commissioner Campbell asked how the weather impacts the ability to take the traffic counts.

Mr. Grandy stated that they generally avoid taking traffic counts on a day with bad weather.

Commissioner Campbell asked why.

Mr. Grandy stated they won't do that as the mechanics of collecting the information gets more challenging, whether they do it with an individual on the field or a video camera and they just don't count on bad weather days.

Commissioner Campbell was thinking that a worse case traffic analysis is kind of important.

Mr. Grandy stated that they were trying to supplement the information that was already in the EIR that was collected during a regular travel season with speed data. He stated that when they collect the speed data, they automatically get the volume data and he wanted to present that information so they have the latest volume data they were able to collect. He stated that everything in the EIR was based on counts they did in 2015.

Commissioner Campbell stated that it would be interesting, adding that when school is in session Fassler backs way up with a significant traffic issue associated with Fassler, and an issue he had with the traffic analysis done for the quarry project. He stated they also took traffic analysis on an off day which he thought was curious.

Mr. Grandy stated it was early June 2015 when they collected the previous counts for the EIR.

Commissioner Gordon asked, on following up on the question about November 28, if Terra Nova was in session that week as that would have dramatically affected the data collection.

Mr. Grandy stated that they checked on the schools and were informed that all the schools were in session.

Commissioner Cooper asked if they ever explored putting a deceleration and acceleration lane onto their property rather than into the right-of-way. He stated that he has seen turnouts where they go into a development and they provide that lane on their property as well as when you are pulling making a new road and putting it on.

Senior Planner Murdock clarified that Mr. Grandy was a consultant to the city and was not affiliated with the developer.

Commissioner Cooper understood, and asked staff if that was ever explored.

Senior Planner Murdock stated not to his knowledge.

Geoff Reilly, Senior Environmental Planner with WRA, continued the staff report.

Commissioner Clifford referred to the reduced height alternative, asking if bringing it down to 35 feet would reduce the number of units they would be able to build.

Mr. Reilly stated that it would not in this analysis, as it had the same density. He stated that while visual impacts were fewer or less under this alternatives, all the other impacts were the same as the project because it has the same density with same traffic, air quality, etc,

Commissioner Clifford referred to reducing density by 50%, and asked if that was even buildable.

Mr. Reilly stated that they thought this was a reasonable range of alternatives and when they address alternatives to avoid significant impacts, they are always reducing the size, footprint or density of the project. He thought a statement of it being financially infeasible would have to be proven financially in the books.

Commissioner Cooper thought Commissioner Clifford had a good point on reducing it to 35 from the proposed 45 feet. He asked if increasing to 55 feet was throwing it out of the ballpark.

Mr. Reilly stated that they didn't get into that level of detail, adding that CEQA does not require that alternatives be analyzed at the same level of detail as the project, but you can do that. He thought, if they did it for aesthetics, it may cause them to do it for all the other environmental topics which gets them into four EIRs which was why he thought the CEQA guidelines read that way. He clarified that it was really the location of the homes and Fassler was identified as a candidate for a scenic roadway, and pointed out it does provide an expansive view of the ocean and Marin County.

Senior Planner Murdock concluded the staff report.

Commissioner Clifford stated that he had a question for engineering.

Sr. Civil Engr. Donguines introduced himself.

Commissioner Clifford referred to staff having a way to generate a fee for the trips of the dump trucks. He asked how that would work.

Sr. Civil Engr. Donguines explained that he calculated the lane length from Highway 1 to approximately the project entrance and calculated a pavement overlay 2 inch grind and AC overlay. He stated that it estimated to approximately \$110,000, and they figured out the project truck traffic and converted it to passenger vehicle counts and created a ratio with the total vehicle numbers for the average pavement life of ten years. He stated truck travel versus total vehicle and the ratio is multiplied by the cost and you get the total for the project.

Commissioner Clifford concluded it was only one eastbound lane.

Sr. Civil Engr. Donguines responded that it was one eastbound lane for a loaded truck.

Commissioner Clifford asked about the truck going westbound, as he didn't think it was light.

Sr. Civil Engr. Donguines agreed and stated he did do a calculation for that but they thought it was part of normal traffic. He added that this was an unusual project with a lot of fill. He stated that normally they try to balance the project with cut and fill. They thought only the eastbound lane would have a significant impact.

Commissioner Clifford stated that he did a Google research and he came up with a loaded dump truck with ten yards of material that would weigh approximately 73,000 pounds while the average passenger car would be 4,000 pounds. He concluded that, based on his figures, the loaded dump truck would be 18 ¼ times the weight of a passenger car and focused in a very tiny area compared to 18 ¼ passenger cars. He thought the rate is focused more and he was having a problem with the linear fee structure they set up as it does not account for the weight of the empty truck going downhill which was 8 ¼ times the standard passenger car. He felt it was a large amount of weight focused on the road as opposed to the difference with 18 passenger cars going over the same area. He thought there would be more impact from the smaller area. He was not happy that they were not counting the downhill problem. He thought they were using bad information in and will get bad information out. He thought the fee, based on staff's calculation, would be in the neighborhood of \$150 to \$200. He felt that did not reflect what it will take to fix that road based on impact of 70,000 pounds.

Sr. Civil Engr. Donguines understood his concerns, stating that the focus of the three month project might have a bit more impact than the stream or the natural flow of the passenger vehicles over the road.

Commissioner Clifford appreciated having him explain it to them. He asked if there was another way in terms of taking pictures of the road before they start and pictures of the road after and see what the actual damage is rather than trying to work this out, mentioning some kind of ratio.

Sr. Civil Engr. Donguines stated that they could do that but added that there were still truck traffic and vehicle traffic using the road and with the photo they won't know who caused the damage and it would still be guesswork. He stated that they could document before and after to make sure that specific truck traffic did not cause certain damage.

Commissioner Stegink asked him if he had an estimate of the total revenues the fees will generate.

Sr. Civil Engr. Donguines stated that they calculated it and the one eastbound lane came out to approximately \$134.56.

Commissioner Stegink asked if it was for the entire project.

Sr. Civil Engr. Donguines responded affirmatively, adding that it was their portion in a ratio out to ten years with normal vehicle traffic for that lane.

Commissioner Stegink asked if it was \$134.

Sr. Civil Engr. Donguines responded affirmatively.

Commissioner Stegink stated that he saw the market rate housing request was still there. He asked if they have a number of what the applicant is looking to pay for those or was there any discussion of price.

Planning Director Wehrmeister stated that they never went that far.

Commissioner Cooper asked Sr. Civil Engr. Donguines if they looked at the proposed plan.

Sr. Civil Engr. Donguines stated that he was the one who drew it.

Commissioner Cooper stated that he was concerned if he were to flip this project on the other side to Harmony @ One, as he thought they disregarded what Harmony @ One wants to do as far as their inflow, deceleration, acceleration lanes.

Sr. Civil Engr. Donguines agreed, adding that when he drafted that he did not take into account the Harmony @ One entrance and exit as his main goal was to see if this four-lane layout will fit.

Commissioner Cooper understood.

Sr. Civil Engr. Donguines stated that it would still have to be evaluated by peer review to make sure it meets with safety and lay out alignment.

Commissioner Cooper stated that, for the record, they have flipped the access to this project for the access to Harmony @ One. He stated that there were no deceleration or acceleration lanes afforded to Harmony @ One to make this project work. He understood what he tried to do and he appreciated the work but just wanted to note that.

Commissioner Stegink referred to Commissioner Cooper's question on the acceleration housed on the actual APN, and he asked if that would offer substantial benefits in terms of through put.

Sr. Civil Engr. Donguines stated that, if the acceleration and deceleration lane was constructed on the property, that would widen all the other lanes within Fassler Avenue and it would have a safety factor on increasing the lanes and fitting in a buffer or shoulder to the eastbound lane.

Chair Nibbelin opened the public hearing.

Jeff Potts of SDG Architects stated that they were present to answer any questions they have, but they wanted to clarify one point that was just brought up. He stated that they did submit actual construction of BMRs as their package and a site plan was provided with what they submitted to staff which showed the locations of those BMRs. He stated that the comment that they were still requesting an in lieu fee was not accurate at this point.

Chair Nibbelin thought that, if he had no further comments, they would defer any comments or questions until after they have the opportunity to address any issues raised by public comments, assuming it was agreeable to everyone.

Commissioner Clifford stated he had one question. He referred to the staff report, and he thought there was a change in the line of sight calculation and what was done with the line of sight. He stated that originally they heard the tree was going to be taken down or the tree taken down and

the hill sculptured. He read that they were going to have both trees come down and some sculpturing on that hillside. He asked if that was still part of their plan now.

Mr. Potts stated that he would have to defer that to the Civil Engineer.

Chair Nibbelin asked if the Civil Engineer was present to speak to that.

Mr. Potts responded affirmatively.

Chair Nibbelin suggested that they hold that until they have heard from the public.

Ron Maykel, Pacifica, stated he was sorry he didn't get on the bandwagon of this project earlier. He knew about it, commenting that when it was originally presented it was a very pretentious project. He likes the trail they have. He wasn't sure of the location, as being best in the flat area or above and had mixed feelings, mentioning some of his thoughts. He didn't know about traffic, but from studies in the past, the level of service was bad in the mornings. He would like to see them maintain the city's height limit on the buildings. He would like to look at some color. He stated that Pacifica has two seasons, brown and green, and on top of that gray. He stated if something is going to be built, he would like to see colors that are harmonious so they won't be so visible. He mentioned landscaping with native plants, etc. He stated that it was a green belt between Fassler and Rockaway and he would like to keep it as natural as possible.

Rebecca Vogel, Pacifica, stated she has lived in the Seacrest Condo complex for 14 years and she was present on behalf of the request to transfer the development rights to the west parcel from the east parcel. She stated that she outlined her reasons in a letter sent to the Commissioner on November 19, so she briefly mentioned that the west parcel would be less intrusive the Seacrest neighbors and greatly preserve the scenic vistas on the Fassler Avenue drive. She thought it would be less problematic with respect to preserving the native vegetation and she agrees that having the ability to develop hiking trails on the east parcel shared by all Pacificans would be a great asset to the community. She stated that, while they have talked about traffic, they haven't talked about the difference in the line of sight from the two parcels. She thought that visibility from leaving and entering the proposed complex from the two locations was better at the west parcel and would mitigate some of the concerns with the excessive speed that happens on Fassler Avenue and potential for traffic incidents. She respectfully requests that they approve the transfer of the development rights.

Patrick Kobernus, Pacifica, stated he was a resident at Seacrest on Fassler. He stated that he sent a letter to the Commission on November 15 and discussed the reasons why it would be much better to build the development on the west parcel. He stated that the east parcel is steep and developing on the west parcel makes more sense, such as mentioned by Ms. Vogel. He referred to the safety issues of people coming down Fassler and thought having a driveway on the east parcel would be dangerous as there was a better line of sight on the west parcel. He also thought it was a nicer habitat on the east parcel and was less disturbed. He stated that the west parcel was a former quarry area. He stated that the Seacrest residents were isolated with no sidewalks and they have to run across the street to hike on the Harmony @ One parcel. He mentioned that people often drive 50 mph on Fassler and it was dangerous for older people and children. He felt it was a nice opportunity for them if they could have a joint use hiking trail between the new development and Seacrest. He asked if there will be a left turn lane into the new development as they go uphill.

Chair Nibbelin stated that they will hold that question and ask the applicant to address it.

JoAnne Arnos, Pacifica, stated that she lives on Oddstad. She spoke before about this project's environmental impact report and the vistas it will disturb, in addition to native plants and wildlife. She referred to comments on the height issue, colors, roofs, referring to Arizona and the southwest where all buildings are built into the hillside as mentioned by Mr. Maykel in color and non-sharp so they blend. She referred to a recent report from the Department of Transportation and Safety where the most severe accidents in the country were left-hand turns crossing traffic. She thought it would be a major issue for people coming up Fassler to get into the development, adding that speed going down Fassler is always an issue. She referred to all the damage to the environment that would mix with schools, traffic, safety, and stated that if the project is approved, they will see it every day. She felt they have a responsibility to our generation and future generations to hold the hillsides in a precious way as was given to us and we shouldn't take it away quickly.

Noel Blincoe, Pacifica, stated that he lives on Edgemar Avenue. He was concerned with the project as many of them in past years worked hard trying to preserve our open space on the hillside. He stated that they have zoning to help protect the open hills. He stated one key zoning was the obvious one, open space residential. He stated that this property was on open space residential. He stated that what it means for us down by the quarry on the west side of Highway 1 was that this project was going to be a major environmental aesthetic impact on the hillside with the tall houses. He urged them to preserve the zoning of open space residential. He stated that another point was that they don't want to violate the Hillside Preservation District, which is one key ordinance they have protecting the hills and that it was the intent to discourage the development of ridge lines, further mentioning any development to be of low profile with minimal visual impact. He felt this has major hillside visual impact. He urged them to say no to this project.

Sherri Rosenberg, Pacifica, stated that she was the president of the homeowners association for the Seacrest property. She stated that a number of the residents have sent letters to the Commission and they definitely have concerns about the property's impact environmentally as well as aesthetically. She stated that, if approved, they would be in support if it was built on the west end, and not on the east end as they would not have the opportunity to have the trails and walkways. She reiterated the previous comment that they don't have the ability to cross the street to be able to walk because of the high volume of traffic. She added that the impact on the road and minimizing the intersection was significant. She referred to Commissioner Cooper's question about whether the road could egress into their property, stating that if it is built, it should be built with that as part of the planning as it leaves the integrity and safety of Fassler. She stated that Seacrest has the middle merge lane where they can turn in and out and it was the only thing that saves them from being able to get into and out of their units safely. She stated that there have been many accidents on that part of the road because of people traveling too fast. She hoped they take the comments to heart and, if approved, they would approve it with those changes.

Elizabeth Eddy, Pacifica, stated she was a resident of Seacrest. She was disappointed that the project was going through as she wants to keep Pacifica green, but she commended them for the amount of work going into the thought process. She referred to the idea that Fassler be widened by using part of the property being built as she travels up and down Fassler a lot and the left hand turn lane to get in is essential. She stated that Seacrest has two exits but she never uses the upper

exit as there is no visibility and was completely unsafe, adding that she wants that same safety concern to exist for the people down the hill. She was also for building on the west for a lot of reasons, which are listed in her letter of November 25, mentioning safety and speed. She referred to two major accidents because people were traveling too fast. She stated that she doesn't breathe until she has two lanes going down as everyone is going faster than she wants to travel. She also wants a safe place to walk.

Mr. Potts referred to the tree and sculpting for the line of sight. He stated that it was a condition from the supplemental EIR and they will abide by whatever conditions are required to meet Caltrans line of sight outlined in that EIR. He referred to the question of a left turn lane, and stated that there is a left turn lane proposed with the stripping. He referred to the building height and roof lines, and stated that they tried to set the buildings down into the grade as much as they could as there was quite a bit of grade. He stated that the angled roof lines were to mimic the hillside and the uneven contours to add a little dynamic quality to the design of the buildings. He stated that they were small features and they talked about it with Planning. He referred to concerns about the project location, and this was the area they were directed to stay within and saw why they did it that way. He acknowledged a lot of concerns with the slope on the top of the hill and it being a more natural area of the project site, with the lower portion being less of a historically natural area. He referred to mention of the curve in the road and ingress/egress in that upper area being more of a challenge. They were trying to provide a buffer between what they were proposing and those who are already there and not blocking their views or being in their backyard. He stated that they weren't asking for an addition of units but a shifting of the zoning from one place to another place on the overall site. He stated that the alternative EIR pointed out that it would be 23 units and one unit in the larger area and it makes more sense as they look at the project site. He stated that he may disagree with some of the findings of the EIR as far as scenic vista, asking whose vista they were protecting and which vista were they analyzing and mentioning that there were hundreds of different vistas. He felt this sat into the project site better than if it were up on the hill, adding that it will not block the existing views of nearby homes as it would if it were further up on the hill. He understood the issues on Fassler of trying to pull in and out of their project site with no safety. He stated that the actual intersections will help reduce the speeds on that portion of the site as people tend to travel slower between intersections than just going down the hill picking up speed the entire way. He stated that they looked at putting turn lanes in and out of the site on the project, mentioning that there are things that make that unfeasible as there would be more retaining walls along the street and would impact fire access and the slope of the road from Fassler into the project site and require more grading with basically more impacts than benefits.

Commissioner Gordon referred to the comment made on the hiking trails that would be shared by all Pacificans, and he asked if that was the intention of the applicant to make the trails accessible to the public.

Mr. Potts stated that it was his understanding that the trails would be accessible to the homeowners of this project as well as the project above. He didn't know if that would make them accessible to the general public or how it would be monitored if that wasn't the intent. He would have the applicant clarify that, adding that they were giving up their rights to develop anything besides the trails they are going to put in.

Commissioner Gordon concluded that, to be lawfully on the hiking trails, an individual would need to be a resident of either Seacrest or this new development.

Mr. Potts stated that the applicant was shaking his head that it was the current plan for that area. He stated they talked about dedicating it to the city, kept or worked out, and that was the solution between the staff and applicant.

Commissioner Cooper asked if they were opposed to putting a turn lane in. He was looking at the grades, etc., but he thought there was room for a deceleration lane and an acceleration lane in that area. He stated that he was concerned as he has ridden his bike up and down the street and the current plan that he saw simply takes Harmony @ One and disregards it. He felt it has to be revised. He stated that the safety aspect on that road was important to him, knowing how he drives within the speed limit but others don't drive that way. He stated that it was very contentious pulling in and out with someone coming downhill and was very nerve wracking. He asked if that was something they were willing to explore.

Mr. Potts thought it was explored as the project was addressed and there are significant impacts that it adds to the project.

Commissioner Cooper stated that he was aware of cost impact. He stated that the other things they have done with the project, such as trail access, were positive but this was his major sticking point having to do with safety. He stated he was here to protect the residents.

Karrie Mosca, Civil Engineer with Wood Rogers, referred to his concern about additional lane onto the property, and stated that the lane would be 12 feet and it would be significant as Mr. Potts mentioned with regard to walls, grading, etc. She stated that, if the safety factor was really the concern, she thought it would be a dedication of additional right-of-way to the city to do this as you wouldn't want to have the lane and pavement on private property. She thought just a shoulder and a dedication of 4-6 feet was needed to provide that additional buffer. She stated that it would impact the project, but a full 12 feet was a lot and 4-6 feet might be a compromise.

Sr. Planner Murdock stated that the project was proposed nearly at the limit of allowable coverage in the Hillside Preservation District, and without knowing the extent of this potential dedication and construction of an additional roadway feature, it was possible that could tip the project over the allowable coverage if it were constructed on private property where the Hillside Preservation District restrictions are applicable. He stated that the HPD zoning does provide for an exclusion for certain roadways, quoting from the ordinance that the Commission may recommend the exclusion of certain dedicated public streets from the definition of coverage provided such streets serve a major citywide circulation function and would not otherwise be necessary to the design and function of the project. He stated that, based on what he has heard, he didn't think it was clear that the right turn lane would qualify for an exemption from coverage and they would have to be very careful about requiring that of the applicant and causing him to violate the Hillside Preservation District limitation.

Commissioner Cooper asked, if they are providing a safe access on Fassler by not disturbing it regardless of a development or not, he thought they would be adding the turning lanes to facilitate Fassler safety.

Sr. Planner Murdock stated that it was in the specific project.

Commissioner Cooper stated he was not using the turn lanes or dedicating the turn lanes for the project but trying to keep Fassler as safe as possible.

Sr. Planner Murdock stated that he understand his concern, but he was saying that there is only a narrow exclusion for streets that serve a major citywide circulation function that would not otherwise be necessary to the design and function of the individual project. He thought these turning movements into and out of the project are of concern, and that was for the Commission to debate and deliberate. He was trying to highlight that there is a strict quantitative cap on coverage.

Chair Nibbelin asked, if there was a dedication of some amount of property for use to create a curb, whether that dedicated property would be counted against lot coverage limits under the Hillside Preservation District.

Sr. Planner Murdock stated that, if it was constructed on private property and the Commission did not find that it met the qualifying exclusion provided, it would count toward the coverage. If that coverage were to exceed the limitation, it would need to be offset somewhere else in the project and the feasibility of doing that has not been assessed.

Commissioner Cooper asked if sidewalks were considered part of that exclusion or are they included in the lot coverage.

Sr. Planner Murdock asked where the sidewalks are located.

Commissioner Cooper asked if sidewalks were part of the exclusion or not, and are counted as part of the developable area.

Sr. Planner Murdock asked if they were sidewalks in the right-of-way or sidewalks on the private side.

Commissioner Cooper stated sidewalks on the private side.

Sr. Planner Murdock stated that the sidewalks proposed for this project are within the calculated disturbance or coverage and are already counted toward that limitation.

Mr. Potts asked, if it was a dedicated area and would no longer be private property but would be constructed on city property, would that change the definition of that space.

Sr. Planner Murdock stated that, in his opinion, it would not without an amendment to the zoning map which has not been analyzed and included as part of the project.

Chair Nibbelin asked the City Attorney whether the Planning Commission could accept property on behalf of the city.

Sr. Planner Murdock stated that it was not uncommon for the Commission to review subdivision maps where those types of dedications are proposed, but they are not accepted by the city until the Council takes action on those dedications and there is a procedure for that.

Commissioner Stegink stated his question was for the City Attorney.

Chair Nibbelin stated that he will let them know if they have more questions, adding that they probably will.

Chair Nibbelin closed the Public Hearing.

Commissioner Stegink stated that he has attended about 15 planning meetings of other entities in the last year and they continually hear the General Plan is required by the state and zoning implements the General Plan. He noticed in 2007 minutes that there was a lot of confusion among the Commission between the developer and the HPD and the General Plan which takes precedence. He stated that the Hillside Preservation District was part of the zoning. He stated that there was voluminous mention of Fassler all over the General Plan, briefly reading some specific references. He asked the City Attorney how much weight they should be giving the General Plan. He stated that in the state, some planning directors say none and they are merely advisory and some say the General Plan is a strictly interpreted document.

Asst. City Attorney Sharma stated that General Plans vary from city to city and their interpretations vary from city to city. She stated that generally speaking, General Plans provide the blueprint for all development within the city and all the zoning has to be compatible with it. She stated that it is the City Council's role to interpret the General Plan and figure out what is compatible with the General Plan.

Commissioner Stegink asked if this development was on the ridgeline.

Planning Director Wehrmeister stated that they have the General Plan diagram and it was not identified as a prominent ridgeline.

Commissioner Stegink asked if the Fassler ridgeline would not be a prominent ridgeline.

Planning Director Wehrmeister stated that it was not identified as a prominent ridgeline in the General Plan.

Sr. Planner Murdock stated that, as the term is used in the General Plan, it is not a designated Prominent Ridgeline although you may believe it is a prominent ridgeline and understand the significance of it in making their findings for the project approval, but it is not strictly a prominent ridgeline for purposes of the General Plan.

Commissioner Clifford stated that he could be wrong, but what was clear to him was that the first thing they should discuss and debate was whether or not they are going to do the density transfer. He thinks that is one of the first things they have to get out of the way.

Chair Nibbelin thought that was a good question to take on. He asked what Commissioner Clifford thought.

Commissioner Clifford stated that he keeps going back and forth, partly because of having been on the Open Space Committee and reviewing those sites a lot. He stated that he supports the density transfer under some conditions, having to do with the actual view and that would get into height limits which they can discuss later. He could support the density transfer.

Commissioner Gordon stated that anyone at the last meeting knows that was his big issue. He referred to Commissioner Stegink's question about the significance of the General Plan, stating that it does give them an outline of what the drafters of the General Plan thought should happen to these parcels and the density transfer subverts that directly and he was uncomfortable with it as the purpose of the HPD was to protect the views and ridgelines and he was concerned that they were frustrating the purpose of the General Plan. He was interested in Commissioner Clifford's comment on the significance of attention to protecting the view shed and he could be persuaded. He stated that it is the most troubling aspect of the project.

Commissioner Campbell stated that, when he considered this project in 2007, HPD was his foremost concern, and over the course of several hearings, he was convinced that the density transfer was the best option going forward for several reasons, i.e., it appeared to be the safest alternative and the view lines were the better option, then as now they are getting the conservation easement to wrap around the site, adding that he has a few questions about that agreement to be sure there is no wiggle room. He thought, if the conservation easement is as billed, there is no way to get around it and it was a valuable thing. He stated that the area proposed for the actual building was more degraded than the land from which it was being transferred. He would not have a problem with the density transfer on that issue.

Commissioner Cooper stated that he always looks at the best use of the property, and the owners be able to use the land accordingly. He stated that it is not owned by a private entity who wants to bring it back to the way it was, but by someone who wants to develop. He then looks at what is the best use of that particular parcel and what would be less destructive to the overall demographics and geography of the parcel. He agrees with the people who commented that, if you go to the eastern portion of the parcel, you would decimate the hill. He stated that this appears to be a viable place to build with the least disruption to the overall environment. He thought, with the dedication of the trails and offset from the side, he didn't have a big issue with the density transfer and the dedication of that land. He didn't think it was the least impactful, but it could be a much larger project and he thought it was a responsible way to use the property so he didn't have a problem with the density transfer.

Commissioner Stegink stated that he tends to interpret the General Plan a little more strictly than others. He referred to a page mentioning much of the acreage of the Rockaway area includes steep unbuildable slopes of the coastal ridges but there are locations where soil conditions, geology and access makes possible house or small cluster of houses unobtrusively placed on the hillside or in a hidden valley. After looking and driving there at all times of day, he found that the density transfer would probably make this less visible to the majority of the residents and less offensive. He reminded the public and Commissioners that you can have lower density and decluster it. He felt we need the housing.

Commissioner Kraske stated that his exposure to this project is fairly limited in the timeframe as he hasn't been around over the years to track the project, but from what he has heard at this time, he would agree that they support the transfer of development rights as Pacifica does need more housing. He felt this would be the least disruption of the natural environment and he supports the density transfer.

Chair Nibbelin stated that he is putting the other issues aside for now and focusing on the transfer of development rights. He appreciated staff's analysis of the issue, stating the packet had a pretty good layout of analysis on which he would rely in supporting the decision to transfer

development rights. He thought it was a fairly reasoned analysis of why it makes sense and what the thinking might have been to lead to the land use designations in the beginning, such as the desire to cluster. He stated, after having heard from those who live on Fassler and are in favor of the transfer of development rights, it seemed the right direction. He thought they could build a consensus around that issue, and they can take the other issues in any order appropriate. He thought Commissioner Cooper suggested that they look at housing in particular. He asked that he clarify it.

Commissioner Cooper stated that there was a proposal from the developer to pay in lieu fees providing the housing, and he felt they need the housing and he was in support of staff's recommendation.

Chair Nibbelin thought the developer had indicated that was off the table at this point. He asked if they agreed that they would go forward with providing the housing rather than the in lieu fee.

Sr. Planner Murdock stated that the comments by the applicant's representative this evening were the first he had heard of that revision to the project description and it sounds like it is the applicant's intent to withdraw request for payment of the in lieu and actually construct the units on site. He stated that the Commission's action as written would not be inconsistent with what the applicant has indicated by denying a request for in lieu fee. He deferred to the Planning Director or City Attorney if there was a preferential reason to change the action.

Chair Nibbelin stated that it sounded like Commissioner Cooper's perspective was that they leave the action as it is, which is to deny that request, adding that it may not be the request at this point. He asked if everyone was in agreement to move forward in that direction.

Commissioner Stegink asked staff if there were public trails currently accessible that this project will prevent or are they only discussing private access to private trails.

Planning Director Wehrmeister stated that there are none that she was aware of, adding that they may be discussing social trails, meaning ad hoc, trails that are created.

Chair Nibbelin thought they have dealt with the transfer of development rights. He stated that he wasn't clear with respect to the heritage tree.

Commissioner Cooper stated that he has no issues.

Commissioner Clifford stated that, when he heard them talk of the line of site requirements, they are at least going to take that tree out. He added that they are also concerned about safety. He would not have a problem with taking the tree out.

Commissioner Campbell had no problem with the tree.

Chair Nibbelin concluded they won't have any issues with respect to the tree.

Commissioner Campbell then referred to the conservation easement. He asked if the easement would prevent any access to road development from Rockaway or any other area.

Sr. Planner Murdock stated that the particular form has not yet been written and whatever the applicant would propose would be subject to review and approval by the city attorney's office. He stated that the applicant has indicated the intention to allow only the development of trails and wild life safe fences and seating areas. He stated that an access road from Rockaway Beach up to Fassler would not seem to fit any of those allowable types of development, in his opinion.

Commissioner Campbell stated that would be the question and was a deal breaker for him. He stated that you can see the paper streets coming up from Rockaway almost abutting this development, adding that there is a lot of controversy over those streets and development up the hill on Rockaway. He was sure there was a desire to connect those two areas and he wants to make sure that the easement will absolutely not connect to Rockaway, adding that he didn't know if there was a way to do that at this time.

Planning Director Wehrmeister thought they could accomplish that through the conditions and work on some language.

Commissioner Campbell thanked her and added that he didn't know what the other Commissioners thought about this.

Commissioner Gordon stated that he supported it.

Commissioner Stegink stated he supported it.

Chair Nibbelin thought they had enough support to move forward with looking at some language.

Commissioner Stegink referred to Commissioner Cooper's original suggestion on maintaining the two through lanes and adding an acceleration lane on the shoulder, and he stated that the applicant's representative stated that they were willing to contribute six feet. He stated that he looked on a 2015 Civics going 60 mph required 300 feet and the city engineer saying 85% standard deviation was 49 mph. He thought six feet would be inadequate. He thought that the traffic pattern as presented by the city seemed dangerous and nonfunctional and would defy common sense. He appreciated Commissioner Cooper's suggestion but he was not sure how to do that, whether a private road, but he thought it was a far superior traffic pattern to the one that is currently presented in the packets.

Commissioner Clifford stated he had issues with the height of the buildings and would like to talk about keeping them at the 35 foot standard limit.

Chair Nibbelin referred to consideration of the alternative design and alternative conditions of approval that they had language for in the packet.

Sr. Planner Murdock thought there were at least a couple of different mechanisms for that. He thought he was hearing from Commissioner Clifford a general reduction in the height of the project, not specifically to building A removal of the pitched roof.

Commissioner Clifford agreed, stating that there were several buildings that are more than 35 feet.

Chair Nibbelin concluded that he requested all buildings be limited to 35 feet.

Sr. Planner Murdock stated that would highlight the fact that the 35-foot height limitation is applicable to this site. He stated that ordinarily to exceed the height limit would require approval of a variance, but given that this is an HPD planned development zoning district, the zoning does allow deviation from certain development standards including height. He stated that, when the Commission makes certain findings that it improves the project design, results in clustering, lesser disturbed areas, etc., it may be possible the Commission is unable to make those findings and the 35 foot height limit would be applicable. He was not sure what impact that would have on the project as it has not been analyzed and they did not review plans at a 35 foot height limit.

Chair Nibbelin asked if the applicant had any response to the feasibility or impact on the project.

Mr. Potts stated that he wanted to clarify that there might have been some misunderstanding about the 4-6 foot shoulder which would be adding width to the road, not length of shoulder. He stated that the length would be determined based on the length of the turning lanes. He stated that what was presented would be widening the road on that side. He stated that, when they submitted the alternate heights, they showed the one building that was the tallest, but their intention was, if that was the selected route, they would all be redesigned to be similar. They wouldn't want pitched roofs on some and flat roofs on the other. They ran a table of what the heights would be if designed similarly, which he thought was submitted with the package, but if not he can provide the numbers. He stated that Plan A is still at 40 feet and the balance are at 35'2" and one at 35 feet and the rest well below the 35 foot number. He stated that, with some gyrations, they could make it happen. He stated that the extra height was odd the way it was measured. He explained that, if he took a line along the topography of the hill and the bases of the homes and he offset the 35 feet they would all fall underneath the line. He stated they had the one odd condition where they have the driveway on the top, and the entries on the side down the hill and what happens is that they measure from the low side up and over to the high side of the building. He stated that, if you measured the building on each side, you would not get that height, and that was why there was the one odd building on the site that was designed that way. He stated that it would still be an issue to maintain as it would be at 40'5" and the rest could be manipulated within that one foot they are over. He then referenced continuing miscommunication. He apologized if it wasn't communicated to staff, and he stated that it was the site plan to be built with the BMRs indicated on it and the four locations of those BMRs. He would give them his copy if they didn't get it in their updated packet.

Commissioner Cooper stated that he wasn't stuck to the 35 feet and would sacrifice a little height for the views. He stated that, to see what it would look like architecturally as far as having flat roofs versus the curved roofs for the architectural element, anytime they can reduce a building to see the views, that is what they are concerned about. He was for it but was not steadfast on the 35 feet. He thought the recommendation by staff for the 40 foot flat roof and make it consistent throughout the project would be a good alternative.

Commissioner Gordon liked how they were approaching it, dealing with the transfer rights, then traffic, etc., and he stated they had Commissioner Stegink's comments on traffic and Commissioner Clifford's comments about the height and he suggested they focus on one thing at a time, which was his preference.

Chair Nibbelin thought that would be fine.

Commissioner Gordon stated that, if at traffic, go for that or at heights, go for that.

Chair Nibbelin suggested that they address traffic as that may be the issue requiring the most conversation.

Sr. Planner Murdock stated that he mentioned earlier when the Commission was considering the improvement of widened street or turning lane on private property and either with or without dedication, that area would be within the Hillside Preservation District zoning and the applicant was within 38 sq. feet of allowable coverage and any improvement beyond 38 sq. feet would violate the Hillside Preservation District coverage limitations.

Commissioner Stegink referred to Sr. Planner Murdock's statement on the HPD and he thought that was something he would consider waiving to accomplish that. He sees the traffic plan proposed in the packet as dangerous.

Commissioner Cooper agreed, stating that was his holdup. He thought there were a lot of compromises but to show a traffic plan that is not feasible for that area is really hard from him to go further. He thought it needs to be studied. He appreciated the flexibility but without something in front of him, it was difficult to make the hurdle.

Commissioner Gordon stated that they have a lot of creative minds and the purpose of the dedication to increase the circulation is for public safety. He stated that it was a major thoroughfare and has to be the basis of a valid waiver.

Planning Director Wehrmeister explained that as Sr. Planner Murdock pointed out that, regarding the exclusion of certain dedicated public streets from the definition of coverage, the Commission would need to deliberate on how it felt that exclusion would serve a major citywide circulation function and would not otherwise be necessary to the design and function of the individual project.

Commissioner Gordon stated that probably the majority of Pacificans have gone up or down Fassler each week and he felt it was safer to go up than down Fassler.

Chair Nibbelin agreed it was a major citywide concern which was the ability for traffic to circulate up and down that major thoroughfare. He wasn't convinced it was an essential addition to the project. While he thought it would make the project safer, he didn't feel it was a dangerous project but it would better serve the citywide circulation concern than being essential to the project, although he thought it would make the project better and safer. He thought the finding could be made.

Commissioner Campbell stated that he has walked the site. He didn't know if they could put up the map.

Sr. Planner Murdock asked if it was the stripping or just the vicinity map.

Commissioner Campbell stated that it was the stripping map. He didn't agree with the waiver because he didn't like the sequencing. He stated that you don't submit plans and then ask for the waiver, but rather get the safety concerns into the plan early. He stated that it sets up a conflict between HPD and the plans where they are forcing the developer to violate the HPD which he

thought was not the case as the safety concerns should have been in place earlier. He didn't agree with the waiver and he didn't think it was a citywide benefit. He then questioned whether the safety concerns required a waiver. He has an issue coming down westerly on Fassler and you have people making a right turn out of the development, going west downhill, and at the same time people in a hurry merging into the lane and making a right from one to two lanes. He wondered if there was a way to deal with that which he felt was where you will have accidents. He wondered about a hard stop for people coming out of the development, to watch out for people making that right turn, concluding that it was a dangerous situation.

Sr. Planner Murdock thought it might be helpful to hear from Sr. Engr. Donguines about the engineering techniques there are to divide the lanes, increase awareness and visibility, slow traffic, such as lane deflectors to provide visual and physical barrier. He didn't think he was qualified to make the statement as to whether it was an appropriate engineering application.

Commissioner Campbell didn't know what can be done, but he thought everything has to be thrown at it there.

Sr. Planner Murdock stated, to help him understand, he thought he was speaking about the area to keep merging traffic from going from the left to the right lane as traffic was turning out.

Commissioner Campbell agreed, adding that people who have been in the one lane are going to break off to the right as soon as they hit the two lanes.

Sr. Civil Engr. Donguines stated that the exit lane would be striped solid so that for a long period no merging will occur until further down from the development.

Commissioner Cooper concluded that it won't be a broken line but a solid line.

Sr. Civil Engr. Donguines agreed, stating that there will be no switching until further down where the vehicle speeds are more matched. It would separate the traffic with no merging until after the entrance of the project. He stated that it would also occur at the entrance coming down Fassler where the dedicated right turn lane would also be striped solid, adding that throughout the intersection everything would be striped solid so no cars should be passing the line and everyone knows to stay in their lanes in that intersection.

Commissioner Clifford stated that was an issue he brought up with staff earlier regarding striping to make things safer.

A member of the audience asked him to speak up.

Commissioner Clifford stated that he never had anyone complain about how loud he speaks. He then reiterated that he had talked about this with staff and mentioned possible additional striping to keep people from merging at that point. He was glad that it was being brought up by his fellow commissioners. He stated that a concern he had outside of the HPD coverage regarding moving things back onto their property was if it might force even more grading on the hillside because they would be losing their line of sight and be further back and be looking at the hill behind the tree. He was concerned about doing too much sculpting of the hill.

Commissioner Cooper reminded the commissioners that, even with the striping proposed, he thought they were still negating the Harmony @ One entrance and exit. He didn't think there was enough room.

Chair Nibbelin asked if the city engineer could speak to that regarding whether anything can be done to address this pretty big concern of negating the circulation into and out of Harmony @ One.

Sr. Civil Engr. Donguines explained that when he drew the striping plan, he didn't take the entrance to Harmony @ One into consideration as he was just trying to see if the four-lane in/out configuration would fit. He stated that Harmony @ One was a right turn in and right turn out and there was no left into Fassler Avenue. He stated that going up Fassler it was easier to decelerate and get into the project and with the right turn out, the uphill vehicles haven't gathered enough speed and the right turn out of Fassler does have more safety than going downhill.

Chair Nibbelin asked if he was satisfied that Harmony @ One's circulation issues could be integrated into all of this.

Sr. Civil Engr. Donguines stated that it has not been evaluated for the purposes of the striping plan.

Commissioner Cooper asked if they considered only a right hand turn off of this current development rather than a left hand turn up the hill, as they are doing with Harmony @ One by limiting the no left turn off the current development and they cannot go uphill and only turn right.

Sr. Civil Engr. Donguines stated that, if you eliminate the left turn from this, they would have to go back down and come back up to make a U-turn.

Chair Nibbelin stated that was the same thing Harmony @ One has to do.

Sr. Civil Engr. Donguines stated that Harmony @ One has the option of going to Roberts Road to make the left or right into Fassler.

Chair Nibbelin followed that thought.

Sr. Planner Murdock stated that the Commission may consider that the Harmony @ One project has a large image in their minds because of the prominent location and history and it was only ten lots with ten potential homes off the access way while the density at this site is more than double. If the project were to be approved as proposed, he thought the Commission may weigh that consideration of where they should have the greatest, most modernized circulation improvements such as the project with 24 units going downhill where there was the greatest traffic hazards or 10-11 single family homes exiting uphill, adding that they may want to weight that factor.

Commissioner Campbell mentioned with the new accessory dwelling units could double Harmony.

Sr. Planner Murdock thought there may be restrictions in the CC&Rs for that project that prohibit accessory dwelling units. He stated that project was approved prior to the current state law and he thought that, at that time, there was restriction on that for most of Harmony proper units, 10

lots, off the access way. He stated that there was a lot to the east of this, 496 Fassler, and that project was initially approved at the time of the Harmony approval with an accessory dwelling unit and it may be possible to construct one at that site.

Commissioner Campbell stated that he didn't want to go too far down the road of discussing Harmony since it was not at issue or agendaized. He thought, when the time comes for circulation to be dealt with, they will have to deal with that.

Sr. Planner Murdock stated that the individual homes will require Planning Commission approval of a specific plan and a larger subdivision type improvement, unless the applicant sought to modify the subdivision, was not likely to become before the Commission.

Commissioner Stegink asked clarification that he was saying if Harmony @ One was subdivided, it would not come before the Planning Commission.

Sr. Planner Murdock disagreed, explaining that he said, if the applicant was intending to modify the subdivision, it would come before the Planning Commission.

Chair Nibbelin was going to recap where they were with respect to traffic. He stated there was concern expressed regarding the possibility of taking the applicant up on the offer with respect to some dedication of land on property, such as concerns about the impact under the lot coverage limitations and the Hillside Preservation District. He stated there were thoughts about waiving that requirement and others indicating that a waiver was inappropriate. He thought that was what he was hearing, adding that he was of the opinion that the plan presented at this meeting looked feasible, attainable and he didn't think it was unsafe but that wasn't what his colleagues think. He didn't know if anyone had something to add in terms of where they were.

Commissioner Cooper stated that he will keep it simple. He was against the project either for continuation because of this single issue.

Chair Nibbelin asked him to slowly repeat what he said.

Commissioner Cooper thought, because of the traffic issue, it should be an integral part of the submission for them to look at and it was important enough to him that he wants a solution before he would approve it. He thought they should either continue it and provide a revised plan or he was stuck on that and would not be in favor of it, adding that he was fine with the rest of it.

Commissioner Gordon asked him to be more specific. He stated that, in case it is continued on this ground, it would be great for staff to find out more about his concerns.

Commissioner Cooper acknowledged that he wasn't a traffic engineer but he was looking at this and understanding the traffic that was going down from a basic standpoint, and their revised traffic plan that they saw at this time does not take into account the entire needs of the city and it negates the Harmony @ One and provides a very difficult way for people to get around. He stated that he bikes on this road and there was not enough shoulder and it puts people on the sidewalk very close to the traffic. He thought as presented, it doesn't provide the safety comfort for the hill or slope, and he might have more to say if they had a limitation on no left hand turn going up the hill. He stated that at this point in time, as presented, it doesn't pass that threshold.

Chair Nibbelin thought he was hearing that, if he was speaking for the Commission as a whole, they would want more analysis of the traffic circulation plan at the project site and giving concern to integration with Harmony @ One, bike safety, pedestrian safety and how it integrates with the broader traffic circulation in that area.

Commissioner Cooper stated that was his opinion.

Commissioner Gordon stated that anyone who drives from Terra Nova High School to Highway 1 knows that it was a very dangerous section of the road and he would want to be 100% comfortable that they have thought through the traffic circulation issues in that area and will err on the side of caution. He stated that this was the time to iron it out and he supported Commissioner Cooper's position.

Commissioner Stegink supported Commissioner Cooper's decision and he had an additional item.

Chair Nibbelin asked if it related to traffic.

Commissioner Stegink stated that it did not.

Chair Nibbelin asked that he hold it for now.

Commissioner Clifford stated that he could support Commissioner Cooper's position as well. He wants to be absolutely certain that they have the best traffic circulation for this project when they are done.

Commissioner Campbell stated that he was comfortable with the traffic circulation aspects of this development but it looks like they were headed towards a continuance on it. He stated, to make it clear to the applicant, he could vote for a continuance but it was on the singular issue of how you get in and out of Harmony @ One versus this project. He felt that was a fair concern and, if he were the Harmony @ One people, he would want that answered also.

Chair Nibbelin echoed his thoughts. He stated that he lives off Manor and isn't on this street and has less familiarity with this but for that reason he declined to defer to his colleagues. He was comfortable with what he saw in the plans, but he was concerned about integration of the Harmony @ One project into the schematic which hadn't been done. He stated that there were at least three members who have expressed a broader concern. He didn't know what staff's thoughts were on the expressions of concern expressed now or if there were any studies that were appropriate to address these matters.

Planning Director Wehrmeister thought she understood the concern regarding potential conflict with the Harmony driveway and it would be appropriate to study it and return with more information, as well as any tool, such as striping for the transition concerns of drivers coming down the hill.

Chair Nibbelin thought there were concerns as to bike and pedestrian safety as well and how those matters can be vetted. He thought the direction was toward a continuance but they had been talking about height and he thought it would be appropriate to take that matter up so they don't leave any dangling pieces as well as another issue that Commissioner Stegink might have.

Commissioner Stegink stated that he affirmed Commissioner Clifford on 35 feet, and he was curious about the applicant's flexibility on offering Pacificans access to their scenic vista that they surrendered to the city in this proposal.

Chair Nibbelin concluded that the question was the extent to which the applicant would be willing to make the scenic vista accessible to the public as a whole.

Commissioner Stegink stated that people were giving up their view for at least 30 seconds as they go by and he was curious if they were willing to extend public access to allow them to access the scenic vista.

Mr. Potts stated that the whole issue around that was the liability of opening that to the public. If anyone walking on that trail gets hurt, he thought it opens up a huge area of liability whereas if it is managed between the two home owners associations, the liability is restricted within those groups and that was the concern the applicant has with opening that up to public use. He mentioned that there was some talk of dedicating the land to the city and then the city would have the liability and could open it to the public.

Commissioner Stegink asked what the altitude was and also if there was disability access on that trail.

Mr. Potts didn't think there will be ADA access on the trail. He thought that, from the current site where they are proposing it to the top was several hundred feet of topography.

Commissioner Gordon referred to the applicant being willing to cede the land to the city. He stated that GGNRA land was all around there. He asked about thinking creatively and logically to incorporate that area into public space as there are all kinds of public trails, such as one north of that parcel which was GGNRA and would eliminate all the liability issues.

Chair Nibbelin thought they could ask staff take a look at the process for something like this.

Commissioner Gordon stated that he would be more excited about the project if the public could really get access to that land.

Planning Director Wehrmeister stated that they can bring more information on that.

Chair Nibbelin stated that they will ask staff to analyze it and they can hear about what would be involved, adding that they have myriad issues involving liability from a public perspective.

Commissioner Campbell stated he would be in favor of public access. He thought the developer forms an HOA and then the HOA usually opens these up to the public and then the liability transfer to the HOA instead of the developer. He thought that was the concern. He thought if it plays out the way it normally does, it would be accessible to the public but it would be good to get it outlined.

Chair Nibbelin thanked Commissioner Stegink for raising this issue. He then referred to the height issue, and stated that Commissioner Clifford had expressed a view that the height ought to be limited to 35 feet on all structures in the development.

Commissioner Gordon referred to packet page 152 under view corridor policies where it mentioned that only building B and proposed landscaping would create obstruction in the development. He asked where building B was.

Sr. Planner Murdock stated that building B was a cluster located along the western edge of the site with four duplexes along the western edge and a total of eight units.

Commissioner Gordon concluded that was the source of the obstruction.

Sr. Planner Murdock thought that was what the aesthetic analysis in the EIR concluded.

Commissioner Gordon asked if reducing the height limit to 35 feet would or would not have an impact on the obstruction.

Sr. Planner Murdock did not think that would not be sufficient to eliminate any of the significant visual impacts and would require elimination of building B or a portion of building B to eliminate those impacts.

Commissioner Gordon thanked him for the clarification. He thought that was not a consideration in terms of reducing the height limit down to 35 feet.

Sr. Planner Murdock thought it stated in parts of the analysis that there may be marginal improvements in reductions to the significant impacts but nothing meaningful to the point where it would reduce those to less than a significant level.

Chair Nibbelin asked, if they were going to continue the item, whether his colleagues would think about the possibility of asking for further analysis from applicant and staff as to the feasibility of bringing the building heights down to 35 feet. He understood that the applicant said there were some buildings where they didn't view it as feasible to bring it down to 35 but somewhere it could be done. He asked if more information along those lines might be useful to bring back and they can take it up the next time they have this matter in front of them.

Commissioner Clifford stated that it was a reasonable approach.

Commissioner Campbell agreed, adding that he would be in favor of looking at the 35 feet. He remembered ten years ago that this was a deal and they were considering 38 feet because of the underground parking garage and buildings were going to be on top of the underground and it was part of the tradeoff for going above 35 feet and the HPD concerns. He stated that now they didn't have the underground parking garage and one of the reasons he voted for going over 35 feet. Since they don't have that issue now, he was interested in the 35 foot height limitation.

Commissioner Stegink stated that along the coast they see municipalities using story poles to determine the effect on that. He thought that, on building B's height, he thought story poles would be an excellent use to get an idea of how high that building is. If the story poles show that there is no obstruction, he would not have a problem with the original height so he would like to see the story poles before voting for it.

Chair Nibbelin thought some additional analysis was requested on the feasibility and practicality of implementation of a 35 foot height limit for all the buildings. He was not wedded to 35 feet

but since they are going to bring the matter back, some members of the Commission appeared to be interested in more analysis on that.

Commissioner Gordon agreed, stating that they need to be cognizant of the tradeoff. He stated that Sr. Planner Murdock noted that, in exceeding the 35 feet, there was some value in terms of design.

Sr. Planner Murdock stated that staff's opinion in analyzing the project was that the tradeoff to cluster this development, to achieve a transfer of development rights, etc., warranted the increase in eight to exceed 35 feet. He stated that staff's opinion of those tradeoffs was contained in the resolution.

Commissioner Gordon stated that his point was that there was value in exceeding the 35 feet, given design goals, but it would be interesting to know the tradeoff in terms of the extent that it results in some kind of negative visual impact which he thought was Commissioner Stegink's point.

Sr. Planner Murdock stated that, if they were talking about the visual impacts from the environmental review standpoint, he was not aware of any height reduction barring something drastically lower than 35 feet that was identified to reduce or eliminate the significant environmental impacts to the aesthetics. He thought it was the building placement driving that, not the building height, at least within the range of heights considered in the EIR, which was 35 feet and the proposed project height.

Commissioner Gordon thought the commissioners' interest in keeping it at 35 feet was just being consistent with the code.

Commissioner Cooper stated that he was not interested in the 35 foot as a solid line as he wants to bring it down to what was feasible. He stated that, if the building happens to be 37 ½ because that was the way the floor heights meet the roof, he was fine but he wants to avoid having a 35 foot ceiling and then having a big air conditioning unit on top which does not count towards the height. He stated that they were trying to reduce the heights for the visual aspect of it but he didn't think they should be stringent in saying 35 feet and then destroy a whole level of a project. He felt, if it needs two more feet to make it feasible, that was acceptable for him.

Commissioner Stegink stated that he walked the area and drove it several times and he was convinced there will be a public loss of scenic view and he thought the EIR hasn't identified a specific problem over 35 feet but obviously 100 feet would still be a problem. He was convinced there would be a benefit to having 35 feet just from walking there. He thought story poles in that location would convince him otherwise, only on building B, but as of now, he supports the 35 foot height limit which is alternative D.

Sr. Planner Murdock thought Commissioner Stegink touched on an important point. He stated that it was easy to conflate the consideration of the environmental document with the consideration of the project. He stated that the environmental document has to achieve certain procedural and substantive components to identify alternatives and potential impacts and mitigations. He stated that the Commission still has broad discretion in reviewing the project and making the findings for approval for the permits. He stated that they may find benefit to the design from the scale, the massing, the shadows, etc., for the project permit findings that are

unrelated and separate from the CEQA findings of significance. He explained that the Commission did not have to take all of the CEQA analyses and apply it to have a bearing on the project permits as they can detach it to the extent that the impacts wouldn't exceed those evaluated in the CEQA document.

Chair Nibbelin stated that they were adopting a statement of overriding considerations with respect to aesthetics and noise. He concluded that staff had the benefit of picking up their perspective as to this issue and the diversity of use. He stated that it looked like they were going in the direction of continuing the item and before he asks for a motion, he wanted to ask if there were any other thoughts or questions that they should pick up.

Commissioner Stegink stated that, up and down the coast, municipalities are entertaining the option of a completion bond. He stated that he could see Seacrest residents in three years looking at this project and thinking that they are surrounded on all sides with incomplete projects. He was curious if a completion bond for this project has been thought of.

Planning Director Wehrmeister asked him to repeat his comment.

Commissioner Stegink stated a completion bond encouraged the developer to complete the project in a timely fashion.

Planning Director Wehrmeister stated that they don't have policy provisions for that adopted.

Sr. Planner Murdock stated that what they do have is a mechanism through the subdivision to ensure that the subdivision improvements are accomplished, the access driveway, drainage, etc., but as far as construction of the project itself, as mentioned by the Planning Director, the policies and ordinances do not currently have that mechanism.

Commissioner Gordon moved that the project currently under consideration be continued to the soonest possible date.

Planning Director Wehrmeister stated that staff recommends March 19.

Commissioner Gordon moved the project be continued to March 19.

Chair Nibbelin added to receive more information on the various matters discussed at this evening.

Commissioner Clifford seconded the motion.

The motion carried **7-0**.

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

Chair Nibbelin suggested a five-minute break.

Commissioner Clifford stated the he would probably not be able to come back after the recess, and would leave the meeting.

Chair Nibbelin stated that six of them would return.

Chair Nibbelin called for a break, then reconvened the meeting.

- 2. PSD-819-17 UP-085-176 PV-519-17** **Site Development Permit PSD-819-17; Use Permit UP-85-17 and Variance PV-519-17** to construct a 1,698 square-foot (sf), two-story addition to an existing 3,503 sf, two-story, single-family residence; a patio area; a deck and an uncovered parking area and removal and replacement of one heritage tree at 674 Corona Drive (APN 022-210-090). Recommended CEQA Action: Class 1 and 3 Categorical Exemptions, Sections 15301(e) and 15303(a).

Note: Commissioner Campbell recused himself prior to Planning Commission deliberations, as noted later in the Minutes. He returned to the dais upon conclusion of this agenda item.

Asst. Planner O'Connor presented the staff report.

Chair Nibbelin asked what an unconditioned recreational room was.

Asst. Planner O'Connor stated that there was no insulation.

Sr. Planner Murdock further clarified that it was not connected to the heating and cooling system of the home.

Commissioner Gordon referred to packet page 68 of before and after photos, and he asked what they were showing as he had a hard time seeing the difference between before and after.

Asst. Planner O'Connor stated that they were easier to see in the full size plans they received. She stated that it was giving them two viewpoints from two downsloped viewpoints. The one on the left side was a viewpoint from the Pacifica State Beach parking lot and the top being the existing conditions and the after shot with the proposed addition. She stated that the photos to the right from the Cabrillo Elementary School parking lot, with the before the existing and the after is after the propose addition.

Planning Director Wehrmeister stated that there was a blue item in the before and after photos, if you keep going up the picture to the top, you will see there is an addition of the house.

Commissioner Gordon thanked her, stating that was what he was looking for.

Planning Director Wehrmeister stated that Asst. Planner O'Connor might be able to help with the second set.

Asst. Planner O'Connor stated that at this small scale it was a little harder, stating that they will see a slight blue structure above a mini-van and following up they will see the addition also.

Commissioner Cooper stated that he had a question in regard to the street on Corona Drive. He stated that on Higgins there was a street they did not improve all the way to the end of the property line. He thought this was the same case, but they are proposing a driveway into the

street. He asked the designation of the street where it ends and where it goes to the new driveway. He asked if that was a public street as it wasn't built to public standards, or was it a private street.

Asst. Planner O'Connor stated that it would still be public right-of-way and the driveway would extend into the public right-of-way.

Commissioner Cooper stated that, from the end of the cul-de-sac to the new proposed driveway, it was a non-conforming street per city standards.

Sr. Planner Murdock thought the street was constructed to 20 feet in width and does not have sidewalks on either side. He stated that, whether it was conforming to street standards or not, would be a question for engineering staff. He stated that he didn't know of Sr. Civil Engr. Donguines was still present. He thought that the improvement was approved by the city engineer. He thought Sr. Civil Engr. Donguines can clarify that.

Sr. Civil Engr. Donguines stated that the extension of Corona was built with the development of 650 Corona if they remember and there was a deliberation on what width of road was to be built and eventually the 20 foot pavement was approved.

Commissioner Cooper asked, if they had to service the other side of the residence, whether the Fire Department looked at it and are they okay with just pulling into a dead end and servicing the driveway.

Asst. Planner O'Connor stated that there was a fire turnaround before the driveway.

Commissioner Cooper asked what page it was on.

Sr. Planner Murdock stated it was packet page 55 and you can see a portion of it, adding that there may be a better plan sheet that Asst. Planner O'Connor may find. He stated you can see the main driveway to the residence in the bottom center and beneath that you can see one element of the turnaround. He corrected that and said to look at the left of the property line, go to the right of that and they will see the upper part of the turnaround and bottom head of the hammerhead at the bottom.

Asst. Planner O'Connor stated it was also displayed on packet page 58.

Commissioner Cooper asked if there were existing curbs and gutters all the way to the second driveway or is that proposed.

Sr. Civil Engr. Donguines stated that there was an existing curb gutter on both sides of the 20-foot extension.

Commissioner Cooper assumed it goes into the catch basin beyond the driveway.

Sr. Civil Engr. Donguines responded affirmatively, adding that there was a new catch basin where the previous gate was.

Commissioner Stegink stated that north of the parcel there was blue and black tarps on the ground, roughly 60 x 20 yards and he asked if that was erosion control or planning.

Asst. Planner O'Connor thought it might be a question for the applicant.

Commissioner Stegink stated that it was not his parcel, but on the west side of the driveway that Commissioner Cooper just mentioned, with maybe 60 yards of blue tarp.

Asst. Planner O'Connor stated that she was not familiar with the blue tarp to which he was referring.

Chair Nibbelin opened the Public Hearing.

Javier Chavarria with JC Engineering, applicant, stated that, rather than doing his normal lengthy description of the project, staff has done an excellent job describing all the little details and he will try to address the questions and comments that have come up. He stated that in 1998, Corona Drive stopped right at the beginning of the property but when 674 was going to be developed, Corona had to be extended up to the point where the turnaround was. He stated that, if they look at page 55 of the packet, on the left side of the exhibit, that was where the southern property line was and where the main driveway to the garage of the residence was located. He stated that where it says Corona Drive was where the turnaround was located. He stated that, at the time of the construction of the main residence, that was as far as the street was constructed. He stated that the five truck turnaround was built and that was the extent of the improvements. He stated that when 650 Corona was constructed, the street was extended from the turnaround to the property line of 650. He stated that was the narrower portion shown on the right hand of the exhibit. He stated that as of today, Corona Drive was improved within the right-of-way all the way to the end of 674 Corona and the beginning of 650 Corona. He stated that the driveway they are proposing was going to be off from the newly constructed extension to Corona. He referred to the blue tarp, stating that was erosion control. He stated that there was dirt placed in that location after the exploration of the soils, and in preparation for some of the construction, there was some fill from a different property. They obtained a building permit to put some of that material that may be used in the construction of the addition and the blue tarps were erosion control protection. He referred to the design of the home, stating they tried to continue with the same appearance that the home had. He pointed out on the exhibits that it was not intrusive into the views from all the general areas below. He stated that they felt the addition really flows with the house. He stated that the explanation of the intent of that unconditioned space was that the main portion of the house on the second floor was going to be part of the living space and the lower area was initially intended as an outdoor area for the home because the site was so steep they don't have any areas for enjoying the views so they proposed that area. He stated that they also realized that it can be very windy so it was conceived as being enclosed, adding that on a beautiful day they can open it up and they have an open area and when not nice, they can close it and enjoy some usable open space. He didn't know if there were any questions or clarifications they need.

Michelle Garcia, Pacifica, stated that she was speaking on behalf of herself and her husband. She stated that they live at 650 Corona and they have a few concerns. She stated that they support the project and understand that they want to extend their home and understands what it means to have your dream home. She stated that the drainage they put in the city right-of-way was an improvement to the end of Corona. She stated that 674, when it was built, was supposed to do

those improvements as a condition of approval but they didn't meet that condition. She stated that their concern was whether the drainage was going to stay in place, because for their proposed parking they were seeing pavers and she asked where the water will go. She asked if it was going to go off the side, stating that what was below that was their property and they don't want any erosion as they paid a lot of money to have the drainage put in to ensure that the water didn't go anywhere other than where it was supposed to. She stated that they were also interested in a buy back for that, adding that she has reached out to the city. She stated that the city said an agreement needed to be put in place and she wasn't sure if that could be a side bar and doesn't need to be addressed at this time. She stated that they were looking for that as they improved 674 to get to 650 Corona. She stated that they were also very concerned about the traffic because if they are going to park there, they back down. She stated that, if they are backing down, there are going to be cars coming in and out of their driveway. She stated that there were no sidewalks and no street lighting. She stated that, if they were walking their dogs and it was dark and someone backs out and they don't see them because of no lighting, that was an issue. Before it was just them, but now there will be an issue with street lights, accessibility, traffic, and she stated that it was going to be a multi-family dwelling. She stated that when they moved in, they told them they were doing this because they will have more people living there and that means more cars. She referred to their talking of outdoor recreation and parties, and she concluded that means more people and more parking. She stated that those were their concerns, specifically that the drainage was still in place and they were safe coming in and out. She stated that it was only 20 feet wide and if emergency vehicles have to get in, that parking seems odd to them. She stated that they will also have to back out and they will be having all those people backing out. She stated that, if their concerns can be addressed, they fully support the project.

Mr. Chavarria stated they completely concur with the necessity and importance of drainage. He stated that when 674 Corona was built, there were 960 linear feet of a storm drain that was constructed from the turnaround where the round catch basin was at the end of the fire truck turnaround all the way to the closest city storm drain. He stated that expense was incurred to ensure that they were intercepting all the water coming from uphill down onto Corona and diverted to a safe area. He stated that the gully was protected with riprap and a sub-drain system was done in such a way that it has been 20 years and the site has performed really well. He stated that, regarding the concern for drainage, they were going to take every precaution that the drainage was correctly addressed. He stated that they don't have just a geotechnical engineer but a geologist. In addition to that, they have a required peer review by the city consultant to ensure that they are keeping the geotechnical stability of the site in top condition, and the most important part of the equation was drainage. He stated that they understood that in 1988 and they understand that today. He referred to the parking area, and stated that the location of the turnaround deprives 674 Corona of parking because it has to be kept open, painted in red and there was no possibility of parking within the dimensions of that hammerhead type of turnaround. He explained that the addition of parking spaces is going to improve the condition and ensure that a guest or someone who may come was not parking in the red marked areas. He stated that they don't see any difference from this driveway to any of the other driveways on the street. He stated that people will back out of a driveway but the parking was actually going to be an enhancement to the parking situation that currently exists. He referred to the comment by the owner on the conditions of approval, No. 21 on page 55 of the packet refers to the construction of the sidewalk that goes from the fire truck turnaround to the end of the property and the access of the walkway. He stated that the position of the owners of 674 Corona was providing that sidewalk was unnecessary, explaining the reason was that it does not align with the remaining sidewalk. He stated that a lot of people come in the afternoon to park in the turnaround to enjoy the view. He

stated that having the walkway there would increase unnecessary pedestrian traffic to any area where only the people from 650 should be able to go. He stated that the applicant respectfully requests the removal of the requirement for the construction of the walkway. He then referred to condition No. 19 which establishes that the applicant shall remove the existing swinging arm gate adjacent to the fire truck turnaround, stating that the gate was not installed by the applicant and does not belong to him. He stated that it has been presented previously by the engineering department that they will take that away and the applicant would like to respectfully ask for the removal of that condition No. 19. He reassured them that drainage was an important concern and the most important element for designing the site correctly.

Commissioner Gordon thanked him for his patience in waiting after getting bumped and they apologized for the delay. He asked if the applicant has had an opportunity to have a conversation with the owners of 650 about the drainage issue and the parking and safety issues which she raised.

Mr. Chavarria stated that he has personally not and he deferred to Mr. Patel.

Mr. Patel stated he has not.

Commissioner Gordon stated that he would strongly encourage that. He stated that this isn't a great forum for working that out, but it was good to do it face to face if possible as they will be living in the same vicinity.

Mr. Chavarria agreed.

Commissioner Campbell stated that just before deliberations it occurred to him that he has a professional relationship with someone on the applicant ownership team on a different matter in a different part of town, unrelated, but to avoid any appearance of impropriety, he was going to step away and recuse himself before deliberations start.

Chair Nibbelin stated that they have a quorum and they will continue.

Commissioner Cooper asked who owns the gate.

Mr. Chavarria stated that he does not know.

Mr. Garcia stated that the yellow gate was the entrance to the improved property and was a city gate. When he tried to take it out, the city engineering department told him no. He stated that he was stuck in the middle and the city said it was their gate.

Commissioner Cooper asked if the gate was required at the end of the street and what it served.

Mr. Chavarria stated that it used to be there when the street ended at the point of the turnaround and it was a prevention for people. He stated that there was a little trail and access to the property across the street.

Commissioner Cooper asked if there was still a trail there.

Mr. Chavarria stated that it was a little road to the water tank.

Commissioner Cooper asked if people are able to drive their 4 x 4s up there if they wanted to.

Commissioner Stegink stated that he disclosed that he met with the developer, Javier Chavarria, and discussed roughly nine projects in Pacifica and the Bay Area, adding that he didn't remember if this was on the list but likely was. He stated that the city repurchased three structures in the last 24 months from private owners and asked the city attorney, if this hill would be subject to liquefaction and the thing fell down, whether the city would have any liability for approving this permit. That is, if the whole hill collapses. He stated that it looks like there was some movement in that hill.

Asst. City Attorney Sharma stated that she has no reason to think that the city would be liable.

Commissioner Stegink concluded that the city would have no liability.

Asst. City Attorney Sharma reiterated that at this point she didn't think the city would be liable.

Commissioner Cooper asked what the purpose of the sidewalk was.

Mr. Chavarria stated that they did not propose it, and it was one of the standard conditions that Engineering has, explaining that any time there was an improvement, sidewalks were thrown in there, and they didn't feel that it was necessary.

Commissioner Cooper asked if the neighbors wanted the sidewalk.

Mr. Garcia stated that it gives them access to get to the house. He stated that once they are driving up and down the street, he asked what you do if a kid is walking down the middle of the street.

Chair Nibbelin closed the Public Hearing.

Commissioner Stegink stated that he has visited the site and looked at the project. He stated that the actual curbside impact looks like a very small structure and someone looking at it originally would probably think that was one of the 1,050 Linda Mar ranchers. He stated that they hide it from the street quite well, but when looking at the actual diagrams from the back, it looks like a hotel and they hide that square footage well. He stated that, assuming they can work out the kinks with the adjacent homeowner, he would support this project.

Chair Nibbelin stated that he was of a similar mind. He stated that drainage was a significant concern expressed by the neighbors and was a theme discussed at length in the staff report and he was comfortable that the drainage issues have been addressed. He assumed that staff was comfortable that the drainage issues have been addressed in an appropriate manner.

Asst. Planner O'Connor responded affirmatively.

Chair Nibbelin stated that he was not in support, for some of the reasons articulated, of eliminating any of the conditions of approval that have been included in the packet, notwithstanding the applicant's request. He would not support doing that and would be in support of a motion to approve the project at this point.

Commissioner Gordon stated that he will make a motion, and reiterated the importance of talking amongst each other. He felt some communication will go a long way towards ironing stuff out because they are at the start of this whole long journey together and will be living together for many years and he encouraged it.

Commissioner Gordon moves that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVES Site Development Permit PSD-819-17; Use Permit UP-085-17; and Variance PV-519-17; by adopting the resolution included as Attachment B to the staff report, including conditions of approval in Exhibit A to the resolution; and incorporates all maps and testimony into the record by reference; Commissioner Cooper seconded the motion.

The motion carried **5-0**.

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

Chair Nibbelin 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.

Chair Nibbelin stated that Commissioner Campbell has returned to the dais.

COMMISSION COMMUNICATIONS:

Commissioner Stegink was curious about the status on the marijuana applications.

Planning Director Wehrmeister stated that there was nothing new since the last meeting, adding that they were still in the first phase where the police chief was doing the background checks. She thought they were due to be completed by the 9th, later this week.

Commissioner Stegink asked if they have a final date for the lottery or a method of drawing or pick a number out of a wheel.

Planning Director Wehrmeister stated that they don't have a specific day set but she thought the method was pretty low tech, just be transparent and invite people to attend, pick numbers out of a hat, perhaps have somebody from the marijuana industry pick the numbers.

Commissioner Stegink referred to an applicant who requested consideration of amendments to the ordinances. He asked if City Council has already voted on that and Planning would be out of the loop entirely.

Planning Director Wehrmeister stated that, if she remembered correctly, the request was also made of City Council and so far there has not been any direction to amend any of the ordinances.

Commissioner Cooper referred to the expansion of the Holiday Inn Hotel, asking why it hasn't taken off the ground.

Planning Director Wehrmeister stated that she has a call in to the owner and she hasn't heard back from her as of yet. She understood that they ran into some design issues once they actually got into the ground and they may also be having some issues with the contractor. She was looking to opening lines of communication with them.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that she wanted to hear back from them on possible City Council dates for the annual report. She stated that the three dates coming up were March 26, April 9 or April 23.

Commissioner Gordon stated he could do April 9.

Chair Nibbelin stated that he didn't have any problem with April 9.

Commissioner Campbell referred to April 9 and April 23 and asked what the third one was.

Planning Director Wehrmeister stated it was March 26.

Chair Nibbelin thought April 9 would work.

Commissioner Stegink agreed with April 9.

Commissioner Kraske mentioned April 9.

Commissioner Campbell stated he was a maybe as it was the spring break.

Planning Director Wehrmeister stated that she needed to confirm this with the City Manager and City Council, but she will shoot for April 9. She reminded them that, due to the President's Day holiday, the next regular meeting was on Tuesday, February 20. She also plugged the sea level rise planning public workshop on Tuesday, February 13, in the Council chambers at 6 p.m.

Commissioner Stegink asked if the Planning Department will be allowed any input on the General Plan update.

Planning Director Wehrmeister responded affirmatively, adding that at the last direction received they were asked to get more community feedback and several different priority initiatives came up in the interim and they were looking to get some direction from City Council at their next goal setting as where that update should fall within the priorities of the various initiatives on which they are working.

Commissioner Stegink stated he said Planning Department but he was asking if the Planning Commission will get a chance to weigh in on the General Plan update.

Planning Director Wehrmeister stated that they would, adding that they were very important to that.

ADJOURNMENT:

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There being no further business for discussion, Commissioner Gordon moved to adjourn the meeting at 10:24 p.m.; Commissioner Cooper seconded the motion.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister

DRAFT

Attachment: Draft Minutes 2-5-18 (2489 : Approval of Draft Minutes - 2/5/18 Meeting)