

MINUTES

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

May 21, 2018

7:00 p.m.

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

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

SALUTE TO FLAG: Led by Commissioner Stegink

STAFF PRESENT: Planning Director Wehrmeister
Sr. Planner Murdock

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

The motion carried **6-0**.

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

APPROVAL OF MINUTES: MAY 7, 2018 Commissioner Clifford moved approval of minutes of May 7, 2018; Commissioner Nibbelin seconded the motion.

The motion carried **6-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 29, 2018:

Planning Director Wehrmeister stated that they would like to request a liaison, adding that due to the holiday, it is a Tuesday night.

Commissioner Stegink volunteered.

ORAL COMMUNICATIONS:

None.

CONSENT ITEMS:

None

Attachment: Draft Minutes 05-21-18 (2593 : Approval of Draft Minutes - 5/21/18 Meeting)

STUDY SESSION:

File No. 2018-012. Study session to discuss site plan alternatives which would allow construction of either 37 or 39 townhome dwelling units on an approximately 2.1 acre project site at 721 Oddstad Blvd. (APN 023-593-060). Required approvals include a General Plan Amendment, Rezoning, Site Development Permit, Use Permit and Tentative Subdivision Map.
Recommended CEQA Action: N/A.

Sr. Planner Murdock presented the staff report.

Vice Chair Clifford thought the state had superseded Pacifica's original rules of no tandem parking and it was allowed.

Sr. Planner Murdock stated that he was unaware of a prohibition of side by side parking as opposed to tandem parking. He thought he may be referring to the state's explicit requirement to allow tandem parking for accessory dwelling units or ADUs. He stated that in that instance, cities must allow tandem parking to satisfy the off street parking requirement if there is one for ADUs.

Vice Chair Clifford thanked him for the clarification which he needed.

Commissioner Rubenstein asked clarification of open space requirements between 450 and 750 square feet per unit.

Sr. Planner Murdock stated that it depends on the type of clustered housing. He stated that the zoning described what is defined in our zoning as a townhouse which talks about not having another unit above or below any portion of the unit because some of the units in alternative 1 include interlocking floor plan where some of the units would have a unit above or below. By definition, they are clustered housing other than a townhouse and would be subject to the 450 square foot reduced requirement.

Commissioner Rubenstein asked if the existing design is designed for 450 or 750 square feet.

Sr. Planner Murdock thought the existing design is designed for 450 square feet for all units and there would still be a deficiency, but much less than staff had concluded in the initial review.

Commissioner Stegink asked if the original permit in 2012 changed the site's General Plan land use designation from agricultural to commercial.

Sr. Planner Murdock responded affirmatively.

Commissioner Stegink assumed nothing was ever built with that.

Sr. Planner Murdock responded affirmatively.

Commissioner Stegink assumed all the permits have expired by now.

Sr. Planner Murdock responded affirmatively.

Chair Campbell invited the applicant to speak.

Vice Chair Clifford acknowledged that he met the applicant at the recent ethics training, but they did not discuss this project.

Samantha Hauser, applicant, stated she was with City Ventures. She stated that, for disclosure, she is on one of the city's committees but was present at this time as a private citizen. She stated that they have been working with staff and explored a few different concepts. They were down to two site plans and were hoping for input from the Commission on how to proceed. She then gave a brief description of what City Ventures was, such as an infill developer and sustainable developer, explaining some specifics in those areas. She stated that their infill developments look very different, and for this site, they thought an appropriate style was a coastal craftsman style. She will show some projects where they used a similar style, and they were hoping for input from the Commission as well as the public. She gave a description of the location, and they were planning on reducing the amount of units approved previously. She then mentioned the site plans considered and the differences between them. She mentioned parking options and was looking for input on them, as well as on their landscaping plans.

Vice Chair Clifford referred to the green building applications and asked if they were doing anything with gray water.

Ms. Hauser thought that was a possibility they would explore as they have done it on different projects. She stated that it depends on how much room they have on the site as there is a lot of infrastructure that goes with gray water. She stated that they will be happy to take a look at it.

Commissioner Rubenstein followed up on that, asking if any of the building was going to follow LEED certifications.

Ms. Hauser thought that was a great question, stating that they have projects they have LEED certified but they really like to spend the money on providing amenities within the project instead of on the certification. She explained that a lot of people will pre-wire for solar and they provide the panels, doing a monolithic array at the most optimal location. She stated that they would not be pursuing a LEED certification, adding that there are other types of certifications that they build to, such as Calgreen Tier 1 and they would probably look at other certifications that are less costly.

Commissioner Kraske asked her to specify the setback from the San Pedro Creek.

Ms. Hauser stated that the creek runs in different locations from the homes and it differs depending on where you are. They have pursued a plan where they wouldn't be looking at touching or impacting any jurisdictional waters, any stream bed alterations, any riparian areas and they have completely stayed out of those spaces and will be mindful of the fact that they are adjacent to a creek.

Commissioner Kraske asked what the average set back was.

Ms. Hauser stated that, on the south side, she would have to follow up with that information for him.

Commissioner Nibbelin stated that Commissioner Kraske asked his question. He thought it was something that was unknown at this point, but is there any sense as to whether Plan A or Plan B would be more or less impactful of the stream. He thought it looked about the same amount of development on the south side of the parcel.

Ms. Hauser agreed, explaining that San Pedro Creek is actually on the south and west side of the parcel and one of the key differences between A and B is that A has the hammerhead further west and B has homes that really align with the creek on both sides. She stated that, on his comment that both are more or less impactful, with both plans, no matter what they pursue, they want to be respectful of the environment and are dedicated to not opening up any sort of jurisdiction requiring any take permits, so no negative impact on the biology.

Vice Chair Clifford assumed that they have considered bilt swales along the edge of the creek.

Ms. Hauser stated that they are doing everything they can to grade the site away from the creek so they would not have water outflowing. She stated that it lends to Commissioner Kraske's question about impacts, and they do not want to have any impact where they need a jurisdictional permit to drain into the creek. She stated that, on Alicante and Rosita, they have homes living on the creek and a lot of them do outfall into the creek currently but that would require work with the federal and state government and would cause an impact that they are not looking to cause.

Commissioner Rubenstein asked if there was a difference in the net open space area between Plan A and Plan B. He stated that it looks like Plan B may have less open space, but can both satisfy what is probably more open space as described earlier by staff.

Ms. Hauser was glad he asked that question, as she wanted to clarify that Plan A was what they brought in as the first submittal. She stated that the way open space is defined in the code is both decks, patios and common open space and she believes Plan A has 801 square feet per home so they meet the requirement on Plan A. On Plan B, they have side by side garages and there is a little bit more of a footprint as they are closer to the 750, but they thought 450 was the requirement for both plans. She stated that, whatever they do, they will make sure they meet the code requirement.

Commissioner Kraske asked if she can confirm that both plans conform to the 35 foot height restriction.

Ms. Hauser stated that they do. She stated that, on the original elevations they were looking at, some did not and some did, and staff directed them towards an elevation that would be within the 35 foot.

Commissioner Stegink thought averages were hard to calculate on the fly, but he asked what the minimum setback they have from the creek currently.

Ms. Hauser stated that for the minimum setback from the creek she would want to get back to him with an accurate number but it was less than 20 feet.

Commissioner Stegink asked if it was less than 15 feet.

Ms. Hauser thought it was around 15 feet, but she would want to get back to him with an accurate number.

Commissioner Stegink stated that he looked through the whole document and he didn't see square footage or minimum/maximum floor area for units. He asked what the minimum size unit they are creating.

Ms. Hauser stated that was one variant between Site Plan A and Site Plan B. She stated that on Site Plan A, the homes with the tandem parking garages are around 1350 square feet and the ones with the two car side by side garages are around 1650 to 1750 square feet depending on whether it is an end condition. She stated that there are about three bedrooms. She stated Site Plan B is a slightly larger unit and ranges between 1600 and 1800 square feet, except for three smaller homes on the front which are in the range of 1200 square feet.

Commissioner Stegink referred to her mention that certain buildings had been built between 2012 and 2018, structures that remained on the site.

Ms. Hauser asked him to repeat the question.

Commissioner Stegink stated that some structures had been built or survived in 2012.

Ms. Hauser stated that the only buildings on the site are buildings that predate 2012 and were part of the nursery.

Commissioner Stegink asked if the lower left and lower right are the same building.

Ms. Hauser stated that they were not.

Commissioner Stegink asked the rough square footage of either of the buildings.

Ms. Hauser thought it was about 1500 square feet but she would want to confirm that for him as well. She stated she would send him an email in that regard.

Commissioner Nibbelin referred to the elevation study and the flat roof alternative. He understood that under alternative Plan B, it would be meeting the 35 foot requirement. He asked, if they go with a pitched roof, how much of a variance they would need for that.

Ms. Hauser stated that the pitched roof was plus or minus 39 feet. She stated that it wouldn't be very much of a variance at all, about 4 feet, and they would be happy to pursue either option. She thought one of the biggest differences would be that they would have to find room for the HVAC units on the ground.

Commissioner Nibbelin asked if their preference is in the nature of a flat roof.

Ms. Hauser stated that they were open. She referred to the slides, stating that the Union City project was a different style, i.e., old California Victorian architecture but she thought a flat roof works well there, adding that on looking at the Scotts Valley architecture, she thought a gabled roof was really nice in the condition. She states that it depends on what they want to see, adding that they can change the design to meet what they were looking for.

Commissioner Nibbelin stated that he was going back and forth as to what aesthetics he thought was more pleasant to look at.

Commissioner Kraske stated that he didn't see any mention in the notes and asked if there were any heritage trees slated to be removed for this project.

Ms. Hauser stated that there were no heritage trees.

Commissioner Kraske asked how many trees in general are going to be removed.

Ms. Hauser stated that the majority of the trees on site are part of the riparian area which they were leaving in place. She thought there was one peppercorn tree and some small shrubbery they will be removing. She stated that, if she remembers the heritage tree ordinance correctly, that peppercorn tree might be large enough to be consistent with it, but it was not a protected species.

Chair Campbell opened public comments.

Roger Mascio, Pacifica, stated that he has lived on Toledo Court for the last 30 years, directly across the creek from the proposed project. He has been a member of the San Pedro Creek Watershed Coalition for 18 years. He stated that they have been trying to protect the steelhead and its habitat. He stated that the steelhead are on the endangered list, adding that San Pedro Creek was the only creek between Half Moon Bay and Marin County that has steelhead spawning in it. He stated that Department and Fish and Wildlife will no longer allow the planting of steelhead in the creek. He stated that the only way to restore the steelhead population is to improve and protect its habitat. He stated that it was a valuable resource that can be enjoyed by us and future generations if we protect it. He questioned how many cities still have a creek with steelhead spawning in it. He stated that the middle fork and going up into San Pedro Valley Park are the prime spawning grounds, arguably much better than the lower reaches. He stated that on the creek bordering the proposed project, they can observe one-inch long steelhead fry that were born this year and 2 inch to 14 inch steelhead. He stated that the coalition has not had an agendized meeting on this project but they have been discussing it. He stated that they feel that the size of the project on such a small site would have an adverse indirect or secondary impact to the creek, adding that they would like to see a 100 foot setback or more from the creek bank. He stated that they would also like any plans to include a real geotechnical report that deals with the very steep unstable slopes along the margins. He stated that erosion of the banks is a major problem as it cuts off the fish and other marine life's oxygen and they cannot live. He stated that he has watched a farmer grade the property flat with a tractor and with the tractor push the extra dirt onto and over the bank to expand his farmable land. He stated that the banks were not compacted and not stable. He stated that they would like an EIR report for this project prepared by a reputable company approved by the community, adding that they found many flaws in the EIR report for the assisted living facility and it was not accurate. It appeared as though the author never spent any time at the creek.

Rick Zipkin, Pacifica, stated that he has lived at 725 Oddstad Blvd. for 16 years. It has been idyllic and he loved it, however, with this recent threat of proposed residential building behind them at 721 Oddstad, all that is being threatened. He stated that, with all the loud noise and groundbreaking construction going on for an extended period of time, their lives would be very inconvenienced for him, his girlfriend and small Yorkie who would go ballistic if he heard any

loud prolonged noise. He felt subjecting this to him all day every day for an extended period of time would be truly devastating. He felt there were endangered species in the area, i.e., steelheads, redlegged frog and probably the SF gartersnake who live there and will continue to live and prosper but only if their habitat and environment is allowed to remain the same as it has always been. He stated that there were a number of valuable studies showing that these species are negatively affected when there is loud prolonged ground-shattering construction and noise pollution in the area. He stated that it can be especially critical for the steelheads as the noise pollution travels five times faster in water than on land. He reported on a University of Maryland professor who found that injury to fish ears and hearing are even greater than they anticipated and were surprised that the trauma was so extended and so great. He stated that most fish use hearing to sense acoustic environment, detect predators, find prey and communicate to find mates and loss of hearing can leave a fish very vulnerable to predators or the ability to find mates, adding that the essential hair cells don't come back over a two-month period. He stated with them already an endangered species, these disabilities will cause further decrease in numbers leading to extinction of these species. He stated that they cannot allow this loud noise and ground-shaking 1-2 year construction to do this to these creatures. He mentioned that research on the redlegged frog according to a doctor in Melbourne, Australia found that noise pollution can have similar results in the redlegged frog that will effectively end their reproductive powers. He stated that noise pollution may alter established behavior of animals and have a less obvious negative effect on their physical wellbeing. He stated that they were a retired couple living on a fixed income in a wonderful area and location and he stated that some areas should remain as they are meant to be, quiet, peaceful and pristine, ecologically and environmentally protected. He asked that they do the right conscionable and moral thing.

Jerry Davis, Pacifica, stated that he is a Pacifican and a professor of geography and environmental science at San Francisco State University. He stated his specialization is geomorphology. He stated that he has studied the creek for 20 years and surveyed the entire reach of the creek with intensive studies. He testified to the Planning Commission in 2012 and had problems with the assessment and the analysis of data by the Planning Department and the flawed geotechnical report which was trusted by the Commission even though it completely ignored the landslide hazard along the edge. He stated that the report only looked at the flat area at the top of the terrace where there is no problem. He stated that the edge of the terrace is over 100% gradient. He stated he studied the entire reach all around it and it was an unstable site. He stated that there have been landslides in recent history and they will continue. He stated that he has data showing how much erosion the creek had done in that site. He stated that it was not a place to build a facility like this. He stated that putting a bioswale along the edge of it is foolish because it does nothing when you have a landslide impacting that. He stated that it was approved by the Planning Commission and it was foolish. He stated that he has data to share with the Planning Department and Planning Commission, including his assessment done from 2012.

Owen Brizgys, Pacifica, stated that he is a Pacifican and would like to reiterate some of the earlier speakers' comments and bring up the fact that the San Pedro Creek is an extremely important community resource that we all have a part in preserving, adding that it is a force of nature that creates some complex geological and geographic problems for the site. He thought the fact that there were no section views or any real analysis of how the site interacts with that stream bed was disturbing to him. He felt they should ask more questions about what those sections are going to look like at multiple locations and how low the stream bed is, what the failure planes of landslides will be, if armoring will be required along the edge. He stated that it wasn't a sustainable solution and not unlike other stable slopes in Pacifica at the waterfront. He

stated that they don't want to be dealing with going forward as the infrastructure slides into a steelhead creek. He stated that it was a confluence of the middle fork and the north fork and probably meant to be a meandering structure and anecdotes of fill creating that level terrace would cause him real pause in agreeing to any kind of increased residential development in that area. He felt, without a lot more analysis, he would recommend not making a change to the General Plan in this location.

Olivia Fox, Pacifica, asked if they could ask questions.

Chair Campbell stated that it was a one-way street.

Ms. Fox assumed that there aren't any other HDR zoned lots immediately adjacent to that one. She stated that one of the reasons they chose to buy their property where they did on Toledo Court was precisely because they were looking to get away from high density residential zoning as in San Francisco. She stated that her main concern that the applicants seemed to have a lot of really concrete and solid answers about the construction. She stated that, when asked about the impact on the creek, the applicant could not answer a single question with any certainty which she found concerning. She stated that it was lovely to hear that they want to be respectful and don't want to have an impact. She thought that was delightful, but they haven't heard anything that would guarantee that. As the previous speakers, she was concerned about the protected species. She stated that she will leave her question as hypothetical. She asked what would happen if there were a litigation from adjacent parcels.

Tom Dennison, Pacifica, stated that he was a longtime resident of Toledo Court near where the area is going to be built. He stated that a week doesn't go by that Pacifica Tribune doesn't have an article about the dire housing crisis in the Bay Area and specifically in Pacifica. He stated that in 2012 it was zoned for 96 studios, and he asked why they were settling for less than 40 when, if they go up another 2-3 stories, they can get 120. He asked why they weren't developing more housing on that lot. He mentioned the watershed area and the water draining into the creek. He stated that there were sewers to drain the streets on Toledo Court and on Oddstad. He stated if you are down there after a heavy rainstorm at the north fork, it drains at that part of Pacifica, the water that comes out of that sewer pipe is the color of rotten milk and that is what it smells like. He stated that, if they claim about impacting the steelhead, they were already being impacted and he thought the design they are going to do with the swales and the construction would probably have less runoff into the creek than they have now. He thought they would do a better job than what they are getting there currently. He referred to mention of putting in AC units, and he stated that in Pacifica you don't need AC. He thought they could save money on that part. He referred to another huge parcel of land that the city owns by the Sanchez Library and asked why they weren't developing that. He stated that in the budget, 50% of their money comes from property taxes and he asked how much they will enhance the budget with property taxes for this development.

Chair Campbell thanked all the speakers who spoke for taking time out of their day to speak and that was appreciated. He then closed public comments.

Chair Campbell stated that he was on the Commission in 2011-2012 and voted for the assisted living center at the time, which was the previous proposal for the site. He understood that when they did vote for that, there was a lot of consternation among the neighborhood and the public at the time about the impacts to the creek, noise, traffic and visual. He stated that one thing he

wants to know is how this project is going to differ from what was approved. He stated that there were some material aspects of the previous project that were under consideration, mainly light and noise. He stated that the last project was 90 units but assisted living and their thinking was that it would be a fairly quiet facility, with only visitors during visitor hours and would have a general low impact as far as traffic and noise during off business hours and probably even during business hours. He referred to mention of the project relative to the creek, and he would be interested in understanding that in relation to the other project.

Commissioner Nibbelin stated that he hit some things that would be of interest to him. He was curious about the level of environmental analysis that might be anticipated for a project like this. He thought, going back to 2012, it was probably some fairly significant analysis done and he didn't know how much of that was subject to being repurposed. He acknowledged that it was a different project with a different project description, but he thought, based on the size of the EIR document at the time, whether or not they think they would be looking at an EIR and mitigated negative declaration or some other form of documents, and he was curious as to whether staff has any thoughts at this point or whether it is too preliminary to say.

Sr. Planner Murdock stated that it was too soon to tell as they don't have a complete application as far as processing the development permits. He stated that the applicant wanted to get some conceptual feedback at this early stage. He stated that staff has a long way to go in its analysis and that would certainly inform any environmental review.

Commissioner Nibbelin stated that as a concept, it looks like something that would warrant further consideration, and something he would be interested in seeing further analyzed. As noted by the public, there were some economic upside to all this as housing is always a concern, with the need for housing and there were very significant concerns raised around things like traffic, light, noise, endangered species, geotechnical concerns, and he thought there was a lot that needs to be analyzed and looked at. He would be interested in hearing more about this down the road.

Commissioner Kraske asked staff if they would be able to provide the minutes for the assisted living facility project to them to refresh their memory.

Sr. Planner Murdock stated that he was happy to share them this week if that would be helpful or closer to when this might come for a public hearing. He didn't know what the sense of the Commission is.

Vice Chair Clifford thought closer to when it was actually coming back would be more useful as they would not have to do it twice.

Commissioner Nibbelin thought when the staff report comes when the matter comes back to them it could be one of the exhibits to the staff report.

Sr. Planner Murdock stated that he would want to be sure they have a clear separation between that prior project as this is not that project.

Commissioner Nibbelin understood it was crystal clear but it was specifically asked for. He thought, if it comes in a separate transmittal, it was fine, but he probably would not look at it until that time.

Vice Chair Clifford acknowledged that he was also on the Commission when the previous assisted living center project was approved. He stated that there were a lot of concerns about a setback from the creek and it will be one of those things that he personally will be looking at. He referred to the issues that the applicant was looking to have direction on at this point, he stated that he was leery of tandem parking if nothing else but the inconvenience to the actual owners in the future and he would be looking more at the 37 unit project. He yielded the floor for anyone who wants to talk as he looks for his notes.

Commissioner Rubenstein asked the applicant if this was a for sale or for rent project.

Ms. Hauser stated that it would be 100% for sale project.

Commissioner Nibbelin asked if this would be subject to their inclusionary housing ordinance if it was for sale.

Sr. Planner Murdock stated that it would and would likely require six below market rate units.

Commissioner Nibbelin thought that was excellent. He then stated, on balance, he thought Plan A might be marginally preferable to him as they would have a little less housing against the west end of the project up against one of the creek beds. He would have a preference for pitched roofing as opposed to flat roofing.

Chair Campbell stated that he would be interested in the visual impacts from the vantage point of the surrounding neighborhood. He stated that was a big deal for the neighbors. He stated that there are a lot of apartment buildings in this area but not next to the homes. He thought it was always challenging to site apartment buildings or big townhome projects in the middle of a residential single-home neighborhood and that has to be done with a lot of care, especially from the visual point of view because they can have a lot of light, noise and traffic, and if not done right can really degrade a single family neighborhood that has adhered to its zoning and they are changing zoning and putting in something different. He stated that it was zoned Agricultural and then to commercial which was a bit of a leap but he recalled that zoning to commercial was favored because the economic benefit to the town can be greater than residential. He stated that you can potentially have less impacts to the surrounding neighborhood based on business hours, depending on the project. He stated that they were going from Agricultural to commercial to the highest density residential that they can give. He stated that there are leaps for which the surrounding neighborhood will have concerns and he thought with the visual aspects, he would like to see where the roofing styles are headed and how it looks height wise to people.

Commissioner Rubenstein concurred with fellow commissioners, stating that the pitched roof would be more in line with the residential neighborhood at this proposed site's location. He understood that the zoning requirement for the height might be a challenge.

Commissioner Stegink stated that he couldn't see the ceiling or height other than the building in general and he asked the applicant the proposed heights of the ceilings.

Ms. Hauser asked if it was from the interior standpoint.

Commissioner Stegink responded affirmatively.

Ms. Hauser believed it was a nine foot ceiling from floor to ceiling on each floor on all three different types of elevations, the flat, the one brought forth at this meeting and the pitched roof.

Commissioner Stegink asked if it was their intention to deliver low income units that are compatible to the housing plan or are they offering in lieu fees on that.

Ms. Hauser stated that, as Sr. Planner Murdock said, they are anticipating that they will be providing the 15 below market rate homes and they would be consistent with the rest of the homes on the site and no discrepancy in any way between the market rate and below market rate.

Sr. Planner Murdock asked if she meant 15% of the units or 15 units.

Ms. Hauser stated that it was 15% of the units.

Commissioner Stegink referred to one of the speakers asking what the liability is if part of their property ends up in the creek. He knows the city attorney was not present and he didn't want to put him on the spot, but he asked what the liability was to the city when that happens.

Sr. Planner Murdock stated that he was not prepared to address that question. He didn't know if the Planning Director might want to.

Commissioner Stegink understood and thought they might send that to the City Attorney to cover next time. He noticed on the original 2012 plan that there seems to be a very large offer of local employment. He thought the assisted living area would create a large number of employees, and he asked if they had an idea of how many employees might be created on this project as he didn't see it mentioned.

Sr. Planner Murdock stated that it wasn't at this time and he wasn't sure whether any employment would be created other than periodic maintenance work on the site.

Commissioner Stegink stated that he heard the design aspect of the pitched roof that would be provided and he asked if there was an instance in the flats anywhere where they have adjusted and included a height variance for any building like this in Pacifica when it wasn't on the ridge line.

Planning Director Wehrmeister thought that would be impossible to answer without doing some research.

Commissioner Stegink understood, and asked if it has happened in the last year.

Planning Director Wehrmeister stated that she didn't believe so.

Chair Campbell referred to the applicant mentioning a possible variance for the height, and he asked if any design could meet the 35-foot height limit that exists now.

Ms. Hauser stated that, of the three designs they showed, the pitched roof would be the one that required the height variance and the flat roof and the combination roof which is the one they have been working on with staff are within the height regulations.

Chair Campbell thought they should try to stay within the height regulations. He stated that they try to adhere to that and they just held another proposed development as close to that as they could. He stated that they try to be fair to everyone and he would try to keep that in mind.

Vice Chair Clifford stated that he would like to see the buildings to be within our current height limits.

Chair Campbell stated that she has a chance to respond or has something she would like to tell them before they close this item.

Ms. Hauser appreciated their time and feedback as well as all the time staff has spent working with them on the project. She would like to summarize what she has heard. She thought, on the whole scale, they would like to see gabled elements but like to see the elevations stay within the height limit. She stated that it sounded like there was not necessarily a strong preference for A or B, but they want to see more analysis on the creek setback. She stated that, as staff mentioned, this was a completely separate project to the assisted living facility's project and analysis and they are anticipating doing a lot of analysis and were planning on meeting with the Creek Coalition which is scheduled. She thought this was a real opportunity to be respectful of the creek and they were looking to do that. They appreciate the input and will come back with a full and well thought out analysis when it becomes more formal. She heard that they need to be really cognizant of visual impacts to neighbors because they are adjacent to a single family home. They want to understand noise, traffic and light impacts. She understands that there is a preference for the site. Between Plan A and Plan B, there is not really a preference for the design component but a preference for the side by side garages which they can look into. She stated that, if there was any other direction they would like to give to her and the design team, she appreciated that.

Commissioner Stegink stated that he didn't believe it was his task to tell them how their building should look on that property beyond the height dimensions, and he thinks their setback on the salmon as presented was grossly inadequate and should match county minimum since they don't have it delineated in Pacifica.

Vice Chair Clifford wanted to make sure that, when they are considering their materials, they consider the colors blending in and not standing out.

Commissioner Rubenstein asked if City Ventures has prior experience working adjacent to environmentally sensitive areas like San Pedro Creek.

Ms. Hauser stated that they have. She stated that they have 35 active projects and have constructed and completed an additional 50 projects and they have additional projects in their pipeline. She stated that they build everywhere, i.e., Santa Rosa, Santa Cruz County and in places where they need to be really cognizant and it is a company that is environmentally sensitive and environmentally friendly. She stated that part of what she was trying to convey in her presentation was that they were really working hard to avoid any sort of impact at all. She stated that they want to be sure that they are looking at the sections as the community mentioned and they were aware of where creeks are and are not requiring any sort of take permit, not providing any negative impact on these species.

Commissioner Rubenstein stated that, at a future hearing, he would like to see a very site specific work plan for this particular site in terms of how construction would unfold and how the creek

would be protected during the construction and whatever elements are going to be incorporated into the design for the long term protection.

Chair Campbell thanked him for reminding him. He stated that, as far as maintenance in the creek going forward, they were talking about this with another developer in the southern part of town. He stated that, if anyone builds next to the creek, there is likely going to be some sort of maintenance in the creek. He thought it will probably be necessary for a fire break, weed control, and he thought it would be imperative to understand what their plan will be for keeping the integrity of the creek in place including maintenance.

Ms. Hauser agreed. She thought they could come back with that information. She thought one real benefit to having for sale homes where there is an HOA is that you have a mechanism to continually provide funding for that kind of maintenance. She stated that they can definitely bring that back.

Chair Campbell thought they are no lights so they are going to close the study session and bring it back to the commission.

DRAFT

COMMISSION COMMUNICATIONS:

Chair Campbell thanked everyone for coming to the study session as it was much appreciated.

Vice Chair Clifford stated that he was at the City Council meeting for the Planning Commission report and was also there for the Fassler project which was approved by the City Council with some interesting changes. He will let them look that up as he doesn't need to report every word that was said. He was at the Library Advisory Committee meeting and they are continuing to move forward. They looked at some other pictures of various library possibilities and wrote down which ones they liked the best. He stated that it was not a definitive vote for a specific design, simply looking at an overview of what our library might look like. He stated that the library would have to be site specific. He also went to the ethics training and is now certified ethical.

Chair Campbell that he gave the state of the Commission report to the city at the last Council meeting and almost unanimously received high praise from the Council on what they are doing. He stated that one remark was one idea pitched that they have a Commission liaison to the City Council meetings and it was something to consider. He thought it was a good idea, but they will have to take that into consideration at some later point.

Commissioner Nibbelin asked if that was different from the liaison they do when there is a particular item.

Chair Campbell stated that it would be every meeting.

Commissioner Stegink stated that he attended a couple of City Council meetings including the marijuana lottery. He thinks they took a group of 12 people and stated that if staff wanted to describe what happened, he was sure it would be more accurate.

Sr. Planner Murdock stated that staff used a bingo machine for the lottery drawing.

Commissioner Stegink stated that he inspected the device and it seemed like a fair game. One applicant who had received first and third priority had eight applications total and there seemed to be some people who did not expect that outcome.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister followed up on that. She stated that they conducted the lottery to set the order of prioritization for reviewing the marijuana use permit applications and they are going to start processing four applications initially. Due to the way that the applications happened to come in and the numerical limit per overlay district, there will be a maximum of five within this round of applications. She stated that they are still determining whether or not the applications are complete and once they do that, they will assess how long they think it will take to analyze the projects and come up with staff recommendations to Commission and will agendize those items. She stated that they are moving forward with their sea level rise planning. They had a well-attended community meeting on the 10th on the economic methodology that is going to be used and to educate the public and have an opportunity for them to ask questions.

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She stated that they will have another meeting on 31st of May at 6:00 p.m. at the Community Center. She stated that they will be presenting adaptation strategy options to the community working group.

Chair Campbell asked, of the folks who got picked on the cannabis ordinance, how many were local businesses versus out of city.

Planning Director Wehrmeister thought one of them, number 1 and 3, is local. She didn't know how many of the other ones were.

Sr. Planner Murdock thought, of the four that were processing, they don't have definitive information in the application to address this issue, but his sense was that one of them is an out of town business and perhaps another one but he doesn't know as much about that applicant. As the Planning Director said, they believe that two of them are local folks.

Commissioner Stegink asked if the cannabis registration of \$10,000 deposit was refundable.

Sr. Planner Murdock stated that the deposits are refundable so the applicants whose applications will be processed will certainly not get all of their application deposits back as city staff time will use some of that, but for those that are not processed, they should expect nearly all if not all of it refunded.

ADJOURNMENT:

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 8:07 p.m.; Vice Chair Clifford seconded the motion.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina
 Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister