

MINUTES

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

May 16, 2022

7:00 p.m.

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

ROLL CALL: Present: Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Wright and Chair Berman
Absent: None.

SALUTE TO FLAG: Led by Vice Chair Hauser

STAFF PRESENT: Acting Planning Director Murdock
Asst. City Attorney Sharma
Police Chief Steidle
Senior Planner O'Connor
PW Dep. Director/City Engineer Bautista

Chair Berman opened up public comments prior to addressing administrative business.

Sr. Planner O'Connor stated that there were no call-in speakers.

Chair Berman closed public comments. She then asked if the Commissioners had any comments on the order of agenda or a motion.

Commissioner Leal asked to adjust the agenda and move Commission and staff communications before the public hearings.

APPROVAL OF ORDER OF AGENDA Commissioner Leal moved approval of the Order of Agenda with the changes requested.

Chair Berman asked clarification that they would be after the consideration item.

Commissioner Leal responded affirmatively.

Commissioner Ferguson seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Wright and Chair Berman
Noes: None

APPROVAL OF MINUTES: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MAY 23, 2022:

None

ORAL COMMUNICATIONS:

Chair Berman stated that they had no cards and asked if there were any call-ins.

Sr. Planner O'Connor stated that they had a caller and she asked that the caller raise a hand.

Acting Planning Director Murdock reminded them that there were instructions on the screen as well as in the agenda for anyone wanting to call-in and comment.

Sr. Planner O'Connor stated that there was no one raising a hand.

CONSENT ITEMS:

None

CONSIDERATION:

1. N/A

Consideration of Annual Report to City Council for Calendar Year 2021.

Recommended CEQA Action: N/A.

Acting Planning Director Murdock presented the staff report.

Commissioner Domurat stated that, in looking at the draft report, there are graphics about public hearings held, dwelling units approved, and on the positive side of what they have done, he asked if there was value to adding to this in things they didn't do, such as permits that were denied, to give an idea that it is not just all the good things they did but there were things that they didn't allow to go forward. He asked if there was any value in doing that.

Acting Planning Director Murdock thanked him for the question, stating that some times what doesn't get approved is indicative of the thought or consideration that the Commission has given. He didn't prepare a list of any actions that may have had an adverse recommendation from the Commission, but none come to mind that the Commission denied during the year. He did think he can keep that in mind for preparation of future annual reports for the Commission as it was a point well taken.

Vice Chair Hauser stated, regarding the formatting, they have an unclear area between the 25 new permits initiated in the 1591 permits issued, and she thought it would be helpful to label them in a way that it is clear that one is actually building permit activity and the other is discretionary permit applications.

Acting Planning Director Murdock stated that is a good observation and he thought a casual reader could misunderstand the figures. He suggested, if it pleases the Commission, in Section 2, the third bullet point where it is summarizing the 25 new permit applications, they clarify that it is for entitlement or discretionary permit applications to distinguish it more clearly from building permits which is discussed in the larger figure in Section 5 of the report.

Vice Chair Hauser thought that would be very helpful.

Commissioner Leal stated that he understood they were asking for volunteers for presenting the report and he asked if there was a date set when it will be presented to Council.

Acting Planning Director Murdock stated that there is, a study session of Council, starting at 5:00 p.m. on Monday, June 13.

Commissioner Lear stated that, under Section 5, building permit activity, he was trying to tie in Commission actions to permits issued. If there is a correlation between either Section 4 or the numbers in Section 2 to the permit issued and the inspection. He stated that, if there are 20 discretionary permits that led to how many permits were impacted by those decisions made by the Planning Commission, as he was reading building permit activity was it was more Planning Department as opposed to Commission. He didn't know if there was a correlation now or a future item to look into for next year's or subsequent reports.

Acting Planning Director Murdock thought that was an interesting point. He stated that this report has evolved over the years and started very much of Planning division centric as far as staff functions and the Commission expanded it with great suggestions about the metrics that relate directly to the Planning Commission's involvement and that is probably another good evolution. He will attempt to identify which projects received building permits in the year that were tied to prior Planning Commission discretionary or entitlement permits and see if there is a ready way to do that.

Chair Berman stated that Commissioner Leal's question made her think of another question. She understood that it is well representative of past Commission approvals having the building permit activity section in the annual report in Section 5, but she thought, if a Commissioner were to present the report to Council, the building permit activity would be something that wasn't a part of the Planning Commission's purview, happening after Planning Commission, and she asked what the intent was for the building permit activity being a part of the Planning Commission's report to the city.

Acting Planning Director Murdock sees relevance in a couple of different ways, perhaps there are some they will disagree, as he thinks one is to get a general sense of the level of building activity in town and whether it is a discretionary permit that comes to the Planning Commission before getting a building permit or something constructed in reliance on the general zoning provisions of the city. He stated that, at some point, the Planning Commission had involvement in recommending those zoning regulations that govern building in the city. He thought they may be indirect, but in that sense, it is probably relevant and maybe more so as they shift through adoption of the General Plan and into a comprehensive zoning update, and then they will have an opportunity to look comparatively at prior year building permit activity to future building permit activity and question if there is anything noticeable to be statistically significant about the difference, such as did they enable more housing to be built or improved or more commercial development. He thought, with the long duration of our current zoning ordinance and regulations, it may be more detached from that frame of reference.

Chair Berman thought that made sense, adding that she liked having the context as it gives a trend.

Commissioner Godwin stated that one of the new things that happened this year was approval of the ADUs ordinance, and he asked if they should add a line in the report, maybe under building permits or Planning Commission's hearings or possibly a new subsection to cover the fact that they are beginning to approve ADU applications.

Acting Planning Director Murdock thought there may be some relevance if he thinks that is a particular data point that there is a relationship to the Planning Commission's work on the ADU ordinance and it fits in that pattern he described in response to Chair Berman's question about the relevance of building permit activity. He stated that it was a figure they already report in their annual progress report on housing construction to the state, and it was something he could pull without much difficulty, as long as the Commission thought there was some relevance for reporting purposes.

Vice Chair Hauser thought that was a great idea because it counts toward our RHNA numbers and she thought it was related to the activity they do, especially if it is easy for staff to pull it.

Chair Berman opened the Public Hearing.

Sr. Planner O'Connor gave data to call in.

Chair Berman told those in attendance that the comment cards are in the back of the room and can be filled and presented to staff and, seeing no one, closed the Public Hearing.

Vice Chair Hauser stated that, if no one has any comments, she would be glad to make a motion.

Chair Berman asked her if it would include the item that they need to discuss as to which Commissioner will present the report, and it could be more than one.

Vice Chair Hauser stated she was planning to include the ADU comment and the clarification mentioned between the 25 and 1591 permits. She asked if they want to discuss them first.

Chair Berman reiterated that it was June 13 meeting, starting at 5:00 p.m., and they could have multiple commissioners. She stated that she can be available but thought it was nice to have multiple commissioners to show some unity.

Vice Chair Hauser stated that she was available as well.

Commissioner Godwin stated he could be available as well. He then stated that they have another meeting before the 13th and he thought they could discuss that.

Acting Planning Director Murdock stated that, from staff's perspective, having a less than a quorum of the Commission is preferred, and if they have three Commissioners ready, willing and able to attend, then the box is checked without triggering having to notice the meeting.

Chair Berman thought that was a good point.

Vice Chair Hauser assumed she didn't need to include the attendees in the motion.

Acting Planning Director Murdock agreed that she just has to approve the Commission's annual report.

Vice Chair Hauser moved that the Planning Commission approve the Annual Report and discuss the presentation to City Council, including identification of Commission representatives with the amendment to include ADUs, as well as clarification of permits versus discretionary permits.

Acting Planning Director Murdock clarified that Commissioner Leal made a separate point on building permits and he wondered if she was including or excluding that.

Vice Chair Hauser asked if he had additional alterations included, as she would be happy to entertain that.

Commissioner Leal stated it was on if the data was easy and acceptable to tie the building permits to prior planning action, but if not, they can move it to next year.

Acting Planning Director Murdock stated that it will require a manual process and, with the number of building permits issued, searching for individual permits may be challenging. He stated that they might be able to find a different way to do it but no direct way now is coming to mind.

Vice Chair Hauser would prefer to leave the motion as is.

Commissioner Domurat stated that, prior to voting, he would like to hear more from staff as to what is doable and not doable for this current report. He stated that it sounds like the ADU may be doable.

Acting Planning Director Murdock stated that the ADU is definitely doable.

Commissioner Domurat stated that he wanted an idea as, if they vote on it, they don't want to order staff to do something if it is a burden.

Acting Planning Director Murdock stated that both of the items that Vice Chair Hauser has included are readily available and able to be included in this year's annual report. He stated that, if the Commission wants something, he can take it to next year to address Commissioner Leal's point and see if there is a way to flag it differently for building permits moving forward or something along those lines.

Chair Berman stated that they have a motion that Vice Chair Hauser presented, and she asked if they have a second.

Commissioner Domurat seconded the motion.

The motion carried **7-0**.

Ayes:	Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Wright and Chair Berman
Noes:	None

COMMISSION COMMUNICATIONS:

Commissioner Leal reported that there were two items on the agenda at the last Council's meeting. The 570 Crespi item got continued to June 27 Council meeting with minimal discussion. The second item was the growth management ordinance and it was extended to five years which was recommendation from the Planning Commission.

Chair Berman thanked Commissioner Leal for representing the Commission at the Council meeting.

STAFF COMMUNICATIONS:

Acting Planning Director Murdock continued with Commissioner Leal's updates and clarified that Council introduced the growth management ordinance extension and will vote on whether to adopt that at the next Council meeting. If adopted, it would take effect 30 days later.

PUBLIC HEARINGS:

Chair Berman stated that it was her understanding that some Commissioners need to recuse themselves and she asked if now was the time or they can wait.

2. CDP-439-22

File No. 2022-014 – Coastal Development Permit CDP-439-22
to establish two on-street Temporary Safe Parking Program (Program) parking spaces (60’ by 10’, tandem orientation), for the use by a Program participant(s) living in an operational recreational vehicle, trailer or motorhome with operating restroom facilities for a limited period of time on the west side of the Bradford Way public right-of-way (east of 2600 Francisco Blvd., APN 016-430-020) and immediately southwest of the State Route 1 Exit 505 (“Sharp Park Road”) off-ramp and Bradford Way intersection.
Recommended CEQA Action: Class 1 and Class 4 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15304 and “Common Sense” exception, CEQA Guidelines Section 15061(b)(3).

Acting Planning Director Murdock stated that he wanted to make some preliminary remarks before they embark upon this first public hearing. He stated that they have three public hearings on related subject matter but each hearing stands independently and, for purposes of the record, it was important to make sure any questions or comments the Commission asks in each of the public hearing as they relate to any common questions or concerns the Commission may have and responses from staff may reiterate the same information in each hearing in response to make sure they get the information in the record. Staff’s responses, where appropriate, may refer to prior responses in a prior public hearing and incorporate them by reference and briefly summarize the points, but they need to make sure they are introducing the evidence for each of the items into the record for the respective public hearing. He then turned it over to Sr. Planner O’Connor who will make the staff presentation, and will have other staff available, including Police Chief Steidle who will be able to answer questions, and they have dialed in Anita Rees who is the Executive Director of the Pacifica Resource Center and is the city’s partner for this project in terms of the operational components of the project.

Sr. Planner O’Connor presented the staff report.

Acting Planning Director Murdock wanted to clarify that it is unusual to have the city as a permit applicant as well as the reviewing body so Dep. Director Bautista is here in his capacity as the applicant representative and should be afforded the time accordingly and have the opportunity to participate in the hearing at the appropriate time for the applicant.

Chair Berman agreed, and they will do Commission questions first and move on to the applicant and ask him any questions should they have any.

Vice Chair Hauser stated she would love it if staff could give them a little bit of background as oversize vehicles have been a very large topic and she would like to know how we got to where we are at this meeting and the scope is versus what it is not.

Sr. Planner O’Connor stated she could answer a portion of that and then will look for other staff to help. She stated that the scope of this item at this meeting is the establishment and reservation

of public right-of-way for the use of the program, as well as placement of signage and pavement parking. She stated that it is not getting into the details of the program but can look to someone for help.

Acting Planning Director Murdock stated he will do his best to address the big picture issue. He stated that the phenomenon of recreational vehicles parking on streets in Pacifica has been an issue for a number of years and there is a perception that the number of such vehicles parking has increased in recent years. It is with that increase and the perceived neighborhood community impact, as well as safety impacts that prompted Council to investigate way that the city could use its police power to regulate the parking of those vehicles. This is not in the Planning Department's "wheel house" so he doesn't have all the specifics at hand, but Council sought to regulate those vehicles and considered a number of options, i.e., private property, public property, etc., didn't necessarily find any of those particularly attractive as regulatory solutions because they all have pros and cons and tradeoffs. He stated that, ultimately, Council identified a relatively narrow set of locations in the city where oversize vehicles could park, driven by safety considerations, given the size and bulk of these vehicles relative to the design configuration of the public streets. In places where the streets were too narrow where the large vehicles might obstruct safety, vehicular bicycle travel, places where bike lanes were present, where there were dangerous slopes or curvatures in the street that obstructed sight lines, the city determined those locations would be unsuitable for parking oversize vehicles and posted signage of such and then allowed them to park in an unpermitted capacity in other locations. He stated that a year or so forward, the ACLU sued the city for its enforcement of the oversize vehicle ordinance which resulted in a lengthy litigation process whereby the city reached a settlement with the litigant in that case which involved development of a safe parking program which is the program subject to the permitting actions at this meeting. Through the course of the litigation and settlement process, the city agreed to identify locations, some of which are in and some outside of the coastal zone. Those locations in the coastal zone, as Sr. Planner O'Connor mentioned, require coastal development permits and one key component is helpful not to lose sight of, is by virtue of settling this litigation, the actions against the city's oversize vehicle ordinance will be dismissed, and the city will resume its ability to enforce the oversize vehicle ordinance for locations other than the safe parking permit locations. There is a tradeoff where identifying authorized permitted locations that are supported by social programs and programmatic support from the Pacifica Resource Center will allow the city to have more extensive and expansive enforcement in regulation of oversize vehicles parked in the vast majority of locations in Pacifica. That is the big picture set up as to how they got to where they are today.

Vice Chair Hauser felt that was a very helpful description. She referred to this item's area, stating that she wanted to understand if the road width is appropriate for both emergency vehicles like fire trucks to pass and vehicular traffic will still be safe and the pedestrian walkway will be unimpeded in this location.

Sr. Planner O'Connor stated that the location of this site was analyzed by the Engineering Division of Public Works and she will leave it to Dep. Director Bautista to provide more details of how this location came to be but it provides the adequate width for through traffic to continue.

PW Dep. Director Bautista stated that she was correct, as the Engineering Division went out in the field to do the field measurements to ensure that the 10' x30' space would accommodate the street width and they had strict criteria, i.e., 10'x30' space and if not a bus route, they made sure

that the width of the street was at least 10 feet. If it is on a bus route, they made sure the width of the street would be at least 12 feet. They measured it and determined that this space did fit.

Vice Chair Hauser asked if the fire trucks were included in that analysis.

PW Dep. Director Bautista agreed that for any vehicle they made sure that it would fit.

Vice Chair Hauser wasn't sure if there was trash or any sort of item that would be generated from the vehicle, and she asked if, regarding storm basins adjacent to catch basins, they were worried about anything getting into the storm water system inappropriately.

Sr. Planner O'Connor stated that the use of the site would not be any different than how it is currently used by parking participants as there are provisions within the code contact of the program that would prohibit any release of materials that are not suitable such as grey water or trash outside of the occupied vehicle and it wouldn't change the current use of the area now.

Acting Planning Director Murdock stated that PRC Director Rees is available to further describe the process that goes into inspection of the RVs in order for them to participate in the program. There is some service ability component inspection.

Vice Chair Hauser stated that, if Ms. Rees wanted to respond, she would be happy to hear it. Her last question is about this spot as she understands they haven't heard the other two similar hearings on different locations. She stated that this location seems to be the one that is furthest from businesses and homes and she wondered if the city or applicant considered doing more oversize vehicle parking in this location to ameliorate potential questions they have about other locations.

PW Dep. Director Bautista stated that, during the analysis, they had spaces and this was one that was considered by staff to be the location in terms of having to relook at other spaces, they would have to do more analysis.

Vice Chair Hauser thought they would have to do more analysis for four rather than two.

Acting Planning Director Murdock added that an important consideration for Council was ensuring that there wasn't an over concentration and a distribution throughout the city so every location in the northern, central and southern portions of Pacifica.

Vice Chair Hauser asked if Council asked for the limit to be two or was that more of a disbursement interpretation that staff made.

Acting Planning Director Murdock stated he wasn't aware specifically if Council directed two for this location as his understanding is the settlement agreed on with 13 spaces overall and it made sense, to a certain extent, given the distribution in other site locations.

Commissioner Domurat stated that you would think that the different enforcement issues that would go along with this would be a lot easier if you had more than two so that enforcement doesn't have to go all over the city looking for violations, i.e., why not in a location that doesn't have a lot of controversy to have more than two. He thought there were some economies of scales with having more in one location.

Acting Planning Director Murdock understood his thought process. He stated that Council identified the suitable locations and number of RVs that would be appropriate in each location. City staff then applied for the permits to execute the program as designed by Council and it is likely beyond the scope of the Planning Commission at this time to seek to increase the number. He stated that they can consider the number proposed in each permit.

Commissioner Ferguson asked, regarding the program in general, if there were any other services provided by opening up the public right-of-way to the participants, such as refuse cleanup, additional street sweeping, additional patrolling by law enforcement or any additional service that will come with this program or just that they are allowed to park there.

Police Chief Steidle stated he would speak to the enforcement aspect of his question. He stated that the Police Department is aware of where the locations will be and that it will be important for the applicants of this program who will be residing in those spaces in their vehicles to adhere to the code of conduct and all of our local, state and federal laws. He stated that, in terms of enforcement, the Police Department will be keeping an eye on those locations to make sure they are protected just like everyone else and also make sure that the laws are being followed and the vehicles parked in those spaces are permitted to be parking there. He stated that it will be the routine patrol of the beat officers, and check on those as in any other areas of town.

Acting Planning Director Murdock then referred to other program components, and stated that hopefully Executive Director Rees will have an opportunity to chime in but there are a number of components, including working towards permanent housing solutions and sewage pumping components as well as trash collection and disposal components that are part of the program side and she can hopefully expand on those point.

Sr. Planner O'Connor stated that her hand is raised, and she asked if they pause to see if she can unmute herself.

Executive Director Rees stated that, along with the safe place to park for 29 days, they will be offering intensive case management, regular check ins, and working toward housing goals that they will determine and help them return to housing as quickly as possible. She stated that some will need longer time than others because the cost of living is quite high in Pacifica, but they will be encouraging them to be thinking creatively about where they may want to live in a longer term. She stated that there will be regular garbage and recycling pickups as well as grey and black water collections. She stated that they are still working on that with the city and Recology and will have that set up before they begin using the spaces.

Acting Planning Director Murdock asked her if she could address the earlier question about leakage of fluids, etc., and explain what service ability inspections the vehicles will undertake.

Executive Director Rees stated that one of the requirements is that they have basic safety and sanitation features that are in proper working condition. If for any reason during their inspection of the vehicles, they will work with them to fix any of those issues before they are in the program or within the 29 days depending on the circumstances. She stated that they want to make sure they are safe as well as the community being safe from unexpected leakage.

Commissioner Ferguson directed a question to her, asking her to describe him any criteria within the program for storage capacity of fresh water tanks, grey water tanks and black water tanks, and is there any criteria for the usage of generators with these RVs.

Executive Director Rees stated that, in terms of minimum requirements for those storage tanks, there is not anything specific but they have to have working storage and container units. If they need to dump more regularly, they will work it out with individuals, such as if they have a smaller tank and can't wait for twice a month, the present time plan. She asked him to remind her of the other item.

Commissioner Ferguson stated it was generator usage.

Executive Director Rees stated that they are allowed to use generators but have to have them off by 10:00 p.m. and cannot turn them on before 8:00 a.m.

Commissioner Ferguson asked staff if there has been any looking into an AQMD permit for these operators to use generators in the area of quality management district.

Acting Planning Director Murdock stated that not specifically, and he was not aware of the generator size and type that are common for RV operation requiring such a permit, but it was something they can look into to ensure compliance.

Commissioner Ferguson stated that he didn't hear that there was any limitation on the size they are allowed to use and if the city wanted to install a generator, the minimum size is pretty small before they have to apply for the right to use that generator for even emergency usage. He didn't see why that wouldn't apply to these cases. He asked Executive Director Rees to confirm if he understood her correctly, i.e., that there is no minimum storage capacity requirements for any of these vehicles but there is planned to be a twice monthly pick up of grey and black water.

Executive Director Rees stated that there is no minimum storage capacity but there is going to be at least bi-monthly black and grey water pick up.

Commissioner Ferguson stated that, speaking from personal experience, he added that his extended family does own a fairly large recreational vehicle with very large capacity tanks per standard, and for a long weekend of 3-4 days with 4-5 people, that is limiting and there is not a shower capability for everyone even with that set up and he questions how feasible it is to do a twice monthly pick up for people who are using and living in them constantly, but he will leave that to the program to figure out how they want to address it.

Executive Director Rees stated that they recognize that it might need to be adjusted a bit. She stated that they will come twice monthly at least initially, based on surveys and those individuals that they know have been living in motorhomes. She stated that generally, they are single, sometimes two people, and for the most part their strategy has been using public facilities during the day and having a gym membership to take showers. She stated that, in addition, PRC offers showers to all their unhoused clients and would definitely prioritize those who are in the safe parking program.

Commissioner Ferguson asked if staff can speak to where the public facilities are nearest to this particular location.

Police Chief Steidle asked if he was referring toward the nearest stepping station.

Commissioner Ferguson stated the nearest restroom, nearest garbage disposal of any kind, adding that his understand is that it is fairly remote. If they wanted to use a restroom and their grey or black water tank was full.

Sr. Planner O'Connor stated that the Mori Point trail hike has a bathroom.

Acting Planning Director Murdock stated that there are public restrooms at the Pacifica Pier, library when operating in Sharp Park.

Commissioner Ferguson asked if it was a mile walk each way.

Acting Planning Director Murdock stated that he asked the nearest, and he thought that was the nearest.

Commissioner Godwin wanted to make clear that, when these sites were being considered, they city went as far as looking at Mussel Rock and working with Daly City for locations down to Half Moon Bay and looking at RV operations there in the local RV park in the city. He stated that none of those discussions ever bore fruit but they were held. He also stated that, near the Bradford site, there are garbage cans and he uses them when walking his dog. He stated that, 20 years ago when he first bought an RV, he mounted solar panels in the top back when solar panels were a lot less efficient and it extended the life of the batteries, such as they could go to Shasta for several days to water ski and not run out of power. He suggested that they think about adding solar panels to the RVs which can be done in about an hour and it will make a difference in the battery life. He then asked Police Chief Steidle that, when he drives around town, there are a lot of out of state registered RVs that are here for longer than a couple of weeks. His understanding of state law is that, after a few weeks, they need to re-register the vehicle. He asked if that was something they are going to look at as part of the process.

Police Chief Steidle stated that it is difficult with recreational vehicles. When they are talking about registering a vehicle in the state, it is not necessarily that you are, but you have to be deemed a resident. He stated that, if he lives in Nevada and coming to California to vacation for months, not that they are vacationing, but if he is doing that, he is not required to register his vehicle in California at that point, but the vehicle code says there are 20 days. There are a list of things that the Department of Motor Vehicles looks at to determine whether they have established residency. He stated that, if someone moved from out of state and came to Pacifica and are permanently living in Pacifica, and that vehicle is registered to them, then they would have to register the vehicle in the state. Part of the agreement with the people who apply for this program is that they are allowed to occupy a vehicle that they own, lease or have permission from someone else to use. He stated that, if he lives in Nevada and he is loaning his RV to someone who lives in Pacifica who happens to be homeless and is living in the vehicle in one of the 13 locations, that would be one of the gray areas where he didn't think they would be required to register that vehicle in California unless they plan to permanently keep it in California. He stated that there are a whole bunch of ifs, ands or buts as to whether that would be required.

Commissioner Godwin stated that it makes it clearer.

Commissioner Leal referred to the 30x10 measurements, and he assumed it was based on prior averages of recreational vehicle sizes, and he was curious as to what happens if a vehicle is outside of those limits with the parking spaces. He asked if they are not allowed to be in the program, what happens in the program.

Sr. Planner O'Connor asked Executive Director Rees if she can respond to that.

Executive Director Rees stated that she didn't know the answer to that question and they would need to talk to the city about because the city determined the size of the spaces and they would do their best to get someone who was in the program to be within that range but it does exclude those who have larger vehicles at this point.

Commissioner Leal didn't think there were hard markers or barriers related to the size of the spaces. If someone in the program has a vehicle 35 feet long, enforcement of those five feet outside of that over 72 hours and if it wouldn't happen or would it be waived because they were in the program even though it is larger.

Police Chief Steidle stated that he will attempt to answer that if he understands his question. He asked, if a permit were issued to a vehicle that was 35 feet, whether they would be held to the 72-hour standard or would they be allowed to park there under the conditions of the permitting.

Commissioner Leal stated that was the gist of the question and he asked if they would be issued a permit if the vehicle was outside the size.

Police Chief Steidle stated that, at this point, he would divert some of that to Executive Director Rees as the police department does not issue the permit. He stated that, if there were a question that came up about whether, if Executive Director Rees came to the city and stated that there was a vehicle that is a couple of feet longer and is it allowed or not allowed, and they would probably have to work with the Police Department as well as Engineering and Public Works to determine whether it would be allowed or not. He stated that once the vehicle is issued the permit, then they are not subject to the 72-hour rule.

Commissioner Leal referred to the exterior of the vehicle, and if the vehicle is 20 feet long and they want a 10-foot backyard with lounge chairs, what is permitted outside of the vehicle within that space.

Sr. Planner O'Connor asked Executive Director Rees to respond to that one.

Executive Director Rees stated that nothing is allowed outside of the vehicle, even if they have more space and everything it to be contained within the vehicle, i.e., no lawn chairs, nothing as all their items need to be inside the vehicle at all times.

Commissioner Leal referred to refuse and that they are still working with Recology and the city on that plan, and he was curious if there was any discussion or any comments on that even though it is not finalized and where those will be stored.

Executive Director Rees stated that, at this time, they would dispose their garbage on specific dates, and have access throughout the week, but they haven't figured that out. They would not have things outside, and garbage would be inside and they would need to figure out how to get

them so they aren't storing all of their garbage within the vehicle over the week and they want to make sure they have the ability to dispose of their trash before then if it becomes too much.

Commissioner Leal stated that people participating in the program or working towards getting them permanent housing, they may have additional vehicles to go to their place of work and working toward permanent housing. He wanted to confirm that the additional vehicles would not receive permits and they would be required to find additional space in the public right-of-way and subjected to other Pacifica municipal codes related to parking.

Executive Director Rees stated he was correct.

Commissioner Domurat stated that no ADU units are allowed and his mother-in-law can't move in. He stated that all the locations, but focusing on this one, are still pretty close to some residential areas. His concern is with the generators which typically are gas driven and they are not silent and very noisy. He stated that there will be a time, and legal can address this, within the next number of years that the state will mandate that none of those gas units can be used and will all have to be electrical and solar based. He stated that it wasn't in effect yet and he wondered if there was any way to enforce some kind of noise abatement on the generators and there were packages that can develop them and can help reduce some of that noise. He wondered if that was a consideration.

Acting Planning Director Murdock stated that, before he addressed his question, he wanted to follow up on Commissioner Ferguson's questions about the Bay Area air quality management district. He stated that their threshold for reservation of generators is 50 brake horsepower. He didn't know what that means in terms of a generator size but it was his understanding and impression that it was probably larger than most RVs would be likely to have. He stated that it is a known requirement and something they can continue to explore with the Resource Center to see if there is a way to incorporate that registration requirement into the program requirements. He then referred to Commissioner Domurat's question, stating that the specific regulation in the program currently is the quiet hours from 10 p.m. to 8 a.m. during which program participants would not be allowed to run their generators. During the daytime, these locations are very close to Highway 1 which is within the highest noise corridor in the city generated by the highway noise from vehicles and he can't say definitively that it won't be noticeable noise but, with respect to the surrounding context, he didn't expect it to generate objectionable noise from use of the small generators.

Commissioner Wright asked Executive Director Rees if Pacifica families were prioritized, i.e., if someone loses their house, they have an RV and are forced to move into that, do they take priority over other residents or, in the event of dissolving marriage, one of them needs to leave and move into an RV, are they prioritized.

Executive Director Rees stated that Pacifican families and individuals living in Pacifica do have priority.

Commissioner Wright asked, in the event there are some problems with the program, whether they have discretion to change the rules for their program to address those concerns.

Executive Director Rees stated that they can revoke someone's permit if they aren't moving forward in achieving their goal for housing. She stated that, with the city's approval, they can

make adjustments to their bill of rights and code of conduct. She stated that, as it is a new program, it is based on best practices of other programs that are similar, but there is not one that is like this so they are in new territory and they leave that open to make some adjustments as needed. She wanted to mention that they are hiring a Pacifica safe parking permit coordinator and one of the rules in that position is going to be the liaison with community members and if something comes up with one of their motor home neighbors, they hope they will be reaching out to PRC so they can try to alleviate any of those issues and concerns. She believes that, once the program is moving forward, it will alleviate a lot of the challenges that people in the community are having with these oversize vehicles, because people who are in the program and have these spaces want to be in the program and move towards housing and they want to be good neighbors and that is what they are trying to give them the opportunity to be.

Commissioner Wright asked if the professional would be there to field complaints as well and on call 24 hours so, if the police have an issue after normal business hours, they can divert that complaint.

Executive Director Rees stated that they are still working that out between that staff person and their director, manager and she will probably takes different days to be on call so that it is not one person potentially having to work 24/7.

Commissioner Wright asked if there was a maximum length for how long someone can be eligible for this program, such as entitled for the whole three years.

Executive Director Rees stated that theoretically yes, but their goal is to have them move into housing before that.

Commissioner Wright asked if there is a check in/check procedure once they are issued this 29-day period so they can assess the condition of the parking space when they take possession and how they leave it afterwards.

Executive Director Rees suppose that is what is going to happen, but they don't see it in that same way. She thought their goal is to have people individually assessed and oriented to their space and then on the 29th day, move to the new location. The same thing will happen. Theoretically or ideally, they will have 13 people in those 13 spaces and every 29 days there would be a move out/move in day and they would orient them to their new location.

Vice Chair Hauser stated that, based on Commissioner Leal's question, she had another question. Her initial questions were about making sure they analyze the rest of the road to make sure they are safe, and Commissioner Leal asked about what if someone was over the minimum length, and they talked about length but she didn't think they talked about width. She understands that vehicles that travel on streets are definitely less than ten feet wide. She asked if the program will ensure that there is not some sort of retrofit if the vehicle is going to be there for three years and it is outside of the 10 foot width and that becomes an issue for emergency vehicles and traveling. She didn't think there was a clear answer on whether people will be restricted. She sees on Oceana, when people park there, a lot of these add retrofits, including pitched roofs, and she wants to be sure that the width question is something they have studied.

Executive Director Rees stated that they have to move every 29 days so some of the things happening, such as building out, she didn't anticipate happening because they will have to move

every 29 days and they are not going to be setting up residence in a specific location for three years. She stated that they will definitely check in with them regularly to make sure they weren't imposing on the sidewalks or into the right-of-way as that defeats the purpose. The goal is for them to return to housing and whatever they decide that is going to be. It could be staying in their motorhome and moving to an RV lot. She stated that they may decide to live in their tiny home ongoing but their goal is to move them to other housing so they don't have to live on the streets and she thought an RV park still works well for some people and they still have that option. She stated that they would be checking in with them on a regular basis and making sure that none of those things that get in the way of the right-of-way would happen.

Vice Chair Hauser reiterated that our scope is not to amend the program that Council has worked on but to assess safety. She thought she was hearing her say that the Resource Center will work with the city to ensure that there is no retrofit or projection that encroaches outside of the ten-foot width and asked if that was correct.

Executive Director Rees responded affirmatively.

Commissioner Godwin has a follow up to Vice Chair Hauser's question. He stated that many RVs are manufactured with slide outs and whenever they park them, they get much wider because they can extend the RV hydraulically for four feet out and the standard RV width has got to be limited to 8.5 feet so it is legal on the road, but with the slide out extended, it could be well over 12 feet wide which is wider than the parking spaces. He asked if they had considered that in the ordinance, and are the slide outs permitted or not.

Executive Director Rees stated that slide outs are not permitted at all.

Commissioner Godwin stated that, from the questions, motorhomes are normally identified by class and it sounds like they have spaces for Class C motorhomes, up to 27-28 feet but Class A motorhomes, which can be converted city buses would obviously extend past the 30-foot length and there are small mini and truck campers which would fit in comfortably. He asked if they considered limiting the motorhome by space by classes that would definitely fit.

Executive Director Rees asked if that was a question for the city.

Police Chief Steidle stated he would speak on that, as in the conversations he heard in all the planning for this, he never heard of a class, but always based on a size that was going to be safe for the location and safe for traffic.

Commissioner Godwin stated that, if you talk to motorhome dealers and purchasers, you will find that motorhomes are sold by class and advertised by class and class affects the length of the motorhome and he thought it would be worth their while to look into that as a side point. He then referred to generators and cabinets in RVs and motorhomes frequently are available for small generators but many people use an external generator which is much larger. He asked if there were any limits on external generators in this ordinance versus ones that are designed into the unit initially.

Acting Planning Director Murdock thought there were two answers to that question. First, deploying that as personal property off of the vehicle would be prohibited by the program regulations. To whatever extent it is integrated or connected to the vehicle, and complies with

the space limitations, then the operations would not be limited other than during the quiet hours currently established in the program.

Commissioner Godwin stated that they are all connected, the external ones at least electrically to make them valuable, and he asked what he means by connected.

Acting Planning Director Murdock stated that he means physically attached to the vehicle.

Commissioner Godwin stated that to be attached to a vehicle, the fuel source has to be from the motorhome.

Acting Planning Director Murdock stated that he is not familiar with all of the workings of portable generators but the primary concern in his mind is that it would be deployed in some location outside of the dimensions of the space that is permitted, such as obstructing a sidewalk and that would not be allowed under the program.

Commissioner Godwin stated that he could take an external generator as long as it is within the 10-foot width space and set it out of the motorhome, connected electrically, fired up and have it run and that is acceptable within the program.

Acting Planning Director Murdock thought Executive Director Rees would need to comment more on whether a placement in the street is acceptable or not, but he was referring to is generators that he has seen on various RVs connected to some type of cargo rack in the back of the vehicle, strapped down and that may or may not be an acceptable operating condition for the generator but that is beyond his scope of knowledge. He stated that was the type of connection or physical attachment to which he is referring.

Commissioner Godwin stated that is usually not an operating configuration as that is a transport version typically mounted external to the vehicle and connected. He stated that there are some that are designed in cabinets. He stated that it sounds like it's a legal thing under this ordinance to carry an external generator and mount it on the ground.

Executive Director Rees stated that it wouldn't be allowed unless it is physically attached, not sitting on the ground as they are not allowed to have any of their property outside the vehicle. If it was on the rack that was mentioned, it would work and she can't speak exactly to whether it was functionally attached to a cargo rack but if they had to remove it from the cargo rack, it wouldn't be allowed.

Commissioner Domurat wanted to readdress some of the signs that will be posted, such as the example given with Planning information. He asked if they proposed any signs that would have emergency numbers for people who are living there who may not be from the area, there is a sign for the police, for the city with phone numbers that they can directly contact with some kind of issue. He knows that signs that would say what that spot is and who to contact if they would like to reserve that spot, such as people from out of town driving by as certain people would do their homework and find out if that's available but others may not. He wasn't sure what more information they are planning to do for some of the signs.

Senior Planner O'Connor stated that signage he is proposing wasn't proposed by the applicant and just proposed to describe the reservation of the space for the program members. She

suggested that either Executive Director Rees or Police Chief Steidle comment on if more informational signage was considered.

Police Chief Steidle stated that there was not to his knowledge any other informational signage that was considered. He stated that, toward the end of this process of constructing these signs that they came up with, the reason for the signs is that the applicant wanted the ability to be able to immediately tow or remove a vehicle that was unlawfully parked there so as not to obstruct that permitted space for someone with the right to park there with a permit. He explained that the only way they can do that under California state law is to create a sign with the information that was placed on the sign notifying a potential violator that their vehicle will be immediately towed without warning if they park there.

Commissioner Domurat asked if it was part of the law to require that, if your vehicle is towed, call a specific number to find out where it went. He stated that he has seen that on some.

Police Chief Steidle stated that was for private property. He stated that there is a section of vehicle code that talks about private property. If you pull into a shopping center, you will see the vehicle code selection of who to call to get your vehicle and the Police Department's phone number.

Acting Planning Director Murdock stated that, if he understands a component of his question, it may be something Executive Director Rees can speak about, i.e., what the pipe line is like of identifying potential program participants. He wasn't sure if people driving through Pacifica is necessarily the target audience or if there is any shortage of people identified by the Resource Center, but he thought Ms. Rees may be able and willing to do that, mentioning the various possible candidates.

Commissioner Domurat stated he was more concerned that the signage that shows numbers for the local police if there is some challenge so the people don't have to try to figure out how to look for numbers as they are on the sign.

Senior Planner O'Connor wondered if Executive Director Rees can comment on a permit that will be posted to inform the public how to be a valid participant.

Executive Director Rees stated that there will be a permit that they will need to show in the window of the vehicle. She stated that they are conducting outreach to people who are living in Pacifica in motorhomes and would be eligible for this program and oversize vehicles that are eligible for this program. They are working with them to make sure they meet the requirements and, once they start the program, they will be able to move in immediately for 29 days. She stated that their goal is to have 13 participants move in at once and, as people move out because they are moving into housing, they would have a new space and would have a wait list to add the next person in. She stated that, if there is an open space, someone who has an oversize vehicle could apply and receive a permit that was temporary permit that would allow them to park there for three days legally and they would not have the other benefits of the safe parking program. The intention was to make sure every space was used. She stated that there are other oversize vehicles that are not supposed to be on city streets that are subject to ticketing and they would be able to use those spaces if they want to. She thought people from out of town could as well but that is not their target. Their target is Pacifica residents.

Commissioner Ferguson asked her if there were any provisions in place when there are mechanical issues with the vehicles, and with a 29-day shuffle of 13 RVs. He stated that he spent enough time on vehicles before to know it is not an if but a when one of them are not going to be able to move and there will be someone lined up to take their space. He asked if there was an on call oversize vehicle towing operation, and asked where they are towing them to and who will be footing the bill for maintenance such as does the cost fall on the city.

Executive Director Rees stated that they have funds set aside to help with repairs on vehicles as they are needed and, in the event that they need to tow a vehicle, they are going to use Miller O'Brien who has helped them with other programs and they would pay them and work it out to have it towed to a place where it can be repaired or towed to the next site and work on a repair process for that vehicle so they can move again as they will have to move it in 29 days.

Commissioner Ferguson concluded that she said they have retained the services from someone who can tow these size vehicles around different places and work on them in their new parking spots.

Executive Director Rees stated that not necessarily in those parking spaces. She stated that they have a few vendors that work on motor homes but they aren't necessarily in Pacifica so they would need to tow it there. She stated that, in the event that, on the move day, they couldn't move, they would work with Miller O'Brien to move it to the next location or a place where they can be repaired, depending on whether they know that it wasn't useable before. She stated that the goal is to make sure they are able to move on the day they need to move and make sure they are maintained and functioning.

Commissioner Ferguson saw, over a three-year program, that this will happen more than once. He asked if there was a provision in place for the vehicles, if they get towed, to be worked on outside the city of Pacifica because he has driven around and he didn't recall a lot of large vehicle maintenance centers. He asked if there was a provision to house them during the time that their vehicle is under maintenance, potentially for multiple days or even a week as you can wait for parts for up to 3-5 weeks.

Executive Director Rees stated that they would work that out on a case by case basis, but they have resources available to cover the cost of hotel space in certain circumstances and they are also eligible for shelter, and they would have them assessed for shelter. In the event that their vehicle needed to be sent for repairs, there is one in Pacifica but there are a couple of spots in Redwood City that do work on motorhomes, and we would have it taken there for repairs and, during that time, they would encourage them to use the shelter program, and if not the shelter program, they would work out to house them in a hotel.

Chair Berman stated that most of her questions were answered, but she has a question related to maintenance which might be for PW Dep. Director Bautista to answer. She stated that, as they will be a large vehicle, often when large vehicles are sitting on asphalt, it will deteriorate the asphalt. She asked if there was a concern by PW on deterioration and maintenance in the right-of-way.

PW Dep. Director Bautista stated that, as the oversize vehicles move to different locations or if they become vacant, PW will inspect the site to make sure that the site is in good condition for use.

Chair Berman asked, after year one with potholes, rutting, if PW plans to repair the site in preparation for the next year and then the third year.

PW Dep. Director Bautista stated that, as they inspect the site, they will see what treatment is needed to make the site suitable.

Chair Berman stated that her last question circles back on Commissioner Ferguson's earlier questions regarding disposal of black water because, in her opinion, this is a safety concern. She asked if there will be an ability to locate porta-potties, especially in this location as there is a good amount of right-of-way available, and has it been considered.

Acting Planning Director Murdock stated that he thought the requirement for the operable toilet facilities was intended to address the sanitation needs. He thought Executive Director Rees can speak more, as she has tried to communicate that, based on her assessment and research on this issue, the twice monthly pumping should be suitable. She has communicated and can further clarify that this program will need to be adapted in response to the emerging and individual needs of some program occupants in that he thought her intention was to be responsive to those needs and have the twice monthly be the base and not necessarily the maximum service provided.

Executive Director Rees stated that he explained it very well. She agreed that, since this is the first time doing this program and they don't have anything to compare it to, they are going to start with this and will adapt as needed to be sure that the needs of those individuals who are in the program are met, as well as the community's needs.

Acting Planning Director Murdock referred to the specific question of portable toilets, he thought that was a different range of impacts that staff has not analyzed and he asked that the Commission carefully consider seeking to add that at this time if it was their desire, adding that they would need to do some further analysis of the suitability of such locations, and whether the city engineer would be amendable to placement of those toilets in the public right-of-way.

Chair Berman stated that she would defer to the experts, adding that she thought Executive Director Rees is very knowledgeable and has done a lot of research. She stated that, after year one or two, if it is determined that it may be very beneficial to have a porta-potty in a more accessible location to these parking spots, is that something that would have to come back to the Planning Commission.

Acting Planning Director Murdock thought it could if the placement of those portable toilets constituted development and required a coastal development permit, but it is possible that it may not. He stated that is a fact specific analysis that staff has not undertaken and would need to undertake. He didn't think it would be limited to an amendment to the existing permits and could be its own permit if that requirement was necessary. He reiterated that those are issues they haven't fully analyzed.

Chair Berman thought it might not be necessary at this time, but she asked if would be a beneficial idea to add a condition of approval that said, to the discretion of the PW Director or Planning Director, should additional sanitation facilities be required and can be located to their discretion.

Acting Planning Director Murdock thought it was possible, explaining that from a condition of approval standpoint, he didn't think they should condition items that have impacts that would fall within the umbrella of the analysis that has been performed. He thought outside portable toilets may have a different range of impacts than they have considered for the operation of recreational vehicles that have functional sanitation systems and something they haven't analyzed as to whether they would be consistent with policies in such a way that could be approved. He asked that they defer to the managers of the program so that, if the need arises, they take the appropriate steps to address that, such as increased pumping or some other solution.

Chair Berman thought that was fair and she appreciated his response.

Commissioner Wright asked Police Chief Steidle if he would say it is safe to assume that this program will have a net positive effect on public safety in Pacifica.

Police Chief Steidle believes that is the case, adding that having a program like this where these people who are forced to live in their vehicles and have a safe place, and they know based on the analysis that it is safe to park their vehicles in those areas based on the size of their vehicles. They will be held to a certain code of conduct where certain things will be allowed and certain things not and that will certainly mitigate some of the quality of life issues that currently exist and they currently receive complaints about in neighborhoods where there are some oversized vehicles parked, such as the trash or setting up encampments outside of their vehicle and those things won't be allowed. He stated that, as it is a structured program, his opinion was that it provides a safe environment for the neighborhoods as well as the people living within their recreational vehicles.

Commissioner Ferguson stated that they are usually hearing applicants who are private developers or private citizens within Pacifica and they often deliberate on 100-year storm catch basins, etc., for potential mitigation of future issues arising from a property or a development. He stated that, in this case, it is an odd situation where the city is the applicant. He asked the city attorney, if they have a situation where there was a spill, such as black water, gasoline, etc., and it was subject to some environmental or other litigation, whether it would be the city's liability as the applicant for this program for clean up or anything associated with something that happened around these sites.

Asst. City Attorney Sharma stated that it would depend on how the circumstances have arisen and what the city's knowledge would be at the time that such a circumstance occurred.

Commissioner Ferguson stated that it is a yes or no question as to whether there is an opportunity for risk of liability for the city.

Asst. City Attorney Sharma stated that, in approving a permit, there is always some risk of exposure that comes along with that.

Acting Planning Director Murdock added that he would offer a non legal response to the question. He stated that an issue of what are known as illicit discharges are familiar to the city and the PW Department has a procedure for responding to them. In conjunction with the Police Department or Code Enforcement Officer's attempt to identify the party responsible for the illicit discharge to ensure that they are held accountable, and they attempt to recover the expenses of the cleanup response and to that end, there is a mechanism that is routine for the city for addressing

illicit discharges and they try to identify the responsible parties. Whether the city as a permit holder would incur and specific liability is, as mentioned, a legal question for the City Attorney's office and is probably beyond the scope of this meeting's hearing and probably beyond the ability of the Asst. City Attorney to answer.

Commissioner Ferguson stated that it seems like the city has directed these to some very specific locations and has been a city process from start to finish and they have identified exact intersections and locations, with some in protected waterways and it was something he wanted to understand.

Acting Planning Director Murdock thought, through the program requirements, the city has taken diligent measures to ensure service ability in inspecting these vehicles in partnership with the Resource Center and we can't prevent every potential of an illicit discharge but reasonable prudent measures are included in the program to help diminish the potential for that.

Commissioner Wright asked if it was safe to assume the program does require insurance on the part of these occupants for their vehicles and would that not defer some of that liability from the city toward that insurance company.

Police Chief Steidle stated that he couldn't speak as to what the insurance would cover but he stated that the vehicles must have automobile insurance to be part of the program.

Commissioner Domurat thought they could see, from a lot of the questions by the Commissioners, that there was a lot of debate still going on with what could or might happen. He asked if the city required a formalized learn process as at the end of year one they will reassess and may make changes based on that or at the end of year three, prior to extending any program, there would be a formal process to review and make improvements.

Acting Planning Director Murdock stated that the Planning staff has not been involved in the detailed program development, and he thought Executive Director Rees could speak to what, he thought was intended to be a cooperative relationship between the city and the Resource Center as the program manager. He imagined there will be an opportunity to revisit, not just on an annual basis but as needed, to make sure that the program requirements are true to the requirements of the legal settlement as well as incorporating real world lessons to ensure that the issues and impacts that are intended to be mitigated by the program are adequately addressed. He suggested that Ms. Rees speak to those points.

Executive Director Rees stated that they will make adjustments as needed, and some will require them checking in with the city and some things they can tweak on their own. She stated that they also plan, at about a year and a half in, to have an independent evaluation of the program to further document lessons learned and make additional adjustments as needed.

Chair Berman stated that they will be taking the applicant position and they will have an opportunity for more questions. She stated that she had some public comments and they will have another opportunity for deliberation. She then left it up to applicant, PW Dep. Director Bautista, to present, concluding that they will follow the usual format of ten minutes, etc.

Acting Planning Director Murdock agreed with her, adding that it would help to formalize that she was opening the public hearing.

Chair Berman opened the Public Hearing.

PW Dep. Director Bautista stated that he has nothing further to add to this discussion but would be happy to answer any other questions.

Acting Planning Director Murdock stated, regarding public comment, he wanted to mention that the Commission has received a hand delivered written comment from a member of the public, seemingly intended to apply to all three public hearings on CDPs, and they distributed that to the Commission.

Chair Berman asked if he had a copy for the record as well.

Acting Planning Director Murdock stated that they did.

Chair Berman stated that she would call the speakers, and she asked if she should call the next person to be ready.

Acting Planning Director Murdock explained that the Chair will mention speaker one, followed by speaker two, as it helps facilitate efficient meeting management if they make their way to the podium for their opportunity.

Chair Berman apologized in advance if she mispronounces their name.

Lindy Kwock, Pacifica, stated she was sorry that not many Fairway Park residents showed up but a lot of the homeowners were concerned about the potential RV parking spaces, and she shared their concerns on the issue. She asked PW Dep. Director Bautista for comment.

Chair Berman explained that it is not a back and forth.

Ms. Kwock asked if she could ask a question.

Chair Berman stated that she can, but she will not get a response.

Ms. Kwock asked, on behalf of the homeowners, at what phase is this proposed development and do they have the option of appealing it and petitioning for it.

Jim Candors, Pacifica, stated he is a taxpayer and he understood that there is not going to be an answer for him at this time, concluding that it is all about the Commission even though they pay the taxes.

Acting Planning Director Murdock clarified that the Commission receives any questions or comments made by the public and can ask those questions of staff once the public hearing is closed but the structure of the public hearing is not such that the Planning Commissioners can engage in a dialogue with the commenters at the time of their comments. He stated that the questions are valuable but not an active dialogue at the time the comments are being made.

Chair Berman thanked him for that clarification. She stated that they receive their comments and during their deliberation after public comment is closed, they re-ask their questions.

Tim Blanchard, Pacifica, stated that he was opposed to this plan and expressed his earlier and present concerns regarding RVs, mentioning specific negative situations in the past.

Alison Thompson, Pacifica, stated that she is a resident with small children and expressed her objection regarding these safe parking proposals, and mentioned specific concerns she had.

Chair Berman wondered if she could give Mr. Candors another opportunity of public comment.

Asst. City Attorney Sharma stated it was at the Chair's prerogative.

Chair Berman asked Mr. Candors if he wanted to make further comment, and he said no.

Senior Planner O'Connor stated that they have one call-in and she introduced the speaker.

Acting Planning Director Murdock asked Chair Berman to confirm that she did not close the Public Hearing.

Chair Berman stated that she did not.

Paige Saunders, Pacifica, stated she lived near where the two RVs are going to be parked, and she then expressed her concerns regarding her opposition to this issue.

Chair Berman closed the Public Hearing.

PW Dep. Director Bautista stated that, regarding the first speaker's questions, he would defer them to Executive Director Rees to answer the questions regarding who the people are and how are they interviewed and what phase is the development. He stated that they would address those questions first, then address the other speakers' questions.

Chair Berman asked Executive Director Rees if she would mind answering the questions.

Executive Director Rees agreed. She stated that those who are awarded a permit need to go through an assessment done by the Pacifica Resource staff and their safe parking permit program coordinator will be the one to make the final determination. She stated that they do a thorough review of their circumstances, and they need to have a commitment to returning to housing, which is a key condition of the program, as the safe parking place is the first part of the program and allows them to work on the issues that have led to them becoming homeless. She stated that they will be providing intensive case management and working towards their housing goals. She stated that they will be considering the individualized housing plan based on where they want to live and what their goals are for housing and it may include moving out of this area and include renting a room. She stated that, on looking at all of those factors, the core is going to be that they have an eligible vehicle that meets the requirements of the program and that they are working towards their housing goal. She stated that each case will be considered on a case by case basis and there isn't any "cookie cutter" type of person who is going to be in the program. In terms of the phase of the development, that is a question for the city manager because she understood that this is something that needs to move forward based on the lawsuit that was settled and it needs to

be implemented by the end of June. She didn't know whether there are any other opportunities to change this in terms of them moving forward. She stated the settlement included 13 spaces and a lot of those spaces can move to other locations. She thought the city has tried to find the most ideal spots, and these are the spots they have determined will work best for this program, adding that the Pacifica Resource Center was not part of that discussion, just implementing the program and not making decisions about where those spaces are going to be.

PW Dep. Director Bautista stated that the other comment was about the black water and safety. He stated that if there is any incident, Public Works responds and they are anywhere in the city and if there is a discharge, they are out there. He stated that, in terms of the safety of the spots, the engineer who went out into the field for verifications also took into consideration such as length of site. They made sure that the spots were safe.

Chair Berman if there was anything else he wanted to add.

PW Dep. Director Bautista responded that there was not, as he thought he addressed most of the comments brought up.

Chair Berman then brought it to the Commission for deliberation.

Commissioner Wright wondered what data is being collected on this program to enhance public safety and help make the program more successful and help them try to figure out how it can be made better over time, such as whether it includes a background check and sex offender status, etc., to address the public's concerns.

Senior Planner O'Connor invited Executive Director Rees to respond to that.

Executive Director Rees stated that, regarding the data being collected in general for the program, one of their biggest outcomes is going to be how many people return to housing, adding that the kind of services they will be receiving or how often do they need to help people repair vehicles, what are the barriers for them to return to housing, and increasing their income so they can cover those costs are very specific to moving people toward housing and is their focus to figure out what supports they are planning to offer result in the ultimate goal of helping people return to housing. At the same time, they will be addressing the safety issues and concerns that the community has around garbage and black water and gray water waste and all those things as she believes that once they are in the program because they want to be in the program to return to housing. She stated that their goal, as well as the city and PRC's goals, is to make sure that they are good neighbors.

Vice Chair Hauser reiterated some of the questions that the community speakers asked so they can hear a little bit more of the answer to the questions they had. She stated a couple of the speakers talked about the temporary parking program and she wanted to understand if the two spaces that are proposed are in the same spot as the test program.

Police Chief Steidle stated that he was not aware of any test program that occurred.

Executive Director Rees stated that she was not aware of any test program either.

Vice Chair Hauser thought that was helpful information. She asked if there was any comment pertaining to the bus with the slides out, as those items were not part of the city program.

Executive Director Rees stated that those motorhomes that were on Francisco near Bradford were not part of any program, and they have not started the program. They were parking there on their own and, if they were in the program, they would not have been using the slide outs and would have stayed in the marked spaces.

Vice Chair Hauser stated the other question asked by the community was what was the appeal process, adding that she would like to understand that.

Acting Planning Director Murdock stated that the permit at this meeting and whatever action the Planning Commission takes on it is subject to appeal to City Council, with a ten-day appeal period following this meeting, assuming that the Commission takes action on the permit. He stated that this location is also subject to appeal to the California Coastal Commission and following any potential appeal by City Council or, if no appeal is filed to Council, in either case there is an appeal opportunity to the California Coastal Commission and that would allow them to make the final determination on the permit.

Vice Chair Hauser stated that her last question that came through public comment was that the litigation is pertinent, and she would like to understand what obligation they have as a Commission or the city has as part of the lawsuit to make a decision in a timely manner and what must we do.

Acting Planning Director Murdock stated that they don't necessarily have all of the details of the settlement readily available at this time but, in general terms, there are a number of obligations for the city, a number of demonstrable discrete steps the city must take in order to implement and execute this program. He stated that some have due dates in May and some due dates in June. He cannot confirm it, but he thought the city's required action to obtain the coastal development permits is required to be completed by the end of May. He stated that, in the event that there is an appeal process, that is beyond the city's control and they would have to address that with the plaintiff's counsel in the event that they have concerns about the timeline. As long as the city is making a good faith effort in attempts to get the action on the permit by the end of May, he believed it would be compliant with that particular component. He stated that, as discussed in general terms, the city is obligated to identify 13 safe parking program spaces and take the steps necessary to enact the program, including partnering with the Resource Center for program management. He stated that this is one of several specific steps that the city is obligated to take under the settlement.

Vice Chair Hauser stated that she didn't want to make any presumptions on what deliberations will lead to, but, if there was a desire by the Commission as an appointed body of the city to continue this to get more information, would they be hindering themselves in this legally described process.

Asst. City Attorney Sharma stated that, if the Commission doesn't take timely action, there is potential peril in the city's litigation posture.

Vice Chair Hauser asked if a timely action would not be any action that they make but a requirement to find 13 parking spaces.

Asst. City Attorney Sharma responded affirmatively.

Commissioner Leal had clarifying questions about the three-year term and he asked if they can get more information on what happens at the end of the three years, i.e., does it come back to the Planning Commission.

Acting Planning Director Murdock stated that the city has committed, as part of the settlement, to operate this program for a period of three years. Council could potentially take action to extend the program longer than three years and he would say that the city was not predisposed to such a program prior to the litigation and it is anyone's guess if, at the end of the three years, the Council would want to continue the program in the current locations or different locations would be speculative. He stated that, as planned now for a three-year temporary safe parking program, the conditions of approval would require "decommissioning of the space, removal of the pavement marking and the signage at the end of the three years and the program would terminate with no further safe parking program at the end of the three years as contemplated currently.

Commissioner Leal referred to the timing, and asked, when the clock starts and if on a per approval basis, whether the clock would start on these two at a certain time and then another two at a certain time, depending on what is in the permits or is it that the program starts on a certain date once the first RV parks and then to whatever three years is.

Asst. City Attorney Sharma stated that the program timeline technically begins implementation from back in February.

Commissioner Leal concluded that we are already in the three-year period.

Asst. City Attorney Sharma apologized, saying that she didn't believe that they are in the three-year period yet until this is finalized.

Acting Planning Director Murdock added that he didn't know the answer as to whether it is a per space starts the three years, could there be a staggered start and a staggered finish, but he thought, in any case, he would expect the start of each space to coincide relatively closely with all the other spaces and, on a three-year horizon, he didn't know if there was any meaningful difference but he didn't specifically know the answer to his question.

Executive Director Rees stated that her understanding is that the three-year time clock is not starting until they start the program and the program won't be started at least until the end of June based on the lawsuit requiring that the program be implemented by the end of May but because they needed to get these permits, it got extended to begin by the end of June. She stated that Acting Planning Director Murdock shared that there is a possibility of having that start point extended if they need more time but that would be something that would need to be discussed with the plaintiff to approve that extension.

Commissioner Leal stated that he wanted to touch on some comments made by the public around public safety. He was going to ask the police chief, if there was any data related to incidents with RVs specifically parked, as to whether they had any traffic data or incidents that were referenced by the public or anything they may have.

Police Chief Steidle stated that they don't have any specific data, but he can tell him that, in terms of incidents they have regarding people living in recreational vehicles are often the same type of incidents they have with people living in houses, such as they have arguments, other issues that come to law enforcement attention and occasions when they had incidents that had to do with mental health issues, but they also have those same type of incidents for people living in more traditional housing. He stated that oversize vehicles tend to draw a little bit more public attention. He stated that the community is very well aware of the 72-hour ordinance and continually complains about being parked longer than the 72 hours. He stated that the 72-hour alleged violations with a check on them are probably the biggest draw in law enforcement resources in terms of the oversized vehicles parked in the city. He stated that, from his expertise, if that is the biggest problem we're having, that is not too bad. He stated that, in terms of the collision referenced, he stated that it wasn't a normal collision. While he doesn't recall all the details, but that was a criminal event that occurred out there.

Commissioner Leal stated that he was specifically looking for vehicular collisions related to RV use and not necessarily domestic items.

Police Chief Steidle is aware of that one, as well as a documented collision that was a failure a couple of years ago but that had nothing to do with where the vehicle was parked but had to do with an accident and somebody hitting an accelerator and crushing someone who was working on the vehicle and that could have happened anywhere as that vehicle was parked.

Commissioner Leal was aware of that one, which he believed occurred on Palmetto in a similar space if not the same exact space, and a small school bus lit up in flames not too long ago. He stated that all these incidents occurred within the past three years. He stated that, on thinking on the past three years, and predicted the next three years, they are in different terms as they're intent is that it was a regulated program and is safer. He was thinking, given the position the city is in, they need to provide 13 spaces and he asked how you can put these spaces in the best places that are, not only safe for the public, respectful to existing residents of Pacifica but also safe for the tenants as well. He stated that he travels in this location often on his bicycle with his son when going to baseball fields, as well as walking the dog. Many times they are in the lane of traffic which, at certain parts on Bradford Way, he believes is a parking lane but the width of Bradford Way expands and contracts, depending on the section where you are, i.e., on the northern end where it hits Sharp Park and Francisco, you are in the right hand portion of that road which, with these parking places, they will need to veer to the left to avoid the parking lane to be in the left side of the 20 feet. He stated that there is no designation in the road that the driver needs to do that. He stated that he has never seen anyone parked on the right hand side other than RVs parked there previously and the public was referencing those locations. He stated that regarding his comments, as they deliberate, he would like to see some additional roadway improvements as part of this project because it will change traffic on how people are currently traversing, not only bicycles but vehicles, as well as additional no parking signs to clarify where you cannot park there as there is no red curb anywhere and the road goes from 20 feet to 10 feet as you move further south. He stated that, if it is within their purview, he would like to see conditions of approval to have additional roadway improvements along those lines. He stated that he would definitely defer to city staff on what they should be, but he would like to include those to make sure that those who drive on that roadway often will change their behavior with the addition of these parking places because no one ever parks there and people probably drive down the middle of the lane and they won't be able to do that any longer after this program. He stated that, south of these parking places, there are places where it does constrict, and as

mentioned earlier, he suspects that people participating in the program will have multiple vehicles due to going to their job and is unlikely they will be moving their RV every day. He stated that by the Little Brown Church there are additional vehicles associated with the RV that parks there. He stated that they want to make sure that their additional vehicles are parked in legal spaces where the roadway is 20 feet wide. Given that the roadway width is poorly marked on Bradford Way and it changes so he would like to see additional improvements on that roadway for public safety.

Commissioner Godwin stated that he did a quick Google search on Class C motorhomes and their lengths are between 25 and 35 feet so the spaces they have designated are too small. He stated that a Class A motorhome is up to 45 feet long and that will not fit in one of their spaces. He stated that they can be much higher, if he recalls correctly, at 14 feet for Class A. He didn't recall the height for Class C. He stated that the vast majority of motorhomes sold are Class C and there are also Class B, camper vans and truck campers which are more limited and would fit in the spaces. He concluded that they need to do something with defining these spaces, either make it one space at Bradford Lane and they can accommodate the full gamut of motorhomes or make it two and limit the types of motorhomes pretty drastically to ones that are only a tiny minority of motorhomes. He thought more work needs to be done to understand the motorhome population of vehicle types and provide the appropriate spaces. He stated that, as a former motorhome owner, he stated that the typical camping place offers what is called a pull through space which allows you to drive without reversing and backing up because most people don't drive their motorhomes a lot, especially if you are only moving them once a month, and you need to provide some additional space for each motorhome operator if they are not that skilled or if they are towing something at some point which is probably not applicable here, but to give them some additional room to maneuver the motorhome. He thinks 60 feet is more like one space and he was not comfortable approving two spaces. He asked if staff had some comments.

PW Dep. Director Bautista stated that part of the solution is making sure the types of OSVs are allowed to park in certain spaces and to see what other back up space or if there is some clearance in BI to verify links and make sure that there is enough link there to accommodate the different types of classes. He stated that they would work with PRC in order to make sure that spaces fit and make sure that everything is safe.

Senior Planner O'Connor added that 30 feet was proposed and is what is being described in the coastal development permit. She stated that Executive Director Rees touched on before that this is a new program and really learning the ins and outs of what is working and what is not working will be discovered as they go through. She stated that, should the director find that she is turning away potential participants due to their vehicle being too large to fit in these spaces, that might be the time that PRC comes back and talks to the city about revising the CDP to address that length issue.

Chair Berman stated that she saw that Commissioner Ferguson has a comment or question but, because it touches off of this conversation, if this item is approved and proceeds and, if Executive Director Rees determines that the parking spots need to be larger, she asked what happens then, i.e., will they have to come back to the Commission.

Senior Planner O'Connor stated that the project description that they are considering now has dimension information associated with it, and if the program is proposing to be something

broader than that, she thought it would be outside the scope of what they are approving and an amendment would probably be appropriate.

Acting Planning Director Murdock stated that he would agree in many cases, as similar to development projects that the Commission approves that may have dimensions and setbacks, occasionally there are needs to make minor adjustments to that and, if the Planning Director typically uses some discretion in determining what is a major and a minor change, and should there be a need to make a minor adjustment, he thought it was conceivable that the Planning Director might interpret that consistent with the Commission's original approval and, if there is a substantial change, hypothetically, 50% or 75% expansion of the length to allow the Class A motorhomes that Commissioner Godwin has been describing are likely to be a significant and substantial change that would likely prompt an amendment to the permit. He didn't want to commit on the record that, if it was 31 feet instead of 30 that they would trigger a permit revision. He thought there was a judgment call to be made and substantial conformance with the approved permit is typically the standard for that judgment call by staff.

Chair Berman asked if there was anything they should do. If they do proceed with a motion and approval, should they consider that in the record or just leave it to the discretion of the Planning Director.

Acting Planning Director Murdock thought he would ask Asst. City Attorney Sharma for her input as the Commission could seek to circumscribe staff's discretion if there was a reason to do that and is found in a rational basis. He would argue with staff to not do that as there are real considerations that come up that could practically obstruct implementation of this program if some minor deviation was needed. He asked the Commission to consider that. He stated that he didn't know if Asst. City Attorney Sharma had further thoughts.

Asst. City Attorney agreed that the commission has some ability to constrain the discussion of staff going forward if the Commission chooses to do so.

Acting Planning Director Murdock stated that he would also ask PW Dep. Director Bautista if he has concerns about potentially increasing the length of any of these spaces under consideration at this time in this or the other public hearings. He didn't know if specific technical analysis was completed to allow them to be expanded, but to use the similarity to a development project, the Commission can adjust setbacks, maybe allow a slightly greater floor area or slightly greater height for a structure as a consideration when making the findings and perhaps the Commission could consider that if Mr. Bautista, in his role as the City Engineer, thought that it could be done safely or at least provide some parameter that staff could consider in the field when doing the final striping and designation of the spaces.

PW Dep. Director Bautista added information regarding the OSBs, i.e., the 30 foot length was considered by staff but, since it wasn't an average OSB that was out in the field in Pacifica. He stated especially the OSVs parked over that the corporation yard seemed like 30 feet was the average length but as Acting Director Murdock said, if it is not a substantial length, he didn't think it should be limited at that point, and what they consider not substantial versus substantial. He thought, as the OSVs come out, they would work with PRC and see where the proper space for these OSBs would be and inspect the link. He stated that they could find a solution.

Acting Planning Director Murdock asked Chair Berman if she would allow it, he asked if Commissioner Godwin if he would restate the maximum length of a Class B motorhome.

Commissioner Godwin did not say the Class B because they are basically truck campers and camper vans and are smaller. He stated that a Class C, the most common one sold, is 25-35 feet long. He stated that the definition of a Class A is up to 45 feet.

Acting Planning Director Murdock stated that he misspoke as he was intending to ask about the Class C which was the 35 foot and the most common. He thought allowing the spaces to be up to 35 feet if determined to be safe by the City Engineer, that might allow a more effective program implementation and maybe a broader range of vehicles or possibly potentially some sort of buffer space.

Commissioner Godwin wanted to interject one point. He stated that, having driven one of them for a number of times, you need a little turning radius when you put it into a space. He stated that having a 35-foot space that the RV barely fits into is not adequate and certainly unsafe. He didn't know what the proper dimension is as he doesn't have it written down but it is definitely in excess of 35 feet for the most common models.

Acting Planning Director Murdock wanted to clarify one fact and then maybe present something else for the Commission to consider. He stated that, earlier, they talked about the implementation deadline in response to Vice Chair Hauser's question and they confirmed the implementation deadline for the city to obtain the coastal development permits for these spaces is May 29 and any continuance at this meeting would push the city beyond the May 29 deadline, given that the Planning Commission's next meeting is June 6. He then referred to Commissioner Godwin's concerns, stating that they are not aware of a legal reason, under the terms of the settlement why the city needs to delineate two distinct spaces of 30 feet each. He stated that, if the applicant was open to it and thought that it was safe and could be managed in the right-of-way, perhaps the space could be a single continuous space of 60 feet for not more than two RVs or OSVs and provide some flexibility to match a longer vehicle with a shorter one or provide the flexibility within the spaces. He stated that there may be some inherent program measurement challenges, given one vehicle hogging the space and parking in the middle. He didn't know all those details but he thought the general concept could probably be articulated in the condition of approval and maybe get to the heart of what Commissioner Godwin is talking about a little bit better than simply increasing the space from 30 to 35 or 40. That was just a thought, and he thought PW Dep. Director Bautista could comment if the Commission is interested in exploring that.

PW Dep. Director Bautista agreed with Acting Planning Director Murdock just said. He stated that it will take coordination between PRC and the city and trying to be flexible with the OSV will be like fitting a puzzle together. He stated that just providing the flexibility and open to making sure they can get the right vehicle in the right space.

Chair Berman thanked Commissioner Ferguson for letting them insert that discussion.

Commissioner Ferguson was in agreement, and he asked if prior to this, as the program isn't implemented yet, was overnight parking on Bradford Way allowed for the 72-hour period as there is not a red curb.

Police Chief Steidle stated that there was no prohibition on overnight parking.

Commissioner Ferguson concluded that it is essentially a free for all right now on Bradford Way.

Police Chief Steidle responded affirmatively, stating that any of those vehicles could park in that area where OSVs are allowed on Bradford Way as long as they don't violate the 72-hour limit and they may park overnight.

Commissioner Ferguson stated that it wouldn't be a new implementation in the neighborhood to have OSV parking but just a regulation on that. He understands that, culturally and socially, there is an obligation to address this issue and it is also apparently a legal obligation and they have to do it at this meeting, and he stated this is the first time they are hearing that and it feels like they are under the gun and didn't know they were walking into that. He thought they could address that better in the future but they may not have had any opportunity so that is what it is. He stated that, if that is the case, nobody wants this in their neighborhood and no one is begging to have regulated OSV parking in their neighborhood, including himself, but it is going to be somewhere and if not here, then where. He stated that, as he deliberates this in his head, he thinks about the fact that he travels in the Bay Area for work and you look at cities like Oakland, San Jose, San Francisco and you see the blight of this unregulated OSV parking everywhere, but if you go to other cities in San Mateo County, such as Burlingame, Menlo Park, etc., you won't see this anywhere, so he is having a hard time grappling with why we have a legal requirement to do this and he stated that ship has sailed so they have to decide that they either accept some civil penalty that they don't know about or they approve this permit. He asked if that is correct.

Asst. City Attorney Sharma confirms that one of the reasons they are here today is because of a lawsuit against the city of Pacifica in particular, and if the Commission does not take the requisite action based on the settlement agreement, that would imperil the city's legal position and the locations have been selected by the Council and have been before the Council at a number of public hearings at this point.

Commissioner Ferguson understood that and just wanted to enter that into the record.

Commissioner Domurat thought, based on the information regarding Class A through Class C, etc., they were only looking at five of the 13 required spaces at this meeting.

Senior Planner O'Connor stated that this item is only two of the 13.

Commissioner Domurat stated that there were three files, with one having two, another has two and the other has one, so that is five of the spaces and he stated that there were 13 spaces. He asked if it was appropriate to look at the others that they are not looking at this evening and look at more flexibility in the size and that, if you have a size greater than 40 feet, you will have to go to another one of the sites. He stated that, if that analysis has been done, maybe they don't need to do it for these five at this meeting, but maybe there is more flexibility in the remaining ones and the much larger ones can go to an area that can handle a larger size. He thought that might be something they can put into the plan. He also thought they need to work more closely with the communities to assure that background checks are going to be done and they won't be having a criminal element coming in. He thought the neighborhoods need to be assured of that, and he thought whatever they can do to assure them of that, they will feel better about that. He stated that, in a 72-hour parking, you are not assuring that, but this is a bit longer term. He thought, if

there was something more the city can do to get the neighborhoods feeling a little better about the fact that they are doing correct background checks, have a plan for eviction for violations, etc.

Vice Chair Hauser wanted to take a step back and recognized that the Commission and city staff are all in a hard position. She thought staff has probably just found out about these items as well. She thought they were between a rock and a hard place in a couple of ways, i.e., everyone recognizes that we are in a housing crisis and we need to help people, but we don't have a lot of the information that they are asking questions about and the other component of this is the lawsuit and she is hearing that they need to show that they are making a good faith effort and they really don't have options other than approve, which she also thought was hard as it was very clear that everyone on the Commission has really good questions and the community has really good questions. She stated that they want to be thorough on something as important as this. She wondered, if there is a solution as they were deliberating, if there is a way to do what they have done on cannabis manufacturing where, if going to recommend or approve this, that it comes back to the Commission for a review. She suggested that, instead of waiting a year, maybe it can come back for review in 60 days to show the good faith effort and also get some of the data on how it is working out. If they need to make amendments as a Planning Commission, she was more comfortable doing it here where the public has an opportunity to provide the information and another chance for public comment and they are able to get better answers for their questions and not do it in a vacuum where the community is not involved. She didn't know if that was a legal potential and they are able to do that, but that was her feeling on what could potentially provide success for both the city as a reviewing body and the subject of the lawsuit.

Chair Berman was interested to see if that is in their purview.

Asst. City Attorney Sharma stated that, if she understands it correctly, the proposal is in 60 days from today.

Vice Chair Hauser stated when the program starts to get 60 days of data. She is throwing 60 out, but they should talk about it as a Commission.

Commissioner Wright suggested before the fourth Commission meeting instead of 60 days.

Asst. City Attorney Sharma stated that the purpose of that review would be to amend the CDP or to reopen it and then potentially revoke the CDP.

Vice Chair Hauser didn't know if that was necessarily revoking it, but she thought they need to understand, if they are creating black water spills, if they are creating safety issues for people who are driving to their homes and are afraid of walking with their children, of people biking down and trying to understand the flow of traffic, of people claiming that they have visibility issues, vehicles that are 35 feet trying to fit into a 30-foot spot. She stated that they are all really good questions and she thought the city has done a wonderful analysis with the tools and time they have had, and she thought they are all hamstrung. She was trying to figure out if there is a process that achieves something for everybody.

Asst. City Attorney Sharma stated that the fact that there is a settlement agreement at play and, not wanting to introduce an element of uncertainty with respect to the land use approval, she thought what could be acceptable is a review process in terms of reporting back an informational

item for the Commission to get this data. As far as being able to reopen the permit is not something that would be germane to the settlement agreement.

Vice Chair Hauser asked what they would they be able to do with the data, such as providing additional recommendations of study like increase them to 40 feet or maybe they need to be moved 100 feet down the road. She stated that, if they get the data back and it says it is safe, then that is wonderful, but if they get the data back and there is something to be desired, she thought it was their obligation, as a group that is to look at the safety, and that is what the criteria should be limited to.

Commissioner Domurat asked if there was a legal way to call something, as far as a demonstration, and at the end of the demonstration period, allow them to make some of the adjustments based on 60 days' worth of data. He asked if there was a word they can use that legally gets them out of your bind of having to do something but allows them to change things in the permit later.

Asst. City Attorney Sharma stated that she would need more time to analyze whether that would be consistent with the settlement agreement, and staff has not analyzed it at this time.

Vice Chair Hauser feels for her as well because, if they can't continue it, she just doesn't know what to do.

Chair Berman added that it is a hot potato.

Acting Planning Director Murdock stated that what is unique in this instance is that the city is the permit applicant and they have a desire and obligation to ensure that its actions are safe and do not endanger the public, which is the city's fundamental purpose, i.e., to protect public health safety and welfare and he didn't think this was a situation where they have an applicant who is in a business or operation for personal profit, and maybe those profit motivations come above public health and safety. He thought the circumstance where, if there are operational safety considerations or concerns, the city would be in a position to seek to remedy them within its flexibility and discretion as the manager of the program and, should there need to be an amendment to the permit to achieve that, they do it and he felt they were in a unique position where an annual review is less compelling from his perspective as compared to a private party applicant.

Commissioner Domurat stated that a private party applicant would be required to do inspections along the way to see if they are living up to the conditions of the permit, and if not, they have to make those changes. He stated that, if they consider safety and some of the things they talked about as a condition of the permit and, in 60 days, they find it is not happening, then they would have to change that. He asked if she thought there was a legal way to do that as far as the permit process.

Acting Planning Director Murdock stated that he is aware of annual review processes for use-related permits. He stated that the coastal development permit is not clearly a use type of permit but a development permit for physical development and coastal resource protection in the coastal zone and he thought they would need to consider whether it is appropriate and in the Commission's purview for an annual review of what is, in fact, development, not a use authorization. He thought it was a different construct and was reasonable to wonder what the

impact will be as this is a novel program, and novel use that the city is seeking the permit, but he thought it was in the city's best interest to ensure it is safely operated and does not expose the city to legal claims and liability from reckless program management and the city engineer's obligation in the right-of-way is to make sure it is safely occupied and safely operated and, given that the city engineer is also the permit applicant, he has no doubt that he will accomplish that within his authority outside of this permit.

Chair Berman stated that they will put a pin in that as she thought they will circle back on that discussion.

Commissioner Leal thought it might have been Acting Planning Director Murdock who made the comment earlier around setbacks, and he wanted to revisit that with these parking spaces in terms of hearing feedback from fellow RV drivers on the Commission. He stated that parking these in tandem, especially in this location, they are in tandem back to back, and they need to think about that and how they can safely navigate these spaces without causing damage to the other vehicle, especially because they don't have any limitations in front or behind these parking places. He stated that, tying his comment around appropriate road markings and road improvements for Bradford, they need to think about setbacks in front and behind this location of parking. He didn't know what the numbers should be, suggesting minimum impact on the analysis that has already been done for site lines. He stated that the minimum number in his mind now is a minimum of 10 feet setbacks in the front and behind the spaces, and in between the RVs there probably needs to be some sort of setback so they aren't up against each other. He didn't know what has been studied in that area, such 5 or 10 feet, etc., if they were to expand the distance or what it should be. He thought they needed to think about the setup for these vehicles, given that they are large, difficult to navigate, and what he found on line says they need a pull through or the distance in front of it to back into the space. If they are limiting the large vehicles to the ten feet of the roadway which is currently 20 feet, they need to make sure they can get them close to the curb without overhanging to ensure safe travel on that roadway. He thought they needed to discuss it, and he didn't know if it would be a condition of approval or what they would do on the setbacks. He thought they should think about the setbacks. He mentioned the discussion they had around increasing the limits of 30 feet. He wouldn't be in favor of increasing the current size of the parking places, as that is what has been put out there for the public, and he thought increases the spaces is premature to do so, given that they haven't implemented the program. He would rather do that based on what they are hearing as they implement the program, given that there are some oversize vehicles less than 30 feet. He concluded those were his comments on what they have recently discussed in terms of the size of the parking places, as well as thinking about setbacks. He asked PW Dep. Director Bautista if he had comments in terms of what the size of the spaces have been studies, in terms of what length of curb has been safe and they could throw the delta in between the parking of the two RVs or if there is any guidance from fellow commissioners in terms of what their thoughts, and the RV drivers' thoughts of what should be appropriate as he isn't an expert in that area.

PW Dep. Director Bautista said, as he mentioned earlier, staff looked at what was the average length of OSVs in the city, and 30 feet seemed to be the average length. He thought, if they went out there and took a look, especially at the spaces, there could be some clearance on the back side and the front side, but it was all about fitting the puzzle together and making sure they coupled the OSVs up with the right length, as there are going to be short ones and long ones and they were just trying to be flexible.

Commissioner Leal stated for a clarifying question, of the 60 feet they currently have before them at this time, he asked if this was the only 60 feet on Bradford Way that is safe from a site line perspective or, if extended it to 65 feet, with a 5-foot setback or a 2.5-foot setback for each one to get the five feet between the two RVs. He stated that, if they expand that to 65 feet so the front end tip of the RV in front is 65 feet away from the rear end of the RV in the rear, he asked if that negatively impacts site lines around that turn going south on Bradford Way or going north on the opposite direction of travel.

PW Dep. Director Bautista stated that, from what he recalls, he added an extra five feet. He stated that the site line would not be affected but they would have to go out there and verify everything which is their due diligence to make sure that the spaces are safe for OSB residents.

Commissioner Leal stated that it is a long road and he imagines there could be potential of a couple of feet to play with if there were necessary adjustments at the guidance of PW to ensure public safety.

Commissioner Godwin stated when he worked on military systems and put something out in an aircraft carrier, they always did what they called low rate production, and took a few, put them out there, see whether they did well in salt water and put a 20-foot wave over them if they functional well, and his suggestion is, instead of approving all 13 spots or 12 or whatever they have to do over the next meeting or two, to approve four or six, put them in double size spaces so there is plenty of room and see what happens and get a report back from the Resource Center in 60 days, or whatever they are comfortable with, and say they approved a few of them, they are working great, concerns are excessive and they can shrink everything down to the small spaces and be a big success. If they try to do everything in one shot, he had happen in his career was that they ended up stubbing their toes and saying they forgot something and it wasn't a great idea to go from having none of the device out in the world to having a full rate of production and spending a lot of money and deciding they built almost the right thing. He suggests they approve 4, 6 or some fraction of the number they are trying to do and he thought it would save them a lot of pain.

Commissioner Domurat thought there were only five on the docket for today. He guessed, for them to be able to afford and meet the legal time frame, maybe they can work out some resolutions that allows them to go forward. He stated that one solution would be to take a 60-foot, the two 30-foots, allow a 15-foot camper in one and a 55-foot or 45-foot in the other, and manage it so they keep the 60 feet for two spaces but maybe they can fit a smaller one and a larger one, as that gives you the option to have a bigger vehicle than the 40 or 45-feet. He stated that, at least for these first five spaces, they want to go forward so they meet the timetable legally and, for the next size, he agreed that they should be looking at the flexibility of what those spaces should be. He stated that it sounds like 80% of the RVs that come in are 30 feet or less. He stated that it gives them the flexibility that, if there is a 45-foot or 50-foot, you can accommodate them.

Commissioner Ferguson stated that, for reference, if you want to go to a national park in California, you have to be 27 feet or less, and it is not that unreasonable for a 30-foot space. He stated that anyone buying an RV would know for that purpose. He had two questions regarding the settlement and he didn't know if they can speak to them or not. He asked, if this becomes something that is appealed to the Coastal Commission which would apply to all three of these

items on the agenda, whether that would constitute due diligence by the city in doing the best it could and they couldn't foresee an appeal to the Coastal Commission.

Acting Planning Director Murdock stated, for clarification, he commented on this particular item being appealable to the Coastal Commission, and the same is true for the item related to the San Pedro Avenue site, but the Francisco Boulevard site is not appealable to the Coastal Commission, and all three of the items tonight are appealable to the City Council. As to compliance with the settlement, he thought Asst. City Attorney Sharma could elaborate on that point, but he did state that the city's obligation at this point in time is to obtain the permits by May 29 and, beyond that, there are appeal processes that are recognized as part of the permitting process.

Asst. City Attorney Sharma stated that there is a provision where, if the city receives an adverse decision on the Coastal Commission precluding the city's ability to comply with the settlement agreement, the litigation is restored to where the parties are and this settlement agreement would be off at that point.

Commissioner Ferguson asked, for clarity, if there was anything other than an approval of the full three-year program and development of these sites that does not violate the settlement agreement.

Asst. City Attorney Sharma stated not that she can think of at this time.

Chair Berman asked if there was an opportunity to have a special meeting, even if just the Planning Commission, and would be before their next Planning Commission meeting, giving staff an opportunity to gather the answers to a lot of their questions and they can make their determination then.

Acting Planning Director Murdock thought it would depend on the nature of the questions, as it is staff's assessment that they have evaluated and there is sufficient evidence to make the findings for approval of this permit at this meeting and they would encourage Commission to do that. He stated that a lot of the questions have related to operational components of the program that are beyond the purview of the Planning Commission as it relates to the findings for this particular permit. He wasn't saying they were unreasonable concerns, but they are concerns that relate to operation of the program and are within the auspices of City Council. He stated that, if they were related to the findings required for approval of a CDP, they could consider what those questions are, estimate how long it would take to gather that information and consider potentially continuing to a special meeting. The ability to notice a special meeting that is not continued from this evening is limited and likely could not occur by the compliance deadline of May 29. He stated that they would be threading a fine needle trying to set up such a special meeting but if they could if the circumstances were justified. He stated that they can help them with that process.

Vice Chair Hauser stated that, from a process standpoint, if they continue to a date certain tonight, then they would not have to re-notice.

Acting Planning Director Murdock stated she was correct. That would require them to ensure they have a quorum of the Commission that is available and they can confirm that at this meeting at the dais, and they could also reasonably obtain the information and analysis of what the Commission saw in relation to the findings.

Vice Chair Hauser thought there may not be enough time to do a new traffic study or a new line of site study, but there would be time to at least understand if they could have a 60-day review.

Acting Planning Director Murdock stated that, potentially, if that was germane to the findings for approval, as many of the Commission's concerns sounded related to operational components of the program, such as, are there black water spills, etc., that occur and really are not directly related to the findings for this coastal development permit and again the Commission would need to focus on those issues relevant to the permit action that is within its jurisdiction and not the program operation aspects which are in the jurisdiction of City Council.

Vice Chair Hauser stated that she definitely did not want to get into their purview, but her understanding was that their jurisdiction pertains to the safety of the configuration of the spaces and she would want to limit the 60-day review to that as she feels that is at least the bulk of the questions they were asking. She thought 80% of this discussion has been about safety.

Acting Planning Director Murdock suggested that he offer some thoughts on hearing their discussion. He thought some of the discussion relates to if the space is feasible for implementation of the program. The permit applicant has offered his opinion that it is adequate and those were the dimensions proposed by the applicant and relate to the observed sizes of RVs, and asked whether consideration was given to maneuverability and buffer spaces, and to point Commissioner Godwin has raised, he didn't know as it sounds like not. He stated that, if there are technical concerns about maneuverability, etc., one option is to continue it and allow them to evaluate the others to give some flexibility in the dimensions of the spaces and allow the city engineer some discretion to provide a buffer on the front and the back as Commissioner Leal articulated so the maneuverability could be safely achieved, and there are ways to achieve much of what he has heard the Commission through conditions of approval and staff discretion, which is often the case with other types of permits, where an intent is stated, boundaries are provided and staff is allowed to do its expert staff work. He stated that, if there are other issues that they can't provide them options on at this meeting, he thought that could be a basis for a continuance.

Chair Berman stated that Commissioner Leal has his light on but she had a quick comment that relates to that. She stated that, to stick in their purview with the findings that they have to determine at this meeting, they have to effectively determine that these locations are safe but they have to decouple that from making any comment on the program itself. She asked if that was correct.

Acting Planning Director Murdock stated that they were asking the Commission to make consideration of program components that relate to the physical aspects of the Coastal Development permit. He stated that space configuration, ability to ensure coastal access, to avoid impacts to coastal visitor parking that are unreasonable, and those types of findings articulated in the staff report, he thought it was unlikely that any aspect of these spaces is likely to adversely impact the policies in the local coastal program which are germane to the Commission's action. Everything else is a programmatic operational component. And that is within the purview of the City Council and its relationship with the Pacifica Resource Center. He thought the Commission's discretion was very narrow on this issue and you either support the findings that have been presented or you articulate that you do not support them. They either commission to make it a supportable finding or say they don't think there is evidence and they

deny the permit. He thought the Commission's discretion to look at many issues beyond the physicality of the space is relatively limited.

Chair Berman thought, if they have any safety concerns with the sanitation aspect with the program, that is outside of their purview as it doesn't have to do with the implementation of the parking spots.

Acting Planning Director Murdock stated that, if they could articulate a local coastal program policy that would be implicated by the sewage or the pumping program, it would be within the Commission's purview. He thought many of those concerns could likely be addressed with conditions of approval and staff could help them with that. He stated that it was not clear to him what further analysis would be needed to support an action at this meeting as it relates to that issue.

Commissioner Leal stated that a couple of his comments were probably related to conditions of approval and he was typing some up as to what they would be to review with staff. He stated that, as he looked through the conditions of approval again, he noticed that there is reference to the temporary safe parking program as well as the code of conduct. He stated that he may have missed it, but he didn't see either of those in their agenda packet and, based on the questions they have had, he has questions around who is creating those term conditions and other requirements of the program as well as the code of conduct as well as approving them, because he thought, if they don't include some conditions of approval that they have heard at this meeting or they are assuming that, as part of the program, they may want to add those to their conditions if they feel is necessary for the safe approval of this project. He stated that, regarding his initial question, is who is responsible for creating those terms, conditions and other requirements of the temporary safe parking program as well as the code of conduct.

Asst. City Attorney Sharma stated that the settlement agreement and the operations agreement that was entered into by Pacifica already are the negotiations between the parties at the agreement.

Commissioner Leal then referred to garbage, as he thought that was still open and being discussed, and asked if that was not a requirement or a condition, i.e., complying with the garbage requirement is not a condition of the temporary safe parking program or code of conduct.

Acting Planning Director Murdock stated that Executive Director Rees can comment on the particular document in which that requirement is contained, but compliance with the sewage or septic, and the pumping requirement and appropriate disposal of trash through the city's program or other authorized receptacles are a program code of conduct requirements with which the program participants would need to comply. If they did not go for their twice weekly minimum pumping, that could be a disqualifying characteristic or behavior that would allow someone to have their permit terminated. He stated that there is a safeguard to ensure that those minimum standards, activities and behaviors are met and the Resource Center would also work cooperatively to try to facilitate any special needs that people have for increased pumping or trash service, etc. He stated that Ms. Rees can expand upon that.

Executive Director Rees understood that as part of the settlement the City of Pacifica is required to have mobile dumping for gray and black water and garbage and recycling pickup. She stated that Pacifica [inaudible] is required as part of the program. They were working with clients.

Chair Berman stated that they were having audio difficulty and they can't hear her.

Acting Planning Director Murdock stated that this is an issue that has occurred in City Council meetings as well after several hours of the meeting, and they have not been able to identify technical solution. He stated that it does resolve itself after some period but they don't have a technical intervention at this point in time to restore that communication.

Commissioner Wright asked if she can call in on a cell phone and they can hold the cell phone up to a microphone.

Chair Berman thought, if they give the system a minute, it might resolve itself.

Acting Planning Director Murdock stated that they have had two Council meetings where this has occurred and it took more than a minute to resolve itself.

Chair Berman suggested that they take a couple of minutes and come back to Executive Director Rees. She asked if any Commissioners objected to that.

Senior Planner O'Connor stated that, in the absence of Executive Director Rees being able to participate, she highlighted that the code of conduct that the city entered into a draft copy was attached and included with the resolutions that allowed them to enter into those documents and it is available for the public to review on the city's website. She stated that Director Rees has disconnected and she was hopeful that she will return to them.

Commissioner Leal stated that the reason for his question is that one thing he wants to be sure happens is related to the use outside of the designated spaces and outside of the vehicles, and expanding that with the participating members of the program, and if that is in the code of conduct or a document that could change over time then that changes his approval. He asked if that is a condition of approval that they should add, if his fellow Commissioners agree. He stated is that in their purview to add that condition of approval which is his first question. The second is whether it is necessary to add or is it covered elsewhere within the program.

Senior Planner O'Connor stated that Director Rees has returned, then stated that she is still fuzzy. She stated that she thought the problem was on the city's end and not on her phone.

Chair Berman stated that they were still having trouble hearing her.

Acting Planning Director Murdock stated that he will directly address Commissioner Leal's point. He stated that PRC has the discretion to amend the code of conduct and the documents related to this program indicate, so long as the amendments are in accordance with section 3G2, and section 3G3 of the agreement, and PRC notifies the city of any significant changes to the code of conduct. He thought, with things like no longer being required to participate in the dumping program or trash pickup program, the city would likely interpret those as significant changes to the code of conduct and, as mentioned earlier, he thought flexibility to adapt the program to advance and help with its implementation is the reason for having some flexibility in terms of the code of conduct while the spirit and intent is to remain with what they are talking about at this meeting.

Commissioner Domurat referred to the time table and asked if they envision the other eight spaces coming in front of the Planning Commission. He asked if the meeting was the 30th, after any legal requirements, and he concluded that they were going to see them later on.

Acting Planning Director Murdock stated that only the spaces in a coastal zone require a discretionary permit and the city is implementing the program spaces outside of the coastal zone without a discretionary permit and the Commission will not see those spaces.

Chair Berman asked if Commissioner Domurat was done.

Commissioner Domurat thought so, adding that he was just trying to say whether there is any way through the back door that they can consider just these five among the Commission as a demonstration and lessons learned over the next couple of weeks, but they won't see the next one. He was hoping that staff will be able to implement some of the things that they heard the Commission discuss at this meeting into those remaining eight and maybe make some changes before those eight get approved by anyone, certainly the size and dimensions of the parking spaces.

Acting Planning Director Murdock stated that the city engineer is responsible for administering those other spaces and he imagined he would want consistency among the program spaces for management, safety, etc., as well as what they recognize as the inoperability of the spaces and, as program participants are relocating from one space location to another as their 29 days come to an end that they do have a reasonable chance of parking their vehicle in another space that is not so different in its dimensions and operation to disqualify them from parking there.

Commissioner Wright asked, if the city goes ahead in doing that with the other, not the five they are considering at this meeting, if it was possible to still be in compliance with the agreement they made and add five additional spaces in those places that don't require the Commission's approval.

Acting Planning Director Murdock didn't believe it would be consistent with the program approved by Council, as well as the agreed upon locations for the spaces.

Asst City Attorney Sharma agreed, adding that the spaces and locations have already been set forth via agreement and have been approved by City Council.

Commissioner Wright asked how they did that without the Commission's approval. He was confused as he thought that was putting the cart before the horse.

Acting Planning Director Murdock supposed that one could see it that way but similarly someone who buys a piece of property and wants to construct a building on does not need the Commission's permission to buy the property and desire to have a building, but they need to come through for the permits and, if they don't get them, they cannot build the building, or in this case, operate the spaces. He stated that they permits are not only subject to appeal, but subject to City Council call up as well. He stated that, with an adverse decision, the Councilmember could call it up to ensure that the spaces are considered and hopefully approved to execute the settlement agreement and it could cut both ways. No action through the form of a continuance could delay this process. He didn't think that would be consistent with the city intent and desire to try to fulfill and effectuate the settlement agreement. He thought staff would urge the

Commission to try to make a decision, whatever that decision is, at this meeting so they can demonstrate that they are making progress towards the permits in accordance with the settlement agreement.

Asst. City Attorney Sharma added that, because it came about through a lawsuit from Pacifica, it was a unique circumstance vis a vie other developments that have come before the Commission.

Vice Chair Hauser stated that they may be a little slow to the draw. She thought she was hearing that there was a lawsuit and means they have to make a decision at this meeting and the Council has already done all the work but because it is going to the Coastal Commission, there is a process through the Municipal Code that required it to come to the Commission, and she thought it was almost per forma. She didn't know if she should be saying that exactly but they are appointed by the City Council and they have already used their expert discretion to allocate these 13 spaces and eight of them do not require the Commission's review because there is not a Municipal Code determined process. They are only here because the Municipal Code says that, if it is going to the Coastal Commission, it must go through the Commission.

Acting Planning Director Murdock thought most of that is correct. He stated that this does not need to go to the Coastal Commission, as the city has local permit jurisdiction over this space and the other two spaces to be considered at this meeting, and this space and the San Pedro Avenue space is subject to appeal to the Coastal Commission and could end up there if an appeal is filed, but he clarified that it is a Coastal Development permit process and many people assume that the Coastal Commission has to act on it, and that is not the case here unless it is appealed. He stated that the Commission can use their judgment as to the decision making process at this time, and there is no obligation for the Commission to approve these permits, and no obligation for the Commission to act at this time, but it is in the city's best interest, under the terms of the settlement agreement, to take an action at this meeting and approve the spaces as there are risks to the city to fail to act or to deny the permits, but those risks and issues are not within the Planning Commission's purview. They asked about them and they have informed them to the background related to this issue. He stated that staff thinks there is evidence to support approvals and many reasonable modifications to the spaces have been discussed at this meeting which can be effectuated through conditions of approval but, ultimately, it is up to the majority of the Commission to decide the appropriate action at this time.

Vice Chair Hauser stated that, from her personal perspective, if she is doing an internal cost benefit analysis, she is hearing that it is beneficial to make the approval and she would probably concur with that. She stated that the things she has heard at this time that personally important to her are the flexibility concept in making the 60-foot appropriate for two spaces and whatever sizes they are, they don't need to be striped as 30 feet individually. She stated that adding a condition that makes sure that there is no encroachment outside of what she will the 10x 60 zone and nothing is encroaching over the walk into the right of way further.

Chair Berman had one clarification questions for Acting Director Murdock. She asked, if he said that the Planning Commission were to deny any of these three public hearing items, if the City Council are able to do a call up and can supersede the Commission's determination.

Acting Planning Director Murdock states that she was correct. He stated that they can think of it as a City Council appeal. Legally, it is not an appeal, as they don't need a reason, don't need to state a basis and staff encourages them not to so they are simply hearing the item in

Commission's place, and that is a mechanism in the Municipal Code and could occur regardless of what the Planning Commission's action is, to approve or to deny the permit.

Chair Berman stated that she agrees with a lot that has been said, particularly with what Commissioner Leal has put forth, as in her opinion, she thinks that, in this location, additional striping and signage is necessary for clarity for the participants in the program and fellow drivers/bikers/walkers nearby. She visualizes that there is parking that is 60 feet long for up to two vehicles, and it doesn't have to be two vehicles, and roughly 10 or maybe 15, based on the determination of public works, no park striped areas in front and back, allowing space so that, if there are two vehicles there, the front vehicle could pull forward and the back vehicle can significantly pull back. She thought it might have to be more than ten feet, but she doesn't drive recreational vehicles so that is what she is visualizing. She also is visualizing a taper, like a striping taper from the shoulder, as the road does expand and contract in width in taper, so a vehicle that is driving doesn't all of a sudden see a big RV but a taper stripe from the shoulder easing into the no-park area.

Commissioner Leal stated that he had similar sentiments as Vice Chair Hauser does in terms of the position they are in at the meeting and their options. He referred to his previous comment around roadway improvements, stating that, on the east side of Bradford Way, traveling north, there is a delineation for the right hand turn to go east on Sharp Park Road. He stated that the length is from the Highway One exit all the way to the terminus of Bradford Way going north at Sharp Park Road. He imagined a very similar one going south and he would leave it at Public Work's discretion as he didn't have any qualifications to make that determination, but he envisions that, when Francisco Boulevard terminates at Sharp Park Road, he is in the right hand lane to continue going south and he needs to taper into the left hand lane to allow for the parking lane which, in his non-expert opinion, begins north of the driveway for Sharp Park Golf Course. He would expect the motorist to be guided into the left 10-foot of Bradford Way and, additionally, having setbacks with the parking spaces, he fully supports that and he thought they would need to have red curb where there is no parking allowed. He would expect, at least on the west side of Bradford Way, roadway striping improvements, including no parking signs, no parking curb paint, as well as striping in the road from Sharp Park Road to the north, all the way to Fairway Drive to the south which would cross the two pedestrian intersections, one for the golf course to go under the tunnel, as well as the pedestrian crosswalk or intersection at Fairway Drive and Bradford Way as motorists go towards Mori Point and the West Fairway neighborhood. He stated that was one condition in terms of being able to have those roadway improvements between Sharp Park Road and Fairway Drive. He added that, given where the parking places are located, Public Works may want to look at a left-hand guide lane from the Highway One exit so someone doesn't overshoot that left-hand turn driving south on Bradford Way into those parking places so they are in the lane of traffic, probably not approved as a bike lane. He was going back and forth in terms of a continuous 60 foot spot versus two delineated spots for a couple of reasons, one that they expect the RVs to be parked inches away from each other as they are large vehicles. He didn't know how feasible that is, especially if it is a puzzle that staff are putting together. He also agreed with the flexibility given that the sizes are standardized but we can't pick which ones are going to be coming, but who is applying for the program. He stated that having space between the vehicles but also allowing the flexibility supports the needs of the community that comes to the Pacifica Resource Center for support and participation in this program. He fully supports the setbacks in front and behind the space and he thought the setbacks could be given that there would be no parking setbacks, and they could be as long as could be appropriate for these vehicle sizes. He didn't know how many conditions of

approval that would be, i.e., one related to the overall roadway improvements for Bradford Way and another related to the setbacks, or would it be a condition of approval or included in the permit as well. He concluded that those were the two large items he is thinking about.

Commissioner Godwin stated that, when you back up one of these vehicles, they frequently can't use their inside mirror but your side mirrors and, if you have a trailer, it is really easy to jack-knife the trailer and not notice it until it is substantially at an angle to the back of your RV so you may want to not allow trailers or may want to provide extra space for the RV they are expecting to back up as it can be challenging backing them up blind.

Commissioner Wright asked if there would be a benefit to having no parking across the street from these RVs having no parking in order to maximize the amount of usable width to make public safety easier.

Commissioner Leal stated that he believes there is no parking on the other side of that roadway.

Commissioner Wright asked if the Resource Center's phone number will be available for public complaints on those signs or will all the complaints route through the Police Department.

Police Chief Steidle stated that the only signs set to be erected at this point are designed to say that your vehicle will be towed.

Chair Berman thought they were starting to form some conditions of approval and she asked if there is a motion or does staff have some draft conditions that provide the flexibility that this item probably needs but can give the Commission confidence in things in their purview.

Vice Chair Hauser stated that she was willing to stand behind what sounded like a motion from Commissioner Leal.

Commissioner Leal asked if those were articulated conditions of approval or are there suggestions as to how. He looked to his fellow commissioners to see if there are additional conditions that have been discussed at this meeting that he missed or intense, based off their purview and, if not, he would let staff see if those are coherent conditions or if there is suggested language.

Acting Planning Director Murdock stated that they are many of the elements staff would hope for in condition of approval but they would need to restate them in condition form to understand who is obligated when they are required to be implemented, and what discretion there may be, etc. He stated that they can attempt to read it back when Chair Berman indicates it is an appropriate time in relation to a potential motion.

Chair Berman stated she was trying to take notes of potential conditions, and earlier, Commissioner Ferguson mentioned the Bay Area air quality management district and confirming that participants are able to register, if needed, and she asked if that was something that would be a condition of approval that was in their purview and they can make.

Acting Planning Director Murdock stated that one perspective is that it is restating an existing legal requirement and he wasn't sure they would be running up against any jurisdiction and, in restating it for clarity may be helpful as it is not a well-known requirement. He thanked

Commissioner Ferguson for bringing it up. He didn't think it was likely to apply to many of the generators but he didn't see any harm in including that requirement for program participants.

Commissioner Ferguson asked if there were technology requirements within the program that apply to all generators.

Chair Berman thought it needs to be complied with inevitably, and she asked, if applicable, is it a legal requirement.

Acting Planning Director Murdock agreed, stating that the Bay Area Air Quality Management District has legal authority to impose certain regulations and requirements related to air quality which are within its jurisdiction, and that is one of them. He stated that they could restate, in general terms, that all requirements of Bay Area Air Quality Management District regulations pertaining to generators shall be followed to protect air quality or something along those lines and it would encompass the variety of regulations, including any other technical standards that Commissioner Ferguson states are applicable to generators.

Chair Berman stated that, to whoever ends up making the motion and they wish to include that, it is on the table.

Commissioner Leal stated that he was ready to make a motion. He asked staff if they had re-language that they should read before he makes the motion.

Acting Planning Director Murdock stated that the thing he is struggling with the most is trying to concisely capture the Bradford Way improvements and he hasn't heard and specific feedback from the city engineer in his capacity as to whether those sound generally acceptable and if we give him the flexibility to try to incorporate all of these to the maximum extent practicable or some flexibility as there may be other considerations when getting to the design level on that type of improvement. He asked if the Commission wants to ask a question of the city engineer in that regard.

Commissioner Leal asked, based on what he described and his vision of the future of Bradford Way with stripes, if that was reasonable. He was happy to defer to Public Works expertise but he asked if the things he described, whether parking signs, curbs, painting or lane striping, seemed unfeasible there.

PW Dep. Director Bautista stated that they will design to the standards and make sure that the spaces and roadway striping is to current standards and it is possible, so they will do a field check and make the necessary improvements.

Commissioner Leal agreed that it makes sense to work around roadway standards for Bradford Way's upgrading to current roadway standards between Sharp Park Road and Fairway Drive. He stated that currently he thought they have before them two 30-foot parking spaces or he asked if they are just 60 x 10. He wanted clarification as to whether they need to adjust what is before them to accommodate the flexibility as he is happy to adjust it for that and he wanted to be sure that what they put out isn't restrictive to get that intent.

Commissioner Ferguson stated it was up to the city to enforce it as it is their program.

Commissioner Godwin added that they have the flexibility to make bigger parking spaces elsewhere that they don't need the Commission's approval so they could have thought this through well enough.

PW Dep. Director Bautista stated that they would probably like to see it as one continuous 60-foot to provide that flexibility.

Commissioner Leal agreed, stating that he sees a lot of language in there around 60 x 10, so he thought they were covered there and won't have to make any adjustments.

Acting Planning Director Murdock stated that he has four potential conditions of approval, and were taking a moment to review the drafting and, when desired, he can read those into the record.

Chair Berman asked, as they wait for staff, how members of the Commission feel about a five-minute bathroom break after this item, and she stated that some of them might be leaving, but those in it for the long haul, they can do a five-minute recess if it sounds okay. She then asked if staff was ready to recite the four conditions.

Acting Planning Director Murdock stated that they were and he was happy to take feed back as this is their attempt to capture the extensive discussion on these point. He stated that the first condition would read, "that the applicant may combine the two 10-foot by 30-foot program parking spaces into a contiguous space for not more and not less than two OSVs to be parked in order to enable flexible program management for OSVs of different sizes."

Chair Berman asked if it was not more and not less.

Acting Planning Director Murdock stated that was correct, clarifying that it was awkward language and they want to make sure it is clear for purposes of the settlement agreement that this is intended for two vehicles and not one large vehicle.

Chair Berman asked if it could be no more than...

Commissioner Domurat stated that you can't have three 20-feet, there are only two vehicles and the flexibility will be in the size of the two vehicles that would accommodate the 60 feet.

Acting Planning Director Murdock agreed that it would be not more and not less than two vehicles. He stated that there may be a better way to write it, but they think it is important to get to the intent in the requirement of the settlement agreement to make that clear. He stated that the second condition is "the program space shall have a no parking buffer zone at the front and rear of the program spaces (10-foot x 60 feet to make clear it is the front and back of the overall space), not less than five feet in depth and the full width of the program space, ten feet, with the exact depth at the discretion of the city engineer."

Chair Berman stated that sounds good to her.

Acting Planning Director Murdock stated that the third condition is "all program participants shall comply with all Bay Area Air Quality Management District regulations applicable to generators proposed for operation at the program spaces."

Chair Berman stated that sounds good to her.

Acting Planning Director Murdock stated that the last condition is “prior to program operations, the city engineer shall implement pavement, striping and lane tapers in compliance with applicable traffic engineering standards to the maximum extent practicable.”

Chair Berman stated that sounds good to her, seeing head nods.

Acting Planning Director Murdock stated that he thinks he left out parking restrictions such as red curb and signage and, to the extent those are needed to implement the pavement striping, it is probably worth putting it in the condition.

Chair Berman personally thought the condition about no parking zones or buffer spaces at the front and back to the discretion of Public Works satisfies her concern.

Commissioner Leal stated that, in front of this location, Bradford Way does go back down to a single lane towards those intersections and it is also around the curve, and he wants some signage and/or designation that either the golfers or the people staying in the OSVs, if they have additional cars for whatever reason, they don't park in those areas but in appropriate areas as they probably are not going to be out there with a tape measure knowing when the size of the street gets below 20 feet and it is not clear on Bradford Way. He stated that was his concern around that area, south of the parking areas. He would like that included if they could,

Acting Planning Director Murdock stated that they were working on a revision.

Chair Berman asked if they could do a five-minute recess if that was okay with staff.

Acting Planning Director Murdock stated that it was preferable to do that at the end of the public hearing. He stated that, if it goes on for a long time, the Commission could reconsider. He stated that he had the revision to incorporate some of the curve markings and parking signage, if he understands the intent, “Prior to program operations, the city engineer shall implement pavement striping and lane tapers and any red curb markings and no parking signage required to implement the pavement striping and lane tapers in compliance with applicable traffic engineering standards to the maximum extent practicable.”

Commissioner Leal stated that his only comment is the scope of where it shall be applied. He wants to be sure it is from Sharp Park Road to Fairway Drive. He thought, per applicable standards, may still leave that discretion, but reviewing the entire scope from Sharp Park Road to Fairway Drive because that is kind of a main thoroughfare that will be there.

Chair Berman asked if that was acceptable to the applicant.

PW Dep. Director Bautista agreed, clarifying that they will verify it to make sure that they put red curbing where necessary.

Chair Berman stated so the striping improvements would be through.

PW Dep. Director Bautista stated that they will accommodate the striping.

Acting Planning Director Murdock reiterated, “prior to program operations, the city engineer shall evaluate Bradford Way between Sharp Park Road and Fairway drive to implement pavement striping and lane tapers and any red curb markings and no parking signage required to implement the paving striping and lane tapers in compliance with applicable traffic engineering standards to the maximum extent practicable.”

Chair Berman stated it sounds good.

Commissioner Leal stated he was ready to make a motion.

Chair Berman agreed.

Commissioner Leal moved that the Planning Commission FINDS the Project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-439-22 by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A as well as the four conditions of approval just read to the resolution; and, incorporates all maps and testimony into the record by reference; Commissioner Wright seconded the motion.

The motion carried **7-0**.

Ayes:	Commissioners Domurat, Ferguson, Godwin, Hauser, Leal, Wright and Chair Berman
Noes:	None

Chair Berman called a five-minute recess then reconvened the meeting.

3. **CDP-438-22**

File No. 2022-013 – Coastal Development Permit CDP-438-22 to establish two Temporary Safe Parking Program (Program) parking spaces (each 30' by 10'). The parking spaces would be reserved for use by a Program participant(s) living in an operational recreational vehicle, trailer or motorhome with operating restroom facilities for a limited period of time on access of San Pedro Avenue public right-of-way (ROW) located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110). Recommended CEQA Action: Class 1 and Class 4 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15304 and “Common Sense” exception, CEQA Guidelines Section 15061(b)(3).

Sr. Planner O'Connor presented the staff report. She stated that PW Dep. Director Bautista was present as the applicant, Police Chief Steidle was present, and Executive Director Rees of PRC was available by phone to answer questions regarding the operation of the temporary safe parking program.

Acting Planning Director Murdock noted that the city received a written public comment after publication of the agenda packet on this location and they have provided it to the Commissioners as well as on the Planning Commission website and the back of the Council Chambers.

Chair Berman stated that, before she opens up for questions by the Commission and given that they asked a lot of questions on the last hearing item which probably apply to some questions they have with this item, she would like to ask Acting Planning Director Murdock to remind her if they have to do anything specific to state those back for the record on this item.

Acting Planning Director Murdock referred to his comment at the start of the last public hearing, each of these public hearings are distinct from one another and the record of each item is independent of the other. If there are key questions or points that the Commission wants on the record for this particular public hearing, they will need to make those points, but they can make them briefly such as “as further elaborated...” making some reference to the prior consideration but they will need to address those points in the record if they are germane to this particular item.

Chair Berman thanked him for the information and opened it up for questions.

Vice Chair Hauser stated that, based on the last hearing, she would like to clarify at this hearing that there are 13 spaces that Council has approved and the two that are the subject of this hearing require coastal development permit and, as part of the Municipal Code procedure, this has to come to the Planning Commission but these are previously determined spots as proposed by Council and staff can confirm that there is a lawsuit where this decision has to be made by May 29 in order to protect the city's liability interests.

Asst. City Attorney Sharma stated that she was correct, clarifying that pursuant a lawsuit, Gary vs the City of Pacifica, they have the obligation to approve 13 spaces and five of them are before the Planning Commission for the coastal development permitting process.

Vice Chair Hauser thanked her for that clarification, and she also stated, for the record, that she asked staff previously if the location would have any effect on the existing trees and she was told that they did not have an effect.

Commissioner Ferguson stated that, as this was a pro forma vote, with the city's local coastal program, local coastal act Policy No. 5, it states that lower cost visitor and recreational facilities and opportunities shall be protected. He stated that this is a parking lot that is full every single weekend with recreational uses. He stated that his favorite hiking spot in Pacifica is Pedro Point Headlands and the preferable parking spot is at the entrance to Devil's Slide, which is almost always full if you aren't there by 9:00 or 10:00 in the morning and the only other decent access point is the spots that they are talking about. He clarified that they were not creating just two spots, and the effect of this would be a permanent RV parking and they will attract other similar users and they will also have other vehicles that they are going to park around their OSVs. He stated that it is not just two spots, but it is more than that and he thought they will be in violation of that. He then referred to Section 30223 of the California Coastal Act talks about upland areas necessary to support coastal recreation and should be reserved for such uses, and he thought they were also in violation of that.

Acting Planning Director Murdock stated that, with respect to Policy No. 5 that he referenced, there was more than one component in that policy. He articulated his thoughts on the lower cost visitor and recreational facilities component, and there was a separate and equally important component, i.e., in housing opportunities for persons of low and moderate income shall be protected, encouraged and, where feasible, provided, and it goes on from there. He stated that there are multiple factors to balance, and it was helpful with his balancing of those factors, adding that the commissioners may want to articulate their balancing of those factors as well.

Commissioner Domurat concurred with the previous comments as he has also parked there to make use of San Pedro Mountain hiking. He stated that it is a very helter-skelter area and there is no rhyme or reason in how people park there and it becomes an issue. He stated that maybe, on another day and time, the city can look at formalizing some other kind of parking spaces to maximize that use. He stated that those are unimproved spaces that they are looking at and there will be some level of improvement that would define what that space looks like and where that is, and he asked if it was crushed rock and would have the signage so people know that those spots are definitely designated as the RV parking area.

Senior Planning O'Connor stated that she will PW Dep. Director Bautista respond.

PW Dep. Director Bautista stated that he was correct that there will be signage installed at the two spaces to delineate the area, and the two signs that they will use for the markings for those two spaces.

Commissioner Domurat asked if there would be some level of site prep for the road top, i.e., will it be crushed rock as it is dirt now.

PW Dep. Director Bautista stated that they have to work to see what kind of improvements to actually mark it.

Commissioner Wright stated that he goes to that hardware store quite a bit and drive by that parking lot almost every weekend and see that it is also full and he concurred with Commissioner Ferguson on his opinion on the violation of the policy. He asked, as a potential way to mitigate some of that concern, if it was possible to make those dirt spaces a no overnight parking zone to

have people who bring those additional cars be forced their cars in another location to increase the chances of availability for the general public who do want to utilize those trails.

PW Dep. Director Bautista stated that they would have to delineate the RVs correctly and then create signage to make sure there is no overnight parking such as the south side where the RV is parking as that would have to be signed correctly and the areas where they don't want overnight parking needs to be clearly marked and enforced by the police.

Commissioner Wright concluded that it is possible.

PW Dep. Director Bautista responded affirmatively.

Commissioner Leal stated that he reread the resolution Council made in terms of the 13 parking places, particularly to this area, and asked PW Dep. Director Bautista why these two spaces were chosen in this lot as opposed to other areas within the dirt lot, such as what was the benefit for these spots over other spots in the same area.

PW Dep. Director Bautista stated that he wasn't privy to the location of the spots, but he thought it was because they were closer to the trees and it was a more logical place to put the spots. He stated that, if it was possible to move them around, he thought for the settlement agreement they need to provide two spaces at that spot. He didn't know the context if they were the concrete locations.

Commissioner Leal stated that he asked because the two locations look to be directly uphill from appears to be city wastewater infrastructure and he realized there was probably going to be a skinny metal pole designating the signs but he was thinking of protecting the city infrastructure and, in the event that the spaces are what appears to be a slight upgrade from the infrastructure and there is a vehicle malfunction or loss of brakes, these vehicles are substantially larger than private vehicles and could potentially cause damage to the city infrastructure. He assumed the vehicles would be insured and registered and be handled by the RV owner's insurance, but he thought that was a risk, given the settlement, location and options they have in the parking lot, and he thought they may be able to avoid, given timing of when the spaces need to be approved and the options they may have in front of them to change the two locations and where their flexibility is to choose two different locations within this dirt lot. He didn't know what they were but he wanted to raise that in terms of context to existing city infrastructure. Given that these were the spots designated for two spots per the agreement and he didn't know what options they have as he thought perhaps there were additional spots to consider or if there is context as to why these two are the best ones, he would like to hear that.

Acting Planning Director Murdock stated that they believe there is flexibility within the confines of that overall dirt lot parking area to identify the two spaces and he thought staff has identified some preferred locations but it is within the Commission's discretion within that focused area to consider alternate locations as well.

Commissioner Godwin thought it would be good if they could extend the length of the spots so they were about 50 feet long if possible, and the other issue when you stay in an RV and most of the stuff is propane driven, if they are tilted at a slight angle, the appliances do not work well or at all. He thought it was important that, if you have a bobcat and these things are level and maybe put down some crushed stone so it is easy to use. He stay that they sell leveling blocks for RVs

but if the ground has a sufficient slope, they are challenging to put in and get it right so all the appliances work. He encouraged them to do that as he thought it would save a lot of pain.

Vice Chair Hauser stated that, if it pleases the chair or the Commission, if there are any members of the public online, they have probably been waiting and she thought it would be helpful to hear any input they may have, so she asked if it was okay for them to continue their questions and deliberations after the public hearing.

Chair Berman was fine with following the typical process and give an opportunity to the applicant to speak. She asked if there was any Commission opposition, and concluded there was none. She asked the applicant if he would like to say anything.

PW Dep. Director Bautista stated he has nothing further and will just answer questions.

Chair Berman opened the Public Hearing and, seeing no one in the audience, asked if anyone has called in.

Senior Planner O'Connor stated that the only member they have on the phone is Director Rees.

Chair Berman assumed she did not have a public comment and she closed the Public Hearing. She thanked Vice Chair Hauser as she thought it was beneficial in case someone was on the phone. She asked if anyone had any questions or comments as they were in the deliberation portion. She stated that it sounded like they have it in their purview to work with different locations within the parking lot and she wondered if it was possible to designate the two spots further west so they can be pull through spots and then installing a mountable curb or rubber ramp in the gutter to allow the vehicle to pull forward rather than trying to back up in the very tiny parking lot.

Commissioner Wright asked if there were grade considerations for that.

Chair Berman stated that there is some slope towards the right-of-way and she wasn't an oversize vehicle owner, but in her personal opinion, she thought it was doable.

Commissioner Wright asked, if they do that, if they can make a requirement that they have to chalk their wheels if they are going to be parked on that incline.

Chair Berman thought that may relate to what Commissioner Leal was bringing if there is brake failure.

Commissioner Godwin stated that, in order to have the appliances work, you have to have a level RV so a leveling block would be put under the thing you pull the tires up on top of a set of leveling blocks so a vehicle on a slope like that would have to be chocked almost to make it functional.

Commissioner Wright asked if there was no way you could roll out into the street.

Commissioner Godwin stated that it is like a ramp when you work on your car. You pull it up a couple of feet and it just sits there so you can get under to get to the oil filter, etc., and it is kind of

an arrangement where it is sloped on one side and flat on the top so you pull up the slope side and then the wheel sits on the flat part or maybe in a depression and it is safer than a chalk.

PW Dep. Director Bautista stated that, looking at the grade, it might not be possible to do that. He stated that there is a grade there and then there is a curb and to do a drive through type of scenario, that may not be possible. He stated that, if you did it the other way, you would be driving from the right-of-way to private property and then back out and we would not do that.

Chair Berman asked if it was possible to replace it with a mountable curb or a 3-inch curb. She stated that she has parked on a parking lot with a SUV and it can be hard to maneuver.

PW Dep. Director Bautista stated that he was looking at the 2D picture but it looks like there is a definite grade, and thought it is possible that they can look at it and it might be a visual he is not seeing in the picture.

Chair Berman stated that she would like that as she couldn't imagine trying to back out of a spot in a 30+ foot vehicle. She stated that, for this item, it would be no more than 30 feet and they might need to reconsider. She would appreciate looking at the feasibility of making the spot a pull-through spot.

Commissioner Ferguson asked if staff or PW can confirm if this is a sanitary sewer pumping station that is right in front of the proposed spots.

PW Dep. Director Bautista thought it was a water pump station.

Commissioner Ferguson asked if drinking water or storm water.

PW Dep. Director Bautista stated that it is North Coast County.

Commissioner Ferguson asked if they have an easement.

PW Dep. Director Bautista stated that it is their lot or it might be state land.

Commissioner Ferguson asked if any study was conducted as to the underground utilities as they are sizeable pipes if they are talking about draining water about the traffic rating of putting large vehicles directly on top of them and where they might pass underneath. He asked if they can confirm that it has been looked at.

PW Dep. Director Bautista thought, because it is a pump station, they are probably deep enough.

Commissioner Ferguson stated that they free air in front of the parking spot.

PW Dep. Director Bautista stated he didn't have the plans to see how these lines run and that would be a consideration.

Commissioner Ferguson stated that, as they have no discretion to postpone or not approve this, he thought it was a bit of a red flag that there is critical infrastructure directly underneath something they are proposing to put heavy vehicles. He stated that, if this were any other type of hearing, he

wouldn't even consider moving forward without knowing that had been vetted out and he thought it was a little concerning that they don't have any confirmation either.

Acting Planning Director Murdock thought it was an item that they could consider as condition of approval in the event that technical check did not pan out and the space could not be operated. He thought it was reasonable to consider, if the will of the Commission to do that. He stated that they can help with that language for a potential condition.

Commissioner Ferguson thought, if it just means moving to a different space within the lot as they discussed earlier, further away from the critical infrastructure, wherever that might be.

Acting Planning Director Murdock stated that he didn't know how the facility was designed but perhaps a condition in any instance to make sure that it is not going to adversely impact the infrastructure could be something the Commission considers.

Commissioner Ferguson stated that bollards to make it so it doesn't become a de facto drive through spot. He stated that, if those can't sustain being driven over by RVs, and people drive straight out of that spot as it is now as he has done it. He stated that there is nothing that says you can't do that. He stated that, if it is something that can't handle that, as he doubt it was engineered to be driven over by recreational vehicles and he thought they should put in the planning in advance to make sure it doesn't create problems. He stated that he didn't know if anyone noticed but they broke a 24-inch water main on Sloat Blvd., for basically doing that same thing in the city and it eroded all of Stern Grove, thus it does happen.

Vice Chair Hauser stated she would be in support of adding conditions for the traffic reading, as well as conditions pertaining to making sure they are not using North Coast County Water District's property without discussion. She would also be in favor of a condition that gives engineering staff the leeway to decide what the safest and most unencumbered space within the area would be. She would love for the Commission to weigh in. She thinks the questions they are asking seem to be really important feasibility questions and, given that this is happening quickly, she was concerned that there may be an analysis where they are not thinking to ask the question, such as if Commissioner Ferguson hadn't asked if the traffic graded for infrastructure, she wouldn't have thought of that. She wondered if they would be in favor of adding a general condition that prescribes that, at staff level, they will do a full safety analysis to make sure that there aren't any other kind of infrastructure to make sure all the items are captured before it is actually implemented, but they don't slow them down.

Chair Berman wondered if the applicant is capable of running such a study in the timeframe we have. She knew it wouldn't come back to Commission but whenever the stalls need to be implemented, and she also wondered if a general condition can be applied without any concern in being too general.

PW Dep. Director Bautista stated she was correct, and they could diligently look at the as-builts in the area and make sure they avoid any critical infrastructure.

Vice Chair Hauser asked if they could USA as well and maybe if there is something that seems concerning then pothole. She stated only if it seems concerning as she didn't want to spend a bunch of money on potholes.

PW Dep. Director Bautista stated that it was difficult as they are going to be drilling a hole and they will do the USA for standard purposes.

Chair Berman suggested they circle back to her other question.

Commissioner Godwin thought it would be safer if they parked the RVs perpendicular to the way they are at and rotate them 90 degrees and use the access. He knew it would take out more parking spots in the parking lot, but it would certainly get them away from the infrastructure and it looks a lot flatter to him from going to Ace Hardware and looking at the lot in real life. He reiterated that you rotate them 90 degrees and make them pull in a sport, maybe put in a turning circle at the far end where the parking lot dead ends.

Commissioner Wright stated he would also be concerned about making sure that whatever vehicle is parked there do pull as far forward as possible to allow the use of the other spaces and not encumber those other spaces. He trusted staff to make the appropriate decision if they need to relocate it in that dirt as to put it in the proper place, asking that they please consider the turning radiuses before doing that. He stated that, if it was him looking at driving an RV with what is proposed, he didn't think they would make that turn and get that vehicle in there. He stated that, once they get it in there, he didn't think they are getting it back out, thus, he was concerned about how tight that is going to be.

Chair Berman circled back to her question, if they were to have a general condition of approval, she asked if that was something the city can accept.

Acting Planning Director Murdock stated that, in general terms, yes. He thought part of their concern that prompted the discussion was that conditions of approval need to be able to determine compliance. If it too general, someone could argue that they haven't fulfilled the condition of approval and challenged the city's action. He thought they would want to hear more specifically the types of safety elements or tied to some specific measurable outcome. He also suggested they keep in mind that it would hopefully not unduly delay or frustrate the operation of the space. He stated that they are not aware of any in service date required by the settlement agreement. The date they believe is relevant and applicable here is issuance of the permit so some reasonable period of time, i.e., a couple of weeks to perform a safety analysis, they are not aware at this time of how that would be inconsistent with the settlement agreement. It seems perfectly rationale based on some of the water infrastructure concerns, but to articulate any other specific safety analysis that would be desired or, to the extent that its general relate it to an operational characteristic of the RVs themselves, such as assess the area of operations for potential infrastructure impacts based on the weight of the vehicle or some amount of specificity, either in the scope of the analysis or the impacts that are desired to be avoided.

Chair Berman thanked him as that gives them some direction. She was taking notes and, not seeing any other questions, they could start to try and form a motion. She stated that another item that wasn't discussed related to the water infrastructure and, if there is any concern with soil contamination, she guessed that would be a much more in depth study that likely Public Works and the city cannot perform now. She stated that there is already a parking lot.

Vice Chair Hauser stated that, regarding Acting Planning Director Murdock's question about the additional specificity to kind of what she intended, she thought what Chair Berman said about infrastructure was hitting the nail on the head. She added that staff assessed the level of

compaction to make sure that the soil is appropriate to support the vehicles. She also thought the contamination issue of the black water is probably going back to the operation of the program that is not under their purview because it is specific.

Chair Berman heard what she was saying, and added that she was thinking more about typical vehicle runoff which could potentially be more of a concern contamination wise, but there was already a parking lot there.

Commissioner Godwin stated that, if it was tarred, it would be more resistant.

Chair Berman stated that this area wasn't initially intended to be a parking lot, as it is not paved or striped, but it is used as a parking lot every day and is quite full, especially on weekends. Given that this is probably always going to be a parking lot, she asked if it is possibly at some time for the city to consider making this a paved parking lot that has some form of containment of runoff, for example. It has appropriate compaction and structural section to withstand the size vehicle that will park there. She knew that was a lofty request and question but, if this were a more proper parking lot, she didn't think anyone would be disappointed. She didn't know if the applicant has any thought on that. She assumed it is not in their purview to require that of this program.

Acting Planning Director Murdock offered these observations for the time being, and maybe they can think more about it. First, it is not the project the applicant has proposed and they would be changing the nature of the project and causes him some concern. He stated that if this project is inadequate, perhaps the remedy is to not approve the project. They would be changing the project significantly from what is proposed. Secondly, he didn't know if any assessment has been performed as to the city's ability to fund and carry out a project in the timeline for that, as capital improvements projects are supposed to undergo a particular process in the city and there could be significant associated delays, even if the funding is available. He would have concerns about the city being able to carry out its obligations under the settlement agreement to put these parking spaces in service, granted there is no specific deadline. He thought safety assessment over a couple of weeks sounds reasonable to him. He stated that a Public Works capital improvement project could take months, if not a year or more to construct, and he would have concerns about that with respect to the settlement agreement. He then referred to the specific concerns about runoff, and stated that there may be other measures like installation of straw waddles and such around the downslope component of this that maybe could be worked in to help get to some degree of containment. He then referred to the concern about vehicle fluids being discharged, stating that a fair argument could be made that paving it could actually increase the transport of those chemicals and substances, and he didn't know if it was a slam dunk to address that concern simply by paving it as additional runoff could occur as a result of that.

Chair Berman stated that, for the record, understanding that it doesn't relate to the project in front of them, she thought it would be beneficial for the city to eventually make this either official parking or give some definition to it. She understood that it doesn't relate to what they are looking at now. She referred to some notes she has on possible conditions requesting that staff and Public Works run through a due diligent feasibility study on locating the proper location for the oversized vehicle parking spots, and she thought that encompasses a lot of the concerns as it would wrap in the concerns with loads on underground infrastructure, as well as the capability of the soil there now, as to whether it needs to be crushed AB or whatever it is. She stated that she thought it would be beneficial to make these spots pull through spots as she thought it would be

very difficult to back out and try a three-point turn out. She asked, to the ability of Public Work's discretion, how that can come to fruition and if it is possible. She asked if there were any other conditions.

Commissioner Wright stated he would still like to see no overnight parking and some kind of rollaway protection.

Chair Berman referred to Commissioner Wright's mention of no overnight parking, and she thought clearly defining who is allowed to park overnight as saying no overnight parking would negate the permit being allowed at this time, but defining where these permit spots are allowing overnight parking and then the rest of the parking lot would not allow overnight parking.

Commissioner Ferguson stated overnight parking by permit only.

Chair Berman agreed. Then asked Commissioner Wright what the other item was.

Commissioner Wright stated rollaway protection.

Chair Berman agreed.

Vice Chair Hauser stated she would add erosion control BMPs, as staff has recommended, as well as confirming legal property rights as they explore the pull through to make sure they are not encroaching on NCCW property without their approval.

Chair Berman thought that could lump into the feasibility study as it wouldn't be feasible but she thought it could be a separate condition if needed.

Vice Chair Hauser stated that, if they are limiting the feasibility study to infrastructure, like compaction, she was open to it either way as long as it is looked up.

Chair Berman didn't know if a boundary has been studied in this area where the actual property line is with the boundary survey or easement during cumbrances.

PW Dep. Director Bautista stated that they haven't conducted a survey but they have been looking at the county's GIS to get approximation of where the boundaries are.

Commissioner Leal stated that there has been a lot of talk about poles around the site and initially brought up the site location or the parking space location and perhaps another location within that lot to explore is the southern, southwesterly end as that looked like easier to back into and pull out onto San Pedro Avenue. He stated that other comment/condition of approval he wanted to suggest is that the parking lot is kind of a make your own parking space, especially on the weekends, there are a lot of parking spaces that are made that you wouldn't think were parking spaces especially for over-sized vehicles like jeeps. His concern with that is based off of the documents and there doesn't appear to be any on the ground markings delineating the spaces. He stated that they have signage but they need at least 10 feet wide for these parking spaces and he realized the parking lot was unimproved, so he wondered if it was challenging to do on the ground designations or some other indicator and maybe additional poles and no parking between the signs except for having a permit. He stated that being able to delineate the width of the parking spaces for these vehicles in this lot so that making your own parking space doesn't

encumber these spaces if they are vacated for any amount of time. He stated either something on the ground or two poles if there is no parking between these lines for each spot, that delineates that so people don't encumber a foot or two into it so it is harder to park.

Commissioner Wright stated that he is slightly concerned about the turning radius to get into the parking lot for the large vehicle, but he is also worried on the weekend when everyone parks there and makes their own parking spot, as people don't always pull all the way forward, and he asked what happens if they get people with a 30-foot vehicle that want to get out and cannot. He thought they need to not just delineate the width but make sure that people for both the permitted vehicles and the unpermitted vehicles the sufficient room to navigate this space.

Chair Berman thought that it was something that could be a part of Public Works' feasibility study. She thought, if she were to do a feasibility study, she would have to look at access for everyone. She imagined that could fall under that requirement so feasibility of access. She thought a pull through spot would be the best for these recreational large vehicles.

Commissioner Wright asked if she had a recommended location on that lot for a said space.

Chair Berman stated, without knowing the infrastructure underneath, she would say the northwest location where the pull through would be that they have to turn into the parking lot and then the front of the vehicle would point to San Pedro Avenue and then they could pull forward to get out and some curb adjustments would be needed.

Vice Chair Hauser stated that she didn't want cut anyone off if there are some more comments but she would be willing to make a motion if they have condition of approval language that covers the eight things they talked about.

Chair Berman stated to hold that thought as she saw Commissioner Leal has a comment.

Commissioner Leal stated he has a comment and perhaps clarification. He thought that parking lot currently has no overnight parking according to signs he sees currently in place. He stated that, in terms of adding anything that is related to no overnight parking, to clarify those spaces that may be unnecessary for thinking of adding that as a condition of approval.

Chair Berman thought anything Public Works could do to eliminate confusion, especially for the people who live in the neighborhood, if they know it is typically no overnight parking and they start to see two oversized vehicles there all the time and it is not clearly signed, she thought there will be a lot of complaints and confusion. She asked, to whatever extent is possible, if the city can clearly define the parking lot. She then referred to her notes to help staff draft the conditions they are talking about, i.e., clearly defining at least the permit only parking spots allowed in the parking lot and the rest would be no overnight parking, clarification on the property line and encumbrances to ensure they aren't proposing vehicles park on land the city doesn't have rights to, erosion control measures to contain runoff to the best of their abilities, roll away protection given the minor slopes in the area that are significant for a large vehicle, overall feasibility study performed by Public Works that includes but not limited to the appropriate structural strength of the soil to support the loads anticipated with the oversized vehicles and confirming that the parking will not adversely impact infrastructure in general, not just underground, confirming access where feasible, and where feasible implement a pull through parking spot. She asked if she missed anything.

Acting Planning Director Murdock stated that they had their attempt to capture those points and added that it will help if the Commission will seek any input from the applicant with respect to them. He then stated, “prior to program operation, the applicant shall delineate the program parking spaces and non-program parking spaces in the parking area; prior to program operation, the applicant shall evaluate the potential to locate the program spaces in a pull-through configuration and construct and operate the spaces as pull-through spaces if able to be safely operated as determined by the city engineer; prior to program operation, the applicant shall conduct an evaluation of the program area to confirm 1) operation of the program spaces will not adversely impact underground utilities across which the OSVs may operate, including but not limited to North Coast County Water District underground pipes and 2) the soil compaction level is suitable for the vehicle weight of OSVs intended for parking in the program spaces; prior to program operation, the applicant shall evaluate the necessity for roll away protection to protect adjacent critical infrastructure, including but not limited to North Coast County Water District pump infrastructure; prior to program operation, the applicant shall install storm water control VMPs, such as but not limited to straw waddles and shall maintain such during operation of the program spaces”; and a carryover from the prior hearing, “all program participants shall comply with all Bay Area Air Quality Management District regulations applicable to generators proposed for operation at the program spaces.”

Chair Berman stated that it sounds good to her. She referred to the erosion control regarding the contamination concern, stating she worries that the contamination is more infiltration of oil or gasoline. While she understands there isn't much they can do without repaving that surface, she supports erosion control measures for more surface drainage like straw waddle. She stated that she didn't have any comment on the condition, but wanted to clarify her concerns with contamination or the fact that it is a pervious surface.

Commissioner Wright asked if there was no overnight parking in there also.

Vice Chair Hauser thought it was clarified that it is already existing.

Commissioner Wright stated that it was his understanding that it is not.

Police Chief Steidle stated that the whole area was no overnight parking and currently posted.

Vice Chair Hauser thought it was impressive that they drafted all that in three minutes. She agreed with Chair Berman's thought about infiltration but understands that it is not the scope of this item and she would be happy to make a motion if it pleases the Chair.

Chair Berman approved making the motion.

Vice Chair Hauser moved that the Planning Commission FINDS the Project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-438-22 by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A to the resolution and those they just added; and incorporates all maps and testimony into the record by reference; Commissioner Domurat seconded the motion.

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The motion carried **6-1**.

Ayes: Commissioners Domurat, Godwin, Hauser, Leal, Wright
and Chair Berman

Noes: Commissioner

4. **CDP-438-22**

File No. 2022-012 – Coastal Development Permit CDP-437-22 to establish one on-street Temporary Safe Parking Program (Program) parking spaces (30’ by 10’. The on-street parking space would be reserved for use by a Program participant(s) living in an operational recreational vehicle, trailer or motorhome with operating restroom facilities for a limited period of time on the west side of the Francisco Boulevard public right-of-way (ROW) located east of 2400 Francisco Boulevard (APN 016-322-230) and approximately 32 feet north of the Clarendon Road and Francisco Boulevard intersection..
Recommended CEQA Action: Class 1 and Class 4 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15304 and “Common Sense” exception, CEQA Guidelines Section 15061(b)(3).

Chair Berman asked, if anyone needs to recuse, if they recuse before she introduces the item or after.

Asst. City Attorney Sharma stated that after she reads the item and introduces it, then the recusing decision makers would announce their conflicts.

Chair Berman then read the item.

Commissioner Leal stated that he needs to recuse himself from the item due to ownership of real property in the direct vicinity of this project location, and as it is the last item on the agenda, he will see them at the next meeting.

Commissioner Ferguson stated that he also needs to recuse himself from this item due to owning real property in the vicinity, and he will also be leaving.

Chair Berman asked if they can hear the staff report now or do they wait until they have left.

Asst. City Attorney Sharma stated that departure would be preferred.

Sr. Planner O’Connor presented the staff report. She stated that PW Dep. Director Bautista was present as the applicant, Police Chief Steidle was present, and Executive Director Rees of PRC was available by phone to answer questions regarding the operation of the temporary safe parking program.

Chair Berman stated she would allow the applicant to speak if he so desires.

PW Dep. Director Bautista stated that he is ready to answer questions but has no further presentation.

Chair Berman opened the Public Hearing and, seeing no one in the audience, asked if anyone has called in.

Senior Planner O’Connor stated that the only member they have on the phone is Director Rees.

Acting Planning Director Murdock reiterated that Planning Commission received a written public comment this evening applicable to this public hearing and also received a written public comment in advance of this public hearing that staff shared with the Commission and provided it in the rear of the Council Chamber as well as on the Planning Commission webpage.

Chair Berman closed Public Hearing.

Commissioner Wright assumed all previous principles discussed in the last two items still apply.

Acting Planning Director Murdock stated that, if his comment is referring to litigation related to this, these permits are being considered as part of a settlement agreement and there is a May 29 deadline for the city to obtain coastal development permits to allow operation of these spaces, yes.

Commissioner Domurat thought that, as part of the condition for approval, they would assume the city would do due diligence in looking at markings of the roadway, making sure there is enough back up space. He stated that, while they don't have a picture, it appears there will be no parking allowed in front of where that eighth RV space so it shouldn't be a problem. He wanted to make sure that the appropriate street markings and signage is adequate for the safety for that region.

PW Dep. Director Bautista stated that they will look at that.

Acting Planning Director Murdock stated that staff can help prepare a condition of approval that addressed an appropriate buffer space, perhaps to the city engineer's discretion, of not less than the minimum width at the rear of the space if the Commission so desires.

Chair Berman thought so, adding that staff has been very good at that. She had some concerns at this location. She stated that, prior to this meeting, the Commission received a comment from the North Coast Water District, and she wondered if staff can elaborate on the discussion that Public Works has had with the property owners, as it seemed they were opposed to this location for this program.

Acting Planning Director Murdock stated that the property owner does not own the parking location, as the parking location proposed is in the public right-of-way and is under the domain of the City of Pacifica. He stated that there has been a comment from an adjacent property owner, the North Coast County Water District, who stated in their comment letter various concerns about the potential location of a safe parking program and space in this location. He stated that the Water District has been involved and communicating with the city for some period in relation to a potential parking space for oversized vehicles on the street adjacent to their property. He stated that the city has considered those concerns and similar types of concerns from many different property owners in the city, including residents, and it is determined that it is in the city's best interest to approve a program that allows for on-street parking of these types of vehicles in locations enumerated by City Council. As it relates to the proximity of these types of parking spaces to critical government facilities, it is important to note that outside of the coastal zone, even though Planning Commission won't see those for a permitting action, the city has authorized a number of these spaces immediately adjacent to its property at the corporation yard at 151 Milagra and they are not asking people to do something entirely different than what the city is willing to do itself to insure a safe program and implementation of a safe parking program.

Chair Berman understands that the parking program is proposed in the city right-of-way, and asked if the property owner was responsible to maintain the frontage of their property which would be the sidewalk, i.e., if the Water District owned the parking lot that they used, would they be responsible for typical neighborly maintenance of their property frontage which is the sidewalk.

Acting Planning Director Murdock thought that, under the streets and highways code, property owners are responsible for maintenance of the adjacent sidewalk improvement, including replacement if or when it constitutes a safety hazard, but he didn't know if any special legal considerations apply when the adjacent property owner is another public agency. He thought, as a general rule for regular private property owners, they have a legal obligation to maintain those adjacent sidewalk improvements.

Asst. City Attorney Sharma was not aware of any different obligations on public agencies.

Chair Berman asked if it ends at the curb or expand into the gutter.

PW Dep. Director Bautista stated that it is sidewalk, curb and gutter in the codes.

Chair Berman stated, if the adjacent property owner is actively opposed to this location, she has concerns with imposing on their requirement to maintain the sidewalk. She realized that the vehicles won't be parked on the sidewalk but the road is pretty narrow even without a large vehicle parked there, and she has concerns with the opposition from the adjacent property owner. She stated that they asked questions with the previous items regarding roadway width and she understands that there is 20 feet effectively from the curb to the center line and that would allow for a 10-foot parking spot and a 10-foot travel lane, but she thought it was tight there, especially with cars turning and if you have large vehicles and the side mirrors are often wider than 8.5 feet. She just wanted to voice her concerns with this location as additionally to it being one of the gateways to our downtown. She stated that we and staff are working hard on the Sharp Park Specific Plan and they want to evolve the Sharp Park area and cars traveling from Half Moon Bay to visit Sharp Park will exit at this point and the first thing they see will be oversized vehicles.

Vice Chair Hauser concurred with Chair Berman, adding that part of why she feels this is a tough spot to do this is that, in the letter from the North Coast County Water District, they stated that they are worried about reduced access to emergency response facilities as district employees are critical to emergency response and the headquarters serves as an emergency operation center. In the event of an emergency, the district headquarters becomes a command center. She stated that the letter went on, and it is part of the public record, but she went to the site after seeing the letter and the location of the oversized vehicle parking space proposed is close to both the sliding gate along Francisco as well as the sliding gate across from where Stuckey's was, stating that she doesn't remember what the store front is now. She stated that, while there, she saw four or five different vehicles within 20 minutes actively coming and going and she didn't know to do with the obligations they have for May 29, but she would concur that this is not a spot that she would feel ready to support at this time.

Commissioner Domurat thought he was just making an assumption that, in the development of this plan, these locations were all vetted with everyone in the community, and asked if city and the water district as the owners of the area were aware that this was going to happen a year ago.

He stated that they are that point where they probably have to approve it anyway but it may be one where they look at it in six months or a year from now, and if its not working, they look at moving it. He didn't think they were to vote on whether the location is appropriate or not, as it is. If it is a safety issue, they can comment on it, but he asked if the location was already locked in.

Acting Planning Director Murdock stated that the Council has identified this as an appropriate location for the safe parking program.

Commissioner Domurat thought someone could appeal the Council's decision.

Acting Planning Director Murdock stated that they can appeal the Commission's action on this item, whatever the ultimate action will be. He stated that, regarding his question on safety, safety is relevant and within the Commission discretion. He stated that, specifically, they should be considering the findings for approval of a coastal development permit and they relate primarily to local coastal program policies and the consistency of this application with those policies. He then referred to Vice Chair Hauser's concerns, stating that this application is for one space and when they are considering the location of the rolling gate and access for the district's vehicles, this space would be some distance, perhaps 30 or 40 feet away from that rolling gate on Francisco Blvd. would be located and it is not clear to him what direct impact the operation of this space would have on the district's ability to access its property in the event of an emergency.

Commissioner Wright assumed Public Works considers the blocking of any sidelines for any turning vehicles so they don't have any children getting run over by bicycles, as with these large vehicles it is often hard to see. He assumed they took that all into consideration when thinking about this spot.

PW Dep. Director Bautista stated that they looked at high volumes and that was part of their criteria that they look at for OSVs.

Commissioner Godwin asked if they have the flexibility of not implementing this space and going back to the Ace hardware site and the parking lot and adding a space there. He knew it would not make a lot of people happy. He reiterated if they had the flexibility to say one of these does not need to be done and they add to somewhere else so they get to the legally required number of spaces, or is that something where they don't have an option.

Commissioner Wright thought it would be up to the applicant.

Acting Planning Director Murdock stated that the Commission would not be able to revisit its prior action on the San Pedro Avenue site, given that it took a vote and they decided on that application. Regarding this location, he stated that Council has approved this location and it is the Commission's obligation to determine whether the findings can be made for approval of a coastal development permit, but not in the Commission's discretion to determine whether the space should be in the program or not..

Vice Chair Hauser referred to Commissioner Domurat's question, and stated that the Water District said that they had been voicing concerns since July 2020 and they continue to do so. She didn't think this was new.

Acting Planning Director Murdock thanked her for her comment, adding that he failed to follow up on Commissioner Domurat's point in that regard. He stated that he cannot speak for what the Water District's understanding is or was at any particular point in time. He is aware that they had multiple communications with the city, including with the City Manager. They reflected their perspective on some of those communications in the letter, but it was not clear to him that they had a full understand of the evolution of this issue. He stated, as he mentioned in one of the earlier public hearings, Council went through evaluation of a number of options to respond to the increasing number of oversized vehicles being parked on city streets and they considered private property programs, public right-of-way program and didn't want either of those programs and initiated and enacted an oversize vehicle parking ordinance to strictly regulate the parking of such vehicles and then the city was sued. He stated it was his impression that the understanding conveyed in the Water District's letter seems to reflect a conversation with the city that reflected an earlier point in time prior to the filing of the litigation. The understanding they had that no such space on the street was being considered by the city seemed to have been true at that point in time, and it seems they may not have been aware of the evolution of the issues in the city, including the litigation. He stated that it may have come to their attention relatively recently that spaces on the street were back in consideration by the city. He stated that was his best understanding of the timeline and chronology of the various points.

Commissioner Wright asked if they can make it a condition that Public Works do their best to address the concerns of the property owner in implementing this parking space somewhat in that location or is too general.

Acting Planning Director Murdock stated that they would need to hear more about what steps they think the city could take to address the commenter's concern.

Commissioner Wright thought they could move it forward or backwards ten feet to make something easier for them.

Acting Planning Director Murdock stated that he thought the space proposed currently abuts the southerly red curb no parking zone and to shift it any place else could jeopardize additional on street parking which he thought was also a concern for the water district and the customers and employees coming to the customer service component of their operations at that site. He stated that there was mention made of an application the Water District has filed with the city for a significant project on their site to demolish one of the existing buildings and to rehabilitate another portion of the building. He stated, if and when that project is approved by the city, there will be a considerable period of construction activity which has certain impacts potentially on occupants of the space and would also mean there was no direct impact on the water district's operations which was one the concerns they had. He didn't know if they could have it both ways with respect to the comments about impacts of their operations, as well as impact during the construction phase, and the Commission may want to consider that. He stated that it is speculative as to whether that project will be approved and what the timeline is for that. At this point in time, the application has not been processed and decided by the city, but there are a number of considerations to be made about how this space may actually affect the District's operation in the way stated in the letter. He added that the program was for three years as contemplated by Council, and not a permanent program as it is intended at this time. As it relates to the long-term operations by the Water District, if and when their new project is approved and constructed, it was likely that there will be very limited overlap between this temporary safe program and their ongoing operations of their renovated facility.

Chair Berman asked, jumping back to their purview and the process of this program and the rock and a hard place that the Commission is in, if it was correct to say that there is currently no restriction for an oversize vehicle on this stretch of Francisco Blvd.

Police Chief Steidle believes that is correct that there is no restriction in that area.

Commissioner Godwin asked if that includes height restriction, as some of these vehicles can be quite tall.

Police Chief Steidle stated that there is no height restriction for parking in general parking areas.

Commissioner Godwin concluded that he could park a 14-foot tall RV there even though it might affect some sight lines and that would be fine.

Chair Berman understood that the stopping site distance, if it is beyond a normal car height, would not be a concern for her that additional sight distance would be impaired. She thought the red-painted curb at the corner was probably implemented because that was probably the corner sight distance like the sight line and she didn't have a concern with the height of the vehicle. She referred to her previous question on the existing condition on the road that oversized vehicles are technically allowed because they are not dis-allowed, stating she didn't recall see oversized vehicles parking there, and she asked Police Chief Steidle, as his team is around there more often, if it was common to see oversized vehicles parked there.

Police Chief Steidle stated that, at this location, he thinks he has only seen one once, and he does travel that path on a daily basis.

Chair Berman stated that currently, without this program implemented, people who own oversized vehicles don't choose to park there and, if the Commission and the adjacent property owner had concerns with designating for oversized vehicles to park there, she didn't think it is an appropriate spot. She knows it is not in their purview to choose a different spot and not in their purview to go back to a previous item and add spots to it. She asked staff, if any of the locations where their locations will not come through the Commission, whether it was possible to add any spots to those. As this is one spot, she asked if they could add one spot to one of the locations designated by Council that they are not reviewing at this time.

Acting Planning Director Murdock asked what she means by "can we add".

Chair Berman stated that, given that the city needs to provide 13 OSV parking spots with this program, if Planning Commission happened to deny this one spot, she understood that Council can make their own decision and supersede the Commission's decision, but she asked, if Council does entertain the comments they provided for this spot, if they are able to find another location for this one spot. She was trying to make the program work as they have to and they need to have 13 spots. If this spot was determined not appropriate, she asked if the city could comply with their legal requirement to provide 13 spots.

Asst. City Attorney Sharma stated that, if the Commission were to deny this permit and kick it back to Council and Council ended also denying it in agreement with the Commission, the legal effect of that would be to out of compliance with the settlement agreement. She stated that the

settlement agreement has specified the spaces even for the ones that are not before the Planning Commission and those spaces have also been set forth.

Chair Berman concluded that the location of these spaces were a part of the legal agreement.

Acting Planning Director Murdock stated that there are some conditions of approval from prior public hearings that may be relevant for the Commission in the event that a motion is made on this item. He then briefly read them, adding that there are only two that he has seen applicable to carry over. The first is, “the program space shall have a no parking buffer zone at the rear of the program space, 10 foot x 30 foot, not less than five feet in depth and the full width of the program space of 10 feet with the exact depth at the discretion of the city engineer.” The other is, “all program participants shall comply with all Bay Area Air Quality Management District regulations applicable to generators proposed for operation at the program spaces.”

PW Dep. Director Bautista asked clarification, as in the other conditions they ask for a back up buffer and in this case, did they want to have that as well.

Chair Berman thought that was included.

Acting Planning Director Murdock stated that the condition he read would have a no parking buffer zone at the rear of the program space as the backup buffer given that the front of the space already had a red-curb no parking zone. He didn't specify that additional buffer.

Vice Chair Hauser didn't want to complicate matters but she felt like they were being asked to choose between safety and complying with the lawsuit and on this one she is torn. She thought they have a way of doing it and she won't make a difference, but she wanted to be clear that she didn't think she could support this one.

Chair Berman shares the same concerns and personally didn't support this location.

Commissioner Wright still thinks they don't have the benefit of all the considerations that Council went through, as they may have gone through a myriad of other options and this was the least of many other worse evils. He stated that they don't have that benefit and it is hard for them to second guess their work from here without having any input from them, and none of them are present to give them any of that information.

Chair Berman listened to quite a few of the Council's meetings on this item and she knows that, for over a year. There was a task force, and City Council did put a lot of time and consideration with long meetings similar to this meeting, and she appreciated all the time they have put into that. She stated that they are in a tough situation.

Commissioner Wright didn't feel in a position to make a motion or second it, but if he is forced to vote, he will.

Commissioner Godwin thought that, after a lot of work, this is probably among the least bad choices and that is probably about the best they can say for it. He thought he could support the motion if it is made.

Chair Berman asked if he was willing to make the motion.

Commissioner Godwin stated if he gets some help.

Chair Berman stated that, as she is taking an informal read, it is possible that this might not pass. She asked Acting Planning Director Murdock where they may go from here if the majority of the Commission may not support this item. She asked if they should have someone make a motion for the item and then vote or do they make a motion to deny.

Acting Planning Director Murdock stated that the Commission has a few options. They can make a motion to approve, and if that passes, they are done. He stated that, if it does not pass, that is not tantamount to a denial, and whatever motion is made, they will need to have an affirmative vote in order to have affect. He asked that the Commission can test a vote for an approval or denial at its discretion, depending on the motion and the second. He stated that the Commission could continue the item if it needed further specific analysis. He is not hearing what an additional analysis could be as it sounds to him like an instinctive reaction to the space and its proximity to a key property adjacent to the space, and no amount of analysis will change the nature of that relationship, so a continuance may not be the best option, but it is one of the options if there is something staff needs to analyze. He stated that, under the circumstances, he didn't know how the Commission is weighing, other than at least two Commissioners seem reluctant to approve the space at this point. He stated that their normal recommendation to the Planning Commission is, in the event that there is a denial, to please continue it, stating specific reasons and allow staff to prepare a denial resolution supported by the weight of the evidence. He stated that, in this case, due to the time constraints and the fact that the city is the applicant and litigation is a low risk from the applicant in this instance, they would ask them, in the interest of time, to make a definitive action at this meeting, whichever route it goes. He stated that, should it be a denial, they state as much evidence as they can to support that action as to why the findings cannot be made for this particular space.

Commissioner Wright asked if it was possible to make it a condition that they ask that they try to negotiate with plaintiff to move this one spot, like a temporary approval and hopefully the plaintiff will work with them and Council to find what they would find to be a more suitable spot.

Asst. City Attorney Sharma asked if that was to renegotiate the settlement agreement that Council approved, not to add a condition of approval.

Commissioner Wright stated that they ask to see if there is any feasibility to that and they at least try. He asked if that would put the litigation in jeopardy if they did that.

Acting Planning Director Murdock stated that they have fielded this question in a number of different forms. He was going to try to stick to the same answer. The spaces have been approved by City Council and the Commission can decide whether the space is appropriate or not, with respect to the findings required for approval of the permit. He felt that to push for alternative locations is beyond the purview of the Planning Commission, and he thought it was a yeah or nay in this space but not looking beyond this space to some other potential space, given Council's action and the relationship to the settlement agreement.

Vice Chair Hauser stated that it is more of a reaction to what Commissioner Wright said and that, based on Acting Planning Director Murdock's response, she thinks she will withdraw her light.

Chair Berman asked Commissioner Godwin if he would like to give a motion.

Commissioner Godwin moved that the Planning Commission APPROVES Coastal Development Permit CDP-437-22 subject to the conditions they have established for one on-street temporary site parking space on the left side of Francisco Blvd. public right-of-way, east of 2400 Francisco Blvd.

Acting Planning Director Murdock asked if the motion includes the two conditions of approval that he read.

Commissioner Godwin stated including the conditions of approval as read by Acting Planning Director Murdock.

Acting Planning Director Murdock thanked him for the clarification.

Chair Berman asked if there was a second.

Commissioner Domurat seconded the motion.

Vice Chair Hauser asked if they were three to two.

Chair Berman stated that she is predicting that it may turn into a 3-2.

Commissioner Wright asked if he could have a minute.

Chair Berman stated that they have a motion and a second in favor of the project.

Acting Planning Director Murdock stated that an affirmative vote by the majority of the Commission will conclude this item with an approval and failure of the motion to pass with a majority in favor will result in the status quo where they don't have a decision or resolution and the Commission would need to continue to deliberate until it reached a majority in support of some motion on the item.

Vice Chair Hauser asked if 3-2 a majority or do they need four.

Acting Planning Director Murdock stated that, for a permit action such as this, it is a majority of the Commissioners present, so in this case, 3-2 passes the item. He stated that for legislative items, a majority of the entire Commission, four, needs to be in favor regardless of the number present.

Vice Chair Hauser concluded that, in this instance, 3 would still pass the motion.

Acting Planning Director Murdock responded affirmatively.

Chair Berman stated that they have a motion and a second.

The motion failed **2-3**.

Ayes: Commissioners Domurat and Godwin
Nays: Commissioners Hauser, Wright and Chair Berman.

Chair Berman asked if there was any other item they need to touch on for this.

Acting Planning Director Murdock stated not with respect to the motion that failed, but the Commission still needs to deliberate and reach a majority on an action to take.

Commissioner Domurat thought it was up to the three noes to figure out what it is that they can say. He stated that his point was that, in three years, Sharp Park is not going to get developed in three years, and in three years they are not going to be there. He stated that it is a short term three years which is why he voted yes.

Senior Planner O'Connor asked Commissioner Domurat if he could speak into the microphone.

Commissioner Domurat asked if they were allowed to deliberate on this.

Chair Berman stated that they are now in deliberation again.

Commissioner Domurat stated that the way he voted is that this is a three-year program and in three years, if this area is not a go, then they kill it in three years and make sure that the community is aware of what it does. He stated that they have analyzed the data, made sure it is a location that they don't want for the future. For now, he stated that it was in a location that can provide data to the lessons learned and how well it would function. He stated that, as the community of Sharp Park develops further, it could be a location that they would not consider for the future.

Chair Berman asked Commissioner Godwin who was the other yes vote if he had anything to add to Commissioner Domurat's statement.

Commissioner Godwin stated not significantly, as he thought it seems to be least bad option and the best way for the city to proceed. He stated that, in three years, a lot can happen and a lot of things that came before them that have been proposed and haven't been built. He stated that it wasn't clear that this is definitely a problem now, but if it is in the future, it can be dealt with then when it is a real problem as opposed to a potential problem.

Vice Chair Hauser stated she was always concerned when an emergency responder says that this is a problem for emergency response and she didn't know any of the ins and outs of the Water District's organization but it was a strong letter. She stated that, in the interest of finding some sort of solution, as the motion failed to pass, she wondered if this would be the opportunity to provide some sort of limited two-month reporting back to Council from North Coast County Water District and take Planning Commission out of it to see where things stand and leave it between the emergency responder and City Council. She didn't know if that was a possibility but she feels like she can support something that would give people who are responsible for sustaining the safety of our water, especially in a drought, and they are responding to broken pipes, etc. She thought that would provide a level of comfort that she would need.

Chair Berman agrees with Vice Chair Hauser brought up. She asked if it was possible to implement, as a condition of approval, some reporting requirement.

Asst. City Attorney stated a very discrete reporting requirement.

Commissioner Domurat stated that, as they deliberate, and Police Chief Steidle would be the closest one to being able to comment on the emergency access of vehicles, etc., and he asked if he would consider that an issue at this point or something they could learn about.

Police Chief Steidle stated that, on a lighter note, he has red and blue lights and he can get to wherever he needs but he admits that he doesn't have any knowledge as to how this would affect an emergency response from the Water District. He added that, in fairness to the Water District, he didn't know the type of equipment they have. They are emergency responders and they would be first responders to some sort of a water emergency but how they respond to it and what equipment they are pulling out of there and how an OSV parked there would affect that.

Commissioner Domurat stated that they have two access gates, one further north of where this location and one is on the corner and the big access is not even on that road.

Police Chief Steidle agreed, adding that it was his understanding that the proposed parking out there does not affect the gate.

Senior Planner O'Connor reminded them that parking does occur there now, and an emergency can happen at any time and parking can be occurring at any time there as well.

Commissioner Godwin stated that, if it was a problem, they could have had a red zone painted out in front of them.

Senior Planner O'Connor stated she was highlighting the scenario that, if there was a problem, such as 1:00 in the morning and someone could be parking along those 30-feet then and it doesn't change the existing status.

Chair Berman stated that her concerns in regard to access aren't so much with the water district but more so that this road feels narrow when you drive there, and there aren't oversize vehicles that commonly park there to begin with. She stated that a lot of people take this route in this intersection so she was more concerned with accidents and cars hitting side mirror to side mirror. She thought Commissioner Godwin is right and she has to trust that this is the lesser of many other evils so it is probably the least bad option but it doesn't seem like a good location. She stated that they have two options. She apologized as she was tired and may not be processing correctly, but they have two options. They can keep deliberating until the project passes or they can formally provide a denial with specific aspects of why they deny.

Vice Chair Hauser asked if staff has a response.

Acting Planning Director Murdock asked for a little more time.

Vice Chair Hauser stated her goal would be to leave with everybody happyish.

Acting Planning Director thanked Chair Berman for the opportunity for staff to conference over here.

Chair Berman stated that, in the meantime, they came up with a Planning Commission slogan, everyone walks away happyish.

Acting Planning Director stated that the condition of approval that they would propose for discussion purposes is as follows, “after not less than two months and not more than four months of operations, the applicant shall prepare a written operational review report summarizing operation of the program space in relation to the adjacent North Coast County Water District facility for review and consideration by the City Manager.”

Vice Chair Hauser thought it was a well crafted motion and she would ask that input from the Water District be solicited without a requirement for receiving it but at least they are soliciting it and, if received, that input is also provided to the City Manager. She stated that, at that juncture, is it up to staff to implement changes or amendments as seen fit.

Acting Planning Director Murdock stated that they suggested adding an additional sentence that says “the applicant shall confer with the North Coast County Water District to seek its input into the report.”

Vice Chair Hauser stated that, nothing to change the condition but, once the report is received by the City Manager, does the City Manager have some level of power to make adjustments.

Acting Planning Director Murdock stated that they have heard relaying other responses at this meeting, there should be finality with respect to this space for the time being in order to comply with the settlement agreement. He stated that the city has the ultimate discretion should this space prove unsafe to discontinue its use which may have ramifications with respect to the settlement agreement but the city needs to balance those factors and take the appropriate measures to protect public health and safety. They would seriously consider any concerns that are identified with respect to the report that is contemplated here.

Commissioner Wright asked if they can make it a condition that this be the last space filled.

Acting Planning Director Murdock stated that currently no more spaces are contemplated in the settlement agreement. There are 13 spaces required and 13 spaces identified.

Commissioner Wright clarified that in terms of filling it with applicants, can it be the last space filled.

Chair Berman like the last space filled.

Commissioner Domurat stated that, with part of the management plan, you have to leave flexibility as you don't know the kind of sizes of everything else.

Acting Planning Director Murdock didn't know if Executive Director Rees is still on the line, but she had indicated in a prior public hearing that the intent of the Resource Center as the program operator was to fill all the spaces more or less simultaneously and he wasn't sure how attempting to delay the filling of this space would affect the operations.

Commissioner Domurat stated that she reiterated that earlier.

Executive Director Rees stated that the intent is to fill all the spaces at once so that, when they have to move them every 29 days, it is an easy move for everybody. She added that the intent is to have all spaces filled, whether with program participants or the temporary parking for other oversized vehicles in town. She stated that they don't want any spaces not being used.

Chair Berman asked if there were further questions.

Vice Chair Hauser stated that she didn't need any flexing on the timing as she concurred with staff's recommendation to do everything simultaneously. She would be interested in adding one more condition that says something along the lines of active construction project is created and the city also assesses the noise impacts on occupants. She thought there was also a health issue with having noise pollution. She stated that the other one was probably fine but, if it is easy, she would add something like that.

Commissioner Wright asked how that is different from anybody else doing a construction project on their next door neighbor's house.

Vice Chair Hauser stated that, if you are living in an oversize vehicle, you don't have double-paned windows.

Commissioner Wright stated that you have laminated glass which is better.

Vice Chair Hauser asked if the RVs have a stronger amount of glass.

Commissioner Wright stated that, with the laminated glass, when you hit it, it doesn't break as it has plastic in between and it is a better sound barrier than normal glass.

Vice Chair Hauser stated that she will rescind her request.

Chair Berman asked if they need to make an entirely new motion or can they use the same motion that Commissioner Godwin gave and add the conditions of approval that Acting Planning Director Murdock reads.

Asst. City Attorney Sharma stated that the motion that was previously read was already voted on, so they would be starting a new one.

Chair Berman asked if anyone wanted to provide a motion and incorporate the new conditions of approval. She then stated that she will help make the motion. She thought, with the two options they have, she would probably prefer to create less heartache and paperwork for the city staff. She appreciated all their time at this meeting. She would prefer to make a motion in favor than deny.

Chair Berman moved that the Planning Commission FINDS the Project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-437-22 by adopting the resolution included as Attachment A to the staff report including conditions of approval in Exhibit A and the ones read by staff to the resolution, and incorporates all maps and testimony into the record by reference and to clarify the conditions read by staff just recently with the prior motion.

Acting Planning Director Murdock stated that he can read them quickly for clarity in the record, “after not less than two months and not more than four months of operations, the applicant shall prepare a written operational review report summarizing operation of the program space in relation to the adjacent North Coast County Water District facility for review and consideration by the City Manager. The applicant shall confer with the North Coast County Water District to seek its input into the report; the program space shall have a no parking buffer zone at the rear of the program space, ten feet by 30 feet, not less than five feet in depth and the full width of the program space ten feet with the exact depth at the discretion of the city engineer and all program participants shall comply with all Bay Area Air Quality Management District regulations applicable to generators proposed for operation at the program spaces.”.

Chair Berman if anyone wants to second.

Commissioner Domurat seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Godwin, Hauser, Wright
and Vice Chair Berman

Noes: None

Chair Berman 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.

ADJOURNMENT:

There being no further business for discussion, Vice Chair Hauser moved to adjourn the meeting at 12:48 p.m.; Chair Berman seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Domurat, Godwin, Hauser, Wright
and Vice Chair Berman
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Acting Planning Director Murdock