

**MINUTES**

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

February 6, 2023

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Ferguson, Godwin, Hauser, Leal, Wright and Chair Berman  
Absent:

**SALUTE TO FLAG:** Led by Commissioner Leal

**STAFF PRESENT:** Planning Director Murdock  
Asst City Attorney Sharma  
Sr. Planner Cervantes  
Asst. Planner Snodgrass

Chair Berman opened up public comments on administrative business and, seeing no one, closed public comments.

**APPROVAL OF ORDER OF AGENDA** Vice Chair Hauser moved approval of the Order of Agenda; Commissioner Ferguson seconded the motion.

The motion carried **6-0**.

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

Chair Berman stated that before they approve the minutes, for the minutes on January 17, there was mention regarding her attendance but she was out sick for that meeting.

Planning Director Murdock stated that they would make the appropriate adjustment.

Vice Chair Hauser stated that there were also places where she was labeled as Chair instead of Vice Chair, and she thought there can be more of a QA/QC on that.

**APPROVAL OF MINUTES: DECEMBER 19, 2022 JANUARY 17, 2023** Vice Chair Hauser moved approval of the minutes of December 19, 2022 and January 17, 2023; Commissioner Godwin seconded the motion.

The motion carried **6-0**.

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

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF FEBRUARY 13, 2023:**

Chair Berman stated that they require a liaison for the February 13, 2023 regarding the short term rental ordinance. She asked for background information on this liaison request.

Planning Director Murdock stated that the item requiring the liaison to City Council is the introduction of an ordinance to impose a cap and make other minor administrative amendments to the city's short term rental zoning regulations. He stated that Planning Commission considered the ordinance on January 17 and voted to recommend approval with additional suggestions for a future ordinance that Council should consider. The liaison would attend the Council meeting to represent the Commission's deliberation and recommendation on that item.

Chair Berman asked if there were any questions for staff or any volunteer.

Commissioner Ferguson volunteered to be the liaison if no else wants it.

Chair Berman thanked him, and added that she thought a second or third commissioner wants to attend was allowed.

Commissioner Wright asked if there was a benefit to the Commission to have more than one person there.

Planning Director Murdock thought an additional liaison could provide a more full summation of what the Planning Commission discussed as it was a lengthy public hearing and multiple liaisons could potentially recall aspects of that discussion that a single liaison may not recall, but there is no requirement and a single liaison is the standard for liaisons to Council.

Chair Berman thanked Commissioner Ferguson for volunteering.

**ORAL COMMUNICATIONS:**

Jack Burgett, Pacifica, stated he is president of the North Coast County Water District Board of Directors and was present as a liaison from the board to observe the meeting. As he was present, he wanted to provide his personal comments regarding the improvements the Water District is making on their site.

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

- 1. SP-178-22**                      **File No. 2022-020 – Specific Plan SP-178-22** to reconfigure the front entry of an existing townhouse, reconstruct a 252 square foot sunroom (solarium) into a family room, and remodel interior space to an existing condominium unit located at 223 Roberts Road (APN 022-120-180). Recommended CEQA Action: Exempt under Class 1 Categorical Exemption, CEQA Guidelines Sections 15301.

Asst. Planner Snodgrass presented the staff report.

Vice Chair Hauser thought it was well written and very clear but she had some clarifying questions. Regarding the drawings as there weren't a lot of labels, she wanted to be sure she fully understanding what was being proposed. She referred to AO.2, the rendering sheet, and asked if that is what is being proposed.

Asst. Planner Snodgrass stated that it shows the existing solarium with the added exterior walls and the roof.

Vice Chair Hauser understood it was the enclosed solarium. She then mentioned on the bottom, there is one of a garage and she believes that is the existing garage with no proposed changes.

Asst. Planner Snodgrass stated that it is the existing garage and to the right of that is the proposed entry way which will be parallel to the garage and is currently at a 45-degree angle.

Vice Chair Hauser referred to A4.2, stating that they are all labeled as existing elevations, but she thought those were also proposed elevations.

Asst. Planner Snodgrass stated that the elevations aren't changing.

Vice Chair Hauser stated that the current improvement seems to be a fully glass solarium currently but it is going to be enclosed, stucco walled or siding walls with windows. She concluded that 84.2 is the proposed elevation.

Commissioner Wright asked if she had a chance to go by the site and if the existing plan represents what is actually there.

Asst. Planner Snodgrass didn't have an opportunity to visit the site.

Commissioner Wright suggested that the Commission consider doing a recommendation to the building department on the review because the life load calculations for a deck, for a solarium and for interior space are three completely different things and, while he was sure they were professionals doing their job, he would like to remind them of that.

Chair Berman asked that he bring his comment up again during deliberation so staff could take note of it and they can incorporate it into the motion. She then invited the applicant up to make his presentation.

Stuart Grunow, applicant, stated he is the architect and added that Marilyn and Curtis Lum, owners, are also present. He stated that staff did a great job. He stated that it started as a simple interior remodel to update the space, and one of his primary concerns is water intrusion and there are two spaces in the project, sunroom and solarium, and the solarium was an illuminate and glass structures which had to be addressed first and they had to decide if they should replace it with something more sustainable and permanent for the homeowners, building complex and the community and why they tried to make a more permanent structure rather than replacing it with an illuminate and glass structure. He stated that the sunroom was hard to tell that it was a sunroom/solarium addition. He explained why, in addressing the leaking sky lights, it was prudent to address the entry and to address codes straightened things out and made it much more functional with a canopy above. He thought, overall, it will be a much better structure for the owners, complex and community moving forward.

Chair Berman asked if there were any questions for the applicant and, seeing none, opened the Public Hearing. There were no speakers so she closed the Public Hearing.

Vice Chair Hauser didn't take any issues with the proposed designs, and she appreciated that he included the demonstrations he had.

Commissioner Wright asked Planning Director Murdock what kind of motion, in addition to the staff report, would he suggest to get the building department make sure they do the calculations.

Planning Director Murdock stated that a motion to approve the project would include an additional condition of approval and the potential language prepared by staff is, "prior to issuance of a building permit, the building official shall review the change in loads placed on the foundation system as a result of the conversion of the solarium to a permanent addition to ensure any necessary structural improvements are included to achieve compliance with the California building code".

Chair Berman asked if there were any further questions or comments, or a motion.

Commissioner Wright moved that they approve the project with the amendment as stated by Planning Director Murdock.

Chair Berman asked if that was sufficient or do they need to read out the motion.

Asst. City Attorney Sharma clarified to the maker of the motion, is to adopt staff's recommendation as stated by staff with the amendment as provided by the Planning Director.

Commissioner Wright responded affirmatively.

Vice Chair Hauser seconded the motion.

The motion carried **6-0**.

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

Noes: None

**2. PV-530-22  
TP-2-22**

**File No. 2022-026 – Variance PV-530-22 and Tree Permit TP-2-22**, for demolition of two existing sheds and a single-car garage and construction of a new two-car attached garage at an existing single-family residence located at 455 Rockaway Beach Avenue (APN 022-034-040). Recommended CEQA Action: Class 1 and Class 3 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15303.

Asst. Planner Snodgrass presented the staff report.

Chair Berman invited the applicant up to make his presentation.

Will Revlock, applicant, stated he was the architect and was proposing they remove two non-conforming sheds and tear down the existing garage and build a slab on-grade garage attached to the house. He explained the reason for the variant because of the shape of the property and passed out printed copies of the project design. He stated that the arborist strongly urged that they remove the tree. He stated that they are trying to build a nice garage to put their cars in there and the stuff in the shed into the garage. He was open to any questions.

Chair Berman thanked him for the images of his presentation which she thought were already in the staff report.

Vice Chair Hauser thanked him for the presentation and visuals. She asked if he could speak on what the replacement plan is for the tree being removed.

Mr. Revlock asked if the owners had a tree that they wanted to use.

Vice Chair Hauser asked if it was a one to one mitigation being proposed.

Mr. Revlock responded that it was.

Planning Director Murdock stated that the tree protection ordinance does not require replacement plantings for removal of trees that are not healthy trees, and this one has been assessed as in very poor condition and unhealthy. Staff's analysis did not include any requirement to replant in the conditions of approval. If the Commission does feel a replacement planting is appropriate, they should consider adding a condition of approval to that effect and provide some parameters as to the number, etc. with some flexibility for staff to implement that.

Commissioner Wright stated that he has a vague recollection of a 3-1 replacement under the current heritage tree.

Planning Director Murdock agreed sort of, explaining that the prior heritage tree ordinance did not have any required replacement ratio. Over time as a matter of practice and in several instances, City Council required a 3-1 replacement ratio, but the adopted tree protection ordinance that replaced the heritage tree ordinance has a 2-1 replacement ratio, not 3-1. He added clarification that it is for the removal of healthy trees, not dead or unhealthy trees.

Commissioner Godwin stated that, as they have planned on more ADUs, this particular neighborhood has 20-foot setback requirements and he thought they are barely compatible with

adding more accessory dwelling unit type places to existing lots. He asked if he anticipates more times when the setbacks might be relaxed as requested by this applicant.

Planning Director Murdock stated that he would draw a distinction between the setbacks applicable to accessory dwelling units and setbacks applicable to garages, whether attached or detached as they are classified as accessory buildings and is different in the zoning code from accessory dwelling units. He can't speculate as to whether Council may change the setbacks at some point in the future for accessory dwelling units but, under the current code, the side and rear setbacks in most cases will be four feet for an accessory dwelling unit and as little as 18 inches for side and rear setbacks for many accessory buildings, such as detached garages. He stated that, in this case, the issue is the front setback which, for garages, is 20 feet whether in the front or street side and he isn't aware of any plan at this time to reduce that setback as the primary intention is to provide parking in the driveway so a shorter setback would affect the ability of a car to park in a driveway in those circumstances.

Chair Berman stated she had a question for the applicant and he might be able to speak for the arborist. She understands this project does not require to replace the unhealthy tree that will be removed. She acknowledges that he is electing to replace one tree, and she wondered if there is room on the site with a feasibility to add a second tree to match the replacement ordinance.

Mr. Revlock stated that there are two existing trees that are going to stay and the third tree is in the right-of-way of the city. As Planning Director Murdock pointed out, since it is a dead or in poor health tree, if they remove it they didn't have to replace it. He stated that there was no intention of replacing unless it was going to be a bad spot. He asked the owner if they want to replace the tree.

Daniella Devine, owner, stated some additional detail about the intentions for the project to improve the overall condition of the property including a clean-up of miscellaneous accessory buildings and other materials on the site.

Regarding tree removal and replacement, Ms. Devine stated that the bigger issue is the power line which is why the tree was hacked away, as PG&E hasn't been maintaining that tree and the power line is not even straight up but veering towards the hazardous tree. She wasn't against a replacement if that is what it takes, but she didn't think it made sense or was logical based on the fact that the power line is there and already being very poorly attended to. She feared that any tree would incur additional expense on their part because of the power line and additional issues with PG&E that they have faced for years.

Chair Berman understood that it was probably not smart to put a new tree in the same location, but she asked if there was another location on the property where there could be room for a second new tree.

Ms. Devine stated that they had the intention of putting a couple of trees, looking at different species that would make the most sense. She stated that they have a long fence line along the back which provides for lots of parking and lots of room for extra trees.

Chair Berman asked, while she would like to hear from her fellow Commissioners, if the Commission does wish to have her project add a second tree to be consistent with the tree replacement ordinance, understanding that it is totally voluntary, would she be amendable to that.

Ms. Devine stated that she would absolutely.

Commissioner Wright stated that he noticed a number of other racks and other similar structures and he looked at the rendering, and he thought it looked fantastic and he was pleased about that. He asked if this will give them sufficient space for all that other stuff.

Ms. Devine stated that they have a lot of work to do. She brought some pictures which show the true nature of their lot which is dilapidated. She stated that they have built extra structures and extra shelving to contain their lives. She stated that they have a lot of work to do and this project is about completely turning around the lot and what doesn't fit in that two-car garage is gone which is the joy of the project. She does have some pictures in her hand that will offer them a true representation of what is currently there, and that rendering is a true representation of where they intend to go.

Chair Berman opened the Public Hearing.

Michael Cronin, Pacifica, stated that he is the neighbor three door down to the west on Rockaway Beach Avenue, and he was present to express full support of the project, stating the variety of reasons for his support.

Chair Berman closed the Public Hearing.

Vice Chair Hauser supports the proposal and would like to add two conditions, and asked that the Commission work with her. She thinks they should do a 2-1 tree replacement anywhere on the property and with staff confirming that the species are within our ordinance parameters. She understands that this tree is unsafe and she thinks it is necessary to do a nesting bird survey if the tree is removed during the nesting season which is now. She thought that, anytime a tree is being removed, that condition should be automatically a part of their conditions.

Chair Berman stated that she supports her added condition for the tree replacement being two trees but, as she understands the site is very uniquely shaped, she would ask that it is under the review of the city arborist as there are a few large trees take up their own root system footprint and she would hate to mandate the project to add a second tree when it impairs some of the existing trees, and would ask that it be done under the discretion of the city arborist.

Commissioner Wright supports the concept and thought of replacing the trees, and with the uniqueness of this lot shape, he foresees some difficulties and is a little bit concerned that, if they force them two trees of that selected type, it may create some issues with the wires which could be a problem. He would be in favor of one tree from the selected list and one of their choice. He asked staff if they considered the site lines on the road when driving around that triangle of the new fence and will they foresee any issues with that as the two people come together.

Planning Director Murdock stated that they haven't done a site safety triangle analysis of that location. The project proposed no tree replantings as well as removal of structures there, and those will only serve to increase visibility. If the Commission were to require other improvements in that area, he thought they may need to undertake that analysis.

Commissioner Wright wanted to understand if some analysis had been done.

Planning Director Murdock stated none had based on the nature of the proposed project.

Commissioner Wright concluded that staff is comfortable with it as it is.

Planning Director Murdock thought the removal of this large tree and replacement with one or two smaller trees for the foreseeable future is not likely to exacerbate any safety considerations. He didn't have any data to indicate whether the tree that is there now does present visibility or safety hazards but removal of the tree would only serve to improve visibility whereas replanting and the mature growth of those trees at some point might diminish that safety.

Commissioner Wright asked the applicant if the new proposed fence replacing the existing fence line in the same location.

Ryan Devine, owner, stated that he believes the new fence line is going to be in line with the existing fence line, and it is just the removal of the tree and they will be encompassing their yard space for their children.

Chair Berman had a point of clarification. She personally did not think it was a good idea to put any new tree in the same proximity of the existing tree being removed. She agrees with the concerns that Commissioner Wright mentioned, and a large enough tree would likely impact the stopping site distance and site lines at that intersection and she didn't think that is the right spot for a new tree, but she supports Vice Chair Hauser's recommended condition, given that the city arborist believes it is feasible, and she would add Public Works Director believes it is feasible and safe to add a second tree to the conditions.

Vice Chair Hauser stated that what she is hearing is making sense to her, i.e., to amend her original thought, which is that she does think we need to have the nesting birds survey, and instead of a 2-1 she will amend to a 1-1 replacement, but she wants to be sure the species is a non-invasive species or whatever is selected is reviewed by staff to make sure it is consistent with the trees that our ordinance thinks are appropriate.

Planning Director Murdock stated that they have come up with language for two potential conditions of approval reflecting the Commission's discussions. The first would be, "as volunteered by the applicant, prior to issuance of a building permit, applicant shall submit a tree planting plan that indicates at least one, but not more than two replacement trees of a species placement and size consistent with the requirements of Title 4, Article 12, of the Pacifica Municipal Code for review and approval of the Planning Director in consultation with the city arborist. The replacement trees shall be installed prior to a final inspection." The second condition would read, "reflective of applicant's existing legal obligation under state and federal law, applicant shall obtain a nesting bird survey prepared by a qualified biologist prior to removal or substantial limb removal of any tree on the project site."

Chair Berman stated those sound great to her.

Vice Chair Hauser stated, for the first condition, she thought if you say at least one, she didn't think there was any reason to say but not more because if they want to plant more trees in the future, she didn't think they should prohibit them from doing that accidentally.



Planning Director Murdock stated he will note that the considerations in the tree protection ordinance include the number of trees a site can suitably contain so there may be a desire not to have more than a certain number of trees added, but he can modify that language if the Commission would like it.

Vice Chair Hauser thought, if they say at least one, then it is one or more. She was ready to make a motion.

Commissioner Wright stated that he would be interested to know if the applicant has an opinion of the amendment being proposed.

Mr. Devine stated he doesn't as he is all for the planting of trees and he originally had a permit to cut down all those trees because they were a detriment to their house and he does not like cutting down trees so he saved them and only cut down the trees they needed to and PG&E has taken it upon themselves to mercilessly butcher the one on the corner to hopefully have one day for their kids to have a treehouse like he did when he was a kid. He is all for it and will plant whatever trees they need to and he definitely agrees with replanting one in that location, but he would like to review what kind of trees the city will permit that will be advisable for planting in this area. He stated he and his wife discussed a willow tree, redwoods, and they are willing to plant more than one if they need to.

Commissioner Wright understood that they wouldn't be bound to that location.

Mr. Devine agreed with that.

Chair Berman asked if Vice Chair Hauser would like to make a motion.

Vice Chair Hauser moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; APPROVES Variance PV-530-22 and tree permit TP-2-22, by adopting the attached resolution, including conditions of approval as amended in Exhibit A; and incorporates all maps and testimony into the record by reference.

Chair Berman asked if she mentioned the addition of the conditions mentioned by Planning Director Murdock.

Vice Chair Hauser stated that she did.

Commissioner Wright seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Ferguson, Godwin, Hauser, Leal,  
Wright and 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.

**COMMISSION COMMUNICATIONS:**

Chair Berman stated that, although she was not present for the January 17 Planning Commission meeting, she listened in at home and was sad to hear that Senior Planner O'Connor is moving on but thanked her for her service.

**STAFF COMMUNICATIONS:**

None.

**ADJOURNMENT:**

There being no further business for discussion, Vice Chair Hauser moved to adjourn the meeting at 7:57 p.m.; Commissioner Ferguson seconded the motion.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Murdock