

## MINUTES

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

November 2, 2020

7:00 p.m.

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

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to the provisions of the Governor's executive order, N-25-20 and N-29-20, which suspends certain requirements of the Brown Act and pursuant to the orders of the Health Officer of San Mateo County, dated June 17, 2020, to conduct necessary business as an essential governmental function with no public attendance allowed. He also gave information on how to present public comments participating by Zoom or phone.

Dep. Planning Director Murdock took a verbal roll call.

**ROLL CALL:** Present: Commissioners Berman, Bigstycck, Ferguson, Godwin,  
Leal and Chair Nibbelin  
Absent: Commissioner Hauser

**SALUTE TO FLAG:** Led by Dep. Planning Director Murdock

**STAFF PRESENT:** Dep. Planning Director Murdock  
Asst. City Attorney Sharma  
Police Capt. Glasgow  
Contract Planner Aggarwal

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

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstycck, Ferguson, Godwin,  
Leal and Chair Nibbelin  
Noes: None

**APPROVAL OF  
MINUTES:  
JULY 20, 2020** Commissioner Bigstycck moved approval of the minutes  
of July 20, 2020; Commissioner Leal seconded the  
motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstycck, Ferguson, Godwin,  
Leal and Chair Nibbelin  
Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF NOVEMBER 23, 2020:**

Chair Nibbelin stated that the Vista Mar project appeal was on the agenda, and he thought there was another item that Dep. Planning Director Murdock hoped to get a liaison.

Dep. Planning Director Murdock stated that he was correct, explaining that on November 9, 2020, they have the 1300 Danman appeal to City Council and it didn't make it on the agenda. He stated that the Commission's liaison was previously designated as Commissioner Bigstycyk for the Sharp Park Specific Plan item and he stated that the City Council will be taking that up at a special meeting on November 17 and he wanted Chair Nibbelin to confirm that Commissioner Bigstycyk will be the liaison.

Chair Nibbelin asked if Commissioner Bigstycyk is willing and able to do it, and would confirm that it still works for him.

Commissioner Bigstycyk stated that he is willing and able to do that.

Chair Nibbelin referred to the November 9 meeting and asked if anyone was able to cover that matter.

Commissioner Godwin stated that he was able to attend.

Chair Nibbelin stated that, unless someone else feels strongly about it, he would affirm by acclamation that Commissioner Godwin is the designated liaison. He asked if they need a roll call vote.

Dep. Planning Director Murdock stated that it was the chair's prerogative.

Chair Nibbelin then referred to the November 23 appeal of the Vista Mar residential development and he asked if they had a volunteer to be liaison for that item.

Commissioner Godwin stated that he was able to do that one also unless someone else wants to do it.

Chair Nibbelin appreciated his willingness to do it and he would designate him on behalf of the Commission to serve as their liaison.

**ORAL COMMUNICATIONS:**

Dep. Planning Director Murdock introduced the speaker.

Tom, Pacifica, stated he was new to the Zoom thing and he was a general contractor working on behalf of his client, Cat Dwares, who lives at 246 Sterling and he was curious on the process that they need to do to keep her project moving forward and they can possibly build in the spring another bedroom and bathroom and roof deck. He stated that they have run into numerous

challenges with certain things, and he was curious where they were in that process and what he needs to do to keep the process moving forward.

Chair Nibbelin thanked him for his comment. He stated that this is not a question and answer period but they will direct him to staff who will hopefully help him to continue moving the project forward.

Dep. Planning Director Murdock stated that the item is on the agenda for this meeting and he will have another opportunity to speak if he so desires, but the Commission is taking up that project.

**CONSENT ITEMS:**

None

**CONTINUED PUBLIC HEARINGS:**

- 1. CDP-415-19**                      **File No. 2019-033 – Coastal Development Permit CDP-415-19,**  
To construct a 245-square foot (sf) first story addition and 416=sf second story addition to an existing one-story 1,000-sf-single-family residence with one-car garage located on a 5,000-sf lot at 246 Sterling Drive (APN 023-038-360). Recommended CEQA Action: Class 1 Categorical Exemption, CEQA Guidelines Section 15301.

Contract Planner Aggarwal presented the staff report.

Vice Chair Berman referred to the COA No. 6 on packet page 67 and mention of a trash enclosure needed at the property and she wondered if there was a precedence for that in the area and do single family homes have trash enclosures or is it a best management practice to store your bins away from the public's eye.

Contract Planner Aggarwal stated that the condition states that, if it is stored outside, it has to be fully contained and screened from public view within an approved enclosure. If it is not stored outside, that condition is moot as that it will be screened from view if inside.

Dep. Planning Director Murdock stated that it was important to note the context within which they are reading the condition. He stated that typically you would think of the trash enclosure in a commercial context and this is just describing the area enclosing the garbage and recycling compost bins in a residential setting. It was not requiring a trash enclosure of a large sort to conceal a dumpster, but ensuring that they make sure trash bins are not in public view and whatever area in which they are enclosed is compatible architecturally with the main structure.

Vice Chair Berman thought it was common throughout the city to not store the bins anywhere inside and is more common for residents to place the bins on their side alley which would be screened because it was not in front of the house. She stated that she has seen this condition on other projects, and it is just a standard one but she was wondering if in the future the language could be more catered to the single family home verbiage.

Commissioner Bigstyk stated he had a question about condition No. 18 which comes after a couple of conditions that talk about putting sidewalk in and No. 18 says the idea of putting a sidewalk in is deferred. He understands that it may not be a neighborhood that is conducive toward putting in pedestrian improvement, but he asked if staff could elaborate if there is any plan if there might be pedestrian improvement or if this is a nod to the reality of what the living situation in that neighborhood is and is a deferral for the longer than the foreseeable future.

Dep. Planning Director Murdock stated that the sequence of conditions came up previously when they continued this hearing as Vice Chair Berman inquired about it. He stated that they imposed the requirement and then reflective of the existing circumstances he referenced, they allowed the applicant to defer installation of those improvements until such time as it makes more sense collectively along that street segment. He stated that there was currently no city program or project to install sidewalks in this area and it has more recently been acceptable to the Commission to defer those improvements until such time as more of them can be installed at the same time. He stated that was the intent of this sequence of conditions of approval and Public Works does keep records of these deferred improvement agreement and they have the ability to

call them at such time as installation of public improvements would make sense. He stated that the sidewalk is required as part of the city's complete streets policy and requires projects to plan for more than vehicular transportation but all modes of transportation, including bicycles and pedestrians and why the city was looking to impose the requirement on development projects making significant improvements to a property.

Vice Chair Berman wanted to mention for the record that she appreciates Commissioner Bigstycyk's question as she thought about her comment that she has had on this and other projects regarding the deferment of the public sidewalk or construction of public sidewalk for a very short frontage. She didn't ask it today because she understands from staff's previous responses to her question regarding the city's stance. She supports Commissioner Bigstycyk's question.

Chair Nibbelin thought they would take comments from the public.

Dep. Planning Director Murdock asked Chair Nibbelin if it would please him to have the applicant make a presentation.

Chair Nibbelin apologized and stated that the applicant has up to ten minutes to do a presentation with respect to the project and may reserve a portion of the ten minutes to respond to any comments they may get from the public.

David Hirzel, applicant, stated he was the building designer on the project. He looked at all the results from Planning relative to the project. He thought it was finding approval throughout and he was present to answer any questions anyone may have about the project. He stated that it was intentional to keep it small, modest and in keeping with the scale and nature of the house but take the bedroom addition that was put on at some point in the past and take it off and rebuild it in a way that makes it a proper bedroom with proper access, etc. He stated that they were working what was there to make sure it just makes the existing house work better and he thought they succeeded.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock stated that they had one, Tom.

Tom, Pacifica, stated that Mr. Hirzel reiterated what he was going to say. He stated that they are doing a modest remodel to a very funky old hunting cabin. He was hopefully optimistic that they can push this through and the homeowner can have a proper bedroom and bathroom for her daughter to live in. He stated that the street was very narrow and non-conforming and they will run through challenges. He was up to hearing their suggestions.

Chair Nibbelin closed the Public Hearing.

Commissioner Bigstycyk thought it seemed straightforward to him and in keeping with the neighborhood and he has no problem in approving it.

Chair Nibbelin asked if he wanted to make a motion and see if there is a second.

Commissioner Bigstycyk moved that the Planning Commission FIND the project is exempt from the California Environmental Quality Act; APPROVE Coastal Development Permit CDP-415-19

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by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Vice Chair Berman seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstyck, Ferguson, Godwin,  
Leal and Chair Nibbelin

Noes: None

**NEW PUBLIC HEARINGS:**

- 2. UP-41-15**                      **File No. 2020-015 – Annual Review of Use Permit UP-41-15,**  
for a 7-Eleven Store at 700 Hickey Boulevard (APN 009-540-030)  
Recommended CEQA Action: Exempt pursuant to CEQA  
Guidelines Section 15378.

Dep. Planning Director Murdock presented the staff report.

Vice Chair Berman thought this project had an annual review the previous year.

Dep. Planning Director Murdock responded affirmatively.

Vice Chair Berman asked if there were any items out of compliance during that annual review.

Dep. Planning Director Murdock stated that there were similar property maintenance items as noted this year. A couple were acceptable and a couple were added, but generally the same types of issues.

Vice Chair Berman stated that it was great to hear that the maintenance issues were already addressed and she appreciated that. She asked, if the maintenance issues were not already addressed, what is the typical timeline for maintenance check in besides the annual reviews and do they need to address it within a month, etc.,

Dep. Planning Director Murdock stated that they try to establish a positive relationship with our residential and commercial property owners in Pacifica and they have a voluntary compliance process that they strive for where people, upon notification from the city, address these issues without formal issuance of notice of violation. He stated that a couple of weeks is on the short end, but sometimes it takes longer for different property owners to muster their maintenance companies so a month or two was probably a reasonable timeframe, and after that, if they follow up and don't get a good response, they may transition into a notice of violation phase after a couple of months of efforts with the property owner.

Commissioner Bigstyk thought that, dovetailing off Vice Chair Berman's question, this was only the second review process but if this is becoming a consistent concern, at some point is there a penalty mechanism or a mechanism by which there is a little bit more scrutiny on the business.

Dep. Planning Director Murdock stated that, at this point, Council approval provided for annual reviews and there was no fixed number as there are for some of their other projects where they indicate one or two annual reviews. He thought that may have been a consideration of the fact that Council expected to be interested in this project for a while. He stated that the previous year, based on the overall positive operation of the facility, they recommended amending the conditions to provide for one more annual review. He stated that the Commission did not feel that was an advisable course of action and they did not propose that this year. He stated that they are evaluating for substantial compliance, not strict compliance with the operation and conditions of approval. He stated that, across the range of conditions of approval, these probably do not register a level of significance to take further sanctions against the property owner or the business operation in particular because they are responsive to requests for addressing these items. He stated that the real sanction that the city has at its disposal is, if there are serious concerns, the use

permit revocation process. It is a separate process and a very significant effort and one that they would not advise the city to undertake lightly. There has been no indication based on their inspections since the store opened that there was anything approaching significance to initiate the use permit revocation process at this time. He stated that it was the city's ultimate option to address for effect of this operation. He stated that the Commission has the authority to amend the conditions of approval under this annual review provision. He stated that, if there was some aspect that the Commission felt they could better address with a different condition of approval, that was an option provided sufficient public notice is provided and would be considered a public hearing.

Commissioner Bigstycyk stated that, when he visited the site today, he appreciated what it looked like as things were cleaned up compared to what was in the staff report. He was mildly concerned that it is a recurring theme but it was a mild concern at this time. He noted that they have a representative from PPD and he asked if Capt. Glasgow able to speak on the police report and the staff report.

Chair Nibbelin asked Capt. Glasgow if he wanted to share any reflections he has in response to Commissioner Bigstycyk's question it would be great.

Police Capt. Glasgow, commander of their field services division, stated that on following up on Commissioner Bigstycyk's question as it relates to the 7-Eleven on Hickey, the police department overwhelmingly did not notice any community safety concerns or quality of life issues and currently does not draw any unreasonable law enforcement resources upon that business based on research that was conducted and outlined in Chief Steidle's memo to staff.

Commissioner Bigstycyk stated that the last time it was before them, there were alcohol concerns. He stated that those concerns are here and he hasn't seen any letters from the public as they had the previous time. He wondered if he know if any ABC sting operations have been conducted between then and now or how frequently between then and now how police staff has looked into whether alcohol sales specifically has been an issue.

Police Capt. Glasgow stated that they have not noted any alcohol beverage control violations at the establishment.

Dep. Planning Director Murdock stated that this item is unique in that they don't have an applicant and they typically take in public input in this phase for these types of annual reviews as general public comment. He thought the 7-Eleven representative could respond to any issues raised by the public.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock introduced the speaker.

Betty Duran, Pacifica, hoped they had received her emails up to date. She was going to speak quickly as she has several items to cover. She was not going to cover alcohol this year. She thanked Dep. Planning Director Murdock for providing all the documentation necessary, but she has some comments. She referred to page 81, Item 5, and stated that her group needs a copy of the landscape plans. She stated that they asked for it last year and never received it. Regarding No. 16, she stated that it speaks of the good neighbor plan but no copy is provided for Council's



benefit. She thought it would be important to include for next year. Regarding two items not included, Items 57 and 62 are missing. She stated that she would read them so the Commission will understand the significance. She stated that No. 57 mentions a letter being sent to corporate headquarters emphasizing the need for corporate involvement in the oversight of all 7-Elevens and she didn't think it has happened as they have never see the letter so condition 57 has never been met. She read Condition 62 and stated that it should be included also. She mentioned that she didn't know if communications existed between the corporation and the franchisee. She mentioned that when the Chevron business was there, the landscaping was well maintained, and this has been the third year that the community has complained about the 7-Eleven's lack of landscaping maintenance. She stated that she is the contact person and the residents would appreciate the city's help in fixing this problem.

Chair Nibbelin closed the Public Hearing.

Commissioner Bigstycyk asked whether there were any representatives present from 7-Eleven.

Mark Kwasigroch, 7-Eleven, stated that there were a few of them on now, the owner and a couple of them from the 7-Eleven's corporate office.

Chair Nibbelin stated that they could do several things. They didn't need to comment but, if the Commission has questions, they can ask them. He stated that they can make a comment if they want to.

Commissioner Bigstycyk stated that he had a couple of questions if they are not making comments.

Chair Nibbelin encouraged him to go ahead as that may be the most efficient way.

Commissioner Bigstycyk stated that he noticed the landscaping and saw some new plants installed. He thanked them for taking care of that expeditiously. He then stated that he noticed lots of trash and cigarette butts in the landscape areas. He understood that was the nature of a very busy street corner that pieces fly and land where they do, and he asked them how often that area is picked up, such as a daily schedule.

Mr. Kwasigroch stated that it should be done at least once a day. He stated that he is at the store weekly and the franchise owner is at the store every day. He stated that, if it is an issue, they can do more walks and assign some jobs to lookout for that on their next store visits. He then heard from them saying they walk it twice a day. He thought there might be a couple of areas where they are missing and need to be more diligent.

Commissioner Bigstycyk appreciated that, and he then stated that there were two garbage cans on either side of the entrance and one had a receptacle for cigarette butts and the other one did not have that same bowl, although he saw the spot for it, it was missing, and he wanted to bring that to their attention. He thought that might help with some of the cigarette butts that land up in the landscaped areas.

Mr. Kwasigroch stated that they could take care of that.

Commissioner Bigstycck asked Dep. Planning Director Murdock to speak on Ms. Duran's concern about COA 57 and 62. He seemed to recall that they were removed for some reason, but he can't remember how the meeting went.

Dep. Planning Director Murdock stated that condition of approval # 57 and 62 and various others were removed from the annual report in response to Ms. Duran's comments last year about the number of conditions of approval which were there and they were showing compliance, but they are no longer relevant as the store was already operating and many of them were prior to issuance of a building permit condition. He stated that staff tried to strike the right balance in response to the community input in this process and he thought maybe they didn't strike the right balance which will be the Commission's decision. He stated that he wasn't sure of the relevance of Condition 57 from the ongoing standpoint in operation of the 7-Eleven store. He stated that it was a requirement to send a letter, and they thought it was sent, but they have not been able to track down a copy of such letter. He stated that the gentleman who spoke this evening and the lady who spoke in the year prior, and he thought others who spoke the year prior to that year were all members of 7-Eleven corporate team. He stated that the corporate structure is aware of this store and its operations and annual review requirement. He thought whatever the objective was of the condition of approval when proposed, their corporate representatives are aware of the store and he wasn't sure what further point staff can make on that. He stated that Condition 62 was prior to issuance of a certificate of occupancy condition and that certificate has been issued and staff did not feel that was a condition of approval that was relevant on an ongoing basis. He stated that the good neighbor plan was submitted to staff, reviewed and approved by Planning Director and does include detailed measurable standards for property maintenance including the elements indicated in this condition. Staff felt that was complied with prior to certificate of occupancy.

Vice Chair Berman referred to the community's concern with the landscaping, and stated that she noticed in the rendering Ms. Duran provided, there are proposed trees. She asked Dep. Planning Director Murdock to remind them if the approved landscape plan implements the trees.

Dep. Planning Director Murdock recalled that the final landscape plan was reviewed and approved by staff and verified during inspection prior to commencement of operation of the store and he didn't have the final landscape plan available at this time to confirm the specific species indicated. He thought Commission is aware that sometimes the renderings are a bit optimistic when submitted as part of a project review process and not always reflective of the final landscaping pallet selected, based on various site considerations. He thought the landscape architect prepared the final landscape plan and the best recommendations for the planting locations which was reviewed and approved by staff at that time.

Vice Chair Berman understood the slight variance and ground cover for species type. She stated that, as in projects that have come to Commission previously, the trees being proposed are usually documented in the approved plans and staff report. She stated that other cities have requirements where the trees have to be maintained and survive for a certain amount of years or the owner needs to replace them. She mentioned that last year there were concerns about the aesthetic of the property. She was interested in looking deeper into whether the planting plan was in compliance with what was approved for the project.

Dep. Planning Director Murdock stated that he will be happy to perform the followup to verify it, but he thought they looked like a shrub species and may have been a variance of that particular

tree species. He stated that it was not uncommon for a tree species to have a large shrub variance. He agreed that, if a tree was indicated on a landscape plan, it should have been installed. He will check on it, but he didn't recall a specific discussion of trees as part of the project as in other projects where there are heritage tree removal that is being compensated with other key elements of the project.

Vice Chair Berman would appreciate some followup. She asked if they will be seeing another overview next year.

Dep. Planning Director Murdock stated that the Commission will have at least one more annual review to consider next year.

Chair Nibbelin stated that he drives past and frequents that 7-Eleven and other businesses in the area and he was in agreement with staff's assessment that the operation of the business is in substantial conformance with the use permit. He recognize that there were some issues around approval #16 that have been addressed and he was inclined to make a motion for approval.

Vice Chair Berman stated that she was looking for a recommendation from staff or Council. She asked how they can incorporate the confirmation of the landscaping plan into their motion.

Dep. Planning Director Murdock suggested adding it as an element to the motion, modifying the suggested motion in the packet and direct staff to verify the indicating planting at the front planter area to the right of the main entrance which he thought would be sufficient. He mentioned that maybe Asst. City Attorney Sharma has additional thoughts.

Asst. City Attorney Sharma stated that she agrees with Dep. Planning Director Murdock's comments.

Chair Nibbelin stated that, if he was going to make a motion, he stated that it is coming back in a year and he thought to go ahead and adopt a clean motion as there was no indication one way or the other that there has been a failure to comply with the landscaping plan but it is something they can take up next year and they can correct in the interim if it is an issue and at the next review conclude that it has been confirmed or corrected. So, it would be direction to staff rather than a part of the motion.

Vice Chair Berman stated that she sees a compromise because she has concerns with just punting and relying on next year's annual review. She recalls that they kind of punted on the last review, knowing that there were some issues but they were going to see it again in a year. She would hate to continuously punt and not have any issues or public's concerns addressed. She didn't know if a compromise was adding a condition that any issues with the landscaping to the point that it is not significantly resembling what was approved with the original approval and they have to be addressed. She didn't know if there was anything to do with the condition that gives them an answer before the next annual review, but she would like to make it more tangible.

Chair Nibbelin stated that it wouldn't be his motion, but she was welcome to make a motion.

Vice Chair Berman stated she would make a motion if he was okay with it.

Chair Nibbelin agreed to her making a motion.

Vice Chair Berman moved to ADOPT the attached resolution to FIND the annual review is exempt from the California Environmental Quality Act; FIND that the operation of a 7-Eleven convenience store at 700 Hickey Boulevard (APN 009-540-030) is substantially in conformance with Use Permit UP-41-15; and INCORPORATE all maps and testimony into the record by reference with the addition of a condition for the next annual review that confirms the landscaping is planted and maintained in conformance with the originally approved plans; Commissioner Ferguson seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstyk, Ferguson, Godwin,  
Leal and Chair Nibbelin

Noes: None

**3. UP-106-18**                      **File No. 2018-021 – Annual Review of Use Permit UP-106-18,**  
Authorizing outdoor seating at the Taco Bell Cantina restaurant  
located at 5200 Coast Highway (APN 022-191-190)  
Recommended CEQA Action: Exempt pursuant to CEQA  
Guidelines Section 15378.

Contract Planner Aggarwal presented the staff report.

Commissioner Bigstyk stated that he recalls watching it but he didn't recall why the plexiglas barrier was above the alarmed gate. He asked what the function of it was.

Contract Planner Aggarwal stated that, at the time the use permit was approved, the Commission's concern was that someone from the outside can open the door by just putting their hand over the gate and was the reason for the condition to install the barrier above and no one can reach over to open the gate.

Commissioner Bigstyk stated that it stated there was a nonconforming barrier on the site inspection and he asked what was there rather than the plexiglas initially.

Contract Planner Aggarwal stated that the barrier was plexiglas but the Commission asked for a plexiglas barrier which extended to six feet above the surface of the deck and at some point the installation was changed between the time the final inspection was done for the use permit and site inspection for the annual review and the barrier was not reaching the height of six feet from the deck.

Commissioner Bigstyk stated that the staff report seemed to indicate they told them they were coming for the inspection and he wondered if that was typical procedure or are they required to tell them they are coming.

Contract Planner Aggarwal didn't think she was required to tell them that she was coming but she did want to have someone from the facility on the site in case she had any questions.

Commissioner Bigstyk questioned whether it was a good idea to give them the opportunity to clean things up before they arrive if that was not normally the way it looks. He added that he was there today and it looked clean. He did understand that she would want to speak with someone if there was an issue.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock asked Contract Planner Aggarwal who the operator with whom she engaged with and he asked if he was present at this meeting.

Contract Planner Aggarwal stated that they said they would be but she was seeing their name.

Dep. Planning Director Murdock stated that there was one hand raised, James Aman.

Contract Planner Aggarwal stated he was the person.

James Aman, applicant, stated that he was just there to answer any questions they have of Taco Bell.

Chair Nibbelin closed the Public Hearing.

Commissioner Bigstyk asked Police Capt. Glasgow if he was aware of any calls for service related to alcohol.

Police Capt. Glasgow stated that there were no issues at Taco Bell regarding quality of life or unreasonable drama, etc., and no alcohol violations were noted.

Commissioner Bigstyk stated that it looked as though he voted against the project and it was a while ago and he didn't recall. He asked why he decided to vote against it.

Chair Nibbelin stated that at that time he wasn't opposed to the overall notion of it but the hours of operation and service of alcohol and that concern wasn't shared by the other commissioners.

Chair Nibbelin stated that he didn't see anyone wanting to comment and he asked if anyone was inclined to make a motion.

Commissioner Leal moved to ADOPT the attached resolution to FIND the annual review and modification of a condition of approval are exempt from the California Environmental Quality Act; FIND that the operation of outdoor seating at Taco Bell Cantina at 5200 Coast Highway (APN 022-191-190) is substantially in accord with Use Permit UP-106-18; and INCORPORATE all maps and testimony into the records by reference; Vice Chair Berman seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstyk, Ferguson, Godwin,  
Leal and Chair Nibbelin

Noes: None

- 4. PSD-848-20  
UP-122-20  
PE-190-20  
PV-529-20  
SUB-246-20**      **File No. 2020-001 – Site Development PSD-714-02, Use Permit UP-122-20, Parking Exemption PE-190-20, Variance PV-529-20 and Tentative Subdivision Map SUB-246-20**, filed by Bryan Hu, to construct a three-story mixed-use building with 1,324-square feet (sf) of commercial space located on the ground floor and five residential (condominium) units located on the second and third floors of the proposed building on a 9,574-sf undeveloped lot at 340 Waterford Street (APN 009-058-040).  
Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Contract Planner Aggarwal presented the staff report.

Commissioner Bigstyk referred to the parking stacker with which he was intrigued by the idea and thought it was interesting to incorporate this technology which is not currently in Pacifica and he was wondering about power outages and other mechanical failures. He stated that it was kind of addressed in the staff report but his greater question was how often do malfunctions occur and he was curious about how loud the apparatus was and asked if it would be heard through the walls of building into the residences or heard across the street.

Contract Planner Aggarwal stated that the attachment, along with the staff report lays out the sound ratings for different types of sound levels and this is not going to be heard outside beyond the sound level of a person speaking.

Commissioner Bigstyk asked on average how often malfunctions might occur with this machine.

Contract Planner Aggarwal asked if he meant malfunctions with the machine or the power going out.

Commissioner Bigstyk thought he was more worried about PG&E calling a power shutoff due to a seasonal fire danger which triggered that concern. He acknowledged that they don't have a way of knowing that now. He wondered how often it physically malfunctions as that might be something they can base something on.

Contract Planner Aggarwal stated that staff did some research on the company that was responsible for making these packing systems. She stated that, based on the data, it seems reliable in its operation but she would defer to the applicant to answer in greater detail.

Commissioner Bigstyk referred to the spaces and asked what kind of vehicles it might not allow, such as trucks might not fit in these spaces.

Contract Planner Aggarwal agreed.

Commissioner Bigstyk stated that he didn't see a list of other vehicles that might be disallowed by this setup, but he mentioned that many people own trucks, and he thought it might find it helpful if he had a clear understanding of how many different truck types factored into the equation.

Contract Planner Aggarwal stated that staff researched truck dimensions and some of the big trucks are not going to be able to use these parking spaces but staff report attachment I gives a fair idea of the SUVs which are on the larger size and would be able to fit in these spaces.

Commissioner Bigstyk stated that the flatbed trucks were more of a concern knowing that there are a number of people who drive them and sometimes they are the less expensive method for getting around when buying a truck. He referred to the sidewalk, stating that it goes up to where the fence on the property currently is and asked if that is where it will end or will it jut out from the fence is currently.

Contract Planner Aggarwal stated that she needed to look through her documents to get the answer.

Dep. Planning Director Murdock asked Commissioner Bigstyk to clarify what he means by jutting out.

Commissioner Bigstyk referred to the fence, and he was asking if the sidewalk goes up to the fence is or past where the fence is. His concern was that it was a fairly narrow street with parks parked and he appreciated that there might be some red zoning that isn't currently there but he didn't know if it would substantially shorten the street or not.

Contract Planner Aggarwal stated that the sidewalk does not extend in the right of way, but does extend beyond the fence of the property on to the Monterey site.

Commissioner Bigstyk concluded that it was just the Monterey site but not the Waterford site, adding that he was more concerned with the Waterford site.

Dep. Planning Director Murdock stated that he couldn't tell him exactly where the fence is installed but he referred to sheet A0.2 on packet page 199, explaining that it appeared to him that the sidewalk was proposed to align consistently with where the sidewalk is now on the adjacent property at the car wash and it would look as though the sidewalk is proposed within the public right of way, and it does not appear that the sidewalk installation for this project would have the effect of narrowing the driving lanes on the street if that was his concern.

Commissioner Bigstyk stated that was his concern. He asked if there was any sound analysis done for Highway 1 regarding what the occupants of the residences might experience. He didn't see any analysis of windows regarding sound related to Highway 1 on the effect of the residents and he asked if any such analysis was conducted.

Dep. Planning Director Murdock stated that not specific to this project, but he understood that the building code which was applicable to construction of this project does have interior sound dampening requirements and that part of the permit process would be for various technical professionals would need to demonstrate that the building materials are adequate to reduce the sound levels in situations where projects are adjacent to a highway or other significant noise generator.

Commissioner Bigstyk stated that was his biggest concern for the residents of the project regarding the sound off Highway 1. He referred to the blue stucco on the north side wall which



he thought was out of character with the rest of the development, and asked if there was a reason why there is just this one wall with blue.

Dep. Planning Director Murdock suggested asking the project architect for design reasoning. He stated that, as he interprets the plans and the surrounding area, he thought it was a nod to the prominence of that color northward on Waterford Street. He stated that several buildings in the area have that color, and he thought if you look at this project site from that area, it does have the effect of feeling consistent with a broader area even though it is a different color scheme on the other side of this building.

Commissioner Bigstyk stated that there was a reference to the property where the car wash was regarding if it were to be developed, and he asked if there are any plans now to develop that property.

Contract Planner Aggarwal stated not that staff is aware of, as they haven't received any application on that site.

Vice Chair Berman stated that she was going to start with some of her car stacker questions. She thought she understood that the residential units require ten parking spaces, the car stackers provide nine with an extra space that allows it to Rubik's cube around.

Contract Planner Aggarwal stated that the stacker would have nine spaces and a space would be always empty so that the stackers can move for the stacker on the upper level to come down when someone needs to take their car out and the total number of parking spaces in the stacker is nine, even though there are ten stalls.

Vice Chair Berman asked confirmation that there was a tenth stall provided in the plan that is a service level stall.

Contract Planner Aggarwal responded affirmatively.

Vice Chair Berman asked what is preventing someone from parking in that empty tenth space of the stacker, such as a sliding gate.

Contract Planner Aggarwal stated that the lower level stacker stalls do have gates and this would be operated by a key fob or smart phone app so the people who have parking spots in the area would be the ones to be able to use it.

Vice Chair Berman concluded that, if all nine stalls are full, then the gate would not open.

Contract Planner Aggarwal stated that she would defer that question to the applicant, but her understanding is that she is correct.

Vice Chair Berman stated that she would be concerned that someone might park in that vacant spot and then jam up the entire system. She then referred to the sliding gate, stating that on looking at the plan view of the ground floor, she asked where the gate slides into, such as a pocket door, or does it stack on top of itself.

Contract Planner Aggarwal stated that the mechanism is clearer in the cross section, assuming she was talking about the parking stacker gate.

Vice Chair Berman responded affirmatively. She stated that she was trying to wrap her head around how this operates. She was a little familiar with car stackers but not quite as familiar with the gates that go in front of them and she was not clear as she didn't see where the gate would open into as there was a storage room on one side and the exterior wall on the other side. She stated that she could ask the applicant.

Contract Planner Aggarwal thought they could provide more detail on it.

Vice Chair Berman referred to Commissioner Bigstyk's question that she had, stating that with power outages, she understood from the staff report that the homeowners' association would use a backup generator but it wasn't clear to her as it sounded like the generator would not always be on site. She asked if that was true.

Contract Planner Aggarwal responded affirmatively.

Vice Chair Berman referred to a state of emergency that is not expected, stating that we will have expected power outages in the fire season where the maintenance team can prepare for the generator to be on site, but she asked about a situation like an earthquake or fire where power goes unexpectedly, such as during the winter when we have storms, and what happens.

Contract Planner Aggarwal stated that, in that scenario, the HOA is responsible for bringing the generator on site and installed inside the garage to operate the system. She stated that, if it is a calamity like an earthquake, that would affect a lot of different things and staff is not aware of that calamity not affecting other buildings in the area or the project itself.

Dep. Planning Director Murdock added that, if this hearing proceeds to the appropriate time, it was reasonable for the Commission to be more prescriptive with respect to the generator, and building and fire code requirements can be that the generator be stored on site, but they didn't think they can prevent a 100% scenario where there is a major calamity. He stated that they can take reasonable steps, if the Commission approves the project, to ensure that the most common types of power outages will have a reasonable process to get the stacker back in operation.

Vice Chair Berman stated that she was getting to that, and thought they can deliberate more on that and she will bring it up. She thought, if in their purview, that they require that the applicant has a generator on site at all times and ready to use in case of an emergency. She asked if there will be a specific section in the CC&Rs for the car stackers and regular maintenance.

Contract Planner Aggarwal stated that the CC&Rs currently include a provision for a declaration that they will be responsible for the maintenance, including the specifics of the generator parameters. She was trying to find that in the conditions.

Dep. Planning Director Murdock stated that, in packet page 189, a general statement about property maintenance with a variety of features including parking within the common areas. He stated that it burdens the HOA with the maintenance responsibility for this facility.

Vice Chair Berman asked if it was within the Commission's purview to prescribe something a little more specific, like monthly maintenance.

Dep. Planning Director Murdock thought it would be reasonable if the Commission had a basis to believe that the stacker could breakdown without monthly maintenance but he didn't know if they had that information. He understood from the applicant that representative of the parking stacker company may be available to answer question in the hearing, adding that the Commission might flesh that out further with respect to typical maintenance requirements.

Vice Chair Berman referred to trash left there and something can't move, wanting to know what the Commission's constraints were to stay within their purview. She had more questions, but asked if other commissioners have questions.

Chair Nibbelin stated that he didn't see any other hands so he said she could proceed.

Vice Chair Berman stated that she and Commissioner Hauser mentioned this before, and stated that she knows there are overhead lines in this location and wondered if there was an opportunity for the applicant to underground the overhead lines that directly touch the property frontage.

Dep. Planning Director Murdock stated that he has explained that he did not know that the city had any general policy or ordinance requirement for applicants to underground existing utilities in the vicinity of a project site. He stated that there are underground utility district provisions that the city can implement, but this is not an area where the underground utility district has been designated but with respect to the new utilities, the city does have a policy in a standard condition of approval to require new utility lines and connections to be installed underground from the point of connection to the project site. He thought that, to require undergrounding for this project, the Commission would need to find some nexus between the project and the fact that the utilities are above ground and how it relates to impacts from the project. He stated that staff did not identify any such impacts, but he would be happy to hear Commission's discussion on that.

Vice Chair Berman understood they were working on the General Plan, Local Coastal Use Plan and Sharp Park Specific Plan, and asked if there was any anticipation that the city will eventually have some requirement to some extent to underground existing electrical. She stated that it looked like new projects come in and everyone avoids undergrounding the electrical facilities and they end up falling during winter. She understood it was a maintenance item that needs to be addressed, but she wondered if there was a future plan to incorporate that.

Dep. Planning Director Murdock wasn't aware that it has been a subject of discussion in any of those planning processes she mentioned. He stated that there are methods that the city can undertake to require undergrounding of utility lines as part of a broader public process but, to require individual applicants to do it, they would have to identify a specific impact to this project, while keeping in mind the entire community benefits from the utility poles. He concluded that to require a specific applicant to underground it would be a very fact specific inquiry in this case.

Vice Chair Berman referred to condition #27, stating that there was a typo that says "maybe" but she thought it should be "may be" as it changes the meaning of the sentence. She referred to the storage unit required for each residential unit, and she only saw two, one on the ground floor and one on the second floor. She asked staff where the remaining three are.

Contract Planner Aggarwal stated that the storage units that are supposed to be provided with each unit are on the floor plans, and she was going to give them the sheet number.

Dep. Planning Director Murdock stated that he saw them on sheet A0.1 on packet page 198 for Units 1-4 on the second floor and Unit 5 on the third floor.

Vice Chair Berman referred to the Caltrans right-of-way, and asked if the applicant had to apply for a Caltrans encouragement permit.

Contract Planner Aggarwal thought that the project was not in the easement.

Vice Chair Berman asked if she was talking about the landscaping.

Contract Planner Aggarwal stated that they would have to apply for an encroachment permit from the Engineering Department and conditions for encroachment permit would be addressed in the Engineering conditions of approval.

Dep. Planning Director Murdock clarified that this project has been processed under two different planners and a different planner was processing the project at the time when they were addressing the Caltrans right-of-way issue and he didn't recall what the outcome of that discussion was but the applicant may be able to shed some light on that particular issue. He thought a satisfactory resolution was reached but he couldn't offer the specifics.

Vice Chair Berman stated that she asked as she wondered about the flexibility of planting along that sloped area on Monterey. She thought it was an opportunity to provide some nice planting as opposed to hydro seeding and perennials. She knows that one of the conditions is to slurry at least half of Monterey and the pavement marking will be replaced. She stated that the pavement marking is worn out there and was kind of confusing for someone who was not used to driving in that area, especially on Monterey and trying to merge onto Highway 1, and wondered if there was an opportunity to re-stripe that area along the property frontage of Monterey and the entirety of Waterford.

Dep. Planning Director Murdock asked for time to review the condition from the Public Works Department with respect to the slurry seal requirement. He stated that, if it involves that area, he would suspect it was a practical matter and the pavement parking would be replaced if affected by the slurry seal. He thought her understanding of the condition does not involve the slurry seal in the area.

Vice Chair Berman thought she might be interpreting it incorrectly, but she thought the condition only included Waterford and not Monterey. She wondered if they could add Monterey. She stated that the pavement marking, like lane delineation, is not there at all.

Dep. Planning Director Murdock stated that the Commission could enquire whether the applicant was willing to undertake that improvement as part of the project. He stated that conditionally the Commission might explore safe operation of the project, as the project will be contributing traffic and ensuring that they are highly visible might be appropriate as well.

Chair Nibbelin had a question pertaining to the commercial component of the project. He asked what sorts of businesses would be authorized to operate in the commercial space proposed for the project.

Contract Planner Aggarwal stated that it could be office spaces, retail stores and personal services. She stated that there are two spaces and she reiterated that retail, personal services and offices uses would be what would operate there.

Chair Nibbelin asked if something like food serving, such as a café, would be an option.

Contract Planner Aggarwal stated that restaurants were not included as a part of consideration for the spaces.

Dep. Planning Director Murdock stated that there was a range of permitted conditional uses within the C1 zoning district, including retail restaurants would be a permitted use in this zoning district, but other more intensive uses like restaurants, i.e., full service and fast food restaurants would not be permitted as they are conditional uses that require approval and a use permit. He stated that a retail restaurant is primarily takeaway food use and it would be a permitted use of this.

Commissioner Godwin thought they had covered almost all the possibilities but the only thing he didn't hear brought up was that there is a lot of use of the lithium-ion batteries, a standby power source as opposed to generators, and he was interested as to whether that was looked into or whether the applicant could comment on whether that might be a cheaper more effective solution to keep the parking stacker working.

Contract Planner Aggarwal stated that the applicant had provided information about the ability to bring the generator on site and they were going to evaluate the possibility of a battery powered apparatus and she will defer to the applicant to give more details.

Dep. Planning Director Murdock referred to Vice Chair Berman's question on paving and pavement parking and condition of approval #36 on packet page 192, and he read that to indicate the overlay on Waterford Street and Monterey Road and the explicit requirement that all pavement parking and markers shall be replaced in kind. He suspected that the applicant would not replace them in a degraded condition in kind so he thought the practical effect would be that they would be replaced to clearly delineate the features that she was indicating.

Vice Chair Berman asked to which page he was referring.

Dep. Planning Director Murdock reiterated page 192. He then referred to Commissioner Godwin's question on battery backup, he thought the applicant should be able to elaborate on that, and he thought they would also want to inquire as to the amount of power usage and whether that would be an appropriate backup solution, given that the battery could be drained and leave the operation without a functioning parking stacker.

Commissioner Godwin understood, adding that places like South Australia store hundreds of power for hundreds of thousands of people, and he thought a big enough one could but he didn't know if it was cost effective.

Commissioner Bigstyk questioned, rather than large trucks, if residents have electrically powered vehicles and their parking spot is in the stacker, how they would connect to electricity to charge their car batteries within the context of the stacker.

Contract Planner Aggarwal stated that there were two locations for chargers within the surface parking area that are required by code, so the applicant has provided the charging stations that they can require and anyone who would want to charge the vehicle would hook it up to the charger in the surface parking area.

Chair Nibbelin suggested that they hear from the applicant, giving him ten minutes with the option to reserve a portion of that ten minutes to address any issues that may come up in the context of public comment.

Marc Ojanen, applicant, thanked staff for their hard work on this project which is small but with a lot of complexity. He stated that he is the architect and representative for the project applicant, Bryan Hu. He stated that they have been working on the project for about two years to find a good solution for the project, which is addressing the housing shortage issues in the Bay Area. He stated that it was a problematic site that has a lot of complexity because of the geometry and location along Caltrans right-of-way on a corner lot. He asked if he could share is screen.

Dep. Planning Director Murdock stated that he can, asking if he can see the option.

Mr. Ojanen did see it and stated that he will go to the exhibit of the plans and talk about the situation along the Caltrans on ramp right-of-way. They have three sides of frontage but only one side that allows access from Waterford due to the access restrictions from the Caltrans right-of-way and the development limitations along the on ramp which limits the sidewalk and the corner. He stated that the strategy in siting the building was to pull it back from the corner to preserve the corner and create a public pocket park that could act as a visual extension to the open field across from the site and give a public amenity by creating the pocket park and extending the landscaping along the sidewalk in the front of the building.

He referred to the Caltrans on ramp buffer zone, and they were limited in their plantings to a low profile mix of plants that will not block any visual access on the on ramp and the maintenance agreement will be between the city and the state, and Caltrans is allowing an improvement at the crosswalk across Waterford. He stated that the building arrangement is creating a podium that will house the commercial functions and the garage entrance from the corner. He stated that they have a bar building facing the highway to prevent noise and wind from the west and create a sheltered courtyard for the residents.

He stated that on facing the neighborhood they are creating a series of townhome units with voids between them to allow a more porous street edge along the side. He referred to the question about the color of the stucco, and stated that it was in reference to some of the other homes in the neighborhood that have that color, and they were trying to tie in the townhouse like units to the neighborhood context and creating a pedestrian experience that would create a safe experience along the edge and a buffer to the mass of the building. They also tried to break up the massing on the north property line with balconies for the side of the project facing the neighboring building.

On the ground floor, he showed how the parking works, with commercial spaces facing the sidewalk and is the landscape area and creating a small public plaza. He stated that all of the building services, storage and utilities are located within the garage. He stated that the stacker unit is located against the rear of the parking area. He stated that there was a concern about the noise of the unit, and he stated that there is about 70 feet from the unit to the garage entrance and another 60 feet to the nearest neighbor. He stated that the unit for the entire ground floor is constructed of concrete and there is a concrete floor level above and with sound isolator it will be a very quiet unit, around 30 decibels, which is the normal level of speech. He didn't think would be an issue regarding transmission into the units above or the neighbors across the street.

He stated that the office spaces are large enough to have a viable office function and they tried to keep the low intensity to avoid too much traffic or commercial activity. He stated that, on the next level, they have a courtyard for the housing units and the lower level for the three units facing the neighbors and there was a large unit and a community room, with the next level having the upper level of the three units facing the neighbors and the upper flat and deck. He stated that, on the roof, they have zones for photo required photovoltaic arrays and future expansion arrays and there is an open courtyard open to the deck. He stated that there was a lot of program and they did their best to try use a lot of variation of materials and textures and scales to try to break down the massing of the building and relate to the scale of the neighborhood and create a contributing building.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock introduced the speakers.

William Park, Pacifica, stated that he lives on Bancroft Way and the building is directly between him and his ocean views, and this will be his view from his front window. He referred to nine units in the stacker plus one additional ground floor parking space, a carpool space and two disabled parking spaces, and they said that there is one for electric charging and they will need to rotate. He stated that there is supposedly two spaces that will be assigned to the commercial offices. He stated that, for him, it doesn't add up to the number of spaces they actually have. He mentioned the commercial offices or retail spaces, and assumed that the parking for anyone visiting those retail spaces or commercial offices will have to be street parking which they don't have on Waterford or Bancroft. While people don't drive down on a regular basis, during the Covid situation, it has generally been double parked on both sides. He stated that with the building, he was concerned how construction will happen or where the vehicles will be parking during the construction period. He thought they might be able to negotiate with the car wash to borrow some of their parking spaces and keep their vehicles clear of the street. He did think the building design was wonderful but he wished it wasn't a 40-foot building in front of his house.

Craig Blackstone, Pacifica, stated that he thought they received a letter he sent and he hoped they had the opportunity to read it. He stated that he will gladly answer any questions they have based on its content. He stated that there were some things he wanted to bring to the attention of the Commission. He stated that, notwithstanding the proposed findings, the building is not consistent with the neighborhood and totally out of scale. He stated that there is no other building in their neighborhood in which the building comprises over 90% of the plot size. He stated that there was nothing topographical that requires that in this case. He stated that the only reason that a setback variance would be appropriate is if the Commission determines that it is more important to not comply with standards of setbacks for residential properties because they want to encourage as

much overbuilding as possible which is the only conclusion that would be drawn if this permit is granted. He stated that it is a C1 zoning site but less than 10% of the project is devoted to commercial and it is clear that the focus of the development is residential so he thought it should comply with all other residential requirements which include the setback requirements. He stated that, because they want to overbuild the property, they can only do that if the setback variances are granted. He stated that, as Mr. Park noted, there is no way for the parking for the commercial tenants or patrons to occur unless they park on Waterford itself. He stated that there is an error in the analysis by the programmer regarding the width of Waterford which is only 30 feet wide. He stated that, if there is parking on both sides of the street, there is no way for two lanes of traffic to go which would result in traffic congestion on Waterford. He stated that there was also an error in the location of the closest building to the proposed project. He stated that the analysis of the programmer is that the closest building is 347 Waterford, but his building at 207 Monterey is directly across the street and more than 30 feet closer than what is in the projections by the planner. He stated that, as a result, their analysis of the effect of light and shadow is an error, and there was a previous plan to have a shorter building on that site, and story poles were put up with that proposed project and, from inside his home, they could not see the top of the story poles and there would be a total reduction in light and air coming through their home if this is granted. He stated that the residents feel that the site is totally unsuitable for this project.

Chair Nibbelin asked Dep. Planning Director Murdock if he is accurate in saying that the applicant used all of his minutes.

Dep. Planning Director Murdock agreed that is the case, but he was not sure that they clearly identified the requirements to reserve time for rebuttal.

Chair Nibbelin thought he did, but if the applicant wants to respond to the matters raised, they would grant him a minute or two to respond.

Mr. Ojanen stated that they were sympathetic to their concerns, but in light of the need for housing, these types of developments are very important to offset some of that demand we are facing. He felt they have done a good job creating a smart development that would be an enhancement to the neighborhood and transform a scene of urban blight into something that would add value to the neighborhood.

Chair Nibbelin closed the Public Hearing.

Commissioner Ferguson stated that he was sensitive to Mr. Blackstone's concerns and it appears that he is entirely losing his ocean view and his sun for the day. He was also sensitive to the developers in light of the RHNA memo they received earlier this week with the coming mandate of development. He asked, per Mr. Blackstone's comments, if there was a reason that the setback because it is zoned C1 is being observed as commercial even when it was evident that it is a residential development.

Dep. Planning Director Murdock stated that, regarding the impacts to adjacent property owners' views, there was no view preservation ordinance in Pacifica, and with respect to impacts to light and air, the required finding of the project is unreasonably restricting light and air. From what he senses from the commenters' statements, he thought it seems that a building of any size more than a single story might impact the view that they currently enjoy. He stated that was understandable as to the impacts, but he didn't know it was unreasonable for building with a



General Plan designation of mixed use in a commercial zoning designation to be limited to a single story residence and he thought staff's analysis was that the project would not unreasonably limit access to light and air because of the distance between this project's site and adjacent properties and a reasonable amount of development should be allowed on the site.

He then referred to the setback question, and stated that there were two things going on with this project. The first is the commercial component for which the zoning in the C-1 district does not establish a minimum property line setback. He stated that the Planning Commission can determine what an appropriate setback is through the site development permit review process.

With respect to the second and third story development, they evaluated it as a residential clustered housing development which means a condominium or townhome development, and that does have increased setback requirements beyond even those of a regular residential development in a residential zoning district. He felt that the issue here was that Pacifica's zoning in their municipal code does not have provisions that are on point for mixed use development. They have commercial zoning standards and residential zoning standards and no third category of mixed use zoning. He stated that the issue with respect to the setbacks is applicable only in the event that it is a clustered housing development which means ownership units of condominium or townhouse type and, in this case, condominium ownership units for this project. He stated that, if it were a rental project, they would be talking only about the commercial zoning district setbacks which would be no required setbacks unless imposed by the Planning Commission.

He was not sure that staff sought to reconcile this discrepancy or at least the omission of on point zoning standards for mixed use development. They saw in the first instance a real public policy need to address this development with increased setbacks at the second story of the type that are required for ownership units, and more importantly, staff assessed the unique configuration of the lot justified approval of the variance. He stated that, given the constraints that the site faces, it was odd orientation with the property line to Monterey and its rather unusual configuration as compared to other properties in the area, most notably the property immediately to the north which is very wide and has no difficulty with complying to the zoning standards. He would be happy to answer any further questions.

Commissioner Ferguson stated that his only question was for the zoning and otherwise he was just acknowledging concerns. He stated that, for clarity, Dep. Planning Director Murdock was saying that this is a variance to the standards for clustered residential in this development.

Dep. Planning Director Murdock agreed, clarifying that the setbacks and standards in question with the variance are contained within the residential clustered housing standards, applicable only to ownership projects involving condominiums or townhouses and the standards are not applicable in this zoning district for rental housing projects. He confirmed that the issue of ownership is what leads to different standards being applied to the project.

Vice Chair Berman stated that she had touched on that point as she knows that they are being subdivided airspace for condominiums, but asked if the applicant intends to sell each unit once occupancy is allowed or is there any intent to rent out these units.

Dep. Planning Director Murdock thought that was a question for the applicant, stating that they did not offer that question to the applicant when evaluating them as condominium units. He stated that, if there are provisions in the municipal code that would make ongoing rental of such

units undesirable with respect to city approval of rent increases, etc., he thought it would be in the applicant's best interest to sell them at the earliest opportunity but she may wish to ask the applicant.

Mr. Ojanen stated that the current model is to develop them and sell them. Bryan Hu can respond to that more directly.

Bryan Hu, owner, stated that he didn't necessarily want to sell them. At first he thought about doing an affordable housing for the property but then he got retracted in his first Commission meeting. He stated that he just wanted to build something nice of the neighborhood and he wants to keep some of it, maybe his family would want to live there. He was definitely not thinking of selling it in the first tenure.

Vice Chair Berman asked him if he intends to be the property owner and manager and landlord and then rent out each of the units.

Mr. Hu stated that not necessarily renting it. He owns a construction company and will occupy the commercial space as an office and he might want to live there because he has multiple partners and they are probably going to occupy most of them and maybe one or two units will be rented out.

Vice Chair Berman concluded that he intends to rent out at least one unit without selling it right away. She asked if, understanding that these might be some rental units, whether that changes any of the discussion on setbacks or other items in the staff report.

Dep. Planning Director Murdock stated that it did not from his perspective, and what the subdivider does with these units is up to the subdivider. He stated that, because the project was approved with the cluster housing development with approval of the tentative subdivision map, it would still be subject to the setback requirements that are in question and the variance would need to be approved for the project to move forward as currently proposed. He stated that there are provisions in the municipal code about ongoing rental of condominiums prior to sales. He stated that, as he thinks about it, those only apply to condominium conversions, not to direct condominium creations and he asked that they disregard his statement about city approval of rent increases.

Vice Chair Berman asked if the applicant will have any other process that he will have to go through in order to make these rental units, or once they are developed he can do what he pleases with them.

Dep. Planning Director Murdock agreed, adding that no additional approval would be required to rent the condominium units and there is no additional process or any city involvement in that. He again retracts his comment about city approval of rent increases and other requirements for rented condominiums as they are not applicable.

Vice Chair Berman referred to the car stackers and asking staff about how the gates would work, and she asked the applicant to clarify that, as she couldn't tell from the plans if the gate slides over itself in layers or does it slide into a pocket.

Mr. Ojanen stated that it slides over itself basically like closet bypass doors.

Vice Chair Berman asked if there is any time where the vacant spot that is used to slip a car in has to be on either end.

Mr. Ojanen stated that there is always one that is going to be vacant.

Scott Brafford, representative from Harding Steel, stated that he is on now.

Mr. Ojanen stated that they have the rep from Harding Steel who can answer that much better than he can.

Mr. Brafford stated that he was trying to figure out how to unmute himself, but he thought he heard the whole question. He stated that the gate is full height as far as eight feet high and horizontal sliding gate that slides back and forth behind each other just as a sliding closet door and they slide back and forth behind each other. They do have integrated sensors in them that are pressure sensitive just like very similar to a shopping center. If you get bumped by that door, they will automatically reverse. He stated that it is a nice, safe door.

Vice Chair Berman asked, if all nine spots are full, will the doors not open.

Mr. Brafford stated that the only person who can open a door is the person who had a fob or app for that, specifically that a passenger can't sneak in off a street and open the gate as it will only work if you call your space and the cars are shuffled and it brings your car to the access level and then the gate in front of your space opens and you pull into your space as you cannot accidentally park in the wrong spot.

Vice Chair Berman understands that each person is designated to their own space and there shouldn't be a concern with someone accidentally blocking that tenth space.

Mr. Brafford agreed, adding that it is virtually impossible and it is designed to prevent that.

Vice Chair Berman referred to maintenance, and she was thinking about garbage that someone dropped out of their car and things land on the system, and asked if the system would jam up or break or what maintenance is needed, such as a weekly check that there is no debris.

Mr. Brafford stated that they encourage people to be proactive to walk through and make sure that there isn't stuff, but normally, leaves, etc., won't cause the system to stop. He stated that, if someone leaves a piece of luggage, that would be an issue, but that is a completely different situation. He stated that generally all of their maintenance are standard maintenance quarterly which is proactive and more than enough and that stays on top of all maintenance in addition to lubricating things and just looking for buildup of dirt, things that might cause noise or squeaking, they are being proactive in lubricating maintenance to prevent vibration and noise, not because of the concern of keeping it operating and reliable which is the long term goal. They are going to be proactive in looking for defects that could become a nuisance later. They should make sure they stay as reliable and quiet as possible.

Vice Chair Berman asked if he said that they recommend quarterly checks.

Mr. Brafford stated that is their standard of how they do it and it is not a choice. He stated that it is quarterly by every six months of actually heavy full cleaning maintenance and every quarter as a detailed inspection of lubrication.

Vice Chair Berman asked if their company provides that maintenance or does the owner have to provide it.

Mr. Brafford stated that they provide that maintenance in a contract with the owner and the owner has the option of contract through them or through their local service provider that is authorized and trained by them that has an off network. He stated that, even if they were unavailable, there is a plethora of technicians who are local and available to respond and help maintain the system.

Chair Nibbelin asked if he could bring up a question that he thought would involve this individual. He referred to the conversation as to whether the generator could be stored on site and whether the ion batteries Commissioner Godwin mentioned might be integratable.

Mr. Brafford stated that anything is possible and has been asked that question many times, but he has not had a project that has not gone forward with the battery. He thought it would be interesting, but no one has done it yet as it is a fairly new technology and expensive for the likelihood of needing it for something like this unless it was a full building wide battery bank and that would be a big expense. He stated that lots of people ask about generators and very few people, when looking at the actual practicality of how often would they need to use it, very few people have gone forward with it. He stated that it becomes more of an issue with PG&E rate of shutdown of power grid, but historically it has been a non-issue that people haven't done it.

Chair Nibbelin stated that he was curious about it, nothing in life is free, so he asked what the cost was involved in doing something like that so they compare it to the relative need.

Mr. Brafford asked if in a battery system.

Chair Nibbelin stated that they put the battery aside, and the generator on site.

Mr. Brafford stated that he has no idea. I does the mechanical system of the parking system from the fifth power disconnect inward and what comes ahead of that, whether it is a generator connection, battery, PG&E, etc., he has nothing to do with and couldn't answer that question.

Chair Nibbelin asked if anyone else on the team could help them understand what the tradeoffs would be cost relative to utility.

Mr. Ojanen stated that is something they will want to explore with their electrical engineer when they start getting into the details on the project. He stated that they talked about the Tesla power wall that would be dedicated to the unit in case it is needed. He stated that, while Scott can speak to it better than he can, there was a manual operation option and requires a technician to come in and lower the stackers and it takes effort and time to make it happen.

Chair Nibbelin stated its seems it will take some time and effort to bring in a generator as well, and he stated that they have moved into an environment where it is more likely that something like that may be needed. He wanted to figure out how they address that need.

Mr. Brafford stated that, as mentioned by Mr. Ojanen, with this system, it is “fairly” easy for a technician to show up and immediately get cars out one at a time. It is not a push a button and it happens but they can open valves to release gears, push and slide platforms over and get vehicles out one at a time. He stated that if there is a catastrophic failure and power is not available and is not coming back for some reason. He stated that it is not the end of the world as the power goes out for only a week at a time. He stated that the cost and practicality of building a generator system or emergency generator system is something worth exploring but he can’t say. He stated that a lot of people talk about it but he has no idea what the actual cost is in implication to trying to integrate that with the rest of the building.

Chair Nibbelin apologized for hijacking some of that.

Vice Chair Berman stated that it was perfect and it was an important point that she wanted to touch on and forgot to ask. She asked if the applicant was willing to investigate and pursue a permanent generator at the site.

Mr. Ojanen stated that it made sense to explore that option. They can look at the cost benefit analysis on it, adding that it is another level of study but they haven’t come to that point.

Mr Hu stated that they have installed some Tesla power wall that is dedicated. One Tesla power is 6 kw and it can install the power from the solar system which is required for the project. He thought it is very sufficient in a power outage to use the Tesla power.

Vice Chair Berman concluded they would use the solar power which will be stored in a battery to run the system in the case of an emergency.

Mr. Hu agreed, adding that it uses the Tesla power interesting case you stall in the power. You can generate power for the light for the garage, for the common area and if they use those powers, the solar system will generate power to store the power to the power wall again. He stated that it isn’t a new system but a lot of house uses, especially on the hot water system that uses an electrical solar water heater that uses those systems also.

Vice Chair Berman thought they could put a pin in that after questions and deliberate on having to go forward with the generator. She thought it is safety concern or a more personal property concern if there is an emergency, the power went out, someone got hurt, and needs to drive to the hospital, but the system is down. It is unexpected and someone can’t get to their car to go to the hospital, stating that it is major concern for her. She would like to talk with her fellow commissioners about it. She then referred to the maintenance of the car stacker system, and asked staff if it was possible to incorporate into the condition that the CC&Rs include, knowing there is already language for maintenance of the parking, something more specific like including a maintenance manual and regular maintenance checkups quarterly as recommended by the manufacturer or perhaps the owner has to maintain a contract with the manufacturer for ongoing maintenance during use of the property.

Dep. Planning Director Murdock thought it was reasonable to include language in the requirements for the CC&Rs to assure that the HOA undertakes maintenance in the manner and interval described in the manufacturer’s specifications to insure proper operation of the stacking parking system. He stated that, beyond that, specifying entering into certain contracts is out of

his area of expertise and he deferred to Asst. City Attorney Sharma as to whether they can do that.

Asst. City Attorney Sharma stated that she would have concerns with that because they would be requiring the property owner to enter into maintenance contracts and what is the enforcement mechanism of doing that. She was concerned with requiring a condition of approval that specific at this point.

Vice Chair Berman thought the former idea that Dep. Planning Director Murdock mentioned to make sure that the condition includes language that the HOA needs to maintain regular maintenance in accordance with the manufacturer's maintenance manual.

Mr. Brafford stated that he wanted to add a little bit of clarity of how it works in his industry. He stated that they encourage everyone to maintain the system and have a maintenance contract with them or a third party provider as it is a smart way to maintain things. He stated that they have some owners who get very comfortable with their system and choose not to do that. He stated that, in the event there is an issue, their system works rolling into a timing materials. He stated that if they don't have a maintenance contract that is in effect and they call them with an issue and they will deploy people on a time material basis. They have technicians available 24 hours a day to come out and address the issue and get someone's car unstuck or fix the problem but aren't responsible for maintaining that if they don't have a contract, but they are still available.

Vice Chair Berman states that helps her understand the process. She is sure it is new for a lot of people in the city. She referred to a question she asked about Caltrans right-of-way and her landscaping questions were answered. She had asked Mr. Ojanen the limiting planting type that you could put on that slope and she respects that. She referred to the striping and knows that Dep. Planning Director Murdock pointed out and identified that slurry seal and pavement marking will be redone on both Waterford and Monterey, but she wanted to confirm that the applicant intends to slurry seal the full width of the roads and re-stripe the whole length of the road.

Mr. Ojanen stated that, if she refers to page 216, this was part of the tentative map package and was the same as in the regular civil engineering drawings. He stated that their traffic engineer recommended the purpose to the striping to address that issue specifically when he did his traffic analysis, adding a stop indicator, crosswalk marking, as well as arrows and striping along the on ramp. He stated that was also part of one of the conditions from Caltrans that they resurface that stretch of Monterey.

Commissioner Bigstyk referred to the idea of electrical vehicles because he doesn't know how many people residing in these units might have electrical vehicles, and his question was probably for Mr. Brafford about whether or not it was possible to adapt the stackers with some sort of charging capability but, if not, the follow up question will be, there are already two charging stations and if there winds up being more households than those two charging stations will be able to properly address, is it possible to adapt the non-stacker spots with another or two charging station and would it be at the cost of the resident or the responsibility of the owner.

Mr. Brafford stated that the good answer is that it is very possible to add a charging to the mechanical parking system and they do it all the time, being simpler than it sounds. He stated

that it is a pedestal on a charger that moves with the car at the platform. He stated that every space can have a charger on it.

Commissioner Bigstycyk concluded that, if someone moves in and wants that convenience, it sounds like it is easy to make it happen.

Mr. Brafford responded affirmatively.

Chair Nibbelin stated that he didn't see any other hands raised for questions and he thought they might want to deliberate or if someone is inclined to try and formulate a motion.

Commissioner Bigstycyk had an interest in a power wall but he would leave that to Vice Chair Berman to follow up. He stated that one cause of concern was the blue stucco and he couldn't tell from the picture whether it would be something that adds well to the neighborhood or just detracts from the consistency of the building itself. He wanted the opinion of his fellow commissioners regarding the aesthetic of having just one wall with the blue stucco. His other concern was the sound in the interior in relation to Highway 1 as he thought that will be a big deal for anyone residing in those units. He would appreciate if staff can go into more detail how that is going to be addressed and whether it might be appropriate to add a COA regarding it to be fully addressed.

Dep. Planning Director Murdock stated that, as mentioned earlier, he wasn't a technical expert on the California building code but his working knowledge of this issue is that, should the project be approved and move forward to the building permit phase, the building code requirements for residential projects of this type, particularly multiunit developments like this are required to provide insulation from exterior noise sources such that acceptable interior noise levels are achieved. He stated that it was difficult to prescribe exactly what methods and materials would be needed to accomplish that but it does require a site specific assessment of typical noise environment and in this case Highway 1, car wash and other local traffic at the intersection. It was his understanding that the building code will require that analysis to be done and that the appropriate materials are undertaken to achieve acceptable interior residential noise \_\_\_\_.

Commissioner Bigstycyk asked his fellow commissioners how they felt about the blue stucco wall.

Chair Nibbelin asked if anyone wanted to weigh in on that.

Mr. Ojanen asked if it was okay for him to add another comment on that.

Commissioner Bigstycyk welcomed it.

Mr. Ojanen stated that they have the bamboo which is a natural material, the dark grey phenolic resin panel which is very durable in this environment and the stucco relates to many of the houses in the neighborhood and it is like a tie in. He stated that it also identifies the units themselves and doesn't only occur on the north wall. He stated that in the renderings, on two of one of the exhibits, each of the townhomes has a section of stucco that wraps from within the courtyard area to the front of the building and each of those townhomes has repetitive palette materials that marches around the corner and then turns the corner to become more predominant on the north elevation. He stated that the idea is to create a sense of individuality and doesn't look like a

massive, uniform building but they break up the materiality a little bit which is the intent of the stucco.

Commissioner Bigstycyk clarified that the one wall is the only place they have the blue.

Mr. Ojanen stated that they also have it in the front of the building, looking at the view from the southeast, page 201. He put up his screen and pointed out the blue. He stated that they tried to identify them as more like individual townhomes and not like a big housing block with some individuality to each of the units. He stated that, facing the Highway and on ramp, they have a darker palette of materials that are more resilient and resistant to staining and when they get to the more protected areas on the leeward side of the building, they get a lighter palette that opens up and starts to be more in dialogue with the neighboring building. He pointed out that they create a different kind of feeling and when it turns the corner, that becomes more predominant color in trying to break it up and avoid the stacked housing block look and giving a variety of colors and adding another scale to the building.

Commissioner Bigstycyk liked that he was explaining that to him as when he was initially looking at the renderings, he thought that was window and now that he sees what they did there, he was more comfortable with being consistency along all elevations and it makes it a lot easier for him and he appreciated that.

Vice Chair Berman referred to his request he threw out to the Commission, and she was inclined to trust the architectural preference by the design team. She would prefer the blue on that north facing wall to be blue over the dark grey and grey would be pretty blocking and harsh. She stated that, assuming the color is portrayed correctly in the rendering, she thought the color was nice. She asked Mr. Ojanen if this color was accurate to how it is shown in the renderings or did they come out bluer or brighter.

Mr. Ojanen stated that it was very close. He stated he will pull of his materials board.

Vice Chair Berman stated that, if it was neon blue, she would advise against it.

Mr. Ojanen stated that it was hard to match it in the rendering of the model but he thought it was pretty close. He stated that, if they look on their website, it was basically that color which is similar to the rendering. He stated that they have a few bamboo to the wood siding and basically a phenolic resin material mixed with bamboo fibers to create a durable long lasting material that will not weather like a natural wood product. He explained that it was a very single material and layers of paper that are pressed under high pressure with phenolic resins. He pointed out the store front and window material, i.e., fiberglass, and they have a nicely textured concrete block to create a softer finish to the pace of the building.

Commissioner Godwin stated that, as a former owner of a stucco home, it wasn't that difficult or expensive to change the color of the stucco, and he assumes that, if the residents were really unhappy with it, it could be changed. He asked if the houses were strictly electric or natural gas and electric condos.

Mr. Ojanen stated that it was all electric as gas is being phased out anyway in a number of jurisdictions.



Commissioner Godwin thought that would make putting in power walls more reasonable.

Vice Chair Berman referred back to the idea of a permanent generator at the site or some insurance that there is a permanent means to operate the car stacker without dependence on every day electrical like from PG&E.

Chair Nibbelin thought he would be in favor of a condition, if they can impose such a condition, that spoke in that direction. His concern is that, if it was determined that it was not feasible to implement, then he wouldn't want that to be a show stopper. If it is something that can be integrated into the project, he thought it was a worthwhile thing to get included.

Commissioner Bigstyk stated that it sounded like the owner has had some experience with the Tesla power walls and that he was happy to oblige the idea of having one installed in lieu of emergency power. He stated that, if possible to incorporate a condition of approval, he would prefer to do that as he shares Vice Chair Berman's sense of there being a potential for an emergency circumstance. He stated that there was one other development where he would have voted yes on it except that there was only one means of escape, in a worst case scenario, he didn't think he would have been able to sleep in perpetuity if he had known he could prevent an emergency from happening. He stated that it sounded like the owner was willing to go along with the condition of there being that backup source of energy and he thought it might be essential for him to vote to have that condition because he can see a circumstance in which, under a worst case scenario, he would want to know he did everything he could to save a life.

Chair Nibbelin asked if there were further comments or does someone want to try and formulate a motion.

Dep. Planning Director Murdock asked if the Commission could have a bit more discussion on public health and safety and general welfare issue that is going to be addressed by a battery backup power source as compared to generator power source. He stated that he heard concerns about the time involved between the power going out and set up of the temporary generator and any urgent needs to utilize the parking stacker in that interim period, as well as other public health and safety reasons such as noise emitting from a temporary generator or lack of a suitable location to install a temporary generator. He stated that it would be helpful from his perspective to have a bit more discussion as to the basis for imposing that requirement in light of the cost disparity between the battery backup system and temporary generator setup.

Chair Nibbelin understood his thinking and he wanted to confirm that Commissioner Bigstyk indicated that the applicant was willing to have integrated into the project what he thought was a Tesla power wall.

Commissioner Godwin stated that it was one commercial version of a battery.

Chair Nibbelin stated that, if that is the case, if the developer is willing to integrate it into the project voluntarily as a condition, they might want a little conversation about it but the issue may be framed a little bit differently and maybe it would go back to Mr. Hu and Mr. Ojanen for further comment.

Mr. Hu stated that, since the development is going to be fully electrical power and a requirement for a solar power, he would put a Tesla generator in as a backup and it is much easier not to have a generator. He didn't like gas power anyway.

Chair Nibbelin asked clarification from him that he was willing to have incorporated into the project as a condition of approval of the project.

Mr. Hu stated that he planned to install one anyway and it was okay to incorporate it as a condition.

Chair Nibbelin asked Dep. Planning Director Murdock if that was they might do.

Dep. Planning Director Murdock stated that he was hearing that Mr. Hu is revising his project to include a battery backed up system sufficient to operate the stacked parking system in the event of a grid power outage. He asked Mr. Hu to confirm that assumption.

Mr. Hu responded affirmatively.

Chair Nibbelin asked Asst. City Attorney Sharma if there was anything further they need to deal with on it.

Asst. City Attorney Sharma stated that she was comfortable.

Commissioner Godwin stated that he has had some experience with backup generators and they are infrequently used and sometimes they don't start among other problems. He stated that he probably spent too much time on this but a battery backup system is silent, always available and last for a decade with basically no maintenance. He agrees with Mr. Hu that, given that they are reasonably priced now, they were superior as a backup power source and will be there in an emergency when you need it, not a day later.

Chair Nibbelin stated that it sounded like Mr. Hu is as enlightened as he are and he thought they are in good shape on that point. He asked if there is further discussion or anyone ready to have a motion.

Commissioner Ferguson asked Mr. Brafford, in agreeing to incorporate the Tesla power wall pack, is that a sufficient unit to power this car stacking unit for the amount of time required to clear out all nine parking spots, adding that as a resident of his neighborhood, he loses power every winter at least one night sometimes more. He stated that, if he was a resident and knew that there was some chance that he was not going to be able to have access to his car for multiple days, he would just park on the street which is a neighborhood concern for the location.

Mr. Ojanen stated that Scott had to leave the meeting, but he spoke with him about this prior to this meeting and the power requirements for these units is pretty low, like a three-phase of 30 v system and he thought it is something they have to validate with their electrical engineer. He stated that ideally they can go with the power wall or something similar, but he thought it will take some studying to see if it will be adequate. He thought, from the preliminary discussion with the parking rep, he thought the power requirements are fairly low for this type of unit.

Commissioner Godwin stated that he can add a little bit. He stated that the power walls can be wired in series and essentially, if you are willing to pay for an infinite amount of power and they can use inverters to either three phase, one phase DC power that it relatively converts from one to another requirement of the housing system.

Vice Chair Berman stated that she would be happy to make a motion.

Dep. Planning Director Murdock asked Vice Chair Berman if it would be helpful for him to read back the conditions of approval that the Commission focused on to see if any of them are of interest to her with respect to the motion she is intending to make.

Vice Chair Berman responded affirmatively.

Dep. Planning Director Murdock stated that he heard discussion about condition of approval #27, including a typo that “maybe” should be revised to “may be”. There was discussion of condition of approval #18 to ensure that the homeowners association undertakes maintenance in the manner and interval prescribed by the manufacturer’s specifications for the parking stacker and he heard discussion of adding a new condition of approval to reflect the applicant’s revision to the project to utilize a battery backup system capable of operating the parking stacker in the event of a grid power outage.

Vice Chair Berman stated that it matches her understanding.

Vice Chair Berman moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; APPROVES Permit for Site Development PSD-848-20, Use Permit UP-122-20. Parking Exemption PE-190-20, Variance PV-529-20 and Tentative Subdivision Map SUB-246-20 by adopting the attached resolution, including conditions of approval in Exhibit A with the modifications provided by Dep. Planning Director Murdock; and INCORPORATES all maps and testimony in the record by reference; Commissioner Bigstyk seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstyk, Ferguson, Godwin,  
Leal and Chair Nibbelin

Noes: None

Chair Nibbelin declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

**COMMISSION COMMUNICATIONS:**

Commissioner Bigstyk stated that, as always, please wear a mask because of a pandemic and what is increasingly known among communities consistently wearing those masks is that the rate of transmission is significantly lowered. While not fun, it pays off for everyone involved. He reminded everyone that the following day is important and he asked that everyone vote. He thought polls are open from 7 AM to 8 PM at 2212 Beach Boulevard as well as St. Peter's Church on Oddstad. He stated that vote as it is the right thing to do.

Commissioner Godwin that he recently had some plumbing issues at his house and checked the water pressure and found out it was 100% higher than it should be. It was supplied by the city. He had a discussion with the water district staff and they said it was not so bad as they have houses that have 400% pressure that is recommended in the building code. He asked them what they are doing about it, and they said nothing and would not commit to doing anything. He bought a pressure reduction valve for his house, didn't save his water heater as he had to pay a couple of thousand dollars to have the valves replaced but it will save money in the future. He suggested that everyone go to Home Depot and get their \$10 water pressure meter and if they have pressure above 60 pounds per square inch, they do something similar at their home.

Chair Nibbelin asked if that was the North Coast County Water District.

Commissioner Godwin responded that it was and they serve the entire community. He was shocked to see that, rather than 50 pounds which is the normal thing, he was at 110. He stated that they have people over 200.

**STAFF COMMUNICATIONS:**

Dep. Planning Director Murdock stated that Planning Director and Acting Asst. City Manager Wehrmeister will be taking an update to City Council on the regional housing needs allocation process at the meeting on November 9. He stated that several commissioner are interested in that process and it will be interesting to read the report and to tune into the meeting. He stated that, as noted with discussion of the Planning Commission liaison assignments, Council will be holding a special meeting on November 17 to pick up on the discussion of the Sharp Park Specific Plan process. The Council had a brief discussion on it recently and decided to take some additional time and set aside a special meeting for that purpose. He thanked Commissioner Bigstyk for serving as the liaison for that meeting.

Chair Nibbelin congratulated Dep. Planning Director Murdock on his appointment as Dep. Director of Planning.

Dep. Planning Director Murdock thanked him.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Bigstyk moved to adjourn the meeting at 10:08 p.m.; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes: Commissioners Berman, Bigstycck, Ferguson, Godwin,  
Leal and Chair Nibbelin  
Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister