

MINUTES

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

April 15, 2019

7:00 p.m.

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

ROLL CALL: Present: Commissioners Berman, Rubinstein, Nibbelin, Campbell
Bigstycyk and Chair Clifford
Absent: Commissioner Kraske

SALUTE TO FLAG: Led by Commissioner Nibbelin

STAFF PRESENT: Sr. Planner Murdock
Assoc. Planner O'Connor
Asst. City Attorney Bazzano
Sr. Civil Engr. Donguines

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

The order of agenda moved #2, 3, 4 before Item #1

The motion carried **6-0**.

Ayes: Commissioners Berman, Rubinstein, Nibbelin, Campbell
Bigstycyk and Chair Campbell
Noes: None

**APPROVAL OF
MINUTES:** None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF APRIL 22, 2019:

Commissioner Bigstycyk volunteered to attend as liaison for the cannabis ordinance.

ORAL COMMUNICATIONS:

None

CONSENT ITEMS:

None

NEW PUBLIC HEARINGS:

- 2. UP-102-18** **File No. 2018-016 – Use Permit UP-102-18** for installation of a new Verizon wireless communication facility (WCF), comprising a 2’-5” tall and 1’-2” wide canister antenna with a 5.5” antenna support mounted on a 7’-0” bayonet extension atop an existing 39’-2” tall utility pole, and associated pole mounted equipment, in the Redwood Way public right of way. Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

- 3. UP-96-18** **File No. 2018-008 – Use Permit UP-96-18** for installation of a new Verizon wireless communication facility (WCF), comprising a 2’-5” tall and 14” wide canister antenna with a 5.5” antenna support mounted on a 7’-0” bayonet extension atop an existing 38’-2” tall utility pole, and associated pole mounted equipment, in the Terra Nova Boulevard public right of way. Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

- 4. UP-92-18** **File No. 2018-003 – Use Permit UP-92-18** for installation of a new Verizon wireless communication facility (WCF), comprising a 2’-5.5” tall and 14” wide canister antenna with a 5.5” antenna support mounted on a 7’-0” bayonet extension atop an existing 42’-11” tall utility pole, and associated pole mounted equipment, in the Fremont Avenue public right of way. Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Sr. Planner Murdock stated that the applicant has requested continuance for the public hearings of Items #2, 3, 4 to a date to be determined in the future to allow time to work with the city to revise the facility and strive for full compliance with the city’s Municipal Code requirements. Staff supported the request and recommended that the Commission continue items 2, 3, and 4 to a future date to be determined.

Commissioner Campbell moved that the Planning Commission continue items 2, 3 and 4 until the next appropriate date; Commissioner Nibbelin seconded the motion.

The motion carried **6-0**.

Ayes:	Commissioners Berman, Rubinstein, Nibbelin, Campbell Bigstycyk and Chair Clifford
Noes:	None

1. SP-163-17

File No. 2017-007 – Specific Plan SP-163-17 for the construction of a 2,460 square foot (sf), three-story, single-family dwelling on a 5,077 sf vacant lot on Farallon Avenue, approximately 80 feet south of the Edna Lane intersection (APN 009-085-430). Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303(a).

Assoc. Planner O'Connor presented the staff report.

Chair Clifford asked for a description of slope and anchor easements.

Assoc. Planner O'Connor thought Sr. Civil Engr. Donguines could talk further about it, but she understood it would preclude permanent structures from being developed in those areas.

Sr. Civil Engr. Donguines asked him to repeat the question.

Chair Clifford said he had a question on the two different types of easements, slope and anchor, which he has never run into before.

Sr. Civil Engr. Donguines stated that the slope easement was to keep the same slope and the anchor easement is for the utility poles when they have the anchor that keeps the poles straight.

Commissioner Bigstycyk referred to the CEQA requirements and he wondered about the technical threshold for what constitutes an urbanized area.

Assoc. Planner O'Connor stated that state law provides a definition of urbanized area and it has to do with the population in a general location. She stated that Pacifica meets that definition. She thought it was further detailed on packet page 13.

Commissioner Bigstycyk thought that, since Daly City was contiguous with Pacifica, combined it was more than 100,000 and he asked if a population of 100,000 constitutes that technical threshold.

Sr. Planner Murdock thought, in this instance, that was his understanding. If you reach the 100,000 population with those contiguous cities, and Daly City in its own right exceeds 100,000 residents and it trips that definition of urbanized area.

Assoc. Planner O'Connor stated that the Asst. City Attorney provided her with the definition and asked if he would like her to read it.

Commissioner Bigstycyk stated that he would.

Assoc. Planner O'Connor read that urbanized area means either an incorporated city that either meets the following criteria, has a population of at least 100,000 persons or a population of less than 100,000 persons and not more than two contiguous incorporated cities combined equal at least 100,000 persons. She stated that it continues but we meet that subsection.

Commissioner Berman stated that the driveway width was unclear to her and she wanted to know if it was noted in the conditions of approval and was it 20 feet or 16 feet wide. She thought the

project applicant can clarify that. She stated that the proposal was to shorten it to provide room for the parking turnout and she wanted to be sure that if it was 16 feet wide the shortening would not be too short at that point.

Assoc. Planner O'Connor stated that the driveway width is supposed to be 16 feet wide at the point at which it hits the street but because it was at an angle, it was extended out to 20 feet. The condition of approval would ask the applicant to reduce the width of the driveway apron to allow for that compact on street parking spot to be there and it would definitely reduce the apron distance from 20 feet to closer to 17 or 16 feet and a small portion of the driveway to something narrower than 16 feet for the bottom portion.

Commissioner Berman assumed that the feasibility of turning in because of the curve and elevation of the road would be worked out in the design permit phase.

Assoc. Planner O'Connor thought the applicant may be able to speak the feasibility of that.

Commissioner Berman referred to condition #3 where the terracing in the backyard was going to be removed and she wondered if the Planning Commission will have to review the future proposed landscaping in that area.

Assoc. Planner O'Connor stated that the condition of approval #3 would ask the applicant to remove the terracing and condition of approval #8 would require the applicant to submit a final landscaping plan which would be provided to staff for the Planning Director's approval and would not have to return to the Commission for that.

Chair Clifford asked the reasoning behind removing all of the terracing.

Assoc. Planner O'Connor stated that the design guidelines specific to Farallon Avenue direct the use of cantilevered open space off the building rather than grading of land to create usable open space on the property. Staff learned that terracing of the backyard was purely meant to make the backyard more usable to the resident and has no erosion prevention function. She stated that looking at the design guideline the intention was to keep as much existing slope as possible and staff thought it would be appropriate to have it removed.

Sr. Planner Murdock added that in addition to the guideline related to cantilevering decks as opposed to substantial grading to create open space, the design guidelines for Farallon also call for avoiding the extensive use of retaining walls and staff thought the proposed terracing was extensive use of retaining walls which was excessive and not consistent with the design guidelines for Farallon.

Chair Clifford asked if it would be appropriate to allow 1 or 2 sections of terracing that would be covered by the profile of the house so they could have a little bit of backyard and would it be appropriate for the Planning Commission to discuss.

Sr. Planner Murdock thought the Commission would have to make that determination that it was not substantial grading and the design guideline states that on up slope lots, private useable open space should be created by cantilevering decks over the hillside as opposed to substantial grading out of the terrain. That was a judgment call for the Commission to make but based on the

proposal he thought it was difficult to speculate what that would be without seeing a plan. Visually redesigning the site not to include substantial grading would be difficult for him to do.

Thomas Podesta, applicant, stated that if someone says something negative about his house the reason would be that they are upset with him about a personal incident that happened on his property about six years ago. He explained that he came out one day to do some gardening on one of his lots and some dust got on the neighbor's deck next door which they had just finished staining, and he admits that was his fault but his proposed house is just a house that anyone else has. He stated that it was smaller than the houses on either side because 30 years ago he personally designed and built the house on one side and that was the same one with the deck he mentioned. He stated that, by looking at his proposed house, it was more attractive than the houses around him. He stated that his design was not just a tract house he recently designed but something he first conceived 35 years ago. He stated that, at that time, he worked as an engineer for a man who had a master's degree in architecture and he improved upon his concept. He stated that since then he further refined his design to make it fit within the property lines and abide by Planning Code stipulations. He stated that he purchased his first empty lot in May 1984 and he has a picture of him standing on his lot at that time. He pointed out that the house to one side of one of his two empty lots did not yet exist at that time and that would be the house today at 365 Farallon Avenue which was the one he mentioned where he made a mistake about getting dust on its deck. He mentioned having pictures showing him building that house in November 1988. He believes it is improper for the owner of that house to come to this podium and say something negative about his house when he designed and built the house 30 years ago which that person lives in. He stated when he first arrived to the area in May 1984 the entire uphill side of Farallon Avenue was empty lots and there were 5-6 houses on the downhill side of the street. He stated that, since that time, he has been involved with almost every house that has been built on the street and he has come to see how the issues of all those houses started and evolved as stated in the optional design guidelines for Farallon Avenue. He was present in the Chambers in 1985 when the first three houses were proposed for the uphill side of the street on lots 46, 47 and 48, which today are the lots with a Cape Cod style architecture. He stated a deceased friend of his built those houses and another deceased friend who lived across the street spoke at that time voicing a concern about the difficulty of street parking on Farallon Avenue and requested the Planning Commission to vote for a larger than legal front setback for those houses and the Planning Commission rejected his request because they could not change the law. He stated that since that time parking turnouts have become a standard for Farallon Avenue and other parts of Pacifica, namely Pedro Point where he also designed and built several houses. He had pictures of what the uphill side looked like in 1985 when those Cape Cod style houses were being excavated. He agrees with most of the optional design guidelines for Farallon and has done his best to abide by them in his proposed design. He then listed the optional design guidelines he has proposed.

Chair Clifford opened the Public Hearing.

Vincent Cunningham, Pacifica, stated that he is a proud Pacifican, with children who attend local schools and is a business owner. He stated that he has known the applicant for some time and he is a wonderful individual. He was not there to evaluate his moral turpitude but the applicant has worked on his house and has participated in about 50 different projects in Pacifica, and has helped associates as far as their property and architectural necessities. He stated that he has heard a lot about his two plots and his intentions and issues with the neighbors and understands both sides. He wanted to tell them he was a decent fellow and he didn't anticipate the Commission impeding in pursuing his dream but he thought it would be anti-colonial if he can't build on a plot

of land he has had for about a half century. He was born in San Francisco and has helped a lot of locals out, mentioning some of the specific projects and he felt they should hear him and help him. He rents in San Francisco but his dream is to have a house in Pacifica.

Anthony Simmons, Pacifica, stated he was a resident of 335 Farallon and was approximately eight houses up from where the applicant will be building. He stated that he has known him for a number of years and he can speak to his character and more importantly the quality of his work. He stated that the applicant also built his house 31 years ago. He has worked side by side with him and his proposed house will be 100% precise down to the inch as he is very meticulous. He mentioned that there were contractors doing retrofits in San Francisco and the applicant signed and approved their plans and he learned a lot by working side by side with him. He is a major fan of the applicant and has seen his work and calculations. He referred to the applicant's mention of an incident which he found ironic as he built that house. He stated that the resident was known in the neighborhood for causing problems and he guaranteed them that the applicant is not a problem. He was excited to see his home go up as it will be precise and pristine. He requested that they approve his project in its totality.

Lori Naylor, Pacifica, stated that she lives at 365 Farallon, the in question house. She stated that she didn't have any problems with the building of the house as the plan looks fabulous. She stated her concern was that there have been many challenges since they moved to Pacifica in 2011. She stated her concern was the stability of the hill since there are the two properties next to each other and they have a very small retaining wall between their property and his property and over the last several years she has some pictures over time when he was taking all the grass and weeds off the hill and bringing it down to dirt and she understood that it decreases the stability of the hill. She stated that there is a 4-foot section between where their retaining wall is and he was taking the dirt down and there was rebar that goes into the posts and it looks like he was trying to make the wall fall over because it was literally a strip. She stated that there are a few structures where she has put notices in to Code Enforcement over the last few years and was told that the structures were supposed to be removed and they have not been removed. She stated that he was burning fires in the structures, singed their pine tree and luckily it didn't go up in flames. They had to call the fire department to get the fire out because it was in a cistern but this was a fire coming up into their pine tree. She was not a planning person and she thought they are "cutting it" on the part of the house but her concern is the stability of the hill and the constant battle she feels they are having with him. The incident he talked about wasn't dirt on their property but rocks were hitting their house, glass. She didn't take him to court saying that he damaged their house but asked him to not use a high powered gas weedwhacker next to their home and then he started shoveling everything and bringing it all down to dirt. She states that it is great if he wants to build a house but she wants to make sure he is wary of the neighbors and not having these things constantly happen.

Asst. City Attorney Bazzano asked if he closed public comment.

Chair Clifford closed the Public Hearing.

Mr. Podesta stated that the lady who spoke was referring to the wall that was built 30 years ago and at that time it was only meant to be a temporary wall but the man who was in control of the project made it a permanent wall which should have never been there. He stated that Code Enforcement at that time failed to enforce the law to make it permanent. He stated that the steel rods to which she was referring are dead man's that he allowed to be placed on his property to

support this wall. He stated that the wall is 30 years old and that was why it was falling apart. He stated that he will work with her to remedy that situation. He referred to the fire she mentioned which was a small barbecue pit he had on his property which he felt was legal and when the fire department came and told him he was in compliance with the fire code but he had to go to the building department and get their approval and they denied that because they told him he could not put a barbecue pit on an empty lot but had to have a house first. Since then, he has not used it at all. They allowed him to keep it as he made it into and uses it as a table. He referred to dirt removal from the top, stating that 5-6 years ago he made a barbecue pit at the top manually and he moved a few wheelbarrows of dirt down the hill and deposited it but it only amounted to about a mound of dirt the size of the podium. He stated that it wasn't that excessive but he would remedy all those situations and will improve the tie backs that stabilize the wall. He stated that the wall was comprised of the same material they see in the picture which is 31 years old. He stated that he was a nice person and willing to work with everyone. He was not perfect and he admitted that he got dust on their deck and it was his mistake.

Commissioner Bigstyk referred to the commenter's concern about the hill stability and he didn't know if the applicant or staff should answer.

Assoc. Planner O'Connor explained that 365 Farallon is on lot 50 of the subdivision and Mr. Podesta owns two lots adjacent to that property, Lots 51 and 52. She stated that the proposed project was on Lot 52 and there will be an empty lot between the proposed project and the commenter.

Commissioner Nibbelin asked if the construction on lot 52 shouldn't impact lot 50.

Assoc. Planner O'Connor stated that the geotechnical report does not extend to lot 51.

Commissioner Nibbelin asked if the geotechnical report gave any reason for concern in staff's opinion on the matter.

Assoc. Planner O'Connor stated that it provided recommendations that the applicant will be required to incorporate which was typical of any other project.

Sr. Planner Murdock stated that the geotechnical report did not indicate any signs of historical instability of the slope or signs of landslides, but did comment that there was a superficial debris flow that had been identified and it was assessed that it was attributable to construction of Farallon as opposed to some broader geological concern with the hill stability.

Commissioner Berman referred to the commenter's concerns, specifically construction fencing, and she asked if a possible condition of approval to apply construction fencing between the lots as an added barrier would be appropriate.

Sr. Planner Murdock stated that it would be helpful to know more about what her concern was with respect to the fencing.

Commissioner Berman stated that there was concern with debris entering the adjacent lot and she didn't know if erosion control measures or construction fencing. She assumed Lot 51 was the vacant lot between the construction and the commenter.

Sr. Planner Murdock responded affirmatively.

Commissioner Berman asked if that would be used as construction staging.

Assoc. Planner O'Connor stated that it will not and construction staging will occur on lot 52 and the construction vehicles will be parked along the frontage of 52 and 51.

Commissioner Berman thought there should be 50+ foot separation between.

Assoc. Planner O'Connor stated that it was at least 40 feet and fans out from there.

Commissioner Campbell thought it was a good looking house and well designed. He was ready to make a motion if anyone is ready.

Chair Clifford stated that he could make a motion with it open for discussion if necessary.

Commissioner Campbell moved that the Planning Commission FIND the project is exempt from the California Environmental Quality Act, APPROVE Specific Plan SP-163-17 by adopting the resolution included as Attachment B to the staff report including conditions of approval in Exhibit A of the resolution and, INCCORPORATE all maps and testimony into the record by reference; Commissioner Berman seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Berman, Rubinstein, Nibbelin, Campbell
Bigstycck and Chair Clifford
Noes: None

Chair Clifford 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.

CONSIDERATION ITEMS:

None

COMMISSION COMMUNICATIONS:

Commissioner Bigstycck stated that he attended the Home for All event on Saturday. He stated that it was a wonderful event. He stated that as he walked through the door he was handed a name tag and they suggested it would be a good idea to sit with other commissioners, Councilmembers, staff, etc. and it surprised him because when he first walked through the door he thought he was attending as a person in the community as he was accustomed to and that was the first time since he embarked on the journey of being a commissioner that it dawned on him that he was a city official. He thought it was neat but it was interesting how thin that line is that he crossed, and he suggested to anyone interested in becoming further involved that they become involved but he never thought when he spoke at his first Council meeting that he would be sitting here at this point and he encouraged that, if anyone has any passion or consideration for the community and they want to show up, they become as involved as they can. He stated that the event was great and it was heartening to see the community come together from all walks of life to discuss an issue that means a lot to everyone which is ultimately finding a home in a place they wish to regard as their home regardless of life's circumstances. They were discussing a heavy topic and the room was friendliness, collaboration and joining together to come up with solutions that will work for everyone.

Commissioner Nibbelin stated that he served as the Planning Commission's liaison to the City Council meeting for consideration of the introduction of the ordinance regarding the ADU regulation amendments and he reported that Council was interested in what the Commission had to say about the regulations and shared a lot of the same concerns. He stated that after some deliberation they voted to introduce the ordinance.

STAFF COMMUNICATIONS:

Sr. Planner Murdock echoed many of the remarks made by Commissioner Bigstycck about last weekend's Home for All community conversation which was held at the Community Center last Saturday, stating that there were 80 attendees which he thought was a phenomenal turnout for a meeting that wasn't to come and yell about a project that should be approved or not approved but instead to get them to talk about their experience and how they feel about housing. They were thrilled that the community came together on the issue for what was the first of two scheduled meetings. They hope to carry the energy, excitement, collaboration and goodwill into the next meeting scheduled for Tuesday, May 21. He stated that the first meeting was Saturday morning which is convenient for some and the next meeting is Tuesday evening which will be more convenient for others. The location is still to be determined but anyone interested that couldn't make the first meeting he asked them to reach out and contact him in the Planning Department and they will make sure they get their email address to notify them well in advance for the next meeting.

ADJOURNMENT:

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 7:47 p.m.; Commissioner Berman seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Berman, Rubinstein, Nibbelin, Campbell
Bigstyk and Chair Clifford
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister