

**MINUTES**

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

March 19, 2018

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Kraske, Stegink, Gordon, Campbell,  
Clifford and Chair Nibbelin  
Absent: None

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

**STAFF PRESENT:** Planning Director Wehrmeister  
Sr. Planner Murdock  
PW Sr. Engr. Ray Donguines  
Assistant City Attorney Sharma

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

The motion carried **6-0**.

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

**APPROVAL OF MINUTES: MARCH 5, 2018** Commissioner Clifford moved approval of minutes of March 5, 2018; Commissioner Gordon seconded the motion.

The motion carried **5-0-1**.

Ayes: Commissioners Kraske, Stegink, Gordon, Clifford and  
Chair Nibbelin  
Noes: None  
Abstain: Commissioner Campbell:

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 26, 2018:**

Chair Nibbelin stated that he was the Liaison for the April 9 Council meeting and didn't think they needed anyone for the next meeting.

**ORAL COMMUNICATIONS:**

Ron Maykel, Pacifica, stated that he wanted to speak on a completed development on Fassler, specifically the townhouses on the eastern portion of Fassler. He stated that he lived in Rockaway but this project came about in 1982 and he filed an appeal. He stated that a bunch of trailers were going to be placed on that property to house non-union out of state workers to build that project but his appeal was denied. He stated that the trailers were off white and glaring, adding that when they put in drainage it was a 30-inch pipe that goes down and empties into

Rockaway Creek with automobile byproducts. He stated that we have six creeks and they have all been compromised, but some seriously because of development.

Bridget Duffy, Pacifica, stated that she wanted to ask Planning to ask staff to set aside time when Pacificans can bring an idea to bring some rectitude to our housing crises by allowing tiny homes to be built on greenbelt land. The city would get fees from a permanent lease and would only go up for maintenance of the property and the individual would be making the personal investment in building the structure. She thought it would be a high bred solution to a big problem we are having in San Mateo County and San Francisco. She stated that there are architects and builders in Pacifica who know about these things and she would like to bring them to the staff. She felt the reason they need to do that was because solutions are desperately needed and she didn't think we were going in the right direction. She didn't think Pacifica spent a lot on the homeless but in San Francisco they spend about \$320 million on the homeless, specifically rousting them and helping them for all the symptoms they are having from being homeless. She stated that, if we put \$320 million into small homes on greenbelt land, they would not be homeless, sick or mental. She stated that we need to go right to the problem, which was people can't afford to live here but they can't leave either. She pointed out that, because of not getting regulations on the real estate industry, her 91-year-old mother has to be put to tears, as she has been here for four decades and doesn't want to live in Sacramento. She asked what they were doing to help and she asked that they think about it. She stated that she was applying to be on the Planning Commission but she does speak the male language.

Commissioner Clifford asked her to define greenbelt for him.

Ms. Duffy stated that she put a sketch together, but she gave an example with Eureka Square. She stated that, at the long road/parking at the far left side of the property, there was a greenbelt strip behind houses that also have yards. She stated that those houses have yards they don't use and there is a greenbelt piece of slanted land and the whole row of parking is virtually unused. She didn't see why they couldn't get enough of that land to put about ten small homes.

Commissioner Clifford stated that he just wanted to get her definition of a greenbelt.

Ms. Duffy assured him she was not talking about open spaces but urbanized areas that have greenbelt land.

Chair Nibbelin thanked her, and as it was not agendized they cannot discuss it, but he suggested staff study this and bring them something on tiny homes at some point in the future. He thought it would be interesting and timely, given the issues they are dealing with on housing.

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

<b>DP-75-14</b> <b>RZ-192-14</b> <b>SP-149-14</b> <b>TDR-03-14</b> <b>SUB-224-14</b>	<b>Development Plan DP-75-14, Rezoning RZ-192-14, Specific Plan SP-149-14, Transfer of Development Rights TDR-03-14, Subdivision SUB-224-14 and Removal of Heritage Tree</b> for Construction of a 24-Unit Residential Condominium Project on a 53,627 Square Feet (Approx. 1.23 Acres) Portion of a 112-Acre Site at 801 Fassler Avenue (APNs 022-083-020 and 022-083-030). Recommended CEQA Action: Supplement to an Environmental Impact Report (EIR), including Adoption of a Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Consideration.
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Sr. Planner Murdock presented the staff report.

Commissioner Clifford stated that they have seen three striping plans and he asked if they were all in front of them or only the recent one.

Sr. Planner Murdock stated that staff's opinion was that the Commission would be able to go with any of the three presented. He stated that they were with the city's and applicant's consultants to discuss the most recent one in greatest detail but he thought any are available for the Commission.

Jeff Potts, SDG Architects, applicant, stated that staff has adequately covered the alternatives they presented, however, for the record, either the previous height version or reduced height version would be amendable to the applicant.

Chair Nibbelin opened the Public Hearing.

Ron Maykel, Pacifica, stated that he was concerned about the color, mentioning that he pointed out at an earlier meeting that the Seacrest units are glaring and visually discordant with the environment. He hoped these building do not end up looking like that. He was also concerned with the drainage and hoped there would not be any offsite drainage going into Rockaway Creek. He was also curious because the Harmony@One project has two retention basins that collect water off the site and they have outlet pipes and it mitigates the storm water system from getting overloaded and helps to reduce pollution off the roads. He stated that they have two retention basins for a 13-home project and they have a 24-unit project and he didn't see any retention basin on this project. He referred to those affected the most by the project from a view corridor standpoint, and stated that there was a steep street called Bayview with 8 houses on the right and 9 on the left and they all have decks in the back yards. He stated that the predominant view from their decks was where this development was going to be and their views will be affected a lot more than anyone else. He appreciated if they can mitigate it through color.

Mr. Potts pointed out that the runoff situation and cleaning of the water was handled through the standard C3 measures required by the state, and far different from the old project and equal to what they are doing across the street. He stated that they would be amenable, if the Commission chooses, to tweak the colors of the project a little bit.

Chair Nibbelin closed the Public Hearing.

Commissioner Gordon stated that he wanted to disclose that some of the Commissioners had communications with the applicant. He stated that he was contacted by the applicant by email and it was a non-substantive communication, pretty much one way.

Commissioner Clifford told him he wouldn't respond. He stated that he had three items on which to ask questions, one being the colors of the buildings. He stated that the renditions show a large bit of light and then some colors on them. He would like a condition that the buildings have earth tones for the palette and it be used into the future, so a new buyer can't just change the colors to stark white. He also would like to drill down on the three striping plans and see which one works out the best. He was presently in favor of the flat roof and eight-foot high ceilings because he wants to keep the heights down as much as possible, explaining that he had three reasons, the maximum height is 35 feet, it is in an HPD and they are supposed to be very careful, and it being a view corridor as well.

Commissioner Campbell stated that his remarks are similar regarding the height, adding that it was a big consideration when the Commission approved the project in 2007. He stated that there was a lot of "blood on the floor" on that approval which was one of the concessions. He still didn't see a reason to allow buildings above 35 feet, especially in this sensitive area, adding that they insisted on 35 feet on a lot of single home projects. They didn't give them a waiver and he didn't see why they would do that with this project. Regarding the variance for the height restriction, he asked staff what the potential was for the added height.

Sr. Planner Murdock asked for a moment so that he can check the zoning.

Commissioner Campbell stated that he would come back to that.

Commissioner Stegink stated that he was contacted twice by the developer and he explained that he does not have ex parte communications with developers after the item has gone in front of the Commission. He stated that he had a problem with the height, and he would like to cap it at 35 feet which was the recommended maximum for the Hillside Preservation District. He was okay with the location and the transfer of rights. He would like the creators of the two extra documents handed to them to walk them through them. He added that, in honor of ex-Commissioner Cooper's suggestion, maybe they can see how the traffic plan coordinates with his suggestion.

Chair Nibbelin thought this may be a good time to ask for a deeper study of the document they have with the most recent striping plan. He referred to the traffic engineers being present and they may be able to talk them through it.

Sr. Planner Murdock stated that there were copies of the attachment presented to the Commissioners in the rear of the chamber for the public. He stated that it was an explanatory document as there was some question at the last hearing about prominent ridge lines and there was a map of the general plan land use designations within the neighborhood, including the project site at the southern boundary. He pointed out the designation along the left center of symbology given to prominent ridge lines, and there were prominent ridge lines designated north and east of the project area, however, there are no prominent ridge lines on or in the immediate vicinity of the project site.

Chair Nibbelin stated that the other document looked like the concept plan for the restriping.

Sr. Planner Murdock responded affirmatively, adding that they have the city's traffic consultant, Bob Grandee and the applicant's consultant who prepared it was also present and may be the best person to ask questions.

Chair Nibbelin thought most people have the sophistication to go through it, but he asked for a naïve walkthrough of what they were looking at.

Gary Black, Hexagon Transportation Consultants, stated they prepared the concept plan. He stated that the street was 48 feet wide curb to curb. The plan has two 12-foot lanes, a 12-foot median turn lane and that leaves 12 feet, and they proposed to divide it into two six-foot stripped shoulders which could serve various functions. He stated that, if this was carried down the hill, it could accommodate bikes and turning vehicles that want to slow down and turn into the driveway going in either direction. He stated that it moves the one lane in each direction section further down the hill to accommodate the shoulder. He stated he would be happy to answer any detailed questions.

Chair Nibbelin referred to it going down to one lane and then it returns to two lanes thereafter.

Mr. Black responded affirmatively.

Commissioner Clifford asked how this compares with the first plan they saw, in terms of striping.

Mr. Black stated that it was pretty much the same except for the shoulder stripes as the original one didn't. He stated that it also carries the transition from two lanes in each direction to one lane further down the hill.

Commissioner Stegink stated that he was curious about the distances between Roberts Road and the exit of this APN that was planned on Roberts Road in the transition to the one lane north of the project.

Mr. Black asked if he was questioning how far the distance was.

Commissioner Stegink responded affirmatively.

Mr. Black stated that he didn't bring that information with him and he estimated that it looks about 1200 feet or so or maybe 1000.

Commissioner Stegink stated that he would try to figure out with Google what the distance was and he may have another comment later.

Commissioner Gordon stated that he was trying to break it down to basics. He stated that they have three plans presented to them and they were trying to figure out the differences and the pros and cons. He referred to this latest plan, Plan 3, and the first plan, Plan 1, and asked if Plan 3 has striping on the shoulder which is the basic difference.

Mr. Potts responded affirmatively.

Commissioner Gordon concluded that it goes down to one lane further west.

Mr. Black responded affirmatively.

Commissioner Gordon referred to advantage and disadvantage of Plan 3 versus Plan 1.

Mr. Black stated that having the one lane to two lane transition happening at the driveway does create a potentially slightly more confusing situation for drivers. He stated that, when looking at the volumes, they didn't see a need to have four lanes on Fassler in this section as it would function fine with just one lane in each direction which provides them room for a shoulder which they thought offered a lot of advantages for bikes as a long term plan and a way for cars to move over when making a right turn to get out of the way without blocking the other traffic. He thought Plan 2 had a separate right turn lane and they didn't see that it was necessary and thought it would create more of a conflict between the different movements possible.

Commissioner Gordon stated that Plan 2 introduced the concept of a separate right turn lane going into this project going westbound.

Mr. Black responded affirmatively.

Commissioner Gordon concluded that his thinking was that it wasn't necessary because most of the traffic turning into the project would not be westbound but eastbound.

Mr. Black responded affirmatively, adding that they would prefer to use the space for something else rather than a right turn lane.

Commissioner Gordon thought that made sense, adding whether another factor between taking one of the lanes out at the project site, Plan 3, would be the speed being slower.

Mr. Black stated that generally the speed will be slower when you have one lane versus two. He stated that there was already a transition to go from one lane in each direction to two lanes in each direction. He stated that there was a transition now and they were proposing to move that transition away from the driveway. He agreed that, if you have only one lane, the traffic would tend to go slower than two lanes. He stated that with two lanes you have cars passing each other.

Commissioner Gordon asked, in terms of the backup in the mornings during commute hours, how far up the backup goes, such as does it reach the project site or not.

Mr. Black stated that the report he read says it does not reach the project site, but basically to Roberts. He stated that, as long as they have the four-lane section at Roberts, they can contain the backup and it would not get any longer by moving this transition.

Commissioner Gordon stated that his question was the significant disadvantage of Plan 3. If there was a high volume, high congestion area, by constricting the potential lanes you are making the project problem worse, but he was saying that it isn't the case off Highway 1 and it is not quite the problem.

Mr. Black stated that it was not the problem today, to his knowledge.

Commissioner Clifford stated that he was disappointed that the day that traffic study was taken was between Thanksgiving and Christmas. He stated that he drives the road every day and he has seen traffic back all the way up to Crespi fairly frequently. He was concerned about taking away the second lane as proposed. He had asked staff if there were any pedestrian or bicycle accidents, and they were going to check with the police department. He asked for the results.

Sr. Planner Murdock stated that the police department indicated that, for the last ten years of research, there were no reported pedestrian or vehicle or bicycle collisions along the Fassler Avenue segment in question.

Commissioner Clifford thought it was possible that they don't actually need the shoulders.

Commissioner Stegink agreed with Commissioner Clifford about traffic backed up to the project site many times. He stated, since the last meeting, he drove that route ten times at a rate of speed around the maximum that they would be allowed by law. He stated that there were a lot of people passing him, and they stack up on the left lane turning left into Roberts. He was worried that they are channeling the entire funnel of what was realistically 60 mph traffic into the left lane only to have them slightly stack up behind Roberts and have to veer into the right lane immediately. He stated that, if they go 1000 feet at 88 feet per second, at 60 mph, he thought it was less time than 10 seconds. He stated that gravity never rests and the cars going downhill are definitely traveling faster than the cars traveling uphill. He was curious if there was any flexibility to extend the shoulder on the downhill side further and reduce the shoulder on the uphill side.

Mr. Black asked if he means as a way to have a three lane section with two lanes in one direction and one in the other.

Commissioner Stegink stated 8 feet on the downhill side and four feet on the uphill side in the shoulder.

Mr. Black stated that you have 12 feet to work with and they split it evenly. He stated that their concept was maybe someday you put a bike lane on the road, and you wouldn't want to have a bike lane only four feet wide, which was why he went 6 and 6. He stated that, if they don't envision that they would ever want to do that, they could have an eight foot and four foot shoulder.

Commissioner Stegink asked staff if the bike lane was codified at six feet.

PW Sr. Engr. Donguinness stated that they follow the Caltrans standards, and a bike lane is 4 foot. If they want a bike path, that was up to 8 feet.

Commissioner Gordon stated that this was challenging as a key fact was a little murky for them. He thought a key factor was how high the backup in the morning goes and Commissioner Clifford sees the back up to Crespi every day. He referred to the study taken the week after Thanksgiving saying that it went up to Roberts, and that was a big difference and he felt it was very challenging in trying to make a decision. He stated that, if the backup goes up to Crespi, the drivers would know the Planning Commission restricted the flow even further by choosing Plan 3. He stated that he would be very cautious going with Plan 3 and constricting the traffic flow westbound down the hill for that reason.

Commissioner Stegink referred to the 11 x 14, Drawing 1, and asked what plan that was.

Sr. Planner Murdock stated that was Option No. 3.

Chair Nibbelin referred to concerns expressed around the building heights and Table 3 on Packet page 18, and asked, if they were to implement staff's recommendation to go with the flat roof alternative with 8 foot interior ceilings, there would be two buildings that would exceed 35 feet, Building B by 4 inches and Building A by 2feet,1 inch.

Sr. Planner Murdock responded affirmatively.

Chair Nibbelin saw the average interior ceiling height for residential structures was eight feet, essentially what staff was talking about, which he thought was standard. He asked if that was what they were talking about.

Sr. Planner Murdock responded affirmatively.

Chair Nibbelin asked if the state of the art was shifting toward greater than eight feet.

Sr. Planner Murdock agreed, stating higher heights and more spacious dynamic. He clarified that staff's recommendation was not to combine the flat roof and the 8 foot ceiling heights.

Chair Nibbelin asked if they were saying just to go with the 8 feet.

Sr. Planner Murdock responded affirmatively. He then referred to Commissioner Campbell's question about the degree of deviation from the 35 feet that the Commission could grant, and stated there was no limitation in Section 9-4.2211. He stated that, in the PD district, with certain findings being made, the Commission can dispense with any maximum building height.

Chair Nibellin concluded that, in implementing staff's recommendation, they would be looking at the first column under Table 3 which would have three buildings exceeding 35 feet, Building A alternative. He asked that they refresh his recollection on building alternative.

Sr. Planner Murdock stated that it was the flipped floor plan where there was some question as to whether it was a reduced height alternative. He stated that the applicant explained that it was not due to different grades on either sides. Building A alternative was a different finished grade for the entry to the garage and was not an interchangeable floor plan.

Chair Nibbelin stated that it would be implementing staff's recommendation of two different buildings, A and B, that would exceed 35 feet to some extent.

Sr. Planner Murdock responded affirmatively, explaining that staff was trying to balance the Commission's concerns about height with the flexibility in this zoning district as well as trying to achieve what staff thought was the most interesting overall architectural design which included the angled roofs. Staff's opinion was that the elimination of the angled roofs would be too boxy and uninteresting, adding that the alternatives were there for the Commission to consider.

Commissioner Campbell stated that he was trying to get clear on the specific findings made. He stated that in the November 6, 2017 meeting, they were talking about specific findings to make to



change the height maximum from 35 feet to 44 feet, 5 inches. He asked if there was a range like that at this time that they are approving or are they the heights of the building and they can't go beyond that.

Sr. Planner Murdock stated, if he understood the question, those ranges would depend on the alternative selected by the Planning Commission, which was stated to account for the varying building heights from the various building types, Building A alternative through Building E. He stated that in that case it was not meant to provide a range of heights the Commission could select from but to say that building heights would range from as low as the one figure to as high as the other figure.

Planning Director Wehrmeister added that Building C would be the height that it says and not a different height based on a range.

Commissioner Campbell stated that was exactly what he was trying to understand.

Commissioner Gordon referred to Chair Nibellin's discussion, stating that some commissioners expressed their view to cap the height at 35 feet and thought staff's recommendation was to be flexible in order to allow for more creative design. He recalled from a previous meeting that they were saying the height differential beyond the 35 feet would have a minimal impact on the view corridor, and asked if he was correct.

Sr. Planner Murdock stated that he was nearly correct. He stated at the previous meeting that the change in height to 35 feet would not have any effect on the significant visual impacts in the environmental analysis. He stated that those significant and unavoidable impacts to the scenic corridor and highway would remain. He stated that, if the concern was to mitigate environmental impacts, the change to 35 foot maximum would not eliminate those impacts. He mentioned that there may be other reasons to lower the height as close to or at 35 feet, but the applicant has previously expressed serious concern about its ability to achieve the 35 foot height limit and maintain and produce a viable product and it may be worth some discussion with the applicant on that point.

Commissioner Gordon concluded that, to summarize, he was stating that, by capping it at 35 feet, they were giving up some aesthetic benefit but not necessarily getting a benefit in terms of protecting the view shed.

Sr. Planner Murdock responded affirmatively.

Commissioner Gordon concluded that the advantage of capping it at 35 feet was more in terms of their own consistency in approach with prior and future applications, referring to the commissioners espousing that.

Commissioner Campbell agreed that it was consistent with his concern. He acknowledged that they have granted height variances in other decision making, but he thought with this one he feels constrained to some extent because in 2007 they went to the mat on this one. He didn't see a reason to move off it. He thought it was coming down to one building, but that was where he was at.

Commissioner Gordon thought the point the Sr. Planner was saying was that, by capping it at 35 feet, they were not making much of an impact on the visual impacts but are constraining what, in his view, is a better design. He stated he was playing devil's advocate.

Commissioner Campbell sees that point, but he often sees that type of argument as an artificial constraint and he doesn't accept the premise of the argument that someone brings something to the Commission, stating that the design above the height limitations is a great design, and if you don't let me design it this way, I will design it some inferior way because you aren't letting me go above the height limits. His response is no. He felt they can do that with good reason, but where they are coming in with a 2007 approval and they have already hashed out a 35-foot height limit in a very sensitive HPD area, he didn't know why he would go back and revisit that.

Commissioner Gordon stated that the applicant was fine with the 35-foot limit if that is what the Commission chooses, but he thinks what Sr. Planner Murdock was saying as a neutral observer is that design with a 35-foot height limit is boxier in his view and without that constriction, it was nicer.

Sr. Planner Murdock stated that he did not hear the applicant was accepting a 35-foot height limit. He heard the applicant say that either the 8-foot interior ceiling height limit or the flat roof alternative was acceptable. He wasn't sure what the applicant would make of combining both of those or an overall 35-foot height limit.

Commissioner Gordon apologized, adding that it sounded like he completely misspoke.

Commissioner Clifford stated that he wants to combine the two and he didn't think that the slanted roof improves the building all that much. He would like to combine the two and could vote for it if they are both combined and he has a condition that mutes the colors on the building so the buildings blend into the hillside better which is the only way he will vote for it. He added that he still has to hash out the striping.

Commissioner Stegink thought the most qualified expert on what the applicant would and would not accept is in the room, if they choose to query them. He asked staff if restricting the height to 35 feet affects our progress towards the California Affordable Housing plan.

Sr. Planner Murdock stated only to the extent that the applicant may choose to eliminate units or redesign the project as a result of the height constraint.

Commissioner Stegink asked what the minimum size in square footage was of units in Pacifica.

Sr. Planner Murdock stated that a single family minimal dwelling unit size is 850 square feet and other sizes for different unit types. He stated that he can pull that information up.

Commissioner Gordon stated that, before they get too far down the road with Commissioner Clifford's proposal which makes sense as being very cohesive, they don't know if the applicant would accept it. He thought it makes sense for the applicant to speak.

Chair Nibbelin suggested that they ask the applicant if he wants to speak.

Mr. Potts stated that they have some exhibits with the flat roof which they carried through the whole project, and they were not produced with 8-foot ceilings. He stated that he was the architect, not the applicant, but he would not recommend building a house with an 8-foot ceiling. He stated that he hasn't designed a house, townhome, stacked flat, condominium with an 8-foot ceiling in a decade as it is substandard. He stated that they are usually 10-foot ceilings. He stated that these were 9-foot ceilings and the original design had the pitched roofs in small areas to accentuate the form and to provide some volume ceilings in master bedrooms. He stated that they were happy to flatten those out and do something different, and he didn't think it drastically diminished the aesthetic quality of the project. He thought 8-foot ceilings would diminish the livability of the project significantly. He pointed out, in regard to the old approval of the buildings, the way this project sits on the site sits lower in overall height than those buildings that were approved. He stated that the way the height was measured was done differently and the buildings sat higher up on the hill and they produced a higher form. He stated that some of the buildings were measured to the top of a podium deck that stuck out of the ground 8 feet and they were called 35 feet high even though they were sitting on top of a podium deck that stuck out of the ground. He then drew their attention to A05, Building A alternate they submitted, and explained that regardless if they do flat and 8-foot ceilings, the key building that was over the height limit was in the center of the site and will still be over the height limit. He stated that was based on the way it was measured. He stated that, if you look at it from the high side from the street, it was below 35 feet and if you look at it on the low side from the back, it was below 35 feet but the site slopes down and they are measuring from the lowest of the low side to the highest of the high side. He stated that the only way to reduce that building below 40 feet was to take a floor off of it, and you end up with a 600 square foot flat. He stated that building was the crux of the height issue and the rest are within a couple of inches or foot or two. He mentioned that the other one at issue was Building B and, on the low side, they have a two-story element that was probably 22 feet tall and on the high side they have a two-story element, but if you measure from the lowest to the highest, you are exceeding the height limit, dropping down to the 8-foot ceilings and the flat roof would probably not achieve 35 there and if it did, it would be a fraction of an inch. He stated that, again, they would be producing substandard units with 8-foot ceilings in the living rooms, master bedrooms. He wasn't sure they ever embraced the 8-foot ceiling height. He would take a look at other alternatives to see if they could site them a little. He thought it could be a matter of siting it differently so he can measure it differently even though it looks exactly the same. He stated that a lot of it was a function of how it was measured along the site. He referred to the two exhibits they did comparing current project height to the old approval. They weren't comparing them but the subject did come up at this meeting.

Chair Nibbelin wanted to clarify that the 8-foot ceilings were staff's recommendation as a feasible way to proceed.

Mr. Potts stated that he would have to allow the applicant to answer that question, but he didn't view 8-foot ceilings as a viable design alternative in 2018.

Chair Nibbelin asked about the flat look.

Mr. Potts stated that, aesthetically, the flat wasn't so far off aesthetically that, if he came in with it originally, no one would look at it and say he needed to design it differently with peaked roof, etc. He didn't think it was way off aesthetically and detrimental to the visual impacts of the projects.

Commissioner Gordon asked if he was saying 8-foot ceilings were cramped and substandard and what was the standard height.

Mr. Potts stated that, as proposed, they were at 9 in general, and where they have the slight increase in height, it was done to keep the windows they detailed before which were slightly higher than that. He stated that those small areas could come down a bit and flatten the edge a bit further, but generally they are at 9 feet. He stated that there was no issue, stating that they can review, mentioning that anything at the garage level does not need to be 9 feet tall, but in the living spaces, it is a drastic difference.

Commissioner Clifford referred to the colors, he thought he heard him say he would look at a more earth toney color palette.

Mr. Potts stated that most of the buildings are fairly earth toney and they could look at a couple of different alternatives for that color and work with staff on selecting something more muted and more earth tone.

Commissioner Clifford asked staff what the building code said in terms of ceiling heights, stating he did not think there was a maximum, but wondered what the minimum was.

Planning Director Wehrmeister thought it was 7 feet 6 inches.

Mr. Potts stated that was correct.

Commissioner Clifford thought it could average 7.6 and 8 was fairly standard for most buildings in Pacifica.

Chair Nibbelin wanted to be clear what the average was in terms of newer construction. He understood there were a lot of older buildings. He asked what the sense of it was.

Planning Director Wehrmeister stated that she didn't have a sense of it.

Sr. Planner Murdock stated that it wasn't a dimension that they pay a lot of attention to.

Mr. Potts stated that he can give anecdotal evidence, mentioning a project across the street and one on the other side and their ceilings were all 9 feet or taller. He stated that they were measured on a flat pad. He stated that, if he measured these on a flat pad, they would be under the height limits just as those buildings are. He thought they were 10 feet in the middle floor and 9 feet on the top floor.

Commissioner Campbell referred to the exhibit they had at the study session where the heights were lower in profile than what they approved in 2007. He stated that it was based on 9 foot and possibly 10 foot ceilings at the time.

Mr. Potts stated that the exhibit they showed was based on their original architecture which had the 9 feet and higher where the pitched roofs were and had pitched roofs on it. He thought, at the city's request, they went back and pulled as much information as they could for data and adjusted it to be as spot on as they could get it. He stated that it was based on their original proposed heights which were higher than they are now with the flat roofs.

Commissioner Campbell stated that if they were measured on a flat pad they would all be below 35 feet.

Mr. Potts stated that now, without the pitched roofs and measuring on a flat pad, they would all be below 35 feet. He stated that he would have to look at the pitched ones and tell them where that point came out to. He stated that, if they think about a 9 foot plate on every floor, you have 27 feet plus 3 feet of floor and ceiling and you have 30 and any pitch or parapet would be above that.

Commissioner Campbell agreed with him that 9 feet was kind of the industry standard going forward.

Commissioner Stegink stated that almost the entire neighborhood of Linda Mar was roughly 8 feet ceilings and he didn't completely buy in that an 8 foot ceiling provides a substandard life. He asked if 2320 was the largest square foot of any of the units.

Mr. Potts stated he would have to refresh his memory on that.

Commissioner Stegink thought it was and it looked like 1253 was the smallest square footage of any of the units, and he asked if he agreed.

Mr. Potts stated that he has one that says 2143 and down to 1253.

Commissioner Stegink thought that was 1A and he asked if it was No. 7. He concluded that they were significantly above the minimum square footage.

Commissioner Gordon stated that he didn't have any more questions for the applicant and asked if anyone else did.

Chair Nibbelin didn't see any more.

Commissioner Stegink stated he had one more question. He asked what the final analysis was on public access on the trails.

Sr. Planner Murdock stated that the applicant indicated at the last public hearing that it was his intent to limit access to the occupants of this development if proposed and the residents of the adjacent Seacrest condominium development.

Commissioner Stegink asked if the adjacent Seacrest residents were included because they are insured by their own condominium association or what was the reason to include them but exclude the public.

Mr. Potts stated that he would have to direct that to the applicant.

Mr. Samir Sharma, applicant, stated that he has been working with Patrick on the shared access for the trails, and one of the main reasons was parking. He stated that both sides are private and it was hard to manage the parking access and from a liability standpoint, they were concerned. He stated that they needed to better understand how much liability each would incur depending on if

they open the access for all public usage. He stated that he received an email from Patrick where he stated that Harmony @ One provided public access for a portion of their site, and it was possible to look at that as an alternative but they didn't have enough details yet to know if that was a definitive course they can take.

Commissioner Stegink concluded that, at the current time, he was asking for approval with no public access.

Mr. Sharma responded affirmatively.

Chair Nibbelin stated that they can bring it back to the Commission, adding that they were dealing with three issues. He thought they may have gotten some consensus or agreement pertaining to the colors for the development. He stated that they still have to figure out what they want to do with regard to the concept plan or striping plan acknowledging they have a few options, including what was presented at this meeting and a couple from prior meetings and then what they want to do with the heights.

Commissioner Clifford stated that he was going back to the striping. He thought, of the three plans they have seen, he was in favor of the second plan.

Chair Nibbelin asked him to refresh their recollection. He stated it sounded like it didn't include the shoulder.

Commissioner Clifford stated that it did not include the shoulders and brought the two lanes closer to the driveway which were the high points. He preferred that plan because he was concerned about taking away a lane and also based on the police report of no accidents involving either a bicycle or a pedestrian in the last ten years. He wasn't sure they needed the shoulders.

Commissioner Gordon stated that he liked how he outlined the three issues and he thought it made sense to hone in one at a time on each issue so they can speak now on the striping and traffic and come to some consensus on that. After that, they can move to the height limit subject.

Chair Nibbelin agreed that they should do that.

Chair Nibbelin didn't know where Plan 2 was. He asked if they have a page reference for it.

Sr. Planner Murdock stated that they did not include it in this packet but he may have it in a digital format to project for the discussion.

Chair Nibbelin suggested that someone bring that up to staff and show it and that might help move the ball forward.

Commissioner Gordon thought it might help to have the traffic consultant be available while they are having the discussions. He thought he mentioned that Plan 2 had the right hand turn lane going downhill. He thought it was a superfluous use of that since most of the traffic going to enter the project will come from the west, not the east.

Chair Nibbelin asked if someone from engineering or traffic consultant could provide clarity. He stated that Commissioner Clifford was in support of Plan 2 and they want to be sure they are talking about the same thing and they have the essential elements of it.

Mr. Black stated that alternative 2 has the two lanes downhill starting at the driveway and has a right turn lane that goes into the driveway and after that right turn lane, there was a second lane that picks up at the driveway to go downhill. He stated that compared to alternative 3, which they drew up, this moves the two lane downhill section farther away from Roberts by about 300 feet.

Chair Nibbelin thanked him for the clarification.

Commissioner Clifford thought one of the advantages to the right hand turn is that, if someone finds that they can't make the left hand turn, they can go up, turn around and come down and take the right hand turn into the project. He thought it gives them an alternative when there is a lot of fast moving traffic going past the project.

Commissioner Gordon thought that Plan 1 does not have that right hand turn lane.

Mr. Black responded affirmatively.

Commissioner Gordon asked how else it compares to Plan 2.

Mr. Black asked if he meant Plan 1.

Commissioner Gordon responded affirmatively.

Mr. Black asked if they have a picture of Plan 1.

Sr. Planner Murdock stated that Plan 1 was depicted on the bottom half of the slide, labeled prior plan. Current plan is alternative 2 which they discussed.

Mr. Black stated that Plan 1 was basically the same as Plan 3 except it does not have a shoulder stripe and it moves the two-lane transition down like Plan 3.

Commissioner Gordon concluded that Plan 1 and Plan 3 both move the transition further south, and that was something he and Commissioner Clifford are finding objectionable. He stated that Plan 2 doesn't have that issue, but he thought good things happen if you take away that right turn lane.

Mr. Black stated that, if you took away the right turn lane, it would move the two-lane downhill even further up the hill. Instead of a right turn lane, it could be a through lane so you have two through lanes.

Commissioner Gordon asked what the disadvantage was of doing that.

Mr. Black stated that he could think of a couple of things, such as if you ever wanted to have a shoulder area available, you cannot have it with that. Also, if the traffic really backs up all the way up the hill to Crespi in two lanes and if you are trying to make a left turn into the driveway, and one lane stops for you and the other doesn't, that creates a situation where there is zero

visibility. He stated that it would be rare but it does have the potential to be an accident possibility.

Commissioner Gordon agreed, but he thought that occurrence would be pretty rare since the congestion that far up would be in the morning commute hours where people are leaving, not coming back.

Mr. Black agreed.

Commissioner Gordon stated he would be in favor of Plan 2 but converting the right hand turn lane into an actual through lane.

Commissioner Kraske asked him to restate that.

Chair Nibbelin stated that Plan 2 with the right hand turn lane shown is a through lane instead.

Commissioner Kraske asked if Plan 2 was the top one.

Chair Nibbelin stated that he will double back and take everything in terms of the perspective on the traffic plans.

Commissioner Kraske stated that he was hesitant to reduce the shoulder from 6 feet to 4 feet, adding that just because there haven't been bicycle pedestrian accidents doesn't mean that they won't. He was in favor of keeping it at 6 feet.

Chair Nibbelin asked if he was in favor of alternative 3 with the shoulders as shown.

Commissioner Kraske responded affirmatively.

Chair Nibbelin asked if there was anything else at this point.

Commissioner Kraske stated that he was interested in hearing more about the option of the left hand turn lane as a through lane. He wasn't sure it was possible by keeping the shoulders at 6 feet.

Chair Nibbelin thought they will circle back to that.

Commissioner Campbell was okay with the designed that was proposed. He used to commute that when his child went to Ortega and it was a terrible back up on Fassler but he couldn't recall how far up or down it went. He wouldn't want to exacerbate it for anyone. He stated that they have had traffic experts opine on it.

Commissioner Stegink stated that he drives the route all the time. He was not in favor of anything that constrains two lanes going from one direction to one lane going both directions. He asked if Plan 3 keeps two lanes in both directions.

Mr. Black stated that there is a transition now and that may be some of the confusion. He stated that part of the road is four lanes, part of the road is two lanes. He stated that there is a transition between the two lane section and the four lane section. He stated that now the transition happens



about where this driveway is. They were suggesting with alternative 3 to move that transition down the hill which will shorten the four lane section.

Commissioner Stegink concluded they lose a length of four lanes.

Mr. Black stated that they lose some stacking space.

Commissioner Stegink stated that he would prefer as long a four lane section as possible, and was in full agreement with Commissioner Kraske's suggestion that they extend the ascending left turn lane to a through lane also. He stated that essentially, it was Plan 3 but with the left lane also a through lane. He was not sure if it was clear, but you could turn left or go straight in the left lane ascending up the hill.

Commissioner Gordon stated that you would not have a protected left turn.

Mr. Black stated that all the ones they have talked about would be fine but he thought not having a left turn pocket would be extremely dangerous and they would strongly recommend that you have a left turn pocket for those cars to get out of the traffic stream.

Commissioner Campbell stated that he wasn't a traffic expert or a traffic safety expert, adding that we have an expert that has thrown a plan out and the city agrees with that plan. He was getting hesitant about mixing and matching the plans at this point. He will get to a point where he will not be able to vote.

Commissioner Kraske asked if No. 3 was the city recommended plan.

Chair Nibbelin stated that they should check with staff but No. 3 was the most current proposed plan. He thought he understood the consultants to be saying that Plan 2 would be acceptable and safe as drawn. He thought the evolution of Plan 3 was that they had one of their colleagues no longer with them who had expressed some concerns about bicycle and pedestrian safety on this stretch of road and the idea was to create some shoulder buffer to provide some protection for bicyclists along that stretch of road which was how he understood how we got there.

Commissioner Stegink stated that, with respect to Chief Nibbelin's statement and the original request for nuance conversation on safety, he will say Plan 3.

Commissioner Clifford stated that he was still with Plan 2 and he didn't want to make any changes to it. He likes it the way it is. He stated that it will be a deal killer for him. He knows the road and what traffic does there. He stated that it doesn't always back up to Crespi but it does back up that hill. He stated that it was a nice safe plan with a right hand turn that slows the traffic down in front of the driveway and doesn't get to be two lanes until after the driveway. He stated that, if he remembers correctly, there was going to be striping on the first north lane going west, keeping people from merging immediately after the driveway so people can turn left into that and merge the other way and wind up with two lanes just a little bit further on than what they were seeing there.

Chair Nibbelin stated that he would be in support of Plan 2 and the third option as well. He stated that he doesn't live in this area and he is rarely on this road so he doesn't have the experience to bring to bear on it and will be willing to defer to other people who know the area better, but in the

interest of moving it along, he would be prepared to support either of the two if they make a motion along those lines. He stated that our consultants agree that they both address safety concerns. He likes the idea of the shoulders and one of the reasons they continued the matter was to get some information along those lines but was not wedded to it and would be prepared to support either one.

Commissioner Gordon referred to what would exacerbate the morning backup, and stated that Plans 1 and 3 will exacerbate the morning backup because they lower the point where one lane becomes two. He stated that, in terms of reducing the stackable space as mentioned by the traffic consultant, Plans 1 and 3 reduce that and Plan 2 is the only plan that maintains it. He was very much in favor of Plan 2 for the same reasons as articulated by Commissioner Clifford. He was strongly against Plans 1 and 3 for that reason. He thought a right hand turn lane was not necessary but he was not wedded to it. He was more strongly about not making a very bad situation worse for those people stuck in that morning commute.

Commissioner Kraske asked if there was a shoulder on Plan 2.

Chair Nibbelin stated that he didn't think there was a shoulder contemplated.

Mr. Black agreed that Plan 2 does not have a shoulder and there is no shoulder there today. They are four 12 foot lanes and this is the same 12 foot lanes but the only difference was how the lanes get utilized that is different.

Commissioner Gordon stated that they were talking about one of the steepest streets in the entire city. He stated that he drives that street all the time and there are not many bicyclists and pedestrians going up or down that hill. He was a bicyclist and asked if this was more readily used by pedestrians and bicyclists, adding that there is a sidewalk for pedestrians. If it was more readily used by bicyclists, he would think it was a very good point but they have to balance the few bicyclists who use it versus the many motorists stuck in the morning on the commute.

Chair Nibbelin thought they have a good sense of where people are.

Commissioner Stegink asked staff if there was a sidewalk there.

Sr. Planner Murdock stated that he didn't believe there was one there currently, adding that staff had proposed as part of the complete street policy to require sidewalk installation.

Commissioner Gordon stated that there was a sidewalk on the south side.

Sr. Planner Murdock stated not on the side of the project.

Commissioner Stegink asked if there currently exists a sidewalk on the south side all the way up.

Sr. Planner Murdock stated that it was not his recollection but perhaps Sr. Engr. Donguines could comment.

Commissioner Clifford stated that he talked about a motion and he asked if he has to do the motion separately.

Chair Nibbelin stated that he was making it clear that, if that became part of a motion, where they were.

Commissioner Clifford thought the sidewalk begins at Roberts Road and goes on up.

Chair Nibbelin suggested they turn to the issue pertaining building heights. He thought there were a few things on the table, such as what the proposed height is in the project, flat roof alternative, 8-foot ceilings with a lot of different information on this. He hoped they could get a sense of where they were collectively or individually with respect on how to move this forward.

Commissioner Stegink stated that they aren't small units at 2143 square feet, but almost the same size as homes. He stated that the developer's option wasn't reducing the number of units if they drop the height. He thought the HPD was pretty clear and they have had a consistent pattern of enforcing the 35 foot height limit and he would like to enforce it here.

Commissioner Campbell understood the argument that the developer was making about the heights and it was the same height as what they approved in 2007. He thought one of the reasons the buildings were 35 feet in 2007 because some of them were built on a subterranean garage and it was a decrease in visual impacts and part of the horse trading that was going on at the time. He stated that this was bringing a lot of tradeoffs again. He was fine with the density transfer, appreciated deed restrictions, lack of connectivity with the paper streets, fine with the color, fine with the traffic analysis, but appreciated the common sense Commissioners Gordon and Clifford are bringing to this as you have to have the street science. When it comes to height, he thought there were so many tradeoffs. He stated that it was an HPD site originally and it was not the type of precedent that he can set. He stated that, going through so many public hearings in 2007, he understood the importance that a lot of people bring to the notion that we need to hue to the ethic that the height restrictions mean something in this kind of development. He hates to be slavish to the height restriction, adding that there was a way to break it down. He gets that 9 feet is the way they want to go with bedrooms. He stated he wants to have his cake and eat it too. He feels the 9 foot ceilings will improve the marketability of the project and will look better. He wanted to hear what others have to say before he decides.

Commissioner Gordon stated that flat roof versus peak roof was one issue and ceiling height is another issue.

Sr. Planner Murdock responded affirmatively.

Commissioner Gordon asked if with a 9 foot ceiling height and the peak roof you were in excess of the 35-foot limit.

Sr. Planner Murdock stated that he was correct.

Commissioner Gordon asked if, with a 9-foot ceiling height and a flat roof, they were in excess of the 35-foot.

Chair Nibbelin stated in some cases.

Sr. Planner agreed, explaining that Building A would be at 40 feet 1 inch, Building B would be 37 feet 4 inches and Building C would be 35 feet 10 inches.

Commissioner Gordon stated that the only way to get within the 35 foot limit is to go with an 8 foot ceiling.

Sr. Planner Murdock added a flat roof. He added that Building B and A would still be over 35 feet.

Commissioner Gordon concluded that, even if you get 8 foot ceilings and flat roofs, they are still over the 35-foot limit. He stated that he enjoys having a little room over his head when in a house. He stated that older homes having 8 feet is great, but he thinks the more modern approach is to go for more spacious house which is better. He was in favor of a 9 foot ceiling. He didn't have a strong feeling about a flat roof or peaked roof. He heard the applicant say that aesthetically he can go with a flat or peaked roof and he was fine with that. He was concerned about being a little bit slavish to the 35 foot height limit and by insisting on that having a bad product. He didn't want to do that. He was okay in some cases going over the 35 feet where it makes aesthetic sense. He concluded he is for a 9 foot ceiling and didn't care about a flat or peaked roof and whether it goes over 35 feet.

Commissioner Clifford stated that he does care. He would be willing to accept the flat roof alternative height with the 8 foot interior ceiling. He stated his reasoning there was that building B would only be 4 inches over the 35 feet which was insignificant and Building A would be 37 feet and 1 inch which was 2 feet and 1 inch over and he could live with that, but when it starts getting over 40 feet he has a problem with that in terms of HPD, view corridor and standard building height of 35 feet. He stated that was 3 strikes against it. He felt that anything other than the flat roof and 8 foot ceilings was pushing everything. He stated that they have multiple buildings higher than 35 feet elsewhere and here they have one only 4 inches higher and the highest one is only 2 feet and 1 inch higher. He stated that he was comfortable with that but not comfortable with any of the other alternatives.

Commissioner Kraske agreed with Commissioner Clifford and would like to keep as close as possible to the 35 foot height limit and would support flat roof and 8 foot height in ceilings. He was having trouble understanding why that would create an inferior product. He thought the houses would sell with 8 foot ceilings.

Chair Nibbelin was more in the camp of Commissioner Gordon and didn't think 8 feet represents the state of the art or the way they should be trying to build going forward. He didn't think it reflects good contemporary design. He thought the flat roof alternative would be satisfactory and if a building exceeded 35 feet it would not cause him problems. He understood that it would cause some of his colleagues' problems. He wondered if there was a way for Building A on the flat roof alternative to be brought significantly below 40 feet, closer to Building B which was 37 feet 4 inches. He thought it was a less problematic height and gets them closer to 35 feet. He wondered if they would consider the flat roof alternative height option without requiring 8 foot interior ceilings if they could get Building A down to something closer to Building B's height. He wondered if the applicant was prepared to address if that was feasible.

Mr. Potts thought they could address the structural systems and see if they can take a couple of inches out of the floor depth and if it came down to something or nothing, he would say that 8 foot ceilings with the third floor being bedrooms is much more acceptable than 8 foot ceilings in

a big room that was as large as half of the chamber. He thought in the spirit of compromise they could work in that direction.

Commissioner Clifford stated that he intrigued him with the idea of reducing the floor thickness. He asked if it was possible to reduce both the floor thickness and the separation on the top floor. He stated that, if they reduce the floor thickness, they were reducing the ceiling of the unit below. He asked how he would accomplish that, such as switching materials to steel girder.

Mr. Potts stated that he should know which floor thickness they are using currently but typically they are designed with a 14-inch truss joist product. He thought they could be designed with an 11 7/8 truss joisted that is spaced more tightly and they could go to something smaller and more traditional nominal lumber. He stated that when they get into that, they have a bunch of dropped ceilings and things for duct work and things get messy. He thought there were definitely ways to shrink the floor thickness itself down by 2, 3 or maybe 4 inches. He stated that, if they reduce the plate height on the upper floor and reduce the roof thickness and two floors worth of thickness they might be in the range of 18 or 20 inches of reduction of where they are now. He stated that, based on Building A, it would have them in the 38 foot range but that would be something ground upon in the minutia of the construction.

Commissioner Campbell was in support of Commissioner Clifford's notion of the 8 foot ceiling and flat roof and it was getting close enough and with some floor reduction they are getting to where it is livable. He stated that they are talking about just a few feet and it sounds persnickety and slavish but these HPD properties are not the only one in town, and he hates to have the camel nose under the tent on this one because with the next one they are making some concessions here for HPD properties. He mentioned that the ordinance and the projects were fought over the decades and he was remiss to play with the tight restrictions. He preferred if they are coming in with a project in these areas of the city they come in at the height restrictions. He appreciated some of the other things that have occurred with the project and acknowledged that a lot of thought has gone into it. He asked that if they can get the height restrictions down to a level mentioned by Commissioner Clifford.

Chair Nibbelin stated that he wanted to be clear as to what Commissioner Clifford is talking about at this point.

Commissioner Clifford stated that, at this point, he was happy with flat roof alternative height with 8 foot interior ceilings. He stated that the applicant was talking about possibly reducing the floor thickness with different construction methods which they would have to codify so they knew it was happening and not something promised and doesn't happen. He stated that the alternative works for him. He referred to page 18.

Chair Nibbelin understood that, but he thought the applicant was saying that he was looking for greater height in larger rooms, but acceptable in bedrooms.

Planning Director Wehrmeister referred to the last column on Table 3 on page 18 which she thought Commissioner Clifford was referring to, and asked if it would be acceptable to the Commission that the maximum height be conditioned and allow the architect to design the floor ceiling height.

Chair Nibbelin concluded that the notion was that as long as it was under 37 feet 1 inch, as in Building A, it could be a 10 foot ceiling.

Planning Director Wehrmeister stated that the other floors could be 8 with some reduced construction methods.

Chair Nibbelin stated that as long as the overall building height was under 37 feet 1 inch the ceiling could be whatever it is.

Planning Director Wehrmeister stated that was her suggestion.

Commissioner Gordon asked what the applicant thought of that.

Mr. Potts stated that he thought they could live with that with just a little bit of clarity. He stated that he proposed that the 37 foot 1 inch and the 35 foot 4 inches are clearly maximums but not penalizing all of the other units by 4 feet or so and allowing them to go up to the 35 foot height limit on the rest of the buildings in that column. He didn't say they would make the buildings taller because they can but say that they can keep the ceilings as they are designed as long as they meet the height limit, and if they don't, they will adhere to this table.

Commissioner Stegink stated he was willing to go with whatever traffic plan the safety engineer considers most safe, although he didn't buy the two lanes in both directions as they have at Roberts which he thinks is unsafe. He stated that the HPD height limit has been 35 feet for the last 60 years, and essentially they will be changing the HPD height limit to 37 feet. He stated that he was not okay with that and he would like to see the 35 foot limit maintained.

Sr. Planner Murdock stated that he would like to add some context. He stated that the Hillside Preservation District does not specify a height limit but was primarily concerned with coverage or disturbed area on a site. He stated that, in the objectives of the HPD zone, one of them was the concentration of dwellings and/or structures by clustering, or even high rise development should be encouraged to help save larger areas of open space and preserve the natural terrain. He stated when they are talking about the height limits affecting the project, they stem from the underlying zoning district that is most similar and in this case, the R-3 zoning standards, and that limit is 35 feet. He stated that the P-D zoning which is applicable to the site allows you to deviate from that 35 feet when certain findings are made. He stated that any talk of a height limit applicable is not derived from the HPD zoning district overlay, but from the P-D and R-3 in this case.

Commissioner Stegink stated that he was fully aware that the HPD does not delineate the height district but he has sat in a movie theater and he firmly believe that height does effect views and increased height does limit views, not only from the hillside but also from the ocean side. He was firm on that 35 foot height limit.

Commissioner Gordon stated that, following up on what Sr. Planner Murdock just said, he was feeling like a surreal zone. He stated that they have specifically been told that, in going beyond the 35 feet limit as it is being proposed, the differential will have no effect on the view corridor and aesthetics. He stated that was the only reason why, in this particular situation, he was okay going over the 35 feet in this particular project because one of the primary purposes of HPD is to protect the view corridor and in this case he understands why everyone wants a straightforward rule of 35 feet and that is it, but he was explaining why in this particular project, he thought it was

fine to be a little flexible. He hopes that the final project that they do approve gives the builder some flexibility in terms of allowing a ceiling height that is over 8 feet in larger livable spaces. He felt it seems comical and he thought it would be an inferior product if you had to have large living rooms and large kitchens and large open spaces that are restricted to 8 feet which seems like not contemporary.

Commissioner Campbell thought Commissioner Gordon made a good point and he sees it. He stated that they were talking view shed corridors and they were trying to keep the height levels down so that with the next product that comes in an HPD they aren't going to 50 feet or 60 feet. He stated that the reason that this project is going to command such a great market price in Pacifica is because we haven't blown our hillsides out with inferior projects like other surrounding communities have. He stated that they are getting the benefit of great views and hillsides because of those who set aside HPD and open space in Pacifica. He agrees that a 9 foot ceiling is better. He was moving off his position a little bit but was still with Commissioner Clifford to give them some latitude to put a 9 foot ceiling in if they want to but he still likes the 35 foot limit, not so much HPD but we all live with it. He stated that there have been so many developers over the years that wanted to go above 35 feet and they haven't let them unless it is a special occasion. He thought this is one of those special occasions and they will let them go a few feet above to get that ceiling height in. He stated that he can live with that.

Commissioner Clifford stated that his understanding regarding the view corridor was that they were already at significant impact and that was why he was saying that it doesn't make it any more significant to be a few feet higher. He stated that it wasn't as if they were discussing something that isn't already at a significant impact and that was part of why he has a problem with already having a significant impact and then increasing that significant impact by going with higher heights. He stated that it wasn't a matter of no impact but there was already significant impact on the view corridor. He thought he was clear about where he is with this. He stated that he could live with a modification that the Planning Director suggested in saying they can't go any higher than 37 feet 1 inch on Building A and 35 feet 4 inches on Building B, but he was not comfortable with the applicant's suggestion that they move everything else up to 35 feet. He was willing to give him every latitude he wants in terms of how he designs the interior of the buildings but those are the heights he preferred to see, and they can take out the wording that says with 8 foot interior ceilings, but he has to figure out how to get the maximum ceiling height out of the individual units in the building phase.

Chair Nibbelin stated that he is okay with a variation on what he is suggesting. He hates the notion of not affording a little bit of flexibility if they were going this route with the flat roof and the notion that 37 foot 1 inch and 35 foot 4 inches represent the maximum height for A and B. He didn't think any of these are cost free. He stated that part of the project was some affordable units and trying to figure out ways to ensure that these things aren't unduly expensive, as they will be expensive in the nature of things. He thought, if they can afford a little bit of flexibility with respect to some of the other buildings to allow for a 9 foot ceiling without having to use heroic efforts to squeeze out inches of ceiling height, that was worth including. He hopes they are getting to a point where someone will be inclined to make a motion. He thought they have had a chance to kick it around extensively, although he didn't want to shut out any additional urgent comments they have.

Commissioner Stegink asked staff if they can give them an example of other buildings in the PD that have had the height limit waved in the last ten years.

Planning Director Wehrmeister stated that she can't think of any, but because she is not aware of any doesn't mean that there hasn't been any.

Commissioner Stegink referred to the view corridor, and he asked if there was a stipulation that there is no height limit that would affect the view corridor now that it has been compromised.

Sr. Planner Murdock stated that what has been analyzed, and he thought their CEQA consultant could clarify if necessary, and the statement made in the EIR was that a reduction in height to 35 feet from the heights greater than 35 feet that are proposed, would not be sufficient to eliminate the significant environmental impact. He stated that the document did not analyze if some height less than 35 feet would eventually eliminate the significant, unavoidable impact because the applicant did not propose height that were that low. He stated that 35 feet would not eliminate the significant unavoidable impact.

Commissioner Stegink asked what the maximum height that the EIR looked at.

Sr. Planner Murdock thought it was the proposed heights of 45 feet 5 inches for Building A and the somewhat lower heights for the other building sites.

Commissioner Stegink concluded that it was the EIR analysis that there would be no view corridor change between a 45 foot tall building and a 35 foot tall building.

Sr. Planner Murdock stated that it would not eliminate the significant environmental impact and he was not sure if there were shades of significant and unavoidable impact that were analyzed but it was not enough to eliminate the unavoidable impact.

Commissioner Campbell stated he was going to ask him to respond to Commissioner Clifford's remarks on the significant impacts but he just did.

Commissioner Clifford pointed out that, based on the proposed heights, which was where he would think the applicant would go if he was changing things, that would add two more buildings over 35 feet, 35 feet 8 inches and 37 feet 3 inches, and Building B would then go 39 feet 8 inches and Building A is at 44 feet and 5 inches. He was reluctant to change the heights on the other buildings above 35 feet. He wanted to be clear on that. If they go ahead with the flat roof alternative and allow for 37 feet 1 inch on Building A, he didn't want any of the other buildings, such as C, D or E to go above 35 feet.

Mr Potts was in agreement with that.

Commissioner Stegink was in agreement with that.

Chair Nibbelin reiterated that in no event would any of the building aside from A or B exceed 35 feet.

Mr. Potts responded affirmatively.

Commissioner Gordon thought they have some consensus and he was going to make a motion. He asked that they guide him through this as he has some specifics that he wants to mention.



Chair Nibbelin thought these might be conditions of approval that they would be imposing or adjusting and he wasn't sure which conditions of approval he would be talking about, such as building height, traffic and color.

Planning Director Wehrmeister stated that building heights would be an added condition. Traffic would be addressed under condition 43 and if they wanted to add the paint colors, that would be condition 26.

Commissioner Gordon asked if he has to read everything as listed.

Chair Nibbelin stated that he can say as stated in the staff report.

Commissioner Gordon asked if he has to go through E and F.

Chair Nibbelin stated that they have various commission actions set forth on page 21 of the packet each of those A through F.

Sr. Planner Murdock stated that the actions are stated in full in the resolution. He deferred to the City Attorney but typically adopting the resolution by reference would be sufficient.

Chair Nibbelin stated that the motion includes A through F as stated with a couple of adjustments including a new condition of approval which he will let his colleague state.

Commissioner Gordon stated what he said. He stated that they will deal with the height first. He was incorporating by reference Table 3 of the staff report that none of the heights would exceed 35 feet with the exception of Building A which would be no higher than 37 feet 1 inch and Building B which would be no higher than 35 feet 4 inches.

Chair Nibbelin stated that, to be clear, the other buildings could at least conceivably be no higher than 35 feet. He stated that it was their understanding that the developer would use efforts to address the concerns of the Commission.

Commissioner Gordon stated in terms of the color, in condition of approval 26, all the colors be of muted earth tones.

Planning Director Wehrmeister stated it would be an added sentence to that condition.

Commissioner Clifford stated that he would like that to be in perpetuity.

Commissioner Gordon asked if there was language that would bind future owners.

Chair Nibbelin stated that it would be incorporated.

Commissioner Gordon stated, after the units are sold and sold to subsequent owners, they would be subject to the same restrictions.

Planning Director Wehrmeister stated that they could reference the CC&Rs in the condition.

Commission Gordon stated, regarding the condition of approval 43, they are looking at Plan 2.

Chair Nibbelin stated striping alternative 2 as presented in a prior report.

Sr. Planner Murdock stated it was in the February 5, 2018 report.

Commissioner Gordon stated that it was with no adjustments.

Chair Nibbelin stated that, to restate the motion, it was the Commission actions articulated on page 21 of the packet A through F, certifying the EIR, recommending City Council enact an ordinance approving specific plan, the Transfer of Development Rights, Subdivision, removal of one heritage tree, adoption of Findings of Fact, Statement of Overriding Considerations, etc., that relates to CEQA, adoption of the Mitigation Monitoring and Reporting Program, again relating to CEQA and incorporation of all the maps and testimony, etc., with the adjustments to Condition 26 with respect to muted earth tones and the incorporation of alternative B with respect to the traffic plan and finally the height limits as articulated earlier and is reflected at least in part on page 18, the chart with the 37 foot 1 inch height limit for Building A, 35 foot 4 inch height limit for Building B and no greater than 35 feet with respect to the other buildings that make up the project. That is the motion.

Commissioner Campbell asked for a point of clarification. He stated that it wasn't his issue up here but on the muted earth tones or the color issue, but he recalled that they did something similar at the Harmony@One project with regard to the color of the pavement. He stated that they had a big thing back in 2007 about that, got it approved as a condition but then somehow an over the counter approval was made to waive that. He wondered how that happened and he asked if they have the same issue here.

Planning Director Wehrmeister stated that she didn't think this would continue to be an issue.

Commissioner Campbell acknowledged that it was a different regime.

Commissioner Gordon moved to adopt the attached resolution, which includes a recommended draft ordinance for the City Council's consideration in Exhibit A and conditions of approval in Exhibit B to: a) certify the Fassler Avenue Residential Project Final Supplemental Environmental Impact Report, State Clearinghouse No. 2006062150 in accordance with the California Environmental Quality Act; b) Recommend City Council enactment of the ordinance described in Exhibit A to this resolution, which would approve Development Plan DP-75-14 and Rezoning RZ-192-14; c) approve Specific Plan SP-149-14, Transfer of Development Rights TDR-03-14, Subdivision SUB-224-14 and removal of one heritage tree, subject to conditions of approval included as Exhibit B to this resolution; d) adopt the Findings of Fact, and Statement of Overriding Considerations in accordance with the California Environmental Quality Act, included as Exhibit C to this resolution; e) adopt the Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act, included as Exhibit D to this resolution; and f) incorporate all maps and testimony into the record by reference; Commissioner Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Kraske, Stegink, Gordon, Campbell, Clifford and Chair Nibbelin.

Noes: None

**COMMISSION COMMUNICATIONS:**

Commissioner Clifford stated that he attended the Library Advisory Committee meeting and they are now starting to move forward with public outreach for the new plan based on what City Council has directed them. He stated that there are a lot of good suggestions in terms of public contact and they will be moving forward.

Chair Nibbelin thanked him for his representation of the Planning Commission on that task force.

Commissioner Stegink asked Commissioner Clifford if there is a location chosen for the library or are they still assessing that out. He apologized and withdrew his question as it is not an agenda item. He asked the current status of the marijuana permits.

Planning Director Wehrmeister stated that the police chief was due to transmit to the Planning Department the list of qualified applicants. She stated that it will open the marijuana use permit application period that will close on April 20. She stated that they are currently looking at scheduling a date for the lottery.

Commissioner Stegink asked if they still have 29 applicants.

Planning Director Wehrmeister stated that it was somewhere around that number.

Sr. Planner Murdock stated that the latest figures he can remember are 22 applicants for 29 locations, with one applicant having multiple applications for multiple locations.

Commissioner Stegink asked if they know how many ADUs have been applied for since they passed that legislation.

Sr. Planner Murdock stated that since the effective date of the ordinance on November 8, 2017, they have issued four building permits and six applications are in plan check currently.

**STAFF COMMUNICATIONS:**

Planning Director Wehrmeister stated that they have a letter from Mr. Salisbury to the City Council mentioning his opinions about some land use associated with the pier and a member of the City Council thought the Commission could have a copy. She then stated that Assistant Planner Rob Smith has submitted his resignation. He is going to join the City of Oakland as a Planner III and although they will miss him greatly, it will be a better move for him and his family.

Chair Nibbelin wished him well on that transition.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 9:10 p.m.; Commissioner Stegink seconded the motion.

The motion carried **6-0**.

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

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister