

## MINUTES

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

March 7, 2022

7:00 p.m.

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

Commissioner Domurat asked that, before they start the meeting, they give a round of applause for Chair Nibbelin in his new position. He asked if this is off the record.

Chair Nibbelin stated that he will take it for the record as it was cool and he appreciated it.

Chair Nibbelin explained the conditions for having Planning Commission meetings pursuant to Government Code Section 54953 (as amended by AB 361), to conduct necessary business as an essential governmental function as a teleconference meeting with no meeting location open to the public. He also gave information on how to present public comments participating by Zoom or phone.

Dep. Planning Director Murdock took a verbal roll call.

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

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

**STAFF PRESENT:** Asst. City Manager/Planning Director Wehrmeister  
Dep. Planning Director Murdock  
Sr. Planner O'Connor  
Sr. Civil Engr. Donguines  
Asst. City Attorney Sharma

Chair Nibbelin asked if there were any public comments on any items in administrative business.

Dep. Planning Director Murdock stated that there were no hands raised.

Chair Nibbelin asked if there was a motion to approve the order of agenda.

**APPROVAL OF ORDER OF AGENDA** Vice Chair Berman proposed that they change the order of Agenda and move Consent Item #2 before Item #1.

Chair Nibbelin stated that he concludes that he has a motion from Vice Chair Berman to approve the order of agenda subject to a revision in order so that Item #2 will be considered before Item #1.

Commissioner Hauser seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

**APPROVAL OF  
MINUTES:  
FEBRUARY 22, 2022**

Vice Chair Berman moved approval of the minutes of February 22, 2022; Commissioner Godwin seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

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

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 14, 2022:**

Chair Nibbelin asked for confirmation, but he thought they will need a liaison with respect to a couple of matters, i.e., legislative approval and Olympian appeal.

Dep. Planning Director Murdock stated that it was correct until publication of this agenda packet. Since then, they decided that they will be continuing the TBD Talbot public hearing so the agenda for March 14 Council meeting will need a liaison for the TBD Olympian appeal only.

Chair Nibbelin asked if anyone was willing to serve as a liaison on the March 14 meeting for the TBD Olympian appeal.

Commissioner Godwin stated that he can do it if no one else is interested.

Chair Nibbelin stated that he will take him up on his generous offer to represent the Commission as the liaison at the March 14 meeting.

Dep. Planning Director Murdock stated that it will come up in his staff comments later, but to clarify, it will be an in person meeting and it will be helpful to confirm Commissioner Godwin can make that arrangement.

Chair Nibbelin asked Commissioner Godwin if he can make that arrangement.

Commissioner Godwin stated that he can do it.

Chair Nibbelin appreciated that as it is the first in person meeting for a long time.

**ORAL COMMUNICATIONS:**

Dep. Planning Director Murdock introduced the speaker.

Mary Ann Nihart, Pacifica, stated that Chair Nibbelin has been an amazing appointment and she thanked him and publicly congratulate him on becoming the County Counsel. She added that his service to Pacifica has been amazing and she hopes he continues that service in many ways.

Chair Nibbelin thanked her and appreciated it.

**CONSENT ITEMS:**

None

**CONSIDERATION:**

2. N/A

**Review of Proposed Hotel Way Right-of-Way Summary  
Vacation for Consistency with the General Plan and Local  
Coastal Land Use Plan (LCLUP).**

Recommended CEQA Action: Common Sense Exemption, Section 15061(b)(3); Class 1 Categorical Exemption, Section 15301; and Class 5 Categorical Exemption, Section 15305.

Commissioner Leal stated that he will recuse himself from this item due to presumed conflict of interest due to the location of his residence.

Commissioner Ferguson stated that he apparently has the same issue as he and Commissioner Leal live very close to each other.

Sr. Planner O'Connor presented the staff report.

Chair Nibbelin asked if the Commission had any questions.

Commissioner Hauser stated that she didn't have questions but would echo her own request from the past few meetings. She stated that, when they have these presentations, it would be great to see a graphic, stating that there are 18 members of the public online and she thought it would be helpful for everyone to see the graphics.

Chair Nibbelin appreciated that comment. He stated that, with no questions, he asked if there was an applicant in this case.

Dep. Planning Director Murdock stated that the city was effectively serving as the applicant and staff presenter and there is not a separate applicant.

Chair Nibbelin stated that he would then go to public comments with respect to this item.

Dep. Planning Director Murdock agreed, and then stated that there were no hands raised.

Chair Nibbelin closed public comments. He stated that, if everything is clear, a motion would be fine.

Dep. Planning Director Murdock stated that there may have been a couple of hands raised who were trying to find the raised hand function.

Chair Nibbelin then opened public comments.

Dep. Planning Director Murdock introduced the speakers.

Clif Lawrence, Pacifica, having heard what he heard, he expressed his thoughts on details regarding compliance with the General Plan and Local Coastal Plan.

Margaret Goodale, Pacifica, asked if they were referring to the 570 Crespi Drive project.

Chair Nibbelin stated that they changed the order of agenda.

Ms. Goodale stated that she will wait until then.

Mary Ann Nihart, Pacifica, commented on what people in the neighborhood have done over many years regarding this situation as well as her thoughts regarding the compliance issue, and looked forward to their vote.

Christine Boles, Pacifica, stated she had not read the whole staff report, and agreed with seeing an image of where this property was located.

Chair Nibbelin closed public comments. He asked if it was possible for staff to bring up a visual of the area as he thought it would be helpful.

Dep. Planning Director Murdock asked Sr. Planner O'Connor if she was okay with bringing up the graphic.

Sr. Planner O'Connor stated that she was happy to bring up the graphic.

Chair Nibbelin stated that, while she was bringing it up, he asked if there were any comments or questions from Commission.

Commissioner Hauser stated, from her professional perspective, she agreed with staff's analysis and would be ready to make a motion if the Commission feels the same.

Commissioner Domurat assumed that, once the property is vacated, any issues with infrastructure, maintenance and legal responsibilities becomes part of what the property owners in the area will have to undertake.

Dep. Planning Director Murdock asked Sr. Civil Engr. Donguines if he would like to speak about what city infrastructure may be in the Hotel Way right-of-way.

Sr. Civil Engr. Donguines stated that there are currently no city infrastructure within this Hotel Way, but there was a PG&E guy wire that is there and the applicant of the property, when the vacation goes to Council, they will dedicate the utility easement for that guy wire.

Sr. Planner O'Connor stated that she was ready to show the graphics, and described them.

Chair Nibbelin thanked her for that, stating that it was very helpful. He then asked if there were any questions or deliberations and, seeing no one, asked Commissioner Hauser if she was prepared to make a motion.

Commissioner Hauser thanked staff for the graphics.

Commissioner Hauser moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; ADOPTS the resolution included in attachment A finding that, to the extent Hotel Way right-of-way between Pacific Avenue and Brighton Road in West Sharp Park had been accepted as and is a public street, the Vacation thereof is consistent

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with the City's General Plan and Local Coastal Land Use Plan; and incorporates all maps and testimony into the record by reference; Commissioner Godwin seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **5-0**.

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

**PUBLIC HEARINGS:**

- 1. DA-21  
GPA-96-19  
RZ-194-16  
TA-116-19  
PSD-811-16  
UP-76-16  
PE-183-19  
S-129-19  
SUB-233-16  
Heritage Tree  
Removal  
Authorization**

**File No. 2016-004 – General Plan Amendment GPA-96-19, Rezoning Text Amendment TA-116-19. Development Agreement DA-4-21, Site Development Permit PSD-811-16, Use Permit UP-76-16. Tentative Subdivision Map SUB-233-16, Sign Permit S-129-19, Parking Exception PE-183-19 and Heritage Tree Removal Authorization,** filed by Brendan Murphy for construction of a 43,696-square foot (sf) mixed-use development consisting of three buildings with 19 residential units, including three Below Market Rate (BMR) unites and 3,165 sf of commercial use and amendment of the General Plan and Pacifica Municipal Code to allow stand-alone residential buildings as part of a mixed-use project in the commercial land use designation and C-2 (Community Commercial\_ zoning district and rezoning of the project site from the M-1 (Controlled Manufacturing\_ to C-2 (Community Commercial) zoning district, at 570 Crespi Drive (APN 022-162-310) and a portion of the City-owned property at 540 Crespi Drive (APN 022-162-420) property, the location of the Pacifica Community Center.  
Recommended CEQA Action: Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Commissioner Hauser stated that she is going recuse herself from this item due to her company's business relationship with the applicant.

Dep. Planning Director Murdock stated that he had Asst. City Manager/Planning Director Wehrmeister, Sr. Civil Engr. Donguines and Asst. City Attorney Sharma joining him, as well as CEQA Consultant Rod Stinson from Raney Planning & Management., then presented the staff report.

Chair Nibbelin asked if the Commissioners had questions and, seeing no one, he moved on to the applicant's presentation, turning the process over to Dep. Planning Director Murdock.

Dep. Planning Director Murdock stated that there were several people as part of the project team, Brendan Murphy, Emmen Murphy and Stuart Welte, and he asked that one of them clarify if the architect, Mark Romack, was also on the project team. He mentioned the process for their presentation.

Stuart Welte, applicant, stated that Mark Romack was part of the team, and mentioned the members of the team, and consultants who may not be present. He thanked staff for this opportunity after many years of working together. He stated that the project is highly sustainable, energy efficient.

Dep. Planning Director Murdock stated that he is only seeing his email screen and he may want to confirm the window that is projecting on the screen. He asked confirmation from Chair Nibbelin that he is also only seeing the email screen.

Chair Nibbelin responded affirmatively.

Mr. Welte stated that the project was to allow welcoming and versatile street presence, while accommodating the community lifestyle and allowing them a place that is not too expensive with open space and landscaping and the maximum residents based on various requirements. He explained the details of the project, regarding housing, parking, landscaping, open space and interface between their project and the Community Center. He mentioned that the landscaping would be natural to the coastal area as well as enhance the pollinator plants to rejuvenate the ecosystems, pointing out various specifics. He mentioned that they will have materials that are high quality, with longevity and low maintenance. He stated that they worked to achieve their goals and hoped that they achieved that for the city.

Chair Nibbelin opened the Public Hearing.

Dep. Planning Director Murdock introduced the speakers.

Clif Lawrence, Pacifica, stated that he appreciated that they put the visuals up. He stated that he has some questions and wasn't sure if he would get any answers, i.e., cost of the city property, fees, in parity with other municipalities, as well as some concerns.

Margaret Goodale, Pacifica, referred to ten considerations by this project, mentioning some specific concerns such as the marsh issues and wildlife habitat, and asked that they consider not building so much and not accept unmitigated negative declaration to preserve what they can.

Christine Boles, Pacifica, stated she had some concerns regarding the parking issues and commercial/residential percentages, etc., and felt this was a short-term, ill-conceived project. She mentioned some of her thoughts on the rationale for other options.

Cindy Abbott, Pacifica, stated she won't repeat what was already about the wetlands, but thought more consideration be given to that back half of the property, mentioning some of her thoughts on that as well as concerns about the size of the project and the parking issues.

Gail Benton-Shoemaker, Pacifica, stated she was speaking as a member of Tree City Pacifica, and mentioned her thoughts on the heritage trees and proposed replacement options.

Bob Boles, Pacifica, congratulated the developer for building high density housing on this site, but did share some of the concerns that previous speakers have mentioned. He referred to the capacity charges to connect to the sewer system, and expressed his thoughts on the specifics for this project.

Chair Nibbelin asked if the applicant had reserved 2.5 minutes to respond to questions.

Dep. Planning Director Murdock responded affirmatively.

Chair Nibbelin asked the applicant if he wishes to address any matters raised during public comment.

Mr. Welte stated that he was not able to share his screen.

Chair Nibbelin asked Dep. Planning Director Murdock if he could do that.



Dep. Planning Director Murdock stated that it was enabled.

Mr. Welte thanked the community for participating in the meeting. He stated that, when they began the project, they looked at the existing uses in the area and made a commitment to show they were serious about providing a large portion of the site to remain open and half the site is that way. He stated that there was an open area on the Community Center site and a complimentary and balanced portion on their site which will allow the open space area where it operates now, and it was analyzed through CEQA experts. They identified the area for wetlands and they were proposing to enlarge the area to bring the Arroyo willows down the side of the property, as well as the rear perimeter to provide the ability for them to grow and offer an extended land of habitat. He stated that they tried to find the right balance as housing is needed and three townhouse units and one flat are offered as affordable housing units as well as the almost \$300,000 of extra payment to that program. He felt they did a lot of work and tried to provide affordable housing and open space area.

Chair Nibbelin reminded him that his time was up.

Mr. Welte asked that he mention one more comment regarding the tree mitigation as the landscape plan shows an additional 17 trees and 60 other plants.

Chair Nibbelin closed the Public Hearing.

Commissioner Domurat shared a lot of concerns he heard from the community. He acknowledged that they need developed housing. He stated that those who understand the geology and wetlands will understand that the whole area has been significantly degraded over 70-80 years. He thought it would be nice to see the area of the half property that maybe, instead of a 3-1 mitigation on trees, they work together with state and city to enhance the wetlands to make it more productive as they are limited in space from what Laguna Salada used to be. He thought, instead of looking at a lot of heritage trees, they look to enhance what is left in terms of the seasonal wetlands that would be in that area. He felt there needed to be more discussion on parking, hoping other Commissioners will raise that issue, and he is still trying to look at how the parking will work. He was a big proponent of renewables and he didn't see any potential for any kind of solar enhancements for this project or what is in the garages of all the condo units but an enhancement to provide two 20 outlets near the doors so those who have electrical vehicles would have the opportunity to hook up to that, and thought these could make it more attractive. He asked, when they go from M-1 to C-2, does the C-2 designation allow the city to control what type of commercial uses are available. He stated that, if he was living on top of the commercial use, he would not be living on top of a nightclub, so he was not sure if it was his lack of knowledge about what would be allowable, but you wouldn't want a family living on top of a gun shop. He asked that they clarify that C-2 designation.

Dep. Planning Director Murdock thanked him for those thoughtful comments. Regarding the rezoning to a C-2 zoning district, he stated that there are allowable uses set forth in the Municipal Code already in the form of permitted uses and conditional uses. He stated that permitted uses are land uses that Council has already determined are acceptable for that particular zoning district which includes conventional retail, personal and business service establishments including financial institutions, offices, certain types of restaurants, hospitals and clinics. Certain conditional uses require Planning Commission approval on a use permit prior to those being

allowed in a C-2 zoned area, such as social halls, clubs, theaters and nightclubs, as well as others such as vehicle and boat sales, pet care, etc. He stated that Council has determined where to draw that line in terms of land uses, and it is drawn in the C-2 zoning standards. Regarding his energy efficiency comments, he recalls seeing an official comment that these buildings will need to have solar panels installed and not just solar ready. He thought the architect could speak further as it is beyond his area of expertise. He understood that the garages would need to be EV charger ready and the wiring would be there, whether the charger would be installed would ultimately be up to the unit owner. He stated that the city's zoning standards for the commercial component is to have certain electrical vehicle charging requirements as well.

Chair Nibbelin thanked him, adding that he didn't know if the applicant wanted to comment on the specific concerns raised by Commissioner Domurat.

Mr. Welte stated that there was a roof plan which show proposed arrays and there is a minimum of six and maximum of 15 panels per roof area depending on which roof they are looking at, so there are a considerable number of solar panels being proposed for the project. He stated that the garages would be equipped with at least one charger per garage. He stated that the house panels with meters would also be sized ahead of time to accommodate battery storage if the owner chose to install battery storage.

Commissioner Godwin stated that, with the price of oil going up, electric cars are going to be quite popular in the near future. He then asked if it was correct that he heard the public comments that the \$272,000 contribution toward the low-income housing fund was in addition to the city property purchase cost or is it the total amount paid for the city property.

Dep. Planning Director Murdock stated that he didn't want to delve too deeply into the purchase and sale agreement as it isn't subject to Planning Commission's review, but there is a separate price that they city has negotiated for purchase of the land. The amount shown of \$272,000 in the development agreement is separate from the purchase price for the city-owned land and is an additional amount of money on top of the three below market rate units that the city's ordinance requires and would be constructed with this project and are not the same amount of money and the city is not selling its portion of its land for \$272,000 as a separate amount payable for affordable housing purposes.

Commissioner Godwin thought that was important to clarify. He also asked what the sewer connection median unit cost is, as there was a discussion that it was possibly inadequate as they decide to let the developer use the current regulations versus future regulations.

Dep. Planning Director Murdock stated that he didn't have the current proposed rates in front of him, but the development agreement in Section 4.1 in packet page 176 does address development impact fees. He stated that the question of fees in relationship to development agreements is very fact specific, legal specific and timing specific but pursuant to the terms of this particular proposed development agreement, the impact fees that are in place as of the effective date can be imposed on the project at the rate in effect at the time of building permit issuance. He stated that, if the public commenter is talking about an existing sewer connection fee, which is a fee the city already has, the city would be able to impose the sewer connection fee and the rate of the fee would be the rate that is in effect at the time of building permit issuance. He stated that it ultimately depends on the timing and whether the Council updates the sewer fee impact or connection fees. He stated that the potential exists for the city to impose the increased fee.

Commissioner Godwin thanked him for the information as he thought that was important to mention.

Chair Nibbelin asked if Asst. City Attorney Sharma had anything to add to that.

Asst. City Attorney Sharma wanted to confirm that Dep. Planning Director Murdock's interpretation of the development agreement language was correct that the city would be able to impose the sewer connection fees should they be increased by the time the applicant pulls a building permit.

Vice Chair Berman stated she had several questions but would wait on some of them until all the Commissioners have spoken. She stated that her initial question for staff was an overarching question regarding the parking improvements at the front of the Community Center. She stated that there wasn't a lot of details about those improvements in the packet and she was trying to understand that the new development they are considering depends on those parking improvements. She asked how much of those improvements should they be reviewing and considering, as she thought it was important for what they are considering at this time. She thought that, legally, the Community Center property's parking count is going to change as she knows they are not considering changing to the Community Center functioning itself, and she asked how much of that do they need to be considering at this time.

Dep. Planning Director Murdock thought those were great questions that warrant some discussion as to the proposed parking and circulation improvements. He clarified that, when staff analyzed the proposed development project, they did not include any of the parking spaces proposed to be constructed on the Community Center property. He stated that, if they look at the summary in the table at the beginning of the staff report and the analysis of the parking exception, they have not included those spaces and identified that the project would be short five off street parking spaces from its relevant number of required parking spaces. He stated that there are some additional nuances in terms of covered parking, etc., that make it not exactly "apples to apples" comparison. He stated that, in simple terms, the project would be short five spaces and it is short of Municipal Code requirements but the Commission may recall other mixed use projects that were approved in the past and quite often the parking exceptions requested for those projects are considerably higher and this developer has made an earnest effort to include as much onsite parking as they feel they can reasonably do. He then addressed the Community Center improvements, i.e., the off-street parking spaces proposed to be constructed pursuant to the development agreement, stating that the city isn't generally strict in terms of who uses them and doesn't overly regulate them. They will be parking spaces attributable to the Community Center property and by their construction, would increase the number of off-street parking spaces for the Community Center. He referred to a variety of parking challenges on properties throughout the city, and sometimes people park on someone else's property, and utilize it in a way not intended. He didn't know if there was a good mechanism in place to prevent that, given the proximity and linkage to the driveway. He stated that it was possible there could be other parking and it could happen in both directions and he didn't think they should only assume that the project may affect the Community Center, as the Community Center and special events held there could spill over into the private property. He thought it was a reality to be mindful of, and regarding the driveway proposed at the front of the Community Center, that was intended as a public benefit to improve the circulation and operation of the Community Center for the city's and public's benefit. He stated that it wasn't intended to be an access driveway, and people could use it, but it wouldn't be the most

convenient way to enter the site as the site has its own dedicated entry driveway at the east end of the site closest to 580 Crespi, a one-way entry drive and traffic would exit through the driveway on the eastern boundary of the Community Center and that use by the developer would be subject to a lease with the city in an annual payment with an escalation factor. He stated that the city would be compensated for the lease of its property. He referred to one commenter stating it was unusual, and he agreed it was uncommon but not unprecedented. He stated that, in many cases, shared driveways have a lot of benefits in terms of preserving on street parking, minimizing the number of places where vehicles are entering and existing from the roadway and potentially minimizing the number of driveways that pedestrians have to navigate safely. He stated that they think in this case, it does integrate well and makes sense to this project, and the city would be compensated for the project's use of that space.

Vice Chair Berman referred to the parking, asking if she is understanding correctly that effectively the parking on the new development is going to be comingling with the parking demand on the Community Center site and the idea is that there will be overflow parking in the Community Center and everyone will park wherever they park.

Dep. Planning Director Murdock stated that he is recognizing the reality that someone coming in to pick up an item from one of the commercial uses might find it more convenient to park in one of the Community Center spaces, an existing space or one of the proposed spaces. He stated that they have not formally analyzed that arrangement and none of the Community Center spaces that are proposed or existing have been counted toward the project's off street parking requirements. He stated that they have taken it that the project is not provided all the off street parking and proposed approval of a parking exception to account for that, not just the number of spaces by covered parking as another example of the parking exception. He stated that the reality as well as the permitting has been outlined in the staff report.

Vice Chair Berman concluded that what is outlined in the staff report doesn't tally up the new parking stalls that would be in front of the Community Center.

Dep. Planning Director Murdock responded affirmatively, and if that were to be done, the project would be overparked. They have not done that analysis and he thinks they don't want to so designate those spaces as belonging to the development because that hasn't been negotiated and the city has not included a mechanism to be compensated for that ongoing use and maintenance in the development agreement.

Vice Chair Berman stated that she wanted to give others a chance to speak.

Dep. Planning Director Murdock wanted to clarify another point. He did not think that there is anything in the development agreement that would prevent the city from managing those proposed spaces to be constructed in the manner that it manages the other spaces that the city owns on the Community Center property. He stated that, should the city want to become more or less restrictive in its use, that would be the city's prerogative for those spaces.

Vice Chair Berman asked if there was any intent to potentially include more definition regarding the parking between the two properties, such as a covenant agreement that focuses on this.

Dep. Planning Director Murdock thought the nature of such an agreement would depend on the nature of what she is describing. He stated that, if it was to seek exclusion of development traffic,

perhaps that is something that could be negotiated, adding that enforcement of parking is always an ongoing challenge and it would have costs associated with enforcement and oversight of that. He did not think that was currently part of the agreement.

Vice Chair Berman stated that the only concern is that the development they are considering, considering that they are looking at a parking exception and not considering the extra lot that will be built in front of the community center, but if they ultimately know that the development is going to overflow into that Community Center, and, if in the future, those parking stalls are not available to the development, she questioned where they go from there.

Commissioner Ferguson stated that it feels like they are coming into this at a late stage in a lengthy and larger negotiation with the city. He felt that some of the items were out of the purview of the Commission but part and parcel to the whole approval, such as the sale of the land, improvements of the Community Center frontage and the lease agreement for the driveway and he didn't see any of those as being part of the Commission's purview, but they seem to be very central to the whole negotiation. Regarding the parking being addressed, he felt it was as a tradeoff where you can either have parking or preserve the wetlands that everyone's talking about. He didn't think it seemed that you can have both. He asked staff if there was a parking study available for the existing Community Center parking, adding that he has been there a few times and has never noticed it to be an extremely impacted lot. He understood that it is not considered as part of the parking for this development but it seems that the way it has been written, they are effectively going to become one parking lot connected in the middle. He asked if there is anything to show if it is a currently impacted parking lot and you are going to have extra parking coming into the development from the Community Center or vice versa. He then referred to a note on the rezoning for commercial use to allow residential units to be located in locations other than the same building which is a revision to the General Plan, asking if that is a one off that applies only to this one development or it is a precedent that now applies to any unit under that zoning in future developments.

Dep. Planning Director Murdock stated that, as far as the negotiations, he is correct that this process has been the subject of negotiations for several years between the city and the developer. Given that the negotiations involve the city's real property interest, they were subjected to the delegated negotiation authority by Council to staff and confirmation of the terms and a tentative agreement with Council, and the Council has been involved and made certain steps toward this agreement, and it is not final. He stated that Council has supported the various aspects that are contained in the proposed development agreement. He stated that, related to the Community Center, he was not aware of a parking study but his experience matches Commissioner Ferguson that rarely is the Community Center parking lot full, at least on the inland side. Regarding whether parking will spill over one way or the other, he thought that was speculative. He thought the possibility exists if users of both properties may attempt to utilize parking spaces on the other. He stated that, as the parking exception is drafted, it takes that head on and indicates that this property is facing practical difficulties and hardship in providing all the parking. He stated that avoiding encroachment on the southern half of the site was the project objective. He stated that lots of parking could be provided there, but at a cost to the environment and project design and that was not currently proposed. He stated that, ultimately, it was up to the Commission to determine whether or not they feel a practical hardship and difficulty exists, such that the project has provided the parking to the extent that it reasonably can. He thought he had another question but he can't recall it.

Commissioner Ferguson stated the last question was on the zoning, as to whether it applies only to this site or citywide.

Dep. Planning Director Murdock stated that, as proposed, the zoning text amendment to the C-2 zoning district would apply to all C-2 zoned properties in the city. He stated that, as indicated in the staff report, there are relatively few as the vast proportion of the city's commercial zoned areas are zoned C-1, adding that it would apply to C-2 zoned areas in various zoned O (Professional Office) which follow the C-2 allowable uses, but it is important to note that, if approved, this would create a conditional use, which means no project in the city would be able just undertake this new form of mixed use development and it would require approval of the use permit just as recommended to be approved at this time for this project. He stated that it would not create any new development that would not come back for a public hearing.

Commissioner Leal stated he had several questions, and first asked clarification around the 17 parking places. On looking at the map, he thought there were about ten in the northern end of the Community Center and seven on the east end, adjacent to the development, and he asked if those remain on city-owned land after the development agreement goes into play.

Dep. Planning Director Murdock responded affirmatively.

Commissioner Leal stated that this is a high pedestrian area, with people walking to the beach, and with reference to curb cuts, he didn't see any new curb cuts along Crespi, and the western end of the Community Center driveway would be leveraging the existing parking curb cut there. He thought the eastern end of the Community Center and the exit pathway of the development would be leveraging the existing curb cut and driveway to the back of the Community Center parking and in roughly the same location, i.e., the most eastern entry for the development would be leveraged in existing curb cut from the entire development that was on the property before it was demolished in 2016. He asked if that is correct regarding the curb cuts along this pathway.

Dep. Planning Director Murdock thought he was generally correct that the net number of curb cuts would remain the same. He stated that it is hard to say exactly where, but his impression was that the new entry driveway to this project would actually relocate the existing curb cut from the prior 570 Crespi single family residence eastward and may narrow that as compared to its current configuration. He stated that it may actually be a net positive in terms of on street parking but would not introduce new curb cuts that would reduce the availability of on street parking which is highly utilized in this area.

Commissioner Leal referred to the undeveloped area in the back which will be fenced off and will be private land and the tenants and owners of the property won't be able to use that for their pleasure and cordoned off for very little use if any.

Dep. Planning Director Murdock stated that there was no proposed active use as part of the project and, whether it will be physically fenced off was nothing he was aware of, but he thought the developer could speak to that intention. He thought access may be practically difficult, given the density of some of the tree covered as proposed to be parking. He suggested that the applicant could probably clarify further.

Chair Nibbelin asked if the applicant was available.

Mr. Welte stated that there is a sheet that shows the proposed fencing back there. He stated that there was a little walkway and a short fence and basically stainless steel cables and iron bars. He stated that it is an attractive fence designed to alert people to the idea that there should be people entering that area but it is not something that looks like a security fence, but meant to be attractive and create an overlook. He stated that there will be some signage to describe what is going on in terms of plantings and types of habitat that are being preserved in that open space area. He reiterated that it is a bit of an overlook area. He stated that, if desired, he could find the sheet number.

Commissioner Leal stated that it was a large packet and he would appreciate if he could find the page.

Mr. Welte understood, as there are a lot of sheets. He stated that there is a landscape sheet that shows all the landscaping proposed in front of the Community Center if anyone is interested in that. He stated that it is Sheet A1.14, and if requested, he could show it on the screen, but it was a cantilevered border wall walkway with a 42-inch steel bar and cable railing with a wood top.

Commissioner Godwin stated that in an earlier project, they specified parking stackers to increase the parking capacity when there was an inadequate number of parking spaces. He asked if that was considered for this project, and if not, why not.

Mr. Welte stated that they did consider parking stackers. He stated that parking stackers have a bit of a limit in terms of height, typically 12 feet, and in the project, they are also trying to achieve a lower level of massing, and he pointed out, from their street façade, they are trying to make sure that no part of the development looks too monolithic and has that variegated massing. He stated that the height a car stacker typically requires is not available on this site. He stated that, if someone wanted to employ an exterior parking stacker, that could be explored, but it was not typically done because of the mechanisms, and in a marine environment, they wonder how that would hold up. He reiterated that they did consider that, as well as reduced size parking, but they didn't go there as everything is standard size. He referred to his mentioning alternative fuel stations, and he stated that they have onsite electric charging stations for the visitors/guests commercial use, etc.

Vice Chair Berman asked Chair Nibbelin if he had any questions before she goes back for the second time.

Chair Nibbelin stated that he did not as the matters were being very well covered.

Vice Chair Berman stated her next questions are probably for staff. Regarding public utility easement, she noticed a PUE at the front of the site and she wondered if the city or Public Works typically allows deck overhangs to encroach in the PUE.

Dep. Planning Director Murdock asked Sr. Civil Engr. Donguines if he would like to speak about public utility easements.

Sr. Civil Engr. Donguines didn't believe they would allow the overhang, as it depends on what kind of PUE it is and if it will be accessible if they need to get in there.

Vice Chair Berman stated that she saw it was in one of the architectural sheets.

Mr. Welte stated that one place where the PUE shows up is on the TM0, the civil engineering drawings, and the project isn't proposing to overhang any PUE.

Vice Chair Berman stated that she wasn't sure if the deck was shown on the tentative map, but it sounds like there is confirmation from the applicant that no part of the building will overhang or encroach in the PUE.

Mr. Welte responded affirmatively.

Vice Chair Berman noticed a proposed overflow pipe at the south of the site that connects from the wetlands to a 24-inch storm drain which is not on the subject property but on the property of a single-family home. She didn't see an existing PUE for that storm drain line. She assumes there is but is not shown because it is on a separate parcel. She wanted confirmation that there is a PUE for that storm drain line.

Sr. Civil Engr. Donguines stated that the city does have a PUE running through there and the city has a storm drain easement along those properties that goes all the way towards Highway 1.

Vice Chair Berman stated that part of the improvement to install that 12-inch pipe connection would have to be improvements on the single-family home's property, and she asked if there were any discussions with that property owner. She referred to packet page 149 and tentative map page 30 or TM3. She stated that there is a 12-inch HDPE storm drain line that serves as an overflow from the wetland and connects to the storm drain line which is in a single-family home property.

Chair Nibbelin thought that was something Mr. Welte would need to speak to.

Mr. Welte stated that the civil engineer isn't present at this meeting and he can't speak in great detail to that. He stated that he would find it unusual that the civil engineer would propose an improvement on someone else's property. He stated that, if she is saying that it happens to coincide with an outlet from an existing site, he would say that the outlet from the existing site may not be legal. He thought it was unusual for one site to drain onto another as that would not be their intention as everything they do with the C.3 and C.6 requirements don't allow it. He stated that you retain water on site and at certain intervals you let it meter out at a very slow rate through proper channels. He didn't think that is occurring but they will double check with the civil engineer.

Vice Chair Berman stated that response leads her to another question. She asked if this overflow that is shown connecting to the storm drain line is required by the MND. She stated that she looks at the grading of the site and the existing wetland overland release is likely towards Crespi and now there will be a large development between the wetland and Crespi and, in a 100+ year-storm, if the capacity of the wetland that is now being condensed a little bit and if there is a need for an overflow somewhere, she asked where it needs to go, connect to the storm drain line which needs to be build in someone else's property or is it going to overflow into the Community Center property which she agrees typically we can't let a property service drain to another property without some form of easement or negotiations associated with it. She stated that she is trying to piece it altogether.



Mr. Welte stated that the TM3 sheet she mentioned does show some indication of tie-ins. He stated that none of them are shown on someone else's property that he can see and there are notes that say "connect to the existing 24 storm drain proceed requirements per city equalization project plan", etc., and the only reason they would be showing this is to show that they are tying in on their site but that pipe, by city regulations, needs to connect into the city system, and the city system currently has the pipe in the vicinity of where it is shown. He stated that it is just a matter of where the existing city utilities are and the fact that it is required to tie into them. He stated that the graphics of that are starting to look like you think there is work being done on someone else's property. He stated that would be something that would be worked out with city Engineering and city Public Works as to the tie in to the existing city utilities.

Dep. Planning Director Murdock thought a large part of Vice Chair Berman's concern is if there is a city easement for storm drainage and is there an existing pipe and does the city have the ability to allow a connection from the project to that location, and a second part of her concern, as he is hearing it, is if there needs to be some condition of approval that requires some minimum amount of notification and coordination with the property owner. He stated that, it appeared to him, the easement is located on one of the single family residential properties; however, that property is burdened with that easement and needs to fulfill its obligation to allow city storm drainage in that location. He wasn't fully understanding the concern is with that functional connection but he understands there is potential concern that the homeowner may be inconvenienced and need the appropriate amount of coordination should that improvement be made, even if consistent with the burden on the property that they purchased already.

Vice Chair Berman agreed that it was the coordination with the property owner. She understands and fully agrees that the property is already burdened with the easement, but they can't be surprised by seeing construction in their backyard. She would like to propose a condition of approval, asking Dep. Planning Director Murdock if he can help her word it, to the effect that the developer needs to coordinate with that property owner.

Dep. Planning Director Murdock agreed.

Vice Chair Berman referred to Commissioner Leal's concerns about the amount of community members who walk up and down the sidewalk, adding that she is one of them, and stated that, regarding the freestanding sign at the east of the driveway on packet page 105, she wanted to make sure that the sign is located somewhere outside of the site triangle between the car exiting the driveway and a pedestrian walking across the sidewalk. She referred to a dropping site distance for a vehicle that is going to go an inch over the sidewalk trying to get onto Crespi and stated that they should make sure that a pedestrian walking by isn't in a blind spot behind that sign.

Dep. Planning Director Murdock understood her point, and he was checking to see if that specific issue has already been evaluated. He stated that it is quite common for the traffic impact analyses for projects such as this to include a relevant site distance triangle. He stated that it would take several minutes for him to find that information or the Commission could consider a condition of approval to simply reinforce and ensure that review and precise placement occurs if the project is approved.

Sr. Civil Eng. Donguines stated that it is an entrance and not an exit, so there probably would not be any site distance on the eastern driveway.

Vice Chair Berman asked if it was just an entrance and not both>

Dep. Planning Director Murdock agreed that it is a one-way entrance from Crespi Drive. He thought the potential exists for someone to go the wrong way as people do make those kinds of mistakes. He stated that it may be a good idea to do that level of review as a precaution but not immediately necessary given the design function of that driveway.

Vice Chair Berman stated that it alleviates her concern if the driveway is intended to be an entrance only. She then referred to the usable open space, and stated that this has been a topic that has been required on multiple developments that the Commission has reviewed and she was sure they have reviewed the definition of usable open space, but she hoped staff can explain it again. She stated that a lot of the landscaping for this development is nice landscaping but behind a curve and somewhere that the community is going to go and hang out in the middle the shrubs in a parking island. She appreciated that the deck space is usable open space but she wondered what landscaping is truly useable.

Dep. Planning Director Murdock thought it was important to start with the definition as she indicated, stating that usable open space is defined in Section 9-4.260.2 of the Municipal Code and says "It shall mean common or private outdoor living, recreation, domestic use or landscaping. Such area may be on the ground or on a roof, porch, deck, court or balcony. Off street parking areas or driveways and/or exit corridors shall not be included as useable open space. Any separate area to qualify under this definition shall be a minimum of 4 feet by 10 feet. Usable open space shall not have a slope of more than 10%.."

Vice Chair Berman stated that it doesn't necessarily preclude the landscaping behind the curb, but the fact that there is a certain minimum slope implies to her that the best usable open space is acceptable by people. She stated she will think on that for a little bit, but if any other Commissioner have similar thoughts, she was interested to hear them.

Commissioner Ferguson stated that he had a thought on the same topic, and thought Commissioner Leal alluded to it also. He envisioned something similar to the signage in the frontage that is used around the Sharp Park natural wetland, when entering from Fairway Park or from the levee, which takes advantage of that natural wetland and Arroyo instead of fencing it off to anyone but making it serve as usable open space, but not something that would be heavily trafficked for environmental reason but just calls attention to it and activates that space a little bit.

Dep. Planning Director Murdock asked him to remind him where the area is in question.

Commissioner Ferguson stated that the transition between the hardscape and the undeveloped space south of the project.

Dep. Planning Director Murdock stated that they would have to look more specifically as there are some grade differentials there and there is some proposed decking to help level off that area and to render it safe for usable open space. He wasn't familiar with whether that space would meet the 10% grade requirement as currently designed, and it is probably something that will require some further analysis since he is looking to formalize and count it towards usable open space.

Chair Nibbelin asked if there are any other questions or information they want to elicit as it concerns this matter. He then thought it might be the appropriate time to work their way through the membership and see where they are with respect to the project and figure out if they have a consensus building around any particular direction or have a need for other information.

Commissioner Domurat stated that, as mentioned, they certainly need the development and he likes the way it looks and thought there may be some additional things they can consider with the southern portion of the property, maybe a way to enhance the wetland, some additional considerations to the area between the Community Center parking lot and the empty area of an observational boardwalk along there that can be used as part of the open space observation of the wetland and people can make use of it that way. He thought there were still some challenges of both the commercial parking available and the agreements between the city and developer that they are not considering. He also uses that area heavily and he can see some concerns about traffic patterns, etc., but overall, he thinks it a great place for this kind of development.

Commissioner Leal stated he is generally in favor of this project as it is an infill project, and the land was previously developed and was demolished several years ago. He stated that it provides much needed housing at a time when it continues to be in a region that needs housing and it provides some below market housing, as well as commercial space in an area that would great for it right along the street frontage. So this project has a lot of things going for it. Again, he is in favor of the project and, while it is not perfect, he thinks it has enough good things going for it and he would be comfortable voting in favor of it at this time. They have given them all the information, as well as comments from the public. He was stuck on the parking and changes to the Community Center, and he asked staff if it was in the Commission's purview to add a condition of approval which in terms of for any of those parking places to be electric vehicle (EV) parking, as he didn't think they had any EV parking at the Community Center now and he thought that would be a great addition. He stated that, if talking about improvements to parking, that would be a great improvement and again asked staff if it was within their purview to add that as a condition of approval for the parking improvements in the Community Center.

Dep. Planning Murdock thought they would need to talk more about why the project would have an impact that requires electric vehicle parking to be installed. If it were to be a condition of approval, he thought another alternative is to consider in their recommendation to the Council on the development agreement that the public benefits warrant installation of an electrical vehicle charging station for whatever number. He stated that there are some practical complexities with installing those in terms of finding the available power source, ensuring that the capacity is sufficient, trenching, repaving the area that is trenched to install that, maintenance, obligations, who is paying for the electricity, etc. He stated that they are a bit complex even though they are small improvements. He stated that, to whatever extent there is interest among the Commission, probably packaging that is a recommendation in relation to the public benefits of the development agreement which would be his recommendation to address that.

Commissioner Ferguson stated that he was going to address what Commissioner Leal and Dep. Planning Director Murdock were talking about, as he feels that the negotiations have already been had between the city and the developer as to those improvements, adding those parking spaces and it was something they wanted for their improvements and he feels a little uncomfortable adding after the fact to negotiations that already happened between the two parties. He stated that, as part of a good faith negotiation, it is something that has been worked out already and he

thought there could be substantial costs to adding those to the Community Center, assuming the power would come from the Community Center.

Chair Nibbelin thought, as long as they are talking with them, he asked Commissioner Ferguson to share his perspective as to where they are at this point.

Commissioner Ferguson agreed, adding that he has been grappling with this all day. He stated that his major thought was the number and scope of deviations and the title they were receiving was daunting, and he kept coming back to the Regional Housing Needs Allocation requirements and the scale of the task, stating that they would have to have 100 of these and they would have to figure out where to place them in order to meet the needs over the next several years, and it was drops in the bucket, although it seems like a substantial project as this is the second largest in the last seven years. But given all that, and it checks most of the boxes of what Pacifica is trying to do from a development standpoint, he would definitely be in favor of voting for it at this time.

Dep. Planning Director Murdock stated that he would like to comment on the discussion of the development agreement, and wanted to be sure the Commission understands where that discussion could occur if there is interest among the Commission. He understood Commissioner Ferguson's concerns about the negotiations, etc., but it is a requirement of the Municipal Code for the Commission to make a recommendation on the six criteria for approval of a development agreement. He stated that they are covered on packet pages 32 through 34, and he wanted to draw their attention to one of the criteria for approval, the ability for an applicant to address public facility needs and financing obligations, and while the Commission wouldn't have the ability to require that as part of the development agreement, the Commission is making a recommendation on the development agreement and the totality of its provisions to Council in relation to those criteria for approval. He thought there was room for that discussion to occur if the majority of the Commission was interested. He did understand Commissioner Ferguson's concerns as well as others, and he thought a lot of negotiation has gone into this which indicates that it is not a done deal and the Commission's role in this case is to advise and make a recommendation.

Commissioner Godwin stated that they need the lower cost housing and this looks like a good site for it, and overall, he was in favor of the project. He thought there were a couple of things they need to add. He likes Commissioner Domurat's boardwalk idea of making the wetland space a little more usable for humans. He likes the idea of adding an electric car charger or two and they vary much in cost from pretty inexpensive ones to quite expensive ones and he thinks they need to constrain that for the Community Center parking as part of the project. He likes the idea of parking stackers to solve the parking problem. He stated that, if those three things were included, he could vote for it at this time, but without all of those, he would still have questions.

Vice Chair Berman stated that, based on all her questions, she was in favor of this project. She felt it was a good infill housing location. She felt it was a big packet and she had a lot of questions which reminds her that she thinks she read something in the packet that did mention informational signs at the observation deck and that made her happy and is in line with what was suggested by Commissioner Ferguson. She thought the observation deck is a more usable area of open space than landscaping throughout the parking lot. She was trying to keep notes of some of the things they want to potentially add to the project or consider requesting, but one that has not been addressed but she was in favor of was the heritage tree replacement requirement. She stated that one of the community members mentioned that this could be a good opportunity to

implement the 3:1 ratio that they recently implemented on other projects. She was in favor of the 3:1 tree replacement ratio for the heritage trees that will be removed. She mentioned to staff that they might want to consider that, adding that she wasn't sure what standard box tree size is or what they have consistently implemented on other projects, but she thought it would be nice to keep that consistent. She stated that staff presented the development agreement revision to Section 5.1.1, but they also talked about adding a condition of approval for the developer to coordinate with the single-family homeowner where the storm drain connection will be made. She stated that parking is the only other thing that she is still fuzzy on, and it was awkward to her that, although the numbers of the staff report don't tally up the parking that will eventually be proposed at the Community Center, everyone seems to be in agreement that those parking stalls or overflow parking in the Community Center will be needed. She agreed that usually the parking lot for the Community Center is oversized and is rarely full, but she thought it was awkward to be dependent on something that isn't really defined in what they are reviewing.

Chair Nibbelin stated that he shares the views of just about what everyone has said. He thought Commissioner Leal's comments are the closest to his and he would be prepared to move forward with the project this evening. He had a similar reaction to Commissioner Ferguson's in the sense that there were a significant number of things that need to happen for this project to move forward by way of recommendations with respect to legislative actions and to the extent of discretionary things that they would typically be asked to pass on. He stated that a development of an infill nature and where they are talking about is a complex matter. He stated that it was very clear to him that staff worked very hard and at length with the developer to navigate this project to a place where it is viable. He thinks the needs addressed are significant needs for housing, for below market rate housing and the significant contribution to affordable housing fund. He referred to the benefits that will flow through the development agreement, and stated that he had a couple of questions to clarify some things. He thought Commissioner Godwin had a commendable idea regarding the possibility of some form of observation area, and he asked if that was something that could be contemplated through a recommendation to Council by way of a public benefit in a development agreement and if it could be treated similarly to how they talked about the possibility of electric vehicle chargers.

Dep. Planning Director Murdock thought so. He stated that, unlike the typical response they get from staff to find a nexus to the impact to require something, effectively all options are on the table with respect to a development agreement. He stated that it was rare that the city negotiates a development agreement and it is only the second he is aware of in recent years. He stated that the Commission has some latitude and he would ask that they ground it in the six criteria so they can find some relationship to those criteria in the Planning Commission's role. He thought it would be appropriate to recommend that to Council, and they may accept or reject the recommendation or direct further negotiations to accomplish some or all of the Commission's recommendations in that regard.

Chair Nibbelin stated he would be in favor of figuring out how to link that to the criteria for the development agreement as they walk through the electric car charger idea. He stated that, regarding the parking stackers, it might require quite a bit more analysis than would allow them to proceed this evening. He would be in favor of a 3:1 tree replacement ratio, but he wanted to clarify that he thought he heard that the number of trees being proposed would be in excess of that ratio. He asked if staff's view of that 3:1 ratio being considered to impose was being met.

Dep. Planning Director Murdock thought it was the case, and he was trying to track the specific figures. He thought it was upwards of 27 additional Arroyo willows proposed to be planted along the side and rear of the property, and perhaps as many as 13 other trees of various species, and he thought, given that the number seems to satisfy that 3:1 ratio or exceed the 3:1 ratio and there was some concern about the particular species, there has been a biologist's recommendation that the Arroyo willows would be an appropriate planting and would compliment the existing biology of the project area. He stated that it was possible that staff could evaluate other species that may also be compatible and larger sizes it that is part of the concern.

Chair Nibbelin stated that his question was prompted by Vice Chair Berman's perspective and he will ask her to weigh in if she has anything to add.

Vice Chair Berman stated that she will feel more comfortable if they at least made some commitment to a certain amount of trees that need to be planted, whether 3-1 or 27 willows planned already, and she understands that, when projects are in the planning phase, there isn't as much consideration to cost, but as the project gets closer to construction, there are often valued engineering and the size or the amount of trees being planted will be on the docket to be removed so she wanted to make sure that the commitment where the minimum amount of trees doesn't get removed from the project.

Chair Nibbelin agreed with any motion to approve the project to include that specific requirement. He also agreed with a condition of approval that specifically required appropriate prior coordination with the family property owner who may be dealing with the storm water easement they were discussing. He reiterated that he would be in favor of a motion at this time that broadly contemplates those things.

Commissioner Godwin stated that he needed to ask a question about the tree ratio, i.e., does that include the dead tree, as he thought removing the dead tree is prudent with or without replacing.

Dep. Planning Director Murdock stated that Commissioner Domurat had some interest in that particular issue in a prior project as well. He stated that the heritage tree ordinance does not discriminate against a living or dead tree in terms of its removal and replacement, and he was contemplating that it will be 3:1 on the three heritage tree removal for a minimum of 9 replacement trees.

Commissioner Leal had a clarification question on the boardwalk discussion, stating that he is envisioning this conversation is for an observation platform at the southern end of the property and there would be some sort of pathway that would make snake through the undeveloped portion of the parcel. He asked if that is the boardwalk that has been mentioned, he thinks by Commissioner Godwin.

Chair Nibbelin thought Commissioner Godwin did address what the contemplation was.

Commissioner Godwin stated that he was interested in some sort of restricted path through that area, and if it was above ground, i.e., an elevated path on post, it would be less disturbing to the birds.

Commissioner Leal stated that it could be similar to some of the boardwalks like Mori Point, etc.

Commissioner Godwin stated that was what he was envisioning.

Chair Nibbelin stated that they could see if there is further comment or deliberation, or if someone felt they had digested everything that has been shared, a motion could also be in order.

Commissioner Ferguson stated that he would be inclined but he needed about 30 seconds to collect his thoughts on the conditions of approval.

Chair Nibbelin stated that he will give him more than 30 seconds, and he can let him know when he is ready.

Dep. Planning Director Murdock stated that they have language for potential condition of approval related to the adjacent property notification in relation to the overflow storm water drain improvement and it is available if the maker of the motion is interested.

Chair Nibbelin thought Commissioner Ferguson would likely ask for it.

Commissioner Ferguson responded that he would. He then asked of nine trees was the number if they were using 3:1 ratio.

Dep. Planning Director Murdock stated that he was correct that it was for the heritage tree replacement.

Commissioner Ferguson stated that there was a pot size they have been using for the last few projects that they set as a minimum.

Dep. Planning Director Murdock stated that he is correct and he stated that he has language for a potential condition to address that. He stated that it is a 24-inch box size which is typically what Commissioner Hauser has recommended, adding that she has some expertise in that area. He suggested for Commission's consideration was to not consider all of the trees to be that size but some proportion of them. He understood, in speaking to arborists, that commonly smaller trees that are installed have a higher adaptability to survive because they grow and adjust to the planting site. It can be a shock from larger trees in a 24-inch box, so even though, if they look better sooner, they may not have a favorable long term performance and survivability. He stated that, assuming that is the case, they may consider some proportion to be that size, maybe the nine trees, some percentage. He would prepare draft language of 20% but that could be replaced with 9, but the language he would suggest they consider is related to the 27 Arroyo willow planting at not less than 20% or 9 as the case may be of the replacement trees shall be a minimum of 24-inch box size.

Commissioner Domurat asked if there was some kind of survivability of these 27 trees, and if there is something in regulation that says after an "X" amount of years, if they don't survive, they have to replant. He stated that he was for 3-1 but he wonders if there was some type of improvement they can make to the wetland that would make it more productive, maybe they can offset the 3:1 to 2:1 or 1:1 in lieu of, then making some improvements to the wetland at that point.

Dep. Planning Director Murdock stated that, with respect to the landscaping, there is more than one way to go about it. He stated that some people are familiar with particular performance standards and they will often see them as part of a super document in the mitigation measure that, after three years, not less than 90% of the plantings will survive. He stated that they have what he thinks is better is a condition of approval of 18 on packet page 88, and it requires the planting shown in the landscaping plan for all of them to be maintained in a healthful condition and replaced when needed and determined by the Planning Director. Some require all to be maintained, and some of them may die now and then and, if that is the case, they need to be replaced. He stated that assures 100% survivability over time rather than 90% at three years or some other metric. It is for the duration of the project and not some initial term.

Commissioner Ferguson stated that, if the group consensus is ready to hear it, he is ready to make a motion.

Chair Nibbelin encourage him to go ahead.

Commissioner Ferguson moved that the Planning Commission ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; ADOPT the resolution included as Attachment A to the staff report to APPROVE Site Development Permit PSD-811-16, Use Permit UP-76-16, Parking Exception PE-183-19, Sign Permit S-129-19, Vesting Tentative Subdivision Map SUB-233-16, and Heritage Tree Removal Authorization, subject to conditions of approval in Exhibit A of the resolution and to RECOMMEND City Council approval of a resolution to approve General Plan Amendment GPA-96-19 and ordinances to approve Development Agreement DA-4-21, Rezoning RZ-194-16 and Text Amendment TA-116-19 and INCORPORATE all maps, written records and reports and testimony into the record by reference, including also as conditions of approval to coordinate with adjoining property owner for the storm drain tie in as required by the city, condition of approval to include a raised and restricted boardwalk path to utilize the natural wetland space at the south end of the property as well as a condition of approval to replace each heritage tree removed with a ratio of at 3:1 for a total of nine minimum trees with at least 20% of those to be a minimum 24-inch box size.

Dep. Planning Director Murdock asked that he allow him to read the language about the property owner notification first and he may need some clarification on specific elements of the conditions of approval he mentioned. He stated that the condition of approval language that staff recommends related to the property owner notification is, “upon final map approval, the applicant shall provide written notice to the adjacent single family residential property owner at the point of connection for the emergency overflow shown on sheet TM-3, not less than 90 days prior to commencing the improvement located in the city storm drain easement. The improvement may proceed with the improvement designed as reviewed and approved by the city engineer upon the applicant assuming of this obligation”.

Commissioner Ferguson asked if it would be possible to amend that to be not less than 90 days in writing with a follow up of 48 hours prior to commencement of work.

Dep. Planning Director Murdock asked for input from Asst. City Attorney Sharma regarding that modification.

Asst. City Attorney Sharma stated that there are no concerns from the City Attorney.



Vice Chair Berman had a clarification question regarding the deck condition that Commissioner Ferguson mentioned. She asked if he was pursuing the deck boardwalk idea where it would be installed above the wetland in the undeveloped area or the deck already proposed in the plans.

Commissioner Ferguson stated that he was proposing an additional deck raised and restricted so that people are able to be walking on an elevated boardwalk without the ability to leave that boardwalk through the wetland, in addition to the viewing deck already included in the plans.

Vice Chair Berman was curious if they could hear from the applicant if they are willing to add an improvement.

Dep. Planning Director Murdock stated that staff may also want an opportunity to provide some considerations that they are discussing now.

Mr. Welte stated that he thought the owners would be willing to do that to some extent. They would want to work with the biology consultant to find the proper size and they would have to determine what would be the proper access to that, i.e., what the overall global conceptualization they had of how this land gets used in relation to the Community Center. He stated that they weren't necessarily fencing off and precluding the community walking down the walkways or driveway to that boardwalk that they were proposing at the end of the driveway. He stated that, if this one was an expanded version of that, he knows that the biological consultant might have some concern about making it too invasive as he alluded to, and providing the proper size would be appropriate. He stated that, when you go through a national park, you see a sort of expanded version of a walking boardwalk cantilevered deck and like a passing lane and observation lane and maybe not larger than eight feet wide and keep it to something like that, and he thought that would make everyone happy and it would be a nice enhancement.

Dep. Planning Director Murdock stated that he wanted to offer an opportunity for the city's CEQA consultant, Rod Stinson, to offer any thoughts about that potential additional work in the wetland area.

Rod Stinson, CEQA Consultant, added that, if they are extending improvements into that wetland area, it was an additional potential area of impact to wetlands that wasn't necessarily addressed in the CEQA document. He stated that they identified a certain number of acres of wetland that would be potentially impacted and have mitigation measures requiring a no net loss. He noted that the mitigation measure would not necessarily change but the amount of acres that were identified as being impacted and would need to be mitigated for would slightly change, potentially based on what this final boardwalk design looks like.

Dep. Planning Director Murdock wanted to confirm with the maker of the motion as to whether the motion also included the amendments to the development agreement language in Section 5.1 that he read at the beginning of the public hearing.

Commissioner Ferguson stated that it did.

Chair Nibbelin stated that they had a motion and he asked if there was a second.

Commissioner Domurat seconded the motion.

Dep. Planning Director Murdock clarified that the motion was as drafted in the staff report, with a recommended motion for approval with the amendment to Section 5.1 of the development agreement, as read into the record by staff during the public hearing and the new conditions of approval for notification to the adjacent property owner, not less than 90 days prior and again at 48 hours prior as read into the record, and a requirement for 3:1 heritage tree replacement ratio and not less than 20% of the Arroyo willows installed at a 24-inch box size, and the creation of an additional raised walkway for wetlands interpretation. He asked if he captured the points of the motion.

Commissioner Ferguson responded that he did perfectly.

Chair Nibbelin stated that Vice Chair Berman has her hand up.

Vice Chair Berman stated that she was sure it was fine but wanted to confirm what Mr. Stinson said about expanding the amount of impact on the previously assumed undeveloped land and she wondered if they need to hear from the Asst. City Attorney if that may have any CEQA ramifications. She was sure it as a small square footage, but she wondered if there was any concern that this would trigger another level of CEQA requirements.

Asst. City Attorney Sharma stated that it would be a fact specific investigation and she would defer to Mr. Stinson on that point.

Dep. Planning Director Murdock asked Mr. Stinson to elaborate on what the no net loss means in this context if they are potentially losing additional wetlands and where would that offsetting mitigation occur.

Mr. Stinson stated that the mitigation measure already requires a wetland delineation to be verified by the Army Corp of Engineers and the applicant to obtain a Section 404 permit to fill wetlands. He stated that now it requires a no net loss so they would need to either pay into a mitigation back or purchase wetlands out of the mitigation bank equivalent to the amount of acreage that is being lost in this case. He stated that now, the wetland delineation that has been conducted so far has set .77 acres of wetlands as being impacted. He stated that, to the extent that increases, based off the design of this deck, that number would go up and the applicant would then be responsible for mitigating an additional amount of acres. He stated that the mitigation measure language doesn't necessarily need to change as it doesn't specify how many acres.

Vice Chair Berman stated that he mentioned a fee for the mitigation, and she concluded that the applicant already paid a fee.

Mr. Stinson stated that he would be required to pay the fee through the 404 permitting process, but it would be through a mitigation bank.

Vice Chair Berman stated that the requirement was already triggered.

Mr. Stinson responded affirmatively.

Commissioner Godwin stated that he had a comment, as it didn't seem like the motion didn't include the electric car charger and he asked if that was intentional or unintentional.

Commissioner Ferguson stated that it didn't and was intentional.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **6-0**.

Ayes:	Commissioners Berman, Domurat, Ferguson, Godwin, Leal and Chair Nibbelin
Noes:	None
Recused:	Commissioner Hauser

Chair Nibbelin thanked staff for all the work and Commissioners for negotiating.

**COMMISSION COMMUNICATIONS:**

Chair Nibbelin thanked everyone for their good wishes upon his appointment to be the County Counsel which will be effective on April 1. He stated that, in light of that appointment, he will resign from the Planning Commission effective as of the end of March. He stated that it has been an extraordinary privilege and honor to be on the Planning Commission. He didn't know if he will have one more meeting, as he didn't know if they will have a second meeting. He stated that it has been enriching and a great experience to have the opportunity serve with all of them, and hoped that he may visit with them in person.

Vice Chair Berman congratulated him. She was excited and hoped they pass again professionally or recreationally.

**STAFF COMMUNICATIONS:**

Dep. Planning Director Murdock stated that they will be sad to see him leave with a loss of his leadership on the Commission and the longstanding as community servant and Planning Commissioner. He stated that all staff offers their sincere thanks. He reminded the Commissioners and the community that March 8 is the last day for public comment on the Plan Pacifica draft Environmental Impact Report. Public comments are due by 5 p.m. on March 8 and must be submitted in writing, by email or dropped off and hand delivered to the city's offices at 540 Crespi Drive. He stated that anyone interested can go to [PlanPacifica.org](http://PlanPacifica.org) and go to project documents at the top of the page and can accept the draft EIR, draft General Plan and draft Sharp Park Specific Plan. He stated that the city has also released a draft EIR for the quarry reclamation plan which is a reclamation of the closed quarry in Rockaway Beach district west of Reina del Mar Avenue on Highway 1 which is a project that many in the community are likely to be interested in, and if so, can go to [CityofPacifica.org](http://CityofPacifica.org), go to Planning Department page and navigate to the environmental documents page. He stated that comments on that draft EIR are due by 5 p.m. on April 4. He stated that the City Council has determined that in person meetings will resume beginning with their meeting on March 14 and Zoom meetings looks to be coming to an end. He stated that the next Planning Commission meeting they hold, will be on March 21 if they have that meeting and will be held in person at 2212 Beach Blvd., in the Council Chambers. He stated that the city is exploring the ability for the public to continue to be able to dial in to offer public comments and it will be a new stand alone system with a dial in phone number and they will not be continuing with the hybrid in person Zoom option. They are continuing testing of that system, and should it be ready, the instructions for that will be in the March 14 City Council agenda and would similarly be in a future agenda for the Planning Commission, if and when it is up and running.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Hauser moved to adjourn the meeting at 9:51 p.m.; Commissioner Leal seconded the motion.

Dep. Planning Director Murdock took a verbal roll call.

The motion carried **7-0**.

Ayes: Commissioners Berman, Domurat, Ferguson, Godwin,

Noes: Hauser, Leal and Vice Chair Berman  
None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Deputy Planning Director Murdock